



PORT MACQUARIE-HASTINGS  
COUNCIL



# Development Assessment Panel

## Business Paper

date of meeting: Wednesday 22 January 2020

location: Function Room

time: 2:00pm

**Note:** Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.

## **Development Assessment Panel**

### **CHARTER**

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#### **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	25/09/19	09/10/19	23/10/19	13/11/19	27/11/19	11/12/19
Paul Drake	✓	✓	✓	Cancelled	✓	✓
Robert Hussey		✓				
David Crofts (alternate member)	✓		✓		✓	✓
Dan Croft (Group Manager Development Assessment) (alternates) - Development Assessment Planner	✓	A  ✓	✓		✓	✓

**Key:** ✓ = Present

A = Absent With Apology

X = Absent Without Apology

# Development Assessment Panel Meeting

Wednesday 22 January 2020

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

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"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."

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**Item: 02****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Development Assessment Panel Meeting held on 11 December 2019 be confirmed.



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**PRESENT**

***Members:***

Paul Drake  
David Crofts  
Dan Croft

***Other Attendees:***

Pat Galbraith-Robertson  
Grant Burge  
Chris Gardiner  
Beau Spry  
Steven Ford  
Fiona Tierney

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The meeting opened at 2:00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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Nil.

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**03 CONFIRMATION OF MINUTES**

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**CONSENSUS:**

That the Minutes of the Development Assessment Panel Meeting held on 27 November 2019 be confirmed.

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#### **04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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#### **05 DA2019 - 248.1 TELECOMMUNICATIONS FACILITY (TOWER) - LOT 1 DP 834401, NO. 10 HOLLAND CLOSE PORT MACQUARIE**

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Speakers:

Tricia Mann (o),  
James McIver (applicant)

#### **CONSENSUS:**

That DA 2019/248.01 for a Telecommunications Facility at Lot 1, DP 834401, No. 10 Holland Close, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Additional condition in Section B of the consent to read: "Prior to the issue of a construction certificate amended landscaping plans are to be submitted to Council for approval providing for an extension of the 5m strip of landscaping for the full length of John Oxley Drive to the intersection with Holland Close."
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#### **06 DA1991 - 485.2 MODIFICATION TO RESIDENTIAL SUBDIVISION AT LOT 3 & 4 DP 205451, LOT X, Y & Z DP409518, LOT 28 DP 23418, NO 211-213 HIGH STREET AND PEAD STREET, WAUCHOPE**

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Speakers:

Tony Haydon (o)  
Brad Maggs (applicant)

#### **CONSENSUS:**

That DA1991 - 485.2 for Modification of Residential Subdivision at Lot 3 & 4 DP 205451, Lot X, Y & Z DP 409518, and Lot 28 DP 23418, No. 211-213 High Street and Pead Street, Wauchope, be determined by granting consent subject to the recommended modified conditions and as amended below:

- Amend condition 30 to read: "Payment of a cash contribution in lieu of the provision of land for public reserves; such contribution to be calculated as the value, on the current land value as determined by Council on the advice of a Certified Practising Valuer, or as determined by the Valuer General, of the deficiency assessed using a requirement of 3ha per 1,000 head of population generated by the subdivision. The developer shall meet all costs incurred in obtaining the necessary valuation."
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The above requirement equates to a contribution amount of \$5,940 per lot created in each stage of the subdivision, as at 30 November 2019, or such other amount agreed by Council or determined by the Valuer General. The amount is to be paid on release of the relevant Subdivision Certificate (linen plan) and is to be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups - Sydney), published by the Australian Bureau of Statistics, until the time of payment of the contribution.<sup>1</sup> “

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**07 DA2019 - 651.1 ADDITIONAL DWELLING TO CREATE DUAL OCCUPANCY AND STRATA TITLE AT LOT 1 DP 570012, NO. 6 HOME STREET, PORT MACQUARIE**

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Speakers:  
Michelle Love (applicant)

**CONSENSUS:**

That DA 2019 - 651 for an additional dwelling to create a dual occupancy and strata title subdivision at Lot 1, DP 570012, No. 6 Home Street, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition B(15) to read: “A privacy screen is to be provided to the proposed kitchen window which restricts direct line of sight to adjoining private open space areas or alternatively, the kitchen window sill height is to be raised to a minimum of 1.5m above the finished floor level. Details are to be submitted with the application for the construction certificate.”

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**08 DA2019 - 324.1 INDUSTRIAL SUBDIVISION AT LOT 21 DP 811254, BAGO ROAD, WAUCHOPE**

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Speakers:  
Nik Sandeman Allen (o)  
Mark hammer (o)

**CONSENSUS:**

That DA 2019 - 324 for an industrial subdivision at Lot 21, DP 811254, Bago Road, Wauchope, be deferred to enable the applicant to address the following:

1. Provide the relevant owner's consent for sewer infrastructure required to service the development.
2. Provide additional information on traffic safety relating to the intersection with Bago Road and sight lines for entering and egressing the property.

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**09 DA 2019 - 285.1 SERVICE STATION AND TAKE AWAY FOOD AND DRINK PREMISES AT LOTS 1 - 3 DP 407749 AND LOT D DP 376568. 15 OCEAN DRIVE PORT MACQUARIE AND 39 - 43 ACKROYD STREET PORT MACQUARIE**

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Speakers:  
Stephen Moore (applicant)

**CONSENSUS:**

That DA 2019 - 285.1 for a Service Station and Take Away Food & Drink Premises at Lots 1- 3 DP 407749 and Lot D DP 376568. 15 Ocean Drive Port Macquarie and 39 - 43 Ackroyd Street Port Macquarie be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition F (14 to read: "Hours of operation of the development are permitted as follows:
  - Service station = 5am to midnight, 7 days a week.
  - Food and drink premises = 7am to 10pm Sunday to Thursday and 7am to 11pm Friday and Saturday, 7 days a week.
- Additional condition in Section B of the consent to read: " prior to release of the construction certificate, amended plans are to be provided to relocate the customer air pump and water service to the vicinity of parking space number 6."
- Additional condition in Section F of the consent to read: " The air pump beeper is to be silenced after 8pm each night."

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**10 DA2007 - 74.2 - MODIFICATION TO PREVIOUS APPROVED STAGED ALTERATIONS AND ADDITIONS TO MOTEL AT LOT 2 DP 1107888, NO. 1 STEWART STREET, PORT MACQUARIE**

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Speakers:  
John Thompson (o)  
Mike Mongan (o)  
Damien Keep (applicant)

**CONSENSUS:**

That DA2007 - 74.2 for a modification to previous approved staged alterations and additions to motel at Lot 2, DP 1107888, No. 1 Stewart Street, Port Macquarie, be determined by granting consent subject to the recommended modified conditions.

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**11 GENERAL BUSINESS**

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Nil.

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The meeting closed at 3:45pm.

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Item: 04  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

<b>Name of Meeting:</b>	
<b>Meeting Date:</b>	
<b>Item Number:</b>	
<b>Subject:</b>	
<b>I, the undersigned, hereby declare the following interest:</b>	
<input type="checkbox"/> <b>Pecuniary:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Significant Interest:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Less than Significant Interest:</b> May participate in consideration and voting.	
<b>For the reason that:</b>	
<b>Name:</b>  <b>Signed:</b>	<b>Date:</b>
<b>Please submit to the Governance Support Officer at the Council Meeting.</b>	

*(Refer to next page and the Code of Conduct)*



### Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will 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 you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
  - (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
  - (a) Your "relative" is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii)
  - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
  - (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

### Non-Pecuniary

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

#### Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration 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 the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
  - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

*This form must be completed using block letters or typed.*

*If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.*

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the <b>identified land</b>)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The 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"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</i> <i>[Tick or cross one box]</i>	<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 <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest]*

**Councillor's Signature:** ..... **Date:** .....

*This form is to be retained by the council's general manager and included in full in the minutes of the meeting*

Last Updated: 3 June 2019

**Important Information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will 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.

"Relative" is defined by clause 4.4 of the Model Code of Conduct 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.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at 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.

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<sup>1</sup> Clause 4.1 of the Model Code of Conduct 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 clause 4.6 of the Model Code of Conduct.

<sup>2</sup> 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 clause 4.3 of the Model Code of Conduct has a proprietary interest

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**Item: 05****Subject: DA2019 - 513.1 DEMOLITION OF EXISTING BUILDINGS AND  
CONSTRUCTION OF NEW SERVICE STATION - LOTS 5, 6 AND 7 DP  
18259, 34 AND 36 MUNSTER STREET AND 59 GORDON STREET,  
PORT MACQUARIE****Report Author: Development Assessment Planner, Benjamin Roberts**

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**Applicant: RCI Group  
Owner: V I Trotter and C J Pickering  
Estimated Cost: \$1,870,000  
Parcel no: 35857, 35856, 14335**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA2019 - 513.1 for demolition of existing buildings and construction of new service station at Lots 5, 6 and 7, DP 18259, No. 34 and 36 Munster Street and 59 Gordon Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a development application for demolition of existing buildings and construction of new service station 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, three (3) submissions have been received.

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.

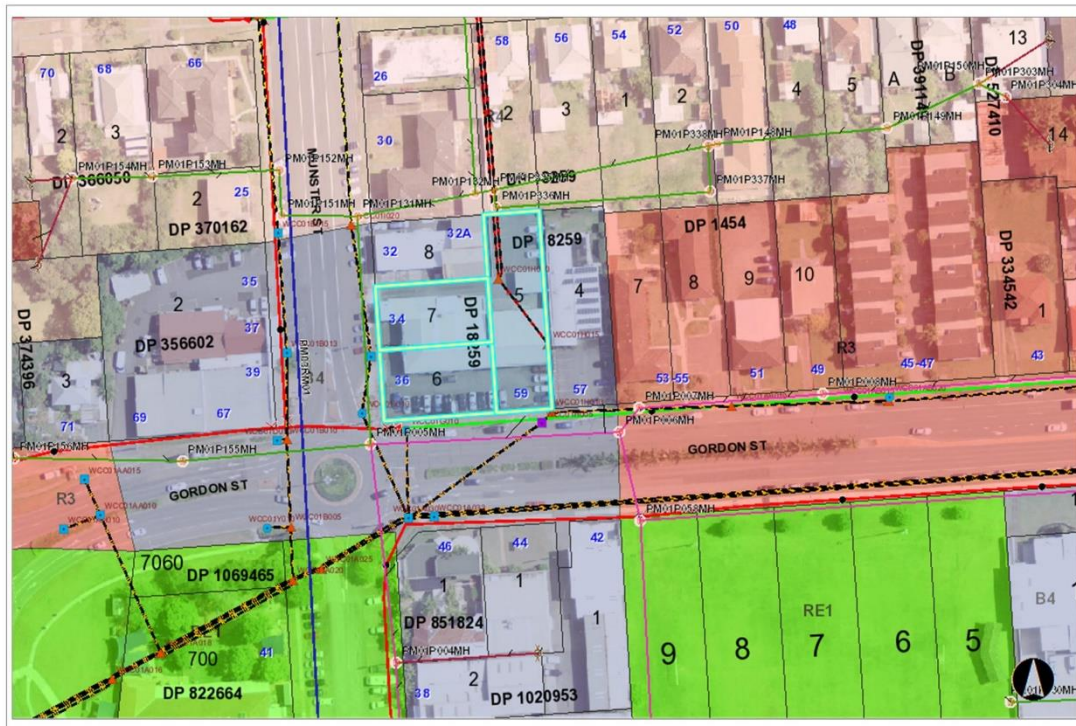
This report recommends that the development application be approved subject to the conditions included as Attachment 1.

**1. BACKGROUND****Existing Sites Features and Surrounding Development**



The site has an area of 1,834m<sup>2</sup>.

The site is zoned B4 Mixed Use 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 buildings.
- Construction of a new service station, including a 193m<sup>2</sup> convenience store building containing customer service counter, retail floor space, office, store room, cool room, amenities, and service yard.
- Installation of underground fuel tanks (1 x 50,000 litre diesel, 1 x 30,000 litre Ethanol 10, 1 x 30,000 litre Premium Unleaded 98, 1 x 40,000 litre Unleaded 91 and 1 x 30,000 litre Premium 95) and their related infrastructure.
- Installation of four (4) double sided fuel dispensers (appropriately bunded) and overhead canopy.
- Construction of 13 car parking spaces, including one accessible space and x 1 air / water bay.
- Installation of x 1 freestanding 6m high 'Mobil' internally illuminated pylon sign, located within south-western corner. 1.9m in width and 0.4m in depth.
- Construction of an underground Puraceptor and Stomscak system for wastewater discharge management.
- Construction of an underground OSD tank (47.7m<sup>3</sup>) for stormwater discharge control.
- Installation of a signage tower and indicative business identification signage on the south-west face of the convenience store.
- Two (2) illuminated 'Mobil' signs on the 'south' and 'west' faces of the car refuelling canopy.
- Planting of landscaping around the perimeter of the service station and adjacent to the proposed building.
- Screened waste storage area.
- Loading Zone adjacent to waste storage area.
- Minor excavations to accommodate vehicle accesses/exits.
- The service station is proposed to operate 24 hours a day, seven days/week and employ 2 staff Mon-Friday and 1 staff for night and weekend shifts.

Refer to attachments at the end of this report for details of the proposal.

**Application Chronology**

- 12 July 2019 - Application lodged.
- 22 July to 5 August 2019 - Public exhibition via neighbour notification.
- 7 August 2019 - Additional information request.
- 9 August 2019 - Additional information response.
- 20 August 2019 - Additional information request.
- 27 August 2019 - Additional information response.
- 10 October 2019 - Additional information request.
- 14 November 2019 - Additional information response.
- 18 November 2019 - Additional information request.
- 29 November 2019 - Additional information response.

**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. 33 - Hazardous and Offensive Development**

This policy was introduced to clarify the definitions for hazardous and offensive industries and to apply guidelines for the assessment of industries that have the potential to create hazards or an offence.

Clause 12 of the policy requires that a development application for the purposes of a potentially hazardous industry must include a preliminary hazard analysis (PHA) in accordance with the current circulars or guidelines published by the Department of Planning, Industry and Environment.

The Department has published *Hazardous and Offensive Development Application Guidelines – Applying to SEPP 33* (January 2011). Appendix 3 of The Guideline identifies Petrol Stations as industries, which may be potentially hazardous. The primary sources of hazard are identified as liquid fuel leaks/spills resulting in possible impacts such as fire and explosions.

Appendix 2 of The Guideline includes a list of information required in relation to the SEPP 33 risk screening method as follows:

- Hazardous Materials involved in the Proposed Development;
- Dangerous Goods classifications for all Dangerous Goods held on site;
- Quantities of dangerous goods and otherwise hazardous materials involved in the proposed development;
- Distance from the boundary for each hazardous substance;
- Weekly and annual number of deliveries (and the quantities) of dangerous goods and otherwise hazardous materials to and from the facility;
- Site Layout plan showing proposed development and any existing development on site; and
- Locality Plan showing immediate neighbours and their activities and also showing the nearest residential property.

In this case, the development has the potential to be hazardous given the proposal to store petrol, diesel and ethanol on the site and the provisions of the SEPP apply.

The above information has been satisfactorily addressed in the SEPP 33 Preliminary Hazards Analysis and Summary and the Multi-Level Risk Assessment included in submitted information with the application. Having considered the SEPP, the Multi-Level Risk Assessment, the Preliminary Hazard Analysis, and with the imposition of conditions, the consideration of the SEPP is satisfied.

**State Environmental Planning Policy No. 44 - Koala Habitat Protection**

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required. 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**

The site is mapped as a potentially contaminated site based on previous historic use as a service station.

The application is accompanied by an environmental site assessment, prepared by NEO Consulting, dated 20 May 2019. The report found no evidence of any soil or water contamination from the historic use of the site as a service station.

In accordance with clause 9 of this policy and based on the findings of the environmental site assessment the site is suitable for the intended use.

**State Environmental Planning Policy No. 62 – Sustainable Aquaculture**

Given the nature of the proposed development, proximity to waterways and proposed stormwater controls the proposal will be unlikely to have any adverse impact on existing aquaculture industries.

**State Environmental Planning Policy (Coastal Management) 2018**

The site is located within a coastal environment area.

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

Having regard to clause 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 impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on Aboriginal cultural heritage, practices and places;
- e) any adverse impacts on the cultural and built environment heritage;
- f) any adverse impacts the use of the surf zone;
- g) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- h) overshadowing, wind funnelling and the loss of views from public places to foreshores;
- i) any 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.

In accordance with clause 15, the proposal will not cause increased risk of coastal hazards on that land or other land.

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

**State Environmental Planning Policy No 64 - Advertising and Signage**

The proposed development includes the erection of the following signage:

- 'Mobil' pylon sign – 6m in height, 1.8m in width and 0.4m in depth.
- Two (2) illuminated 'Mobil' signs on the 'south' and 'west' faces of the car refuelling canopy.
- One (1) indicative internally illuminated sign on the west façade of the service store.
- One (1) tower sign with two (2) indicative internally illuminated business signs (south-west face).

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

The following assessment table provides an assessment checklist against the Schedule 1 requirements of this SEPP:

<b>Applicable clauses for consideration</b>	<b>Comments</b>	<b>Satisfactory</b>
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The B4 Mixed Use zone contains a variety of commercial land uses. The proposed signage is considered to be compatible with the existing and future character of the locality.  Proposal is considered consistent with the objectives of the SEPP.	Yes
Schedule 1(1) Character of the area.	In assessing signage and compatibility with character of an area, elements such as scale and any amenity impacts should be considered.  In this case the proposal is consistent with the established character of the area. Similar scale signage is provided on other service stations in the area and potential amenity impacts (such as illumination) can be appropriately managed via conditions.	Yes
Schedule 1(2) Special areas.	The proposed signage does not detract from any areas of environmental or cultural importance. There are no such areas in direct proximity to the subject land.	Yes
Schedule 1(3) Views and vistas.	The proposed signage does not obscure or compromise important views, dominate the skyline or reduce the quality of any views or vistas. The proposed signage has no impact on existing signage in close proximity to the site.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The proposal incorporates an illuminated signage panel on a tower building element on the south-western part of the convenience store building. This element extends well above the roofline of the building and while the building element	Yes, subject to no illuminated signage panel on the tower building element.

	<p>itself provides some architectural interest it is not considered appropriate for an illuminated signage panel to be located upon it well above the roof line. Other signage proposed which includes a 6m pylon sign and forecourt canopy signage clearly identifies the site. Subject to the illuminated signage panel shown above the roof line on the tower building element being removed the signage is considered to be acceptable in terms of scale, height, and appearance, and is compatible with the streetscape setting. Similar scale signage is evident on a nearby service station on the corner of Lord Street.</p>	Consent condition recommended.
Schedule 1(5) Site and building.	<p>The signage is seen to be standard for a service centre and is considered to be acceptable in terms of scale, height, and appearance.</p> <p>The proposed signage is not considered to detract from important features of the site, proposed building or surrounding development. The location of the proposed signage is considered suitable for the proposed use and appropriate given the proposed service stations position, proposed access arrangements and parking.</p>	Yes, subject to no illuminated signage panel on the tower building element. Consent condition recommended.
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	The proposal includes signage, which is intended to ultimately include logos and symbols representing facilities and services offered.	Yes
Schedule 1(7) Illumination.	<p>Low impact lighting is proposed to illuminate the signage at night.</p> <p>These signs will be required to be illuminated at appropriate levels so as to ensure that the signage will not result in unacceptable glare. The proposed illuminated signage is not considered likely to provide a significant safety concern for pedestrians, vehicles or aircraft.</p> <p>Condition recommended requiring lighting to comply with AS4282 - <i>Control of the obtrusive effects of outdoor lighting</i>.</p>	Yes
Schedule 1(7) Safety.	The proposed service station signage is not considered likely to reduce road safety for pedestrians, cyclists or any	Yes

	vehicles utilising a public road. Sightlines to and from the site are not considered likely to be affected.	
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**State Environmental Planning Policy (Infrastructure) 2007**

In accordance with clause 104 of this policy the proposal is not considered to be traffic generating development. Specifically, the proposed service station does not contain any heavy vehicle refuelling or maintenance services and does not have access to a classified road.

**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 land use table - The proposed development for a service station is a permissible land use with consent.

The following land use in the LEP is relevant to determine and characterise the proposed use:

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

- 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 land use;
  - The service station will provide a mixture of compatible land uses in the area;
  - The proposal will satisfactorily address the public domain and streetscape.
- Clause 4.3 - The overall height of the building and forecourt structures are below the 19m maximum building height control applicable to the site.

1.



- Clause 4.4 - The floor space ratio of the proposal is 0.105:1.0, which complies with the maximum 2:1 floor space ratio applicable to the site.
- Clause 5.10 - The site does not contain or adjoin any known heritage items or sites of significance.
- 2.
- Clause 7.3 - The site is located within the mapped flood planning area. The application was accompanied by a Water Cycle Management Plan prepared by Eclipse Consulting Engineers, dated 11 July 2019. This plan has regard to the flood impacts of the proposal and specifically the development has been designed to meet minimum finished floor levels. Councils' flood engineers have reviewed the proposal and supporting report and are satisfied that the development:
  - (a) is compatible with the flood hazard of the land, and
  - (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) incorporates appropriate measures to manage risk to life from flood, and
  - (d) 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, and
  - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- 3.
- 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**

No draft instruments apply.

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

**Port Macquarie-Hastings Development Control Plan 2013**

The relevant provisions of the plan are addressed as follows:

<b>DCP 2013: Business &amp; Commercial Development</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
3.4.3.1	Setbacks: A zero metre setback to ground floor is preferred in all business zone developments.	The convenience store building is setback 15m from the Gordon Street boundary and approximately 35m from the Munster Street boundary. This is preferable having regard	No but considered appropriate for the proposed use.



		to the nature of the use proposed.	
3.4.3.2	<p>Where a zero setback cannot be achieved, such as where parking can only be provided between the building and the street, a minimum 3.0m pedestrian setback is provided between the edge of the car park and the building.</p> <ul style="list-style-type: none"> <li>The 3.0m pedestrian setback must be: open and accessible for pedestrians for its entire length and width;</li> <li>clear of columns (other than awning posts where provided) and other obstructions;</li> <li>has a pavement matching the gradient of the adjoining footpath and connects pedestrian areas on neighbouring sites; and</li> <li>connects without any lip or step to adjoining footpaths or abutting pedestrian areas on neighbouring sites.</li> </ul>	Parking is proposed between the building and the street. The building is setback 15m from Gordon Street. Adequate pedestrian pavement and thoroughfare is provided.	Yes
	Steps, escalators, ramps or lifts are set back a further 1.2m to maximise pedestrian flow and safety and allow for adequate waiting space.	None proposed.	N/A
	<p>Automatic Teller machine within front Setback:</p> <ul style="list-style-type: none"> <li>Must be set back 1.5m in addition to the building line;</li> <li>Must be well illuminated at all times.</li> </ul>	No ATM proposed.	N/A
3.4.3.3	<p>Roof Form: Variations in roof form including the use of skillions, gables and hips are to be provided in the development.</p>	Roof form considered appropriate.	Yes
	Variations in roof materials shall be used.	Roof material considered appropriate.	Yes
	Parapets and flat roofs should be avoided.	Flat roof proposed.	No but considered acceptable for the use.
	In an established street, roof form and materials shall be consistent or complementary	Roof form and materials appropriate.	Yes

	to those developments in that street.		
	Lift over-runs and service plant shall be concealed within roof structures. All roof plant must be represented on plans and elevations.	None proposed.	N/A
	Outdoor recreation areas on flat roofs shall be landscaped and incorporate shade structures and wind screens to encourage use.	None proposed.	N/A
	Roof design shall generate an interesting skyline and be visually interesting when viewed from adjoining developments.	Roof form and materials appropriate.	Yes
3.4.3.4	Colours, construction materials and finishes should respond in a positive manner to the existing built form, character and architectural qualities of the street	Colours and materials proposed are appropriate.	Yes
3.4.3.5	Shopfront widths are to be between 15 and 20 m.	No shop front adjoining the street proposed.	N/A
	Widths up to a maximum of 30 may be considered where the building achieves superior built design and streetscape outcomes.	No shop front adjoining the street proposed.	N/A
	The maximum length of any similar façade treatment is 22m.	No shop front adjoining the street proposed.	N/A
	Side and rear facades are to be treated with equivalent materials and finishes to the front façade.	The side and rear facades are to be treated with appropriate materials.	Yes
	Building facades should be designed to reflect the orientation of the site incorporating environmental control devices, e.g. sun shades, ventilation vents, overhangs, building recesses, eaves, as an integrated design feature of the building.	Building facades appropriately designed.	Yes
	An articulation zone of between 1.8-4.0m is provided for the front façade of all floors containing residential and tourist uses.	No residential or tourist use proposed.	N/A
3.4.3.6	Any security grilles shall be provided inside the building,	No security grilles proposed.	N/A

	behind glazing and designed to ensure transparency to the interior.		
3.4.3.7	Infill development or alterations should respect the form, scale and massing of existing traditional buildings.	Scale and form of building appropriate.	Yes
	Where traditional frontages and facades set the architectural theme for parts of a Centre, infill buildings or alterations respect and reflect the architectural qualities and traditional materials of those buildings, but do not necessarily imitate historical architectural styles.	There is no historic or architectural theme established in this area.	N/A
3.4.3.8	Active Frontages: <i>(Note: An active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.)</i>  Ground floor levels shall not be used for residential purposes in B1, B2, B3 and B4 zones.	No residential use proposed.	N/A
3.4.3.9	A minimum of 50% of the ground floor level front facade is to be clear glazed.	Adequate glazing is proposed to the convenience store facades facing the street.	Yes
	Active frontages must consist of one or more of the following: <ul style="list-style-type: none"> <li>• A shop front.</li> <li>• Commercial and residential lobbies.</li> <li>• Café or restaurant if accompanied by an entry from the street.</li> <li>• Public building if accompanied by an entry from the street.</li> </ul>	The layout proposed provides sufficient activation for the nature of the use proposed.	Yes
	Active ground floor uses are to be accessible and at the same level as the footpath.	Convenience store directly accessible form street level.	Yes
	Restaurants, cafés and the like shall provide openable shop fronts to the footpath but must not encroach into footpath.	Forecourt area and convenience store directly accessible form footpath.	Yes
	Colonnade structures shall	None proposed.	N/A

	not be used unless it is demonstrated that the design would not restrict visibility into the shop or commercial premise or limit natural daylight along footpaths and do not create opportunities for concealment.		
3.4.3.15	<p>Landscaping: A landscape plan shall be submitted with the development application and include:</p> <ul style="list-style-type: none"> <li>• Existing vegetation; and</li> <li>• Existing vegetation proposed to be removed; and</li> <li>• Proposed general planting and landscape treatment; and</li> <li>• Design details of hard landscaping elements and major earth cuts, fills and any mounding; and</li> <li>• Street trees; and</li> <li>• Existing and proposed street furniture including proposed signage.</li> </ul>	Landscaping plan provided which is acceptable and appropriate. It is noted that minimal to nil landscaping currently exists on the site.	Yes
	Vegetation is provided on top of podium levels, on tops of car parks, and on balconies and verandas fronting the street below podium level.	No podium levels proposed.	N/A
3.4.3.16	All street plantings are to be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.	No street tree plantings proposed or required.	N/A
3.4.3.17	Large trees and spreading ground covers are provided in all landscape areas within the site.	Appropriate species selected in landscaping plan.	Yes
	Large screening shrubs of an appropriate density and size to complement the scale and bulk of the subject building are provided in areas where screening is a priority.	No screening required.	N/A
	Where car parking cannot be provided under or behind the building and Council has agreed to permit some or all	A 2m wide landscaping perimeter is proposed around the corner of the site to which customer	No but 2m is consider acceptable having

	of the parking in the front setback, a landscaped strip with a minimum width of 3.0m is provided along the entire frontage/s of the site.	parking is located behind.	regard to the nature of the use and visibility required for safe traffic movement.
3.4.3.18	At grade car parking incorporate water sensitive urban design principles to drain pavement areas.	At grade parking and water management acceptable.	Yes
3.4.3.19	Fencing for security or privacy shall not be erected between the building line and the front boundary of a site.	No fencing is required or proposed along street frontages. The existing black diplomat style security fencing surrounding the site will be removed.	Yes
3.4.3.22	Any ramps are to be integrated into the overall building and landscape design.	Given the level nature of the site, no ramps are proposed or required.	N/A
	The development complies with AS1428—Design for Access and Mobility.	Disabled access can be provided. Details will be illustrated on Construction Certificate plans.	Yes
3.4.3.23	Gateways & Landmark Sites: The design of buildings on corner sites or at the ends of business or commercial zones shall emphasise the importance of the corner as a focal point.	The design and location of the buildings is appropriate having regard to the nature of the use proposed.	Yes
	Corner sites or at the ends of business or commercial zones shall be constructed to boundary or with a minimal setback with no car parking or servicing between the site boundary and the building.	The design and location of the buildings and car parking is appropriate having regard to the nature of the use proposed.	Yes
	Design devices such as; <ul style="list-style-type: none"> <li>• increased wall heights,</li> <li>• splayed corner details,</li> <li>• expression of junction of building planes,</li> <li>• contrasting building materials; and</li> <li>• other architectural features;</li> </ul> shall be used to reinforce the way finding attributes and significance of focal points.	The building design, siting and materials are appropriate.	Yes
	Shopfronts shall wrap around corners and entrances	No shopfronts at boundary.	N/A

	located centrally to the corner.		
	The tallest portion of the building shall be on the corner.	This is not appropriate given the nature of the use.	N/A
3.4.3.24	<p>Waste management: A waste management plan for the construction and/or occupation of the development is provided that:</p> <ul style="list-style-type: none"> <li>• Recycles and reuses demolished materials where possible;</li> <li>• Integrates waste management processes into all stages of the project;</li> <li>• Specifies building materials that can be reused and recycled at the end of their life;</li> <li>• Uses standard components and sizes to reduce waste and facilitate update in the future.</li> </ul>	A waste management plan supported the application. A private collection services is proposed and adequate bin storage area is available onsite.	Yes
3.4.3.25	Separate storage bins for collection for organic waste and recyclable waste are provided in the development.	Capable of being provided and condition recommended.	Yes
3.4.3.26	<p>Bulk waste facilities must be stored in a designated area that is physically and visually integrated into the development at ground or sub-basement level that:</p> <ul style="list-style-type: none"> <li>• is not visible from the street or public domain;</li> <li>• is easily accessible to businesses;</li> <li>• may be serviced by collection vehicles;</li> <li>• has water and drainage facilities for cleaning and maintenance; and</li> <li>• does not immediately adjoin onsite employee recreation area; and</li> <li>• be maintained to be free of pests.</li> </ul>	Adequate bin storage area is available onsite.	Yes
	Cardboard compactors are provided for large retail and commercial developments.	Not a large retail or commercial development.	N/A
	Where waste facilities cannot be collected at the street,	Private waste collection can be provided.	Yes



	evidence that the site can be serviced by a waste collection service must be provided.		
3.4.3.27	Vehicular Access Location and Design: No direct vehicular access to at grade or basement car parking from the active street frontage will be permitted in B1 zones.	The site is not within a B1 zone.	N/A
	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.	Number of vehicular crossovers is being rationalised onsite from the 4 existing down to 2. The proposed layout provides for safe pedestrian and vehicular movement.	Yes
	Any car park ramps are located largely within the building footprint.	No car park ramps are proposed.	N/A
	Underground car parks must be designed to enable all vehicles to access and egress in a forward direction.	No underground car parking proposed.	N/A
	Vehicular entrances to underground car parks are to be; <ul style="list-style-type: none"> <li>• Located on minor streets;</li> <li>• Have a maximum crossover of 6.0m;</li> <li>• Shall be signed and lit appropriately;</li> <li>• Shall be designed so that exiting vehicles have clear sight of pedestrians and cyclists.</li> </ul>	No underground car parking proposed.	N/A
	At-grade / surface car parking areas adjacent to streets shall be generally avoided or at least adequately softened by appropriate landscaping.	At grade parking adjoining the street frontages is proposed to be adequately landscaped.	Yes
	All stairs and elevators in the parking structure are clearly visible.	No stairs or elevators proposed.	N/A
3.4.3.28	The street level frontage of car parking structures (including multi-level car parks) where adjoining public places, including streets, share ways and laneways, shall present an active frontage along the entire frontage less any car park	The proposal will provide an active frontage to both Gordon and Munster streets.	Yes

	entry.		
3.4.3.30	Pedestrian Entries & Access: The development complies with AS1428—Design for Access and Mobility.	Disabled access can be provided. Details will be illustrated on Construction Certificate plans.	Yes
3.4.3.31	Pedestrian and vehicle movement areas are separated to minimise conflict.	Number of vehicular crossovers is being rationalised onsite from the 4 existing down to 2. The proposed layout provides for safe pedestrian and vehicular movement.	Yes
	Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways.	Driveways and footpaths will be clearly distinguished.	Yes
3.4.3.32	Parking areas are adequately illuminated (naturally and/or artificially) during the time period the centre is open.	Adequate lighting will be provided to the site and parking areas.	Yes
	Signage is provided at the entries to the development detailing the services available within the centre and where they are located.	Adequate signage is proposed that clearly identifies the business and services available.	Yes
	Signage to key public spaces accessible from the centre such as car parks, food courts must be provided within the centre.	The development is not of a scale or nature that warrants such signage.	N/A
	Signage to key facilities such as rest rooms, Centre Management, baby change rooms must be provided within the centre.	The development is not of a scale or nature that warrants such signage.	N/A
3.4.3.35	Commercial Development Adjoining Residential Land uses: The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.	The proposed layout, access and design has regard to adjoining residential land to the north.	Yes
	Where this cannot be achieved, visual and acoustic treatment of the interface is required.	Acoustic fencing treatment recommended and required along northern boundary of the site.	Yes
	The building elevation adjoining the residential area	The convenience store building is single storey	Yes

	must be; <ul style="list-style-type: none"> <li>• Articulated, with changes in setback at intervals no greater than 10m;</li> <li>• Use a variety of materials and treatments;</li> <li>• Be setback a minimum of half the height of the wall or a minimum of 3.0metres whichever is greater.</li> </ul>	in nature, 193m <sup>2</sup> in area and setback 17m from the northern boundary. Suitable materials and finish is proposed.	
	Waste areas are located and managed to minimise pests, noise and odour.	Suitable area exists onsite for waste/bin storage.	Yes

**DCP 2013: General Provisions**

DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> <li>• Casual surveillance and sightlines</li> <li>• Land use mix and activity generators</li> <li>• Definition of use and ownership</li> <li>• Lighting</li> <li>• Way finding</li> <li>• Predictable routes and entrapment locations</li> </ul>	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.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	The site is relatively flat and minimal cut and fill is required or proposed. While the civil plans indicate a retaining wall across the Gordon Street frontage the applicant indicated during assessment that the wall was picked on survey and is existing. The applicant also confirmed the retaining wall would be removed as part of the proposal. Site inspection indicated that no retaining wall actually exists along the Gordon Street frontage.	Yes
2.3.3.2	1m max. height retaining walls along road frontages	None proposed.	N/A
	Any retaining wall >1.0 in	No retaining wall >1m in	N/A

	height to be certified by structural engineer	height proposed.	
2.3.3.8 onwards	Removal of hollow bearing trees	None proposed to be removed.	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	No trees 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.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical.	<p>The site currently has two driveway crossovers from the Gordon Street frontage and two driveway crossovers from Munster Street.</p> <p>The proposal seeks to rationalise access to the site by:</p> <ul style="list-style-type: none"> <li>Reconstructing and widening the existing driveway to Munster Street adjoining the northern boundary. This will be an entry and exit driveway. The existing driveway closest to the roundabout becoming redundant.</li> <li>Reconstructing and widening the existing driveway to Gordon Street adjoining the eastern boundary. This will be a left in and out driveway only. The existing driveway closest to the roundabout becoming redundant.</li> </ul>	Yes
	Driveway crossing/s minimal in number and width including maximising street parking.	Driveway crossings are being rationalised which will provide additional street parking opportunity.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1. <u>Service Station: 3 per</u>	The application is accompanied by a Traffic and Parking Impact Study.	Yes

	<p><i>workbay + 1 per employee + min 2 customer</i></p>	<p>The proposal comprises no work bays and 2 employees only. With the additional of the required minimum 2 customer spaces a total of 4 spaces is required under this plan to serve the development.</p> <p>The plans identify 13 parking spaces, including one disabled space, which comply with relevant Australian Standards (AS2890) and therefore exceed the numerical DCP requirements by 9 spaces.</p> <p>The <i>RTA Guide to Traffic Generating Developments (2002)</i> includes a further recommendation for convenience stores associated with service stations to provide additional parking at a rate of 5 space per 100m<sup>2</sup> of gross floor area. The proposed convenience store is 193m<sup>2</sup> in area, which would equate to 10 additional parking spaces.</p> <p>Incorporating the recommendations of the RTA guide with DCP requirements a total of 14 spaces would be required to serve the development. Having regard to the RTA guide being a 'guide' only and compliance with DCP provisions the 13 spaces proposed is considered sufficient to accommodate the proposed development.</p>	
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2.5.3.7	Customer parking to be easily accessible.	Customer parking is easily accessible.	Yes
	Parking in accordance with AS 2890.1.	Capable of complying. Certification of compliance required prior to issue of any Construction Certificate.	Yes
2.5.3.8	Aged and disabled persons and persons wheeling prams or trolleys are provided with suitable access and parking in accordance with AS 2890.1 and AS 2890.2.	One accessible parking space proposed.	Yes
2.5.3.9	Bicycle and motorcycle parking considered and designed generally in accordance with the principles of AS 2890.3	Motorcycles can utilise car spaces and area exists onsite to cater for informal bicycle spaces.	Yes
2.5.3.10	Parking concessions possible for conservation of heritage items	No heritage exists onsite.	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	Satisfactory perimeter landscaping proposed.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Condition recommended confirming requirement for sealed surface.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	Capable of complying with Council driveway standards. Details to be submitted with CC/S138 applications.	Yes
2.5.3.16	Transitional grades min. 2m length	Capable of complying. Details to be submitted with CC/S138 applications.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater management plan provided and stormwater can be adequately managed onsite.	Yes
	No direct discharge to K&G or swale drain	Development will contain onsite detention with discharge via the piped drainage system in Gordon Street.	Yes
2.5.3.19	Off street commercial vehicles facilities are provided in accordance with AS/NZS 2890.2	Capable of complying.	Yes
	Loading bays will be provided	The proposed loading	Yes



	<p>in accordance with the following requirements;</p> <ul style="list-style-type: none"> <li>• Minimum dimensions to be 3.5m wide x 6m long. (This may increase according to the size and type of vehicle).</li> <li>• Vertical clearance shall be a minimum of 5m.</li> <li>• Adequate provision shall be made on-site for the loading, unloading and manoeuvring of delivery vehicles in an area separate from any customer car parking area.</li> <li>• A limited number of 'employee only' car parking spaces may be combined with loading facilities.</li> <li>• Loading areas shall be designed to accommodate appropriate turning paths for the maximum design vehicle using the site.</li> <li>• Vehicles are to be capable of manoeuvring in and out of docks without causing conflict with other street or on-site traffic.</li> <li>• Vehicles are to stand wholly within the site during such operations.</li> </ul>	<p>bay for the Service Station measures 8.8 x 3.5m.</p> <p>The submitted plans demonstrate that delivery vehicles are able to manoeuvre within the site and exit driving forwards.</p>	
	Other commercial development shall provide one loading bay for the first 1,000m <sup>2</sup> floor space and one additional bay for each additional 2,000m <sup>2</sup> .	No additional commercial development proposed.	N/A
2.5.3.20	The location and design of loading bays should integrate into the overall design of the building and car parking areas.	The location and design of the loading bay integrates into the overall design of the building and car parking areas.	Yes
	Where visible from the public domain, loading bays are located behind the building.	By their nature, service stations contain open style hardstand and parking areas. The loading zone is incorporated into the hardstand area and located back from the main covered forecourt	Yes

		area.	
2.5.3.21	Plans to confirm vehicular access, circulation and manoeuvring in accordance with AUSTROADS and AS 2890.	Submitted plans demonstrate that satisfactory circulation and manoeuvring areas are available.	Yes
	Adequate area provided for loading/unloading and manoeuvring of B-Doubles where access is available from approved B-Double routes.	B-Double access not proposed. Fuel deliveries will be via articulated vehicle.	N/A
	Ingress and egress in a forward direction.	Site allows ingress and egress of vehicles in a forward direction.	Yes
	Driveways >6m from tangent point of kerb radius and >1.5m from common side boundary with another lot.	Driveway design acceptable.	Yes
	Driveways not located within intersection or restricted areas, and adequate sight distance available.	Driveway location acceptable.	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**

No planning agreement has been offered or entered into.

**iv) Any matters prescribed by the Regulations**

**Demolition of buildings AS 2601**

Demolition of the existing buildings is capable of compliance with AS2601. A condition of consent has been recommended.

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

**Context and Setting**

The site is a corner block with primary street frontage to Gordon Street and a secondary frontage to Munster Street. The site is located within an established area and primarily adjoins a mixture of commercial land uses to the south, west and east. The site also adjoins high-density residential zoned land to the north. This land currently contains single dwellings with two storey residential units diagonally adjacent to the north-west.

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal does not have a significant adverse impact on existing view sharing.

- The proposal does not have significant adverse lighting impacts subject to complying with recommended conditions;
- There are no significant adverse privacy impacts.

**Roads, Traffic and Transport**

The site has road frontage to Gordon Street and Munster Street. Gordon & Munster Streets are sub-arterial roads that are both under the care and control of Council.

Gordon Street is dual carriageway with street parking both sides of the road and a median strip separating east and westbound traffic. Gordon Street is a sealed road with upright kerb and a pavement width of approximately 22m.

Munster Street is single carriageway with angle parking both sides of the road. Munster Street is a sealed road with upright kerb and a pavement width of approximately 22m.

The application includes a Traffic Impact Assessment prepared by Intersect Traffic dated, July 2019. This assessment made the following conclusions:

- *The local and state road network is currently operating within its two-way mid-block technical capacity therefore has spare capacity to cater for development in the area.*
- *The proposed development could generate up to 112 vtpd to and from the site during peak periods of which 75 % of this traffic would be passing trade.*
- *The local and state road network will not reach its two-way mid-block technical capacity resulting from this development and it is reasonable to conclude the development will not adversely impact on the state and local road network subject to satisfactory intersection performance.*
- *The proposal will not adversely impact on the operation of intersections within the local and state road network as additional traffic volumes on the road network are less than 2% of existing traffic flows therefore are considered insignificant.*
- *Sidra modelling of the Gordon Street / Munster Street roundabout has shown continued satisfactory operation post development and through to and beyond 2029.*
- *The proposed access arrangements for the development are satisfactory and compliant with Australian Standard AS 2890.1 – 2004 Parking facilities – Part 1: Off-street car parking and the Port Macquarie Hastings DCP (2013).*
- *The proposed access arrangements for the development which reduces the number of accesses to the site will have a positive safety effect on the road network by reducing potential vehicle and pedestrian conflict points on the road network and giving Council the opportunity to provide additional on-street car parking in Munster Street.*
- *Suitable queuing areas exist from the bowlers to the site accesses such that the risk of vehicles queuing back onto the road network is minimal.*
- *The proposed development by providing 13 on-site car parks including an accessible car space provides sufficient and suitable car parking to meet the requirements of the Port Macquarie Hastings DCP (2013), NSW RMS and Australian Standard AS 2890.1-2004 "Parking Facilities Part 1 – Off street car parking".*
- *The servicing facilities provided within the site are satisfactory and allow convenient servicing of the site with forward entry and exit from the site for the*

*fuel tankers and service vehicles. This has been demonstrated with the provision of swept turning paths on the plans.*

- No additional public transport facilities will be needed resulting from the development as little demand for such services will be generated by the development and suitable public transport services and infrastructure already exists within the vicinity of the site.*
- Whilst this type of development may generate a very small amount of pedestrian and cycleway traffic, it would not be sufficient to require additional infrastructure.*

Council's development engineering staff have reviewed the traffic assessment and consider the proposal will be unlikely to have any adverse impacts within the immediate locality in terms access, transport and traffic. It is anticipated that the existing road network will satisfactorily cater for any potential increase in traffic generation from the development.

Council's development engineering staff have concluded due to the nature, scale, location and condition of public infrastructure surrounding the site that the following additional works are required as part of the proposed development:

- Restoration of kerb and gutter at unused driveways along the Munster and Gordon Street frontages of the site;
- Provision of kerb ramps to existing pedestrian crossing refuges along the Munster and Gordon Street frontages of the site;
- Landscaping to match into existing along the Munster Street frontage;
- Line marking of on-street parking spaces along the Munster and Gordon Street frontages of the site;
- Upgrading of concrete foot paving (minimum 1.5m wide) along the Munster and Gordon Street frontages of the site.

Conditions of consent have been recommended requiring these additional works.

### **Parking and Manoeuvring**

A total of 13 parking spaces, including 1 disabled space are proposed on-site. 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.)

In terms of on-street parking it is noted the site currently contains 4 driveway crossovers. The proposal is to utilise two existing driveways and remove the other two. The existing driveway to be utilised in Munster Street is proposed to be widened to 9m (currently 5m). There are no marked on-street parking spaces along the Munster Street frontage. However, a review of historic aerial photography indicates that rear to kerb angled parking typically occurs along this frontage, which typically provides for 4 vehicles. The proposed increased driveway width would result in loss of at least 2 of these informal on-street angled parking spaces. The removal of the other existing driveway on Munster Street, closest to the roundabout, will not provide any increased on-street parking opportunity. This is due to proximity to the intersection and associated safety issues. The existing driveway to be used in Gordon Street is currently approximately 9m in width and therefore no loss in on-

street parking will result. The removal of the other driveway crossover in Gordon Street closest to the roundabout and approximately 10m in width will provide for at least one additional parallel space. The proposal will therefore result in a net loss to informal on-street public parking along the street frontages of the site. This net loss to informal on-street parking is acceptable on the premise of the following:

- The on-street parking is not formalised or line marked;
- Surplus off-street parking (9 spaces beyond DCP provisions) is proposed;
- Rationalisation of the 4 existing driveways down to 2 provides a safer traffic and access outcome for the site;
- Required upgrade works to kerb and gutter, footpaths, kerb ramps, landscaping and line marking of on-street spaces will provide a better public benefit.

**Water Supply**

Council records indicate that the development site has multiple 20mm sealed water services to each lot. Final water service sizing will 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 in accordance with AS3500. Existing water services no longer required are to be disconnected. Suitable conditions of consent have been recommended.

**Sewer Supply**

Council records indicate that the development site is traversed by a 150mm AC sewer line with four existing junctions. The AC sewer main within the development site shall be removed and replaced with a PVC main in accordance with Council's Auspec engineering specifications at no cost to Council. Any other abandoned sewer junctions are to be capped off at Council's sewer main. Suitable conditions of consent have been recommended.

**Stormwater**

The site naturally grades towards the Gordon Street frontage and is currently serviced via an existing direct connection to the public piped drainage system.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit located on the corner of Gordon Street and Munster Street.

Stormwater from the proposed development is planned to be disposed via Council's piped network on Gordon Street, which is consistent with the above requirements.

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 building Construction Certificate.

Gordon Street has known localised catchment stormwater related issues, which includes ponding and overland flows along the Gordon Street frontage of the development site. The stormwater flows are generated in the localised catchment area, and are separate to the Wrights Creek flood extents.

Council requires hydrological modelling (DRAINS) to be provided demonstrating that adequate freeboard be provided between top water level reached during the 100-year storm event and FFL's of proposed building and refuel area.

Council's Eastport catchment area stormwater concept DRAINS model was provided to the applicant, following their request to attain a copy of the existing model. The



model was updated by the applicant to the latest Australian Rainfall and Runoff 2019 methods, requirements, ground proofed to match existing conditions, and latest rainfall data, as requested by Council. The applicant stated that the model was updated to reflect proposed site frontage levels used to determine the extent of inundation from Gordon Street overland flows. The applicant has provided DRAINS modelling demonstrating that the re-fuel areas and proposed building finished floor areas are above the modelled 100-year top water level.

Additional modelling will be required prior to construction certificate demonstrating that refuelling areas have freeboard consistent with Councils Flood Policy FPL2, which is the 100-year level plus 10% rainfall increase (for climate change).

The development site does not trigger standard water quality treatments as per AUSPEC D7, for areas excluding refuelling areas, due to being smaller than 2500m<sup>2</sup> proposed impervious area, however, refuelling areas require specifically designed oil separation treatment systems, following the EPA Best Practise Guidelines.

A SPEL water quality device has been proposed to treat any captured stormwater in high risk / refuelling areas, prior to discharge to the public piped system. This system has been indicatively shown on the plans submitted. Further detail is required for S68 and Construction Certificate for this system, which must include the specific make and model, size of storage, pipe sizing, and maintenance requirements set out by the manufacturer. The applicant has proposed that all surface inlet pits within the development will be provided with a filtration sleeve / sack for additional water quality treatment, to collect debris prior to discharge to the public piped system.

On-site detention (OSD) is required by Council for this development, unless it can be demonstrated that there is no improvement to downstream catchments. The applicants engineer demonstrated by DRAINS modelling that there is only a very small improvement to downstream conditions if OSD were provided for the site. In addition, due to the high tailwater levels modelled in Gordon Street during major storm events, the likely location of the OSD (south-western corner of the site) will not function due to high tailwater levels, therefore, being inoperable.

The site has an existing interallotment drainage system, which benefits Council and private properties upstream of the development site. Council requires that no enclosed structures be built over this easement to permit unrestricted access if required for future maintenance. The development proposed has indicated that the existing interallotment pipe system will be relocated, including the easement, which is demonstrated on the plans submitted. The proposed interallotment system is AUSPEC D5 compliant.

Council requires that the applicant demonstrate how the management of upstream catchment flows and any associated risks to inundation be shown on DA plans. Private properties located on the north side of the development site, naturally grade towards the site. The applicant has shown on DA submitted plans that a drain be installed on the northern boundary to capture natural (grassed, unconcentrated) overland runoff from upstream catchments directed into the interallotment pipe drainage system.

#### **Other Utilities**

Telecommunication and electricity services are available to the site. Evidence of satisfactory arrangements with the relevant utility authority for provision and or upgrade of services is required prior to occupation or issue of any occupation certificate. Refer to recommended conditions of consent.



**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. Refer to recommended conditions of consent.

**Air and microclimate**

The proposal is consistent with the *Protection of the Environment Operations (Clean Air) Regulation 2010*. Specifically, a multi-level risk assessment supported the application. While not required by the regulation stage 1 Vapour Recovery (VR1) is proposed to manage fuel vapours from the underground storage tanks during fuel delivery. Given the proximity to residential receivers adopting VR1 measures is supported by Council staff. Conditions of consent are recommended to re-inforce VR1 measures and ensure they are in place prior to any occupation or issue of any occupation certificate. It is noted that stage 2 vapour recovery (VR2) is not required in this region by the regulation and is not proposed under this application.

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 site does not contain any trees or vegetation and subsequently construction of the development will not require removal/clearing of any vegetation. There is also no impact to any public landscaping or street trees.

The application was supported by a landscaping plan, which proposes landscaping within and along all boundaries of the site including a variety of shrubs and 4 medium mature water gums.

**Waste**

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

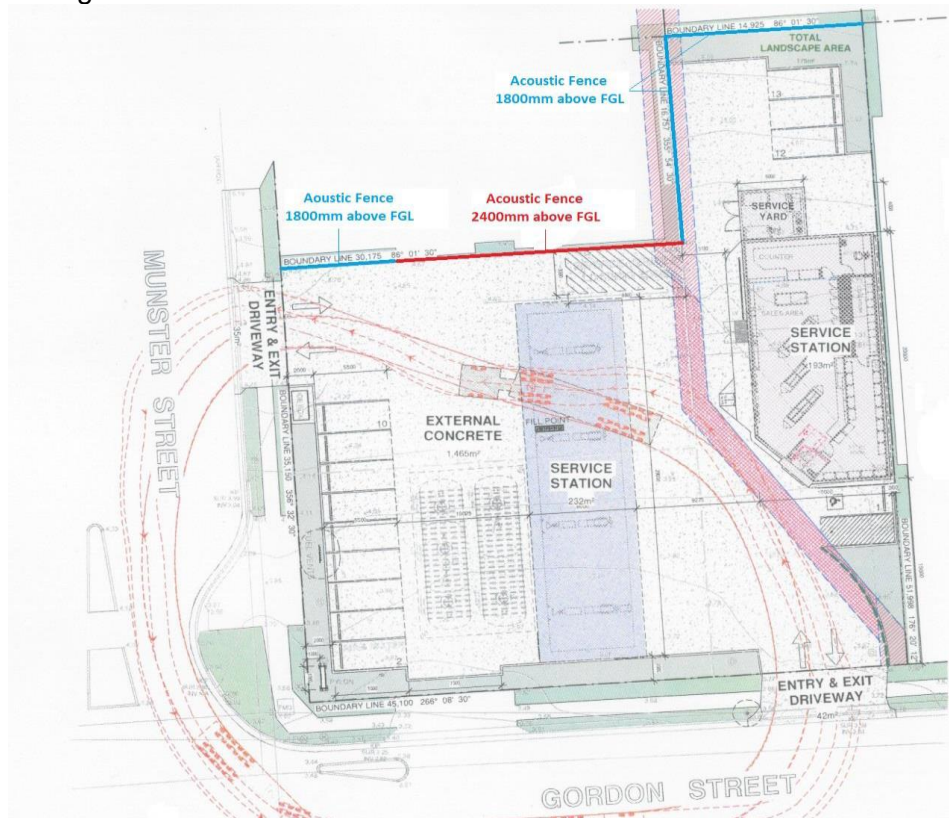
**Energy**

The proposal will be required to comply with the requirements of Section J of the Building Code of Australia. No adverse impacts anticipated.

**Noise and vibration**

The application was accompanied by a Noise Impact Assessment prepared by Reverb Acoustics, dated June 2019. The assessment concluded and recommended the following noise control measures to meet suitable noise amenity criteria:

- The service station and convenience store may trade over the full 24 hour period;
- Fuel tanker deliveries are to be restricted to 5am-12am;
- General store deliveries are to be restricted to 5am-12am;
- Preference should be given to installing a RFP Retail Forecourt Inflator with inbuilt compressor, in preference to a separate compressor. If a separate compressor is preferred it must be located in the service yard;
- Acoustic fences are to be erected along the northern boundary at the nominated heights:



4.  
5.

A gap of 50-75mm is permitted at ground level to aid in drainage. An acoustic fence is one which is impervious from the ground to the recommended height, and is typically constructed from lapped and capped timber, Hebel Powerpanel, or similar. No significant gaps should remain in the fence to allow the passage of sound below the recommended height. Other construction options are available if desired, providing the fence or wall is impervious and of equivalent or greater surface mass than the above construction options.

- Perimeter walls to the service yard must be impervious from the ground to a height of 2200mm above FGL. Construction may consist of Colorbond or similar. A gap of 50-75mm may be left at ground level to aid in drainage, cleaning, etc. The entry gate must be constructed similar to walls.
- Any proposed or future roof-top exhaust plant that produces a sound pressure level (SPL) in excess of 65dB(A) at a distance of 1 metre must have acoustic barriers constructed at the fan discharge. The barriers must fully enclose at least three sides towards any residence. In our experience, a more efficient and structurally secure barrier is one that encloses all four sides. The barrier

must extend at least 600mm above and below the fan centre and/or the highest point of the discharge outlet. The barrier must be no closer than 500mm and no further than 1200mm from the edges of the exhaust. Barrier construction should consist of Acoustisorb panels (available through Modular Walls). Note that variations to barrier construction or alternate materials are not permitted without approval from the acoustical consultant. Barrier construction is based solely on acoustic issues. Visual, wind load issues must be considered and designed by appropriately qualified engineers.

- No acoustic modifications are required to plant that is located within the service yard.
- The contractor responsible for supplying and installing mechanical plant must provide evidence that installed plant meets this noise emission limit, or that noise control included with the plant is effective in reducing the sound level to the specified limit. Once the plant layout has been finalised, details should be forwarded to the acoustic consultant for approval.
- It is strongly recommended that waste collection be restricted to weekdays 7.00am to 6.00pm.
- Construction Certificate documentation must be forwarded to Reverb Acoustics to ensure all recommendations within this report have been incorporated into the design of the site.

Subject to the installation of the recommended noise control measures and restrictions surrounding both fuel/store delivery and waste collection times no significant adverse noise impacts are anticipated to nearby receivers. Conditions of consent have been recommended requiring installation of the noise control measures and operational restrictions surrounding fuel and store delivery hours and waste collection 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 adverse loss of safety or reduction of security in the immediate area. The nature, orientation and design of the proposal will improve natural surveillance within the locality.

**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**

Subject to appropriate site management measures 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 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.

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

Three (3) 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
There are currently pedestrian and vehicular conflicts at the Munster Street crossing and intersection. The proposal will result in further traffic and pedestrian impacts.	Refer to assessment comment under roads, traffic and transport heading within this report.
The convenience store will deprive from adjoining local businesses.	Business competition is not a relevant planning consideration.
Safety concerns for the Port Macquarie Community Preschool with no substantial safety barriers protecting the children's outdoor play area from vehicles.	The proposal will not increase any vehicular risk to the outdoor play area of the preschool.
Safety concerns for children in the outdoor playground at the preschool that may be subject to fumes from the petrol bowsers and vehicles.	The front boundary of the preschool is located approximately 60m from the proposed forecourt and fuel vents. Vapour recovery (VR1) is proposed for fuel deliveries. Given the separation distance to the preschool, vapour recovery and that tank filling is unlikely to coincide with the opening hours of the preschool there no significant adverse vapour impacts anticipated.
Safety concerns for children, the elderly, pedestrians and residents within proximity from fire, explosions, noise and traffic associated with the development.	As addressed throughout this report the impacts have been assessed and the site is considered suitable for the proposed development. There are no significant adverse impacts that would warrant refusal of this application.
Environmental impacts of petroleum leaks into nearby creek.	Wrights Creek is located approximately 150m from the site. Refer to details comments under stormwater heading of this report. The proposal is also required to comply with the <i>Protection of the Environment Operations (Underground Petroleum Storage Systems (Regulation 2019))</i> which contains specific



Submission Issue/Summary	Planning Comment/Response
	installation, leak detection and monitoring requirements for underground fuel storage tanks. Subject to compliance with legislation, no significant adverse environmental impacts are anticipated.
Loss of on-street parking.	Refer to specific comments under parking and manoeuvring heading of this report. The proposal will result in no net loss to on-street public parking.
Oversupply of service stations in Gordon Street.	Business competition is not a relevant planning consideration.

**(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**

- Due to existing contribution credit for previous uses approved on the site contributions are not 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 7.12 of the Environmental Planning and Assessment Act 1979.
- A copy of the contributions estimate is included as Attachment 3.

**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 - 531.1 Recommended Conditions
- 2 [View](#). DA2019 - 513.1 Revised Architectural Plans
- 3 [View](#). DA2019 - 513.1 Development Contribution Estimate
- 4 [View](#). DA2019 - 513.1 Revised Stormwater Concept Plan
- 5 [View](#). DA2019 - 513.1 Dangerous Goods Site Layout Plan
- 6 [View](#). DA2019 - 513.1 Water Cycle Management Plan

## AGENDA

## DEVELOPMENT ASSESSMENT PANEL 22/01/2020

- 7 [View](#). DA2019 - 513.1 Landscape Plan
- 8 [View](#). DA2019 - 513.1 Landscape Specifications
- 9 [View](#). DA2019 - 513.1 Environmental Site Assessment Report - Contamination
- 10 [View](#). DA2019 - 513.1 Multi Level Risk Assessment Report
- 11 [View](#). DA2019 - 513.1 Multi Level Risk Assessment Screening Threshold  
Summary.
- 12 [View](#). DA2019 - 513.1 Noise Impact Assessment
- 13 [View](#). DA2019 - 513.1 Preliminary Hazards Analysis and Summary
- 14 [View](#). DA2019 - 513.1 SEPP 33 Risk Screening Summary
- 15 [View](#). DA2019 - 513.1 SoEE
- 16 [View](#). DA2019 - 513.1 Traffic and Parking Assessment



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/513****DATE: 7/1/2020****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.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Statement of Environmental Effects	2019-1040 Version 3	Wilson Planning	12 July 2019
Development Plans as stamped	Sheets 1 to 5 Revisions 2 and 3	Brown Commercial Building	25 June 2019 and 1 July 2019
Landscape Plans	Sheets 2 and 3	Brown Commercial Building	27 June 2019
Concept Stormwater/Civil Works	Project 9936 Sheets 1 to 9 Revision C	Eclipse Consulting Engineers	27 November 2019
Noise Impact Assessment	19-2339-R1	Reverb Acoustics Pty Ltd	June 2019
Traffic and Parking Assessment	19/092 Issue D	Intersect Traffic Pty Ltd	3 July 2019
Environmental Site Assessment	N4084	NEO Consulting Pty Ltd	20 May 2019
Site Waste Management and Minimisation Plan	59 Gordon Street	Brown Commercial Building	Undated
Water Cycle Management Plan	9936-001-wcmp	Eclipse Consulting Engineers	11 July 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:
- a. the appointment of a Principal Certifying Authority; and
  - b. 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) (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.
- (7) (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.
- (8) (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.
- (9) (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.

- (10) The existing driveway and layback on Gordon Street, that is proposed for access to this development, shall be removed and re-instated at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards; ASD202. Detailed plans shall be provided as part of the Roads Act Application.
- (11) The existing driveway and layback on Munster Street, that is proposed for access to this development, shall be removed and re-instated at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards; ASD202. Detailed plans shall be provided as part of the Roads Act Application.
- (12) The existing driveway located in the blister of Munster Street shall be removed and reinstated to standard kerb and gutter with kerb ramp connection to the pedestrian facility and garden landscaping to match existing. Details to be clearly illustrated plans on plans accompanying the Roads Act Application.
- (13) The existing driveway located in Gordon Street shall be removed and reinstated to standard kerb and gutter with kerb ramp connection to the pedestrian refuge facility. Details to be clearly illustrated plans on plans accompanying the Roads Act Application.
- (14) The existing footpaths on the frontages of Gordon Street and Munster Street shall be removed and re-instated at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards at the time of construction; ASD 100 Series. Detailed plans shall be provided as part of the Roads Act Application.
- (15) On-street (public) parking spaces along the Munster and Gordon Street frontages shall be line marked. Detailed plans shall be provided as part of the Roads Act Application.

**B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

- (1) (B001) Prior to release of the building 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 an Infrastructure 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 parking bays in accordance with AS2890.
3. Sewerage reticulation.
4. Water supply reticulation. Including 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.
5. Stormwater systems.
6. Erosion & Sedimentation controls.
7. 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
8. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASDASD 207 and ASD 202, Port Macquarie-Hastings Council current version.
9. Provision of a 1.5m wide concrete footpath across both street frontages 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 building Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving (1.5m width)
- Footway and gutter crossing

- Functional vehicular access
- (4) (B010) Payment to Council, prior to the issue of the building Construction Certificate of the Section 7.12 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 Council Section 94A Levy Contributions Plan 2007
- 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) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- (6) (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.
- (7) (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.
- (8) (B041) Prior to the issue of the building 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.
- (9) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the building Construction Certificate.
- (10) (B048) Prior to the issue of a building Construction Certificate, provision shall be made for the storage of garbage containers and containers for recyclable material in a designated garbage area. If an external area is used for the storage of putrescible material then the area shall be:

- a. Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest.
  - b. Provided with a hose tape connected to the water supply;
  - c. Paved with impervious material;
  - d. Graded and drained to the sewer system, and
  - e. Roofed to prevent the entry rainwater.
- (11) (B050) A report outlining the validation of all soil excavations (resulting from the removal of contaminated soils) and fill materials, carried out in accordance with the Environmental Protection Authority "Contaminated Sites Guidelines for Consultants Reporting on Contaminated Sites, November 1997", shall be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- (12) (B052) The provision of 3m x 3m splay corners or otherwise agreed to by Port Macquarie-Hastings Council. Details must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- (13) (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.
- (14) (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.
- (15) (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.
- (16) (B072) A detailed stormwater drainage design is to be submitted and approved by Port Macquarie-Hastings Council prior to the issue of a building construction certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards and shall make provision for the following:
- a) The legal point of discharge for the proposed development is defined as Council's piped drainage system in Gordon Street.
  - b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No C05 - C, revision C, prepared by Eclipse Consulting Engineers Pty Ltd and dated 27 November 2019.
  - c) The design requires the provision of interallotment drainage in accordance with AUSPEC D5.
  - d) 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 1% AEP event. Summary calculations demonstrating compliance with the above requirements for the median storm in the critical duration for the design AEP shall be submitted (20%, 5% & 1% AEP at minimum) Alternative is to submit an electronic model in DRAINS format for electronic review. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.



- e) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
  - f) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
  - g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
  - h) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (17) (B085) The location of electricity substations are to be clearly illustrated on the building Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (18) Prior to the issuing of the building Construction Certificate certification from Reverb Acoustics or another suitably qualified and practising acoustic consultant/engineer shall be provided to the certifying authority confirming that all noise control recommendations made in the Reverb Acoustics Noise Impact Assessment Report, dated June 2019 have been incorporated into the construction plans.
- (19) Prior to the issuing of the building Construction Certificate, the detailed design specification of the Underground Petroleum Storage System (UPSS) must be submitted to the certifying authority and council demonstrating compliance with the UPSS Regulation, 2019, having the minimum mandatory pollution protection, monitoring equipment and vapour recovery (VR1).
- (20) Prior to the issuing of the building Construction Certificate, an "Unexpected Finds" Plan shall be submitted to the certifying authority detailing procedures relating to unexpected finds of asbestos, asbestos containing materials, naturally occurring asbestos, hazardous materials and land contamination during demolition and construction works.
- (21) A duly qualified person shall submit to the certifying authority and council certification of the design, installation, commissioning and testing of the UPSS including vapour recovery (VR1), loss monitoring and detection equipment and equipment integrity testing prior to release of any building construction certificate.
- (22) No signage is permitted on the pillar building wall feature above the roofline of the convenience store building. Construction certificate plans shall clearly illustrate compliance.

#### **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) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (3) (C013) Where a sewer manhole and 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.

#### **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 installing traffic management works
  - b. at completion of installation of traffic management works
  - c. when the sub-grade is exposed and prior to placing of pavement materials;
  - d. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - e. at the completion of each pavement (sub base/base) layer;
  - f. before pouring of kerb and gutter;
  - g. prior to the pouring of concrete for sewerage works and/or works on public property;
  - h. on completion of road gravelling or pavement;
  - i. during construction of sewer infrastructure;
  - j. during construction of water infrastructure;
  - k. during construction of stormwater infrastructure;
  - l. 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) (D002) Fill material shall not raise the existing surface level within the dedicated easements.
- (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) (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.
- (5) (D022) The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
  - a. notify Council immediately when the breakage occurs, and
  - b. repair the damage at no cost to Council
- (6) (D023) During all phases of demolition, excavation and construction, it is the responsibility of the applicant and their contractors to:

- a. Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works.
- b. Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.
- c. Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities must be sited fully clear of Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease and the Certifying Authority and Council must be contacted immediately for advice.

Any damage caused to Council's stormwater drainage system must be immediately repaired in full and at no cost to Council.

- (7) (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.
- (8) (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*.
- (9) (D037) Noise from construction activities (measure as the  $L_{AeqT}$  noise level) shall not exceed the background noise level (measured as the  $L_{A90}$  noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence, or premises.
- (10) (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*.
- (11) After removal of the decommissioned UPSS, should contamination be found, remediation works shall be carried out in accordance with State Environmental Planning Policy No 55 - Remediation of Land, the Remediation Action Plan and relevant NSW EPA requirements.

#### **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) (E004) Consolidation of the allotments comprising the site of the proposed development prior to issue of the Occupation Certificate.
- (3) (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.
- (4) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (5) (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).
- (6) (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.
- (7) (E024) Occupation of the premises shall not occur until a registration application has been submitted to Council's Environmental Health Unit for the food premises.
- (8) (E027) A final site inspection relating to fit out works carried out on the food premises component shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer.
- (9) (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.
- (10) (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.
- (11) (E039) An appropriately qualified and practising consultant is required to certify the following:
  - a. all drainage lines have been located within the respective easements, and
  - b. any other drainage structures are located in accordance with the Construction Certificate.
  - c. all stormwater has been directed to a Council approved drainage system
  - d. all conditions of consent/ construction certificate approval have been complied with.
  - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (12) (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 Certificate.

- (13) (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.

- (14) (E048) 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 water quality control facilities within the site.

In addition, a maintenance schedule for the water quality controls must be submitted to Council for approval with the stormwater work-as executed plans. This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

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 inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID 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 components or structures in or upon the said land which comprise the SQID 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 SQID, or failure to clean, maintain and repair the SQID.

The instrument shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (15) (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 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.
- (16) (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.
- (17) (E053) All works relating to public infrastructure 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.
- (18) (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 certificate.
- (19) Public and private landscaping components being completed prior to occupation or issue of the Occupation Certificate.
- (20) (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.
- (21) (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
- (22) (E068) Prior to the issue of a 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.
- (23) Prior to issue of any Occupation Certificate the relocated stormwater drainage system shall be completed and associated easement provided on title of the



consolidated lot. Evidence shall be provided to the satisfaction of the certifying authority.

- (24) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (25) (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 any Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (26) Prior to the issue of any Occupation Certificate, or occupation of the building, whichever occurs first, certification by a duly qualified person shall be submitted to the PCA and council certifying that the UPSS, vapour recovery, all pollution control and monitoring equipment including the groundwater monitoring wells, have been installed, commissioned and tested by duly qualified persons and complies with the UPSS Regulation, 2019 are fully functioning and fit for purpose. All required reports, forms and certification shall be submitted to the certifying authority and council.
- (27) If remediation works were required to be carried out after removal of the existing UPSS, then prior to the issuing of any Occupation Certificate, or occupation of the building, whichever occurs first, a Validation Report prepared by a suitably qualified and practising contaminated land consultant shall be submitted to the certifying authority and Council clearly stating that the premises has been remediated properly and is suitable for the commercial land use.
- (28) Prior to the issue of any Occupation Certificate, or occupation of the building, whichever occurs first, certification by a suitably qualified and practising acoustic consultant/engineer shall be submitted to the certifying authority and Council certifying that the premises complies with the recommendations made in the Noise Impact Assessment Report prepared by Reverb Acoustics dated June 2019 and that operational noise levels comply with or are below all the project noise trigger levels.

#### **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) (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.
- (3) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (4) (F023) Spills and contaminated runoff from the forecourt and under canopy area where necessary shall be prevented from entering the stormwater

system. In this regard, adequate spill containment equipment should be maintained on site at all times.

- (5) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (7) (F025) Hours of operation of the service station and convenience store is:
  - 24 hours seven days a week.
- (8) (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 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (9) (F195) Illuminated signage shall be fitted with a time switch to dim by 50% or turned off by 11pm each night.
- (10) (F196) The premises shall have a fully compliant and operational Fuel System Operation Plan (FSOP) and designated "Person Responsible". The FSOP and details of the designated "Person Responsible" shall be held onsite at all times and shall be made available to an authorised officer or relevant authority upon request.
- (11) (F199) All fuel tanker and convenience store deliveries shall only occur between 5am and 12 midnight. Delivery vehicles shall be switched off when on the premises. If repeated noise complaints are received by council, delivery hours may be further restricted.
- (12) (F200) Waste collection shall only be undertaken on weekdays between 7am and 6pm.

## INDUSTRIAL COMMERCIAL PROJECT MANAGEMENT

## DEVELOPMENT APPLICATION ISSUE

**Project:** SERVICE STATION  
**Client:** RCI GROUP  
**Lot:** 5, 6 & 7  
**No:** 59  
**Street:** GORDON STREET  
**Suburb:** PORT MACQUARIE  
**DP:** 18259  
**Drawn by:** BSIVA  
**Rev No:** 3  
**Job No:** BC0103

Sheet No.	Sheet Name	Drawn By	Rev	Current Rev Date
00	Title Page	BSIVA	3	01.07.19
01	Site Analysis Plan	BSIVA	2	25.06.19
02	Development Plan	BSIVA	2	01.07.19
03	Proposed Site Plan	BSIVA	3	01.07.19
04	STORE Details	BSIVA	3	01.07.19
05	CANOPY Details	BSIVA	3	01.07.19

**GENERAL NOTES:**

- BUILDING SHALL BE DESIGNED TO BE COMPLIANT WITH THE REQUIREMENTS OF THE BUILDING ACT 1993 AND THE BUILDING REGULATIONS 2006.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ANY BUILDINGS ARE REQUIRED TO BE CONSTRUCTED TO THE REQUIREMENTS OF THE BUILDING ACT 1993 AND THE BUILDING REGULATIONS 2006.
- ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- SPECIFIC NOTES RELATIVE TO THE DEVELOPMENT SHALL BE PROVIDED TO THE DEVELOPER BY THE ARCHITECT.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS PRIOR TO COMMENCEMENT OF CONSTRUCTION.

**PLEASE NOTE:** THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS PRIOR TO COMMENCEMENT OF CONSTRUCTION.

**LEGEND:**

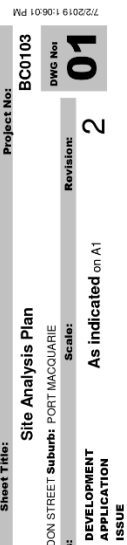
1. CENTRE LINE  
 2. BOUNDARY LINE  
 3. EXISTING BUILDING  
 4. PROPOSED BUILDING  
 5. EXISTING DRIVEWAY  
 6. PROPOSED DRIVEWAY  
 7. EXISTING FENCE  
 8. PROPOSED FENCE  
 9. EXISTING ROAD  
 10. PROPOSED ROAD  
 11. EXISTING PARKING  
 12. PROPOSED PARKING  
 13. EXISTING LANDSCAPE  
 14. PROPOSED LANDSCAPE  
 15. EXISTING UTILITIES  
 16. PROPOSED UTILITIES  
 17. EXISTING SERVICES  
 18. PROPOSED SERVICES  
 19. EXISTING STRUCTURES  
 20. PROPOSED STRUCTURES  
 21. EXISTING PLANT & EQUIPMENT  
 22. PROPOSED PLANT & EQUIPMENT  
 23. EXISTING MATERIALS  
 24. PROPOSED MATERIALS  
 25. EXISTING FINISHES  
 26. PROPOSED FINISHES  
 27. EXISTING COLOURS  
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 29. EXISTING TEXTURES  
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 31. EXISTING PATTERNS  
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 33. EXISTING SIZES  
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 35. EXISTING QUANTITIES  
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 37. EXISTING PRICES  
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 49. EXISTING OPPORTUNITIES  
 50. PROPOSED OPPORTUNITIES  
 51. EXISTING CHALLENGES  
 52. PROPOSED CHALLENGES  
 53. EXISTING SOLUTIONS  
 54. PROPOSED SOLUTIONS  
 55. EXISTING IMPACTS  
 56. PROPOSED IMPACTS  
 57. EXISTING MITIGATIONS  
 58. PROPOSED MITIGATIONS  
 59. EXISTING MONITORING  
 60. PROPOSED MONITORING  
 61. EXISTING EVALUATION  
 62. PROPOSED EVALUATION  
 63. EXISTING REPORTING  
 64. PROPOSED REPORTING  
 65. EXISTING REVIEW  
 66. PROPOSED REVIEW  
 67. EXISTING IMPROVEMENTS  
 68. PROPOSED IMPROVEMENTS  
 69. EXISTING INNOVATIONS  
 70. PROPOSED INNOVATIONS  
 71. EXISTING BEST PRACTICES  
 72. PROPOSED BEST PRACTICES  
 73. EXISTING LESSONS LEARNED  
 74. PROPOSED LESSONS LEARNED  
 75. EXISTING FEEDBACK  
 76. PROPOSED FEEDBACK  
 77. EXISTING COMMUNICATIONS  
 78. PROPOSED COMMUNICATIONS  
 79. EXISTING RELATIONSHIPS  
 80. PROPOSED RELATIONSHIPS  
 81. EXISTING NETWORKS  
 82. PROPOSED NETWORKS  
 83. EXISTING PARTNERSHIPS  
 84. PROPOSED PARTNERSHIPS  
 85. EXISTING COLLABORATIONS  
 86. PROPOSED COLLABORATIONS  
 87. EXISTING ALLIANCES  
 88. PROPOSED ALLIANCES  
 89. EXISTING JOINT VENTURES  
 90. PROPOSED JOINT VENTURES  
 91. EXISTING SUBSIDIARIES  
 92. PROPOSED SUBSIDIARIES  
 93. EXISTING DIVISIONS  
 94. PROPOSED DIVISIONS  
 95. EXISTING DEPARTMENTS  
 96. PROPOSED DEPARTMENTS  
 97. EXISTING TEAMS  
 98. PROPOSED TEAMS  
 99. EXISTING INDIVIDUALS  
 100. PROPOSED INDIVIDUALS



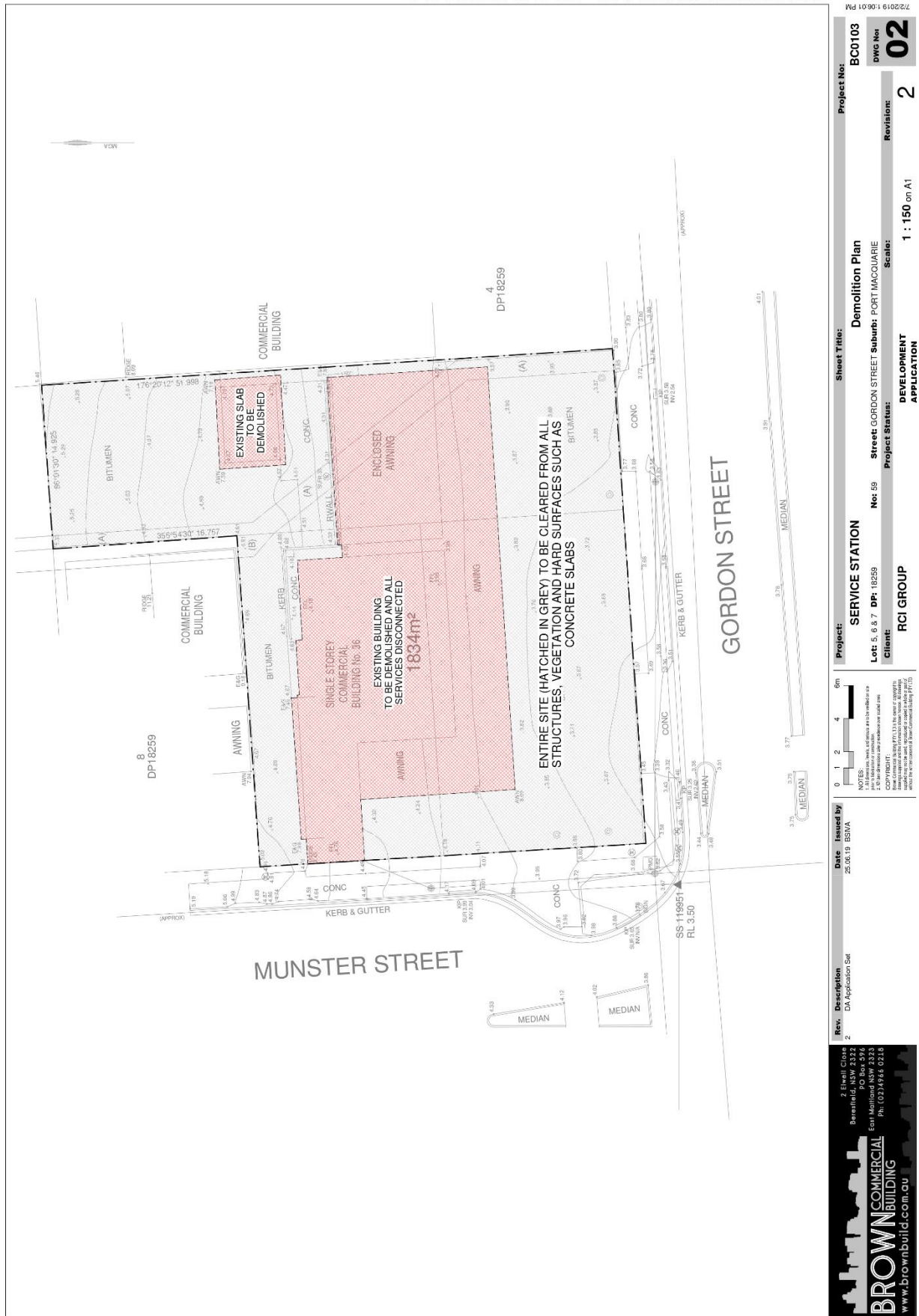
## DEVELOPMENT APPLICATION

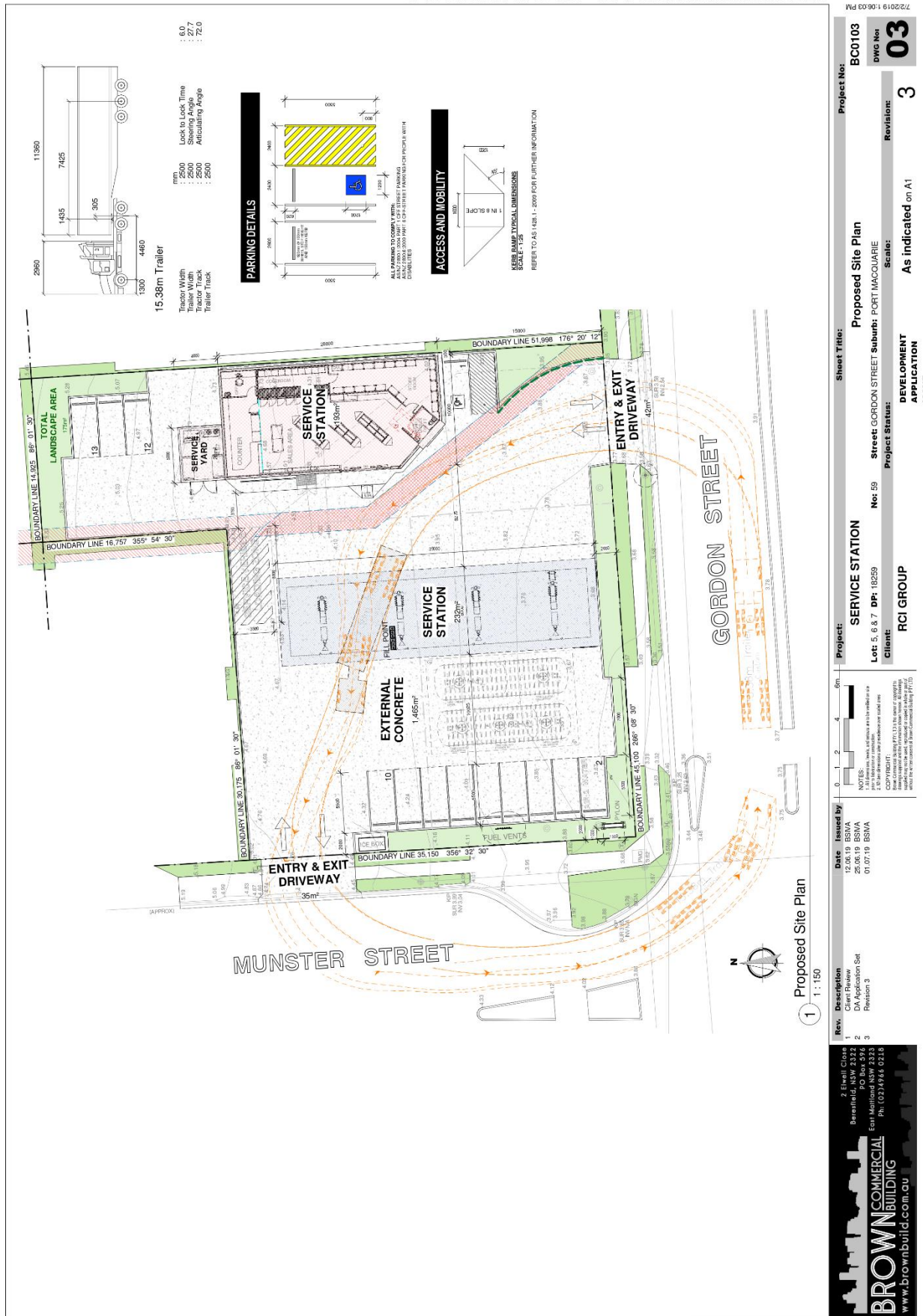
2 Elwell Close  
 Beresfield, NSW 2322  
 PO Box 596  
 East Maitland NSW 2323  
 Ph: (02) 4966 0218

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 BUILDING  
 www.brownbuild.com.au

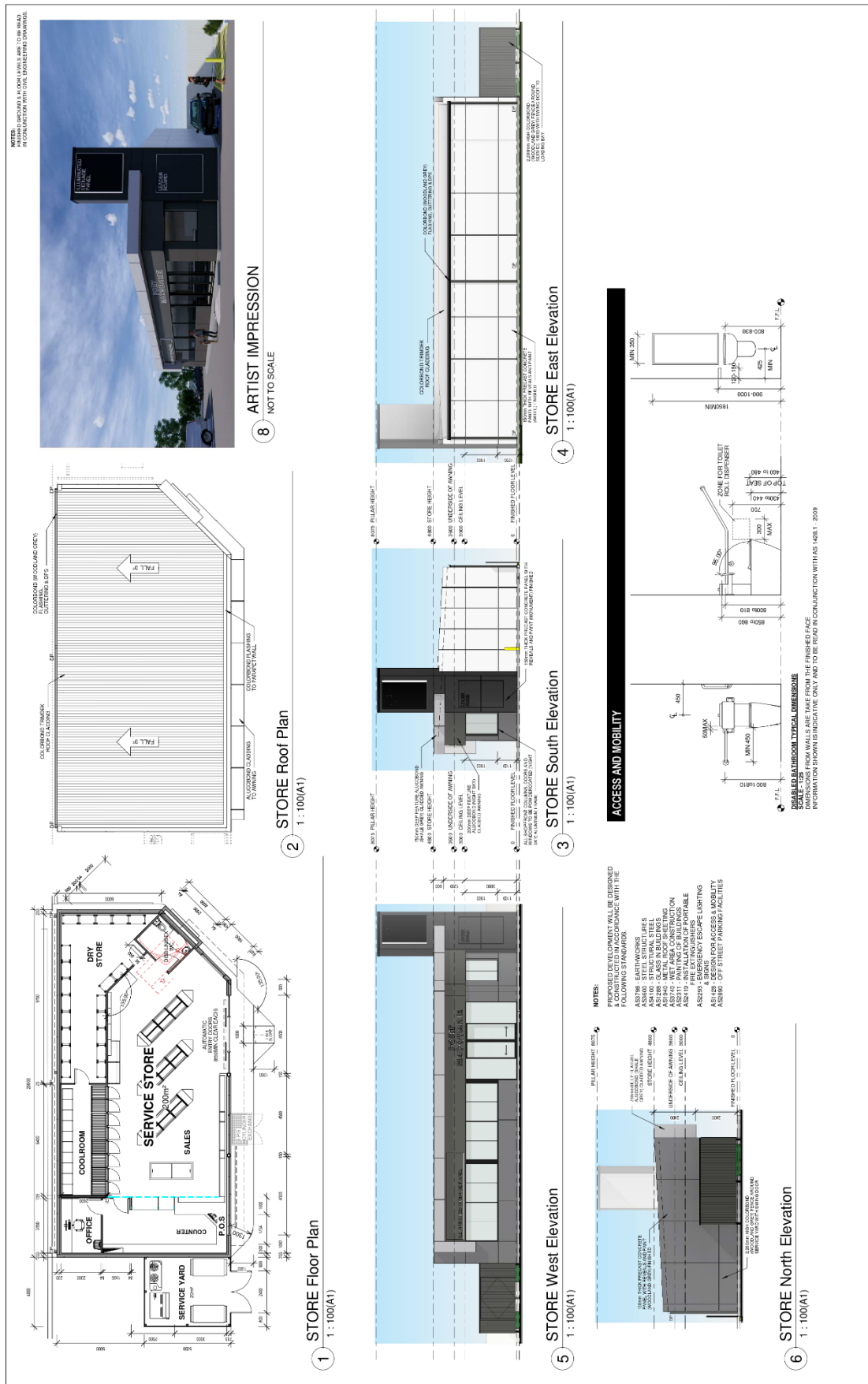


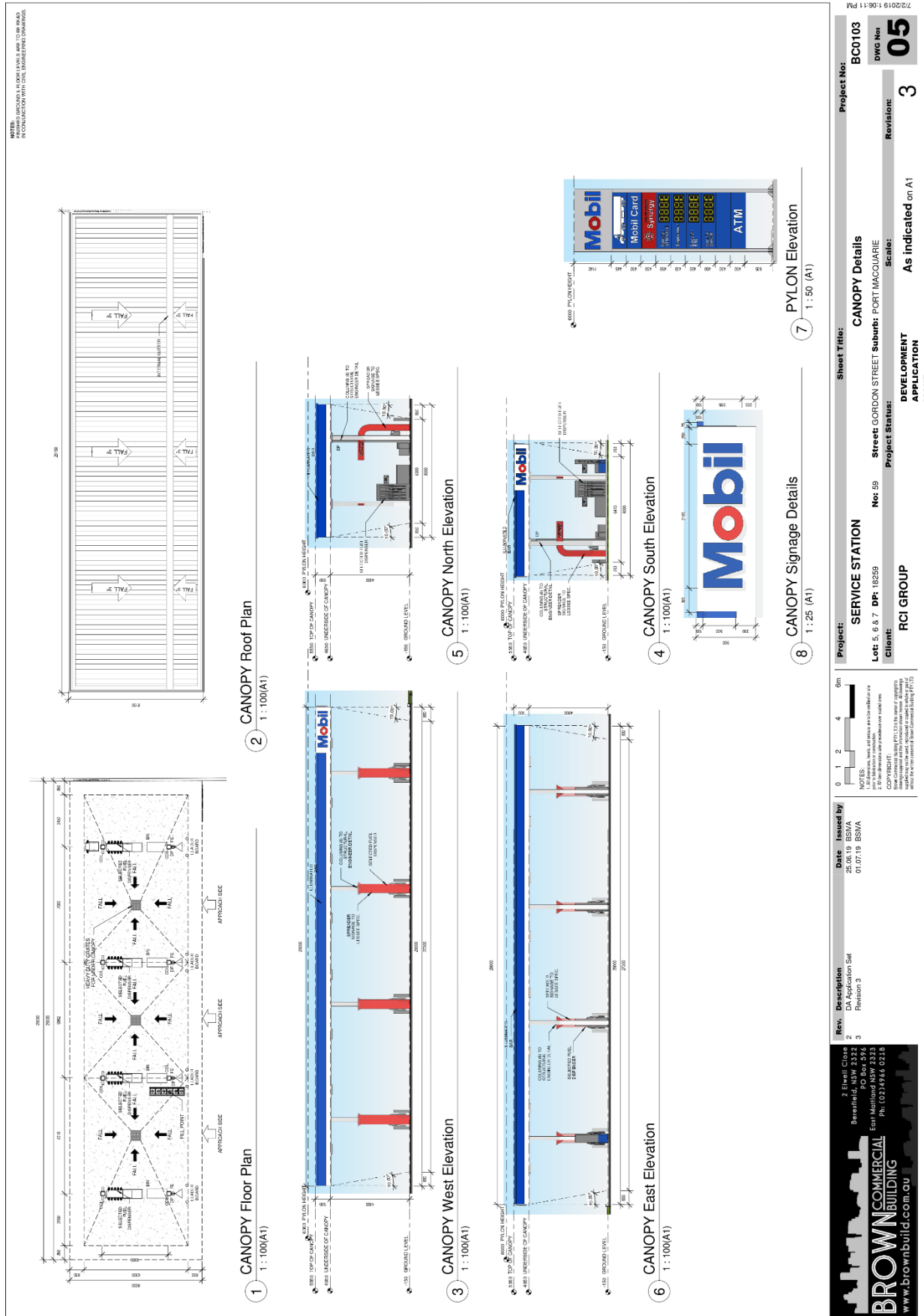












## Developer Charges - Estimate

Applicants Name: RCI Group  
 Property Address: Corner of Munster and Gordon Streets, Port Macquarie  
 Lot & Dp: Lot(s):5, 6 and 7, DP(s):18259  
 Development: Demolition of existing building and construction of a new service station



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 N/A			
2 N/A			
3 N/A			
4 N/A			
5 N/A			
6 N/A			
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 S94A Levy - Applicable to Consents approved after 2/12/07	1.00%	#####	\$18,927.00
15 Admin General Levy - Applicable to Consents approved after 11/2/03	Contribution Not Applicable		
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$18,927.00

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: 13-Jan-2020

Estimate Prepared By Ben Roberts

This is an ESTIMATE ONLY - NOT for Payment Purposes

Corner of Munster and Gordon Streets, Port Macquarie, 13-Jan-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL

# PROPOSED SERVICE STATION

## 59 Gordon Street, Port Macquarie

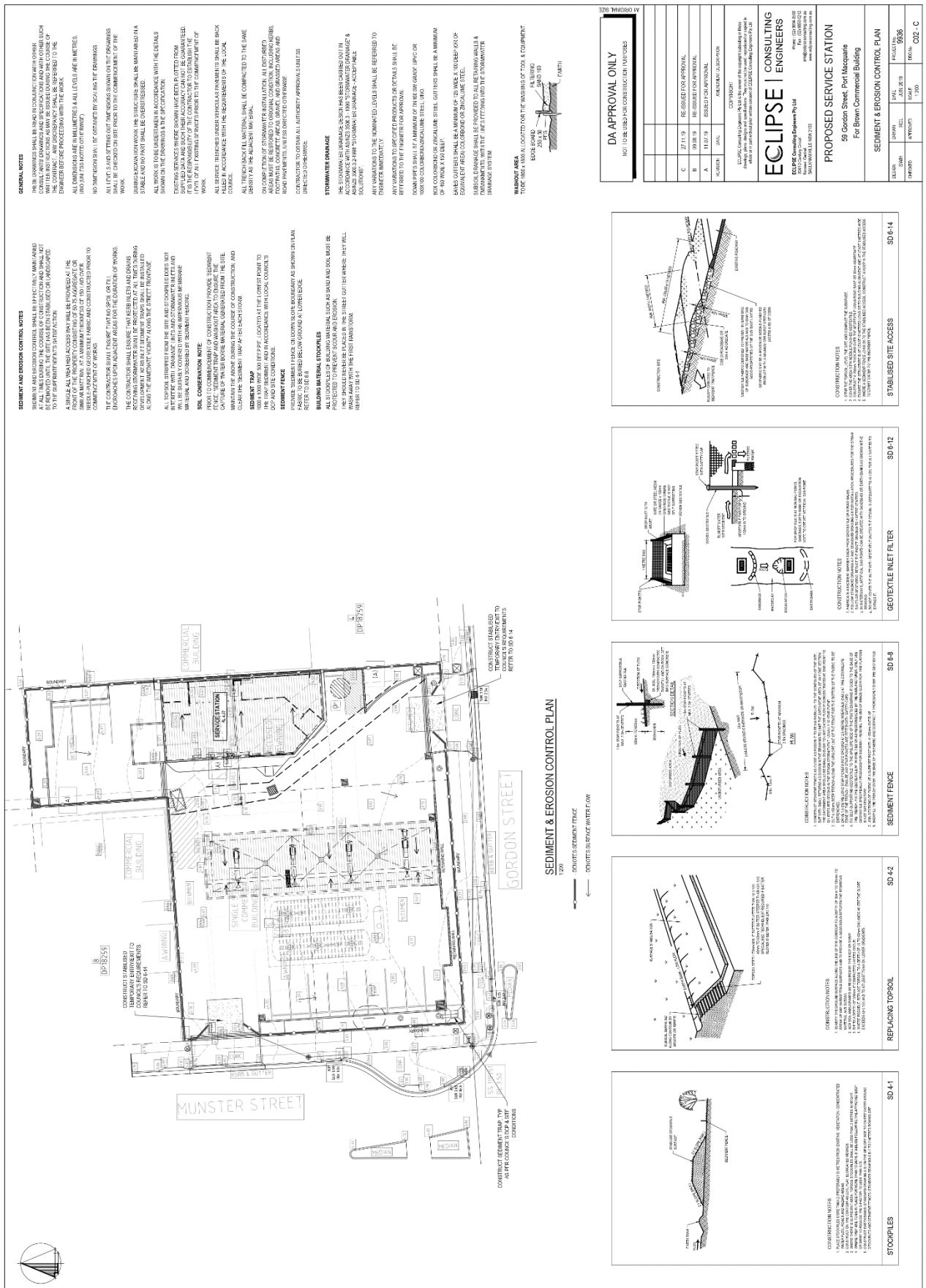
### CONCEPT STORMWATER / CIVIL WORKS



#### MASONRY

- M1. ALL MASONRY SHALL BE CONSTRUCTED IN ACCORDANCE WITH AS 3700.
- M2. THE EXISTING STRUCTURE OF MASONRY SHALL BE SET OUT AS FOLLOWS (IN METRES):

EXPOSURE CLASSIFICATION	MASS/UNIT SURF. AREA (kg/m <sup>2</sup> )	MASS/UNIT SURF. AREA (kg/m <sup>2</sup> )	CLASSIFICATION	WATER-REDUCING ADJUTANT
A1/A2	> 6.3	General Purpose	10-10-6.0	2.0
B1	> 6.3	General Purpose	10-10-6.0	2.8
			10-10-6.0	2.8



[illegible][illegible]

## PRE-DEVELOPMENT CATCHMENT AREA PLAN

1:400

DENOTES STORMWATER CATCHMENT AREA TO EXISTING (N) E1671 (0.6587)

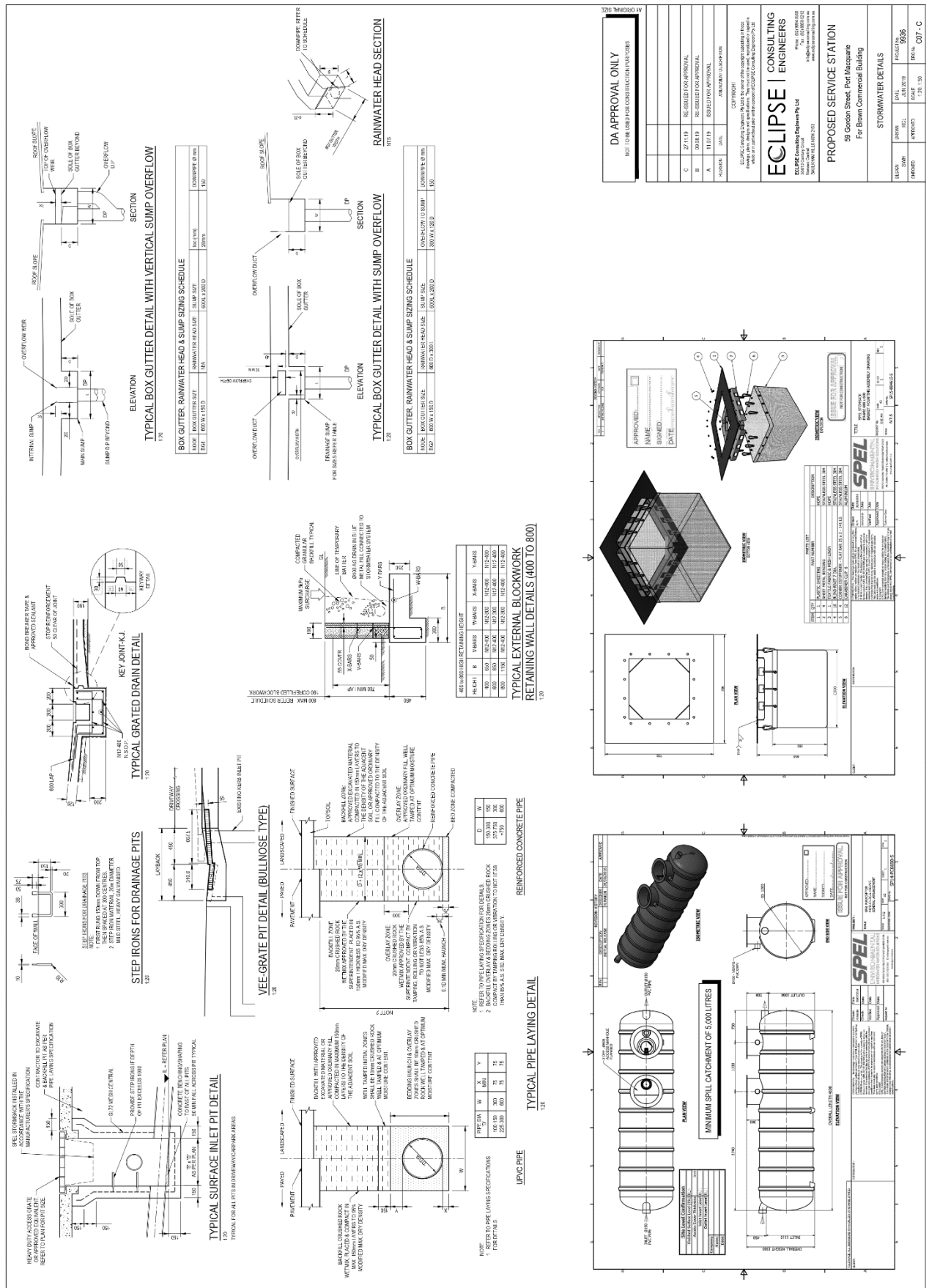
DENOTES STORMWATER CATCHMENT AREA TO NEW SPOON CRAIN (1.3587)





















## Water Cycle Management Plan Proposed Service Station Development

At

34-36 Munster & 59 Gordon Sts,  
Port Macquarie



For

BROWN COMMERCIAL BUILDING  
2 Elwell Close  
Beresfield NSW 2322

Ref.: 9936-001-wcmp  
Issue Date: 11 July 2019  
Status: Approval

# ECLIPSE

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APPENDIX A : SPEL StormSacks – Operations & Maintenance Manual

# ECLIPSE

## 2. INTRODUCTION & BACKGROUND

### 2.1. Background & Purpose

The purpose of this Water Cycle Management Plan report is to provide the stormwater drainage system and stormwater quality treatment design parameters and show that the proposed stormwater system will meet the requirements of Port Macquarie Hastings Council stormwater requirements.

The principal objectives of this review are to provide:

- A summary of stormwater design parameters
- A summary of Australia Standards used and council's stormwater requirements
- A summary of stormwater design strategy
- A maintenance schedule of each stormwater drainage components proposed for this development.

### 2.2. Site Description

The information of the site is as followed:

- Located on the north side of Gordon Street on the corner of Munster St.
- The site slopes from the north-eastern corner to south-western corner towards Gordon Street.
- The slope of the site is approximately 1.7 metres towards Gordon Street.
- The total site area is 1,834 m<sup>2</sup>.
- The total post development impervious area is 1,654 m<sup>2</sup> (90% of site).

Figure 1, below, shows an aerial photograph of the site.



*Figure 1: Aerial Photograph of the Site Location (Site shown with Blue Boundary)*

# ECLIPSE

## 2.3. Proposed Development

The proposed development works includes:

- Service station shop & fuel canopy
- External pavement, driveway and car parking areas
- Landscape areas

Figure 2, below, shows the overall site plan for the development.

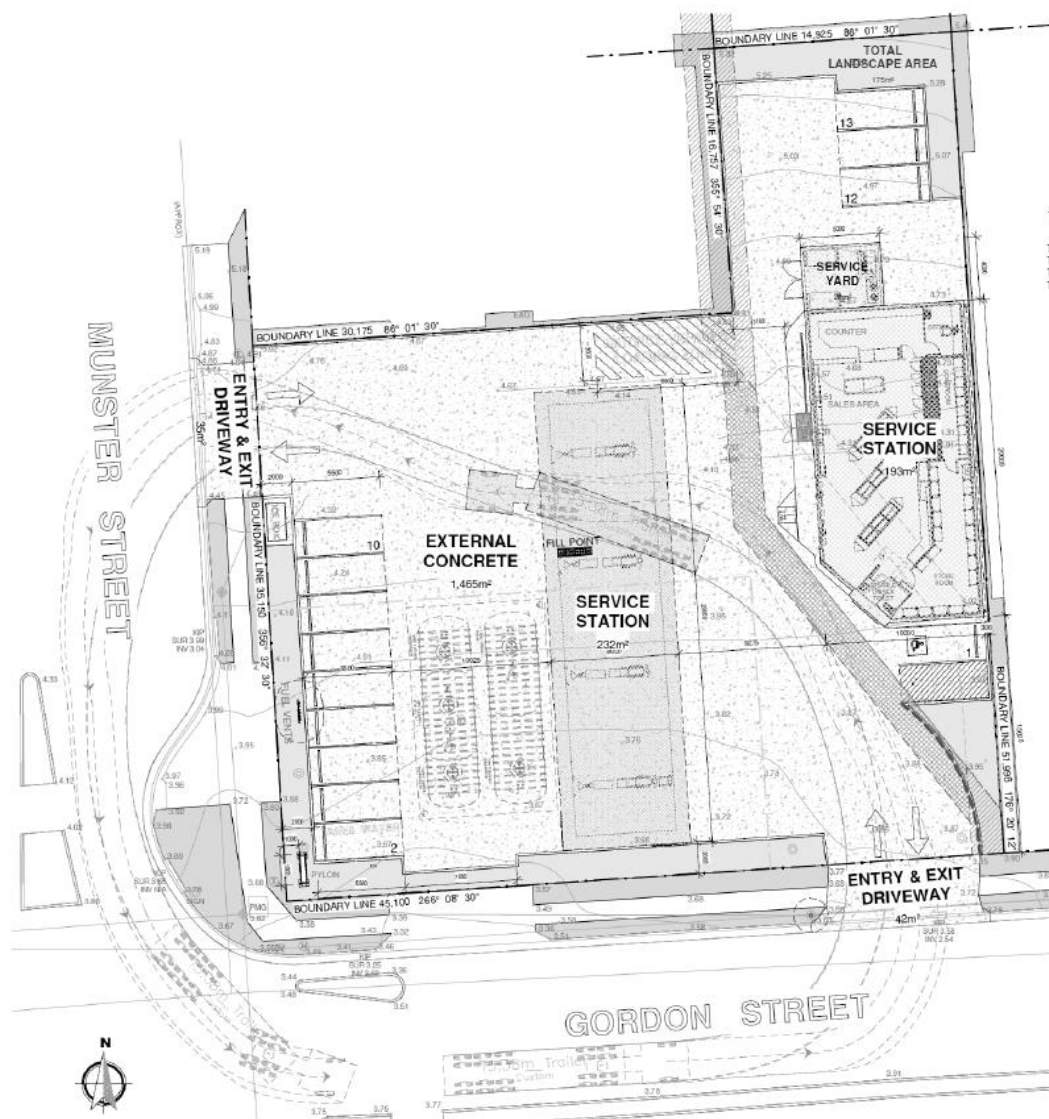


Figure 2: Proposed Development Site Architectural Layout



### 3. DESIGN STANDARDS & COUNCIL STORMWATER REQUIREMENTS

#### 3.1. Australian Standards

The design will be based on the following design standards:

- AS/NZS 3500.3 Plumbing and Drainage, Part 3: Stormwater Drainage

#### 3.2. Stormwater Quality Requirements

The following stormwater quality treatment devices are proposed to be used on the site:

- SPEL Stormsacks or an approved equivalent to be installed in all surface inlet pits around the site, to capture all gross pollutants & debris before they leave the site.
- A 5,000 Litre below ground rainwater tank has been provided for the catchment of the service station building roof & for reuse as toilet flushing & landscape irrigation.
- On-site detention basin to capture all roof and pavement stormwater prior to it being discharged into the existing Council stormwater system.

#### 3.3. Stormwater Quantity Requirements

The design will be based on the following Port Macquarie-Hastings Council stormwater quantity control:

- Pre-development site modelled as a "green field" (undeveloped) site
- Post-development flows restricted to the "green field" predevelopment flows for all storms from the 1:2 Year ARI to the 1:100 Year ARI.

It is noted that the stormwater detention has not been applied to the 1:1 year storm event. This is due to the very low flows that are generated from the "green field" site assumption that is required by Council. It is noted that this storm event has minimal impact on the downstream catchment & that most of the stormwater flows will be captured by either the rainwater tank or the on-site detention tank.



# ECLIPSE

## 4. STORMWATER DESIGN SUMMARY

### 4.1. Stormwater Quantity Design Background

On-site detention is required based Port Macquarie-Hastings Council requirements. The following design parameters have been used:

- Pre-development site modelled as a “green field” (undeveloped) site
- Post-development flows restricted to the “green field” predevelopment flows for all storms from the 1:2 Year ARI to the 1:100 Year ARI.

### 4.2. Site Catchment Layout

The stormwater drainage system for the proposed developments are outlined as follows:

- The roof water from the proposed service station shop & canopy will be draining through an eaves or box gutters
- The stormwater from the pavement areas will discharge to the surface inlet pits with SPEL stormsacks
- All stormwater exiting the site will be draining into the below ground on-site detention basin, prior to the reduced flows exiting the site to the existing Council stormwater drainage system.

The site catchment plan layout is shown in Figure 3, below.

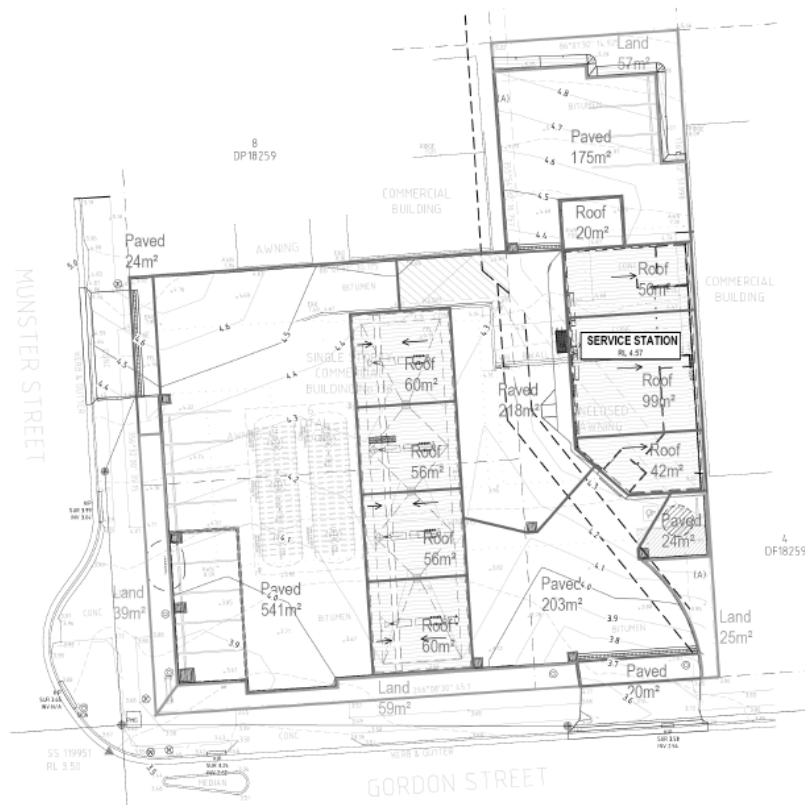


Figure 3 : Full Site Catchment Plan Layout

# ECLIPSE

## 4.3. Stormwater Drainage Plan

The stormwater system for the proposed development consists of conventional roof gutter drainage and external grated pits to direct the stormwater to the below ground on-site detention tank.

Some key features of the proposed stormwater drainage system are as follows:

- The roof water from the proposed service station shop will drain to a 5,000 L below ground rainwater tank.
- The roof water from the canopy will drain through a gutter system into an underground piped stormwater drainage system.
- All surface inlet pits located at the pavement area will have SPEL StormSacks installed to collect all the pollutants and sediments from the pavement surface water.
- All stormwater from the hardstands, driveway and car parking areas will be directed to the surface inlet pits and discharged to the below ground on-site detention basin
- The proposed below ground on-site detention basin located in the south western corner of the site will discharge all the stormwater from the proposed development to council's existing kerb inlet pit via a 225-diameter outlet pipe.

The stormwater drainage plan for the proposed development is shown in Figure 4, below.

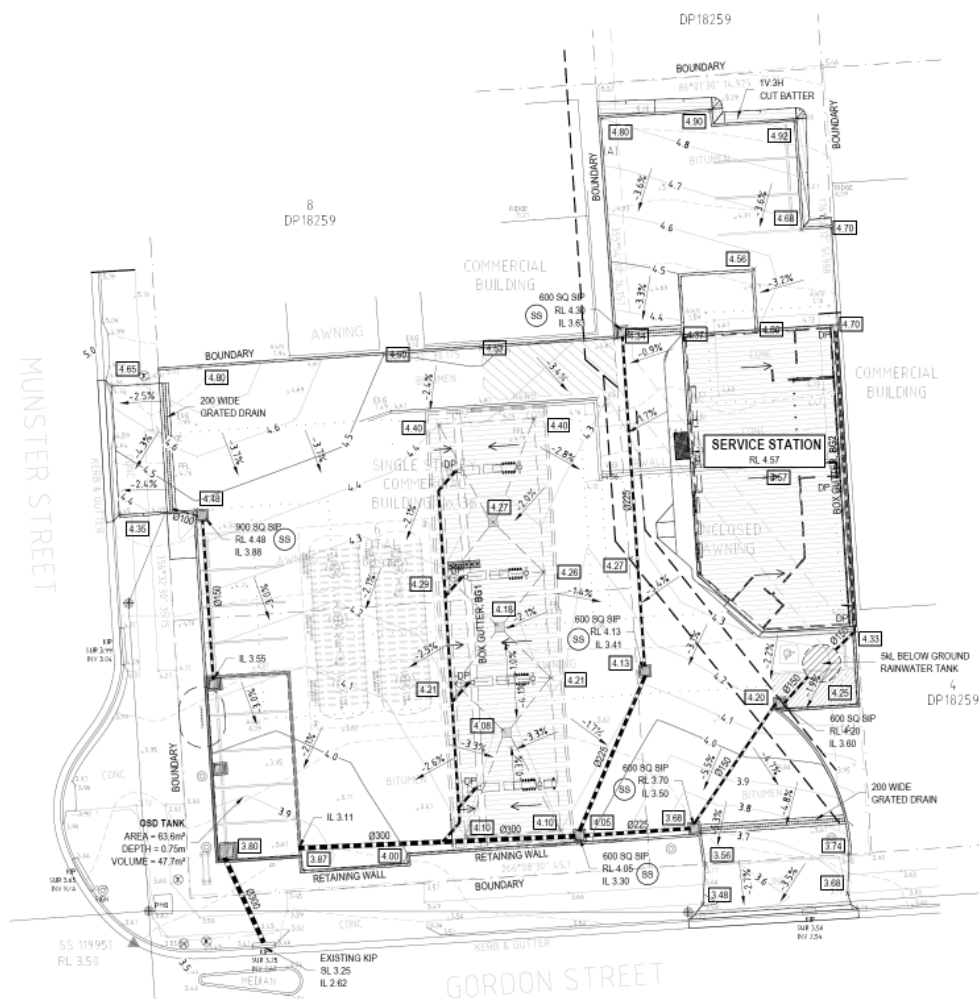


Figure 4 : Stormwater Drainage Plan Layout

# ECLIPSE

## 4.4. Stormwater Quantity Design Summary

A Watercom DRAINS model was prepared for the full development site to enable a review of the existing stormwater discharge and to ensure that the proposed development does not exceed the pre-development flows as per Port Macquarie-Hastings Council's stormwater quantity requirements.

The following result shows the total on-site detention provided for this proposed development:

- Total on-site detention storage required 45.0 m<sup>3</sup>
- Total on-site detention storage volume provided 47.7 m<sup>3</sup>

The DRAINS Model layouts that was used to review the performance of the stormwater drainage system for the proposed development in both pre-development and post-development are shown in Figure 5 below,

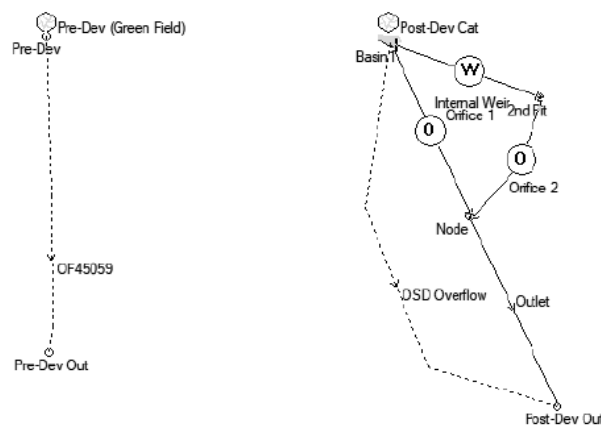


Figure 5: Pre-Development & Post-Development DRAINS Model Layout

The pre-development and post-development flows and on-site detention storage required as per Port Macquarie-Hastings Council's requirement are summarised in Table 1.

Table 1: DRAINS Stormwater Drainage Model Output Results Summary Pre & Post-Development Flows and On-Site Detention Storage Volumes Required					
Average Recurrence Interval (ARI)	5 Year	10 Year	20 Year	50 Year	100 Year
Pre-Development Flows (l/s)	58	75	92	105	121
Post-Development Flow (l/s)	32	41	79	99	104
Storage Volume Required (m3)	28	37	39	41	45

## 4.5. Stormwater Quality Design Background

No detailed stormwater quality modelling has been carried out for this site.

Stormwater quality improvement devices (SQIDs) have been used in the stormwater system to ensure that all stormwater is treated prior to leaving the site. These measures include SPEL StormSacks in all stormwater inlet pits, a 5,000 Litre rainwater tank with re-use & the on-site detention tank.

# ECLIPSE

## 5. FLOOD PLANNING REQUIREMENTS

### 5.1. Flood Planning Requirements

The site is located within a region of Port Macquarie that has been identified by Port Macquarie-Hastings Council as being flood affected.

The following information has been provided by Council:

- The 1:20 Year ARI storm event flood level for the site is 3.46 m AHD, meaning the site is not affected.
- The 1:100 Year ARI storm event (including the effects of climate change) flood level for the site is 4.07 m AHD.
- The site falls within the Wrights Creek floodplain
- The site is characterized as being within a Low Hazard, Flood Storage Area.

Based on the above, Council have advised that a Flood Impact Assessment is not required.

### 5.2. Flood Impact on the Site

For the purpose of designing the development to accommodate the impacts of possible future flooding, Port Macquarie-Hastings Council have supplied a series of images from their flood modeling database.

Figure 6, below, shows the 1:20 Year flood event, with the site not being inundated by flood water.

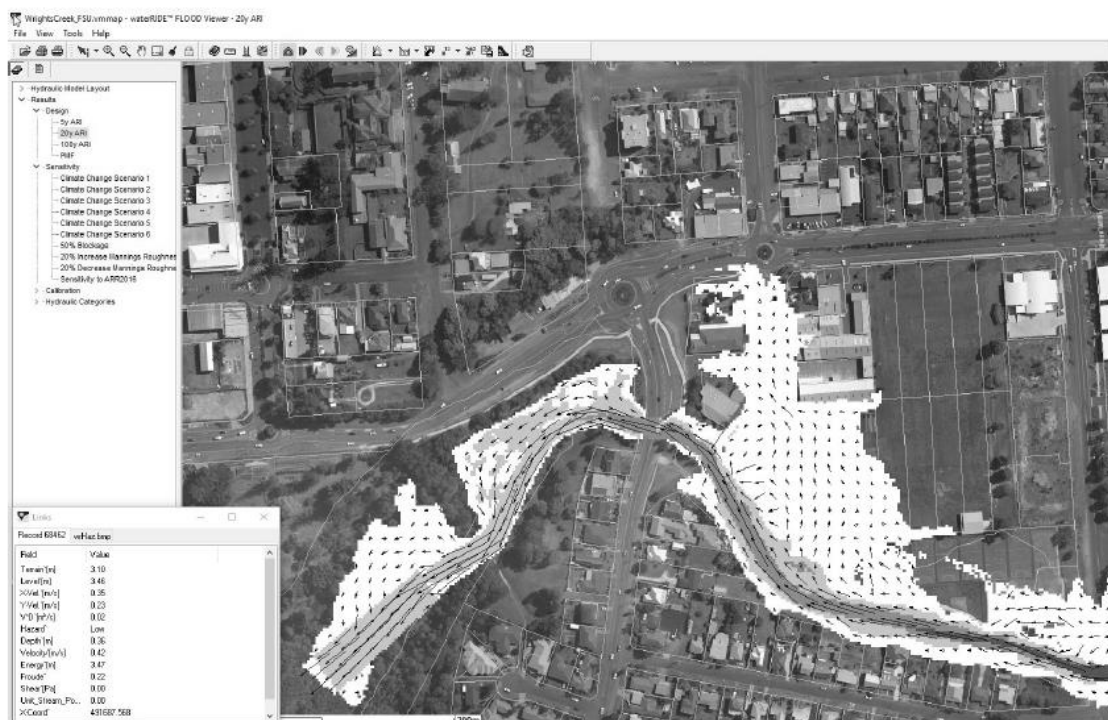


Figure 6: Council Supplied Image - 1:20 YR Flood Level, Depth, Velocity: Site Not Affected

Figure 7, below, shows the 1:100 Year flood event, with the site just starting to be inundated by flood water, along the Gordon Street frontage.

Figure 8, below, shows the Flood Hazard Categorisation for the site.

## ECLIPSE

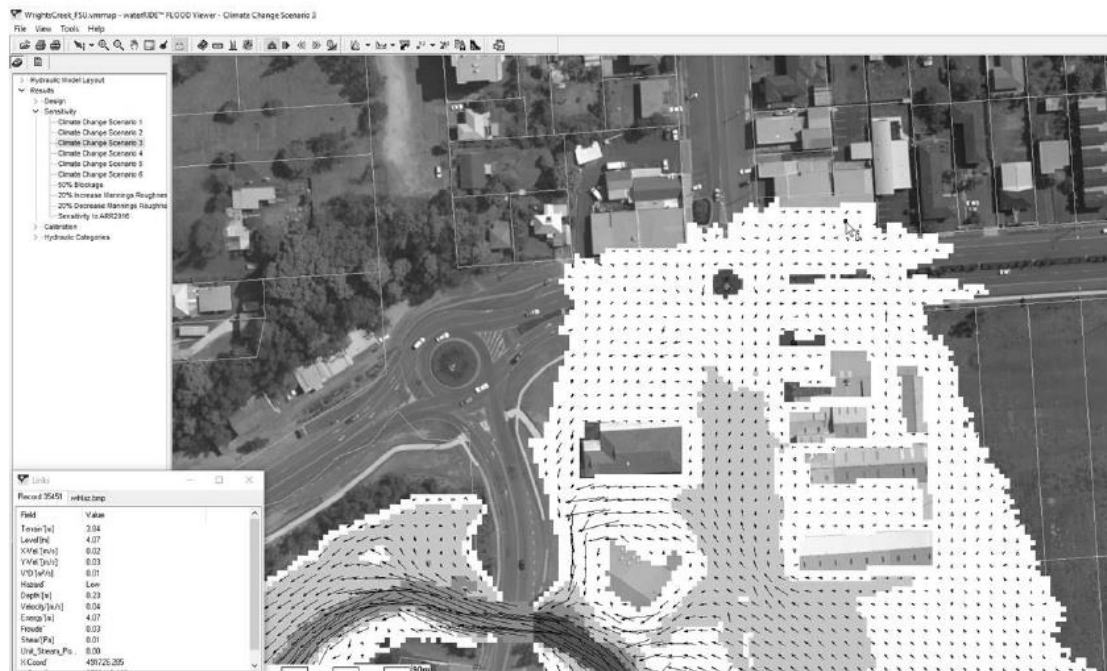


Figure 7: Council Supplied Image - 1:100 YR Flood Level, Depth, Velocity: Site Partially Affected



Figure 8: Council Supplied Image – Flood Hazard Category for the Site

### 5.3. Flood Planning Requirements for the Site

The following flood planning information has been supplied by Port Macquarie-Hastings Council:

Water Cycle Management Plan – 34-36 Munster & 59 Gordon Sts, Port Macquarie

# ECLIPSE

- Flood Planning Level 1 (FPL1 – 1:20 Year Flood Level): 3.46 m AHD
- Flood Planning Level 2 (FPL2 – 1:100 Year Flood Level): 4.07 m AHD
- Flood Planning Level 3 (FPL3 – 1:100 Year Flood Level + Freeboard): 4.57 m AHD

Under the Port Macquarie-Hastings Council Flood Policy 2015, the minimum floor level for commercial & industrial developments is FPL2 with 25% of the ground floor level to be at or above FPL3.

Council have also noted that consideration will be given to a lower floor level where mobility access standards are to be met, FPL1 or ground level whichever is higher.

Based on the above requirements, the floor level of the Service Station has been set at 4.57 m AHD.





## 6. MAINTENANCE SCHEDULE

### 6.1. Stormwater Drainage System Maintenance Schedule

The maintenance schedule for all proposed stormwater systems is outlined below:

<b>Table 2 - Stormwater Pits – Surface Inlet Pits with SPEL Stormsacks</b>			
Maintenance Action	Frequency	Responsibility	Procedure
Inspect all pits for sediment and gross pollutant	Monthly or after storm	Owner	<ul style="list-style-type: none"> <li>Inspect all pits. Empty all contents from Stormsacks and remove all pollutants and sediments. Refer to attached SPEL Stormsacks guidelines</li> </ul>
Inspect grates for damage and/or blockage	Monthly	Owner	<ul style="list-style-type: none"> <li>Check grates for corrosion, damage and/or blockage (especially corner and welds), replace if required. Refer to attached SPEL Stormsacks guidelines</li> </ul>
Inspect all pits for cracks or spalling	Annually	Maintenance Contractor	<ul style="list-style-type: none"> <li>Remove grates and Stormsacks to inspect walls, repair wall if required.</li> <li>Clear vegetation from pits if necessary. Refer to attached SPEL Stormsacks guideline.</li> </ul>

<b>Table 3 - On-Site Detention Tank</b>			
Maintenance Action	Frequency	Responsibility	Procedure
Check system operational performance	End of first month after installation and annually	Maintenance Contractor	<ul style="list-style-type: none"> <li>Inspect and check all components of the OSD system are operating normally. Replace or repair if required.</li> </ul>
Inspect system and grates for damages and/or blockage	Quarterly, after storm and/or oil spill	Maintenance Contractor	<ul style="list-style-type: none"> <li>Check the system and grates for corrosion, damage and/or blockage (especially corner and welds). Replace or repair if required.</li> </ul>
Clean system	Annually	Maintenance Contractor	<ul style="list-style-type: none"> <li>Clean the system by removing sediment, debris and blockage as required.</li> </ul>



**APPENDIX A : SPEL StormSacks – Operations & Maintenance Manual**

Model Number

Job Number



# SPEL StormSack

OPERATIONS & MAINTENANCE

[www.spel.com.au](http://www.spel.com.au)

**SPEL** ENVIRONMENTAL  
INTEGRATED WATER SOLUTIONS

## Manual Introduction

### CHAPTER 1

**Maintenance of the SPEL StormSack is essential to preservation of its condition to ensure lifetime operational effectiveness.**

The SPEL StormSack is a highly engineered water quality device that is deployed directly in the stormwater system as primary treatment to capture contaminants close to the surface. To ensure full operational capacity, it is vital to ensure that the pollutants it captures are periodically removed, and filtration components are thoroughly cleaned.

Maintenance frequencies and requirements of the SPEL StormSack are dependent on the biological factors of the site in which it is situated. These factors can include excessive sediment loading or occurrence of toxic chemicals due to the natural and unnatural factors such as site erosion, chemical spills or extreme storms.

**This manual has been designed by the SPEL StormSack Manufacturer the client or device owner in the maintenance of the SPEL StormSacks.**

This manual should be used in conjunction with the relevant site traffic management and safety plans, as well as any other provided documentation from SPEL.

## SPEL StormSack Specifications/Features

### CHAPTER 2

#### General Description

The SPEL StormSack provides effective filtration of solid pollutants and debris typical of urban runoff, while utilising the existing or new storm drain infrastructure. The StormSack is designed to rest on the flanges of conventional catch basin frames and is engineered for most hydraulic and cold climate conditions.

#### Components:

- a. Adjustable Flange and Deflector: Aluminium Alloy 6063-T6
- b. Splash Guard: neoprene rubber
- c. StormSack: woven polypropylene geotextile with US Mesh 20
- d. Corner Filler: Aluminium Alloy 5052-H32
- e. Lifting Tabs: Aluminium Alloy 5052-H32
- f. Replaceable Oil Boom: polypropylene 3 inch (76 mm) diameter
- g. Mesh Liner: HDPE, diamond configuration
- h. Support Hardware: CRES 300 Series

#### Sizes:

STANDARD SPEL STORMSACK TO SUIT PIT SIZES

- 450x450mm
- 600x600mm
- 900x600mm
- 900x900mm

Custom sizes (i.e. 1200x900mm) can be manufactured on short lead times.

## Health and Safety

### CHAPTER 3

#### **Maintenance of the SPEL StormSacks is a specialist activity.**

When carrying out maintenance operations of the SPEL StormSack, factors such as equipment handling methods, pollutants and site circumstances can impose potential risks to the maintainer and nearby civilians.

#### **Captured Pollutants**

The material captured by the SPEL StormSack can be harmful and needs to be handled correctly. The nature and amount of the captured pollutants depends on the characteristics of the site. Pollutants can include from organic material such as leaves and sticks through to debris such as plastics, glass and other foreign objects such as syringes.

#### **Site Circumstances**

It is essential that Occupational Safety and Health guidelines and site specific safety requirements are followed at all times. It is important that all following steps specified by SPEL are carried out to ensure safety in the entire maintenance operation. The general workplace hazards associated with working outdoors also need to be taken into account.

#### **Equipment Handling**

Handling activities such as removing the drain grate as well as managing pedestrians and other non-worker personnel at the site should be exercised in accordance with specified safety procedures and guidelines.

### **Personal Health & Safety**

When carrying out maintenance operations of the SPEL StormSack all contractors and staff personnel must comply with all current workplace health and safety legislation.

The below measures should be adhered to as practically as possible:

- Comply with all applicable laws, regulations and standards
- All those involved are informed and understand their obligations in respect of the workplace health and safety legislation.
- Ensure responsibility is accepted by all employees to practice and promote a safe and healthy work environment.

### **Personal Protective Equipment**

When carrying out maintenance operations of the SPEL StormSack, wearing the appropriate personal protective equipment is vital to reducing potential hazards. Personal protective equipment in this application includes:

- Eye protection
- Safety apron
- Fluorescent safety vest
- Form of skin protection
- Puncture resistant gloves
- Steel capped safety boots



## Confined Spaces

## CHAPTER 3

Confined space entry procedures are not covered in this manual. It is requested that all personnel carrying out maintenance of the SPEL StormSack must evaluate their own needs for confined space entry and compliance with occupational health and safety regulations

When maintenance operations cannot be carried out from the surface and there is a need to enter confined space, only personnel that currently hold a Confined Space Entry Permit are allowed to enter the confined space. All appropriate safety equipment must be worn, and only trained personnel are permitted to use any required breathing apparatus gear. Necessary measures and controls must always be exercised to meet the confined space entry requirements. Non trained staff are not permitted to participate in any confined space entries.

## Traffic Management

Typically stormwater gully pits are situated on roads and carparks, or adjacent to roads in a footpath or swale. As traffic requirements vary depending on the circumstance of the site, separate traffic control plans should be prepared for each site.

The specific road safety requirements for each site can be obtained from the relevant road authority to ensure all maintenance operations comply with the laws and regulations. State government publications can also be useful to find out the signage requirements, placement of safety cones and barricades that are required when working on public roads.

## Operations

## CHAPTER 4

### General Monitoring

The SPEL Stormsack must be checked on a regular basis to analyse whether it requires maintenance or cleaning.

As gully pit grates are usually quite heavy, it is vital to exercise the correct lifting techniques and also ensure that the area surrounding the open pit is shielded from access of non-work personnel.

To ensure optimal performance of the SPEL Stormsack, the material collected by the filter bag should not exceed the level of approximately a half to two thirds of the total bag depth. When this material collected is showing signs of exceeding this level they should be scheduled to be emptied.

It is also recommended that additional monitoring is conducted following moderate to extreme rainfall events, especially when previous months have had little or no rainfall.

### Gully Pit Cover Removal

#### Opening a Hinged Pit Cover

1. Insert the lifting hooks beneath the grate
2. Check hinge points are not damaged and debris is not caught in the hinge area
3. Fully open pit grate, ensuring that the grate will stay in the open position without any external forces applied. Grates that do not remain open without being held, should be removed or secured during maintenance activities.

#### Opening a Non-Hinged Pit Cover

1. Place lifting hooks beneath grate, where possible in the four corners of the grate. Concrete lids may have Gatic lifting points, a key arrangement or holes in the lid, which may require special equipment such as Gatic lifters.
2. Position each person on either side of the grate.
3. Lift the grate, ensuring that good heavy lifting posture is used at all times.
4. Place the grate on angle on the gutter, to allow for the lifting hooks to be removed.
5. For extremely heavy one-piece grates and concrete Gatic covers, insert the lifters in place and slide the lids back.

## Cleaning Methods

## CHAPTER 4

### Cleaning using an inductor truck

1. Open Gully pit
2. Place the indicator hose, suck out all of the sediment, organic leaf material, litter and other materials that were collected in the filter bag
3. Allow the filter bag to be sucked up in the inductor hose for a few seconds to allow for the filter mesh pores to be cleaned.
4. Use the inductor hose to remove any build-up of material around the overflows and in the bottom of the pit.
5. Remove filter back from pit
6. Remove an sediment and litter caught in the Gully pit grate
7. Back opening channels are to be cleared of any debris to ensure flow is not hindered.
8. Thoroughly examine the structural integrity of the filter bag and frame.
9. Reinstate filter bag and gully pit covers

### Hand Maintenance

1. Open Gully pit
2. Using the correct lifting technique, lift the StormSack out by the diagonal lifting corners fitted to the frame.
3. For extremely heavy and overfilled bags either use a hydraulic lifting arm to lift the StormSack, or remove excess material using a shovel or etc. Take care not to damage the bag when removing litter from the bag.
4. Lift the StormSack clear of the stormwater pit.
5. Position the StormSack over the collection bin or vehicle.
6. Lift and empty the bag by holding the bottom lifting loops only.
7. Brush the StormSack with a stiff brush to remove the sediment from the filter pores.
8. Thoroughly examine the structural integrity of the filter bag and frame.
9. Reinstate StormSack and gully pit covers.

## SPEL StormSack Post Maintenance Inspection

After the SPEL Stormsack has been removed, emptied and cleaned, it should be thoroughly examined to sure that:

- There is no movement or damage to the Cage
- There is no movement or damage to the plastic pit seals
- Structural integrity is in good condition including all fixings, joints and connections.
- The filter bag pores are not clogged
- The filter bag is not damaged in anyway.

The gully pit, pipe inlet/outlets and its cover should also be inspected to ensure there is no damage, debris build up or any potential to cause the SPEL StormSack to operate inefficiently.

## CHAPTER 4

**SPEL StormSack Repairs**

Depending on the extent of the damage to the SPEL StormSack unit, it can usually be repaired.

Small tears to the filter bag can be repaired by either sewing the tear back together with additional fabric to increase the strength of the stitching, or by sewing a patch of filter material onto the filter bag.

If large tears or irreparable damage to the frame and structure are present, it is advisable to replace the components.

All required spare parts can be sourced from SPEL Environmental at a cost to the owner of the SPEL Stormsack.

**Material Disposal**

Collected materials can be potentially harmful to humans and the environment.

Once all captured material from the SPEL Stormsack has been removed, it must be taken off site and disposed of at a transfer station or a similar approved disposal site.

**Emergency Procedures**

Spills and blockages can be detrimental to the performance of a stormwater management system, potentially damaging the surrounding built infrastructure, waterways and environment.

**Spill Procedures**

In the event of a spill discharging into a gully pit, all effected sediment must be removed from the filter bags and the filter bags are to be removed and replaced with new filter bags. All additional cleaning as a result of the spill should also be carried out in accordance with the normal operation procedures.

**Blockages**

In the unlikely event of surface flooding around a gully pit which has a SPEL StormSack fitted, the following steps should be carried out:

1. Check the overflow bypass.
2. If overflow is clear and surface flooding still exists remove the SPEL StormSack and check the outlet pipe for blockages. Removal of the SPEL StormSack can be difficult if clogged with sediment and holding water.
3. If the filter is clogged brush the side walls to dislodge particles trapped at the interface allowing water to flow through the filter.
4. If the outlet pipe is blocked, it is likely that a gully sucker truck will be required to unblock it. Litter can be removed from the SPEL StormSack using the gully sucker truck before the SPEL StormSack is removed. If a gully sucker truck is not available and the SPEL StormSacks need to be removed by hand follow the below steps.
  - a. Remove excess debris by hand or brush the side of the filter bag
  - b. Remove entire SPEL Stormsack by taking hold of the inside of the frame.
  - c. Unblock the outlet pipe



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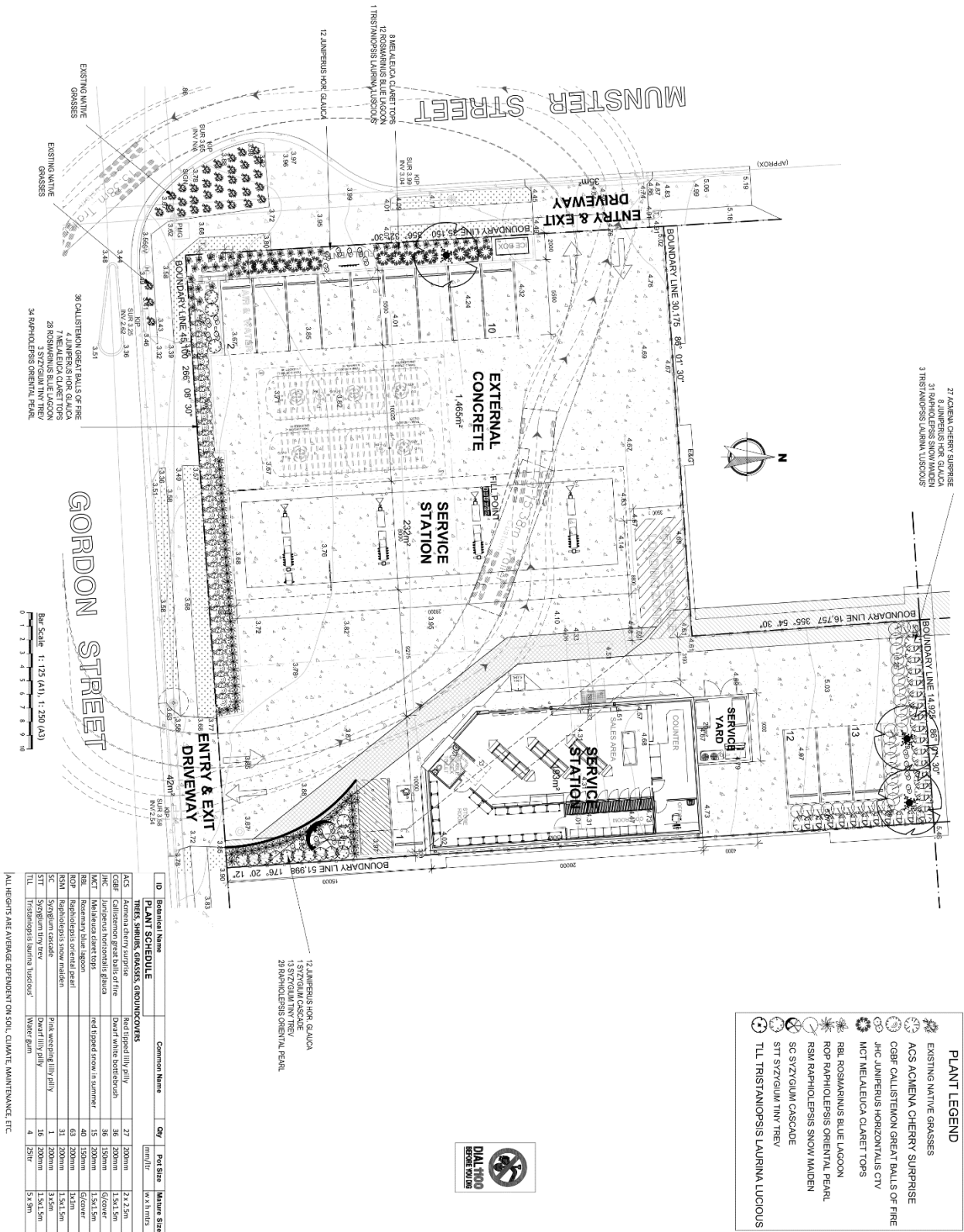
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DRAWING TO BE READ IN CONJUNCTION WITH THE ARCHITECT'S - STORMWATER - ENGINEERS PLANS PLUS ASSOCIATED SHEET'S ATTACHED

**LEGEND**

CONCRETE PATHS & DRIVEWAY

PERMEABLE GRAVEL TO SHADED AREAS

EXISTING COLOURED BOUNDARY FENCE

TIME

BENCH MARK

POWER POLE

CASTER

STOP VALVE

SEWER INSPECTION POINT

MAINTENANCE CHAMBER

OVERHEAD POWER LINE

SEWER LINE

WATER LINE

BOUNDARY LINE

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**SERVICE STATION**  
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59 GORDON STREET  
PORT MACQUARIE

**RCI GROUP**

**BROWN**  
27/6/2019  
DATE: 27/6/2019  
DRAWN: 27/6/2019  
SCALE: 1:250 @ A3

2 OF 3  
Landscape Plan



**INITIAL PREPARATION**

Verify all dimensions on site prior to commencement, locate all underground services and ensure no damage occurs to them throughout the contract. Comply with the requirements of the Council site guidelines in reference to erosion and sediment control regulations and other environmental controls to contain all within confines of the site. Spray with approved herbicide weed killer to all proposed lawn and garden areas to manufacture site/covers. Spray all weeds before commencement of any site works are carried and throughout the contract so as to suppress any weeds that may arise. Source all plants before start of job so the time factor to purchase from species list, will be true to plant schedule. The trees and shrubs recommended may sometimes be difficult to source due to times of year, weather, disease etc. this being the case, please inform early so arrangements to substitute can be made. Excess soils and contaminated soil are to be removed within the guidelines of the council requirements to approved sites.

**SOIL PREPARATION**

Cultivate to the minimum depth of 200mm in all garden areas and 100mm depth in all lawn areas; and a clay breaker to all garden areas, before the addition of garden soil mix. In all areas where fill is required, gain required levels using a premium soil mix. Where excavation is required as with clay excavate as required to allow for addition of 200-400mm depth of premium garden soil to garden areas and 100-300mm depth of topsoil to lawn areas. Undertake all required action to ensure that no root balls of proposed plants sit in clay walls and that all garden and lawn areas drain satisfactorily. It is the contractor's responsibility to ensure the end result of the project is that all lawn and garden areas drain sufficiently (both surface and subsurface), are at required finished levels and have sufficient soil depths to enable lawn and plants to thrive and grow. Soil levels are to allow for the addition of turf and mulches to specified requirements.

**GARDEN EDGING**

**EDGING:** Timber edging shall be located to all planter bed edges where meeting new or existing turf ed areas. Use 38x150mm treated pine edging with 50x50 pegs at 1200 centres finished 30mm below top of edging.

**PLANTING**

Purchase plants from an approved nursery that supplies plants that are true to type and species, healthy and able to store at nursery to maintain vigor before planting. Plant within 24hrs of plants being delivered. Set out plants as indicated on plan. Plant holes shall be dug approximately twice the width and 100mm deeper than the plant root balls that they are to receive. Add fertilizer, followed by 100mm of garden soil shall be placed into the base of hole and lightly consolidated. Remove plant from container install and backfill with garden soil and firmed into place. Base of stem shall finish flush with finished soil level. Thoroughly water all plants on first planting to soak soil of plant and surrounding soil so as to allow roots to adjust, do not allow drying out. Water regular over the first 3-4 weeks.

**FERTILISING**

Use slow release fertilizers such as osmocote and/or agriform tablets on all plants.

**MULCHING**

Install 100mm minimum of Forest mulch as a mulch over all gardens. Shaded areas mulch with 10-25mm pebble mulch with weedmat under.

**RETAINING WALLS**

Excavate of masonry blocks retaining walls treated timber retaining walls to be as per retaining wall construction guidelines. All retaining walls and footings to remain within the confines of boundary.

**TURF**

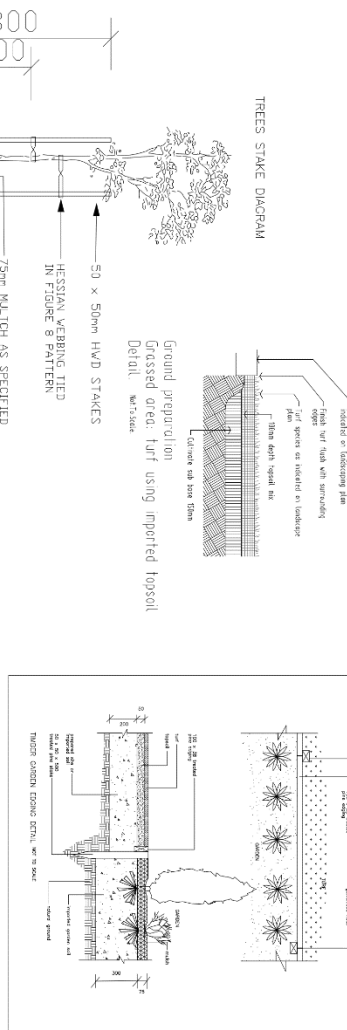
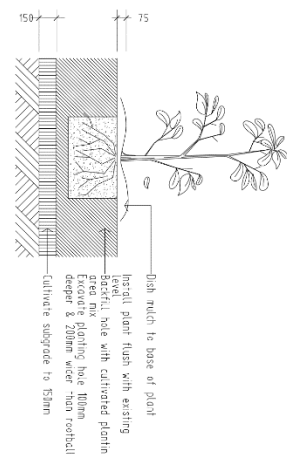
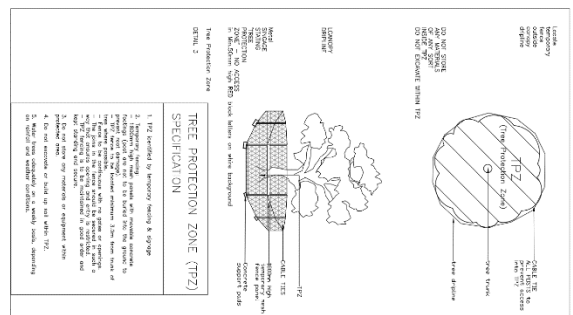
Prepare for, level and lay cultivated Buffalo turf to all areas nominated on the plan as being lawn. To be laid within 24 hrs of delivery on site, making sure all areas are level for drainage, garden edging and paths.

**COMPLETION**

After to practical completion removal from site all unwanted debris occurring from work. Supply contact list of all subcontractors and suppliers to the Council. At the completion of landscape works and prior to the issue of the Certificate of Practical Completion. Carry out the following during the maintenance period, determined by Builder. These works shall include but not limited to watering, weeding, fertilizing, pest and disease control, re-fertilizing, staking and tying, replanting, cultivation, pruning, watering, renovation, top dressing and the like.

**EXISTING TREES**

The existing trees to be retained on site are to be protected by surrounding with a 1.8m high chainmesh fence 3.00m from the base of the tree. This fence is to be erected prior to works commencing on site and is to be retained until all landscaping works are completed. The enclosed area is to remain free of materials, machinery, vehicles or site sheds. With this preparation is to protect the existing tree and its critical roots from mechanical damage, compaction or any other adverse impacts resulting from construction activity and allowing the trees to grow the optimum growth once all works have been finalized.



ID	Botanical Name	Common Name	Qty	Pot Size	Mature Size
PLANT SCHEDULE					
TREES, SHRUBS, GRASSES, GROUNDCOVERS					
ACS	Acmena cherry surprise	Red tipped lilly pilly	27	200mm	2 x 2.5m
CGR	Callistemon great balls of fire	Dwarf white bottlebrush	36	200mm	1.5x1.5m
JHC	Juniperus horizontalis glauca		36	150mm	G/cover
MCT	Meteluea claret tops	red tipped snow in summer	15	200mm	1.5x1.5m
RRL	Rosemary blue lagoon		40	150mm	G/cover
ROP	Raphiolepis oriental pearl		63	200mm	1x1m
RSB	Raphiolepis snow maiden		31	200mm	1.5x1.5m
SC	Syringum cascade	Pink weeping lilly pilly	1	200mm	3.5m
STT	Syringum tiny tree	Dwarf lilly pilly	16	200mm	1.5x1.5m
TLL	Tristanopsis laurina 'luscious'	Water gum	4	250mm	5 x 9m

ALL HEIGHTS ARE AVERAGE DEPENDENT ON SOIL, CLIMATE, MAINTENANCE, ETC.

DRAWING TO BE READ IN CONJUNCTION WITH THE ARCHITECT'S, STORMWATER-ENGINEERS PLAN. FULL ASSOCIATED SHEETS ATTACHED.



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PORT MACQUARIE

**RCI GROUP**



DATE	27/6/2019
SCALE	AS SHOWN
3 of 3	See No.
Specification Plan	

# Environmental Site Assessment



## Site Name and Address

Car Yard Port Macquarie  
Lot 5,6 & 7 DP 18259 59 Gordon Street and;  
34-36 Munster Street,  
Port Macquarie NSW 2444

## Report Number

N4084

## Date

20.05.19

Report Number: **N4084**

Date: **20.05.19**



**PROJECT DETAILS****Business Name:**

NEO Consulting Pty Ltd

**Project Number:** N4084**Project Title:**

Environmental Site Assessment

Car Yard Port Macquarie

Lot 5,6 &amp; 7 DP 18259 59 Gordon Street and;

34-36 Munster Street,

Port Macquarie NSW 2444

**Report Completed for**

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Shahid Javed

*Environmental Engineer***Reviewed and approved by**

Nick Caltabiano

*Project Manager***Review Date:** 20<sup>th</sup> May 2019**File Name:** N4084**Report Status:** FINAL**Document Details**

<b>Project Number</b>	N4084	<b>Document Number</b>	1
<b>Document Title</b>	Environmental Site Assessment – Car Yard Port Macquarie		
<b>Site Address</b>	59 Gordon Street & 34-36 Munster Street, Port Macquarie NSW 2444		
<b>Report Prepared for</b>	Ketan Patel		
<b>File Name</b>	Car Yard Port Macquarie - N4084		

**Document status and review**

Revision	Prepared by	Reviewed by	Date issue
Draft	Shahid Javed	Nick Caltabiano	17.05.19
FINAL	Shahid Javed	Nick Caltabiano	20.05.19

Report Number: **N4084**Date: **20.05.19**

### Executive Summary

NEO Consulting was engaged by Ketan Patel to undertake an Environmental Investigation. The purpose of the Investigation was to determine whether contamination from the historical operation of the site as a service station has resulted in any gross contamination still being present onsite. The site is currently a car sales yard located at Port Macquarie. NEO Consulting understands that the intention of the assessment was to determine whether the site requires remediation as part of an onsite Development Application. The focus of the assessment was undertake where the old service station infrastructure still remains onsite.

The Investigation has been undertaken in accordance with the requirements of the State Environmental Planning Policy Number 55, Office of Environment and Heritage (OEH), Guidelines for Consultants Reporting on Contaminated Sites (2011) and the Protection of the Environment Operations Act 1997 (POEO Act). NEO adopted the values for assessment from;

- CRC Care (2011) Health Screening Levels for Petroleum Hydrocarbons in Soil and Groundwater, and
- NEPC (1999) National Environmental Protection (Assessment of Site Contamination) Measure (NEPM).

NEO Consulting arrived onsite on the 4<sup>th</sup> May 2019 to conduct an Environmental Site Assessment at 59 Gordon St & 34-36 Munster Street, Port Macquarie NSW 2444, referred to as the site in this report. Data obtained prior to attending the site consisted of Geology and Hydrology searches, DBYD (job no. 53441693) information.

Data obtained during the Environmental Site Assessment indicates the following:

- The site was closed at the time of assessment. It sits on a corner block with 2 entrances on Gordon Street and 1 on Munster Street. There is a tall black metal fence around the perimeter. The building has a metal awning running the length of the southern side which faces Gordon Street.
- There is an old fuel service area in the western section of the site beside the building which consists of a bowser and 2 underground storage tanks that have been decommissioned insitu.
- The USTs (2) are west of the building. The fuel service area and surrounds are asphalt groundcover. The driveway is asphalt and has 2 entry/exit points along Gordon street and 1 along Munster Street. See Attachment A
- 5 soil assessment holes were advanced at the site. Sample locations were chosen based on the likelihood of picking up potential contamination. 15 soil samples were submitted to a NATA accredited laboratory with 9 soil samples being placed on hold.
- Water was encountered at approximately 0.5m bgl across the site. 3 water samples were also taken whilst drilling.
- Field observations and analytical results indicate that there are no hydrocarbon impacts within the soil or water samples taken at the site.
- The soil assessment holes encountered similar geology, described as grey sand or sandy clay or maroon clay with no hydrocarbon odour.
- NEO Consulting recommends:
  - Any soils requiring excavation, on-site reuse and/or removal must be classified in accordance with Waste Classification Guidelines Part 1: Classifying Waste;
  - Any areas of the site suspected of containing ACM or potential Petroleum contamination including soil and/or fill material are to be handled in accordance

- with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements; and
- A site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered.

No soil or water sample taken whilst doing the field work had any indication of contamination visually or aromatically. Laboratory analysis of each sample indicates the site is well within the acceptable contamination and had no evidence of reaching any health-based investigation levels.

Based on these results, NEO Consulting finds that this site is suitable for the proposed land use.

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- 1.2 SCOPE OF WORK

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- 4.2 POTENTIAL CONTAMINANTS
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- ATTACHMENT B: LABORATORY RESULTS SUMMARY TABLES**
- ATTACHMENT C: LABORATORY CERTIFICATES OF ANALYSIS**
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- ATTACHMENT E: POTENTIAL RECEPTORS & CONTAMINATION ROUTES**

## 1 INTRODUCTION

### 1.1 Project Objectives

The objectives of the ESA were as follows:

- Assess the extent of hydrocarbon impacts (if any) at the site related to the storage of petroleum products at the site;
- Assess potential risk of harm to human health posed by any identified contamination at the site from continued use of the site for commercial/industrial purposes; and
- Assess potential risks to the environment posed by any identified contamination at the site.

### 1.2 Scope of Work

To achieve the objectives outlined in Section 1.1 NEO Consulting conducted the following work:

- Application for Dial Before You Dig Plans.
- Completed Work Clearance Form.
- Conducted a site inspection to establish current site conditions, surrounding land uses and potential human and environmental receptors located near the site.
- Advanced soil assessment holes at 5 locations across the site. All borehole locations were chosen as they were within close proximity and down gradient of the Underground Storage Tanks. A small trailer-mounted drill rig equipped with solid flight augers was used to advance the holes at the site.
- Collected samples of natural soil and/or fill material from within each soil assessment hole.
- Screened soil samples in the field for the presence of volatile organic compounds using a photoionization detector (PID).
- Analysed 6 primary water samples in a laboratory for total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene and xylene (BTEX) and Lead.
- Assessed the reported concentrations of potential contaminants of concern in each soil and water sample against appropriate human health and environmental protection guidelines, and
- Prepared this factual report outlining the findings of the ESA.



## 2 LIMITATIONS OF THIS REPORT

The findings of this report are based on the Scope of Work outlined in Section 1.2. NEO performed the services in a manner consistent with the normal level of care and expertise exercised by members of the environmental consulting profession. No warranties, express or implied are made.

The results of this assessment are based upon the information documented and presented in this report. All conclusions and recommendations regarding the site are the professional opinions of NEO personnel involved with the project, subject to the qualifications made above. While normal assessments of data reliability have been made, NEO assumes no responsibility or liability for errors in any data obtained from regulatory agencies, statements from sources outside of NEO, or developments resulting from situations outside the scope of this project.

Subject to the Scope of the Work, NEO assessment is strictly limited to assessing soil and groundwater at the site. Soil and groundwater samples were analysed for common contaminants and/or indicators of contamination only. The absence of targeted contaminants of concern in soil and groundwater samples cannot be interpreted as a guarantee that such materials, or other potentially toxic or hazardous compounds, do not exist at the site.

The results of this assessment are based on the site conditions identified at the time of the site inspection and validation sampling. NEO will not be liable to revise the report to account for any changes in site characteristics, regulatory requirements, assessment criteria or the availability of additional information, subsequent to the issue date of this report.

NEO is not engaged in environmental consulting and reporting for the purpose of advertising sales promoting, or endorsement of any client interests, including raising investment capital, recommending investment decisions, or other publicity purposes.

**3 SITE DESCRIPTION****3.1 Table 1: Summary of Site Details**

Description	
Street Address:	36 Munster Street, Port Macquarie NSW 2444
Local Government Area:	Port Macquarie
Lot/Deposited Plan	5-7/18259
Geographical Coordinates of UPSS:	-31.43277° South 152.91275° East
Approx. land size:	1683m <sup>2</sup>

**3.2 Site Layout and Features**

The site layout is shown Figure 1 of Attachment A.

The site is located in a predominantly suburban area of Port Macquarie.

At the time of the walkover inspection, the site was occupied by a car sales yard which had been previously used as a service station in addition to other facilities. It is equipped with a single storey building with attached metal awning that services the car yard sales. The site has asphalt groundcover. Two UST's were located west of the building which were previously decommissioned insitu.

**3.3 Adjoining Land Uses**

At the time of the assessment land uses adjacent to the UPSS at were as follows:

- North – Commercial property
- East – Commercial property (Veterinary Clinic)
- West – Munster Street
- South – Gordon Street

**3.4 Site Topography**

According to desktop research, the site's elevation range is 4-5m asl. There is a downward slope from NE to SW in the general area. Surface water drainage would likely flow offsite to the South East due to site construction. This information was based on both visual information and topographic government mapping facilities. See References for further information on sources.

**3.5 Soils and Hydrology**

The regional geological map of Port Macquarie indicates the site to be underlain by dolerite, gabbro, diorite, basalt, chert, jasper, tonalite, trondhjemite, quartz feldspar porphyry of the Mélange 75701 of the Port Macquarie Complex. The regional Water Table Aquifer map of Port Macquarie indicates the site is underlain by a water table of the New England Province – Intermediate and local flow systems in Palaeozoic rocks or Mesozoic intrusives.

**Bores within a 1km radius:**

Bore ID	Distance from site – approx..	Date	Depth	Purpose	Status	Co-ordinates
GW073259.1.1	50m Sth	1994	16.6m	Commercial + Industrial	Unknown	-31.433319/152.912778
GW306458.1.1	300m East	2009	9m	Monitoring	Functional	-31.432442/152.915356
GW306459.1.1	370m East	2009	7.5m	Monitoring	Functional	-31.432297/152.91605
GW019726.1.1	380m NE	1963	7m	Water Supply	Functional	-31.430353/152.914431
GW306460.1.1	400m East	2009	6m	Monitoring	Functional	-31.432695/152.916365
GW306518.1.1	500m West	2009	3m	Monitoring	Functional	-31.433608/152.907714
GW306520.1.1	505m West	2009	3.2m	Monitoring	Functional	-31.433753/152.907662
GW306517.1.1	600m North	2009	3.05m	Monitoring	Functional	-31.43388/152.907683
GW306523.1.1	610m West	2009	3.2m	Monitoring	Functional	-31.433681/152.907378
GW306519.1.1	675m West	2009	3.6m	Monitoring	Functional	-31.433628/152.907189
GW307384.1.1	700m West	2013	4.6m	Monitoring	Functional	-31.434772/152.906177
GW300021.1.1	700m West	1994	23m	Commercial + Industrial	Unknown	-31.434775/152.906159
GW303216.1.1	700m East	-	-	Water Supply	Unknown	-31.432953/152.918482
GW307386.1.1	750m WSW	2013	3.35m	Monitoring	Functional	-31.43469/152.905914
GW300047.1.1	800m NE	1995	21m	Commercial + Industrial	Unknown	-31.430878/152.92022
GW307385.1.1	800m WSW	2013	3.9m	Monitoring	Functional	-31.434907/152.906135
GW307386.1.1	810m WSW	2013	3.35m	Monitoring	Functional	-31.43469/152.905914
GW302341.1.1	810m South	1995	41m	Commercial + Industrial	Removed	-31.439851/152.911804

**3.6 Sensitive Receptors**

The nearest surface water body to the site is 150m SW, being Wright's Creek that feeds into Kooloonbung Creek. The nearest residential property which could have vegetable/fruit growing for human consumption is 50m NE in Church Street. Schools in the area: 280m north is Port Macquarie Public School. See also Attachment E.

**4 SITE ASSESSMENT****4.1 Overview**

An environmental technician experienced in the handling of potentially contaminated soil and ground water undertook the fieldwork. The scope of the work included: A site inspection, location of services, collection of samples, reinstatement of all excavations.

**4.2 Potential Contaminants**

Potential sources of contamination on the site were identified as the forecourt, lone diesel bowser and the fuel fill spill box. Petroleum hydrocarbon contamination is possible in delivery, storage and dispensing of fuel and oil products, spills and overflows at refilling, leakage of UST due to corrosion and leakages of feeder lines due to pipe work failures. Contamination is possible from fuel spills and overflows at the time of refilling and pump dispensing.

Potential contaminants include:

- Unleaded petrol – detected by laboratory analysis of TRH (C6-C40) and BTEX
- Leaded petrol – detected by laboratory analysis of lead, TRH (C6-C40) and BTEX
- Diesel – detected by laboratory analysis of TRH (C10-C40) and naphthalene
- Movement of contaminants is possible in the groundwater or underground electricity, stormwater, sewer and telephone services conduits.

### 4.3 Soil Sampling Locations and Assessment

Soil assessment holes were advanced at 5 locations across the site. The sampling locations were selected based on the location of underground infrastructure, accessibility and probability of picking up potential contamination. Figure 1 and Figure 2 of Attachment A show the location of the soil assessment holes at the site.

NEO collected soil samples from each soil assessment hole. Soil samples were collected at various depths within each hole. The depth at which each soil/fill material sample was collected from are shown in the bore logs presented in Attachment D. A total of 15 soil samples were collected at the site.

#### 4.4.1 Drilling and Soil Sampling Methodology

A small trailer-mounted drill rig equipped with 125mm diameter solid flight augers was used to advance 5 soil assessment holes at the site. The soil assessment holes were advanced to a minimum depth of 4.5m below ground level, or until the first water bearing zone was encountered.

See section 5.3.1 for details about the samples being collected in accordance with QA/QC Guidelines.

#### 4.4.2 Sample Analysis

The samples were sent to Envirolab (Chatswood) in accordance with QA/QC Guidelines. See section 5.3.2 for further details.

### 4.5 Fieldwork Notes

The fill material and natural soils encountered in each soil assessment hole are described in the bore logs presented in Attachment D.

*Bore Hole 1* – was advanced west of the building; and south/downstream of the UPSS area. Drilling encountered concrete initially followed by grey sand that eventually led to grey rocky sand by 4.5m. No odour was detected in this hole.

*Bore Hole 2* – was advanced west of the building and closer to Munster Street than BH1. Drilling encountered concrete followed by grey sand that continued till 5m where grey rocky sand was found and finally at 5.7m impermeable rock. No odour was detected in this hole.

*Bore Hole 3* – was advanced to the West of the building and north of the UGSTs that had been filled in. Drilling encountered concrete followed by road base for 0.5m then maroon coloured clay that became wet at 1.5m. By 3m, grey sandy clay was encountered. No odour was detected in this hole.

*Bore Hole 4* – was advanced to the south of the building in the south western sector of the site. Drilling encountered concrete followed by grey sand for 1.5m then grey sandy clay till 4.5m. No odour was detected in this hole.

*Bore Hole 5* – was advanced to the south of the building in the south eastern sector of the site. Drilling encountered concrete followed by grey sand for 1.5m then grey sandy clay till 4.5m. No odour was detected in this hole.

Soil samples were screened in the field for volatile organic compounds (VOC's) using a PID. PID readings for each soil sample are noted in the borelogs presented in Attachment D.

## 5 QUALITY ASSURANCE/QUALITY CONTROL QA/QC

### 5.1 Data Quality Objectives

The Data Quality Objectives (DQOs) define the quality and quantity of data needed to support decisions relating to the environmental condition of a site. It outlines the defining criteria that a data collection design should satisfy, including when, where, how and how many samples to be collected. The DQO process is a seven (7) step planning approach to outline the project goals, decisions, constraints and an assessment of the project uncertainties and how to address these when they arise.

The DQOs for the sampling and analysis investigations were to:

#### **State the Problem.**

Determine if ground contamination exists across the site and if so, why and what new environmental data, and what resources are available to resolve the problem within the allocated deadlines of the Project.

#### **Identify the Decision.**

Determine the decisions that need to be made on the contamination and the new environmental data required to make them if contamination exists. This includes considering relevant site criteria for each medium (fill, soil and sediment), considering whether a proposed use of the 95% UCL on the mean concentrations or results for all chemicals of potential concern were less than the site criteria.

#### **Identify Inputs to Decision.**

Identification of the information needed to allow informed, defensible decisions and specify which inputs require new environmental measurements.

#### **Define the Study Boundaries.**

Specify the spatial and temporal aspects of the environmental media that the data must represent to support decisions. To identify the boundaries (both spatial and temporal) of the investigation and to identify any restrictions that may hinder the assessment process.

#### **Develop a Decision Rule.**

To define the parameter(s) of interest, specify the action level and provide a logical basis for choosing from alternative actions. This may include defining acceptable limits for chemicals of concern detected in field blanks, volatile-spiked trip samples, laboratory method blanks to ensure the action levels exceed the measurement detection limits.

#### **Specify Limits on Decision Errors.**

Specify the decision-maker's acceptable limits on decision errors, which are used to establish performance goals for limiting uncertainties in the data. Incorrect decisions are caused by using data that is not representative of site conditions because of sampling or analytical error, leading to a conclusion that is inappropriate for the site in question.

#### **Optimise the Design for Obtaining Data.**

Identify a resource-effective sampling and analysis design for general data that are expected to satisfy the DQOs.

## 5.2 DATA QUALITY INDICATORS

DATA QUALITY OBJECTIVE	REQUIREMENT	DATA QUALITY INDICATOR
<b>PRECISION</b>		
Intra-laboratory Duplicates	1 per 20 samples	RPDs <50%
Inter laboratory Duplicates	1 per 20 samples	RPDs <50%
Laboratory Duplicates	Minimum of 1 per batch per analyte	RPDs <50%
<b>ACCURACY</b>		
Laboratory Matrix Spikes	1 per batch per volatile/semi-volatile analyte	Recoveries 50% to 150%
Laboratory Surrogate Spikes	1 per volatile/semi-volatile analyte samples (as appropriate)	Recoveries 70%-130%
Laboratory Method Blanks	At least 1 per batch per analyte tested for	Results <Limit of Reporting
Laboratory Control Samples	At least 1 per batch per analyte tested for	Result <Limit of Reporting
Trip Blanks	1 per lab batch for volatile analytes	Result <Limit of Reporting
Trip Spikes	1 per lab batch for volatile analytes	Recoveries 60-100%
<b>Representatives</b>		
Sampling methodology	Appropriate for the sample type of analytes	Meet Requirement
Samples extracted and analysed within holding times	Specific to each analyte	Meet Requirement
<b>Comparability</b>		
Sampling approach	Consistent for each sample	Meet Requirement
Analysis methodology	Consistent methodology for each sample	Meet Requirement
Handling conditions and sampler	Consistent for each sample	Meet Requirement
Field observations and analytical	Field observations to support analytical results	Meet Requirement
Consistent laboratory Limit of Reporting (LOR)	Consistent between primary and secondary laboratories	Meet Requirement
<b>Completeness</b>		
Chain of Custody Documentation	Appropriately completed	Meet Requirement
Field Sampling Documentation	Appropriately completed	Meet Requirement
Satisfactory quality assurance/quality control procedures	In accordance with relevant guidance	Meet Requirement

### 5.3 QA/QC Sampling and Analysis Methodology

#### 5.3.1 Soil Sampling Methods

The sampler wore a clean pair of disposable nitrile gloves at each sampling location to minimize potential cross contamination of samples. Soil samples were collected using a split spoon sampler. Samples were collected in a 250ml laboratory supplied glass jar and plastic zip lock bags marked with appropriate sample identification.

Care was taken to minimize volatile and semi-volatile organic compound losses during sampling by minimizing the head space in each sample jar. The bagged sample was screened for the presence of volatile organic compounds (VOC's) using a photo-ionisation detector (PID).

The jarred samples were placed on ice in an esky immediately after sampling to minimize potential losses of volatile and semi-volatile compounds during transport.

The soil profile of each borehole was logged in the field to include soil type, colour, moisture conditions, grain size, inclusions, staining, odour and the results of PID screening.

A Chain of Custody (COC) form was completed for the samples. The samples and the COC were sent to Envirolab (Chatswood).

Samples from each soil assessment hole were analysed for TRH, BTEX and Lead. Soil samples were selected for analysis on the basis of field observations and field screening with a PID.

A total of 6 primary soil samples were selected for laboratory analysis. Laboratory analysis was undertaken by Envirolab (Chatswood) using NATA accredited analytical methods. Please see Attachment C for Envirolab's Laboratory Methods used.

#### 5.3.2 Water Sampling Methods

The water samples for hydrocarbon analysis were drained into new 125mL glass amber bottles rinsed with hydrochloric acid and filled so that no air bubbles or headspace was present. The bottles were sealed with a teflon lined cap. Water samples were also poured into two 44mL glass vials so that no air space was present. Water samples for metal analysis were filtered on-site with a 45 micron filter directly into the sample container with nitric acid rinse.

Tools were decontaminated between sampling locations to prevent cross contamination by: brushing to remove caked or encrusted material, washing in *Decon 90* and tap water, rinsing with clean tap water and allowing to air dry or using a clean towel.

After collection, sample was placed in an insulated container with ice bricks and refrigerated shortly after. Transportation to the laboratory for analysis was in insulated containers with ice bricks.

### 5.4 Environmental Quality Criteria

For the purpose of assessing the results of analytical testing of soils at the Site, the following guidelines were considered:

- NSW DEC (2006) Guidelines for the NSW Auditor Scheme (Second Edition);
- NSW EPA Contaminated Sites – Guidelines for Assessing Service Station Sites 1994.
- CRC Care (2011) Health Screening Levels for Petroleum Hydrocarbons in Soil and Groundwater, and
- NEPC (1999) National Environmental Protection (Assessment of Site Contamination) Measure (NEPM) and the subsequent amendment (Amended NEPM, 2013) officially approved by the Standing Council of Environment and Water (SCEW) on 11 April 2013.

In accordance with the decision-making process for assessing urban redevelopment sites (Appendix 1, EPA, 2006), soil concentrations were compared against the following soil investigation levels (SILs);



- Health-based criteria for the current and proposed land use: Amended NEPM (2013) Health-based Investigation levels (HILa) for Commercial/Industrial land use, the Health Screening Levels (HSLs) and the CRC Care (2011) Soil Health Screening Levels for Direct Contact (HSLs).
- Environmental Criteria: Amended NEPM (2013) Ecological Screening Levels (ESLs) and Ecological Investigation Levels (EILs) for Commercial/Industrial Land Use.

The National Environment Protection Council (NEPC) has amended the National Environment Protection (Assessment of Site Contamination) Measure 1999 on the 11<sup>th</sup> April 2013. It is understood that the amendment (ASC NEPM, 2013) took effect in each jurisdiction on 16<sup>th</sup> May 2013, the day after it was registered on the Federal Register of Legislative Instruments (FRLI).

NEO has adopted the most recent Amended NEPM (2013) Tier 1 Guidelines over the criteria listed in NSW DEC (2006) as it is the most recent guidance available that has been approved by the NSW EPA under Section 105 of the Contaminated Land Management Act, 1997.

#### 5.4.1 Soil

The site was a service station with a commercial business in a rural setting. The appropriate land-use classification for assessing contaminants is commercial. Soil criteria as determined by measurement of volatile organic compounds (VOC) are used to determine the potential for volatile hydrocarbon contamination. These criteria have been developed based on experience to assist in the assessment of hydrocarbon contamination levels in soil. It is important to note these generalised criteria are only a guide and that the level of VOC varies with hydrocarbon type.

The assessment criteria for the soil data in commercial sites is described in Table 1A (1) of Guideline on Investigation Levels for Soil and Groundwater (NEPC 2013). The criteria list health investigation levels (HIL) for a range of land-uses. The appropriate initial comparison for the site is column 4, commercial or industrial (HIL D). The HIL D threshold is considered appropriate for the current land-use of the site. The NEPC (2013) also provides health screening levels (HSL) for hydrocarbons in soil. The HSLs have been developed to be protective of human health for soil types, depths below surface and apply to exposure to hydrocarbons through the predominant vapour exposure pathway.

Ecological investigation levels (EIL) have been developed for the protection of terrestrial ecosystems for selected metals and organic substances in the soil in the guideline (NEPC 2013). Ecological screening levels (ESL) assess the risk to terrestrial ecosystems from petroleum hydrocarbons in the soil. The EILs and ESLs consider the properties of the soil and contaminants and the capacity of the local ecosystem to accommodate increases in contaminant levels.

EILs vary with land-use and apply to contaminants up to 2m depth below the surface. EILs for lead are determined by identifying ambient background concentration (ABC) and adding the added contaminant limits (ACL). The ABC has been assumed to be zero for lead as a conservative measure.

ESLs are dependent on land-use, soil types and are applicable to contaminants up to 2m below the surface. The appropriate ESL for the site is commercial and fine soil.

Management limits have been developed to assess petroleum hydrocarbons following evaluation of human health and ecological risks (NEPC 2013). Management units are applicable as screening levels after consideration of relevant ESLs and HSLs.

#### 5.4.2 Water

The primary concern from potential groundwater hydrocarbon contamination is protection of human health. Potential beneficial water uses of the site are drinking water, amenity and ecological. The aquatic freshwater guidelines are the most conservative and considered appropriate for comparison purposes. Water samples were assessed against the aquatic freshwater ecosystem trigger value for protection of 95% of species (ANZECC 2000).

Trigger values may be given as a threshold or as a range of desirable values. Trigger values are conservative levels and not pass/fail criteria. When an indicator is higher than the threshold further action is required. Further action may include site specific investigation to assess potential problems and if management or remedial action is required or determine whether the trigger value is too conservative for local conditions.

No TRH thresholds are endorsed by the NSW EPA. A low reliability trigger value of 7µg/L is proposed for TRH in ANZECC (2000). This guideline is considered to be overly conservative and below the detection limit for TRH in routine laboratory analysis.

The TRH (C6-C40) sensitive land-use criteria in the service station guidelines (EPA 1994) is 10,000µg/L and this is based on the concentration at which free phase product is present. The EPA (1994) TRH threshold is not considered appropriate criteria for the site.

The NEPC (2013) provides groundwater health screening levels (HSL) for hydrocarbons. The HSLs have been developed to be protective of human health for soil types, depths below surface and apply to exposure to hydrocarbons through the predominant vapour exposure pathway. TRH>16 have physical properties which make the TRH fractions non-volatiles and therefore these TRH fractions are not applicable for vapour intrusion.

#### 6.0 ANALYTICAL RESULTS SUMMARY

Soil analytical results are summarized and compared to the relevant assessment criteria in Attachment B. The laboratory certificate of analysis for the soil samples collected at the site is presented as Attach C. The reported concentration of Benzene was less than the laboratory LOR (limit of reporting –detection limit) to which was less than the adopted assessment criteria.

Toluene - The reported concentration of Toluene was less than the laboratory LOR (limit of reporting –detection limit) to which was less than the adopted assessment criteria.

Ethylbenzene - The reported concentration of Ethylbenzene was less than the laboratory LOR (limit of reporting –detection limit) to which was less than the adopted assessment criteria.

Xylene (total) - The reported concentration of Xylene (total) was less than the laboratory LOR (limit of reporting –detection limit) to which was less than the adopted assessment criteria.

TPH (C6-C10) Less BTEX (F1) - The reported concentration of TPH (C6-C10) Less BTEX (F1) was less than the laboratory LOR (limit of reporting –detection limit) to which was less than the adopted assessment criteria.

TPH (>C10-C16) Less Naphthalene (F2) - The reported concentration of TPH (>C10-C16) Less Naphthalene (F2) was less than the laboratory LOR (limit of reporting –detection limit) to which was less than the adopted assessment criteria.

TPH (>C16-C34) (F3) - The reported concentration of TPH (>C16-C34) was less than the laboratory LOR (limit of reporting –detection limit) to which was less than the adopted assessment criteria.

TPH (>C34-C40) (F4) - The reported concentration of TPH (>C34-C40) was less than the laboratory LOR (limit of reporting –detection limit) to which was less than the adopted assessment criteria.

Naphthalene - The reported concentration of Naphthalene was less than the laboratory LOR (limit of reporting –detection limit) to which was less than the adopted assessment criteria.

Lead - The reported concentration of Lead was less than the laboratory LOR (limit of reporting – detection limit) to which was less than the adopted assessment criteria.

Total PAHs - The reported concentration of Total PAHs was less than the laboratory LOR (limit of reporting –detection limit) to which was less than the adopted assessment criteria.

Field observations and analytical results indicate that there was no hydrocarbon impact in soil at the site from sample locations above the adopted assessment guidelines.

## 7.0 PRELIMINARY CONCEPTUAL SITE MODEL

### 7.1 Principal Contaminants of Concern (PCC)

For the purposes of this study the Principal Contaminants of Concern (PCC) were considered to be:

- Lead resulting from the historic use of leaded petrol
- Monocyclic aromatic hydrocarbons (benzene, toluene, ethyl benzene and xylenes – BTEX) associated with the fuel products
- Light, mid and heavy-fraction petroleum hydrocarbons (TPH C6-C36) associated with the fuel and oil products.

**Table: Contamination Fate and Transport** – The fate of the PCC identified above is summarized in the following table:

PCC	FATE & TRANSPORT
Non-volatile contaminants including lead and heavy fraction hydrocarbons.	Non-volatile contaminants are expected to be bound within the fill matrix and are hence less mobile. The mobility of these contaminants would depend on a range of factors including age of the fill, soil porosity, solubility in water and surface water infiltration.
Volatile contaminants including light-fraction TPH and BTEX.	Volatile contaminants are usually more mobile when compared to the non-volatile compounds. The potential for migration of volatile contaminants such as light-fraction TPH is relatively high in sandy soil with a high water table. These contaminants break down rapidly as a result of microbial activity and availability of nutrients including nitrogen, oxygen etc. The mobile contaminants would be expected to move down to the rock surface or groundwater table and migrate down gradient from the source. The mobility would depend on a range of factors like the porosity, confining layers within the aquifer, solubility in groundwater etc.

**8.0 CONCLUSIONS AND RECOMMENDATIONS**

On the 4<sup>th</sup> May 2019 NEO Consulting conducted an Environmental Site Assessment at 59 Gordon Street and 34-36 Munster Street, Port Macquarie NSW 2444. Data obtained during the Environmental Site Assessment indicates the following:

- Field observations and analytical results indicate that there are no hydrocarbon impacts within the soil samples taken at the site.
- The soil assessment holes encountered similar geology, described as grey sand and grey sandy clay and maroon clay with no hydrocarbon odour.
- The USTs (2) are west of the building. The fuel service area and surrounds are asphalt groundcover. The driveway is asphalt and has 2 entry/exit points along Gordon street and 1 along Munster Street. See Attachment A
- 5 soil assessment holes were advanced at the site. Sample locations were chosen based on the likelihood of picking up potential contamination. 15 soil samples were submitted to a NATA accredited laboratory with 9 soil samples being placed on hold.
- Water was encountered at approximately 0.5m bgl across the site. 3 water samples were also taken whilst drilling.
- Field observations and analytical results indicate that there are no hydrocarbon impacts within the soil or water samples taken at the site.
- The soil assessment holes encountered similar geology, described as grey sand or sandy clay or maroon clay with no hydrocarbon odour.
- NEO Consulting recommends:
  - Any soils requiring excavation, on-site reuse and/or removal must be classified in accordance with Waste Classification Guidelines Part 1: Classifying Waste;
  - Any areas of the site suspected of containing ACM or potential Petroleum contamination including soil and/or fill material are to be handled in accordance with relevant Australian Standards, SafeWork NSW codes of practice and any other applicable requirements; and
  - A site specific 'Unexpected Finds Protocol' is to be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered.

No soil or water sample taken whilst doing the field work had any indication of contamination visually or aromatically. Laboratory analysis of each sample indicates the site is well within the acceptable contamination and had no evidence of reaching any health-based investigation levels.

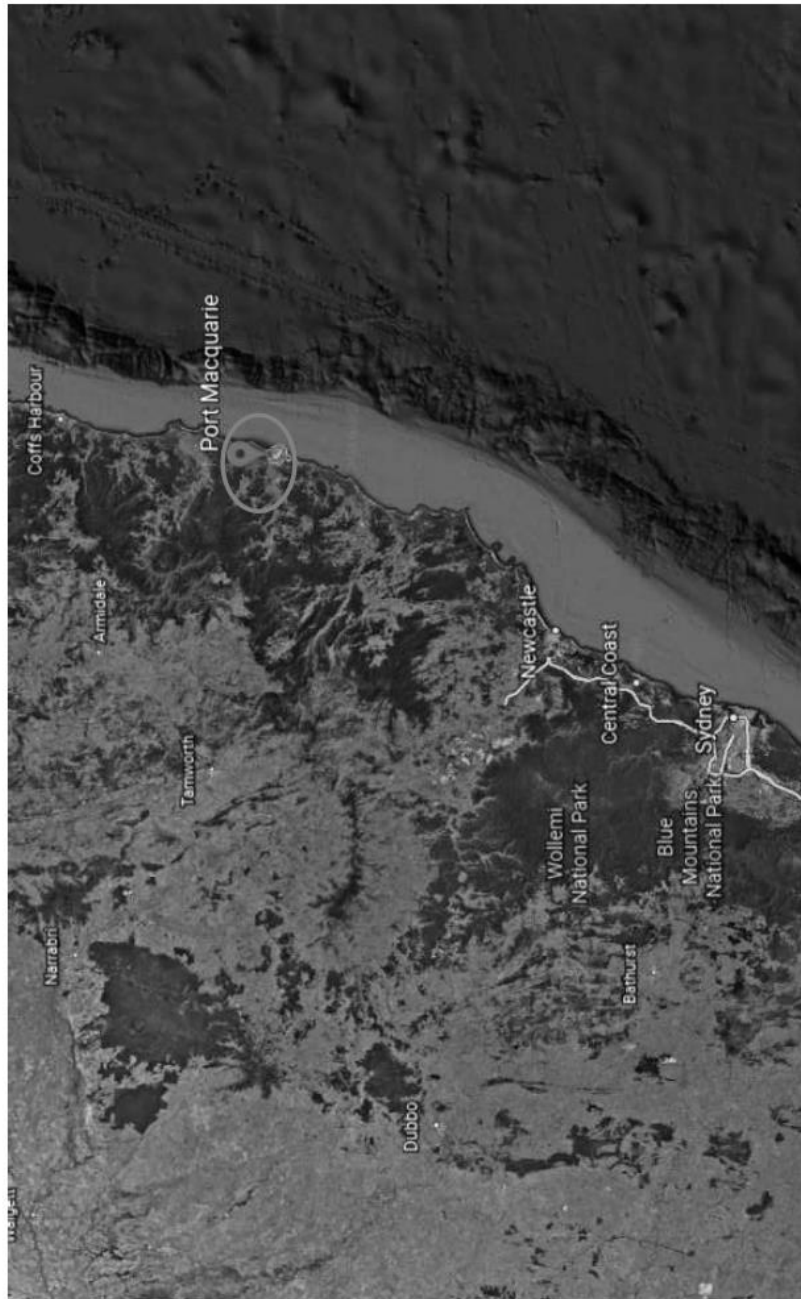
Based on these results, NEO Consulting finds that this site is suitable for the proposed land use.

## REFERENCES

- Geological Survey of NSW Port Macquarie 1:250,000 Geological Series Sheet.  
[www.resourcesandenergy.gov.au](http://www.resourcesandenergy.gov.au) Department of Industries
- National Maps [www.nationalmap.gov.au](http://www.nationalmap.gov.au)
- National Environment Protection (Assessment of Site Contamination) Measure (2013),  
'Schedule B (1) – Guidelines on the Investigation Levels for Soil and Groundwater.'
- NSW EPA (1994) 'Guidelines for Assessing Service Stations
- NSW Government (2016), NSW Spatial Information Exchange Website,  
<http://www.sixmaps.gov.au>
- Bureau of Meteorology  
<http://www.bom.gov.au/water/groundwater/explorer/map.shtml>

**Attachment A:**  
*Figures*

**Sampling Date:** 04.05.19  
**Report Date:** 20.05.19  
**Report Number:** N4084



Site Location

Source: Google Earth 2019

Figure 1

Project

Locality Map

Port Macquarie, NSW



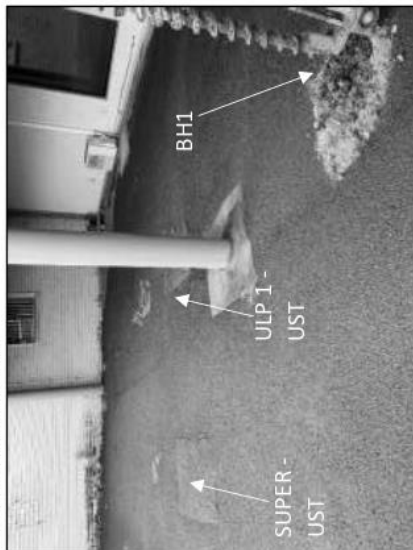




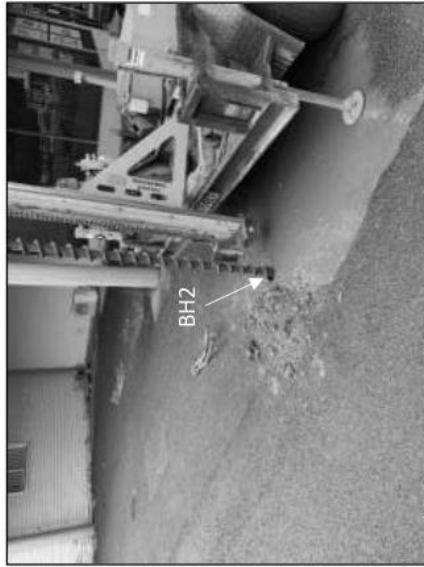
NB: Site plan is not to scale is to be only used as a reference to the approximate location of bore holes, UST and fuel pump bowser.

- Fuel pump bowser
- ▭ Underground Storage Tank
- ⊗ Bore Hole location

Photos taken onsite:



**BH1** being drilled, with two tanks evident in back ground.



**BH2** being drilled, showing the water reached.



**BH2** being drilled.

**Attachment B:**  
*Laboratory Summary Tables*

**Sampling Date:** 04.05.19  
**Report Date:** 20.05.19  
**Report Number:** N4084

Water Analytical Summary  
BTEX, TRH and Lead

Sample ID		Soil (mg/kg)									
Predominant Soil Texture		BH1 3	BH2 0.2	BH2 5.5	BH3 0.5	BH3 3	BH4 3				
Sample Date		04.05.19	04.05.19	04.05.19	04.05.19	04.05.19	04.05.19				
Analyte	Health Assessment Criteria	Ecological investigation Guideline Value									
VOCs (via PID)	-	-	0.2	0.5	1.4	0.7	0.3	2.0			
BTEXN	NEPM Soil HSL D for Vapour intrusion	NEPM Soil HSL for direct contact	NEPM Soil ESL D								
Benzene	3	1100	C: 75 / F: 95	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	
Toluene	-	120000	135	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	
Ethylbenzene	-	85000	C: 165 / F: 185	<1	<1	<1	<1	<1	<1	<1	
Total Xylene	230	130000	C: 180 / F: 95	<1	<1	<1	<1	<1	<1	<1	
NEPM HSL	NEPM Soil HSL D for Vapour intrusion	NEPM Soil HSL for direct contact	NEPM Soil ESL D								
F1	<1m: 260; 1-2m: 370	82000	215	<25	<25	<25	<25	<25	<25	<25	
F2	-	62000	170	<50	<50	<50	<50	<50	<50	<50	
F3	-	85000	C: 1700 / F: 2500	<100	<100	<100	<100	<100	<100	<100	
F4	-	120000	C: 3300 / F: 6600	<100	<100	<100	<100	<100	<100	<100	
Metals	NEPM HIL D		EIL								
Lead	1 500	-	Generic EIL: 1100	5	16	4	18	9	10		

Notes - Highlighting denotes an exceedance of the guideline - '-' denotes 'not analysed' or 'no guideline value'

Water Analytical Summary  
BTEX, TRH and Lead

Sample ID			BH1 Water	BH2 Water	BH3 Water
Analyte	Health Assessment Criteria	Ecological Assessment Criteria			
TRH (µg/L)	HSL for vapour intrusion	NEPM GILs (fresh water)			
F1 (TRH C6-C10) less BTEX	-	-	<10	<10	<10
F2 (TRH C10-C16) less Naphthalene	-	-	<50	<50	<50
F3 (TRH C16-C34)	-	-	<100	<100	<100
F4 (TRH C34-C40)	-	-	<100	<100	<100
BTEXN (µg/L)	HSL for Vapour Intrusion	NEPM GILs (fresh water)			
Benzene	30	950	<1	<1	<1
Toluene	-	-	<1	<1	<1
Ethylbenzene	-	-	<1	<1	<1
Meta- & para-Xylene	-	200	<2	<2	<2
Ortho-Xylenes	-	350	<1	<1	<1
Lead	-	-	<1	<1	<1

**Attachment C:**  
*Laboratory Results*

**Sampling Date:** 04.05.19  
**Report Date:** 20.05.19  
**Report Number:** N4084





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**CERTIFICATE OF ANALYSIS 216884****Client Details**

Client	NEO Consulting Pty Ltd
Attention	Nick Caltabiano
Address	PO Box 279, Riverstone, NSW, 2765

**Sample Details**

Your Reference	<b><u>N4084</u></b>
Number of Samples	15 soil, 3 water
Date samples received	06/05/2019
Date completed instructions received	12/05/2019

**Analysis Details**

Please refer to the following pages for results, methodology summary and quality control data.

Samples were analysed as received from the client. Results relate specifically to the samples as received.

Results are reported on a dry weight basis for solids and on an as received basis for other matrices.

**Please refer to the last page of this report for any comments relating to the results.**

**Report Details**

Date results requested by	17/05/2019
Date of Issue	17/05/2019

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**Results Approved By**

Giovanni Agosti, Group Technical Manager  
Jaimie Loa-Kum-Cheung, Metals Supervisor  
Steven Luong, Organics Supervisor

**Authorised By**

Nancy Zhang, Laboratory Manager

Envirolab Reference: 216884  
Revision No: R00



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Client Reference: N4084

VTRH(C6-C10)/BTEXN in Soil						
Our Reference		216884-3	216884-4	216884-10	216884-11	216884-13
Your Reference	UNITS	BH1	BH2	BH2	BH3	BH3
Depth		3	0.2	5.5	0.5	3
Date Sampled		04/05/2019	04/05/2019	04/05/2019	04/05/2019	04/05/2019
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	14/05/2019	14/05/2019	14/05/2019	14/05/2019	14/05/2019
Date analysed	-	17/05/2019	17/05/2019	17/05/2019	17/05/2019	17/05/2019
TRH C <sub>6</sub> - C <sub>9</sub>	mg/kg	<25	<25	<25	<25	<25
TRH C <sub>6</sub> - C <sub>10</sub>	mg/kg	<25	<25	<25	<25	<25
vTPH C <sub>6</sub> - C <sub>10</sub> less BTEX (F1)	mg/kg	<25	<25	<25	<25	<25
Benzene	mg/kg	<0.2	<0.2	<0.2	<0.2	<0.2
Toluene	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Ethylbenzene	mg/kg	<1	<1	<1	<1	<1
m+p-xylene	mg/kg	<2	<2	<2	<2	<2
o-Xylene	mg/kg	<1	<1	<1	<1	<1
naphthalene	mg/kg	<1	<1	<1	<1	<1
Total +ve Xylenes	mg/kg	<1	<1	<1	<1	<1
Surrogate aaa-Trifluorotoluene	%	96	99	92	93	93

VTRH(C6-C10)/BTEXN in Soil		
Our Reference		216884-15
Your Reference	UNITS	BH4
Depth		3
Date Sampled		04/05/2019
Type of sample		soil
Date extracted	-	14/05/2019
Date analysed	-	17/05/2019
TRH C <sub>6</sub> - C <sub>9</sub>	mg/kg	<25
TRH C <sub>6</sub> - C <sub>10</sub>	mg/kg	<25
vTPH C <sub>6</sub> - C <sub>10</sub> less BTEX (F1)	mg/kg	<25
Benzene	mg/kg	<0.2
Toluene	mg/kg	<0.5
Ethylbenzene	mg/kg	<1
m+p-xylene	mg/kg	<2
o-Xylene	mg/kg	<1
naphthalene	mg/kg	<1
Total +ve Xylenes	mg/kg	<1
Surrogate aaa-Trifluorotoluene	%	99

Client Reference: N4084

svTRH (C10-C40) in Soil						
Our Reference		216884-3	216884-4	216884-10	216884-11	216884-13
Your Reference	UNITS	BH1	BH2	BH2	BH3	BH3
Depth		3	0.2	5.5	0.5	3
Date Sampled		04/05/2019	04/05/2019	04/05/2019	04/05/2019	04/05/2019
Type of sample		soil	soil	soil	soil	soil
Date extracted	-	14/05/2019	14/05/2019	14/05/2019	14/05/2019	14/05/2019
Date analysed	-	15/05/2019	15/05/2019	15/05/2019	15/05/2019	15/05/2019
TRH C <sub>10</sub> - C <sub>14</sub>	mg/kg	<50	<50	<50	<50	<50
TRH C <sub>15</sub> - C <sub>28</sub>	mg/kg	<100	<100	<100	<100	<100
TRH C <sub>29</sub> - C <sub>36</sub>	mg/kg	<100	<100	<100	<100	<100
TRH >C <sub>10</sub> -C <sub>16</sub>	mg/kg	<50	<50	<50	<50	<50
TRH >C <sub>10</sub> - C <sub>16</sub> less Naphthalene (F2)	mg/kg	<50	<50	<50	<50	<50
TRH >C <sub>16</sub> -C <sub>34</sub>	mg/kg	<100	<100	<100	<100	<100
TRH >C <sub>34</sub> -C <sub>40</sub>	mg/kg	<100	<100	<100	<100	<100
Total +ve TRH (>C10-C40)	mg/kg	<50	<50	<50	<50	<50
Surrogate o-Terphenyl	%	85	82	89	87	85

svTRH (C10-C40) in Soil		
Our Reference		216884-15
Your Reference	UNITS	BH4
Depth		3
Date Sampled		04/05/2019
Type of sample		soil
Date extracted	-	14/05/2019
Date analysed	-	15/05/2019
TRH C <sub>10</sub> - C <sub>14</sub>	mg/kg	<50
TRH C <sub>15</sub> - C <sub>28</sub>	mg/kg	<100
TRH C <sub>29</sub> - C <sub>36</sub>	mg/kg	<100
TRH >C <sub>10</sub> -C <sub>16</sub>	mg/kg	<50
TRH >C <sub>10</sub> - C <sub>16</sub> less Naphthalene (F2)	mg/kg	<50
TRH >C <sub>16</sub> -C <sub>34</sub>	mg/kg	<100
TRH >C <sub>34</sub> -C <sub>40</sub>	mg/kg	<100
Total +ve TRH (>C10-C40)	mg/kg	<50
Surrogate o-Terphenyl	%	84

## Client Reference: N4084

Acid Extractable metals in soil						
Our Reference		216884-3	216884-4	216884-10	216884-11	216884-13
Your Reference	UNITS	BH1	BH2	BH2	BH3	BH3
Depth		3	0.2	5.5	0.5	3
Date Sampled		04/05/2019	04/05/2019	04/05/2019	04/05/2019	04/05/2019
Type of sample		soil	soil	soil	soil	soil
Date prepared	-	14/05/2019	14/05/2019	14/05/2019	14/05/2019	14/05/2019
Date analysed	-	14/05/2019	14/05/2019	14/05/2019	14/05/2019	14/05/2019
Lead	mg/kg	5	16	4	18	9

Acid Extractable metals in soil		
Our Reference		216884-15
Your Reference	UNITS	BH4
Depth		3
Date Sampled		04/05/2019
Type of sample		soil
Date prepared	-	14/05/2019
Date analysed	-	14/05/2019
Lead	mg/kg	10

## Client Reference: N4084

Moisture						
Our Reference		216884-3	216884-4	216884-10	216884-11	216884-13
Your Reference	UNITS	BH1	BH2	BH2	BH3	BH3
Depth		3	0.2	5.5	0.5	3
Date Sampled		04/05/2019	04/05/2019	04/05/2019	04/05/2019	04/05/2019
Type of sample		soil	soil	soil	soil	soil
Date prepared	-	14/05/2019	14/05/2019	14/05/2019	14/05/2019	14/05/2019
Date analysed	-	15/05/2019	15/05/2019	15/05/2019	15/05/2019	15/05/2019
Moisture	%	23	7.8	23	24	30

Moisture		
Our Reference		216884-15
Your Reference	UNITS	BH4
Depth		3
Date Sampled		04/05/2019
Type of sample		soil
Date prepared	-	14/05/2019
Date analysed	-	15/05/2019
Moisture	%	25

Client Reference: N4084

VTRH(C6-C10)/BTEXN in Water				
Our Reference		216884-16	216884-17	216884-18
Your Reference	UNITS	BH1 WATER	BH2 WATER	BH4 WATER
Depth		-	-	-
Date Sampled		04/05/2019	04/05/2019	04/05/2019
Type of sample		water	water	water
Date extracted	-	15/05/2019	15/05/2019	15/05/2019
Date analysed	-	16/05/2019	16/05/2019	16/05/2019
TRH C <sub>8</sub> - C <sub>9</sub>	µg/L	<10	<10	<10
TRH C <sub>8</sub> - C <sub>10</sub>	µg/L	<10	<10	<10
TRH C <sub>8</sub> - C <sub>10</sub> less BTEX (F1)	µg/L	<10	<10	<10
Benzene	µg/L	<1	<1	<1
Toluene	µg/L	<1	<1	<1
Ethylbenzene	µg/L	<1	<1	<1
m+p-xylene	µg/L	<2	<2	<2
o-xylene	µg/L	<1	<1	<1
Naphthalene	µg/L	<1	<1	<1
Surrogate Dibromofluoromethane	%	101	104	103
Surrogate toluene-d8	%	102	103	105
Surrogate 4-BFB	%	106	105	107

Client Reference: N4084

svTRH (C10-C40) in Water				
Our Reference		216884-16	216884-17	216884-18
Your Reference	UNITS	BH1 WATER	BH2 WATER	BH4 WATER
Depth		-	-	-
Date Sampled		04/05/2019	04/05/2019	04/05/2019
Type of sample		water	water	water
Date extracted	-	17/05/2019	17/05/2019	17/05/2019
Date analysed	-	17/05/2019	17/05/2019	17/05/2019
TRH C <sub>10</sub> - C <sub>14</sub>	µg/L	<50	<50	<50
TRH C <sub>15</sub> - C <sub>28</sub>	µg/L	<100	<100	<100
TRH C <sub>29</sub> - C <sub>36</sub>	µg/L	<100	<100	<100
TRH >C <sub>10</sub> - C <sub>16</sub>	µg/L	<50	<50	<50
TRH >C <sub>10</sub> - C <sub>16</sub> less Naphthalene (F2)	µg/L	<50	<50	<50
TRH >C <sub>16</sub> - C <sub>34</sub>	µg/L	<100	<100	<100
TRH >C <sub>34</sub> - C <sub>40</sub>	µg/L	<100	<100	<100
Surrogate o-Terphenyl	%	75	82	84



Client Reference: N4084

PAHs in Water				
Our Reference		216884-16	216884-17	216884-18
Your Reference	UNITS	BH1 WATER	BH2 WATER	BH4 WATER
Depth		-	-	-
Date Sampled		04/05/2019	04/05/2019	04/05/2019
Type of sample		water	water	water
Date extracted	-	17/05/2019	17/05/2019	17/05/2019
Date analysed	-	17/05/2019	17/05/2019	17/05/2019
Naphthalene	µg/L	<1	<1	<1
Acenaphthylene	µg/L	<1	<1	<1
Acenaphthene	µg/L	<1	<1	<1
Fluorene	µg/L	<1	<1	<1
Phenanthrene	µg/L	<1	<1	<1
Anthracene	µg/L	<1	<1	<1
Fluoranthene	µg/L	<1	<1	<1
Pyrene	µg/L	<1	<1	<1
Benzo(a)anthracene	µg/L	<1	<1	<1
Chrysene	µg/L	<1	<1	<1
Benzo(b,j+k)fluoranthene	µg/L	<2	<2	<2
Benzo(a)pyrene	µg/L	<1	<1	<1
Indeno(1,2,3-c,d)pyrene	µg/L	<1	<1	<1
Dibenzo(a,h)anthracene	µg/L	<1	<1	<1
Benzo(g,h,i)perylene	µg/L	<1	<1	<1
Benzo(a)pyrene TEQ	µg/L	<5	<5	<5
Total +ve PAH's	µg/L	NIL (+)VE	NIL (+)VE	NIL (+)VE
Surrogate p-Terphenyl-d14	%	73	73	86

Client Reference: N4084

HM in water - dissolved				
Our Reference		216884-16	216884-17	216884-18
Your Reference	UNITS	BH1 WATER	BH2 WATER	BH4 WATER
Depth		-	-	-
Date Sampled		04/05/2019	04/05/2019	04/05/2019
Type of sample		water	water	water
Date prepared	-	14/05/2019	14/05/2019	14/05/2019
Date analysed	-	14/05/2019	14/05/2019	14/05/2019
Lead-Dissolved	µg/L	<1	<1	<1

Client Reference: N4084

Method ID	Methodology Summary
<b>Inorg-008</b>	Moisture content determined by heating at 105+/-5 °C for a minimum of 12 hours.
<b>Metals-020</b>	Determination of various metals by ICP-AES.
<b>Metals-022</b>	Determination of various metals by ICP-MS.
<b>Org-003</b>	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-FID. F2 = (>C10-C16)-Naphthalene as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater (HSLs Tables 1A (3, 4)). Note Naphthalene is determined from the VOC analysis.
<b>Org-003</b>	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-FID.  F2 = (>C10-C16)-Naphthalene as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater (HSLs Tables 1A (3, 4)). Note Naphthalene is determined from the VOC analysis.  Note, the Total +ve TRH PQL is reflective of the lowest individual PQL and is therefore "Total +ve TRH" is simply a sum of the positive individual TRH fractions (>C10-C40).
<b>Org-012</b>	Soil samples are extracted with Dichloromethane/Acetone and waters with Dichloromethane and analysed by GC-MS. Benzo(a)pyrene TEQ as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater - 2013.
<b>Org-013</b>	Water samples are analysed directly by purge and trap GC-MS.
<b>Org-014</b>	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS.
<b>Org-016</b>	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS. Water samples are analysed directly by purge and trap GC-MS. F1 = (C6-C10)-BTEX as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater.
<b>Org-016</b>	Soil samples are extracted with methanol and spiked into water prior to analysing by purge and trap GC-MS. Water samples are analysed directly by purge and trap GC-MS. F1 = (C6-C10)-BTEX as per NEPM B1 Guideline on Investigation Levels for Soil and Groundwater. Note, the Total +ve Xylene PQL is reflective of the lowest individual PQL and is therefore "Total +ve Xylenes" is simply a sum of the positive individual Xylenes.

Client Reference: N4084

QUALITY CONTROL: VTRH(C6-C10)/BTEXN in Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-5	[NT]
Date extracted	-			14/05/2019	[NT]	[NT]	[NT]	[NT]	14/05/2019	[NT]
Date analysed	-			17/05/2019	[NT]	[NT]	[NT]	[NT]	17/05/2019	[NT]
TRH C <sub>6</sub> - C <sub>9</sub>	mg/kg	25	Org-016	<25	[NT]	[NT]	[NT]	[NT]	107	[NT]
TRH C <sub>6</sub> - C <sub>10</sub>	mg/kg	25	Org-016	<25	[NT]	[NT]	[NT]	[NT]	107	[NT]
Benzene	mg/kg	0.2	Org-016	<0.2	[NT]	[NT]	[NT]	[NT]	105	[NT]
Toluene	mg/kg	0.5	Org-016	<0.5	[NT]	[NT]	[NT]	[NT]	105	[NT]
Ethylbenzene	mg/kg	1	Org-016	<1	[NT]	[NT]	[NT]	[NT]	107	[NT]
m+p-xylene	mg/kg	2	Org-016	<2	[NT]	[NT]	[NT]	[NT]	108	[NT]
o-Xylene	mg/kg	1	Org-016	<1	[NT]	[NT]	[NT]	[NT]	109	[NT]
naphthalene	mg/kg	1	Org-014	<1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Surrogate aaa-Trifluorotoluene	%		Org-016	110	[NT]	[NT]	[NT]	[NT]	105	[NT]

Client Reference: N4004

QUALITY CONTROL: svTRH (C10-C40) in Soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-5	[NT]
Date extracted	-			14/05/2019	[NT]	[NT]	[NT]	[NT]	14/05/2019	[NT]
Date analysed	-			15/05/2019	[NT]	[NT]	[NT]	[NT]	15/05/2019	[NT]
TRH C <sub>10</sub> - C <sub>14</sub>	mg/kg	50	Org-003	<50	[NT]	[NT]	[NT]	[NT]	117	[NT]
TRH C <sub>15</sub> - C <sub>23</sub>	mg/kg	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	119	[NT]
TRH C <sub>29</sub> - C <sub>35</sub>	mg/kg	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	100	[NT]
TRH >C <sub>10</sub> - C <sub>15</sub>	mg/kg	50	Org-003	<50	[NT]	[NT]	[NT]	[NT]	117	[NT]
TRH >C <sub>15</sub> - C <sub>34</sub>	mg/kg	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	119	[NT]
TRH >C <sub>34</sub> - C <sub>40</sub>	mg/kg	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	100	[NT]
Surrogate o-Terphenyl	%		Org-003	89	[NT]	[NT]	[NT]	[NT]	105	[NT]

Client Reference: N4084

QUALITY CONTROL: Acid Extractable metals in soil					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-5	[NT]
Date prepared	-			14/05/2019	[NT]	[NT]	[NT]	[NT]	14/05/2019	[NT]
Date analysed	-			14/05/2019	[NT]	[NT]	[NT]	[NT]	14/05/2019	[NT]
Lead	mg/kg	1	Metals-020	<1	[NT]	[NT]	[NT]	[NT]	110	[NT]

Client Reference: N4084

QUALITY CONTROL: VTRH(C6-C10)/BTEXN in Water					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-W2	[NT]
Date extracted	-			15/05/2019	[NT]	[NT]	[NT]	[NT]	15/05/2019	[NT]
Date analysed	-			16/05/2019	[NT]	[NT]	[NT]	[NT]	16/05/2019	[NT]
TRH C <sub>6</sub> - C <sub>9</sub>	µg/L	10	Org-016	<10	[NT]	[NT]	[NT]	[NT]	102	[NT]
TRH C <sub>6</sub> - C <sub>10</sub>	µg/L	10	Org-016	<10	[NT]	[NT]	[NT]	[NT]	102	[NT]
Benzene	µg/L	1	Org-016	<1	[NT]	[NT]	[NT]	[NT]	107	[NT]
Toluene	µg/L	1	Org-016	<1	[NT]	[NT]	[NT]	[NT]	109	[NT]
Ethylbenzene	µg/L	1	Org-016	<1	[NT]	[NT]	[NT]	[NT]	99	[NT]
m+p-xylene	µg/L	2	Org-016	<2	[NT]	[NT]	[NT]	[NT]	98	[NT]
o-xylene	µg/L	1	Org-016	<1	[NT]	[NT]	[NT]	[NT]	97	[NT]
Naphthalene	µg/L	1	Org-013	<1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Surrogate Dibromofluoromethane	%		Org-016	103	[NT]	[NT]	[NT]	[NT]	102	[NT]
Surrogate toluene-d8	%		Org-016	100	[NT]	[NT]	[NT]	[NT]	103	[NT]
Surrogate 4-BFB	%		Org-016	102	[NT]	[NT]	[NT]	[NT]	97	[NT]

Client Reference: N4004

QUALITY CONTROL: svTRH (C10-C40) in Water					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-W2	[NT]
Date extracted	-			17/05/2019	[NT]	[NT]	[NT]	[NT]	17/05/2019	[NT]
Date analysed	-			17/05/2019	[NT]	[NT]	[NT]	[NT]	17/05/2019	[NT]
TRH C <sub>10</sub> - C <sub>14</sub>	µg/L	50	Org-003	<50	[NT]	[NT]	[NT]	[NT]	111	[NT]
TRH C <sub>15</sub> - C <sub>28</sub>	µg/L	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	100	[NT]
TRH C <sub>29</sub> - C <sub>36</sub>	µg/L	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	118	[NT]
TRH >C <sub>10</sub> - C <sub>16</sub>	µg/L	50	Org-003	<50	[NT]	[NT]	[NT]	[NT]	111	[NT]
TRH >C <sub>16</sub> - C <sub>34</sub>	µg/L	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	100	[NT]
TRH >C <sub>34</sub> - C <sub>40</sub>	µg/L	100	Org-003	<100	[NT]	[NT]	[NT]	[NT]	118	[NT]
Surrogate o-Terphenyl	%		Org-003	82	[NT]	[NT]	[NT]	[NT]	86	[NT]



Client Reference: N4084

QUALITY CONTROL: PAHs in Water					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-W1	[NT]
Date extracted	-			17/05/2019	[NT]	[NT]	[NT]	[NT]	17/05/2019	[NT]
Date analysed	-			17/05/2019	[NT]	[NT]	[NT]	[NT]	17/05/2019	[NT]
Naphthalene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	126	[NT]
Acenaphthylene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Acenaphthene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Fluorene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	110	[NT]
Phenanthrene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	96	[NT]
Anthracene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Fluoranthene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	96	[NT]
Pyrene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	96	[NT]
Benzo(a)anthracene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Chrysene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	130	[NT]
Benzo(b,j+k)fluoranthene	µg/L	2	Org-012	<2	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Benzo(a)pyrene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	102	[NT]
Indeno(1,2,3-c,d)pyrene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Dibenzo(a,h)anthracene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Benzo(g,h,i)perylene	µg/L	1	Org-012	<1	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]
Surrogate p-Terphenyl-d14	%		Org-012	83	[NT]	[NT]	[NT]	[NT]	91	[NT]

Client Reference: N4084

QUALITY CONTROL: HM in water - dissolved					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-W2	[NT]
Date prepared	-			14/05/2019	[NT]	[NT]	[NT]	[NT]	14/05/2019	[NT]
Date analysed	-			14/05/2019	[NT]	[NT]	[NT]	[NT]	14/05/2019	[NT]
Lead-Dissolved	µg/L	1	Metals-022	<1	[NT]	[NT]	[NT]	[NT]	103	[NT]

Client Reference: N4004

Result Definitions	
<b>NT</b>	Not tested
<b>NA</b>	Test not required
<b>INS</b>	Insufficient sample for this test
<b>PQL</b>	Practical Quantitation Limit
<b>&lt;</b>	Less than
<b>&gt;</b>	Greater than
<b>RPD</b>	Relative Percent Difference
<b>LCS</b>	Laboratory Control Sample
<b>NS</b>	Not specified
<b>NEPM</b>	National Environmental Protection Measure
<b>NR</b>	Not Reported

Quality Control Definitions	
<b>Blank</b>	This is the component of the analytical signal which is not derived from the sample but from reagents, glassware etc, can be determined by processing solvents and reagents in exactly the same manner as for samples.
<b>Duplicate</b>	This is the complete duplicate analysis of a sample from the process batch. If possible, the sample selected should be one where the analyte concentration is easily measurable.
<b>Matrix Spike</b>	A portion of the sample is spiked with a known concentration of target analyte. The purpose of the matrix spike is to monitor the performance of the analytical method used and to determine whether matrix interferences exist.
<b>LCS (Laboratory Control Sample)</b>	This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.
<b>Surrogate Spike</b>	Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.
Australian Drinking Water Guidelines recommend that Thermotolerant Coliform, Faecal Enterococci, & E.Coli levels are less than 1cfu/100mL. The recommended maximums are taken from "Australian Drinking Water Guidelines", published by NHMRC & ARMC 2011.	

Client Reference: N4004

**Laboratory Acceptance Criteria**

Duplicate sample and matrix spike recoveries may not be reported on smaller jobs, however, were analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria.

Filters, swabs, wipes, tubes and badges will not have duplicate data as the whole sample is generally extracted during sample extraction.

Spikes for Physical and Aggregate Tests are not applicable.

For VOCs in water samples, three vials are required for duplicate or spike analysis.

Duplicates: >10xPQL - RPD acceptance criteria will vary depending on the analytes and the analytical techniques but is typically in the range 20%-50% – see ELN-P05 QA/QC tables for details; <10xPQL - RPD are higher as the results approach PQL and the estimated measurement uncertainty will statistically increase.

Matrix Spikes, LCS and Surrogate recoveries: Generally 70-130% for inorganics/metals; 60-140% for organics (+/-50% surrogates) and 10-140% for labile SVOCs (including labile surrogates), ultra trace organics and speciated phenols is acceptable.

In circumstances where no duplicate and/or sample spike has been reported at 1 in 10 and/or 1 in 20 samples respectively, the sample volume submitted was insufficient in order to satisfy laboratory QA/QC protocols.

When samples are received where certain analytes are outside of recommended technical holding times (THTs), the analysis has proceeded. Where analytes are on the verge of breaching THTs, every effort will be made to analyse within the THT or as soon as practicable.

Where sampling dates are not provided, Envirolab are not in a position to comment on the validity of the analysis where recommended technical holding times may have been breached.

Measurement Uncertainty estimates are available for most tests upon request.

Client Reference: N4084



**Report Comments**

Dissolved Metals: no preserved sample was received, therefore the unpreserved sample was filtered through 0.45µm filter at the lab.  
Note: there is a possibility some elements may be underestimated.

vTRH & BTEXN in Water NEPM - No vials were supplied for analysis of samples 216884-16-18. Subsampled from amber bottles provided.

**Attachment D:**  
*Bore logs*

**Sampling Date:** 04.05.19  
**Report Date:** 20.05.19  
**Report Number:** N4084

 <div style="text-align: center;"> <b>Division of Environmental Health &amp; Safety</b> </div>					
Client	<b>Car Dealership Port Macquarie</b>	Job Number	<b>N4084</b>	BORE Number	<b>BH1</b>
Project	<b>Environmental Site Assessment</b>	Commenced		Date	<b>04.05.19</b>
Location	<b>36 Munster Street, Port Macquarie NSW 2444</b>	Completed		Date	<b>04.05.19</b>
Driller	<b>NEO Consulting Pty Ltd</b>	Logged By	cc		
Borehole Angle: <b>90°</b> Borehole Size: <b>100mm</b>					
Borehole Location Description: <b>South of the building; downstream of the UPSS, closest to tanks.</b>					
Depth (m)	Graphic log	Material Description		Field Records / Comments	
		Concrete 200mm Grey sand, becoming wet by 0.5m			
1				Soil sample @ 1m ON HOLD	
2				Soil sample @ 2m ON HOLD	
3		Weathered rock, rock fragments - grey rock at 4.5m		Soil sample @ 3m submitted to laboratory BH1 3	
4				Water sample BH1 Water	
END OF LOG					



## Division of Environmental Health & Safety


Client	<b>Car Dealership Port Macquarie</b>	Job Number	<b>N4084</b>	BORE Number	<b>BH2</b>
Project	<b>Environmental Site Assessment</b>	Commenced		Date	<b>04.05.19</b>
Location	<b>36 Munster Street, Port Macquarie NSW 2444</b>	Completed		Date	<b>04.05.19</b>
Driller	<b>NEO Consulting Pty Ltd</b>	Logged By	<b>CC</b>		



Borehole Angle: **90°** Borehole Size: **100mm**



Borehole Location Description: **west of the site; downstream of UPSS.**

Depth (m)	Graphic log	Material Description	Field Records / Comments
		Concrete 200mm	Soil sample @ 0.2m submitted to laboratory BH2 0.2
1		Grey sand, becoming moist at 1m	Soil sample @ 1m ON HOLD
2			Soil sample @ 2m ON HOLD
3			Soil sample @ 3m ON HOLD
4			Soil sample @ 4m ON HOLD
5		Grey weathered rock fragments till impermeable	Soil sample @ 5m ON HOLD Soil sample @ 5.5m submitted to laboratory BH2 5.5
6			
END OF LOG			



 <div style="text-align: center;"> <b>Division of Environmental Health &amp; Safety</b> </div>					
Client	<b>Car Dealership Port Macquarie</b>	Job Number	<b>N4084</b>	BORE Number	<b>BH3</b>
Project	<b>Environmental Site Assessment</b>	Commenced		Date	<b>04.05.19</b>
Location	<b>36 Munster Street, Port Macquarie NSW 2444</b>	Completed		Date	<b>04.05.19</b>
Driller	<b>NEO Consulting Pty Ltd</b>	Logged By	<b>CC</b>		
Borehole Angle: <b>90°</b> Borehole Size: <b>100mm</b>					
Borehole Location Description: <b>Closest bore hole to fuel pump bowser</b>					
Depth (m)	Graphic log	Material Description		Field Records / Comments	
		Concrete 200mm then road base for 0.5m		Soil sample @ 0.5m submitted to laboratory BH3 0.5	
1		Maroon Clay – Wet from 1.5m		Soil sample @ 1.5m ON HOLD	
2					
3		Grey sandy clay		Soil sample @ 3m submitted to laboratory BH3 3	
4					
END OF LOG					

 <div style="text-align: center;"> <b>Division of Environmental Health &amp; Safety</b> </div>					
Client	<b>Car Dealership Port Macquarie</b>	Job Number	<b>N4084</b>	BORE Number	<b>BH4</b>
Project	<b>Environmental Site Assessment</b>	Commenced		Date	<b>04.05.19</b>
Location	<b>36 Munster Street, Port Macquarie NSW 2444</b>	Completed		Date	<b>04.05.19</b>
Driller	<b>NEO Consulting Pty Ltd</b>	Logged By	<b>CC</b>		
Borehole Angle: <b>90°</b> Borehole Size: <b>100mm</b>					
Borehole Location Description: <b>south of the building in the south west sector</b>					
Depth (m)	Graphic log	Material Description		Field Records / Comments	
		Concrete 200mm			
1		Grey sand, becoming moist at 1.5m		Soil sample @ 1.5m ON HOLD	
2					
3		Grey sandy clay		Soil sample @ 3m submitted to laboratory BH4 3	
4				Water sample BH4 Water	
END OF LOG					

 <div style="text-align: center;"> <b>Division of Environmental Health &amp; Safety</b> </div>					
Client	<b>Car Dealership Port Macquarie</b>	Job Number	<b>N4084</b>	BORE Number	<b>BH5</b>
Project	<b>Environmental Site Assessment</b>	Commenced		Date	<b>04.05.19</b>
Location	<b>36 Munster Street, Port Macquarie NSW 2444</b>	Completed		Date	<b>04.05.19</b>
Driller	<b>NEO Consulting Pty Ltd</b>	Logged By	<b>CC</b>		
Borehole Angle: <b>90°</b> Borehole Size: <b>100mm</b>					
Borehole Location Description: <b>south of the building in the south east sector, furthest from UPSS.</b>					
Depth (m)	Graphic log	Material Description		Field Records / Comments	
		Concrete 200mm			
1		Grey sand			
2					
3		Grey sandy clay			
4					
END OF LOG					

**Attachment E:**  
*Potential offsite receptors*

**Sampling Date:** 04.05.19  
**Report Date:** 20.05.19  
**Report Number:** N4084

**TABLE: POTENTIAL RECEPTORS AND CONTAMINATION ROUTES**

LOCATION	RECEPTOR	ROUTE
On-site	Human receptors include: <ul style="list-style-type: none"><li>• Site occupants</li><li>• Site visitors</li><li>• Contractors and workers</li><li>• Future site occupants</li></ul>	Exposure by direct contact via skin, ingesting and inhaling. Migration and consumption of contaminated groundwater. Migration of soluble contaminants with surface water run-off.
Off-site	Human receptors include: <ul style="list-style-type: none"><li>• Off-site occupants/residents of their own property</li><li>• Off-site visitors/customers</li><li>• Contractors and workers dealing with projects on adjoining land</li></ul>	Migration of contaminated underground water. Migration of contaminated surface water or similar. Extraction and use of groundwater down-gradient from the site.

# **MULTI-LEVEL RISK ASSESSMENT**

**For**

**RCI GROUP PTY. LTD.  
ABN 61 132 443 997**

**At**

**59 Gordon Street  
Corner Munster Street**

**PORT MACQUARIE – NSW**  
**(2)**

**REVISION 1**

**3 July 2019**



PREPARED BY: myros design pty. ltd.  
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CONTACT: ROLANDO FERREIRA MAIDGC

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<b>B.-</b> Multi-level Risk Assessment	
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**Preamble:**

The following report has been completed on behalf of RCI Group Pty Ltd. (RCI), for the proposed development of a Fuel Dispensing Station, for public use, and at the site specified within. A Multi-Level Risk Assessment (MLRA) has been completed, the level of which has been determined from information supplied by RCI Group Pty Ltd. and their agents to myros design pty. ltd.

**Disclaimer:**

- The comments, drawings, checklists and recommendations in this report, prepared by myros design pty. ltd. and their agents ("myros") are on the basis of works RCI Group Pty Ltd. (RCI).
- They are provided on "RCI" request, pursuant to "RCI", their employees and agents instructions in accordance to our agreement. "myros" recommendations are limited to matters pertaining to the relevant National and State Acts, Regulations and Codes and the Australian/New Zealand Standards.
- "myros" have relied on the information and advice provided by "RCI", their employees and agents, and shall not be responsible or liable, if any of the information and advice supplied to "myros" is incorrect. "myros" endeavours to ensure the accuracy of all information contained herein and otherwise supplied.
- "myros" shall not be responsible for any errors or omissions that they have occurred because of a change in circumstances between the time "myros" were provided with the information by "RCI" or gathered information from "RCI" and their employees and agents. The material in them reflects "myros" and their agents' best judgment in the light of the information available to them at the time of preparation.
- Advice and opinions given by "myros" in this report, represents the best judgement of "myros", but (and to the extent permitted by law) "myros" accepts no liability for any claims or damages whether caused by its negligence (or that of its agents or employees) or otherwise.
- The client's attention is drawn to the provisions of the Trade Practices Act (Commonwealth) 1974, as amended ("the Act"), which implies conditions and warranties into certain contracts for the supply of goods and services. Where such conditions and warranties are implied the liability of "myros" shall be limited, subject to the provisions of the Act, to replace or repair of goods, or the supply of relevant goods and services.
- Where reference is made to any individual person, then this should be seen as a reference to that person's part in the system management and operation and not to be regarded as a reflection on his/her competency or integrity.
- Any matter not referred to in this report should not be regarded as having been inspected. Recommendations are not exhaustive, and where applicable, all works are subject to full compliance and approval by the National and State Authorities.
- Any party, which makes use of this report, drawings & checklists, is the responsibility of such party. myros design pty. ltd. and their agents accepts no responsibility whatsoever for damages if any are suffered by any party in reliance on information contained in the comments, drawings, checklists and recommendations.
- This report is confidential and is not to be made available to other parties without the prior consent of the client.
- Where the contents of this report are subpoenaed in a Court of Law, they are only to be released on receipt of a written formal document. The client to be advised accordingly and forthwith.
- "myros" have used all reasonable care and skill.



## MULTI-LEVEL RISK ASSESSMENT – PORT MACQUARIE (2)

3 July 2019

**Site Information****Site Location:** 59 Gordon Street cnr. Munster Street, **PORT MACQUARIE - NSW****Reference Drawings:** Proposed Site Layout Plan (Petrols & Diesel)**Storage:** All Substances are stored in Double Wall Underground Storage Tanks.**Transportation:** Hazardous Substances are transported to site by approved Petroleum Products Road Tankers.  
Reference: Australian Code for the Transportation of Dangerous Goods by Road and Rail, 7<sup>th</sup>. Edition.**Number of deliveries:** Expected number of deliveries annually will be less than 300.**Class 2.1 Hazardous Substances: Not to be installed at this stage.**

Hazardous Material	Quantity (kL)	Classification & Package Group
Auto Liquefied Petroleum Gas	NIL	--

**Class 3 Hazardous Substances:** Refer to Proposed Site Layout Plan.

Hazardous Material	Quantity (kL) Nom. Capacity	Classification & Package Group
Unleaded 91	40	3 PG II
Ethanol10	30	3 PG II
Premium Unleaded Petrol 98	30	3 PG II
Premium Unleaded Petrol 95	30	3 PG II
Automotive Diesel Fuel	50	3 PG II**
<b>Total Class 3</b>	<b>180 kL</b>	

\*\* Combustible Liquid Class C1, treated as Class 3 PG II for assessment purposes, as it is stored together with petrols.

**Minimum Boundary Distances:** Distances from boundaries to hazardous substances filling and dispenser points are listed.

**Class 3 Hazardous Substances:** Refer to Proposed Site Layout Plan.

Boundary	Minimum Distances (in m)	
	Fill Point	Dispensers
North	13.99	7.91
South	20.71	<b>5.75*</b>
East	18.31	20.79
West	24.31	21.95

\* Denotes remote filling / dispenser within potentially hazardous areas as determined by SEPP 33. Refer Threshold Screening section below.

**Layout Approvals:**

SafeWork New South Wales Dangerous Goods Notification will be required prior to opening.

Site Layout Plan for Fuel System **has been assessed**. Dangerous Goods Site Layout Plan for Fuel System has been stamped by Rolando Ferreira, Accredited Dangerous Goods Consultant for Myros Design Pty Ltd for DA only. (no pipework).

Trade waste disposal to be carried out in compliance with relevant authorities.

Appropriate approval to be sought for their disposal.

**THRESHOLDS SCREENING –Applying SEPP 33****Storage Screening:****Fuel System – Petrol and Diesel Storage:**

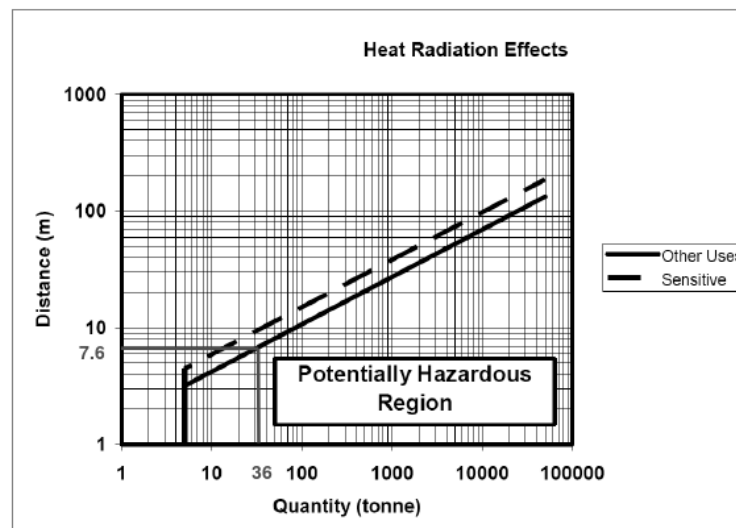
**Total Storage Capacity:** 180,000 litres. (180 kL), therefore 180 kL should be considered for screening purposes.

Since the fuel is stored under ground, the Screening Capacity becomes:

$$\text{Screening Capacity} = \frac{\text{Storage capacity (180)}}{5} = 36 \text{ kL}$$

The graph shown here is from the Hazardous and Offensive Development Application Guidelines.- “Applying SEPP 33”, January 2011.

Figure 9: Class 3PGII and 3PGIII Flammable Liquids



For a screening quantity of 36 kL, the **minimum** separation distance from the **remote filling** and **dispenser points** is 7.6 metres.

Since there are site boundaries within this separation distance, the storage and dispensing of the fuel does not pass initial screening. Further analysis is required; refer to PHA (Appendix C) for further measures to reduce the risk.

### **Transport Screening:**

For substances of class 3 PG II, the screening value for cumulative vehicle movements per annum is 750. (Refer Applying SEPP 33 Table 2).

Since the expected number of deliveries is less than 300 per annum, transport threshold figures do not exceed required amount.

Refer Appendix A for Screening Procedure Summary.

### **Risk Classification:**

The analysis will determine what level of further risk assessment is required. (Refer Appendix B for Multi-Level Risk Assessment diagram).

### **Classification of Type of activities and Inventories:**

Since we are dealing with **Underground Fuel Storage** at service stations, and the total capacity of the site is 180 kL, therefore 180 kL should be considered for screening purposes, but since the fuel is stored under ground, the screening capacity becomes 180 divided by 5 = **36 kL**.

Reference No. 6 (Petrol)  
Effect category is BII (Petrol)

(Refer IAEA Table II)  
(Refer IAEA Table IV [a]).

### **Maximum Distance and Area of Effect:**

From IAEA Table V, we get the following:  
Maximum Distance =  
Area, A=

PETROLS  
25 - 50 m  
0.4 ha

### **Population Distribution:**

From IAEA Table VI: Population Density ( $d$ ).

We need to estimate the number of people within the above region at any one time. Using a circle of 36 m radius which is slightly over 0.4 of an hectare (ha), from the centre of the new underground fuel tanks, there are: to the North, entry / exit driveway and commercial building on other side of boundary, to the South, Gordon Street (4 lanes width plus parking on sides) & entry & exit driveway, to the West, Service Station Building & 1 disabled car parking space, Veterinarian on other side of boundary, & to the East, entry & exit driveway & Munster Street within this circle, (by using the Dept. of Planning Guidelines for LPG methodology therefore we will have a population density of approximate:

$$\text{Population density: } d = 12.0 \text{ persons / ha.}$$

### **Population Correction factor:**

From IAEA Table VII: Population Correction Factor ( $f_A$ ).

The Population Correction Factor is to determine what percentage of the area within a 50 m radius (for petrols) from the site is populated.

Therefore: Total area =  $\pi \times r^2 = \pi \times 50^2 = 7,854 \text{ m}^2$  (for petrols).

$$\text{Site Area} = 1,833 \text{ m}^2$$

$$\text{Population Correction Factor, } f_A$$

$$f_A = \frac{\text{total area} - \text{site area}}{\text{total area}} = \frac{7854 - 1833}{7854} = \mathbf{0.767}$$

**Mitigation Correction Factor:**

From IAEA Table VIII, Correction factor for mitigation,  $f_m = 1$

**Estimation of External Consequences:**

$C_{a,s} = A \times d \times f_A \times f_m$  Thus:  $BII = 0.4 \times 12 \times 0.767 \times 1 = \mathbf{3.68}$  fatalities per accident.

**Estimation of Probability of Major Accidents:**

The probability number is given by the formula:  $N_{i,s} = N_{i,s}^* + n_l + n_f + n_o + n_p$

Where: Average Probability Number,  $N_{i,s}^* = 7$  for Ref No.6. (Refer IAEA Table IX).

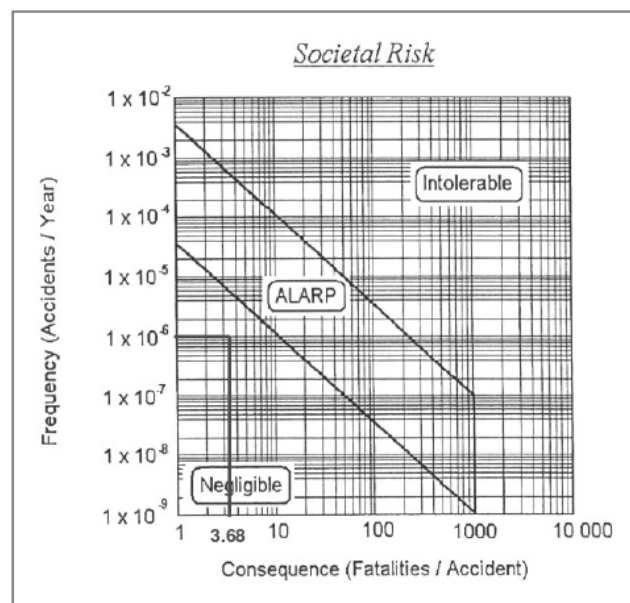
Correction Factor for:

Loading, $n_l = -1$	(Refer IAEA Table X {A})
Flammables, $n_f = 0$	(Refer IAEA Table XI)
Organisational Safety, $n_o = 0$	(Refer IAEA Table XII)
Wind Direction, $n_p = 0$	(Refer IAEA Table XIII)

Therefore, Probability Number:  $N_{i,s} = 7 + -1 + 0 + 0 + 0 = \mathbf{6}$

And converting Probability Numbers into Frequency of Events per year, (Refer IAEA Table XIV):

$$\mathbf{P = 1 \times 10^{-6}}$$

**Level of Risk:**

## MULTI-LEVEL RISK ASSESSMENT – PORT MACQUARIE (2)

3 July 2019

By intersecting the Frequency ( $P = 1 \times 10^{-6}$ ) with the Consequence ( $BII = 3.68$ ) in the graph above, we could see that the risk to society from the proposed development falls within the negligible area, and all possible measures shall be taken to ensure that the level of risk is kept as low as possible.

The steps to be undertaken by RCI Group Pty Ltd. (RCI) or their lessees to reduce the risk of an incident occurring have been included in Appendix C and forms part of the Preliminary Hazards Analysis.

**CONCLUSION:**

Plotting the frequency against consequence, it can be clearly seen that the societal risk is negligible. Therefore, only a level one qualitative Risk Analysis is required.

This analysis is referred to in Applying SEPP 33 as a Preliminary Hazard Analysis (PHA), which has been included as Appendix C.

All equipment must be installed to manufacturer's recommendations and must comply with all the relevant standards listed within.

Specific safety features of the site have been included in the PHA, including all monitoring procedures.

**Further comments**

Listed below are the minimum required separation distances for Fuel Systems (Petrols) to boundaries, together with references.

**Fuels (Petrol & Diesel)****Australian Standards & Clauses references**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Fill point : 3 & 4 metres | AS 1940-2017, Clause 5.3.2(c) & AS/NZS 60079.10.1:2009 Annex ZA Clause 5.2.2 (c) & Clause 5.2.9 (c). |
| <input checked="" type="checkbox"/> Dispensers : 4 metres     | AS 1940-2017, Clause 7.3.1(b) & AS/NZS 60079.10.1:2009 Annex ZA Clause 4.4.2.2 & Fig. ZA.4.          |

The design of this proposal meets and exceeds the above Australian Standard requirements. These distances can also be achieved if vapour barriers are installed, (not required in this instance).

**References:****Australian Standards:**

AS1940 – 2017	"The Storage & Handling of Flammable & Combustible Liquids".
AS / NZS 1596 : 2014	"Storage and Handling of LPG Gas".
AS 4897 – 2008	"The Design, Installation and Operation of Underground Petroleum Storage Tanks"
AS /NZS 3000 – 2007	"Electrical Installations (ANZ Wiring Rules)".
AS/NZS 60079.10.1:2009	"Classification of Areas. Explosive gas atmospheres".
Annex ZA	"Examples of Hazardous Area Classification".
AS 2832.2 – 2003	"Cathodic Protection of Metals – Compact buried structures".
AS 2239 – 2003	"Galvanic (sacrificial) Anodes for Cathodic Protection".
AS / NZS 3788 : 2006	"Pressure Equipment – In-service inspection".
AS 4037 – 1999	"Pressure Equipment – Examination & testing".
AS / NZS 1841.5 : 2007	"Portable Fire Extinguishers".
AS 2444 – 2001	"Portable Fire Extinguishers and Fire Blankets". Select. & location.
AS 1692 – 2006	"Tanks for Flammable and Combustible liquids".

**Codes of Practices:**

Australian Code for the Transportation of Dangerous Goods by Road and Rail, Seventh edition.  
NSW Code of Practice 2005 for Storage & Handling of Dangerous Goods.

**Planning NSW Guidelines:**

Hazardous and Offensive Development Application Guidelines - Applying SEPP 33.  
Hazardous and Offensive Development Application Guidelines - Multi-Level risk Assessment.  
Hazardous Industry Planning Advisory Paper No. 1 - Industry emergency Planning Guidelines.  
Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Study Guidelines  
Hazardous Industry Planning Advisory Paper No 3 - Environmental Risk Impact Assessment Guidelines  
Hazardous Industry Planning Advisory Paper No. 4 - Risk Criteria for Land Use Safety Planning  
Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines  
Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis  
Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines  
Hazardous Industry Planning Advisory Paper No. 8 - Hazard and Operability Studies  
Hazardous Industry Planning Advisory Paper No. 9 - Guidelines for the Development of Safety Management Systems  
Hazardous Industry Locational Guidelines No. 1 Liquefied Petroleum Gas, Automotive Retail Outlets.

**NSW EPA Guidelines:**

Information Sheet 3 of Environmental Action for Service Stations. Forecourt Design, Operation & Maintenance.

**Other Documentation:**

NSW Work Health & Safety Act 2011 and the Regulation of the same name dated 2011.  
Local Authorities requirements, SafeWork NSW and EPA Acts and Regulations.  
Equipment Suppliers Specifications, Requirements and Instructions.  
Fuel System Specifications and Drawings.  
Site Specific drawings and suppliers specifications.

## **APPENDIX “B”**

### **MULTI LEVEL RISK ASSESSMENT**

#### **Screening Thresholds**

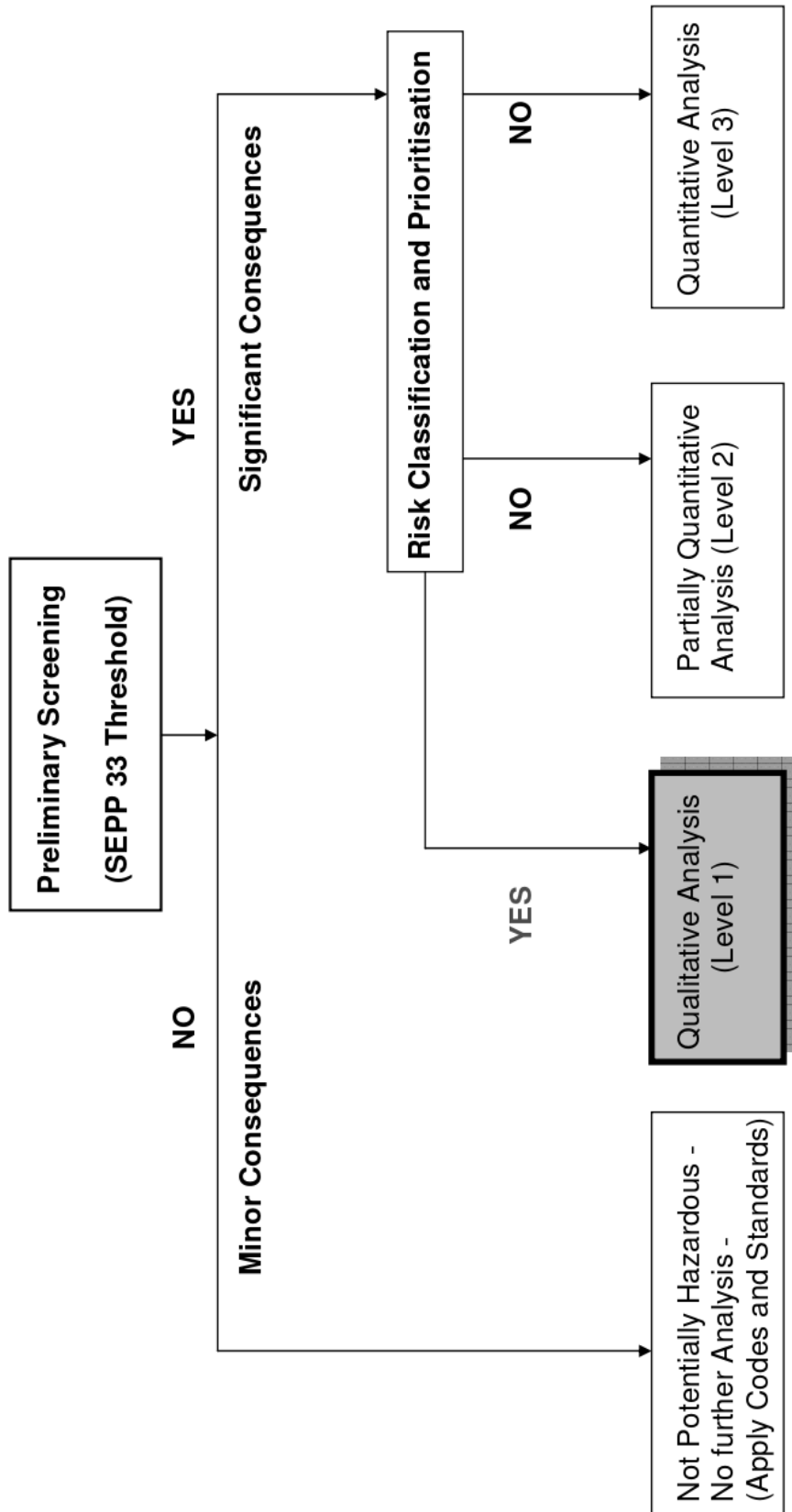
### **PORT MACQUARIE**

18 June 2019

PORT MACQUARIE- NSW

(2)

18 June 2019

**MULTI-LEVEL RISK ASSESSMENT****APPENDIX B**

Prepared by myros design pty. ltd

Page 1





# Noise Impact Assessment Proposed Service Station & Convenience Store 36 Munster Street Port Macquarie NSW

## June 2019

Prepared for RCI Group Pty Ltd  
Report No. 19-2339-R1

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Building Acoustics – Council/EPA Submissions - Modelling - Compliance - Certification

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RCI Group Pty Ltd  
Noise Impact Assessment – Service Station & Convenience Store  
36 Munster Street, Port Macquarie

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# SECTION 1

## Introduction

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## 1.1 INTRODUCTION

---

Reverb Acoustics has been commissioned to conduct a noise impact assessment for a proposal to construct a service station and convenience store at 36 Munster Street, Port Macquarie. This assessment considers noise sources such as mechanical plant (refrigeration, air conditioning, exhaust, compressor), deliveries (including unloading, truck movements, etc), and customer vehicles entering and leaving the premises and manoeuvring on the site. Other noise sources include garbage collection and general site noise.

The assessment was requested by RCI Group Pty Ltd to form part of and in support of a Development Application to Port Macquarie Hastings Council (PMHC) and to ensure any noise control measures required for the development are incorporated during the design stages.

## 1.2 TECHNICAL REFERENCE / DOCUMENTS

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Beranek, L.L and Istvan, L.V. (1992). *Noise and Vibration Control Engineering*. John Wiley and Sons, Inc.

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AS 2107-2016 “*Acoustics-Recommended Design Sound Levels and Reverberation Times for Building Interiors*”.

AS 1276.1-1999 “*Acoustics – Rating of sound insulation in buildings and of building elements. Part 1: Airborne sound insulation*”.

NSW Environment Protection Authority (2017). *Noise Policy for Industry*

Office of Environment and Heritage (2010). *NSW Road Noise Policy*

NSW Roads and Maritime Services (2001). *Environmental Noise Management Manual*

Association of Australian Acoustic Consultant's (2013) *Technical Guideline. Child Care Centre Noise Assessment*.

Intersect Traffic Pty Ltd (July 2019). *Traffic & Parking Assessment. Service Station. Lots 5, 6 & 7 DP.18259, 36 Munster Street, Port Macquarie*

Plans supplied by Brown Commercial Building Pty Ltd, Rev. 3, dated 1 July 2019. Note that variations from the design supplied to us may affect the acoustic recommendations.

A Glossary of commonly used acoustical terms is presented in Appendix A to aid the reader in understanding the Report.

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## **SECTION 2**

### **Project Description**

### **Existing Acoustic Environment**

### **Assessment Criteria**

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## 2.1 PROJECT DESCRIPTION

RCI Group Pty Ltd seeks approval for a service station and convenience store at 36 Munster Street, Port Macquarie. The development will include a convenience store, refuelling area and parking for customers. This assessment is based on typical mechanical design layouts. Expected trading hours are 24 hours. Fuel tanker and general store deliveries may occur at any time from 5am to 12am. Nearest receivers identified during our site visit are as follows (also see Figure 1):

R1. Key Shores Holiday Letting N  
R3. Veterinary Hospital E  
R5. Commercial Development S  
R7. Munster's Shopping Village W

R2. Residences NE  
R4. Double-Storey Residences E  
R6. Child Care Centre SW

This assessment will focus on the noise impact at nearest receivers and it should be acknowledged that compliance with criteria at these locations will ensure satisfactory results at more remote locations. Plans supplied by RCI Group Pty Ltd show the layout of the site and the location of nearby land uses. Potential noise sources which may impact nearby residents include mechanical plant, loading/unloading activities, and customers' vehicles entering and leaving the premises and manoeuvring on the site. Other noise sources include general site noise such as garbage collection.

Figure 1: Site Plan



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## 2.2 EXISTING ACOUSTIC ENVIRONMENT

A background noise level survey was conducted using a Class 1, Svan 977 environmental noise logging monitor, installed at the south east corner of the Munster Street and Gordon Street intersection, approximately 7 metres from the near lane of traffic. The selected location is representative of the acoustic environment in the receiver area and is considered an acceptable location for determination of the background noise in accordance with Appendix B of the NSW Environment Protection Authority's (EPA's) – Noise Policy for Industry (NPI).

Noise levels were continuously monitored from 13 June to 20 June 2019, to determine the existing background and ambient noise levels for the area. The instrument was programmed to accumulate environmental noise data continuously and store results in internal memory. The data were then analysed to determine 15 minute Leq and statistical noise levels using dedicated software supplied with the instrument. The instrument was calibrated with a Brüel and Kjaer 4230 sound level calibrator producing 94dB at 1kHz before and after the monitoring period, as part of the instrument's programming and downloading procedure, and showed an error less than 0.5dB.

Table 1 shows a summary of our noise survey, including the Assessment Background Levels (ABL's), for the day, evening and night periods. From these ABL's the Rating Background Level (RBL) has been calculated, according to the procedures described in the EPA's NPI and by following the procedures and guidelines detailed in Australian Standard AS1055-1997, "Acoustics - Description and Measurement of Environmental Noise, Part 1 General Procedures". A complete set of logger results is not shown, but available on request. Measured road traffic noise levels at the site are shown in Table 2.

**Table 1: Summary of Noise Logger Results, dB(A)**

Time Period	Background L90			Ambient Leq		
	Day 7am-6pm	Evening 6pm-10pm	Night 10pm-7am	Day 7am-6pm	Evening 6pm-10pm	Night 10pm-7am
13-14 June	54.8	46.3	35.0	61.8	58.3	53.1
14-15 June	55.0	47.1	34.9	61.2	57.6	51.7
15-16 June	52.1	45.0	35.8	60.9	55.9	51.7
16-17 June	50.3	41.9	35.1	59.8	55.6	52.2
17-18 June	55.7	45.4	37.2	61.8	57.5	53.6
18-19 June	54.7	45.7	36.7	61.7	59.1	53.1
19-20 June	55.7	46.7	38.1	63.4	57.4	53.2
<b>RBL</b>	<b>55</b>	<b>46</b>	<b>36</b>	--	--	--
<b>LAeq</b>	--	--	--	<b>62</b>	<b>58</b>	<b>53</b>

A summary of the measured noise environment at the site appears in Table 2, taken from our logger results. The measured noise levels are typical for residential areas near a busy road and commercial district.

**Table 2: Existing Source Noise levels**

Time Period	Leq		Lmax		L10		L90	
	Range	Average	Range	Average	Range	Average	Range	Average
Day	55-74	61	68-107	77	58-70	63	45-62	56
Evening	50-68	57	62-85	74	54-72	60	41-56	49
Night	36-62	50	47-86	68	38-64	52	32-55	40

Site, weather and measuring conditions were all satisfactory during our noise surveys. We therefore see no serious reason to modify the results because of influencing factors related to the site, weather or our measuring techniques.

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## 2.3 CRITERIA

### 2.3.1 Road Traffic Noise

The Roads and Maritime Services (RMS) base their assessment criteria on those outlined by EPA. Reference to Page 160 of the Environmental Noise Management Manual released in December 2001, indicates that noise reduction measures for new and existing developments should endeavour to meet the noise level targets set out in the EPA's Environmental Criteria for Road Traffic Noise (ECRTN). The ECRTN has been superseded by the NSW Road Noise Policy (RNP) which contains a number of criteria applied to a variety of road categories (freeway, arterial, sub-arterial and local roads) and situations (new, upgraded roads and new developments affected by road traffic). Table 4 shows the relevant categories, taken from Table 3 of the RNP:

**Table 3: - Extract from Table 3 of RNP Showing Relevant Criteria.**

Road Category	Day	Night
Existing residences affected by additional traffic on existing freeways/arterial/sub-arterial roads generated by land use developments.	60 LAeq,15hr (external)	55 LAeq,9hr (external)
Existing residences affected by additional traffic on existing local roads generated by land use developments.	55 LAeq,1hr (external)	50 LAeq,1hr (external)

Road categories are defined in the RNP are as follows:

Freeway/arterial	Support major regional and inter-regional traffic movement. Freeways and motorways usually feature strict access control via grade separated interchanges.
Sub-arterial	Provide connection between arterial roads and local roads. May provide a support role to arterial roads during peak periods. May have been designed as local streets but can serve major traffic generators or non-local traffic functions. Previously designated as "collector" roads in ECRTN.
Local Road	Provide vehicular access to abutting property and surrounding streets. Provide a network for the movement of pedestrians and cyclists and enable social interaction in a neighbourhood. Should connect, where practicable, only to sub-arterial roads.

Based on the above definitions, Munster Street and Gordon Street are classified as sub-arterial or arterial roads.

In addition to the assessment criteria detailed above, the increase in total traffic noise must also be considered. Reproduced below in Table 4 are the relative increase criteria that trigger consideration of mitigation measures:

**Table 4: - Reproduced Table 6 of RNP  
Relative Increase Criteria for Residential Land Uses**

Road Category	Type of Project/Development	Total Traffic Noise Level Increase-dB(A)	
		Day (7am-10pm)	Night (10pm-7am)
Freeway/arterial/sub-arterial roads & transitways	New road corridor / redevelopment of existing road/land use development with the potential to generate additional traffic on existing road	Existing traffic LAeq,(15hr)+12dB	Existing traffic LAeq,(9hr)+12dB

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### 2.3.2 Site Activities/Mechanical Plant Noise

Noise from industrial noise sources scheduled under the Protection of Environment Operations Act is assessed using the EPA's NPI. However, local Councils and Government Departments may also apply the criteria for land use planning, compliance and complaints management. The NPI specifies two separate criteria designed to ensure existing and future developments meet environmental noise objectives. The first limits intrusive noise to 5dB(A) above the background noise level and the other is based on the total industrial noise in an area in relation to the noise levels from the development to be assessed. Project Noise Trigger Levels are established for new developments by applying both criteria to the situation and adopting the more stringent of the two.

The existing L(A)eq for the receiver areas is dominated by traffic on nearby roads, and commercial/light industrial activity during the day, evening and night. Reference to Table 2.2 of the NPI shows that all receiver areas are classified as urban. The Project Amenity Level is derived by subtracting 5dB(A) from the recommended amenity level shown in Table 2.2. A further +3dB(A) adjustment is required to standardise the time periods to LAeq,15 minute. The adjustments are carried out as follows:

Recommended Amenity Noise Level (Table 2.2) – 5dB(A) +3dB(A)

Table 5 below specifies the applicable project intrusiveness and amenity noise trigger levels for the proposed redevelopment.

**Table 5: - Intrusiveness and Amenity Noise levels**

Period	Intrusiveness Criteria	Amenity Criteria
Day	60 (55+5)	58 (60-5+3)
Evening	51 (46+5)	48 (50-5+3)
Night	41 (36+5)	43 (45-5+3)
Shoulder (5am-7am)	46 (41+5) <sup>1</sup>	43 (45-5+3)
Shoulder (10pm-12am)	43 (38+5) <sup>1</sup>	43 (45-5+3)

**Receiver Type:** Urban (See EPA's NPI - Table 2.1)

1. Shoulder Period: the lowest 10<sup>th</sup> percentile of LAF90,15min dB measurements for the equivalent of one week's worth of valid data taken over the shoulder period (that is, all days included in a single data set of shoulder periods (see Section A3 of the EPA's NPI).

Project Noise Trigger Levels, determined as the more stringent of the intrusiveness criteria and the amenity / high traffic criteria, are as follows:

Day **58dB LAeq,15 Minute** 7am to 6pm Mon to Sat or 8am to 6pm Sun and Pub Hol.  
Evening **48dB LAeq,15 Minute** 6pm to 10pm  
Night **41dB LAeq,15 Minute** 10pm to 7am Mon to Sat or 10pm to 8am Sun and Pub Hol.  
Shoulder **43dB LAeq,15 Minute** 10pm to 12am.  
Shoulder **43dB LAeq,15 Minute** 5am to 7am.

#### **Commercial:**

**65dB(A), Leq,15 minute** when in use

The Association of Australian Acoustic Consultant's (AAAC's) document, *Technical Guideline. Child Care Centre Noise Assessment*, specifies the following limits for industry noise impacts upon child care centres:

Outdoor Play or Activity Area	<b>55dB LAeq,1 hour</b>	<b>(external)</b>
Indoor Play or Sleeping Areas	<b>40dB LAeq,1 hour</b>	<b>(internal)</b>

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### 2.3.3 Maximum Noise Level Event Assessment - Sleep Arousal

Section 2.5 of EPA's NPI requires a detailed maximum noise level event assessment to be undertaken where the subject development/premises night-time noise levels exceed the following:

- LAeq (15 minute) 40dB(A) or the prevailing RBL plus 5dB whichever is greater, and/or
- LAFmax 52dB(A) or the prevailing RBL plus 15dB, whichever is greater.

The detailed assessment should cover the maximum noise level, the extent to which the maximum noise level exceeds the RBL, and the number of times this happens during the night period.

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## SECTION 3

### Noise Impact Assessment

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### 3.1 METHODOLOGY

#### 3.1.1 Road Traffic Noise

Due to the non-continuous nature of traffic flow to and from the site, noise generated by traffic associated with the development, on public roads, is assessed using the EPA approved US Environment Protection Agency's Intermittent Traffic Noise guidelines.

Equation 1 outlines the mathematical formula used in calculating the Leq,T noise level for intermittent traffic noise.

Equation 1:

$$L_{eq,T} = L_b + 10 \log \left[ 1 + \frac{ND}{T} \left( \frac{10^{(L_{max} - L_b) / 10} - 1}{2.3} - \frac{(L_{max} - L_b)}{10} \right) \right]$$

Where  $L_b$  background noise level (dB(A))  $L_{MAX}$  is vehicle noise (dB(A))  
 $T$  is the time for each group of vehicles (min)  $N$  is number of vehicle trips  
 $D$  is duration of noise of each vehicle (min)

Typical vehicle noise levels were sourced from our library of technical data, while background noise levels are those described in Section 2.2. The Lmax vehicle noise levels used in Equation 1 are the maximum predicted noise levels produced at the facade of the residence by vehicles entering and departing the site.

#### 3.1.2 Site Equipment/Activities

Future noise sources on the site cannot be measured at this time, consequently noise levels produced by customer's vehicles, delivery trucks, mechanical plant and site activities have been sourced from manufacturers' data and/or our library of technical data. This library has been accumulated from measurements taken in many similar situations on other sites, and allows predictions of future environmental noise at each receiver and recommendations concerning noise control measures most likely to be required on this site.

All noise level measurements were taken with a Svan 912AE Sound and Vibration Analyser. This instrument is Class 1 accuracy, in accordance with the requirements of IEC 61672, and has the capability to measure steady, fluctuating, intermittent and/or impulsive sound, and to compute and display percentile noise levels for the measuring period. A calibration signal was used to align the instrument train prior to measuring and checked at the conclusion. Difference in the two measurements was less than 0.5dB. Each measurement was taken over a representative time period to include all aspects of machine/process operation, including additional start-up noise where applicable. Items of equipment, which produced a brief burst of noise, were measured for a similarly brief time period to ensure the results were not influenced by long periods of inactivity between operations. Sound measurements were generally made around all sides of each machine, to enable the acoustic sound power (dB re 1pW) to be calculated. The sound power level of each item is then theoretically propagated to each receiver with allowances made for spherical spreading, directivity, molecular absorption, intervening topography or barriers and ground effects giving the received noise level at the receiver from that particular plant item.

Addition of the received Sound Pressure Level (SPL) for each of the individual operating sources gives the total SPL at each receiver, which is then compared to the relevant criterion. Where noise impacts above the criterion are identified, suitable noise control measures are implemented and reassessed to demonstrate satisfactory received noise levels.

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The theoretical assessment is based on a worst-case scenario, where all fixed plant items are operating simultaneously and vehicles entering and leaving in a location most exposed to the surrounding residences. In reality, many items will not always be operating in the most exposed areas, so actual received noise levels are expected to be less than the predictions shown in this report, or at worst equal to the predicted noise levels for only part of the time.

Due to the non-continuous nature of some site activities (i.e. car/truck movements, etc), adjustments for duration have been made using the following in-house mathematical formula. Note that fixed plant items such as air conditioning/exhaust plant will be continuous over the entire assessment period and no duration adjustment is necessary.

Equation 2:

$$L_{eq,T} = Lw - 10 \log(2\pi r^2) + 10 \log \frac{(D \times N)}{T}$$

Where  $Lw$  is sound power level of source (dB(A))  
 $R$  distance to receiver (m)  
 $D$  is duration of noise for each event (sec)

$N$  is number of events  
 $T$  is total assessment period (sec)

## 3.2 ANALYSIS

### 3.2.1 Received Noise Levels - Road Traffic

Traffic due to the proposal travelling on nearby public roads is assessed separate to site noise and is subject to the criteria described in Section 2.3.1 of this Report. Trucks and customer vehicles will enter the site via Munster Street and Gordon Street.

#### Delivery/Customers' Trucks

This assessment assumes only 1 fuel delivery will occur in a single day, with perhaps 1-2 smaller trucks to deliver fresh foods, dry goods, drinks, etc, which may occur at any time from 5am to 12am. Based on the above assumptions, 2-3 trucks may enter and leave the site each day (4-6 movements).

Truck noise varies from one machine to another, with more modern larger trucks consistently producing a sound power in the range 102 to 106dB(A) at full power. This assessment assumes a typical truck sound power of 102dB(A), as full engine power is not typically required to approach and depart the site at low speed.

#### Customers' Vehicles

The Intersect Traffic Report<sup>1</sup> indicates that the development will generate up to 112 vehicle movements/hr during peak periods. For assessment purposes we have assumed 5% of vehicles will be small trucks/vans. It is reasonable to assume that say 60 vehicle movements/hr would be typical during other times. This equates to approximately 1000 movements during the day (7am-10pm). Significantly less vehicle movements are expected at night, with perhaps 20 vehicle movements/hr or 180 vehicle movements during the night (10pm-7am).

Cars typically produce an average sound power of 92dB(A), however wide variations are noted particularly with smaller modern cars and larger V8 or diesel powered vehicles. Our calculations present the worst case for the situation, as the noise produced by a typical car accelerating at full power is used to determine the received noise level. In reality, many people will not leave the site at full acceleration but will depart more sedately.

<sup>1</sup> Intersect Traffic Pty Ltd (July 2019). *Traffic & Parking Assessment. Service Station. Lots 5, 6 & 7 DP. 18259 36 Munster Street, Port Macquarie*

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The following Tables show calculations to determine received traffic noise levels at typical residential receivers along Munster Street and Gordon Street for peak day and night periods.

**Table 6: Traffic Noise Calculations - dB(A)Leq (T)**

Traffic and Receiver	Peak Day		Peak Night	
Vehicle Type	Cars	Trucks	Cars	Trucks
Movements per day/night	950	50	170	10
Vehicle Sound Power	92	102	92	102
Average Distance to Rec, m	15	15	15	15
Rec Noise Level dB(A),Leq	47.4	45.6	42.2	40.8
<b>Total Received</b>	<b>49.6</b>		<b>44.6</b>	
<b>Criteria</b>	<b>60dB(A),Leq 15hr</b>		<b>55dB(A),Leq 9hr</b>	
<b>Impact</b>	<b>0</b>		<b>0</b>	
<b>Existing Noise Level</b>	<b>60.9</b>		<b>52.7</b>	
<b>Existing + Proposed</b>	<b>61.2</b>		<b>53.3</b>	
<b>Relative Noise Increase</b>	<b>0.3</b>		<b>0.6</b>	

The above Tables show the noise impact from traffic movements on public roads, associated with the development are predicted to compliant with the criteria during the peak day and night periods at all residential receivers and is considered acceptable.

### 3.2.2 Received Noise – Site Operation (Activities/Equipment)

The Acoustic Power Levels (Lw's) of plant and machinery expected for the site which were input into our computer model, are shown in the following Table for peak day, evening and night periods. The Table gives the A-weighted sound power levels for each listed plant item, principally based on manufacturers' data and our library of technical data. Also shown is the number of items expected at the site during a 15 minute assessment period.

**Table 7: Equipment/Activities (15 minute Assessment Period)**

Item/Activity	Lw dB(A)	Fuel Canopy	Shop Bldg	Air/Water E C'Park	West C'park	Service Yard	Fill Point
DAY / EVENING / SHOULDER							
Cust car <sup>1</sup>	80	30		2	5		
Cust truck/van <sup>2</sup>	85	5		2	2		
Tanker E/L <sup>3</sup>	95						2
Tanker refuel <sup>4</sup>	76						1
Delivery truck E/L <sup>5</sup>	85		2				
Unload truck <sup>6</sup>	75		1				
Air con plant <sup>7</sup>	69					2	
Refrig plant <sup>8</sup>	72					1	
Air/Water <sup>9</sup>	82			4		4	
NIGHT							
Cust car <sup>1</sup>	80	15		2	5		
Cust truck/van <sup>2</sup>	85	3		2	2		
Tanker E/L <sup>3</sup>	95						
Tanker refuel <sup>4</sup>	76						
Delivery truck <sup>5</sup>	85						
Unload truck <sup>6</sup>	75						
Air con plant <sup>7</sup>	69					2	
Refrig plant <sup>8</sup>	72					2	
Air/Water <sup>9</sup>	82			4		4	

NOTE: Fuel tankers and delivery trucks will only visit the site from 5am-12am.

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NOTES:

1. Cars manoeuvring in carpark, at service station fill points.
2. Trucks/vans manoeuvring in carpark, at service station fill points.
3. Tanker enter and park at fill point then switch engine off.
4. Tanker at fill point. Fill tanks gravity fed.
5. Delivery truck enter and park adjacent to store.
6. Unload delivery truck.
7. Air con in service yard.
8. Refrig plant in service yard.
9. Cars at RFP Retail Forecourt Inflator with inbuilt compressor, or compressor in service yard.

Table 8 shows calculations to predict the cumulative noise impact during peak periods at the nearest residential boundaries north of the site (R1).

**Table 8: Received Noise - Site Activities dB(A), Leq (Day/Evening/Shoulder)  
Propagated N to Nearest Residential Boundary R1**

Item/Activity	Lw dB(A)	Ave Dist Rec (m)	Duration (sec)	No. of Events	Barrier Loss/Dir	Received dB(A)
Cars at car canopy	80	20	10	30	0	41
Cars Air/Water/E C'park	80	30	10	2	0	26
Cars West Carpark	80	25	10	5	0	32
Vans Canopy	85	20	10	5	0	38
Vans Air/Water/E C'park	85	30	10	2	0	31
Vans West Carpark	85	25	10	2	0	32
Tanker enter	96	10	15	1	0	50
Tanker at fill point	76	15	600	1	0	42
Tanker leave	96	35	10	1	0	38
Del truck enter	85	10	30	1	0	43
Unload del truck	75	10	300	1	0	45
Del truck leave	85	10	5	1	0	35
Air con service yard	69	10	900	2	12	32
Refrig service yard	72	10	900	1	12	37
Compressor serv yard	82	10	10	4	12	29
NOTE: Tankers will not visit site during the night. Deliveries will not occur at night.						<b>Combined</b> <b>53</b>
						<b>Crit (D/E/S)</b> <b>58/48/43</b>
						<b>Impact</b> <b>0/0/0</b>

As can be seen by the results in Table 8, the cumulative noise impact from activities associated with the site are predicted to exceed the criteria by up to 10dB(A) during peak periods at nearest residential boundaries north of the site (R1). Preliminary calculations reveal that the following noise control strategies will need to be incorporated into the design to achieve compliance:

1. Erecting 2400mm acoustic fence on north boundary adjacent to R1 & 1800mm acoustic fences on other nominated boundaries.
2. Limiting noise level for roof-top mechanical plant.
3. Restrictions on delivery times.

Table 9 shows a summary of predicted noise impacts during all time periods at nearest receivers with noise control in place.

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**Table 9: Summary Received Noise – All Nearby Receivers**

Receiver Loc'n	Received Noise (Day/Evening/Night)						
	Period	dB(A),Leq	Crit	Impact	dB(A),Lm	Crit	Impact
Key Shores	Day	43	58	0	-	N/A	-
Holiday Letting N	Evening	43	48	0	-	N/A	-
R1	Shoulder	43	43	0	54	52	2
	Night	33	41	0	40	52	0
S. Storey	Day	41	58	0	-	N/A	-
Residence NE	Evening	41	48	0	-	N/A	-
R2	Shoulder	41	43	0	47	52	
	Night	36	41	0	47	52	
Veterinary	Day	43	65	0	-	N/A	-
Surgey E	Evening	43	65	0	-	N/A	-
R3	Shoulder	43	65	0	-	N/A	
	Night	40	65	0	-	N/A	
D. Storey	Day	36	58	0	-	N/A	-
Residence E	Evening	36	48	0	-	N/A	-
R4	Shoulder	36	43	0	49	52	
	Night	31	41	0	49	52	
Commercial	Day	40	65	0	-	N/A	-
Development S	Evening	40	65	0	-	N/A	-
R5	Shoulder	40	65	0	-	N/A	-
	Night	34	65	0	-	N/A	-
Child Care	Day	36/26	55/40	0	-	N/A	-
Centre SW	Evening	36/26	55/40	0	-	N/A	-
R6 #	Shoulder	36/26	N/A	0	-	N/A	-
	Night	32/22	N/A	0	-	N/A	-
Munster's Shopping	Day	42	65	0	-	N/A	-
Village W	Evening	42	65	0	-	N/A	-
R7	Shoulder	42	65	0	-	N/A	-
	Night	38	65	0	-	N/A	-

# Criteria for Child Care Centres 55dB(A) (external) & 40dB(A) (internal)

As can be seen by results in the above Table, noise associated with site activities and equipment will generally be compliant with the criteria during all time periods at all nearby receivers, providing acoustic treatment detailed in Section 4 is implemented. A minor 2dB(A) exceedance of the Sleep Arousal Criterion is noted during the Shoulder periods at residence R1, however given that existing average (Lmax) noise levels already impacting the area are more than 25dB(A) higher than predicted by the proposal, it is unlikely that residents will notice any major increase in noise due to occasional deliveries.

REVERB ACOUSTICS



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Noise Impact Assessment – Service Station & Convenience Store  
36 Munster Street, Port Macquarie

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## SECTION 4

### Summary of Recommended Noise Control

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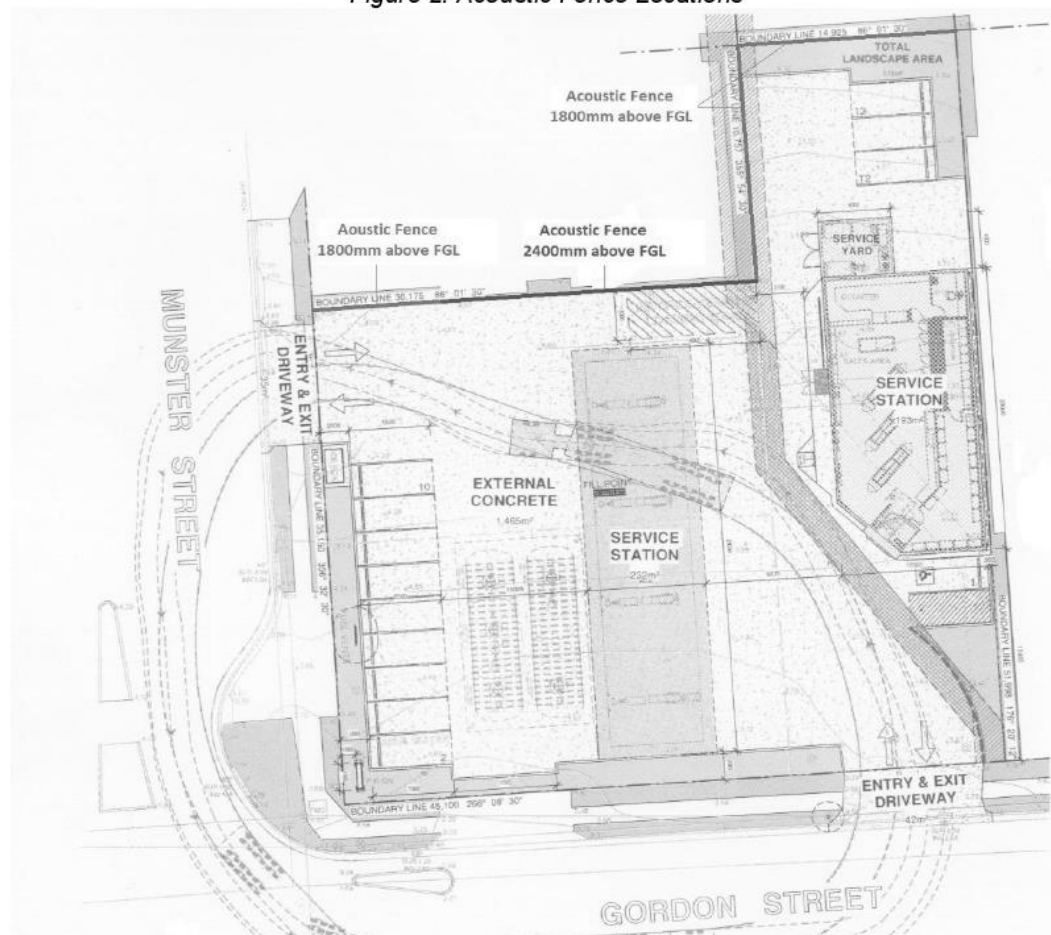
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#### 4. NOISE CONTROL RECOMMENDATIONS

- 4.1 The service station and convenience store may trade over the full 24 hour period
- 4.2 Fuel tanker deliveries are to be restricted to 5am-12am.
- 4.3 General store deliveries are to be restricted to 5am-12am.
- 4.4 Preference should be given to installing a RFP Retail Forecourt Inflator with inbuilt compressor, in preference to a separate compressor. If a separate compressor is preferred it must be located in the service yard.
- 4.5 Acoustic fences are to be erected at the following locations (also see Figure 2):

<i>Location</i>	<i>Height above FGL (mm)</i>
North Bdry adjacent R1 (part)	1800
North Bdry adjacent R1 (part)	2400
North Bdry adjacent R2	1800
West Bdry adjacent R1	1800

Figure 2: Acoustic Fence Locations



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A gap of 50-75mm is permitted at ground level to aid in drainage. An acoustic fence is one which is impervious from the ground to the recommended height, and is typically constructed from lapped and capped timber, Hebel Powerpanel, or similar. No significant gaps should remain in the fence to allow the passage of sound below the recommended height. Other construction options are available if desired, providing the fence or wall is impervious and of equivalent or greater surface mass than the above construction options.

**4.6** Perimeter walls to the Service Yard must be impervious from the ground to a height of 2200mm above FGL. Construction may consist of Colorbond or similar. A gap of 50-75mm may be left at ground level to aid in drainage, cleaning, etc. The entry gate must be constructed similar to walls.

**4.7** Any proposed or future roof-top exhaust plant that produces a sound pressure level (SPL) in excess of 65dB(A) at a distance of 1 metre must have acoustic barriers constructed at the fan discharge. The barriers must fully enclose at least three sides towards any residence. In our experience, a more efficient and structurally secure barrier is one that encloses all four sides. The barrier must extend at least 600mm above and below the fan centre and/or the highest point of the discharge outlet. The barrier must be no closer than 500mm and no further than 1200mm from the edges of the exhaust. Barrier construction should consist of Acoustisorb panels (available through Modular Walls). Note that variations to barrier construction or alternate materials are not permitted without approval from the acoustical consultant. Barrier construction is based solely on acoustic issues. Visual, wind load issues must be considered and designed by appropriately qualified engineers.

**4.8** No acoustic modifications are required to plant that is located within the service yard. Also see Item 4.5.

**4.9** The contractor responsible for supplying and installing mechanical plant must provide evidence that installed plant meets this noise emission limit, or that noise control included with the plant is effective in reducing the sound level to the specified limit. Once the plant layout has been finalised, details should be forwarded to the acoustic consultant for approval.

**4.10** It is strongly recommended that waste collection be restricted to weekdays 7.00am to 6.00pm.

**4.11** Construction Certificate documentation must be forwarded to Reverb Acoustics to ensure all recommendations within this report have been incorporated into the design of the site.

The above noise control recommendations are not necessarily the only options available, but are expected to be the most cost-effective and practical with the information currently to hand. Alternative options can be considered providing they result in the same or lower received noise levels at any nearby residence.

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## SECTION 5

### Conclusion

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## 5.1 CONCLUSION

---

A noise impact assessment for a proposal to construct a service station and convenience store at 36 Munster Street, Port Macquarie, has been completed, resulting in noise control recommendations summarised in Section 4 of this Report. The site is suitable for the intended purpose providing recommendations outlined in this report are incorporated into the design. With these or equivalent measures in place, noise from the site will be either within the criterion or generally below the existing noise levels in the area for the majority of the time.

With relatively constant traffic on nearby roads, and the abundance of nearby commercial development, noise generated by the proposed site will be audible at times but not intrusive at any nearby residence. As the character and amplitude of activities associated with the site will be similar to those already impacting the area, it will be less intrusive than an unfamiliar introduced source and should be acceptable to residents.

Providing the recommendations presented in this report are implemented noise emissions from operation of the site will not have any long term adverse impact upon the acoustical amenity of nearby residents. We therefore see no acoustic reason why the proposal should be denied.

**Steve Brady M.A.S.A. A.A.A.S.**  
*Principal Consultant*

RCI Group Pty Ltd  
Noise Impact Assessment – Service Station & Convenience Store  
36 Munster Street, Port Macquarie

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# APPENDIX A

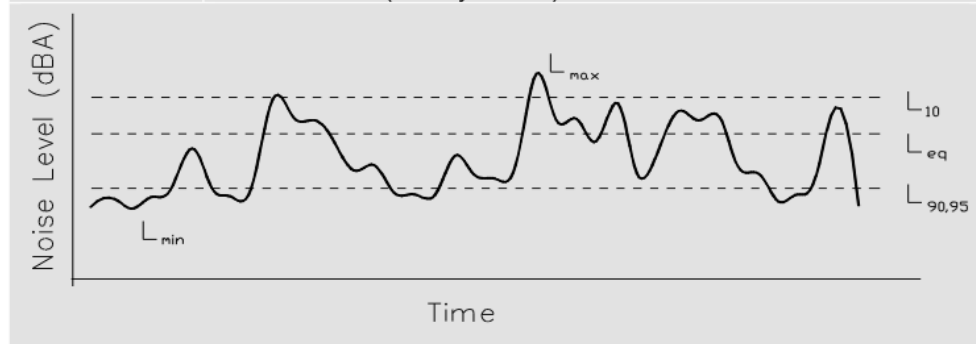
## Definition of Acoustic Terms

RCI Group Pty Ltd  
Noise Impact Assessment – Service Station & Convenience Store  
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### Definition of Acoustic Terms

Term	Definition
dB(A)	A unit of measurement in decibels (A), of sound pressure level which has its frequency characteristics modified by a filter ("A-weighted") so as to more closely approximate the frequency response of the human ear.
ABL	<i>Assessment Background Level</i> – A single figure representing each individual assessment period (day, evening, night). Determined as the L90 of the L90's for each separate period.
RBL	<i>Rating Background Level</i> – The overall single figure background level for each assessment period (day, evening, night) over the entire monitoring period.
Leq	Equivalent Continuous Noise Level - which, lasting for as long as a given noise event has the same amount of acoustic energy as the given event.
L90	The noise level which is equalled or exceeded for 90% of the measurement period. An indicator of the mean minimum noise level, and is used in Australia as the descriptor for background or ambient noise (usually in dBA).
L10	The noise level which is equalled or exceeded for 10% of the measurement period. L <sub>10</sub> is an indicator of the mean maximum noise level, and was previously used in Australia as the descriptor for intrusive noise (usually in dBA).



## **APPENDIX “C”**

### **Preliminary Hazards Analysis and Summary**

for

### **PORT MACQUARIE – NSW (2)**

18 June 2019



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PORT MACQUARIE– NSW

(2)

18 June 2019

**Purpose of Hazard Analysis**

The main purpose for the development of the refueling facilities of the Service Station, is to provide an improved service to the motoring public by providing them with a facility to purchase a variety of fuels, prior or after using the other facilities.

To enable best practices for safe operation and environmental protection, the equipment will have the following features, protection devices and benefits:

All equipment will be designed and installed to the latest technology and techniques available to date from approved suppliers.

The design & installation of the underground petroleum storage system to comply with AS 4897 - 2008 and with Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulations 2014 and Protection of the Environment Operations (Clean Air) Regulation 2010 (if required by legislation). Also will comply with AS 1940. Auto LPG will NOT be installed on this site at this stage.

**Underground storage Tanks – Fuel**

- 2 x Type 90 (90,000 litres nominal capacity) underground storage tanks, (one tank to be split 50,000 / 40,000 litres and the other to be split 30,000 / 30,000 / 30,000 litres nominal capacity) underground storage tanks with a manufacturer's warranty of 30 years. Safe Fill level of tanks is 95% of marked capacity.
- Double walled fiberglass tank (Tank Solutions or Envirotank– double wall type) complete with a built-in liquid level monitoring system. Alternatively steel tank shell with a separate steel shell wall of fiberglass outer shell, (Permatank – double wall type), complete with integral and permanent precision test system (PTS). Using a near perfect vacuum gauge to achieve a hermetic seal, this will monitor for any leaks that may occur in the steel tank shell.
- All tank outlet product fittings to be enclosed in one containment turret installed on the tank top, with any potential leaks from joints in pump and pipe work fittings being contained in the turret for safe and approved disposal methods.
- Tank farm area to be monitored for any petroleum leaks with two observation wells installed on opposite corners of tank excavation.
- Tank and pipe work system to have an automatic tank gauging system installed which will serve as a tank gauging system and a leak detection on the complete fuel system.

**In tank Submersible Pump Units - Fuel.**

- Submersible turbine pumps complete with mechanical leak detectors for fuel, to be installed inside tank containment turrets for ease of servicing, and any leaks are contained within the containment turrets for ease of servicing. Any fuel leaks detected by the leak detector will immediately shut down the fuel pumping system.

**Underground Pipe Work – Fuel.**

- Product delivery lines from tanks to dispensers to be Lined Polyethylene Flexible pipe (UPP or NUPI) type, with any joints being welded and or terminated inside tank containment turret and dispenser containment.
- Vent, vapour recovery, fill and syphon lines to be Lined Polyethylene Flexible Pipe (UPP or NUPI).
- All underground malleable fittings to be protected with Denso tape or corrosion protection.

**Aboveground Fuel Vent Pipe Work.**

To be galvanized steel and supported to specification.

- Vent terminations to be minimum 4.5 m high, with up draft vents caps and located to meet AS1940 – 2017 and AS/NZS 60079.10.1:2009 requirements.

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Fuel Vapour Recovery System Stage 1.

Underground tanks vent system to be connected to a vapour recovery system to return vapours from underground tanks into delivery vehicle tank vapour recovery system, during product deliveries from delivery vehicle.

Fuel Vapour Recovery System Stage 2.

Underground pipework from all dispenser bases, falling back to one underground tank to eventually return vapours from cars via dispensers to underground tanks. This may not be required by legislation at this site.

Overfill prevention on Fill line

Underground tanks to have overfill prevention valves to stop delivery of product if delivery vehicle tries to overfill during product deliveries.

Fuel Dispenser Units

- To be 10 hose units to dispense Unleaded 91, Ethanol10, Premium Unleaded 98, Premium Unleaded 95 and Automotive Diesel Fuel and located under a canopy of concrete pavement area and on site forecourt and to meet AS1940-2017.
- Dispenser units to have containment sumps fitted to all units to capture any leaks from fittings and joints, to prevent any soil and ground water contamination.
- Dispenser units to be protected from vehicle damage with steel bollards fitted near each unit on concrete forecourt area.
- Dispenser unit hoses to have automatic shut nozzles to prevent overfilling of vehicle fuel tanks.
- Underground pipe work near dispensers to be protected with impact shear valves being fitted in all product lines, in the event of a vehicle impacting on a dispenser, the impact valve will immediately stop the flow of product.

PA System

- PA system to be installed in the forecourt area and retail building to enable the site operator to communicate in the event of an emergency with client vehicles on the forecourt area.

Fuel Filling Points for Underground Tanks

- Filling Point to be a double containment box system installed to ensure that any minor spills from delivery hoses are captured in the inner box, and with a drain valve and pipe work to allow fuel to drain into an underground tank.
- Outer box protected with heavy duty galvanized steel lid to prevent damage from vehicles.
- Overfill prevention valves fitted into tank fill pipe to prevent accidental overfill of tanks.
- Overfill protection valves fitted into tank vent system to prevent accidental overfill of tanks.

Installation Comments

- All equipment to be installed to manufactures, suppliers and to Oil Company specifications, by accredited and experienced installing Contractors.
- All work to be tested, checked and certified by Fuel System Certifying Consultants.
- Tank excavation to have a minimum of 2 observation wells to comply with AS 4897.

Pavement Area of under canopy areas

- To be concrete to Australian Standards with a pollution control drainage system incorporated to capture any spills on the forecourt area to a pollution control unit. Refer to site specific drawing and standard drawings.

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Fuel Spill Control

- An environmental spill kit to be held outside main building for any small spills on forecourt area.

Fire protection (minimum)

- Two (2) 4.5kg dry chemical fire extinguishers to be installed on canopy columns in the event of small fires on or near vehicles.
- One (1) 4.5 kg dry chemical fire extinguisher fitted inside building.

Pumps and Dispensers Emergency Stops

- Emergency stop switches fitted to both inside and outside of building, to shut down power to all dispensers in the event of spillage or fire.

Emergency Response

- A step by step emergency response Instructions, complete with telephone numbers and contacts, to be placed near site operator in building.

Safety Signage

- All dispensers to have mandatory safety signs, complete with instructions, fitted on canopy columns and dispensers.

Fuel and LPG Work Practices and Training Procedures

- All site staff to complete work practices and safety training with the manual kept on site for inspection and auditing by appropriate authorities.

Groundwater Monitoring Wells

- They will be installed; number and location will be determined by a duly qualified person on a site specific basis and to comply with the relevant authorities' requirements and Australian Standards.

Inspections and Certification of Works

- The works to be inspected and documented at the following stages:
  1. Before and during underground tank installation, which included observing, checking methods and equipment employed to ensure correct installation to specifications and standards. Works to be carried out by accredited installers.
  2. After underground tanks and pipe work installation which includes witnessing of the pressure integrity testing of tanks and pipe work to approved standard and specifications, prior to backfilling.
  3. After submersible turbine pumps, leak detectors and dispensers are installed, including checking for leaks and correct operation of all fittings and pump systems inside underground tank turrets and dispenser containment sumps.
- ☐ Fuel System will be inspected at stages 2 & 3 by myros design pty. ltd., Consultants and Sub-Consultants.
- ☐ At the second & third stage an Equipment Integrity Test also will be carried out by accredited companies to comply with AS 4897 – 2008 & NSW Regulations.

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18 June 2019

<b>Preliminary Hazards Analysis Summary for Port Macquarie – NSW (2)</b>		
<b>Potential Incident</b>	<b>Hazard Prevention Equipment</b>	<b>Hazard Response Procedures</b>
Underground Tanks Leak	Tank farm observation wells	Checked on a regular maintenance program
	Automatic tank gauging	Tanks constantly monitored by automatic tank gauging system
	Submersible pump & pipeline leak detector	If leak detected, pump system shuts down automatically
	Integral tank precision test system	Checked on a regular maintenance program
	Statistical Stock Control system	Daily stock control with automatic tank gauge system
Underground Pipe Leaks	All joints welded and / or terminate in tank turrets or dispenser sumps	Submersible pump system automatically shuts down when leak detected by electronic leak detector
	Product delivery lines installed with approved flexible materials	Submersible pump system automatically shuts down when leak detected by electronic leak detector
	Statistical stock control system	Daily stock control with automatic tank gauging system
Delivery vehicle hose leaks at underground tank fill point	Liquid retention spill system at tank	Leak captured into liquid retention spill system inner spill box and drains into tank via drain valve and pipe
Delivery vehicle overfills underground tanks	Overfill protection valves in vent system	Overfill valves close when excessive pressure builds up in vent system & prevent further filling of tanks
	Overfill prevention valves fitted into tank fill pipes	Overfill valves close when excessive pressure builds up in fill pipe & prevent further filling of tanks
Fuel spilt by customer at dispenser	Environmental Spill Kit	Spillage mopped up with spill kit
	PA communication system	Site manager advises customers via PA system
	Forecourt Drainage Pollution control	Spillage controlled and drained into pollution control system
	Automatic shut off nozzles	Nozzle automatically shuts off
Dispenser nozzle or hose leak	Emergency stop at Managers counter	Site Manager shuts off site with emergency stop
	PA communication system	Site Manager advises customers via PA system
	Forecourt drainage pollution control	Spillage controlled and drained into pollution control system
	Environmental Spill Kit	Spillage mopped up with spill kit

PORT MACQUARIE– NSW

(2)

18 June 2019

Preliminary Hazards Analysis Summary for Port Macquarie – NSW (2)		
Potential Incident	Hazard Prevention Equipment	Hazard Response Procedures
Dispenser damaged by customer	Protection bollards in forecourt concrete	Bollards prevent vehicle damage to dispensers
	Under dispenser impact shear valve	Shear valve automatically shuts down fuel supply on vehicle impact
	Emergency stop at Site Manager counter	Site Manager shuts down site with emergency stop
	PA communication system	Site Manager advises customers via PA system
Fire at dispenser pumps	All equipment and electrical works petroleum industry approved and flameproof where required	Fire controlled initially on site by portable fire extinguishers and emergency services contacted if necessary
	Mandatory safety sign on forecourt canopy columns and main building	Emergency response instruction sheet on site
	Emergency stop at Site Manager counter & outside building	Site Manager shuts down site with emergency stop
	PA communication system	Site Manager advises customers via PA system
Fire at fuel filling point	2 x 4.5 kg (min) dry chemical fire extinguishers at canopy columns and an additional inside building.	Fire controlled initially on site by portable fire extinguishers and emergency services contacted if necessary
	All equipment and electrical works petroleum industry approved and flameproof where required	Emergency response instruction sheet on site
	Air operated shut down valves on delivery tanker	Emergency response instruction sheet on site
	Emergency stop at site managers counter and outside on building wall	Site Manager advises customers via PA system
	PA communication system	Site Manager advises customers via PA system
	Approved firewall or vapour barrier (where required) to protect next door buildings	Fire wall to a Fire Resistance Level (FRL) of 240 / 240 / 240

## **APPENDIX “A”**

### **SEPP 33**

### **Risk Screening Procedure**

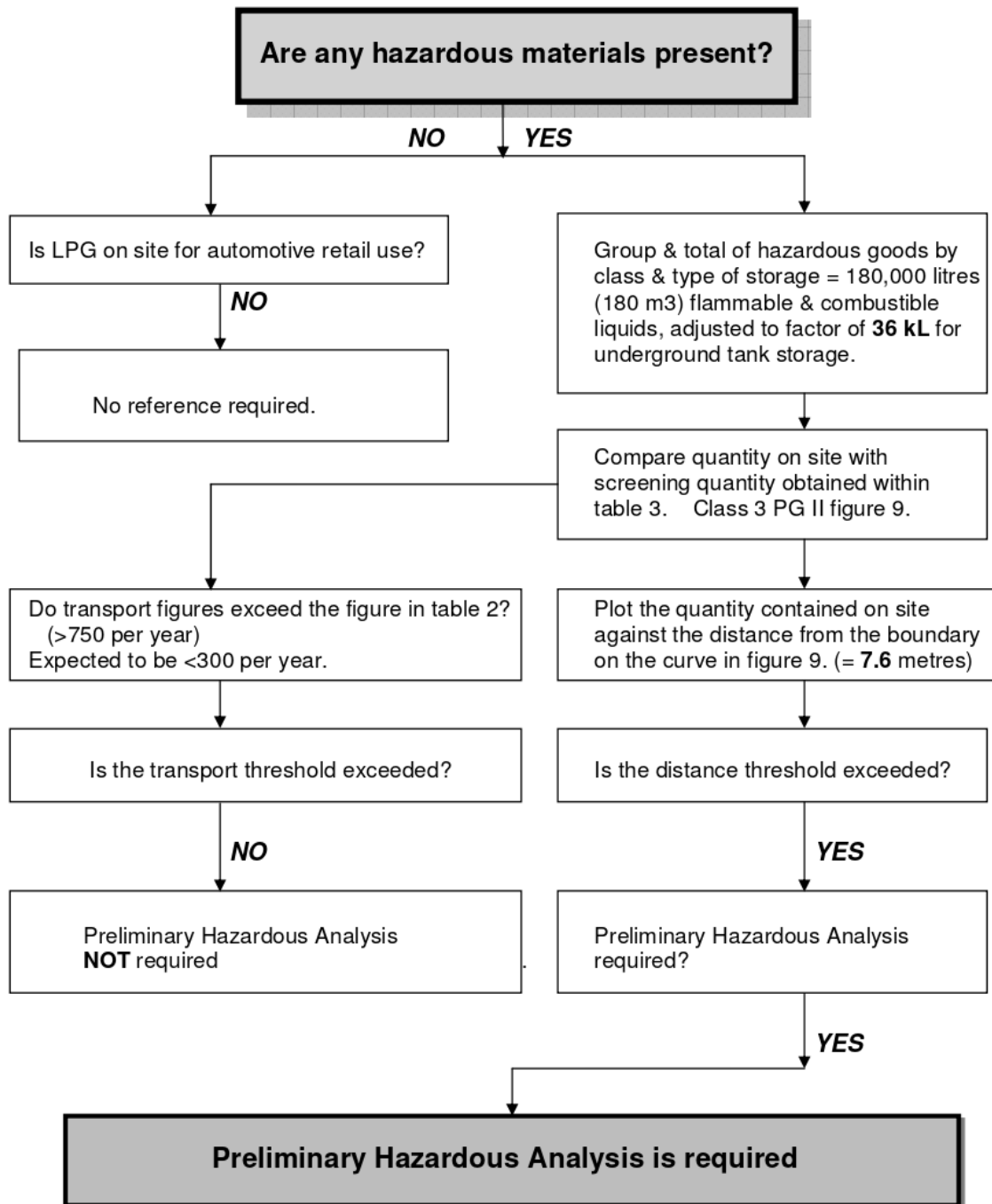
### **PORT MACQUARIE - NSW**

18 June 2019

PORT MACQUARIE- NSW

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18 June 2019

**SEP33 Risk Screening Procedure Summary Sheet****APPENDIX A**

2019-1040

**PROPOSED SERVICE STATION, 59 GORDON  
STREET AND 34-36 MUNSTER STREET,  
PORT MACQUARIE**

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**JULY 2019**

**VERSION 3**



**WILSON PLANNING**



**Document Information**

**Client:** RCI Group  
**Project:** Service Station  
**Our Reference:** 2019-1040  
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## 1.0 Introduction

### 1.1 Site Details

The subject site comprises Lots 5, 6 and 7 in DP 18259 known as 34 - 36 Munster Street and 59 Gordon Street, Port Macquarie and has a site area of 1,834m<sup>2</sup>. The site was last in use as a used car sales showroom.

The site slopes from the north-east to the south-west corner approximately 2 metres, and there are easements to drain water running north-south through the site. The site is capable of discharging stormwater to the public drainage system in Gordon Street. There is no vegetation or trees within the site.

The site is located at the junction of Munster Street and Gordon Street, Port Macquarie. Gordon Street is also known as the Oxley Highway (B56), a four lane highway and the main arterial road from the Pacific Highway to Port Macquarie.

The location of, and features within, the site are shown in Figures 1-3 below.



Figure 1 – Location Plan

Source: Six Maps 2019



**Figure 2 – View of site looking from the west side of Munster Street**

Source: Intersect Traffic



**Figure 3 – View of site looking north from Gordon Avenue. The previous use of the site is now closed**

Source: Intersect Traffic



**Figure 4 – View of Gordon Street and Munster Street roundabout, immediately adjacent to the site**

Source: Intersect Traffic

## 1.2 Surrounding Development

The site is located in a mixed use area, with a mixture of commercial and residential land uses surrounding.

To the east the site: East Port Veterinary Hospital and adjacent to that is a two storey apartment block located at 53-55 Gordon Street 18m further the east.

To the north: The site abuts a fitness centre and commercial premises at 32 Munster Street and residential development (a mixture of apartments and older style dwellings).

To the west, on the opposite side of Munster Street: Munster Shopping Village.

To the south, on the opposite side of Gordon Street: Pollard Pool and Spa Centre and CTC Accountants, with public open space further to the south-west and south-east.

## 1.3 Pre-Lodgement Advice

A formal Pre-DA meeting was held by telephone conference with Council officers on 5 March 2019. Formal minutes were issued by Council. Main issues raised and how these have been addressed are discussed in the following table:

Attendee	Company / Role
Stephen Moore	Project Manager - for client
Dean Wooding	Wilson Planning – Town Planner – for client
Dan Croft (Chair)	Port Macquarie Council

Ben Roberts	Port Macquarie Council	
Beau Spry	Port Macquarie Council	
Alton Dick	Port Macquarie Council	
Caroline Horan	Port Macquarie Council	
Jon Power	Port Macquarie Council	
Caleb Scholes	Port Macquarie Council	
Issue	Council Response	Application Response
Planning	<ol style="list-style-type: none"> <li>1. State Environmental Planning Policy No 55 – Remediation of land applies. Lot 6 DP 18259 is listed on the contaminated land register. Application to address relevant provisions of this policy and determine whether any remediation is required.</li> <li>2. State Environmental Planning Policy No 64 – Advertising and Signage will apply to any new signage. Application to address relevant provisions of this policy.</li> <li>3. State Environmental Planning Policy (Coastal Management) 2018 applies. Application to address relevant provisions of this policy.</li> <li>4. State Environmental Planning Policy (Infrastructure) 2007 applies. The proposal is traffic generating development and would be referred to Roads and Maritime Services. Application to address relevant provisions of this policy.</li> <li>5. The site is zoned B4 Mixed Use under the Port Macquarie-Hastings Local Environmental Plan (LEP) 2011. Service Stations are permissible with consent.</li> <li>6. In accordance with clause 4.3 of LEP 2011 a maximum building height of 19m applies.</li> <li>7. In accordance with clause 4.4 of LEP 2011 a maximum Floor Space Ratio (FSR) of 2:1 applies to the land.</li> </ol>	<ol style="list-style-type: none"> <li>1. The application is accompanied by a contamination report prepared by NEO Consulting. See Section 2.5.3 of this report.</li> <li>2. The signage and SEPP 64 have been addressed – See Section 2.5.4 of this report.</li> <li>3. The application is accompanied by an assessment against this SEPP - See Section 2.5.5 of this report.</li> <li>4. The application is also accompanied by a Traffic and Parking Report prepared by Intersect Traffic - See Section 4.1 of this report.</li> <li>5. Noted.</li> <li>6. The proposal is well below the maximum height limit - See Section 2.6.3 of this report.</li> <li>7. The proposal is well below the maximum FSR - See Section 2.6.3 of this report.</li> </ol>



	<p>8. Application to address general provisions and relevant specific provisions of Development Control Plan (DCP) 2013. Any variations to be adequately justified against the relevant objectives.</p> <p>9. Details and calculations of required off-street parking to serve the development consistent with the parking rates identified in DCP 2013. Note the parking demand rate is 3 per work bay + 1 per employee + 2 customer (minimum) + any restaurant /takeaway food requirements.</p> <p>It is noted that no work bays are proposed. The RTAs Guide to Traffic Generating Developments also provides some guidance on parking requirements. The traffic demand study should identify the peak cumulative parking and queuing requirements.</p> <p>10. Site is located within the flood planning area. Provisions of clause 7.3 of LEP 2011 to be addressed. Refer to detailed flooding comments below.</p> <p>11. A noise impact assessment that has regard to adjoining existing residential receivers and residential zones to ensure acceptable noise amenity criteria is maintained.</p> <p>12. Details of any exterior lighting and illumination of signage and consideration of residential receivers.</p> <p>13. Details of any exterior lighting and illumination of signage and consideration of residential receivers.</p>	<p>8. See Section 4.1 of this report.</p> <p>9. The application is accompanied by a Traffic and Parking Report prepared by Intersect Traffic. This demonstrates the scheme meets the Council's DCP requirements for car-parking. See Section 4.1 of this report.</p> <p>10. The application is accompanied by a Water Cycle Management Plan (see section 2.4.3.5).</p> <p>11. A noise assessment report has been prepared by Reverb Noise Consultants - See Section 4.1 of this report.</p> <p>12. Some details have been provided of lighting and illumination has been provided.</p> <p>13. Details of external signage have been provided on the plans.</p>
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	<p>14. Crime prevention Through Environmental Design assessment.</p> <p>15. Details of any staging to be clearly outlined.</p> <p>16. Details of proposed hours of operation and fuel delivery times.</p> <p>17. Details of proposed waste management and collection arrangements.</p> <p>18. Development contributions will apply. An estimate may be obtained from Council's Development Contribution team, contact Council's Contributions Section – Clinton Tink. The site is not located within a parking contributions plan area.</p>	<p>14. A CPTED assessment has been provided - See Section 4.1 of this report.</p> <p>15. The application will not be staged.</p> <p>16. Details of proposed hours of operation have been provided - See Section 1.4 of this report.</p> <p>17. The application is accompanied by a Site Waste Management and Minimisation Plan.</p> <p>18. Noted.</p>
Water	<p>Council records indicate that two of the development sites have a 20mm sealed water service.</p> <p>Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.</p> <p>Existing water services no longer required are to be disconnected at the main and a request for this is to accompany the application for water meter hire.</p>	Noted. This will be provided at CC stage.
Sewer	<p>Council records indicate that the development sites are currently serviced by 150mm and 225mm AC sewer mains which run outside of the western and southern boundaries respectively.</p> <p>Any abandoned sewer junctions are to be capped off at Council's sewer main.</p>	Noted. These have been identified on the survey provided. The presence of the sewer mains has been identified on the accompanying stormwater management plans prepared by Eclipse Consulting (See Section 4.1 of this report).



Stormwater	<p>1. A stormwater management plan must be prepared in accordance with the requirements of AUSPEC D5 and D7 and the requirements of relevant Australian Standards, demonstrating how all stormwater and surface water discharging from the proposed development site, buildings and works will be conveyed to the legal point of discharge by underground pipe drains to the satisfaction of Council.</p> <p><b>The legal point of discharge for the proposed development is defined as Councils piped drainage system on Gordon Street.</b> Council have a future stormwater upgrade plan for the Eastport area, which includes this area. A copy of this plan may be requested by the applicant by emailing <a href="mailto:alton.dick@pmhc.nsw.gov.au">alton.dick@pmhc.nsw.gov.au</a> or <a href="mailto:mark.edenborough@pmhc.nsw.gov.au">mark.edenborough@pmhc.nsw.gov.au</a></p> <p>In addition, the stormwater management plan submitted with the development application must address the following specific issues at a minimum:</p> <p>a) On-site stormwater detention facilities (or similar) must be incorporated into the design to ensure that the post development site stormwater discharge rate does not exceed the pre development discharge rate for all storm events up to 1% AEP.</p> <p>b) The plan must include any existing components of the drainage system that are to be retained and show how runoff from the proposed/new components of the development will be integrated into the existing system.</p> <p>c) Buildings or structures must not be constructed over the existing stormwater pipeline traversing through the site, which drains public assets further upstream. Typical easement widths over public</p>	<p>A Stormwater Management Plan has been prepared by Eclipse Consulting and addresses all Council's points.</p>
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	<p>stormwater infrastructure are 3.0m wide. Overland flows over the existing stormwater line currently traversing the site should be allowed for during heavy storm events, with appropriate methods to manage these flows through the site as per AUSPEC D5 requirements.</p> <p>d) A dilapidation report of the existing stormwater infrastructure within the site shall be provided to Council, prior to commencement of works, and again at completion of construction of all site works to ensure no damage is incurred to the stormwater infrastructure during construction works.</p> <p>e) The stormwater management plan must be prepared and certified by a qualified practicing Civil Engineer or Registered Surveyor.</p> <p>2. The property is located in close proximity to a trunk stormwater drainage system and localised depression and as a result may be subject to local flooding during significant storm events.</p> <p>A local Drainage Investigation must be submitted in support of the development application to ensure that the risks associated with local overland flooding are clearly identified and where appropriate, the development is modified to minimise those risks.</p> <p>The Drainage Investigation must be prepared by a qualified practicing Civil Engineer and must comply with the requirements of AUSPEC D5.</p> <p>Council has previously conducted a DRAINS model of the Eastport area for future stormwater infrastructure upgrades, which includes this location.</p>	
Engineering	1) Works within the road reserve and/or on Council owned assets will	1. Noted.



	<p>require a refundable bond equal to 130% of the cost of the works (to be held during construction until acceptance of the works).</p> <p>2) Provision of the following minimum infrastructure as required in the area specific DCP, for the full frontage of the development or as otherwise accepted by Council.</p> <p>a) Restoration of road reserve areas; removal of concrete driveways and restoration of turf.</p> <p>3) Provide splays at the corners of the development lot, to be dedicated as public road to allow space for future services, kerb, footpath and other works.</p> <p>4) A Traffic Impact Assessment (TIA) will be required.</p> <p>a) TIA is to be prepared by a qualified and/or experienced traffic consultant.</p> <p>b) TIA is to be prepared in accordance with guidelines contained in the Roads and Maritime Services Guide to Traffic Generating Developments (2002), and AUSTROADS Guide to Traffic Management, Part 12: Traffic Impacts of Development.</p> <p>c) TIA should use data obtained from an existing facility which operates in a similar manner to the proposed facility, and comment on any differences in operation.</p> <p>d) The likely traffic generation should be quantified, in terms of the number of vehicle trips during peak hours, number of trips per day, and breakdown of the types of vehicle users (e.g. residents' cars, staff cars, service trucks).</p>	<p>2. The submitted plans demonstrate a footway across the entire frontage.</p> <p>3. Noted.</p> <p>4. Noted. (See Section 4.1 of this report).</p>
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<p>e) The likely 85th percentile (time-weighted) parking demand is to be quantified.</p> <p>f) Comment on the likely traffic and parking demand ten years after the development.</p> <p>5) Check sight distance for exiting cars to see footpath users.</p> <p>6) Removal of parking between driveways and roundabouts.</p> <p>7) Adequate sight distance needs to be available at each driveway. Refer to AUSTROADS Guide to Road Design Part 3 (Geometric Design) and/or Part 4A (Unsignalised and Signalised Intersections).</p> <p>8) Internal access aisles and parking bays will be assessed for conformance with AS 2890, and in particular part 1 for cars, part 2 for garbage and delivery trucks, and part 6 for disabled parking (if required by the BCA or other standards). Specific comments on the plans provided:</p> <p>a) Show the AS 2890 turning templates on drawings to demonstrate the below criteria have been achieved.</p> <p>b) Clause 3.2.3 of AS 2890.1 sets out minimum clearances from road intersections for driveways, i.e. the driveway shall be located a min of 6m from the tangent point of the kerb return</p> <p>c) Provide driveway long sections with the plans, demonstrating the proposed grades comply (AS 2890.1 Clause 3.3). They will also need to comply with Council's ASD 207 (upright kerb) standard drawing within the road reserve.</p> <p>9) A site regrading plan is to be provided. Quantify the volume and</p>	<p>5. Compliant. See Section 4.1 of this report.</p> <p>6. Compliant. See Section 4.1 of this report.</p> <p>7. Compliant. See plans submitted.</p> <p>8. Compliant. See plans submitted.</p> <p>9. Compliant. See plans submitted.</p>
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	<p>offsite source or destination if significant earthworks cut or fill is proposed (e.g. 1000 cubic metres). Council may require a bond to make good any damage to public property resulting from the development.</p> <p>10) Due to the likely traffic generated by the development, the driveway crossing within the road reserve shall conform to Council's ASD 202 heavy duty standard drawing as a minimum.</p> <p>11) Provide a driveway long section with the plans, demonstrating that the driveway grades comply with Council's ASD 207 (upright kerb) standard drawing.</p> <p>12) A concrete footpath will be required along the public road for the full frontage of the development site. Details shall match Council's standard drawing ASD 100 series.</p> <p>13) Consolidation of the allotments, or provision of a legal right of carriageway or easement for services, may be required if the proposed development will rely on adjacent lots for access, facilities or services.</p> <p>14) If excavation is proposed within the zone of influence of the adjacent road reserve, a report by a Structural or Geotechnical engineer must be lodged with the DA. The zone of influence can be approximated by a straight line that drops 1 metre for every 1 metre horizontally measured from the boundary with the road reserve. The report shall address the following issues:</p> <p>a) Provide relevant geotechnical conditions of the site as determined by a full geotechnical investigation.</p>	<p>10. Noted.</p> <p>11. Noted.</p> <p>12. Not required.</p> <p>13. Noted.</p> <p>14. A Geotechnical Report is not required.</p>
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	<p>b) Retaining walls must be entirely self-supporting, both during excavation and post-development, under reasonable loading by heavy construction equipment within the road reserve.</p> <p>c) All components of the structure, including anchors or subsoil drainage, must be located entirely within the property boundary.</p>	
Other	<p>1. Please make reference to these pre-lodgment comments within the DA submission/planning report.</p> <p>2. Any comments in this Pre-Lodgment advice are based on the information provided. The comments do not predicate the outcome of a full assessment of any forthcoming development application regarding this proposal. Any subsequent change to legislation may also affect the accuracy of this advice.</p>	<p>1. Achieved.</p> <p>2. Noted.</p>

The advice provided has been reviewed and changes made to the plans accompanying the application, as discussed within this report and shown on the plans and documentation submitted with the application.

Where changes have not been made, justification has been provided within latter sections of this report.

#### 1.4 Proposed Development

- Construction of a new service station, including a 193m<sup>2</sup> convenience store building containing customer service counter, retail floor space, office, store room, cool room, amenities, and service yard.
- Installation of underground fuel tanks (1 x 50,000 litre diesel, 1 x 30,000 litre Ethanol 10, 1 x 30,000 litre Premium Unleaded 98, 1 x 40,000 litre Unleaded 91 and 1 x 30,000 litre Premium 95) and their related infrastructure.
- Installation of four (4) double sided fuel dispensers (appropriately bunded) and overhead canopy.
- Construction of 13 car parking spaces, including one accessible space and x 1 air / water bay.
- Installation of x 1 freestanding 6m high 'Mobil' internally illuminated pylon sign, located within south-western corner. 1.9m in width and 0.4m in depth.
- Construction of an underground Puraceptor and Stomscak system for waste water discharge management.
- Construction of an underground OSD tank (47.7m<sup>3</sup>) for stormwater discharge control.

- Installation of a signage tower and indicative business identification signage on the south-west face of the convenience store.
- x 2 illuminated 'Mobil' signs on the 'south' and 'west' faces of the car refuelling canopy.
- Planting of landscaping around the perimeter of the service station and adjacent to the proposed building.
- Screened waste storage area.
- Loading Zone adjacent to waste storage area.
- Minor excavations to accommodate vehicle accesses/exits.

The service station will operate 24 hours a day, seven days week and employ 2 staff Mon-Friday and 1 staff for night and weekend shifts.

## 2.0 The provisions of any environmental planning instruments

### 2.1 Protection of the Environment Operations Act 1997 (POEO Act)

Schedule 1 of the POEO Act lists a number of 'scheduled activities' which require an Environmental Protection Licence (EPL) under this Act. Under Clause 9 of Schedule 1 the following storage chemicals are considered to be a scheduled activity:

Activity	Criteria
General chemicals storage	Capacity to store more than 20 tonnes (pressurised gases), 200 tonnes (liquefied gases) or 2,000 tonnes (chemicals in any other form)
Petroleum products storage	Capacity to store more than 200 tonnes (liquefied gases) or 2,000 tonnes (chemicals in any other form)

Clause 50 of the POEO Act also identifies interactions between the POEO Act and the Act. Clause 50 provides that:

1. "This section applies to development that cannot be carried out without development consent under the Environmental Planning and Assessment Act 1979. This development is called **controlled development** in this section.

2. A licence that relates to controlled development must not be granted or varied (other than on the initiative of the EPA) by the appropriate regulatory authority, unless development consent has been granted for the controlled development. However, this section does not prevent the consideration of a licence application by the appropriate regulatory authority before development consent is granted."

Installation of underground fuel tanks and their related infrastructure

The maximum fuel storage capacity of the site is 180,000 litres (1 x 50,000 litre diesel, 1 x 30,000 litre Ethanol 10, 1 x 30,000 litre Premium Unleaded 98, 1 x 40,000 litre Unleaded 91 and 1 x 30,000 litre



Premium 95 within underground fuel tanks, which equates to approximately 180 tonnes. There is no proposal to store or supply LPG at this site.

There is also no other chemical stored at the site in excess of 2,000 tonnes. As such, the proposal is not a controlled development and does not need an EPL.

## 2.2 Road Act 1993

Under Section 138 of the Road Act, consent is required from the appropriate road's authority to:

- (a) erect a structure or carry out a work in, on or over a public road, or*
- (b) dig up or disturb the surface of a public road, or*
- (c) remove or interfere with a structure, work or tree on a public road, or*
- (d) pump water into a public road from any land adjoining the road, or*
- (e) connect a road (whether public or private) to a classified road,*

Therefore, an approval under Section 138 will be required once a consent has been granted. This can be addressed at the Construction Certificate stage.

## 2.3 Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014 (POEO Regulation)

The POEO Regulation is relevant to the operation of the service station. It requires owners and operators of underground petroleum storage systems (UPSS) to regularly check for leaks in the fuel tanks and pipes used to store and handle petroleum products. Owners and operators also need to meet minimum standards in their day-to-day environmental management of these storage systems. The owner / operator of a UPSS is required to have in place:

- A system for detecting and monitoring leaks.
- Groundwater monitoring wells at sensitive locations and a program to test them.
- An Environment Protection Plan for the facility.
- Systems in place for record keeping, reporting of leaks and notifying the local council when a UPSS is decommissioned.

Responsibility for compliance with the provisions of the UPSS Regulation lies with the person responsible for the system.

A Multi-Level Risk Assessment Report has been prepared by an accredited dangerous goods consultant, Myros Design Pty Ltd, and accompanies the application. A Preliminary Hazard Analysis can be found in Appendix C of the Multi-Level Risk Assessment Report.

Environment management/protection measures will be enacted for all new tanks to enable best practice for safe operation and environmental protection. The proposal will incorporate the following features and protection devices, as mentioned in the Preliminary Hazard Analysis:

*'All equipment will be designed and installed to the latest technology and techniques available to date from approved suppliers.*

*The design & installation of the underground petroleum storage system to comply with AS 4897 2008 and with Protection of the Environment Operations (Underground Petroleum Storage*



Systems) Regulations 2014 and Protection of the Environment Operations (Clean Air) Regulation 2010 (if required by legislation). Also, will comply with AS 1940. Auto LPG will NOT be installed on this site at this stage.

#### Underground storage Tanks – Fuel

- 2 x Type 90 (90,000 litres nominal capacity) underground storage tanks, (one tank to be split 50,000 / 40,000 litres and the other to be split 30,000 / 30,000 / 30,000 litres nominal capacity) underground storage tanks with a manufacturer's warranty of 30 years. Safe Fill level of tanks is 95% of marked capacity.
- Double walled fiberglass tank (Tank Solutions or Envirotank– double wall type) complete with a built-in liquid level monitoring system. Alternatively, steel tank shell with a separate steel shell wall of fiberglass outer shell, (Permatank – double wall type), complete with integral and permanent precision test system (PTS). Using a near perfect vacuum gauge to achieve a hermetic seal, this will monitor for any leaks that may occur in the steel tank shell.
- All tank outlet product fittings to be enclosed in one containment turret installed on the tank top, with any potential leaks from joints in pump and pipe work fittings being contained in the turret for safe and approved disposal methods.
- Tank farm area to be monitored for any petroleum leaks with two observation wells installed on opposite corners of tank excavation.
- Tank and pipe work system to have an automatic tank gauging system installed which will serve as a tank gauging system and a leak detection on the complete fuel system.

#### In tank Submersible Pump Units - Fuel

Submersible turbine pumps complete with mechanical leak detectors for fuel, to be installed inside tank containment turrets for ease of servicing, and any leaks are contained within the containment turrets for ease of servicing. Any fuel leaks detected by the leak detector will immediately shut down the fuel pumping system.

#### Underground Pipe Work – Fuel

- Product delivery lines from tanks to dispensers to be Lined Polyethylene Flexible pipe (UPP or NUPI) type, with any joints being welded and or terminated inside tank containment turret and dispenser containment.
- Vent, vapour recovery, fill and syphon lines to be Lined Polyethylene Flexible Pipe (UPP or NUPI).
- All underground malleable fittings to be protected with Denso tape or corrosion protection.

#### Above ground Fuel Vent Pipe Work

- To be galvanized steel and supported to specification.
- Vent terminations to be minimum 4.5 m high, with up draft vents caps and located to meet AS1940 – 2017 and AS/NZS 60079.10.1:2009 requirements.

#### Fuel Vapour Recovery System Stage 1

Underground tanks vent system to be connected to a vapour recovery system to return vapours from underground tanks into delivery vehicle tank vapour recovery system, during product deliveries from delivery vehicle.

#### Fuel Vapour Recovery System Stage 2

Underground pipework from all dispenser bases, falling back to one underground tank to eventually return vapours from cars via dispensers to underground tanks. This may not be required by legislation at this site.

#### Overfill prevention on Fill line

*Underground tanks to have overfill prevention valves to stop delivery of product if delivery vehicle tries to overfill during product deliveries.*

Fuel Dispenser Units

- *To be 10 hose units to dispense Unleaded 91, Ethanol10, Premium Unleaded 98, Unleaded 95, and Automotive Diesel Fuel and located under a canopy of concrete pavement area and on-site forecourt and to meet AS1940-2017.*
- *Dispenser units to have containment sumps fitted to all units to capture any leaks from fittings and joints, to prevent any soil and ground water contamination.*
- *Dispenser units to be protected from vehicle damage with steel bollards fitted near each unit on concrete forecourt area.*
- *Dispenser unit hoses to have automatic shut nozzles to prevent overfilling of vehicle fuel tanks.*
- *Underground pipe work near dispensers to be protected with impact shear valves being fitted in all product lines, in the event of a vehicle impacting on a dispenser, the impact valve will immediately stop the flow of product.*

PA System

*PA system to be installed in the forecourt area and retail building to enable the site operator to communicate in the event of an emergency with client vehicles on the forecourt area.*

Fuel Filling Points for Underground Tanks

- *Filling Points to be an aboveground system installed to ensure that any minor spills from delivery hoses are captured in the bunded area, and with a drain valve and pipe work to allow fuel to drain into an underground tank. Refer to Standard Oil Co. drawings.*
- *Steel bollards to protect and to prevent damage from vehicles.*
- *Overfill prevention valves fitted into tank fill pipe to prevent accidental overfill of tanks.*
- *Overfill protection valves fitted into tank vent system to prevent accidental overfill of tanks.*

Installation Comments

- *All equipment to be installed to manufactures, suppliers and to Oil Company specifications, by accredited and experienced installing Contractors.*
- *All work to be tested, checked and certified by Fuel System Certifying Consultants.*
- *Tank excavation to have a minimum of 2 observation wells to comply with AS 4897.*

Pavement Area of under canopy areas

*To be concrete to Australian Standards with a pollution control drainage system incorporated to capture any spills on the forecourt area to a pollution control unit.*

Fuel Spill Control

*An environmental spill kit to be held outside main building for any small spills on forecourt area.*

Fire protection (minimum)

- *Two (2) 4.5kg dry chemical fire extinguishers to be installed on canopy columns in the event of small fires on or near vehicles.*
- *One (1) 4.5 kg dry chemical fire extinguisher fitted inside building.*

Pumps and Dispensers Emergency Stops

*Emergency stop switches fitted to both inside and outside of building, to shut down power to all dispensers in the event of spillage or fire.*

Emergency Response

Step by step emergency response Instructions, complete with telephone numbers and contacts, to be placed near site operator in building.

Safety Signage

All dispensers to have mandatory safety signs, complete with instructions, fitted on canopy columns and dispensers.

Fuel and LPG Work Practices and Training Procedures

All site staff to complete work practices and safety training with the manual kept on site for inspection and auditing by appropriate authorities.

Groundwater Monitoring Wells

They will be installed; number and location will be determined by a duly qualified person on a site-specific basis and to comply with the relevant authorities' requirements and Australian Standards.

Inspections and Certification of Works

The works to be inspected and documented at the following stages:

- Before and during underground tank installation, which included observing, checking methods and equipment employed to ensure correct installation to specifications and standards. Works to be carried out by accredited installers.
- After underground tanks and pipe work installation which includes witnessing of the pressure integrity testing of tanks and pipe work to approved standard and specifications, prior to backfilling.
- After submersible turbine pumps, leak detectors and dispensers are installed, including checking for leaks and correct operation of all fittings and pump systems inside underground tank turrets and dispenser containment sumps.'

## 2.4 Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011

A notification by the service station operator in conjunction with the contractor who installs the fuel system will be required to enable Workcover to regulate the management of the fuel on the site in accordance with the provisions of these pieces of legislation.

## 2.5 State Environmental Planning Policies (SEPPs)

### 2.5.1 State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

#### Division 5 Electricity transmission or distribution

Clause 45

Clause 45 requires the consent authority to give written notice to the electricity supply authority and invite comments about potential safety risks when applications for the following development are received:

- a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

b) *development carried out:*

- i. *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
- ii. *immediately adjacent to an electricity substation, or*
- iii. *within 5m of an exposed overhead electricity power line*

It is understood that the DA will need to be referred to Ausgrid as the proposal involves works near to overhead power lines. However, it is considered that the current design has responded to relevant guidelines and should be supported.

**Division 17 Roads and traffic – Subdivision 1 Development in or adjacent to road corridors and road reservations**

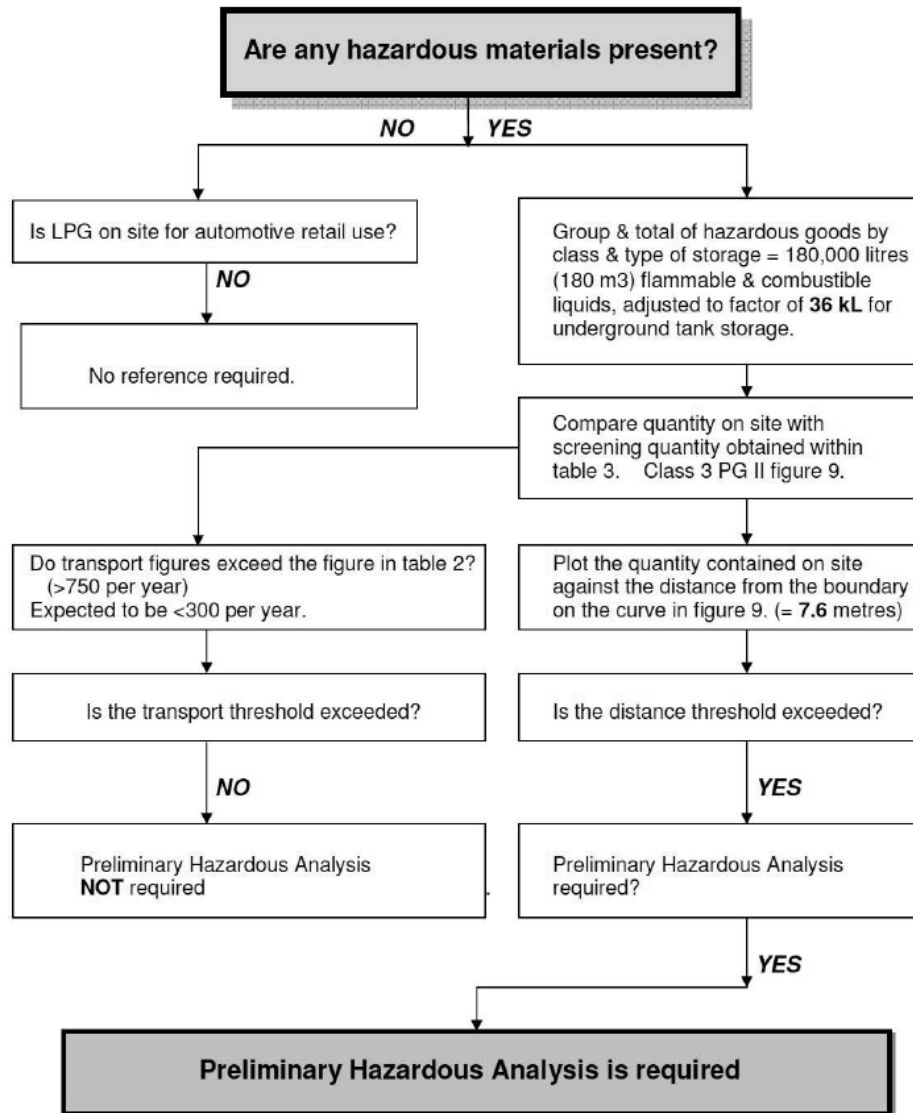
Clause 104 Traffic-generating development

Pursuant to column 3 of the Table to Schedule 3, the proposed 'service station' is classified as traffic generating development and the application will need to be considered by RMS.

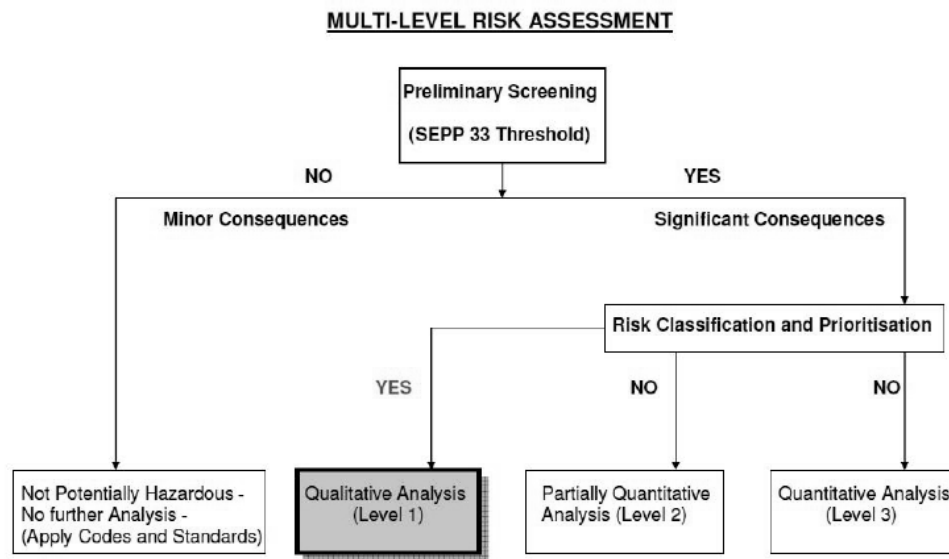
**2.5.2 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)**

A Multi-Level Risk Assessment Report has been prepared by Myros Design and accompanies the application. The Multi-Level Risk Assessment Report contains assessment of SEPP 33 risk factors, a Risk Procedure Summary Sheet, a flowchart for Screening Thresholds, and a Level 1 Qualitative Analysis. These are shown in Figures 5 and 6 below.



**SEP33 Risk Screening Procedure Summary Sheet****Figure 5– SEPP 33 Risk Screening Procedure Summary Sheet**

Source: Multi-Level Risk Assessment Report, Myros Design, 18 June 2019



**Figure 6 - Preliminary Screening (SEPP 33 Threshold)**

Source: Multi-Level Risk Assessment Report, Myros Design, 18 June 2019.

### Conclusion

Plotting the frequency against consequence, it can be clearly seen that the societal risk is negligible. Therefore, only a level one qualitative Risk Analysis is required.

### 2.5.3 State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)

Under Council's mapping, the site has been identified as contaminated land and an Environmental Investigation has been undertaken by NEO Consulting. The purpose of the Investigation was to determine whether contamination from the historical operation of the site as a service station has resulted in any gross contamination still being present onsite.

The Investigation has been undertaken in accordance with the requirements of the State Environmental Planning Policy Number 55, Office of Environment and Heritage (OEH), Guidelines for Consultants Reporting on Contaminated Sites (2011) and the Protection of the Environment Operations Act 1997 (POEO Act).

### Summary Findings

No soil or water sample taken whilst doing the field work had any indication of contamination visually or aromatically. Laboratory analysis of each sample indicates the site is well within the acceptable contamination and had no evidence of reaching any health-based investigation levels.

Based on these results, NEO Consulting finds that this site is suitable for the proposed land use.

### 2.5.4 State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

The proposal involves the erection of the following signage:



- 'Mobil' pylon sign – 6m in height, 1.8m in width and 0.4m in depth.
- x 2 illuminated 'Mobil' signs on the 'south' and 'west' faces of the car refuelling canopy.
- x 1 indicative internally illuminated sign on the west façade of the service store.
- x 1 tower sign with x 2 indicative internally illuminated business signs (south-west face).

The following provides an assessment of the signage against SEPP 64:

State Environmental Planning Policy No. 64 – Advertising and Signage		
Clause	Provision	Comment
3	Aims, objectives etc	<p>The proposed signage is considered to meet the aims and objectives of the SEPP in that it;</p> <ul style="list-style-type: none"> <li>• is compatible with the desired visual amenity of the business precinct within which the site is situated</li> <li>• complements the overall theme of the development</li> <li>• is considered to be in the best location for effective communication with users of the highway service centre</li> <li>• uses high quality design and materials.</li> </ul>
Schedule 1 - Assessment criteria		
1	<p>Character of the area</p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The proposed signage is considered to be compatible with desired character.</p>
2	<p>Special areas</p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The proposed signage does not have a negative impact on any of the listed areas.</p>
3	<p>Views and vistas</p> <p>Does the proposal obscure or compromise important views?</p>	<p>The proposed signage does not obscure or compromise important views, dominate the skyline or reduce the quality of any views or vistas.</p>

State Environmental Planning Policy No. 64 – Advertising and Signage		
Clause	Provision	Comment
	<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	The proposed signage has no impact on existing signage in close proximity to the site.
4	<p>Streetscape, setting or landscape</p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	The signage is very standard for a service centre and is considered to be acceptable in terms of scale, height, and appearance.
5	<p>Site and building</p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	The proposed signage is compatible with, and complements, the overall scale, proportion, design and character of the development.
6	Associated devices and logos with advertisements and advertising structures	These are not considered necessary.






State Environmental Planning Policy No. 64 – Advertising and Signage		
Clause	Provision	Comment
	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	
7	<p>Illumination</p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	Low impact lighting will be provided to illuminate the signage at night. Adjacent residential development will not be impacted by the lighting.
8	<p>Safety</p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>Safety would not be compromised by the location, size or nature of the proposed signage.</p> <p>The signage located at the vehicular entrance to the site will not impact on sight lines.</p>

#### 2.5.5 State Environmental Planning Policy – (Coastal Management) 2018 (Coastal Management SEPP)

The land is partly located within the Coastal Use Area and is located within a Coastal Environment Area. The following table provides an assessment of the proposal against relevant clauses of Coastal Management SEPP.

State Environmental Planning Policy (Coastal Management) 2018		
Clause	Provision	Comment
<b>Part 2 Development controls for coastal management areas</b>		
<b>Division 1 Coastal wetlands and littoral rainforests area</b>		
10 Development on certain land within coastal wetlands and littoral rainforests area	<p>The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> only with development consent:</p> <p>(a) the clearing of native vegetation within the meaning of Part 5A of the <i>Local Land Services Act 2013</i>,</p> <p>(b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the <i>Fisheries Management Act 1994</i>,</p> <p>(c) the carrying out of any of the following:</p> <ul style="list-style-type: none"> <li>• earthworks (including the depositing of material on land),</li> <li>• constructing a levee,</li> <li>• draining the land,</li> <li>• environmental protection works,</li> </ul> <p>(d) any other development.</p>	The site is not identified as ‘coastal wetlands’ or ‘littoral rainforest’.
11 Development on land in proximity to coastal wetlands or littoral rainforest	<p>Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the <i>Coastal Wetlands and Littoral Rainforests Area Map</i> unless the consent authority is satisfied that the proposed development will not significantly impact on:</p> <p>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or</p> <p>(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.</p>	The site is not identified as a proximity area for ‘Littoral Rainforest’ or ‘Coastal Wetlands’.

State Environmental Planning Policy (Coastal Management) 2018		
Clause	Provision	Comment
Division 2 Coastal vulnerability area		
No maps are available for 'coastal vulnerability area' under this SEPP and, therefore, an assessment cannot be carried out against the provisions of this Section.		
Division 4 Coastal use area		
14  Development on land within the coastal use area	<p>Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <ul style="list-style-type: none"> <li>existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</li> <li>overshadowing, wind funnelling and the loss of views from public places to foreshores,</li> <li>the visual amenity and scenic qualities of the coast, including coastal headlands,</li> <li>Aboriginal cultural heritage, practices and places</li> <li>cultural and built environment heritage, and</li> </ul> <p>(b) is satisfied that:</p> <ul style="list-style-type: none"> <li>the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</li> <li>if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</li> </ul>	<p>The site is identified as within a Coastal Use Area.</p>  <p>The development is for a service station. The proposed development would have no impacts upon any of the subcategories identified within (a)</p> <p>The site has been designed, sited and managed to avoid adverse impacts within (a) therefore satisfying sub-clause (b).</p>

State Environmental Planning Policy (Coastal Management) 2018		
Clause	Provision	Comment
	<ul style="list-style-type: none"> <li>if that impact cannot be minimised—the development will be managed to mitigate that impact.</li> </ul>	
Division 5 General		
15  Development in coastal zone generally—development not to increase risk of coastal hazards	Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The proposal will not result in increased risk of coastal hazards on that land or other land.
16  Development in coastal zone generally—coastal management programs to be considered	Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	We are unaware of any coastal management programs applicable to this site that would not permit the proposed development.

## 2.6 Port Macquarie Local Environmental Plan 2011 (PMLEP)

### 2.6.1 Zone and Zone Objectives

The subject site is zoned B4 (Mixed Zone) under the PMLEP, as shown in Figure 7 below.

**The objectives of the B4 zone are:**

- 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 proposed service station is a compatible land use in the zone consistent with the first objective. The proposed service station integrates well into the area and is in an accessible location consistent with the second objective. The design is of high quality and will make a positive contribution to the streetscape consistent with the third objective.



Figure 7 – Zone extract showing the site in the B4 zone

Source: NSW Government, ePlanning Spatial, 2019

## 2.6.2 Land Use Table

The proposal is for a 'Service Station' which is defined within the Standard Instrument as follows;

**'service station'** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

This use is permissible with consent within the B4 Zone pursuant to PMLEP.

## 2.6.3 Principal Development Standards

The following table provides an assessment of the proposal against other relevant clauses of PMLEP, including consideration of Principal Development Standards.



Port Macquarie - Hastings Local Environmental Plan 2011		
Clause	Provision	Comment
4.3	Height of buildings	All of the buildings, including signs, are below the 15m height maximum.
4.4	Floor space ratio	The site is subject to an FSR of 2:1. The proposed FSR for the site is 0.105:1 Well within the Council's maximum FSR.
5.10	Heritage conservation	<p>The site does not contain any listed items of heritage significance, nor is it located within a heritage conservation area. The site is also not located in close proximity of any locally listed heritage item.</p> <p>An AHIMS search reveals no Aboriginal sites or places recorded within or near the site. No further assessment or studies required.</p>
7.1	Acid sulfate soils	The site is not subject to ASS.
7.2	Flood Planning	The site is located within a flood planning area.
7.3	Earthworks	The proposal involves earthworks, as shown on the Bulk Earthworks Cut and Fill Plan prepared by Eclipse Consulting Engineers and consent is sought under this application.

### 3.0 Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no current draft or proposed instruments applicable to the proposal.

## 4.0 The provisions of any development control plans

### 4.1 Port Macquarie - Hastings Development Control Plan 2013 (PMDCP)

The following table provides an assessment of the proposed development against relevant sections of PMDCP.

Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
<b>Chapter 2.2 Advertising and Signage</b>	
<b>2.2.2.1 Objective</b>  To ensure that signage: <ul style="list-style-type: none"> <li>• is compatible with the desired amenity and visual character of an area</li> <li>• is of high-quality design and finish</li> <li>• does not dominate the streetscape</li> <li>• does not add to proliferation of signage</li> <li>• does not obscure or limit the view of motorists or pedestrians</li> <li>• does not reduce the safety of pedestrians, cyclists or vehicles using public roads or footpaths</li> <li>• does not include directions to traffic (such as turn left now or wrong way)</li> <li>• does not imitate official regulatory signage or be capable of being confused with regulatory signage</li> <li>• does not adversely affect the amenity of residential properties.</li> </ul>	The application has been assessed under the provisions of SEPP 64 (details above). Notwithstanding, the proposed signage meets the aims and objectives of the DCP; <ul style="list-style-type: none"> <li>• is compatible with the desired visual amenity of the business precinct within which the site is situated</li> <li>• complements the overall theme of the development</li> <li>• is considered to be in the best location for effective communication with users of the service centre</li> <li>• uses high quality design and materials</li> <li>• is compatible with, and complements, the overall scale, proportion, design and character of the development.</li> <li>• Due to the sign's positions, with most located to the front of the site, they will have minimum visual impact upon neighbouring residential occupiers.</li> </ul>
<b>Chapter 2.2 Environmental Management</b>	
<b>Cut and fill regrading</b>  Various objectives  <b>Development Provisions</b>	The proposal involves earthworks, as shown on the Bulk Earthworks Cut and Fill Plan prepared by Eclipse Consulting Engineers and consent is sought under this application.

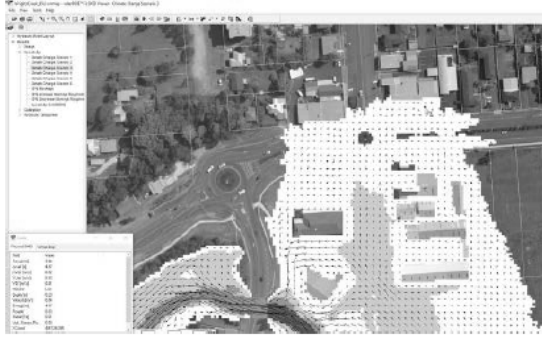
Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
a) Development shall not exceed a maximum cut of 1.0m and fill of 1.0m measured vertically above the ground level (existing) at a distance of 1.0m outside the perimeter of the external walls of the building (This does not apply to buildings where such cut and fill is fully retained within or by the external walls of the building).	
<p><b>2.3.3.2 (Retaining Walls and Fences)</b></p> <p>To ensure retaining walls are functional, safe and positively contribute to the development and/or the streetscape.</p> <p><b>Development Provisions</b></p> <p>a) The maximum height of a retaining wall along all road frontages is 1.0m.</p> <p>b) Any retaining wall greater than 1.0m must be certified by a certified practising structural engineer.</p> <p>c) Where a combination of a fence and a wall is proposed to be greater than 1.2m high:</p> <ul style="list-style-type: none"> <li>• be a maximum combined height of 1.8m above existing property boundary level;</li> <li>• be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less;</li> <li>• the fence component has openings which make it not less than 25% transparent;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• provide a 3m x 3m splay for corner sites, and</li> <li>• provide a 900mm x 900mm splay for vehicle driveway entrances.</li> </ul>	<p>There is no proposed fencing along the western, eastern or southern boundary.</p> <p>The Acoustic Report recommends acoustic fencing of between 1.8 – 2.4m in height along the northern boundary.</p>
<p><b>2.3.3.3 Regrading</b></p> <p><b>Objective</b></p> <p>Various objectives</p>	<p>The application is accompanied by a cut and fill plan provided by Eclipse Consulting Engineers. This demonstrates regrading compliant with Councils policies.</p>





Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
<p><b>Development Provisions</b></p> <p>a) Significant land reforming proposals where &gt;10% gross site area or &gt;1.0ha is to have surface levels changed by more than 5m or where earthworks exceed an average of 10,000m<sup>3</sup> per ha shall:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• demonstrate compliance with the provisions of Council's Aus-Spec design specification;</li> <li>• assess the impacts and benefits of the proposal to all impacted persons and the general public;</li> <li>• provide measures to compensate for and minimise any net adverse impacts.</li> </ul> <p>b) The use of high earthworks batters should be avoided.</p> <p>c) Preliminary plans indicating the final landform are required</p>	
<p><b>2.3.3.5 (Impact on Vegetation)</b></p> <p><b>Objective</b></p> <p>Environmental areas are to be appropriately protected and managed.</p> <p><b>Development Provisions</b></p> <p>a) Any habitat/vegetation which will be lost as a consequence of development is to be offset through the dedication of suitable land utilising expert ecological knowledge to determine the impact and offset based on the principle of 'improve and maintain'.</p>	<p>There is no vegetation on site and there are no street trees.</p> <p>The application is accompanied by a landscaping plan prepared by JK Garden Supplies.</p> <p>Landscaping is proposed along all boundaries for a total 180m<sup>2</sup> landscaped area.</p> <p>The plans indicate a large variety of native shrubs and x 4 medium mature water gums.</p>



Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
<p><b>2.4.3.5 Flooding</b></p> <p><b>Objectives</b></p> <p>To maintain the existing flood regime and flow conveyance capacity.</p> <p>To enable evacuation of land subject to flooding.</p> <p>To avoid significant adverse impacts on flood behaviour.</p> <p>To avoid significant adverse effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river banks or watercourses.</p> <p>To limit uses to those compatible with flow conveyance function and flood hazard.</p> <p>To limit the cost of evacuation on the general public.</p> <p><b>Development Provisions</b></p> <p>a) All stormwater infrastructure is designed in accordance with the Council's Auspec Design Specification Documents</p>	<p>The site is located within a region of Port Macquarie that has been identified by Port Macquarie-Hastings Council as being flood affected.</p> <ul style="list-style-type: none"> <li>The 1:20 Year ARI storm event flood level for the site is 3.46 m AHD, meaning the site is not affected.</li> <li>The 1:100 Year ARI storm event (including the effects of climate change) flood level for the site is 4.07 m AHD.</li> <li>The site falls within the Wrights Creek floodplain</li> <li>The site is characterized as being within a Low Hazard, Flood Storage Area.</li> </ul> <p>Based on the above, Council have advised that a Flood Impact Assessment is not required.</p>  <p>Council Supplied Image - 1:100 YR Flood Level, Depth, Velocity: Site Partially Affected</p> <p><b>Conclusion</b> - Based on the above requirements, the floor level of the Service Station has been set at 4.57 m AHD.</p>
<p><b>2.4.3.6 Stormwater</b></p> <p><b>Objective</b></p> <p>To control and manage all stormwater generated within the development.</p> <p>To control and manage all stormwater passing through the development from the surrounding catchment.</p>	<p>The application is accompanied by Stormwater Plans prepared by Eclipse Consulting Engineers.</p> <p>The plans demonstrate that stormwater will be directed to a large OSD tank (47.7m<sup>3</sup> volume) which incorporates sand filters. Water will then be discharged to Council's Stormwater system in Gordon Street.</p> <p>Water from beneath the canopy is most likely to contain some contaminants. This will be directed via</p>

Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
<p>To provide an effective legal point of discharge for all collected stormwater, from the development to a natural watercourse, Council's drainage system or approved outfall.</p> <p>To achieve these objectives without detrimentally affecting the environment, surface and subsurface water quality, groundwater infiltration characteristics, the adjoining landowners and other landowners downstream of the development.</p> <p>To provide a safe and convenient environment for pedestrians and traffic.</p> <p>To incorporate principles of ecological sustainable development.</p> <p>To provide detailed design provisions in line with ecologically sustainable development, water sensitive urban design and total water cycle management and principles.</p> <p>To provide an effective major and minor stormwater system that is cost effective and incorporates life cycle costs of investigation, design, operation, maintenance and replacement of stormwater infrastructure.</p> <p><b>Development Provisions</b></p> <p>a) All stormwater infrastructure is designed in accordance with the Council's Auspec Design Specification Documents</p>	<p>a Purceptor system before disposal to Council's system.</p> <p>This system is compliant with Council's requirements.</p>
Chapter 2.5 Transport, Traffic	Management, Access and Car Parking
<p><b>2.5.3.2 Road Hierarchy</b></p> <p><b>Objective</b></p> <p>To manage the network to ensure effective and efficient movement of people and goods. To protect the road network from incompatible land uses and inappropriate access.</p> <p><b>Development Provisions</b></p>	<p>The application is accompanied by a Traffic and Parking Impact Study prepared by Intersect Traffic.</p> <p>The Traffic Impact Study concludes;</p> <ul style="list-style-type: none"> <li>The local and state road network is currently operating within its two-way mid-block technical capacity therefore has spare capacity to cater for development in the area.</li> </ul>



Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
<p>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.</p> <p>b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.</p> <p>c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned:</p> <ul style="list-style-type: none"> <li>• to avoid driveways near intersections and road bends</li> <li>• to minimise streetscapes dominated by driveways and garage doors</li> <li>• to maximise on-street parking.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposal will not adversely impact the operation of intersections within the local and state road network as additional traffic volumes on the road network are insignificant.</li> </ul> <p><b>Access</b></p> <p>The site will utilise existing accesses to the site off Gordon Street and Munster Street albeit they will be widened to cater for entry and exit movements for light and heavy vehicles expected to require access to the site.</p> <p>The proposal will operate with combined entry / exit driveways to both Munster Street and Gordon Street. Due to the raised central median in Gordon Street along the site frontage the Gordon Street access will operate as a left in and left out only access therefore the Munster Street access will be used by westbound traffic to access the site.</p> <p>The rationalisation of accesses to the site with the reduction of two accesses improves road safety in the area by removing the accesses closest to the roundabout and reducing the number of traffic conflict points on the road network.</p> <p>It will also allow Council to provide additional on-street car parking in Munster Street if they so desire. Therefore, the access arrangements for the development will have a positive safety effect on the road network.</p>
<p><b>Parking provision</b></p> <p><b>2.5.3.3 Objective</b> 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.</p> <p><b>Development Provisions</b></p> <p>a) Off-street Parking is provided in accordance with Table 2.5-1, located at the end of this Chapter.</p>	<p><b>Car-Parking Generation</b></p> <p><b>Service Station</b></p> <p>The car-parking rate for service stations within the DCP assumes there are work bays. As there are no work bays, this equates to a car-parking rate of <b>4 spaces</b>. We have provided 14 car spaces which is an over-provision of 8 spaces.</p> <p>It is noted the requirements for car parking taken from the RTA's Guide to Traffic Generating</p>



Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
<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>c) Where a proposed development falls within more than one category Council will require the total</p> <p><b>Service Station</b></p> <p>Car Parking – 3 per work bay + 1 per employee + 2 customer (minimum) + any Restaurant/Take Away Food requirements</p>	<p>Developments (2002) at 5 spaces per 100 m<sup>2</sup> GFA of convenience store is <b>10 spaces</b>.</p> <p><b>Conclusion</b></p> <p>The proposal provides for 14 spaces which sufficient on-site car parking for all users and complies with the DCP rate for car-parking.</p>
<p><b>2.5.3.7 Parking Layout</b></p> <p><b>Objective</b></p> <p>Parking areas and access-ways are easy and safe to use by vehicles and pedestrians without conflict.</p> <p><b>Development Provisions</b></p> <p>a) Visitor and customer parking shall be located so that it is easily accessible from the street.</p> <p>b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.</p> <p>c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when:</p> <ul style="list-style-type: none"> <li>• it is stacked parking in the driveway; or</li> <li>• it can be demonstrated that improvements to the open space provided will result; and</li> <li>• 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.</li> </ul>	<p>The application is accompanied by a Traffic and Parking Impact Study prepared by Intersect Traffic.</p> <p>It also includes an analysis of access and circulation within the site and this was found to comply with all AS, and other standards.</p> <p>Internal signage will ensure the safe and efficient circulation of pedestrians and vehicles. This will be provided at CC stage.</p> <p>Car- parking areas are heavily landscaped, with a 2m buffer area between the car-parking area and the street boundary, in accordance with Councils controls.</p>



Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
d) Parking design and layout 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.	
<p><b>2.5.3.8 Accessible Parking</b></p> <p>Objective Aged and disabled persons and persons wheeling prams or trolleys are provided with suitable access.</p> <p><b>Development Provisions</b></p> <p>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.</p> <p>b) Additional spaces may be required where Council considers the development will generate a higher volume of aged or disabled traffic.</p>	<p>x 1 accessible space is provided for the service station</p> <p>This is sufficient to meet AS and the DDA 1992.</p>
<p><b>2.5.3.9 (Other forms of Transport)</b></p> <p><b>Objective</b></p> <p>Parking is provided for other forms of transport</p> <p><b>Development Provisions</b></p> <p>a) Bicycle and motorcycle parking shall be considered for all developments.</p> <p>b) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3 - Parking facilities - Bicycle parking facilities.</p> <p>c) Motorcycle parking areas shall be 1.2m (wide) x 2.5m (long)</p>	<p>We consider that given the nature of the use, customers will be unlikely to cycle to the premises, particularly the service station.</p> <p>However, at Council's request our client could be sympathetic to a request to provide cycle parking.</p> <p>Motorcycles are able to park within existing car-parking spaces, no separate provision is considered to be required.</p>
<b>Landscaping of Parking Areas</b>	The proposal includes provision of a high-quality landscaping scheme prepared by JK Garden Design.



Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
<p><b>2.5.3.12</b></p> <p><b>Objective</b></p> <p>Parking areas are visually pleasing and easily accessible. Parking areas shall be landscaped to:</p> <ul style="list-style-type: none"> <li>• provide shade;</li> <li>• improve the visual amenity of large, unrelieved hard stand areas;</li> <li>• provide a buffer between the road and neighbouring land uses.</li> </ul> <p><b>Development Provisions</b></p> <p>a) Landscaping areas shall be provided in the form of large tree planting, understorey plantings, mulch areas, mounding, lawns and the like</p> <p>b) Landscaping shall be used throughout the car park and on the perimeters of the property where it addresses the public domain.</p> <p>c) Tree planting shall:</p> <ul style="list-style-type: none"> <li>• improve parking areas visually;</li> <li>• provide shade;</li> <li>• reflect the physical area in which they are located.</li> </ul> <p>d) Understorey planting shall:</p> <ul style="list-style-type: none"> <li>• be used to both screen parking areas and provide a layering effect;</li> <li>• not adversely interfere with sight lines for traffic on adjacent properties or streets;</li> <li>• shall have reduced heights adjacent to entry/exit points.</li> </ul> <p>e) Garden beds shall:</p>	<p>This includes a high proportion of native species and 15 native medium mature trees, as follows;</p> <p>The landscaping design provides a pleasing visual buffer to the public footway. The landscaping strips are approx. 2m in width.</p> <p>Both medium and high understorey planting has been provided.</p>



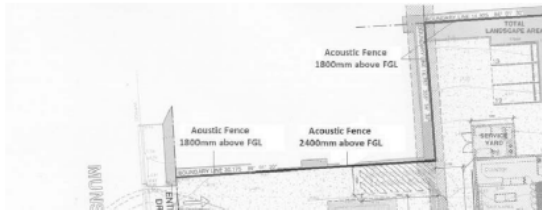
Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
<ul style="list-style-type: none"> <li>• be a minimum of 3m in width between car parking areas and street boundaries;</li> <li>• include improved garden soil to a minimum depth of 200mm;</li> <li>• include mulching to a minimum depth of 75mm; and</li> <li>• have sub grades ripped to allow drainage and proper root penetration</li> </ul>	
<p><b>Landscaping Public Realm</b></p> <p><b>2.5.3.13</b></p> <p><b>Objective</b></p> <p>To contribute to the creation of functional corridors between different vegetation communities through the urban realm.</p> <p>Landscaping minimises the risk of damage to pavements, services and infrastructure</p> <p><b>Development Provisions</b></p> <p>a) All plantings on public lands are to be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.</p> <p>b) Trees are to be grown and installed in accordance with NATSPEC Specifying Trees and Council's AusSpec Design Specifications</p>	<p>The proposed landscape would integrate with Council's existing public realm landscaped areas.</p>
<p><b>2.5.3.14 Surface Finishes</b></p> <p><b>Objective</b></p> <p>Car parking and manoeuvring on the site does not generate dust, erosion or contaminated runoff</p>	<p>The proposal includes the construction of an underground Puraceptor and Stomscak system for waste water discharge management. This will filter contaminant runoff from beneath the storage canopy.</p>
<p><b>2.5.3.15 Driveway Grade</b></p> <p><b>Objective</b></p>	<p>The driveways achieve a grade compliant with Council's requirement.</p>





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Provision	Comment
<p>Driveway grades are to be designed to achieve a safe transition from the car park to the road and road to the car park.</p> <p><b>Development Provisions</b></p> <p>a) Driveways crossing the footpath and for the first 6m of the parking area shall have a maximum grade of 5% (1 in 20).</p>	
<p><b>2.5.3.17 Drainage</b></p> <p><b>Objective</b></p> <p>Stormwater volumes and peak flows are reduced from impervious car park surfaces.</p> <p><b>Development Provisions</b></p> <p>a) All parking and manoeuvring spaces shall be designed to avoid concentrations of water runoff on the surface.</p> <p>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.</p> <p>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.</p>	<p>The site includes Stormwater Plans prepared by Eclipse Consulting Engineers. This identifies that the hard surface within car-parking areas direct stormwater to permeable landscaped areas prior to discharge to Council's stormwater system.</p> <p>The plans also demonstrate that stormwater will be directed to a large OSD tank (47.7m<sup>3</sup> volume) which incorporates sand filters. Water will then be discharged to Council's Stormwater system in Gordon Avenue.</p>
<p><b>2.5.3.18 Landscaping</b></p> <p><b>Objective</b></p> <p>Landscaping is to incorporate water sensitive urban design principles and where practical be integrated into the water management of the site.</p> <p><b>Development Provisions</b></p>	<p>The landscaping and stormwater schemes are considered of a high quality and suitable for site.</p>



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a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.	
<b>2.5.3.19 Loading bays</b>  <b>Objective</b>  Loading bays are provided to accommodate the maximum design vehicle likely to service the proposed development. To maintain traffic flow and parking on and off site.  <b>Development Provisions</b>  Various controls	<p>The proposed loading bays are detailed within the drawings detailed by Brown Commercial.</p> <p>The application is accompanied by a Traffic Impact Study prepared by Intersect Traffic. The report also included an analysis of access, loading and circulation within the site.</p> <p>The loading bay is located adjacent to the northern boundary with no. 32 A Munster Street.</p> <p>The report confirmed no conflict between pedestrians and vehicles at the site and were found to comply with all AS and other standards.</p>
<b>2.5.3.20 Loading bays</b>  <b>Objective</b>  Loading bays do not adversely impact upon the design integrity of the building or the streetscape. Loading bays do not impact on visual or acoustic privacy for nearby residents.  <b>Development Provisions</b>  Various controls	<p>The loading bay is located adjacent to the northern boundary with no. 32 A Munster Street. The Noise Report by Reverb Acoustics made the following <b>key</b> recommendations;</p> <ul style="list-style-type: none"> <li>• The service station and convenience store may trade over the full 24-hour period</li> <li>• Fuel tanker deliveries are to be restricted to 5am-12am.</li> <li>• General store deliveries are to be restricted to 5am-12am.</li> <li>• Acoustic fences are to be erected at the following locations.</li> </ul>  <ul style="list-style-type: none"> <li>• A gap of 50-75mm is permitted at ground level to aid in drainage.</li> </ul>

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	<ul style="list-style-type: none"> <li>Perimeter walls to the Service Yard must be impervious from the ground to a height of 2200mm above FGL.</li> </ul> <p><b>Conclusion</b> – Our client is happy to accept that these recommendations form a condition of consent.</p>
<p><b>2.5.3.22 Traffic Generating Development</b></p> <p><b>Objective</b></p> <p>Developments that generate significant levels of traffic are referred to the Roads and maritime Services for consideration.</p>	<p>It is accepted that the application would need to be submitted to RMS under Clause 104.</p>
<p><b>2.5.3.23 Parking</b></p> <p><b>Objective</b></p> <p>Provision of sufficient parking spaces for different land uses.</p>	<p>An analysis of the parking has been provided within the Traffic and Parking Impact Study prepared by Intersect Traffic. An assessment of this impact is detailed (above).</p>
Chapter 2.6 Tree Management	
<p><b>2.6.3.2 Private Land</b></p> <p><b>Objective</b></p> <p>To minimise injury to or destruction of trees and native vegetation.</p> <p>To retain healthy individual trees of local amenity and aesthetic value.</p> <p>To facilitate the removal of undesirable exotics, noxious weeds, dangerous trees and any other inappropriate plantings, and to replace these with suitable local indigenous species to make a positive contribution to visual and environmental amenity and ecological sustainability.</p> <p>To retain viable representative samples of native vegetation, which have an intact structure and complete floristics, wherever practical.</p> <p>To facilitate limited tree removal associated with a Complying Development Certificate.</p>	<p>There is no vegetation on site and there are no street trees.</p> <p>The application is accompanied by a high-quality landscaping plan prepared by JK Garden Supplies. The plans indicate a large variety of native shrubs and x 4 medium mature water gums that provide some shade over car-parking areas. This represents a significant net gain of landscaping at the site.</p>

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Provision	Comment
Chapter 2.7 Social Impact	Assessment and Crime Prevention
<b>2.7.2.1 Social Impact Assessment</b>  <b>Objective</b>  To ensure adverse impacts are identified and mitigation or avoidance measures are adopted to minimise or eliminate social impact on individuals and the community.	The proposed use is not identified as likely to require a Social Impact Assessment.
<b>2.7.2.2 Crime Prevention</b>  <b>Objective</b>  Development should be designed to deter crime and vandalism and facilitate: <ul style="list-style-type: none"> <li>• personal and property security;</li> <li>• casual surveillance of public areas;</li> </ul> activity and interaction within public spaces and movement networks.	<p>The development has been assessed to meet Crime Prevention Through Environmental Design (CPTED) principles:</p> <p>i. Surveillance – Developments must be designed and managed to maximise the potential for passive surveillance;</p> <p><b>Comment</b> – The service station component is proposed to be open 24 hours a day, seven days a week to allow for maximum surveillance at all times.</p> <p>ii. Access Control – Developments must be designed so as to make them legible for users without losing the capacity for variety and interest;</p> <p><b>Comment</b> – The service station component of the site is open 24 hours a day, seven days a week.</p> <p>iii. Territorial Reinforcement – Developments must be designed to define clearly legitimate boundaries between private, semi-private and public space;</p> <p><b>Comment</b> – the boundaries of the site clearly define public and private areas.</p> <p>iv. Space Management – Developments must be designed and detailed to minimise damage and the need for undue maintenance, without undermining the aesthetic and functional qualities of the building.</p> <p><b>Comment</b> – the site will be closely managed.</p>
Chapter 3.4 Business and Commercial Development	Commercial Development



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Provision	Comment
<p><b>3.4.3.1 Setbacks</b></p> <p><b>Objective</b></p> <p>To provide an appropriate sense of enclosure and scale to all streets and reinforce their particular character.</p> <p><b>Development Provisions</b></p> <p>a) A zero metre or consistent setback to ground floor is preferred in all business zone developments.</p>	<p>Due to the nature of the use, a zero setback would not be appropriate for the service station. However, there is a minimal setback of 300mm to the common boundary.</p>
<p><b>3.4.3.2 Setbacks</b></p> <p><b>Objective</b></p> <p>To ensure that the development provides adequate pedestrian areas and integrates into the adjoining sites. To ensure that structures and queues do not undermine pedestrian movement.</p> <p><b>Development Provisions</b></p> <p>a) Where a zero setback cannot be achieved, such as where parking can only be provided between the building and the street, a minimum 3.0m pedestrian setback is provided between the edge of the car park and the building.</p> <p>The 3.0m pedestrian setback:</p> <ul style="list-style-type: none"> <li>• is open and accessible for pedestrians for its entire length and width;</li> <li>• is clear of columns (other than awning posts where provided) and other obstructions;</li> <li>• has a pavement matching the gradient of the adjoining footpath and connects pedestrian areas on neighbouring sites;</li> </ul> <p>and</p>	<p>Pedestrian pathway markings will be provided at the site at CC stage. This will be to Australian Standard.</p>



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Provision	Comment
<ul style="list-style-type: none"> <li>connects without any lip or step to adjoining footpaths or abutting pedestrian areas on neighbouring sites.</li> </ul>	
<p><b>3.4.3.3 Roof Form</b></p> <p><b>Objective</b></p> <p>To provide visually interesting and harmonious roofscapes and skylines.</p> <p><b>Development Provisions</b></p> <p>Various controls.</p>	<p>The service station has a flat roof which is typical of this use.</p>
<p><b>3.4.3.4 Building Facades, Materials and Finishes</b></p> <p><b>Objective</b></p> <p>To encourage and reinforce character and continuity of streetscapes.</p> <p><b>Development Provisions</b></p> <p>a) Colours, construction materials and finishes should respond in a positive manner to the existing built form, character and architectural qualities of the street</p>	<p>The proposed façade of the service station is constructed of precast concrete panels coloured dark grey with powder coated black framework for glazed panels and doors. The use of these materials is considered appropriate within this commercial area.</p>
<p><b>3.4.3.5</b></p> <p><b>Objective</b></p> <p>To avoid bulky and unattractive buildings by encouraging high quality architectural building facades.</p> <p><b>Development Provisions</b></p> <p>Various controls</p>	<p>The proposed buildings have a well-proportioned scale and design within the streetscape. They also have high quality architectural building facades.</p>
<p><b>3.4.3.9 Active Frontages</b></p> <p><b>Objective</b></p> <p>To encourage and enable direct contact (visual and physical) between the street and the interior of a building.</p>	<p>The proposal will provide clear pedestrian pathways from the street to the building entrances. This will be provided at CC stage.</p> <p>The buildings have frontages that are 50% glazed.</p>



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<p><b>Development Provisions</b></p> <p>a) Active frontages should consist of one or more of the following:</p> <ul style="list-style-type: none"> <li>• A shop front.</li> <li>• Commercial and residential lobbies.</li> <li>• Café or restaurant if accompanied by an entry from the street.</li> <li>• Public building if accompanied by an entry from the street.</li> </ul> <p>b) A minimum of 50% of the ground floor level front facade should be clear glazed.</p> <p>c) Active ground floor uses are to be accessible and at the same level as the footpath.</p> <p>d) Restaurants, cafés and the like should provide openable shop fronts to the footpath but should not encroach into footpath.</p> <p>e) Colonnade structures should not be used unless it is demonstrated that the design would not restrict visibility into the shop or commercial premise or limit natural daylight along footpaths and do not create opportunities for concealment.</p>	
<p><b>3.4.3.11 Awnings</b></p> <p><b>Objective</b></p> <p>To provide pedestrian amenity by the provision of weather protection.</p> <p><b>Development Provisions</b></p> <p>a) Continuous shelter from the weather is to be provided for the full extent of the active street frontage.</p>	<p>The service store includes an extension of the fascia which acts as an awning. This faces into the site over the pedestrian pathway. The awning also assists in the articulation of the building.</p>
<p><b>3.4.3.12</b></p> <p><b>Objective</b></p> <p>To provide a consistent building element within the streetscape.</p>	<p>The proposed service station building replaces an existing commercial building of similar scale and position.</p>



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<b>Development Provisions</b>  Various controls.	Both buildings have a single storey scale which is consistent with prevailing built scale to the south, west and east.
<b>3.4.3.13</b>  <b>Objective</b>  To promote safety and encourage the use of streets by pedestrians at all times of day and night.  <b>Development Provisions</b>  a) Skylights may be provided in the awning for a maximum depth of 1/3 of the total awning depth.  b) Under awning lighting should comply with AS/NZS1158 - Lighting for roads and public spaces.	The lighting scheme will be designed to meet these objectives. These will be detailed at Construction Certificate stage.
<b>3.4.3.14</b>  <b>Objective</b>  To encourage the use of outdoor spaces for active uses in association with ground level uses.  <b>Development Provisions</b>  a) Awnings are designed and constructed to encourage pavement dining in areas identified for pavement dining, along the foreshore and in piazzas.	It would not be appropriate to provide outdoor spaces.
<b>3.4.3.15 Landscaping</b>  <b>Objective</b>  Planting should be utilised to provide shade, soften the built form of the proposal and enhance its appearance from public viewpoints.  <b>Development Provisions</b>	There is no vegetation on site and there are no street trees.  The application is accompanied by a high-quality landscaping plan prepared by JK Garden Supplies.  Landscaping is proposed along all boundaries for a total 180m <sup>2</sup> landscaped area.





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Various controls.	The plans indicate a large variety of native shrubs and x 4 medium mature water gums that provide some shade over car-parking areas.
<b>3.4.3.16</b>  <b>Objective</b>  To contribute to the creation of functional corridors between different vegetation communities through the urban realm.  <b>Development Provisions</b>  a) All street plantings are to be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.	As above. The scheme will integrate well with Council's existing public realm works.
<b>3.4.3.17</b>  <b>Objective</b>  To improve the amenity of places through the retention and or/planting of large and medium size trees.  <b>Development Provisions</b>  a) Large trees and spreading ground covers are provided in all landscape areas within the site.  b) Large screening shrubs of an appropriate density and size to complement the scale and bulk of the subject building are provided in areas where screening is a priority.  c) Where car parking cannot be provided under or behind the building and Council has agreed to permit some or all of the parking in the front setback, a landscaped strip with a minimum width of 3.0m is provided along the entire frontage/s of the site.	There is no vegetation on site and there are no street trees.  The landscaping scheme will enhance the site and character and includes the provision of 4 water gums.
<b>3.4.3.19</b>  <b>Objective</b>	As the use will operate 24 hours, and access is required at all times, there is no need for fencing.



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<p>To ensure that fencing does not detract from the streetscape. To avoid privatisation of public places.</p> <p><b>Development Provisions</b></p> <p>a) Fencing for security or privacy should not be erected between the building line and the front boundary of a site.</p>	<p>To the west, south and east, the heavily vegetated landscaping strip will provide some demarcation between the public and private realm.</p>
<p><b>3.4.3.20 (Rear and side fencing)</b></p> <p><b>Objective</b></p> <p>To ensure that rear and side fencing does not detract from the streetscape or from internal areas.</p> <p><b>Development Provisions</b></p> <p>a) Where fences are erected, landscaping of an appropriate height and scale should be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place.</p>	<p>An acoustic fence of up to 2.4m in height was detailed and recommended within the Noise Report produced by Reverb Acoustics.</p>
<p><b>3.4.3.21 (Street Furniture)</b></p> <p><b>Objective</b></p> <p>To ensure that street furniture is coordinated with existing street furniture. To ensure that street furniture does not create clutter and obstacles in the public realm.</p> <p><b>Development Provisions</b></p> <p>a) Street furniture, including seats, bollards, grates, grills, screens and fences, bicycle racks, flag poles, banners, litter bins, telephone booths and drinking fountains are coordinated with other elements of the streetscape.</p>	<p>No outside seating is proposed.</p>
<p><b>3.4.3.22 (Sensory Disability)</b></p> <p><b>Objective</b></p>	<p>All of the buildings have level access for the needs of those with a sensory disability.</p>

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<p>To encourage a positive response to public areas to the needs of people with a sensory disability.</p> <p><b>Development Provisions</b></p> <p>a) Any ramps are to be integrated into the overall building and landscape design.</p> <p>b) The development complies with AS1428 - Design for Access and Mobility.</p>	
<p><b>3.4.3.24 Waste Management</b></p> <p><b>Objective</b></p> <p>To avoid the generation of waste through design, material selection and building practices.</p> <p><b>Development Provisions</b></p> <p>Various controls.</p>	<p>The application is accompanied by a Site Waste Management and Minimisation Plan. The Plan includes demolition, construction and operational phases.</p> <p>Waste can be satisfactorily accommodated in a secure compound adjacent to the service centre. Collection will be by private waste contractor and swept paths can accommodate the largest collection vehicle that will access the site.</p>
<p><b>3.4.3.25</b></p> <p><b>Objective</b></p> <p>To encourage waste management minimisation including source separation, reuse and recycling.</p> <p><b>Development Provisions</b></p> <p>Various controls.</p>	
<p><b>3.4.3.27 Vehicular Access Location and Design</b></p> <p><b>Objective</b></p> <p>To ensure that business and commercial development is pedestrian orientated whilst providing for appropriate vehicular access.</p> <p><b>Development Provisions</b></p> <p>Various controls.</p>	<p>The proposed layout provides for pedestrians and vehicles.</p>



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<p><b>3.4.3.28</b></p> <p><b>Objective</b></p> <p>To ensure that car parking does not deactivate public space, including streets, laneways and share ways.</p> <p><b>Development Provisions</b></p> <p>Various controls.</p>	<p>The proposed layout provides for clear pedestrian pathways from the street.</p>
<p><b>3.4.3.30 Pedestrian Entries and Access</b></p> <p><b>Objective</b></p> <p>To encourage and promote equity for all street users</p> <p><b>Development Provisions</b></p> <p>a) The development complies with AS1428 - Design for Access and Mobility.</p>	<p>The proposed layout provides for clear internal pedestrian pathways and all building are accessible with level access.</p>
<p><b>3.4.3.31</b></p> <p><b>Objective</b></p> <p>To separate and clearly distinguish between pedestrian and vehicle access ways. To minimise potential conflict between pedestrians and vehicles.</p> <p><b>Development Provisions</b></p> <p>a) Pedestrian and vehicle movement areas are separated to minimise conflict.</p> <p>b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways.</p>	<p>The proposed layout provides for pedestrians and vehicles. Detailed plans will be provided at CC stage.</p>
<p><b>3.4.3.32</b></p> <p><b>Objective</b></p> <p>The design of buildings and spaces should promote legibility to help users find their way.</p>	<p>Complies. Details will be provided at CC stage.</p>



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<b>Development Provisions</b>  Various controls.	
<b>3.4.3.33 Walking and Cycling.</b>  <b>Objective</b>  To encourage walking and cycling.  <b>Development Provisions</b>  a) Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.  <b>Development Provisions</b>  a) Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.	Given the nature of the uses we consider there would be limited incidences of customers visiting on bicycles. However, if required, our client is sympathetic to requests to provide cycle parking.
<b>3.4.3.34 Outdoor Dining</b>  <b>Objective</b>  To encourage appropriate outdoor dining associated with food and drink premises on public footpath areas. To promote vitality and interest in the streetscape. To promote security by activating streets. To allow the unobstructed movement of people and goods along all public footpaths. To minimise conflict between vehicles and diners.  <b>Development Provisions</b>  Various controls	No outdoor dining proposed.
<b>3.4.3.35 Commercial development adjoining Residential Land uses</b>  <b>Objective</b>  To promote compatibility between business and commercial development and preserve	To the northern boundary at 32A Munster Street, the site is located adjacent to commercial premises. The site also shares a common boundary with a residential property at 58 Church Street.  The site is located 11m from residential apartments at 30 Munster Street and 18m from residential



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<p>the amenity of adjoining residential areas. To ensure that the interface between business and commercial development and adjoining residential areas is of a high quality and achieves adequate visual and acoustic privacy.</p> <p><b>Development Provisions</b></p> <p>a) The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.</p> <p>b) Where this cannot be achieved visual and acoustic treatment of the interface is required.</p> <p>c) The building elevation adjoining the residential area should be:</p> <ul style="list-style-type: none"> <li>• Articulated, with changes in setback at intervals no greater than 10m;</li> <li>• Use a variety of materials and treatments;</li> <li>• Be setback a minimum of half the height of the wall or a minimum of 3.0metres whichever is greater.</li> </ul> <p>d) Waste areas are located and managed to minimise pests, noise and odour.</p>	<p>apartments at 55 Gordon Street.</p> <p><b>Conclusion</b> – The noise report demonstrates that the site is suitable for the use subject to the recommendations within the Noise Report being implemented.</p>
<b>Part 4 Greater Port Macquarie</b>	<b>Area-Based Provisions</b>
<b>4.2.4 Westport Neighbourhood</b>	
<p><b>4.2.4.2 Lot size and frontage</b></p> <p><b>Objective</b></p> <ul style="list-style-type: none"> <li>• To ensure that development is carried out on sites that are adequate in size and dimension.</li> <li>• To maximise the potential of land to achieve the desired floor space and to deliver greater housing capacity within the neighbourhood.</li> </ul>	<p>There are no proposed changes to the existing lot sizes.</p>



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<ul style="list-style-type: none"> <li>• To enable design quality and adequate amenity within the site and between neighbours.</li> <li>• To ensure that on-site parking requirements can be adequately met.</li> <li>• To avoid isolated sites.</li> </ul>	
<b>4.2.4.3 Building height</b>  <b>Objective</b> <ul style="list-style-type: none"> <li>• To provide finer grain neighbourhood level guidance in assessment of building heights under the local environmental plan, ensuring development responds to the desired scale and character of the street and local area.</li> <li>• To provide space within the height control for roof design and articulation.</li> <li>• To support the use of roofs for communal open space, where appropriate.</li> <li>• To ensure the ground floor ceiling heights are sufficient to support flexibility in use over the life of the building, where appropriate.</li> </ul>	<p>The building has a single storey scale which is compatible with the prevailing built form in the immediate locality.</p>
<b>4.2.4.4 Streetscape and front setbacks</b>  <b>Objective</b> <ul style="list-style-type: none"> <li>• To facilitate redevelopment of a variety of lot depths.</li> <li>• To reinforce the desired character, building use and spatial definition of the street.</li> <li>• To promote outlook and surveillance of the street.</li> <li>• To provide private open space for street level units</li> </ul>	<p>The proposed layout balances the need for outlook and surveillance with high quality landscaping.</p>
<b>4.2.4.5 Side and rear setback</b>  <b>Objective</b> <ul style="list-style-type: none"> <li>• To provide access to light, air and sun, views and outlook within a site and for neighbouring properties.</li> </ul>	<p><b>Side Setback</b></p> <p>It is noted that this control is at odds with the side setback controls for Business and Commercial development. Notwithstanding, the proposal is for a side setback of 0.3m to the neighbouring residential</p>



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<ul style="list-style-type: none"> <li>• To assist in providing adequate privacy between properties.</li> <li>• To retain or establish a pattern of spaces between buildings that gives character to the streetscape.</li> <li>• To assist in managing the interface between different densities at zoning boundaries.</li> <li>• To provide space for soft landscaping detail and deep soil.</li> </ul> <p><b>Development Provisions</b></p> <p>a) Buildings are setback:</p> <p>b) 3 metres from side boundaries,</p> <p>and</p> <p>c) 6 metres from the rear boundary.</p> <p>d) South of Gordon Street, where existing residential uses are located to the rear, the rear setback is 10 metres (see Figure 4.2-7).</p> <p>e) Party wall development is not appropriate in the precinct.</p>	<p>occupiers at 57 Gordon Street, a Veterinary Surgeon.</p> <p>As the proposed service station abuts a commercial property this has a negligible impact, a variation to Council's side setback controls is considered justified.</p> <p><b>Rear Setbacks</b></p> <p>The service station building setback of 11.4 m to the boundary of the neighbouring residential occupiers at 58 Church Street. This is compliant.</p>
<p><b>4.2.4.7 Building separation</b></p> <p><b>Objective</b></p> <ul style="list-style-type: none"> <li>• To ensure new development is scaled to support the desired character with appropriate massing and spaces between buildings.</li> <li>• To assist in providing solar access and natural ventilation within a site and to adjacent neighbours.</li> <li>• To provide reasonable levels of visual privacy externally and internally, during the day and night.</li> <li>• To balance the outlook and views from principal rooms and private open spaces with visual privacy.</li> </ul>	<p>The proposal includes adequate building separation between both the service station and adjacent veterinary surgeons.</p>





Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
<p><b>4.2.4.9 Deep soil</b></p> <p><b>Objective</b></p> <ul style="list-style-type: none"> <li>• To contribute to the amenity and desirability of neighbourhoods.</li> <li>• To enable the long-life span of trees by providing suitable areas for healthy root growth and anchorage.</li> <li>• To assist with management of the water table and water quality.</li> <li>• To promote environmental benefits, including reducing local air temperature and improving air quality.</li> </ul> <p><b>Development Provisions</b></p> <p>a) Deep soil is to be provided at the following rates: Site area Minimum deep soil zone</p> <p>Greater than 1 500sqm - 15%</p> <p>b) The deep soil zone is to have a minimum dimension of 6 metres. On small sites, where it can be demonstrated that 6 metres is unachievable, a 3-metre minimum may be permitted. Note: as deep soil is typically located along the rear boundary, sites likely to be constrained include sites under 30 metres deep, with lane way access and frontage, or where a new lane way to provide.</p> <p>c) Deep soil zones are to be consolidated on a site and where possible, co-located with adjoining deep soil zones.</p> <p>d) Up to 10 per cent of a deep soil zone may be paved but only where paving is specifically designed to allow for tree root growth. For example, a paving profile of up to 250mm deep or decks with shallow pad footing.</p>	<p>The application is accompanied by a landscaping plan prepared by JK Garden Design. This demonstrates a deep soil area of 10% of the site area.</p>
<p><b>4.2.4.10 Fences and retaining walls</b></p> <p><b>Objective</b></p>	<p>The Noise Report identified by Reverb Acoustics identifies a requirement for an acoustic wall of up to 2.4m high to the northern neighbours. These are</p>



Port Macquarie - Hastings Development Control Plan 2013	
Provision	Comment
<ul style="list-style-type: none"> <li>• To contribute to the desired streetscapes of each neighbourhood.</li> <li>• To facilitate safe and active streets.</li> </ul> <p><b>Development Provisions</b></p> <p>a) Fences within 1 metre of the boundary are to follow the street alignment with a maximum height of 1.2 metres.</p> <p>b) On sites where the ground floor level is above the ground level at the boundary or in flood affected areas, a secondary higher fence or balustrade may be appropriate setback 1 metre from the boundary and up to 2 metres high above the boundary level.</p> <p>c) Any fences or retaining walls over 1.2 metres above the boundary level should be 50 per cent transparent above the 1.2 metre datum.</p> <p>d) Where the site slopes along the street, fencing should be incrementally stepped to reduce its height.</p>	considered acceptable, and in keeping with the scale and character of the area.
<b>Flooding 4.5.3.11</b>	
<p>a) Submission of survey accurate data is required with the development application showing site layout in relation to flood boundaries and allowed encroachments shown on Figure 4.5-45 to demonstrate maintenance of minimum floodway dimensions.</p> <p>b) Design of development and filling is to have regard to the need for overland flow paths and address issues of flood water velocities and potential for scouring. Details of fill and batter slopes and gradients to be provided with the application for Construction Certificate. The extent of batter slopes may be required at Development Application stage if there is the potential to impact on any significant vegetation communities or hollow bearing trees.</p>	See section 2.4.3.5 (above).



## 5.0 The likely impacts of the development, including environmental impacts on both the natural and built environment

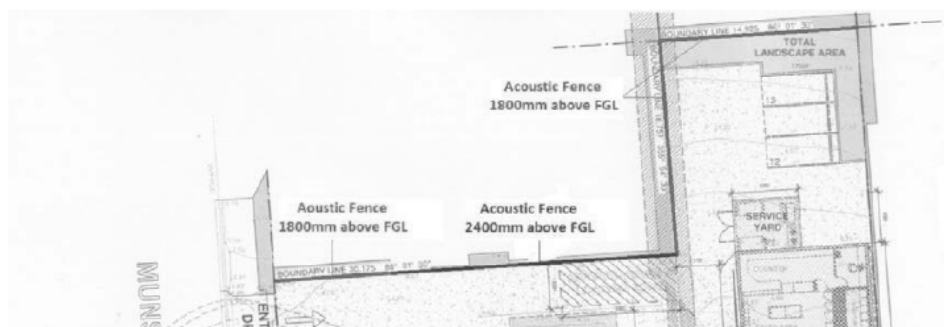
### 5.1 Environmental impacts on both the natural and built environments

#### 5.1.1 Noise

A noise impact statement has been prepared by Reverb Acoustics based upon the assumption of a 24 hours a day, 7 days a week operation. Generally, it is considered that this operation would be acceptable.

In summary, the following key recommendations are made:

- The service station and convenience store may trade over the full 24-hour period
- Fuel tanker deliveries are to be restricted to 5am-12am.
- General store deliveries are to be restricted to 5am-12am.
- Acoustic fences are to be erected at the following locations.



- A gap of 50-75mm is permitted at ground level to aid in drainage.
- Perimeter walls to the Service Yard must be impervious from the ground to a height of 2200mm above FGL.

Given compliance with the above recommendations, the noise impact assessment concludes:

*A noise impact assessment for a proposal to construct a service station and convenience store at 36 Munster Street, Port Macquarie, has been completed, resulting in noise control recommendations summarised in Section 4 of this Report. The site is suitable for the intended purpose providing recommendations outlined in this report are incorporated into the design. With these or equivalent measures in place, noise from the site will be either within the criterion or generally below the existing noise levels in the area for the majority of the time.*

*With relatively constant traffic on nearby roads, and the abundance of nearby commercial development, noise generated by the proposed site will be audible at times but not intrusive at any nearby residence. As the character and amplitude of activities associated with the site will be similar to those already impacting the area, it will be less intrusive than an unfamiliar introduced*

*source and should be acceptable to residents.*

*Providing the recommendations presented in this report are implemented noise emissions from operation of the site will not have any long-term adverse impact upon the acoustical amenity of nearby residents. We therefore see no acoustic reason why the proposal should be denied.*

The client will accept operational conditions in accordance with these recommendations.

#### 5.1.2 Air Quality

The proposal will have no impacts on air quality. As stated earlier, A Multi-Level Risk Assessment Report has been prepared by accredited dangerous goods consultant, Myros Design Pty Ltd, and accompanies the application.

All the proposed works will be consistent with the Protection of the Environment Operations (Clean Air) Regulation 2010, as mentioned in the Multi-Level Risk Assessment Report, which concludes:

*'Plotting the frequency against consequence, it can be clearly seen that the societal risk is negligible. Therefore, only a level one qualitative Risk Analysis is required.'*

A Preliminary Hazard Analysis has been prepared to provide 'level one qualitative Risk Analysis' and can be found in Appendix C of the Multi-Level Risk Assessment Report.

All equipment will be installed to manufacturer's recommendations and will comply with all the relevant standards listed therein. Specific safety features of the site have been included in the Preliminary Hazards Analysis, including all monitoring procedures.

#### 5.1.3 Hazards

The site includes Stormwater Plans prepared by Eclipse Consulting Engineers. These identify that the site includes newly introduced landscaped areas and stormwater can be directed to Council's stormwater system in Ocean Drive. This will be filtered via SPEL Storm stacks in surface inlet pits, OSD tank and sand filter to remove contaminants.

The site is subject to flooding and the application is accompanied by a Water Cycle Management Plan that identifies that the service station is required to be located at 4.57 m AHD. This is reflected in the plans.

There are no other known hazards or risks, other than those identified previously within this report, that would preclude approval of the proposal.

#### 5.1.4 Safety, Security and Crime Prevention

The development has been assessed to meet Crime Prevention Through Environmental Design (CPTED) principles:

- i. Surveillance – Developments must be designed and managed to maximise the potential for passive surveillance;

**Comment** – The service station is proposed to be open 24 hours a day, seven days a week to allow for maximum surveillance at all times.



ii. Access Control – Developments must be designed so as to make them legible for users without losing the capacity for variety and interest;

**Comment** – the service station is proposed to be open 24 hours a day, seven days a week.

iii. Territorial Reinforcement – Developments must be designed to define clearly legitimate boundaries between private, semi-private and public space;

**Comment** – the boundaries of the site clearly define public and private areas.

and

iv. Space Management – Developments must be designed and detailed to minimise damage and the need for undue maintenance, without undermining the aesthetic and functional qualities of the building.

**Comment** – the site will be closely managed.

The site will be developed and operated in accordance with CPTED principles.

## 5.2 Social impacts

The proposal will have positive social impact in that it will introduce a service for local people and provide activation and passive surveillance 24/7.

## 5.3 Economic impacts

The proposal will have a positive economic impact in that it will create short term construction jobs and longer-term employment opportunities.

# 6.0 The suitability of the site for the development

The site is considered to be suitable for the proposed development given that the proposed use is permissible in the B4 (Mixed Use) and complies with PMLEP and PMDCP, and the development will not have detrimental impacts on the natural or built environments. There are no significant physical, ecological, technological or social constraints on the proposed development.

## 7.0 The public interest

The proposed development is considered to be in the public interest as it meets the objectives of the B4 zone and complies with the provisions of PMLEP and PMDCP.

## 8.0 Conclusion

This Statement of Environmental Effects has considered all natural and built constraints and hazards and found the site to be suitable for the proposed service station.

Additionally, it has been found that the proposal will have acceptable impacts on the natural and built environment, with the adoption of amelioration measures outlined in expert consultant reports submitted with the application.

The proposed development is permissible in the B4 Zone and complies with the relevant provisions of PMLEP and PMDCP.

Council's favourable consideration of the application is requested.





WILSON PLANNING



## TRAFFIC & PARKING ASSESSMENT

SERVICE STATION  
LOTS 5, 6 & 7 DP 18259  
36 MUNSTER STREET  
PORT MACQUARIE

PREPARED FOR: RCI GROUP

JULY 2019



REF: 19/092

**TRAFFIC & PARKING ASSESSMENT  
RCI GROUP****SERVICE STATION  
LOTS 5, 6 & 7 DP 18259  
36 MUNSTER STREET, PORT MACQUARIE**

Intersect Traffic Pty Ltd (ABN: 43 112 606 952)

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This document has been prepared, checked and released in accordance with the Quality Control Standards established by Intersect Traffic Pty Ltd.

Issue	Date	Description	By
A	30/06/19	Draft	JG
B	01/07/19	Edit	JG
C	03/07/19	Final Proof	JG
D	03/07/19	Approved	JG

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This document has been authorised by

Date 3<sup>rd</sup> July 2019**Disclaimer**

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## 1. INTRODUCTION

Intersect Traffic Pty Ltd (Intersect Traffic) was engaged by RCI Group to prepare a traffic and parking assessment report for the construction of a new service station (4 light vehicle bowlers with 8 fill points) and convenience store on Lots 5, 6 & 7 DP 18259, 36 Munster Street, Port Macquarie. The site currently contains a car sales and service yard. Development concept plans are provided within **Appendix 1**.

The assessment was carried out in accordance with the guidelines contained within the NSW Roads and Maritime Services (NSW RMS) *RTA's Guide to Traffic Generating Developments* and includes an assessment of the local road networks capacity to cater for the development within a future horizon period of 10 years and compliance with Port Macquarie Hastings Council's DCP 2013 as well as Australian Standards *AS2890.1-2004 Parking facilities – Part 1 Off-street car parking* in regard to on-site parking and access. This report is required to support a development application to Port Macquarie Hastings Council and presents the findings of the traffic and parking assessment including:

1. An outline of the existing road network near the proposed development.
2. An assessment of the likely traffic impacts of the proposal on the adjacent road network resulting from the development. Road, intersection and access capacities / conditions have been assessed.
3. An assessment of the development's compliance with Port Macquarie Hastings Council's DCP 2013 regarding on-site parking and access.
4. An assessment of the development's compliance with Australian Standard *AS2890.1-2004 Parking facilities – Part 1 Off-street car parking* regarding on-site parking, loading/delivery facilities and access.
5. Presentation of conclusions and any recommendations.



## 2. SITE DESCRIPTION

The development site is located on the north-eastern corner of the Gordon Street / Munster Street roundabout approximately 100 metres east of Lake Road and 400 metres east of Horton Street, Port Macquarie. It is located approximately 450 metres south east of the Port Macquarie CBD. It adjoins a number of commercial businesses and a veterinary practice. It currently contains a car sales and service yard (Trotter Automotive) containing a number of attached buildings and hardstand area. **Figure 1** below shows the development property in context with the surrounding development.



Figure 1: Site Location

The site has the following property descriptors:

- ♦ Formal land titles of Lots 5, 6 & 7 DP18259;
- ♦ Postal address of 36 Munster Street, Port Macquarie;
- ♦ Site area of approximately 1.834 m<sup>2</sup>; and
- ♦ Land zoning of B4 – Mixed Use pursuant to the Port Macquarie Hastings Council LEP (2011).

The existing site currently has four (4) separate vehicular access crossings, two off Munster Street and two off Gordon Street though it appears the access crossing off Gordon Street adjacent to the adjacent roundabout is not currently used for vehicular access. **Photograph 1** below shows the existing development and vehicular access to Gordon Street whilst **Photograph 2** below shows the vehicular accesses to Munster Street.



*Photograph 1: Existing site and access – Gordon Street*



*Photograph 2: Existing site accesses – Munster Street*

### 3. EXISTING ROAD NETWORK

#### 3.1 Gordon Street

Gordon Street in this location under a functional road hierarchy operates as a local collector / distributor road. As a local road it would be under the care and control of Port Macquarie Hastings Council.

Near the site Gordon Street is a four-lane two-way road divided road with a parking lane on each side of the road except near intersections where additional turning and merge lanes are provided. The travel lanes are approximately 3 to 3.5 metres wide and a 60 km/h speed zoning exists near the site. **Photograph 3** below shows the standard of Gordon Street in this location which was assessed as in good condition at the time of inspection and considered suitable for use by vehicles associated with the development. Parking lanes along Gordon Street are generally unrestricted though some time limited restrictions during business hours exist near the businesses adjacent to the Munster Street roundabout.



*Photograph 3 – Gordon Street near the site.*

#### 3.2 Munster Street

Munster Street under a functional road hierarchy is a local street primarily providing access to properties along its length however it appears it also provides a collector road function for vehicles accessing the eastern end of the CBD area. As a local road, it would be under the care and control of Port Macquarie Hastings Council.



Near the site Munster Street is a two-lane two-way undivided road with on-street parking including angled parking along the site frontage and adjacent to the site servicing the commercial premises opposite the site. The travel lanes are approximately 4 metres wide while the parking lanes are approximately 7.5 metres wide and a 50 km/h speed zoning exists near the site. **Photograph 4** below shows the standard of Munster Street in this location which was assessed as in good condition at the time of inspection and considered suitable for use by vehicles associated with the development. The Gordon Street / Munster Street intersection is controlled with a two-lane roundabout as shown in **Photograph 5** below.



*Photograph 4 – Munster Street near the site.*

## 4. ROAD NETWORK IMPROVEMENTS

A review of Port Macquarie Hastings Council's forward works program has determined that there are no immediate road network improvements that will impact on the proposed development or will result in an increase in the road network capacity.

Future road works on the local and state road network are likely to be undertaken in accordance with Port Macquarie Hastings Council's and NSW RMS annual works programs.





*Photograph 5 – Gordon Street / Munster Street roundabout.*

## 5. TRAFFIC VOLUMES

Intersect Traffic undertook manual intersection counts at the Gordon Street / Munster Street roundabout during the likely AM and PM peak traffic periods on Thursday 27<sup>th</sup> June 2019 and Friday 28<sup>th</sup> June 2019. The relevant data sourced from these counts are shown within **Appendix 2**.

The current (2019) two-way mid-block traffic peak traffic volumes determined from these counts as well as the predicted 2029 two-way mid-block traffic peak traffic volumes are as shown below in **Table 1**. The 2029 traffic volumes have been predicted by assuming a 2 % per annum background traffic growth for the local road network.

**Table 1 – 2019 & 2029 Two-Way Mid-Block Peak Hour Data**

Road	Section	2019 AM peak vtp	2019 PM peak vtp	2029 AM peak vtp	2029 PM peak vtp
Gordon Street	east of Munster Street	1316	1385	1604	1688
Gordon Street	west of Munster Street	1651	1563	2013	1905
Munster Street	north of Gordon Street	561	463	684	564
Munster Street	south of Gordon Street	118	109	144	133

These existing peak two-way mid-block traffic volumes have been adopted in this report.





## 6. ROAD CAPACITIES

The capacity of the road network is generally determined by the capacity of intersections. However, the RTA's *Guide to Traffic Generating Developments* provides some guidance on mid-block capacities and likely levels of service. For urban roads *Table 4.3* of the RTA's *Guide to Traffic Generating Developments*, reproduced below, provides some guidance on mid-block capacities and likely levels of service.

**Table 4.3**  
Typical mid-block capacities for urban roads with interrupted flow

Type of Road	One-Way Mid-block Lane Capacity (pcu/hr)	
Median or inner lane:	Divided Road	1,000
	Undivided Road	900
Outer or kerb lane:	With Adjacent Parking Lane	900
	Clearway Conditions	900
	Occasional Parked Cars	600
4 lane undivided:	Occasional Parked Cars	1,500
	Clearway Conditions	1,800
4 lane divided:	Clearway Conditions	1,900

Source: - RTA's *Guide to Traffic Generating Developments* (2002).

Based on the above table Gordon Street as a 4-lane divided road has a one-way mid-block capacity of 1,900 vtp/h and a two-way mid-block capacity of 3,800 vtp/h. Munster Street as a 2-lane undivided road would have a one-way mid-block capacity of 900 vtp/h and a two-way mid-block capacity of 1,800 vtp/h.

With both roads providing major transportation routes to and around the Port Macquarie CBD area the assessment of environmental capacity of these roads is not considered relevant.

The road capacities determined above have been adopted in this assessment and noting existing and future traffic volumes on the road network (see **Table 1**) are less than these values it can be concluded that the existing road network has some spare capacity to cater for development in the area.

## 7. ALTERNATE TRANSPORT MODES

Public transport to the site is available by bus. Busways services the Port Macquarie area with services 322 (Lighthouse Plaza to Port Macquarie via Shelley Beach), 324 (Lighthouse Beach to Port Macquarie via Private Hospital), 334 (Lighthouse Plaza to Port Macquarie) and 334K (Kendall to Port Macquarie via Laurieton) running along Munster Street to Gordon Street adjacent to the site. These operate seven days a week and ensures a frequent bus service to and from the site. The nearest bus stops are located in close proximity to the site on both sides of Munster Street immediately north of the site and on Gordon Street adjacent to the site (see Photograph 6 below) and near Grant Street 250 metres east of the site all within convenient walking distance of the site. The local bus map for Busways Port Macquarie is shown in **Figure 2** below.

A 1.2-metre-wide concrete pedestrian footpath network and in some areas full width footpaths exist along both sides of Munster Street and Gordon Street near the site connecting the site to these bus stops (see **Photograph 2** above and **Photograph 7** below). Pedestrian crossing facilities of both Munster Street and Gordon Street have been provided with pedestrian refuges provided within the splitter islands of the Gordon Street / Munster Street roundabout as shown in



**Photograph 8** below as well as provision of pedestrian phases in the Gordon Street / Grant Street traffic signals 250 metres east of the site.

No on or off-road cycleways were observed in the vicinity of the site during site inspections. Currently cyclists accessing the site would need to utilise and share travel lanes or parking lanes with other vehicles which would only be suited to experienced cyclists.



*Photograph 6 – Westbound Bus Stop Gordon Street opposite site.*



*Photograph 7 – Footpath Gordon Street including along site frontage*

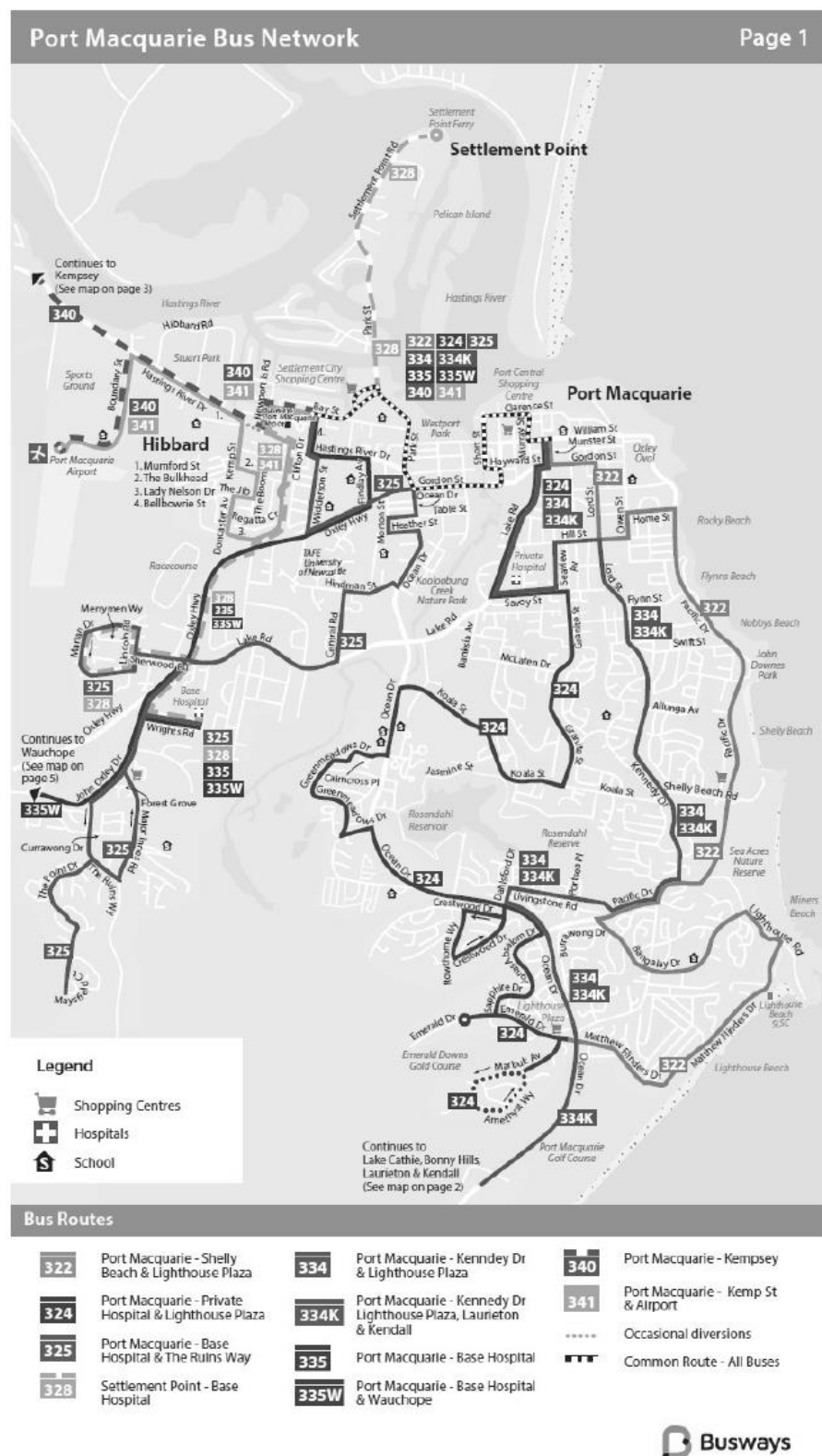


Figure 2: Busways Port Macquarie Local Bus Route Map.



*Photograph 8 – Pedestrian refuges – Gordon Street / Munster Street roundabout*

## 8. PROPOSED DEVELOPMENT

The development involves the construction of a service station and convenience store. Two of the existing vehicular accesses to the site off Munster Street and Gordon Street will be utilised for access to the site both being altered and widened to provide combined entry / exits to accommodate the necessary light and heavy vehicle movements to and from the site. Redundant driveways will be removed, and the kerb and footpath areas reinstated to Council's satisfaction. Development concept plans are provided within **Appendix 1**.

The new development on the site will specifically involve:

- ◆ Demolition of all structures on the site;
- ◆ Construction of a new 232 m<sup>2</sup> canopy and bunded fuel bowser filling area (4 double fill bowsters);
- ◆ New underground fuel storage tanks;
- ◆ Convenience shop (193 m<sup>2</sup> GFA);
- ◆ Service yard (20 m<sup>2</sup> GFA) and delivery bay for the convenience store;
- ◆ 13 on-site car parking spaces including 1 accessible space;
- ◆ Modified entry and exit vehicular accesses to Munster Street and Gordon Street;
- ◆ Removal of redundant accesses and reinstatement of kerb and footpath; and
- ◆ Landscaping and property drainage work to Port Macquarie Hastings Council requirements.



## 9. TRAFFIC GENERATION

The applicant (RCI Group) runs a number of similar service stations in Regional NSW particularly in the lower Hunter and Central Coast areas. They have previously engaged Northern Transport Planning and Engineering to survey three similar type service stations to determine a more appropriate traffic generation rate than that provided within the *RTA's Guide to Traffic Generating Developments (2002)*. The service stations surveyed, and the survey results are shown below;

- ◆ Caltex / Woolworths – Dora Street, Morisset;
- ◆ Edgeworth Mobile / 7 Eleven – Main Road, Edgeworth; and
- ◆ Green Point Mobile / 7 Eleven – Avoca Drive, Green Point.

	Morisset Woolworths			Edgeworth 7-Eleven			Green Point 7-Eleven		
	In	Out	Total	In	Out	Total	In	Out	Total
<i>Hr Ending</i>									
<b>1600</b>	49	49	98	47	46	93	48	51	99
<b>1615</b>	51	51	102	55	50	105	45	53	98
<b>1630</b>	59	59	118	50	51	101	44	49	93
<b>1645</b>	58	59	117	45	52	97	54	41	95
<b>1700</b>	51	54	105	46	51	97	55	52	107
<b>1715</b>	43	46	89	41	48	89	57	55	112
<b>1730</b>	37	40	77	41	44	85	57	56	113

Based on this survey NTPE determined the average PM peak hour traffic generation rates for these service stations as **112 vtp** i.e. 56 inbound trips and 56 outbound trips. This traffic generation has been adopted in this assessment as the critical peak traffic generation for assessment also noting peak road network traffic volumes generally occur during the PM peak period.

It is noted however that as a service station on a major distributor / collector road that at least 75 % of traffic accessing the site will be passing traffic i.e. traffic already on the road network. Therefore, the additional traffic generated by the development on the local and state road network will only be in the order of **30 vtp**. This assessment also does not account for the existing traffic generation from the site which is likely to be similar to or a high percentage of the additional 30 vtp generated by this development due to its use as an informal car park, commercial building and dwelling. Therefore, it is argued that the proposed development will only result in a minor and insignificant increase in traffic volumes on the local road network.

This traffic associated with the development needs to be distributed through the road network and the likely traffic distribution assumptions adopted for this assessment are assuming AM and PM traffic generation is the same:

- ◆ Approximately 50 % of entering and exiting traffic will utilise the Munster Street and Gordon Street;
- ◆ 50 % of trips are inbound and 50 % of trips are outbound during the AM and PM peak periods.
- ◆ 35 % of traffic will have an origin / destination east via Gordon Street , 35 % will have an origin / destination west via Gordon Street, 5 % will have an origin / destination south via Munster Street and 25 % will have an origin / destination north via Munster Street



The resulting development traffic trip distribution is presented diagrammatically in **Figure 3** below.

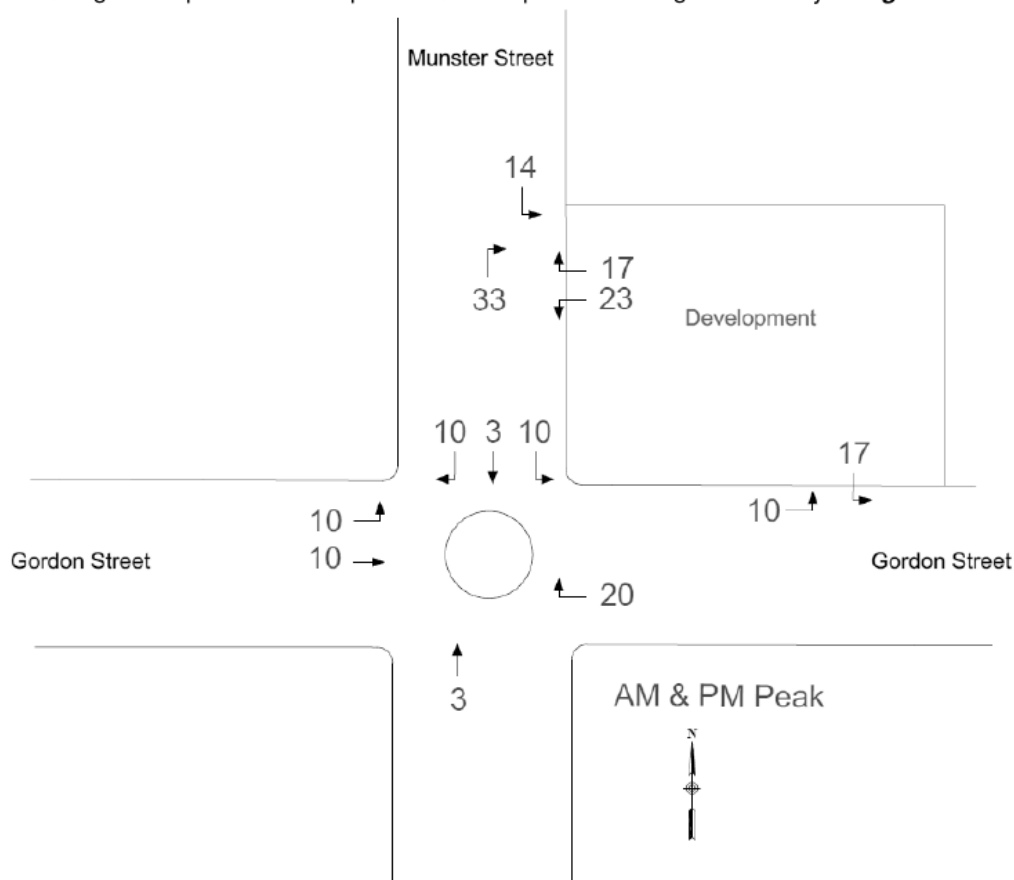


Figure 3: Development Traffic AM & PM Trip Distribution.

## 10. PEAK PARKING DEMAND

Chapter 2.5 – Transport, Traffic Management, Access and Car Parking of the Port Macquarie Hastings DCP (2013) sets out the relevant on-site car parking schedules for land uses within the Port Macquarie Hastings area. The relevant rates contained in the DCP are as follows;

### Service Station

- ♦ Car Parking – 3 per work bay + 1 per employee + 2 customer (minimum) + any Restaurant/Take Away Food requirements

Noting no work bays in the service station and a maximum of 2 employees on site for the service station the resulting minimum peak parking demand calculated from the DCP is:

$$\text{Car Parking} = 2 + 2 = 4 \text{ spaces.}$$

It is noted the requirements for car parking taken from the RTA's Guide to Traffic Generating Developments (2002) at 5 spaces per 100 m<sup>2</sup> GFA of convenience store is 10 spaces.



## 11. TRAFFIC IMPACT ASSESSMENT

### 11.1 Road Network Capacity

**Section 6** of this report determined that the existing local road network has spare capacity to cater for additional traffic on the local road network. **Section 9** of this report determined that the proposed service station complex could generate up to an additional 30 vtp/h on the local road network when passing traffic is considered. The likely additional traffic on the local road network is expected to be as shown below based on the trip distributions shown in **Figure 3** noting this **additional** traffic is only 25 % of values shown in **Figure 3**.

- ◆ Gordon Street east of Munster Street – 12 vtp/h;
- ◆ Gordon Street west of Munster Street – 8 vtp/h;
- ◆ Munster Street north of Gordon Street – 14 vtp/h; and
- ◆ Munster Street south of Gordon Street – 2 vtp/h.

Therefore, the proposal will not result in the road network capacity thresholds in both 2019 and 2029 being reached as demonstrated in **Table 2** below. It is therefore reasonable to conclude the development will not adversely impact on the mid-block two-way capacity of the state and local road network.

**Table 2 – Road Network Capacity Assessment**

Road	Section	Capacity vtp/h	2019 AM	2019 PM	2029 AM	2029 PM	Development	
			peak vtp/h	peak vtp/h	peak vtp/h	peak vtp/h	AM	PM
Gordon Street	east of Munster Street	3800	1328	1397	1616	1700	12	12
Gordon Street	west of Munster Street	3800	1659	1571	2021	1913	8	8
Munster Street	north of Gordon Street	1800	575	477	698	578	14	14
Munster Street	south of Gordon Street	1800	120	111	146	135	2	2

### 11.2 Intersection Capacity

In assessing intersection performance for the adjoining road network intersections, it is noted that the additional traffic generated by the development at any intersection will be less than 2 % of existing traffic flows through the intersection therefore within the normal daily and seasonal variations of peak hour traffic flows and thus it is generally recognised that no additional intersection analysis is required. Further the Gordon Street / Munster Street intersection was observed to operate satisfactorily during the AM and PM peak periods.

It is therefore reasonable to conclude that the proposal will not adversely impact on the operation of intersections within the local and state road network as additional traffic volumes on the road network are insignificant.

To demonstrate this however the Gordon Street / Munster Street intersection was modelled using the SIDRA INTERSECTION 8 software. This software package predicts likely delays, queue lengths and thus levels of service that will occur at intersections. Assessment is then based on the level of service requirements of the RMS shown below in Table 4.2 below. Assumptions made in this modelling were:

- ◆ The intersection layout is as constructed i.e. two-lane roundabout.
- ◆ Traffic volumes used in the modelling were as collected by Intersect Traffic in 2019.
- ◆ Traffic generated by the development is distributed as per **Figure 3**.
- ◆ Future traffic growth predicted using a 2.0% per annum background traffic growth
- ◆ The intersection was modelled for both the 2019 and 2029 post development scenarios.



The summarised 'all vehicles' results of the modelling are provided in **Table 3** below. The Sidra Movement Summary Tables are provided in **Appendix 3**.

Table 4.2  
Level of service criteria for intersections

Level of Service	Average Delay per Vehicle (secs/veh)	Traffic Signals, Roundabout	Give Way & Stop Signs
A	< 14	Good operation	Good operation
B	15 to 28	Good with acceptable delays & spare capacity	Acceptable delays & spare capacity
C	29 to 42	Satisfactory	Satisfactory, but accident study required
D	43 to 56	Operating near capacity	Near capacity & accident study required
E	57 to 70	At capacity; at signals, incidents will cause excessive delays Roundabouts require other control mode	At capacity, requires other control mode

Source: - RTA's Guide to Traffic Generating Developments (2002).

**Table 3 – Sidra Results – Gordon Street / Munster Street roundabout.**

Modelled Peak	Degree of Saturation (v/c)	Average Delay (s)	Average Level of Service	95% back of queue length (cars)
2019 AM with development	0.392	6.0	A	2.4
2019 PM with development	0.368	5.8	A	2.1
2029 AM with development	0.499	6.4	A	3.4
2029 PM with development	0.478	6.2	A	2.9

This modelling shows that the Gordon Street / Munster Street roundabout will continue to operate satisfactorily post development through to and beyond 2029. Average delays, LoS and queue lengths remain well within the acceptable thresholds set by NSW RMS.

It is therefore reasonable to conclude the proposed development alone will not adversely impact on the operation of any intersection on the local road network.

### 11.3 Access

The site will utilise existing accesses to the site off Gordon Street and Munster Street albeit they will be widened to cater for entry and exit movements for light and heavy vehicles expected to require access to the site. The proposal will operate with combined entry / exit driveways to both Munster Street and Gordon Street. Due to the raised central median in Gordon Street along the site frontage the Gordon Street access will operate as a left in and left out only access therefore the Munster Street access will be used by westbound traffic to access the site.

In determining the relevant standard for sight distance at the property accesses it is noted that the accesses are a private property access that currently service and will continue to service other than domestic properties. On that basis the relevant sight distance standard is Australian Standard AS 2890.1 – 2004 Parking facilities – Part 1: Off-street car parking.

Figure 3.2 of this standard designates the minimum sight distance requirements at access driveways which for a 60 km/h speed limit is 65 metres to 85 metres and 45 metres to 70 metres for a 50 km/h speed limit. By observation the sight distance along Gordon Street from the site is well in excess of 65 metres and on Munster Street exceeds 50 metres to the Gordon Street roundabout and is in excess of 100 metres to the north, therefore available sight distance at the accesses is compliant with the minimum requirements of Australian Standard AS 2890.1 – 2004 Parking facilities – Part 1: Off-street car parking. Notwithstanding the sight distance from the





access on Gordon Street also exceeds the Austroads requirements for a public road intersection (*Austroads Guide to Road Design – Part 4A Signalised and Unsignalised Intersections and Crossings (2010)*) of 115 metres to 125 metres for a 60 km/h speed zone. Therefore, it is concluded that the sight distances at the proposed development accesses are satisfactory.

The site accesses will service a 13-space car park and 8 fill points for short term parking (Class 3A) fronting a local road therefore under Table 3.1 of AS2890.1-2004 is required to be a Category 1 access which Table 3.2 states needs to be a combined entry / exit access 3 to 5.5 metres wide. The proposed combined entry / exits off Munster Street and Gordon Street are both approximately 9 metres wide, therefore, exceeds this requirement and are considered satisfactory. Suitable queuing areas also exist from the bowsters to the site accesses such that the risk of vehicles queuing back onto the road network is minimal. The development plans (**Appendix 1**) demonstrate the accesses are also suitable for forward entry and exit for the largest service vehicle using the site being a 16-metre articulated fuel tanker as well as the HRV vehicles servicing the convenience store with entry via Gordon Street and exit via Munster Street.

The rationalisation of accesses to the site with the reduction of two accesses improves road safety in the area by removing the accesses closest to the roundabout and reducing the number of traffic conflict points on the road network. It will also allow Council to provide additional on-street car parking in Munster Street if they so desire. Therefore the access arrangements for the development will have a positive safety effect on the road network.

This assessment therefore has concluded that the proposed access arrangements for the development are satisfactory and compliant with Australian Standard AS 2890.1 – 2004 *Parking facilities – Part 1: Off-street car parking* and *Port Macquarie Hastings DCP (2013)* requirements.

#### 11.4 On-Site Parking

**Section 10** of this assessment has determined that the proposed development is required to provide a minimum of 4 on-site car parking spaces to meet the requirements of the *Port Macquarie Hastings DCP (2013)* and 10 spaces to meet the requirements of the *RTA's Guide to Traffic Generating Developments (2002)*. The proposal provides for 13 on-site car parking spaces, including one accessible car parking spaces, therefore is more than compliant with the *Port Macquarie Hastings DCP (2013)* and NSW RMS requirements.

The fuel tanker using the site can enter the site from Gordon Street and exit the site to Munster Street in a forward direction whilst accessing the fill points on site. Fuel tanker deliveries will be undertaken during non-peak periods (usually evenings) and will require closure of two of the fill points during the servicing operation under a delivery management plan for the site. This will not adversely impact on the operation of the development. Service vehicles (up to MRV's) for the convenience store and food and drink premises can also utilise either the Gordon Street or Munster Street accesses for forward entry and exit from the site during non-peak periods. Servicing arrangements on site are therefore considered suitable and swept turning paths are shown on the plans demonstrating this.

The parking spaces are required to meet the requirements of Australian Standards AS2890.1-2004 – *Parking facilities Part 1 – off street car parking* and should be such that forward entry and exit from the site occurs for all vehicles. In this regard the parking bays being 2.6 metres x 5.5 metres wide exceed the requirements for the parking bays for a Class 3A parking facility (short term, high turnover) which is 2.6 m x 5.4 m. The aisle widths adjacent to the parking areas are required to be a minimum 6.6 metres to comply with AS 2890.1-2004 and the development plans show compliance with this requirement.

It is therefore concluded that the proposed on-site car parking would comply with Australian Standards AS2890.1-2004 – *Parking facilities Part 1 – off street car parking* and would ensure all traffic movements to and from the site are in a forward direction.



### 11.5 Alternate Transport Modes

Whilst this type of development may generate a very small amount of pedestrian and cycleway traffic, it would not be sufficient for a nexus to require additional infrastructure. Concrete footpaths exist around most of the site to the nearby bus stops and are suitable for the pedestrian traffic generated by the development.

As previously discussed in **Section 7**, the site is serviced by public transport bus services with suitable bus stops on Munster Street and Gordon Street located in close proximity to the site. Whilst the bus service may be of some use to employees it is unlikely to be used by customers to access the development. The type of development proposed is unlikely to generate any significant, if any demand, for public transport services. Therefore, it is concluded that no additional public transport facilities will be needed resulting from the development.





## 12. CONCLUSIONS

This traffic and parking assessment for the proposed service station and convenience store on Lots 5, 6 & 7 DP 18259, 36 Munster Street, Port Macquarie has determined the following;

- ◆ The local and state road network is currently operating within its two-way mid-block technical capacity therefore has spare capacity to cater for development in the area.
- ◆ The proposed development could generate up to 112 vph to and from the site during peak periods of which 75 % of this traffic would be passing trade.
- ◆ The local and state road network will not reach its two-way mid-block technical capacity resulting from this development and it is reasonable to conclude the development will not adversely impact on the state and local road network subject to satisfactory intersection performance.
- ◆ The proposal will not adversely impact on the operation of intersections within the local and state road network as additional traffic volumes on the road network are less than 2 % of existing traffic flows therefore are considered insignificant.
- ◆ Sidra modelling of the Gordon Street / Munster Street roundabout has shown continued satisfactory operation post development and through to and beyond 2029.
- ◆ The proposed access arrangements for the development are satisfactory and compliant with Australian Standard AS 2890.1 – 2004 *Parking facilities – Part 1: Off-street car parking and the Port Macquarie Hastings DCP (2013)*.
- ◆ The proposed access arrangements for the development which reduces the number of accesses to the site will have a positive safety effect on the road network by reducing potential vehicle and pedestrian conflict points on the road network and giving Council the opportunity to provide additional on-street car parking in Munster Street.
- ◆ Suitable queuing areas exist from the bowlers to the site accesses such that the risk of vehicles queuing back onto the road network is minimal.
- ◆ The proposed development by providing 13 on-site car parks including an accessible car space provides sufficient and suitable car parking to meet the requirements of the *Port Macquarie Hastings DCP (2013)*, NSW RMS and Australian Standard AS 2890.1-2004 *"Parking Facilities Part 1 – Off street car parking"*.
- ◆ The servicing facilities provided within the site are satisfactory and allow convenient servicing of the site with forward entry and exit from the site for the fuel tankers and service vehicles. This has been demonstrated with the provision of swept turning paths on the plans.
- ◆ No additional public transport facilities will be needed resulting from the development as little demand for such services will be generated by the development and suitable public transport services and infrastructure already exists within the vicinity of the site.
- ◆ Whilst this type of development may generate a very small amount of pedestrian and cycleway traffic, it would not be sufficient to require additional infrastructure.



## 13. RECOMMENDATION

Having carried out this traffic and parking assessment of the proposed development of a service station and convenience store on Lots 5, 6 & 7 DP 18259, 36 Munster Street, Port Macquarie it is recommended that the proposal can be supported from a traffic impact perspective as it will not adversely impact on the local and state road network and the development complies with all relevant Port Macquarie - Hastings Council, Australian Standards and NSW Roads and Maritime Services requirements in regard to access, on-site car parking and servicing.

A handwritten signature in black ink, appearing to read "JR Garry".

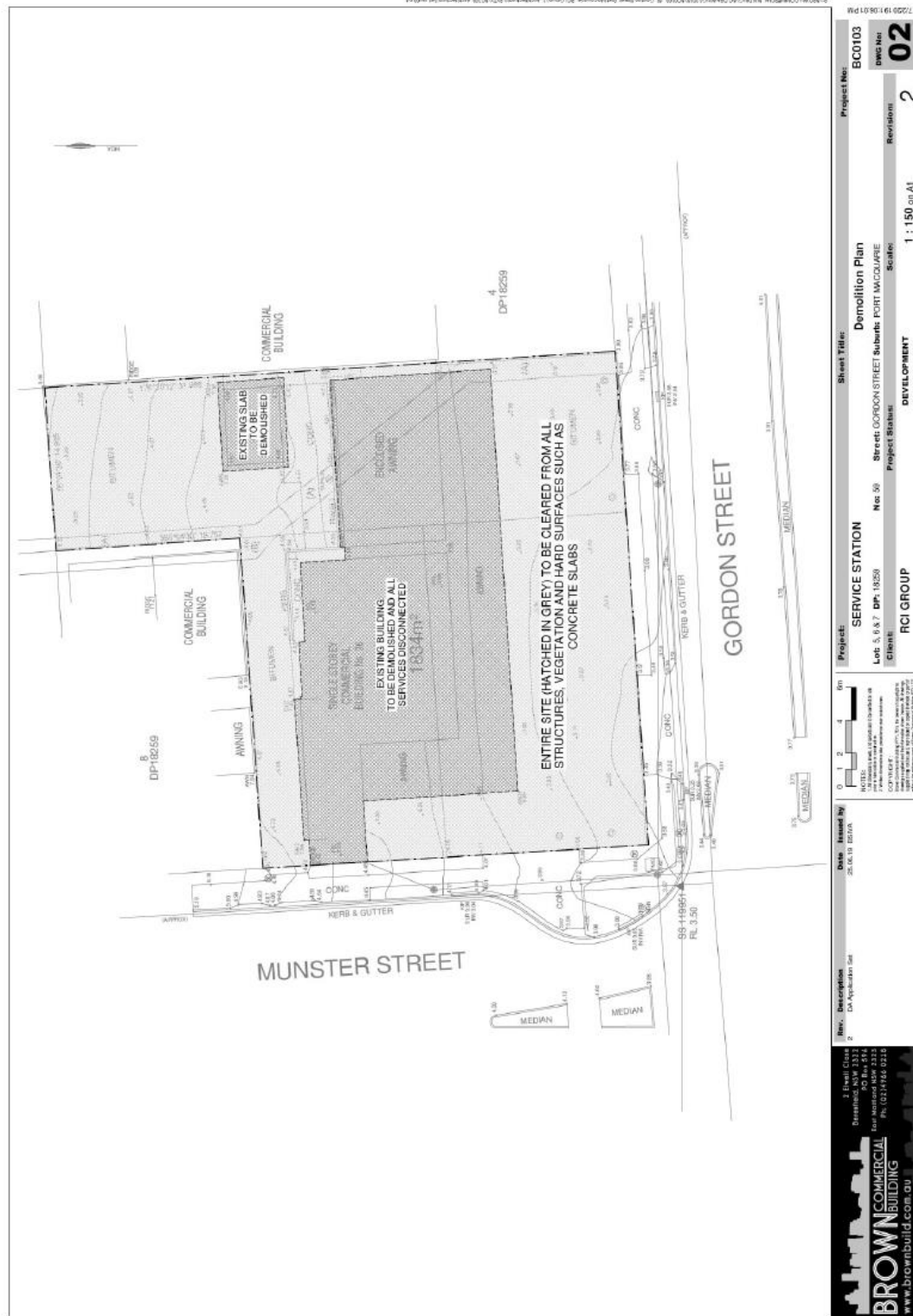
**JR Garry BE (Civil), Masters of Traffic**  
**Director**  
**Intersect Traffic Pty Ltd**

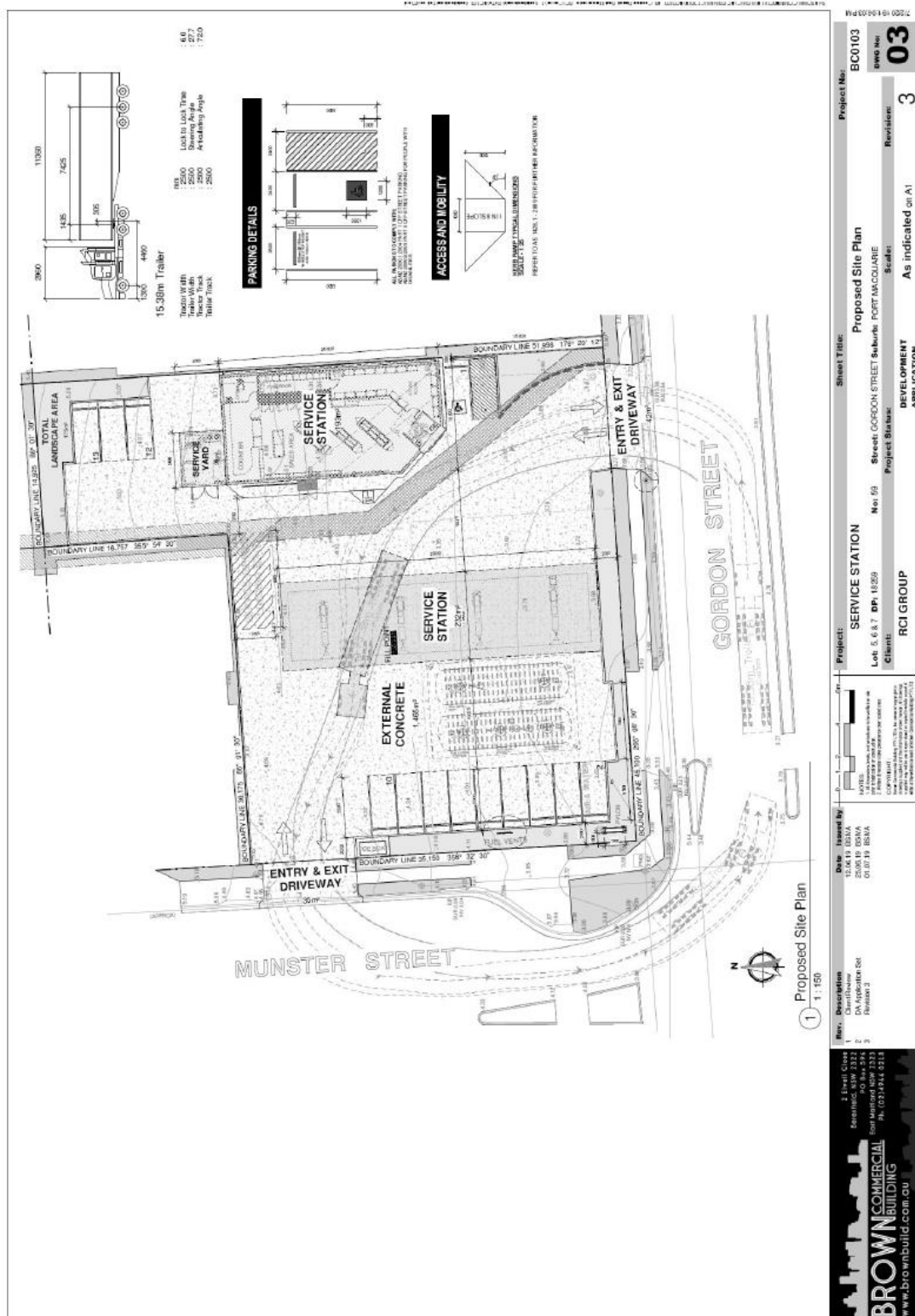


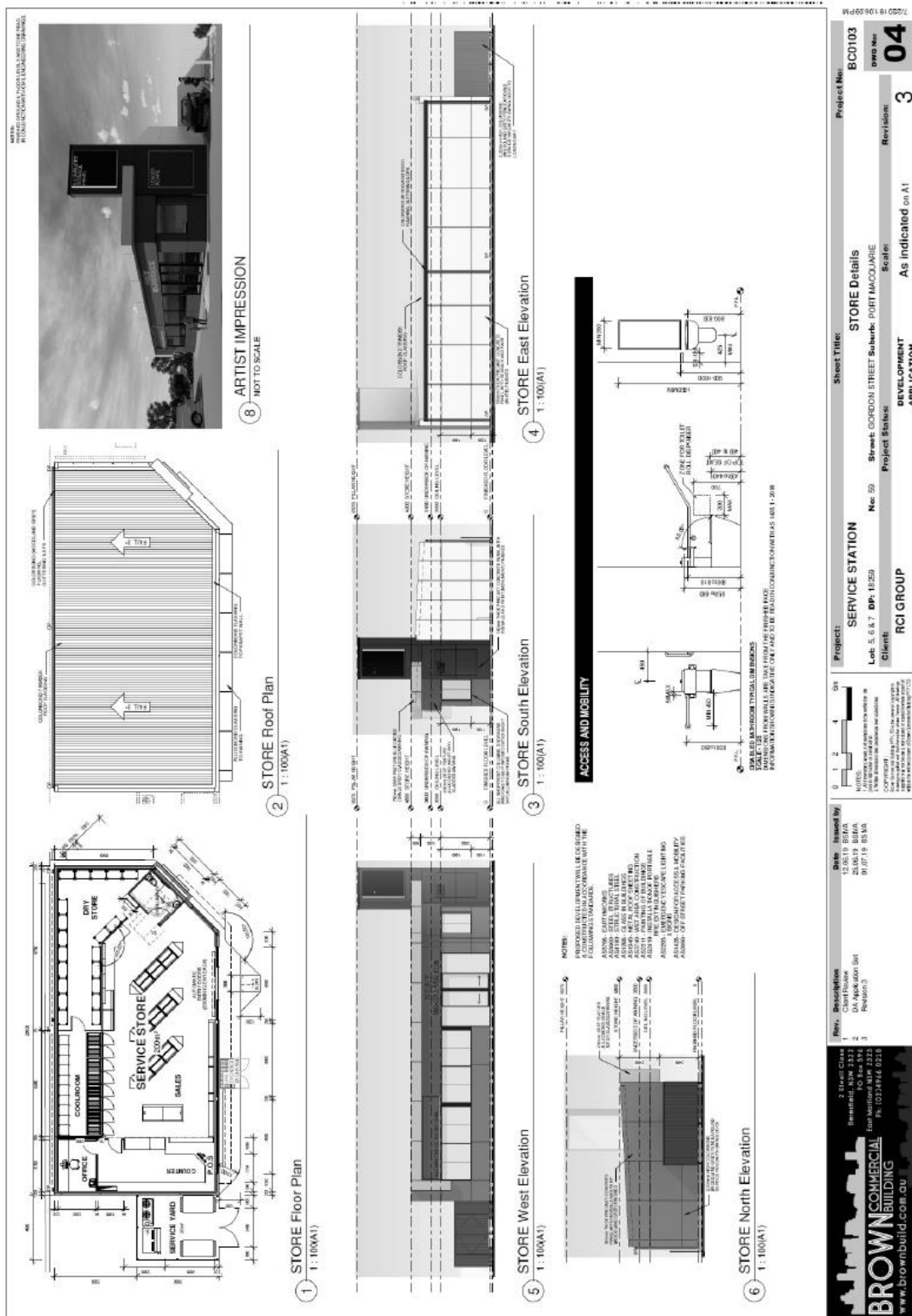


# APPENDIX 1

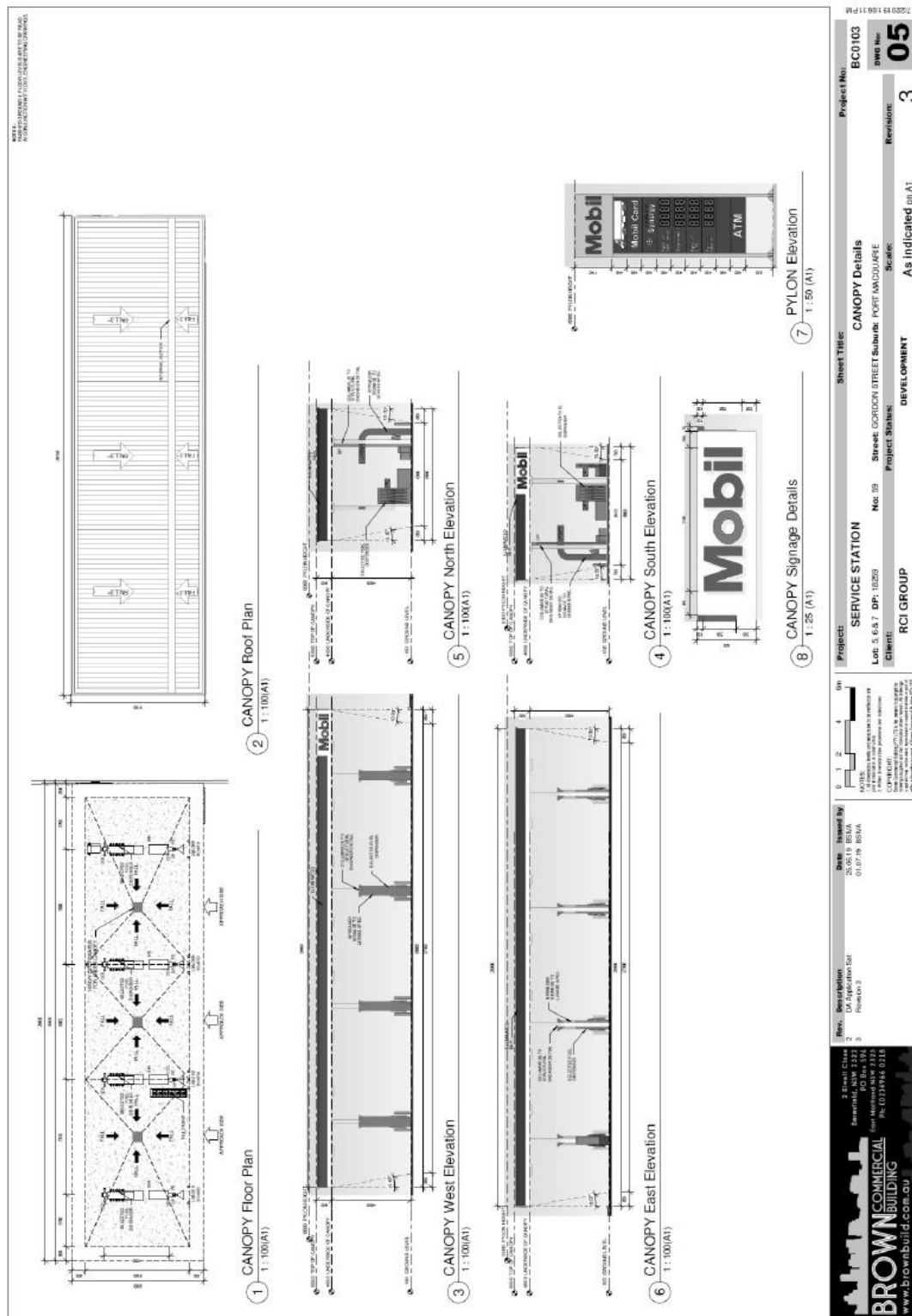
## DEVELOPMENT PLANS













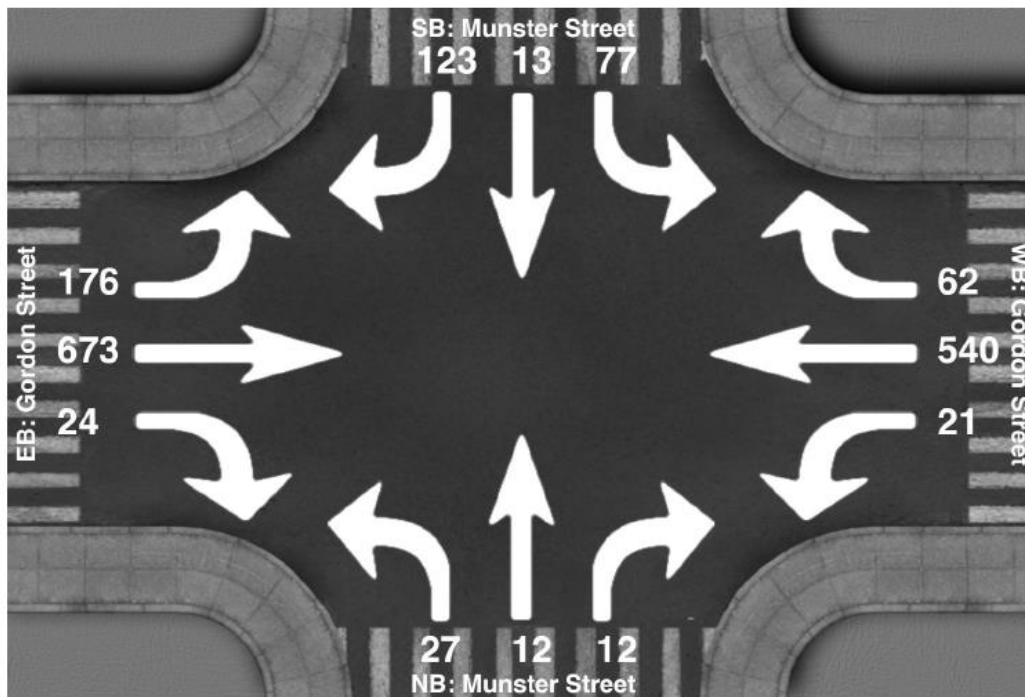
# APPENDIX 2

## TRAFFIC COUNT DATA



## Intersection Peak Hour

**Location:** Munster Street at Gordon Street, Port Macquarie  
**GPS Coordinates:** Lat=-31.438278, Lon=152.899887  
**Date:** 2019-06-27  
**Day of week:** Thursday  
**Weather:**  
**Analyst:** Jeff



## Intersection Peak Hour

15:30 - 16:30

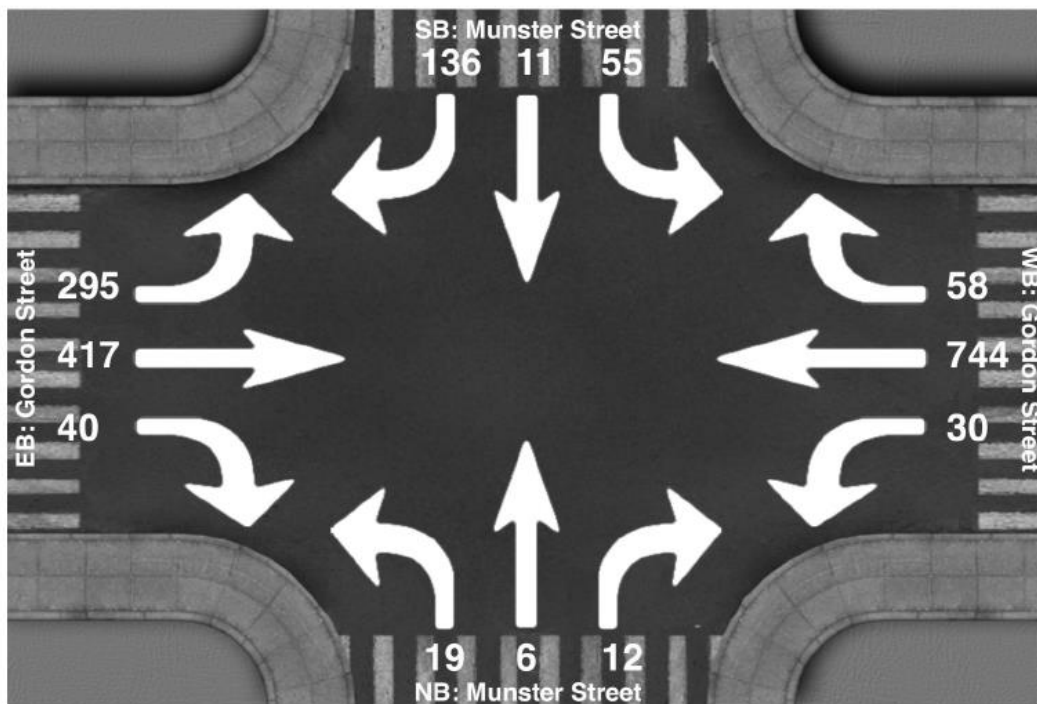
	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Vehicle Total	77	13	123	21	540	62	27	12	12	176	673	24	1760
Factor	0.77	0.81	0.83	0.66	0.92	0.82	0.75	0.75	0.50	0.77	0.82	0.60	0.90
Approach Factor	0.87			0.91			0.71			0.82			

APPENDIX 2



## Intersection Peak Hour

**Location:** Munster Street at Gordon Street, Port Macquarie  
**GPS Coordinates:** Lat=-31.433140, Lon=152.912909  
**Date:** 2019-06-28  
**Day of week:** Friday  
**Weather:**  
**Analyst:** Jeff



## Intersection Peak Hour

08:00 - 09:00

	SouthBound			Westbound			Northbound			Eastbound			Total
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	
Vehicle Total	55	11	136	30	744	58	19	6	12	295	417	40	1823
Factor	0.86	0.92	0.87	0.58	0.91	0.58	0.40	0.75	0.60	0.89	0.91	0.71	0.94
Approach Factor	0.87			0.92			0.51			0.91			

APPENDIX 2



# APPENDIX 3

## SIDRA SUMMARY TABLES



## MOVEMENT SUMMARY

Site: 101 [2019 AM + development]

Gordon Street / Munster Street roundabout

Port Macquarie

Site Category: (None)

Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Munster Street												
1	L2	20	5.0	0.070	7.0	LOS A	0.3	2.0	0.62	0.78	0.62	27.1
2	T1	9	5.0	0.070	7.0	LOS A	0.3	2.0	0.62	0.78	0.62	38.4
3	R2	13	5.0	0.070	10.8	LOS A	0.3	2.0	0.62	0.78	0.62	39.1
Approach		42	5.0	0.070	8.1	LOS A	0.3	2.0	0.62	0.78	0.62	33.4
East: Gordon Street												
4	L2	32	5.0	0.392	5.7	LOS A	2.4	17.3	0.45	0.56	0.45	41.1
5	T1	783	5.0	0.392	5.7	LOS A	2.4	17.3	0.45	0.57	0.45	39.1
6	R2	82	5.0	0.392	9.6	LOS A	2.4	17.2	0.45	0.59	0.45	44.5
Approach		897	5.0	0.392	6.0	LOS A	2.4	17.3	0.45	0.57	0.45	39.7
North: Munster Street												
7	L2	68	5.0	0.296	5.9	LOS A	1.4	9.9	0.56	0.77	0.56	39.8
8	T1	15	5.0	0.296	6.0	LOS A	1.4	9.9	0.56	0.77	0.56	38.0
9	R2	154	5.0	0.296	9.8	LOS A	1.4	9.9	0.56	0.77	0.56	29.3
Approach		237	5.0	0.296	8.4	LOS A	1.4	9.9	0.56	0.77	0.56	32.8
West: Gordon Street												
10	L2	321	5.0	0.318	5.0	LOS A	1.8	12.9	0.28	0.52	0.28	40.4
11	T1	449	5.0	0.318	4.8	LOS A	1.8	12.9	0.29	0.50	0.29	44.6
12	R2	42	5.0	0.318	8.9	LOS A	1.8	12.8	0.29	0.49	0.29	35.5
Approach		813	5.0	0.318	5.1	LOS A	1.8	12.9	0.29	0.51	0.29	42.5
All Vehicles		1988	5.0	0.392	6.0	LOS A	2.4	17.3	0.40	0.57	0.40	39.5

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Project: Not Saved



## MOVEMENT SUMMARY

Site: 101 [2029 AM + development]

Gordon Street / Munster Street roundabout  
Port Macquarie  
Site Category: (None)  
Roundabout  
Design Life Analysis (Final Year): Results for 10 years

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Munster Street												
1	L2	24	5.0	0.100	7.9	LOS A	0.4	3.0	0.69	0.85	0.69	26.3
2	T1	12	5.0	0.100	7.9	LOS A	0.4	3.0	0.69	0.85	0.69	37.3
3	R2	15	5.0	0.100	11.7	LOS A	0.4	3.0	0.69	0.85	0.69	37.9
Approach		51	5.0	0.100	9.0	LOS A	0.4	3.0	0.69	0.85	0.69	32.4
East: Gordon Street												
4	L2	38	5.0	0.499	6.2	LOS A	3.4	24.9	0.55	0.61	0.55	40.2
5	T1	955	5.0	0.499	6.1	LOS A	3.4	24.9	0.56	0.62	0.56	38.4
6	R2	100	5.0	0.499	10.1	LOS A	3.4	24.6	0.56	0.64	0.56	43.8
Approach		1093	5.0	0.499	6.5	LOS A	3.4	24.9	0.56	0.62	0.56	39.0
North: Munster Street												
7	L2	83	5.0	0.389	6.9	LOS A	2.0	14.4	0.64	0.86	0.67	38.9
8	T1	18	5.0	0.389	6.9	LOS A	2.0	14.4	0.64	0.86	0.67	36.9
9	R2	187	5.0	0.389	10.7	LOS A	2.0	14.4	0.64	0.86	0.67	28.6
Approach		289	5.0	0.389	9.4	LOS A	2.0	14.4	0.64	0.86	0.67	32.0
West: Gordon Street												
10	L2	391	5.0	0.396	5.2	LOS A	2.4	17.9	0.35	0.53	0.35	40.0
11	T1	548	5.0	0.396	5.0	LOS A	2.4	17.9	0.35	0.52	0.35	44.0
12	R2	51	5.0	0.396	9.1	LOS A	2.4	17.7	0.36	0.51	0.36	34.9
Approach		991	5.0	0.396	5.3	LOS A	2.4	17.9	0.35	0.52	0.35	42.0
All Vehicles		2424	5.0	0.499	6.4	LOS A	3.4	24.9	0.49	0.62	0.49	38.8

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Project: Not Saved



## MOVEMENT SUMMARY

Site: 101 [2019 PM + development]

Gordon Street / Munster Street roundabout  
Port Macquarie  
Site Category: (None)  
Roundabout

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Queue Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Munster Street												
1	L2	28	5.0	0.080	6.1	LOS A	0.3	2.2	0.54	0.71	0.54	28.2
2	T1	16	5.0	0.080	6.1	LOS A	0.3	2.2	0.54	0.71	0.54	39.9
3	R2	13	5.0	0.080	9.9	LOS A	0.3	2.2	0.54	0.71	0.54	40.6
Approach		57	5.0	0.080	6.9	LOS A	0.3	2.2	0.54	0.71	0.54	34.4
East: Gordon Street												
4	L2	22	5.0	0.277	5.2	LOS A	1.5	11.2	0.33	0.49	0.33	42.0
5	T1	568	5.0	0.277	5.2	LOS A	1.5	11.2	0.33	0.51	0.33	39.9
6	R2	86	5.0	0.277	9.1	LOS A	1.5	11.1	0.33	0.54	0.33	45.1
Approach		677	5.0	0.277	5.7	LOS A	1.5	11.2	0.33	0.51	0.33	40.7
North: Munster Street												
7	L2	140	5.0	0.352	7.0	LOS A	1.6	11.8	0.64	0.84	0.66	39.7
8	T1	17	5.0	0.352	7.1	LOS A	1.6	11.8	0.64	0.84	0.66	37.8
9	R2	92	5.0	0.352	10.9	LOS A	1.6	11.8	0.64	0.84	0.66	29.0
Approach		248	5.0	0.352	8.4	LOS A	1.6	11.8	0.64	0.84	0.66	35.6
West: Gordon Street												
10	L2	196	5.0	0.368	5.1	LOS A	2.1	15.3	0.30	0.50	0.30	40.4
11	T1	719	5.0	0.368	4.9	LOS A	2.1	15.3	0.31	0.50	0.31	44.7
12	R2	25	5.0	0.368	9.0	LOS A	2.1	15.2	0.31	0.49	0.31	35.5
Approach		940	5.0	0.368	5.1	LOS A	2.1	15.3	0.31	0.50	0.31	43.5
All Vehicles		1922	5.0	0.368	5.8	LOS A	2.1	15.3	0.36	0.55	0.37	40.9

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.





## MOVEMENT SUMMARY

Site: 101 [2029 PM + development]

Gordon Street / Munster Street roundabout

Port Macquarie

Site Category: (None)

Roundabout

Design Life Analysis (Final Year): Results for 10 years

Movement Performance - Vehicles												
Mov ID	Turn	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
South: Munster Street												
1	L2	35	5.0	0.107	6.7	LOS A	0.4	3.1	0.60	0.77	0.60	27.6
2	T1	19	5.0	0.107	6.7	LOS A	0.4	3.1	0.60	0.77	0.60	39.1
3	R2	15	5.0	0.107	10.5	LOS A	0.4	3.1	0.60	0.77	0.60	39.9
Approach		69	5.0	0.107	7.5	LOS A	0.4	3.1	0.60	0.77	0.60	33.7
East: Gordon Street												
4	L2	27	5.0	0.347	5.4	LOS A	2.1	15.3	0.39	0.52	0.39	41.5
5	T1	693	5.0	0.347	5.4	LOS A	2.1	15.3	0.39	0.54	0.39	39.4
6	R2	105	5.0	0.347	9.3	LOS A	2.1	15.1	0.40	0.57	0.40	44.7
Approach		825	5.0	0.347	5.9	LOS A	2.1	15.3	0.39	0.54	0.39	40.2
North: Munster Street												
7	L2	171	5.0	0.478	8.9	LOS A	2.6	19.0	0.73	0.93	0.88	37.8
8	T1	21	5.0	0.478	9.0	LOS A	2.6	19.0	0.73	0.93	0.88	35.6
9	R2	112	5.0	0.478	12.8	LOS A	2.6	19.0	0.73	0.93	0.88	27.6
Approach		303	5.0	0.478	10.3	LOS A	2.6	19.0	0.73	0.93	0.88	33.9
West: Gordon Street												
10	L2	239	5.0	0.459	5.3	LOS A	2.9	21.5	0.38	0.53	0.38	39.9
11	T1	876	5.0	0.459	5.2	LOS A	2.9	21.5	0.38	0.52	0.38	44.0
12	R2	31	5.0	0.459	9.2	LOS A	2.9	21.3	0.39	0.52	0.39	34.9
Approach		1146	5.0	0.459	5.3	LOS A	2.9	21.5	0.38	0.52	0.38	42.9
All Vehicles		2343	5.0	0.478	6.2	LOS A	2.9	21.5	0.44	0.59	0.46	40.1

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).  
Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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Project: Not Saved

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**Item: 06****Subject: DA2019 - 761.1 DWELLING AND SWIMMING POOL INCLUDING  
CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS)  
OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL  
PLAN 2011, LOT 60 DP 261991, NO 14 PHOENIX CRESCENT, PORT  
MACQUARIE****Report Author: Development Assessment Planner, Robert Slater**

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**Applicant: Morr Constructions Pty Ltd  
Owner: C J Hamilton  
Estimated Cost: \$900,000  
Parcel no: 9745**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA 2019 - 761.1 for a dwelling and swimming pool including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 60, DP 261991, No. 14 Phoenix Crescent, Port Macquarie by determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a development application for a dwelling and swimming pool 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, two (2) submissions were received.

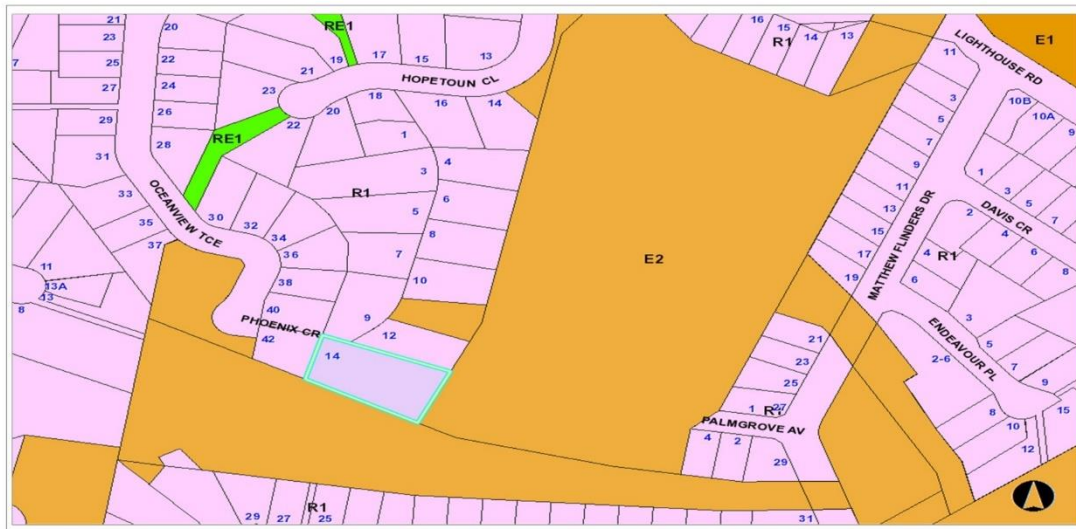
The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

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

**1. BACKGROUND****Existing Sites Features and Surrounding Development**

The site has an area of 2602m<sup>2</sup>.

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:

Three (3) storey dwelling and swimming pool

1.

2. Refer to Attachment 2 at the end of this report for plans of the proposed development.

**Application Chronology**

- 18 October 2019 - Application lodged
- 4 November 2019 - Public notification of application
- 4 November 2019 - External referral to RFS
- 7 November 2019 to 20 November 2019 - Notification period
- 14 November 2019 - RFS submission acknowledgement
- 14 November 2019 - Submission received
- 14 November 2019 - Submission acknowledgement
- 20 November 2019 - Access request to 42 Ocean view Tce
- 20 November 2019 - Additional information request
- 21 November 2019 - Late submission received
- 21 November 2019 - Late submission acknowledgement
- 9 October 2019 - Additional information request
- 2 December 2019 - Site inspection
- 9 December 2019 - Revised Plans / SOEE Received

**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**

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area 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 (Coastal Management) 2018**

The site is located within a coastal use 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 clause 11 of the SEPP and clause 5.5 of the Port Macquarie-Hastings LEP 2011 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:

1. Any adverse impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
2. 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 dwelling has been located in the north-western corner of the development site to avoid the mapped littoral rainforest. Recommendations have been included within the submitted ecological impact assessment prepared by Biodiversity Australia to ensure impacts are minimised and avoided.

The proposed on-site 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:

1. Any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
2. Any adverse impacts coastal environmental values and natural coastal processes;
3. Any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
4. Any adverse impact on Aboriginal cultural heritage, practices and places;
5. Any adverse impacts on the cultural and built environment heritage;
6. Any adverse impacts the use of the surf zone;
7. Any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
8. Overshadowing, wind funnelling and the loss of views from public places to foreshores;
9. Any 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;

In accordance with Clause 15, the proposal is not likely to cause increased risk of coastal hazards on that land or other land.

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.

#### **Port Macquarie-Hastings Local Environmental Plan 2011**

Clause 2.2 - The subject site is zoned R1 General Residential.

3. 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 as it is a permissible landuse and consistent with the established residential locality. The proposal contributes to the range of housing options in the locality.

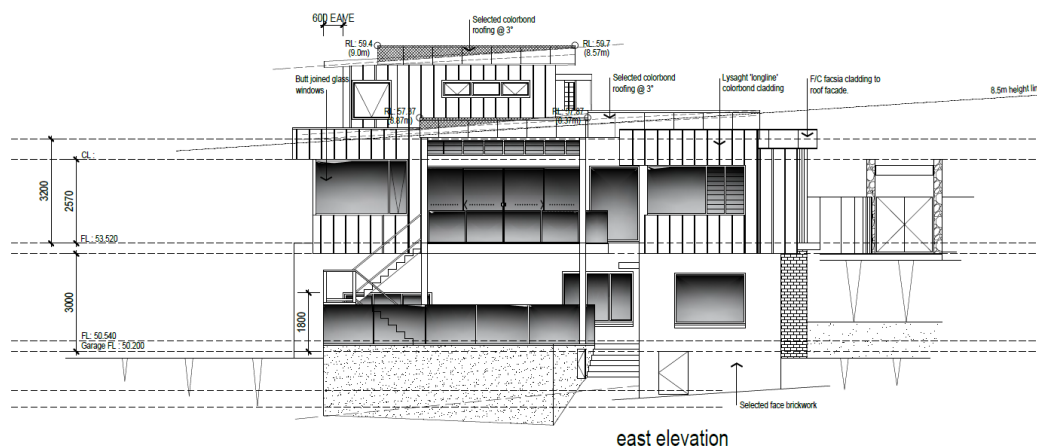
Clause 4.3 - This clause establishes the maximum “height of a building” (or building height) that a building may be built to on any parcel of land. The term “building height (or height of building)” is defined in the LEP to mean “*the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like*”. The term “ground level (existing)” is also defined in the LEP to mean “*the existing level of a site at any point*”.

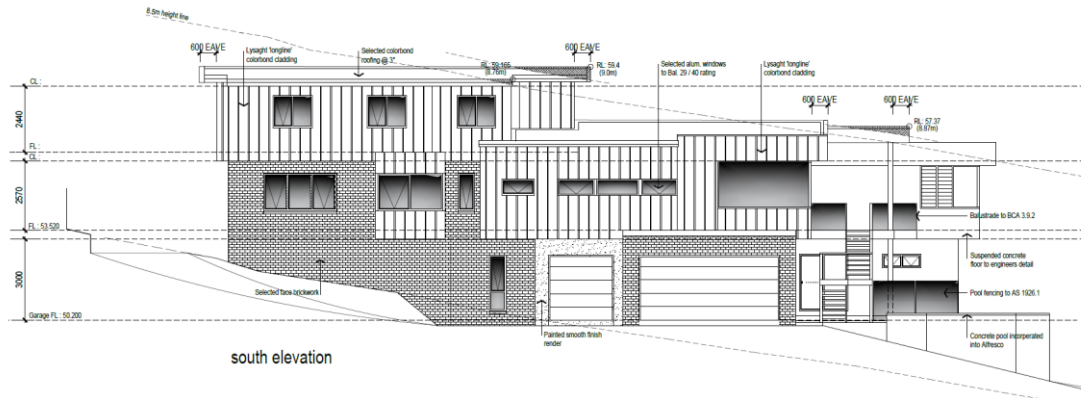
The building height limit for the site is identified on the Height of Buildings Map as being 8.5m. The proposed development exceeds the numerical height standard by 0.5m, which represents a variation of 5.8 %.



**Figure1:** Map HOB\_013FA of the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011

The submitted plans have identified which areas of the building that exceed the height limit.





**Figure 2:** Elevation indicating height exceedances.



**Figure 3:** Height poles in the location of the two proposed height exceedances. The pole to the right of frame has a total height of 9m (0.5m or 5.8% exceedance), whilst the pole to the left has a total height of 8.76m (0.26m or 3% exceedance).

Clause 4.6 - This clause establishes a degree of flexibility for certain development standards in certain circumstances, which have demonstrated that a better planning outcome will occur from that flexibility.

In this regard, the proposal seeks a variation to the building height standard as identified under clause 4.3 of this report. Assistance on the approach to variation to this standard is also taken from NSW Land and Environment Court and NSW Court of Appeal decisions in:

- Wehbe v Pittwater Council (2007) NSW LEC 827 (Wehbe);
- Four2Five Pty Ltd v Ashfield Council (2015) NSWLEC 1009; and
- Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) NSWCA 245



Having regard to specific requirements of clause 4.6(3) and 4.6(4) the following assessment comments are provided:

- (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.*

**Comments:** The Applicant has submitted a request in writing to justify the contravention of the building height standard for the following reasons (as summarised):

- The proposed height exceedances are considered minimal, occurring only in the south eastern corner of the proposed rooves on the third storey;
- The site slopes consistently from west to east at a grade of approximately 24 degrees;
- The proposed dwelling has been designed to generally match the slope of the site, stepping down in sections as the building moves to the east;
- The proposed roof pitch has been minimised, 3 degree skillion, to ensure that the proposed overall height of the building is reduced;
- Due to the dwellings position, it will not have a detrimental impact by manner of over shadowing on any structures to the south or east;
- Due to the dwellings elevation below adjoining Lot 42 (west) it will not have a detrimental impact by manner of overshadowing on the existing adjoining dwelling;
- The proposed height encroachment is not considered to have a detrimental impact on broader views or vistas towards the coastline (east of the site);

- (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),*

**Comments:** Having regard to: 3(a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:*

In *Wehbe* 'five methods' have been developed to test whether a compliance with the standard is unreasonable or unnecessary. Having regard to the 'five methods', any of which could support consideration of the variation, the following comments are provided:

- The objectives of the height standard are achieved notwithstanding the non-compliance with the numerical 8.5m height standard.
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
- The underlying object or purpose would not be defeated or thwarted if compliance was required and therefore compliance is unreasonable.



- The development standard hasn't been virtually abandoned or destroyed by the Council's own actions in granting a consent to the proposal departing from the 8.5m standard and hence compliance is unreasonable or unnecessary.
- The zoning of the particular land is reasonable or appropriate so that a development standard appropriate for that zoning is also reasonable and necessary as it applies to the land.
- There is no detrimental impact by manner of overshadowing on the existing adjoining dwelling

Having regard to 3(b) that there are sufficient environmental planning grounds to justify contravening the development standard of the basis of the following:

- The proposed development will meet the objectives of maximum building height discussed above. The building will not have any identifiable adverse impacts to adjoining properties. The proposed variation will not result in a development that is out of character with that envisioned for the locality.

On this basis, it is considered that the Applicant's clause 4.6 variation has adequately addressed the matters required to be demonstrated by clause 4.6(3).

- (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*

**Comments:** Consideration of the proposal's consistency with the objectives of height of buildings standard is provided 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,*

4.

5. **Comments:** Several buildings in the immediate vicinity of the site are characterised as being two and three storey having with similar overall heights above ground level, due mainly to the steepness of the land. Additionally, there a number precedents where Council has approved a variation to the standard height limit of 8.5m. Three such examples are to be found at 40 Oceanview Terrace and number 9 and 12 Phoenix Crescent, Port Macquarie.

6.

7. A key aspect of this proposal is that it still presents as a two-storey dwelling to the street/public domain.

8.

9. Based on the above, the proposed height, bulk and scale of the development is considered compatible with the existing and future character of the locality.

10.

- b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

**Comments:**

The visual impact of the building is considered satisfactory for the following reasons:

- The variation in the height limit will not be readily visible from the public domain or neighbouring properties as it is only minor in nature i.e. 5.8% variation only affects a small section of the upper storey in the south eastern corner.

- The main variations are located behind the facade of the building and are therefore less distinctive.
- The building height is similar to the existing dwellings in the area and will therefore not be visually dominant.
- The variation is created by the land sloping steeply away from the street.
- Potential privacy impacts are considered under the relevant DCP provisions below and have been satisfactorily addressed in the building design.
- The floor to ceiling heights are not excessive, in fact the Department of Planning's Apartment Design Guide – Part 4C -1 recommends a minimum ceiling height of 2700mm for habitable rooms.
- The shadow diagrams demonstrate that the property immediately to the south of the subject property receives adequate mid-winter solar access. The proposed height variation will have negligible effect on shadows cast on the property.

In conclusion, the proposed development and minor height variation do not create any adverse overshadowing to the adjoining properties.

View impacts is considered elsewhere in this report under 'View Sharing'.

- c) *to minimise the adverse impact of development on heritage conservation areas and heritage items,*

11.

**Comments:** The site does not contain any known heritage items or sites of significance.

12.

- d) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.*

13.

14. **Comments:** The proposed height is consistent with other dwellings in the area. The minor variation does not compromise this intent of the standard.

15.

16. The development is consistent with the zoning and height objectives of the LEP 2011 and is unlikely to have any implications on State related issues or the broader public interest.

- e) *the concurrence of the Secretary has been obtained.*

**Comments:** As per the Planning Circular PS 08-003, Council can assume the Director's Concurrence for variations to building height standards. In addition, the variations are less than 10% and able to be determined under delegated authority of DAP

Having regard to the above requirements it is recommended that the height variation using clause 4.6 be supported.

17. Clause 4.4 - The floor space ratio of the proposal is approximately 0.21:1, which complies with the maximum 0.65:1 floor space ratio applying to the site.

18.

Clause 5.10 – The site does not contain or adjoin any known heritage items or sites of significance.

19.

20. Clause 7.5 – Koala Habitat applies to the site. Refer to comments under SEPP 44 heading.



21.

22. 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**

No draft instruments apply to the site.

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

**Port Macquarie-Hastings Development Control Plan 2013**

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	No ancillary development proposed	Yes
3.2.2.2	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 4.5m local road</li> </ul>	Front building line setback is 5.5m and compliant with the minimum 4.5m front setback requirements. Note Phoenix Crescent is a private access road.	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 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	37m	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> </ul>	4.9m	Yes

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

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> <li>First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>Building wall set in and out every 12m by 0.5m</li> </ul>	4.9m  The building wall articulation is satisfactory to address the objective intent of the development provision.	Yes  Yes
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area, which has 5% max. grade	The dwelling contains > 35m <sup>2</sup> open space in one area including a useable 4m x 4m space.	Yes
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>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</li> <li>Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>Privacy screens provided to balconies/verandahs etc. which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	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.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of	The site preparation and earthworks will require cut	No

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

	Requirements	Proposed	Complies
	the external building walls	and fill > 1m outside the perimeter of the external building walls	
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 wall likely >1m  Condition recommended to require engineering certification if one is required.	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	One hollow bearing tree (small leaved Fig) was identified on-site. The HBT was assessed under the DCP HBT protocol determined that the HBT is located outside the development footprint and will be retained in situ.	Yes
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)	Six trees are proposed to be removed. <ul style="list-style-type: none"> <li>• 1 Norfolk Island Pine</li> <li>• 4 Bangalow Palm</li> <li>• 1 Cheese Tree</li> </ul> (refer comments under Flora and Fauna)	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 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 or capacity for more than 1 parking space behind the	Yes



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

	Requirements	Proposed	Complies
	1 space per single dwelling (behind building line)	building line has been provided for.	
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
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

**(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**

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

**(iv) Any matters prescribed by the Regulations**

NSW Coastal Policy 1997 - The proposal does not conflict with the strategic intent of the Policy. The site is zoned for residential use.

**(v) Any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)), that apply to the land to which the development application relates.**

None relevant

**(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**

**Context and Setting**

The development site is zoned R1 General Residential and has an area of 2,602m<sup>2</sup> which is adjoined by dwelling houses to the west and north and vegetated public reserves to the east and south. The site slopes from west to east towards the vegetated public reserve (Littoral Rainforest), with a fall of 16.5m or 24%.

The site is accessed via Phoenix Crescent which is a private road access extending from the cul-de-sac head of Oceanview Terrace and transverse the north-western corner of the site.

The proposal is considered to be consistent with other residential development in the locality and while variations are proposed, the design adequately addresses planning controls for the area.

**View Sharing**

During the public exhibition period two submissions were received from the adjoining owners of 42 Phoenix Crescent and 40 Oceanview Terrace who raised concerns regarding the proposed development including loss of views, predominantly towards Tacking Point Lighthouse and Lighthouse Beach.

Views have been assessed from key areas within the subject properties. The attached photos are taken from primary living areas include decks.



Photo 1 View looking south east from the deck of 40 Oceanview Tce



Photo 2: View looking east from the deck of 42 Phoenix Crescent



Photo 3: View from dining room of 42 Phoenix Crescent

The overall notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking all the view away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

Using the principles of NSW Land and Environment Court Case law - *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following comments are provided in regards to the view impacts using the 4 step process to establish whether the view sharing is acceptable.

#### Step 1

*Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly*



*than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

**Comments:** The impacted view corridor is situated to the north - north east and south east of the Tacking Point lighthouse including the Lighthouse itself which is situated approximately 686m and 680m from the respective properties.

Both 40 Oceanview Tce and 42 Phoenix Cres currently enjoy 180 degree Ocean views. The views include the Tacking Point lighthouse. Tacking Point Lighthouse is considered to be a local landmark. The view of the lighthouse will be lost completely from the primary living area of 42 Phoenix Crescent and to a lesser extent from 40 Oceanview Tce. Both properties have distance views that show a direct interface with the land and ocean.

#### Step 2

*Consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

**Comments:** The ocean and lighthouse views including the land/ocean interface are enjoyed from the eastern elevation of 42 Phoenix Crescent and the south eastern and north eastern elevation of 40 Oceanview Terrace albeit across their rear and side boundaries respectively. The views are enjoyed from both standing and sitting positions from various living areas of both residences.

#### Step 3

*Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

**Comments:** The extent of the impact upon the views enjoyed from 42 Oceanview Terrace are considered to be moderate. The views from 40 Oceanview Terrace are considered to be minor. The existing views of the Tacking Point Lighthouse will be virtually lost from key living areas and balcony areas currently enjoyed by 42 Phoenix Crescent, while the view of lighthouse is retained by 40 Oceanview Tce. Additionally, views to the Tacking Point Lighthouse and the Ocean views beyond are already partially obscured from both dwellings, due to the existing vegetation, which limits the scale of the view available.

The existing views of the land and water interface will be retained from key living areas and verandah/decks from both properties. Substantial views of the ocean will be retained by both properties, however views to the south east will be partially obscured from 40 Oceanview Terrace. While view loss will occur, it is not considered to be of such a significance where it adversely impacts on the overall vista or land/water interface. Substantial ocean views will be retained from primary living areas of both properties.

The proposed variations to the numerical height standards do not exponentially impact on view loss. It is considered that a building with a compliant ridge height

would have a similar impact on views. Additionally, the majority of the proposed dwelling is below the height limit on the higher section of the property.

#### Step 4

*Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

**Comments:** The proposal contains variation to the numerical height standard. However, it is considered that the variation is minor (maximum 0.5m or 5.8%) and does not result in any adverse loss of broader ocean views. As detailed above, key ocean views from primary living areas will still be retained from both dwellings.

A compliant or re-designed development would have minimal improvement if any to that which is proposed. In addition, the variation has been addressed in this report and deemed to be acceptable and in keeping with previously approved variations to building heights in the immediate vicinity. There is considered to be insufficient grounds to refuse the application on view loss impacts.



**Figure 4:** Looking west from 14 Phoenix Crescent





Figure 5: Looking south east from Phoenix Cres



Figure 6: Phoenix Crescent as viewed from Oceanview Tce, looking east

#### **Access, Traffic and Transport**

The proposal will not have any significant 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. The site is considered to be disturbed land.

**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 not have any significant adverse impacts on water resources and the water cycle.

**Soils**

The proposed development will not 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 not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

**Flora and fauna**

The site is within the Biodiversity Values Map. However, Clause 7.3(4) of the Biodiversity Regulations turns off the Biodiversity Values Map for lots created before the Act commenced and where the test of significance is acceptable.

A 5-part test has been carried out by Biodiversity Australia and determined that it is unlikely to result in a significant impact on the Littoral Rainforest. Recommendations have been provided by Biodiversity Australia to minimise edge effects.

In this case, the test of significance has revealed no adverse impact and a BDAR is not required.

A total of six trees are proposed to be removed to establish the development. These comprise the following:

- 1 Norfolk Island Pine
- 4 Bangalow Palm
- 1 Cheese Tree

The removal of these trees is unlikely to result in any adverse impacts on potential occurring threatened fauna species.

No Koala Food Trees were identified on the site and therefore no replacement replanting's are required.

The site is <1ha and therefore the PMHC DCP provisions for EECs and riparian buffers do not apply.

**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**

The construction of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

**Bushfire**

The site is identified as being bushfire prone.

The Applicant has submitted a BAL Certificate prepared by a Certified Consultant.

As the assessment has determined that a BAL 40 construction is required, referral to the Local Rural Fire has been made. The RFS have reviewed the proposal and made recommendations which will be required to be imposed via conditions of consent. Management of bushfire risk is acceptable subject to BAL 40 construction levels being implemented and APZ being maintained. An appropriate condition is recommended.

**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 not considered to have any significant adverse social impacts.

**Economic impact in the locality**

The proposal is not considered to have any significant adverse economic impacts on the locality. 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.

**Construction**

While there may be some standard short term impacts associated with a construction site (i.e. loss of off street parking due to construction workers, construction noise etc.), no long term impacts to neighbouring properties will occur. In addition, standard conditions will be recommended to restrict hours of construction and protection of adjoining properties during construction.

Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended.

**Cumulative impacts**

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

As detailed in the report above, the area along Oceanview Terrace and Phoenix Crescent contains a unique mixture of single and two-three storey development. In particular, there are a number of two storey developments which include minimal setbacks to Phoenix Crescent being a private access road.

The unique character of the immediate area is bound by the aforementioned streets. It is considered that any future development beyond the intersections would be outside the unique precinct and therefore unlikely to create a large scale cumulative impact on development controls within the overall Port Macquarie area.

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



While there are a number of variations proposed, it is considered that suitable justification has been provided in this case to ensure the development is consistent with other development in the area. In this regard, the development is considered to still satisfy relevant planning controls for the area and is not expected to impact adversely on the wider public interest.

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**

Two written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
Concerns about the building exceeding the maximum height limits in the DCP	The applicant has submitted an application for a Clause 4.6 variation to Clause 4.3 (Height of Buildings) of the PMHC LEP 2011 for Council's consideration. (refer body of report)
Lack of information on the plans with particular regard to AHD levels to show the particular height of building location on the site and what the final overall height will be	The applicant has erected height profiles on the site to AHD that relate to proposed overall height of the proposed building.
A view plan should be provided taken from 42 Ocean view Terrace with particular emphasis given to the eastern verandah and living room to show potential impacts the proposed development will on the existing primary view corridor the iconic light house.	The issue of potential loss view has been dealt with in detail under the heading of "View Sharing" in the body of the report.
Concerns relating to height and impact on view have been underestimated	There is no evidence to suggest that the applicant has under estimated impacts relating to building height and view loss in relation to the proposed dwelling.  As mentioned above height profiles have been erected to AHD relative to the roof heights and View loss has been addressed under separate heading "View Sharing" in the body of the report.
Potential impact of roof structures such as antennas, dishes, solar panels, hot water.	Roof structures would need to satisfy the exempt provisions of the codes SEPP or alternatively be applied for via a development application (DA). Impacts would need to be assessed as part of any

Submission Issue/Summary	Planning Comment/Response
	future DA.

**(e) The public interest**

As detailed throughout the above report, the proposed development suitably satisfies relevant planning controls and is unlikely to impact on the wider public interest.

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

Contributions do not apply as the site has credit from the existing residential zoned property.

**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 Attachment 1.

**Attachments**

1 [View](#). DA2019 - 761.1 Recommended Conditions

2 [View](#). DA2019 - 761.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/761****DATE: 6/01/2020****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	10-071	Morr Construction Pty Ltd	01/10/2019
SOEE	Lot 60 DP 261991, 14 Phoenix Crescent PORT MACQUARIE	Morr Constructions	December 2019
BAL Certificate	Lot 60 DP 261991, 14 Phoenix Crescent PORT MACQUARIE	Krisann Johnson BPD-PD 18578	21/05/2019
Basix Certificate	1043324S	Concept Designs Australia	03/10/2019
NSW RFS	DA2019-1114001060	Alan Bawden	23/12/2019

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;



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 holidays

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

- (4) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 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 D20191114001060 and dated 23 December 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:
- i. Footway and gutter crossing
  - ii. Functional vehicular access
  - iii.

#### **C – PRIOR TO ANY WORK COMMENCING ON SITE**

nil

#### **D – DURING WORK**

- (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.

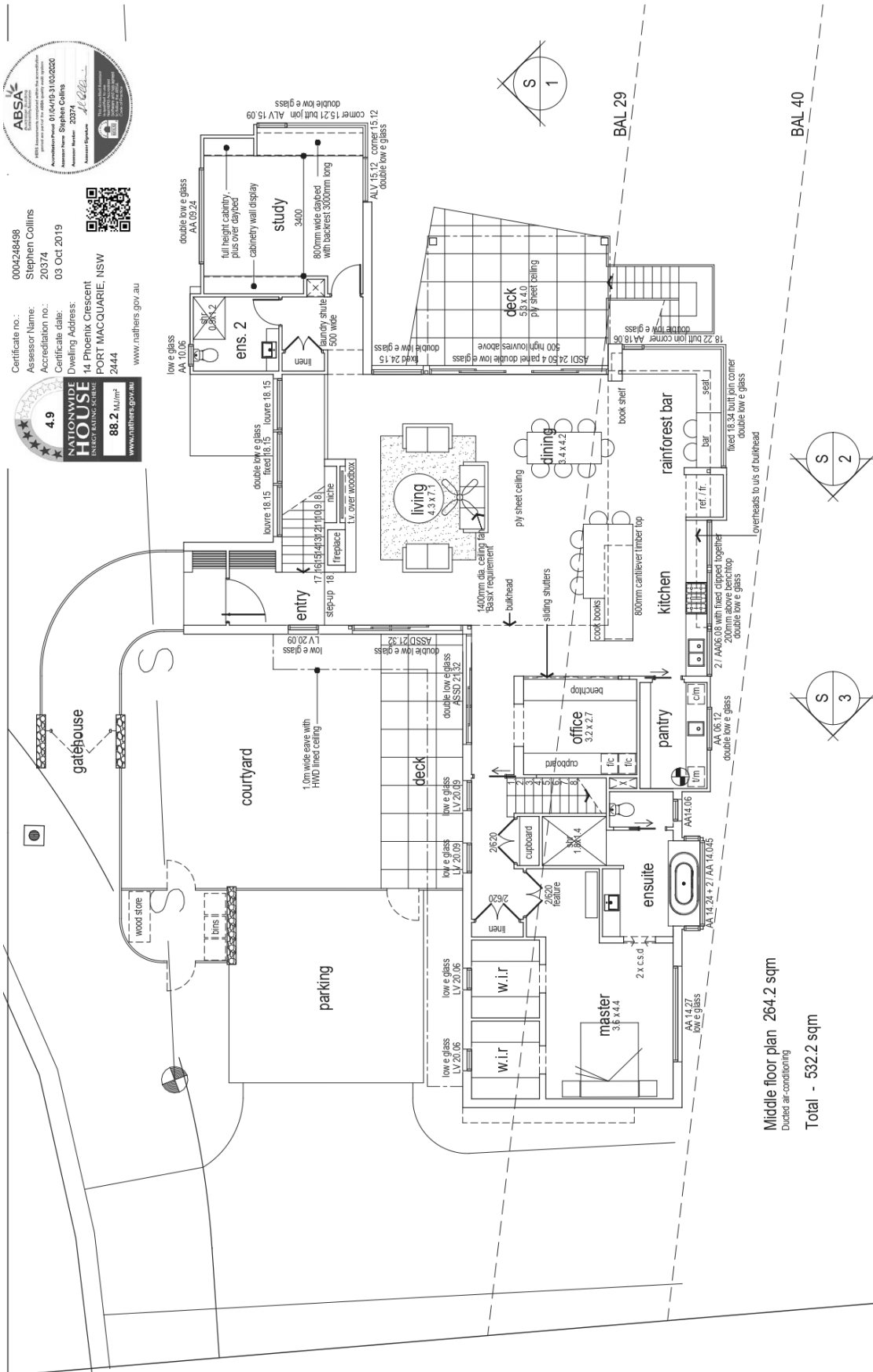
#### **E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (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 (e.g. 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.

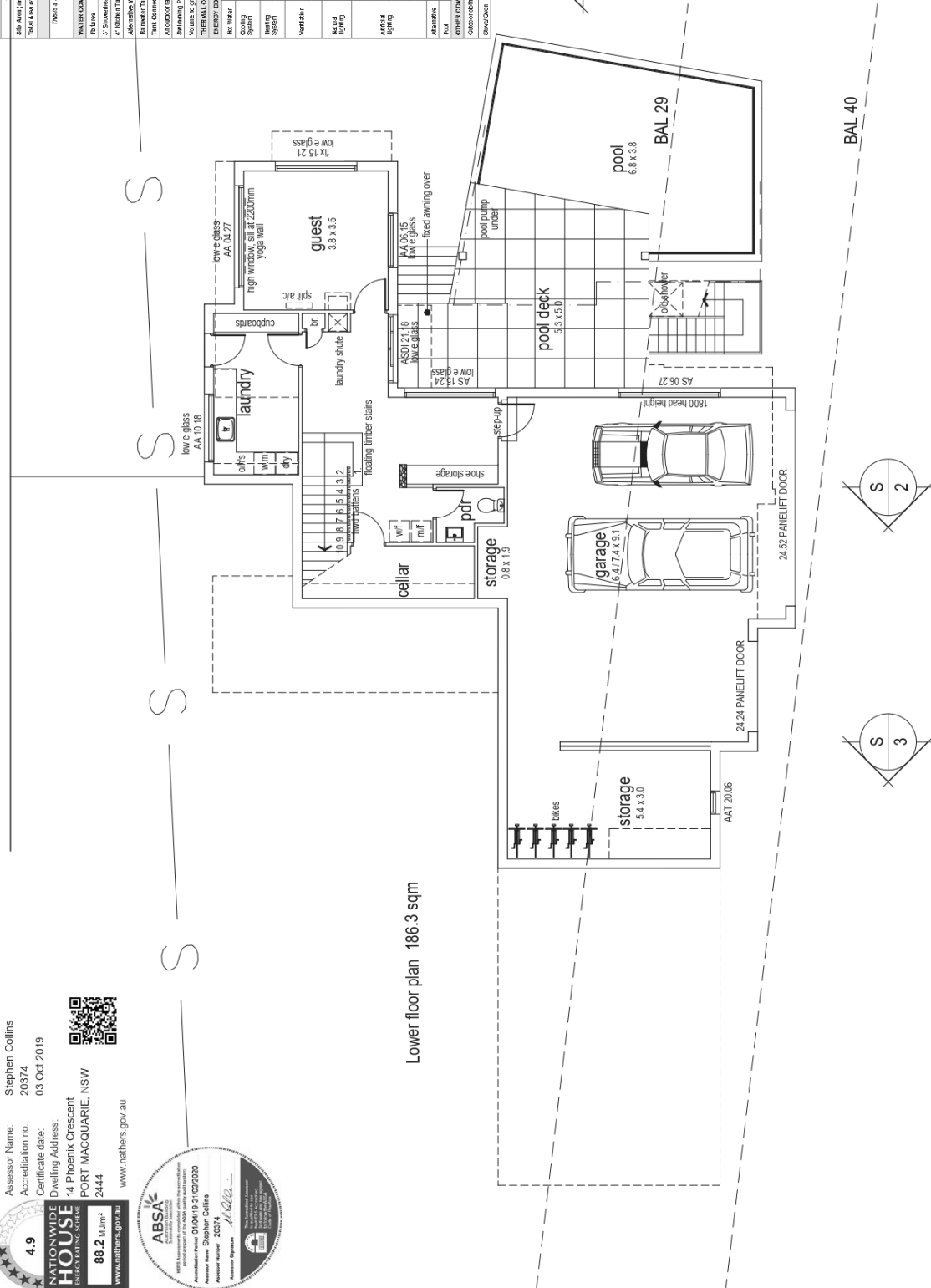
#### **F – OCCUPATION OF THE SITE**

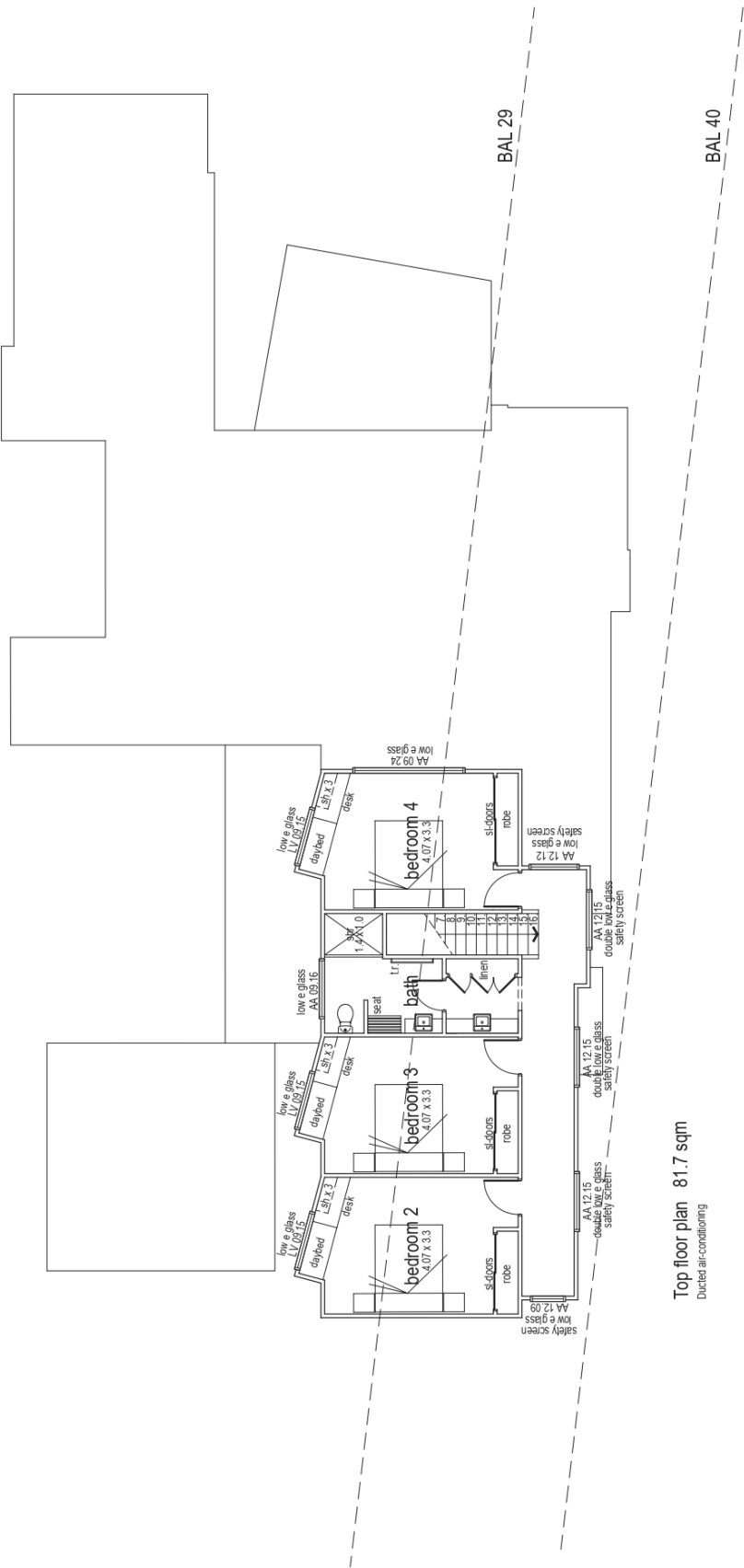
- (1) (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (F035) The consent only permits the use of the building as a single dwelling and does not permit the adaption or use of the building so as to create a second occupancy.





<p>A LOWER LIVING 67.6m</p> <p>B UPPER LIVING 67.6m</p> <p>C GARAGE 38.8m</p> <p>D ALFRESCO 19.8m</p> <p>E PATIO 20.4m</p> <p>F PATIO 20.4m</p> <p>GRAND TOTAL 308.3m</p> <p>01/10/2020</p>	DATE	REVISION	INITIAL	<p>Morr Constructions Pty Ltd</p> <p>Shop 3/146 Gordon Street Port Macquarie NSW 2444</p> <p>Licence no 238190</p> <p>NSW 2444</p> <p>This work is exclusively owned by Morr Constructions Pty Ltd and cannot be reproduced or copied, either wholly or in part, in any form (graphic, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system) without the written permission of Morr Constructions Pty Ltd.</p>	<p>10-XXX</p> <p>PLAN OPTION: FACADE</p> <p>SCALE - 1:100</p> <p>A200</p>
	12/07/19	SKETCH ISSUE	A.M.		
	31/07/19	SKETCH ISSUE	A.M.		
				<p>SANGI &amp; HAMILTON</p> <p>14 PHOENIX CRESCENT,</p> <p>PORT MACQUARIE</p> <p>SIGNATURES</p>	<p>FILE:</p> <p>floor plan</p>

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<div><div></div><div>A</div><div>E</div><div>D</div><div>F</div><div>F</div><div>PATIO</div></div>	A LOWER LIVING	57.6m	DATE	REVISION	INITIAL	<div><div><div>Morr Constructions Pty Ltd</div><div>Shop 3/146 Gordon Street Port Macquarie</div><div>Licence no 233139C</div><div>NSW 2444</div></div><div><div>This work is exclusively owned by Morr Constructions Pty Ltd and cannot be reproduced or copied, either wholly or in part, in any form or by any means, without the prior written permission of Morr Constructions Pty Ltd.</div><div>Without the prior written permission of Morr Constructions Pty Ltd.</div></div></div>	JOB No:	10-xxx	TITLE: top floor plan
	B UPPER LIVING	157.4m							
	C GARAGE	38.8m							
	D ALFRESCO	19.9m							
	E PORTICO	5.0m							
F PATIO	29.4m					SIGNATURES	SCALE - 1:100	A202	
GRAND TOTAL		299.2m							



Certificate no.: 0004268498  
 Assessor Name: Stephen Collins  
 Accreditation no.: 20374  
 Certificate date: 03 Oct 2019

Dwelling Address:  
 14 Phoenix Crescent  
 PORT MACQUARIE, NSW  
 2444

[www.nathers.gov.au](http://www.nathers.gov.au)

 **4.9**

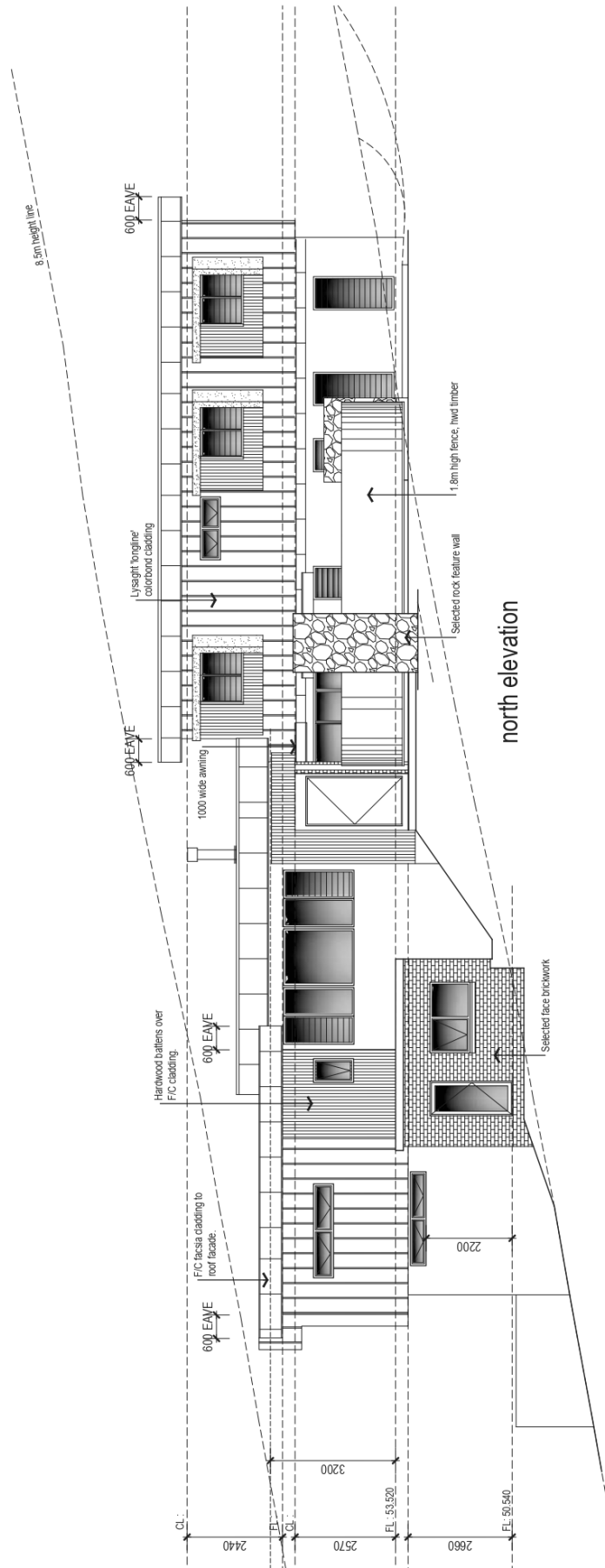
**NATIONWIDE**  
**HOUSE**  
 ENERGY RATING SCHEME

**88.2 M.m<sup>2</sup>**

[www.nathers.gov.au](http://www.nathers.gov.au)

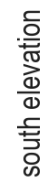



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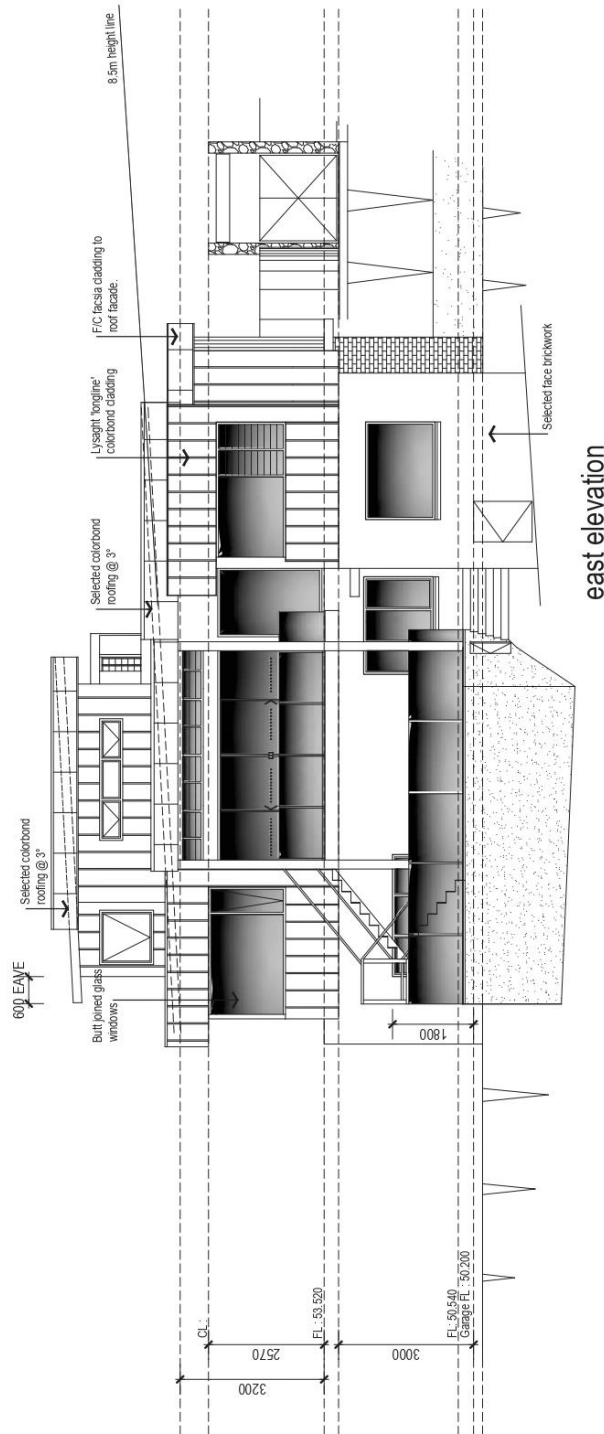
<p>PROVIDE FOR WINDOWS IN BEDROOMS WHERE THE FLOOR IS OVER 2.10m ABOVE GROUND LEVEL, WHERE THE BUILDING IS NOT A SINGLE STOREY BUILDING.</p> <p>PROVIDE ROGGING TO BALCONY TO 75mm BALUSTRADE POSTS FOR ANY BALUSTRADE SPAN OVER 3m.</p> <p>PROVIDE R1 INSULATION BATS TO EXTERNAL WALLS WITH FIBRE CEMENT CLADDING.</p> <p>GROUND LINES SHOW ARE APPROXIMATE ONLY AND MAY CHANGE DUE TO SITE CONDITIONS.</p> <p>F.F. IS DEFINED AS THE FINISHED SLAB LEVEL FOR SINGLE STOREY OR STRUCTURAL CEILING.</p> <p>CL. IS DEFINED AS THE UNDERSIDE OF THE TRUSSES OR FLOOR JOISTS AND DOES NOT INCLUDE CEILING LINING.</p>	<p>DATE</p> <p>12/07/19</p> <p>31/07/19</p>	<p>REVISION</p> <p>SKECH ISSUE</p> <p>SKECH ISSUE</p>	<p>INITIAL</p> <p>A.M.</p> <p>A.M.</p>	<p><b>Morr Constructions Pty Ltd</b></p> <p>Shop 3/146 Gordon Street Port Macquarie Licence no 233193C</p> <p><b>2444</b></p> <p>This work is exclusively owned by Morr Constructions Pty Ltd and cannot be reproduced or copied, either wholly or in part, in any form (graphic, electronic, or mechanical, including microform) without the written permission of Morr Constructions Pty Ltd.</p>	<p><b>10-071</b></p> <p>SCALE 1:100</p> <p>PLAN OPTION</p> <p>FRONT ELEVATION</p> <p>FRONT ELEVATION</p>	<p><b>10-071</b></p> <p>SCALE 1:100</p> <p>PLAN OPTION</p> <p>FRONT ELEVATION</p> <p>FRONT ELEVATION</p>	<p><b>10-071</b></p> <p>SCALE 1:100</p> <p>PLAN OPTION</p> <p>FRONT ELEVATION</p> <p>FRONT ELEVATION</p>
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 Certificate no.: 0004248498  
 Assessor Name: Stephen Collins  
 Accreditation no.: 20374  
 Certificate date: 03 Oct 2019  
 Dwelling Address:  
 14 Phoenix Crescent  
 PORT MACQUARIE, NSW  
 2444  
 88.2 U/m<sup>2</sup>  
 www.nature.gov.au

PROVIDE FOR WINDOWS IN BEDROOMS WHERE THE FLOOR IS OVER 2.1m ABOVE GROUND LEVEL, WHERE THE SILL OF THE WINDOW IS NOT AT LEAST 1.1m ABOVE GROUND LEVEL AND WHERE THERE IS ANOTHER SOURCE OF LIGHTING TO THE ROOM.	DATE	REVISION	INITIAL	Morr Constructions Pty Ltd Shop 3/146 Gordon Street Port Macquarie NSW 2444 Licence no 233139C	JOB NO: 14 PHOENIX CRESCENT, PORT MACQUARIE NSW 2444	TITLE: elevations 3
PROVIDE ROOFING TO BALCONY TO BE ALTERNATE POSTS FOR AN BALUSTRADE SPAN OVER 3m.	12/07/19	SKETCH ISSUE	A.M.			
PROVIDE R1 INSULATION WALLS WITH FIBRE CEMENT CLADDING.	31/07/19	SKETCH ISSUE	A.M.			
GRANITE LINES SHOW ARE APPROXIMATE ONLY AND MAY CHANGE DUE TO SITE CONDITIONS						
GRANITE LINES SHOW ARE APPROXIMATE ONLY AND MAY CHANGE DUE TO SITE CONDITIONS						
F.F. IS DEFINED AS THE FINISHED SLAB LEVEL FOR SINGLE STOREY OR STRUCTURAL FLOOR LINING FOR 2 STOREY AND DOES NOT INCLUDE E.SOR FINISH.						
C.L. IS DEFINED AS THE UNDERBIDE OF THE TRUSSES OR FLOOR JOISTS AND DOES NOT INCLUDE CEILING LINING						
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				SIGNATURES		
				NAME: _____		



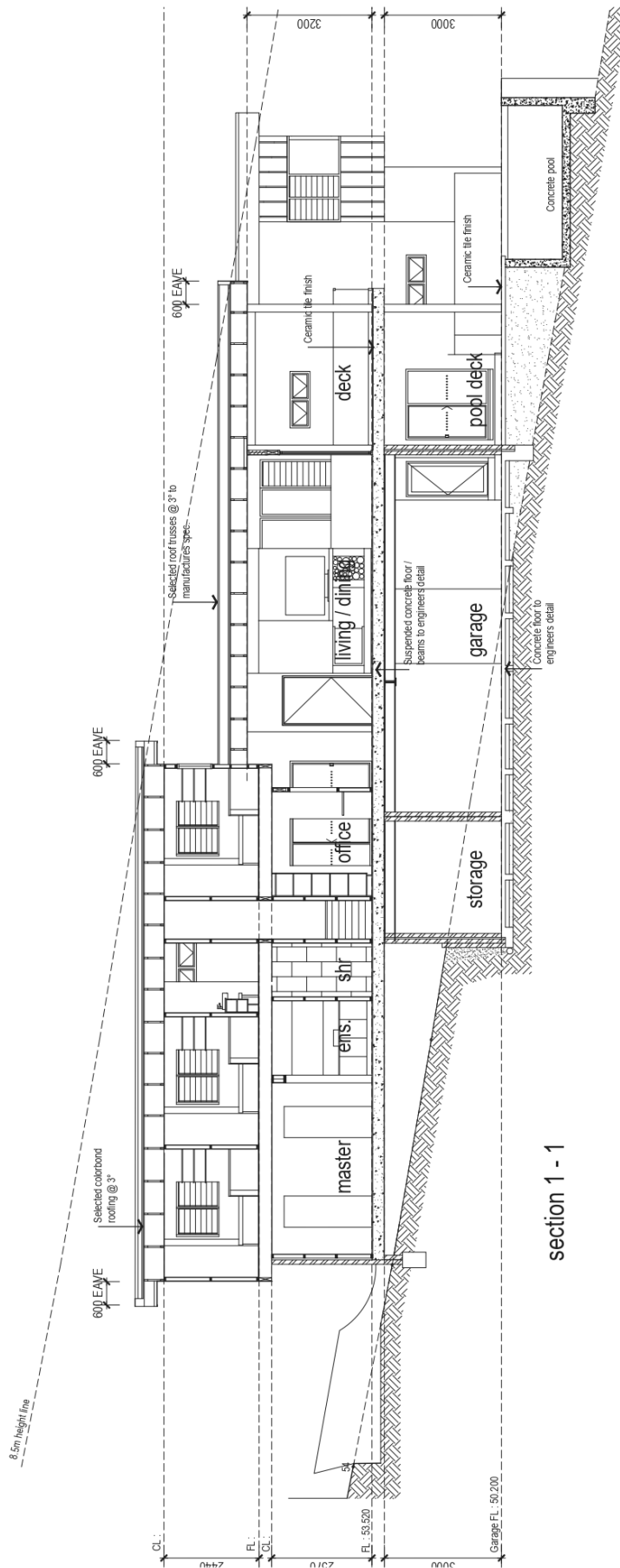
east elevation



Certificate no.: 0004248498  
Assessor Name: Stephen Collins  
Accreditation no.: 20374  
Certificate date: 03 Oct 2019  
Dwelling Address: 14 Phoenix Crescent  
PORT MACQUARIE, NSW  
2444  
www.nathans.gov.au



DATE	REVISION	INITIAL	FILE
12/07/19	SKETCH ISSUE	A.M.	10-071
31/07/19	SKETCH ISSUE	A.M.	10-071
			PLAN OPTION
			FACADE
			SIGNATURES
			14 PHOENIX CRESCENT, PORT MACQUARIE
			SHO 3/146 Gordon Street Port Macquarie Licence no 253193C NSW 2444
			This work is exclusively owned by Morr Constructions Pty Ltd and cannot be reproduced or applied, either wholly or in part, in any form (graphic, electronic or mechanical, including photocopying) without the written permission of Morr Constructions Pty Ltd.
			8.5m height line
			SCALE 1:100
			A303



Certificate no.: 0004248498  
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DATE	REVISION	INITIAL	FILE
12/07/19	SKETCH ISSUE	A.M.	section 1
31/07/19	SKETCH ISSUE	A.M.	10-071
			PLAN OPTION: SCALE 1:100
			PACKAGE: A700



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**Item:** 07

**Subject:** DA2019 - 713.1 TORRENS TITLE SUBDIVISION 2 LOTS INTO 3 -  
LOTS 705 AND 706 DP 1228141, NOS. 41 AND 43 YALUMA DRIVE,  
PORT MACQUARIE

**Report Author:** Development Assessment Planner, Steven Ford

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**Applicant:** Love Project Management  
**Owner:** Pearr Corp Pty Ltd & Richmond Horizons Pty Ltd  
**Estimated Cost:** \$0  
**Parcel no:** 66297 and

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#### **Alignment with Delivery Program**

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

#### **RECOMMENDATION**

**That DA 2019 - 713.1 for a 2 into 3 lot Torrens Title Subdivision at Lot 705 and 706, DP 1228141, No. 41 and 43 Yaluma Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a development application for a 2 into 3 Lot Torrens Title Subdivision 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, 3 submissions were received.

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.

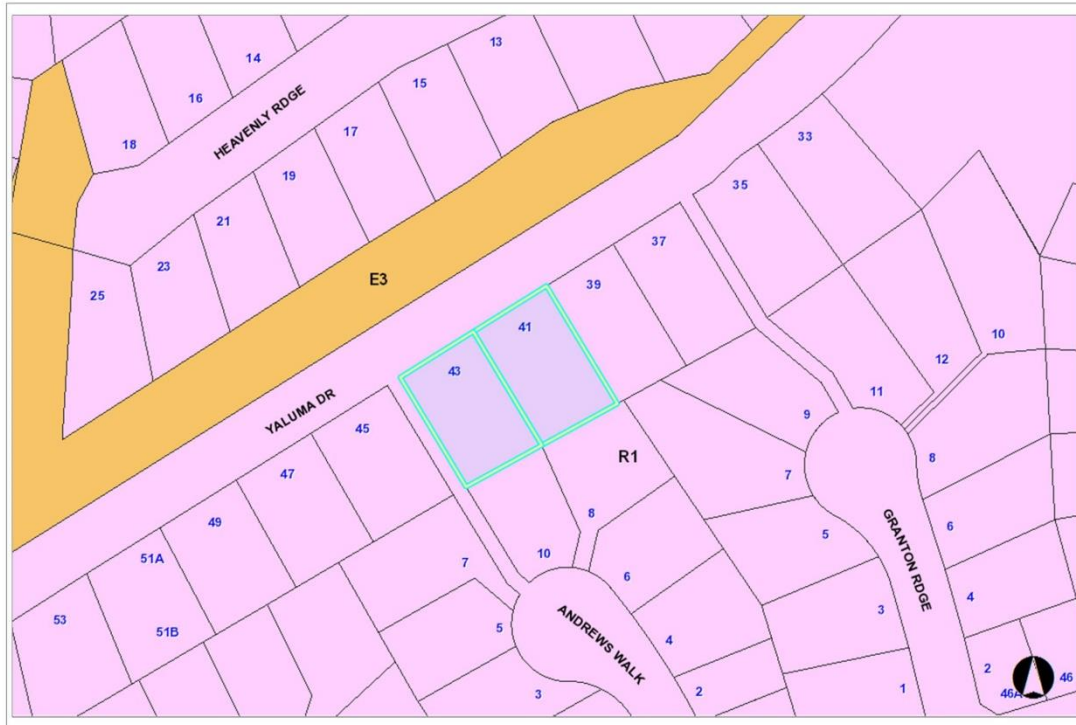
This report recommends that the development application be approved subject to the attached conditions (Attachment 1)

#### **1. BACKGROUND**

##### **Existing Sites Features and Surrounding Development**

The site has an area of 1,609m<sup>2</sup>.

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:

- 2 into 3 lot Torrens Title Subdivision
- Proposed lot sizes vary from 524.5m<sup>2</sup> to 548.9m<sup>2</sup>

Refer to Attachment 2 at the end of this report for plans of the proposed development.

**Application Chronology**

- 4 October 2019 - Application Lodged
- 24 October to 06 November 2019 - Public Notification Period, 3 submissions received
- 5 December 2019 - Additional information received
- 6 December 2019 - Developer offered to hold meetings with adjoining landowners to alleviate concerns

**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 less than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP not apply to the development proposal.

**State Environmental Planning Policy (Coastal Management) 2018**

The site is located within 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 impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on Aboriginal cultural heritage, practices and places;
- e) any adverse impacts on the cultural and built environment heritage;
- f) any adverse impacts the use of the surf zone;

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

In accordance with Clause 15 the proposal is not likely to cause increased risk of coastal hazards on the land or any other land.

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.

### **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.  
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 will provide an additional residential lot to meet the housing needs of the community.
- Clause 4.1 - The lot sizes within the proposed subdivision range from 524.5m<sup>2</sup>, 537.2m<sup>2</sup> and 548.9m<sup>2</sup>. All proposed lots comply with the minimum lot sizes identified in the Lot Size Map relating to the site.
- 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. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended 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

<b>DCP 2013: Chapter 3.6 - Subdivision</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
3.6.3.1	<p>A site analysis is required for all development and shall illustrate:</p> <ul style="list-style-type: none"> <li>• microclimate;</li> <li>• lot dimensions;</li> <li>• north point;</li> <li>• existing contours and levels to AHD;</li> <li>• flood affected areas;</li> <li>• overland flow patterns, drainage and services;</li> <li>• any contaminated soils or filled areas, or areas of unstable land;</li> <li>• easements and/or connections for drainage and utility services;</li> <li>• identification of any existing trees and other significant vegetation;</li> <li>• any existing buildings and other structures, including their setback distances;</li> <li>• heritage and archaeological features;</li> <li>• fences;</li> <li>• existing and proposed road network, including connectivity and access for all adjoining land parcels;</li> <li>• pedestrian and vehicle access;</li> <li>• views to and from the site;</li> <li>• overshadowing by neighbouring structures; and</li> <li>• any other notable features or characteristics of the site.</li> </ul>	Adequate site analysis plan submitted.	Yes
3.6.3.2	Torrens title lots minimum width of 15m when	All proposed lots vary between 15.335m to	Yes

	measured at a distance of 5.5m from front property boundary.	15.305m in width on the front boundary	
	Minimum width of 7m when boundaries are extended to kerb line.	N/A	N/A
	Minimum depth of 25m.	Minimum depth of 33m	Yes
	For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.	Slope of the land is consistent in the locality, orientation of the existing frontages and driveway grades have been achievable on adjoining lots.	Acceptable
	Subdivision of dual occupancy development or multi dwelling housing where permissible in the LEP may create allotments smaller than 450m <sup>2</sup> if: <ul style="list-style-type: none"> <li>• Each lot to be created is part of a community or strata title scheme, or</li> <li>• Is part of an integrated Torrens title housing development.</li> </ul>	N/A	N/A
3.6.3.3	Battleaxe lots discouraged in greenfield development.	None proposed.	N/A
	Council may consider permitting Torrens Title battleaxe allotments for —infill development where it is demonstrated that; <ul style="list-style-type: none"> <li>• a Torrens Title lot, that is <i>not</i> a battleaxe lot, <i>cannot</i> be achieved; and</li> <li>• the number of crossovers do not reduce the amenity of the street or on street parking; and</li> <li>• the impact of noise, dust and headlights on the land owners adjoining the driveway is addressed by the construction of an acoustic fence for the full length of the driveway; and</li> <li>• addresses privacy between the rear lot and the rear open space of the front lot by the</li> </ul>	N/A	N/A

	provision of <ul style="list-style-type: none"> <li>adequate screening, larger lot size and setbacks; and</li> <li>extends utilities to the end of the axe handle; and</li> <li>there is sufficient space for garbage collection on the frontage.</li> </ul>		
3.6.3.4	Lots are to be designed to allow the construction of a dwelling, which does not involve more than 1m cut, or fill, measured from natural ground level, outside the dwellings external walls.	Proposed lots are capable of accommodating a dwelling without excessive cut/fill.	Yes
	Lot sizes increased for sloping sites in accordance with Table 3.6.1.	Lot size complies with minimum area for slope category.	Yes
	Additional information provided for slope categories in accordance with Table 3.6.2.	Adequate information provided.	Yes
3.6.3.5	Wherever possible orientate streets to maximise the number of east, west and south facing lots and to minimise the number of narrow north facing lots. Residential street blocks should preferably be orientated north-south with dimensions generally limited to 60-80m by 120-150m as illustrated in Figure 3.6-2.	N/A - Existing street.	N/A
	Lot size and shape are to reflect orientation to ensure future dwelling construction has optimal opportunity for passive solar design.	Lot orientation and width provides opportunity for passive solar design.	Yes
3.6.3.6	Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the subdivision works where these do not exist (may be varied subject to criteria in	Existing kerb and gutter and street drainage.	Yes

	this clause)		
3.6.3.13	Development for the subdivision for land or major residential development should provide footpaths on both sides of all collector and arterial roads.	Development does not have frontage to a collector road	N/A
3.6.3.17 - 3.6.3.19	An application for subdivision should be accompanied by a Stormwater Management Strategy prepared by a certified practicing engineer and in accordance with Council's adopted Aus-Spec design specification documents.  The finished floor level of buildings should be above the 100 year ARI flood level (plus freeboard) and in accordance with the council's current flood policy.	Existing stormwater easement along rear of lot capable of servicing proposed lots.	Yes
3.6.3.20	Water supply to meet Council's design specifications.	See comments under Water Supply Connection later in this report.	
3.6.3.21 - 3.6.3.22	All lots connected to reclaimed water if available.	Not available.	N/A
3.6.3.24	Separate sewer junction provided for each lot.	See comments under Sewer Connection later in this report.	
3.6.3.25	Extension of sewer infrastructure at cost of developer.		
3.6.3.26 - 3.6.3.27	Erosion and sediment control plan to be provided.	Minimal works anticipated. Standard condition recommended requiring erosion and sediment control.	Yes
3.6.3.34	All service infrastructure should be underground unless otherwise approved by Council.	Standard condition recommended requiring satisfactory arrangements certification from service providers.	Yes
	All service infrastructure should be installed in a common trench.		
	Conduits for the main technology network system should be provided in all streets.		
	Conduits are to be		

	installed in accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to the Premises Underground Deployment'.		
	Access pits are to be installed at appropriate intervals along all streets.		

**DCP 2013: General Provisions**

DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> <li>Casual surveillance and sightlines</li> <li>Land use mix and activity generators</li> <li>Definition of use and ownership</li> <li>Lighting</li> <li>Way finding</li> <li>Predictable routes and entrapment locations</li> </ul>	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.  All lots have street frontage.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	No earthworks proposed for this subdivision	Yes
2.3.3.2	1m max. height retaining walls along road frontages	N/A	N/A
	Any retaining wall >1.0 in height to be certified by structural engineer	N/A	N/A
2.3.3.8 onwards	Removal of hollow bearing trees	None present	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	No clearing required	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. Existing accesses rationalised or removed where practical	Access to local road.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of	

		report.	
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- (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

N/A

- (b) The likely impacts of that 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 northern street frontage orientation to Yaluma Drive.

Adjoining the site to the north is E3 Environmental Management zoned land.

Adjoining the site to the east and west is vacant residential land

Adjoining the site to the south are residential dwellings.

The proposal will not have any significant adverse impacts to existing adjoining or the public domain.

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

### Roads

The site has road frontage to Yaluma Drive. Adjacent to the site, Yaluma Drive is a sealed public road under the care and control of Council. Yaluma Drive is a local road with a 5.5m formation within a variable Road Reserve Width with SE kerb and gutter adjacent to the development site.

### Traffic and Transport

The site is approved for two (2) residential lots permitted to generate approximately 14 daily trips. This development proposes to add one (1) additional lot, which will generate seven (7) additional daily trips. The addition in traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality.

### Site Frontage and Access

Direct access is available to all proposed lots to Yaluma Drive.

### Water Supply Connection

Council records indicate that the development site has two existing 20mm sealed water services from the 100 PVC water main on the same side of Yaluma Drive. Each proposed lot requires an individual metered water service. Any alterations to Council's water supply infrastructure including relocation of water services and hydrants, shall occur at no cost to Council. Details are to be shown on the engineering plans.



**Sewer Connection**

Council records indicate that the development site has two connections to Council's sewer system. Each proposed lot shall be individually connected to sewer. Existing sewer manholes that will be located within the proposed driveways shall be upgraded to facilitate trafficable conditions at no cost to Council.

**Stormwater**

The site naturally grades towards the rear and is currently serviced via an existing interallotment drainage system. The legal point of discharge for the proposed development is a direct connection to the existing interallotment drainage system servicing the site.

Stormwater from the proposed development can be accommodated via direct connections to the interallotment system. With proposed lot boundary changes, existing easements will need to be reformed along new lot boundaries. Conditions have been imposed to address.

A detailed site stormwater management plan will be required to be submitted for assessment as part of any subdivision works construction certificate application.

**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**

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

As a precaution, a condition of consent has been recommended that works are to cease in the unexpected event heritage items are found. Works can only recommence when appropriate approvals are obtained for management and/or removal of the heritage item.

**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 not have any significant adverse impacts on water resources and the water cycle.

**Soils**

The proposed development will not have any significant 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 of the proposed development will not result in any significant 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 recommended.

**Energy**

Future development will address energy efficiency and will be required to comply with the requirements of BASIX. No adverse impacts anticipated.

**Noise and vibration**

The construction of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

**Bushfire**

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997*, the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. 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 subject to conditions, which will be incorporated into the consent.

**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 likely future housing density will improve natural surveillance within the locality.

**Social impacts in the locality**

Given the nature of the proposed development and its location, the proposal is not considered to have any significant adverse social impacts.

**Economic impact in the locality**

The proposal is not considered to have any significant adverse economic impacts on the locality. 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.

**Construction**

Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended.

**Cumulative impacts**



The proposed development is not considered to have any significant 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**

Two (2) written submissions were received following public exhibition of the application. Subsequently one (1) submission was formerly withdrawn after consultation with the Developer. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
Purchased block on the basis of a particular development approach that had been accepted by Council. This established a standard of residence that justified the price of the blocks. A variation of the DA to enable smaller blocks (and residences) appears, to compromise the integrity of the planning and approval system.	All proposed lots comply with the minimum lot sizes identified in the Lot Size Map in the Port Macquarie Hastings Environmental Plan 2011 and subdivision design requirements of Development Control Plan 2013 relating to the site.
Understood that Council will not consider covenants on the land. However, it should be noted that Council is currently named as the person empowered to release, vary or modify restriction firstly and secondly referred to in the plan" on our sales contract. This contract stipulates the various covenants put in place to preserve the integrity, look and feel of Lots 701 to 772 Yaluma Drive. On this basis, Council should be interested to ensure that it maintains a consistent approach to its earlier position on this subdivision and its responsibilities in terms of the existing covenants on contracts.	<p>Council is empowered to release, vary or modify restrictions firstly and secondly referred to in the S88b instrument, which relates to Part 1 and Part 1A, which refers to Easements to Drain Water.</p> <p>The Developer is the named person(s) empowered to release, vary or modify restrictions or positive covenants thirdly referred to in the plan in Part 2. This is the section of the instruments created to control amenity of the original subdivision.</p> <p>In this instance, the Developer is the current owner and has provided consent to the proposed development.</p> <p>The Applicant has demonstrated that the reduced size of the lots are capable of complying with the current</p>

Submission Issue/Summary	Planning Comment/Response
	covenants and restrictions as referred to in the s88b instrument.
Lot shape and size - The development application does not show the fall of the land. Impact of future retaining walls and Fences have not been adequately considered. There will be engineering difficulties for future residential buildings.	Site contours have been demonstrated on the proposed plans. The lots will have the capability for suitable future dwellings, which has been discussed in the DCP section of this report and is considered to be consistent with the residential pattern of the area.
The narrow frontage of each block would pose issues providing for sufficient car parking off street.	Road, traffic and Access have been discussed in Part (iv)(b) of this report and considered to not have any identifiable adverse impacts.  Each lot has capability to provide dwellings in the future with compliant off street parking.
There has been real concern among the residents of the whole Crestwood Estate about the adequacy of exit points in case of an emergency evacuation. This is fresh in our minds after the recent fires.	The additional lot does not pose any significant increase risk to future occupants and the NSW Rural Fire Service has issued bushfire safety comments. Traffic and transport has been satisfactorily address earlier in this report.
Concerns regarding Section 88B Instrument... Street trees planted by the developers shall not be removed, interfered or "fall into a state of disrepair." And followed by no waste or garbage receptacle shall be permitted to be visible from the public street.  These covenants were created to avoid an unsightly street and living conditions for the residents of Crestwood neighbourhood and Yaluma Drive that purchased from Richmond Horizons.	No street trees are proposed to be removed as part of this Application. This can be satisfied by a standard condition protecting the existing street trees along the sites street frontage.

**(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**

- 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 in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

- 
- A copy of the contributions estimate is included as Attachment 3.

**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 - 713.1 Recommended Conditions

2[View](#). DA2019 - 713.1 Plan

3[View](#). DA2019 - 713.1 Contributions Estimate

4[View](#). DA2019 - 713.1 SoEE

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/713****DATE: 13/01/2020****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.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Subdivision Plan	D4205	Collins W Collins	25/09/2019
Statement of Environmental Effects	N0. 6710	Michelle Love	October 2019
Bushfire Hazard Assessment	Lots 705 & 705 DP 1228141	David Pensini	September 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) (A004) An application for a Subdivision Works Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (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 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) (A012) This consent does not provide for staging of the development. Any staging will require a separate consent or an amendment to this consent.
- (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) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (10) (A077) The street trees growing on the road reserve adjoining land must not be damaged as a result of the subdivision or future development of the proposed lots.
- (11) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act

1979, and referenced below, are attached and form part of the consent conditions for this approval. (delete or add relevant authorities)

- NSW Rural Fire Service - The General Terms of Approval, Reference DA20191113000971-original-1 and dated 26 November 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) (B003) Submission to the Principal Certifying Authority prior to the issue of a Subdivision Works Certificate or 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 reticulation.
  3. Stormwater systems.
  4. 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
- (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

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.
- (4) (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.

- (6) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Subdivision Works Certificate or Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications, Australian Rainfall and Runoff 2019, the requirements of Relevant Australian Standards and shall make provision for the following:
  - a) The legal point of discharge for the proposed development is defined as inter-allotment drainage.
  - b) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
  - c) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (7) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (8) (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.
- (9) (B195) Council records indicate that the development site has two existing 20mm sealed water services from the 100 PVC water main on the same side of Yaluma Drive. Each proposed lot requires an individual metered water service. Any alterations to Council's water supply infrastructure including relocation of water services and hydrants, shall occur at no cost to Council. Details are to be shown on the engineering plans.
- (10) (B196) Council records indicate that the development site has two connections to Council's sewer system. Each proposed lot shall be individually connected to sewer. Existing sewer manholes that will be located within the proposed driveways shall be upgraded to facilitate trafficable conditions at no cost 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) (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) (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. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;

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) (D022) The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
  - a. notify Council immediately when the breakage occurs, and
  - b. repair the damage at no cost to Council

#### **E – PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE**

- (1) (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.
- (2) (E008) Payment to Council, prior to the issue of the Subdivision Certificate 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:
  - Port Macquarie-Hastings Administration Building Contributions Plan 2007
  - Hastings S94 Administration Levy Contributions Plan
  - 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.

- (3) (E009) 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 Subdivision 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
- (4) (E034) Prior to occupation or the issuing of the Subdivision 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.
- (5) (E039) An appropriately qualified and practising consultant is required to certify the following:
- a. all drainage lines have been located within the respective easements, and
  - b. any other drainage structures are located in accordance with the Construction Certificate.
  - c. all stormwater has been directed to a Council approved drainage system
  - d. all conditions of consent/ construction certificate approval have been complied with.
  - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (6) (E042) Creation of drainage easement between lots (i.e. interallotment)
- Where stormwater pipelines traverse lots other than those which they benefit appropriate drainage easements shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information NSW.
- a. For pipes less than 500mm diameter, the easement width must be a minimum of 1500mm. Easements for larger diameter pipes must be the pipeline diameter plus 1200mm wide, with a minimum width of 2400mm.
  - b. Where easements are associated with a subdivision, the easement shall be established with the plan of subdivision and Section 88B instrument. Details to be submitted to Council prior to issue of Subdivision Certificate.
- Where easements are not associated with a subdivision, the easement shall be approved by Council prior to lodgement at Lands and Property Information (LPI) NSW and evidence of registration shall be submitted to the Principal Certifying Authority prior to any Occupation Certificate.
- (7) (E051) Prior to the issuing of any Subdivision Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (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 a Subdivision Certificate.
- (9) (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
- (10) (E068) Prior to the issue of a Subdivision Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and


telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).

- (11) Prior to issue of a Subdivision Certificate, an interallotment drainage system, and associated 1.5m wide easement for drainage must be provided over Lot 1, 2 and 3. The easement and interallotment system, must comply with the requirements of AUSPEC D5
- (12) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.

DRAFT



SCALE 1:200

 <b>collinswcollins</b> PTY LTD BUILDING DESIGNERS	PROJECT: SUB-DIVISION		DRAFT SUB-DIVISION PLAN		DRAWING REVISIONS + NOTES:				
	LOT No: 705/706 DP No: 1228141		SHEET: 1 OF 1		Date:	Detail:		Issue:	Drawn:
	STREET No: 42				25.09.19	INITIAL ISSUE		A	DC
	STREET NAME: YALUMA DRIVE, PORT MACQUARIE				SCALE:	1:200			
					SHEET SIZE:	A3			
CLIENT: PEARR CORP				START DATE:	05.02.19				
				DWG No:	D4205				

## Developer Charges - Estimate

Applicants Name: Love Project Management  
 Property Address: 41 Yaluma Drive Port Macquarie  
 Lot & Dp: Lot(s):705 & 706,DP(s):1228141  
 Development: 2 into 3 Lot 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	1	\$10,243.00 Per ET	\$10,243.00
2 Sewerage Scheme Port Macquarie	1	\$3,886.00 Per ET	\$3,886.00
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	1	\$7,678.00 Per ET	\$7,678.00
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	1	\$5,657.00 Per ET	\$5,657.00
5 Commenced 3 April 2008 - Com, Cul and Em Services CP - Port Macquarie	1	\$4,645.00 Per ET	\$4,645.00
6 Com 1.3.07 - Administration Building - All areas	1	\$914.00 Per ET	\$914.00
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% S94 Contribution		\$415.60
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$33,438.60

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: 13-Jan-2020

Estimate Prepared By Steven Ford

This is an ESTIMATE ONLY - NOT for Payment Purposes

ject Management, 41 Yaluma Drive Port Macquarie, 13-Jan-2020.xls

PORT MACQUARIE-HASTINGS COUNCIL



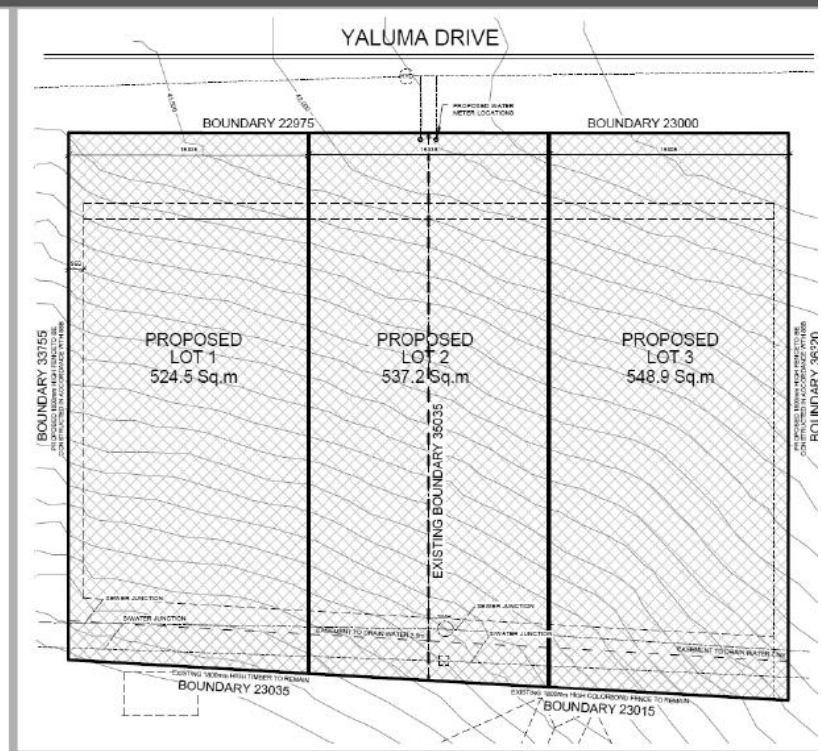
# Love Project Management

PO Box 161 Wauchope NSW 2446

Phone: 0400953101

ABN: 26 108 622 745

## Residential Subdivision Lots 705 & 706 DP 1228141 Yaluma Dr, Port Macquarie



Michelle Love, Project No 6710  
Love Project Management

October, 2019

## Document Details

Document Version Date: 4<sup>th</sup> October, 2019

Authorised by: Michelle Love

Signed:  .

*This assessment has been undertaken with skill, care and diligence by the staff of Love Project Management. This assessment is based on information provided by the client, third party research and research undertaken by Love Project Management. Love Project Management disclaims any responsibility to the client and others in respect of any matters outside the scope of this report.*

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*All parties must acknowledge that conditions of approval at time of consent, post development application and approvals, and other matters, may modify the outcomes described in this report. The information and conclusions presented in this report apply to the subject land at the time of the assessment. All parties must take into account the above information when making decisions on the basis of the findings and conclusion of this report.*

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### Executive Summary

This application applies to two existing residential allotments. The proposal is for a residential subdivision which will result in one additional residential allotment. The resultant three residential lots all exceed the minimum lot size. A bushfire hazard analysis has been undertaken and demonstrated that the three lots are capable of accommodating dwellings on each allotment (based on concept plans) and dwellings may be constructed that will be compliant with the current Planning for Bushfire Protection legislation. No APZs are proposed on the lots at this subdivision stage, but rather will be applied with the future development applications for residential development of each allotment and subject to the bushfire legislation that will apply at that future time.

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## 1. Subject Land & Background

The subject land may be identified as Lots 705 and 706, DP 1228141, Yaluma Drive, Port Macquarie. The land is currently vacant and is cleared land within a residential area of Port Macquarie. The subject land has a regular shape and is shown shaded and outlined in red, in the below aerial image:

Figure 1: Subject Land outlined in red



An extract from the deposited plan is shown below with the subject land outlined in red. The subject land has frontage to Yaluma Drive.

Figure 2: Deposited Plan extract showing Lots 705 & 706 outlined in red

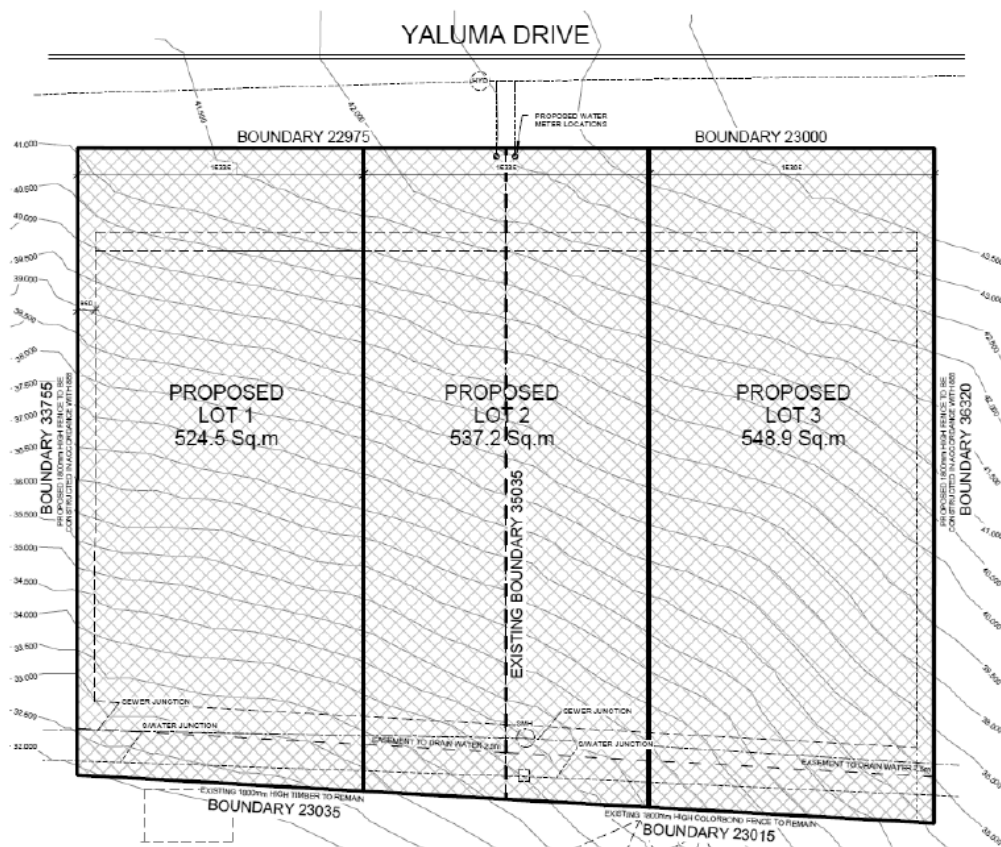


The deposited plan identifies an easement to drain water at the rear of the lots (shown by (A)) which is 2.5m in width. This interallotment drainage will be carried forward to the proposed allotments.

## 2. Proposal

The proposal is to subdivide these two allotments into three allotments – hence creating one additional residential lot. The resultant three allotments are all greater than the minimum lot size of 450m<sup>2</sup>, and all lots will retain full frontage to Yaluma Drive. The draft linen plan is shown in the following plan extract:

Figure 3: Extract from Draft Linen Plan



As shown in the draft Linen Plan, proposed Lot 1 has an area of 524.5m<sup>2</sup>, proposed Lot 2 has an area of 537.2m<sup>2</sup> and proposed Lot 3 has an area of 548.9m<sup>2</sup>. These allotments are comfortably in excess of the minimum lot size of 450m<sup>2</sup>.

The Environmental Planning and Assessment Regulation 2000, Section 4.12 requires development applications to be accompanied by a number of documents and information. The following sections consider the relevant legislation as required under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.

i. SEPP (Coastal Management) 2018

Figure 4: Coastal Management SEPP mapping extract – subject land NOT mapped as coastal wetland or littoral rainforest; subject land NOT mapped as proximity to coastal wetland or littoral rainforest (Subject Land outlined in yellow)



Therefore, the provisions of the Coastal Management SEPP do not apply to the subject land.

**ii. SEPP 44 – Koala Habitat**

The subject land is not mapped in LEP 2011 as being identified as containing koala habitat. The land is less than one hectare in area and therefore the provisions of SEPP 44 do not apply to the development proposal. It is also noted that the land is currently cleared and therefore no koala food trees would be impacted by the subdivision proposal or future erection of dwellings on these lots.

**iii. SEPP 62 – Sustainable Aquaculture**

SEPP 62 requires consideration of the effects of any proposed development on oyster aquaculture. A development may be incompatible with or impede oyster aquaculture if, for example, the development will limit access to oyster leases or have an impact on water quality and, consequently, on the health of oysters and of consumers of those oysters.

The subject land is well setback from the ocean areas and the stormwater runoff from the subject land will be controlled within the existing stormwater network system. The proposal will not have any adverse impact on areas of aquaculture.

**b) Local Environmental Plan**

The subject land is zoned part R1 – General Residential under the provisions of Port Macquarie – Hastings Local Environmental Plan 2011, as shown in the following planning portal extract:

Figure 5: Land Zoning - Planning Portal extract – subject land outlined in red



The subdivision of land is permissible in the R1 – General Residential zone.

**Clause 2.3 – Zone objectives**

The objectives of the R1 zone are as follows:

**Zone R1 General Residential****1 Objectives of zone**

- 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 residential subdivision will provide available and serviced land for the housing needs of the community and is therefore consistent with the zone objectives.

**Clause 5.10 – Heritage conservation**

The LEP mapping does not identify any items of European heritage on the subject land. A search of the Aboriginal heritage register did not identify any known areas of Aboriginal heritage or Aboriginal Heritage items on the subject land.

**Clause 7.1 – Acid Sulphate Soils**

The LEP mapping does NOT identify the land as containing any areas of potential acid sulphate soils.

Figure 6: Planning Portal Map extract - Acid Sulphate Soils (subject land shaded red)

**Clause 7.2 – Earthworks**

The proposal will not require any earthworks to create an additional allotment.

5 LOT Residential Subdivision – Taluma Dr, Port Macquarie

**Clause 7.4 – Floodplain risk management**

The subject land is NOT identified as floodprone as shown by the following LEP mapping extract.

Figure 7: Planning Portal Map extract – Floodprone Land (subject land shaded red)

**Clause 7.6 – Coastline hazards**

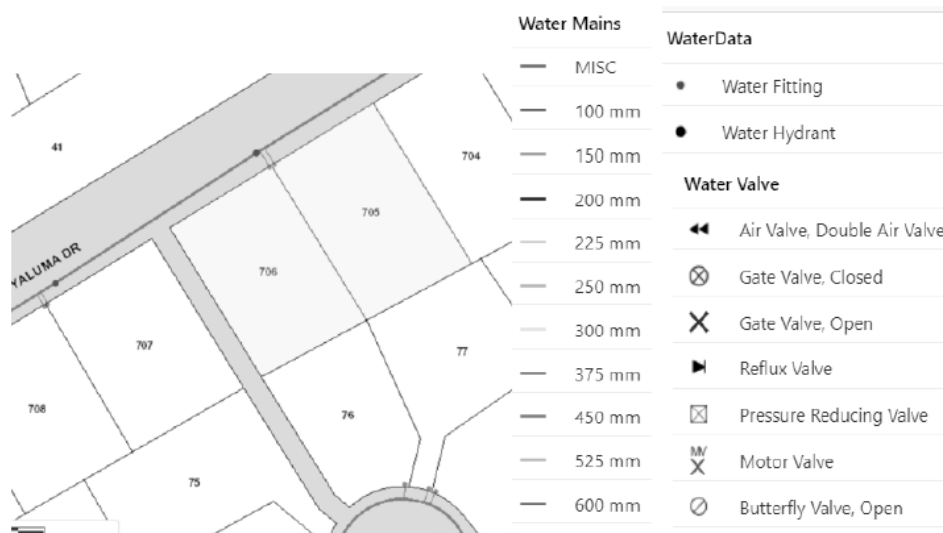
The subject land is NOT mapped as being impacted by Coastline Hazards.

**Clause 7.13 – Essential services**

The proposal will require an additional connection to essential services. The reticulated Council services in this locality are shown in the following map extracts.

Council's reticulated water supply network is shown in the following plan extract:

Figure 8: Extract from Council's Reticulated Water Supply Network (subject land shaded yellow)

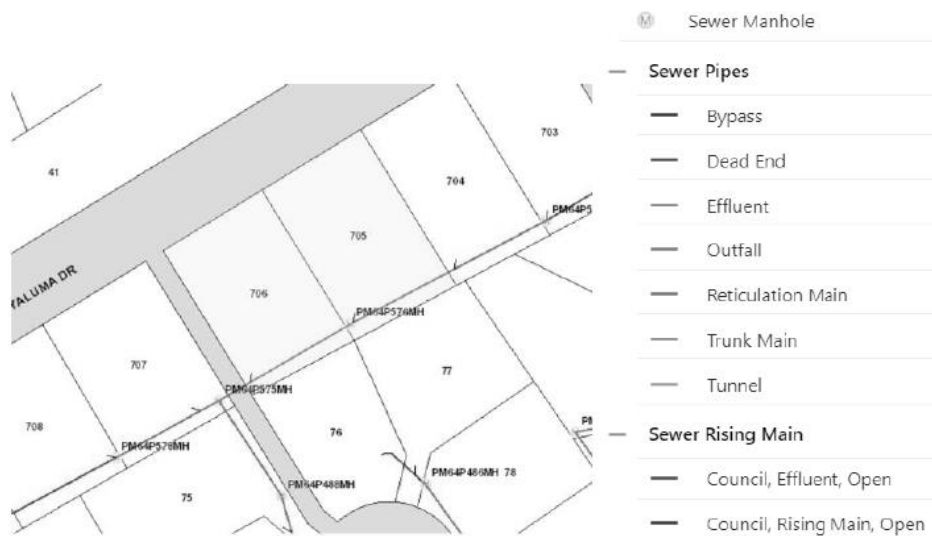


5 LOT Residential Subdivision – Taluma Dr, Port Macquarie

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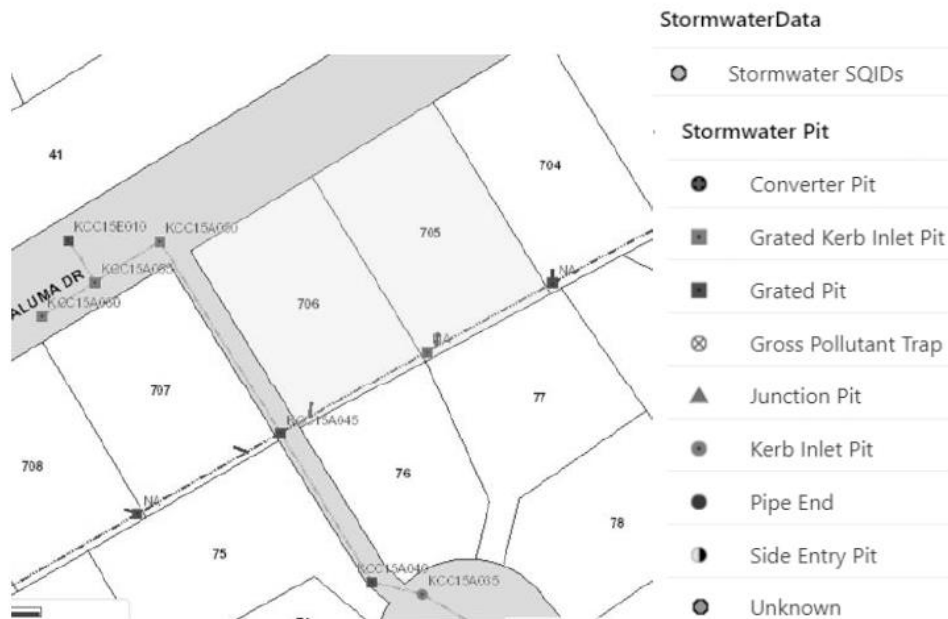
Council's reticulated sewer network is shown in the following plan extract.

Figure 9: Extract from Council's Reticulated Sewer Network (subject land shaded yellow)



The reticulated stormwater network is shown in the following plan extract.

Figure 10: Extract from Council's Stormwater Network (subject land shaded yellow)



LPM October 2019





Council's Reclaimed Water network does not yet extend to this area of Port Macquarie.

As shown by the plan extracts, the reticulated water and sewer services are already in place to service this residential area. The stormwater network is also in place. There is adequate capacity in these networks to cater for a single additional residential allotment, and the required works to install an additional connection will be required as part of any consent conditions.

Having regard to the above consideration of the relevant provisions of the Port Macquarie – Hastings Local Environmental Plan, it is considered that the proposal has been designed to be consistent with the provisions of the Local Environmental Plan.

### c) Development Control Plan 2013

DCP 2013 contains provisions general provisions relating to vegetation removal, earthworks, etc, and general provisions relating to residential subdivision. The relevant provisions are considered in the following table.

DCP 2013			
DCP Objective	Development Provisions	Proposed	Compliance
DCP GENERAL PROVISIONS			
2.3.3.1	Cut and fill 1.0m max 1m outside the perimeter of the external building walls	No earthworks proposed for this subdivision	N/A
2.3.3.2	Max height retaining wall along road frontage is 1.0m.  Where a combination of a fence and a wall is proposed to be greater than 1.2m high:	No front retaining wall proposed  Fences on top of retaining walls are not proposed.	N/A  N/A
2.3.3.3	Significant earthworks of more than 10% site area or 1ha where surface level changed by more than 5m or earthworks exceed average of 10000m <sup>3</sup> per ha – see requirements	No significant earthworks proposed	Yes
2.3.3.4	EEC buffers	Not applicable	N/A

5 LOT Residential Subdivision – Yaluma Dr, Port Macquarie 15

DCP 2013			
DCP Objective	Development Provisions	Proposed	Compliance
2.3.3.5	Environmental Offsets & VMPS	Not applicable	N/A
2.3.3.6	Vegetated Riparian buffers according to 1 <sup>st</sup> – 4 <sup>th</sup> order streams	Not applicable	N/A
2.3.3.7	Koala Habitat	Not applicable	N/A
2.3.3.8	Hollow Bearing Trees – located by survey and HBT assessment protocol applied	Not applicable	N/A
2.3.3.9	HBT removal protocol & offset via nesting boxes	Not applicable	N/A
2.4.3.1	Development within proximity of flight paths not to attract birds or flying vertebrates	Not applicable	N/A
2.4.3.2 & 2.4.3.3	No airborne particulates or gaseous plumes within operational airspace & no hazardous or obtrusive light	Not applicable	N/A
2.4.3.4 Bushfire 2.4.3.5 Flooding 2.4.3.6 Stormwater	Bushfire risk, Flooding, Stormwater	Land not identified as being subject to bushfire or flooding hazard. Stormwater from the site will be directed to the existing network.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical.	Not applicable Access off local street being Yaluma Drive only.	Yes
2.5.3.2	Driveway crossing/s minimal in number and width including maximising street parking	Access to each allotment via Yaluma Drive. Multiple crossings not required for the subdivision.	Yes

DCP 2013			
DCP Objective	Development Provisions	Proposed	Compliance
<b>Chapter 3.6 - Subdivision</b>			
<b>3.6.3.1</b>	Site Analysis plan showing contours and flood affected areas etc	Site plan provided	Yes
<b>3.6.3.2</b>	Residential Torrens Lots to have minimum width of 15m and depth of 25m	Draft linen plan provided – each lot has minimum width of 15.3m and minimum depth of 33m	Yes
<b>3.6.3.3</b>	Battleaxe lots discouraged	No battleaxe lots proposed	Yes
<b>3.6.3.4</b>	Subdivision to respond to gradient of land	Slope of land consistent throughout this locality and dwelling construction satisfactory	Infill development outcome satisfactory
<b>3.6.3.5</b>	Street orientation	No change to street orientation proposed	N/A
<b>3.6.3.6</b>	Street network	No change to street network	N/A
<b>3.6.3.7</b>	Lot orientation	Infill development is consistent with existing lot orientation	Yes

5 LOT Residential Subdivision – Yaluma Dr, Port Macquarie 15

DCP 2013			
DCP Objective	Development Provisions	Proposed	Compliance
3.6.3.8 3.6.3.9 3.6.3.10 3.6.3.11 3.6.3.12	Road design & construction Bus infrastructure Urban Road Design Bushfire Perimeter Road Perimeter Road	No new roads proposed	N/A
3.6.3.13 3.6.3.14 3.6.3.15	Provision of footpaths /cycleway	No change to existing networks	N/A
3.6.3.16 3.6.3.17 3.6.3.18 3.6.3.19	Stormwater management	Existing easement provisions to be incorporated into new lot	Yes
3.6.3.20 3.6.3.21 3.6.3.22 3.6.3.23	Reticulated water supply Recycled water supply	Additional connection to water supply to be provided	Yes
3.6.3.24 3.6.3.25	Reticulated sewerage system	No recycled network in this locality	N/A
3.6.3.26 3.6.3.27 3.6.3.28	Erosion controls	Additional connection to be provided	Yes
3.6.3.29 3.6.3.30 3.6.3.31 3.6.3.32 3.6.3.33	Public Open Space	No earthworks proposed	N/A
3.6.3.34	Service Infrastructure	Neighbourhood parks already provided as part of this estate. Contributions will be payable for one additional allotment	Yes
3.6.3.35	Waste Management	Additional connection for single additional allotment will be provided as required	Yes
		Waste collection will be provided for the new allotment	Yes

As noted in the above table, the proposed creation of one additional residential allotment fronting Yaluma Drive is consistent with Council's requirements.

**d) Integrated Development**

The subject land is within an area identified as bushfire prone as shown in the following map extract from the Planning Portal.

Figure 11: Planning Portal map extract: Bushfire Prone Land (subject land shown by red line)



A bushfire hazard assessment has been undertaken for the proposed subdivision, as well as a preliminary assessment of a dwelling concept plan to demonstrate that all three allotments are capable of accommodating future dwellings.

The Yaluma Drive road reserve is able to accommodate the extent of APZ likely to be required and therefore the proposed lots are capable of future residential development.

No APZs are to be applied to the lots at the subdivision stage, as the APZ will be applicable to the future residential development of the land. The full assessment is included with this application.

**e) Any Planning Agreement**

There are no planning agreements existing or proposed for this development.

**f) Any matters prescribed by the Regulations**

None applicable to the development proposal.

**g) Context & Setting**

The proposal will provide an additional residential allotment within a residential area of Port Macquarie. The size of the proposed allotments remains well above the minimum lot size permitted for this locality. The proposal is consistent with the existing, and likely future context and setting of the subject land.

**h) Access, Transport & Traffic**

The three residential allotments will have good frontage to Yaluma Drive. The road network has capacity to cater for this single additional allotment. Contributions will be payable to assist Council to undertake broader road network upgrades as residential development requires.

**i) Natural Hazards**

The land is not mapped as floodprone. The estate is not within an area subject to coastal processes. The retained vegetation located on the other side of Yaluma Drive is mapped as being bushfire prone and therefore a bushfire hazard assessment has been undertaken for the proposed subdivision. The assessment noted that the future residential development of the three allotments will be able to be undertaken within the required provisions of the current Planning for Bushfire legislation. No APZs are included on the proposed lots, as the APZs will be subject to the future residential development of the land.

**j) Waste**

Waste disposal from the future development of the allotments will be accommodated within Council's kerbside collection system.

**k) Water Supply & Sewer Connection**

The existing reticulated water and sewer connections will be utilised to service the additional residential allotment.

**l) Stormwater / Water**

The easement for stormwater drainage at the rear of the allotments is unaltered.

**m) Noise & Vibration**

The proposed subdivision will not result in any adverse increase in noise or vibration.

**4. Public Interest**

It is in the public interest to utilise available and serviced residential land. This proposal will ensure the efficient use of unconstrained land occurs.

**5. Conclusion**

The proposal is consistent with all of Council's controls and requirements. The existing reticulated services and road network has capacity to cater for this proposal. The proposal will result in an additional residential allotment which is capable of accommodating future residential development and should be approved.

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**Item: 08****Subject: DA2019 - 694.1 HOME BUSINESS - HAIR SALON, LOT 108 DP  
1214480, NO. 4 SUNRISE PLACE, KING CREEK****Report Author: Development Assessment Planner, Steven Ford**

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**Applicant: S & S Mitchell****Owner: S Mitchell****Estimated Cost: \$8000****Parcel no: 64920**

---

**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA 2019 - 694.1 for a Home Business - Hair Salon, at Lot 108, DP 1214480, No. 4 Sunrise Place, King Creek, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a development application for a Home Business - Hair Salon, 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, 2 submissions were received.

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.

This report recommends that the development application be approved subject to the attached conditions (Attachment 1).

**1. BACKGROUND****Existing Sites Features and Surrounding Development**

The site has an area of 4,623m<sup>2</sup>.

The site is zoned R5 - Large Lot 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:

- Applicant seeking development approval for a home business - hair salon.
- 1 garage bay of the attached 3 bay garage has been converted into a hair salon.

Refer to Attachment 2 at the end of this report for plans of the proposed development.

### Application Chronology

- 29 September 2019 - Application submitted
- 18 October to 30 October 2019 - Public Notification Period, 2 Submissions received
- 15 November 2019 - Additional Information Requested
- 26 November 2019 - Additional information and revised plans received

## 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. 64 – Advertising and Signage

The proposed development includes a business identification sign. For the purposes of this policy, the proposed signage is considered consistent with Division 2 Advertising and Signage Exempt Development Code of the SEPP (Exempt and Complying development codes) 2008. One sign displayed to the street frontage, total area less than 2.5m<sup>2</sup> and mounted against the existing retaining wall adjacent to the driveway. Conditions of consent have been recommended to ensure compliance with the SEPP.

### 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 R5 Large Lot Residential.
- Clause 2.3(1) and the R5 zone landuse table - The proposed development for a Home Business is a permissible landuse with consent.

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or  
(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot,

- ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or*
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or*
  - (d) the exhibition of any signage (other than a business identification sign), or*
  - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,*

*but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.*

Conditions have been recommended restricting the business to the relevant criteria above so that the use remains compatible with the residential locality.

The objectives of the R5 zone are as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones

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 does not have an identifiable adverse impacts on the existing amenity. Impacts are considered minor and manageable.
- Clause 5.4 – The home business is less than 60m<sup>2</sup> in area and therefore complies with this Clause.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, on-site 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**

No draft instruments apply to the site.

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

**Port Macquarie-Hastings Development Control Plan 2013**

<b>DCP 2013: General Provisions</b>			
<b>DCP Objective</b>	<b>Development Provisions</b>	<b>Proposed</b>	<b>Complies</b>
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline:	The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any	Yes

	<ul style="list-style-type: none"> <li>• Casual surveillance and sightlines</li> <li>• Land use mix and activity generators</li> <li>• Definition of use and ownership</li> <li>• Lighting</li> <li>• Way finding</li> <li>• Predictable routes and entrapment locations</li> </ul>	identifiable loss of safety or reduction of security in the immediate area.	
2.5.3.3	Off-street parking in accordance with Table 2.5.1	<p><u>Required:</u> Table 2.5-1 requires 1 space per dwelling + 1 visitor space + 1 space per 2 employees for home businesses.</p> <p>The proposal includes one employee and therefore 2.5 parking spaces are required.</p> <p><u>Proposed:</u> The site plan contains 4 useable garage parking spaces as well as 4 hardstand spaces within the driveway. No employees are presently proposed.</p> <p>Overall, the parking provision onsite exceeds the minimum required and allows for cars to enter and exit in a forward direction.</p> <p>Appropriate signage will be conditioned</p>	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.14	Sealed driveway surfaces unless justified	Existing concrete driveway.	Yes

Based on the above assessment, the proposal satisfies the provision of the DCP.

**(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**

Nil

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

The site has a general western street frontage orientation to Sunrise Place.

The proposal will not have any significant 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 significant adverse lighting impacts.

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

**Access, Traffic and Transport**

The site has road frontage to Sunrise Place. The street is a sealed public road under the care and control of Council. 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.

**Parking and Manoeuvring**

A total of four (4) parking spaces have been provided on-site. 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.

**Water Supply Connection**

No Change to Existing

**Sewer Connection**

No new sewerage works proposed.

**Stormwater**

No change to existing

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

Following a site inspection, 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 not have any significant adverse impacts on water resources and the water cycle.

**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.

**Noise and vibration**

The construction and/or operations of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Condition of consent proposed to manage hours of operation.

**Bushfire**

The site is identified as being bushfire prone however the proposal does not increase the risk of bushfire. Adequate defendable space and egress from the property is available in the event of a bushfire.

**Safety, security and crime prevention**

The proposed development will be unlikely to create any security/crime risk.

**Social impacts in the locality**

Given the nature of the proposed development and its location the proposal is not considered to have any significant adverse social impacts.

**Economic impact in the locality**

The proposal is not considered to have any significant adverse economic impacts on the locality.

**Site design and internal design**

The proposed development design satisfactorily responds to the site attributes and will fit into the locality by not being visually dominate from the street.

**Cumulative impacts**

The proposed development is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality. Standard conditions are considered adequate to control main concerns of hours of operation, off street car parking and noise.

**(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**

Two (2) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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



Submission Issue/Summary	Planning Comment/Response
The objective of R5 zoning is to "provide residential housing in a rural setting while preserving, and minimising impacts on.....scenic quality." The operation of a hairdressing salon and the associated increased traffic will impact on our scenic quality and is not in keeping with the objectives of the zoning. There are only nine residences in our cul de sac. If Council allow this business to operate, thereby setting a precedent, the street would no longer be residential in a very short space of time once other people started to operate a business from home.	Home Businesses/Occupations and Business identification signage are permitted with consent within R5 large lot residential zoned land.  The home business is proposed to be only staffed by the home occupant.
The applicants are already advertising the business as operating from 9.00am to 9.00pm Monday to Friday. This is outrageous. How can a business, that has not even been approved, be operating as late as 9.00pm each week night?	The Statement of Environmental Effects provided with this application identifies proposed hours of operation to be 9am to 5 pm Monday to Friday. Concern can be addressed with appropriate standard condition restricting hours of operation.
The intersection of Sunrise Pl and King Creek Rd is poorly lit, on a sweeping bend and quite dangerous at best of times. Increased traffic leaving our cul de sac at night increases public risk and noise.	Applicant has confirmed hours of operation will be between 9am and 5pm, there will be no impacts during night periods. Operating outside the approved hours can be the subject of enforcement by Council.  The home business will only have one staff, which will restrict the number of clients and frequency of traffic movements during operating hours. Due to the scale of the home business, there is likely to be no adverse traffic generation and the applicant has demonstrated that there is opportunity for more than the required off street car parking within the driveway, which will be available at all times for customers to ensure no on street car parking.
The intersection of Sunrise Pl and King Creek Rd is on a sweeping bend and quite dangerous. Vehicles parked in Sunrise Place often make entering the cul de sac dangerous as they create a blind spot to vehicles leaving the cul de sac. Vehicles leaving the cul de sac need to drive on the wrong side of the road around parked vehicles and a head on accident could occur as a result.	The Applicant has demonstrated sufficient off street car parking is available within the site and proposes directional signage to indicated off street customer car parking is available.  Standard condition requiring off street car parking and customer parking signage is considered adequate to ensure no additional impact to the street amenity and existing traffic movement issues.
The developer has constructed a very	The mentioned sign has been removed and

Submission Issue/Summary	Planning Comment/Response
<p>aesthetically pleasing stone wall greeting residents and visitors to our cul de sac. This wall belongs to everyone in our cul de sac not the owners of number 4. Consequently, any signage placed on or near the street will detract from our scenic quality and breach the objectives of R5 zoning. And, because it's a cul de sac, there is no other entry point that other residents can use to enter the street in order to avoid an unsightly sign.</p>	<p>was not present at the time of the site inspection.</p> <p>The Applicant agreed to locate a business identification sign with parking directions adjacent to the existing driveway against the existing masonry retaining wall. The size of the proposed sign will be consistent with what is considered exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>The subject stone wall and entrance signage will not be obstructed.</p>
<p>This business should not be allowed to operate, as it will set a precedent. The street only has 9 residences and if each one wished to operate a home business, we may as well be zoned retail / commercial. There are many opportunities to operate a hair salon in Wauchope town centre with a large number of vacant retail sites.</p>	<p>Home Businesses are permitted with consent within R5 large lot residential zoned land and are compatible with the residential use of the land and the neighbourhood.</p>
<p>We have major concerns about the ability of the sites septic system to handle the additional effluent/chemicals from a hair salon. The existing septic system was designed to handle effluent from a 5-bedroom house. Already the residents have increased the number of rooms by building a separate 3 bedroom "flat" (without consent) which is fully occupied. The same system is being expected to also manage waste from a business.</p>	<p>The onsite waste management system has the capacity handle the Home Business requirements. The Applicant has statement that the chemical waste will be similar to standard domestic usage and they are conscious of the impact chemicals may have on the operation cycles of the septic system and want to avoid overloading and the system failing.</p> <p>The regular maintenance program of the septic system should be sufficient to ensure it is working efficiently.</p> <p>Note: During the onsite inspection, the Applicant explained the ancillary shed was part used as a temporary residence during construction of the primary dwelling. The area continued to be used from time to time for family to stay. The bedrooms have now been removed to make more available workshop space and storage. The kitchen and bathroom are still connected to services, as it is convenient when working in the shed. The area was not furnished or appeared to be occupied. The Applicant was undecided of the future of the space and was going to seek further private advice over potentially submitting a future Development Application to formalise the use of the space. This space</p>

Submission Issue/Summary	Planning Comment/Response
	or ancillary use is not part of the current assessment.

**(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**

Development contributions will not be required under S64/S7.11 for the following reasons: Cost of works are not greater than \$100,000 and due to the small floor area S64 water headworks charges are under the \$2,000.00 cap and considered exempt.

**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 - 694.1 Recommended Conditions

2 [View](#). DA2019 - 694.1 Plans

3 [View](#). DA2019 - 694.1 SOEE



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/694****DATE: 7/01/2020****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.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Plans	Unknown	Sonya and Scott Mitchell	Unknown
Statement of Environmental Effects	Unknown	Sonya and Scott Mitchell	Unknown

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) (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.
- (3) (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.
- (4) (A049) Work associated with the fit out of hairdressing, beauty and skin penetrations salons shall be designed and carried out in accordance with the requirements of:
- The Local Government (Orders) (General) Regulations 2005,
  - The Building Code of Australia,
  - Public Health Act 2010,
  - Public Health Regulation 2012,

Prior to release of the Building Certificate details demonstrating compliance with the above are to be illustrated on the plans.

**B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

nil

**C – PRIOR TO ANY WORK COMMENCING ON SITE**

nil

**D – DURING WORK**

nil

**E – PRIOR TO OCCUPATION OR THE ISSUE OF BUILDING CERTIFICATE**

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Building Certificate has been issued by the Principal Certifying Authority.
- (2) (E024) Occupation of the premises shall not occur until a registration application has been submitted to Council's Environmental Health Unit for the food premises.
- (3) (E027) A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer.
- (4) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Building Certificate, indicating that visitor/customer parking is available on-site.

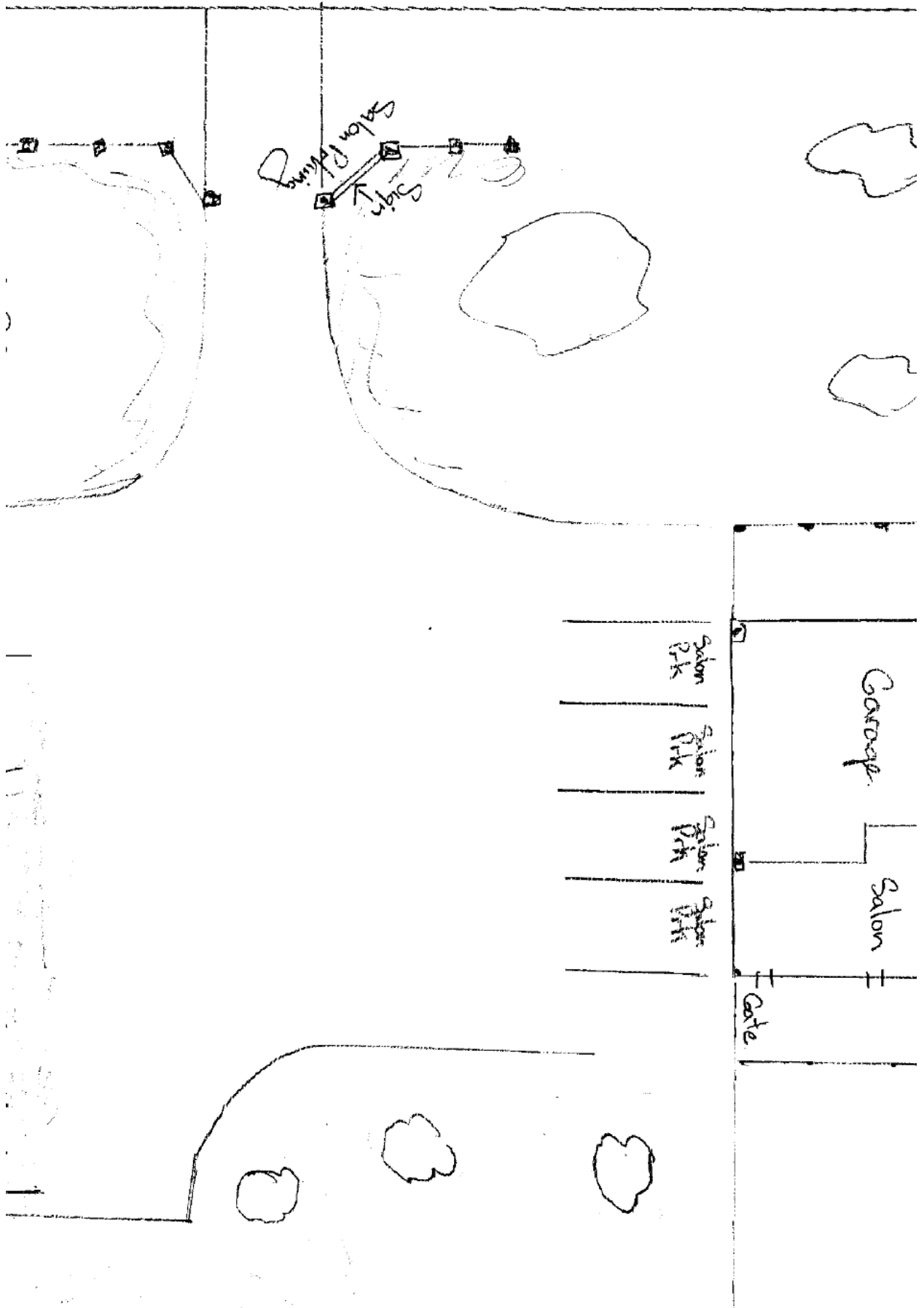
**F – OCCUPATION OF THE SITE**

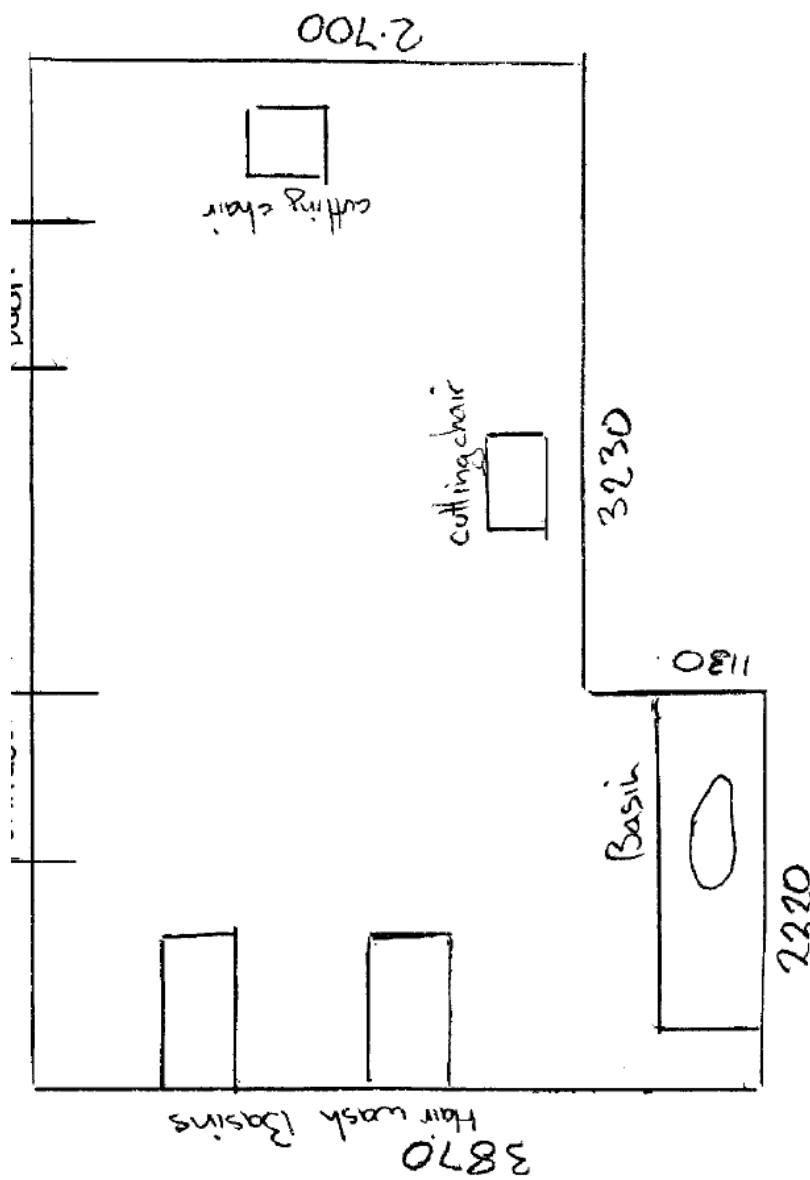
- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by patrons.
- (2) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (3) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (4) (F016) Offensive odours shall not be generated by the development.
- (5) (F019) Clinical wastes shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility.
- (6) (F021) All solid waste generated by the development which cannot be reused or recycled, shall be disposed of at Council's waste management facilities.
- (7) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (8) (F025) Hours of operation of the development are restricted to the following hours:
  - 9 am to 5 pm – Monday to Friday
  - No work is to be carried out on Weekends and Public Holidays
- (9) (F037) At no time is the intensity, period of intermittency and hours of illumination of signage to cause objectionable glare or impact on the amenity of the neighbourhood. The illuminated signage must be designed, installed and used in accordance with AS4282 control of the obtrusive effects of outdoor lighting. To this extent the signage must not flash and illumination shall cease at 8pm each night.
- (10) (F195) Shampoos and septic safe chemicals would be suitable; however, harsh chemicals such as bleach and ammonia, as well as fats and oils in treatments such as cocoa butter may affect the performance of the existing

onsite sewage management system. It is recommended that the harsh chemicals and oils are avoided, or if they are to be used, they should be collected separately to the general wastewater and removed by an appropriate and licensed liquid waste removalist.

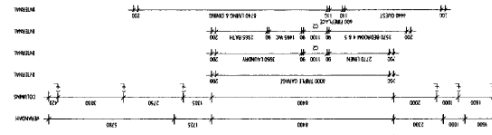
- (11) (F196) Skin penetration procedures not permitted without a separate development consent
- (12) (F197) The development is to comply with the definition requirements of home business as listed in the Port Macquarie Hastings Local Environmental Plan 2011.

DRAFT





Revision Schedule	
issue#	date description
04-08-2018	04 SUBMISSION
A	01-04-2018 COUNCIL MEETING
B	23-04-2018 COUNCIL MEETING

Unit 3  
112 Russell Street

Project Title	15063 - Single Drilling and Stud - BDM not
Client	BDM Contractors

Address  
Lot 108 DP1214380, Sunrise Pl. King Creek,

Drawing Title  
Residence Floor Plan

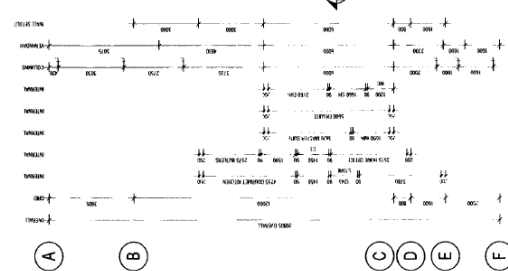
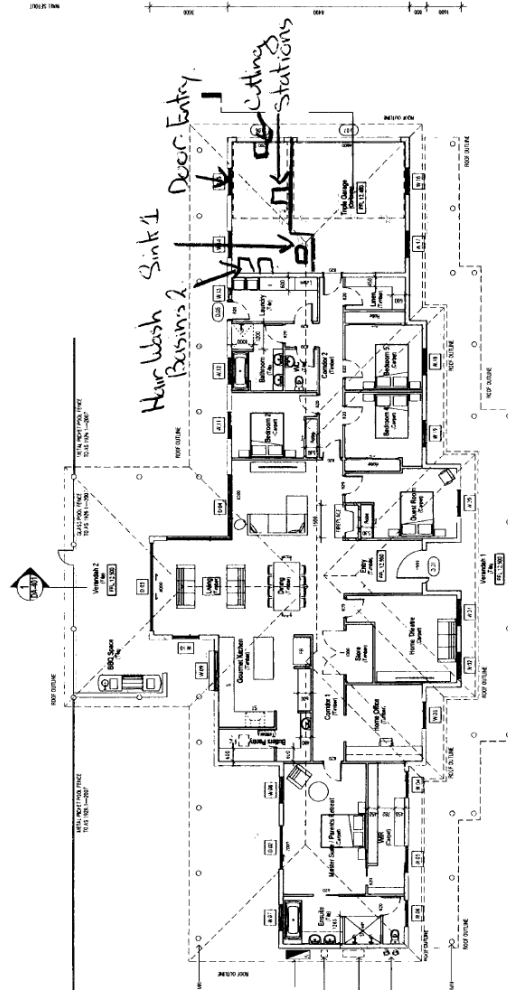
Drawn	GFS
CW	Chevrolet

Drawing Number: \_\_\_\_\_

15068 - DA-102

Issue	Date
B	23/06/2016 8:51:25 AM

DFVFI QPMFNT



Dwelling Area Schedule	
Name	Area
Garage	51.78
Deck	10.25
Front Porch	10.25
Back Porch	10.25
Staircase	10.25
Other	10.25
Total	102.50

[illegible]

Ground Floor Plan  
1 : 100



### STATEMENT OF ENVIRONMENTAL EFFECTS

This form is to be submitted for minor development applications only, such as new dwellings, alterations and additions and ancillary structures, change of use/first use of commercial and industrial premises. Other applications will require a comprehensive SOEE. Refer to SOEE Fact Sheet or Council's Duty Planner for assistance.

If you answer "yes" to any item in sections 4 to 8 you will need to detail the likely impact(s) and the proposed means of mitigating or reducing such impact(s). If insufficient space has been provided, attach additional sheet(s).

#### 1. PROPERTY DETAILS

Lot No ..... Section No. .... DP/SP No. .... Street No 4 .....

Street Name Sunrise place .....

Suburb/Town king creek ..... Postcode 2446 .....

#### 2. PROPOSAL DESCRIPTION

Provide a description of the proposed development. Handdressing Salon .....

.....

.....

.....

The following questions are to be completed for applications relating to home business/industry, shops, commercial and industrial premises.

Hours of operation? 9 to 5pm Monday to Friday .....

Client and staff numbers? 1 staff. 15 clients? new business .....

Type, size and quantity of goods to be made, stored or transported? NIL .....

.....

Details of any deliveries (i.e. hours, frequency, type of vehicles)? NIL .....

.....

Details of any retailing? NIL .....

Comments: .....

.....

.....

### 3. PLANNING INFORMATION

What is the zoning of the subject land? .....

What is the current use of the land/building? .....

Is your proposal:

- permissible in the zone? Yes ☐ No ☐
- consistent with the zone objectives? Yes ☐ No ☐

Does your proposal comply with the relevant:

- development standards (i.e. FSR, heights) in the Local Environmental Plan? Yes ☐ No ☐
- development control plan (e.g. setbacks, car parking)? Yes ☐ No ☐

If you answered "no" to any of the above questions, a detailed justification is required. Additionally, you should discuss your proposal with the Duty Planner before lodging your development application.

### 4. SITE SUITABILITY

Will the development:

- affect any neighbouring residences by overshadowing or loss of privacy? Yes ☐ No ☒
- result in the loss or reduction of views? Yes ☐ No ☒
- impact on any item of heritage or cultural significance? Yes ☐ No ☒
- result in land use conflict or incompatibility with neighbouring premises? Yes ☐ No ☒
- be out of character with the surrounding area? Yes ☐ No ☒
- be visually prominent within the existing landscape/streetscape? Yes ☐ No ☒
- require excavation or filling in excess of 1 metre? Yes ☐ No ☒
- require the erection or display of any advertising signage? Yes ☒ No ☐

Comments: signage to the allowed size  
erected on property.

.....

.....



## 5. ENVIRONMENTAL IMPACTS

Is the site affected by any of the following natural hazards?

Yes ☐ No ☒

If yes, please indicate which hazard.

Flooding ☐ Bushfire ☐ Acid sulfate soils ☐

(Note: Information on natural hazards available from Council.)

Will the proposal:

- result in any form of air pollution (smoke, dust, odour, etc)? Yes ☐ No ☒
- have the potential to cause any form of water pollution? Yes ☐ No ☒
- emit noise levels that could affect neighbouring properties? Yes ☐ No ☒
- be considered potentially hazardous or offensive (refer SEPP 33 for definitions)? Yes ☐ No ☒
- affect native or aquatic habitat? Yes ☐ No ☒
- have an impact on a threatened species or habitat? Yes ☐ No ☒
- involve the removal of any trees? (If yes, detail type and number below.) Yes ☐ No ☒

Comments: .....

.....

.....

## 6. ACCESS, TRAFFIC &amp; UTILITIES

Are electricity and telecommunications services available to the site?

Yes ☒ No ☐

Does the site have access to town water?

Yes ☒ No ☐

Does the site have access to town sewerage?

Yes ☐ No ☒

If you answered no to the above, is a waste water report attached?

Yes ☒ No ☐

Provide details of on-site parking, including number of spaces. .... 10 parking spaces .....

Is lawful and practical access available to the site?

Yes ☒ No ☐

Will the development increase local traffic movements and volumes?

Yes ☐ No ☒

Are appropriate manoeuvring, unloading and loading facilities available on site?

Yes ☒ No ☐

(Note: Turning templates may be required for medium density, commercial and industrial.)

Provide details of proposed method of stormwater disposal (e.g. street, rubble drain, rainwater tank)

..... rainwater tank .....

Comments: .....

.....

.....

**7. SOCIAL & ECONOMIC IMPACTS** *(Not applicable to new dwellings, additions or like.)*

Will the proposal have any social or economic impacts in the area? Yes ☐ No ☒

Have you conducted any community consultation (e.g. neighbours, Police)? Yes ☐ No ☒

Have you considered Council's Social Impact Assessment Policy? Yes ☐ No ☒

Comments: .....

.....

.....

**8. WASTE DISPOSAL**

Provide details of waste management, including reuse and recycling *in bins provided*  
*by council not much rubbish*

How and where will the wastes be stored? *in bins*

Does the proposed use generate any special wastes (e.g. medical, contaminated)? Yes ☐ No ☒

Will the use generate trade wastes (e.g. greasy or medical wastes)? Yes ☐ No ☒

Comments: .....

.....

.....

APPLICANT'S SIGNATURE

DATE

---

**Item: 09**

**Subject: DA2019 - 673.1 MODIFICATION TO GENERAL STORE (ALDI) -  
ALTERED DELIVERY HOURS - LOT 701 DP 1151916, NO 3 HUGHES  
PLACE, PORT MACQUARIE**

**Report Author: Development Assessment Planner, Fiona Tierney**

---

**Applicant: ALDI Stores**  
**Owner: ALDI Stores**  
**Estimated Cost: Nil**  
**Parcel no: 61266**

---

#### **Alignment with Delivery Program**

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

#### **RECOMMENDATION**

**That DA 2019 - 673.1 for a change to delivery hours at an existing general store at Lot 701, DP 1151916, No. 3 Hughes Place, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

This report considers a development application for a change to delivery hours 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, three (3) submissions were received.

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 in a significant adverse social, environmental or economic impact.

This report recommends that the development application be approved subject to the conditions included as Attachment 1.

#### **1. BACKGROUND**

##### **Existing Sites Features and Surrounding Development**

The site has an area of 5925m<sup>2</sup>.

The site is zoned B5- Business Development 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:

- Change of delivery hours from existing 7am to 10pm to allow 24 hours per day/ 7 days per week

Refer to Attachment 2 at the end of this report for plans of the proposed development.

**Application Chronology**

- 19 September 2019 - Application submitted.
- 30 September 2019 to 15 October 2019 - Public Notification period - 3 Submissions.
- 23 October 2019 - additional information request for noise assessment and acoustic fence.
- 18 November 2019 - additional information received.
- November/December 2019 - Clarification on noise levels and mitigation measures.

**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**

**Port Macquarie-Hastings Local Environmental Plan 2011**

The existing development was approved as a 'General Store' under the Hastings Local Environmental Plan 2001 and is therefore an 'existing use' under the Act. The proposed modification to delivery hours is consistent with the current LEP having regard to the following.

- Clause 2.2 - The subject site is zoned B5 Business Development.
  - The objectives of the B5 zone are as follows:
    - To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and the support the viability of, centres.
    - To minimise conflict between land uses within the zone and with adjoining zones.
    - 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 noting the existing use.
  - With proposed conditions of consent, the development will be callable of minimising conflict with neighbouring land uses.

- The proposal represents a minor change to the existing 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**

No relevant clauses apply to change in delivery hours.

**(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**

Nil

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

The site has a general western street frontage orientation to Hughes Place with a secondary frontage to Hastings River Drive.

Deliveries are made via an existing driveway along the southern boundary.

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

**Access, Traffic and Transport**

The site has road frontage to Hughes Place. The street is a sealed public road under the care and control of Council. 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.

**Parking and Manoeuvring**

Existing.

**Water Supply Connection**

No Change to Existing

**Sewer Connection**

No new sewerage works proposed.

**Stormwater**

No change to existing

**Other Utilities**

Telecommunication and electricity services are available to the site.



**Noise and vibration**

There is currently a history of non-compliance with permitted delivery hours and complaints in relation to noise. Council's Environmental Health Officer has reviewed the noise impact assessment and considers that the proposal is capable of meeting the requirements of the NSW EPA Noise policy for industry (which is a guideline only for assessment, not a legislative instrument or standard). Discussions were held with the EPA Noise Team, who confirmed that the appropriate methodology was applied in the assessment.

There are some concerns that even though the report states that the site will meet the requirements of the Policy once the controls are in place, that it is still may cause sleep disturbance of sensitive caravan park residents. In an attempt to reduce the disturbance caused by this development, it is recommended that the following be included in any conditions of consent:

- That the trucks are to turn off the refrigeration units prior to entering the site and 'quacker' type reversing beepers are to be installed on trucks.
- That the number of trucks between 7pm and 7am is limited to two. Aldi is to keep record of the delivery arrival and departures during this time, and make it available to council on request.
- That the predicted noise measurements be validated by an appropriately qualified person within 6 months of consent, and a report sent to council confirming that it meets or the noise level is lower the predictions. If the predicted noise levels cannot be met, additional attenuation is to be added and no deliveries between 10pm and 7am can be made until it is at or below the predicted noise levels in the MAC Report.
- The noise control measures indicated in the acoustic report are to be installed prior to any deliveries occurring between 10pm and 7am
- An additional RW28 acoustic lining be provided to the existing southern boundary fence which adjoins the loading area and the permanent residents of the caravan park.

**Safety, security and crime prevention**

The proposed development will be unlikely to create any increase security/crime risk. The increase in activity will improve natural surveillance within the locality.

**Social impacts in the locality**

With appropriate noise management measures as recommended, the proposal is not considered to have any significant adverse social impacts.

**Economic impact in the locality**

The proposal is not considered to have any significant adverse economic impacts on the locality.

**Cumulative Impacts**

The proposed development is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality. Standard and specific conditions are considered adequate to control main concerns of hours of operation and noise.

**(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**

Three written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
Noise issues, paling fence has no noise cancelling construction, refrigeration unit left going and noise and vibration disturbing whilst unloading.	<p>Noted. A condition of consent is proposed recommending:</p> <ul style="list-style-type: none"> <li>-Compliance with the acoustic report</li> <li>-Turning off refrigeration units prior to entering the site</li> <li>-The installation of an acoustic lined panelling to the existing fence or a solid masonry fence for the full length of the southern boundary</li> <li>- Use of quacker reversing beepers on trucks</li> <li>- Limitation to 2 deliveries to the site per night</li> <li>- Lining of the delivery dock</li> </ul> <p>With the above mitigation measures in place, impacts are considered to be acceptable and not of a significance that would justify refusal of the application.</p>
History of non-compliance with delivery hours and noise limitations.	It is acknowledged that there is some history of non-compliances and that the proposed conditions will establish clear controls.
Current deliveries are disturbing to neighbours-even within approved times.	It is considered that the recommended conditions will minimise the impacts to the residents within the caravan park.

**(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- change to delivery times only

**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 - 673.1 Recommended Conditions

2[View](#). DA2019 - 673.1 SoEE

3[View](#). DA2019 - 673.1 Noise Impact Assessment

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/673****DATE: 9/01/2020****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	19300	KDC	16 September 2019
Noise Impact Assessment	MAC190898RP1	Muller Acoustic Consulting	September 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.

**B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

nil

**C – PRIOR TO ANY WORK COMMENCING ON SITE**

nil

**D – DURING WORK**

nil

**E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) The noise control measures indicated in the acoustic report are to be installed prior to any deliveries occurring between 10pm and 7am. An acoustic lining/treatment to Rw28 is also to be provided to the existing fence along the full length and height of the western boundary.

**F – OCCUPATION OF THE SITE**

- (1) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.

- (2) All delivery trucks are to turn off refrigeration units prior to entering and during occupation of the site and are to be fitted with 'quacker' type reversing beepers.
- (3) That the number of trucks between 7pm and 7am is limited to two. Aldi is to keep record of the delivery arrival and departures during this time, and make it available to council on request.
- (4) The predicted noise measurements are to be validated by an appropriately qualified person within 6 months of consent, and a report sent to council confirming that it meets or is lower than the predictions. If the predicted noise levels cannot be met, additional attenuation is to be added and no deliveries between 10pm and 7am can be made until it is at or below the predicted noise levels in the MAC Report.

DRAFT



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Our ref: 19300

16 September 2019

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

Dear Sir/Madam,

**STATEMENT OF ENVIRONMENTAL EFFECTS****RE: Development Application for an Extension to Delivery Hours at the Port Macquarie ALDI****1 INTRODUCTION**

KDC Pty Ltd (KDC) acts on behalf of its client ALDI Stores (A Limited Partnership) (ALDI) in preparing this Statement of Environmental Effects (SEE) in support of a Development Application (DA) for the extension to delivery hours to 24 hours, 7 days a week, at the existing Port Macquarie ALDI located at 3 Hughes Place, Port Macquarie NSW 2444 (the site).

This SEE, including attachments, provides an assessment of the proposal.

**2 THE SITE AND SURROUNDS**

The site is located on the corner of Hughes Place and Hastings River Drive, within the Port Macquarie-Hastings Local Government Area (LGA). The site is generally known as 3 Hughes Place, Port Macquarie, as is legally defined as Lot 701 in Deposited Plan (DP) 1151916. The site contains an approximate area of 5,970sqm, supports a freestanding ALDI with on-site car parking and is accessed via Hughes Place.

Surrounding development include a caravan park adjoining the site to the east and south and a range of vehicle dealerships to the north and west. The site is situated within a B5 Business Development corridor which runs along Hastings River Drive. Generally, commercial uses exist along the corridor and the closest residential receivers are approximately 330m to the east.

Figures 1 and 2 below provide a site aerial and cadastral plan.



Figure 1 – Site Aerial (Source: Google Maps)

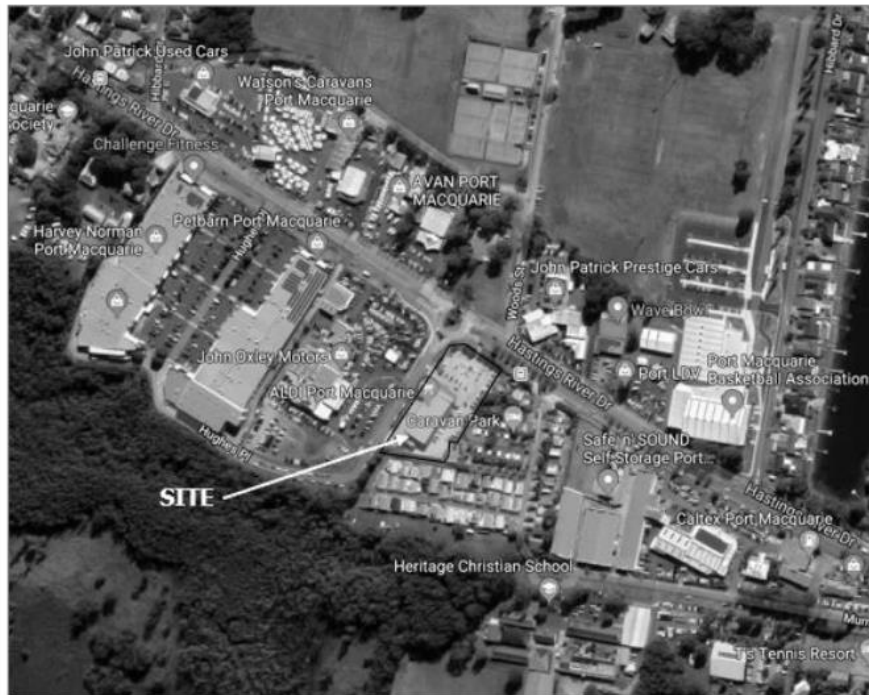


Figure 2 – Cadastral (Source: Six Maps)





### 3 PROPOSAL

This DA seeks approval to extend the delivery hours at the Port Macquarie ALDI to 24 hours, 7 days a week.

No other works or changes to the building footprint or built form are proposed under this DA including no change to the existing (approved) hours of operation.

### 4 LEGISLATION AND PLANNING CONTROLS

The following Legislation, Environmental Planning Instruments (EPI's) and Development Control Plan (DCP) are relevant to the proposed application and have been addressed below:

- + Environmental Planning and Assessment Act 1979;
- + Environmental Planning and Assessment Regulation 2000;
- + Port Macquarie-Hastings Local Environmental Plan 2011; and,
- + Port Macquarie-Hastings Development Control Plan 2013.

#### 4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)

The proposal is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). Section 4.15 of the EP&A Act 1979 provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15 (1), is provided within this SEE.

The subject ALDI operation is also subject to Section 4.65-4.67 relating to existing use rights. This is further discussed below.

Section 4.65 – Definition of "Existing Use"

- (a) *the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4 of this Part, have the effect of prohibiting that use, and*
- (b) *the use of a building, work or land:*
  - (i) *for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
  - (ii) *that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.*

The use and development of the site as a *general store* was approved as part of DA.10.2009.104.1. Specifically, approval was granted for *Alterations & Additions to Existing Caravan Park (Melaleuca Caravan Park), New General Store (Aldi Supermarket) – 1 into 2 Lot Torrens Title Subdivision*.

The use of the site for the purposes of a *general store* (ALDI supermarket) is known to have continued since approval in 2009.

Section 4.66 - Continuance of and Limitations on Existing Use

Section 4.66 (3) provides that an existing use is to be presumed, unless the contrary is established, *to be abandoned if it ceases to be actually so used for a continuous period of 12 months*, in which case the continuation of the use is not permitted.



The use of the site for the purposes of a *general store* (ALDI Supermarket) is known to have continued for since approval in 2009, with no cessation of the use for a period of 12 months or more within that period.

#### Section 4.67 - Regulations Respecting Existing Use

- (1) *The regulations may make provision for or with respect to existing use and, in particular, for or with respect to:*
  - (a) *the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and*
  - (b) *the change of an existing use to another use, and*
  - (c) *the enlargement or expansion or intensification of an existing use.*
- (2) *The provisions (in this section referred to as the incorporated provisions) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument.*
- (3) *An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force.*

The proposal for an extension to delivery hours is considered to fall under an 'intensification of an existing use', as reference in 1(c).

The incorporated provisions, contained within the Regulation 2000, are addressed in Section 4.2 of this SEE below.

## 4.2 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

### Clause 41- Certain Development Allowed

- (1) *An existing use may, subject to this Division:*
  - (a) *be enlarged, expanded or intensified, or*
  - (b) *be altered or extended, or*
  - (c) *be rebuilt, or*
  - (d) *be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or*
  - (e) *if it is a commercial use-be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or*
  - (f) *if it is a light industrial use-be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).*

The current application proposes an extension to the existing building and alterations to the car parking area in accordance with 1(b).

### Clause 42 - Development Consent Required for enlargement, expansion and intensification of existing use

- (1) *Development consent is required for any enlargement, expansion or intensification of an existing use.*
- (2) *The enlargement, expansion or intensification:*
  - (a) *must be for the existing use and for no other use, and*
  - (b) *must be carried out only on the land on which the existing use was carried out immediately before the relevant date.*

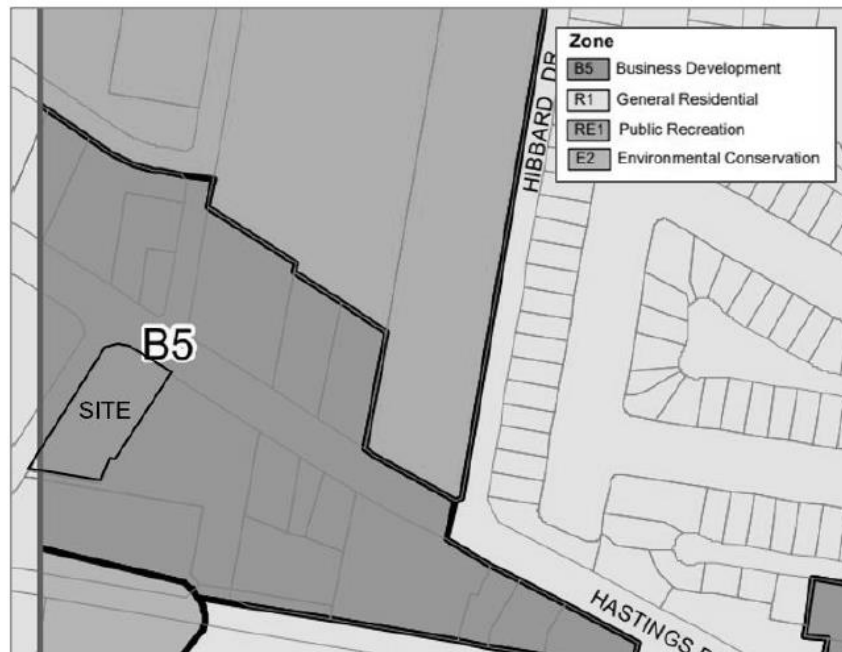
The proposal is to extend the delivery hours at the existing ALDI Supermarket and relates to the whole of the land to which the original use consent applies to.



#### 4.3 PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN (LEP) 2011

Under the provisions of the Port Macquarie-Hastings LEP 2011, the site is located within the B5 Business Development zone, refer to Figure 3.

Figure 3 – Land Zoning Map Extract (LZN\_013F)



#### **Zone B5 Business Development**

##### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To minimise conflict between land uses within the zone and with adjoining zones.
- To ensure that new developments make a positive contribution to the public domain and streetscape.

##### **2 Permitted without consent**

Nil

##### **3 Permitted with consent**

Centre-based child care facilities; Food and drink premises; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Respite day care centres; Roads; Self storage units; Specialised retail premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

##### **4 Prohibited**





*Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial training facilities; Industries; Marinas; Mooring pens; Open cut mining; Pond-based aquaculture Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Waste or resource management facilities; Water supply systems; Wharf or boating facilities*

**Comment:** There are no proposed changes to the use of the site under this application. The purpose of this application is to extend the delivery hours in an effort to improve flow on operational effects.

It is understood that the current approved use on the site is for a General Store, which was under DA10.2009.104.1. The land use term of *general store* was repealed in the updated Port Macquarie-Hastings LEP 2011. It is considered that the most appropriate land use definitions for an ALDI to fall under is a *shop* which is considered a prohibited use under the higher order definition of *commercial premises*. As such, the ALDI store currently operates under existing use rights. Discussion relating to existing use rights is provided in Section 4.1 and 4.2 of this SEE.

No other development standard or clauses under the Port Macquarie-Hastings LEP 2011 are considered to apply to the proposal.

#### 4.4 PORT MACQUARIE-HASTINGS DEVELOPMENT CONTROL PLAN (DCP) 2013

The proposal has been prepared having due regard for the provisions of the Port Macquarie-Hastings DCP 2013. The proposal generally meets the relevant controls contained within the DCP. An assessment of the relevant development controls has been carried out and is summarised in Table 1.

Table 1 – Port Macquarie-Hastings DCP 2013

Control	Requirement	Comment	Compliance
<b>Part 2 General Provisions</b>			
<b>2.5.3.20 Loading Bays</b>	Where loading bays are located close to a sensitive land use, adequate visual and acoustic screening is provided.	A Noise Assessment has been completed and is attached at Appendix A. The Assessment confirms the proposal satisfies the relevant noise criteria and policies. Further details are provided in Section 5.1.1 of this SEE.	<b>Y</b>

There are no other relevant controls within the Port Macquarie-Hastings DCP 2013.

## 5 ASSESSMENT OF PLANNING ISSUES AND LIKELY IMPACTS

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment considers only those matters under Section 4.15 (1) of the EP&A Act 1979 which are relevant to the proposal.

### 5.1 AMENITY IMPACTS

#### 5.1.1 NOISE

The proposal for 24 hours, 7 days a week, deliveries is considered to have minimal impact on surrounding commercial premises and caravan park in terms of noise. It is noted that the nearest residential receivers are approximately 330m to



the east, some distance from the ALDI, however a caravan park does adjoin the site. The commercial receivers are not anticipated to be affected as a result of the project as they will be unoccupied during the night assessment period.

A Noise Assessment (NA) has been prepared by Muller Acoustic Consultants (MAC) and attached at Appendix A of this SEE. The results of the NA demonstrate that noise emissions from the proposal would satisfy the relevant Project Noise Trigger Levels (PNTLs) at all assessed receivers for the extension of delivery hours based on the noise controls that have been established at the site and recommended noise attenuation measures. Furthermore, sleep disturbance is not anticipated, as emissions from impact noise are predicted to remain below the EPA for maximum noise level screening criteria.

It is acknowledged that noise attenuation measures are required to be incorporated as a result of the noise modelling completed. It is considered acceptable that the noise attenuation measure raised in the NA and extract below are provide as a condition of consent.

*The loading dock of the project is to be lined with corrugated and perforated steel sheeting lined internally with absorptive material such as rockwool; or alternatively the dock could be lined with sound block whisper cell (or equivalent).*

Based on this, the proposed 24 hours, 7 days a week, delivery has been assessed as compliant with current noise policy and EPA guidelines and therefore should be worthy of Council's support.

#### 5.1.2 LIGHTING/GLARE

The location of the loading bay is obscured from view. Further, the site is bound by 3.3m fencing which ensures headlight glare from the delivery vehicle will not directly shine into the caravan park. Given the surrounding use, by the entry and exit of ALDI and where the delivery truck circulate, is of a commercial nature unlikely to be occupied within the night time hours, it is considered the proposed extension to delivery hours and movement of the delivery vehicle in the night time hours will not result in adverse headlight glare impacts to surrounding uses.

#### 5.2 SAFETY AND SECURITY

The extended hours will have minimal impact on the existing safety of the ALDI. The ALDI Supermarket will operate in accordance with the approved hours of operation, this proposal does not seek to extend the operating hours. As such, the premises will remain closed and locked. It is expected that appropriate persons from ALDI will be on site for the scheduled delivery. The loading area of the premises will be open for a short while during the process of the pallet drop delivery. Once delivery is complete, the loading area will be closed and locked. In line with CPTED principles, safety measures will be maintained for the extension to delivery hours, include:

- + Surveillance
- + Activity and space management; and,
- + Training in emergency situations.

By using these measures throughout the operation, the premises will upkeep safety of the site.



## 6 CONCLUSION

The proposed extension to delivery hours for 24 hours, 7 days a week, at the Port Macquarie ALDI will not result in detrimental amenity impacts to surrounding uses and will not change the overall design or function of the approved use. The purpose of the proposed extension to delivery hours is in response to the impacts associated with the current conditioned delivery hours and pressures placed on logistics of deliveries noting that the ALDI warehouse is located in Western Sydney. To effect, the proposal seeks to improve the flow on effect of deliveries, from suppliers to warehouse and warehouse to store, removing concerns such as changes in traffic conditions or natural disaster events that may impact the transports ability to arrive on time and make the delivery in accordance with conditioned delivery times.

It has been established through the NA acoustic modelling that the proposed extension will not result in unacceptable impact to surrounding uses and receivers, and that the proposal can comply with current noise policies with the inclusion of recommended noise attenuation measures discussed in this SEE.

Overall, it is considered that the proposed extension to delivery hours will not result in any unreasonable impacts to the surrounding area. Given the merit of the proposed and absence of any significant adverse impacts, the proposal is considered to be worthy of Council's support.

If Council have any questions or require further information, please do not hesitate to contact the undersign on (02) 4940 0442.

Yours sincerely

A handwritten signature in black ink, appearing to read 'nsellen'.

Nicole Sellen  
**Town Planner**  
**KDC Pty Ltd**

### Enclosures:

**Appendix A** – Noise Impact Assessment

# Noise Assessment

Proposed Modification to Delivery Hours  
Aldi  
Port Macquarie, NSW.

Prepared for: KDC Pty Ltd  
September 2019  
MAC1000000001



## Document Information

### Noise Assessment


Proposed Modification to Delivery Hours

Aldi

Port Macquarie, NSW.

**Prepared for:** KDC Pty Ltd  
Suite 2B, 125 Bull Street  
Newcastle West NSW 2302

**Prepared by:** Muller Acoustic Consulting Pty Ltd  
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DOCUMENT ID	STATUS	DATE	PREPARED BY	SIGNED	REVIEWED BY	SIGNED
MAC190898RP1	Draft	10 September 2019	Oliver Muller		Rod Linnett	

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## 1 Introduction

Muller Acoustic Consulting Pty Ltd (MAC) has been commissioned by KDC Pty Ltd (KDC) to prepare a Noise Assessment (NA) to quantify emissions from the proposed modification to delivery hours for Aldi Port Macquarie (the 'project') at 3 Hughes Place, Port Macquarie, NSW.

The NA has quantified potential operational and sleep disturbance noise emissions from the project and recommends reasonable and feasible noise controls where required.

The assessment has been undertaken in accordance with the following documents:

- Environment Protection Authority (EPA), NSW Noise Policy for Industry (NPI) 2017;
- Australian Standard AS 1055:2018 - Acoustics - Description and measurement of environmental noise - General Procedures; and
- International Standard ISO 9613:1993 - Acoustics - Attenuation of sound during propagation outdoors.

A glossary of terms, definitions and abbreviations used in this report is provided in **Appendix A**.

### 1.1 Proposal

Approval is being sought to extend current delivery hours to 24 hours, seven days per week. Therefore, the NA has quantified potential operational noise emissions pertaining to truck deliveries to surrounding residential receivers. It is understood that current delivery times are between 7am to 10pm, seven days per week.



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## 2 Project Description

### 2.1 General

The operation is located at 3 Hughes Place, Port Macquarie, NSW. This locality comprises primarily of commercial and caravan park receivers. It is noted that the commercial receivers are not anticipated to be affected as a result of the operation as they will be unoccupied during the night assessment period.

### 2.2 Receiver Review

A review of receivers in proximity to the project has been completed and are summarised in **Table 1**.

**Figure 1** provides a locality plan showing the position of these receivers in relation to the project.

Table 1 Receiver Locations			
Receiver	Coordinates		NPI Receiver Type
		Receiver Height	
R1	488490 6522906	1.5m	Hotels, motels, caretakers' quarters, holiday accommodation, permanent resident caravan parks
R2	488502 6522918	1.5m	
R3	488515 6522914	1.5m	
R4	488523 6522912	1.5m	
R5	488533 6522911	1.5m	
R6	488553 6522909	1.5m	
R7	488568 6522907	1.5m	
R8	488573 6522923	1.5m	
R9	488584 6522921	1.5m	
R10	488592 6522920	1.5m	
R11	488581 6522943	1.5m	



### 3 Noise Policy and Guidelines

#### 3.1 Noise Policy for Industry

The EPA released the Noise Policy for Industry (NPI) in October 2017 which provides a process for establishing noise criteria for consents and licenses enabling the EPA to regulate noise emissions from scheduled premises under the Protection of the Environment Operations Act 1997. The objectives of the NPI are to:

- provide noise criteria that is used to assess the change in both short term and long term noise levels;
- provide a clear and consistent framework for assessing environmental noise impacts from industrial premises and industrial development proposals;
- promote the use of best-practice noise mitigation measures that are feasible and reasonable where potential impacts have been identified; and
- support a process to guide the determination of achievable noise limits for planning approvals and/or licences, taking into account the matters that must be considered under the relevant legislation (such as the economic and social benefits and impacts of industrial development).

The policy sets out a process for industrial noise management involving the following key steps:

1. Determine the Project Noise Trigger Levels (PNTLs) (ie criteria) for a development. These are the levels (criteria), above which noise management measures are required to be considered. They are derived by considering two factors: shorter-term intrusiveness due to changes in the noise environment; and maintaining the noise amenity of an area.
2. Predict or measure the noise levels produced by the development with regard to the presence of annoying noise characteristics and meteorological effects such as temperature inversions and wind.
3. Compare the predicted or measured noise level with the PNTL, assessing impacts and the need for noise mitigation and management measures.
4. Consider residual noise impacts - that is, where noise levels exceed the PNTLs after the application of feasible and reasonable noise mitigation measures. This may involve balancing economic, social and environmental costs and benefits from the proposed development against the noise impacts, including consultation with the affected community where impacts are expected to be significant.

5. Set statutory compliance levels that reflect the best achievable and agreed noise limits for the development.
6. Monitor and report environmental noise levels from the development.

### 3.1.1 Project Noise Trigger Levels

The policy sets out the procedure to determine the PNTLs relevant to an industrial development. The PNTL is the lower (ie, the more stringent) value of the **Project Intrusiveness Noise Level (PINL)** and **Project Amenity Noise Level (PANL)** determined in accordance with Section 2.3 and Section 2.4 of the NPI.

### 3.1.2 Project Intrusiveness Noise Level

The PINL (LAeq(15min)) is the RBL + 5dB and seeks to limit the degree of change a new noise source introduces to an existing environment. Hence, when assessing intrusiveness, background noise levels needs to be measured. The PINL is only relevant to residential receivers and therefore is not relevant to this assessment.

### 3.1.3 Project Amenity Noise Level

The PANL is relevant to a specific land use or locality. To limit continuing increases in intrusiveness levels, the ambient noise level within an area from all combined industrial sources should remain below the recommended amenity noise levels specified in Table 2.2 (of the NPI). The NPI defines two categories of amenity noise levels:

- **Amenity Noise Levels (ANL)** – are determined considering all current and future industrial noise within a receiver area.
- **Project Amenity Noise Levels (PANL)** – is the recommended levels for a receiver area, specifically focusing the project being assessed.

Additionally, Section 2.4 of the NPI states: “to ensure that industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a project amenity noise levels applies for each new source of industrial noise as follows”: PANL = recommended ANL minus 5dB.

The following exceptions apply when deriving the PANL:

- areas with high traffic noise levels;
- proposed developments in major industrial clusters;
- existing industrial noise and cumulative industrial noise effects; and
- greenfield sites.

The NPI states with respect to high traffic noise areas:

*The level of transport noise, road traffic noise in particular, may be high enough to make noise from an industrial source effectively inaudible, even though the LAeq noise level from that industrial noise source may exceed the project amenity noise level. In such cases the project amenity noise level may be derived from the LAeq, period(traffic) minus 15 dB(A).*

Where relevant this assessment has considered influences of traffic with respect to amenity noise levels (ie areas where existing traffic noise levels are 10dB greater than the recommended amenity noise level).

The recommended amenity noise levels as per Table 2.2 of the NPI are reproduced in **Table 2**.

Table 2 Amenity Criteria			
Receiver Type	Noise Amenity Area	Time of day	Recommended amenity noise level dB LAeq
Residential	Suburban	Day	55
		Evening	45
		Night	40
Hotels, motels, caretakers' quarters, holiday accommodation, permanent resident caravan parks	See column 4	See column 4	5dBA above the recommended amenity noise level for a residence for the relevant noise amenity area and time of day

Notes: The recommended amenity noise levels refer only to noise from industrial noise sources. However, they refer to noise from all such sources at the receiver location, and not only noise due to a specific project under consideration. The levels represent outdoor levels except where otherwise stated.

Time of day is defined as follows: (These periods may be varied where appropriate, for example, see A3 in Fact Sheet A.)

• day – the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays. • evening – the period from 6pm to 10pm. • night – the remaining periods.

### 3.1.4 Maximum Noise Level Assessment

The potential for sleep disturbance from maximum noise level events from a project during the night-time period needs to be considered. The NPI considers sleep disturbance to be both awakenings and disturbance to sleep stages. Primarily, a maximum noise level assessment is not required for this receiver type, however for completeness has been included in this assessment for permanent residents caravan parks.

Where night-time noise levels from a development/premises at a residential location exceed:

- LAeq(15min) 40dBA or the prevailing RBL plus 5dB, whichever is the greater, and/or
- LAmax 52dBA or the prevailing RBL plus 15dB, whichever is the greater,

a detailed maximum noise level event assessment should be undertaken.

A detailed assessment should cover the maximum noise level, the extent to which the maximum noise level exceeds the rating background noise level, and the number of times this happens during the night-time period.

Other factors that may be important in assessing the impacts on sleep disturbance include:

- how often the events would occur;
- the distribution of likely events across the night-time period and the existing ambient maximum events in the absence of the development;
- whether there are times of day when there is a clear change in the noise environment (such as during early morning shoulder periods); and
- current understanding of effects of maximum noise level events at night.

## 4 Noise Criteria

### 4.1 Background Noise Environment

#### 4.1.1 Unattended Noise Monitoring

To quantify the existing background noise environment of the area, unattended noise monitoring was conducted in the vicinity of the project site at Hughes Place, Port Macquarie, NSW (L1). The monitoring location is shown in **Figure 1** and is representative of the surrounding project catchment as per Fact Sheet B1.1 of the NPI.

The unattended noise survey was conducted in general accordance with the procedures described in Australian Standard AS 1055:2018, "Acoustics - Description and Measurement of Environmental Noise".

The measurements were carried out using one Svantek 977 noise analyser from Wednesday 14 August 2019 to Thursday 22 August 2019. Observations on-site identified the surrounding locality was typical of a suburban environment, with residential, birds and traffic noise audible. Calibration of all instrumentation was checked prior to and following measurements. Drift in calibration did not exceed  $\pm 0.5$  dBA. All equipment carried appropriate and current NATA (or manufacturer) calibration certificates.

Data affected by adverse meteorological conditions have been excluded from the results in accordance with methodologies provided in Fact Sheet A4 of the NPI. Residential receptors situated in surrounding area have been classified under the EPA's suburban amenity category. The results of long-term unattended noise monitoring are provided in **Table 3**. The noise monitoring charts for the background monitoring assessment are provided in **Appendix B**.

**Table 3 Background Noise Monitoring Summary**

Location	Measured background noise level, RBL dB LA90			Measured dB LAeq(period)		
	Day	Evening	Night	Day	Evening	Night
	7am to 6pm	6pm to 10pm	10pm to 7am	7am to 6pm	6pm to 10pm	10pm to 7am
L1	38	34	30	53	46	45

Note: Excludes periods of wind or rain affected data. Meteorological data obtained from the Bureau of Meteorology weather station Port Macquarie Airport AWS 31.4335°S 152.8655°E 4m AMSL.



## 4.2 Operational Noise Criteria

## 4.2.1 Project Amenity Noise Levels and Project Noise Trigger Levels

The Project Amenity Noise Levels (PANLs) for receivers potentially affected by the project are presented in **Table 4** and form the Project Noise Trigger Levels (PNTLs) for this assessment.

**Table 4 Amenity Noise Levels and Project Amenity Noise Levels**

Receiver Type	Noise Amenity Area	Assessment Period <sup>1</sup>	Recommended ANL dB LAeq(period) <sup>2</sup>	PANL/PNTL LAeq(15min) <sup>3</sup>
R1-R11	Suburban	Night	45	48

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

Note 2: Recommended amenity noise levels as per Table 2.2 of the NPI +5dB.

Note 3: Includes a +3dB adjustment to the amenity period level to convert to a fifteen-minute assessment period as per Section 2.2 of the NPI.

## 4.3 Maximum Noise Level Assessment Criteria

The maximum noise level screening criteria shown in **Table 5** is based on trigger values as per Section 2.5 of the NPI.

**Table 5 Maximum Noise Level Assessment Screening Criteria**

Receivers R1-R11	
L <sub>Amax</sub>	
52dB L <sub>Amax</sub> or RBL + 15dB	
Trigger = 52dB or RBL 30 + 15dB = 45dB	
Highest	52

Note 1: As per Section 2.5 of the NPI, the highest of each metric are adopted as the screening criteria.

## 5 Noise Assessment Methodology

DGMR (iNoise, Version 2019.1) noise modelling software was used to assess potential noise impacts from the project. The model incorporated three-dimensional ground contours and buildings within the operation site and the surrounding locality. Plant and equipment were modelled at various locations and heights, representative of realistic operating conditions for assessed scenarios. The model calculation method used to predict noise levels was in accordance with ISO 9613-1 'Acoustics - Attenuation of sound during propagation outdoors. Part 1: Calculation of the absorption of sound by the atmosphere' and ISO 9613-2 'Acoustics - Attenuation of sound during propagation outdoors. Part 2: General method of calculation'.

### 5.1 Sound Power Levels

**Table 6** presents the sound power level for each noise source modelled in this assessment. It is noted that sound power levels were sourced from manufacturer's specifications or from in-field measurements at similar project sites. The sound power levels have been adjusted to account for duration over a 15-minute period.

Table 6 Acoustically Significant Sources - Sound Power Levels (re 10-12 Watts)			
Item and number modelled per 15 minutes	Individual Sound Power Level, dB LAeq(15min)	Total source Sound Power Level, dB LAeq(15min)	Source Height <sup>1</sup>
<b>Operation</b>			
Truck Deliveries	92	92	1.5m
<b>Sleep disturbance assessment (LA<sub>max</sub>), Night time periods (10pm to 7am)</b>			
Truck delivery impact or reverse alarm		105	0.5m

Note 1: Height above the relative ground or building below source.

## 5.2 Noise Attenuation Assumptions and Controls

The noise model incorporated the following controls:

- the loading dock of the project is to be lined with corrugated and perforated steel sheeting lined internally with absorptive material such as rockwool; or alternatively the dock could be lined with soundblock whisper cell (or equivalent); and
- Includes the 3.3m boundary fence between the project site and receivers.

Figure 1 provides a visual representation of the areas for treatment.

## 6 Noise Assessment Results

### 6.1 Operational Noise Results

Noise predictions from truck deliveries have been quantified at the identified receivers and are presented in **Table 7**.

Noise levels from deliveries are predicted to satisfy the relevant NPI criteria at all nearest receivers.

**Table 7 Combined Noise Predictions**

Receiver	Period <sup>1</sup>	Predicted Noise Level	PNTL	Compliance
		dB LAeq(15min)	dB LAeq(15min)	Achieved
R1	Night	38	48	✓
R2	Night	40	48	✓
R3	Night	42	48	✓
R4	Night	43	48	✓
R5	Night	43	48	✓
R6	Night	39	48	✓
R7	Night	33	48	✓
R8	Night	31	48	✓
R9	Night	30	48	✓
R10	Night	30	48	✓
R11	Night	34	48	✓

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

## 6.2 Maximum Noise Level Assessment Results

To assess maximum noise events, typical L<sub>Amax</sub> noise levels from transient events were assessed to the nearest receivers. For the maximum noise assessment, a sound power level of 105dBA representing a reverse alarm was adopted.

Predicted noise levels from L<sub>Amax</sub> events for assessed receivers are presented in **Table 8**. Results identify that the maximum noise events screening criterion will be satisfied for all assessed receivers.

**Table 8 Maximum Noise Levels Assessment (Night)<sup>1</sup>**

Receiver	Predicted Noise Level	Screening Criteria	Compliance Achieved
	dB L <sub>Amax</sub>	dB L <sub>Amax</sub>	
R1	48	52	✓
R2	50	52	✓
R3	52	52	✓
R4	52	52	✓
R5	51	52	✓
R6	49	52	✓
R7	39	52	✓
R8	37	52	✓
R9	38	52	✓
R10	37	52	✓
R11	39	52	✓

Note 1: Day - the period from 7am to 6pm Monday to Saturday or 8am to 6pm on Sundays and public holidays; Evening - the period from 6pm to 10pm; Night - the remaining periods.

## 7 Discussion and Conclusion

Muller Acoustic Consulting Pty Ltd (MAC) has completed a Noise Assessment to quantify emissions from the proposed modification to delivery hours of Aldi Port Macquarie (the 'project') at 3 Hughes Place, Port Macquarie, NSW.

The results of the Noise Assessment demonstrate that emissions from the project would satisfy the relevant PNTLs at all assessed receivers for the proposed extension of delivery hours, once the proposed noise controls outlined in **Section 5.2** of this report are implemented.

Furthermore, sleep disturbance is not anticipated, as emissions from impact noise are predicted to remain below the EPA Guideline for maximum noise level screening criteria.

Based on the Noise Assessment results, there are no noise related issues which would prevent Council approving the project. Additionally, the results of the assessment show compliance with the relative EPA guidelines and criteria once the noise control assumptions presented in **Section 5.2** of this report are implemented.

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## Appendix A – Glossary of Terms



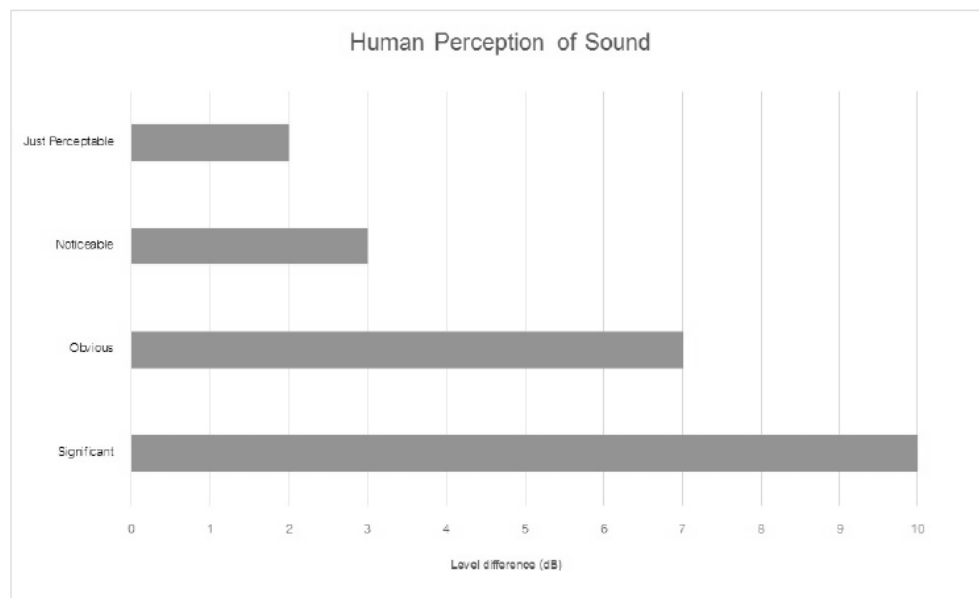
A number of technical terms have been used in this report and are explained in **Table A1**.

Table A1 Glossary of Terms	
Term	Description
1/3 Octave	Single octave bands divided into three parts
Octave	A division of the frequency range into bands, the upper frequency limit of each band being twice the lower frequency limit.
ABL	Assessment Background Level (ABL) is defined in the NPI as a single figure background level for each assessment period (day, evening and night). It is the tenth percentile of the measured LA90 statistical noise levels.
Ambient Noise	The noise associated with a given environment. Typically a composite of sounds from many sources located both near and far where no particular sound is dominant.
Extraneous Noise	Noise resulting from activities that are not typical of the area. Atypical activities include sources such as construction and holiday period traffic.
A Weighting	A standard weighting of the audible frequencies designed to reflect the response of the human ear to noise.
dBA	Noise is measured in units called decibels (dB). There are several scales for describing noise, the most common being the 'A-weighted' scale. This attempts to closely approximate the frequency response of the human ear.
dB(Z), dB(L)	Decibels Linear or decibels Z-weighted.
Hertz (Hz)	The measure of frequency of sound wave oscillations per second - 1 oscillation per second equals 1 hertz.
LA10	A noise level which is exceeded 10 % of the time. It is approximately equivalent to the average of maximum noise levels.
LA90	Commonly referred to as the background noise, this is the level exceeded 90 % of the time.
LAeq	The summation of noise over a selected period of time. It is the energy average noise from a source, and is the equivalent continuous sound pressure level over a given period.
LMax	The maximum root mean squared (rms) sound pressure level received at the microphone during a measuring interval.
RBL	The Rating Background Level (RBL) is an overall single figure background level representing each assessment period over the whole monitoring period. The RBL is used to determine the intrusiveness criteria for noise assessment purposes and is the median of the ABL's.
Sound power level (LW)	<p>This is a measure of the total power radiated by a source. The sound power of a source is a fundamental location of the source and is independent of the surrounding environment. Or a measure of the energy emitted from a source as sound and is given by :</p> $= 10 \cdot \log_{10} (W/W_0)$ <p>Where: W is the sound power in watts and W<sub>0</sub> is the sound reference power at 10-12 watts.</p>

Table A2 provides a list of common noise sources and their typical sound level.

Source	Typical Sound Level
Threshold of pain	140
Jet engine	130
Hydraulic hammer	120
Chainsaw	110
Industrial workshop	100
Lawn-mower (operator position)	90
Heavy traffic (footpath)	80
Elevated speech	70
Typical conversation	60
Ambient suburban environment	40
Ambient rural environment	30
Bedroom (night with windows closed)	20
Threshold of hearing	0

Figure A1 – Human Perception of Sound



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## Appendix B – Noise Monitoring Charts

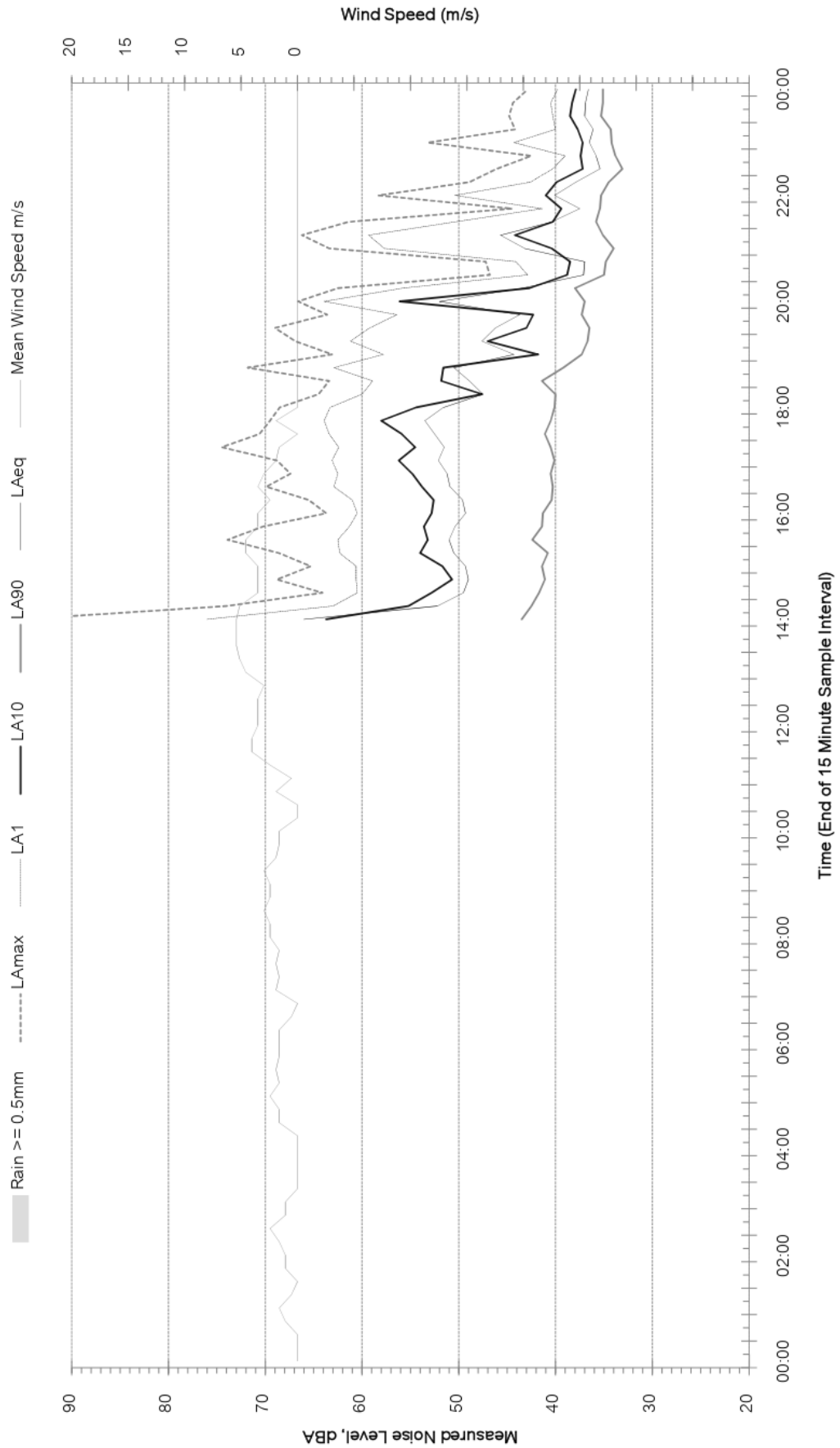


MAC190814RP1



## Background Noise Levels

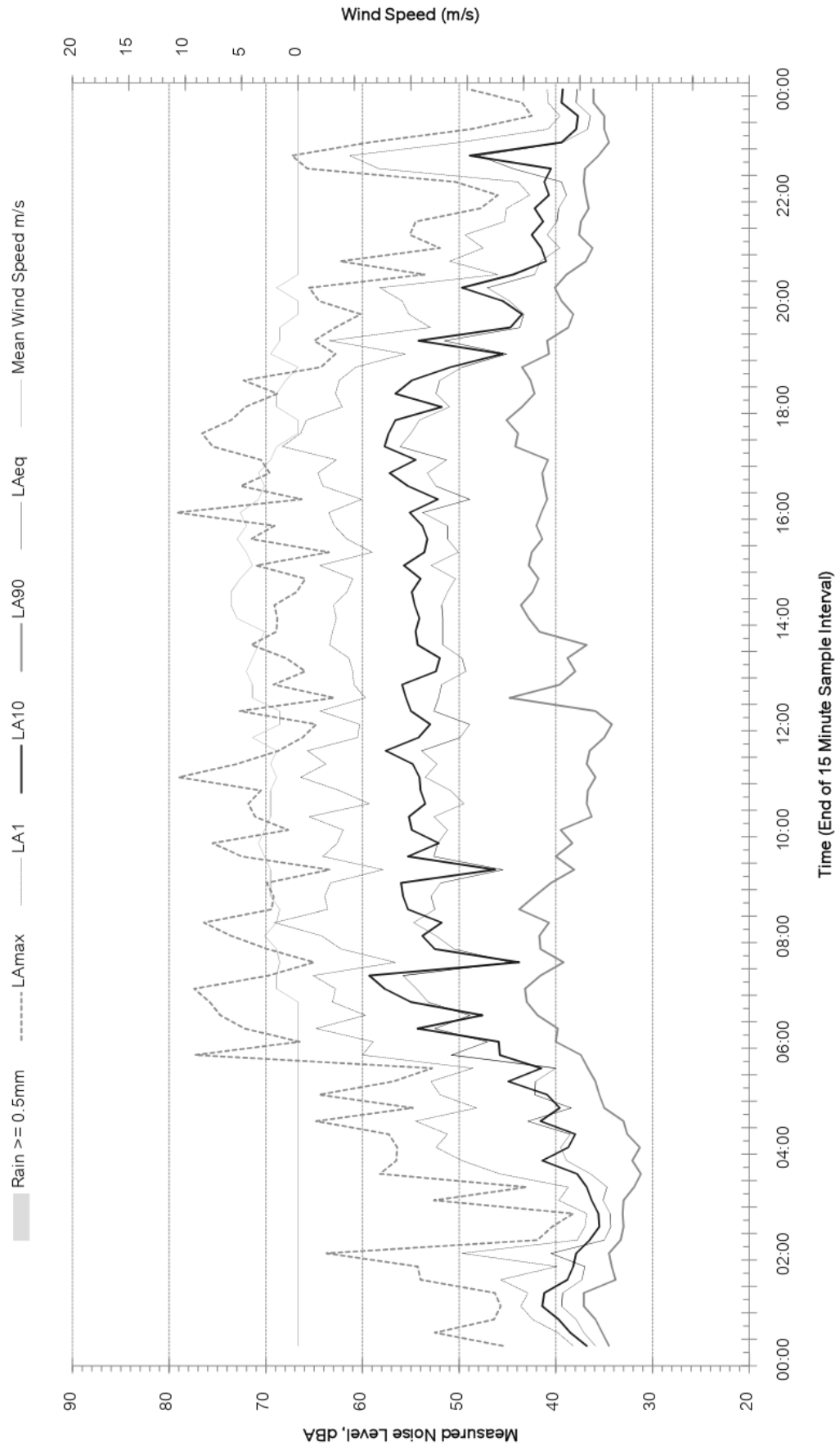
Hughes Place, Port Macquarie - Wednesday 14 August 2019



Time (End of 15 Minute Sample Interval)

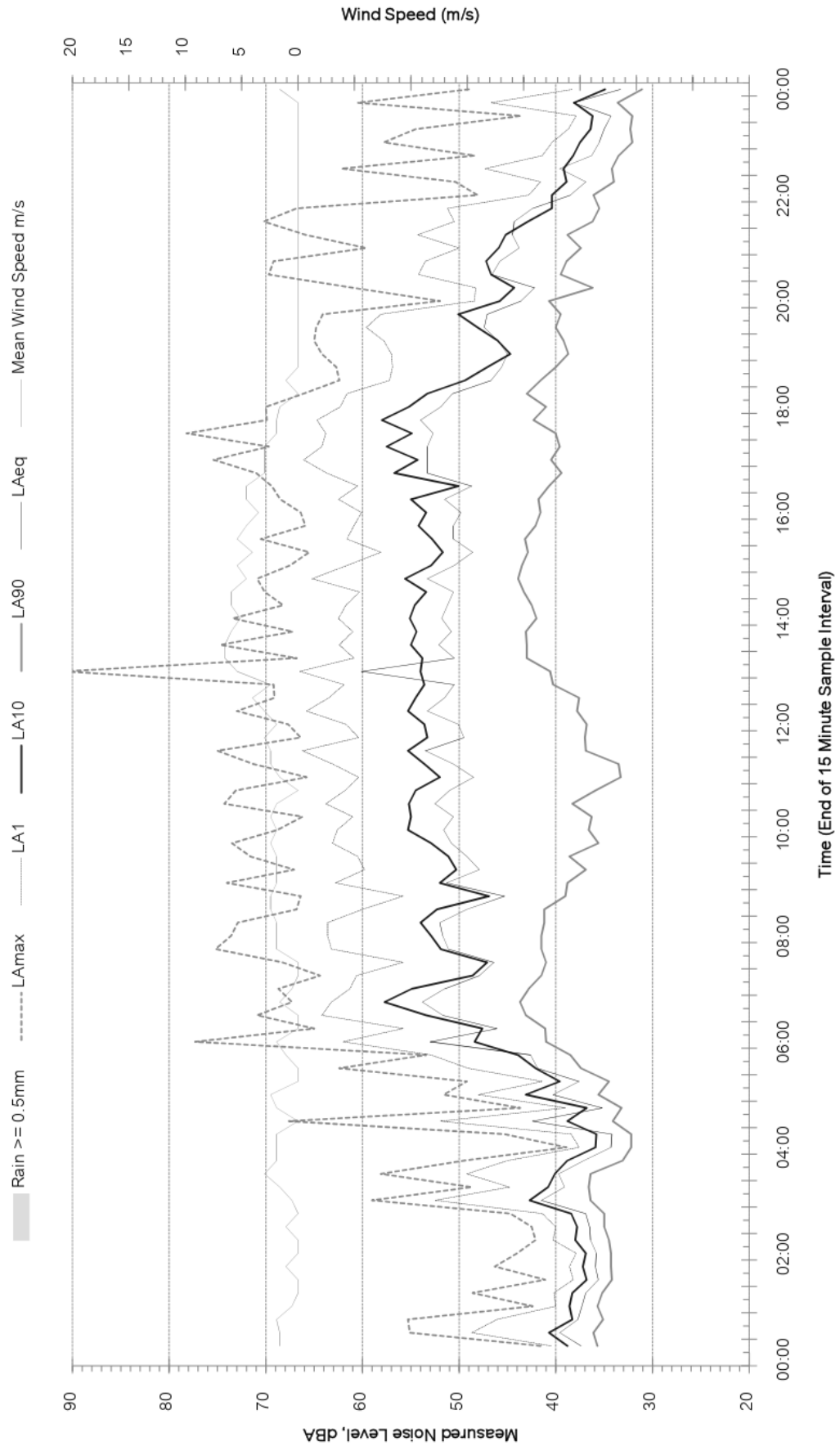


Background Noise Levels  
Hughes Place, Port Macquarie - Thursday 15 August 2019



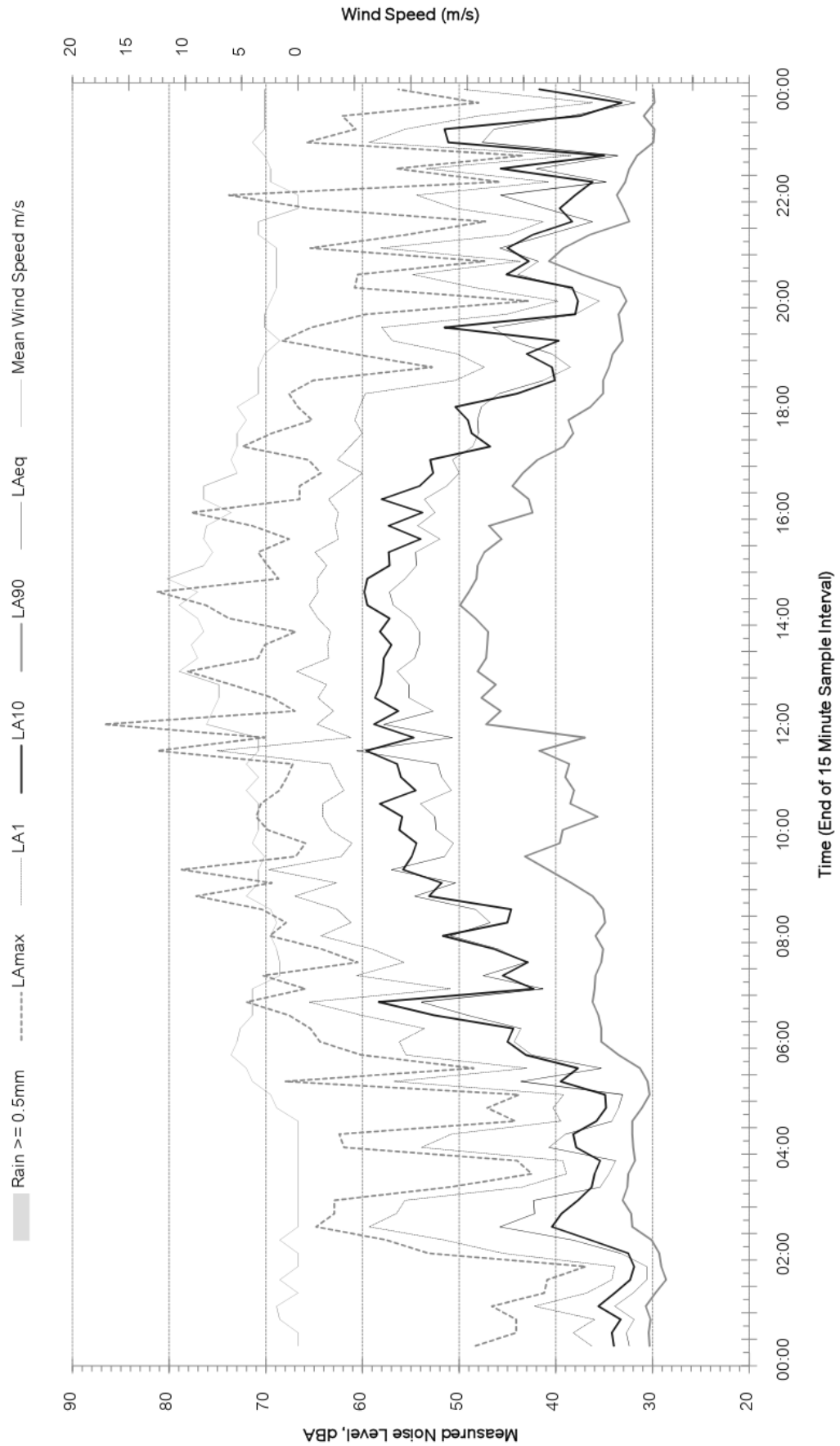


Background Noise Levels  
Hughes Place, Port Macquarie - Friday 16 August 2019





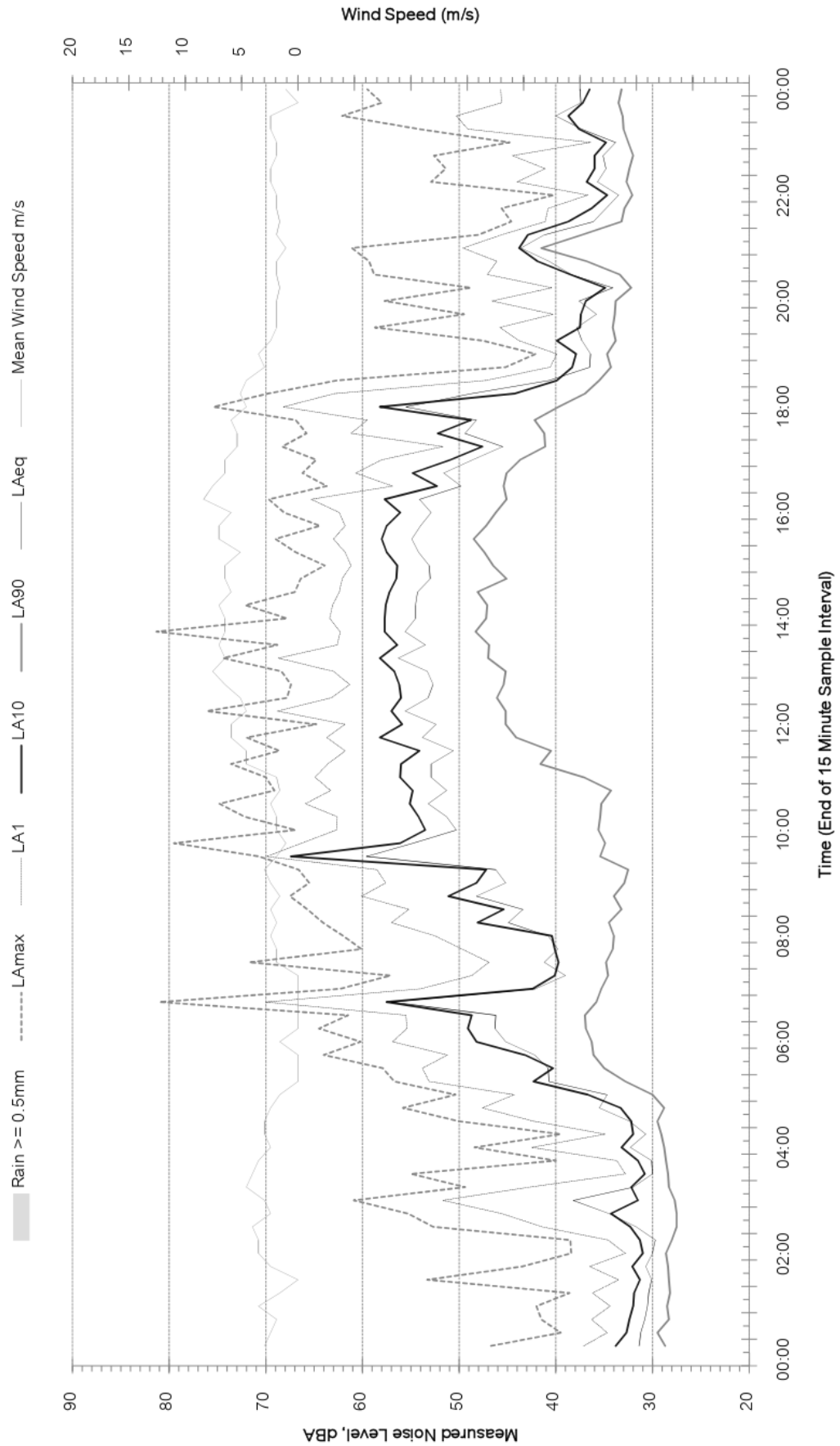
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Hughes Place, Port Macquarie - Saturday 17 August 2019





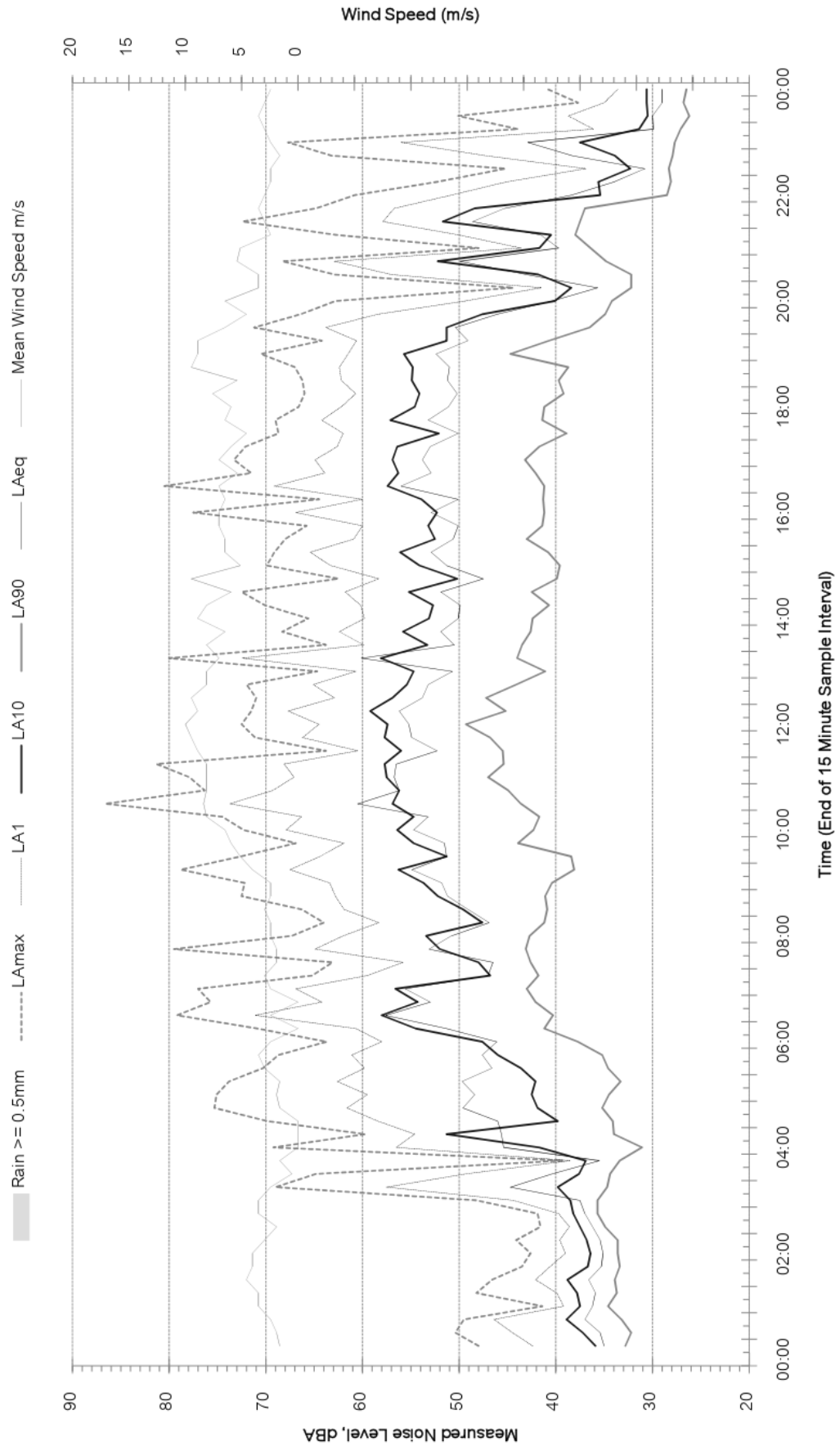


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Hughes Place, Port Macquarie - Sunday 18 August 2019



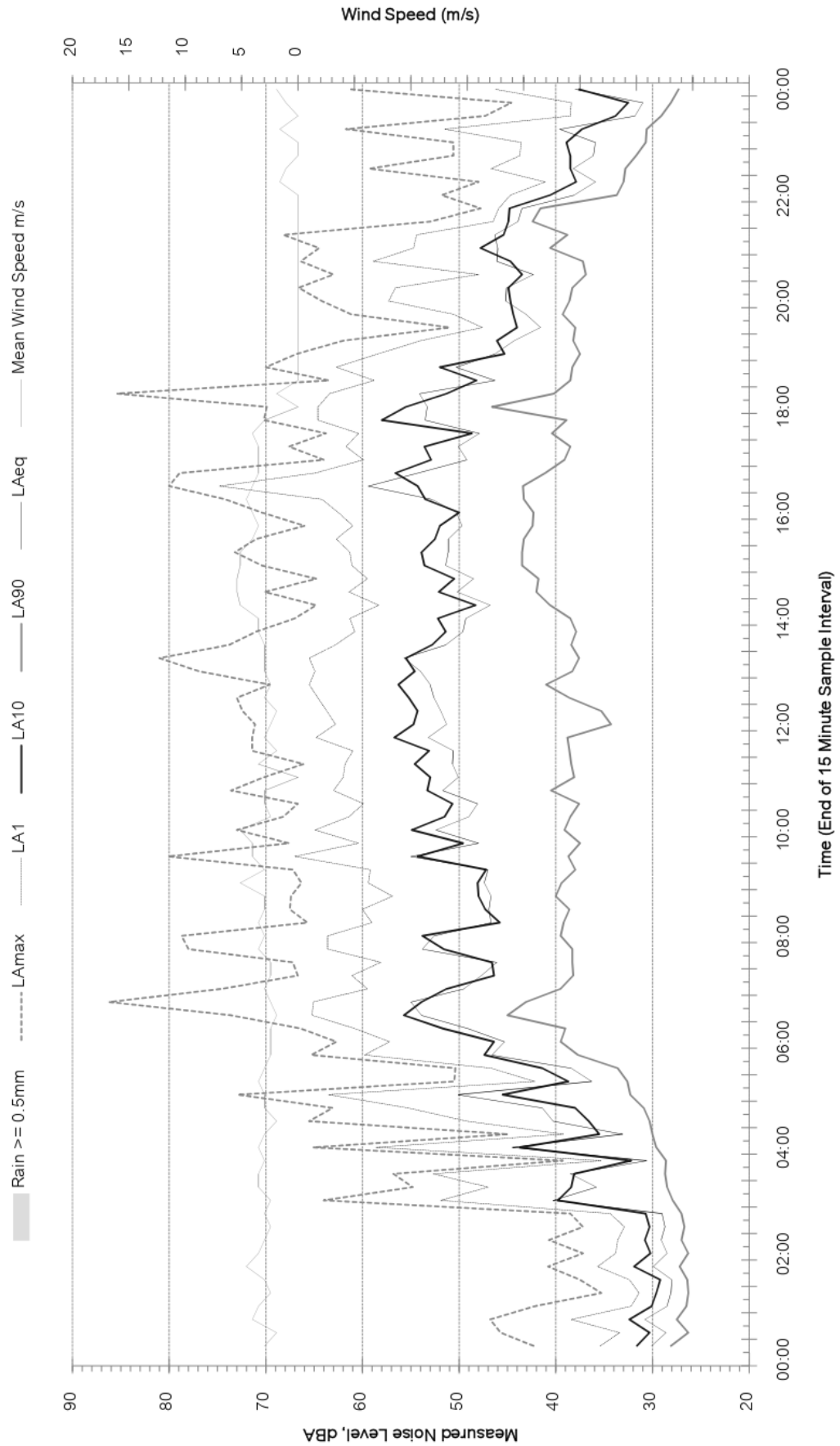


**Background Noise Levels**  
**Hughes Place, Port Macquarie - Monday 19 August 2019**





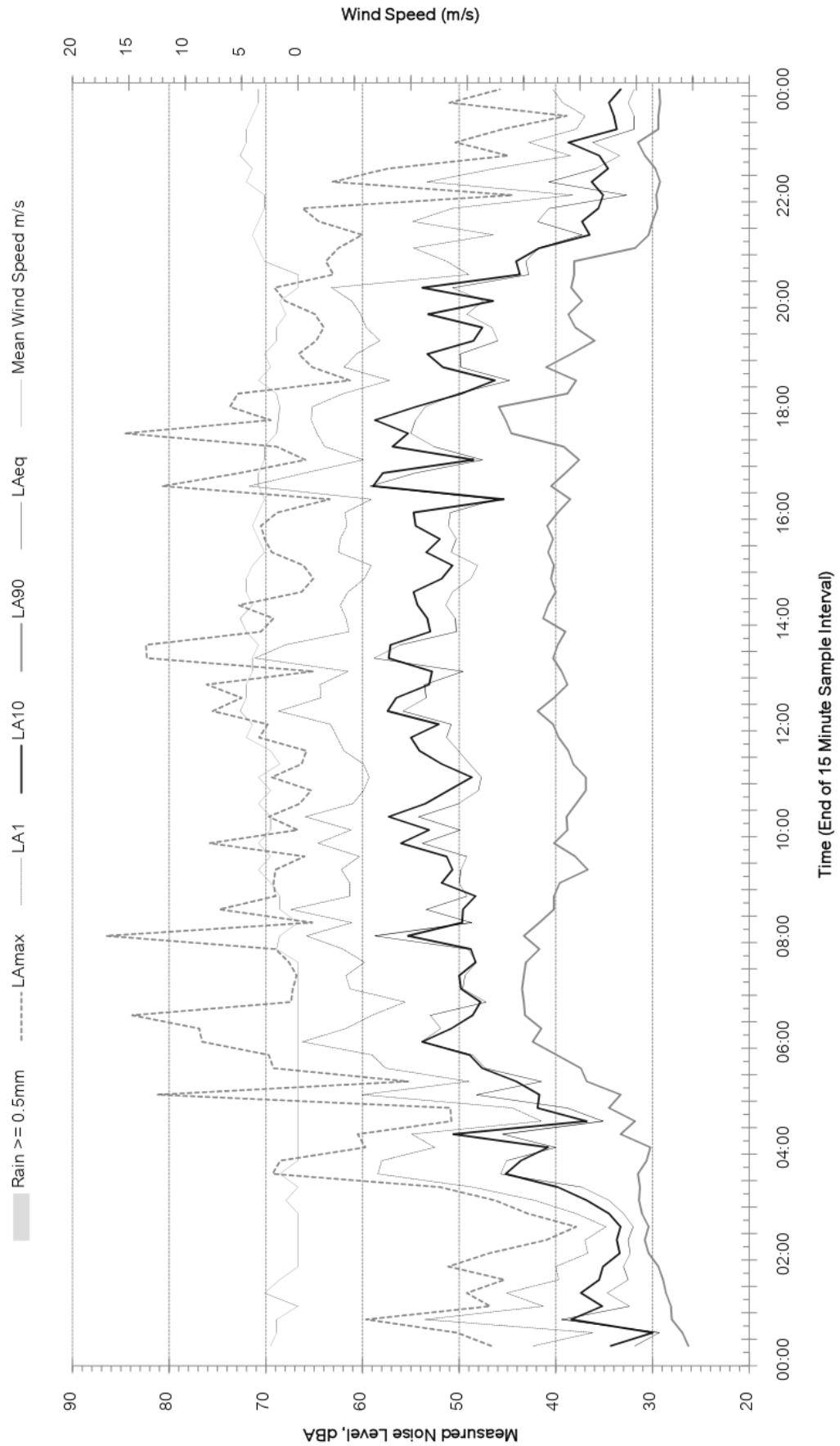
Background Noise Levels  
Hughes Place, Port Macquarie - Tuesday 20 August 2019





## Background Noise Levels

Hughes Place, Port Macquarie - Wednesday 21 August 2019





Background Noise Levels  
Hughes Place, Port Macquarie - Thursday 22 August 2019

