

# PROJECT APPLICATION & ENVIRONMENTAL ASSESSMENT

## MULTI-UNIT HOUSING DEVELOPMENT

### 111 OCEAN PARADE COFFS HARBOUR



Prepared for

**NSW Department of Planning**

On behalf of

**Coffs Beach Partnership**

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## CERTIFICATION

### SUBMISSION OF ENVIRONMENTAL ASSESSMENT (EA) prepared under the ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979, SECTION 75F

This Environmental Assessment (EA) has been prepared on behalf of **Coffs Beach Partnership**.

The proposed project is described as follows:

**Construction of a nine storey multi-unit housing development, with a basement car parking level.**

The proposed project is to be carried out on land shown on the maps included in the EA consisting of:

- **Lot 19 in DP 611010**
- **Lot 1 in DP 41616**

### Environmental Assessment

The reports and documentation comprising the Environmental Assessment and accompanying the Project Application include:

- Architectural Drawings and Plans prepared by The Buchan Group Architects (April 2006);
- Landscape Report and Landscape Concept Plan prepared by Site Image Landscape Architects (August 2006);
- SEPP No. 1 Objection, prepared by Planning Workshop Australia (August 2006);
- SEPP 65 Design Verification Statement prepared by The Buchan Group and Residential Flat Design Code Compliance Table (n.d);
- Request for SEPP No. 71 Master Plan Waiver prepared by Planning Workshop Australia (August 2006);
- Flora Assessment prepared by Anne Clements and Associates (August 2006);
- Preliminary Fauna Report prepared by Kendall and Kendall (January 2006);
- Preliminary Geotechnical Investigations prepared by Coffey Geosciences (May 2006);

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- Bushfire Risk Assessment Report prepared by South Pacific Consulting Services (n.d);
- Assessment of Traffic and Parking Implications prepared by Transport and Traffic Planning Associates (July 2006); and
- Compliance Statement for Coffs Harbour City Council Waste Management Provisions prepared by the Buchan Group (n.d).

## Certificate

The EA contains all available information that is relevant to the environmental assessment of the activity to which the EA relates.

The information contained in this EA is neither false nor misleading.

I certify that I have prepared the contents of this report (Project Application and Environmental Assessment), based on the reports cited above, which have been certified by these parties as being true in all material particulars and do not by presentation or omission of information materially mislead.

I hereby certify that I have prepared the contents of this Statement in accordance with **Section 79F** of the **Environmental Planning and Assessment Act 1979**.

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## 1 EXECUTIVE SUMMARY

### INTRODUCTION

This Environmental Assessment (EA) has been prepared by Planning Workshop Australia on behalf of Coffs Beach Partnership, in order to assess the site suitability and any potential environmental impacts relating to a proposed 'multi-unit' housing development at 111 Ocean Parade, Coffs Harbour.

The Environmental Assessment (EA) accompanies a Project Application as required under the provisions of **Part 3A** of the **Environmental Planning and Assessment (EP&A) Act 1979 Act**.

### THE SITE

The site is legally described as **Lot 19 in DP 611010** and **Lot 1 in DP 41616** and has a street address of 111 Ocean Parade, Coffs Harbour. It has frontages to Ocean Parade (to the east) and to Hogbin Drive North (to the west).

The site has an area of 1,914.5 m<sup>2</sup> and is currently vacant. The site is relatively flat and is covered by native grasses and weed species with some scattered trees, including Swamp Oak, Cheese tree and Broad-leaved Paperbark.

The land is zoned **Residential 2E Tourist zone**, under the provisions of **Coffs Harbour Local Environmental Plan 2000 (CHLEP 2000)**.

### JUSTIFICATION FOR UNDERTAKING THE PROJECT

The Mid-North Coast (of which Coffs Harbour is part) offers a high quality living environment, providing access to desirable beachside settings, and good access to services and other lifestyle needs. In recognition of this, increasing numbers are deciding to settle in the region each year to enjoy the lifestyle, with the population of the region expected to increase by more than 83,000 people over the next three decades.

In recognition of this demand there is a need to plan for quality residential development to cater for the needs of the incoming population. To effectively manage this growth with respect to infrastructure, resources and environmental capacity, Coffs Harbour City Council have identified with its Settlement Strategy the need to encourage consolidated development in existing urban areas to avoid further urban sprawl.

The proposed development provides this identified quality urban built form to meet the needs of the incoming population. The proposed density on the site meets the demand for residential dwellings in a well located, accessible area, thereby assisting in reducing potential urban sprawl.

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## OUTLINE OF THE PROPOSED DEVELOPMENT

The proposed development is for a nine storey multi unit housing development with a basement car parking level. Forty (40) units are proposed, with the design providing a desirable mixture and size of apartments and unit typology. **7 x 1 bedroom, 16 x 2 bedroom and 17 x 3 bedroom** units are proposed, with seven adaptable apartments available to disabled and/or mobility impaired residents.

Car parking on the site includes a basement parking area, and some on-grade parking at ground level. The car parking areas within the site will accommodate a total of 61 parking spaces for residents and visitors.

The proposed development also includes site preparation works, excavation and ancillary works such as connections to services.

## THE ASSESSMENT PROCESS, STAKEHOLDER CONSULTATION AND DESIGN DEVELOPMENT

The proposal is entirely permissible with consent as “multi-unit housing” under the zoning provisions of **CHLEP 2000**.

The Director General, by letter dated 2 June 2006, as a delegate of the Minister advised that he had formed the opinion that this was a Project and that Part 3A of the Act applies.

The proposed development is designated a project to which Part 3A of the Act applies through **Clause 6 of State Environmental Planning Policy (Major Projects) 2005** (‘the SEPP’). This is effected through **paragraph 1(1) (g) of Schedule 2** of the SEPP because the proposed development comprises a building 29 metres in height on the site which is within the ‘coastal zone’, as defined in the **Coastal Protection Act**.

The concurrence of the Minister is required under the **North Coast REP** for a building in excess of 14 metres. This would ordinarily exclude the proposal from the operation of the SEPP (Major Projects)<sup>1</sup>. However, the fact that SEPP No. 1 applies in relation to the proposed variation of a development standard within the REP (see details below), has the effect of bringing this proposal back within the operation of the Major Projects SEPP.

An Environmental Assessment (EA) is required to accompany a Project Application under Part 3A, pursuant to **Section 75H** of the EP&A Act. Accordingly, this Statement has been prepared to accompany the Project Application.

The Statement has been prepared in accordance with **Clauses 75F** of the EP&A Act. It addressed the Director General’s Requirements issued on the 8 July 2006. It describes the proposed development and examines any potential environmental impacts with regard to the relevant sections of the **Environmental Planning and Assessment Act 1979** (the EP&A Act), State Government policies, other legislative requirements and the statutory and non-statutory planning instruments and guidelines of Coffs Harbour Council.

In the course of the design development of the multi-unit housing development, the following agencies were consulted: -

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<sup>1</sup> Schedule 2 Clause 1 Coastal Area subclause 2(a)



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- Coffs Harbour City Council;
- Department of Natural Resources;
- Department of Planning Regional Office, Grafton;
- Department of Environment and Conservation;
- Department of Lands;
- NSW Rural Fire Service;
- NSW Roads and Traffic Authority;
- Coffs Harbour City Council; and
- Coffs Harbour Local Aboriginal Land Council

Thorough consultation relating to the desired future built form on the site was undertaken by the Council in the planning process leading up to the recently adopted **DCP for Park Beach**.

A licence will be required from the Department of Natural Resources pursuant to the **Water Act 1912**, for proposed dewatering activities associated with the basement construction.

A Bushfire Safety Authority is required from the NSW Rural Fire Service Under **Section 100B** of the Rural Fires Act, in respect of the bush fire safety of *“subdivision of land that could lawfully be used for residential or rural residential purposes or development”*. As such, the proposed development is classified as *Integrated Development* under **Section 91** of the **EP&A Act**.

Non-government stakeholders, including affected land owners and the local community, will have the opportunity to provide comments during the exhibition period of this development application.

## ENVIRONMENTAL EFFECTS

Following a review of a Preliminary Environmental Assessment prepared by Planning Workshop Australia, the Director General issued Environmental Assessment Requirements on 8 July 2006. The DG requirements nominated key issues to be addressed within the Environmental Assessment, including:

- Design, Visual Amenity and Impacts;
- Flora and Fauna;
- Natural Hazards;
- Water Cycle Management;
- Infrastructure Provision;
- Traffic and Vehicular Access; and
- Heritage;

While greater emphasis is placed on the above key issues, a range of other issues is addressed in the EA. The EA provides a draft Statement of Commitments to address and mitigate any potential adverse impacts associated with the development.

## CONCLUSIONS

The conclusions of this Statement are that the proposed development is compatible with the strategic objectives for Urban Housing within the North Coast REP, by seeking to maximise the number of dwellings within the development, without adversely affecting the environmental features of the land. The proposal does this within the limits of Coffs Harbour Council's recently adopted height standard (Park Beach DCP), which gives effect to its Settlement Strategy for the Park Beach locality.

The proposed density on the site is appropriate on the basis that if it were to be reduced, the demand for residential dwellings would need to be replaced elsewhere in the area, possibly in less well located and accessible areas, adding to potential urban sprawl.

The construction and operation of the proposed development will have no significant adverse environmental impacts. The potential environmental impacts identified are able to be effectively ameliorated by the Draft Statement of Commitments agreed to be adhered to by the proponent.

Therefore, it is recommended that the Project Application be **approved**, subject to appropriate conditions.

**TABLE OF DIRECTOR GENERAL REQUIREMENTS AND WHERE ADDRESSED IN THIS EA**

<b>Key Issue</b>	<b>DG Requirement</b>	<b>Environmental Assessment</b>	<b>Appendices (where applicable)</b>
Design and Visual Amenity and Impacts	<b>Issues 1.1, 1.2, 1.3 and 1.4</b>	<b>Section 8.2.</b> <i>Supporting Statutory and Environmental Planning Sections</i> <b>Section 7.1.6</b> <b>Section 7.1.7</b> <b>Section 7.1.9</b> <b>Section 7.1.12</b> <b>Section 7.2.3</b> <b>Section 7.2.4</b> <b>Section 7.2.5</b>	<b>Appendix 1 – Architectural Drawings and Site Analysis</b>  <b>Appendix 2 – Landscape Plans and Report</b>  <b>Appendix 4 – SEPP 65 Design Statement.</b>
Flora and Fauna	<b>Issues 2.1, 2.2</b>	<b>Section 8.3</b> <i>Supporting Statutory and Environmental Planning Sections</i> <b>Section 7.1.7</b> <b>Section 7.1.10</b> <b>Section 7.2.1</b> <b>Section 7.3</b>	<b>Appendix 6 – Flora Assessment</b>  <b>Appendix 7 – Preliminary Fauna Assessment</b>
Natural Hazards	<b>Issue 3.1- Acid Sulphate Soils</b>	<b>Section 8.4.1</b> <i>Supporting Statutory and Environmental Planning Sections</i> <b>Section 7.1.10</b>	<b>Appendix 8 – Preliminary Geotechnical Report.</b>
	<b>Issue 3.2 – Contamination</b>	<b>Section 8.4.2</b>  <i>Supporting Statutory and Environmental Planning Sections</i> <b>Section 7.1.5</b>	
	<b>Issue 3.3 – Other site specific natural hazards.</b>	<b>Section 8.4.3</b>	<b>Appendix 9 – Bushfire Risk Assessment</b>
Integrated Water Cycle Management, including Stormwater Concept Plan	<b>Issues 4.1 and 4.2</b>	<b>Section 8.5</b> <b>Section 9</b>	
Infrastructure Provision	<b>Issues 5.1, 5.2, 5.3.</b>	<b>Section 8.6</b> <i>Supporting Statutory and Environmental Planning Sections</i> <b>Section 7.1.10</b>	
Traffic and Vehicular Access	<b>Issue 6.1</b>	<b>Section 8.7</b> <i>Supporting Statutory and Environmental Planning Sections</i> <b>Section 7.1.12</b>	<b>Appendix 10 – Traffic Impact Assessment</b>
Heritage	<b>Issues 7.1, 7.2.</b>	<b>Section 8.8</b> <i>Supporting Statutory and Environmental Planning Sections</i> <b>Section 7.1.7</b> <b>Section 7.1.10</b>	<b>Appendix 12 Consultation Letters</b>

## 2 INTRODUCTION

This Environmental Assessment (EA) has been prepared on behalf of Coffs Beach Partnership to accompany a Project Application under Part 3A of the Environmental Planning and Assessment Act (EP&A Act) 1979 for a multi-unit housing development for land known as 111 Ocean Parade within the Coffs Harbour Local Government Area (LGA).

A Preliminary Environmental Assessment was submitted to the Department of Planning (DoP) in May 2006, which identified the key environmental planning issues associated with the construction of the project.

The Director General, by letter dated 2 June 2006 decided, as a delegate of the Minister advised that he had formed the opinion that this was a Project and that Part 3A of the Act applies (**Appendix 13**).

Following a review of a Preliminary Environmental Assessment prepared by Planning Workshop Australia, the Director General issued Environmental Assessment Requirements on 8 July 2006 (see **Appendix 13**).

The project involves the erection of a multi-unit housing development comprising a single nine storey building above a basement level, containing 40 units, 61 car parking spaces and associated landscaping, providing for increased residential densities to satisfy the demand for quality residential accommodation within the Coffs Harbour LGA.

Key issues identified by the Director General and discussed within the report relate to Design and Visual Amenity and Impacts; Flora and Fauna; Natural Hazards; Water Cycle Management; Infrastructure Provision; Traffic and Vehicular Access; and Heritage. From the assessment of the proposed development and these key issues it is considered that the Minister for Planning may reasonably form the opinion that the proposed development satisfies the relevant provisions of the Environmental Planning and Assessment Act 1979, relevant environmental planning instruments and the Development Control Plans of Coffs Harbour City Council. It is therefore recommended that the application is determined by the granting of approval.

### 2.1 Project Team

A number of specialist consultants were engaged to provide assistance with the Project. These consultants include:

PROJECT TEAM	
The Buchan Group	Building design
Planning Workshop Australia	Planning

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Site Image	Landscape design
Coffey Geosciences	Geotechnical
Anne Clements and Associates	Flora
Kendall and Kendall Ecological Services	Preliminary Fauna
South Pacific Consulting Services	Bushfire
Newnham Karl Weir	Surveying
BASIX Sustainable Solutions	BASIX
Transport and Traffic Planning Associates	Traffic

Planning Workshop Australia, in preparing this 'Environmental Assessment' (EA), has relied on relevant information from the respective Project Team members. Planning Workshop Australia does not, and cannot accept responsibility for any errors or omissions in the material prepared and provided by the consultants.

## 3 CONSULTATION

Appropriate consultation has taken place in the formulation of this environmental assessment as summarised in the following table.

Agency	Contact details	Responses
<b>Coffs Harbour City Council</b>	Proponent and PWA meeting with Alex Williams and Grahame Fry, Council's Strategic Planners 20 April 2006	Advised that preliminary proposal tabled at meeting generally aligned with draft DCP for Park Beach and minor variations relating to upper level setbacks would be given consideration.
	Proponent and PWA meeting with Council's Technical Liaison Committee 20 April 2006	Generally positive response to preliminary proposal tabled at meeting, subject to addressing minor matters relating to acoustic impacts and articulation of building at upper levels. Advised on the necessity to address matters associated with bushfire prone status of land, design flood levels, acid sulphate soils (Class 3) and koala management issues.
	Telephone discussion between Kendall and Kendall and Mark Hannon and Gary Leonard	Council requires DEC draft guidelines to be followed for flora and fauna assessment
<b>Coffs Harbour Local Aboriginal Land Council</b>	PWA telephone discussion and email communication with Chris Spencer 24 April 2006	Letter response received on 24 May 2006 provided at <b>Appendix 12</b> .  The letter recommends that monitoring be undertaken by suitably qualified members of Coffs Harbour and District Local Aboriginal Land Council during the initial ground disturbance works, and nominated procedures that are to be followed in the event that Cultural Material is identified.  These recommendations and procedures may form Conditions of Consent for the Project Application.
<b>Department of Planning Regional Office, Grafton</b>	PWA telephone discussion with John Finlay (Grafton Office) 27 April 2006	Advice in relation to procedures for SEPP 71 Master Plan waiver requests and Grafton office role in assessment

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		process.
	Proponent and PWA meeting with Michael Woodland, Sri Soerono & Ray Lawlor 2 May 2006	Outlined application requirements and process. Identified the need to address those matters raised in Department's report on previous tourist accommodation DA on the site, design and overshadowing issues.
	PWA telephone conversation with John Finlay (Environmental Planning Officer) 19 July 2006 to offer a meeting and/or send information package for consultation review.	The main consideration for DoP's Regional Office would be the suitability of the Project from a regional perspective (i.e. how it fits in with regional strategic objectives).  Grafton Office would be satisfied to be provided with a copy of the Environmental Assessment sent to them once the Project Application is lodged and do not require further consultation prior to lodgement.
<b>Department of Natural Resources</b>	Coffey Geosciences discussion with DNR Coffs Harbour office.	Dewatering licence will be required for the development.
	Phone conversation with Linden Bird 19 July 2006, to offer a meeting and/or send information package for consultation review.	Department of Natural Resource verbally requested information package to be sent to the Department for comments.  Letter response received on 26 July 2006 provided at <b>Appendix 12</b> . Comments relate to information required to be addressed prior to issue of a dewatering licence prior to construction. The preliminary Geotechnical Report at <b>Appendix 8</b> provides dewatering options relevant to the proposed development.
<b>Department of Environment and Conservation</b>	Phone conversation with Brendan Diacono (DEC Coffs Harbour) 21 August 2006	DEC Coffs Harbour indicated that comment had been provided with the preliminary assessment. Aboriginal archaeology flagged as an issue that will need to be addressed in the Environmental Assessment.
	Phone conversation with Alex Purvis (DEC Grafton Office) 22 August 2006.	Indicated that DEC would not have a concurrence role, but will provide comments on the application.
<b>Department of Lands – Coffs</b>	Phone conversation with Steve Channells	Department of Lands indicated that they had received the Preliminary

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<b>Harbour Office</b>	(Environmental Officer), 19 July 2006 to offer a meeting and/or send information package for consultation review.	<p>Environmental Assessment from the Department of Planning on the 15 June 2006, and had no significant comments to make.</p> <p>The adjoining open space reserve is the main matter for consideration, which is managed on a joint basis by Council. Consideration of the impact of overshadowing on this reserve, continued access to the beach from the reserve should to be addressed in the Environmental Assessment. These issues have been addressed within the EA and within the SEPP No. 1 Objection at <b>Appendix 3</b>.</p> <p>Department of Lands indicated that they did not require a formal meeting and were willing to look at the file when the Environmental Assessment is referred to them once.</p>
<b>NSW Rural Fire Service</b>	Coffs Harbour Branch of the Rural Fires Service	Telephone consultations with the Coffs Harbour Branch of the Rural Fire Service indicated that a level of construction of Level 2 would be acceptable, based upon the requirements applied to previous developments in the locality. This is consistent with AS3959-1999, rather than Planning for Bushfire Protection. Consultations should take place with the NSW Rural Fire Service on this point
<b>NSW Road and Traffic Authority</b>	RTA Northern Region Office, Mr Greg Sciffer	Phone discussions and Traffic Impact Assessment emailed to the RTA for comment.



## 4 THE SITE

### 4.1 Site Details

The site is legally described as **Lot 19 in DP 611010** and **Lot 1 in DP 41616** and has a street address of 111 Ocean Parade, Coffs Harbour. It has frontages to Ocean Parade (to the east) and to Hogbin Drive North (to the west).

The site has an area of 1,914.5 m<sup>2</sup> and is currently vacant. The site is relatively flat and is covered by native grasses and weed species with some scattered trees, including Swamp Oak, Cheese tree and Broad-leaved Paperbark.

The general site location and a site survey plan appear as **Figures 1, 2 and 3**.

### 4.2 Locality

The immediately surrounding locality, fronting Ocean Parade and Hogbin Drive North, contains a variety of strata-titled multi-unit housing developments. Immediately adjoining the site to the north is the 18 storey "Pacific Towers" apartment building and to the south is the eight storey "Beach Front" apartment building.

The Park Beach locality, and 111 Ocean Parade specifically, is located in a highly accessible and desirable area. As shown in **Figure 1**, 111 Ocean Parade is located approximately 500 metres from Park Beach Plaza shopping centre and 1 kilometre from the major employment/industrial area fronting Orlando Street. It is directly opposite the York Street Playing Fields and the beach reserve and adjacent to Park Beach itself.

It is located in the high growth area on the NSW mid-north Coast approximately 2.5 kilometres from both the Coffs Harbour shopping centre and Coffs Harbour railway station. Access to National Highway 1, the Pacific Highway, is only around 1 kilometre from the site.

The site is located in the "coastal zone" within the **NSW Coastal Policy**, being less than 1 kilometre from the South Pacific Ocean.

### 4.3 Regional Context

Coffs Harbour is situated on the Mid-North Coast, midway between Sydney and Brisbane. The area is well serviced by road, with the Pacific Highway running through the main town centre; rail, being situated on the North Coast railway; and air with Coffs Harbour Airport. The Coffs Harbour LGA contains 50 km of scenic coastline and is a diverse region which includes a coastal setting with a hinterland of rural valleys and forest<sup>2</sup>. It is this diversity of

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<sup>2</sup> Coffs Harbour City Council, "Coffs Harbour Leading the World: Interactive pdf", [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au), Accessed on the 15 August 2006

environs, the coastal lifestyle available, and its proximity to transport infrastructure and services that has contributed to making the region a population tourist and residential destination reflected in the population projections contained at **Section 5** below.

## 4.4 Site Analysis

A site analysis has been carried out by The Buchan Group in accordance with **Part 3** of Council's **DCP - Park Beach (Appendix 1)**. Supplementing this, **Figures 4 to 6** of this report describe the site in its context, outlining view lines from the beach and the prevailing height of development on adjoining and adjacent sites.

## 5 JUSTIFICATION FOR UNDERTAKING THE PROJECT

The Mid-North Coast (of which Coffs Harbour is part) offers a high quality living environment, providing access to desirable beachside settings, and good access to services and other lifestyle needs. In recognition of this, increasing numbers are deciding to settle in the region each year to enjoy the lifestyle. The population of the Mid-North Coast Region is expected to increase by more than 83,000 people over the next three decades, with the population projected to reach 363,800 by 2031. The fastest growth rates in the region are projected in the coastal parts of the Coffs Harbour and Port Macquarie Hastings LGA, with 37% of the Region's population projected to be living within these two areas by the 2031<sup>3</sup>.

In recognition of this demand there is a need to plan for quality residential development to cater for the needs of the incoming population. To effectively manage this growth with respect to infrastructure, resources and environmental capacity, Coffs Harbour City Council have identified with its Settlement Strategy the need to encourage consolidated development in existing urban areas to avoid further urban sprawl.

The proposed development provides this identified quality urban built form to meet the needs of the incoming population, in a highly desired area location with direct views to beach frontage and able to be accommodated within the capacity of existing infrastructure.

The proposed density on the site is considered appropriate on the basis that if it were to be reduced, the demand for residential dwellings would need to be replaced elsewhere in the area, possibly in less well located and accessible areas, adding to potential urban sprawl.

The assessment and conclusions contained within this Environmental Assessment (EA) demonstrate that there are no inherent site characteristics constraining the proposed development, nor are there any potential adverse environmental impacts that would warrant the proposal not to proceed.

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<sup>3</sup> NSW Department of Planning (2004), *NSW Statistical Local Area Population Projections 2001-2031*, 2004 Release, Transport and Population Data Centre, [www.planning.nsw.gov.au/asp/pubslist.asp](http://www.planning.nsw.gov.au/asp/pubslist.asp), Accessed on the 7 July 2006

## 6 THE PROPOSAL

### 6.1 Development Details

The proponent, Coffs Beach Partnership, proposes to develop the site for a nine storey multi unit housing development with the following specifications:

Level	Units	Bedrooms	Unit size	Cars
Basement				50
1 (Ground)	1	2	99 m <sup>2</sup>	11
	1	2	99.8 m <sup>2</sup>	
2 - 8	7	1	88 m <sup>2</sup>	
	14	2	95 m <sup>2</sup>	
	14	3	135 m <sup>2</sup>	
9	1	3	139 m <sup>2</sup>	
	1	3	155 m <sup>2</sup>	
	1	3	159 m <sup>2</sup>	
<b>Total</b>	<b>40</b>	<b>7 x 1 br, 16 x 2 br, 17 x 3 br</b>		<b>61</b>

The proposal is described in the architectural plans prepared by The Buchan Group and the landscape concept prepared by Site Image shown at **Appendix 1** and **Appendix 2**.

It is noted that based on the recommendations of the specialist Flora study, the Proponent has deleted from the plans submitted with the Preliminary Environmental Assessment (PEA) the pool area, decking and other embellishments along the Hogbin Drive North frontage to provide a recommended buffer area to the endangered ecological vegetation community that occurs off the site in the drainage swale adjoining Hogbin Drive North.

A revised set of plans adopting the Flora Consultant's recommendations is submitted with the current Project Application.

### 6.2 Built Form and Design

The proposed nine storey building is located between the eight storey "Beach Front" residential building to the south and the 18 storey "Pacific Towers" residential building to the north. The proposed nine storey building represents a transitional element between these two built elements.

The proposed development is located in a desirable area on a "gateway site". The apartments are oriented to capture views to the coast. The streetscape edge has been treated with high grade materials such as stone, timber, and terracotta, clearly clarifying and delineating the public and private domain.

The form of the new building is articulated with extensive balconies. The articulated building facades and operable panels, such as sun louvers and screens create an 'ever

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changing envelope' which reflects the casual ethos of the area. The building massing suits the scale of the street and the surrounding buildings.

The design provides a desirable mixture and size of apartments and unit typology, including accessible units.

## 6.3 Vehicular Access and Car Parking

It is proposed to excavate the site to provide a basement car park level for the development. A combined ingress/egress driveway is provided for the basement car park access on the Ocean Parade frontage at the southern boundary. An additional 'shared way' is proposed at the northern boundary of the Ocean Parade frontage, providing access to additional on-grade parking facilities and pedestrian access

Separate pedestrian only access is also provided to the development.

The car parking areas within the site will accommodate a total of 61 parking spaces for residents and visitors.

## 6.4 Landscaping

The landscape design for the proposed development includes all aspects of the external spaces around the building including both communal and private areas. The landscape design enhances the development and responds to the site characteristics of the seaside environs and surrounding properties, utilising predominantly indigenous planting with some traditional beachside species.

The landscape proposal, design and landscape themes are described in the Landscape Report and Landscape concept drawings prepared by **Site Image** at **Appendix 2**.

## 7 STATUTORY AND PLANNING CONTEXT

### 7.1 Environmental Planning and Assessment Act 1979

#### 7.1.1 *Application of Part 3A*

The Minister by letter dated 2 June 2006 advised that he had formed the opinion that this was a project to which Part 3A applies (see **Appendix 13**).

The proposed development is designated a project to which Part 3A of the Act applies through **Clause 6 of State Environmental Planning Policy (Major Projects) 2005** ('the SEPP'). This is effected through **paragraph 1(1) (g) of Schedule 2** of the SEPP because the proposed development, which is entirely permissible in the zone, comprises a building 29 metres in height on the site which is within the 'coastal zone', as defined in the **Coastal Protection Act**.

The concurrence of the Minister is required under the **North Coast REP** for a building in excess of 14 metres. This would ordinarily exclude the proposal from the operation of the SEPP (Major Projects)<sup>4</sup>. However, the fact that SEPP No. 1 applies in relation to the proposed variation of a development standard within the REP (see details below), has the effect of bringing this proposal back within the operation of the Major Projects SEPP.

#### 7.1.2 *Integrated Development*

The proposed development is classified as *Integrated Development* under **Section 91** of the **EP&A Act** with respect to **Section 100B** of the **Rural Fires Act 1997 No. 65**. Under **Section 100B** of the Rural Fires Act, authorisation is required in respect of bush fire safety of "subdivision of land that could lawfully be used for residential or rural residential purposes or development". In this instance, subdivision involves the Strata subdivision of the 40 dwellings within the proposed multi-unit housing development.

#### 7.1.3 *State Environmental Planning Policies*

The draft Guidelines for the Project Application Process (distributed for discussion by the NSW Department of Planning) and the Director General Requirements issued on the 8 July 2006 identified that the Project Application should address relevant provisions of Environmental Planning Instruments (i.e. State Environmental Planning Policies (SEPPs); Relevant Regional Strategic Plans and Relevant Local Plans).

State Environmental Planning Policies (SEPPs) which apply to the site include:

- State Environmental Planning Policy No. 1 – Development Standards;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;

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<sup>4</sup> Schedule 2 Clause 1 Coastal Area subclause 2(a)

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- State Environmental Planning Policy No. 71 – Coastal Protection; and
- State Environmental Planning Policy (Building Sustainability Index: BASIX);

The assessment of the proposal against these SEPPs summarised below concludes that it is consistent therewith.

## 7.1.4 State Environmental Planning Policy No. 1- Development Standards

**State Environmental Planning Policy No. 1 (SEPP 1)** aims to provide “flexibility in the application of planning controls” (**Clause 3**).

**Clause 6** requires that a development application which seeks to vary a development standard be supported by a written objection outlining how compliance with that development standard is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds for objection.

It is noted that in the current Project Application causes a small part of the beach reserve to be shadowed by mid to late afternoon shadows in mid-winter and mid-summer (but not the beach itself) during the times nominated in **Clause 32B** of the **North Coast Regional Environmental Plan**. However, during other times of the year and other times of day, there will be little or no shadowing of the reserve. The Flora Assessment (**Appendix 6**) concludes that as a consequence there are no likely identifiable impacts on ecological systems within the reserve. As the reserve is a ‘nature reserve’, this limited amount of shadowing has no impact on recreational opportunities. Given the preceding it is considered that a variation to the numerical standard is justified and is supported by a SEPP No. 1 Objection.

The **SEPP No. 1** objection is provided at **Appendix 3** of this Environmental Assessment.

## 7.1.5 State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The relevant planning instrument for consideration with respect to contamination is **State Environmental Planning Policy No. 55 – Remediation of Land, (SEPP 55)**, which deals primarily with contaminated land and its remediation. In accordance with this policy, no consent authority may grant consent to the carrying out of any development, unless it has considered the possibility of the land being contaminated and in the case of contamination, its suitability (after remediation) for the purpose proposed in the development application. The policy applies to the whole of the State.

**Clause 7 (2)** of the Policy states that before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the applicant must provide a report in accordance with the contaminated land planning guidelines for the consideration of the consent authority.

A review of the historical aerial photos taken in 1964, 1973 and 2004 of the Site held by Land and Property Information was undertaken by **Anne Clements and Associates** as part of the Flora Assessment for the site. These aerial photographs reveal that that:

Year	Description of the Site from aerial photographs
1964	The vegetation on the Site and to the north and south was mainly cleared with some large trees retained. Buildings are present to the north of the Site, with a possible shed on the Site. A large treeless swamp lies to the west of the Site and dune vegetation with tracks and clearing to the east of Ocean Parade.
1973	The vegetation on the Site is similar to 1964. The dune vegetation to the east appears slightly less fragmented than in 1964. An additional building is present south of the Site. York Street and development to the west has been constructed.
1984	The Site at the time of the aerial photograph was overshadowed by a new building to the north. There appears to be no significant vegetation on the Site. There is a band of vegetation adjoining the southern boundary. Off-site to the west, there appears to be regrowth in the drainage line adjoining Hogbin Drive North. The swamp west of Hogbin Drive North appears to have been cleared and filled.
1994	The Site appears to be vegetated. The vegetation of the drainage ditch to the west of the Site appears dense. The former swamp to the west has been filled and is now playing fields.
2004	The Site appears to be partially vegetated. The swamp to the west has been entirely converted to playing fields with residential development further to the west. The narrow strip of land in the drainage ditch along Hogbin Drive appears to be densely vegetated. To the north of the Site an 18-storey block of residential units with car parking and a swimming pool has been constructed, with a narrow strip of vegetation further to the north. The dune vegetation to the east of the Site appears dense. To the south of the Site an eight storey block of residential units has been constructed.

Source: Anne Clements and Associates (2006), *Flora Assessment: 111 Ocean Parade, Coffs Harbour*

It is apparent across the successive aerial photographs that the site has been vacant for some time. Based on the preceding analysis, and the fact that there is no evidence of the storage of potentially contaminating items on the site nor potentially contaminating activities, it is considered unlikely that there is any contamination of the site through previous uses and thus, in terms of **Clause 7(a)** of the SEPP, no remediation is required.

## 7.1.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

**State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings**, aims to improve the design quality of residential flat buildings across NSW by providing a consistent policy mechanism directing developments across the state (**Clause 2**).

The Policy sets out 10 design quality principles. An assessment of the proposal against these design principles is contained in the **SEPP 65 Design Statement** prepared by The Buchan Group at **Appendix 4**.



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Overall, the proposed development has been assessed in accordance with the provisions of SEPP65 and in accordance with the Residential Flat Design Code accompanying the State Policy.

## 7.1.7 State Environmental Planning Policy No. 71 - Coastal Protection (SEPP 71)

**State Environmental Planning Policy No. 71 - Coastal Protection (SEPP 71)** aims to protect and enhance the important coastal environment from inappropriate development. A consideration of the proposals consistency with the strategic outcomes of the policy with respect to the protection of the sensitive coastal environment may be addressed through a consideration of the **Aims** of the Policy (**Clause 2**) and the **Heads of Consideration** at **Clause 8**.

The relevant **Aims** of SEPP 71 outlined in **Clause 2(1)** and an assessment of the proposals consist, is provided below:

- a) *to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*

The Project Application ensures the protection and management of the natural, cultural, recreational and economic attributes of the NSW Coast. The design of the development, the environmental safeguards and the draft Statement of Commitments to manage potential environmental impacts of the development will ensure that the coastal locality surrounding the site is suitably protected. The use of existing zoned residential lands at an appropriate density provides for the demand for residential dwellings in the Coffs Harbour LGA, ensuring the continued and on-going vitality of the North Coast, both from a cultural and economic perspective.

- b) *to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*

Existing public access to the coastal foreshore is unaffected by the proposed development.

The opportunity to provide any new public access to and along the coastal foreshore for pedestrians or persons with a disability is beyond the scope of the current application.

- c) .....

- d) *to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*

It is not considered likely that the site is of significance to Aboriginal cultural heritage. In accordance with the recommendations of the Coffs Harbour Local Aboriginal Land Council letter (**Appendix 12**), appropriate measures are proposed in order to ensure that if any cultural material is discovered during construction, that appropriate safeguards are in place to preserve any significance. In addition, monitoring will be undertaken by suitably qualified members of Coffs Harbour and District Local Aboriginal Land Council during the

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initial ground disturbance works to ensure the identification of any cultural material should it exist on the site. The procedures that will be followed should Cultural material be identified are set out at **Appendix 12**.

*e) to ensure that the visual amenity of the coast is protected, and*

The proposal will not detrimentally affect the visual amenity of the coast. This issue is addressed in detail at **Section 8.2** of the EA.

*f) to protect and preserve beach environments and beach amenity, and*

The site is located approximately 124 metres from Park Beach itself, separated from the beach environ by the beach reserve and Ocean Parade.

The visual and scenic amenity of the beach environs has been addressed above and is assessed in further detail at **Section 8.2** of this EA.

In term of potential environmental impacts on the beach environment, adequate drainage and sewage facilities will be part of the design of the development.

*g) to protect and preserve native coastal vegetation, and*

The **Flora Assessment** prepared by **Anne Clements and Associates** at **Appendix 6**, indicates that there will be no adverse impacts on native coastal vegetation. The report provides relevant recommendations that have been incorporated into the Project Application, including:

- A buffer zone/setback area from the trunks of the established native trees (located off the boundary of the site) is to be established to form a wider and more long term viable corridor of vegetation in the drainage swale adjoining Hogbin Drive North. This has required the deletion of the pool area and other embellishments originally depicted on the plans submitted to the Department with the Preliminary Environmental Assessment (PEA).
- No driveway areas have been provided along the Hogbin Drive North frontage to ensure that the regenerating vegetation in the constructed drainage swale adjoining Hogbin Drive North (off the site) is not fragmented.

In addition, the Flora Assessment concludes that the cumulative impact of an additional nine storey building, and the overshadowing effects of the proposed building itself is not likely to detrimentally affect the Littoral Rainforest vegetation in the adjoining Beach Reserve to the east of the development site.

The results of the **Flora Assessment** are discussed in further detail at **Section 8.3** of this EA.

*h) to protect and preserve the marine environment of New South Wales, and*

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This is not directly applicable given the distance of the ocean from the site. As previously stated, adequate drainage and sewage facilities will be part of the design of the development.

i) .....

j) *to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and*

The Project Application's consistency with the principles of ecologically sustainable development is demonstrated by the following considerations:

- *Precautionary principle*

The proposed development is unlikely to give rise to the threat of serious or irreversible environmental damage.

- *Inter-generational equity*

The proposed development provides appropriate housing stock for use by current and future generations, without resulting in any potential long term environmental impacts which would reduce the quality of life and amenity in the locality.

- *Conservation of biological diversity and ecological integrity*

Will be enacted through the recommendations of the **Flora Assessment at Appendix 6.**

k) *to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*

The type, scale, bulk and size of the development is suitable for the location. As reiterated throughout this report, the optimal use of available zoned residential lands, consistent with the Park Beach DCP and the Coffs Harbour Settlement Strategy, representing a transitional built element within the locality is the most appropriate use of the site. The natural scenic qualities of the locality have been considered in the design development for the proposal, and indeed in Council's planning process to adopt the Park Beach DCP for the locality. Further visual amenity analysis is provided at **Section 8.2** of this EA.

Pursuant to **Clause 4**, the Policy applies to land the whole or any part of which is within the coastal zone. The subject site is located wholly within the Coastal Zone.

**Clause 7(b)** of SEPP 71 requires the matters outlined in **Clause 8 – Matters for Consideration** (as follows), to be considered. The relevant matters for consideration under **Clause 8** are:

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*(a) the aims of this Policy set out in Clause 2,*

Addressed above

*(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*

Existing public access to the coastal foreshore is unaffected by the proposed development.

The site is separated from the beach environs by both the beach reserve and Ocean Parade. The opportunity to provide any new public access to and along the coastal foreshore is beyond the scope of the current application.

*(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*

As above.

*(d) the suitability of development given its type, location and design and its relationship with the surrounding area,*

The site is located in the established urban area of the City and zoned to permit multi-unit development. The development is adjoined by medium to high rise residential development, within a highly accessible area.

The site is of a size suitable for the provision of landscaping, parking and access required for the nature and typology of the development proposed. The architecture is of a contemporary coastal form incorporating well articulated facades, traditional coastal finish materials (timber panelling, screening, steel and glazing) in colours consistent with the coastal character of the locality. The development has been designed to largely comply with Council's requirements (in particular the recently adopted Park Beach DCP) and as such will not detract from the existing and desired future character of the area.

*(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*

The proposed development does not significantly overshadow the coastal foreshore. Refer to the **SEPP No. 1 Objection** at **Appendix 3**.

There are no impacts on views from the coastal foreshore. The analysis of any impact on views from the coastal foreshore is presented at **Section 8.2**.

*(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*

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The proposal will not result in any adverse visual impacts, having been designed to ensure a transitional element between the height of buildings on either side (Pacific Towers and Beach Front the north and south). Having been separated by generous setbacks, the proposal has avoided a potential “wall of buildings” effect, thereby ensuring the scenic qualities of the New South Wales coast are preserved and protected.

Further visual impact analysis is presented at **Section 8.2.2**.

*(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*

Refer **Section 8.3.2** which addresses the **Preliminary Fauna Assessment** prepared by **Kendall and Kendall (Appendix 7)**.

Given the highly disturbed nature of the site it is considered that site does not provide a significant viable habitat component.

A further detailed Fauna Assessment has been commissioned. Results from Mr Andrew Smith at Austeco Pty Ltd are immediately pending and will be provided with the EA.

*(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*

This is not directly applicable given the distance of the Ocean from the site and the site's separation by both the adjoining Beach Reserve and Ocean Parade itself. In addition, suitable drainage and sewerage facilities will be incorporated into the design to ensure there is no detrimental impact on the marine environment.

*(i) existing wildlife corridors and the impact of development on these corridors,*

Refer **Section 8.3.2** which addresses the **Preliminary Fauna Assessment** prepared by **Kendall and Kendall (Appendix 7)**.

*(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,*

Again, given the location of the site in relation to the beachfront and indeed its separation by Ocean Parade and the vegetation of the Beach Reserve, the proposal is not likely to have any impact on coastal processes and coastal hazards nor are they likely to impact on the development.

*(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,*

It is not anticipate that this development on privately owned, zoned residential land, separated from the beachfront, will give rise to any conflict between land based and water based coastal activities.

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*(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*

It is considered unlikely that the site is of significance for Aboriginal Cultural Heritage. This issue is further addressed at **Section 8.8** of this EA.

*(m) likely impacts of development on the water quality of coastal waterbodies,*

Suitable drainage and sewerage facilities will be incorporated as part of the proposal. These measures, in conjunction with the suitable separation distances from the Ocean will ensure no adverse impacts on the water quality of the coastal waterbody.

*(n) the conservation and preservation of items of heritage, archaeological or historic significance,*

Assessed at **Section 8.8** of this Environmental Assessment.

*(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,*

Not directly applicable. Nonetheless, the provision of higher density housing, on existing zoned land zoned for urban purposes, in close proximity to existing services and facilities, directly attains the objective for compact towns and cities.

*(p) only in cases in which a development application in relation to proposed development is determined:*

*(i) the cumulative impacts of the proposed development on the environment, and*

The proposal will ensure use of a vacant under utilised site. As previously set out, the site is located between an eight storey “Beach Front” residential building to the south and the 18 storey “Pacific Towers” residential building to the north. The proposal for a nine storey building represents a transitional element between these two built elements. The proposal will make best use of the site and provide additional housing opportunities within the area, whilst providing sufficient parking, thereby ensuring no negative impacts in terms of parking.

There is no adverse cumulative traffic and road capacity impacts associated with the development, as outlined in the **Traffic Impact Assessment** at **Appendix 10**.

The potential impacts of overshadowing associated with the development, on both the adjoining property to the south and the adjoining beach reserve is assessed as acceptable at **Section 8.2.3** and **8.2.4** of the Environmental Assessment.

There are no anticipated cumulative impacts with respect to servicing the proposed development, as we are advised that the proposed development capable of being accommodated within the existing capacity.

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(ii) *measures to ensure that water and energy usage by the proposed development is efficient.*

A number of measures have been incorporated into the design of the proposal in order to ensure that water and energy usage by the proposed development is efficient. These include:

- Weather seals to window and doors;
- A commitment to plant indigenous or low water use species of vegetation;
- The use of low-e comfort glazing;
- The inclusion of a rainwater collection zone;
- The installation of on-demand hot water recirculation system, which regulated all hot water use throughout the dwellings;
- The installation of an alternative water supply system, configured to collect run-off from specified areas.

Pursuant to **Clause 14** the proposed development will not impede or diminish the physical, land-based right of access of the public to or along the coastal foreshore.

Pursuant to **Clause 15**, a non-reticulated effluent system is **not** proposed as part of the proposed development. Necessary sewerage services are available to service the development site.

Pursuant to the requirements of **Clause 16**, the development will not discharge untreated stormwater into the sea or adjoining beach.

Pursuant to **Part 5** of the SEPP, a master plan would normally be required, as the application involves subdivision for more than 25 dwellings (**Clause 18(1)**) (albeit Strata subdivision).

**Clause 18 (2)** of SEPP 71 allows the Minister to waive the need for a master plan to be adopted subject to a number of matters being addressed. A waiver from the Master Plan requirement is sought due the circumstances of this case, with the relevant matters for consideration outlined in **Appendix 5**.

## **7.1.8 State Environmental Planning Policy (Building Sustainability Index) 2004 (SEPP BASIX)**

The provisions of **State Environmental Planning Policy (Building Sustainability Index) 2004**, commenced on the 1 July 2004, for multi-unit housing. This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building

Sustainability Index: BASIX) Regulation 2004, ensuring consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans. SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any “BASIX affected building”. As previously stated, multi-unit housing and residential flat buildings are listed as BASIX affected buildings. A BASIX Certificate is submitted with this Project Application and accompanies the architectural drawings.

## 7.1.9 North Coast Regional Environmental Plan (North Coast REP)

The relevant regional policy applying to the Coffs Harbour area is the **North Coast Region Environmental Plan** (formerly North Coast Regional Environmental Plan 1988) (North Coast REP).

Pursuant to the draft Guidelines for the Concept Plan Application process, distributed by the Department of Planning, the heads of consideration identified in the North Coast REP may be taken into account by the Minister, until such time as it is repealed in whole or part.

**Clause 2B(2)** specifies that *“the consent authority, Minister or public authority must take into consideration such of the aims and objectives of this plan as are relevant to the making of its determination.”*

**Division 2** deals with **Coastal Development**. The **Objectives** of relevance in the plan in relation to **Coastal Planning** are to:

- (a) *to enhance the visual quality of the coastal environment;*
- (b) *to provide for the appropriate recreational use of beaches;*
- (c) *to protect the water quality of the coastal environment;*
- (d) *to minimise risks to people and property resulting from coastal processes;*
- (e) *to minimise changes to coastal processes resulting from development; and*
- (f) *to encourage retention of natural areas and regeneration of those natural areas which are already degraded.*

It is considered that matters of visual quality, water quality, risk to coastal processes and impacts on natural areas have been considered with respect to the heads of consideration within **SEPP 71** and are addressed in detail in the Environmental Assessment Issues at **Section 8** of this report.

**Clause 32B** deals with **Development Control – Coastal Lands**. In determining an application for consent to carry out development on such land, a council must take into account the NSW Coastal Policy 1997; the Coastline Management Manual; and the North



Coast: Design Guidelines (**Clause 31(2)**). In this case, the Minister is the consent authority and may take into account the provisions of these plans. The provisions of these plans are addressed at **Section 7.2** below. Pursuant to the requirements of **Clause 31(3)**, the proposed development will not impede public access to the foreshore.

Pursuant to **Clause 32B(4a)**, the Council (in this case though the consent authority is the Minister) must not consent to the carrying out of development *“on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time)”*.

Pursuant to **Clause 32B**, the proposed development does not overshadow the beach. A variation to the numerical standard contained in Clause 32B, with the minor overshadowing of the adjoining beach reserve for 2 hours during the times nominated in **Clause 32B** is supported by a SEPP No. 1 Objection at **Appendix 3**.

**Part 4 Division 2** addresses **Urban Housing**. The **Objectives** of the Plan in relation to **Urban Development** are to *“promote the provision of a range of adequate, affordable and suitable housing to meet the needs of the region’s population”* (**Clause 41**).

**Clause 43(1)(a)** provides that the council shall not grant consent to development for residential purposes unless *“it is satisfied that the density of the dwellings have been maximised without adversely affecting the environmental features of the land”*.

Pursuant to this Clause, the consent authority must seek to maximise the number of dwellings within residential developments, subject to the development not adversely affecting the environmental features of the land. The proposal does this within the limits of Coffs Harbour Council’s recently adopted height limit (Park Beach DCP), which gives effect to its Settlement Strategy for the Park Beach locality.

In accordance with **Clause 41** and **Clause 43**, the proposal seeks to provide an appropriate mix and density of dwellings on the site with excellent access to facilities and services, without adversely effecting environmental features of the land.

**Part 4 Division 5** deals with **Tall Buildings**. The Objectives of the Plan in relation to tall buildings are to ensure that proposals for buildings over 14 metres are:

(a) *subject to the opportunity for public comment, and*

The Project Application will be publicly exhibited.

(b) *assessed for their local impact and regional significance.*

The local impacts are deemed acceptable in the context of the scale of adjoining developments, with the proposed height as envisaged within Coffs Harbour City Council’s Park Beach DCP.

Since the site has unique circumstances in terms of its surrounding built environment, the approval of a building in excess of 14 metres creates no adverse precedent.

The height of the building can be justified due to the social benefits of maximising the density on the site, the positive urban design outcome from a “transitional height” building and the apparent lack of adverse environmental effects as outlined within the body of this Environmental Assessment.

For these reasons, the approval of the Project Application at the proposed height has no regional implications.

Pursuant to **Clause 66 – Development control, adequacy of community and welfare services**, before granting consent to a development application for the subdivision of land intended for residential or rural residential purposes, the council shall consider the adequacy of community and welfare services available to the land and take into account the results of that consideration. It is noted that the site is located in the Coffs Harbour urban area in close proximity to the wide range of community and welfare services in the city.

## ***7.1.10 Coffs Harbour City Local Environmental Plan 2000***

Coffs Harbour City **LEP 2000** is the principal environmental planning instrument applying to the site. It defines the objectives and provisions to be considered in assessing any application for development.

### **LEP 2000 Aims and Objectives**

The **Aims** and **Objectives** of the Plan relevant to the proposed development, include **(Clause 2)**:

*(1) The aims of this Plan are:*

*(a) .....*

*(b) ....*

*(c) to recognise the need to provide for, and to provide for, development within the City in an ecologically sustainable manner, and*

*(d) to provide a quality lifestyle within the City.*

*(2) The objectives of this Plan are:*

*(a) ....*

*(b) to identify areas for compatible development opportunities, and*

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- (c) *to protect environmentally sensitive areas and the City's heritage, and*
- (d) *.....*

The application is consistent with the **Aims** and **Objectives** of the **Coffs Harbour LEP 2000** in ensuring that existing serviced land is efficiently utilised in an existing urban area in accordance with **Clause 2(1)(c)**. The subject site is well served by existing transport and utility infrastructure. It is in an existing urban area and located accessibly, with the Park Beach shopping centre, Orlando Street major employment/industrial area and areas of open space in close proximity to service the need of residents. It is located in an area where Council's character statements foresee high density residential areas, of innovative and functional design which minimises impacts on the aesthetic, recreational and environmental values of Park Beach and the adjacent reserve. As further outlined in detail in **Section 8** of this report, the development site presents few environmental constraints and the proposed development is sensitive to its setting and the broader environment, consistent with **Clause 2(2)(b) and (c)**.

## Zone Objectives

The **Objectives** of the Residential 2E Tourist Zone are to:

- *to enable tourist development and other development that is compatible with the surrounding environment.*
- *to provide for development that is within the environmental capacity of a high density residential environment and can be adequately serviced.*

The proposal satisfies the Objectives of the Residential 2E Tourist Zone for the same reasons cited in the discussion above (LEP Aims and Objectives).

## Permissible development

The proposal is entirely permissible with consent as "multi-unit housing" under the Residential 2E Tourist zone under **LEP 2000** (see **Figure 7**).

## Clause 11 Tree Preservation

Under **Clause 11** a person shall not carry out or permit or direct or cause any ringbarking, cutting down, topping, lopping, removing or wilful destruction of any tree or trees to which a tree preservation order applies without development consent. Approval is sought as part of the Project Application for the removal of trees to facilitate development.

## Clause 12 Koala Habitat

Pursuant to Clause 12, consent shall not be granted to development on land to which this Plan applies unless the development is in accordance with a koala plan of management. A **Preliminary Fauna Investigation** by **Kendall and Kendall Ecological Services** (**Appendix 7**)

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concluded that koala habitat is not affected and development is in accordance with the Council koala plan of management. This preliminary flora and fauna assessment will be further supplemented by more detailed investigations by Andrew Smith of Austeco. It is noted that State Environmental Planning Policy No. 44 – Koala Habitat Protection does not apply to the Coffs Harbour Local Government Area (Schedule 1 of SEPP 44).

## **Clause 14 Landform Modification**

Under **Clause 14** a person shall not, without development consent, carry out a work or any other development on land to which this Plan applies for any purpose where the work or other development has the effect, in the opinion of the consent authority, of significantly adversely affecting the natural environment, through either filling or excavation.

Excavation for the purposes of the building basement will be appropriately designed, including suitable dewatering methods to mitigate impacts (refer to Preliminary Geotechnical Report at **Appendix 8**). Tree removal as part of the proposal has been assessed by **Anne Clements and Associates (Appendix 6)** and is deemed to be satisfactory.

## **Clause 15 Availability of services**

Under **Clause 15** Council must not consent to the application unless adequate arrangements have been made for water supply and facilities and for the removal or disposal of sewage and drainage are available to that land. We have been advised that these services are available and adequate to service the development and the Minister may therefore be satisfied in the terms of **Clause 15**.

Pursuant to **Clause 21 Heritage** (and **Schedule 5** and **6**), the subject site is not identified as containing an item of environmental heritage, is not within the vicinity of a heritage item nor is it located within a Heritage Conservation Area.

## **Clause 22 Waterways**

**Clause 22** of LEP 2000 applies to land adjoining the Solitary Islands Marine Park and prescribes that consent must not be granted to the erection of a building unless the consent authority has taken into account specified objectives of the Marine Parks Act 1997 and has consulted with the Solitary Islands Marine Park Authority in certain circumstances.

The Solitary Islands Marine Park covers an area of around 71 000 hectares, extending from Muttonbird Island in the south to Plover Island in the north, and extends from the mean high water mark and upper tidal limits of coastal estuaries, seaward to three nautical miles. As such, the development site does not adjoin the Solitary Islands Marine Park and Clause 22 of LEP 2000 does not apply.

Notwithstanding this, it is reasonable to say that the proposed development will have no adverse impact on the Marine Park due its separation by the beach, the beach reserve and the Ocean Parade road reserve. The only potential impact upon the Marine Park would be the associated with the fact that the proposed building will be visible from a relatively small

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area of the Park. The visual impact of the building is further addressed in **Section 8** of this report and based on this assessment, it is concluded that the visual impact of the proposal from the Marine Park will be minimal and acceptable.

## **Clause 23 Environmental Hazards**

Pursuant to **Clause 23 – Potential Acid Sulphate Soils**, a draft Acid Sulphate Soils Management Plan has been prepared as part of the geotechnical investigations for the site and accompanies the application at **Appendix 8**. A final Acid Sulphate Soil Management Plan will be required prior to the issue of the Construction Certificate.

Pursuant to **Clause 23 - Flood prone land**, consent shall not be granted to the subdivision of, or the erection of a building or the carrying out of a work on, land that is prone to flooding, unless the consent authority has had regard to the provisions of the Council's Floodplain Development and Management Policy, if any, and the Floodplain Development Manual most recently notified by the Minister for Urban Affairs and Planning under section 733 (5) (a) of the Local Government Act 1993 .

In accordance with specified flood prone land requirements, the ground floor has been designed to be 500mm above the flood level and the building will be designed to comply with relevant policies and requirements

### **7.1.11 Draft Amendment No. 23 to Coffs Harbour Local Environmental Plan 2000**

A draft Amendment to **CHCLEP 2000**, has been exhibited which relates to Vegetation Management. This amendment has been addressed in the **Flora Assessment** undertaken by **Anne Clements and Associates** supporting the environmental assessment at **Appendix 6**, with recommendations including a buffer zone along Hogbin Drive North supported by a Vegetation Management Plan.

### **7.1.12 Coffs Harbour City Council Development Control Plans**

The relevant Development Control Plans (DCPs) which apply to the site are **Coffs Harbour Development Control Plans Access and Mobility**; and **Subdivision**. The proposal is also within the area to which the **Development Control Plan – Park Beach** (updated 21 June 2006) applies, which has recently been adopted in accordance with the Act.

The proposal is generally consistent with each of these plans. The primary guidelines for development on this site will be contained in the **DCP – Park Beach**. The proposal complies with the purposes of **DCP - Park Beach** set out in **Part 1**, as follows:

*To encourage tourist and multi unit development which:*

*Are responsive to the site's visual, environmental and cultural characteristics;*

*Are in accordance with the desired future character of the area; and*

*Provide a range and style of multi-unit and tourist accommodation developments which are appropriate to the diversity of the people who live in and visit Coffs Harbour.*

The proposal complies with the salient provisions of the **DCP**, including its requirement for design, privacy, car parking, open space and landscaping, water quality and particularly in relation to being less than the maximum height control for the site of 30 metres, with a detailed compliance table below

**Table 1: Coffs DRAFT COFFS HARBOUR CITY DCP PARK BEACH**

Park Beach DCP Provisions	Compliance	Comment
<b>Part 3 – Planning Controls</b>		
<b>Site Analysis</b>		
Required to submit a site analysis drawing.	Yes	A Site Analysis is provided at <b>Appendix 1</b> .
<b>Density</b>		
<p>Medium residential dwelling (55-70m<sup>2</sup>) = 60m<sup>2</sup> land area per unit</p> <p>Large residential dwelling (&gt; 70m<sup>2</sup>) = 80m<sup>2</sup> land area per unit.</p> <p>Proposals which involve a mix of dwelling sizes will be determined on merit, consistent with the maximum allowable height limit which applies to the site.</p>	Merit based assessment for mix of dwelling sizes	<p>Dwelling sizes range from 88 m<sup>2</sup> (1 bedroom) to 159 m<sup>2</sup> (3 bedroom), providing 47.8m<sup>2</sup> land area per unit.</p> <p>The extremely good accessibility of this site to services and facilities warrants its utilisation to its highest urban development potential within its environmental constraints capacity.</p> <p>The EA demonstrates that a nine storey building may be developed without creating any unacceptable environmental impacts. It follows that the density of development should reflect what is practically achievable within that height constraint.</p> <p>The only other principal point of assessment associated with density (apart from height, building form and social and economic considerations which have been addressed) relates to traffic generation. The <b>Traffic Assessment</b> at <b>Appendix 10</b> indicates that the design capacity and quality of the surrounding road system and the good sight distances associated with the site itself, means that the existing road system will be capable of supporting the density proposed.</p> <p>Overall, the density is</p>

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Park Beach DCP Provisions	Compliance	Comment
		commensurate with the 30 metre height allowance on the site (Park Beach DCP) and creates no adverse impacts in terms of traffic, parking or visual impacts.
<b>Setbacks</b>		
<p>The setback guidelines can be found in the precinct controls on pages 25, 32 and 33 of this DCP.</p> <p><i>Side</i> 6 metres to building and 4.5 metres to balconies at lower levels 9 metres to building and 7.5 metres to balconies at upper levels.</p> <p><i>Ocean Parade</i> 3 metre absolute setback 4 metre variable setbacks beyond</p> <p><i>Hogbin Drive</i> 5 metres variable setback</p>	<p>Yes</p> <p>Non-compliance at upper levels supported by generous separation between buildings and effective building articulation</p> <p>Minor non compliance</p> <p>Yes</p>	<p>See Below.</p> <p>Variable building setbacks at all levels. Minimum 6 metres to any part of building or balconies at <i>all</i> levels. Full compliance achieved at lower levels. Satisfactory setbacks at upper levels due to degree of articulation and more than adequate separation to adjoining buildings. Meetings with Coffs Harbour City Council Officers indicated that variation relating to upper level setbacks would be given consideration, subject to appropriate articulation at upper levels.</p> <p>Due to the existing built form adjoining each boundary, significant separation (in excess of DCP requirements is achieved), further supporting variation to side setbacks at upper levels (i.e. Separation of approximately 17 - 21 metres from 109 Ocean Parade &amp; approximately 30 metres from Pacific Towers).</p> <p>General minimum 6 metre setback to balconies on all levels fronting Ocean Parade – with apartments setback further behind a 7 metre building line.</p> <p>Extent of variation is a minor encroachment of the terrace space to Unit 1 (Ground Level) into the 3 metre setback.</p> <p>Minimum 6 metre setback.</p>

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Park Beach DCP Provisions	Compliance	Comment
<b>Design</b>		
<ul style="list-style-type: none"> <li>○ Architecture is to be of contemporary coastal form incorporating well-articulated facades, traditional coastal finish materials (timber panelling/screening, steel and glazing) in colours consistent with the coastal character of the locality. Large expanses of any single material are to be avoided.</li> </ul>	Yes	Contemporary coastal, articulated, landscape setting, addresses the street, takes advantage of views.
<ul style="list-style-type: none"> <li>○ Roofing will be of lightweight materials with substantial roof overhangs for shade to upper storeys and to reflect coastal character.</li> </ul>	Yes	Flat concrete roof proposed. Development incorporates shading devices in the form of sub louvres and screens.
<ul style="list-style-type: none"> <li>○ Articulate the primary elements of a building into a clear base, middle and top (or sculptured roof element).</li> </ul>	Yes	Building is clearly articulated at all levels.
<ul style="list-style-type: none"> <li>○ Buildings are to fit within a landscape setting that wherever possible incorporates large trees in street front setbacks.</li> </ul>	Yes	Refer to <b>Landscape Plans</b> and <b>Landscape Report</b> at <b>Appendix 2</b> . Retention of the large tree on the Ocean Parade frontage (Refer to survey plan) is facilitated by Deep Soil Zone marked on Drawing DA-1000 and DA-1001.
<ul style="list-style-type: none"> <li>○ Buildings are to address and overlook the street. Boundary walls to street boundaries are discouraged. Pedestrian entrances to buildings are to be clear and legible.</li> </ul>	Yes	The architectural drawings accompanying the application clearly demonstrate addressing and providing casual surveillance of the street. Planter box areas are proposed to Ocean Parade as part of the overall design and landscaping proposal.
<ul style="list-style-type: none"> <li>○ Building facades are to be articulated to avoid a perception of continual wall plane lengths in excess of 30 metres.</li> </ul>	Yes	Proposed development provides attractive articulation. No continual walls in excess of 30 metres proposed.
<ul style="list-style-type: none"> <li>○ Designed to take advantage of views without significantly compromising the views from surrounding buildings, in particular residential buildings.</li> </ul>	Yes	Orientation of apartments and use of glazing takes advantage of ocean views. General setbacks avoids 'wall of buildings' effect and potential view loss from adjoining development.
<ul style="list-style-type: none"> <li>○ Balcony enclosures will only be permitted where the overall design of the façade is not adversely affected</li> </ul>	Not proposed	



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Park Beach DCP Provisions	Compliance	Comment
<p>and where they exist as a non-fixed measure, e.g. shutters, blinds, shutter doors, shade sails, etc.</p> <ul style="list-style-type: none"> <li>Special emphasis shall be given to the design of buildings on corner allotments.</li> </ul>	N/A	
<b>Privacy</b>		
<p>Visual privacy for adjoining properties and within development projects shall be achieved by:</p> <ul style="list-style-type: none"> <li>providing screening by way of walls, fences, awnings or landscape planting to prevent overlooking;</li> <li>staggering windows where possible;</li> <li>maintaining separation distances between the buildings of: <ol style="list-style-type: none"> <li>six metres between rooms which are not the main living areas e.g. bathroom;</li> <li>nine metres between rooms which are used frequently but not main living areas e.g. kitchen; and</li> <li>12 metres between main living rooms and bedrooms;</li> </ol> </li> <li>minimise balconies or common rooms (such as foyer, lobby or similar) overlooking an adjacent dwelling; and</li> <li>minimise balconies or common rooms (such as a foyer, lobby or similar) overlooking private open space, screens and pergolas.</li> </ul>	Yes	Separation of approximately 17 - 21 metres from 109 Ocean Parade & approximately 30 metres from Pacific Towers. Orientation of balconies to each street address (Hogbin Drive North and Ocean Parade).
<b>Noise Mitigation</b>		
Developments adjacent to Hogbin Drive North are to consider potential traffic noise and vibration impacts, particularly those parts of buildings on lots which adjoin Hogbin Drive North.	Yes	Proposed development exceeds minimum setback on Hogbin Drive North. Balconies and landscape screening to provide further buffer above minimum setback requirements.
<b>Vehicle and Parking Access</b>		
<p><b>Design and Safety</b></p> <p>Car parking areas will be constructed to an all weather hard stand surface and be graded and drained to Council's stormwater system.</p> <p>Motorists shall easily be able to locate the car parking area. Parking spaces are to be clearly marked and signposted. Vehicles shall be able to enter and leave the site in a forward direction where a development has access along a main route, or a battle-axe site. All car parking and manoeuvring areas are to be located on the development site and be clear of the footpath and verge.</p>	Yes	The architectural drawing accompanying the application, and the <b>Traffic Impact Assessment at Appendix 10</b> indicates compliance with these requirements.
<b>Landscaping</b>	Yes	Refer to <b>Landscape Report</b> and

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Park Beach DCP Provisions	Compliance	Comment
Proposals for parking areas are to be accompanied by a landscape plan illustrating means to soften the visual impact of any structure.  Car parks for developments in residential areas are not to occupy the entire front of the allotment. Landscaping is required at least around the boundary of the car park.		<b>Landscape Drawings at Appendix 2.</b>
<b>Parking Spaces</b> <b>Dwellings</b> Small ( $\leq 100\text{m}^2$ GFA) 1 space (behind building line)  Large ( $> 100\text{m}^2$ GFA) 2 spaces (at least 1 space behind building line).  Parking spaces in accordance with Australian Standard 2890.1 and 2890.2. Minimum vertical clearance 2.3 metres.  Enclosed car parking facilities must be provided with adequate ventilation Natural ventilation systems are recommended where possible.	Yes	1 space per small dwelling (23 required) 2 spaces per large dwelling (34 required) Total: 57 required Total provided = 61 spaces.
<b>Access</b> Access designed to minimise conflict between pedestrians, cyclists and traffic.	Yes	Separate pedestrian and vehicular accesses have been provided to the development.
<b>Driveways</b> <ul style="list-style-type: none"> <li>Vehicle crossings (driveways from kerb to boundary) are to be constructed of concrete. These shall be limited to one per development and be 4.5 to 6.0 metres wide to cater for two-way traffic.</li> <li>There may be instances where a maximum of two driveways may be allowed. This only applies if, in the opinion of Council, traffic conditions, on street parking, landscaping treatments, use of the building and pedestrian safety considerations are met.</li> <li>Driveway widths are to be as follows: <ul style="list-style-type: none"> <li>- one-way driveway width minimum 3.2 metres – maximum 3.6 metres;</li> <li>- two-way driveway width minimum 4.5 metres – maximum 6.0 metres.</li> </ul> </li> <li>Prior to construction, a vehicle crossing application is to be submitted and approved by Council.</li> </ul>	<p>Merit based assessment – see second bullet point below.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Provision of a driveway to the basement car park. An additional 'shared way' is proposed at the northern boundary of the Ocean Parade frontage, providing access to additional on-grade parking facilities and pedestrian access</p> <p>Provision of two entries for the development is considered reasonable in circumstances as it creates no concerns in relation to traffic, parking or landscaping issues.</p> <p>Minimum widths achieved.</p> <p>This may form a Condition of Consent.</p>
<b>Open Space and Landscaping</b>		
Development proposals are to be accompanied by a landscaping plan prepared	Yes	Refer to <b>Landscape Report</b> and <b>Landscape Drawing at Appendix 2.</b>

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Park Beach DCP Provisions	Compliance	Comment
by a qualified landscape architect.		
Planting in front setback area. For buildings over 18 metres in height, these trees will attain a height of at least 18 metres. Approximate required locations of these trees are shown in the precinct Masterplans.	Yes	Planting is provided in the front setback area in accordance with the documents at <b>Appendix 2</b> .
A mixture of local endemic and exotic species shall be used.	Yes	
Where windows and balconies overlook each other, trees and shrubs shall be used to provide screening.	N/A	
Balconies or terraces shall be provided with the following minimum areas: Small dwelling ( $\leq 100\text{m}^2$ ) = $10\text{m}^2$ Large dwelling ( $> 100\text{m}^2$ ) = $12\text{m}^2$	Yes	Development provides large outdoor terrace areas, in excess of minimum requirements.
Shall be directly accessible from the living area of the unit and have a minimum dimension (length/width) of two metres.	Yes	All terrace areas directly accessible, with minimum widths of 2 metres.
<b>Water Quality</b>		
<b>Sediment and Erosion Control</b> Proposals shall be accompanied by a Sediment and Erosion Control Management Plan.	Yes	A detailed erosion and sediment control plan will be submitted prior to the issue of the Construction Certificate.
<b>Drainage</b> Incorporate the principles of Water Sensitive Urban Design (WSUD).	Yes	Development incorporates rainwater collection zone on the roof to connect to unit toilet flushing systems.  The landscape design incorporates predominantly indigenous species to minimise water consumption. An automatic irrigation system is proposed, incorporating drip irrigation fittings for the garden areas, with the system controlled by a programmable unit linked to a rain check device. The system will therefore not function in time of rain.
<b>Deep Soil Zones</b> The preferred location for Deep Soil Zones is in the front and side setbacks of the allotment.	Yes	Deep soil zones provided in front, side and rear setbacks.
<b>Services</b>		
<b>Water Meters</b> <b>Mains Extension</b> <b>Letterboxes</b> <b>Garbage Collection Services</b>	Yes	All necessary services will be provided in accordance with Council's requirements.
<b>Signs</b>	Not Proposed	
<b>BASIX</b>	Refer to BASIX Certificate accompanying the Project Application.	

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Park Beach DCP Provisions	Compliance	Comment
<b>Safer by Design</b>		
Development proposals to address Safer by Design requirements	Yes	<p>Safety and security issues have been achieved by:</p> <ol style="list-style-type: none"> <li>1. maximising overlooking of public and communal spaces while maintaining internal privacy ( sun / privacy louvers),</li> <li>2. avoiding dark and non-visible areas,</li> <li>3. providing quality communal spaces that cater for desired recreational uses</li> <li>4. providing clear, safe access points</li> </ol> <p>Safe access points within the development include:</p> <ol style="list-style-type: none"> <li>1. Main entrance - secured by intercom</li> <li>2. Carpark entrance at ground floor – secured by electronic key</li> <li>3. Carpark entrance at basement - secured by electronic key</li> <li>4. Private entrance to private open space at ground floor – secured by key.</li> </ol>
<b>Flooding</b>		
<p>Habitable areas of buildings are to have floor levels 500mm above the 1 in 100 year flood level.</p> <p>All electrical wiring, power outlets, building plant and equipment are to be located above the 1:100 year flood level.</p>	Yes	The ground floor has been designed to be 500mm above the flood level and the building will be designed to comply with relevant policies and requirements.
<b>Precinct Controls – Park Beach North</b>		
<p><b>Character</b></p> <p>The desired future character of the precinct is a vibrant, colourful attractive place for tourists and permanent residents. High density residential areas will be of an innovative and functional design which minimises impacts on the aesthetic, recreational and environmental values of Park Beach and the adjacent reserve.</p>	Yes	The proposed development exemplifies the desired future character of the area, providing high quality higher density development minimises impacts on the aesthetic, recreational and environmental values of Park Beach and the adjacent reserve.
<b>Potential Development Sites</b>	Yes	Subject site depicted as a potential development site on the map accompanying the DCP.
<p><b>Urban Design Principles</b></p> <p>Protect Views from Beach</p>	Yes	The visual assessment carried out from the beach directly to the east of 111 Ocean Parade shows that the top 2-3 storeys of Pacific Towers are clearly visible, however the 8 storey building on 109 Ocean Parade is completely obscured by the vegetation within the beach reserve.

Park Beach DCP Provisions	Compliance	Comment
		As demonstrated in <b>Figure 6</b> , the top of the nine storey building will not be visible from the beach, being completely obscured by the vegetation within the beach reserve.
Deep soil planting to street frontages	Yes	Previously addressed
<b>Setbacks</b>		
<b>Building Height</b> 30 metre maximum height on the subject site.	Yes	Approximately 29.8 metres (to top of lift plant)

## Development Control Plan – Access and Mobility

This plan applies to new Class 3, 5, 6, 7, 8, 9 and 10a buildings within the Coffs Harbour LGA. The provisions of this plan largely uplift the requirements of the Building Code of Australia with respect to access to buildings, sanitary requirements and number of car parking spaces, with which the development is bound to comply.

As part of the development, seven adaptable apartments have been provided. The design of these apartments follows the accessibility standards set out in Australian Standard AS1428 (part 1 and 2). In addition, the car parking area provides a number of spaces meeting the necessary widths for disabled parking.

## 7.2 Other Relevant Legislation, Policies and Strategies

Other legislation and policies provide a framework for assessment of the project and guide the objectives and design of the proposed development.

### 7.2.1 *Threatened Species Conservation (TSC) Act, 1995*

The functions of the TSC Act are to identify and list threatened species populations and ecological communities, vulnerable species and ecological communities and key threatening processes. The Act contains provisions for the identification and declaration of critical habitat and other protective measures.

The site is relatively flat and is covered by native grasses and weed species with some scattered trees. For due caution respective flora and fauna studies have been prepared.

The **Flora Assessment** prepared by **Anne Clements and Associates (Appendix 6)**, concludes that there are unlikely to be any significant impacts on any ecology listed under the TSC Act, subject to the recommendations within the report.

A **Preliminary Fauna Assessment** has also been prepared by **Kendall and Kendall** and is provided at **Appendix 7**. This report acknowledges that the site is highly disturbed. With respect to species listed under the TSC Act, the report indicates that *“Many of the species are not considered possible occurrences on the subject site, and many others are considered highly unlikely.”*

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The report goes on to state *“that a number of TSC Act threatened fauna species are considered possible occurrences on the site”*.

In this regard, for due caution, a more detailed Fauna Assessment has been commissioned. Results from Mr Andrew Smith at Austeco Pty Ltd are immediately pending and will be provided with the EA.

## 7.2.2 Water Act 1912

A licence will be required to be obtained under **Part 5** of the **Water Act 1912** prior to dewatering activities during the construction phase.

It is noted that the **Water Act 1912** is no longer an Act listed for the purposes of “Integrated Development” under Section 91 of the Environmental Planning and Assessment Act 1979, being largely replaced by the Water Management Act 2000. However, the Water Management Act 2000 does not yet apply to the Coffs Harbour Local Government Area and as such the need for a licence for dewatering activities is still governed by the Water Act 1912.

## 7.2.3 NSW Coastal Policy

The Coastal Policy provides a framework to ensure a balanced and co-ordinated management of the coasts’ unique physical, ecological, cultural and economic attributes. It represents an attempt by Government to better co-ordinate the management of the coast by identifying in a single document the State’s various management policies, programs and standards as they apply to a defined coastal zone. This Coastal Policy is therefore many individual policies and programs in one.

Many of the salient features of the **Coastal Policy** have been given statutory voice through the provisions of the **North Coast Region Environmental Plan** and within the **Matters for Consideration** contained within **State Environmental Planning Policy No. 71 – Coastal Protection**. Nonetheless, the provisions of the Policy, where relevant, are addressed below.

The proposal is located to the west of a beach reserve, separated by Ocean Parade and within the Coastal Zone, therefore the NSW Coastal Policy must be considered. The objectives of the Policy relevant to this application are addressed below.

The proposal will not result in any adverse visual impacts, having been designed to ensure a consistency with the pattern of the height of buildings on either side (Pacific Tower and Beach Front). In addition, as a result of the height of the proposed building and the degree and maturity of existing vegetation within the beach reserve, the proposal will not be visible from the beach area. This will ensure the aesthetic qualities of the coastal zone will be both protected and enhanced (Obj. 3).

Materials to be used include traditional coastal finish materials (timber panelling/ screening, steel and glazing) in colours consistent with the coastal character of the locality, while a number of measures have been incorporated into the design to ensure that water and

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energy usage is efficient. The site is located in a well established urban area of the city, situated in a highly accessible area, is well serviced by road, with the Pacific Highway running through the main town centre; rail, being situated on the North Coast railway; and by air with Coffs Harbour Airport. In addition, the proposal is making more efficient use of a vacant and unused site to provide additional housing to the area, thereby complying with the sustainability objectives 5 & 6.

As part of the development, a landscaping scheme has been designed which will ensure suitable landscaping occurs on-site, incorporating indigenous plant and tree types, which will assist in rehabilitating and enhancing the natural environment. In addition, an overshadowing assessment was carried out in order to assess the impact the proposal will have on vegetation in the adjacent beach reserve. The **Flora Assessment** carried out by **Anne Clements & Associates (Appendix 6)** concludes that:

*“given the overshadowing, from the existing buildings and the proposed 9 storey building, occurs in late afternoon, the resultant overshadowing of the Littoral Rainforest of an additional 9 storey building is not likely to detrimentally affect the Littoral Rainforest vegetation”.*

The development will therefore ensure the natural environment is being protected (Obj. 1). Other objectives are not directly applicable, given the location and nature of the development.

## 7.2.4 **Coastline Management Manual**

The Coastline Management Manual was produced to assist local councils develop balanced plans of management for the coastline. The Manual states that the scale and bulk of buildings may be limited by development control conditions in order to maintain the damage potential of hazards at low levels, as well as for other planning purposes such as avoiding overshadowing of beaches. In addition, advice is provided on foundation design and flood mitigation, however much of the manual is not applicable to the development.

As detailed throughout this EA, the design of the development has taken into account its coastal location, resulting in a carefully designed building compatible with its surroundings. The views from the beach are protected, given the siting of the proposal together with the existing mature vegetation of the beach reserve. In addition, the results of the shadowing assessment at **Appendix 1** show that overshadowing will not occur on the beach at any time. The site is located a minimum of approximately 156 metres from the water front, and is well buffered from coastline processes by the width and mature vegetation of the adjoining beach reserve and by Ocean Parade itself. The development has been designed with the ground floor to be 500mm above the 1 in 100 flood level affecting the site.

## 7.2.5 **North Coast: Design Guidelines**

The **North Coast Design Guidelines (1989)** were produced to promote building designs that enhance and protect the North Coast environment. They seek to ensure that buildings

on the north coast are “unassertive” through sensitive setting and by closely relating to the natural environment by using sensitive landscaping.

The proposal has taken the guidelines into consideration resulting in an innovative and attractive design response, whilst retaining compatibility with the residential character of the area.

The nine storey proposal is bounded by an 18 storey building to the north and an eight storey building to the south, resulting in a transitional height plane and avoiding a ‘missing tooth’ effect being created by a building of lower height. The form of the building has been fragmented through the inclusion of deep balconies, with the bulk being reduced by a top penthouse level being included, thereby reducing the number of apartments at the top level. As a result, the building mass suits the scale of the street and surrounding area.

The proposal is separated by generous setbacks from the adjacent buildings, and this has ensured the “wall of buildings” effect has been avoided, whilst overshadowing has been kept at a minimum through careful siting.

The architecture is of contemporary coastal form incorporating well-articulated facades, traditional coastal finish materials (timber panelling/ screening, steel and glazing) in colours consistent with the coastal character of the locality. The development has been designed to comply with Council requirements and as such will not in any way detract from the existing character of the surrounding area.

A **Landscape Concept Plan (Appendix 2)** has also been produced which enhances the development and responds to the characteristics of the seaside environs as well as the surrounding streets and properties. Predominantly indigenous planting as well as some traditional beachside species has been used.

## **7.2.6 Coffs Harbour Council Settlement Strategy**

The Coffs Harbour Settlement Strategy, A Settlement Strategy for Coffs City to 2031 (June 2006) has been drafted to provide a blueprint for a city with accessible and reliable transport, a strong regional economy, a vibrant community and a healthy natural environment. The strategy was prepared under the requirements of the North Coast Regional Environmental Plan (REP).

The principle of the strategy is based on achieving social, economic and environmental sustainability. In an attempt to manage Coffs Harbour city’s growth in a sustainable way, a number of strategic options are set out in order to achieve this.

The proposal from conception to design has sought to address the principles of sustainable development in order to ensure it would enhance the local area socially, economically and environmentally.

The site is located in a well established urban area of the city, well serviced by public transport and close to the industrial/employment areas, local services and amenities.



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The particular circumstances of the existing built form adjoining the site resulted in the proposal becoming a transitional element between the adjacent buildings, while the form of the building was fragmented to ensure the building mass was in character with the surrounding area. The development has been designed to include a gym facility together with both private and communal amenity space and apartments are generous in size and well laid out taking advantage of the views of the ocean.

The size and siting of the development together with the existing vegetation on the beach reserve ensures the proposal will not be visible from the beach nor will it cause overshadowing of the beach. Materials and colours consistent with the coastal character of the locality will be used, measures used to ensure water and energy usage is minimised have been incorporated, while the use of indigenous planting has been incorporated in the landscaping scheme.

This will ensure the proposal complies with the environmental and social sustainability objectives of the Draft Settlement Strategy

In terms of economic sustainability, employment opportunities will be presented during the construction phase, while the resulting workforce will increase the workforce available to the area and indeed the number of users of local services and facilities.

## 7.3 Commonwealth Legislation

### 7.3.1 *Environment Protection and Biodiversity Conservation (EPBC) Act, 1999*

The EPBC Act is administered by the Federal Department of Environment and Heritage and aims to protect the environment, with respect to matters of National Environmental Significance.

Under the EPBC Act approval is required for activities that are likely to have a significant impact on a matter of national environmental significance relevantly including listed threatened species and communities and listed migratory species.

The **Flora Assessment (Anne Clements and Associates)** included as **Appendix 6** indicates that the proposed development will not significantly impact nationally listed threatened species and ecological communities

The **Preliminary Fauna Report**, prepared by **Kendall and Kendall (Appendix 7)**, was also commissioned to consider possible occurring threatened species under the provisions of the EPBC Act 1999. No potential threatened species listed under the EPBC Act were listed within this preliminary report.

In the context of the EPBC Act, the proposed development will not have a significant impact on matters of national environmental significance, thus a Commonwealth referral and approval is not required.

## 8 ENVIROMENTAL ASSESSMENT ISSUES

### 8.1 Overview

The project represents a high quality residential flat building which will serve the need and demand for residential dwellings in the locality. The proposed development responds to the increased demand for quality, higher density residential developments within the Park Beach North locality, whilst ensuring that potential environmental impacts arising from the development are and will be suitably addressed during the planning process from Project Application to Construction Certificate to the on the ground construction.

On 8 July 2006 the Director General issued Environmental Assessment Requirements. The DG requirements nominated key issues to be addressed within the Environmental Assessment, including:

- Design, Visual Amenity and Impacts
- Flora and Fauna
- Natural Hazards
- Water Cycle Management
- Infrastructure Provision
- Traffic and Vehicular Access
- Heritage

These issues have been addressed at various sections within the preceding statutory compliance section, with further detail and analysis provided below.

### 8.2 Design, Visual Amenity and Impacts

#### 8.2.1 *Consistency with existing development context*

As demonstrated in **Figures 4 and 5**, the height pattern of the locality is largely in existence and unlikely to be altered in the foreseeable future. The 18 storey Pacific Towers and the eight storey building immediately to the south of 111 Ocean Parade are major strata titled buildings which set the pattern at the northern end of the Park Beach North locality. The recently constructed four storey strata titled building at number 103-105 Ocean Parade continues the gradual lowering of height down to the 2 storey building at number 91 Ocean Parade. These substantial buildings, being strata subdivided, are likely to remain in their current form for the foreseeable future. Other smaller strata developments in this locality are also unlikely to be subject to redevelopment in the short term, which leaves only approximately three sites, including 111 Ocean Parade and the site on the corner of Park Beach Road as the only sites likely to be subject to the design rules of the Park Beach DCP in the foreseeable future.

The latter corner development is subject to a pending development application which we understand generally accords with the proposed 21m height limit for the 'gateway' sites.

In the case of other sites towards the southern portion of the Park Beach North locality, buildings up to 18 metres in height (in accordance with Council's DCP for Park Beach) would be appropriate in continuing the gradual transition in heights described above, as demonstrated in 4 and 5 (section A-A).

The practical implication of all of the above is that No. 111 Ocean Parade is the only site in the Park Beach North locality for which there is a realistic potential for a higher building which would accord with the transitional height concept. As appropriately recognised by Coffs Harbour Council when adopting the maximum height limit for the site within the Park Beach DCP, the result of applying a lower height to 111 Ocean Parade site will be simply to create a 'missing tooth' effect on this one site, inconsistent with the clearly identifiable existing built form. In essence, it is considered appropriate to continue the existing graded transition in height rather than to create a visually jarring effect of a short building between two existing taller structures.

## 8.2.2 *Visual impacts*

Potential visual impacts of a 'transitional height' building of nine storeys (30 metres) on 111 Ocean Parade has largely been addressed above. Notwithstanding this, from the visual analysis we have conducted from a series of vantage points we conclude that there are no adverse visual impacts associated with such a building.

From most vantage points (both close to and distant from the site) to the north and south, a building on 111 Ocean Parade will be largely obscured or framed by the Pacific Towers and the Beach Front apartments and thus will not be highly visible.

Viewed from the distance to the west or to the east well out to sea, the building will be visible, however, clearly consistent with the pattern of the height of buildings on either side and separated by generous setbacks from those buildings, thus avoiding any potential "wall of buildings" effect.

Possibly the most important vantage point in terms of visual impact is from Park Beach itself (as identified in the Urban Design Principles Map within the Park Beach DCP). Our visual assessment carried out from the beach directly to the east of 111 Ocean Parade is that the top 2-3 storeys of Pacific Towers are clearly visible, however the eight storey building on 109 Ocean Parade is completely obscured by the vegetation within the beach reserve.

As demonstrated in **Figure 6**, the top of a nine storey building will not be visible from the beach, being completely obscured by the vegetation within the beach reserve. As such, from the most important vantage point, a larger transitional height building will create no adverse visual impacts.

## 8.2.3 *Overshadowing of Beach and Beach Reserve*

It has been made clear to the proponent that Council and the NSW Department of Planning (Grafton office) will not tolerate **any** overshadowing of Park Beach by new development. The shadowing assessment of existing and potential buildings at the northern part of the

Park Beach North locality is shown in the **Architectural Plans** at **Appendix 1**. This assessment clearly demonstrates that even on a worst case basis, the proposed building on 111 Ocean Parade will cast no shadow onto Park Beach up until after 3pm at any time of the year.

Whilst we note that the North Coast REP refers also to overshadowing of the adjacent open space, we note that the NSW Coastal Policy refers to the potential for this to be varied in certain circumstances and that the principle is contained in the REP as a development standard rather than a prohibition and thus subject to variation where it can be justified through the submission of an objection to that standard under SEPP No. 1. The current Project Application provides this **SEPP No. 1 Objection** at **Appendix 3**.

The analysis demonstrates that a small part of the beach reserve would be effected by mid to late afternoon shadows in mid-winter and mid-summer, however during other times of the year and other times of day, there will be little or no shadowing of the reserve and as a consequence, no likely identifiable impact on ecological systems within the reserve. As the reserve is a 'nature reserve', this limited amount of shadowing has no impact on recreational opportunities.

A Flora Assessment has been undertaken as part of the environmental assessment to determine what, if any impact on the ecology of the Park Beach reserve is created as a result of this level of overshadowing, from No. 111 alone and cumulatively with the two adjoining buildings. As previously stated, the **Flora Assessment** at **Appendix 6** concludes that the overshadowing of the Littoral Rainforest of this additional nine storey building is not likely to detrimentally affect the Littoral Rainforest vegetation in the adjoining Beach Reserve.

The Environmental Assessment has also considered the impacts of shadowing on the existing residential development adjoining the site to the south, which is outlined in **Section 8.2.4** below.

## **8.2.4 Neighbour impacts**

Given the appropriate site design of dwellings, private open space, landscape, parking and vehicular arrangements within the proposal, there are few implications likely to arise for adjoining and adjacent residential properties.

### **Noise**

- The majority of parking spaces are located internally at basement level, thereby minimising the noise transmission from parking areas to adjoining properties.
- The exclusion of garbage shoots from the development will minimise noise transmission to adjoining properties and is a solution favoured by Coffs Harbour City Council.

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- Appropriate standards of glazing will be incorporated within each unit to ensure acoustic privacy, whilst private open spaces areas are primarily orientated to Ocean Parade and Hogbin Drive North, rather than to adjoining properties.

## ***Privacy***

- The separation distance to adjoining properties is well in excess of Council's Park Beach DCP requirements ensuring appropriate levels of privacy for neighbours. Separation of approximately 17 - 21 metres is provided from 109 Ocean Parade and approximately 30 metres from Pacific Towers. Orientation of balconies to each street address (Hogbin Drive North and Ocean Parade).
- The orientation of private open space areas/terraces within the development is primarily towards the street frontages of the development site (Hogbin Drive North and Ocean Parade) rather than the adjoining property boundaries.

## ***Overshadowing***

An assessment of the level of overshadowing on the adjacent eight storey building, Beach Front (to the south) at various times during the day, during the winter and summer months was carried out. These shadow diagrams are provided at **Appendix 1**. The conclusions were as follows:

- The proposed development does not overshadow the adjoining building to the south at any of the times between 9am and 6.30pm during mid-summer;
- The effect of overshadowing in mid winter reduces across the day, particularly from 1pm onwards. Minimal overshadowing occurs after 2pm with no overshadowing after 3pm during the winter months.
- Direct sunlight is also afforded to the open spaces/landscaped setback areas of the "Beach Front" development at various times of the day during mid winter. For example, the open areas adjoining Ocean Parade receive direct sunlight in the morning (the development has private balconies oriented to Ocean Parade), whilst the open areas adjoining Hogbin Drive North receive direct sunlight during the afternoon, thereby providing suitable amenity for the casual enjoyment of open spaces within the development.
- Overshadowing during the day is not for the full height of the building at all times, affecting certain levels at certain times of the day. For example, at 11.00am and 1.00pm the overshadowing only affects the lower levels of the building.

Further, it is noted that the mid winter shadowing represents the 'worst case scenario', with the impact of overshadowing significantly reduced over the year.

In this regard, it is considered that the building to the south is not unreasonably impacted by overshadowing of the proposed development, with only a minor incremental increase in shadowing above the existing situation, created by the 18 storey Pacific Tower Building.

## 8.3 Flora and Fauna

### 8.3.1 Flora

A **Flora Assessment** has been prepared by **Anne Clements & Associates** (see **Appendix 6**) for the development site and the Littoral Rainforest in the Beach Reserve east of Ocean Parade.

The assessment found that no nationally listed endangered ecological communities were recorded on the site. Vegetation loosely fitting the criteria for the endangered ecological community Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions was recorded in the narrow band of vegetation on and adjoining the boundary of the two Lots forming the site, and in the drainage swale adjoining Hogbin Parade, offsite to the west.

No regionally significant communities, nationally or state listed species of conservation significance or regionally significant species were recorded. Three noxious weed species were recorded on the site with one state listed endangered ecological community recorded in the dune swale east of Ocean Parade, namely the Littoral rainforest.

The report stated that the Littoral Rainforest vegetation was found to be relatively homogenous and appeared to be unaffected by the late afternoon overshadowing from the existing 18 storey high building to the north, concluding that *“given the overshadowing, from the existing buildings and the proposed 9-storey building, occurs in late afternoon, the resultant overshadowing of the Littoral Rainforest of an additional 9 storey building is not likely to detrimentally affect the Littoral Rainforest vegetation.”*

The construction of the proposal will involve clearing much of the vegetation present on site but is not seeking to disturb any of the vegetation on the beach reserve. The recommendations made in the assessment as follows:

*“The regenerating vegetation in the constructed drainage swale adjoining Hogbin Drive should not be fragmented by driveways to any future development on the Site. The vegetation of this drainage swale loosely fits the criteria for the endangered ecological communities Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions and Swamp Sclerophyll Forest on coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. There are no driveways planned from Hogbin Drive for the proposed development scheme for the Site (Figure 9)”;*

*“A 10 m buffer zone from the trunks of the established native trees be established and maintained to form a wider and more long term viable corridor of vegetation of the drainage swale adjoining Hogbin Drive, as part of a vegetation management plan”;*

With respect to these recommendations, it is noted that:

- No driveway accesses are proposed from Hogbin Drive North. Vehicular access for the development is via Ocean Parade.
- The recommendations for a buffer zone along the Hogbin Drive North setback have led to changes in development plans from those submitted with the Preliminary Environmental Assessment in May 2006.

Based on the recommendations of the specialist Flora study, the proponent has deleted the pool area, decking and other embellishments along the Hogbin Drive North frontage to provide the recommended buffer area.

A revised set of plans adopting the Flora Consultant's recommendations is submitted with the current Project Application.

- The ground floor of the proposed development is located 6 metres from the Hogbin Drive North boundary. The survey plans accompanying the application at **Appendix 1** locate the trunks of the native trees in the drainage swale adjoining Hogbin Drive North. Three trees adjoining the boundary are located at a distance of 3-4 metres from the site boundary, whilst the remaining trees are located at a distance of four metres or greater.

In this regard, the buffer zone from the trunks of the established native vegetation to the building line is a minimum of nine metres from T 41, 42 and 43 (trunk larger than 75mm) and from a number of smaller trees (trunks less than 75mm), whilst the buffer zone meets the recommended 10 metre distance for the remainder of the trees identified off the boundary. It is considered that the minimum 9 metre buffer in proximity to 3 larger trees/ and 6 smaller trees, and a 10 metre or more buffer to the balance of this corridor adequately meets the intended outcome of the Flora Assessment's recommendations, falling only one metre short of the recommended distance for only a portion of the boundary.

The buffer zone will be kept vacant of built elements and will be appropriately landscaped to allow vegetation reestablishment and growth, whilst still providing viable areas of common open space for residents within the development. It is anticipated that appropriate soil and landscape mounding will be incorporated within the Hogbin Drive North setback/buffer area in order to allow the establishment of plants and revegetation in this area, as depicted on the **Concept Landscape Plan** at **Appendix 2**. A more detailed landscape plan will be submitted prior to the issue of the Construction Certificate, nominating appropriate plant quantities and species in this area determined in consultation with a relevant Flora expert and in accordance with a vegetation plan of management for the site.

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## 8.3.2 Fauna

A **Preliminary Fauna Assessment** has also been prepared by **Kendall and Kendall** and is provided at **Appendix 7**. This report acknowledges that the site is highly disturbed. With respect to species listed under the TSC Act, the report indicates that *“Many of the species are not considered possible occurrences on the subject site, and many others are considered highly unlikely.”*

The report goes on to state *“that a number of TSC Act threatened fauna species are considered possible occurrences on the site”*.

In this regard, a further more detailed Fauna Assessment has been commissioned. Results from Mr Andrew Smith at Austeco Pty Ltd are pending and will be provided with the EA.

In regard to koalas, the Preliminary Assessment concludes that the site does not provide suitable habitat, as recognised in the Coffs Harbour City Council Koala Plan of Management, therefore there are no restrictions to future land use in relation to koala habitat management.

## 8.4 Natural Hazards

### 8.4.1 Acid Sulphate Soils

The site is identified as being in an area where there is low probability of occurrence of acid sulphate soils within the soil profile (as per the Department of Land and Water Conservation soil risk map). If present, they would be likely to be in between 1m and 3m depth.

An assessment carried out by **Coffey Geosciences (Appendix 8)** found that all soils below 1.5 m depth would be considered to be Potential Acid Sulphates Soils (PASS) and will therefore require an acid sulphate soil management plan to be prepared for the proposed development. A preliminary management plan is attached at Appendix C of the Coffey report. It also recommends that the excavated soils will require treatment with good quality agricultural lime to neutralise the acidity produced by the oxidation of the soils when excavated.

The Final Acid Sulphate Soil Management Plan will be prepared and submitted prior to the Issue of the Construction Certificate for the development, with further tests carried out on soils prior to excavation in order to comprehensively assess potential acid sulphate soil levels on site.

A condition is included in draft Statement of Commitments with respect to this issue provided at **Section 9**.



## 8.4.2 Contamination

Consideration of potential contamination on the site has been addressed through the provisions of the relevant environmental planning instrument, being **State Environmental Planning Policy No. 55 – Remediation of Land** at **Section 7.1.5** of this Statement.

## 8.4.3 Bushfire Hazard

The site is identified as being located on land that is considered to be either Bush Fire Prone Land (Vegetation Category 1) or part of a Bush Fire Prone Land Vegetation Buffer. Given that the vegetation that gives rise to the bush fire prone categorisation will be cleared from the site as a result of the development, this will leave the site wholly within a buffer zone for the Category 1 vegetation. To the east, the vegetation between Ocean Parade and Park Beach is identified as Bush Fire Prone Land, Vegetation Category 1 and as Vegetation Buffer. The Category 1 Vegetation constitutes a hazard and therefore requires consideration in the planning of the proposal.

The category of bushfire attack for the subject site is extreme, based on the vegetation classification of the adjoining lands to the east, from which a bushfire threat may emanate. According to the bushfire risk assessment report prepared by **Fire Management Consultant South Pacific Consulting Services (Appendix 9)**, this warrants specific construction requirements for the proposal (Level 3 Construction, as per AS3959-1999), although consultation with the Coffs Harbour branch of the NSW Rural Fire Service indicated that a level 2 construction would be acceptable, based on requirements applied to previous developments in the area.

The report highlights the fact that given that the proposal involves an infill development, emphasis be given to construction standards and site and locality vegetation management rather than the minimum separation distance or buffer zone to address the potential bushfire risk.

Recommendations made include:

- A landscape scheme should be drawn up that uses fire resistant species of vegetation; employs a minimum of mulch and makes maximum use of lawn areas and/or hard landscaped surfaces;
- The landscaping scheme should be the subject of a Landscaping/Outdoor Management Plan, maintained by the Owners Corporation or the owners of the building in perpetuity. This would include that all debris, leaves and flammable material be regularly swept and removed regularly;
- The outdoor management plan should be extended to include the road reserve in front of the building;
- The Owners Corporation/owner's representative should draw up and hold an evacuation plan. This should be circulated to all residents and advise of the need to

ensure rapid evacuation of the building should the threat of a bushfire become apparent;

- A construction level of Level 2 (as per the provisions of AS3959-1999) should be employed in the detailed design of the building. In addition, the Coffs Harbour office of the Rural Fire Service should be consulted when preparing the Construction Certificate; and
- A hydrant water supply should be available to the site as per the relevant Australian Standard.

These recommendations are included in the Draft Statement of Commitments at **Section 9**.

## 8.5 Water Cycle Management

### 8.5.1 Water Quality of Surface and Groundwater

The **Preliminary Geotechnical Assessment** prepared by **Coffey Geosciences (Appendix 8)** indicates that groundwater levels at the site are between 1.5m and 1.6m below the ground surface and are not affected by tidal fluctuations. Further assessment, if necessary, will be undertaken at Construction Certificate stage to determine the potential effects of tidal fluctuations and rainfall on groundwater levels as these may cause the levels to fluctuate.

The magnitude of groundwater seepage into the basement excavation during construction will depend on the founding level and type of low permeability cut-off wall used in the basement design. Provided adequate measures are adopted groundwater seepages are likely to be relatively minor. Disposal of groundwater during dewatering will need to be further considered. Options include pumping the water into the street drainage system (requiring regulatory approval), or re-injection of the water into the ground outside the excavation. Water quality monitoring would need to be carried out during dewatering.

With respect to the water quality of surface water, proposed flood and stormwater management associated with the development have been incorporated in the design. In particular, the building has been designed at 500mm above the 1 in 100 flood level affecting the site in accordance with Council's requirements. On site detention, incorporating water quality devices is to be incorporated into the on-site design in accordance with Council's requirements and will connect to the Council stormwater system, with a detailed Integrated Water Cycle Management Plan to be submitted prior to the issue of the Construction Certificate.

## 8.6 Infrastructure Provision

### 8.6.1 Servicing

The necessary services and utilities including water, electricity, telecommunications and sewerage systems are available to the site, with the proposed development able to be accommodated within existing capacity, as envisaged by the scale of development anticipated on the site within the **Park Beach DCP**.

The Proponent will obtain and provide to the consent authority a compliance certificate confirming satisfactory arrangements have been made for the undergrounding of electrical services or provision of conduits for future undergrounding if satisfactory arrangements cannot be made, prior to the issue of the Occupation Certificate.

The Proponent will obtain and provide to the consent authority a compliance certificate from the telecommunications provider, authorised under the Telecommunications Act confirming arrangements have been made for the provision of telephone services, prior to the issue of the Occupation Certificate.

A "Notice of Requirements" detailing any necessary water and sewer extensions to be built will be obtained from the appropriate water supply authority prior to the issue of the Construction Certificate.

### 8.6.2 Staging of Infrastructure Works

There are no relevant staging details applicable to the proposal.

It is anticipated that Construction of the Project, including all necessary services and facilities will occur according to the following timetable:

- Clearing and Excavation – 3 weeks
- Construction – 22 weeks, approximately

### 8.6.3 Public Services and Infrastructure

There are no specific public service requirements arising from the development of a nine storey residential flat building on private land.

It is considered that the likely demand and increase in demand for public facilities arising from the development will be minimal, however may be addressed by way of Developer Contributions, which will be paid in accordance with Coffs Harbour City Council's yet to be adopted **Draft Park Beach Area Developer Contributions Plan 2006** and which may form a Condition of Consent if in force at the time of determination.

## 8.7 Traffic and Vehicular Access

Transport and Traffic Planning Associates prepared an **Assessment on Traffic and Parking Implications** of the new development (**Appendix 10**). The report concluded that during construction, the arrangements made for construction traffic were satisfactory with no adverse implications. The proposed vehicle access, internal circulation arrangement and proposed parking were found to be both suitable and appropriate, with the proposed parking not resulting in any unsatisfactory traffic, safety or traffic related environmental consequences.

In terms of access, this will be made via Ocean Parade with two driveway accesses suitably separated, with one located at the southern boundary and one located at the northern boundary. Given that Ocean Parade is straight and level, with good sight distances, and the access arrangements comply with the required standards, the proposed vehicular access to the site is deemed appropriate.

Suitable Construction Management practices will also be undertaken as part of the requirements of the **Traffic Construction Management Plan** contained within the Traffic Assessment at **Appendix 10**.

It is noted that the Flora Assessment (**Appendix 6**) recommends that no driveway crossings are provided on the Hogbin Drive North frontage to protect significant vegetation along Hogbin Drive North. Importantly the design has followed this recommendation, with the necessary driveway crossings provided on the Ocean Parade frontage.

## 8.8 Heritage

### 8.8.1 *Aboriginal Cultural Heritage*

It is considered unlikely that the site is of significance with respect to Aboriginal cultural heritage. Notwithstanding this, during the formulation of this proposal, contact was made with the Coffs Harbour Local Aboriginal Land Council who advised monitoring should be undertaken by suitably qualified members of Coffs Harbour and District Local Aboriginal Land Council during the initial ground disturbance works, to enable the identification of any cultural material should it exist on the property. This monitoring may form a Condition of Consent on the Project Application approval.

In addition, appropriate safeguards were recommended to ensure that if any cultural material is encountered, appropriate safeguards are in place to preserve any significance.

The procedures that will be followed in the event that Cultural material is identified have been specified in the correspondence from the Coffs Harbour and District Aboriginal Land Council (**Appendix 12**), will form part of the Applicant's draft Statement of Commitment, and may also form Conditions of Consent.

## **8.8.2 Other Items of Heritage Significance**

As previously stated, the subject site is not identified as containing an item of environmental heritage, is not within the vicinity of a heritage item nor is it located within a Heritage Conservation Area, within relevant environmental planning instruments including **Coffs Harbour Local Environmental Plan 2000** and the **North Coast Regional Environmental Plan**.

## 9 DRAFT STATEMENT OF COMMITMENTS

The table below details the proposed measures which will be undertaken to minimise and manage any potential adverse impacts of the development.

	Commitment
<b>Vegetation</b>	A minimum 9m buffer zone from the trunks of the established native trees will be established and maintained to form a wider longer term viable corridor of vegetation centred on the drainage swale adjoining Hogbin Drive North, as part of a vegetation management plan.
	The buffer zone/setback area along Hogbin Drive North will be kept vacant of built elements and will be appropriately landscaped to allow vegetation reestablishment and growth whilst still providing viable areas of common open space for residents within the development. Appropriate soil and landscape mounding will be incorporated within the Hogbin Drive North setback in order to allow improved establishment of plants in this area.
	Submission of a further detailed landscape plan prior to the issue of the Construction Certificate, nominating appropriate plant quantities and species in the buffer area, determined in consultation with a relevant Flora Expert.
<b>Landscaping</b>	Predominantly indigenous planting with some traditional beachside species will be used in landscaping on site. This will help to attract native bird life.
	The proposed planting materials are to be selected on hardiness, ease of maintenance and proven ability in the area. Exotic plants will be incorporated to provide consistency with the character of the locality.
	Indigenous low water use species of vegetation will be planted on site.
<b>Soils</b>	Preparation of a final acid sulphate soil management plan prior to the issue of Construction Certificate, to be followed and implemented during construction.
	Further tests will be carried out on soils prior to excavation in order to comprehensively assess acid sulphate soil level on site.
	All excavated soils will be treated with good quality agricultural lime to neutralise the acidity produced by the oxidation of the soils when excavated.

<b>Waste Management</b>	The development will include the provision of a number of separate garbage, recycling and organic waste bins instead of a single garbage chute in order to reduce noise and vermin while increasing hygiene.
<b>Energy and water</b>	All doors and windows will be fitted with weather seals.
	Low-e comfort glazing will be used throughout the building.
	Rainwater collection zones will be put in place and connected to an alternative water supply in each dwelling for use in the WC flushing systems.
	On-demand hot water recirculation system, which regulates all hot water use throughout the dwelling, will be installed in all apartments.
	All spas will have covers.
	Over 80% of apartments will be naturally cross ventilated.
	An automatic irrigation system which will incorporate a drip irrigation fitting will be installed linked to a rain check device. This will ensure the system does not operate when it is raining and will minimise water transpiration with water being delivered directly to the soil.
	An integrated water cycle management plan will be prepared and put in place.
	Further assessment, if necessary, will be undertaken at Construction Certificate stage to determine the potential effects of tidal fluctuations and rainfall on groundwater levels.
	Proponent to obtain dewatering licence from Department of Natural Resources prior to excavation.
<b>Safety and Security</b>	Dark and non visible areas will be avoided.
	Clear and safe access points will be provided.
	Overlooking on public and private communal spaces is maximised, while maintaining internal privacy, in order to increase natural surveillance.
	The main entrance will be secured by an intercom system.
	Ground and basement car park entrances will only accessible by electronic key.

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<b>Noise</b>	The exclusion of garbage chutes will reduce noise.
	Parking will be provided internally at basement and ground level.
	Construction will only occur during Council's nominated standard hours of construction.
	Appropriate standards of glazing will be incorporated within each unit to ensure acoustic privacy.
<b>Traffic &amp; Construction Management</b>	Vehicular Access to the site during construction will be located on the Ocean Parade frontage, with all movements undertaken in a forward direction, except where under the supervision of a Traffic Controller.
	An average of 15 trucks per day (maximum 20) will be expected during the clearing and excavation phase of the site, with an average of 3 per day (maximum 10) during construction – this will include LVR's, concrete trucks, truck and dog and occasional and semi-trailers.
	Access routes for trucks during construction to be in accordance with the routes identified within the Traffic Assessment accompanying the Project Application
	Provision for pedestrian access during construction to be provided along the western footway of Ocean Parade.
	All materials will be stored on-site and will involve in-situ lifting.
	Sufficient parking once construction has been completed will be provided in order to ensure there is no 'spill over' onto the road system in the surrounding area.
<b>Service Vehicles</b>	The development will not generate any significant level of service vehicle activity. Refuse removal will be undertaken by the Council or by contract vehicles from the storage area located on the Ocean Parade frontage.
<b>Social Dimensions</b>	All apartments will be capable of being adaptable.
	A mixture of unit size will be provided to reflect the needs of society.
<b>Amenity space</b>	Large outdoor terraces, landscaped communal area will be provided.



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<b>Indigenous Heritage</b>	Monitoring will be undertaken by suitably qualified members of Coffs Harbour and District Local Aboriginal Land Council during the initial ground disturbance works to ensure the identification of any cultural material should it exist on the site.
	If by chance any cultural material is discovered, appropriate safeguards will be instituted to preserve any significance. Such safeguards will be in accordance with advice received from the Coffs Harbour Local Aboriginal Land Council correspondence at <b>Appendix 12</b> , and may form Conditions of Consent.
<b>Bushfire Hazard</b>	A construction level of Level 2 (as per the provisions of AS3959-1999) will be employed in the detailed design of the building. The Coffs Harbour office of the Rural Fire Service will be consulted when preparing the Construction Certificate.
	A hydrant water supply will be provided to the site as per the relevant Australian Standard.
	The more detailed Landscape Scheme prepared prior to issue of the Construction Certificate to ensure the use of fire resistant species of vegetation; employ a minimum of mulch and make maximum use of lawn areas and/or hard landscaped surfaces.
	The Landscaping Scheme will be the subject of a Landscaping/Outdoor Management Plan, maintained by the Owners Corporation or the owners of the building in perpetuity. This will include that all debris, leaves and flammable material be regularly swept and removed regularly.
	The outdoor management plan will be extended to include the road reserve in front of the building.
	The Owners Corporation/owner's representative to draw up and hold an evacuation plan. This is to be circulated to all residents and advised of the need to ensure rapid evacuation of the building should the threat of a bushfire become apparent.
<b>Developer Contributions</b>	The developer will agree to all reasonable development contributions in accordance with the Council's relevant contributions plan.
<b>Compliance Certificates</b>	All necessary compliance certificates relating to necessary services will be obtained by the client and provided to the consent authority prior to issue of the Occupation Certificate.

## 10 CONCLUSION

The proposed development No. 111 Ocean Parade Coffs Harbour is for a nine storey multi-unit residential development with associated car parking and landscaping.

The salient points in this assessment are summarised below:

- The development is permissible within the applicable Residential 2(e) zone under the **Coffs Harbour Local Environmental Plan 2000**.
- Under the **North Coast Region Environmental Plan**, the consent authority has an obligation to maximise residential densities on the site within its environmental capacity. This requirement accords with Coffs Harbour City Council's Settlement Strategy which supports consolidated development in existing urban areas to avoid further urban sprawl.
- The site is highly accessible to services and facilities and has no physical constraints that, subject to proper design and management, would preclude the reasonable development of the site.
- Detailed urban design assessment has determined that the most appropriate form of development for this site which is directly adjoined by the 18 storey "Pacific Tower" and the eight storey "Beachfront" apartments, is a "transitional height" building of nine storeys. This has been confirmed in the analysis undertaken by Coffs Harbour City Council in its recently adopted **DCP for Park Beach** which, (following thorough public consultation, including public meetings during its formulation), identifies the appropriate height for this site at 30 metres.
- The 30 metre high building is not visible from Park Beach nor does it overshadow the beach. The adjoining beach reserve is overshadowed by the building over a relatively small area at the times nominated within the **North Coast REP**. A SEPP No. 1 Objection has been provided with the Project Application demonstrating that in the circumstances of the case a variation to the relevant development standard is appropriate. This SEPP No. 1 Objection is supported by a Flora Assessment, which concludes that the minor level of overshadowing has no adverse effects on the ecology of the beach reserve.
- Given the social benefits derived from maximising the residential density on the site, the appropriateness of a "transitional height" building based on urban design principles and its lack of adverse environmental impacts as detailed within this Environmental Assessment, the proposed nine storey building is considered to appropriate and acceptable development on the site.

**It is considered that the Minister may reasonably form the opinion that the proposed development satisfies the relevant provisions and considerations under the Environmental Planning and Assessment Act 1979, particularly SEPP 71 Coastal Protection, the North Coast Region Environmental Plan Coffs Harbour Local**

**Environmental Plan 2000, and the Park Beach DCP. It is therefore recommended that the proposed development be approved, subject to appropriate conditions.**

**APPENDIX 1**

**Survey and**

**Architectural Drawings**

## **APPENDIX 2**

### **Landscape Report and Landscape Drawings**

## **APPENDIX 3**

### **SEPP No. 1 Objection**

**APPENDIX 4**

**SEPP 65 Design Statement and**

**Residential Flat Code Design Code**

**Compliance Table**

## **APPENDIX 5**

### **Request for SEPP 71**

### **Master Plan Waiver**



## **APPENDIX 6**

### **Flora Assessment**

## **APPENDIX 7**

### **Preliminary Fauna Assessment**

## **APPENDIX 8**

### **Geotechnical Consultations**

## **APPENDIX 9**

### **Bushfire Risk Assessment**

## **APPENDIX 10**

### **Traffic Impact Assessment**

## **APPENDIX 11**

### **Coffs Harbour City Council**

### **Compliance with Waste Management Provisions**

## **APPENDIX 12**

### **Agency Consultation Correspondence**

## **APPENDIX 13**

### **Department of Planning Correspondence**

- **Director General Requirements dated 8 July 2006**
  - **Letter confirming Part 3A applies**