

Development Assessment Panel

Business Paper

date of meeting: Wednesday 22 May 2019

location: Function Room
Port Macquarie-Hastings Council
17 Burrawan Street
Port Macquarie

time: 2:00pm

Development Assessment Panel

CHARTER

1.0 OBJECTIVES

To assist in managing Council's development assessment function by providing independent and expert determinations of development applications that fall outside of staff delegations.

2.0 KEY FUNCTIONS

- To review development application reports and conditions;
- To determine development applications outside of staff delegations;
- To refer development applications to Council for determination where necessary;
- To provide a forum for objectors and applicants to make submissions on applications before the Development Assessment Panel (DAP);
- To maintain transparency in the determination of development applications.

Delegated Authority of Panel

Pursuant to Section 377 of the Local Government Act, 1993 delegation to:

- Determine development applications under Part 4 of the Environmental Planning and Assessment Act 1979 having regard to the relevant environmental planning instruments, development control plans and Council policies.
- Vary, modify or release restrictions as to use and/or covenants created by Section 88B instruments under the Conveyancing Act 1919 in relation to development applications for subdivisions being considered by the panel.
- Determine Koala Plans of Management under State Environmental Planning Policy 44 - Koala Habitat Protection associated with development applications being considered by the Panel.

Noting the trigger to escalate decision making to Council as highlighted in section 5.2.

3.0 MEMBERSHIP

3.1 Voting Members

- Two independent external members. One of the independent external members to

be the Chairperson.

- Group Manager Development Assessment (alternate - Director Development & Environment or Development Assessment Planner)

The independent external members shall have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, government and public administration.

3.2 Non-Voting Members

- Not applicable

3.3 Obligations of members

- Members must act faithfully and diligently and in accordance with this Charter.
- Members must comply with Council's Code of Conduct.
- Except as required to properly perform their duties, DAP members must not disclose any confidential information (as advised by Council) obtained in connection with the DAP functions.
- Members will have read and be familiar with the documents and information provided by Council prior to attending a DAP meeting.
- Members must act in accordance with Council's Workplace Health and Safety Policies and Procedures
- External members of the Panel are not authorised to speak to the media on behalf of Council. Council officers that are members of the Committee are bound by the existing operational delegations in relation to speaking to the media.
- Staff members shall not vote on matters before the Panel if they have been the principle author of the development assessment report.

3.4 Member Tenure

- The independent external members will be appointed for the term of four (4) years maximum in which the end of the tenure of these members would occur in a cascading arrangement.

3.5 Appointment of members

- The independent external members (including the Chair) shall be appointed by the General Manager following an external Expression of Interest process.
- Staff members of the Panel are in accordance with this Charter.

4.0 TIMETABLE OF MEETINGS

- The Development Assessment Panel will generally meet on the 1st and 3rd Wednesday each month at 2.00pm at the Port Macquarie offices of Council.
- Special Meetings of the Panel may be convened by the Director Development & Environment Services with three (3) days notice.

5.0 MEETING PRACTICES

5.1 Meeting Format

- At all Meetings of the Panel the Chairperson shall occupy the Chair and preside. The Chair will be responsible for keeping of order at meetings.
- Meetings shall be open to the public.
- The Panel will hear from applicants and objectors or their representatives.
- Where considered necessary, the Panel will conduct site inspections which will be open to the public.

5.2 Decision Making

- Decisions are to be made by consensus. Where consensus is not possible on any item, that item is to be referred to Council for a decision.
- All development applications involving a proposed variation to a development standard greater than 10% under Clause 4.6 of the Local Environmental Plan will be considered by the Panel and recommendation made to the Council for a decision.

5.3 Quorum

- All members (2 independent external members and 1 staff member) must be present at a meeting to form a quorum.

5.4 Chairperson and Deputy Chairperson

- Independent Chair (alternate, second independent member)

5.5 Secretariat

- The Director Development & Environment is to be responsible for ensuring that the Panel has adequate secretariat support. The secretariat will ensure that the business paper and supporting papers are circulated at least three (3) days prior to each meeting. Minutes shall be appropriately approved and circulated to each member within three (3) weeks of a meeting being held.
- The format of and the preparation and publishing of the Business Paper and Minutes shall be similar to the format for Ordinary Council Meetings.

5.6 Recording of decisions

- Minutes will record decisions and how each member votes for each item before the Panel.

6.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS

Not applicable.

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

- Members of the Panel must comply with the applicable provisions of Council’s Code of Conduct. It is the personal responsibility of members to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.
- Panel members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted. Where members are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from deliberations on the issue where the conflict of interest may exist. A Panel meeting may be postponed where there is no quorum.

8.0 LOBBYING

- All members and applicants are to adhere to Council’s Lobbying policy. Outside of scheduled Development Assessment Panel meetings, applicants, their representatives, Councillors, Council staff and the general public are not to lobby Panel members via meetings, telephone conversations, correspondence and the like. Adequate opportunity will be provided at Panel inspections or meetings for applicants, their representatives and the general public to make verbal submissions in relation to Business Paper items.

Development Assessment Panel

ATTENDANCE REGISTER

Member	27/02/19	13/03/19	27/03/19	10/04/19	24/04/19
Paul Drake	✓	✓	✓	✓	✓
Robert Hussey	✓		✓	A	✓
David Crofts (alternate member)		✓		✓	
Dan Croft (Acting Director Development & Environment) Clinton Tink (Acting GM Development Assessment (alternates) - Director Development & Environment - Development Assessment Planner	✓	✓	✓	✓	✓

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Development Assessment Panel Meeting

Wednesday 22 May 2019

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	<u>8</u>
02	Apologies.....	<u>8</u>
03	Confirmation of Minutes	<u>8</u>
04	Disclosures of Interest.....	<u>9</u>
05	DA2019 - 213.1 Dwelling Lot 144 DP 1230897, No. 4 Shore Break Crescent, Lake Cathie.....	<u>13</u>
06	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.....	<u>32</u>
07	DA2018 - 427.1 Dual Occupancy and Torrens Title Subdivision, Boat Ramps and Jetty at Lot 7 DP 246284, No. 14 Sirius Close, Port Macquarie.....	<u>279</u>
08	DA2019 - 27.1 Permanent Group Home - Lot 31 DP 1190016, No. 5 McGilvray Road, Bonny Hills.....	<u>308</u>
09	DA2018 - 641.1 Additions to Existing Building and Change of Use to Commercial Premises - Lots 1 & 2 DP 3749 No.150 Nancy Bird Walton Drive, Kew	<u>411</u>
10	General Business	

Item: 01**Subject: ACKNOWLEDGEMENT OF COUNTRY**

"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

Item: 03**Subject: CONFIRMATION OF PREVIOUS MINUTES**

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 8 May 2019 be confirmed.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:
Meeting Date:
Item Number:
Subject:
.....

I, declare the following interest:

☐

Pecuniary:

Take no part in the consideration and voting and be out of sight of the meeting.

☐

Non-Pecuniary - Significant Interest:

Take no part in the consideration and voting and be out of sight of the meeting.

☐

Non-Pecuniary - Less than Significant Interest:

May participate in consideration and voting.

For the reason that:
.....

Name:

Signed: Date:

(Further explanation is provided on the next page)

Further Explanation

(Local Government Act and Code of Conduct)

A conflict of interest exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out their public duty. Interests can be of two types: pecuniary or non-pecuniary.

All interests, whether pecuniary or non-pecuniary are required to be fully disclosed and in writing.

Pecuniary Interest

A pecuniary interest is an interest that a Council official has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the Council official. (section 442)

A Council official will also be taken to have a pecuniary interest in a matter if that Council official's spouse or de facto partner or a relative of the Council official or a partner or employer of the Council official, or a company or other body of which the Council official, or a nominee, partner or employer of the Council official is a member, has a pecuniary interest in the matter. (section 443)

The Council official must not take part in the consideration or voting on the matter and leave and be out of sight of the meeting. The Council official must not be present at, or in sight of, the meeting of the Council at any time during which the matter is being considered or discussed, or at any time during which the council is voting on any question in relation to the matter. (section 451)

Non-Pecuniary

A non-pecuniary interest is an interest that is private or personal that the Council official has that does not amount to a pecuniary interest as defined in the Act.

Non-pecuniary interests commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

The political views of a Councillor do not constitute a private interest.

The management of a non-pecuniary interest will depend on whether or not it is significant.

Non Pecuniary – Significant Interest

As a general rule, a non-pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest, but it involves:

- (a) A relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the Council official or of the Council official's spouse, current or former spouse or partner, de facto or other person living in the same household.
- (b) Other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- (c) An affiliation between a Council official an organisation, sporting body, club, corporation or association that is particularly strong.

If a Council official declares a non-pecuniary significant interest it must be managed in one of two ways:

1. Remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.
2. Have no involvement in the matter, by taking no part in the consideration or voting on the matter and leave and be out of sight of the meeting, as if the provisions in section 451(2) apply.

Non Pecuniary – Less than Significant Interest

If a Council official has declared a non-pecuniary less than significant interest and it does not require further action, they must provide an explanation of why they consider that the conflict does not require further action in the circumstances.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of land in which councillor or an associated person, company or body has a proprietary interest (<i>the identified land</i>)	
Relationship of identified land to councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.
MATTER GIVING RISE TO PECUNIARY INTEREST	
Nature of land that is subject to a change in zone/planning control by proposed LEP (<i>the subject land</i>) ⁱⁱⁱ [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor [Tick or cross one box]	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

Councillor's Name:

Councillor's Signature: Date:

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

-
- i. Section **443** (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative^{iv} or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- ii. Section **442** of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section **448** of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- iii. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section **443** (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest..
- iv. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

Item: 05**Subject: DA2019 - 213.1 DWELLING LOT 144 DP 1230897, NO. 4 SHORE
BREAK CRESCENT, LAKE CATHIE****Report Author: Development Assessment Planner, Robert Slater**

Applicant: Matto Luke Corp Pty Ltd
Owner: W M Owen & S A Lievore
Estimated Cost: \$305,214
Parcel no: 66612

Alignment with Delivery Program

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

RECOMMENDATION

That DA 2019 - 213.1 for a dwelling at Lot 144, DP 1230897, No. 4 Shore Break Crescent, Lake Cathie, be determined by granting consent subject to the recommended conditions.

Executive Summary

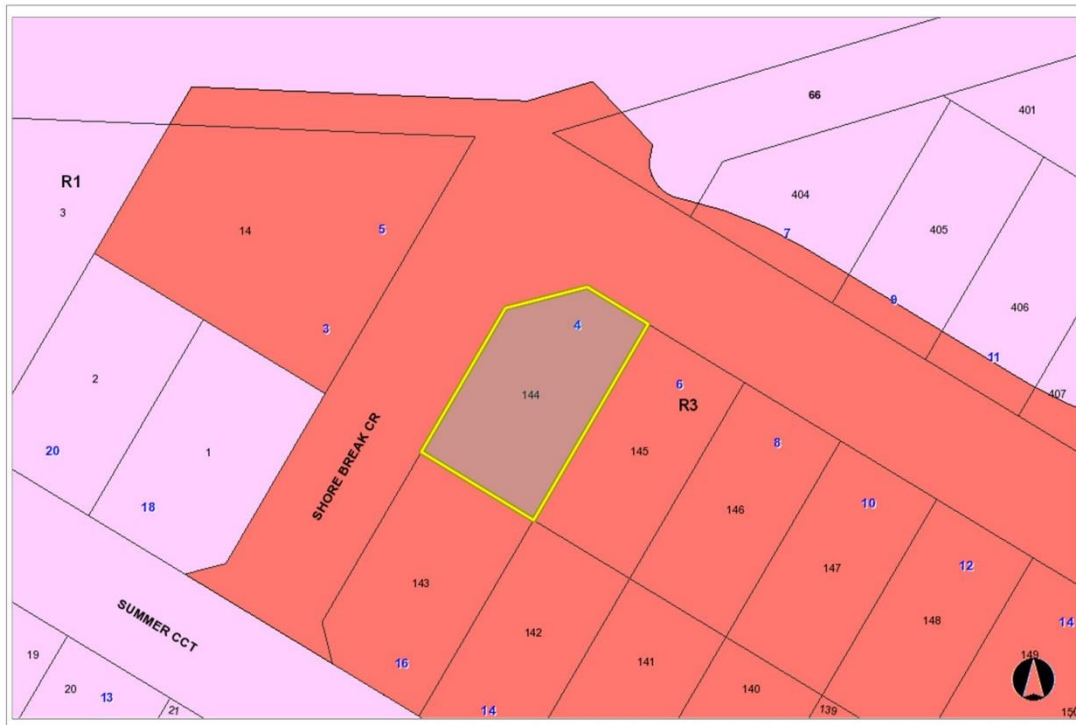
This report considers a development application for a two storey dwelling at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one (1) submission have been received.

1. BACKGROUND**Existing sites features and Surrounding development**

The site has an area of 493 m².

The site is zoned R3 Medium Density Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:

The Seaside estate residential precinct comprises of a mix of single and two storey dwellings.





Photo 1 - Subject development site.

2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Two storey dwelling.

Refer to attachments at the end of this report.

Application Chronology

- 27/03/2019 - Application lodged
- 29/03/2019 - Application notified
- 10/04/2019 - Submission received
- 24/04/2019 - Site inspection

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) The provisions (where applicable) of:**
(i) Any Environmental Planning Instrument:

State Environmental Planning Policy No. 44 – Koala Habitat Protection

The Rainbow Beach Koala Plan of Management applies to the site. The proposal does not require the removal of any koala browse trees and is not contrary to the plan.

State Environmental Planning Policy No. 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal use area / coastal environment area.

Having regard to clauses 11 of the SEPP the proposed development is on land identified as “proximity area” for coastal wetlands. The proposed residential development is not considered likely to result in any of the following:

- (a) any adverse impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- (b) any adverse impact on the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The proposed stormwater management measures are considered to be adequate to direct roof and surface waters from the site to the existing street stormwater infrastructure

Having regard to clauses 13 and 14 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) adverse impacts coastal environmental values and natural coastal processes;
- c) adverse impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) adverse impact on Aboriginal cultural heritage, practices and places;
- f) adverse impacts on the cultural and built environment heritage;
- g) adverse impacts the use of the surf zone;
- h) adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- i) overshadowing, wind funnelling and the loss of views from public places to foreshores;
- j) adverse impacts on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment. The site is predominately cleared and located within an area zoned for residential purposes.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 refers to development with frontage to a classified road. In this case, the proposed development does not have frontage to a classified road or create any additional crossovers onto the classified road or substantial increase in traffic. Therefore, no adverse impact on the road network will occur

In terms of road traffic noise impacts, the proposed two storey dwelling is impacted by road traffic noise intrusion and therefore the property is burdened by a restriction on the use of the land requiring that category 2 construction measures be incorporated into its design to achieve the acceptable daytime and night time noise levels contained within AS/NZS 2107:2000 - Acoustics - Recommended design sound levels and reverberation times for building interiors. Conditions of consent are recommended to achieve compliance with this standard.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

In accordance with Clause 2.2, the subject site is zoned R3 Medium Density Residential. In accordance with clause 2.3(1) and the R3 zone landuse table, the dwelling is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment.
 - To provide a variety of housing types within a medium density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
-
- Clause 2.3(2) - The proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality. Whilst the development is not considered to represent medium density, the proposal is consistent with single dwellings in the immediate proximity of the site.
 - Clause 4.3 - The maximum overall height of the building above ground level (existing) is approximately 7.2m which complies with the standard height limit of 11.5m applying to the site.
 - Clause 4.4 - The floor space ratio of the proposal is 0.37:1 which complies with the maximum 1.0:1 floor space ratio applying to the site.
 - Clause 7.9 - The development is subject to acoustic controls due to road traffic noise intrusion.

- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

Port Macquarie-Hastings Development Control Plan 2013:

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	The verandah does not exceed 25% of the articulation zone, however it encroaches into the 3.0m front setback. Also a slab extension encroaches into the articulation zone.	No*
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road • Min. 3.0m secondary road • Min. 2.0m Laneway 	Front building line setback is compliant with the minimum 4.5m front setback requirements.	No*
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage door setback is compliant with the minimum front setback requirements. Garage door recessed.	Yes
	6m max. width of garage door/s and 50% max. width of building	Width of garage door/s are compliant with the maximum width requirements	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing/s width are compliant with the maximum width requirements	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The rear setback requirements are complied with.	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m 	The minimum side setback requirements are complied with.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. Building wall set in and out every 12m by 0.5m 	<p>The upper floor side (NE) setback is proposed to be less than 3m and the Applicant has submitted shadow diagrams demonstrating that building additions would not overshadow primary living areas or private open space for more than 3 hours between 9.00am and 3.00pm on 21 June.</p> <p>The building wall articulation is compliant.</p>	<p>No. Refer to comments below *</p> <p>Yes</p>
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	The dwelling contains 35m ² open space in one area including a useable 4m x 4m space.	Yes
3.2.2.10	<p>Privacy:</p> <ul style="list-style-type: none"> Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	<p>The development will not compromise privacy to the adjoining properties due to a combination of minimising windows on side/rear boundaries, having high sill windows that face side/rear boundaries, limiting living areas that face adjoining living areas/open space, compliant separation and use of 1.8m high boundary fencing.</p> <p>No privacy screens are proposed.</p>	Yes

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic	No concealment or	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	principles of Crime Prevention Through Environmental Design guideline	entrapment areas proposed. Adequate casual surveillance available.	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining walls likely >1m	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	1 or capacity for more than 1 parking space behind the building line has been provided for.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Single dwelling only with 1 domestic driveway. No specific landscaping requirements recommended.	N/A

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway proposed	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Single dwelling only with 1 domestic driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

The proposal seeks to vary Development Provision 3.2.2.2 which provides that dwellings may incorporate an articulation zone to a street frontage at no less than 3m from the property boundary. The applicant proposes encroachments into the zone as follows:

Building Element	Proposed Setback (minimum)	Encroachment
NW: cnr bwk Front verandah	2.51m	490mm
NW: slab extension	800mm	2.20m

The relevant objectives are that front setbacks should support an attractive streetscape

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The proposed verandah encroachment is due to the site being constrained by a splayed front boundary. The encroachment is considered to be minor in nature and the applicant has adequately demonstrated through the built design that the encroachment will not have a detrimental impact on the streetscape.
- The slab extension encroachment while significant is expected not to have a detrimental impact on the streetscape. It is recommended that a condition be placed on the consent that the slab extension not be further enclosed or roofed without the prior written consent of Port Macquarie Hastings Council.

The proposal seeks to vary Development Provision 3.2.2.2 which provides that primary and secondary front setbacks to dwellings should be 4.5m and 3.0m respectively. The applicant proposes encroachments into the primary setback to the extent of 1.49m and 1.35m at the north west corner of the proposed dwelling. The encroaching building elements include the stair void and the family room respectively.

Having regard to the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The site is constrained by a partial splay in the front boundary line and the proposed development has frontage to a curvature in the road reserve.
- Although technically the development site is not a corner block that would be subject to a secondary frontage, the proposed setbacks are compliant with the minimum secondary frontage requirements.
- The applicant has adequately demonstrated that the proposed encroachments will have minimal impact on the streetscape.

The proposal seeks to vary Development 3.2.2.5 which provides the first floors and above should be setback minimum of 3m from the side boundary or reduced down to 900mm where it can be demonstrated that the adjoining property primary living areas and primary private open space areas should not be adversely overshadowed for more than 3hrs between 9am-3pm on 21 June.

The applicant proposes a 2.3m first floor setback to the north-eastern boundary.

The relevant objectives are to reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy and to provide for visual and acoustic privacy between buildings.

Having regard to the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The upper floor side setback is proposed to be 2.3m which is less than 3m and the Applicant has submitted shadow diagrams demonstrating that the proposed dwelling would not adversely overshadow primary living areas or private open space of the adjoining property (currently vacant) for more than 3 hours between 9.00am and 3.00pm on 21 June.

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

No planning agreement has been offered or entered into relating to the site.

(iv) Any matters prescribed by the Regulations:

Demolition of buildings AS 2601 – Clause 92

No demolition is required and therefore the clause does not apply.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality

- The proposal is unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

- The proposal is considered to be compatible with other residential development in the locality and adequately addresses planning controls for the area.
- The proposal does not have a significant adverse impact on existing view sharing.
- The proposal does not have significant adverse lighting impacts.
- There are no significant adverse privacy impacts.
- There are no significant adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Access, Traffic and Transport

The proposal is unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Water Supply Connection

Service available – details required with S.68 application.

Sewer Connection

Service available – details required with S.68 application.

Stormwater

Service available – details required with S.68 application.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

This site does not contain or adjoin any known heritage item or site of significance.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development is unlikely to have any adverse impacts on water resources and the water cycle.

Soils

The proposed development is unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

The construction and/or operations of the proposed development is unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any native vegetation and therefore does not trigger the biodiversity offsets scheme. Part 7 of the Biodiversity Conservation Act 2016 is considered to be satisfied.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition is recommended.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.

Noise and vibration

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.

Bushfire

The site is identified as being bushfire prone.

An assessment of bushfire risk having regard to section 4.3.5 of Planning for Bushfire Protection 2006 including vegetation classification and slope concludes that a Bushfire Attack Level 12.5 shall be required.

Management of bushfire risk is acceptable subject to BAL construction levels being implemented and APZ being maintained. An appropriate condition is recommended.

Safety, security and crime prevention

The proposed development is unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

Social impacts in the locality

Given the nature of the proposed development and its' location the proposal will not result in any adverse social impacts.

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts.

Construction

Construction impacts are capable of being managed. Standard site management conditions recommended.

Cumulative impacts

The proposed development is not anticipated to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development

The site is considered to be suitable for the proposed development and the variations proposed to the DCP have been appropriately justified

Site constraints have been adequately addressed and appropriate conditions of consent recommended.

(d) Any submissions made in accordance with this Act or the regulations

Following exhibition of the application in accordance with DCP 2013, one submission was received.

Key issues raised in the submission and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
Overshadowing of our private open space and alfresco areas	<p>Background: The dwelling under construction at 16 Summer Circuit has a rear boundary setback of 5.1.5m, while the alfresco area (recessed) has a rear boundary setback of approximately 6.7m.</p> <p>The subject two storey dwelling is situated 16.0m off the common boundary. This is compliant with the numerical standard requirement of the DCP, being 4.0m.</p> <p>The applicant has demonstrated that the impact is acceptable and that the POS and primary living areas will receive adequate natural light and ventilation and receive a minimum of 3 hours of sunlight between the hours of 9am and 3pm on the 21st June.</p>
Detrimental effect on privacy	<p>There is no requirement for the windows on the ground and first floor to be obscured or screened as the windows are not situated within a 9m radius from any part of a window of the dwelling at 16 Summer Circuit. The proposed rear boundary setback is approximately 16.0m</p> <p>Additionally, although setback 16.0m from the rear boundary, the applicant has substituted the first floor living room (child's retreat) window facing the rear boundary with a highlight window having a sill height of 1.5m.</p> <p>Any direct views from the ground floor will be</p>

Submission Issue/Summary	Planning Comment/Response
	<p>adequately reduced by the proposed 1.8m high boundary fence.</p> <p>The applicant has demonstrated that the design and siting of the proposed two storey dwelling does not have direct views between primary indoor and outdoor living areas meets the objective of protecting the visual privacy on-site and nearby residents.</p>

(e) The Public Interest:

The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

N/A

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

1 [View](#). DA2019 - 213.1 Recommended Conditions

2 [View](#). DA2019 - 213.1 Plans

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
Building Plans	PM104	Adenbrook Homes	26/02/2019
Site Plan	PM104	Coastal Survey Solutions	16/04/2019
Bushfire Risk Assessment	Lot: 144 DP: 1230897, 4 Shore Break Crescent LAKE CATHIE	Adenbrook Homes	undated
Basix Certificate	996669S_02	Adenbrook Homes	26/02/2019
Shadow Diagram	Lot: 144 DP: 1230897, 4 Shore Break Crescent LAKE CATHIE	Adenbrook Homes	29/04/2019

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) (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 appropriate receptacles into separate waste streams;
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 holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

- (4) (A003) The slab extension is not permitted to be further enclosed (including the provision of a roof) without the prior written consent of Port Macquarie Hastings Council.

B - PRIOR TO ISSUE OF 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) (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:

- i. Footway and gutter crossing
- ii. Functional vehicular access

- (3) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 12.5 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.

- (4) (B046) No building shall be erected or permitted to remain upon any lot burdened unless the building has been designed to incorporate the required construction Category 2 measures to achieve the acceptable daytime and night

time Noise levels contained in AS/NZS 2107:2000 – Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors. Details demonstrating compliance are to be provided to The Principal Certifying Authority prior to release of the Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

- (1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

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) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate 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.
- (4) (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.
- (5) (E007) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (e.g. the builder), stating that all Category 2 construction measures have been incorporated into the building design.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy.

The reason for this decision is that site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public interest and will not result in significant adverse social, environmental or economic impacts. The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's

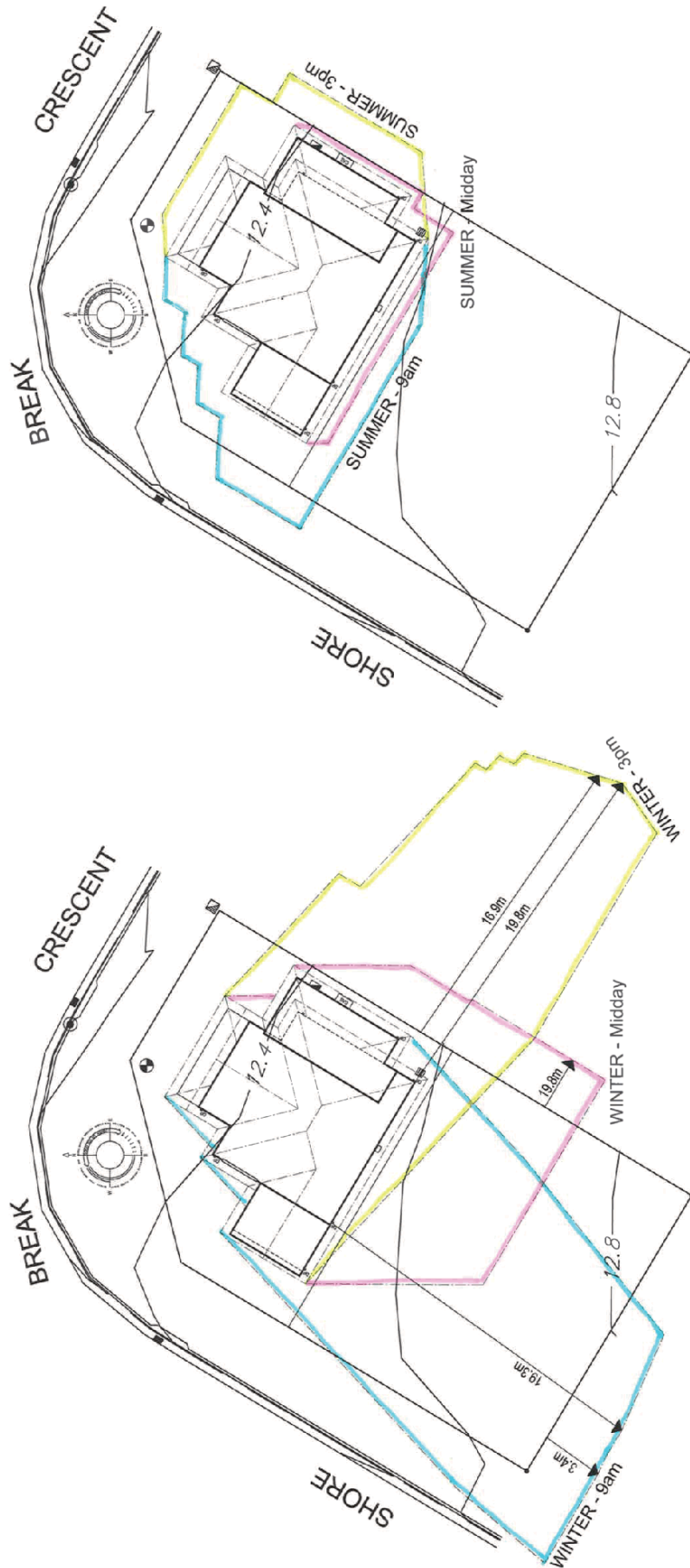
Policies and Development Control Plan or any other ancillary Act or Regulation in force at the time of the date of determination. The conditions are aimed at protecting the natural environment, preserving our heritage and providing a functional, safe and healthy built environment.

Rights of Appeal

If you are dissatisfied with this decision:

1. A request for a review of the determination may be made to Council, under the provisions of Section 8.3 of the Environmental Planning and Assessment Act 1979.
2. Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely



SUMMER

WINTER

<p>THIS PLAN IS A PRELIMINARY PLAN. IT IS NOT A FINAL PLAN. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE.</p>		DATE	REVISION	INITIAL	<p>adenbrookhomes LICENCE NO. 215 290 208 LOGAN RD, WOOLLOONGABBA QLD 4112 PH (07) 3228 8000 WWW.ADENBROOKHOMES.COM.AU</p>		HOUSE	TITLE	shadow diagram
<p>THIS PLAN IS A PRELIMINARY PLAN. IT IS NOT A FINAL PLAN. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE.</p>		16/01/19	TENDER ISSUE	R.A.	<p>MT WADE OWEN & MS SARAH LIEVORE LOT 144 SHORE BREAK CRESCENT</p>		HOUSE	HOUSE	shadow diagram
<p>THIS PLAN IS A PRELIMINARY PLAN. IT IS NOT A FINAL PLAN. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE.</p>		17/01/19	TENDER 2 ISSUE	R.A.	<p>LAKE CATIE, NSW 2445</p>		HOUSE	HOUSE	shadow diagram
<p>THIS PLAN IS A PRELIMINARY PLAN. IT IS NOT A FINAL PLAN. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE.</p>		19/02/19	PERMIT ISSUE	R.A.	<p>SIGNATURE:</p>		HOUSE	HOUSE	shadow diagram
<p>THIS PLAN IS A PRELIMINARY PLAN. IT IS NOT A FINAL PLAN. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE.</p>		20/02/19	PERMIT ISSUE - EDITS	K.B.	<p>NOT TO SCALE JOB NO: PM104</p>		HOUSE	HOUSE	shadow diagram
<p>THIS PLAN IS A PRELIMINARY PLAN. IT IS NOT A FINAL PLAN. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE. THE TITLE AND DIMENSIONS SHOWN HEREON ARE NOT TO BE USED FOR ANY OTHER PURPOSE.</p>					<p>12/11</p>		HOUSE	HOUSE	shadow diagram

Item: 06**Subject: 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****Report Author: Development Assessment Planner, Benjamin Roberts**

**Applicant: David Pensini
Owner: Yogi Bear Holdings Pty Ltd
Estimated Cost: \$14,733,000
Parcel no: 65374**

Alignment with Delivery Program

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

RECOMMENDATION

That DA2018 - 353.1 for a 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, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a 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 the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, eight (8) submissions have been received.

This report recommends that the development application be approved subject to conditions.

1. BACKGROUND**Previous consideration of the application**

In considering the matter, the Development Assessment Panel on 23 January 2019 was unable to reach consensus as follows:

Robert Hussey moved the following motion:

“That DA2018 – 353 be refused on the grounds that:

- 1. Insufficient on-site car parking has been provided (deficit of 21 spaces) as required by the Port Macquarie-Hastings Development Control Plan 2013. In the context of this proposed tourist development located within an area with time limited parking the public interest would not be well served by allowing such a significant shortfall in parking spaces on site, or offsetting this number of spaces via the contribution plan.*
- 2. The proposed turning movements at the reception area are unreasonably compromised and should be redesigned to avoid regular interruption to the in-out vehicular movements by the 3-point turn.”*

For: Robert Hussey

Against: Paul Drake and Dan Croft.

The dissenting recommendation was:

“That DA2018 – 353 be deferred to allow the applicant to readdress non-compliance with development standards and provide further evidence to support parking provision on site so as to avoid significant dependence on contribution offsets.”

Given the Development Assessment Panel was unable to reach consensus at its meeting on 23 January 2019 the matter was reported to Council in accordance with the DAP charter on 20 February 2019 with the following recommendation from staff:

“That DA2018 - 353 for a 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, be determined by granting consent subject to the recommended conditions.”

In considering the matter at its meeting on 20 February 2019 Council resolved as follows:

RESOLVED: Intemann/Alley

That DA2018 – 353 be deferred to allow the applicant to readdress non-compliance with development standards and provide further car parking provision on site so as to avoid dependence on parking offsets.

CARRIED: 6/1

FOR: Alley, Cusato, Dixon, Hawkins, Intemann and Turner

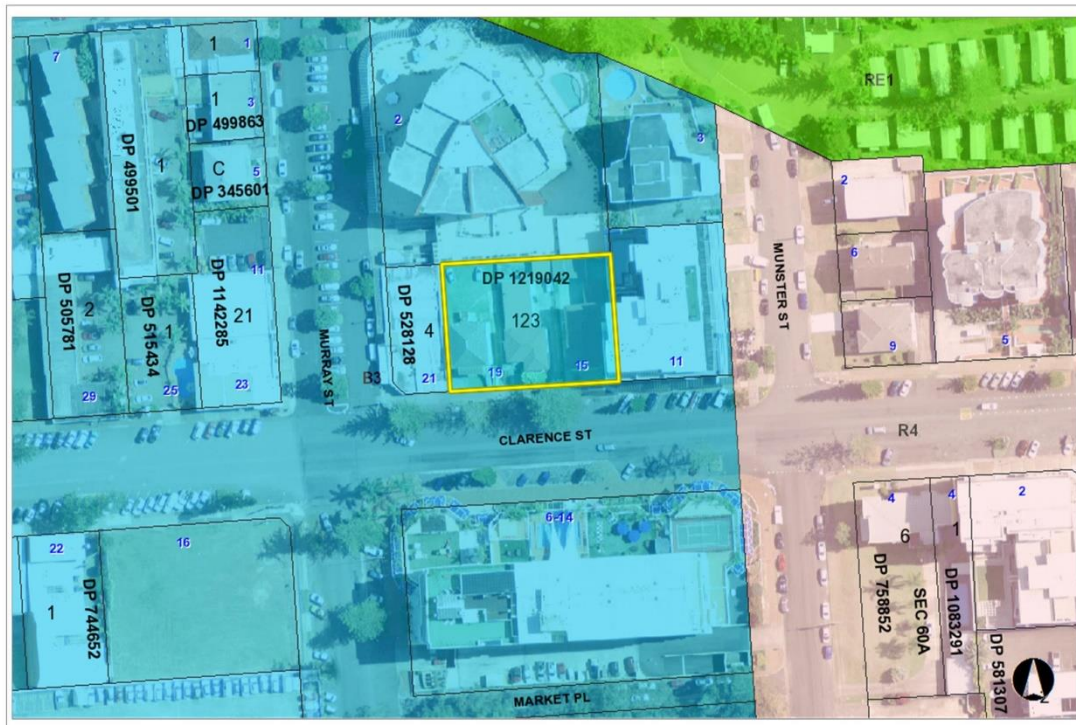
AGAINST: Levido

The applicant subsequently lodged revised plans on 19 April 2019 to include a further level of basement parking to the proposed development.

Existing sites features and Surrounding development

The site has an area of 1518m².

The site is zoned B3 Commercial Core in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a seven (7) storey building comprising basement level parking.
- The building will comprise ground floor commercial and tourist accommodation over levels 1 to 6. Levels 1 to 6 will contain 47 apartments comprising 4 x 3 bed units (with dual key arrangement), 28 x 2 bed units (with dual key arrangement), 12 x 2 bed units and 3 x 1 bed units. With the combination of dual key arrangements, the proposal may provide for up to 79 leasable units.

Refer to attachments at the end of this report.

Application Chronology

- 16 May 2018 – Application lodged.
- 22 May 2018 – Application placed on hold following applicant advice that revised plans are to be lodged.
- 25 June 2018 – Revised plans lodged.
- 5 July to 3 August 2018 – Public exhibition via neighbour notification and advertising.
- 3 July 2018 – Additional information request to applicant. Building height and off-street parking.
- 6 August 2018 – Additional information request to applicant. Traffic impact assessment required.
- 25 September 2018 – Additional information response from applicant addressing building height, parking and traffic requests.
- 23 January 2019 - Consideration by Development Assessment Panel.
- 20 February 2019 - Consideration by Council.
- 19 April 2019 - Revised plans lodged.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**
(i) **Any Environmental Planning Instrument:**

State Environmental Planning Policy 55 – Remediation of Land

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy 62 - Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and its' location, the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the nearby Hastings River approximately 150m to the north-west from the site.

State Environmental Planning Policy 64 - Advertising and Signage

There is no signage proposed as part of the application. Suitable condition has been recommended advising of consent requirements for future signage.

State Environmental Planning Policy 65 - Design Quality of Residential Flat Development

In accordance with clause 4 the policy does not apply to serviced apartments.

State Environmental Planning Policy (Coastal Management) 2018

The site is located within the mapped coastal environment area.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 13 and 14 of the SEPP and clause 5.5 of the Port Macquarie-Hastings LEP 2011 the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) any adverse impact on Aboriginal cultural heritage, practices and places;
- f) any adverse impacts on the cultural and built environment heritage;
- g) any adverse impacts the use of the surf zone;
- h) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- i) overshadowing, wind funnelling and the loss of views from public places to foreshores;

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment. The site is cleared and located within an area zoned for commercial purposes.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

In accordance with clause 7, the proposal is not a BASIX affected building. Specifically, the definition of a BASIX affected building is as follows:

BASIX affected building means any building that contains one or more dwellings, but does not include a hotel or motel.

State Environmental Planning Policy (Infrastructure) 2007

The proposal is not traffic generating development for the purpose of schedule 3 of this policy. No referral to Roads and Maritime Services was undertaken.

State Environmental Planning Policy (State and Regional Development) 2011

The proposal is not identified as regionally or state significant development. The capital investment value is \$14.7 million. The trigger for regionally significant development is \$30 million.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2 - The subject site is zoned B3 Commercial Core.
- Clause 2.3(1) and the B3 zone landuse table - The proposed development for commercial premises and tourist and visitor accommodation are permissible landuses with consent.
- Clause 2.3(2) - The consent authority must have regard to the objectives of a zone when determining a development application.

The objectives of the B3 Commercial Core zone are as follows:

- 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.
-
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - The proposal is a permissible land use;
 - The development would provide additional ground floor retail and business use;
 - The development will provide suitable tourist and visitor accommodation;
 - The proposal is accessible and will provide employments opportunities.
-
- Clause 4.1 - It is noted that no subdivision is proposed as part of the application.
- Clause 4.3 - The maximum overall height of the proposal above ground level (existing) is 23.65m. The maximum building height standard applicable to the site is 19m. As a result, the applicant has submitted a Clause 4.6 variation to the standard. The variation represents a 24.5% departure from the standard.

In gaining an appreciation of the extent of building height variation sought it is important to note the site has been excavated under a prior development consent. The ground level on site is now below that which previously existed. Specifically, in the western central portion of the site ground levels are at least 700mm lower than

historic natural ground levels. Also of due consideration is that in marrying in with Town Centre Master Plan works along the Clarence Street frontage the finished ground level adjacent to the southern elevation of the building will be approximately 800mm above the existing ground level along this frontage.

To this extent the roof of the proposed building comparative to the existing footpath level along Clarence Street level will vary between 17.8m in the south-eastern corner and 19.5m in the south-western corner. Whereas within the site, at the excavated ground level, the building height would be 20.55m in the south-eastern corner and up to 22.65m in the south-western corner. Along the northern elevation of the proposed building, at the excavated ground level, the building height varies from between 22.65m and 23.65m. The height plane plans provided as an attachment to this report illustrate the extent of the height variation proposed. The height plane plans also illustrate the height of the previously approved buildings on the site.

- Clause 4.6(3) - Consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the applicant submitted a Clause 4.6 variation to the standard based on the following reasons:

- The building design and height is consistent with the existing and future character of the locality in relation to height, bulk and scale.
- Existing building designs in the locality provide for lift overruns, roof top access and communal use rooftop areas in addition to the main building envelopes.
- There will be negligible impacts in relation to appearance, views, loss of privacy and loss of solar access.
- The proposal will have minimal impact on the heritage values of the site.
- The proposal will continue to provide for a transition in built form and land use intensity.

Having consideration to the above the applicant has demonstrated the proposal is consistent with the performance objectives of the height of building clause and will have limited impact on the environment. In addition, it is also considered that:

- The proposal is consistent with the objectives of the LEP and is unlikely to have any implications on State related issues or the broader public interest.
 - When viewed from the street it will present as a six storey building. The 6th floor is adequately setback from the perimeter of the main building, add minimal bulk and will articulate the built form.
 - As per Planning Circular PS 18-003, Council can assume the Director-General's concurrence for variations to height limits. The height variation is more than a 10% deviation from the standard and therefore the application needs to be determined by full council rather than under staff delegation.
- Clause 4.4 - The floor space ratio of the proposal is 3.52:1. The maximum floor space ratio standard applicable to the site is 3.5:1. As a result, the applicant has submitted a Clause 4.6 variation to the standard. The variation represents a 0.57% variation from the standard. This equates to an additional floor area of 34.03m² above the standard.

- Clause 4.6(3) - Consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the applicant submitted a Clause 4.6 variation to the standard based on the following reasons:

- The extent of the floor space variation is minor.
- The building design is consistent with the existing and future character of the locality in relation to building height, bulk and scale.
- The proposal is consistent with the floor space ratio objectives.

Having consideration to the above the applicant has demonstrated the proposal is consistent with the performance objectives of the floor space ratio clause. In addition, it is also considered that the proposal is unlikely to have any implications on State related issues or the broader public interest.

As per Planning Circulars PS 18-003, Council can assume the Director-General's Concurrence for variations to floor space ratios. The floor space ratio variation is less than a 10% deviation from the standard and could be determined by staff under delegation. However, noting the building height variation proposed the application will be determined by full council in any event.

- Clause 5.9 - No listed trees in Development Control Plan 2013 are proposed to be removed.
- Clause 5.10 the site is a listed archaeological site (A111). The applicant provided a preliminary archaeological assessment for a previous application being for the excavation of basement parking which was referred to the NSW Heritage Council. The prior consent contained conditions addressing heritage including a further requirement for a final archaeological report on findings during excavation. A final archaeological report prepared by I Vetta and J Baloh dated August 2018 supported this application. The application and final report were referred to the NSW Heritage Council. The heritage Council have reviewed the application and final report and concluded that no further investigation or approval under the *Heritage Act 1977* is needed. The NSW Heritage Council has recommended the following consent condition be applied to any consent granted. The condition forms part of the recommended consent conditions attached to this report:

"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".

- Clause 7.3 - The land is above the flood planning area and no flood related building controls apply to the site.
- Clause 7.4 - The north-western portion of the site is partly mapped within the flood plain risk management area. The development provides for adequate emergency evacuation onto Clarence Street and no specific flood related measures are required.
- Clause 7.7 - The proposed development does not penetrate the Obstacle Limitation Surface (OLS) of the Port Macquarie Airport. In particular the OLS for the site is approximately 60m. However, if a crane is to be utilised during

construction, care will be required. A condition is recommended to ensure any crane used onsite does not penetrate the OLS and in the event that it does a controlled activity approval from the airport operator be obtained prior to works commencing.

- Clause 7.13 - Satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and sewer infrastructure to service the development.

(ii) Any draft instruments that apply to the site or are on exhibition:

No draft instruments apply to the site.

(iii) Any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

Applicable general provisions

Requirements	Proposed	Complies
• Advertising & Signage	None proposed.	N/A
• Community Participation & Social Impact Assessment	Public exhibition undertaken in accordance with the requirements of this plan. Social Impact Assessment not considered necessary for the proposal.	Yes
• Crime Prevention	Adequate casual surveillance available and principles of crime prevention through environmental design achieved.	Yes
• Environmental Management	<ul style="list-style-type: none"> • Site is mapped as potential archaeological site. Refer to comments earlier within report. • No tree removal proposed. • Stormwater management details to be provided. 	Yes N/A Stormwater capable of being managed. Details to be provided with section 68 application.
<ul style="list-style-type: none"> • Off-street parking in accordance with Table 2.5.1: - Motel accommodation requires 1.1 per unit + 1 per 2 employees (onsite at any one time) + 1 for on-site manager. - Commercial premises requires 1 per 30m² of Gross Leasable Floor Area (GLFA). 	Motel accommodation with dual key arrangement: <ul style="list-style-type: none"> - 79 units = 86.9 - No onsite manager = 0 - 6 employees = 3 Total for motel = 89.9 spaces. Commercial premises: <ul style="list-style-type: none"> - 195.3m² = 6.51 spaces. Function Room <ul style="list-style-type: none"> - 80.22m² = 2.674 spaces Total required parking for dual key	No*

- Function room requires 1 per 30m ² serviced floor area in commercial zones.	arrangement = 99.084 spaces. Total parking proposed = 81 spaces.	
--	---	--

The proposal seeks a variation to clause 2.5.3 which requires onsite parking to be provided in accordance with Table 2.5.1. In accordance with the table above 99.084 (100) spaces are required to serve the development with 100% occupancy of all units inclusive of 32 dual key units. The proposal includes 81 spaces. Thus resulting in a parking shortfall of 18.084 spaces.

The DCP provides that Council may consider a reduced level of parking where it is supported by a parking demand study that assesses the peak parking demands for the overall development and completed by a suitably qualified and experienced person.

The relevant objectives of the plan are:

- Adequate provision is made for off-street parking commensurate with volume and turnover of traffic likely to be generated by the development.
- To ensure no adverse impacts on traffic and road function.

The application was supported by a traffic impact assessment that included a parking demand analysis. The assessment was prepared by TTM Consulting dated 9 August 2018. The assessment included a dual occupancy (i.e. dual key) parking sensitivity assessment. The assessment assumed an 80% occupancy rate and that 20% of guests would arrive via taxi, ride sharing or public transport. Based on these assumptions it was estimated that the parking demand for 79 units alone would be approximately 50-51 spaces. With the addition of the ground floor commercial parking demand of 6.51 spaces, employee parking demand of 3 spaces and function centre parking demand of 2.674 spaces the total peak parking demand equates to between 62.184 - 63.184 spaces. Under this scenario a parking surplus of 17.816 spaces would apply.

It is considered reasonable to assume a reduced occupancy rate for motel style accommodation. Data obtained from the Destination NSW website (source being Australian Bureau of Statistics (ABS), survey of Tourist Accommodation) suggests for the years ending 2014 and 2015 occupancy rates were 62% and 68% respectively for tourist style accommodation in Port Macquarie for establishments with 15 or more rooms. The adopted 80% occupancy rate is considered appropriate and probably on the conservative side having regard to these statistics.

However, assuming 20% of guests will not arrive via private vehicle is not substantiated within the parking study. No data, survey work or research has been provided that validates this assumption. In the absence of such evidence it is considered inappropriate to adopt this assumption. The traffic study acknowledges that during periods of high occupancy (peak holiday periods) that the car parking demand may be higher and recommend that a parking booking system be implemented to manage the available parking. However, this is considered inappropriate as there will likely be an increased reliance on on-street parking during these times. It is argued that the adopted parking demand rate within the DCP for motel style accommodation already accounts for a portion of guests arriving by alternate means. Council staff also consider that the assumption of an 80% occupancy ratio further accounts for a portion of persons arriving by alternate means during peak periods and that a further discount is not appropriate.

Council staff calculations of parking demand based on 80% occupancy rate is provided as follows:

- 79 lettable units at 80% occupancy equates to 63.2 units (i.e. $79 \times 0.8 = 63.2$).
63.2 units \times 1.1 spaces per unit = 69.52 spaces.
- Employees: 6 at 1 per 2 employees ($6/2$) = 3 spaces.
- Commercial premises: 195.3m^2 (1 per 30m^2) = 6.51 spaces.
- Function Room: 80.22m^2 (1 per 30m^2) = 2.674 spaces.
- Total parking demand required = 81.704 spaces.

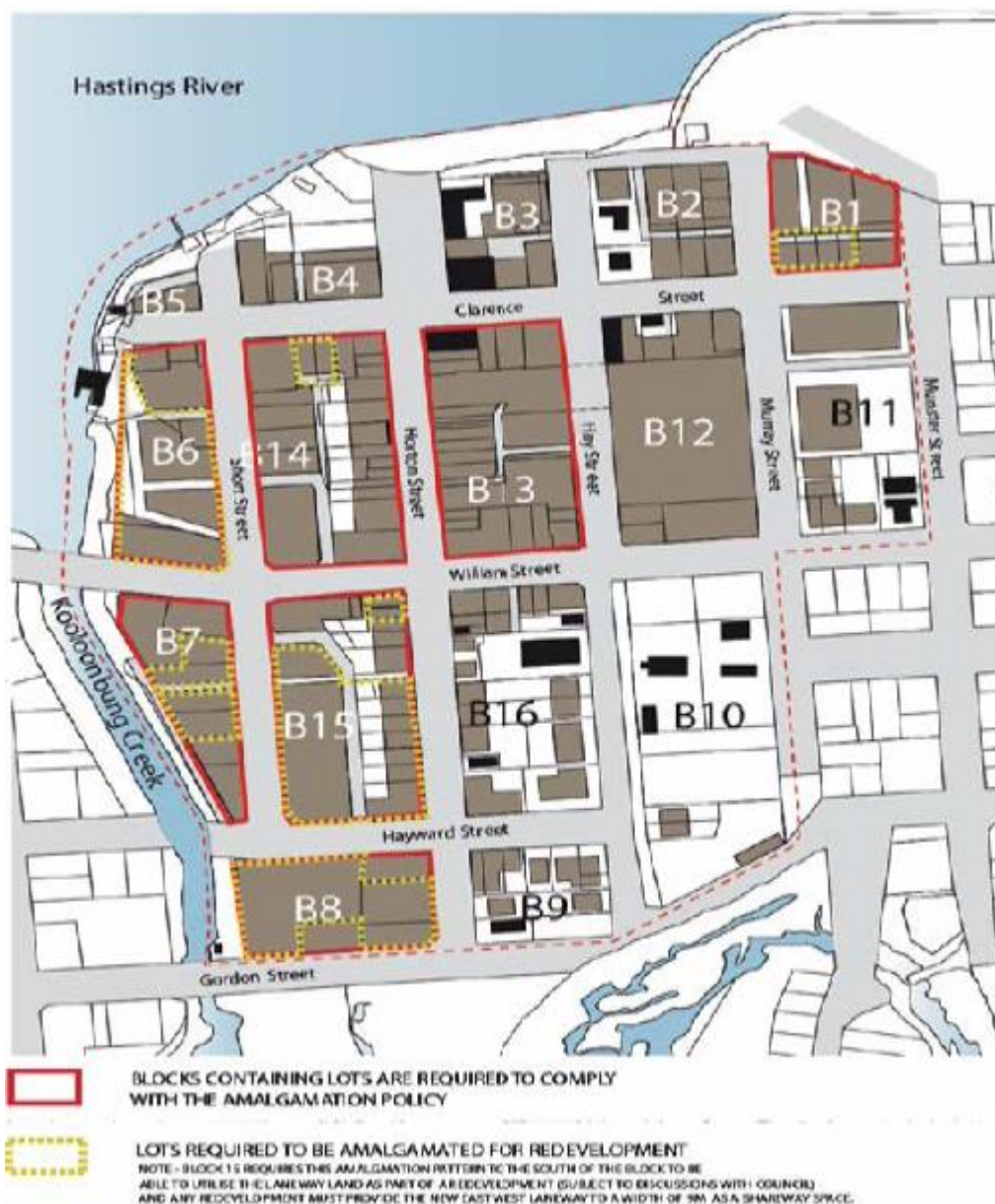
Parking proposed is 81 spaces. Therefore, a parking shortfall of 0.704 space is a result (i.e. 81.704 spaces required – 81 spaces proposed).

Having regard to the overall findings of the traffic impact assessment prepared by a suitably qualified professional, Council staff are comfortable that proposal will not result in any significant adverse impacts to traffic, parking or road function. Nevertheless, the site is located within the Port Macquarie-Hastings Contributions Plan 1993 – Part C – Car Parking and it is considered appropriate that a development contribution be made under this plan for the identified parking shortfall of 0.704 of a parking space. A condition has been recommended surrounding the payment of the parking shortfall contribution.

Part 5 - Area based provisions - Port Macquarie Town Centre

Requirements/Objectives	Proposed	Complies
Clarence Street precinct The future heritage and leisure focus of the town for visitors and residents, Clarence Street will be a distinctive tree lined pedestrian dominated area with hotels and holiday apartments above an active street frontage lined with restaurants, heritage buildings and sidewalk cafés. The new buildings should respond to the heritage buildings without mimicking them.	7 storey apartment style building with ground floor commercial. Ground floor commercial will provide active street frontage. Building design considered to be not out of character with existing flat buildings within the precinct.	Consistent with objectives.
Site amalgamation - Amalgamations are desired on land identified in Figure 26. - If applicants propose a different amalgamation pattern then they must demonstrate that orderly development, high levels of connectivity and vehicle access will occur and that mid-block connections are provided appropriately.	Proposal inconsistent with desired amalgamation plan. Refer to figure below table.	Three lots (minus the corner lot) have been amalgamated. Considered to be a good outcome.
Active Frontages and Shop Widths - Maximum shop widths comply with Figure 27: Maximum shop	The ground floor shop front width is less than 30m.	Yes.

Requirements/Objectives	Proposed	Complies
widths.		
Façade Enclosure Façade enclosure complies with the block controls. Block 1: - Ground 60% - First 50% - Second/Third 40% - Top floor 40%	Façade enclosure considered acceptable.	Yes.
Roof Design Break up roofs where possible with hips, gables and changes in materials.	Roof broken up with lift overrun and roof top terrace structures.	Yes

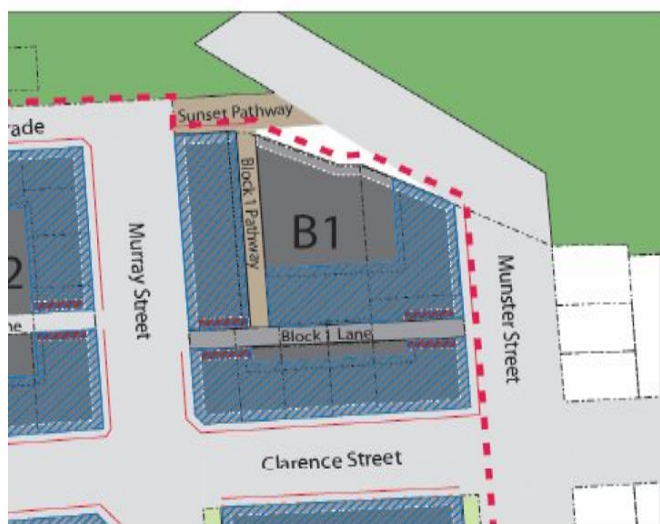


PART 4 BLOCK CONTROLS

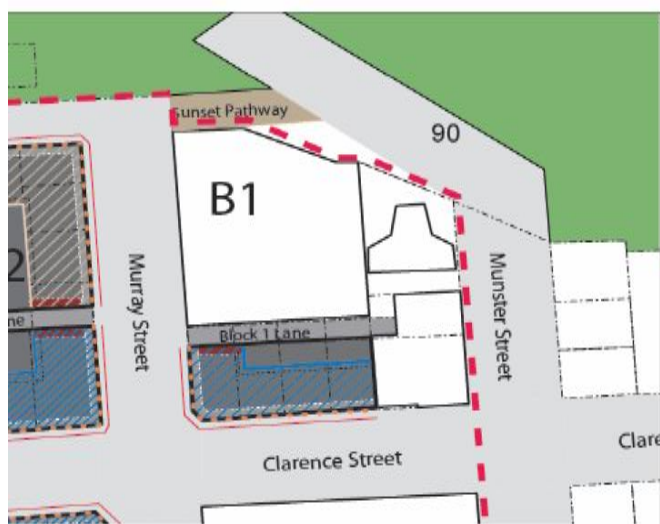
Block 1



Location map



DIAGRAMMATIC BLOCK PLAN - LONG TERM



INTERIM BLOCK PLAN

Incorporating existing strata buildings and newly approved or constructed buildings and buildings significantly taller than current height controls.

KEY

- Existing**
- Study Area
 - Existing lot boundaries
 - Heritage building footprint
 - Heritage area
 - Existing strata or recently approved or constructed building footprint
 - Existing Foreshore Reserve (subject to separate public domain plans)
- New development**
5. Maximum Building Depth
 - Ground Floor Building Footprint
 - Upper Floor Building Footprint
 6. Front Boundary Setback
 - Build to line
 8. Facade Articulation Zone
 - Front
 - Side/Rear
 - Upper Floor
 9. Extent of Street Awning to be provided
 12. New Streets, Laneways & Paths
 - Proposed New Street
 - Proposed New Laneway
 - Proposed New Path
 14. Landscaping
 - Soft Landscaped with Deep Soil
 - Mix of Hard & Soft Landscaping

Summary - Block 1 controls

Maximum Building Depth. Ground whole site less setbacks, First/Second/Third/Top = 20m.

Building depth of approximately 22m considered appropriate.

Front Setback (Clarence Street). Ground/First/Second/Third = 0m. Top Floor = 3m.

Front lobby on front boundary 0m consistent. <1m first/second/third/fourth/fifth with elements within articulation zone. Noting top floor setback 3m.

Rear Setback. Minimum 0m to Block 1 Lane for Ground/First/Second/Third. Top Floor minimum 3m.

Proposed 8.7m to rear boundary. Further setback on top floor. Note future laneway not possible having regard to Macquarie Waters building.

Side Setback. Minimum 0m to Block 1 Pathway for Ground/First/Second/Third. Top Floor minimum 3m.

Proposed 0m side boundary setback from ground to 5th level. 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 (north-western aspect of building). The side setback variation to the 3m top floor in relation to portions of the top floor is considered acceptable due to the:

- 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.

Façade Enclosure. Ground 60%, First 50%, Second/Third 40%, Top Floor 40%.

Façade enclosure considered acceptable.

Front articulation zone. Ground min 0m. First to fifth min 1.8m Max 4m. Top Floor N/a

Articulation provided to the street considered appropriate.

Rear/Side Articulation 0m.

Wall finish treatment is proposed to the western elevation which will provide an appropriate interim measure until the corner block is developed.

Vehicle entry from streets and paths. Off Block 1 Lane, Munster or Murray Streets

Access directly from Clarence Street.

New Streets, Laneways and Paths. Block 1 Lane. Min 7m wide – two way vehicle movement and 1m footpath.

Proposed level basement car parking. No provision for laneway. Full width footpath across frontage required.

Arcades. N/A.

Car Parking Underground, on street, some on grade.

Proposed basement car parking and commercial spaces at grade.

Landscaping. N/A.

Residential Flat Development, Tourist and Visitor Accommodation, Mixed Use Development Provisions.

Objectives/Provisions	Proposed	Complies
Site Design & Analysis <ul style="list-style-type: none"> - Attributes and constraints adequately considered in design. - Consideration to adjacent and adjoining sites in design. 	Site analysis provided.	Yes.
Site Layout <ul style="list-style-type: none"> - Functional & integrated with neighbourhood. - Energy efficient design. 	Detailed site plan provided with application demonstrating integration with potential integration with adjoining sites.	Yes.
Height Limits & FSR <ul style="list-style-type: none"> - Complies with LEP - Min floor to ceiling 2.7m. - FSR at least 1:1. 	Variation to height proposed. Ceiling heights comply. FSR 3.52:1.	No. Refer to LEP clause 4.6 comments. Yes. Yes.
Streetscape & Front Setback <ul style="list-style-type: none"> - Front setback with 20% of average setback of adjoining buildings. - Tourist accommodation 9m max setback for pool. - Balconies may encroach 	Proposed 0m front setback. Swimming pool proposed on roof top. Balconies within	Considered acceptable. N/A Yes.

Objectives/Provisions	Proposed	Complies
<ul style="list-style-type: none"> up to 600mm into setbacks. - Building aligned to street boundary. - Openings align with street or rear of site. 	<p>setbacks.</p> <p>Building aligns with street. Openings face street.</p>	<p>Yes.</p> <p>Yes.</p>
<p>Side & Rear Setbacks</p> <ul style="list-style-type: none"> - Side setback min 1.5 for max 75% of building depth. - Windows in side walls setback 3m from side. - Adjoins existing strata building side set back min 3m. - Rear setback min 6m to building & sub basement. - Party wall development if site amalgamation not possible and higher density envisaged. - Corner sites consolidated with adjacent sites. 	<p>0m side setbacks</p> <p>No windows in side walls.</p> <p>Adjoins strata title flat building to the east.</p> <p>8.7m rear setback to building.</p> <p>Site amalgamation as per DCP not achievable.</p> <p>Not a corner site.</p>	<p>Considered acceptable.</p> <p>N/A.</p> <p>Considered acceptable.</p> <p>Yes.</p> <p>Noted but considered best achievable outcome. N/A</p> <p>N/A</p>
<p>Building Depth</p> <ul style="list-style-type: none"> - Max 18m 	<p>Building depth of approximately 22m.</p>	<p>Building depth considered acceptable. The depth is reflective of existing similar sized buildings adjoining.</p>
<p>Energy Conservation & Solar Access</p> <ul style="list-style-type: none"> - Adequate light and ventilation. - Overshadowing. - Energy efficiency. 	<p>North facing balconies. No adverse shadow impacts given lot orientation.</p>	<p>Yes. Ventilation and solar access considered appropriate having regard to the short term use proposed.</p>
<p>Landscaping</p>	<p>Landscaping proposed along Clarence Street frontage.</p>	<p>Yes</p>
<p>Deep Soil</p> <ul style="list-style-type: none"> - Buildings should be sited across frontage - Deep soil zones should extend width of the site and be minimum depth of 6m. - Deep soil zone should accommodate advanced plantings. - Integration with stormwater management system 	<p>No deep soil zone proposed.</p>	<p>The site is zoned B3 Commercial and consistent with the area based provisions above no deep soil zone requirement has been envisaged for this site.</p>
<p>Private Open Space</p> <ul style="list-style-type: none"> - Ground floor dwelling min 35m2 with 4mx4m 	<p>No ground floor units proposed. The rooftop terrace area inclusive of</p>	<p>Yes. Each unit also contains access to external balconies of</p>

Objectives/Provisions	Proposed	Complies
<p>area.</p> <ul style="list-style-type: none"> - Areas <2m in width be excluded from area. - Balconies on or above first floor min 8m2 with min 2m width with direct living area access. 	BBQ, gym, pool and toilets facilities provides sufficient communal open space.	sufficient width and depth.
<p>Fences and Walls</p> <ul style="list-style-type: none"> - None proposed 	None proposed	N/A
<p>Acoustic Privacy</p> <ul style="list-style-type: none"> - Living areas to face street - Parking and driveways separation >3m from bed windows - Openings of adjacent dwellings >3m separation. - Building wall design minimise noise transition comply with AS. 	<p>Noted that some bedrooms at front of building face street. N/A no ground floor units.</p> <p>No side wall openings.</p> <p>Designed to comply with noise transmission requirements.</p>	<p>Noise impacts considered to be minimal having regard to the short term nature of use. Additional glazing to bedroom windows possible.</p> <p>N/A</p> <p>Yes</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Direct views between adjacent living areas screened if with distances. - Screening or fence requirements. - Window privacy screen requirements - Balcony privacy screen requirements 	<p>No side wall openings.</p> <p>Privacy walls and screening proposed where necessary.</p>	<p>Yes</p> <p>Yes</p>
<p>Accessibility</p> <ul style="list-style-type: none"> - In accordance with AS1428 - Barrier free min 20% of dwellings - Layout for variety of groups - Building design capable of adaptation to whole of partial changes of use 	Capable of compliance with AS1428. Details to be provided with Construction Certificate. Ground flood at grade access with lift proposed.	Yes.
<p>Social Dimensions & Affordability</p> <ul style="list-style-type: none"> - Located close to open space/recreation areas. - FSR not less than 1:1 - Variety of apartment types, 1, 2, 3+ beds. 	<p>Close to Town Green open space and foreshore areas.</p> <p>FSR greater than 1:1. 1, 2 and 3 bedroom units.</p>	<p>Yes.</p> <p>Yes. Yes.</p>

Objectives/Provisions	Proposed	Complies
- Consider Affordable Housing Strategy		
Roof Form - Variations in form & materials to be provided - Lift overruns & plant integrated within roof structure	Roof top structures provided varied roof form. Overrun and plant incorporated into roof top structures.	Yes.
Façade Composition & Articulation - Well balanced - Consistent & complimentary to elements & materials of existing buildings	Consistent with existing flat buildings within the locality.	Yes
Entries & Corridors - Clear line of transition - Sheltered & lit - Adequate circulation space - Corridor width min 2.5m wide & 3m high	Building entry well defined, sheltered and adequate circulation space.	Yes
Balconies - Min one balcony per apartment. - Main balcony min 2m width a 8m2. - Directly accessible from living area. - Balconies recessed, balustrade.	Balcony per unit. Complies. Off living area. Recessed and balustrade details provided.	Yes Yes Yes Yes
Emergency Services - Accessible	Capable of access from street hydrant.	Yes
Laundries & Clothes Drying Facilities	Rooftop communal laundry proposed.	Yes
Mailboxes	Not required.	N/A
Safety & Security	Design meets principles of crime prevention through environmental design.	Yes
Site Storage	Adequate storage proposed.	Yes
Waste Management - Communal bulk waste facilities to be provided. - Designated area at ground or basement	Garbage storage on ground floor behind commercial tenancies.	Yes
Utilities	Services available.	Yes
Strata Title Subdivision	No subdivision proposed.	N/A

Business and Commercial Development Provisions

Requirements/Objectives	Proposed	Complies
Building Heights:	Proposed 23.65m. 19m LEP max height limit applies.	No. Refer to LEP clause 4.6 comments.
Setbacks: <ul style="list-style-type: none"> A zero metre setback to ground floor is preferred in all business zone developments. 	0m front setback.	Yes
Roof Form: <ul style="list-style-type: none"> Variations in roof form including the use of skillions, gables and hips are to be provided in the development. 	Variation with roof terrace proposed. Lift overrun and plant incorporated.	Yes.
Building Facades, Materials & Finishes: <ul style="list-style-type: none"> Colours, construction materials and finishes shall be predominately pale in colour and textured, tonal and subtle. 	Proposed colours appear acceptable and consistent with existing flat buildings within the street.	Yes
<ul style="list-style-type: none"> Shopfront widths are to be between 15 and 20metres. 	Shopfront widths acceptable.	Yes
<ul style="list-style-type: none"> Architectural detailing is to be provided to promote articulation, character and visual interest in the streetscape. 	Architectural detailing provided within the articulation zone. Incorporates overhangs and recesses.	Yes
Active Frontages: <ul style="list-style-type: none"> Ground floor levels shall not be used for residential purposes in B1, B2, B3 and B4 zones. 	Ground floor incorporates shop/retail.	Yes
<ul style="list-style-type: none"> A minimum of 50% of the ground floor level front facade is to be clear glazed. 	Approx 50% of street frontage clear glazed.	Yes
Arcades	No arcade proposed.	N/A
Awnings	Awning structure provides coverage for the extent of the active street frontage.	Yes
<ul style="list-style-type: none"> Skylights may be provided in the awning for a maximum depth of 1/3 of the total awning depth. 	None proposed.	N/A
<ul style="list-style-type: none"> Under awning lighting shall comply with AS/NZS1158. 	Capable of compliance.	Yes.

Requirements/Objectives	Proposed	Complies
<ul style="list-style-type: none"> Awnings are designed and constructed to encourage pavement dining in areas identified for pavement dining, along the foreshore and in piazzas. 	Awnings designed to encourage outdoor dining opportunities.	Yes.
Landscaping: <ul style="list-style-type: none"> A landscape plan shall be submitted with the development application 	Landscape plan provided.	Yes
Gateways & landmark Sites:	N/A	N/A
Waste management: <ul style="list-style-type: none"> A waste management plan for the construction and/or occupation of the development is provided 	Waste management plan provided.	Yes
Vehicular Access Location and Design: <ul style="list-style-type: none"> No direct vehicular access to at grade or basement car parking from the active street frontage will be permitted in B1 zones. The number of vehicular crossovers shall be kept to a minimum and appropriate sight lines provided to ensure safe integration of pedestrian and vehicular movement. 	<p>B3 Zone. Single crossover proposed. Access to basement car park from main entrance off Clarence Street.</p> <p>Single crossover proposed at grade.</p>	<p>Yes.</p> <p>Yes</p>
Pedestrian Entries & Access: <ul style="list-style-type: none"> The development complies with AS1428—Design for Access and Mobility. 	Designed to comply with standard.	Yes
Outdoor Dining:	None proposed.	N/A
Commercial Development Adjoining Residential Land uses: <ul style="list-style-type: none"> The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas. 	<p>Site adjoins residential units located to the east.</p> <p>Site does not adjoin residential zoned land.</p>	Yes

Requirements/Objectives	Proposed	Complies
<ul style="list-style-type: none"> Waste areas are located and managed to minimise pests, noise and odour. 	Garbage storage located on ground floor behind commercial tenancy and basement for residential units.	Yes

(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

No planning agreement has been offered or entered into.

iv) Any matters prescribed by the Regulations:

New South Wales Coastal Policy:

The proposed development is consistent with the objectives and strategic actions of this policy. See SEPP (Coastal Management) 2018 comments for further detail.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

Context & Setting

The site was historically three single Torrens title lots with each containing old unit buildings. The old units have been demolished and the lots consolidated under a previous development consent. Site has also been subject to excavation under a previous development consent and slopes away from south to north approximately 2m. The site has a frontage of 45.25m to Clarence Street and an average depth of 33.53m.

Adjoining the site to the north is the North Point Apartments (9 storey residential flat building). Adjoining the site to the east is the Macquarie Waters apartments (six storey residential flat building). Adjoining the site to the south is Clarence Street and beyond is the Port Pacific Resort building. Adjoining the site to the west is a single storey commercial building fronting Murray Street.

The proposal is considered appropriate in terms of density and height and will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain. The proposal is considered to be consistent with other higher density developments in the locality.

The proposal will not compromise any important views or view corridors. Impact to views enjoyed from units of the Port Pacific building would be minimal given the change in grade on Clarence Street and the subject site, and the location of existing buildings adjacent to the site.

It is evident that the orientation of the block, units and subsequent balconies seek to maximise light and ventilation with the northern orientation. The building has been positioned in the southern portion of the block. This provides for adequate separation to the units in the North point apartment building. It is considered that sufficient spatial separation between the units will be provide for an acceptable level of privacy.

Roads

The site has road frontage to Clarence Street. Adjacent to the site, Clarence Street is a sealed public road under the care and control of Council. Clarence Street is local commercial road with a 22 metre carriageway within a 30 metre road reserve. The existing road includes SA kerb and gutter, footpath paving, and combination of parallel parking and angled parking.

Access, Transport & Traffic

The application was supported by a Traffic Impact Assessment prepared by TTM Consulting, dated 9 August 2018. The conclusions of the assessment are provided below:

8 Summary and Conclusions8.1 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.

Key issues or recommendations to be addressed by conditions.

To protect existing road facilities, existing road conditions shall be evaluated and bond securities held prior to any earthworks Details shall be provided as part of a Roads Act (Section 138) application.

Site Frontage & Access

Vehicle access to the site is proposed through one access driveway to Clarence Street. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Due to the type and size of development, additional works are required to include:

- Reconstruction of kerb and gutter to the east of improvement works (new kern and pavement) to marry in with works already carried out by Council as part of the Town Centre Master Plan.

- Concrete footpath paving (full width) along the full frontage
- A condition is recommended requiring that 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 subject property. The applicant is advised that works include altering verge, carriageway and kerb levels to improve surface drainage conditions for the full frontage of the development.

Parking and Manoeuvring

Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements. Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been imposed to reflect these requirements.

Refer to relevant conditions of consent.

Pedestrians

In accordance with the Port Macquarie Town Centre Master Plan, the proposed development will require full width concrete paving along the frontage of the site with specified materials and finishes. Suitable conditions recommended.

Public Domain

No adverse impacts on public spaces or access thereto.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

The proposed preliminary stormwater design prepared by David Johnson Consulting Engineer, dated May 2014 is acceptable in principle.

The site naturally grades towards the rear and is benefitted by an easement 1 metre wide to drain water over SP65485, the development proposes to extinguish the easement and instead drain to the Council's pipe network in Clarence Street.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline in Clarence Street, which is consistent with the development proposal.

A detailed site stormwater management plan will be required to be submitted for assessment with the S.68 application and prior to the issue of a building Construction Certificate.

In accordance with Councils AUSPEC requirements, onsite detention facilities must be incorporated into the stormwater drainage plan. Preliminary plans incorporate onsite detention facilities.

The statement of environmental effects (SOEE) outlines measures to be implemented during construction to manage stormwater. Details from the SOEE are provided below:

- *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.*

Detailed plans for the management of stormwater will be required to be submitted for assessment with the infrastructure construction certificate and S.68 applications.

Water

Records indicate that the current development site has an existing 20mm metered water service from the 150mm PVC water main on the same side of Clarence Street.

Each residential 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.

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. The existing 20mm metered water service is to be disconnected. There is no charge for this disconnection service.

Detailed plans will be required to be submitted for assessment with the infrastructure construction certificate and S.68 applications.

Sewer

Council records indicate that the development site is connected to sewer via junction to the existing sewer line that runs along the northern property boundary. A sewer reticulation strategy is to be provided. A manhole will be required at the high end of the line as it will be more than 40m long. If the main is subject to future extension an end of line terminal shaft (poo pit) will be required.

As the development will exceed 2ET discharge, sewer connection is to be made from a manhole. The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.

Detailed plans will be required to be submitted for assessment with the infrastructure construction certificate application and S.68 applications.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air & Micro-climate

The operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

Flora & Fauna

Construction of the proposed development will not require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated.

Energy

The proposal is not BASIX affected building. The proposal will include measures to address energy efficiency in order to comply with the requirements of section J of the Building Code of Australia (BCA). No adverse impacts anticipated.

Noise & Vibration

Having regard to the location of the site and nature of the development, there will be anticipated short term noise impacts during construction activities. Consent condition has been recommended to restrict construction to standard construction hours and a condition requiring a construction management plan which includes a schedule of works and approximate timing, contact number of site supervisor and mechanism for providing notice to adjoining owners for schedule noisy works.

In terms of vibration impacts and proximity of adjoining sites which are built to boundary a condition has been recommended to require dilapidation reports prior to work and upon completion of works to adjoining properties.

In terms of the visitor accommodation use, it is noted that no onsite manager is proposed. A condition of consent has been recommended to require a complaints

register to be established by management and this be made available upon request to Council. The condition also requires that a telephone number be provided on the front of the building for any complaints.

Having regard to the short term nature of stays proposed and use of the communal roof top terrace facilities which includes a BBQ area, swimming pool and outdoor terrace the potential exists for noise during high activity times. It is noted that these roof top areas have been located in the north western part of the top floor which will provide adequate separation between adjoining flat buildings to the north and east of the site. It still considered that some type of management regarding the use of this rooftop area is required. A condition has been recommended requiring a rooftop management plan be development and approved by Council prior to issue of any occupation certificate. A further condition has been applied requiring the approved plan to be displayed in a prominent position on the rooftop area so guests are duly informed.

Natural Hazards

The site is not mapped as bushfire prone land. Refer to comments under clause 7.4 of LEP comments for flood considerations.

Safety, Security & Crime Prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in a loss of safety or security in the area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

Social Impact in the Locality

Given the nature of the proposed development and its location the proposal is unlikely to result in any adverse social impacts.

Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the construction of the development.

Site Design and Internal Design

The proposed development design is satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

Having regard to the location of the site and nature of the development, there will be anticipated short term inconveniences during construction activities. No significant adverse construction impacts are identified to neighbouring properties that would warrant refusal of this application.

Cumulative Impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development:

The proposal will fit into the locality and the site attributes are conducive to the proposed development. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

(d) Any submissions made in accordance with this Act or the Regulations:

Eight (8) written submissions have been received following public exhibition of the application.

Key issues raised in the submissions received and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
The proposal provides no detail on overshadowing impacts. Private open space on the adjoining Macquarie Waters building is orientated north-west. Shadow diagrams should be provided to determine the extent of shadow impacts.	Having regard to the sites north south orientation it is evident that the adjoining properties will not be adversely overshadowed by the development for more than 3 hours between 9am -3pm on 21 June.
Based on the information lodged it is difficult to ascertain whether the building height proposed is being taken off pre-excavated site levels or existing level as excavated.	The applicant provided revised plans and clause 4.6 variation confirming building height proposed form existing ground level as excavated onsite.
The proposal bases its car parking demand on 47 units and 6 staff. The proposal however contains 79 separately lettable units. The DCP currently provides no mechanism for reduced parking for a dual key system. A shortfall of 36 parking spaces is not appropriate for the locality having regard to existing parking demand experienced.	Refer to DCP assessment table within this report.
The proposal does not propose a 6m wide deep soil zone as per DCP 2013, specifically provisions 3.3.2.6, 3.3.2.11 and 3.3.2.16.	Provision 3.3.2.6 refers to side and rear setbacks. The rear setback complies. Provision 3.3.2.11 refers to deep soil zone width and depth. The lack of deep soil is consistent with the area based provisions and commercial zoning of this site. Provision 3.3.2.16 refers to landscaping requirements. Having regard to the commercial zoning the minimal landscaping proposed along the street frontage is considered acceptable.
The current condition of the site is not acceptable. Currently stormwater collects and pools in the north-western corner and leaches into the basement of the north point building. It is requested that Council instruct the landowner to fix this stormwater problem immediately.	Noted Council staff are aware of the existing stormwater issue and will continue to monitor and managed accordingly. Stormwater for the proposed development can be adequately managed.
The building is excessive in size and height. There is no good reason for the height variation.	Refer to building height comments under LEP 2011 of the report. The proposed building is considered to be consistent with other buildings in the locality. The majority

Submission Issue/Summary	Planning Comment/Response
	of the built form is contained within the height controls. The elements on the roof add further articulation to this form and are consistent with similar roof top elements on flat buildings in the locality.
There is insufficient parking proposed to accommodate the proposed development.	Refer to parking assessment comments under the table to DCP 2013 of the report.
The northern setback is insufficient to the north point building.	Refer to DCP 2013 assessment table within this report. Rear setback complies.
No details of expected building construction start and finish times. Potential noise impact to adjoining residents. Temporary noise blocking panels should be installed to existing adjoining units.	Standard building construction times will apply as per recommended consent conditions. No significant adverse building construction noise impacts are anticipated that would warrant refusal of this application.
No details of cranes have been provided. Safety hazard to existing adjoining units and traffic blocks likely. During construction items may fall onto my residence at 2 Murray Street.	The placement and management of cranes and any machinery during construction will be undertaken by site managers and subject to workplace safety measures.
Service disruptions would occur during construction. How will I be informed? Is there sufficient services to meet the demand of the proposed development?	Anticipated service disruptions during construction will be managed by the relevant service provider. Upgrading of services will be required as deemed appropriate by the relevant service provider.
Ongoing noise impacts from occupants utilising the open style communal roof top space with swimming pool.	A rooftop management has been provided for this space and will form part of the consent conditions. No significant adverse noise impacts are anticipated that would warrant refusal of this application.
Ongoing noise impacts from air-conditioning plant.	Standard noise control regulations apply to management of noise from such sources. No significant adverse noise impacts are anticipated that would warrant refusal of this application.
Open car parking is proposed at ground level with driveways at same level as North Point level 2 apartments. This will result in adverse noise and security impact.	Adequate building separation is proposed between the ground level parking and North Point building. The north point building is setback approximately 13m from the site boundary. No significant adverse noise impacts are anticipated that would warrant refusal of this application.
The proposed units will be only 20m from my bedroom and living space in North Point apartments. This will result in a significant loss of privacy.	The orientation of the block, building and subsequent balconies seek to maximise light and ventilation with the northern orientation. The building has been positioned in the southern portion of the block with the rear balconies setback approximately 8.7m from the rear boundary. This provides for approximately

Submission Issue/Summary	Planning Comment/Response
	20m separation to the units in the north point building. It is considered that sufficient spatial separation exists between the units.
The northern side of the building contains a large amount of glazing which will direct light and heat into the units of north point.	Adequate building separation is proposed. No adverse reflection or heat impact will result from the glazing proposed.
There is no discussion about potential liquid trade wastes that may be generated from the ground floor shop.	The proposal is for a ground floor commercial tenancy only. The use proposed is unknown and likely require further development consent under which waste management will be considered.
No details of solar panels or rainwater use provided. Council should require this as part of all new developments.	The proposal is not a BASIX affected building therefore such measures are optional.
Having regard to previous failures will Council require the building to start within a certain timeframe?	Planning legislation provides that should development consent be granted a proponent has 5 years to physically commence work. Once commenced there is no legal obligation to complete the development within a set time frame.
The units in north point will be greatly devalued if approved.	Impact upon property values is not a relevant planning consideration.
How will dust and debris be managed during construction noting location of clothes drying facilities adjoining in the north point building?	Standard site management conditions will apply including dust control.
The owner is extremely difficult to deal with and has ignored previous consent conditions and instruction by Council for stormwater management.	Noted.

(e) The Public Interest:

The proposed development satisfies relevant planning controls and is unlikely to impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, car parking, open space, community cultural services, emergency services and administration buildings.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

- 1 [View](#). DA2018 - 353.1 Recommended Conditions
- 2 [View](#). DA2018 - 353.1 Clause 4.6 Report (FSR)
- 3 [View](#). DA2018 - 353.1 Clause 4.6 Report (Height)
- 4 [View](#). DA2018 - 353.1 Additional Information Letter - September 2018
- 5 [View](#). DA2018 - 353.1 Heritage Office Response Letter
- 6 [View](#). DA2018 - 353.1 Archaeological Report
- 7 [View](#). DA2018 - 353.1 Groundwater Assessment
- 8 [View](#). DA2018 - 353.1 Traffic Impact Assessment Report
- 9 [View](#). DA2018 - 353.1 SOEE
- 10 [View](#). DA2018 - 353.1 Contributions Estimate
- 11 [View](#). DA2018 - 353.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/353****DATE: 9/05/2019****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	12 September 2018 and 10 May 2019

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 holidays

The 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.

- (20) Parking spaces numbered 55 to 58 shall be clearly marked and sign posted as staff parking.

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.

DRAFT

**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)	
--	--	-------------	--

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>

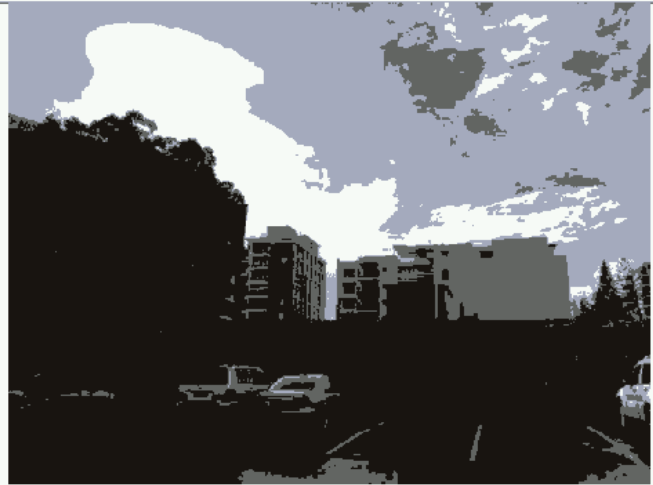
building height back drop when viewed from the north, south and west is that of 7 – 8 storey buildings with heights up to at least 25m common in these aspects. Whilst lower building heights predominate further to the west of the subject site, buildings of a height of up to 25m are also present in this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



Northern backdrop (viewed from the south)



Southern backdrop (viewed from the north)



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>
--	---

	<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.

**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:

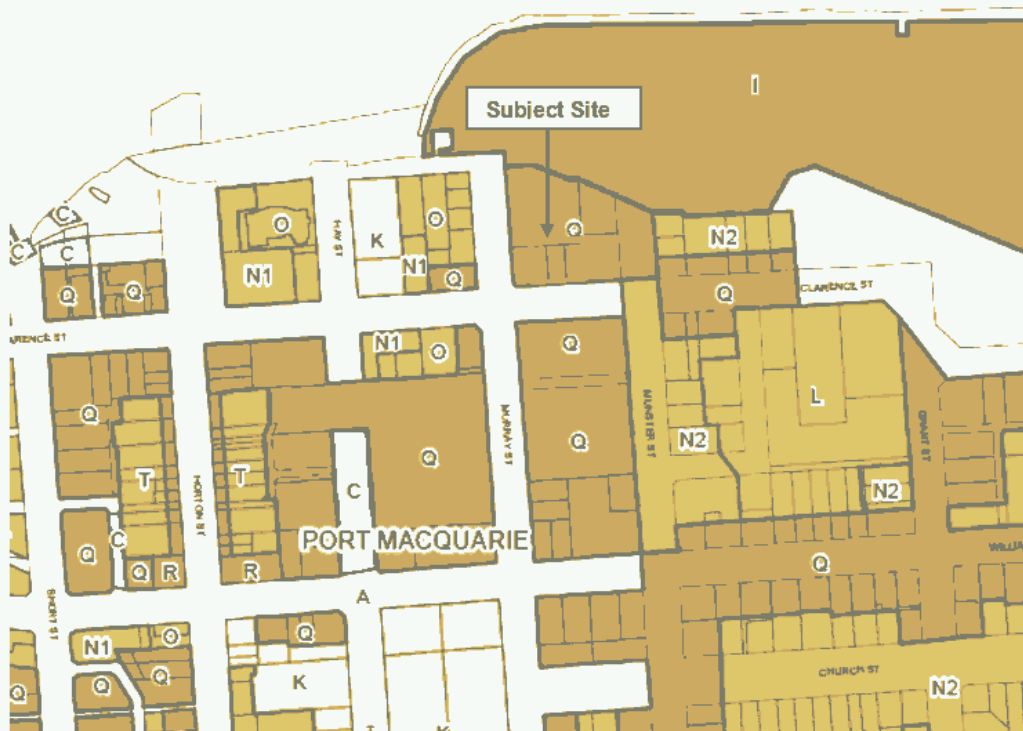
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 (b) the public benefit of maintaining the development standard, and
 (c) any other matters required to be taken into consideration by the Director-General before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

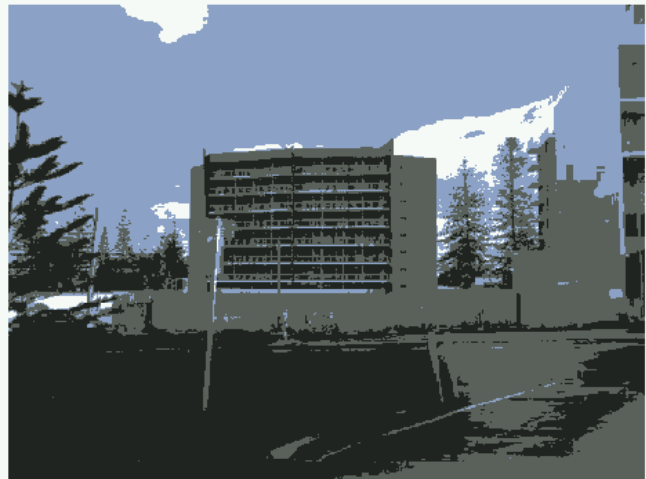
PERFORMANCE OBJECTIVE	PERFORMANCE ASSESSMENT
<i>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.</i>	The existing and future character of the locality is mixed with tourist and residential development dominating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



Southern backdrop (viewed from the north)



Eastern backdrop (viewed from the west)

*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>
--	---

	<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>
--	---

	<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>
--	--

DEVELOPMENT STANDARD VARIATION JUSTIFICATION

SEPTEMBER 2018

	<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.

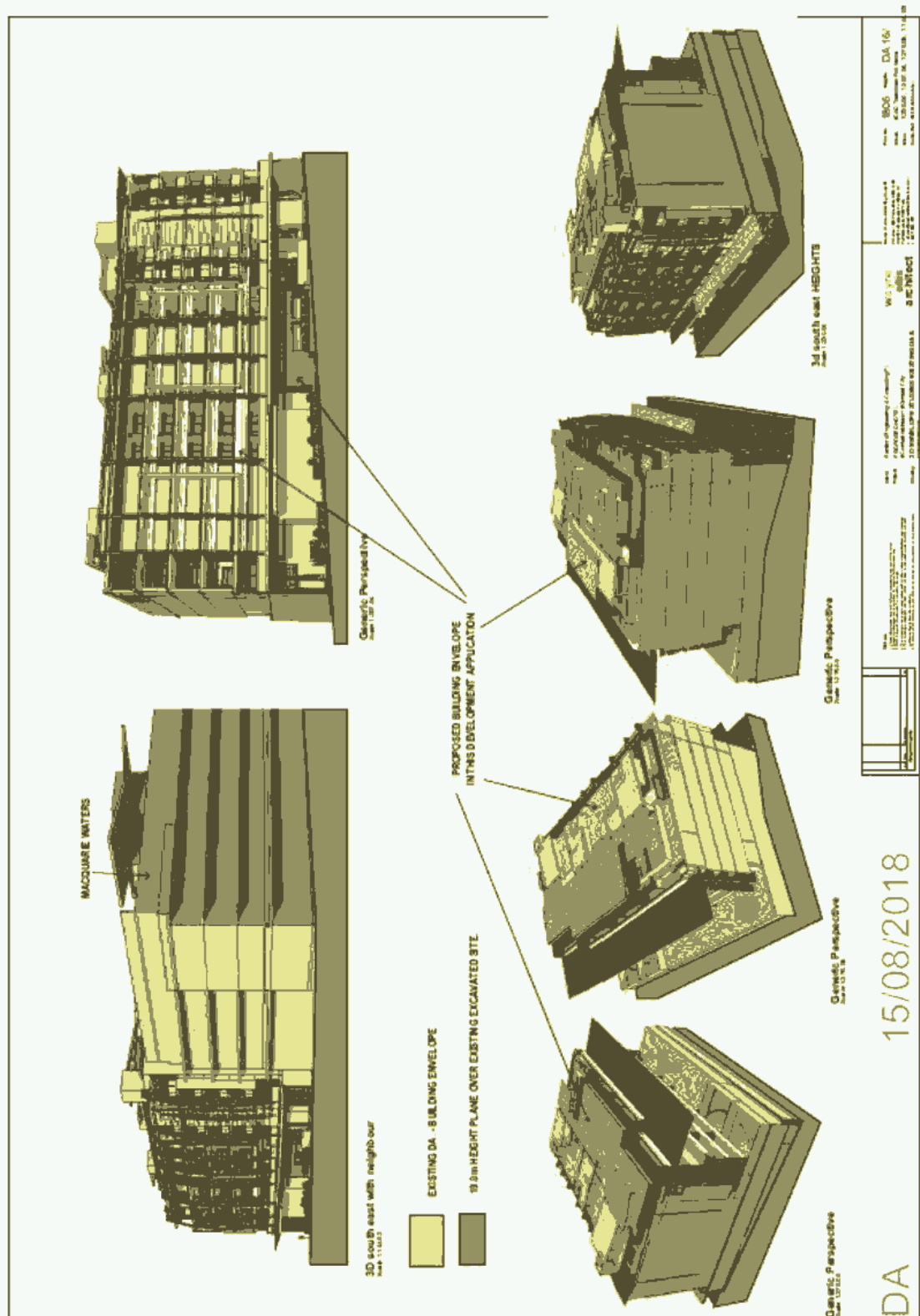
4. CONCLUSION

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.

DEVELOPMENT STANDARD VARIATION JUSTIFICATION

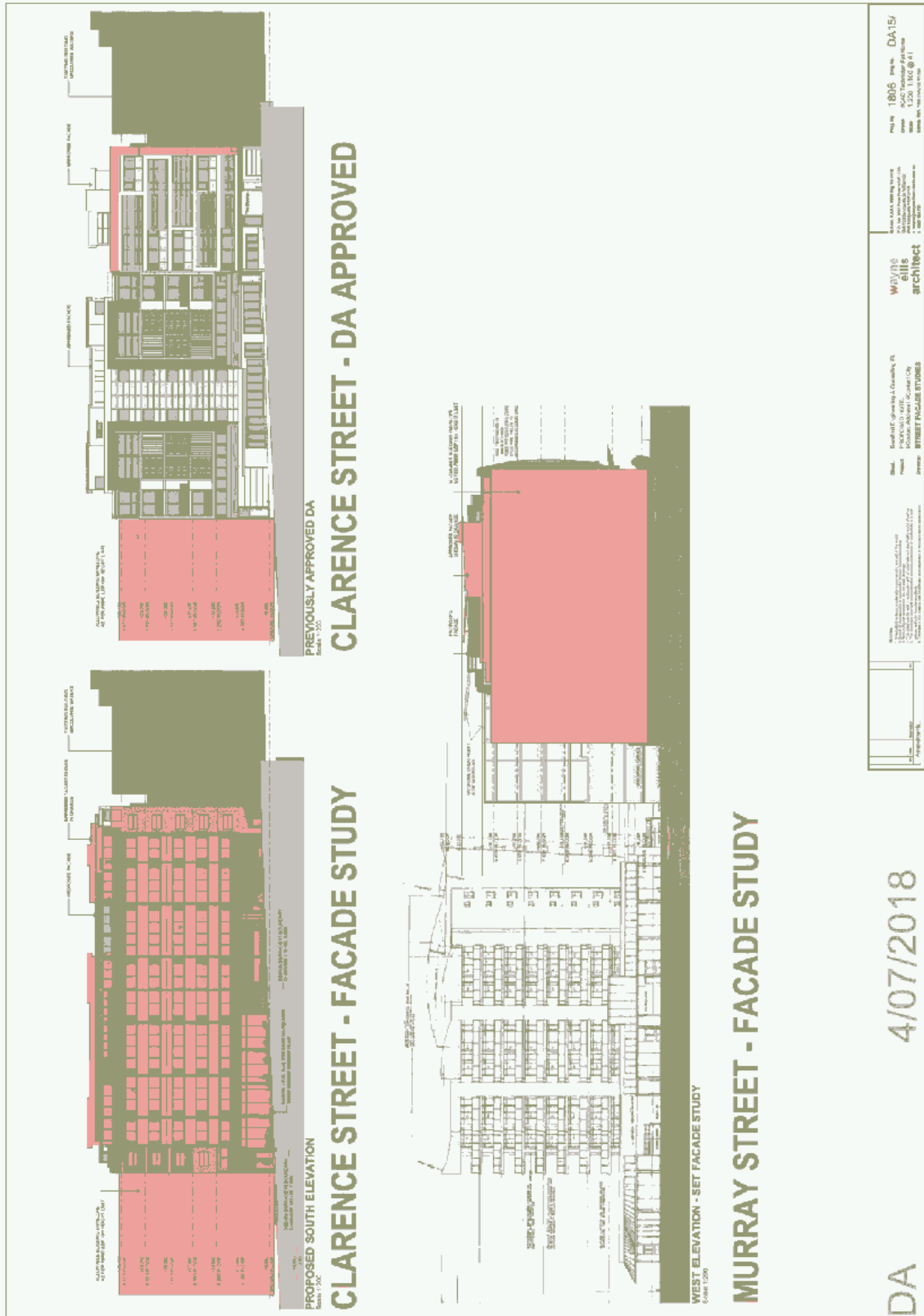
SEPTEMBER 2018

Appendix 1 – Height Plane Plan

SEPTEMBER 2018

DEVELOPMENT STANDARD VARIATION JUSTIFICATION

Appendix 2 – Bulk and Scale Context Plan



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 Council's 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



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 Environmental 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

FINAL ARCHAEOLOGICAL REPORT

15-19 Clarence Street,
Port Macquarie NSW



Ivana Vetta

Archaeological Management & Consulting
Group

for

Bamford Engineering and Consulting

August 2018

Disclaimer

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

This report may be inaccurate, incomplete, not original, or modified, if it appears in monochrome form and the signature below is a copy.

*Martin Carney
Director
(mobile 0411 727 395)*



Archaeological Management & Consulting Group

AEGIS HERITAGE Pty Ltd ACN 121 655 020

Ph (02) 9568 6093
Fax (02) 9568 6093
Mob 0411 727 395
E-mail amac@archaeological.com.au

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

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

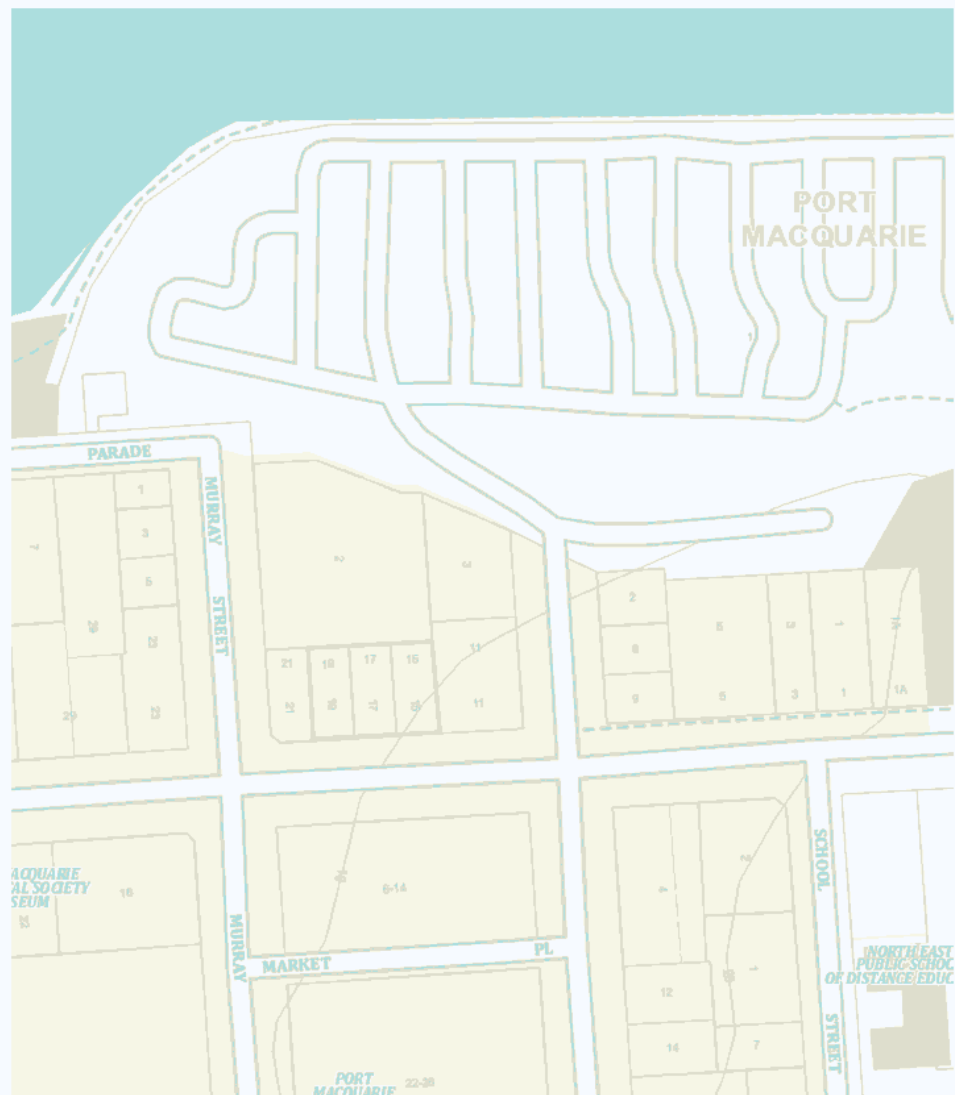


Figure 1.1 Site location, outlined in red.
NSW Land and Property Information, Six Maps Viewer, accessed 26th
October 2015.



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.

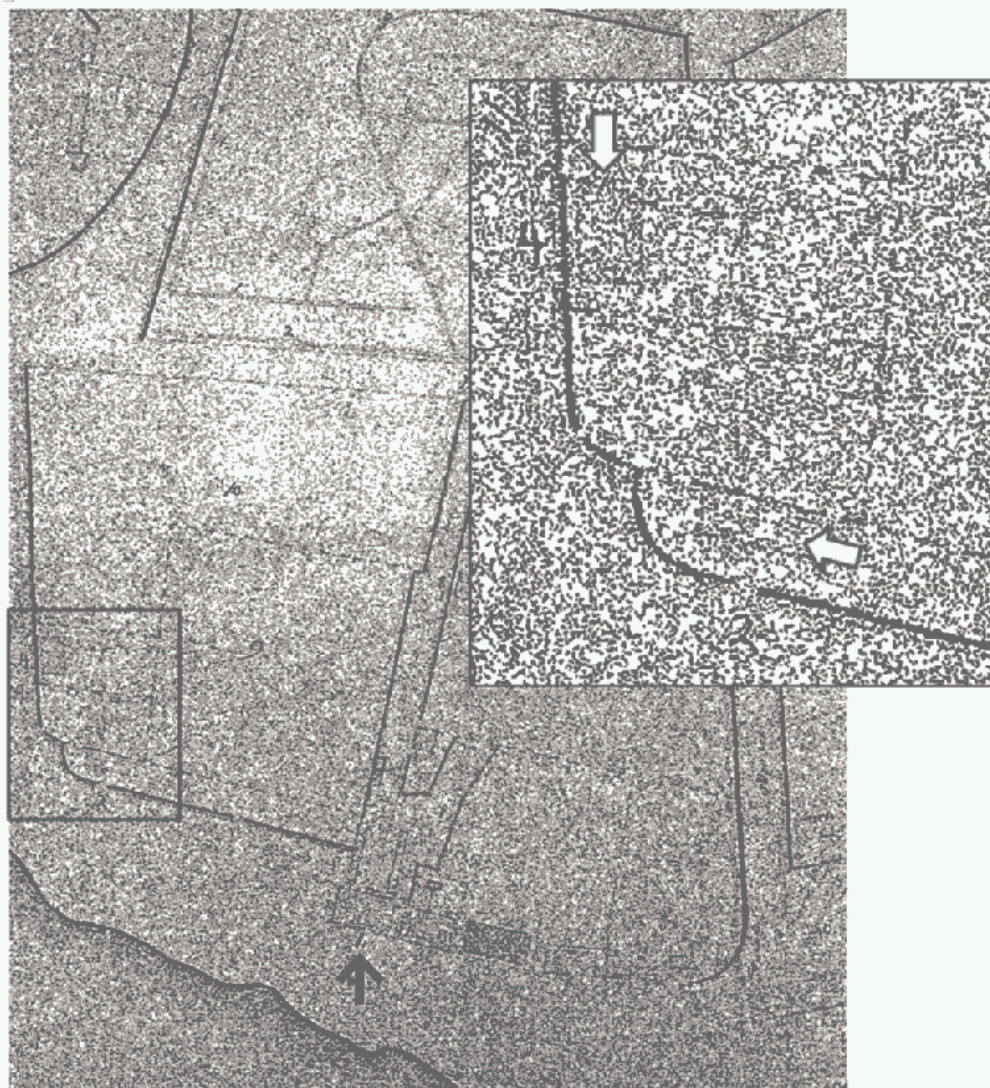
It can be suggested that development did not occur directly on the study site until after the subdivision from original Lots 1, 2 and 3 into nine new lots during the late 1930s (Figure 2.7). An aerial photograph dating to 1941 shows the study site still vacant (Figure 2.8). 15 Clarence Street (Lot 1 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.

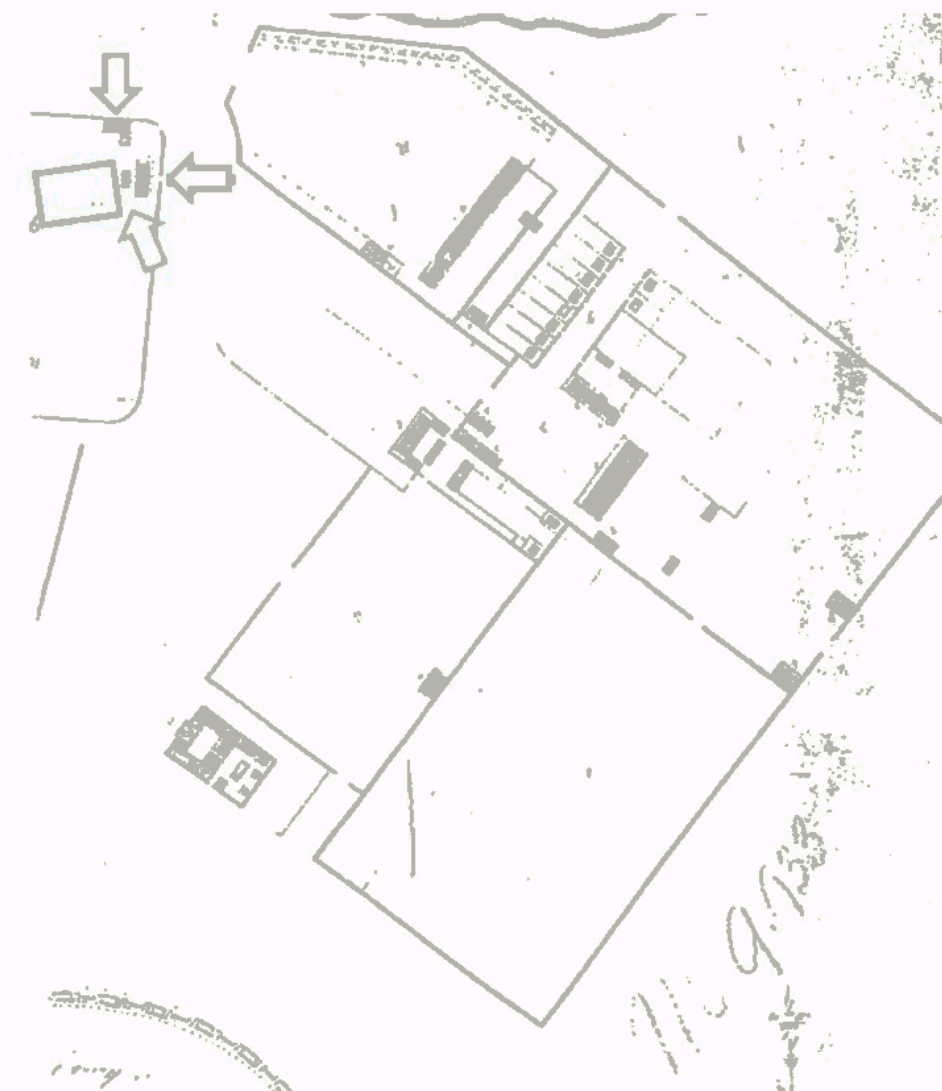
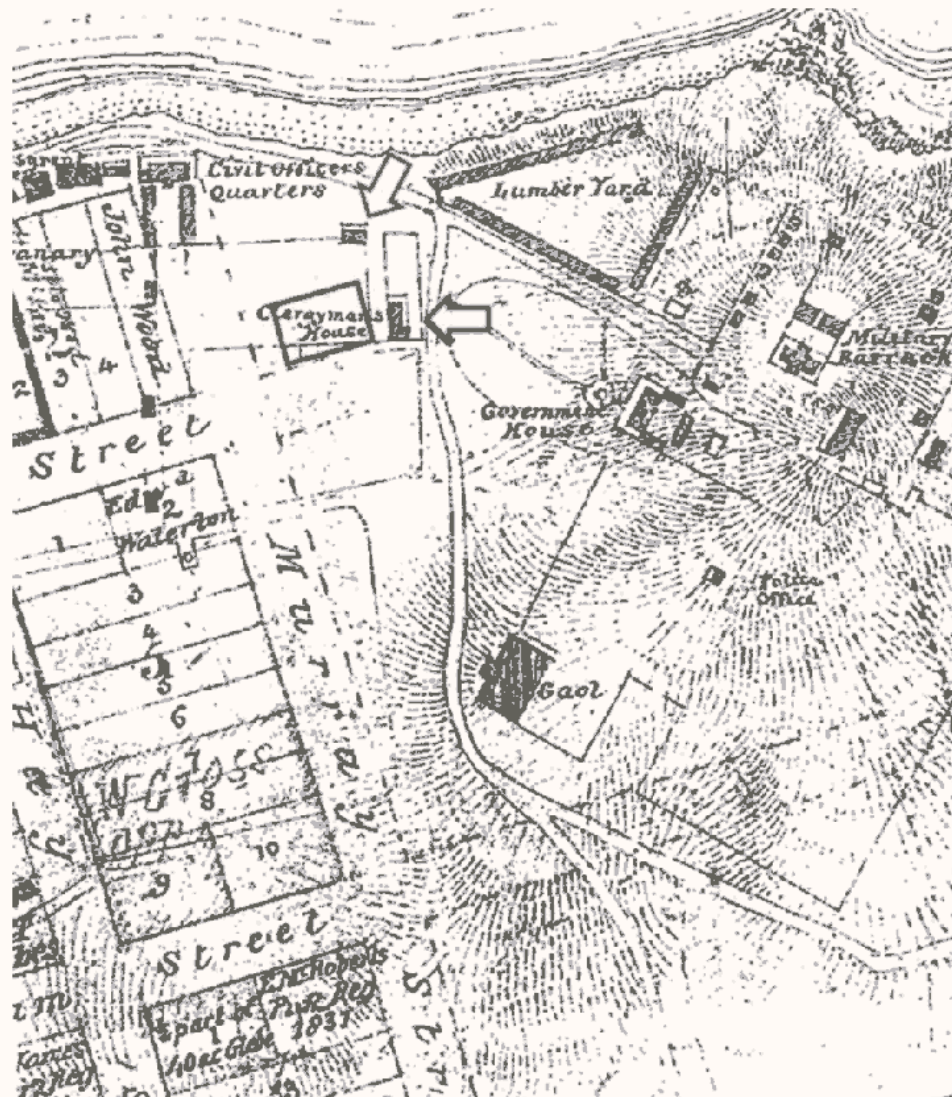


Figure 2.2 Part of an 1826 plan showing the layout of Port Macquarie. The approximate area of the study site is outlined in red. Surgeon's Quarters (Later Clergyman's House) indicated by green arrow. 'Pilot's Quarters' indicated by purple arrow and Kitchen shown by orange arrow. Bickford, A. (March 2003),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



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).



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).

Archaeological Management & Consulting Group
August 2018



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).

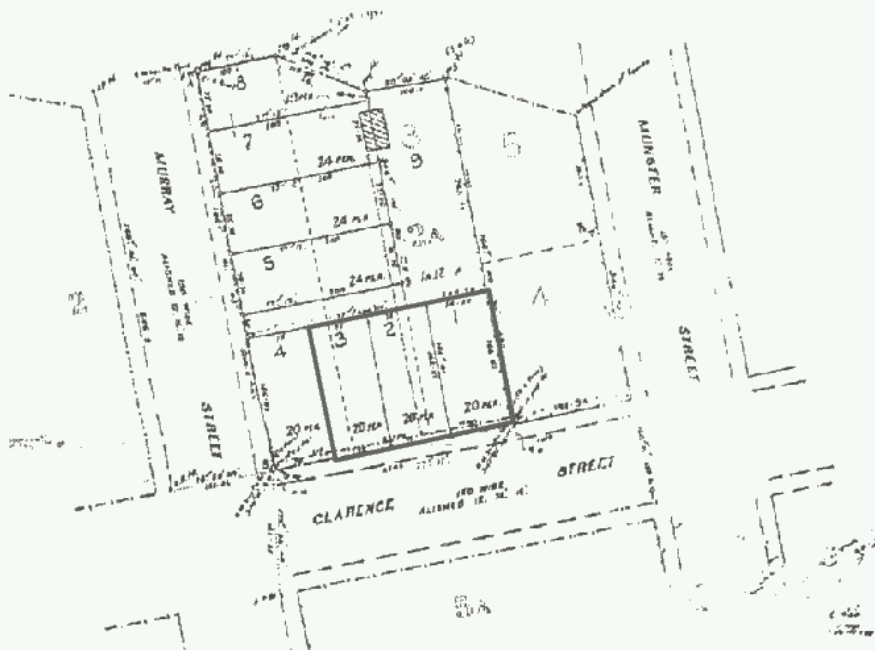


Figure 2.7 A plan showing the subdivision of original Lots 1-3 into nine separate allotments during 1939. The study site is outlined in red. Port Macquarie Council (1939: LPI DP 18834).



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.

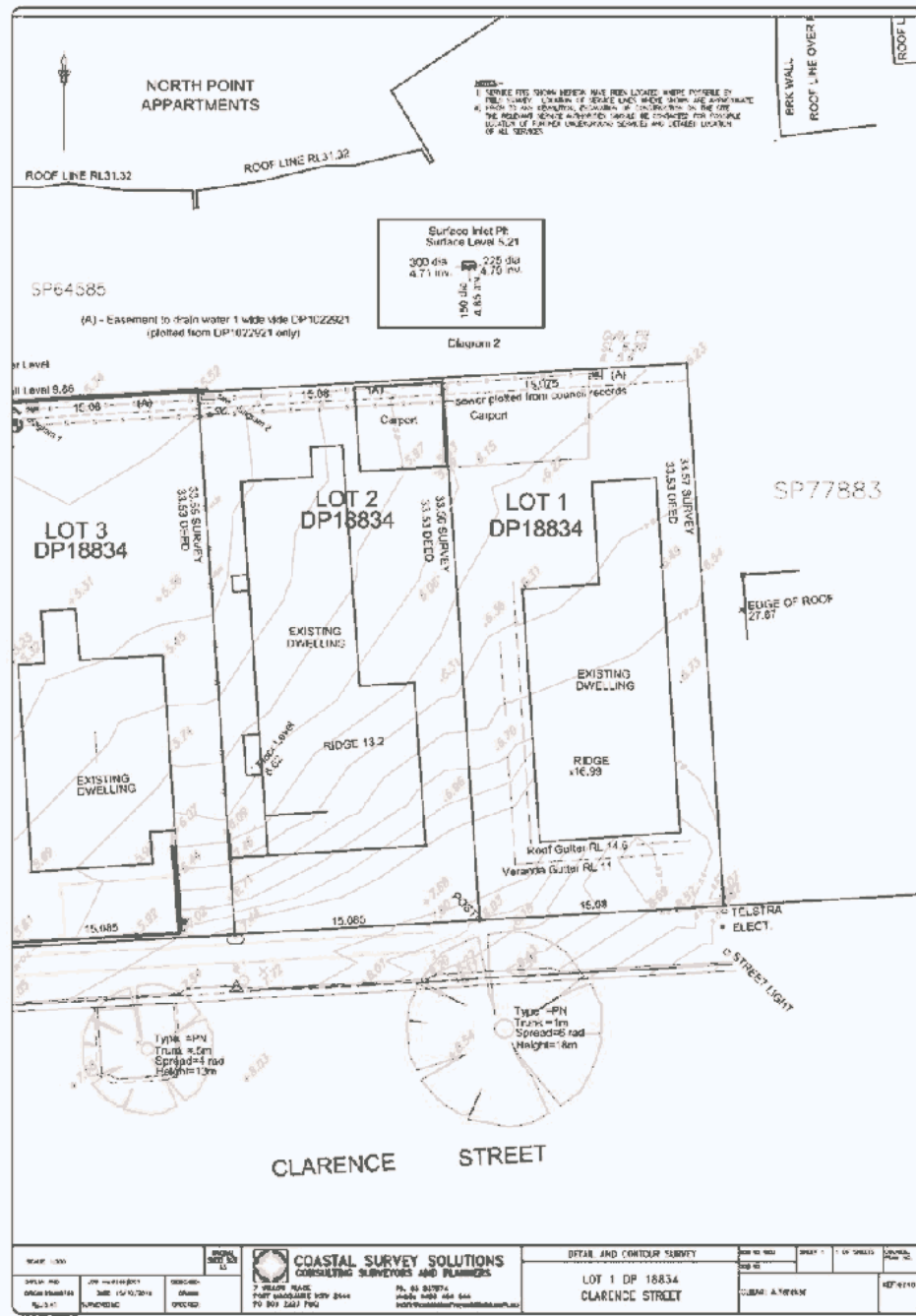


Figure 2.11 Current survey of the study site, showing details for 15 Clarence Street (Lot 1 DP 18834), as well as contour details for 17 (Lot 2 DP18834) and 19 Clarence Street (Lot 3 DP18834). Coastal Survey Solutions (2014).

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.

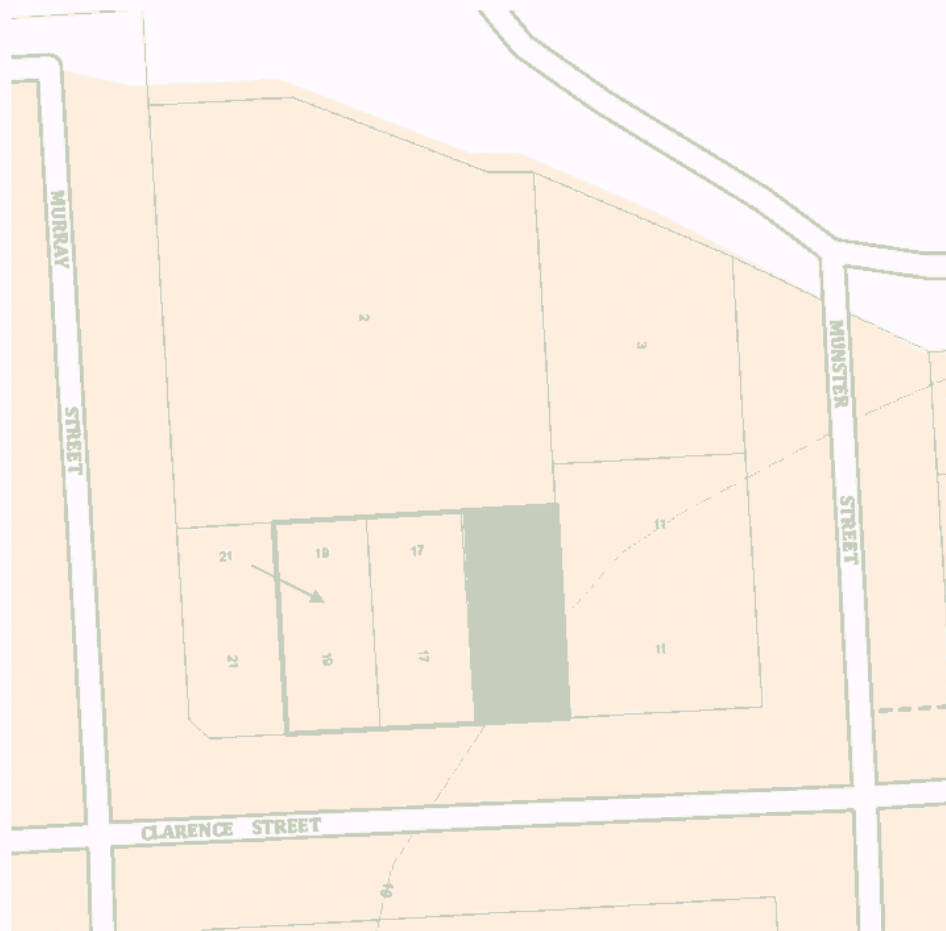


Figure 3.1 Location of archaeological monitoring (green) with approximate location of sump (blue arrow). Study site is outlined in red. NSW Land and Property Information, Six Maps Viewer, accessed 24th November 2015.

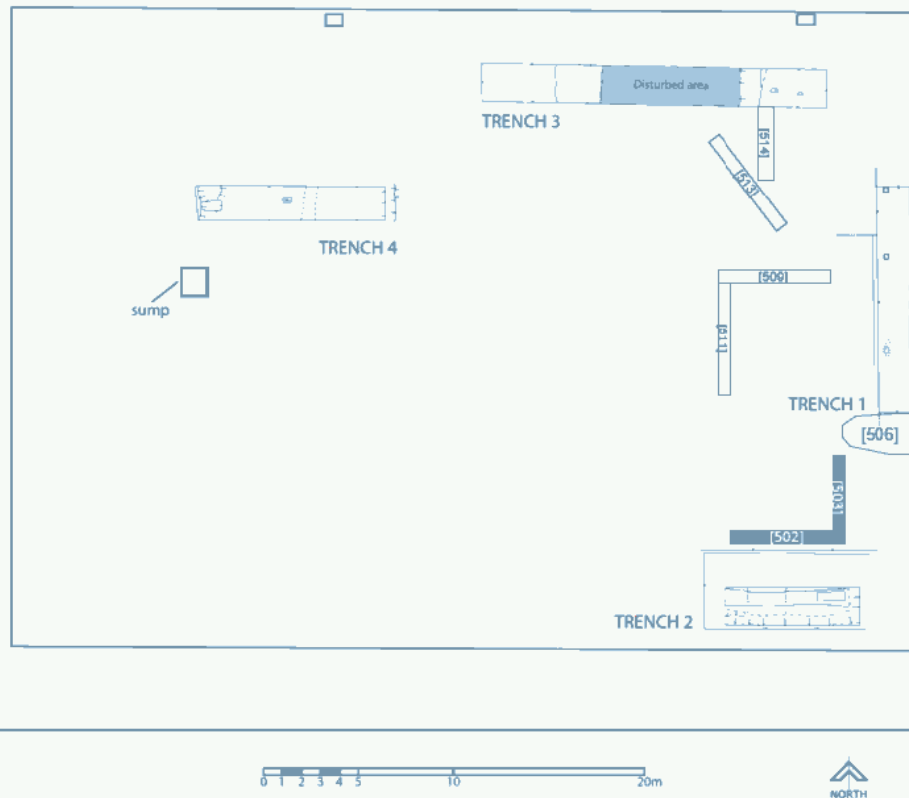


Figure 3.2 Location of features from monitoring on test trench plan.
Note monitoring features not to scale.

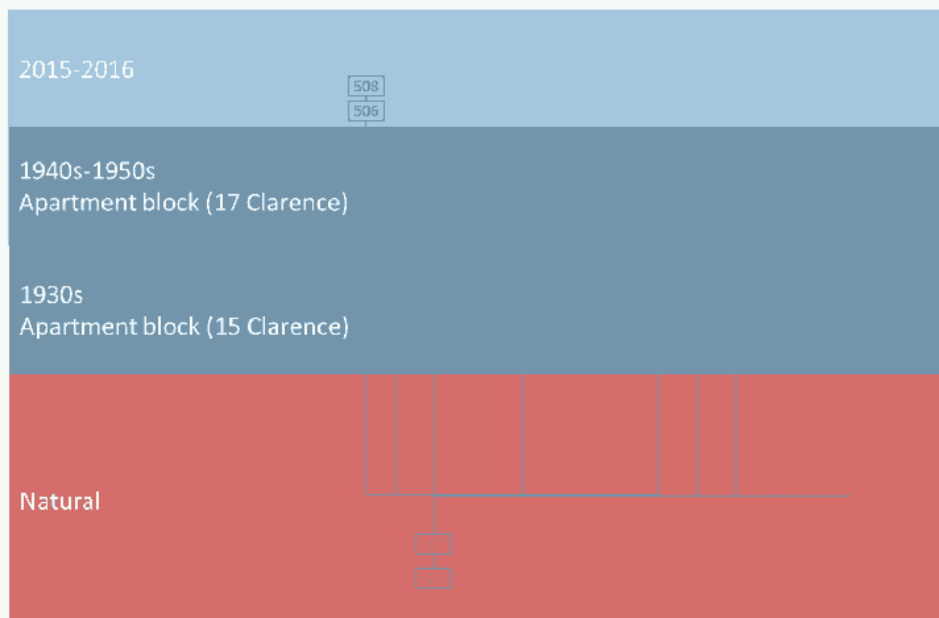


Figure 3.3 Harris Matrix.
I. Vetta, March 2016.



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.

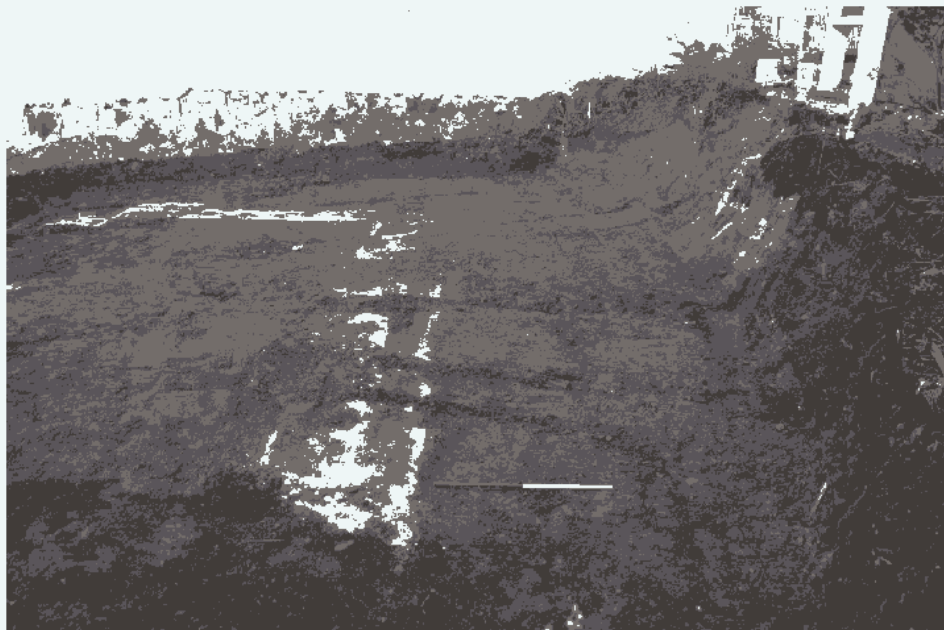


Figure 3.6 Exposure of concrete footings [502] and [503] cutting natural [501], facing east.
AMAC Image 2652, 17/03/16.



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.

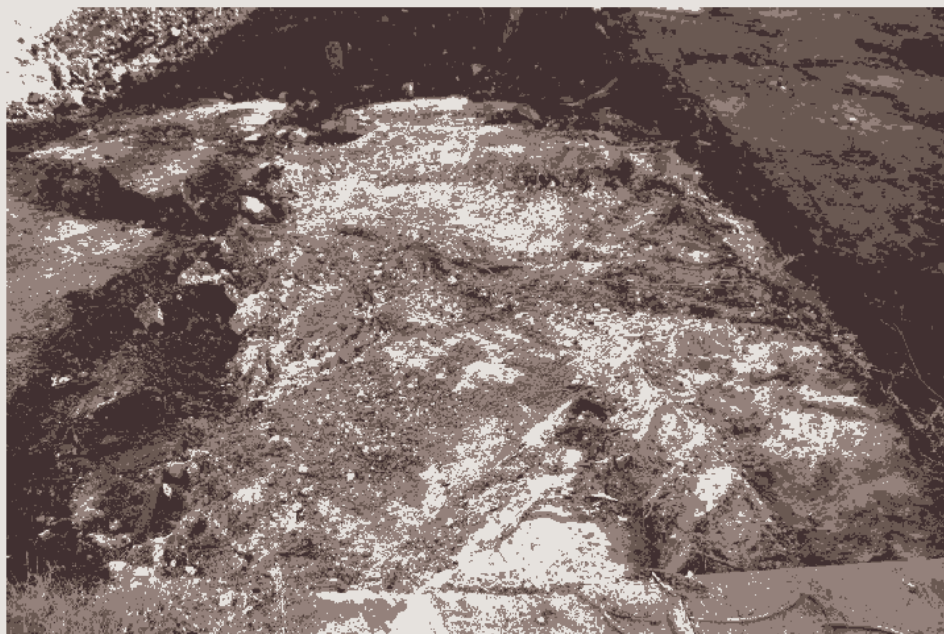


Figure 3.13 Excavation of driveway, facing north.
AMAC Image 2675, 17/03/16.



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.

Archaeological Management & Consulting Group
August 2018

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.

7.0 BIBLIOGRAPHY

Ancestry, Online resource,
www.ancestry.com.au/

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

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

AMAC Group (July 2015), "Exception Notification Supporting Documentation: 15-19 Clarence Street, Port Macquarie NSW", for Bamford Engineering and Consulting.

AMAC Group (November 2015), "Interim Archaeological Test Excavation Report and s140 Permit Application: 15-19 Clarence Street, Port Macquarie NSW", for Bamford Engineering and Consulting.

Anne Bickford Heritage Consultants (March 2003), 'Archaeological Assessment: Corner of Munster and Clarence Streets Port Macquarie', for King and Campbell Pty Ltd.

Attenbrow, V. (2002), *Sydney's Aboriginal Past: Investigating the archaeological and historical significance*, Sydney.

Australian Dictionary of Biography, Online Resource,
<http://adb.anu.edu.au/>

Australian Town and Country Journal

Bickford, A. and Sullivan, I. (1984), *Assessing the research significance of historic sites. In Site Survey and Significance Assessment in Australian Archaeology*.

Collins, J. (1997), *Archaeological Investigation of an Aboriginal Open Campsite (#30-3-2140) in Short Street port Macquarie and Results of Trenching Associated with Stage 1B Town Centre Works.*, Unpublished report prepared for Hastings Shire Council submitted to DECC.

Colonial Secretaries Indexes, State Records, online resource,
<http://www.records.nsw.gov.au/state-archives/indexes-online/colonial-secretary/index-to-the-colonial-secretarys-papers-1788-1825>

Hastings District Historical Society (1973), *The History of Port Macquarie*.

Higginbotham, E (1994), "Port Macquarie Archaeological Management Plan", for Hastings Council.

'History', Port-Macquarie.Net, Online resource,
<http://www.port-macquarie.net/portmacquarie/history.html>

Archaeological Management & Consulting Group
August 2018

-
- Kerr, J. S. (1984), *Design for Convicts*, Sydney.
- National Archives of Australia, Online collection,
<http://www.naa.gov.au/>
- National Library of Australia, Online collection,
<http://www.nla.gov.au/>
- NSW Department of Planning and Heritage Council of NSW (2006) *Historical Archaeology Code of Practice*, Heritage Office of the Department of Planning.
- NSW Heritage Office (2001), *Assessing Heritage Significance*, Heritage Office of the Department of Planning.
- NSW Heritage Office (2001 with revisions 2006), *Photographic Recording Of Heritage Items Using Film or Digital Capture*, Heritage Office of the Department of Planning.
- NSW Heritage Office (2009), *Assessing Significance for Historical Archaeological Sites and Relics*, Heritage Office of the Department of Planning.
- NSW Heritage Office Department of Urban Affairs and Planning (1996),
Archaeological Assessment: Archaeological Assessment Guidelines.
- NSW Land and Property Information, Historical Lands Records Viewer,
<http://images.maps.nsw.gov.au/pixel.htm>
- NSW Land and Property Information, Land Titles Office.
- NSW Land and Property Information, Six Maps Viewer, online resource,
<http://maps.six.nsw.gov.au/>
- NSW National Parks and Wildlife Act, 1974,
http://www.austlii.edu.au/au/legis/nsw/consol_act/npawa1974247/
- NSW Office of Environment and Heritage,
<http://www.environment.nsw.gov.au/>
- New South Wales Registry of Births, Deaths & Marriages,
<http://www.bdm.nsw.gov.au>
- Port Macquarie – Hastings Council, Local Environment Plan 2011,
<http://www.pmhc.nsw.gov.au/Building-Planning/Planning-Development-Controls/Local-Environmental-Plan-LEP-Map-Series/Local-Environmental-Plan-LEP>
- Port Macquarie Historical Society (1996), *Port Macquarie: The Winding-sheet*, Port Macquarie.
- Road Net Pty Ltd (June 2015), "Geotechnical Investigation and Report for Proposed Residential Development. 15-19 Clarence Street, Port Macquarie".

Ryan, R. J. (1974), *Land Grants 1788-1809: A Record of Registered Grants and Leases in New South Wales, Van Diemen's Land and Norfolk Island*, Australian Documents Library: Sydney.

State Records of New South Wales, Key name Search,
<http://srwww.records.nsw.gov.au/indexsearch/keyname.aspx>

Suters Architects Snell (1991), *Hastings Heritage Study*, Newcastle.

The Sydney Morning Herald (16th August 1882).

Trove, National Library of Australia, Online collection,
<http://trove.nla.gov.au/>

8.0 APPENDICES

8.1 HERITAGE DIVISION EXCAVATION PERMIT 2016/S140/01



Heritage Council
of New South Wales

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

File: EF14/21684
Our ref: DOC15/528598

Mr Blake Cannavo
Managing Director
Bamford Engineering & Consulting Pty Ltd
10/6-14 Clarence Street
PORT MACQUARIE NSW 2444

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 OEH 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 9673 8559 or via email at Katrina.Stankowski@environment.nsw.gov.au.

Yours sincerely



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

DATE: 15 January 2018

Enclosure: Approval Conditions and Permit

CC: The Chief Executive Officer, Port Macquarie-Hastings Council, PO Box 64, Port Macquarie NSW 2444
Mark Gendall, Heritage Officer, Port Macquarie-Hastings Council

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

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.



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.

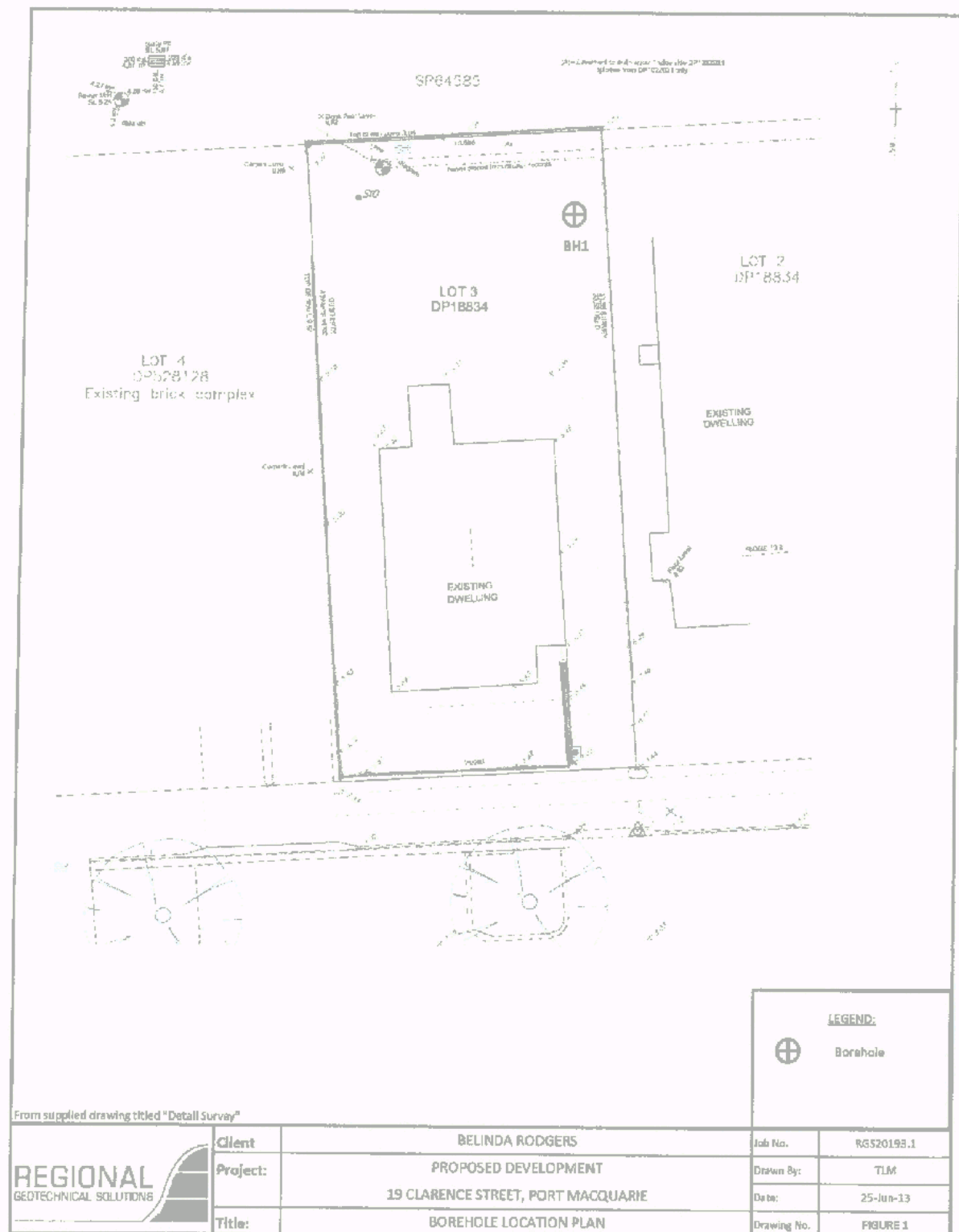
For and on behalf of

Regional Geotechnical Solutions Pty Ltd

Tim Morris

Senior Engineering Geologist

Attached: Figure 1
Results of Field Investigations



REGIONAL

GEOTECHNICAL SOLUTIONS

ENGINEERING LOG - BOREHOLE

CLIENT: Belinda Rodgers

PROJECT NAME: 19 Clarence St Port Macquarie

LOCATION: Refer to figure 1

BOREHOLE NO: BH1

PAGE: 1 OF 1

JOB NO: RGS20193.1

LOGGED BY: TLM

DATE: 17/6/13

DRILL TYPE: CMG Tractor Mounted

BOREHOLE DIAMETER: 100 mm

SURFACE RL: 5.2 m

DATUM: AHD

Drilling and Sampling				Material description and profile information						Field Test		Structure and additional observations
METHOD	WATER	SAMPLES	RL (m)	DEPTH (m)	GRAPHIC LOG	CLASSIFICATION SYMBOL	MATERIAL DESCRIPTION: Soil type, plasticity/hardness characteristics, colour, minor components	MOISTURE CONDITION	CONSISTENCY DENSITY	Test Type	Result	
ADV				5.0		SM	FILL: Silty SAND, fine to medium grained, dark brown, some Clay low plasticity, grass roots	M	Fb			TOPSOIL/FILL
						SP	FILL: SAND, pale grey, trace brick fragments	M				FILL-SAND
						SM	Silty SAND: fine to medium grained, brown/pale brown, some Clay low plasticity	M / W				COLLUVIAL
						CL	Sandy CLAY: medium plasticity, brown, Sand, fine to medium grained	M > w _p	F / St	HP = 100		
		1.00m SPT 3,2,3 N=5		4.0		CL	Sandy CLAY: low to medium plasticity, grey with orange/orange mottling with depth	M > w _p	SI	HP = 150 HP = 200		ALLUVIAL
		1.45m				CL		M > w _p				
				2.0		SC	Clayey SAND: fine to medium grained, grey/pale grey, Clay low plasticity	M / W				MINOR WATER INFLOW
		2.50m SPT 4,3,5 N=8		3.0			CLAY: high plasticity, pale green with minor orange/brown iron oxide mottling associated with trace Gravel, fine grained, subangular			HP = 250		RESIDUAL SOIL
		2.95m										
				5.0		CH	CLAY: high plasticity, pale grey/pale green, with thin bands of orange/brown iron oxide gravel, fine to medium grained, subangular					GRADING TO EXTREMELY WEATHERED SERPENTINITE

LEGEND:

Water

Water Level (Date and time shown)

Water Inflow

Water Outflow

Strata Changes

Gradational or transitional strata

Definitive or distinct strata change

Notes, Samples and Tests

Hole Terminated at 5.95 m

U₂ 50mm Diameter tube sample

CBR Bulk sample for CBR testing

E Environmental sample (Glass jar, sealed and chilled on site)

ASS Acid Sulfate Soil Sample (Plastic bag, air expelled, chilled)

B Bulk Sample

Field Tests

PID Photocalorisation detector reading (ppm)

DCP(x-y) Dynamic penetrometer test (test depth interval shown)

HP Hand Penetrometer test (UCS kPa)

Consistency

VS Very Soft

S Soft

F Firm

St Stiff

VSt Very Stiff

H Hard

Fb Friable

UCS (kPa)

<25

25 - 50

50 - 100

100 - 200

200 - 400

>400

Moisture Condition

D Dry

M Moist

W Wet

w_p Plastic Limit

w_L Liquid Limit

Density

V Very Loose

L Loose

MD Medium Dense

D Dense

VD Very Dense

Density Index

<15%

15 - 35%

35 - 65%

65 - 85%

85 - 100%



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.

We have over 50 staff, with an unrivalled depth of experience. Our industry knowledge, technical expertise and commercial insight allow us to deliver an exceptional and reliable service.

T: (07) 5514 8000

F: (07) 5514 8144

E: ttmgc@ttmgroup.com.au



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.

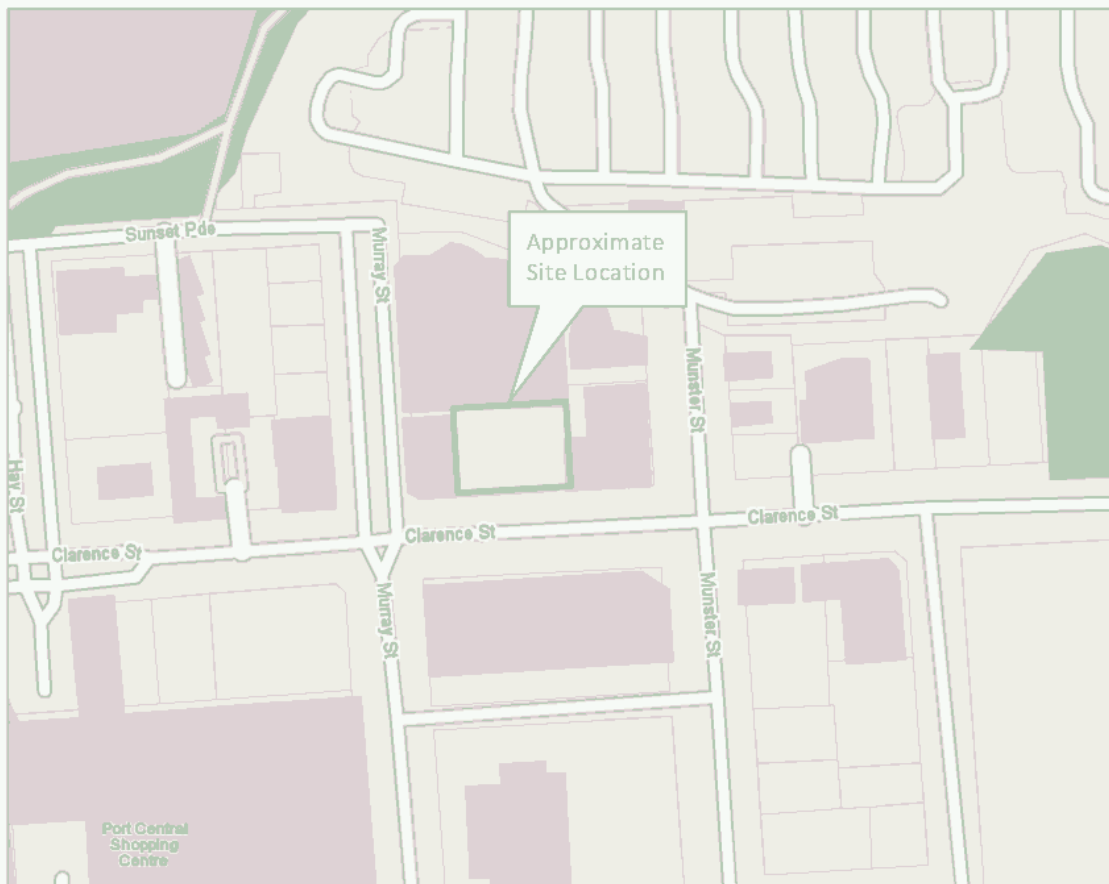


Figure 1.1: Site location

ttm



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.

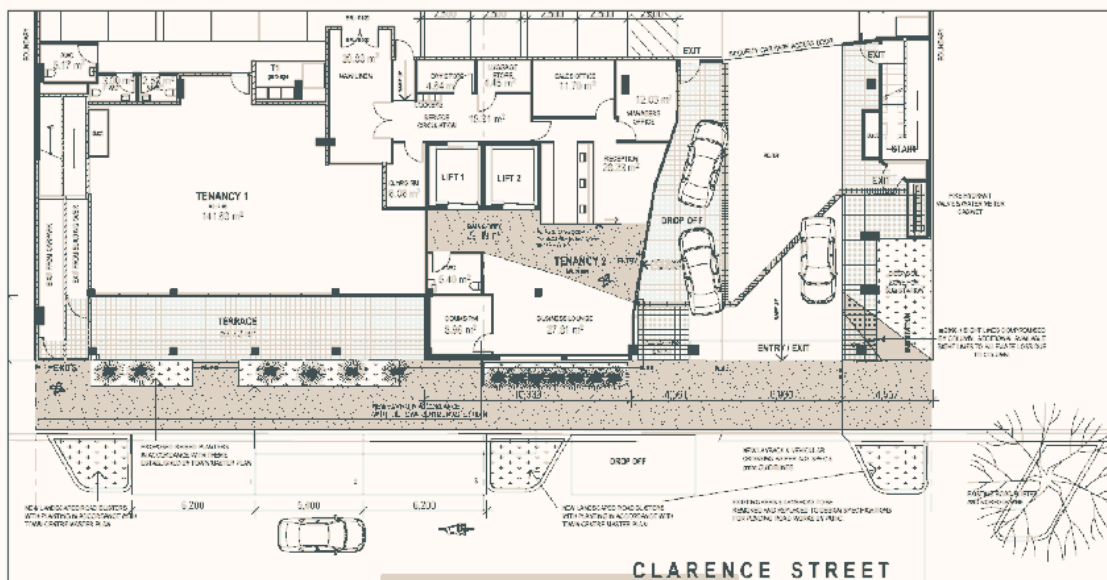


Figure 3.1: Drop-off / Set-down Area

ttm

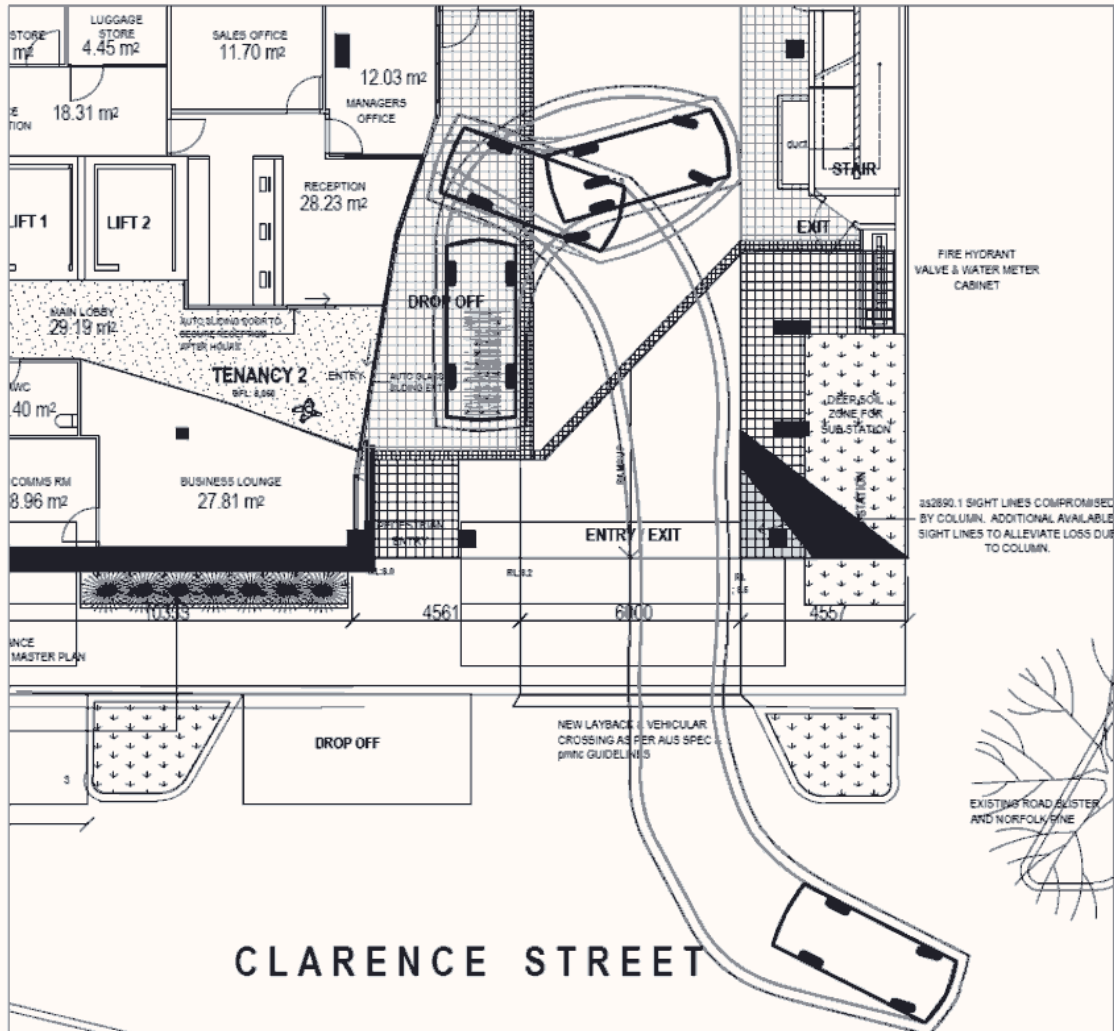


Figure 3.2: Drop-off / Set-down Area Turnaround

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.

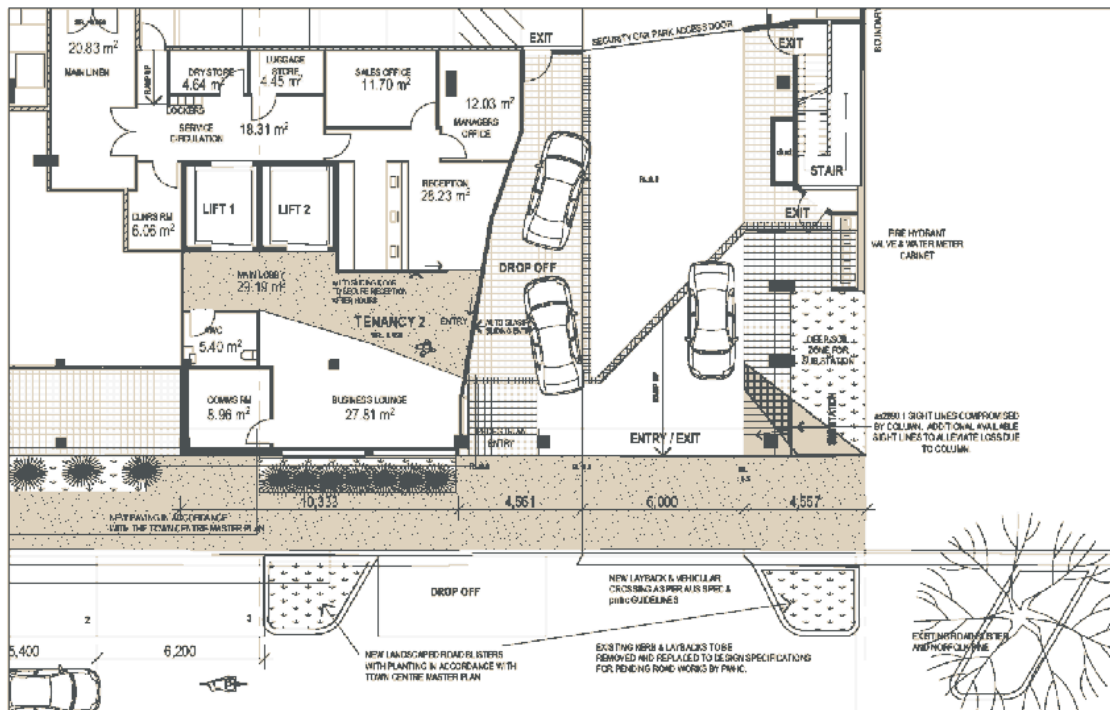


Figure 5.1: Driveway Design

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 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 a 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

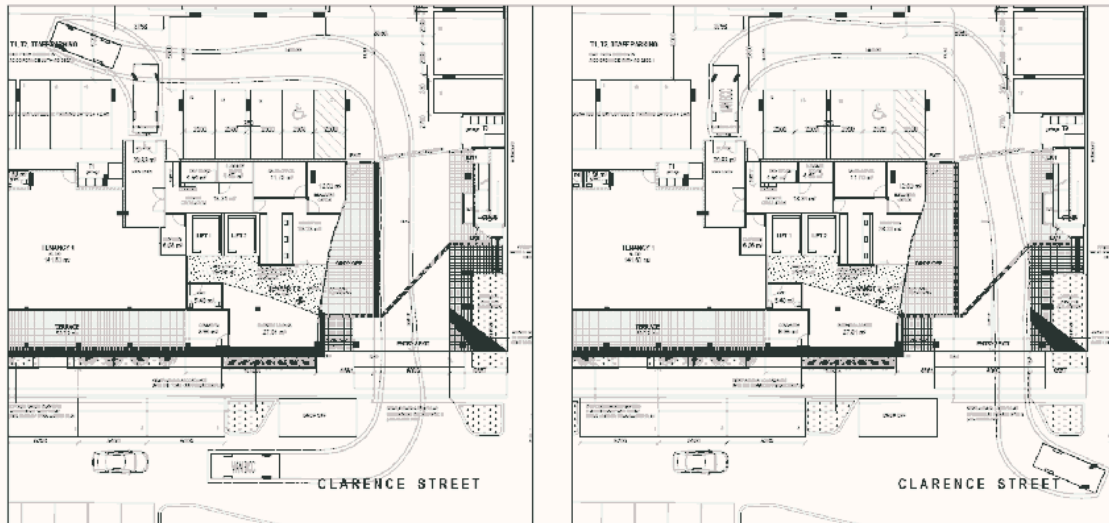
The development is proposing an on-site loading area, which is suitably designed to accommodate a VAN vehicle.

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.



6.3 Refuse Collection Servicing Arrangements

[illegible]

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



DA 11/07/2018

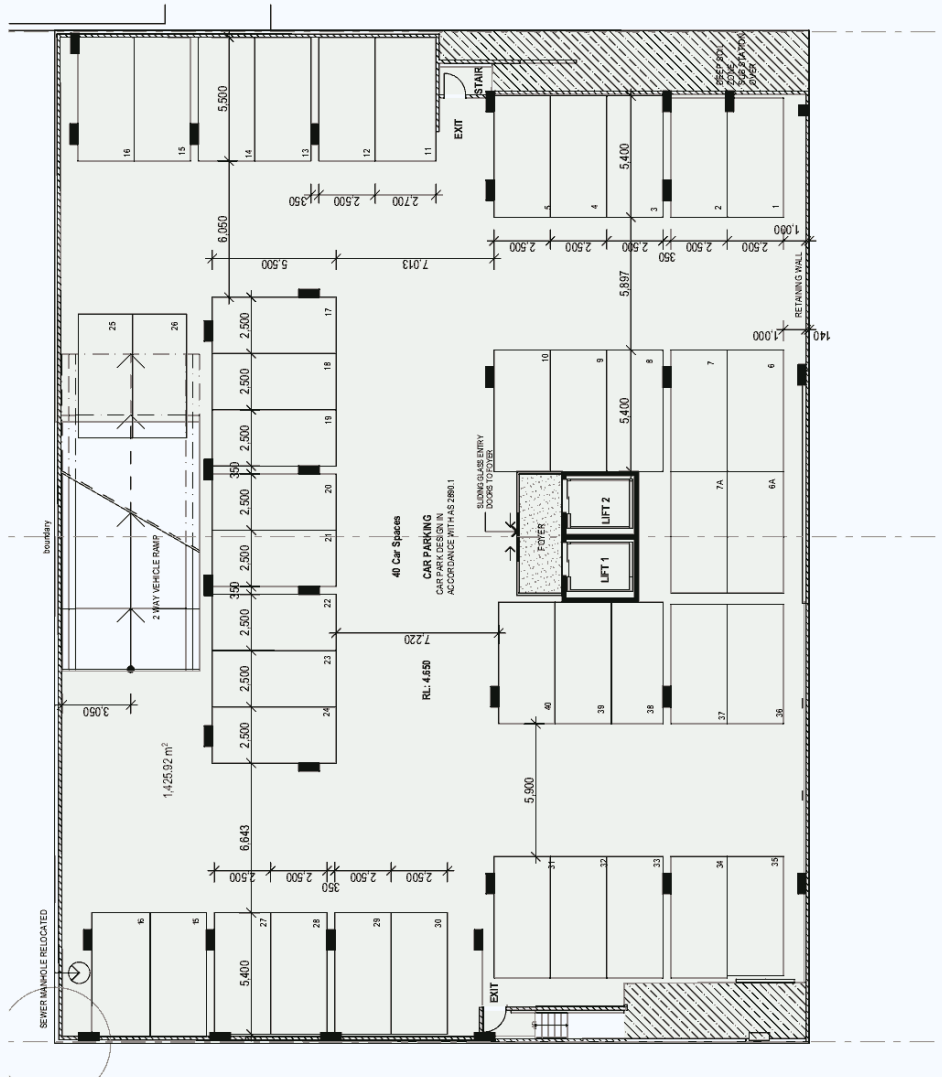
wayne ellis architect

B.Arch. R.A.I.A. NSW Reg No 4415
e wayne@wayneisarchitects.com.au
t 0417 664 731

P.O. Box 1892 Potts Point NSW 1335
Shop 11/14 Clarence St
Port Macquarie NSW 2444

**PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT**
17 Clarence St, Port Macquarie, NSW 2444
Client: Ramfort Entertainment & Concessions Pl

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

**BASEMENT**
Scale 1:200

DA 11/07/2018

wayne ellis architectB Arch. B.A.I.A. NSW Reg No 4415
e wayne@wayneellisarchitects.com.au
t 0417 864 731P.O. Box 4850 Port Macquarie NSW 2444
Shop 11/14 Clarence St
Port Macquarie NSW 2444**PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT**
17 Clarence St Port Macquarie NSW 2444
7 Bayview Pl Port Macquarie NSW 2444Proj. No **1806**

Dwg No.

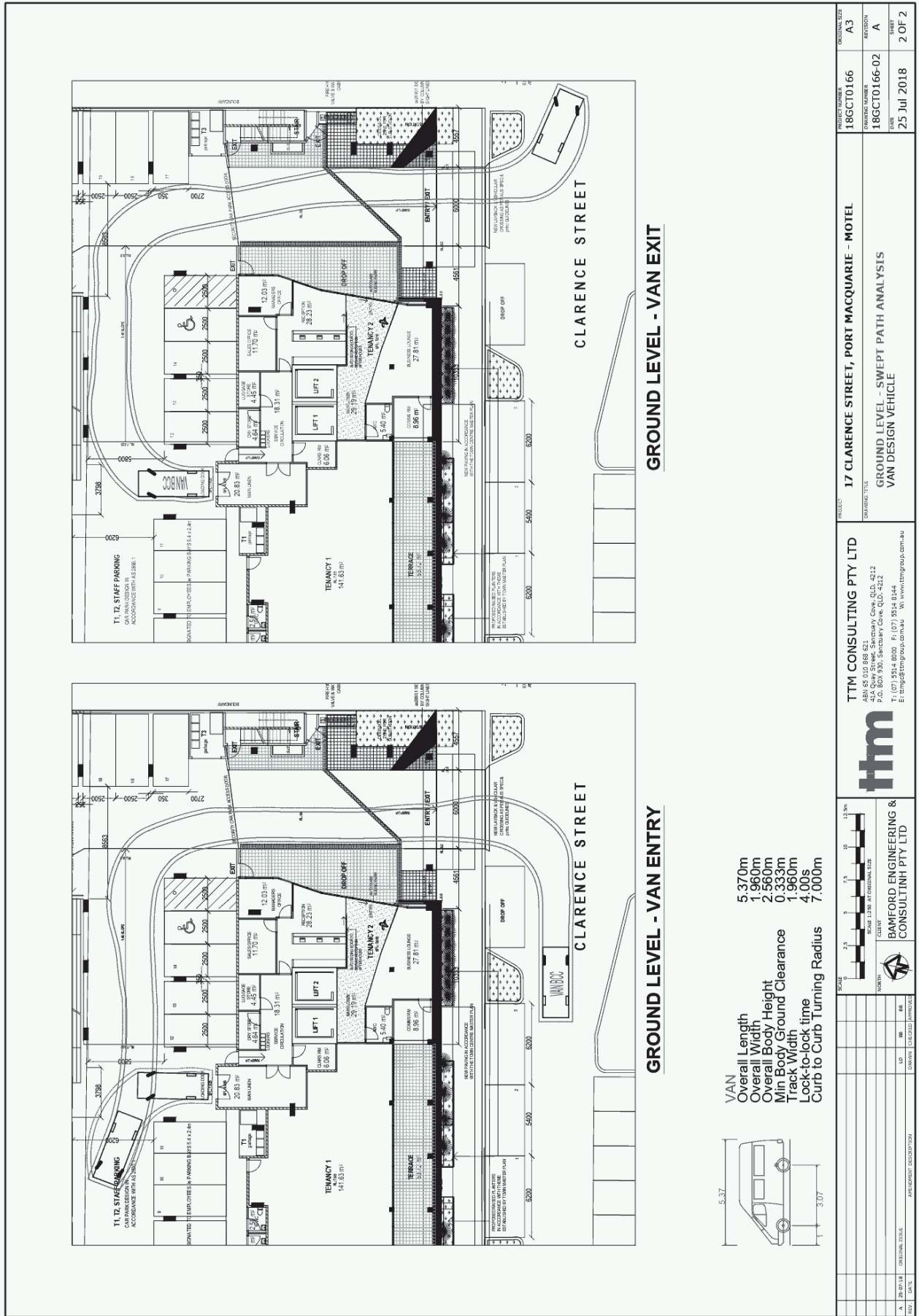
DA03/Scale **1:200 @ A3**
Comp. Ref. 1806 POST DA.pdf



Appendix B Service Vehicle Swept Paths

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





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

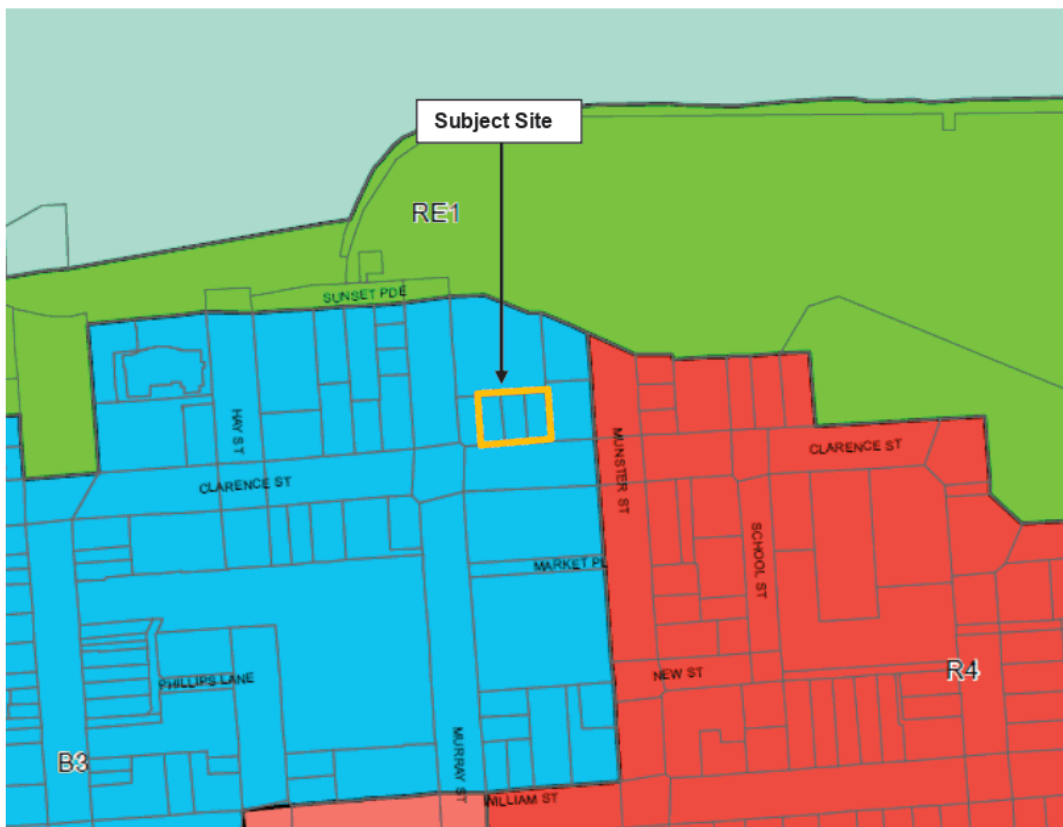
		the development of the site.
--	--	------------------------------

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;

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

June 2018

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

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

June 2018

		land and subject development.
--	--	-------------------------------

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
--	--

	<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).

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

June 2018

	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.

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

June 2018

Appendix 1

Pre-lodgment Meeting Advice (June 2012)

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

June 2018

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

Developer Charges - Estimate

Applicants Name: David Pensini
 Property Address: 17 Clarence Street, Port Macquarie
 Lot & Dp: Lot(s):123,DP(s):1219042
 Development: Commercial Premises and Tourist and Visitor Accommodation



Water and Sewerage Headworks Levies are levied under S84 of the LGA Act & S306 of the Water Management Act 2000.
 Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.

Levy Area	Units	Cost	Estimate
1 Water Supply	31.78	\$10,120.00 Per ET	\$321,803.40
2 Sewerage Scheme Port Macquarie	41.28	\$3,840.00 Per ET	\$158,511.30
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	38.48	\$7,588.00 Per ET	\$291,909.20
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	38.48	\$5,589.00 Per ET	\$215,064.70
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	38.48	\$4,589.00 Per ET	\$176,584.70
6 Com 1.3.07 - Administration Building - All areas	38.48	\$903.00 Per ET	\$34,747.40
7 N/A			
8 N/A			
9 PMQ CBD Car Parking Contribution	0.704	\$22,606.00 Per Space	\$15,914.60
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$16,152.80
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$1,230,488.10

NOTES: These contribution rates apply to new development and should be used as a guide only.
 Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).
 DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.
 Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE:

15-May-2019

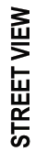
Estimate Prepared By Ben Roberts

This is an ESTIMATE ONLY - NOT for Payment Purposes

id Pensini, 17 Clarence Street, Port Macquarie, 15-May-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL

wayne ellis architect



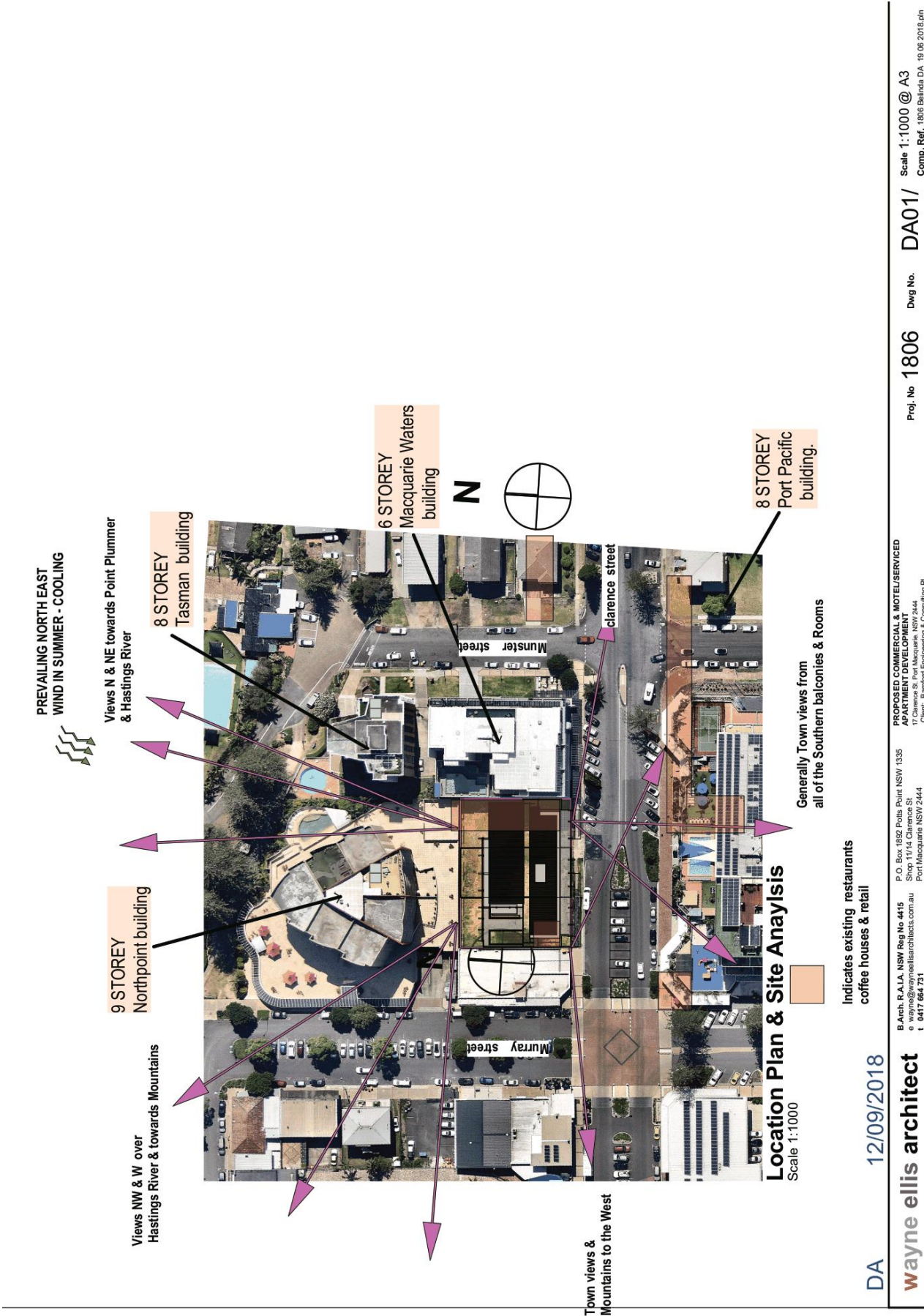
SITE AREA: 1517.23m²
DESCRIPTION: LOT 123 DP 1219042 CLARENCE STREET, PORT MACQUARIE

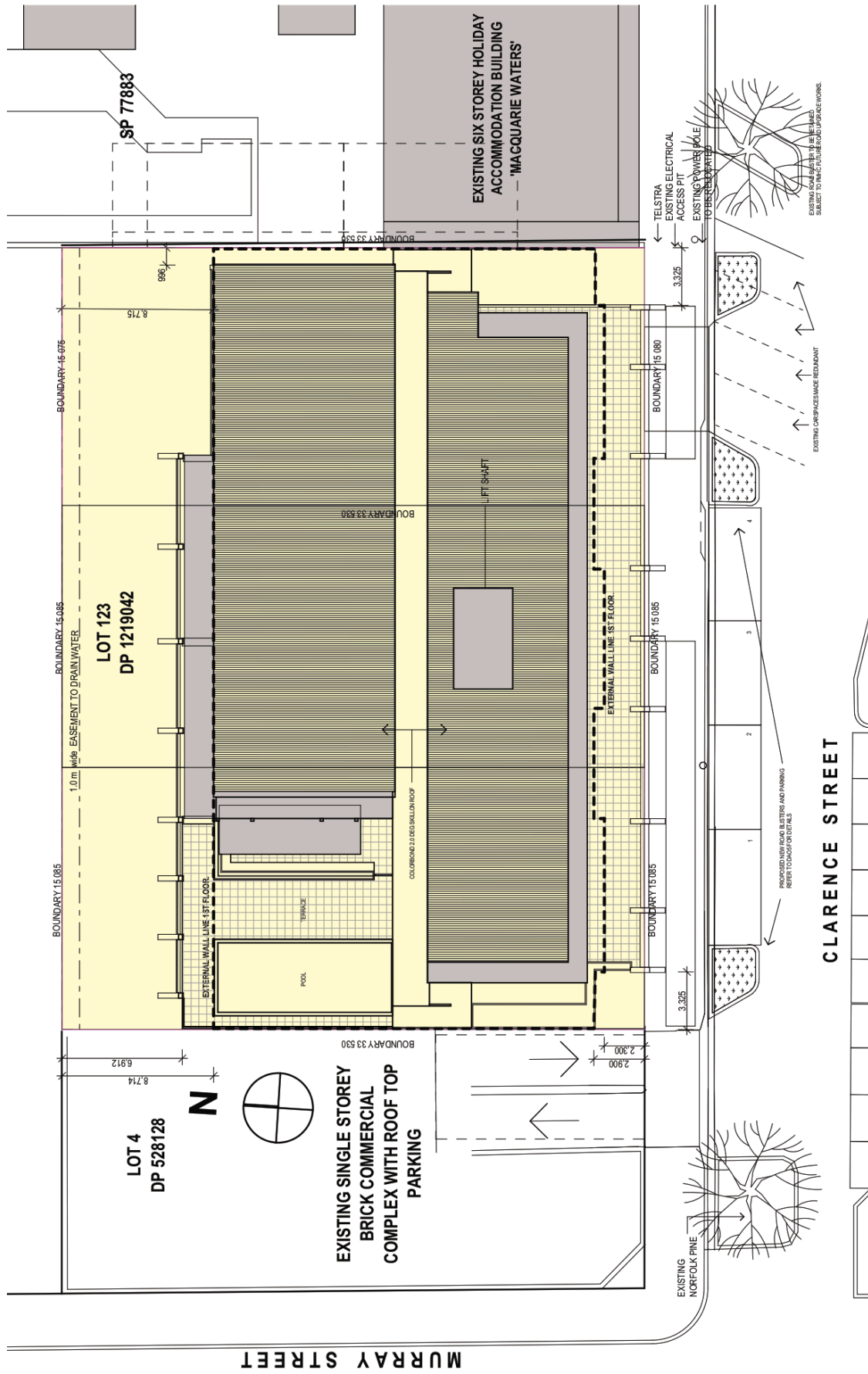
Proj. No **1806** Dwg No. **DA00/** Scale **1:367.43, 1:416.67 @ A3**
Comp. Ref. 1806 Belinda DA 19 06 2018.pln

P.O. Box 1892 Potts Point NSW 1335
Shop 11/14 Clarence St
Port Macquarie NSW 2444

PROPOSED COMMERCIAL & MOTEL/SERVICES
APARTMENT DEVELOPMENT
 17 Clarence St, Port Macquarie, NSW 2444
 Client: Ramford Enterprises & Consultants pt

B.Arch. R.A.I.A. NSW Reg No 4415
e wayne@wayneellisarchitects.com.au
t 0417 664 731





Scale 1:200 @ A3

DA02/

Dwg No.

Proj. No 1806

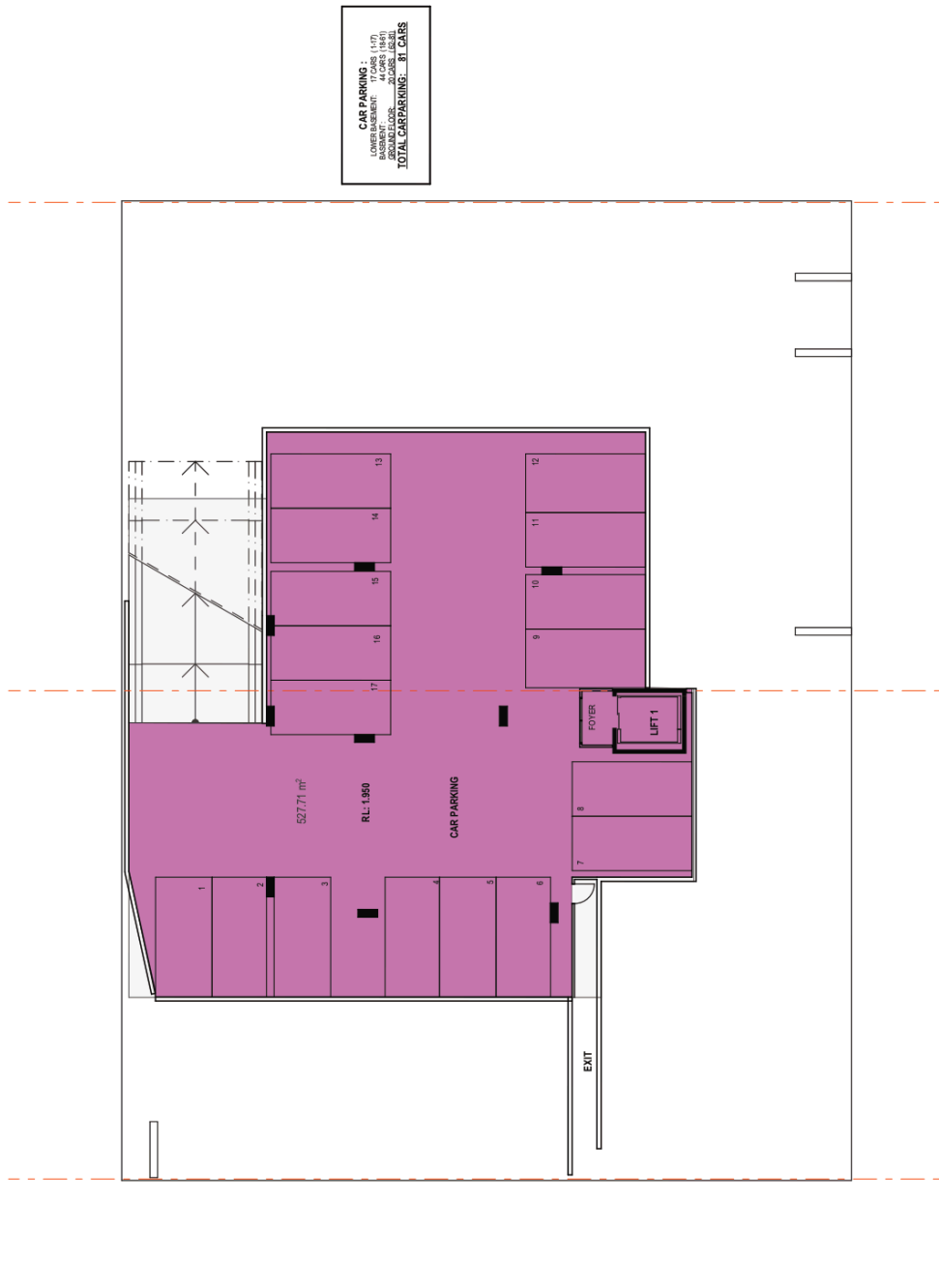
PROPOSED COMMERCIAL & MOTEL/SERVICED APARTMENT DEVELOPMENT

P.O. Box 4852 Port Macquarie NSW 2444
Shop 11/14 Clarence St
Port Macquarie NSW 2444B Arch. B.A.L.A. NSW Reg No 4415
e wayne@wayneellisarchitects.com.au
t 0417 664 731

12/09/2018

DA

Item 06
Attachment 11
Page 257



DA 10/05/2019
wayne ellis architect

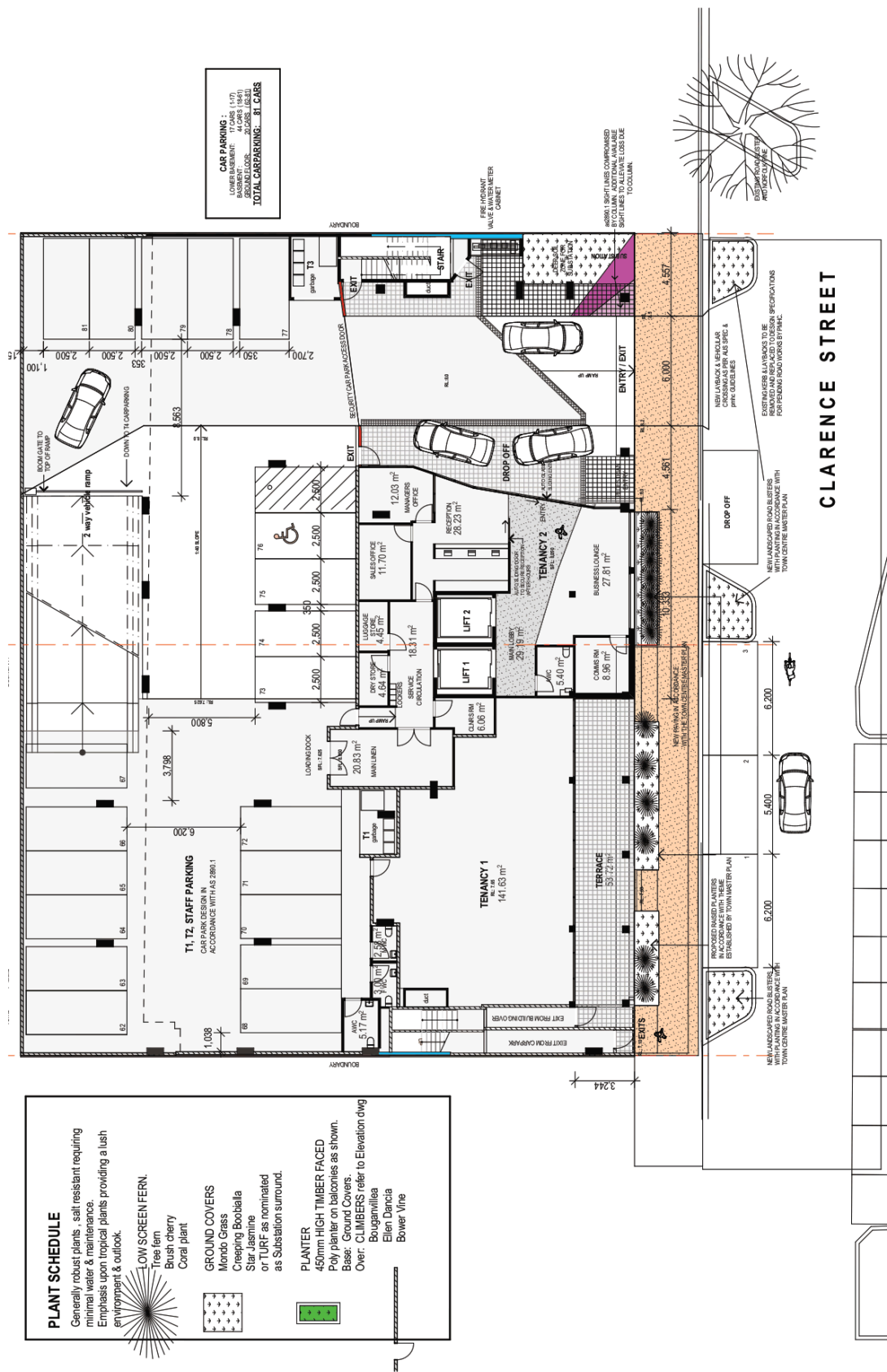
Proj. No 1806 Dwg No. DA02.5/ Scale 1:200 @ A3
Comp. Ref. 1806 POST DAP MEETING 13 021

PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT
17 Clarence St, Port Macquarie, NSW 2444
7 days / Apartment Development & Construction Pty Ltd

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

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



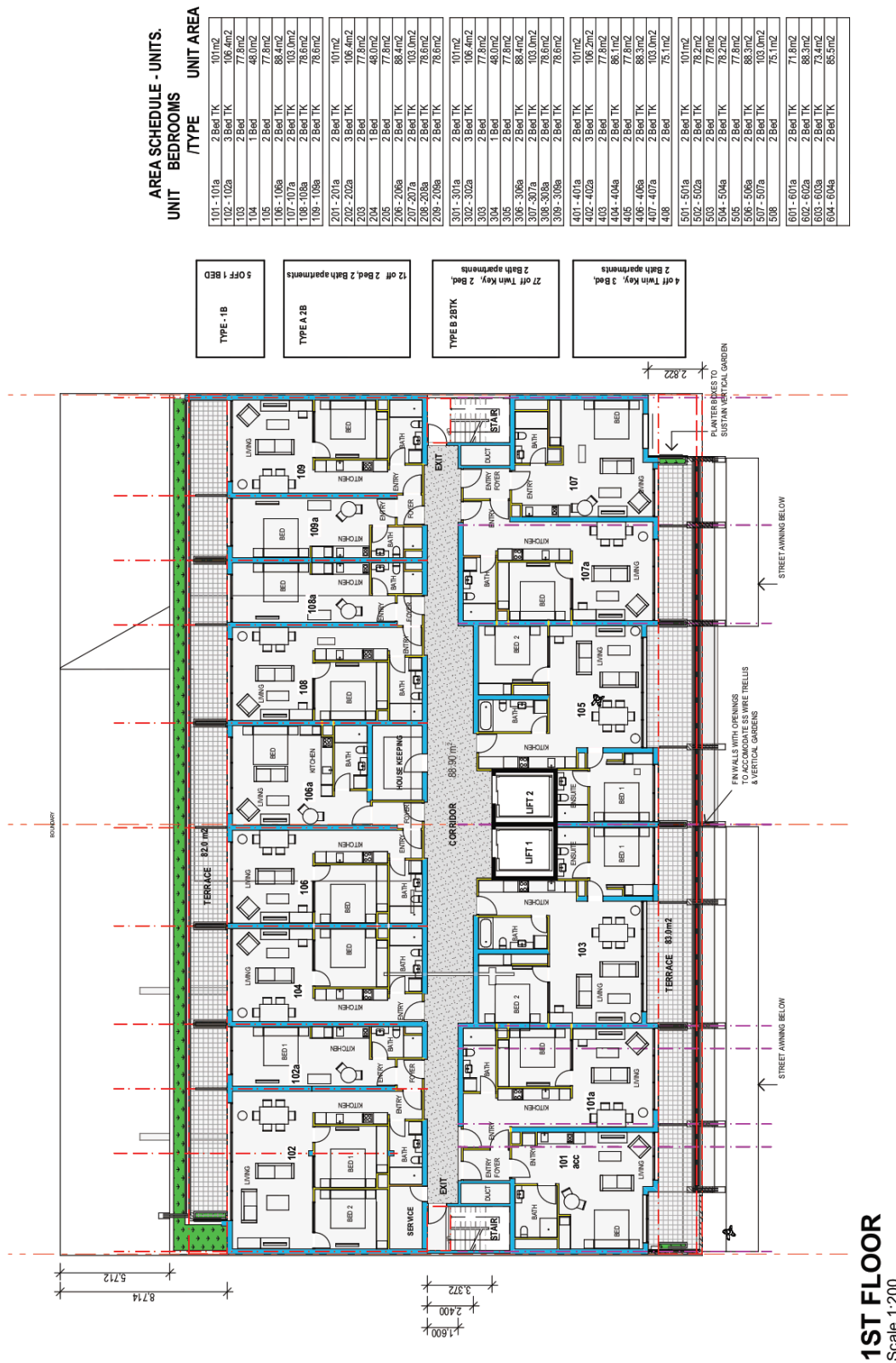
GROUND FLOOR
Scale 1:200

DA 10/05/2019

wayne ellis architect

PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT
17 Clarence St, Port Macquarie, NSW 2444
7/wayne ellis architect Pty LtdProj. No 1806
Dwg No.DA04/
Scale 1:200 @ A3

Comp. Ref. 1806 POST DAP MEETING 13 021



DA 12/09/2018

wayne ellis architect

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

P.O. Box 1852 Pitts Point NSW 1335
Shop 11/14 Clarence St
Port Macquarie NSW 2444

PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT
17 Clarence St Port Macquarie NSW 2444
Wayne Ellis Architects Pty Ltd

Proj. No 1806

Dwg No.

DA05/

Scale 1:200 @ A3

Comp. Ref. 1906 Ballinda DA 19 06 2016.pn



2ND FLOOR
Scale 1:200

DA 12/09/2018
wayne ellis architect

Scale 1:200 @ A3
Comp. Ref. 1906 Ballinda DA 19 06 2016.pn

DA06/

Dwg No.

Proj. No 1806

PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT
17 Clarence St, Port Macquarie, NSW 2444
7 May 2019 - Planning Presentation & Feedback

P.O. Box 1852 Potts Point NSW 1335
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



3RD FLOOR
Scale 1:200

DA 12/09/2018
wayne ellis architect

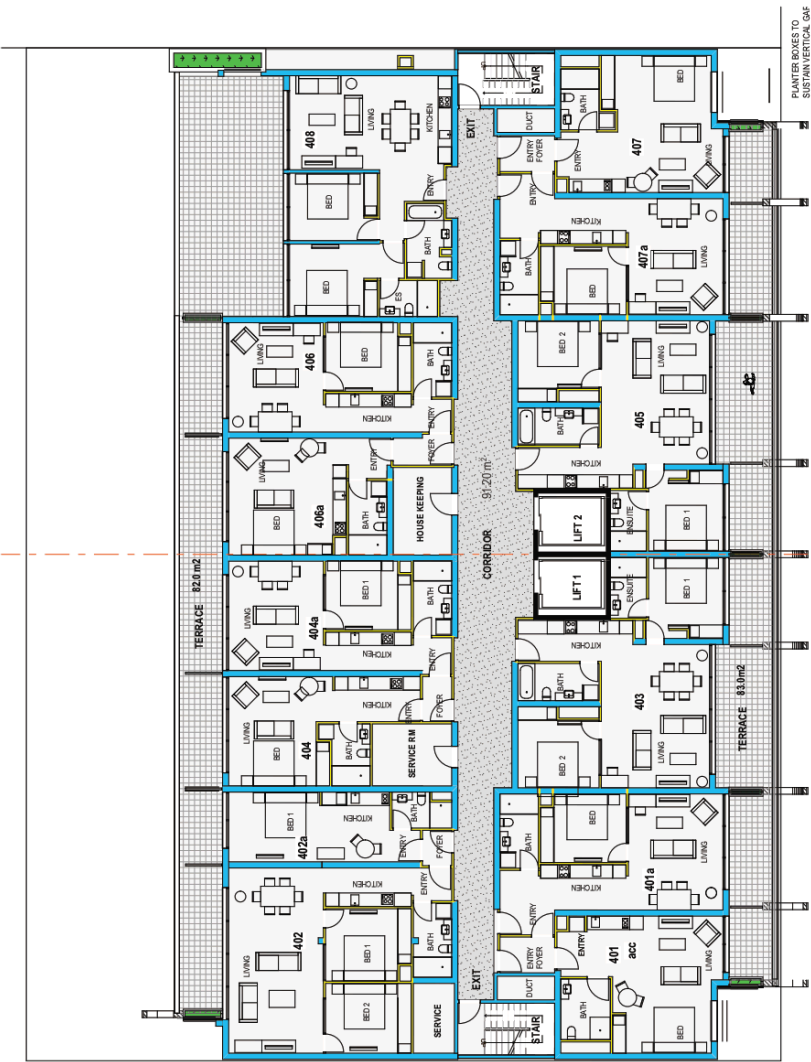
Scale 1:200 @ A3
Comp. Ref. 1906 Bellinda DA 19 06 2016.pn

DA07/
Proj. No 1806
Dwg No.

PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT
17 Clarence St, Port Macquarie, NSW 2444
7 Clarey, Apartment Development & Construction Pty Ltd

P.O. Box 1852 Port Point NSW 1335
Shop 11/14 Clarence St
Port Macquarie NSW 2444

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



4TH FLOOR
Scale 1:200

DA 12/09/2018
wayne ellis architect

Scale 1:200 @ A3
Comp. Ref. 1906 Ballinda DA 19 06 2016.pn

DA8/ 1806 Dwg No.

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. S.A.I.A. NSW Reg No 4415
e wayne@wayneellisarchitects.com.au
t 0417 864 731



DA 12/09/2018
wayne ellis architect

B Arch. S.A.I.A. NSW Reg No 4415 P.O. Box 1852 Port Macquarie NSW 2444
e wayne@wayneellisarchitects.com.au Shop 11/14 Clarence St
t 0417 864 731 Port Macquarie NSW 2444
PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT
17 Clarence St, Port Macquarie, NSW 2444
7 March, Apartment Development & Motel Serviced, DA

Proj. No 1806

Dwg No.

DA9/

Scale 1:200 @ A3

Comp. Ref. 1906 Belinda DA 19 06 2016.pn

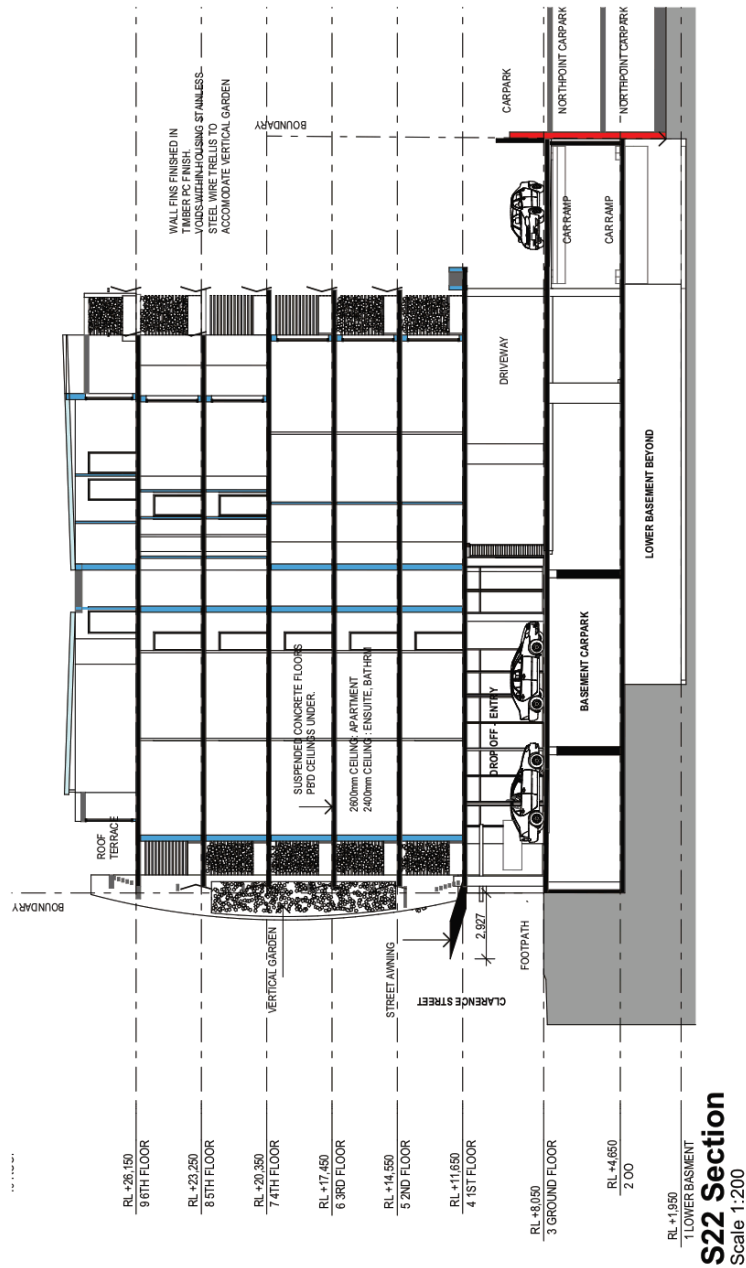


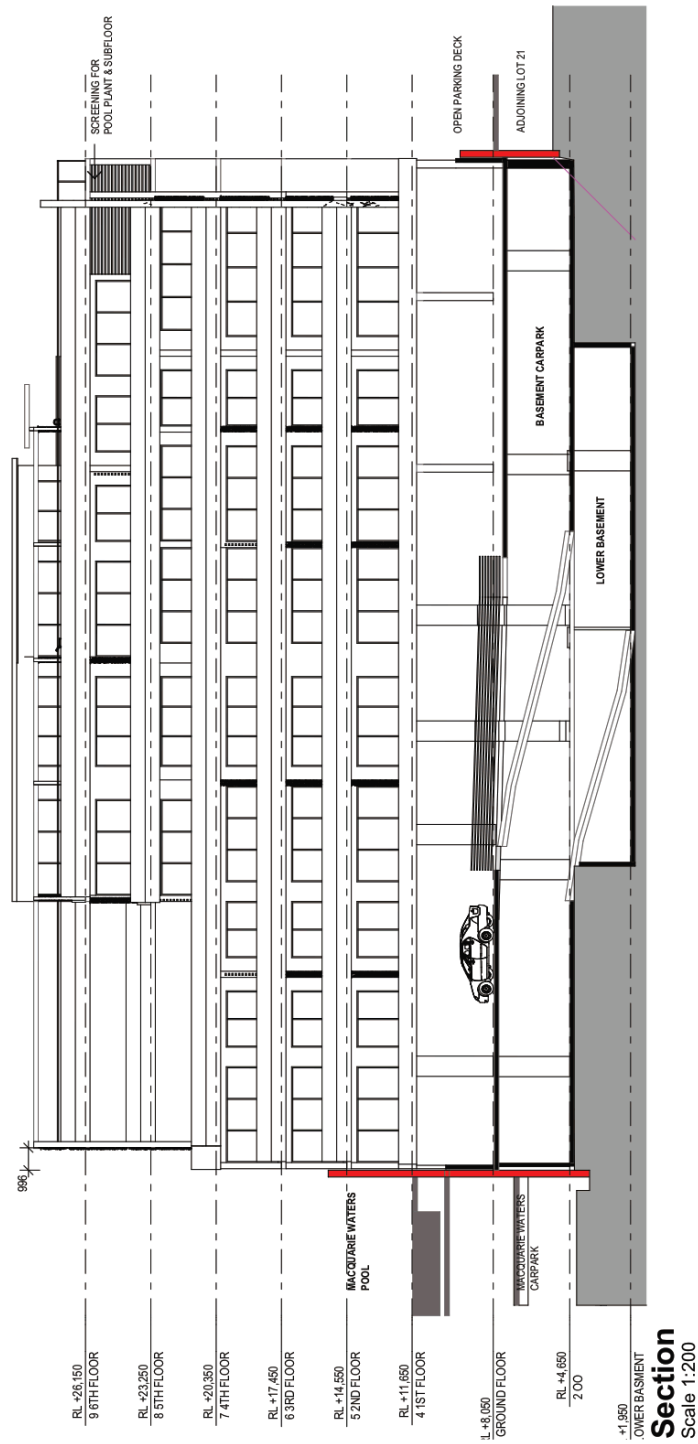
DA 12/09/2018

Proj. No **1806** Dwg No. **DA10/** Scale **1:200 @ A3**
Comp. Ref. 1806 Belinda DA 19 06 2018.pln

P.O. Box 1892 Potts Point NSW 1335
Shop 11/14 Clarence St
Port Macquarie NSW 2444

B.Arch. R.A.I.A. NSW Reg No 4415
e wayne@wayneellisarchitects.com.au
t 0417 664 731





DA 14/05/2019

wayne ellis architect

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

P.O. Box 1852 Pitts Point NSW 1335
Shop 11/14 Clarence St
Port Macquarie NSW 2444

PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT
17 Clarence St Port Macquarie NSW 2444
7 Bayview Apartments Port Macquarie NSW 2444

Proj. No 1806

Dwg No.

DA12/

Scale 1:200 @ A3

Comp. Ref. 1806 POST DAP MEETING 13 021





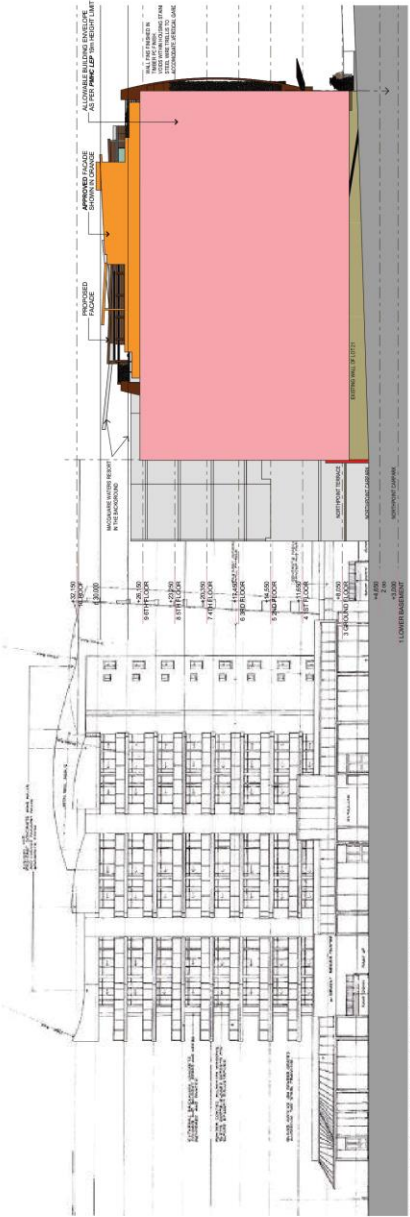
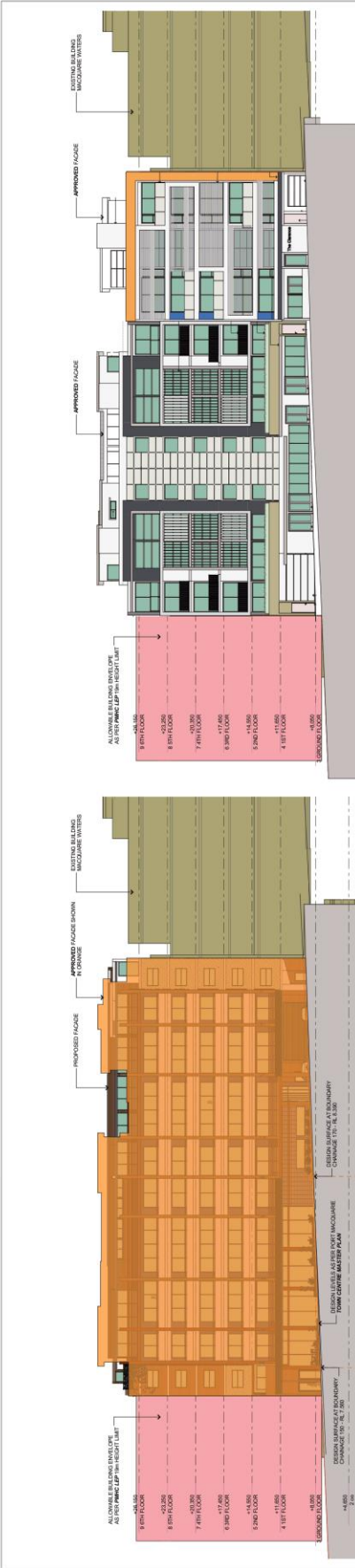
Proj. No **1806** Dwg No. **DA14/** Scale 1:200 @ A3
Comp. Ref. 1806 belinda DA 19 06 2018.pln

**PROPOSED COMMERCIAL & MOTEL/SERVICED
APARTMENT DEVELOPMENT**
17 Clarence St, Port Macquarie, NSW 2444
Client: Ramford Franchisee & Concession Pl

P.O. Box 1892 Potts Point NSW 1335
Shop 11/14 Clarence St
Port Macquarie NSW 2444

B.Arch. R.A.I.A. NSW Reg No 4415
e wayne@wayneellisarchitects.com.au
t 0417 664 731





MURRAY STREET - FACADE STUDY

DA

4/07/2018

Notes

1. This drawing is a facade study and is not a construction document. It is for informational purposes only.

2. The building is shown in a simplified manner to illustrate the facade study.

3. The drawing is not to scale.

4. The drawing is not a final design.

5. The drawing is not a final design.

6. The drawing is not a final design.

7. The drawing is not a final design.

8. The drawing is not a final design.

9. The drawing is not a final design.

10. The drawing is not a final design.

Client

Barford Engineering & Consulting PL

Project

PROPOSED HOTEL

Location

Clarence St

Drawing

STREET FACADE STUDIES

Scale

1:200

Drawn

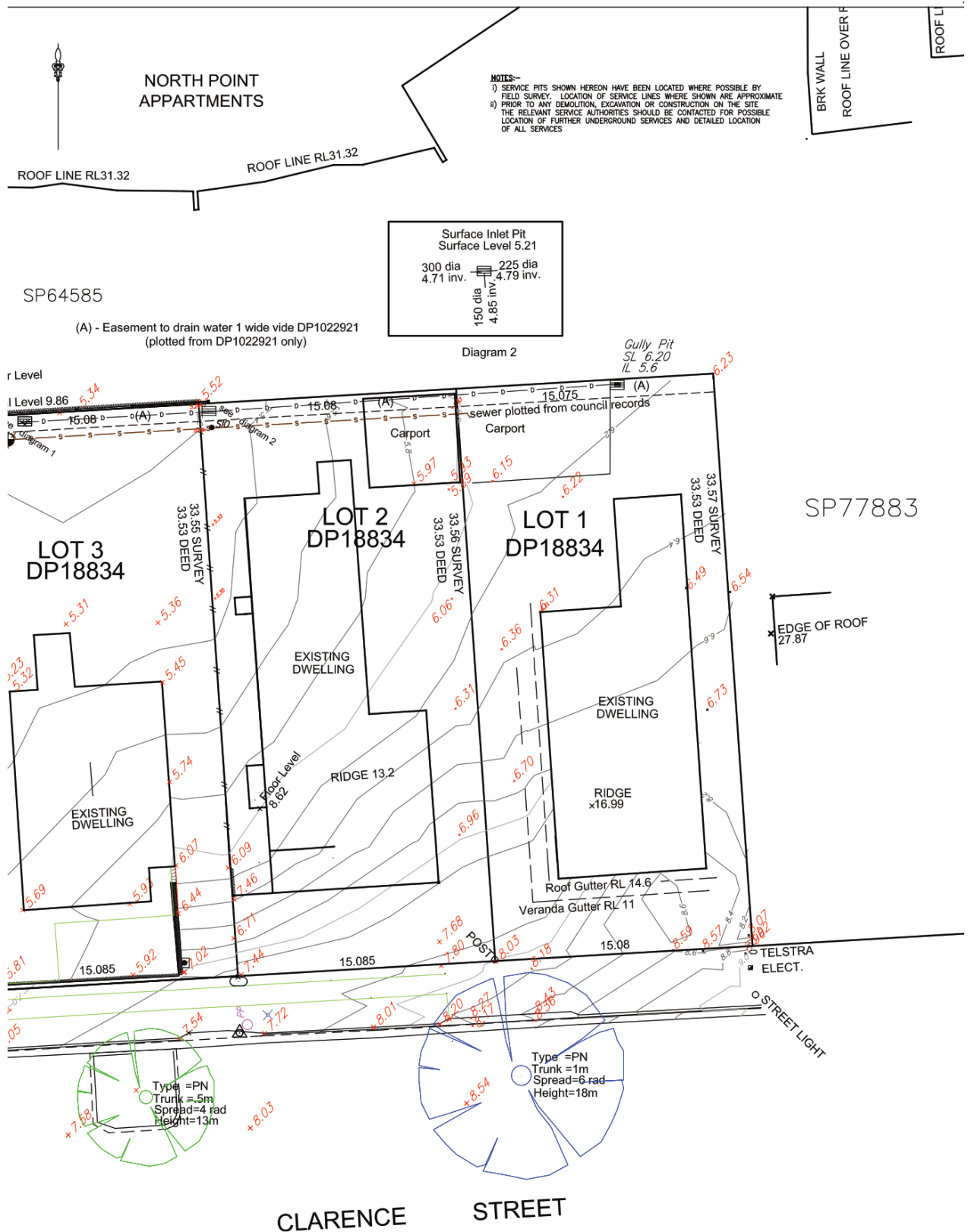
1806

Check

1806

DA15/

DA15/



SCALE: 1:200		ORIGINAL SHEET SIZE A3		 COASTAL SURVEY SOLUTIONS CONSULTING SURVEYORS AND PLANNERS 7 WILLOW PLACE PORT MACQUARIE NSW 2444 PO BOX 2223 PMQ Ph. 65 837574 Mobile 0488 464 644 mark@coastalsurveysolutions.com.au	DETAIL AND CONTOUR SURVEY		ROAD NO: 4053	SHEET 1	1 OF SHEETS	COUNCIL PLAN NO.
DATE: 15/10/2014	JOB NO: 4246/2011	DESIGNED: [blank]	DRAWN: [blank]		LOT 1 DP 18834 CLARENCE STREET	CLIENT: A.Vereker				REF: 4246

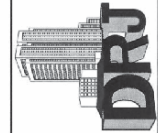
Client

Bamford

Proposed Stormwater Management

Clarence Street, Port Macquarie 2444

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

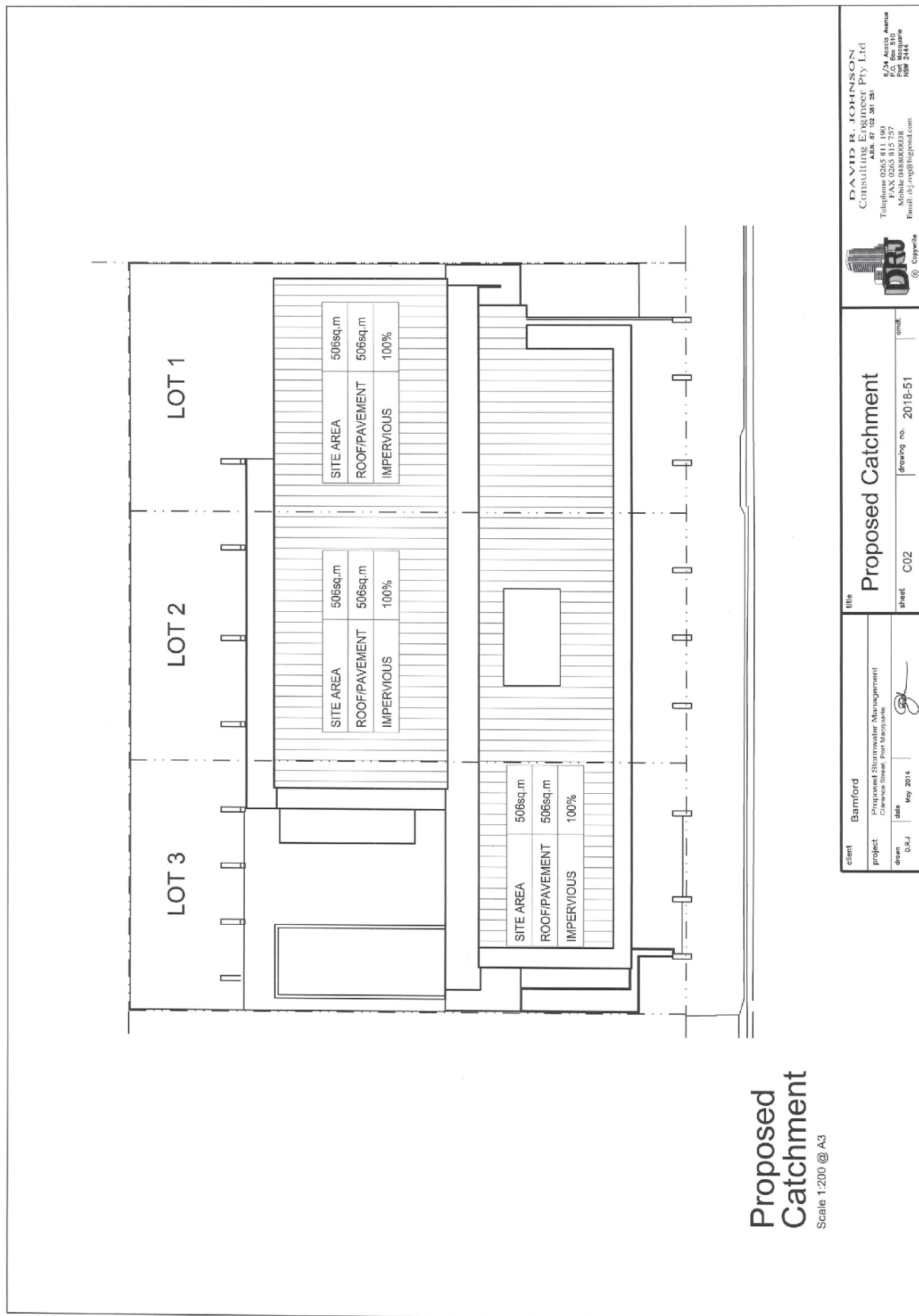


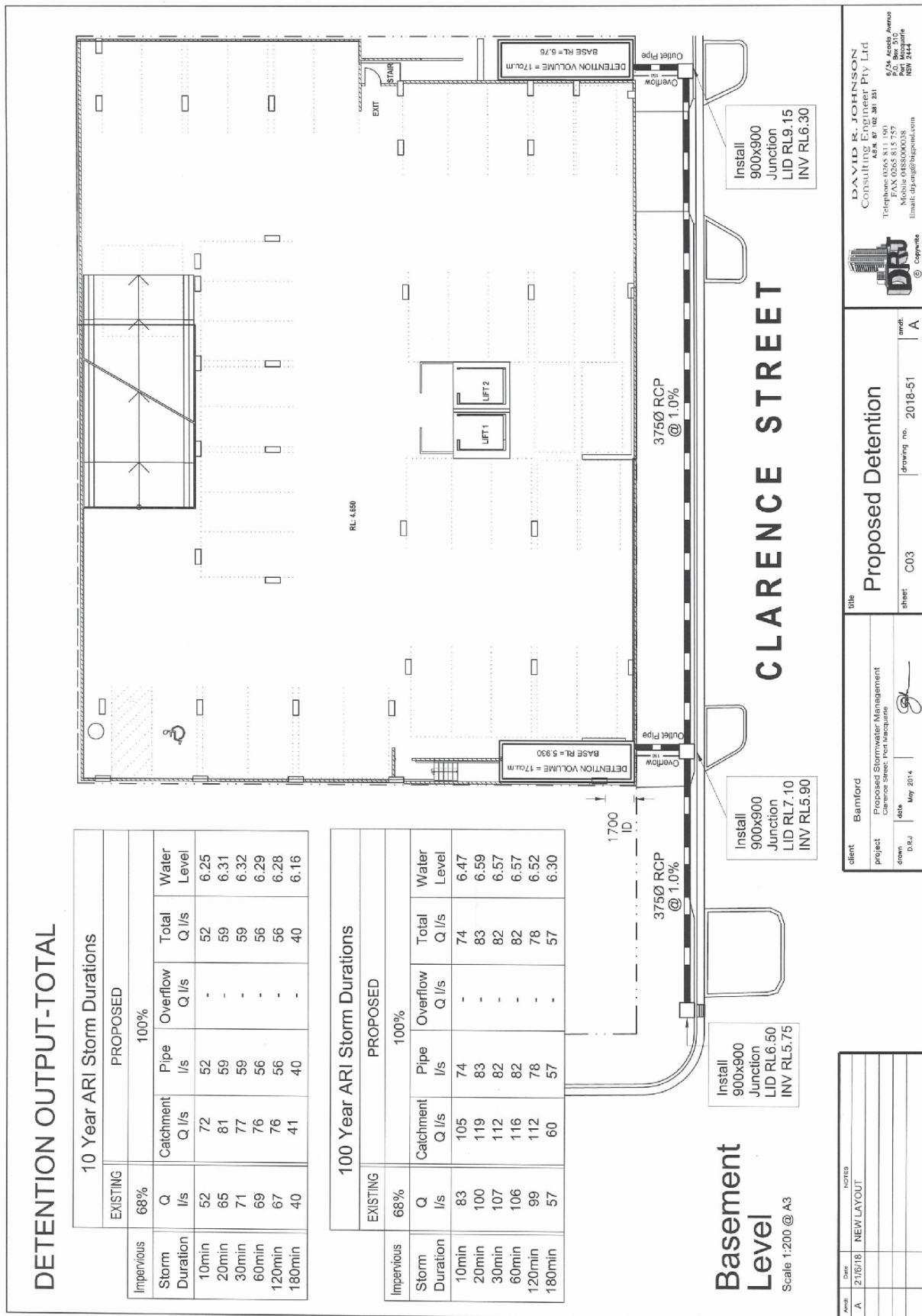
DAVID R. JOHNSON
Consulting Engineer Pty Ltd.

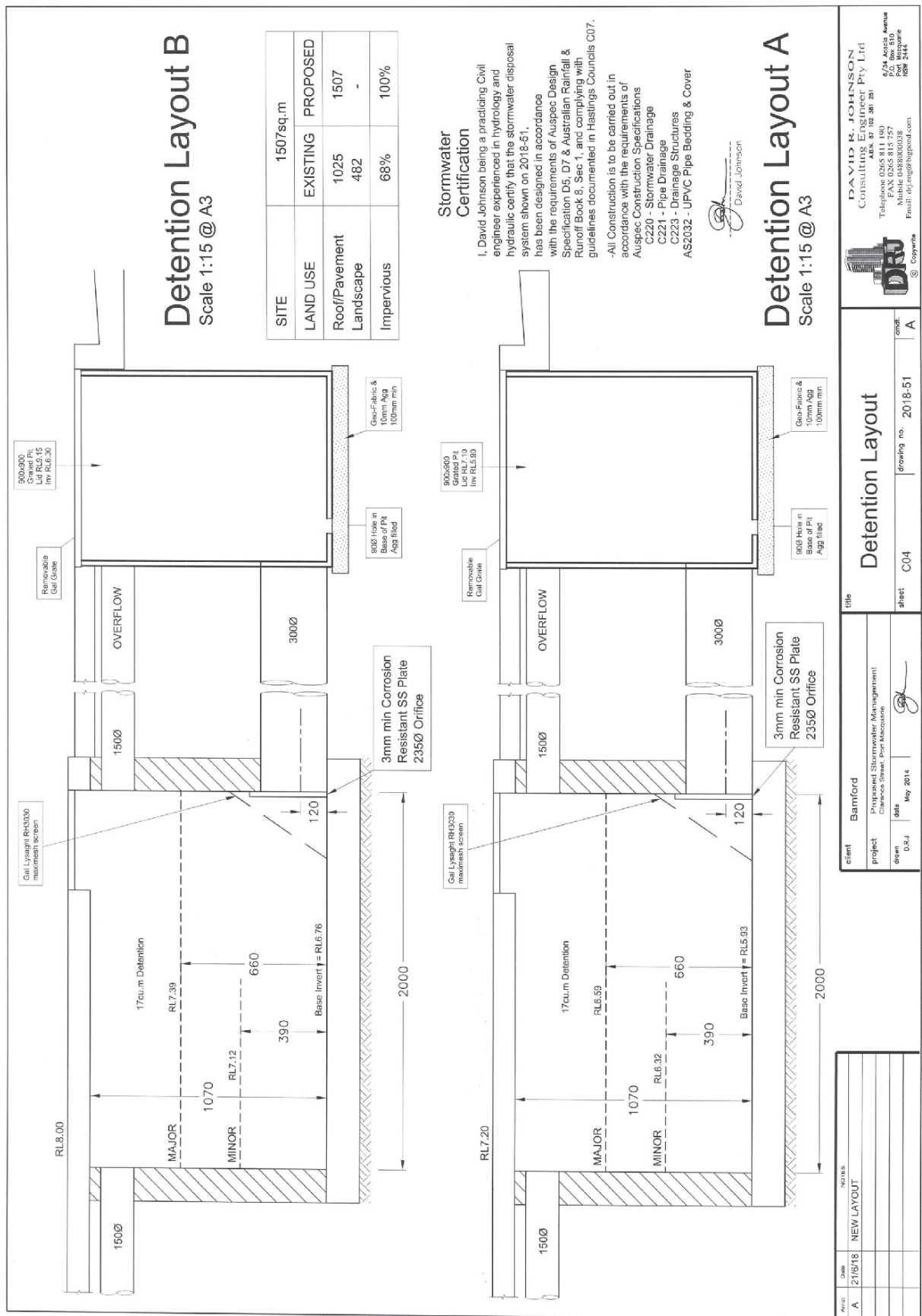
ABN. 87 102 381 251
Telephone 0265 811 190
Mobile 0488 000 038
Email drj.eng@bigpond.com

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









Item: 07

Subject: DA2018 - 427.1 DUAL OCCUPANCY AND TORRENS TITLE
SUBDIVISION, BOAT RAMPS AND JETTY AT LOT 7 DP 246284, NO.
14 SIRIUS CLOSE, PORT MACQUARIE

Report Author: Development Assessment Planner, Chris Gardiner

Applicant: L G Wilkie

Owner: L G Wilkie

Estimated Cost: \$700,000

Parcel no: 22355

Alignment with Delivery Program

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

RECOMMENDATION

That DA2018 - 427.1 for a Dual Occupancy and Torrens Title Subdivision, Boat Ramps and Jetty at Lot 7, DP 246284, No. 14 Sirius Close, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a Dual Occupancy and Torrens Title Subdivision, Boat Ramps and Jetty at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one submission has been received.

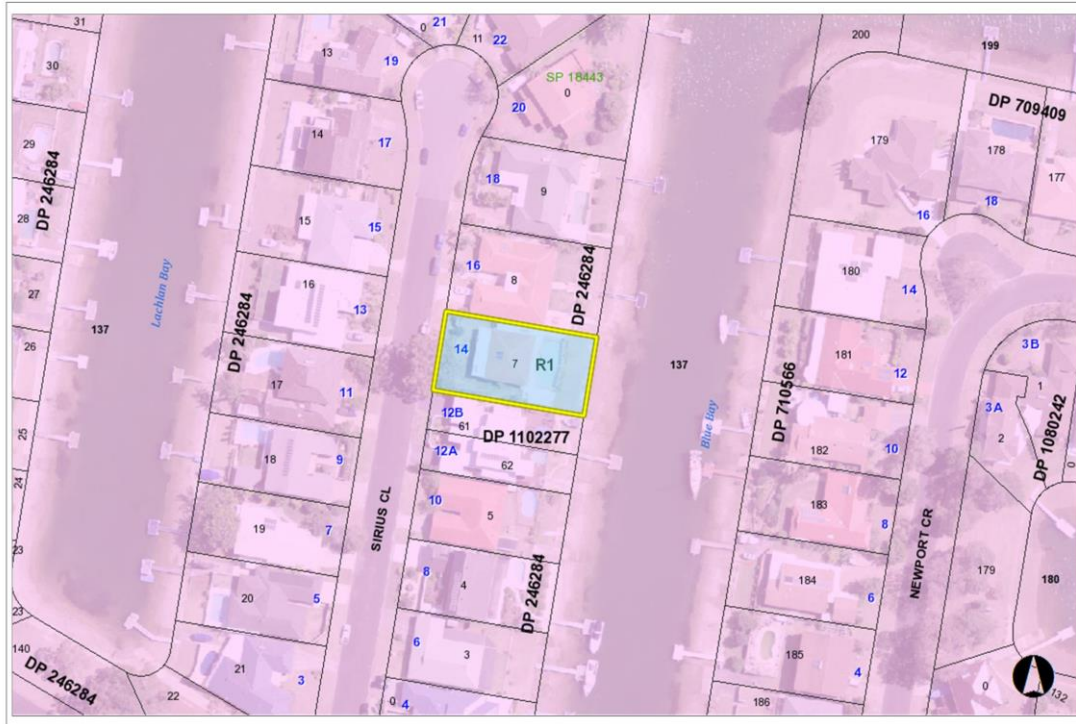
This report recommends approval of the development application subject to conditions.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 860.6m².

The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of existing dwelling and swimming pool;
- Construction of two-storey attached dual occupancy, boat ramps and shared jetty;
- 2 lot Torrens title subdivision;
- Removal of street tree.

Refer to attachments at the end of this report.

Application Chronology

- 8 June 2018 - Application lodged.
- 29 June 2018 to 12 July 2018 - Neighbour notification.
- 9 July 2018 - Additional information requested from Applicant.
- 28 March 2019 - Additional information submitted.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**
(i) **Any Environmental Planning Instrument:**

State Environmental Planning Policy No. 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy (Coastal Management) 2018

The site is located within a coastal use area and a coastal environment area.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 13 and 14 of the SEPP the proposed development is not considered likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) any adverse impact on Aboriginal cultural heritage, practices and places;
- f) any adverse impacts on the cultural and built environment heritage;
- g) any adverse impacts the use of the surf zone;

- h) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- i) overshadowing, wind funnelling and the loss of views from public places to foreshores;

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment. The site is predominately cleared and located within an area zoned for residential purposes.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

BASIX certificates have been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2 - The subject site is zoned R1 General Residential.
- Clause 2.3(1) and the R1 zone landuse table - The proposed development for dual occupancy (two semi-detached dwellings following subdivision) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- To provide for the housing needs of the community.
 - To provide for a variety of housing types and densities.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - The proposal is a permissible landuse;
 - The development would provide variety in housing types and densities to meet the housing needs of the community.
 - Clause 2.7 - The demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.
 - Clause 4.1A – The proposal includes subdivision into two lots and construction of a semi-detached dwelling on each lot. Subdivision to create lots smaller than the 450m² minimum lot size specified on the Lot Size Map is therefore permitted.
 - Clause 4.3 - The maximum overall height of the building above ground level (existing) is 7.1m which complies with the standard height limit of 8.5m applying to the site.
 - Clause 4.4 - The floor space ratio of the proposal is 0.50:1 which complies with the maximum 0.65:1 floor space ratio applying to the site.
 - Clause 5.7 – Development below highwater mark – Consent has been sought in this application for the proposed jetty and boat ramps.
 - Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
 - Clause 7.1 - The site is mapped as potentially containing class 1 and 3 acid sulphate soils. A condition is recommended requiring the development to be

carried out in accordance with Council's Acid Sulphate Soil Management Plan for Minor Works.

- Clause 7.3 - The site is within the mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard). In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council's Flood Policy 2015, the NSW Government's *Flood Prone Lands Policy* and the NSW Government's *Floodplain Development Manual* (2005):
 - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
 - The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
 - The proposal incorporates measures to minimise and manage the flood risk to life and property associated with the use of land;
 - The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
 - The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding;
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as required by a condition of consent.

(ii) **Any draft instruments that apply to the site or are on exhibition:**

No draft instruments apply to the site.

(iii) **Any Development Control Plan in force:**

Port Macquarie-Hastings Development Control Plan 2013

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	None proposed.	N/A
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment 	Entry patios at 3m front setback. The patios do not exceed 25% of the articulation zone and are still setback a minimum of 3m.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> A bay window or similar feature An awning or other feature over a window A sun shading feature 		
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> Min. 6.0m classified road Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot Min. 3.0m secondary road Min. 2.0m Laneway 	Front building line setback requirements are complied with.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage door setback requirements are complied with.	Yes
	6m max. width of garage door/s and 50% max. width of building	Garage doors each 4.88m wide and 54% of the width of the building. The proposal is a very minor variation and it is common in the canals for dwellings to be designed to address the water rather than the street. The proposal would not be out of place in the streetscape.	No, but acceptable
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	3m wide and less than 1/3 of site frontage.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	The rear setback requirements are complied with.	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> Ground floor = min. 0.9m First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. Building wall set in and out every 12m by 0.5m 	The minimum side setback requirements are complied with. The wall articulation is compliant and satisfies the objectives of the development provision.	Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Each occupancy contains 35m ² open space in one area including a useable 4m x 4m area.	Yes
3.2.2.7	Front fences:	No front fences proposed.	N/A

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> If solid 1.2m max height and front setback 1.0m with landscaping 3x3m min. splay for corner sites Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings 0.9x0.9m splays adjoining driveway entrances 		
3.2.2.8	<p>Front fences and walls to have complimentary materials to context</p> <p>No chain wire, solid timber, masonry or solid steel front fences</p>	No front fencing proposed.	N/A
3.2.2.10	<p>Privacy:</p> <ul style="list-style-type: none"> Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	The development will not compromise privacy in the area due to a combination of lack of windows on side/rear boundaries, having high sill windows that face side/rear boundaries, limiting living areas that face adjoining living areas/open space, compliant separation and use of screening/fencing.	Yes
3.2.2.11	Roof terraces	N/A	
3.2.2.12	<p>Jetties and boat ramps:</p> <p>The design of any jetty or boating structure should be in accordance with Council's adopted design specification documents</p>	Standard condition recommended requiring jetty/pontoon to comply with Council's specifications.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.13	Mooring piles are to be set at a level no lower than the level which ensures that the floating structure is retained during the design 1:100 year flood event.	These requirements are satisfied.	Yes.
	The width of a jetty walkway leading to a platform should not be greater than 1.0 metres.		
	The area of a platform at the end of a walkway should not exceed 10m².		
	The overall length of a jetty when measured from the existing revetment wall should not exceed 17m.		
	Boating ramps should have a maximum overall width of 3.0 metres and a maximum overall length of 10.0 metres when measured from the existing revetment wall unless associated with a boatshed where the boat ramp should not exceed 2.7m in width.		
	Pontoons moored at right angles to the revetment wall should not extend beyond a point 17 metres from the wall.		
	Pile cut off levels should not be lower than RL3.0m AHD.		
	Fixed jetties may only extend to a point 7m from the revetment wall.		
	Any extension beyond a point 7m from the revetment wall is to be by way of a pivoting walkway to a floating pontoon.		
	The deck of the jetty is to be above and not resting on the revetment wall and the top surface is not to be above RL 1.4m AHD.		
	Pontoons moored parallel to the revetment wall should not extend beyond a point 12 metres from it.		
	Floating moorings should be located between 17m from the		

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	revetment wall.		
	Fixed mooring poles should not be greater than 17m from the revetment wall.		
3.2.2.14	Jetties and moorings (both fixed and floating) should be located a minimum of 10m from any jetty or mooring (both fixed and floating) located on any adjacent property.	More than 10m from adjoining jetties.	Yes
	Boat ramps and jetties should be located in such a way that vessels using the boat ramp or moored on a jetty do not project past a line which is a prolongation of the side boundaries of the development site.	Within prolongation of side boundaries.	Yes
3.2.2.15	For a dual occupancy development only one shared jetty is permitted.	Single shared jetty. Condition recommended requiring appropriate easement for shared use and maintenance over the part of the jetty located within the lots.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	New 1.2m high retaining wall proposed to replace existing retaining wall. The works propose a realignment of the existing wall and would involve small areas of cut/fill exceeding 1m. The works are consistent with the finished landform on adjoining properties and would result in a significant change to the current site.	No, but acceptable.
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	Condition recommended to require engineering certification.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No hollow bearing trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	The proposal includes removal of a mature Tallowwood in the street frontage to allow for the development and construction of associated driveways. Council's Tree Management section have reviewed the proposal and submitted Arborist's report and agreed that the tree can be removed at the developer's cost subject to provision of a replacement amenity tree and offset planting of 2 Koala food trees in a location agreed by Council. A condition has been recommended confirming the offset requirements.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossings are minimal in width including maximising street parking.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). <u>Multi dwelling</u> 1 space per 1 & 2 bedroom occupancies 1.5 spaces per 3+ bedroom	Dual occupancy provides a minimum of 1 parking space per dwelling.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	occupancies 0.25 spaces per occupancy for visitor parking.		
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and NOP.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

Note: Subdivision provisions of the DCP (except battleaxe handle width) are aimed at the creation of vacant lots (i.e. not lots within an integrated housing proposal such as this) and have therefore been excluded from the above assessment. Servicing requirements are discussed later in this report.

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied.

Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

No planning agreement has been offered or entered into relating to the site.

iv) Any matters prescribed by the Regulations:

Demolition of buildings AS 2601:

Demolition of the existing building on the site is capable of compliance with this Australian Standard and is recommended to be conditioned.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

Context and setting

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

- The proposal is considered to be compatible with other residential development in the locality and adequately addresses planning controls for the area.
- There are no adverse impacts on existing view sharing.
- There are no adverse privacy impacts.
- There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Roads

The site has road frontage to Sirius Close.

Adjacent to the site, Sirius Close is a sealed public road under the care and control of Council.

Traffic and Transport

The traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality.

Site Frontage & Access

Vehicle access to the site is proposed through two individual driveways with direct frontage to Sirius Close. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Water Supply Connection

Council records indicate that the development site has an existing 20mm sealed water service from the 100mm Asbestos Cement water main on the opposite side of Sirius Close. Each proposed lot requires an individual metered water service with the meter located at the property road frontage.

Detailed plans will be required to be submitted for assessment with the S.68 application.

Sewer Connection

Council records indicate that the development site is connected to Sewer via a junction to the existing 150mm Asbestos Cement sewer main running parallel to the front boundary of the development site. Each proposed lot requires an individual junction to the existing Sewer main. Engineering plans shall be required as part of the Infrastructure Construction Certificate.

Stormwater

The site naturally grades towards the rear and is currently serviced via a direct connection to the public piped drainage system.

The legal point of discharge for the proposed development is an inter-allotment drainage system connecting to the public piped drainage system in Sirius Close.

A detailed site stormwater management plan will be required to be submitted for assessment with the Section 68 application and prior to the issue of a Construction Certificate. In accordance with Councils AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- Structural design is required for that part of the dwelling constructed adjacent to the stormwater easement. The design shall demonstrate that no loading is transferred to the existing stormwater pipeline traversing the site.
- Plans to show eaves located out of the existing easement or alternatively supporting documentation is to be submitted demonstrating that a minimum

vertical clearance of 3000mm is available between the ground surface and the underside of the eaves.

Other Utilities

Telecommunication and electricity services are available to the site. Evidence of satisfactory arrangements with the relevant utility authorities for provision to each proposed lot will be required prior to Subdivision Certificate approval.

Heritage

No known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora and fauna

The proposed development includes removal of a single Tallowwood in the site frontage in Sirius Close. The Biodiversity Offset Scheme doesn't apply for the following reasons:

- The land isn't identified on the Biodiversity Values Map;
- The extent of clearing is below the thresholds in Clause 7.2 of the Biodiversity Conservation Regulation 2017;
- The application of the test of significance (5 part test) demonstrates that the development will not have a significant impact on biodiversity values.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition recommended.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.

Noise and vibration

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

Social impacts in the locality

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts.

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

Cumulative impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development:

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints have been adequately addressed and appropriate conditions of consent recommended.

(d) Any submissions made in accordance with this Act or the Regulations:

One written submission has been received following public exhibition of the application.

Key issues raised in the submission and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
Dividing fence (wall) between the site and adjoining property at 12B Sirius Close has been damaged by a tree on the Applicant's property. Request that the wall be repaired at the Applicant's expense.	<p>Disputes over the maintenance or repair of a dividing fence need to be resolved through the relevant procedures in the Dividing Fences Act 1991, and are not a matter for consideration by the consent authority.</p> <p>In the context of the proposal it is necessary that a 1.8m high fence be provided/maintained between the properties to satisfy the privacy provisions in the DCP. A condition has been recommended requiring such fencing to be completed prior to the issue of an Occupation Certificate.</p> <p>The location, style, materials and cost sharing will need to be determined separately between the parties.</p>

(e) The Public Interest:

The proposed development satisfies relevant planning controls and is unlikely to impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

- 1 [View](#). DA2018 - 427.1 Recommended Conditions.
- 2 [View](#). DA2018 - 427.1 Contributions Estimate
- 3 [View](#). DA2018 - 427.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/427****DATE: 15/05/2019****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
Site Plan	17-14 A-4	S & N Drafting Services	6 August 2018
Subdivision Plan	A-5	Lex Wilkie	6 August 2018
Plans	17-14 A-1 Rev B, A-3, A-4, A-5, A-6, A-7, A-8, and A-9	S & N Drafting Services	22 June 2017
BASIX Certificates	924041S, and 923958S	Collins W Collins Pty Ltd	31 May 2018
Statement of Environmental Effects	-	Unknown	Undated

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) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (4) (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.

- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
1. 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;
 2. Appropriate dust control measures;
 3. 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.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (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.

- (8) (A195) Pile cut off levels must not be lower than the 1 in 100 year flood event including any applicable climate change allowance plus the relevant freeboard. For the purpose of this requirement, the 1 in 100 year flood level including climate change and freeboard may be assumed to be RL3.75m AHD.
- (9) (A072) The street tree impacted by the driveway shall be removed and replaced with a suitable amenity tree in accordance with the specifications of Council's Arborist in a position agreed to by Port Macquarie-Hastings Council. The position of the replacement tree shall be clearly shown on the plans accompanying the section 138 application. The new tree shall be cared for and maintained for a period of at least 12 months. If establishment is unsuccessful a new tree of the same species and size shall be planted in a suitable location in front of the property.
- (10) Payment of the annual occupation fee for boating structures as set out in Council's Management Plan, due on 1 July each year.

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) (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
 - Footway and gutter crossing
 - Functional vehicular access
 - Removal of street tree.
- (3) (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. Sewerage reticulation.
 - 2. 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.
 - 3. Stormwater systems.

- (4) (B010) Payment to Council, prior to the issue of the Subdivision or Construction Certificate (whichever occurs first) of the Section 7.11 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:
- Hastings S94 Administration Building Contributions Plan
 - Hastings Administration Levy Contributions Plan
 - Community Cultural and Emergency Services Contributions Plan 2005
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018

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.

- (5) (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 or Subdivision Certificate (whichever occurs first), 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
- (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
- (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) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (9) (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.

- (10) (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.
- (11) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- i. earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries; or
 - ii. earthworks that are more than 1m above or below ground level (existing) in any other location;
- are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (12) (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.
 - b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
 - c) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
 - d) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - e) Plans to show eaves located out of the existing easement or alternatively supporting documentation is to be submitted demonstrating that a minimum vertical clearance of 3000mm is available between the ground surface and the underside of the eaves.
- (13) (B195) Prior to the issue of a Construction Certificate, a detailed planting plan for the provision 2 x Schedule 2 Koala food trees shall be submitted for the approval of Council's Environmental Services Section. The Plan shall include:
- a) Location of plantings (to be confirmed with Council);
 - b) Details of planting and appropriate tree protection;
 - c) A schedule of care and maintenance for a minimum period of 12 months.
- All work shall be carried out by a Council approved contractor at the developer's cost.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (2) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) 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.

- (3) (C195) At least 24 hours prior to removal of the street tree, the project Arborist shall contact the Port Macquarie Koala Hospital and make available any suitable leaves and/or branches for salvage.

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:
- when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - prior to the pouring of concrete for sewerage works and/or works on public property;
 - during construction of sewer infrastructure;

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) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (4) (D195) All works shall be carried out in accordance with Council's Acid Sulphate Soil Management Plan for Minor Works.
- (5) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (6) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.

For further information on asbestos handling and safe removal practices refer to the following links:

[Safely disposing of asbestos waste from your home](#)

[Fibro & Asbestos - A Renovator and Homeowner's Guide](#)

- (7) All work within the canal (Council Drainage Reserve) is to be carried out by a Council approved contractor, holding current Public Liability insurance of not less than \$10,000,000 which indemnifies the interest of Port Macquarie - Hastings Council.
- (8) An inspection must be undertaken by the Consent Authority or an Accredited Certifier prior to the covering of any of the works specified below:
 - a. completion of structure before final occupation.

Please note that where Council is nominated as the Principal Certifying Authority or has been requested to undertake an inspection a minimum of 24 hours notice is required to perform the inspection. You will need to quote your Development Application number and property description to ensure your inspection is confirmed.

- (9) (D044) An Arborist, with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by council, or a person deemed suitable by Council, shall be engaged to supervise all on site clearing and shall certify in writing clearing has occurred in accordance with the approved plans and conditions of this consent.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE / SUBDIVISION 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) (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.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate 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.
- (4) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
 - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (5) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (6) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (7) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (8) (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. The application for the certificate is to include an

acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.

- (9) (E068) Prior to the issue of a Subdivision or Occupation Certificate (whichever occurs first), evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots or dwellings (including street lighting and fibre optic cabling where required).
- (10) (E195) The Subdivision Certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.
- (11) (E196) 1.8m high fencing shall be completed on both side boundaries and extend between the front building line and the eastern end of the alfresco areas prior to the issue of an Occupation Certificate.
- (12) (E197) The plans submitted with the application for a Subdivision Certificate shall be amended to exclude the part of the proposed new jetty that is located in the drainage reserve.
- (13) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictions, easements and/or covenants; with Council having the benefit and having the sole authority to release, vary or modify each restriction, easement and/or covenant. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
 - a. Reciprocal rights for access and maintenance to the parts of the jetty located within the lots.
- (14) Mooring piles are to be painted white or have white caps. Timber mooring piles are to be fitted with a steel collar at the top of to restrain splitting.
- (15) Prior to the use of the structure, documentary evidence of a public liability insurance indemnifying the interests of Port Macquarie-Hastings Council in respect of the injury and/or damage associated with the structure and/or its use. The insurance cover will be kept current whilst the structure remains in position.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) The use of the jetty shall be such as to prohibit the encroaching of any boat, when moored beyond the projection of the property boundaries.

Developer Charges - Estimate

Applicants Name: L G Wilkie
 Property Address: 14 Sirius Close, Port Macquarie
 Lot & Dp: Lot(s):7,DP(s):246284
 Development: Dual Occupancy and Torrens Title Subdivision



Water and Sewerage Headworks Levies are levied under S84 of the LGA Act & S306 of the Water Management Act 2000.
 Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.

Levy Area	Units	Cost	Estimate
1 Water Supply	0.6	\$10,120.00 Per ET	\$6,072.00
2 Sewerage Scheme Port Macquarie	1	\$3,840.00 Per ET	\$3,840.00
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	1	\$7,586.00 Per ET	\$7,586.00
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	1	\$5,589.00 Per ET	\$5,589.00
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	1	\$4,589.00 Per ET	\$4,589.00
6 Com 1.3.07 - Administration Building - All areas	1	\$903.00 Per ET	\$903.00
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03		2.2% S84 Contribution	\$410.60
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$28,989.60

NOTES: These contribution rates apply to new development and should be used as a guide only.
 Contributions will be determined in conjunction with a Development Application (DA) or Complying Development Application (CDA).
 DAs will be subject to the contributions plans in force at the time of issue of the Consent and for CDCs at time of lodgement.
 Contribution Rates are adjusted quarterly in line with the CPI.

DATE OF ESTIMATE:

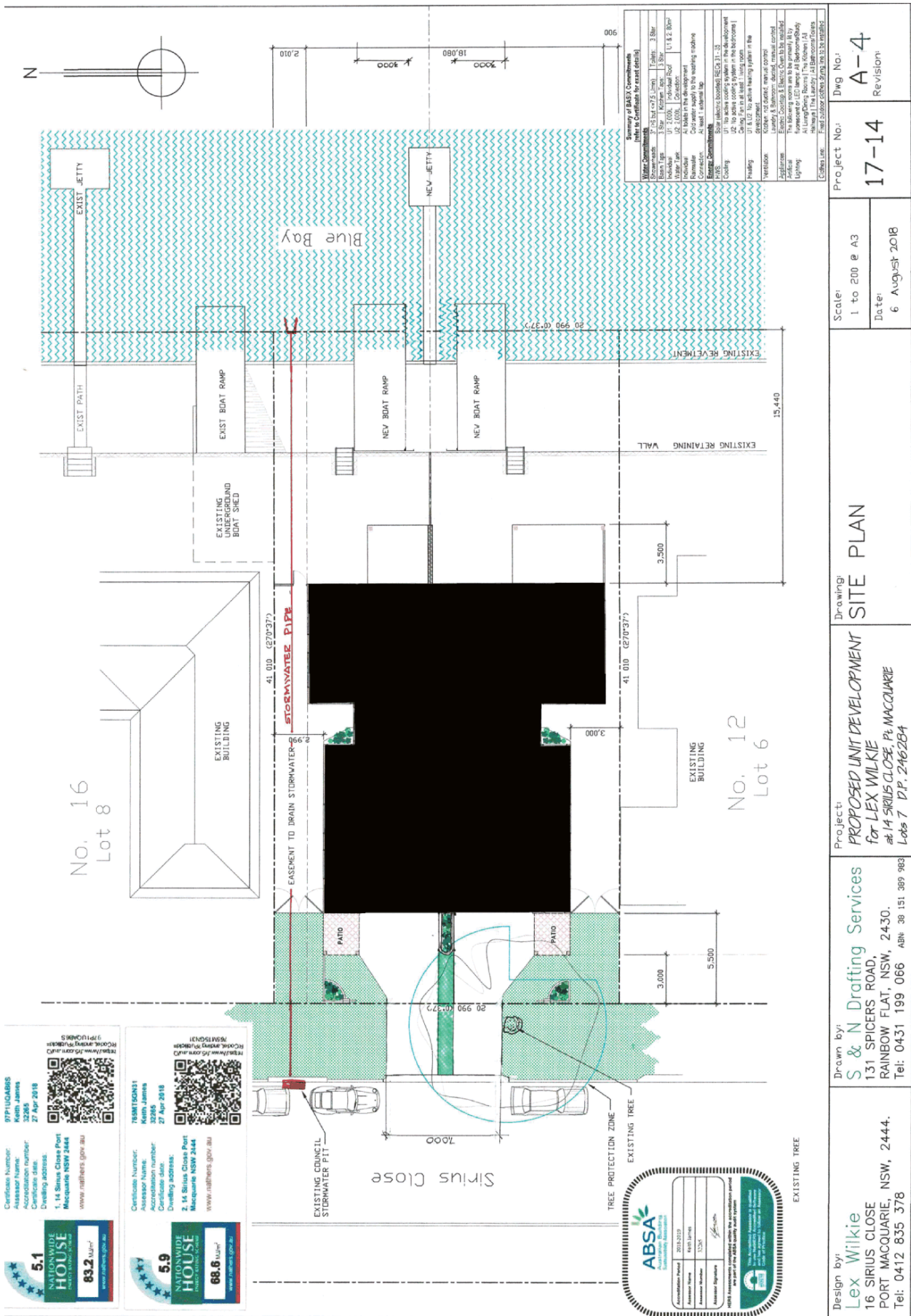
15-May-2019

Estimate Prepared By Chris Gardiner

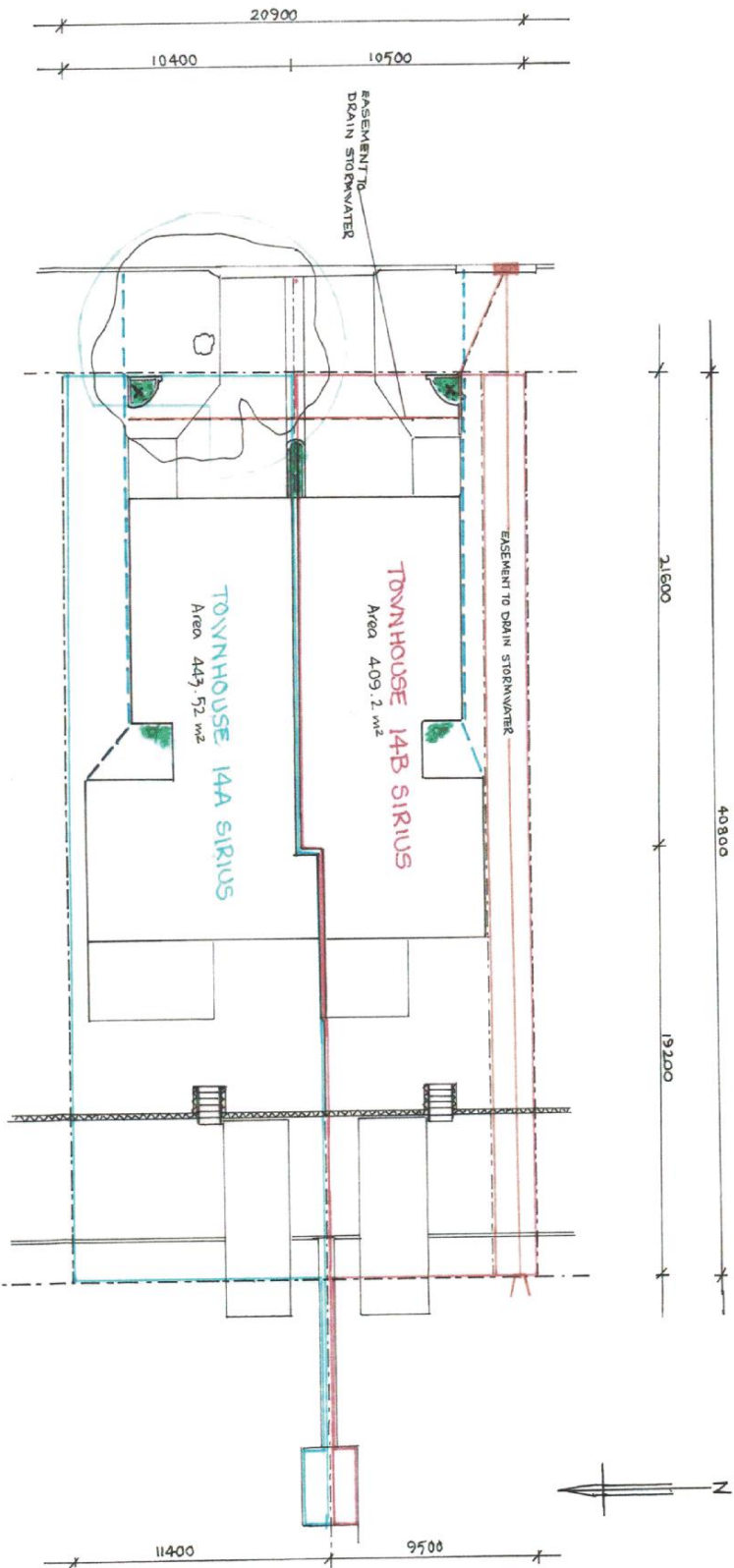
This is an ESTIMATE ONLY - NOT for Payment Purposes

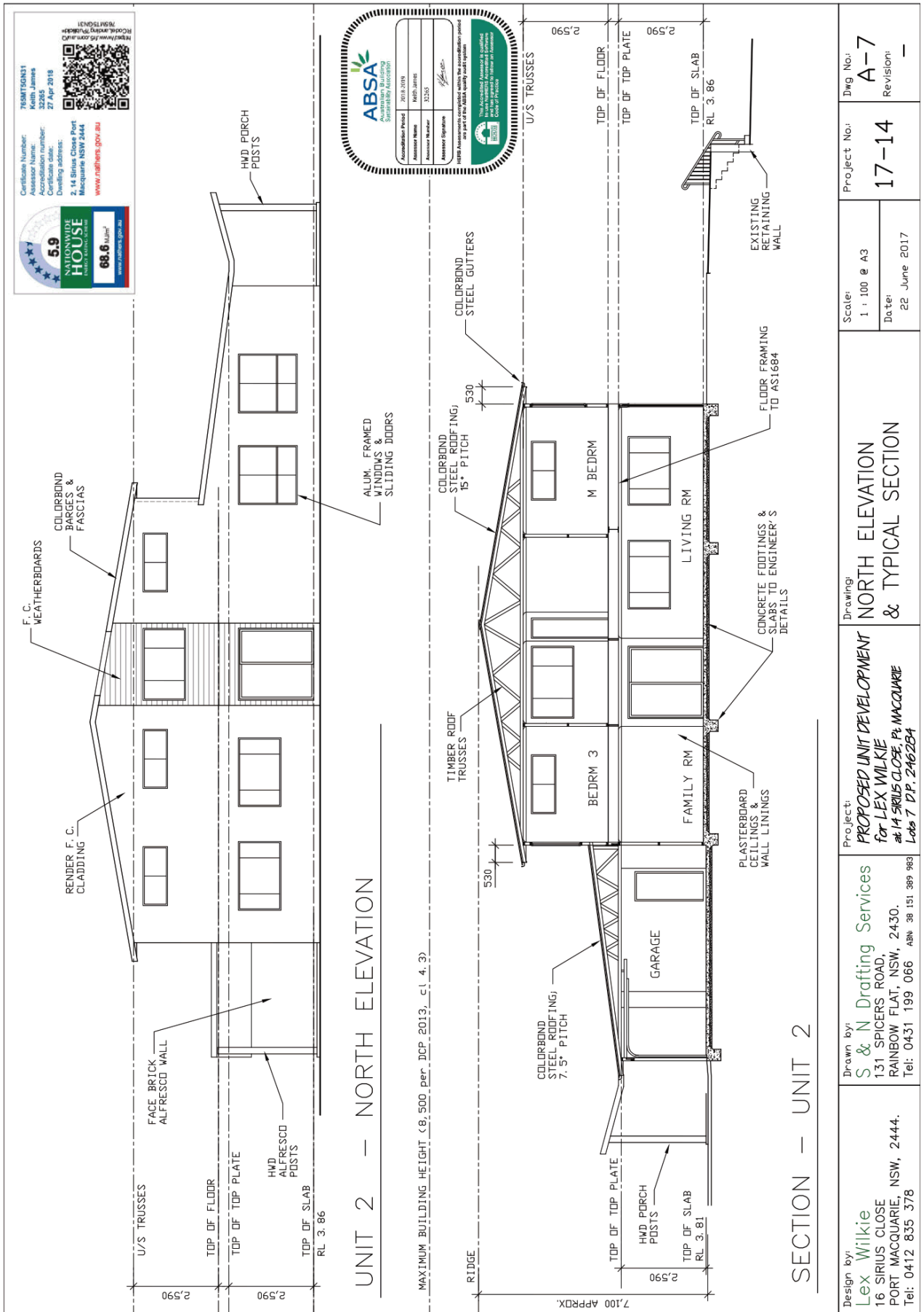
. G Wilkie, 14 Sirius Close, Port Macquarie, 15-May-2019.xls

PORT MACQUARIE-HASTINGS COUNCIL

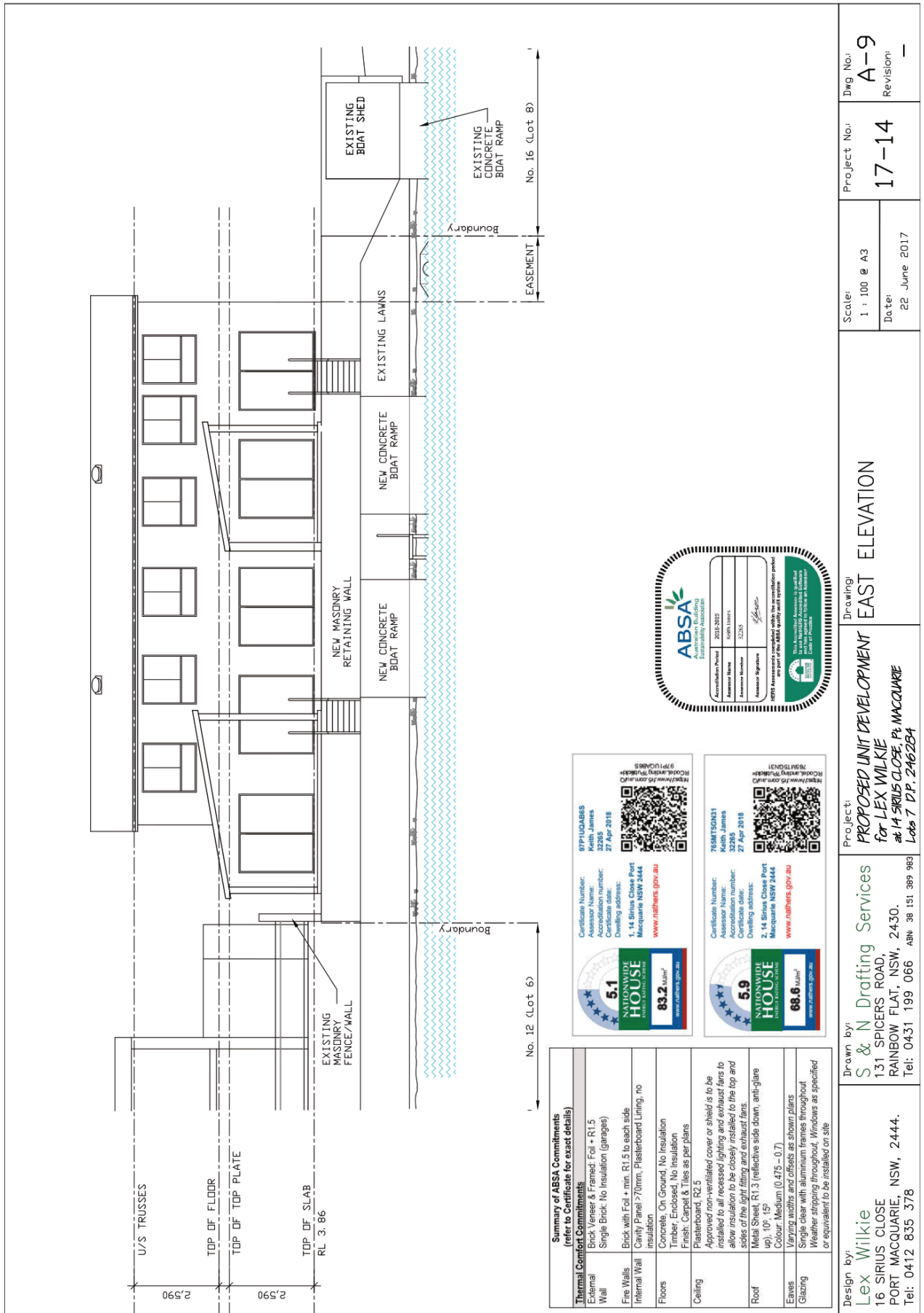


Design by: LEX WILKIE 4/16 SUNNYSIDE CREES PORT MACQUARIE NSW 2444 Tel: 0412 835 378	Drawn by: JMJ	<div><div></div> STORMWATER EASEMENT</div> <div><div></div> SEWER LINE</div> <div><div></div> WATER METERS</div> <div><div></div> BOUNDARY 14A</div> <div><div></div> BOUNDARY 14B</div>	Project: Proposed Townhouse Development for LEX WILKIE at 14 SIRIUS CLOSE, PMQ Lot 7 DP 246284	Drawing: SITE PLAN Showing boundaries & easements	Scale: 1 to 200 @ A5 Date: 6 August 2018	Dwg No: A-5
--	------------------	--	--	---	---	----------------









Item: 08

**Subject: DA2019 - 27.1 PERMANENT GROUP HOME - LOT 31 DP 1190016,
NO. 5 MCGILVRAY ROAD, BONNY HILLS**

Report Author: Development Assessment Planner, Fiona Tierney

Applicant: BlueCHP Limited
Owner: Minister for Disability Services
Estimated Cost: \$1,148,000
Parcel no: 63613

Alignment with Delivery Program

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

RECOMMENDATION

That DA 2019 - 27.1 for a Permanent Group Home at Lot 31, DP 1190016, No. 5 McGilvray Road, Bonny Hills, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a permanent group home at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, four (4) submissions have been received.

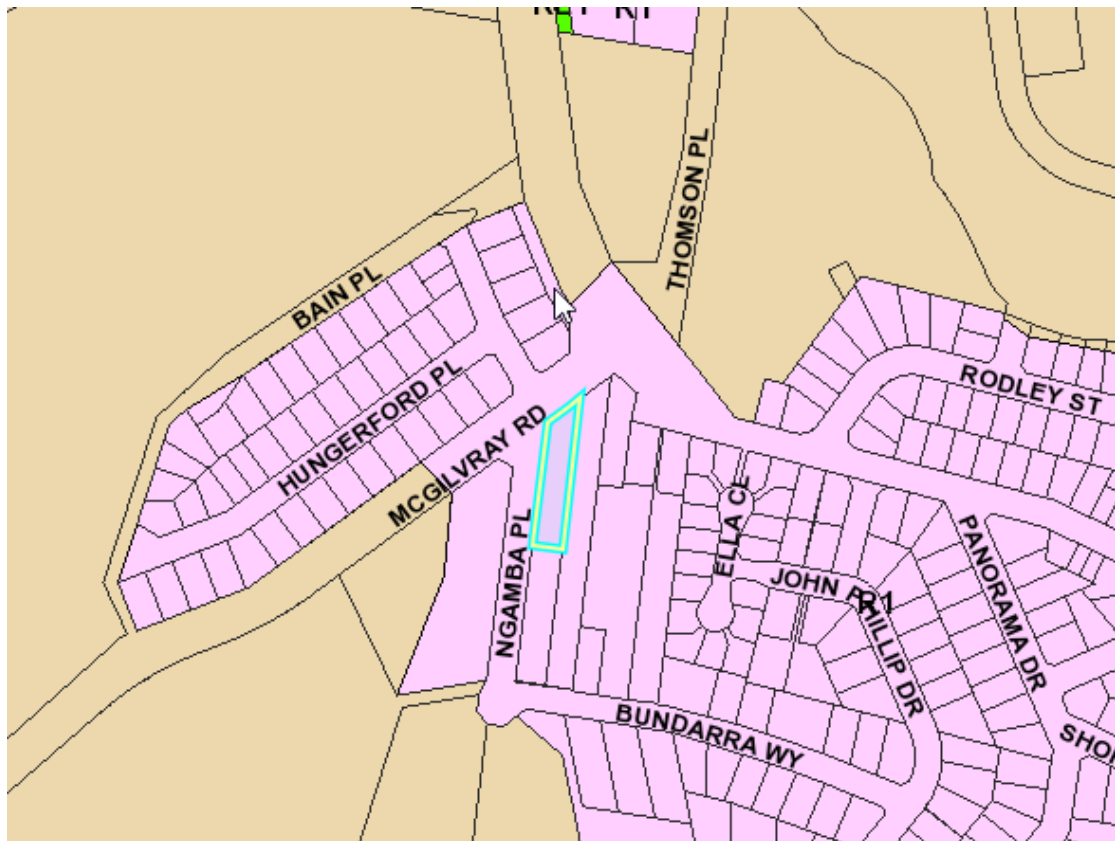
This report recommends that the development application be approved subject to conditions.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 2024.4m².

The site is zoned R1 General Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of existing dwelling and associated structures
- Construction of Five (5) bedroom Permanent Group Home

Refer to attachments at the end of this report.

Application Chronology

- 18 January 2019 - Application lodged
- 24 January 2019 to 6 February 2019 - Neighbour notification

3. STATUTORY ASSESSMENT**Section 4.15(1) Matters for Consideration**

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**
 - (i) **Any Environmental Planning Instrument:**

State Environmental Planning Policy No. 44 - Koala Habitat Protection

With reference to clauses 6 and 7, the subject land is not greater than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP do not apply.

The application has demonstrated that no habitat will be removed or modified therefore no further investigations are required.

State Environmental Planning Policy No. 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX certificate has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

State Environmental Planning Policy (Infrastructure) 2007

Vehicular access is proposed as a part of this application to the local road known as McGilvray Road. The proposed connection to Sherwood Road is approximately 50m from the intersection of McGilvray and the classified road (Ocean Drive).

The proposed Group Home alone does not trigger any of the thresholds of Schedule 3 of this Policy. The proposed development seeks to provide a total of 1 accessible space within a garage and 2 stacked spaces in front.

The proposed development is not considered likely to generate a significant amount of emissions and the development is considered to be appropriately located so as not to be affected by road noise or vehicle emissions.

Clause	Proposed	Complies
7. Land to which Policy applies		
Policy applies to land within New South Wales.	The subject site is zoned R1 General Residential and is therefore zoned for urban purposes.	Yes
DIVISION 7 Group Homes		
<p>42 Definitions:</p> <p>group home means a permanent group home or a transitional group home</p> <p>permanent group home means a dwelling:</p> <p>(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and</p> <p>(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,</p> <p>prescribed zone means:</p> <p>(a) any of the following land use zones or a land use zone that is equivalent to any of those zones:</p> <p>(i) Zone R1 General Residential,</p> <p>(ii) Zone R2 Low Density Residential,</p> <p>(iii) Zone R3 Medium Density Residential,</p> <p>(iv) Zone R4 High Density Residential,</p> <p>(v) Zone B4 Mixed Use,</p> <p>(vi) Zone SP1 Special Activities,</p> <p>(vii) Zone SP2 Infrastructure</p>	<p>The application seeks to provide housing for people with a disability as a permanent group home. It is to be occupied as a single household with one common care provider resident at the site on rostered shifts 24/7.</p> <p>The site is located within an R1 General Residential Zone</p>	<p>Yes</p> <p>Yes</p>
<p>43 Development in prescribed zones</p> <p>(1) Development for the purpose of a permanent group home or a transitional group home on land in a prescribed zone may be carried out:</p>	The development is not being carried on behalf of a public authority. The applicant has advised it is a private	Yes

(a) without consent if the development does not result in more than 10 bedrooms being within one or more group homes on a site and the development is carried out by or on behalf of a public authority, or (b) with consent in any other case.	venture.	
46 Determination of development applications (1) A consent authority must not: (a) refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the community need for the group home, or (b) impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home. (2) This clause applies to development for the purpose of a group home that is permissible with consent under this or any other environmental planning instrument.	The applicant has demonstrated a community need for the group home. There is shortage of group homes within the Hastings area and very limited options in Bonny Hills.	Yes

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2 - The subject site is zoned R1 general residential. I
- Clause 2.3(1) and the R1 zone landuse table - The proposed development for seniors housing is a permissible landuse with consent.
 The objectives of the R1 zone are as follows:
 - *To provide for the housing needs of the community.*
 - *To provide for a variety of housing types and densities.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - the proposal is a permissible landuse;
 - the proposal will provide a variety of housing type at a suitable density.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is approximately 5.5m which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4 - The proposed development proposes a gross floor area of approximately 261m² within an area of approximately 2024m² resulting in a floor space ratio (FSR) of 0.13:1. Which complies with the maximum floor space ratio of 0.65:1.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.

- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

(ii) Any draft instruments that apply to the site or are on exhibition:

Nil

(iii) Any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013:

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	Water tanks are appropriately located	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway 	Front building line setback requirements are complied with.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade.	Carport is set back from front façade.	Yes
	Garage door recessed behind building line or eaves/overhangs provided		
	6m max. width of garage door/s and 50% max. width of building		Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing width requirements are complied with.	Yes
3.2.2.4	4m min. rear setback. Variation	The rear setback	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	subject to site analysis and provision of private open space	requirements are complied with.	
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	The minimum side setback requirements are satisfied. The wall articulation is compliant and satisfies the objectives of the development provision.	Yes - capable
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade		Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances 	Open form front fencing proposed less than 1.2m	Yes
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	Detail provided open form timber and wire.	Yes
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	No direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. No privacy screens are recommended.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available. CPTED Report submitted.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill >1.0m change 1m outside the perimeter of the external building walls- however is located well within	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	Condition recommended to require engineering certification	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No hollow bearing trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling) 2 for 1 offset planting required for removal of koala food trees.	A number of exotics and weed species are proposed to be removed. Natives and Koala browse trees are to be retained.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossings are minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. To Comply with SEPP(Housing for Seniors or People with a disability) 2 off street spaces required	1 accessible space under carport for van and 2 stacked spaces in front.	Yes
2.5.3.11	Section 94 contributions	Contributions apply - refer to ET calc and	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
		NOP.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

(iiiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

No planning agreement has been offered or entered into relating to the site.

iv) Any matters prescribed by the Regulations:

New South Wales Coastal Policy:

The proposed development is consistent with the objectives and strategic actions of this policy. (See Clause 5.5 of LEP 2011 & Assessment Officers Assessment Table under section (b) for assessment against Coastal Policy Objectives)

Demolition of buildings AS 2601:

Demolition of the existing building on the site is capable of compliance with this Australian Standard and is recommended to be conditioned.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

Context and Setting

The site has a general northerly street frontage orientation to McGilvray Road.

Adjoining the site to the west are properties occupied by single dwellings. A Preschool with caretakers residence is proposed immediately to the east and the rear block is vacant.

The proposal is to operate as closely as possible to a residential dwelling and will be unlikely to have any identifiable adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

The proposal is considered to be consistent with other residential and non-residential development in the locality and adequately addresses planning controls for the area.

The proposal does not have a significant adverse impact on existing view sharing.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate building separation is proposed/existing.

There is no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Roads

The site has road frontage to the north onto McGilvray Road and to the west onto Ngamba Place.

McGilvray Road is a sealed road consisting of approximately 8m sealed pavement inside a 30m reserve with some sections nearby that have lay back kerb, and other sections nearby that have gravel shoulder. The road is considered a local street per AUSPEC.

Ngamba Place is currently a sealed road consisting of approximately 6m sealed pavement with 1m gravel shoulders on each side, inside a reserve of 20m and is classified as an urban access place as per AUSPEC.

Traffic and Transport

The site is currently approved for General Residential use, which with the current dwelling onsite would generate an average of 7 trips per day based on standard industry figures. The traffic associated with this development is considered to be comparable in nature to that of the use of the site as currently is, being a residential dwelling, considering also that the permanent residents will be transported around by the support staff and not driving themselves. Accordingly, any additional traffic associated with the development is considered negligible and unlikely to have any adverse impacts to the existing road network within the immediate locality.

Site Frontage & Access

Vehicle access to the site is proposed through an individual driveway with direct frontage to McGilvray Road being a Council-owned public road. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements

Parking and Manoeuvring

At least 3 parking spaces, including 1 disabled space, have been provided on-site within the carport and driveway. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Surplus parking demands can be accommodated on Ngamba Place, within walking distance with footpath provisions and layback kerb for access.

Water Supply Connection

Council records indicate that the development site has an existing 20mm metered water service. Final water service sizing for the proposed development will need to be determined by a hydraulic consultant to suit the development, as well as addressing fire service and backflow protection requirements. Any internal fire hydrant or fire sprinkler systems are to be metered with individual single detector check installations.

Detailed plans will be required to be submitted for assessment with the S.68 application.

Sewer Connection

Council records indicate that the development site is connected to Sewer via a junction to the existing sewer line inside the northern boundary of the development site. The proposed development can discharge all sewage to this junction.

Detailed plans will be required to be submitted for assessment with the S.68 application.

Stormwater

The site naturally grades towards the street frontage on McGilvray Road and is currently serviced via an inlet pit into the public piped drainage system. The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater inlet pit.

A detailed site stormwater management plan will be required to be submitted for assessment with the Local Government Act (s68) and Roads Act (s138) applications prior to the issue of a CC.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Following a site inspection (and a search of Council records), no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Flora and fauna

Construction of the proposed development will require removal of a small number of exotic trees and shrubs immediately surrounding the existing dwelling. The proposal will be considered unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

Part 7 of the Biodiversity Conservation Act is considered to be satisfied.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables.

No adverse impacts anticipated. Standard precautionary site management condition recommended.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX. No adverse impacts anticipated.

Noise and vibration

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.

Bushfire

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes development for a special fire protection purpose on bush fire prone land. As a result, the Applicant has submitted a bushfire report prepared by a Certified Consultant. The report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which will be incorporated into the consent.

A copy of the Bushfire Safety Authority conditions are attached to this report.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

Social impacts in the locality

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts. The provision of a permanent group home is considered to be a social benefit to support community needs.

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

Cumulative impacts

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

(c) The suitability of the site for the development:

The proposal will fit into the locality and the site attributes are conducive to the proposed development.

Site constraints of bushfire risk have been adequately addressed and appropriate conditions of consent recommended.

(d) Any submissions made in accordance with this Act or the Regulations:

5 written submissions have been received following public exhibition of the application.

Key issues raised in the submissions received and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
Traffic issues-additional traffic turning into McGilvray Rd and onto Ocean Drive- safety issues	A planned upgrade of the intersection is proposed as part of the requirements of the adjoining childcare centre that creates a significant increase in traffic movements.
Excavation height excessive on boundary adjoining their driveway.	Discussed with objector and confirmed excavation is not on the boundary and they are satisfied that this will not impact on their property.
No traffic study or allowance for significant parking demand and disabled access. Overflow parking should be allocated in Ngamba Pl. and kerb and gutter provided.	The site is currently approved for General Residential use, which with the current dwelling onsite would generate an average of 7 trips per day based on standard industry figures. The traffic associated with this development is considered to be comparable in nature to that of the use of the site as currently is, being a residential dwelling, considering also that the permanent residents will be transported around by the support staff and not driving themselves. Accordingly, any additional traffic associated with the development is considered negligible and unlikely to have any adverse impacts to the existing road network within the immediate locality.
Development should be	The traffic impacts have been assessed by

Submission Issue/Summary	Planning Comment/Response
required to pay 50% of costs applied to childcare centre development to upgrade intersection of McGilvray Rd and Ngamba Place.	Council's Engineer has determined that traffic movements for the proposed development are consistent with a residential property. It is not considered appropriate to impose this requirement.

(e) The Public Interest:

The proposed development satisfies relevant planning controls and will not adversely impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Not applicable. The group home is equivalent to a single dwelling and a credit for the exiting dwelling exists.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

1 [View](#). DA2019 - 27.1 Recommended Conditions

2 [View](#). DA2019 - 27.1 Plans and SOEE

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/27****DATE: 13/05/2019****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
Architectural Plans and Specifications	1847-SRCNR02	Kennedy Associates Architects	16/1/2019
SOEE	C419	CPS Creative Planning Solutions	January 2019
Bushfire Assessment Report	17083	Peterson Bushfire expert consulting services	18 January 2019
Crime Prevention		CPS Creative Planning Solutions	January 2019
Plan of Management		Home4life	January 2019
BASIX	983881M	Solar Smart	7 December 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:

1. 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;
2. Appropriate dust control measures;
3. 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 appropriate receptacles into separate waste streams;
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) (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.
- (8) (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.

- (9) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference D19/324 DA 19020117208 WS and dated 26 March 2019, are attached and form part of this consent.

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) (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:
- Footway and gutter crossing
 - Functional vehicular access
 - Removal of redundant driveway and reinstatement of footway
- (3) (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.
- (4) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
- i. earthworks that are more than 600mm above or below ground level (existing); or
 - ii. located within 1m of the property boundaries; or
 - iii. earthworks that are more than 1m above or below ground level (existing) in any other location;
- are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (5) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 12.5 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the

application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.

- (6) (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 the existing stormwater pit fronting McGilvray Road.
- (7) (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.
- (8) (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.
- (9) (B195) Council records indicate that the development site has an existing 20mm metered water service. Final water service sizing for the proposed development will need to be determined by a hydraulic consultant to suit the development, as well as addressing fire service and backflow protection requirements. Any internal fire hydrant or fire sprinkler systems are to be metered with individual single detector check installations.
- Detailed plans will be required to be submitted for assessment with the S.68 application.
- (10) (B196) Council records indicate that the development site is connected to Sewer via a junction to the existing sewer line inside the northern boundary of the development site. The proposed development can discharge all sewage to this junction.
- Detailed plans will be required to be submitted for assessment with the S.68 application.

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) C004(3) (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.

D – DURING WORK

- (1) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (2) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.

For further information on asbestos handling and safe removal practices refer to the following links:

[Safely disposing of asbestos waste from your home](#)

[Fibro & Asbestos - A Renovator and Homeowner's Guide](#)

[Asbestos Awareness](#)

- (3) (D040) Wastes including shall not be disposed of by burning.
- (4) (D043) Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer's expense.
- (5) (D050) The capacity and effectiveness of tree protection fencing, compliant with AS 4970/2009 *Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earth moving works.
- (6) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (7) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

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 bitumen sealed 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) (E015) Prior to occupation or issue of the Occupation Certificate, details of compliance with the bushfire risk assessment is to be provided to the Principal Certifying Authority.
- (5) (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.
- (6) (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.
- (7) (E034) Prior to occupation or the issuing of the Final Occupation Certificate 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.
- (8) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (9) E053(13) (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.
- (10) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (11) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure

F – OCCUPATION OF THE SITE

- (1) The managers areas (Bedroom 1) is not to be used a separate dwelling or primary place of residence for staff members and is to be used only in conjunction with the use of the site as a permanent group home.



Statement of Environmental Effects

Demolition of Existing Dwelling House and Associated Structures and
Construction of Permanent Five (5) Bedroom Group Home



5 McGilvray Road, Bonny Hills
Lot 31 DP 1190016

Prepared for: BlueCHP / Home4Life

CPS Project No: C419

Date: January 2019

Creative Planning Solutions Pty Limited | PO Box 1074 Broadway NSW 2007
+61 2 8039 7461 | info@cpsplanning.com.au | www.cpsplanning.com.au
Creative Planning Solutions Pty Limited – ABN: 70 135 093 926

Contents

1.0	Introduction	5
1.1	Purpose	5
1.2	Neighbour Notification	5
2.0	Background	6
3.0	The Site	7
3.1	Site Description	7
3.2	Adjoining Development and Locality	12
4.0	Proposed Development	16
4.1	Summary of Proposed Group Home	16
4.2	Demolition	17
4.3	Proposed Group Home	17
4.4	Operation of the Group Home	19
5.0	Zoning and Permissibility	21
6.0	Planning Framework	22
6.1	State Legislation	22
6.1.1	Rural Fires Act 1997	22
6.1.2	State Environmental Planning Policy (Affordable Rental Housing) 2009	22
6.1.3	State Environmental Planning Policy No 44—Koala Habitat Protection	24
6.1.4	State Environmental Planning Policy No 55- Remediation of Land	25
6.1.5	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	25
6.1.6	State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	25
6.2	Local Planning Controls	26
6.2.1	Port Macquarie-Hastings Local Environmental Plan 2011	26
6.2.2	Port Macquarie-Hastings Development Control Plan 2013	29
7.0	Environmental Assessment	39
7.1	Environmental Planning Instruments – section 4.15(1)(a)	39
7.2	Any Relevant Draft Environmental Planning Instruments – Section 4.15(1)(a)(i)	39
7.3	Any Development Control Plans – Section 4.15(1)(a)(ii)	39
7.4	Impact on the Natural and Built Environment – Section 4.15(1)(b)	39
7.4.1	Impact on the Natural Environment	39
7.4.2	Impact on the Built Environment	40
7.4.3	Social and Economic Impacts - Section 4.15(1)(b)	40

5 McGilvray Road, Bonny Hills

January 2019

7.5	Suitability of the site for the development – Section 4.15(1)(c)	41
7.6	Public Submissions.....	41
7.7	Public Interest – Section 4.15(1)(e)	42
8.0	Conclusion.....	43

1.0 Introduction

The Statement of Environmental Effects (Statement) has been prepared to accompany a Development Application (DA) for a permanent group home under the relevant provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* at 5 McGilvray Road, Bonny Hills NSW 2445. The development application (DA) proposes demolition of the existing dwelling house and associated structures and construction of a single storey group home comprising of five (5) bedrooms, attached carport and installation of new landscaping and fencing.

This DA is being lodged for Port Macquarie-Hastings Council's consideration pursuant to Section 4.12 of the *Environmental Planning & Assessment Act 1979* (EP&A Act 1979) by Creative Planning Solutions Pty Limited.

The development application is being lodged pursuant to Clause 43(1)(b) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP) that allows for permanent group homes to be undertaken with consent in prescribed zones. The subject site is zoned R1 General Residential under the *Port Macquarie-Hastings Local Environmental Plan 2011* (PMHLEP2011). This zone is classified as a prescribed zone under Clause 42 of the ARHSEPP. Group homes are also permitted with consent within this zone under the PMHLEP2011.

This Statement demonstrates how the proposal meets the definition of a group home in terms of occupants and operation, and, provides an assessment of the proposed development against the relevant provisions of the PMHLEP2011 and the *Port Macquarie-Hastings Development Control Plan 2013* (PMDCP2013).

1.1 Purpose

The purpose of this Statement is to outline the development proposal for the subject site, consider any environmental effects that may result from the proposed development and address how such effects can be mitigated.

1.2 Neighbour Notification

Neighbour consultation was undertaken with residents of adjoining and surrounding properties on 11 January 2019 prior to lodgement of the application. The applicant door knocked the neighbouring residential properties to discuss with neighbours the key components of what a permanent Group Home is and how it will function and interact within the community. Neighbours were to be advised of the upcoming submission of the Development Application and that a letter and notification plans would be issued by Council in coming weeks. However, the majority of neighbours were not home at the time during the door knock and therefore a Fact Sheet and Unavailable Letter was placed in the letterboxes of the neighbouring properties that allowed for any follow up queries via contact details within the Letter.

The Group Home Fact Sheet can be viewed in **Appendix A** whilst the Unavailable Letter can be viewed in **Appendix B**.

2.0 Background

The proposed permanent group home at 5 McGilvray Road, Bonny Hills is one of seventy eight (78) new purpose-built specialist disability homes that will be built in the Hunter region by Home4Life.

Home4Life is a new disability housing organisation established between two not-for-profit housing providers; Newcastle based Compass Housing, and BlueCHP.

Compass is one of Australia's largest community housing providers with more than 4000 properties under management across New South Wales and Queensland. Compass undertakes all aspects of property and tenancy management and has extensive experience in providing tailored tenancy services to tenants with a disability. Compass has a long association with the disability sector. BlueCHP Limited is a not-for-profit property development, procurement and management organisation.

BlueCHP Limited will be responsible for the design, planning approval and development of the seventy eight (78) new group homes. Compass Housing Services Co. Ltd will be the tenancy, maintenance and asset manager of the properties. Compass Housing Services Co. Ltd will be managing the group homes under a Tenancy Maintenance and Management Agreement executed with Home4Life Limited. Home4Life Limited will be the owner of the properties and the SDA registered provider.

The locations of the homes have been chosen by the people with disability and their families to replace the three (3) Hunter based Large Residential Centres (LRC's) of Stockton, Kanangra and Tomaree Centres by 2018 that were previously managed by the Department of Family and Community Services, Ageing, Disability and Home Care. The Large Residential Centres are ageing, institutional in character, do not reflect good housing practice or disability service delivery.

The Large Residential Centres will be replaced with contemporary accommodation in the community which will be designed to provide a home like environment, with more privacy, flexibility in daily living and opportunities for increased participation in the local community

More than 390 people currently living in Kanangra, Stockton and Tomaree residential centres will benefit from the new group homes which will allow residents to be more engaged in the community and provide tailored supportive accommodation.

The more supportive housing model considers that people with a disability have a right to live in a community, rather than an institution, and to participate fully in that community.

All homes will be designed in accordance with the standards for disability housing set by the NSW Government and the National Disability Insurance Scheme (NDIS).

Group homes provide up to 24 hours of support seven days a week. A group home is a typical suburban house with five bedrooms. The group homes are staffed by disability workers and support people with disability who are unable to live independently or with their family, even with support.

Group homes provide people with the support they need to increase their independence, achieve personal goals and to live full and productive lives.

3.0 The Site

3.1 Site Description

The subject site is located in the suburb of Bonny Hills, close to the Port Macquarie City Centre and is within the Port Macquarie-Hastings Local Government Area (LGA). Refer to **Figure 1** for a Locality Map of the subject site.



Figure 1 - Locality Map – 5 McGilvray Road, Bonny Hills
Source: <https://maps.google.com/>

The legal description of the subject land is Lot 31 in Deposited Plan 1190016, and is known as 5 McGilvray Road, Bonny Hills NSW 2445.

The subject site consists of a relatively regular-shaped single corner allotment with a combined site area of 2,024.4m² and a frontage of 28.985m to McGilvray Road and 85.92m to Ngamba Place (Source: Deposited Plan).

A review of the Certificate of Title has identified no encumbrances (i.e. restrictions, covenants) affect the subject lot. The subject site has access to a sewer main that runs parallel to the Ngamba Place boundary within the Council verge and within the front setback of the subject site adjacent to the McGilvray street frontage.

A review of the Detail Survey indicates that the subject site experiences a steady slope of approximately 8.07 metre from the rear southern boundary (RL 15.86) to the street boundary (RL 7.79).

The subject site is currently occupied by a single storey brick dwelling house with a metal roof and several rear outbuildings. Based upon the recent site inspection and Detail Survey, a number of trees are located within the property, particularly along the Ngamba Place secondary street frontage boundary and the eastern side boundary. A neighbouring tree is located within close proximity to the eastern side boundary (Tree 11 as per Detail Survey) and the rear boundary (Tree 16 as per Detail Survey). All on-site and neighbouring trees are proposed to be retained with the exception of four (4) small and/or insignificant trees located to the middle of the site that cannot be retained due to the proposed building footprint. These include a Camphor Laurel (Tree 12), Fern Tree (Tree 13), Frangipani (Tree 14) and Mango Tree (Tree 15).

The S.10.7 Certificate states that the land is bushfire prone land, affected by the 'Vegetation Buffer' that is mapped for the entire site (see **Figure 2** below).

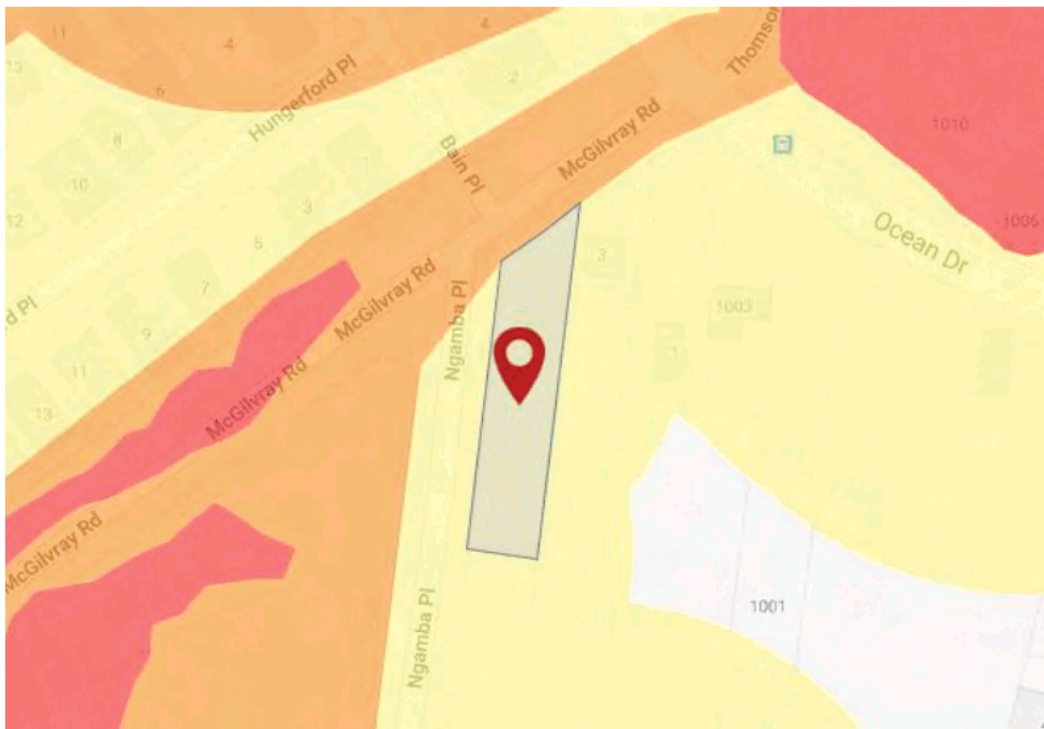


Figure 2 – PMHLEP2011 Bushfire Layer
Source: www.planningportal.nsw.gov.au

A Bushfire Assessment Report has been prepared by a suitably qualified consultant for the proposed development. The report demonstrates the development is capable of achieving compliance with the provisions of *Planning for Bushfire Protection (PBP) 2006*.

In regards to other environmental constraints, the site is not affected by flooding, koala habitat, acid sulfate soils or heritage, as confirmed by the 10.7 Planning Certificate and PMHLEP2011 mapping.

5 McGilvray Road, Bonny Hills

January 2019

McGilvray Road is an unclassified road with vehicular access provided from the southern side of the street frontage. Pedestrian access is currently provided via a grass pathway which extends from the McGilvray Road frontage. McGilvray Road is a bitumen sealed road with no kerb and guttering. On-street parking is available on either side of the subject street.

Refer to **Figure 3** for an Aerial Photograph of the subject site and **Photograph 1, Photograph 2 and Photograph 3** for site photographs.



Figure 3 - Aerial Photograph of Subject Site
Source: <https://six.nsw.gov.au>

5 McGilvray Road, Bonny Hills

January 2019



Photograph 1 – View of Existing Dwelling House from Front Boundary.
Note Existing Dwelling House and Associated Structures to be demolished
Source: CPS, January 2019



Photograph 2 – Looking east from front of the subject site on McGilvray Road.
Source: CPS, January 2019

5 McGilvray Road, Bonny Hills

January 2019



Photograph 3 – Looking north from the secondary frontage of the subject site on Ngamba Place.
Source: CPS, January 2019

3.2 Adjoining Development and Locality

The site is located within an established residential area characterised predominantly by low density residential development, consisting of detached dwelling houses.

The site is located on a corner allotment fronting McGilvray Road and Ngamba Place. The adjoining allotment to the east of the site is 3 McGilvray Road and comprises a single storey brick dwelling house with a tile roof (**Photograph 4**).



Photograph 4 – Adjoining Property – 3 McGilvray Road, Bonny Hills

Source: CPS, January 2019

To the south located immediately to the rear of the subject site is a vacant allotment of similar size (**Photograph 5 & 6**). This adjoining property does not have a formal street address and is known as 'Bundurra Way' via Six Maps.

5 McGilvray Road, Bonny Hills

January 2019



Photograph 5 – View of Adjoining Rear Property on RHS of Image Looking North along Ngamba Place
Source: CPS, January 2019



Photograph 6 – View of Adjoining Rear Property Looking South from Rear of Subject Site
Source: CPS, January 2019

5 McGilvray Road, Bonny Hills

January 2019

To the west of the subject site is 14 Ngamba Place which contains a single storey brick dwelling house with ancillary structures on a large site (**Photograph 7**).



Photograph 7 – Adjacent Property to West - 14 Ngamba Place, Bonny Hills
Source: CPS, January 2019

5 McGilvray Road, Bonny Hills

January 2019

Located on the opposite side of McGilvray Road to the north of the subject site is 2 Bain Place which comprises of a single storey dwelling house (**Photograph 8**).



Photograph 8 – 2 Bain Place, Bonny Hills (right)
Source: CPS, January 2019

4.0 Proposed Development

4.1 Summary of Proposed Group Home

The development proposal includes a demolition of the existing dwelling house and associated structures, construction of a single level group home comprising of five (5) bedrooms, attached carport and installation of new landscaping and fencing.

The main features of the group home are summarised as follows:

- Construction of a single storey group home comprising of five (5) bedrooms, living areas, kitchen, sensory room, two (2) bathrooms, WC, laundry, staff office, and, storeroom. The proposed building will be constructed of face brick with concrete roof tiles;
- Provision of an attached carport, vehicular and pedestrian access to the site;
- Provision of new fencing;
- Provision of paved and landscaped private open space areas;
- Appropriate landscaping and extensive planting throughout the site; and
- Provision of a walkway from Ngamba Place.

The finished floor levels, ridge heights and overall heights of the development will be as follows:

Table 1 Finished floor levels / ridge heights / overall heights of development

Finished Floor Level (RL)	Ridge Height (RL)	Max Height from EGL (m)
12.0m	17.010m	(16.80 – 11.3) = 5.5m at location of Living 1 to front of group home

The proposed group home development will have an internal ceiling height of 2.7m.

The total gross floor area of the proposed development will be 261.44m² (exclusive of the carport), resulting in a Floor Space Ratio for the site of approximately 0.13:1. This ensures compliance with Clause 4.4 of the Port Macquarie-Hastings Local Environmental Plan 2011 (PMHLEP2011) which apply a Floor Space Ratio of 0.65:1.

The group home will be designed specifically for the proposed use and to:

- facilitate safe, equitable and dignified access for people have a disability;
- provide both private and interactive spaces for home occupants; and
- provide a home environment.

The services of a qualified access consultant have been engaged throughout the design process to ensure that the resultant design is both functional and sensitive to the needs of the clients who will occupy the group home.

The proposed group home has been designed to meet the relevant provisions of the Building Code of Australia (BCA).

4.2 Demolition

The development proposal includes a demolition of the existing dwelling house and associated structures.

4.3 Proposed Group Home

Gross Floor area

The Gross Floor Area of the group Home is 261.44sqm.

Site planning

It is noted that the siting of the proposed development generally addresses the following criteria:

- to create a group home which addresses McGilvray Road and Ngamba Place;
- to provide vehicular access from McGilvray Road;
- to optimise solar exposure;
- to provide useable open space directly accessible from the internal living area; and
- to minimise privacy and overlooking impacts to adjoining properties.

The proposed internal living areas and adjoining private open space areas maximise solar access. Private open space areas will also receive adequate access to sunlight due to their northern and western orientation and the single storey nature of the proposed development.

A variety of external materials and finishes and architectural elements have been incorporated in the proposed group home to create interest in the streetscape appearance of the development. The layout and height of the proposed development is at a residential scale compatible with immediately adjoining and surrounding residential development, which predominantly comprises single and two-storey detached dwelling houses.

The proposed development represents a modern, high quality design that is consistent with the redevelopment in Bonny Hills and the wider Port Macquarie-Hastings Local Government Area.

Design and Streetscape

The proposed development consists of a single storey group home building. The siting of the proposed group home takes into consideration the orientation of the site, minimising any potential privacy and overshadowing impacts on adjoining properties and within the site, and will optimise solar access to internal living areas and private open space.

The proposed group home will address the street frontages of the property and will have an entry identified by a front porch/patio and front door facing McGilvray Road. An accessible walkway is to be provided within the western setback of the proposed development as per the requirements for group homes. The walkway will be appropriately integrated into the design of the dwelling as no railings are proposed and dense landscaping will soften its impact on the streetscape.

Levels

A review of the detailed survey indicates that the subject site experiences a steady fall of approximately 7.5m from the rear to the front of the site.

As demonstrated by the 'Architectural Plans', a maximum amount of excavation of approximately 1.75m is proposed at the rear of the group home at the rear paved pathway. The amount of excavation reduces to the front of the group home at where a minor amount of fill is proposed. Approximately 1000mm of fill is proposed within the building footprint at the north-western corner of the group home where 'Living 1' is to be located. The proposed combination of cut and fill is necessary to provide required level access to the group home.

Building materials and construction

The proposed development will be of steel or timber framed construction on concrete slabs and footings designed to engineer's details. The external walls of the proposed group home will predominantly be constructed in face brick 'Velour - Brown' colour. The roof will be constructed of concrete roof tiles in the colour of 'Babylon'. Specific details of the proposed external materials and finishes are shown on the architectural plans.

It is noted that the proposed materials selected for construction will enhance their durability, appearance, low maintenance requirements and energy efficiency.

Landscaping

Landscaping will be carried out to complement the scale of the proposed development. A variety of landscape plantings are proposed to soften the visual dominance of the group home and enhance the appearance of the site. The landscaped area consists of new plantings consisting of a mixture of shrubs, grasses and trees. More appropriate landscaping and trees will be planted as part of the proposal.

Species have been selected based on their suitability for the geographical location and the residential nature of the proposal. Plant species selected for the proposed landscaping scheme will be low maintenance with characteristics that will contribute to the amenity and appearance of the development. It is noted that the landscaping scheme proposes vegetation types that will blend the development into the streetscape, improve privacy and minimise overlooking onto adjoining properties. It is considered that the proposed landscape treatment will soften the appearance of the proposed development and will contribute to the streetscape. The landscape design is also intended to enhance the internal amenity of the proposed development for residents.

Private open space

The group home building will be provided with two (2) principal private open space areas, accessed from the two living areas. The principal private open space areas are located to the western side of the group home adjacent to the secondary street frontage and therefore no impacts to neighbouring properties will result in terms of privacy and overlooking.

The private open space areas have been designed to serve as an extension of the dwelling for passive outdoor purposes.

Pedestrian, Vehicular Access and Car Parking

The group home will be provided with a vehicle layback and crossover to McGilvray Road frontage accessing the attached carport in association with the group home building that comprises of one (1) accessible parking space. Two (2) additional car parking spaces are available in front of the carport whilst a pedestrian pathway will provide pedestrian access to the group home directly from Ngamba Place.

Vehicles will be able to enter and exit the site in a forward direction via the proposed turning bay located in the front setback that will provide safe vehicular egress.

Refer to the submitted Plan of Management for further details regarding vehicular access and car parking arrangements.

Stormwater drainage

A Stormwater Drainage Plan has been prepared in accordance with Council specifications. Refer to the Stormwater Drainage Plan which accompanies this application.

Fencing

The development proposes new 1.8m Colorbond fencing along the rear and side boundaries behind the building line. In front of the building line along the side boundary, secondary street frontage boundary and along the front boundary, a 1.2m high Colorbond fence is proposed. Refer to the Architectural Plans for more details.

Site facilities

The following ancillary facilities will be provided on the site:

- a letterbox will be located on the secondary front boundary adjacent to the internal pedestrian pathway entrance on Ngamba Place. The letterbox will comply with Australia Post requirements and display the dwelling house number.
- Clothes drying facilities will be provided within the service area located along the eastern boundary of the site.
- Waste / recycling bins will be stored in bin storage areas adjacent to the carport.
- The group home staff will be responsible for placing all bins on the kerbside for collection by Council waste contractors on collection days.

4.4 Operation of the Group Home

Home4Life will provide permanent household accommodation for the residents with a disability within the proposed group home. The proposed group home is consistent with the residential use of the site and will operate at a domestic scale, much the same as a dwelling house land use.

A Plan of Management has been prepared as part of the development application that will ensure the proper and effective operation of the group home. The Plan of Management outlines the proposed operational details including but not limited to:

- neighbour consultation;
- staffing;
- role of on-site support staff/carers;
- car parking arrangements and vehicle use;
- safety and security;
- incident / accident protocol;
- contact details for adjacent neighbours;
- noise; and,
- waste management.

5 McGilvray Road, Bonny Hills

January 2019

The Plan of Management will be used to ensure that suitable practices are in place to maintain safety and amenity to residents living within the group home and to minimise amenity impacts on neighbouring properties. Refer to the submitted Plan of Management for more details regarding the effective operation of the group home.

5.0 Zoning and Permissibility

The site is zoned R1 General Residential under the *Port Macquarie-Hastings Local Environmental Plan 2011* (PMHLEP2011). The proposed development is defined as 'permanent group home' under the provisions of PMHLEP2011 and is permissible with Council's consent in the R1 zone.

The relevant objectives of the R1 – General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is consistent with the above objectives. The proposed group home provides specialist disability housing to meet the needs of the local community of persons due to the closure of the three (3) Hunter based residential care centres of Stockton, Kanangra and Tomaree Centres. The proposed development has the appearance of a single storey detached dwelling house, which is consistent with the character of the local area. Furthermore, the group home will be sympathetic to the surrounding built and natural environment as the design and siting of the home respects the amenity of neighbouring properties and maintains the quality of the surrounding built and natural environment.

Clause 43(1)(b) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* allows for development for the purpose of a permanent group home on land in a prescribed zone to be carried out with consent. The subject site zoned R1 – General Residential under the PMHLEP2011 is land which is classified as a prescribed zone pursuant to Clause 42 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*. Section 6.1.2 of this SEE further demonstrates compliance with the relevant provisions of Division 7 of ARH SEPP and how the proposal meets the key components of the 'permanent group home' definition.

6.0 Planning Framework

The provisions and development standards under the following environmental planning instruments and development control plan are applicable to the proposed development:

6.1 State Legislation

6.1.1 Rural Fires Act 1997

Pursuant to Section 91(1) of the Environmental Planning and Assessment Act 1979, integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent from an integrated referral authority under relevant Acts as prescribed in Clause 91(1) of the Act.

The subject site is bushfire prone land and the proposed group home development is defined as a special fire protection purpose (SFPP) under Section 100B(6) of the *Rural Fires Act 1997*. Therefore, in accordance with Section 100B of the *Rural Fires Act 1997*, authorisation in respect of bush fire safety is required for the proposal.

A Bushfire Assessment Report has been prepared by a suitably qualified consultant for the proposed development. The report demonstrates the development is capable of achieving compliance with the provisions of *Planning for Bushfire Protection (PBP) 2006*.

A copy of the report is contained in the DA package submitted to Port Macquarie-Hastings Council.

6.1.2 State Environmental Planning Policy (Affordable Rental Housing) 2009

The development application is being lodged pursuant to Clause 43(1)(b) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* that allows for permanent group homes to be undertaken with consent in prescribed zones.

The subject site is zoned R1 – General Residential under the provisions of the *Port Macquarie-Hastings Local Environmental Plan 2011*. This is land which is classified as a prescribed zone pursuant to Clause 42 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP) as it is within a R1 General Residential zone.

Clause 42 of the ARHSEPP states:

prescribed zone means:

(a) any of the following land use zones or a land use zone that is equivalent to any of those zones:

(i) Zone R1 General Residential,

(ii) Zone R2 Low Density Residential,

(iii) Zone R3 Medium Density Residential,

(iv) Zone R4 High Density Residential,

(v) Zone B4 Mixed Use,

(vi) Zone SP1 Special Activities,

(vii) *Zone SP2 Infrastructure, and*

(b) any other zone in which development for the purpose of dwellings, dwelling houses or multi dwelling housing may be carried out with or without consent under an environmental planning instrument.

The definition of a permanent group home is also established under Clause 42 of the ARHSEPP.

permanent group home means a dwelling:

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

The following demonstrates how the proposal meets the key components of the above definition:

- The proposed group home has a single driveway, single carport, single point entry, no self-contained rooms, common areas such as living/dining areas and common outdoor areas that will be shared by the new residents, and, the one common care provider. As such the group home will be occupied as a “single household”.
- The proposed group home will comprise “paid supervision” and “care” by suitably qualified carers/support staff.
- The proposed group home will provide permanent accommodation for people with a disability.
- The proposed group home does not include a development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies. The three types of seniors housing include a residential care facility, hostel and a group of self-contained dwellings.

a residential care facility is residential accommodation for seniors or people with a disability that includes:

(a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hostel, hospital or psychiatric facility.

a hostel is residential accommodation for seniors or people with a disability where:

(a) meals, laundering, cleaning and other facilities are provided on a shared basis, and

(b) at least one staff member is available on site 24 hours a day to provide management services.

a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the

building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

- The proposal is not a residential care facility as the definition of 'residential care facility' excludes 'dwellings', 'hostels', 'hospitals' and 'psychiatric facilities'. Accordingly, the proposal, being a single house, is capable of being used as a separate domicile and is therefore a 'dwelling'.
- The proposal will not provide management services. Management services are to be distinguished from personal care services. The home care provider is not a manager for either facilities management nor administration purposes. Furthermore, a significant difference between a group home and a hostel is that the definition of a group home includes the provision of supervision or care, whereas a hostel does not. Accordingly, the proposal is not a 'hostel'.
- Lastly, the proposal does not constitute a group of self-contained dwellings as the individual rooms to be occupied by the residents are not 'self-contained dwellings'. Furthermore, the proposed development constitutes only one 'dwelling', not a group of dwellings. Lastly, the BCA classification is not Class 1a or 2.

6.1.3 State Environmental Planning Policy No 44—Koala Habitat Protection

State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44) currently applies to Port Macquarie-Hastings Local Government Area.

There are several intended effects of the SEPP, as Port Macquarie-Hastings Council is a listed Local Government Area within Schedule 1.

SEPP 44 applies to land:

- (a) *that is land to which this Policy applies, and*
- (b) *that is land in relation to which a development application has been made, and*
- (c) *that:*
 - (i) *has an area of more than 1 hectare, or*
 - (ii) *has, together with any adjoining land in the same ownership, an area of more than 1 hectare,**whether or not the development application applies to the whole, or only part, of the land.*

The entirety of Port Macquarie-Hastings Council is intended to be incorporated within the policy.

The proposed development is considered to be consistent with the SEPP as the subject site is not mapped as "Koala habitat area" on the PMHLEP2011 Koala Habitat Map. Furthermore, the submitted Arborist Report identifies one (1) endemic Koala food tree located at the front north-western corner of the subject site that is proposed to be retained.

6.1.4 State Environmental Planning Policy No 55- Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the subject development application. Clause 7(1)(a) of SEPP 55 states that the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and if so it is suitable in its current state or after remediation for the proposed development.

A desktop review of the site and relevant planning documentation including but not limited to the Certificate of Title, the Section 10.7 Certificate notations, and historic land uses for the site and surrounding area indicates the subject site has been used for predominantly residential land use and therefore does not give rise to concerns relating to contamination.

As such, it is considered appropriate that the development assessment of the proposal proceed on the subject site.

6.1.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 operates in conjunction with the *Environmental Planning & Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004* to ensure the effective introduction of BASIX in New South Wales.

In accordance with Clause 6(1) of the SEPP, BASIX applies to BASIX affected development as defined by the EP&A Regulation 2000. A BASIX affected building is defined as a building that contains one or more dwellings.

The proposal includes residential development and accordingly requires assessment against the provisions of this SEPP and BASIX Certificate. A BASIX Certificate has been completed for the proposal in accordance with the provisions of this SEPP and is included as part of the development application package.

6.1.6 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies to the subject development application. Clause 7 of the SEPP states that a person must not clear non-exempt vegetation in any applicable area without the authority conferred by a permit granted by the Council.

In accordance with Clause 5(1)(b), the subject site is located within an applicable area as is it within the R1 – General Density Residential Zone.

The aims of the policy are as follows:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

As stated above, the majority of existing trees are proposed to be retained with the exception of four (4) small and/or insignificant trees located to the middle of the site necessary to allow for the proposed new building works. Replacement planting is proposed to compensate for the loss of amenity and impact to landscape character resulting from the proposed tree removal.

6.2 Local Planning Controls

6.2.1 Port Macquarie-Hastings Local Environmental Plan 2011

The subject site is zoned R1 – General Residential under the *Port Macquarie-Hastings Local Environmental Plan 2011* (PMHLEP2011), as shown by **Figure 4**. Group homes are permitted with consent within the R1 – General Residential Zone.

The objectives for land within the R1 – General Residential zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

As demonstrated in Section 5 of this SEE, the proposed group home development will be consistent with the zoning objectives, in particular, those relating to housing meeting the needs of the community.

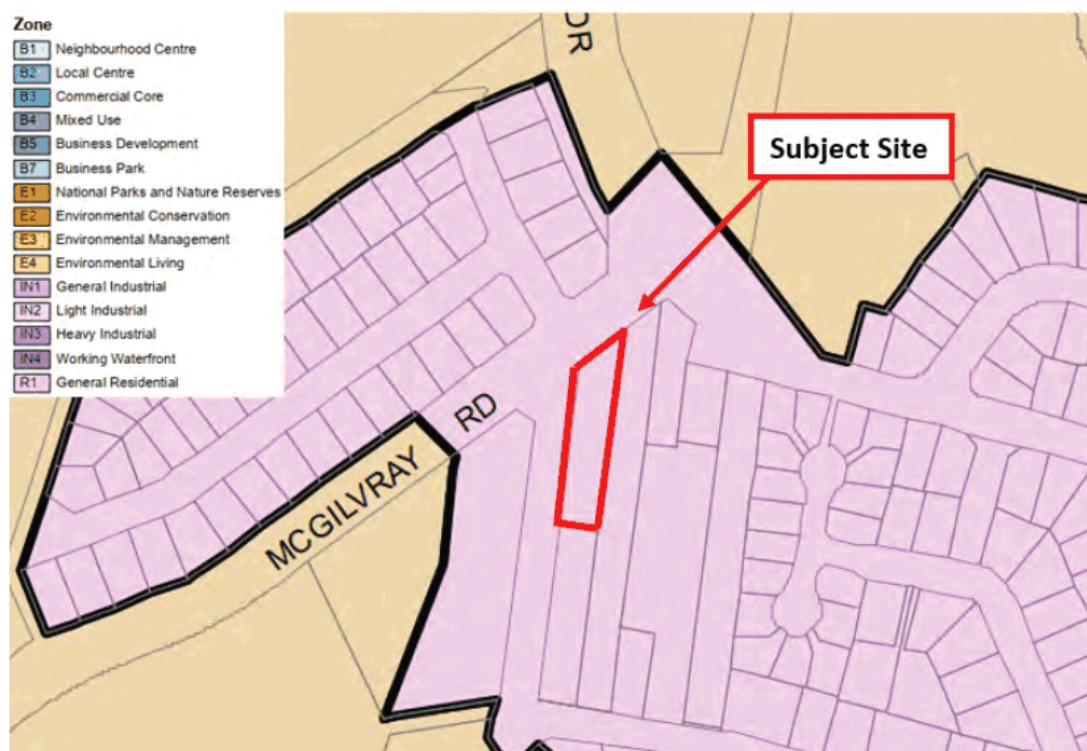
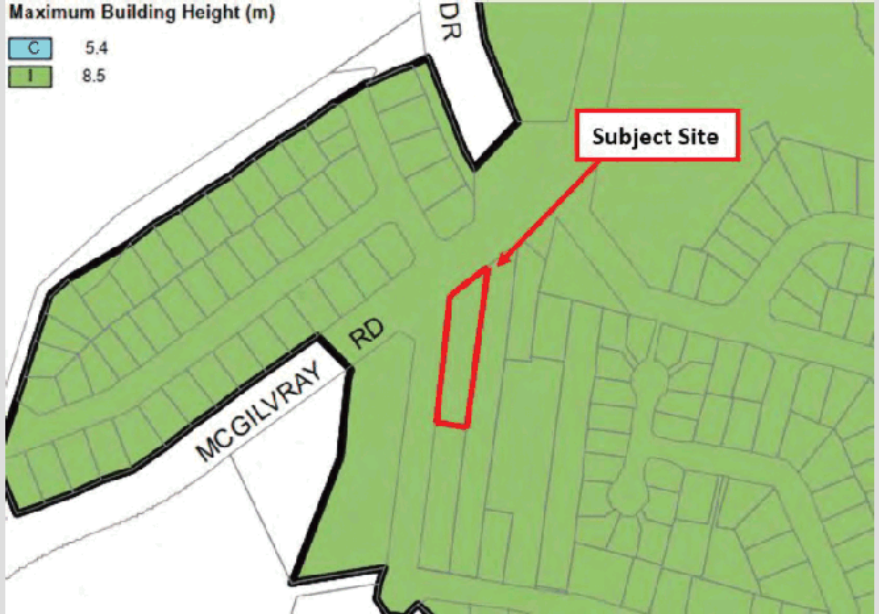


Figure 4 – PMHLEP2011 Zone Map Extract
Source: <https://www.legislation.nsw.gov.au>

The proposal demonstrates compliance with the applicable provisions of the *Port Macquarie-Hastings Local Environmental Plan 2011* in the following table:

Port Macquarie-Hastings Local Environmental Plan 2011			
Clause	Requirement	Proposed	Complies?
4.3 Height of Buildings	<p>1. The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> 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. <p>2. The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (Refer Figure 5 below).</p>	The proposed group home is single storey in height and is well below the 8.5m maximum permitted building height.	Yes
 <p>Maximum Building Height (m)</p> <ul style="list-style-type: none"> C 5.4 I 8.5 <p>Subject Site</p> <p>MCGILVRAY RD</p> <p>DR</p> <p>Figure 5 – PMHLEP2011 Maximum Height Map Extract Source: https://www.legislation.nsw.gov.au</p>			

5 McGilvray Road, Bonny Hills

January 2019

4.4 Floor Space Ratio	<p>1. The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> 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. <p>2. The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (Refer Figure 6 below).</p>	<p>The proposed group home has a total gross floor area of 261.44sqm (exclusive of the carport), resulting in a Floor Space Ratio of approximately 0.13:1.</p>	Yes
-----------------------	--	--	-----

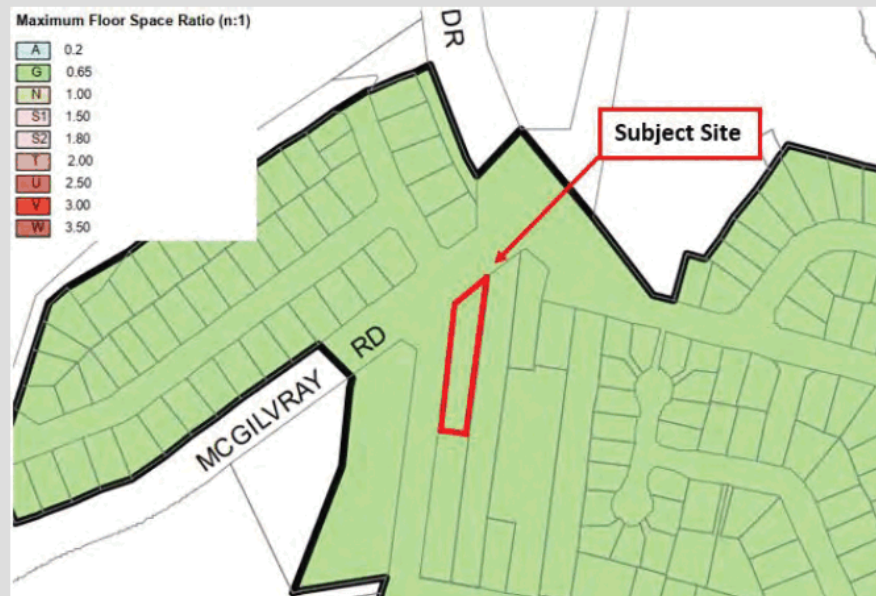


Figure 6 – PMHLEP2011 Maximum Floor Space Ratio Map Extract
Source: <https://www.legislation.nsw.gov.au>

6.2.2 Port Macquarie-Hastings Development Control Plan 2013

An assessment of the key controls of the *Port Macquarie-Hastings Development Control Plan 2013* (PMDCP2013) is illustrated in the Table below.

Port Macquarie-Hastings Development Control Plan 2013		
Part 2 – General Provisions		
Requirement	Proposed	Complies
2.3 Environmental Management		
2.3.3		
Cut and Fill Regrading		
a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	a) The proposal includes a maximum amount of excavation of approximately 1.75m at the rear of the group home. The amount of excavation reduces to the front of the group home where approximately 1.0m of fill is proposed at the north-western corner of the group home where 'Living 1' is to be located. The non-compliance with the maximum cut allowance is considered acceptable due to the sloping topography, stepping of the rear retaining walls is proposed, a combination of cut and fill is proposed and the fact that the proposed cut is necessary to provide required level access based on the nature of the proposed use providing disabled accommodation for people with a disability.	No – Justifiable
a) The maximum height of a retaining wall along all road frontages is 1.0m. b) Any retaining wall greater than 1.0m must be certified by a certified practising structural engineer. c) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> be a maximum combined height of 1.8m above existing property boundary level; be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; the fence component have openings which make it not less than 25% transparent; and provide a 3m x 3m splay for corner sites, and provide a 900mm x 900mm splay for vehicle driveway entrances. 	a) No retaining wall are proposed directly along a road frontage will measure more than 1.0m in height. b) Noted. c) At certain locations to the front and western side of the group home a fence and retaining wall is proposed however where this occurs is internal to the site and not along site boundaries. Furthermore, where a combination of a retaining wall and fence is proposed, lower 1.2m high fencing is designed to reduce overall height.	Yes Yes No – Justifiable
a) Significant land reforming proposals where >10% gross site area or >1.0ha is to have surface levels changed by more than 5m or where earthworks exceed an average of 10,000m ³ per ha shall: <ul style="list-style-type: none"> identify the impact of the proposed land reforming on the environment, landscape, visual character and amenity, natural watercourses, riparian vegetation, topographical features of the environment and public infrastructure; demonstrate compliance with the provisions of Council's Aus-Spec design specification; assess the impacts and benefits of the proposal to all impacted persons and the general public; 	a) No significant land reforming is proposed.	N/A

5 McGilvray Road, Bonny Hills

January 2019

<ul style="list-style-type: none"> provide measures to compensate for and minimise any net adverse impacts. 		
b) The use of high earthworks batters should be avoided.	b) No earthwork batters are proposed to be used.	N/A
c) Preliminary plans indicating the final landform are required to be submitted with any master plan or subdivision application.	c) No master plan or subdivision plan is proposed.	N/A
d) The subdivision should be designed to fit the topography rather than altering the topography to fit the subdivision.	d) No subdivision is proposed.	N/A
2.4 Hazards Management		
2.4.3		
Bushfire Hazard Management		
a) Asset Protection Zones are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.	a) Refer to submitted Bushfire Report for further detail.	Yes
b) Perimeter roads are to be provided to all urban areas adjoining environmental management areas and their buffers.	b) As above.	Yes
Stormwater		
a) All stormwater infrastructure is designed in accordance with the Council's Auspec Design Specification Documents	a) A Stormwater Drainage Plan has been prepared in accordance with Council specifications. Refer to the Stormwater Drainage Plan which accompanies this application.	Yes
2.5 Transport, Traffic Management, Access and Car Parking		
2.5.3		
Road Hierarchy		
a) In new areas (as distinct from established areas with a pre-existing road pattern) each class of route should reflect its role in the road hierarchy by its visual appearance and related physical design standards, including varying levels of vehicle and pedestrian access.	a) The subject site is not identified within a new area.	N/A
b) Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.	b) No roads are to be constructed as the proposed consists of the construction of a permanent group home.	N/A
c) All new roads are designed in accordance with Council's Aus-Spec design specification documents.	c) As above.	N/A
a) New direct accesses from a development to arterial and distributor roads is not permitted. Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.	a) The subject site is not located on an arterial or distributor road.	N/A
b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	b) As above.	N/A
c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned: <ul style="list-style-type: none"> to avoid driveways near intersections and road bends, and 	c) The single proposed driveway crossing will utilise the existing vehicular access point, is only 2.8m in width and is adequate for the nature of the development that will operate much like a dwelling house. The existing/proposed crossing is also located 18.5m from the intersection at Ngamba Place and McGilvray Road. Both roads receive substantially low traffic volumes.	Yes

5 McGilvray Road, Bonny Hills

January 2019

<ul style="list-style-type: none">to minimise streetscapes dominated by driveways and garage doors, andto maximise on-street parking.	<p>A single carport is proposed which has a minimal door width of 3.95m and is setback behind the front building line.</p> <p>No changes to existing on-street parking will occur as a result of the proposed development.</p>																																							
Parking Provisions																																								
<p>a) Off-street Parking is provided in accordance with Table 2.5-1, located at the end of this Chapter</p> <table><caption>Table 2.5-1 Car Parking Requirements</caption><thead><tr><th>Land Use</th><th>Car Parking Requirements</th></tr></thead><tbody><tr><td colspan="2">Primary Industry Land Uses</td></tr><tr><td colspan="2">Agriculture</td></tr><tr><td>animal boarding or training establishments</td><td>2 per establishment (min) (up to 10 animals) + 1 per 10 animals thereafter</td></tr><tr><td colspan="2">Accommodation Land Uses</td></tr><tr><td colspan="2">residential accommodation</td></tr><tr><td>dwelling houses</td><td>1 per dwelling</td></tr><tr><td>dual occupancies</td><td>1 per secondary dwelling</td></tr><tr><td>secondary dwellings</td><td>1 per secondary dwelling</td></tr><tr><td>semi-detached dwellings</td><td>1 per dwelling</td></tr><tr><td>attached dwellings</td><td>1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units</td></tr><tr><td>multi-dwelling housing</td><td>1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units</td></tr><tr><td>residential flat buildings</td><td>1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units</td></tr><tr><td>seniors housing, residential care facilities</td><td>See SEPP (Housing for Seniors or People with a Disability) 2009</td></tr><tr><td>respite</td><td>1 per 10 beds</td></tr><tr><td>boarding houses</td><td>1 per 2 bedrooms + 1 per employee/manager</td></tr><tr><td>group homes</td><td>See SEPP (Affordable Rental Housing) 2009</td></tr><tr><td>shop top housing</td><td>Dwelling requirement + Shop requirement</td></tr><tr><td>retail warehouse dwellings</td><td>1 per dwelling</td></tr></tbody></table>	Land Use	Car Parking Requirements	Primary Industry Land Uses		Agriculture		animal boarding or training establishments	2 per establishment (min) (up to 10 animals) + 1 per 10 animals thereafter	Accommodation Land Uses		residential accommodation		dwelling houses	1 per dwelling	dual occupancies	1 per secondary dwelling	secondary dwellings	1 per secondary dwelling	semi-detached dwellings	1 per dwelling	attached dwellings	1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units	multi-dwelling housing	1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units	residential flat buildings	1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units	seniors housing, residential care facilities	See SEPP (Housing for Seniors or People with a Disability) 2009	respite	1 per 10 beds	boarding houses	1 per 2 bedrooms + 1 per employee/manager	group homes	See SEPP (Affordable Rental Housing) 2009	shop top housing	Dwelling requirement + Shop requirement	retail warehouse dwellings	1 per dwelling	<p>a) The proposed falls in the listed definition of 'group home'. The SEPP (Affordable Rental Housing) 2009 requires at least 2 off-street car parking spaces must be provided on the site on which a group home is erected. Therefore, as the group home provides at least three (3) car parking spaces, the proposal exceeds the car parking requirements.</p>	Yes
Land Use	Car Parking Requirements																																							
Primary Industry Land Uses																																								
Agriculture																																								
animal boarding or training establishments	2 per establishment (min) (up to 10 animals) + 1 per 10 animals thereafter																																							
Accommodation Land Uses																																								
residential accommodation																																								
dwelling houses	1 per dwelling																																							
dual occupancies	1 per secondary dwelling																																							
secondary dwellings	1 per secondary dwelling																																							
semi-detached dwellings	1 per dwelling																																							
attached dwellings	1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units																																							
multi-dwelling housing	1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units																																							
residential flat buildings	1 per 1 or 2 bedroom unit + 1 visitors' space per 4 per units 1.5 per 3-4 bedroom unit + 1 visitors' space per 4 per units																																							
seniors housing, residential care facilities	See SEPP (Housing for Seniors or People with a Disability) 2009																																							
respite	1 per 10 beds																																							
boarding houses	1 per 2 bedrooms + 1 per employee/manager																																							
group homes	See SEPP (Affordable Rental Housing) 2009																																							
shop top housing	Dwelling requirement + Shop requirement																																							
retail warehouse dwellings	1 per dwelling																																							
<p>b) Where a proposed development does not fall within any of the listed definitions, the provision of onsite parking shall be supported by a parking demand study.</p>	<p>b) As above.</p>	N/A																																						
<p>c) Where a proposed development falls within more than one category Council will require the total parking provision for each category. Council may consider a reduced level of parking where it is supported by a parking demand study that assesses the peak parking demands for the overall development and completed by a suitably qualified and experienced person.</p>	<p>c) As above.</p>	N/A																																						
<p>a) On street parking, for the purposes of car parking calculations, will not be included unless it can be demonstrated that:</p> <ul style="list-style-type: none">there is adequate on street space to accommodate peak and acute parking demands of the area;parking can be provided without compromising road safety or garbage collection accessibility;parking can be provided without jeopardising road function; andthat streetscape improvement works, such as landscaped bays and street trees are provided to contribute to the streetscape.	<p>a) The proposed does not seek to include on street parking for the purpose of car parking calculations.</p>	N/A																																						
<p>b) Council may allow on street visitor parking for dual occupancies where it is demonstrated that:</p> <ul style="list-style-type: none">there is sufficient space on street to accommodate the car spaces;the street is a cul-de-sac (but not at the turning head) or one with low traffic volumes;where there is no other major parking generating development in the immediate area; andwhere on street parking will not compromise road safety; and	<p>b) A dual occupancy development is not proposed.</p>	N/A																																						

5 McGilvray Road, Bonny Hills

January 2019

<ul style="list-style-type: none"> parking can be provided without jeopardising road function. 		
c) On street parking is provided in accordance with AS2890.5.	c) The proposed does not seek to include on street parking for the purpose of car parking calculations.	N/A
a) On street parking will not be permitted unless it can be demonstrated that: <ul style="list-style-type: none"> parking does not detract from the streetscape; and that streetscape improvement works, such as landscaped bays and street trees are provided. 	a) As above.	N/A
Parking Layout		
a) Visitor and customer parking shall be located so that it is easily accessible from the street.	a) The proposal allows for visitor parking within the subject site.	Yes
b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	b) No signage is proposed/required. The proposal will operate much like a dwelling house.	N/A
c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: <ul style="list-style-type: none"> it is stacked parking in the driveway; or it can be demonstrated that improvements to the open space provided will result; and the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	c) The proposed carport and additional stacked car parking spaces are located behind the angled front building line.	Yes
d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Offstreet car parking and AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.	d) To comply.	Yes
e) Stack or tandem parking spaces will not be included in assessment of parking provision except where: <ul style="list-style-type: none"> the spaces are surplus to that required; in motor showrooms; for home business; for exhibition homes; in car repair stations; staff parking spaces are separately identified and delineated; it is visitor parking in a Torrens titled dual occupancy directly in front of the garage with a minimum depth of 5.5m. 	e) Stacked parking is proposed given the group home will be staffed and stacked parking can therefore function appropriately. Refer to the submitted Plan of Management for further details. Furthermore, the proposed stacked parking is setback 45m from the street boundary.	Yes
a) Parking is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking and AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities and AS 1428 - Design for access and mobility.	a) Noted. The attached carport comprises one (1) accessible parking space for the on-site van that will transport the disabled residents.	Yes
b) Additional spaces may be required where Council considers the development will generate a higher volume of aged or disabled traffic.	b) Only one (1) disabled car space is required for the operation of the group home.	Yes
a) Bicycle and motorcycle parking shall be considered for all developments.	a) The proposal does not consider bicycle and motorcycle parking as the occupants of the dwelling will be unable to travel by means of bicycle and/or motorcycle due to their varying disabilities.	No – Justifiable
b) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3 - Parking facilities - Bicycle parking facilities.	b) As above.	N/A
c) Motorcycle parking areas shall be 1.2m (wide) x 2.5m (long).	c) As above.	N/A

Surface Finishes		
a) All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers. Preliminary details of construction materials for access and car parking areas shall be submitted with the development application. Detailed plans shall be prepared for the construction certificate by a practising qualified Civil Engineer.	a) The proposed driveway will be sealed with concrete. Specific details of the proposed external materials and finishes are shown on the architectural plans.	Yes
b) In special cases (e.g. where traffic volumes are very low) Council may consider the use of consolidated unsealed gravel pavement for car parks. However, this should not be assumed and will need to be justified by the applicant at the development application stage.	b) As above.	N/A
Drainage		
a) All parking and manoeuvring spaces shall be designed to avoid concentrations of water runoff on the surface.	a) The proposed parking and maneuvering areas have been designed to avoid concentration of water runoff through deviation of the driveway and inclusion of permeable surfaces in the form of plantings and grasses adjacent to the driveway.	Yes
b) Vehicle washing facilities are provided for developments on permeable surfaces or grassed areas. Where there is a risk of polluted runoff, a roofed and bunded wash bay must be provided with appropriate treatment mechanisms to meet applicable standards.	b) The proposed does not perceive a risk of polluted runoff, therefore washing areas on permeable surfaces are considered acceptable.	Yes
c) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development other than that of a minor nature.	c) Noted.	-
a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.	b) The proposed car parking areas have been designed to drain to permeable surfaces in the form of plantings and grasses adjacent to the respective car parking areas.	Yes
2.6 Tree Management		
2.6.3		
Tree Management – Private Land		
a) Pruning must be undertaken in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees.	a) To comply.	Yes
b) An application for the removal of a tree listed in Table 2.6-1 must be accompanied by an Arborist's report stating that the tree: <ul style="list-style-type: none"> • is dangerous; or • is dying and remedial pruning would not improve the deteriorated condition of the tree; or • has a history of branch fall (documented or photographic evidence to be provided); or • is structurally unsound or; • diseased. <p>Advice on the requirement of an arborist report associated with a tree removal permit can be obtained from Council's Tree Assessment staff. The requirement for an arborist report for tree removal associated with a development application will be determined on merit by Council's Development Assessment.</p>	b) To comply.	Yes

5 McGilvray Road, Bonny Hills

January 2019

c) Where a tree listed in Table 2.6-1 is approved for removal it must be compensated with a koala habitat tree. Significant large scale development will require an advanced size koala food tree or habitat tree (primary Koala browse species) that meets NATSPEC Specifying Trees. The compensation tree is to be planted in a suitable location as determined by the Director of Infrastructure Services or his delegate.	c) Noted.	-
d) Removal of dead branches including palm fronts and the selective removal of branches up to and including a diameter of 50mm may be undertaken without a permit or development consent where the removal: <ul style="list-style-type: none"> Does not alter the canopy of the tree, and Does not destroy the aesthetic appearance of the tree canopy; and Does not alter the growth structure of the tree, and Is carried out in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees. 	d) Noted.	-
e) The pruning of large garden shrubs in excess of 3 metres in height for the purpose of ornamental shaping is permitted without a permit or development consent.	e) Noted.	-
f) Where a development is proposed adjoining Council controlled land, the plans must identify all trees that fall within 6.0m of the property boundary and any trees proposed to be removed, identified on that plan.	f) The subject site does not adjoin Council controlled land.	N/A
g) Any pruning or removal of any tree on private land must be undertaken in accordance with Council's tree management specifications.	g) To comply.	Yes
h) A tree removal permit can be sought for tree removal associated with a Complying Development Certificate (CDC), subject to the tree removal meeting the following criteria: <ol style="list-style-type: none"> Must be associated with CDC and removal must not occur until CDC issued. Application must identify and locate all trees within proximity to the development. No more than 3 trees over 6m in height to be removed. Trees taken to be impacted on by the development are to be determined in accordance with AS 4970 - Protection of trees on development sites (i.e 12 x DBH tree protection zone required for those trees to be retained). Must not involve removal of hollow bearing trees. The removal of any koala browse tree species are to be replaced at a ratio of 2:1 on site or at a secure off site location agreed to by Council. Any on site replanting is to have regard for services and buildings and is to be agreed to by Council. 	h) The proposal is not associated with complying development.	N/A
2.7 Social Impact Assessment and Crime Prevention		
2.7.2		
Social Impact Assessment		
a) A social impact assessment shall be submitted in accordance with the Council's Social Impact Assessment Policy. Note: Council's Social Impact	a) As per Council's Social Impact Assessment Policy, a Social Impact Comment is currently being prepared and will be submitted to Council upon completion.	Yes

5 McGilvray Road, Bonny Hills

January 2019

Assessment policy includes guidelines to assist applicants in preparing a SIA.			
Crime Prevention			
a)	The development addresses the generic principles of crime prevention; <ul style="list-style-type: none">Casual surveillance and sightlines;Land use mix and activity generators;Definition of use and ownership;Basic exterior building design;Lighting;Way-finding; andPredictable routes and entrapment locations; as described in the Crime Prevention Through Environmental Design (CPTED) principles.	a) Refer to the accompanying CPTED Report that accompanies this Development Application.	Yes

Part 3 – Development Specific Provisions

3.2 Low Density Residential Development

3.2.2

Dwellings, Dual Occupancies, Dwelling Houses, Multi Dwelling Houses and Ancillary Development

a)	For ancillary development in R1, R2, R3, R4, R5 and RU5 zones: <ul style="list-style-type: none">The height of an outbuilding or the alterations and additions to an existing outbuilding on a lot should not be more than 4.8m above ground level (existing).The building should be single storey construction with a maximum roof pitch of 24 degrees.The maximum area of the building should be 60m2The maximum area of the building should be 60m2 for lots less than 900m2 and maximum of 100m2 for larger lots.Ancillary development that is a garage, or an outbuilding, or a rainwater tank should not be located in front of the main building line.	a)	The proposal does not seek an ancillary development.	N/A												
a)	Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone: <ul style="list-style-type: none">an entry feature or porticoa balcony, deck, patio, pergola, terrace or verandah,a window box treatment,a bay window or similar feature,an awning or other feature over a window,a sun shading feature. These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.	a)	The proposed group home dwelling does not propose an articulation zone.	N/A												
b)	In all other cases the primary front setback should be provided as follows: <table><tr><td>Street Frontage</td><td>Setback (min)</td></tr><tr><td>Classified road – any frontage</td><td>6.0m</td></tr><tr><td>Primary Frontage</td><td>4.5m</td></tr><tr><td>Secondary Frontage</td><td>3.0m</td></tr><tr><td>Ancillary Lane</td><td>2.0m</td></tr><tr><td>Large lot residential and rural zones</td><td>10.0m</td></tr></table>	Street Frontage	Setback (min)	Classified road – any frontage	6.0m	Primary Frontage	4.5m	Secondary Frontage	3.0m	Ancillary Lane	2.0m	Large lot residential and rural zones	10.0m	b)	The proposal seeks a compliant minimum primary front setback of 31.69m and compliant secondary frontage setback of 3.31m.	Yes
Street Frontage	Setback (min)															
Classified road – any frontage	6.0m															
Primary Frontage	4.5m															
Secondary Frontage	3.0m															
Ancillary Lane	2.0m															
Large lot residential and rural zones	10.0m															

5 McGilvray Road, Bonny Hills

January 2019

a) A garage, carport or car parking space should:	b) The proposed carport and stacked car parking are located at least 1m behind the building line.	Yes
b) be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or	c) N/A	N/A
c) be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m.	d) Noted.	-
d) <i>Note: The distance to the garage/carport or parking space may be measured to the entry point of the garage/carport or parking space.</i>	e) The width of the proposed carport opening is 3.94m and is only 25% of the width of the building.	Yes
e) The total width of the garage/carport opening should not be more than 6m and not more than 50 per cent of the width of the building.	f) The proposed driveway crossover is 2.79m in width, represents 10% of the site frontage which is far less than 1/3 of the site frontage.	Yes
f) Driveway crossovers are a maximum of 1/3 of the site frontage and no greater than 5.0m in width.	g) The proposal does not seek a dual occupancy or attached dwelling development.	N/A
g) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.		
a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandas, patios and decks). A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area	a) The proposed seeks a rear boundary setback of 23.41m.	Yes
b) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback.	b) The proposal does not seek a varying rear setback.	N/A
c) In that instance one side setback should be a minimum 4.0m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.	c) As above.	N/A
d) A detailed site analysis is to be provided indicating the impact of the design on adjoining dwellings and open space areas.	d) Refer to submitted architectural plans for site analysis detailing.	Yes
<i>Note: In relation to setback requirements for low density development, corner blocks do not have a rear boundary.</i>		
a) Ground floors should be setback a minimum of 900mm from side boundaries.	a) The proposed single storey group home seeks an eastern side setback of 3.79m.	Yes
b) First floors and above should be setback minimum of 3m from the side boundary or reduced down to 900mm where it can be demonstrated that the adjoining property primary living areas and primary private open space areas should not be adversely overshadowed for more than 3hrs between 9am3pm on 21 June	b) The proposal consists of a single storey dwelling.	N/A
c) Building walls are to step in and out at least every 12m by a minimum of 500mm.	c) The proposal does not include a building wall that exceeds 12m in length without a 500mm step.	Yes
a) All dwellings should have a minimum area of private open space of 35m ² in one area, with	a) A combined POS area of approximately 100m ² is provided within the western side of the development.	Yes
b) a minimum dimension of 4m x 4m; and	b) The required dimensions have generally been met.	Yes
c) a maximum grade of 5% for minimum 4m x 4m of the total open space requirement; and	c) The POS areas are level based on the nature of the proposed development.	Yes
d) direct accessibility from a ground floor living area.	d) The POS areas provide direct access from the internal living areas.	Yes
e) Private open space may include clothes drying areas and garbage storage.	e) The POS areas do not include clothes drying areas or garbage storage.	
a) Front fences built forward of the building line for the primary road frontage should be detailed on the development application plans.	a) Refer to submitted architectural plans for site front fence detailing.	Yes
b) Solid Front fences should be:		N/A

5 McGilvray Road, Bonny Hills

January 2019

<ul style="list-style-type: none"> • A maximum of 1.2m in height, and • Setback 1.0m from the front boundary, and • Suitably landscaped to reduce visual impact, and • Provide a 3m x 3m splay for corner sites. <p>c) Where a front fence is proposed to be more than 1.2m high:</p> <ul style="list-style-type: none"> • be a maximum of 1.8m in height, above existing front property boundary level, and • either: <ul style="list-style-type: none"> - Include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total length of the fence, or - be erected up to the front boundary for a maximum length of 6.0m or 50% of the street frontage, • have openings which make it not less than 25% transparent; • provide a 3m x 3m splay for corner sites, and • provide a 900mm x 900mm splay for vehicle driveway entrances. 	<p>b) The proposal does not seek to include a solid front fence.</p> <p>c) The proposal does not seek to include a front fence that exceeds 1.2m in height.</p>	N/A
a) Fences along the primary road frontage should be complementary to the existing streetscape and not be constructed of chain wire, solid timber/masonry/steel.	a) The proposed front fence along the primary road frontage is considered to provide a design that is compatible with the surrounding existing streetscape character.	Yes
a) For tennis courts or other similar areas, chain wire fences should be black or dark green plastic coated mesh.	a) No tennis court or other similar areas are proposed.	N/A
b) Solid fences enclosing these facilities should not be permitted over 1.8m.	b) As above.	N/A
<p>a) Direct views between primary indoor and outdoor living areas of adjacent dwellings, including possible dwellings on future lots, should be obscured or screened where:</p> <ul style="list-style-type: none"> • ground and first floor windows are within a 9m radius from any part of the window of the adjacent dwelling; • other floor windows are within a 12m radius; • direct views from living rooms of dwellings into the principle area of private open space of other dwellings should be screened or obscured where they are within a 12m radius. • A deck, patio, pergola, terrace or verandah has a setback of less than 3m from a side or rear boundary, and is greater than 3m² and more than 1m above ground level <p>b) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):</p> <ul style="list-style-type: none"> • 1.8m high fence or wall between ground-floor level windows or between a dwelling and open space; • Screening that has 25% openings (max), is permanently fixed and is made of durable materials. <p>c) Privacy screens are encouraged for:</p>	<p>a) Amenity has been provided by way of ensuring a high level of privacy between dwellings and providing quality landscaped private open spaces. Furthermore, the majority of the group home is cut into the sloping site.</p> <p>b) The proposal seeks to include a 1.8m high colorbond fence along respective boundaries.</p> <p>Refer to submitted architectural plans for fence detailing.</p> <p>c) All habitable rooms are located less than 1m above existing ground level and setback greater than 3m from a side or rear boundary.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

5 McGilvray Road, Bonny Hills

January 2019

<ul style="list-style-type: none"> • Windows in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and • The wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and • The window has a sill height of less than 1.5m. <p>d) A balcony, deck, patio, pergola, terrace or veranda should have a privacy screen if:</p> <ul style="list-style-type: none"> • ground and first floor windows are within a 9m radius from any part of the window of the adjacent dwelling; • other floor windows are within a 12m radius; • direct views from living rooms of dwellings into the principle area of private open space of other dwellings should be screened or obscured where they are within a 12m radius. • A deck, patio, pergola, terrace or verandah has a setback of less than 3m from a side or rear boundary, and is greater than 3m² and more than 1m above ground level 	<p>d) The proposed seeks to retain plantings along the perimeter of the site which will provide suitable privacy screening.</p>	<p>Yes</p>
--	---	------------

7.0 Environmental Assessment

7.1 Environmental Planning Instruments – section 4.15(1)(a)

The development application is being lodged pursuant to Clause 43(1)(b) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* that allows for permanent group homes to be undertaken with consent in prescribed zones.

The subject site is zoned R1 General Residential under the *Port Macquarie-Hastings Local Environmental Plan 2011*, which is classified as a prescribed zone pursuant to Clause 42 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP).

Group homes are a permitted form of development under the PMHLEP2011 and the proposed group home development is considered to be consistent with the zone objectives.

7.2 Any Relevant Draft Environmental Planning Instruments – Section 4.15(1)(a)(i)

There are no relevant Draft Environmental Planning Instruments which relate to this site.

7.3 Any Development Control Plans – Section 4.15(1)(a)(ii)

As demonstrated above, the relevant provisions of the *Port Macquarie-Hastings Development Control Plan 2013* have been considered to ensure that the proposed development will be compatible with surrounding uses and will be able to operate with no impact to adjoining properties.

7.4 Impact on the Natural and Built Environment – Section 4.15(1)(b)

7.4.1 Impact on the Natural Environment

The proposed development will utilise an existing residential allotment which is provided with existing infrastructure and utility services. As a result, there will be no soil or water impacts. The application proposes the removal of only several small/insignificant trees which are supported by the accompanying Arboricultural Impact Assessment.

The proposed development involves the demolition of existing structures on the land and construction of a single storey group home development. The design, location and siting of the development maximises access to natural sunlight and will include appropriate measures to provide efficient consumption of water and energy. Waste minimisation and recycling will be a key goal during the operation of the group home. The proposal will not result in any noise or air pollution during the operation of the group home as it will operate at a domestic scale.

Accordingly, the proposal is unlikely to have any significant impact on the natural environment.

7.4.2 Impact on the Built Environment

The proposed development has been designed and sited to respect appropriate setbacks, height, and a bulk and scale that is conducive to the character of the existing streetscape and surrounding area. The group home provides an appropriate level of landscape embellishment to improve the developments visual appearance to McGilvray Road and Ngamba Place.

External walls and facades are well-articulated to provide visual relief to the development and mitigate any visual impacts of solid blank walls from the street as well as adjoining sites. The materials and finishes are high quality in nature and indicative of contemporary architectural design and features.

The siting of the home and provision of landscape treatment have been employed to protect the visual and acoustic amenity for the future residents and neighbouring properties. Therefore, the development does not pose adverse visual or privacy impacts.

As such, the proposal will not have any significant impact on the built environment.

7.4.3 Social and Economic Impacts - Section 4.15(1)(b)

Social Impacts

The proposed group home will enable the people with a disability currently living within the three (3) Hunter based residential care centres of Stockton, Kanangra and Tomaree Centres that are being closed to be re-accommodated within new, more appropriate contemporary housing aligning with the demand for supported accommodation.

The residents will benefit from the new group homes which will allow for increased participation in the local community and provide tailored supportive accommodation with more privacy & flexibility in daily living. The more supportive housing model considers that people with a disability have a right to live in a community, rather than an institution, and to participate fully in that community. Group homes provide people with the support they need to increase their independence, achieve personal goals and to live full and productive lives.

No adverse social impacts are anticipated as a result of the proposed development. The development provides and contributes to diversity in housing choice, as well as housing affordability.

The proposed development will:

- assist Home4Life in meeting its significant demand for supported accommodation in the Port Macquarie-Hastings Local Government and surrounding area.
- assist Home4Life Care in improving the amenity of accommodation for the residents previously residing in the large residential centres, by providing new, more appropriate housing aligning with demand for supported accommodation.
- improve the environmental sustainability of housing, particularly through improved energy and water efficiency.
- provide more accessible housing.

- not have any effect on a locality, place or building having social significance or other special value for present or future generations

Accordingly, it is not considered there would be any adverse impacts on the localities social significance for present or future generations. In this regard, the proposal is considered to contribute to a positive social impact on the surrounding locality.

Economic Impacts

No adverse economic impacts are likely to result from the proposed group home development. The proposed development is likely to contribute to a range of economic benefits in the Port Macquarie-Hastings local government and surrounding areas through:

- more efficient use of land resources, existing infrastructure and existing services
- employment of construction workers and contractors during the construction phase of the development;
- employment opportunities during the operation of the group home
- on-going consumption from new/additional households
- local sourcing of construction materials
- reduced maintenance costs of the newer housing
- savings associated with improved energy and water efficiency
- Housing residents whom contribute to the consumptions of goods and services within the local economic micro climate and;
- residents will utilise the local shops, assisting the local economy

7.5 Suitability of the site for the development – Section 4.15(1)(c)

The proposed Group Home is permissible land use in the zone and is consistent with the objectives of the R1 zone (General Residential).

The proposed development makes use of existing land resources and utility infrastructure.

The site is located in a residential locality and maintains a suitable scale. The site is located within proximity to local services including public transport and supporting social and community infrastructure, to allow carers and the residents to utilise such services. The location, siting and planning for the development holds due regard to environmental constraints. Furthermore, it is considered that all trees are suitable to remove for development of the site.

Accordingly, it is considered that the subject site is suitable for the proposed group home development.

7.6 Public Submissions

Any public submissions received in response to the development proposal are required to be considered in the light of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, having particular regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and
- The acceptable nature of the proposal when considering the wider public interest.

7.7 Public Interest – Section 4.15(1)(e)

The proposal provides the local area with new social housing infrastructure on a site inherently suitable for such use as it is a permissible form of development under the ARHSEPP and PMHLEP2011. The proposal will increase the diversity of social housing resources in the in the Port Macquarie-Hastings Local Government Area.

The proposed group home will e-accommodate the people with a disability currently living within the three (3) Hunter based residential care centres of Stockton, Kanangra and Tomaree Centres in new, more appropriate contemporary housing aligning with the demand for supported accommodation. Accordingly, it is providing a service to the broader community, as detailed below:

- Provides shelter, support and care for people with a disability;
- Improves opportunities for people with a disability to remain as independent and healthy as possible;
- Provides for future residents with the support and care provided by a group home, including the provision of staff during the day that allows residents to live with support in residential areas;
- Increases the availability of housing for people with a disability, a key commitment of the NSW government as detailed in the State Plan (2006) and the Sydney Metropolitan Strategy.

8.0 Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. On balance, it is concluded the development is satisfactory and warrants development consent, having regard to the following matters:

- The proposed development is permissible under the ARHSEPP on the subject site. The SEE has demonstrated that there is a community need for the group home pursuant to Clause 46(1)(a) of the ARHSEPP.
- The proposal is consistent with the relevant aims and objectives of the *Port Macquarie-Hastings Local Environmental Plan 2011*.
- The proposal is consistent with the R1 – General Residential zoning of the *Port Macquarie-Hastings Local Environmental Plan 2011*, as group homes are a permitted form of development, and the R1 zoning objectives.
- The proposal is generally consistent with Council's DCP – the *Port Macquarie-Hastings Development Control Plan 2013*. Where departures from the DCP have been identified, these have been departures from the DCP was identified these have been adequately justified in the SEE.
- The group home design will deliver environmentally sustainable development outcomes through the efficient energy consumption of water and electricity and meets the BASIX commitments.
- No unreasonable external impacts will result from the development proposal as far as solar access, privacy and overlooking are concerned, with no impact to streetscape or neighbourhood character.
- Appropriate operational management measures are in place to ensure the intended residents that will occupy the proposed group home are cared for according to their needs, ensuring there is no social impacts on the community during the operation of the group home. A separate Plan of Management has been submitted with the development application.
- The proposal makes use of existing infrastructure and resources, and is compatible with the residential character of the locality.
- It is considered there are no matters that warrant refusal of the proposal on the grounds of it being contrary to the public interest.

Accordingly, it is recommended that Port Macquarie-Hastings Council support and approves this development application.

Appendix A – Group Home Fact Sheet



Fact Sheet

Group Homes for People with a Disability

Home4Life is a new disability housing organisation established between two not-for-profit housing providers; Newcastle based Compass Housing and BlueCHP Limited. Both of these organisations are leading not-for-profit community housing providers and they have long and extensive experience in providing housing for people with disabilities.

Home4Life is partnering with the NSW Government Department of Family and Community Services to build new group homes for people with disabilities, many of whom are living in outmoded large residential centres.

What is a Group Home?

A group home is a typical single storey residential house that is purpose-built for people with disability. They are architect designed to look like any other modern residential home in your neighbourhood with an appearance that matches the other homes in the street.

The group home will house no more than five people, giving each person their own bedroom. It features accessible bathrooms, kitchen, a dining area and two living rooms and an attached carport. Considerable effort is made by our architects to ensure that the floor plan and landscaping maximise privacy for the residents and neighbours.



The group home's location has been thoughtfully selected to ensure that it is close proximity to family, friends and services the residents need such as transport, education, medical, employment and recreational facilities.

The group home will be staffed by highly trained and qualified disability support workers 24 hours a day, 7 days a week. The staff will support the residents to live as independently as possible, ensuring the safety of tenants and neighbours. Staffing levels are based on the assessed needs of the residents with typically one or two staff present in the home.

None of the residents will drive a vehicle so the role of the support staff is to also transport residents to activities and services they want to use in the community. Traffic and noise levels will be to a residential household.

Almost all of our residents will have an intellectual disability. All of the residents have support needs that can be met in a domestic home without impact on neighbours.

The identities of the residents and their specific support needs are not shared with neighbours out of respect for their privacy. There will be no signs displayed to identify the premises as a group home.



Home4Life recognises the importance of being good neighbours in the community by ensuring that we abide by the usual neighbourly courtesies and maintain the appearance of the front yard and façade of the home to community expectations.

Home4Life encourages neighbours to introduce themselves to the residents and the staff at the group home. You are able to raise and discuss any concerns you may have with the group home residents and staff just as you would with any other neighbour.

Neighbouring property owners will receive a letter and plans either from us or Council prior to the home receiving planning approval and you will have an opportunity to comment.

If you have any questions regarding the proposed group home in your neighbourhood please contact Glenn Amanonce from BlueCHP Limited on 02 4621 8600 or via email to glenn.amanonce@bluechp.com.au.



Heidi, Sarah, Arthur, Clifford and Richard's Home

Heidi, Sarah, Arthur, Clifford and Richard are typical of people who live in hundreds of group homes for people with disability across NSW.

As housemates they all take pride in keeping their home presentable by sharing the responsibilities of its maintenance. A support worker supports them when they need it. They get on well with their neighbours.

Their lives are often busy getting involved in the community. They enjoy playing sport, doing their weekly grocery shopping, go to the local club and they like to get involved in local events.

They love having their family and friends over to celebrate special events such as birthdays, Christmas and any other reason they can think of. This group live very fulfilling lives and they are great neighbours.



Appendix B – Unavailable Letter



Dear Resident,

A representative from BlueCHP has tried to contact you via a door knock in regards to a development application for a permanent five (5) bedroom group home at 5 McGilvray Street, Bonny Hills.

Please find the Fact Sheet that accompanies this letter which explains the background & management team of the project and a description of how the proposed permanent group home will function and interact within the local neighbourhood.

If you have any questions regarding the proposed group home in your neighbourhood please contact Glenn Amanonce from BlueCHP Limited on 02 4621 8600 or via email to Glenn.Amanonce@bluechp.com.au.



5 McGilvray Road, Bonny Hills
Plan of Management

January 2019

Contents

1. General Information	3
1.1 Purpose	3
1.2 Capacity of Group Home	4
1.3 Hours of Operation	4
2. Staffing	5
2.1 Day Shift	5
2.2 Afternoon/Evening Shift	6
2.3 Night Shift	6
3. Visitors	7
3.1 General	7
4. Traffic & Parking Management Plan	8
5. Security and Safety	10
6. Noise Management Plan	11
6.1 Residents	11
6.2 Staff	11
7. General Operational Procedures	13
7.1 Maintenance Procedures	13
7.2 Waste Disposal	13
7.3 Common Areas	13
8. Contact Details for Neighbours and Incident / Accident Protocol	14
9. Emergency Management and Evacuation Policy	15
9.1 Aim	15
9.2 Contacting Emergency Services	15
9.3 Emergency Evacuation Procedures and Drills	15
9.4 Emergency Communication Plan	16
9.5 Maintenance of Fire Equipment	16
9.6 Fire on Premises	16
10. Review	18
11. Version Control Table	19



Printed:	16 January 2019
File name:	Plan of Management – 5 McGilvray Road, Bonny Hills
Author:	Glenn Amanonce – BlueCHP Limited
Name of project:	Permanent Group Home – 5 McGilvray Road, Bonny Hills
Name of document:	Plan of Management – 5 McGilvray Road, Bonny Hills
Document version:	1



1. General Information

This Plan of Management has been developed for Home4Life for a permanent five (5) bedroom group home at 5 McGilvray Road, Bonny Hills.

This Plan of Management forms an essential part of the ongoing management requirements for the group home. It is a document that has been identified as likely being required by Port Macquarie-Hastings Council and as such reflects a reasonable agreement between Home4Life and the Council in order to minimise any adverse effects upon neighbours.

The proposed home at 5 McGilvray Road, Bonny Hills will operate as a permanent group home for up to five (5) residents with disabilities. Residents will live in the group home on a permanent basis with commonly one or two staff in the home at the premises 24 hours per day, seven (7) days per week.

1.1 Purpose

The Plan of Management will set the direction and provide an integrated approach to ensure the proper and effective operation and management of the proposed permanent group home.

The Plan of Management will outline the proposed operational details including but not limited to: staffing, role of on-site support staff/carers, car parking arrangements and vehicle use, safety and security, noise, incident/accident protocol, and, waste management.

The Plan of Management will be used to ensure that suitable practices are in place to maintain safety and amenity to residents living within the group home and to minimise amenity impacts on neighbouring properties by implementing appropriate management practices.

The aims of the Plan of Management are to:

- Outline the role and responsibilities of the on-site support staff/carers;
- Identify staffing arrangements;
- Identify visitor arrangements;
- Identify traffic and car parking arrangements;
- Identify the various safety and security measures;
- Address potential noise or amenity impacts;
- Outline regular maintenance and landscaping procedures;
- Outline waste minimisation, recycling and proposed refuse disposal arrangements;



- Outline incident/accident protocol and contact details for adjoining neighbours
- Outline emergency management and evacuation details.

1.2 Capacity of Group Home

The dwelling at 5 McGilvray Road, Bonny Hills will operate as a permanent group home for up to five (5) residents.

1.3 Hours of Operation

Residents will live in the group home on a permanent basis with commonly one (1) or two (2) carers at the premises 24 hours per day, seven (7) days per week.



2. Staffing

The staffing model for the proposed permanent group home sees staff being present on site 24 hours a day, seven (7) days per week. Staff are provided to the homes in response to the needs of residents. The purpose of staff is to support the residents to undertake the activities of daily living as independently as possible. Commonly there are one or two staff in the home 24 hours per day, seven (7) days per week. Staff typically work in three set shifts 7am - 3pm, 3pm - 11pm, and 11pm - 7am.

The primary responsibility for all staff is the care of residents. Other homemaker activities will be separated between the day and night shifts.

The philosophy is that the house will run like a normal home and that all duties undertaken by the staff will be done as in a normal home, i.e. shopping, cleaning, cooking etc.

There are no management services provided from the home. Home4Life management staff and services are provided from the Home4Life head office.

2.1 Day Shift

Excluding the care of residents, the day shift will be responsible for the following home duties:

- Cooking meals
- Washing dishes cleaning after meals
- General cleaning
- Laundry
- Garbage
- Taking residents to day activities via the on-site communal van
- Shopping for household items
- Shopping for nursing items

The group home is designed to encourage participation in all aspects of day to day life. Every resident has their own individual community participation program which may include both on-site and off-site activities. For some residents their days will consist of assisting with the washing, assisting with the cooking and watching TV.

A part of the day may involve an off-site activity. This commonly includes attendance at group day programs, going to work like programs, social activities of the residents such as shopping, going out for meals, entertainment recreation



or educational activities, visiting friends and family at the movies, bowling, having coffee etc.

None of the residents drive a vehicle so the role of the support staff is to assist residents in getting into the on-site communal van and driving the residents to the specified activity for that day.

Accordingly, the primary role and responsibility of the support staff is to assist residents with the majority of day to day activities.

2.2 Afternoon/Evening Shift

As part of the afternoon/evening shift, support staff are preparing the residents for evening meals and bed. This will generally consist of assisting with the washing and cooking.

2.3 Night Shift

During the night shift residents will generally be asleep. This minimises the demand on staffing and enables operation with generally only one staff.



3. Visitors

3.1 General

Families and friends are encouraged to all Home4Life group homes to visit their relatives and friends. The people visiting the home will be similar to any other domestic home and will occur at various times of the day or evening. The homes do not have "visiting hours". It is rare that more than 1-2 people are visiting friends or relatives at the same time, so vehicle traffic will be similar to any regular domestic home. Visitors will always need to schedule a visit.



4. Traffic & Parking Management Plan

A minimum of three (3) on-site parking spaces are available for the operation of the group home, including the accessible parking space provided via the attached carport with a suitable width for use by disabled persons.

No on-site parking is required for the residents of the group home as none of the residents will be using a vehicle due to their disabilities. The on-site van will transport the residents within the community.

All staff will be encouraged to use public transport to and from work. The subject site is conveniently located less than 400m from bus stops located on Ocean Drive. The bus stops are serviced by bus routes 334K.

Sufficient space for staff whom drive their own vehicle to the Group Home is available on the site in front of the carport.

Given the vehicle parking spaces are stacked; the provision of two (2) staff members is suitable to ensure that one staff member is able to supervise residents whilst the other co-ordinates vehicle parking and vehicle movement should the residence van need to be utilised for transport purposes.

Support staff must minimise the use of their cars during working hours. Only essential trips are permitted. Essential trips include:

- Shopping for the home
- Resident trips
- Emergencies

The staff's responsibility is to ensure that traffic movements are kept to a minimum and that on-site parking is maximised.

Based on the operation of other group homes, visitor parking is known to be low and infrequent. Nevertheless, they will be required to liaise with the group home's support staff and schedule visits to ensure adequate off-street parking is available.

Accordingly, the proposed level of parking provision will meet the demand for parking required for the operation of the group home.

The following procedures are to be adopted for the use of the group home's car parking area:

1. There should be a total of three (3) off-street parking spaces maintained at all times.



2. The carport and car parking area is not to be used for storage purposes, thereby reducing the number of available car spaces. The car parking area must be kept available for parking at all times
3. Staff should report improper use of the car parking area to the Home4Life management.
4. The staff's responsibility is to ensure that traffic movements are kept to a minimum.
5. This Traffic & Parking Management Plan must be issued to all new parents and staff.
6. This Traffic & Parking Management Plan is to be regularly reviewed and amended as deemed necessary.



5. Security and Safety

Support staff will be the primary people responsible for, and to deal with, any security or safety issues on-site.

All of the people have support needs that can be met in a domestic home without impact on neighbours.

The group home staff will follow standard Council procedures for fire safety to comply with the relevant provision of the Building Code of Australia and the Environmental Planning and Assessment Regulation 2000. Smoke detectors and associated fire equipment will be provided throughout the group home that will be subject to an annual inspection by Council and the NSW Fire Brigade.

An emergency and evacuation plan (See Section 9) will be developed for the site with support staff appropriately trained to ensure the safe and efficient vacation of the premises during an emergency.

Appropriate lighting is to be installed and maintained throughout the group home and site whilst an 1800mm fence with lockable gate will surround the private open space.



6. Noise Management Plan

Noise levels are to be carefully monitored by all support staff during their shifts. They will be responsible for ensuring that the daily activities undertaken by the residents are done so in a manner which does not result in excessive noise impacts on surrounding properties.

Support staff will be appropriately trained to recognise and to reduce any unnecessary noise. The key measures implemented will be:

- Any activities that staff complete that may have a noise impact will be done during the day shift.
- All visitors will be reminded of their obligations to minimise noise as they leave the premises.
- All maintenance activities will only be undertaken during working hours
- A sign will be placed behind the entrance door to remind visitors to leave quietly.

Sensory rooms have been incorporated as part of the development and are provided to calm and relax residents; engaging them in sensory related activities and have incorporated appropriate mitigation measures to ensure sound retention.

The key measures for residents, staff and management that will be implemented will be:

6.1 Residents

- Passive outdoor time and access to private open space is an essential component of the day to day life for residents of the group home.
- If residents are involved in passive play within outside areas, they will be supervised by staff at all times.
- Amplified music or the use of musical instruments likely to generate excessive noise will not be permitted in the outdoor areas.

6.2 Staff

- Home4Life management of the group home recognise the importance of ensuring all staff are properly trained.
- In-house training will include familiarisation with the procedures and requirements set out in the Noise Management Plan.
- Staff will be instructed to engage with the residents to find both mentally and physically stimulating activities.



- All staff will be required to read the Noise Management Plan before starting work and to comply with it at all times.
- Staff will maintain a Log of noise complaints received. Any complaints received shall be logged with details of the nature of the complaint, time of the event and contact details of the complainant.
- Staff will endeavour to respond to any noise complaint as quickly as possible, and will advise the complainant within 24 hours of what, if any, actions have been undertaken as a result of reviewing the complaint. These actions will be recorded in the Log.
- The Log will be located in the staff office and will be accessible to Council at any time within normal operating hours.
- At least one designated responsible person shall be available on site at all times during operational hours.
- A laminated copy of the Noise Management Plan will be displayed in the entry foyer.
- All staff will be required to read the Noise Management Plan.
- All parents / guardians will be required to read the Noise Management Plan.



7. General Operational Procedures

7.1 Maintenance Procedures

Landscape contractors will attend the property regularly for regular garden maintenance and landscaping.

Staff will undertake the daily cleaning duties of all common areas of the group home and will also be responsible for organising any contractors required to undertake repairs to any facility, fixture or equipment.

7.2 Waste Disposal

Waste minimisation, recycling and proposed refuse disposal arrangements will be undertaken as per Port Macquarie-Hastings Council's requirements.

Staff will be responsible for the delivery and retrieval of waste bins to the kerb on Council's collection days.

7.3 Common Areas

Management practices will be implemented for the common areas such as the common living and dining rooms and the use of the rear outdoor open space. This includes signage to be erected within these common areas indicating their appropriate use.

The common areas will be under the supervision of staff members for the time that they are occupied by residents; ensuring quick intervention in noise levels exceed the appropriate level for the area.



8. Contact Details for Neighbours and Incident / Accident Protocol

Issues and complaints from surrounding residents are able to be directed either to Home4Life's head office or the support staff at the group home. A complaints register will also be maintained and available for inspection by Council. At this stage, specific contact details are:

- Glenn Amanonce from BlueCHP Limited on 02 4621 8600 or via email to Glenn.Amanonce@bluechp.com.au.

Neighbours and Council is to be advised of any change in the above contact details.

As stated above, an incidents register / log book is to be kept and maintained by the support staff who are to respond to and record incidents in the following manner.

- Staff will maintain a Log of complaints received. Any complaints received shall be logged with details of the nature of the complaint, time of the event and contact details of the complainant.
- Staff will endeavour to respond to any complaint as quickly as possible, and will advise the complainant within 24 hours of what, if any, actions have been undertaken as a result of reviewing the complaint. These actions will be recorded in the Log.
- The Log will be located in the staff office and will be accessible to Council at any time within normal operating hours.

Staff are to respond immediately to any emergency situation by calling the relevant emergency authority (ie ambulance, Police, SES).

The incident register is to be made available to the Police or Council upon request.

The following incidents are to be included in the register, though other incidents may also be recorded:

- Breaches of house rules by residents;
- Incidents involving excessive noise; and



9. Emergency Management and Evacuation Policy

9.1 Aim

- An evacuation may be necessary in the event of a fire, severe storm, etc.
- In the event that the group home needs to be evacuated, Home4Life aim to conduct this in a rehearsed, timely, calm and safe manner to secure the safety of each resident.
- The safety and wellbeing of each resident, staff member and any person visiting the group home is paramount above any other consideration in the time of an emergency or evacuation. Any other procedures will be carried out only if it is safe to do so.

9.2 Contacting Emergency Services

- Stay calm and call triple zero (000) from a safe place
- When your call is answered you will be asked if you need police, fire or ambulance
- Provide your location: - suburb, include street number, street name and nearest cross street.
- Speak clearly answer the questions and provide the details of the emergency situation. Stay on the line and do not hang up until the operator tells you to do so.

9.3 Emergency Evacuation Procedures and Drills

- The group home manager will maintain an up-to-date and compact register of emergency telephone numbers that must be taken in an emergency or evacuation.
- Emergency telephone numbers will be displayed prominently throughout the group home near all telephones.
- Home4Life will ensure staff are provided with training on how to use fire extinguishers, fire blankets and other emergency equipment.
- Fire extinguishers, fire blankets and other emergency equipment will be tested as recommended by the manufacturer by recognised authorities. All tests must be documented.
- Emergency and evacuation procedures will be discussed with families and regular information will be provided to families.
- The group home manager is responsible for ensuring that all staff are aware of the group home's policies and procedures relating to Emergency Management and Evacuation.



- Discussions will be used to familiarise residents with the group home's evacuation and emergency procedures.

9.4 Emergency Communication Plan

- At all times, the group home will have access to a telephone (either a fixed-line telephone, service mobile phone, Manager's mobile phone or a personal mobile phone)
- If there is a complete loss of electricity and the telephones at the service are not available, a mobile phone will be provided and ready to use at all times to ensure staff can use it to make emergency contact.

9.5 Maintenance of Fire Equipment

- All fire equipment at the group home will be maintained as per the legal standards.

9.6 Fire on Premises

- A fire within the group home can should be identified by the smoke detectors. In this case everyone must evacuate the premises
- Staff should evacuate residents using the safest group home exit route to the Assembly Area.
- Responsibilities of staff during evacuation:
 - i. Call Fire Brigade on 000
 - ii. Collect Emergency Back Pack
 - iii. Collect Portable First Aid Kits
 - iv. Collect Torches
 - v. Collect Phone
 - vi. Collect resident's Emergency Contact Details
 - vii. Close Windows and Doors
 - viii. Turn off Electrical power
- Once at Assembly Area:
 - i. Check attendance.
 - ii. Staff are to keep residents calm and occupied.
 - iii. Families are contacted by staff.
 - iv. All staff are to follow the directions of the Fire Brigade and Security.



- v. No staff are to re-enter the building until Emergency Personnel advise that it is safe to do so.
- vi. Critical incident report to be written within 24 hours.



10. Review

The Plan of Management should not be seen as an end point in the planning process, but rather as a flexible document and the basis for ongoing management.

In order to assess the effectiveness of the plan, Home4Life shall give consideration to a review of the plan after twelve (12) months to determine whether the aims of the Plan of Management have been achieved.

The review will be conducted by:

- Management of Home4Life, Staff, Families, Interested Parties

The Plan of Management must remain consistent with community expectations and the changing requirements of users. If, at any time, it is apparent that the provisions of the plan of management require amendments, a new Plan of Management must be prepared in consultation with Port Macquarie-Hastings Council.



11. Version Control Table

Version Control	Date Released	Next Review	Approved By	Amendment
1	January 2019	January 2020		



Crime Prevention through Environmental Design (CPTED) Statement

Proposed Permanent Group Home

5 McGilvray Road, Bonny Hills NSW 2445
Lot 31 DP 1190016

Prepared for: BlueCHP Limited
CPS Project No: C419
Date: January 2019

Creative Planning Solutions Pty Limited | PO Box 1074 Broadway NSW 2007
+61 2 8039 7461 | info@cpsplanning.com.au | www.cpsplanning.com.au
Creative Planning Solutions Pty Limited – ABN: 70 135 093 926

5 McGilvray Road, Bonny Hills

January 2019

Document Control

If this document has not been signed for review and approval then it is deemed a preliminary draft.

Prepared by:



Daniel Govers

Reviewed by:



Ben Tesoriero



Authorised by:

Ben Tesoriero

© Copyright CREATIVE PLANNING SOLUTIONS PTY LIMITED 2019

This document is copyrighted; reproduction of this document or any part thereof is not permitted without prior written permission of Creative Planning Solutions Pty Limited.

Disclaimer:

In preparing this document, Creative Planning Solutions has relied upon information and documents provided by the Client or prepared by other Consultants within their various areas of expertise.

Creative Planning Solutions is unable and does not accept responsibility for any errors or omissions in any of the material provided by other parties.

1.0 Introduction

This Crime Prevention through Environmental Design (CPTED) Report has been prepared to accompany a Development Application (DA) for a permanent group home at 5 McGilvray Road, Bonny Hills NSW 2445. The development application (DA) proposes demolition of the existing dwelling house and associated structures and construction of a single storey group home comprising of five (5) bedrooms, attached carport and installation of new landscaping and fencing.

This report has been prepared in response to Section 2.7.2 of the Port Macquarie-Hastings Development Control Plan 2013.

The author of this report is Daniel Govers (Director) who is qualified with Honours from the Bachelor of Planning degree at University of New South Wales (UNSW), has earned Certified Practicing Planner (CPP) status from the Planning Institute of Australia and has successfully completed the Safer by Design course held by the New South Wales Police Service. Refer to **Appendix 1** for a copy of the Certificate.

2.0 Crime Risk Assessment

2.1 Site Analysis

The legal description of the subject land is Lot 31 in Deposited Plan 1190016, and is known as 5 McGilvray Road, Bonny Hills NSW 2445.

The subject site consists of a relatively regular-shaped single corner allotment with a combined site area of 2,024.4m² and a frontage of 28.985m to McGilvray Road and 85.92m to Ngamba Place (Source: Deposited Plan).

The subject site is currently occupied by a single storey brick dwelling house with metal roof and several rear outbuildings (**Photograph 1**). McGilvray Road is an unclassified road with vehicular access provided from the southern side of the street frontage. Pedestrian access is currently provided via a grass pathway which extends from the McGilvray Road frontage.

The site is located within an established residential area characterised predominantly by low density residential development, consisting of detached dwelling houses.

2.2 Crime Opportunity

The proposed group home is located in the locality of Bonny Hills, which presents as a tranquil and well maintained suburb. Following a site inspection, there was no evidence of crime or anti-social behaviour such as vandalism, graffiti and litter.

The proposed residential development will not be susceptible to crime nor will it facilitate incidents in the local area. The home will be monitored and supervised 24 hour / 7 days per week care by highly skilled support staff workers and carers. Support staff will be the primary people responsible for, and to deal with, any security or safety issues on-site. All of the people have support needs that can be met in a domestic home without impact on neighbours.

Furthermore, the appearance of the home as a typical suburban house that is staffed by specialist disability workers and the incorporation of appropriate mitigation measures (see below) will ensure the development appropriately has a very low susceptibility to crime and anti-social behaviour. CPS anticipates the level of susceptibility is lower than a typical dwelling house given its operational nature.

2.3 Crime Prevention through Environmental Design (CPTED)

Section 2.7.2 of the *Port Macquarie-Hastings Development Control Plan 2013* requires that group home development proposals incorporate design elements and features that align with CPTED principles.

The configuration, arrangement and design of the proposed group home development responds to CPTED principles to ensure that crime in and around the site is discouraged and safety of occupants enhanced.

The principles of CPTED and corresponding design approach is identified in **Table 1**.

Table 1 CPTED Assessment	
Principle	Design Approach
Surveillance	<p>The group home has been designed to include windows of habitable rooms that overlook the street, providing safety and security for residents and casual surveillance of the street from within the group home.</p> <p>Families and friends are encouraged to visit their relatives and friends often as they are available, enhancing natural surveillance.</p> <p>Landscaping proposed within the front setback is of an appropriate height and will not adversely impact on direct sightlines to and from the group home.</p>
Access Control	<p>Entry to the dwelling via the front setback is restricted to the front door and garage which will remain locked at all times.</p> <p>Entry to the dwelling and private open space via the side setbacks is adequately restricted by fencing which will remain locked at all times.</p> <p>Conversely, residents within the group home development will not have the opportunity to simply wander the streets and be at any risk to themselves or others as the group home site is to be secured, and residents will be under the constant care and supervision of experienced staff.</p>
Territorial Reinforcement	<p>The landscaping and fencing arrangement at the property boundary clearly demarcates between the public and private domain, without compromising passive surveillance between the spaces.</p>
Space Management	<p>The private open space will be managed by Home4Life who will be responsible for maintaining common landscaped areas and driveway access.</p>

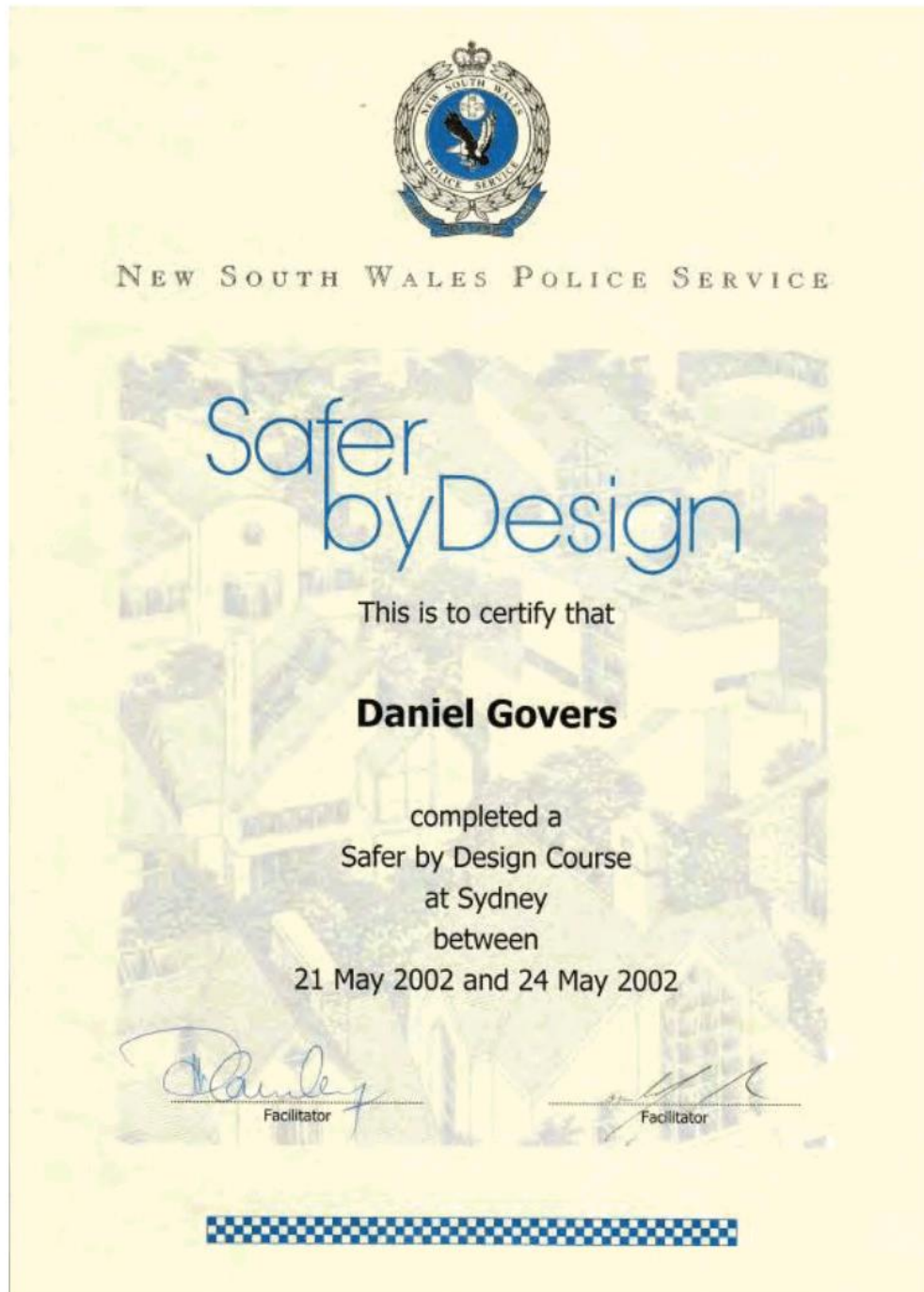
3.0 Conclusion

The proposed group home development will be fully secured, and operate 24 hour / 7 days per week that will be staffed at all times. A higher level of informal surveillance in particular will result due to the round-the-clock operation of the premises.

As such, the development is not considered to give rise to any potential anti-social or criminal activity that would necessitate strict application of CPTED principals. Nevertheless, the level of site security and 24-hour surveillance is considered to satisfactorily respond to the principals of CPTED.

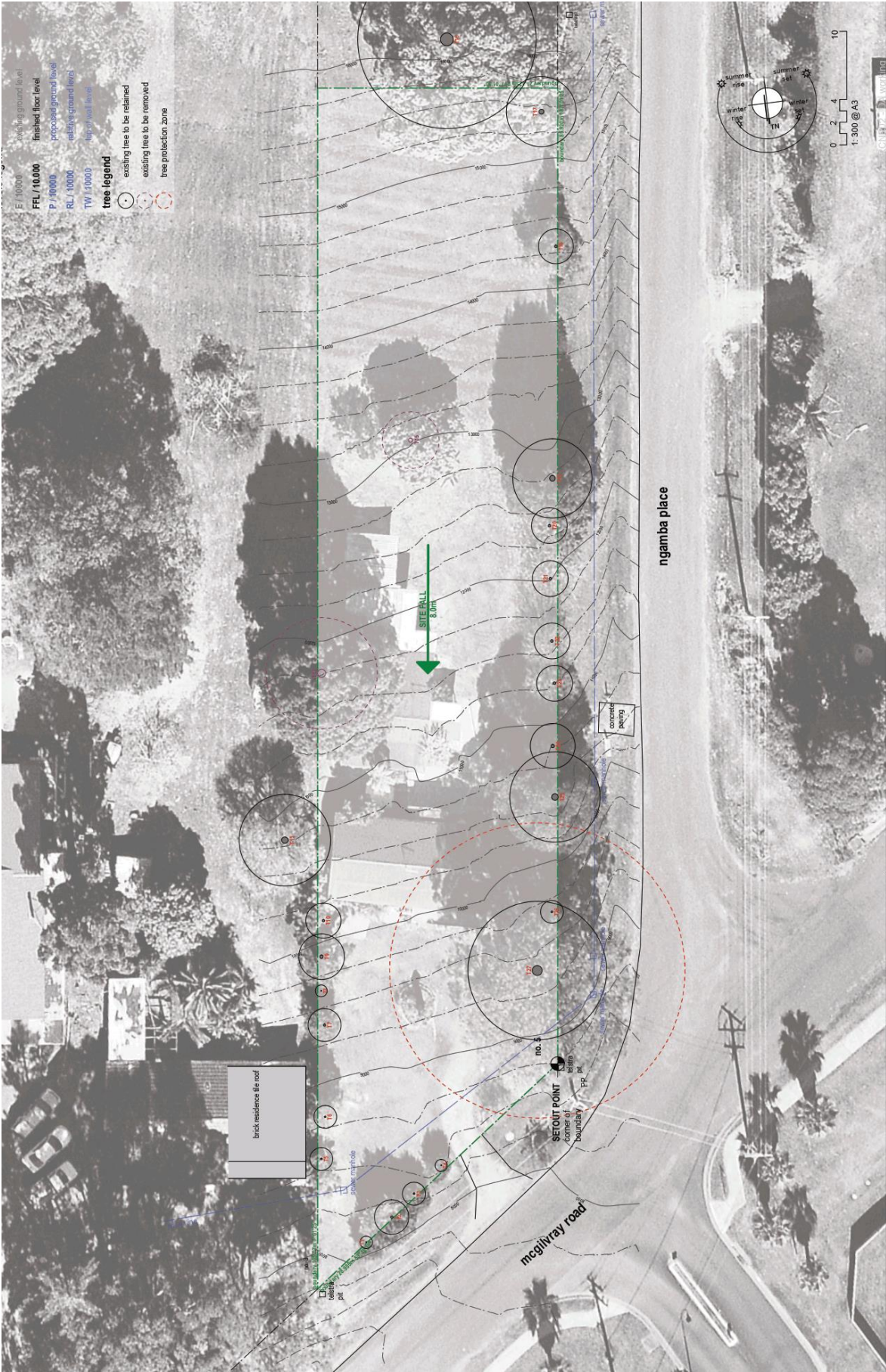
As a result, the proposed residential development will not influence on the level of crime and anti-social behaviour in the local area. It is arguable that the proposed development will likely result in the reduction of crime and anti-social behaviour due to the design measures incorporated into the proposal which ensure adequate amounts of access control, surveillance, territorial reinforcement and space management.

Appendix 1



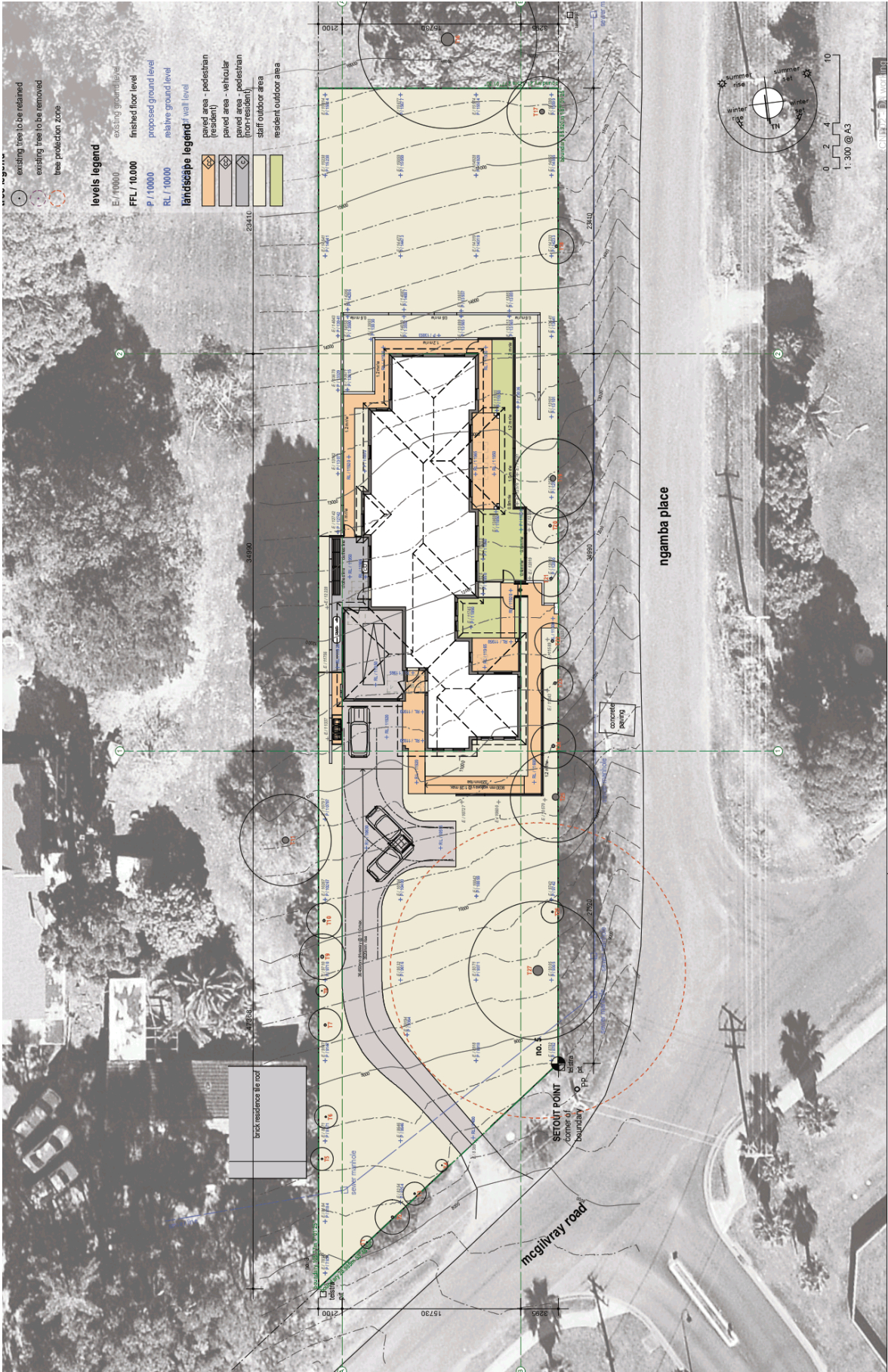
Development Application

KENNEDY ASSOCIATES ARCHITECTS level 3 /1 booth street annandale 2038 nominated architect - anthony nolan - registration no. 61773 p + 61 2 9557 6466 f + 61 2 9557 6477	COVER PAGE	proposed specialist disability accommodation at: 5 mcgilvray street BONNY HILLS	project number	1847-SRCNR02	DA00 A	
						drawing number
						date
						16/1/19
						Development Application



proposed specialist disability accommodation at:	project number	drawing number
5 mcgilvray street BONNY HILLS	1847-SRCNR02	DA01 A
	date	
	16/1/19	Development Application

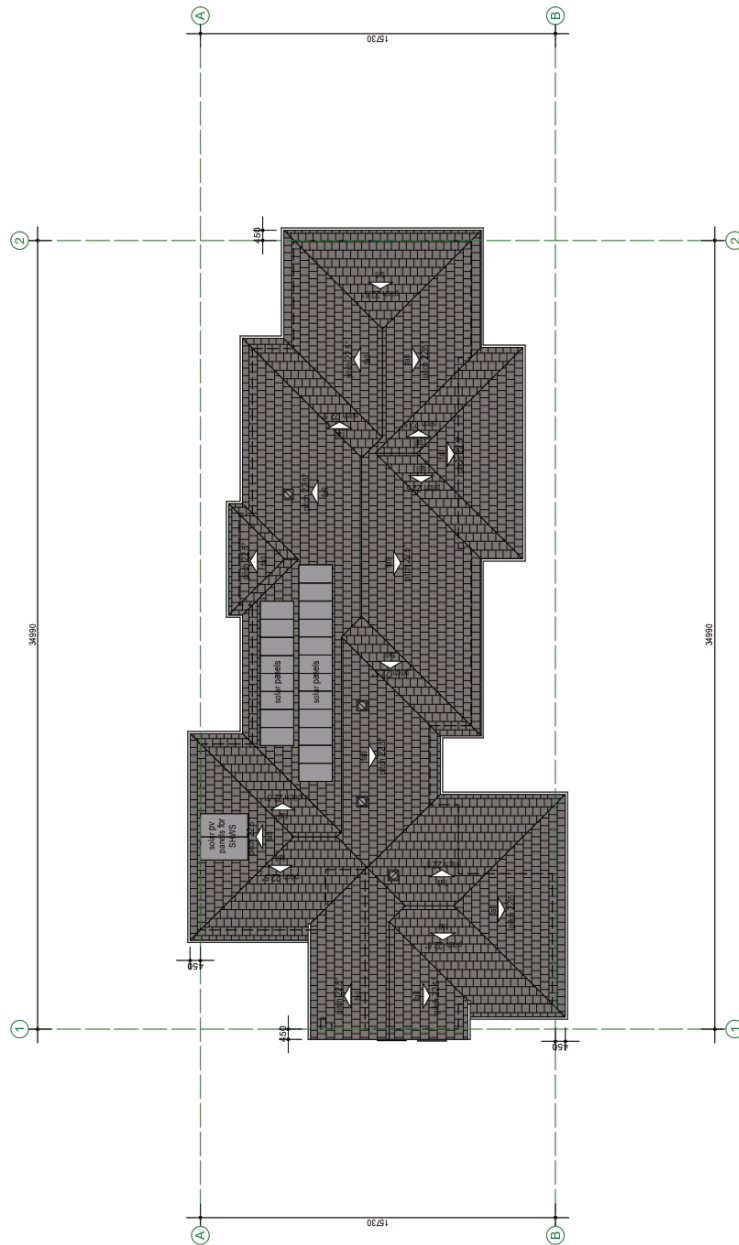
KENNEDY ASSOCIATES ARCHITECTS
level 3 / 1 booth street annandale 2038
nsw australia
p + 61 2 9557 6466 f + 61 2 9557 6477



proposed specialist disability accommodation at:	
5 mcgilvray street BONNY HILLS	
project number	1847-SRCNR02
drawing number	DA02 A
date	16/1/19
	Development Application

KENNEDY ASSOCIATES ARCHITECTS
level 3 / 1 booth street annandale 2038
nsw australia 1589
p + 61 2 9557 6466 f + 61 2 9557 6477

SITE PLAN



project number	drawing number
1847 - SRCNR02 - DA working 190116 TW.v	

1847-SRCNR02 DA04 A

date	
16/1/19	Development Application

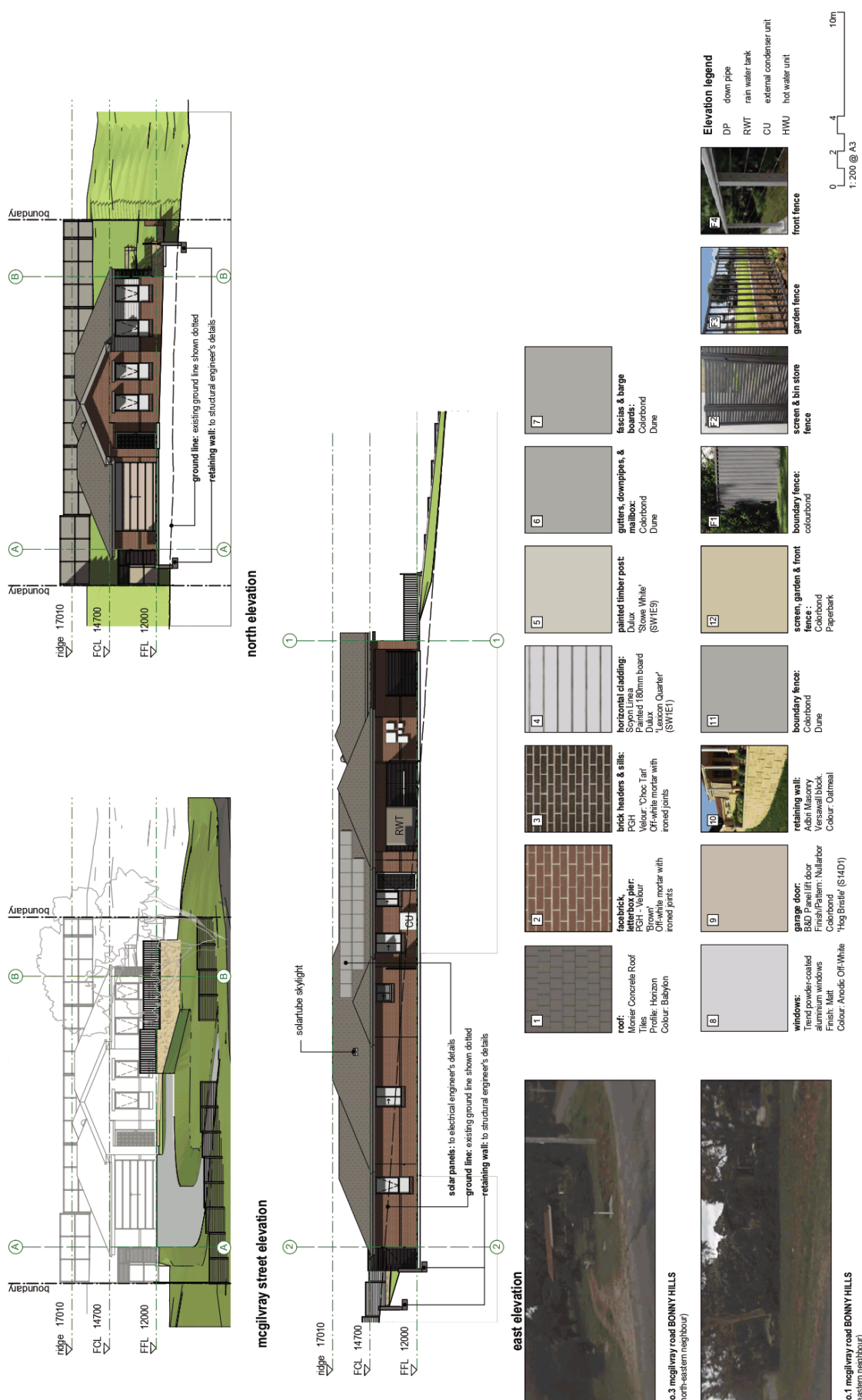
proposed specialist disability accommodation at:

5 mcgilvray street
BONNY HILLS

ROOF PLAN

KENNEDY ASSOCIATES ARCHITECTS
level 3 / 11 booth street - annapolis 2078

level 3 / 1 booth street annandale 2038
nominated architect - anthony nolan - registration no. 6773
p + 61 2 9557 6466 f + 61 2 9557 6477



project number	1847-SRCNR02	drawing number	DA05 A
date	16/1/19	Development Application	

proposed specialist disability accommodation at:
**5 mcgilvray street
BONNY HILLS**

ELEVATIONS 01

KENNEDY ASSOCIATES ARCHITECTS
level 3 /1 booth street annandale 2038
p + 61 2 9557 6466 f + 61 2 9557 6477



west elevation



0.3 mcgilvray road BONNY HILLS
north-eastern neighbour



0.1 mcgilvray road BONNY HILLS
western neighbour

- 1 roof: Monier Concrete Roof Tiles Profile: Horizon Colour: Babylon
- 2 facebrick, letterbox pier: PGH - 'Velour' Off-white mortar with ironed joints
- 3 brick headers & sills: PGH 'Velour' 'Choc Tar' Off-white mortar with ironed joints
- 4 horizontal cladding: Scyon Linea Painted 18mm board Colour: 'Dulux 'Stowe White' (SW1E9)
- 5 painted timber post: Dulux 'Stowe White' (SW1E9)
- 6 gutters, downpipes, & mailboxes: Colorbond Dune
- 7 fascias & barge boards: Colorbond Dune

8 windows: tinted powder-coated aluminium doors Finish: Matt Colour: Avonide Off-White

9 garage door: B&B Paint lift door Finish: Matt Colour: 'Hog Brattle' (S14D1)

10 retaining wall: Ash Masonry Colour: 'Oatmeal'

11 boundary fence: Colorbond Dune

12 screen, garden & front fence: Colorbond Paperbark

13 boundary fence: colorbond

14 screen & bin store fence

15 garden fence

16 front fence

Elevation legend
DP down pipe
RWT rain water tank
CU external condenser unit
HWU hot water unit

0 2 4 10m
1:200 @ A3

1847 - SRCN02 - DA working 10/11/16 JTW
project number
1847-SRCN02
drawing number
DA06 A
date
16/1/19
Development Application

proposed specialist disability accommodation at:
5 mcgilvray street
BONNY HILLS

ELEVATIONS 02

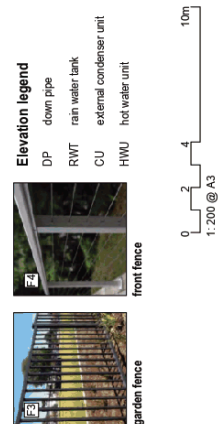
KENNEDY ASSOCIATES ARCHITECTS
level 3 / 1 booth street annandale 2038
nsw australia
p + 61 2 9557 6466 f + 61 2 9557 6477



o.3 mcgilvray road BONNY HILLS
orth-eastern neighbour)



Fig. 1. Location of the study area in the Bonny Hills, New South Wales, Australia. The inset map shows the location of the study area within the state of New South Wales.



1847 - SRCNR02 - DA working 190116 TW.v

proposed specialist disability accommodation at:

5 mcgilvray street
BONNY HILLS

ELEVATIONS 03

KENNEDY ASSOCIATES ARCHITECTS
level 3 / 1 booth street annandale 2038
nominated architect - anthony notlan - registration no. 6773
93 + 61 2 9557 6466 f + 61 2 9557 6477

1847 - SRCNR02 - DA working 190116 TW.v	
project number	drawing number
1847-SRCNR02	DA07 A
date	
16/1/19	Development Application

Item: 09

Subject: DA2018 - 641.1 ADDITIONS TO EXISTING BUILDING AND CHANGE OF USE TO COMMERCIAL PREMISES - LOTS 1 & 2 DP 3749 NO.150 NANCY BIRD WALTON DRIVE, KEW

Report Author: Development Assessment Planner, Fiona Tierney

Applicant: S Gross
Owner: S Gross & F J Hawkins
Estimated Cost: \$10,000
Parcel no: 36280 & 16975

Alignment with Delivery Program

4.3.1 Undertake transparent and efficient development assessment in accordance with relevant legislation.

RECOMMENDATION

That DA 2018 - 641 for additions to existing building and change of use to commercial premises at Lot 1 & 2, DP 3749, No. 150 Nancy Bird Walton Drive, Kew, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for additions to existing building and change of use at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one (1) submission was received.

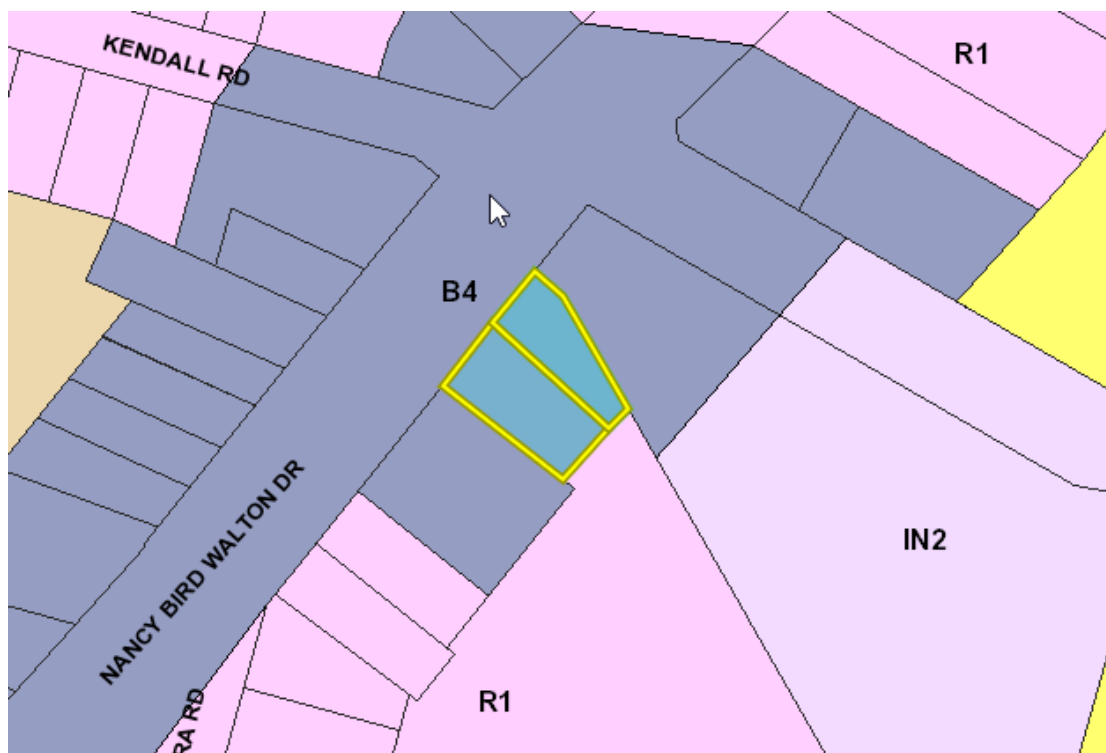
This report recommends that the development application be approved subject to conditions.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 1786.083m².

The site is zoned B4 in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Use of the site for the following tenancies:
 - Existing - 'Retro Room' - Retail Premises.
 - Art Gallery and ancillary yoga.
 - Existing Retail Premises.
 - Storage area for retail tenancies.
 - Existing - Motor Vehicle Repair Workshop.
- Removal of unauthorised care takers residence
- Enclosure of undercover area for storage
- Parking allocation and delineation.
- Fire Safety upgrade

Refer to attachments at the end of this report.

Application Chronology

- 17 August 2018 - Application Lodged.
- 28 August 2018 to 10 September 2018 - Neighbour notification of proposal.
- 12 September 2018 - Additional information requested - Plan detail, parking strategy, construction and BCA compliance.
- 19 October 2018 - Onsite meeting with stakeholders.
- 19 January 2019 - Additional information received Parking.
- 14 February 2019 - Additional information received- construction.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**
- (i) **Any Environmental Planning Instrument:**

State Environmental Planning Policy No.55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is identified as being potentially contaminated from the past petrol station use. A remediation report has been submitted previously and the site deemed suitable for commercial purposes. Furthermore, the application was referred to Council's Environmental Health Officer who identified no conflicting issues. As a result, no further work or investigation is considered to be required.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2 - The subject site is zoned B4 Mixed Use.
- Clause 2.3(1) and the B4 zone landuse table - The proposed development for fire safety upgrade, change of use of existing areas to retail premises and enclosure of undercover areas to retail storage is a permissible landuse with consent.

The objectives of the B4 zone are as follows:

- To provide a mixture of compatible land uses.

- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure that new developments make a positive contribution to the public domain and streetscape.
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - The proposal is a permissible landuse.
 - The proposal adds to the mixture of uses within the area.
 - The proposal does not adversely impact on public domain or streetscape.
 - Conditions will be utilised to reduce conflict with neighbouring properties.
- Clause 5.9 - No listed trees in Development Control Plan 2013 are proposed to be removed.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewage management, stormwater drainage and suitable road access to service the development.

(ii) Any draft instruments that apply to the site or are on exhibition:

Nil

(iii) Any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

The following table provides a checklist against the Development Provisions requirements of this DCP:

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	The layout does not create any identifiable crime risk safety issues. The design limits potential concealment areas and allows surveillance of the carpark and street.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads	Existing access to be utilised.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing is appropriate and maximises potential for street parking.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1.	The commercial floor area is a total of 342m ² at a rate of 1 per 30m ² = 12 spaces required. The internal storage area is for use of commercial tenant only so no additional demand created.	Capable of compliance - refer to conditions of consent.

<i>DCP 2013: General Provisions</i>			
	Requirements	Proposed	Complies
		<p>The proposed provision of a once a week art appreciation yoga class in the art studio for less than 10 clients is considered to be ancillary to the art gallery and does not generate its own demand for parking.</p> <p>Existing mechanical workshop requires 5 spaces.</p> <p>Total 17 spaces therefore required.</p> <p>16 formal spaces have been provided and a number of informal spaces that are not ideally located or compliant. These are nominated for over flow/staff parking.</p> <p>The proposal has a number of approved uses on site and this consent is to clarify uses. The proposal deletes the care takers residence and the additional area is only to be used for storage related to the retail components. It is not considered that additional demand will be created through this consent and that the site has existing credit through the historical uses.</p> <p>This application aims to clarify the uses under a unified consent on a site that has previously been developed in an adhoc way.</p> <p>The site has been inspected by Council's Engineer and 17 spaces with adequate manoeuvring areas can be provided at the front with appropriate configuration. Details are to be submitted to and approved by Council with the construction certificate</p>	

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
		application.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Landscaping of parking areas is satisfactory.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveways proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Existing	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Existing	Yes

(iia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

Nil

iv) Any matters prescribed by the Regulations:

Nil

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

Context and setting

The proposal will be unlikely to have any adverse visual impacts to existing adjoining properties or the public domain.

The proposal has adequately addressed the intent of the planning controls for the area and is a permissible landuse.

The proposal will not have any identifiable significant adverse lighting impacts.

There are no significant adverse privacy impacts.

Roads

The site is bounded by the Pacific Highway and Kendall Road.

Site Frontage & Access

Vehicle access and egress to the site is proposed through the existing entry driveway and a dedicated exit driveway.

Parking

The existing centre has sufficient parking for the proposed uses on the site. The existing mechanical workshop operated ancillary to the use of the site as a petrol station and is located at the rear of the site and has historically utilised a drive

through situation to store and park staff vehicles in the south east corner of the site.



The above parking plan is not considered to provide for the most efficient use of the site for parking. The site has been inspected by Council's Engineer who has identified that a more appropriate layout would be for parking in a long run in front of the shops or nose in along the front boundary would enable the 17 spaces to be accommodated. An amended parking layout is to be submitted with the application for the construction certificate.

Water Supply Connection

Council records indicate that the development site has an existing sealed water service.

Final water service sizing would need to be determined by a hydraulic consultant to suit the commercial components of the development, as well as fire service and backflow protection requirements. Considered capable of being complied with.

Sewer Connection

There is existing sewer in place, which will not require any changes.

Stormwater

There is no change to existing hard stand spaces proposed and therefore no change to stormwater.

Other Utilities

Telecommunication and electricity services are available to the site with no changes foreseen.

Heritage

Following a site inspection (and a search of Council records), no known items of Aboriginal or European heritage significance exist on the property.

There is a local heritage item (Kew Hotel) on the adjoining property to the north. However, this application is for a change of use only and will create no adverse impacts.

Other land resources

The site is within a developing industrial/commercial context and will not sterilise any significant mineral or agricultural resource.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity.

Air and microclimate

The construction and/or operations of the proposed development would be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated.

Noise and vibration

The application was referred to Council's Environmental Health Officer for consideration of potential noise impacts during operation. It was determined that through the imposition of conditions, noise levels could be managed and contained within acceptable levels.

Bushfire

The site is identified as being bushfire prone however site is existing and no additional residential components proposed. No further consideration required.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

Social and Economic impacts in the locality

The development is likely to create positive social and economic benefits through employment and associated flow on effects.

Site design and internal design

The proposed development design satisfactorily responds to the site attributes and will satisfactorily fit into the locality.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

Cumulative Impacts

No adverse cumulative impacts identified within the locality.

(c) The suitability of the site for the development:

Based upon the assessment in this report, it is considered that the site is suitable for the development.

(d) Any submissions made in accordance with this Act or the Regulations:

One (1) written submission was received following public exhibition of the application.

Key issues raised in the submission and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
Car parking along Southern boundary- Noise	<p>A site meeting was held with the objector, applicant and their relevant consultants to discuss issues raised in the submission. Concerns were raised as to traffic movements along the Southern boundary that could potentially create amenity impacts. It was agreed that general movements would not be permitted along this boundary and no customer use is to be permitted.</p> <p>The driveway access (whilst approved) is not suitable for general use due to the grade and condition of this access.</p> <p>In terms of parking, noise and traffic movements, the site was traditionally a petrol station with a mechanic workshop that had significantly more traffic movements and noise at the site. It is considered that the proposed retail premises, art gallery and ancillary yoga are more compatible with the adjoining businesses.</p>
Privacy- windows could easily be added. Deck unauthorised	Council can only assess what is submitted within this application and cannot pre-empt unauthorised activity. There is not considered to be a significant impact to privacy on site.
Fire Safety and toilet facilities	<p>The applicant submitted additional details in relation to fire safety upgrade and this was referred to Council's Fire Safety officer. Conditions have been applied requiring compliance with the Building Code of Australia.</p> <p>3 toilets are available on site which are sufficient for the number of staff proposed on site and the seating available for the café being below the trigger point for customer toilets.</p>

(e) The Public Interest

The proposed development satisfies relevant planning controls and will not impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Credits exist on site - no contributions applicable.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these or any other issues.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

1[View](#). DA2018 - 641.1 Recommended Conditions

2[View](#). DA2018 - 641.1 SOEE

3[View](#). DA2018 - 641.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/641****DATE: 14/05/2019****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
Site plan and layout (excluding carpark layout)		DP/SG	Nov 2018
SOEE		David Pensini Building and Environmental Services	August 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) (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.
- (4) (A024) The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (1)(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.

- (2) (B053) (modified) 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. A total of 17 spaces are to be provided.

In this regard the submitted carpark layout is not considered satisfactory and a complying layout will be required with the construction certificate.

- (2) (B195) The site is to be upgraded to comply with the National Construction Code and relevant Australian Standards in relation to egress, fire safety and disabled access provisions. Details are to be submitted with the application for the construction certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

nil

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) (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.
- (3) (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.
- (4) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (5) Prior to the issue of the occupation certificate the two lots are to be consolidated and evidence of registration with the land titles office submitted to Council.
- (6) Prior to the issue of an Occupation Certificate a building Certificate is to be issued for the area previously used as a caretakers residence, deck and existing awning over the proposed retail storage area. The application is to be supported by appropriate structural engineers certificates for these structures.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 17 spaces are to be provided onsite.

- (2) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (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) (F012) The placement of storage racks, cabinets, floor stock, pallets or the like shall not obstruct any path of travel to an exit nor the efficient operation and effective coverage of any fire hose reel, fire hydrant, portable fire extinguisher or other essential fire safety measures.
- (5) (F025) Hours of operation of the development are restricted to hours approved under the individual consents for each occupancy.
- (6) (F195) The driveway along the Southern boundary is not to be used for general customer access. Delivery access and storage of mechanical repair vehicles only is permitted for use by staff only. Signage is to be displayed restricting entry to this driveway.
- (7) The proposed yoga class may only be held as an ancillary use in conjunction with the use of the site as an art gallery. A maximum of 1 class per week with a maximum of 10 students is permitted.

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

STATEMENT OF ENVIRONMENTAL EFFECTS & SUPPORTING INFORMATION

ALTERATIONS TO EXISTING BUILDING AND CHANGE OF USE

**LOTS 1 & 2 DP 3749
150 NANCY BIRD WALTON DRIVE,
KEW**



Prepared by: David Pensini
Building and Environmental Services
PO Box 5581
Port Macquarie NSW 2444

AUGUST 2018

Page 1 of 24

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

Version	Date	Information relating to report			
		Reason for issue			
1.0	19 th July 2018	Draft			
2.0	2 nd August 2018	Issued			
			Prepared by	Verified by	Approved by
		Name	David Pensini		David Pensini
		Signature			

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

TABLE OF CONTENTS

1.0 INTRODUCTION	5
2.0 LOCATION DESCRIPTION	5
3.0 SITE HISTORY.....	10
4.0 DESCRIPTION OF EXISTING ENVIRONMENT	11
4.1 Climate	11
4.2 Soils and Vegetation	11
4.3 Drainage	11
4.4 Land Use	11
4.5 Flora and Fauna.....	12
4.6 Air	12
4.7 Noise and Vibration	12
5.0 PROPOSED DEVELOPMENT	12
6.0 PLANNING CONTEXT.....	13
6.1 State Planning Policies	13
6.2 Port Macquarie Hastings Local Environmental Plan 2011.....	14
6.2.1 Development Permissibility	14
6.2.2 LEP Compliance Requirements	15
6.3 Draft Environmental Planning Instruments	16
6.4 Development Control Plans	16
6.4.1 Port Macquarie Hastings Development Control Plan 2013.....	16
6.5 Any matters prescribed by the Regulations.....	21
6.6 Environmental Planning and Assessment Act	21
6.6.1 Context and Setting	21
6.6.2 Access and Transport.....	21
6.6.3 Utilities	22
6.6.4 Heritage.....	22
6.6.5 Other Land Resources.....	22
6.6.6 Water	22
6.6.7 Soils	22
6.6.8 Air and Microclimate	23
6.6.9 Flora and Fauna.....	23
6.6.10 Waste	23
6.6.11Energy	23
6.6.12 Noise and Vibration	23
6.6.13 Natural Hazards	24
6.6.14 Safety, security and Crime Prevention	24
6.6.15 Social Impact in the Locality	24

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

6.6.16 Economic Impact in the Locality	24
6.6.17 Cumulative Impacts	24
6.6.18 The Public Interest	24
7.0 CONCLUSION	24

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

1.0 INTRODUCTION

This report is submitted to Port Macquarie - Hastings Council as part of a development application for minor alterations and change of use of portions of the existing commercial building which is located on land known as Lots 1 and 2 DP 3749, 150 Nancy Bird Walton Drive, Kew. The proposed new use of the subject building being an extension of the lettable commercial floor area of the building, the operation of an art gallery and yoga studio whilst the alterations will provide for the enclosure of an existing open storage area.

The proposed development requires minor alterations to the existing building so as to ensure that suitable access and egress is available from the proposed additional commercial tenancy area as well as providing for suitable security for the proposed enclosed storage area.

The proposed alterations and change of use complies with the requirements of Council's development control planning objectives and development standards. The proposed development is consistent with the zoning for the area and is compatible with the local context and amenity.

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.

2.0 LOCATION DESCRIPTION

The subject site is known as Lots 1 and 2 DP 3749, 150 Nancy Bird Walton Drive, Kew and is located in the Port Macquarie-Hastings Local Government Area.

The subject site is located within the village of Kew which is located approximately 7km north west of the Laurieton CBD. The general location of the area that is the subject of this report can be seen in **Figure 1** below.

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

Figure 1 - Site Location



With a population of around 200 people the village of Kew provides for limited community and recreational services for the surrounding rural/rural residential locality including a general store/service station, local shops, hotel and bowling/golf club. Typical of village areas land use is mixed with residential, commercial and recreational uses located within a small geographical area.

The character of the immediate area is that of a village area with developed commercial lots to the north, southwest and west with a mixture of residential and rural residential lots present to the south, east and southeast. The recently constructed Pacific Highway bypass of Kew is present at distance to the east of the subject site and defines the eastern boundary of the village area.

The subject site consists of an irregular shaped lot occupying an area of some 1,793.5m². A single storey commercial building supports the occupation and use of the subject site with this building have a history of use as a service station and motor vehicle repair, refer to **Figure 2**.

AUGUST 2018

[illegible]

The land use context and natural features of the subject site and adjoining and adjacent land are provided for in **Figure 3** below;

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

Figure 3 – Site Context



The topography of the subject site has been substantially altered as part of its historic development and use. The topography of adjoining and adjacent land consists of gentle to moderate slopes towards the bed of the intermittently flowing creek/gully which is present in the eastern aspect. The creek/gully bed defines transitions in slope conditions. The predominant slope condition is north and south downslopes in the order of 2° to 7° with a gentler west to east cross fall.

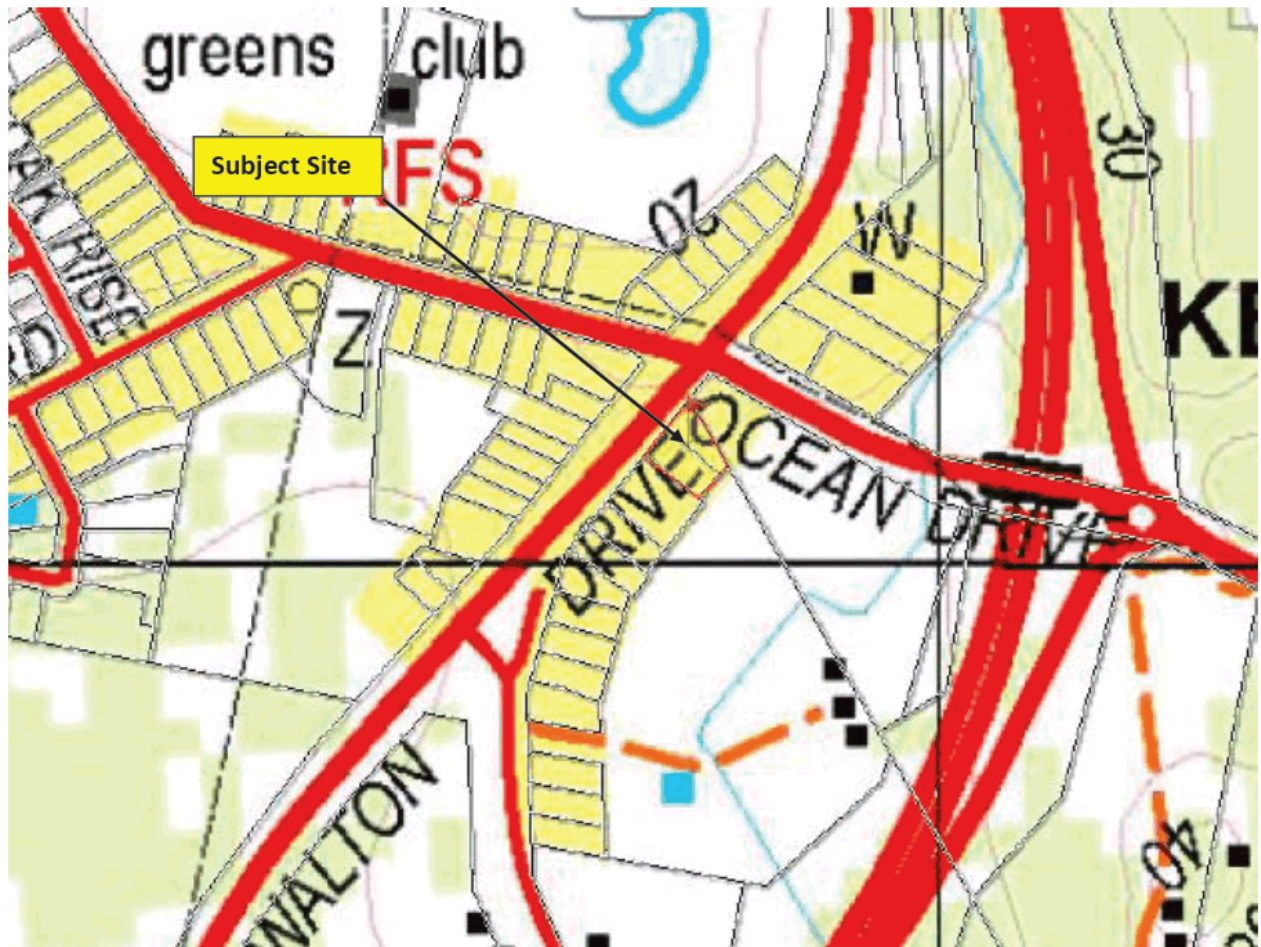
At distance from the subject site, the slope conditions in the eastern aspect have been significantly altered in conjunction with the construction of the Pacific Highway bypass. Steep batters have been created adjacent to the road formation however these conditions are short in length and do not significantly influence bushfire behaviour.

The topographical features of the subject site and adjoining and adjacent land are shown in **Figure 4** below;

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

Figure 4 – Topographical Characteristics



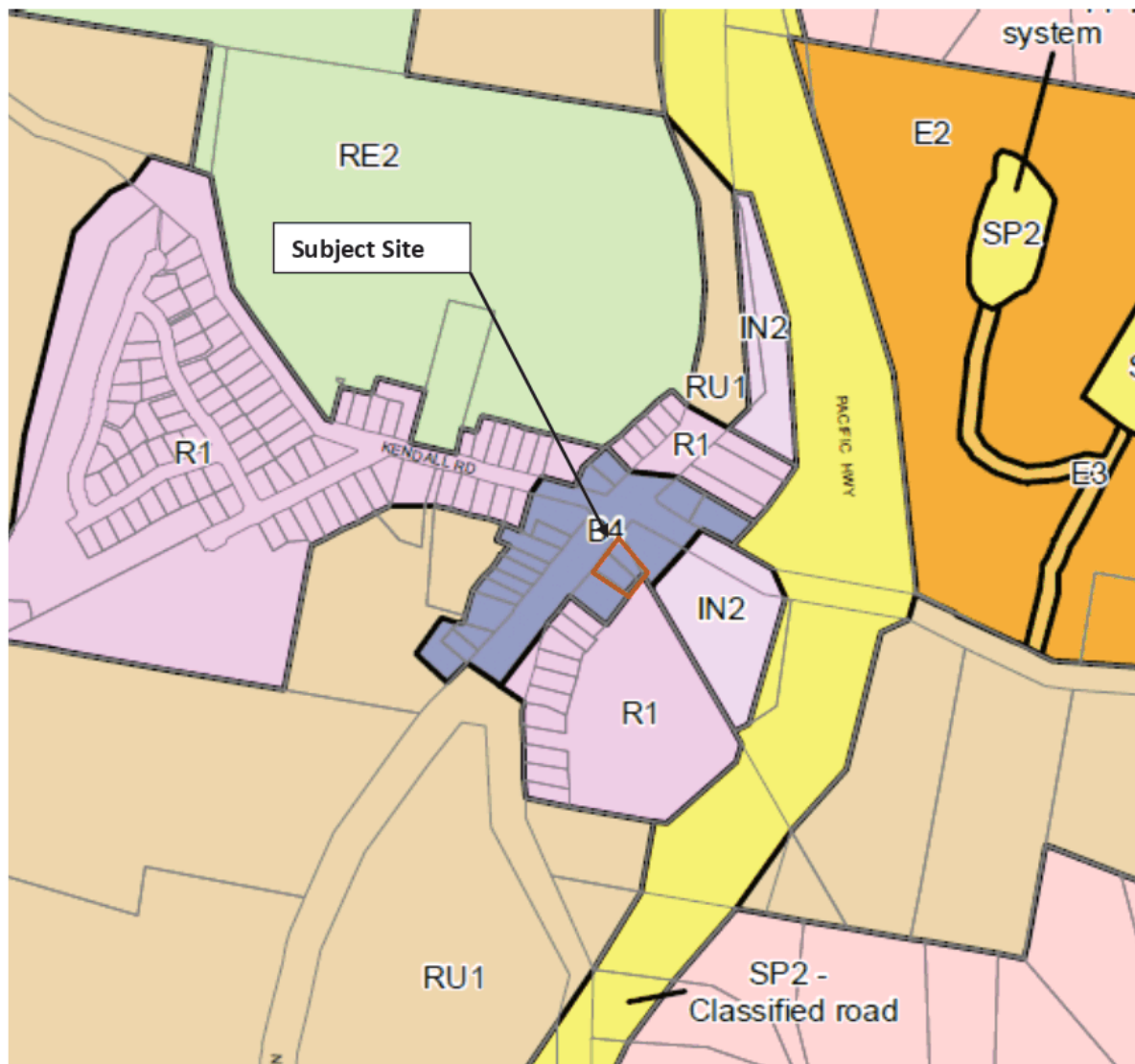
Access to the subject site is via Nancy Bird Walton Drive which adjoins the subject site to the west, (Nancy Bird Walton Drive was previously the Pacific Highway until the construction of the bypass).

The subject site is zoned Mixed Use (B4) in accordance with Port Macquarie-Hastings Local environmental Plan 2011 with similarly zoned land to the north, south and west. Residentially (R1) zoned land adjoins the subject site to the east and is also present at distance to the north, northwest and southeast. Land with an Industrial (IN2) land use zoning is also present in the eastern aspect, refer to **Figure 5** below.

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

Figure 5 – Landuse Zoning



3.0 SITE HISTORY

The subject site has a history of supporting commercial occupation and use through the construction of the existing commercial building.

The existing single storey commercial building has a history of use as a service station and motor vehicle repair.

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

The commercial use and occupation of the subject site has been further reinforced through the issuing of Development Approval by Port Macquarie Hastings Council for the commercial use of portion of the subject site (DA 2012/30).

It is noted that until recently a small area, (28m²), of the existing building had been used as a caretakers residence. Council has recently requested that the use of this area of the building for residential purposes cease as no record of development approval for this use could be found. The use of this area of the building has ceased.

4.0 DESCRIPTION OF EXISTING ENVIRONMENT

4.1 Climate

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

The average daily maximum temperature is around 21.5⁰C, while the average daily minimum temperature is around 10⁰C - 11⁰C.

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

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

4.2 Soils and Vegetation

Given the level of development on the subject site and its history of use soil landscapes have been significantly disturbed on the subject site.

The current level of site development means that soils are not generally exposed over the subject site.

The majority of native vegetation has been removed from the subject site in order to facilitate the commercial occupation and use of the subject site.

4.3 Drainage

Drainage on and from the subject site is by a combination of diffuse and point source means.

The subject site drains towards the Nancy Bird Walton Drive road reserve.

4.4 Land Use

The subject site forms part of the historic Kew village area which provides for a mix of residential and commercial/industrial land uses.

A single storey commercial building supports the occupation and use of the subject site with this building have a history of use as a service station and motor vehicle repair.

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

Developed commercial lots are present to the north, southwest and west with a mixture of residential and rural residential lots present to the south, east and southeast. The recently constructed Pacific Highway bypass of Kew is present at distance to the east of the subject site and defines the eastern boundary of the village area.

4.5 Flora and Fauna

The entire site has been cleared of all native vegetation in the past to facilitate the historic uses of the subject site. Little vegetation has been retained on the subject site.

Given the modified and highly disturbed nature of the subject site it has no ecological or habitat value for native flora and fauna.

4.6 Air

The air quality at the subject site and surrounds reflects the mixed nature of village land use. In this regard the existing air quality of the area reflects the dust, odour and exhaust emissions from the adjacent commercial/residential/rural residential areas.

Notwithstanding this, the air quality at the subject site is generally good.

4.7 Noise and Vibration

It is noted that the existing noise and vibration characteristics of the subject site and surrounding areas is dominated by the the mixed commercial/residential/rural residential land use within the locality.

5.0 PROPOSED DEVELOPMENT

It is proposed to seek development consent from Port Macquarie – Hastings Council for the following uses and usage areas;

1. **Tenancy 1** – Existing 'Retro Room' retail outlet. This tenancy is proposed to be increased in size to approximately 152m². The tenancy will encompass the existing approved retail area in the north-eastern portion of the existing building together with areas previously nominated as being used for storage which adjoin the tenancy to the east.
2. **Tenancy 2** – This tenancy is proposed to occupy the existing approved retail area in the central portion of the existing building together with areas previously used as a caretaker's residence (unapproved). This tenancy is proposed to have a floor area of approximately 130m² and is proposed to be used as an art gallery and yoga studio. In this regard the art gallery provides for the retail sale of artworks direct to the public.

The proposed yoga studio will be ancillary to the art gallery with yoga classes being run on the basis of "yoga amongst the art" with the art being used as the context for the classes which will be run on an infrequent basis (maximum of 1 per week).

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

3. **Tenancy 3** – This tenancy is proposed to continue to occupy the existing approved retail area in the southwestern portion of the existing building which is currently used for the sale of timber products. This tenancy is proposed to have a floor area of approximately 60m².
4. **Tenancy 4** – This tenancy is proposed to be created via the undertaking of alterations, (reinforced concrete floor together with an external walls with roller door), to the existing building in the southeastern portion of the existing building. This area will be used as a covered storage area with a floor area of approximately 37m². The storage area will be used in conjunction with the commercial tenancies within the building.
5. **Tenancy 5** – This tenancy occupies the area which has an existing use as a motor vehicle panel/repair workshop in the eastern portion of the subject site. This tenancy has a floor area of approximately 227m² and will retain its current use. It is noted that this use existed in conjunction with the history use of the site as a service station.

Storm water management on the subject site and on adjoining land will be largely unchanged by the existing uses and proposed change of use with all other services, (water, sewerage, electricity and telecommunications), available to the proposed development.

Vehicle and pedestrian access to the proposed development will remain unchanged from that which currently exists and services the existing building on the subject site.

Plans showing the proposed development are attached with the development application.

6.0 PLANNING CONTEXT

6.1 State Planning Policies

(i) SEPP 44 - Koala Habitat Protection

The site is less than 1 hectare in size and the provisions of this plan do not apply.

(ii) SEPP 55 – Remediation of Land

It is noted that the subject site has been the subject of contamination assessment as part of the decommissioning of service station infrastructure. This assessment has confirmed the continued suitability of the subject site to be used for commercial purposes.

The commercial nature of use of the subject site together with the extensive hardstand areas which are present over the subject site provide that the site is suitable for the proposed use.

(iii) SEPP 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The subject site is not located within a coastal zone as defined in accordance with Clause 4 of SEPP 71.

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

6.2 Port Macquarie Hastings Local Environmental Plan 2011

6.2.1 Development Permissibility

It is noted that the subject site is zoned B4 (Mixed Use) under the provisions of Port Macquarie Hastings LEP 2011, refer to **Figure 4**.

The objectives of the B4 zone are:

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure that new developments make a positive contribution to the public domain and streetscape.

The proposal development satisfies the objectives of the B4 zone and is therefore an appropriate form of development for the subject site and the general locality.

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

The land use requirements of Port Macquarie Hastings LEP 2011 for the B4 Zone are as follows;

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; High technology industries; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Car parks; Caravan parks; Cemeteries; 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; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Marinas; Mooring pens;

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

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; Waste or resource management facilities; Wharf or boating facilities

The proposed additional commercial floor area together with the proposed changes of use (retail floor space and art gallery/yoga studio) are permissible land uses with the consent of Council and is consistent with the established village mixed use locality. The proposal contributes to the range of commercial premises and uses within the locality.

6.2.2 LEP Compliance Requirements

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

Table 1 – LEP Compliance Requirements

Relevant Development Controls under Port Macquarie - Hastings LEP 2011	Compliance	Proposal as assessed under Port Macquarie - Hastings LEP 2011
Part 5 – Miscellaneous Provisions		
5.5 Development in the Coastal Zone	N/A	The proposed development is not subject to the NSW Coastal Policy or SEPP 71.
5.9 Preservation of trees or vegetation	Complies	The proposed development does not require any vegetation removal/modification which would trigger Council's TPO.
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 potentially containing Acid Sulphate Soils.
7.4 Flood Planning	Not applicable	The subject site is not identified as being subject to the flood planning level or affected by the Level of Probable Maximum Flood.
7.5 Koala Habitat	Not applicable	The proposed development contains no vegetation of koala habitat

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

		significance which would be impacted upon by the proposed development.
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.

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.

6.3 Draft Environmental Planning Instruments

There are no draft environmental planning instruments relevant to the subject site, (that is or has been placed on exhibition pursuant to Section 47(b) or 66(1)(b)).

6.4 Development Control Plans

6.4.1 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 proposed development is subject to the general provisions of the DCP and also the specific development controls which are considered to be applicable to Business and Commercial Development.

The DCP has both a number of generic requirements that apply to the entire area affected by the DCP and specific requirements applicable to Business and Commercial development. An assessment of the proposed development against the relevant DCP provisions follows;

Table 2 – DCP Compliance Requirements

DCP CRITERIA – RELEVANT DEVELOPMENT CONTROL STANDARDS	COMPLIANCE
CHAPTER 2.2 – ADVERTISING AND SIGNAGE	
N/A	N/A
CHAPTER 2.3 – ENVIRONMENTAL MANAGEMENT	
Section 2.3.3.1 to 2.3.3.3 – Cut and	N/A

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

Fill Regrading	
Section 2.3.3.4 to 2.3.3.6 – Environmental Management Areas and Buffers	N/A
Section 2.3.3.7 – Koala Habitat	N/A
Section 2.3.3.8 to 2.3.3.9 – Hollow Bearing Trees	N/A
CHAPTER 2.4 – HAZARD MANAGEMENT	
Section 2.4.3.1 to 2.4.3.3 – Airspace Protection	N/A
Section 2.4.3.4 – Bushfire Hazard Management	The subject site is not identified as being bushfire prone land.
Section 2.4.3.5 - Flooding	N/A - The subject site is not identified as being subject to the flood planning level or affected by the Level of Probable Maximum Flood.
Section 2.4.3.6 - Stormwater	<p>N/A - Stormwater collection and disposal is provided for through the existing drainage infrastructure which services the subject site and existing development.</p> <p>In this regard the collection and conveyance of point sources of stormwater will remain unchanged as a result of the proposed development.</p> <p>It is considered that the proposed development will have a negligible impact on stormwater quality and quantity and will not place any additional significant demand on storm water management infrastructure.</p>
CHAPTER 2.5 – TRANSPORT, TRAFFIC MANAGEMENT, ACCESS AND PARKING	
Section 2.5.3.1 to 2.5.3.2 – Road Hierarchy	N/A - Existing transport arrangements will remain unchanged as a result of the proposed development.
Section 2.5.3.3 to 2.5.3.6 – Parking Provision	<p>The car parking requirements which are relevant to the proposed use of the subject site have been determined as follows;</p> <p><u>1. Commercial Floor Area (30m² = 1 space);</u></p> <ul style="list-style-type: none"> • Tenancy 1 – 152m²/30m² = 5.06 spaces • Tenancy 2 – 130m²/30m² = 4.33 spaces • Tenancy 3 – 60m²/30m² = 2 spaces <p>Commercial car parking demand = 11.39 (12) spaces</p>

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

	<p><u>2. Proposed Storage Area</u></p> <p>As Tenancy 4 will be used in conjunction with Tenancies 1, 2 and 3 there will be no additional demand on onsite car parking.</p> <p><u>3. Existing Panel/vehicle repair shop (Minimum 5 or 1 per work bay + 1 per employee) whichever is the greater</u></p> <p>On the basis that the existing shed has 2 work bays 4 spaces would be required. However the DCP provides for a minimum of 5 spaces</p> <p>Total required carparks = 17</p> <p>It is noted that a minimum of 13 car parking spaces are located within the western portion of the subject site with these spaces servicing the commercial tenancies.</p> <p>It is further noted that at least 4 customer and 1 employee car parking spaces are available in the eastern portion of the subject site with these spaces catering for the ongoing use of the panel shop. Whilst the employee carpark does not provide for forward in and forward out its use by employees of the panel shop is considered acceptable and in keeping with the existing use of this tenancy. The size of the tenancy is such that car parking is also available within the shed and as such car parking is considered acceptable on the basis that the existing arrangements remain unchanged from that which has existed.</p> <p>It is considered that the proposed car parking strategy for the subject site provides for a minimum of 18 car parking spaces which is adequate in meeting the car parking demand for the proposed development.</p> <p>It is considered that the infrequent use of Tenancy 2 for yoga classes will not impact on car parking demand on the basis that classes will be in the early evening (after 5pm) and as such all car parking spaces which are present in the western portion of the site will be available to yoga participants as the other commercial tenancies will have ceased operation. The number of parking spaces in the western aspect (13) far exceed the number of participants in the yoga classes.</p> <p>Notwithstanding the above ample on street car parking opportunities exist within the Nancy Bird Walton Drive road reserve. Having once been the Pacific Highway, the width of</p>
--	--

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

	the width of the Nancy Bird Walton Drive road reserve is considerable with significant parking opportunities available which will potentially be utilized in preference to the off street parking facilities.
Section 2.5.3.7 to 2.5.3.11 – Parking Layout	Complies – the provision of parking spaces complies with Councils requirements. The layout of the proposed car parking spaces is adequate to service the proposed development given the size of the subject site and the existing approved parking arrangements.
Section 2.5.3.13 – Landscaping of Parking Areas	N/A - the proposed development will not result in or require changes to the existing landscaping on the subject site.
Section 2.5.3.14 – Surface Finishes	Will comply - The proposed development will not require the construction of the additional car parking spaces as all spaces are existing albeit that line marking is required.
Section 2.5.3.15 to 2.5.3.16 – Driveway Grades	N/A – existing approved infrastructure to be utilized. No changes are proposed to be made to the existing driveway arrangements or grades. Whilst the grades of the driveway servicing the panel workshop along the southern aspect of the subject site would not be consistent with the existing DCP standard the access arrangements are existing and will continue to be so regardless of the proposed development.
Section 2.5.3.17 to 2.5.3.18– Drainage	N/A – stormwater collection and disposal is provided for through the existing drainage infrastructure which services the subject building. In this regard the collection and conveyance of point sources of stormwater will remain unchanged as a result of the proposed development.
Section 2.5.3.19 to 2.5.3.20 – Loading bays	N/A
Section 2.5.3.21 – Industrial	N/A
Section 2.5.3.22 to 2.5.3.23 – Traffic Generating Development	N/A
CHAPTER 2.6 – TREE MANAGEMENT	
Section 2.6.3.1 – Land to which LEP clause 5.9 applies	N/A
Section 2.6.3.2 – Private Land	N/A
Section 2.6.3.3 – Council Land	N/A

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

CHAPTER 2.7 – SOCIAL IMPACT ASSESSMENT & CRIME PREVENTION	
Section 2.7.2.1 – Social Impact Assessment	N/A
Section 2.7.2.2 – Crime Prevention	<p>Complies – there are no crime prevention issues which are considered to be a constraint with the proposed development.</p> <p>The occupation of the building will reduce incidents of crime through vandalism of the building due to it being un-occupied.</p> <p>The enclosure of portion of the existing building to create an enclosed storage area will provide for improved security outcomes.</p>
CHAPTER 3.2 – DEVELOPMENT SPECIFIC PROVISIONS (BUSINESS & COMMERCIAL DEVELOPMENT)	
3.4.3.1 Setbacks	N/A – Building is existing
3.4.3.2 Setbacks – Pedestrian Access	N/A – Building is existing
3.4.3.3 Roof Form	N/A – Building is existing
3.4.3.4 Building Façade, Finishes and Materials	N/A – Building is existing
3.4.3.5 Building Façade, Finishes and Materials	N/A – Building is existing
3.4.3.6 Building Façade, Finishes and Materials	N/A – Building is existing
3.4.3.7 Building Façade, Finishes and Materials	N/A – Building is existing
3.4.3.8 Active Frontages	N/A – Building is existing
3.4.3.9 Active Frontages	N/A – Building is existing
3.4.3.10 Arcades	N/A
3.4.3.10 – 3.4.3.14 Awnings	N/A
3.4.3.15 – 3.4.3.22 Landscaping	Complies – existing
3.4.3.23 Gateway and Landmark Sites	N/A

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

3.4.3.24 – 3.4.3.26 Waste Management	Appropriate solid waste management facilities will be provided to the proposed development. Given the size and nature of the proposed development waste generation is expected to be minimal.
3.4.3.27 – 3.4.3.29 Vehicle Access	N/A – vehicle access is existing
3.4.3.30 – 3.4.3.33 Pedestrian Access	N/A – pedestrian access is existing
3.4.3.34 Outdoor Dining	N/A – not relevant to proposed development
3.4.3.35 Commercial Development Adjoining Residential Land uses	N/A

Having regards to the above the proposed development is considered to be consistent with the relevant provisions of Port Macquarie-Hastings Development Control Plan (DCP) 2013.

6.5 Any matters prescribed by the Regulations

There are no matters prescribed by the regulations which are applicable to the proposed development.

6.6 Environmental Planning and Assessment Act

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;

6.6.1 Context and Setting

The proposed development is compatible with the land use zoning of the locality and as such the development of the subject site is consistent with the desired character of the area.

6.6.2 Access and Transport

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic.

The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development. The proposed development allows for satisfactory parking provision in accordance with the Development Control Plan.

Significant off the road parking is available for the subject site.

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

6.6.3 Utilities

All infrastructure and services required to support the subject site are available.

Access is available to reticulated water and sewerage management services and infrastructure.

Stormwater collection and disposal is provided for through the existing infrastructure which services the subject site.

Electrical and telecommunications infrastructure is available.

The demands of the development on utility services will remain largely unchanged from that which currently exists.

6.6.4 Heritage

The subject site is neither a heritage item or located within a conservation area and it is unlikely to include any archaeological remains.

6.6.5 Other Land Resources

Not Applicable

6.6.6 Water

The water requirements of the proposal are considered appropriate given the location and current access to services. The proposed development will continue to be serviced by the reticulated water system without the need for any augmentation of the systems.

Storm water management on the subject site and on adjoining land will be largely unchanged by the proposed development. It is considered that the proposed development will have a negligible impact on stormwater quality and quantity and will not place any additional significant demand on Councils storm water management infrastructure.

The existing wastewater generation fixtures within the existing building are connected to the existing reticulated sewerage system and there are no indications that the system is unable to accommodate the generation of wastewaters particular given the existing nature and approval of the amenities within the building.

6.6.7 Soils

Given the existing nature of the subject building and the nature of the proposed development no soil disturbance will result as a consequence of the proposed development.

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

6.6.8 Air and Microclimate

The proposal will not give rise to any air or microclimate impacts beyond that which already exist by way of the existing occupation and use of the building which is present on the subject site.

6.6.9 Flora and Fauna

No impacts on fauna or flora are expected to occur as a result of the proposed development.

6.6.10 Waste

There is no waste management issues associated with the proposed development beyond that which already exist by way of the existing occupation and use of the commercial building which is present on the subject site.

The existing solid waste management collection and disposal service in the locality will continue to service the subject site.

6.6.11 Energy

There is no energy management or supply issues associated with the proposed development.

6.6.12 Noise and Vibration

The proposal will not give rise to any noise and vibration impacts beyond that which already exist by way of the existing occupation and use of the commercial building which is present on the subject site.

Due to the nature of its operation, its small scale and hours of operation and given its spatial separation to sensitive residential receivers, noise and vibration impacts are expected to be negligible in relation to the operation of the various tenancies within the subject building.

Noise and vibration levels generated will be well within the range expected for low impact, small scale commercial type activities.

It is noted that the continued use of Tenancy 5 as a motor vehicle repair/panel shop may give rise to noise and vibration however as this use has the benefit of existing use any noise and vibration impacts would need to be the subject of assessment under the EPA's Industrial Noise Guideline.

The imposition of Councils standard conditions with respect to the hours of operation will provides for the control of noise and vibration associated with the proposed commercial uses of the development.

DEVELOPMENT APPLICATION
ALTERATIONS & CHANGE OF USE
150 NANCY BIRD WALTON DRIVE, KEW

AUGUST 2018

6.6.13 Natural Hazards

The subject site is not identified as being bushfire or flood prone land.

Given the location of the subject site the proposed development is not considered to be subjected to any other natural hazards such as acid sulphate soils.

6.6.14 Safety, security and Crime Prevention

There are no issues related to safety, security and crime prevention that arise as a result of the proposed development.

6.6.15 Social Impact in the Locality

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

6.6.16 Economic Impact in the Locality

The proposal will have no negative economic impacts.

Positive impacts are expected due to the diversification of local business activities together with associated employment opportunities which result from new local industries.

6.6.17 Cumulative Impacts

The subject site is adequately sized, shaped and orientated to accommodate the proposed development.

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

6.6.18 The Public Interest

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

7.0 CONCLUSION

The proposed change use of the existing commercial building on the subject site together with minor building alterations is compatible with the land use zoning of the locality and as such the development of the site is consistent with the desired character of the area.

The proposed development will have minimal environmental impact.

