



**MULTI UNIT HOUSING DEVELOPMENT
LOT 19 DP 611010 & LOT 1 DP 41616
111 OCEAN PARADE, COFFS HARBOUR
Proposed by Coffs Beach Partnership**



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

February 2007

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1 EXECUTIVE SUMMARY

Coffs Beach Partnership (the proponent) is proposing to develop land at 111 Ocean Parade, Coffs Harbour (Lot 19 DP 611010 and Lot 1 DP 41616) for the construction of a nine-storey multi unit building with basement parking.

The proposal is a project application and seeks approval for thirty six units, comprising 3 x 1 bedroom, 16 x 2 bedroom and 17 x 3 bedroom units at ("the proposal"). The units are designed to be capable of use for both residential and tourist purposes.

The proposal is a Major Project under Part 3A of the Act being development for a building greater than 13 metres in height in the coastal zone and of a kind that is described in clause 1(1)(g) & (2) , Schedule 2 of the MP SEPP.

The estimated capital investment value of the development is \$15.3 million. The proposal will create 60 full time equivalent construction jobs.

Previous to this application, the Acting Deputy Director General, Office of Sustainable Development, Assessment and Approvals as delegate of the Minister for Planning on 16 March 2006 refused a similar application on this site. This previous application sought consent for construction of a tourist facility comprising a 4 storey residential apartment building containing 26 units with basement parking and strata subdivision. This application was refused as a result of insufficient information and lack of design verification in relation to SEPP 65; urban design; dewatering of the site; flora and fauna impacts and landscaping; vegetation removal and potential flora fauna impacts.

The current application was publicly exhibited from 16 October to 15 November 2006, and a total of seven submissions from public authorities and three submissions from the public were received. Key issues considered in the Department's assessment include:

- Overshadowing
- Density of the proposal
- Building separations and Setbacks
- Building Height
- Visual Impacts and loss of views
- Visual and Acoustic Privacy
- Impacts on Flora and Fauna
- Groundwater Management
- Acid Sulfate Soils
- Aboriginal Cultural Heritage Assessment
- Bushfire Impacts
- BASIX Commitments.

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

The Department recommends that the project be approved, subject to the recommended conditions of approval.

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2 BACKGROUND

2.1 The Site

2.1.1 Site Context and Location

The subject site is located at 111 Ocean Parade Coffs Harbour. The site comprises two parcels of land (Lot 19 DP 611010 and Lot 1 DP 41616) and is located on the western side of Ocean Parade, opposite Park Beach and the adjacent beach reserve. It has a rear or western frontage to Hogbin Drive North and a vegetated strip of land being a shallow drainage swale approximately 6m wide within the road reserve. The site is located between existing multi unit apartment buildings to the north and south, being 18 storeys and 8 storeys high, respectively. York Street playing fields are to the west of the site on the western side of Hogbin Drive. The site is located approximately 500 metres east of Park Beach Plaza shopping centre and approximately 2.5km north of Coffs Harbour CBD.

2.1.2 Existing Site Features

The site has dimensions of 35.9/37.3m x 51.5m/56.9m and a site area of 1,914.5sqm. It is relatively flat with levels between approx RL4.6m and RL4.9m AHD. It is currently vacant with a mix of vegetation, comprising trees, shrubs, and grasses, being both native and exotic species. Most of the trees on the site are within a band of regenerating native vegetation through the site, and include Swamp Oak trees (*Casuarina glauca*), Cheese trees (*Glochidion ferdinandi*) and Paperbark trees (*Melaleuca quinquenervia*). There is a small grouping of trees along the southern boundary and a 18m high non local native Lemon scented Gum tree (*Corymbia citriodora*) on the south eastern boundary of the site. Between the western boundary of the site and Hogbin Drive there is a 6m wide strip of vegetation, within a shallow drainage ditch, being swamp forest re-growth dominated by Swamp Oak trees and Paperbark trees. This vegetation is part of a larger stand growing alongside Hogbin drive for a length of approximately 380m.

2.1.3 Surrounding development

The surrounding development is predominantly residential and tourist related, including multi unit housing and tourist accommodation. The 18 storey multi unit building immediately to the north at 121 Ocean Parade 'Pacific Towers' is set back approximately 8m to 10m from the boundary of the subject site. The 8 storey multi unit building at 109 Ocean Parade (immediately to the south of the site) 'Beachfront', is set back approximately 3m to 5m from the site boundary. Apart from these existing buildings and another 8 storey building further south along Ocean parade, most existing development along Ocean Parade is approximately 4 storeys high.

A site visit was conducted by Department of Planning staff on 10 November 2006.

111 Ocean Parade, Coffs Harbour

Map showing the site boundary (yellow box) and surrounding streets (Manning Ave, Arthur St, Pacific St, York St, Black St, Woll St, Phillip St, Prince St, Vincent St, Fitzroy St). The site is located near the Sewage Pumping Station and the Bowling Club. The map also shows the coastline and a beach area.

Legend:

- Lots within Site
- Site Boundary

Scale: 0 0.0078 0.015 0.023 0.031

North Arrow

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111 Ocean Parade, Coffs Harbour

0 0.05 0.1 0.15 0.2 km

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Department of Planning

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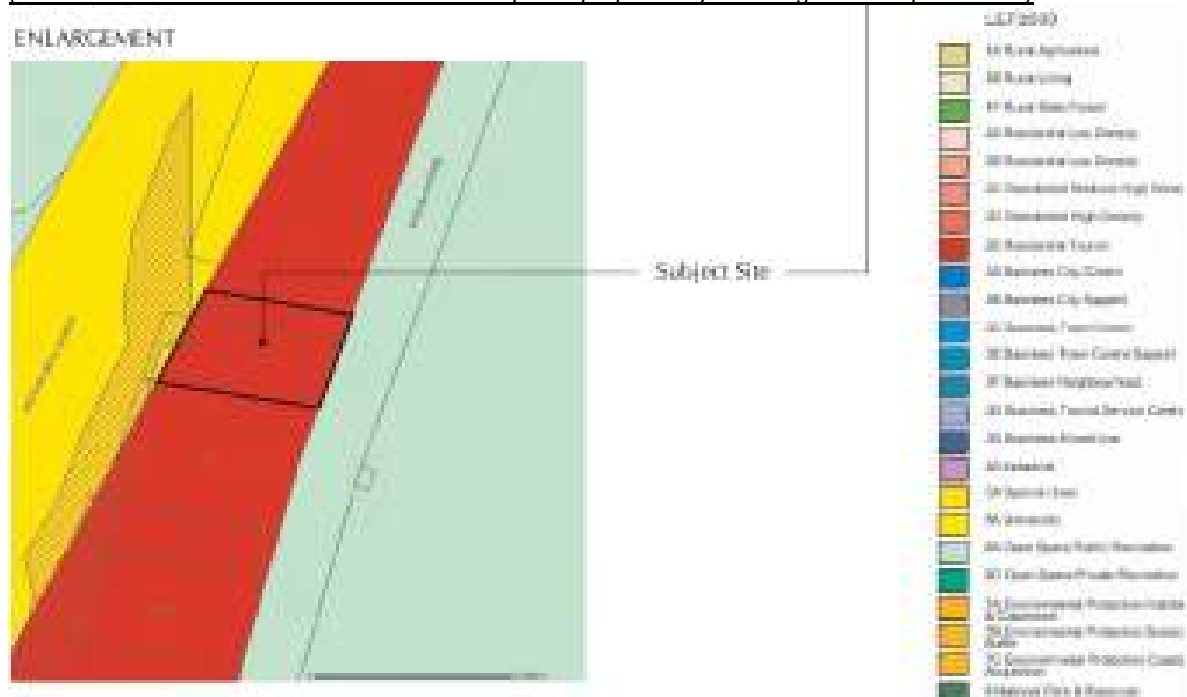
Legend:
 - Lots within Site
 - Site Boundary

2.1.4 Zoning

The subject site is zoned 2E Residential Tourist under *Coffs Harbour City Local Environmental Plan 2000* ('CHCLEP 2000'). Multi unit housing, for both residential and tourist use, is permissible with development consent within this zoning.

Figure 3: Zoning Coffs Harbour City LEP 2000.

(Source: Part 3A Environmental Assessment report – prepared by Planning Workshop Australia)



Note: Red crosshatching identifies primary koala habitat

2.2 Site History

2.2.1 Development Application DA379-8-2003

On 16 March 2006 a development application for the construction of a tourist facility comprising a 4 storey residential apartment building containing 26 units with basement parking and strata subdivision was refused by Acting Deputy Director General, Office of Sustainable Development, Assessment and Approvals as delegate of the Minister for Planning. Reasons for refusal related to insufficient information and lack of design verification in relation to State Environmental Planning Policy No 65, (Design Quality of Residential Flat Development); urban design; dewatering of the site; flora and fauna impacts and landscaping; vegetation removal and potential flora fauna impacts.

2.2.2 Park Beach Development Control Plan

On 21 June 2006 amendments to Park Beach DCP were adopted by Council. These amendments introduced development controls for Park Beach North precinct which includes the subject site. Height controls are identified for specific sites within the area subject to the DCP, specifically the height limit for the subject site is 30m maximum. The maximum heights for the existing buildings to the north and south are 45m and 28m, respectively.

3 PROPOSED DEVELOPMENT

3.1 Project Description

The proponent, Coffs Beach Partnership, proposes to develop the site for a nine storey multi unit housing development containing 36 units, with a mix of 1, 2 and 3 bedrooms. A gym and waste storage areas will be provided at ground level. The site will be excavated to depths of approximately 2.5m to provide a single level basement car park with 43 car spaces. A combined ingress/egress driveway and ramp is to be provided to the basement car park at the Ocean Parade frontage along the southern boundary. A shared access way, for vehicular and pedestrian access is proposed along the northern boundary of the Ocean Parade frontage to provide access to additional on grade parking facilities at the rear of the ground floor level of the building (11 spaces).

Landscaping of the site will include a 6m setback to the western boundary to provide a deep soil planting area and a buffer zone for existing native vegetation in Hogbin Drive. Landscaping around the site perimeter will also include deep soil zones to the northern boundary and the street frontage.

The specifications and development data for the amended proposal which is the subject of this assessment report and the proponents Preferred Project Report are listed in the Tables 1 and 3 below. Table 2 lists specifications related to the superseded proposal originally submitted with the Environmental Assessment

Table 1 - Amended Proposal, 36 Units, subject of this assessment report and preferred project report

| Level | No. of Units | No. of Bedrooms | Units size | Cars Spaces |
|-------------------------|--------------|--|------------|-------------|
| Basement | | | | 43 |
| Level 1 (Ground) | 1 | 2 bedrooms | 95sqm | 11 |
| | 1 | 2 bedrooms | 95sqm | |
| Levels 2-4 | 3 | 1 bedroom | 88sqm | |
| | 3 | 2 bedrooms | 87sqm | |
| | 3 | 2 bedrooms | 95sqm | |
| | 6 | 3 bedrooms | 135sqm | |
| Levels 5-8 | 4 | 2 bedrooms | 87sqm | |
| | 4 | 2 bedrooms | 95sqm | |
| | 4 | 3 bedrooms | 135sqm | |
| | 4 | 3 bedrooms | 149sqm | |
| Level 9 | 1 | 3 bedrooms | 129sqm | |
| | 1 | 3 bedrooms | 149sqm | |
| | 1 | 3 bedrooms | 155sqm | |
| Total | 36 | 3 x 1 bedroom, 16 x 2 bedroom, 17 x 3 bedroom | | 54 |

Table 2 - Original Proposal, 40 Units, as originally submitted and exhibited with the Environmental Assessment

| Level | No. of Units | No. of Bedrooms | Units size | Cars Spaces |
|--------------|--------------|--|------------|-------------|
| Basement | | | | 50 |
| 1 (Ground) | 1 | 2 bedrooms | 99sqm | 11 |
| | 1 | 2 bedrooms | 99.8sqm | |
| 2-8 | 7 | 1 bedroom | 88sqm | |
| | 14 | 2 bedrooms | 95sqm | |
| | 14 | 3 bedrooms | 135sqm | |
| 9 | 1 | 3 bedrooms | 139sqm | |
| | 1 | 3 bedrooms | 155sqm | |
| | 1 | 3 bedrooms | 159sqm | |
| Total | 40 | 7 x 1 bedroom, 16 x 2 bedroom, 17 x 3 bedroom | | 61 |

3.2 Project Chronology

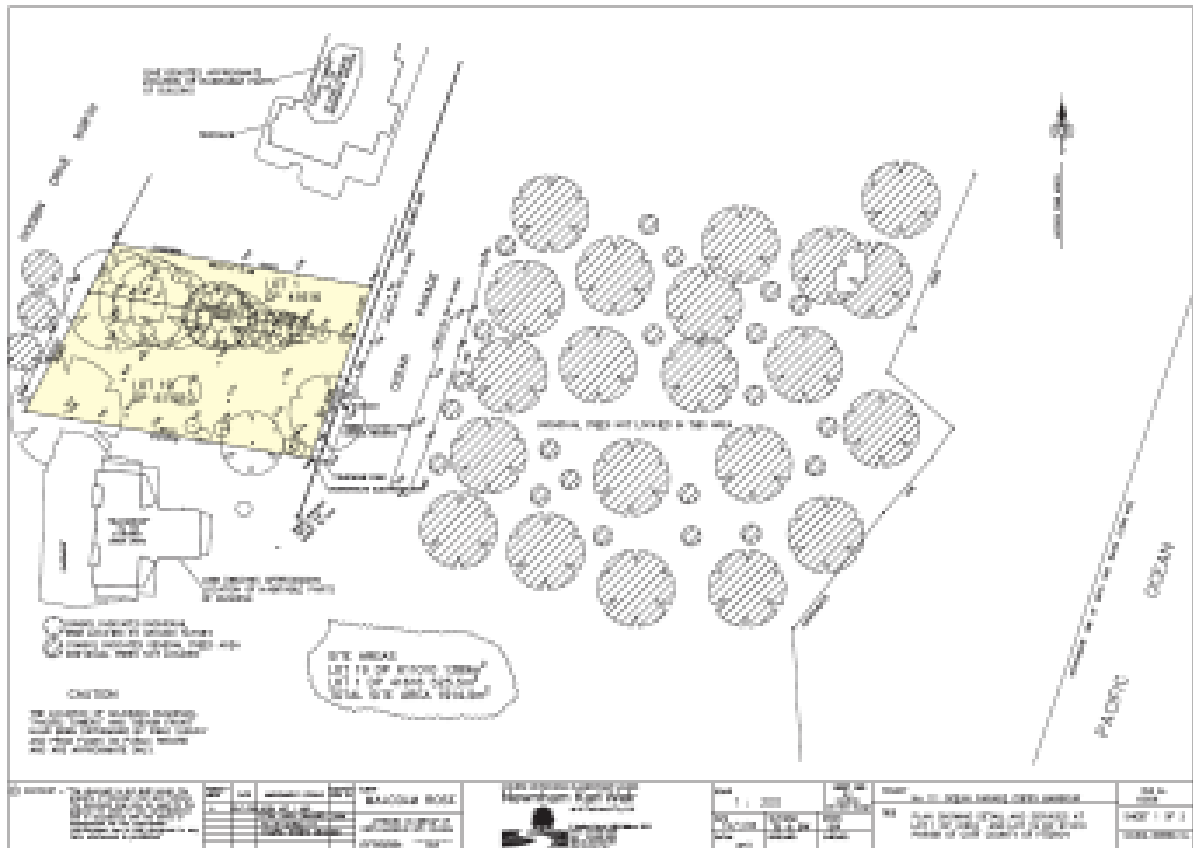
| | |
|--------------------------------|--|
| 11 May 2006 | Request for clause 6 opinion lodged with the Department; |
| 1 June 2006 | Director-General, as delegate for the Minister formed the opinion that the proposal is a Project and that Part 3A of the Act applies; |
| 15 May 2006 | Preliminary Assessment lodged with the Department; |
| 8 July 2006 | Director- General's Environmental Assessment Requirements (DGRs) signed by the Director- General's Delegate and provided to the proponent; |
| 25 August 2006 | Environmental Assessment (EA) lodged with the Department; |
| 11 September 2006 | Department requested additional information; |
| 29 September 2006 | Proponent submitted additional information; |
| 3 October 2006 | Department deemed that the EA was adequate; |
| 16 October to 15 November 2006 | EA placed on public exhibition; |
| 4 December 2006 | Summary of submissions and issues from the Department provided to proponent; |
| 9 February 2007 | Preferred Project Report (PPR) submitted, including amendments to the proposal reducing the number of units from 40 to 36 units. |

Table 3 - Development Data

| | Proposed | Relevant Development Standard (SEPP, REP, LEP, DCP) | Compliance |
|---------------------------------------|---|--|---|
| Minimum site area | 1914.5sqm (site area required 2880sqm, but can be varied subject to merit assessment) | Park Beach DCP | Subject to a merit assessment Refer to section 5.2 |
| Height | 29.8m | Park Beach DCP (max 30m) | Yes |
| Gross Floor Area | Approx 5223 sqm | N/A | N/A |
| Floor Space Ratio | 2.72:1 | N/A | N/A |
| Front and Rear Setback | Minimum 6m | Park Beach DCP | Yes |
| Side Setbacks (south elevation) | 6m to building and 4.5m to balconies at lower levels 9m to building and 7.5m to balconies, above level 4 | Park Beach DCP | Yes |
| Side Setbacks (north elevation) | Minimum 6m to building and balconies at all levels | Park Beach DCP (generally 6m to 4.5m at lower levels, and 7.5m to 9m above level 4) | Subject to a merit assessment Refer to section 5.3.2 |
| Building Separations | 13.6m to approximately 30m | NSW Residential Flat Design Code, and Park Beach DCP | Yes refer to section 5.3 |
| Landscaping Open Space | Open Space Area 497sqm (Deep Soil 50%) | Park Beach DCP | Yes |
| Car parking | 54 spaces provided (minimum 53 required) | Park Beach DCP | Yes* |
| Other –shadowing of beach/beach front | Some overshadowing mid to later afternoon in mid summer and mid winter | North Coast REP | Variation of standard sought, subject to an objection under SEPP 1 refer to section 4.5.4 |

* Council's Park Beach DCP specifies that tandem or stacked parking is not permitted. 12 spaces (for 6 units) will be provided in the basement as tandem parking. This was necessary to reduce the excavated basement area and footprint, and increase deep soil areas at the rear of the site. As this relates to parking for only 6 units or approximately 22% of the total parking spaces, it is considered to be reasonable. Tandem spaces will be allocated to the same unit.

Figure 3. Land to which the subject application applies



3.3 Project Amendments

A Preferred Project Report was submitted on 9 February 2007 incorporating the following amendments:

- A reduction in the number of units from 40 units to 36 units;
- Reconfiguration of the units, to reorient south facing living rooms, and avoid overlooking impacts for neighbouring multi unit housing;
- Increased south elevation setbacks to comply with objectives and provisions of Council's DCP and the Residential Flat Design Code;
- Reduction in the number of parking spaces from 61 spaces to 54 spaces;
- Reduction in the excavated basement area and increased deep soil zones at the rear of the site to provide a landscaped buffer for vegetation in Hogbin Drive; and
- Provision of storage areas within the basement, and in the rear ground floor parking areas.

Plans of the amended development which is the subject of this report are at **Tag B**.

4 STATUTORY CONTEXT

4.1 Major Project

The project is declared to be a Major Project under *State Environmental Planning Policy (Major Projects) 2005* (MP SEPP) being development for a building greater than 13 metres in height in the coastal zone and of a kind that is described in clause 1(1)(g) & (2), Schedule 2 of the MP SEPP. On 1 June 2006 the opinion was formed by the Director-General as delegate for the Minister that the proposal was one to which Part 3A of the Act applies.

4.2 Permissibility

Under the *Coffs Harbour City Local Environmental Plan 2000*, the site is zoned 2E Residential Tourist which permits multi-unit housing with development consent. The objectives of the zone are to enable tourist development and other development that is compatible with the surrounding environment, and to provide for development that is within the environmental capacity of a high density residential environment and can be adequately serviced. The Proposal is considered to be consistent with the objectives of Zone No. 2E as it provides for higher density residential development within the environmental capacity of the area and which can be adequately serviced. It is therefore permissible subject to the Minister's approval.

4.3 Minister's Approval Power

The Department has exhibited the Environmental Assessment (EA) in accordance with section 75H (3) of the *Environmental Planning and Assessment Act, 1979*, (the Act) as described in section 6. Additionally, the project is permissible and meets the requirements of the MP SEPP. Therefore, the Department has met its legal obligations and the Minister has the power to determine this project.

4.4 Director-General's Environmental Assessment Requirements (DGRs)

The DGRs issued on 8 July 2006 required the following issues to be addressed:

- Design and Visual Amenity and Impacts
- Flora and fauna Impacts
- Natural Hazards
- Water Cycle Management
- Infrastructure provision
- Traffic and Vehicular Access
- Heritage

On 25 August 2006 the EA was lodged by the proponent. On 11 September 2006 the Department informed the proponent that further information was required regarding stormwater management. On 29 September 2006 the proponents lodged a stormwater report with the Department. On 3 October 2006 the Department advised the proponent the EA was considered to adequately address the DGRs, following the proponents submission of a Stormwater Disposal Systems report prepared by hydraulic consultants on their behalf.

A copy of the DGRs is provided at **Tag C**. A copy of the EA is provided at **Tag D**.

4.5 Environmental Planning Policies

4.5.1 Application of EPIs to Part 3A projects

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project. A summary of compliance with the relevant EPIs is at **Tag E**, and with relevant DCPs at **Tag F**.

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 as follows:

4.5.2 State Environmental Planning Policy (BASIX) 2004

A BASIX certificate has been submitted with the application. Refer to Section 5.12 for further discussion of BASIX commitments.

4.5.3 State Environmental Planning Policy No 1 – Development standards, and Draft State Environmental Planning Policy (Application of Development standards) 2004

A SEPP 1 objection is not required for the current proposal as development standards do not apply to Part 3A projects. It is instructive, however, to consider the tests traditionally applied to a SEPP 1 objection including the objectives of the development standard and whether the standard is considered to be reasonable and/or necessary in the circumstances. The proposal is inconsistent with the development standard of clause 32B(4)(a) of the North Coast Regional Environmental Plan (NCREP) related to overshadowing of the reserve adjacent to Park Beach.

Clause 32B(4) (a) of the NCREP states that:

The Council must not consent to the carrying out of development:

(a) on urban land at Tweed Heads, Kingscliff, Byron Bay, Ballina, Coffs Harbour or Port Macquarie, if carrying out the development would result in beaches or adjacent open space being overshadowed before 3pm midwinter (standard time) or 6.30pm midsummer (daylight saving time).

The proponent seeks flexibility in the application of this standard in the circumstances of this particular case, as the proposal will result in overshadowing of only small portions of the adjoining beach reserve, but not the beach itself, at certain times of the year.

During summer months the proposal would not overshadow the beach reserve until 4.30pm while in midwinter there would be minor overshadowing at 1pm with additional overshadowing occurring from 2pm.

A shadow diagram analysis submitted with the EA demonstrates that a part of the beach reserve would be affected by mid to later afternoon shadows in mid winter and mid summer, however during other times of the year and other times of the day there will be little or no shadowing of this area, refer to **Tag B (shadow diagrams)**.

The PPR further addresses the overshadowing impacts and provides additional and amended overshadowing diagrams. Approximate calculations have also been provided of the areas of the reserve that would be subject to overshadowing which is additional to that created by existing development.

Table 4 - Overshadowing Impacts on Park Beach Reserve

| Mid Summer (21 December) | Approximate additional shaded areas of beach reserve |
|---------------------------------|---|
| 4.30pm | 44sqm |
| 5.30pm | 379sqm |
| 6.30pm | 1520sqm |
| Mid Winter (21 June) | Approximate additional shaded areas of beach reserve |
| 1pm | 30sqm |
| 3pm | 680sqm |

The overshadowing information provided with the PPR also indicates that to avoid any additional overshadowing of the beach front reserve it would be necessary to restrict development of this site to two

storeys only, and that even a 3 and 4 storey development would result in some overshadowing of the reserve. It is indicated that a 2-4 storey building would not maximise the density of dwellings on the site and would therefore not meet relevant objectives of Park Beach DCP and the North Coast REP for higher density development.

A flora assessment has been provided which indicates there would be no adverse impacts for the existing vegetation. The PPR provides further clarification and concludes that there is likely to be no negative cumulative impact of overshadowing of the littoral rainforest vegetation in the beach reserve.

The assumed objectives of the standard are considered in detail in the proponent's EA, and additional provisions of the NCREP are addressed in the PPR:

- *The proposal will not cause any overshadowing on the beach*
- *Minimal overshadowing will occur on the adjacent beach reserve – a small number of hours during the prescribed period over a very minor portion of the overall beach reserve. (information has been submitted as shown in Table 4 to show approximate areas affected by additional overshadowing)*
- *There will be no impact on any recreational use of the reserve. (The beach reserve is thickly vegetated and is accessible only by pathways created by Council. It is therefore not used for recreational purposes).*
- *There will be no impact on the ecology of the reserve;*
- *The development complies with the newly adopted Council DCP height limit;*
- *Strict compliance with clause 32B(4)(a) would represent a poorer planning outcome by preventing attainment of clause 43(1)(a) of the NCREP regarding maximising the density of dwellings without affecting the environment.*
- *To permit a variation in the standard would have no adverse implications for the applicability of Clause 32B(4)(a) along the North Coast as a whole.*

While the proposal will result in some additional overshadowing impacts on the beach reserve; there would be no shadowing impacts on Park Beach itself. The additional overshadowing of the beach reserve would not affect the recreational use of this area; and would not have any significant affect on the vegetation and ecology of this area.

4.5.4 State Environmental Planning Policy No 71 – Coastal Protection

SEPP 71 applies to the land and development as it is within the coastal zone (clause 4) as defined by the *Coastal Protection Act 1979*. SEPP 71 provides aims (clause 2) and matters for consideration (clause 8) when assessing development proposals. The major themes of the SEPP include retention of visual amenity, protection of the coastal foreshore in relation to amenity, views, and public access and suitability of development with the area.

The proposal is consistent with the aims and objectives of SEPP 71 and will comply with relevant clauses of the SEPP, refer to **Tag E**.

4.5.5 State Environmental Planning Policy No 55 – Remediation of Land

There is no evidence of potentially contaminating activities. The site is currently vacant and a review of successive aerial photographs of the site indicates it has been vacant with no significant previous uses. It is unlikely that there is any contamination of the site.

4.5.6 State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings

SEPP 65 aims to improve the design of residential flat development in NSW. It outlines ten design quality principles including context, scale, built form, density and aesthetics. The Residential Flat Design Code supports and provides additional guidance for applying the SEPP and the design principles. The SEPP requires that the Code is considered when determining a development application.

The EA includes a statement which satisfactorily addresses the design principles of the SEPP. Amendments were made to the proposal to comply with the provisions of the Residential Flat Design Code.

4.5.7 North Coast Regional Environmental Plan

The proposal is generally consistent with the aims, objectives and with relevant clauses of the REP. The development standard in clause 32B relating to overshadowing of the beach reserve is discussed in Section 4.5.3.

Clause 51 requires that Council shall not grant consent to a development application for a building over 14m in height without the concurrence of the Director-General, who is to take into consideration the likely regional implications of the development as regards its social, economic and visual effect which it will likely to have on the amenity of the area. The height of the proposal will be 29.8m. The height of the building and its visual impacts are considered in Sections 5.4 and 5.5.

4.5.8 Coffs Harbour City Local Environmental Plan 2000

The objectives and provisions of the LEP have been considered. The proposal is permissible with consent in the zone applying to the land under the LEP and is consistent with the relevant objectives and provisions of the LEP.

4.5.9 Coffs Harbour City Local Environmental Plan, draft amendment No 23.

This draft amendment relates to vegetation management and adoption of Council's Vegetation Conservation Development Control Plan. This has been addressed in the flora assessments submitted with the EA and PPR, and a buffer zone is to be provided on the west of the site adjacent to existing remnant vegetation in Hogbin Drive. Refer to Section 5.7 for further discussion.

4.6 Other Plans and Policies

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

4.6.1 Residential Flat Design Code

Amendments have been made to this proposal, particularly in regard to building separation, in order to comply with the provisions of this Code.

4.6.2 NSW Coastal Policy 1997 and Coastal Design Guidelines

The proposal will be consistent with the provisions of the Policy and Guidelines. The EA demonstrates that the height of the proposal will not significantly impact on the visual character and sensitivity of the area, and will not generally be visible from the beach. The overshadowing impacts for the beach reserve have been discussed in section 4.5.23 in relation to clause 32B of the NCREP. The proposal will not significantly overshadow this area.

4.6.3 Park Beach Development Control Plan

The proposal will comply with the relevant provisions of the DCP. Amendments to the design and increased south elevation setbacks will ensure compliance with the side setback standards. Council has advised that the proposal would meet the objectives of the merit assessment in the DCP related to the density of the development. Refer to Section 5.2 for further discussion.

4.6.4 Coffs Harbour Koala Plan of Management

This has been addressed in the proponent's flora and fauna assessments. Primary Koala Habitat has been identified on LEP 2000 map covering a portion of the rear of the site and vegetation on adjacent land in Hogbin Drive, refer to the map extract in section 2.1.4 of this report. Additional information has been provided with the preferred project report to address potential impacts on koala habitat, which is discussed in Section 5.7.3.

The proposed development has been assessed against these controls at **Tags E & F**.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues considered in the Department's assessment of the EA and the PPR and consideration of the proponent's draft revised Statement of Commitments include the following:

- Overshadowing
- Density of the proposal
- Building Separations and Setbacks
- Building Height
- Visual Impacts and Loss of Views
- Visual and Acoustic Privacy
- Impacts on Flora and Fauna
- Groundwater Management
- Acid Sulfate Soils
- Aboriginal Cultural Heritage Assessment
- Bushfire Impacts
- BASIX Commitments

5.1 Overshadowing

5.1.1 Overshadowing Impacts on Park Beach reserve

The proposal will result in some overshadowing of the vegetated reserve adjacent to Park Beach. This area is already affected by overshadowing from existing multi unit apartment buildings located on either side of the subject site, particularly from the 18 storey building at 121 Ocean Parade. This proposal would not overshadow the beach itself, and would not result in any additional overshadowing of the reserve up until 3pm in midwinter and up until 4.30pm in midsummer. The proposal would result in some overshadowing impacts on the beach reserve from 3pm in midwinter and after 4.30pm in midsummer, refer to Table 4.

As the beach reserve is thickly vegetated there is expected to be no impact on any recreational use of this area. The proponent's flora consultant has concluded that adverse impacts on the ecology of the reserve are unlikely, as the littoral rainforest vegetation in this area is seemingly unaffected by shading from existing buildings. No observable changes were detected. This matter is discussed in more detail in Section 4.5.3 related to variations from the development standard of clause 32B(4)(a) of the NCREP.

5.1.2 Overshadowing Impacts on neighbouring unit building

The proposal will result in increased overshadowing of an existing multi unit building to the south of the site at 109 Ocean Parade, and particularly to north facing units in that building.

Additional information has been provided with the PPR to more adequately address these impacts. It is indicated that in terms of measuring the impact of overshadowing to the north facing rear units of 109 Ocean Parade, those units closest to the subject site, their living rooms and balconies will be affected (i.e. the central section of the northern elevation of 109 Ocean Parade). The living rooms of these units contain northern and eastern facing windows and balconies opening off their living areas. The eastern facing windows and balconies will be largely unaffected by additional overshadowing, however northern windows and balcony areas will be affected by additional overshadowing. The PPR states that:

Additional overshadowing will occur at 9am affecting seven of the eight floors (9 of the 21 apartments). Overshadowing already occurs at 10am as a result of "Pacific Towers" affecting five of the eight floors (12 of 21 apartments). The proposal overshadows an additional two floors. Additional overshadowing occurs at 11am – 1pm, largely affecting floors 1-5 (affecting between 10 and 11 apartments of the 21). The overshadowing that occurs between 2pm and 3pm is not overly increased when compared to the existing situation.

Due to the site orientation it is difficult to avoid any overshadowing impacts. While north facing balconies and windows will be affected by additional overshadowing, at least 2 hours of sunlight access to these areas can be

maintained between 1pm and 3pm in midwinter. Also each of the affected units has separate east facing living room windows and adjacent balcony areas largely unaffected by any additional overshadowing. Therefore the overshadowing impacts of the proposal are considered acceptable. It is also noted that two hours sunlight access in mid winter is consistent with the minimum recommended in NSW Residential Flat Design Code for higher density development.

5.2 Density of the proposal

All three public submissions received as a result of exhibition of the EA referred to the density and number of dwellings being excessive for the site and excessive compared to the number of dwellings in adjoining buildings. Although density controls in Council's Park Beach DCP state that the density should not exceed 1 dwelling per 80sqm, it does provide for a merit assessment where the proposal involves a mix of dwelling sizes and is consistent with the maximum allowable height limit.

The density of the proposal is 1 dwelling per 53sqm which is not compliant with the DCP. However, the proposal meets the maximum height control set out in the DCP for this site and will provide 1, 2 and 3 bedroom dwellings ranging in size from 87sqm to 155sqm. While the Department considers that this represents a mix of dwellings, it is noted that all dwellings provided are classified as large residential dwellings by the DCP (being dwellings greater than 70sqm).

In response to this concern Council advised that the proposal would meet the objectives of the merit assessment in the DCP as the intention was to permit a mix of dwelling types rather than only restrict a development to the dwelling sizes specified in the DCP. It is noted that the dwelling sizes specified in the DCP table for medium (55-70sqm) and large dwellings(>70sqm) are below the suggested minimum sizes recommended in the NSW Residential Flat Design Code for 2 and 3 bedroom apartments, being 70sqm and 95sqm. As such, the Department considers that the density of the proposal is acceptable as it is consistent with the objectives of achieving higher densities in this area, and not inconsistent with existing and expected development.

5.3 Building Separations and Setbacks

5.3.1 NSW Residential Flat Design Code – Building Separation

The Department raised concerns in regard to the separation of the proposed building with the building to the south. Building separations with 121 Ocean Parade will be approximately 30m which fully complies with the suggested building separation distances. For buildings over 3 storeys the NSW Residential Flat Design Code recommends that building separations increase (between 6m to 24m) in proportion to building height, in order to ensure appropriate urban form and adequate amenity and privacy for building occupants. Suggested building separations may be varied in response to site and context constraints having regard to daylight access, urban form and visual and acoustic privacy.

In response to Departmental concerns, amendments were made to the south elevation of the proposed building. The separation distances with 109 Ocean parade have been increased on levels five to nine to between 13.6m (balcony to balcony) and 17.2m (habitable room to habitable room /wall to wall). Also the living and dining areas of units on this side of the proposed building have been relocated away from the south elevation to address visual and acoustic privacy. These changes mean that the objectives for building separation in the NSW Residential Flat Design Code are met. It is noted that the proposal will fully comply with the 12m building separation standard (between habitable rooms) specified in Council's Park Beach DCP.

5.3.2 Park Beach Development Control Plan - Setbacks

The DCP specifies side boundary setbacks of 6m to 9m to the building walls and 4.5m to 7.5m to balconies. In response to the EA Council advised that setbacks shall have regard to the potential for the project to adversely overshadow adjoining residential buildings, the ability to effectively landscape between this development and neighbouring residential buildings and the design response so as to mitigate potential for privacy impacts or loss of views.

For the south elevation, amendments were made to the building design to comply with the DCP setback standards. There is a minor variation for this elevation related to a small section of wall (4m in length) on levels 5 to 9 which extends approximately 800mm into the required 9m setback. This minor variation provides for articulation to this elevation of the building. Also as this section of wall will only contain bedroom windows there is no significant amenity impacts.

Setbacks to the north elevation will be 6m at all levels of the building. Variations to the north elevation setbacks will not result in any amenity impacts. There will be generous building separation of approximately 30m with the neighbouring building to the north and there will be no overshadowing impacts for this neighbouring building. Deep soil zones will be provided along the northern boundary of the subject site which will provide for effective landscaping. Potential privacy impacts are mitigated due to the orientation of the units and their living areas in the proposed and neighbouring buildings and due to the generous building separation. There will be no significant loss of views (refer to Section 5.5.2 for further discussion). The proposed building setbacks are therefore considered satisfactory.

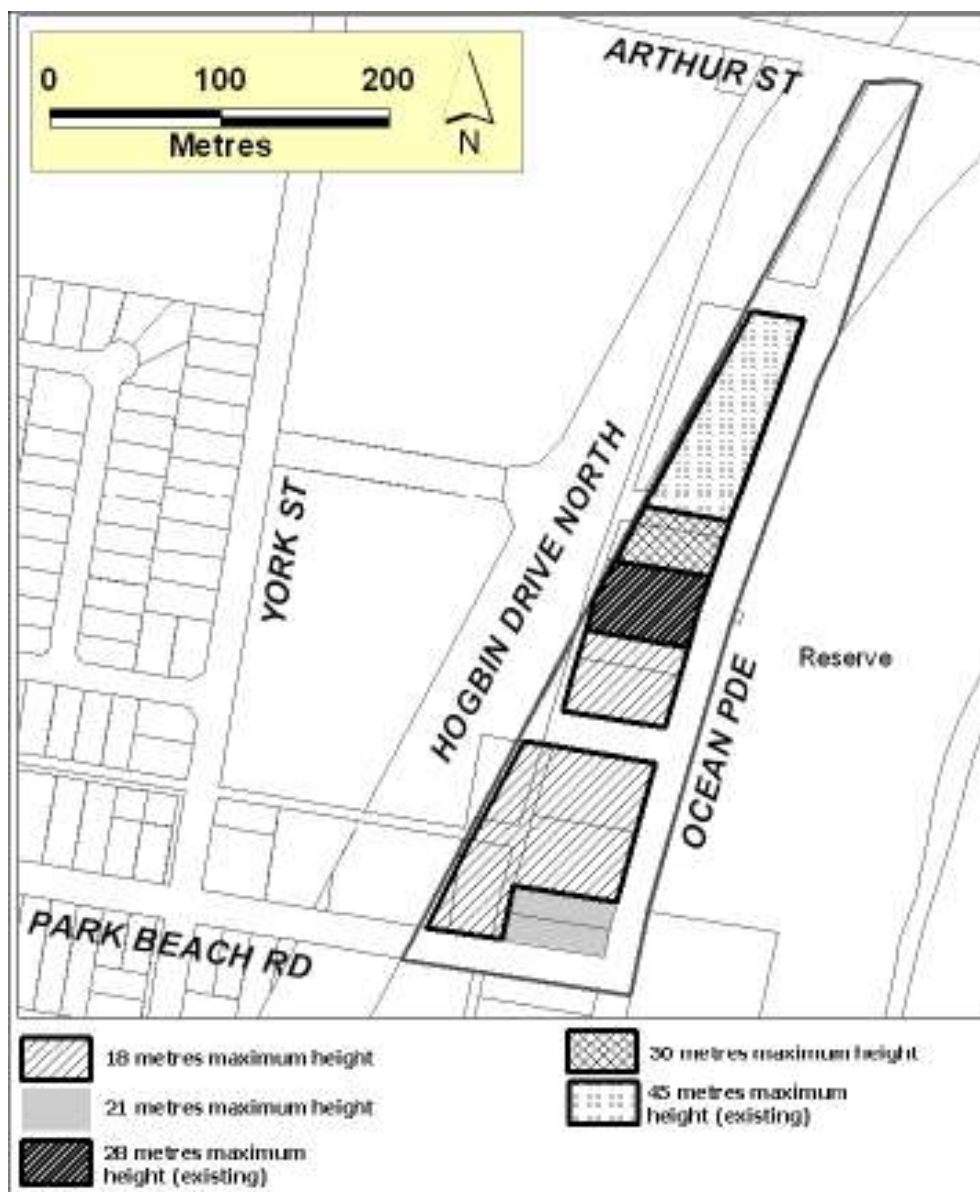
5.4 Building Height

One of the public submissions received as a result of exhibition of the EA raised concerns related to the height of the proposal. Specifically, the concerns related to the proposal exceeding the 14m height limit expected to be maintained for coastal developments, and resulting in a block of 3 high rise buildings. It was also indicated that the 30m height control in Council's Park Beach DCP was based upon a hypothetical line from north to south of the two buildings either side of the site.

The 14m height control refers to the provisions of clause 51 of the NCREP, which is discussed in section 4.5.2 in this report. This is not a prohibition but requires consideration of likely regional implications of the development exceeding 14m, in regard to likely social, economic and visual effects on the amenity of the area. These matters are addressed in Sections 4.5.2 and 5.5.

The Park Beach DCP was amended by Council on 21 June 2006 to include controls for the Park Beach North precinct. Within this precinct 6 sites are identified which are likely to be redeveloped, including the subject site. An 18m maximum height control is established for these sites except for a 30m maximum height applied to the subject site (refer to Figure 4). This 30m height limit has been established taking account of the height of existing buildings either side of the subject site, which are 45m and 28m respectively. The proposed building height of 29.8m is consistent with this existing development and the expected future character of the precinct and is therefore considered appropriate.

Figure 4. Height Control Figure (from Council's Park Beach DCP)



5.5 Visual impacts and loss of views

5.5.1 Visual Impacts

The potential visual impact of multi storey structures on the coastline was raised as a concern by Solitary Islands Marine Park Authority. A public submission also raised potential negative impacts of a block of 3 high rise buildings, resulting from construction of this building between existing multi unit buildings.

These matters were addressed in the EA. It was acknowledged that when viewed from the distance to the west or to the east, out to sea, the proposed building would be visible, but the proposal would be consistent with the pattern of the height of existing buildings either side of the site. Also the proposed building would not be readily visible from Park Beach due to the depth and extent of vegetation in the reserve behind the beach. The existing 8 storey building at 109 Ocean Parade, which is similar in height to this proposed 9 storey building, is not readily visible from the beach itself.

The design of the building with appropriate setbacks, design articulation, the use of balconies, varied fenestration and materials will result in a suitable building massing. A 'wall of building' effect is avoided due to setbacks and building separations with neighbouring properties. Additional setbacks and increased building

separation has been provided with the amended design in the PPR which will further reduce any potential visual impacts.

5.5.2 Loss of Views

Council has raised concerns with regard to the potential for the development to result in loss of views. The proposal will have some impact on views from neighbouring buildings. Existing units in neighbouring buildings and their main living areas are primarily oriented to capture direct and primary views to the beach and the coastline (to the east) or the Coffs Harbour hinterland (to the west). Views from these areas of neighbouring units would be largely unaffected by the proposal. However, direct views to the north or south from some units in neighbouring buildings are expected to be partially and unavoidably affected. Any development of the subject site is likely to have some impacts on views to the north or south from neighbouring buildings. It is noted that due to the 30m separation of the proposed building with 121 Ocean Parade to the north, any potential view loss is considered to be minimal. Loss of views for units in 109 Ocean Parade to the south is considered acceptable as the views impacted are not the main or primary views from these units. For example the neighbouring units which will be closest to the proposal, located at the rear of 109 Ocean Parade have living areas and adjacent balconies facing both east and north. Their main view is to the east and to the beach, which will be unaffected by the proposal. The potential impacts on views are considered to be acceptable and have been minimised in the amended design by increased setbacks and building separations.

5.6 Visual and Acoustic Privacy

Both Council and the Department raised concerns related to visual and acoustic privacy. As indicated above building separations with 121 Ocean Parade comply with the suggested separations in the NSW Residential Flat Design Code being approximately 30m. In conjunction with orientation of units and rooms within the proposed building, this will provide visual and acoustic privacy for residents.

Initially, visual and acoustic privacy issues with 109 Ocean Parade had been inadequately addressed, due to the reduced building separation distances and proposed south facing living areas oriented towards habitable rooms and living areas of units at 109 Ocean Parade. The design was amended to increase building separation distances with 109 Ocean Parade. Changes have also been made to the configuration and orientation of the closest units. Living rooms have been relocated to face west, away from 109 Ocean Parade. Balconies off south facing bedrooms are provided with solid balcony balustrades, and bathrooms are provided with high windows. These amendments ensure that the visual and acoustic privacy of units in 109 Ocean Parade will not be compromised by the proposal.

5.7 Impacts on Flora and Fauna

5.7.1 Buffer Zone to existing vegetation in Hogbin Drive

The flora assessment submitted with the EA has determined that the vegetation within Hogbin Drive to the west of the site loosely fits the criteria for the endangered ecological communities (EEC) *Swamp Oak Floodplain Forest and Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregion*. To protect this vegetation it is recommended that a 10m buffer zone be established to the trunks of established native trees within this area, requiring the building to be setback approximately 6m from the rear boundary. The trees are located in a road reserve area managed by Council. While the flora assessment did not discuss or address the long term management of this vegetation, Council has indicated that the establishment of the buffer zone is supported and therefore the trees are to be retained.

The original proposal as submitted with the EA included an excavated basement extending up to the rear boundary of the site, which would have been within the recommended buffer zone. The PPR includes amendments to reduce the extent of the basement excavation to accommodate the buffer zone and increase deep soil zones. The revised statement of commitments also adopts measures recommended by the Department of Environment and Conservation (DEC) in regard to management, landscaping and regeneration of vegetation in this area.

5.7.2 Impacts on existing vegetation on site

The flora assessment report submitted with the EA has determined that a narrow band of regenerating vegetation on site would loosely satisfy criteria for the two EECs, *Swamp Oak Floodplain Forest* and *Swamp Sclerophyll Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregion*. The proposal will result in removal of this vegetation on the site.

The flora assessment indicates that this vegetation has a canopy generally less than 15m in height dominated by native species including *Casuarina glauca*, *Glochidion ferdinandi* and *Melaleuca quinquenervia*. The mid-storey is a mix of native and exotic species and the ground layer is dominated by exotic species. It is concluded by the proponent's flora consultant that it consists of regrowth with predominately exotic understorey and its long term viability is questionable. It is noted that the proponents' consultants have indicated that vegetation on the site is of low or negligible conservation value because: it is not part of a connecting corridor; it is regrowth rather than remnant in origin; it is mixed native and exotic species; it is small in area; it is isolated and surrounded by mown grass; and it is located in a highly altered urban environment.

Therefore in terms of the matters for consideration under section 5A of the Act, removal of this vegetation is unlikely to have any adverse effect on the extent or composition of the EEC such that its local occurrence is likely to be placed at risk of extinction. As such, the Department is satisfied that the removal of this vegetation is acceptable.

5.7.3 Koala Habitat

The EA did not adequately address potential impacts on koala habitat. Council's zoning map identifies primary habitat on part of the site and covering vegetation in Hogbin Drive to the west of the site. The controls in the Council's Koala Plan of Management for primary habitat refer to tree species which should not be removed including *Melaleuca quinquenervia* which has been identified on site and would be removed as part of the proposal. The proponent's flora and fauna consultants have addressed this matter and concluded that the proposal will not have any adverse effect on potential koala habitat for the following reasons:

1. *There is no suitable micro habitat for the koala on the site;*
2. *While the Coffs Harbour LEP shows some mapped primary koala habitat on the western edge of the site, vegetation in this area is not suitable as primary habitat for the koala because it is dominated by plant species (swamp paperbark and swamp oak) that are not primary koala food trees and are not capable of sustaining resident koala populations in the absence of primary food trees (eg Swamp Mahogany);*
3. *No evidence of koala scats or scratches were found in vegetation in this area during the site inspection;*
4. *Vegetation in the area mapped as primary koala habitat is to be retained and restored under the proposal;*
5. *Koalas are known to be good dispersers through areas of unsuitable habitat (including pasture and gardens) so the record of a koala on Hogbin Drive is not evidence that koala habitat is present in the locality.*

The proponent's flora and fauna consultants have also recommended that *Eucalyptus robusta* trees be planted within the buffer as these trees are known to be a primary food tree for koalas and their planting will compensate for the loss of *Melaleuca quinquenervia* from the site. The revised statement of commitments includes this recommendation. The Department considers that the loss of *Melaleuca quinquenervia* from the site is acceptable based on the regeneration of the buffer zone with trees that are known koala feed trees.

5.7.4 Other Fauna Impacts

The fauna reports submitted with the EA had assessed the potential impacts on the proposal in terms of the matters for consideration under section 5A of the Act and has concluded that natural vegetation on the site and potential fauna habitat areas are too disturbed, too isolated and too small in area to support resident populations of any threatened fauna species known to occur in the Coffs Harbour region. It is however concluded that the vegetation may form part of the foraging area occasionally visited by threatened micro bats including the Eastern Bent wing Bat and individual plants on site may occasionally be visited by threatened fruit eating birds and Grey Headed Flying Foxes. It is therefore recommended that some fleshy fruit producing fig

trees be planted as part of the proposal, also that there be regeneration or planting of swamp paperbarks, and that artificial tree hollows/nest boxes be installed in the buffer/setback or within the vegetation corridor in Hogbin Drive and provided at a minimum 3m height above ground level. In addition, DEC supported the planting of fig trees and the placement of nest boxes on site. These recommendations are included in the revised statement of commitments.

The DEC supported the planting of fig trees and the placement of nest boxes on site and recommended that the nest boxes be subject to a twice annual maintenance plan to ensure they do not become inhabited by non target or pest species. This should also ensure that boxes attached to trees do not impact on tree health. As existing trees will be removed from the subject site, it would not be possible to place nest boxes on the site until the establishment of replacement planting. The nest boxes will therefore be more appropriately provided within Hogbin Drive, subject to Council approval and maintenance programs for this area. This matter is dealt with in the conditions of approval, in conjunction with the preparation and approval of a landscape plan.

5.8 Groundwater Management

The development and excavation of this site will require management of groundwater and dewatering, considering groundwater depths are approximately 1.5m and proposed excavation depths are approximately 2.5m. The Department of Natural Resources (DNR) and Council have raised concerns related to management of groundwater and the dewatering of the site for excavation and construction. DNR has advised that dewatering of the site has the potential to lower the groundwater table beneath adjacent properties which may in some circumstances result in subsidence. Furthermore, permanent dewatering is considered to be environmentally unsustainable, and dewatering during construction will require a licence under the Water Act 1912. A Water Quality Management Plan will be required. Council has advised that extracted water can not be disposed to the sewer.

The proponent's geotechnical consultants have addressed this matter in a report submitted with the EA, and subsequently provided written advice that groundwater would not preclude development of the site. Options for disposal of groundwater are proposed such as pumping the water into the street drainage system (which would require regulatory authority approval and possibly treatment of the water prior to disposal) or re-injection of the water into the ground. Additional assessment is required before the development can proceed including further site investigations and an assessment of groundwater levels, determining appropriate measures for treatment of the groundwater and treatment of potential impacts on nearby structures. The revised statement of commitments includes these matters and requires provision of a water quality management plan and additional investigations prior to the issue of a construction certificate. A dewatering licence is also to be obtained from DNR prior to excavation. The recommended conditions of approval include these requirements.

5.9 Acid Sulfate Soils

DNR has raised concerns related to acid sulfate soils on the site and the need for a management plan to be prepared in accordance with the Acid Sulfate Soils Management Advisory Committee's Acid Sulfate Soil Manual 1998. Geotechnical consultants on the proponent's behalf carried out site testing for acid sulfate soils. Based on the results of the testing they concluded that all soils below 1.5m depth will need to be considered as potential acid sulfate soils requiring a management plan to be prepared. A preliminary acid sulfate soils management plan was provided with the EA. The geotechnical consultants provided subsequent advice to the proponents that they considered this issue would not preclude the development. DNR have agreed that the issue can be dealt with in a final management plan be prepared prior to the issue of a construction certificate. The revised statement of commitments and recommended conditions of approval include this requirement.

5.10 Aboriginal Cultural Heritage Assessment

In their response to the EA, DEC stated that Aboriginal cultural heritage had not been adequately addressed. The PPR includes a preliminary desktop cultural heritage assessment, carried out by consultant on behalf of the proponents and in accordance with DEC's draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*. This included a search of the DEC Aboriginal Heritage Information Management System (AHIMS) to identify objects or places of significance recorded in or near the site. The conclusions and recommendations of the assessment indicate that:

The predictive model of site location developed for the study area has determined that there is a moderate potential for isolated finds, open artefact scatters and midden sites to occur within the study area, and a very low possibility that burials may occur within the study area.

A number of recommendations are made to deal with these matters prior to commencement of construction. These include the need for a site survey to be undertaken by a qualified archaeologist in conjunction with the appropriate identified Aboriginal stakeholder groups, and a program of sub surface test pitting implemented together with the field survey. These matters are dealt with in the revised statement of commitments.

The DEC have further reviewed the PPR and the preliminary heritage assessment. On 15 February 2007 DEC recommended that consultation with the local Aboriginal community and on site assessment by a suitably qualified cultural heritage consultant be undertaken prior to development approval. Having regard to the conclusions of the preliminary assessment it is considered that these matters can be appropriately dealt with prior to issue of a construction certificate and during excavation and construction works. The EA included details of initial consultation with the Coffs Harbour Local Aboriginal Land Council which recommended that monitoring be undertaken by suitably qualified members of the Land Council during initial ground disturbance works. This is confirmed by the revised statement of commitments.

5.11 Bushfire Impacts

The site is located within an area that is identified as either Bushfire Prone Land (vegetation category 1) or Bushfire Prone Land vegetation buffer. This is related to some of the existing vegetation on the site, but primarily related to existing vegetation within Park Beach reserve and Hogbin Drive. A bushfire risk assessment has been provided. The recommendations of this assessment include implementation of appropriate construction levels in accordance with Australian Standard AS3959, Building in Bushfire Prone Areas. The local NSW Rural Fire Service are to be consulted during the preparation of construction certificate plans. The use of fire resistant vegetation species, lawn areas and/or hard landscaped surfaces, are also recommended.

The proponent's flora consultants have advised that the planting of rainforest species within the rear buffer zone to Hogbin Drive will be consistent with the provision of fire resistant vegetation. The final landscape design for the site will need to resolve the bushfire and the flora and fauna recommendations to ensure that these are consistently achieved in terms of provision of suitable fire resistant species, regeneration of native vegetation and provision of fauna habitat or foraging plants. The revised statement of commitments includes these matters and that a flora and fauna specialist sign off on the final landscape plan. The recommended conditions of approval include the need to ensure certification of the final landscape plan by an appropriate bushfire consultant.

This proposal was referred to the NSW Rural Fire Service (RFS) for comment, but to date no formal response has been received. Verbal communication with the RFS suggests that they have no comments to make in regard to the proposal.

5.12 BASIX Commitments

The water commitments in the BASIX certificates submitted with the EA included reference to a 1400 litre recycled water storage tank being provided per dwelling, equating to a total of 56,000 litres, but only one 30,000 litre rainwater storage facility was proposed. This would be only just over half of the total required by the BASIX commitments. The PPR included amendments to the basement level and the relocation of a rainwater reuse storage tank from the roof to the basement, as well as an increase in its size or volume to 63,000 litres, ensuring compliance with BASIX commitments and requirements. The proponent's hydraulic engineers have indicated that the revised location of this tank is more suitable and efficient.

5.13 Other matters

(i) Suitability of the site

The site is considered suitable for the proposed development for the following reasons:

- The site is zoned for residential development and higher density multi unit housing.
- The site is within the Park Beach area where existing and expected future development includes medium to higher density development.
- The site is adjoined by existing similar higher density multi unit buildings.
- The site is accessible to existing services and facilities, within Coffs Harbour.
- The site is not constrained by any significant environmental and development issues which would preclude the proposal, or that can not be appropriately mitigated.

(ii) Public benefits and the public interest

The proposal is considered to provide public benefits summarised below and is considered to be in the public interest:

- The proposal provides for consolidated development of land in an existing urban area, helping to reduce pressure for further development in more sensitive coastal locations.
- There are social benefits of maximizing residential density on the site, close to existing urban services and facilities in Coffs Harbour.
- The architectural design of the proposed building, its bulk, and scale are appropriate for the location and urban coastal setting.
- There will be no significant adverse impacts on existing neighbouring residential development.
- There will be no significant adverse impacts on the surrounding environment including Park Beach and environmentally sensitive or significant vegetation within Park Beach reserve and Hogbin Drive, subject to commitments and conditions to mitigate and manage any impacts.

6 CONSULTATION AND ISSUES RAISED

6.1 Public Exhibition Details

The Major Project application was exhibited from 16 October to 15 November 2006 and notice was published in the Coffs Harbour Advocate on 14 October 2006. The EA was made available to the public in the Department's Information Centre, Bridge Street, Sydney, at the Department's Regional Office, Grafton, and at Coffs Harbour City Council's main administration building.

A PPR was lodged on 9 February 2007 and as the changes to the nature of the project were not significant, it was not re-exhibited but was placed on the Department's website for a period of 14 days from 12 February 2007.

6.2 Submissions Received on Environmental Assessment and Preferred Project Report

The Department received a total of ten submissions comprising three submissions from the public and seven submissions from the following public authorities:

- Coffs Harbour City Council;
- Department of Natural Resources;
- Department of Environment and Conservation;
- Solitary Islands Marine Park Authority;
- Roads and Traffic Authority;
- Department of Lands; and
- Department of Primary Industries (Fisheries).

The three submissions from the public were all letters in objection from residents in the vicinity of the subject site. Of the public authority submissions, four from Coffs Harbour City Council, Department of Natural Resources, Department of Environment and Conservation and Solitary Islands Marine Park Authority raised objections and three submissions from the Roads and Traffic Authority, Department of Lands and the Department of Primary Industries (Fisheries) did not raise any objection.

6.3 Public Submissions

6.3.1 Summary of issues raised in public submissions

The following issues were raised in the public submissions:

- Excessive density;
- Building height;
- Overshadowing impacts;
- Privacy impacts; and
- Fauna impacts, loss of vegetation and fauna habitat.

Discussion on the key issues which include those raised in submissions is in **Section 5** of this report.

A summary of all submissions received can be found at **Tag G**. The proponent responded to these submissions on 9 February 2007 and the proponent's response to submission is at **Tag H**.

6.3.2 Other issues raised in public submissions

Comments on other issues raised are provided as follows:

a. Loss of public access/thoroughfare

The submissions raised concerns in regard to the loss of informal public access through the site, connecting the beach area with residential areas, the sporting fields and facilities to the west of the site. The previous sale of a public access through the site has also been referred to.

There is no information related to previous sale of public access on part of this site. As the site is now private land there is currently no legal public access or thoroughfare. Alternative east/west access from Ocean Parade through to Hogbin Drive is available nearby. Council's Park Beach DCP and the attached master plan have identified Foster Street as a pedestrian link between this section of Ocean Parade and Hogbin Drive to the west. This connection is approximately 100m south of the site.

b. Impacts on beachfront open space

The public submissions raised the issue of the development resulting in adverse impacts on the beach dunes and beachfront vegetation from an increased number of residents. This is based on an expectation that there will be an increase in use of the reserve and beach, with uncontrolled access through this area. The beachfront reserve is under the care, control and management of the Coffs Coast State Park Trust whose corporate manager is Coffs Harbour City Council. Controlled access points and pathways have been provided by the Reserve Trust through this area. This will ensure that adverse impacts of increased use are minimised.

c. Lack of market demand for additional units

The public submissions referred to a nearby unit development recently constructed where a substantial number of units remain unsold. This is a market consideration for the proponents and developers of the site, and will not only relate to demand and supply but affordability and the quality of the development. The land is zoned to permit the proposed development and the proposal is considered to be consistent with zone objectives and the draft regional Mid North Coast Strategy, which refers to medium to higher density development in this area.

d. Infrastructure capacity and whether there will be sufficient water capacity

The public raised concerns in regard to potential adverse impacts on services and whether there will be an adequate water supply. The application has been referred to Coffs Harbour City Council who provides these services through their business unit, Coffs Harbour Water. No objection has been raised in this regard and an approval will be subject to relevant developer contributions, including contributions under the Water Management Act for water and sewer head works and reticulation.

e. Geotechnical Issues, special footings/foundations required

The public state that the proposed development will need to be subject to special excavation and foundation requirements due to the subsurface area of the site containing material ('coffee rock'). 'Coffee rock' can be defined as a compacted or indurated (hardened particles) of humus and iron oxides within the soil or material profile. The preliminary geotechnical assessment submitted with the EA indicates that indurated sand is expected at this site.

The geotechnical assessment addresses the excavation and foundations required for the development of the site. This assessment is based on recent experience with excavations and foundations for a development at 105 Ocean Parade. Excavation for the subject proposal will be up to 4m. It is indicated that the soil profiles are expected to be readily excavated by conventional earthmoving equipment. Pile foundations are proposed, similar to that used at 105 Ocean Parade.

f. Traffic and parking Considerations

The public raised concerns that the proposal had not taken account of traffic flows in the area and off street parking requirements. Access to the site will only be via Ocean Parade. Fifty four (54) parking spaces are proposed to be provided for 36 units with 2 spaces for each of the larger units with floor space over 100sqm. This parking provision complies with the minimum required number of spaces (53) under Council's Park Beach DCP.

A traffic assessment report has been submitted with the EA which concludes that the proposed vehicle access and internal circulation arrangements will be suitable and appropriate. The assessment also concludes that there will not be any unsatisfactory traffic, safety or traffic related environmental consequences.

6.4 Submissions from Public Authorities

The following submissions were received from public authorities:

6.4.1 Coffs Harbour City Council

Coffs Harbour City Council raised a number of issues in regard to the proposal. Issues raised included flora and fauna, noise, construction impacts, landscaping, waste management, groundwater and setbacks. Setbacks, flora and fauna and groundwater have been discussed in Section 5. The other issues are addressed below:

- Noise – Council raised concerns with the potential for the mechanical ventilation system required for the basement carpark to create noise impacts for the locality. The applicant has included a commitment to complete an acoustic report to address this issue prior to the issue of a construction certificate.
- Construction Impacts – Council raised concerns that a number of construction practices had been proposed in the EA, but that one had not been selected for use. Council state that the preferred construction methodology should be that which has the least off site impacts. The applicant has added a commitment to ensure that the construction practice employed would result in the least off site impacts. In addition, a condition of approval requires the completion of a Construction Management Plan prior to the commencement of works on the site.
- Landscaping – Council raised concerns in regard to the lack of deep soil zones for landscaping and the potential for the water feature to require fencing if it was more than 300mm deep in accordance with the Swimming Pools Act 1992. The applicant amended the proposal to increase the deep soil zone area to 58% of the total site area. A commitment has been added to ensure that the water feature will not be deeper than 300mm.
- Waste Management – The Council raised concerns that the Waste Management Plan (WMP) provided with the EA was not adequate and requested that a WMP be completed for the proposal in accordance with Council's Waste Development Control Plan. The applicant added a commitment to complete a WMP prior to the issue of a construction certificate and a condition of approval requires a Waste Storage Management Plan to be completed.

6.4.2 Department of Natural Resources

The Department of Natural Resources raised issues in regard to groundwater, subsidence and acid sulfate soils. Groundwater and subsidence has been discussed in Section 5. The need for an ASS Management Plan which is in accordance with the ASSMAC guidelines has been included in the Statement of Commitments and as a condition of approval.

6.4.3 Department of Environment and Conservation

The Department of Environment and Conservation raised concerns in regard to both Aboriginal heritage and flora and fauna. Both these issues have been discussed in Section 5 of this report.

6.4.4 Solitary Islands Marine Park Authority

The Solitary Islands Marine Park Authority raised concerns with the potential visual impact of the proposed building on the marine park and coastline as a whole. This issue has been assessed in Section 5 of this report.

6.4.5 Roads and Traffic Authority

The Roads and Traffic Authority raised no objection to the proposal but recommended that it be forwarded to Council for comment. The application was considered by Council. No traffic and parking issues or concerns were raised by Council.

6.4.6 Department of Lands

The Department of Lands raised no objection to the proposal but commented that access to Park Beach through the Crown Reserve should remain on established pathways. The development does not propose any new pathways through the Crown Reserve to Park Beach.

6.4.7 Department of Primary Industries (Fisheries)

The Department of Primary Industries stated that they had no issues to raise with the proposed development.

7 CONCLUSION

The Department has assessed the proponents Environmental Assessment and Preferred Project Report and considered the submissions in response to the proposal. The key issues resulting from this assessment and raised in submissions related to overshadowing, the density of the proposal, building separations and setbacks, visual impacts, loss of views, visual and acoustic privacy, impacts on flora and fauna, groundwater management, Aboriginal cultural heritage assessment, bushfire impacts, and BASIX commitments. The Department has considered these issues and a number of conditions of approval are recommended in conjunction with the proponent's revised statement of commitments to ensure these issues are satisfactorily addressed and there are minimal impacts as a result of the proposal.

The proposal will allow for consolidated development of land within an existing urban area, close to existing facilities and services, and thereby helping to reduce pressure for urban development in more sensitive coastal locations. It will provide for an appropriate architecturally designed building compatible with existing and expected future medium to higher density development in this area. The proposal will not result in any significant adverse impacts which can not be managed and/or mitigated, if required, by commitments and condition of approval. Furthermore, the project application has largely demonstrated compliance with the existing environmental planning instruments and meets the intent of the existing approved Master Plan for Park Beach contained within Council's Park Beach DCP, and with the draft Mid North Coast Regional Strategy.

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

8 RECOMMENDATION

It is recommended that the Minister:

- (A) consider the findings and recommendations of this report;
- (B) approve the project application, subject to conditions, under Section 75J of the *Environmental Planning and Assessment Act, 1979*; and
- (C) sign the Determination of Major Project (**Tag A**).

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