

**PTW Planning**

**Sapphire Development  
Coffs Harbour**

**Prepared for  
Sapphire Beach Development Pty Ltd**

**Preferred Project Report and Statement of Commitments**

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A proposed concept plan and Environmental Assessment Report for the development of the Pelican Beach Resort at Coffs Harbour has been exhibited and submissions have been received on the proposal. These have been provided to the proponent. Section 75 (6) of the Environmental Planning and Assessment Act provides as follows:

*(6) The Director-General may require the proponent to submit to the Director-General:*

- (a) a response to the issues raised in those submissions, and*
- (b) a preferred project report that outlines any proposed changes to the project to minimise its environmental impact, and*
- (c) any revised statement of commitments*

This report contains the response of Sapphire Beach Development Pty Ltd to the issues raised and outlines the proposed changes to the project as a result of the examination of the submissions. In relation to certain matters, additional information is provided which it is considered resolves the issues identified. Where changes to the project are proposed, these are assessed in relation to the provisions of the Environmental Planning and Assessment Act.

This report is accompanied by a separate A3 Volume (The Plans) containing plans, diagrams and photo montages of the project. These are referred to in this report and referenced to the accompanying report.



## **2 SUMMARY OF KEY ISSUES**

### **2.1 Introduction**

The Department of Planning examined the EAR and the submissions which were made on it and produced a list of the major concerns and issues in relation to the proposed concept plan. When this was received, and copies of the submissions were received, meetings were held with Coffs Harbour Council, the Department of Natural Resources, The Roads and Traffic Authority and the Department of Planning in an effort to resolve the major matters which had been raised. As a result of these meetings, and the submissions the major issues were addressed and this is dealt with in this section of the report.

### **2.2 Coastal Processes**

The DOP raised the matter of the adequacy of proposed setbacks from beach in relation to climate change, sea level rise, and storm occurrence. This issue was originally raised because there was some misunderstanding about the position of the 100 year hazard line in relation to the development proposed. The meeting with the DNR clarified this matter and it was accepted that the line was in the position as shown on the plans accompanying the EAR. As a result of this it was accepted that the beachfront buildings were a sufficient distance from the beach. However, all agreed that these buildings should have specially designed foundations to deal with a situation where there was wave run up as a result of a storm event.

The design of the open space adjacent to the dune area has been revised and the dune revegetation will proceed as proposed and the dunes will be fenced while the vegetation is established.

These measures are considered to address the issues raised by the DOP in relation to coastal processes.

### **2.3 Stormwater**

Another major matter in relation to the beachfront area was the proposed location of the detention basins in this area and the stormwater disposal system it was proposed to adopt for the development. The meeting with the DNR indicated that they would prefer to see the detention basins removed and stormwater from the site disposed of by way of the existing stormwater system in the area. This would require an increase in the diameter of the stormwater pipes and the installation of a bioretention system and gross pollutant traps and settlement storage on the site. The proponent's consultants designed such a system and the plans have now been altered to show this new system. The DNR are supportive of this new approach.

It was agreed that the development was unlikely to intercept the groundwater in the area and therefore there would not be any adverse impacts on the groundwater.



## 2.4 Design

Several matters were raised in relation to design.

### Description of the development

The DOP was concerned as to how the number of dwelling on the site could be varied and requested further direction in relation to this matter. A solution to deal with this is suggested. The approval for the concept plan could identify the following in relation to the development:

- Maximum number of bedrooms in the development
- Maximum number of car parking spaces
- Gross floor area for the development (excluding balconies)
- Building envelopes for the development

Any changes to the scheme would have to comply with the Coffs Harbour Council car parking requirements and other planning controls relating to the site. The identification of these upper figures would enable the mix of dwellings to be changed and changes to be made to the number of dwellings without causing new impacts either on the site or on surrounding areas.

### Visual Impacts of beachfront Houses

The DOP was concerned in relation to the linear design of the beachfront houses. This matter has been looked at and additional illustrative material has been produced to illustrate the proposal. Although in plan form the houses appear to be lined along the beach, they, in reality, have varied facades and there are set backs and changes in height and materials which will prevent them appearing as a row of houses. Further, because of the topography of the site and the vegetation on the foreshore area, all of the houses will not be seen from the beach or from the water. The form will be broken up by the vegetation in front of them.

Some measures have been taken to further remove this impression of a row of houses. The open space area between the houses has been increased in size and the corners of the open space have been splayed to open it up to the beach. The front yards of the dwellings have all been reduced by 1m to 1.5m and this area added to the communal open space and for some, the front boundaries of the houses have been varied in depth. It is considered that these measures reduce the perceived impact of these houses.

### Open Space

The DOP was concerned that the existing open space on the site was being privatised and that there was insufficient communal recreation facilities for the development. As a result of this concern the open space on the site has been substantially replanned to produce major passive recreation areas for the residents.

### Bulk of the Upper Level Apartments

DOP also had concerns in relation to the perceived bulk of the upper level apartments. As a result one level has been removed from these apartments



and placed on the apartments lower down the site which will not be visible from the Highway. Photo montages show that the visual impact of the upper level apartments is reduced considerably as a result of this change.

## **2.5 Site Stability**

The DOP expressed concern in relation to site stability. An additional geotechnical report on this matter was commissioned and it has shown that the development can be carried out on the site. A rough indication of the extent of cut and fill requirements for the development has been produced and this will be detailed in consultation with Coffs Harbour Council at the next stage of the development of the proposal for the site. Cross sections have also been produced of the likely finished levels for the site. The sites of the beachfront homes are well behind the dune system and the filling required is not likely to impact on the dune system. This matter will be considered in detail at the next stage of the development.



This section looks at the issues which were raised by the various authorities who commented on the proposal and those issues which were raised by the general public. The following table summarises the issue and provides comments on the resolution of the matter. The table also provides references where additional information has been provided or where there have been changes to the concept plan to deal with the matters raised in the submissions. Matters raised by the Department of Planning are dealt with at the end of the table.

SUBMISSION MATTERS	COMMENTS	REFERENCES
<b>A. COFFS HARBOUR CITY COUNCIL</b>		
<b>A1. STORMWATER MANAGEMENT</b>		
(a) Easements for stormwater to be directed to neighbouring properties	Easements already exist in relation to the stormwater pipes and copies of these are attached to this report	Appendix 13
<b>A2. LANDFORM MODIFICATION</b>		
(a) Impacts of filling on adjoining properties	A Geotechnical Assessment Addendum has been prepared. It notes that fill embankments should be retained or battered. A preliminary diagram of the cut and fill has been prepared. A detailed design of the cut and fill to be carried out on the site will be prepared in consultation with Coffs Harbour Council.	Appendix 2 Plan SK 18 Commitment 6.2.4 5 (f)
<b>A3. SEWERAGE PROVISION</b>		
(a) Confirm that there is sufficient capacity within the existing reticulated system including pumping stations	Coffs Harbour Council have advised that the proposed development will not initially cause any extra loading on the sewer system and Council's scheduled 2011 sewer upgrade will cope with the proposed additional staged development	Appendix 5
<b>A4. ON SITE PARKING</b>		
(a) Adequate parking to be provided within site for visitors, staff and bus parking	In addition to the 6 visitors car spaces always located at the entry, there are now a further 6 visitor car parks along the road. A bus set down area has also been established at the entry. Two accessible spaces are located at the open space adjacent to the beachfront and these are included in this total.	Plan SK 03
(b) Adequate set down and pick up spaces to be provided	A parking plan has been developed for the site and it indicated that there are parking areas throughout the site and adjacent to the open space area. A bus set down area is located at the upper level of the site	Plan SK 03
<b>A5. PUBLIC TRANSPORT</b>		
(a) Development should have access to a bus stop	The Traffic Report indicates that bus set down/pick up points are located on the grass verge south of the intersection for southbound services and at the intersection with Campbell's Close for northbound services. It is proposed to fund the construction of a bus stop and shelter on the eastern side of the highway. This will be developed in consultation with the RTA	Appendix 9 Commitments 6.2.4 7 (e)



(b) Access off highway to be refined	Detailed discussions have been held with the RTA in relation to this matter and will continue and the upgrade will be established in 2008. It is proposed to fund the formalisation of two lane exit through line marking. A Traffic Control Plan will be prepared for the construction phase works	Appendix 9 Commitments 6.2.4.7 (b) 11
(c) Pedestrian access from the site to a bus stop	Pedestrian access will be planned and investigated as part of the design of the bus stop on the Highway	Appendix 9 Commitment 6.2.4.7 (e)
A6. DISABILITY ACCESS AND FACILITIES		
(a) Specific design response for complying access from upper levels of the site to beach access	An Access Report has been prepared for the development proposal. It concludes that based on the topographical limitations of the property it is reasonable to make a claim for unjustifiable hardship under s23 of the DDA for provision of full access down to the beach from the Highway. A partial solution has been included in the plans providing a pathway with no steps, rest seating areas at intervals of 60m, handrails, where possible, and signed accessible car parking space adjacent to the beach.	Appendix 10 Plan SK 02
A7. CONSTRUCTION NOISE AND VIBRATION		
(a) Commit to a site specific construction noise and vibration management plan	This matter is included in the Statement of Commitments	Commitment 6.2.4 11
A8. CONTAMINATED LAND		
(a) Assess site for banana plantation contamination	A further report on this matter has been prepared and it concludes that the site is suitable for its proposed use. Coffs Harbour Council have indicated that the report does not demonstrate compliance with the EPA 's Guidelines. This appears to be a technical non compliance and will be dealt with as a commitment	Appendix 11 Commitment 6.2.4 10 (b)
A9. COASTAL WALK		
(a) Gradient of connection through site needs review as it is unsuitable for normal pedestrian use	the design of the Coastal Walk link has been reviewed and resting locations including level areas and seating have been added. Further, the link has been widened in places and will be signposted	Appendix 8 Plan xx
A10. SIGNATURE TREES		
(a) Review of tree removal on site	The proposed tree removal on the site has been reviewed. The original concept plan included a tree removal /retention schedule. The plan indicated that there were 97 isolated trees/palms on the site. These were in addition to the trees in the 7A Zone. Of the 97 trees, 67 were indicated for removal of which 29 are pandanus to be transplanted. A revised schedule has been prepared and additional information added	Appendix 8



<b>A11. BEACHFRONT HOMES</b>		
(a) Private recreation space for homes appears excessive	The private recreation space for the beachfront homes has been reduced by 1m to 1.5m for all the houses and the area added to the communal open space area on the site. The front boundaries of the houses have been staggered to improve the visual impact on the open space.	Appendix 8  Plan SK 01
(b) Review community open space to provide picnic, seating and open lawn areas	A detailed review has been carried out of the community open space and it has been increased in size and picnic area, seating and open lawn areas have been provided	Appendix 8  Plan SK 01
(a) Alignment of beachfront houses too dominant. Design review required	The alignment of the beachfront houses has been reviewed and the front gardens have been reduced in size and the boundaries staggered. Splays have been implemented between the houses and the central open space area and at the end of the Coastal Walk link	Appendix 8  Plan SK 01, 05
(a) Side boundary setbacks requires redesign to incorporate increased landscape buffers to the coastal walk connection (north) and southern boundary	The setback from the Coastal Walk link has been increased by 1m at the beach end of the walk and a landscaped buffer has been incorporated between the walk and the adjacent dwelling. A picnic and seating area has also been added and a connection to the beachfront path provided from the Coastal Walk link.	Appendix 8  Plan SK 01,06,07
<b>A12. UPPER APARTMENTS</b>		
(a) Height, bulk and setback not in context or scale with site or adjoining development	One floor has been removed from the upper apartment fronting the Highway to reduce the visual impact of the building on the highway	Plan SK 10,  Photo Montage SK 20,21
(b) Landscape screening requires review	The landscaping at the upper level of the site has been reviewed along the link to Coachman's Close and to the north west car park area with Hoop Pines added to both areas which will become signature trees and add screening.	Plan SK 01
<b>B. RURAL FIRE SERVICE</b>		
(1) Minimum Asset Protection Zone of 10m to be maintained from 7(a) Zone to the buildings	Discussions have taken place with the RFS and it has been concluded that a 5m separation distance complied with the current regulations	Appendix 7
(2) Entire property to be managed as an Inner Protection Area	This matter has been previously addressed in the Bushfire Management Report contained in the EAR and it was recommended that the entire portion of the property not utilised for the construction of dwelling and infrastructure is to be maintained as an Inner protection Area (IPA)	Appendix 7



(3) Internal access roads to comply with Planning for Bushfire Protection	The main internal access road complies with s4.3.1 of Planning For Bushfire Protection 2001. The existing Council maintenance road is considered to be adequate as a secondary emergency access to accommodate the movement of heavy fire appliances.	Appendix 7
(4) Construction to be Level 1 AS3959-1999	The design has been considered to comply with a Level 1 construction and in most cases exceeds the minimum requirements of a Level 1 construction	Appendix 7
(5) Roofing to be gutterless or have leafless guttering	This will be addressed in the design of roofs for all buildings within the property	Appendix 7  Commitment 6.2.4 3 (c)
(6) Bushfire management Plan to be prepared	This will be undertaken	Appendix 7  Commitment 6.2.4 3 (a)
(7) Bushfire evacuation plan to be submitted to the NSW Rural Fire Service for approval prior to occupation	This will be undertaken	Appendix 7  Commitment 6.2.4 3 (b)
<b>C. RTA REGIONAL DEVELOPMENT COMMITTEE</b>		
(1) Median/u turn bays or seagull will have an impact on Campbell Close	The main cause of the excessive delays and queuing on the exit to Campbell's Close and the through and right movements out of the access road is the through highway volumes and not the contribution made by the proposed development. Due to intersection movement priorities and volumes, traffic exiting from Campbell's Close does not appreciably increase queuing and delays for vehicles exiting the access road. However, it is noted that cross-carriageway movements from Campbell's Close are an observed safety concern	Appendix 9
(2) Existing left turn deceleration and acceleration lanes out of the site will need upgrading to AUSTROADS standards	the existing left in deceleration lane does not comply with RTA Road Design Standards because of constraints. A left out acceleration lane is not provided because of constraints. The proposed development will not increase overall traffic hence upgrade of these lanes is not warranted. Further construction of these lanes to match the alignment does not reflect the preliminary concept design for the highway and rework would be necessary. Crash data does not indicate an issue with the layout of the intersection. Therefore the current arrangement is assessed to perform satisfactorily.	Appendix 9



(3)Discussions required to negotiate traffic management arrangements and the standard of road works	Further discussions have been held and the matter has been considered by the RDC. Discussions will be ongoing. However it is proposed to fund the formalisation of two lane exit through line marking.	Appendix 9  Commitment 6.2.4 6 (c)
(4)Management of school children's connections to buses	It is bus services responsibility to ensure safe locations for school bus stops. The RAT will negotiate school bus safety with bus operators	Appendix 9
(5)Provision should be made for a shared public cycleway through the development	A connection to Coachman's Close to the south will be provided for pedestrians and cyclists. It is understood that this is sufficient to provide a link for a future cycleway	Appendix 9  Plan SK 02,03
(6)Public pedestrian access should be provided by easement or right of way to the beach	A public right of way is to be provided along the northern boundary of the site to the beach	Appendix 9  Plan SK 02
<b>D.DEPARTMENT OF NATURAL RESOURCES</b>		
<b>D1.COASTAL MANAGEMENT PLAN</b>		
(a)Development should be deferred until Council Plan is adopted	DNR have advised that the development of this plan has not yet commenced and that consultants have not been employed to carry out the work. The plan is considered to be at least 1 year away. As a result it would be unreasonable to delay this project until this plan is completed.	
<b>D2. COASTAL HAZARD PLANNING LINE</b>		
(a)Clarify location of 100 year hazard line	DNR agreed that the 100 year line as shown on the plans was correct	Appendix 4  Plan SK 05,12,15,16
(b)Buildings to be landward of the line	DNR have accepted that all buildings are currently shown landward of the 100year hazard line	Appendix 4  Commitment 6.2.4 5 (d)
<b>D3.OCEANIC INUNDATION</b>		
(a)Southern end of site may have potential for inundation as dune crest is below 6m AHD	Combined with the proposed minimum floor height of AHD 7.5, DNR have advised that the proposed development design should include consideration and design of suitable foundations for structures to make them capable of withstanding forces possible under conditions of wave overtopping of the front dune	Appendix 4  Commitment 6.2.4 5 (e)
(b)Consideration should be given to suitable foundations for structures to make them capable of withstanding forces	Refer D3 (a)	



D4.STORMWATER MANAGEMENT AND DETENTION BASIN		
(a)Provide detailed engineering plans of the detention basin	Detention Basins no longer proposed on the basis of the DNR advice	Appendix 3 Appendix 4
(b)Possibility of loss of detention basin to be considered	Refer D4(a)	
(c)Not encouraged within the 100 year hazard line	Refer D4(a)	
(d)Stormwater system should be placed to the west of the most eastern line of buildings	Stormwater system now to be via the downstream stormwater pipeline in the existing pipe system south of the site. Water quality will be retained by the use of bioretention and gross pollutant trap and detention storage upstream of the connection to the existing pipe system	Appendix 3  Appendix 4 Plan SK 04 Commitment 6.2.4 6 (a)
(e)Re assessment of the capability of the 750mm stormwater pipe to carry the relevant quantities of stormwater	The 750mm and 900mm existing pipes will be upgraded to 1200mm and 1350mm diameter respectively. Detailed designs will be provided for this to Coffs Harbour City Council for approval. Erosion and Sediment Control Plans will be prepared.	Appendix 3  Appendix 4  Commitment 6.2.4 6 (a)
(f)Groundwater Management Plan may be required if the development intersects the groundwater table	The additional geotechnical report indicates that it is unlikely that the groundwater table will be intercepted by the development. Minor seepage within the rock structure may be encountered but this would be unlikely to impact on the groundwater regime. As a result a Groundwater Management Plan is not likely to be required.	Appendix 2
(g)Do not support direct groundwater disposal of untreated stormwater	No stormwater will be directly disposed of to the groundwater	Appendix 2  Appendix 3
(h)Information required on retention of groundwater quality if excavations intersect the groundwater table	Excavations are not likely to intercept the groundwater	Appendix 2
D5.PUBLIC ACCESS		
(a)Development should maintain or enhance public access to the beach	At present no public access to the beach through the site exists. Public access to the beach will be provided and enhanced in the proposal with the creation of an easement along the northern boundary for the proposed link to the Coastal Walk.	Appendix 8



(b) Lot boundaries cross east of the 100 year hazard line	Lot boundaries do cross the 100 year hazard line but there does not appear to be any reason why this should not happen. Discussions with Coffs Harbour City Council indicated that this is often the case in the LGA. Indemnities are requested for any development of structures in this area	Commitment 6.2.5 5 (d)
(c) Land east of 100 year hazard line should be returned to the Regional Park system that is along the Coff's coast	This land is in private ownership and is contained within the area zoned for urban purposes. It has never been indicated that the land is required for the Regional Park system.	
<b>E. DEPARTMENT OF ENVIRONMENT AND CONSERVATION</b>		
<b>E1. ABORIGINAL HERITAGE</b>		
(a) Undertake aboriginal community consultation in line with the draft Guidelines for Aboriginal Cultural Heritage Impact Assessment	This will be undertaken by an appropriately qualified heritage consultant at the next stage of the development. The study will comprise a background phase and a cultural heritage field survey. This will be done in line with the interim guidelines outlining community consultation requirements for cultural heritage assessment released by the DEC.	Commitment 6.2.4 8 (a)
(b) Search of DEC Aboriginal heritage Information Management System should also be undertaken	This will be carried out as part of the above study	Commitment 6.2.4 8 (b)
<b>F. DEPARTMENT OF PRIMARY INDUSTRIES</b>		
(a) Achieve safe public access to the beach and fishing opportunities	Public access will be available to the beach via the easement created along the northern boundary connecting the Coastal Walk to the beach.	Appendix 8 Plan SK 02
(b) Provide clear distinction between public and private space	All public spaces will be clearly delineated and sign posted.	Appendix 8
<b>G. MARINE PARKS AUTHORITY</b>		
(a) Sediment and erosion control plan be developed and implemented	A sediment and erosion control plan will be developed and implemented. Preliminary designs have established the system which will be used on the site	Appendix 3 Plan SK 04 Commitment 6.2.4 6 (b)
(b) Reinstatement of vegetation and the natural dune system	A revegetation plan has been developed for the dunes and a vegetation management plan for the natural system has been prepared	Appendix 14



<b>H. PUBLIC SUBMISSIONS</b>		
<b>H1. URBAN DESIGN</b>		
(a)Scale and density out of context with surrounding development	The scale and density of the development proposal is generally compliant with the planning controls which relate to the site. Further, the assessment of the proposal has shown that there will be significant adverse impacts from the proposed project.	EAR
(b)Setbacks to adjacent properties not sufficient	The proposed setbacks comply with the requirements of the Council and have been increased in areas where Council requested an increase	See A11(a)
(c)Open space proposed not sufficient for residents	Over 4000m <sup>2</sup> of open space is to be provided for the residents on the site. This is in addition to the private open space available for residents in the form of gardens and balconies	
(d)Height will overshadow surrounding buildings	Shadow impact diagrams have been prepared for the proposal and they indicate that there will not be any adverse shadow impacts either on adjoining properties or within the development itself.	Plan Sk 14
(e)Proposal does not meet the goals and aims of Council Settlement Strategy to maintain and improve the diversity of Sapphire Beach area	The proposal provides both tourist and residential accommodation in various forms such as apartments and townhouses. This will increase the diversity of the area and the permanent residential population of the area. This matter was addressed in the Economic and Social Report which accompanied the EAR	EAR (Economic Report)
(f)No provision to ensure that the numbers of units cannot be increased	This has been dealt with by limiting the number of bedrooms and the gross floor area of the development	Commitment 6.2
<b>H2. OVERDEVELOPMENT</b>		
(a)Proposal will add to the current oversupply of luxury dwellings	There is no identified over supply of luxury dwellings in the Coffs Harbour area. The development will provide a mix of dwelling types.	EAR (Economic Report)
(b)Number of dwellings is excessive for the size of the land	The proposed number of dwellings is well below that which would be permitted by the zoning on the site	EAR
<b>H3.VISUAL IMPACTS</b>		
(a)Will impact on ocean views from adjacent properties and landward views from the foreshore	The development proposal has been subject to a detailed visual analysis in the original EAR. It showed that there would be some impact on existing views, especially where these were across currently vacant land. However, in the design of the development the principle of view sharing has been adopted and this was explained in detail in the EAR.	EAR



(b)Visual impacts during construction	A construction management plan will be prepared and existing residents will be able to be involved in this matter if they have issue with the process	Commitment 6.2.4 11
H4. TRAFFIC ACCESS AND PARKING		
(a)Will increase traffic and worsen dangerous conditions on the Pacific Highway to access the development especially during construction	The traffic Studies have shown that the development will not increase significantly the traffic generated from the site. Discussions are ongoing with the RTA to improve the conditions at the intersection of the Highway and the site	Appendix 9
(b)Proposal underestimates car parking	A total of 260 car parking spaces are proposed on the site on the basis of providing 2 per dwelling and an additional 12 visitor spaces at various locations on the site. Road side parking will also be available. This rate complies with the requirements of Coffs Harbour City Council	EAR traffic Report Appendix 8
(c)Project should not be approved until it is clear what the RTA is doing on the Highway	Ongoing discussions are taking place with the RTA. The development will be staged and as a result will coincide with the highway upgrade	Appendix 8
(d)Access way and road within site not safe for residents and guests	This issue is being addressed as part of the development proposal and in the ongoing negotiations with the RTA. However, crash data indicates that there is not a safety problem at this area.	Appendix 8
(e)Peak period traffic underestimated	Traffic figures used have been agreed with the RTA	Appendix 8
(f)Proposal should include a lay by for buses and a shelter	A commitment has been given that a bus stop and shelter will be provided as part of the development	Appendix 8 Plan SK 03
(g)Concern that an access will be created between the development and Coachman's Close	There will be no road access between the development and Coachman's Close. A pedestrian link will be provided	Plan SK 01,03
(h)Concern that public access will not be allowed to the streets in the development	The development will not be a private gated estate. Although the roads will not be public roads access will be available to them for visitors and access will be available to the beach	
H5.FLORA AND FAUNA		
(a)Development will remove coastal vegetation from the dunes	Coastal vegetation will be restored on the dunes	Appendix 14
(b)There are threatened species on site and a Species Impact Statement is required	No threatened species have been identified on the site	Appendix 14
(c)Marine life will be impacted because of pollution from the development	See D4(d) . A sediment and erosion management plan will be developed for the site	Appendix 3
H6.WATER MANAGEMENT		
(a)Will increase stormwater and exacerbate local flooding on adjacent properties	See D4 (d)	



(b)Proposal has potential to discharge polluted water to the Marine Park	See D4(d)	
(c)Effects of a large storm and tidal event not considered	Effects of a large storm have been considered and foundations of beachfront houses will be strengthened to deal with such an eventuality should it occur.	Appendix 3 Commitment 6.2.4 5 (e)
(d)Justification to be provided that system proposed is the best option	System has been discussed with Council and DNR and agreement reached that this is the best system for this site	Appendix 3 Appendix 4
H7. COASTAL PROCESSES		
(a)No development within 50m of MHWMM without specific safeguards to protect this area	No development is proposed within 50m of MHWMM	
(b)Location of beach front houses means they are at risk of inundation and surge	Such an event would be unlikely. However, foundations of the beachfront houses are to be strengthened to deal with such an event	Appendix 3
H8. INFRASTRUCTURE		
(a)Development will place strain on sewerage system and existing odour impacts would worsen. System needs to be upgraded	See A3(a)	
(b)More electricity than currently used would be needed. System requires an upgrade	Country Energy have advised that the adequacy of the existing system will need to be determined when the mix for the development is more clearly defined. Given the staging of the development it is unlikely that the existing street supply would be exceeded until post 2010 and if the system is insufficient it will be extended. It is to be upgraded by CE in the next few years	Appendix 6
(c)Garbage collection has not been addressed	This will be addressed at the next stage of the development of the project and a Waste Management Plan will be prepared	Commitment 6.2.4 10 (a)
H9.NOISE		
(a)There will be noise impacts on surrounding residents	A detailed acoustic report was prepared as part of the EAR and it found that there would not be adverse noise impacts from the development on surrounding residents. Construction noise will be dealt with in the Construction Management Plan	EAR Acoustic Report Commitment 6.2.4 9 (a) (b)
(b)Proposed residences will be exposed to noise impacts which exceed criteria	Noise mitigation measures will be adopted where residence are likely to be affected by noise impacts.	Appendix 15 Commitment 6.2.4 9 (a) (b)



H10.ACCESS TO THE BEACH		
(a)Proposal will limit public access to the beach for pedestrians with no area available for public parking	Public access through the site to the beach is currently not available. The proposal will specifically provide for a link by way of an easement through the site to the Coastal Walk. This link will lead to the beach	Appendix 8
(b)No more access points to the beach should be created	There will be two access points to the beach as a result of the development proposal. This is considered acceptable by the relevant authorities in terms of access to the beach	
H11. EAR CONTENT		
(c)EAR does not recognise residential properties to the north of the site	A detailed character and visual analysis was carried out of the site and the surrounding area as part of the EAR. The development of the concept plan for the site was based on the principle of view sharing and took into consideration all properties around the site	EAR
(d)Proposal does not identify Council's coastal walkway or Crown Land	Coastal Walkway link will be clearly identified by signage.	Plan SK 02
H12. AIR QUALITY		
(a)Proposal will compromises existing air quality especially during construction	A construction management plan will be prepared to deal with this matter	Commitment 6.2.4 11
H13. CONTAMINATION		
(a)No testing has been done	The site has been extensively tested for contaminants and these reports are available. The reports were prepared on the basis of the testing of various areas on the site	EAR Appendix 11
(b)There is potential for lead and asbestos on site there should be no impacts on surrounding residents	This will be dealt with in the Construction Management Plan and if such material exist they will be correctly handles	Commitment 6.2.4 11
H14. SOCIOECONOMIC		
(a)Concern about loss of jobs from the existing resort	This issue was examined in the Economic Report which accompanied the EAR and it was found that any loss of jobs on this site would be taken up at other resorts in the area. Further the proposed development will create jobs and the new residents will increase the job base of the area and may introduce small businesses to the area	EAR (Economic Report)
(b)Development will result in devaluation of existing properties especially during construction	It is unlikely that the development will devalue properties. It is more likely to lead to an increase in values as an outdated tourist resort is replaced by up to date facilities and dwellings.	
<b>I. DEPARTMENT OF PLANNING – KEY ISSUES</b>		
I 1 COASTAL PROCESSES		
(a)Adequacy of proposed setbacks from beach in relation to climate change, sea level rise, and storm occurrence	See s2.2	Commitment 6.2.4 5 (e)



(b)Location of detention basins	See 2.2	Appendix 3 Appendix 4
(c)Location of building envelopes	See 2.2	Appendix 3 Plans SK 01,
(d)Revegetation of dunes	See 2.2	Appendix 8 Plan SK 1
I2.STORMWATER		
(a)Location of stormwater detention basins	See 2.3	Appendix 3 Appendix 4
(b)Treatment of runoff and impacts on the Marine Park	See 2.3	Appendix 3 Appendix 4
(c)Flow from detention basins to the north	See 2.3	Appendix 3 Appendix 4
I3. DESIGN		
(a)Flexibility in relation to the number of dwellings	See 2.4	
(b)Visual impacts of linear design of beachfront houses	See 2.4	Plan SK01, 05, 22, 23
(c)Provision of open space on the site	See 2.4	Appendix 8 Plan SK 02
(d)Perceived bulk of the upper level tourist apartments	See 2.4	Plan SK20, 21
I4. SITE STABILITY		
(a)Site stability and is ability to accommodate the proposed buildings.	See 2.5	Appendix 2
(b)Extent of cut and fill requirements	See 2.5	Appendix 2 Appendix 3 Plan SK 18, 06, 07 Commitment 6.2.4 5 (e)
(c)Filling for beachfront homes and impacts on buildings adjoining properties and the dunal system	See 2.5	
I5. FURTHER INFORMATION REQUIRED		
(a)Traffic		
<ul style="list-style-type: none"> <li>Concept for intersection upgrade</li> </ul>	A concept design for the upgrade of the intersection has been discussed with the RTA and is included in the traffic report	Appendix 9
(b)Noise		
<ul style="list-style-type: none"> <li>Measures to mitigate noise impacts on north west of site</li> </ul>	Possible noise mitigation measures have been prepared	Appendix 15



(c) Bushfire		
<ul style="list-style-type: none"> <li>Gradient of access road</li> </ul>	See B(4)	Appendix 7
(d) Groundwater		
<ul style="list-style-type: none"> <li>Potential impacts on groundwater</li> </ul>	Development will not impact on groundwater	Appendix 2 Appendix 3
(e) Flora and Fauna		
<ul style="list-style-type: none"> <li>Shadows on the 7A zone</li> </ul>	the area of the 7A zone is a steep slope which faces south east. In summer the area will continue to receive sun until late in the day. In winter it will receive sun until early afternoon. It is unlikely to be affected by the buildings. In addition much of the vegetation is already overshadowed by mature trees in the zone.	Appendix 8
<ul style="list-style-type: none"> <li>Threatened species</li> </ul>	Additional information has been prepared	Appendix 14
<ul style="list-style-type: none"> <li>Removal of native vegetation</li> </ul>	Additional information has been prepared	Appendix 14
<ul style="list-style-type: none"> <li>Relocation of pandanus trees</li> </ul>	Additional information has been prepared	Appendix 8 Appendix 12
<ul style="list-style-type: none"> <li>7 Part test for threatened species</li> </ul>	This has been prepared	Appendix 14
<ul style="list-style-type: none"> <li>Impact on Powerful Owl and draft recovery plan</li> </ul>	This has been dealt with and plan prepared	Appendix 14
(f) Infrastructure		
<ul style="list-style-type: none"> <li>Adequacy of electricity infrastructure</li> </ul>	See H8(b)	Appendix 6



**4.1 Introduction**

As a result of the submissions on the concept plan and the issues raised, it has been decided to make some changes to the plan. These changes have been brought about directly as a result of the consultation process. They are relatively minor and are considered to generally resolve the issues raised by the authorities and the public. The changes relate to design, stormwater disposal, access to and around the site and to the provision of and design of open space on the site.

**4.2 Dwelling Numbers and Building Envelopes**

The project comprises 122 residential units of various types and sizes. These occupy certain building envelopes which are identified in the plans. Associated with the units are 270 car parking spaces which have been worked out on the basis of providing 2 spaces for each dwelling and an additional 12 visitor spaces at various locations on the site. The total gross floor area of the development is 29965m<sup>2</sup> including balconies. There are a total of 338 bedrooms in the proposal. It is considered that this information can be used to describe the development proposal in any consent given. Although it is possible that, as the design is developed, the number and size of the dwellings may change, it is considered that they will remain within the proposed building envelopes and that the overall number of car parking spaces and the overall number of bedrooms will not change.

**4.3 Height of Buildings**

Because of concerns in relation to the impact of the building adjacent to the Pacific Highway, it has been decided to remove one level from this building and increase the height by one level of 3 buildings in the central area of the site. As a result of these changes 5 townhouses have been converted to a residential flat building in this location. The height of the middle level buildings as a result of this change will rise from marginally over 14 to the ceiling of the upper floor and over 16m overall height above ground level in places.

**4.4 Other Design Changes**

The communal open space has been increased with the reduction of 1m to 1.5m in the front gardens of the beachfront homes. The front boundaries staggered to reduce the impact of the development in this area. On the northern edge of the site, the end beachfront house has been moved 1m away from the boundary to create an area for landscaping along the walk. The edges of the beachfront homes site in the central area have been splayed to open up this area visually and increase the communal open space.

Additional visitor's parking has been created along the main access road including two accessible parks at the beach and an area for a bus to be parked has been created on the upper level entry section of the site.





## Car Parking and Bus Access/Stops

### 4.5 Stormwater

The stormwater system for the site has been redesigned. The proposed detention basins behind the dune area have been removed and stormwater will now be disposed of via existing pipes which will be upgraded from 750mm and 900mm to 1200mm and 1350mm. These pipes are located on the adjacent land to the south of the site and easements exist for their use. Bio retention areas will be located throughout the site and there will be a sediment storage basin of 200m<sup>2</sup> adjacent to the location of the stormwater pipes and gross pollutant trap on the southern boundary of the property.





## Stormwater Management

### 4.6 Access

A new circulation system has been proposed through out the site. There will be two pedestrian access routes through the site; one along the northern boundary (the Coastal Walk link) and one through the central area of the site. A link pathway will be created along the front of the site adjacent to the dune area. Because of the steep nature of the site several resting locations have been designed into the links through the site. Secondary pathways and walking circuits have also been identified on the site. Signage will be added to the Coastal Walk link indicating the location of the walk and access to it. A splay has been created at the edge of the northern most beachfront home to open up the link to the beach. Two disabled parking spaces have been added next to the central parkland area.

There are two major access points to the beach at the end of the Coastal Walk link and in the area between the beachfront houses.



#### 4.7 Open Space Design

There have been changes to the open space on the site. The area, which was previously occupied by the detention basins, has been added to the communal open space on the site. Further the reduction in the gardens of the beachfront homes has raised the amount of open space in this area from 1200m<sup>2</sup> to 1490m<sup>2</sup>. There is also a large central park between the houses and this has an area of 1575m<sup>2</sup>. The total area of beachfront parkland is now 3065m<sup>2</sup>. The parkland includes picnic and seating areas located near shade trees. This area includes open grassed areas for play.

In addition there is a second communal park of approximately 650m<sup>2</sup>, located adjacent to the 7A Zone. This park will include picnic areas, shade areas and open grassed areas for play.

The 7A and dunes areas will also provide additional green space for the development adding another 5330m<sup>2</sup> of open space.



Open Space and Pedestrian Circulation



## **5 ENVIRONMENTAL ASSESSMENT OF THE PROPOSED CHANGES TO THE CONCEPT PLAN**

### **5.1 Introduction**

The changes to the design of the concept plan have been described and they will be assessed in relation to the requirements of s79(c) of the Environmental Planning and Assessment Act. The changes are relatively minor and as a result do not substantially amend the assessment of the concept plan which was included in the EAR. This section deals only with the assessment of the changes to the plans.

### **5.2 Compliance with Planning Controls**

The proposal continues to comply with the provisions of the major planning controls which apply to the site apart from one issue. The alteration of the height of the building on the Pacific Highway by 1 level and the increase in the height of the Garden Apartment building adjacent to the 7(A) zone means that these two buildings now marginally exceed the height limits of 14m to the top of the ceiling of the upper floor (Coffs Harbour DCP) and 14m to the top of the building (North Coast REP). The control in the REP does not prohibit a building over 14m but provides for the concurrence of the Director General should this occur. The Coffs Harbour control is included in the DCP.

It is considered that the non compliance with these controls is minor and does not cause any significant adverse impacts. The additional height on these buildings resulted from a change to another building on the site which improved the overall visual impact and amenity of the development proposal.

The additional height in this area does not appear to impact on privacy or amenity of the adjacent dwellings and does not cause any adverse shadow impacts. Further, it does not alter the policy of view sharing which has been applied in the development proposal.

As a result of the above, it is considered that this non compliance is not of significance as the proposal continues to comply with the aims and objectives of the planning controls applying to the site.

### **5.3 Impacts**

The major changes which have been made to the concept plan relate to the following:

- Alteration to the stormwater system proposed for the site
- Alteration in the heights of some buildings
- Increase in the amount of private open space on the site and redesign of the open space
- Improvement in the pedestrian access routes through the site

All of these changes have come about as a result of the submissions made on the concept plan and it is considered that all of them lead to an



improvement in the plan for the site and a reduction in the environmental impacts resulting from the proposals.

The removal of the detention basins at the front of the site have freed up an area which can be used as a passive recreation area by the residents of the development.

The DNR considers that the proposed disposal of stormwater into an amplified existing system is the most appropriate way to deal with this matter and with adequate bioretention and a gross pollutant trap coupled with a sedimentation storage basin, there will be no adverse impacts on the Solitary Island Marine Park.

The increase in height of two of the buildings in the central area of the site has been assessed in relation to possible impacts and it has been concluded that there will not be any major issues associated with this change. The existing buildings to the north of the site are generally oriented to the east. The higher buildings are well away from the apartments on the adjacent site closer to the beach which look over the site. The buildings are well set back from the northern boundary of the site and the Coastal Walk link separates them from the adjacent dwellings.

Shadow diagrams have been prepared for the change to the proposal and they show that shadows will generally be contained within the development site.

The improvements in the access system through the site and in the communal open space areas both provide positive impacts for the proposal.

#### **5.4 Suitability of the Site**

None of the changes made to the proposal affect the suitability of the site for the development. The site is within an existing urban area and is zoned to permit the development proposal. The site can be developed for the purposes proposed without any adverse impacts on the area.

#### **5.5 The Public Interest**

It is considered that the proposal is in the public interest as it will provide a residential tourist development of high design standards on this important beach front site in Coffs Harbour. The concept for the site has been designed to incorporate the environmentally sensitive areas of the site and to provide for the improvement of these areas.

The proposal will have positive environmental, economic and social impacts in the Coffs Harbour area.



## **6 STATEMENT OF COMMITMENTS**

### **6.1 Introduction**

A draft Statement of Commitments was included in the EAR. As a result of the public exhibition of the EAR and the draft concept plan and the submissions received on the matter changes have been made to the project and revised plans have been prepared for the Preferred Project. As a result, a revised Statement of Commitments has now been prepared to accompany the Preferred Project.

The Statement of Commitments identifies those matters which will be dealt with at the next stage of the proposed project in order to minimise impacts on the environment. These matters arise from a detailed analysis of the project proposals, the comments of the authorities on these proposals and the comments of the public on these proposals.

If approval is granted under Part 3A of the Environmental Planning and Assessment Act 1979, the Proponent will commit to the following controls for the construction and operation of the proposed project.

### **6.2 The Project**

The proponent will undertake the subsequent stages of the development generally in accordance with:

- (a) The Environmental Assessment Report dated August 2006, prepared by PTW Planning as amended by the Preferred Project Report dated December 2006
- (b) All supporting technical reports included in the Appendices to the above report as amended in the Preferred Project Report Appendices
- (c) The concept plans dated December 2006 prepared by Cox and Associates
- (d) This Statement of Commitments

If there is any inconsistency between the conditions of this Statement of Commitments and a document listed above the conditions of this Statement of Commitments shall prevail to the extent of the inconsistency.

The project will have the following parameters:

- The project will be constructed within the building envelopes shown on the plans (including balconies).
- The project will have a maximum total gross floor area of 29965m<sup>2</sup> (including balconies).
- The project will have a maximum number of bedrooms of 338.
- The project will have a maximum number of car parks of 270 (including 22 visitor parking either on grade or within the buildings) If



the proponent requires more car parks then a further traffic report would need to be prepared to justify the increase

#### **6.2.1 Statutory Requirements**

(a) All approvals, licences and permits required by legislation will be obtained and kept current as required.

(b) The proposal will generally comply with the planning controls which relate to the site except as set out in the Preferred Project Report

#### **6.2.2 Consultation**

(a) The Community Consultation Programme prepared by Brian Elton and Associates will be implemented prior to the commencement of construction of the proposed project

(b) Consultation will continue throughout the development process with Coffs Harbour Council and relevant Government departments as necessary

#### **6.2.3 Site Security**

To prevent the unauthorised entry of people into the construction site and prevent damage to the environment, security for the construction site(s) will include:

- Lockable security gates
- A security fence around the perimeter
- Security lighting on site and
- Controlled access to the site through the site control office, visitor reception area and site management personnel

#### **6.2.4 General Development Design Requirements**

##### **(1) Design**

(a) The design philosophy of the project shall be within the parameters as set out by Cox and Partners in the Urban Design Report as in Appendix 5 of the EAR as amended by the Preferred Project Report

(b) Architectural input will be continued in the development of the proposals for the site to ensure that high standards of design excellence are achieved

(c) It will be an objective of the design process to provide a safe and secure environment within the development

##### **(2) Vegetation Management**

(a) The Sapphire Management Plan prepared by Bushfiresafe Services will be adopted in relation to the future of the site prior to the commencement of construction



(b) Prior to the adoption of the Management Plan Coffs Harbour City Council, relevant Government Authorities and the community will be consulted

(c) The Management Plan provides for the rehabilitation of the dune area and the area zoned Environment Protection

(d) The Management Plan provides for public access through the site and to the beach area

### **(3) Bushfire Protection**

(a) A Bushfire Plan of Management will be prepared for the proposal to address the ongoing maintenance of the open space and landscaped areas on the site

(b) A Bushfire Evacuation Plan will be prepared for the proposal and submitted to the New South Wales Rural Fire Service for approval

(c) All roofing to be used on the site will be gutterless or will have leafless guttering

### **(4) Landscape**

(a) Landscaping of the site will be carried out in accordance with the Landscape Management Plan prepared by Jackie Amos Landscape Architect set out in the preferred Project Plans

(b) A Landscape Architect will be retained to oversee the project and planting of the landscaped areas on the site. The landscape Architect will ensure that all landscaping is carried out in accordance with the Landscape Management Plan

### **(5) Coastal Issues**

(a) The stormwater system for the site will be designed to ensure that there is no substantial increase in run-off to the Solitary Islands Marine Park once the project is completed

(b) The dune area will be revegetated in accordance with the Sapphire Management Plan as part of the project proposal

(c) All buildings behind the dune will have a minimum floor level of 7.5AHD. This will provide 0.5m freeboard above the 7.0m AHD inundation level recommended by Geomarine (1998) and Coffs Harbour City Council. This will be achieved by partially filling the low lying area to a height of 6.5 AHD where the buildings are to be sited.



(d) All buildings will be landward of the 100 year Hazard Line as noted on the Willings and Partners (1999) drawing of the Campbell's Beach Hazard Lines provided by Coffs Harbour City Council

(e) All buildings immediately behind the dune (The Beachfront Houses) will have specially constructed foundations built to withstand a storm surge or tidal inundation

(f) Detailed plans will be prepared in consultation with Coffs Harbour Council of the cut and fill to be undertaken on the site. the cut and fill will be designed to ensure that there are no adverse impacts on the dune area or on neighbouring properties.

#### **(6) Integrated Water Cycle Management**

(a) A Water Management Plan which adopts the principles of Water Saving Urban Design will be prepared for the site prior to the commencement of any construction which will address the following issues:

- Detailed design of the stormwater management system
- Detailed design and landscaping of the bioretention system
- Detailed Implementation of water saving measures for the site
- Plans for the maintenance of water quality on the site

(b) A Sediment and Erosion Control Plan will be developed for the stormwater system for the site prior to the commencement of construction on the site

#### **(7) Traffic and Access**

(a) All parking proposals and the design of parking areas on the site will comply with the Coffs Harbour City Council Planning Controls

(b) The proponent will continue to liaise with the RTA in relation to the upgrade of the Pacific Highway by the RTA

(c) The proponent will continue discussions with the RTA in relation to the operation of the intersection with the Pacific Highway and possible changes to the operation of the intersection and traffic management arrangements for the site

(d) Prior to the commencement of any construction, the proponent will develop a Traffic Management Plan for the site which provides for the ongoing operation of the project in accordance with the requirements of the RTA



(e)The proponent will liaise with the RTA and Coffs Harbour City Council in relation to the provision of a Bus Stop and Shelter on the Pacific Highway and pedestrian access to it

#### **(8)Heritage**

(a)Community consultation will be undertaken with the Aboriginal community in line with the draft Guidelines for Aboriginal Cultural Heritage Impact Assessment before the commencement of construction of the project

(b)A search of the department of Environment and Conservation Heritage information Management system will be undertaken prior to the commencement of construction of the project

(c)A watching brief will be maintained during excavation of the site for any Aboriginal relics or signs of items of cultural heritage

(d)The procedures to be adopted should any Aboriginal relics or items of cultural significance be discovered shall be approved by the local Aboriginal Land Councils prior to the commencement of any excavation of the site

#### **(9)Acoustics**

(a)Prior to the commencement of construction an Acoustic Model will be prepared for the site to determine the measures to be implemented in the design of the buildings to achieve satisfactory acoustic levels

(b)Acoustic levels will not exceed levels specified in Environmental Criteria for Road Traffic Noise (DEC June 1999) and Noise Guide for Local Government (DEC 2004)

#### **(10)Environmental Management**

(a)A Waste Management Plan will be submitted to Coffs Harbour City Council for approval prior to the commencement of building works.

(b)Prior to the commencement of construction, an additional study and any site remediation works required as a result of that study will be undertaken by the proponent to the satisfaction of Coffs Harbour City Council in accordance with the EPA's Guidelines for Assessing Banana Plantation Sites

#### **(11)Construction**

(a)Prior to the commencement of construction works a Construction Management Plan is to be prepared covering the following:

- Traffic access to the site during construction



- Demolition of the existing buildings on the site and a programme for the recycling of materials from them
- Plan for the disposal of waste from the site
- Acoustic and vibration management plan
- Plans for the protection of vegetation on the site during construction
- Visual aspects of construction activities

## **(12) Social and Community**

(a) Prior to the commencement of any construction, the proponent will submit for approval appropriate s94 contributions for the proposed project to Coffs Harbour City Council

## **(13) Monitoring/Auditing and Reporting**

(a) An Annual Environmental Management Report will be prepared for the 12 month period from the date of commencement of construction and for each 12 month period thereafter until the final occupation certificate is issued for the site detailing the proponent's performance in relation to these commitments

(b) The site manager will maintain a daily log book identifying the location, contractor and description of all earthworks, construction and environmental management activities undertaken. The logbook is to be made available to Coffs Harbour City Council upon request with a summary of the logbook included in the annual report to Council

(c) Communication protocol between the Site Manager and contractors is to be established to ensure compliance with these commitments.



## **APPENDIX 1 – SUBMISSIONS RECEIVED**



**APPENDIX 2 – LETTER IN RELATION TO GEOTECHNICAL  
ASSESSMENT ADDENDUM**



**APPENDIX 3 – ADDENDUM TO COASTAL HAZARD WATER  
MANAGEMENT AND SERVICES ASSESSMENT REPORT**



**APPENDIX 4 – LETTER FROM THE DEPARTMENT OF NATURAL  
RESOURCES 13 DECEMBER 2006**



**APPENDIX 5 – LETTER RE SEWERAGE PROVISION 12 DECEMBER  
2006**



**APPENDIX 6 – LETTER RE INFRASTRUCTURE 11 DECEMBER 2006**



## **APPENDIX 7 – LETTER RE BUSHFIRE 21 NOVEMBER 2006**



## **APPENDIX 8 – LANDSCAPE MASTERPLAN ADDENDUM**



## **APPENDIX 9 – ADDITIONAL TRAFFIC REPORT**



## **APPENDIX 10 – ACCESS REPORT**



**APPENDIX 11 – LETTERS RE REVIEW OF CONTAMINATION 26  
NOVEMBER 2006 AND 6 DECEMBER 2006**



**APPENDIX 12 - LETTER RE TREES 9 AUGUST 2006**



## **APPENDIX 13 - STORMWATER EASEMENTS**



## **APPENDIX 14 - REVISED FLORA AND FAUNA REPORT**



## **APPENDIX 15 – PROPOSED NOISE MITIGATION MEASURES**