

## PREFERRED PROJECT REPORT


### 111 OCEAN PARADE COFFS HARBOUR



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# PREFERRED PROJECT REPORT



**111 Ocean Parade  
Coffs Harbour**

Prepared for  
**NSW Department of Planning**

On behalf of  
**Coffs Beach Partnership**

by  
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## 1 INTRODUCTION

This Preferred Project Report has been prepared on behalf of the proponent, Coffs Beach Partnership, following the public exhibition of the Part 3A Environmental Assessment Report and associated drawings for 111 Ocean Parade, Coffs Harbour.

The Environment Assessment Report and associated drawings were exhibited by the Department of Planning from 16 October 2006 to 15 November 2006. During this period the Department received a total of seven State agencies submissions, one submission from Coffs Harbour City Council and three submissions from the public. This report provides a detailed response to these submissions, prepared jointly by Planning Workshop Australia and The Buchan Group Ltd, and includes a summary of responses and actions to the main issues raised during the exhibition phase.

As a result of the proponent's consideration of the submissions, amendments to the scheme have been undertaken (Appendix 1). The Statement of Commitments has also been reviewed and an amended Statement of Commitments is included as part of this Preferred Project Report.

The Preferred Project Report should be read in conjunction with the exhibited Part 3A Environmental Assessment Report and associated drawings for 111 Ocean Parade, dated October 2006. The following drawings have been amended (Appendix 1):

- Basement, Drawing Ref. DA-100;
- Level 1, Drawing Ref. DA-101;
- Level; 2, Drawing Ref. DA-102;
- Levels 3 & 4 proposed, Drawing Ref. DA-103;
- Levels 5-8, Drawing Ref. DA-104;
- Penthouse, Drawing Ref. DA-105;
- Roof, Drawing Ref. DA-106;
- Open space calculation, Drawing Ref. DA-150;
- Deep Soil calculation, Drawing Ref. -160;
- Section A-A, Drawing Ref. DA-200;
- Section B-B, Drawing Ref. DA-201;
- East elevation, Drawing Ref. SA-300;
- West elevation, Drawing Ref. DA-301;
- South Elevation, Drawing Ref. DA-302;
- Shadow Diagram (21<sup>st</sup> December), Drawing Ref. DA-4000;
- Shadow Diagram (21<sup>st</sup> June), Drawing Ref. DA-4001;
- Shadow Diagram (Neighbouring Buildings No. 109) Side Elevation, Drawing DA-4008;
- Shadow Analysis, 21<sup>st</sup> June – 2 Storey Building, Ref. DA-7000;
- Shadow Analysis, 21<sup>st</sup> June – 3 Storey Building, Ref. DA-7001;
- Shadow Analysis, 21<sup>st</sup> June – 4 Storey Building, Ref. DA-7002.

As a result of the Environmental Assessment Report and the proponent's responses to the submissions received during the public exhibition period, including the proposed amendments to the scheme and the Statement of Commitments, we believe that the project can proceed without further environmental assessment. A determination to this effect by the Minister for Planning is now requested under Section 75J(1) and Section 75O(1) of the *Environmental Planning and Assessment Act 1979*.



## 1.1 Responses & actions to main issues

A summary of the proponent's responses and actions to the main issues raised during the public exhibition period has been prepared and is incorporated in Table 1. This Table lists the main issues raised during the exhibition; summarises how each issue has been addressed in this Preferred Project Report; indicates where the issue may be addressed in the revised Statement of Commitments at Section 3 of the Preferred Project Report; and indicates where each issue may have been addressed through a design modification.

**TABLE 1: 111 OCEAN PARADE: SUMMARY OF RESPONSES AND ACTIONS TO MAIN ISSUES RAISED DURING PUBLIC EXHIBITION PHASE**

Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
Flora and Fauna – Planting Schedule	Coffs Harbour City Council (CHCC)	This issue is addressed in the Statement of Commitments at section 3 of this report. Environmental weeds will be replaced with species suggested by Council.		✓	✓
Flora and Fauna – Buffer Zone		This issue (limiting access to the site to the east) is addressed in the Statement of Commitments at Section 3.	✓		
Flora and Fauna – Buffer Zone		This issue (implementing a 10m buffer zone) is addressed in Section 2 and Drawings DA-100 and DA101 have been amended to incorporate a 10 m buffer zone. This is reflected in the Statement of Commitments.		✓	✓
Flora and Fauna – Buffer Zone		The proponent has no objection to the buffer zone being declared a Tree Preservation Zone and fenced off prior to commencement of work. No parking of vehicles, siting of temporary structures of storage of topsoil or building materials will be permitted within the TPZ. This is reflected in the Statement of Commitments.	✓	✓	
Fauna Study		It is acknowledged in the submission by the flora and fauna consultants that the site is in a koala habitat. It was concluded however that “remnant natural vegetation on the site is 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” (see Appendix 2).	✓		
Flora studies		The flora consultant has confirmed that an assessment for Swamp Sclerophyll Forest is not required (see appendix 2)	✓		
Mechanical Systems – Acoustic Report		The statement of commitments has been amended to include a commitment to provide an acoustic report prior to the issue of a construction certificate.  Details of any mechanical ventilation/exhaust systems will be provided prior to the issue of a construction certificate.		✓	

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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
Mechanical Systems – The Basement Carpark		The statement of commitments has been amended to include a commitment to ensure any acoustic report provided complies with the relevant Australian standards.		✓	
Construction Impacts		A commitment has been entered into the Statement of Commitments which commits to ensuring that the construction practices used will result in the least off site impacts		✓	
Water feature		The water feature will not exceed a depth of 300mm water depth.		✓	
Waste Management		A waste management plan will be prepared in accordance with the provisions of Council's Waste Development Control Plan and provided prior to the issue of the construction certificate.		✓	
Dewatering		Extracted water will not be disposed of in Council's sewerage treatment system. A commitment has been entered into the Statement of commitments to reflect this.		✓	
Landscape Response		The Landscape treatment will have regard to flora, fauna and bushfire risk considerations. A commitment reflecting this has been entered into the Statement of Commitments.		✓	
		The deep soil zones area has been increased and now consists of 58% of the total site area. This is detailed in drawing Ref. DA-160.			✓
		The proposal has been redesigned to avoid encroaching on the recommended 10m buffer zone (see drawing ref DA-100)			✓
Setbacks		The proposal has been amended as demonstrated in Drawings Refs. DA-100-105) resulting in an increase in setbacks on the southern elevation. In addition, living rooms located on the southern elevation have been relocated and replaced with bedrooms and bathrooms to minimise impact on the adjacent property (No. 109) in terms of loss of privacy. Furthermore, the glazing on the southern elevation has been reduced, with the			✓

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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
		bathroom windows being replaced with high level windows. This is clear from Drawing DA-302 and is addressed in further detail in section 2 of this report.  The soil depth in the front set back is sufficient to enable tall tree planting.			
	Public submissions				
Density		The number of units have been reduced to 36 which is in accordance with the desired density for the site and is in keeping with the character of the surrounding area.			✓
Building Height		The height of the proposal is consistent with the provisions of the Coffs Harbour City DCP for Park Beach.	✓		
Overshadowing		This is addressed in section 2 below.			✓
Privacy		This is addressed in section 2 below. The southern elevation has been redesigned, resulting in the living rooms being relocated to the northern side, replaced by bedrooms and bathrooms with high level windows. This reduction in fenestration will increase privacy.			✓
Traffic and Parking		54 car parking spaces are provided, with 11 at ground level. This is consistent with the DCP requirements and provides one additional space over and above what is required.			✓
Geotechnical issues		Sufficient foundations will be provided for the proposal. Further details will be provided prior to the issuing of a construction certificate.	✓		
Fauna Impacts		The Fauna report concluded that "remnant natural vegetation on the site is 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".	✓		



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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
Public access thoroughfare		Physical access will still remain, but the site will be private property.			
Other impacts Beach/Foreshore		The beach located opposite the site is accessed through a number of pathways created by Council in order to help in maintaining the existing vegetation on the beach. The proposal does not include any development in the beach reserve.	✓		
Market issues		It is unlikely the developer would seek consent for the number of units proposed if it was thought to be unlikely that they could be sold. This is not a planning matter.	✓		
Infrastructure		There will be adequate water capacity for the site. A rainwater reuse system will be used to help in reducing water demand. This is detailed in the Stormwater Disposal Systems report, prepared by Steve Paul & Partners submitted as part of the EA and in amended drawing ref. DA-100. The location of the rainwater collection tank has been relocated from roof level to basement level in order to maximise the amount of rainwater collected.			✓
	Department of Natural Resources				
Dewatering licence		A dewatering licence will be obtained prior to any dewatering activities. This is set out in the Statement of Commitments set out in Section 3 of this report.		✓	
Water Quality Management Plan		A Water Quality Management Plan will be provided prior to the issue of a construction certificate. This is set out in the Statement of Commitments set out in Section 3 of this report.		✓	
ASS Management Plan		An ASS Management Plan will be provided prior to the issue of a construction certificate. This will be produced in accordance with the 1998 ASSMA acid sulphate soil manual. This is set out		✓	

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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
		in the Statement of Commitments set out in Section 3 of this report.			
Depth of the required dewatering level		Additional details in relation to the exact depth of the required dewatering level as well as the depth of the base of the excavation will be provided relative to the surface level prior to the issuing of a construction certificate.		✓	
Impact of dewatering		Additional investigations will be undertaken to ensure works carried out do not result in subsidence of material causing adverse impacts on the above ground structures. This is set out in the Statement of Commitments at section 3 of this report.		✓	
<b>Attachment 1</b>	Department of Environment and Conservation				
Provision of preliminary Aboriginal Assessment		A preliminary Aboriginal Assessment has been prepared by Stuart Huys (see Appendix 3).		✓	
Vegetation		It is agreed that the text at points 1 & 2 of Attachment 1 be replaced with the text provided by DEC. This is detailed in a response provided by the flora and fauna consultants at Appendix 2 and has been incorporated into the Statement of Commitments in Section 3 of this report.		✓	
		Point 3, Attachment 1 A minimum of four local native, fleshy fruit producing fig trees included in the diet of the Barred Cuckoo Strike will be planted on the site. This is detailed in a response provided by the flora and fauna consultants at Appendix 2 and has been incorporated into the Statement of Commitments in Section 3 of this report.		✓	
		Point 4, Attachment 1 A minimum of three artificial hollow of a design suitable for		✓	

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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
		micro bats will be installed in the buffer/setback or within the Hogbin Drive North swamp forest/littoral rainforest corridor at a minimum height of 3 metre above ground. This is detailed in a response provided by the flora and fauna consultants at Appendix 2 and has been incorporated into the Statement of Commitments in Section 3 of this report.			
Access		Access to the site will be limited to the east only via Ocean Parade – this has been incorporated into the Statement of Commitments in Section 3 of this report.		✓	
Buffer Zone	<b>Attachment 2</b>	Attachment 2, point 1 The EEC vegetation will be appropriately buffered from the impacts of the development and impacts during the construction phase. A minimum 10 metre buffer zone from the base of the trees will be provided. This is further detailed in the attached response provided by the flora and fauna consultants at Appendix 2 and in the Statement of Commitments in Section 3 of this report.		✓	✓
Monitoring of the buffer/setback zone		Attachment 2, point 2 Agreed – Monitoring of the buffer/setback zone and subsequent landscape planting will be undertaken to ensure that the integrity and conservation status of this area is maintained and improved. This is set out in the Statement of Commitments.		✓	
		Soil and landscape mounding will not be permitted in the buffer/setback zone		✓	
Planting		Attachment 2, point 3 A minimum of four local native, fleshy fruit producing fig trees		✓	



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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
		<p>included in the diet of the Barred Cuckoo Strike will be planted on the site.</p> <p>In addition, to comply with this requirements it is recommended that :</p> <ul style="list-style-type: none"> <li>• small and medium species (&lt; 10 m height) be selected (eg <i>Ficus fraseri</i>, <i>Ficus obliqua</i>).</li> <li>• Planting should be close to the property boundary as <i>Ficus</i> spp. Tend to have aggressive roots and should not be planted next to buildings;</li> <li>• Rainforest species be encouraged within the buffer zone as these species have a low fire risk;</li> <li>• Natural regeneration is preferred rather than planting;</li> <li>• Any plantings within 10 m buffer zone should be local native species.</li> </ul> <p>This has been included in the Statement of Commitments at section 3 of this report.</p>			
The provision of artificial hollows		<p>Attachment 2, point 4</p> <p>A minimum of three artificial hollow of a design suitable for micro bats will be installed in the buffer/setback or within the Hogbin Drive North swamp forest/littoral rainforest corridor at a minimum height of 3 metre above ground)</p> <p>A suggested design for bat nests is provided in the response provided by the flora and fauna consultants at Appendix 2.</p>		✓	
Access		<p>Attachment 2, point 5</p> <p>The Statement of Commitments has been amended to include the following:</p> <p><i>"access to the site will be limited to the east to protect the integrity of the vegetation corridor along Hogbin Drive North to the west".</i></p>		✓	



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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
Visual Impact	Marine Parks Authority 14 June 2006 & 10 November 2006	The height of the proposal remains compliant with the Park Beach DCP requirements for the site. Additional setbacks have been incorporated to aid in reducing the visual impact the proposal will have on the coastline and the Solitary Islands Marine Park.			✓
No issue	Department of Primary Industries – Fisheries  13 June 2006 & 27 October 2006	N/A	✓		
No issue	RTA	N/A	✓		
The subject land is located across a Council public road from Crown Reserve 63966, which is under the care control and management of the Coffs Coast State Park Trust whose Corporate Manager is Coffs Harbour City Council	Department of Lands	Noted	✓		
Increased use of the Crown reserve – noted that pedestrian tracks already exist, access should remain		Noted. The proposal does not include any development on the Reserve.	✓		

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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
restricted to these pathways					
Park beach generally eroding, so long as vegetation remains, overshadowing should not detrimentally impact upon the beach		The proposal does not include and removal of vegetation on the beach reserve	✓		
Demonstrate consultation with relevant authorities in relation to long term management of buffer zone	Department of Planning	The flora consultant has contacted Coffs Harbour City Council who advised that the relevant case officer was on leave and to contact the Department of Planning. The flora consultant was advised the issue was more in relation to cumulative impacts which has been addressed in section 2 below. A management plan for the buffer zone can be provided prior to the issuing of a Construction Certificate together with the finalised Landscape Plan.		✓	
Buffer Zone		The proposal and statement of commitments have been amended to be consistent in terms of the buffer zone. A <b>10 metre</b> buffer zone from the trunks of the established native trees has been provided. The extent of the basement has been reduced to accommodate the buffer zone which will allow the establishment of a viable corridor of vegetation.		✓	✓
SEPP No.1 Objection re overshadowing		The shadow information has been amended to accurately demonstrate the overshadowing the proposal will cause.  Alternative designs have been considered, this is detailed in Section 2 of this report. Indeed the proposal has been amended resulting in a reduction of the setbacks of the upper floors to aid in reducing the effects of overshadowing – see section 2 of this report.			✓

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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
		<p>Additional analysis of the overshadowing has been undertaken to quantify the extent of the overshadowing in comparison to existing overshadowing and this is detailed in section 2 of this report and in drawings DA-4000 and 4001.</p> <p>The response provided by the flora consultant provides additional comments to specifically address the cumulative impact of overshadowing on the nature reserve. Additional comments have been provided by the Flora consultant at Appendix 2 in relation to overshadowing.</p> <p>Objectives under clause 30 (a) and (f) of the North Coast REP have been addressed in Section 2 of this report.</p>			
Impacts of adjoining properties		<p>Additional assessment of the potential impacts for neighbouring properties have been undertaken in the form of an overshadowing analysis and the identification of the use of the rooms facing the applications property. This is detailed in section 2 of this report and in drawing Ref. DA-4008, prepared by the Buchan Group.</p> <p>Throughout the day, the apartments will receive at least 2 hours sunlight access.</p> <p>The living rooms located on the southern elevation of the proposal have been relocated to the northern and eastern elevations having been replaced with bedrooms and bathrooms to increase privacy. In addition, the setback of the southern elevation has been further setback.</p>	√		√
Shadow Diagrams		The mid summer shadow diagrams have been amended (DA Ref. DA-4000) and are provided at Appendix 1.			



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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
Fauna Impact Assessment		<p>The buffer zone provided will be 10 metres, therefore the conclusions and recommendations of the Fauna Impact Assessment remain the same.</p> <p>A suggested design for bat nests is provided in the response provided by the flora and fauna consultants at Appendix 2.</p> <p>The recommendations of the Fauna Impact Assessment have been included in the Statement of Commitments.</p>	✓	✓	✓
Koala Habitat and Council's Koala Plan of Management		<p>The issue of the koala habitats on the site has been addressed by the fauna consultant and is attached at Appendix 2. The conclusion is that the proposal will not have any adverse effect on potential koala habitat.</p> <p>The flora and fauna consultants have recommended that replacement planting of the four <i>E. robusta</i> (known to be a primary food tree for Koala) within the 10 m wide buffer zone from the trunks of the mature trees compensate for the loss of the four <i>Melaleuca quinquenervia</i>. A commitment to the effect has been entered into the Statement of Commitments.</p>	✓	✓	
Bushfire Risk Assessment Report		<p>The response provided by the flora consultant at Appendix 2 confirms the rainforest species in the buffer zone is consistent with planting fire resistant vegetation.</p>	✓	✓	
Landscape Plan		<p>The recommendations of the various reports, in respect to flora, fauna and bushfire risk will be considered and incorporated into the landscape plans. This statement has been incorporated into the statement of commitments.</p> <p>The statement of commitments has been amended and no longer includes reference to proposed landscape mounding in the buffer zone, and now states that such mounding not occur in</p>		✓	



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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
BASIX Certification		the proposed buffer zone. The rainwater storage tank has been relocated to the basement and will provide 63,000 litres of rainwater storage. This is illustrated in Drawing Ref. DA-100. Steve Paul & Partners have confirmed that the location of the tank at basement level is the most suitable location for the tank.			✓
<b>SEPP 65</b> Building Separation		The proposal has been amended to incorporate increased setbacks. This is addressed in Section 2 below.			✓
Deep soil zones		The total amount of deep soil zones now being provided is 58% as demonstrated in drawing Ref. DA-160, prepared by The Buchanan Group.			✓
Open Space		The total area of communal open space being provided has been recalculated and excludes private open space areas (see DA Ref. DA-150)			
Visual Privacy		The living areas located on the south western elevation have been relocated to the northern elevation and replaced with bedrooms and bathrooms on levels 2 to 9. In addition, these levels have been further setback in order to increase privacy for the adjoining occupiers. This is addressed in detail in section 2 below and on Drawing Ref. DA-102 to 105.			✓
Apartment Layout		Although the single aspect apartments exceed the maximum recommended depth of 8m from a window/balcony door, given the relocation of units and the reduction in number, this has resulted in the reduction of the number of single aspect units to 3.	✓		
Storage		The basement and ground level now incorporates a total of 214.8m <sup>3</sup> storage space in the form of storage lockers and suspended storage. This is detailed in drawing Refs. DA-100 and DA-101 and is addressed in Section 2 below.			✓
Daylight Access		Given the amendments to the scheme and through consequent reduction of apartment numbers to 36, 100% of apartments now receive a minimum of 2 hours of direct sunlight, with 66.6%			

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Main Issues	Issue raised by:	Summary of how the issue has been addressed in the Preferred Project Report	No Specific Action or Amendment Required	Addressed in Statement of Commitments	Addressed by Design Modification
Park Beach DCP Density		achieving a minimum of 3 hours direct sunlight. Coffs Harbour City Council has provided clarification to the Department if Planning on this matter and it has been concluded that the intention of the mix of dwelling sizes provision of the DCP is satisfied by this proposal.	✓		
Setbacks		The issue of setbacks and loss of privacy has been addressed above and in section 2 below.			✓
Design		North facing views from 109 will not be compromised, given that they presently face the 18 storey "Pacific Towers" building. Privacy will in fact be improved through a reduction in careful fenestration and reorientation of habitable rooms in the proposal.			✓
Privacy		The scheme has been amended resulting in the relocation of the living areas away from the south western elevation being replaced with bedrooms and bathrooms. The degree of fenestration has been reduced whilst the setbacks of levels 5-9 have been reduced. This is detailed in Drawing DA-104 and 105, prepared by The Buchan Group and below in Section 2.			✓
Noise Mitigation		The statement of commitment has been amended to include a commitment to provide and acoustic report prior to the issue of a construction certificate.		✓	
Open Space and Landscaping		The soils will be sufficient in the front set back to accommodate trees			
Urban Design Principals		Approximately 25m <sup>2</sup> of deep soil zone is being provided along the street frontage (see Drawing Ref. DA-160)			✓
Aboriginal Cultural and Heritage Assessment		A preliminary aboriginal cultural and heritage assessment has been prepared and is attached at Appendix 3.			
Mechanical Exhaust		Careful consideration of the location of any mechanical ventilation exhaust will be undertaken to avoid potential adverse impacts of neighbouring properties for the basement car park. This has been entered into the statement of commitments.		✓	
Other matters		Noted	✓		

## 2 PREFERRED PROJECT REPORT

### 2.1 Variation to Exhibited Environmental Assessment & Support Documents

The exhibited application drawings have been amended in a number of respects in response to submissions during the exhibition period and following review by the proponent. These changes are shown in the following amended drawings included as part of this Preferred Project Report:

- Basement, Drawing Ref. DA-100;
- Level 1, Drawing Ref. DA-101;
- Level; 2, Drawing Ref. DA-102;
- Levels 3 & 4 proposed, Drawing Ref. DA-103;
- Levels 5-8, Drawing Ref. DA-104;
- Penthouse, Drawing Ref. DA-105;
- Roof, Drawing Ref. DA-106;
- Open space calculation, Drawing Ref. DA-150;
- Deep Soil calculation, Drawing Ref. -160;
- Section A-A, Drawing Ref. DA-200;
- Section B-B, Drawing Ref. DA-201;
- East elevation, Drawing Ref. SA-300;
- West elevation, Drawing Ref. DA-301;
- South Elevation, Drawing Ref. DA-302;
- Shadow Diagram (21<sup>st</sup> December), Drawing Ref. DA-4000;
- Shadow Diagram (21<sup>st</sup> June), Drawing Ref. DA-4001;
- Shadow Diagram (Neighbouring Buildings No. 109) Side Elevation, Drawing DA-4008;
- Shadow Analysis, 21<sup>st</sup> June – 2 Storey Building, Ref. DA-7000;
- Shadow Analysis, 21<sup>st</sup> June – 3 Storey Building, Ref. DA-7001;
- Shadow Analysis, 21<sup>st</sup> June – 4 Storey Building, Ref. DA-7002.

Principally, the changes are responses to comments made by the State Agencies on the impact of overshadowing, setbacks and the buffer zone. In this respect, the proposed development has been redesigned as follows:

#### Buffer Zone

The proposal has been amended to incorporate a 10 metre buffer zone from the base of the existing trees of swamp forest/littoral rainforest. This has resulted in a reduction of the basement car park to accommodate the buffer zone and this is demonstrated in Drawing Ref. DA-100. This will ensure the buffer zone is sufficient to allow the establishment of a viable corridor of vegetation. This has consequently increased the amount of deep soil zones provided to 291m<sup>2</sup>.

#### Overshadowing

As a result of the amendments to the proposal, additional and amended overshadowing diagrams have been provided, which illustrate the following:



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- 1) The overshadowing that would occur with a two, three and four storey buildings;
- 2) The amount of overshadowing that will occur on 109 Ocean Parade, as a result of the proposal;
- 3) Amended drawings showing the overshadowing on the adjacent beach reserve during the winter and summer months; and

1) Drawing Ref. DA-7000 illustrates the overshadowing a two storey building would cause on the adjacent beach and beach reserve. No overshadowing would occur on the beach or beach reserve during the winter months. This demonstrates that to strictly comply with the NCREP overshadowing control only a 2 storey building on the site is allowable. As a consequence, however, a two storey building would not achieve the objectives of the Park Beach DCP and Clause 43A of the North Coast REP in terms of high density.

Drawing Ref. DA-7001 and 7002 illustrate the amount of overshadowing a three and four storey building would cause. Overshadowing on the beach reserve will occur from 3pm for both buildings during the winter months, with more occurring as a result of the four storey building. Thus even a 3 or 4 storey building would not strictly comply with the overshadowing standard in the REP and would not achieve the objectives and provisions of the North Coast REP in terms of maximising density.

3) Drawing Ref. DA-4008 illustrates the amount of overshadowing the proposal will cause on 109 Ocean Parade. This drawing should be viewed in conjunction the existing floor plan layout of 109 Ocean Parade. The floor layout plan for 109 shows that the rooms facing the subject site consist of bedrooms, kitchens, bathrooms, living rooms and balconies. In terms of measuring the impact of overshadowing, the relevant rooms are the living rooms and the balconies (i.e. the central section of the side elevation). It should be noted that the living rooms contain northern and eastern windows. In addition, there is a solid wall on the northern elevation of the living room area of the front apartments and as such, outlook will not be compromised.

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" effecting five of the eight floors (12 of the 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.

4) The overshadowing diagrams Ref. DA-4000 and DA-4001 have been corrected and now show the overshadowing the existing and proposed building will cause during the summer and winter months. During the summer months, the proposal does not overshadow the beach reserve until 4.30pm, which can be considered as minor. Overshadowing occurs from 3pm as a result of "Pacific Towers". The overshadowing caused by this 18 storey building is far more extensive than the proposal. Overshadowing by the proposal occurs from 4.30pm.



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An approximate calculation of the area overshadowed at 4.30pm is 44m<sup>2</sup>, 379m<sup>2</sup> at 5.30pm and approximately 1520m<sup>2</sup> at 6.30, which cannot be considered extensive, especially considering the size of the beach reserve in question. Furthermore, Anne Clements and Associates have confirmed that *"there is likely to be no negative cumulative impact of overshadowing of the Littoral Rainforest, a community that occurs in sheltered locations"* (see appendix 2 for further explanation).

Minor overshadowing occurs at 1pm during the winter months (approximately 30m<sup>2</sup>), with additional overshadowing occurring from 2pm (approximately 680m<sup>2</sup> after 3pm). Again, it is clear that the overshadowing caused by "Pacific Towers" is far more extensive than the proposal and that the overshadowing caused by the proposal is minor when compared to the extent of the beach reserve. Again, Anne Clements and Associates have confirmed that *"there is likely to be no negative cumulative impact of overshadowing of the Littoral Rainforest, a community that occurs in sheltered locations"* (see appendix 2 for further explanation).

At no time does the proposal cause any overshadowing on the beach itself which is used for recreational purposes. The beach reserve is thickly vegetated and is accessible only by pathways created by Council. It is therefore not used for recreational purposes. The only impact the proposal can have on the beach reserve is overshadowing, which as set out above, is not likely to cause a negative cumulative impact.

### Privacy/Setbacks

In order to maintain and improve privacy between 109 and the application property, a number of amendments have been incorporated into the scheme. The living and dining area of apartments 2-2,3-4 & 4-4 previously located on the southern elevation have been relocated to the western elevation away from 109 Ocean Parade (see drawing DADA102-103). This has been repeated in levels 5-8 (Drawing Ref. DA-104 and the Penthouse apartments (Drawing Ref. DA-105). This has been undertaken in order to increase the privacy for the residents of 109 Ocean Parade. Privacy has been further increased through the reduction of fenestration and the introduction of high windows for the bathrooms.

In order to further improve privacy, the setbacks of levels five to nine have been further increased to between 13.6 metres (balcony to balcony) and 17.2 metres (habitable room to habitable/ wall to wall) from 109 Ocean Parade. In addition, the setback of the penthouse floor (ninth floor) has been increased, and now provides a setback of 18.6 metres (habitable room to habitable room/wall to wall if the adjacent 109 Ocean Parade had a corresponding floor which it does not.). This together with the reduction in fenestration and reorientation of habitable rooms away from 109 Ocean Parade will ensure privacy is maintained.

In order to achieve these increased setbacks, the number of flats has been reduced to 36, now providing 3 x 1 bed, 16 x 2 bed and 17 x 3 bed apartments, thereby still achieving the objectives of the Park Beach DCP to provide a mix of accommodation.

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## Basement Level

As stated above, a 10 metre buffer zone has been provided which has consequently resulted in a reduction in the number of car parking spaces to 43 at the basement level with 11 at level 1, providing a total of 54 spaces. The DCP requires a total of 53.

## Storage Units

Storage units have been incorporated at basement and level 1, providing a total of 37 storage spaces and lockers, providing a total of 215m<sup>3</sup>. Additional storage space will be provided in each apartment in the form of linen cupboards etc, thereby ensuring sufficient storage is provided for each resident. The storage space at the basement level and level 1 comes in the form of suspended storage units and lockers, as detailed on Drawing Ref. DA-100 and 101..

## Rainwater Reuse Storage Tank

Additional amendments to the basement level include the relocation of the rainwater reuse storage tank from the roof to the basement and increased in size to 63,000 litre which is consistent with the BASIX requirements. This revised location has been deemed a more suitable and efficient location by Steve Paul & Partners.

## Other issues

### Aboriginal Cultural Heritage Assessment

A preliminary Aboriginal Cultural Heritage Assessment has been prepared in accordance with DEC Draft *Guidelines for Aboriginal cultural heritage Impact Assessment and Community Consultation* and is attached at Appendix 3. The report concludes 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.*

Based on this, a number of management recommendations to be implemented prior to commencement of construction are provided and have been included in the Statement of Commitments.

## Open space calculation

The amount of open space has been recalculated and does not include private open spaces areas to the front of the site.

## Address Clause 30 (a) and (f) of the North Coast REP

The objectives of this plan in relation to coastal planning are  
**(a) to enhance visual quality of the coastal environment**

The proposal includes the development of a nine storey residential flat building, consisting of 36 apartments, basement and grade level parking.



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The site is located adjacent to the 18 storey Pacific Towers and the eight storey "Beach Front" building immediately to the south of 111 Ocean Parade which set the pattern at the northern end of the Park Beach North locality. The proposed nine storey building represents a transitional element between these two built elements.

Having been separated by generous setbacks, the proposal has avoided a potential "wall of buildings" effect, and this has been further enhanced by the additional setbacks, thereby ensuring the scenic qualities of the New South Wales coast are preserved and protected. The use of traditional coastal finish materials (timber panelling/ screening, steel and glazing) in colours consistent with the coastal character of the locality reinforces this.

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

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

The EA (as submitted in August 2006) identified that possibly the most important vantage point in terms of visual impact is from Park Beach itself (as identified in the Urban Design Principles Map within the Park Beach DCP). The visual assessment (provided in the EA Main report, as submitted in August 2006) carried out from the beach directly to the east of 111 Ocean Parade concluded that the top 2-3 storeys of Pacific Towers are clearly visible, however the eight storey building on 109 Ocean Parade is completely obscured by the vegetation within the beach reserve and as such the proposal would not be visible from the Park Beach.

The careful use of materials, additional setbacks, careful articulation and the height of the proposal will ensure that the visual quality of the coastal environment is both maintained and enhanced, thereby achieving Objective 30 (a) of the North Coast REP.

### **(f) to encourage retention of natural areas and regeneration of those natural area which are already degraded.**

The subject site is located to the west of Park Beach and is separated by Ocean Parade and an existing beach reserve. The construction of the proposal will involve clearing much of the vegetation present on site but will not disturb or impact on any of the vegetation on the beach reserve.

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

The recommendations made in the assessment stated:

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*"The regenerating vegetation in the constructed drainage swale adjoining Hogbin Drive should not be fragmented by driveways to any future development on the Site"*

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

In order to ensure the regenerating vegetation in the drainage swale is maintained, the recommended buffer zone has been incorporated into the proposal with no driveways proposed along Hogbin Drive. In addition, it is proposed that further planting be undertaken to enhance this regenerating vegetation. The buffer zone will be kept vacant of built elements and will be appropriately landscaped to allow vegetation reestablishment and growth.

As stated above, the proposal does not involve any development on the beach reserve. The proposal will cause some overshadowing on the beach reserve which is detailed above, however, the Flora consultant has concluded that *"there is likely to be no negative cumulative impact of overshadowing of the Littoral Rainforest"* (found to be present in the beach reserve).

## 2.2 Variation to Statement of Commitments

In response to submissions received during the public exhibition period, the Statement of Commitments contained in the exhibited Environmental Assessment Report has been reviewed and amended. The amended Statement of Commitments is set out in Section 3 of this Preferred Project Report.



## 3 REVISED DRAFT STATEMENT OF COMMITMENTS

	Commitment
<b>Vegetation</b>	A 10m buffer zone from the base of the existing trees of the swamp forest/littoral rainforest will be allowed to regenerate naturally and be maintained in the drain along Hogbin Drive North on the western boundary of the site. Revegetation of the buffer/setback will form part of a vegetation management plan for the site.
	Natural regeneration of the buffer zone/setback area along Hogbin Drive North will be encouraged and all development excluded from this area. This area will be monitored to ensure the re-establishment of swamp paperbarks. Where monitoring identifies poor regeneration of swamp paperbarks or that invasion by weeds and exotic species is threatening the integrity of the community, the buffer zone/setback will be landscaped planted with native swamp forest species including a dominant proportion of swamp paperbark and Ficus species. Long term regeneration of the buffer/setback zone will aim to achieve approximately 60% woody vegetation cover. Should landscape planting occur, some common open space for residents of the development can be provided for. Landscaping planting or regeneration will aim to achieve approximately 50% woody vegetation cover. Landscape mounding or other means to alter the topography of the buffer/setback zone will not be undertaken.
	<i>Murraya paniculate</i> and <i>Raphiolepis indica</i> species will be replaced by <i>Hymenosporum flavum</i> and <i>Westringia fruticose</i> .
	A minimum of four local, fleshy fruit producing fig trees from the range of species known to be included in the diet of the Barred Cuckoo Strike will be planted on the site.
	A minimum of three artificial tree hollow of a design suitable for micro bats will be installed in the buffer/setback or within the Hogbin Drive North swamp forest/littoral rainforest corridor at a minimum height of 3 metre above ground.
	Access to the site will be limited to the east to protect the integrity of the vegetation corridor along Hogbin Drive North to the west
	The EEC vegetation will be appropriately buffered from the impacts of the development and impacts during the construction phase.
	Monitoring of the buffer/setback zone and subsequent landscape planting will be undertaken to ensure that the integrity and conservation status of this area is maintained and improved.
	Soil and landscape mounding will not be permitted in the buffer/setback zone.
	Trees will be preserved in the buffer zone which will be fenced off prior to commencement of work. No parking of vehicles, siting of temporary structures or storage of topsoil or building materials will be permitted within the TPZ.

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	The rainforest species in the buffer zone are consistent with planting fire resistant vegetation.
	The proposed planting materials are to be selected on hardiness, ease of maintenance and proven ability in the area. Exotic plants will be incorporated to provide consistency with the character of the locality.
	Predominantly indigenous planting with some traditional beachside species will be used in landscaping on site. This will help to attract native bird life.
	Indigenous low water use species of vegetation will be planted on site.
	A further detailed landscape plan will be submitted prior to the issue of the Construction Certificate, nominating appropriate plant quantities and species in the buffer area, determined in consultation with a relevant Flora and Fauna Expert and consistent with the bushfire management report prepared by SP Consulting.
	An appropriately qualified specialist consultant in flora and fauna assessment will sign off on the final landscape plan to ensure it is consistent with the above commitments.
<b>Fauna</b>	The recommendations of the Fauna report repeat the commitments set out above in the Flora section above and, as such, it is considered that they do not need to be repeated here as per the Department of Planning's recommendation that they be included in the Statement of commitments.
	Replacement planting of the four <i>E. robusta</i> (known to be a primary food tree for Koala) within the 10 m wide buffer zone from the trunks of the mature trees compensate for the loss of the four <i>Melaleuca quinquenervia</i> will be undertaken.
<b>Water feature</b>	The water feature will not exceed 300m water depth
<b>Soils</b>	Preparation of a final acid sulphate soil management plan prior to the issue of Construction Certificate, to be followed and implemented during construction.
	Further tests will be carried out on soils prior to excavation in order to comprehensively assess acid sulphate soil level on site.
	An ASS Management Plan will be provided prior to the issuing of a construction certificate. This will be produced in accordance with the 1998 ASSMA acid sulphate soil manual.
	All excavated soils will be treated with good quality agricultural lime to neutralise the acidity produced by the oxidation of the soils when excavated.



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



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<b>Noise</b>	The exclusion of garbage chutes will reduce noise.
	Construction will only occur during Council's nominated standard hours of construction.
	Appropriate standards of glazing will be incorporated within each unit to ensure acoustic privacy.
	An acoustic report to address the potential impacts from the basement car park ventilation system will be provided prior to obtaining a construction certificate.
	The car park ventilation will comply with the relevant Australian Standard and will include mechanical ventilation/exhaust systems. The acoustic report will have regard to this system.
	Careful consideration of the location of any mechanical ventilation exhaust will be undertaken to avoid potential adverse impacts of neighbouring properties for the basement car park.
<b>Traffic &amp; Construction Management</b>	Vehicular Access to the site during construction will be located on the Ocean Parade frontage, with all movements undertaken in a forward direction, except where under the supervision of a Traffic Controller.
	Access routes for trucks during construction to be in accordance with the routes identified within the Traffic Assessment submitted with the Project Application in October 2006.
	Provision for pedestrian access during construction to be provided along the western footway of Ocean Parade.
	All materials will be stored on-site and will involve in-situ lifting.
<b>Construction Impacts</b>	The recommended construction practise will be that system that results in the least off site impacts. Information detailing the construction practise to be used will be provided prior to the issue of a construction certificate.
	A Water Quality Management Plan will be provided prior to the issuing of a construction certificate.
	Additional details in relation to the exact depth of the required dewatering level as well as the depth of the base of the excavation will be provided relative to the surface level prior to the issuing of a construction certificate.
	Additional investigations will be undertaken prior to the issuing of a construction certificate to ensure works carried out do not result in subsidence of material causing adverse impacts on the above ground structures.
	Extracted water will not be disposed of in Council's sewerage treatment system.

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<b>Service Vehicles</b>	Refuse removal will be undertaken by the Council or by contract vehicles from the storage area located on the Ocean Parade frontage.
<b>Indigenous Heritage</b>	An initial site survey will be undertaken within the study area to locate and record any surface archaeological sites that may be present within the study area prior to the commencement of construction by a qualified archaeologist in conjunction with representatives from the appropriate identified Aboriginal stakeholder groups. This would include the Coffs Harbour and District Local Aboriginal Land Council (CHDLALC) and Registered Native Title Claimant bodies.
	<p>A program of sub-surface test pitting will be developed and implemented for the site prior to commencement of construction. The scope and methodology for the test pitting will be developed and implemented by a qualified archaeologist, in consultation with representatives from the (CHDLALC) and Registered Native Title Claimant bodies.</p> <p>Given the small size of the study area, it is anticipated that the field survey and test pitting program could be implemented together, as part of a limited field investigation of the site.</p>
	A report will be prepared prior to commencement of construction which documents the findings of the field survey and test pitting program, and outlines any further mitigation measures that are required to be undertaken prior to or during construction at the site. The report will conform to DEC standards, and should be endorsed by the relevant Aboriginal stakeholder groups.
<b>Bushfire Hazard</b>	A construction level of Level 2 (as per the provisions of AS3959-1999) will be employed in the detailed design of the building. The Coffs Harbour office of the Rural Fire Service will be consulted when preparing the Construction Certificate.
	A hydrant water supply will be provided to the site as per the relevant Australian Standard.
	The more detailed Landscape Scheme prepared prior to issue of the Construction Certificate to ensure the use of fire resistant species of vegetation; employ a minimum of mulch and make maximum use of lawn areas and/or hard landscaped surfaces.
	The Landscaping Scheme will be the subject of a Landscaping/Outdoor Management Plan, maintained by the Owners Corporation or the owners of the building in perpetuity. This will include that all debris, leaves and flammable material be regularly swept and removed regularly.

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	The outdoor management plan will be extended to include the road reserve in front of the building.
	The Owners Corporation/owner's representative to draw up and hold an evacuation plan. This is to be circulated to all residents and advised of the need to ensure rapid evacuation of the building should the threat of a bushfire become apparent.
<b>Developer Contributions</b>	The developer will agree to all reasonable development contributions in accordance with the Council's relevant contributions plan.
<b>Compliance Certificates</b>	All necessary compliance certificates relating to necessary services will be obtained by the client and provided to the consent authority prior to issue of the Occupation Certificate.



## 4 CONCLUSION

This Report, together with the Environmental Assessment and supporting documents, represents the Preferred Project for 111 Ocean Parade, Coffs Harbour. This Preferred Project Report outlines the amendments to the Environmental Assessment Report and supporting documents and contains the final, detailed Statement of Commitments on behalf of the Proponent.

As a result of the Environmental Assessment Report and the Proponent's responses to the submissions received during the public exhibition period, including the proposed amendments to the drawings and the Statement of Commitments, we believe that the project can proceed without further environmental assessment. A determination to this effect by the Minister for Planning is now requested under Section 75J(1) and Section 75O(1) of the *Environmental Planning and Assessment Act 1979*.