



Planning

**MAJOR PROJECTS ASSESSMENT:
Commercial/Retail Building
Lot 1 DP 301489
92 Manning Street, Tuncurry
Proposed by Coastplan Consulting**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

November 2009

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EXECUTIVE SUMMARY

This is a report on a project application by Coastplan Group Pty Ltd ("the proponent") for the construction of a retail/commercial building at 92 Manning Street Tuncurry (Lot 1 DP 301489) ("the proposal").

The proposed development includes the construction of a seven (7) storey retail and commercial building achieving a total height of 27.55m above natural ground level with a total gross floor area of 3202m². The first floor, fronting Manning Street, consists of retail with the upper floors providing commercial office space.

The estimated project cost of the development is \$9.2 million. The proposal will create 25 full time equivalent construction jobs and more than 75 full time equivalent operational jobs.

During the exhibition period, the Department received a total of 5 submissions from public authorities and no submissions from the public. Key issues considered in the Department's assessment include:

- Strategic Context
- Urban Design and Visual Impact
- Traffic, access and Car Parking
- Hazard Management and Mitigation
- Water Cycle Management
- Heritage and Archaeology
- Construction Management
- Cumulative Impacts
- Sustainability and Public Interest

The Department has assessed the merits of the project and is satisfied that the impacts of the proposed development have been addressed via the Proponent's Statement of Commitments and the Department's recommended conditions of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance.

On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

The Department recommends that the project be **approved**, subject to conditions.

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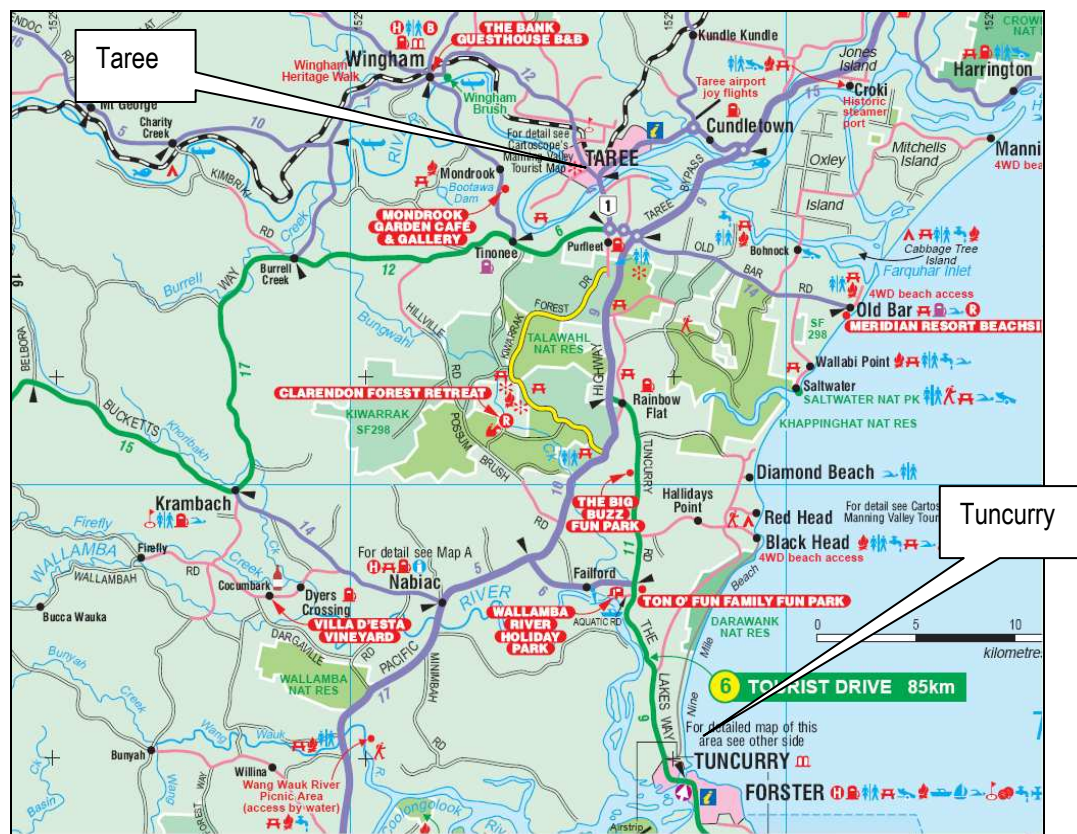
1 BACKGROUND

1.1 THE SITE

1.1.1 Site Context And Location

The site is located on the western side of Manning Street, in Tuncurry, a coastal town located on the western side of Wallis Lake within the Great Lakes local government area. The major regional centre of Taree is located approximately 35 kilometres to the north of Tuncurry, while Forster is located on the eastern side of Wallis Lake, which together form the major town of Forster/Tuncurry. The site context is illustrated in Figure 1.

Figure 1: Site Context
(Source: www.maps.com.au)



1.1.2 Existing site features

The site is legally described as Lot 1 DP 301489, known as No 92 Manning Street Tuncurry, and is owned by JR Richards and Sons. Manning Street is a four lane road in the vicinity of the site. The subject site has two street frontages, with Manning Street to the east and Manning Lane to the west, with the site sloping slightly towards the eastern (Manning Street) frontage with an approximate slope of 1 - 2°. The total area of the site is approximately 1010m² and there are no natural site features with the site located on a flat coastal sand plain area. The site is currently vacant. Drainage of the site occurs primarily by infiltration into the sandy surface soils with any surface flow draining into the Council's stormwater system on Manning Street.

The site is located between Lake Street in the north and South Street in the south. The site location is illustrated in Figure 2 and the Manning Street frontage of the site is in Figure 3.

Figure 2: Site Location
(Source: www.google.maps.com.au)



Figure 3: The Site as viewed from Manning Street
(Source: Dept of Planning)



1.1.3 Surrounding development

The development surrounding the site predominantly consist of retail/commercial uses, with single storey premises adjoining the site to the north and south, while beyond these immediate adjoining uses are also single and two storey retail buildings. Manning Street exists to the east of the site, comprising 2 traffic lanes each way as well as on-street parking, while Manning Lane exists to the west and comprises a sealed two way through access laneway.

Beyond Manning Lane is vacant land, which is currently used as an informal gravel car parking area. This area is owned by the Council where a formal car parking station is proposed in the future. Residential development is located beyond the vacant land adjoining Manning Lane at the rear of the site. Beyond Manning Street is a public car park and single storey retail complex, being the Tuncurry Plaza. The surrounding development is illustrated in Figure 4.

A Development Consent was issued on 24 May 2005 (DA 279/2005) by the Council for the site on the corner of Manning Street, Manning Lane and Lake Street Tuncurry, located to the north of the site, for a five (5) storey mixed use development comprising retail on the ground floor, car parking on level 1 and residential units on the upper floors.

Figure 4: Aerial Photograph of the Site
(Source: Six Viewer)



1.1.4 Zoning

The site is zoned 3(a) - General Business under the *Great Lakes Local Environmental Plan 1996* ("the LEP") where commercial premises and shops are permissible with development consent. The proposed development is therefore permissible in the zone.

1.2 SITE HISTORY

1.2.1 Background to the Current Proposal

The current proposal has been the subject of extensive discussions between the Proponent and the Great Lakes Council since November 2006. Several changes have been made to the layout of the development which has resulted in the current proposal.

1.2.2 Previous applications

There was a previous Development Consent by the Council issued for the site on 4 December 2003 (DA 1253/2003) for a 6 storey Commercial/Residential development comprising fourteen (14) residential units (3x 1 bed, 10 x 2 bed and 1 x 3 bed), car parking for twenty (20) vehicles and 218m² of shops at ground floor level. This application has not been commenced on the site and has since lapsed.

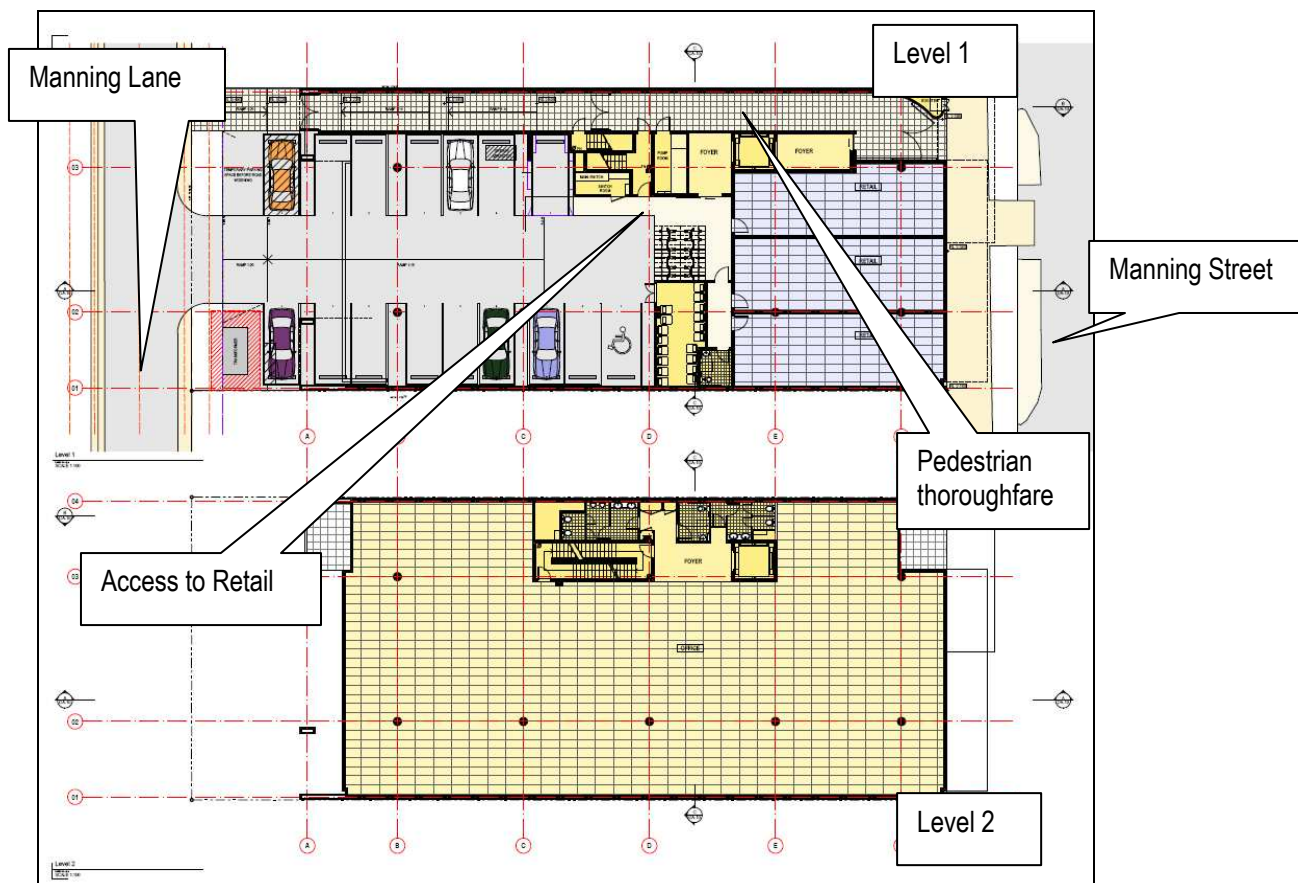
2 THE PROPOSED DEVELOPMENT

2.1 PROJECT DESCRIPTION

This is an application for approval to carry out a project application for the construction of a seven (7) storey retail and commercial building achieving a total height of 27.55m above natural ground level with a total gross floor area of 3202m². The proposal comprises the following elements which are illustrated in Figures 5 and 6:-

- Level 1 – 3 retail tenancies and 16 car parking spaces (total gross floor area of 205m²)
- Level 2 – Office and amenities (total gross floor area of 703m²)
- Level 3 – Office and amenities (total gross floor area of 703m²)
- Level 4 - Office and amenities (total gross floor area of 538m²)
- Level 5 – Office and amenities (total gross floor area of 538m²)
- Level 6 – Office and amenities (total gross floor area of 515m²)
- Level 7 - Plant room

Figure 5: Plan of the Proposed Development – Levels 1 and 2
(Source: Level 01-03 Plan prepared by morrisbray architects dated July 2009).



The proposed development is outlined in the architectural plans at Appendix F.

Key development data for the exhibited and preferred project proposals are outlined in Table 1 below.

Table 1 – Development Data

Control	Exhibited	Planning Control (SEPP, LEP, DCP)	Compliance
Site Area	1010m ²	-	N/A
GFA	3202m ²	-	N/A
FSR	3.2:1	3:1	Yes
Site width	19 m	Site width 30m	No (existing site)
Height	27.55m	30m	Yes
Max floor plate	510m ²	500m ²	No (minor)
Street frontage height	3 storeys	3 storeys	Yes
Primary Street set back	0m	0m	Yes
Rear/side Setbacks	4.5m	No side set back	No (discussed in Section 5)
Ground level use	retail	retail/commercial	Yes
Car parking	16	106 (1 per 400m ² employees & 1 per 1000m ² visitors)	No

The non-compliances are discussed further in Section 5.2.

2.2 PROJECT CHRONOLOGY

On 24 April 2008, the Director-General, as delegate for the Minister for Planning, declared the proposal a Project to which Part 3A of the Act applies and on 21 May 2008, the Director-General Environmental Assessment Requirements ("DGRs") pursuant to Section 75F of the Act were issued to the proponent.

On 15 May 2009, a draft Environmental Assessment ("EA") was lodged by the Proponent, with some issues being raised by the Department on 10 June 2009. Following this review, the Proponent revised the EA. On 22 July 2009, the EA was lodged with the Department and deemed to be adequate on 4 August 2009.

The EA was placed on public exhibition from 5 August 2009 until 3 September 2009. No submissions from the public were received. A total of 5 submissions were received from public authorities.

On 10 September 2009, a summary of the public authority submissions was provided to the proponent. The Department advised the Proponent on 16 September 2009 that no amendments were required to the proposal by way of a Preferred Project Report.

3 STATUTORY CONTEXT

3.1 PART 3A DECLARATION

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* ("MP SEPP") in force at the time. The project comprises a building that is greater than 13 metres in height, outside the metropolitan coastal zone, which does not comply with all development standards relating to the height set by a local environmental plan that applies to the land on which the building is located (in this case the DCP which applied at the time of lodgement), in the coastal zone (Schedule 2, 1(1)(g)(ii) – Coastal Areas). The opinion was formed by the Director-General, as delegate for the Minister, on 24 April 2008.

Recent changes to the classes of regional development and Part 3A projects were made through the establishment of the *State Environmental Planning Policy (Major Developments) 2005* ("SEPP MD"). Under the provisions of SEPP MD, the project is no longer considered to be a Major Project. The changes to classes of Part 3A projects in the SEPP MD do not apply to any Part 3A applications that have been made but not determined prior to 1 July 2009 (in accordance with Part 4 clause 16 of the SEPP MD).

3.2 PERMISSIBILITY

Under the *Great Lakes Local Environmental Plan 1996* ("LEP 1996"), the site is zoned 3(a) General Business, where commercial premises and shops are permissible with development consent. The Proposal is consistent with the objectives of the 3(a) zone which include the following:

- (a) **Objective (a)** to enable the development of a range of retail and commercial uses which:
 - (i) do not adversely impact on traffic movements in the locality, and
 - (ii) could reasonably be expected to service existing or identified future trade area populations, and
 - (iii) are of a scale and type compatible with the amenity of any surrounding residential area,and
- (b) **Objective (b)** to enable residential or other similar development which:
 - (i) is within the same building as, or on the same allotment of land as, shops, commercial premises or any other non-residential use, or
 - (ii) is unlikely to significantly prejudice the supply of retail and commercial floorspace within contiguous land zoned 3 (a) or other nearby areas zoned 3 (a).

Only Objective (a) is relevant to the proposal, with Objective (b) being irrelevant given there is no residential development proposed. In relation to Objectives (a)(i), the *Traffic and Parking Assessment* concluded that there would be no adverse impact on the existing road network as a result of the proposal. In relation to Objective (a)(ii), the strategic context assessment in Section 5 of this report clearly demonstrates that additional commercial floor space within centres is needed and therefore the proposal could reasonably be expected to service both the existing and projected future populations. In relation to Objective (a)(iii), there is no residential development adjoining the site which is likely to be adversely affected by the proposal. The nearest residential development is beyond the vacant land at the rear and therefore will not be overshadowed, overlooked or adversely affect the outlook of this residential area.

The proposal is therefore considered to be consistent with the zone objectives. The proposal is listed as a permissible use in clause 8 of LEP 1996 and is therefore permissible subject to the Minister's approval.

3.3 EXHIBITION AND NOTIFICATION

The Department has exhibited the Environmental Assessment ("EA") in accordance with section 75H (3) of the Environmental Planning and Assessment Act ("the Act"). The EA was placed on public exhibition from **5 August 2009 until 3 September 2009** and submissions were invited in accordance with section 75(H) of the Act.

3.4 MINISTER'S POWER TO APPROVE

The purpose of this submission is for the Director-General to provide a report on the project to the Minister for the purposes of deciding whether or not to grant approval to the project pursuant to Section 75J of the Act. Section 75I(2) and Clause 8B of the Regulation set out the scope of the Director-General's report to the Minister. Each of the criteria set out therein have been addressed below, as follows:

Table 2 – Compliance with Section 75I (2) and Clause 8B Criteria

Section 75I(2) Criteria	Response
A copy of the proponent's environmental assessment and any preferred project report.	The proponent's EA is included at Appendix E .
Any advice provided by public authorities on the project.	All advice provided by public authorities on the project for the Minister's consideration is discussed in detail in Section 4.2 below.
A copy of any report of the Planning Assessment Commission in respect of the project.	The Planning Assessment Commission was not involved in the assessment of this project.
A copy of or reference to the provisions of any State Environmental Planning Policy (SEPP) that substantially govern the carrying out of the project.	An assessment of each relevant State Environmental Planning Policies that substantially govern the carrying out of the project is set in Appendix C .
A copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division.	An assessment of the development relative to the prevailing EPI's is provided in Appendix C . Other Plans and Policies are outlined in Appendix D .
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project is this report in its entirety.
A statement relating to compliance with the environmental assessment requirements under this Division with respect to the project.	The environmental assessment requirements under this Division, issued on 21 May 2008 are in Appendix B . The Department is satisfied that the EA submitted in support of the project application complies with these requirements. A detailed assessment of how the proponent has addressed these issues is provided in Section 5 of this report.
Clause 8B Criteria	Response
An assessment of the environmental impact of the project.	All environmental impacts associated with the development are discussed in Section 5 of this Report. ESD is discussed in Section 3.7 of this Report.
Any aspect of the public interest that the Director-General considers relevant to the project.	The public interest is discussed in Section 5 of this Report.
The suitability of the site for the project.	The site is considered suitable for the project based on the zoning of the site within a commercial zone, the absence of any hazards which have not been mitigated and the consistency of the proposed within the desired future character of the area in accordance with the Town Centre DCP.
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	All submissions provided by agencies are summarised at Section 4.2 . No public submissions were received.

The Department has satisfied its legal obligations and the Minister has the power to determine this project.

3.5 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

3.5.1 Application of EPIs to Part 3A of the Act

To satisfy the requirements of section 75(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that substantially govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project.

The provisions, including development standards of local environmental plans, and development control plans are not required to be strictly applied in the assessment and determination of major projects under Part 3A of the Act. Notwithstanding, these standards and provisions are relevant considerations as the DGRs require the proponent to address such standards and provisions.

Accordingly the objectives of a number of EPIs and the development standards therein and other plans and policies that substantially govern the carrying out of the project are appropriate for consideration in this assessment. In summary, the relevant EPIs for this project include:

- State Environmental Planning Policy (Major Projects) 2005;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 71 – Coastal Protection;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Great Lakes Local Environmental Plan 1996 ("LEP 1996").

A detailed assessment of compliance with the relevant EPIs is in **Appendix C**. The proposal is generally consistent with the objectives of these controls.

3.6 OTHER PLANS AND POLICIES

The proposal has been considered against the following non-statutory documents:

- Development Control Plan No.51 - Forster-Tuncurry Town Centres ("Town Centre DCP");
- Great Lakes Council Car Parking Policy;
- Mid North Coast Regional Strategy;
- NSW Coastal Policy 1997; and
- NSW Coastal Design Guidelines.

A detailed assessment against these controls is at **Appendix D**. The proposal is generally consistent with the objectives of these controls.

3.7 ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES

There are five accepted Ecologically Sustainable Development ("ESD") principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (the integration principle);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the precautionary principle);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the inter-generational principle);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (the biodiversity principle); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (the valuation principle).

With respect to ESD, the Act adopts the definition in the *Protection of the Environment Administration Act 1991* including the precautionary principle, the principle of inter-generational equity, the principle of conservation of

biological diversity and ecological integrity, and the principle of improved valuation, pricing and incentive mechanisms. The Department has considered the proposed development in relation to the ESD principles and has made the following conclusions:

3.7.1 Integration Principle

The social and economic benefits of the proposal have been addressed in the Environmental Assessment and include the provision of additional commercial and retail floor space which will result in additional jobs in the local area. The environmental impacts are addressed through the Proponent's Statement of Commitments and the recommended conditions of approval. The recycling of water throughout the building will reduce the building's impact on the environment. There are no trees or other significant vegetation to be removed under the proposal and therefore there will be minimal ecological impact from the project. The assessment report has considered all issues raised by the public authorities.

3.7.2 Precautionary Principle

The Environmental Assessment is supported by technical and environmental reports that conclude that the proposal's impacts can be successfully mitigated. No irreversible or serious environmental impacts have been identified. The recommended conditions of approval require additional information to ensure the proposal's extent and nature is fully documented and opportunities are provided for proposed mitigation and management measures to incorporate best practice.

3.7.3 Inter-Generational Principle

Implementation of the recommended environmental management practices during construction and operation will ensure the environment is protected for future generations. The benefits of the proposal include increasing employment opportunities in the local area and encouraging development which is consistent with the future vision for the Tuncurry Town Centre. The Proponent has also committed to incorporate environmentally sustainable design principles in the design of the building to improve energy efficiency, thereby conserving resources for future generations.

3.7.4 Valuation Principle

The proposal seeks to promote new commercial and retail development in an existing urban area consistent with the future growth anticipated for the Tuncurry Town Centre. The proposal maximises reliance on existing public transport networks and makes provisions for the required infrastructure to support future growth. The proponent is committed to ESD principles and has reinforced this through the Statement of Commitments and the Environmental Assessment which explores key ESD opportunities, including mechanical, electrical and hydraulic systems as well as architectural designs to ensure high environmental performance is delivered.

3.8 OBJECTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the objects of the Act.

The objects of the Act in section 5 are as follows:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*

- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Of particular relevance to the assessment of this project is consideration of the objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i), (ii), (iii), (vii), (viii) are significant factors informing the determination of the application. The project does not raise significant issues with regards to (iv), (v), and (vi).

The project will provide for the orderly and economic use and development of land and will use existing infrastructure services. The environment will not be adversely affected by the proposal given the mitigation measures proposed.

The Department has considered the Objects of the Act, including the encouragement of ESD in the assessment of the project application.

4 CONSULTATION AND ISSUES RAISED

4.1 PUBLIC EXHIBITION DETAILS

The EA was exhibited for 30 days from 5 August 2009 until 3 September 2009. Notification of the exhibition was given in the *Newcastle Herald* on 3 August 2009 and the *Forster-Great Lakes Advocate* on 5 August 2009.

Exhibition locations were at:

- Department of Planning Head Office, 23 – 33 Bridge Street Sydney;
- Department of Planning Hunter Regional Office, Price Waterhouse Coopers Centre, Level 2, 26 Honeysuckle Drive, Newcastle; and
- Great Lakes Council, Breese Parade Forster

The EA was also provided for download on the Department's website.

Letters were sent to adjoining landowners and relevant government agencies, including Council, notifying of the exhibition and inviting a submission. No submissions from the public were received. A total of 5 submissions were received from public authorities being:

1. Great Lakes Council;
2. Department of Environment, Climate Change and Water (known as the NSW Office of Water);
3. Roads and Traffic Authority;
4. MidCoast Water; and
5. Country Energy.

None of these public authority submissions raised objections to the project and all issues raised were adequately addressed by way of conditions of approval. As no objections were received and the Department did not raise any major issues with the proposal, the Department confirmed that no Preferred Project Report was required.

4.2 SUBMISSIONS FROM PUBLIC AUTHORITIES

The following submissions were received from public authorities:

4.2.1 Great Lakes Council

The Great Lakes Council ("the Council"), in correspondence dated 16 September 2009, confirmed Council's support for the project as it is consistent with the vision for the Tuncurry Town Centre. Council's support was determined through endorsement of a report at Council's Development Control Unit meeting on 3 September 2009. The Report outlines that the project is permissible with consent under the *Great Lakes Local Environmental Plan 1996* ("LEP 1996") and Council is satisfied that the proposal has adequately addressed the relevant provisions of Development Control Plan No. 51 ("Town Centre DCP").

The Report provided detailed comments with respect to traffic, car parking provision and car parking layout which include in summary:

- The traffic generation resulting from the proposal will require Manning Lane to cater for two-way traffic which requires the dedication of land suitable for road widening.
- Road widening will be delayed until other developments on Manning Lane are undertaken and therefore a Traffic Impact Assessment that addresses the short term one-way restriction is required.
- The provision of an area within the development for a delivery truck is required.
- The proposed car park layout does not comply with Australian Standard (AS) 2890 and an amended layout is required.
- There is a shortfall of car parking provided. Section 94 contributions are required to address the shortfall which is likely to be accommodated in the Council car park to the rear of the site.

The Report also makes recommendations with respect to the design for stormwater infrastructure, waste, utilities, street trees, footpaths and the need for a site investigation to determine if the site is free of asbestos.

Subsequent to endorsement of the Report, Council has agreed that the further detail required and recommended amendments can be adequately addressed by way of conditions of approval. Council has supplied amended recommended conditions to reflect this agreement. Accordingly, Council's amended recommendations have been incorporated into the recommended conditions of approval.

4.2.2 Department of Environment, Climate Change and Water (NSW Office of Water)

The NSW Office of Water ("NOW") has reviewed the EA and considers the assessment (including technical reports) has adequately addressed the requirements detailed in DWE's letter of 2 May 2008.

Temporary dewatering may be required at the foundation/footing stage for the development due the relatively shallow depth to the groundwater table and dependent upon conditions at the time. Section 75U of the Act does not preclude an approval under Part 5 of the *Water Act 1912* ("WA"). Consent conditions should ensure that any temporary dewatering will require a bore licence under Part 5 of the WA 1912. This requirement will be reflected in the recommended conditions of approval.

4.2.3 Roads and Traffic Authority

The Roads and Traffic Authority ("RTA"), in correspondence received 11 September 2009, states that the RTA raises no objection or requirements to the proposed development. It is noted that the RTA understands the shortfall of car parking will be addressed by way of contributions to the Council for the establishment of a car park close to the site.

4.2.4 MidCoast Water

MidCoast Water ("MCW"), in correspondence dated 13 August 2009, states that it is generally satisfied with the project subject to conditions of approval. Relevant conditions of approval have been requested to be imposed which will be reflected in the recommended conditions of approval. MCW did state that while rainwater capture and reuse was not included as a condition of approval, the capture and reuse of rainwater off the roof to offset both potable water demand and stormwater quantities to be managed via infiltration will be beneficial. This issue is discussed further in Section 5.7 of this report.

4.2.5 Country Energy

Country Energy stated in an email dated 18 August 2009 that there were no specific issues/concerns with the proposed development as described in the EA, and that the following should be noted with respect to electricity supply:

- The current Country Energy Capital Contribution policy will apply.
- Existing electrical infrastructure within the development area is adequate to supply the existing and medium-term future electrical demand.
- Significant increases in electrical demand, which may result from this proposed development, could impose constraints on the existing electrical infrastructure and these constraints will need to be addressed.
- Details of the notified electrical demand and timing of the development will be required so that appropriate electrical network planning can be undertaken.

The requirements of Country Energy have been incorporated into the recommended conditions of approval.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues considered in the Department's assessment of the Environmental Assessment and consideration of the proponent's draft Statement of Commitments includes the following:

- Strategic Context
- Urban Design and Visual Impact
- Traffic and access
- Car Parking
- Hazard Management and Mitigation
- Water Cycle Management
- Heritage and Archaeology
- Construction Management
- Cumulative Impacts
- Sustainability and Public Interest

5.1 Strategic Context

There are several strategic plans which are relevant to the current project and include the following:-

- *Mid North Coast Regional Strategy, 2009*
- *Great Lakes Conservation and Development Strategy (2003)*
- *Draft Forster Tuncurry Employment Land Implementation Strategy (November 2008)*
- *Urban Design & Density Review Forster/Tuncurry and Tea Gardens/Hawks Nest (July 2008)*

The primary purpose of the *Mid North Coast Regional Strategy, 2009* ("the Regional Strategy") is to ensure that adequate land is available and appropriately located to accommodate the projected housing and employment needs of the Region's population over the next 25 years. The importance of providing for employment land to provide increased capacity for new jobs has also been addressed in the Strategy, which plans for 48,500 new jobs over the next 25 years. The Region is changing from a retirement and tourist destination with a significant agricultural base to a region with a diversified service-based economy. One of the main economic challenges facing the region is to support the creation of additional service jobs by supplying adequate and well located commercial and industrial floor space within centres. Forster Tuncurry, as a major town in the region, is expected to establish additional commercial floor space through the development and redevelopment of existing centres and business zones.

The proposal provides additional commercial floor space within an existing business zone within the Tuncurry centre and is therefore consistent with the Strategy. The proposal is assisting in providing employment opportunities to contribute to the required 48,500 new jobs in the region.

The *Great Lakes Conservation and Development Strategy, 2003* aims to identify and protect significant environmental assets (the Conservation Framework), identify land suitable for future urban growth (Urban Development Strategy); and provide a framework for providing for orderly, efficient and qualitative growth. Retail facilities currently exist in all urban areas in the study area, including 7,700 square metres in Forster/Tuncurry¹. Estimates prepared by Handley Carlile and Fagan indicate that by 2001, there would be a deficiency of approximately 1,155 square metres of retail floor space. Hence it is likely that a substantial growth in population will require additional retail services and facilities. The proposal will provide this much needed additional commercial and retail floor space and is therefore consistent with this Strategy.

The *Draft Forster Tuncurry Employment Land Implementation Strategy* (November 2008) aims to provide Council with a clear framework on which to plan the provision of areas for employment related activities (specifically retail,

¹ Handley Carlile & Fagan (1994) *Forster NSW Proposed Woolworths Supermarket Development Application Addendum Assessment of Proposal on Existing Retail Developments*, for Woolworths.

bulky goods, commercial and industrial) over the next 25 years in the Forster Tuncurry area. This Strategy notes the subject site as being located in the town centre within a proposed Zone of B3 Commercial Zone and B4 Mixed Zone. The assessment of current demand for commercial floor space across the study area in 2006 was 43,140m² with only 19,150m² provided. The proposal, being centrally located within the Tuncurry Town centre, provides access to the wider community while utilising existing infrastructure and transport services. The proposal will reinforce the role of the Tuncurry Town centre as a commercial area and strengthen the economic focus of Forster-Tuncurry. The proposal is consistent with this draft strategy as it will provide additional business and employment opportunities.

The *Urban Design & Density Review Forster/Tuncurry and Tea Gardens/Hawks Nest* (Adopted 22 July 2008) is a background study to the Town Centre DCP which is outlined in Appendix D of this report. The vision for the Tuncurry centre is illustrated in Figure 6 and the proposal is consistent with this vision.

Figure 6: Vision for the Tuncurry Centre
(Source: *Urban Design Review Forster/Tuncurry*, 2008)



5.2 Urban Design and Visual Impact

There are several aspects to consider in relation to urban design and visual impact, which include future character, visual impacts, density, height and setbacks, views, visual and acoustic privacy, and solar access and overshadowing. These matters are outlined below.

5.2.1 Future Character and Visual Impacts

Given that this will be the first building to take up the additional height allowed for in the Town Centres DCP, a discrepancy between the future and current character of the area is unavoidable in the short term. The construction of the approved DA (DA 279/2005) on the corner of Manning and Lake Streets will somewhat mitigate the visual effect of the building when approached from the north. However, in the short term, the proposal presents a very prominent blank façade to the north and south.

Further articulation, in the form of a graphic treatment such as horizontal banding, should be provided on the north and south facades from level 1-5, where there is no setback from the boundary to reduce some of the visual impact of this building. The amendment proposed in Section 5.2.2 to Level 6 will also assist in this regard. This requirement shall be reflected in the recommended conditions of approval.

5.2.2 Height and Setbacks

The height of the building is considered to be consistent with the Town Centres DCP and is therefore acceptable. However, the proposal does not comply with the side setback controls specified in the Town Centre DCP. While it is accepted that a zero setback is functionally workable in a commercial building, due to generally larger floor plates, the lack of a side setback does create problems for neighbouring future development along Manning Street, especially if it is to include residential use. A zero setback along this entire block would be undesirable from an urban design perspective as it would create an unarticulated 'wall' of development with poor solar access. Because Manning Street runs north-south, the only way to ensure a northerly aspect for residential development in a mixed use building is through some form of side setback.

Because the current proposal is on a relatively small site, it is acknowledged that the application of the side setback of 4.5m specified in the Town Centre DCP would render the floor plates too small to be viable. One solution is to loosen the side setback requirements for neighbouring residential development. Instead of a 6 metre setback being applied on both sides, the required setback could be larger, up to 12 metres, on the northern side in order to allow for solar access. This flexibility would be especially necessary if residential uses are ever proposed to the south of the current proposal.

To alleviate these concerns, it is considered that a nominal setback in compliance with the Building Code of Australia should be provided to the upper level (level 6) on the north and south facades. In order to provide further articulation, the architectural treatment of the Manning Street facade should be continued along the north and south elevations at this upper level. A zero setback may remain on the south elevation wherever the lift core runs flush with the boundary. These requirements shall be reflected in the recommended conditions of approval.

In terms of design, the three retail shopfronts should be accessed directly from Manning Street in order to promote the street activation envisioned in the Town Centres DCP. On the provided drawings the only access shown to these shops is from a small foyer to the rear. The elimination of this foyer would also allow the retail tenancies to be enlarged. This requirement shall be reflected in the recommended conditions of approval (if approved).

5.2.3 Visual Impact

The proposal will result in a large building, which initially will be much larger and taller than existing buildings. For these reasons, this proposal will visually dominate the area in the short term. This is considered to be acceptable, given the adequacy of the design refinements proposed, including treatment of side elevations and setback at the upper level. The building will be complementary to the future desired character of the area.

5.2.4 Visual and Acoustic Privacy

There are no windows proposed in the side elevations of the proposed building, with only windows proposed along the front and rear elevations of the building. This results in overlooking of the street and rear land only and not adjoining properties, which ensures privacy is maintained for adjoining sites. Acoustic privacy is also likely to be unaffected by the proposal as the site is to be used for commercial purposes only and solid walls (with no

windows) are proposed to both side boundaries. The proposal is considered to be consistent with maintaining the visual and acoustic privacy of adjoining properties. Furthermore, the changes to the setback from Level 6 will further ensure privacy is maintained between properties.

5.2.5 Solar Access and Overshadowing

Due to the orientation of Manning Street being north-south, there is minimal opportunity to provide good quality northern solar access to the proposed building. Some northern solar access will be provided to the front elevation windows which will result in sunlight to the majority of the floor given the depth is only approximately 30 metres.

In relation to overshadowing, the proposed building will result in shadowing to the property to the rear (beyond Manning Lane) in the morning in midwinter, which is proposed to be a Council car parking area in the future. The building then shadows the adjoining building around midday and then several properties to the southeast in the afternoon. The shadowing is not significant in that all properties to the southeast and to the rear will receive some sunlight (approx 2-3 hours) during the day in midwinter. It is therefore considered that the solar access and overshadowing aspects of the proposal are satisfactory.

5.3 Traffic and Access

A *Traffic and Parking Assessment* has been prepared by Traffic Solutions Pty Ltd dated April 2009 which identified key issues associated with traffic, access and car parking arising from the proposal. The Council has also provided comments on these issues as part of their submission. These matters are outlined below:

5.3.1 Traffic

Council has advised that the traffic generated by the proposed development will require the ultimate widening of Manning Lane to cater for two-way traffic. This requires a dedication of a minimum 2.064 metre strip of land along the Manning Lane site frontage. The required dedication is appropriately shown on the plans and is illustrated in Figure 7.

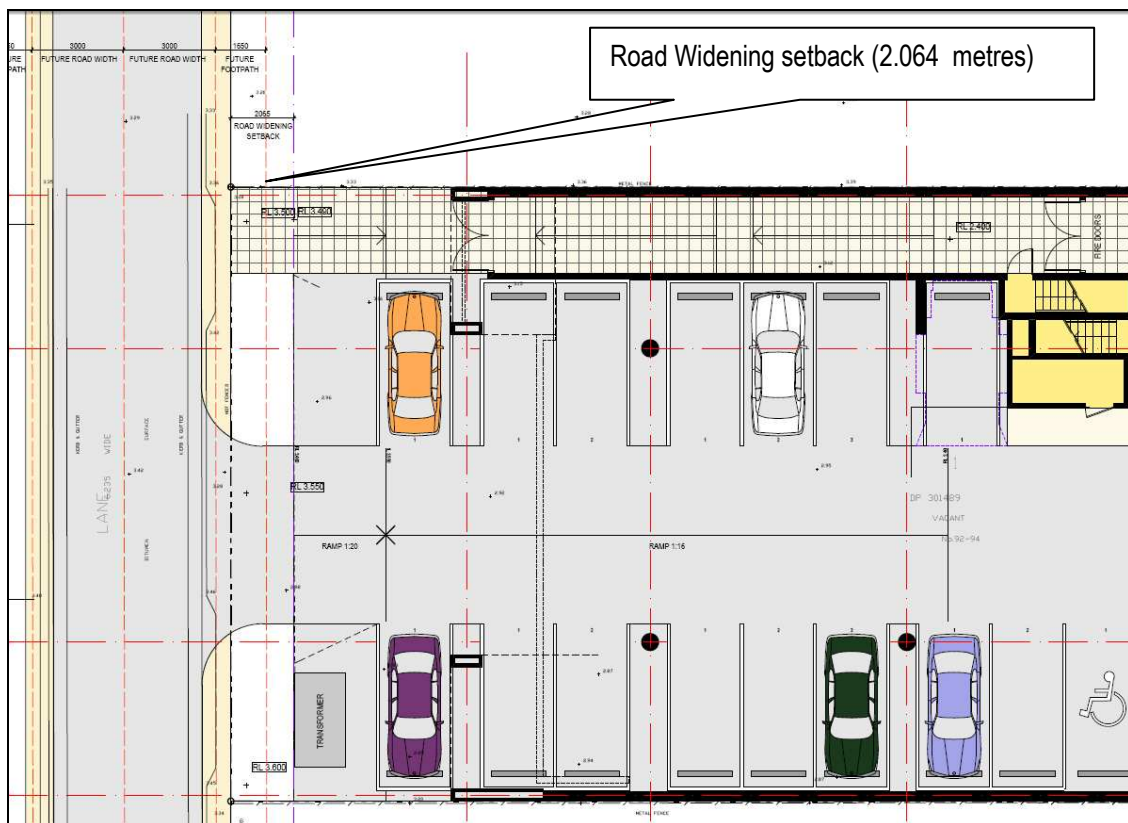
Council has revised the Section 94 Plan to cover these works. Conditions of approval are recommended requiring the development of a Traffic Management Plan to assess the impact in the short term, one-way restriction on the surrounding network and requiring a submission be made to the RTA and Council's Traffic Advisory Committee for consideration.

5.3.2 Access

Vehicle access to the site is via an entry/exit driveway located at the rear boundary of the site onto Manning Lane. The Traffic and Parking Assessment concludes that this driveway has been adequately located and designed to serve the development and provides good sight distances in both directions along Manning Lane.

Council has raised concerns regarding access to the site for delivery vehicles. It is noted that there is not enough room for a delivery truck to do a three point turn within the car parking area and the truck will be required to exit the site by reversing. Due to the site constraints, Council recommends a condition that requires deliveries are made on site within the aisle of the car park and line marking is provided accordingly. This requirement shall be reflected in the recommended conditions of approval.

Figure 7: Road Widening Area
(Source: morrisbray Architects, Drawing DA-04 dated 27/07/2009))



5.4 Car Parking

Due to site constraints, the proposal provides only 15 car parking spaces on site (one is provided as a temporary parking space so is not included in the total). The Council's *Car Parking Policy* requires 105 car parking spaces to be provided for the proposal, which results in a shortfall of 90 car parking spaces. It is noted that Council's recommended bio-retention system (outlined below in Section 5.6) will also require the loss of a temporary car park once the widening of Manning Lane has been undertaken.

It is intended that the overflow will be accommodated within a proposed Council car park to the rear of the site. Council has agreed to this approach and that the car parking shortfall can be made up by way of Section 94 contributions. Council's Section 94 Contributions Plan has recently been updated to provide additional capacity for the provision of car parking in the 'Tuncurry Commercial Zone'.

Council has advised that the proposed car park layout does not comply with *Australian Standard (AS) 2890: Off-street Parking Code* and Council's requirements. This non-compliance includes the location of a transformer within the sight triangle, dimensions required for the accessible parking space and the provision of suitable barriers at the foyer entrance adjoining the car park to protect pedestrians. Council has agreed that these changes can be provided to Council for approval prior to the release of the construction certificate.

It is therefore considered that with the construction of the proposed Councils car park to the rear of the site and amendments to the proposed car park layout outlined above, the car parking provided is satisfactory. Conditions are recommended to be imposed requiring Section 94 contributions are made accordingly and a revised car park layout is approved by Council prior to the release of the construction certificate. Calculations are discussed further in Section 5.11 of this Report.

5.5 Hazard Management and Mitigation

5.5.1 Contamination and Remediation

An *Environmental Site Assessment* ("ESA") has been prepared by Coffey Geotechnics Pty Ltd dated 9 July 2009 which undertook a study of the site to identify any potentially contaminating uses on the site and whether any remediation was required. The ESA concluded that isolated fragments of fibre cement, some of which contained asbestos in the form of chrysotile and amosite, were detected on the site, however, these were likely to be the remains of an old building on the site. The building and the fragments have subsequently been removed. No other forms of contamination were identified and accordingly, the report concluded that if any further material of this nature was encountered during earthworks, further advice should be sought.

The ESA considered that any future risk of contamination could be adequately addressed via additional testing and removal if further material was found. Furthermore, the ESA stated that based on the results of the site investigation, the site is considered to be suitable for the proposed development.

It is therefore considered that since only a small amount of contamination was discovered on the site, which has since been removed, no remediation is considered to be necessary at this stage. Conditions of approval are recommended to be imposed requiring further technical advice to be sought if contamination is encountered during construction in accordance with the ESA.

5.5.2 Flooding and climate change

The existing 1 in 100 year flood level for this site is RL 2.28m AHD and the probable maximum flood is RL 4.5m AHD. Great Lakes Council's Draft Policy, *Impacts of Sea Level Rise on Developments*, requires infill development to be raised 500mm above the 1% flood level to allow for climate change to the year 2060 (i.e. 2.78m AHD). The proposed floor level of the ground floor (retail and foyer area) is RL 2.35m AHD and RL 2.40m which falls below the 1% flood level when climate change is accounted for. Due to site constraints Council acknowledges that there is limited opportunity to raise the floor level to meet these requirements. Further, the development is for a commercial/retail development which could be afforded a lower level of protection as opposed to residential development.

Therefore it is recommended that the ground floor is constructed with flood compatible materials, including lift and power fixtures and a flood management and evacuation plan is adopted. These recommendations will be reflected in the recommended conditions of approval.

Council has confirmed, due to likely water velocities during flood events, the flood classification for the site is 'Low hazard' and it is concluded that emergency response required from this development can be adequately managed.

5.5.3 Geotechnical

A *Geotechnical Site Investigations Report* ("the Geotechnical Report") prepared by Coffey Geotechnics Pty Ltd dated 9 July 2009 has been provided on behalf of the Proponent to consider issues including surface conditions, groundwater, site earthworks, foundations and acid sulfate soils.

The Geotechnical report states that topographically the site is located on a flat sand plain area with site elevations of approximately RL 3 – 4m AHD. Geological information stated that the site is underlain by windblown sands and that groundwater was at depths of between 2 metres to 2.6 metres below ground level. The report stated that any lift well is likely to be required to extend 2 – 3 metres below ground level, which the report stated should be designed for a 0.5m rise in water level above the highest observed water level in the area (equivalent to an approximate depth of 1.5m below ground level). Earthworks and foundations were also considered in the Geotechnical report and there were no likely adverse impacts of such works, subject to recommended standard geotechnical conditions of approval. This is a detailed design issue which will be addressed prior to a Construction Certificate being issued and has been reflected in the recommended conditions of approval.

The Geotechnical Report also considered acid sulfate soils, which concluded this did not present a hazard on this site.

It is considered that the geotechnical aspects of the proposal have been satisfactorily considered in the EA and impacts are predicted to be appropriately mitigated by the Statement of Commitments and recommended conditions of approval.

5.6 Water Cycle Management

5.6.1 Stormwater Management

The Stormwater Management Strategy proposed for the site aims to achieve the following stormwater quality objectives in the post-construction phase: an 80% reduction in total suspended solids, 45% reduction in total nitrogen and 45% reduction in total phosphorous. This is consistent with the requirement of Council's *Forster-Tuncurry and Wallis Lake Stormwater Management Plan (2000)*.

It is proposed to treat stormwater via a gross pollutant trap and modular infiltration tanks. Council requires that the strategy include a bioretention system, to ensure effective treatment is achieved prior to entering the modular tanks and then Council's drainage system. This requirement has been reflected in the recommended conditions of approval. Site protection measures will be implemented during construction to control stormwater runoff and sediment control in accordance with NSW Department of Housing *Managing Urban Stormwater Soils and Construction 2004*.

It is considered that with the implementation of the stormwater management strategy outlined above, during and post construction, the potential impacts on water quality can be mitigated. Implementation of the strategy is required in the recommended conditions of approval.

5.6.2 Water Re-use

The reusing of roof water for non-potable uses within the building has been requested by MCW as provided for in Clause 11 of the Town Centres DCP, which aims to minimise impacts on the total water cycle. This includes *"providing for recycling of run off for non-potable needs in toilets and garden watering"*. Objective: to capture, treat and reuse wastewater where appropriate.

While it is noted that there are no controls relating to water re-use on non-residential development, such a requirement would result in a more ecologically sustainable development. Accordingly, relevant conditions of approval have been recommended to be imposed to address these requirements in the detailed design of the building.

5.7 Aboriginal Cultural Heritage

An *Aboriginal Culture and Heritage Investigation and Assessment* was prepared by Steve Brereton dated 17 March 2009 on behalf of the Proponent. This study examined the site for potential Aboriginal cultural significance, with this assessment finding that the whole site had been disturbed with a covering of scattered shell material being visible over the whole site. It was concluded that although the species of shellfish comprised those which are normally found in a traditional shell midden, the inconsistency of shell size on the site was considered to be inconsistent with a midden. It was considered that the shell material is consistent with that often found in dredged material used for landfill. The report stated that it is still possible to find traditional relics within landfill.

The study recommended that any excavations deeper than 1.5 metres will need monitoring and/or inspection for cultural material by a qualified Land Council representative and if any bone material is unearthed during works, the Department of Environment, Climate Change and Water should be contacted. These recommendations have been reflected in the recommended conditions of approval.

There are several heritage items listed under LEP 1996 near the site, however, these will not be adversely affected by the proposed development.

5.8 Construction Management

A Construction Management Plan has been prepared by LSW, dated 2 May 2009. The following strategies are proposed to manage impacts during construction:

- Security of the construction site, including fencing and signage;
- Implementation of erosion and sediment control measures in accordance with NSW Department of Housing *Managing Urban Stormwater Soils and Construction 2004*;
- Management strategies to control vibration, dust and noise;
- Traffic and pedestrian management to ensure the safety of pedestrians and vehicles; and
- Waste management strategies to appropriately dispose of/minimise waste generation.

With implementation of the construction management strategies outlined above it is considered that construction works can be managed to minimise any potential impact. A condition of approval has been incorporated which requires a final Construction Management Plan to be approved by Council prior to issue of the Construction Certificate which is to include standard noise and air pollutions requirements and hours for construction activity.

5.9 Cumulative Impacts

The proposed development is one of the first potential redevelopments proposed along Manning Street. As outlined in Section 1.1.3, approval has already been granted for a mixed use development north of the site on the corner of Manning Street and Lake Street, although construction has not yet been commenced. The impacts of the proposed development have been considered in line with the likely cumulative impacts of the anticipated future development along Manning Street. It is considered there will be no adverse cumulative impacts resulting from the proposal given it reflects the desired future character of the area as outlined in the Town Centres DCP.

5.10 Sustainability and Public Interest

The issues of sustainability and ecological sustainable development (ESD) have been addressed by the proposal and have been discussed in detail in Section 3.7 of this report. In summary, the project satisfies the principles of ESD in the following ways:-

- The building design allows for north-south orientation which provides for good solar access;
- The proposed pathways and footpaths provide connections to surrounding pathways and services thereby reducing car dependence;
- Water sensitive urban design measures in relation to water cycle management are proposed including reuse of rainwater within the building; and
- Climate change impacts on coastal flooding have been considered and found to be satisfactory (Section 5.5 of this report).

In relation to the public interest, it is considered that the project is in the public interest in the following ways:

- The project will provide additional commercial floor space within an existing centre, with adequate infrastructure provision, which is consistent with the Regional Strategy;
- The project will provide much needed commercial floor space for the service sector of the economy which has become an increasingly integral part of the local economy as outlined in the local and regional strategies (see Section 5.1 of this report);
- The public pathway and footpaths will provide for public access in the vicinity of the site; and
- The project is consistent with the principles of ESD (outlined in this report).

5.11 Section 94 and Other Contributions

Prior to the endorsement of a Construction Certificate, the Proponent must pay the following contributions to Council pursuant to Section 94 of the *Environmental Planning and Assessment Act (1979)*.

Code	Contributions Plan	Facility	Quantity	Unit	Rate (\$)	Amount (\$)
GLW-07	Great Lakes Wide	Headquaters building	\$10,120,000	\$1 (non residential)	\$0.001	\$10, 120.00
FD04	Forster District	Major roads inner zone	340	One-way trips	481.60	\$163,744.00
FD09	Forster District	Tuncurry parking	90	spaces	15,904.0	\$1,431,360.00
Total						\$1,605,224.00

6 CONCLUSION

The Department has assessed the EA and considered the submissions in response to the proposal. The key issues raised in submissions related to urban design, car parking, flooding and management and mitigation of construction impacts. The Department has considered these issues and a number of conditions are recommended in conjunction with the Proponent's Statement of Commitments to ensure these issues are satisfactorily addressed and the proposal has minimal impacts.

The proposed development is consistent with the vision for the Tuncurry Town Centre and will provide employment opportunities and retail facilities for the Tuncurry Community. Furthermore, the proposal has largely demonstrated compliance with the existing environmental planning instruments and adequately justified any inconsistencies.

On these grounds, the Department considers the site to be suitable for the proposed project and that it is in the public interest. Consequently, the Department recommends that the project be approved, subject to the conditions of approval and the proponent's Statement of Commitments.

7 RECOMMENDATION

On 4 March 2009 the Minister delegated to the Director-General the power to determine a project under s75J of *Environmental Planning & Assessment Act*. This delegation extends to applications where:

- a) there are less than 25 public submissions in respect of the project, and
- b) the capital investment value of the project is less than \$50 million.

There were no public submissions received in respect of this project and the capital investment value of the project is \$4 million. Accordingly, the Director-General, under delegation, may determine this project application.

It is recommended that the Director-General:

- (A) consider the findings and recommendations of this Report;
- (B) approve the carrying out of the project, under Section 75J *Environmental Planning and Assessment Act, 1979*; subject to conditions and sign the Determination of the Major Project; and
- (C) sign the Instrument of Approval at **Appendix A**.

Prepared by:

Endorsed by:

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Richard Pearson
Deputy Director-General
Development Assessment and Systems Performance

Approved by:

Sam Haddad
Director-General

APPENDIX A. INSTRUMENT OF APPROVAL

APPENDIX B. DIRECTOR-GENERAL'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Application number
MP08_0042
Project
Erection of a six (6) storey commercial/retail building plus plant room atop. Level 1 (ground) will contain 3 shops fronting Manning Street and 19 car spaces accessed from the rear lane. Levels 2 to 6 will be used for office purposes.
Location
92 Manning Street, Tuncurry (Lot 1 DP 301489)
Proponent
Coastplan Consulting
Date issued
May 2008
Expiry date
2 years from date of issue
General requirements
<p>The Environmental Assessment (EA) for the Project Application must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. An outline of the scope of the project including: <ul style="list-style-type: none"> • any development options; • justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; 3. A thorough site analysis including constraints mapping and description of the existing environment; 4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans. 5. Consideration of the consistency of the project with the objects of the Environmental Planning and Assessment Act, 1979 6. Consideration of impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 7. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining where relevant environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 8. The plans and documents outlined in Attachment 2; 9. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;

10. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project; and
11. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.
Key Issues
The EA must address the following key issues:
1. Strategic Planning
1.1 Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.
2. Urban Design and Visual Impact
2.1 Address the design quality of the building with specific consideration to the façade, massing, setbacks, proportions and building articulation.
2.2 Demonstrate the suitability of the proposal with the surrounding area in relation to existing and future building character, height, bulk and scale of the Tuncurry Town Centre.
2.3 Address the visual impact of the proposed building in the context of adjoining and surrounding development in relation to setting, density, built form, building mass, and height as viewed from the public domain. In that regard a Visual Impact Analysis should be prepared and include all significant vantage points from where the proposal will be viewed including the foreshore of Lake Wallis and, if necessary provide relevant mitigation measures.
2.4 Demonstrate the suitability of the proposal with the surrounding area having regard to the <i>Coastal Design Guidelines of NSW (2003)</i> and the <i>NSW Coastal Policy 1997</i> and the <i>Great Lakes Development Control Plan No. 21 – Tall Buildings, Draft Development Control Plan No. 51 – Forster/Tuncurry, State Environmental Planning Policy No. 71 – Coastal Protection, New South Wales Design Guidelines</i> and <i>New South Wales Coastal Policy</i> .
2.5 Address potential impacts in relation to privacy, views and overshadowing of adjoining and surrounding development and, if necessary provide mitigation measures.
2.6 Address the <i>Crime Prevention Through Environmental Design (CPTED)</i> principles in the design of any through site pedestrian link.
2.7 Provide details of access of persons with disabilities in accordance with the requirements in the <i>Building Code of Australia</i> and <i>Australian Standard 1428.1 – 2001 Design for Access and Mobility</i> .
2.8 Consider Council's Awning Policy in the design of the awning over the footpath.
3. Infrastructure Provision
3.1 Address existing capacity and requirements of the development for sewerage, water, electricity, waste disposal, telecommunications and gas in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works.
3.2 Address and provide the likely scope of any planning agreement and/or developer contributions with Council/ Government agencies.
4. Traffic and Access
4.1 Prepare a traffic impact study in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments which addresses, but is not limited to the following matters: <ul style="list-style-type: none"> • The capacity of the road network to safely and efficiently cater for the additional traffic generated; • Access to and within the site; • Servicing and parking arrangements; • Intersection site distances; • Connectivity to existing developments;

4.2 4.3	<ul style="list-style-type: none"> • Impact on public transport (including school bus routes); • Provision of access for pedestrians and cyclists to, through and within the site; and • Identify suitable mitigation measures, if required to ensure the efficient functioning of the road network. <p>Address the requirements under <i>Australian Standard 2890.1</i> and <i>Great Lakes Car Parking Policy</i> including the design and layout of the parking area, parking numbers and provision of disabled parking.</p> <p>Provide details of future widening along the Manning Street frontage consistent with the conditions imposed on Development Consent No.1253/2003, dated 4 December 2003.</p>
5. Hazard Management and Mitigation	
<i>Contamination</i>	
5.1	Identify any potentially contaminating uses on the site and, if necessary, undertake appropriate mitigation measures in accordance with the provisions of SEPP 55 – Remediation of Land.
<i>Geotechnical and Acid Sulfate Soils</i>	
5.2	Provide an assessment of any geotechnical limitations that may occur on the site including details on the water table potential acid sulfate soils and if necessary, appropriate design considerations that address these limitations.
5.3	Identify the presence and extent of acid sulfate soils on the site and where relevant propose an appropriate Acid Sulfate Management Plan in accordance with ASSMAC guidelines.
<i>Flooding</i>	
5.4	Provide an assessment of any flood risk on the site (including any impacts of filling), taking into consideration any relevant Council requirements and the <i>NSW Floodplain Development Manual</i> (2005).
6. Water Cycle Management	
6.1	Provide details of the proposed stormwater system and on-site detention and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles which address impacts on the surrounding environment, drainage and water quality controls for the catchment, and erosion and sedimentation controls at construction and operational stages.
6.2	Demonstrate how the proposal complies with the water quality objectives in Table 6.5 of the <i>Forster Tuncurry & Wallis Lake Stormwater Plan (April 2000)</i> . In that regard undertake MUSIC modelling which determines pre and post stormwater quality and demonstrate compliance with the objectives.
6.3	Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site.
6.4	In the event that any excavation intercepts, connects with or infiltrates the groundwater an assessment is required to identify groundwater issues and potential degradation to the groundwater source including details of highest groundwater table; groundwater extraction; groundwater quality; prevention of groundwater pollution; methods of disposal of wastewater from relevant authority; and measures to reduce impacts; and licensing approval.
7. Heritage and Archaeology	
7.1	Identify whether the site has any Aboriginal cultural heritage and/or European heritage significance and, if necessary identify appropriate measures to preserve any significance.
8. Waste Management	
8.1	Provide details on proposed storage and waste collection, including suitable access for garbage collection vehicles in accordance with Council's Waste Management Plan requirements.
Consultation	
You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment:	

(a) *Agencies or other authorities:*

- Great Lakes Council;
- Roads and Traffic Authority;
- Department of Water and Energy; and
- Infrastructure providers.

(b) *Public:*

Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.

The consultation process and the issues raised should be described in the Environmental Assessment.

Deemed Refusal Period

60 days

APPENDIX C. COMPLIANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Major Development) 2005

The project is a Major Project under *State Environmental Planning Policy (Major Projects) 2005* ("MP SEPP") in force at the time, being a building that is greater than 13 metres in height, outside the metropolitan coastal zone, which does not comply with all development standards relating to the height of such a building set by a local environmental plan that applies to the land on which the building is located (in this case the DCP which applied at the time of lodgement), in the coastal zone (Schedule 2, 1(1)(g)(ii) – Coastal Areas). The opinion was formed by the Director-General, as delegate for the Minister, on 24 April 2008. This Policy is discussed in Section 3.1 of the report.

Recent changes to the classes of regional development and Part 3A projects were made through the establishment of the *State Environmental Planning Policy (Major Developments) 2005* ("SEPP MD"). Under the provisions of SEPP MD, the project is no longer considered to be a Major Project. The changes to classes of Part 3A projects in the SEPP MD do not apply to any Part 3A applications that have been made but not determined prior to 1 July 2009 (in accordance with Part 4 clause 16 of the SEPP MD).

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land ("SEPP 55") deals with the remediation of contaminated land. Investigations indicate that the existing conditions of groundwater and soil contamination on site are within the human health risk based guideline values and therefore no remediation is required to be undertaken at this stage. The *Environmental Site Assessment* carried out by Coffey Geotechnics concluded that isolated fragments of fibre cement, some of which contained asbestos in the form of chrysotile and amosite, were detected on the site, however, these were likely to be the remains of an old building on the site, which has subsequently been removed. No other forms of contamination were identified and accordingly, it is considered that the project is consistent with this SEPP.

State Environmental Planning Policy No. 71 – Coastal Protection

State Environmental Planning Policy 71 - Coastal protection ("SEPP 71") applies to the site as it is located within the coastal zone of NSW. The relevant clauses of SEPP 71 are addressed below:

- a) Aims of Policy (Clause 2) - The project is consistent with the aims given there is no tree or vegetation removal from the site, the provision of pedestrian path through the site, the absence of any Aboriginal heritage items and the protection of visual amenity within the locality. There will be no adverse impact on public access to the foreshore and there will be no adverse impacts to the marine environment, rock platforms or the coastal zone in general given the distance of the site to the foreshore.
- b) Matters for Consideration (Clause 8) - The summary, the matters for consideration include
 - Aims of the policy
 - public access
 - suitability of the development given its type, location and design and its relationship with the surrounding area,
 - potential impacts on the amenity of the coastal foreshore including overshadowing and view loss of public places,
 - scenic qualities of the coast,
 - measures to conserve animals and fish, wildlife corridors,
 - measures to reduce the potential for conflict between land-based and water-based coastal activities,
 - protection of Aboriginal cultural heritage;
 - likely impacts on water quality of coastal waterbodies,

- cumulative impacts of the proposed development on the environment, and
- energy efficiency of development.

It is considered that the project is consistent with these matters as outlined in Section 5 of the report.

- c) Public access (Clause 14) - A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore. The project will not impede or diminish to any extent land-based public access to the coastal foreshore.
- d) Effluent and Stormwater Disposal (CII 15 & 16) – the proposal involves connection to the existing reticulated sewerage system and to Council's stormwater drainage system and therefore there is unlikely to be any adverse impacts on nearby receiving environments from the proposal.

The project is considered to be consistent with the requirements of SEPP 71.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 ("the Infrastructure SEPP") commenced on 1 January 2008 and therefore applies to this application. The Policy aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The relevant considerations for the current application include:-

- a) Development with frontage to classified road (Clause 101) – The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
 - a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
 - b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposal involves access from Manning Lane, therefore no vehicular access is proposed to Manning Street, which is a classified road. The safety and efficiency of Manning Street will not be adversely affected given the access is from Manning Lane, there is unlikely to be the emission of any smoke or dust from the development and the proposed development is not sensitive to traffic noise or vehicle emissions given it is a commercial use with no residential development. The proposal is consistent with this clause.

- b) Traffic-generating development (Clause 104) - This clause applies to the proposed development as the proposal satisfies the criteria contained in Column 3 (Clause 104(2)(b)), including commercial premises greater than 2500m² as well as commercial/shops greater than 1000m², and the site has direct pedestrian access to a classified road.

The consent authority must give written notice to the RTA, taking into consideration any comments from the RTA and consider the following matters:-

- (i) *the accessibility of the site concerned, including the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (ii) *any potential traffic safety, road congestion or parking implications of the development.*

The RTA was consulted and their comments are considered in Section 4.2.3 of the report. It is considered that given the proposed building is for commercial office use, there is unlikely to be significant transport of people or freight into the site which is likely to cause adverse impacts to the classified road. The Traffic Report has considered the traffic generation of the proposal will not adversely affect the existing levels of service at nearby intersections or road capacity in general. Car parking is proposed to be provided by the Council via a Section 94 contribution as only 16 spaces are proposed to be provided on site. This issue is further discussed in Sections 5.4 and 5.5 of this report.

The proposal is considered to be consistent with the Infrastructure SEPP.

Great Lakes Local Environmental Plan 1996

The site is subject to the provisions of the *Great Lakes Local Environmental Plan 1996* ("LEP 1996") which zones the site 3(a) General Business. The proposal satisfies the definition of "Commercial Premises" and "shops", both of which are permissible in the zone with consent. The objectives of the zone include:-

- (a) **Objective (a)** *to enable the development of a range of retail and commercial uses which:*
 - (i) *do not adversely impact on traffic movements in the locality, and*
 - (ii) *could reasonably be expected to service existing or identified future trade area populations, and*
 - (iii) *are of a scale and type compatible with the amenity of any surrounding residential area, and*
- (b) **Objective (b)** *to enable residential or other similar development which:*
 - (i) *is within the same building as, or on the same allotment of land as, shops, commercial premises or any other non-residential use, or*
 - (ii) *is unlikely to significantly prejudice the supply of retail and commercial floorspace within contiguous land zoned 3 (a) or other nearby areas zoned 3 (a).*

The proposal is consistent to be consistent with the zone objectives as the proposed building enables a range of retail and commercial uses which do not adversely affect traffic in the locality (outlined in Traffic Report), will serve the needs of the local population and is of a scale envisaged in the Town Centre DCP for future character. The EA details the consistency of the proposal with the zone objectives.

The proposal will have adequate water and sewerage services as required by Clause 12 and direct access to the major road of Manning Street is not proposed (Clause 23). The proposal is considered to be consistent with LEP 1996.

APPENDIX D. COMPLIANCE WITH OTHER PLANS AND POLICIES

Other plans and policies considered in the assessment of the proposal:

Development Control Plan No 51 – Forster/Tuncurry Town Centres (“Town Centre DCP”)

Development Control Plan No 51 – Forster/Tuncurry Town Centres (“Town Centre DCP”) applies to mixed use development incorporating a residential component and therefore does not strictly apply to the current proposal. The Town Centre DCP, however, does provide height and FSR controls which include the subject site and which are likely to be incorporated into the new Comprehensive LEP for Great Lakes proposed to be exhibited later this year.

For urban design purposes, many of the design controls within Town Centre DCP may be considered as a guide for the design of buildings that contain only commercial or retail uses (page 69 of Town Centre DCP). The proposal is generally consistent with the controls of the Town Centre DCP, however, there are some design aspects which vary from Town Centre DCP. The controls of Town Centre DCP, as they relate to mixed use developments, are outlined below for comparison purposes for the proposal.

DCP Section	Control	Proposal	Comply
6. Pedestrian Amenity	6.1 Site permeability Through block connection required.	Through block provided between Manning Lane & Manning Street	Yes
	6.2 Street address Active street frontage required.	Ground level retail and frontage has windows and entrances.	Yes
	6.3 Awnings – height of 3-3.5m	Stepped awning of 3m & 3.5m	Yes
	6.4 Pedestrian access Equitable, clearly identified & convenient .	Access designed to AS1428.1 & Disability Act 1992 requirements. Clear main entrance provided.	Yes
	6.5 Vehicle access Minimise conflict with pedestrians	Rear vehicle access to reduce impact on Manning Street footpath.	Yes
	6.6 Safety and security	Designed with regard to CPTD principles.	Yes
9. External Building Elements	9.1 Façade articulation d) establish vertical rhythm, breaking façade into bays 6m wide	No bays, but vertical rhythm established by way of windows, balconies & façade articulation	No
	9.2 Roof design Designed relate to built form with max height 5.5m above top floor and consideration of solar access. Lift plant concealed in roof and roof top structures part of design	Responds to buildings architecture with height less than 5.5m. Increased setbacks for solar access. Lift plant concealed in roof and roof top structures part of design.	Yes
12. Parking & Servicing	12.1 Car parking & access Designed to comply with relevant AS. (Refer table below for assessment against Council's car parking policy)	Designed to comply with AS 2890.1	No
	12.2 Cycle Parking 1 per 400m ² (employees) and 1 per 1000m ² (visitors) designed to AUS 2890.3. Located safely as per DCP requirements and be securely enclosed.	12 bicycle rails provided but no enclosures provided due to site restrictions.	No
15. Controls	15.1 Minimum allotment		

Business	Minimum site width of 30m	19m (width of existing lot)	No
	15.2 Building depth & bulk - Max floor plate 500m ²	Floor plate 510m ² for 4 th , 5 th & 6 th floor	No
	15.3 Building height - 30m	28m (RL of 30.25 top of plant room)	Yes
	15.4 Density - FSR 3:1	FSR 3.2:1	Yes
	15.5 Primary street setbacks -	Zero setback at street level	Yes
	15.6 Street frontage heights - 3 storey street frontage	3 storey street frontage	Yes
	15.7 Side and rear setbacks - 4.5m for over 3 storeys	4.5m rear and no side set back	No
	15.8 Ground level uses- first floors retail/commercial	First floors retail/commercial	Yes

Car Parking Policy

Great Lakes Council's *Car Parking Policy* was originally adopted on 27 August 1985 and was last amended on 9 December 2008 (Minute No 125). The objectives of the Policy are to ensure that adequate provision is made for off-street parking in relation to particular development so that congestion problems on public roadways are avoided and to ensure that parking requirements are met without imposing an undue burden on developers or an additional liability on the present and future ratepayers.

The requirements of the Policy are that all car parking associated with developments and land uses are to comply with the following guidelines:

Land Use	Required Car Spaces	Proposal	Comply
Offices - 1 space every 30m ² of gross leasable floor area (first floor level and above)	2845m ² of commercial floor space = 94.8 spaces	15 spaces in total	No
shops - 1 space every 20m ² of gross leasable floor area (ground floor)	205m ² of retail floor space = 10.3 spaces	15 spaces in total	No

In total, 105 car parking spaces are required and only 15 spaces are provided on the site, thereby resulting in a deficiency of **90** car parking spaces. This issue is discussed in detail in Section 5.5 of this report.

Mid-North Coast Regional Strategy 2009

The *Mid-North Coast Regional Strategy 2009* states that by 2031, the Mid North Coast population is expected to grow by 27% — from 333,400 to around 424,400. The purpose of the regional strategy is to ensure that the Mid North Coast can continue to prosper over the next 25 years while ensuring protection for its natural assets. The subject site is noted as within the existing urban footprint. The project is considered to be consistent with this Regional Strategy as the project will provide additional commercial floor space in the area and is zoned appropriately for commercial development. This Strategy is also discussed in Section 5.1 of this report.

Coastal Design Guidelines

Matters	Compliance	Comments
PART 1 – DETERMINING A HIERARCHY OF SETTLEMENTS		
Coastal towns	Yes	The site reflects the coastal character of Tuncurry and its natural attributes, which enhance the coastal village character of the locality.

Relationship to the environment	Yes	Any potential environmental impacts have been minimised through planning policy, design, commitments and conditions of approval.
Visual sensitivity	Yes	The project is in character with the future desired character of the site and surrounding area.
Edges to the water and natural areas	Yes	The proposal provides pedestrian linkages within the locality.
Streets	N/A	The street layout is not proposed to be changed under the current proposal.
Buildings	Yes	The building is an appropriate height and design for the site and in accordance with the relevant planning policies and controls.
Heights	Yes	The building is an appropriate height and design for the site and in accordance with the relevant planning policies and controls.
PART 2 – DESIGN PRINCIPLES FOR COASTAL SETTLEMENTS		
Defining the footprint and boundary	Yes	The site is located within the township of Tuncurry and has been designed in accordance with strategic planning documents prepared by the Council. No changes are proposed to the lot layout under the current proposal.
Connecting open spaces	N/A	This is not relevant to the subject site as it is located within an existing town centre.
Protecting the natural edges	N/A	This is not relevant to the subject site as it is located within an existing town centre and is not proposing to extend the footprint of the existing town.
Reinforcing the street pattern	N/A	There are no changes proposed to the existing street pattern by the proposal.
Appropriate buildings for a coastal context	Yes	The building is an appropriate height and design for the site and in accordance with the relevant planning policies and controls.

NSW Coastal Policy 1997

Matters	Compliance	Comments
Protecting, rehabilitating and improving the natural environment of the coastal zone.	Yes	The proposed development does not adversely affect the natural environment of the coastal zone.
Recognising and accommodating the natural processes of the coastal zone	Yes	Following a thorough assessment, it was considered that the site was not adversely affected by coastal processes, including climate change. This issue is discussed in detail in Section 5 of this report.
Protecting and enhancing the aesthetic qualities of the coastal zone	Yes	The proposal would result in a minor visual impact when viewed from outside the site, however, not the coastal foreshore. This issue is discussed in Section 5 of the report.
Protecting and conserving the	Yes	Appropriate studies have been formulated.

cultural heritage of the coastal zone.		Appropriate conditions of approval are recommended to be imposed.
Providing for ecologically sustainable development and use of resources.	Yes	The proposal provides for ESD by ensuring its ongoing viability through the design of the water cycle management system and the provision of pedestrian paths.
Providing for ecologically sustainable human settlement in the coastal zone.	Yes	The proposal allows for ecologically sustainable settlement through designing the proposal around the site constraints. The site is also in close proximity to existing services ensuring that future users will have access to these services.
Providing for appropriate public access and use.	Yes	The proposal will not adversely impact on existing public access to the foreshore. A pedestrian arcade is proposed through the site in accordance with the Town Centre DCP.
Providing information to enable effective management of the coastal zone.	Yes	The proposal is not contrary to the effective management of the coastal zone.
Providing for integrated planning & management of coastal zone.	Yes	The proposal is not contrary to the effective management of the coastal zone.

APPENDIX E. ENVIRONMENTAL ASSESSMENT

To be provided on disk.

APPENDIX F. ARCHITECTURAL PLANS
