

From one Panel member:

1. Flooding:

At the bottom of p.22 of the assessment report it says: “the application is considered to be suitable subject to conditions of consent relating to finished floor levels being above the 1 in 100 flood level and that a flood risk management plan been provided prior to the issue of a construction certificate.”

I cannot find any such conditions in the relevant part of the draft conditions schedule we have.

Comment:

There are two conditions that are relevant to flooding; Conditions 39 - Finished Floor Level and Condition 61 - Flood Management (Business). The finished floor levels were amended as part of the assessment process. The finished floor levels that were below the flood planning level related to retail premises 6 and 7. The revised plans submitted to Council increased the finished floor levels for Retail 6 to 5.1m AHD; and Retail 7 to 4.8m AHD. Condition 39 ensures that the development will be built to the levels proposed. Condition 62 requires that all electrical infrastructure and equipment be located at a minimum level of 5.1m AHD (or suitably waterproofed).

2. Traffic/TfNSW:

On p.21 of the Assessment report it says: “ . . . a referral has been issued to TfNSW – RMS for comment. The general terms of approval were received from the concurrence authority who raised no concerns.” [my emphasis].

In our materials there is a letter (not titled as GTA) from TfNSW dated 20 May 2021. While page 1 says TFNSW does not object to the proposed development, on page 2 of that letter there are a number of questions and issues raised by the respondent, including things such as swept paths, removal of on street parking in Vernon Street etc etc.

Comment:

The reference (on page 21) to ‘general terms of approval’ should refer to comments pursuant to S 104, Traffic Generating Development, of Statement Environmental Planning Policy (Infrastructure). The ‘comments and observations’ provided by TfNSW were not individually addressed within the assessment report. The following comment on each point is now provided below.

While we have no objection to the proposed development we make the following comments and observations to assist the consent authority in making a determination

- *The calculations of the traffic generated do not appear to match the distribution diagrams (p22 – 25). In respect to the SIDRA modelling, it appears that page 25 shows the predicted generated peak movements for the development. The numbers shown appear to be very small, and if correct the LOS of the current intersections will most likely not be noticeable. Council should satisfy itself that the numbers/calculations are correct.*

Comment:

Revised SIDRA and Generated Peak Traffic Movement Diagrams have been submitted. These show that the level of service for the access on Vernon Street is Level A.

- *There is no apparent assessment of the existing traffic generated by current uses on the site, and therefore it is difficult to accurately determine the potential increase from the proposed development.*

Comment:

The site currently has no on-site parking or vehicular access. The traffic assessment undertaken from the applicant did not consider the reduction of traffic due to the existing uses with their parking and deliveries in the public domain. This was not deemed an issue as it allowed for some redundancy within the analysis.

- *The am and pm volumes coming from the Pacific Highway have not been clearly explained (i.e., 10 movements from the Highway but only 5 turning into the development).*

Comment:

The traffic generation for the development is considered to have minimal impact on the neighbouring intersections. The main area of concern was the access to the site from Vernon Street. The variation of the vehicular numbers within the SIDRA analysis would be considering of vehicles parking at other locations within the CBD.

- *The plans show five (5) parking spaces being removed in Vernon Street, while the text refers to four (4) spaces. It is understood that Council will apply the Parking Contributions Plan for any shortfall attributable to the development.*

Comment:

Five (5) on-street car parking spaces are being removed from Vernon Street. The removal of the on-street car parking spaces is a result of the required vehicle access for the development. Contributions are not warranted in this instance because the proposal is providing 31 dedicated on-site car parking spaces for the retail component of the development. The 31 dedicated on-site car parking spaces will be available for the public to use.

- *Pages 88/89 demonstrate swept paths for the refuse truck. The movements in the diagrams appear tight, and Council should be satisfied that the movements do not cause any queuing back to the Highway.*

Comment:

Vehicle movements were assessed as part of the proposal and Council is satisfied that the proposal will comply with AS2890.1. Queuing back to the highway is not a concern.

- *While the TIA focusses on network capacity analysis, it does not appear to address road safety on the surrounding road network, particularly with the introduction of a new driveway across a public footpath.*

Comment:

The works for site access includes the requirement that the driveway crossover have a continuous concrete footpath to indicate that pedestrians have right of way and Vernon Street maintains a continuous path of travel at one consistent level.

3. I can see from one of the documents on the portal that the applicant's traffic consultant was requested by Council to provide some more information, however they did so on 6 May 2021 before the receipt of the TfNSW letter.

Comment:

The information Council requested from the applicant was in relation to internal ramp widths, internal vehicle movements, dates when the TIA was undertaken and the operation of the parking spaces for the retail component of the development. This was to ensure that the internal vehicle isles complied with AS2890.1. This information provided to Council did not substantially change the proposal and did not warrant another referral to TfNSW.

4. Also at p.6 of the assessment report there is the statement: "TfNSW have advised that they raise no objection to the proposal. Appropriate conditions have been included within the recommendation section of this report."

I am not clear to which conditions this refers, other than perhaps condition 56. Again however, that condition refers to a document submitted on 6 May 2021. (the Traffic Report we have on the portal materials appears to be dated Dec. 2020?).

Comment:

The TIA that is dated 6 May 2021 forms part of the document that was uploaded as an attachment to the assessment report titled Reports Used During Assessment. On page 216 of this document an updated report was submitted to Council on 11 March 2021 Ref: 20269 Rev C, and on page 223 a revised report was submitted to Council on 6 May 2021 Ref: 20269 Rev B.

The appropriate conditions specifically in relation to traffic management include the following:

- No. 3 – Approved plans;
- No. 4 – Development in Accordance with Documents, in particular the following traffic document *Traffic and Parking Assessment, Proposed Mixed Use Development 15-31 Harbour Drive, Coffs Harbour, prepared by Transport and Traffic Planning Associates, Job No. 20269, Issue B and dated 06 May 2021*;
- No.6 – Electronic Parking Guidance System (Details);
- No. 14 – Road Design and Services (Building);
- No. 19 – Construction Traffic Management Plan;
- No. 22 – Undertake Works on a Public Road Approval;
- No. 49 – Road Design and Services;
- No. 50 – Letter of Completion for Civil Works;
- No. 52 – Car Parking Spaces;

- No 53 – Parking Guidance System (Implementation);
- No.56 – Traffic and Parking (Implementation);
- No. 63 – Unobstructed Driveways and Parking Areas;
- No. 64 – Car Parking Provision and Maintenance;
- No. 65 – Parking Guidance System (Implementation);
- No.67 – Permissible Vehicles On-Site;
- No 68 – Entry and Exit; and
- No. 69 – Driveway Access.

Pedestrian Walkway Between Vernon Street and Harbour Drive

5. Also the proposed 'public' pathway between Harbour Drive and Vernon Street the quality of the paving is important to avoid it being a slip hazard in wet weather. The "Hardscape" Plan 21-153 includes quite a bit about paving but not this issue. I understand that AS 4586-2013 - Slip resistance classification of new pedestrian surface materials is the relevant standard.

Comment:

A condition suggesting that the pavement between Harbour Drive and Vernon Street is to be slip resistant can be incorporated into the draft conditions of consent. A suggested condition is provided below:

Pedestrian Walkway Between Vernon Street and Harbour Drive (Slip Resistant Finish)

- 62A The Pedestrian Walkway Between Vernon Street and Harbour Drive must be provided with a Slip Resistant Finish in accordance with AS 4586-2013 at all times.

Safer by Design Commitments in SoEE – CCTV, Lighting, Pass Card Systems

6. Another issue arises from the various safer by design commitments made in the SoEE including in particular CCTV, lighting and pass card systems. While the SoEE is called up in Condition 4, I would have thought a specific condition would apply to the provision of these systems, with sign off at OC stage, and their maintenance over the life of the building.

Comment:

Arrangements for access to parts of the building and premises, other than the pedestrian walkway between and Vernon Street and Harbour Drive, are considered a private arrangement. A condition that requires a specific arrangement is not considered appropriate in the circumstances.

Conditions relating to CCTV and lighting could be proposed as provided below.

Safer by Design:

To maximise the opportunity for crime and in accordance with Crime Prevention Through Environmental Design principles, the development shall incorporate the following to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate:

- a) Closed Circuit Television (CCTV)
- b) Lighting of common areas

c) *Sensor lighting*

Note:

- (1) *The applicant must install and maintain surveillance cameras and records to the monitor and record all entrance and exit point to the buildings. The cameras should include the foyer area to the building including the areas of the 'public' pathway exiting onto Harbour Drive and Vernon Street. The cameras should also monitor the vicinity outside the building including, but not limited to, the footpath area in front of the premises on Harbour Drive and Vernon Street. CCTV cameras should also cover any communal areas, lifts, public spaces, car park areas. Recordings should be made twenty four (24) hours a day seven days a week.*
- (2) *Lighting of common 'public' pathway between Harbour Drive and Vernon Street. Details of lighting for internal pathway, common areas and the street frontage shall be submitted for approval prior to issue of the Construction Certificate.*
- (3) *Sensor Lighting – Sensor lighting is to be provided to lobby entry to the residential component of the development within the 'public' pathway between Harbour Drive and Vernon Street. Details are to be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.*

Safer by Design:

The following works

- a) *Closed Circuit Television (CCTV)*
- b) *Lighting of common areas*
- c) *Sensor lighting*

Being provided to serve the development with the works conforming with the standards and requirements prior to the issue of the Occupation Certificate.

From another Panel member:

7. I just noticed the following in relation to the pedestrian walkway on page 9 of the SEE for the Coffs Harbour development:

"The laneway will be burdened by a Section 88B Right of Public Access, 6 m wide, burdening the land in favour of the Council"

So the applicant has foreshadowed that there will be a right of way, however there is no proposed condition to bring this into effect. We just need to ensure that there is such a condition.

Regarding the pedestrian walkway, condition 62 - Pedestrian walkway, states that "it shall remain open to the public at all times". I agree that may not be strong enough long-term protection of public access and it doesn't cover issues such as maintenance, cleaning etc.

Regarding public safety, I think there should be a condition addressing public safety and CPTED, which could include public lighting (addressed in another condition) and maintenance of safety features in the pedestrian walkway.

Comment:

Draft Condition 62 (Pedestrian Walkway Between Vernon Street and Harbour Drive Open to Public) is an operational condition that requires the pedestrian walkway between Vernon Street and Harbour Drive to remain open at all times. This condition was considered sufficient to allow public access to this area. A condition requiring right of public access under the Conveyancing Act was not considered necessary in the circumstances but could be imposed if the panel was of a mind to.