

Submission re Planning Proposal Coffs Harbour Jetty Foreshores

Mark and Julie Hannon

The Planning Proposal, whilst comprehensive in presentation, structure and content fails to address numerous planning, design, environmental, economic, sustainability and infrastructure considerations.

The Planning Proposal fails to conform to various planning considerations including the NSW Coastal Design Guidelines and the Department's Local Environmental Plan Making Guidelines and Planning Agreement Guidelines.

Please consider the following detailed matters that we have raised in respect of the Planning Proposal.

Having regard to the significant shortcomings in the Planning Proposal it is considered that the application should be refused.

Planning Proposal Coffs Harbour Jetty Foreshores

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' (eg 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.

TRANSPORT AND PARKING IMPACT ASSESSMENT

Section 6 of this report details (6.1) "the impact assessment has been undertaken for a future year of 2033, with a background growth (based on historic data) applied to the existing 2023 traffic flows".

The then nominated background growth rate of 0.9% per annum compounded annually over 10 years (2023-2033) is considered undercooked and inadequate for the purposes of this rezoning proposal. A much longer term of 30 years (2023 to 2053) is more realistic and relevant for this traffic impact assessment having regard to the length of time anticipated to implement the whole development.

In supporting the 30 year term (2023 to 2053) attention is drawn to Section 7 of the Infrastructure Schedule in the Contributions Strategy and Infrastructure Schedule which describes a 20 year development timeframe for the project to be implemented.

This Assessment is underdone and needs to be professionally redone with realistic timeframes.

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.

FERGUSONS 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.

PUBLIC OPEN SPACE CONSIDERATION AND COMMUNITY INFRASTRUCTURE AND NEEDS

The Community Infrastructure and Needs Assessment details that there will be shortfalls in local meeting spaces, social infrastructure and multi-purpose community hubs by **2036**. This Assessment also advises “there is not an immediately arising need for additional open space provision in the Study Areas and reaffirms Council’s Strategy 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 that the supply of open space for community infrastructure and needs to 2036 (11 years from now) or to “at present” is inadequate. The masterplan built form footprints encroach upon land currently zoned RE1 Public Recreation, which will be required for future Regional Open Space serving community infrastructure and needs...over, say, 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 (see page 65 of this Guideline).

Page 6 of the Explanation of Intended Effects informs that the PP will include 3 additional hectares of lands zoned for recreation. Where is this additional public recreation land? Maps (detailing hectares zoned RE1 existing and proposed) need to be provided for community information confirming this arrangement.

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?

BUILDING HEIGHTS

Proposed building heights in the PP documents are confusing and conflicting, as the PP cites that the Precinct’s foreshore/Jetty Core height controls will reflect that of the adjoining and existing MU1 Mixed Use zone of 19 metres. The PP proposes building heights of up to 25 metres.

CONNECTIONS

The PP states that an outcome of the rezoning is to promote better and accessible connections to the Jetty Foreshore to connect the City with the harbour. No new road accesses are proposed and no new east/west pedestrian connections are proposed to the foreshore precinct other than a rail line overhead pedestrian bridge....which is proposed to occur at Stage 4, but is not funded by the proponent. This offer is tokenistic by the proponent. This infrastructure should be proponent funded and a first stage inclusion in any redevelopment of the Jetty Foreshores.

AFFORDABLE HOUSING INCLUSION

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” will be developed.....but 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.

VIEW IMPACT ASSESSMENT

The PP’s Visual Impact Assessment 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”.

The View Impact Assessment is inadequate and underdone. The assessment states that only one (1) private property was accessed for assessment. Other view impact assessments have comprised simulated models, and references to property views from a few real estate sales photos. Assumptions have been made, view impacts are not quantified. The visual impact assessment report states that a “high number of people are ordinarily exposed to viewing the foreshore precinct”. Yet only one balcony in one apartment has been used for actual visual impact assessment. Why?

The Assessment report 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.

This Assessment 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. The Review Panel would know that “sub tropical building design” does little to mitigate view loss.

A comprehensive (without assumptions) visual impact analysis is required that relies on visual impact evidence from the Jetty area’s multiple affected private properties.

This is a critical part of the community consultation process, and yet it has not occurred. As a consequence PDNSW’s proposals for the precinct will need to significantly change.

CONSIDERATION OF COFFS HARBOUR 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 a housing and/or tourist accommodation land demand in Coffs Harbour.

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.

PUBLIC RECREATION ZONING AND OVERSHADOWING IMPACTS OF PRIMARY PEDESTRIAN AND CYCLEWAY LINK

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.

CONFORMITY TO THE NSW COASTAL DESIGN GUIDELINES....THE ETHOS ASSESSMENT CHECKLIST

The Ethos prepared NSW Coastal Design Guidelines Assessment Checklist 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.

LOSS OF ICONIC VIEWS FROM PUBLIC AREAS

Reference to the Visual Photomontage and Methodology Report View Ref 08 shows proposed buildings that clearly impede publicly accessible views to the iconic Muttonbird Island for vehicles using Marina Drive and pedestrians and cyclists using the primary pedestrian route from Harbour Drive/Orlando Street across the rail line and directed towards the iconic State listed heritage Jetty. This primary pedestrian and bicycle access as well as the primary vehicle access along Marina Drive should “open

up” the view lines to the Jetty Foreshores and its iconic elements, as opposed to the PP’s development concept that “shuts them off”.

CYCLEWAYS STRATEGY

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

INFRASTRUCTURE

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.