



Coffs Harbour Cultural and Civic Space

State Significant Development Assessment

SSD 10300

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Applicant	Coffs Harbour City Council
BCA	Building Code of Australia
BDAR	Biodiversity Development Assessment Report
CBD	Central Business District
CHDCP 2015	Coffs Harbour Development Control Plan 2015
CHLEP 2013	Coffs Harbour Local Environmental Plan 2013
CIV	Capital Investment Value
Coastal SEPP	State Environmental Planning Policy (Coastal Management) 2018
Council	Coffs Harbour City Council
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPA	Environment Protection Authority
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GA NSW	Government Architect NSW
Heritage	Heritage NSW, Department of Premier and Cabinet
ISEPP	State Environmental Planning Policy (Infrastructure) 2007
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RMS	Roads and Maritime Services, TfNSW

RtS	Response to Submissions
SDRP	State Design Review Panel
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SEPP 55	State Environmental Planning Policy No 55 – Remediation of Land
SEPP 64	State Environmental Planning Policy No 64 – Advertising and Signage
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW

Executive Summary

Introduction

This report provides an assessment of a State Significant Development application (SSD 10300) seeking approval to develop a cultural and civic space at 23-31 Gordon Street, Coffs Harbour. The proposal includes the construction of a 4 to 7 storey building incorporating a regional gallery, central library, regional museum, community spaces and Council customer service and administration offices and chambers.

The Applicant is Coffs Harbour City Council. The Minister for Planning and Public Spaces is the consent authority for the application as it is development for cultural, recreation and tourist facilities (which include information and education facilities, museums and art galleries) with a capital investment value in excess of \$30 million, under clause 13 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011.

Engagement

The Department publicly exhibited the application for 28 days from Thursday 3 October to Wednesday 30 October 2019. The Department received 823 submissions, comprising six submissions from government agencies, a submission from Coffs Harbour City Council, 794 public objections, 3 providing comments and 19 in support.

A petition (containing over 10,000 signatures) was also submitted to the NSW Parliament by Coffs Harbour MP, Mr Gurmesh Singh. The petition requests the Minister for Local Government to intervene and pause the project to enable further community consultation and consideration of alternative options for a new performing arts facility, art gallery library and museum.

Key issues raised in public submissions related to the cost of the project, site suitability, building use, built form, consultation, traffic and parking.

In response to issues raised in submissions, the Applicant submitted a Response to Submissions report which provided additional information and justification for the proposal.

Assessment

The Department has undertaken a detailed assessment of the proposal and has carefully considered the issues raised in submissions. The Department's assessment concludes the proposal is acceptable as:

- the proposal is consistent with the objectives of the North Coast Regional Plan 2036, Coffs Harbour Draft Regional City Action Plan 2036, Coffs Harbour Local Growth Management Strategy, Coffs Harbour City Centre Masterplan 2031, as it would contribute to the activation and revitalisation of the city centre
- the proposed land uses are fully permissible and consistent with the B3 Commercial Core zone objectives
- the design of the proposal is supported by the State Design Review Panel
- the proposal would result in an acceptable built form outcome for the site as:
 - it fully complies with the recently adopted height and FSR controls applying to the site

- it incorporates appropriate setbacks and articulation and its modulated and curved facades break down the mass and scale of the building
- the design, external appearance and selection of materials combine to provide an acceptable urban design outcome for the site.
- the proposal would not result in any unacceptable visual or amenity impacts on the surrounding area given the site's CBD context and its distance from the nearest residential dwelling (approximately 85 m south-east of the site)
- while the Department acknowledges the community's concerns about the cost of the proposal, ultimately the acceptability of the cost of the proposal, as a Council initiative, is a matter for Council to determine within the scope of its local government functions. However, the Department has carefully considered the potential economic impacts in the locality and is satisfied it is unlikely to result in any significant adverse economic impacts. Further, the Department notes the Applicant's advice that no special rate rises would be required to fund the project
- parking demand generated by the proposal can be met through a combination of on-street and off-street parking with measures proposed to reduce private car usage
- it would not result in any significant traffic impacts, as traffic modelling indicates that the level of service for key intersections surrounding the site would not change, even over a 20-year period
- it would provide public domain improvements, including the creation of a through-site link, improving pedestrian connectivity between Gordon Street and Riding Lane, and provision of a public square on Level 3
- appropriate measures would be implemented to protect and retain the significant Hill's Weeping Fig tree within Riding Lane, creating a focal point for the development
- the proposal has been designed to incorporate a number of ecologically sustainable design initiatives, including a 140kW solar power system and a 100kL rainwater storage tank.

Conclusion

The Department has assessed the proposal in accordance with section 4.15 of the EP&A Act. From a planning and land use perspective, the Department considers the proposal is acceptable and in the public interest as it is permissible development, it fully complies with the planning controls applying to the site and is unlikely to result in any significant adverse environmental, economic or social impacts in the locality. The Department has also recommended a suite of conditions to ensure the potential impacts of the development are appropriately mitigated and/or managed to an acceptable level.

Having weighed up all relevant considerations, the Department's assessment concludes the proposal is acceptable and recommends the application be approved, subject to conditions set out in **Appendix E**.

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1 Introduction

Coffs Harbour City Council (Council) (the Applicant) seek approval for the construction and operation of a new cultural and civic space in Coffs Harbour (the proposal) at 23-31 Gordon Street, Coffs Harbour.

The proposal includes earthworks, construction of a 4 to 7 storey building for a regional gallery, central library, regional museum, multi-purpose meeting rooms, co-working space, shop, café, function space (including use as Council Chambers), customer service area, Council staff office accommodation and basement car parking. Road works to Gordon Street along the site frontage and landscaping works are also proposed.

1.1 Site Context

The site is situated at Coffs Harbour on the mid north coast of NSW. The site is located within the Coffs Central CBD, which is the main town centre within the Coffs Harbour LGA, with the other centres being Park Beach and Coffs Harbour Jetty (**Figure 1**). The Coffs Central CBD is serviced by public transport, which includes bus services within a short walk to the site and has reasonably good access to the arterial and state road network, including to the Pacific Highway.

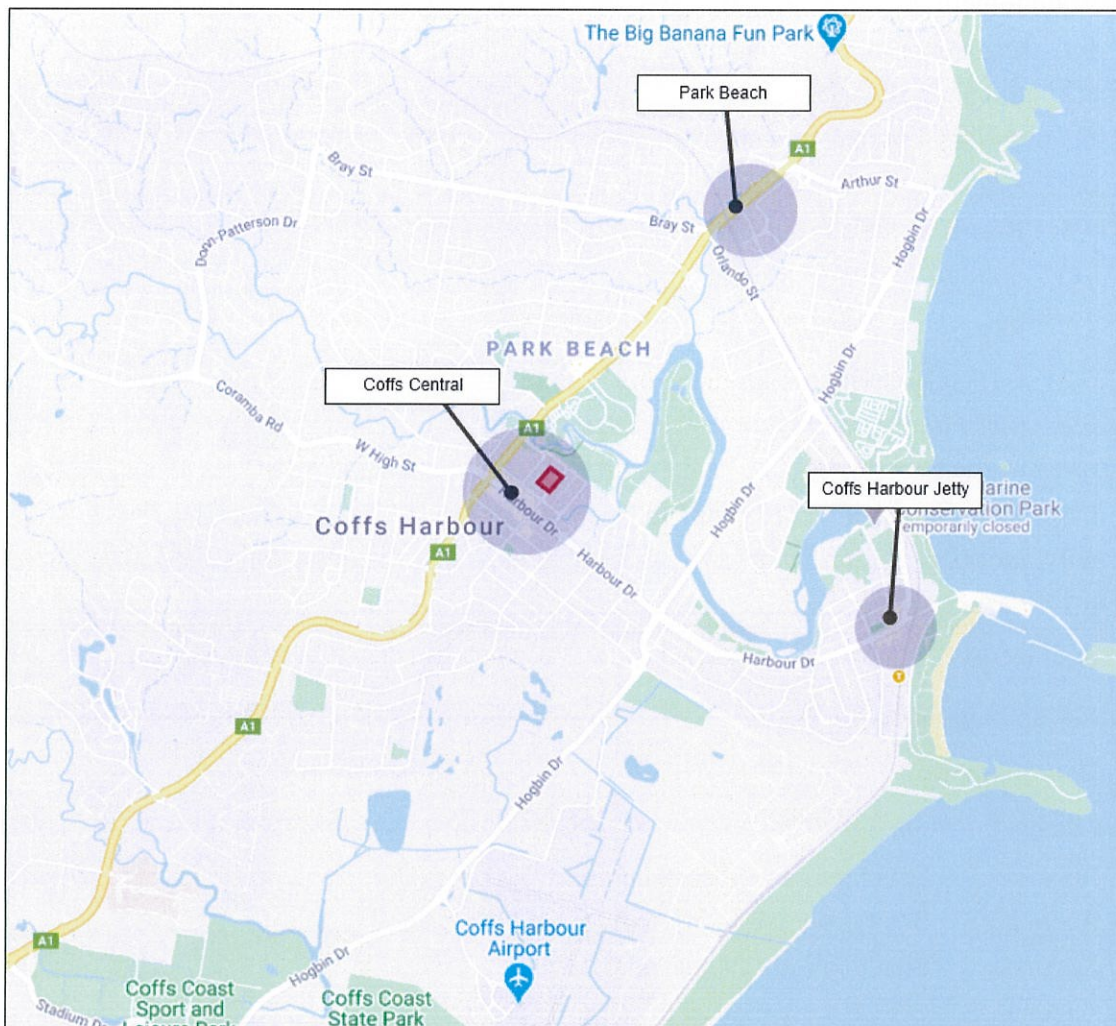


Figure 1 | Coffs Harbour Precincts, with the site highlighted in red (base source: NearMap)

1.2 The Site

The primary site (site) associated with the development of the cultural and civic space building is located at 23-31 Gordon Street, Coffs Harbour. The proposal also includes an ancillary site for car parking use which is located adjacent to the existing Council Administration Building at the corner of Coff Street and Castle Street (Part of Lot 1 DP 122065) (**Figure 2**).

The site is relatively flat and it has an area of 3,248 m². The site has a primary street frontage to Gordon Street and a secondary frontage to Riding Lane. The site is devoid of any significant vegetation, however a large fig tree (**Figure 9**) which is located on Riding Lane overhangs part of the site.

Existing development on site consists of:

- a dwelling which is being used as an office, with car parking and landscaping on 23 Gordon Street
- buildings that are used for Council's general storage and operations on 25-31 Gordon Street.

The site also contains existing car parking areas, one of which is often used by the public and the other is a private car park associated with 23 Gordon Street.

The ancillary site comprises of an existing basement car park (total of 37 spaces) accessed from Castle Street. These spaces are currently allocated to Council's Administration Building.



Figure 2 | Site map (site shown in red and ancillary site shown in green) (base source: NearMap)

1.3 Surrounding Site Context

The site is located along Gordon Street in the Coffs Harbour CBD, within the civic and commercial core. It is located north-east of the city centre defined by the 'City Heart' and city square precinct along Harbour Drive. The site is within short walking distance to the Coffs Central shopping centre and Harbour Drive, which is one of the main streets of the CBD linking to the Pacific Highway. The buildings and land surrounding the site vary in use (**Figure 3**), architectural design and form.

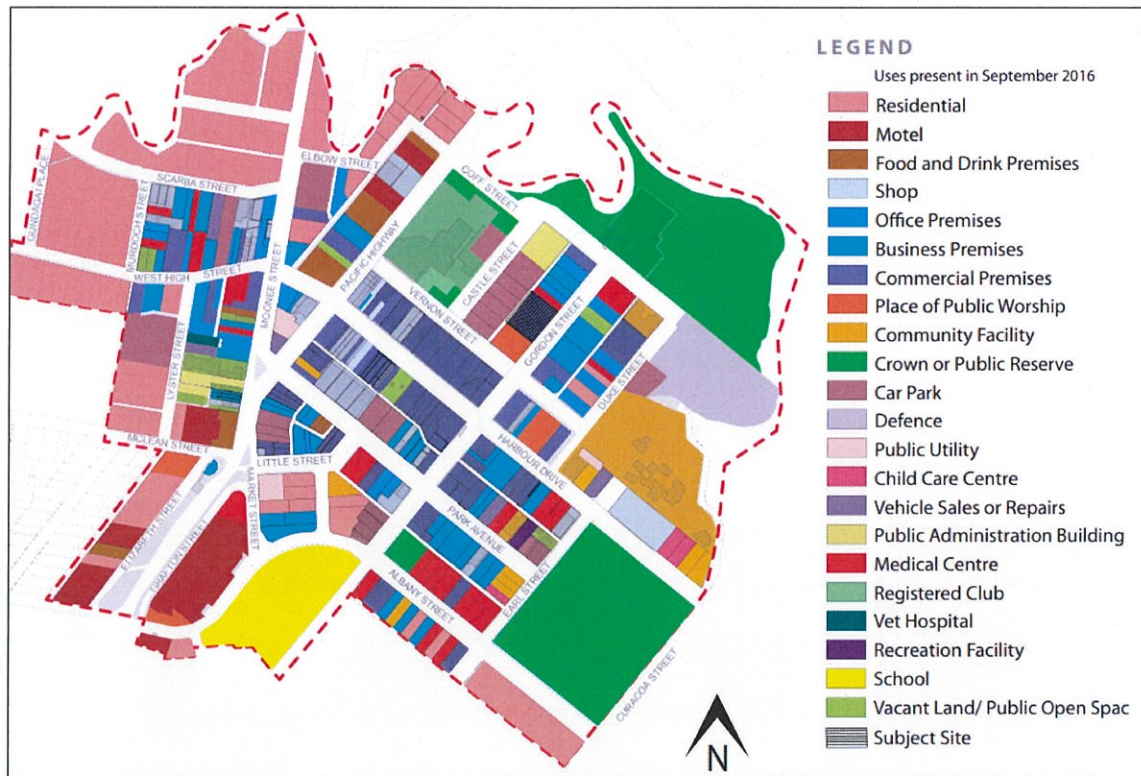


Figure 3 | Land uses within the immediate vicinity of the site (source: Precinct Analysis Gordon Street New Library Gallery 2016)

Building heights across the CBD range between one and eight storeys, with buildings along Gordon Street being typically one to three storeys. However, the area is anticipated to provide for higher density and multi-storey development, which is supported by the recently adopted planning controls for the CBD. Existing land uses surrounding the site are dominated by commercial activity, consistent with the B3 Commercial Core zoning across the CBD. The nearest residential zoned land is more than 300 m away from the site.

The immediate site context (**Figure 4**) is summarised as:

- a place of public worship (Coffs Harbour Uniting Church) adjoining the site to the south
- a medical centre which adjoins the site to the immediate north
- Riding Lane and a 5-storey public car park (known as Castle Street car park) immediately to the west of the site.



Figure 4 | Site context plan (base source: NearMap)

Photographs of the site and surrounds is provided in **Figures 5 to 9**.



Figure 5 | Photograph of site looking north along Gordon Street (base source: Google Maps)

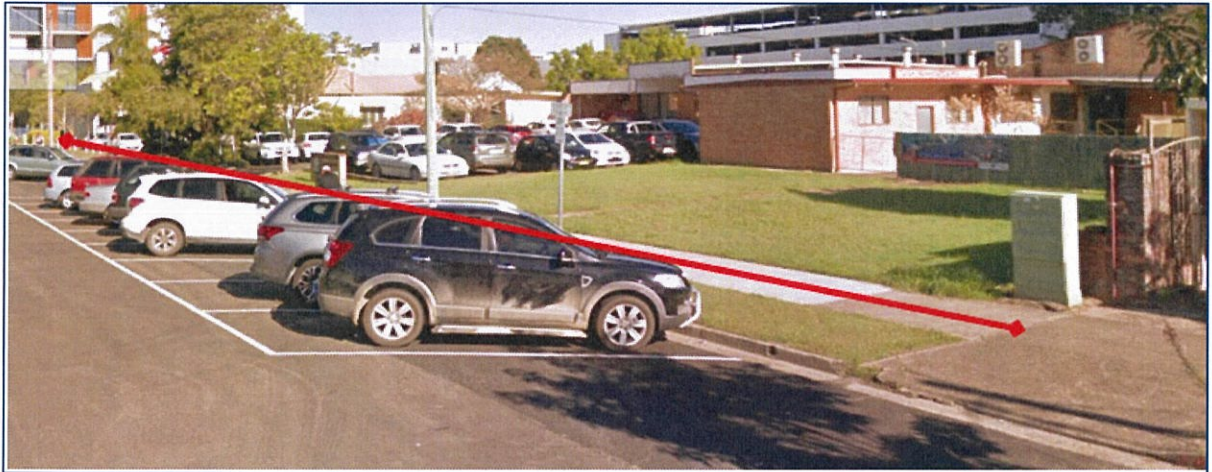


Figure 6 | Photograph of site looking south along Gordon Street (base source: Google Maps)

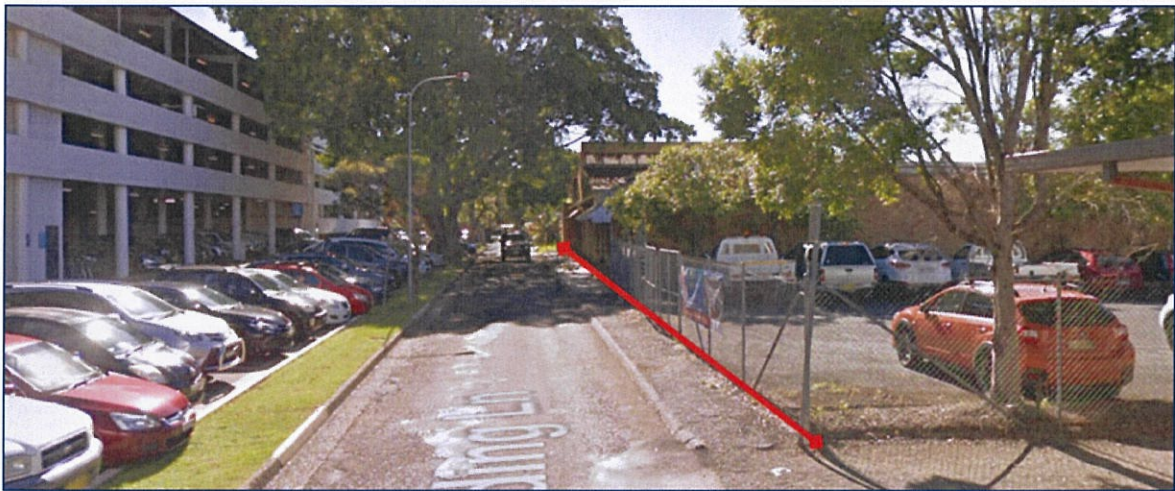


Figure 7 | Photograph of site looking north along Riding Lane (base source: Google Maps)



Figure 8 | Photograph of site looking south along Riding Lane (base source: Google Maps)



Figure 9 | Photograph of the existing fig tree to be retained within Riding Lane (source: Department's photograph)

1.4 Need and Justification

The Applicant advises the need for the proposal arose from Council's current library, regional museum and gallery struggling to provide an acceptable level of service for Coffs Harbour's growing community. Additionally, Council's administration staff are currently spread across two sites, being Rigby House and the Castle Street Administration Building, which is almost 40 years old and is approaching its end of life.

At Council's meeting on the 23 June 2016, it resolved to investigate a mixed use and civic development in addition to a new central library and regional gallery at 23-31 Gordon Street site in order to maximise urban renewal and activation outcomes consistent with the Coffs Harbour City Centre Masterplan 2031.

At the 11 May 2017 meeting, Council resolved to adopt the cultural and civic space project.

At the 14 June 2018 meeting, Council resolved to proceed with the project to the next schematic design phase and expedite the project. An independent Economic, Cultural and Social Benefits Study (prepared by ID, dated June 2018) accompanied Council's report. The Study identified a range of economic benefits to the CBD as a result of the project including financial benefits over a 30-year period totalling \$57 million, 31 on-going jobs and an extra \$2 million per annum in gross regional product.

The Applicant has outlined the following key benefits of the proposal:

- it would provide a cultural and civic precinct and cultural heart for the city of Coffs Harbour

- it would enhance amenities, services and programs by providing larger and improved spaces to enable higher level programs, activities and services to be accessed regionally
- it would enable Council to meet service obligations and community demand for things such as meeting space, workshop space and digital workshop space
- it would provide a catalyst for change and address some of the socio-economic disadvantages identified in the region such as educational disadvantage, youth disengagement, unemployment and low community participation
- it would increase the number of meeting spaces for the community
- it would address the limitations in Council's current office spaces and Council Chambers
- it would improve organisational collaborations and staff cultures by locating a number of services in the one central space.

2 Project

The proposal seeks approval for the construction and operation of a new 4 to 7 storey cultural and civic building in Coffs Harbour (the proposal). The proposal can be summarised as follows:

- construction of a temporary site compound
- earthworks and associated excavation for footings and basement area
- construction of a building to accommodate a cultural and civic space, including a regional gallery, central library, regional museum, multi-purpose meeting rooms, co-working space, shop, café, function space (including use as Council Chambers), customer service area, Council staff offices and basement car parking
- modifications to Gordon Street along the site frontage, including creation of access to and from the site via Gordon Street
- landscaping works.

The key components of the proposal are outlined in **Table 1** and shown in **Figures 10 to 13**.

Table 1 | Main Components of the Project

Aspect	Description
Built Form	<ul style="list-style-type: none"> • Construction of a 4 to 7 storey building (including a basement level and rooftop plant/services level) with a maximum building height of 29.24 m. • Approximate setback ranging from 0.6 m to 10.4 m from Gordon Street and 1.7 m to 8.5m from Riding Lane.
Gross Floor Area (GFA)	<p>A total GFA of 8,377 m² and a floor space ratio of 2.58:1. The floor area associated with key uses of the building include:</p> <ul style="list-style-type: none"> • Council administration offices – 2,818 m² • Library – 2,578 m² • Shared spaces for library, museum, and gallery – 776 m² • Regional gallery – 659 m² • Regional museum – 288 m² • Multi-purpose function space – 283 m²
Building Use	<p>Building uses include:</p> <ul style="list-style-type: none"> • <u>Basement level</u> – parking, end-of-trip facilities, storage and plant services • <u>Ground floor</u> – along the southern portion of the building is the gallery and museum, loading dock, café and associated back-of-house spaces. To the north is the start of the library (which is spread over three floors) and the car park entry, between these is a public through-site link connecting Gordon Street and Riding Lane. • <u>Level 1</u> – Council customer service area and associated office accommodation, the continuation of the public library and other associated spaces. • <u>Level 2</u> – Continuation of the library • <u>Level 3</u> – Public square/open space, large multi-use space (which will function as the Council Chambers), meeting rooms, entry to Council workplace, Council executive offices and associated amenities

	<ul style="list-style-type: none"> • <u>Levels 4 and 5</u> – Council workplace • <u>Level 6/rooftop</u> – Building plant and services • Multi-level, external public space which rises through the centre of the building to level 3, providing public access to the building's facilities • Retention of existing fig tree within Riding Lane, with the building 'wrapping' the tree • Internal street/through-site link connecting Gordon Street and Riding Lane.
Hours of Operation	<ul style="list-style-type: none"> • the building will generally be open to the public during standard Council business hours. In addition to this, the building will be open outside of these hours for special events. • the internal street/through-site link will have limited access after business hours
Access and Parking	<p><u>Access</u></p> <ul style="list-style-type: none"> • Vehicular access to the basement from Gordon Street • Pedestrian access from Gordon Street and Riding Lane • Loading dock access from Gordon Street • Waste collection from Riding Lane <p><u>Service and Delivery Vehicles</u></p> <ul style="list-style-type: none"> • Loading dock to accommodate one heavy rigid vehicle <p><u>Car Parking</u></p> <ul style="list-style-type: none"> • Provision of 111 spaces comprising: <ul style="list-style-type: none"> ▪ 74 car parking spaces including 4 accessible spaces within the basement ▪ 37 car parking spaces within the existing basement car park located adjacent to the existing Council Administration Centre <p><u>Bicycle parking:</u></p> <ul style="list-style-type: none"> • Provision of 100 bicycle spaces, comprising: <ul style="list-style-type: none"> ▪ 60 bicycle spaces for public use, located on the ground floor ▪ 40 bicycle spaces for staff use, located in the basement, including end-of-trip facilities <p><u>Bus parking and pick up/drop off</u></p> <ul style="list-style-type: none"> • Bus parking and pick up/drop off from Gordon Street
Public Domain works	<ul style="list-style-type: none"> • Proposed through-site link cutting through the building to allow pedestrian access between Riding Lane and Gordon Street • Provision of a public square on Level 3
Gordon Street works	<ul style="list-style-type: none"> • Removal of 14 street parking spaces, new drop-off zone, line marking and reconfiguration of signposting and signage • New kerb and gutter
Demolition works	<ul style="list-style-type: none"> • Removal of slabs, footings, and hard stand areas

Employment • 555 construction jobs and 31 additional operational jobs

**Capital
Investment
Value** • \$76,519,404



Figure 10 | View of proposal from Gordon Street (source: Applicant's Design Report)



Figure 11 | View of proposal from Riding Lane (source: Applicant's Design Report)

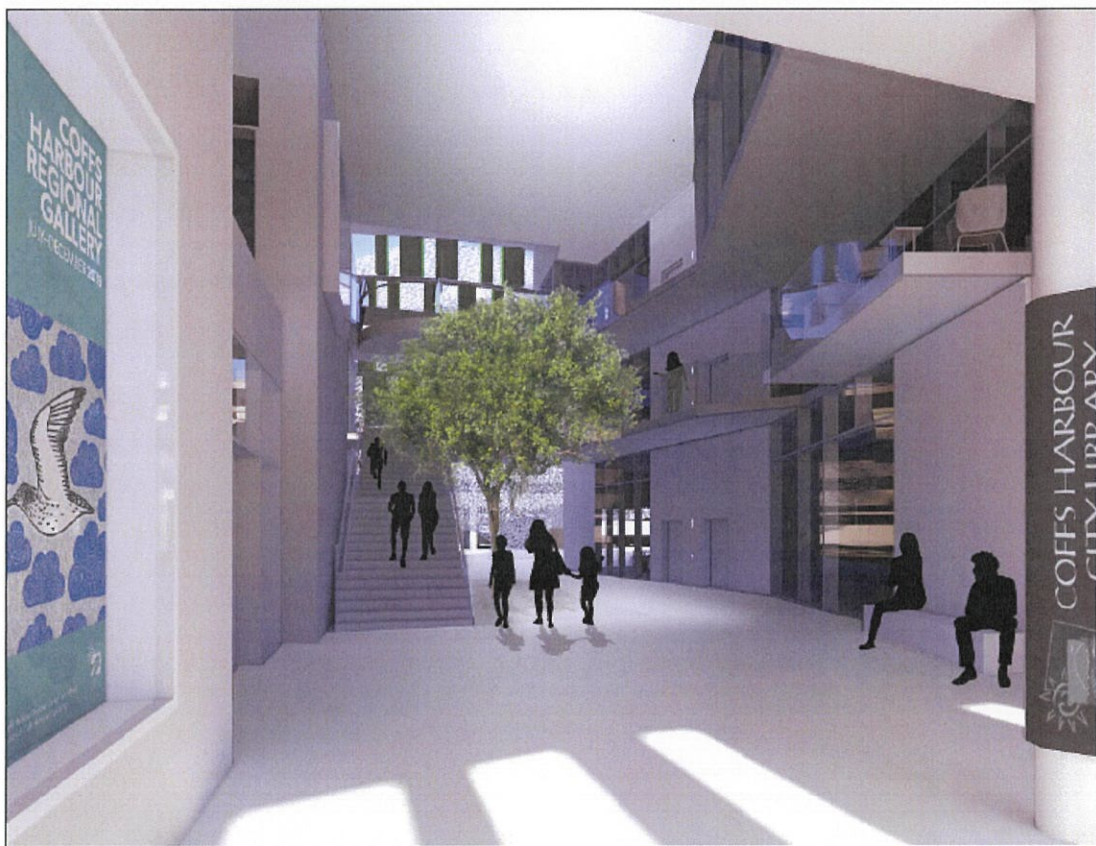


Figure 12 | View of through-site link, connecting Gordon Street and Riding Lane (source: Applicant's Design Report)

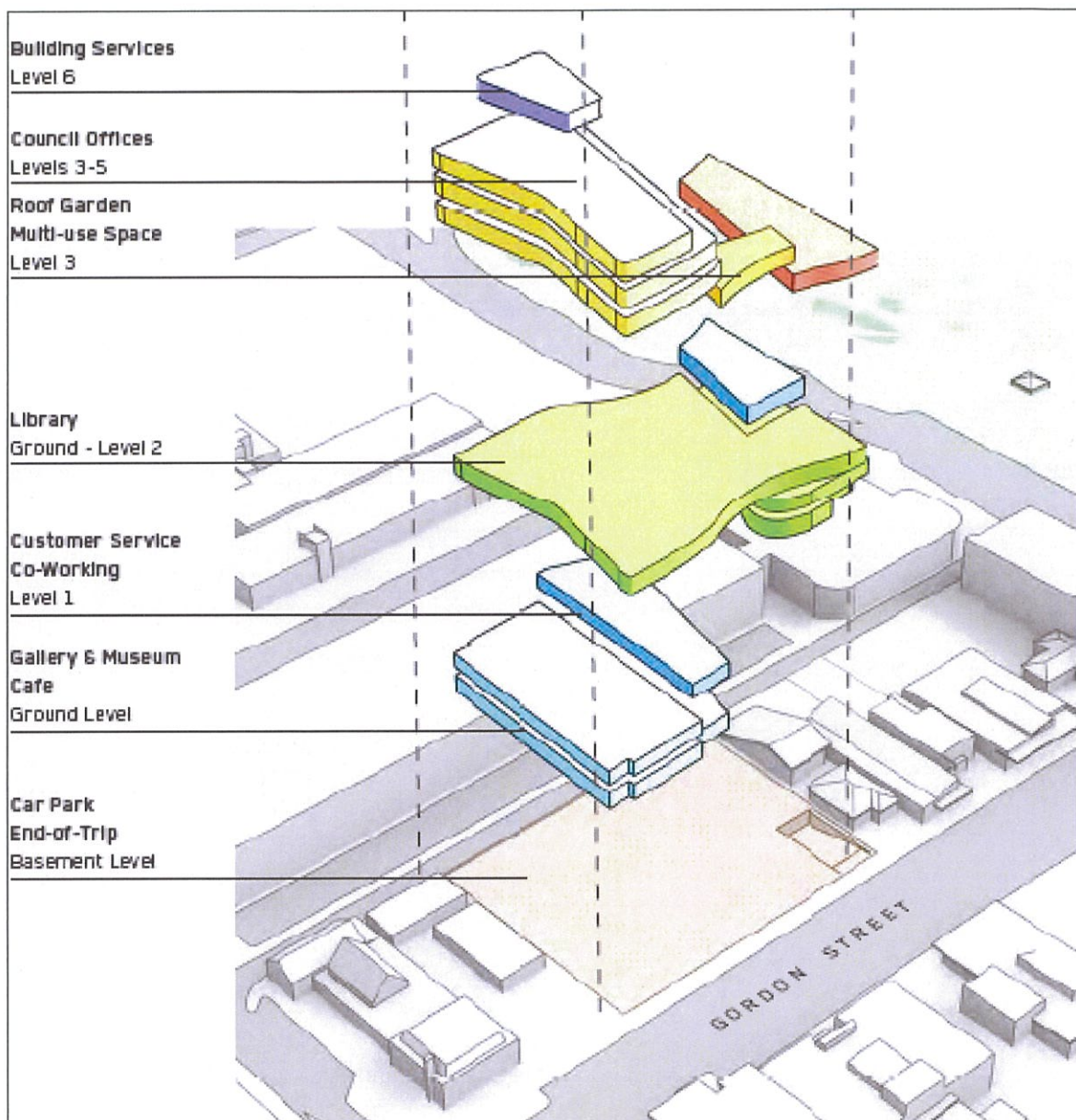


Figure 13 | Site and building organisation and functional arrangement (source: Applicant's Design Report)

2.1 Related development

Demolition Application

The demolition of existing buildings, structures, tree removal at the site was subject to a separate DA (DA No. 0199/20) approved by Council on 13 February 2020. An extract of the approved demolition plan is provided in **Figure 14**.

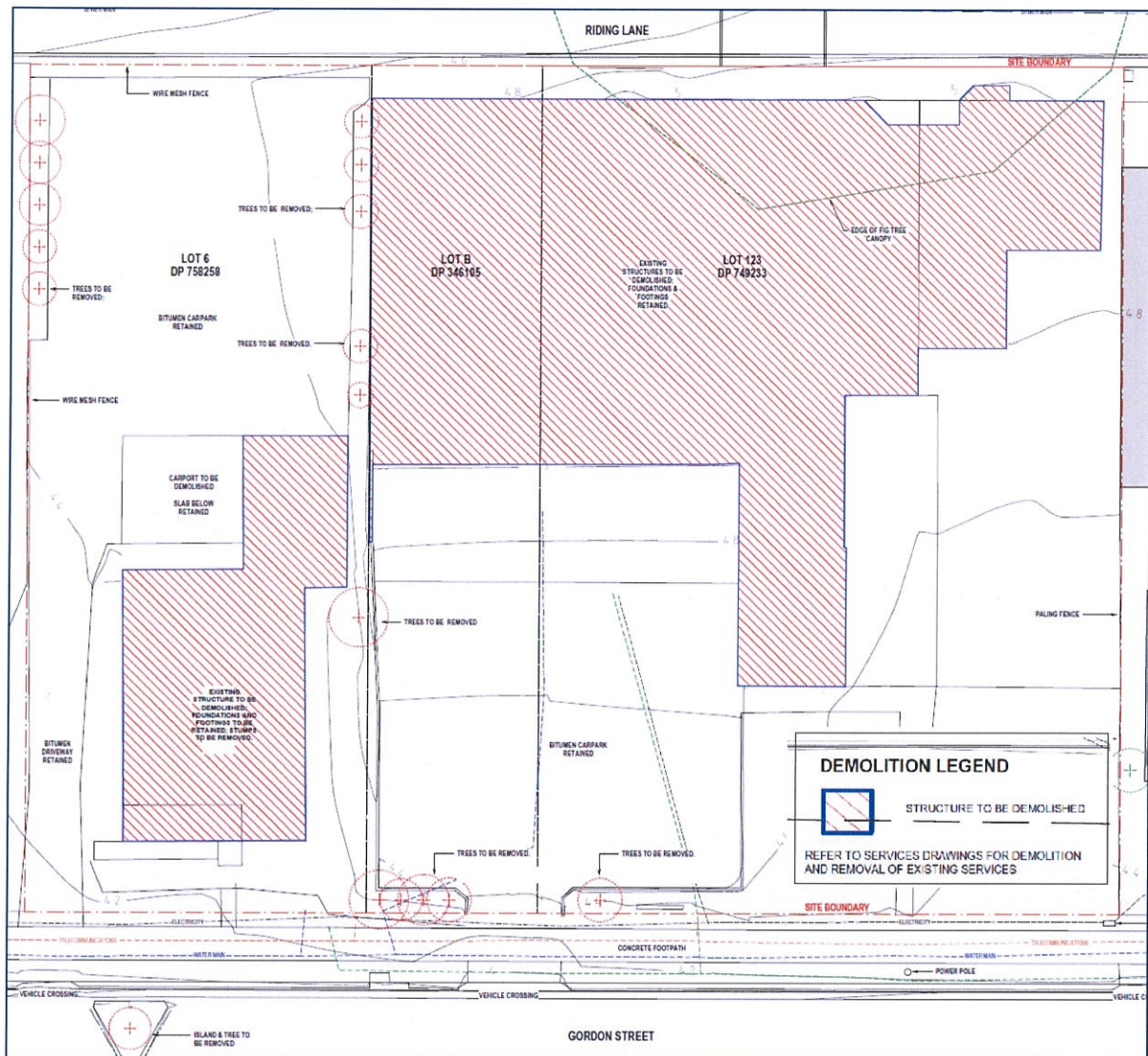


Figure 14 | Extract of approved demolition plan (source: DA No. 0199/20)

Planning proposal

The *Coffs Harbour Local Environmental Plan 2013* (Amendment No. 19) was gazetted on 20 December 2019. The planning proposal provided an uplift in building heights and densities to improve economic investment and opportunity within the Coffs Harbour CBD consistent with the Coffs Harbour City Centre Masterplan 2031.

The amendment resulted in:

- increases to the maximum building height for land within parts of the Coffs Harbour CBD
- increases to the allowable site densities within parts of the Coffs Harbour CBD
- provision of solar access protection for key public places within the Coffs Harbour CBD
- the requirement for consolidation of sites within the CBD to facilitate a high standard of built form outcomes.

As a result of Amendment 19, the maximum building height applying to the site increased from 28 m to 44 m (**Figure 15**). The maximum floor space ratio increased from 3.5:1 to 4.5:1 (**Figure 16**).

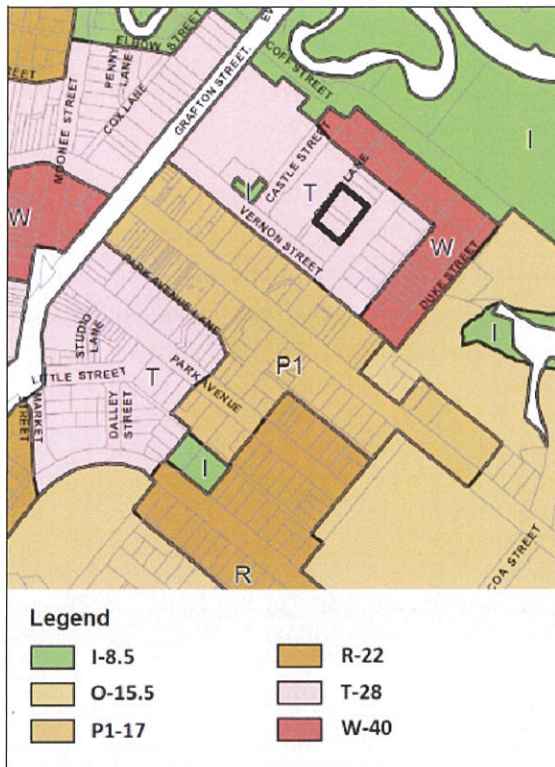


Figure 15 | superseded (left) and current (right) maximum building height map (source: planning proposal)

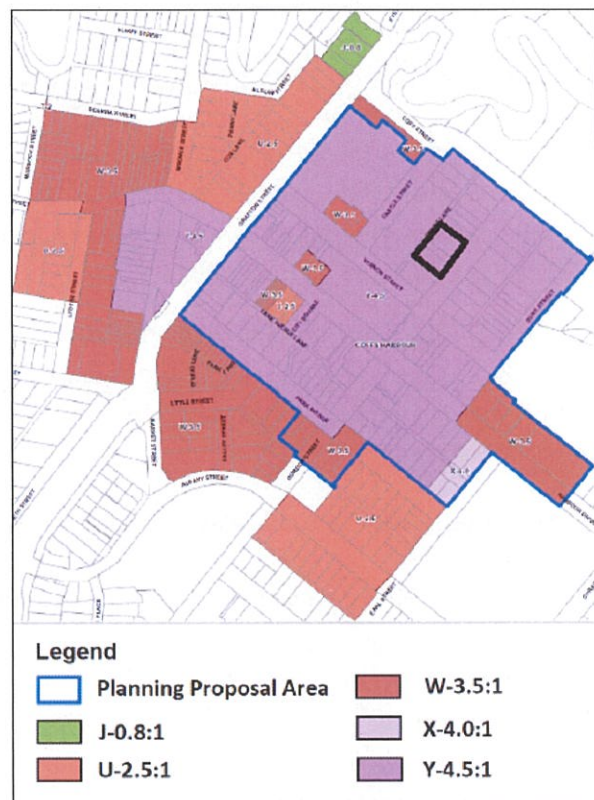
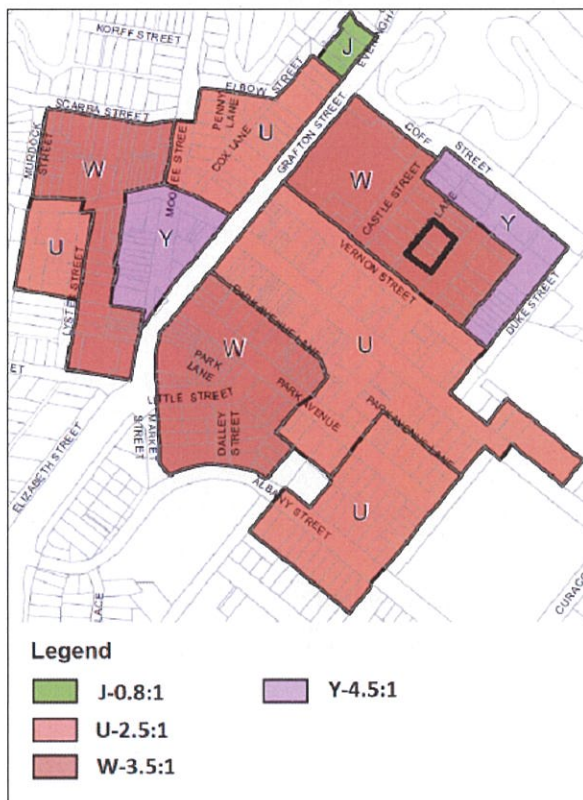


Figure 16 | superseded (left) and current (right) maximum floor space ratio map (source: planning proposal)

3 Strategic context

3.1 North Coast Regional Plan 2036

The North Coast Regional Plan 2036 (NCRP 2036) is the NSW Government's 20-year blueprint for land use planning priorities and decisions for the North Coast. The NSW Government's vision for the North Coast is to create the best region in Australia to live, work and play thanks to its spectacular environment and vibrant communities. To achieve this vision the Government has set four goals for the region:

- Goal 1: the most stunning environment in NSW
- Goal 2: a thriving, interconnected economy
- Goal 3: vibrant and engaged communities
- Goal 4: great housing choice and lifestyle options.

The proposal is considered consistent with the above goals and directions of the NCRP 2036 as it would:

- provide cultural facilities for the Coffs Harbour region
- contribute to employment with an additional 31 operational jobs and the rejuvenation of the CBD
- integrate with future public domain works associated with Riding Lane and Gordon Street, as envisioned by the Coffs Harbour City Centre Masterplan 2031.

3.2 Coffs Harbour Draft Regional City Action Plan 2036

The Coffs Harbour Draft Regional City Action Plan 2036 (CHRCAP 2036) supports the vision of the NCRP 2036 by capitalising on the opportunities that arise from growth, while maintain the special appeal of Coffs Harbour through its remarkable environments and attractive communities. Exhibition of the CHRCAP 2036 closed on 3 July 2020.

The CHRCAP 2036 will build on the opportunity created by the Pacific Highway bypass and will redefine links between the north and south and reunite the city's east and west to forge a city of connected communities within a green cradle. To achieve this vision, the Government has set five goals for the Coffs Harbour region:

- Goal 1: Meet – an inclusive, healthy and cohesive city built from a network of character-filled places
- Goal 2: Move – a city of connected communities and a gateway to the wider region
- Goal 3: Play – a playful city with opportunities to be active, inspired and competitive
- Goal 4: Work – a skilled and innovative city blending work-life balance and subregional cooperation
- Goal 5: Live – a regional exemplar of coastal, cosmopolitan living set within the green embrace of the Great Dividing Range.

The proposal is considered consistent with the above goals and directions of the CHRCAP 2036 as it would:

- contribute to the rejuvenation of the city centre
- create engaging and inclusive spaces for the community

- attract tourists to the city centre visiting the regional museum and gallery
- contribute to employment with an additional 31 operational jobs.

3.3 Coffs Harbour Local Growth Management Strategy

The Coffs Harbour Local Growth Management Strategy (LGMS) strategically outlines the future growth of the Coffs Harbour LGA over the next 20 years and builds on the strategic priorities of the North Coast Regional Plan 2036. The LGMS identifies where and how urban development will occur, including housing, rural, industrial, commercial, and infrastructure land uses.

To achieve this vision, the LGMS comprises a number of separate, but related Chapters beginning with a vision and Strategic Approach (Chapters 1-4), and strategic priorities relating to specific land uses such as rural, large-lot residential, residential, and employment (Chapters 5-9). Of relevance to the proposal is:

- Chapter 4 Compact City Program – includes the implementation of the City Centre Masterplan 2031 (discussed further below) and reinforcing the city centre as one united retail, business, cultural and entertainment precinct.
- Chapter 8 Employment Lands – identifies the Coffs Harbour City Centre CBD as the primary retail and commercial centre of the LGA and is designated as a major regional centre.

The proposal is consistent with the above chapters as it would provide a new cultural and civic facility located in Coffs Harbour's main commercial precinct, promoting the CBD as the primary retail and commercial centre of the LGA.

3.4 Coffs Harbour City Centre Masterplan 2031

The Coffs Harbour City Centre Masterplan 2031 (CCMP) maps the future for the Coffs Harbour City Centre, with a focus on the revitalising the city centre to stimulate economic activity. The CCMP identifies the site (**Figure 17**), as a key strategic site for future redevelopment opportunities that could contribute to the revitalisation of the city centre. The CCMP also outlines a range of objectives and works for improvements to the city centre, including the streets surrounding the site. This includes upgrade works to Riding Lane, Gordon Street and pedestrian linkages.

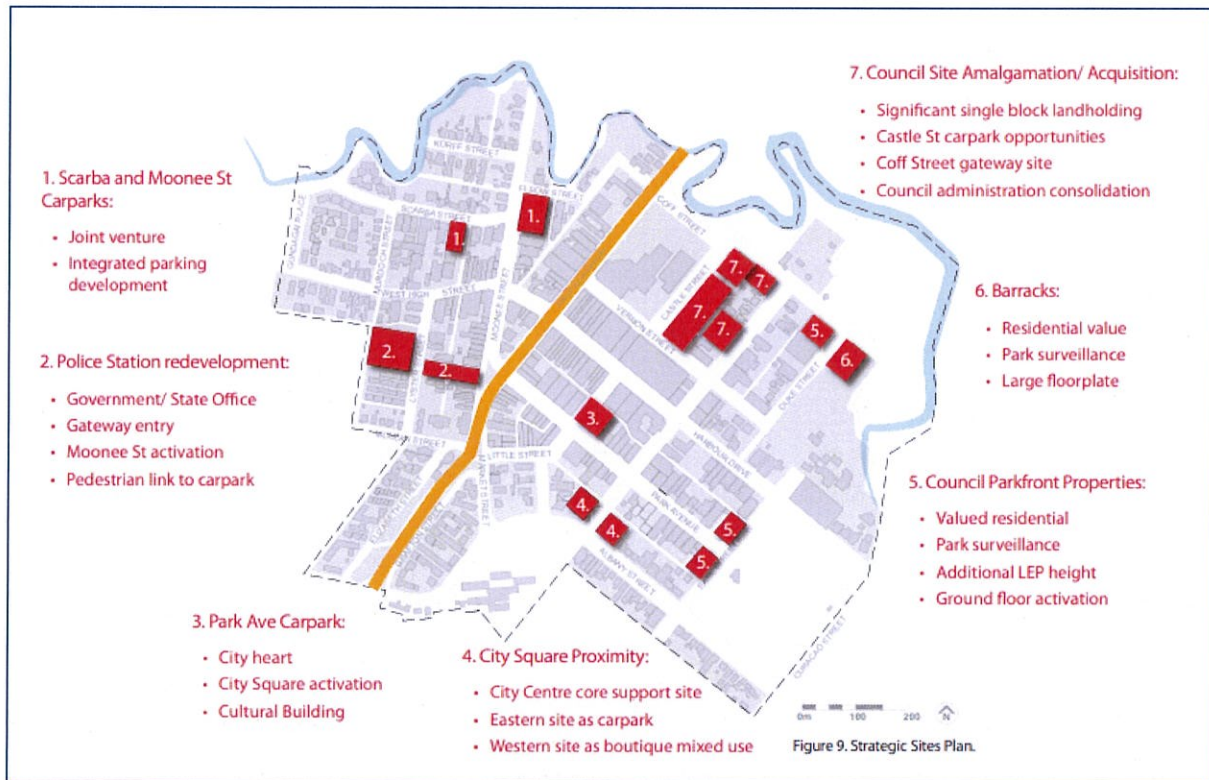


Figure 17 | Strategic sites plan (source: Coffs Harbour City Centre Masterplan 2031)

The proposal is consistent with the CCMP as it would provide a cultural and civic centre within the heart of the city centre on a site identified for future redevelopment and will integrate with future public domain works associated with Riding Lane and Gordon Street.

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as it is development for cultural, recreation and tourist facilities (which include information and education facilities, museums and art galleries) with a CIV in excess of \$30 million under clause 13 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011*.

The Minister for Planning and Public Spaces is the consent authority for the project as the SSD application has been lodged by a public authority.

4.2 Permissibility

Under the *Coffs Harbour Local Environmental Plan 2013* (CHLEP 2013), the site is zoned B3 Commercial Core. The proposal involves multiple land uses including a community facility, commercial premises, public administration building and an information and education facility. These land uses are permissible with development consent in the B3 Commercial Core zone.

4.3 Mandatory Relevant Matters for Consideration

Section 4.15 of the EP&A Act sets out the matters that a consent authority must take into consideration as relevant to the subject development, when determining a development application. In summary, these matters include:

- the provisions of environmental planning instruments (including draft instruments), development control plans, planning agreements, and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation)
- the environmental, social and economic impacts of the development in the locality
- the suitability of the site
- any submissions, and
- the public interest, (as informed by the objects of the EP&A Act including to facilitate ecologically sustainable development (ESD)).

The Department has considered all relevant matters in its assessment of the project, including the relevant environmental planning instruments (EPIs) that apply to the proposal in **Section 6** and **Appendix C** of this report.

4.4 Planning Secretary's Environmental Assessment Requirements

The Department is satisfied that the EIS and RtS adequately address the Planning Secretary's Environmental Assessment Requirements (SEARs) to enable the assessment and determination of the proposal.

4.5 Biodiversity Conservation Act 2016

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are "to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency

Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

On 7 May 2019, the EESG determined that the proposed development is not likely to have any significant impact on biodiversity values and that a BDAR is not required. The Department supported EESG’s decision and on 13 May 2019 determined that the application is not required to be accompanied by a BDAR as the site has been highly disturbed and does not contain any significant native vegetation or habitat for threatened species or communities.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application from Thursday 3 October to Wednesday 30 October 2019 (28 days). The application was made publicly available on the Department's website and exhibited at Council.

The Department placed a public exhibition notice in the Coffs Coast Advocate on Wednesday 2 October 2019, and notified adjoining landholders, Council and relevant government agencies in writing.

All notification and public participation statutory obligations have been satisfied.

The Department has considered the comments raised in Council, government agencies' and public submissions during the assessment of the application (**Section 6**).

5.2 Summary of submissions

In response to the exhibition of the application, the Department received 823 submissions, comprising of:

- six submissions from government agencies
- one submission from Council
- seven submissions from special interest groups
- 809 submissions from the public.

Out of the 823 submissions received, 10 submissions provided comment, 19 submissions were in support and 794 submissions objected to the proposal.

5.3 Key issues – Government Agencies

The key issues raised by government agencies are summarised in **Table 2**.

Table 2 | Government agency submissions

Government Agency	Comments
WaterNSW	Advised it had no comment.
Environment Protection Authority (EPA)	<ul style="list-style-type: none">• Is satisfied that the management and mitigation measures and conclusions detailed within the EIS, if adopted, are adequate to manage the environmental impacts of concern relating to the proposal• Recommends the management procedures identified in section 6.4 of the Acoustic Report be developed into a Construction Noise and Vibration Management Plan.

Environment, Energy, and Science Group (EESG)	<ul style="list-style-type: none"> Aboriginal cultural heritage and flood risk management have been adequately considered A final acid sulfate soil management plan shall be prepared and submitted to EESG for review and comment.
Government Architect NSW (GA NSW)	<ul style="list-style-type: none"> The proposal has addressed previous design issues raised through the design review panel process and has no further comment to make.
Transport for NSW (TfNSW)	<ul style="list-style-type: none"> The EIS does not mention any significant impacts or changes to the road network which may impact bus services. If any impacts or changes to the road network do occur either during construction or operation, the Applicant should advise the local operators (Busways and Forrest buses) of these impacts.
Roads and Maritime Services NSW (RMS)	<p>Gordon Street and Riding Lane are public (local) roads and Council is the roads authority for these roads and is therefore responsible for setting standards and determining priorities.</p> <p>RMS provided the following comments for further consideration:</p> <ul style="list-style-type: none"> The major impact of the development will be car parking for both the daily operation and major events and Council should be satisfied that there will be no adverse impact on the surrounding road network as a result of the proposal. A condition shall be imposed for the requirement of a Traffic Management Plan for major events The on-street drop off/emergency vehicle parking area proposed along Gordon Street shall be reviewed to ensure sufficient space is provided to accommodate emergency vehicles The number of disabled parking spaces shall be reviewed as it appears no disabled parking spaces are provided for the public A condition shall be imposed for the requirement of a Traffic Control Plan for the internal loading/service dock It is noted that garbage pick-up will be undertaken in Riding Lane. However, no details were provided and Council should be satisfied that collection can safely and efficiently occur There will be a pedestrian desire to cross between the Castle Street car park, the proposal and existing Palm Centre. There appears to be no existing footpaths or formal crossings to connect these developments; and in the essence of pedestrian safety, this should be a matter for further consideration.

5.4 Key Issues – Community

A total of 816 submissions were received from the community including special interest groups in response to the proposal. **Table 3** provides a summary of the comments raised by the public.

Table 3 | Summary of comments raised

Comments	Percentage of Submissions
Issues/concerns Raised	
A public hearing should be held	87.4%
Building use including Council offices/chambers	82.8%
Cost	73.6%
Reference to the submission of a petition	66.8%
Lack of community engagement/consultation	66.3%
Parking	55.8%
Suitability of the site and alternate sites	51.2%
Traffic generation	43.4%
Bulk and scale	39%
Visual impact on the streetscape and character	35.5%
Inconsistent with planning policies (the objectives of the B3 zone and maximum building height under the CHLEP 2013, the CCMP and the development controls under the CHDCP 2015)	35.5%
Not in the public interest	32.6%
Insufficient space allocated to the cultural facilities and inadequate capacity for future growth	31.1%
Safety and security	17.9%
Pedestrian access	13.7%
Landscaping	9.6%
Heritage impacts	8.6%
Flooding impacts	8%
Council's decision making process	7.5%
Building design and materials	5.6%
Vehicular access	4.7%
Economic impacts	3.3%
Lack of weather protection	1.4%
Other:	<1%
• glare/reflective materials	

- inadequate information within the EIS
- construction impacts

Comments Raised in Support

Need for community facilities	2.3%
Revitalisation of the CBD	1.7%
Other:	<1%
<ul style="list-style-type: none"> • design • location • consultation • economic benefits 	

5.5 Response to submissions

Following exhibition of the application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 2 April 2020, the Applicant lodged a Response to Submissions (RtS) responding to the issues raised during the exhibition of the EIS. The RtS provided additional information addressing issues raised in public submissions and comments provided by government agencies. The RtS was also accompanied by the following:

- addendum to the Traffic Assessment Report
- arborist advice
- final acid sulfate soil management plan

The RtS also provided additional information addressing the communities concerns and provided further rationale and justification for the project.

The Department made the RtS publicly available on its website and forwarded the RtS to relevant government agencies for comment. The Department received a further submission from EESG, who reviewed the final acid sulfate soil management plan and advised they had no further concerns with the proposal.

One public submission was also received in response to the RtS, raising concerns with the community consultation undertaken for the proposal.

6 Assessment

The Department has considered the proposal, the issues raised in submissions and the Applicant's RtS. The Department considers the key issues associated with the proposal are:

- key community concerns
- design excellence
- built form
- public domain
- traffic, parking, access and transport
- flooding.

Each of these issues are discussed in the following sections of this report. Other issues considered during the assessment of the applications are addressed in **Section 6.7**.

6.1 Key Community Concerns

The Department appreciates that the proposal has generated a significant amount of public interest having received 816 public submissions and a 14,768 signature petition. The Department notes the key issues raised by the community included the cost of the development, site suitability, building use and consultation.

Economic Impact

Public submissions raised concerns about the economic impact of the proposal. In particular, concern was raised about the cost of the proposal and the potential for rate increases to fund the project.

To assess the potential economic impacts associated with the proposal, the Applicant prepared an Economic, Cultural and Social Benefits Study. The Study concluded that the proposal would result in a benefit cost ratio of 1.05:1 (for every \$1 investment, the project is expected to generate \$1.05 of economic and community benefit) and would result in positive economic impacts from the operational phase (\$0.58 million/year of value added to the local economy) and induced tourism (\$1.7 million/year of value added to the local economy). The Applicant's RtS also highlighted that sufficient funds for the project are available and no special rate rises would be required to fund the project.

While the Department acknowledges the community's concerns about the cost of the proposal, ultimately the acceptability of the cost of the proposal, as a Council initiative, is a matter for Council to determine within the scope of its local government functions. However, as required under the EP&A Act, the Department has considered the likely economic impacts of the project in the locality and is satisfied the project is acceptable from a land-use planning context as it is likely to:

- have a positive impact on Coffs Harbour's local economy, with a cost benefit ratio of 1.05:1
- not require special rate rises to fund it
- contribute to the rejuvenation of the city centre in line with the CCMP
- attract tourists to the city centre visiting the regional museum and gallery
- create approximately 555 construction jobs and an additional 31 operational jobs for the local community.

Site suitability

Public submissions raised concerns about the suitability of the site for the proposed development and the need to consider alternative sites including a site known as City Hill located on the corner of Albany Street and Hogbin Drive (approximately 1.5 km south-east of the site).

The Department is satisfied Council has appropriately considered alternative sites. Ten other sites were considered by Council's project team, including both public and privately-owned sites. Chosen sites were assessed against a set of criteria and weighted into categories. The subject site was ultimately chosen to be the most suitable.

The Department notes the City Hill site was not selected given its location away from the CBD and its lack of access to public transport.

The Department has undertaken a detailed assessment of the proposal and considers the site is suitable as the proposal is permissible within the zone, it is easily accessible being within the CBD, it would not be adversely impacted by flooding or contamination and it would not result in any significant amenity, traffic or car parking impacts, as discussed in detail later in this report.

Building Use

Public submissions (82.8%) raised concerns about the incorporation of Council administration and services into the building, insufficient space allocated to the cultural facilities, inadequate capacity for future growth and exclusion of a performance arts centre.

In response to these concerns, the Applicant's RtS highlighted:

- the inclusion of Council administration and services to the building:
 - enhances productivity by bringing Council staff together
 - gives a central and convenient access for residents to Council customer services
 - allows a multi-purpose events space to be included in the project which could be used by up to 200 people for events/seminars/talks/performances and Council meetings
 - allows for predicted staff growth over the next 20 years.
- the spaces allocated to the cultural facilities are significantly more when compared to the existing facilities as:
 - the new Coffs Harbour Regional Gallery will have more than three times the space of the current gallery (659 m² compared with 198 m²)
 - the new Coffs Harbour Regional Museum will double the space of the current museum (288 m² compared with 131 m²)
 - the new library will be 2578 m², plus a shared space of 592 m². The current library is 986 m², which is only 40 per cent of the size recommended by the State Library of NSW.
- a performance arts centre is being considered separately to the cultural and civic space project.

The Department appreciates the community's concerns about the proposed uses of the building. However, from a planning and land use perspective, the Department notes the proposed uses are all permissible within the zone and are consistent with the B3 Commercial Core zone objectives. Further, the proposed uses would not result in any significant amenity, operational, traffic or car parking impacts, as discussed later in this report.

Consultation

Public submissions raised concern about the consultation process and the need for a Public Hearing to be held for the proposal.

In response to the concerns raised, the Applicant's RtS highlighted that:

- community consultation about the need for a cultural and civic precinct has occurred since 2013, beginning with the development of the CCMP
- between January 2018 to April 2018, a comprehensive stakeholder and community engagement consultation and information campaign asked stakeholders for feedback on three separate concept designs for a cultural and civic space
- BVN Architecture, the firm which created the schematic design for the cultural and civic space, worked with identified internal and external stakeholders to provide targeted input to further inform the design from February to June 2019, as well as incorporating the feedback and comments on the Preliminary Schematic Design plans from the previous community consultation in 2018
- the Applicant continues to provide on-going advice on the proposal to the community to ensure all residents are kept up to date on the project.

Council also advised that it has used a variety of communication channels including factual communications to community leaders and residents, advertisements in the local paper, flyers, public display panels in the foyer of Council's administration building and in shopping centres, distribution of a list of frequently asked questions and responses and a dedicated website and Facebook page.

The Department also notes that its notification and public participation statutory obligations have been satisfied. The application was publicly exhibited for 28 days, surrounding properties were notified in writing and all application material was made publicly available on the Department's website. The Department also undertook a site visit and met with members of the public to gain a better understanding of the community's concerns. Based on the communications and public consultation outlined above, the Department is satisfied the community has had a number of opportunities to express its views about the proposal.

6.2 Design Excellence

Clause 7.12 of the CHLEP 2013 requires new development to exhibit design excellence that contributes to the natural, cultural, visual and built character values of Coffs Harbour. To ensure design excellence is achieved the design of the proposal was reviewed by the SDRP. The Applicant's design team met with the SDRP before lodging its EIS in April and May 2019. After its second meeting, SDRP was supportive of the building designed by BVN and its approach to the proposal. In particular, the SDRP supported:

- the design approach and guiding principles
- building uses and accommodation
- approach to public space within the building and vertical connectivity
- public gathering space and open courtyard on Level 3
- pedestrian and traffic movements around the site and improvements to Riding Lane
- preservation, protection and focal treatment of the fig tree within Riding Lane
- ground plane activation and treatment
- potential to form a future cultural precinct.

The SDRP also made a number of recommendations relating to connectivity, public domain and materiality, which needed to be addressed before the Applicant submitted its EIS.

Following the submission of the EIS, the Department referred the application to the GA NSW for further advice. GA NSW advised that the proposal had addressed its recommendations made during the SDRP process and it supports the design.

Clause 7.12 of the CHLEP 2013 contains a number of matters that the consent authority must consider when deciding if a development exhibits design excellence. The Department has considered the advice from the GA NSW and the matters to be considered under clause 7.12 of the CHLEP 2013 and is satisfied the development exhibits design excellence as:

- the proposed architectural design, materials and detailing are appropriate for the building type and location
- the through-site link, activation at ground level, open design and pedestrian linkages would improve the quality and activation of the public domain
- there are no identified public view corridors affected by the proposal
- the land is suitable for the development and the uses are permissible in the zone
- there are no anticipated adverse heritage impacts of any significance from the proposal
- the streetscape impacts would be positive, noting the nature of the existing streetscape and character is likely to change and evolve over time, as encouraged by the applicable planning controls
- the base of the building (two storeys to the side boundaries) provides an appropriate scale for adjoining future development, while the side and street setbacks and building form provide modulation of the massing, and mediation of scale
- access for people and vehicles, and integration with the public domain is well-considered
- the preservation and protection of a significant fig tree to the rear of the site provides a focal point for the building and public domain and helps reinforce the design intent of a welcoming gathering space.

The Department has also considered the proposed built form, the design and materials and public domain within the following sections of this report. The Department is satisfied the proposal exhibits design excellence, consistent with the requirements of the CHLEP 2013. The Department has also recommended a condition requiring the Applicant to ensure BVN are engaged in the design documentation phase to ensure the integrity of the design is maintained through the construction phase to completion of the building works.

6.3 Built Form

Building height and massing

The Department notes 39% of public submissions raised concerns about the bulk and scale of the proposal as it would exceed the height limit and is inconsistent with the existing streetscape.

The proposed building height ranges between 4 to 7 storeys, with the main part of the building reaching a maximum height of 26.8 m to the parapet. However, a plant/services room is provided on the roof of the building bringing the total building height to 29.94 m. The proposal also seeks approval for 8,377m² of GFA, which result in an FSR of 2.58:1.

The Department notes that at the time of lodging the DA, the site was subject to a maximum building height limit of 28 m and a maximum FSR of 3.5:1. As the proposal exceeded the height limit by 1.24 m, the Applicant submitted a written request vary the building height control, in accordance with, clause

4.6 of CHLEP 2013. The Department considers the Applicant's request to vary the building height control is reasonable and acceptable, as discussed in **Appendix D**.

However, the built form controls applying to the site were recently amended as a part of a wider strategic review of the Coffs Harbour CBD (CHLEP 2013 Amendment 19, gazetted 20 December 2019). As a result, the maximum building height applying to the site increased from 28 m to 44 m and the maximum floor space ratio increased from 3.5:1 to 4.5:1. The proposal is therefore well below the current maximum building height and FSR controls applying to the site.

Despite the concerns raised in public submissions, the Department considers the bulk, scale and height of the proposal is acceptable as:

- the proposal fully complies with the height and FSR controls applying to the site
- the proposal is consistent with the desired future character of the site which seeks to increase the height and scale of buildings within the Coffs Harbour CBD
- the overall approach to massing and height has been refined under the SDRP process and supported by GA NSW
- the building responds to its surrounds by providing a lower two-storey building height to the street and neighbours, with setbacks and modulated and curved facades, which allow visual separation between sites, so the building is not overwhelming in scale
- the retention of a large fig tree opposite the main entrance, and the through-site link and active uses help modulate and break down the scale and perceived bulk of the building
- the proposal would not result in any significant amenity impacts on surrounding properties as there would be negligible impacts arising from visual privacy, overshadowing or view loss, given the site's context within a CBD setting and distance from the nearest residential property (approximately 85 m south-east of the site).

As such, the Department is satisfied the height, bulk and scale of the proposal is not excessive and it appropriately relates to the existing site context and surrounding features and would not result in any unreasonable visual or amenity impacts.

Design, external appearance and materials

The Department notes the main design elements of the proposal relate to the façade elements, curved form of the building, incorporation of the fig tree, and the through-site link/public space (**Figure 18**).

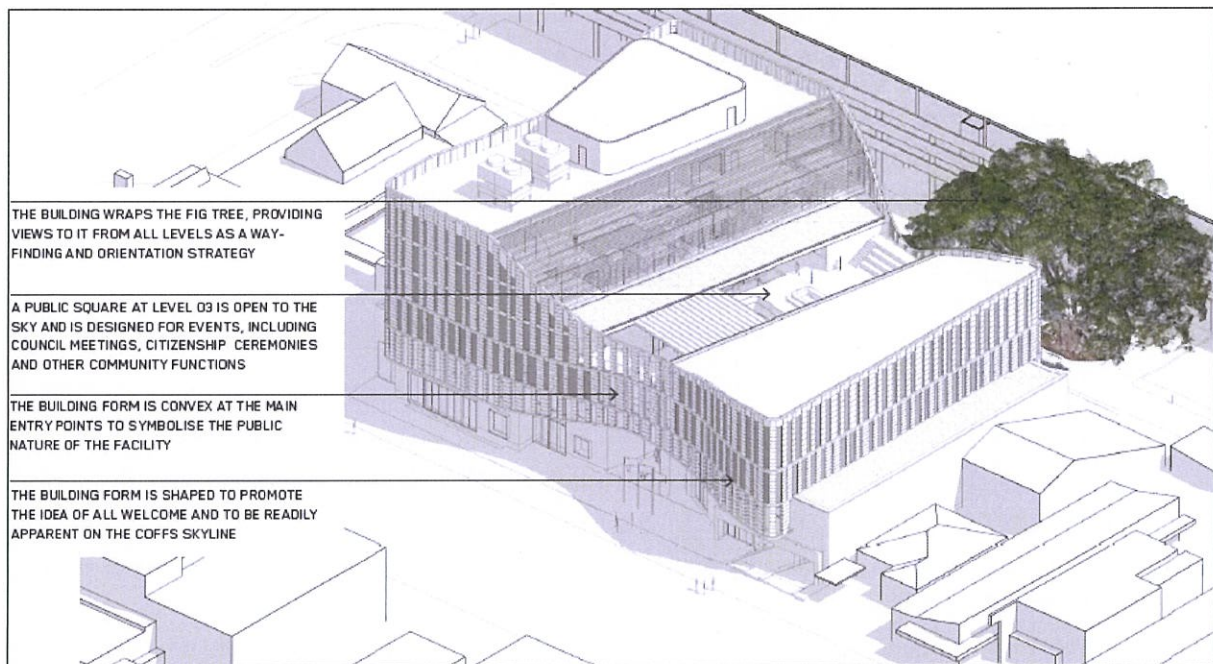


Figure 18 | Key design elements of the building (source: Applicant's Design Report)

As previously mentioned, the design has been subject to a robust Design Excellence Process. That process also informed the overall design, external appearance and material selection. However, the Department notes that 5.6% public submissions raised concerns regarding the design and materials of the proposed building.

The Department considers the façade a major design element of the building (**Figure 19**). The curved building form, including choice of materials and colours are based on the nature of Coffs Harbour. Specifically, the wrapping façade, undulating geometry and bright, vibrant and visible colours have been chosen to pay homage to the Harbour and the surrounding topography of the Coffs Harbour region. Additionally, the building form wraps around the existing mature fig tree helping to integrate the tree into the design and creating a recognizable anchoring and wayfinding point in the building.

The Department considers the contemporary design of the building is acceptable as it has gone through a design excellence process, it has been designed to fit within the context of the Coffs Harbour CBD, it complies with the built form controls established for the site and the choice of building materials and colours respond to the natural features and topography of the Coffs Harbour area. The Department's assessment therefore concludes the design, external appearance and selection of materials combine to provide an acceptable urban design outcome.



Figure 19| Façade detail (source: Applicant's Design Report)

Visual Impacts

Public submissions (35.5%) raised concern about the potential visual impacts associated with the proposal on the existing streetscape.

To assess the visual impacts associated with the proposal, the Applicant undertook a comprehensive visual impact analysis (VIA) of the proposal. Four locations were chosen around the site, and photomontages prepared to illustrate the proposal. These locations and some extracts are shown below in **Figure 20** and **Figure 21**. The Department considers the methodology adopted in the VIA was appropriate and robust.

The Department notes the proposal has limited visual exposure given the relatively flat topography of the site and the immediately surrounding area. The proposal would be primarily viewed by:

- visitors to the city centre and streets immediately surrounding the site, including pedestrians and vehicles utilising Gordon Street, Vernon Street and Riding Lane
- occupants of adjoining and adjacent premises (commercial, civic, and community uses)
- users of Fitzroy Oval.



Figure 20 | View impacts from opposite Riding Lane and from the corner of Gordon Street and Vernon Street (source: Applicant's VIA within the Design Report)



Figure 21 | View impacts from adjacent Coffs Street and from the corner of Riding Lane and Coffs Street (source: Applicant's VIA within the Design Report)

The Department has assessed the VIA as well as issues raised in submissions and considers the visual impacts of the proposal would be acceptable for the following reasons:

- the height and scale of the proposal is compatible with the site's location within the CBD, where multi-storey development is anticipated and supported by the planning controls
- the relatively flat topography of the CBD and surrounding area means the site has limited distant exposure
- there are no visually sensitive receivers within close proximity to the site. Land uses within the immediate locality to the north-west (multi-deck car park), south-west (place of worship) and north-east (offices) would be less sensitive to visual impacts compared to residential receivers
- the closest residential zoned areas are over 300 m away and would have very limited to no direct visual exposure to the proposal
- in the event where some visibility of upper levels could be experienced from afar, the impact would be negligible given the separation distance and because the proposal occurs in the commercial core where taller buildings are permissible and anticipated.

The Department also notes that the proposed building has gone through a design excellence process and the choice of building materials and colours respond to the natural features and topography of the Coffs Harbour area. This would result in a building design which has a positive visual impact on the streetscape and surrounding area.

The Department has also recommended conditions requiring the rooftop plant, including the cooling towers to be screened from public view to improve the appearance of the proposal. Subject to the recommended condition, the Department is satisfied that the visual impacts associated with the proposal are acceptable.

6.4 Public Domain

The two main components of the public domain are the ground floor which includes the through-site link (**Figure 22**) and the public square on level 3 (**Figure 23**).

The convex design of the building provides breakout areas at the main entry points of the building along Riding Lane and Gordon Street, which allows additional gathering space for public use. These areas will be supplemented with landscaping and terraced seating.

The public square on level 3 will function as a gathering space for public use and will cater for community events, and from where views across the city are available. The public square will be supplemented with landscaping, outdoor amphitheater steps, a floating timber stage and a void to provide natural surveillance to the ground floor below. The public square also connects to the Council Chambers and multi-purpose function space.

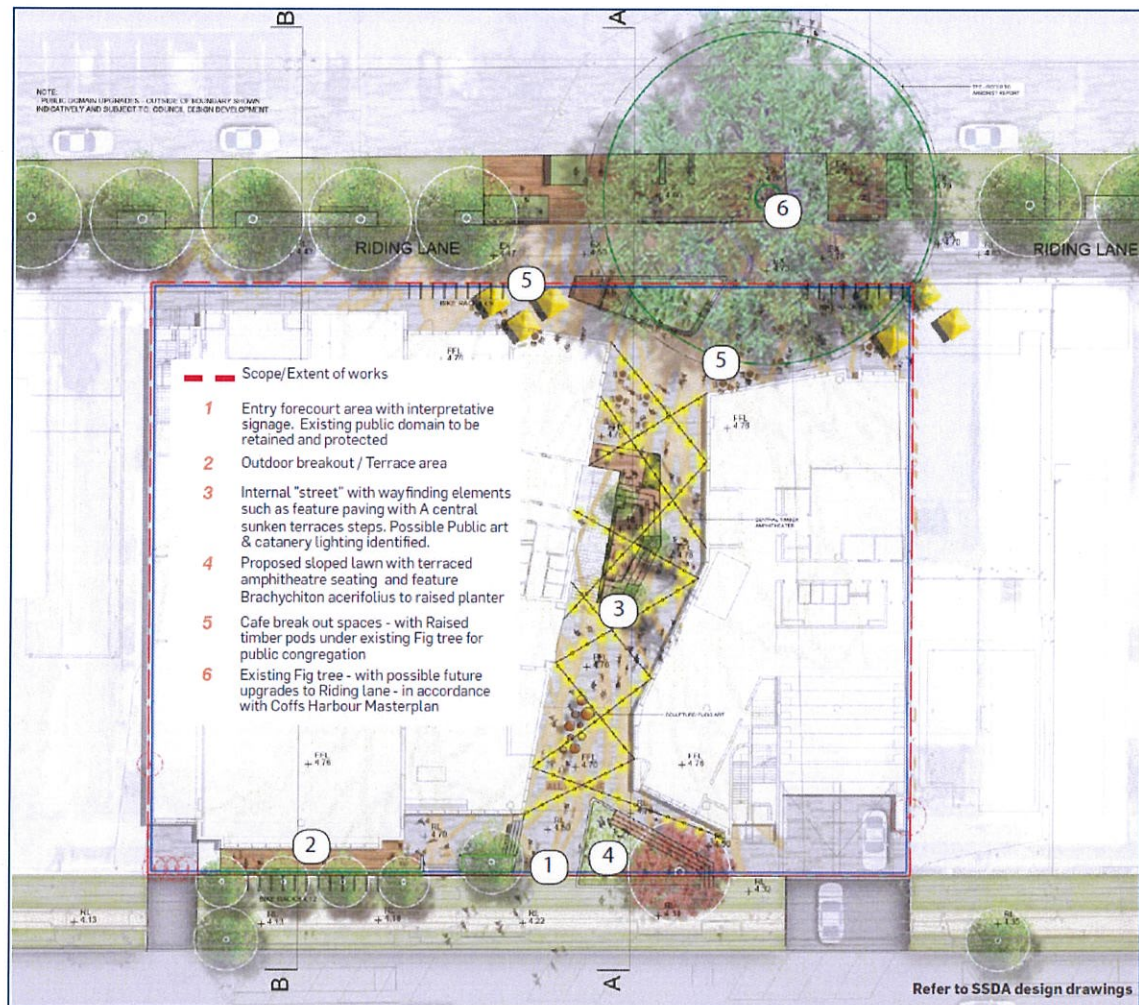


Figure 22 | Ground floor public domain elements (source: Applicant's Landscape Strategy)



Figure 23 | Level 3 public square (source: Applicant's Landscape strategy)

The Department considers the public domain works are acceptable as they provide public spaces for community use and provides a high level of activation to both street frontages and through the building to the public square on level 3. Additionally, the through-site link will integrate with future public domain works associated with Riding Lane and Gordon Street as envisaged by the CCMP and improve pedestrian connections and permeability within the Coffs Harbour CBD.

6.5 Traffic, Parking, Access and Transport

Traffic Impacts

Public submissions (43.4%) raised concern about the potential traffic impacts associated with the proposal on surrounding streets.

To assess the potential traffic impacts associated with the proposal, the Applicant submitted a Traffic Impact Assessment (TIA) which included detailed traffic modelling and consideration of the traffic growth rate over a 20-year horizon. The TIA concluded that the proposal would not result in any significant impact on the surrounding streets.

An analysis of the existing and proposed level of service (LoS) and average delay for key intersections around the site is provided in **Table 4**. The analysis shows that while the proposal would lead to some minor delays, all of the surrounding intersections would continue to perform at the highest LOS and no additional road works would be required to manage traffic impacts associated with the proposal.

Table 4 | Existing and proposed LoS and average delay for key intersections ((base source: Applicant's Traffic Impact Assessment)

Intersection	Period	Existing		Year of opening		10-year horizon		20-year horizon	
		Avg. Delay	LoS	Avg. Delay	LoS	Avg. Delay	LoS	Avg. Delay	LoS
Gordon St / Vernon St	AM	9.4 sec	A	9.5 sec	A	10.3 sec	A	11.1 sec	A
	PM	10.3 sec	A	10.4 sec	A	11.7 sec	A	13.1 sec	A
Coff St / Riding Ln	AM	5.6 sec	A	5.8 sec	A	6.6 sec	A	7.5 sec	A
	PM	8.1 sec	A	8.4 sec	A	10.5 sec	A	13 sec	A
Vernon St / Riding Ln	AM	2.9 sec	A	2.9 sec	A	2.9 sec	A	2.9 sec	A
	PM	2.9 sec	A	2.9 sec	A	2.9 sec	A	2.9 sec	A

The TIA also assessed the potential impacts of the proposal on the Pacific Highway and Coff Street intersection. The analysis shows the highest forecast increase of traffic generated by the proposal at the intersection of Pacific Highway and Coff Street would be in the order of 93 vehicles per hour over the 10-year horizon, which is an overall increase of 2.2 per cent in traffic travelling through the intersection. This increase would not have any significant impact on the operation of the intersection.

The Department considers the assumptions used in the traffic modeling are reasonable and that the proposal would not result in any significant traffic impacts given the traffic modelling confirms all intersections would operate at the same level of service "A" and the proposal would not result in any significant increase in queuing or delays, even over a 20-year horizon. The proposal also includes a Green Travel Plan (GTP) to increase the use of the available public transport and encourage walking and cycling to reduce private car usage.

The Department also notes that RMS and TfNSW did not object to the proposal. However, RMS suggested that major events should be supported by a Traffic Management Plan (TMP), as a condition of consent. The Department accepts that the development would experience higher traffic volumes and car parking demand during major events. As such, the Department has recommended a condition requiring a TMP to be prepared which identifies appropriate measures to help mitigate and manage traffic issues associated with major events, consistent with RMS advice.

Overall, having regard to findings of the TIA and the detailed review by the RMS and TfNSW, the Department considers the traffic impacts of the proposal are acceptable, subject to the recommended conditions of consent.

Car Parking

Public submissions (56%) raised concern about the lack of on-site car parking for visitors (including accessible parking spaces) and the lack of parking within surrounding public car parks and streets. RMS initially raised concerns regarding potential impact of car parking for daily operation and major events and the number of public accessible spaces.

The proposal includes 111 off-street car parking spaces for staff use, comprising of 74 spaces (including four accessible spaces) within the basement car park and the retention of 37 spaces within the existing basement car park located adjacent to the CHCC Administration Building.

Parking for visitors would be reliant on the availability of on-street car parking (some 642 spaces) within a 5 minute walk from the site and off-street and parking within the Castle Street car park located adjacent to Riding Lane (capacity of 900 spaces).

To justify the parking provision for the proposal, the Applicant submitted a TIA which included an assessment of:

- current availability of on-street and off-street parking within the Castle Street car park
- parking demand generated by the proposal during the peak periods
- available parking during peak period for the proposal based on year of opening, 5-year horizon and a 10-year horizon.

The results of the assessment for the parking demand generated by the proposal, and the availability of parking during the weekday and weekend peak is provided in **Table 5**. The TIA concluded that there is sufficient parking availability to meet the parking demand of the proposal, which would occur at the 5-year horizon, during the weekday peak with a parking demand of 193 spaces. During this peak period, the surrounding road network is able to accommodate the parking demand with a spare capacity of 81 spaces.

Table 5 | Parking Demand and Parking Availability (base source: Applicant's Traffic Impact Assessment)

	Weekday demand	Weekday remaining capacity	Weekend demand	Weekend remaining capacity	Staff demand	Staff remaining capacity
Year of opening	129	150	111	453	76	35
5-year horizon	193	81	165	399	104	7
10-year horizon	190	84	171	393	110	1

The Department considers the Applicant's approach to car parking acceptable as:

- the availability of on-street and off-street parking can meet the peak parking demand for visitors and staff
- 37 accessible public parking spaces are located within 250 m of the site, with 21 of the 37 accessible public parking spaces located directly opposite the site within the Castle Street car park. This equates to 1 space per 40 spaces meeting the requirements of the CHDCP 2015. Additionally, following operation of the development, the demand for accessible spaces can be monitored and additional spaces provided, if necessary
- the site is reasonably well serviced by public transport with several bus services located within relatively close walking distance of the site
- the implementation of a GTP, and the provision of 100 bicycle parking spaces and end-of-trip facilities would promote the use of active transport modes such as walking and cycling and reduce the reliance on the use of private vehicles.

The Department has also recommended a suite of conditions requiring:

- a maximum number of car parking spaces be provided (111 spaces including four accessible spaces) with car parking to comply with Australian standards including queuing areas, turn paths, sight distance requirements, aisle widths, lighting and parking bays
- a restriction as to user pursuant to Section 88B of the Conveyancing Act 1919 requiring the existing 37 spaces within the existing basement car park located adjacent to the existing CHCC Administration Building to be maintained in perpetuity for the proposal
- implementation of a TMP for major event to manage traffic and parking, through the use of Traffic Controllers to direct traffic flow, allocating areas to accommodate overflow parking and general procedures to ensure pedestrian safety
- the demand for accessible parking spaces to be monitored after commencement of operation and additional spaces provided, if necessary

The Department is therefore satisfied parking demand can be met through a combination of on-street and off-street parking supply and the recommended conditions would appropriately mitigate and manage the potential residual car parking impacts to an acceptable level.

Vehicular Access

Vehicular access to the site would be gained from Gordon Street, to a single level basement car park, which includes car parking, bicycle parking, end-of-trip cycling facilities and building plant. While vehicular access would ordinarily be provided through the rear laneway (and encouraged by the CHDCP 2015), in this instance access to the site is sought to be provided from Gordon Street rather than Riding Lane in order to retain a large fig tree at the rear of the site and to prioritise future pedestrian links along Riding Lane.

The Department considers gaining access to the site from Gordon Street is acceptable in this instance as it allows the existing fig tree at the rear of the site to be retained which is a major feature of the development. Further, it is acknowledged that Council intends to upgrade Riding Lane by redirecting traffic along Riding Lane from a southbound direction to a northbound direction, provide a new pedestrian link from Castle Street car park to the site and upgrade the intersection of Riding Lane and Coff Street. Therefore, a new vehicular access at this location could potentially reduce pedestrian amenity and safety. Further, the provision of access from Gordon Street would not result in any significant pedestrian safety or traffic issues as Gordon Street is a local road and is restricted to a speed limit of 40km/h in the vicinity of the site. Further, the driveway crossing is relatively narrow and occupies a short portion of the Gordon Street frontage. The Department therefore considers access to/from the site is acceptable.

Loading

The proposal includes an on-site loading bay with capacity to accommodate one heavy rigid vehicle with access from Gordon Street. The loading dock is anticipated by the Applicant to meet forecast demand, based on the anticipated truck movements from data provided by Council (who are responsible for managing the same uses proposed elsewhere). Anticipated van delivery frequencies range from 2-3 per day (Council and Australia Post) with additional deliveries of up to 20 per year for the library, museum and gallery. The loading dock will be used only between 9.30 am and 4.30 pm, with the largest vehicle being a heavy rigid vehicle (HRV).

Based on the anticipated delivery schedule, it is not expected that the loading bay would be highly utilised as deliveries associated with HRVs are not expected to exceed 20 deliveries per year (library

1, museum 4 and gallery 15). Smaller vehicles such as vans would also undertake delivery activities from the proposed pick-up/drop-off zone on Gordon Street for greater efficiency.

RMS reviewed the proposal and noted that HRVs would need to reverse into the loading bay which may disrupt traffic along Gordon Street. As such, RMS recommended a condition requiring the implementation of a Traffic Control Plan and traffic control measures for each occurrence.

The Department supports RMS' request and recommends a condition requiring a Loading Dock Management Plan be prepared by Council and endorsed by the Local Traffic Committee to outline measures to ensure safe practices for heavy vehicle manoeuvring, including traffic controllers to assist reversing, delivery timings (e.g. deliveries outside peak pedestrian periods) and general safety procedures.

The Department considers that subject to the recommended conditions, the proposed loading is acceptable.

Pick-up and Drop-off Zone

A pick-up/drop-off zone is proposed on Gordon Street, along the site frontage (**Figure 24**). The pick-up/drop-off zone will also be used as an emergency zone for the parking of emergency vehicles, when required. Minor works would be required to standardise the facility, including removal/installation of on-road line markings, removal of 14 on-street parking spaces, reconfiguration of signposting and signage.

The pick-up/drop-off zone can accommodate 6 light vehicle spaces or two 14.5m long rigid buses/coaches and would be restricted to 5-minute stays. The no-stopping zone would also serve as an emergency vehicle zone, noting the proximity to the fire hydrant which would be preferable for emergency situations.

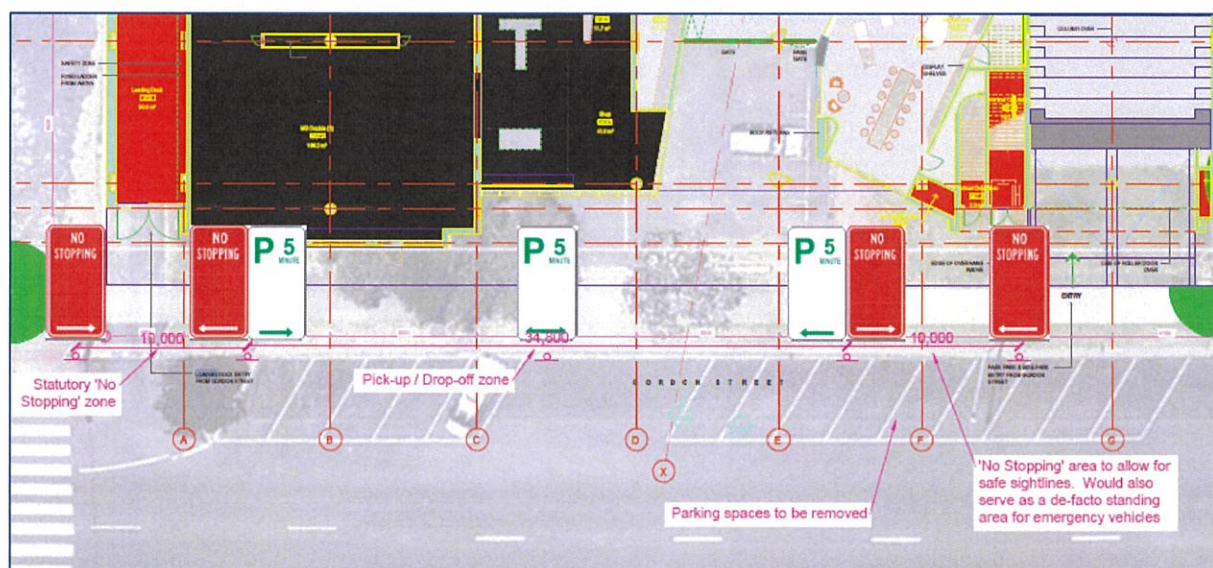


Figure 24 | Layout of pick-up and drop-off zone (source: Applicant's Traffic Impact Assessment)

RMS reviewed the proposal and noted that the de-facto emergency vehicle spaces do not appear long enough. In response to the concerns raised by RMS, the Applicant's RtS highlighted that:

- on-street spaces have been designed in accordance with Australian Standards and are able to accommodate an emergency vehicle
- between the 'No Stopping' area and pick-up / drop-off zone, which is limited to 5-minute parking, there would be sufficient space for emergency vehicles to park.

The Department accepts the advice in the RtS noting that sufficient space would be available for emergency vehicles. Additionally, all roadworks associated with the development will be considered, addressed and approved by the Local Traffic Committee (which includes various representation relating to road use). The Department recommends a condition requiring all changes to street parking restrictions be approved by the Local Traffic Committee (and this also be reviewed within 12 months and 3 years of occupation).

Subject to the condition, the Department's assessment therefore concludes the proposed pick-up/drop-off zone and emergency vehicle zone arrangements are acceptable.

Pedestrian Access

A number of submissions raised concerns regarding pedestrian access to the site from the Castle Street car park and the lack of a pedestrian crossing across Riding Lane. RMS reviewed the proposal and noted that there would be a pedestrian desire to cross between Castle Street car park, Coffs Central shopping central and the proposal via Riding Lane.

In response, the Applicant noted that it intends to improve pedestrian access by upgrading Riding Lane to deliver improved pedestrian access and amenity. These works include the redirection of Riding Lane, making Riding Lane a shared zone with a 10km/hour speed limit, the inclusion of a pedestrian crossing from the Castle Street car park to the site and upgrades to the intersection of Riding Lane and Coff Street.

While the Department acknowledges the proposed upgrade works would resolve the issues associated with pedestrians accessing the site from the Castle Street car park, the Department remains concerned that until such time as the Riding Lane works are completed there is the potential for vehicle and pedestrian conflict at this location. As such, the Department recommends that the footpaths immediately adjoining the site be made good and safe and that safe level access is provided between the site and the Castle Street car park, across Riding Lane, as an interim solution. Subject to the above condition, the Department's assessment concludes that pedestrian access is acceptable.

6.6 Flooding

The site is classified as flood prone land as it is affected by the probable maximum flood (PMF). This applies to all the Coffs Harbour CBD area.

The Department notes that 8% of public submissions raised concerns about flooding, including adequacy of the Flooding Assessment Report, lack of consideration of future impacts of flooding and potential flooding of the basement car park.

The Applicant submitted a Flooding Assessment Report (flood analysis) which included flood modelling to assess flooding impacts associated with the proposal for the 1% AEP, 0.2% AEP and PMF events. The modelling also included consideration of increased rainfall intensity due to climate change. The flooding analysis also considered Council's Floodplain Risk Management Study and Floodplain Risk Management Plan, which have been developed in accordance with the *NSW Floodplain Development Manual (2005)*.

The analysis shows no adverse flooding impacts would occur on the site or adjoining properties as a result of the proposal. The site would not be impacted by the 1% or 0.2% AEP flood event and would only experience negligible localised flooding during the PMF event, which is a rare event (1 in

10,000,000). The flood analysis also concluded the impacts of development on flooding would be consistent with the requirements of the NSW Floodplain Development Manual (2005).

The Department has reviewed the flood analysis and considers the proposal would not result in any significant flood impacts or risks as:

- the proposed finished floor levels and basement level have been set in accordance with Council's flood planning requirements
- any flood impacts during a PMF event would be negligible and localised and would unlikely to pose any additional safety threat
- during PMF events, visitors and staff can appropriately shelter in place, given the site and building provides good areas for refuge in an emergency.

The Department also notes EESG reviewed the flood analysis and accepted there would be no adverse flood impacts on the site, adjacent properties and roads from the proposal.

The Department has also recommended conditions requiring a Flood Action Plan be prepared for people to shelter in place and minimum finished floor levels and basement level as recommended by the flood analysis. Subject to the recommended conditions, the Department is satisfied the proposal would not result in any significant flooding impacts or risks.

6.7 Other Issues

Other relevant issues for consideration are addressed in **Table 6**.

Table 6 | Summary of other issues raised

Issue	Findings	Recommendations
Noise	<ul style="list-style-type: none"> • A Noise Impact Assessment (NIA) was submitted to assess the potential operational noise impacts associated with the proposal. This included an assessment of predicted noise impacts from: <ul style="list-style-type: none"> ○ mechanical plant, building services equipment and emergency stand-by generator ○ the car park and loading dock activities ○ public address (PA) system ○ the use of customer/public patron areas between 6.00 am and midnight. • The nearest noise sensitive receivers include an existing residential dwelling at 11 Duke Street (approximately 85 m south-east of the site) and a future hotel development (yet to be constructed) at the corner of Vernon Street and Gordon Street (approximately 70 m west of the site). • In summary, the NIA found that noise emissions from mechanical plant and equipment can be acoustically treated to comply with the relevant noise criteria. All other operational noise sources would also comply with the relevant noise criteria. • To ensure the operational noise impacts from the mechanical plant and equipment is appropriately mitigated and managed the NIA recommended that the mechanical plant and equipment is acoustically treated. The NIA also recommended restrictions on the use of the loading dock, restrictions on patron capacity and a maximum allowable noise level for the PA system. 	<p>The Department recommends conditions requiring:</p> <ul style="list-style-type: none"> • the acoustic treatment of mechanical plant, building services equipment and the stand-by generator in accordance with the requirement of the NIA • restrictions on the use of the loading dock in accordance with the criteria outlined within the NIA • restrictions on patron capacity for the café and level 3 external event space/areas • a maximum allowable noise level for the PA system

	<ul style="list-style-type: none"> • The Department considers the operational noise impacts from the proposal are able to be appropriately managed and mitigated through the implementation of the recommendations outlined in the NIA. • The Department also recommends conditions to further mitigate and manage noise impacts including, strict noise limits, and the use of the building to not give rise to 'offensive noise' as defined under the <i>Protection of the Environment Operations Act 1997</i>. 	<ul style="list-style-type: none"> • compliance with strict noise limits • the use of the building not to give rise to the transmission of offensive noise.
Operational hours	<ul style="list-style-type: none"> • The Department notes the intended operational hours for public use of the building would generally be in accordance with Council's current standard business hours. These currently include: <ul style="list-style-type: none"> ◦ Council customer service: 8.30 am to 4.30 pm, Monday to Friday ◦ Library: 9.30 am to 6.00 pm, Monday to Friday, 9.30 am to 2.00 pm Saturday ◦ Regional museum: 10.00 am to 1.00 pm, Tuesday to Thursday ◦ Regional gallery: 10.00 am to 4.00 pm, Tuesday to Friday, 9.30 am to 12.00 pm, Saturday • In addition to this, the building will be open outside these hours for major/special events including gallery/museum exhibitions, biennial art competition, conferences and seminars, private functions and commercial events, and citizenship ceremonies. The latest finishing time for major/special events would be 11.00 pm. • The Department notes the proposed hours are reasonable given the site's location within the CBD and distance from the nearest residential property (85 m). The Department also recommends a condition requiring a Major Events Plan of Management be prepared and implemented to ensure access, parking, noise management and security issues associated with the proposal are appropriately managed to an acceptable level. 	<ul style="list-style-type: none"> • The Department recommends conditions requiring the implementation of a Major Events Plan of Management to address access, parking supply, noise management and security measures
Landscaping	<ul style="list-style-type: none"> • Public submissions (9.6%) raised concerns with the lack of landscaping provided as a part of the proposal. • The Applicant submitted a Landscape Strategy which includes: <ul style="list-style-type: none"> ◦ the retention of the Hill's Weeping Fig ◦ street tree planting within Gordon Street, including a large flame bottletree provided to the entry at Gordon Street ◦ shade tolerant trees adjacent to the ground floor lifts ◦ dense plantings of ground-covers, palms and bamboo framing the stage on level 3 ◦ planting trellis with star jasmine on level 4 cascading to level 3 below • The Department has considered the merits of the proposed Landscape Strategy and is satisfied it is acceptable as: <ul style="list-style-type: none"> ◦ the amount of landscaping is sufficient, considering the size of the site, the nature of the proposed development and its location within the CBD ◦ it would protect and enhance the Hill's Weeping Fig tree, maintaining the tree as a key design feature and focal point for the development ◦ the landscaping provided within the Gordon Street setback would contribute to the future streetscape character and amenity of the public domain. • The Department also recommends a condition requiring the submission of a final detailed landscape plan to be reviewed and approved by the Planning Secretary. Subject to the 	<ul style="list-style-type: none"> • The Department recommends a condition requiring the submission of a detailed landscape plan to be reviewed and approved by the Planning Secretary.

recommended condition, the Department is satisfied the proposed landscaping is acceptable.

Protection of Fig tree

- A large Hill's Weeping Fig tree located adjacent to the site within Riding Lane is proposed to be retained and protected (**Figure 9**). The tree has a canopy spread of approximately 30 m, which partially overhangs the site. Its retention is crucial for the development as the design has partly emanated from its retention.
 - The Applicant has submitted an Arboricultural Impact Assessment Report (AIA) to assess the potential impacts of the proposal on the Fig tree. In summary, the AIA found:
 - the tree is healthy, in good vigour and the species is highly tolerant of root damage
 - proposed works may affect approximately 25% of the tree protection zone. This degree of impact on the root system can be readily addressed by providing supplementary irrigation to the exposed area of the root plate
 - the extent of the impact can be readily managed without unduly impacting the tree, subject to the implementation of a range of tree protection measures
 - overshadowing from the proposal would have no impact on the health of the tree as the building has been designed to fit under the canopy of the tree and this species is shade tolerant.
 - Based on the findings of the AIA, the Department is satisfied the proposal would not result in any significant impacts on the health of the tree, subject to the measures outlined in the AIA being implemented to protect the tree.
- The Department recommends a condition requiring the implementation of the measures outlined in the AIA.

Contamination

- As part of the RtS, a Detailed Site Investigation (DSI) was prepared, which included a review of the Preliminary Site Investigation submitted with the EIS, as well as further sampling undertaken at additional locations.
 - The results of the sampling returned elevated levels of aldrin and dieldrin, which is likely associated with pesticides for the prevention and treatment of termites. However, these levels were found to be below the adopted health-based criteria, therefore no further testing, assessment or remediation was recommended.
 - The DSI concluded that the site is suitable for the proposal without the need for any further testing, assessment or remediation subject to the implementation of measures including unexpected potential contamination finds protocol and assessment of excavated material during the construction phase of the development.
 - Subject to the recommended measures within the DSI being implemented, the Department is satisfied the site is suitable for the development and any potential contamination risks can be appropriately mitigated and managed to an acceptable level. The Department also notes the EPA raised no issues with the proposal.
- The Department recommends a condition requiring the implementation of the measures outlined in the DSI.

Acid sulphate soils

- The site is identified as containing a low probability of ASS below 3 m from the ground level in the Coffs Harbour acid sulfate soils (ASS) map.
 - As part of the RtS, an updated ASS Management Plan (ASSMP) was prepared to guide the management of ASS.
 - The Department considers the ASSMP is acceptable as it provides appropriate management procedures including:
 - a methodology for the identification of materials requiring management;
 - protocols for the onsite treatment and management of ASS materials
- The Department recommends a condition requiring the implementation of the measures outlined in the ASSMP.

	<ul style="list-style-type: none"> ○ management and treatment of groundwater and surface water prior to disposal ○ excavation inspection and validation assessment protocols to be implemented during the proposed works ○ a monitoring regime for treatment of ASS and water quality monitoring. • The Department also notes EESG raised no issues with the ASSMP. • Subject to implementing the measures outlined in the ASSMP, the Department is satisfied that any environmental risks associated with the disturbance of ASS can be appropriately mitigated and managed. 	
Heritage	<ul style="list-style-type: none"> • Public submissions raised concern about the impact of the proposal on the heritage significance of the Uniting Church, which adjoins the site to the south at 19A-21 Gordon Street. • The Applicant submitted a Heritage Impact Statement (HIS) to assess the potential heritage impact of the proposal on the Uniting Church. The HIS found the site to have limited heritage significance as determined by reference to the standard NSW significance assessment criteria: In particular: <ul style="list-style-type: none"> ○ the building has been modified and relocated to the site ○ the site does not provide any significant connections or event of historical importance to the understand of the local area ○ the building is not a major work by an important designer nor a good example of a particular style • The Department has considered the HIS and is satisfied the potential heritage impacts of the proposal are acceptable, given that the Uniting Church is not identified as a heritage item under the CHLEP 2013 and there are no heritage items located near the site that would be impacted by the proposal. 	<ul style="list-style-type: none"> • The Department notes that no conditions are required regarding heritage.
Archaeology	<ul style="list-style-type: none"> • The Applicant has submitted an Aboriginal Cultural Heritage Assessment (ACHA). In summary, the ACHA found: <ul style="list-style-type: none"> ○ survey and geotechnical investigations confirmed high disturbance across the area and there is little potential for archaeologically sensitive deposits to survive within the site. ○ no Aboriginal objects were registered on AHIMS within the study area (which extends beyond the site) and no Aboriginal objects or areas of archaeological sensitivity were identified. ○ the proposal will not impact on any known Aboriginal objects. • The ACHA made three recommendations relating to unexpected finds protocol and site induction requirements for construction workers. • EESG reviewed the EIS and the Aboriginal Cultural Heritage Assessment and advised the recommendations within the Aboriginal Cultural Heritage Assessment report be included as conditions of consent. • Based on the findings of the ACHA, the Department considers the proposal is unlikely to result in any significant archaeological impacts. The Department has also recommended the measures outlined in the ACHA and an unexpended find protocol be implemented to ensure any impacts are appropriately mitigated and managed. 	<ul style="list-style-type: none"> • The Department recommends a condition requiring compliance with the measures outlined within the Applicant's Aboriginal Cultural Heritage Assessment and the implementation of an unexpended finds protocol.
Reflectivity	<ul style="list-style-type: none"> • Public submissions raised concerns about potential glare impacts on pedestrians and motorists. • The Applicant has submitted a Reflectivity Report to verify that the façade of the proposed building will not cause unacceptable glare impacts on motorists and pedestrians as 	<ul style="list-style-type: none"> • The Department recommends conditions requiring compliance with the recommendations of

	<p>façade materials have been chosen which have a specular reflectivity of less than 20%, and a 15% limit on specular reflectivity specifically for the eastern and southern facades.</p> <ul style="list-style-type: none"> • The Department is satisfied that solar reflections can be appropriately mitigated and managed to an acceptable level, subject to the implementation of the measures outlined in the Reflectivity Report. 	<p>the Reflectivity Report, including a 15% limit on specular reflectivity to the eastern and southern facades of the building.</p>
Safety and security	<ul style="list-style-type: none"> • Public submissions raised concerns about safety and security. • The Applicant submitted a Crime Prevention through Environmental Design (CPTED) assessment. • The CPTED assessment concluded that the design of the proposal demonstrates consideration of the CPTED principles and recommended a number of measures to be implemented to further improve safety across the development. • These measures include sufficient lighting and the coordinated design of landscaping, electronic access control system with video surveillance and provision of gates to control access through the arcade after hours. • The Department has considered the CPTED assessment and is satisfied the safety and security aspects of the proposal are acceptable, given the proposal provides: <ul style="list-style-type: none"> ○ the increased public use and surveillance of the public domain will enhance public safety ○ good activation of the ground floor plane ○ public spaces at both ends of the building • The Department has also recommended a condition requiring the implementation of the measures outlined within the CPTED assessment to ensure safety and security is appropriately managed. 	<ul style="list-style-type: none"> • The Department recommends a condition requiring the implementation of the measures outlined in the CPTED assessment.
Waste collection	<ul style="list-style-type: none"> • An Operational Waste Management Plan (OWMP) was submitted with the application which outlines how waste would be collected from Riding Lane. • RMS provided comments on the lack of detail provided for the collection of waste and that Council should be satisfied that waste collection can occur in a safe and efficient manner. • In response, the Applicant's RtS confirmed that waste collection would continue to be provided via Riding Lane and the OWMP can be updated to address RMS comments about ensuring waste can be collected safely and efficiently within Riding Lane. • The Department considers the collection of waste via Riding Lane is acceptable and recommends the OWMP be updated to detail collection time, duration of stay and any other measures required to ensure an appropriate level of safety and efficiency is maintained within Riding Lane. 	<ul style="list-style-type: none"> • The Department recommends a condition requiring the submission of an updated OWMP, including details on the collection time, duration of stay and any other measures required to ensure an appropriate level of safety and efficiency is maintained within Riding Lane.
Construction impacts	<p><u>Noise</u></p> <ul style="list-style-type: none"> • The Department notes that the NIA found there would be impacts up to 35dBA above noise management level criteria (within the Interim Construction Noise Guideline) for the Uniting Church, 14dBA for commercial properties and 2dBA for residential uses close to the site, during daytime hours. • A range of mitigation measures were identified in the NIA to reduce noise impacts, including use of quieter plant and equipment, maximising distance from noisy plant and equipment and its orientation, respite periods and shielding. • The EPA recommended that the management procedures identified in the NIA be developed into a Construction Noise and Vibration Management Plan (CNVMP). The Department 	<p>The Department recommends conditions requiring:</p> <ul style="list-style-type: none"> • limiting hours of construction to between 7 am and 5.30 pm Mondays to Fridays and 8 am and 1 pm Saturdays. No work on Sundays and Public Holidays. • restrictions on high-noise activities.

supports the preparation of CNVMP incorporating the management procedures within the NIA.

- The Department also recommends a Communication Strategy to provide mechanisms to facilitate communication between Council and the adjoining affected landowners and businesses, and others directly impacted by the development, during construction works
- The Department concludes construction noise impacts from the proposal would be temporary and are able to be appropriately managed and mitigated through the recommended conditions.

Traffic

- Public submissions raised concern about the potential construction traffic associated with the proposal.
- The Applicant submitted a TIA in support of the proposal which considers potential construction impacts.
- The TIA estimates the proposal would generate between 40 to 66 movements per day, with a maximum of 33 movements during peak period. The TIA outlines that construction vehicles would not have an adverse impact on the surrounding road network and recommends a range of measures to mitigate construction traffic impacts, including traffic control measures and traffic controllers and the establishment of a work zone within Gordon Street
- The Department considers the proposal would not result in any significant construction traffic impacts given the temporary nature of the works, the low volumes of traffic associated with the proposal and the proposed mitigation measures put forward in the TIA. The Department has also recommended a condition requiring a detailed Construction, Pedestrian and Traffic Management Plan be prepared and implemented for the project.

Other

- The Department has assessed all other potential construction impacts associated with the proposal and is satisfied that they can be appropriately mitigated and managed by conditions of consent.

- the establishment of a Community Communication Strategy.
- the preparation of a Construction Environmental Management Plan, Pedestrian and Traffic Management Plan, Noise and Vibration Management Plan, Air Quality Management Plan, and a Soil and Water Management Plan
- the protection of trees

Stormwater management

- The Applicant submitted a Civil Engineering Report which included a stormwater management plan to address the stormwater management requirements of the proposal.
- The stormwater system is designed to discharge by gravity to Council's stormwater system in Gordon Street, via pipes connecting the rainwater tank and the roof areas. An emergency overflow pipe is proposed to allow overflow in the event of a pipe blockage. Due to flooding of the surrounding area, an on-site detention system is not proposed.
- The Applicant's assessment found that stormwater flows would be similar to the existing situation as there is only a minor increase in impervious area.
- To ensure water quality requirements are met in accordance with Council's Water Sensitive Urban Design Guideline, stormwater runoff would be treated within the stormwater quality treatment tank through a passive filtration system before being discharged to Council's stormwater system.
- The Department has assessed the proposal and is satisfied that the proposal would appropriately manage stormwater before entering Council's stormwater system as:
 - there would be no significant increase in stormwater volume as there is only a minor increase in the impervious area compared to the existing situation
 - the MUSIC modelling shows that water quality would be appropriately managed by the proposed treatment system
- The Department recommends conditions requiring compliance with the stormwater management plan and the treatment of stormwater run-off

	<ul style="list-style-type: none"> ○ a holistic integrated approach to water management within the building is proposed, including water use reduction through efficient fixtures and water runoff capture through a 100kL rainwater tank, which will reduce the demand on the town water supply • The Department has also recommended conditions requiring compliance with the Stormwater Management Plan. Subject to the recommended conditions, the Department is satisfied the proposed stormwater management plan would appropriately manage stormwater volume and quality. 	
Other Economic impacts	<ul style="list-style-type: none"> • Public submissions raised concerns about the economic impacts associated with additional commercial space within the CBD from the conversion of the existing CHCC Administration building to commercial uses. • The conversion of the existing CHCC Administration building to commercial uses does not form part of the proposed development and would be subject to a separate application and determination process. 	<ul style="list-style-type: none"> • No conditions are recommended.
Public interest	<ul style="list-style-type: none"> • Public submissions raised concerns that the proposal is not in the public interest. • The Department has undertaken a detailed assessment of the proposal and has carefully considered the issues raised in public submissions having regard to the objects of the EP&A Act, in particular, the orderly and economic use of the land. • From a planning and land use perspective, the Department is satisfied the proposal is in the public interest as it is permissible development, it fully complies with the planning controls applying to the site and is unlikely to result in any significant adverse environmental, social or economic impacts but on balance is likely to promote the orderly and economic use of the land. 	<ul style="list-style-type: none"> • No conditions are recommended.

7 Evaluation

The Department has assessed the merits of the proposal and has carefully considered all issues raised in government agency and public submissions. The Department has also considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

Following its review of all relevant planning and land use matters, the Department's assessment concludes the proposal is acceptable for the following reasons:

- the proposal is consistent with the objectives of the North Coast Regional Plan 2036, Coffs Harbour Draft Regional City Action Plan 2036, Coffs Harbour Local Growth Management Strategy and Coffs Harbour City Centre Masterplan 2031 as it would contribute to the activation and revitalisation of the city centre
- the proposal is permissible development within the B3 Commercial Core zone and it fully complies with the planning controls which apply to the site
- the proposal is unlikely to result in any significant adverse economic impacts in the locality and is considered to promote the orderly and economic use of the land. Further, the Department notes the Applicant's advice that the proposal would not require special rate rises to fund the project
- the height and scale of the building appropriately relates to the site's context within the CBD where multi-storey development is anticipated and supported by current planning controls
- it would provide public domain improvements, including the creation of a through-site link thus improving pedestrian connectivity between Gordon Street and Riding Lane, and provision of a public square on level 3
- the proposal has been designed to incorporate a number of ecologically sustainable design initiatives, including 140kW of façade integrated photovoltaic modules reducing the building's energy consumption by approximately 18% and provision of 100kL rainwater storage reducing the onsite water by 45%
- parking demand generated by the proposal is able to be met through a combination of on-street and off-street parking with measures proposed to reduce private car usage
- it would not result in any significant traffic impacts as intersections would operate at the same level of service and would not result in any significant increase in queuing or delays
- appropriate mitigation and protection measures would be implemented to protect and retain the significant Hill's Weeping Fig tree within Riding Lane, creating a focal point for the development
- it is expected to create approximately 555 construction jobs and an additional 31 ongoing operational jobs.

The Department's assessment therefore concludes the proposal is acceptable and recommends the application be approved, subject to the recommended conditions.

8 Recommendation

It is recommended that the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of SSD 10300; and
- **signs** the attached development consent and recommended conditions of consent (see **Appendix E**).

Recommended by:



Rodger Roppolo
Senior Planning Officer
Key Sites Assessments

Recommended by:



Cameron Sargent
Team Leader
Key Sites Assessments

Recommended by:



Anthony Witherdin
Director
Key Sites Assessments

Recommended by:



Anthea Sargeant
Executive Director
Regions, Industry and Key Sites

9 Determination

The recommendation is **Adopted** / ~~Not adopted~~ by:

A handwritten signature in black ink, appearing to read 'Rob Stokes', written over the word 'Adopted' in the text above.

The Hon. Rob Stokes MP

Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/11361>

Submissions on Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/11361>

Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/11361>

Submissions on Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10011>

Appendix B – Community Views for Draft Notice of Decision

A summary of the Department's consideration of the issues raised in submissions is provided in **Table 1**.

Table 1 | Department's consideration of key issues raised in submissions

Issue	Consideration
Consultation <ul style="list-style-type: none"> consultation process need for a Public Hearing to be held for the proposal 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department is satisfied the community has had a number of opportunities to express its views about the proposal. In particular: <ul style="list-style-type: none"> Council have advised that community consultation about the need for a cultural and civic precinct has occurred since 2013, beginning with the development of the Coffs Harbour City Centre Masterplan 2031 (CCMP). A comprehensive stakeholder and community engagement consultation and information campaign was also undertaken from January to April 2018, and further consultation undertaken from February to June 2019. Additionally, Council is committed to providing on-going advice on the proposal to the community to ensure all residents are kept up to date on the project. The Department notes that its notification and public participation statutory obligations have also been satisfied. The application was publicly exhibited for 28 days, surrounding properties were notified in writing and all application material was made publicly available on the Department's website. The Department also undertook a site visit and met with members of the public to gain a better understanding of the community's concerns. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions are recommended.
Building Use <ul style="list-style-type: none"> inclusion of Council administration and services into the building insufficient space allocated to the cultural facilities inadequate capacity for future growth exclusion of a performance arts centre 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department appreciates the community's concerns about the proposed uses of the building. However, from a planning and land use perspective, the Department notes the proposed uses are all permissible within the zone and are consistent with the B3 Commercial Core zone objectives. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions are recommended.
Economic impact <ul style="list-style-type: none"> cost of the development potential rate increases to fund the project 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> While the Department acknowledges the community's concerns about the cost of the project, ultimately the acceptability of the cost of the project, as a Council initiative, is a matter for Council to determine within the scope of its local government functions. However, as required under the EP&A Act, the Department has considered the likely economic impacts of the project in the locality and is satisfied the project is acceptable in a land-use planning context as it is likely to: <ul style="list-style-type: none"> have a positive impact on Coffs Harbour's local economy with a cost benefit ratio of 1.05:1 not require special rate rises to fund it contribute to the rejuvenation of the city centre in line with the CCMP attract tourists to the city centre visiting the regional museum and gallery create approximately 555 construction jobs and an additional 31 operational jobs for the local community. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions are recommended.

Council's decision to pursue the project

- Council's decision-making process in pursuing the proposal

Assessment

- While the Department appreciates the concerns raised by the community about Council's decision to pursue the project, that is a matter for Council to determine within the scope of its local government functions.
- The Department's assessment is of the planning and land use matters required to be considered under the EP&A Act and any continuing concerns about Council's decision to pursue the project should be directed to the Applicant.

Recommended Conditions/Response

- No conditions are recommended.

Car parking

- lack of on-site parking for visitors (including accessible parking spaces)
- lack of on-street parking and within public car parks

Assessment

- The Department considers the Applicant's approach to car parking acceptable as:
 - the availability of on-street and off-street parking can meet the peak parking demand for visitors and staff
 - 37 accessible public parking spaces are located within 250 m of the site, with 21 of the 37 accessible public parking spaces located directly opposite the site within the Castle Street carpark. Additionally, following operation of the development, the demand for accessible spaces can be monitored and additional spaces provided if necessary
 - the site is reasonably well serviced by public transport with several bus services located within relatively close walking distance of the site
 - the implementation of a Green Travel Plan, and the provision of 100 bicycle parking spaces and end of trip facilities would promote the use of active transport modes such as walking and cycling and reduce the reliance on the use of private vehicles

Recommended Conditions/Response

- Conditions include requirements for a Green Travel Plan to encourage non-car travel.

Traffic

- traffic impacts on the surrounding road network

Assessment

- The Department considers the traffic impacts of the proposal on the surrounding road network acceptable as:
 - traffic modelling confirmed that all intersections would operate at the same level of service and the proposal would not result in any significant increase in queuing or delays
 - Council has control of the surrounding local roads and is able to adapt traffic, parking and access provisions to regulate any traffic impacts over time
 - the availability and frequency of public transport in the surrounding area which will reduce the demand on private car usage
 - provision of drop-off and pick-up areas for buses, coaches and taxis and bicycle parking, and improved pedestrian and future cycling connections would reduce private car usage.

Recommended Conditions/Response

- Conditions include requirements for a Green Travel Plan and a Traffic Management Plan that identifies appropriate measures to help mitigate and manage traffic associated with major events.

Site suitability

- suitability of the site
- consideration of alternative sites including City Hill

Assessment

- The Department is satisfied Council has appropriately considered alternative sites. Ten other sites were considered by Council's project team, including both public and privately-owned sites. The Gordon Street was ultimately chosen to be the most suitable.
- The Department notes the City Hill site was not selected given its location away from the CBD and its lack of access to public transport.
- The Department considers the site suitable as the proposal is permissible within the zone, it is easily accessible being within the CBD, it would not be adversely impacted by flooding or contamination and it would not result in any significant amenity, traffic or car parking impacts.

Recommended Conditions/Response

- No conditions are recommended.

Bulk and scale

Assessment

- The Department considers the proposal would result in an acceptable built form outcome for the site as:
 - the proposed building height of 29.24 m is substantially below the current height control of 44 m
 - the built form has been guided and reviewed by Government Architect NSW through the State Design Review Panel
 - built form responds to the desired future character of the Coffs Harbour CBD as envisioned by the current planning controls
 - the building's design incorporates appropriate setbacks, articulation and its modulated and curved facades break down the mass and scale of the building.

Recommended Conditions/Response

- No conditions are recommended.

Visual impact

- visual impacts on the existing streetscape

Assessment

- The Department considers the visual impacts of the proposal acceptable as:
 - the height and scale of the proposal is compatible with the site's location within the CBD, where multi-storey development is anticipated and supported by the planning controls
 - there are no visually sensitive receivers within close proximity to the site
 - the building has gone through a design excellence process and the choice of building materials and colours respond to the natural features and topography of the Coffs Harbour area which would result in a building design which has a positive visual impact on the streetscape and surrounding area.

Recommended Conditions/Response

- Conditions include the requirement for the rooftop plant including the cooling towers to be suitably screened from public view.

Non-compliance with planning policies:

- Objectives of the B3 zone objectives and maximum building height under the Coffs Harbour Local Environmental Plan (CHLEP) 2013
- City Centre Masterplan 2031
- Development controls under the Coffs Harbour Development Control Plan (CHDCP) 2015

Assessment

- The Department considers that the proposal:
 - is consistent with the B3 zone objectives under the CHLEP 2013, as discussed in **Section 4**.
 - is consistent with the current maximum building height, as discussed in **Section 6**
 - has adequately addressed the strategic context of the City Centre Masterplan, as discussed in this report
- The Department notes that DCPs do not apply to SSD applications.

Recommended Conditions/Response

- No conditions are recommended.

Not in the public interest

Assessment

- The Department has undertaken a detailed assessment of the proposal and has carefully considered the issues raised in public submissions. From a planning and land use perspective, the Department is satisfied the proposal is in the public interest as it is permissible development, it fully complies with the planning controls applying to the site and it is unlikely to result in any significant adverse environmental, social or economic impacts in the locality.

Recommended Conditions/Response

- No conditions are recommended.

Safety and security

Assessment

- The Department considers the safety and security aspects of the proposal are acceptable, given the proposal provides:
 - increased public use and surveillance of the public domain will enhance public safety
 - good activation of the ground floor plane
 - vertical circulation which adds oversight and depth to surveillance of areas below
 - public spaces at both ends of the building.

Recommended Conditions/Response

- Conditions include the implementation of the measures outlined in the Applicant's Crime Prevention through Environmental Design assessment report.

Pedestrian access

Assessment

- The Department considers pedestrian access acceptable, as:
 - pedestrian access and circulation to and through the building is well-considered and integrated with the uses to activate the public domain and surrounding area
 - the through-site link will improve pedestrian access between Riding Lane and Gordon Street
 - the proposal is not reliant on the wider Riding Lane public domain works, and the ground level setbacks within the site to Riding Lane facilitate appropriate pedestrian access in the short term.

Recommended Conditions/Response

- Conditions include requiring footpaths immediately adjoining the site be made good and safe prior to any Occupation Certificate, and that safe level access is provided between the site and the Castle Street car park, across Riding Lane

Lack of landscaping	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has considered the merits of the proposed Landscape Strategy and is satisfied it is acceptable as: <ul style="list-style-type: none"> the amount of landscaping is sufficient, considering the size of the site, the nature of the proposed development and its location within the CBD it would protect and enhance the Hill's Weeping Fig tree, maintaining the tree as a key design feature and focal point for the development the landscaping provided within the Gordon Street setback would contribute to the future streetscape character and amenity of the public domain. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> Conditions include requiring the submission of a final detailed landscape plan to be reviewed and approved by the Planning Secretary.
<p>Heritage impacts</p> <ul style="list-style-type: none"> impact on the heritage significance of the Uniting Church. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has considered the heritage aspects of the proposal are acceptable, given: <ul style="list-style-type: none"> that the Uniting Church site is not identified as a heritage item under the CHLEP 2013 there are no heritage or interim heritage listings on adjoining sites or within close proximity to the site that would be impacted by the proposal. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions are recommended.
Flooding impacts	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department has considered the flooding aspects of the proposal are acceptable, given: <ul style="list-style-type: none"> the proposed entry and basement levels have been set in accordance with Council's flood planning requirements any flood impacts during a PMF event will be negligible and localised and would unlikely pose any additional safety threat during PMF events, visitors and staff can appropriately shelter in place, given the site and building provide good areas for refuge in an emergency. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> Conditions include the requirement for the development to comply with the recommended flood planning levels indicated in the Flooding Assessment Report and for the implementation of a Flood Management Plan
Building design and materials	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers that the design of the proposal, external appearance and selection of materials combine to provide an acceptable urban design outcome for the site. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions are recommended.
Lack of protection from the weather	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposed façade will incorporate high performance glazing that balances daylight ingress and thermal performance. Vertical shading elements are also proposed to all facades minimising solar gain, with horizontal shading devices provided the north facing façade on levels 4 and 5 to further reduce solar heat gain from the afternoon sun. The design of the building also provides numerous publicly accessible areas and covered walkways allowing refuge for people in extreme weather events. <p><i>Recommended Conditions/Response</i></p> <ul style="list-style-type: none"> No conditions are recommended.

Reflectivity

Assessment

- The Department is satisfied that solar reflections can be appropriately mitigated and managed to an acceptable level, subject to the implementation of the measures outlined in the Reflectivity Report.

Recommended Conditions/Response

- Conditions are recommended requiring compliance with the recommendations of the Reflectivity Report, including a 15% limit on specular reflectivity to eastern and southern facades of the building

Inadequate information within the EIS

Assessment

- The Department considers that information provided within the EIS is adequate and sufficiently addresses the requirements of the SEARs.

Recommended Conditions/Response

- No conditions are recommended.

Construction impacts

Assessment

- The Department considers that construction impacts associated with the proposal can be appropriately mitigated and managed by conditions of consent.

Recommended Conditions/Response

- Conditions are recommended requiring:
 - limited hours of construction between 7 am and 5.30 pm Mondays to Fridays and 8 am and 1 pm Saturdays. No work on Sundays and Public Holidays
 - restrictions on high-noise activities
 - preparation of Community Communication Strategy
 - preparation of a Construction Environmental Management Plan; Pedestrian and Traffic Management Plan; Noise and Vibration Management Plan; Air Quality Management Plan; and a Soil and Water Management Plan
 - protection of trees.

Appendix C – Statutory Considerations

In line with the requirements of section 4.15 of the EP&A Act, the Department's assessment of the project has involved a detailed consideration of a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act; and
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

The Department has considered all of these matters in its assessment of the project and has provided a summary of this assessment in **Tables 1** and **2** below.

Table 1 | Consideration of the objects of the EP&A Act

Objects of the EP&A Act	Summary
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal includes a combination of arts, community and cultural facilities which will create a community, civic and learning hub thereby promoting the social and economic welfare of the community. Any environmental impacts associated with the proposal can be suitably mitigated and managed.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The principles of ESD are considered below.
(c) to promote the orderly and economic use and development of land	The proposed development represents an orderly and economic use of land consistent with environmental planning instruments and policies under the EP&A Act.
(d) to promote the delivery and maintenance of affordable housing	Not relevant to the proposal.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal, in conjunction with the Department's recommended conditions, would not have adverse impacts to threatened and other species of native animals and plants, ecological communities and their habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The proposal would not have an adverse impact on nearby heritage items or conservation areas, as addressed in Section 6 .
(g) to promote good design and amenity of the built environment	The proposed redevelopment exhibits design excellence as discussed in Section 6 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	Recommended conditions would ensure the proposed development works would be constructed in compliance with all relevant building codes and health and safety requirements.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department consulted with Council and relevant government agencies on the proposal.

- (j) to provide increased opportunity for community participation in environmental planning and assessment.

Section 5 of this report sets out details of the Department's public exhibition of the proposal.

Table 2 | Consideration of the matters listed under section 4.15(1) of the EP&A Act

Section 4.15(1) Evaluation	Summary
(a)(i) any environmental planning instrument	The proposal complies with the relevant legislation, as addressed in Section 4 the consideration of other relevant EPIs is provided below.
(a)(ii) any proposed instrument	Consideration of proposed instruments is provided below.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD..
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the impacts of the development are either appropriately mitigated or conditioned (refer to Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 4 and 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the EIS exhibition period and following lodgement of the RtS. See Sections 5 and 6 of this report.
(e) the public interest	The Department considers the proposal to be in the public interest as it is unlikely to result in any significant adverse environmental, social or economic impacts on the locality.
Biodiversity values exempt if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.
The likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report. (Section 7.14 of the <i>Biodiversity Conservation Act 2016</i>)	The Department has consulted with EESG and considers the proposal would not have any adverse impact on biodiversity values. Refer to Section 4 of this report. Under section 7.9(2) of the <i>Biodiversity Conservation Act 2016</i> (BC Act) requires applications for a SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and

the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

On 13 May 2019, the requirement for a BDAR was waived as the delegated Environment Agency Head in the Biodiversity and Conservation Division of the Environment, Energy and Science Group in the NSW DPIE (formally Office of Environment and Heritage) determined the proposal is not likely to have any significant impact on biodiversity values, given the lack of vegetation on the site and the nature of existing and surrounding development.

As addressed in **Section 6** of this report, it is intended to retain large fig tree adjoining the site within Riding Lane. The site is not mapped as having biodiversity value under the CHLEP 2013 and no significant trees are proposed to be removed as part of the proposal.

Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Department has assessed the proposal in relation to the ESD principles and has made the following conclusions:

- Precautionary Principle – the site is fairly disturbed as it currently used for commercial purposes, and contains existing buildings and hardstand areas. As such, the proposal would not result in any serious or irreversible environmental damage.
- Inter-Generational Equity - the proposal would not have adverse impacts on the environment for future generations, subject to the Department's recommended conditions.
- Biodiversity Principle – the Department is satisfied the proposal would not have any significant flora, fauna or biodiversity impacts, given the lack of vegetation on the site and the nature of existing and surrounding development. Additionally, the fig tree will be retained and incorporated the design of the proposal.
- Valuation Principle – the proposal includes a number of measures to limit the ongoing cost, resource and energy requirements of the development. These include passive solar design, use of renewable energy to reduce energy consumption, recycling and diversion from landfill of construction, demolition and operation waste

A range of sustainability measures and ESD initiatives are proposed, including

- Energy - incorporation of energy efficiency strategies that would be capable of achieving an equivalent 6 Star NABERS Energy rating. This includes the provision of 140kW of façade

integrated photovoltaic modules reducing the building's energy consumption by approximately 18%

- Water Efficiency - provision of a 100kL rainwater storage reducing the onsite water by 45%
- Passive Design Principles - reducing the development's overall requirement for building services
- Materiality - maximising the use of sustainable and healthy products, such as those with low embodied energy, locally sourced, and made from renewable or recycled resources
- Waste – reducing waste by avoidance, reuse and recycling, maximising diversion of waste from landfill during the construction and operational phase of the development
- Transport - encouraging alternate low carbon means of transportation to and from the site.

Overall, the proposal is generally consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

Environmental Planning Instruments

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55 – Remediation of Land
- Draft State Environmental Planning Policy for the Remediation of Land
- State environmental Planning Policy No. 44 – Koala Habitat
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy (Coastal Management) 2018
- Draft State Environmental Planning Policy
- Coffs Harbour Local Environmental Plan 2013
- Other Plans and Policies:
 - Coffs Harbour Developer Contributions Plan 2019.

State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP aims to identify development that is of State significance due to its size, economic value or potential impact. The proposed development constitutes SSD under clause 13 of Schedule 1 of the SRD SEPP as it is development for cultural, recreation and tourist facilities (which include information and education facilities, museums and art galleries) and has a CIV in excess of \$30 million.

State Environmental Planning Policy (Infrastructure) 2007

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant government agencies about certain development during the assessment process.

The proposal was referred to TfNSW and RMS and their comments are summarised in **Section 5** of this report. The Department received correspondence from both agencies confirming they had no objections in relation to the proposal. The Department considers the proposal to be consistent with the ISEPP given the consultation and consideration of the issues raised by TfNSW and RMS has been undertaken in the Department's assessment in **Section 6** of this report.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purpose for the proposed development.

This typically involves a Preliminary Site Investigation (PSI), then Detailed Site Investigation (DSI), and if needed, a Remediation Action Plan (RAP) to guide remedial measures.

The Applicant prepared a PSI which was submitted with EIS. The PSI concluded that the site would be suitable for the proposal. However, it recommended that further site assessment be undertaken following the demolition of the buildings to assess possible contamination in those areas.

As requested by the Department, a DSI was submitted with the RtS. Due to timing constraints, further sampling was undertaken prior to demolition of the buildings. The results of the sampling returned elevated levels of aldrin and dieldrin, which is likely associated with pesticides for the prevention and treatment of termites. However, these levels were below the adopted health-based criteria, therefore no further testing, assessment or remediation was recommended.

The DSI concluded that the site is suitable for the proposal without the need for any further contamination work or site remediation and recommended the following be adopted as conditions of consent:

- Regional Geotechnical Solutions should be consulted if details of the proposed development differ from those discussed herein.
- All demolition works should be carried out in accordance with the development consent (Ref: 0199/20DA).
- Regional Geotechnical Solutions or an alternative consultant should be contacted if any unidentified potential contamination is encountered, (including odorous or stained soils and fragments of cement sheeting that may contain asbestos).
- Approximately 13,000 m³ of material excavated from the basement will require offsite disposal. The material must be assessed in accordance with the requirements of the 'Department of Environment and Climate Change NSW Waste Classification Guidelines Part 1 Classifying Waste' (July 2009) and / or the EPA Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014.

The EPA reviewed the PSI and raised no concerns.

Given the above, the Department is satisfied the site is suitable for the proposed development, subject to conditions as recommended by the DSI.

Draft Remediation of Land State Environmental Planning Policy

The Explanation of Intended Effect for a new Remediation of Land SEPP was exhibited until 13 April 2018. The draft Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works.

The key operational framework of SEPP 55 is to be maintained in the new SEPP and new provisions are unlikely to significantly affect this application. As such, the Department considers the proposed development would be consistent with the intent of the Draft SEPP, subject to standard conditions.

State Environmental Planning Policy No. 44 – Koala Habitat

SEPP 44, as applying at the time of lodgement of the SSD application, and subsequently the current State Environmental Planning Policy (Koala Habitat Protection) 2019 aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas, to ensure permanent free-living populations would be maintained over their present range. The Coffs Harbour City Koala Plan of Management addresses the requirements of SEPP 44 within the Coffs Harbour LGA. The proposal would not result in the removal of any Koala habitat.

State Environmental Planning Policy No. 64 – Advertising and Signage

Signage does not form part of this application and will be considered separately.

State Environmental Planning Policy (Coastal Management) 2018

The Coastal SEPP consolidates and replaces SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection).

The Coastal Management SEPP gives effect to the objectives of the *Coastal Management Act 2016* (NSW) from a land use planning perspective. It defines four coastal management areas and provides assessment criteria tailored for each coastal management area. The consent authority must apply those criteria when assessing proposals for development that fall within one or more of the mapped areas.

The site is mapped as a coastal environmental area and as a coastal use area under the Coastal Management SEPP. These relevant matters are addressed in **Table 3** below.

Table 3 | Consideration of the Coastal Management SEPP

Criteria	Department's Consideration	Compliance
Division 3 Coastal environmental area		
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:		
(a) The integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.	The proposal would not have a significant impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.	Yes
(b) The coastal environmental values and natural coastal processes.	The site is within an existing developed urban area and on a highly disturbed site. As such, it is not expected the proposal will have an impact on the coastal environmental and natural coastal processes.	Yes
(c) The water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes.	The proposal will not impact on the Marine Estate or any sensitive coastal lakes.	Yes
(d) Marine vegetation, native vegetation and fauna and their habitats,	The site is void of any significant vegetation.	Yes

undeveloped headlands and rock platforms.

(e) Existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.	The site does contain existing public open space or provide access to and along the foreshore.	Yes
(f) Aboriginal cultural heritage, practices and places.	As discussed in Section 6 the proposal will not impact upon any Aboriginal cultural heritage, practices and places.	Yes
(g) The use of the surf zone.	The site is not located within a surf zone.	Yes

Division 4 Coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	Given the site's location within the CBD and its distance from the coast and foreshore, there is unlikely to be any impact in regard to access, overshadowing, wind, view loss, visual amenity to the foreshore.	Yes
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores		
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands		
(iv) Aboriginal cultural heritage, practices and places	As discussed in Section 6 the proposal will not impact upon any Aboriginal cultural heritage, practices, places and built environment heritage.	Yes
(v) cultural and built environment heritage		

Draft Environment State Environmental Planning Policy

The Explanation of Intended Effect for the Environment SEPP was exhibited until 31 January 2018. The Environment SEPP proposes to simplify the planning rules for the protection and management of the natural environment by consolidating seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

None of these SEPPs have current application in the locality of the proposal and therefore the draft Environment SEPP is not applicable.

Coffs Harbour Local Environmental Plan 2013

The Department considers the proposal is consistent with the relevant provisions of the CHLEP 2013. Consideration of relevant provisions clauses of CHLEP 2013 are addressed in **Table 4**.

Table 4 | Consideration of the CHLEP 2013

Criteria	Department's Consideration	Compliance
Clause 2.2 Zoning of land	The site is zoned B3 Commercial Core	Yes
Clause 2.3 Zone objectives The objectives of the B3 zone are: <ul style="list-style-type: none"> To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. To encourage appropriate employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To ensure that the scale and nature of future development reinforces the role of the Coffs Harbour central business district as the primary commercial, employment and retail centre in the region. To ensure that the design of new commercial buildings makes a positive contribution to the streetscape through opportunities for improved pedestrian links, retention and creation of view corridors and the provision of a safe public domain. 	The Department considers the proposal consistent with the B3 zone objectives, as follows: <ul style="list-style-type: none"> The proposal includes a range of uses including a regional gallery, central library, regional museum, multi-purpose meeting rooms, co-working space, shop, café, function space (including use as Council Chambers), customer service area, Council staff office accommodation, which will serve the needs of the local and wider community The proposal will provide employment opportunities, with the creation of 31 additional operational jobs. The proposal is located within the Coffs Harbour City CBD, which is serviced by public transport. The proposal will contribute to reinforcing the Coffs Harbour City CBD, given the uses proposed. As discussed in Section 6, the Department considers the design of the proposal acceptable. Additionally, a through site link is proposed which will improve pedestrian links between Riding Lane and Gordon Street. 	
Clause 2.3 Permissibility	As discussed in Section 4.2 , the proposal is permissible within the B3 zone.	Yes
Clause 2.7 Demolition requires development consent	Minor demolition works are proposed, which can be carried out with development consent.	Yes
Clause 4.3 Height of Buildings	At the time of lodgement of the DA, the site was subject to a maximum building height of 28 m. The proposal has a maximum building height of 29.24 m and did not comply.	Variation provided.

Consequently, the SSD application included a request for exception/variation to this development standard (**Appendix D**).

However, an amendment to the CHLEP 2013 (Amendment No 19) has been made increasing the maximum building height of the site (and sites in proximity) from 28 metres to 44 m. The proposal is well below the maximum building height.

Clause 4.4 Floor Space Ratio	A maximum of FSR of 3.5:1 applied to the site at the time of lodgement of the DA. The proposal provides a FSR of 2.58:1.	Yes
Clause 5.9 Preservation of Tress or Vegetation	Impacts on trees and vegetation have been considered in Section 6 of this report and are considered acceptable, subject to conditions.	Yes
Clause 5.10 Heritage conservation	As discussed in Section 6 , the proposal would not result in any significant impacts to heritage (both built and cultural heritage)	Yes
Clause 7.1 Acid Sulfate Soils	The site is located within land mapped as Class 4 ASS. A final ASS Management Plan was submitted as part of the RtS and considered acceptable. Further discussion is provided in Section 6 .	Yes
Clause 7.2 Earthworks	Earthworks are proposed for the basement car park, approximately 3.5 m below the existing ground level. The earthworks are unlikely to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, subject to conditions	Yes
Clause 7.3 Flood planning	The site is identified as being flood prone land. A Flood Assessment has been prepared addressing the requirements of clause 7.3. As discussed in Section 6 , the Department considers the flooding impacts are acceptable.	Yes
Clause 7.9 Air space operations	The proposed building height is below the required 48.06 m AHD air space restriction.	Yes
Clause 7.11 Essential services	The application was accompanied by an Infrastructure Management Plan, which concluded that the proposal can be adequately serviced, and existing infrastructure can be utilised or suitably augmented as required.	Yes
Clause 7.12 Design Excellence	As discussed in Section 6 and below the Department considers the proposal exhibits design excellence.	Yes
Clause 7.13 Central business district	The proposal includes commercial uses and will strengthen the primacy of the CBD by providing a cultural and civic building within the heart of the CBD.	Yes

Table 5 | Consideration of Clause 7.12 – Design Excellence

Criteria	Department's Consideration
In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:	
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	As discussed in Section 6 , the design and detailing are of a high standard, which is appropriate for the use, nature of the building and the site.
(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain	As discussed in Section 6 , the form, through-site link, activation at ground level, open design and linkages with the surrounding public domain will improve the quality and activation of the public domain
(c) whether the proposed development detrimentally impacts on view corridors	As discussed in Section 6 , the Department's assessment concludes the proposal will not impact upon any view corridors.
(d) the requirements of the CHDCP	As discussed further below, in accordance with clause 11 of the SRD SEPP, DCPs do not apply to SSD. The proposal is therefore not subject to the requirements of CHDCP 2015.
(e) how the proposed development addresses the following matters:	
(i) the suitability of the land for development	The site is suitable for the development as addressed in Sections 4 and 6 of this report.
(ii) the existing and proposed uses and use mix	The uses are permissible within the zone and consistent with the zone objectives.
(iii) any heritage issues and streetscape constraints,	There are no anticipated adverse heritage impacts of any significance from the proposal, as discussed in Section 6 .
(iv) the relation of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form	The base of the building (two storeys to the side boundaries) provides an appropriate scale for adjoining future development, while the side and street setbacks and building form provide modulation of the massing, and mediation of scale.
(v) the bulk, massing and modulation of buildings	
(vi) street frontage heights	The site is not subject to street frontage heights.
(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity	Environmental impacts have been considered acceptable as discussed in Section 6 and in Appendix C .
(viii) the achievement of the principles of ecologically sustainable development	As discussed in Appendix C , the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives would encourage ESD, in accordance with the objects of the EP&A Act.
(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network	Pedestrian, cycle, vehicular and service access and circulation requirements have been considered acceptable as discussed in Section 6 .
(x) the impact on, and any proposed improvements to, the public domain	The proposal would not have an adverse impact on the public domain, noting that the development will integrate with future

works associated with Riding Lane public domain and Gordon Street works, as discussed in **Section 6**.

Coffs Harbour Developer Contributions Plan 2019

The Applicant will pay development contributions in accordance with Council's Contribution Plan. It is recommended a condition is imposed to this effect.

Appendix D – Clause 4.6 Variation: Building Height

The proposal seeks a variation to the maximum building height as prescribed by Clause 4.3 of the CHLEP 2013. At the time of lodgement of the DA, Clause 4.3 of the CHLEP requires the height of a building on any land not to exceed the maximum height shown for the land on the Height of Buildings Map. The site was subject to a maximum building height of 28 m (Figure 1).

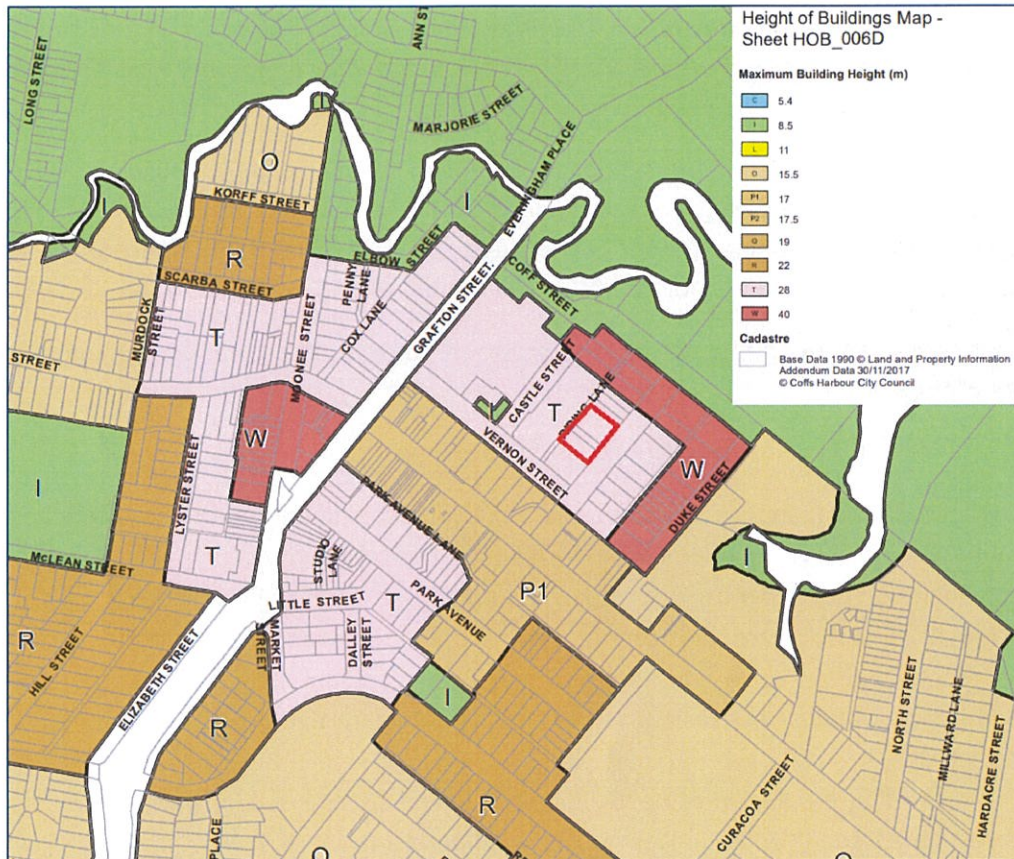


Figure 1 | Extract of the CHLEP 2013 height of building map, at the time of lodgement of the DA (source: Applicant's NIA)

The proposed building form ranges from 4 to 7 storeys. The parapet height of the building is approximately 27 m above natural ground level, complying with the height standard. However, the rooftop services, lift overrun and plant room reach a height of 29.24 m above natural ground level, exceeding the height limit by 1.24 m, representing a 4.4% numerical variation.

Clause 4.6(2) of the CHLEP 2013 permits the consent authority to consider a variation to a development standard imposed by an environmental planning instrument. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying development standards to achieve better development outcomes. In consideration of the proposed variation, clause 4.6 requires the following:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with clause 4.6(3), the Applicant has prepared a written request to vary the height of buildings (**Appendix A**).

Clause 4.6(4)(a) requires the consent authority to be satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

The Department has considered the proposed exception to the height of buildings development standard under clause 4.6, applying the tests arising from *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 (as summarised by *Gabriel Stefanidis v Randwick City Council* [2017] NSWLEC 1307) and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone,

The objectives of the B3 commercial core zone are as follows:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that the scale and nature of future development reinforces the role of the Coffs Harbour central business district as the primary commercial, employment and retail centre in the region.
- To ensure that the design of new commercial buildings makes a positive contribution to the streetscape through opportunities for improved pedestrian links, retention and creation of view corridors and the provision of a safe public domain.

The Department is satisfied that the proposed development is consistent with the relevant objectives of the B3 zone in CHLEP 2013, as:

- A range of permissible uses are proposed.
- The proposal will support employment, on a centrally-located site.
- The increased density at the site will support use of public transport, walking and cycling;
- The scale and height help denote the role of the CBD in the area and region, while the proposed uses help support wider employment and mixed uses permissible in the surrounding zone.
- The proposal makes a positive contribution to the area in terms of design, linkages and primacy of the public domain.

2. Is the consent authority satisfied the proposed development will be consistent with the objectives of the standard,

The objectives of the Building Height development standard in CHLEP 2013 are:

- To ensure that building height relates to the land's capability to provide and maintain an appropriate urban character and level of amenity.
- To ensure that taller development is located in more structured urbanised areas that are serviced by urban support facilities.

- To ensure that the height of future buildings has regard to heritage sites and their settings and their visual interconnections.
- To enable a transition in building heights between urban areas having different characteristics.
- To limit the impact of the height of a building on the existing natural and built environment.
- To encourage walking and decreased dependency on motor vehicles by promoting greater population density in urban areas.

The Department considers the proposal to be consistent with these building height objectives, noting:

- The character of the building is contemporarily urban and reflects a form to be expected in a city centre. A high level of amenity for occupants and users of the building is proposed and this is not compromised by the minor height non-compliance.
- The site is in the city centre which is comparatively well serviced for the LGA. Higher buildings are sought in this area. At the same time, the height and bulk are modulated to not be visually obtrusive or confronting;
- The site is not heritage-listed and the building does not compromise the setting or significance of any listed heritage items or areas.
- The stepping in form, height and setbacks from the lower street frontage height provides meaningful transition in height, for an area undergoing transition.
- There are limited environmental and amenity impacts on the natural and built environment. Where impacts exist, these are reasonably managed and mitigated by the design and regulated by the recommended conditions of consent.
- The proposal encourages walking by the treatment of the ground floor, integration with the public domain, increased density on a well-serviced central site, and by not providing excessive parking on site.

3. Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed

The Applicant demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, having regard to the five tests outlined in *Wehbe v Pittwater Council* [2007] NSWLEC 827. It establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances, as the proposed development achieves the objectives of the standard and accordingly justifies the variation to the height control, meeting the first test outlined in *Wehbe*.

The Department supports the Applicant's conclusions that the proposed development achieves the objectives of the standard. Compliance with the development standard is unnecessary in this case as the objectives of the height standard are still achieved and unreasonable as no purpose is served by requiring strict compliance.

Having considered the Applicant's written request, the Department is satisfied that the Applicant has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and with the Court the matters required to be demonstrated have adequately been addressed.

The Applicant's written request justifies contravention of the development standard on the following environmental planning grounds:

- The exceedance is modest and primarily relates to a rooftop plant room, lift overrun and services.
- The majority of the building complies with the 28 m height control, with an effective and sympathetic scale transition between upper and lower levels of the form.
- The proposed building is highly articulated and visually interesting.
- The development represents a significant investment in cultural and civic infrastructure for Coffs Harbour, delivering long-term socio-economic benefits for the community.
- Nearby land is permitted to support development up to 40 m in height. Furthermore, a Planning proposal to amend the LEP 2013 (building heights) was prepared and gazetted on 20 December 2019 (Amendment No.19) which increased the maximum building height to 44 m.
- The proposal is consistent with the objects of the EP&A Act.
- The objectives of the building height development standard would be upheld as the design is site responsive and would have minimal environmental and amenity impacts, while delivering significant socio-economic benefits for the local and regional community.

Having considered the Applicant's written request and further to the Department's assessment of height in **Section 6**, the Department is satisfied the Applicant has adequately addressed there are sufficient environmental planning grounds to justify the contravention of the development standard and the matters required to be demonstrated have adequately been addressed.

As mentioned above, since lodgement of the DA, CHLEP 2013 (Amendment No 19) was gazetted on 20 December 2019, which amended the height for the site and surrounding area from 28 m to 44 m.

The proposal is well within the current height limit applying to the site. There is a Land and Environment Court Planning Principle used in considering the appropriate weight to be given to a draft planning proposal in development assessment.

In simple terms, the more advanced ("imminent and certain") a draft Planning proposal, the more weight should be given to it in determining a DA. In this case, on the spectrum of imminence and certainty, there can be no more imminence and certainty than a draft Plan which has been gazetted and has come into force. No assumptions need to be made about whether it will alter prior to gazettal, as it has been gazetted. In this regard, considerable and determinative weight could and should be given to the current controls, including height limit, also nothing they apply to adjoining and surrounding land.

The Department therefore concludes that the Applicant's written request adequately addresses the matters required to be demonstrated under clause 4.6 of the CHLEP 2013 and the proposed development will be in the public interest because it is consistent with the objectives of the building height standard, the objectives for development within the zone and achieves compliance with the current height standard applying to the site.

Appendix E – Recommended Instrument of Consent/Approval

The recommended conditions of consent can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/11361>