

# Foreshore For All Submission Coffs Harbour Jetty Foreshore Precinct Rezoning

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# Executive Summary

As a grassroots community group comprising residents from Coffs Harbour and its surrounding areas, Foreshore for All (FFA) has carried out detailed consideration of the comprehensive Coffs Harbour Jetty Foreshore Precinct Rezoning Proposal exhibited by Property and Development NSW (PDNSW) between 16 May and 30 June 2025.

The Foreshore is a vital piece of social infrastructure for the community of Coffs Harbour as well as for visitors. For decades, this area made up of Crown Land and other government ownership has been a focal point where families have gathered to enjoy safe passive recreation together.

The PDNSW proposal asks for fundamental changes that will shape the future of this vital community heartland. These include changes to permissible land uses to include substantial private residential development for the first time, increasing maximum building heights to exceed anything in the vicinity, and design guidelines for the Sydney-based assessment of future development applications under the State Significant Development protocols governing the PDNSW-led revitalisation of the precinct.

The FFA submission that follows outlines the PDNSW Rezoning Proposal's many serious flaws related to strategic alignment, planning, access, consultation, design, infrastructure, sustainability, land use, as well as social and economic benefit. These were identified by the group in consultation with subject matter experts and the broader community.

On this basis, FFA objects to the proposal and submits that the Department of Planning, Housing and Infrastructure cannot progress the rezoning before PDNSW addresses these flaws comprehensively and undertakes further consultation with the Coffs Harbour community on the best steps to revitalise this unique harbourside parkland strip.

The key points that need to be addressed before any rezoning proposal can be properly considered are summarised below. These points are outlined in greater detail, along with additional information and points of contention in the main body of the submission that follows:

## COMMUNITY CONSULTATION:

*A stated aim of the Rezoning Proposal is to facilitate approximately 250 homes within the Precinct.*

**Flaw:** The PDNSW Rezoning Proposal says that it is based on a "shared vision" developed in consultation with the community

**Fact:** 69% of the Coffs Harbour community (33,161 residents) voted 'no' to any multi-storey residential development within the precinct in a NSW Electoral Commission-authorized poll held in September 2024.

**Solution:** Address this by incorporating the community feedback on land use within the Precinct and adjusting the proposal to remove any rezoning allowing residential housing.

## RESPECT FOR ABORIGINAL CUSTODIANS

*A stated aim of the Rezoning Proposal is to conserve Aboriginal heritage and connections across the Precinct.*

**Flaw:** The PDNSW Rezoning Proposal states that the guiding principles for the development of the Precinct are 'Do no harm and undo past harm', 'Respect and forefront Gumbaynggirr Country, heritage and culture', 'Co-design with Aboriginal people'.

**Fact:** The Garlambirla Guyuu-Girrwaai Coffs Harbour Local Aboriginal Elders Corporation has repeatedly called for PDNSW to preserve open space and public land in the area.

**Solution:** Incorporate the request by Aboriginal Elders to preserve open space and public land given its special meaning and strong historical, traditional and cultural connection. This can be done by removing rezoning for any residential housing, increasing the area allocated for public land and adjusting to limit building heights to 2 storeys.

## BUILDING HEIGHTS

*The PDNSW Rezoning Proposal states that at its highest, it facilitates residential buildings of 4-6 storeys and the objective is to limit any development to similar planning controls applied to areas immediately west of the rail line along Orlando Street and Harbour Drive.*

**Flaw:** The proposed rezoning allows for residential building heights of up to 21.5m and 25m within the North Park and Jetty Hub sub-precincts respectively.

**Fact:** According to the [NSW Government Apartment Design Guide](#), this would facilitate 7 and 8-storey apartment blocks in a precinct where 69% of the community have said 'no' to any residential multi-storey development. The greatest height zoned for sites immediately west of the rail line is 19m.

**Solution:** Address the error and incorporate community feedback by removing zoning for residential development and limiting heights to 15.5m and these only in areas where built form already exists.

## PUBLIC ACCESS

*The PDNSW Rezoning Proposal states that the supporting Place Principles for the proposal include enhancing precinct connectivity through optimising accessibility, parking and pedestrian options.*

**Flaw:** Fundamental errors and the failure to properly consider the impact of the proposed rezoning on traffic management, pedestrian safety and available parking including: lack of required alternative access route; underestimation of current parking and future parking needs, pedestrian safety impacts at school, etc.

**Fact:** The current car parking is underestimated by 44% or 201 car parking spaces, an alternative access route to the Camperdown and Harbour Drive entries is required to allow for the increased traffic flows and consideration of risks to pedestrians including school children.

**Solution:** Additional consultation, assessment and amendment required to address the errors and resubmission of reports.

## FUNDING

*The PDNSW proposal includes an illustrative masterplan which outlines public infrastructure improvements such as playgrounds, an overhead walkway to the train station, boardwalks, etc, which are proposed to be funded from the profits of the development.*

**Flaw:** No financial modelling or business case has been presented to the primary stakeholders being Coffs Harbour City Council and the Coffs Harbour ratepayers. There is no guaranteed funding for the public infrastructure improvements that have been indicated in the illustrated masterplan.

**Fact:** The NSW Government has stated that they want a cost neutral solution for the Jetty Foreshores. The profits from the development are to be used for public infrastructure but in 2024, the modelling provided to Treasury indicated that the project would not provide sufficient funds to provide for the public infrastructure improvements.

**Solution:** Provision of the financial modelling, staging and business case details to the Coffs Harbour stakeholders is required to outline exactly how and when the public infrastructure for the project will be provided.

## ENVIRONMENTAL IMPACTS

*The proposal states that it will minimise environmental impacts and claims no unacceptable impacts are likely to result from the rezoning request or future development on the Precinct.*

**Flaw:** The PDNSW-commissioned Flora and Fauna report is grossly inadequate and unfit for the purpose of assessing the impact of the PP and resulting development on biodiversity values of the area.

**Fact:** Fundamental requirements for the protection of threatened species are not met in the PDNSW-commissioned Flora and Fauna report. For example, the report fails to include fundamental considerations of the Wedge-tailed Shearwater. The impact of light pollution which is already an issue at the Jetty Foreshore and standards for addressing this issue developed by the Australian government must be incorporated and addressed. Failure to consider this issue breaches the EPBC Act provisions as well as obligations under Japan Australia Migratory Bird agreement JAMBA.

**Solution:** The Flora and Fauna report needs to be thoroughly revised and steps taken to address the errors and properly address the impacts prior to review of the proposed rezoning.

## HOUSING

The proposed rezoning is commended by PDNSW as providing much-needed housing to meet both state and local needs, with reference to the Coffs Harbour Local Growth Management Strategy and the potential for inclusion of affordable housing.

**Flaw:** *This is a luxury housing development, which is not a housing priority and contradicts the Local Growth Management Strategy which has stated that there is already adequate housing supply accounted for in other areas of the Coffs Harbour LGA which are more appropriate for development including affordable housing. There is no staging provided for the development.*

**Fact:** There is no affordable housing component in the rezoning proposal. The Department of Planning, Housing and Infrastructure Panel that assessed the project's

suitability to be classified as a State Significant Development (March 2024) specified that the site would qualify for State intervention subject to the affordable housing commitment being addressed during the rezoning process. This has not been done.

**Solution:** As the affordable housing commitments required by DPHI remain outstanding, DPHI cannot approve the rezoning proposal in its current form as part of a State Significant Development. The proposed rezoning should be amended and the area zoned for recreational use under a RE1 zoning. Subject to negotiations, the land previously offered by Coffs Harbour City Council (in their purchase offer) could then be used to provide additional affordable housing for the benefit of the Coffs Harbour community.

## COASTAL RISKS

*The proposal states that one of its Place Principles is that it will be the exemplar for the North Coast on adapting to climate change by safeguarding existing assets and mitigating future risk.*

**Flaw:** Climate change and sea level rise are not adequately addressed in the rezoning plans, which predict significant loss of dune and foreshore areas by 2123. There is a concern about protecting coastal public land from retreat due to climate change impacts. It is of concern that the seawalls recommended have been forecast to destroy the dune and beach.

**Fact:** There is already a considerable asset base within the Immediate Planning Hazard line and in the 2050 Planning Hazard line. The investment of more infrastructure in proximity to coastal hazards is considered by FFA to be an unacceptable risk to public money.

**Solution:** Revise the rezoning proposal to remove the provision of MU1 zoning which allows the establishment of private infrastructure in an area subject to coastal hazards.

## OPEN SPACE

*The rezoning proposal states that it aligns with multiple state and local government strategic frameworks in supporting the delivery of new and improved public open spaces.*

**Flaw:** The rezoning will see a loss of public recreation land (RE1) to Mixed Use zoning and no allowance for future demand on public recreation and open space needs. Calculations of adequate space are based on out-of-date growth projections and no Open Space Study has been conducted as required by the Local Environmental Plan Making Guideline to support loss of RE1 land.

**Fact:** The projected increase in Coffs Harbour's population by 2036, with more than 100,000 anticipated by 2041, will require additional public open space.

**Solution:** Prioritise the area for recreational use under a RE1 zoning. Do not rezone RE1 zoned land to Mixed Use (MU1) zoning for private development. Convert the SP1 land to RE1 zoning and enable this area to be revitalised by functions that promote recreation and perhaps public access cafes and restaurants. Conduct an Open Space Study as required by the Local Environmental Plan Making Guideline

## CONFLICT WITH STATE, REGIONAL AND LOCAL STRATEGIC FRAMEWORKS

*The Rezoning Proposal states that the rezoning supports state, regional and local strategies.*

**Flaw:** The proposal fails to conform to various strategies and planning considerations including the Local Growth Management Strategy, the NSW Coastal Design Guidelines and the Department's Local Environmental Plan Making Guidelines and Planning Agreement Guidelines.

**Fact:** The site is highly constrained for residential development.

**Solution:** The area is unsuited to residential development and should be enhanced as public open space with community facilities.

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# Response to Planning Justification Report and Compliance with Strategic Frameworks

The Planning Proposal (PP) is accompanied by a Planning Justification Report (PJR). The Environmental Planning and Assessment Act requires the PP to provide the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1<sup>1</sup>.[1]

The PJR responds to a set of standard questions. FFA has reviewed these answers and finds serious inconsistencies and/or discrepancies in the way some questions are answered. We submit that the requirements for justification have not been met and we submit that the information provided fails to meet the threshold and therefore must be refused at the outset. Our assessment of the answers is provided below.

*Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?*

The PJR answers ‘Yes’ to this question but this is not true. The PJR is not a result of any endorsed LSPS, strategic study or report. The PP originated solely from within PDNSW and this needs to be clearly articulated. The PJR states that the plan “stems from local and state government strategic plans including the NSW Government’s North Coast Regional Plan 2041, Coffs Harbour Regional City Action Plan 2036, Coffs Harbour Local Strategic Planning Statement (LSPS) and Coffs Harbour Local Growth Management Strategy.”

While the PP may have some level of consistency (or inconsistency) with these plans, it cannot be said to stem or originate from them and consistency with them is addressed under a different question (see Q 3 below).

*Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The PJR states that the PP is the best way of achieving Objective 9 of the CHRCAP (Celebrate the Precinct as Coffs Harbour’s premier harbourside destination) – including supporting delivery of:

*Action 9.1 Strengthen the precinct’s identity as an outstanding recreation and tourism destination through enhanced public facilities, amenity, place activation and environmental quality.*

*Action 9.2 Protect the operational access and facility needs of the marina and international port.*

And

*Action 9.3 Improve connectivity and character links with the Jetty Foreshores Precinct to support mixed use development, active frontages to streets, outdoor dining and enhanced heritage character.*

FFA notes that the above objectives are in the section titled “Play” in the CHRCAP. The focus is celebrating the harbourside as a tourist destination, while maintaining amenity, environmental protection and ensuring the port operation and increasing activation.

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<sup>1</sup> *Environmental Planning and Assessment Act 1979 s3.33.(2) c.*

However, the centrepiece of the PP is to provide a very large-scale residential development. The FFA disputes that the objectives shown above provide a solid justification. The FFA contends that the objectives could be far better achieved by limiting development to low intensity/low rise with a focus on dining establishments and embellishment and expansion of existing parklands.

*Q3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

PDNSW states that the proposal is consistent with existing strategies, but FFA contends that the plan is largely inconsistent with a number of important strategies and our analysis is outlined below.

## North Coast Regional Plan

The North Coast Regional Plan (NCRP) is a key document relied upon by PDNSW in its justification of the rezoning. The NCRP contains numerous objectives and strategies and the PP purports to meet the following:

- Provide well located homes to meet demand (Objective 1);
- Understand, celebrate and integrate Aboriginal Culture (Objective 4);
- Manage and improve resilience to shocks and stresses, natural hazards and climate change (Objective 5);
- Create a diverse visitor economy (Objective 12);
- Increase active and public transport usage (Objective 16);
- Plan for sustainable communities (Objective 18);
- Public spaces and green infrastructure (Objective 19); and
- Celebrate local character (Objective 20).


The table below is FFA's analysis of NCRP objectives and strategies and an assessment 'Yes' or 'No' as to whether the PP is consistent with them.


Strategy or Objective		Analysis	Yes /No
<b>Objective 1</b>	Provide well-located homes to meet demand.	Well-located is taken to mean free from environmental constraints, service infrastructure already in place, resilient to climate change, incorporates infill development not greenfield sites and recognises existing urban character.	No
<b>Strategy 1.1</b>	A 10 year supply of zoned and developable residential land is to be provided and maintained in Local Council Plans endorsed by the Department of Planning and Environment.	CHCC has completed its Local Growth Management Strategy (LGMS). Chapter 2 (supply and demand analysis) shows housing supply above and beyond the target set by the NCRP <b>can</b> be met with existing land supply. The precinct is <b>not</b> needed to meet targets. <sup>2</sup>	No

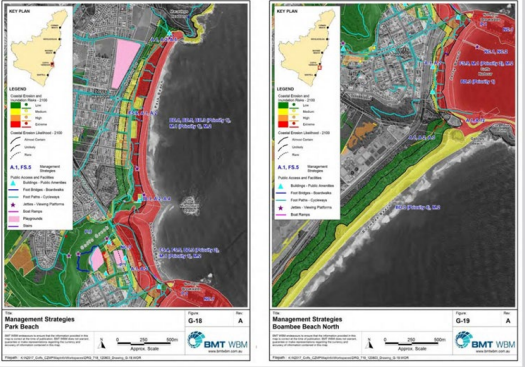
<sup>2</sup> <https://www.coffsharbour.nsw.gov.au/files/sharedassets/public/v/1/building-and-planning/growth-strategies/local-growth-management-strategy-2020/chapter-2-supply-and-demand-analysis-chlgms-2020.pdf>

<b>Strategy 1.2</b>	Local Council plans are to encourage and facilitate a range of housing options in well located areas.	CHCC's LGMS Chapters are approved and outline strategies for a diverse housing mix in existing suitable zoned areas. Well-located is taken to mean free from environmental constraints, service infrastructure already in place, resilient to climate change, incorporates infill development not greenfield sites and recognising existing urban character	No
<b>Strategy 1.3</b>	Undertake infrastructure service planning to establish land can be feasibly serviced prior to rezoning.	Proposal is within CHCC's Development Servicing Plan –Water Supply - projected to cost \$5.5M <sup>3</sup> . Sewerage upgrades are required but uncoded and there is no clear pathway for how developer contributions would be levied or who would assume ownership of the assets. CHCC's submission on the PP raises serious concerns.	No
<b>Strategy 1.4</b>	Councils in developing their future housing strategies must prioritise new infill development to assist in meeting the region's overall 40% multi-dwelling / small lot housing target and are encouraged to work collaboratively at a subregional level to achieve the target.	CHCC has adopted a Compact City model in keeping with Strategy 1.4. The proposal is <b>not</b> infill development and should not be prioritised. The 40% MUD target can be met or exceeded with current land/area supply.	No
<b>Objective 2</b>	Provide for more affordable and low cost housing.	The proposal is silent on this. FFA notes the application for the State Significant Rezoning Policy contained no information or commitment as to PDNSW's intention to include any affordable housing. It is unlikely that any of the housing is likely to be truly affordable. Rather, it will be high-end oceanfront and sit in the very upper end of the housing market. It's also noted that NSW government policy allows bonus uplift if a percentage of affordable housing is included, so in the event that this threshold is reached, the resulting development could be up to 30% taller than what is currently proposed in the rezoning.	No
<b>Objective 3</b>	Protect regional biodiversity and areas of high environmental value	The PP focuses intense development pressure adjacent to a key high conservation site. The PP seeks to rezone land within the Littoral Rainforest buffer area but there is no meaningful assessment of how these values will be protected. The Masterplan shows the use of a very large stormwater detention basis adjacent to the littoral rainforest with no discussion of impacts.	No

<sup>3</sup> <https://www.coffsharbour.nsw.gov.au/files/sharedassets/public/v/2/building-and-planning/planning-controls-and-guidelines/developer-contribution-plans/contribution-plans/city-of-coffs-harbour-water-supply-development-servicing-plan-2024.pdf>

		<p>Further, the PP will allow intense development adjacent to one of only three nesting colonies of Wedge-tailed Shearwaters in NSW.</p> <p>One of the biggest threats to the success of the rookery is light pollution causing birds to become disoriented, especially fledglings This is not addressed in the PP, rather the inference is that rezoning per se will not be harmful but later development applications would need to consider lighting. FFA considers this disingenuous and insists that the PP needs to take responsibility for the impacts of light pollution on this species at the PP stage.</p>	
<b>Objective 4:</b>	Understand, celebrate and integrate Aboriginal culture	<p>The feedback documented in the Aboriginal Consultation Outcomes report by Murawin clearly identifies that private residential development was not supported. This is also referenced in the Aboriginal Cultural Heritage Assessment Report. While efforts have been made to understand cultural elements, there is no evidence presented to show that Aboriginal culture is being integrated. The PJR claims this objective is met by the statement that the <b>(NON STATUTORY)</b> "Coffs Harbour Jetty Foreshore Design Guidelines will require that the Connecting with Country Framework informs future design processes as part of any future development to ensure these themes are carried into the detailed design of the Jetty Foreshore Precinct." FFA consider this weak in the extreme as it basically contributes nothing towards the objective as stated in the NCRP, instead it devolves any responsibility onto future development plans.</p>	No
<b>Strategy 4.1</b>	Councils prepare cultural heritage mapping with an accompanying Aboriginal cultural management plan in collaboration with Aboriginal communities to protect culturally important sites.	CHCC has completed a Cultural Heritage mapping project which included wide consultation and review. An extract of the relevant is shown below, which is inconsistent with building multi-storey private residential development along the foreshore.	No
	<p><i>Image at right from CHCC's Cultural Heritage mapping. Yellow indicates known sites, blue indicates probable sites.</i></p>		

<p><b>Objective 5:</b></p>	<p>Manage and improve resilience to shocks and stresses, natural hazards and climate change</p>	<p>A considerable amount of the Precinct is within the mapped Coastal Vulnerability area (see image below). The proposed building envelopes lie just outside the zone, with the exception of the Marina area. However, CHCC's mapping for its CZMP indicate that much of the broader area will be at risk in the future. The area mapped as North Park proposes a kiosk and playing court area are noted in the PP to be at risk of coastal erosion and the Coastal Risk Management Report references the concept of building a seawall for future protection. FFA notes the Council's submission is not supportive of this. This approach is unsuitable and needlessly expensive. Resilience to coastal erosion should come from amplifying and protecting coastal vegetation and avoiding building structures in or near the coastal zone. The Masterplan proposes the creation of three stormwater detention basins to mitigate the increased stormwater runoff from buildings. Two of these are located in the coastal vulnerability area and comprise most of the proposed recreational assets and likely some of the sewer and water infrastructure.</p>	<p>No</p>
	<p>Image at right is Coastal Vulnerability Area as mapped by CHCC</p>		

<p><b>Strategy 5.3</b></p>	<p>Use local strategic planning and local plans to adapt to climate change and reduce exposure to natural hazards by:</p> <ul style="list-style-type: none"> <li>• locating development (including urban release areas and critical infrastructure) away from areas of known high bushfire risk, flood and coastal hazard areas to reduce the community's exposure to natural hazards;</li> <li>• preparing, reviewing and implementing updated natural hazard management plans and Coastal Management Programs to improve community and environmental resilience which can be incorporated into planning processes early for future development</li> <li>• identifying any coastal vulnerability areas</li> <li>• building resilience of transport networks in regard to evacuation routes, access for emergencies and, maintaining freight connections.</li> </ul>	<p>The NCRP clearly advocates locating developments away from coastal risk areas. CHCC's CMP has identified Coastal Vulnerability areas (see image below).</p> <p>While most of the proposed building envelopes are outside the Coastal Vulnerability area, the marina precinct is well within. CHCC has prepared a CZMP and this document clearly identifies a risk profile for Jetty Beach and its existing assets (see Figure below)[14].</p> <p>In relation to resilient transport networks, the proposal will have the effect of locating potentially another 1000 people (based on 250 residential apartments and 200 short stay plus associated workers, ie cleaners and hospitality staff) with limited access as the road is closed approximately 12 times per day due to the operation of the railway level crossing. A secondary access exists through Camperdown Street but the use of this is already at-capacity as a suburban street and is inappropriate as a major and/or emergency access route catering for the proposed rezoning as it is inconsistent with the principles of resilient transport networks.</p>	<p>No</p>
	<p>Image at right is from the CHCC Coastal Management Plan and shows Coastal Vulnerability Areas</p>		

<sup>4</sup> <https://www.coffsharbour.nsw.gov.au/files/sharedassets/public/v/1/environment/our-coast/updated-coffs-harbour-coastal-zone-management-plan-2019.pdf>

<b>Strategy 5.5</b>	Partner with local Aboriginal communities to develop land management agreements and policies to support cultural management practices.	This should be a key feature of any development proposal in this area and the PP and Masterplan exhibit nothing consistent with this strategy	No
<b>Objective 7</b>	Promote renewable energy opportunities	It's fair to say that this could be more expected at the DA stage, however it is noted that due to aircraft noise and noise from the adjacent train line, residential buildings will need to be built to additional noise attenuation standards which largely involve heavy glazing and therefore depend on keeping windows closed which therefore requires more energy consumption for heating and cooling.	Possible No
<b>Strategy 9.1</b>	Strategic planning and local plans should consider: <ul style="list-style-type: none"> <li>opportunities to encourage riparian and coastal floodplain restoration works</li> <li>impacts to water quality, freshwater flows and ecological function from land use change</li> <li>water supply availability and issues, constraints and opportunities early in the planning process</li> <li>locating, designing, constructing and managing new developments to minimise impacts on water catchments, including downstream waterways and groundwater resources</li> <li>improving stormwater management and water sensitive urban design</li> </ul>	The PP and Masterplan indicate that there will be increased runoff from the development and the plan for this is to place the stormwater retention basins into the adjoining Crown reserve. This appears a 'blunt' way of treating stormwater and also will require considerable earthworks for shaping the fall of the development proposal area to drain towards the Crown reserve and also for excavation of the basins, one of which is considerable in size. FFA considers that this assessment of stormwater management is not well considered and in general the principle is inconsistent with Strategy 9.1 as well as the NSW Government's Guidelines for outlet structures on waterfront land. Discharge of stormwater onto Jetty Beach and thence to the ocean will almost certainly increase pollution levels. It is also unclear who would be responsible for the maintenance and upkeep of these structures or what the impacts on the coastal vegetation, in particular the littoral rainforest would be.	No
<b>Objective 12</b>	Create a diverse visitor economy	Building oceanfront apartments will almost certainly increase visitation to the area, but it's arguable that alternatives such as beautification and re-development of the area as passive open space would also attract tourism and be more in keeping with Coffs' recognition as an Eco-destination.	Somewh at No

<b>Objective 16</b>	Increase active and public transport usage	The PP claims that this objective is met in part by its proximity to the train station. With several hundred apartments, it is agreed that a proportion of residents would use the four existing passenger train services but such an increase in use would probably only be in keeping with extra passenger use related to any increase in the Coffs Harbour population. Train travel makes up an insignificant part of the movement patterns in Coffs Harbour. The PP also references improved bicycle and shared paths. These of course enhance active transport but are not formally proposed as part of the PP. The Boardwalk is also not formally included and due to its significant impact on the dunes and dunal vegetation would be subject to significant assessment processes before eventuating.	Largely No
<b>Objective 18</b>	Plan for sustainable communities. The NCRP lists the following under this objective		
<b>1</b>	Identify growth needs and opportunities. Examine the demand for urban growth and change, based on population and employment projections, and assess supply and demand of suitable land to accommodate growth.	CHCC's LGMS has identified sufficient zoned and serviced land to accommodate projected growth without the inclusion of the Jetty Foreshore	No
<b>2</b>	Direct growth to identified urban growth areas. Use the region's urban growth areas to balance urban expansion, protect coastal and other environmental assets, help maintain the distinctive character of the region, and direct growth away from important farmland, sensitive ecosystems, cultural heritage, natural hazards and steep land	Jetty Foreshores is not an identified urban growth area and is constrained by coastal and environment assets as well as cultural heritage.	No
<b>3</b>	Ensure sustainable development within the coastal strip. Safeguard the sensitive coastal strip (land east of the Pacific Highway alignment plus the urban areas of Tweed Heads around the Cobaki Broadwater;	The PP is in direct opposition to this extract from the NCRP	No

	and for Coffs Harbour, land to the east of Dirty Creek, Upper Corindi, Bucca, Karangi, Upper Orara and Bonville), from increasing population and development pressures, and direct new rural residential development away from this area. <b>Only minor and contiguous variations to urban growth area boundaries within the coastal strip will be considered.</b>		
<b>Strategy 19.4</b>	<p>Local environmental plan amendments that propose to reclassify public open space must consider the following:</p> <ul style="list-style-type: none"> <li>• the role or potential role of the land within the open space network</li> <li>• how the reclassification is strategically supported by local strategies such as open space or asset rationalisation strategies</li> <li>• where land sales are proposed, details of how sale of land proceeds will be managed</li> <li>• the net benefit or net gain to open space.</li> </ul>	<p>The following is an extract from the City's Public Realm Strategy:</p> <p><i>"The Jetty Foreshores is a place that is highly valued by our community for its public open space. It has a rich history and substantial cultural significance both to the Indigenous peoples of the region and to its non-Aboriginal population. Community consultation undertaken as part of the development of this Public Realm Strategy identified our community's love for the Jetty Foreshores and the need to protect open space within this precinct. The City of Coffs Harbour should continue to represent our community's passion for this much loved place, as part of any future projects in the locality to ensure that the public open space is protected and enhanced for our community."</i></p> <p>The PJR does not address the issues related to reclassification of public open space.</p>	No

## Coffs Harbour Regional City Action Plan

The Coffs Harbour Regional City Action Plan (CHRCAP) was adopted March 2021. It references the Jetty Foreshore Masterplan, but it's important to note that the Masterplan was not in an advanced state of development at that time four years ago so the links between the two should be read in that context.

The PJR references the CHRCAP as follows:

*The Action Plan identifies the Jetty Foreshore as an important collaboration area that will deliver urban renewal and transformation of underutilised foreshore land to deliver enhanced public facilities and amenity, mixed use development, retention of heritage values, and improved access to open space.*

FFA considers this a misleading statement as it is not a direct or accurate quote from the CHRCAP. Table 9 of the PJR Consistency with Strategic Directions from the Regional City Action Plan is reviewed below.

Strategy or Objective		Analysis	Yes / No
Objective 2	'Enhance the distinctive character, heritage and design.' The proposal and Illustrative Masterplan will enhance the distinctive character and heritage significance of the Jetty Foreshore Precinct and Coffs Harbour by maintaining significant view lines from Ferguson's cottage and ensuring future built form responds to the existing topography and adopts a material palette that responds to the sub-tropical location and local vernacular of Coffs Harbour.	The PP and Masterplan cannot be said to enhance the character and significance of the Jetty Foreshore as stated. Ferguson's Cottage is a small building not generally accessible or visible to the public. The Aboriginal community have expressed desire for it to remain this way. The PP proposes a building height of 15.5m and an extension of the area beyond the existing cadastral boundary. It is difficult to see how this would not impact on Ferguson's Cottage. The statement that future built form will respond to the topography is challenged. The proposed development area is basically flat and building heights are proposed to 25m. The statements about 'material palette' is not backed by any evidence.	No

<b>Objective 3</b>	Create engaging, creative and inclusive spaces	Some of the spaces proposed in the Masterplan will be new offerings or upgraded existing offerings but these will be largely in the Crown Reserve land and not in the development area. Since the development footprint will be privately owned, there is no guarantee of any public spaces being located there. Some of the proposed spaces in the Crown Reserve will require further planning approval, such as the proposed water play area located adjacent to littoral rainforest.	No
<b>Objective 9</b>	Celebrate the Jetty Foreshores Precinct as Coffs Harbour's premier harbourside destination	See commentary above under heading Q2.	No
<b>Objective 10</b>	Showcase Coffs Harbour's tourism and visitor experiences'	Building 250 private apartments and 200 short stay apartments will certainly attract more tourists but since the proposal trades on the natural capital of the area, ie the beach and views, it is arguable whether the proposal itself showcases visitor experience	Not strongly
<b>Objective 12</b>	Support the local arts, cultural and creative energy of Coffs Harbour	Most of the proposed artistic spaces will be within the Crown Reserve area not the private development footprint and are minor in nature compared to the bulk and scale of the proposed development footprint	Not strongly
<b>Objective 17</b>	Deliver a city that responds to Coffs Harbour's unique green cradle setting and offer housing choice	Development will block out views looking west to the 'green cradle' and is considered unresponsive to that setting. Very limited housing choice – expensive apartments.	No
<b>Objective 19</b>	Strengthen resilience to natural hazards and climate change	The PJR claims that <i>"the proposal will strengthen resilience of the Jetty Foreshore Precinct to natural hazards and climate change through the establishment of requirements and sustainability framework set out in the Coffs Harbour Jetty Foreshore Design Guidelines (Appendix B) for future development."</i> FFA consider this statement fatuous and should be removed from the report. The design guidelines are not proposed to be statutory and building assets and infrastructure in the Coastal Vulnerability Zone (ie at the Marina) is directly in contradiction of Objective 19.	No

*Q4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?*

The LSPS was adopted five years ago and cannot be said to reference the present PP or Masterplan. The LSPS makes limited references to the Jetty Foreshores east of the railway line and includes only one specific action (A 1.3) which is to work with the NSW government during the development of the masterplan. Considering this statement pre-dates the Masterplan by five years, it ought not to give weight to justifying the rezoning. The PJR makes reference to some of the more general objectives of the LSPS and these are discussed below.

Strategy or Objective		Analysis	Yes / No
<b>Planning Priority 1</b>	Deliver and implement the Compact City Program Key Priorities.	The PP is in direct contradiction with the Compact City Model as it seeks to create a new residential zone outside the existing planned areas.	No
<b>Planning Priority 5</b>	Deliver greater housing supply, choice and diversity	The PP aims to deliver more housing but does not demonstrate choice or diversity since the offering will all be apartments and no contribution to affordable housing is proposed.	Largely No
<b>Planning Priority 6</b>	Implement actions within the Biodiversity Action Strategy	The PJR and PP and Masterplan make no claims or present any strategies to implement the Biodiversity Strategy and it is likely that the proposal will have a negative impact on biodiversity, for example impact on Wedge-tailed Shearwaters.	No
<b>Planning Priority 7</b>	Protect and conserve the natural, rural, built and cultural heritage of Coffs Harbour	The PJR and PP and Masterplan make no claims or present any strategies to preserve the environment and therefore this statement should be removed from the PJR.	No
<b>Planning Priority 8</b>	Prepare and implement Coastal Management Programs for the Coffs Harbour LGA	The PJR states that areas of intensified development are all outside the Coastal Vulnerability area however the marina precinct is entirely within it.	No
<b>Planning Priority 12</b>	Develop and deliver a post-Bypass place strategy for Coffs Harbour City	The LSPS references “exploring opportunities with the NSW Government for additional connectivity into and out of the Jetty Foreshores precinct within the Jetty Foreshore Precinct master-planning project east of the North Coast rail line”. Another entry point is considered vital to relieving existing traffic flows. Earlier planning has always referenced creation of another entry point but this is absent from the current masterplan.	No

## The Coffs Harbour Local Growth Management Strategy

The Coffs Harbour Local Growth Management Strategy (LGMS) predates the PJR and the PP by five years. The basic tenet of the LGMS in terms of residential development is that the Compact City model should promote infill development rather than expansion of new areas. The LGMS demonstrates that housing supply for the coming decades can be met by existing land supply. The PJR and PP are fundamentally inconsistent with the LGMS.

*Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

FFA considers that the PJR and PP are wholly or partly inconsistent with a range of other strategies and studies.

*Q6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?*

No. The PP is in direct contradiction of the State Environmental Planning Policy (Resilience and Hazards) 2021. The SEPP identifies in s2.8 (1) that

*Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—*

*(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*

*(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*

The PP and associated supporting documents outline a number of issues which are likely to have a direct and deleterious impact on the littoral rainforest. In particular, the Stormwater Management Plan proposes that the development area will require earthworks such to level the ground to fall eastwards to drain directly to the littoral rainforest. Further, the plan relies on the creation of three stormwater detention basins, two of which are directly adjacent to the littoral rainforest and discharge directly through to the beach.

The PP has in no way explored the impacts of large-scale earth works, massively increased visitation on the area and significant storm water discharge. While the SEPP refers to development consent and the PP is not development, but a precursor to it, the impacts nevertheless ought to be considered and assessed for consistency with the objectives of the SEPP.

Q7. Is the Planning Proposal consistent with the applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No. The PP is in direct contradiction of the Ministerial Direction – Local Planning Directions Focus Area 4 s4.2 which states:

*(2) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:*

*(a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021;*

And also:

*(3) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.*

The PJR appears to ignore that the PP proposes to intensify land use in the Marina area (mapped within Coastal Vulnerability Zone) and also to intensify land use in the Littoral Rainforest area. The PJR and the Flora and Fauna report assert that since rezoning or development is not proposed in the Littoral Rainforest that the operation of this Ministerial Direction does not apply. However, a number of court rulings have verified that the mapped Littoral Rainforest Proximity area is included in the Littoral Rainforest area for the purposes of the SEPP and the Ministerial Direction.<sup>5, 6</sup>

FFA considers this a significant obstacle to the progress of the PP. It is unacceptable that the PJR does not recognise the Littoral Rainforest proximity area in the correct context.

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<sup>5</sup> [Planners North v Ballina Shire Council](#) [2021] NSWLEC 120; 251 LGERA 309

<sup>6</sup> [Reysson Pty Ltd v Minister Administering the Environmental Planning and Assessment Act 1979](#) [2020] NSWCA 281

# Response to Supporting Technical Studies

# COMMUNITY CONSULTATION

The Technical Reports prepared in support of the PP include a Consultation Outcomes Report and a Stakeholder Engagement Framework. FFA considers these documents to be scanty in detail and not representative of an accurate picture.

The Consultation Outcomes Report is dated August 2022 and presents no new information from the past three years. Despite there having been earlier consultation works undertaken, the majority of the Consultation Outcomes Report details the results of an online survey run by PDNSW. The report focuses largely on built form development and gave little option for alternative land uses. The specific outcomes of the Murawin Aboriginal Engagement report are not conveyed in the Consultation Outcomes report, nor is it presented as a standalone technical report. This means that the detailed findings of the specific Aboriginal consultation have been largely omitted from the technical reports.

The Stakeholder Engagement Strategy presents no data as such but instead describes how PDNSW will promote the merits of its PP to the community. It is unclear if specific First Nations consultation as described in the report took place. Since the Murawin Aboriginal Engagement report quite clearly expressed a view that private residential development in this important cultural landscape is not supported, it is concerning that this appears to have not been addressed in the PP.

Likewise, other important aspects of community participation have been excluded and some of these are detailed below.

## Poll question

As part of the 2024 NSW Local Government Elections, CHCC councillors unanimously agreed on the wording of a question to be put to the voters. The wording of the question was carefully chosen, using exactly the terms of the PDNSW documents. The NSW Electoral Commission approved the following question and administered the voting and tallying on polling day.

*“The Coffs Harbour Jetty Foreshore will be redeveloped. Do you agree that some of the foreshore land should be used for multi-level private residential development?”*

The results verified by the NSW Electoral Commission and last updated on 30 September 2024 showed:

- 83.6% of eligible voters (48,283 residents) took part in the voluntary poll
- 68.68% of voters who took part (33,161 residents) voted ‘No’

The high participation rate as a whole and the overwhelming disagreement with the use of any foreshore land being used for multilevel private residential development demonstrates that this is a community-wide objection, covering all demographics and supported by young voters as well as older residents.

FFA considers the poll a very important piece of community consultation which ought not to be excluded from consideration and omitted from the technical documents. There is concern

that this may have been done because the result did not align with the PDNSW objectives for the precinct.

When questioned on the poll results, Deputy Secretary PDNSW Leon Walker responded:

*“The poll was not part of the master planning process for Coffs Harbour Jetty Foreshore Precinct ..”<sup>7</sup>*

This is dismissive of a key piece of public consultation conducted in a transparent, grounded and democratic manner, which allowed tens of thousands of voters to express their view. A State-approved polling question, administered by State offices, tallied by State staff, is a fair representation of “community feedback”.

The proponent, PDNSW’s approach to consultation is dismissive of this clear community feedback. In light of this, the proposed rezoning cannot be approved for implementation with the inclusion of private multi-level residential development on the basis of community support.

## Ethos Urban survey

The survey conducted by Ethos Urban in 2021 has been roundly criticised for being manipulative and having a predetermined outcome prior to its issue. Many people including many FFA members were so unsatisfied with the survey questions that they were unable to complete the survey.

Question 19 is infamous as it gave people the choice between 4-6 storey development or leaving the areas behind the fences untouched. Approximately 870 people selected the option to leave the fences there, which FFA is sure was not what was really wanted but was chosen simply because there was no other suitable alternative. Another 936 chose not to answer a question in a survey that gave them no suitable options. That amounts to about 49% of the survey respondents.

## Misrepresentation

The below example illustrates the deliberate misrepresentation by consultants that indicates that they are delivering a predetermined outcome for their NSW Government employers. In the 2021 Phase 1 Consultation Report, Ethos Urban claimed that the GHD community consultation process generated the following feedback themes on local viewpoints:

- 1) Place the community at the centre of the decision-making process, through broad, inclusive, and transparent consultation
- 2) Activate the space and bring more people to the area
- 3) Maintain and ensure connections between the city and the waterfront
- 4) Build on current investment/activities
- 5) Help grow new jobs for the region

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<sup>7</sup> Letter dated 18/10/24)

- 6) Create an economically sustainable public domain, and community assets
- 7) Establish a precinct as a destination for tourists and locals alike, that the region can be proud of.

In actual fact, these were the Project Objectives that were assigned to GHD by the NSW government before the consultation process even commenced, **and do not represent any views expressed by the community.**

References are found on page 2 of the GHD Community and Stakeholder Consultation Outcomes Report and Page 14 of Ethos Urban Phase 1 Consultation Outcomes Report.

## CONSULTATION WITH ABORIGINAL CUSTODIANS

The local Coffs Harbour Elders, the Garlambirla Guuyu-Girrwa (GGG) Aboriginal Elders are custodians of the lands between Bongil Bongil and Moonee beach in the Coffs Harbour area. They speak on behalf of the Coffs Harbour local Aboriginal Community, the Gumbaynggirr people, about these lands including the Jetty land proposed for rezoning for development into multi storey residential and tourist units. Elder Reg Craig is their spokesperson and also speaks on behalf of FFA.

### Gumbaynggirr engagement

Mr Craig is concerned with the PDNSW Aboriginal consultation process and the decision to commission a second Aboriginal consultation report. The Community Consultation and Outcomes Report by Murawin published in 2022 demonstrates the Aboriginal community is overwhelmingly opposed to new private residential development in the precinct .

As noted in the Murawin Community Consultation and Outcomes Report – Coffs Jetty Revitalisation Draft Masterplan commissioned by NSW Department of Planning and Environment, the Aboriginal community is wholly and overwhelmingly opposed to residential development. The area is considered a healing and gathering space which should be accessible to all.

Below are the findings of the Murawin report, which the current rezoning plan disregards:

*“This principle means that the creation of exclusive private spaces is avoided in the design of the Precinct. Private residential accommodation that takes up public space for the exclusive use of an elite few is not congruent with the principle of inclusivity.”*  
pg 20

*“Many strongly objected, however, to the use of this space for private residential accommodation. This objection was based partly on principle, whereby people felt that public land should not be taken for the exclusive use of an elite few and this accommodation is unlikely to address housing shortages in the demographics that most need it i.e., it is use of community space that will not directly benefit the community.”* pg 23

*“The Coffs Jetty Revitalisation project is on Country of immense spiritual, historical and cultural significance for the Gumbaynggirr people. A dedicated stream of Aboriginal community consultation has been undertaken over the past 10 months to ensure that the development of the draft masterplan for this Project is informed by Aboriginal knowledge, values, aspirations and connection to Country.” pg 29*

Another report is now being produced. In the draft of the new consultation report, which FFA has seen, it is very unclear as to who and how people have been consulted. It is also understood that there are no specific questions about whether the community supports new private residential/tourist development on the railway lands in the new report.

*“It appears that this second report is designed to give PDNSW the report it wants, not the report it got. Stop paying lip service to Aboriginal consultation and pretending to show respect. Respect is an active process and you cannot get away with saying one thing and doing the opposite.”*

*The Aboriginal community said ‘no’ to private residential development at the Jetty Foreshores. The wider community also said no. Is the Minn’s Government wearing ear plugs because they obviously aren’t listening!”*

Reg Craig, Spokesperson, Garlambirla Guuyu-Girrwa (GGG) Aboriginal Elders

## Connecting and Caring for Country

The draft Connecting to Country Framework does not address the concerns of the Elders about connecting and caring for Country. See the letter below from the GGG Elders to NSW Aboriginal Affairs Minister, which GGG Elder and member of FFA, Reg Craig, requested be included here as part of FFA submission:

### ***Coffs Harbour Jetty Foreshore Precinct – Protection under the Aboriginal and Torres Strait Islander Protection Act 1984***

*We write to seek your support for the protection of our Sacred Sites on public lands at the Jetty Foreshores in Coffs Harbour. We understand that the Act protects from damage, areas and objects in Australia and Australian water that are significant to Aboriginal people in accordance with Aboriginal traditions. We also understand that Aboriginal people can apply to the Minister for Aboriginal Affairs for the protection for a specified area or object. In this case we seek to apply to the Minister for Aboriginal Affairs for the protection of our Sacred Lands on public lands at the Coffs Harbour Jetty Foreshore.*

*As the Senior Garlambirla Elder with responsibility for these Sacred Lands, Caring for Country means more than just words. Caring for Country means acknowledging, recognising, respecting and accepting Aboriginal History, Aboriginal Heritage, Aboriginal Significance, Aboriginal Culture and our Environment; it is a huge part of our cultural identity. These Sacred Sites sit geographically at the very centre of the Gumbaynggirr Nation; it is a very special place, it is spiritual, it is iconic, it is a place of gathering and healing for Aboriginal people.*

*There are not just one or two sites here, there is a web of Sacred Gumbaynggirr Sites. These values and sites extend from the coast to the mountains visible to the west. These are all the traditional lands of the Gumbaynggirr people and our custodianship extends back tens of thousands of years and continues unbroken to this very day.*

*As Traditional Owners, Custodians and Caretakers of this area we feel the strongest responsibility and obligation to protect and preserve this area for present and future generations. If we lose this area to highrise development we will never be able to get our Sacred Sites back, they will be gone forever.*

*On behalf of our local Coffs Harbour Aboriginal Elders here in Gumbaynggirr Country we identify as the Garlambirla Guuyu-Giirwaa Aboriginal Elders Corporation and we seek your immediate assistance and support for the protection of the specified Sacred Area.*

## Draft Aboriginal Cultural Heritage Assessment (ACHA) Report

The Garlambirla Guyuu Geewaa (GGG) Elders are critical of the level of consultation on the draft ACHA. Several sections demonstrate the Aboriginal community's opposition to the residential component of the development and the desire to have proper, more consistent and ongoing consultation. It is not appropriate to undertake consultation at the development application stages and there have been requests by the Elders that approvals for rezoning are not given prior to the finalisation of the ACHA.

Additionally, there were three areas of subsurface potential archaeological deposit (PAD) within the study area. The scientific significance of the three PADs is unknown and cannot be determined until further investigation is undertaken. Further, when assessed against the areas subject to LEP changes under the proposed rezoning, these areas have potential to be harmed by future works associated with the Planning Proposal. This also should not occur at the development application stage but be determined now.

Extracts below from the draft ACHA demonstrate the desire to retain public access and the importance of the area to the Gumbaynggirr community:

*Given the opposition to residential development within the study area from the [redacted], documented during Aboriginal community consultation, further consultation should be undertaken with the wider Aboriginal community at development application stages. (Page vi)*

*Feedback from [redacted] during the consultation process identified the study area as located within a highly significant area in terms of social/cultural, historical and aesthetic values*

*[Redacted] stated that the area should be protected, rehabilitated where needed and be left open for public access: no private residential development should be undertaken in the area.*

Extracts from Draft Aboriginal Cultural Heritage Assessment Report

Mr Craig argues that the ACHA should be completed and any investigations on significant cultural heritage should be undertaken prior to any approval of the Planning Proposal.

## Outstanding Land Claims

It is understood that there are outstanding land claims on the area proposed for mixed use rezoning and development along the railway and throughout the precinct.

*“Is it not fair and due process to wait for the outcome of the Aboriginal Cultural Heritage Assessment (ACHA) and any outstanding land claims prior to giving approval to put a rezoning proposal forward for public exhibition?”*

Spokesperson for the Garlambirla Guyuu-Girrwa Elders, Reg Craig.

# BUILDING IMPACTS

## Heights

There is a clear contradiction between the insistence in the Rezoning Proposal's Illustrative Masterplan and Draft Design Guidelines on four to six storey development and height controls of 25 metres and 21.5 metres within the Jetty Hub and North Park sub-precincts respectively.

These controls clearly allow for eight and seven storey buildings and breach the undertaking to maintain the existing height control west of the railway. The existing height control west of the railway is 19 metres, allowing for six storey buildings – the “rule of thumb” in residential design practice is 3 metres per storey.

PDNSW and DPHI staff at the community consultation seminars had no coherent justification for this contradiction. The Design Guidelines are exactly that, guidelines. They are not mandatory and are open to variation on appeal to the consent authority. The Illustrative Masterplan carries no procedural weight at all.

The 25m height also contravenes the NSW Coastal Design Guidelines - Part B1 of section 3.2 d. “Ensure that lot sizes, building heights and density are appropriate for the coastal settlement, and complement the existing or desired local character, supported by place-based strategies”.

The Planning Justification Report states:

*More specifically, the proposed height and density is...compatible with that permitted and being delivered within the adjoining Jetty Core mixed use centre.*

This is inaccurate as the heights allowed in the “Jetty Core” are 19m, significantly lower than the proposed 25m heights.

In the absence of any business plan for the project stating otherwise, it must be assumed the site, in part or in whole, will be sold to a private developer to carry out the work. With a legal obligation to shareholders, any developer must seek to maximise yield by exploiting the height controls to the maximum. The only thing “indicative” about the Masterplan is that it indicates what Coffs Harbour will not be getting.

## Potential for increase on heights above 25m

There is real and demonstrated concern about the proposed maximum heights increasing above the 25m or 8 storey building height equivalent due to several factors including:

- **Merit-based assessment requests by developers** - NSW Government planners in attendance at the Public Information Sessions informed FFA that 2-storey additional height increases on an 8 storey building height would be in line with expectations. This acknowledges that 10 storey equivalent building heights are to be likely approved in merit-based assessments. Given this, the proposed rezoning needs to explicitly acknowledge this and the proposal needs to be exhibited for an additional period to allow the community to provide accurate feedback.

- **Underground carparking being unfeasible** - FFA understands that there has been no assessment of the feasibility of underground carparking at the site has been provided and buildings in the Illustrative Masterplan have been depicted with underground carparks (e.g. North Park). It is expected that developers would be arguing for an increase in building heights if they are required to add carparking above-ground. There are many instances in Coffs Harbour where underground carparking is not determined as feasible eg. CODA building in the city centre.
- **Costs of building on site with many undetermined issues** - FFA understands there has been no on-ground contamination, geotechnical studies, Aboriginal Heritage investigations of many areas of the proposed development site. As the site presents many issues in relation to these having past industrial uses, soils composed largely of sand and identified PADs, it is considered that building on the site may be very expensive. This is likely to impact on any return on investment for future developments within the precinct. The outcome will affect the feasibility of developments that comply with the proposed rezoning and makes it more likely future development will need to incorporate increased building heights, above and beyond the proposed rezoning, to ensure the required investment is financially viable.

The impacts on below shading and visual amenity will be exacerbated with increased building heights and presents an untenable risk to the community.

## Overshadowing

### Parkland shading

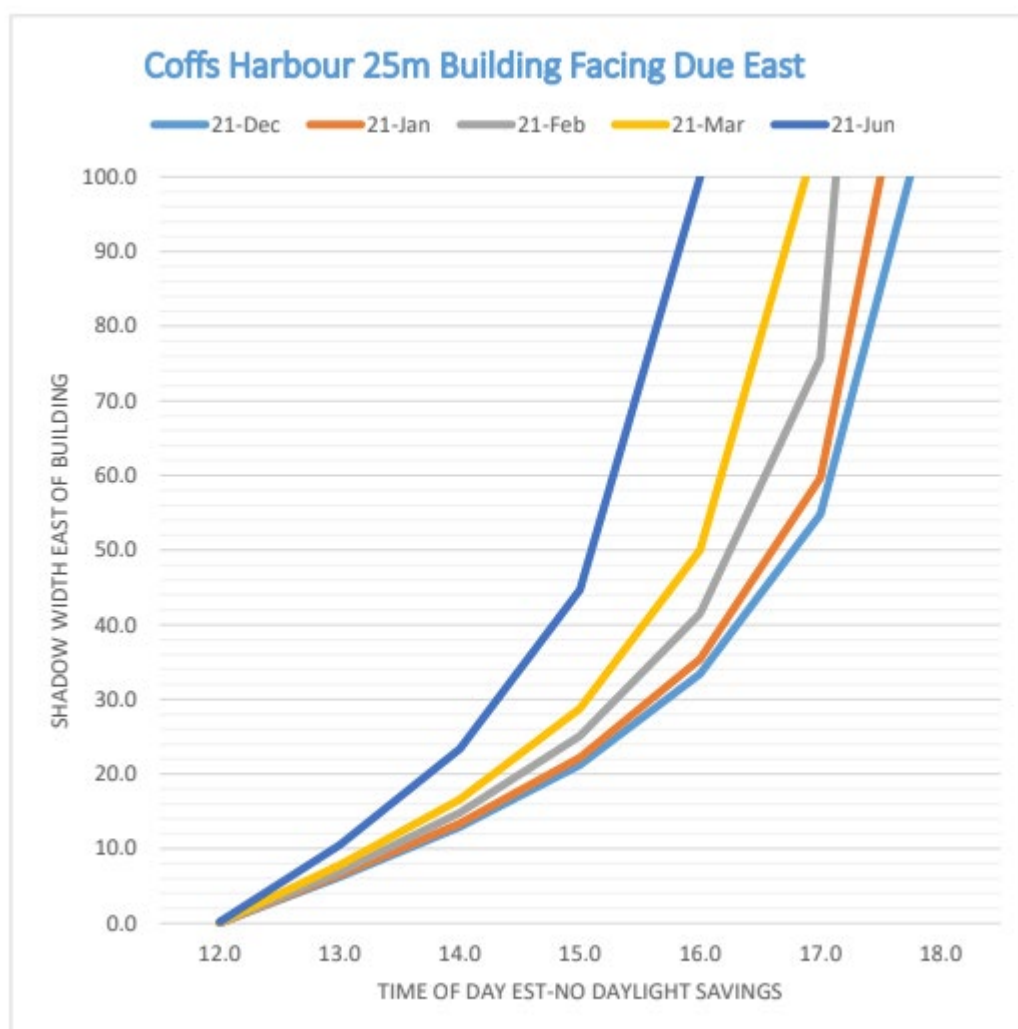
The overshadowing plans in the Urban Design Report detail mid-winter afternoon overshadowing of the proposed foreshore RE1 Public Recreation zoned land by the Jetty Hub North and South buildings (across Jordan Esplanade and onto the foreshore public reserve areas) as does the Jetty Hub Residential building.

According to the proposal, the prospective building footprints, over-development and building heights are the cause of this breach. Given this, the rezoning fails to conform with the NSW Coastal Design Guidelines.

The rezoning proposal's inclusion of an exception to the Coastal Design Guidelines to allow for this breach will mean that these key public recreation spaces and the community members that use them, will be deprived of sunlight at the time when it is most appreciated. It is likely to reduce the use of these parklands during winter, which will limit the activation of the precinct and place greater demand on parklands elsewhere in Coffs Harbour. This may in turn affect the economic viability of any commercial premises that are based in the precinct.

The eastern extremity of this area, which is used for picnicking, exercising and general recreation, is approximately 50m from the edge of the site that is proposed to be rezoned to allow buildings up to 25m high. The Western edge starts at the road, approximately 8m to the east of the site.

Below is a graph demonstrating the shadow lengths (vertical axis) cast by a 25m high building onto this area throughout the day and the year.



time			shad length		
	21-Dec	21-Jan	21-Feb	21-Mar	21-Jun
12.0	0.1	0.0	0.0	0.1	0.2
13.0	6.2	6.5	6.9	7.8	10.5
14.0	12.9	13.4	14.8	16.6	23.4
15.0	21.2	22.2	25.1	28.8	44.7
16.0	33.4	35.4	41.5	50.0	100.0
17.0	54.8	59.7	75.7	106.8	
18.0	115.4	140.1	263.7		

Source: Dr Holger Willrath, B.Sc.(Hon), Dip. Ed., M. App. Sc., Ph. D

It can be seen from the graph that the grassy area will be half in shade with a shadow length of 25m by 2pm in June and be totally in shade by 3pm, at 50m.

During the equinox in March and September, represented by the yellow line in the graph, the grassy area will be half in shade by 2:30pm and fully shaded by 4:00pm EST.

FFA has been advised that it is not possible to do an accurate shading assessment given the lack of detail in the proposed rezoning documents regarding the height and positioning of future development.

In the interest of wider community benefit and precinct activation, the proposed rezoning for increased building footprints, heights and density of development in the Jetty Hub sub-precinct must be amended - limiting the height of buildings west of Jordan Esplanade to 8.5m (2 storeys) or less, to ensure that the affected parklands can be used to their best capacity throughout the year.

## Visual impact

### Inadequate Visual Impact Assessment

The Visual Impact Assessment (VIA) accompanying the Planning Proposal is inadequate and underdone. The VIA states:

*“In terms of view impact, the proposal achieves a balance between the design intent of PDNSW as the proponent and the interests of the broader community and residents of impacted properties.”*

This is not demonstrated in the VIA and the loss of views for the public and residents is deemed “considerable” in many cases, which means the proposed rezoning does not meet the interests of the community and is untenable.

There are concerns that the presentation of the VIA underplays future impacts, preventing accurate assessment of the proposed rezoning by community members. It appears to misrepresent the potential impacts by not showing the buildings occupying the maximum building heights. Instead they are shown as lower than the maximum height with red dotted lines indicating the full height. When evaluating the proposed rezoning, it must be assumed that any development will reach the full building height, maximising the return on investment by future developers.

The assessment states that only one (1) private property was accessed for assessment. The impacts on other property views were assessed through simulations and references to commercial real estate sales images. Assumptions have been made and view impacts are not quantified. The VIA states that a “high number of people are ordinarily exposed to viewing the foreshore precinct,” but only one balcony in one apartment has been used for actual visual impact assessment. This is inadequate to allow evaluation of the impact of the proposed rezoning and must be addressed before it can progress.

The VIA states that the views from broad areas of the existing Jetty urban precinct, west of the rail line, are “considered highly valuable, with outlook to “iconic” elements blocked or partially blocked” by the PDNSW proposed built forms.

The VIA advises that “the proposal has been informed by extensive design work and review, including multiple State Design Review Panel sessions”. Unfortunately, this design work did

not include a comprehensive, thorough and consultative site analysis to gauge actual private property view impacts to guide the built form placement and heights.

A comprehensive visual impact assessment based on evidence gathered from multiple affected private properties is required. This is a critical part of the community consultation process that needs to occur before the project can progress. It is likely to significantly affect the PDNSW Masterplan for the precinct.

## Public views

Reference to the Visual Photomontage and Methodology Report (March 2025) shows the proposed rezoning will allow future development to significantly impact on public viewpoints highly valued by the Coffs Harbour community and visitors to the district.

The potential significant impacts include blockage of views to Muttonbird Island for pedestrians and cyclists using the primary pedestrian route from Harbour Drive/Orlando Street across the rail line towards the State heritage-listed Jetty, and for vehicles using Marina Drive (VPMR, ref 09) and. It is particularly concerning that VPMR, ref 08 indicates that pedestrians will also be affected by the “considerable” impact of a “wall of concrete” due to future development on the sites PDNSW proposes to have rezoned to allow building heights up to 21.5m and 18.5m at the Marina Drive entrance to the Jetty Foreshore precinct. This will effectively block the public view and enjoyment of the foreshore area.

The rezoning would also lead to significant potential losses of publicly accessible views from the Jetty itself (VPMR, ref 01), including elimination of the view of Mount Coramba, which hold a special for the community. The ability to enjoy the mountain views when using the area is something residents and visitors alike have indicated that they do not want to lose. The 25m building height presents a significant impact to the iconic views of the area.

Loss of views from the High School has been determined as not significant however currently there are views from classrooms that do not appear to have been assessed as part of the report.

# PUBLIC ACCESS

Traffic, car parking and pedestrian management has not received proper consideration in the PP. Vehicle access, movements, parking, circulation and other traffic, bicycle and pedestrian considerations are integral to the planning of the jetty Foreshores Precinct. Fundamental errors and the failure to properly consider the impact of the proposed rezoning on traffic management and available parking have been identified. This will put access to this valuable recreation area at risk for both locals and visitors if it is allowed to proceed without additional consultation, assessment and amendment.

These flaws are outlined below.

## Transport

### Alternative access

The SCT Transport and Parking Impact Assessment supporting the proposed rezoning states that the proposed rezoning will lead to significantly increased traffic volumes on key roads accessing the precinct, namely Orlando St, Harbour Drive and Camperdown St. These roads have been identified as already being at capacity, but neither the rezoning proposal nor the supporting technical studies have identified any avenues to address additional traffic or provide alternative access.

The SCT Transport and Parking Impact Assessment includes forward projections indicating that by 2033, 575 vehicles per hour (v/hr) will be using Camperdown Street and a significant proportion of this will be attributable to development associated with the planning proposal. Camperdown Street is a neighbourhood street and Transport for NSW (TfNSW) guidelines suggest that such streets should not exceed 300 v/hr. As the planning proposal is for a 20-year staged project, forward projections for traffic and transport requirements until at least 2045 must be provided to allow proper assessment.

In 2020, King and Campbell (see statement below), was engaged by the Coffs Harbour City Council (CHCC) and identified that any development in the foreshore precinct now subject to the current planning proposal would require additional vehicle access. They commended CHCC and the NSW Government on their early efforts to investigate Howard Street for this purpose.

During the public consultation on the current Masterplan, PDNSW ruled this out on the basis of cost, environment and indigenous issues.

*“... it is strongly recommended that an alternative traffic route into the Coffs Jetty and Marina Precinct be identified, and any future development in the Precinct be contingent on its implementation – It is understood that an alternative route via Hogbin Drive, Howard Street and a bridge over the North Coast Rail line is currently being considered by Council and State Government. This initiative is supported.”*

From King & Campbell Coffs Jetty Strip Structure Plan 2020

## Traffic flow and pedestrian impacts

The Transport and Parking Impact Assessment does not address critical issues associated with the impact of either the pedestrian crossings or the railway crossing on the anticipated increased traffic flow in its analysis. The issue of the level crossing being closed while trains pass is a particular problem well known to locals and requires analysis in light of the projected increase in traffic using the crossing.

In addition, the impact of increased traffic flows along Camperdown St during morning and afternoon periods in the vicinity of Coffs Harbour High School has not been addressed. This will impact on the safe pedestrian access of school children.

The combination of contradictory traffic impact assessments, and the omission of key analysis of important environmental factors affecting traffic flow, means that it is not possible to properly assess the proposed rezoning in its current form. Further assessment and work to adjust the rezoning in response to the findings is required to address this.

## Parking

### Inaccurate assessment

The Planning Justification Report (PJR) claims the proposal will provide 103 more car parking spaces than currently exist. This figure is achieved by illegitimate means that do not bear scrutiny.

- 1) The figures quoted in the PJR to describe the existing car spaces in the three informal carparks at the northern end of the precinct are deemed very inaccurate. It claims these carparks provide 352, 60 and 45 (Total 457) spaces. FFA has counted the cars parked in each of these areas on a Sunday market day and tallied 506, 75 and 77 (Total 658). The difference in figures is approximately a 44% underestimation. Immediately, there is a discrepancy of 201 spaces between observed numbers and the numbers within the PDNSW-commissioned Transport and Parking Impact Assessment.
- 2) The report notes an increase of 43 car spaces on the western side of the railway line at the train station, from 35 to 78. This overlooks the fact that the existing 35 spaces cannot be classed as parking for visitors to the foreshore. They are for use by railway clients and should not be included. The 43 additional spaces are dependent on construction of a pedestrian bridge. However, the pedestrian bridge is described in other documents supporting the proposed rezoning as unfunded and 'possibly' to be delivered as part of Stage 4 of the revitalisation project. There is no timeframe given for Stage 4 but the rezoning proposal notes that neither PDNSW, the NSW Government or CHCC are committed to its construction. It's important to note that Transport for NSW owns the site on which the 43 additional car spaces would be located and that land is currently leased to ARTC. It means there is no guarantee a carpark would be allowed there and it is inaccurate to include these spaces as part of the impact assessment associated with the proposed rezoning..

- 3) In the SCT Transport and Parking Impact Assessment, the Southern Activity Hub depicts a formal car park accommodating 62 cars. Next to that is an informal carpark that is described as providing 50 spaces. In various other project documents, this space is shown as being occupied by two buildings restricted in height to 8.5 metres. This includes diagrams showing the buildings, along with associated shadow diagrams and commentary, saying the buildings are for short-term community accommodation for use during sporting events and for retail purposes. This anomaly needs explanation before proper evaluation can be made.
- 4) There are several areas within the precinct where carparks are dedicated for specific purposes but the SCT Transport and Parking Impact Assessment identifies them as general parking. Areas that fall into this category are 84, 4 and 7 car spaces at the boat ramp. These are specifically for car and trailer parking and cannot be included as general parking.
- 5) The impact assessment also identifies 42 car spaces on the western inner wall of the Marina. This finger is very narrow and serves to provide access to the commercial fishing fleet. The operation of the working harbour is dependent on fishing boat owners and crew having access to this area, so this is another area that should not be accepted as general parking. Also, in the Marina precinct and the 200 car spaces the impact assessment claims are currently available, there are numerous car spaces that are restricted to clients and staff of the NSW Maritime North - Marine Incident Coordination Centre and the NSW Water Police.
- 6) The Coastal Risk Management Report prepared for PDNSW by Royal HaskoningDHV indicates that approximately half of the proposed car-parking north of Marina Drive will be under threat from coastal erosion or inundation by 2075. This implies a potential loss of 200 spaces and this has not been accounted for within the SCT Transport and Parking Impact Assessment..
- 7) SCT estimates there will be a shortfall of 300 off street carparks associated with food and beverage outlets in the proposed development and, while it is feasible that some of these spaces can be provided in the surrounding street network, it is definitely not acceptable that 100% of them are.

## Further transport and parking issues

Further issues of concern regarding the SCT Transport and Parking Impact Assessment Report that need to be addressed before the rezoning can proceed include:

- Traffic counts were undertaken during school holidays in January 2022, when some covid restrictions were still in place and would undoubtedly have impacted tourist visitations and thus traffic and parking numbers.
- Figures from individual days appeared to have been adopted as representative samples and it would have been more acceptable to use averages collated from several days. More troubling is that while the reports indicate the date and time the actual computer analysis was carried out, nowhere does it seem to be shown the actual day the data was collected.

- Weather could and can have a huge impact on visitations to the harbour and without knowing what day the data was collected there can be no certainty that what is being analysed is actually a fair representation. It is imperative that the exact date be disclosed.
- Considering the size of the precinct, it should not be assumed that a shortfall in parking spaces at the most popular destination, being the Jetty Hub area, can be satisfied by another sub-precinct which could be quite some distance away eg. Gallows

The report prepared by SCT is not a fair analysis of the traffic and parking situation and the impact that the planning proposal will have on the local community. We would suggest that it is imperative that an entirely independent study and further analysis be undertaken prior to the rezoning application being determined.

# FUNDING

## Public Infrastructure

Since the outset of PDNSW's Coffs Harbour Jetty foreshore Revitalisation Project, there has always been the carrot dangled in front of the community, being that multi-storey development is necessary to provide funding for the parkland improvements and precinct facility improvements the community and visitors desire.

In September 2021, the Phase 1 Consultation Outcomes Report - Coffs Jetty Revitalisation, Page 8, the following statement is made:

*“For future consultation, it will be important to communicate how the community’s aspirations to revitalise the precinct can potentially be funded in line with the level of development supported. PDNSW representatives have previously communicated to the Project Advisory Steering Committee that investment in public domain and community outcomes would need to be offset by revenue generating development. This balance is likely to be a determining factor in the nature and scale of improvements or upgrades that can be delivered in the area within certain timeframes. Therefore, the objective for precinct wide social and community infrastructure to be enabled through appropriate scale development outcomes needs to be clearly articulated and discussed.”*

From the outset, the community was informed that the amount of public infrastructure the community would receive relied on how much development the community allowed PDNSW to include. In the Draft Masterplan produced in 2022, following the result of the 2018 GHD survey and the 2021 Ethos Urban survey, the following statements were made:

*“Balance development outcomes with the funding of foreshore improvements and community initiatives to ensure a considered outcome for the area.”*

*Page 6, Coffs Jetty Revitalisation Draft Masterplan (2022)*

*“The draft masterplan proposes a balance of development and uses that will deliver the desired activation of the area, while maintaining and enhancing the community access, use and enjoyment of the precinct. The scale and type of development proposed can realise the return on investment to ensure the community initiatives proposed in the draft masterplan are delivered”.*

*Page 19, Coffs Jetty Revitalisation Draft Masterplan (2022)*

*“The NSW Government is not developing land in the precinct for profit and any activity will be balanced with paying for community benefits. Importantly, revenue generated from staged development activity within the precinct will be reinvested back into the community, thereby delivering initiatives such as, new playgrounds, boardwalks, preservation of natural areas and infrastructure upgrades. Increased density, achieved through height, may provide additional revenue to fund more enhanced community initiatives.”*

*Page 19, Coffs Jetty Revitalisation Draft Masterplan (2022)*

This theme continued when the community was asked to participate in a survey held April-June 2022. The survey presented the community with various options for parkland improvements and sought feedback on these. Having tempted people with pictures of these possible parkland improvements, development questions then sought answers as to how much development was acceptable to attain these parkland improvements.

One question in particular, Question 19 on page 35 of the subsequent [Consultations Outcomes report](#), clearly implied that if the community chose to say 'no' development, there would be no public domain activation or connection improvements.

Following the results of this survey, the [Refined Masterplan](#) was produced in December 2022. It included the statement below:

*"The NSW Government is not developing land for profit and all funds generated will be reinvested back into the Precinct".*

Pg 6, Coffs Jetty Revitalisation Refined Masterplan

That is what the community had been told previously.

However, things have now changed. In the same document, the community was informed:

*"Financial forecasts show that the costs of delivering public open space, civil infrastructure, community spaces and additional parking will not be met by the proceeds of development detailed in the revised masterplan, thereby requiring additional Government investment in the precinct".*

The situation appears to be that the Coffs Harbour community is no longer assured of promised infrastructure upgrades unless the State Government invests more money into the project.

As a result of a GIPA request, FFA received a copy of the "Rezoning Pathways – Suitability and Readiness Assessment"

In the assessment, PDNSW states again:

*"The Coffs Jetty Masterplan notes the NSW Government is not developing the precinct for profit and all funds generated would be reinvested into the precinct. The Masterplan also notes that financial forecasts show the costs of delivering public open space, civil infrastructure, community spaces and additional parking would not be met by the proceeds of the proposed development"*

Candidate profile – Coffs Harbour Jetty Foreshore - Property and Development NSW

However, it is then followed by this statement:

*"PDNSW has finalised its New Policy Proposal (NPP) submission to Treasury for Stage 2 lodgement. This will need to address The Treasurer's feedback to Minister Kamper that the proposal must be supported by a cost neutral option."*

Neither the Coffs Harbour City Council nor the community has been privy to this New Policy Proposal (NPP). Prior to proceeding with the PP, there must be the provision of this NPP, the business case and financial modelling for this project. It would be highly risky for all stakeholders, particularly the Coffs Harbour City Council and its ratepayers, to proceed without this key data.

With these continual changes to the financing of this project, there is no certainty that the community will receive the benefit of improved parklands, playground enhancements, improved pathways etc as promised so many times.

- How can there be any certainty of profits for playgrounds if the project was determined to not have the capacity to generate enough funding to pay for the public infrastructure in 2024?
- Where are the updated figures that support the need for the project to demonstrate that it is cost neutral?
- How are the profits actually determined?

The PDNSW Project Manager for the Precinct development was recently asked about the funding of the improvements and was unable to answer other than to say they would be funded some time in the next 20 years. This is not a satisfactory response from Government and provides no guarantees at all.

## Staging

PDNSW's Contributions Strategy and Infrastructure Schedule was produced in February 2025, as part of the Planning Proposal.

*"The infrastructure schedule identifies the infrastructure items to be delivered in the Precinct, and to be staged in line with development over the next 20 years."*

Infrastructure improvements are scheduled for Stages 2 and 3, with no mention of how far down the track that might be. The cost predicted for these improvements is \$8.2 million.

Despite these statements, there is still no guarantee that this funding or improvements will eventuate, given the funding for this proposal is so uncertain and forever changing, and the community has not been given the opportunity to examine the Business Case, presuming one exists.

A recent GIPA by FFA revealed that prior to the rezoning proposal being exhibited, PDNSW had already spent \$17,357,229 on the Jetty Revitalisation project, including approximately \$6 million (accounted for as \$9.6 million) for a community building. Despite any assurances from PDNSW, it is clear that there is no guaranteed commitment or timeline to provide the \$8.2m parkland improvements for our community.

# ENVIRONMENTAL IMPACTS

## Flora and Fauna Report

The ecological assessment undertaken by WSP in relation to the PP contains numerous errors and omissions and reaches unjustified conclusions about the ecological and environmental impacts that the planning proposal will generate. The deficiencies are numerous and several are discussed below.

### Muttonbirds

The shifting boundaries of the Precinct have meant that Muttonbird Island Nature Reserve (MBINR) was formerly included but is now excised. MBINR is a critical environmental asset, being a rookery for Wedge-tailed Shearwaters *Ardenna pacifica*, one of only three in NSW. The removal of this area from the Precinct and thus from consideration has given rise to a nonsensical proposition, namely that since no Wedge-tailed Shearwaters were observed in the two days of field observation within the Precinct, therefore they are not considered further in terms of application of the federal *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act). An extract is reproduced below:

*“Muttonbird Island Nature Reserve located immediately east of the marina but outside of the Precinct’s boundary, supports a viable breeding population of Short-tailed Shearwater (*Ardenna tenuirostris*), also known as Muttonbird, is recognised as an important breeding colony and a key source population of the species. There is a perceivable risk of light generation, indirectly disrupting the successful dispersal of juvenile Muttonbirds, instinctively attracted to light. Any third-party developers seeking to undertake future developments, should apply lighting principles for responsible outdoor lighting when designing and installing lighting infrastructure”.*

The approach taken by WSP in this regard is highly inappropriate. Firstly, despite the importance of the rookery and the large amount of published information relating to it and the species, WSP have incorrectly identified the species as Short-tailed Muttonbirds not Wedge-tailed Muttonbirds. This is a gross and fundamental error and demonstrates a lack of professional capability by the report author/s. WSP go on to state:

*The Precinct layout will not result in a direct impact to Muttonbird Island (given it is outside of the Precinct) and the population of Muttonbird. There is a perceivable risk of light generation, recognised as Artificial Light At Night (ALAN) from the Precinct, **indirectly** disrupting the successful dispersal of juvenile Muttonbirds, instinctively attracted to light.*

The mere fact that the Nature Reserve is outside the Precinct does not preclude impact. The risk of light pollution causing disorientation is a direct impact (not indirect as stated by WSP). The generation of light by an additional 250 residential units and

200 short stay units in direct sight of MBINR presents an enormous impact and must be considered as such. The phenomenon of fledgling seabirds being disoriented and then grounded, where they become vulnerable to predation and vehicle strike is well-researched at a local, national and international scale. Failure to consider this in relation to the PP is a major omission and needs to be corrected. FFA considers that WSP's assessment is contrary to the provisions of the *EPBC Act* and contrary to Australia's obligations under the *Japan-Australia Migratory Bird Agreement (JAMBA)*. There are national as well as international guidelines for understanding the impacts of light pollution on wildlife and these must be referred to in relation to the current PP.<sup>8,9</sup>

## Other bird species

A simple search of the NSW government's flora and fauna database BioNet as well as IBird generates a lengthy list of bird species (at least 51 species), several of which are omitted from the WSP report. Significant omissions of conservation value include:

- **Sooty Oystercatcher** - recorded from within the Precinct, known foraging habitat within the Precinct, Vulnerable in NSW
- **Little Tern** - recorded within the Precinct, Endangered in NSW
- **White-throated Needletail** - recorded adjacent to the Precinct (Happy Valley), Vulnerable in NSW, CAMBA, JAMBA, RoKAMBA
- **Wompoo Fruit-dove** Vulnerable in NSW, recorded within Precinct, foraging habitat within Precinct
- **Swift Parrot** Endangered in NSW, Critically Endangered nationally, nearby records and foraging habitat within Precinct
- **Regent Honeyeater** Endangered in NSW, Critically Endangered nationally, nearby records and foraging habitat within Precinct
- **Varied Sitella** Vulnerable in NSW, records nearby
- **Glossy Black-Cockatoo** Vulnerable in NSW and nationally, recorded within Precinct, foraging habitat within Precinct

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<sup>8</sup> [https://www.cms.int/sites/default/files/publication/cms\\_light\\_pollution\\_guidelines\\_complete\\_0.pdf](https://www.cms.int/sites/default/files/publication/cms_light_pollution_guidelines_complete_0.pdf)

<sup>9</sup> <https://www.dcceew.gov.au/sites/default/files/documents/national-light-pollution-guidelines-wildlife.pdf>

Lack of comprehensive assessment of species of conservation significance is alarming, especially since such species records are easily found in government spatial databases.

## Other fauna species

Other fauna species of conservation concern include the Eastern Blossom-bat and Grey-headed Flying Fox which are both known to forage within the Precinct on the nectar resource.

## Littoral Rainforest

A significant proportion of the proposed development area is mapped as Littoral Rainforest and Littoral Rainforest Proximity area. The Flora and Fauna recognises this and reports the following:

### *5.4.2 Littoral rainforest (formerly SEPP 26)*

The study area is mapped as littoral rainforest and proximity area for littoral rainforest, as shown on Figure 5-4. Field surveys confirmed the presence of littoral rainforest, listed as critically endangered under the BC Act, throughout the study area. Littoral rainforest is present from the northern to southern extents of the study area (refer Figure 5-1). The largest patches occur east of Jordan Esplanade between the road and the beach foreshore of the harbour and to the west and south of the former Deep Sea Fishing Club (refer Figure 5-1).

The Precinct and its rezoning areas are avoiding most of the littoral rainforest and dunal vegetation, with only minor potential direct impacts associated with the proposed elevated boardwalk at the southern extent of the study area, for which the route selection for the proposed elevated boardwalk considered avoiding and minimising impacts to the littoral rainforest and other native vegetation.

This is an entirely inappropriate finding as it disregards the Proximity Area and its legal status under the SEPP. The legal validity of the Proximity Area has been tested in a number of court cases and it has been well-verified that the Proximity Area is included in the Littoral rainforest area and must be considered in impact assessment. The WSP discounts the validity of the Proximity Area in relation to the Ministerial Direction

The study also disregards the fact that the Stormwater Plan describes significant earthworks to align the fall of the land directly toward the Littoral Rainforest area and to create three stormwater detention basins, two of which are in the Littoral Rainforest Proximity Area. It is likely that the earthworks, the increased runoff, the increased pollution, the changes to hydrology would all have significant impacts and this appears to have been ignored.

This vegetation type is critically endangered, and recognised at a state and federal level. It's importance cannot be over-stated and protection and enhancement should be the primary aim. The Masterplan references the creation of a Boardwalk through part of the rainforest area. This would be subject to a separate planning approval and would be likely to result in considerable harm to the vegetation since it could be done without significant vegetation removal and mechanical disturbance by machinery. FFA notes that an existing Boardwalk in the northern end of the beach is partly anchored onto deep sheet piles which required considerable beach excavation.



Extract from CHCC mapping showing Littoral Rainforest (green) and Littoral Rainforest Proximity Area (hatched), covering a significant proportion of the area proposed for rezoning.

## Stormwater management

A Stormwater Management Plan has been developed for the PP by WSP. The overall strategy for stormwater is to direct overland flow to the east. The report considers that existing overland flow from the catchment to the west of the site is generally captured by the existing stormwater network. FFA considers that in general existing overland flow is largely captured however in periods of high rainfall the existing system may be inadequate and the flat topography does not enhance drainage. This can be seen in the photograph below (taken May 2022 looking west to the train station) where water can be seen pooled on the ground in the proposed development area.

The existing system largely discharges onto the beach with varying levels of treatment (including untreated). Development of the site enabled by the PP will increase the impervious area of the development site. FFA notes that WSP has calculated that the current immediate catchment is already 48% impervious. WSP states that the development footprint will bring this figure to 61%. It is unclear how the increased area was calculated but the extract below shows building outline polygons and FFA assume this is the basis for the calculation. If true, then no allowance is made for additional roading infrastructure which would be built to access and service the buildings from the rear. If this is the case, then the calculation for the increased impervious area is underestimated. FFA considers that a clearer explanation and investigation of increased area is required to verify the assumptions.



Photo taken May 2022 looking west across the proposed development area to the Railway Station.  
This photo also gives an indication of how proposed building heights compare to existing.

The Stormwater Management Plan states that “The proposed overland flow strategy involves the use of appropriate site grading and earthwork”. This infers a very substantial amount of earthworks and would be subject to a range of approvals before commencement. The plan is generally to divert water away from buildings and into the Crown Reserve. FFA considers that the diversion of water into the reserve is an unacceptable strategy as it externalises the impact of the development into a protected area of high conservation value.

The report proposes three main retention basins with the approximate areas of 1200m<sup>2</sup>, 130m<sup>2</sup> and 600m<sup>2</sup>. These are shown in the figures below and represent just under 2000 m<sup>2</sup> in total area. Two of the proposed detention basins are immediately adjacent to the Endangered Littoral Rainforest and as such would require extensive further study and separate development consent before they could safely be considered feasible.

Catchments	Approximate Catchment Area (Hectares)	Approximate Imperviousness (%)
Post-Catchment	11	61
External Catchments	15	90

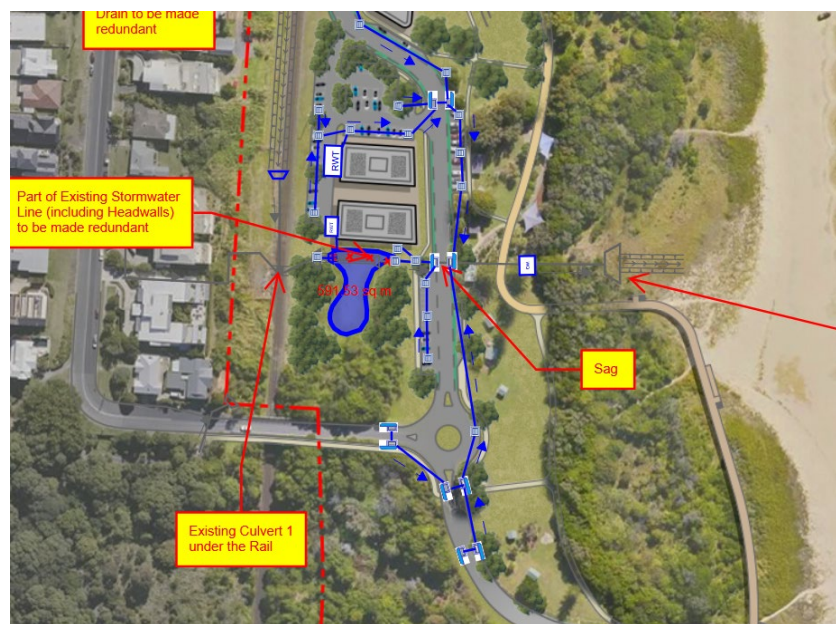
Table 3: DRAINS Input Parameters (Post-Catchment)



Extract from WSP Stormwater Management Plan indicating calculations of increased impervious area post-development.



FFA assumes that any such detention basins would need to be fenced off from the public for safety. We note that the smallest basin is located immediately adjacent to a childrens' playground area. Fencing would further usurp the amount of open space in the reserve and likely be unsightly.



FFA notes that the Stormwater Management Plan also includes what appears to be a new extended pipe and discharges into the ocean. This infrastructure is not visible on CHCC's asset mapping and is presumed to be part of WSP's plan. Untreated discharge straight into the harbour is considered a poor approach to stormwater management.



Extract from WSP report showing stormwater discharge to ocean off the Marina hardstand area.

Much of the existing infrastructure is located at low relief which can cause issues during high rainfall especially when combined with high tide levels. The photo is taken at the edge of the forested hind dune and below shows existing infrastructure already at capacity during such conditions. The report refers to tidal flooding being estimated at 4.4m in a 0.2%AEP event and notes that since most of the ground level of the development area is 4.5m that tidal flooding does not constitute an issue. While freeboard above this is likely achievable, it is doubtful that basement carparking can be accommodated as asserted by the proponent.

One of the challenges with implementation of a large-scale stormwater system as proposed is that the local government authority is normally responsible for ownership, operation and maintenance of stormwater systems. The Stormwater Management Plan would need to be developed in conjunction with CHCC. It is doubtful that the current plan would meet the objectives of CHCC's Water Sensitive Urban Design (WSUD) Guidelines,<sup>10</sup> including

- *Integrate stormwater management into the landscape to improve public open space and the recreational and visual amenity of the community.*

It is also doubtful that the present proposal would be approvable as a controlled activity under the *Water Management Act 2000* (WM Act).

<sup>10</sup><https://www.coffsharbour.nsw.gov.au/files/sharedassets/public/v/2/building-and-planning/planning-controls-and-guidelines/water-sensitive-urban-design-wsud-guideline-2018.pdf>

# HOUSING

## Local Growth Management Strategy

The Rezoning Proposal states that the proposal for the Jetty Foreshores Precinct will support the vision for a “Compact City Growth” under the Coffs Harbour Local Growth Management Strategy. This strategy, adopted by Coffs Council and NSW DPHI aims to provide a coordinated strategic and planned approach to cater for growth in the local government area to 2040. The Local Growth Management Strategy however, states that there is adequate capacity for the proposed land uses (mixed use, retail, residential, tourist accommodation) west of the rail line, and in other parts of the Coffs Harbour urban area.

The proposed rezoning is therefore not needed to address a housing and/or tourist accommodation land demand in Coffs Harbour. There is no priority need for this luxury housing and as stated below, the needed affordable housing is not provided for in this PP. This voids one of the key PDNSW justifications for why the proposed rezoning to include substantial multistorey private residential development overshadowing valuable community open space should be approved. With the elimination of this justification, we encourage DPHI to send PDNSW back to the drawing board to remove provisions for mixed use and/or residential zoning and reduce allowable heights to better meet the needs of the community and Coffs Harbour’s visitors now and in the future.

## Affordable housing

The Project Justification Report (CI 2.6) makes reference to Affordable Housing inclusion as a “live and significant issue in Coffs Harbour underpinning the progression of the Jetty Foreshores Precinct”. However, there are no planning controls or urban design parameters in the PP referencing how this housing type will be developed in the precinct. This information should be detailed for the community’s information and comment, and the Department’s evaluation of the PP. The land development cost, location and real estate market considerations for any proposal to provide affordable and key worker accommodation at this site is akin to doing the same at the famous “Toaster” building at Circular Quay and Barangaroo developments. It will not occur. There are better, more affordable and more readily serviced sites with existing public infrastructure in place within the Coffs Harbour urban area for these housing types.

If the provision of affordable housing this will be included as part of the justification for the rezoning, further information about the mechanisms for how it will be achieved needs to be included in the proposal.

## Coffs Harbour City Council offer

The CHCC offered to purchase the land from PDNSW for more than three times the price that PDNSW purchased the land for, an offer of \$6.7M. As well as that, and in recognition of the public and NSW Government outcry over affordable housing, the City offered two blocks of CBD land with zoning permission to 14 storeys. It was an astonishing deal for the progress of the City and the State – more parkland and more affordable housing. The community continues to wait for an adequate explanation about why this offer was rejected.

# COASTAL RISKS

Climate change and sea level rise are not adequately addressed in the rezoning plans, which predict significant loss of dune and foreshore areas by 2123. There is a concern about protecting coastal public land from retreat due to climate change impacts. It is however concerning that any seawalls recommended have been forecast to destroy the dune and beach.

## Coastal erosion

PDNSW commissioned Royal Haskoning DHV to prepare a Coastal Risk Management Report in support of the PP. While the Haskoning report is detailed and comprehensive, it adopts a probabilistic approach to erosion rates and sea level rise that is less conservative overall than Council's Coastal Zone Management Plan (CZMP). Council's LGA wide CZMP identifies erosion rates, and sea level rise design criteria (0.9m by 2100). The plan has been publicly exhibited, adopted, approved by the State Government and formally Gazetted, in keeping with the processes defined under the *Coastal Management Act* 2016.

Fig C-18 of Council's CZMP identifies most of the land north of Marina Drive and east of the railway behind South Park Beach in the 'Extreme Risk' category for erosion and recession in a 2100 Planning Horizon. This would place the carpark and the proposed recreational court north of Marina Dr at risk. Based on this extensive area that has been identified as being at risk, it is assumed the risk analysis has assumed any rock protection at the southern end of South Park Beach has little or no long-term impact on erosion rates.

FFA believe that Council's CZMP should form the basis for informing the rezoning proposal as one of the reasons for gazetting CZMPs is to prevent *ad hoc* and/or inappropriate changes to suit individual developers.

## Haskoning Report

The erosion rates in the Haskoning report are based on a probabilistic approach and suggest that major development sites will be set back sufficiently to prevent adverse coastal impacts during the life of any proposed major structures. That is probably a reasonable assessment (subject to the revetment wall at South Park Beach being certifiable) however, there is still a potential impact on roads and carparks and foreshore reserve. A large portion of the northern car park will be impacted, and it is recommended that consideration be given to extending the seawall a further 140m to the north.

The potential loss of car parking spaces over time should be considered now and accommodated in the masterplan. Similarly, the potential loss of foreshore reserve is substantial. There should be an increase in public recreation/open space to compensate for predicted loss, not a reduction. It is the FFA's understanding that rezoning is required to consider the effects of Climate Change. The rezoning and subsequent climate change-induced reduction in the area currently zoned for public recreation needs to be acknowledged and steps taken to compensate the community for this loss.

## Seawalls

In the mid 1980's, rock was dumped at the southern end of Park beach to mitigate erosion that was occurring at the landward end of the northern breakwall. An access ramp was constructed some years later (circa 2000?) and there may have been additional rock protection placed in the area at that time associated with that work. The approval status and extent of work undertaken needs to be identified. Presumably it was approved by Council as Crown Land Manager. Haskoning claim/assume the wall now extends approx 130m from 'North Wall' and imply/assume it is a certified engineered wall. This needs to be clarified possibly with a FOI request to find design plans and conditions of any approval and extent of work.

The Haskoning report implies that the wall adjacent to the northern break wall is structurally adequate. They use words like 'where a certified engineered wall has been built it will provide adequate protection'. This is probably correct, however, it has not been confirmed that the wall has been or can be certified as complying to design standards. Their report then assumes that it is structurally adequate and that landward erosion will not occur at this location. They recommend the 'adaptation of existing protection structures'. What does this mean? Reconstruction/major upgrade of the wall??

It is likely the wall was not formally designed or its construction supervised to a point where it can be formally certified as adequate. It is likely it will require a major reconstruction to ensure adequate foundation depth, appropriate material size and grading, side slope and crest elevation. It could be argued this work is just maintenance / adaptation of an existing structure when in reality it is the construction of a new seawall (in the location of the existing wall) which is necessary to protect assets (car park, foreshore reserve etc.) which are otherwise under threat.

The effects of maintaining the existing wall in its present location has not been discussed and the potential for loss of beach amenity on South Park Beach under a rising sea level scenario would need to be considered by the community. This has not been addressed in the report.

Haskoning also recommends that 'consideration be given to extending this wall by a further 140m to provide longer term protection to car parks and sporting courts further north where the 'acceptable risk' is identified as being exceeded beyond 2073'. They then claim the wall is not essential/mandated presumably because it is only a sporting court and car park. If it is not mandated, then presumably these assets will be sacrificed.

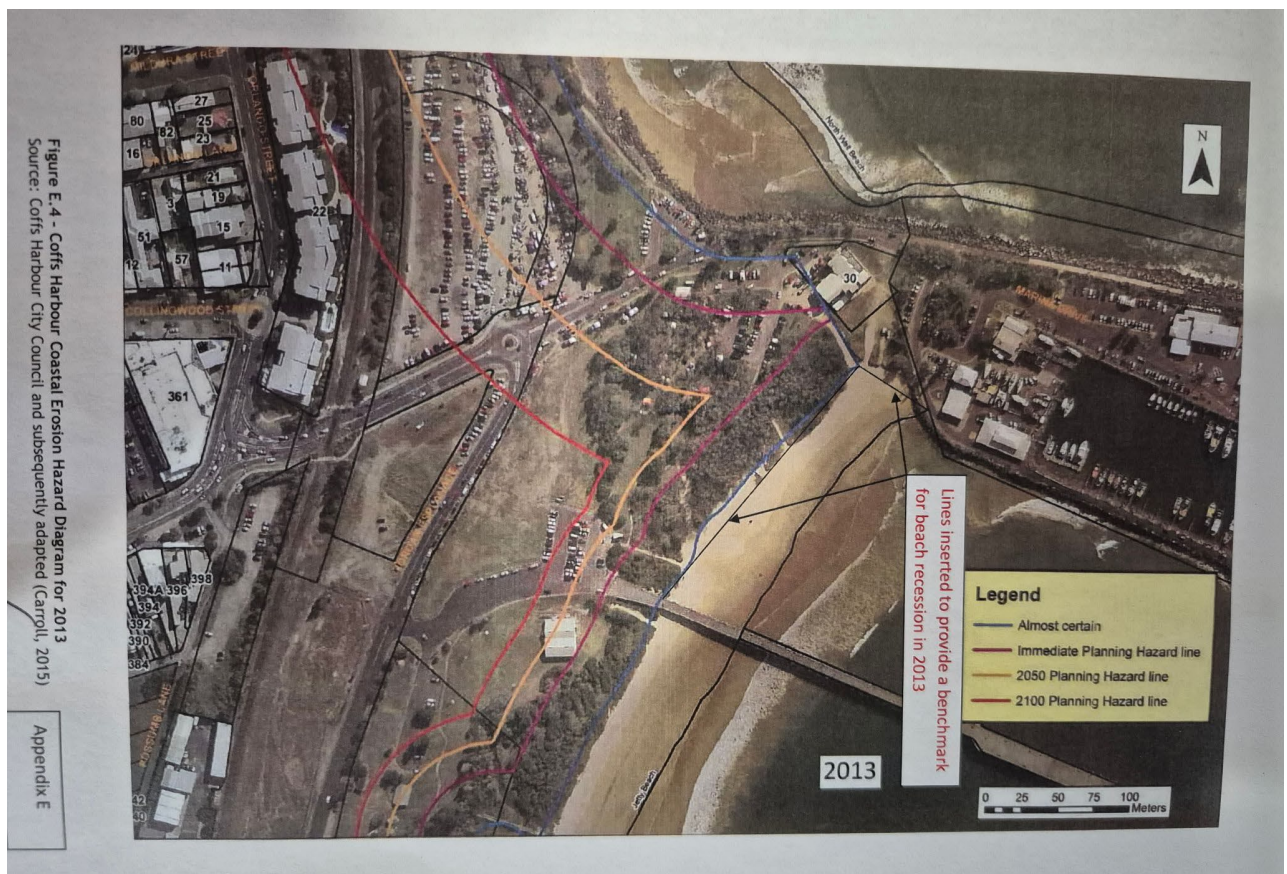
The potential loss of half of this major car park in the longer term (beyond 2073) affects the viability of the entire master plan and would require a new seawall to be built or other management strategies to be implemented. These are major coastal management issues that would require Council and multi-Government Agency approvals and need to be addressed now at the rezoning stage.

Furthermore, the Haskoning report identifies that the risk increases to 'extreme' beyond 2123 necessitating the construction of a new wall (or other mitigation measures) to protect assets and minimise risk to individuals. Based on the Haskoning report it is apparent that the

construction of a sea wall (or other mitigation strategies) will be necessary beyond 2123, if the assets are to remain in that location.

It should be noted that the State Government is committed to a policy that is opposed to sea walls. (What policies / SEPPS deal with this?). It is refusing (May 2025) to approve rock protection to numerous substantial houses that are currently cantilevered over vertical erosion escarpments at Wamberal, Terrigal and The Entrance. How can Haskoning then suggest 'consideration be given to building a further 140m of sea wall' to protect the mid-section of South Park Beach or condone what will effectively be a major upgrade / reconstruction of the existing wall at the southern end.

The figure below is an extract from a Coastal Processes and Hazards Definition Study undertaken by CHCC in respect of the market area upgrade. It is taken from CHCC's Coastal Erosion Hazard document. It illustrates that there is already a considerable asset base within the Immediate Planning Hazard line and in the 2050 Planning Hazard line. The investment of more infrastructure in proximity to coastal hazards is considered by FFA to be an unacceptable risk to public money.



# GEOTECHNICAL STUDIES

## Contamination

All of the area proposed for development is mapped by CHCC as Potentially Contaminated, with the exception of the former Deep Sea Fishing Club site. The Detailed Site Investigation report by JBS&G undertook a range of testing across the site. Some findings of non-friable asbestos were made. This is unsurprising due to the industrial history of some parts of the site. It may be minor in nature but FFA considers that the possibility of widespread asbestos contamination needs to be contemplated. Earthworks at the Coffs Harbour Airport from a relatively small contamination area cost ratepayers a large sum for removal. Similarly, excavation for the underground carpark at a civic building required millions of dollars in removal of Acid Sulfate Soils.

The report recommends that Detailed investigations are completed for future detailed development applications prior to redevelopment to confirm whether specific development sites are suitable for the specific development and intended land use or can be made suitable for such via implementation of an appropriate remedial action.

## Noise and Vibration Impact Assessment

The assessment by Acoustic Logic identified three sources of noise, namely

- Railway noise and vibration from the NSW North West Rail Line.
- Traffic noise from Marina Drive and Jordan Esplanade.
- Aircraft noise from Coffs Harbour Airport

Noise from traffic was considered to be acceptable but the assessment of railway noise found that residential apartments in part of the development sites would require additional treatment to bring noise levels to an acceptable level, especially at night, as per the Development Near Rail Corridors and Busy Roads Guidelines. This largely relies on keeping windows shut, which is at odds with sustainable building and planning guidelines.

In relation to aircraft noise, It is noted that as of the date of this assessment, there is no relevant Australian Noise Exposure Forecast (ANEF) applied to aircraft activities departing and arriving from Coffs Harbour Aircraft. The assessment considered that the number of flights per day allowed for a merit-based assessment. The study found

*While acceptable noise levels within future dwellings can be achieved through appropriate building design, the need for adequate ventilation and external recreation space should also be addressed.*

*To exclude aircraft noise, windows would need to be closed and an alternative ventilation or air conditioning system incorporated so that the dwellings are ventilated even when external windows need to be closed to minimise aircraft noise. It is noted that windows can still be made openable, so that occupants can take advantage of the significant*

*periods when aircraft flyovers are not occurring (or are of lower frequency) as a result of the aircraft not being operational during nighttime periods.*

Mitigation of both rail and aircraft noise is an important consideration and it appears that a design response will be required in order to create liveable conditions in the proposed residential buildings. This will increase reliance on closed windows and therefore airconditioning and is inconsistent with sustainable building and design guidelines with regard to natural ventilation and passive heating/cooling.

# OPEN SPACE

## Loss of public recreation land (RE1) to Mixed Use zoning

FFA objects to the rezoning of land currently zoned as RE1 to enable it to be removed from public hands and dedicated to private residential development.

A significant part of the land to be rezoned to MU1 Mixed Use is currently zoned RE1 Public Recreation. The SP1 land is a known area of 2.377ha, therefore, if the total area to be rezoned is 6ha, then the RE1 area must be 3.623ha or 60% of the total. Lands currently zoned Public Recreation are proposed to be zoned to enable buildings up to a height of 25m, allowing for up to 8 storey apartment blocks. Some of these proposed buildings are proximal to the State heritage-listed timber Jetty and public thoroughfare to and from that historic Jetty.

The DPHI needs to give specific consideration to the impact of the loss of lands currently zoned Public Recreation becoming Mixed Use MU1 zoning, removing them from public use to be privately held. A public recreation needs survey is required at a minimum and adjustments made to the zoning in response.

## Community Infrastructure and Needs Assessment

The PDNSW-commissioned Ethos Urban Community Infrastructure and Needs Assessment (2024) supporting the proposed rezoning details that there will be shortfalls in local meeting spaces, social infrastructure and multi-purpose community hubs by 2036. This Assessment bases its assessment of open space requirements on the CHCC Draft Coffs Harbour Public Realm Strategy (2023) and states:

*“... there is not an immediately arising need for additional open space provision in the Study Areas...”*

It reaffirms Council’s Draft Strategy, which finds that there is a sufficient supply of District and Regional parks (and Community Gardens) at present and does not indicate a quantitative need for local parks or playgrounds.”

Forecasting the supply of open space for community infrastructure and needs to 2036 (11 years from now) or to “at present” is inadequate. The Illustrative Masterplan built form footprints encroach on land currently zoned RE1 Public Recreation, which will be required for future regional open space to serve community infrastructure and need, over a minimum planning period of 50 plus years. This is particularly relevant to Coffs Harbour City Council’s coastal public reserves, which will be subject to significant landform change due to climate change coastal processes.

There is no evidence of an Open Space Study having been undertaken by the proponent that supports the proposed loss of land currently zoned RE1 Public Recreation as required by the Local Environmental Plan Making Guideline (page 65).

## Clarification of mapping and zoning areas

Page 6 of the Explanation of Intended Effects informs that the PP will include 3 additional hectares of lands zoned for recreation. There is no clear explanation of where this will be and maps (detailing hectares zoned RE1 existing and proposed) need to be provided for community information confirming this arrangement.

## Addition to State Environmental Planning Policy

The PP proposes inclusion of a Jetty Foreshores Precinct within Schedule 2 of the *State Environmental Planning Policy (Planning Systems) 2021*. FFA has concerns with the use of the term 'Precinct' and the area included within the mapped Precinct and how this is applied to the proposal. Over time, the size of the Precinct has been reported in numerous different ways by PDNSW. Sometimes Muttonbird Island Nature Reserve (MBINR) is included, however the current map included in the PP omits it.

The extract below is from the proponent's application to have the site assessed through the State Significant Rezoning Pathway and clearly shows the inclusion of the MBINR. Numerous other versions of the Precinct, such as the 2020 Gap Analysis report include MBINR.

### Rezoning Pathways – Suitability and Readiness Assessment Candidate profile – Coffs Harbour Jetty Foreshore - Property Development NSW

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Location Map



Figure 1 – Coffs Harbour Jetty Foreshore precinct

Extract from PDNSW application for State Significant Rezoning Pathway



Extract from Jetty Foreshore Concept Plan Gap Analysis

## Precinct size

Sometimes the area is reported as being approximately 65ha. However, the current proposal purports the area to be 144ha (but only 62ha of land, the remainder - over 80ha - being ocean). In fact, even of the 62ha (or 65ha) described as 'land', the Marina (Lot 543 DP 45472) is included which is largely water.

The largest land parcel, Lot 3 DP 1285051 (approximately 35ha) together with Lot 1 DP807876 (approximately 5.2ha) comprise a Crown Land Reserve (Reserve No 140102), gazetted for a Public Purpose: Public Recreation, Environmental Protection, notified 28 June 1996. The Crown Reserve therefore comprises most of the land component of the Precinct. The Reserve is under Council management and has an existing Plan of Management.

The major areas of the Precinct which are proposed for rezoning and major change are the two blocks of freehold land recently acquired by PDNSW which were formerly surplus railway land (approximately 4.5 ha in total). FFA notes that the Plan of Management has identified the surplus railway lands as being most suited for addition to the existing parkland and open space.<sup>11</sup> FFA concurs with this view.

<sup>11</sup> <https://www.coffsharbour.nsw.gov.au/files/sharedassets/public/v/1/building-and-planning/place-strategies/masterplans/jett4shores/coffs-harbour-jetty-foreshores-pom-june-2008.pdf>

## Inclusion of ocean and Crown Reserves

The FFA considers that the elastic description of the Precinct area is misleading. The size is arbitrary, has changed numerous times and includes a significant proportion which is ocean and Crown reserve. We consider the inclusion of the ocean within the Precinct size to be inappropriate. We consider that the inclusion of a large and important Crown Reserve gazetted for Environmental Protection and Public Recreation is also inappropriate. The Crown Reserve has an existing management structure and is under the care and control of CHCC and ought not to be considered a development precinct.

Further, examination of all of the other waterfront Precincts listed in the *SEPP* do not include any waterbodies or Crown Lands. This includes Barangaroo, Blackwattle Bay, The Rocks and Honeysuckle, where Precincts are mapped to the boundaries of the development area.

The impacts of the PP and the ensuing development must be considered on merit and realistic spatial context and not in the context of such statements as “only a percentage of the Precinct area will be developed”.

For these reasons, FFA strongly opposes the inclusion of the mapped area in the PP as being included in Schedule 2 State Significant Development—identified sites of the *State Environmental Planning Policy (Planning Systems)* 2021. Any development Precinct should only include the freehold land held by PDNSW and areas with existing built form such as the former Deep Sea Fishing Club site and the Marina site, equating to the area (approximately 6ha) proposed for rezoning in the PP.

## Proposed Land Use Controls

The PP, urban design documents and proposed planning controls/provisions do not disclose how the proposed built forms and building uses will restrict the identified yield of approximately 250 residential dwellings and 200 tourist accommodation rooms (hotel or motel accommodation and serviced apartments) in the precinct. Will some of these uses be developed in the working waterfront marina, or at the former deep sea fishing club site, or in the Jetty hub areas? And if so, to what limits or restrictions are intended to apply in these sub precincts? The PP is vague on this consideration other than to provide the physical number of residential and tourist units, albeit an approximation. More planning justification and certainty for this land use limitation/control is required from the proponent.

The PP provides that office premises be an “additional permitted use for the proposed W4 working waterfront zone. What “office premises” Gross Floor Area is proposed in this zone? What impact will supporting this additional permitted use have on other Coffs Harbour business and mixed use zones. Why hasn’t a Commercial (office premises) Impact Assessment been provided with the PP, similar to the Retail Impact Assessment to support/deny such land use? Additional planning justification for this planning consideration is required from the proponent.

How will the proposed 2 X retail buildings (Activity Hub and Village Green) be restricted by the proposed planning controls to such a specific land use, and not for example, be developed as shop top housing or tourist accommodation, or residential housing given the proposed MU1 zone for this sub precinct?

## Lack of integrity in Rezoning Pathways process

There is concern over the integrity of the rezoning process and the application by PDNSW (the Suitability and Readiness Assessment document obtained by FFA under a GIPA request) that went before the internal rezoning panel. The assessment under which the application was presented were among 10 priority housing projects.

Concerns about this process are as follows:

- The Jetty rezoning application scored lowest of the 11 projects 6.4/10.
- Errors in the application were either deliberate or incompetent and the score was not reviewed, nor the application reassessed after the errors were highlighted to the panel and DPHI.
- Assessment of the projects under this process were to demonstrate a housing priority, only 250 residential dwellings were proposed and contradicted the Council's own Growth Management Strategy which assesses that adequate housing supply is planned in the LGA.
- The refined Master Plan outlined incorporation of affordable, diverse and key worker housing in the Government-owned land earmarked for residential development, but also noted a lack of detail of this component. Was the Panel made aware by PDNSW of its intention to on-sell the land (subject to rezoning) to the private sector for subsequent development? Did PDNSW outline how this specific housing type and use is to be regulated? This PP is demonstrably a luxury housing project.
- Property and Development NSW misled the panel by not accurately reflecting what the zoning of the land is currently zoned as. It did not show that approximately 50 per cent of the land is zoned RE1 for public recreation. In fact, none of the area was correctly shown to be zoned recreational. The only land zoning mentioned was SP2 which is currently the special purposes land for the railway which does not constitute the majority of the land in the PP in the area adjacent to the railway line.
- A probity advisor was not present at the panel meeting for the Jetty proposal, nor is it apparent that probity advice was sought regarding the errors in the above.

The assessment by the panel concluded:

*The weighted score of 6.4 is lower than previously endorsed candidate sites for residential development. The Evaluation Panel highlighted that the proposal's score would substantially improve with a commitment to social and affordable housing and a definitive funding commitment for infrastructure, and therefore subject to these being addressed during the rezoning process, the site would warrant State intervention. (GIPA document 25-3610)*

**FFA concludes that as the affordable housing and funding commitments remain outstanding in this PP that the rezoning proposal should be immediately retracted until these are resolved.**

# FAILURE ON PLANNING CONSIDERATIONS

Below FFA has set out the multiple examples of how the proposed rezoning supporting the PDNSW Illustrative Masterplan fails to conform to planning regulations, legislation and frameworks. Many of these examples are noted elsewhere in the FFA submission, but are grouped together for easier consideration below. These failures make it difficult if not impossible for DPHI to progress the proposed changes to the zoning across the Precinct with further consultation and adjustments.

## Planning Agreement and Staging Plans

The Planning Proposal (PP) should be accompanied by a Draft Planning Agreement, as required by the Department's Planning Proposal Guidelines. This then requires exhibition for community and other stakeholders' (including Coffs Harbour City Council) consideration.

The PP details indicative staging (1 to 4) in the Contributions Strategy and Infrastructure Schedule (CSIS). But, no staging plans are included. These are required and are integral to the required Draft Planning Agreement.

Infrastructure "estimated costs" detailed in the CSIS should be supported by a suitably qualified and experienced Quantity Surveyor's Report to ensure accurate costing project viability and certainty. Coffs Harbour City Council should sign off on future ownership and management options of public infrastructure to be provided by the developer.

The proponent should include in the planned development infrastructure costs of a financial contribution towards the maintenance of the State listed Heritage Jetty, an integral and iconic part of the Jetty Foreshores to which the proposed development will benefit and use. FFA expresses significant concern at the exclusion of this item from the PP. The repair and maintenance of the Jetty is estimated at approximately \$30 million and needs to be addressed with contributions from the development assured for this.

## Consideration of Local Growth Management Strategy

The PP states that the proposal for the Jetty Foreshores Precinct will support the vision for a "Compact City Growth" under the CH Local Growth Management Strategy. But the PP fails to acknowledge, or ignores the detailed provisions of this Strategy that states that there is adequate capacity for the proposed land uses (mixed use, retail, residential, tourist accommodation) west of the rail line, and in other parts of the Coffs Harbour urban area. That is, this precinct is not needed to address housing and/or tourist accommodation land demand in Coffs Harbour.

## Non-conformity to NSW Coastal Design Guidelines

### Overshadowing

The overshadowing plans in the Urban Design Report detail mid winter afternoon overshadowing of the proposed foreshore RE1 Public Recreation zoned land by the Jetty Hub North and South buildings (across Jordan Esplanade and onto the foreshore public reserve areas) as does the Jetty Hub Residential building.

This does not conform with the NSW Coastal Design Guidelines. Clearly proposed building footprints, over development of the precinct and building heights are the cause of this breach, despite the PP planning reports confirming conformity to the Guidelines.

## Inaccurate assessment

The PDNSW-commissioned Ethos Urban NSW Coastal Design Guidelines Assessment Checklist supporting the proposal is erroneous in numerous parts.

- The Ethos assessment fails to recognise the site of the former Deep Sea Fishing Club as a “significant coastal landform” (referencing the Maritime Archaeology Report...this site was a “low headland, extended to South Coffs Island (the quarry) separated from the mainland by a shallow, narrow channel with a rocky bottom”. The Guidelines state “Do not increase development or intensify land uses where there is existing development on headlands and significant coastal landforms”. The proposal for the redevelopment of this site on this significant coastal landform, on this prominent coastal location, with intensified development in terms of height, bulk, scale and use does not conform with this planning design guideline. This non-conformity is reinforced by reference to the Visual Photomontage and Methodology Report View Ref 2B, 5B and 11.
- The Guidelines state “integrate development within the natural topography of the site and ensure land use, building scale and height respond sympathetically to coastal landforms” and “ensure the intended form and footprint of development does not dominate coastal elements, including foreshores, public spaces and other areas of natural beauty”. The urban design concept for this precinct is ignorant of, and in clear breach of these Guidelines in terms of scale, bulk and height. A dominant overpowering and unsympathetic built form is proposed by the PP for this iconic coastal site.
- The Guidelines also state “ensure development does not harm heritage values or uses”. The design, bulk, scale and location of this proposal dominates and encroaches unreasonably upon the state heritage listed Fergusons Cottage. As further justification to reject the PP’s proposed redevelopment of the Deep Sea Fishing Club site the view line from the south, from Boambee Beach, sees a dominating 4 level building proposed for this significant coastal foreshore site. **It will be the only built form visible from this beach.** A dominant confronting built form should not occupy this space. This non-conformity is reinforced by reference to the Visual Photomontage and Methodology Report View Ref 11.

## Public Recreation Zoning

The PP’s draft new zonings retain Marina Drive and Jordan Esplanade as RE1 Public Recreation (except for a small portion on Jordan Esplanade adjoining the southern MU1 zone). The existing prominent and principal pedestrian and cycleway promenade (currently zoned RE1 Public Recreation) linking the rail crossing to the State listed heritage jetty and the broader foreshore and marina precinct is, however, proposed under the PP to be zoned MU1, Mixed Use. This is surely a drafting error and this area should be zoned RE1 Public Recreation, being an integral part of the foreshore public open space.

This principal pedestrian and cycleway foreshore link should conform to the overshadowing restrictions of the NSW Coastal Design Guidelines. Planned proximal building footprints and

heights will need to change to accord with the overshadowing controls for this integral part of the jetty foreshores public open space.

## Cycleways Strategy

The cycleways strategy needs to extend along the length of Marina drive to the Fish Co-op, servicing the redeveloped marina precinct.

## Infrastructure evaluation

In terms of proposed potable water infrastructure, the PP documents detail that the alignment of the new water main, from Victoria Street, will pass through areas of littoral rain forest and may impact on flora and fauna, and Aboriginal Cultural Heritage.

This water management infrastructure is essential and integral to the rezoning. These constraints require evaluation as part of the PP evaluation and are not a post determination consideration. Further information is required to enable proper assessment of the impacts of this proposed infrastructure arrangement. This evaluation must be done before the impact of any proposed rezoning can be properly assessed.

# SPECIFIC SITES

## Ferguson's Cottage

The PP fails to document proposed access and services to the Fergusons Cottage site. The infrastructure plans are unclear as to whether this site has the normal and expected reticulated water and sewerage services. Current vehicular access to this site appears unsafe and should be addressed in the PP.

## LOT 205 DP 739570

The Planning Proposal (PP) details no planning strategies for Lot 205 DP 739570, in ownership of the Coffs Harbour District LALC. Under the PP this lot is proposed to retain its current R2 zone. The PP needs to address numerous planning issues including but not limited to, bushfire and ecological risks, noise and vibration impacts, and importantly, access and servicing arrangements. The PP has disregarded this land parcel in the Jetty Foreshores rezoning

END