

## JOINT REGIONAL PLANNING PANEL (REGION)

JRPP No	2010NTH036
DA Number	574/11
Local Government Area	Coffs Harbour City Council
Proposed Development	Alterations and additions to Shopping Centre – Park Beach Plaza – comprising shops (additional 14,447 m <sup>2</sup> GLFA), carparking (additional 1050 approximate car spaces), advertising signage, demolition works, hours of operation (retail 7am – 10pm, deliveries 24 hours, 7 days per week)
Street address	253 Pacific Highway North, Coffs Harbour
Applicant / Owner	HA Bachrach (Nom) Pty Ltd
Number of Submissions	185 (179 in support)
Recommendation	Deferred Commencement Approval with Conditions
Report by	Mark Hannon, Coffs Harbour City Council

## **ASSESSMENT REPORT AND RECOMMENDATION:**

This report considers DA 574/11 for the retail expansion of the Park Beach Plaza Shopping Centre. The proposal is to develop the western part of the site for additional retail space and carparking.

The application is for “regional development” pursuant to Clause 13 B (1)(a) and Clause 13C(b) of State Environmental Planning Policy (Major Development) 2005 (in terms of capital investment value and height). The proposal has a project value of \$41.2 million. The application is to be determined by the JRPP – Northern.

A deferred commencement conditional approval of the application is recommended.

The application and submissions will be available at the JRPP – Northern meeting.

## **DESCRIPTION:**

- **The Site**

The site, with an area of 14.25ha, is located on the Pacific Highway north of the CBD, and also has frontage to Arthur Street, Park Beach Road and San Francisco Avenue.

The site is generally flat and is currently developed with a large Shopping Centre and 4 separate commercial buildings comprising a Medical Centre, an Aldi Supermarket and fast food restaurant and a service station. These developments are serviced by a large common at grade carpark.

The Shopping Centre adjoins multi unit residential housing located on Arthur Street, San Francisco Avenue and Park Beach Road. A small business zone is located on the corner of the Highway and Park Beach Road, across and south from the Centre. The Park Beach Homebase Bulky Goods Retail Centre is located opposite the Shopping Centre on the Pacific Highway. A public reserve adjoins the Shopping Centre to the east.

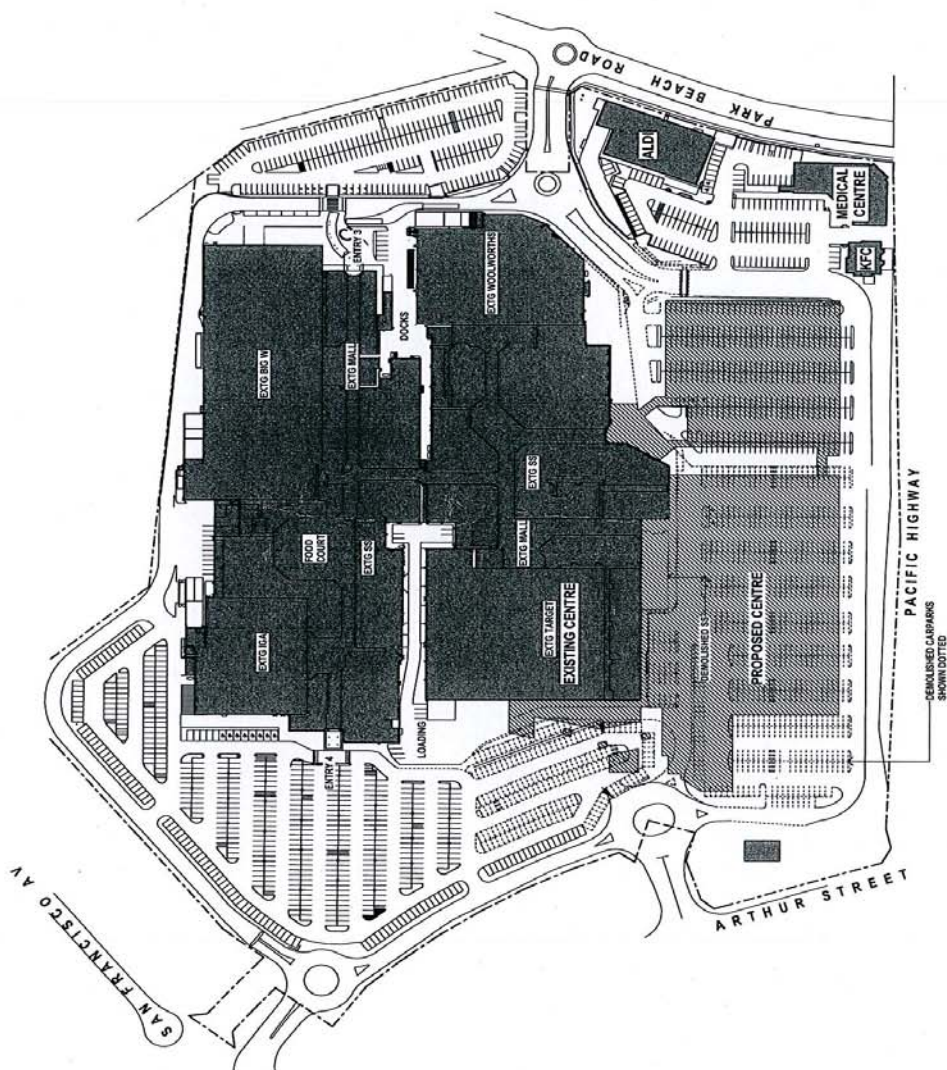
Normal infrastructure services are provided to the site.

- **The Proposal**

The proposed development comprises expansion of the existing Park Beach Plaza Shopping Centre, to include:

- Retail expansion with an additional gross leasable floor area (GLFA) of 14,942 m<sup>2</sup>, to include a major department store plus specialty tenancies. Myer has been identified as the “Major” department store tenant.
- 1050 (approximately) additional car spaces.
- Service vehicle access and waste management facilities.
- Alterations to the western circulation road.
- New pylon sign and changes to existing pylon signs.
- Pedestrian and landscape works.
- Demolition works (loss of 495m<sup>2</sup> GLFA).
- Retail operational hours of 7am – 10pm, 7 days per week and loading dock operational hours of 24 hours, 7 days per week.

**Error! Objects cannot be created from editing field codes.**



C.H.G.C.  
RECORDS UNIT  
COPY

**www.reddogarchitects.com**



**Bachrach Naumburger GROUP**

**1:1000 @ A3**

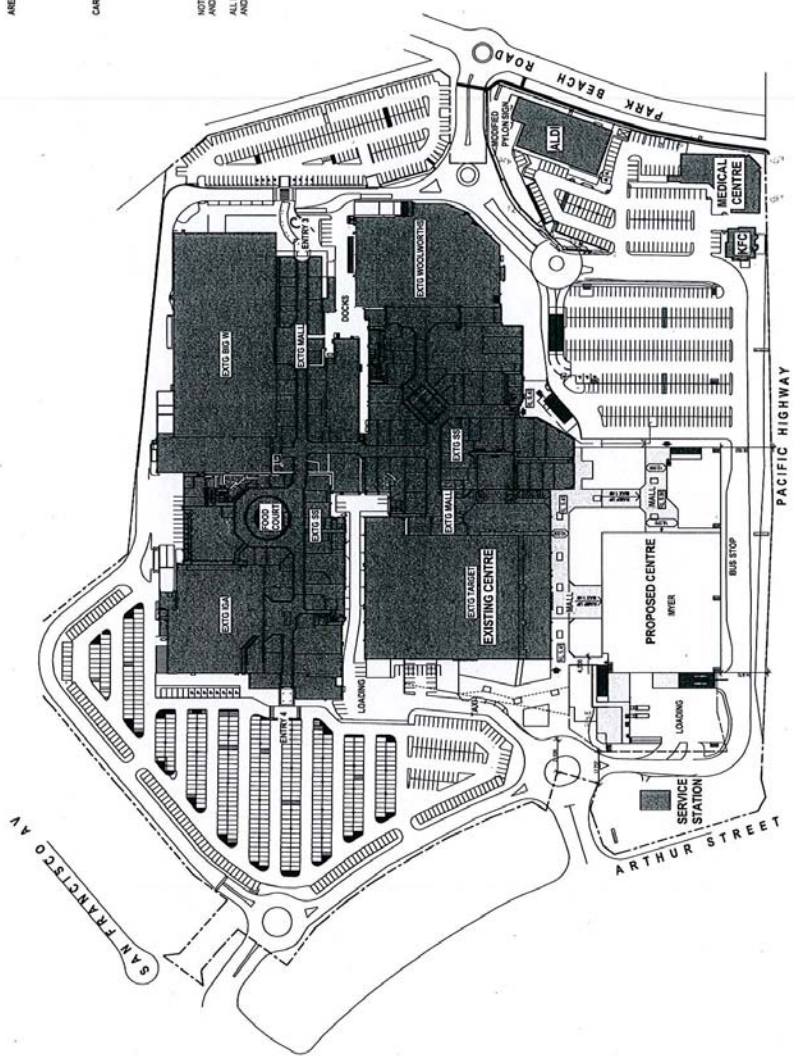
02 MARCH 2011

2235-124 DA-03 / B

AREAS - GROSS LETTABLE AREA	
EXTG	4,204 sqm
PROPOSED	
SS	14,950 sqm
MAJOR	10,000 sqm
DEMOLISHED	(4,950 sqm)
TOTAL	66,535 sqm

CARS	EXTG	1826
	DEMOLISHED	(67% cars)
	LEVEL 1	1150
	LEVEL 2	168
	LEVEL 3	394
	LEVEL 4	403
	LEVEL 5	652
	TOTAL	2767

NOTE: CARPARKS NO. 1 ARE APPROXIMATE ONLY AND BASED ON EXISTING PLANS PROVIDED



Net increase in GLFA is 14,447 m<sup>2</sup>, representing a 34% GLFA increase to the existing Shopping Centre.

The expansion will occur to the west of the existing Centre.

- **The Staging**

The works will be staged principally to address the effective ongoing operation of the existing Centre during construction and to also link with leasing opportunities.

The application details 4 likely stages for the project.

**Stage One** to involve demolition works, landform modification, services, the circulation road and construction of the multi-deck carpark including the retail floor plates. This work will be “sub staged” into 4 sections for structural reasons and to also minimise impacts on carparking during construction. The proponent has indicated an estimated maximum net loss of no more than 150 car spaces at any one time. Further, following construction of the first 2 sections and by the interim use of the Myer retail floor plates there is to be nil loss of parking spaces currently available to the existing Centre for the remainder of the construction program.

**Stage Two** allows for the construction of the retail areas comprising Myer, tenancies located south of Myer and a mall connecting these new areas to the existing Centre.

**Stage Three** allows for additional retail tenancies and a new mall between Myer and the existing Centre.

**Stage Four** comprises a dining precinct, located generally to the north of Stage 3 and the existing Centre.

The development will be subject to a Staged Construction and Occupation Certificate process and separate planning applications will be required for tenancy fitouts and uses.

- **The Scale, Layout and Design**

The existing Shopping Centre is centrally positioned within the 14.25 ha site, surrounded by at grade parking areas and service roads. The existing Centre is predominantly single storey (with the exception of some upper level mezzanine / administration areas). The Centre currently has a total gross leasable retail and business floor space of 42,450m<sup>2</sup>. This is proposed to be expanded by an additional 14,447m<sup>2</sup> GLFA, total 56,897m<sup>2</sup>.

The proposed western extension to the existing Centre is multi storey and comprises 5 levels. Of this the Myer Department Store comprises two “double levels” with a roof parking level over; the new loading dock comprises one “double level” with 3 parking levels over and a 5 level carpark is located in the southern portion of the extension. The northern dining precinct is single storey.

The Centre extensions are located in the vicinity of 25 metres from the nearest boundary (the Pacific Highway) with this setback occupying a landscape strip, a pylon sign, the internal circulation road and the bus stop.

The western elevation of the extension is approximately 260m long, the southern elevation approximately 110m long and the main northern elevation is approximately 100m long. The building extensions vary in height between 15.45m to 17.20m above the existing Target tenancy floor level. The upper level (the carpark deck), is approximately 12.45m above existing Target tenancy floor level. This deck is to be partially roofed by shade sails. This parking level will also include fire stairs, lifts, travellers and plant rooms.

By its nature and use the extensions are effectively a “big box”, large and rectangular. However the proposal has incorporated numerous façade treatments to mitigate the blandness of this basic structure – by the use of legible architectural features including blades, signage, screens, glazing and sculptural elements, the stepping and disintegrating of the top of the facade, and by the sculptural expression of the corners and the entries to the building.

The new works integrate with the existing building by “sliding” the extension past the existing Centre and locking into the existing building fabric.

- **Landform Modification Works**

The site will require cutting of up to 1.5 metres and minor filling to create the building platform and satisfy infrastructure requirements. Spoil proposed to be removed from the site is estimated to be in the order of 11,000 m<sup>3</sup>. Existing surface levels will be maintained at the site boundaries.

- **Access and Parking**

The proposal will utilise the existing public road access arrangements (via the Park Beach Road roundabout and two entries off Arthur Street). The western access off Arthur Street is to be upgraded to incorporate a dedicated right turn lane into the site. Internally the traffic circulation system in the western part of the site is to be rearranged and upgraded with the inclusion of a new internal roundabout that will direct traffic to and from the southern carparking deck.

Bus, taxi, and pick up and set down provisions are included in the proposal. The bus bay is to be located adjacent to the circulation road, outside the Myer tenancy and may be accessed both internally and externally from the Centre. A dedicated taxi rank is positioned in proximity to the new dining area, adjacent to the northern carpark.

Delivery vehicles up to B-double size can access the development. The loading dock will accommodate the normal service vehicle requirements.

The expanded Centre will have a GLFA of 56,897m<sup>2</sup> and will have a total of 2,865 parking spaces. Parking will also include accessible, motor cycle and bicycle spaces.

- **New Signage**

The Centre benefits by way of 2 pylon signs on the Highway frontage and a pylon sign at the Park Beach Road entry. A further pylon sign is proposed at the Arthur Street entry. Existing tall pylon signs are to be upgraded to modernize their appearance in line with the Shopping Centre expansion.

Wall signage is also proposed as part of the development.

- **Notification**

The application was advertised and notified in accordance with the provisions of Council's Notification DCP. Council received 185 submissions, comprising 6 objections and 179 letters of support.

- **Agency Referrals**

The application was referred to the Roads and Traffic Authority in terms of traffic generating and Highway frontage development under Sections 101 and 104 of the SEPP (Infrastructure) 2007, to NSW Office of Water in terms of licence requirements for dewatering the site under the Water Act 1912 and to the NSW Police in terms of a Crime Risk Evaluation of the project. No comments were provided that prevent approval of the proposal.

- **Council Departments**

Council's internal departments have provided comment on the development proposal and their recommendations have been incorporated into the evaluation process. No comments were provided that prevent approval of the proposal.

- **Council Access Committee**

Council's Access Committee has reviewed the application and have conditionally endorsed the proposal.

## **STATUTORY MATTERS:**

The following Environmental Planning Instruments are relevant to assessment of this application.

- SEPP (Major Development) 2005;
- SEPP (Infrastructure) 2007;
- SEPP 55 – Remediation of Land;
- SEPP 64 – Advertising & Signage;
- SEPP 71 – Coastal Protection;
- City of Coffs Harbour Local Environmental Plan 2000;
- Coffs Harbour City Centre Local Environmental Plan 2011 (Draft).



The following Development Control Plans are relevant to assessment of this application.

- Business Lands Development Control Plan;
- Off-Street Parking Development Control Plan;
- Access and Mobility Development Control Plan;
- Waste Management Development Control Plan;
- Signs Development Control Plan;
- Coffs Harbour City Centre Development Control Plan 2010 (Draft).

The application is identified as “regional development” under State Environmental Planning Policy (Major Development) 2005 and as a consequence the application is to be determined by the Joint Regional Planning Panel (Northern Region).

Section 79C of the Environmental Planning and Assessment Act 1979 specifies the matters which a consent authority must consider when determining a development application. The consideration of matters is limited in so far as they must be of relevance to the particular application being examined. All of the planning instruments and development control plans specified above are considered in detail in the Section 79C Evaluation provided as Appendix A to this report.

The development has an Integrated Development Category requiring approval terms from the NSW Office of Water for dewatering of ground water. General terms of approval for this activity have issued from this Agency.

#### **ISSUES:**

- **Site Contamination**

As part of the evaluation of the application Council requested the applicant to provide information concerning the site's history to inform if the site is contaminated, in terms of the provisions of State Environmental Planning Policy 55 – Remediation of Land (SEPP 55).

A Stage 1 report under SEPP 55 was then submitted to Council in July 2011. This report confirmed that the site of the proposed development had only been used as a carpark since its initial development in 1979. Its prior use was vacant land occasionally used for grazing.

The development will involve the removal of an estimated 11,000 m<sup>3</sup> of spoil. The spoil will be required to be certified as to its status of virgin natural excavated material or inert fill prior to disposal.

The Stage 1 report also advised that a monitoring investigation by OTEK acting for Woolworths Petrol had detailed and reported hydrocarbon and benzene contamination in the groundwater in proximity to the service station. This particular contamination issue required further investigation.

In response a Groundwater Investigation was completed by Cavanba Consulting in September 2011. This investigation confirmed that the groundwater underlying the investigation area (the area adjacent to the service station) had been impacted by hydrocarbons.

The groundwater concentrations are above potential vapor intrusion indicators for commercial land use, and given the lack of source control there is a potential that the groundwater and likely soil gas could lead to a potential for vapor intrusion into the proposed building.

As the site is contaminated in the immediate area of the proposed building footprint Council must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose (Clause 7 of SEPP 55).

Consequently the application is recommended for a deferred commencement conditional approval, with the deferred matter requiring the submission and endorsement by Council of a Remedial Action Plan to address the hydrocarbon impacted groundwater and to have the remediation works validated prior to the issue of any Occupation Certificate for the development proposal.

- **Construction Management**

The construction program for this project will be long and complex. It will require particular construction management practices in relation to:

- Construction access;
- Pedestrian and traffic management;
- Public transport management;
- Parking changes and arrangements;
- Signage;
- Scaffolding and hoardings;
- Pollution controls – air, water and noise;
- Specific controls for piling;
- Potential night time work.
- Site remediation works

The consent has been conditioned accordingly.

- **Design**

The building scale, layout and design has been discussed in the “description” section of this report.

The proposed Shopping Centre expansion will be large and dominant as the Centre’s current footprint moves towards the west to approximately 25 metres from the Highway road reserve and comprises 5 levels. It will be visually prominent in this high traffic locality. The site is also a northern “gateway” location to the City, reinforcing the need for an appropriate and interesting design response for this development. The building footprint, its form, and its façade treatments made up of screens, blades, sculptural openings and glazing panels and the stepping of the external cladding elements provide a suitable design response for the project. The western extension transitions comfortably into the existing Centre and whilst different in scale the overall development performs satisfactorily by mixing architectural elements of the existing building with that of the new additions and by providing special architectural treatments to the mall entries of the development.

- **Pylon Signs**

It is reasonable to rationalize pylon signage by requiring removal of the existing “Target” pylon sign from the Highway frontage, noting that this consent endorses the upgrading of the existing 2 “Shopping Centre” pylon signs and a new “Shopping Centre” pylon sign at the Arthur Street entry. Target “advertising” may be incorporated into the “Shopping Centre” pylon signs.

- **Hours - Deliveries**

The application seeks a 24 hour 7 day per week operational loading dock. One objection in this issue was received following notification of the development. The acoustic report that accompanied the application has been endorsed by Council's Health Section. The objector's property is located on the south side of the site whilst the loading dock is located on the northern side of the site. No adverse impacts are envisaged.

- **Access to the site**

The development has been subject to a comprehensive traffic analysis, including micro-simulation. The analysis has indicated that the proposal is likely to have limited impact on the surrounding road network, in particular queue lengths at the Shopping Centre access intersections are contained within the available road space and do not impede on the operation of the down or upstream intersections. The traffic study considered the Pacific Highway function from the Bray Street intersection to Diggers Beach Road intersection and is based on a model developed for the RTA, for the Highway in Coffs Harbour.

Over time queue lengths will increase on the Pacific Highway, south of Bray Street. These queues will need to be handled by rephasing of the signals. The tee intersection at the Arthur Street west access to the Shopping Centre and that section of Arthur Street between this access point and the Highway require some local measures such as a dedicated turning lane with right turn into Park Beach Plaza.

The Roads and Traffic Authority has considered the application and has raised no objections.

- **Economic Impact**

An Economic Impact Assessment, prepared by Pitney Bowes Business Insight accompanies the development application. The Assessment relies on the inclusion of Myer in the development.

The Assessment references 3 trade sectors (primary – the Coffs Harbour local sector; secondary – the area 55 km to the south and 65 km to the north of Coffs Harbour and tertiary – the area 150 km north and south of Coffs Harbour). The Shopping Centre serves a broad trade area. The proposed additions, including the Myer component, is likely to increase penetration into each trade sector – particularly the tertiary sector (which currently accounts for a limited amount of the Centre's business).

The expanded Shopping Centre will provide for improved shopping choice and range, being a drawcard for consumers both within and outside the local government area; it will result in less leakage of retail spending from the local area to other centres; it will improve the local amenity for customers and it will be an employment contributor. The Assessment shows a net employment increase of 497 jobs in the expanded Centre and a further 199 jobs created indirectly from the project.

The Assessment also shows that Coffs Harbour (CBD) retailers and other primary trade retailers will be impacted, however, the degree of impact is considered in the Assessment as not likely to threaten the viability of these existing retailers. The Assessment concludes that a significant net community benefit will result from the proposed Centre's expansion and further that the inclusion of Myer in the Centre will elevate the regional role of Coffs Harbour.

This Assessment has been reviewed by Council's Economic Development Unit and its findings are in the main endorsed. It is acknowledged that there will be some negative impact on the Coffs CBD however that impact is not so significant as to affect the primacy of the CBD.

- **The Department Store Component**

The application, the plans and the petition with 5,124 signatures references the department store tenant as Myers. This department store is proposed to occupy 10,000m<sup>2</sup> GLFA of the expansion.

No certainty is provided, or can be required in the planning process, to ensure that Myer in fact occupies the final development. The application proposes 14,447m<sup>2</sup> GLFA of additional retail space. This expansion is responsive, understandably, to a retail, business, marketing and operational mix for regional shopping centres and the allocation of a significant portion of this leasable space to a major tenant is reasonably expected.

Myers has confirmed its interest in this project by correspondence of 20 September 2010, that accompanies the application.

- **Submissions**

Following notification of the development application Council received 185 submissions, comprising 6 objections and 179 letters of support.

The development application is also accompanied by letters in support from the Coffs Coast Tourism Association, the Federal Member for Cowper and the Member for Coffs Harbour.

A petition, containing 5,124 names, was also submitted with the development application titled "Vote Yes to Myer". The purpose of those promoting the petition was to support the need for Council to withdraw the proposed height limit and the building to open space (density) ratio for this site proposed under the Draft City Centre LEP which would effectively prevent Myer from coming to Park Beach Plaza.

At the time of the preparation of the Development Application and during the petition period the draft City Centre LEP's controls for height and floor space ratio for this site were 8.5 metres and 0.5:1 respectively. However these draft controls were subsequently amended by Council, prior to the lodgement of the Development Application, to 15.5 metres and 1:1.

Issues raised in the 6 objections to the application include:

- Development is inconsistent with the Draft Coffs Harbour City Centre Local Environmental Plan and will further undermine the viability and vitality of the Core Precinct of the City Centre.

- The development needs to consider the potential risk of harm to human health and the environment in terms of State Environmental Planning Policy No. 55 – Contaminated Land.
- Inadequate security measures included in the design.
- The application is not supported by a detailed Traffic and Parking Management Plan.
- The application is not supported by a Construction Management Plan.
- The application is not supported by a Disabled Access Report.
- The design in its current form needs to be improved.
- The development should allow for scooter hire for those who can only walk around for short periods.
- Parking is inadequate now.
- 24 hour deliveries should be rejected.
- Hours of construction need to be limited.
- Review the location of the bus stop to reduce congestion and bus travel distance.
- The large Myer store will have an adverse impact on small business, hence a loss of jobs and income in the community.

Issues raised in the 179 letters of support include:

- Full support for the Myer tenancy.
- The project will be an employment provider, particularly for youth.
- The project will be a tourism attractor.
- The project will be an economic boost for the City and will keep escape expenditure in the region.
- The proposal will regenerate the City.
- The proposal will improve the Centre's parking, particularly by the provision of undercover parking.

Submissions to the development application are considered in the Section 79C Evaluation in Appendix A of this report.

- **Draft Coffs Harbour City Centre Local Environmental Plan And DCP**

The Draft Coffs Harbour City Centre LEP is currently with the Minister for Planning and Infrastructure awaiting gazettal. The responsive Development Control Plan will come into force following the LEP gazettal.

These documents are a consideration in the assessment process but compliance or non-compliance with any particular provision is not a determinative matter. These documents are considered in more detail in the Section 79C Evaluation Report provided as Appendix A to this report. The proposal does not comply with some components of these draft controls but these are considered minor variations.

## **SUMMARY:**

The proposal is a regionally significant development. The expansion to the Shopping Centre will reinforce the regional role of this centre and the City of Coffs Harbour generally.

The project that includes the 10,000 m<sup>2</sup> GFLA Department Store, will provide improved retailing for local and regional consumers, will stem some of the leakage of retail spending from the Coffs Harbour local government area to other areas and will revitalise the existing shopping complex.

Some detriment to other retail traders in the City will result, however substantial employment growth will occur in response to the development. This aspect of the project, from construction through to retail operations, will have a positive impact City wide, including on that of retail spending.

The proposal has been subject to considerable community support, via a petition and individual submissions. Matters raised in objections to the project are not such as to warrant refusal to or amendment to the proposal. The proposal has been evaluated in terms of the relevant planning controls and is suitable for conditional approval as a deferred commencement consent.

## **RECOMMENDATION:**

1. That Development Application No. 574/11 for *“Alterations and additions to Shopping Centre – Park Beach Plaza – comprising shops (additional 14,447 m<sup>2</sup> GLFA), carparking (additional 1050 approximate car spaces), advertising signage, demolition works, hours of operation (retail 7am – 10pm, deliveries 24 hours, 7 days per week)”* at Lot 4, DP 883838 and Lot 1, DP 731016, No. 253 Pacific Highway North, Coffs Harbour be approved subject to conditions in Appendix B.
2. That persons who have made submissions on the application be informed of the determination.