



Scoping Report

**Pacific Bay Resort Stage 2 including
Pacific Bay Resort Studios & Village**

Resort Drive, Coffs Harbour

Lot 5, 6 & 7 DP 1112654 and SP53080

**Prepared by Willowtree Planning Pty Ltd for
Pacific Bay Resorts Pty Ltd**

June 2021

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PART A PRELIMINARY

1.1 OVERVIEW

This Scoping Report has been prepared by Willowtree Planning Pty Ltd on behalf of Pacific Bay Resorts Pty Ltd, and is submitted to the NSW Department of Planning, Industry and Environment (DPIE) in support of a formal request for the Secretary's Environmental Assessment Requirements (SEARs).

This request for SEARs is made in relation to the site of the Pacific Bay Resort located at Resort Drive, Coffs Harbour (Lot 5, 6 and 7 DP 1112654 and SP53080).

The proposal includes the development of Pacific Bay Resort Stage 2 including Pacific Bay Resort Studios & Village, comprising film production studios, workshops and warehouses, fine-grain tenancies, a film school, hotel accommodation, a museum and gallery, residential accommodation, and a variety of supporting infrastructure and ancillary facilities.

It is noted that whilst a concept masterplan has been prepared to guide the phased delivery of the project, this relates to construction phasing only. Pursuant to this application, consent would be sought for *all* built form.

The proposal is classified as State Significant Development (SSD) pursuant to Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Clause 13 of Schedule 1 relates to cultural, recreation and tourist facilities, and subclause 13(1)(a) provides that SSD includes development that has a Capital Investment Value (CIV) of more than \$30 million for the purpose of film production, the television industry or digital or recorded media.

Many of the key uses proposed are permitted with consent in the relevant zones across the site. The balance of uses is complementary and generally ancillary to the permitted uses. In addition, for those land uses which are not currently permitted in the relevant zones on the site, it is proposed to mobilise Section 4.38 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Pursuant to Section 4.38(3), development consent may be granted for SSD *despite* the development being *partly* prohibited by an EPI. The development cannot however be *wholly* prohibited.

This Report provides a brief overview of the proposal and the planning framework that applies, to enable the issue of the SEARs that will guide the preparation of a formal Environmental Impact Statement (EIS) for the development.

It is therefore requested that DPIE issue formal SEARs to support the preparation of the EIS.

1.2 COMPLETED SIGNIFICANT DEVELOPMENT

The vast majority of the site has been significantly disturbed in association with previous uses and development activities. The site was farmed as a banana plantation until circa 1980. Subsequently, bulk earthworks were carried out extensively across the site, as demonstrated in the photo records shown in the following figures. The bulk earthworks also involved construction of the watercourses and lagoons that are located on the site.

Accordingly, this history confirms that the landform, vegetation and watercourses across the site are not 'pristine' or 'untouched', but rather that they represent relatively recent 'introductions' to a site that has been highly disturbed.

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Figure 1. Previous Bulk Earthworks across the Site (Photograph circa 1988)



Figure 2. Previous Bulk Earthworks across the Site (Photograph circa 1988)

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Figure 3. Previous Bulk Earthworks across the Site (Photograph circa 1988)



Figure 4. Previous Bulk Earthworks across the Site (Photograph circa 1988)

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Associated with the above activities, the site has been subject to multiple historic approvals for tourist-related and residential development, as per the following summary:

- Development Application (DA) 68/85 (interchangeably referenced as DA 478/84 and DA 116/85) was approved on 04 March 1985 for an in-principle masterplan and stage 1 built for a tourist development, 231 residential units and associated facilities. DA 68/85 was then modified several times in relation to various conditions.
- Master Plan (MP) 51-11-2004 was approved by the Minister for Planning on 18 October 2005 for a residential/tourist development. The Master Plan included:
 - 248 dwellings across two (2) precincts; 'Precinct 2 Hillside sites' and 'Precinct 4 Golf Course site'.
 - The built form included two (2) storey townhouses within Precinct 2.
 - Within Precinct 4, the Master Plan included a total of 126 dwellings across seven (7), three (3) storey apartment buildings with basement parking.
 - The Master Plan included retention of existing development.
- A Modification was subsequently approved on 23 July 2010 for changes to the density of development and amendments to the Master Plan, including:
 - Within Precinct 4, provision of 30 low density residential dwelling lots, rather than the apartments included in the original Master Plan.
 - As a result, the total yield was reduced to 152 dwellings.
- It is understood that the Wyndham Resort was subject of a separate approval for 60 resort rooms, and that another separate application approved 60 apartments adjoining the Novotel Hotel.
- Although located on separate lots to the subject proposal, it is noted that the Marine Science Centre, existing townhouses south of Bay Drive and existing townhouses north of Five Islands Drive also contribute to the character of uses throughout the broader precinct.

The proposal subject of this Scoping Report, would build on the previously approved masterplan in order to expand and diversify the established resort and residential precinct. Ultimately, the proposed development coupled with what is already NSW's largest beachfront resort, would realise the vision for Pacific Bay Resort Studios & Village.

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PART B SITE ANALYSIS

2.1 SITE LOCATION AND CHARACTERISTICS

The subject site is identified as Resort Drive, Coffs Harbour, being legally described as Lot 5, 6 and 7 in DP 1112654 and SP53080.

The site covers an expansive area, spanning generally between Five Islands Drive to the north, Charlesworth Bay beach to the east, Bay Drive and Charlesworth Bay Road to the south, and Pacific Highway and James Small Drive to the west.

In its existing state, the site comprises the Pacific Bay Resort which includes visitor accommodation, restaurant and bar, a day spa, conference and function centres, a golf course, tennis courts, swimming pools, and extensive landscaped grounds. Car parking and service zones are situated throughout the site to support the various facilities.

Vehicular access is facilitated via Resort Drive, with separate access roads and driveways branching off the central 'spine' of Resort Drive to connect the various facilities within the resort. It is noted that no direct vehicular access is currently facilitated from Pacific Highway or James Small Drive.

Site landscaping includes manicured gardens and lawns, the golf course fairways and greens, tree planting (palm trees and other canopy trees) along access roads and throughout the grounds, and dense pockets of vegetation. It is noted that the site also includes multiple creek lines and waterbodies associated with the golf course.

The location of the site and existing development are shown in **Figures 5 and 6**.

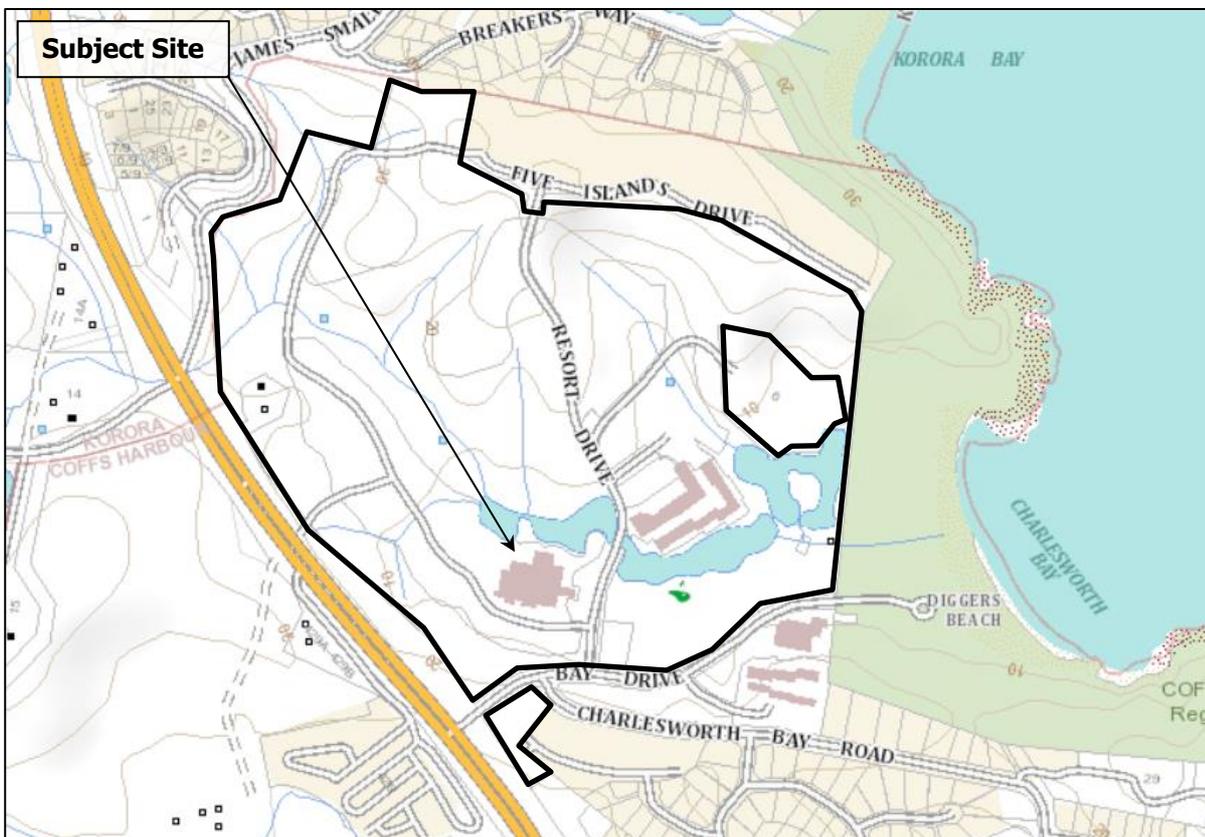


Figure 5. Cadastre Map (SIX Maps 2021)

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Figure 6. Existing Site Development (SIX Maps 2021)

2.2 PRECINCT DEVELOPMENT

The site forms part of a broader beachfront precinct in northern Coffs Harbour, inclusive of Pacific Bay Resort as well as a number of other sites outside of the site boundary. The Marine Science Centre, existing townhouses south of Bay Drive and existing townhouses north of Five Islands Drive, all contribute to the character of uses throughout the broader precinct.

2.3 LOCAL CONTEXT

The site is located in the suburb of Coffs Harbour, within Coffs Harbour Local Government Area (LGA).

The surrounding area exhibits a transitional character, being at the interface of coastal, rural and suburban environments. Beaches and foreshore reserves stretch along the east coast, low density residential suburbs are situated to the north and south, and large lot rural residential properties predominate on the western side of Pacific Highway.

The site is situated approximately 4km north of Coffs Harbour city centre, but also benefits from closer proximity (2km) to the shops and services provided at Park Beach Plaza.

The site is accessible via the established road network, including Pacific Highway. The site is located approximately 8km from Coffs Harbour Airport, 6km from Coffs Harbour train station and 6km from Coffs Harbour jetty.

The local context is shown in **Figure 7**.

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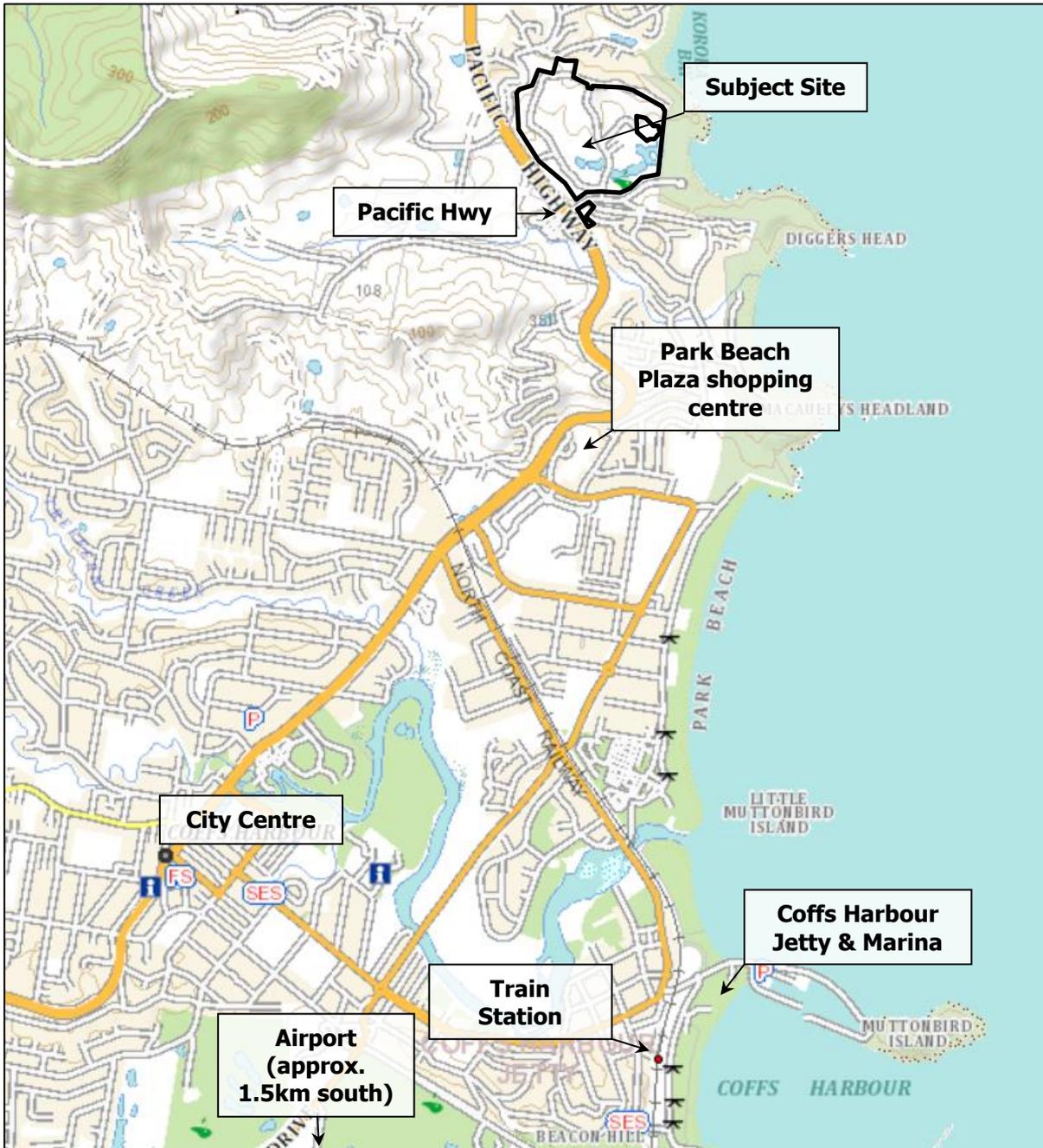


Figure 7. Local Context (SIX Maps 2021)

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PART C PROPOSED DEVELOPMENT

3.1 AIMS AND OBJECTIVES

The following objectives underpin the proposed development for Pacific Bay Resort Stage 2 including Pacific Bay Resort Studios & Village:

- Build on the previously approved masterplan in order to expand and diversify what is already NSW's largest beachfront resort, to realise the ultimate vision for Pacific Bay Resort Studios & Village.
- Transform the site into a world class film studio with state-of-the-art facilities and next-generation technology.
- Attract major local and international investment.
- Respond to the Australian Government's recent \$400 million incentive package to attract footloose productions to Australia.
- Attract and foster local and international talent, generate ongoing employment, and stimulate significant economic activity within Coffs Harbour and regional NSW.
- Support tourism to Coffs Harbour and northern NSW by providing complementary tourist and visitor accommodation and recreational facilities.
- Deliver housing to create a permanent community in the precinct and support long-term employment on the site and for surrounding businesses/industries.
- Enhance the amenity and function of underutilised areas of land within the grounds of Pacific Bay Resort.
- Minimise environmental and amenity impacts.
- Ensure development is compatible with surrounding development and the local context.

The site and proposed design are considered to meet the objectives of the project as it allows for the development of new and enhanced facilities for film production, tourism and residential purposes, on land that forms part of the established Pacific Bay Resort.

3.2 DESCRIPTION OF THE PROPOSAL

The proposal includes the development of Pacific Bay Resort Stage 2 including Pacific Bay Resort Studios & Village, to complement, expand and diversify the existing resort on the site.

Pacific Bay Resort Studios & Village is proposed to be generally organized into three (3) clusters, being a Studio Cluster, Community & Culture Cluster, and a Living Cluster.

Indicatively, the respective clusters would include the following:

- Studio Cluster:
 - Sound stages;
 - Production offices;
 - Workshops;
 - Storage warehouses;
 - Maintenance depot;
 - Ancillary sheds, suites and tenancies for high tech industry.
- Community & Culture Cluster:
 - Spine building incorporating production offices, suites, studios, theatrettes, food and beverage, staff amenities and basement carpark;
 - Spike buildings comprising fine-grain tenancies allied to studio functions;
 - Film and television school;
 - Village centre (*existing* function centre, restaurant, resort reception and administration);
 - Gallery and museum (with ancillary sales);

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- Multi-level hotel;
 - Maisonette accommodation (serviced apartments) including hotel, loft and garden units;
 - Convenience retail and food and beverage;
 - Other businesses, shops and retail contributing to the Village;
 - *Existing* Marine Science Centre (outside of site boundary).
-
- Living Cluster:
 - Boutique hotel;
 - Bungalow accommodation / serviced apartments;
 - Commercial tenancies and guest amenities to complement the accommodation;
 - *Existing* Wyndham Resort;
 - Residential flat buildings / serviced apartments;
 - Terrace dwellings;
 - Single dwellings (including attached and semi-detached);
 - *Existing* Pacific Bay apartments, including some commercial tenancies;
 - Neighbourhood shop.

It is noted that the indicative 'clusters' would be more specifically defined as part of a future subdivision plan. Subdivision of the site may be included in the State Significant Development Application (SSDA) to create suitable sites for the proposed development. A subsequent DA may address strata subdivision.

Built form is generally proposed to range from two (2) to seven (7) storeys, exhibiting heights of up to 24.5m. It is noted that all new built form would remain *below* the height of the existing residential building on the site, which exhibits a height of 29.5m. A variety of floorplate sizes would respond to the operational requirements of the multiple different uses.

Expansive areas of landscaping, dense vegetation and waterbodies would continue to be provided across the site, including in-between the respective clusters and various accommodation 'hubs'. The golf course and lagoons would also be reconfigured and redesigned in conjunction with the proposed development. Recreation facilities, such as mini golf and children's playgrounds, are anticipated to be incorporated into the overall site layout.

Vehicular access would continue to be facilitated from the south of the site via Resort Drive and a network of internal access roads. A new northern access gate is also proposed for studio vehicles.

It is noted that whilst a concept masterplan has been prepared to guide the phased delivery of the project, this relates to construction phasing only. Pursuant to this application, consent would be sought for *all* built form.

Further details of the proposal are provided in the Concept Architectural Drawings at **Appendix 1**, and extracts showing the proposed clusters and ultimate site development are included in **Figures 8-12** below.

As also reflected in the Architectural Drawings (**Appendix 1**), the project prioritises environmentally sustainable development (ESD). The proposed active environmental and energy systems may include energy production via photovoltaics and wind turbines, geothermal and heat exchange, and rainwater harvesting with on-site re-use and off-site export to nearby playing fields.

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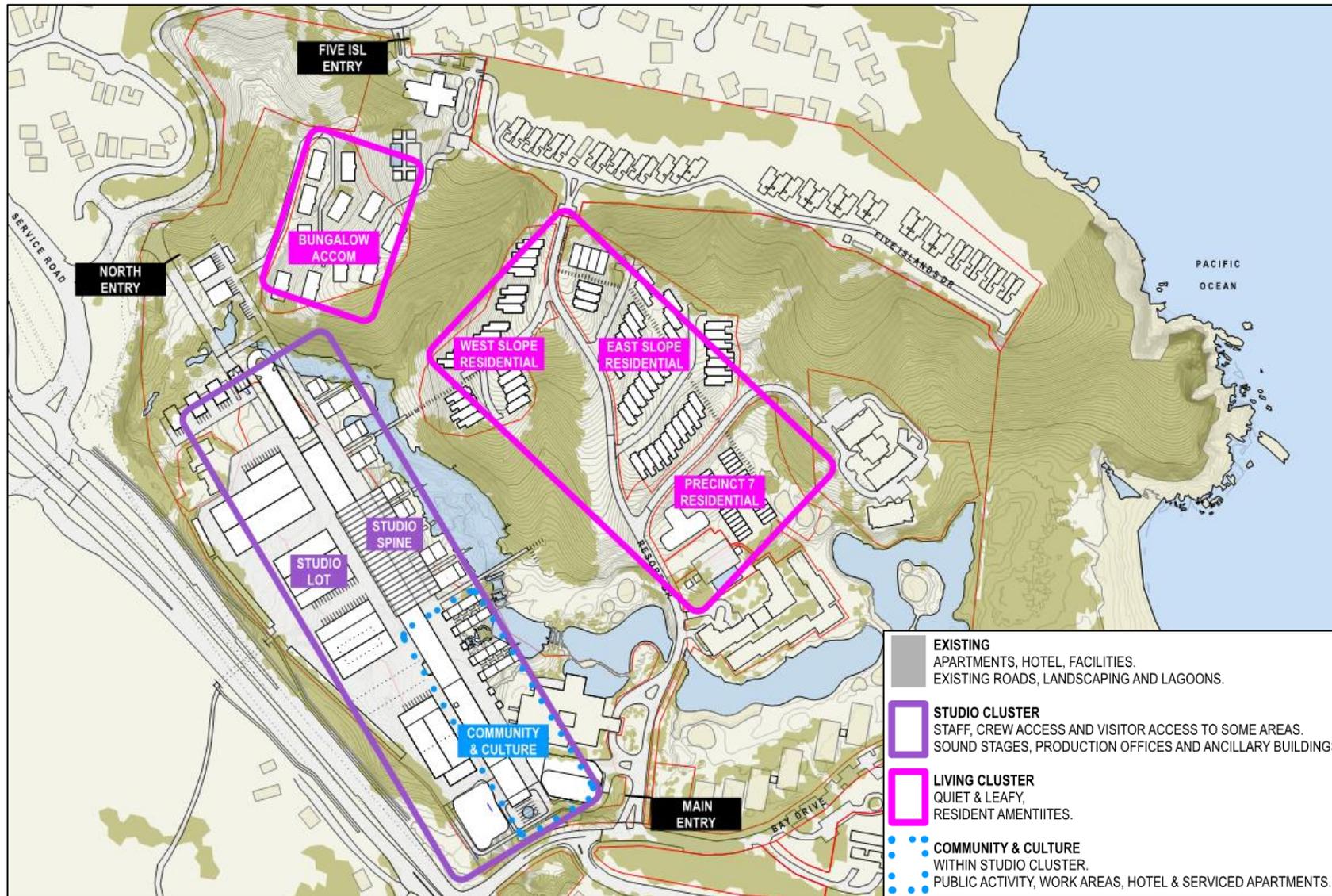


Figure 8. Proposed Clusters (RDO Architect 2021)

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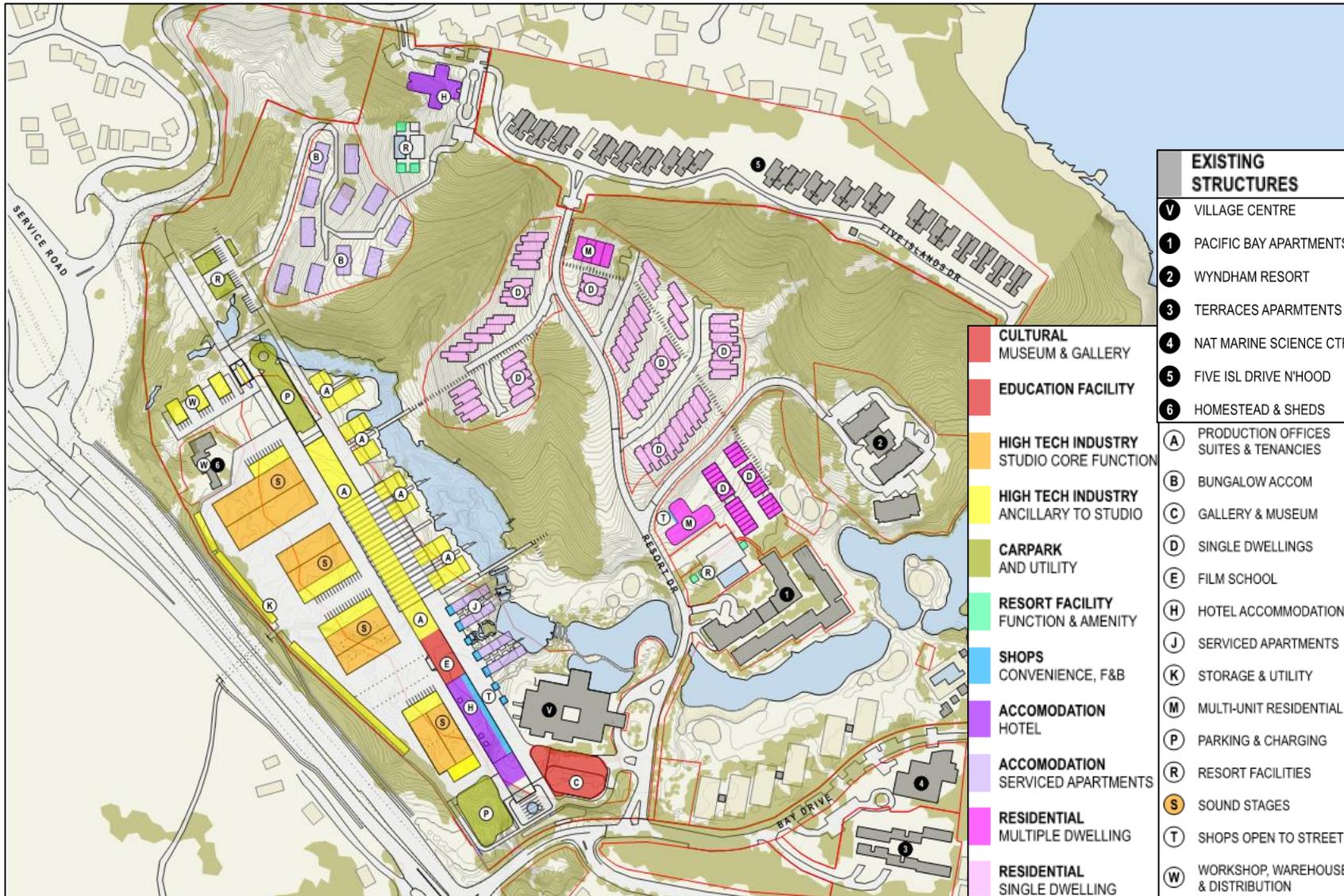


Figure 9. Proposed Site Development (RDO Architect 2021)

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Figure 10. Proposed Photomontages (RDO Architect 2021)

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Figure 11. Proposed Photomontages (RDO Architect 2021)

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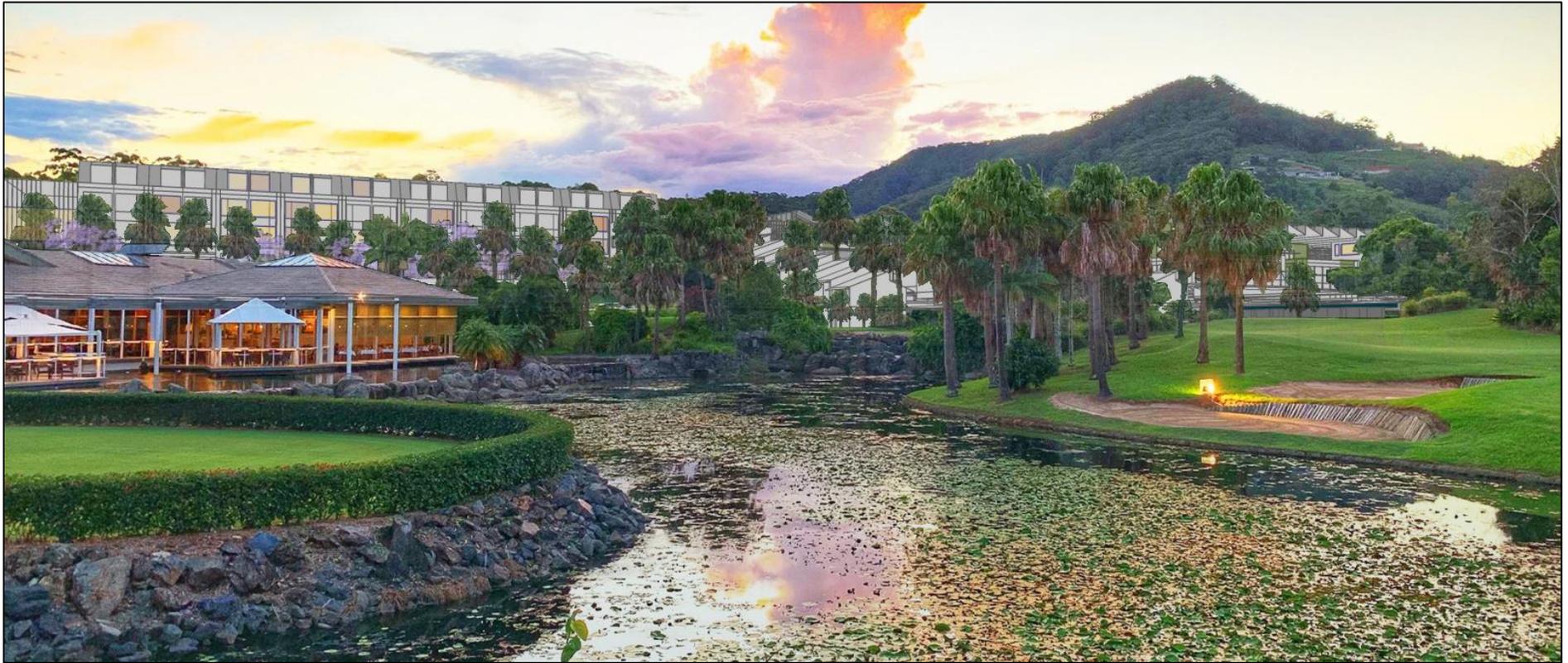


Figure 12. Proposed Photomontages (RDO Architect 2021)

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3.3 LOCAL MATTERS FOR CONSIDERATION – IMPROVEMENTS

A number of local improvements outside of the site boundary are also required to support the proposal. The required external improvements include the following:

- A possible 400m acoustic/visual/safety wall is likely to be required along the western site boundary, to mitigate traffic noise from Pacific Highway. The wall would also serve as a safety barrier to prevent vehicles careering from the highway into the site, and a visual buffer between the highway and the resort. Responsibility for the construction of the wall is subject to ongoing discussion with Transport for NSW (TfNSW).
- To facilitate vehicular access to the site and manage the increased volume of traffic, intersection upgrades and realignment are required to the James Small Drive junction, and a new junction is proposed on Five Islands Drive at Breakers Way. The required upgrades and realignment would be coordinated with the Pacific Highway Bypass project and Council.
- Public domain works would relate to footpaths and culverts.

The external improvements are indicatively shown in **Figure 13** below.

Consultation with TfNSW and Council in relation to these items is ongoing.

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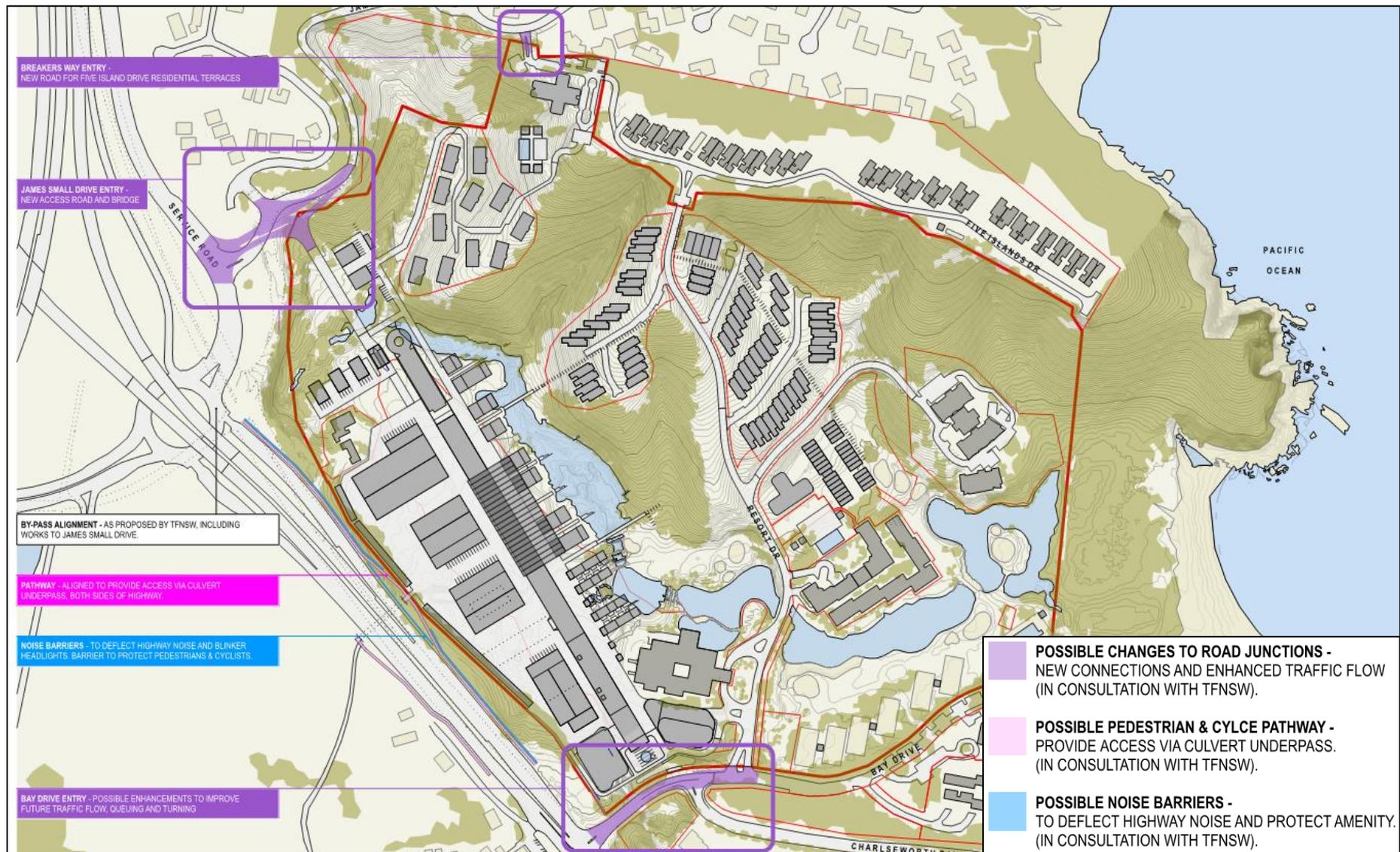


Figure 13. External Improvements (RDO Architect 2021)

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PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 STATUTORY PLANNING AND POLICY FRAMEWORK OVERVIEW

This Part of the Scoping Report assesses and responds to the legislative and policy requirements for the project in accordance with the EP&A Act. Relevant legislation, Environmental Planning Instruments (EPIs) and policies include:

- *Environment Protection and Biodiversity Conservation Act 1999*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *National Parks and Wildlife Act 1974*
- *Protection of The Environment Operations Act 1997*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Biodiversity Conservation Regulation 2017*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *State Environmental Planning Policy (Koala Habitat Protection) 2020*
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- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Buildings*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *Coffs Harbour Local Environmental Plan 2013*
- *Coffs Harbour Development Control Plan 2015*

4.2 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, defined in the EPBC Act as Matters of National Environmental Significance (MNES).

Under the EPBC Act, a person must not, without an approval under the Act, take an action that has, will have or is likely to have, a significant impact on a MNES. These MNES are listed as:

- The world heritage values of a declared World Heritage property;
- The ecological character of a declared Ramsar wetland;
- A threatened species or endangered community listed under the Act;
- A migratory species listed under the Act;
- The environment in a Commonwealth marine area or on Commonwealth land.

Given the highly disturbed nature of the site as a result of previous farming uses, bulk earthworks and development activities, it is considered highly unlikely that the site would contain any MNES. Notwithstanding, it is acknowledged that an Ecological Assessment would be required as part of the SSDA to confirm there would be no unacceptable impact on any MNES.

4.3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the overarching legislation for all development in NSW.

Pursuant to Section 4.36(2), the EP&A Act provides that:

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A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.

The proposed development has been identified as SSD under the SRD SEPP as outlined in **Section 4.17** below.

Pursuant to Section 4.12(8) of the EP&A Act:

A development application for State significant development or designated development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations.

Accordingly, this Scoping Report precedes the required EIS.

As outlined in **Section 4.19** of this Report below, the proposal includes some land uses which are not currently permitted in the relevant zones on the site. To address the permissibility restrictions, and in light of the significance of the proposal, it is proposed to mobilise Section 4.38 of the EP&A Act. Section 4.38(3) provides as follows:

Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.

Accordingly, development consent may be granted for the proposed SSD *despite* the development being partly prohibited by an EPI.

Further, it is noted that majority of the key uses proposed are permitted with consent in the relevant zones across the site, with the balance of uses being complementary and generally ancillary to the permitted uses. The minor extent of encroachment into the zones where permissibility is restricted, is demonstrated in **Figure 14** below. **Figure 14** also demonstrates that much of the development benefits from the 'development near zone boundaries' clause (Clause 5.3) pursuant to *Coffs Harbour Local Environmental Plan 2013* (CHLEP2013) which provides a degree of flexibility for uses within a 20m 'transition' zone (refer **Section 4.19.2** of this Report below for further consideration of this clause).

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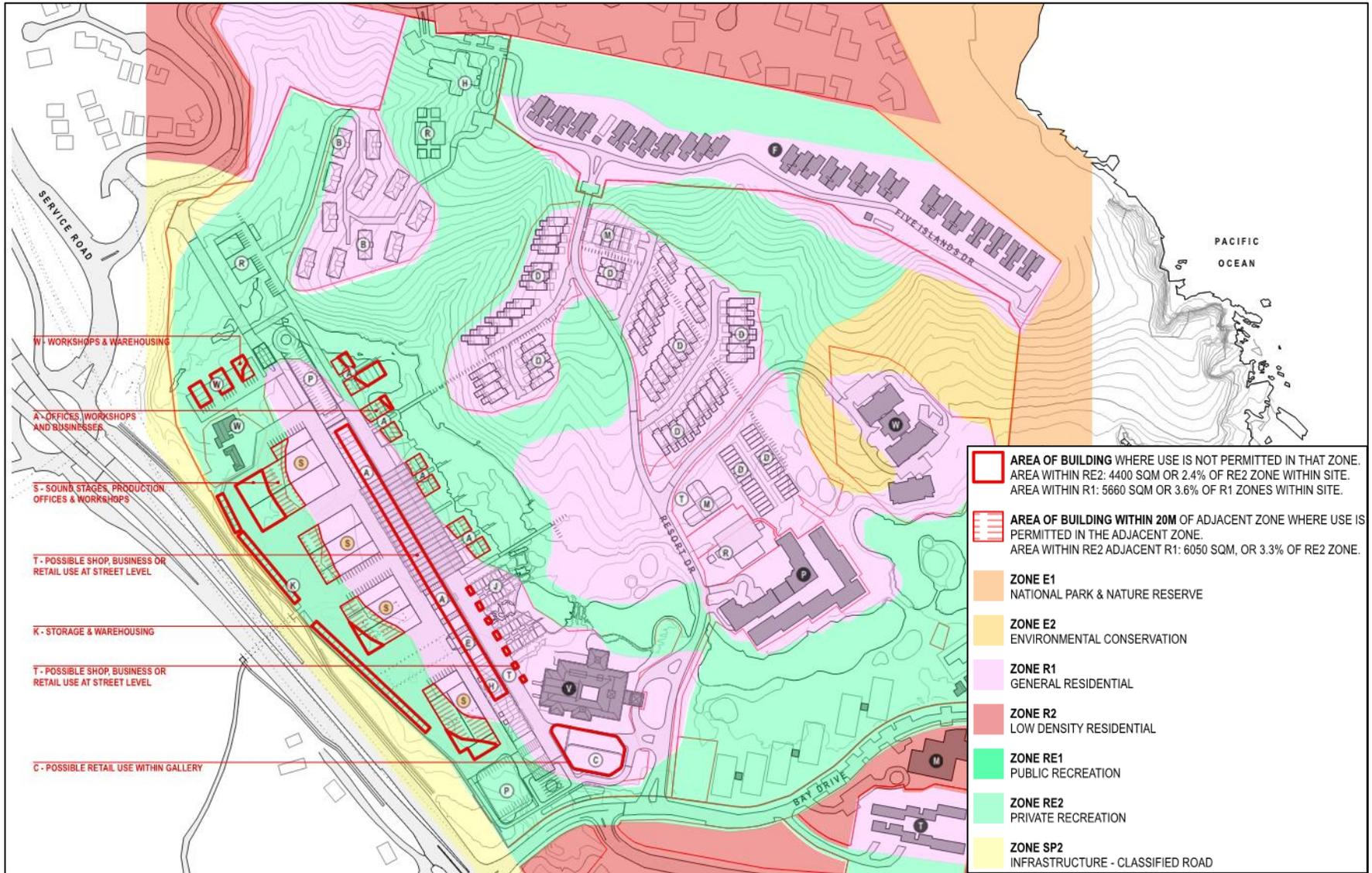


Figure 14. Zoning and Permissibility Overlay (RDO Architect 2021)

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4.4 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) prescribes requirements for an EIS in Schedule 2.

Pursuant to Schedule 2 Clause 3, prior to an EIS being prepared, a written application must be made to obtain SEARs. This application forms the required request for SEARs.

4.5 NATIONAL PARKS AND WILDLIFE ACT 1974

The *National Parks and Wildlife Act 1974* (NPW Act) aims to conserve nature and cultural heritage, including (but not limited to) places, objects and features of significance to Aboriginal people.

Pursuant to Part 6, it is an offence to harm an Aboriginal object or place, *unless* an Aboriginal Heritage Impact Permit (AHIP) has first been obtained. An AHIP may be issued by the Chief Executive in relation to a specified Aboriginal object, Aboriginal place, land, activity or person.

It is acknowledged that an Aboriginal Cultural Heritage Assessment Report (ACHAR) would be required as part of the SSDA to confirm whether the site contains any Aboriginal places, objects or features that would be affected by the proposed development.

4.6 PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) contains a core list of activities that require an Environmental Protection Licence (EPL) before they may be carried out.

The proposed use for a film studio, tourist and visitor facilities and residential accommodation, are not listed in Schedule 1 as 'scheduled activities' for the purpose of the POEO Act, and therefore an EPL would not be required.

4.7 ROADS ACT 1993

The *Roads Act 1993* (Roads Act) regulates the opening, closing and carrying out of various activities on public roads, and confers certain functions on TfNSW and on other roads authorities.

Pursuant to Section 138 of the Roads Act, consent is required to carry out any of the following, and where in relation to a classified road, the concurrence of TfNSW is also required:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road.

It is acknowledged that the Roads Act would need to be addressed as part of the SSDA, through a detailed Traffic Assessment Report.

It is also noted that consultation with TfNSW in relation to the required external improvement works (acoustic/visual/safety barrier, intersection upgrades, Studio rear entrance and Breakers Way entrance), is ongoing.

4.8 RURAL FIRES ACT 1997

The *Rural Fires Act 1997* (Rural Fires Act) aims to prevent, mitigate and suppress bushfires in order to protect people, infrastructure and the environment.

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Pursuant to Section 100B, on bushfire prone land a Bush Fire Safety Authority is required for residential (or rural residential) subdivision and/or development for Special Fire Protection Purposes. Special Fire Protection Purposes include the following:

- (i) a school,
- (ii) a child care centre,
- (iii) a hospital (including a hospital for the mentally ill or mentally disordered),
- (iv) a **hotel, motel or other tourist accommodation**,
- (v) a building wholly or principally used as a home or other establishment for mentally incapacitated persons,
- (vi) seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,
- (vii) a group home within the meaning of State Environmental Planning Policy No 9—Group Homes,
- (viii) a retirement village,
- (ix) any other purpose prescribed by the regulations.

The site comprises designated bushfire prone land based on both NSW Rural Fire Service (RFS) and Council Bushfire Prone Land Maps (refer extract at **Figure 15**). The proposal includes development for Special Fire Protection Purposes, being hotel, motel and other tourist accommodation. Therefore, a Bush Fire Safety Authority would be required and the DA would be referred to the RFS as Integrated Development.

Despite the above, it is noted that pursuant to Section 4.41 of the EP&A Act, a Bushfire Safety Authority is *not* required for SSD.

Notwithstanding, it is acknowledged that a Bushfire Assessment would be required to support the SSDA.

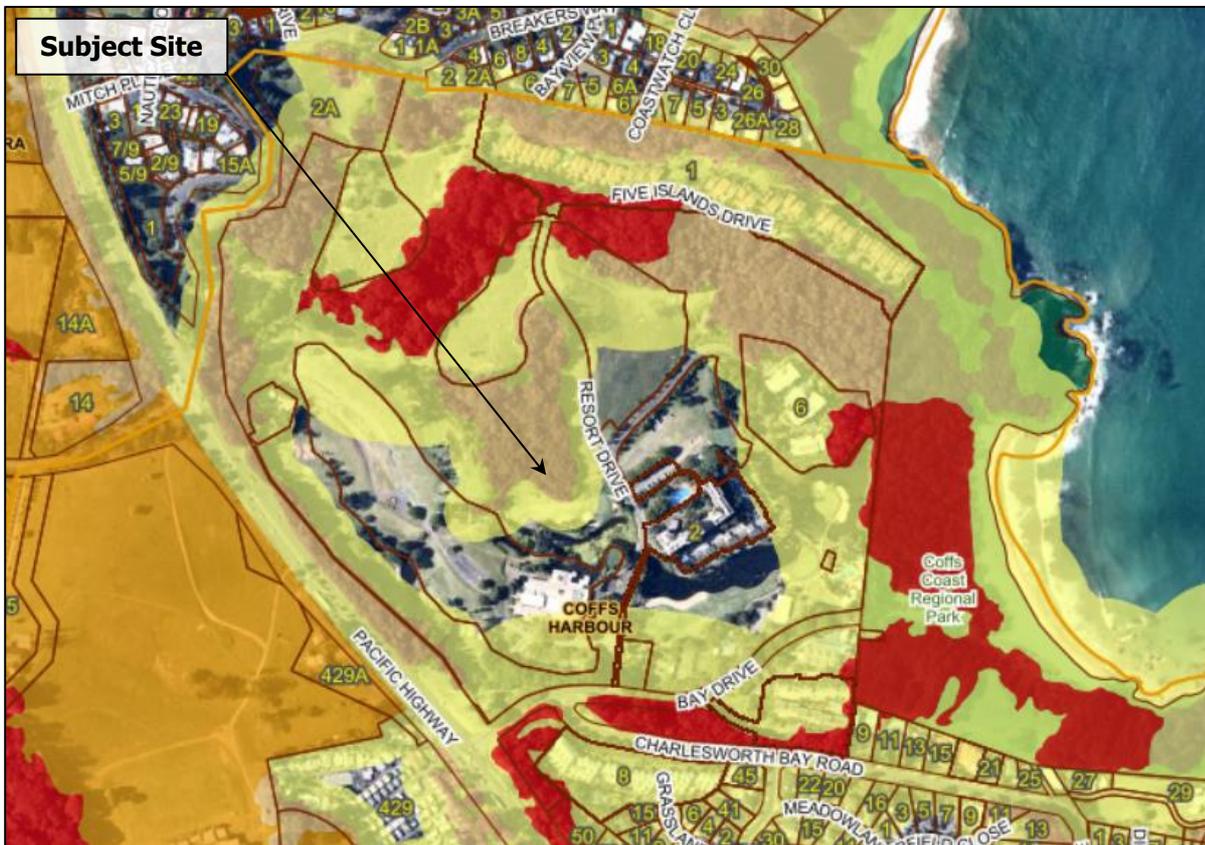


Figure 15. Bushfire Prone Land Map (Coffs Harbour Council 2021)

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4.9 WATER MANAGEMENT ACT 2000

The *Water Management Act 2000* (Water Management Act) aims to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations.

Section 91 relates to Activity Approvals and outlines that a Controlled Activity Approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land.

For the purposes of the Water Management Act, 'controlled activity' means:

- (a) *the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or*
- (b) *the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*
- (c) *the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*
- (d) *the carrying out of any other activity that affects the quantity or flow of water in a water source.*

'Waterfront land' means:

- (a) *the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or*
- (b) *the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or*
- (c) *the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or*
- (d) *if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,*

where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

The site incorporates multiple watercourses and development would be carried out within 40m of the watercourses. In addition, work is proposed to the lagoons and stream. As such, a Controlled Activity Approval would be required and the DA would be referred to WaterNSW as Integrated Development.

Despite the above, it is noted that pursuant to Section 4.41 of the EP&A Act, a Controlled Activity Approval is *not* required for SSD.

Notwithstanding, it is acknowledged that a Stormwater Management Plan and Flood Assessment Report would be required to support the SSDA.

4.10 BIODIVERSITY CONSERVATION ACT 2016 AND BIODIVERSITY CONSERVATION REGULATION 2017

The *Biodiversity Conservation Act 2016* (BC Act) and *Biodiversity Conservation Regulation 2017* (BC Regulation) aim *to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.*

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Part 7 of the BC Act and Regulation relate to biodiversity assessment and approvals under the Planning Act (meaning the EP&A Act). Pursuant to Section 7.2(1) of the BC Act, *development or an activity is likely to significantly affect threatened species if:*

- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) *it is carried out in a declared area of outstanding biodiversity value.*

With respect to subclauses (b) and (c) under Section 7.2(1) of the BC Act, it is relevant to refer to the BC Regulation. Pursuant to Clause 7.1 of the BC Regulation, proposed development exceeds the biodiversity offsets scheme threshold for the purposes of Part 7 of the BC Act if it involves:

- (a) *the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or*
- (b) *the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.*

The site is mapped as comprising 'biodiversity value' in the Biodiversity Values Map, as shown in the extract at **Figure 16**. Notwithstanding this mapping, it is noted that the majority of the site has been significantly disturbed in association with previous farming uses, bulk earthworks and development activities (refer **Section 1.2** and **Figures 1-4** of this Report for further details of historical disturbances). Accordingly, the landform, vegetation and watercourses across the site are not 'pristine' or 'untouched', but rather that they represent relatively recent 'introductions' to a site that has been highly disturbed.

Accordingly, ecological investigations are underway and would be reported as part of the SSDA. Given the site history, it is anticipated that a Biodiversity Development Assessment Report (BDAR) Waiver would be sought.

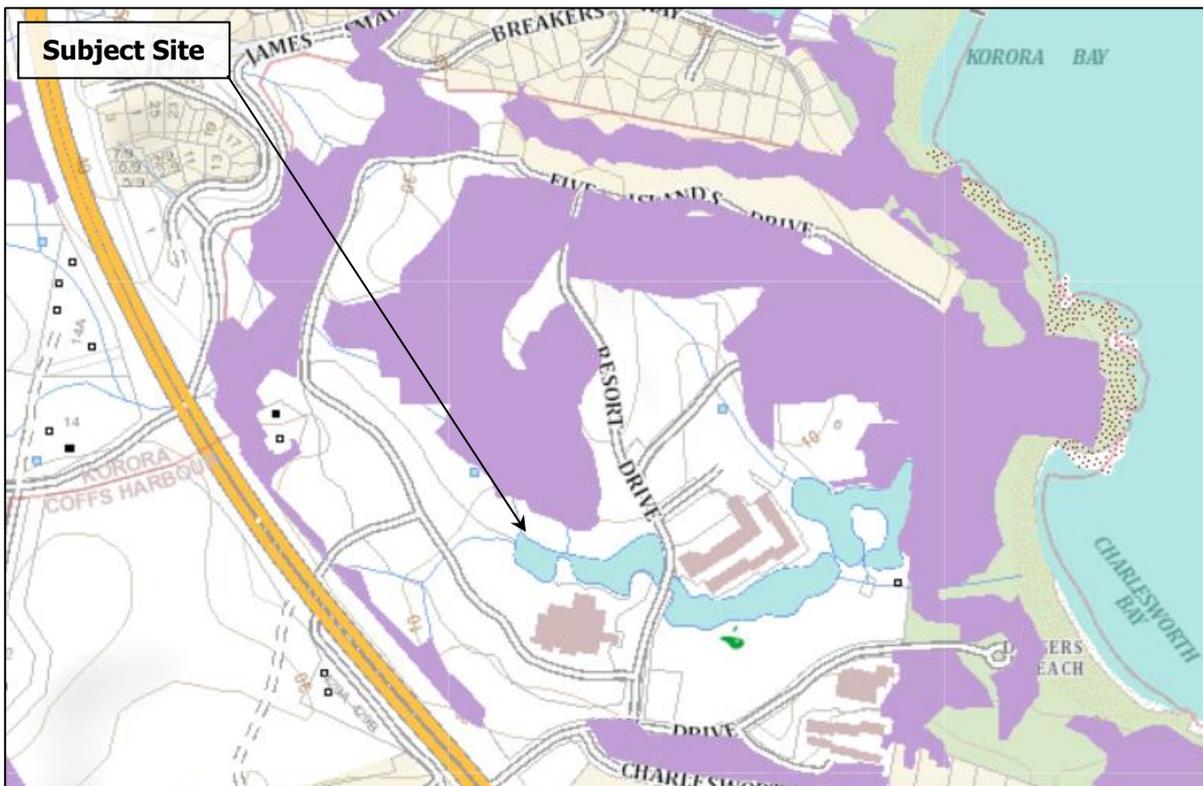


Figure 16. Biodiversity Values Map (NSW Government 2021)

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4.11 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the associated amenity.

Pursuant to Parts 2 and 3 of the Vegetation SEPP, a Development Control Plan (DCP) may declare the types of vegetation to which the SEPP applies, and a permit would then be required from Council in order to clear that vegetation.

Where the biodiversity offsets scheme threshold is exceeded, an approval from the Native Vegetation Panel would be required. Consistent with the requirements established under the BC Act and BC Regulation, a BDAR would be required to be submitted to the Native Vegetation Panel prior to approval being granted for the vegetation clearing.

As outlined above, notwithstanding the Biodiversity Values Map, it is noted that the majority of the site has been significantly disturbed in association with previous farming uses, bulk earthworks and development activities. Accordingly, it is anticipated that a BDAR Waiver would be sought, subject to the ecological investigations which are underway.

4.12 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2020

State Environmental Planning Policy (Koala Habitat Protection) 2020 (Koala SEPP) aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

Coffs Harbour LGA is identified within Schedule 1 of the Koala SEPP, and the site comprises an area of more than 1ha. Therefore the Koala SEPP applies.

Coffs Harbour Council has prepared a Koala Plan of Management in accordance with Part 3 of the Koala SEPP, and based on Council's mapping the site comprises areas of primary and secondary koala habitat (refer **Figure 17**).

Pursuant to Clause 10 of the Koala SEPP, development consent may be granted for development on land within core koala habitat, provided that it is not inconsistent with the Plan of Management.

It is acknowledged that an Ecological Assessment would be required as part of the SSDA to confirm there would be no unacceptable impact on koala habitat. Notwithstanding the requirement for further assessment, given the highly disturbed nature of the site and history of agricultural and development activities, it is considered unlikely that the site would provide koala habitat.

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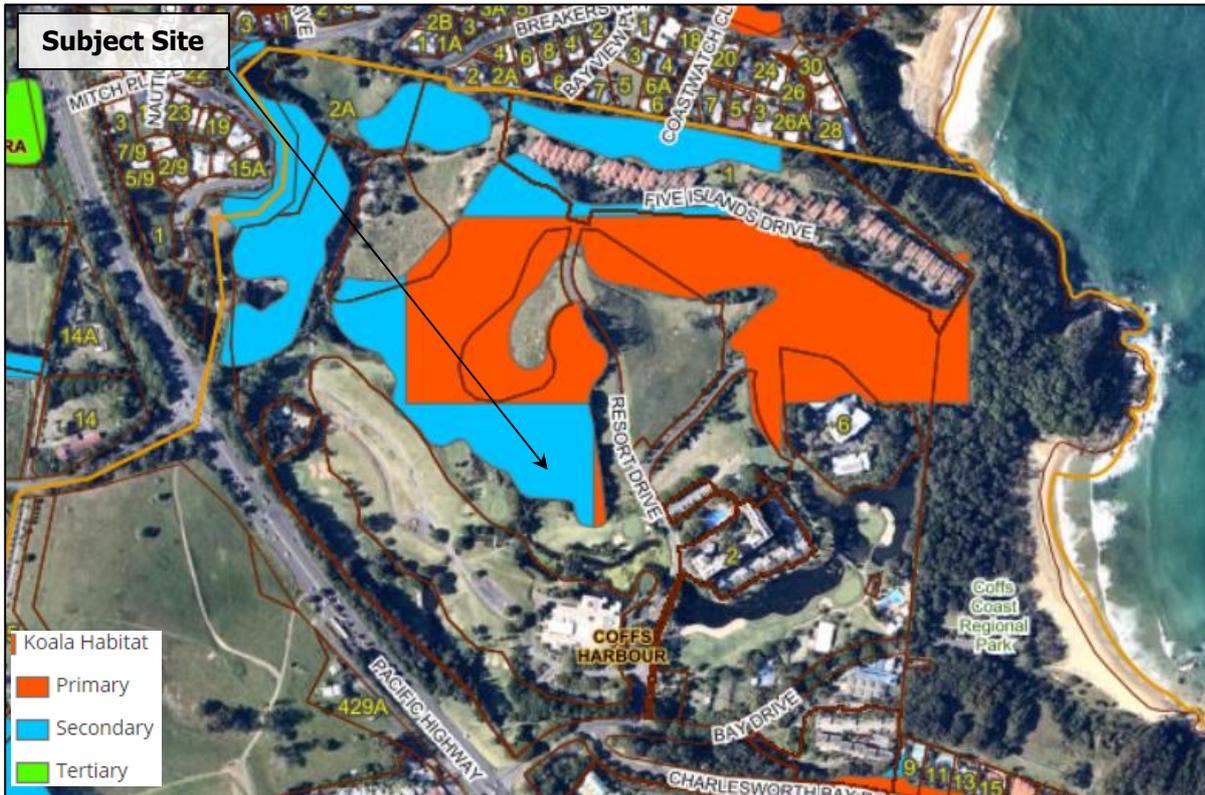


Figure 17. Koala Habitat Map (Coffs Harbour Council 2021)

4.13 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) aims to promote an integrated and coordinated approach to land use planning in the coastal zone.

As shown in the extract from the Coastal Management SEPP at **Figure 18**, the site has been mapped as coastal wetlands, proximity area for coastal wetlands, littoral rainforest, proximity area for littoral rainforests, coastal environment area and coastal use area.

The Concept Architectural Drawings place the proposed development on cleared land that has been previously approved for development and subject to extensive bulk earthworks. Accordingly, despite the mapping, it is considered that owing to the site's history of disturbance and development, in reality the site would not serve a role in supporting the 'coastal use area' or 'proximity area for littoral rainforests'.

Also of note, no *new* development is shown in the mapped coastal wetlands, proximity area for coastal wetlands, littoral rainforest or coastal environment area.

Accordingly, it is considered that the proposal would not significantly impact on the coastal zone or littoral rainforests.

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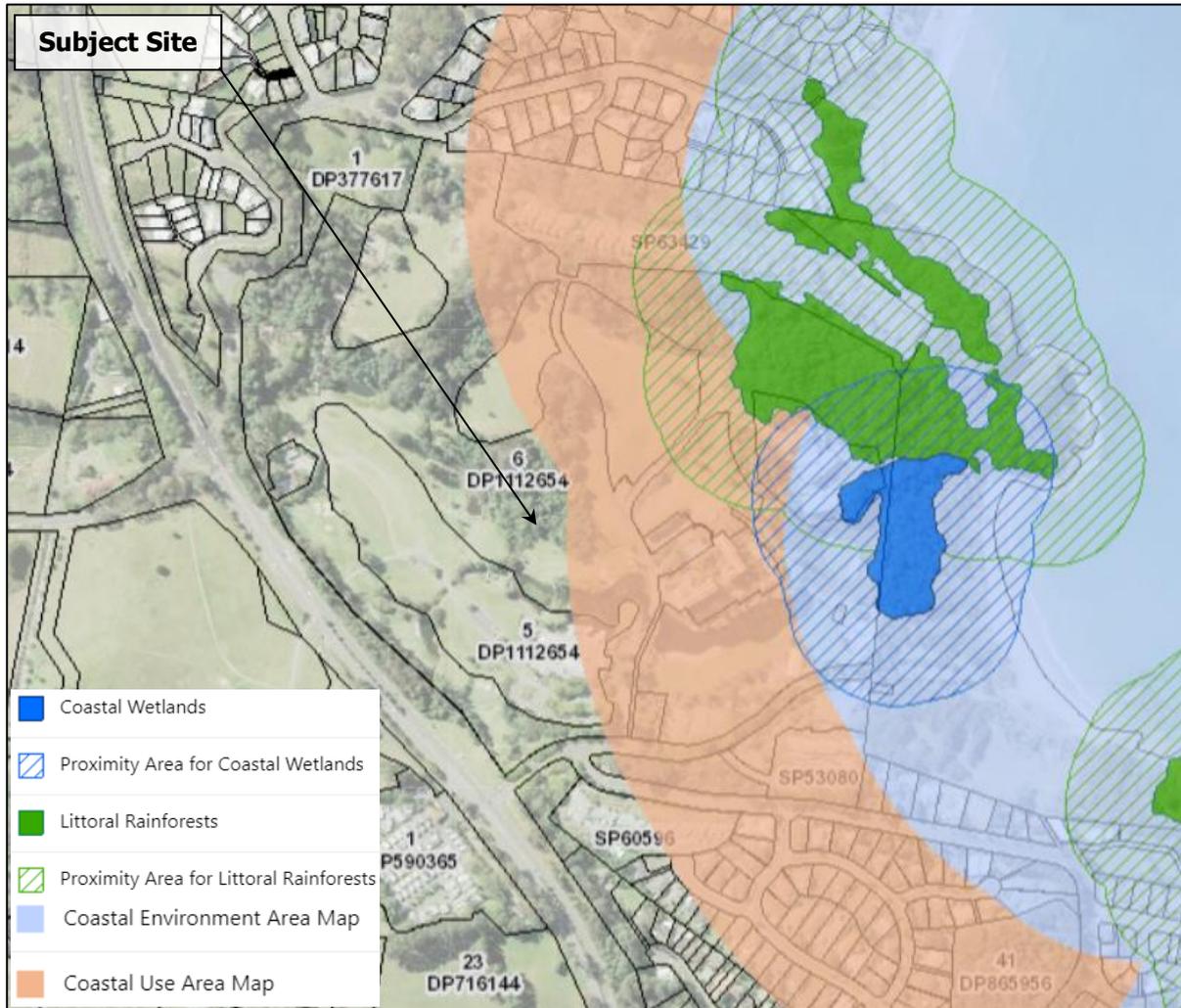


Figure 18. Biodiversity Values Map (NSW Government 2021)

4.14 STATE ENVIRONMENTAL PLANNING POLICY NO. 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33) defines and outlines provisions for hazardous, potentially hazardous, offensive and potentially offensive industry, as well as hazardous and offensive storage establishments.

The future development would not be affected by SEPP 33, in light of the land uses that are proposed.

4.15 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) provides a state-wide planning approach for the remediation of land and aims to promote the remediation of contaminated land to reduce the risk of harm.

Clause 7(1) of SEPP 55 requires that a consent authority must not grant development consent on land unless:

- it has considered whether the land is contaminated, and*
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

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- c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

It is acknowledged that a Phase 1 Environmental Site Investigation would be required to support the SSDA for the site, with further assessment requirements and any required remediation to be addressed therein.

4.16 STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT BUILDINGS

State Environmental Planning Policy 65 – Design Quality of Residential Apartments Buildings (SEPP 65) aims to improve the design quality of residential apartment development across the State, by focusing on sustainability, aesthetics, streetscapes, accessibility, amenity, safety, security and affordability.

SEPP 65 applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component, if the building comprises three (3) or more storeys.

Therefore, SEPP 65 would apply to the proposed residential flat buildings. It is acknowledged that the proposal would need to demonstrate consistency with the design quality principles under SEPP 65, and comply with the detailed design criteria of the Apartment Design Guide (ADG).

4.17 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Proposals involving activities that are listed in Schedule 1 of the SRD SEPP are identified as being SSD. Clause 13 of Schedule 1 relates to cultural, recreation and tourist facilities and states as follows:

13 Cultural, recreation and tourist facilities

- (1) *Development that has a **capital investment value of more than \$30 million** for any of the following purposes—*
- (a) **film production, the television industry or digital or recorded media,***
 - (b) **convention centres and exhibition centres,***
 - (c) **entertainment facilities,***
 - (d) **information and education facilities, including museums and art galleries,***
 - (e) **recreation facilities (major),***
 - (f) **zoos, including animal enclosures, administration and maintenance buildings, and associated facilities.***
- (2) *Development for **other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that—***
- (a) **has a capital investment value of more than \$100 million, or***
 - (b) **has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location.***

The proposed development is for the purpose of 'film production, the television industry or digital or recorded media' as referred to in Clause 13(1)(a) and has a CIV of more than \$30 million (refer Preliminary Cost Report at **Appendix 2**). The proposal would therefore constitute SSD in accordance with Schedule 1 Clause 13 of the SRD SEPP.

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In addition, the proposal would also include 'information and education facilities, including museums and art galleries' as referenced in Clause 13(1)(d), together with 'other tourist related purposes' referenced in Clause 13(2).

In any case, Section 8(2) of the SRD SEPP provides that, if a single proposed development the subject of one (1) DA comprises development that is only partly SSD, the remainder of the development is also declared to be SSD (provided that it sufficiently relates to the SSD).

As detailed throughout this Report, all components of the proposal are considered to be sufficiently related so as to be considered as a single SSD. Further reasoning for the inclusion of all components as SSD included the following:

- A key attraction of the land as a film and studio precinct is that it has the ability to accommodate in the one location large amounts of staff for periodic film and television shoots and for post-production. Given the long hours and episodic nature of the productions it is an important element to have staff on site from time to time.
- A variety of accommodation is required given the range of facilities required by those participating in the filming, from administrative staff to sought-after directors and actors who have different expectations and requirements for their accommodation including the ability to accommodate an entire family in one accommodation suite.
- Whilst there is already some accommodation existing on site, occupancy rates are already high such that availability is not assured for larger productions particularly in the high tourism seasons.
- The new tourism and residential accommodation will be designed, and then operated and managed, in a way to give priority to the film studio needs which cannot be assured with the current accommodation which already has an embedded but restricted operating arrangement.
- The new accommodation will be designed and operated such that it is capable of being leased or rented by others in between filming production needs.
- The catalyst for prosecuting the entire project is the film component and not the other way round.
- Tourism and residential accommodation has limitations with time periods for occupation. It is expected that tourists will not stay more than 90 consecutive days in a year. Short-term letting of residential accommodation beyond 180 days in a year (such as via Airbnb) requires development consent. Some film shoots and post-production timeframes will be longer than 90 days or 180 days (for short term letting) and accordingly, the project needs full flexibility around accommodation timeframes to ensure they can properly service the film studios but have the flexibility to be used for other purposes in the down time.

Therefore, the entire development should constitute SSD.

4.18 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State.

The ISEPP provides for certain proposals, known as Traffic Generating Development, to be referred to TfNSW for concurrence. Schedule 3 lists the types of development that are defined as Traffic Generating Development, and relevant categories are summarised in the following table.

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Table 1. ISEPP Traffic Generating Development		
Purpose of Development	Site with access to a road (generally)	Site with access to, or connects within 90m of, a classified road
Car parks (whether or not ancillary to other development)	200 or more parking spaces	50 or more parking spaces
Commercial Premises	10,000m ² Gross Floor Area (GFA)	2,500m ² GFA
Food and Drink Premises	200 or more parking spaces	300m ² GFA
Industry	20,000m ² in site area or gross floor area (GFA) (if site area is less than GFA)	5,000m ² in site area or GFA (if site area is less than GFA)
Residential Accommodation	300 or more dwellings	75 or more dwellings
Shops	2,000m ² GFA	500m ² GFA
Warehouse or Distribution Centres	8,000m ² in site area or GFA (if site area is less than GFA)	8,000m ² in site area or GFA (if site area is less than GFA)
Any other purpose	200 or more vehicles per hour	50 or more vehicles per hour

It is anticipated that the Traffic Generating thresholds would be exceeded and referral to TfNSW would be required.

The ISEPP also makes provisions for development in or adjacent to road corridors and road reservations. Clause 101 outlines considerations for development on land with a frontage to a classified road in order to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads. Clause 102 relates specifically to the impact of road noise or vibration on sensitive development types including residential accommodation, and establishes noise criteria that must be achieved for new residential development.

It is acknowledged that the applicable clauses of the ISEPP would need to be addressed as part of the SSDA, through detailed Traffic and Acoustic Assessment Reports.

It is also noted that consultation with TfNSW in relation to the required external improvement works (acoustic/visual/safety barrier and intersection upgrades), is ongoing.

4.19 COFFS HARBOUR LOCAL ENVIRONMENTAL PLAN 2013

The site is subject to the provisions of CHLEP2013. Relevant zoning, development standards and provisions are summarised in the subsequent sections of this Report.

4.19.1 ZONING AND PERMISSIBILITY

The site is zoned R1 General Residential, RE2 Private Recreation and E2 Environmental Conservation, pursuant to CHLEP2013, as shown in **Figure 19**.

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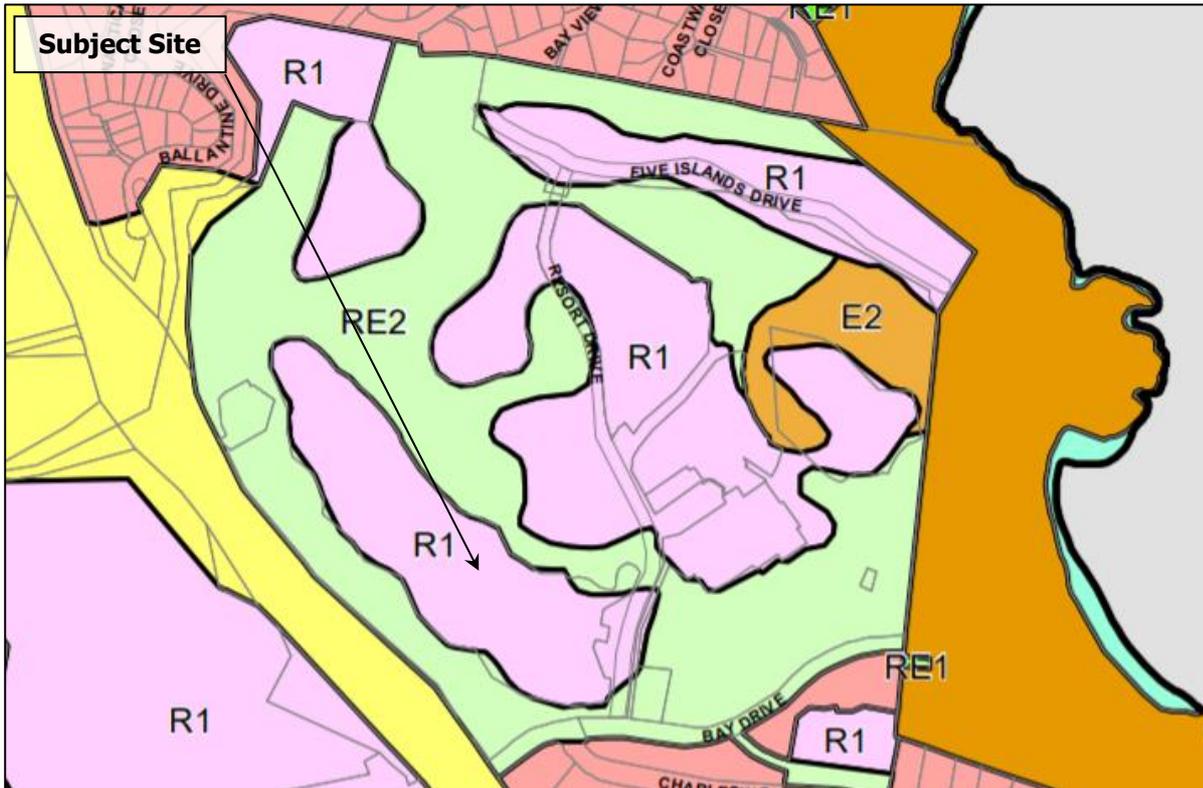


Figure 19. Zoning Map (NSW Legislation 2021)

The relevant zone provisions are outlined below.

R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the provision of appropriately scaled tourist and visitor accommodation and tourist-related development in locations where it can be adequately provided with services and where the scale and intensity of the development does not detrimentally impact on adjoining, predominantly residential land uses.
- To support active and safe mixed uses at street level compatible with residential living.

2 Permitted without consent

Building identification signs; Home-based child care; Home occupations

3 Permitted with consent

*Attached dwellings; Boarding houses; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; **Dwelling houses**; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; **Food and drink premises**; **Function centres**; Group homes; Helipads; **High technology industries**; Home businesses; Home industries; Hostels; **Information and education facilities**; Kiosks; Markets; **Multi dwelling housing**; **Neighbourhood shops**; Oyster aquaculture; Passenger transport facilities; Places of public worship; Pond-based aquaculture; Recreation areas; **Recreation facilities (indoor)**; **Recreation facilities (outdoor)**; Registered clubs; **Residential accommodation**; **Residential flat buildings**; Respite day care centres; Roads; Semi-detached dwellings; Seniors*

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*housing; Service stations; **Shop top housing**; Signage; Tank-based aquaculture; **Tourist and visitor accommodation**; Veterinary hospitals; Water supply systems*

4 Prohibited

*Rural workers' dwellings; **Any other development not specified in item 2 or 3***

Accordingly, many of the proposed uses would be permitted with consent on the R1 zoned areas of the site, however, some other uses would be prohibited. The permissibility of the proposed uses in the various zones included on the site, is outlined in **Table 2** following the zone summaries.

RE2 Private Recreation

1 Objectives of zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

2 Permitted without consent

Building identification signs

3 Permitted with consent

*Amusement centres; Aquaculture; Boat launching ramps; Boat sheds; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Electricity generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; **Food and drink premises**; **Function centres**; Helipads; **Information and education facilities**; Jetties; Kiosks; Markets; Places of public worship; Recreation areas; **Recreation facilities (indoor)**; Recreation facilities (major); **Recreation facilities (outdoor)**; Registered clubs; Research stations; Respite day care centres; Roads; **Tourist and visitor accommodation**; Veterinary hospitals; Water recreation structures; Water supply systems*

4 Prohibited

Any development not specified in item 2 or 3

Again, some of the proposed uses are permissible whilst others are prohibited in the RE2 zone, as further summarised in **Table 2** below.

E2 Environmental Conservation

1 Objectives of zone

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

2 Permitted without consent

Building identification signs; Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Bee keeping; Business identification signs; Camping grounds; Community facilities; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Flood mitigation works; Home-based child care; Home businesses; Information and education facilities; Oyster aquaculture; Research stations; Roads

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4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

It is noted that *no* development is proposed within the E2 zone.

As referenced above, the permissibility of the proposed uses is summarised in **Table 2** (ignoring whether they are considered ancillary or incidental to the dominant purpose).

Table 2. Permissibility of Proposed Uses		
Land Use	Permissibility in Zone	
	R1 Zone	RE2 Zone
Studio Cluster		
High Tech Industry	Permissible	Prohibited
Warehouse or Distribution Centre	Prohibited	Prohibited
Office Premises	Prohibited	Prohibited
Community & Culture Cluster		
High Tech Industry	Permissible	Prohibited
Office Premises	Prohibited	Prohibited
Educational Establishment	Prohibited * Permitted under other EPI	Prohibited
Information and Education Facility	Permissible	Permissible
Tourist and Visitor Accommodation	Permissible	Permissible
Hotel or Motel Accommodation	Permissible	Permissible
Serviced Apartments	Permissible	Permissible
Shop	Prohibited (Neighbourhood Shops permitted)	Prohibited
Neighbourhood Shop (max 80m ² GFA)	Permissible	Prohibited
Food and Drink Premises	Permissible	Permissible
Business Premises	Prohibited	Prohibited
Function Centre	Permissible	Prohibited
Recreation Facility (Indoor)	Permissible	Permissible
Recreation Facility (Outdoor)	Permissible	Permissible
Living Cluster		
Tourist and Visitor Accommodation	Permissible	Permissible
Hotel or Motel Accommodation	Permissible	Permissible
Serviced Apartments	Permissible	Permissible
Residential Flat Building	Permissible	Prohibited
Multi Dwelling Housing	Permissible	Prohibited
Dwelling House	Permissible	Prohibited
Neighbourhood Shop (max 80m ² GFA)	Permissible	Prohibited
Shop	Prohibited (Neighbourhood Shops permitted)	Prohibited
Food and Drink Premises	Permissible	Permissible
Business Premises	Prohibited	Prohibited

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* Notwithstanding the provisions of CHLEP2013, Educational Establishments would be permissible with consent in the R1 zone pursuant to *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (E-SEPP).

Further to **Table 2**, the following dot points summarise the key permissibility for the respective clusters and zones:

- *Some* elements of the Studio Cluster, namely high tech industry, would be *permitted* in the current R1 zone. The balance of the Studio Cluster (including warehouse or distribution centres and any office premises) would however be *prohibited* in the R1 zone. The current RE2 zone would *prohibit* all elements of the Studio Cluster.
- The majority of land uses proposed for the Community & Culture Cluster would be *permitted* in the current R1 zone. The exception would be for any shops that exceed 80m² (or otherwise do not satisfy the definition of Neighbourhood Shop), office premises and business premises.
- The Community & Culture Cluster would however be more restricted in the RE2 zone given that high tech industry, office premises, business premises, shops, neighbourhood shops, educational establishments and function centres, are all *prohibited*. The tourist and visitor accommodation, information and education facility, food and drink premises, and indoor and outdoor recreation facilities, would be *permitted* with consent.
- The majority of the Living Cluster would be *permitted* in the current R1 zone. The exception would be for any shops that exceed 80m² (or otherwise do not satisfy the definition of Neighbourhood Shop) and business premises. However, aside from the tourist and visitor accommodation and food and drink premises, the remainder of the Living Cluster would be prohibited in the RE2 zone.
- It is noted that no development is proposed within the E2 zone.

To address the permissibility restrictions outlined above, and in light of the significance of the proposal, it is proposed to mobilise Section 4.38 of the EP&A Act. Pursuant to Section 4.38(3), development consent may be granted for SSD *despite* the development being *partly* prohibited by an EPI. The development cannot however be *wholly* prohibited. In accordance with these provisions, and as outlined in **Table 2** above, the proposed development is only partly prohibited.

Further, it is noted that majority of the key uses proposed are permitted with consent in the relevant zones across the site, with the balance of uses being complementary and generally ancillary to the permitted uses. The minor extent of encroachment into the zones where permissibility is restricted, is demonstrated in **Figure 20** below.

Figure 20 also demonstrates that much of the development benefits from the 'development near zone boundaries' clause (Clause 5.3) pursuant to CHLEP2013, which provides a degree of flexibility for uses within a 20m 'transition' zone (refer **Section 4.19.2** of this Report below for further consideration of this clause).

4.19.2 DEVELOPMENT NEAR ZONE BOUNDARIES (CLAUSE 5.3)

Clause 5.3 'Development Near Zone Boundaries' of CHLEP2013, aims to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Clause 5.3 applies to so much of any land that is within the relevant distance of a boundary between any two (2) zones. The relevant distance is 20m.

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Pursuant to subclause (3), Clause 5.3 does not apply to certain land, as outlined in the following table.

Table 3. Land Excluded from Clause 5.3	
CHLEP2013 Clause 5.3(3)	Assessment of Subject Site
<i>(3) This clause does not apply to—</i>	
<i>(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or</i>	The site is not zoned RE1, E1, E3 or W1. The clause is not sought to be applied to the E2-zoned portion of the site, as <i>no</i> new development is proposed in the E2 zone pursuant to this application.
<i>(a1) land in Zone R2 Low Density Residential, Zone R4 High Density Residential, Zone IN3 Heavy Industrial, Zone IN4 Working Waterfront, Zone W2 Recreational Waterways or Zone W3 Working Waterways, or</i>	The site is not zoned R2, R4, IN3, IN4, W2 or W3.
<i>(b) land within the coastal zone, or</i>	This clause is not sought to be applied to the portion of the site that is mapped within the coastal zone (refer extract from the NSW Government Map at Figure 18).
<i>(c) land proposed to be developed for the purpose of sex services or restricted premises.</i>	The proposed development does not include sex services or restricted premises.

As per the assessment in **Table 3** above, the site is not affected by any of the exclusions and therefore Clause 5.3 would be applicable.

Subclause 5.3(4) provides as follows:

Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

- (a) the development is not inconsistent with the objectives for development in both zones, and*
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

The components of the proposal located in the 20m 'transition' zone include high technology industrial facilities within the Studio Cluster, which are permitted with consent in the R1 zone but also extend into the adjoining RE2 zone where they would otherwise be prohibited pursuant to CHLEP2013.

In accordance with Clause 5.3(4)(a), the proposed high technology industries are permitted with consent in the R1 zone and would not be inconsistent with the R1 zone objectives insofar as they would support active and safe uses that would introduce a mix that is compatible with residential living on the broader site. The scale and intensity of the development would not detrimentally impact on nearby residential areas. The proposed high technology industries would also be compatible with and supportive of tourist-related development incorporated on the site.

Clause 5.3(4)(a) requires that development is similarly not inconsistent with the objectives for the zone in which it would otherwise be prohibited. In this respect, the proposed high technology industries would not be incompatible with the RE2 zone objectives as they would provide compatible land uses to complement recreational activities on the site, and would not unacceptably impact on the natural environment.

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In accordance with Clause 5.3(4)(b), the provision of high technology industrial facilities within the 'transition' zone, would support the efficient and timely development of the site overall. The proposed high technology uses would be highly compatible with the balance of the site development, and would be integral to supporting the realisation of the vision for Pacific Bay Resort Studios and Village. The proposal would also be compatible with the environmental attributes of the site, noting that the land within the 'transition' zone has previously been highly disturbed and therefore is not considered to exhibit any significant natural or cultural attributes. The co-location of all high technology industries within this portion of the adjacent to the Pacific Highway corridor, would enable the efficient servicing and delivery of infrastructure for the site.

Accordingly, the proposed light industrial facilities within the 20m 'transition' zone, as shown in **Figure 20**, would satisfy the requirements of Clause 5.3 of CHLEP2013 and therefore benefit from permissibility on this basis.

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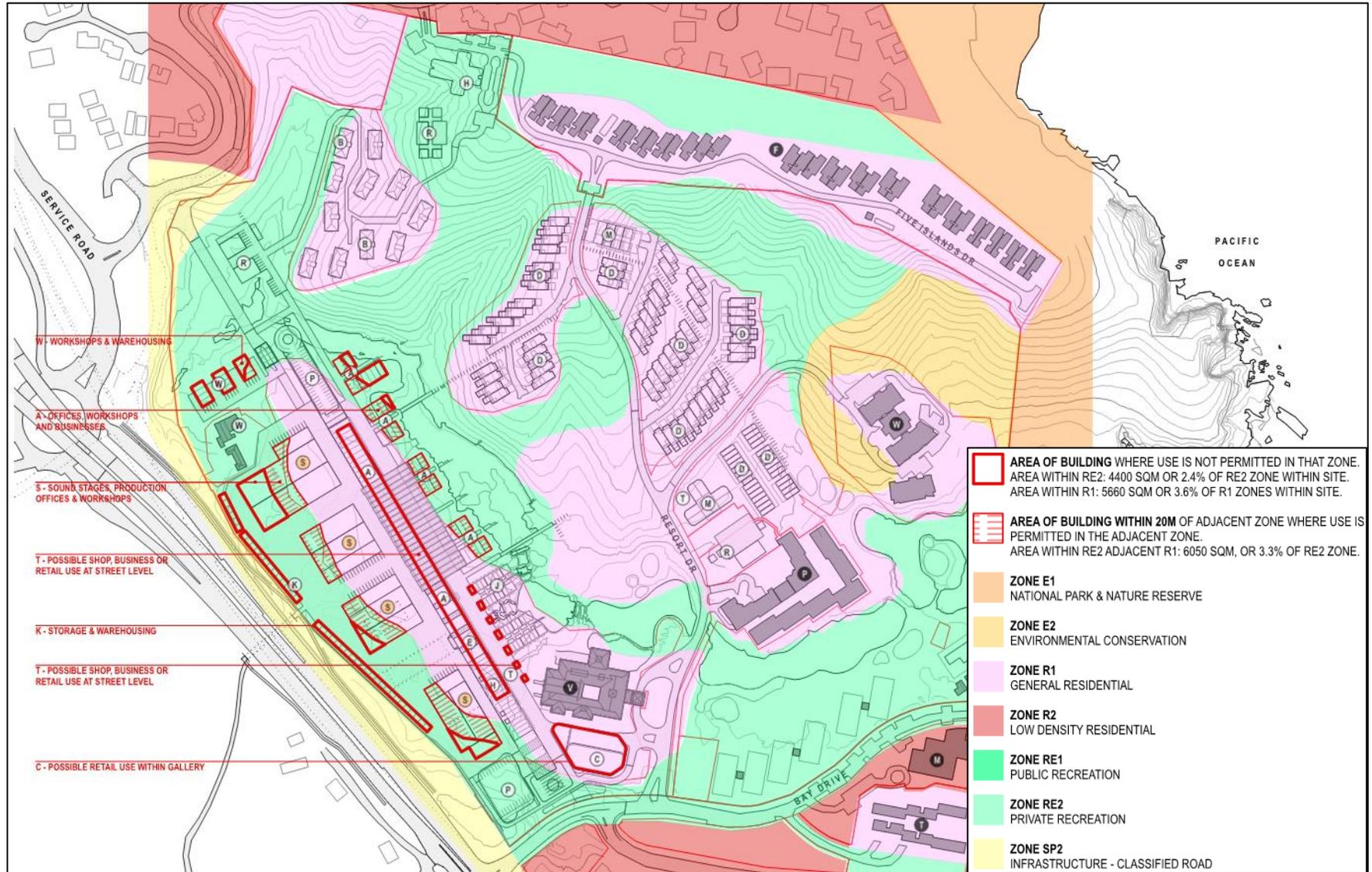


Figure 20. Zoning and Permissibility Overlay (RDO Architect 2021)

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14.19.3 DEVELOPMENT STANDARDS AND PROVISIONS

Development standards and other CHLEP2013 provisions affecting the site are summarised in **Table 4** below.

Table 4. CHLEP2013 Development Standards and Provisions	
CHLEP2013 Clause	Provision Applicable to Subject Site
Minimum Lot Size	<p>R1 zoned land: 1,200m². RE2 zoned land: no minimum lot size. E2 zoned land: 40ha.</p> <p>The minimum lot size standard does not apply to any Community or Strata Title subdivision (except in the E2 zone where the 40ha minimum lot size would continue to apply).</p> <p>Any future subdivision would have regard to the minimum lot size standard.</p>
Maximum Building Height	<p>8.5m.</p> <p>Given that building heights of up to 24.5m are proposed, it is acknowledged that the building height standard would require variation pursuant to Clause 4.6.</p> <p>Notwithstanding, it is noted that all new built form would remain <i>below</i> the height of the existing residential building on the site, which exhibits a height of 29.5m.</p>
Maximum Floor Space Ratio (FSR)	No maximum FSR.
Land Reservations	Mapped land reservations include the Pacific Highway adjacent to the western site boundary and a sector of James Small Drive adjacent to the north-western site boundary, both identified for the purpose of Classified Roads (SP2). Further to the north-west, land is also reserved for Classified Roads (SP2), and it is understood this relates to the approved Pacific Highway Bypass northern interchange at Korora Hill.
Heritage	The site is not identified as a heritage item or conservation area, and is not situated in immediate proximity to any heritage items or conservation areas.
Urban Release Areas	The site is not identified within an urban release area.
Acid Sulfate Soils	<p>Class 3 and Class 5.</p> <p>To satisfy the matters pursuant to Clause 7.1, it is acknowledged that acid sulfate soils would require consideration as part of a Geotechnical Investigation supporting the SSDA. An Acid Sulfate Soils Management Plan may also be required.</p>
Flood Planning	<p>Clause 7.3 applies to land at or below the flood planning level (defined as the 1:100 ARI flood event plus 0.5m freeboard).</p> <p>Based on Council's mapping, the site includes land within the indicative flood area (refer Figure 21).</p> <p>It is acknowledged that a Flood Investigation would be required as part of the SSDA, with flooding and stormwater to be managed accordingly.</p>
Terrestrial Biodiversity	<p>The E2 zoned area of the site is mapped as biodiversity (refer Figure 22). No development would be undertaken in the E2-zoned portion of the site.</p> <p>Further, an Ecological Investigation is currently underway to confirm there would be no unacceptable impacts as a result of the development on the balance of the site.</p>

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Table 4. CHLEP2013 Development Standards and Provisions	
CHLEP2013 Clause	Provision Applicable to Subject Site
Drinking Water Catchment	The site is not identified within, or in proximity to, the drinking water catchment.
Watercourses	Watercourses are mapped across the site, as shown in Figure 22 below. Accordingly, the matters for consideration under Clause 7.6 would be addressed in an Ecological Report and Water Management Report supporting the SSDA.
Foreshore Area and Foreshore Building Line	The site is not identified within the foreshore area and is not affected by the foreshore building line. Neither is the site identified in close proximity to the foreshore area or foreshore building line.
Koala Habitat	Pursuant to Clause 7.8, development consent must not be granted unless the development is in accordance with <i>Coffs Harbour City Koala Plan of Management, ISBN 0 7313 6050 8, published in November 1999.</i> As outlined in the previous section of this Report, based on Council's mapping the site comprises areas of primary and secondary koala habitat (refer Figure 17). It is acknowledged that an Ecological Assessment would be required as part of the SSDA to confirm there would be no unacceptable impact on koala habitat. Notwithstanding the requirement for further assessment, given the highly disturbed nature of the site and history of agricultural and development activities, it is considered unlikely that the site would provide koala habitat.
Design Excellence	Pursuant to Clause 7.12, all development in the R1 zone (together with certain other residential, business, tourist and industrial zones) is required to exhibit design excellence. Clause 7.12 would be addressed in detail as part of the SSDA.
Additional Permitted Uses (APUs)	The site does not benefit from any current APUs.

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Figure 21. Flood Map (Coffs Harbour Council 2021)

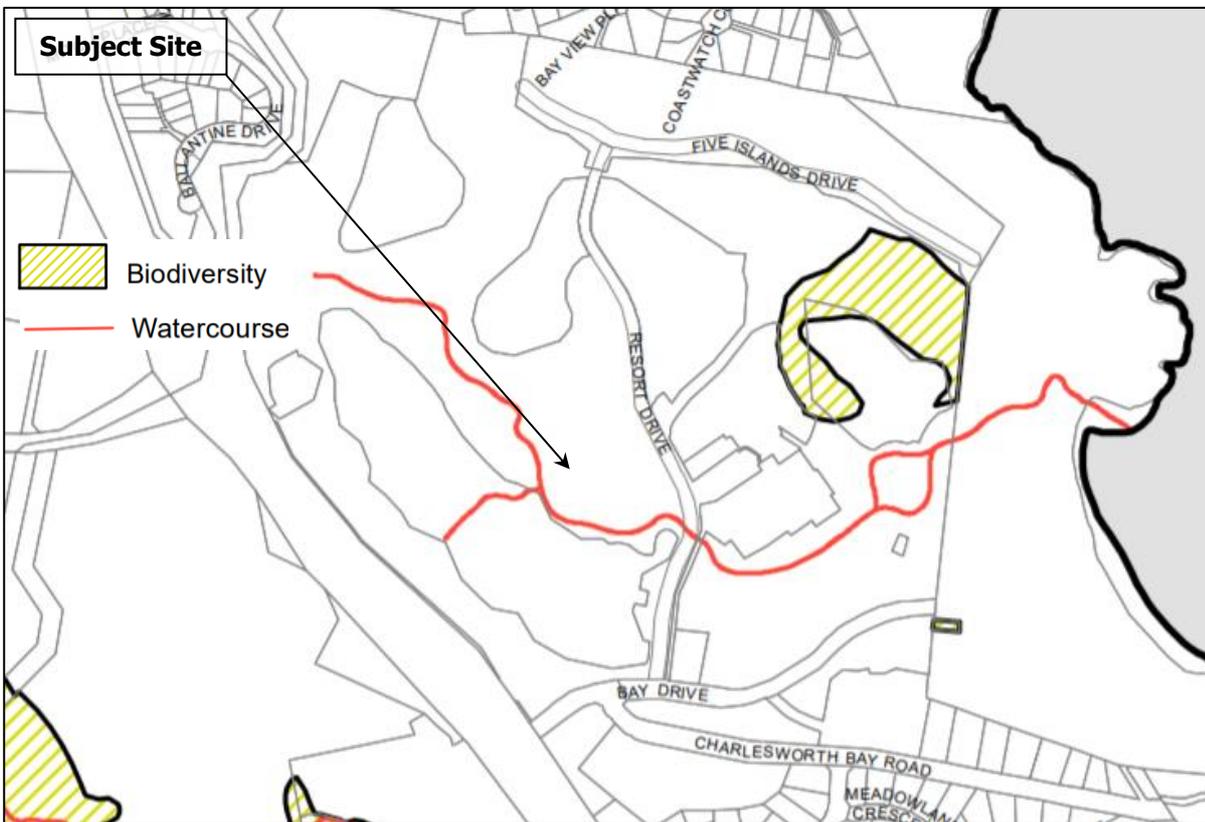


Figure 22. Biodiversity and Watercourses Map (NSW Legislation 2021)

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4.20 COFFS HARBOUR DEVELOPMENT CONTROL PLAN 2015

Coffs Harbour Development Control Plan 2015 (CHDCP2015) supplements CHLEP2013 and provides more detailed provisions to guide development that requires Council approval.

However, Clause 11 of the SRD SEPP provides that:

Development control plans (whether made before or after the commencement of this Policy) do not apply to:

(a) State significant development

Accordingly, CHDCP2015 would carry no weight in the assessment due to the proposal being SSD.

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PART E COMMUNITY CONSULTATION

This Scoping Report has been prepared in accordance with DPIE's requirements for early consultation as part of the SSD process. This Scoping Report will guide the Scoping Meeting with DPIE and will form the basis of the SEARs request.

Ongoing consultation would be undertaken with the community, public authorities and Council, in accordance with the DPIE Community Consultation Guidelines.

The objectives for preliminary community consultation are as follows:

- Identify key community stakeholders with an interest in the project;
- Provide relevant information and advise the local community about the proposed development;
- Promote awareness and appreciation of the proposed development; and
- Provide opportunity for the local community to comment and provide feedback on the proposed development.

The key stakeholders that would be included in future consultation include, but are not limited to, the following:

- State Government Agencies;
- Coffs Harbour Council;
- Local Elected Members;
- Neighboring residents and landowners;
- Current occupants on the site.

Consultation with relevant stakeholders would be undertaken whilst preparing a detailed EIS, in-keeping with DPIE's Community Consultation Guidelines.

As noted in this Report, consultation with TfNSW and Council is ongoing in relation to the required acoustic/visual/safety barrier and intersection upgrades.

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PART F ENVIRONMENTAL ASSESSMENT

A screening analysis of the environmental issues applicable to the proposal is presented in the table below. This risk-based analysis has been used to identify the key environmental issues for further assessment and assist the preparation of SEARs for the proposed development.

The analysis is based on preliminary environmental assessment of the site only. The EIS would fully address these items and other environmental issues relevant to the proposal.

Table 5. Environmental Risk Assessment	
Issue	Analysis
Urban design, built form and site layout	<ul style="list-style-type: none">▪ The EIS would address the height, density, bulk and scale of the proposed development within the context of the existing Pacific Bay Resort and surrounding locality. The proposal would clearly demonstrate how the design and layout achieve a high level of functionality and amenity for the various future users and surrounding properties, and how the proposal integrates with the local environment.▪ Architectural and landscape design would respond to the visual character of the site, and would achieve visual interest whilst suitably integrating with the local environment.
ESD	<ul style="list-style-type: none">▪ The project prioritises ESD. The proposed active environmental and energy systems may include energy production via photovoltaics and wind turbines, geothermal and heat exchange, and rainwater harvesting with on-site re-use and off-site export to nearby playing fields.
Environmental amenity	<ul style="list-style-type: none">▪ The EIS would assess any amenity impacts on adjoining properties and formulate mitigation measures accordingly.
Heritage	<ul style="list-style-type: none">▪ The site is not identified as a heritage item or heritage conservation area. Therefore, further assessment of European heritage would not be required.▪ As part of the EIS, an ACHAR would be prepared and an Unexpected Finds Protocol developed.▪ Of note, the site has previously been highly disturbed as a result of its former use for a banana plantation, bulk earthworks and previous development approvals.
Bushfire	<ul style="list-style-type: none">▪ The site comprises designated bushfire prone land.▪ It is acknowledged that a Bushfire Assessment would be required to support the SSDA.
Watercourses	<ul style="list-style-type: none">▪ The site incorporates multiple watercourses and work is proposed to the lagoons.▪ It is acknowledged that a Stormwater Management Plan and Flood Assessment Report would be required to support the SSDA, with flooding and stormwater to be managed accordingly.
Biodiversity	<ul style="list-style-type: none">▪ The site is identified as comprising 'biodiversity value' in the Biodiversity Values Map. Notwithstanding the mapping, it is noted that the majority of the site has been significantly disturbed in association with previous farming uses, bulk earthworks and development activities.

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Table 5. Environmental Risk Assessment	
Issue	Analysis
	<ul style="list-style-type: none"> Accordingly, it is anticipated that a BDAR Waiver would be sought, subject to the ecological investigations which are underway.
Koala habitat	<ul style="list-style-type: none"> The site is mapped as comprising areas of primary and secondary koala habitat, based on Council's mapping. It is acknowledged that an Ecological Assessment would be required as part of the SSDA to confirm there would be no unacceptable impact on koala habitat. Notwithstanding the requirement for further assessment, given the highly disturbed nature of the site and history of agricultural and development activities, it is considered unlikely that the site would provide koala habitat.
Coastal Management	<ul style="list-style-type: none"> The broader site (but largely excluding the proposed development footprint) has been mapped as coastal wetlands, proximity area for coastal wetlands, littoral rainforest, proximity area for littoral rainforests, coastal environment area and coastal use area. The Concept Architectural Drawings place the proposed development on cleared land that has been previously approved for development and subject to extensive bulk earthworks. Accordingly, despite the mapping, it is considered that owing to the site's history of disturbance and development, in reality the site would not serve a role in supporting the 'coastal use area' or 'proximity area for littoral rainforests'. Also of note, no <i>new</i> development is shown in the mapped coastal wetlands, proximity area for coastal wetlands, littoral rainforest or coastal environment area. Accordingly, it is considered that the proposal would not significantly impact on the coastal zone or littoral rainforests.
Contamination	<ul style="list-style-type: none"> It is acknowledged that a Phase 1 Environmental Site Investigation would be required to support the SSDA for the site, with further assessment requirements and any required remediation to be addressed therein.
Soil and water	<ul style="list-style-type: none"> The site is identified as containing Class 3 and Class 5 acid sulfate soils. It is acknowledged that acid sulfate soils would require consideration as part of a Geotechnical Investigation supporting the SSDA. An Acid Sulfate Soils Management Plan may also be required. A Stormwater Strategy for the site and detailed Stormwater Plans for the new buildings, would be provided with the EIS. Bulk earthworks would be designed to minimise the extent of cut and fill and allow the balance of soil to be re-used on-site. During construction, an Erosion and Sediment Control Plan would be implemented to protect the downstream drainage system and receiving waters from sediment-laden runoff.
Flood	<ul style="list-style-type: none"> Based on Council's mapping, the site includes land within the indicative flood area.

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Table 5. Environmental Risk Assessment	
Issue	Analysis
	<ul style="list-style-type: none"> It is acknowledged that a Flood Investigation would be required as part of the SSDA, with flooding and stormwater to be managed accordingly.
Traffic and parking	<ul style="list-style-type: none"> It is acknowledged that traffic generation, access arrangement, parking and servicing, would need to be addressed within a Traffic Impact Assessment as part of the SSDA. Discussions with TfNSW and Council are ongoing in relation to the required intersection upgrades and realigned access points.
Noise	<ul style="list-style-type: none"> The acoustic impacts associated with the proposed development and associated traffic generation, would be assessed as part of the SSDA having regard for relevant noise criteria. A possible 400m acoustic/visual/safety wall is likely to be required along the western site boundary, to mitigate traffic noise from Pacific Highway. Responsibility for the construction of the wall is subject to ongoing discussion with TfNSW.
Air quality	<ul style="list-style-type: none"> Given the nature of the proposed development for high tech industry, tourist facilities and residential accommodation, it is not anticipated that there would be any unacceptable air quality impacts. During construction, air quality would be managed through appropriate dust mitigation measures incorporated in a Construction Management Plan.
Waste	<ul style="list-style-type: none"> Waste generated during construction would be managed through a Construction Management Plan that makes provision for waste minimisation, storage, separation, transportation and off-site disposal. Operational waste would be managed in accordance with an Operational Waste Management Plan.
Other infrastructure and services	<ul style="list-style-type: none"> A servicing strategy would be formulated as part of the EIS. All necessary measures would be incorporated in the design to ensure the protection of the existing infrastructure and services.
Building Code of Australia (BCA)	<ul style="list-style-type: none"> A BCA Report would be submitted as part of the EIS to confirm that the proposal would be capable of complying with the relevant provisions of the BCA.
Accessibility	<ul style="list-style-type: none"> An Access Statement would be prepared by a qualified Accessibility Consultant to ensure the proposed development would be capable of providing universal access in accordance with the relevant Australian Standards.

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PART G CONCLUSION

The proposed development of Pacific Bay Resort Stage 2 including Pacific Bay Resort Studios & Village, would have a CIV exceeding \$30 million for the purpose of film production, and therefore would constitute SSD.

The SSD would meet the requirements of Section 4.38(3) of the EP&A Act, and therefore consent may be granted despite the development being partly prohibited.

The proposal would build on the previously approved masterplan in order to expand and diversify what is already NSW's largest beachfront resort, to realise the ultimate vision for Pacific Bay Resort Studios & Village. The proposal would transform the site into a world class film studio with state-of-the-art facilities and next-generation technology, attracting major local and international investment, talent, ongoing employment generation and economic activity, and creating a lively visitor and residential community in Coffs Harbour.

It requested that DPIE issue formal SEARs for the preparation of an EIS to support the proposed development of Pacific Bay Resort Stage 2 including Pacific Bay Resort Studios & Village.

It is noted that whilst a concept masterplan has been prepared to guide the phased delivery of the project, this relates to construction phasing only. Pursuant to this application, consent would be sought for *all* built form.