

ORDINARY COUNCIL

LATE REPORTS

Wednesday 20 February 2019

Ordinary Council Meeting

Wednesday, 20 February 2019

Items of Business

Item	Subject	Page
12.17	DA2018 - 353.1 COMMERCIAL PREMISES AND TOURIST AND VISITOR ACCOMMODATION WITH CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 123 DP 1219042, NO. 17 CLARENCE STREET, PORT MACQUARIE	
Attachment 1:	DA2018 - 353.1 Recommended Conditions	4
Attachment 2:	DA2018 - 353.1 SOEE	15
Attachment 3:	DA2018 - 353.1 Clause 4.6 Report (Height)	57
Attachment 4:	DA2018 - 353.1 Clause 4.6 Report (FSR)	77
Attachment 5:	DA2018 - 353.1 Archaeological Report	94
Attachment 6:	DA2018 - 353.1 Traffic Impact Assessment Report.....	155
Attachment 7:	DA2018 - 353.1 Groundwater Assessment	186
Attachment 8:	DA2018 - 353.1 Stormwater Concept Plan.....	190
Attachment 9:	DA2018 - 353.1 3D Height Plan	195
Attachment 10:	DA2018 - 353.1 Height Context Plan	196
Attachment 11:	DA2018 - 353.1 Site Survey	197
Attachment 12:	DA2018 - 353.1 Heritage Office response letter	198
Attachment 13:	DA2018 - 353.1 Additional Information Letter - September 2018	199
Attachment 14:	DA2018 - 353.1 Plans	203

4 Your Natural and Built Environment

20/02/2019

What we are trying to achieve

A connected, sustainable, accessible community and environment that is protected now and into the future.

What the result will be

We will have:

- Effective management and maintenance of essential water, waste and sewer infrastructure
- A community that is prepared for natural events and climate change
- Sustainable and environmentally sensitive development outcomes that consider the impact on the natural environment
- Accessible transport network for our communities
- Infrastructure provision and maintenance that meets community expectations and needs
- Well planned communities that are linked to encourage and manage growth
- Accessible and protected waterways, foreshores, beaches and bushlands
- An environment that is protected and conserved for future generations
- Renewable energy options that are understood and accessible by the community

How we will get there

- 4.1 Provide (appropriate) infrastructure and services including water cycle management, waste management, and sewer management
- 4.2 Aim to minimise the impact of natural events and climate change, for example, floods, bushfires and coastal erosion
- 4.3 Facilitate development that is compatible with the natural and built environment
- 4.4 Plan for integrated transport systems that help people get around and link our communities
- 4.5 Plan for integrated and connected communities across the Port Macquarie-Hastings area
- 4.6 Restore and protect natural areas
- 4.7 Provide leadership in the development of renewable energy opportunities
- 4.8 Increase awareness of issues affecting our environment, including the preservation of flora and fauna

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/353****DATE: 5/02/2019****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000.

A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	17 Clarence Street	David Pensini	June 2018
Development plans as stamped	1806	Wayne Ellis Architect	19 June 2018

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;

4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (7) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (8) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the

Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (11) (A049) The existing footpath/verge area in Clarence Street is to be raised to contain stormwater in the street. Design plans must be approved by Port Macquarie-Hastings Council pursuant to Section 138 of the Roads Act 1993.
- (12) (A195) Prior to the preparation of any engineering plans or submission of any applications for construction to Council, the applicant is to contact Councils Engineering Development to ensure any design accords with Town Centre Master Plan works already carried out on Clarence Street across the subject property frontage. Works to be carried out as part of this development include raising verge, carriageway and kerb levels to improve surface drainage conditions for the full frontage of the development.
- (13) B196) Each apartment and commercial unit will require individual water metering with the meters either located on the road frontage or at the unit with remote reading facility located adjacent to the road frontage or in an easily accessible area such as a foyer. Details to be provided as part of the section 68 application.
- (14) Development consent shall be sought for the first use of the ground floor commercial tenancy 1.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Road works along the frontage of the development.
 2. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 3. Sewerage reticulation. Council records indicate that the development site is connected to sewer via an end of line connection in the north western corner of the lot. A sewer reticulation supply strategy shall be submitted as part of the infrastructure construction certificate.
 4. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing

Code of Australia and Port Macquarie-Hastings Council Policies. Final water service sizing will need to be assessed by a hydraulic consultant to suit the commercial, domestic and fire service components of the proposed development, as well as backflow protection requirements.

5. Retaining walls
 6. Stormwater systems.
 7. Erosion and Sediment controls.
 8. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 9. Traffic Management Control Plan.
 10. Erection of hoardings and buildings in and/or over the public road verge.
 11. Landscaping.
 12. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202 and ASD 207, Port Macquarie-Hastings Council current version.
 13. All roadworks along the full frontage including full width paving, lighting and any necessary kerb construction or reconstruction in accordance with the current Town Centre Master Plan.
 14. Provision of a full width concrete footpath across the full road frontage of the property.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving
 - Footway and gutter crossing
 - Functional vehicular access
- (4) (B009) The applicant shall surrender the consents relating to DA No.2016/149 for Shop Top Housing, DA No. 2015/332 for car park associated with shop top housing and DA No.2014/410 for shop top housing at Lot 123 DP 1219042 by submitting an application for "Surrender of a Consent" to Council in accordance with the Environmental Planning and Assessment Regulation 2000, prior to release of the Construction Certificate.
- (5) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Administration Building Contributions Plan 2007
- Hastings S94 Administration Levy Contributions Plan
- Port Macquarie-Hastings Contributions Plan 1993
 - Part C – Car Parking
- Port Macquarie-Hastings Open Space Contributions Plan 2018
- Hastings S94 Major Roads Contributions Plan
- Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (6) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
 - augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B032) Details of the proposed slab/flooring and wall construction for structural independency are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
- (9) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
 - The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;

- Bond to guarantee public infrastructure is not damaged as a result of construction activity,

and;

Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.

- (10) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (11) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.
- (12) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed retaining structures supporting the road reserve is to be submitted to Port Macquarie-Hastings Council prior to the release of the building Construction Certificate.
- (13) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (14) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.

In this regard, Council's piped drainage system must be extended by an appropriately sized pipeline to the frontage of the site to allow direct piped connection from the development site into the public drainage system.

The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
 - b) The design is to be generally in accordance with the preliminary stormwater drainage concept plan being drawing No 2018-51 prepared by David Johnson Consulting Engineer and dated 21 June 2018.
 - c) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - d) Where works are staged, a plan is to be provided which demonstrates which treatment measures are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.

- e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- f) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (15) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (16) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (17) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (18) (B195) The building Construction Certificate shall not be issued over any part of the site requiring a controlled activity approval (i.e. dewatering) until a copy of the approval has been provided to Council.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (C013) Where a sewer manhole and Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (5) The proponent is to prepare a construction management plan which includes the following at a minimum:
 - Schedule of works and approximate timing;
 - Contact number for construction site supervisor/manager; and
 - Mechanism for providing a minimum of 24 hours' notice to immediately adjoining land owners of scheduled noisy works.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold

points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:

- a. prior to commencement of site clearing and installation of erosion control facilities;
- b. at completion of installation of erosion control measures
- c. prior to installing traffic management works
- d. at completion of installation of traffic management works
- e. at the commencement of earthworks;
- f. when the sub-grade is exposed and prior to placing of pavement materials;
- g. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- h. at the completion of each pavement (sub base/base) layer;
- i. before pouring of kerb and gutter;
- j. prior to the pouring of concrete for sewerage works and/or works on public property;
- k. on completion of road gravelling or pavement;
- l. during construction of sewer infrastructure;
- m. during construction of water infrastructure;
- n. prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D010) Reduced levels prepared by a registered surveyor must be submitted to the Principal Certifying Authority at the completion of the roof framework and include certification that building heights comply with the plans approved with the development consent.
- (3) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (4) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (5) (D046) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written

application is to be submitted to Council specifying detail of works and bond amount.

- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (E021) Pool to be fenced in accordance with the Swimming Pools Act, 1992.
- (6) (E022) Depth markers are to be installed on the swimming pool.
- (7) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (8) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (9) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".
This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (10) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b. The Proprietor shall have the OSD inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.

- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (11) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the adjoining property owners. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.
- (12) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (13) (E053) All public infrastructure works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
- (14) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (15) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (16) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.
- (17) (E068) Prior to the issue of an Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the development (including street lighting and fibre optic cabling where required).
- (18) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (19) A roof top management plan for use of the rooftop space is to be prepared and approved by Port Macquarie-Hastings Council prior to the issue of any occupation certificate

F – OCCUPATION OF THE SITE

- (1) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (2) (F005) The units are approved for short term accommodation.
- (3) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (4) (F025) Hours of operation of the motel reception is restricted to the following hours:
 - 7am to 9pm – Seven days a week.
- (6) (F027) The swimming pool filtration motor shall be operated between the following hours only:
 - Monday to Friday (other than a public holiday)
7.00 am – 8.00 pm
 - Saturday to Sunday and Public Holidays
8.00 am – 8.00 pm
 - Should noise levels exceed 5dBA above the ambient noise level measured at the boundary, the pool filtration motor shall be enclosed with an effective soundproof unit.
- (7) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 - 1997 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (8) The approved plan of management for use of the rooftop space is to be displayed in a prominent position on the rooftop at all times.
- (9) A noise/nuisance complaints register must be kept up to date at all times by management and must be made available to Council on request. The register must contain:
 - Complaint date and time;
 - Name of person making the complaint;
 - Contact details (phone and address) of person lodging the complaint;
 - Nature of complaint;
 - Name of staff managing the complaint;
 - Action taken (by whom and when); and
 - Outcome and or further action required;
 - A telephone number is to be provided on the front of the building to enable the public to register a complaint with the property manager.

STATEMENT OF ENVIRONMENTAL EFFECTS & SUPPORTING INFORMATION

**PROPOSED COMMERCIAL &
MOTEL/SERVICED APARTMENT DEVELOPMENT
AT
LOT 123 DP 1219042,
17 CLARENCE STREET,
PORT MACQUARIE**

JUNE 2018

TABLE OF CONTENTS

1. INTRODUCTION	4
2. LOCATION DESCRIPTION.....	4
2.1 Local and Regional Context.....	4
2.2 The Site	5
2.3 Description of Existing Environment	6
2.3.1 Climate	6
2.3.2 Soils and Vegetation.....	6
2.3.3 Drainage.....	6
2.3.4 Land Use.....	6
2.3.5 Flora and Fauna	7
2.3.6 Air	7
2.3.7 Noise and Vibration.....	7
3. PROPOSED DEVELOPMENT	7
4. PLANNING CONTROLS	8
4.1 Environmental Planning and Assessment Act 1979.....	9
4.2 Water Management Act, 2000.....	9
4.3 State Environmental Planning Policy 55 – Remediation of Land and Managing Land Contamination	9
4.4 State Environmental Planning Policy No. 71 – Coastal Protection.....	9
4.5 North Coast Regional Environmental Plan	13
4.6 Port Macquarie-Hastings Local Environmental Plan 2011.....	14
4.6.1 Land Use Zoning.....	14
4.6.2 LEP Compliance Requirements.....	15
4.7 Port Macquarie-Hastings Development Control Plan 2013.....	18
5. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979	31
5.1 Context and Setting.....	31
5.2 Access and Transport	31
5.3 Public Domain.....	32
5.4 Utilities.....	32
5.5 Heritage	32
5.6 Other Land Resources	32
5.7 Water	32
5.8 Soils	33
5.9 Air and Microclimate	34
5.10 Flora and Fauna	34
5.11 Waste	34
5.12 Energy	34

5.13 Noise and Vibration	34
5.14 Natural Hazards	35
5.15 Safety, Security and Crime Prevention	35
5.16 Social Impact in the Locality	35
5.18 Economic Impact in the Locality	35
5.19 Site Design and Internal Design	35
5.20 Cumulative Impacts	36
5.21 The Public Interest	36
6.0 CONCLUSION	36

Appendix 1 - Pre-lodgment Advice

Appendix 2 - Preliminary Geotechnical Assessment (Ground Water Conditions)

Appendix 3 - Archaeological Clearance Assessment and Certification

Appendix 4 - LEP Building Height Variation Justification

Appendix 5 - Storm Water Management Concept Plan

Appendix 6 - Waste Management Plan

LIST OF TABLES AND FIGURES	
FIGURES	
Figure 1	Site Location
Figure 2	Site Zoning
TABLES	
Table 1	Development Floor Areas
Table 2	SEPP 71 Compliance
Table 3	NCREP Compliance Requirements
Table 4	PMHC LEP Compliance Requirements
Table 5	PMHC DCP Compliance Requirements

1. INTRODUCTION

This report is submitted to Port Macquarie - Hastings Council as part of a development application for the construction of a mixed commercial and motel/serviced apartment development at Lot 123 DP 1219042, 17 Clarence Street, Port Macquarie.

The final design of the proposed development complies with the requirements of Council's strategic planning objectives and development standards. The proposed development is also consistent with the land use zoning for the area and is compatible with the local context.

This report addresses the nature and form of the development, the characteristics of the site and surrounding area and the impacts of the proposed development.

Aspects of the proposed development have been through a pre-DA consultation process albeit that this involved a development concept centered on a six (6) storey shop top housing development concept. The pre-DA consultation included;

- Council pre-lodgment meeting - refer to **Appendix 1**.
- Consideration of the preliminary design by Councils Urban Design Review Panel.

It is noted that the shop top housing development proposal for the subject site was subsequently approved by Council via Development Consents 332/2015 and 149/2016.

2. LOCATION DESCRIPTION

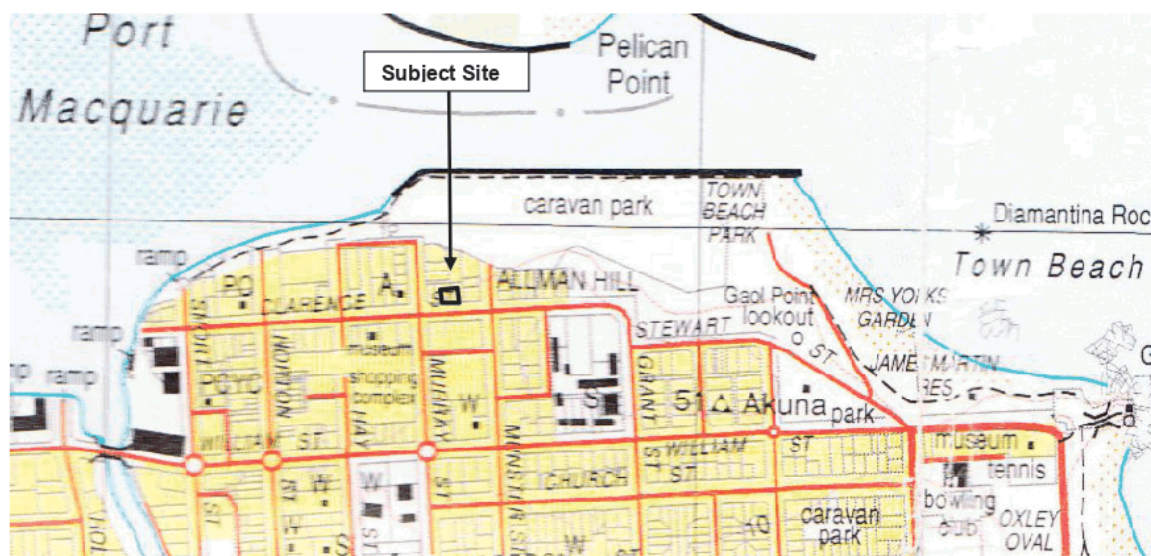
2.1 Local and Regional Context

The subject site is located on the eastern fringe of the Port Macquarie Central Business District (CBD). It is within easy walking distance to the services and facilities located within the CBD as well as Town Beach and the Hastings River Break wall, refer to **Figure 1**.

Supporting Information
Proposed Commercial and Motel/Serviced Apartment Development
17 - 19 Clarence Street, Port Macquarie

June 2018

Figure 1 – Site Location



The subject site is also in proximity to a range of community/recreational facilities including entertainment venues and sporting and recreational facilities.

The area is characterized by a mix of commercial and residential development which reflects the subject sites CBD fringe location. Apart from commercial land uses the locality contains a range of residential development including serviced apartment developments and older multistory and low-density residential flat and unit developments.

The age of existing building infrastructure is mixed with more recent developments, (i.e. 10 years old), intermingled with historical developments which are more than 40 – 50 years old.

2.2 The Site

The subject site consists of a single Torrens Title lot at 17 Clarence Street, Port Macquarie. The subject site is currently vacant of improvements with historic residential flat buildings having recently been demolished

The subject site has approximately 2m fall from south to the north (from Clarence Street to the rear of the property). A 1m east to west cross fall is also present although the natural topography of the subject site has been altered as a result of the historic development of the subject site and recent demolition works. The topography of adjoining and adjacent land contains gentle south to north down slopes and a westerly cross-fall.

The subject site is legally known as Lot 123 DP 1219042, 17 Clarence Street, Port Macquarie. The subject site is rectangular in shape with a total site area of approximately 1517.23m². It has a frontage of 45.25m to Clarence Street, and an average depth of 33.53m.

The subject site does not contain any significant vegetation with bare earth and grasses being the predominant surface conditions on the subject site.

The immediate locality, particularly to the north, south and east is dominated by larger residential flat and serviced apartment buildings. The western aspect of the subject site is dominated by commercial buildings which are generally up to two (2) storey in bulk and scale. The bulk and scale of buildings in the western aspects becomes more significant with distance to the west.

2.3 Description of Existing Environment

2.3.1 Climate

The local climate is considered to be temperate with summer dominant rainfall.

The average daily maximum temperature is around 21.5°C, while the average daily minimum temperature is around 10°C - 11°C.

Long-term average annual rainfall is around between 1,500 mm.

Annual pan evaporation is estimated to be approximately 1,400 mm.

2.3.2 Soils and Vegetation

As detailed in the Department of Land and Water Conservations, soil landscapes of Kempsey 1: 1,000,000 Sheet (1999), the soil grouping on the subject site is shown to be potentially by human activity and as such soils could be high variable in characteristics and limitations.

Geological investigations indicate that the site is situated in an area of red krasnozem clay soils overlying deeply weathered geological units of the Port Macquarie Block which includes slate, basalt, serpentinite and dolerite. Areas of disturbed ground are present in the upper 1m of the soil profile due to the demolition of the former structures at the site and the presence of historical service trenches.

Ground water is variable across the subject site however its presence was encountered approximately 1.5m below ground level. It should be noted that fluctuations in groundwater levels can occur as a result of seasonal variations, temperature, rainfall and other similar factors, the influence of which may not have been apparent at the time of the assessment.

All native vegetation has been removed from the subject site and immediate surrounds as part of the development of the land for the residential uses which exist in the locality.

2.3.3 Drainage

The subject site is well suited to residential/commercial uses, with gentle slopes in all aspects of the subject site. The presence of Clarence Street to the south of the subject site provides for drainage opportunities to the south of the subject site. It is also noted that an inter-allotment drainage line is present along the northern portion of the subject site and as such drainage opportunities exist to the north also. Accordingly, there are no constraints regarding site drainage.

Sufficient drainage infrastructure is present within the Clarence Street road reserve to service the proposed development.

2.3.4 Land Use

The subject site forms part of the Port Macquarie Central Business District.

The northern and eastern boundaries of the subject site adjoin residential land uses with more recently developed multi storey serviced apartment developments incorporating ground floor commercial uses present to the north and east of the subject site. The southern boundary of the subject site adjoins the Clarence Street road reserve. Beyond the road reserve to the south is an older style multi storey serviced apartment development.

Land use in the western aspect of the subject site consists of a mixture of single and two storey commercial buildings and public road infrastructure.

The foreshore areas of the Hastings River are located approximately 200m to the north of the subject site whilst Town Beach is located approximately 600m to the east of the subject site.

2.3.5 Flora and Fauna

The subject site contains disturbed surface conditions with grasses being the predominant vegetation on the subject site.

Given the modified and highly disturbed nature of the subject site it has limited ecological or habitat value for native flora and fauna.

2.3.6 Air

The air quality at the subject site and surrounds reflects the mixed commercial and residential nature of the land use in the locality. In this regard the existing air quality of the area reflects the dust, odour and exhaust emissions from the commercial activities which are undertaken within the Port Macquarie CBD.

Notwithstanding this, the air quality at the subject site and surrounding area is generally good. This reflects the scale and nature of the development within the CBD.

2.3.7 Noise and Vibration

It is noted that the existing noise and vibration characteristics of the subject site and surrounding areas is dominated by the commercial activities within the Port Macquarie CBD.

Notwithstanding this, the acoustic environment of the subject site and surrounding area is consistent with that which would be expected for a residential habitation within an area which supports the operation of commercial businesses in a town centre landscape.

3. PROPOSED DEVELOPMENT

The proposal includes the construction of a seven (7) storey mixed use commercial and motel/serviced apartment building with a single basement carparking level.

A commercial tenancy, (195m²), together with building access infrastructure, (vehicle and pedestrian), will occupy the ground floor of the building. Twenty-one (21) carparking spaces together with motel/serviced apartment and ancillary use areas are also proposed for this level.

Motel/Service Apartment accommodation and associated infrastructure are distributed over Levels 1 – 7 of the building. The proposed development provides for forty-seven (47) apartments with the following configuration;

- 4 x 3 bedroom/2-bathroom apartments (twin key); and
- 28 x 2 bedroom/2-bathroom apartments (twin key); and
- 12 x 2 bedroom/2-bathroom apartments; and
- 3 x 1-bedroom apartment.

The usage arrangements of the proposed apartments provide for a maximum of 79 lettable units.

The floor areas of the units are variable ranging from 48m² to 106.4m².

Access to each apartment will be by lift access. Each of the proposed apartments will be provided with an external balcony.

One level of basement car parking, (providing forty (40) spaces), is proposed with access via a single vehicular driveway off Clarence Street via the ground floor of the building. Lift access to the basement level is proposed.

The proposed development also provides for motel/serviced apartment ancillary use areas on Level 7 of the proposed development. In this regard a Conference Room, Gymnasium, BBQ area, amenities and a swimming pool are located on the top floor area of the development.

As indicated on the architectural plans prepared by Wayne Ellis Architects, (included in the development proposal plans), the proposed development will be finished in contemporary tone colours.

Details of the floor areas of the proposed development are provided as follows;

Table 1 – Development Floor Areas

SITE	TOTAL
Total Gross Floor Area	5344.33m ²
Site Area	1517.23m ²
Proposed floor space ratio	3.52:1

4. PLANNING CONTROLS

The statutory and strategic planning instruments that are relevant to this proposal are:

- Environmental Planning and Assessment Act 1979
- Water Management Act, 2000
- State Environmental Planning Policy No. 71 – Coastal Protection
- North Coast Regional Environmental Plan
- Port Macquarie - Hastings Local Environmental Plan 2011
- Port Macquarie - Hastings Development Control Plan 2013

4.1 Environmental Planning and Assessment Act 1979

Part 4 of the Environmental Planning and Assessment Act, 1979 is relevant to the proposed development; refer to Section 5 of this report.

4.2 Water Management Act, 2000

It is noted that a preliminary worst case geotechnical assessment of the ground water conditions of the subject site, (refer to **Appendix 2**), indicates that the construction of the proposed building will intersect ground waters. Ground water conditions have been experienced at approximately 1m below the lowest existing ground level. In this regard the lowest basement level is proposed to be at approximately RL 2.6m (including floor slab thickness).

Accordingly, the proposed development will require an aquifer interference approval issued pursuant to Clause 91 of the Water Management Act, 2000.

In this regard it is noted that the proposed development will be integrated development under Section 91 of the *Environmental Planning & Assessment Act, 1979* as there is a need for the granting of an approval under the Water Management Act, 2000.

4.3 State Environmental Planning Policy 55 – Remediation of Land and Managing Land Contamination

Based upon historical land use the subject site is not subject to the contaminated land provisions of State Environmental Planning Policy 55 – Remediation of Land and Managing Land Contamination.

4.4 State Environmental Planning Policy No. 71 – Coastal Protection

One of the overall aims of SEPP No. 71 – Coastal Protection is *“to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast”*.

It seeks to do this by requiring additional assessment matters for developments located within the Coastal Zone.

SEPP No. 71 applies to the subject site, as it is located within this Coastal Zone as defined by the SEPP. The matters required to be considered in the assessment of a development application by Port Macquarie-Hastings Council under Clause 7 of the SEPP are as follows:

Table 2 – SEPP 71 Compliance

Clause 8 matters for consideration, SEPP No. 71 – Coastal Protection	Compliance	Proposal as assessed under Clause 8 matters for consideration, SEPP No. 71 – Coastal Protection
(a) the aims of this Policy set out in clause 2, (1) This Policy aims: (a) to protect and manage the	Complies	The proposal will have a

natural, cultural, recreational and economic attributes of the New South Wales coast, and		minimal impact on the natural, cultural, recreational and economic attributes of the NSW coast. This development will support economic investment within the local area specifically and the Mid-North Coast generally and will have positive economic benefits for the community.
(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and	Not applicable	The proposal has no impact on public access to and along the coastal foreshore.
(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realized to the extent that this is compatible with the natural attributes of the coastal foreshore. and	Not applicable	See above comment
(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and	Complies	Based on the archaeological clearance assessment contained in Appendix 3 there are no known archaeological or heritage issues present on site.
(e) to ensure that the visual amenity of the coast is protected, and	Complies	The proposal will protect the visual amenity of the coast as it will be in keeping with the characteristics of the area.
(f) to protect and preserve beach environments and beach amenity, and	Complies	The proposal will have no impact on the environment or amenity of beach areas.
(g) to protect and preserve native coastal vegetation, and	Not applicable	The proposal will have no impact on native coastal vegetation.
(h) to protect and preserve the marine environment of NSW,	Not applicable	The proposal will have no impacts on the marine

and		environment of NSW
(i) to protect and preserve rock platforms, and	Not applicable	The proposal will have no impacts on rock platforms
(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and	Not applicable	The proposal has been designed to consider the principles of ecologically sustainable development. Compliance with the energy efficiency requirements of the Part J of the BCA are applicable to the proposed building.
(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and	Complies	The proposal is of an appropriate type, bulk, scale and size for its location which complements not only the existing built environment but also the scenic quality of the surrounding area.
(l) to encourage a strategic approach to coastal management.	Complies	The proposal does not impact on strategic coastal management.
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	Not applicable	The proposal has no impact on public access to and along the coastal foreshore.
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,	Not Applicable	
(d) the suitability of development given its type, location and design and its relationship with the surrounding area,	Complies	See the comments made earlier in relation to 1(k).

(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	Complies	The proposal will not result in any detrimental impact, overshadowing or loss of views from a public place to the foreshore.
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	Complies	Given the location of the subject development there are no scenic protections issues
(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,	Not applicable	Given the developed nature of the subject site it is extremely unlikely that the site includes any threatened species or items of conservation significance.
(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats	Not applicable	The proposal will have no impact on fish species or their environment.
(i) existing wildlife corridors and the impact of development on these corridors,	Not applicable	No corridors exist on or adjacent to the subject site
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	Not applicable	Given the location of the subject site it is unlikely that coastal processes or hazards will impact on the development.
(k) measures to reduce the potential for conflict between land-based and water based coastal activities,	Not applicable	Due to its location the development proposal will not conflict with land based and water-based activities.
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	Complies	See comments made earlier in this table regarding cultural and archaeological considerations.

(m) likely impacts of development on the water quality of coastal water bodies,	Complies	The proposal will not have a detectable impact on the water quality of coastal waters.
(n) the conservation and preservation of items of heritage, archaeological or historic significance,	Complies	See the comments made earlier in this table regarding archaeological issues on the subject site.
(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	Not Applicable	Not Applicable
(p) only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient.	Complies	As the proposal is a redevelopment and the subject site is located within an established urban area, the cumulative impacts of the proposal on the environment are considered to be minimal. Compliance with the Building Code of Australia requirements which are applicable to the subject development will provide for water and energy efficiency in the occupation of the proposed serviced apartments.

4.5 North Coast Regional Environmental Plan

The following clauses of the North Coast Regional Plan (REP) are considered to be relevant to this application:

Table 3 – NCREP Compliance Requirements

Relevant Development Controls under North Coast Regional Environmental Plan	Compliance	Proposal as assessed under
Clause 36 Development control—heritage items, generally	Complies	The archeological clearance assessment provided as Appendix 3 confirms there are no known archeological or heritage issues associated with

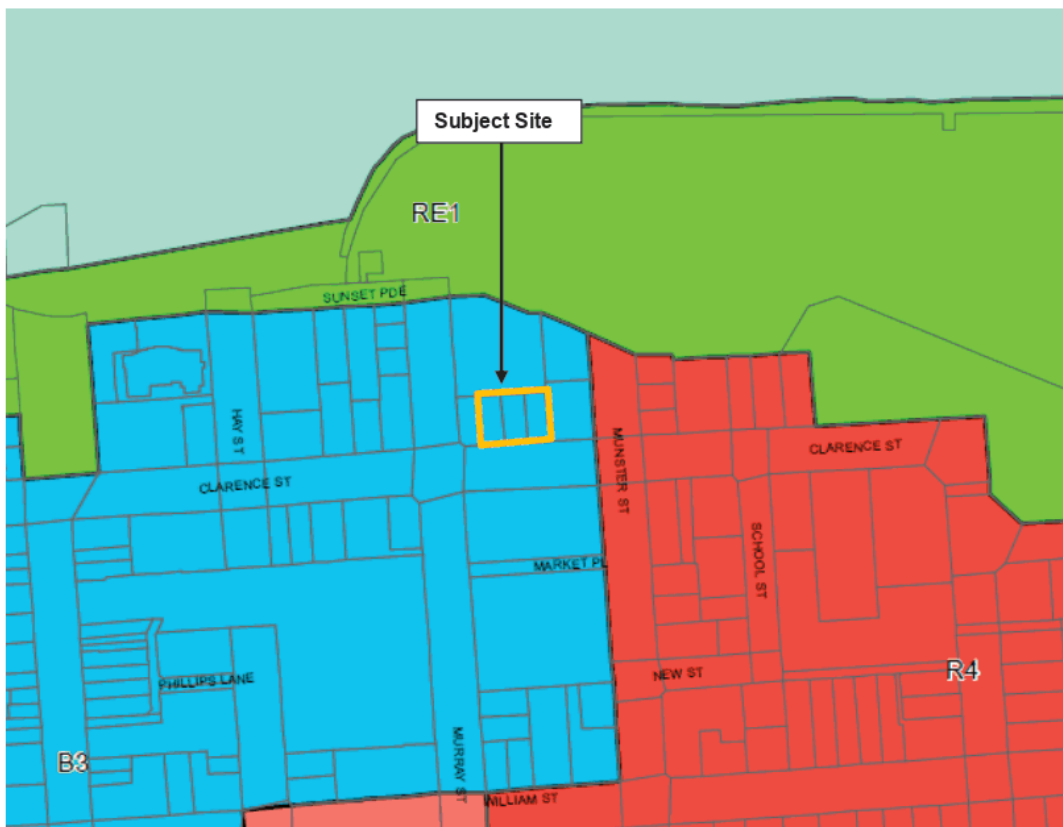
		the development of the site.
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4.6 Port Macquarie-Hastings Local Environmental Plan 2011

4.6.1 Land Use Zoning

It is noted that the subject site is zoned B3 (Business Core) under the provisions of Port Macquarie-Hastings LEP 2011, refer to **Figure 2**.

Figure 2 – Site Zoning



The objectives of the B3 zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that new residential accommodation and tourist and visitor accommodation within the zone does not conflict with the primary function of the centre for retail and business use.

- To provide for the retention and creation of view corridors and pedestrian links throughout the Greater Port Macquarie city centre.

The proposal development satisfies the objectives of the zone and is therefore an appropriate form of development for the subject site and the general locality.

The location of the development is intended to support the commercial development in conjunction with the tourist and visitor accommodation use of the subject site.

The proposed development will be in keeping with the existing and expected amenity of the area.

It is noted that the proposed development is permissible in the zone. The land use requirements of Port Macquarie Hastings LEP 2011 for the R1 Zone are as follows;

'2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies'

As the proposed development provides for commercial and tourist/visitor accommodation it is a permissible use which is subject to the issuing of development consent by the local council.

4.6.2 LEP Compliance Requirements

Other relevant clauses of the LEP that are considered to be applicable to the subject development are as follows;

Table 4 – LEP Compliance Requirements

Relevant Development Controls under Port Macquarie - Hastings LEP 2011	Compliance	Proposal as assessed under Port Macquarie - Hastings LEP 2011
Part 2 - Permitted and prohibited Development		
2.7 Demolition Requires Consent	N/A	Consent has previously been obtained for the demolition of the buildings which previously occupied the subject site.
Part 3 - Exempt and Complying Development		
3.3 Environmentally Sensitive Areas excluded	Complies	The subject site does not currently have any trees which trigger Council's TPO.
Part 4 – Principal Development Standards		
4.3 Height of Buildings	Complies - refer to Appendix 4 for Justification of Proposed Building Height in accordance with Clause 4.6 of the LEP	<p>The roof of the proposed building is at 22.0 metres above ground level on the west boundary and 20.9m above ground level on the east boundary along Clarence street frontage due to the topography.</p> <p>It is noted that the proposed building height is in excess of the 19m development standard provided for by Section 4.3 of the LEP. Justification of the proposed building height solution in accordance with Clause 4.6 of the LEP is provided as Appendix 4.</p>
4.4 Floor Space Ratio	Complies	<p>Floor Space Ratio; Required - 1:3.5 Proposed - 1: 3.51</p> <p>It is noted there is a minor deviation from the floor space ratio which is provided for in relation to the development of the subject site. The quantum of the deviation from the development standard is considered to be minimal with the design outcome consistent with the outcome envisaged by the development standard.</p>
Part 5 – Miscellaneous Provisions		
5.5 Development in the Coastal Zone	Complies	The proposed development is consistent with the NSW Coastal Policy and SEPP 71; refer to Table 2 of this report.

Supporting Information
Proposed Commercial and Motel/Serviced Apartment Development
17 - 19 Clarence Street, Port Macquarie

June 2018

5.6 Architectural features on the roof	Complies	There are no architectural features on the roof of the proposed development.
5.9 Preservation of trees or vegetation	Complies	The site does not currently have any trees which trigger Council's TPO.
5.10 Heritage Conservation	Complies	The archeological clearance assessment provided as Appendix 3 confirms there are no known archeological or heritage issues associated with the development of the site.
5.11 Bushfire Hazard Reduction	Not Applicable	The subject site is not shown as being Bushfire Prone Land.
Part 7 – Additional Local Provisions		
7.1 Acid Sulphate Soils	Not Applicable	The subject site is not shown as being affected by acid sulphate soils on Council's acid sulphate soils maps.
7.2 Earthworks	Complies	The undertaking of proposed earthworks is consistent with the requirements of this provision.
7.4 Flood Planning	Complies	<p>The subject site whilst not identified as being subject to the flood planning level is shown to be affected by the Level of Probable Maximum Flood. In this regard the proposed development is consistent with the requirements of the LEP with no specific evacuation considerations required for the nature of the proposed development.</p> <p>The proposed development will not have significant impact in terms of affecting flood behaviour nor will the proposed development be negatively impacted upon by flood waters.</p>
7.5 Koala Habitat	Not applicable	The proposed development contains no vegetation of koala habitat significance.
7.6 Coastal Hazards	Not applicable	The subject site is not subject to coastal hazards.
7.9 Development subject to acoustic controls	Not applicable	The subject site is not subject to specific requirements for acoustic controls.
7.13 Essential Services	Complies	All essential services are available to the

		land and subject development.
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Having regard to the above it is considered that the proposed development is consistent with the relevant provisions and requirements of of Port Macquarie-Hastings LEP 2011.

4.7 Port Macquarie-Hastings Development Control Plan 2013

The subject site is located within the area affected by Port Macquarie -Hastings Development Control Plan (DCP) 2013.

The subject site is subject to the general provisions of the DCP and also the specific development controls which are considered to be applicable to the Town Centre Area of Port Macquarie.

The DCP has both a number of generic requirements that apply to the entire area affected by the DCP and specific block controls for the individual precincts and sub-precincts.

An assessment of the proposed development against the relevant DCP provisions follows;

Table 5 – DCP Compliance Requirements

DCP CRITERIA – RELEVANT DEVELOPMENT CONTROL STANDARDS	COMPLIANCE COMMENT
PART 2 – GENERAL PROVISIONS	
2.2 Advertising and Signage	
N/A	N/A – no signage proposed as yet. Future signage will be the subject of a separate development application.
2.3 Environmental Management	
Cut and fill regrading	Complies – all excavation will be contained within the perimeter of the proposed building.
Environmental management areas and buffers	N/A – there are no environmental management areas and buffers applicable to the proposed development.
Koala habitat	N/A – there are no koala habitat issues relevant to the proposed development.
Hollow bearing trees	N/A – there are no hollow bearing trees on the site of the proposed development.
2.4 Hazards Management	
Airspace protection	N/A

Bushfire hazard management	N/A – the subject site is not bushfire prone land.
Flooding	<p>Complies.</p> <p>The subject site whilst not identified as being subject to the flood planning level is shown to be affected by the Level of Probable Maximum Flood. In this regard the proposed development is consistent with the requirements of the LEP with no specific evacuation considerations required for the nature of the proposed development.</p> <p>The proposed development will not have significant impact in terms of affecting flood behaviour nor will the proposed development be negatively impacted upon by flood waters.</p>
Stormwater	<p>Complies</p> <p>A concept plan for storm water management is provided as Appendix 5.</p>
2.5 Transport, Traffic Management, Access and Car Parking	
Road hierarchy	Complies.
Parking provision	<p>Relevant DCP Requirements;</p> <p><u>(i) Restaurant/Food premises</u> - in commercial zones: 1 per 30 m² serviced floor area.</p> <p>195.35m²/30 = 6.5 (7 spaces)</p> <p><u>(ii) Serviced Apartment/Motel</u> -</p> <p>1.1 per unit + 1 per 2 employees (onsite at any one time) + 1 for on-site manager.</p> <p>(Maximum of 6 employees onsite at any time with no onsite manager)</p> <p>Onsite Parking Requirements</p> <p>Units 47 = 51.7 spaces (52 spaces) Employees = 3 spaces Commercial = 7 spaces Total Required = 62 spaces</p> <p>Total Proposed = 61</p> <p>Based upon the above there is a short fall in carparking of 1 space.</p>

	<p>It is however noted that the above carparking calculations have no regard to the likely occupancy of the building and is indicative of peak conditions which is likely to be achieved infrequently. Additionally, the above calculations do not reflect the reality that a number of visitors arrive via other forms of transport (i.e. public transport/taxi) which is particularly relevant of CBD locations and the target corporate traveller user.</p> <p>Accordingly, the following factors are considered relevant to the issue of carparking;</p> <ul style="list-style-type: none"> • Average accommodation occupancy – 80% • Arrival other than by private vehicle – 10% <p>Applying the above factors provides that the following parking demand is appropriate;</p> <p>Units 47 = 51.7 spaces (52 spaces) @ 70% demand (occupancy and other forms of travel) = 36.4 (37) spaces Employees = 3 spaces Commercial = 7 spaces Total Required = 47 spaces</p> <p>Total Proposed Carparking Spaces = 61</p> <p>Based upon the above there is an excess of 14 spaces available to the development.</p> <p><u>Sensitivity analysis – motel/apartment occupancy</u></p> <p>Notwithstanding the above the proposed development provides for 79 separate room keys and as such the carparking requirements for the motel/apartment component have been further reviewed based upon the following scenario;</p> <ul style="list-style-type: none"> • 80% overall occupancy • 10% of visitors not reliant on private vehicles transport • 50% of dual key apartments let as separate spaces • 50% of apartments let as whole • 1.1 space per apartment • 1 space per dual key room. <p>Based upon the above the following worst case carparking demand is anticipated;</p> <ul style="list-style-type: none"> • No. of Apartments @ 80% Occupancy = 39 • No. of let apartments @ 50% mix = 20
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	<ul style="list-style-type: none"> No. dual key rooms = 40 10% of dual key rooms arrive without vehicle = 4 rooms (36 dual key rooms require parking) <p>Motel carparking demand =</p> <ul style="list-style-type: none"> Apartments 1.1 x 20 = 22 spaces Dual key rooms 1 x 36 = 36 Total motel demand = 58 <p>Therefore, carparking demand for development is;</p> <p>Motel = 58 spaces Employees = 3 spaces Commercial = 7 spaces Total Required = 68 spaces</p> <p>Total Proposed = 61</p> <p>Based upon the above there is a short fall in carparking of 7 spaces.</p> <p>It is considered that the above assessment encompasses the realistic carparking demand for the proposed development. In this regard any shortfall in onsite carparking is considered acceptable in the circumstance as;</p> <ul style="list-style-type: none"> The employee carparking spaces will be available for use by tourists/visitors as the employees will not be present for the majority of time during peak daily occupancy (afternoon and evening). This factor reduces any deficiency in carparking to 3 spaces only. Some commercial carparking spaces will be available for use by tourists/visitors as some occupants of the commercial floor space employees will not be present for the majority of time during peak daily occupancy, (afternoon and evening). There are significant on street and other public carparking facilities in close proximity to the subject site. The use of public carparking facilities is considered acceptable on the basis that demand for spaces by tourists/visitors would be mainly outside of peak periods of use by the public.
Parking layout	Complies.

Redevelopment of heritage items – Conservation Incentives	Not Applicable - the proposed development is not a redevelopment of a heritage item.
Section 94 Contributions	Contributions are not proposed in relation to the provision of carparking spaces.
Landscaping of parking areas	Not applicable – all carparking spaces are located behind the built form of the building and will be obscured from view. Therefore, landscaping is not required.
Surface finishes	Complies – all surfaces will be reinforced concrete.
Driveway grades	Complies.
Drainage	Complies. A concept plan for storm water management is provided as Appendix 5 .
Loading bays	Complies - a designated loading area is provided within the development. It is also noted that there is ample opportunity to conduct deliveries from the Clarence Street frontage as it is envisaged that some deliveries will be infrequent and undertaken by van or small rigid truck the parking of which can be accommodated for short periods within Clarence Street.
Industrial development	Not Applicable
Traffic generating development	The proposed development is not a traffic generating development.
2.6 Tree Management	
Tree Management – Clause 5.9 of LEP	N/A – there are no trees to which the LEP provisions apply on the subject site.
Tree management private land	N/A – there are no trees on the site of the proposed development.
Tree management Council controlled land	Complies.
2.7 Social Impact assessment and crime prevention	
Social impact assessment	The proposed development will assist in making the locality more of a lively area with an increased demand for localized services.

	<p>The proposed development is compatible with the land use zoning applicable to the area and the amenity of the area.</p> <p>The proposed development will make a positive contribution to the locality by reinforcing the trend for mixed tourist/visitor accommodation and commercial development complying with Council's strategic objectives for the area.</p> <p>The proposal will have a positive economic impact through the serviced apartments which will represent a major injection into the local economy and generate significant employment opportunities and flow on benefits to other local businesses.</p> <p>Benefits will also be provided to the local construction industry and related services through the construction phase of the project.</p>
Crime prevention	<p>Complies.</p> <p>The proposal has been designed to minimize the risk of crime and maximize safety and security.</p> <p>Pedestrian entrances will be well lit, secure and visibility to and from the entrances is maintained. The basement car parking areas are secured via controlled roller shutters.</p> <p>All apartments will have good casual surveillance of the street from the internal and external living areas (without sacrificing privacy).</p> <p>In addition, key card access is proposed to be provided to all apartments.</p>
PART 3.3 – RESIDENTIAL FLAT DEVELOPMENT, TOURIST & VISITOR ACCOMMODATION AND MIXED-USE DEVELOPMENT	
Site analysis	Complies.
Site layout	Complies.
Streetscape and front setback	<p>Complies - the top storey of the development is stepped back from the southern and western boundaries of the subject site and for the majority of the eastern boundary thereby reducing the bulk and scale of this aspect of the proposed development particularly when viewed from the public areas which have line of sight of the building.</p> <p>As the DCP envisages the amalgamation of the subject</p>

	<p>site with lots either side it is clear that a continuous facade was envisaged as being acceptable with the top floor setback only applying to the far ends, (east and west) of the amalgamated site. In this regard the proposed development is consistent with that which is envisaged in the DCP.</p> <p>The proposed development in its current form has no visual, bulk and scale or amenity impacts which are inconsistent with that envisaged by the DCP nor the existing streetscape features and character.</p>
Side and rear setbacks	<p>N/A – refer to specific block controls.</p> <p>It is however noted that the design solution adopted for the subject site provides for a minimum 8.7m rear boundary setback for Levels 1 – 7 of the proposed building. Additionally, the rear setback to the north-eastern portion of the proposed building has been increased on the 5th and 6th floor levels in response to minimizing the impact on the adjoining development to the east of the subject site.</p>
Building depth and deep soil zone	<p>Building depth is considered appropriate given the proposed use of the development.</p> <p>Ventilation, solar access and view amenity are considered to be appropriate for the nature of use of the proposed building.</p> <p>No deep soil zone is required.</p>
Energy Conservation and solar access	<p>Complies.</p> <p>Apartments have either a north or south orientation. North facing apartments will have high levels of solar access whilst south facing apartments will have limited solar access. Notwithstanding this the level of solar access which is provided is considered appropriate given the short-term occupancy of the proposed apartments.</p> <p>The impact of the proposed building on solar access have been reviewed for the adjoining sites to the east and west. The assessment indicates that the proposed development will result in a 3-hour time slot of no overshadowing.</p> <p>In addition, compliance with the Part J Energy Efficient Requirements of the Building Code of Australia will provide for significant active and passive energy and thermal performance.</p>

Landscaping	<p>The subject site does not have any significant vegetation.</p> <p>All of this existing vegetation will be removed, and new landscaping incorporated into the new development.</p> <p>The landscaping will be designed to be in scale with the buildings, improve the privacy of the serviced apartments, relate to the building forms, add to the amenity of the balconies by screening excessive sun and generally soften the buildings.</p>
Private open space	<p>N/A as there are no ground floor apartments.</p> <p>Notwithstanding this all apartments will have access to external balconies. It is considered that the size and relationship of the balconies is considered acceptable in the context of the short-term occupation of the apartments.</p>
Fences and walls	Complies.
Acoustic privacy	<p>The serviced apartments have been designed to comply with the noise transmission requirements of the Building Code of Australia.</p> <p>Wherever possible like rooms in adjoining apartments have been located together thereby reducing the potential for reduced acoustic privacy.</p>
Visual privacy	<p>Complies – direct views are minimized through the orientation of all serviced apartments to the front and rear of the subject site.</p> <p>Where necessary privacy has been maintained via the use of walls and screens.</p> <p>Complies - privacy walls/screens provided where necessary.</p>
Accessibility	<p>Complies.</p> <p>Requirements of AS 1428 will be complied with.</p> <p>Street level access into the development will be available via the main entry areas off Clarence Street.</p> <p>Access will be provided from the ground floor level to all storeys of the building and the communal open space area will be possible.</p> <p>The proposal has lift access to all levels of the buildings</p>

	(including all basement car parking area).
Social dimensions and housing affordability	<p>Complies – being located within the Port Macquarie CBD the development is in close proximity to areas of open space, recreation and entertainment facilities.</p> <p>The mix of apartment sizes and configurations provides for flexibility of use and occupation.</p>
Roof form	Complies.
Façade composition and articulation	<p>Complies.</p> <p>41% of the ground floor area is setback 3.2m in order to provide for an outdoor terrace area which has a direct relationship with the ground floor commercial area of the proposed development. In addition, approximately 14.5m of the south-eastern ground floor area of the proposed development is not occupied by the building with this area providing for vehicle and pedestrian access infrastructure.</p> <p>A small element, (approximately 10m), of the motel/serviced apartment area of the building addresses the street and will define this element of the proposed development.</p> <p>The façade above ground level is simple and consists of elements to reduce the layering effect of the proposed apartments. Vertical fin walls in the façade which in combination with horizontal awning and balcony materials reinforce building articulation and differentiation. Similarly, the stepping in of the top floor of the building assists in disassociating the top level.</p> <p>The façade treatment will create the base, middle and top effect that the designer was after. Being an infill building it was considered preferable to take this approach because when the sites either side are developed their floor levels are not likely to align because of the slope of Clarence street and the building can be more successful married together if they don't have to contend with misaligned setbacks.</p>
Entries and corridors	<p>Complies.</p> <p>The main entrance to the proposed commercial tenancy will be via Clarence Street and as such will be unambiguous and publicly accessible.</p> <p>The main entry into the proposed motel/serviced</p>

	<p>apartments will also be off Clarence Street. Again, the entry arrangements for the motel/serviced apartments will be unambiguous and publicly accessible.</p> <p>Reflecting the tourist accommodation nature of the proposed apartments the lift entry will be safe, well lit and sheltered. In this regard the proposed apartment access strategy provides for two (2) single passenger lifts providing access to a centrally located corridor in each floor with each apartment access off the central corridor.</p>
Balconies	<p>All of the proposed apartments will have access to an external balcony.</p> <p>Balconies are, in the main, an extension of main habitable areas of the apartments, being designed as useable and effective outdoor living spaces.</p>
Laundries and cloths drying facilities	Laundry and drying facilities are not typically
Mailboxes	N/A
Safety and security	<p>Complies.</p> <p>The proposal has been designed to minimize the risk of crime and maximize safety and security.</p> <p>Pedestrian entrances will be well lit, secure and visibility to and from the entrances is maintained. The basement car parking areas are secured via controlled roller shutters.</p> <p>In addition, key card access is proposed to be provided in relation to lift access to the residential units.</p> <p>Communication devices will be provided at the ground level lift entry area.</p> <p>The Clarence street frontage is well lit and overlooked from neighbouring buildings specifically the Port Pacific across the road.</p> <p>The entry to the motel portion of the building whilst not being on the street frontage is well defined via paving, will be well and continuously illuminated and will be covered via CCTV surveillance. The basement carpark can only be accessed by building occupants via remote control activation of the security garage door. There is no other access to the site.</p>
Site storage	Complies.

	Dedicated storage areas which are relevant to the commercial and tourist occupation of the building have been incorporated into the design of the proposed development.
Waste management	<p>Complies.</p> <p>A communal waste storage area has been provided on the ground floor level of the proposed development.</p> <p>Providing the waste storage area on the ground floor area ensures that the facilities are easily accessible to the serviced apartments and commercial tenants alike.</p> <p>The ground floor location also provides for ease of servicing of the facility.</p>
Utilities	All utilities are available to the subject site.
PART 3.3 – AREA BASED PROVISIONS (Starting Page 5 – 3)	
GENERAL	
Site Amalgamation	
DP1.1 Amalgamations are desired on land identified in Figure 26.	<p>The subject site historically comprised of three (3) separate Torrens Title lots which have subsequently been consolidated to form a single development site. As such the proposed development is in keeping with the site amalgamations which are considered to be desirable.</p> <p>Further site amalgamation is not financially viable and as such have not been pursued further.</p>
Shop Front Widths	
DP2.1 Maximum shop widths comply with Figure 27: Maximum shop widths.	Complies – the proposed ground floor shop front width is less than the 30m maximum as required by Figure 27 of the DCP.
BLOCK B1 CONTROLS	
Maximum Building Depth	
Front Setback	
0m except for minimum 3m for top floor	<p>Complies</p> <p>The top floor is setback a minimum of 3m.</p>

Side Setback	
0m except for 3m for top floor	<p>The proposal has adopted 0m setbacks to the eastern and western (side) boundaries of the subject site except for the top floor which maintains a minimum 2.6m – 3.9m setback except for a small portion of the northeastern wall of the proposed building. The top floor setbacks range between 0m, (approximately 7.6m length of eastern aspect of building – stair shaft and portion of Unit 604), up to 13.695m (northwestern aspect of building).</p> <p>The setback variation to the 3m setback standard in relation to portion of the top floor is supportable on the basis of the:</p> <ul style="list-style-type: none"> • reasonably short wall lengths of the proposed building compared to the overall length of the site. • the relationship of the non-compliant length of external wall of the proposed building with the existing western external wall of the adjoining building to east. • the relationship of the proposed building to the bulk and scale of development to the east. • the significant open area of the proposed development. • the overall merits of the proposed development and the practical difficulties associated with compliance and achieving a viable project. • the lack of detrimental overshadowing of the adjoining properties due to the existing lots orientation to north and south. • the minimization of privacy impacts to the adjoining properties due to a lack of regular windows in the proposed side elevations, • the size and scale of existing adjoining development to the east, west and north. • the flow through ventilation for the proposed units which do not need to rely on side windows to provide ventilation. • the use of varying finishes on the side elevations to create additional interest and relief and to decrease the vertical emphasis on the building as a whole. • the non-compliance will result in no loss of primary views for residents of other buildings. • The integration of the subject building into the desired streetscape envisaged by the DCP through the amalgamation of the sites either side of the subject site (refer to previous discussion on streetscape impacts).

	Having regards to the above this proposal has considered the future adjacent developments in that it would be a first stage to an ultimate outcome that would fulfil the objectives of the DCP, i.e. a continuous street aligned activated facade).
Façade Enclosure	
Ground – 60% First – 50% Remainder – 40%	Complies
Front Articulation Zone	
Ground – minimum 0m First to fifth – Minimum 1.8m Maximum 4m Top – N/A	<p>Generally compliant</p> <p>The proposed materials and colours will reflect a coastal, environmental feel utilizing timber colours, with stone and brickwork. Landscape elements will be utilized where appropriate.</p> <p>The building will have an attractive presentation that will complement its context.</p> <p>Materials and colours are provided on the Materials Schedule which forms part of the development application plans.</p>
Rear/Side Articulation	
0m	Complies
Vehicle Entry	
Vehicle entry from streets and paths	Complies – vehicular entry is provided for off Clarence Street.
New Streets. Laneways and Paths	
Off Block 1 Lane, Munster or Murray Streets Minimum 7m wide - two-way vehicle movement and 1m footpath Minimum 3m wide, extension of Sunset Parade Minimum 3m wide	<p>It is noted that the Block Controls provide for the creation of a new services laneway along the northern aspect of the subject site and adjoining and adjacent lots to the east and west.</p> <p>It is considered that opportunities to create this feature have been lost through the recent construction of the Macquarie Waters development on the corner of Clarence and Munster Streets. In this regard the laneway concept was not included in this development and as such any opportunity to implement a laneway has been lost as the timeframe for any redevelopment of the</p>

	<p>Macquarie Waters site is considerable.</p> <p>Additionally, the full site occupancy of the commercial building on the corner of Clarence and Murray Streets is such that future access to any laneway is uncertain.</p> <p>It is also noted that the size of the individual lots in the area are such that the sacrifice of land along the northern aspects of the lots is not sustainable in the context of providing for viable development opportunities on each of the lots.</p>
Carparking	
Underground, on street, some on grade	Complies

5. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Section 79C (1b) of the Environmental Planning and Assessment Act 1979 as amended specifies the matters which a consent authority must consider when determining a development application.

Comments on these matters are provided as follows;

5.1 Context and Setting

The proposed development makes a positive contribution to the streetscape and its context. This is supported by the level of compliance of the proposed development with the applicable requirements of Port Macquarie–Hastings LEP 2011 and DCP 2013, refer to Sections 4.6 and 4.7 of this report.

5.2 Access and Transport

The subject site is on the eastern fringes of the Port Macquarie CBD thereby minimizing the need for vehicular trips to the CBD to utilize the wide range of services which are available within the CBD.

Being located in the CBD building occupants will be able to walk to the main open space areas, access walks alongside the Hastings River and break-wall as well as taking full benefit of nearby beaches.

The subject site is also easily accessible to public transport routes along Clarence Street where many public transport routes start and finish.

In light of the subject site's CBD location and proximity to recreation facilities and open space areas, the proposed traffic generation from the proposal is not considered to be significant. Given the nature of road infrastructure in the area it is considered that traffic generation from the proposed development will be easily accommodated within the existing capacity of the existing public road system.

Building access and parking infrastructure have been designed to comply with the relevant standards.

5.3 Public Domain

The proposal is of benefit to the surrounding area as it proposes a positive development of high quality design that will improve surveillance and safety of the adjoining and adjacent streets.

5.4 Utilities

The demands of the development on utility supplies are reasonable given the urban context and the location of all required servicing. All installations will meet the requirements of utility providers.

A storm water management concept plan is provided as **Appendix 5** and demonstrates that the building can be constructed in accordance with the capacity of the public storm water drainage infrastructure.

It is also noted that the proposed development will require the relocation of the reticulated sewerage main which is located in the northern portion of the subject site.

5.5 Heritage

Notwithstanding that the subject site is identified as an archaeological site, (Archaeology of early European Settlement – reference A111), the archaeological clearance assessment and certification of the subject site, refer **Appendix 3** of this report, indicates that there are no items of archaeological significance or interest on the subject site.

5.6 Other Land Resources

Not applicable

5.7 Water

The water requirements of the proposal are considered appropriate given the location and current access to services. The proposed development can be serviced by the reticulated water supply without the need for major augmentation of the existing system.

Appropriate controls will be installed to prevent soil erosion and sediment transport from the site during rainfall during the construction phase of the project. A variety of erosion and sediment controls will be used on the site. Strategies to be used on site will include:

- ☐ Hay bale retardation and sediment retention basin. The removal of stormwater from the excavated area will be via a temporary hay bale structure which will be provided on site. The size of the structure to be determined via the volume of water to be treated. In this regard the operation of the structure is to be inspected on a daily basis and the quality of discharge water monitored.

Where necessary the size of the structure will be increased so as to ensure that acceptable discharge standards are met.

All stormwater is to be collected and conveyed to the structure using suitable sized pumps. The foot valve of the pump is to be fitted with a silt sock. The hay bale structure will act as a two-stage sedimentation basin. Pumped water will be discharged into the larger section of the structure where it will be allowed to settle and seep through the straw bales into the final section where it will be allowed to settle before draining through the overflow to discharge into the stormwater drain servicing the site.

The pond shall be regularly inspected, and excess sediment removed on a daily or more frequent basis as required.

- ☐ Sediment filter fencing, or gravel groynes/sausages will be used downstream of the discharge from the hay bale structure to provide additional treatment.
- ☐ Gravel groynes/sausages for sediment retention will be utilized around stormwater drains, inlets and pits once constructed.
- ☐ Tracking of sediment from the site by tucks entering and leaving will be controlled by the provision of a 'shaker grid' at the site entry together with the placing of a gravel driveway at the entry site.

Discharges from dewatering operations shall be treated to remove excess suspended matter prior to discharge from the site. Discharges shall be free of pollutants, shall be within a pH range of 6.5-8.5 and shall have a maximum non-filterable residue (NFR) concentration of 50 mg/L to allow for discharge to the stormwater system within Environment Protection Authority requirements.

Removal of suspended matter from dewatering discharges shall be achieved by treatment of discharges through the hay bale filtration/sedimentation pond detailed in 6.1 above.

In the event that any sewerage or other wastewater discharge is encountered during site works or other operations, immediate steps will be taken to isolate and repair the point of discharge and prevent the discharge of wastewater from the site. Appropriate controls will be implemented to prevent any wastewater entering stormwater drains and other sensitive environments until the discharge source has been repaired and residual wastewater has been removed.

The washing of any equipment used on site shall be carried out in a designated site wash down area that contains all wastewater on the work site. Equipment washing wastewater shall not be discharged from the site to any waters.

5.8 Soils

Given the historical residential occupation and use of the subject site there are no soil contamination issues that are required to be addressed.

Soil disturbance will occur as a result of the construction of the proposed development including the movement of vehicles to and from the site during construction.

The utilization of standard erosion and sediment control devices can be incorporated on site to minimize any erosion and sedimentation caused through site disturbance. In this regard an erosion and sediment control plan will be implemented on site during construction activities on the site.

Once the construction of the proposed building has been completed the impacts on soils will be minimal.

The subject site is not identified as containing Acid Sulphate Soils and as such no specific management actions are required.

Based upon historical land use the subject site is not subject to the contaminated land provisions of State Environmental Planning Policy 55 – Remediation of Land and Managing Land Contamination.

5.9 Air and Microclimate

The proposal will not give rise to any significant air or microclimate impacts although construction activities on the site have the potential to create dust emissions.

The main sources of potential dust generation will be;

- The mechanical disturbance of the site as part of the creation of site levels
- The movement of trucks to and from the site.

Dust generation mitigation and control measures such as the following will be implemented on site;

- ☐ *wetting down the disturbed areas;*
- ☐ *limiting the extent of haulage routes and the utilization of any existing stabilized road surfaces to accommodate vehicle movements;*
- ☐ *wetting down of road surfaces which are likely to generate dust;*
- ☐ *regular cleaning of road and work surfaces so as to minimize the accumulation of soil and waste particles.*

5.10 Flora and Fauna

Given that the subject site has been cleared of all native vegetation as part of the historical development and occupation of the site for residential purposes there are no impacts on flora and fauna associated with the proposed redevelopment of the subject site beyond that which already exists.

5.11 Waste

Adequate dedicated waste storage and collection facilities complying with Council's waste requirements will be incorporated into the operation of the proposed development.

Arrangements will be put in place for proposed the storage and collection of waste and recyclables during the construction of the subject structure.

A construction waste management plan has been prepared for the proposed development and is included as **Appendix 6** of this report.

5.12 Energy

Energy saving devices and fittings will be installed into the proposed development in accordance with the requirements of Part J of the Building Code of Australia.

5.13 Noise and Vibration

The noise levels from the development will be consistent with the mixed tourist and visitor/residential and commercial nature of the locality.

The imposition of Councils standard conditions with respect to the hours of work and maximum sound pressure levels provides for control of noise and vibration generated throughout the construction phase of the project.

5.14 Natural Hazards

Given the location of the subject site the proposed development is not considered to be subjected to any natural hazards.

Whilst not being identified as being subject to the flood planning level, the subject site is shown to be affected by the Level of Probable Maximum Flood. In this regard the proposed development is consistent with the requirements of the LEP with no specific evacuation considerations required for the nature of the proposed development.

The proposed development will not have significant impact in terms of affecting flood behaviour nor will the proposed development be negatively impacted upon by flood waters.

5.15 Safety, Security and Crime Prevention

The proposal has been designed to maximize safety and minimize the opportunities for criminal behavior. There are no issues related to safety, security and crime prevention that arise as a result of the proposed development.

5.16 Social Impact in the Locality

The proposed development will assist in making the locality more of a lively area with an increased demand for localized services.

The proposed development is compatible with the land use zoning applicable to the area and the amenity of the area.

5.18 Economic Impact in the Locality

The proposed development will make a positive contribution by reinforcing the trend for mixed tourist/visitor accommodation and commercial development complying with Council's strategic objectives for the area.

The proposal will have a positive economic impact through the serviced apartments which will represent a major injection into the local economy and generate significant employment opportunities and flow on benefits to other local businesses.

Benefits will also be provided to the local construction industry and related services through the construction phase of the project.

5.19 Site Design and Internal Design

The proposed building addresses and contributes to the street frontage whilst also providing opportunities for casual surveillance.

Whilst site orientation, setbacks and street address predominantly dictate the building orientation this also provided optimum orientation and assists the residential units to take advantage where possible solar access and cross ventilation.

5.20 Cumulative Impacts

The subject allotment is adequately sized, shaped and orientated to accommodate the proposed development. The ability of the site to absorb the proposed density is demonstrated by the general compliance with Council's development controls and the limited environmental impacts.

Accordingly, the cumulative impact of the development on the amenity of the locality is expected to be negligible.

5.21 The Public Interest

It is considered that the proposal development is consistent with the public interest.

Having regard to the location of the subject site, and the preceding assessment of the proposal the site will adequately accommodate the development in that:

- The proposed development will reinforce the existing trend for redevelopment of the mixed-use area and be in line with Council's strategic objectives; and
- The subject site is located within the Port Macquarie CBD with its retail, recreational, local open space and tourist attractions in close proximity; and
- The proposed development takes advantage of, addresses and defines the site's street frontage; and
- The adjacent developments do not pose any prohibitive constraints and will not be detrimentally affected by the proposal; and
- It is not subject to any natural hazards that may inhibit its operation in the proposed form.

6.0 CONCLUSION

The proposed mixed commercial and serviced apartment development will contribute architecturally to the area, create economic benefits and positively contribute to the amenity of the area.

The proposal will also take advantage of the site's excellent proximity to the Port Macquarie CBD, Town Beach, the Hastings River, coastal walks, local recreational facilities and will make the immediate area an even more attractive place to live and visit.

Appendix 1

Pre-lodgment Meeting Advice (June 2012)

Appendix 2

Ground Water Assessment

Appendix 3

Archaeological Assessment and Clearance

Appendix 4

LEP Height Variation Justification

Appendix 5

Stormwater Concept Plan

Appendix 6

Waste Management Plan

**Justification of Variation to
Development Standard
Building Height –
Report Pursuant to Clause 4.6 of
Port Macquarie–Hastings Local
Environmental Plan (2011)**

**PROPOSED TOURIST
ACCOMMODATION &
COMMERCIAL DEVELOPMENT AT
17 - 19 CLARENCE STREET,
PORT MACQUARIE NSW**

SEPTEMBER 2018

CONTENTS

1. INTRODUCTION	3
1.1 Purpose of Report	3
1.2 Background.....	3
2. LEP 2011 REQUIREMENTS	4
2.1 Introduction.....	4
2.2 Building Height Development Standard.....	6
2.3 Development Standard Exemption Sought.....	7
3. PERFORMANCE ASSESSMENT	8
3.1 Performance Objectives	8
3.2 Performance Assessment Method.....	9
3.3 Performance Assessment.....	9
3.4 Consistency with LEP Exception Requirements	17
4. CONCLUSION.....	18

APPENDIX 1 – 19M HEIGHT PLAN

APPENDIX 2 – BULK AND SCALE CONTEXT PLAN

1. INTRODUCTION

1.1 Purpose of Report

This report has been prepared to accompany a development application which seeks approval for the construction of a mixed tourist accommodation and commercial development at Lot 123 DP 1219042, 17 Clarence Street, Port Macquarie.

Figure 1 – Site Location



The purpose of this report is to provide justification for a variation to the Building Height provisions of Port Macquarie-Hastings Councils Local Environmental Plan, (LEP) 2011 for the mixed-use development which is proposed to be undertaken on the subject site.

1.2 Background

The proposed includes the construction of a seven (7) storey tourist accommodation and commercial building with a basement level to accommodate onsite carparking.

A commercial tenancy, (195m²), together with the tourist accommodation reception and building access infrastructure, (vehicle and pedestrian), will occupy the ground floor of the building.

Twenty-one (21) carparking spaces together with, loading dock, amenity and waste management storage areas are also proposed for this level.

Motel/Serviced Apartment accommodation comprising 48 apartments and associated infrastructure are distributed over Levels 1 – 7 of the building. The proposed development provides for the following apartment configuration;

- 4 x 3 bedroom/2-bathroom apartments (twin key); and
- 27 x 2 bedroom/2-bathroom apartments (twin key); and
- 12 x 2 bedroom/2-bathroom apartments; and
- 5 x 1-bedroom apartment.

The usage arrangements of the proposed apartments provide for a maximum of 79 lettable apartments.

Each apartment is proposed to be provided with lift access with each of the proposed apartments provided with an external balcony.

The floor areas of the apartments are variable ranging from 48m² to 106.4m².

A single basement level of car parking, (providing forty (40) spaces), is proposed with access via a single vehicular driveway off Clarence Street utilizing the ground floor level of the proposed development. As well as the car parking areas the basement level will include general and dedicated service areas for the proposed development. Lift access to the basement level is proposed.

The proposed development also provides for motel/serviced apartment ancillary use areas on Level 7 of the proposed development. In this regard a Conference Room, Gymnasium, BBQ area, amenities and a swimming pool are located on the top floor area of the development.

The subject site has approximately 2m fall from south to the north (from Clarence Street to the rear of the property). A 1m east to west cross fall is also present.

It is however noted that the topography of the subject site has been altered as a result of the historic development of the subject site and recent demolition works and required heritage and geotechnical assessment.

The topography of adjoining and adjacent land contains east to west down slopes and a northerly cross-fall.

This report therefore provides justification as to why Port Macquarie-Hastings Council should support the variation to the building height standard as proposed.

2. LEP 2011 REQUIREMENTS

2.1 Introduction

Port Macquarie – Hastings LEP 2011 specifies a number of principle development standards that are applicable for the erection of buildings in the Port Macquarie-Hastings Local Government Area.

In this regard Part 4 of the LEP provides for development standards related to;

- Lot size;
- Rural Subdivision;
- Building Height;
- Floor Space Ratio;

Being a “performance based” document the LEP provides for a series of objective together with specific design provisions that are ‘Deemed to Satisfy’ the performance objectives. Adoption of the specified design provisions would therefore provide for a building solution to be approved by Council as this specified solution is ‘deemed’ to meet the relevant performance objectives.

However, Clause 4.6 of the LEP recognizes the need to allow for exceptions to the specified design provisions. In this regard Clause 4.6 (2) of the LEP provides that;

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

It is noted that issues pertaining to the height of buildings is not expressly excluded from the operation of Clause 4.6.

In addition to establishing a framework for the consideration of variations to the LEP development standards, Clause 4.6 (3) – (5) of the LEP establishes the process by which variations to development standards are to be lodged, assessed and determined. The LEP provisions which are applicable are as follows;

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by sub clause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

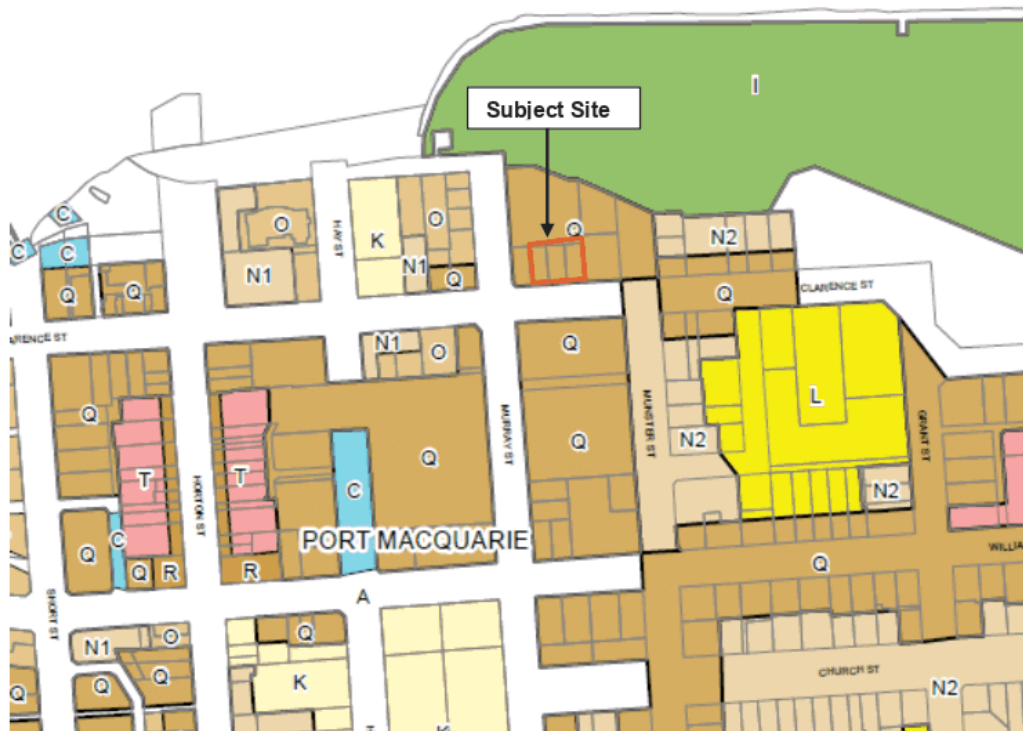
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 (b) the public benefit of maintaining the development standard, and
 (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

This report will provide justification for the variation of the acceptable design solution for the Height of the proposed building having regard to the relevant provisions of the LEP.

2.2 Building Height Development Standard

Clause 4.3 of the LEP provides that the height of a building erected on the subject site is not to exceed 19m, refer to **Figure 1** below;

Figure 2 - Building Height 'Deemed to Satisfy' Standard for Subject site.



It is noted that the following definition applies to the determination of the actual height of building;

building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

2.3 Development Standard Exemption Sought

Along the Clarence Street frontage of the subject site the roof of the proposed building above existing ground level ranges between 17.8 metres (south-eastern corner of boundary) and 19.5m (south-western corner of boundary). Along the northern elevation of the proposed building, (which is setback approximately 8.7m from the northern property boundary), the building height above ground level ranges between 22.65m and 23.65m.

It is noted that the top floor of the proposed building is setback from the Clarence Street frontage with the height of the building at this point above ground level being 20.55m (south eastern corner) and up to 22.65m (south western corner)

It is noted that the differences in building height reflect changes in the significant changes in the topography of the subject site.

The following table summarizes the development standard together with the proposed height of the building together with the quantum of the variation which is sought. The following table has been prepared having regard to the building height definition provided for in Section 2.2 of this report;

Table 1 – Worst Case Building Height Summary (worst case existing site ground levels)

BUILDING HEIGHT DEVELOPMENT STANDARD	BUILDING HEIGHT SOUTHEASTERN ASPECT OF PROPOSED BUILDING	BUILDING HEIGHT NORTHWESTERN ASPECT OF PROPOSED BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
19m	20.8m	23.65m	1.8m – 4.65m

The height of the proposed building and its relationship to the 19m height standard is illustrated in **Appendix 1** of this report – Height Plane Plan.

It is however noted that the determination of the height of the building has been based upon existing ground levels. In this regard it is noted that the subject site has been the subject of significant excavation in conjunction with archaeological and geotechnical assessments which were carried out in early 2017 as part of planning for the commencement of construction of the previously approved residential flat building on the subject site (DA 410/2014 and DA 149/2016) of significance is the changes in topography in the western central portion of the subject site whereby current ground levels are at least 700mm lower than historic natural ground levels. This is significant in the context of considering the quantum of the height variation which is relevant to the proposed development. The following table therefore summarizes the development standard together with the proposed height of the building together with the quantum of the variation which is sought having regards to the historical ground levels.

Table 2 – Building Height Summary (historical ground levels)

BUILDING HEIGHT DEVELOPMENT STANDARD	BUILDING HEIGHT SOUTHEASTERN ASPECT OF PROPOSED BUILDING	BUILDING HEIGHT NORTHWESTERN ASPECT OF PROPOSED BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
19m	20.8m	22.95m	1.8m – 3.95m

It is also noted that Councils Town Centre Masterplan works require that the Clarence Street frontage road reserve height be raised in order to accommodate revised finished levels for the northern portion of the Clarence Street carriageway and associated footpath area. Accordingly, the finished ground level adjacent to the southern elevation of the building will be approximately 800mm above the existing ground levels. Accordingly, the height, bulk and scale of the building when viewed from the southern and western aspects will have a context to the required new ground levels along Clarence Street and not the existing ground levels. Accordingly, the height of the proposed building (at its highest 3.0m behind the southern property boundary), when viewed from the southern aspect and having regard to the new Clarence Street road reserve levels will be in the range of 19.77m and 21.9m. This again is an important consideration in the context of quantifying and qualifying the height of the proposed development and its actual bulk and scale impacts.

3. PERFORMANCE ASSESSMENT

As has already been identified the structure of Port Macquarie Hastings LEP 2011 provides for merit assessment of variations to development standards.

This structure is reflected in;

- The inclusion of Clause 4.6 into the LEP which recognizes the need to allow for exceptions to the specified design provisions.
- The inclusion of performance objectives in relation to development standards. The inclusion of specific performance objectives provides for a design solution to be approved on the basis that its outcomes will be consistent with the nominated performance objectives.

It is however noted that the LEP does not indicate the manner by which a performance assessment is to be carried out.

3.1 Performance Objectives

The performance objectives that are relevant to the requested variation are contained within Clause 4.3(1) of LEP (2011) as follows;

'(1) The objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- (d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan’.*

It is therefore considered that where a building design solution is consistent with the above objectives it can be assessed as being consistent with the requirements of PMHC LEP (2011) and as such development consent can be issued on the basis that the proposed development is in accordance with the relevant development standards.

3.2 Performance Assessment Method

To ensure that a performance-based solution meets the relevant Performance Objectives it must be assessed using a nominated/accepted Assessment Method. In this regard it is noted that PMHC LEP (2011) does not nominate a process/method of assessment of an alternative design solution. In this regard common assessment methods used for performance-based building design are as follows;

- (a) Evidence to support that a design meets a Performance Requirement or a Deemed-to-Satisfy Provision.*
- (b) Verification Methods.*
- (c) Comparison with the Deemed-to-Satisfy Provisions.*
- (d) Expert Judgement.*

Having regard to the above it is proposed to utilize a combination of (a) and (c) above as the method of assessing the proposed building design and the variation of the buildings height when compared to the ‘Deemed to Satisfy’ provision.

3.3 Performance Assessment

The following justification is provided in respect of each of the performance objectives provided for in the LEP and d listed in Section 3.1 of this report;

Table 2 – Performance Assessment

PERFORMANCE OBJECTIVE	PERFORMANCE ASSESSMENT
<i>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.</i>	The existing and future character of the locality is mixed with tourist and residential development dominating the immediate area with cafes and other tourist and residential uses fronting Clarence Street.

The relevance of the proposed building height design solution to the existing and future character of the locality is assessed as follows;

Existing Character

It is noted that the existing character of the area, from the perspective of height, bulk and scale, is dominated by several taller buildings in the immediate vicinity. These include the Tasman, to the northeast (9 storeys), Northpoint, located immediately to the north of the subject site (8 storeys), Port Pacific on the southern side of Clarence Street (8 storeys) and Macquarie Waters to the east (7 storeys). It is also noted that the existing height of the of Macquarie Waters building to the east of the subject site provides for a height relationship to the subject site which is in excess of a 7 storey envelope due to the predominating east to west topography and the lack of response of the Macquarie Waters building to landform.

Whilst lower density development is present on immediately adjoining land to the west the predominant building height back drop when viewed from the north, south and west is that of 7 – 8 storey buildings with heights up to at least 25m common in these aspects. Whilst lower building heights predominate further to the west of the subject site, buildings of a height of up to 25m are also present in this aspect (e.g. Rydges).



Northern backdrop (viewed from the south)

	<div data-bbox="775 304 1422 786"></div> <div data-bbox="775 786 1169 815"><p><i>Southern backdrop (viewed from the north)</i></p></div> <div data-bbox="775 844 1422 1323"></div> <div data-bbox="775 1323 1149 1352"><p><i>Eastern backdrop (viewed from the west)</i></p></div>
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Western backdrop

The relationship of the proposed building to the existing height, bulk and scale character of the area is illustrated in **Appendix 2** of this report – Bulk and Scale Context Plan.

As can be seen in **Appendix 2** the building design outcome which is proposed is not only consistent with the historical development in the locality but also in relation to recently constructed buildings, (within the past 10 years).

Having regard to the above the outcomes provided for by the proposed building height design solution are entirely consistent with the existing character of the locality in relation to height, bulk and scale.

It is also noted that the proposed heights of the building are entirely consistent with building heights already approved for the subject site. In this regard a six (6) storey shop top housing development recently approved for the subject site via DA 410/2014 and DA 149/2016 provided for a building height of 22.5m. The height bulk and scale relationship of the proposed development with the previously approved development concept for the subject site is shown in **Appendix 2** of this report – Bulk and Scale Context Plan.

As can be seen in **Appendix 2** the design outcome now proposed provides for a building height outcome which is entirely consistent with and in some areas less than that previously approved by Council. This is important in quantifying and qualifying the impacts of the proposed

	<p>development above that which has already been assessed by Port Macquarie Hastings Council as being acceptable via the issuing of development approvals DA 410/2014 and DA 149/2016.</p> <p>It is however acknowledged that the top floor area of the previously approved development concept for the site did include some open structures however it is noted that the open nature of the structures would be in general not perceivable when viewed from ground level open space areas with the roof structures being the most likely influence on perceived building height and as such the height, bulk and scale impacts of the proposed development will be entirely consistent with that which has already been assessed by council as being acceptable and appropriate for the locality.</p> <p><u>Future Character</u></p> <p>The building height development standards provided for by LEP 2011 for the subject site and surrounds provide for a 'Deemed to Satisfy' standard of 19m which would typically provide for a 6 – 7 storey building. In this regard it is noted that the proposed development is entirely consistent with this development standard on the Clarence Street frontage with the roof of the main building being between 20.8m and 22.65m which taking into account the topography of the area provides for a seven (7) storey building. The stepping back of the top floor of the development together with the integration of open space areas on this level, (swimming pool/BBQ area), is a feature intended to reduce the perceived scale of the building by disrupting the layering effect of each storey. In this regard when viewed from the street the top floor of the building will not be visible from the northside footpath and will only be partially visible from the southside footpath along Clarence Street.</p> <p>It is also noted that Councils Town Centre Masterplan works require that the Clarence Street frontage road reserve height be raised in order to accommodate revised finished levels for the northern portion of the Clarence Street carriageway and associated footpath area. Accordingly, the finished ground level adjacent to the southern elevation of the building will be approximately 800mm above the existing ground levels. Accordingly, the height, bulk and scale of the building when viewed from</p>
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	<p>the southern and western aspects will have a context to the required new ground levels along Clarence Street and not the existing ground levels. Therefore, the height of the proposed building when viewed from the southern aspect and having regard to the new Clarence Street road reserve levels will be in the range of 19.77m and 21.9m. This again is an important consideration in the context of quantifying and qualifying the resulting height, bulk and scale of the proposed development and its impacts.</p> <p>It is noted that the majority of the height exceedance associated with the main bulk of the building is associated with the south to north topography of the subject site. In the context of the topography of the subject site and adjoining and adjacent land the bulk and scale of the lower elevated areas of the building will be masked by adjoining development to the north, east and west with the height, bulk and scale with the southern and western elevations providing the visual context for the height, bulk and scale rather than the northern aspect of the proposed building whereby the existing Northpoint building dominates the height, bulk and scale landscape.</p> <p>Similarly, the height, bulk and scale of the eastern aspect of the proposed building is obscured by the existing Macquarie Waters building with the proposed building retaining a consistent height, bulk and scale with the Macquarie Waters building, refer to Appendix 2.</p> <p>Additionally, the top storey of the proposed building is setback from the main bulk and scale of the building with enclosed areas not occupying the entire area of the top storey. This approach greatly assists in reducing the overall bulk and scale of the top storey area with stepping down of the building's height, bulk and scale towards the western boundary of the subject site. Therefore, when viewed from the Clarence Street frontage the additional building height associated with the top storey will be largely obscured and as such will have a minimal impact on the existing and future character of the area. As can be seen in Appendix 1, the height, bulk and scale of the top storey is moderated through the setbacks which have been incorporated at this level.</p> <p>As can be seen in Appendix 1 the major elements of the top storey which will be evident from Clarence Street will be portion of the roof structure of the building which is</p>
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	<p>consistent with the visual impacts assessed and approved by Council through the issuing of development approval for the residential flat building concept for the subject site ((DA 410/2014 and DA 149/2016).</p> <p>As can be seen in Appendix 2 the future development of adjoining land to the west of the subject site has the potential to provide for a built form which significantly shields the height, bulk and scale of the proposed building with the future development of the land on the corner of Murray and Clarence Streets being the dominant factor in terms of height, bulk and scale impacts associated with the proposed development when viewed from the western aspect.</p> <p>It is also noted that Clarence Street is a main connector road within the Port Macquarie CBD `being some 30m wide and can clearly accommodate development of greater densities and heights through site redevelopment within the framework of integrating good urban design principles. The width of the Clarence Street and its ability to accommodate developments of greater densities and heights is further reinforced by the significant setback of the existing bulk and scale of the building to the south of the Clarence Street road reserve adjacent to the subject site.</p> <p>Similarly, when viewed from adjoining and adjacent buildings in the area the portion of the subject building which is in excess of the 19m development standard will have a negligible visual and amenity impacts in relation to the proposed buildings height, bulk and scale as it;</p> <ul style="list-style-type: none"> • Will be generally indiscernible from the main bulk of the building. • Will have a minimal impact when considered in the context of the height, bulk and scale backdrop which exists by virtue of existing multi storey buildings in the locality which already have a height beyond that contemplated for the proposed building. • Will be consistent with the height of buildings which could result through the redevelopment of adjoining land to the east of the subject site. <p>Having regards to the above it is considered that the impact on the future character of the locality of the</p>
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	<p>proposed building design solution as it relates to building height will be minimal.</p> <p>It is also noted that notwithstanding the height development standards provided for in LEP 2011 the future character of the locality has to a large extent been significantly influenced by the height of buildings which have been constructed in the past ten (10) years particularly in relation to buildings in proximity to the subject site. In the context of the life cycle of building infrastructure most recent decisions of Council have had a significant impact upon the achievement of the future character envisaged by the LEP development standard.</p>
<p><i>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development</i></p>	<p>Solar access studies show acceptable results for June 22 as a result of the proposed development in relation to adjoining and adjacent existing development. Accordingly, the proposed building height design solution will have no significant impact on solar access beyond that contemplated by the 'Deemed to Satisfy' development standard.</p> <p>It is noted that when viewed from Clarence Street the proposed building will present as a seven (7) storey building which is generally consistent with the 'Deemed to Satisfy' development standard. Accordingly, the visual impact of the proposed building height solution will minimal.</p> <p>Given the dominance of existing buildings to the north, east and south the proposed building will have no greater visual impact than that which currently exists as the existing buildings define the bulk scale and scale when viewed from adjoining buildings. In this regard the bulk and scale of the proposed development is consistent, (even less), than that which currently exist.</p> <p>Views will not be impacted upon by the proposed development as view paths to the north, south and east are constrained by the existing buildings which form the backdrop in these aspects. View impacts to the west will be minimized due to;</p> <ul style="list-style-type: none"> • The location of the major bulk of the subject building in the southern portion of the site provides for view sharing promoted to the west. • The orientation of the adjacent buildings to take advantage of views to the north, northeast and east.

	<p>In this regard the design of a number of buildings to the east of the proposed building do not seek to take advantage of view paths to the west.</p> <p>Notwithstanding the variation to the building height development standard acceptable standards of solar access will continue to be provided to adjoining and adjacent buildings.</p> <p>Having regard to the above it is clear that quality urban and building design will be achieved as a result of the proposed development and that the proposed building height design solution will have negligible impact in relation to visual impact, views, loss of privacy and loss of solar access issues.</p>
<i>(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,</i>	<p>Whilst the subject site forms part of an area which the LEP identifies as being of potential heritage importance the archeological assessment which has been completed for the subject site indicates that the proposed development will have no impact on the heritage values of the subject site.</p> <p>In a broader context identified items/issues of heritage significance are not located in the immediate area to the subject site and as such the height of the proposed development is appropriate in the context of existing and future height, bulk and scale of the locality.</p>
<i>(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan’.</i>	<p>The proposed building height design solution will continue to provide for a transition in built form and land use intensity within the area covered by this Plan.</p>

Having regard to the above it is considered that the design solution of the subject building as it relates to the issue of building height is consistent to the relevant performance objectives of Port Macquarie – Hastings Council LEP 2011.

3.4 Consistency with LEP Exception Requirements

Given that the proposed building height design solution is consistent with the relevant building height development standard performance objectives of the LEP it is considered that the issuing of development approval for the subject development, (as proposed), by Port Macquarie-Hastings Council is consistent with the requirements of Clause 4.3 of the LEP in that;

- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as the proposed alternative design solution satisfies the specific performance objectives which are relevant to the height of buildings; and*

- *there are sufficient environmental planning grounds to justify contravening the development standard as demonstrated in the performance assessment (Section 3.2 of this report); and*
- *the applicant's written request has adequately addressed the matters required to be demonstrated; and*
- *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out; and*
- *the contravention of the subject development standard does not raise any matter of significance for State or regional environmental planning, and*
- *based upon merit assessment there is no public benefit in maintaining the development standard, and*

Accordingly, it is recommended that Port Macquarie-Hastings Council seek the concurrence of the Director-General (NSW Department of Planning) for the variation to the height standard as provided for by the proposed building design solution.

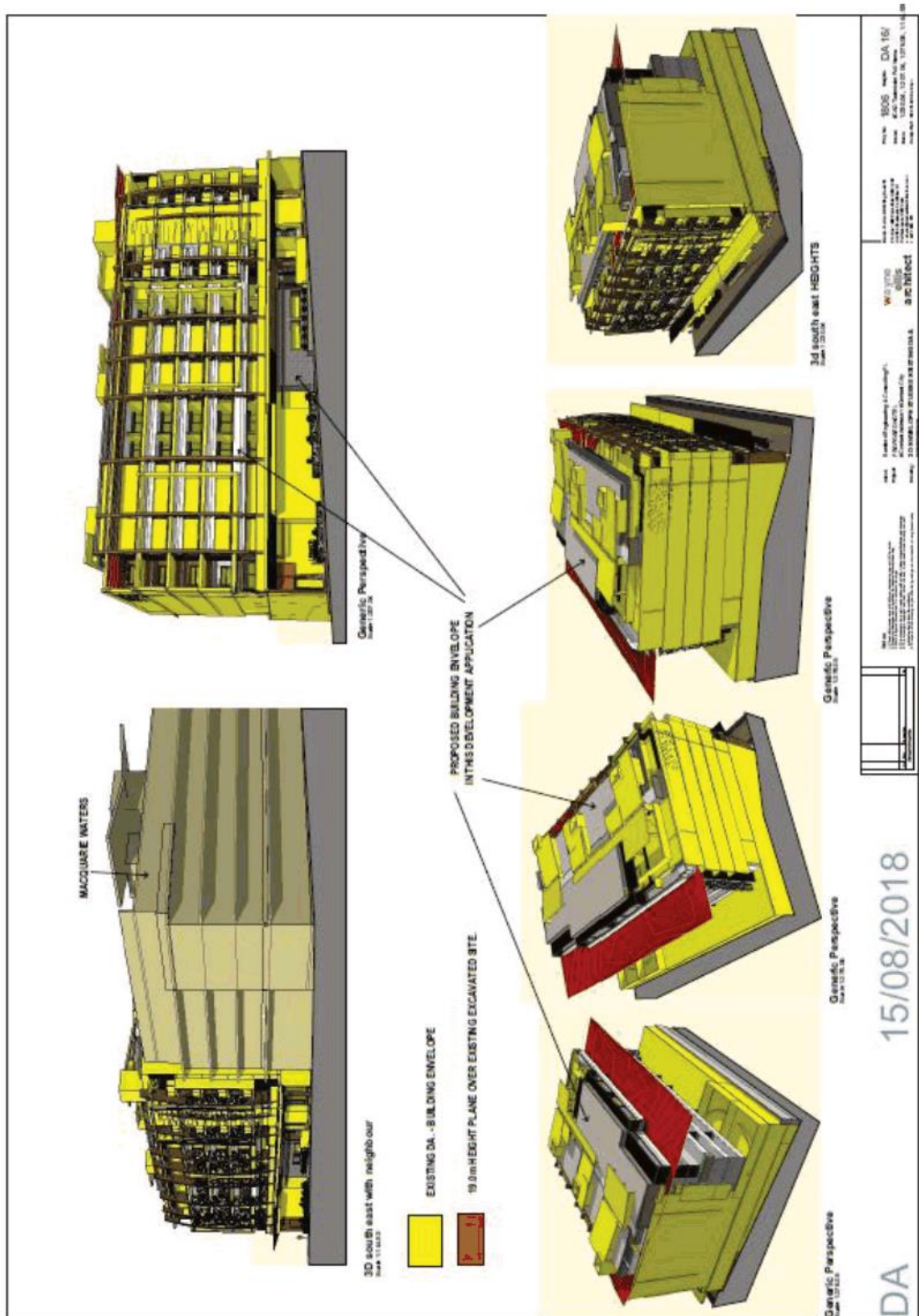
4. CONCLUSION

Having regard to the above it is considered that the proposed building design solution is consistent with the relevant building height performance standards as provided for by Clause 4.3 of the LEP and as such the exemption to the development standard is appropriate in the specific circumstances.

Accordingly, the proposed building design solution is able to be supported by Port Macquarie-Hastings Council pursuant to Clause 4.3 of the LEP.

SEPTEMBER 2018

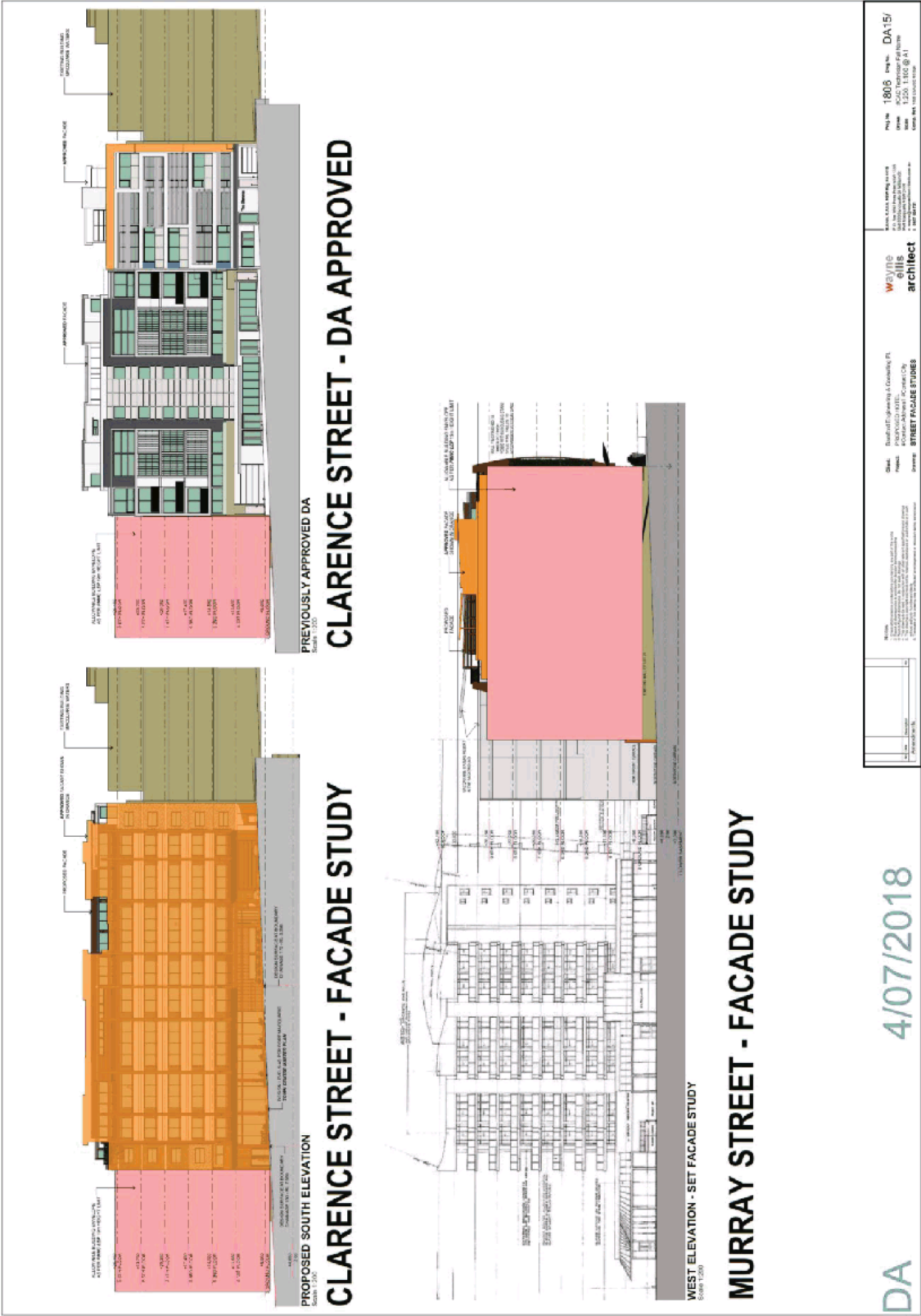
DEVELOPMENT STANDARD VARIATION JUSTIFICATION

Appendix 1 – Height Plane Plan

DEVELOPMENT STANDARD VARIATION JUSTIFICATION

SEPTEMBER 2018

Appendix 2 – Bulk and Scale Context Plan



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4/07/2018

Page 20

**Justification of Variation to
Development Standard
Floor Space Ratio –
Report Pursuant to Clause 4.6 of
Port Macquarie–Hastings Local
Environmental Plan (2011)**

**PROPOSED TOURIST
ACCOMMODATION &
COMMERCIAL DEVELOPMENT AT
17 - 19 CLARENCE STREET,
PORT MACQUARIE NSW**

SEPTEMBER 2018

CONTENTS

1. INTRODUCTION	3
1.1 Purpose of Report	3
1.2 Background.....	3
2. LEP 2011 REQUIREMENTS	4
2.1 Introduction.....	4
2.2 Building Height Development Standard.....	6
2.3 Development Standard Exemption Sought.....	6
3. PERFORMANCE ASSESSMENT	9
3.1 Performance Objectives	9
3.2 Performance Assessment Method.....	9
3.3 Performance Assessment.....	10
3.4 Consistency with LEP Exception Requirements	16
4. CONCLUSION.....	17

1. INTRODUCTION

1.1 Purpose of Report

This report has been prepared to accompany a development application which seeks approval for the construction of a mixed tourist accommodation and commercial development at Lot 123 DP 1219042, 17 Clarence Street, Port Macquarie.

Figure 1 – Site Location



The purpose of this report is to provide justification for a variation to the Floor Space Ratio provisions of Port Macquarie-Hastings Councils Local Environmental Plan, (LEP) 2011 for the mixed-use development which is proposed to be undertaken on the subject site.

1.2 Background

The proposed includes the construction of a seven (7) storey tourist accommodation and commercial residential flat building with a basement level to accommodate onsite carparking.

A commercial tenancy, (195m²), together with the tourist accommodation reception and building access infrastructure, (vehicle and pedestrian), will occupy the ground floor of the building. Twenty-one (21) carparking spaces together with, loading dock, amenity and waste management storage areas are also proposed for this level.

Motel/Serviced Apartment accommodation comprising 48 apartments and associated infrastructure are distributed over Levels 1 – 7 of the building. The proposed development provides for the following apartment configuration;

- 4 x 3 bedroom/2-bathroom apartments (twin key); and
- 27 x 2 bedroom/2-bathroom apartments (twin key); and
- 12 x 2 bedroom/2-bathroom apartments; and
- 5 x 1-bedroom apartment.

The usage arrangements of the proposed apartments provide for a maximum of 79 lettable apartments.

Each apartment is proposed to be provided with lift access. Each of the proposed apartments will be provided with an external balcony. The floor areas of the apartments are variable ranging from 48m² to 106.4m².

A single basement level of car parking, (providing forty (40) spaces), is proposed with access via a single vehicular driveway off Clarence Street via the ground floor of the building. As well as the car parking areas the basement levels will include general and dedicated service areas for the development. Lift access to the basement level is proposed.

The proposed development also provides for motel/serviced apartment ancillary use areas on Level 7 of the proposed development. In this regard a Conference Room, Gymnasium, BBQ area, amenities and a swimming pool are located on the top floor area of the development.

The subject site has approximately 2m fall from south to the north (from Clarence Street to the rear of the property). A 1m east to west cross fall is also present although the natural topography of the subject site has been altered as a result of the historic development of the subject site and recent demolition works. The topography of adjoining and adjacent land contains gentle south to north down slopes and a westerly cross-fall.

This report therefore provides justification as to why Port Macquarie-Hastings Council should support the variation to the buildings floor space ratio as proposed.

2. LEP 2011 REQUIREMENTS

2.1 Introduction

Port Macquarie – Hastings LEP 2011 specifies a number of principle development standards that are applicable for the erection of buildings in the Port Macquarie-Hastings Local Government Area.

In this regard Part 4 of the LEP provides for development standards related to;

- *Lot size;*
- *Rural Subdivision;*
- *Building Height;*
- *Floor Space Ratio;*

Being a “performance based” document the LEP provides for a series of objective together with specific design provisions that are ‘Deemed to Satisfy’ the performance objectives. Adoption of the specified design provisions would therefore provide for a building solution to be approved by Council as this specified solution is deemed to meet the relevant performance objectives.

However, Clause 4.6 of the LEP recognizes the need to allow for exceptions to the specified design provisions. In this regard Clause 4.6 (2) of the LEP provides that;

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

It is noted that issues pertaining to the floor space ratio of buildings is not expressly excluded from the operation of Clause 4.6.

In addition to establishing a framework for the consideration of exceptions to LEP development standards Clause 4.6 (3) – (5) of the LEP establishes the process by which exceptions to development standards are to be lodged, assessed and determined. The LEP which are applicable are as follows;

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by sub clause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

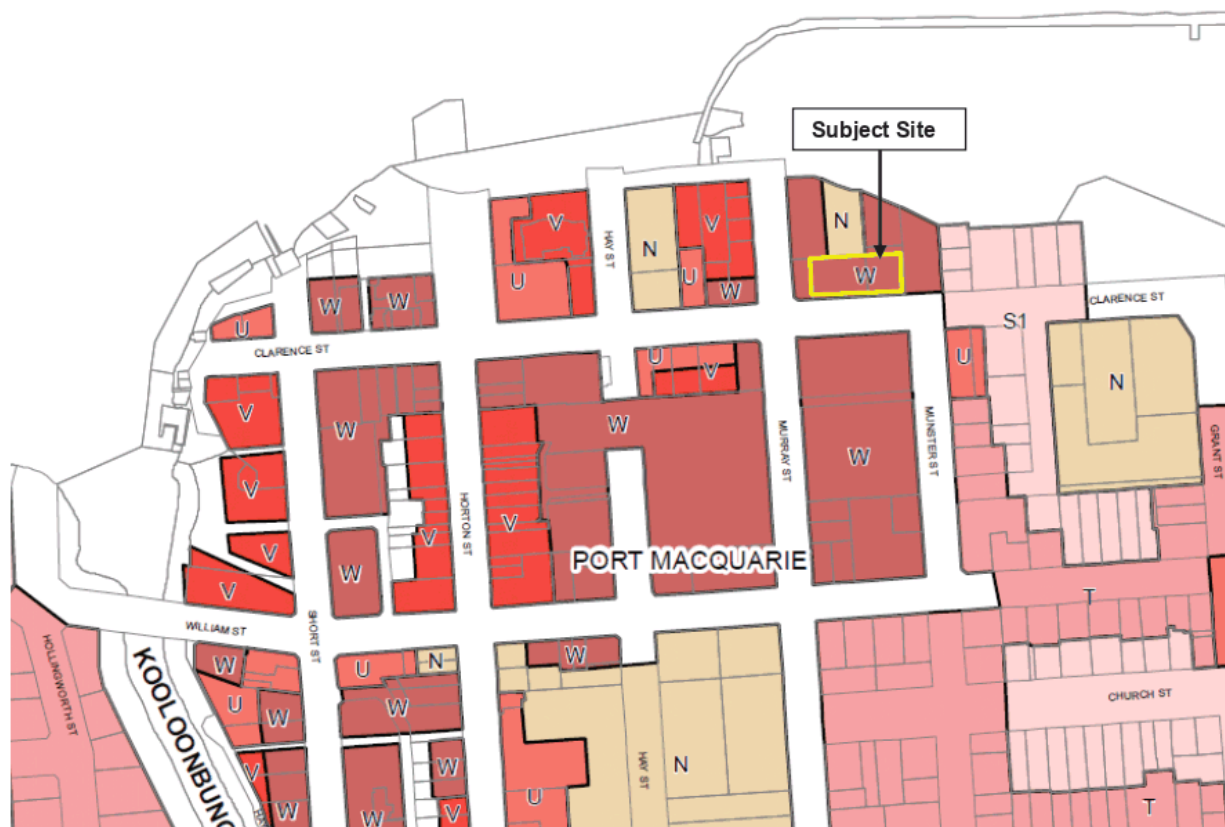
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

This report will provide justification for the variation of the acceptable design solution for the Floor Space Ratio of the proposed building having regard to the relevant provisions of the LEP.

2.2 Floor Space Ratio Development Standard

Clause 4.4 of the LEP provides that the floor space ratio of a building erected on the subject site is not to exceed 3.5:1, refer to **Figure 1** below;

Figure 2 – Floor Space Ratio ‘Deemed to Satisfy’ Standard for Subject site.



It is noted that Clause 4.5 of the LEP provides guidance on the calculation of the floor space ratio of a building as follows;

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define **floor space ratio**,*

(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:

- (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
- (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
- (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio”

The **floor space ratio** of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the **site area** is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) Exclusions from site area

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) Strata subdivisions

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) Only significant development to be included

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) Certain public land to be separately considered

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that

community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) Existing buildings

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) Covenants to prevent “double dipping”

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) Covenants affect consolidated sites

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (**affected land**), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

2.3 Development Standard Exemption Sought

It is noted that the size of the site is 1517.23m² which provides that the floor space of a building on the subject site would need to be 5,310.30m² in order to be consistent with the development standard provided for by Clause 4.4 of the LEP (3.5:1 FSR).

It is noted that the floor area of the proposed building for the purposes of determining the proposed floor space ratio is 5344.33m². The floor space of the proposed building has therefore been calculated to be 3.52:1.

The following table summarizes the development standard together with the proposed floor space ratio of the building together with the quantum of the variation which is sought. The following table has been prepared having regard to the building floor space definition provided for in Section 2.2 of this report;

Table 1 – Building Height Summary.

FLOOR SPACE RATIO DEVELOPMENT STANDARD	PROPOSED FLOOR SPACE RATIO	QUANTUM OF VARIATION TO DEEMED TO SATISFY FLOOR SPACE RATIO STANDARD	FLOOR AREA ABOVE FSR DEVELOPMENT STANDARD
3.5:1	3.52:1	0.02:1	34.03m ²

		(0.57% or)	
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3. PERFORMANCE ASSESSMENT

As has already been identified the structure of Port Macquarie Hastings LEP 2011 provides for merit assessment of variations to development standards.

This structure is reflected in;

- The inclusion of Clause 4.6 into the LEP which recognizes the need to allow for exceptions to the specified design provisions.
- The inclusion of performance objectives in relation to development standards. The inclusion of specific performance objectives provides for a design solution to be approved on the basis that its outcomes will be consistent with the nominated performance objectives.

It is however noted that the LEP does not indicate the manner by which a performance assessment is to be carried out.

3.1 Performance Objectives

The performance objectives that are relevant to the requested variation are contained within Clause 4.4(1) of LEP (2011) as follows;

The objectives of this clause are as follows:

- (a) to regulate density of development and generation of vehicular and pedestrian traffic,*
- (b) to encourage increased building height and site amalgamation at key locations,*
- (c) to provide sufficient floor space for high quality development for the foreseeable future,*
- (d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.*

It is therefore considered that where a building design solution is consistent with the above objectives it can be assessed as being consistent with the requirements of PMHC LEP (2011) and as such development consent can be issued on the basis that the proposed development is in accordance with the relevant development standards.

3.2 Performance Assessment Method

To ensure that a performance-based solution meets the relevant Performance Objectives it must be assessed using a nominated/accepted Assessment Method. In this regard it is noted that PMHC LEP (2011) does not nominate a process/method of assessment of an alternative design solution. In this regard common assessment methods used for performance-based building design are as follows;

- (a) Evidence to support that a design meets a Performance Requirement or a Deemed-to-Satisfy Provision.*

(b) *Verification Methods.*

(c) *Comparison with the Deemed-to-Satisfy Provisions.*

(d) *Expert Judgement.*


Having regard to the above it is proposed to utilize a combination of (a) and (c) above as the method of assessing the proposed building design and the variation of the buildings height when compared to the 'Deemed to Satisfy' provision.

3.3 Performance Assessment

The following justification is provided in respect of each of the performance objectives listed in section 3.1 of this report;

Table 2 – Performance Assessment

PERFORMANCE OBJECTIVE	PERFORMANCE ASSESSMENT
(a) <i>to regulate density of development and generation of vehicular and pedestrian traffic,</i>	<p>The existing and future character of the locality is mixed with tourist and residential development dominating the immediate area with cafes and other tourist and residential uses fronting Clarence Street.</p> <p>The relevance of the proposed building height design solution to the existing and future character of the locality is assessed as follows;</p> <p><u>Existing Character</u></p> <p>It is noted that the existing character of the area, from the perspective of height, bulk and scale, is dominated by several taller buildings in the immediate vicinity. These include the Tasman, to the northeast (9 storeys), Northpoint, located immediately to the north of the subject site (8 storeys), Port Pacific on the southern side of Clarence Street (8 storeys) and Macquarie Waters to the east (7 storeys). It is also noted that the existing height of the of Macquarie Waters building to the east of the subject site provides for a height relationship to the subject site which is in excess of a 7 storey envelope due to the predominating east to west topography and the lack of response of the Macquarie Waters building to landform.</p> <p>Whilst lower density development is present on immediately adjoining land to the west the predominant</p>

	<p>building height back drop when viewed from the north, south and west is that of 7 – 8 storey buildings with heights up to at least 25m common in these aspects. Whilst lower building heights predominate further to the west of the subject site, buildings of a height of up to 25m are also present in this aspect (e.g. Rydges).</p>  <p><i>Northern backdrop (viewed from the south)</i></p>  <p><i>Southern backdrop (viewed from the north)</i></p>
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Eastern backdrop (viewed from the west)



Western backdrop

The building design outcome which is proposed is not only consistent with the historical development in the locality but also in relation to recently constructed buildings, (within the past 10 years).

Having regard to the above the outcomes provided for by the proposed building height design solution are entirely consistent with the existing character of the locality in relation to height, bulk and scale.

It is also noted that the proposed heights of the building are entirely consistent with building heights already approved for the subject site. In this regard a six (6) storey shop top housing development recently approved for the

	<p>subject site via DA 410/2014 and DA 149/2016 provided for a building height of 22.5m.</p> <p>In this regard the design outcome now proposed provides for a building height outcome which is less than that previously approved.</p> <p><u>Future Character</u></p> <p>The building height development standards provided for by LEP 2011 for the subject site and surrounds provide for a 'Deemed to Satisfy' standard of 19m which would typically provide for a 6 – 7 storey building. In this regard it is noted that the proposed development is entirely consistent with this development standard on the Clarence Street frontage with the roof of the main building being between 20.9m and 22m which taking into account the topography of the area provides for a seven (7) storey building. The stepping back of the top floor of the development together with the integration of open space areas on this level, (swimming pool/BBQ area), is a feature intended to reduce the perceived scale of the building by disrupting the layering effect of each storey.</p> <p>It is also noted that the majority of the height exceedance associated with the main bulk of the building is associated with the south to north topography of the subject site. In the context of the topography of the subject site and adjoining and adjacent land the bulk and scale of the lower elevated areas of the building will be masked by adjoining development to the north, east and west.</p> <p>Additionally, the top storey of the building is setback from the main bulk and scale of the building with enclosed areas not occupying the entire area of the storey. This approach greatly assists in reducing the overall bulk and scale of the top storey area. When viewed from the Clarence Street frontage the additional building height associated with the top storey will be largely obscured and as such will have a minimal impact on the existing and future character of the area. In this regard the bulk and scale of the top storey is moderated through the setbacks which have been incorporated at this level.</p> <p>Clarence Street is a main connector road being some 30m wide and can clearly accommodate development of greater densities and heights through site redevelopment within</p>
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	<p>the framework of integrating good urban design principles. The width of the Clarence Street and its ability to accommodate developments of greater densities and heights is further reinforced by the significant setback of the existing bulk and scale of the building to the south of the Clarence Street road reserve adjacent to the subject site.</p> <p>Similarly, when viewed from adjoining and adjacent buildings in the area the portion of the subject building which is in excess of the 19m development standard will have a negligible impact in relation to proposed buildings bulk and scale as it;</p> <ul style="list-style-type: none"> • Will be generally indiscernible from the main bulk of the building. • Will have a minimum impact when considered in the context of the height, bulk and scale backdrop which exists by virtue of existing multi storey buildings in the locality which have a height beyond that contemplated for the proposed building. • Will be consistent with the height of buildings which could result through the redevelopment of adjoining land to the east of the subject site. <p>Having regards to the above it is considered that the impact on the future character of the locality of the proposed building design solution as it relates to building height will be minimal.</p> <p>It is also noted that notwithstanding the height development standards provided for in LEP 2011 the future character of the locality has to a large extent been significantly influenced by the height of buildings which have been constructed in the past ten (10) years particularly in relation to buildings in proximity to the subject site. In the context of the life cycle of building infrastructure most recent decisions of Council have had a significant impact upon the achievement of the future character envisaged by the LEP development standard.</p>
<i>(b) to encourage increased building height and site amalgamation at key locations,</i>	<p>Solar access studies show acceptable results for June 22 as a result of the proposed development in relation to adjoining and adjacent existing development. Accordingly, the proposed building height design solution will have no</p>

	<p>significant impact on solar access beyond that contemplated by the 'Deemed to Satisfy' development standard.</p> <p>It is noted that when viewed from Clarence Street the proposed building will present as a seven (7) storey building which is generally consistent with the 'Deemed to Satisfy' development standard. Accordingly, the visual impact of the proposed building height solution will minimal.</p> <p>Given the dominance of existing buildings to the north, east and south the proposed building will have no greater visual impact than that which currently exists as the existing buildings define the bulk scale and scale when viewed from adjoining buildings. In this regard the bulk and scale of the proposed development is consistent, (even less), than that which currently exist.</p> <p>Views will not be impacted upon by the proposed development as view paths to the north, south and east are constrained by the existing buildings which form the backdrop in these aspects. View impacts to the west will be minimized due to;</p> <ul style="list-style-type: none"> • The location of the major bulk of the subject building in the southern portion of the site provides for view sharing promoted to the west. • The orientation of the adjacent buildings to take advantage of views to the north, northeast and east. In this regard the design of a number of buildings to the east of the proposed building do not seek to take advantage of view paths to the west. <p>Notwithstanding the variation to the building height development standard acceptable standards of solar access will continue to be provided to adjoining and adjacent buildings.</p> <p>Having regard to the above it is clear that quality urban and building design will be achieved as a result of the proposed development and that the proposed building height design solution will have negligible impact in relation to visual impact, views, loss of privacy and loss of solar access issues.</p>
<i>(c) to provide sufficient floor space for high quality development for the foreseeable future,</i>	<p>Whilst the subject site forms part of an area which the LEP identifies as being of potential heritage importance the archeological assessment which has been completed for</p>

	<p>the subject site indicates that the proposed development will have no impact on the heritage values of the subject site.</p> <p>In a broader context identified items/issues of heritage significance are not located in the immediate area to the subject site and as such the height of the proposed development is appropriate in the context of existing and future height, bulk and scale of the locality.</p>
<i>(d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.</i>	The proposed building height design solution will continue to provide for a transition in built form and land use intensity within the area covered by this Plan.

Having regard to the above it is considered that the design solution of the subject building as it relates to the issue of building height is consistent to the relevant performance objectives of Port Macquarie – Hastings Council LEP 2011.

3.4 Consistency with LEP Exception Requirements

Given that the proposed building height design solution is consistent with the relevant building height development standard performance objectives of the LEP it is considered that the issuing of development approval for the subject development, (as proposed), by Port Macquarie-Hastings Council is consistent with the requirements of Clause 4.3 of the LEP in that;

- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as the proposed alternative design solution satisfies the specific performance objectives which are relevant to the height of buildings; and*
- *there are sufficient environmental planning grounds to justify contravening the development standard as demonstrated in the performance assessment (Section 3.2 of this report); and*
- *the applicant's written request has adequately addressed the matters required to be demonstrated; and*
- *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out; and*
- *the contravention of the subject development standard does not raise any matter of significance for State or regional environmental planning, and*
- *based upon merit assessment there is no public benefit in maintaining the development standard, and*

Accordingly, it is recommended that Port Macquarie-Hastings Council seek the concurrence of the Director-General (NSW Department of Planning) for the variation to the height standard as provided for by the proposed building design solution.

4. CONCLUSION

Having regard to the above it is considered that the proposed building design solution is consistent with the relevant building height performance standards as provided for by Clause 4.3 of the LEP and as such the exemption to the development standard is appropriate in the specific circumstances.

Accordingly, the proposed building design solution is able to be supported by Port Macquarie-Hastings Council pursuant to Clause 4.3 of the LEP.

FINAL ARCHAEOLOGICAL REPORT

15-19 Clarence Street,
Port Macquarie NSW



Ivana Vetta

Archaeo*logical*/ Management & Consulting
Group

for

Bamford Engineering and Consulting

August 2018

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The veracity of this report is not guaranteed unless it is a complete and original copy.

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Cover Image

*Archaeological Monitoring, 15 Clarence Street, Port Macquarie, facing south. AMAC
Image 2663, 17/03/16*

CONTENTS	PAGE
TABLE OF FIGURES	3
EXECUTIVE SUMMARY	4
GLOSSARY	5
1.0 INTRODUCTION	8
1.1 BACKGROUND	8
1.2 STUDY AREA	8
1.3 SCOPE	8
1.4 AUTHOR IDENTIFICATION	8
1.5 STATUTORY CONTROLS AND HERITAGE STUDIES	8
1.5.1 NSW Heritage Act 1977 (as amended)	8
1.5.2 National Parks and Wildlife Act (1974)	9
1.5.3 State Heritage Register and Inventory	10
1.5.4 National Heritage List	10
1.5.5 Commonwealth Heritage List	10
1.5.6 Port Macquarie-Hastings Local Environmental Plan 2011	11
1.5.7 Hastings Heritage Study	11
1.5.8 Archaeological Management Plan, Port Macquarie	11
1.6 PREVIOUS HERITAGE STUDIES AND REPORTS	11
1.6.1 Anne Bickford Heritage Consultants (March 2003) 'Archaeological Assessment: Corner of Munster and Clarence Streets, Port Macquarie' for King and Campbell Pty Ltd	11
1.6.2 AMAC Group (March 2014), 'Baseline Archaeological Assessment: 17-19 Clarence Street, Port Macquarie', for Bamford Engineering and Consulting	12
1.6.3 AMAC Group (March 2015), 'Baseline Archaeological Assessment: 15 Clarence Street, Port Macquarie', for Wayne Ellis Architects on behalf of Anthony Vereker	12
1.6.4 AMAC Group (July 2015) 'Archaeological Assessment supporting Exception Notification for Archaeological Test Excavation: 15-19 Clarence Street, Port Macquarie', for Bamford Engineering and Consulting	12
1.6.4 AMAC Group (November 2015) 'Interim Archaeological Test Excavation Report: 15-19 Clarence Street, Port Macquarie', for Bamford Engineering and Consulting	12
2.0 SITE HISTORY	13
2.1 ORIGINAL GRANT	13
2.2 SUBSEQUENT OWNERS AND OCCUPANTS	14
2.3 DEVELOPMENT	15
3.0 ARCHAEOLOGICAL MONITORING	28
3.1 BACKGROUND	28
3.1.1 Archaeological Monitoring Methodology	28
3.2 GEOLOGY AND SOILS	28
3.3 RESULTS OF ARCHAEOLOGICAL MONITORING	29
3.3.1 15 Clarence Street (Lot 1 DP18834)	29
3.3.2 Sump in 19 Clarence Street	31
3.4 INTERPRETATION OF RESULTS	31
4.0 RESPONSE TO RESEARCH DESIGN	40
4.1 INTRODUCTION TO RESEARCH DESIGN	40
4.2 REVISED RESEARCH DESIGN	40

Archaeological Management & Consulting Group
August 2018

Final Archaeological Report – 15-19 Clarence St, Port Macquarie		2
<hr/>		
5.0	REVISED ASSESSMENT OF SIGNIFICANCE	48
5.1	METHODOLOGY	48
5.2	IDENTIFICATION OF SIGNIFICANCE	49
5.3	STATEMENT OF CULTURAL SIGNIFICANCE	50
6.0	RESULTS AND RECOMMENDATIONS	51
6.1	RESULTS	51
6.2	RECOMMENDATIONS	51
7.0	BIBLIOGRAPHY	52
8.0	APPENDICES	55
8.1	HERITAGE DIVISION EXCAVATION PERMIT 2016/S140/01	55

TABLE OF FIGURES

Figure 1.1	Site location, outlined in red.	6
Figure 1.2	Aerial photograph showing the study site outlined in red.	7
Figure 2.1	Excerpt from the 1824 plan of Port Macquarie.	18
Figure 2.2	Part of an 1826 plan showing the layout of Port Macquarie.	19
Figure 2.3	A section of an 1831 plan, showing new street alignments and development.	20
Figure 2.4	An 1840 plan of Port Macquarie, showing block 2A with the approximate study site outlined in orange.	21
Figure 2.5	A photograph dated to 1909, showing the northern side of Hay Street to the harbours edge.	22
Figure 2.6	Part of a 1933 aerial photograph of Port Macquarie.	23
Figure 2.7	A plan showing the subdivision of original Lots 1-3 into nine separate allotments during 1939.	23
Figure 2.8	A 1941 aerial photograph of Port Macquarie.	24
Figure 2.9	A 1959 aerial photograph of Port Macquarie.	25
Figure 2.10	Survey plan of structures along Clarence Street, study site shown as Lots 1-3 (outlined in red).	26
Figure 2.11	Current survey of the study site, showing details for 15 Clarence Street (Lot 1 DP 18834), as well as contour details for 17 (Lot 2 DP18834) and 19 Clarence Street (Lot 3 DP18834).	27
Figure 3.1	Location of archaeological monitoring (green) with approximate location of sump (blue arrow).	32
Figure 3.2	Location of features from monitoring on test trench plan.	33
Figure 3.3	Harris Matrix.	33
Figure 3.4	15 Clarence Street prior to excavation, facing south.	34
Figure 3.5	Excavation of fill [500], facing southwest.	34
Figure 3.6	Exposure of concrete footings [502] and [503] cutting natural [501], facing east.	35
Figure 3.7	Exposure of concrete footings [502] and [503] cutting natural [501], facing south.	35
Figure 3.8	Exposure of concrete footings [502] and [503] cutting natural [501], facing south.	36
Figure 3.9	Backfilled investigative trench [508], facing north.	36
Figure 3.10	Service trenches in rear yard, facing north.	37
Figure 3.11	Service trenches in rear yard, facing south.	37
Figure 3.12	Section below driveway, facing west.	38
Figure 3.13	Excavation of driveway, facing north.	38
Figure 3.14	Sump, facing south.	39
Figure 3.15	Sump, facing west.	39

EXECUTIVE SUMMARY

Documentary Research

The study site is located near the c.1824 Surgeon's Quarters (later the Clergyman's House), the Clerk of Works Quarters, and the original Government Gardens. The study site likely formed part of the curtilage afforded to the Colonial Chaplain, Reverend John Cross, and may have been the location of the c.1826 kitchen associated with his residence, the Clergyman's House. Reverend Cross and his family occupied the study site from 1827-1837, after their departure the house and kitchen were likely condemned and demolished c.1839.

After the period of government ownership, the study site formed part of Allotments 1-3 in Section 2A of the subdivision of Port Macquarie. Original owners included the Trustees of the Presbyterian Church in 1843 (Lot 1), William Fraser in 1855 (Lot 2) and Archibald Clunes Innes and William Cross (Lot 3- in trust for Louisa McIntyre). All three allotments were in the hands of the McIntyre family by 1917, however, no known development occurred to the study site during this time. The sole phase of development to take place on the study site followed after the second subdivision where Allotments 1-3 became nine new lots, these residential structures were extant on each lot at the time of site inspection. These buildings were demolished in September 2015.

Results of Archaeological Monitoring

No relics were uncovered during archaeological monitoring of the eastern portion of the site, 15 Clarence Street, and these results confirm the analysis of data collected during Test Excavation. Only the concrete foundations of the previous 1930s apartment block were uncovered as well as a series of 20th century services. These features were all cut into the natural topsoil. It is clear that the natural soil profile remains intact on the site and has not been truncated by later development. This assertion is consistent with the conclusion that the site remained undeveloped and unoccupied during the 19th century. No evidence was found of the kitchen associated with the c.1826 Clergyman's House and it is suggested that this building must have been contained by the neighbouring allotment. For this reason, the archaeological potential for the site is reassessed as nil.

Recommendations

As no archaeological relics have been identified on the site and it has been determined that it is unlikely that the site was occupied at all prior to the 1930s, no further archaeological works are recommended for the site.

It is recommended that this current report be submitted to the Heritage Division in fulfilment of Conditions 17 and 18 of Permit 2016/S140/01.

GLOSSARY

Term	Definition
AMAC	Archaeological Management and Consulting Group
Archaeological feature	Archaeological material which is not considered a relic in terms of the NSW Heritage Act 1977. For example- postholes, artefact scatters, cesspits or rubbish pits
DCP	Development Control Plan
DP	Deposited Plan
Former relic	A deposit, artefact, object or material evidence whereby the integrity of the relic is viewed to have been destroyed or disturbed to the point where it is no longer considered to hold any significance as a relic in terms of the NSW Heritage Act 1977.
Heritage Division	Formerly known as the Heritage Branch
LEP	Local Environment Plan
LGA	Local Government Area
LTO	Land Titles Office
NPW Act	National Parks and Wildlife Act 1974
OEH	NSW Office of Environment and Heritage (formerly known as the DECCW)
Relic	Defined by the NSW Heritage Act (see Section 1.5.3) as: “any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance”
S57	Refers to definition of Section 57 in the NSW Heritage Act 1977
S60	Refers to definition of Section 60 in the NSW Heritage Act 1977
S139	Refers to definition of Section 139 in the NSW Heritage Act 1977
S140	Refers to definition of Section 140 in the NSW Heritage Act 1977
SHI	State Heritage Inventory
SHR	State Heritage Register
Work	Archaeological material related to road and rail infrastructure which is not considered a relic in terms of the NSW Heritage Act 1977, however may retain an archaeological significance independent of the statutory definitions. The interpretation of a ‘work’ has been defined in consultation with the Heritage Division



Figure 1.1 Site location, outlined in red.
 NSW Land and Property Information, Six Maps Viewer, accessed 26th
 October 2015.



Figure 1.2 Aerial photograph showing the study site outlined in red.
NSW Land and Property Information, Six Maps Viewer, accessed 26th
October 2015.

1.0 INTRODUCTION

1.1 BACKGROUND

Bamford Engineering and Consulting have commissioned the Archaeological Management and Consulting Group to prepare a Final Archaeological Report in accordance with Conditions 17 and 18 of Permit 2016/s140/01 following archaeological monitoring at 15-19 Clarence Street, Port Macquarie. No relics were found during this work and this report provides details of the archaeological monitoring which took place in March 2017. The report conforms to Heritage Office Guidelines for Archaeological Assessment.¹

1.2 STUDY AREA

The study site is that piece of land described as Lots 1-3 in Land Titles Office Deposited Plan 18834. The street address for the site is 15-19 Clarence Street, Port Macquarie, in the Parish of Macquarie, County of Macquarie.

1.3 SCOPE

This report does not consider the potential Aboriginal archaeology of the study site. However, any Aboriginal sites and objects are protected by the National Parks and Wildlife Act (see Section 1.5.2). No Aboriginal objects were identified at the study site during archaeological monitoring.

The heritage value of the structures currently standing on the study site is not assessed as part of this report.

The discovery of unknown and unassessed remains will require additional assessment.

1.4 AUTHOR IDENTIFICATION

This report was researched and written by Ivana Vetta using existing information written by Ivana Vetta and Jaki Baloh (see historical summary, [Section 2.0](#) and Section 1.6.2-1.6.3). This report has been reviewed by Martin Carney.

The collections used were the Port Macquarie-Hastings Library, National Library of Australia (Trove), Mitchell Library, Births, Deaths and Marriages Register, Ancestry Online, Land and Property Information and NSW State Records.

1.5 STATUTORY CONTROLS AND HERITAGE STUDIES

1.5.1 NSW Heritage Act 1977 (as amended)

The NSW Heritage Act 1977 affords automatic statutory protection to relics that form archaeological deposits or part thereof. The Act defines relics as:

Relic means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance

¹ Heritage Office and Department of Urban Affairs and Planning (1996).

Sections 139 to 145 of the Act prevent the excavation or disturbance of land for the purpose of discovering, exposing or moving a relic, except by a qualified archaeologist to whom an excavation permit has been issued by the Heritage Council of NSW.

1.5.2 National Parks and Wildlife Act (1974)

The *National Parks and Wildlife Act 1974* (as amended) affords protection to all Aboriginal objects and is governed by the NSW Office of Environment and Heritage. These objects are defined as:

any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.²

It is an offence to destroy Aboriginal objects or places without the consent of the Director-General.³ Section 86 discusses 'Harming or desecration of Aboriginal objects and Aboriginal places':

- (1) A person must not harm or desecrate an object that the person knows is an Aboriginal object. Maximum penalty:
 - (a) in the case of an individual-2,500 penalty units or imprisonment for 1 year, or both, or (in circumstances of aggravation) 5,000 penalty units or imprisonment for 2 years, or both, or
 - (b) in the case of a corporation-10,000 penalty unit.
- (2) A person must not harm an Aboriginal object. Maximum penalty:
 - (a) in the case of an individual-500 penalty unit or (in circumstances of aggravation) 1,000 penalty units, or
 - (b) in the case of a corporation-2,000 penalty unit.
- (3) For the purposes of this section, "circumstances of aggravation" are:
 - (a) that the offence was committed in the course of carrying out a commercial activity, or
 - (b) that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section.

This subsection does not apply unless the circumstances of aggravation were identified in the court attendance notice or summons for the offence.
- (4) A person must not harm or desecrate an Aboriginal place.
Maximum penalty:
 - (a) in the case of an individual-5,000 penalty units or imprisonment for 2 years, or both, or
 - (b) in the case of a corporation-10,000 penalty unit.
- (5) The offences under subsections (2) and (4) are offences of strict liability and the defence of honest and reasonable mistake of fact applies.
- (6) Subsections (1) and (2) do not apply with respect to an Aboriginal object that is dealt with in accordance with section 85A.
- (7) A single prosecution for an offence under subsection (1) or (2) may relate to a single Aboriginal object or a group of Aboriginal objects.
- (8) If, in proceedings for an offence under subsection (1), the court is satisfied that, at the time the accused harmed the Aboriginal object concerned, the accused did not know that the object was an Aboriginal object, the court may find an offence proved under subsection (2).⁴

² Part 1 Section 5, National Parks and Wildlife Act 1974.

³ Part 6 Section 90 (1) National Parks and Wildlife Act 1974.

⁴ Part 6 Section 86, National Parks and Wildlife Act 1974.

1.5.2.1 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW

In October 2010 DECCW (now the Office of Environment and Heritage) introduced the "Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW".⁵ This code of conduct was released in response to changes in the NPW Act which now states "A person must not harm or desecrate an object that the person knows is an Aboriginal object" or that "A person must not harm or desecrate an Aboriginal place" (NPW Act, Amendment 2010). Individuals or organisations who are contemplating undertaking activities which could harm Aboriginal objects should consult this code or engage the services of an appropriately qualified archaeological consultant to carry out a Due Diligence study on any proposed development.

This code provides a process whereby a reasonable determination can be made as to whether or not Aboriginal objects will be harmed by an activity, whether further investigation is warranted, and whether the activity requires an Aboriginal Heritage Impact Permit (AHIP) application.

If through this or any other process which meets the standards of this code, such as the commission of an Environmental Impact Assessment, one has already taken reasonable steps to identify Aboriginal objects in an area subject to a proposed activity. Subsequently if it is already known that Aboriginal objects will be harmed, or are likely to be harmed by an activity, then an application should be made for an AHIP.

1.5.3 State Heritage Register and Inventory

The NSW State Heritage Register or Inventory is a list which contains places, items and areas of heritage value to New South Wales. These places are protected under the New South Wales Heritage Act 1977.

The site is not listed on the NSW State Heritage Register or Inventory.

1.5.4 National Heritage List

The National Heritage List is a list which contains places, items and areas of outstanding heritage value to Australia. This can include places and areas overseas as well as items of Aboriginal significance and origin. These places are protected under the Australian Government's EPBC Act.

The study site is not listed on the National Heritage List.

1.5.5 Commonwealth Heritage List

The Commonwealth Heritage List can include natural, Indigenous and historic places of value to the nation. Items on this list are under Commonwealth ownership or control and as such are identified, protected and managed by the federal government.

The study site is not listed on the Commonwealth Heritage List.

⁵ Office of Environment and Heritage,
<http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>

1.5.6 Port Macquarie-Hastings Local Environmental Plan 2011

The Port Macquarie-Hastings Local Environmental Plan was prepared in 2011 by the Port Macquarie-Hastings Council. Heritage Conservation is dealt with in Section 5 Part 10 of this plan. Section 5.10.2.c states that consent is required for

disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed.

Procedures for dealing with “Archaeological Sites” is stated in Section 5.10.7 of this plan. It states that:

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

The study site is listed as part of an Archaeological Site, under Schedule 5 Part 3 of this plan. The site is part of the “Port Macquarie – Archaeology of Early Settlement - Parts of Town Centre and Town Beach precincts (Item A111) which is listed as being of local significance (See Figure 1.3 in AMAC July 2015).

1.5.7 Hastings Heritage Study

The *Hastings Heritage Study* was prepared by Suters Architects Snell, Newcastle, in 1991. The study site is not listed within the heritage study.

1.5.8 Archaeological Management Plan, Port Macquarie

The Archaeological Management Plan was prepared for Hastings Council in August 1994 by Dr Edward Higginbotham. The study site is dealt with as Inventory Number 154. This area is described as partly disturbed, being cut into the slope at the front. The site is described as being locally significant:

This site possesses historical or archaeological significance because it may reveal evidence relating to 3b. The late 19th or 20th century development of the town (Representative. Local).

1.6 PREVIOUS HERITAGE STUDIES AND REPORTS**1.6.1 Anne Bickford Heritage Consultants (March 2003)**

‘Archaeological Assessment: Corner of Munster and Clarence Streets, Port Macquarie’ for King and Campbell Pty Ltd

In 2003 Anne Bickford Heritage Consultants completed an archaeological assessment for the site adjacent to the eastern side of the study site, known as 5 Munster Street and 11 Clarence Street, Port Macquarie. Historical research indicated that the Munster and Clarence Street site was the location of two early 1820s Government buildings within an area designated as the Government Garden, of which the easternmost portion of the present study site formed part of this original wider allotment. Historical overlays by Bickford further indicated the possibility of

1820s subsidiary structures being present within the footprint of 15 Clarence Street (Lot 1 DP18834), or a portion of the original Clergyman's residence.⁶

1.6.2 AMAC Group (March 2014), 'Baseline Archaeological Assessment: 17-19 Clarence Street, Port Macquarie', for Bamford Engineering and Consulting

In March 2014 AMAC Group completed a Baseline Archaeological assessment for part of the study site at 17-19 Clarence Street (Lots 2 and 3 DP18834), Port Macquarie. The assessment found no evidence for development of the site prior to the construction of the present buildings. However, its location is close to the Government Gardens and the site may contain archaeological material associated with this early occupation phase of Port Macquarie. Consultation with the Heritage Division (see [Appendix 9.1](#)) has recommended archaeological test excavation within 17-19 Clarence Street to determine the presence or absence of archaeological material dating to this early occupation period.

1.6.3 AMAC Group (March 2015), 'Baseline Archaeological Assessment: 15 Clarence Street, Port Macquarie', for Wayne Ellis Architects on behalf of Anthony Vereker

In March 2015 AMAC Group completed a Baseline Archaeological assessment for part of the study site at 15 Clarence Street. The assessment identified the potential to contain archaeological relics of local or State significance. These relics relate to c.1824 – c. 1850 domestic occupation and may include whole or part of a c.1826 kitchen structure associated with the c.1824 Surgeon's House (later Clergyman's House). Based on the historical research and potential for early nineteenth century relics, archaeological test excavation was recommended as a way to determine the nature and condition of the archaeological resource in order to inform future development.

1.6.4 AMAC Group (July 2015) 'Archaeological Assessment supporting Exception Notification for Archaeological Test Excavation: 15-19 Clarence Street, Port Macquarie', for Bamford Engineering and Consulting

Based on the results of previous baseline assessments, in July 2015, AMAC Group submitted an Exception Notification application for archaeological test excavation at 15-19 Clarence Street, Port Macquarie. Test excavation was planned with the intention of identifying the presence or absence of material relating to the early nineteenth century government occupation of the wider area through the Surgeon's House (Clergyman's House). This document forms the results of archaeological test excavation.

1.6.4 AMAC Group (November 2015) 'Interim Archaeological Test Excavation Report: 15-19 Clarence Street, Port Macquarie', for Bamford Engineering and Consulting

Archaeological test excavation was carried out by AMAC Group in October 2015. The Interim Archaeological Test Excavation Report details the results of the test excavation. No relics were uncovered during these works. This report also provides a methodology and research design endorsed by Permit 2016/S140/01 and forms the basis of this current document.

⁶ Anne Bickford Heritage Consultants (March 2003), Figure 5.1, p. 47.

2.0 SITE HISTORY

The following section contains a summarised version of the historical development of the study site based on previous reports by AMAC Group, with the addition of some new aerial and historical photographs.⁷ For a complete history, including a title table and all historical maps, plans and photographs, refer to earlier reports by AMAC Group.

2.1 ORIGINAL GRANT

Prior to the original grant, the study site was government owned land and formed part of the government gardens. By the 1824 plan that land was shown divided and annotated, with the number '9' in the north and number '10' in the south - the study site being located within the area marked number 9. Also within this area, in the north-eastern corner, were two fenced areas that contained a small structure each, numbered '2' and '4' (Figure 2.1).⁸ By 1826 these cottages and the study site were still shown within area '9', which at that point in time was still noted as 'government gardens' (Figure 2.2).⁹ The numbering of the cottages had swapped in the 1826 plan: the structure that was '2' in 1824 is labelled '4' in 1826 and the structure that was '4' in 1824 is '2' in 1826. The northernmost of the pair (1824: '2' and 1826: '4') is referred to as 'the pilot's quarters' in the key for the 1826 plan. The southernmost of the pair (1824: '4' and 1826: '2') is referred to as 'the surgeon's quarters' in the key for the 1826 plan.¹⁰

An account of the occupation of the Surgeon's (later Clergyman's) building between 1824 and 1839 is given by an existing study by Bickford:¹¹

"The first chaplain's place of residence is not recorded but it seems most likely that this was in the centre of the settlement with the other civil officers. It may even have been the cottage on the east side of the Government Garden that was later used by the Reverend John Cross (Building 2 on the 1826 plan - Figure 2.2) which could have enlarged or rebuilt for Hassall's arrival.

On the basis of the 1831 plan (Figure 2.3) and of other documentary evidence, the residence allocated to the Reverend John Cross and his family can be identified as the cottage at the north-east corner of the old Government Garden. These were the quarters that were being used by the surgeon in 1826 [Building 2]."¹²

The study site forms three separate grants of land forming part of Allotments 1, 2 and 3 of Section 2A of the subdivision of Port Macquarie: 15 Clarence Street forms part of original Lot 3; 17 Clarence Street part of original Lots 2 and 3; and 19 Clarence Street part of original Lots 1 and 2. Original Lot 1 was granted to the Presbyterian Church in 1843, via Trustees Robert Andrew Wauch, Alexander Thomson, Joseph Richard Middleton and William Mackenzie. The land was retained by the trustees of the church until 1917 when it was transferred into the possession of the McIntyre family. Original Lot 2 was granted to William Fraser of Hastings River in 1855, who in turn passed the property on to Louisa McIntyre (also spelt

⁷ AMAC Group (March 2014); AMAC Group (March 2015); AMAC Group (July 2015).

⁸ Bickford, A. (March 2003), pp. 21-23, 35.

⁹ Bickford, A. (March 2003), p. 23, 35.

¹⁰ Bickford, A. (March 2003), p. 22.

¹¹ For a larger excerpt from Bickford's report, see AMAC Group (July 2015), p. 19.

¹² Bickford, A. (March 2003), p. 23, 30.

MacIntyre) two years later. Original Lot 3 was granted to Archibald Clunes Innes and William Cross, in trust for Louisa McIntyre in 1851.

2.2 SUBSEQUENT OWNERS AND OCCUPANTS

Louisa McIntyre (nee Cross), arrived in the colony aboard *Barring* in 1819 with her parents Reverend John Cross, Ann Cross and two other siblings. In 1828, the family moved to Port Macquarie as John Cross had been appointed as the chaplain of the new St Thomas' Church.¹³ In 1838, Louisa Cross married Dr James McIntyre, a government medical officer and together they had seven children, Louisa Isabella (born 1840), James William (born 1842), Ann Margaret (born 1844), William (born 1845), John Cross (born 1846), Eliza Caroline (born 1847) and Sarah Elizabeth (born 1850).¹⁴ Dr McIntyre continued to live and work in Port Macquarie until his death in 1853.¹⁵ Louisa McIntyre already owned Lot 3 and acquired Lot 2 in 1857. Following her death in 1887, the property was inherited by her daughter Eliza Caroline McIntyre.

In 1907, Eliza Caroline died in Queensland,¹⁶ and left the lot to her sister Sarah Elizabeth Noble (then married to John H. Noble) who in turn gave the property to her elder brother John Cross in 1913. Lot 1 had also been promised to John Cross, though this transfer was never made official. John Cross McIntyre (1846-1915)¹⁷ worked as a grazier in Port Macquarie and appears to have had continuing involvement with the Church of England, acting as a reader for the church and nominated as a trustee for land owned by the Church of England.¹⁸ He married Ellen Pender in 1889¹⁹ and together they had four children.²⁰ Following the death of John Cross in 1915, Lots 1, 2 and 3 were transferred to the trustees of his will, his nephew James Neville Parker (1869-1965),²¹ son John Pender McIntyre and nephew Ernest George McIntyre (1878-1957).²²

In 1936, John Pender McIntyre, working as a station overseer in Queensland, and his sister Leila Lester (nee McIntyre) Hope, purchased all three lots and within three years had subdivided the land into nine smaller lots (DP18834). This subdivision placed the study site into their current formation, Lots 1-3 DP18834.

¹³ Herbert Marshall, 'Cross, John (1781–1858)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/cross-john-1937/text2315>, accessed 6 December 2013.

¹⁴ NSW Births, Deaths and Marriages Index V18402037 25A/1840; V18421973 26A/1842; V1844378 44A/1844; V1846412 44A/1846; V1845969 30A/1845; V1847467 44A/1847; V1850599 44A/1850

¹⁵ Port Macquarie Historical Society (1996) p.264.

¹⁶ Ancestry.com Australia Death Index, 1787-1985

¹⁷ NSW Births, Deaths and Marriages Index V1846412 44A/1846; 18373/1915

¹⁸ Sydney Morning Herald, 16 August 1882, p.7; Maitland Mercury and Hunter River General Advertiser, 10 November 1883, p.3.

¹⁹ NSW Births, Deaths and Marriages Index 5076/1889

²⁰ John Pender (1891-1976), Leila Lester (1894-1962), Frank I (born 1899) and Harry Parker (born 1907). NSW Births, Deaths and Marriages Index, 29348/1891; 104297/1976; 27858/1894; 25334/1962; 24309/1899; 17282/1907

²¹ Son of Louisa Isabella nee McIntyre and Henry H Parker. NSW Births, Deaths and Marriages Index 16964/1869; 24838/1965

²² Son of James William and Catherine Martha McIntyre NSW Births, Deaths and Marriages Index 20641/1878; 6136/1957; LPI Primary Application 32951

Lot 1 (15 Clarence Street) was purchased by Horace Leslie Larcombe and his wife Elsie Isabel Larcombe in 1943. Lot 1 was later sold to Harry Charles Potts in 1950, who then sold it to Wilfred and Ilma Oxenbridge in 1953. During the 1960s the property was owned by a succession of local residents before being purchased by Edwin and Colleen Stubbs in 1977.

Lot 2 (17 Clarence Street) was purchased by Alice Winifred Kennards in 1943. No further land titles have been found to indicate the owners of the property or the year in which Kennards sold the property.

Lot 3 (19 Clarence Street) was sold in 1945 to Lavinia Maud Smith. Lavinia Maud (nee Bogan) married William Alexander Smith in 1911.²³ Electoral roll records show that Lavinia and her husband, a dentist, were living on Horton Street during the late 1940s and 1950s.²⁴ Following her death in 1959²⁵ the property was acquired by her husband, William Alexander Smith in 1960 and then by Joan Smith in 1963.²⁶ During the 1960s the property was owned by a succession of local residents of Port Macquarie before being purchased by Yung Kwang and Lucy Lowe Chu in 1973.²⁷

2.3 DEVELOPMENT

The study site forms a small part of Section 2A of the original Port Macquarie subdivision. During the early years of the settlement, Block 2A was owned by the Government and formed part of the government gardens. The study area, 15 Clarence Street (Lot 1 DP18834) is thought to be located in the vicinity of two c.1820s cottages and may be the location of a c.1826 kitchen as well as being within the curtilage of both cottages. There is no specific evidence to suggest development on the area of the study site contained by 17 or 19 Clarence Street (Lots 2 and 3 DP18834) from its first use as part of the government gardens, up until the early twentieth century. Not until the mid-twentieth century does such evidence appear. It could be that no development occurred or that no record was made.

15 Clarence Street (Lot 1 DP18834)

By 1824, the Government Gardens were characterised by fenced areas: '9' being the gardens, '10' which '*contains the first plantings of the Sugar Cane*', and two smaller fenced areas in the north-eastern corner which each contained one timber building (Figure 2.1).²⁸ Existing analysis of the 1824 map also suggests:

"Running parallel with the eastern boundary of the fenced area and the enclosure alongside building No. 4 was what would appear to be (by comparison with similar features elsewhere) a drainage line."²⁹

The precise location of the drainage line is uncertain, and it is unlikely to fall within the bounds of the current site, however, this type of structure should be noted as a possibility for development in its general vicinity. Particularly in light of the many drainage lines noted in the garden area south of the c.1824 Commandant's

²³ NSW Births, Deaths and Marriages Index 10436/1911

²⁴ *Australian Electoral Rolls 1903-1980* (1949; 1954; 1958)

²⁵ NSW Births, Deaths and Marriages Index 27659/1959

²⁶ LPI Vol 5531 Fol 241

²⁷ LPI Vol 5531 Fol 241

²⁸ Bickford, A. (March 2003), p. 21.

²⁹ Bickford, A. (March 2003), p. 21.

residence and the nearby sugar cane plantation. The two fenced areas in the north-eastern corner which contain two timber structures marked '2' in the north and '4' in the east were respectively known as the Pilot's Quarters and the Surgeon's Quarters.³⁰

By 1826, the numbers for the structures have swapped, the northernmost Pilot's Quarters now '4' and shown as having an 'L' shape, possibly with a veranda or outbuilding on its southern face. The eastern 'Surgeon's quarters' (now '2', and also likely now occupied by Reverend Thomas Hassall),³¹ had either been replaced or expanded since their representation in 1824. By 1826, the structure appears to have a north and east facing veranda and a smaller rectangular outbuilding to its west (Figure 2.2).³² This structure is likely the kitchen described in the repairs request by Alexander Thomson in 1833. The garden associated with this house is also thought to be 'much enlarged after 1826'.³³

Further details on the Clergyman's House and its kitchen are included in a repairs specification made by Alexander Thomson, Clerk of Works, in March 1833.³⁴ These are detailed in a previous study:³⁵

"Thomson described the main building as about 40 feet long, 16 feet wide and 9 feet high, divided into five rooms and a hall with a verandah in front and at one end. The detached kitchen, about 8 feet from the house, was 17 feet by 16 feet. The specifications provided for a covered way to be built between the back of the house and the kitchen and a weatherboard building 30 feet by 14 feet with a skilling roof, divided into two rooms by a studded partition."³⁶

It is not certain whether the specifications were asking permission to build the skilling roof structure or if it existed and required repair. This is a question that has been included in the research design for test excavation.

As these accounts are contemporaneous with the 1831 plan of Port Macquarie, it is posited that once an estimate exists for the location of the Clergyman's House, Thomson's repairs request could be used to estimate a location and size for the kitchen building to its west.³⁷ Based on the historical descriptions and imagery, it is estimated that the kitchen, or part of it, falls within the bounds of the study site and within the lot known as 15 Clarence Street (Lot 1 DP18834), however, no evidence of this building was found during archaeological test excavation or monitoring indicating that it was most likely located in the neighbouring property and therefore outside of the study site.

Last occupied by Reverend Cross in 1837, the former Surgeon's Quarters (from c.1827 known as 'Clergyman's House'), and likely the kitchen structure were

³⁰ Bickford, A. (March 2003), p. 21.

³¹ Bickford, A. (March 2003), p. 23.

³² Bickford, A. (March 2003), p. 22.

³³ Bickford, A. (March 2003), p. 24.

³⁴ 'Specification of repairs &c required to be done at the parsonage Port Macquarie', signed by Alex Thomson, Clerk of Works, Commissariat Branch 12 March 1833, Clergy & School Lands Corporation, Architects' and Mechanics' Estimates and Tenders 1833,4/348 pp 75-82, Letter 33/169 (State Records NSW); Bickford, A. (March 2003), p. 24.

³⁵ For a larger excerpt from Bickford's report, see AMAC Group (July 2015), p. 27.

³⁶ Bickford, A. (March 2003), p. 24.

³⁷ Refer to Section 3.3 in AMAC Group (March 2015) and AMAC Group (July 2015), for a detailed discussion on the location and size estimate of the kitchen structure devised from Thomson's repairs request.

considered “condemned and abandoned” by November 1839 and were subsequently demolished by 1840 (Figure 2.4).³⁸

There is no evidence to suggest development on the study site between 1841 and the early twentieth century and this is confirmed by the archaeological evidence. No maps or plans of Port Macquarie were found for the periods during the 1850s and early 1900s, which in turn creates difficulty for identifying the presence of any buildings or dwellings unless it has been acknowledged among written records. Aerial photographs dating to 1909 and 1933 (Figure 2.5 and Figure 2.6) suggests the site was likely vacant. The Royal Hotel, a presence since at least 1840, is known to have remained on the same allotment on Horton Street well into the twentieth century. As a result, the hotel has been identified by a blue arrow in all plans and photographs as a matter of orientation for the current study site. With this in mind, the 1909 photograph shows the northern end of Hay Street with Horton Street to the left and Murray Street to the right. The approximate western edge of the study site might be within this photograph and the area appears vacant. Whether the site can be seen in this photograph is dependent on the original width of Murray Street.

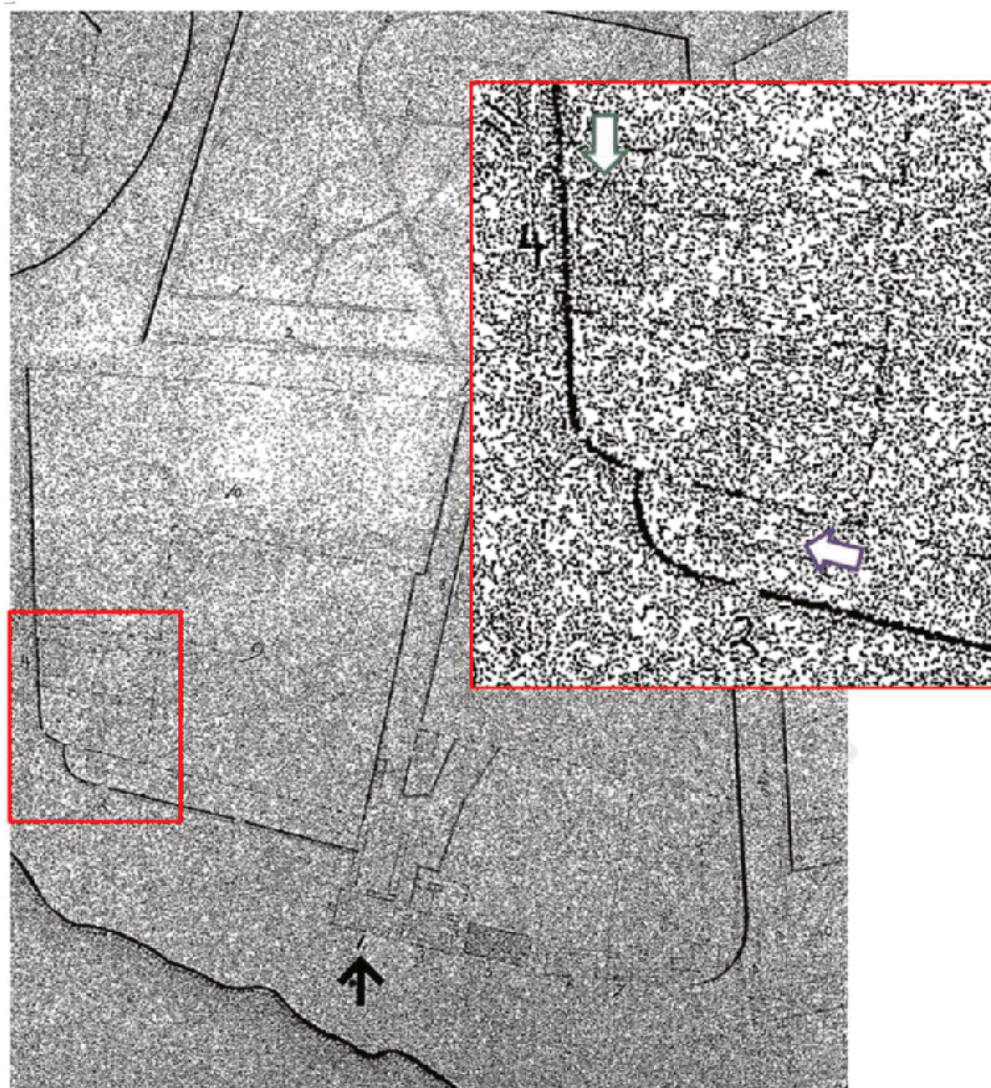
It can be suggested that development did not occur directly on the study site until after the subdivision from original Lots 1, 2 and 3 into nine new lots during the late 1930s (Figure 2.7). An aerial photograph dating to 1941 shows the study site still vacant (Figure 2.8). 15 Clarence Street (Lot 1 DP18834) had been developed sometime after 1941 and prior to 1959, most likely with the current structure, as indicated by second aerial photograph (Figure 2.9). A survey of the surrounding area, date unknown, shows a brick and fire cement structure on the site as well as a smaller fibre cement outbuilding in the lot's north east corner. That smaller structure is no longer extant, and the outline of the main structure is different to that presented in the current survey of the 15 Clarence Street (Figure 2.11).

17 and 19 Clarence Street

The early plans (Figure 2.1 - Figure 2.3) detailing the government gardens, Surgeon's Quarters (later Clergyman's House) and Pilot's Quarters (later Sergeant's Quarters), indicate that the area now contained by 17 and 19 Clarence Street (Lot 2 and 3 DP18834), west of 15 Clarence Street, would have formed part of the yard space associated with those early dwellings. No evidence has been found to suggest the presence of any buildings or structures on this part of the study site during the government occupation phase.

As with 15 Clarence Street, there is no evidence to suggest development on either original lots 1, 2 or 3 in Section 2A between 1841 (following the closure of Clergyman's House and government gardens), and the early twentieth century. It can be suggested that development did not occur directly on 17 or 19 Clarence Street until after the subdivision from original lots 1, 2 and 3 into their present formation (current Lots 2 and 3). Direct development of 17 and 19 Clarence Street is believed to date between the 1940s and early 1950s. A split level fibro dwelling was constructed on 17 Clarence Street (Lot 2 DP18834) during its ownership by Alice Winifred Kennards (purchased in 1943). A 1959 aerial photograph (Figure 2.9), shows that 19 Clarence Street was occupied by a square shaped building. This is the same two-storey, fibro and brick building which currently occupies the study site.

³⁸ Report by Colonial Architect on parsonage houses 13 November 1839, Colonial Secretary from Port Macquarie 1836-1841, 4/2546 (State Records NSW); Bickford, A. (March 2003), p. 28.

**Figure 2.1****Excerpt from the 1824 plan of Port Macquarie.**

Note map reproduction is very faint, arrows are approximate.

Black arrow shows Commandant's House, '1'

Green arrow shows Surgeon's Quarters (later Clergyman's House), '4'

Purple arrow shows Pilot's Quarters (later Sergeant's Quarters), '2'

State Records NSW Map 74

Bickford, A. (March 2003) 35.

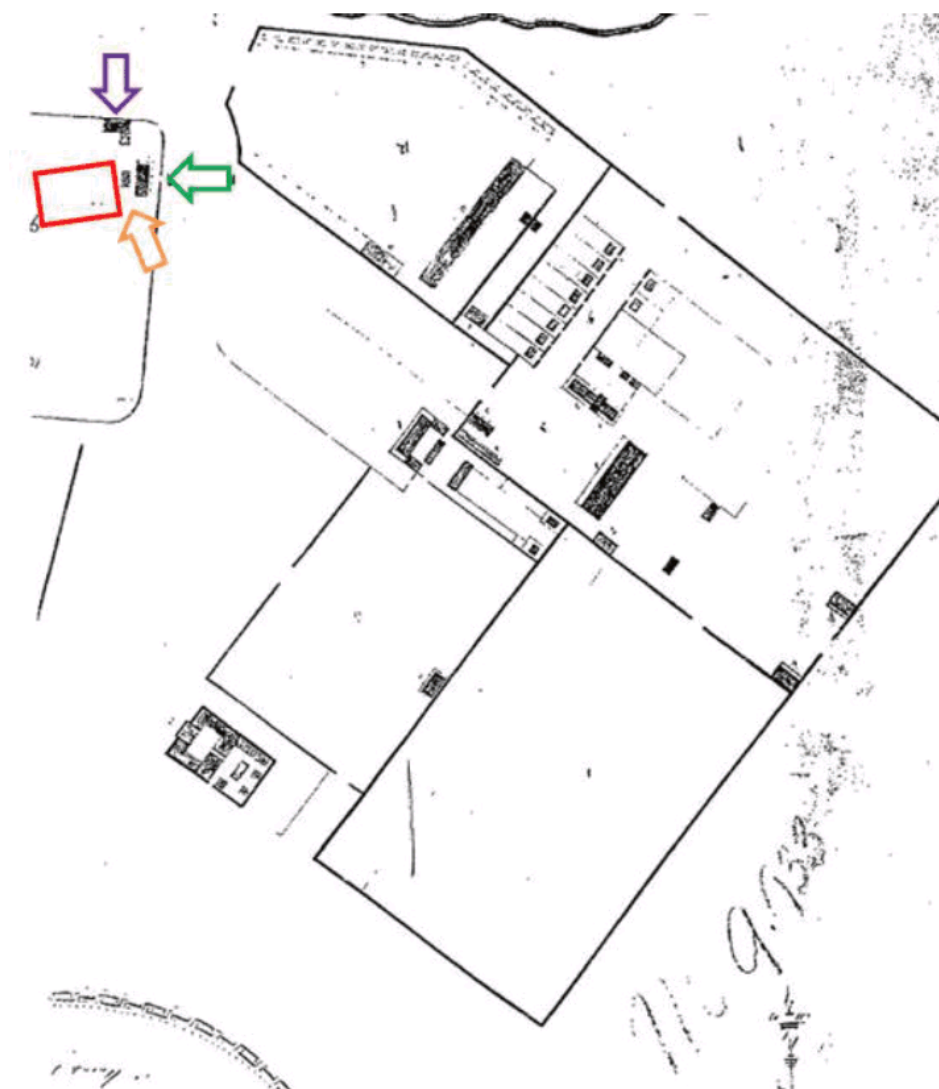


Figure 2.2 Part of an 1826 plan showing the layout of Port Macquarie. The approximate area of the study site is outlined in red. Surgeon's Quarters (Later Clergyman's House) indicated by green arrow. 'Pilot's Quarters' indicated by purple arrow and Kitchen shown by orange arrow. Bickford, A. (March 2003), 22-23, 37 State Archives (Reference: Map 3821).

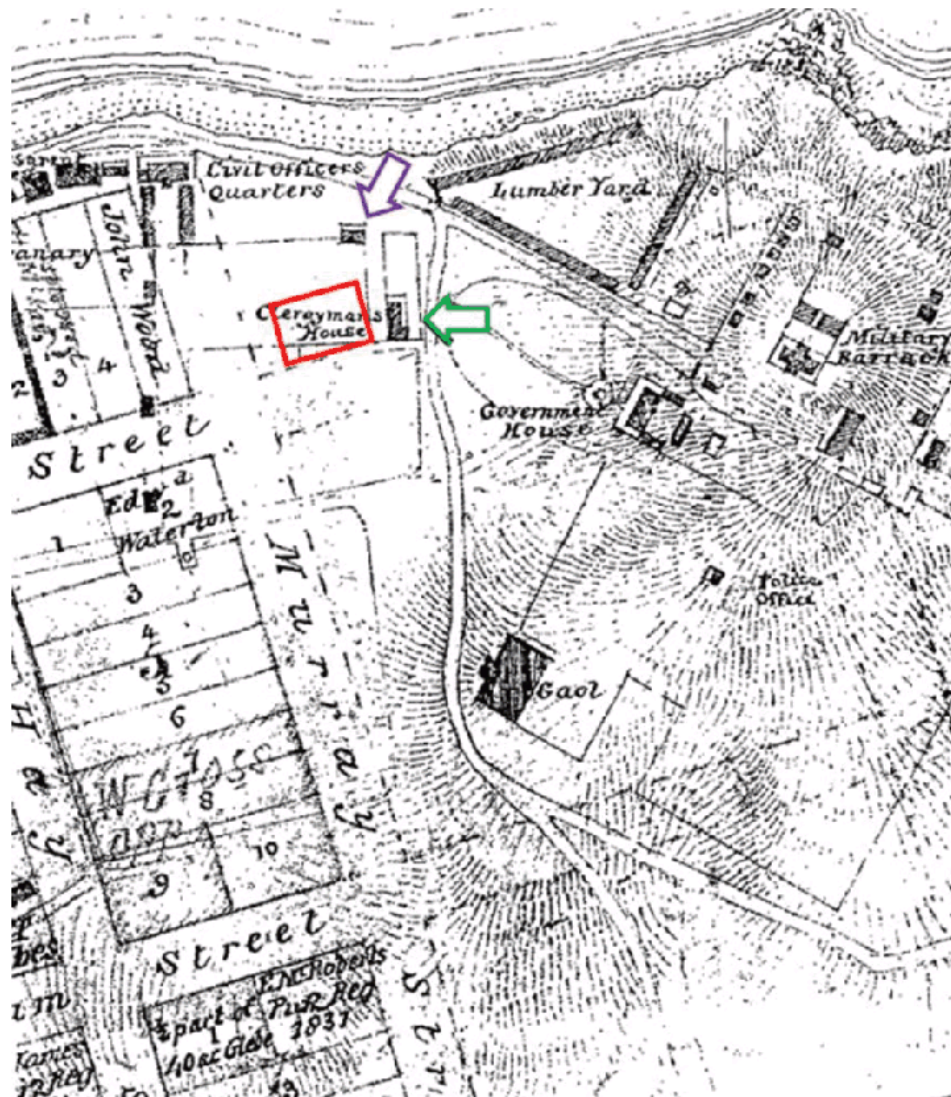


Figure 2.3

A section of an 1831 plan, showing new street alignments and development.

Note that the approximate area of the study site is outlined in red, with the Clergyman's house indicated by the green arrow and 'Pilot's Quarters' indicated by purple arrow. Murray Street is yet to be established. State Records of NSW (Reference: Map 6372).

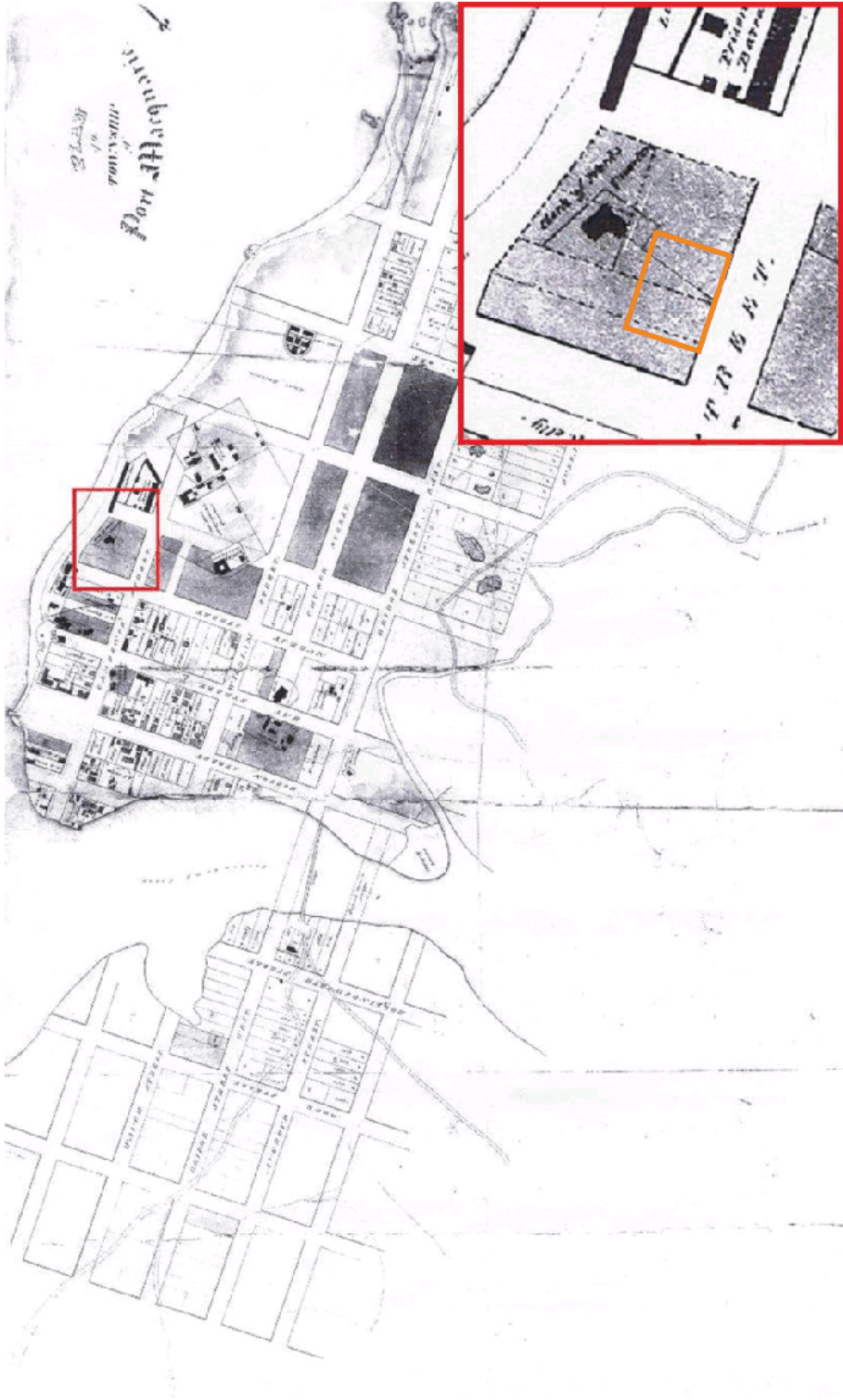


Figure 2.4 An 1840 plan of Port Macquarie, showing block 2A with the approximate study site outlined in orange. The 'L' shape building north of the study site is marked 'Clerk of Works Quarters'. State Records of NSW (Reference: Map 3673).

Archaeological Management & Consulting Group
August 2018



Figure 2.5

A photograph dated to 1909, showing the northern side of Hay Street to the harbours edge.

For orientation, the Royal Hotel is indicated by the blue arrow. The approximate edge of the study area is indicated by the red arrow, however, dependent on the width of Murray Street, it is possible that some of the current study site has been cut off.

Mitchell Library (1909; Reference d1_11570).



Figure 2.6 Part of a 1933 aerial photograph of Port Macquarie. Approximate study site outlined in red. Accessed through Trove online (original reference Fairfax archives PIC 15611).



Figure 2.7 A plan showing the subdivision of original Lots 1-3 into nine separate allotments during 1939. The study site is outlined in red. Port Macquarie Council (1939: LPI DP 18834).



Figure 2.8 A 1941 aerial photograph of Port Macquarie. The approximate area of the study site is indicated by the red arrow, showing that no development has taken place. Note that subdivision of the nine allotments has already occurred and two structures are present east and west of the study site. Port Macquarie-Hastings Council website (accessed 8th July 2015).

Archaeological Management & Consulting Group
August 2018



Figure 2.9 A 1959 aerial photograph of Port Macquarie.
Study site indicated by red arrow.
Land and Property Information (1959).



Figure 2.10 Survey plan of structures along Clarence Street, study site shown as Lots 1-3 (outlined in red).

Partly illegible notes on Lot 1 (15 Clarence St): 'Marie(?) (? / Flats (B) (?) F. C.' Which may refer to a name for the structure and then go on to describe it as 'Flats' of brick and fibre cement construction. Note also fibre cement outbuilding in northeast of site. Lot 2 (17 Clarence St): 'Aberdeenshire Holiday Flats FC'. Lot 3 (19 Clarence St): 'FC & Br'.

Undated plan included in property information report made in 1972 by Brian Bede Tierney of Dulhunty and Tierney Pty. Limited regarding Lot 3 DP 18834.

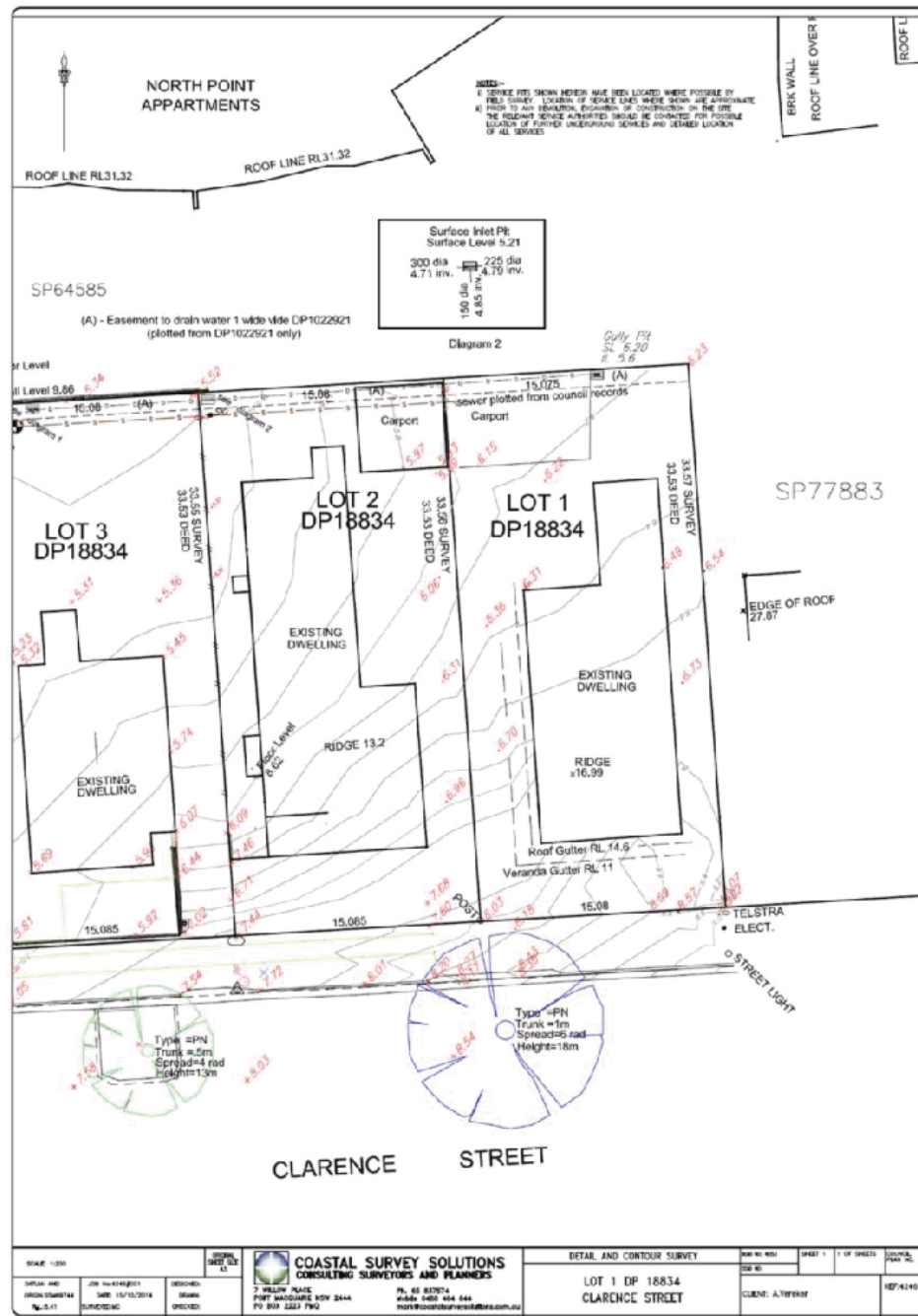


Figure 2.11 Current survey of the study site, showing details for 15 Clarence Street (Lot 1 DP 18834), as well as contour details for 17 (Lot 2 DP 18834) and 19 Clarence Street (Lot 3 DP 18834). Coastal Survey Solutions (2014).

3.0 ARCHAEOLOGICAL MONITORING

3.1 BACKGROUND

Archaeological monitoring was carried out at 15 -19 Clarence Street, Port Macquarie, on 17 March 2016 with Ivana Vetta of AMAC Group supervising the works. This work was carried out in compliance with Permit 2016/S140/01. Monitoring was confined to 15 Clarence Street (Lot 1 DP18834) as this was the area with the highest archaeological potential as per the Interim Test Excavation Report (November 2015). During this work, the sump identified in the centre of the site during test excavation was further exposed and photographed. No relics were uncovered during any of these works (Figure 3.1).

3.1.1 Archaeological Monitoring Methodology

All buildings were demolished to the level of footings prior to archaeological works commencing on the site. A qualified archaeologist monitored the removal of all topsoil by a mechanical excavator using a mud bucket in the eastern third of the site (Figure 3.1) to identify whether any material remains exist in this portion of the site. The excavation was carried out according to the direction of the archaeologist. In general, machinery used moved backwards in order not to damage any potential archaeological relics. The soil was removed in stratigraphic layers, with no more than one context, such as topsoil, being removed at one time.

No archaeological relics were found during this work.

3.2 GEOLOGY AND SOILS

The study site appears to fall within 'disturbed terrain' of the Soils Landscapes of the Kempsey sheet (1:100 000). Urban development and the site's close proximity to the river foreshore are most likely determining factors in the disturbed nature of the soil profile. Also bordering the site, and possibly present in pockets, is the 'Thrumster' (th) soil profile.³⁹ A short summary has been made to outline the soil profile and its characteristics, which is present over a large portion of the original town settlement of Port Macquarie.

The Thrumster (th) soil profile is located across the Kempsey Low Hills, around the west coast of the Pacific Highway.⁴⁰ The soil hydrology of the Thrumster (th) landscape is slowly permeable, moderately well drained and overall considered to be a quality agricultural soil.⁴¹ The geology of the profile is metamorphic complexes of the Port Macquarie Block and is an erosion hazard. Land use for this soil profile across the wider Port Macquarie area is primarily urbanised, with pockets of private forested land or agricultural land.⁴²

The dominant or expected soil materials/profiles for the Thrumster (th) profile include:⁴³

- **th1** – dark reddish brown pedal clay loam (topsoil, A1 horizon). Commonly sandy to light clay, low wet bearing strength, high permeability.

³⁹ Atkinson (1999), pp. 56-59.

⁴⁰ Atkinson (1999), pp. 56.

⁴¹ Atkinson (1999), pp. 56.

⁴² Atkinson (1999), pp. 56.

⁴³ Atkinson (1999), pp. 57.

- **th2** – dark reddish brown sub-plastic pedal clay (subsoil, B horizon). Sub-plastic clay loam, coarse fragments typically absent, low wet bearing, high permeability, low fertility.
- **th3** – mottled red sub-plastic pedal clay (deep subsoil, C horizon). Dark reddish brown to red sub-plastic clay loam to light clay. Parent material coarse fragments (<20%), low fertility.

Associated soil materials include:

- **th4** – orange pedal light clay (deep subsoil on steep slopes, C horizon). Orange light clay with moderate smooth-faced peds, Parent material coarse fragments (<20%).
- **th5** – gravelly pedal clay (subsoil in drainage plans, C horizon). Pedal grey clay commonly containing chert gravel in angular bands.

Road Net Pty Ltd conducted bore hole testing at the study site in June 2015.⁴⁴ Four boreholes were drilled across the site prior to the buildings being demolished. The report also notes the site's location within the Thrumster soil landscape, describing the profile as:

The dominant soil materials are clays and clay loams, generally dark reddish brown, mottled red or orange pedal clays. Some laterite ironstone can be found within the landscape. Serpentine is also present in the area.⁴⁵

Results from bore hole testing stated the presence of clay of varying colours with some layers described as silty clay, sandy clay and some with gravel inclusions.⁴⁶ Of note is that the soil structure as a whole was described as a silty clay, which is different to the pedal clay in the Thrumster soil landscape.⁴⁷ The colouration of almost all sampled soil layers do not match the general dark reddish-browns of the Thrumster landscape.

3.3 RESULTS OF ARCHAEOLOGICAL MONITORING

3.3.1 15 Clarence Street (Lot 1 DP18834)

The surface of the southern part of the eastern allotment was covered with a mottled dark reddish-brown loamy clay [500] which was approximately 1.4m in depth and appears to have been introduced in the 20th century to build up this part of the site which is significantly below street level (Figure 3.3-Figure 3.4). Some of this fill was displaced during the demolition works and partly overlaid the concrete foundations of the former 1930s apartment block. These foundations [502] (oriented east-west) and [503] (oriented north-south) which were contained by construction trench [505] which cut directly into the natural mid brown loamy clay (A1 horizon) [501]. Fill [500] sat directly above natural A1 horizon [501] except for in the southeast part of this allotment where fill [500] overlay an introduced topsoil [504] which contained some fragments of sandstone and concrete. In this area fill [504] sat directly above the natural [501] (Figure 3.4-Figure 3.8). In the northern part of this allotment, fill [500] sat directly above a natural stiff orange clay [507], natural B horizon. It appears that natural soil [501] was previously removed in this area with this part of the site truncated down to the B horizon.

⁴⁴ Road Net Pty Ltd (June 2015).

⁴⁵ Road Net Pty Ltd (June 2015), p. 4.

⁴⁶ Road Net Pty Ltd (June 2015), p. 5.

⁴⁷ Road Net Pty Ltd (June 2015), p. 6.

In the east of this area, a rectangular pit cut [508] (2.5x4m) was located butting the neighbouring building. This pit was filled with redeposited B horizon clay [506] and appears to have been the investigative trench excavated to explore the depth of the foundations on the neighbouring property (this work occurred during test excavation). See Figure 3.9.

The northern part of this allotment contained a number of modern service trenches, filled with broken pipes and red brown clay, which cut the natural soils [501] and [507]. This includes service trench [510] with fill [511] (oriented north-south), adjoining service trench [523] with fill [509] (oriented east-west), service trench [512] with fill [513] (oriented northwest-southeast) and adjoining service trench [514] with fill [515] (Figure 3.10-Figure 3.11). The rough location of these features is shown in Figure 3.2.

The driveway along the western side of this allotment was covered with a concrete surface [516]. This surface sat above a mixed yellowish orange sand and clay [517] which was used as bedding for the slab. Below fill [517] was a mottled reddish brown loamy clay fill [518] which was the same as fill [500] which in turn sat above a mottled yellowish grey sand and clay fill [519]. Fill [519] sat above natural A1 topsoil [501] (Figure 3.12-Figure 3.13). A concrete partition [521] separated the driveway for 15 Clarence Street from the driveway for 17 Clarence Street. Below concrete slab [516] on the 17 Clarence Street side of the driveway was an orange-red clay fill [520] which in turn sat above a lens of dark grey clay [522]. Fill [522] sat above natural [501].

Table 3.1 Context List (Archaeological Monitoring)

Context Number	Type	Description
500	Fill	Mottled reddish brown loamy clay
501	Natural	Natural A1 horizon – mid grey brown loamy clay
502	Structure	Concrete foundation
503	Structure	Concrete foundation
504	Deposit	Modified topsoil – interface between [500] and [501]
505	Cut	Construction cut for foundations [502] and [503]
506	Fill	Redeposited B1 horizon clay
507	Natural	Natural B1 horizon
508	Cut	Rectangular cut
509	Fill	Fill in cut [508]
510	Cut	Service trench
511	Fill	Fill in cut [510]
512	Cut	Service trench
513	Fill	Fill in cut [512]
514	Cut	Service trench
515	Fill	Fill in cut [514]
516	Structure	Concrete surface of driveway
517	Fill	Yellowish orange sandy clay bedding fill
518	Fill	Mottled reddish brown loamy clay
519	Fill	Mottled yellowish grey sand and clay
520	Fill	Orange-red clay

Archaeological Management & Consulting Group
August 2018

Context Number	Type	Description
521	Structure	Concrete barrier wall between 15 and 17 Clarence Street
522	Fill	Lens of dark grey clay
523	Cut	Service trench

3.3.2 Sump in 19 Clarence Street

The sump in 19 Clarence Street was inspected as part of this work. This sump was lined with modern timber planks and was saturated with water. The upper portion of the sump was removed, however, the quantity of water prevented further excavation. This feature was modern and likely associated with the mid-20th century use of the site (Figure 3.14-Figure 3.15).

3.4 INTERPRETATION OF RESULTS

No relics were uncovered during the monitoring of the 15 Clarence Street part of the site. It is noted that natural topsoils still survive in most of this allotment and there was no evidence during any of the excavations, of the 19th century occupation of Port Macquarie. This suggests that this site was not built upon prior to the mid-20th century apartment blocks which once stood here. This is consistent with the historic research. It is suggested that this land may not have been suitable for early construction being apparently low-lying. The modern sump in 19 Clarence Street is testament to the fact that water may have been a problem on the site making it unsuitable for earlier occupation. Based on this, it is clear that the kitchen constructed for the 1820s Clergyman's House was most likely on the neighbouring site, 11-13 Clarence Street.

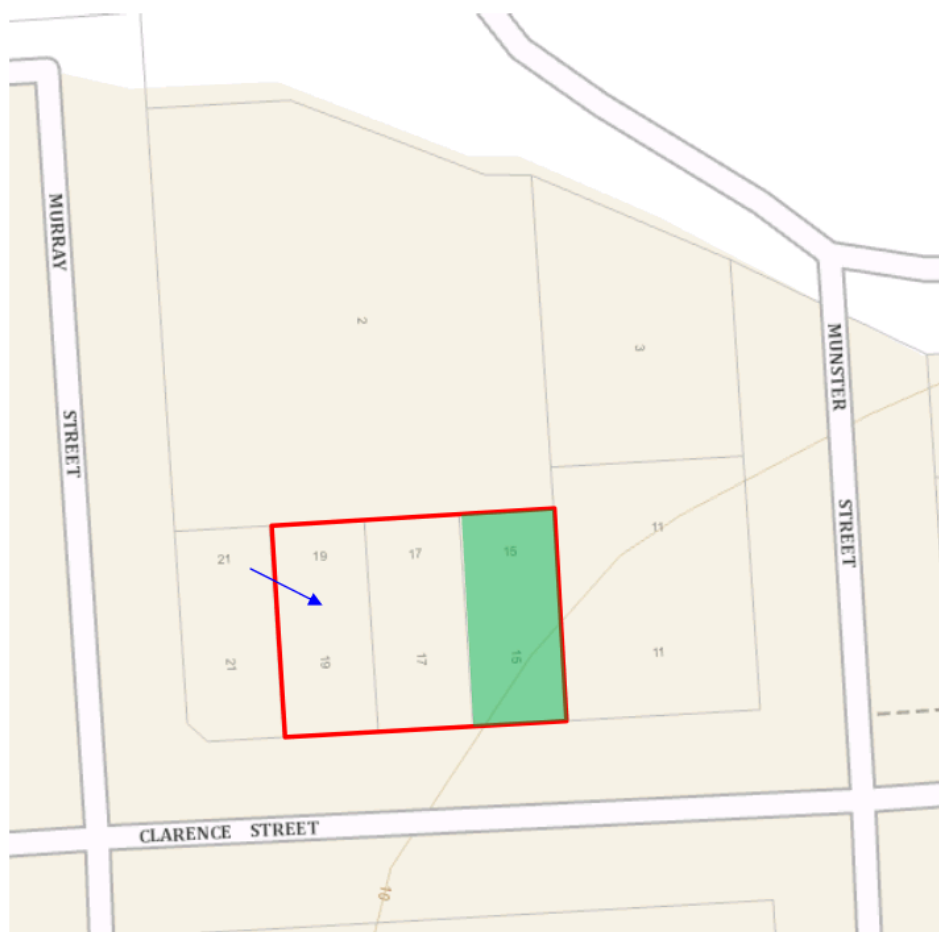


Figure 3.1 Location of archaeological monitoring (green) with approximate location of sump (blue arrow).
Study site is outlined in red. NSW Land and Property Information, Six Maps Viewer, accessed 24th November 2015.

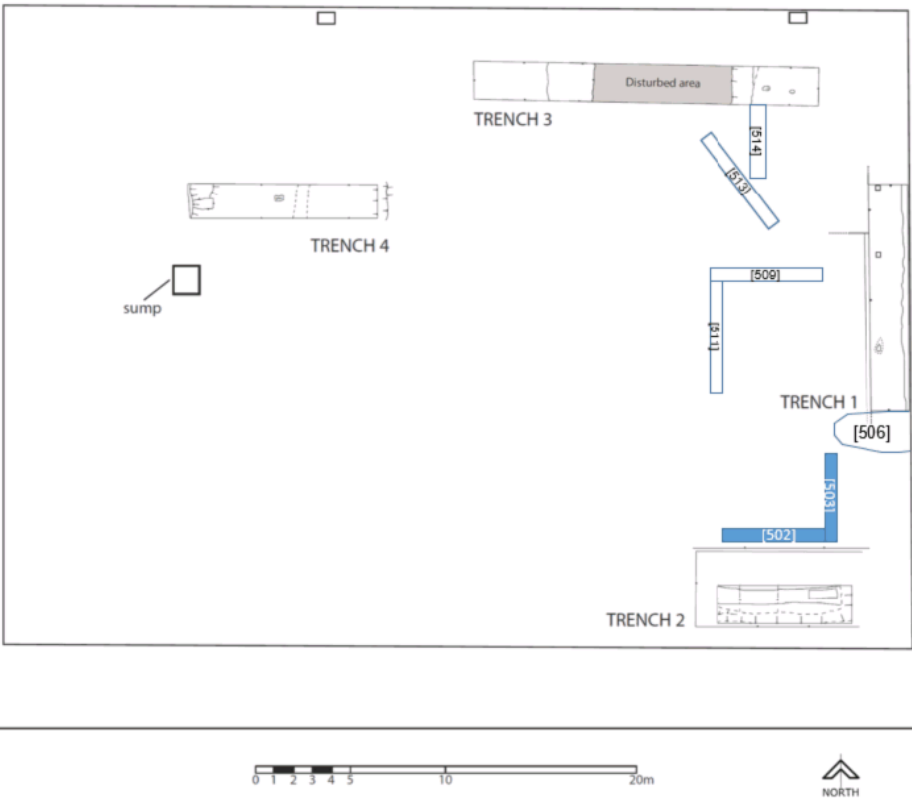


Figure 3.2 Location of features from monitoring on test trench plan.
Note monitoring features not to scale.

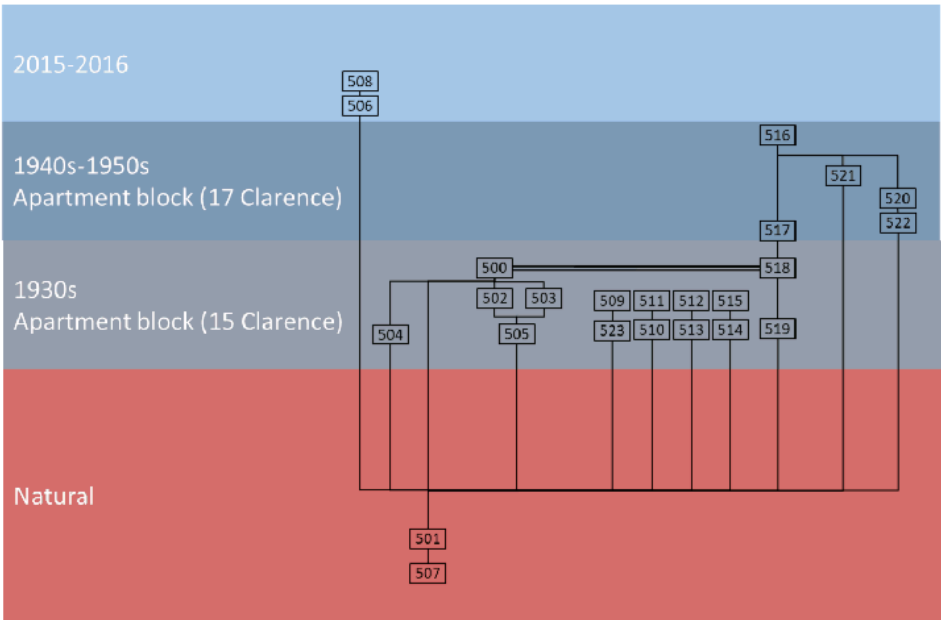


Figure 3.3 Harris Matrix.
I. Vetta, March 2016.



Figure 3.4 15 Clarence Street prior to excavation, facing south.
AMAC Image 2565, 17/03/16.



Figure 3.5 Excavation of fill [500], facing southwest.
AMAC Image 2573, 17/03/16.



Figure 3.6 Exposure of concrete footings [502] and [503] cutting natural [501], facing east.
AMAC Image 2652, 17/03/16.



Figure 3.7 Exposure of concrete footings [502] and [503] cutting natural [501], facing south.
AMAC Image 2630, 17/03/16.



Figure 3.8 Exposure of concrete footings [502] and [503] cutting natural [501], facing south.
AMAC Image 2603, 17/03/16.



Figure 3.9 Backfilled investigative trench [508], facing north.
AMAC Image 2641, 17/03/16.

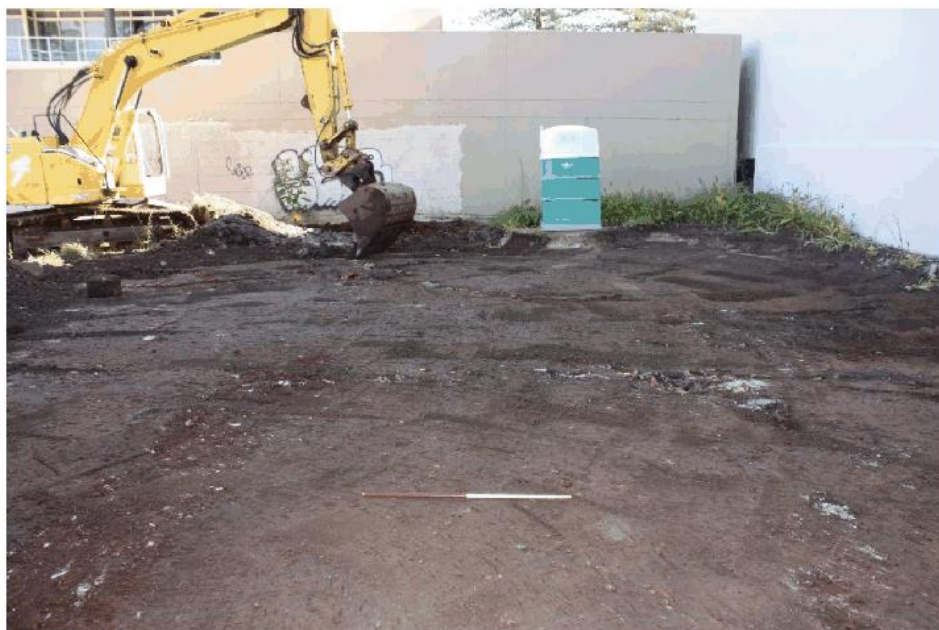


Figure 3.10 Service trenches in rear yard, facing north.
AMAC Image 2655, 17/03/16.



Figure 3.11 Service trenches in rear yard, facing south.
AMAC Image 2663, 17/03/16.



Figure 3.12 Section below driveway, facing west.
AMAC Image 2667, 17/03/16.



Figure 3.13 Excavation of driveway, facing north.
AMAC Image 2675, 17/03/16.



Figure 3.14 Sump, facing south.
AMAC Image 2698, 17/03/16.



Figure 3.15 Sump, facing west.
AMAC Image 2700, 17/03/16.

4.0 RESPONSE TO RESEARCH DESIGN

4.1 INTRODUCTION TO RESEARCH DESIGN

The following is a response to the research design provided in the archaeological assessment and Exception Notification application by AMAC Group⁴⁸ and amended research design in the Interim Test Excavation Report⁴⁹ developed based on the Heritage Council of NSW's Historical Themes in order to guide the methodology for the proposed archaeological excavation of the site. The research design has been set out in accordance to these themes (Table 6.1).

The following responses incorporate both the results of Test Excavation (October 2015) and Archaeological Monitoring (March 2016) and present an amended version of the responses provided in the Interim Test Excavation Report with additional responses to the questions posed in that report.

Table 4.1 Historical Themes concerning the study site

Australian Theme	NSW Theme	Study Site
1. Tracing the natural evolution of Australia	Environment – naturally evolved	Pre nineteenth century use of the site
1. Building settlements, towns and cities	Towns, suburbs and villages	c.1840s town subdivision of Port Macquarie
4. Building settlements, towns and cities	Utilities	Unknown infrastructure associated with Clergyman's house, and c.1826 kitchen. For example: well, cesspit
4. Building settlements, towns and cities	Accommodation	Mid twentieth century residential dwellings
8. Developing Australia's cultural life	Domestic Life	Use of c.1826 kitchen structure and rear yard space associated with Clergyman's House

4.2 REVISED RESEARCH DESIGN

General Questions

These are general questions designed to consider the overall archaeological footprint of the study site. These questions can be considered in isolation or in conjunction with the subsequent chronology specific questions detailed further.

Question	Response
At what level are archaeologically sensitive materials found?	Archaeological works did not reveal evidence for any structures or features relating to the c.1826 kitchen structure or associated with the early nineteenth century government settlement of Port Macquarie. A timber lined pit/sump feature, exposed during demolition of the building at 19 Clarence Street was determined to be a twentieth century feature likely associated with the mid-twentieth century development of the site. The top of the

⁴⁸ AMAC Group (July 2015).

⁴⁹ AMAC Group (November 2015).

	timber lined sump sat at approximately RL 5.36. Two extant timber posts [111] and [114] within Test Trench 1 sat at RL 6.16 and RL 6.1 respectively, though both formed part of the mid-twentieth century development of the site.
What archaeological evidence is there of the features which are known to have existed on the site?	The initial archaeological assessment (AMAC Group, March 2015; July 2015) indicated the potential for a single, weatherboard kitchen structure constructed in c.1826 for the Clergyman's House. No evidence for this structure was found during archaeological works at the site, though the proposed locations were based on written descriptions to create an interpretive overlay. It is now most likely that this kitchen was located in the neighbouring property (11-13 Clarence Street).
What evidence is there of previously unknown features?	A timber lined sump feature was identified on the western side of the site within the area once contained by 19 Clarence Street. Found by contractors during the demolition of existing structures, the feature was covered and left in situ. Inspection of the feature during test excavation and again during archaeological monitoring determined that the timber lined pit most likely formed a twentieth century sump utilised by the occupants at 19 Clarence Street. A circular cut had been made into the top remaining timber board on the western side for a ceramic service pipe. Only the pipe join remained, no cut visible in the exposed section for a service line therefore suggesting that the line was likely removed from the yard following the sump's disuse. The fill in the top of the sump was typical with the demolition fill seen across all parts of the site, though the base of the sump was not visible. Some internal areas were also waterlogged which further affected inspection of the base. Although a common practice with this type of infrastructure, it could not be determined as to whether the sump had been constructed on top of an existing well or cesspit.
How has the process of development affected earlier remains on the site?	Trenches for modern services have affected parts of the natural soil profile but impacts to archaeological material is nil as none were found. Cut and levelling processes for the mid-twentieth century residential buildings have occurred to the southern front of the site, although this area was found to have been significantly built up with imported fills.
What information can the relics on the site provide? How does this compare to information available from documentary sources?	No relics were identified on the study site during archaeological test excavation or monitoring.

Environment – Naturally Evolved

Question	Response
Is there any evidence of the natural flora and	Excavation of Test Trench 2 and archaeological monitoring indicated that the current slope of the study

Archaeological Management & Consulting Group
August 2018

topography of the site that was present prior to European presence in Port Macquarie? Do any intact soil profiles remain on the site?	site has been artificially created by the introduction of more than 1.5 metres of imported fill. Evidence for intact soil profiles were identified in all four test trenches, showing a predominantly dark brown-black loamy clay A horizon topsoil ([106], [207], [302], [403]) on top of a yellowish cream B horizon clay ([303], [404]) and during archaeological monitoring ([501]). Archaeological monitoring exposed the compact, clean yellowish-orange B horizon clay [507]. While the study site's location falls within the 'Thrumster' soil landscape or disturbed terrain, the matrix and colouration of the natural soil profile better matches the 'Cairncross' soil landscape, which is a transferral landscape present across pockets of Port Macquarie. The imported fills seen across the southern boundary of the study site are consistent with the Thrumster soil landscape and a stark contrast to the natural soil profiles identified on site. It is also likely that the original topography of the site was considerably flatter than its current state, or if the level of Clarence Street has remained the same, the site sloped up towards Clarence Street though not evident in historical photographs (Figure 2.6). No evidence was found to indicate the natural flora of the site.
Test excavation presented evidence for intact soil profiles across various portions of the site. Is this consistent with the exposed soil profiles removed during bulk excavation?	Archaeological monitoring within 15 Clarence Street confirmed the natural profile uncovered during Test Excavation.
The 'Soil Landscapes of the Kempsey 1:100 000 Sheet' indicates that the study site falls within the 'Thrumster' soil landscape or 'disturbed terrain', though the results of the test excavation suggested that the natural profiles do not correlate to this soil landscape. Can more information be shed regarding the natural soil profile of the study site?	The same soil profile was uncovered during archaeological monitoring as was identified during testing. This soil profile does not conform to the Thrumster soil landscape but more closely resembles the neighbouring Cairncross profile.
Excavation of Test Trench 2 indicated the built up nature of the southern portion of the site, altering the natural	No further data was obtained during archaeological monitoring to clarify this question.

topography of the site. Can any information be found to suggest that the original level of Clarence Street is the same as its present level?	
Is the level of Clarence Street the only catalyst for altering the natural topography of the study site?	This was not apparent from archaeological monitoring.

Building settlements, towns and cities: Towns, suburbs and Villages, Utilities and Accommodation

Clergyman's House and Government Gardens: c.1820s – c.1840

The study site forms part of an area originally designated as government gardens and furthermore forms part of the rear yard space for the c.1820s Clergyman's House and Pilot's Quarter's. No out buildings or subsidiary structures for either of these main dwellings are indicated among the early maps and plans, however, based on written evidence a detached c.1826 kitchen constructed for the Clergyman's House was anticipated to be within the southeast portion of the study site. However, no evidence of this structure was uncovered.

Question	Response
Does any physical evidence exist to indicate the presence of the c.1826 kitchen structure on the study site?	No evidence for the c.1826 kitchen structure, nor any material associated with the Clergyman's House was identified during archaeological test excavation or archaeological monitoring. As the natural A horizon topsoil is present across this area unmodified, it is proposed that this kitchen was not located on the study site, rather was more likely in the neighbouring allotment.
If present, what building materials have been used for the construction of the kitchen structure?	No evidence for the kitchen structure was identified during archaeological test excavation or monitoring.
Does the location of the kitchen structure correlate to either position offered by the interpretive overlay (Figure 3.21 in AMAC Group, July 2015)?	No evidence for the kitchen structure was identified during archaeological test excavation or monitoring.
A repairs specification made by Alexander Thomson, Clerk of Works in March 1833, outlines the request for a "covered way" to be constructed between the rear of the Clergyman's House and the kitchen. Does any	No nineteenth century structural or occupational evidence was identified during archaeological test excavation or monitoring. This suggests that this site was not occupied during the 19 th century.

evidence exist for this structure?	
Thomson also requests the construction of a weatherboard building “30 feet by 14 feet with a skilling roof” on the site containing the Clergyman’s House, although no location has been specified for this structure. Does any evidence exist pertaining to this structure? Can any comment be made as to its function?	No nineteenth century structural or occupational evidence was identified during archaeological test excavation or monitoring. This suggests that this site was not occupied during the 19 th century.
Is there any evidence for associated infrastructure such as wells, drainage lines, privies or out buildings?	A channel cut [208] running east-west through Test Trench 2 may have formed an agricultural drain. Cut into the natural soil profile below the introduced fills used to level the southern frontage with the level of Clarence Street, there is no definitive evidence to indicate when the feature was cut. If the channel is in fact an agricultural drain, it is possible that the feature could have been made during the government gardens occupation phase. At the same time, while the site was undeveloped, neighbours may have been utilising the property as agricultural land. No artefacts were seen within the fill [209] for the channel cut [208] as an aid for dating. No other evidence for outbuildings or associated infrastructure were found during archaeological test excavation or monitoring.
Does any archaeological evidence exist to suggest use of the site by the nearby Pilot’s Station or later Sergeant’s Quarters?	No evidence was found during archaeological test excavation or monitoring to suggest use of the site by the nearby Pilot’s Station or later Sergeant’s Quarters.
Test Trench 1 and 2 presented no evidence for the c.1826 kitchen structure. Has any evidence been found to indicate its location (cuts, fills etc.)?	No further evidence was found during archaeological monitoring. The intact natural soil profiles in 15 Clarence Street suggests that if this area was once part of the c.1826 kitchen, there should have been evidence in the soil profile. It is therefore concluded that the kitchen was never constructed within the study site but was more likely located on the neighbouring property.
A channel cut [208] for a possible agricultural drain was found within Test Trench 2. Does this cut continue west? Can any more information be found to indicate its function?	No further evidence of this feature was found during archaeological monitoring.
A large fragment of a possible convict brick was found pressed into the	No evidence was found during the archaeological monitoring of this area to suggest that the site was ever occupied during the 19 th century.

natural topsoil layer in Test Trench 3 (east side) as well as a single posthole. Does any other evidence exist in the northeast corner of the site to suggest use of the site during the 19th century?

Original subdivision of Port Macquarie and private ownership: c.1840 – c.1936

Following the overall decline in government presence in Port Macquarie, demolition and removal of the Clergyman's House and government gardens, the site was subdivided and advertised for private sale. The study site forms part of three original allotments (1-3 in Section 2A), of which no development phases are known to have occurred during the nineteenth and early twentieth centuries.

Question	Response
Does evidence for nineteenth or early twentieth century activities predating the present structures exist, and if so what is the date, nature and significance of the evidence?	No evidence for nineteenth or early twentieth century activities predating the present structures were identified during archaeological test excavation or monitoring. A channel cut [208] possibly forming an agricultural drain was identified within Test Trench 2 (see above response), however, it is not possible to apply an absolute date to this feature. Historical photographs dating to the early twentieth century imply that the land was being used as agricultural paddocks by neighbouring properties.

Re-subdivision and development of the study site: c.1936 – present

The re-subdivision of the wider study site into its present formation (Lots 1-3 DP18834) saw the construction of apartment buildings on each lot during the mid-twentieth century.

Question	Response
Site inspection indicates that cut and levelling processes during construction have occurred in particular for the dwellings fronting 17 and 19 Clarence Street. To what extent has this process affected any earlier remains?	Excavation of Test Trench 2 and archaeological monitoring indicated that the southern frontage of the study site has been significantly built up with imported fills prior to the cut and levelling processes which were visible across 15-19 Clarence Street during site inspection. More than 1.5 metres of imported fill ([203], [204], [205], [206]) was visible in profile across the south section of Test Trench 2 (also identified during monitoring). The general matrix of the fills was consistent with the Thrumster soil landscape (reddish-brown loamy clay) therefore certainly not forming redeposited natural from the study site, but rather likely imported from a nearby source. The initial observation from site inspection that the building at 15 Clarence Street mostly respects the natural slope of the land is incorrect as the slope itself is artificial. While no structural remains predating the mid-twentieth century development were identified during test excavation, it can be suggested that the amount

	of imported fill along the southern front of the site would preserve any early remains rather than disturb them. The fact that no remains were found during archaeological monitoring of this area suggests that the site remained unoccupied during the 19 th century and early 20 th century.
Have modern services for the present dwellings affected any earlier remains?	Modern services were found within three of the four test trenches and along the north of the monitoring area. This included cuts for service trenches covered with rubble as fill (Test Trench 3 and 4), as well as ceramic service pipes sitting beneath modern concrete slabs (Test Trench 1) and services cut into the natural profile (service trenches [510], [523], [512] and [514] observed during archaeological monitoring). The ceramic pipe partially truncated the cuts for two wooden posts [111] and [114] in Test Trench 1, however, these posts were also of twentieth century construction. The modern services were predominantly orientated north-south, heading towards the main connection line along the northern boundary of the site. As no earlier remains were found on site, these services have not impacted earlier remains.
What is the depth of the timber sump? Has it been constructed on top of existing infrastructure (for example, a well or cesspit)?	The full depth of the sump was not able to be ascertained during monitoring due to the high water level within the feature. It is suggested that this sump was constructed to manage the water drainage issues on the site.
Trenches 1, 3 and 4 were disturbed by modern services, in particular across the northern half of the site. Has the southern half of the site been affected to the same extent?	More services were uncovered during archaeological monitoring, however, these were mostly contained within the northern part of the site.

Developing Australia's cultural life – Domestic Life

Question	Response
Are there any features such as rubbish pits or artefact scatters present on the study site which may relate to the use of the c.1826 kitchen structure?	No occupation material, deposits or artefact scatters were found during test excavation or archaeological monitoring dating to the early nineteenth century government occupation phase. No evidence for the c.1826 kitchen structure, or any other early structure, was identified during archaeological investigation. Interpretation of this evidence suggests that the site was not occupied during this period and that the kitchen was in fact located on the neighbouring property 11-13 Clarence Street.
The kitchen in Thomson's 1833 repairs request is described as needing "to	No evidence of the kitchen structure was found during test excavation or archaeological monitoring.

be re-laid with bricks or tiles". Does evidence for two phases of flooring exist? And if so, has this affected the collation of occupation deposits?	
Does any archaeological material in the form of rubbish pits or artefacts exist and can be specifically attributed to either the Clergyman's House, Pilot's Quarter's or Sergeant's Quarters?	No archaeological material relating to the Clergyman's House, Pilot's Quarter's or Sergeant's Quarters was found during test excavation or archaeological monitoring.
Does any occupation material or underfloor deposits exist within the footprint of the c.1826 kitchen structure?	No evidence of the kitchen structure was found during test excavation or archaeological monitoring.
Does any evidence exist to provide specific information demonstrating occupation and use of the study site in relation to the government gardens?	Part of an agricultural drain running east-west was discovered in Trench 2, however, it could not be conclusively linked to the government occupation of the study site. It may also relate to the early twentieth century use of the site by neighbouring properties. No further evidence was identified during archaeological monitoring
Does any occupation material, artefact scatters or rubbish pits exist at the study site?	No such evidence was uncovered during archaeological monitoring.
Based on the lack of early archaeological material found during test excavation, does any material evidence exist to suggest direct occupation of the study site during the nineteenth century?	No evidence has been uncovered during any of the archaeological works at the site to suggest the 19 th century occupation of the site. It is proposed that this was most likely low lying land, unsuitable for construction and possibly prone to inundation and it is for this reason that the site remained undeveloped until the middle of the 20 th century.

5.0 REVISED ASSESSMENT OF SIGNIFICANCE

5.1 METHODOLOGY

The current standard for assessment of significance of heritage items in NSW is the publication 'Assessing Significance for Historical Archaeological Sites and 'Relics' produced by the Heritage Branch of the NSW Department of Planning (December 2009). This production is an update to the NSW Heritage Manual (1996), and the criteria detailed therein are a revised version of those of the Australia ICOMOS Burra Charter, formulated in 1979, which was based largely on the Venice Charter (for International Heritage) of 1966.

Archaeological heritage significance can also be viewed in light of the framework set out by Bickford and Sullivan in 1984.⁵⁰ Bickford and Sullivan, taking into consideration the "archaeological, scientific or research significance" of a site posed three questions in order to identify significance:

1. Can the site contribute knowledge which no other resource can?
2. Can the site contribute knowledge which no other site can?
3. Is this knowledge relevant to general questions about human history or other substantive problems relating to Australian history, or does it contribute to other major research questions?⁵¹

These questions have been broadly used to shape the response to the heritage significance criteria as described in Sections 5.2 and 5.3.

The criteria and the definitions provided by 'Assessing Significance for Historical Archaeological Sites and 'Relics' have been adhered to in assessing the cultural significance of the potential archaeological site at 15-19 Clarence Street, Port Macquarie. An assessment of significance, under each of the criteria, is made possible by an analysis of the broad body of archaeological sites previously excavated both locally and elsewhere, in conjunction with the historical overview of the study site in particular.

The Criteria used to assess Heritage Significance in NSW are the following:

Table 5.1 Criteria for Assessing Heritage in NSW

Criterion	Description	Significance
Criterion A	An item is important in the course, or pattern, of NSW's or the local area's cultural or natural history	State significant or locally significant
Criterion B	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's or a local area's cultural or natural history	State significant or locally significant
Criterion C	An item is important in demonstrating aesthetic characteristics and/or a high	State significant or locally significant

⁵⁰ Bickford and Sullivan (1984).

⁵¹ Bickford and Sullivan (1984), p.23-4.

	degree of creative or technical achievement in NSW or the local area	
Criterion D	An item has strong or special association with a particular community or cultural group in NSW or a local area for social, cultural or spiritual reasons	State significant or locally significant
Criterion E	An item has potential to yield information that will contribute to an understanding of NSW's or a local area's cultural or natural history	State significant or locally significant
Criterion F	An item possesses uncommon, rare or endangered aspects of NSW's or a local area's cultural or natural history	State significant or locally significant
Criterion G	An item is important in demonstrating the principal characteristics of a class of NSW's or a local area's <ul style="list-style-type: none"> - cultural or natural places; or - cultural or natural environments 	State significant or locally significant

The following assessment deals only with sub-surface archaeological features and deposits. The built environment is not considered in this study.

5.2 IDENTIFICATION OF SIGNIFICANCE

Archaeological Research Potential (NSW Heritage Criterion E)

The study site is located within the earliest developed part of the town of Port Macquarie. The site is within close proximity to three c. 1820s residences: the c. 1824 Surgeon's Quarters (later Clergyman's House) to the west its c. 1826 kitchen, which may be within the study site, and the c. 1824 Pilot's Quarters (later Sergeant's Quarters) to the north. In addition to the kitchen structure, the study site was close enough to the Clergyman's House and Sergeant's Quarters to have formed a part of their immediate curtilage from approximately the 1820s to the 1850s. Based on this historical data, it was anticipated that the study site would contain the mixed remains of two phases of domestic occupation; the first related to the Surgeon's Quarters/Clergyman's House and kitchen (c.1824 to c.1840) and the second related to the Sergeant's Quarters (c.1840 to 1850s) once the Clergyman's House and kitchen was demolished.

However, test excavation and archaeological monitoring have found no evidence of the 19th century occupation of this area. The intact natural soil profiles within the study site, without evidence of 19th century occupation, suggests that the site remained vacant throughout the early township of Port Macquarie and remained unoccupied until the early to mid 20th century. Therefore, the c.1826 kitchen associated with the Clergyman's House must have been constructed on the neighbouring allotment and not within the study site.

Based on the results of archaeological test excavation and monitoring, the study site was found to have no archaeological research potential and therefore is not considered significant according to this criterion.

Associations with individuals, events or groups of historical importance (NSW Heritage Criteria A, B and D)

In terms of Criterion D, the study site is not widely recognised nor does it have symbolic value or belong to a community of interest which values the site specifically, therefore is not considered significant according to that criterion.

Criterion B is relevant to an appreciation of the site's significance as it is associated with the occupation of Reverend John Cross and his family between c.1827 to c.1837. The site is considered potentially locally significant for this association. Test excavation and archaeological monitoring did not reveal any material evidence for this early occupation period, nor specifically associated with Reverend John Cross.

Aesthetic or technical significance (NSW Heritage Criterion C)

The study site is not considered significant according to this criterion.

Ability to demonstrate the past through archaeological remains (NSW Heritage Criteria A, C, F & G)

Historical research demonstrates a period of occupation on and immediately surrounding the study site between c.1824 and the 1850s, however, no evidence of this period was identified from the archaeological works at the site. It is suggested that the site was largely unoccupied during the 19th century and therefore no archaeological remains exist within the site to attribute significance according to Criteria A, C, F and G.

5.3 STATEMENT OF CULTURAL SIGNIFICANCE

The study site was initially assessed as having potential to hold a state level of cultural heritage significance for its association with the earliest phase of settlement and development at Port Macquarie during the 1820s, however, no evidence was found during archaeological testing or monitoring of this phase of occupation. The presence of intact natural soil profiles within the site suggests that the site was not disturbed or truncated, indicating that archaeological remains and deposits were never created within the study site. The archaeological evidence suggests that the study site is situated on low lying land, most likely prone to inundation, and therefore was not suitable for early development. In this way, no evidence was found of the c. 1826 kitchen associated with the Clergyman's House and it is suggested that the building must have been located on the neighbouring property. As there is no potential for archaeological evidence on the site predating the construction of the 1930s and 1940s apartment blocks, the site is assessed as having no significant archaeological remains. In this way, the study site is not considered culturally significant in terms of archaeological remains.

6.0 RESULTS AND RECOMMENDATIONS

6.1 RESULTS

No relics were uncovered during archaeological monitoring of the eastern portion of the site, 15 Clarence Street, and these results confirm the analysis of data collected during Test Excavation. Only the concrete foundations of the previous 1930s apartment block were uncovered as well as a series of 20th century services. These features were all cut into the natural topsoil. It is clear that the natural soil profile remains intact on the site and has not been truncated by later development. This assertion is consistent with the conclusion that the site remained undeveloped and unoccupied during the 19th century. No evidence was found of the kitchen associated with the c.1826 Clergyman's House and it is suggested that this building must have been contained by the neighbouring allotment. For this reason, the archaeological potential for the site is reassessed as nil.

6.2 RECOMMENDATIONS

As no archaeological relics have been identified on the site and it has been determined that it is unlikely that the site was occupied at all prior to the 1930s, no further archaeological works are recommended for the site.

It is recommended that this current report be submitted to the Heritage Division in fulfilment of Conditions 17 and 18 of Permit 2016/S140/01.

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8.0 APPENDICES

8.1 HERITAGE DIVISION EXCAVATION PERMIT 2016/S140/01

		3 Marist Place Parramatta NSW 2150 Locked Bag 5020 Parramatta NSW 2124 DX 8225 PARRAMATTA Telephone: 61 2 9873 8500 Facsimile: 61 2 9873 8599 heritage@heritage.nsw.gov.au www.heritage.nsw.gov.au
Mr Blake Cannavo Managing Director Bamford Engineering & Consulting Pty Ltd 10/6-14 Clarence Street PORT MACQUARIE NSW 2444		File: EF14/21684 Our ref: DOC15/528598

Dear Mr Cannavo

Re: Excavation Permit – S140 for monitoring and salvage of locally significant relics at 15-19 Clarence Street, Port Macquarie.

Reference is made to your application under Section 140 of the *Heritage Act* 1977 (the Act), to undertake archaeological work at the above property (Application number 2016/S140/01).

Under delegated authority approval is given for the S140 application for an archaeological excavation permit. Please note this permit is subject to the conditions attached. Acceptance of these statutory conditions by the Applicant and Excavation Director is a requirement of this permit. It should be noted that as the Applicant, this Approval (and the fulfilment of all subsequent conditions) rests with you and not the Land which is the subject of the works.

You are reminded that it is a condition of this permit that the Applicant is responsible for the safe keeping of artefacts recovered from this site. You are required to nominate a repository for archaeologically excavated material, as well as referencing the final location in the excavation report as per section 146(b) of the Act. This is to enable a record to be kept of the location of all archaeologically excavated material.

It should be noted that an approval for an archaeological permit under the Act covers only those archaeological works described in the application. Any additional archaeological investigations will require a further approval. It should also be noted that an approval for an archaeological permit under the Act is additional to those which may be required from other local, State or Commonwealth Government authorities. Inquiries about any other approvals needed should, in the first instance, be directed to the local council, State and Commonwealth Government where appropriate.

You are also requested to provide the following information:

- (1) The estimated total cost of the archaeological investigations (both in the field and laboratory), including GST;
- (2) The estimated total cost of the development/redevelopment, including GST;
- (3) Whether this project creates new long term jobs (for example through providing a new service or facility);
- (4) If this project creates new long term jobs, how many? and
- (5) How many construction and professional workers will be engaged on this project during the life of the project?

This information will help the Heritage Council of NSW determine the economic role of heritage in development in NSW and should be submitted to the Director of the Heritage Division within one (1) month of the completion of the field excavation programme. This information should be updated at the

Archaeological Management & Consulting Group
August 2018

end of the project and updated figures should be submitted with the Final Excavation Report to the Heritage Council for approval within one (1) year of the completion of the field excavation programme.

This permit, issued by the Heritage Council of NSW, does not give approval to harm Aboriginal objects. Aboriginal objects and Aboriginal places in NSW are protected under the *National Parks and Wildlife Act 1974* (NPW Act). It is an offence to do any of the following without an exemption or defence (penalties apply):

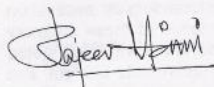
- knowingly harm or desecrate an Aboriginal object (the 'knowing' offence)
- harm or desecrate an Aboriginal object or Aboriginal place (the 'strict liability' offence)

The NPW Act provides a number of exemptions and defences to these offences and also excludes certain acts and omissions from the definition of harm. For more information about the regulation of Aboriginal cultural heritage, go to the OEHL website:
<http://www.environment.nsw.gov.au/licences/achregulation.htm>

This permit is issued to the applicant on the condition that the nominated Excavation Director is present at the site supervising all archaeological fieldwork activity likely to expose significant relics. Permits are not transferable without the written consent of the Heritage Council of New South Wales. Your attention is drawn to the right of appeal against these conditions in accordance with section 142 of the *Heritage Act, 1977*.

Inquiries on this matter may be directed to Katrina Stankowski on 9873 8569 or via email at Katrina.Stankowski@environment.nsw.gov.au.

Yours sincerely



Rajeev Maini
A/Manager Conservation
Heritage Division
Office of Environment and Heritage
As Delegate of the Heritage Council of NSW

DATE: 15 January 2016

Enclosure: Approval Conditions for S140 Permit

CC: The Chief Executive Officer, Port Macquarie-Hastings Council, PO Box 84, Port Macquarie NSW 2444
Martin Carney & Ivana Vetta, AMAC Archaeological, 122C Percival Road, Stanmore, NSW, 2048.

15-19 Clarence Street, Port Macquarie
Conditions of Approval 2016/S140/01

Approved Archaeological Works

01. All works shall be in accordance with the approved research design and methodology outlined in 'Interim Archaeological Test Excavation Report: Permit Application S140 Heritage Act NSW – 1977 – Research Design & Excavation Methodology: 15-19 Clarence Street, Port Macquarie' by AMAC Archaeological, dated November 2015,

except as amended by the following conditions:

02. This permit covers the removal of locally significant archaeology, only.
03. This archaeological approval is valid for five (5) years from the date of approval. Requests for extensions beyond this time must be made in writing prior to expiry of the permit.

Fieldwork

04. The Heritage Council of NSW or its delegate must be informed of the commencement and completion of the archaeological program at least 5 days prior to the commencement and within 5 days of the completion of work on site. The Heritage Council and staff of the Heritage Division, Office of Environment & Heritage authorised under section 148(1) of the *Heritage Act, 1977*, reserve the right to inspect the site and records at all times and to access any relics recovered from the site.
05. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in 'Interim Archaeological Test Excavation Report: Permit Application S140 Heritage Act NSW – 1977 – Research Design & Excavation Methodology: 15-19 Clarence Street, Port Macquarie' by AMAC Archaeological, dated November 2015, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
06. Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage (Enviroline 131 555) is to be notified in accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment & Heritage.
07. The Heritage Council of NSW must approve any substantial deviations from the approved research design outlined in 'Interim Archaeological Test Excavation Report: Permit Application S140 Heritage Act NSW – 1977 – Research Design & Excavation Methodology: 15-19 Clarence Street, Port Macquarie' by AMAC Archaeological, dated November 2015, including extent and techniques of excavations, as an application for the variation or revocation of a permit under section 144 of the *Heritage Act, 1977*.
08. The Applicant must ensure that the approved Primary and Secondary Excavation Directors nominated in the section 140 application 2016/S140/01, Martin Carney and Ivana Vetta, are present at the site supervising all archaeological fieldwork activity likely to expose significant relics.
09. The Applicant must ensure that the approved Primary and Secondary Excavation Directors nominated in the section 140 application 2016/S140/01, Martin Carney and Ivana Vetta, take adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with relevant Heritage Council guidelines.
10. The Applicant must ensure that the nominated Excavation Director briefs all personnel involved in the project about the requirements of the NSW *Heritage Act, 1977* in relation to the proposed archaeological program. This briefing should be undertaken prior to the commencement of on-site excavation works.
11. The Applicant must ensure that the nominated Excavation Director and the excavation team is given adequate resources to allow full and detailed recording to be undertaken to the satisfaction of the Heritage Council.

12. The Applicant must ensure that the site under archaeological investigation is made secure and that the unexcavated artefacts, structures and features are not subject to deterioration, damage, destruction or theft during fieldwork.

13. The Applicant is responsible for the safe-keeping of all relics recovered from the site.

Analysis and Reporting

14. The Applicant must ensure that the approved Primary Excavation Director or an appropriate specialist, cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.

15. The Applicant must ensure that a summary of the results of the field work, up to 500 words in length, prepared by the approved Primary and Secondary Excavation Directors nominated in the section 140 application 2016/S140/01, Martin Carney and Ivana Vetta, are submitted to the Heritage Council of NSW for approval within one (1) month of completion of archaeological field work. This information is required in accordance with section 146(b) of the *Heritage Act, 1977*.

16. The Applicant must ensure that a final excavation report is written by the approved Primary and Secondary Excavation Directors nominated in the section 140 application 2016/S140/01, Martin Carney and Ivana Vetta, to publication standard, within one (1) year of the completion of the field based archaeological activity unless an extension of time or other variation is approved by the Heritage Council of NSW in accordance with section 144 of the *Heritage Act, 1977*.

17. The Applicant must ensure that one (1) electronic copy of the final excavation report is submitted on CD to the Heritage Council of NSW together with two (2) printed copies of the final excavation report. These reports are required in accordance with section 146(b) of the *Heritage Act, 1977*. The Applicant must also ensure that further copies are lodged with the local library and/or another appropriate local repository in the area in which the site is located. It is also required that all digital resources (including reports, context and artefact data, scanned field notes, other datasets and documentation) should be lodged with a sustainable, online and open-access repository.

18. The Applicant must ensure that the information presented in a final excavation report includes the following:
 - a/. An executive summary of the archaeological programme;
 - b/. Due credit to the client paying for the excavation, on the title page;
 - c/. An accurate site location and site plan (with scale and north arrow) and including geo-reference data;
 - d/. Historical research, references, and bibliography;
 - e/. Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
 - f/. Nominated repository for the items;
 - g/. Detailed response to research questions (at minimum those stated in the Heritage Council approved Research Design);
 - h/. Conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance; statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the early Port Macquarie housing sites; recommendations for the future management of the site and how much of the site remains undisturbed;
 - i/. Details of how this information about this excavation has been publicly disseminated (for example, provide details about Public Open Days and include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the site).

Compliance

19. Officers of the Office of Environment and Heritage, Heritage Division are to be permitted entry to the site at any time as a condition of this approval.
20. Officers of the Office of Environment and Heritage, Heritage Division may photograph, take samples or request records in relation to any aspects of the approved activity.



Traffic Impact Assessment

Proposed Mixed Use - Motel and Commercial

At 15, 17 & 19 Clarence Street, Port Macquarie

On behalf of Bamford Engineering and Consulting Pty Ltd





About TTM

For 30 years, we've been at the centre of the Australian development and infrastructure industry. Our unique combination of acoustics, data, traffic and waste services is fundamental to the success of any architectural or development project.

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Acoustics



Data



Traffic



Waste

Revision Record

No.	Author	Reviewed/Approved	Description	Date
1.	B. Baker	R. Jones	DA Report	26/07/18
2.	B. Baker	R. Jones	TIA Report	09/08/18
3.				
4.				
5.				



Contents

1	Introduction.....	5
1.1	Background	5
1.2	Scope.....	5
1.3	Site Location	6
1.4	Development Profile	7
1.5	Access.....	8
1.6	Parking.....	8
2	Existing Transport Infrastructure	9
2.1	The Road Network.....	9
2.2	Road Planning.....	9
2.3	Public Transport and Pedestrian Facilities.....	9
2.4	On-Street Parking	10
3	Car Parking Arrangements	11
3.1	Council Parking Supply Requirement	11
3.2	People with Disability (PWD).....	11
3.3	Car Park Layout	12
3.3.1	Tandem Bays	13
3.3.2	Staff Bays.....	13
3.3.3	Drop-off / Set-down Area.....	13
3.3.4	Car Parking Allocation	14
3.3.5	Car Parking Provision – Dual Occupancy Sensitivity Assessment	15
3.3.6	Ground Floor – Car Parking Space 17	16
3.3.7	Ramp Design.....	16
3.3.8	On-Street Parking	16
4	Traffic Operations.....	17
4.1	Existing Site Traffic	17
4.2	Estimated Development Traffic Generation.....	17
5	Site Access Arrangements.....	18
5.1	Proposed Access Arrangements and Their Adequacy	18
5.1.1	Driveway Design	18



5.1.2	Sight Distance	19
5.1.3	Pedestrian Sight Lines	19
5.1.4	Queuing	20
6	Service Vehicle Arrangements	21
6.1	Council Requirements	21
6.2	Proposed Service Vehicle Arrangements and Their Adequacy	21
6.3	Refuse Collection Servicing Arrangements	22
7	Active Transport	23
7.1	Pedestrian Access	23
7.2	Cyclist Requirements	23
7.3	Public Transport Requirements	23
8	Summary and Conclusions	24
8.1	Development Summary	24
8.2	Car Parking Arrangements	24
8.3	Impact on Surrounding Road Network	24
8.4	Service Vehicle Arrangements	24
8.5	Active Transport Facilities	24
8.6	Conclusion	24
Appendix A	Proposed Site Plan	25
Appendix B	Service Vehicle Swept Paths	26

Table Index

Table 1.1: Proposed land uses	7
Table 2.1: Local Road Hierarchy	9
Table 3.1: Parking Supply Requirement	11
Table 3.2: Parking Design Requirements	12
Table 4.1: Daily Trip Generation	17
Table 5.1: Typical Driveway Requirements for the Clarence Street Access	18
Table 6.1: Minimum Service Vehicle Requirements	21



Figure Index

Figure 1.1: Site location 6

Figure 1.2: Site area 7

Figure 3.1: Drop-off / Set-down Area..... 13

Figure 3.2: Drop-off / Set-down Area Turnaround..... 14

Figure 3.3: Clarence Street On-Street Parking 16

Figure 5.1: Driveway Design..... 19

Figure 5.2: Standard Body Ellipse..... 20

Figure 6.1: VAN Swept Path 22

Figure 6.2: Refuse Storage Rooms 22



1 Introduction

1.1 Background

TTM Consulting has been engaged by Bamford Engineering and Consulting Pty Ltd to prepare a traffic engineering report investigating a proposed motel development.

1.2 Scope

This report investigates the transport aspects associated with the proposed development. The scope of the transport aspects investigated includes:

- Parking supply required to cater for development demand
- Parking layout to provide efficient and safe internal manoeuvring
- Identification of likely traffic volumes and traffic distribution from the future development
- Qualitatively discuss the likely traffic impact of development on the public road network
- Access configuration to provide efficient and safe manoeuvring between the site and the public road network
- Internal road layout to provide efficient and safe internal manoeuvring for service vehicles
- Suitability of access and internal facilities to provide for pedestrian and cyclist operation
- Access to suitable level of public transport

To assess the proposed transport arrangements, the development plans have been assessed against the following guidelines and planning documents:

- Port Macquarie-Hastings Local Environmental Plan 2011
- Port Macquarie-Hastings Development Control Plan, specifically:
 - Transport, Traffic Management, Access and Car Parking
- Australian Standard 2890
- Austroads guidelines
- Building Code of Australia



1.3 Site Location

The site is located at 15, 17 & 19 Clarence Street, Port Macquarie NSW 2444, near the intersection of Clarence Street and Murray Street, as shown in Figure 1.1. The property description is Lot 123 on RP1219042. The site has road frontage to Clarence Street. The site used to be occupied by 3 detached dwellings. It is understood that the former detached dwellings have been demolished and flattening earthworks has been undertaken. Access to the site is currently via a 6.5m wide crossover from Clarence Street. It is understood that access to the site was formerly provided via a residential dwelling driveway and a shared driveway.

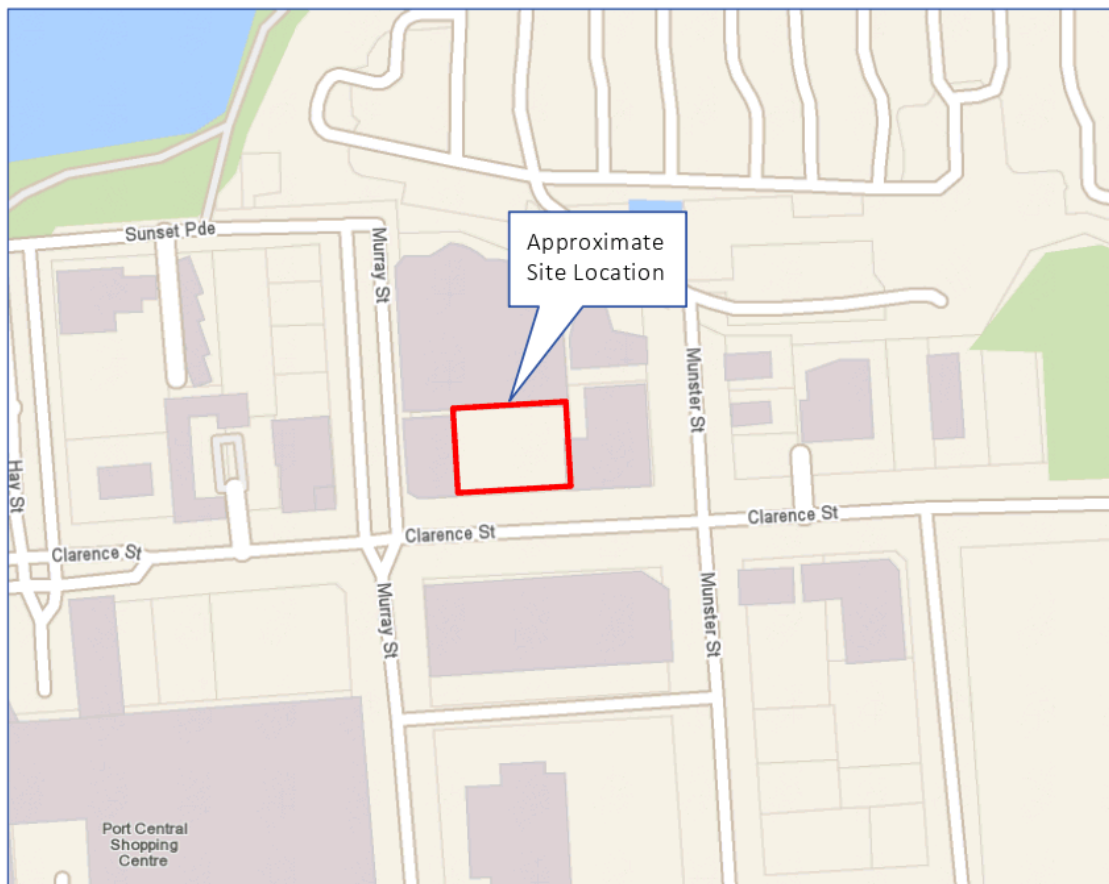


Figure 1.1: Site location



Figure 1.2: Site area

1.4 Development Profile

The proposed land uses for this development are summarised in Table 1.1.

Table 1.1: Proposed land uses

Use	Area/Qty
Tenancy 1 – Commercial	
– Tenancy	141.6 m ²
– Toilets	10.8 m ²
– External Terrace	53.7 m ²
Tenancy 2 – Motel	
– Rooms	47 Units
– Administration	201.4 m ²
– Service Areas	63.8 m ²
– Gym, BBQ, Amenities	246.7 m ²

Site: 17 Clarence Street, Port Macquarie - Motel
Reference: 18GCT0166

7



1.5 Access

The development plan includes the following access arrangements:

- Clarence Street Access located at the southern side of the subject site. The characteristics of this access include:
 - Category 2 driveway access
 - 6.0m wide at the property boundary
 - Priority control
 - All turns permitted

1.6 Parking

The development proposal includes the following car parking supply:

- 64 car parking spaces, which are located in the basement levels and on the ground level including:
 - 1 PWD bay and associated shared bay
 - 11 staff parking bays
 - 2 pairs of tandem bays
 - 48 general parking bays
- 2 vehicular drop-off / check-in bays



2 Existing Transport Infrastructure

2.1 The Road Network

The majority of roads in the immediate vicinity of the site are administered by the Port Macquarie-Hastings Council. The hierarchy and characteristics of roads in the vicinity of the site are shown in Table 2.1.

Table 2.1: Local Road Hierarchy

Road	Speed Limit	Lanes	Classification	Road Authority
Clarence Street	50kph	2 (divided, plus on-street parking)	Local Road	Council
Murray Street	50kph	2 (undivided plus on-street parking)	Local Road	Council
Munster Street	50kph	2 (undivided plus on-street)	Local Road	Council

Clarence Street has a 22.7m wide carriageway at the site frontage. The intersection of Clarence Street and Murray Street is a priority controlled 4-way intersection.

2.2 Road Planning

Council / RMS did not specify any other works in the vicinity of the site which will impact upon or be impacted by the proposed development.

A standard condition of approval will be the construction/repair and reinstatement of pedestrian footpaths across the frontage of the site subsequent to construction activity on the site.

2.3 Public Transport and Pedestrian Facilities

Buses

There is a bus stop located on Munster Street, approximately 350m to the south of the site. The bus stop provides regular services to the surrounding residential areas, shopping centres and town centre. The bus stop services the 324, 327, 329, 334 and 334K bus routes. These bus routes are operated by Transport NSW.

There is also a bus stop located on Hayward Street, approximately 850m walking distance from the site. This bus stop provided regular services to the Port Macquarie Airport (along the 340 and 341 routes). It also provides connection to the Munster Street stop discussed above, as it services the 5 bus services outlined above.

Pedestrians

Formal pedestrian footpaths are located on both sides of Clarence Street.

Cyclists

There are no dedicated on-street cyclist facilities.



2.4 On-Street Parking

Clarence Street and the site is located within the Port Macquarie Community Core Zone. On-street parking along the site frontage is limited to two hours between Monday to Friday, 8:30am to 6pm and between 8:30am to 12:30pm on Saturdays. There are angled and parallel parking on both sides of Clarence Street and a perpendicular parking aisle forms part of the central median on Clarence Street, as shown in Figure 1.2.



3 Car Parking Arrangements

3.1 Council Parking Supply Requirement

Council's Development Control Plan's (DCP) minimum parking requirements for a Restaurant/Food premises and Serviced Apartment/Motel type developments, are outlined in Table 3.1.

Table 3.1: Parking Supply Requirement

Land Use	Council Requirement	Extent	Requirement	Provision
Tenancy 1 – Commercial – Restaurant / Food Premises	1 per 30m ² serviced floor area (in commercial zones)	195.3m ²	6.5	64 Bays + 2 check-in / drop-off bays
Tenancy 2 – Motel – Serviced Apartment / Motel	1.1 per unit + 1 per 2 employees (on-site at any one time) + 1 for on-site manager	47 units 6 employees On-site manager	51.7 3 1	
Total			62.2	

The development is proposing to provide 64 parking spaces, which consists of 11 staff bays (for both tenancies), 2 pairs of tandem bays, 1 PWD bay with associated shared bay and 48 general bays.

The total parking provision exceeds the parking requirement outlined within Council's DCP. TTM understands that the allocation of spaces is not strictly in accordance with Council's requirements. However, TTM considers the proposed provision and allocation to be suitable for the development and is discussed below in Section 3.3.4.

TTM consider this to be adequate to service the developments demands as the development is within the Port Macquarie Commercial Centre, which would have high pedestrian traffic and has a large amount of on-street public parking.

3.2 People with Disability (PWD)

The Building Code of Australia (BCA) outlines the requirements for parking for people with a disability (PWD). The development, with motel/serviced apartment and food tenancy uses, is not required to provide any PWD spaces for motel/services apartment uses and would be required to provide PWD parking spaces at a rate of 1 space per 50 car parking spaces for the food tenancy uses.

It is proposal incorporates 1 PWD space with associated shared space. TTM expects this to be sufficient to cater for the requirements of the proposed development.



3.3 Car Park Layout

Table 3.2 identifies the characteristics of the proposed parking area with respect to the Council requirements. The last column identifies the compliance of each design aspect. Where compliance with Council is not achieved, further information is provided below.

Table 3.2: Parking Design Requirements

Design Aspect	Minimum AS2890.1 Standard	Proposed Provision	Compliance
Parking space length: <ul style="list-style-type: none"> General Bay Staff Bay Tandem Bay PWD Bay / Shared Area 	5.4m 5.4m 10.8m 5.4m	5.4m 5.4m 10.8m 5.4m	Compliant Compliant Compliant Compliant
Parking space width: <ul style="list-style-type: none"> General Bay Staff Bay Tandem Bay PWD Bay / Shared Area 	2.5m 2.4m 2.4m 2.4m	2.5m 2.4m 2.5m 2.5m	Compliant Compliant Compliant Compliant
Aisle Width: <ul style="list-style-type: none"> Parking Aisle Circulation Aisle/Ramp 	5.8m 6.1m	5.8m minimum 6.1m	Compliant Compliant
Parking envelope clearance - Column intrusion	0.25m into bay within 0.3m & 0.2m into bay within 1.2m of front of bay	No intrusion	Compliant
Parking envelope clearance - Column adjacent to bay	Located between 0.75m and 1.75m of aisle	Located between 0.75m and 1.75m of aisle	Compliant
Parking envelope clearance – space adjacent to wall	Space 0.3m clear of wall	Space 0.3m clear of wall	Compliant
Maximum Gradient: <ul style="list-style-type: none"> Parking Bay Parking Aisle Ramp PWD Bay 	1:20 (5.0%) 1:16 (6.25%) 1:5 (20%) 1:40 (2.5%)	1:20 (5.0%) 1:20 (5.0%) 1:5 (20%) 1:40 (2.5%)	Compliant
Maximum Change in Grade	1:8 (12.5%) summit 1:6.67 (15.0%) sag	1:8 (12.5%) summit 1:6.67 (15.0%) sag	Compliant
Height Clearance <ul style="list-style-type: none"> General Min. Absolute Min. 	2.2m NA	2.2m	Compliant
Parking Aisle Extension	1m beyond last bay	1m beyond last bay	Compliant



3.3.1 Tandem Bays

TTM recommends that each of the two pairs of tandem bays be designated to a single serviced apartment. Therefore, there would be a parking provision for effectively 50 spaces, which would equate to parking for 50 apartments (at a rate of 1 space per apartment).

3.3.2 Staff Bays

Car parking spaces 1-11 on the ground floor are to be designated to employees of the motel and commercial uses. These spaces have been designed to be 5.4m long by 2.4m wide, which is in accordance with User Class 1A car parking spaces as per AS2890.1. TTM considers the proposed staff parking arrangement to be suitable for the proposed development.

3.3.3 Drop-off / Set-down Area

TTM understands that access to all of the car park is restricted by a security access door.

The proposal incorporates a drop-off area suitable to accommodate 2 vehicles, as shown in Figure 3.1. This would allow for people to temporarily park, check-in and then drive to their designated parking space.

The drop off area is clear of the access drive and would not impede entering and exiting vehicles.

TTM understands if a vehicle is not provided access beyond the security line, a vehicle would be able to perform a 3-point turn, utilising the drop-off area, and egress the site, as shown in Figure 3.2.

TTM consider this arrangement to be suitable to cater for the proposed development.

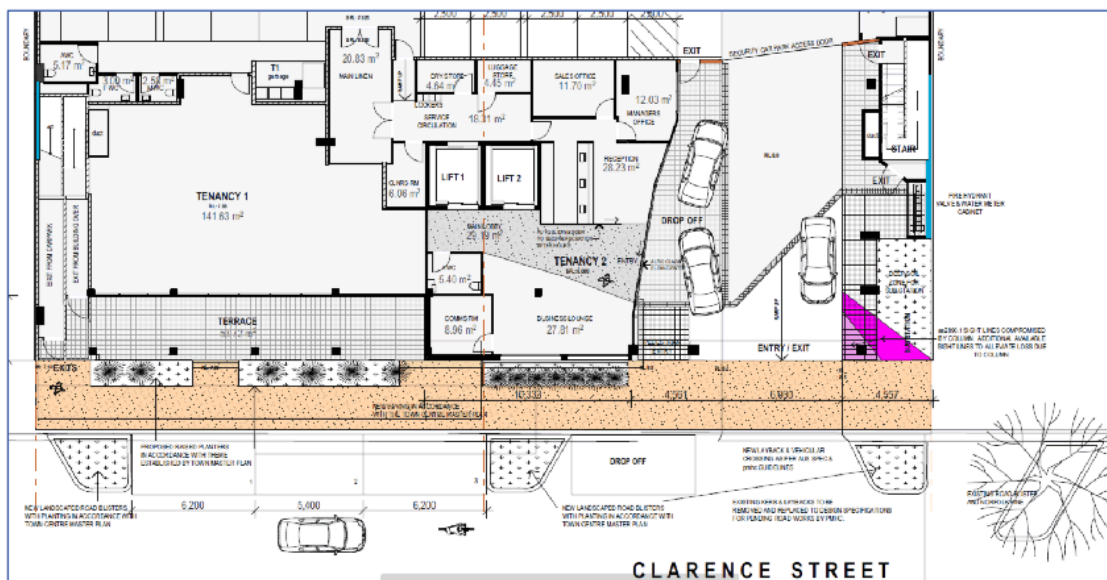


Figure 3.1: Drop-off / Set-down Area

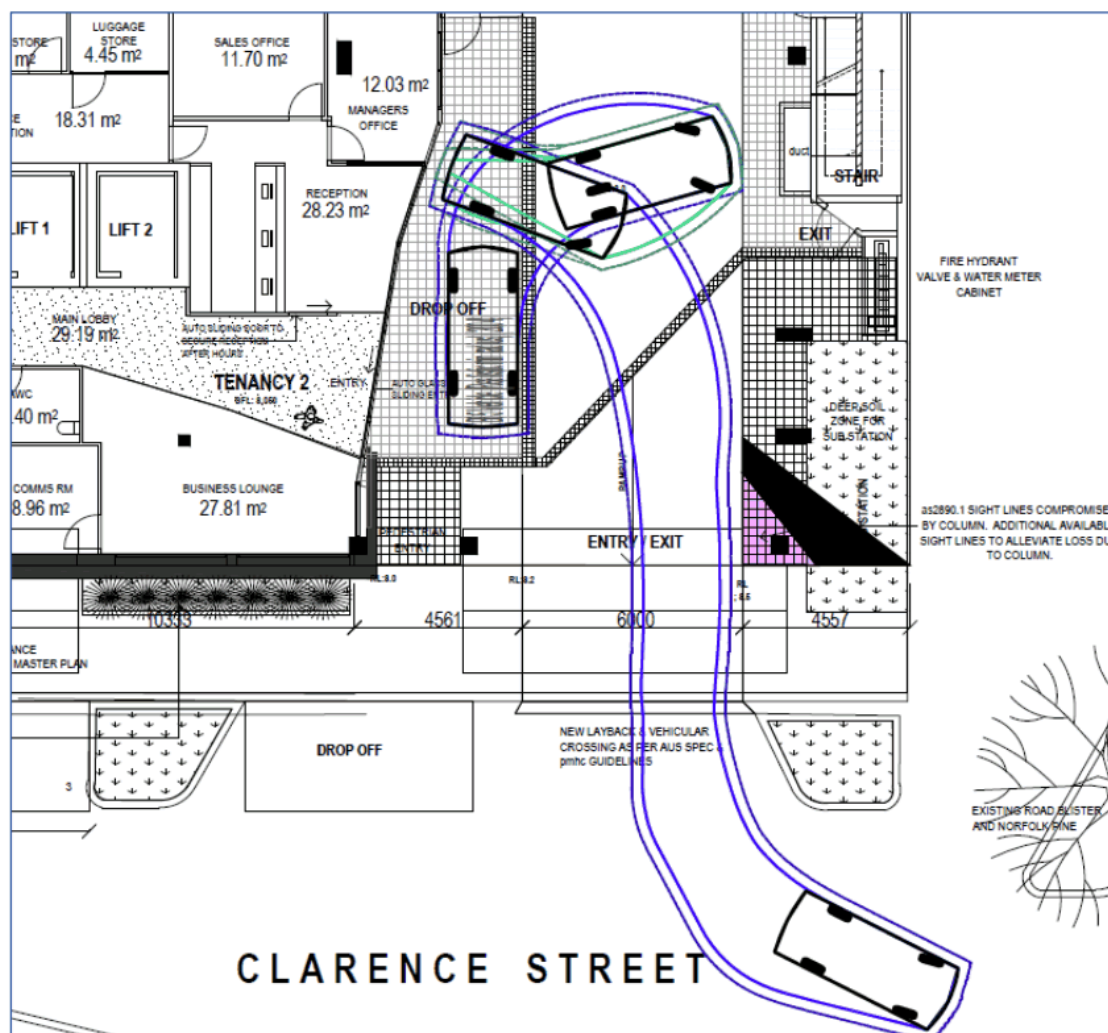


Figure 3.2: Drop-off / Set-down Area Turnaround

3.3.4 Car Parking Allocation

As outlined in Section 3.1, the proposed development would incorporate 64 parking spaces, including:

- 11 staff bays
- 48 general bays
- 1 PWD bay with associated shared bay
- 2 pair for tandem bays (4 spaces in total)



TTM understands that access to the car parking area is restricted to be for staff of the motel and commercial uses and residents of the motel. The staff and resident parking provision exceeds Council's DCP requirements.

TTM understands that the proposal would incorporate no public car parking for the proposed commercial development. TTM considers this to be suitable given the following:

- It is expected that a number of the patrons to the commercial food premises would be from the serviced apartments (ie there would be cross utilisation of within the site).
- On-site parking is provided for employees of the commercial use.
- TTM understands that as the development is within the commercial core, there would be a large cross utilisation of parking throughout the precinct (ie people are likely to drive into town, walk around and go to a number of destinations).
- Coupled with the point above, it is unlikely that the proposed commercial use would be a sole destination for patrons.
- There is ample on-street parking available throughout the Commercial Core precinct.

Based on the above, TTM considers that the proposed parking allocation and provision is suitable to cater for the proposed development. TTM expects that providing no public visitor car parking for the commercial use would not have a significant adverse impact on the local street network.

3.3.5 Car Parking Provision – Dual Occupancy Sensitivity Assessment

TTM understands that a number of the proposed motel units / serviced apartments are dual occupancy (ie one unit with two separate liveable areas and room keys). The development plans indicate that of the 47 units, 32 are dual occupancy. This equates for a potential of 79 separate units.

TTM has estimated the car parking demand for the development based on a yield of 79 units. TTM assumptions are outlined below:

- 80% occupancy (ie design scenario)
- 20% of guests arrive via taxi, ridesharing services, public transport (ie not with a personal / hire vehicle)

Based on the assumptions outlined above, TTM estimates that the car parking demand for the 79 units (residents) would be approximately 50-51 car parking spaces. As outlined in Section 3.3.1, there would be effectively 50 separate spaces available for car parking. Therefore, the proposed car parking capacity is sufficient to cater for the expected daily demand of the proposed development.

TTM understands that during periods of high occupancy (ie peak holiday periods) that the car parking demand may be higher. TTM recommends that a parking booking system be implemented to manage the available car parking spaces.



3.3.6 Ground Floor – Car Parking Space 17

TTM understands that Ground Floor car parking space 17 is 2,700mm wide, which includes a 2,400mm wide space and a 300mm wide wall clearance. TTM understands that this is 100mm narrower than that required by AS2890.1. TTM recommends that this space be designated as a small car bay (ie 5,000mm long by 2,300mm wide).

3.3.7 Ramp Design

TTM understands that the ramp has not been designed in detail at this stage. TTM undertaken a preliminary assessment of the ramp design (ie length, grades, transitions etc) and confirms that there is sufficient ramp length available for suitable transitions and grades to achieve the proposed Reduced Level.

3.3.8 On-Street Parking

TTM understands that Clarence Street currently incorporates indented angled parking, parallel parking and parking between the eastbound and westbound carriageways. Along the westbound carriageway there are currently 2 parallel parking bays and 3 indented angled parking spaces, as shown in Figure 3.3.



Figure 3.3: Clarence Street On-Street Parking

The proposed development would allow for 4 parallel parking bays and landscaping road blisters in accordance with the Town Centre Master Plan.

TTM understands that the proposal would reduce the on-street parking capacity by one car parking space. TTM considers this to be appropriate as the development incorporates 3 landscaped kerb blisters along Clarence Street, which are in accordance with the Town Centre Master Plan.



4 Traffic Operations

4.1 Existing Site Traffic

The existing site used to consist of 3 residential detached dwellings. For the purposes of the Impact Assessment, it has been assumed that the existing site traffic is negligible.

4.2 Estimated Development Traffic Generation

The Roads and Maritime Services (RMS, formerly RTA) 'Guide to Traffic Generating Development' recommends using specific generation rates, for planning purposes, for different development types. Application of these rates to the proposed development, results in the estimate of development site traffic generation, as shown in Table 4.1.

Based on industry practice, TTM has assumed that the peak hour trip generation rate would be 10% of the daily rate.

Table 4.1: Daily Trip Generation

Land Use	RTA Rate	Extent	Trip Generation – Daily Rate	Peak Hour Rate
Motel	3 trips per unit	47 Units	141	14.1
Restaurants	60 trips per 100m ²	205.3m ²	123	12.3
Total			264	27

From Table 4.1, it is expected that the development would generate approximately 264 daily trips and 27 trips during the peak hour periods.

TTM expects that the motel and restaurant uses would generate traffic with a 50 : 50 in : out split. Therefore, this would equate to a peak hour traffic generation of approximately 14 vehicles in and 14 vehicles out.

The expected development traffic volumes equate to an increase of one car every two minutes entering and exiting the development during the peak hour periods. This level of traffic generation is not expected to have a significant impact on the operations of the local road network.



5 Site Access Arrangements

The proposed Clarence Street access driveway requirements are specified in Table 5.1.

Table 5.1: Typical Driveway Requirements for the Clarence Street Access

Design Aspect	AS2890.1 Requirement	Proposed Provision	Compliance
Distance from a minor intersection	6m (min) from tangent point.	50m	Compliant
Distance from another driveway	3m (min)	40m	Compliant
Sight Distance	60km/h - Desirable 83m, minimum 65m	Clear sight distance to the 4-way intersections on Clarence Street to the east and west	Performance Solution
Driveway Design Type	Category 2	Category 2	Compliant
Driveway Width / Entry and Exit Widths	Combined entry and exit: 6.0 - 9.0m width	6.0m	Compliant
Pedestrian Sight Triangle	2.5m by 2.0m	Column intrusion, extended sight triangle	Performance Solution

5.1 Proposed Access Arrangements and Their Adequacy

The proposed access arrangements generally comply with AS2890.1's requirements. The following issues are discussed in further detail.

5.1.1 Driveway Design

The development proposes to provide vehicular access via a 6.0m Category 2 driveway, as shown in Figure 5.1. The driveway design is suitable to cater for two-way vehicle movements and can provide access to the largest vehicle expected to access the site, as discussed in Section 6.

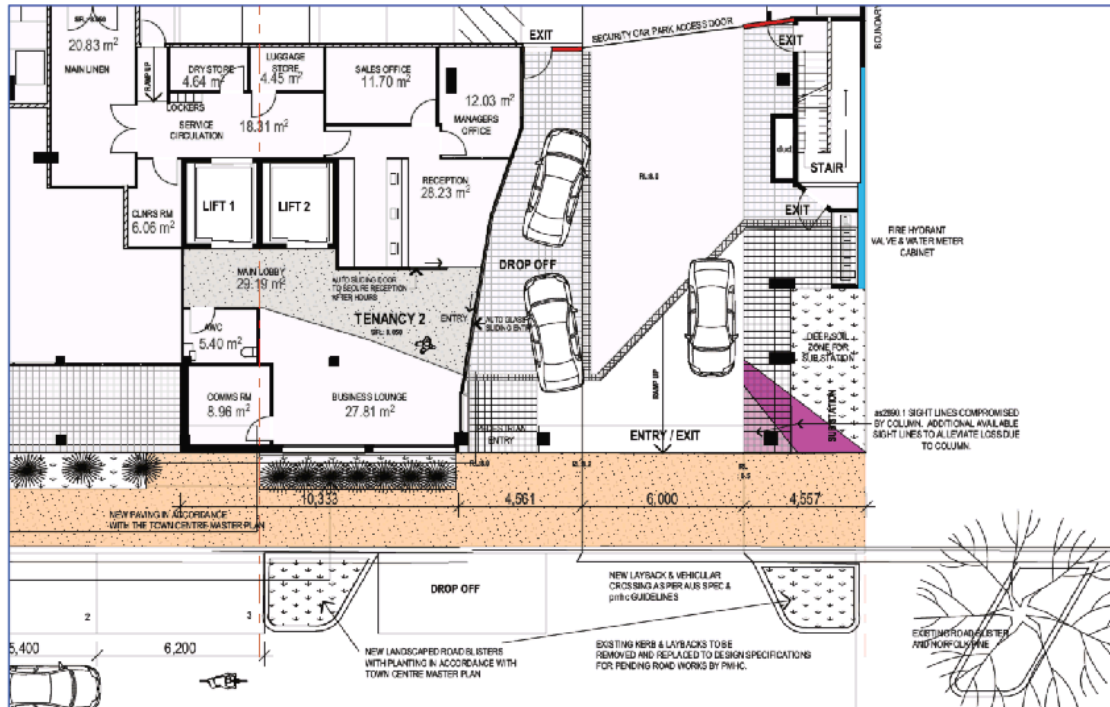


Figure 5.1: Driveway Design

5.1.2 Sight Distance

There is clear vision from the proposed access driveway to the Clarence St / Munster St intersection (to the east) and the Clarence St / Murray St (to the west). TTM estimates that a minimum of 65m of sight distance would be available in both the east and west directions. TTM estimates that the available sight distance is in accordance with AS2890.1's minimum requirements. Therefore, the proposed access is considered suitable to cater for the proposed development.

Furthermore, TTM expects that vehicle speed along Clarence Street would be substantially slower than the design speed (ie 60kph), given the following:

- Vehicles would slow down in order to negotiate the 4-way raised intersections
- Vehicles generally travel slowly through town centres as there is a large amount of pedestrian traffic and vehicle movements (ie on-street parking movements)

5.1.3 Pedestrian Sight Lines

AS2890.1 requires pedestrian sight triangles, for exiting vehicles, with a dimension of 2.5m into the site and 2.0m along the property boundary.



The AS2890.1 pedestrian sight triangle would be marginally obstructed by a 450mm x 450mm structural column.

As a performance solution, it is proposed that a larger pedestrian sight triangle be incorporated into the design of the access. This is typified by being 4.5m long across the property boundary and 3.5m into the site, as shown in Figure 5.1. TTM considers this to be suitable due to the following:

- A motorist would be able to see a walking pedestrian approaching the column and access driveway, given the extended sight triangle.
- The column would not fully obstruct a pedestrian walking along the footpath (refer note below), as the pedestrian would be visible on their approach to the column
- Motorists would have adequate time (if not more than what would be provided with the AS2890.1 sight triangle) to react and allow a pedestrian the cross.

Therefore, based on the above TTM considers the proposed access arrangement to provide a suitable pedestrian sight distance and it is expected that the proposal would not have a significant impact on the local street environment.

Note: the standard body ellipse is 0.6m x 0.45m as outlined in Transport for London's Guidance Document 'Pedestrian Comfort Level Guidance' and shown in Figure 5.2.



Figure 5.2: Standard Body Ellipse

5.1.4 Queuing

The secure line is located approximately 15m from the property boundary, which would provide queuing for 2 vehicles. In addition to this, there is a drop-off / set-down area as discussed in Section 3.3.3. Therefore, there would effectively be space for 4 vehicles queuing to access the site.

AS2890.1 outlines that queuing should be provided at a rate of a minimum of 2 cars or 3% of capacity (for car parks up to 100 spaces). Therefore, the proposal would require a queuing provision of 2 cars.

The queuing provision exceeds the Australian Standards requirements. Therefore, TTM consider the proposed queuing arrangements suitable to cater for the development.



6 Service Vehicle Arrangements

To assess the required number of service bays for the development, TTM has referred to the Port Macquarie-Hastings Council's requirements for service vehicles. Other service vehicle provisions are generally in accordance with AS2890.2.

6.1 Council Requirements

The proposed development includes a Commercial use and a Motel/Service Apartment use. The DCP service vehicle requirements are shown in Table 6.1.

Table 6.1: Minimum Service Vehicle Requirements

Use	Requirement
Commercial	Floor space of less than 500m ² need not provide a loading bay
Motel	Not specified, performance solution discussed below

6.2 Proposed Service Vehicle Arrangements and Their Adequacy

The development is proposing an on-site loading area, which is suitably designed to accommodate a VAN vehicle.

TTM expects that a VAN would be the largest vehicle that would require access to the site (ie to access the main linen area for the motel).

TTM has undertaken a swept path assessment demonstrating that a VAN would be able to access the site in a forward gear, servicing area and egress the site in a forward gear, as shown in Figure 3.1 and attached. The swept paths demonstrate that a VAN would obstruct the parking aisle whilst servicing the site. TTM considers this to be suitable as the VAN would marginally obstruct the staff parking area only.

As outlined in the Port Macquarie-Hastings Council DCP, commercial uses with a GFA of less than 500m² are not required to provide a loading bay. Therefore, the proposed commercial use would not require a loading area.

TTM considers that the proposed on-site servicing arrangement is suitable.

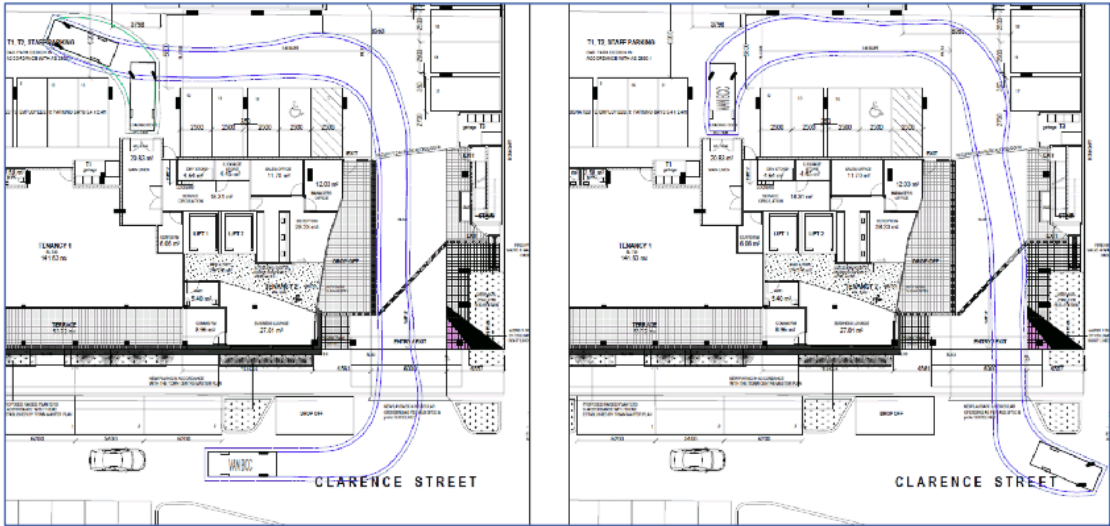


Figure 6.1: VAN Swept Path

6.3 Refuse Collection Servicing Arrangements

Refuse collection is proposed to occur from the kerb-side on Clarence Street. The bins will be stored in the refuse rooms located on the Ground Floor (as shown in Figure 6.2).

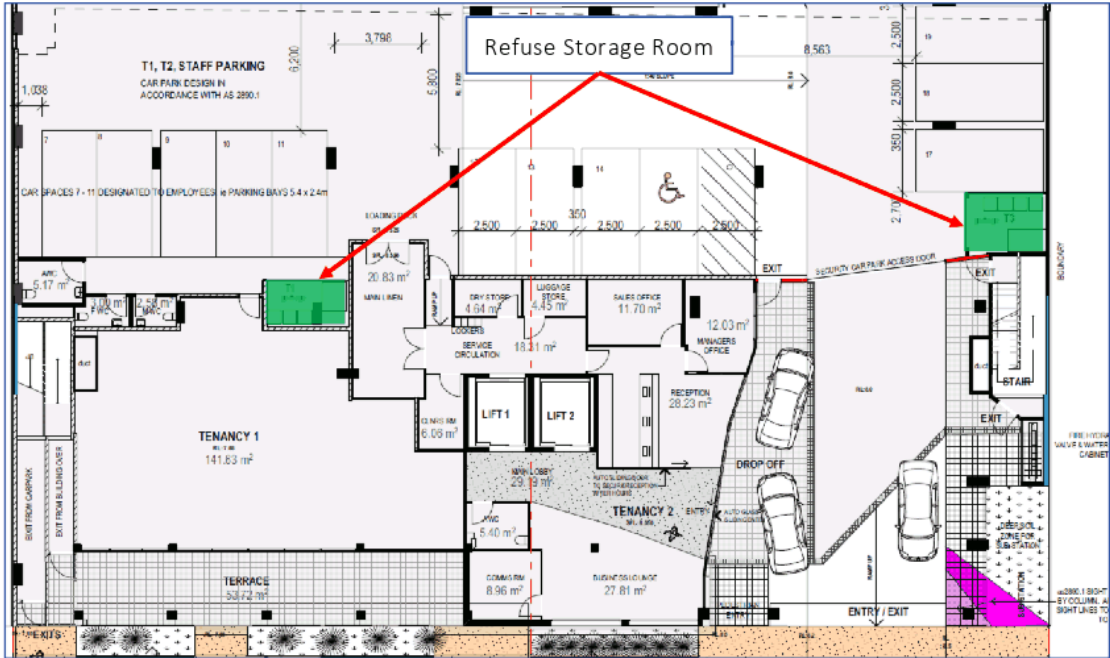


Figure 6.2: Refuse Storage Rooms

Site: 17 Clarence Street, Port Macquarie - Motel
Reference: 18GCT0166



7 Active Transport

7.1 Pedestrian Access

Pedestrian access to the site is achieved via footpath provided along the Clarence Street frontage.

7.2 Cyclist Requirements

The DCP does not specify that on-site bicycle parking is required for commercial food and drink uses and motel uses.

The proposed development provides no bicycle parking, which is in accordance with Council's DCP.

7.3 Public Transport Requirements

The proposed development does not require the provision of any additional public transport facilities. The development is well serviced by existing public transport facilities.



8 Summary and Conclusions

8.1 Development Summary

The access is proposed to be via a 6.0m wide Category 2 access crossover.

The development access will provide an effective queue provision of 4 vehicles between the property boundary and the security access door.

8.2 Car Parking Arrangements

The car parking provision generally exceeds Council's Development Control Plan's minimum parking requirements.

The ground level and basement car park layouts, as a minimum, comply with the Australian Standard requirements. Overall, TTM considers the proposed car parking arrangements for this development are adequate.

8.3 Impact on Surrounding Road Network

Assessment of the proposed development indicates that the development will not have a significant impact on the future road network. As such, no further mitigating road works are required.

8.4 Service Vehicle Arrangements

Servicing for this development will be facilitated in the designated loading area on the ground level, accessed from Clarence Street. The largest design vehicle, a VAN, can enter, manoeuvre, service and exit the site in a forward gear. Overall, the proposed service vehicle arrangements are considered adequate to meet the needs of the proposed development.

8.5 Active Transport Facilities

The current public transport infrastructure and proposed site provisions for pedestrian/bicycle facilities is considered adequate for the development.

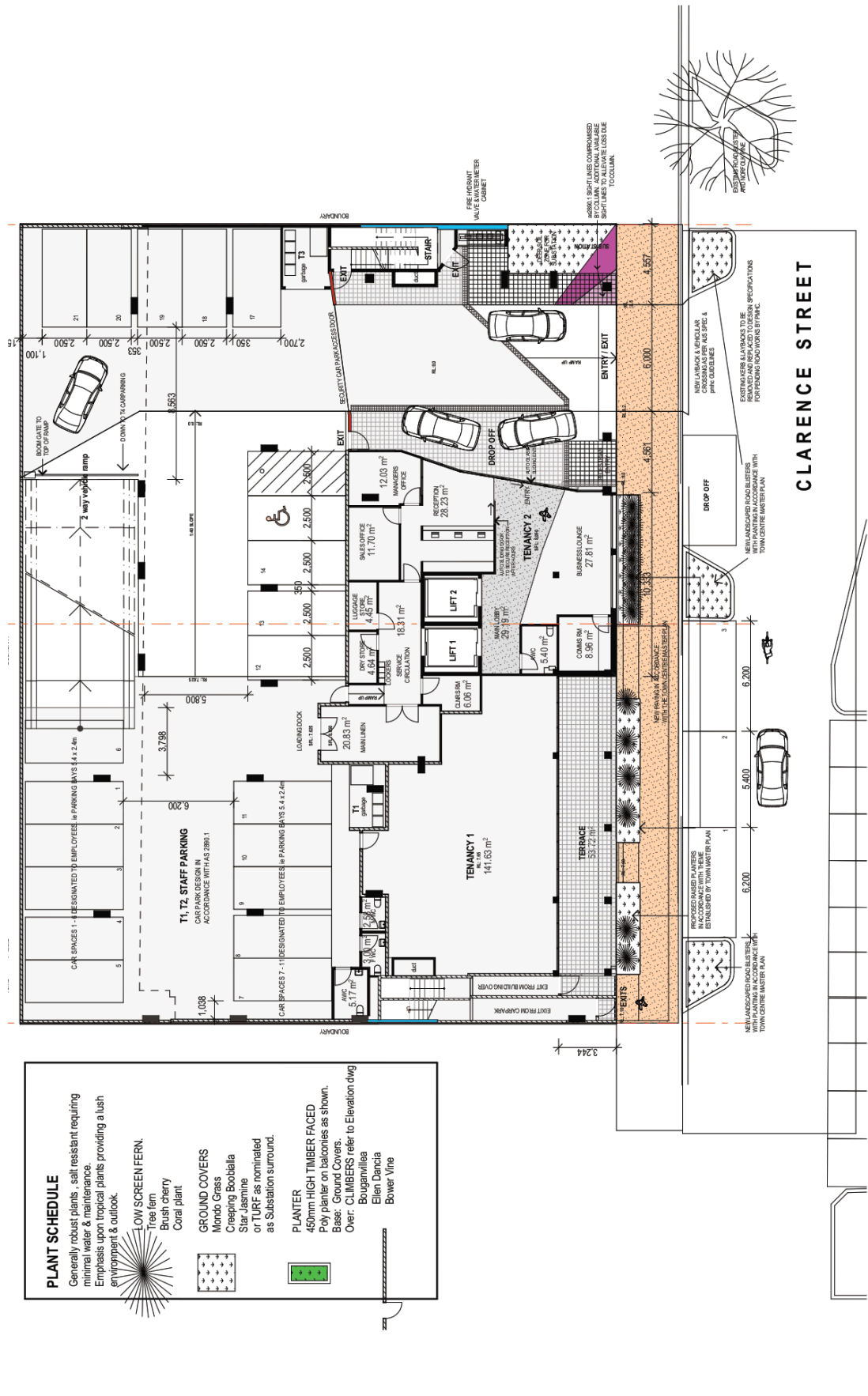
8.6 Conclusion

Based on the assessment contained within this report, TTM see no traffic engineering reason why the relevant approvals should not be granted.



Appendix A Proposed Site Plan

Site: 17 Clarence Street, Port Macquarie - Motel
Reference: 18GCT0166



Scale 1:200

DA 11/07/2018

wayne ellis architect

PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT
17 Clarence St, Port Macquarie, NSW 2444
7 Floor, Apartment Development & Motel/Serviced

P.O. Box 1852 Port Macquarie NSW 2444
Shop 11/14 Clarence St
Port Macquarie NSW 2444

Arch: B.A.L.A. NSW Reg No 4415
e: wayne@weaarchitects.com.au
t: 0417 864 731

Item 12.17
Attachment 6
Page 181

Scale 1:200 @ A3
DA04/
Proj. No 1806
Dwg No.
Comp. Ref. 1806 POST DA.pln



BASEMENT
Scale 1:200

DA 11/07/2018
wayne ellis architect

Proj. No 1806 Dwg No. DA03/ Scale 1:200 @ A3
Comp. Ref. 1806 POST DA.pln

PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT

P.O. Box 1852 Port Macquarie NSW 2444
Shop 11/14 Clarence St
Port Macquarie NSW 2444

B.Arch. B.A.L.A. NSW Reg No 4415
e wayne@wayneellisarchitects.com.au
t 0417 864 731



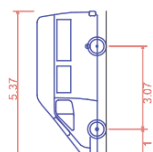
Appendix B Service Vehicle Swept Paths

Site: 17 Clarence Street, Port Macquarie - Motel
Reference: 18GCT0166

[illegible]



VAN	
Overall Length	5.370m
Overall Width	1.960m
Overall Body Height	2.560m
Min Body Ground Clearance	0.333m
Track Width	1.960m
Lock-to-lock time	4.00s
Curb to Curb Turning Radius	7.00m

[illegible]



Manning-Great Lakes

Port Macquarie

Coffs Harbour

RGS20193.1-AC

25 June 2013

Belinda Rodger c-/
David Pensini
Via email: kdpensini@bigpond.com

Dear David,

RE: Proposed Development, 19 Clarence Street, Port Macquarie
Geotechnical Investigation

As requested, RGS has undertaken a geotechnical investigation at the site of a proposed development at 19 Clarence Street, Port Macquarie.

The purpose of the work described herein was to undertake a limited geotechnical investigation at the property to provide an indication of subsurface conditions present and the depth to the groundwater.

Field work was undertaken on 17 June 2013 and comprised one borehole undertaken by a trailer mounted drilling rig equipped with solid flyte augers, logged by a Senior Engineering Geologist. Standard Penetration Testing (SPT) was undertaken at regular intervals. The engineering log for the borehole is attached.

The location of the borehole is shown on Figure 1 and was obtained on site by measurement relative to existing site features. The reduced level at the borehole location was estimated from the supplied drawing and is shown on the borehole log.

The site is situated in an area underlain by deeply weathered geological units of the Port Macquarie Block which includes slate, basalt, serpentinite and dolerite. The subsurface conditions encountered in the borehole comprised 0.3m of topsoil overlying colluvial sands and clays which overlay alluvial clays and sands from 1.0m. Residual high plasticity clays were encountered from 2.7m and graded into extremely weathered serpentinite clay soils with depth.

Groundwater inflow was encountered in the alluvial sand horizon at 2.3m. It should be noted that fluctuations in groundwater levels can occur as a result of seasonal variations, temperature, rainfall and other similar factors, the influence of which may not have been apparent at the time of the assessment.

Regional Geotechnical Solutions Pty Ltd
ABN 51 141 848 820

5C/23 Clarence Street
Port Macquarie NSW 2444
Ph. (02) 6553 5641

Email: jim.morris@regionalgeotech.com.au
Web: www.regionalgeotech.com.au



If materials encountered during construction vary significantly from those discussed in this report, Regional Geotechnical Solutions Pty Ltd should be contacted for further advice.

This report alone should not be used by contractors as the basis for preparation of tender documents or project estimates. Contractors using this report as a basis for preparation of tender documents should avail themselves of all relevant background information regarding the site before deciding on selection of construction materials and equipment.

If you have any questions regarding this project, or require any additional consultations, please contact the undersigned.

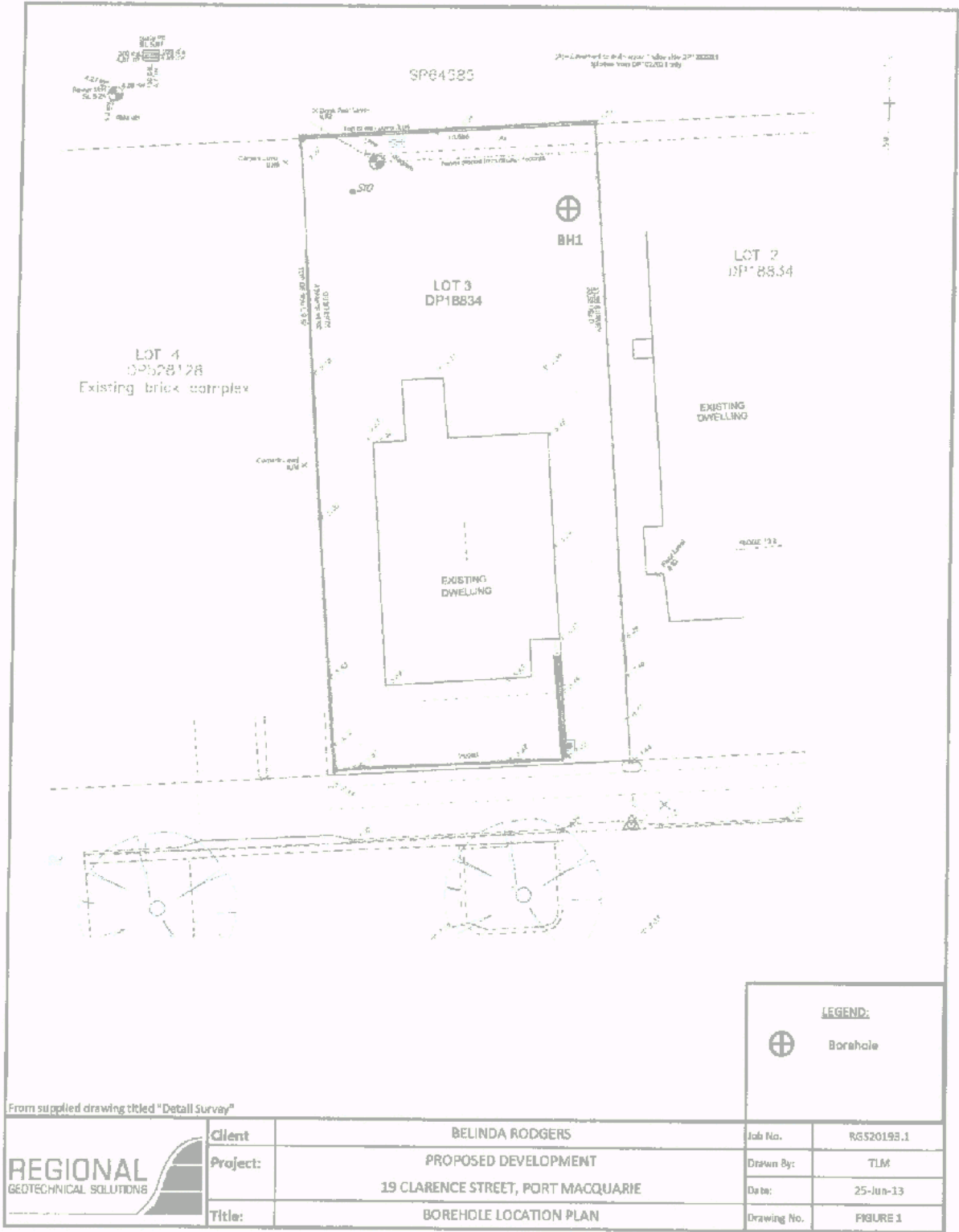
For and on behalf of

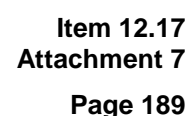
Regional Geotechnical Solutions Pty Ltd

Tim Morris

Senior Engineering Geologist

Attached: Figure 1
Results of Field Investigations

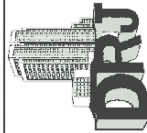




Client

Bamford
Proposed Stormwater Management
Clarence Street, Port Macquarie 2444

- C01 - Existing Catchment
- C02 - Proposed Catchment
- C03 - Proposed Detention
- C04 - Detention Layout



DAVID R. JOINSON
Consulting Engineer Pty Ltd.

ABN: 87 102 391 251
Telephone 0265 811 190
Mobile 0488 000 038
Email drj.eng@bigpond.com

6/34 Acadic Av
P.O. Box 510
Port Macquarie
NSW 2444



client	Bamford			title	Existing Catchment		
project	Proposed Stormwater Management Charnock Street, Port Macquarie			drawing no.	2018-51		
drawn	date	scale	area	sheet	C01		
U.S.J.	May 2014						

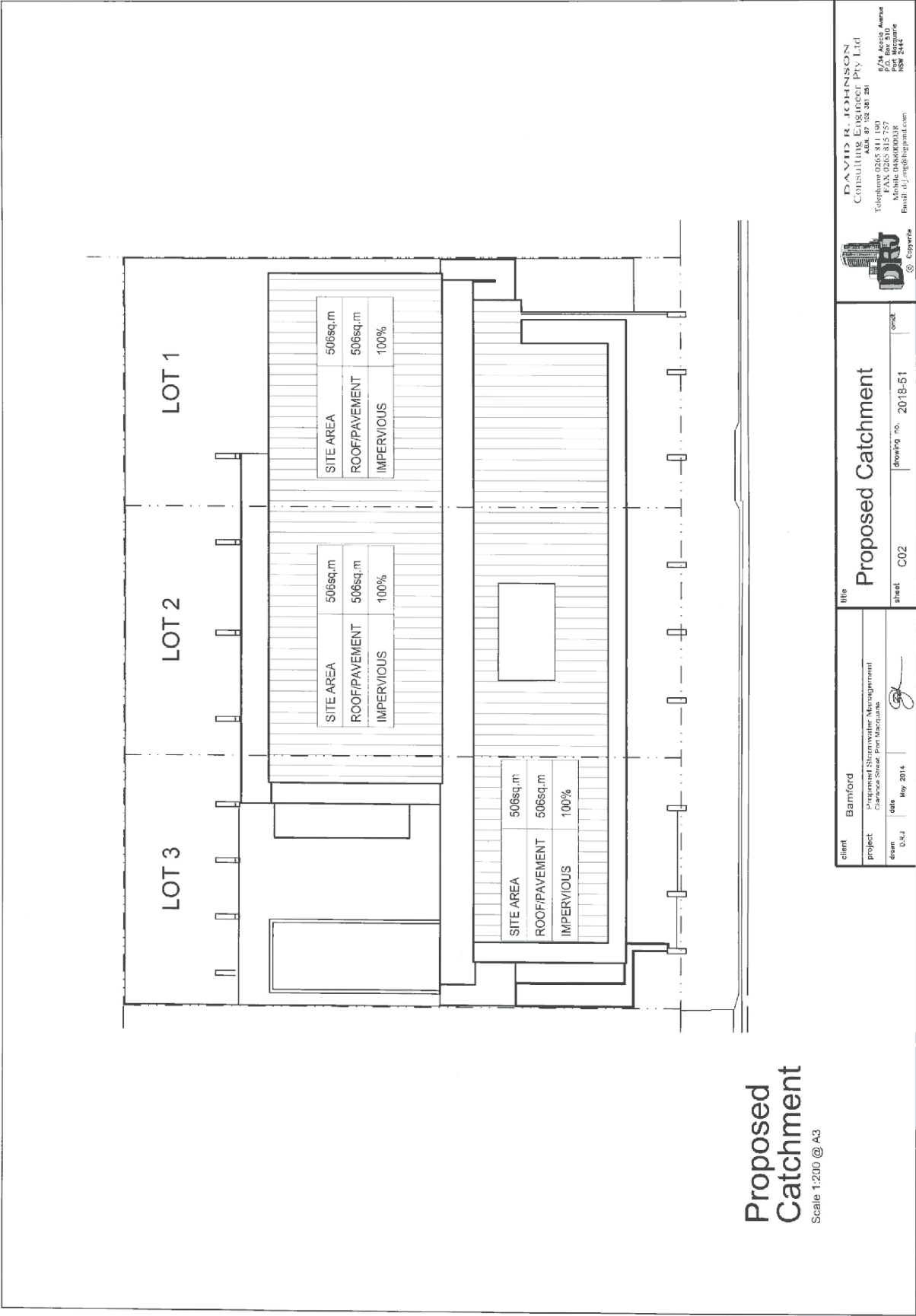


DAE
Engineering Pty Ltd

DAVID R. JOHNSON
Consulting Engineer Pty Ltd
PO Box 101
WY 20

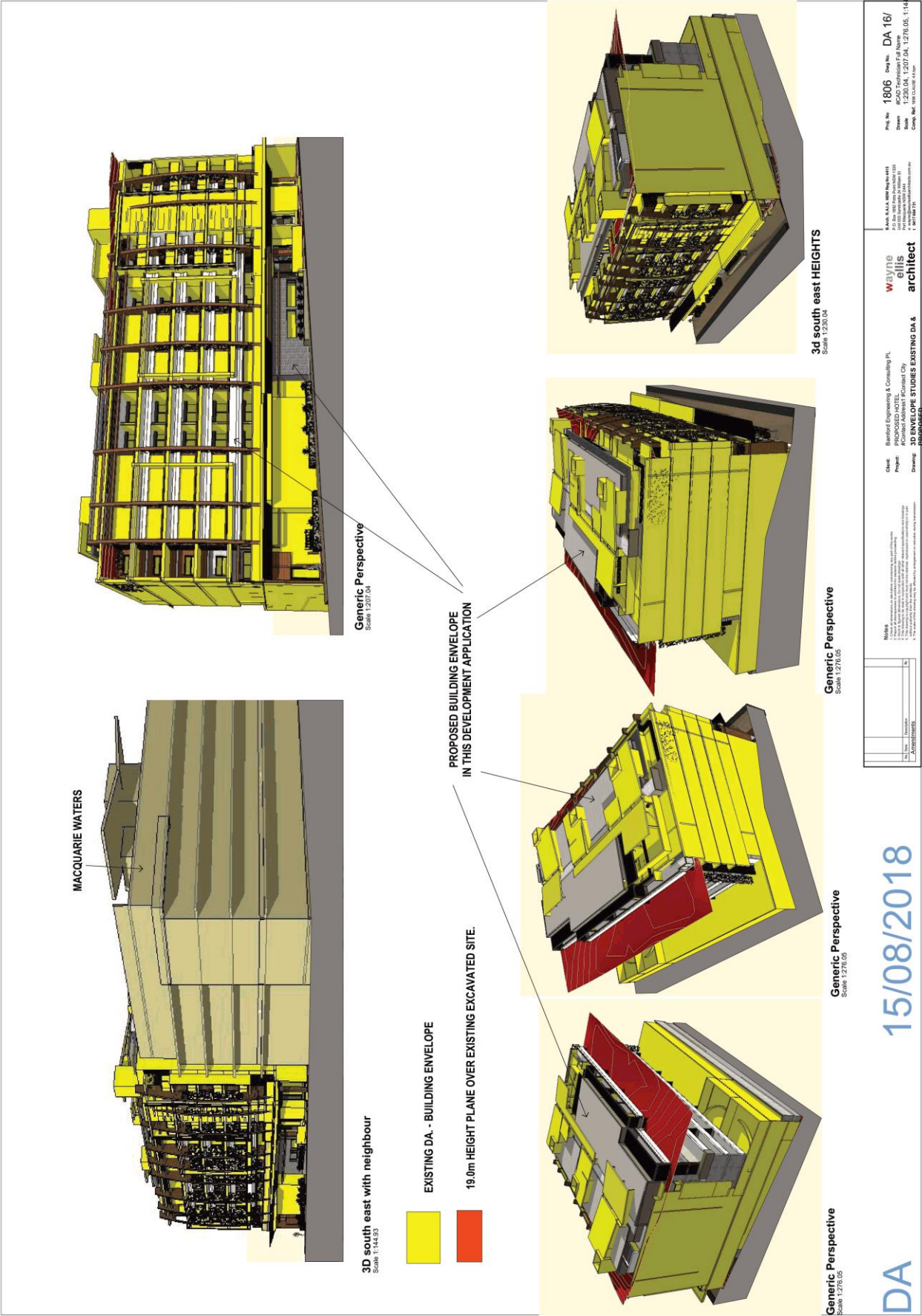
Telephone 0265 812 186
FAX 0265 812 757
Mobile 0438100138
Email: dj.john@engrpoint.com

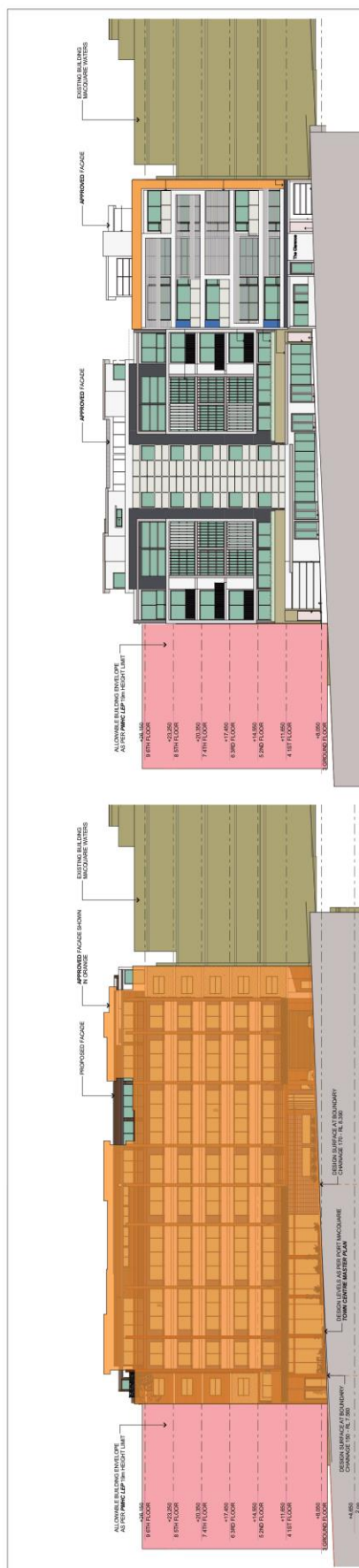
674A Acacia Avenue
Port Macquarie NSW 2444











CLARENCE STREET - FACADE STUDY

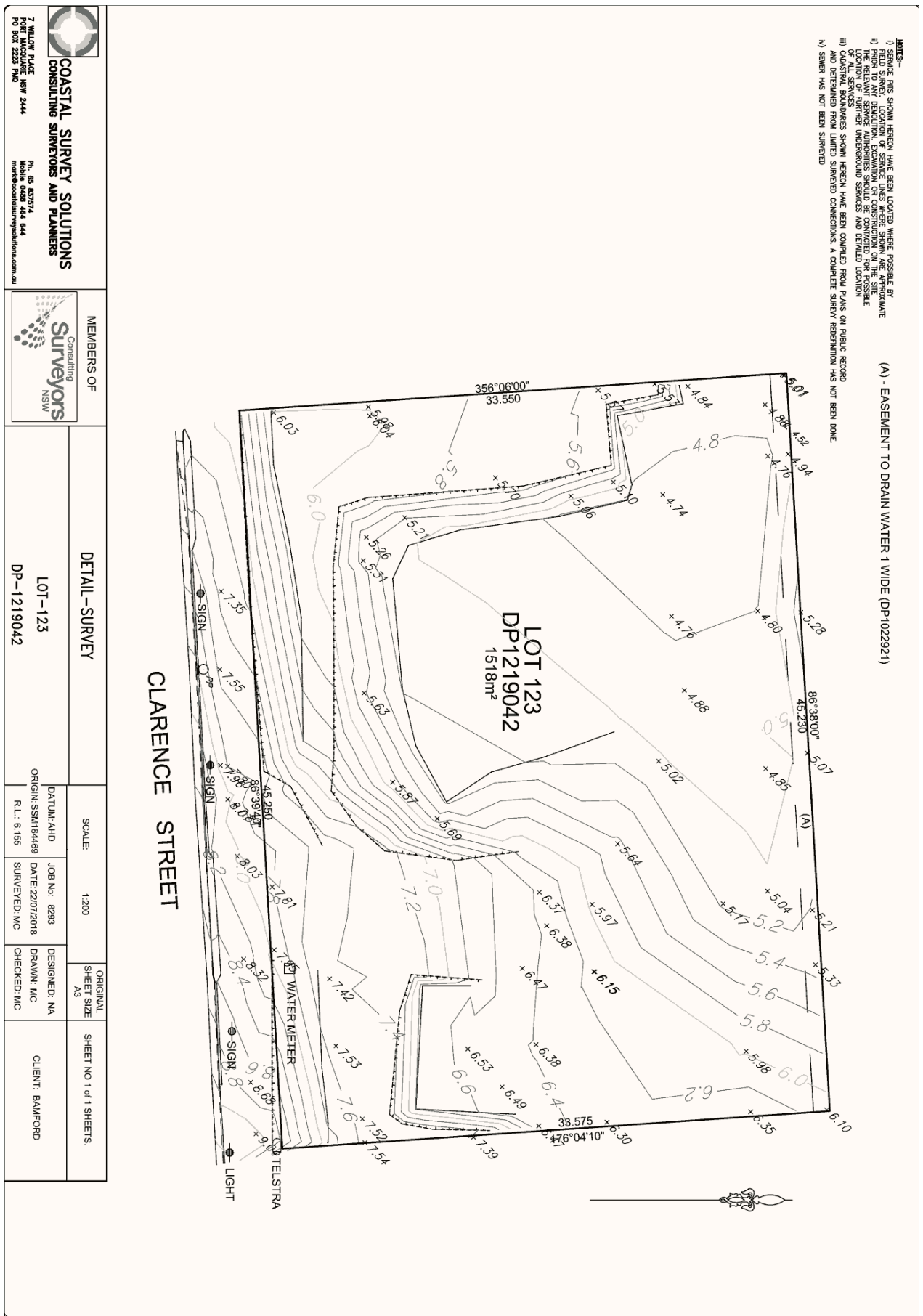
CLARENCE STREET - DA APPROVED



WEST ELEVATION - SET FACADE STUDY
Scale 1:200

MURRAY STREET - FACADE STUDY

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Heritage Council
of New South Wales

Level 6, 10 Valentine Avenue
Parramatta NSW 2150
Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599
heritagemailbox@environment.nsw.gov.au
www.heritage.nsw.gov.au

Mr Ben Roberts
Development Assessment Planner
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444
Email: Ben.Roberts@pmhc.nsw.gov.au

Our File No: SF18/54553
Our Ref: DOC18/453914
Your ref: DA2018/353

Dear Mr Roberts

DEVELOPMENT APPLICATION REFERRAL Commercial premises and tourist accommodation, 15-19 Clarence Street, Port Macquarie, (Port Macquarie Hastings Council DAR 2018/353)

I refer to your letter received by Heritage Division on 5 July referring the above named development application for comment under the terms of the Port Macquarie Hastings Local Environment Plan 2011 (LEP). This site falls within Item A111, 'Archaeology of early European settlement' in the LEP and was the subject of two previous applications under the *Heritage Act 1977* to undertake archaeological investigation and potential salvage of relics. This excavation has been undertaken and a final report has recently been received by Heritage Division and reviewed to assist this response.

The current development application is for construction of a seven storey mixed tourist accommodation and commercial development, including a basement level to provide carparking.

The works are addressed in the following documents:

- A. DA 2018/353 – *Commercial Premises and Tourist Accommodation with Clause 4.3 (Height of Building) of Port Macquarie- Hastings Local Environment Plan 2011 LOT:123 DP:12109042 17 Clarence Street PORT MACQUARIE application describing the works ; and*
- B. *Final Archaeological Report – 15-19 Clarence Street, Port Macquarie prepared by I Vetta and J Baloh, dated August 2018.*

Review of the information supplied has been undertaken to advise Council whether it is likely that additional relics may be impacted through the proposed works required for this DA. The Final Archaeological Report prepared to document that investigation found no archaeological evidence of 1820s structures or occupation in the nineteenth century other than a channel, which could not be dated but which may be an early agricultural drain. It is therefore considered that the proposed works do not involve excavation that will impact archaeological relics. No further investigation or approval under the *Heritage Act 1977* is needed to manage the archaeological resources on the site. However it is recommended that the following standard condition be retained in the DA conditions for approval:

D – DURING WORK (8)

(D046) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.

If you have any questions regarding the above matter please contact Pamela Forbes, Archaeologist, at the Heritage Division, Office of Environment and Heritage, on (02) 9995 6914 or by email at pamela.forbes@environment.nsw.gov.au.

Yours sincerely

21 August 2018

Felicity Barry

Acting Senior Team Leader, Specialist Services
Heritage Division
Office of Environment and Heritage

AS DELEGATE OF THE NSW HERITAGE COUNCIL OF NSW

Helping the community conserve our heritage

DAVID PENSINI
Building Certification and
Environmental Services

25th September 2018

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Attention: Ben Roberts

Dear Ben,

Re: DA2018 - 353.1 Motel/Serviced Apartment Building - 17 Clarence St, Port Macquarie

I refer to Councils request for additional information and wish to provide the following information in response;

1. Justification of Building Heights

COMMENT

Please find attached an amended development standard variation report pursuant to Clause 4.6 of Port Macquarie Hastings LEP 2011 with respect to the buildings proposed height.

Also attached are the following additional plans;

- 19m building height plane plan
- Building context plan

2. The building height and variation sought appears to have been taken from pre-existing (i.e. prior to cut) levels on the site. The site has obviously been cut and the proposed building height needs to be measured from ground level (existing) as it is now. Please provide plans that accurately reflect ground level (existing).

COMMENT

Please find attached amended plans which reflect existing ground conditions.

3. Provide a new survey plan of the site (as it exists now).

COMMENT

Please find attached a current survey plan for the subject site.

4. The proposed height variation and subsequent clause 4.6 report will also need to reflect ground level (existing).

COMMENT

Please find attached an amended development standard variation report pursuant to Clause 4.6 of Port Macquarie Hastings LEP 2011 with respect to the buildings proposed height.

Also attached are the following additional plans;

- 19m building height plane plan
- Building context plan

5. A written request seeking justification for the proposed Floor Space Ratio (FSR) variation (Clause 4.6 report).

COMMENT

Please find attached a development standard variation report pursuant to Clause 4.6 of Port Macquarie Hastings LEP 2011 with respect to the buildings proposed floor space ratio.

6. Provide height plane plans through the building which provide for an appreciation of the building height variation sought.

Please find attached the following plans which provide context for the proposed buildings height;

- 19m building height plane plan
- Building context plan

7. Nominate proposed building height on the plans.

COMMENT

Please find attached amended plans which reflect the proposed buildings height.

8. The proposed dual key arrangement is noted. In terms of parking demand (and consistent with DCP 2013) please provide a parking demand study/report from a suitably qualified person that assesses the peak parking demands for the overall development. It is suggested the layout of the parking be reviewed by this person to ensure capability of AS2890 compliance.

COMMENT

Please find attached a Traffic Impact Assessment Report prepared by consultants, TTM.

9. Concern is expressed surrounding the lack of an onsite manager given the short-term nature of stays. Provide details measures/arrangements for issues that short term stays can present.

COMMENT

It is noted that the operating model for the motel operators (Quest) is such that onsite management is not typically present between 9pm and 6am. The design and construction of the proposed development therefore does not contemplate onsite accommodation for managers.

In this regard the following management strategies are in place to manage activities onsite to ensure that noise and amenity impacts continue to be consistent with that which would be expected within a Central Business District setting;

- The target market for visitors are corporate travelers and family groups with inappropriate behaviors not generally associated with either of these market sectors.
- The direct booking of accommodation with Quest provides for an opportunity to actively vet potential occupants of the accommodation facility.
- Booking of the property is subject to strict terms and conditions which includes prohibitions on activities which maybe the cause of noise generation which would not be consistent with the locality.
- The use of facilities within the development, (i.e. conference room, swimming pool, gymnasium), will be subject to time restrictions and conditions of behavioral use which will manage the times of use and standards of behavior in accordance with expectations which are applicable to residential areas.
- Notwithstanding the availability of an onsite manager at all times, facility management will be available at all times to respond to complaints regarding inappropriate behavior. This will be provided for through the provision of an on-call arrangement whereby management can be contacted afterhours and will be available to respond to issues.
- The security arrangements for the proposed development are such that entry to the accommodation and other use areas of the building will be strictly controlled during all hours with access only available to visitors who have been the subject of a 'booking in process' and provided with details of conditions of use of the building and its facilities.
- As with other forms of accommodation, (e.g. dwellings), inappropriate behavior can be addressed through other regulatory mechanisms e.g. Police/local council.

10. Revise site plan to show easement to drain water at rear.

COMMENT

Please find attached a revised site plan showing the easement to drain water.

It is however noted that action is proposed to have the easement extinguished as the proposed development of the subject site will render the easement, (and associated infrastructure), redundant as the development of the subject site will not rely upon the easement as part of the stormwater management strategy for the site and the land to the east of the subject site, (Macquarie Waters Development), does not currently rely upon the easement or its associated infrastructure as part of the stormwater management strategy for the existing development.

Should I be able to provide any further assistance please do not hesitate to contact me on 0434 166150.

Yours Faithfully,



David Pensini
David Pensini – Building Certification and Environmental Services

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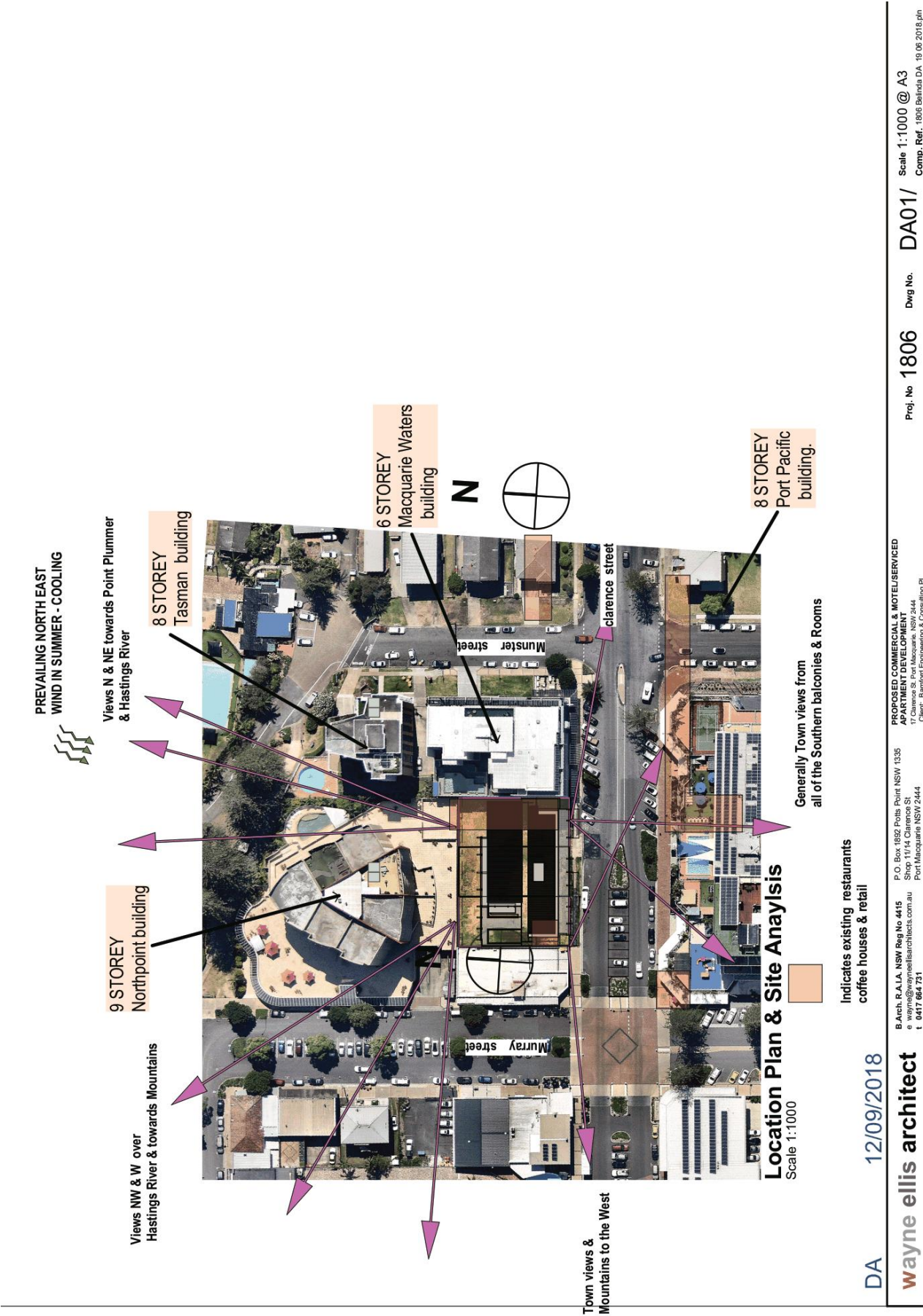
NOTE: 3d Images & Rendered Elevations are '*Artists' Impression*' only. For details of finishes, mode of construction and general arrangement refer to Architectural & Engineering drawings & Specifications.

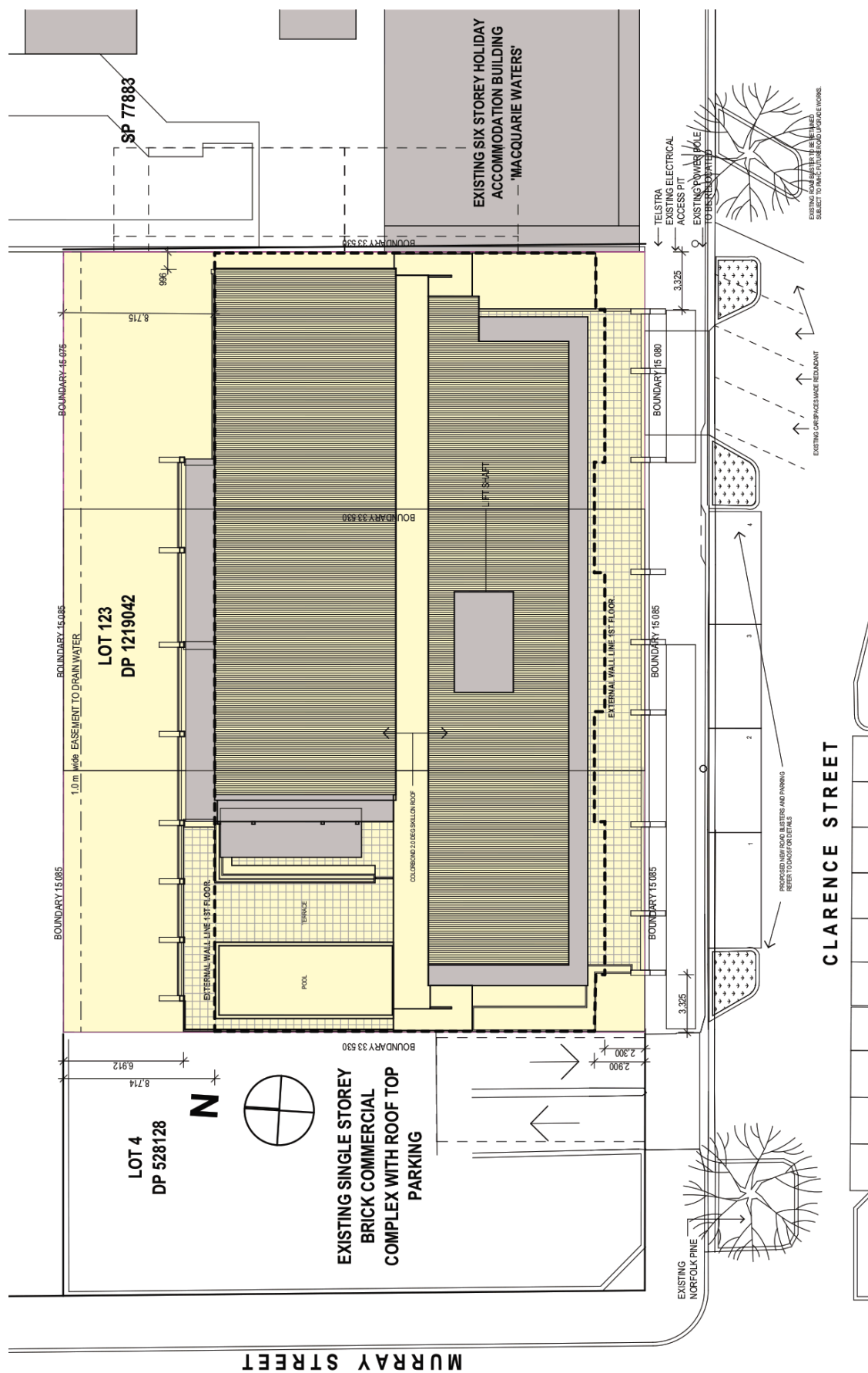
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Client: Ramford Engineering & Consulting Pty

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SITE PLAN

Scale 1:200

12/09/2018

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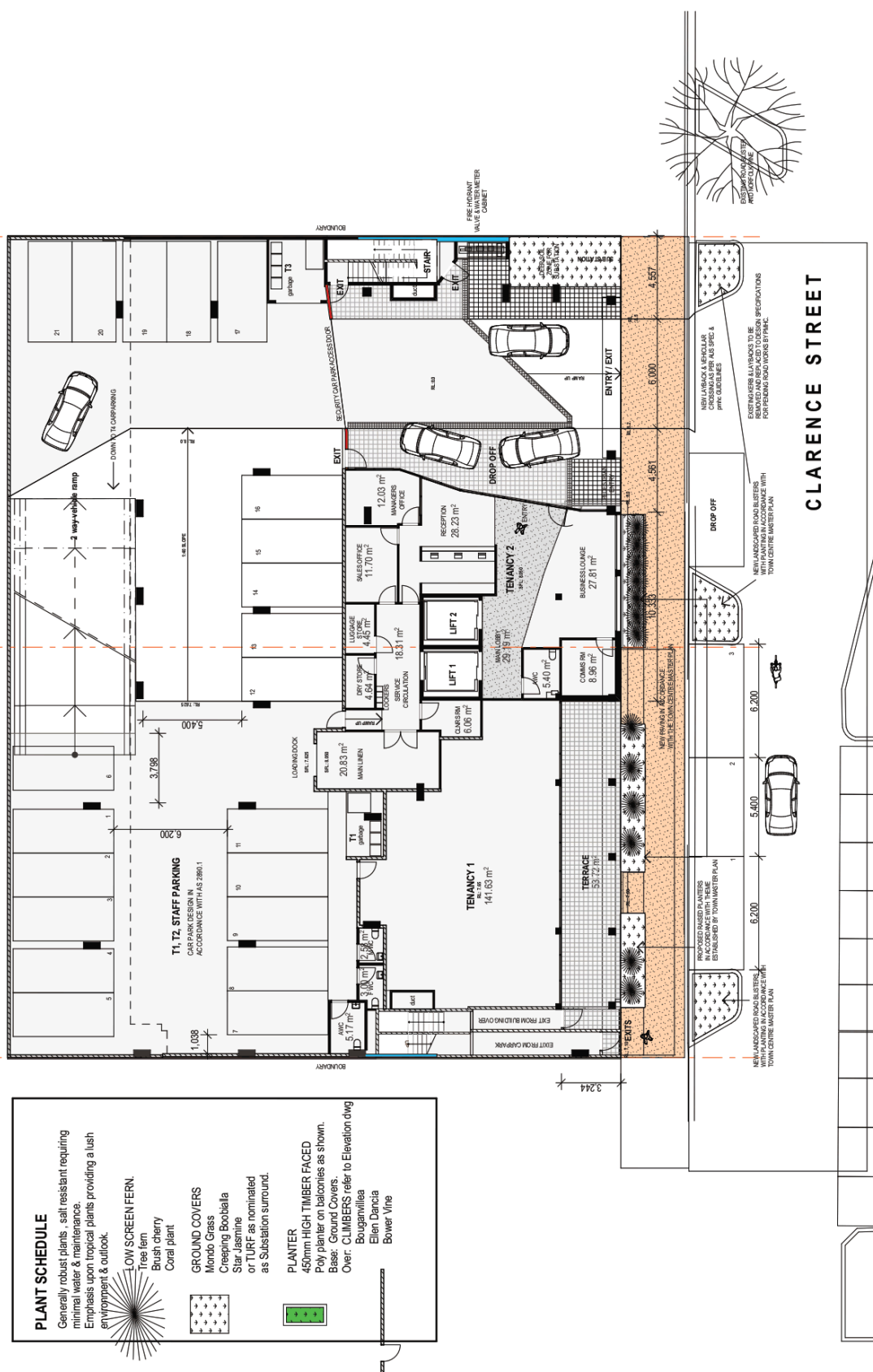
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Proj. No 1806 Dwg No.

DA02/ Scale 1:200 @ A3

Scale 1:200 @ A3
Comp. Ref. 1806 Belinda DA 19 06 2018.pln





GROUND FLOOR
Scale 1:200

DA 12/09/2018

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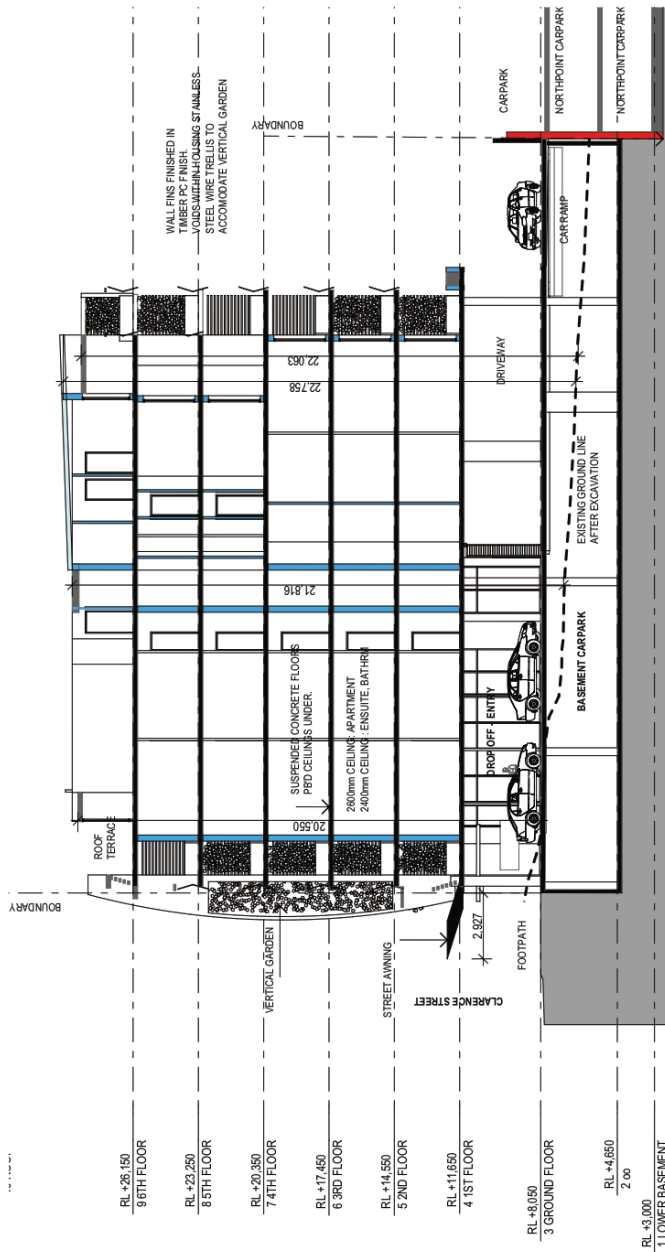
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Proj. No 1806 Dwg No. DA04/ Scale 1:200 @ A3
Comp. Ref. 1806 Belinda DA 19 06 2018.pln

Scale 1:200 @ A3

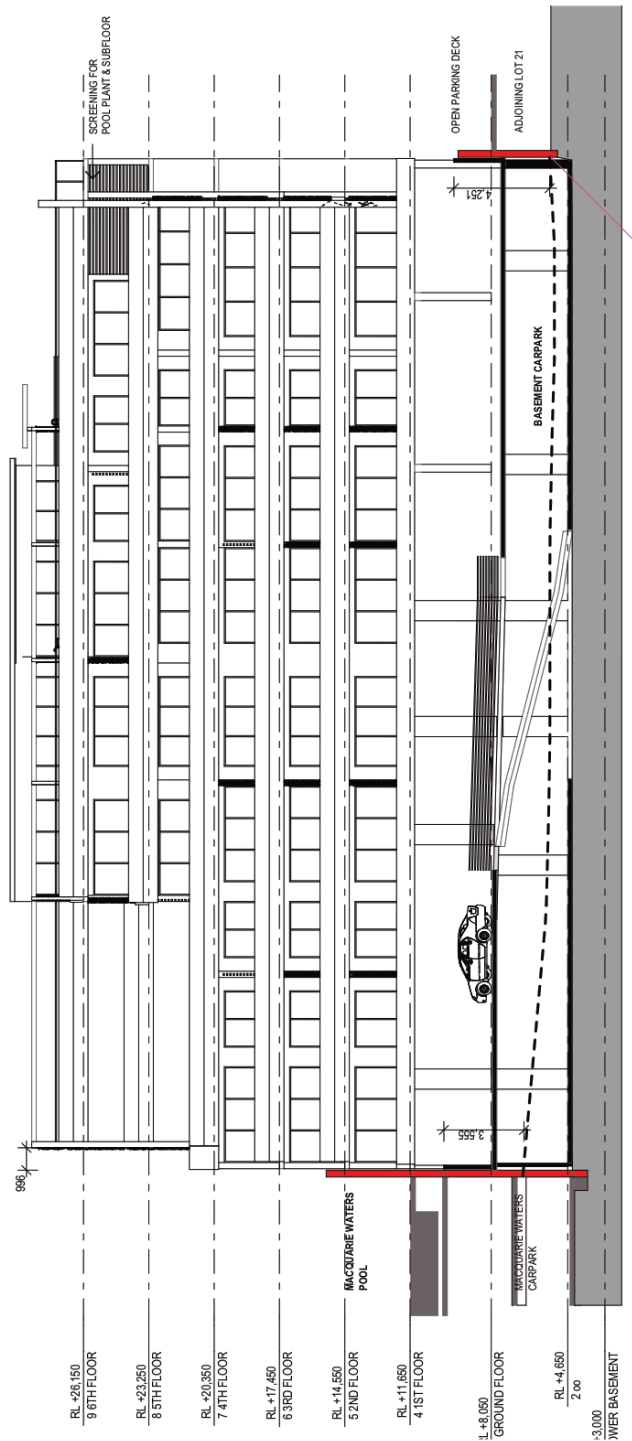
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S22 Section
Scale 1:200

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Section
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Proj. No 1806

Dwg No.

DA12/

Scale 1:200 @ A3

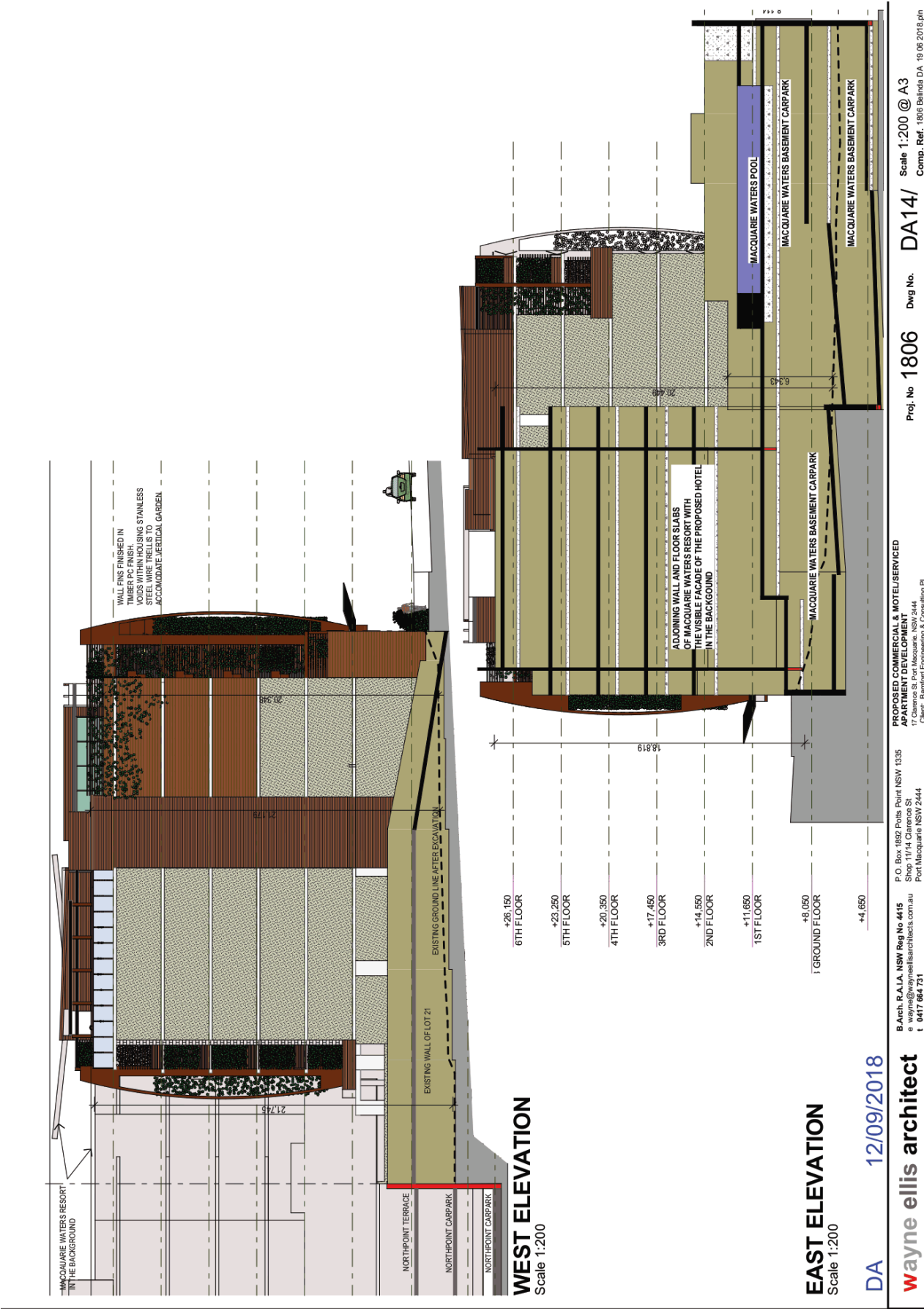
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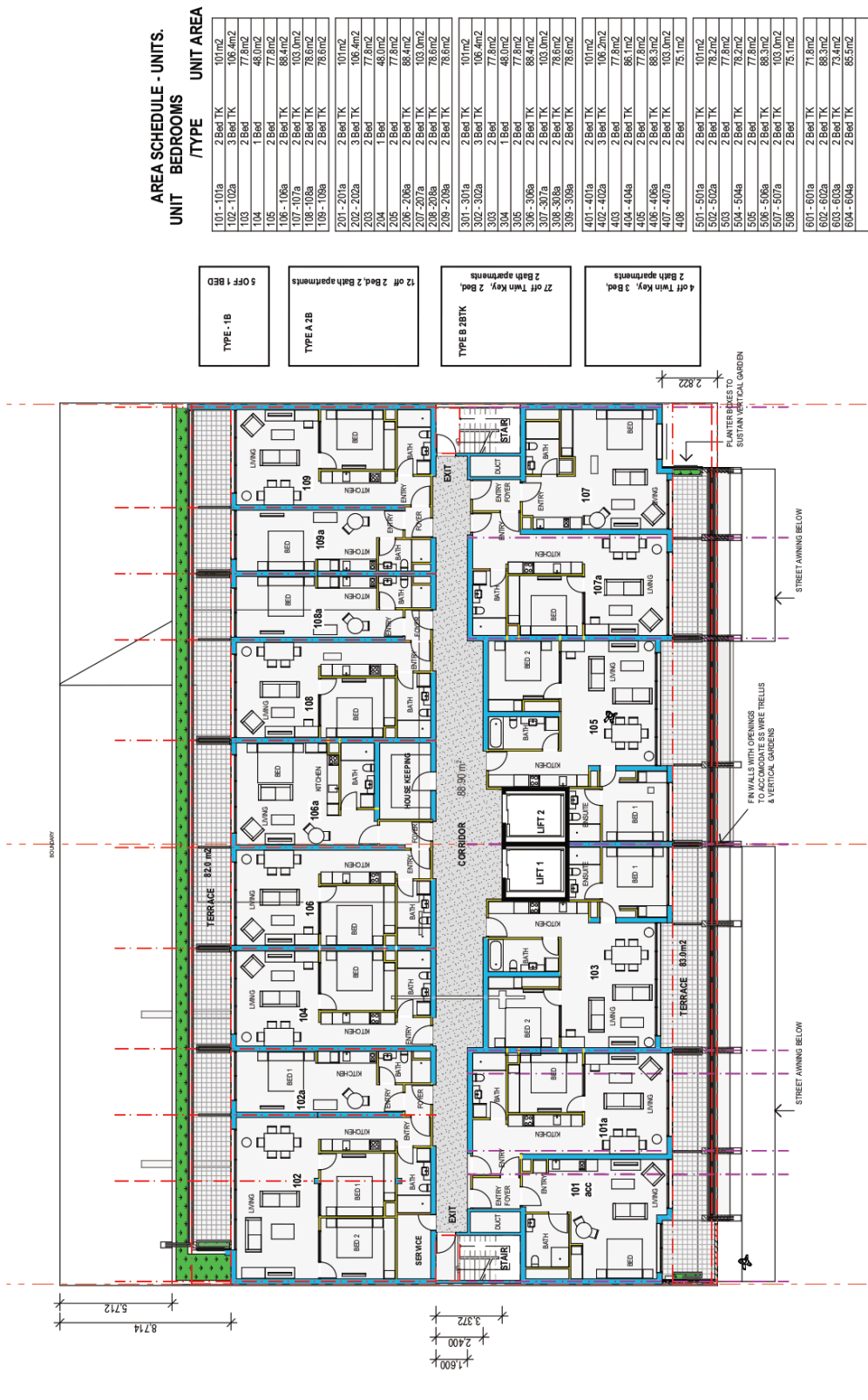


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Comp. Ref. 1806 Belinda DA 19 06 2018.pjn

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**PROPOSED COMMERCIAL & MOTEL/SERVICED
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17 Clarence St, Port Macquarie, NSW 2444
Client: Ramford Environmental & Specialist Pl





1ST FLOOR
Scale 1:200

AREA SCHEDULE - UNITS.		
UNIT	BEDROOMS	UNIT AREA
101 - 101a	2 Bed TK	101m ²
102 - 102a	3 Bed TK	106.4m ²
103	2 Bed	77.6m ²
104	1 Bed	48.6m ²
105	2 Bed	77.6m ²
106 - 106a	2 Bed TK	88.6m ²
107 - 107a	2 Bed TK	103.0m ²
108 - 108a	2 Bed TK	78.6m ²
109 - 109a	2 Bed TK	78.6m ²
201 - 201a	2 Bed TK	101m ²
202 - 202a	3 Bed TK	106.4m ²
203	2 Bed	77.6m ²
204	1 Bed	48.6m ²
205	2 Bed	77.6m ²
206 - 206a	2 Bed TK	88.6m ²
207 - 207a	2 Bed TK	103.0m ²
208 - 208a	2 Bed TK	78.6m ²
209 - 209a	2 Bed TK	78.6m ²
301 - 301a	2 Bed TK	101m ²
302 - 302a	3 Bed TK	106.4m ²
303	2 Bed	77.6m ²
304	1 Bed	48.6m ²
305	2 Bed	77.6m ²
306 - 306a	2 Bed TK	88.6m ²
307 - 307a	2 Bed TK	103.0m ²
308 - 308a	2 Bed TK	78.6m ²
309 - 309a	2 Bed TK	78.6m ²
401 - 401a	2 Bed TK	101m ²
402 - 402a	3 Bed TK	106.4m ²
403	2 Bed	77.6m ²
404 - 404a	2 Bed TK	88.6m ²
405	2 Bed	77.6m ²
406 - 406a	2 Bed TK	88.6m ²
407 - 407a	2 Bed TK	103.0m ²
408	2 Bed	75.6m ²
501 - 501a	2 Bed TK	101m ²
502 - 502a	2 Bed TK	78.6m ²
503	2 Bed	77.6m ²
504 - 504a	2 Bed TK	78.6m ²
505	2 Bed	78.6m ²
506 - 506a	2 Bed TK	88.6m ²
507 - 507a	2 Bed TK	103.0m ²
508	2 Bed	75.6m ²
601 - 601a	2 Bed TK	71.6m ²
602 - 602a	2 Bed TK	88.6m ²
603 - 603a	2 Bed TK	73.6m ²
604 - 604a	2 Bed TK	85.6m ²

- TYPE - 1B
5 OFF 1 BED
- TYPE A 2B
12 off 2 Bed, 2 Bath apartments
- TYPE B 2BTK
27 off Twin Key, 2 Bed, 2 Bath apartments
- TYPE C 2BTK
4 off Twin Key, 3 Bed, 2 Bath apartments

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Scale 1:200 @ A3
DA05/1806
DA05/1806
DA05/1806

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2ND FLOOR
Scale 1:200

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3RD FLOOR
Scale 1:200

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Dwg No. DA07/

Scale 1:200 @ A3
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4TH FLOOR
Scale 1:200

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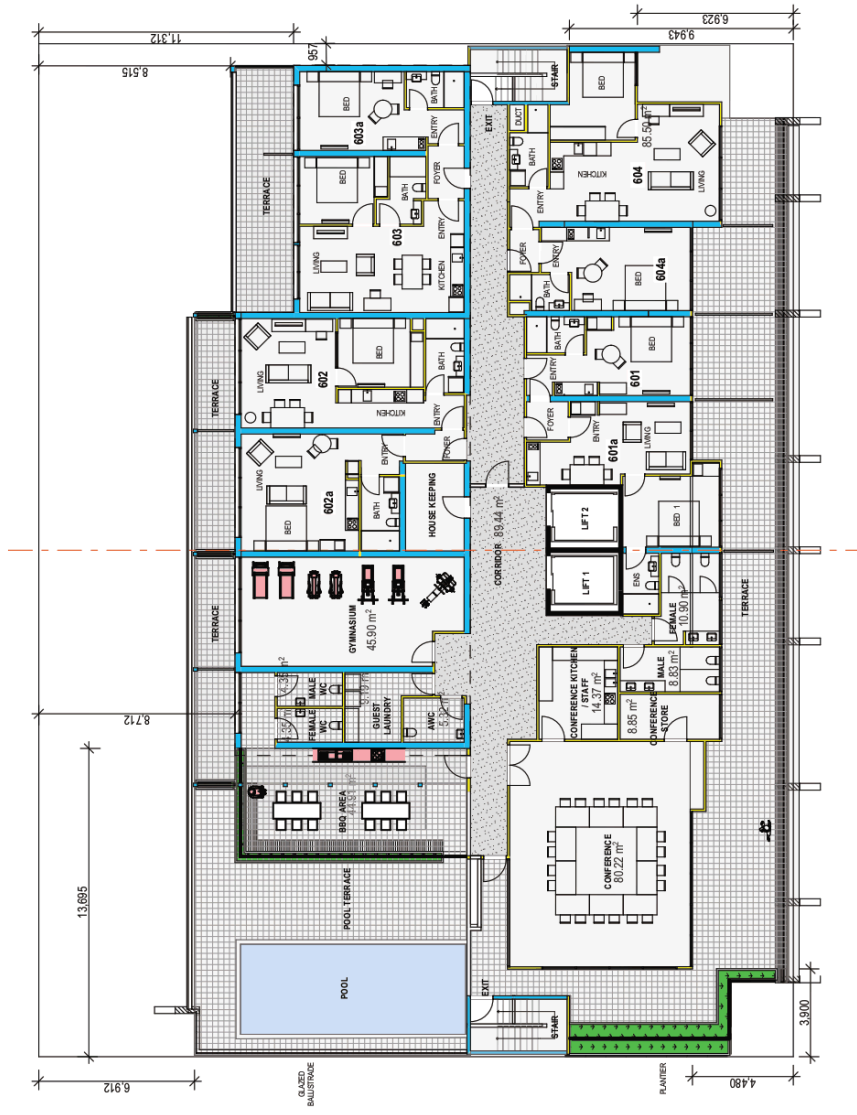
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5TH FLOOR
Scale 1:200

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6TH FLOOR
Scale 1:200

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