



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Thursday 18 March 2021

location: via Skype

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

1.0 OBJECTIVES

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

2.0 KEY FUNCTIONS

- To review development application reports and conditions. The focus of the Panel's review is to be on those issues raised in submissions received following exhibition of development applications;
- To determine development applications where there are 3 or more unique submissions or where an application is 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

- Three (3) independent external members will be selected for each scheduled DAP meeting from an appointed pool of members. One of the independent external members to be the Chairperson. Independent members will be rostered onto meeting on a rotational basis where possible.
- Group Manager Development Assessment (alternate - Director Development and Environment or Development Assessment Planning Coordinator).

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.

3.4 Member Tenure

The independent external members will be appointed for the term of Four (4) years or until such time as an expression of interest process to source Panel members is completed for the proceeding four (4) year term.

3.5 Appointment of members

- A pool of independent external members (including the Chair) shall be appointed by the Chief Executive Officer following an external Expression of Interest process. Previous Panel members are eligible to be reappointed on the Panel following this expression of interest process.
- Independent members will be rostered on to Panel meetings on a rotational basis

- where possible to suit Panel member availability and Panel operational needs.
- Staff members on the Panel shall be appointed by the Chief Executive Officer.

4.0 TIMETABLE OF MEETINGS

- The Development Assessment Panel will generally meet on the 1st and 3rd Thursday each month at 2.00pm at the Port Macquarie offices of Council.
- Special Meetings of the Panel may be convened by the Director Development and Environment 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 an applicant and objectors or their representatives. Speakers are required to register to speak by close of business on the day prior to the Panel meeting.
- The Panel shall have the discretion to ask the applicant and objectors questions relating to the proposal and their submission. There is no 'right of reply' for an objector or applicant.
- Where there are a large number of persons making submissions with common interests, the Panel shall have the discretion to hear a representative of those persons rather than multiple persons with the same interest.
- Council assessment staff will be available at Panel meetings to provide technical assessment advice and assistance to the Panel.
- Where considered necessary, the Panel will conduct site inspections prior to the meeting.

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

Three (3) members must be present at a meeting to form a quorum.

5.4 Chairperson and Deputy Chairperson

Independent Chair (alternate - independent member).

5.5 Secretariat

- The Director Development and 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 be limited to the recording of decisions only 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 interest at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest are to 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.

9.0 CONDUCT AT MEETINGS

All parties in attendance at a DAP meeting shall conduct themselves respectfully ie. not disrupt the conduct of the meeting, not interject, act courteously and with compassion and empathy and sensitivity and will not insult, denigrate or make defamatory or personal reflections on or impute improper motives to the DAP, Council staff or other members of the public.

Development Assessment Panel

ATTENDANCE REGISTER

Member	11/03/21					
David Crofts						
Michael Mason						
Chris Gee						
Tony McNamara						
Dan Croft (Group Manager Development Assessment)						

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Meeting Dates for 2021

21/01/2021	Function Room	2:00pm
11/02/2021	Committee Room	2:00pm
25/02/2021	Committee Room	2:00pm
11/03/2021	Committee Room	2:00pm
25/03/2021	Function Room	2:00pm
8/04/2021	Function Room	2:00pm
22/04/2021	Function Room	2:00pm
13/05/2021	Function Room	2:00pm
27/05/2021	Committee Room	2:00pm
10/06/2021	Function Room	2:00pm
24/06/2021	Function Room	2:00pm
15/07/2021	Function Room	2:00pm
29/07/2021	Function Room	2:00pm
12/08/2021	Function Room	2:00pm
26/08/2021	Committee Room	2:00pm
9/09/2021	Function Room	2:00pm
30/09/2021	Function Room	2:00pm
14/10/2021	Function Room	2:00pm
28/10/2021	Function Room	2:00pm
11/11/2021	Committee Room	2:00pm
25/11/2021	Committee Room	2:00pm
9/12/2021	Function Room	2:00pm

Development Assessment Panel Meeting

Thursday 18 March 2021

Items of Business

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 11 February 2021 be confirmed.

PRESENT

Members:

Paul Drake (Independent Chair)
David Crofts (Independent Member)
Group Manager Development Assessment (Dan Croft)

Other Attendees:

Development Engineering Coordinator (Grant Burge)

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 21 January 2021 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2020 - 1002.1 SECONDARY DWELLING AT LOT 39 DP 851894, 14 CASUARINA DRIVE LAKEWOOD

Kim Sutherland (applicant)

CONSENSUS:

That DA2020 - 1002.1 for a Secondary Dwelling at Lot 39, DP 851894, No. 14 Casuarina Drive, Lakewood, be determined by granting a deferred commencement consent subject to:

1. The recommended conditions and as amended below:
 - The consent notice include the deferred commencement requirement.
 - Additional condition in Section B of the consent to read: 'Prior to release of the Construction Certificate amended plans are to be submitted for approval providing for stairs and a landing to the entrance of the secondary dwelling and a pedestrian pathway from the entrance linking to a gate at the Woollybutt Place street frontage.'
2. The following being satisfied within 3 months of the date of the consent:
 - Submission to and approval by Council of a BASIX Certificate in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

06 GENERAL BUSINESS

06.01 THANK YOU TO PAUL DRAKE

Dan Croft and David Crofts extended their thanks to Paul Drake for his time as Chair of the Development Assessment Panel.

The meeting closed at 2:15pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(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 Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, 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 Chief Executive Officer, 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 Chief Executive Officer, 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.

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the identified land)</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.
MATTER GIVING RISE TO PECUNIARY INTEREST¹	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the subject land²)</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 Chief Executive Officer 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.

¹ 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.

² 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

Item: 05**Subject: DA2020 - 715 - RESIDENTIAL FLAT BUILDING WITH STRATA
SUBDIVISION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.4
(FLOOR SPACE RATIO) UNDER PORT MACQUARIE-HASTINGS
LOCAL ENVIRONMENTAL PLAN 2011 LOT 1 AND 2 DP 758852, NO.
26-28 WILLIAM STREET, PORT MACQUARIE****Report Author: Development Assessment Planning Coordinator, Patrick
Galbraith-Robertson**

Applicant:	Sailsbury Gardens Pty Ltd CARE King & Campbell Pty Ltd
Owner:	East Wing Corporation Pty Ltd & Sailsbury Gardens Pty Ltd
Estimated Cost:	\$14.3 Million
Parcel no:	25377 & 25378

Alignment with Delivery Program

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

RECOMMENDATION

That the Development Assessment Panel recommend to Council that DA2020 - 715 for a residential flat building with strata subdivision including clause 4.6 variation to clause 4.4 (floor space ratio) at Lots 1 & 2, DP SEC 65 DP758852, No. 26-28 William Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a residential flat building with strata subdivision including clause 4.6 variation to clause 4.4 (floor space ratio) at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

This DA is being reported to the Development Assessment Panel due to the number of submissions received. Following exhibition of the application, eight (8) submissions were received.

The proposal includes a floor space ratio variation which is greater than a 10% deviation from the standard and is required to be determined at an Ordinary Meeting of the full Elected Council.

The proposal has been amended during the assessment of the application which includes the following changes:

- Reduction in height for the front courtyard fence walls from 1.2m down to 1.0m in height fronting Owen and William Streets;
- Change in alignment of the eastern blade wall to in fill original gap proposed;
- Addition of privacy screens to bedroom 1 windows on the second to sixth floors,
- Reduction in size of the rear balcony of Unit 4;
- Reduction in the north-western corner of the basement to provide additional area of deep soil zone and recalculations;
- Removal of the original proposed clause 4.6 variation to lot size as the proposal only proposes consolidation of 2 existing lots;
- Additional view sharing details to address an additional building being the Amari Apartments situated at 7-11 Gordon Street, Port Macquarie;
- Additional visual privacy details particularly relating to the eastern side of the of the proposed building and its relationship with the adjoining Sandcastle building at 12-24 William Street, Port Macquarie;
- Sunlight access to apartments details added to the architectural plan set;
- Details proposing that a consent condition be imposed regarding seeking a dewatering permit under the Water Management Act 2000;
- Additional garbage storage and collection details including turning movement details for a private medium rigid garbage truck to service the site; and
- Floor plans of the existing buildings on-site for the purposes of establishing development contributions credits.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls including justifiable variations. 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 recommended conditions in **Attachment 1**.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 1,174m² (combined lots).

The site is located opposite Port Macquarie's Town Beach and within an area occupied by multi-storey residential flat buildings, holiday apartments and bowling club.

The site is currently occupied by a two-storey dwelling house and a two-storey apartment building consisting of three, small separate units. Both buildings have been on-site for a lengthy period of time and enjoy direct views across William Street to Town Beach and Queen's Head.

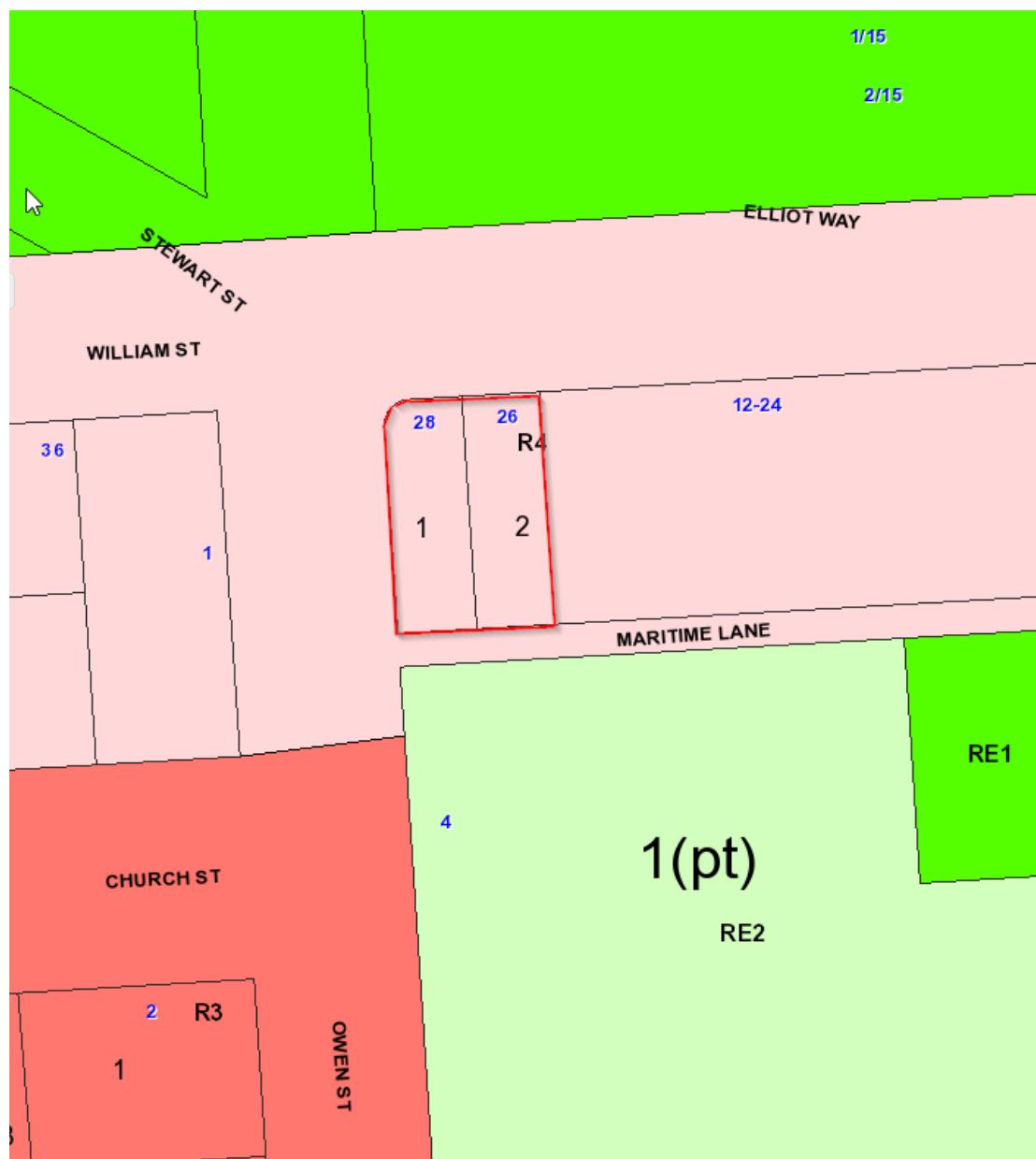
The site is located in the East Port neighbourhood of Port Macquarie. The site is situated directly opposite Town Beach on the corner of William and Owen Streets. The functions and character of this neighbourhood varies as it includes civic uses (Council offices, High School, pool, library), the Port City Bowling Club, service station and public open spaces (Town Beach, Oxley Beach and Oxley Oval playing fields).

The area immediately adjoining the site along William Street is characterised by multi-storey residential flat buildings ranging from 6-8 storeys.

The site is relatively flat, sloping gently from the north-eastern corner (RL 10.74m) down approximately 900mm to its south-western corner (RL 9.87m AHD).

The site is currently occupied by 2 two storey buildings. The existing dwelling within Lot 2 fronts William Street and has a single garage within the rear yard accessible off Maritime Lane. The existing two storey residence within Lot 1 consists of three small residential units and has a double garage within the rear yard accessible from Owen Street, just north of the entry to Maritime Lane.

The site is zoned R4 high density residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



DEVELOPMENT ASSESSMENT PANEL
18/03/2021



PORT MACQUARIE
HASTINGS
COUNCIL







2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of the two existing two (2) storey buildings.
- Removal of existing vehicle crossing in Owen Street
- Consolidation of existing Lots 1 and 2 into a single Torrens title allotment of 1,174m².
- Construction of an 8 storey residential flat building (RFB) with basement parking for 26 vehicles and 15 units.
- Request for variation to clause 4.4 - Floor space ratio of the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) pursuant to clause 4.6 of the LEP.
- Widening of Maritime Lane to 5.5m for the frontage of the site.
- Provision of full frontage exposed aggregate footpath paving within William Street and south along Owen Street to the building's entry point.
- Provision of a 1.5m wide concrete pathway south of the building's entry to the northern edge of Maritime Lane.
- Provision of a new kerb inlet pit on the north-western corner of Owen Street and Maritime Lane and piped stormwater connection to the existing kerb inlet pit within Owen Street (distance of approximately 45m).
- Strata title subdivision of the proposed building.
- No staging of the development is proposed.

Refer to **Attachment 2** at the end of this report for plans of the proposed development.

Consent has been previously granted under DA2004 - 516 for a 7-storey Residential Flat Building and basement car park within the site. This building was approved to be constructed in two-stages.

Similar to the current proposal, the approved building included 13 apartments, 26 basement parking spaces accessible from Maritime Lane, a building height of 24.3m and a floor space ratio (FSR) greater than the 2:1 now applicable to the site.

The approved building also included a 3m setback to William Street and 1.5m setback to Owen Street with deep soil zone along Maritime Lane, similar to the proposal.

This application was not physically or substantially commenced. The consent subsequently lapsed.

Application Chronology

- 1 September 2020 - DA lodged with Council.
- 7 September 2020 - Additional applications fees requested from Applicant.
- 7 September 2020 - External referral of proposal to Heritage NSW for advice on archaeology.
- 10 September 2020 - Assessing officer advised Applicant that application in initial assessment phase.
- 10 to 23 September 2020 - Neighbour notification of proposal.
- 16 September 2020 - Additional information forwarded to Heritage NSW.
- 21 September 2020 - External referral to Essential Energy.
- 24 September 2020 - Assessment update provided to Applicant.
- 28 September 2020 - Redacted copies of submissions forwarded to Applicant for consideration.
- 6 October 2020 - Heritage NSW comments received.
- 8 October 2020 - Essential Energy comments received.
- 13 October 2020 - Applicant requested meeting to discuss assessment issues.
- 20 October 2020 - Site inspection by assessing officer.
- 21 October 2020 - Meeting with Applicants to discuss assessment issues.
- 27 October 2020 - Meeting notes and additional information requested from Applicant.
- 16 November 2020 - Applicant advised on status of referrals.
- 17 November 2020 - Applicant advised that investigating private garbage collection arrangements.
- 17 December 2020 - Additional information and amended plans received from Applicant.
- 18 December 2020 - Amended plans received from Applicant.
- 11 January 2021 - Applicant following up assessment status.
- 12 January 2021 - Applicant advised of assessment status and likely timing for reporting to a Development Assessment Panel meeting.
- 27 January 2021 - Applicant provided further perspective drawings of the proposal for consideration.
- 1 March 2021 - Advice on Development Assessment Panel date.
- 8 March 2021 - Clarification of floor space ratio and view sharing details requested from Applicant.

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 (Koala Habitat Protection) 2020

Clause 5 - This SEPP applies to the Port Macquarie-Hastings Local Government Area.

Clause 7 - The property does not meet the requirements of being 1ha or more in size. Therefore, the SEPP is not required to be considered further.

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 No. 65 - Design Quality of Residential Apartment Development

This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- (a) the development consists of any of the following:
 - (i) the erection of a new building,
 - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
 - (iii) the conversion of an existing building, and
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
- (c) the building concerned contains at least 4 or more dwellings.

Based on the above, the proposal is greater than 3 storeys in height and contains more than 4 dwellings therefore the requirements of this SEPP are required to be considered.

Clause 6A - This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:

- (a) visual privacy,
- (b) solar and daylight access,

- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If the Council's Development Control Plan (DCP) contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.

This clause applies regardless of when the DCP was made.

In terms of lodging the application under SEPP 65, it is noted that the proposal has during the assessment of the application provided the verification and detail required by Clause 50 and Schedule 1, Part 1(2)(5) of the *Environmental Planning and Assessment Regulation 2000*.

Clause 28(2)(b) - The proposal, as amended, has adequately addressed the Design Quality Principles contained in Schedule 1. The following table provides an assessment against the design quality principles:

Requirement	Proposed	Complies
<p>Principle 1: Context and neighbourhood character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those</p>	<p>The development site is located on the corner of William and Owen Street and is the last undeveloped site within this high-density residential precinct.</p> <p>The development site is opposite Town Beach, Port Macquarie, and within an area occupied by multi-storey residential flat buildings, holiday apartments, food and drink premises and a bowling club.</p> <p>The site and adjacent properties are zoned R4 high density residential, are mapped as having a FSR of 2:1, and a maximum height control of 26.5m.</p> <p>The proposal is sufficiently compatible with the adjoining high-density residential developments, including the Sandcastle and Luxor Apartments.</p>	Yes

undergoing change or identified for change.		
<p>Principle 2: Built form and scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed development is sufficiently consistent with the high-density buildings within the Town Beach precinct, including:</p> <ul style="list-style-type: none"> · The adjoining six-storey Sandcastle building containing residential apartments, tourist accommodation and restaurant. · The Luxor four and eight storey residential apartment building on the western side of Owen Street opposite the subject property, and · The Waterview eight-storey residential apartment building on William Street adjoining Luxor. <p>The proposed residential flat building is consistent with the 26.5m height of building control outlined within the <i>Port Macquarie-Hastings Local Environmental Plan 2011</i> and the setback provisions included within the <i>Port Macquarie-Hastings Development Control Plan 2013</i>.</p> <p>The proposed building enjoys good views to Town Beach and the ocean, and all apartments have been orientated towards North to maximise solar penetration into the external and internal living spaces.</p>	Yes
<p>Principle 3: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposed density is appropriate to the site and is consistent with the adjacent properties resulting in a high level of amenity for the future occupants.</p> <p>The density is considered appropriate given the local environment as the proposed site is located opposite Town Beach. The Town Beach precinct allows for a range of activities for both individuals and groups in a user-friendly open space area.</p>	Yes

<p>Principle 4: Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposed building complies with the SEPP (Building Sustainability Index BASIX) 2004 and certificates and stamped plans have been submitted as part of the Development Application.</p> <p>The proposal includes the use of Solar PV panels.</p> <p>All apartments enjoy good sun penetration due to their northern orientation and cross ventilation is enhanced through side setbacks and the design takes satisfactory advantage of the corner site location.</p> <p>Recycling and waste separation are encouraged by the proposed building occupants with sufficient waste storage facilities in the basement and private garbage collection arrangements.</p> <p>Compliant minimum deep soil zone areas are provided for with the proposal.</p>	<p>Yes</p>
<p>Principle 5: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy,</p>	<p>The minimum deep soil area nominated in the Apartment Design Guide has been achieved and indicated on the plans which has slightly increased during assessment of the application.</p> <p>Landscape concept plans have been submitted as prepared by a qualified Landscape Architect.</p> <p>The proposed ground floor units have been provided with appropriate height courtyard walls and hedges to provide satisfactory privacy to the street.</p>	<p>Yes</p>

<p>habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>		
<p>Principle 6: Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The proposed apartments all exceed the minimum areas specified by the design guide and all the habitable rooms contain windows on the external façades.</p> <p>Living areas are located on the corners of the buildings to further enhance the environmental influences of sun penetration and cross flow ventilation.</p> <p>Bathrooms have been provided with windows where possible.</p> <p>All apartments are provided with compliant terrace areas and are designed to ensure adequate natural light filters through from the outdoor to indoor spaces.</p> <p>Shading structures are proposed to the west facades to ensure a suitable level of glare control is provided as well as shade from the summer sun. Northern units are satisfactorily shaded by terraces above.</p> <p>The proposed apartments contain 2.7m ceiling heights throughout all habitable areas and is therefore, considered consistent with the design criteria.</p> <p>The proposed building has been designed for ease of access throughout in accordance with AS1428.1. Accessible parking spaces have been provided with lifts servicing each level.</p>	<p>Yes</p>
<p>Principle 7: Safety</p>	<p>The building's primary common pedestrian entry is located on Owen</p>	<p>Yes</p>

<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Street and is connected to the pedestrian footpath network.</p> <p>The pedestrian entrance is clearly defined, well-lit and articulated with clear sight lines available to the street.</p> <p>Pedestrian connections to the public footpath running along William Street and Owen Street are proposed in accordance with the applicable design criteria.</p> <p>The Town Beach communal open space is visible from the northern orientated units. Public and private open spaces are clearly defined though courtyard walls and landscaping.</p> <p>The basement driveway entry is located on Maritime Lane and is separate from pedestrian access which reduces any potential conflict between vehicles and pedestrians.</p>	
<p>Principle 8: Housing diversity and social interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed location of the apartment building lends itself to being designed for high density use.</p> <p>The apartments are generous and typically accommodate living spaces, kitchens, study area, 3 bedrooms and amenities.</p> <p>The building has a satisfactory relationship with Town Beach providing opportunities for communal activities and interaction.</p>	Yes

<p>Principle 9: Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proposed apartment building has been designed in a contemporary beachside manner.</p> <p>A regular floor plate has been wrapped in curves or waves to provide variable forms throughout the building's façade. The intent is to provide varying degrees of interest throughout the building or viewing it from the public realm. Each view then becomes unique. Materials and colours will also be sufficiently consistent, durable and suitable for the beachside environment.</p>	Yes
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Clause 28(2)(c), the proposal has adequately addressed the NSW Department of Planning Industry and Environment (DPIE) Apartment Design Guide requiring consideration. The following table provides an assessment against the Apartment Design Guide with assessment comments considering the design criteria and design objectives where applicable:

Apartment Design Guide (ADG) Objective	Design Guidance/Design Criteria (<i>Italics</i>)	Proposed	Complies
3A Site analysis			
3A - 1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Each element in the Site Analysis Checklist should be addressed (Appendix 1 of ADG)	A satisfactory site analysis plan has been submitted in the architectural plans set.	Yes
3B Orientation			
3B - 1 Building types and layouts respond to the streetscape and site while optimising solar access within the development.	<p>Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).</p> <p>Where the street frontage is to the east or west, rear buildings should be orientated to the north.</p>	<p>The site is located on the corner of William Street and Owen Street. William Street is the primary frontage and provides northern orientation.</p> <p>This allows for the apartments primary living</p>	Yes

	Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).	areas and outdoor spaces to be orientated towards north and provide suitable solar access throughout the year.	
3B - 2 Overshadowing of neighbouring properties is minimised during mid-winter.	<p>Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.</p> <p>Solar access to living rooms, balconies and private open spaces of neighbours should be considered.</p> <p>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</p> <p>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy.</p> <p>Overshadowing should be minimised to the south or downhill by increased upper level setbacks.</p> <p>It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties</p>	<p>Overshadowing diagrams are included within the architectural plan set.</p> <p>Shadows generated on June 21 are project over Owens Street to the west and Maritime Lane and Port City Bowling Club to the South from 9am to 12 midday. The eastern façade of the Sandcastle apartments is affected in the afternoon however their primary rooms are located towards the north.</p>	Yes

	<p>to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.</p> <p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.</p>		
3C Public domain interface			
<p>3C - 1 Transition between private and public domain is achieved without compromising safety and security</p>	<p>Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.</p> <p>Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see figure 3C.1).</p> <p>Upper level balconies and windows should overlook the public domain.</p> <p>Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.</p> <p>Length of solid walls should be limited along street frontages.</p> <p>Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in</p>	<p>The ground level apartments each have street access and direct access via the common foyers. The access paths leading to the building entries are clearly defined and architecturally detailed to ensure satisfactory legibility for residents and visitors.</p> <p>Each of the upper levels contain a balcony overlooking the street (public domain) as well as the rear area of private open space.</p>	<p>Yes</p>

	<p>private courtyards adjacent to streets.</p> <p>In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:</p> <ul style="list-style-type: none"> - architectural detailing - changes in materials - plant species - colours <p>Opportunities for people to be concealed should be minimised</p>		
<p>3C - 2 Amenity of the public domain is retained and enhanced.</p>	<p>Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.</p> <p>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.</p> <p>The visual prominence of underground car park vents should be minimised and located at a low level where possible.</p> <p>Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.</p>	<p>Satisfactory landscaping is proposed on the site including the deep soil area.</p> <p>Existing surface treatments of adjacent properties are to be continued across William Street in accordance with the Town Centre Masterplan finishes.</p>	<p>Yes</p>

	<p>Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.</p> <p>Durable, graffiti resistant and easily cleanable materials should be used.</p> <p>Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions:</p> <ul style="list-style-type: none"> - street access, pedestrian paths and building entries which are clearly defined - paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space - minimal use of blank walls, fences and ground level parking. <p>On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking</p>		
3D Communal and public open space			
3D - 1 An adequate area of communal open space is provided to enhance residential amenity and to provide	<p><u>Design Criteria</u></p> <p>1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</p>	The site does not provide for nominated communal open space. The primary reason for the	**No - but acceptable for the reasons outlined below.

opportunities for landscaping	<p><i>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</i></p> <p>Communal open space should be consolidated into a well-designed, easily identified and usable area.</p> <p>Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.</p> <p>Communal open space should be co-located with deep soil areas.</p> <p>Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.</p> <p>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.</p> <p>Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:</p> <ul style="list-style-type: none"> - provide communal spaces elsewhere such as a landscaped roof top terrace or a common room - provide larger balconies or increased private 	<p>proposal not providing communal open space is that the site is located on William Street opposite Town Beach which provides adequate communal and public space to the surrounding area. A compliant deep soil area / landscaping is provided on the site.</p>	
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	<p>open space for apartments</p> <ul style="list-style-type: none"> - demonstrate good proximity to public open space and facilities and/or provide contributions to public open space 		
<p>3D - 2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p>	<p>Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:</p> <ul style="list-style-type: none"> - seating for individuals or groups - barbecue areas - play equipment or play areas - swimming pools, gyms, tennis courts or common rooms. <p>The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.</p> <p>Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks</p>	<p>The Town Beach precinct allows for a range of activities for both the individual and group in a user friendly open space.</p>	<p>Yes</p>
<p>3D - 3 Communal open space is designed to maximise safety</p>	<p>Communal open space and the public domain should be readily visible from habitable rooms and private open space</p>	<p>The public domain space is visible from the northern orientated units.</p>	<p>N/A - no communal open space on-site</p>

	<p>areas while maintaining visual privacy. Design solutions may include:</p> <ul style="list-style-type: none"> - bay windows - corner windows - balconies. <p>Communal open space should be well lit.</p> <p>Where communal open space/facilities are provided for children and young people they are safe and contained</p>		
3D - 4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	<p>The public open space should be well connected with public streets along at least one edge.</p> <p>The public open space should be connected with nearby parks and other landscape elements.</p> <p>Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.</p> <p>Solar access should be provided year round along with protection from strong winds.</p> <p>Opportunities for a range of recreational activities should be provided for people of all ages.</p> <p>A positive address and active frontages should be provided adjacent to public open space.</p> <p>Boundaries should be clearly defined between public open space and private areas</p>	No public open space is proposed as a part of the development.	Yes
3E Deep soil zones			
3E - 1 Deep soil zones provide areas on the site that allow	<u>Design Criteria</u>	A 76m2 deep soil zone is proposed along the southern	Yes

<p>for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p>	<p><i>1. Deep soil zones are to meet the following minimum requirements:</i></p> <ul style="list-style-type: none"> <i>a) < 650m², no min dimension, 7% site area deep soil zone.</i> <i>b) 650-1500m², 3m dimension, 7% site area deep soil zone.</i> <i>c) >1500m², 6m dimension, 7% site area deep soil zone.</i> <p>On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:</p> <ul style="list-style-type: none"> - 10% of the site as deep soil on sites with an area of 650m² - 1,500m² - 15% of the site as deep soil on sites greater than 1,500m². <p>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:</p> <ul style="list-style-type: none"> - basement and sub-basement car park design that is consolidated beneath building footprints - use of increased front and side setbacks - adequate clearance around 	<p>boundary of the site together with 14m² of deep soil zone area in the north-eastern corner of the site. This equates to a total of 7% of the site area.</p> <p>The proposed deep soil zone is considered to provide suitable area for the growth of suitable, healthy, and mature trees.</p>	
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	<p>trees to ensure long term health</p> <ul style="list-style-type: none"> - co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil. <p>Achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none"> - the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) - there is 100% site coverage or non-residential uses at ground floor level. <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.</p>		
3F Visual privacy			
3F - 1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy	<p><u><i>Design Criteria</i></u></p> <p><i>1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</i></p>	The separation distances between the windows of the proposed building and the eastern neighbouring building (the Sandcastle) in particular are within the 9m habitable radius	**No - refer to comments below

	<p>a) <i>Building height up to 12m (4 storey) need 6m setback to habitable and 3m to non-habitable.</i></p> <p>b) <i>Buildings up to 25m (5-8 storeys) need 9m to habitable and 4.5m to non-habitable.</i></p> <p>c) <i>Buildings over 25m (9+ storeys) need 12m to habitable and 6m to non-habitable.</i></p> <p><i>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).</i></p> <p><i>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</i></p> <p>Generally, one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance.</p> <p>For residential buildings next to commercial buildings, separation distances should be measured as follows:</p> <ul style="list-style-type: none"> - for retail, office spaces and commercial 	<p>guide. The proposal has distance separation of approximately 6m.</p> <p>The potential visual privacy issues of the north-eastern corner windows of proposed Units 8, 10, 12 and 14 has been considered and are detailed graphically within the amended Architectural plan set.</p> <p>Given the small size of the proposed window and the existing screening treatment to the western edge of the Sandcastle balconies, it is considered that the proposed corner windows will not detrimentally impact the privacy of the Sandcastle residents, or the residents of the proposed building.</p> <p>Privacy screens have also been added to Bed 1 windows on the second to sixth floors on the eastern elevation of the proposed building.</p> <p>It is also considered that the area in which views from the proposed units towards the Sandcastle</p>	
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	<p>balconies use the habitable room distances</p> <ul style="list-style-type: none"> - for service and plant areas use the non-habitable room distances. <p>New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:</p> <ul style="list-style-type: none"> - site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) - on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4). <p>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5).</p> <p>Direct lines of sight should be avoided for windows and balconies across corners.</p> <p>No separation is required between blank walls</p>	<p>balcony can be gained are limited.</p> <p>It is also noted that the floor levels between the Sandcastle and proposed units varies and the views are further partly obscured by this difference in levels.</p> <p>Each of the proposed units are dual access with frontage to both the north and south. The visual privacy between units is consistent with the design criteria.</p> <p>Visual privacy to the west is considered adequate and Owen Street separates the proposed units from the adjacent development.</p> <p>Visual privacy to the east is considered adequate as the proposed building is set back 3m from the boundary and faces the western side of the Sandcastle development. Existing windows in the Sandcastle façade are from amenities and utility rooms rather than general living spaces.</p>	
3F - 2 Site and building design	Communal open space, common areas and	Fin walls are provided to provide	Yes

elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	<p>access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include:</p> <ul style="list-style-type: none"> - setbacks - solid or partially solid balustrades to balconies at lower levels - fencing and/or trees and vegetation to separate spaces - screening devices - bay windows or pop out windows to provide privacy in one direction and outlook in another - raising apartments/private open space above the public domain or communal open space - planter boxes incorporated into walls and balustrades to increase visual separation - pergolas or shading devices to limit overlooking of lower apartments or private open space - on constrained sites where it can be demonstrated that building layout opportunities are 	<p>visual privacy between unit terraces without detrimentally impacting solar access to the units.</p> <p>Common areas and access paths are satisfactorily separated from private open space and windows to apartments, particularly habitable room windows.</p>	
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	<p>limited, fixed louvres or screen panels to windows and/or balconies.</p> <p>Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.</p> <p>Balconies and private terraces should be located in front of living rooms to increase internal privacy.</p> <p>Windows should be offset from the windows of adjacent buildings.</p> <p>Recessed balconies and/or vertical fins should be used between adjacent balconies</p>		
3G Pedestrian access and entries			
3G - 1 Building entries and pedestrian access connects to and addresses the public domain	<p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.</p> <p>Entry locations relate to the street and subdivision pattern and the existing pedestrian network.</p> <p>Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.</p> <p>Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight</p>	<p>The primary building entry is located on Owen Street and is connected to the pedestrian footpath network. The entrance is sufficiently defined and articulated with clear sight lines available to the street.</p>	Yes

	lines and pathways to secondary building entries.		
3G - 2 Access, entries and pathways are accessible and easy to identify	<p>Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.</p> <p>The design of ground floors and underground car parks minimise level changes along pathways and entries.</p> <p>Steps and ramps should be integrated into the overall building and landscape design.</p> <p>For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3).</p> <p>For large developments electronic access and audio/video intercom should be provided to manage access</p>	The primary building entry area is clearly visible from Owen Street and at grade access is provided in compliance with the relevant disability standards.	Yes
3G - 3 Large sites provide pedestrian links for access to streets and connection to destinations	<p>Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.</p> <p>Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate</p>	Pedestrian connections to the public footpath running along William Street and Owen Street are proposed in accordance with the design criteria.	Yes
3H Vehicle access			
3H - 1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians	Car park access should be integrated with the building's overall facade. Design solutions may include:	The basement driveway entry is located on Maritime Lane and is separate from pedestrian access. The carpark	Yes

<p>and vehicles and create high quality streetscapes</p>	<ul style="list-style-type: none"> - the materials and colour palette to minimise visibility from the street - security doors or gates at entries that minimise voids in the facade - where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed. <p>Car park entries should be located behind the building line.</p> <p>Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.</p> <p>Car park entry and access should be located on secondary streets or lanes where available.</p> <p>Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.</p> <p>Access point locations should avoid headlight glare to habitable rooms.</p> <p>Adequate separation distances should be provided between vehicle entries and street intersections.</p> <p>The width and number of vehicle access points should be limited to the minimum.</p>	<p>design access point is satisfactory in accordance with the design criteria.</p>	
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	<p>Visual impact of long driveways should be minimised through changing alignments and screen planting.</p> <p>The need for large vehicles to enter or turn around within the site should be avoided.</p> <p>Garbage collection, loading and servicing areas are screened.</p> <p>Clear sight lines should be provided at pedestrian and vehicle crossings.</p> <p>Traffic calming devices such as changes in paving material or textures should be used where appropriate.</p> <p>Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:</p> <ul style="list-style-type: none"> - changes in surface materials - level changes - the use of landscaping for separation 		
3J Bicycle and car parking			
<p>3J - 1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p> <p><u>Notes</u></p> <p>Port Macquarie is a nominated regional centre.</p> <p>In terms of using Guide to Traffic Generating Developments, Port</p>	<p><u>Design Criteria</u></p> <p>1. <i>For development in the following locations:</i></p> <p>a) <i>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</i></p> <p>b) <i>on land zoned, and sites within 400 metres of land zoned, B3</i></p>	<p>In accordance with the design criteria the minimum car parking requirement for the site has been calculated in accordance the DCP provisions. These RMS provisions are therefore not reliant upon/considered in any detail.</p>	N/A

<p>Macquarie is a “sub-regional centre” as by definition it does not have access to rail.</p> <p>Medium density is 2 - <20 dwellings.</p> <p>High Density is 20 or more dwellings</p>	<p><i>Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</i></p> <p><i>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</i></p> <p><i>The car parking needs for a development must be provided off street.</i></p> <p>Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site.</p> <p>Where less car parking is provided in a development, council should not provide on street resident parking permits</p> <p><u>Guide to Traffic Generating Developments</u></p> <p>Medium density residential flat buildings require:</p> <ul style="list-style-type: none"> - 1 space per unit + - 1 space for every 5 x 2-bedroom unit + - 1 space for every 2 x 3-bedroom unit + - 1 space for 5 units (visitor parking). <p>High density residential flat buildings for</p>		
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	<p>metropolitan sub-regional centres require:</p> <ul style="list-style-type: none"> - 0.6 spaces per 1-bedroom unit - 0.9 spaces per 2-bedroom unit - 1.40 spaces per 3-bedroom unit + - 1 space per 5 units (visitor parking) 		
3J - 2 Parking and facilities are provided for other modes of transport	<p>Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p> <p>Conveniently located charging stations are provided for electric vehicles, where desirable</p>	Bicycle racks and limited motorcycle parking are capable of being provided within the basement within the storage areas.	Yes
3J - 3 Car park design and access is safe and secure	<p>Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.</p> <p>Direct, clearly visible and well lit access should be provided into common circulation areas.</p> <p>A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.</p> <p>For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting,</p>	The lift entrance is located close to disabled clear zones to ensure that suitable access is available and a parking space is not required to be crossed to enter the lifts.	Yes

	colour, line marking and/or bollards		
3J - 4 Visual and environmental impacts of underground car parking are minimised	<p>Excavation should be minimised through efficient car park layouts and ramp design.</p> <p>Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.</p> <p>Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.</p> <p>Natural ventilation should be provided to basement and sub-basement car parking areas.</p> <p>Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design</p>	<p>The car parking layout is logical and efficient. Excavation is to be kept to a minimum while still being capable of meeting the provisions of the BCA/NCC and AS1428.1.</p>	Yes
3J - 5 Visual and environmental impacts of on-grade car parking are minimised	<p>On-grade car parking should be avoided.</p> <p>Where on-grade car parking is unavoidable, the following design solutions are used:</p> <ul style="list-style-type: none"> - parking is located on the side or rear of the lot away from the primary street frontage - cars are screened from view of streets, buildings, communal and private open space areas - safe and direct access to 	<p>Two additional public parking spaces will be provided on Owen Street. These spaces are adjacent to existing on street parking spaces.</p> <p>There is no other on grade parking.</p>	Yes

	<p>building entry points is provided</p> <ul style="list-style-type: none"> - parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space - stormwater run-off is managed appropriately from car parking surfaces • bio-swales, rain gardens or on site detention tanks are provided, where appropriate - light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving 		
3J - 6 Visual and environmental impacts of above ground enclosed car parking are minimised	<p>Exposed parking should not be located along primary street frontages</p> <p>Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include:</p> <ul style="list-style-type: none"> - car parking that is concealed behind the facade, with windows integrated into the overall 	Basement parking proposed.	N/A

	<p>facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels)</p> <ul style="list-style-type: none"> - car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9). <p>Positive street address and active frontages should be provided at ground level</p>		
4A Solar and daylight access			
4A - 1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	<p><u>Design Criteria</u></p> <p>1. <i>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</i></p> <p>2. <i>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.</i></p> <p>3. <i>A maximum of 15% of apartments in a building receive no direct sunlight</i></p>	<p>All units are provided with generous terrace areas orientated towards the north to ensure adequate natural light filters through the units.</p> <p>The ground floor single aspect Unit 1 is orientated to the north and >70% of the units achieve the minimum sunlight access between 9am and 3pm mid-winter.</p> <p>During the assessment of the application specific details have been provided to satisfactorily demonstrate that</p>	Yes

	<p><i>between 9 am and 3 pm at mid-winter</i></p> <p>The design maximises north aspect and the number of single aspect south facing apartments is minimised.</p> <p>Single aspect, single storey apartments should have a northerly or easterly aspect.</p> <p>Living areas are best located to the north and service areas to the south and west of apartments.</p> <p>To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:</p> <ul style="list-style-type: none"> - dual aspect apartments - shallow apartment layouts - two storey and mezzanine level apartments - bay windows <p>To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.</p> <p>Achieving the design criteria may not be possible on some sites. This includes:</p> <ul style="list-style-type: none"> - where greater residential amenity can be achieved along a busy road or rail 	<p>1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.</p>	
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	<p>line by orientating the living rooms away from the noise source</p> <ul style="list-style-type: none"> - on south facing sloping sites - where significant views are oriented away from the desired aspect for direct sunlight <p>Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.</p>		
4A - 2 Daylight access is maximised where sunlight is limited	<p>Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.</p> <p>Where courtyards are used:</p> <ul style="list-style-type: none"> - use is restricted to kitchens, bathrooms and service areas - building services are concealed with appropriate detailing and materials to visible walls - courtyards are fully open to the sky - access is provided to the light well from a communal area for cleaning and maintenance - acoustic privacy, fire safety and minimum privacy 	<p>High level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.</p> <p>It is considered that adequate daylight access is available to each of the proposed units and generous external spaces are provided to the 2 x ground level courtyards.</p>	Yes

	<p>separation distances (see section 3F Visual privacy) are achieved.</p> <p>Opportunities for reflected light into apartments are optimised through:</p> <ul style="list-style-type: none"> - reflective exterior surfaces on buildings opposite south facing windows - positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light - integrating light shelves into the design - light coloured internal finishes 		
<p>4A - 3 Design incorporates shading and glare control, particularly for warmer months</p>	<p>A number of the following design features are used:</p> <ul style="list-style-type: none"> - balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas - shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting - horizontal shading to north facing windows - vertical shading to east and 	<p>Shading structures and balconies are proposed to the west facades to ensure a suitable level of glare control is provided as well as shade from the summer sun. Northern units are shaded by terraces above.</p>	<p>Yes</p>

	<p>particularly west facing windows</p> <ul style="list-style-type: none"> - operable shading to allow adjustment and choice - high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided) 		
4B Natural ventilation			
4B - 1 All habitable rooms are naturally ventilated	<p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.</p> <p>Depths of habitable rooms support natural ventilation.</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served.</p> <p>Light wells are not the primary air source for habitable rooms.</p> <p>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</p> <ul style="list-style-type: none"> - adjustable windows with large effective openable areas 	All habitable rooms are naturally ventilated.	Yes

	<ul style="list-style-type: none"> - a variety of window types that provide safety and flexibility such as awnings and louvres - windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors 		
4B - 2 The layout and design of single aspect apartments maximises natural ventilation	<p>Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3)</p> <p>Natural ventilation to single aspect apartments is achieved with the following design solutions:</p> <ul style="list-style-type: none"> - primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) - stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries - courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure 	There is only one single aspect (Unit 1) in this proposal. Its depth is limited as per the recommended guidance standards.	Yes

	effective air circulation and avoid trapped smells		
4B - 3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	<p><u>Design Criteria</u></p> <p><i>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</i></p> <p><i>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</i></p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.</p> <p>In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.4).</p> <p>Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow.</p> <p>Apartment depths, combined with appropriate ceiling</p>	<p>With the exception of the ground floor Unit 1 orientated to the north, all units have the opportunity for natural cross ventilation.</p> <p>The overall depth of the apartments from the first floor up are greater than 18m glass to glass however all have triple aspects, no greater than 10m widths and are afforded with satisfactory light and ventilation opportunities.</p>	<p>Yes and **No - refer to comments below.</p>

	heights, maximise cross ventilation and airflow		
4C Ceiling heights			
4C - 1 Ceiling height achieves sufficient natural ventilation and daylight access	<p><u>Design Criteria</u></p> <p><i>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</i></p> <p><i>Minimum ceiling height for apartment and mixed use buildings</i></p> <p><i>Habitable rooms = 2.7m</i></p> <p><i>Non-habitable = 2.4m</i></p> <p><i>For 2 storey apartments = 2.7m for main living area floor and 2.4m for second floor, where its area does not exceed 50% of the apartment area</i></p> <p><i>Attic spaces = 1.8m at edge of room with a 30-degree minimum ceiling slope</i></p> <p><i>If located in mixed use areas = 3.3m for ground and first floor to promote future flexibility of use</i></p> <p><i>These minimums do not preclude higher ceilings if desired.</i></p> <p>Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.</p>	All units are proposed to contain 2.7m ceiling heights throughout all habitable areas and is therefore considered consistent with the design criteria.	Yes
4C - 2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	<p>A number of the following design solutions can be used:</p> <ul style="list-style-type: none"> - the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, 	All units are proposed to contain 2.7m ceiling heights throughout all habitable areas and is therefore considered consistent with the design criteria.	Yes

	<p>or double height spaces</p> <ul style="list-style-type: none"> - well-proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings - ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist 		
4C - 3 Ceiling heights contribute to the flexibility of building use over the life of the building	Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses (see figure 4C.1)	All units including the ground floor units are proposed to contain 2.7m ceiling heights throughout all habitable areas and is therefore considered consistent with the design criteria.	Yes
4D Apartment size and layout			
4D - 1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	<p><u>Design Criteria</u></p> <p><i>1. Apartments are required to have the following minimum internal areas:</i></p> <p><i>Studio = 35m²</i></p> <p><i>1 bedroom = 50m²</i></p> <p><i>2 bedroom = 70m²</i></p> <p><i>3 bedroom = 90m²</i></p> <p><i>The minimum internal areas include only one</i></p>	<p>The internal areas of the apartments are specified on the architectural plan set.</p> <p>All proposed areas exceed the minimum specified by the design guide and all the habitable rooms contain windows to the external façade.</p>	Yes

	<p><i>bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</i></p> <p><i>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</i></p> <p><i>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</i></p> <p>Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).</p> <p>A window should be visible from any point in a habitable room.</p> <p>Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits</p>		
4D - 2 Environmental performance of the apartment is maximised	<p><u><i>Design Criteria</i></u></p> <p><i>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</i></p> <p><i>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</i></p>	<p>All living and bedrooms are located on the external face of the building to satisfy the required environmental performance.</p> <p>Living areas are located on the corners of the</p>	Yes

	<p>Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.</p> <p>All living areas and bedrooms should be located on the external face of the building.</p> <p>Where possible:</p> <ul style="list-style-type: none"> - bathrooms and laundries should have an external openable window. - main living spaces should be oriented toward the primary outlook and aspect and away from noise sources 	<p>buildings to adequate sun penetration and cross flow ventilation.</p> <p>Bathrooms have been provided with windows where possible.</p>	
4D - 3 Apartment layouts are designed to accommodate a variety of household activities and needs	<p><u><i>Design Criteria</i></u></p> <p><i>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</i></p> <p><i>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</i></p> <p><i>3. Living rooms or combined living/dining rooms have a minimum width of:</i></p> <ul style="list-style-type: none"> • <i>3.6m for studio and 1 bedroom apartments</i> • <i>4m for 2 and 3 bedroom apartments</i> <p><i>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</i></p>	<p>All bedrooms contain areas greater than those required by the design guidelines (i.e. master bedrooms are larger than 10m² and all other bedrooms are larger than 9m² and include a minimum dimension of 3m).</p> <p>The open plan and internal arrangements of the proposed units are considered to provide spaces for a range of activities and privacy levels whilst also facilitating a variety of future arrangements. The</p>	Yes

	<p>Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.</p> <p>All bedrooms allow a minimum length of 1.5m for robes.</p> <p>The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.</p> <p>Apartment layouts allow flexibility over time, design solutions may include:</p> <ul style="list-style-type: none"> - dimensions that facilitate a variety of furniture arrangements and removal - spaces for a range of activities and privacy levels between different spaces within the apartment - dual master apartments - dual key apartments Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments - room sizes and proportions or open plans (rectangular spaces 2:3) are more easily 	<p>proposal is therefore considered compliant with this design criteria.</p>	
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	<p>furnished than square spaces (1:1))</p> <ul style="list-style-type: none"> - efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms 		
4E Private open space and balconies			
<p>4E - 1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p>	<p><u>Design Criteria</u></p> <p>1. All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> a) Studio apartments = 4m² b) 1 bedroom apartments = 8m² and 2m min depth. c) 2 bedroom apartments = 10m² and 2m min depth. d) 3+ bedroom apartments = 12m² and 2.4m min depth. <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p> <p>Increased communal open space should be provided where the</p>	<p>Each of the proposed apartments contain an area greater than the minimum required by the design guidelines.</p>	<p>Yes</p>

	<p>number or size of balconies are reduced.</p> <p>Storage areas on balconies is additional to the minimum balcony size.</p> <p>Balcony use may be limited in some proposals by:</p> <ul style="list-style-type: none"> - consistently high wind speeds at 10 storeys and above - close proximity to road, rail or other noise sources - exposure to significant levels of aircraft noise - heritage and adaptive reuse of existing buildings <p>In these situations, Juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated</p>		
<p>4E - 2 Primary private open space and balconies are appropriately located to enhance liveability for residents</p>	<p>Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.</p> <p>Private open spaces and balconies predominantly face north, east or west.</p> <p>Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to</p>	<p>The external terrace areas for each of the proposed units are located off main living space areas in a manner compliant with the design criteria.</p>	<p>Yes</p>

	optimise daylight access into adjacent rooms.		
4E - 3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	<p>Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.</p> <p>Full width full height glass balustrades alone are generally not desirable.</p> <p>Projecting balconies should be integrated into the building design and the design of soffits considered.</p> <p>Operable screens, shutters, hoods and pergolas are used to control sunlight and wind.</p> <p>Balustrades are set back from the building or balcony edge where overlooking or safety is an issue.</p> <p>Downpipes and balcony drainage are integrated with the overall facade and building design.</p> <p>Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.</p> <p>Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.</p>	<p>The external terrace area designs provide opportunity for views across the site, passive surveillance of the street and maintaining a reasonable level of visual privacy for occupants.</p> <p>A combination of opaque and solid balustrades is considered to contribute to the provision of privacy whilst also ensuring a positive contribution to architectural form.</p>	Yes

	<p>Ceilings of apartments below terraces should be insulated to avoid heat loss.</p> <p>Water and gas outlets should be provided for primary balconies and private open space</p>		
4E - 4 Private open space and balcony design maximises safety.	<p>Changes in ground levels or landscaping are minimised.</p> <p>Design and detailing of balconies avoids opportunities for climbing and falls.</p>	<p>Balustrades are considered to provide a design compliance with the applicable requirements and are not considered to provide opportunities for climbing or falls. Further construction details are to be in accordance with the NCC.</p>	Yes
4F Common circulation and spaces			
4F - 1 Common circulation spaces achieve good amenity and properly service the number of apartments	<p><u><i>Design Criteria</i></u></p> <p><i>1. The maximum number of apartments off a circulation core on a single level is eight.</i></p> <p><i>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</i></p> <p>Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.</p> <p>Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.</p> <p>Windows should be provided in common</p>	<p>The proposed building includes a common circulation core with 2 lifts which service 1 or 2 units on each level combined.</p> <p>The common entry area has opportunity for natural ventilation.</p> <p>No long corridors are proposed to service the units on each level of the building.</p>	Yes

	<p>circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.</p> <p>Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:</p> <ul style="list-style-type: none"> - a series of foyer areas with windows and spaces for seating - wider areas at apartment entry doors and varied ceiling heights <p>Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.</p> <p>Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:</p> <ul style="list-style-type: none"> - sunlight and natural cross ventilation in apartments - access to ample daylight and natural ventilation in common circulation spaces - common areas for seating and gathering 		
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	<ul style="list-style-type: none"> - generous corridors with greater than minimum ceiling heights - other innovative design solutions that provide high levels of amenity <p>Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</p> <p>Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled</p>		
4F - 2 Common circulation spaces promote safety and provide for social interaction between residents	<p>Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines.</p> <p>Tight corners and spaces are avoided.</p> <p>Circulation spaces should be well lit at night.</p> <p>Legible signage should be provided for apartment numbers, common areas and general wayfinding.</p> <p>Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided.</p>	The proposed circulation core provides a short, direct entry to the lift. Due to their short length these foyer spaces are well lit and free of tight corners.	Yes

	<p>In larger developments, community rooms for activities such as owner's corporation meetings or resident use should be provided and are ideally co-located with communal open space.</p> <p>Where external galleries are provided, they are more open than closed above the balustrade along their length.</p>		
4G Storage			
4G - 1 Adequate, well designed storage is provided in each apartment	<p><u><i>Design Criteria</i></u></p> <p><i>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</i></p> <p><i>a) Studio apartments = 4m³.</i></p> <p><i>b) 1 bedroom apartments = 6m³.</i></p> <p><i>c) 2 bedroom apartments 8m³.</i></p> <p><i>d) 3+ bedroom apartments = 10m³.</i></p> <p><i>At least 50% of the required storage is to be located within the apartment.</i></p> <p>Storage is accessible from either circulation or living areas.</p> <p>Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.</p>	Satisfactory storage spaces are available within each unit via the provision of large robes to each bedroom, linen cupboards, and storage areas.	Yes

	Left over space such as under stairs is used for storage		
4G - 2 Additional storage is conveniently located, accessible and nominated for individual apartments	<p>Storage not located in apartments is secure and clearly allocated to specific apartments.</p> <p>Storage is provided for larger and less frequently accessed items.</p> <p>Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible.</p> <p>If communal storage rooms are provided they should be accessible from common circulation areas of the building.</p> <p>Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.</p>	Additional storage will be provided in the basement were possible and allocated to individual units.	Yes
4H Acoustic privacy			
4H - 1 Noise transfer is minimised through the siting of buildings and building layout	<p>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy).</p> <p>Window and door openings are generally orientated away from noise sources.</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.</p>	The internal layout of the units has been designed to maximise acoustic privacy between apartments.	Yes

	<p>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.</p> <p>The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.</p> <p>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.</p>		
4H - 2 Noise impacts are mitigated within apartments through layout and acoustic treatments	<p>Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:</p> <ul style="list-style-type: none"> - rooms with similar noise requirements are grouped together - doors separate different use zones - wardrobes in bedrooms are co-located to act as sound buffers <p>Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:</p> <ul style="list-style-type: none"> - double or acoustic glazing - acoustic seals • use of materials with low noise penetration properties 	Internal walls between apartments shall be constructed to comply with the applicable noise and acoustic standards of the NCC.	Yes

	<ul style="list-style-type: none"> - continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements 		
4J Noise and pollution			
4J - 1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	<p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> - physical separation between buildings and the noise or pollution source - residential uses are located perpendicular to the noise source and where possible buffered by other uses - non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces - non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative 	The subject site is not considered to be located within a noisy or hostile environment.	Yes

	<p>to traffic volumes and other noise sources</p> <ul style="list-style-type: none"> - buildings should respond to both solar access and noise. Where solar access is away from the noise source, nonhabitable rooms can provide a buffer - where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4) - landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry. <p>Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:</p> <ul style="list-style-type: none"> - solar and daylight access - private open space and balconies - natural cross ventilation 		
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4J - 2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	<p>Design solutions to mitigate noise include:</p> <ul style="list-style-type: none"> - limiting the number and size of openings facing noise sources - providing seals to prevent noise transfer through gaps - using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) - using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits 	The building is not considered to front a noise source that would necessitate the installation of design mitigation solutions.	N/A
4K Apartment mix			
4K - 1 A range of apartment types and sizes is provided to cater for different household types now and into the future	<p>A variety of apartment types is provided The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> - the distance to public transport, employment and education centres - the current market demands and projected future demographic trends - the demand for social and affordable housing 	The proposed building contains 1 x 2 bedroom units, 13 x 3 bedroom units and 1 x 4 bedroom unit. This apartment mix is appropriate for the site and its position.	Yes

	<ul style="list-style-type: none"> - different cultural and socioeconomic groups <p>Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.</p>		
4K - 2 The apartment mix is distributed to suitable locations within the building	<p>Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3).</p> <p>Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.</p>	The apartment types are generally consistent throughout the development.	Yes
4L Ground floor apartments			
4L - 1 Street frontage activity is maximised where ground floor apartments are located	<p>Direct street access should be provided to ground floor apartments.</p> <p>Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include:</p> <ul style="list-style-type: none"> - both street, foyer and other common internal circulation entrances to ground floor apartments - private open space is next to the street - doors and windows face the street 	Direct access to public streets is achieved from both units 1 and 2.	Yes

	<p>Retail or home office spaces should be located along street frontages.</p> <p>Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion.</p>		
4L - 2 Design of ground floor apartments delivers amenity and safety for residents	<p>Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:</p> <ul style="list-style-type: none"> - elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) - landscaping and private courtyards - window sill heights that minimise sight lines into apartments - integrating balustrades, safety bars or screens with the exterior design <p>Solar access should be maximised through:</p> <ul style="list-style-type: none"> - high ceilings and tall windows - trees and shrubs that allow solar access in winter and shade in summer 	Ground floor units are provided with courtyards walls and landscaping providing adequate amenity, privacy, and safety.	Yes

4M Facades			
4M - 1 Building facades provide visual interest along the street while respecting the character of the local area	<p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> - a composition of varied building elements - a defined base, middle and top of buildings - revealing and concealing certain elements - changes in texture, material, detail and colour to modify the prominence of elements <p>Building services should be integrated within the overall façade.</p> <p>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:</p> <ul style="list-style-type: none"> - well composed horizontal and vertical elements - variation in floor heights to enhance the human scale - elements that are proportional and arranged in patterns - public artwork or treatments to exterior blank walls - grouping of floors or elements such as balconies and 	The proposed design provides a composition of curved elements to ensure that the building unique from provides visual interest from the street.	Yes

	<p>windows on taller buildings</p> <p>Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.</p> <p>Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.</p>		
4M - 2 Building functions are expressed by the facade	<p>Building entries should be clearly defined.</p> <p>Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.</p> <p>The apartment layout should be expressed externally through facade features such as party walls and floor slabs</p>	The primary common building entry is clearly defined from the street through a feature awning.	Yes
4N Roof design			
4N - 1 Roof treatments are integrated into the building design and positively respond to the street	<p>Roof design relates to the street. Design solutions may include:</p> <ul style="list-style-type: none"> - special roof features and strong corners - use of skillion or very low pitch hipped roofs - breaking down the massing of the roof by using smaller elements to avoid bulk - using materials or a pitched form complementary to adjacent buildings 	The proposal includes a feature roof with low pitch to ensure that the height of the building is appropriate. Curved elements reflect the design intent of the building's composition.	Yes

	<p>Roof treatments should be integrated with the building design. Design solutions may include:</p> <ul style="list-style-type: none"> - roof design proportionate to the overall building size, scale and form - roof materials compliment the building - service elements are integrated 		
<p>4N - 2 Opportunities to use roof space for residential accommodation and open space are maximised</p>	<p>Habitable roof space should be provided with good levels of amenity. Design solutions may include:</p> <ul style="list-style-type: none"> - penthouse apartments - dormer or clerestory windows - openable skylights <p>Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.</p>	<p>No roof space is proposed.</p>	<p>N/A</p>
<p>4N - 3 Roof design incorporates sustainability features</p>	<p>Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include:</p> <ul style="list-style-type: none"> - the roof lifts to the north - eaves and overhangs shade walls and windows from summer sun. <p>Skylights and ventilation systems should be</p>	<p>Roof overhangs and eaves provide shade in summer months for the top level unit.</p>	<p>Yes</p>

	integrated into the roof design		
4O Landscape design			
4O - 1 Landscape design is viable and sustainable	<p>Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:</p> <ul style="list-style-type: none"> - diverse and appropriate planting - bio-filtration gardens - appropriately planted shading trees - areas for residents to plant vegetables and herbs - composting - green roofs or walls <p>Ongoing maintenance plans should be prepared.</p> <p>Microclimate is enhanced by:</p> <ul style="list-style-type: none"> - appropriately scaled trees near the eastern and western elevations for shade - a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter 	<p>A landscape plan and external works plan is included in the attached Architectural plan set.</p> <p>The proposed landscape planting includes large trees, hedges and several different ground plane and flowering plants.</p>	Yes

	<ul style="list-style-type: none"> - shade structures such as pergolas for balconies and courtyards <p>Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table 4)</p> <p>Table 4 requires</p> <ul style="list-style-type: none"> - For site area up to 850m² = 1 medium tree per 50m² of deep soil zone - Between 850 - 1,500m² = 1 large tree or 2 medium trees per 90m² of deep soil zone - Greater than 1,500m² = 1 large tree or 2 medium trees per 80m² of deep soil zone 		
4O - 2 Landscape design contributes to the streetscape and amenity	<p>Landscape design responds to the existing site conditions including:</p> <ul style="list-style-type: none"> - changes of levels - views - significant landscape features including trees and rock outcrops <p>Significant landscape features should be protected by:</p> <ul style="list-style-type: none"> - tree protection zones (see figure 4O.5) - appropriate signage and fencing during construction <p>Plants selected should be endemic to the region</p>	The deep soil area is predominately flat and orientated towards Maritime Lane to the south and the north-eastern corner of the site.	Yes

	and reflect the local ecology		
4P Planting on structures			
4P - 1 Appropriate soil profiles are provided	<p>Structures are reinforced for additional saturated soil weight</p> <p>Soil volume is appropriate for plant growth, considerations include:</p> <ul style="list-style-type: none"> - modifying depths and widths according to the planting mix and irrigation frequency - free draining and long soil life span - tree anchorage <p>Minimum soil standards for plant sizes should be provided in accordance with Table 5.</p> <p>Table 5 requires</p> <ul style="list-style-type: none"> - Large trees 12-18m high, up to 16m crown spread at maturity = need 150m³ of soil at a depth of 1,200mm and area of 10m x 10m or equivalent. - Medium trees 8-12m high, up to 8m crown spread at maturity = need 35m³ of soil at a depth of 1,000mm and area of 6m x 6m or equivalent. - Small trees 6-8m high, up to 4m crown spread at maturity = need 9m³ of soil at a 	The proposed deep soil zone can be provided with appropriate soil profile to meet the design criteria.	Yes

	<p>depth of 800mm and area of 3.5m x 3.5m or equivalent.</p> <ul style="list-style-type: none"> - Shrubs need soil depth of 500-600mm - Ground cover needs soil depth of 300-450mm - Turf needs soil depth of 200mm 		
4P - 2 Plant growth is optimised with appropriate selection and maintenance	<p>Plants are suited to site conditions, considerations include:</p> <ul style="list-style-type: none"> - drought and wind tolerance - seasonal changes in solar access - modified substrate depths for a diverse range of plants - plant longevity <p>A landscape maintenance plan is prepared.</p> <p>Irrigation and drainage systems respond to:</p> <ul style="list-style-type: none"> - changing site conditions - soil profile and the planting regime - whether rainwater, stormwater or recycled grey water is used 	The plant species identified within the attached External works plan have been chosen for their suitability for the local environment and tolerance to the existing and proposed site conditions. The proposal is considered compliant with the design criteria.	Yes
4P - 3 Planting on structures contributes to the quality and amenity of communal and public open spaces	<p>Building design incorporates opportunities for planting on structures. Design solutions may include:</p> <ul style="list-style-type: none"> - green walls with specialised 	Landscaping works are proposed within the courtyard areas and are considered to positively contribute to the	Yes

	<p>lighting for indoor green walls</p> <ul style="list-style-type: none"> - wall design that incorporates planting - green roofs, particularly where roofs are visible from the public domain - planter boxes <p>Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time</p>	<p>quality and amenity of the areas. The proposal is considered compliant with the design criteria.</p>	
4Q Universal design			
<p>4Q - 1 Universal design features are included in apartment design to promote flexible housing for all community members</p>	<p>Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features</p>	<p>The seven core design elements of the silver level include:</p> <p><i>A safe continuous and step free path of travel from the street entrance and/or parking area to a dwelling entrance that is level.</i></p> <p>Comment: Each apartment is provided with lift access and all apartments on the ground floor are available as a step free level from Owen Street</p> <p><i>At least one, level (step-free) entrance into the dwelling.</i></p> <p>Comment: Each apartment is accessible via lift with no steps.</p> <p><i>Internal doors and corridors that</i></p>	<p>Yes</p>

		<p><i>facilitate comfortable and unimpeded movement between spaces.</i></p> <p>Comment: The main entry has a width of 4.1m, the internal cores are 2.8m wide. The proposed widths are considered to provide comfortable movement.</p> <p><i>A toilet on the ground (or entry) level that provides easy access.</i></p> <p>Comment: The bathrooms to the units on the ground floor are available for easy access.</p> <p><i>A bathroom that contains a hobless (step-free) shower recess.</i></p> <p>Comment: The final design of the bathrooms is to be completed. The Applicant has advised that a hobless (step-free) shower recess will be accommodated in the proposed bathroom layouts.</p> <p><i>Reinforced walls around the toilet, shower, and bath to support the safe installation of grab rails later.</i></p> <p>Comment: The final material for the bathroom walls has not yet been determined however, considered that reinforced walls</p>	
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		<p>can be provided where required. <i>A continuous handrail on one side of any stairway where there is a rise of more than one metre.</i></p> <p>Comment: A continuous handrail is proposed within all stairways.</p>	
4Q - 2 A variety of apartments with adaptable designs are provided	<p>Adaptable housing should be provided in accordance with the relevant council policy</p> <p>Design solutions for adaptable apartments include:</p> <ul style="list-style-type: none"> - convenient access to communal and public areas - high level of solar access - minimal structural change and residential amenity loss when adapted - larger car parking spaces for accessibility - parking titled separately from apartments or shared car parking arrangements 	<p>The proposed apartments are considered generous in size and provide a layout that can be adaptable. All apartments have a high level of solar access.</p>	Yes
4Q - 3 Apartment layouts are flexible and accommodate a range of lifestyle needs	<p>Apartment design incorporates flexible design solutions which may include:</p> <ul style="list-style-type: none"> - rooms with multiple functions - dual master bedroom apartments with 	<p>The proposed apartments contain open plan living, kitchen and dining areas which are suitable for a variety of adaptable uses.</p>	Yes

	<p>separate bathrooms</p> <ul style="list-style-type: none"> - larger apartments with various living space options - open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom 		
4R Adaptive reuse			
<p>4R - 1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place</p>	<p>Design solutions may include:</p> <ul style="list-style-type: none"> - new elements to align with the existing building - additions that complement the existing character, siting, scale, proportion, pattern, form and detailing - use of contemporary and complementary materials, finishes, textures and colours <p>Additions to heritage items should be clearly identifiable from the original building.</p> <p>New additions allow for the interpretation and future evolution of the building.</p>	<p>The proposed building is new, and no adaptive re-use is currently proposed.</p>	Yes
<p>4R - 2 Adapted buildings provide residential amenity while not precluding future adaptive reuse</p>	<p>Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include:</p>	<p>The design of the apartments is satisfactory given the physical limitations of the site and noting that the majority of the apartments have triple aspects, generous width frontages of each apartment with a</p>	Yes

	<ul style="list-style-type: none"> - generously sized voids in deeper buildings - alternative apartment types when orientation is poor - using additions to expand the existing building envelope <p>Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas:</p> <ul style="list-style-type: none"> - where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation) - alternatives to providing deep soil where less than the minimum requirement is currently available on the site - building and visual separation – subject to 	north aspect and 2.7m height floor to ceilings.	
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	<p>demonstrating alternative design approaches to achieving privacy</p> <ul style="list-style-type: none"> - common circulation - car parking - alternative approaches to private open space and balconies 		
4S Mixed use			
4S - 1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	<p>Mixed use development should be concentrated around public transport and centres.</p> <p>Mixed use developments positively contribute to the public domain. Design solutions may include:</p> <ul style="list-style-type: none"> - development addresses the street - active frontages are provided - diverse activities and uses - avoiding blank walls at the ground level - live/work apartments on the ground floor level, rather than commercial 	The proposal is for residential only.	Yes
4S - 2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	<p>Residential circulation areas should be clearly defined. Design solutions may include:</p> <ul style="list-style-type: none"> - residential entries are separated from commercial entries and directly accessible from the street 	The proposal is for residential only.	Yes

	<ul style="list-style-type: none"> - commercial service areas are separated from residential components - residential car parking and communal facilities are separated or secured - security at entries and safe pedestrian routes are provided - concealment opportunities are avoided <p>Landscaped communal open space should be provided at podium or roof levels.</p>		
4T Awnings and signage			
4T - 1 Awnings are well located and complement and integrate with the building design	<p>Awnings should be located along streets with high pedestrian activity and active frontages.</p> <p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> - continuous awnings are maintained and provided in areas with an existing pattern - height, depth, material and form complements the existing street character - protection from the sun and rain is provided - awnings are wrapped around the secondary 	<p>Awnings have been designed to provide shade to windows where appropriate.</p> <p>Street awnings are not proposed however as the planning controls for the locality do not require awnings on the streets.</p>	Yes

	<p>frontages of corner sites</p> <ul style="list-style-type: none"> - awnings are retractable in areas without an established pattern <p>Awnings should be located over building entries for building address and public domain amenity.</p> <p>Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure.</p> <p>Gutters and down pipes should be integrated and concealed.</p> <p>Lighting under awnings should be provided for pedestrian safety.</p>		
4T - 2 Signage responds to the context and desired streetscape character	<p>Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development.</p> <p>Legible and discrete way finding should be provided for larger developments.</p> <p>Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.</p>	The proposal seeks consent for typical building identification signage.	Yes
4U Energy efficiency			
4U - 1 Development incorporates passive environmental design	<p>Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access).</p> <p>Well located, screened outdoor areas should be provided for clothes drying</p>	<p>The proposal is considered to contain a design which achieves adequate natural light and ventilation to the internal areas of each apartment. The proposal is considered</p>	Yes

		compliant with the design criteria. BASIX certificates have been provided as part of the DA application.	
4U - 2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> - the use of smart glass or other technologies on north and west elevations - thermal mass in the floors and walls of north facing rooms is maximised - polished concrete floors, tiles or timber rather than carpet - insulated roofs, walls and floors and seals on window and door openings - overhangs and shading devices such as awnings, blinds and screens <p>Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)</p>	The proposal is considered to provide adequate passive solar design.	Yes
4U - 3 Adequate natural ventilation minimises the need for mechanical ventilation	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> - rooms with similar usage are grouped together - natural cross ventilation for apartments is optimised 	The proposal is considered to provide adequate natural ventilation.	Yes

	<ul style="list-style-type: none"> - natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible 		
4V Water management and conservation			
4V - 1 Potable water use is minimised	<p>Water efficient fittings, appliances and wastewater reuse should be incorporated.</p> <p>Apartments should be individually metered.</p> <p>Rainwater should be collected, stored and reused on site.</p> <p>Drought tolerant, low water use plants should be used within landscaped areas</p>	Satisfactory BASIX Certificate submitted which includes requirements for water efficient fittings and appliances.	Yes
4V - 3 Flood management systems are integrated into site design	<p>Detention tanks should be located under paved areas, driveways or in basement car parks.</p> <p>On large sites parks or open spaces are designed to provide temporary on site detention basins.</p>	<p>Refer to the stormwater comments later in this report.</p> <p>The proposal is considered compliant with the design criteria. The subject site is not identified as flood prone land. Suitable stormwater management systems are proposed to cater for any internal flooding of the basement parking area.</p>	Yes
4W Waste management			
4W - 1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development	A common waste storage area is proposed within the basement parking area in a location suitable for collection via a	Yes

	<p>or in the basement car park.</p> <p>Waste and recycling storage areas should be well ventilated.</p> <p>Circulation design allows bins to be easily manoeuvred between storage and collection points.</p> <p>Temporary storage should be provided for large bulk items such as mattresses.</p> <p>A waste management plan should be prepared</p>	private contractor (within the driveway).	
4W - 2 Domestic waste is minimised by providing safe and convenient source separation and recycling	<p>All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days' worth of waste and recycling.</p> <p>Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.</p> <p>For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.</p> <p>Alternative waste disposal methods such as composting should be provided</p>	<p>A specific dedicated area is available within the basement for storage of waste bins prior to collection.</p> <p>Collection from the proposed building can occur via private collection.</p>	Yes
4X Building maintenance			
4X - 1 Building design detail provides protection from weathering	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> - roof overhangs to protect walls - hoods over windows and 	The proposed design is considered to provide design solutions compliant with these weather protection criteria.	Yes

	<p>doors to protect openings</p> <ul style="list-style-type: none"> - detailing horizontal edges with drip lines to avoid staining of surfaces - methods to eliminate or reduce planter box leaching - appropriate design and material selection for hostile locations 		
4X - 2 Systems and access enable ease of maintenance	<p>Window design enables cleaning from the inside of the building.</p> <p>Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade.</p> <p>Design solutions do not require external scaffolding for maintenance access.</p> <p>Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems.</p> <p>Centralised maintenance, services and storage should be provided for communal open space areas within the building.</p>	Most windows are accessible from external terraces.	Yes
4X - 3 Material selection reduces ongoing maintenance costs	<p>A number of the following design solutions are used:</p> <ul style="list-style-type: none"> - sensors to control artificial lighting in common circulation and spaces 	<p>The materials chosen for the proposed building are appropriate for the locality, robust and durable.</p> <p>The Applicant has advised that sensor lighting will be provided to all</p>	Yes

	<ul style="list-style-type: none"> - natural materials that weather well and improve with time such as face brickwork - easily cleaned surfaces that are graffiti resistant - robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors 	common circulation areas.	
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Further to the above Clause 30(1) states that consent cannot be refused on the following grounds if the development satisfies the relevant design criteria:

- (a) *if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*
- (b) *if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*
- (c) *if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

As noted in the above assessment, the proposed development satisfies the relevant design criteria for car parking, internal area and ceiling heights and consent could not be refused on any of these grounds.

Clause 30(2) - Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

- (a) *the design quality principles, and*
- (b) *the objectives specified in the Apartment Design Guide for the relevant design criteria.*

Comment:

In addition to the above, Clauses 143A and 154A of the *Environmental Planning and Assessment Regulation 2000* require a certifying authority not issue a construction certificate for the development unless the certifying authority has received the statement by the qualified designer verifying that the development achieves compliance with the design quality principles at the construction certificate and occupation certificate.

Compliance with Clauses 143A and 154A are recommended to form conditions of consent.

State Environmental Planning Policy (Coastal Management) 2018

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

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; and
- 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.

Clause 15 - The proposal is not likely to cause identifiable increased risk of coastal hazards on the land or other land.

The bulk, scale and size of the proposed development is sufficiently compatible with the surrounding coastal and built environment. The site is predominately clear of any significant vegetation and located within an area zoned for high density residential purposes.

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

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

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 - Development in proximity to electricity infrastructure - Referral to Essential Energy has been undertaken having regard to the following referral triggers:

- (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,*
- (c) *installation of a swimming pool any part of which is:*
 - (i) *within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) *within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool*

Essential Energy did not have any specific comments regarding the proposal but provided some general safety advice which has been forwarded the Applicant for consideration.

The development does not trigger any of the traffic generating development thresholds of Clause 104. Referral to the Transport for NSW is not required.

State Environmental Planning Policy (State and Regional Development) 2011

This Policy defines those developments which are regionally or state significant and require consideration by the relevant NSW Regional Planning Panels. This includes certain types of infrastructure projects and projects with values over a certain amount.

Residential Flat Buildings are not a type of development listed within Schedule 1 State Significant Development (General) and the site is not listed within Schedule 2 State Significant Development (Identified Sites).

Schedule 7 sets out the provisions for development which is to be declared regionally significant. Clause 2 states that regionally significant development includes development that has a capital investment value of more than \$30 million. The proposed building has an estimated capital investment value of \$14 million and therefore does not trigger the regionally significant provisions.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

Division 4 - Having considered the provisions of Division 4 (clause 29-31), the proposed development will be unlikely to result/create any adverse impact on any oyster aquaculture development or priority oyster aquaculture area.

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 R4 high density residential.
- Clause 2.3(1) and the R4 zone landuse table, the proposed development for a residential flat building is a permissible landuse with consent.

The objectives of the R4 zone are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*

- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for tourist and visitor accommodation in key tourist precincts of urban areas of the Council area, while also encouraging increased population levels.*
- *To encourage development that has regard to the desired future character of streets and supports active and safe uses at pedestrian level.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:
 - The proposal is a permissible landuse;
 - The proposal will provide for a suitable variety of housing type within a planned high density area;
 - The proposal will be sufficiently compatible with the desired character for the locality and provides a high quality design at street level.
- Clause 2.7 - The demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.1 - The minimum lot sizes standard of 2000m² does not apply to the proposal as the proposal includes consolidation of 2 lots to create a combined site area of 1174m².
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 26.4m which complies with the standard height limit of 26.5m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal has been calculated to be 2.5:1. The maximum floor space ratio standard applicable to the site is 2.0:1. As a result, the applicant has submitted a Clause 4.6 variation to the standard. The variation represents a 25% variation from the proportional standard and equates to an additional floor area of 540m² above the standard for the site.
- Clause 4.6(3) - Consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the Applicant submitted a Clause 4.6 variation to the standard (refer to attachments to this report) based on the following primary reasons:

- The density of the proposed building will be similar to the immediately adjoining residential developments within William Street.
- The subject site is considered a key location, being an underdeveloped site opposite Town Beach and close to the Port Macquarie CBD.
- The front, side and rear setbacks align with the adjoining Sandcastle building and comply with the provisions of Development Control Plan 2013.
- The recessed nature of the front and rear of the building is considered to minimise the building's impact on the streetscapes.

- The proposed building does not exceed the maximum 26.5m building height limit for the site.
- View sharing impacts are reasonable and considered.
- The site is located between 5 and 8 storey residential flat buildings and currently consists of two separate Torrens title allotments.
- The proposed building is of a high design quality.
- The proposed building will not appear out of context and a visual analysis supports this justification.
- Satisfactory internal amenity, solar access and ventilation is achieved.
- The proposal is consistent with the floor space ratio objectives.

- The following additional matters are noted in addition to the Applicant's justification:

- The top-most apartment is set back and in from the majority of the other units below.
- 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.
- The public benefit of the standard is not compromised or eroded as this is one individual case of variation in between similar buildings.
- The variation is justified having regard to case law both from the NSW Land and Environment Court and the NSW Court of Appeal - Reference is made to the Department of Planning Industry and Environment's Guideline for Varying Development Standards.
- The streets will become activated by a compatible urban form.

Having consideration to the above, the Applicant has satisfactorily demonstrated that the proposal is consistent with the performance objectives of the floor space ratio clause. It is agreed in particular that the Applicant has demonstrated that compliance with the standard is unreasonable/unnecessary in the circumstances and there is sufficient environmental planning grounds to support the variation.

As per Planning Circular PS 20-002, Council can assume the Director-General's Concurrence for variations to floor space ratios. The floor space ratio variation is greater than a 10% deviation from the standard which is required to be determined at an Ordinary Meeting of full Elected Council.

- Clause 5.10 - The site the site is mapped as being within the area of potential Archaeological significance (A111). The proposal has been referred to Heritage NSW during the assessment. Heritage NSW have provided advice which can be considered via a recommended condition of consent which essentially ensures that if unexpected archaeological deposits or relics not identified work must cease and notify Heritage NSW.
- Clause 7.1 - The site does not contain any mapped potential acid sulfate soils.
- Clause 7.3 - The site is not mapped as land within a mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard)).
- Clause 7.7 - Airspace operations. A standard condition is recommended to require a controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to

whether an approval is required, applicants should check with the airport operator at the earliest possible stage.

- 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

DCP 2013: Part B - General Provisions - B1: Advertising and Signage			
DCP Objective	Development Provisions	Proposed	Complies
1	a) Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	No advertising signage proposed. Standard consent condition recommended for any signage to require consent if otherwise not exempt development.	N/A

DCP 2013: Part B - General Provisions - B2: Environmental Management			
DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	<p>The proposed building includes a waste collection room within the basement to maximise source separation of general waste, recycling and food and garden organics. The quantity of garbage collection and storage areas has been more detailed during the assessment of the application.</p> <p>Private garbage collection arrangements are proposed.</p> <p>A standard consent condition is recommended to require private garbage collection arrangements to be in place.</p>	Yes
Cut and Fill Regrading			

4	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).	The proposal seeks to provide a basement parking level resulting in an estimated level of cut of 3m contained within the building envelope.	N/A
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	Noted. Any retaining walls greater than 1 metre in height, including the basement, will be certified by a practicing structural engineer during the detailed design phase of the proposal. A standard consent condition is recommended in this regard.	Yes
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances. 	The proposed courtyard fence will have a maximum height of 1.2m and as detailed in the landscape plan will include recessed gardens which are considered to positively contribute to the buildings design and its presence to the street.	Yes
6	a) Significant land reforming proposals where >10% gross site area or >1.0ha is to have surface levels changed by more than 5m or where	The proposed basement level will be approximately 3m	N/A

	<p>earthworks exceed an average of 10,000m³ per ha shall:</p> <ul style="list-style-type: none"> – identify the impact of the proposed land reforming on the environment, landscape, – visual character and amenity, natural watercourses, riparian vegetation, topographical features of the environment and public infrastructure; – demonstrate compliance with the provisions of Council's AUS-SPEC design specification; – assess the impacts and benefits of the proposal to all impacted persons and the general public; – provide measures to compensate for and minimise any net adverse impacts. 	below the natural surface level and is not anticipated to exceed 10,000m ³ per ha of surface change.	
	b) The use of high earthworks batters should be avoided.	No earthworks batters are proposed.	N/A
	c) Preliminary plans indicating the final landform are required to be submitted with any master plan or subdivision application.	The plans submitted indicate the final landform.	Yes
	d) The subdivision should be designed to fit the topography rather than altering the topography to fit the subdivision.	The subdivision proposed is for the consolidation of existing Lots 1 and 2 into a single Torrens Title allotment.	Yes
Tree Management – Private Land			
11	a) Pruning must be undertaken in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees.	All of the trees on-site are located within managed gardens and include exotic and native species. All trees on site are proposed to be removed as a part of the works.	N/A - removal not pruning
	b) An application for the removal of a tree listed in Table 1 must be accompanied by an	All trees located on site are proposed to be removed. The trees on-site are located within managed gardens and	N/A

	<p>Arborist's report stating that the tree:</p> <ul style="list-style-type: none"> – is dangerous; or – is dying and remedial pruning would not improve the deteriorated condition of the tree; or – has a history of branch fall (documented or photographic evidence to be provided); or – is structurally unsound or; diseased. – Advice on the requirement of an arborist report associated with a tree removal permit can be obtained from Council's Tree Assessment staff. – The requirement for an arborist report for tree removal associated with a development application will be determined on merit by Council's Development Assessment. 	<p>include introduced and native species. The remainder of the vegetation on-site consists of managed gardens and lawn.</p> <p>The site is isolated from and is not identified as being part of a vegetation corridor.</p> <p>All existing trees and vegetation within the site are proposed to be removed as a part of this application. No Arborist assessment considered necessary.</p>	
	<p>c) Where a tree listed in Table 1 is approved for removal it must be compensated with 2 x koala habitat trees. Significant large-scale development will require an advanced size koala food tree or habitat tree (primary Koala browse species) that meets AS2303:2015 Tree Stock for Landscape Use. The compensation tree is to be planted in a suitable location as determined by the Director of Development and Environment or their delegate.</p>	<p>The existing trees proposed to be removed do not include any of the trees listed in Table 1.</p>	Yes
Tree Management – Public Land			
12	<p>a) Trees on public land shall not be pruned or removed unless:</p> <ul style="list-style-type: none"> – Written consent is provided by Council; and – They are dead, dying, diseased or dangerous, or 	<p>No tree removal on public land proposed.</p>	N/A

	<ul style="list-style-type: none"> - They are causing damage to infrastructure on public land, or - They are impacting on pedestrian or traffic conditions; or - They are interfering with services on private property; or - They impact on the outlook from historic sites or significant public viewing areas, or - The growth habit or mature size of the tree is undesirable in a particular situation, as determined by the General Manager or his delegates; or 		
Tree Management - Hollow Bearing Trees			
13	a) All hollow bearing trees within the development area are to be accurately located by survey and assessed by an appropriately qualified ecologist in accordance with Council's Hollow-bearing tree assessment (HBT) protocol	No hollow bearing trees proposed to be removed.	N/A

DCP 2013: Part B - General Provision - B3: Hazards Management

DCP Objective	Development Provisions	Proposed	Complies
Airspace Protection			
15	a) Development shall not result in land use or activities that attract flying vertebrates such as birds and bats within proximity of flight paths associated with airport operations.	N/A	
16	a) Development shall not result in emission of airborne particulate or produce a gaseous plume with a velocity exceeding 4.3m per second that penetrates operational airspace. Refer Manual of Standards Part 139 – Aerodromes, Civil Aviation Safety Authority.	N/A	
17	a) Lighting to comply with Section 9.21 of the Manual of	The proposed development is not	N/A

	Standards Part 139 – Aerodromes, Civil Aviation Safety Authority.	located within proximity of the airport and any lighting associated with the proposal is therefore considered unlikely to impede the airport.	
Bushfire Hazard Management			
18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.	The site is not mapped as bushfire prone land.	N/A
	b) Perimeter roads are to be provided to all urban areas adjoining environmental management areas and their buffers. Refer to Figure 2.	N/A	
Flooding			
19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	The site is not mapped as flood prone land.	N/A

DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking

DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy			
22	a) In new areas (as distinct from established areas with a pre-existing road pattern) each class of route should reflect its role in the road hierarchy by its visual appearance and related physical design standards, including varying levels of vehicle and pedestrian access.	No new roads.	N/A
	b) Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.	No new roads.	N/A

	c) All new roads are designed in accordance with Council's AUS-SPEC design specification documents.	The width of the existing Maritime Lane is to be widened for the property frontage however is not a new road.	N/A
23	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.	Access proposed off Maritime Lane.	Yes
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	N/A	
	c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned: <ul style="list-style-type: none"> – to avoid driveways near intersections and road bends, and – to minimise streetscapes dominated by driveways and garage doors, and – to maximise on-street parking. 	Vehicle driveway crossing is minimal in width (while being adequate for the nature of the development), and positioned: <ul style="list-style-type: none"> – to avoid driveways near intersections and road bends, and – to minimise streetscapes dominated by driveways and garage doors, and – to maximise on-street parking. 	Yes
Parking Provision			
24	a) Off-street Parking is provided in accordance with Table 3. Residential flat buildings are required to provide parking at the following rate: 1 per 1 or 2-bedroom unit + 1 visitors' space per 4 units 1.5 per 3-4-bedroom unit + 1 visitors' space per 4 Units. The proposal includes the following units mix:	The proposal provides a total of 26 parking spaces and is therefore consistent with the DCP's numerical parking demand. 4 parking spaces are proposed in a satisfactory tandem arrangement for Unit 9 and 10 In addition, the existing driveway entrance (vehicle crossing)	Yes

	<ul style="list-style-type: none"> • 1x 2-bedroom unit – 1 space; • 13 x 3 bedroom units – 19.5 spaces; • 1 x 4-bedroom unit – 1.5 spaces; and • 15 units total / 4 – 3.75 visitor spaces. <p>The DCP therefore requires a numerical parking provision of 25.75 spaces.</p>	servicing Lot 1 is proposed to be removed and two (2) new on-street parking spaces provided. Upright kerb and gutter is proposed as well as line-marking to match existing.	
	b) Where a proposed development does not fall within any of the listed definitions, the provision of on-site parking shall be supported by a parking demand study.	A parking demand study is not required. Refer to comments above.	N/A
	c) Where a proposed development falls within more than one category Council will require the total parking provision for each category.	The proposal is considered to fall within the <i>Residential Flat Building</i> category.	Yes
25	a) A development proposal to alter, enlarge, convert or redevelop an existing building, whether or not demolition is involved, shall provide the total number of parking spaces calculated from the schedule for the proposed use, subject to a credit for any existing deficiency, including any contributions previously accepted in lieu of parking provision.	The proposal does not seek consent for the redevelopment of an existing building. The application seeks to demolish all existing structures on-site.	N/A
26	<p>a) On street parking, for the purposes of car parking calculations will not be included unless it can be demonstrated that:</p> <ul style="list-style-type: none"> – there is adequate on street space to accommodate peak and acute parking demands of the area; – parking can be provided without compromising road safety or garbage collection accessibility; – parking can be provided without jeopardising road function; and – that streetscape improvement works, such as landscaped bays and street trees are provided to 	<p>Owen and William streets provide on-street parking spaces for the surrounding locality, including the adjacent Port City Bowling Club.</p> <p>A large at grade car park associated with the Port City Bowling Club is also located on the south-western corner of Owen and Church Streets.</p>	N/A

	contribute to the streetscape.	<p>Further, the existing driveway entrance (vehicle crossing) servicing Lot 1 is proposed to be removed and two (2) new on-street parking spaces provided. Upright kerb and gutter is proposed as well as line-marking to match existing. The proposal includes parking consistent with the numerical provisions of the DCP, including 4 visitor spaces.</p> <p>The proposed basement parking and existing on-street parking is therefore considered capable of accommodating any peak and acute parking demands associated with the proposal and surrounding land uses.</p>	
	b) On street parking is provided in accordance with AS2890.5.	The two spaces gained as a result of the vehicle crossing removal are proposed to be provided in accordance with the provisions of AS2890.5.	Yes
27	<p>a) On street parking will not be permitted unless it can be demonstrated that:</p> <ul style="list-style-type: none"> – parking does not detract from the streetscape; and – that streetscape improvement works, such as landscaped bays and street trees are provided. 	The proposal does not rely on the provision of on-street parking. However, as outlined above, two spaces will be gained in Owen Street as a result of the vehicle crossing removal. These new on-street parking spaces will be provided in a manner consistent with the existing on-street parking.	Yes
Parking Layout			

28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	The proposal seeks to provide 4 visitor parking spaces within the basement.	Yes
	b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	The parking spaces are sought to be allocated to the proposed units and will therefore include appropriate signage and markings. This will include the proposed visitor parking spaces.	Yes
	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: <ul style="list-style-type: none"> – it is stacked parking in the driveway; or – it can be demonstrated that improvements to the open space provided will result; and – the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	All parking is proposed within the basement.	Yes
	d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking and AS 2890.6 - Off-street parking for individuals with a disability and AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.	The parking design and layout is capable of compliance with AS2890.1. An appropriate standard condition is recommended to address compliance during construction.	Yes
	e) Stack or tandem parking spaces will not be included in assessment of parking provision except where: <ul style="list-style-type: none"> – the spaces are surplus to that required; – in motor showrooms; – for home business; – for exhibition homes; – in car repair stations; – staff parking spaces are separately identified and delineated; 	The proposal includes two (2) stacked parking spaces (being spaces 23, 24, 25 and 26). These stacked spaces will be allocated to individual units, Parts 9 and 10. Refer to the draft strata plans. This parking arrangement is considered suitable as it will be controlled and	**No variation acceptable as allocated to 2 individual units and not visitor parking.

	- it is visitor parking associated with a dual occupancy multi dwelling and/or terrace housing, directly in front of the garage with a minimum depth of 5.5m.	maintained by the individual unit owners.	
29	a) Parking is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking, AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities, AS 1428 - Design for access and mobility and AS 2890.6 - Off-street parking for individuals with a disability.	The proposal includes one (1) accessible parking space.	Yes
30	a) Bicycle and motorcycle parking shall be considered for all developments.	The proposed design includes store rooms on the basement and ground floor level which are considered capable of accommodating bicycle parking or storage.	Yes
	b) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3 - Parking facilities - Bicycle parking facilities.	No specific bicycle parking spaces are proposed however can be provided within the storage areas nominated.	Yes
	c) Motorcycle parking areas shall be 1.2m (wide) x 2.5m (long).	No specific bicycle parking spaces are proposed however can be provided within the storage areas nominated.	Yes
Redevelopment of Heritage Items - Conservation Incentives			
31	a) Council will consider discounting (i.e. exclude from calculations) the floor space of the heritage building/item when determining the total number of parking spaces to be provided on site. This will be considered in line with clause 5.10 of PMH LEP 2011, which requires the variation to be considered in the context of a heritage conservation management plan. This will only apply if Council is satisfied that the conservation	The existing structures located on-site are not identified as heritage items.	N/A

	of the heritage item is dependent upon Council making that exclusion. If applicants intend to seek such consideration, a detailed parking analysis of the site is to be submitted with the development application.		
Section 7.11 Development Contributions			
32	a) Section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> permits Council, at its discretion, to accept a monetary contribution in lieu of on-site parking where it is considered impractical or undesirable to provide parking facilities on the site of the proposed development. Generally, contributions will not be accepted for the total amount of parking to be provided and will only be accepted in the commercial areas of Port Macquarie, Gordon Street, Laurieton, North Haven and Wauchope, as identified in Council's Contribution Plan 1993, as amended. Contribution rates are indexed (CPI) each quarter with variations in the contribution rate for each area. Applicants are advised to consult Council's staff at the time of preparing the DA application should a contribution for parking be proposed.	The proposal provides car parking in accordance with the numerical requirements of the DCP. The proposal therefore does not impose an additional liability on the community with respect to parking. In addition, an additional two on-street parking spaces will be gained within Owen Street via the removal of the existing vehicular crossing.	N/A
Landscaping of Parking Areas			
33	a) Landscaping areas shall be provided in the form of large tree planting, understorey plantings, mulch areas, mounding, lawns and the like	The proposal includes a basement parking area and no landscaping of parking areas is therefore considered necessary.	N/A
	b) Landscaping areas shall be used throughout the car park and on the perimeters of the property where it addresses the public domain.	N/A	

	c) Garden beds shall be a minimum of 3m in width between car parking areas and street boundaries.	N/A	
34	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.	N/A	
	b) Trees are to be grown and installed in accordance with AS 2303:2015 <i>Tree Stock for Landscape Use</i> and Council's AUS-SPEC design specifications.	N/A	
	Surface Finishes		
35	a) All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers. Preliminary details of construction materials for access and car parking areas shall be submitted with the development application. Detailed plans shall be prepared for the construction certificate by a practising qualified Civil Engineer.	The proposed basement and vehicle access are to be a concrete surface.	Yes
	b) In special cases (e.g. where traffic volumes are very low) Council may consider the use of consolidated unsealed gravel pavement for car parks. However, this should not be assumed and will need to be justified by the applicant at the Development Application stage.	N/A	
	Drainage		
36	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.	The proposal includes a basement parking level and has been designed to avoid concentrations	Yes

		of water runoff from the surface.	
	b) 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.	Proposed connection to the existing kerb inlet pit in Owen Street.	Yes
37	a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.	The proposed basement is proposed to be drained to an oil separator pit (baffle pit) and stormwater will drain via a pump to an on-site detention (OSD) tank.	Yes
	Loading Bays		
38	a) Off street commercial vehicle facilities are provided in accordance with AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.	The application does not include any commercial components and loading zones are not considered necessary.	N/A
Traffic Generating Development			
41	a) Traffic Generating Development as defined under SEPP (Infrastructure) 2007 is referred to Roads and Maritime Services. (Refer to Clause 104 and Schedule 3 of the SEPP).	The proposal is not a traffic generating development with reference to traffic generation triggers in the SEPP (Infrastructure) referred to.	N/A

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention

DCP Objective	Development Provisions	Proposed	Complies
Social Impact Assessment			
42	a) A social impact assessment shall be submitted in accordance with the Council's Social Impact Assessment Policy.	The proposal is not listed within the Council's Social Impact Assessment Policy as being of a type requiring a social impact assessment.	N/A
Crime Prevention			

43	<p>a) The development addresses the generic principles of crime prevention:</p> <ul style="list-style-type: none"> – Casual surveillance and sightlines; – Land use mix and activity generators; – Definition of use and ownership; – Basic exterior building design; – Lighting; – Way-finding; and – Predictable routes and entrapment locations; – as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	<p>The proposed design is considered consistent with the general principles of the crime prevention and the following comments are provided in support:</p> <ul style="list-style-type: none"> - The proposal provides two ground floor units which are considered to provide casual surveillance opportunities of the surrounding area. - The proposed landscaping has been designed so as to maximise the potential for visual surveillance and limit hiding opportunities. - The proposed entrances to the building are open and welcoming and will be adequately lit to reduce the potential for loitering. - The basement entry is located opposite the main vehicular entry for the Port City Bowling Club and is considered to be afforded adequate casual surveillance. - The boundary fencing is low and complemented with landscaping to reduce opportunities for graffiti. 	Yes
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DCP 2013: PART C - Development Specific Provisions - C2: Residential Flat Development, Tourist and Visitor Accommodation, and Mixed Use Development

DCP Objective	Development Provisions	Proposed	Complies
Site Design and Analysis			
57	<p>a) A site analysis plan is required for all development and should illustrate:</p> <ul style="list-style-type: none"> – microclimate including the movement of the 	<p>A satisfactory site analysis plan is included in the architectural plans within illustrating the notable features of the</p>	Yes

	<p>sun and prevailing winds</p> <ul style="list-style-type: none"> – lot dimensions – north point – existing contours and levels to AHD – flood affected areas – overland flow patterns, drainage and services – any contaminated soils or filled areas, or areas of unstable land – easements and/or connections for drainage and utility services – any existing trees and other significant vegetation, including major and significant trees on adjacent properties, particularly those within 9 m of the site – the location, height and use of buildings surrounding the site, and those across any road adjacent to the site, including their setback distances – heritage and archaeological features – the built form, scale and character of surrounding and nearby development, including fencing, boundaries and landscaping – pedestrian and vehicle access – views and solar access to surrounding residents – private open space and windows of habitable rooms of nearby properties which have an outlook to the site – difference in levels between the site and adjacent properties at their boundaries – street frontage features including poles, trees, 	<p>site and surrounding lands.</p>	
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	<p>kerb crossovers, bus stops and other services</p> <ul style="list-style-type: none"> – heritage features and buildings of the surrounding locality and landscape – direction and distance to local facilities including local shops, schools, public transport and recreation and community facilities – characteristics of, and distance to any nearby public open space – any nearby bushland or environmentally sensitive land – any significant local noise, odour or pollution sources – any other notable features or characteristics of the site 		
Site Layout			
58	<p>a) All applications are to include a site plan, which annotates the manner in which site attributes and constraints have been considered, as follows:</p> <ul style="list-style-type: none"> – appropriateness of built form and landscape in relation to the site context, topography and urban character – building arrangement and relationship to streets and open space – access ways within and beyond the site – location, function and opportunities for casual surveillance of open space – ongoing site management considerations (i.e. garbage, mail collection, stormwater etc) 	<p>The proposal is considered to achieve layouts that provide a pleasant, manageable and functional living environment that is energy and solar efficient and consistent with the existing development pattern within the locality.</p>	Yes

	<ul style="list-style-type: none"> – location of existing and proposed stormwater and sewer pipes – private open space and security – parking arrangements and reduced dominance of driveways – heritage and conservation opportunities and constraints (where relevant) – energy efficiency in building design and siting – solar access to subject development and adjoining residences 		
Streetscape and Front Setback			
59	a) In an established street, the primary setback should be within 20% of the average setback of the adjoining buildings in a R1 General Residential zone.	N/A	
	b) A minimum setback of 3.0m is required from all street frontages in a R3 Medium Density Residential and R4 High-Density Residential zone.	<p>The site is zoned R4 High Density Residential.</p> <p>The ground floor side setback to Owen Street to the feature awning over the pedestrian entry is 3 metres with a 4.3m setback to the building line.</p> <p>The setback to the curved balconies above varies but does not exceed 2.4 metres to the Owen Street boundary in a manner consistent with DCP provision 60(a) which allows an encroachment of up to 600mm.</p>	Yes
	c) Where tourist accommodation is proposed a maximum setback of 9 metres is permitted to allow for a	N/A	

	swimming pool within the front setback.		
60	a) Balconies and other building extrusions may encroach up to 600mm into the required front setback.	The setback to the curved balconies above varies but does not exceed 2.4 metres to the Owen Street boundary.	Yes
	b) Buildings should generally be aligned to the street boundary.	The proposed building has been designed to align with the street boundaries.	Yes
	c) Primary openings on all developments are aligned to the street boundary or to the rear of the site.	The primary pedestrian and vehicular entries are aligned to the street boundaries.	Yes
Side and Rear Setbacks			
61	<p>a) The following setbacks (refer Figure 7) apply to all sites, except where the side boundary is a secondary street frontage:</p> <ul style="list-style-type: none"> Buildings should be set back a minimum of 1.5m from side boundaries, for a maximum of 75% of the building depth. Windows in side walls should be set back 3m from side boundaries. Where the site is adjacent to an existing strata-titled building, buildings should be set back a minimum of 3m from side boundaries. 	<p>The proposed design is considered to comply with the listed provisions. In this regard, the proposed building is setback 3m from the Sandcastle boundary and all windows are therefore >3m from the side boundary.</p> <p>External louvres are proposed on the bedroom windows eastern elevation to ensure privacy between buildings is available.</p>	Yes
	b) Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.	<p>The proposed building will be located to the west of the strata titled Sandcastle building.</p> <p>In a manner similar to the Sandcastle building, the proposed building seeks to provide a common wall up to the ceiling of the first floor (RL 16.75m AHD).</p> <p>From the second floor up the proposed building is then setback 3 metres from the Sandcastle</p>	Yes

		boundary to ensure that the existing views obtained from the small bathroom and bedroom windows on the Sandcastle's western elevation are maintained. Refer to the elevations.	
	c) A minimum rear setback of 6.0m from the building and sub basements is required.	<p>A southern setback of 8.4 metres is proposed to the main ground floor building line with the rear balconies above encroaching 3 metres within this setback. This setback is consistent with the adjoining Sandcastle building.</p> <p>The site technically however does not have a rear boundary with 3 street frontages and 1 side boundary to the east.</p> <p>This setback is consistent with the deep soil zone provisions outlined within Objective 66.</p>	Yes
62	a) A party wall development may be required if site amalgamation is not possible and higher density development is envisaged by these controls.	A party wall is proposed up to the ceiling of the first floor to match the adjoining Sandcastle building. This party wall enables achievement of the densities anticipated in the R4 High Density zone.	Yes
63	a) Party wall development can occur only with the agreement and consent of the adjoining property owner. Exposed party walls should be finished in a quality comparable to front facade finishes	As outlined above, the proposed party wall is considered good design as it will match the adjoining building before setting back to the required 3 metres thereby providing suitable separation, privacy and view sharing.	Yes
64	a) Corner sites should be consolidated with adjacent	The proposal seeks to consolidate the two	Yes

	sites, so that the building turns the corner.	existing Lots to form one larger Torrens Title allotment.	
	b) If this is not possible, a minimum setback of 6.0m should extend to the secondary street. Refer Figure 8 and 9.	N/A	
65	- a) Where sites adjacent to open space are to be developed, the edge of the open space should be defined with a public road and buildings should address the open space.	The site is separated from the Town Beach open space by William Street. The provisions of this objective are therefore not considered to apply.	Yes
Fences and Walls			
77	a) Solid front fences built on or near boundaries should be: <ul style="list-style-type: none"> – setback 1.0m from the front boundary; – suitably landscaped to reduce visual impact, and. – provide a 3m x 3m splay for corner sites. 	The proposal seeks to provide recessed 1.2m high courtyard walls and hedge plantings to separate the public and private spaces. These walls are setback 1 metre from the property boundaries and include a splay to the corner of William and Owen Streets. The height of the courtyard walls is considered suitable for this purpose and are not considered to adversely impact on the streetscape, public domain or views to public areas.	Yes
	b) Front fences proposed to be more than 1.2m high should: <ul style="list-style-type: none"> – be a maximum of 1.8m in height, above existing front property boundary level and either: <ul style="list-style-type: none"> o include landscaped recesses having minimum dimensions of 1.8m long x 900mm deep which occupy no less than 50% of the total 	The proposed front fence shall not exceed 1.2m in height and as outlined above, includes landscaped recesses.	Yes

	<p>length of the fence, or</p> <ul style="list-style-type: none"> ○ be erected up to the front boundary for maximum lengths of 6.0m or 50% of the street frontage, whichever is less; and ○ have openings which make it not less than 25% transparent; ○ provide a 3m x 3m splay for corner sites, and ○ provide a 900mm x 900mm splay for vehicle driveway entrances. 		
78	<p>a) Fences constructed of chain wire, solid timber or masonry and solid steel are not permitted along the primary road frontage even if it is consistent with the existing streetscape.</p>	The proposed fence shall be constructed of masonry.	**No - The design of the front fence and landscaping is satisfactory particularly having regard to the scale of the development and permitted design under SEPP 65 ADG guidelines.
	b) For tennis courts or other similar areas, chain wire fences should be black or dark green plastic coated mesh.	N/A	
	c) Solid fences enclosing these facilities should not be permitted over 1.8m.	N/A	
Acoustic Privacy			
79	<p>a) Buildings are designed so that:</p> <ul style="list-style-type: none"> – busy noisy areas within the apartment face the street; and – quiet areas face the rear or side of the lot 	The proposed development is considered to be designed such that the acoustic privacy of each individual unit and	Yes

	– bedrooms have line of sight separation of minimum 3m from parking areas, streets and shared driveways.	adjacent residence is reasonably protected.	
	b) Openings of adjacent dwellings should be separated by a distance of at least 6m.	The closest residential building is the Sandcastle building. This building contains no openings on its western elevation. The proposal is therefore located greater than 6 metres from any adjacent openings.	Yes
80	a) Uses are to be coupled internally and between apartments i.e. noisy internal and noisy external spaces should be placed together. Refer to Figure 11.	The proposed design couples uses internally and noisy internal spaces are placed together on the street-ward side of the units.	Yes
Accessibility			
82	a) Developments should be designed in accordance with Australian Standard AS1428.	The proposal has been designed to be capable of compliance with AS1428.	Yes
83	a) Barrier free access to at least 20% of dwellings in the development is provided.	Access to all of the proposed units are accessible via the proposed provision of two lifts.	Yes
Social Dimensions and Housing Affordability			
84	a) Developments should be located close to areas of open space, recreation and entertainment facilities and employment areas.	The site is located within 400 metres of Town Beach, Rotary Park, tennis courts, bowling club and Oxley Oval.	Yes
	b) Where the Local Environmental Plan permits a floor space ratio greater than 1:1 a ratio of not less than 1:1 should be achieved.	The application seeks consent for a FSR greater than 1:1.	Yes
85	a) A variety of apartment types including studio, 1, 2, 3 and 3+ bedroom apartments are provided within the development.	The proposal seeks to provide 2, 3 and 4 bedroom units.	Yes
	b) Studios and 1-bedroom apartments are not to exceed 20% of the total	No studio or 1 bedroom apartments are proposed.	N/A

	number of apartments within the development.		
	c) A mix of 1 and 3 bedroom apartments are provided on the ground level to cater for improved accessibility for disabled, elderly people or families with children.	The proposal seeks to provide a 2 bedroom and a 3-bedroom unit on the ground floor to allow for improved accessibility for disabled, elderly people or families with children. No 1 bedroom dwellings are proposed.	Yes
86	a) Developments should consider the principles of the Council's Affordable Housing Strategy in any application for a residential flat building.	The proposed unit/bedroom choices provided within the residential flat building is considered appropriate for the site. In this regard, the sites' location directly opposite Town Beach will be anticipated to be highly sought after and attractive to a number of potential purchasers.	Yes
Roof Form			
87	a) Lift over-runs and service plants should be integrated within roof structures.	The lift over-run has been incorporated into the proposed roof design.	Yes
	b) Outdoor recreation areas on flat roofs should be landscaped and incorporate shade structures and wind screens to encourage use.	No outdoor roof recreation area is proposed.	N/A
	c) Outdoor roof areas should be oriented to the street.	N/A	
	d) Roof design should generate an interesting skyline and be visually interesting when viewed from adjoining developments.	The proposed roof design is considered to generate an interesting skyline as it differs from the adjoining roof designs of the adjacent Sandcastle and Luxor buildings.	Yes
Facade Composition and Articulation			
88	a) Facade composition should:	The proposed design includes curved balconies to provide visual interest and to	Yes

	<ul style="list-style-type: none"> – be designed with a balance of horizontal and vertical elements; – respond to environmental and energy needs, such as sun shading, light shelves and bay windows; – incorporate wind mitigation; – reflect the uses within the buildings. – include a combination of the following design elements: <ul style="list-style-type: none"> ○ defined base, middle and top levels; ○ a mixture of window types; ○ variation in floor height (particularly at lower levels); ○ balustrade detail that reflects the type and location of the balcony; ○ setting back the top levels of the building; ○ street level features that reinforce the human scale; and ○ balconies, awnings and recesses that create shadowing. 	separate the building from the adjoining residential flat buildings located to the east and west. Both of which consist of strong, straight forms.	
Laundries and Clothes Drying Facilities			
92	a) Secure open air clothes drying facilities that: <ul style="list-style-type: none"> – are easily accessible; – are screened from the public domain and communal open spaces; and – have a high degree of solar access. 	The size of the proposed balconies are considered to provide secure open air clothes drying opportunities if required.	Yes
Mailboxes			
93	a) Mailboxes should be integrated into building design and sighted to	The design is considered to afford opportunities for	Yes

	ensure accessibility and security.	the integration of mailboxes. The design establishes the hierarchy of space via the provision of the 1.2m high courtyard walls which not only direct occupants and visitors to the main entry, but also delineate the common and private courtyard spaces.	
Safety and Security			
94	a) Developments should establish a hierarchy of space and clearly define the transition from public through to private space.	The proposed pedestrian entry is orientated to Owen Street to provide visual interest along the building's widest elevation.	Yes
	b) Entrances should: <ul style="list-style-type: none"> – be orientated towards the public street and encourage visibility between entrances, foyers and the street. – provide direct and well-lit access between car parks and dwellings, between car parks and lift lobbies, and to all unit entrances. – optimise security by grouping clusters to a maximum of eight, around a common lobby. 	The car park entry is proposed off Maritime Lane and is considered to be well lit on account of its proximity to the Port City Bowling Club's main entry.	
	c) Surveillance is to be facilitated by: <ul style="list-style-type: none"> – views over public open spaces from living areas where possible. – casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas, and car parks. – the provisions of windows and balconies. – separate entries to ground level apartments 	The proposed design is considered to provide adequate surveillance opportunities from the main internal living areas to the public spaces within William and Owen Streets and the common areas within the site.	Yes
	d) Concealment should be avoided by:	The proposed lobby is rectangular and open	Yes

	<ul style="list-style-type: none"> – preventing blind or dark alcoves which might conceal intruders particularly near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways. – providing appropriate levels of illumination for all common areas. – providing graded car park illumination, with the lighting of entrances higher than the minimum acceptable standard. 	with doorways to the two separate ground floor units. The lobby and entrance does not include any blind or dark alcoves.	
	e) Access to all parts of the building (including, apartments, different floors, balconies, common areas) is to be controlled.	Access to the separate floors is controlled externally via the lobby and basement entrances. Internally access between floors is controlled via the lifts and stairwells.	Yes
Utilities			
96	a) Compatible public utility services are to be co-ordinated in common trenching in order to minimise excavations for underground services.	The proposal provides facilities for the coordinated provision of services.	Yes
	b) Above ground utility infrastructure such as substations, inspection cabinets are to be integrated into the design of the building or complementary to the building design in terms of colour, materials and design.	The proposed design allows for the provision of above ground utilities along the sites south-western corner fronting Owen Street.	Yes
	c) The site and the individual dwellings are to be numbered for easy identification by visitors and emergency personnel.	The Applicant has advised that site and the individual units will be numbered for ease of identification.	Yes
	d) Common aerials and satellite dishes, with signal amplifiers are provided as appropriate.	Noted. The Applicant has advised that this will be considered during the detailed design phase.	N/A

DCP 2013: Part D - Locality Specific Provisions - D2 Port Macquarie East: D2-1 East Port Neighbourhood			
DCP Objective	Development Provisions	Proposed	Complies
Precinct Structure Plans			
211	a) Development is generally in accordance with the precinct structure plans shown in the previous section	The proposed development is generally in accordance with the DCP structure as it continues the built, urban form of high-rise residential buildings fronting William Street and provides landscaping to the Owen and William Street frontages.	Yes
Lot Size and Frontage			
212	a) The minimum lot width for residential apartment buildings is: 18 metres where: – the proposed building height is not greater than 14.5 metres and minimum side setbacks are satisfied, or – the site has multiple street frontages, or – requirements for on-site parking, setbacks, separation and deep soil can be achieved, - OR 22 metres	The proposal seeks to consolidate both lots into a single Torrens title allotment. This consolidation is considered to maximise the potential of the land to achieve the desired floor space and housing capacity whilst avoiding the isolation of individual sites. The consolidated allotment achieves the minimum 18m width (28 metres total) required for residential apartment buildings.	Yes
Building Height			
213	General		
	a) Buildings do not exceed the maximum height of buildings shown in the local environmental plan maps.	The subject site is mapped as having a maximum building height of 26.5 metres. The proposed building does not exceed this height limit and is not considered to be overbearing on any adjacent open space.	Yes
	c) Where buildings exceed three storeys, the upper storey is set back from the front facade of the building by three metres.	The top storey of the proposed building has been setback further than the levels below to reduce	Yes

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

(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

Demolition of buildings AS 2601 - Clause 92

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

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

Context and Setting

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 sufficiently compatible with other high density residential and non-residential development in the locality and adequately addresses planning controls for the area.

The proposal does not have any identifiable adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate building separation and privacy measures are proposed.

There are no significant adverse overshadowing impacts. The proposal does not prevent adjoining residential properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June between the hours of 9am and 3pm.

View Sharing

The 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 it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

Whilst no submissions have been received following neighbour notification of the proposal raising any view sharing concerns it is considered appropriate that view sharing be separately considered.

Using the planning principles of NSW Land and Environment Court in *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following comments are provided in

regard to the view impacts using the “4 Step process” to establish whether the view sharing is acceptable.

Steps 1 and 2

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.

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 site is located directly opposite Town Beach on the southern side of William Street, Port Macquarie. The southern edge of William Street is flanked by multi-storey residential buildings enjoying northerly views across Rotary Park and Town Beach to the Pacific Ocean.

The views to be likely affected by the proposed redevelopment are considered to be from the residential unit buildings described below:

- Southern units of the **Luxor** Apartment Building fronting Owen Street (SP73027) located directly west of the site;
- Western-most units of the **Sandcastle** Apartments building (SP72688) located directly east of the site;
- The north-facing units within the **Amari** Apartments located at 7-11 Gordon Street (SP101435); and
- The north-facing units within the **La Mer** residential flat building on the corner of Gordon and Owen Streets (SP21008) located approximately 130m south of the site.

These buildings are considered likely to enjoy views across the site to Town Beach and the ocean.

The site is also visible from Town Beach and the southern arm of the break wall from the public domain.

In considering those properties identified above, views are obtained from the following parts of the properties:

Luxor

- The Luxor Apartment Building is separated into northern and southern sections.
- The northern portion of the building fronts William Street and enjoys views directly to the north across William Street and onto Town Beach.
- Views further north are considered likely to be filtered by the Norfolk Island Pine trees within Rotary Park.
- The position of the development site to the east is not considered likely to impede these northerly views.

- The southern units of the Luxor building front Owen Street and enjoy views north along Owen Street through to Towns Beach.
- The views to be assessed include the front, or eastern boundary and are understood to be enjoyed from the kitchen, living room and bedrooms.

Sandcastle

- The Sandcastle building enjoys uninterrupted views to the north across William Street.
- The position of the development site to the west is not considered likely to impede these views.
- The units at the western end of the building are understood to have bedrooms and bathrooms along the western or side boundary elevation. These rooms have small windows in which views to the north-west across the side boundary and development site may be available.

Amari Apartments

- This six-storey apartment building consists of four units per floor, with the exception of the top, or fifth floor. All units enjoy frontage to the south (Gordon Street) and north.
- From the northern (rear) elevation of the Amari Apartments views of the Ocean and horizon across the Port City Bowling Club's car park, Owen Street and the existing development on the site are available. Particularly for the units on the eastern side of the apartment building.
- Views to the Ocean and horizon are limited for the units on the western side of the building.
- The units along the eastern edge of the apartment building also enjoy views to the east across the bowling club and Oxley Oval to the Ocean and - horizon.

La Mer

- This 8-storey building has a number of north-facing units which enjoy northerly views across the properties rear boundary over the Port City Bowling Club's car park and along Owen Street to the coastline beyond.
- The views from Town Beach and the southern arm of the break wall are located within managed public spaces.

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 below table summarises the extent of the impact in terms of the views that would wholly or partially be lost as a result of the development and those that would be retained:

Viewer location	Description of existing views	Description of proposed views	Impact
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<u>Luxor</u>	<p>From the northern elevation fronting William Street the Luxor building enjoys views to north-east to Town Beach and Ocean.</p> <p>From the eastern elevation fronting Owen Street the Luxor building enjoys views to the north-east along Owen Street and across William Street to Town Beach and Ocean. Views to the east across the Port City Bowling Club and Oxley Oval are also available providing horizon views over Oxley Beach.</p> <p>Unit 424 of the Luxor Building is currently available for purchase. This unit extends over the fourth and fifth floor of the southern portion of the Luxor building.</p>	<p>The views from the northern elevation are not considered likely to be impacted by the proposal. The views from the eastern elevation to Town Beach and the ocean will continue to be available.</p> <p>It is considered likely that a small portion of the north-eastern view shed will be impeded by the proposed building. The views from the eastern elevation to the east towards Oxley Beach, across the bowling club and Oxley Oval, are not considered likely to be impacted.</p>	<p>No impacts to the views enjoyed from the northern elevation of the Luxor building are anticipated. The impact of the proposal on the views from the eastern elevation towards Town Beach and the Ocean are considered moderate.</p> <p>In this regard, it is noted that views to the beach will still likely be available where people on the balcony of Unit 424 can potentially see the sand on Town Beach. However, it is recognised that a small portion of the north-easterly view may be impacted by the proposed building. Views from the eastern elevation across the bowling club and Oxley Oval, will be maintained. Overall, the impact on view sharing from the Luxor building is considered moderate.</p>
<u>Sandcastle</u>	<p>From the northern elevation fronting William Street the Sandcastle building enjoys views to north-east to Town Beach and Ocean.</p> <p>From the western elevation the Sandcastle building looks across the development site</p>	<p>The views from the northern elevation are not considered likely to be impacted by the proposal. From the western elevation a portion of the views to the north-west are considered likely to be reduced by the proposed building.</p>	<p>No impacts to the views enjoyed from the northern elevation of the Sandcastle building.</p> <p>The 3-4m setback provided within the proposed design, from the first floor up, is considered to</p>

	<p>towards the northern and western portions of Town Beach.</p> <p>As outlined above, these views are understood to be obtained from small bathroom and bedroom windows.</p> <p>In addition, the Sandcastle units enjoy views to the southeast across Oxley Oval to Oxley Beach and the ocean beyond.</p>		<p>reduce the potential impacts on the views enjoyed from the western elevation.</p> <p>The Sandcastle building will maintain views to the north of Town Beach and beyond to Queen's Head. The views to the south east to Oxley Beach will also be uninterrupted.</p> <p>Overall, the impact on view sharing from the Sandcastle Building is considered minor.</p>
<u>Amari Apartments</u>	<p>This six-storey apartment building consists of four units per floor, with the exception of the top, or fifth floor. All units enjoy frontage to the south (Gordon Street) and north.</p> <p>From the northern (rear) elevation of the Amari Apartments views of the Ocean and horizon across the Port City Bowling Club's car park, Owen Street and the existing development on the site are available. Particularly for the units on the eastern side of the apartment building. Views to the Ocean and horizon are limited for the units on the western side of the building.</p> <p>The units along the eastern edge of the apartment building also enjoy views to the east across the bowling club and</p>	<p>The proposed building is considered likely to remove a portion of the views across the subject site to the ocean and horizon.</p> <p>It is considered that views to the ocean will remain available to the units on the eastern edge of the building, with the upper floors likely to maintain views to the beach due to the corridor available along Owen Street.</p> <p>Northerly views from the western units across the site to the ocean and horizon, although forming only a small portion of the view shed, are considered likely to be affected by the proposed building.</p>	<p>Loss of small portion of the northern view shed to the ocean and horizon are likely, particularly for the western units.</p> <p>The proposal is not considered likely to affect the views to the east across the Bowling Club and Oxley Oval.</p> <p>Overall, the impact on view sharing from the Amari Apartments is considered to be moderate.</p>

	Oxley Oval to the Ocean and horizon.		
<u>La Mer</u>	<p>From the northern elevation of the La Mer building, some of the upper floor units (5th floor and above) have views to Town Beach and the coastline beyond. These views are obtained across the Port City Bowling Club car park and Owen Street. These views are obtained through the road reserve between the Luxor Building and the buildings on the development site. The lower floors (ground through 4) do not have views of Town Beach but may have views of the coastline to the north beyond. The upper floors of the La Mer building also enjoys views to the east across the Hastings Secondary College and Oxley Oval to the ocean.</p>	<p>The proposed building is considered likely to reduce a small portion of the northerly views to the distant coastline for the upper floor units (fifth floor up). The proposed building is not considered to impede views to the east.</p>	<p>The views from the upper floors may have a small portion of their northern skyline and views of Town Beach may be interrupted by the building. The views from the lower floors of La Mer are considered unlikely to be impacted by the proposed building. These levels are considered likely to only see skyline over the top of the existing structures and this will remain available. For all floors, views along the Owen Street road reserve towards Town Beach and views to the east will not be impacted. Overall, the impact on view sharing from the La Mer building is considered moderate.</p>

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 majority of the built form is located within the adopted building height and setback controls for the area.

However, the proposal includes variations to the LEP floor space ratio standard, as discussed earlier in this report.

In relation to the non-compliance with FSR controls, it is considered that this variation does not result in any identifiable additional impact on views compared to what could be a compliant proposal.

Overall, the proposed development is considered to be reasonable having regard to the planning controls.

It is acknowledged that the development would have some impacts on existing views, considering the reasonableness of the development discussed under 'Step 4' above, it is considered that there are not sufficient grounds for refusal of the application on this basis.

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

Roads

The site has road frontage to William Street, Owen Street and Maritime Lane.

Adjacent to the site, William Street is a sealed public road under the care and control of Council. William Street is a Sub Arterial road with an 11.5m formation near the site, within a 30m road reserve. William Street has existing upright kerb and gutter and line marked parallel parking in place.

Adjacent to the site, Owen Street is a sealed public road under the care and control of Council. Owen Street is a Local Street with a 23m formation within a 30m road reserve. Owen Street has an existing central separating median, upright kerb and gutter, and line marked 45-degree angle parking near the frontage of the site.

Adjacent to the site, Maritime Lane is a sealed public road under the care and control of Council. Maritime Lane is a Local Street with an approximate 5.1m formation within a 6m road reserve. Maritime Lane has existing upright kerb and gutter along the frontage to the site.

Traffic and Transport

The application includes a traffic and parking review from TPS Traffic & Parking Systems dated 10th December 2020. Conclusions and recommendations of the review include:

- The proposed development will result in an approximate 15% - 20% increase in Maritime Lane traffic movements at Owen Street in peak hours.
- Maritime Lane should be widened to a formation width of 5.5m along the frontage of the site to facilitate two-way traffic flows in Maritime Lane.
- The additional traffic movements likely to arise from the development in Maritime Lane will have insignificant effect on the function of and the existing users of Maritime Lane
- The additional traffic movements at the Owen Street / Maritime Lane intersection likely to arise from this development will have insignificant effect on the capacity, function, and safety of this intersection.
- Refuse collection should occur via a truck which can be parked wholly within the development site without obstructing Maritime Lane. The truck should be of such size to enable the vehicle to be turned around at the driveway into the development and not reversed down Maritime Lane from Owen Street.

Refer to relevant conditions of consent where key issues and recommendations are addressed.

Using the RMS Guide to Traffic Generating Developments TDT2013/04a, it is noted that the average trip generation per unit in a regional area is 4.58 vehicle trips per unit per day. With 15 units in this development, this equates to just under 70 additional daily vehicle movements within Maritime Lane and onto Owen Street that are associated with this development. The additional traffic as outlined above associated with this development is unlikely to have any adverse impacts to the existing road network within the immediate locality of the site.

Site Frontage and Access

Vehicle access to the site is proposed through a two-way access driveway to Maritime Lane. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

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

- Footpath paving along the William and Owen Street frontages.
- Widening of Maritime Lane for the frontage of the site with new upright kerb and gutter to provide a carriageway width of 5.5m.

The access driveway proposal off Maritime Lane is considered the most acceptable outcome based on the following reasons:

- An access driveway from Owen Street right beside Maritime Lane would likely increase vehicle and pedestrian conflicts at this location.
- To comply with local standards, an access driveway from Owen Street would be required to be min. 6m away from the Maritime Lane intersection, which would require the removal of minimum 2 existing on street car parking spaces. With the current proposal and existing driveway removal off Owen Street, 2 on street car parking spaces are gained.
- An access driveway off William Street is considered not suitable since this is a Sub Arterial road, and there are lower priority roads with frontage to the site.
- The access driveway from Maritime Lane includes a relatively flat initial grade, sufficient enough in length to hold a vehicle completely within the site. This allows a vehicle exiting the basement adequate visibility to a vehicle reversing out of the PWD spaces on the opposite side of Maritime Lane.
- Maritime Lane is a low speed environment and is considered appropriate for a driveway servicing the development as proposed.
- The use of Maritime Lane for the purposes of vehicle access to the development as proposed is considered an appropriate use of this public road, and is unlikely to adversely impact to the existing road network within the immediate locality of the site.

Parking and Manoeuvring

Parking spaces are proposed to be provided on-site within a basement. Parking and driveway widths on site are capable of complying with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements.

Due to the type of development, car park circulation is required to enable vehicles whom enter the basement to be able to turn around and exit site in a forward manner. Site plans show adequate area is available to facilitate this requirement.

Water Supply Connection

Council records indicate that the development sites are fronted by a 200mm DICL water main on the same side of Maritime Lane and a 150mm PVC water main on the opposite side of Owen Street. Each individual unit shall be individually metered with the meters either located at an easily accessible location or there is the option for utilizing remotely read electronic meters.

Final water service sizing will need to be determined by a hydraulic consultant to suit the development as well as addressing fire service coverage to AS 2419 and backflow protection.

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

Sewer Connection

Council records indicate that the development sites are currently connected to sewer via junctions to the sewer line that runs outside the southern property boundary. The proposed development shall drain all sewage to a new or existing sewer manhole approved by the Water & Sewer Planning Manager.

The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.

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

Stormwater

The site naturally grades towards the south-west corner, at the intersection of Owen Street and Maritime Lane, and is currently not serviced by public piped drainage system.

In 2017, PMHC completed a concept stormwater design for the Eastport area to allow for the future augmentation of the public piped system to alleviate known stormwater issues in this area. The design allowed for the extension of the public piped network up Owen Street including to this site.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline network within Owen Street to the south. In this regard, the existing network is required to be extended in line with the Eastport Concept as outlined above.

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

In accordance with Councils AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On site stormwater detention facilities
- Water quality controls

The stormwater plans submitted with this proposed development are generally consistent with the above requirements, and relevant conditions have been recommended to address these requirements.

Other Utilities

Telecommunication and electricity services are available to the site.

Other Land Resources

The site is within an established high density 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.

The proposal has not been nominated by the Applicant to be Integrated Development under the Water Management Act 2000 having regard to the likely possibility of encountering the water table during construction. A specialist initial geotechnical report prepared by Regional Geotechnical Solutions has been submitted which advises that groundwater inflows are likely to be encountered at a depth of 2.4m of excavation. A consent condition is recommended to require a permit to be obtained under the Water Management Act 2000.

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 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

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

A common bin storage area has been identified in the basement car park. In relation to bin collection, a condition is recommended requiring satisfactory arrangements for a private waste collection service.

A standard precautionary site management condition is also recommended for the construction phase of the development. No adverse impacts are anticipated.

Energy

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

Noise and Vibration

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. There are no communal areas proposed in the development which could result in noise generation. Standard precautionary site management condition recommended.

Bushfire

The site is not identified as being bushfire prone.

Safety, Security and Crime Prevention

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

Social Impacts in the Locality

Given the nature of the proposed development and its location the proposal is not considered to have any significant adverse social impacts.

Economic Impacts 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.

The development includes significant excavation for basement car parking adjacent to existing multi storey buildings. Prescribed condition in accordance with clause 98E of the Environmental Planning and Assessment Regulation requires that the developer protect and support adjoining structures if excavation extends below the footings of the structure, building or work.

A condition is also recommended requiring dilapidation reports to be prepared for adjoining properties, to allow for monitoring and rectification works (if necessary) of any damage caused by construction activities.

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

Eight (8) written submissions were received following public exhibition of the application. Issues raised in the submissions have been raised with the Applicant for consideration.

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
<p><u>Building height</u></p> <ol style="list-style-type: none"> 1. Building height will tower over the neighbouring building to east known as The Sandcastle. 2. Building should not be higher than The Sandcastle building and will look out of balance. 3. The building at 26.5m in height should be lowered to be the same height as the neighbouring Luxor building to the west. 4. The building should be lowered to be at a similar height to the top of The Sandcastle. 5. The height and design of building will create excessive draughts. 	<p>The proposed building does not exceed the maximum building height permitted by the <i>Port Macquarie-Hastings Local Environmental Plan 2011</i>. That being 26.5 metres.</p> <p>The proposed design is architecturally different from the existing Sandcastle building. This will result in a streetscape and distant visual impact from the public domain that will be visually interesting to onlookers and will ensure that the area is attractive to residents and visitors in a manner consistent with the intentions of the DCP.</p> <p>The proposed building is similar in design and scale to the immediately adjacent residential flat buildings, being the Luxor and Sandcastle.</p>
<p><u>Solar access and overshadowing</u></p> <ol style="list-style-type: none"> 1. Impact on solar access to Unit 401/21 William Street (western end of The Sandcastle building). 2. Shadowing of existing properties will increase based upon the submitted plans. 	<p>Due to the position of the proposed building to the west of the Sandcastle building, and the provision of a typical 3 metre setback to the common boundary, the proposed building is not considered likely to have any impacts on access to sunlight within the Sandcastle building.</p> <p>The submitted documentation included satisfactory sun study diagrams which demonstrated that the proposed building does not reduce access to sunlight to any of the surrounding properties for a period of less than two (2) hours. In this regard, the sun study diagrams demonstrate that the proposed building will only impact sunlight access to the western elevation of the Sandcastle building during the late afternoon period (after 3pm) on 21 June (winter solstice).</p>

Submission Issue/Summary	Planning Comment/Response
	<p>Further, it is noted that the windows on the western elevation of the Sandcastle building are not utilised primarily for solar access. The majority of these windows are small, high level windows and would not permit sufficient light for any energy or heating purposes.</p>
<p><u>Traffic</u></p> <ol style="list-style-type: none"> 1. Additional traffic entering and leaving Maritime Lane above the existing traffic generated by the Eastport Bowling Club, residential units, Tennis Courts, Markets, future Surfing Museum and Museum site. 2. Additional delivery vehicles and garbage truck deliveries. 3. Consideration should be given to relocating the vehicle access to basement to Owen Street. 4. Council or a survey should monitor existing traffic conditions in Maritime Lane. 5. A traffic study should be undertaken. 6. Existing Maritime laneway use is dangerous. 7. The new building will alter the site lines looking along Maritime Lane. 8. William Street should not resemble the Gold Coast. 	<p>These matters have been raised with the Applicant for consideration during assessment of the application. The Applicant has provided the following specialist additional details:</p> <p><i>During the preparation of this submission response, we obtained advice from Traffic & Parking Solutions (TPS, Glen Holdsworth). TPS reviewed the proposal and the potential increase in traffic in Maritime Lane.</i></p> <p><i>TPS advised that the assessment of the capacity for Maritime Lane to accommodate the proposed development should be based on the period when the subject development and developments with which the subject development will interact, are likely to generate peak traffic interactions and/or conflicts. This is considered to be the weekday morning and afternoon peak hour periods between 7:30 and 9:00am and 3:30pm and 5:30pm.</i></p> <p><i>Whilst survey data describing traffic movements via Maritime Lane is not available, TPS utilised their vast traffic knowledge and experience to determine the following estimate of the maximum likely probable traffic movements via the lane in peak hours to the immediate east of Owen Street. Estimated Maximum Likely Peak Hour Traffic Movements Via Maritime Lane (at Owen St)</i></p>

Submission Issue/Summary	Planning Comment/Response																																																													
	<table><tr><td></td><td colspan="3">8am - 9am</td><td colspan="3">4pm - 5pm</td></tr><tr><td></td><td>In</td><td>Out</td><td>Total</td><td>In</td><td>Out</td><td>Total</td></tr><tr><td>Existing Sandcastle Residents (84 units)</td><td>5</td><td>40</td><td>45</td><td>40</td><td>5</td><td>45</td></tr><tr><td>Bowls Club (1)</td><td>5</td><td>0</td><td>15</td><td>10</td><td>5</td><td>15</td></tr><tr><td>Miscellaneous</td><td>2</td><td>2</td><td>4</td><td>5</td><td>5</td><td>10</td></tr><tr><td>Sub-Total</td><td>12</td><td>42</td><td>54</td><td>55</td><td>15</td><td>70</td></tr><tr><td>Proposed Development</td><td>2</td><td>8</td><td>10</td><td>8</td><td>2</td><td>10</td></tr><tr><td>Total</td><td>14</td><td>50</td><td>64</td><td>63</td><td>17</td><td>80</td></tr></table>							8am - 9am			4pm - 5pm				In	Out	Total	In	Out	Total	Existing Sandcastle Residents (84 units)	5	40	45	40	5	45	Bowls Club (1)	5	0	15	10	5	15	Miscellaneous	2	2	4	5	5	10	Sub-Total	12	42	54	55	15	70	Proposed Development	2	8	10	8	2	10	Total	14	50	64	63	17	80
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	<p><i>Based on the above, TPS confirmed that the volumes are significantly less than the capacity of a two-lane access and the development will only result in a minor increase in traffic movements within the laneway in peak periods.</i></p>																																																													
<p>The above details are considered satisfactory and it is considered that the use of Maritime Lane for the purposes of vehicle access is considered an appropriate use of a public laneway.</p>																																																														
<p>The driveway will be of a similar design to that servicing the adjoining Sandcastle building and will afford vehicles exiting the proposed basement car park with sufficient visibility.</p>																																																														
<p>Maritime Lane is a low speed environment and is considered appropriate for a driveway of this nature. Placing a driveway for a 15-unit Residential Flat Building in close proximity to the intersection with William Street and within 1 metre of Maritime Lane is considered likely to increase potential vehicle conflicts.</p>																																																														
<p>Further, it is noted that the proposal seeks to widen Maritime Lane, west of the proposed driveway, to improve vehicle passing and manoeuvrability and the general use of the laneway. In addition, by removing the driveway layback within Owen Street, two (2) new additional public parking spaces will be made available in this busy location.</p>																																																														
<p>The proposed landscaping and fencing treatments within the sites south-western corner are not considered</p>																																																														

Submission Issue/Summary	Planning Comment/Response
	<p>likely to restrict views to oncoming traffic travelling south along Owen Street.</p> <p>In this regard, the proposed fencing is setback from the corner and will be softened by landscaping.</p> <p>The width of the Owen Street verge, coupled with the angled parking along the eastern edge of Owen Street are considered to provide sufficient visibility for vehicles exiting Maritime Lane to see oncoming vehicles.</p> <p>Refer also to other assessment comments provided earlier in this report to address traffic.</p>
<p><u>Conflict with existing disabled parking spaces</u></p> <p>Vehicles will exit basement directly into vehicles reversing out of the 4 disabled car parking spaces used by guests of the neighbouring Eastport Bowling Club.</p>	<p>The proposed basement will provide parking for residents and their visitors and includes a turn-around bay to enable all vehicles entering the basement, regardless of whether a parking space is available, to enter and exit in a forward manner.</p> <p>The proposed driveway will also include a level section (6m in length) before entering Maritime Lane, thereby allowing drivers clear visibility to oncoming traffic, including vehicles leaving the accessible spaces. This is detailed within section B of the submitted Architectural Plans.</p> <p>Whilst it is recognised that the proposal will result in a minor increase in vehicle movements within the western end of Maritime Lane it is considered that the design of the driveway provides suitable visibility to reduce potential vehicle conflicts and is an appropriate use of a public laneway.</p> <p>The Applicant has also provided additional specialist details that <i>'the frequency of interaction between vehicles moving at the rear of the existing PWD spaces and vehicles moving in/out of the PWD spaces will not be significantly affected by the proposed development. Whilst the</i></p>

Submission Issue/Summary	Planning Comment/Response
	<p><i>onus to avoid conflict resides with the motorist moving in or out of the PWD spaces, the proposed location of the development driveway will provide substantial visibility between a motorist leaving the development and a vehicle being reversed from a PWD space. This will serve to make the probability of an incident insignificant'.</i></p>
<p><u>Privacy impacts</u> The apartments will potentially overlook directly into The Sandcastle apartments.</p>	<p>The Sandcastle apartments are currently the highest on the eastern side of Owen Street and enjoy expansive views over the surrounding lands, including Town Beach, the adjoining residential units and the Port City Bowling Club.</p> <p>The design of the western elevation of the Sandcastle building is sufficiently considerate of a future development on the subject site, such as the proposal. In this regard, the western elevation of the Sandcastle building is setback from the western boundary, staggered and angled with north-westerly portions to provide views out towards the coast, rather than across the subject site.</p> <p>In addition, the balconies on the north-western corner of the Sandcastle building are provided with screens to maximise privacy to residents.</p> <p>As outlined above, the proposed development is compliant with the height of building provisions described within the <i>Port Macquarie-Hastings Local Environmental Plan 2011</i> and the design satisfactorily responds to visual context impacts with the adjoining Sandcastle building.</p>
<p><u>Visitor parking</u> Inadequate space for tenant and visitor parking in the basement creating parking congestion on streets.</p>	<p>The proposal provides car parking compliant with the minimum numerical provisions of the <i>Port Macquarie-Hastings Development Control Plan 2013</i>.</p>
<p><u>Front setbacks</u> The building is not setback enough from the streets and provides insufficient garden spaces.</p>	<p>The proposed setbacks are consistent with the provisions of the <i>Port Macquarie-Hastings Development Control Plan 2013</i>.</p>

(e) The Public Interest

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

Ecologically Sustainable Development and Precautionary Principle

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

Climate change

The proposal is not considered to be vulnerable to any identifiable known risks associated with climate change.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**Section 7.11 Contributions**

In assessing s7.11 contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and applicable Contribution Plans.

The site has been provided contribution credit based on the two (2) existing lots being an existing residential lots >450m². It also is recognised that there is 3 existing units on No.28 William Street and a 5-bedroom dwelling on 26 William Street.

The proposed development will comprise a residential flat building containing 15 units/apartments, strata subdivision and consolidation of the two (2) existing Torrens title lots.

The breakdown of the proposed units/apartments includes the following:

- 1 x 2-bedroom unit;
- 13 x 3 bedroom units;
- 1 x 4-bedroom unit; and

Contributions are recommended to be charged accordingly.

Having considered the above, the proposed development will increase the demand for public amenities/services as listed under the following Contribution Plans:

1. Port Macquarie-Hastings Administration Building Contributions Plan 2007
2. Hastings S94 Administration Levy Contributions Plan
3. Port Macquarie-Hastings Open Space Contributions Plan 2018
4. Hastings S94 Major Roads Contributions Plan
5. Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

As a result, s7.11 contributions apply refer to **Attachment 3** and a condition of consent has been imposed to ensure payment.

Section 7.12 Contributions

The proposed development does not contain any commercial/industrial component. As a result, s7.12 contributions do not apply.

Section 64 Water and Sewer Contributions

In assessing s64 water and sewer contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and applicable Development Servicing Plans.

The site has been provided contribution credit based on the two (2) existing lots being an existing residential lots >450m². It also is recognised that there is 3 existing units on No.28 William Street and a 5-bedroom dwelling on 26 William Street.

The proposed development will comprise a residential flat building containing 15 units/apartments, strata subdivision and consolidation of the two (2) existing Torrens title lots.

The breakdown of the proposed units/apartments includes the following:

- 1x 2-bedroom unit;
- 13 x 3 bedroom units;
- 1 x 4-bedroom unit; and

Contributions are recommended to be charged accordingly as the proposed development will increase the demand on water and sewer services.

As a result, s64 contributions under the Water Management Act 2000 apply and a condition of consent has been imposed to ensure payment.

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.  DA2020 - 715 Recommended Conditions
2.  DA2020 - 715 Plans
3.  DA2020 - 715 Contribution Estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/715****DATE: 4/03/2021****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
Development plans	Sheets DA1.0 to DA8.3	King & Campbell	11 December 2020
Draft Strata Plans	Sheets 1 to 10	Stephen Nicholas Kipreotis	2 July 2020
Stormwater Management Plan	6110 Stormwater Management Report	King & Campbell	5 November 2019
Servicing Plan	Sheet 01	King & Campbell	3 July 2020
BASIX Certificate	1117045M	Aspect Z	16 July 2020

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 building or subdivision work shall commence until a Construction Certificate or Subdivision Works 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) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. Along the William Street frontage, this shall be full width to match existing finishes and the Town Centre Master Plan, whilst along the Owen Street frontage, this can be concrete footpath in accordance with AUSPEC and Council Standard drawings. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (8) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (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.
- (11) (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.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE OR SUBDIVISION WORKS CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

 - Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving
 - Footway and gutter crossing
 - Functional vehicular access
- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate or Subdivision Works 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, including widening of Maritime Lane for the full frontage of the development site.
 2. Earthworks.
 3. Public parking areas including: driveways and access aisles; parking bays, delivery vehicle service bays & turning areas in accordance with AS2890.
 4. Sewerage reticulation.

5. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 6. Retaining walls.
 7. Stormwater systems.
 8. Erosion & Sedimentation controls.
 9. 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
 10. Landscaping/waste management facilities.
 11. Traffic management control plans.
 12. Erection of any hoardings and buildings in and/or over the public road space.
 13. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD202 Port Macquarie-Hastings Council current version.
 14. All roadworks along the full frontage(s) including paving, lighting and any necessary kerb construction or reconstruction in accordance with the current Town Centre Master Plan.
- (4) (B010) Payment to Council, prior to the issue of the Construction 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.

- (5) (B011) Prior to the issue of Construction Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note1: Port Macquarie-Hastings Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash

contribution is required, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

- (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) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity,
- and;
- Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.
- (8) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.

- (11) (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.
- (12) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:

- a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.

In this regard, Council's piped drainage system along the eastern side of Owen Street must be extended by an appropriately sized pipe in accordance with the Eastport Stormwater Management Plan. This shall extend to the frontage of the site, where a kerb inlet pit (minimum 2.4m lintel) must be installed, to allow direct piped connection from the development site into the public drainage system.

The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20-year Average Recurrence Interval storm event.

- b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 6110E_Servicing Plan DA, dated 03.07.2020.
- c) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
- d) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
- e) 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.
- f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- g) Hydraulic modelling must be submitted demonstrating that sufficient freeboard is provided relative from the top water level reached in the road reserve (Maritime Lane) during a 1% AEP storm event and the driveway access crest into the basement car parking areas.
- h) The stormwater design must include detail of how the proposed basement carpark will be drained. Where minor surface areas drain to the basement, such as from the access driveway, a pump out system is permitted with discharge directed to the OSD storage tanks(s).

Pump-out of the subsoil drainage associated with the basement carpark is not permitted unless it can be demonstrated that groundwater flows are minimal/intermittent and subject to direct connection of the site discharge to Council's piped drainage system. This option will only be considered when supported by detailed geotechnical investigation

- (13) (B198) A certifying authority must not issue a Construction Certificate for the residential flat development unless the certifying authority has received a statement by the qualified designer verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles specified in *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*.

- (14) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890. 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.
- (15) (B195) Council records indicate that the development sites are fronted by a 200mm DICL water main on the same side of Maritime Lane and a 150mm PVC water main on the opposite side of Owen Street. Each individual unit shall be individually metered with the meters either located at an easily accessible location or there is the option for utilizing remotely read electronic meters. Details are to be provided on the hydraulic plans.
- (16) (B196) Council records indicate that the development sites are currently connected to sewer via junctions to the sewer line that runs outside the southern property boundary. The proposed development shall drain all sewage to a new or existing sewer manhole approved by the Water & Sewer Planning Manager. The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.
- (17) (B197) An aquifer interference approval shall be obtained under Section 91 of the Water Management Act 2000 prior to the issue of a Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) weeks' notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (C007) Provision of a hoarding, fence or other measures to restrict public access to the site during the course of works. Where the hoarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be lodged with Council.
- (5) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

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) at completion of installation of erosion control measures
 - b) at completion of installation of traffic management works

- c) at the commencement of earthworks;
- d) when the sub-grade is exposed and prior to placing of pavement materials;
- e) when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- f) at the completion of each pavement (sub base/base) layer;
- g) before pouring of kerb and gutter;
- h) prior to the pouring of concrete for sewerage works and/or works on public property;
- i) on completion of road gravelling or pavement;
- j) during construction of sewer infrastructure;
- k) 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) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (4) (D011) Provision being made for support of adjoining properties and roadways during construction.
- (5) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (6) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE / SUBDIVISION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (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) (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.

- (5) (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.
- (6) (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.
- (7) (E039) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming certify the following:
- 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.
- (8) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
- "This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".
- This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (9) (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.
- (10) (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.

- (11) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the property owners. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.

- (12) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.

A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.

- (13) (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.
- (14) (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/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (15) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.

- (16) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (17) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (18) (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:
- The relocation of underground services where required by civil works being carried out.
 - The relocation of above ground power and telephone services
 - The relocation of street lighting
 - The matching of new infrastructure into existing or future design infrastructure
- (19) (E072) Lodgement of a security deposit with Council upon practical completion of a public infrastructure.
- (20) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictive covenants restrictions, easements and/or covenants; with the Council having the benefit of these covenants and having the sole authority to release, vary or modify these covenants each restriction, easement and/or covenant.
- Restriction as to user for private garbage service to be in place requiring the collection of all domestic waste comprising general waste (rubbish), recycling and food and garden organics by a private contractor. All wastes are to be collected as separate waste streams. Garbage collection by private contractors shall occur from within the property and not obstruct the use of the public roads.
- (21) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (22) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (23) (E196) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a statement by the qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the Construction Certificate was issued.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.

- (2) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both residents and visitors.

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KING + CAMPBELL

DEVELOPMENT APPLICATION

PROPOSED RESIDENTIAL APARTMENTS

26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852





DA SUBMISSION

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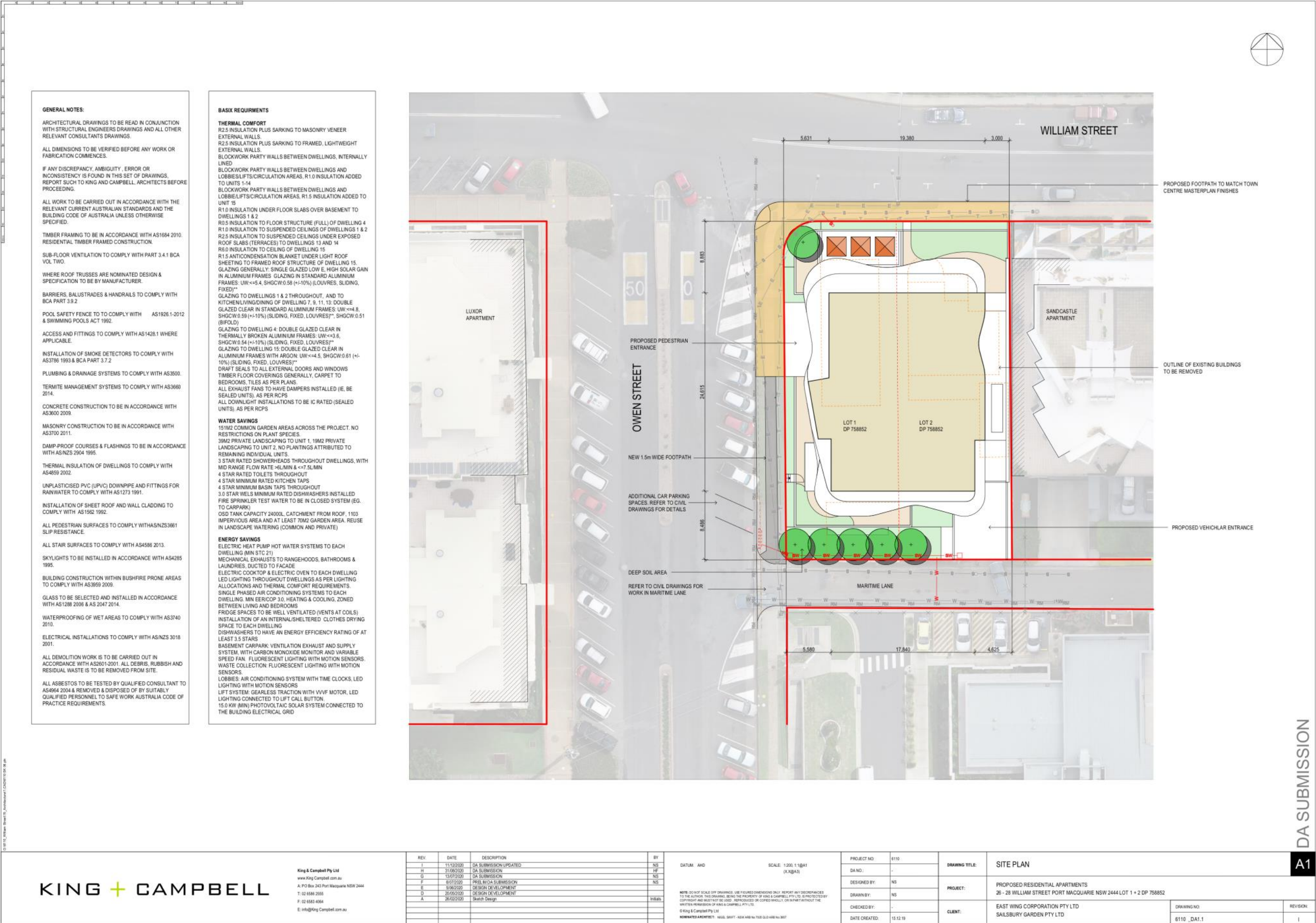
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DATUM: AHD
SCALE: 1:500 (A1)
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NOMINATED ARCHITECT: NASH, SHUTT, ASH & WHELAN NO 7528 OLD KING NO 3657

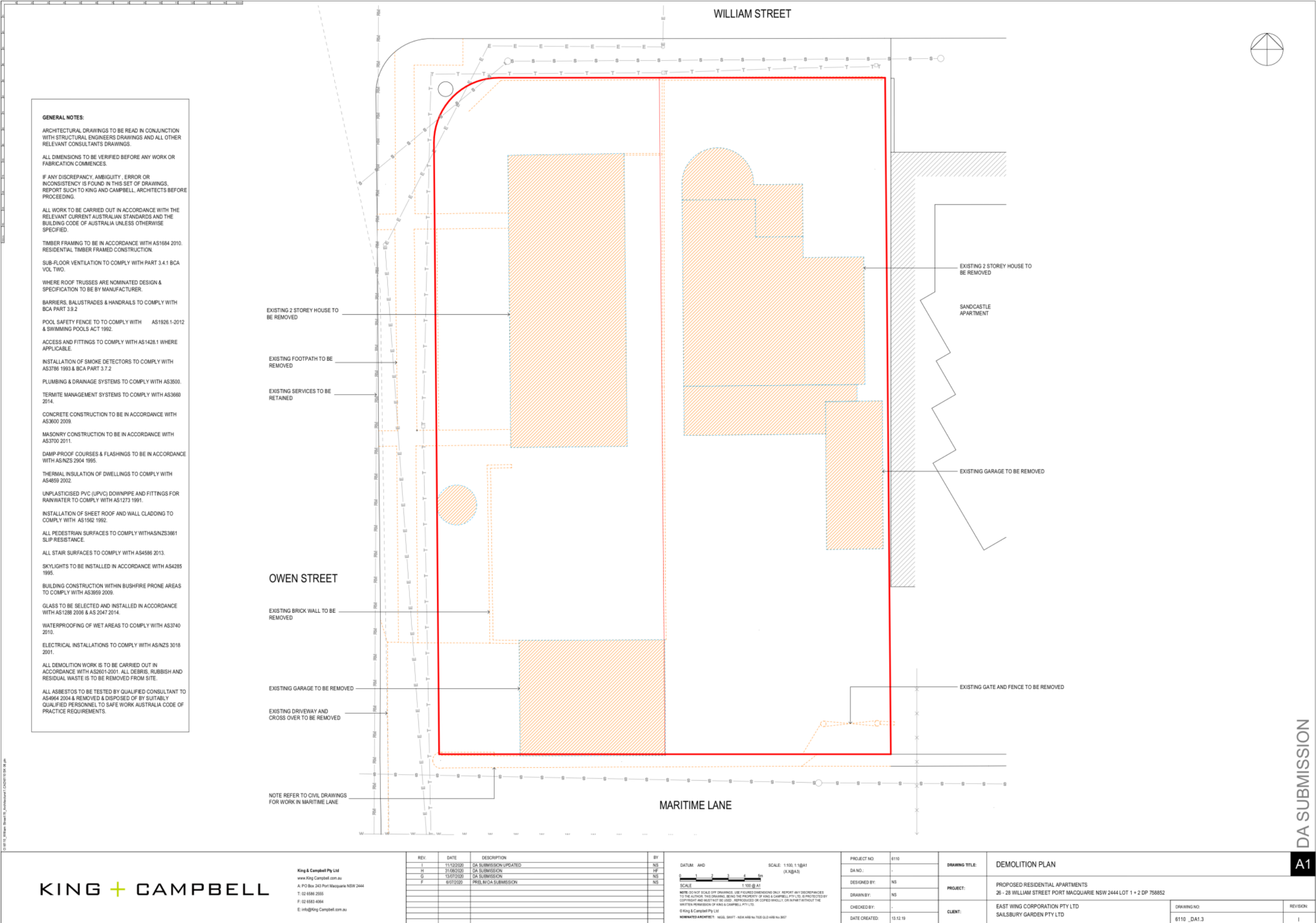
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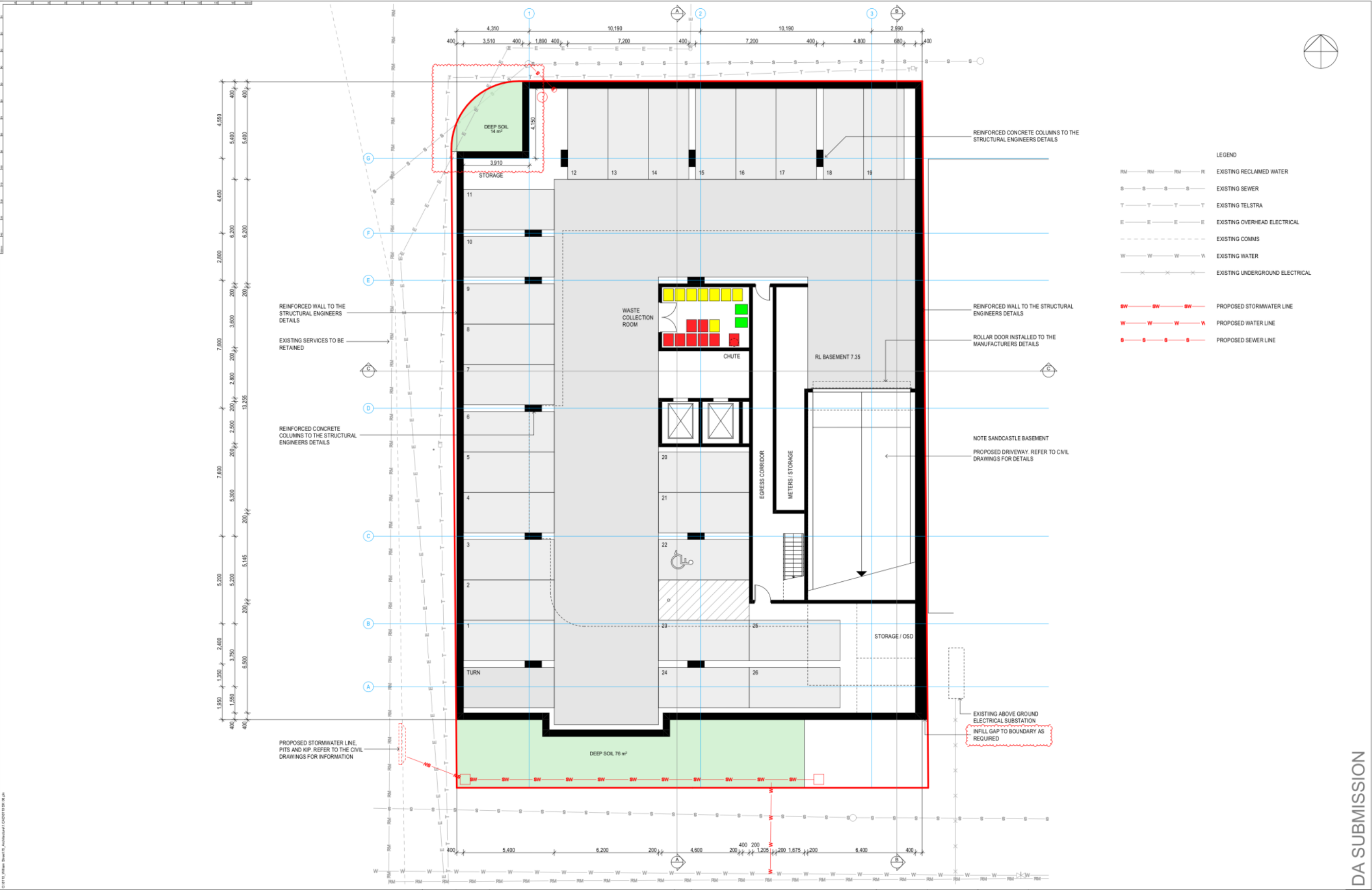
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PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
CLIENT:	EAST WING CORPORATION PTY LTD SAILSBURY GARDEN PTY LTD
DRAWING NO:	6110_DA1.0
REVISION:	1

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G	13/07/2020	DA SUBMISSION	NS
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D	20/05/2020	DESIGN DEVELOPMENT	
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A	26/02/2020	Sketch Design	

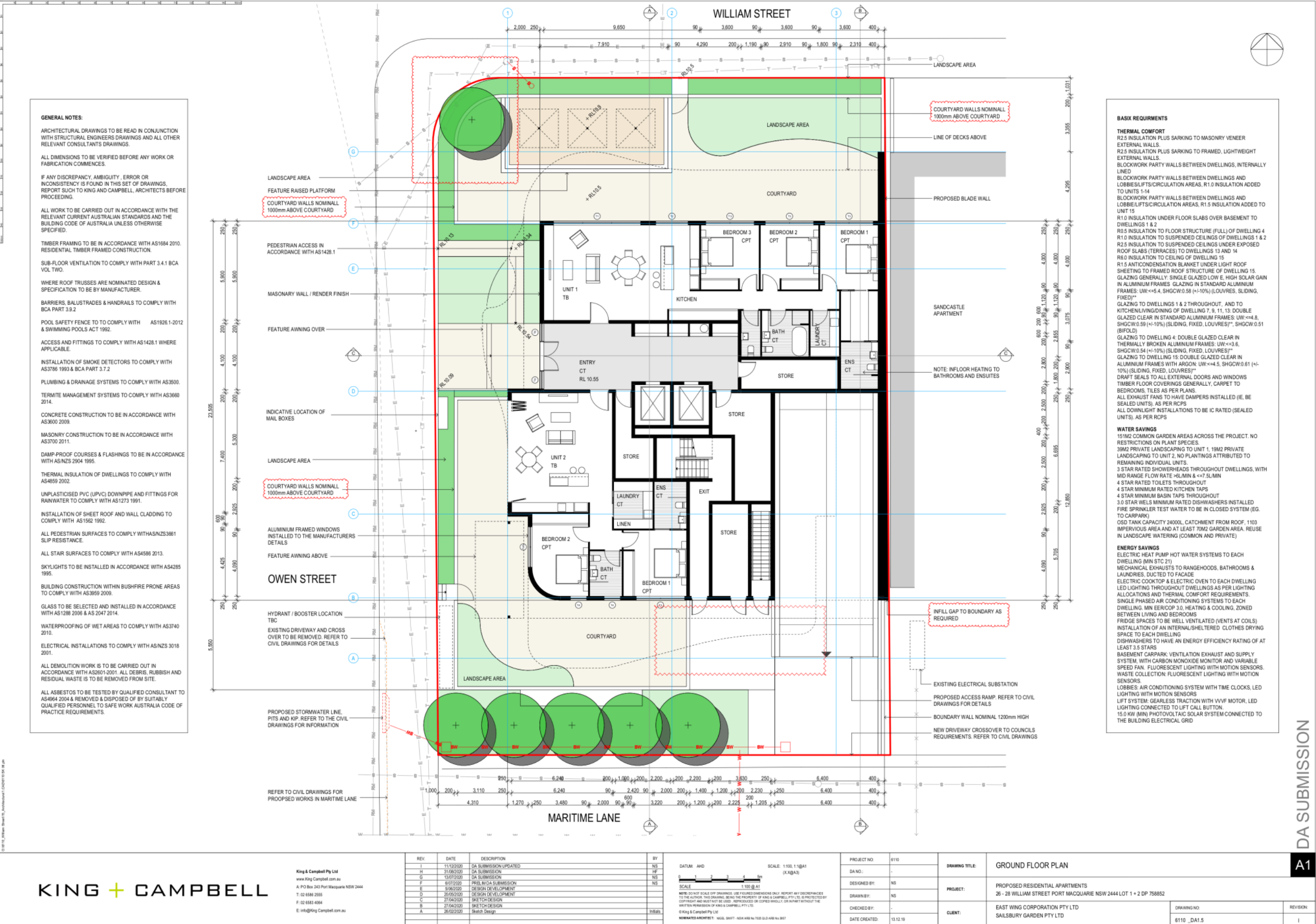
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PROJECT NO:	6110
DA NO.:	-
DESIGNED BY:	NS
DRAWN BY:	NS
CHECKED BY:	-
DATE CREATED:	13.12.19

DRAWING TITLE:	BASEMENT FLOOR PLAN
PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
CLIENT:	EAST WING CORPORATION PTY LTD SALISBURY GARDEN PTY LTD
DRAWING NO:	6110_DAI.4
REVISION:	1

DA SUBMISSION

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DA SUBMISSION

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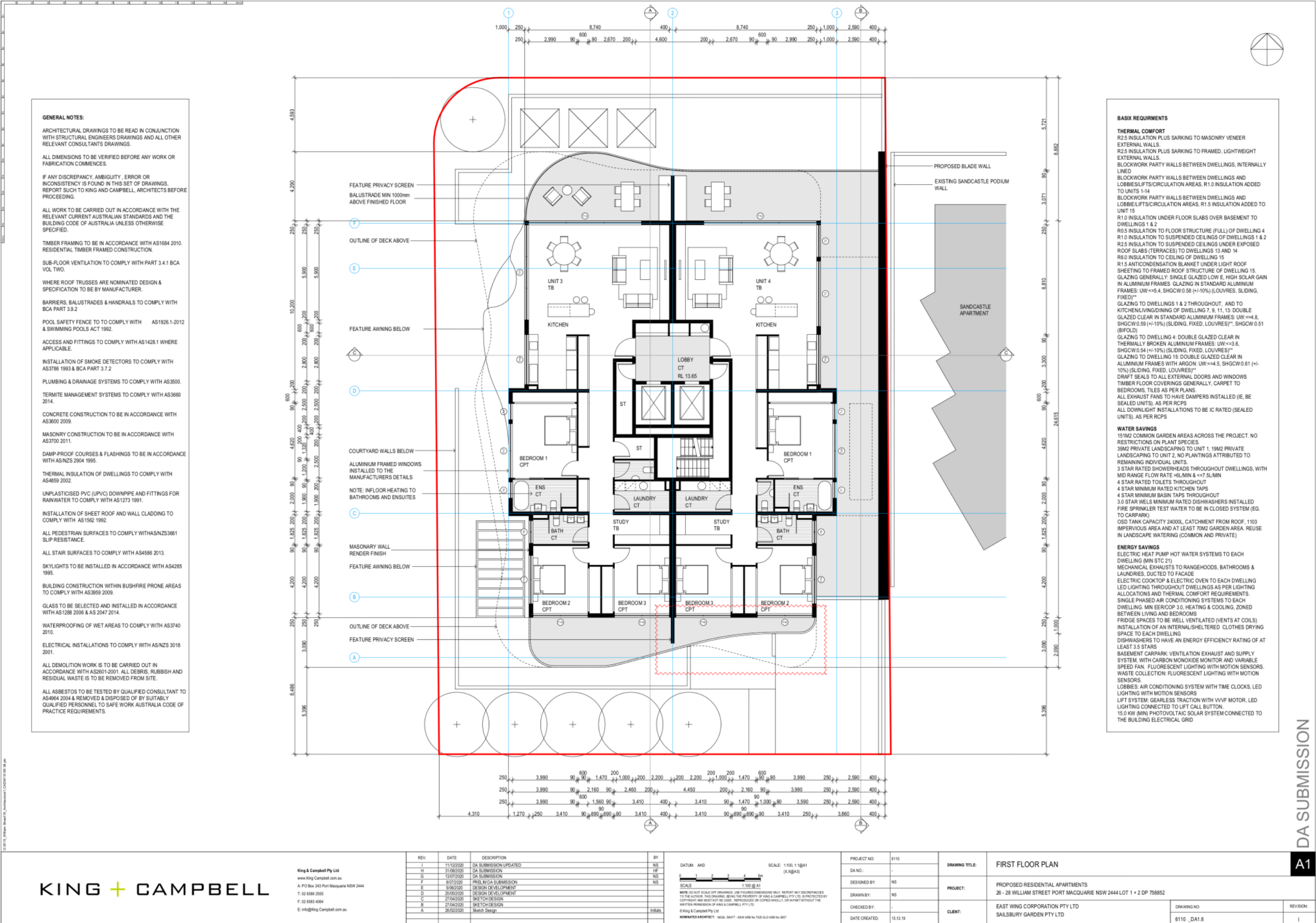
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REV	DATE	DESCRIPTION	BY
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F	13/07/2020	DA SUBMISSION	NS
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E	09/02/2020	DESIGN DEVELOPMENT	NS
D	20/05/2020	DESIGN DEVELOPMENT	NS
C	27/06/2020	SKETCH DESIGN	NS
B	27/06/2020	SKETCH DESIGN	NS
A	26/02/2020	Sketch Design	NS

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NOMINATED ARCHITECT - NBSL 00077 - NSW A&M No 703-010 A&M No 587

PROJECT NO:	6110	DRAWING TITLE:	GROUND FLOOR PLAN
DA NO.:	-	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
DESIGNED BY:	NS	CLIENT:	EAST WING CORPORATION PTY LTD SALSBURY GARDEN PTY LTD
DRAWN BY:	NS	DRAWING NO:	6110_DA1.5
CHECKED BY:	-	REVISION:	I
DATE CREATED:	13.12.19		



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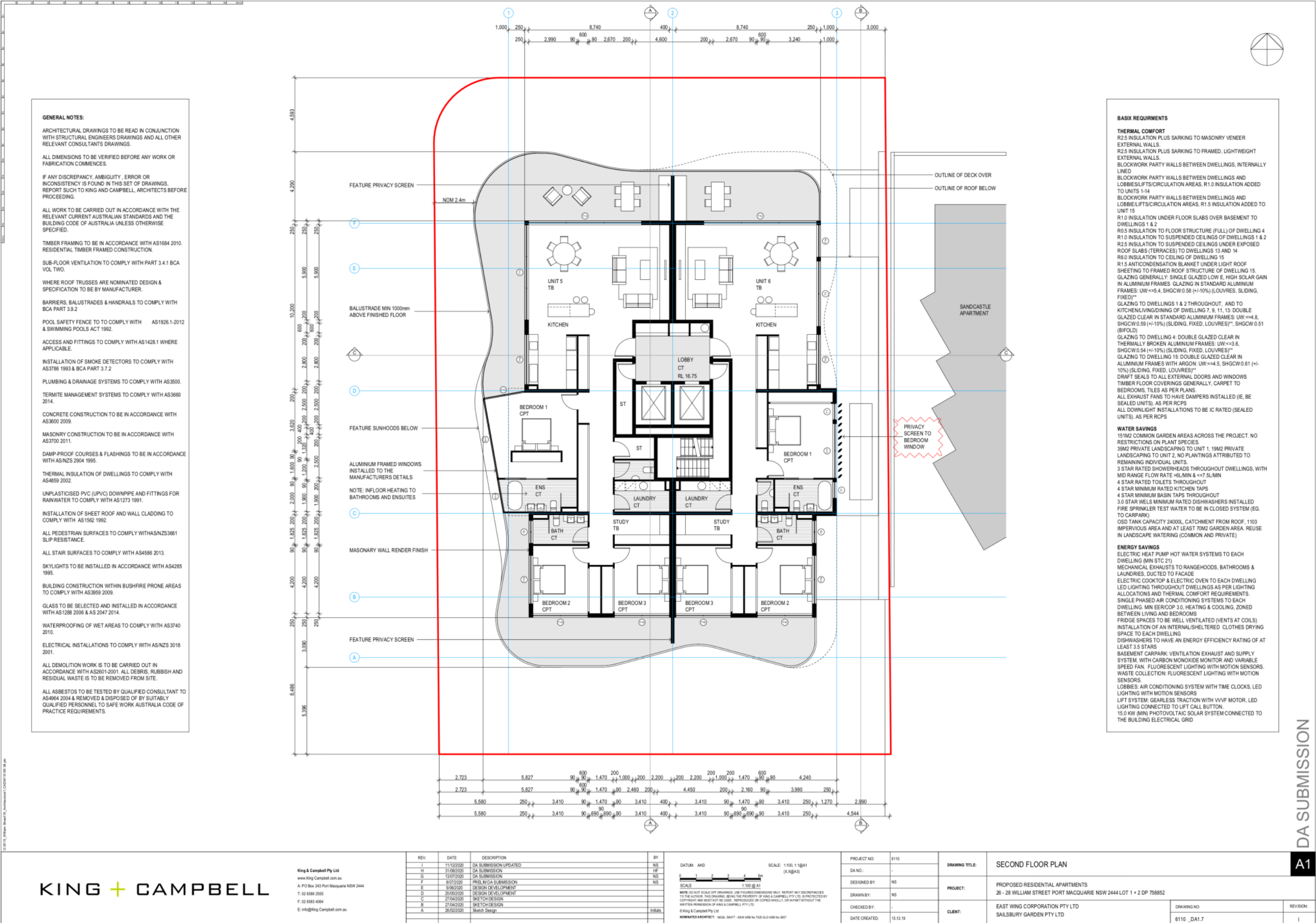
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REV	DATE	DESCRIPTION	BY
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G	13/07/2020	DA SUBMISSION	NS
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A	26/02/2020	Sketch Design	

DATUM: AHD
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PROJECT NO:	6110	DRAWING TITLE:	FIRST FLOOR PLAN
DA NO.:	-	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
DESIGNED BY:	NS	CLIENT:	EAST WING CORPORATION PTY LTD SALISBURY GARDEN PTY LTD
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DATE CREATED:	13.12.19		



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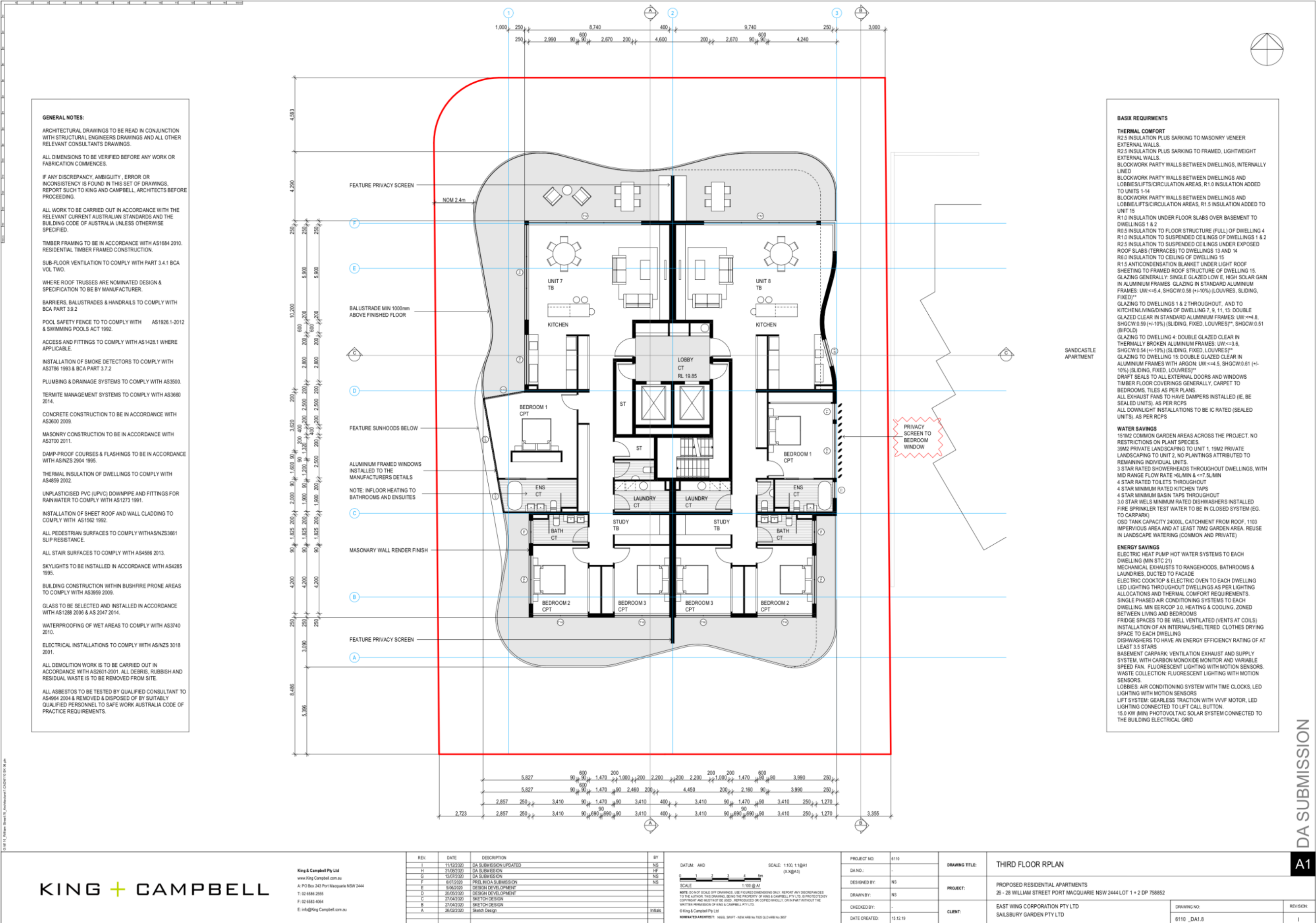
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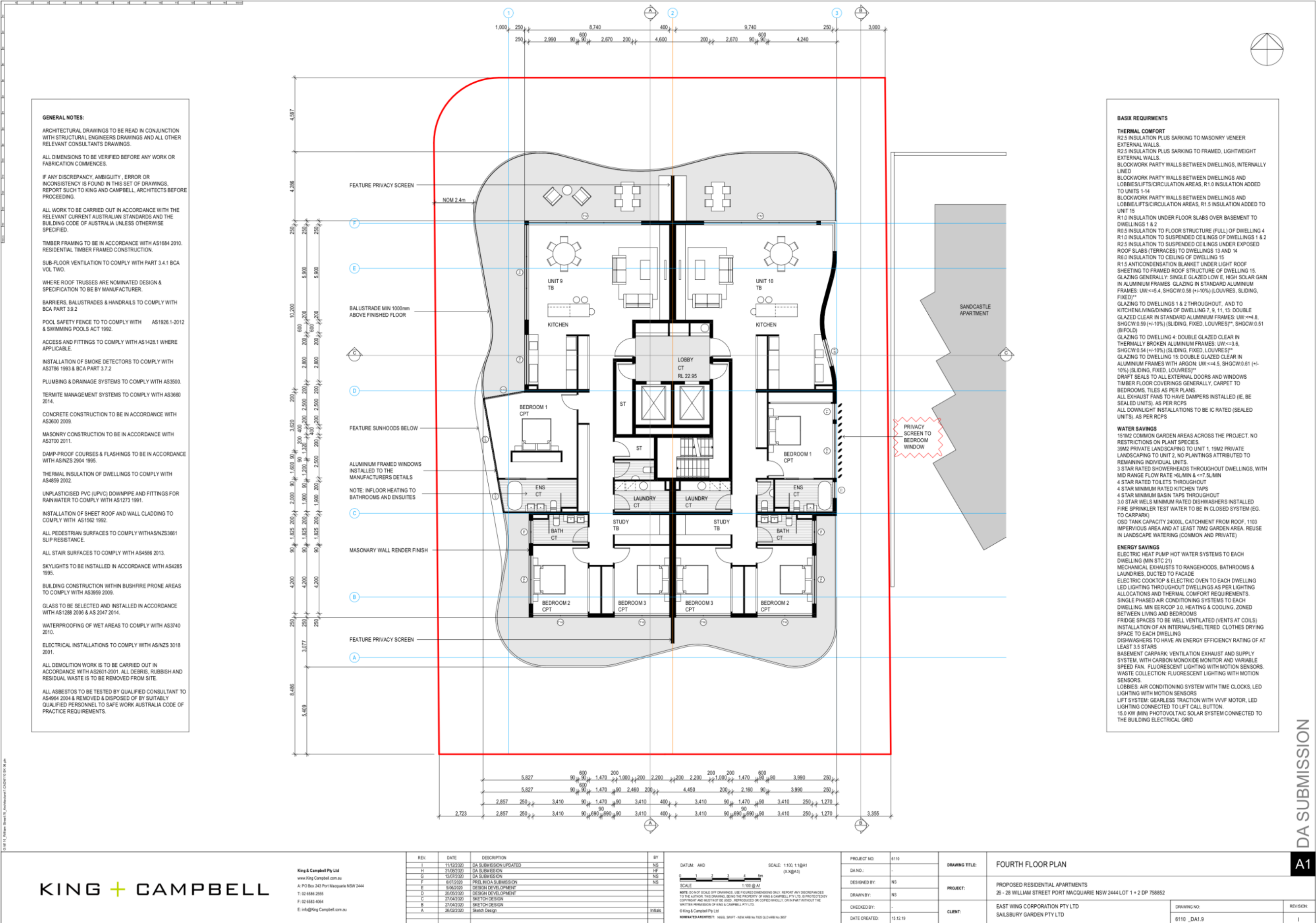
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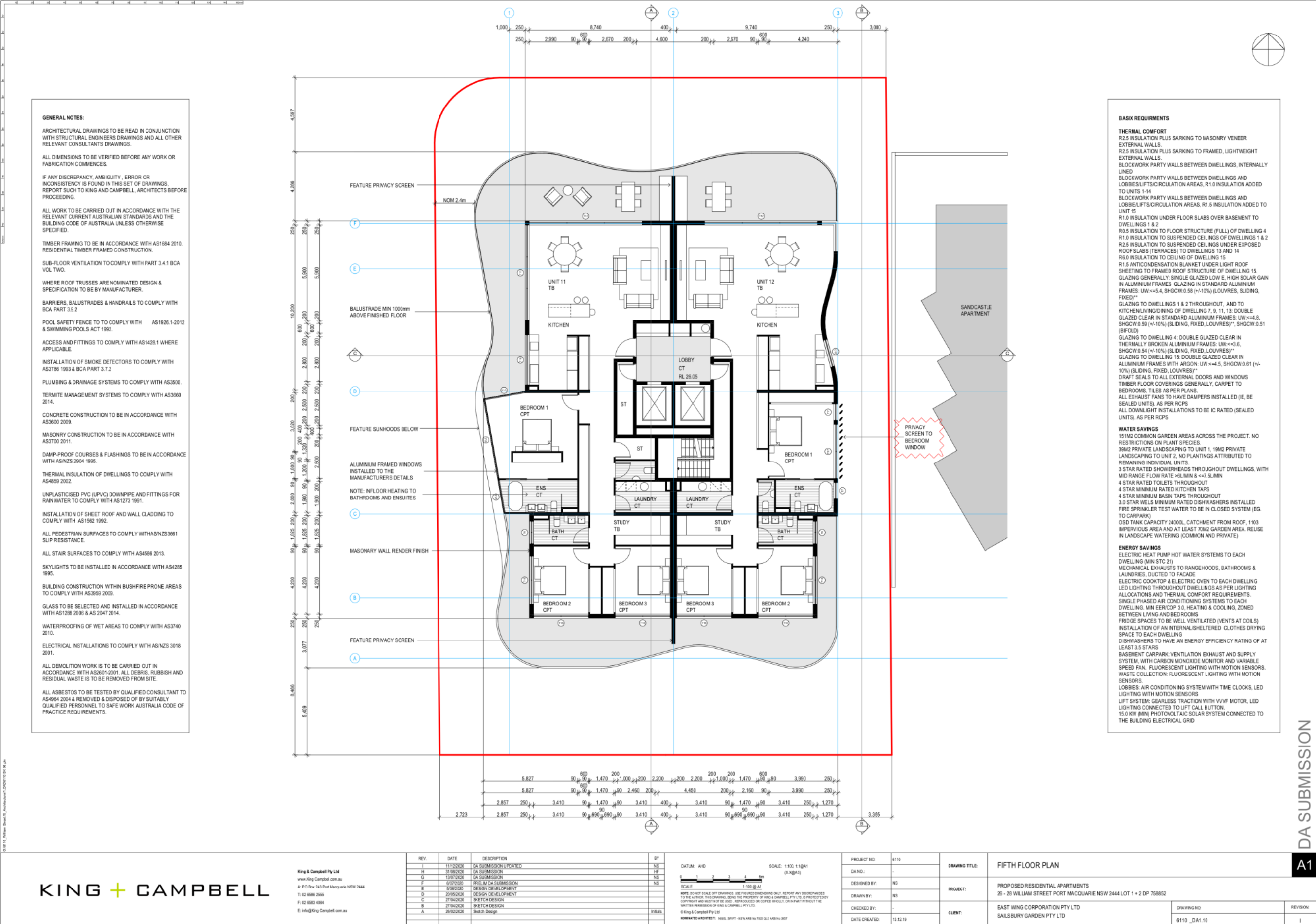
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D	20/05/2020	DESIGN DEVELOPMENT	
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A	26/02/2020	Sketch Design	

DATUM: AHD
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NOMINATED ARCHITECT - NABUL SHWIT - NSW A&P No 7052 OLD A&P No 387

PROJECT NO:	6110	DRAWING TITLE:	SECOND FLOOR PLAN
DA NO.:	-	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
DESIGNED BY:	NS	CLIENT:	EAST WING CORPORATION PTY LTD SALISBURY GARDEN PTY LTD
DRAWN BY:	NS	DRAWING NO:	6110_DA1.7
CHECKED BY:	-	REVISION:	I
DATE CREATED:	13.12.19		







DA SUBMISSION

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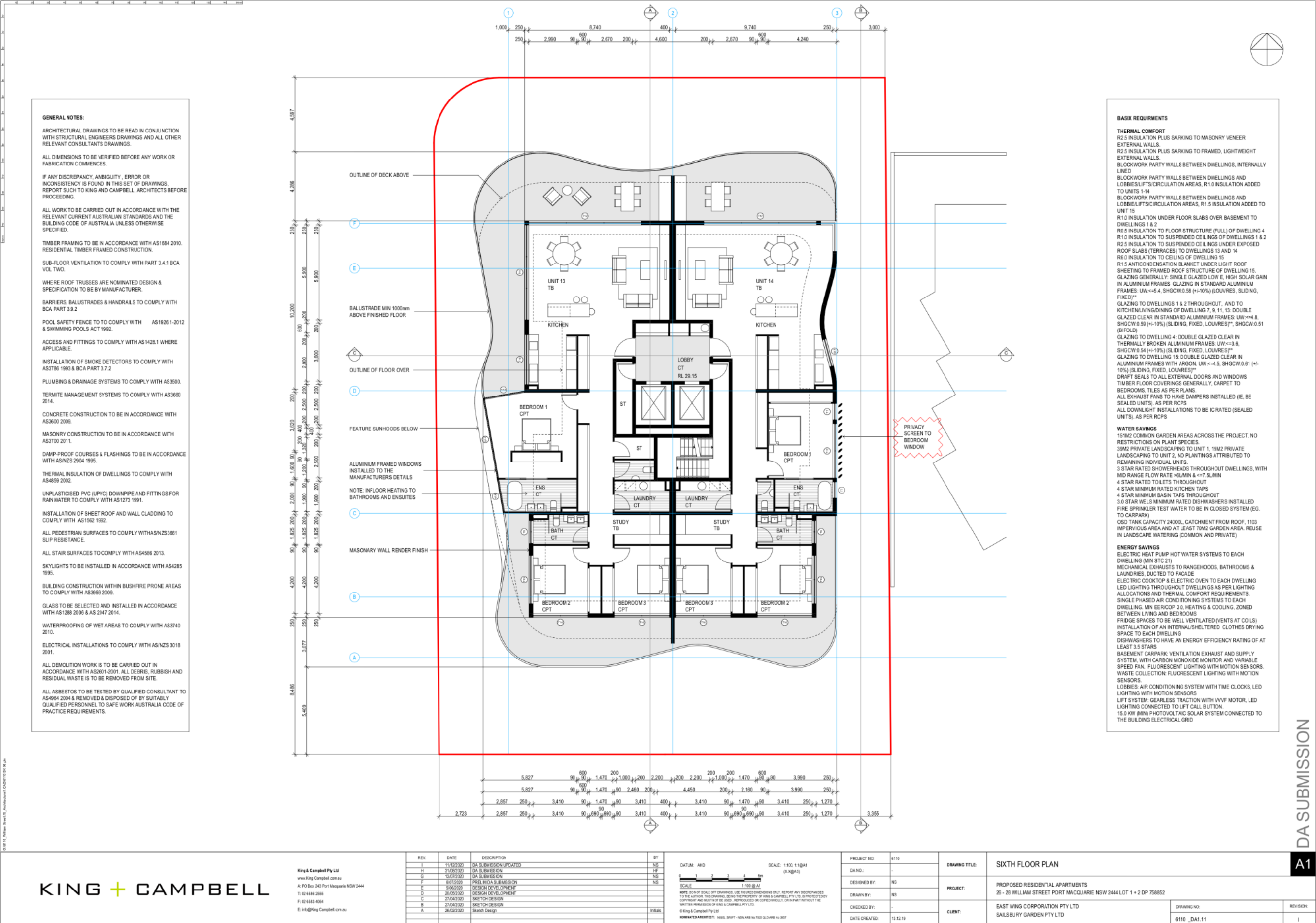
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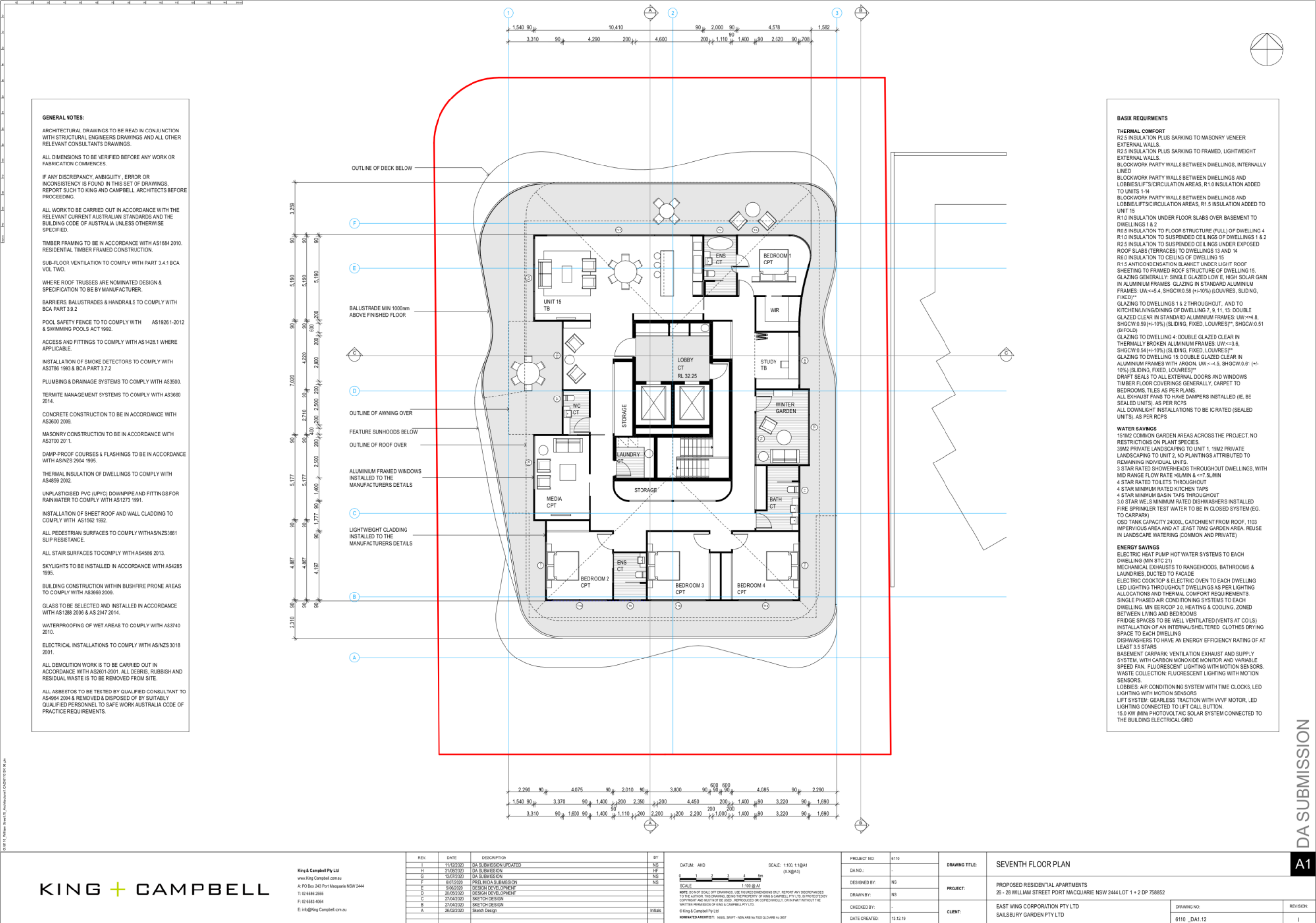
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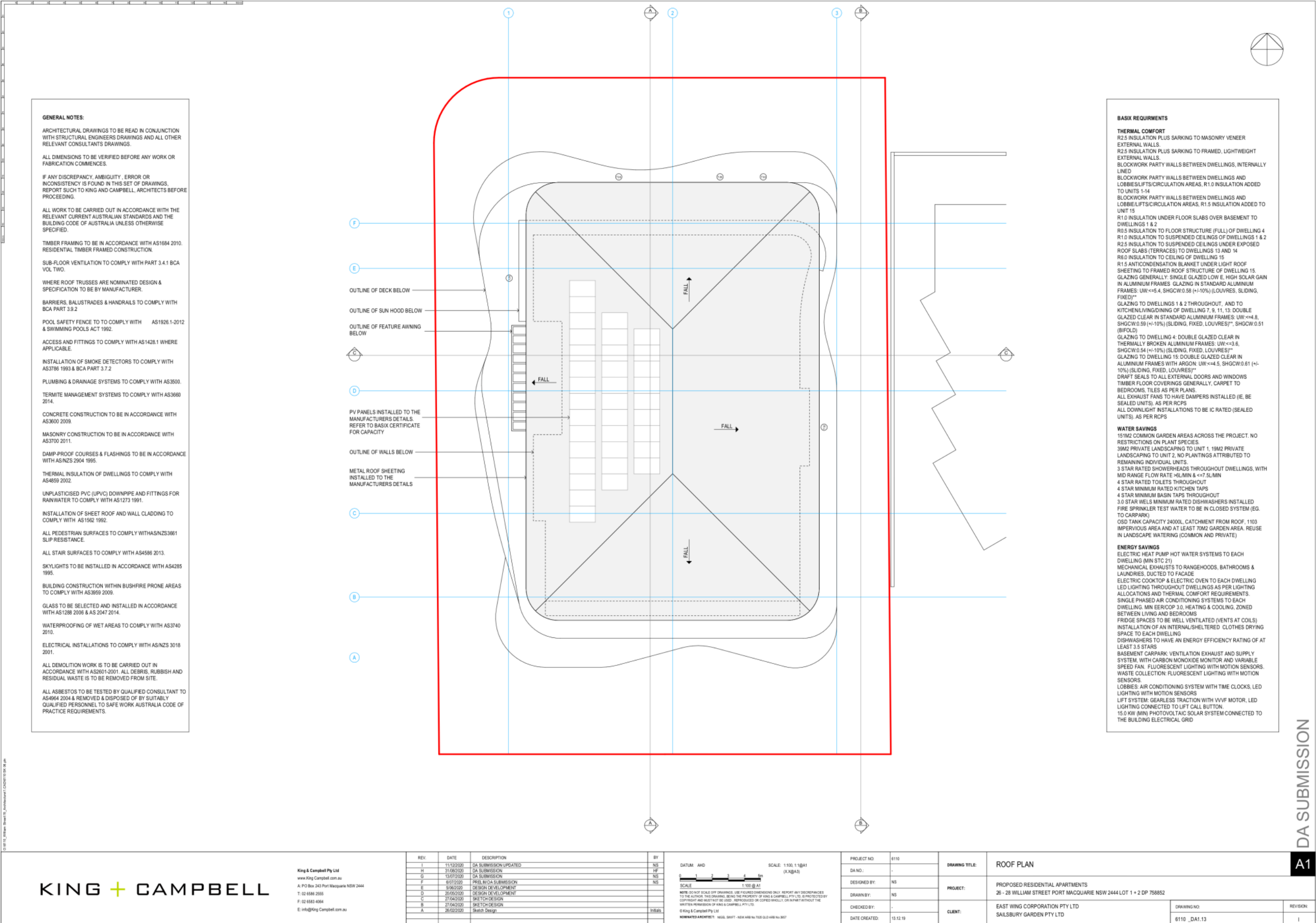
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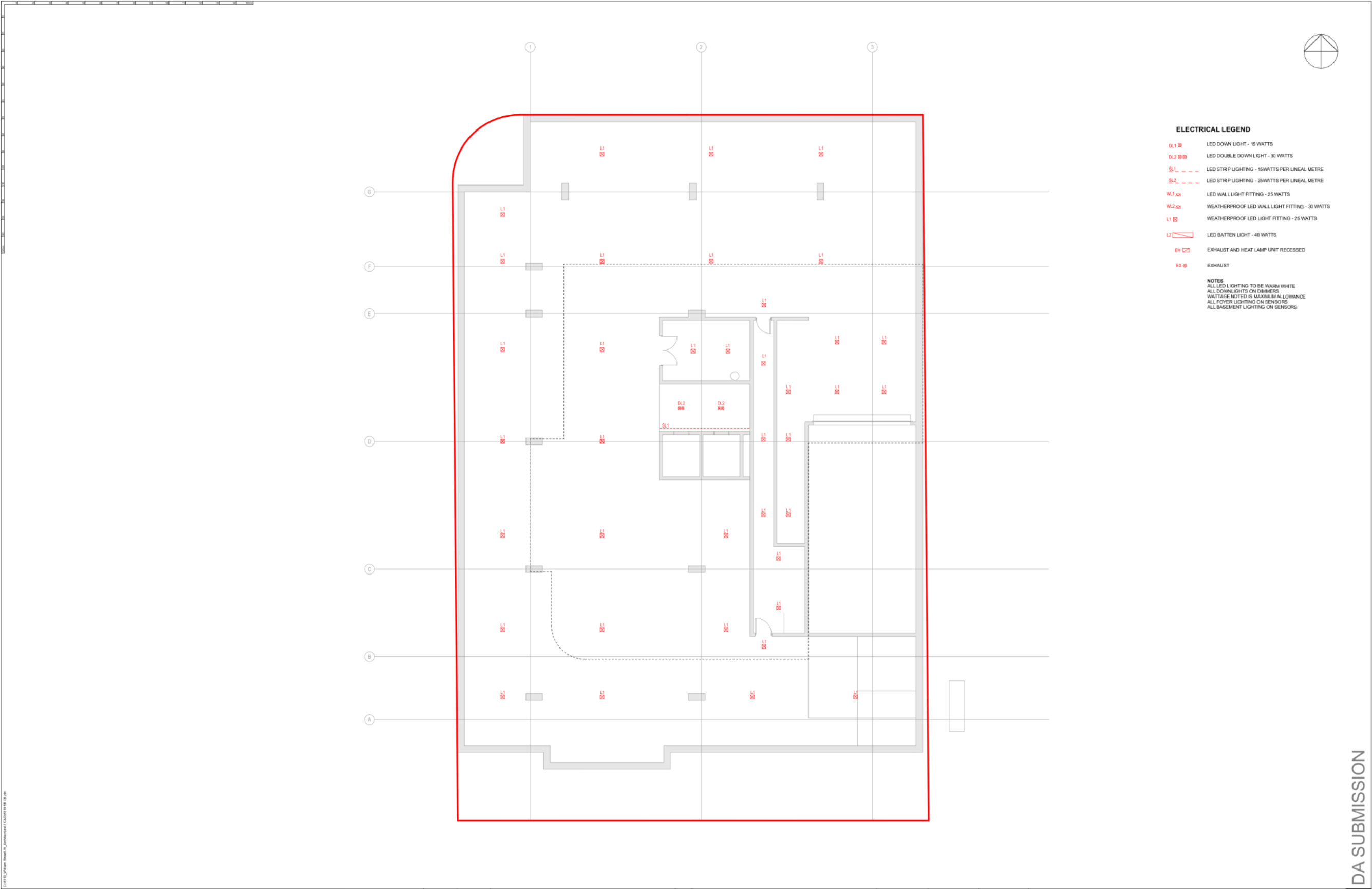
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NOMINATED ARCHITECT: NASHL 00077 - NSW ARCH NO 7052 OLD ARCH NO 387

PROJECT NO:	6110	DRAWING TITLE:	FIFTH FLOOR PLAN
DA NO.:	-	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
DESIGNED BY:	NS	CLIENT:	EAST WING CORPORATION PTY LTD SALISBURY GARDEN PTY LTD
DRAWN BY:	NS		
CHECKED BY:	-		
DATE CREATED:	13.12.19		
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		REVISION:	I



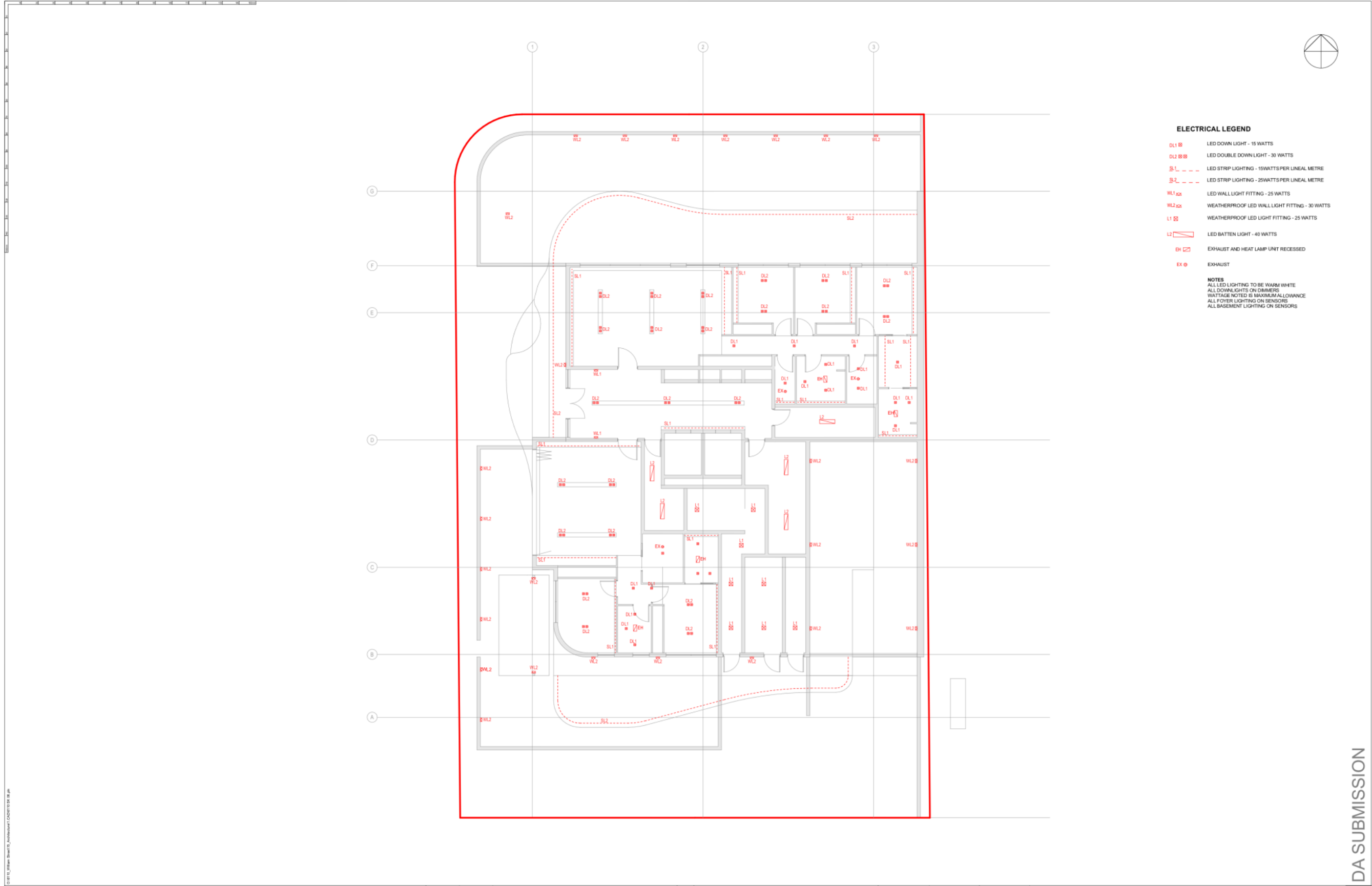






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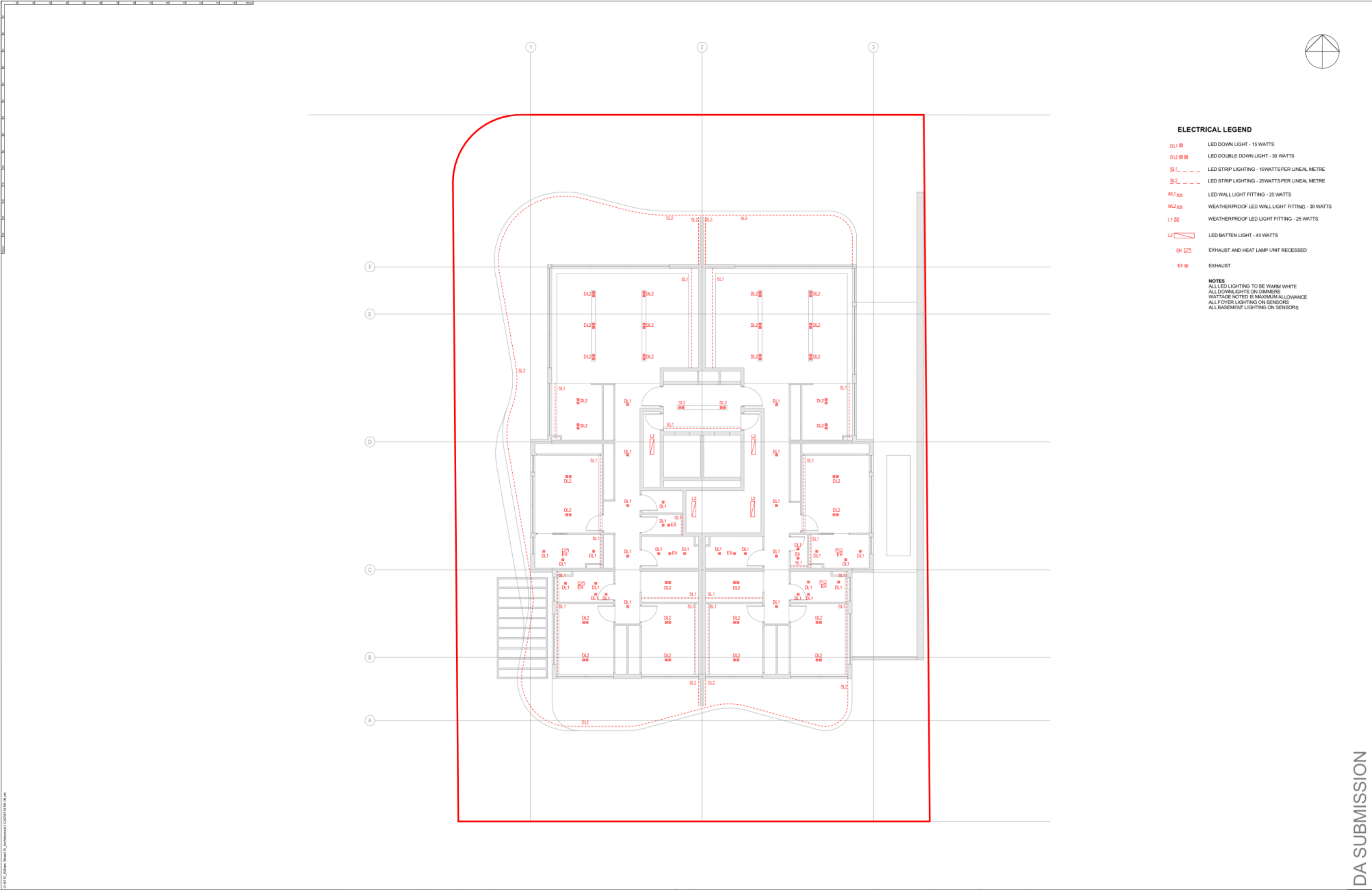
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NOMINATED ARCHITECT: NIGEL SMITH - NSW ARCH NO 752 QLD ARCH NO 367

PROJECT NO:	6110
DA NO.:	-
DESIGNED BY:	NS
DRAWN BY:	NS
CHECKED BY:	-
DATE CREATED:	13.12.19

DRAWING TITLE:	GROUND FLOOR REFLECTED CEILING PLAN
PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
CLIENT:	EAST WING CORPORATION PTY LTD SAILSBURY GARDEN PTY LTD
DRAWING NO:	6110_DA1.15
REVISION:	1

DA SUBMISSION

A1



ELECTRICAL LEGEND

DL1 15 LED DOWN LIGHT - 15 WATTS
DL2 30 LED DOUBLE DOWN LIGHT - 30 WATTS
SL 15 LED STRIP LIGHTING - 15WATTS PER LINEAL METRE
SL 25 LED STRIP LIGHTING - 25WATTS PER LINEAL METRE
WL 25 LED WALL LIGHT FITTING - 25 WATTS
WL 30 WEATHERPROOF LED WALL LIGHT FITTING - 30 WATTS
L1 25 WEATHERPROOF LED LIGHT FITTING - 25 WATTS
L2 40 LED BATTEN LIGHT - 40 WATTS
EH EXHAUST AND HEAT LAMP UNIT RECESSED
EX EXHAUST

NOTES
ALL LED LIGHTING TO BE WARM WHITE
ALL DOWNLIGHTS ON DIMMERS
WATTAGE NOTED IS MAXIMUM ALLOWANCE
ALL Foyer LIGHTING ON SENSORS
ALL BASEMENT LIGHTING ON SENSORS

DA SUBMISSION

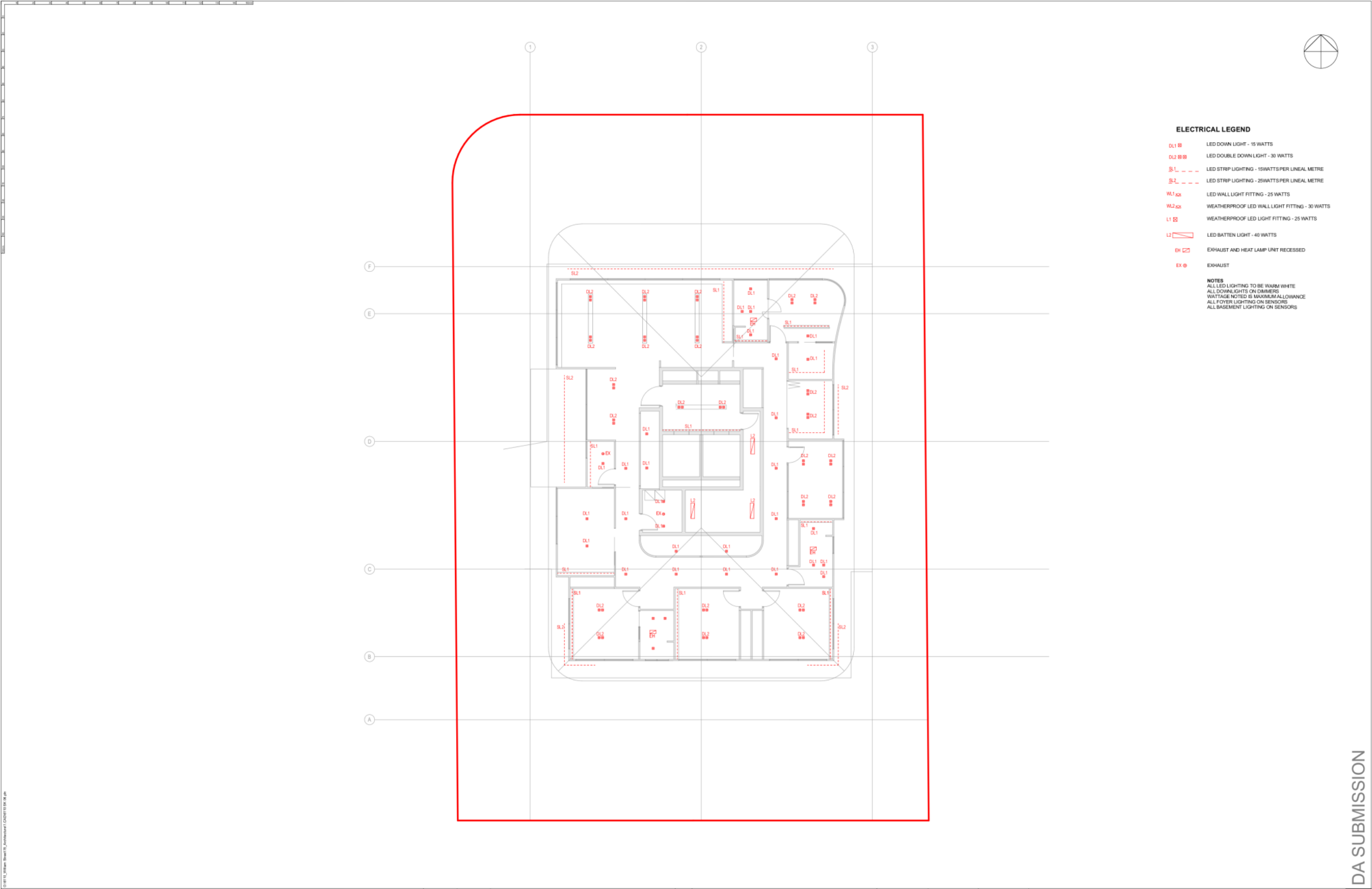
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NOMINATED ARCHITECT: NIGEL SHUTT - NSW ARCH NO 7525 QLD ARCH NO 3657

PROJECT NO:	6110	DRAWING TITLE:	FIRST - SIXTH FLOORS REFLECTED CEILING PLAN
DA NO.:	-	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
DESIGNED BY:	NS	CLIENT:	EAST WING CORPORATION PTY LTD SAILSBURY GARDEN PTY LTD
DRAWN BY:	NS		
CHECKED BY:	-		
DATE CREATED:	13.12.19	DRAWING NO:	6110_DA1.16
		REVISION:	1



- ELECTRICAL LEGEND**
- DL1 LED DOWN LIGHT - 15 WATTS
 - DL2 LED DOUBLE DOWN LIGHT - 30 WATTS
 - SL1 LED STRIP LIGHTING - 15WATTS PER LINEAL METRE
 - SL2 LED STRIP LIGHTING - 25WATTS PER LINEAL METRE
 - WL1 LED WALL LIGHT FITTING - 25 WATTS
 - WL2 WEATHERPROOF LED WALL LIGHT FITTING - 30 WATTS
 - L1 WEATHERPROOF LED LIGHT FITTING - 25 WATTS
 - L2 LED BATTEN LIGHT - 40 WATTS
 - EXH EXHAUST AND HEAT LAMP UNIT RECESSED
 - EX EXHAUST
- NOTES**
ALL LED LIGHTING TO BE WARM WHITE
ALL DOWNLIGHTS ON DIMMERS
WATTAGE NOTED IS MAXIMUM ALLOWANCE
ALL Foyer LIGHTING ON SENSORS
ALL BASEMENT LIGHTING ON SENSORS

DA SUBMISSION

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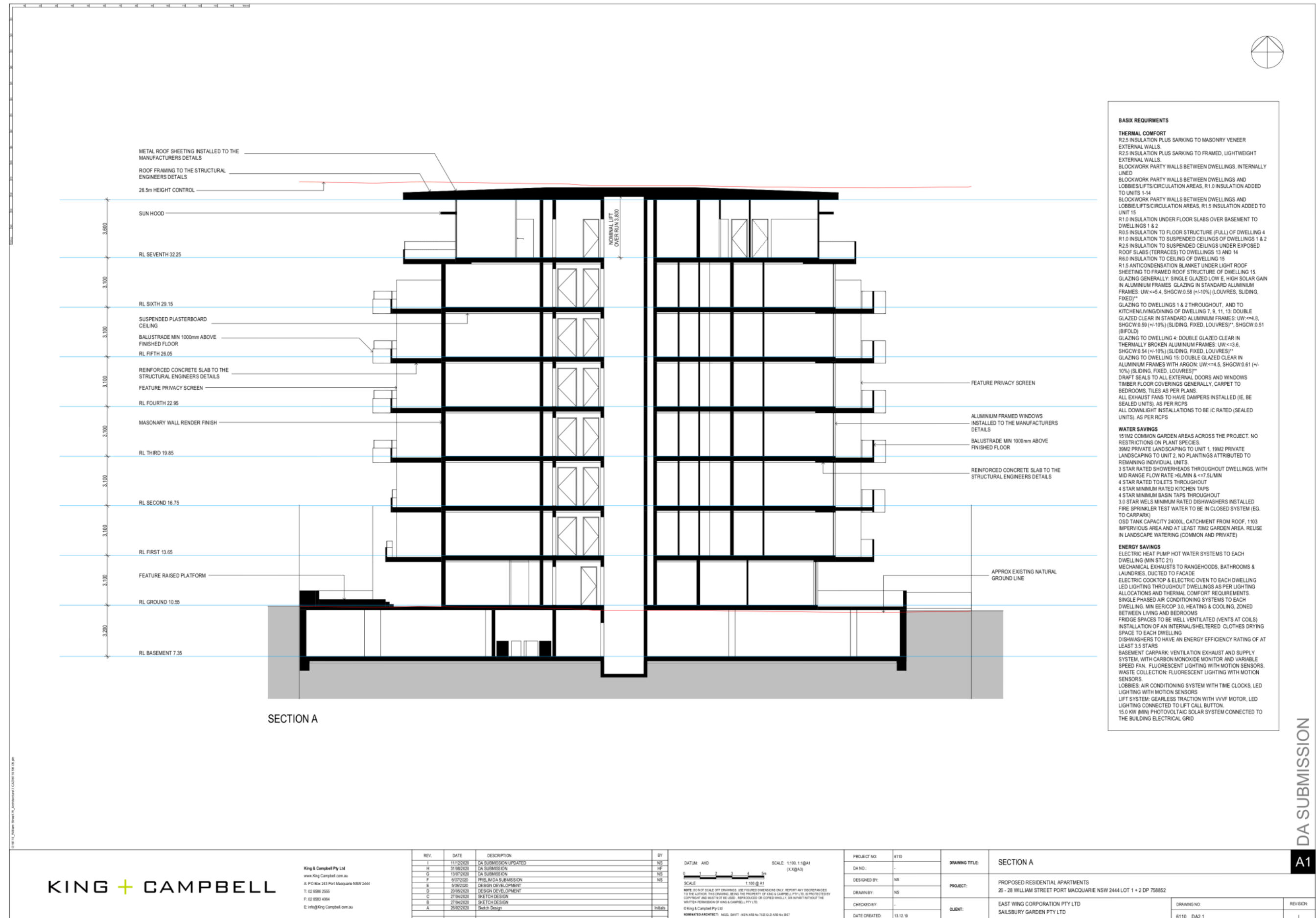
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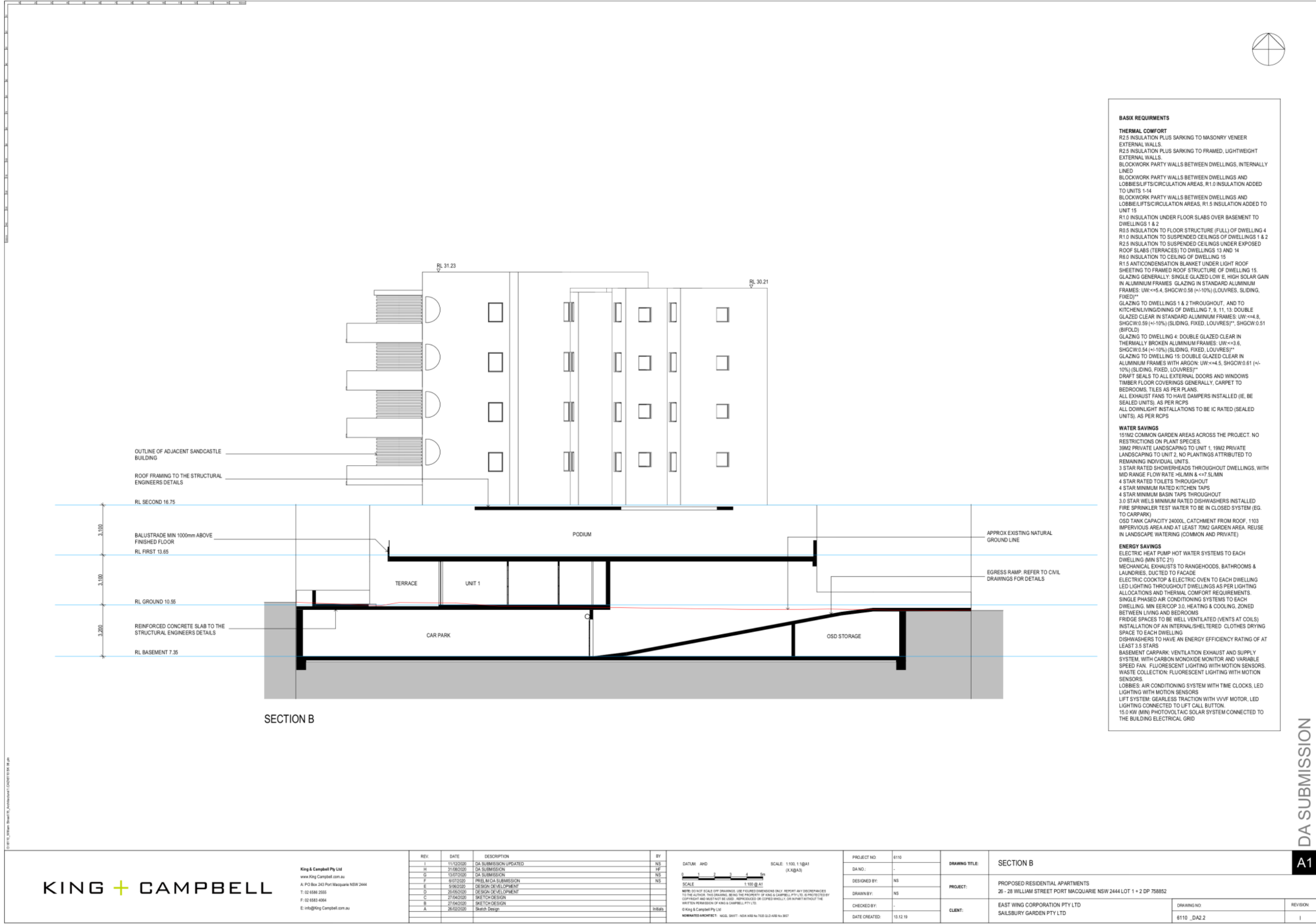
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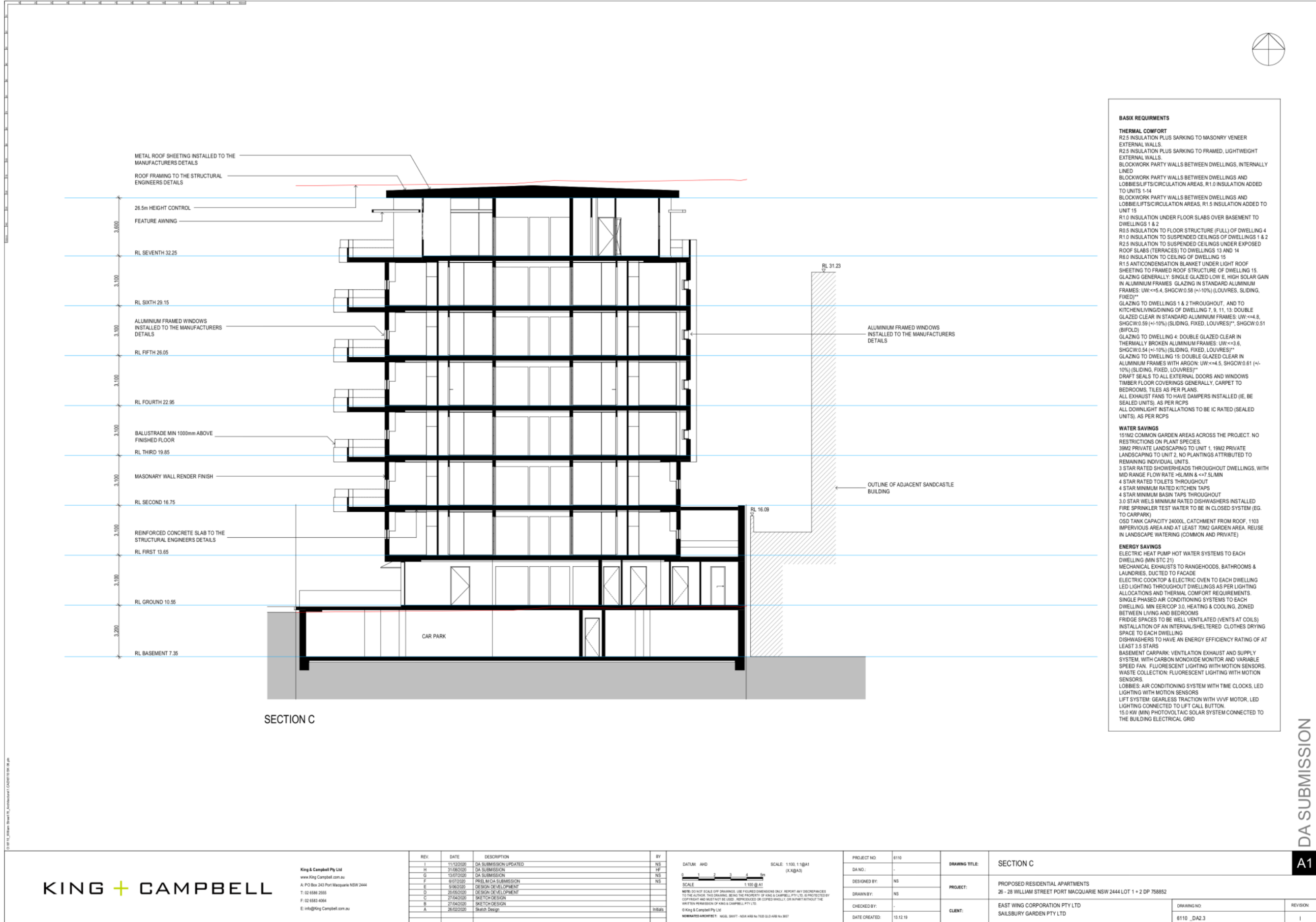
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F	09/07/2020	PRELIM DA SUBMISSION	NS

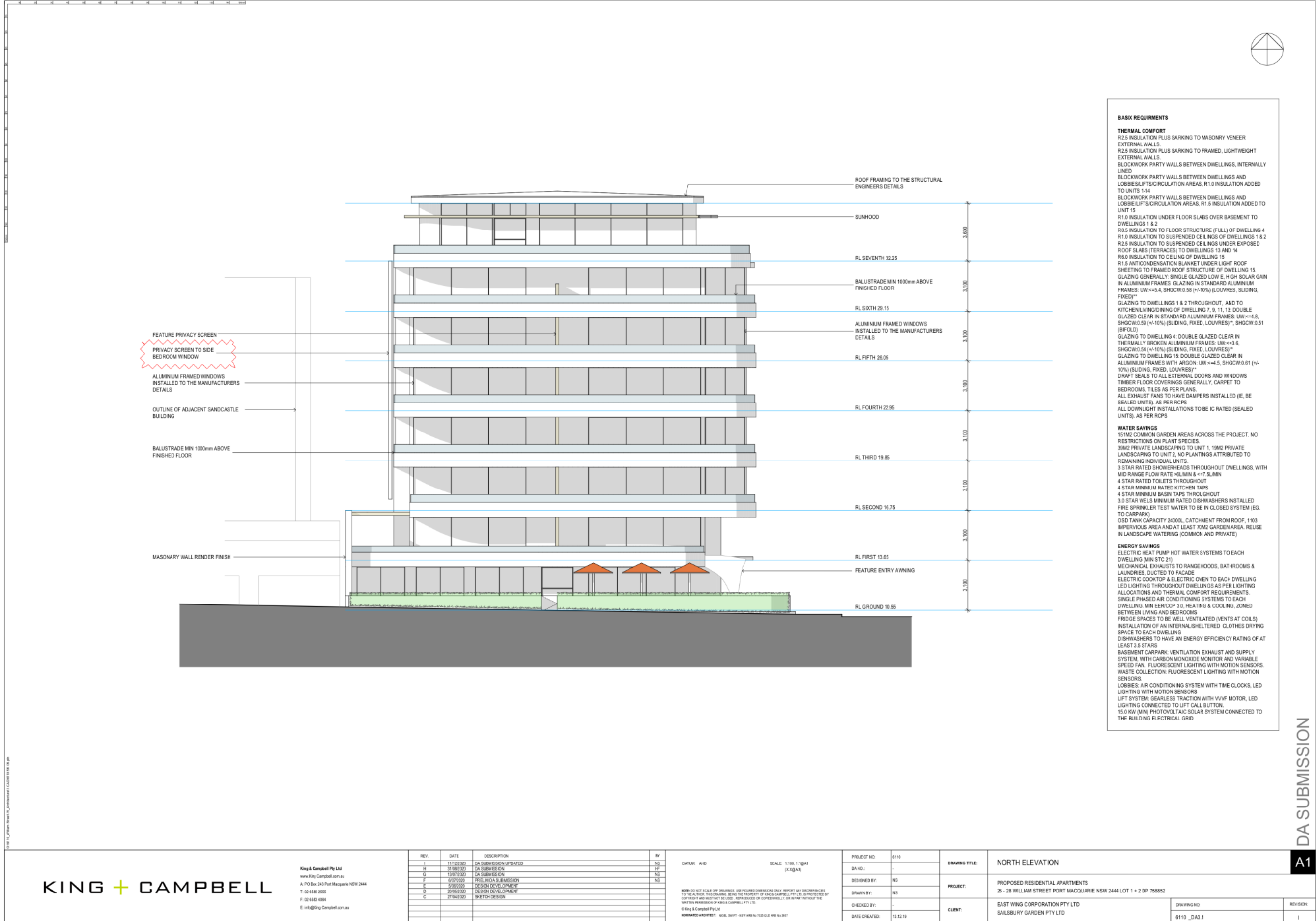
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NOMINATED ARCHITECT: NIGEL SHUTT - NSW ARCH NO 752 QLD ARCH NO 367

PROJECT NO:	6110	DRAWING TITLE:	SEVENTH FLOOR REFLECTED CEILING PLAN
DA NO.:	-	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
DESIGNED BY:	NS	CLIENT:	EAST WING CORPORATION PTY LTD SAILSBURY GARDEN PTY LTD
DRAWN BY:	NS		
CHECKED BY:	-		
DATE CREATED:	13.12.19	DRAWING NO:	6110_DA1.17
		REVISION:	1



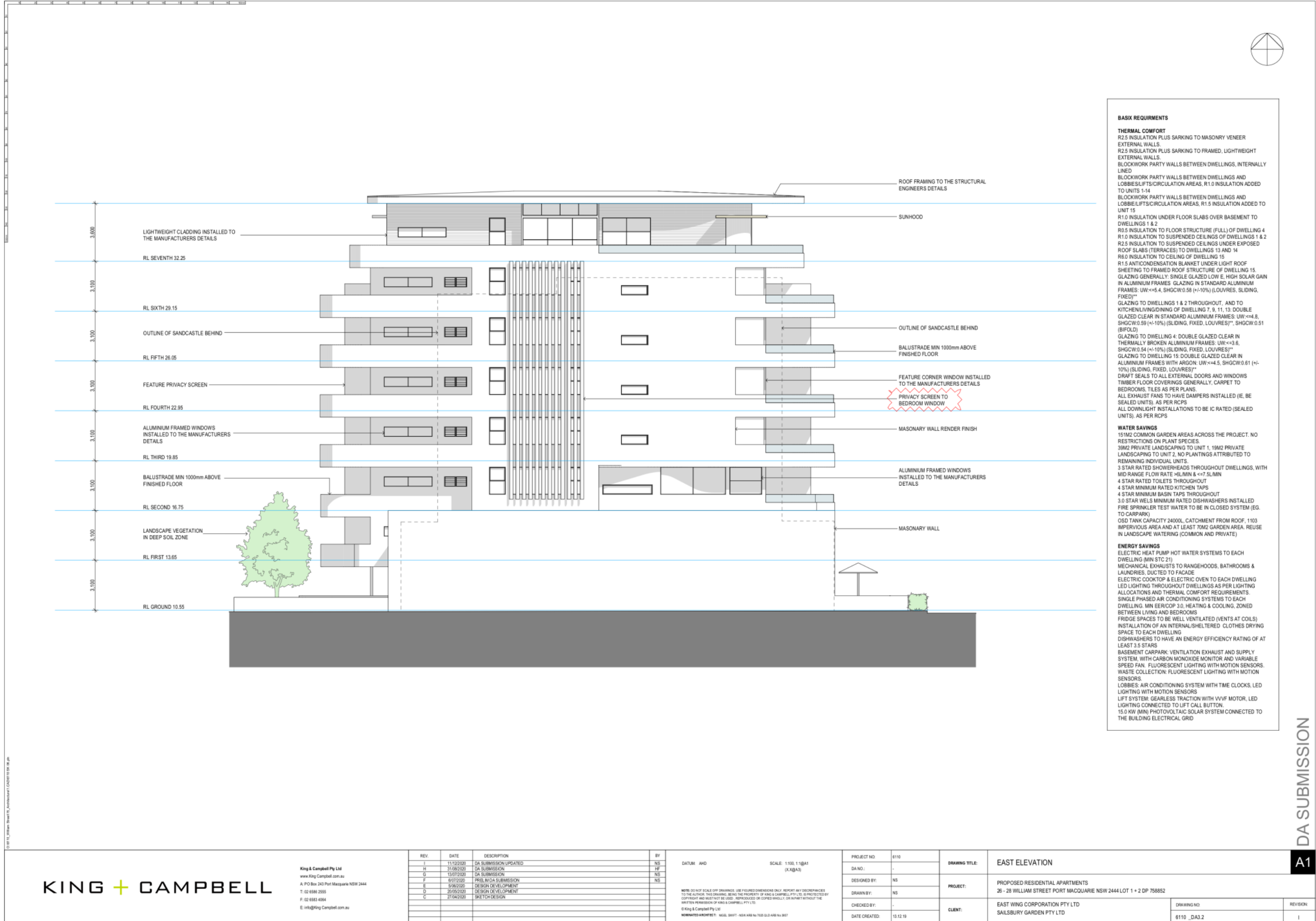


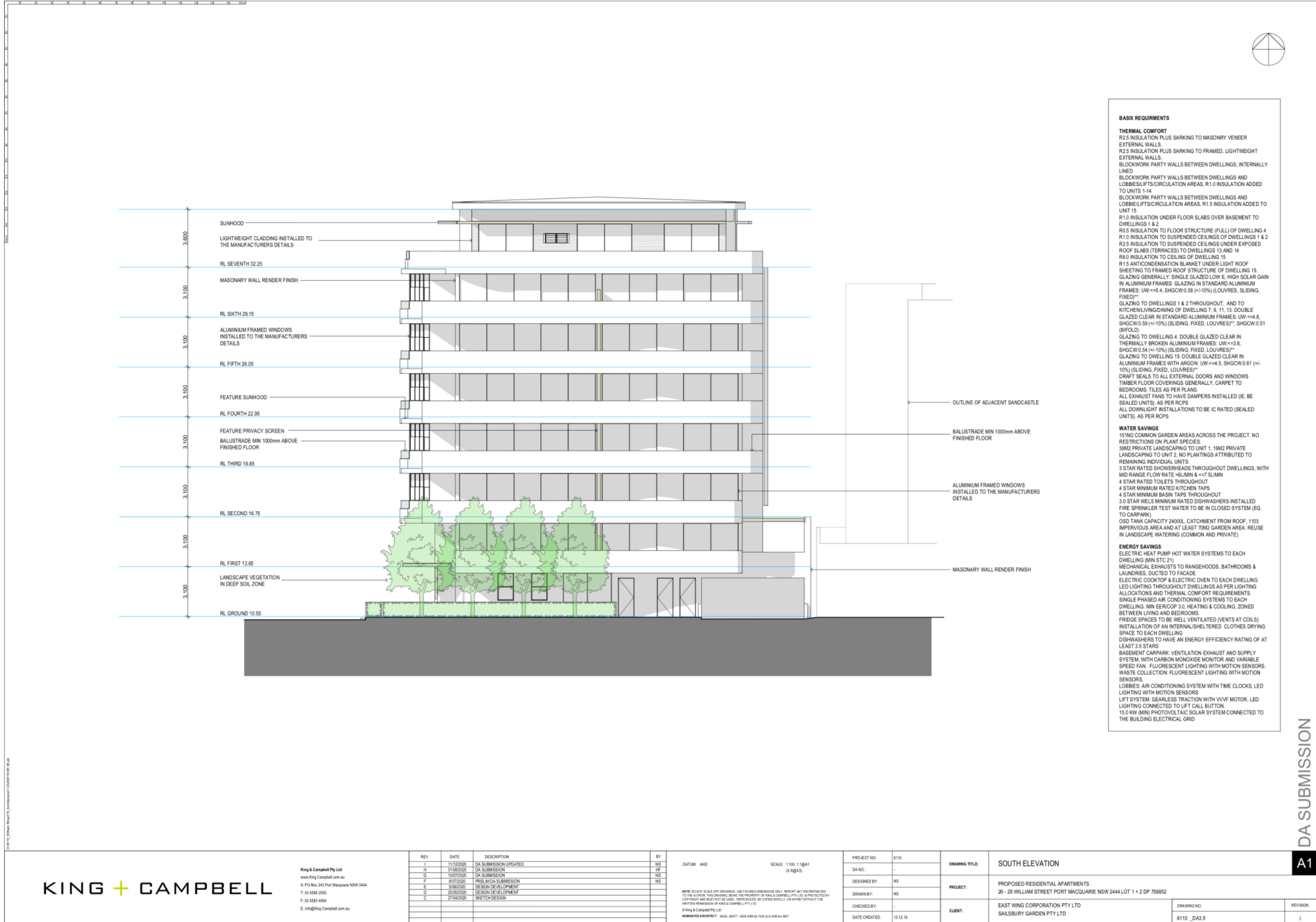




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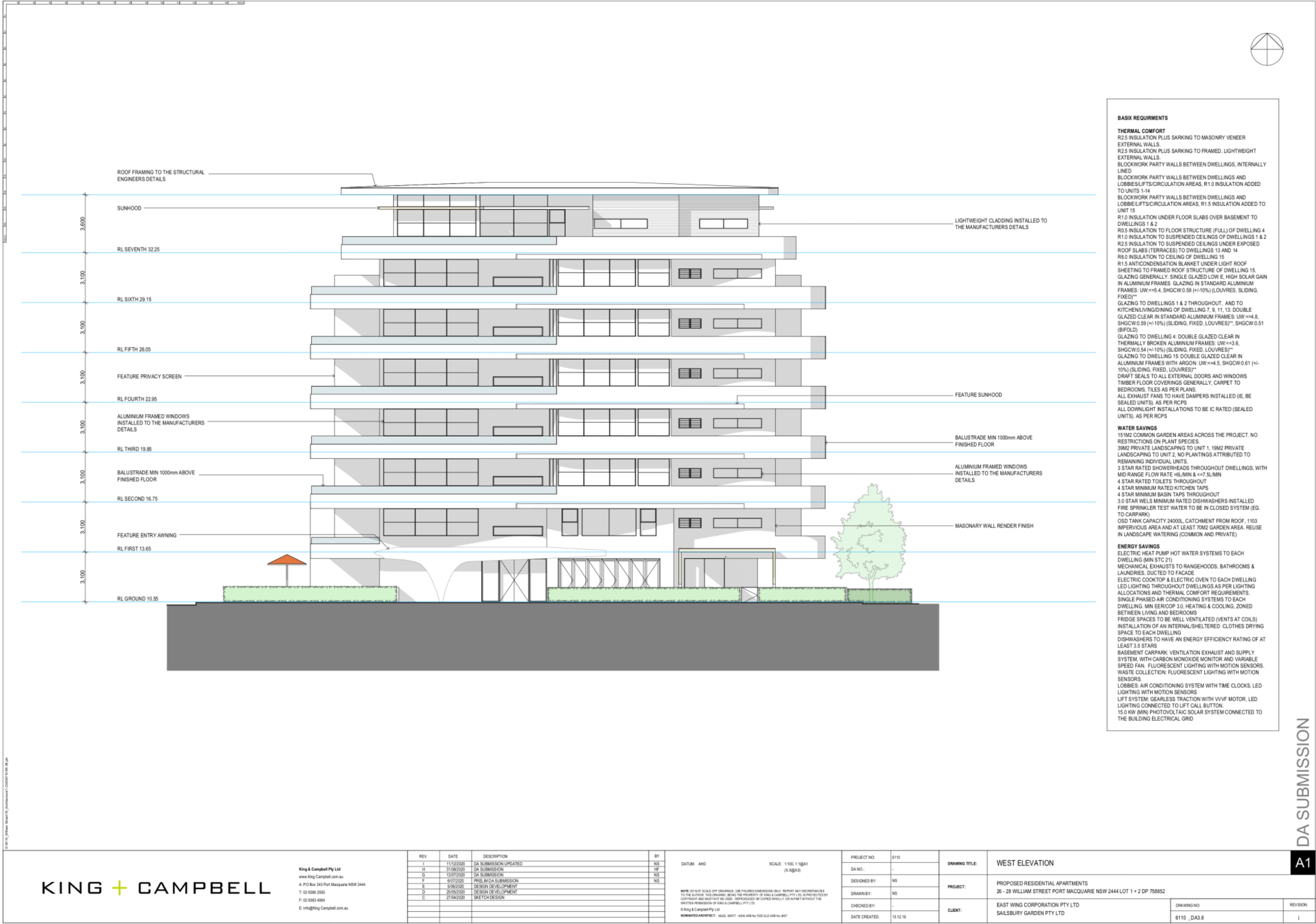
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DA SUBMISSION

A1



DA SUBMISSION

A1

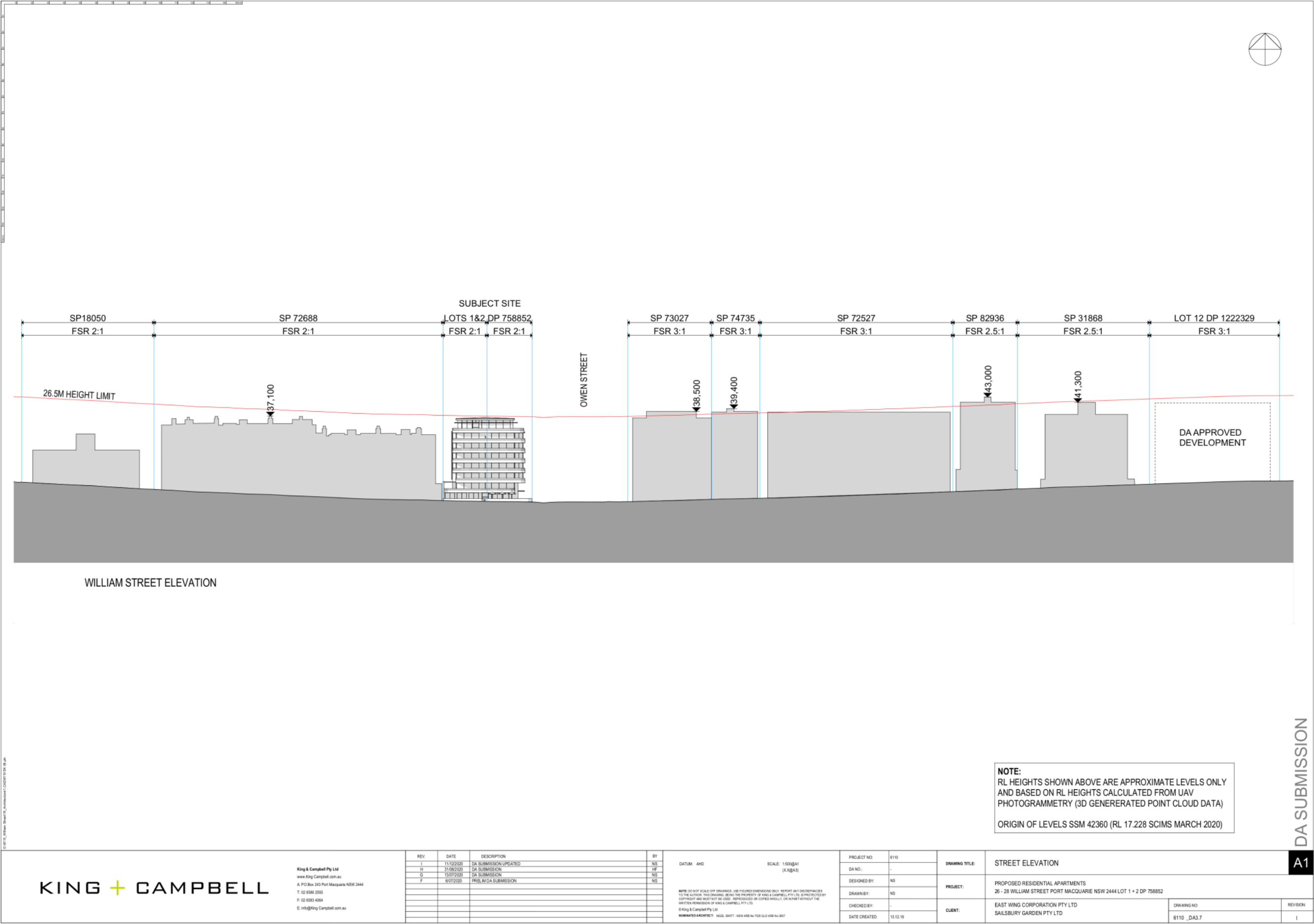
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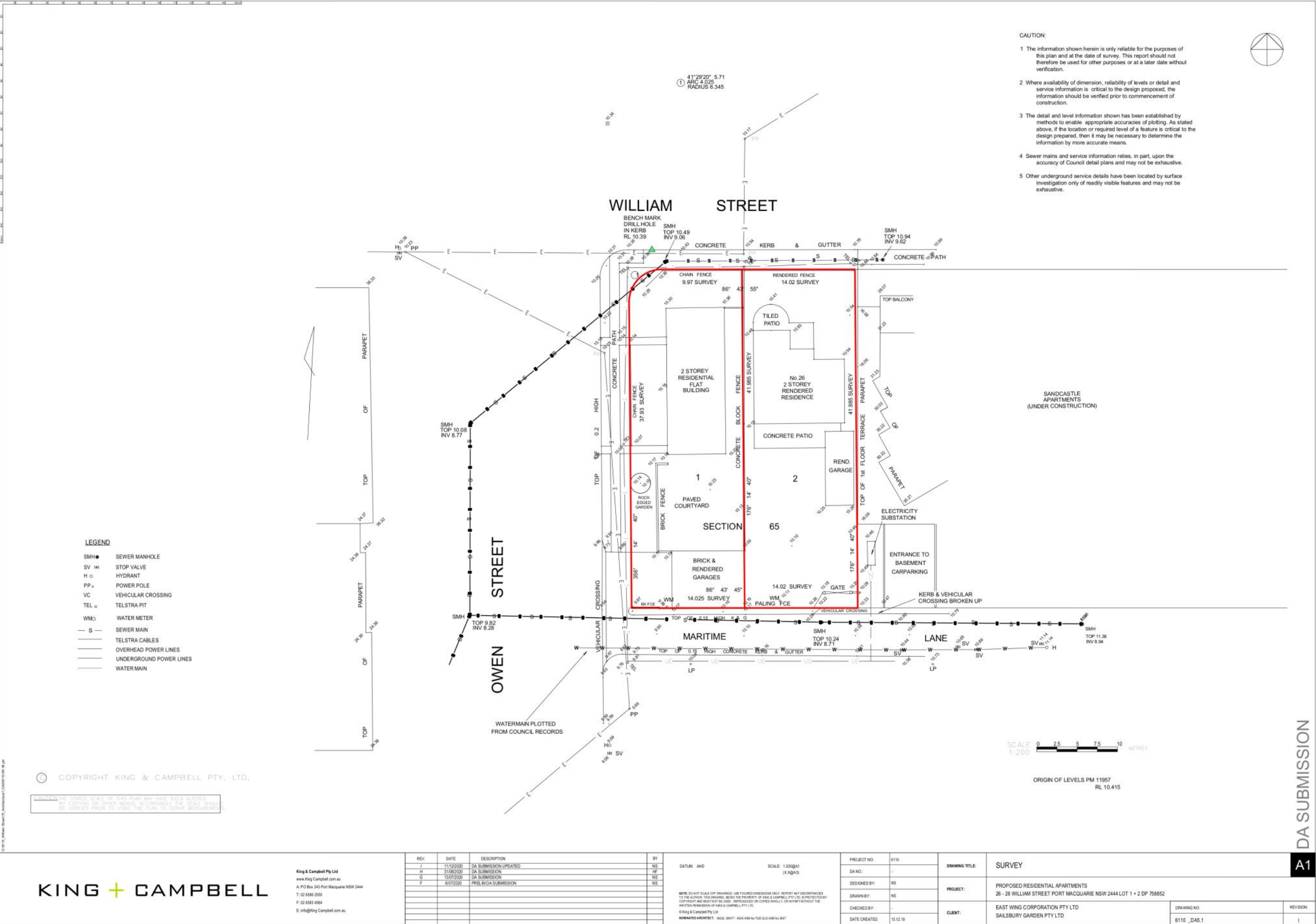
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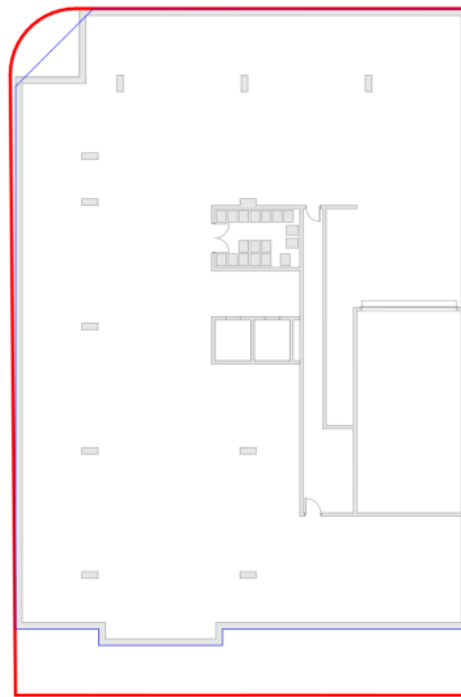
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H	31/08/2020	DA SUBMISSION	HF
G	13/07/2020	DA SUBMISSION	NS
F	05/07/2020	PRELIM DA SUBMISSION	NS
E	09/02/2020	DESIGN DEVELOPMENT	
D	20/05/2020	DESIGN DEVELOPMENT	
C	27/06/2020	SKETCH DESIGN	

DATUM: AHD
SCALE: 1:100 (1:10A1)
(X/A3)
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NOMINATED ARCHITECT: NISAL SHUKT - NSW ARCH NO 7628 QLD ARCH NO 3857

PROJECT NO:	6110	DRAWING TITLE:	WEST ELEVATION
DA NO.:	-	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
DESIGNED BY:	NS	CLIENT:	EAST WING CORPORATION PTY LTD SAILSBURY GARDEN PTY LTD
DRAWN BY:	NS		
CHECKED BY:	-		
DATE CREATED:	13.12.19	DRAWING NO:	6110_DA3.6
		REVISION:	I



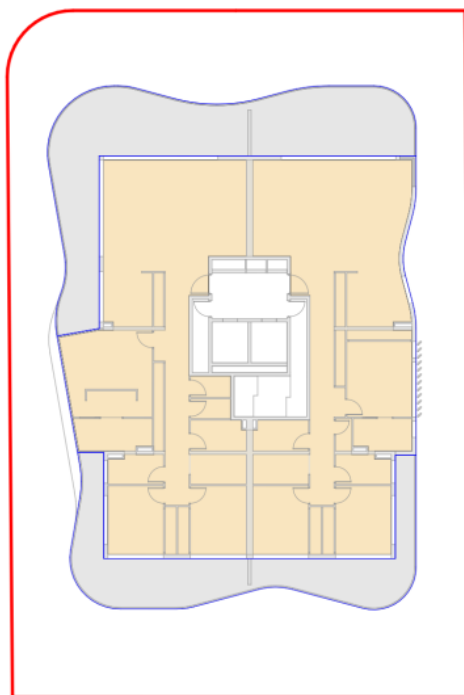




The diagram is a top-down schematic of a building floor plan. It features a central vertical corridor that runs through the middle of the structure. On either side of this corridor are several rooms of varying sizes. At the top of the plan, there is a large, open area that appears to be a common space or a large hall. Below this, the rooms are more defined, with some containing furniture like desks or tables. The entire plan is enclosed within a blue, irregular border, and the entire image is set against a white background with a red border.

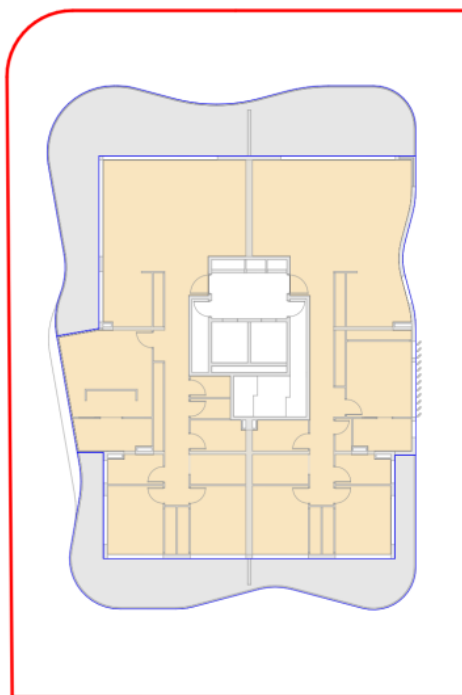
A schematic floor plan of a building. The plan is enclosed within a grey, irregular boundary. The central area is white, featuring a large rectangular space with a smaller rectangular extension at the bottom. This central area is surrounded by orange-colored rooms. A vertical corridor or hallway runs through the center, connecting the top and bottom sections. The rooms are separated by thin black lines representing walls and doors. The overall shape of the building is irregular, with a rounded top and a more complex bottom edge.

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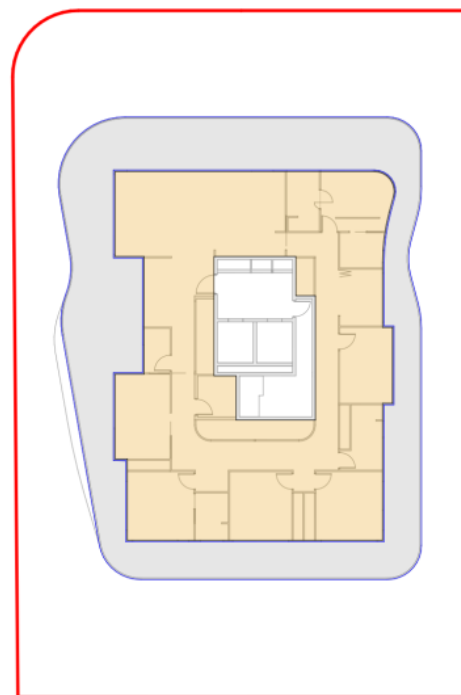


FIFTH FLOOR PLAN

SITE AREA = 1,174m²
MAX FSR = 2:1 = 2,348m²
PROPOSED FSR AREA = 2,888m²
PROPOSED FSR = 2.5:1



SIXTH FLOOR PLAN



SEVENTH FLOOR PLAN

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REV	DATE	DESCRIPTION
I	11/12/2000	DA SUBMISSION UPDATED
H	31/06/2000	DA SUBMISSION
G	13/07/2000	DA SUBMISSION
F	4/07/2000	PRELIM DA SUBMISSION
E	5/06/2000	DESIGN DEVELOPMENT
D	26/05/2000	DESIGN DEVELOPMENT
C	27/04/2000	SKETCH DESIGN
01	27/04/2000	SKETCH DESIGN

DATUM: AHD SCALE: 1:200 @A1
(X, X @A3)

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NOMINATED ARCHITECT: NIGEL SWIFT - NEW ARR No 7926 QLD ARR No 3657

PROJECT NO:	6110
DA NO.:	-
DESIGNED BY:	NS
DRAWN BY:	NS
CHECKED BY:	-
DATE CREATED:	13.12.19

DRAWING TITLE:	AREAS		
PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852		
CLIENT:	EAST WING CORPORATION PTY LTD SAILSBURY GARDEN PTY LTD	DRAWING NO E1110, P1A5.3	REVISED BY

DA SUBMISSION

A

GLAZING NOTES:

ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DRAWINGS AND ALL OTHER RELEVANT CONSULTANTS DRAWINGS.

ALL DIMENSIONS TO BE VERIFIED BEFORE ANY WORK OR FABRICATION COMMENCES.

IF ANY DISCREPANCY, AMBIGUITY , ERROR OR INCONSISTENCY IS FOUND IN THIS SET OF DRAWINGS, REPORT SUCH TO KING AND CAMPBELL, ARCHITECTS BEFORE PROCEEDING.

GLAZING TYPE AND FRAMES TO COMPLY WITH BASIX REPORT.

REFER TO STRUCTURAL ENGINEER FOR WIND LOAD RATINGS OF WINDOWS AND DOORS.

ALL EXTERNAL DOORS TO HAVE WEATHER SEALS.

BUILDING CONSTRUCTION WITHIN BUSHFIRE PRONE AREAS TO COMPLY WITH AS3959 2009.

GLAZING, FLYSCREENS AND LOCKS TO BAL RATED AREAS TO COMPLY WITH AS3959 2009.

WINDOWS TO HAVE MINIMUM AGGREGATE OPENING OR OPENABLE SIZE NOT LESS THAN 5% OF THE FLOOR AREA OF ROOMS REQUIRED TO BE VENTILATED IN ACCORDANCE WITH BCA 3.8.5.2

WINDOWS REQUIRING PROTECTION:
FOR WINDOWS IN BEDROOMS WITH A FINISHED FLOOR LEVEL GREATER THAN 2m TO THE SURFACE BENEATH AND ANY OPENABLE PORTION OF THE WINDOW IS WITHIN 1.7m ABOVE THE BEDROOM FINISHED FLOOR LEVEL;

THE OPENABLE PORTION MUST HAVE A DEVICE FITTED TO

THE DEVICE MUST RESIST AN OUTWARD HORIZONTAL ACTION OF 250N.

THE DEVICE MUST HAVE A CHILD RESISTANT RELEASE MECHANISM IF IT IS ABLE TO BE REMOVED, UNLOCKED OR OVERRIDDEN.

A BARRIER MINIMUM 865mm HIGH ABOVE THE BEDROOM FINISHED FLOOR LEVEL IS REQUIRED IF A CHILD RESISTANT RELEASE MECHANISM IS USED.

THE BARRIER MUST NOT PERMIT OPENINGS GREATER THAN

BASIS REQUIREMENTS

THERMAL COMFORT
R2.5 INSULATION PLUS SARKING TO MASONRY VENEER
EXTERNAL WALLS.
R2.5 INSULATION PLUS SARKING TO FRAMED, LIGHTWEIGHT
EXTERNAL WALLS.
BLOCKWORK PARTY WALLS BETWEEN DWELLINGS, INTERNALLY
LINED
BLOCKWORK PARTY WALLS BETWEEN DWELLINGS AND
LOBBIES/SLOITS/CIRCULATION AREAS, R1.0 INSULATION ADDED
TO UNITS 1-14
BLOCKWORK PARTY WALLS BETWEEN DWELLINGS AND

UNIT 15
R10 INSULATION UNDER FLOOR SLABS OVER BASEMENT TO DWELLINGS 1 & 2
R05 INSULATION TO FLOOR STRUCTURE (FULL) OF DWELLING 4
R10 INSULATION TO SUSPENDED CEILINGS OF DWELLINGS 1 & 2
R25 INSULATION TO SUSPENDED CEILINGS UNDER EXPOSED ROOF SLABS (TERRACES) TO DWELLINGS 13 AND 14
R60 INSULATION TO CEILING OF DWELLING 15
R15 SHEETCONDENSATION BLANKET UNDER LIGHT ROOF SANTIENING TO FRAMED ROOF STRUCTURE OF DWELLING 15.
GLAZING GENERALLY: SINGLE GLAZED LOW E, HIGH SOLAR GAIN IN ALUMINIUM FRAMES. GLAZING IN STANDARD ALUMINIUM FRAMES: UW=5.4, SHGCW 0.58 (+/-10%) (LOUVRES, SLIDING, FIVE/11)

KITCHEN/LIVING/DINING OF DWELLING 7, 9, 11, 13: DOUBLE GLAZED CLEAR IN STANDARD ALUMINIUM FRAMES: UW<=4.8, SHGCW:0.59 (+/-10%) (SLIDING, FIXED, LOUVRES)*; SHGCW:0.51 (BIFOLD)

GLAZING TO DWELLING 4: DOUBLE GLAZED CLEAR IN THERMALLY BROKEN ALUMINIUM FRAMES: UW<=3.6, SHGCW:0.54 (+/-10%) (SLIDING, FIXED, LOUVRES)*

GLAZING TO DWELLING 15: DOUBLE GLAZED CLEAR IN ALUMINIUM FRAMES WITH ARGON: UW<=4.5, SHGCW:0.61 (+/-10%) (SLIDING, FIXED, LOUVRES)*

DRAFT SEALS TO ALL EXTERNAL DOORS AND WINDOWS

TIMBER FLOOR COVERINGS GENERALLY, CARPET TO BEDROOMS, TILES AS PER PLANS.

ALL EXHAUST FANS TO HAVE DAMPERS INSTALLED IF RE

WATER SAVINGS
151M2 COMMON GARDEN AREAS ACROSS THE PROJECT. NO RESTRICTIONS ON PLANT SPECIES.
39M2 PRIVATE LANDSCAPING TO UNIT 1, 19M2 PRIVATE LANDSCAPING TO UNIT 2, NO PLANTINGS ATTRIBUTED TO REMAINING INDIVIDUAL UNITS.
3 STAR RATED SHOWERHEADS THROUGHOUT DWELLINGS, WITH MID RANGE FLOW RATE >6L/MIN & <7.5L/MIN
4 STAR RATED TOILETS THROUGHOUT
4 STAR MINIMUM RATED KITCHEN TAPS
4 STAR MINIMUM BASIN TAPS THROUGHOUT

FIRE SPRINKLER TEST WATER TO BE IN CLOSED SYSTEM (EQ. TO CARRPARK)
OSD TANK CAPACITY 24000L. CATCHMENT FROM ROOF, 1103 IMPERVIOUS AREA AND AT LEAST 70M² GARDEN AREA. REUSE IN LANDSCAPE WATERING (COMMON AND PRIVATE)

ENERGY SAVINGS
ELECTRIC HEAT PUMP HOT WATER SYSTEMS TO EACH DWELLING (MIN STX 21)
MECHANICAL EXHAUSTS TO RANGEHOODS, BATHROOMS & LAUNDRIES, DUCTED TO FACADE
ELECTRIC COOKTOP & ELECTRIC OVEN TO EACH DWELLING
LED LIGHTING THROUGHOUT DWELLINGS AS PER LIGHTING ALLOCATIONS AND THERMAL COMFORT REQUIREMENTS.

BETWEEN LIVING AND BEDROOMS
FRIDGE SPACES TO BE WELL VENTILATED (VENTS AT COILS)
INSTALLATION OF AN INTERNAL SHELTERED CLOTHES DRYING
SPACE TO EACH DWELLING
DISHWASHERS TO HAVE AN ENERGY EFFICIENCY RATING OF AT
LEAST 3.5 STARS
BASEMENT CARPARK: VENTILATION EXHAUST AND SUPPLY
SYSTEM, WITH CARBON MONOXIDE MONITOR AND VARIABLE
SPEED FAN. FLUORESCENT LIGHTING WITH MOTION SENSORS.
WASTE COLLECTION: FLUORESCENT LIGHTING WITH MOTION
SENSORS.
LOBBIES: AIR CONDITIONING SYSTEM WITH TIME CLOCKS, LED
LIGHTING WITH MOTION SENSORS

15.0 KW (MIN) PHOTOVOLTAIC SOLAR SYSTEM CONNECTED TO THE BUILDING ELECTRICAL GRID

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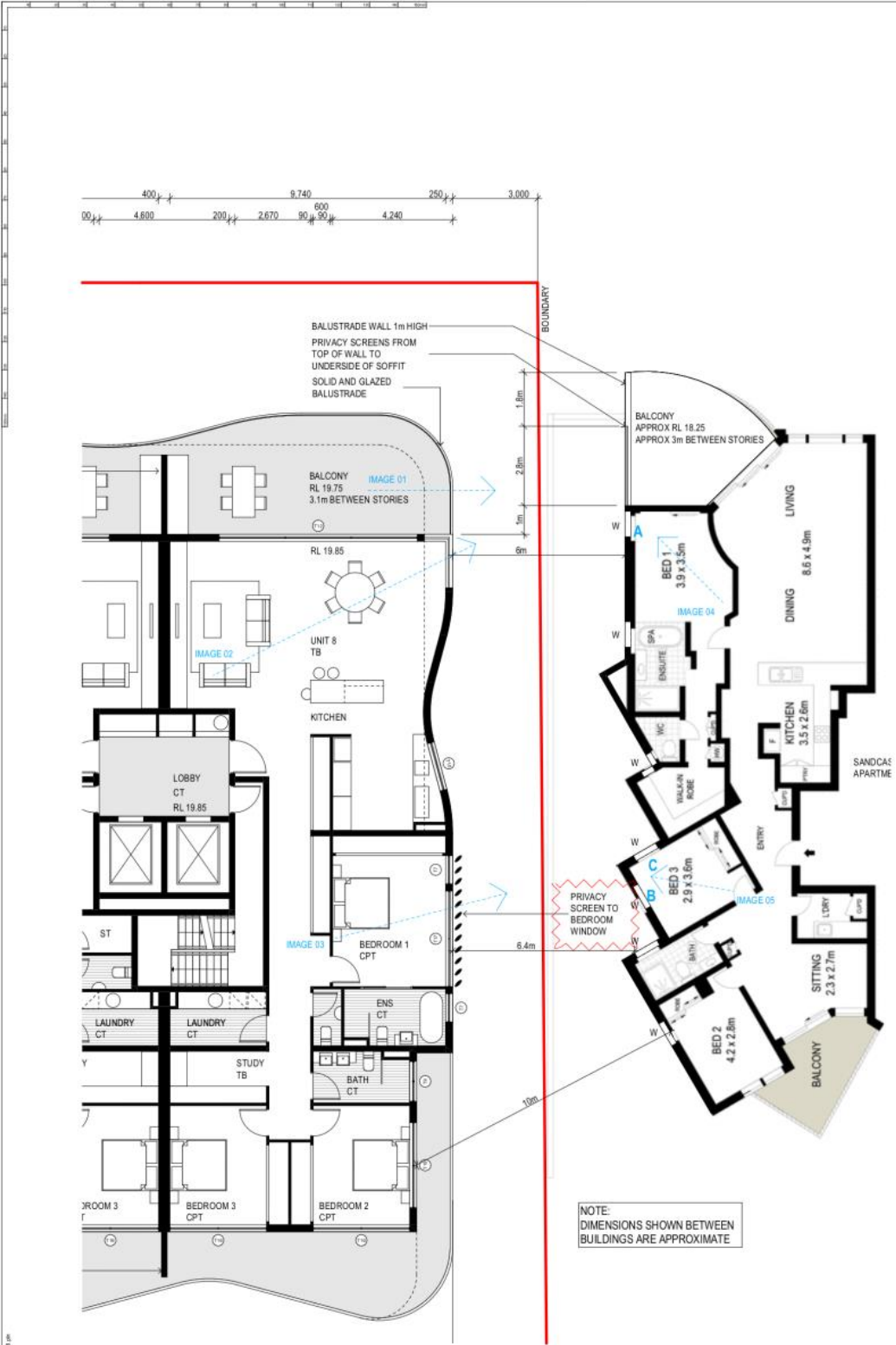
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NOMINATED ARCHITECT: ANGEL SHUTT - NGFA A&B No 7325 QLD A&B No 3657

DRAWING TITLE:	WINDOW SCHEDULE			A1
PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852			
CLIENT:	EAST WING CORPORATION PTY LTD SAILSURY GARDEN PTY LTD	DRAWING NO: 6110_DA5.4	REVISION: 1	



PRIVACY ANALYSIS PLAN (TYPICAL)

FLOOR PLAN - UNIT 401 (TYPICAL)
BY MCGRATH REAL ESTATE (ACCESSED ONLINE)

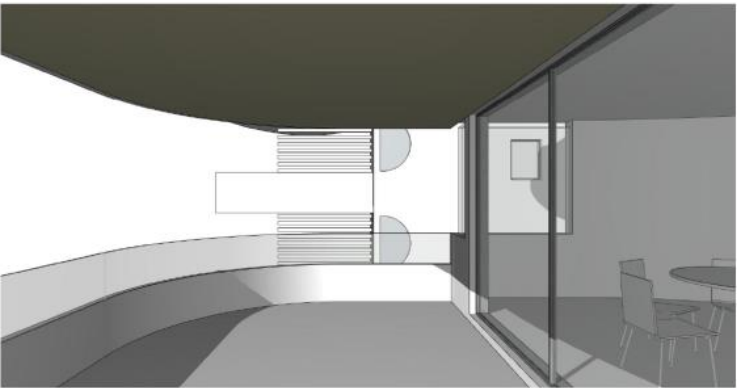


IMAGE 01 - 1.6m HIGH ABOVE BALCONY LOOKING EAST
TO SANDCASTLE APARTMENTS FROM UNIT 8 - LEVEL 3

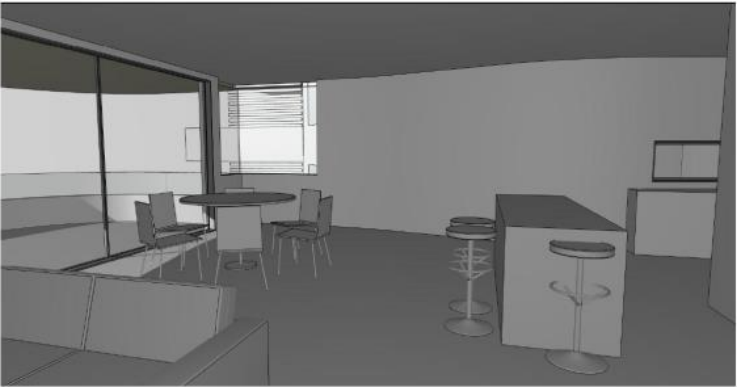


IMAGE 02 - 1.6m HIGH LOOKING EAST TO SANDCASTLE
APARTMENTS FROM UNIT 8 - LEVEL 3

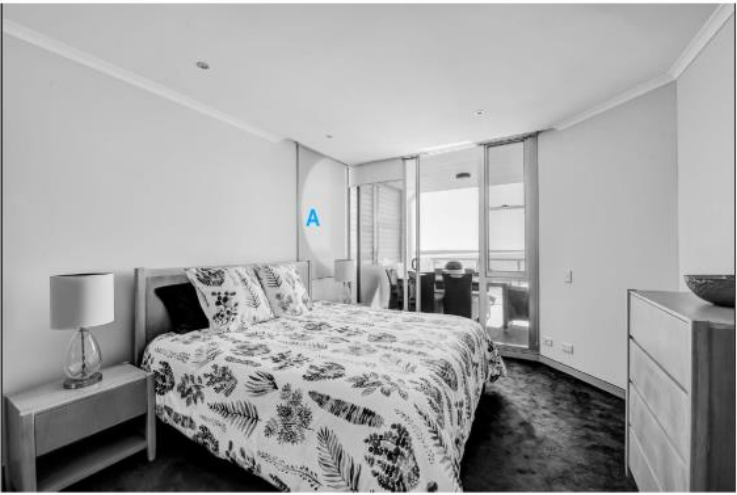


IMAGE 4 - BED 1 - UNIT (TYPICAL)
BY MCGRATH REAL ESTATE (ACCESSED ONLINE)

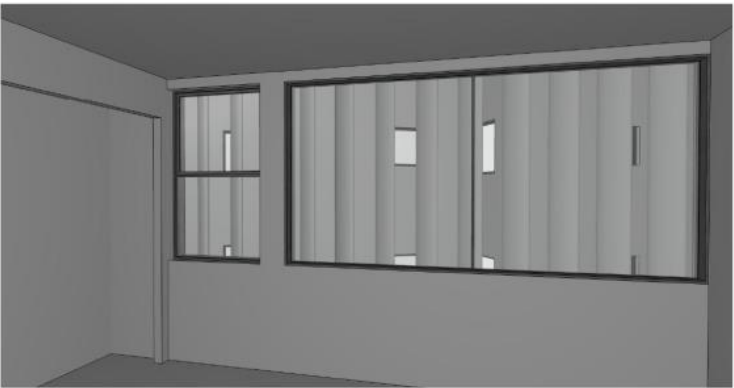


IMAGE 03 - 1.6m HIGH LOOKING EAST TO SANDCASTLE
APARTMENTS FROM UNIT 8 - LEVEL 3
- IMAGE WITHOUT EXTERNAL SCREENS

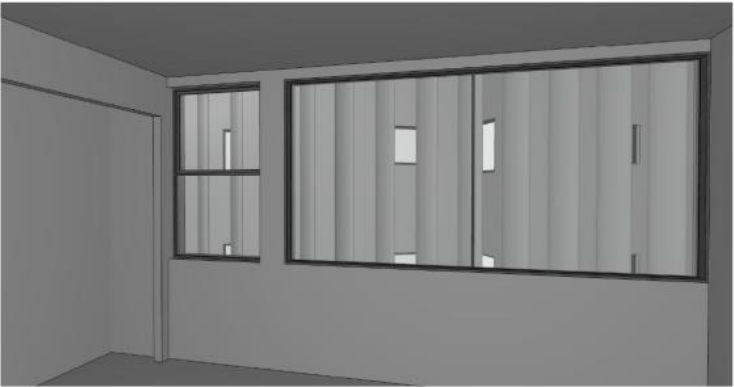


IMAGE 03 - 1.6m HIGH LOOKING EAST TO SANDCASTLE
APARTMENTS FROM UNIT 8 - LEVEL 3
- IMAGE WITH EXTERNAL SCREENS OPTION

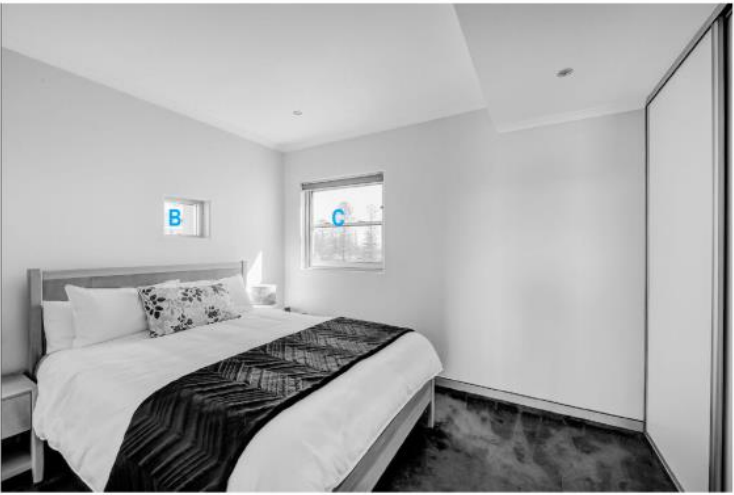


IMAGE 5 - BED 3 - UNIT (TYPICAL)
BY MCGRATH REAL ESTATE (ACCESSED ONLINE)

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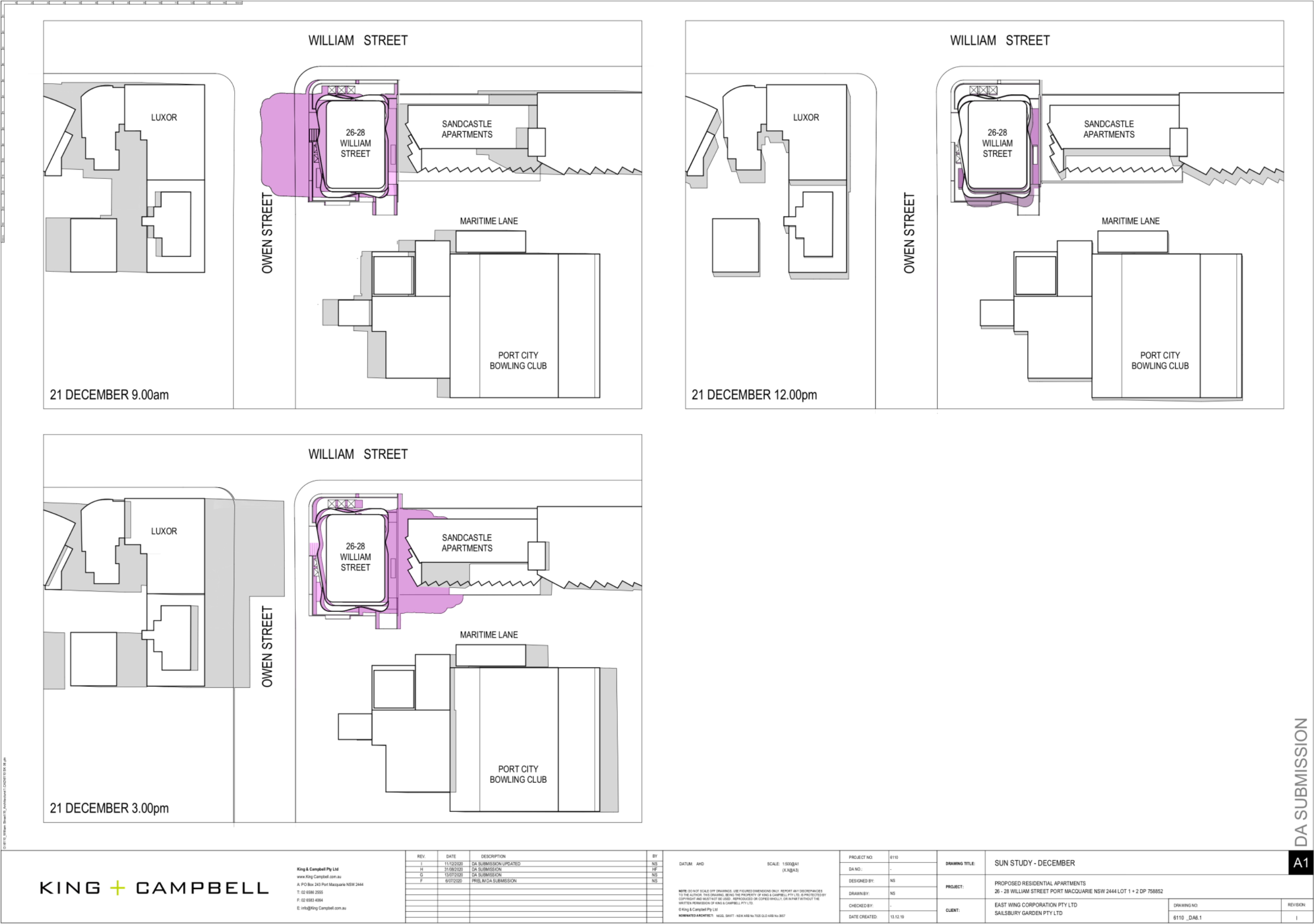
A1

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REV	DATE	DESCRIPTION	BY
1	11/12/2020	DA SUBMISSION UPDATED	NS

DATUM: AHD
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PROPOSED WINDOWS -

1m X 1m AREA 1M ABOVE
FINISHED FLOOR

SUN PENETRATION AT
FLOOR LEVEL

PROPOSED WINDOWS —

1m X 1m AREA 1M ABOVE
FINISHED FLOOR

LIVING AREA —

SUN PENETRATION AT
FLOOR LEVEL —

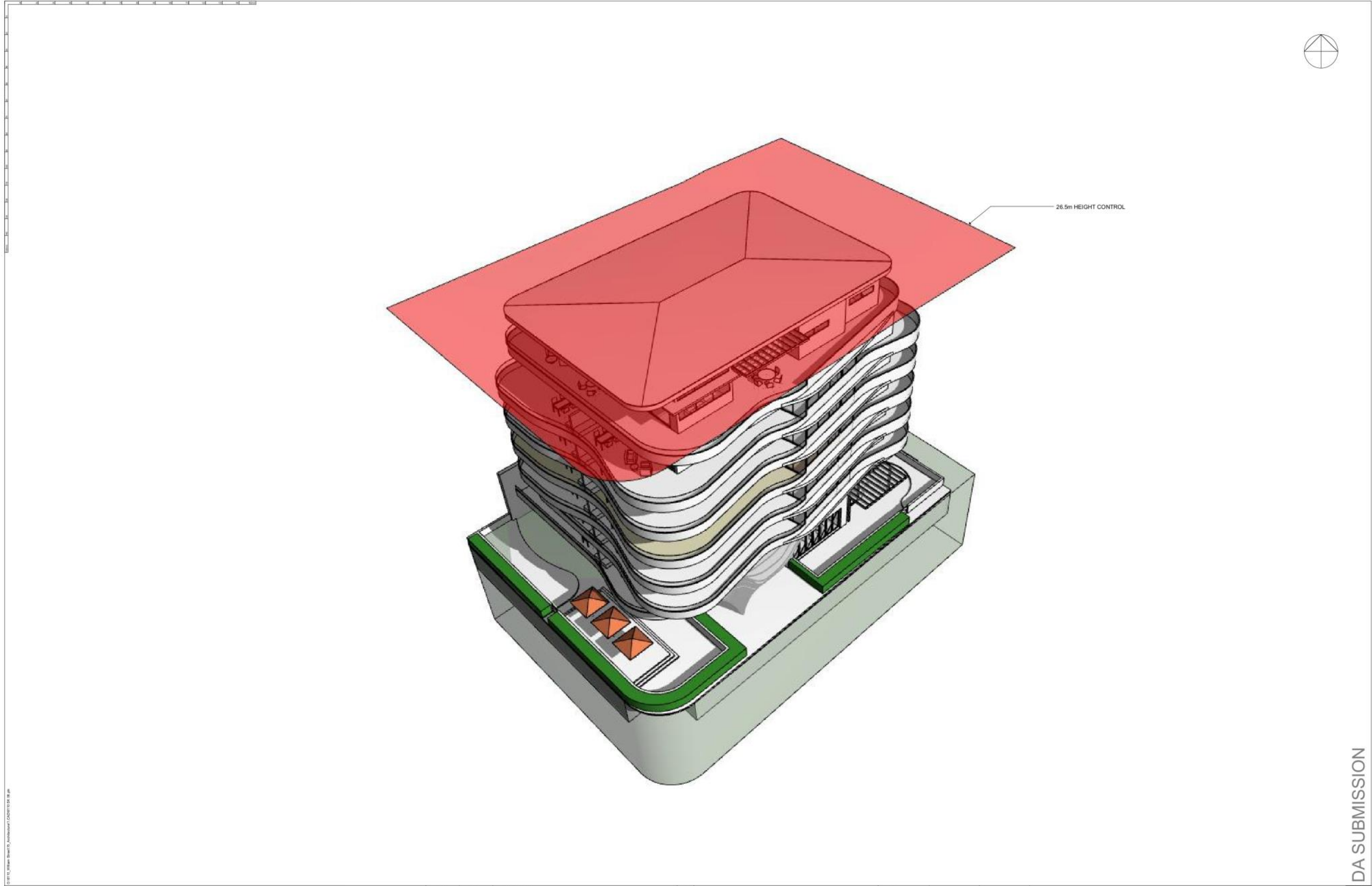
PROPOSED WINDOWS -

1m X 1m AREA 1M ABOVE
FINISHED FLOOR

SUN PENETRATION AT
FLOOR LEVEL

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DRAWING NO.	REVISION
6110 DA6.3	1



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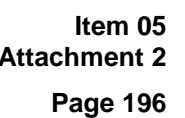
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H	31/09/2020	DA SUBMISSION	HF
G	13/07/2020	DA SUBMISSION	NS
F	05/07/2020	PRELIM DA SUBMISSION	NS
C	27/04/2020	SKETCH DESIGN	
A	26/02/2020	Sketch Design	

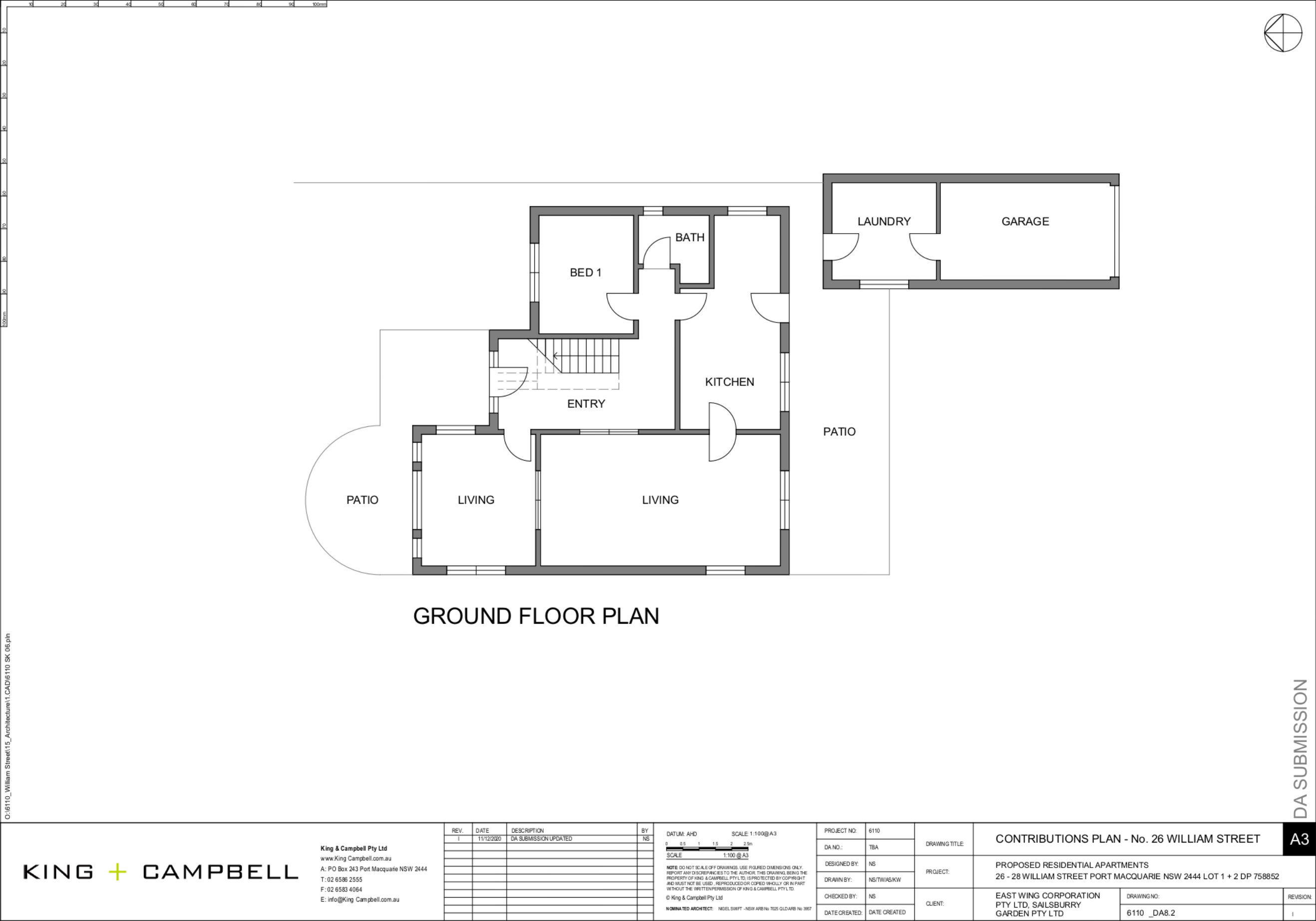
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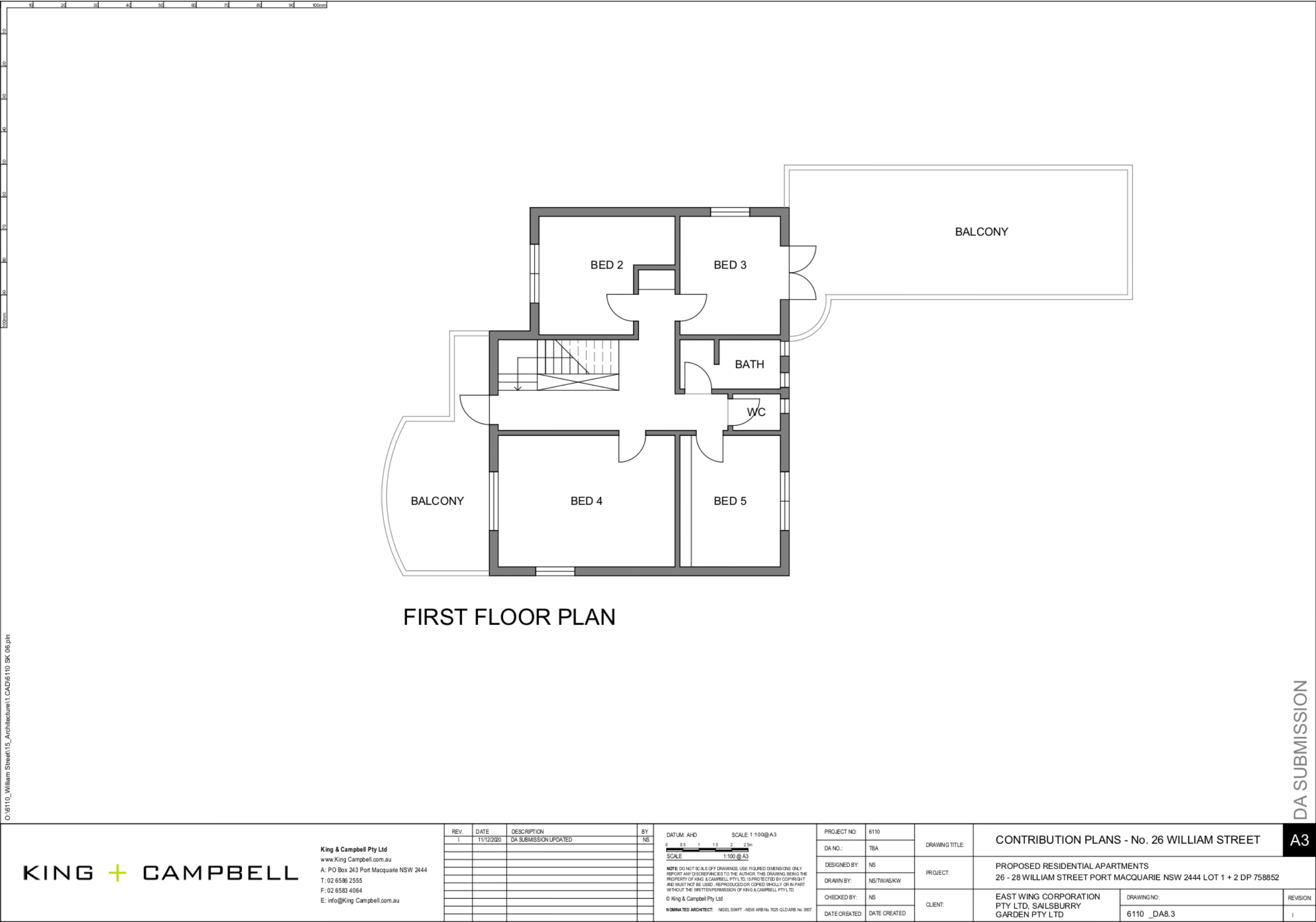
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DA NO:	-
DESIGNED BY:	NS
DRAWN BY:	NS
CHECKED BY:	-
DATE CREATED:	13.12.19

DRAWING TITLE:	PERSPECTIVE
PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
CLIENT:	EAST WING CORPORATION PTY LTD SAILSBURY GARDEN PTY LTD
DRAWING NO:	6110_DA7.1
REVISION:	I

DA SUBMISSION
A1







TS 6110
Please quote our ref: 6110_C4.6Variation

KING + CAMPBELL

23 November 2020

The General Manager
Port Macquarie-Hastings Council
PO Box 243
PORT MACQUARIE NSW 2444

Attention: Mr Patrick Galbraith-Robertson

Dear Patrick,

**RE: CLAUSE 4.6 VARIATION REQUEST, CLAUSE 4.4 OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN
RESIDENTIAL FLAT BUILDING & STRATA SUBDIVISION
LOTS 1 AND 2, SEC 65, DP 758852, 26-28 WILLIAM STREET, PORT
MACQUARIE**

COUNCIL REFERENCE: DA2020/715.1

This variation request relates to the proposed residential flat building proposed at the abovementioned site and has been prepared pursuant to the provisions of Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 for the purposes of seeking consent to vary the provisions of Clause 4.4 Floor Space Ratio of Port Macquarie-Hastings Local Environmental Plan 2011.

The Port Macquarie-Hastings Local Environmental Plan 2011 (PM-H LEP) maps the subject site as having a maximum 2:1 floor space ratio (FSR).

The subject site has an area of 1,174m² and the maximum FSR permissible on the site in accordance with the PM-H LEP is 2:1, or 2,348m². This application seeks to provide a total gross floor area of 2,888m², being a FSR of 2.5:1, or an exceedance of 540m² (or 22 per cent).

Accordingly, this submission has been prepared in accordance with the provisions of Clause 4.6 of the PM-H LEP as well as the Departmental publication Varying development standards: A guide (August 2011).

The objectives of Clause 4.6 of the PM-H LEP are to provide an appropriate degree of flexibility in the application of certain development standards and to assist in achieving better outcomes for and from development. This includes variations to the identified floor space ratio limits outlined in the LEP mapping.

This submission contends that strict compliance with the maximum FSR of 2:1 is unreasonable or unnecessary in the circumstances of this application and that the variation, pursuant to the provisions of Clause 4.6, can be supported.

urban design

civil engineering

architecture

town planning

landscape architecture

surveying

directors

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B Surv, MIS Aust
Grad Dip Planning (UTS)
Registered Surveyor

David Tooby
B L Arch, AAILA
Registered Landscape Architect

Scott Marchant
B Surv (Hons)
Registered Surveyor

Nigel Swift
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Nominated Architect
NSW Architects Registration Board No 7025
QLD Architects Registration Board No 3957

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In accordance with the provisions of sub-clause 4.6(3), it is argued that compliance with the FSR provisions identified under Clause 4.4 are unreasonable and unnecessary in the circumstances of this case for the following reasons:

- As outlined above, this application seeks to provide a FSR of 2.5:1, exceeding the maximum mapped FSR of 2:1 defined under Clause 4.4. of the PM-H LEP. The objectives of Clause 4.4 read as follows:
 - (a) to regulate density of development and generation of vehicular and pedestrian traffic,
 - (b) to encourage increased building height and site amalgamation at key locations,
 - (c) to provide sufficient floor space for high quality development for the foreseeable future,
 - (d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.

The proposal is considered consistent with the above objectives for the following reasons:

- a) The density of the proposed building will be similar to the immediately adjoining residential developments within William Street.

In this regard, the Sandcastle building was originally approved under DA2001/71 to have a gross floor area (GFA) of 7,786.6m², resulting in a floor space ratio (FSR) of 2.06:1. This exceeded the 1:1 FSR applicable at the time of consent. The application was subsequently modified to include an additional 7 units, or 1,079m² GFA, resulting in an approximate FSR of 2.35:1. The existing Sandcastle building therefore exceeds the 2:1 FSR applicable to the site by an estimated 17.3%.

The adjacent 8-storey Luxor building to the west has an approximate FSR of 3:1 consistent with the FSR applying to the site (3:1).

Further, the proposal also provides car parking consistent with the numerical provisions of the DCP (refer **Section 3.5**) and is not considered likely to generate vehicular or pedestrian traffic inconsistent with that anticipated to occur within this high-density residential environment.

- b) The subject site is considered a key location, being an under-developed site opposite Town Beach and close to the Port Macquarie CBD. The site is located between 5 and 8 storey residential flat buildings and currently consists of two separate Torrens title allotments which are sought to be amalgamated as a part of this proposal.

On this basis, the PM-H LEP 2011's R4 High Density zoning, height of building and FSR provisions, as well as the surrounding high-density residential development are considered to encourage the proposal, particularly the increase in density and height, and the proposed lot

consolidation.

- c) The proposed building has been architecturally designed and assessed against the provisions of SEPP 65 – Design Quality of Residential Apartment Building and its accompanying Design Guideline. Refer to **Appendix K**. The proposed building is therefore considered to be of high design quality and the FSR is considered suitable for the following reasons:
- a. The proposed FSR is considered to be commensurate with the high-density context of the locality which includes similar sized residential buildings on the properties to the east and west (5 storey Sandcastle apartment (approximate FSR of 2.35:1) and 8 storey Luxor residential units (FSR of 3:1);
 - b. The provision of compliant car parking, including visitor parking (refer **Section 3.5**) over a single basement level is considered to demonstrate an appropriate level of service and confirms that the proposed FSR can be accommodated on the site;
 - c. The proposed FSR with respect to the visual bulk and scale of the building, in the context of the existing buildings within William Street, is not considered to appear out of context, refer to the visual analysis included within **Section 4.7.2**; and
 - d. The design of the proposed building ensures a high internal performance for each of the apartments through northerly aspects, crossflow ventilation and solar access. This is considered to demonstrate that the proposed floor space on the site is acceptable.
- d) The proposed development is considered compatible with the bulk and scale of the existing and desired future character of the locality for the following reasons:
- a. The front, side and rear setbacks of the proposed building align with the adjoining Sandcastle building and comply with those required by the Port Macquarie-Hastings Development Control Plan 2013, refer Section 3.5;
 - b. The recessed nature of the front and rear of the building is considered to minimise the buildings impact on the streetscape; and
 - c. The proposed building does not exceed the maximum 26.5m building height mapped within the PM-H LEP 2011 and will be of a similar height to the adjoining residential flat buildings (Sandcastle and Luxor).

The proposed FSR is justified on the basis that it is associated with an infill development, which provides for a desirable and integrated streetscape outcome

6110_C4.6 Variation

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23 November 2020

which includes both sites, 26 and 28 William Street. The amalgamation of the sites allows for both properties to be serviced by a single driveway access from Maritime Lane in a manner consistent with the adjoining Sandcastle apartment building and which provides for a cohesive and desirable streetscape outcome for both William and Owen Streets.

The lack of impact on surrounding properties associated with the proposed building by manner of view sharing is considered to further demonstrate that the FSR is suited to this site. Refer to Section 4.7.2 of the submitted SoEE.

Further, as demonstrated within the overshadowing diagrams (Appendix D of the submitted SoEE) and SEPP 65 table (Appendix K of the submitted SoEE of the submitted SoEE), the proposed residential flat building will maintain privacy and sunlight to reasonable levels to surrounding properties.

Based on the above, compliance with the maximum 2:1 FSR prescribed by Clause 4.4 of the PM-H LEP 2011 is considered unreasonable and unnecessary in the circumstances of this case.

If you have any questions in relation to this letter please do not hesitate to contact the undersigned on Phone (02) 6586 2555.

Yours sincerely

King & Campbell Pty Ltd

per



Terrance Stafford

cc Client

end As listed on page 1.

PLAN FORM 1 (A3)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 10 sheets

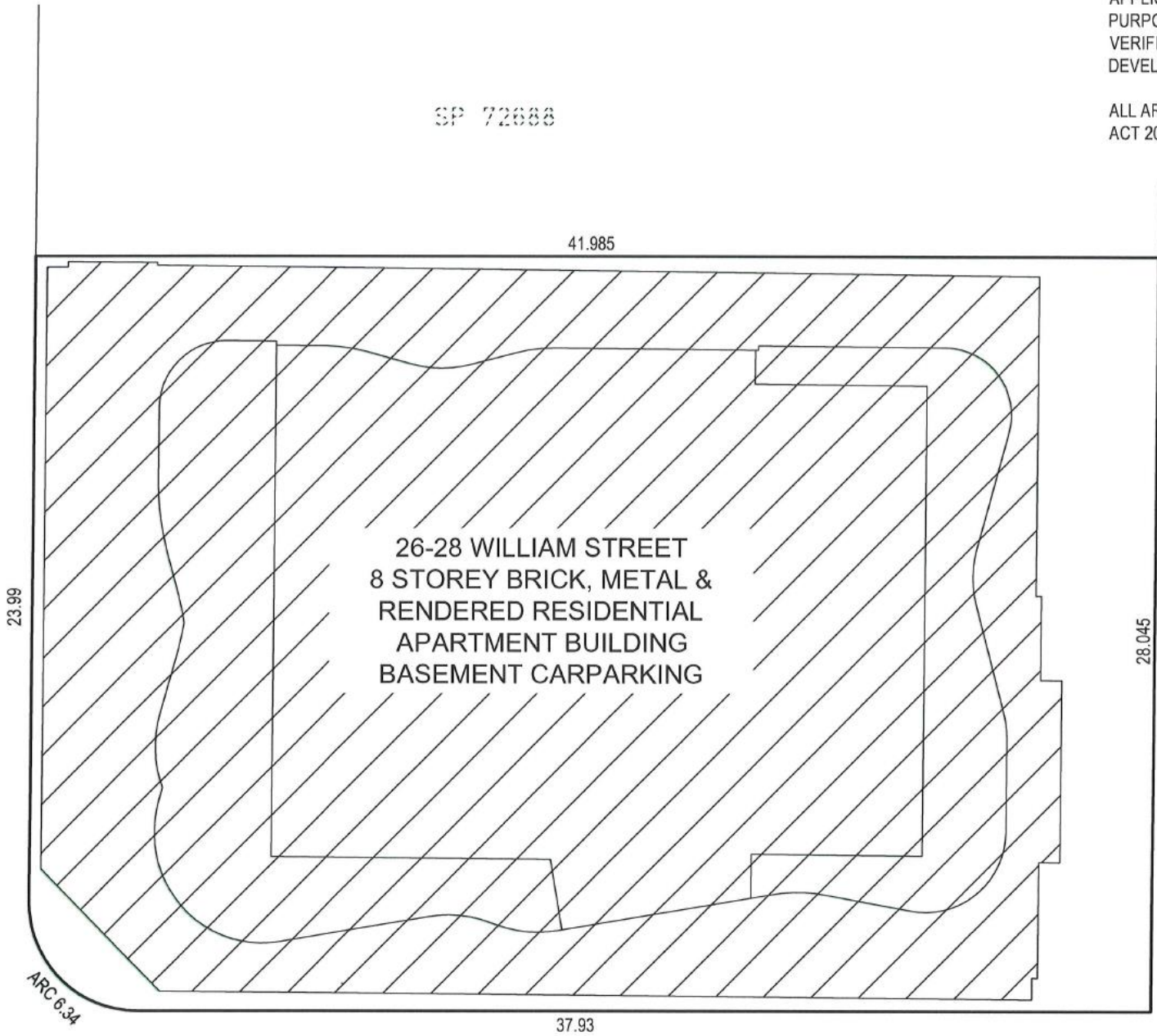
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ALL AREAS SHOWN ARE FOR THE PURPOSE OF THE STRATA SCHEMES DEVELOPMENT ACT 2015 AND ARE APPROXIMATE ONLY.

WILLIAM STREET

WILLIAM



PRELIMINARY

MARITIME LANE

OWEN STREET

LOCATION PLAN

SURVEYOR
Name: STEPHEN NICHOLAS KIPREOTIS
Date: 2/07/2020
Reference: 6110

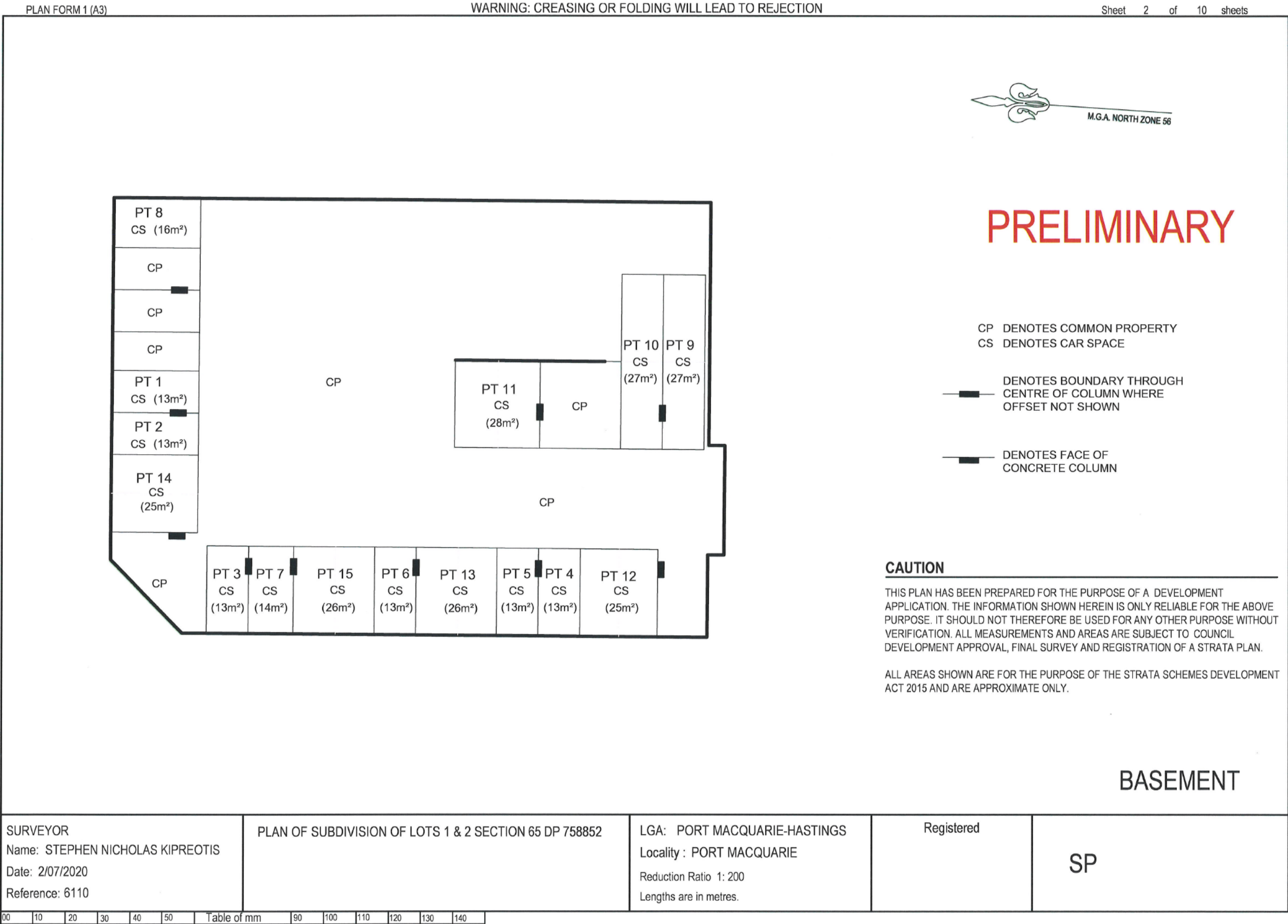
PLAN OF SUBDIVISION OF LOTS 1 & 2 SECTION 65 DP 758852

LGA: PORT MACQUARIE-HASTINGS
Locality : PORT MACQUARIE
Reduction Ratio 1: 200
Lengths are in metres.

Registered

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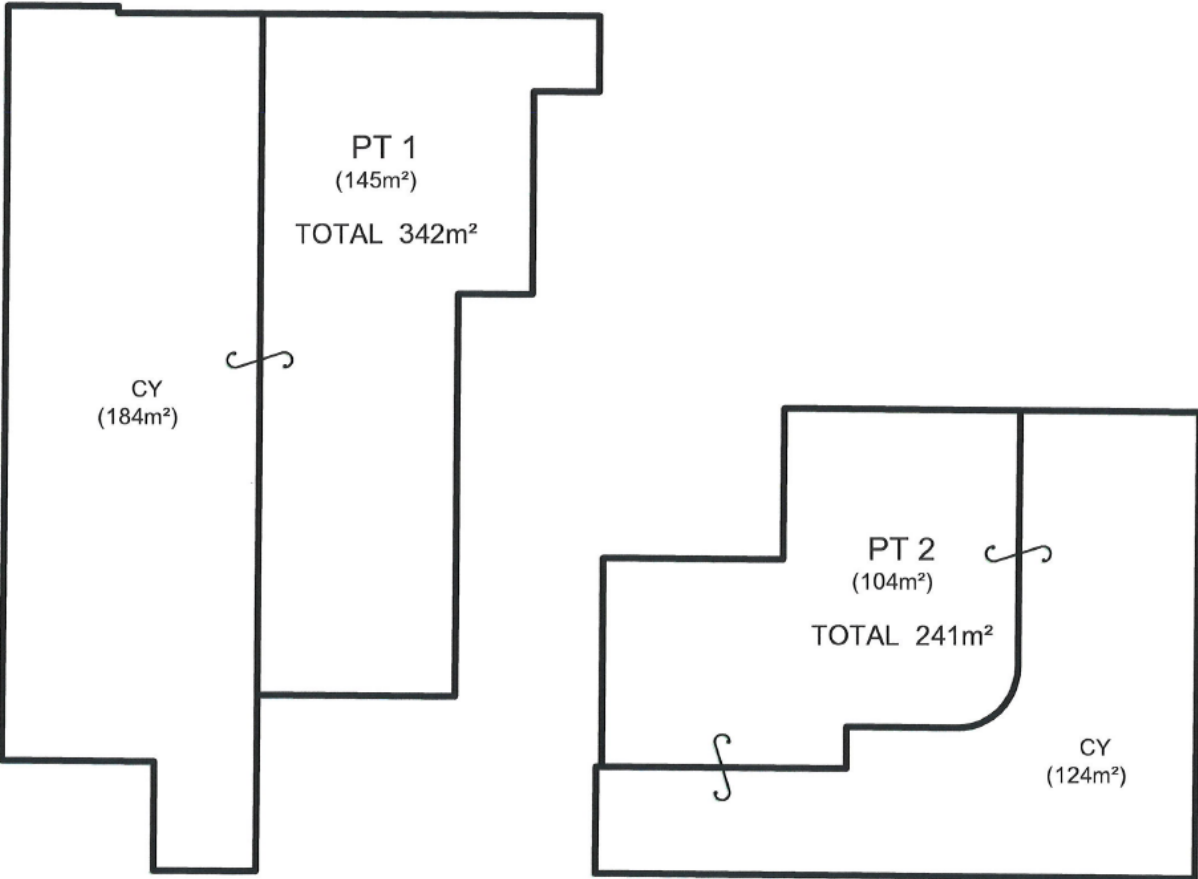
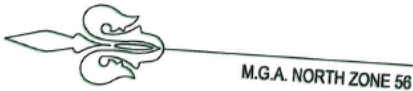
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PLAN FORM 1 (A3)

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Sheet 3 of 10 sheets



PRELIMINARY

CY DENOTES COURTYARD
CP DENOTES COMMON PROPERTY

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GROUND FLOOR

SURVEYOR
Name: STEPHEN NICHOLAS KIPREOTIS
Date: 2/07/2020
Reference: 6110

PLAN OF SUBDIVISION OF LOTS 1 & 2 SECTION 65 DP 758852

LGA: PORT MACQUARIE-HASTINGS
Locality : PORT MACQUARIE
Reduction Ratio 1: 200
Lengths are in metres.

Registered

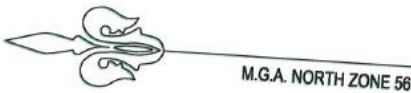
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PLAN FORM 1 (A3)

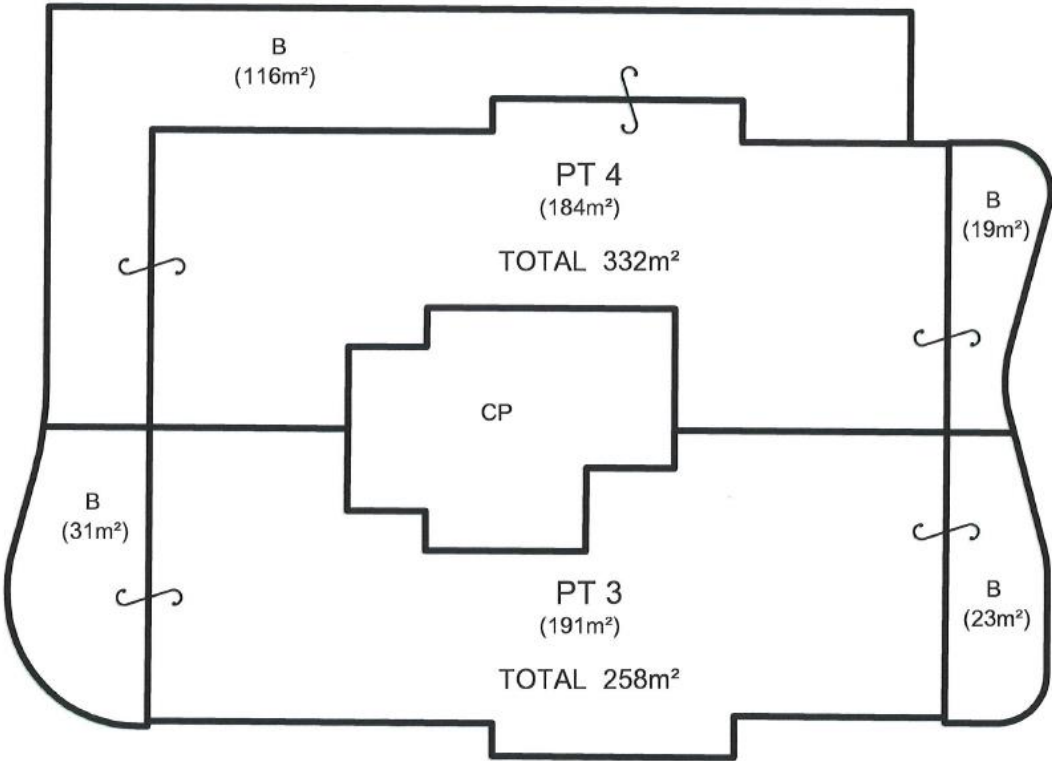
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Sheet 4 of 10 sheets



PRELIMINARY

B DENOTES BALCONY
CP DENOTES COMMON PROPERTY



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ALL AREAS SHOWN ARE FOR THE PURPOSE OF THE STRATA SCHEMES DEVELOPMENT ACT 2015 AND ARE APPROXIMATE ONLY.

FIRST FLOOR

SURVEYOR
Name: STEPHEN NICHOLAS KIPREOTIS
Date: 2/07/2020
Reference: 6110

PLAN OF SUBDIVISION OF LOTS 1 & 2 SECTION 65 DP 758852

LGA: PORT MACQUARIE-HASTINGS
Locality : PORT MACQUARIE
Reduction Ratio 1: 200
Lengths are in metres.

Registered

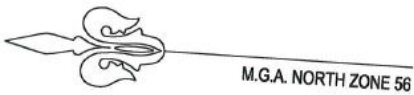
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PLAN FORM 1 (A3)

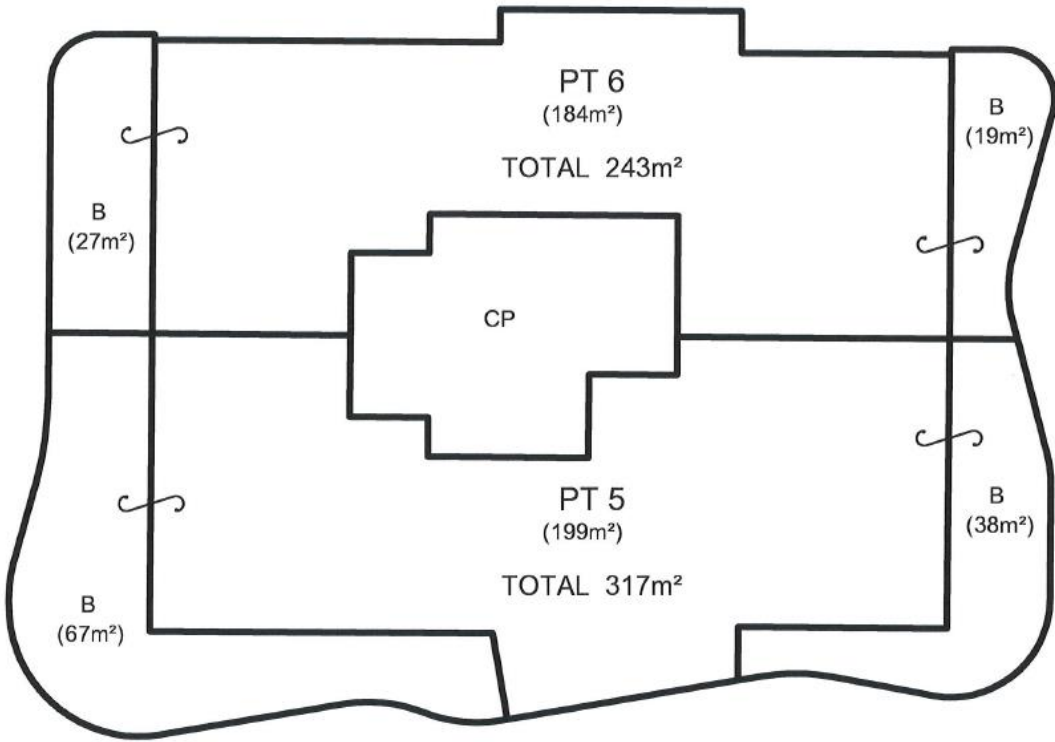
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SECOND FLOOR

SURVEYOR
Name: STEPHEN NICHOLAS KIPREOTIS
Date: 2/07/2020
Reference: 6110

PLAN OF SUBDIVISION OF LOTS 1 & 2 SECTION 65 DP 758852

LGA: PORT MACQUARIE-HASTINGS
Locality : PORT MACQUARIE
Reduction Ratio 1: 200
Lengths are in metres.

Registered

SP

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PLAN FORM 1 (A3)

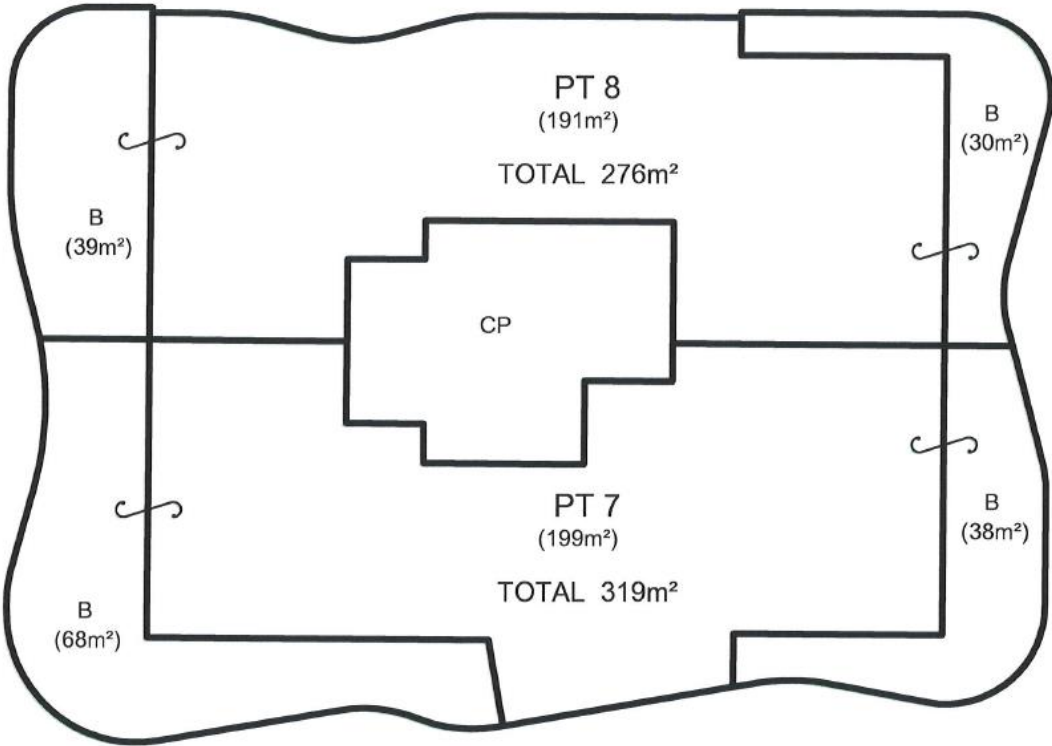
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THIRD FLOOR

SURVEYOR
Name: STEPHEN NICHOLAS KIPREOTIS
Date: 2/07/2020
Reference: 6110

PLAN OF SUBDIVISION OF LOTS 1 & 2 SECTION 65 DP 758852

LGA: PORT MACQUARIE-HASTINGS
Locality : PORT MACQUARIE
Reduction Ratio 1: 200
Lengths are in metres.

Registered

SP

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PLAN FORM 1 (A3)

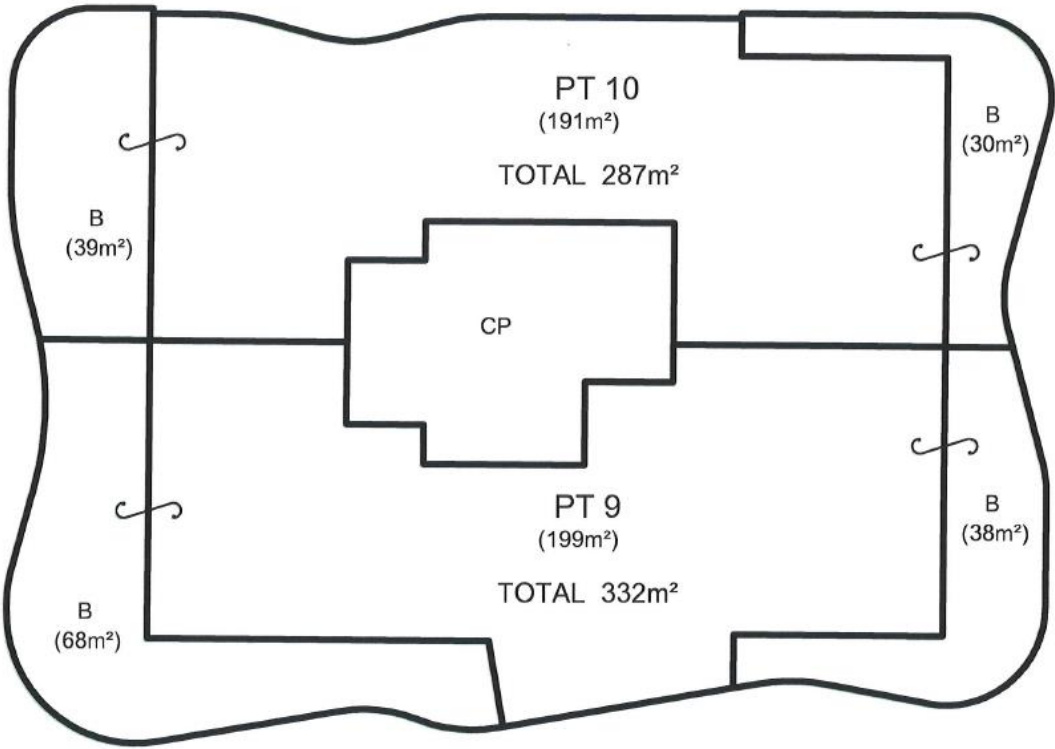
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Sheet 7 of 10 sheets



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FOURTH FLOOR

SURVEYOR
Name: STEPHEN NICHOLAS KIPREOTIS
Date: 2/07/2020
Reference: 6110

PLAN OF SUBDIVISION OF LOTS 1 & 2 SECTION 65 DP 758852

LGA: PORT MACQUARIE-HASTINGS
Locality : PORT MACQUARIE
Reduction Ratio 1: 200
Lengths are in metres.

Registered

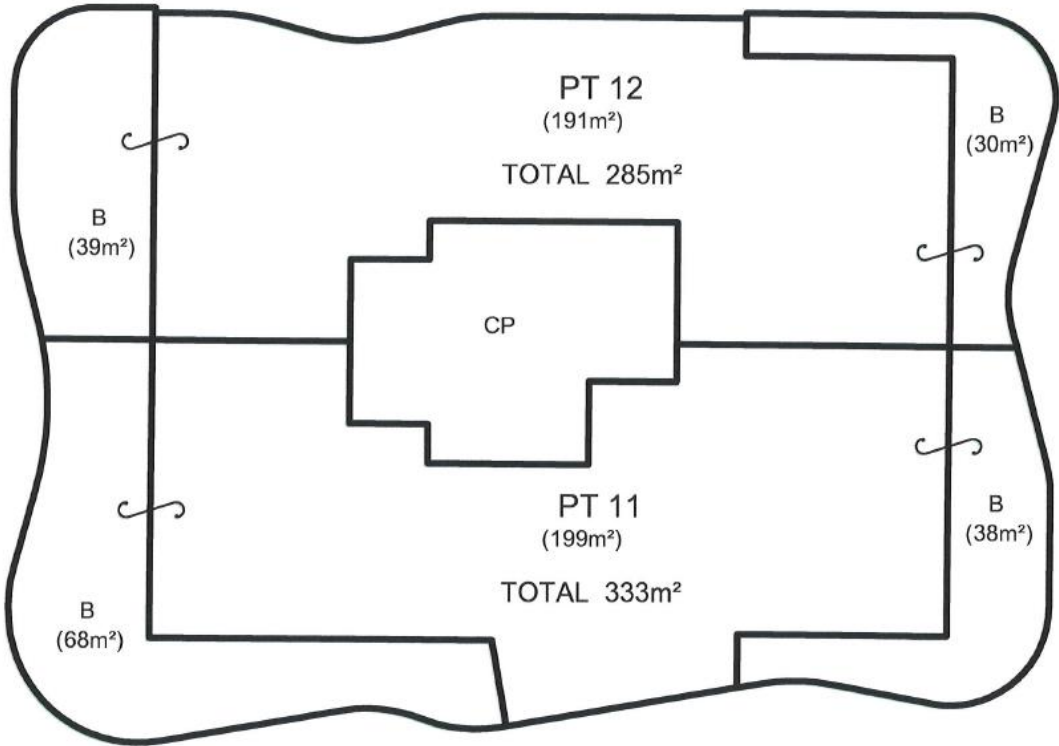
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FIFTH FLOOR

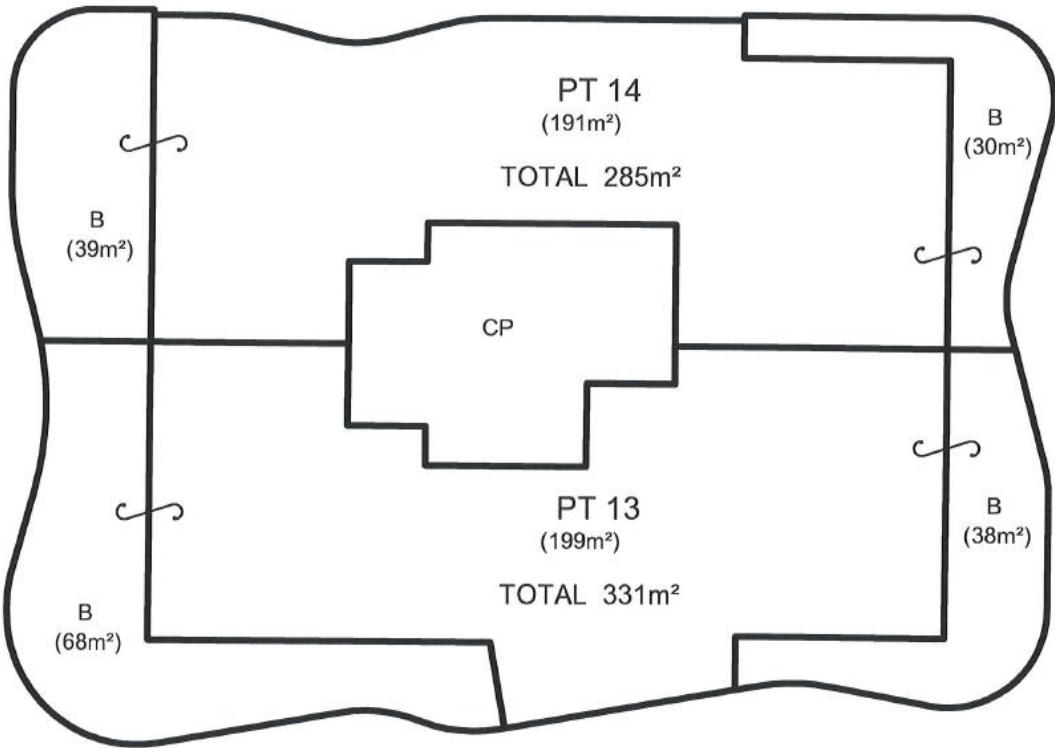
SURVEYOR Name: STEPHEN NICHOLAS KIPREOTIS Date: 2/07/2020 Reference: 6110	PLAN OF SUBDIVISION OF LOTS 1 & 2 SECTION 65 DP 758852	LGA: PORT MACQUARIE-HASTINGS Locality : PORT MACQUARIE Reduction Ratio 1: 200 Lengths are in metres.	Registered	SP
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PRELIMINARY

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CP DENOTES COMMON PROPERTY



CAUTION

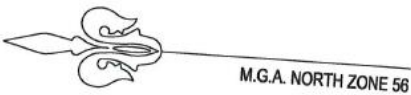
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SIXTH FLOOR

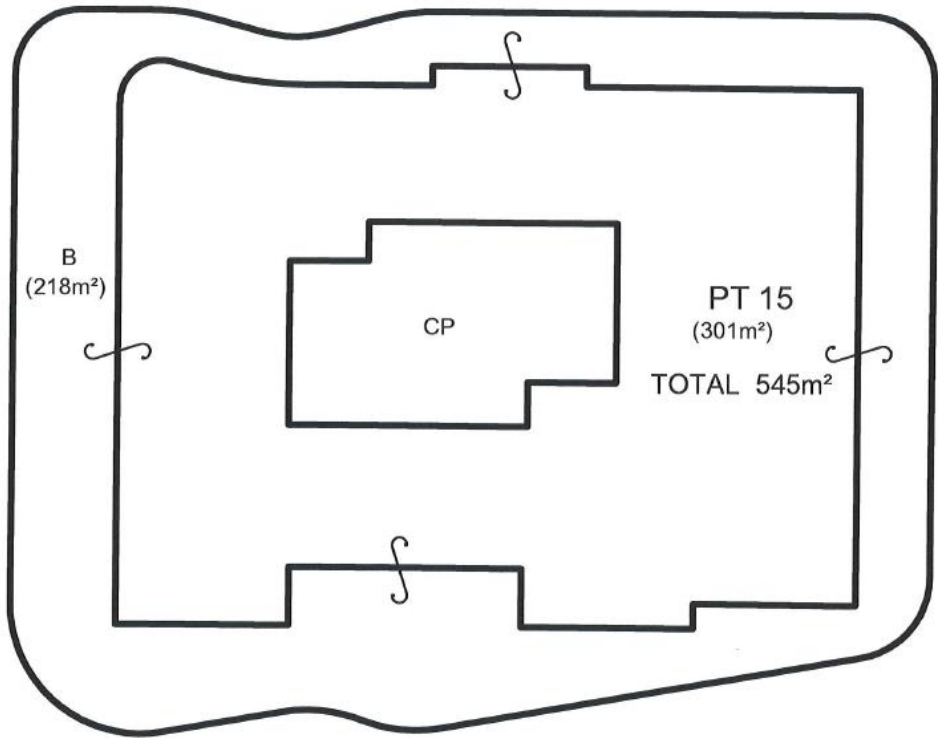
SURVEYOR Name: STEPHEN NICHOLAS KIPREOTIS Date: 2/07/2020 Reference: 6110	PLAN OF SUBDIVISION OF LOTS 1 & 2 SECTION 65 DP 758852	LGA: PORT MACQUARIE-HASTINGS Locality : PORT MACQUARIE Reduction Ratio 1: 200 Lengths are in metres.	Registered	SP
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SEVENTH FLOOR

SURVEYOR Name: STEPHEN NICHOLAS KIPREOTIS Date: 2/07/2020 Reference: 6110	PLAN OF SUBDIVISION OF LOTS 1 & 2 SECTION 65 DP 758852	LGA: PORT MACQUARIE-HASTINGS Locality : PORT MACQUARIE Reduction Ratio 1: 200 Lengths are in metres.	Registered	SP
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www.KingCampbell.com.au
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T: 02 4589 2055
F: 02 4583 4064
E: info@KingCampbell.com.au

REV	DATE	DESCRIPTION	BY
H	31/08/2020	DA SUBMISSION	HF
G	13/07/2020	DA SUBMISSION	HF
D	25/06/2020	ISSUE FOR INFORMATION	AS

DATUM: AHD SCALE: NTS
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PROJECT NO:	6110	DRAWING TITLE:	PHOTOMONTAGE - 1
DA NO:	-	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
DESIGNED BY:	NS	CLIENT:	EAST WING CORPORATION PTY LTD SALSBURY GARDEN PTY LTD
DRAWN BY:	NS	DRAWING NO:	6110_DA7.2
CHECKED BY:	-	REVISION:	H
DATE CREATED:	13.12.19		

A1



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A1

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H	31/08/2020	DA SUBMISSION	HF
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D	25/06/2020	ISSUE FOR INFORMATION	AS

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PROJECT NO:	6110	DRAWING TITLE:	PHOTOMONTAGE - 2
DA NO:	-	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
DESIGNED BY:	NS	CLIENT:	EAST WING CORPORATION PTY LTD SAILSBURY GARDEN PTY LTD
DRAWN BY:	NS	DRAWING NO:	6110_DA7.3
CHECKED BY:	-	REVISION:	H
DATE CREATED:	13.12.19		



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REV	DATE	DESCRIPTION	BY
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G	13/07/2020	DA SUBMISSION	HF
D	25/06/2020	ISSUE FOR INFORMATION	AS

DATUM: AHD
SCALE: NTS
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PROJECT NO:	6110	DRAWING TITLE:	PHOTOMONTAGE - 3
DA NO:	-	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
DESIGNED BY:	NS	CLIENT:	EAST WING CORPORATION PTY LTD SALSBURY GARDEN PTY LTD
DRAWN BY:	NS	DRAWING NO:	6110_DAT.4
CHECKED BY:	-	REVISION:	H
DATE CREATED:	13.12.19		

A1



EXISTING VIEW LOOKING NORTH FROM OWEN STREET



PROPOSED VIEW LOOKING NORTH FROM OWEN STREET



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REV	DATE	DESCRIPTION	BY
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G	13/07/2020	DA SUBMISSION	HF
D	25/06/2020	ISSUE FOR INFORMATION	AS

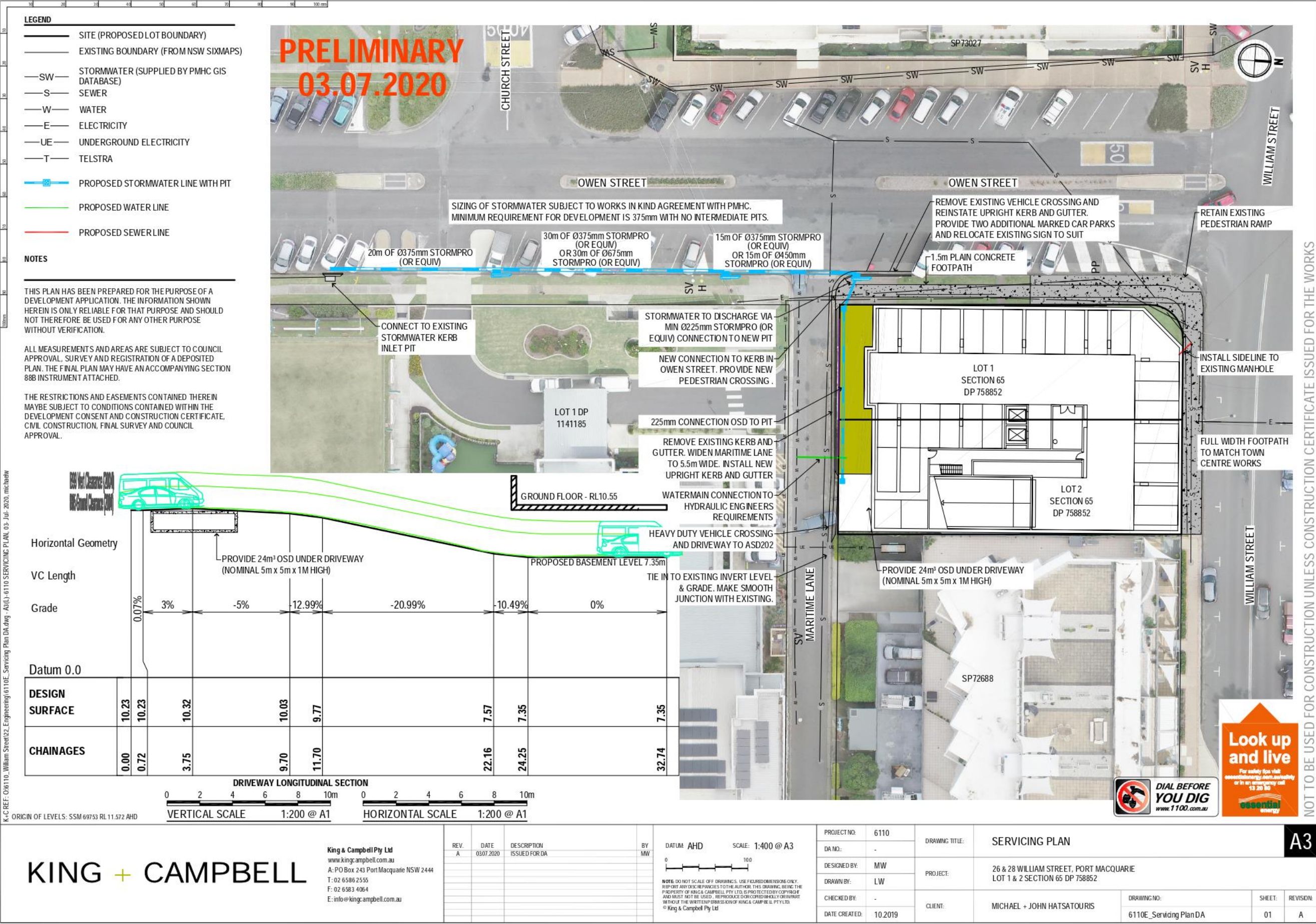
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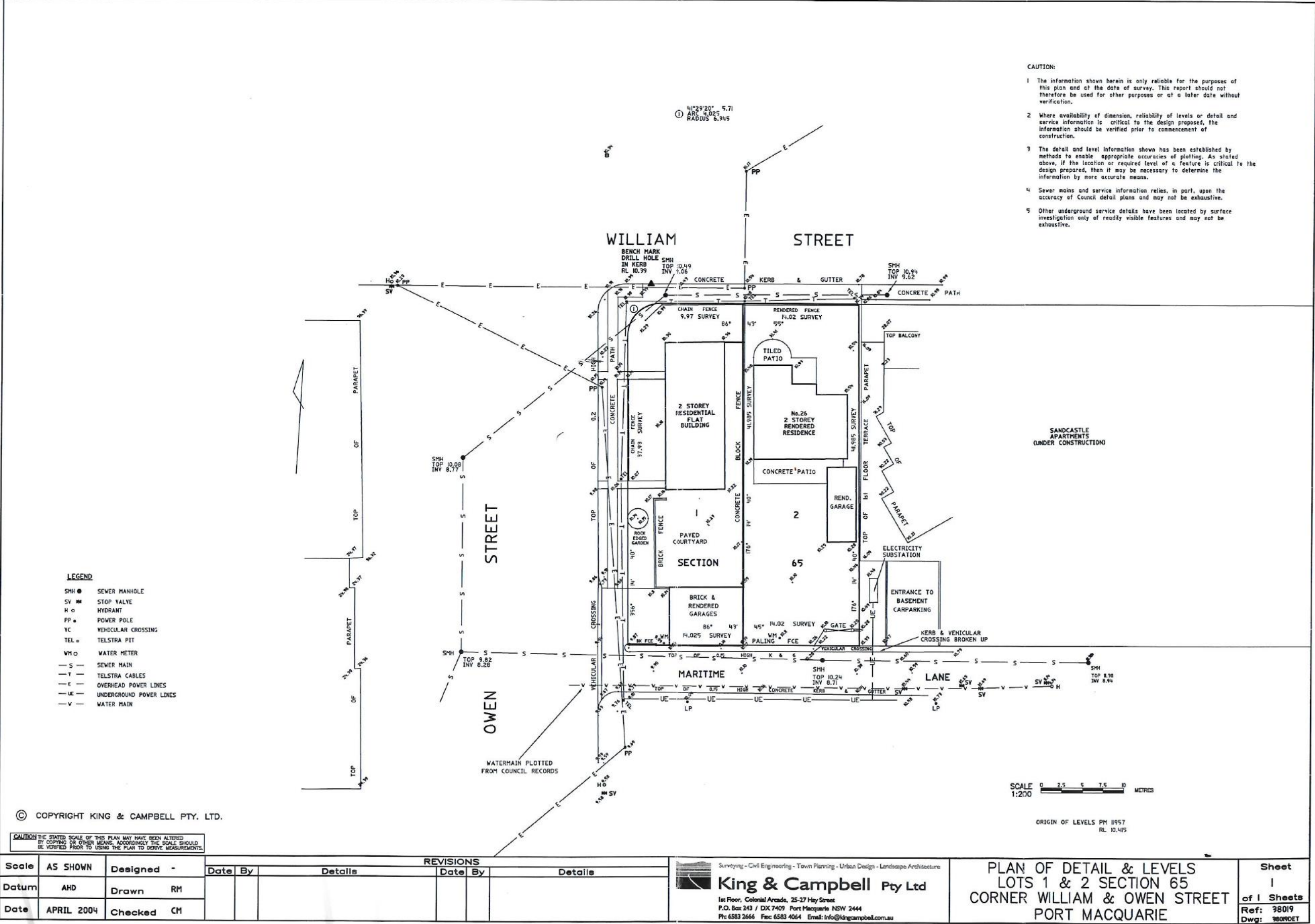
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PROJECT NO:	6110	DRAWING TITLE:	PHOTOMONTAGE - 4
DA NO:	-	PROJECT:	PROPOSED RESIDENTIAL APARTMENTS 26 - 28 WILLIAM STREET PORT MACQUARIE NSW 2444 LOT 1 + 2 DP 758852
DESIGNED BY:	NS	CLIENT:	EAST WING CORPORATION PTY LTD SALSBURY GARDEN PTY LTD
DRAWN BY:	NS	DRAWING NO:	6110_DA7.5
CHECKED BY:	-	REVISION:	H
DATE CREATED:	13.12.19		

DA SUBMISSION
A1





Developer Charges - Estimate

Applicants Name: Salsbury Gardens Pty Ltd CARE King & Campbell Pty Ltd
Property Address: 26-28 William Street, Port Macquarie
Lot & Dp: Lot(s):1 & 2, DP(s):758852
Development: Residential flat building with strata subdivision and consolidation of 2 torrens title lots



Water and Sewerage Headworks Levies are levied under S64 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	7.08	\$10,375.00 Per ET	\$73,455.00
2 Sewerage Scheme Port Macquarie	11.5	\$3,936.00 Per ET	\$45,264.00
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	10.36	\$7,777.00 Per ET	\$80,569.70
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	10.36	\$5,730.00 Per ET	\$59,362.80
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	10.36	\$4,705.00 Per ET	\$48,743.80
6 Com 1.3.07 - Administration Building - All areas	10.36	\$926.00 Per ET	\$9,593.30
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	\$4,361.90
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$321,350.50

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:

5-Mar-2021

Estimate Prepared By Pat Galbraith-Robertson

This is an ESTIMATE ONLY - NOT for Payment Purposes

CARE King & Campbell Pty Ltd, 26-28 William Street, Port Macquarie, 5-Mar-2021.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item: 06

Subject: DA2020 - 1008.1 DWELLING AT LOT 150 DP 1230897, 16 SHORE
BREAK CRESCENT LAKE CATHIE

Report Author: Development Assessment Planner, Heather Fardy

Applicant:	Narsza Pty Ltd T/as Hakuna Homes
Owner:	Gary Mangan & Karen Mangan
Estimated Cost:	\$630,310
Parcel no:	66618

Alignment with Delivery Program

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

RECOMMENDATION

That DA2020 - 1008.1 for a Dwelling at Lot 150, DP 1230897 No. 16 Shore Break Crescent, Lake Cathie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

Following exhibition of the application, four submissions were received. It is noted that two of these were from the same person.

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.

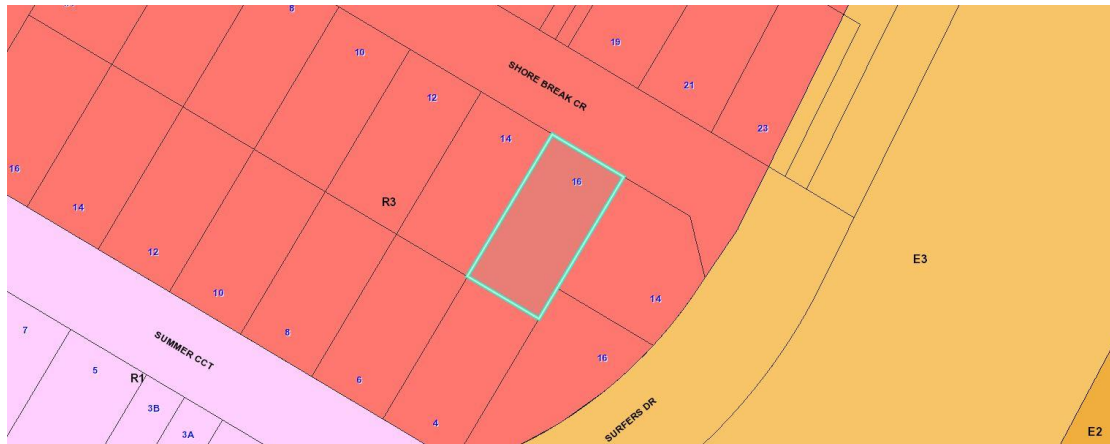
This report recommends that the development application be approved subject to the proposed conditions in **Attachment 1**.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 450 square metres.

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a new two storey Dwelling.

Refer to **Attachment 2** at the end of this report for plans of the proposed development.

Application Chronology

- 17 November 2020 - Application lodged.
- 25 November 2020 - Application placed on notification.
- 20 January 2021 - Additional information requested from applicant (Compliance with DCP). Extract of submission also provided to applicant.
- 25 January 2021 - Applicant advised that application required renotifying after it was brought to Council's attention that notification letters were regrettably not sent.

- 27 January 2021 - Applicant and owner provided with extracts from additional two submissions. Owner provided with extracts from all submissions received.
- 28 January 2021 - Application placed on notification again.
- 1 February 2021 - Extract of final submission provided to applicant.
- 10 February 2021 - Amended plan and written response provided by the applicant.
- 12 February 2021- Applicant and owner advised information still outstanding (regarding garage setback).
- 15 February 2021 - Justification provided for variation to DCP requirement for garage setback.

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 (Koala Habitat Protection) 2020

Clause 5 - This SEPP applies to the Port Macquarie-Hastings Local Government Area.

Clause 7 - Koala Plan of Management Lake Cathie - Bonny Hills (Area 14) applies to the site.

Clause 8 - As per Circular B35, Clause 1.5, it is the intent of the Policy that investigations for potential and core koala habitat be limited to those areas in which it is proposed to disturb habitat. In this case, the application has demonstrated that no habitat will be removed or disturbed. Therefore, the site is not considered to be potential habitat and further consideration of the SEPP is not 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

Clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

The site is located within a coastal use area.

Having regard to clauses 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 funneling and the loss of views from public places to foreshores; and
- 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.

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 sufficiently compatible with the surrounding coastal and built environment. The site is predominately cleared and located within an area zoned for residential purposes.

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

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

State Environmental Planning Policy (Infrastructure) 2007

The site is located approximately 83m from Ocean Drive, which is a classified road. Clause 102 refers to noise and vibration impacts from a classified road on non-road development. However, it only applies to freeways, tollways and roads with an Annual Average Daily Traffic (AADT) of 20,000 vehicles. As Ocean Drive has an AADT of less than this, the clause does not apply. The site is however burdened by a restriction on the use of the land for a two storey dwelling to be designed to incorporate category 2 construction measures, and achieve the acceptable daytime and night time noise levels contained within AS/NZS 2107:2000 - Acoustics - Recommended design sound levels and reverberation times for building interiors. A consent condition is recommended in this regard.

The development does not trigger any of the traffic generating development thresholds of Clause 104. Referral to the NSW Roads and Maritime Services (RMS) is not required.

Based on the above, the proposed development addresses relevant clauses in the SEPP and will not to create any significant adverse conflict in terms of noise.

Port Macquarie-Hastings Local Environmental Plan 2011 (LEP)

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

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

The objectives of the R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
 - a)
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives as it is a permissible landuse and sufficiently consistent with the establishing residential locality. The proposal contributes to the range of housing options in the locality.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 7.7m which complies with the standard height limit of 11.5m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal is 0.62:1 which complies with the maximum 1:1 floor space ratio applying to the site.
- Clause 5.10 - Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.9 - Development subject to acoustic controls
 - b) The site is included on the relevant maps. See comments provided under State Environmental Planning Policy (Infrastructure) 2007 above.
- 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

DCP 2013: Part B - General Provisions - B2: Environmental Management			
DCP Objective	Development Provisions	Proposed	Complies
3	a) Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.	Satisfactory arrangements can be put in place for storage and collection of waste. Standard condition recommended for construction waste management.	Yes
Cut and Fill Regrading			

4	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).	Development does not exceed a maximum cut of 1.0m and fill of 1.0m.	Yes
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.		NA
	b) Where a combination of a fence and a wall is proposed to be greater than 1.2m high: <ul style="list-style-type: none"> – be a maximum combined height of 1.8m above existing property boundary level; – be constructed up to the front boundary for a maximum length of 6.0m or 30% of the street frontage, whichever is less; – the fence component has openings which make it not less than 25% transparent; and – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances. 		NA

DCP 2013: Part B - General Provision - B3: Hazards Management**Bushfire Hazard Management**

18	a) APZs are to be located outside of environmental protection zones and wholly provided within private land. Note perimeter roads provided as part of a residential subdivision are classified as being part of the subdivision and not a separate permissible land use within environment protection zones.	No additional APZs required for development.	Yes
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DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking			
DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy Shore Break Crescent is not a classified road.			
Parking Provision			
24	a) Off-street Parking is provided in accordance with Table 3: - 1 parking space per each dwelling for dwelling-house.	Double garage.	Yes
Parking Layout			
28	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: <ul style="list-style-type: none"> - it is stacked parking in the driveway; or - it can be demonstrated that improvements to the open space provided will result; and - the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	Garage located behind the building line.	Yes
	d) Parking design and layout is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking.	Satisfactory parking design and layout.	Yes
34	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.	Single driveway for 1 dwelling and Council drainage system is available. This will be addressed in detail during assessment of the application for a section 68 certificate.	Yes, see 34b) below
	b) 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.	Dwelling will be required to connect to the stormwater drainage to the stormwater junction at the front of the site.	Yes

DCP 2013: Part B - General Provisions - B5: Social Impact Assessment and Crime Prevention

DCP Objective	Development Provisions	Proposed	Complies
Crime Prevention			
43	<p>a) The development addresses the generic principles of crime prevention:</p> <ul style="list-style-type: none"> - Casual surveillance and sightlines; - Land use mix and activity generators; - Definition of use and ownership; - Basic exterior building design; - Lighting; - Way-finding; and - Predictable routes and entrapment locations; - as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes

DCP 2013: Part C - Development Specific Provisions - C1: Low Density Residential Development

DCP Objective	Development Provisions	Proposed	Complies
Front Setbacks			
44	<p>a) Dwellings may incorporate an articulation zone to a street frontage at no less than 3m from property boundary. The following building elements are permitted within the articulation zone:</p> <ul style="list-style-type: none"> - an entry feature or portico; - a balcony, deck, patio, pergola, terrace or verandah; - a window box treatment; - a bay window or similar feature; - an awning or other feature over a window; - a sun shading feature. 	<p>The ground floor porch is set back 4.5m from street boundary.</p> <p>The first floor balcony is set back 4.13m and is permitted within the articulation zone.</p> <p>Both of these elements are located under the main roofline of the dwelling.</p> <p>Furthermore, the first floor balcony is permitted within the articulation zone as per the terminology adopted from the pursuant to State Environmental</p>	Yes

	b) These building elements should not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house.	Planning Policy (Exempt and Complying Development Codes) 2008 as a structure in the articulation zone being 25% of the area forward of the primary building line setback, ie 5.6 square metres in this instance.	
	c) The primary road front setback shall be: Classified road = any frontage 6.0m Primary frontage = 4.5m Secondary frontage = 3.0m Ancillary Lane = 2.0m Large lot residential and rural zones = 10.0m	5.37m setback from Shore Break Crescent.	Yes
45	a) A garage, carport or car parking space should: <ul style="list-style-type: none"> – be at least 1m behind the building line, where the dwelling(s) has a setback from a front boundary of 4.5m or more, or —be at least 5.5m from a front boundary, where the dwelling(s) has a setback of less than 4.5m. 	The garage is set back 0.63m behind the primary building line of 5.37m. The door of the garage is set back a further 230mm.	Yes and No*
	b) The total width of the garage/carport openings should not be more than 6m and not more than 50 per cent of the width of the building.	Garage door is 4.8m wide and comprises 43.5% of the width of the building.	Yes
	c) Driveway crossovers are no greater than 5.0m in width.	Driveway crossover is 5m.	Yes
	d) Where a dual occupancy or attached dwelling is proposed on a corner lot a garage and driveway is provided on each road frontage.		NA
Side and Rear Setbacks			
46	a) A minimum rear boundary setback of 4m is to be provided to dwellings (including verandahs, patios and decks).	4m setback provided to rear boundary at ground level. 8.71m setback to the first floor.	Yes

	b) A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area.		NA
	c) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback. In that instance, one side setback should be a minimum 4m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.		NA
47	a) Ground floors (being <1m above existing ground level) should be setback a minimum of 900mm from side boundaries.	1.1m minimum ground floor setback from the western side boundary. 2.87m setback to the eastern side boundary.	Yes
	b) First floors and above (including single storey with floor level >1m) should be setback a minimum of 3m from the side boundary, or reduced down to 900mm where it can be demonstrated that the adjoining property's primary living rooms and principal private open space areas are not adversely overshadowed for more than 3hrs between 9am - 3pm on 21 June.	2.87m first floor setback to south eastern side boundary. 1.1m first floor setback to north western boundary. Shadow diagrams demonstrate that the development does not adversely overshadow the adjoining properties, particularly to the east and west.	Yes
	c) First floors and above should have building walls that step in and out at least every 12m by a minimum of 500mm articulation. Where first floors and above are setback >3m, wall articulation is not required.	Building walls less than 12m in length.	NA
Private Open Space			
48.	a) All dwellings should have a minimum area of private	In excess of 60 square metres of private open	No**



	<p>open space of 35m², which includes a principal private open space area with:</p> <ul style="list-style-type: none"> – a minimum dimension of 4m x 4m, and – a maximum grade of 5% for minimum 4m x 4m of the total open space requirement, and – direct accessibility from a ground floor living area and orientated to maximise use. 	<p>space is provided, with a minimum dimension of 4.2m, with a grade of less than 1.5%.</p> <p>A further 29 square metres of private open space is available by way of the first floor balcony proposed off the entertainment (rumpus) room and bedroom 1.</p> <p>It is however, located on the southeast of the site.</p>	
	b) Private open space may include clothes drying areas and garbage storage.		NA
Bulk and Scale			
51	<p>a) Direct views between indoor living rooms and principal private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots, including possible dwellings on future lots, should be obscured or screened where:</p> <ul style="list-style-type: none"> – Ground and first floor (and above) indoor living room windows are within a 9m radius. – Direct views between principal private open space areas where within a 12m radius. – Direct views between indoor living rooms of dwellings into the principal area of private open space of other dwellings within a 12m radius. 	<p>No direct views between indoor living rooms and private open space of adjacent dwellings.</p> <p>The entertainment (rumpus) and secondary living room windows on the first floor of the eastern elevation have a sill height of 1.7m above the finished floor level of those rooms, and the rooms of the adjoining single storey dwelling that line up with these windows are not living rooms.</p>	Yes
	<p>b) A balcony, deck, patio, pergola, terrace or verandah should have a privacy screen where there are direct views of:</p> <ul style="list-style-type: none"> – Indoor living room windows of adjacent dwellings, including proposed dwellings 	<p>Direct views from first floor balcony to private open space of adjacent dwelling to the east. A 1.8m privacy screen is provided in this location.</p>	Yes

	<p>approved on adjoining lots within 9m radius; or</p> <ul style="list-style-type: none"> Principal areas of private open space of adjacent dwellings, including proposed dwellings approved on adjoining lots within a 12m radius. 		
	<p>c) Privacy protection is not required for:</p> <ul style="list-style-type: none"> Any Indoor living room windows with a sill height of greater than 1.5m above the finished floor level of that room or where fixed non-openable translucent glass is installed to the same height. 	South facing entertainment (rumpus) room and secondary living room windows have a sill height of approximately 1.7m.	Yes
	<p>d) Direct views described above may be reduced or obscured by one of the following measures (details to be submitted with the development application):</p> <ul style="list-style-type: none"> 1.8m high fence or wall between ground-floor level windows or between a dwelling and principal private open space Screening of minimum 1.7m height, that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials. A window, the whole of which has translucent glass and is not able to be opened. 	See above.	Yes

*The proposal seeks to vary the Development Provision relating to Front Setbacks, in relation to the garage door technically not being 1.0m behind the primary building line setback. The variation is 0.14m.

The relevant objectives are:

- To minimise the impact of garages and driveways on the streetscape, on street parking and amenity.
- To minimise the visual dominance of garages in the streetscape.
- To provide safe and functional vehicular access.

Having regard for the development provisions and relevant objectives, the variation is considered acceptable as the front elevation incorporates an overhanging balcony with substantial articulation of the front elevation at ground floor and first floor levels. The garage door is recessed 2.07m and set back 6.23m from the front boundary, beneath the overhanging balcony and the front porch is framed by the supporting columns for the first floor level. The design has the effect of reducing the visual dominance of the garage door in the streetscape and is setback greater than 5.5m as the typical standard. The driveway width complies with the DCP. Consequently, the driveway is considered to provide safe and functional vehicular access while minimising the impact on the streetscape on street parking and amenity.

The development achieves the objectives of the DCP despite a nominal variation to the garage setback requirement.

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

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

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

(iv) Any matters prescribed by the Regulations

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

Context and Setting

- The proposal will not have any significant adverse impacts on existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be sufficiently compatible with other residential development in the locality and adequately addresses planning controls for the area.
- The proposal does not have a significant adverse impact on existing view sharing.
- The proposal does not have significant adverse lighting impacts.
- There are no significant adverse privacy impacts.
- There are no significant adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June. It is noted that the first floor rear setback is 8.71m from the southern boundary.

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 Section 68 application.
An appropriate standard condition is recommended in this regard.

Sewer Connection

Service available - details required with Section 68 application.
An appropriate standard condition is recommended in this regard.

Stormwater

Service available - details required with Section 68 application.
An appropriate standard condition is recommended in this regard.

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 establishing 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

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

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, however the applicant did not submit a bushfire report.

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

Direction	Distance to Hazard (m)	Vegetation	Slope	BAL requirement
North	140	Forest	3% downslope	Nil
South	55	Forest	Upslope	12.5
West	>140	Forest	NA	Nil
East	85	Forest	1% downslope	12.5

Management of bushfire risk is acceptable subject to BAL 12.5 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 the 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 Impacts 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.

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

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

Four written submissions were received following public exhibition of the application, including two from the same person. 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
<ul style="list-style-type: none"> Confirm that the building set back from the rear boundary complies with Council's DCP. Distance between the boundary and dwelling is 3.62m. Council had a neighbour reduce the size of house to incorporate a 4 metre back boundary. The rear setback is not within council requirements as per regulations. This will cause a negative impact to the 5 neighbouring residences as it will not have enough open space for airflow and privacy. 	<p>Clause 46a) of the DCP requires a minimum rear boundary setback of 4m be provided to dwellings (including verandahs, patios and decks). It is also noted that the first floor is set back much greater than the minimum 4m.</p> <p>The application initially proposed a setback of only 3.63m, however in response to the submissions, the plans were amended during assessment to provide a 4m setback to the rear boundary.</p>
<ul style="list-style-type: none"> We are concerned that window 20 in bedroom 2 could impact on the privacy at 4 Summer Circuit, and request that consideration be given that the size of the window is equivalent to that of window 19 in the adjacent living area. 	<p>Bedroom windows are not considered to be primary living rooms and on this basis the subject window is not anticipated to impact on privacy to the adjacent dwelling.</p>
<ul style="list-style-type: none"> Construction of the two storey house will be out of character for the subsequent houses around it as it will be surrounded by single storey homes. 	<p>The standard height limit applying to the site is 11.5m and the overall maximum height of the proposed house is 7.7m. The construction of a two storey dwelling in an established residential locality is not considered to be out of character and is consistent with the objectives of the zone.</p>
<ul style="list-style-type: none"> Plans show a verandah on the second storey. Land contract of sale states that there is to be no verandahs facing the northern aspect and that all windows are to be of double glazed. This was explained to be due to the noise reduction. 	<p>There are no provisions relating to verandahs facing north. In regard to noise reduction the site is burdened by a restriction on the use of the land for a two storey dwelling to be designed to incorporate category 2 construction measures, and achieve the acceptable</p>

Submission Issue/Summary	Planning Comment/Response
	daytime and night time noise levels contained within AS/NZS 2107:2000 - Acoustics - Recommended design sound levels and reverberation times for building interiors. Double glazed windows may be required to comply with this standard, and this will be dealt with at Construction Certificate stage. This restriction has been imposed to protect the amenity of the resident of the subject dwelling and has no impact on surrounding occupants.
<ul style="list-style-type: none"> <i>Residence faces directly into Ocean Drive. This house has an upstairs balcony the full length of the house with 2 screen doors and 2 glass windows. These take up a good proportion of the front wall.</i> 	<p>This comment is in reference to DCP provisions for development subject to acoustic controls as identified in the LEP. These provisions require compliance with the Australian Standard for Acoustics, which is not only nominated on the 88B instrument, but is also recommended as a consent condition. The provision goes on to recommend minimising the number of windows and openings which directly face the potential noise source which this is likely to make compliance with the Australian Standard easier to achieve. The objective of this provision is to achieve adequate noise attenuation for residential areas, and is relevant only to the amenity of the occupant of the proposed dwelling, and not surrounding residents.</p>
<ul style="list-style-type: none"> <i>Residence has a verandah upstairs which comes off the floor plan of an entertainment area and appears to be for entertainment purposes. The western side of this verandah faces directly into bedroom and bathroom areas of 14 Shore Break Crescent. This verandah is not within the street scape of existing dwellings and looks directly into the outdoor area of 14 Surfers Drive, and directly impacts</i> <i>c) the privacy of both its neighbouring houses and of those directly opposite it. The verandah is inconsistent with established buildings in the street.</i> <i>d)</i> <i>The first floor balcony extends 4 metres out from an Entertainment room, on the north eastern corner of the dwelling. The eastern side of this balcony has views directly into neighbour's</i> 	<p>Clause 51b) of Council's DCP requires a balcony/verandah to have a privacy screen where there are direct views of indoor living rooms and principle areas of private open space of adjacent dwellings within a 12m radius.</p> <p>Bedrooms and bathroom are not considered to be living rooms, however there are direct views from first floor balcony to the principal area of private open space of adjacent dwelling to the east within a 12m radius.</p> <p>Clause 51d) requires direct views described above to be reduced or obscured by screening of minimum 1.87m in height that has 25% openings (max), with no individual opening more than 30mm wide, is permanently fixed and is made of durable materials.</p>

Submission Issue/Summary	Planning Comment/Response
<p><i>bedroom, as well as into the private courtyard /open-space area of 14 Surfers Drive.</i></p> <p>e)</p>	<p>Screening has been provided in this regard.</p> <p>The verandah ranges in width from 4m down 1.9m wide, and despite there being no other first floor verandahs in direct proximity to the site, this building element is not considered to be inconsistent with the established residential streetscape.</p> <p>There are no direct views from the verandah into either of the adjoining buildings. There is also a distance of approximately 15m from the verandah to the boundary of the property directly opposite.</p>
<ul style="list-style-type: none"> • <i>Three existing residences and possibly a fourth one will be impacted by an overshadowing of this building with it not being a minimum of 3m from side boundaries as per requirements below. The 2 storey building will directly impact our entire living spaces and create shadowing and lack of air flow.</i> 	<p>Shadow diagrams demonstrate that the development does not adversely overshadow the adjoining properties at Winter Solstice. It is also noted that the first floor setback is greater than 4m and the height limit is 11.5m. Lack of air flow is not considered to be a valid concern arising from the development.</p>
<ul style="list-style-type: none"> • <i>The Entertainment room also has a large side-window on the eastern wall. This window is over 2 metres wide and 857cm high. This large window also has direct views into our bedroom and our private/ open-space area. *Some form of screening on this window &/or reduction in its size, will solve this issue.</i> 	<p>Bedrooms are not considered to be living rooms. Furthermore, the entertainment (rumpus) room referenced is on the first floor of the dwelling while the adjoining property is single storey so there will be no direct views between these two windows. Furthermore the private open space area referenced is only 2m wide at this part of the site and does not form the principle private open space.</p>

(e) The Public Interest

The proposed development will be in the wider public interest with provision of appropriate additional housing.

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

Ecologically Sustainable Development and Precautionary Principle

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,

- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

Climate change

The proposal is not considered to be vulnerable to any risks associated with climate change.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Development contributions will not be required under S64/S7.11 as the proposal is for a single storey dwelling on an existing approved residential lot.





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   DA2020 - 1008.1 - Recommended DA Conditions
- 2   DA2020 - 1008.1 - Plans

DA No: 2020/1008

SCHEDULE OF DRAFT CONDITIONS

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
Development Plans	3024-NA Sheets 00, 01, 02-1, 02-2, 03-1, 03-2, 04, 05-1, 05-2, 06, 07-1, 07-2, 08, 09-1, 09-2	Narsza P/L	10/02/2021
BASIX Certificate	1075652S	Dennis Partners	19/10/2021

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) (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.

B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (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
- (B046) The building shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 12.5 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of the current Planning for Bush Fire Protection Guidelines to prevail in the extent of any inconsistency with the Building Code of Australia.
- (4) The building shall be designed and constructed so as to comply with the requirements of Australian Standard 3671-1989 (Category 2). Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

- (1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located

on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

F – OCCUPATION OF THE SITE

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

An architectural rendering of a two-story modern house. The exterior features a combination of brickwork on the lower level and horizontal siding on the upper level. A large, covered balcony with a glass railing spans the width of the upper floor. The ground floor includes a two-car garage with a white roll-up door and a set of double doors. To the right of the main house, there is a smaller, single-story structure, possibly a detached garage or a separate entrance, also featuring brickwork. The house is set on a flat, light-colored surface, and the overall style is clean and contemporary.



Sheet List	
Sheet Number	Sheet Name
00	COVER SHEET
01	SITE PLAN
02-1	GROUND FLOOR PLAN
02-2	UPPER FLOOR PLAN
03-1	ELEVATIONS
03-2	ELEVATIONS
04	SECTION
05-1	SLAB LAYOUT
05-2	BRICKWORK SETOUT
06	ELECTRICAL
07-1	WET AREA DETAILS
07-2	WET AREA DETAILS
08	SHELVING DETAILS
09-1	SHADOW DIAGRAMS
09-2	SHADOW DIAGRAMS

IF/WE HAVE CHECKED THE PLANS AND AGREE THEY ACCURATELY DEPICT THE HOUSE FOR CONSTRUCTION. ANY VARIATIONS REQUESTED AFTER SIGNING WILL INCUR A PROCESSING FEE IN ADDITION TO THE COST OF THE VARIATION ITEM(S) AND ANY FURTHER PLANS TO BE PREPARED.

OWNER SIGNED: _____ DATE: _____

OWNER SIGNED: _____ DATE: _____

BUILDER SIGNED: _____ DATE: _____

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CLIENT:
KAREN & GARY MANGAN

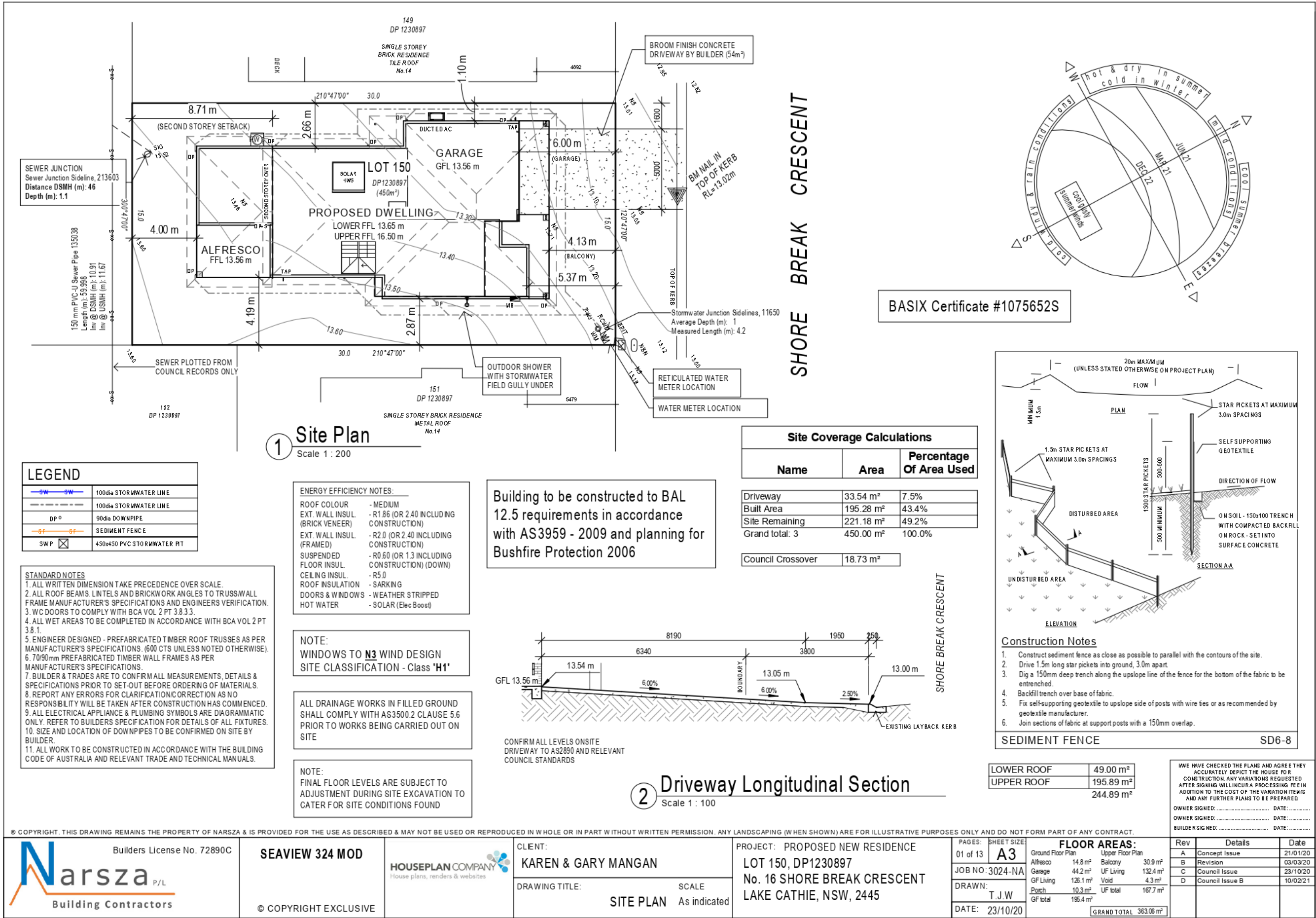
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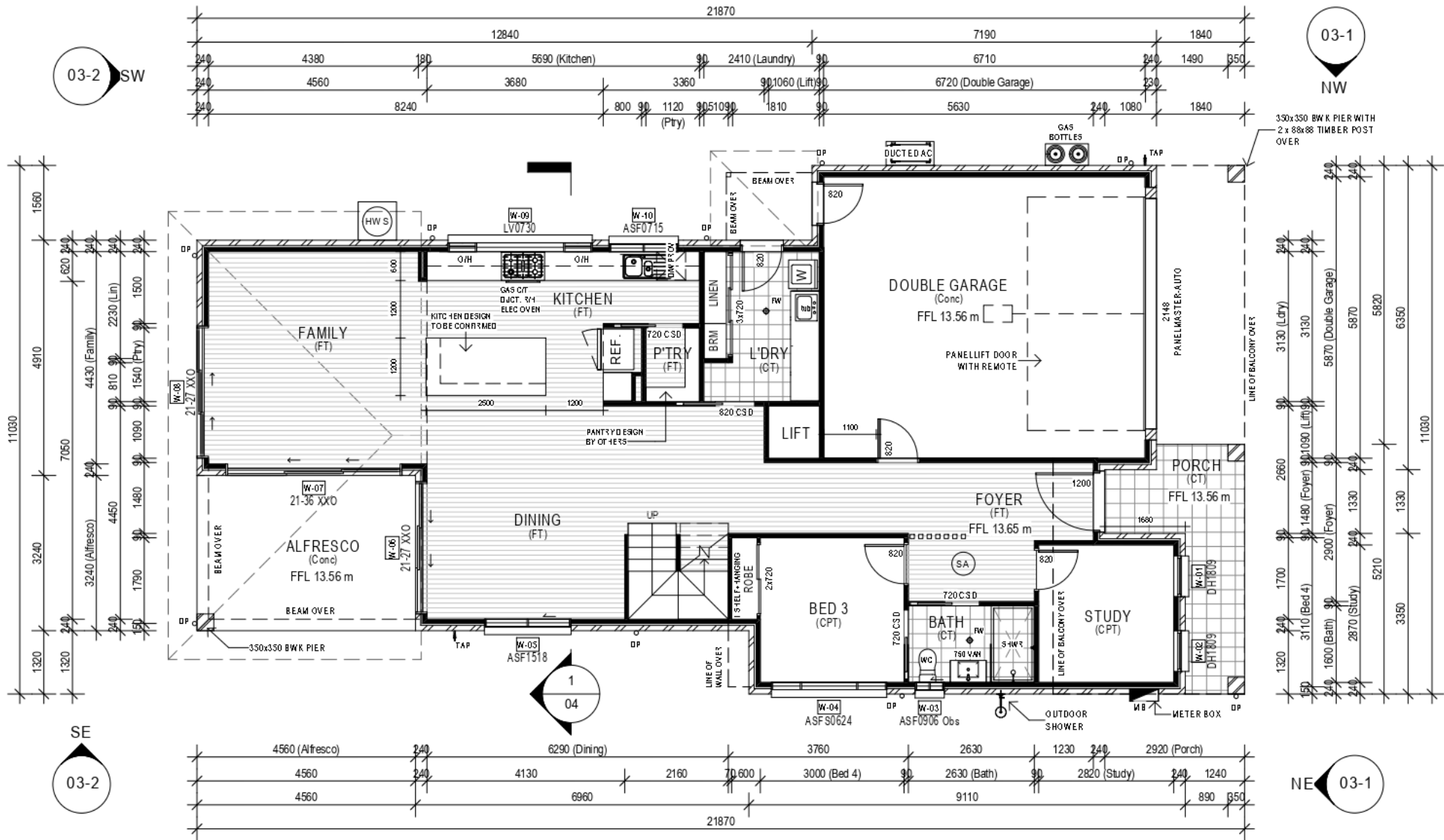
PROJECT: PROPOSED NEW RESIDENCE
LOT 150, DP1230897
No. 16 SHORE BREAK CRESCENT
LAKE CATHIE, NSW, 2445

PAGES:	SHEET SIZE
00 of 13	A3
JOB NO: 3024-NA	
DRAWN: T.J.W	
DATE: 23/10/20	

FLOOR AREAS:

Rev	Details	Date
A	Concept Issue	21/01/20
B	Revision	03/03/20
C	Council Issue	23/10/20
D	Council Issue B	10/02/21





1-Ground Floor Plan
Scale 1 : 100

- NOTES:
- WINDOW OPENINGS SHOWN NOMINAL AND TO BE CONFIRMED WITH WINDOW MANUFACTURER
 - FC SHEETING OVER EXTERNAL SLIDING DOORS AND WINDOWS (NO BRICKWORK OVER)
 - ALL EXHAUST FANS TO BE EXTERNALLY DUCTED: BCA 2019 REQUIREMENTS

ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE. BUILDER TO VERIFY ALL DIMENSIONS PRIOR TO COMMENCING CONSTRUCTION. NOTIFY DESIGNER OF ANY DISCREPANCIES BEFORE PROCEEDING

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CLIENT:
KAREN & GARY MANGAN

DRAWING TITLE:
GROUND FLOOR PLAN

SCALE:
1 : 100

PROJECT: PROPOSED NEW RESIDENCE
LOT 150, DP1230897
No. 16 SHORE BREAK CRESCENT
LAKE CATHIE, NSW, 2445

PAGES: SHEET SIZE:
02-1 of 13 A3

JOB NO: 3024-NA

DRAWN: T.J.W

DATE: 23/10/20

FLOOR AREAS:

Ground Floor Plan	Upper Floor Plan
Alfresco 14.8 m ²	Balcony 30.9 m ²
Garage 44.2 m ²	UF Living 132.4 m ²
GF Living 126.1 m ²	Void 4.3 m ²
Porch 10.3 m ²	UF total 167.7 m ²
GF total 195.4 m ²	
GRAND TOTAL 363.06 m ²	

Rev	Details	Date
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LEGEND	
T20 L	DOOR WITH LIFT OFF HINGES
T20 PL	DOOR WITH PRIVACY LOCK
CPT	CARPET
CT	CERAMIC TILES
C/T	COOK TOP
DP	DOWN PIPE
DPS	DOWN PIPE & SPREADER
DTR / TR	TOWEL RAIL (DOUBLE) / (SINGLE)
HK	ROBE HOOK @ 1750
FT	LAMINATE FLOORING AS SPECIFIED
GFL	GARAGE FINISHED FLOOR LEVEL
FFL	FINISHED FLOOR LEVEL
FW	FLOOR WASTE
HW D	HARDWOOD DECKING
HWS	AS SPECIFIED
WB	ELECTRICAL METER BOX
WX	MIXER
O/H	OVERHEAD CUPBOARDS
R/H	RANGEHOOD (RECIRCULATING)
RT	TOWEL RING @ ----
S/D	SETDOWN
ST	SERVICES STACK
S	SPOUT
T	TAP
TRH	TOILET ROLL HOLDER
VP	VINYL PLANK FLOORING AS SPECIFIED
WC	TOILET
WM	WASHING MACHINE
NOTE: DOWNPIPES TO BUILDING CORNERS ARE TO BE LOCATED 330mm FROM THE CORNER OF THE EXTERNAL WALL TO CENTRE OF THE DOWN PIPE.	

Window Schedule				
No.	Height	Width	Head Height	Area
Ground Floor Plan				
01	1800	850	2100	1.53 m ²
02	1800	850	2100	1.53 m ²
03	857	610	2100	0.52 m ²
04	600	2410	2100	1.45 m ²
05	1457	1810	2100	2.64 m ²
06	2100	2679	2100	5.63 m ²
07	2100	3600	2100	7.56 m ²
08	2100	2679	2100	5.63 m ²
09	700	3010	1603	2.11 m ²
10	700	1450	1603	1.02 m ²
Ground Floor Plan: 10				29.60 m ²
Upper Floor Plan				
11	1800	850	2100	1.53 m ²
12	2100	3010	2100	6.32 m ²
13	2100	2410	2100	5.06 m ²
14	1800	850	2100	1.53 m ²
15	600	2050	2260	1.23 m ²
16	600	1450	2260	0.87 m ²
17	1800	850	1800	1.53 m ²
18	600	1810	2260	1.09 m ²
19	600	1810	2260	1.09 m ²
20	857	2410	2260	2.07 m ²
21	514	1450	2260	0.75 m ²
22	514	610	2260	0.31 m ²
23	514	850	2260	0.44 m ²
24	514	1210	2260	0.62 m ²
Upper Floor Plan: 14				24.43 m ²
NOTE: FLYSCREENS TO ALL ALUMINIUM WINDOWS & SLIDING GLASS DOORS TO ASS959-2009 6.5.1A				54.03 m ²
NOTE: WINDOWS TO N3 WIND DESIGN				

LOWER ROOF	49.00 m ²
UPPER ROOF	195.89 m ²
244.89 m ²	

I/WE HAVE CHECKED THE PLANS AND AGREE THEY ACCURATELY DEPICT THE HOUSE FOR CONSTRUCTION. ANY VARIATIONS REQUESTED AFTER SIGNING WILL INCUR A PROCESSING FEE IN ADDITION TO THE COST OF THE VARIATION ITEMS AND ANY FURTHER PLANS TO BE PREPARED.

OWNER SIGNED: _____ DATE: _____

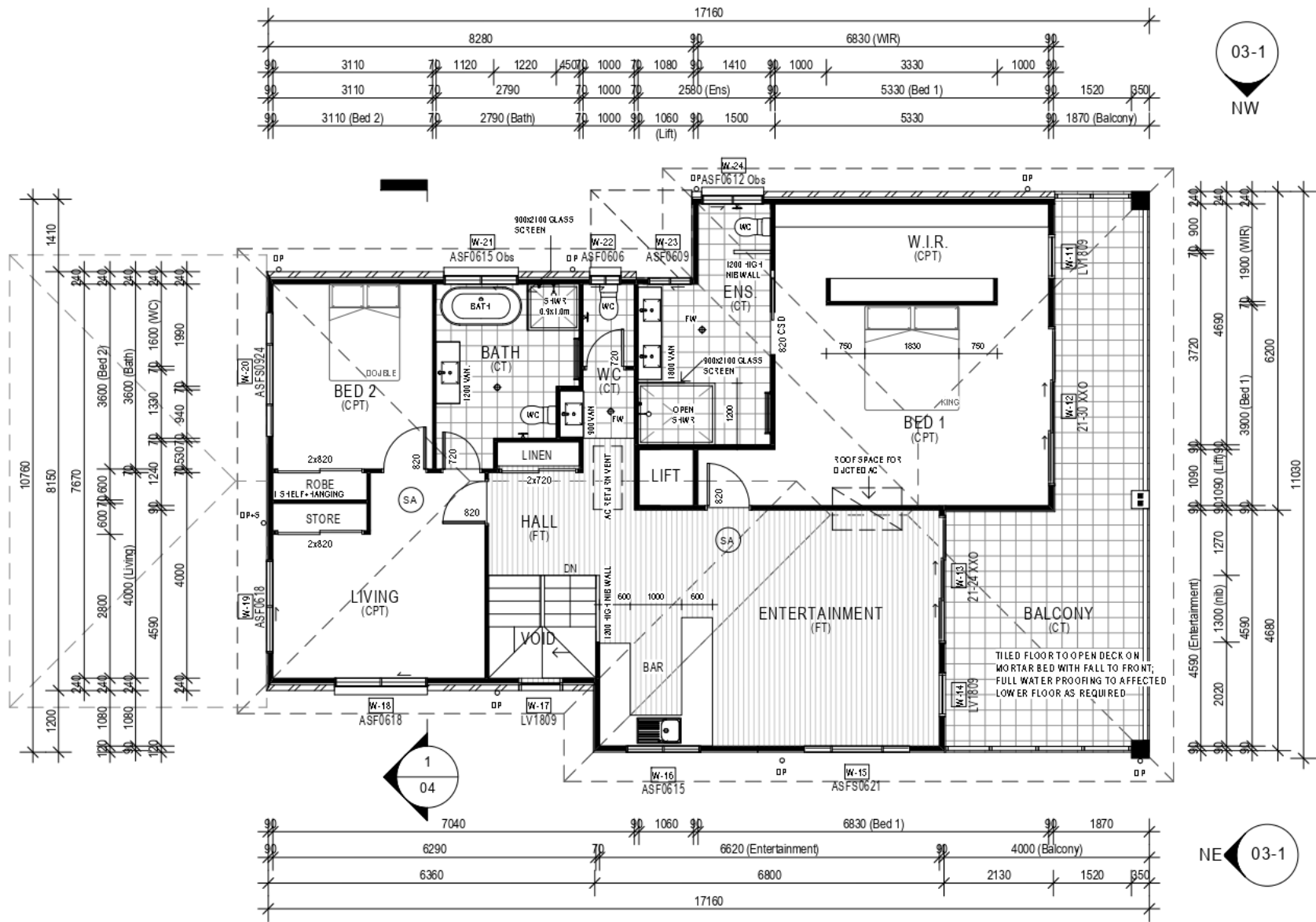
OWNER SIGNED: _____ DATE: _____

BUILDER SIGNED: _____ DATE: _____

03-2 SW

03-1

NW



SE

03-2

NE

03-1

2-Upper Floor Plan

Scale 1 : 100

NOTES:

- WINDOW OPENINGS SHOWN NOMINAL AND TO BE CONFIRMED WITH WINDOW MANUFACTURER
- FC SHEETING OVER EXTERNAL SLIDING DOORS AND WINDOWS (NO BRICKWORK OVER)
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CLIENT:
KAREN & GARY MANGAN

DRAWING TITLE: UPPER FLOOR PLAN
SCALE: 1 : 100

PROJECT: PROPOSED NEW RESIDENCE
LOT 150, DP1230897
No. 16 SHORE BREAK CRESCENT
LAKE CATHIE, NSW, 2445

PAGES: SHEET SIZE:
02-2 of 13 A3
JOB NO: 3024-NA
DRAWN: T.J.W
DATE: 23/10/20

FLOOR AREAS:

Ground Floor Plan	Upper Floor Plan
Alfresco 14.8 m ²	Balcony 30.9 m ²
Garage 44.2 m ²	UF Living 132.4 m ²
GF Living 126.1 m ²	Void 4.3 m ²
Porch 10.3 m ²	UF total 167.7 m ²
GF total 195.4 m ²	
GRAND TOTAL 363.06 m ²	

I/WE HAVE CHECKED THE PLANS AND AGREE THEY ACCURATELY DEPICT THE HOUSE FOR CONSTRUCTION. ANY VARIATIONS REQUESTED AFTER SIGNING WILL INCUR A PROCESSING FEE IN ADDITION TO THE COST OF THE VARIATION ITEMS AND ANY FURTHER PLANS TO BE PREPARED.

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BUILDER SIGNED: _____ DATE: _____

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C	Council Issue	23/10/20
D	Council Issue B	10/02/21

LEGEND

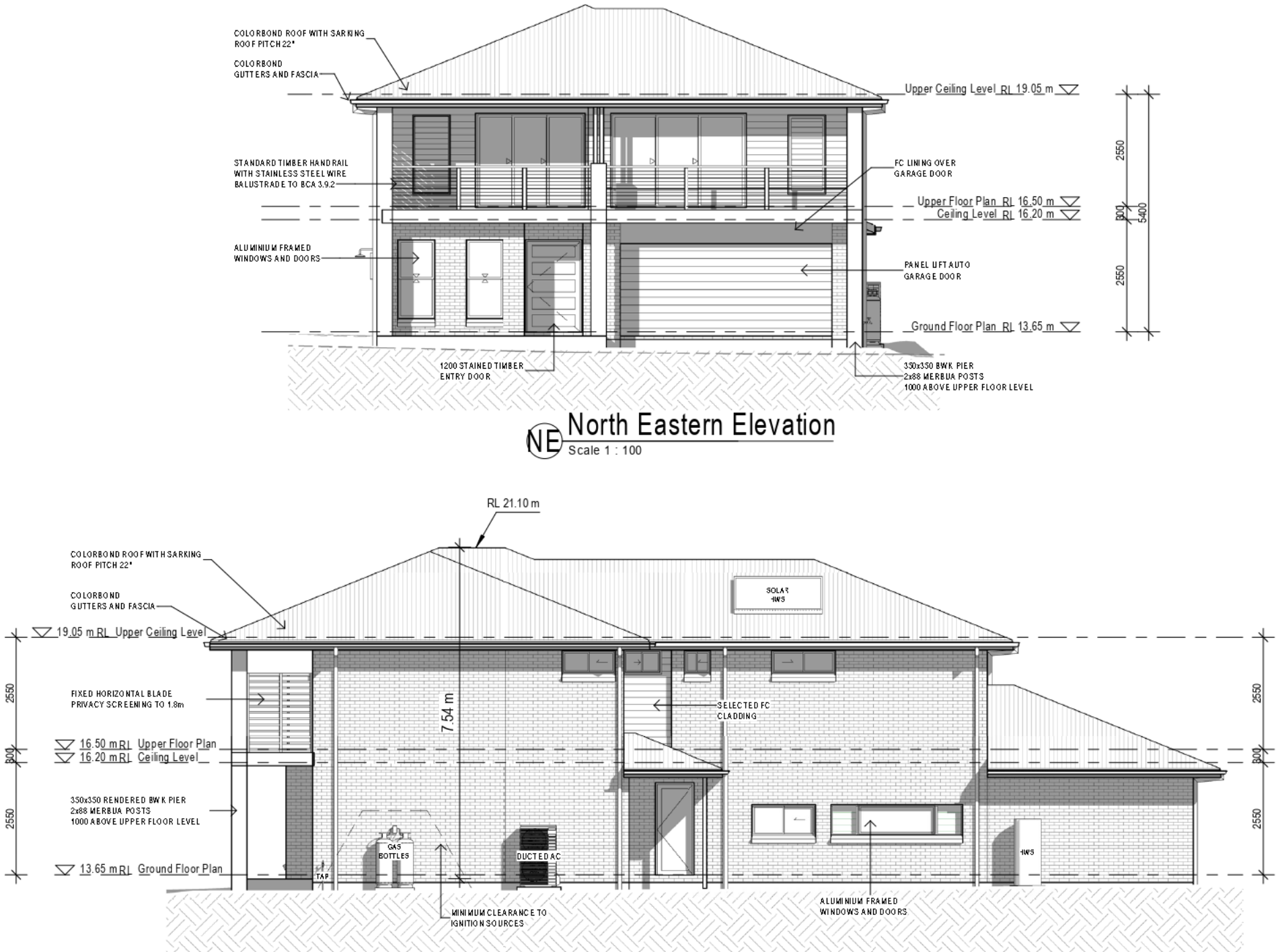
T20 L	DOOR WITH LIFT OFF HINGES
T20 PL	DOOR WITH PRIVACY LOCK
CPT	CARPET
CT	CERAMIC TILES
C/T	COOK TOP
DP	DOWN PIPE
DPS	DOWN PIPE & SPREADER
DTR/TR	TOWEL RAIL (DOUBLE) / (SINGLE)
HK	ROBE HOOK @ 1750
FT	LAMINATE FLOORING AS SPECIFIED
GFL	GARAGE FINISHED FLOOR LEVEL
FFL	FINISHED FLOOR LEVEL
FW	FLOOR WASTE
HWD	HARDWOOD DECKING
HWS	AS SPECIFIED
ME	ELECTRICAL METER BOX
MX	MIXER
O/H	OVERHEAD CUPBOARDS
R/H	RANGEHOOD (RECIRCULATING)
RT	TOWEL RING @ ----
S/D	SETDOWN
ST	SERVICES STACK
S	SPOUT
T	TAP
TRH	TOILET ROLL HOLDER
VP	VINYL PLANK FLOORING AS SPECIFIED
WC	TOILET
WM	WASHING MACHINE

NOTE:
DOWNPIPES TO BUILDING CORNERS ARE TO BE LOCATED 350mm FROM THE CORNER OF THE EXTERNAL WALL TO CENTRE OF THE DOWNPIPE.

Window Schedule

No.	Height	Width	Head Height	Area
Ground Floor Plan				
01	1800	850	2100	1.53 m ²
02	1800	850	2100	1.53 m ²
03	857	610	2100	0.52 m ²
04	600	2410	2100	1.45 m ²
05	1457	1810	2100	2.64 m ²
06	2100	2679	2100	5.63 m ²
07	2100	3600	2100	7.56 m ²
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09	700	3010	1603	2.11 m ²
10	700	1450	1603	1.02 m ²
Ground Floor Plan: 10				29.60 m ²
Upper Floor Plan				
11	1800	850	2100	1.53 m ²
12	2100	3010	2100	6.32 m ²
13	2100	2410	2100	5.06 m ²
14	1800	850	2100	1.53 m ²
15	600	2050	2260	1.23 m ²
16	600	1450	2260	0.87 m ²
17	1800	850	1800	1.53 m ²
18	600	1810	2260	1.09 m ²
19	600	1810	2260	1.09 m ²
20	857	2410	2260	2.07 m ²
21	514	1450	2260	0.75 m ²
22	514	610	2260	0.31 m ²
23	514	850	2260	0.44 m ²
24	514	1210	2260	0.62 m ²
Upper Floor Plan: 14				24.43 m ²
NOTE: FLYSCREENS TO ALL ALUMINIUM WINDOWS & SLIDING GLASS DOORS TO ASS959-2009 6.5.1A				54.03 m ²
NOTE: WINDOWS TO N3 WIND DESIGN				

LOWER ROOF	49.00 m ²
UPPER ROOF	195.89 m ²
244.89 m ²	



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CLIENT:
KAREN & GARY MANGAN

DRAWING TITLE: ELEVATIONS
SCALE: 1 : 100

PROJECT: PROPOSED NEW RESIDENCE
LOT 150, DP1230897
No. 16 SHORE BREAK CRESCENT
LAKE CATHIE, NSW, 2445

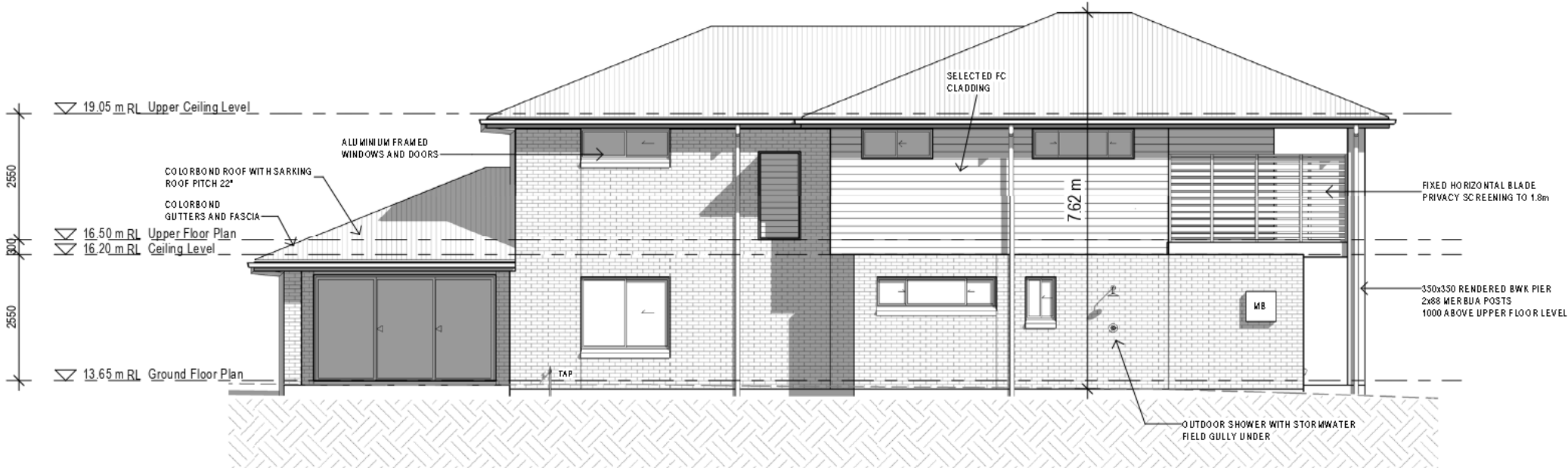
PAGES: 03-1 of 13
SHEET SIZE: **A3**
JOB NO: 3024-NA
DRAWN: T.J.W.
DATE: 23/10/20

FLOOR AREAS:			
Ground Floor Plan	Alfresco	Balcony	Upper Floor Plan
14.8 m ²	14.8 m ²	30.9 m ²	132.4 m ²
Garage	44.2 m ²	UF Living	4.3 m ²
126.1 m ²	Void	UF total	167.7 m ²
Porch	10.3 m ²		
GF total	195.4 m ²		
GRAND TOTAL 363.06 m ²			

Rev	Details	Date
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SW South Western Elevation
Scale 1 : 100



SE South Eastern Elevation
Scale 1 : 100

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CLIENT:
KAREN & GARY MANGAN

DRAWING TITLE: **ELEVATIONS** SCALE: **1 : 100**

PROJECT: PROPOSED NEW RESIDENCE
LOT 150, DP1230897
No. 16 SHORE BREAK CRESCENT
LAKE CATHIE, NSW, 2445

PAGES: 03-2 of 13
SHEET SIZE: **A3**

JOB NO: 3024-NA

DRAWN: **T.J.W**

DATE: 23/10/20

FLOOR AREAS:			
Ground Floor Plan		Upper Floor Plan	
Alfresco	14.8 m ²	Balcony	30.9 m ²
Garage	44.2 m ²	UF Living	132.4 m ²
GF Living	126.1 m ²	Void	4.3 m ²
Porch	10.3 m ²	UF total	167.7 m ²
GF total	195.4 m ²		
		GRAND TOTAL 363.06 m ²	

Rev			Details	Date
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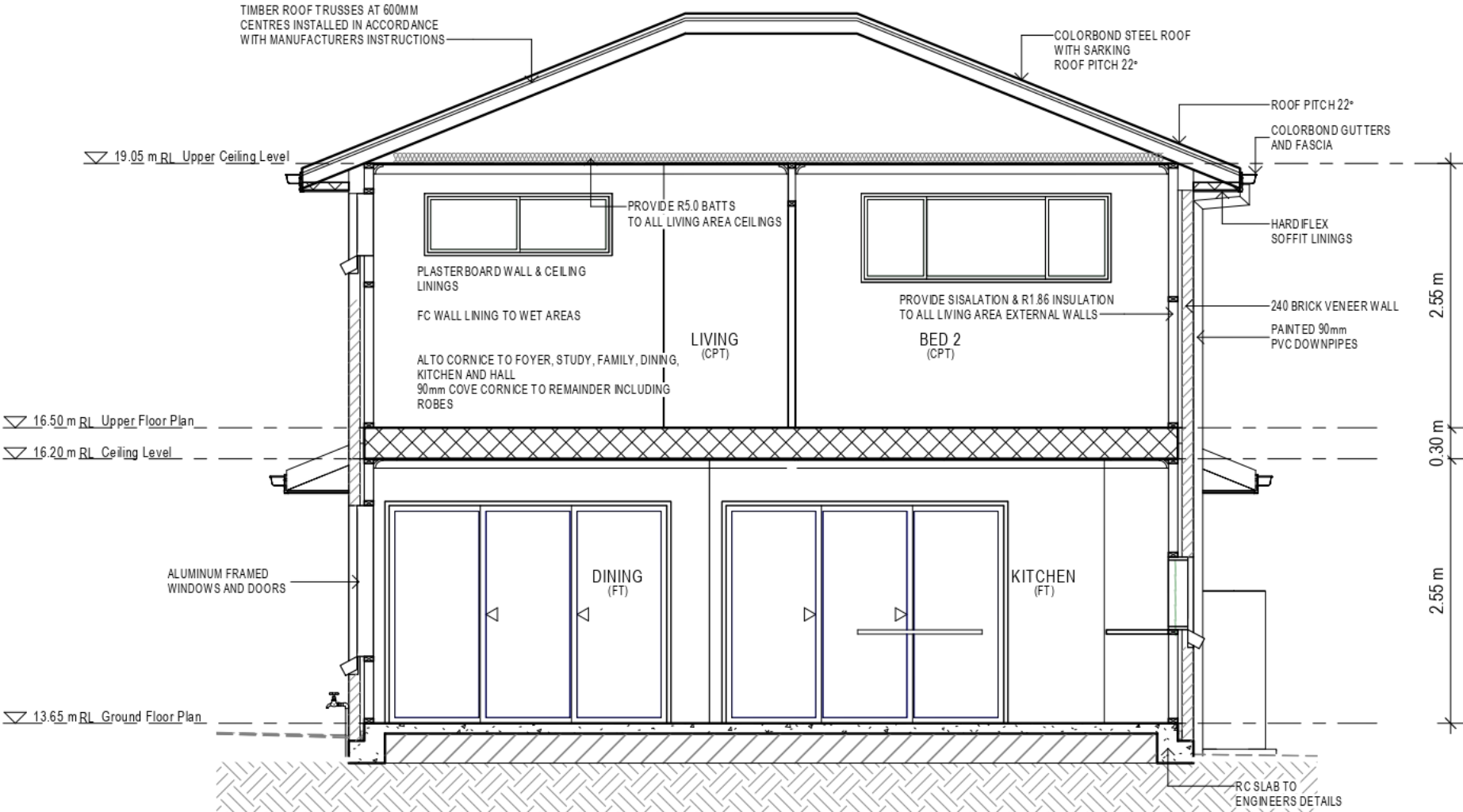
BASIX SUMMARY

No. of Bedrooms	3
Site Area (Total)	450m ²
Roof Area (Total)	245m ²
Net Conditioned Floor Area	212m ²
Net Unconditioned Floor Area	18m ²
Landscaped Area	250m ²
Indigenous Planting required	No
Shower Head Rating	Min.3 STAR (>7.5 <= 9L/min)
Toilets Rating	Min.3 STAR
Tap Fitting Kitchen	Min.3 STAR
Tap Fitting Bathroom	Min.3 STAR
Water Tank	N/A - Recycled Water
Recycled Water Usage	Toilet, Garden & WM
Hot Water Unit	GAS INSTANT (5 STARS)
Thermal Comfort	DIY BASIX
Air Conditioning	Yes
Mechanical Ventilation (Fans)	No
Ventilation Bathroom	Individual Fan (ducted to eave)
Ventilation Kitchen	Individual Fan (ducted to eave)
Ventilation Laundry	Naturally Vented
Cooktop	GAS
Oven	Electric
Clothes Line Outdoor / Indoor	Outdoor-Yes / Indoor-Yes
Alternative Energy	NILL

BASIX Certificate #1075652S

GENERAL NOTES/SPECIFICATION

ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH STRUCTURAL ENGINEERS DRAWINGS AND ALL OTHER RELEVANT CONSULTANTS DRAWINGS.	TERMITE MANAGEMENT SYSTEMS TO COMPLY WITH AS3660.
ALL DIMENSIONS TO BE VERIFIED BEFORE ANY WORK OR FABRICATION COMMENCES.	CONCRETE CONSTRUCTION TO BE IN ACCORDANCE WITH AS3600.
IF ANY DISCREPANCY, AMBIGUITY, ERROR OR INCONSISTENCY IS FOUND IN THIS SET OF DRAWINGS, REPORT TO DESIGNER BEFORE PROCEEDING.	MASONRY CONSTRUCTION TO BE IN ACCORDANCE WITH AS3700.
ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE RELEVANT CURRENT AUSTRALIAN STANDARDS AND THE BUILDING CODE OF AUSTRALIA UNLESS OTHERWISE SPECIFIED	DAMP-PROOF COURSE & FLASHINGS TO BE IN ACCORDANCE WITH AS/NZS 2904.
TIMBER FRAMING TO BE IN ACCORDANCE WITH AS1684. NATIONAL TIMBER FRAMING CODE	UNPLASTICISED PVC (UPVC) DOWNPIPE & FITTINGS FOR RAINWATER TO COMPLY WITH AS1273
SUB-FLOOR VENTILATION TO COMPLY WITH PART 3.4.1 BCA VOL TWO	INSTALLATION OF SHEET ROOF & WALL CLADDING TO COMPLY WITH AS1273
WHERE ROOF TRUSSES ARE NOMINATED DESIGN & SPECIFICATION TO BE BY MANUFACTURER.	ALL PEDESTRIAN SURFACES TO COMPLY WITH AS/NZS3661 SLIP RESISTANCE
BAUSTRADES TO COMPLY WITH BCA PART 3.9.2	GLASS TO BE SELECTED & INSTALLED IN ACCORDANCE WITH AS1288 & AS 2047.
POOL SAFETY FENCE TO COMPLY WITH AS1926.1 & SWIMMING POOLS ACT	WATERPROOFING OF WET AREAS TO COMPLY WITH AS3740
INSTALLATION OF SMOKE DETECTORS TO COMPLY WITH AS3786.	ELECTRICAL INSTALLATIONS TO COMPLY WITH AS3018
PLUMBING & DRAINAGE SYSTEMS TO COMPLY WITH AS3500	
PLEASE NOTE: THE STANDARDS REFERENCED IN THE TABLE ARE THE RELEVANT VERSION ADOPTED BY THE BCA AT THE TIME THE CONSTRUCTION CERTIFICATE OR COMPLYING DEVELOPMENT CERTIFICATE APPLICATION WAS LODGED.	



TILING (FROM BUILDERS STANDARD INCLUSIONS)

- WC-**
TILES TO FLOOR & SINGLE ROW SKIRTING (MAX 250mm HIGH) 1200 BEHIND WC ONLY
- BATHROOM-**
TILES TO FLOOR & STAND 2.1m SHOWER, 1.2m BATH, UPTO 300mm VANITY, 300mm SKIRTING
- ENS-**
TILES TO FLOOR & STAND 2.1m SHOWER, UPTO 300mm VANITY, 300mm SKIRTING
- LDRY-**
TILES TO FLOOR & SINGLE ROW SKIRTING (MAX 300mm HIGH) & 450mm HIGH SPLASHBACK
- KITCHEN-**
600mm HIGH CERAMIC TILING OVER BENCH TOPS TO KITCHEN SPLASHBACK

NOTE: 90MM COVE PLASTERBOARD CORNICES

NOTE: FLYSCREENS TO ALL ALUMINIUM WINDOWS & SLIDING GLASS DOORS TO AS3959-2009 6.5.1A

Section 1
Scale 1 : 50

CONCRETE SLAB NOTE
REINFORCED CONCRETE SLAB ACCORDING TO ENGINEERS DETAILS AND COMPLYING WITH AS 2870 - RESIDENTIAL SLABS AND FOOTINGS & AS 3660 - CONCRETE STRUCTURES.

TERMITE PROTECTION
POUR REINFORCED CONCRETE FLOOR SLAB IN ACCORDANCE WITH AS 2870 TO FORM PART OF THE TERMITE BARRIER. PROTECT IN ACCORDANCE WITH AS 3660-1 AND ACCORDING TO MANUFACTURER'S INSTRUCTIONS.

PEST CONTROL SYSTEM
KORDON PROTECTIVE SYSTEM TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS.

FRAMING NOTES
PREFABRICATED TIMBER WALL FRAMES & TRUSSES TO SUIT A DESIGNED WIND SPEED UP TO N2

IWE HAVE CHECKED THE PLANS AND AGREE THEY ACCURATELY DEPICT THE HOUSE FOR CONSTRUCTION. ANY VARIATIONS REQUESTED AFTER SIGNING WILL INCUR A PROCESSING FEE IN ADDITION TO THE COST OF THE VARIATION ITEMS AND ANY FURTHER PLANS TO BE PREPARED.

OWNER SIGNED: DATE:
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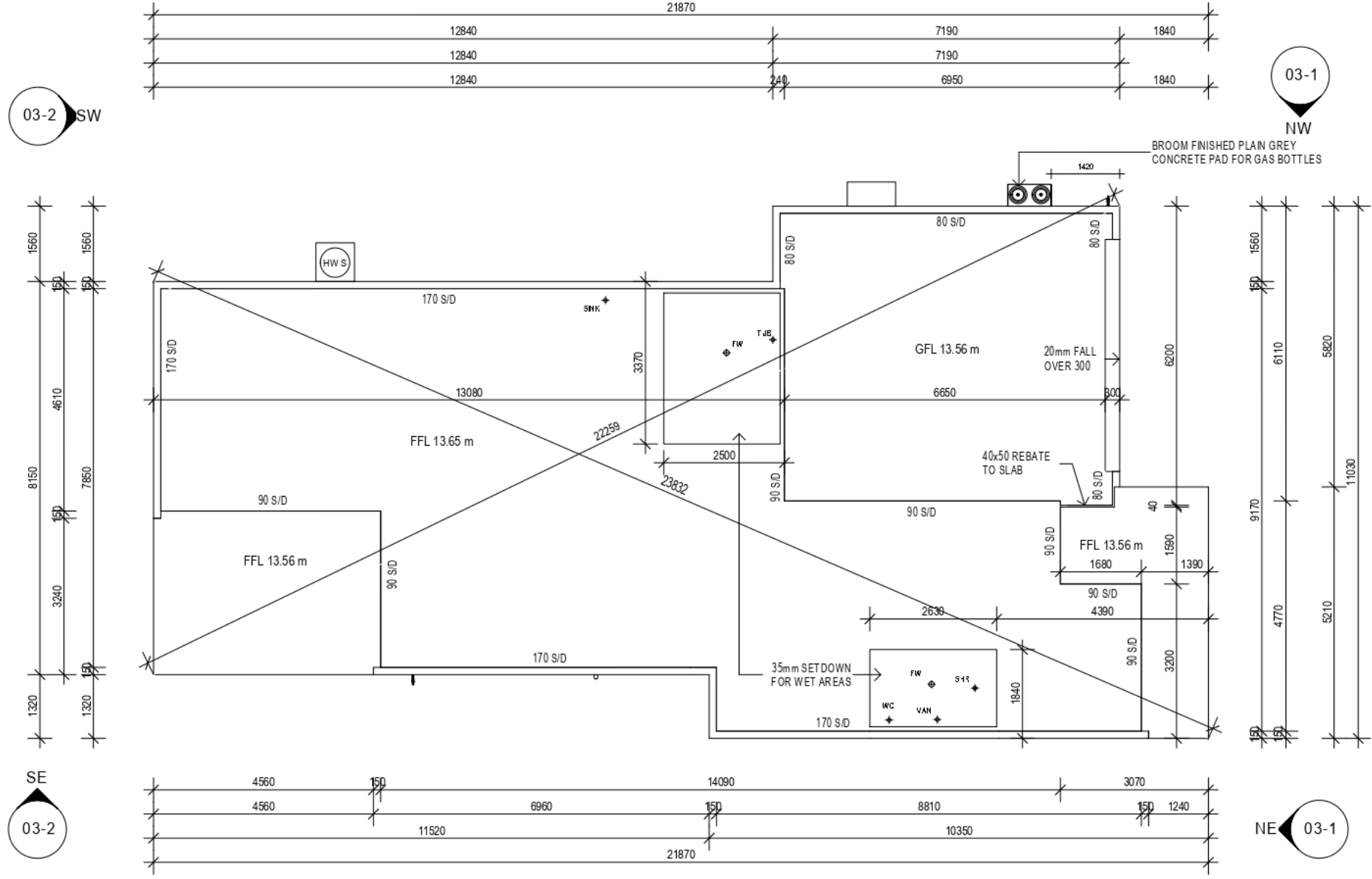
DRAWING TITLE: SECTION
SCALE: 1 : 50

PROJECT: PROPOSED NEW RESIDENCE
LOT 150, DP1230897
No. 16 SHORE BREAK CRESCENT
LAKE CATHIE, NSW, 2445

PAGES: SHEET SIZE:
04 of 13 **A3**
JOB NO: 3024-NA
DRAWN: T.J.W
DATE: 23/10/20

FLOOR AREAS:			
Ground Floor Plan	Upper Floor Plan		
Alfresco 14.8 m ²	Balcony 30.9 m ²		
Garage 44.2 m ²	UF Living 132.4 m ²		
GF Living 126.1 m ²	Void 4.3 m ²		
Porch 10.3 m ²	UF total 167.7 m ²		
GF total 195.4 m ²			
GRAND TOTAL 363.06 m ²			

Rev	Details	Date
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- NOTES**
1. VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT.
 2. ALL PLAN DIMENSIONS ARE TO OUTSIDE OF BRICK WORK UNLESS NOTED OTHERWISE.
 3. FOOTINGS AND SLAB CONSTRUCTION TO BE IN ACCORDANCE WITH ANY GEOTECHNICAL REPORT & ENGINEER'S DETAIL FOR THIS ALLOTMENT.
 4. TERMITE PROTECTION TO BE IN ACCORDANCE WITH AS 3660.1 1995 AND B.C.A. 3.1.3.

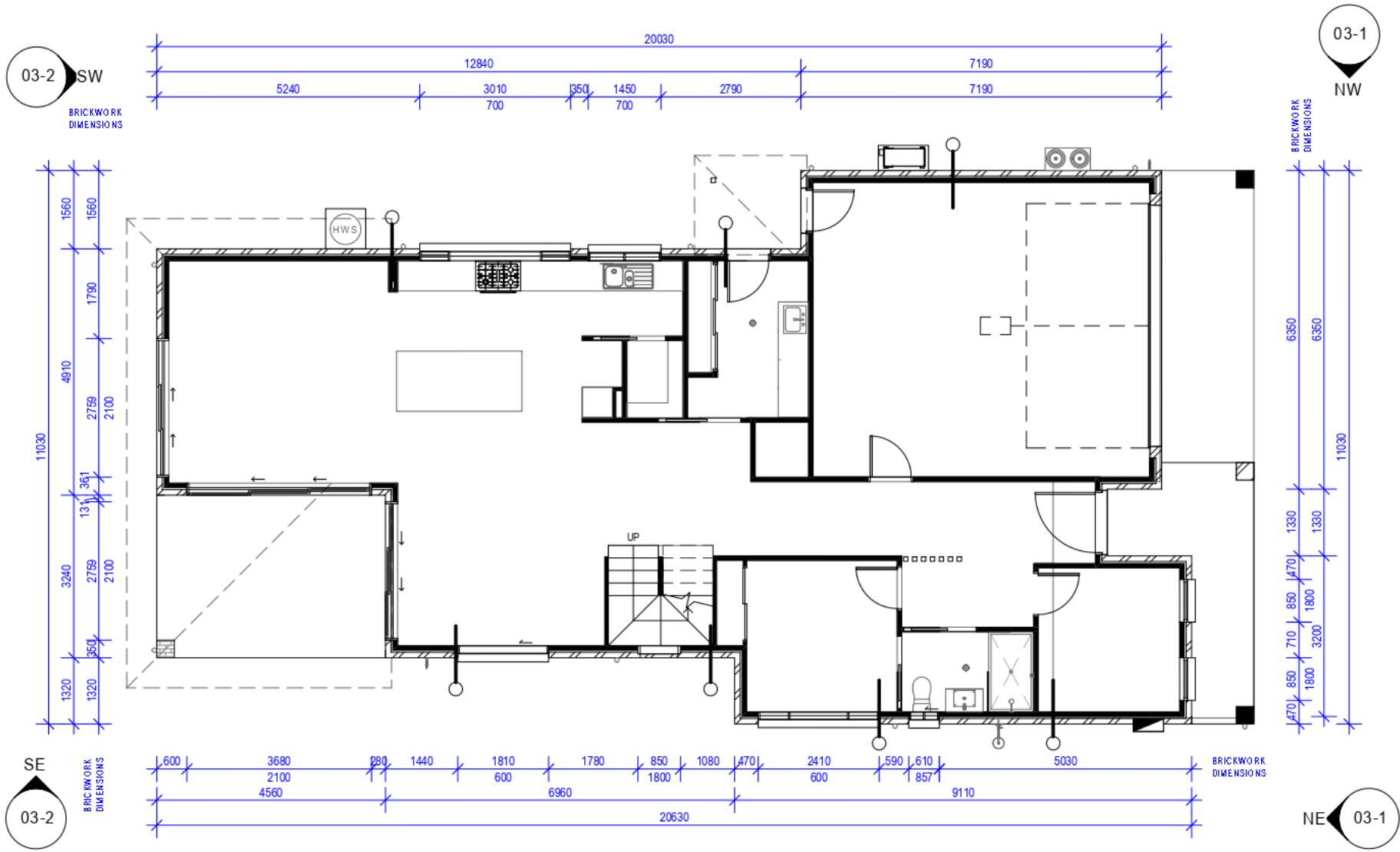
1 Slab Layout
Scale 1 : 100

PLUMBER AND CONCRETER TO CONFIRM
ALL PC ITEMS FOR SLAB PENETRATION
OFFSETS AND DIMENSIONS.
THIS IS A GUIDE ONLY

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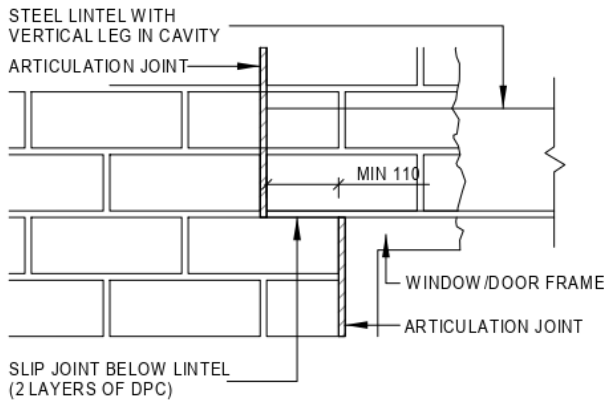
<div></div> <div>Builders License No. 72890C</div>	<div>SEAVIEW 324 MOD</div> <div>© COPYRIGHT EXCLUSIVE</div>	<div></div> <div>House plans, renders & websites</div>	CLIENT:	PROJECT: PROPOSED NEW RESIDENCE	PAGES: 05-1 of 13	SHEET SIZE: A3	FLOOR AREAS:
			KAREN & GARY MANGAN	LOT 150, DP1230897	JOB NO: 3024-NA		
			DRAWING TITLE:	SCALE	DRAWN:		
			SLAB LAYOUT	1 : 100	T.J.W		
				No. 16 SHORE BREAK CRESCENT	DATE: 23/10/20		
				LAKE CATHIE, NSW, 2445			

Rev	Details	Date
A	Concept Issue	21/01/20
B	Revision	03/03/20
C	Council Issue	23/10/20
D	Council Issue B	10/02/21



BRICKWORK ARTICULATION JOINTS

1. In straight, continuous walls having no openings, at no more than 7.0m.
2. Where the height of the wall changes by more 20%, at the position of change in height; and
3. Where openings more than 900x900mm occur, at not more than 5m centres and positioned in line with one edge of the opening; and
4. Where walls change thickness; and
5. At control or construction joints in footing slab; and
6. At junctions of walls constructed of different masonry materials; and
7. At a distance from all corners between 2m-4.5m.



BRICKWORK ARTICULATION
OVER WINDOW OR DOOR

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OWNER SIGNED: DATE:
OWNER SIGNED: DATE:
BUILDER SIGNED: DATE:

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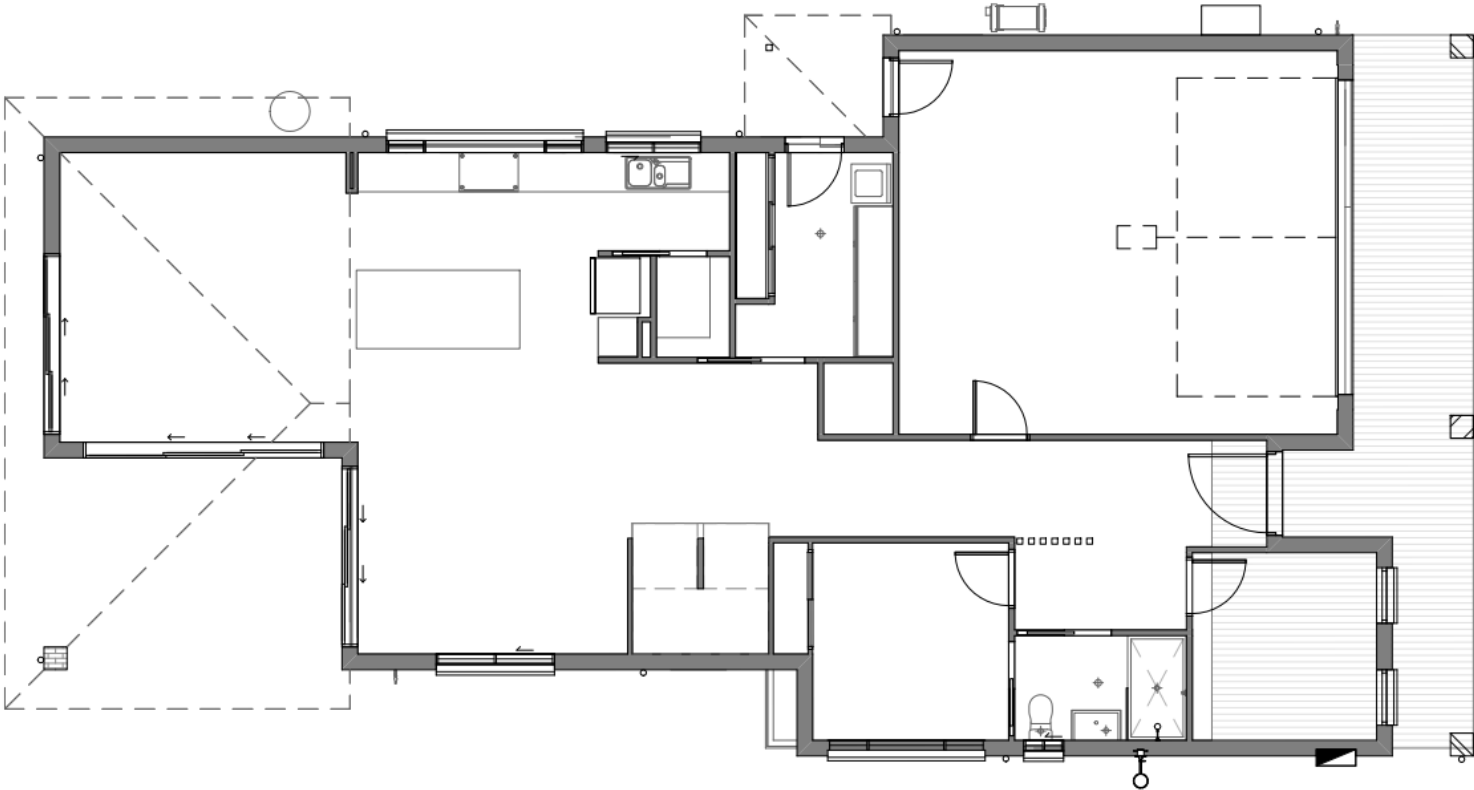
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CLIENT: **KAREN & GARY MANGAN**
DRAWING TITLE: **BRICKWORK SETOUT** SCALE: **1 : 100**

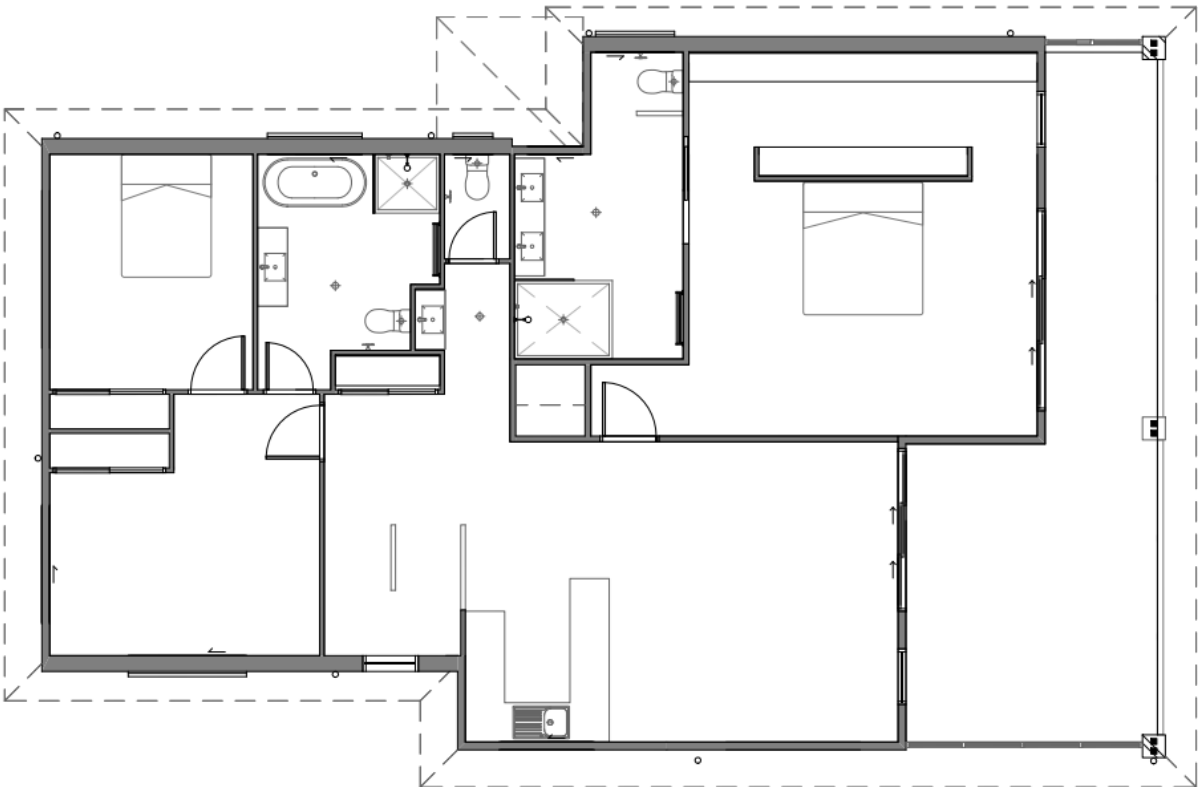
PROJECT: **PROPOSED NEW RESIDENCE**
LOT 150, DP1230897
No. 16 SHORE BREAK CRESCENT
LAKE CATHIE, NSW, 2445

PAGES: **05-2 of 13** SHEET SIZE: **A3**
JOB NO: **3024-NA**
DRAWN: **T.J.W**
DATE: **23/10/20**

FLOOR AREAS:



1 Lower Floor Electrical Plan
Scale 1 : 100



2 Upper Floor Electrical Plan
Scale 1 : 100

ELECTRICAL LEGEND		
SYMBOL	ITEM	QTY
	LED DOWNLIGHT	
	EXTERNAL LIGHT POINT CEILING	
	DOWNLIGHT	
	PENDANT LIGHT	
	INTERNAL LIGHT POINT	
	CIRCULAR FLURO	
	OUTDOOR WALL SCONCE	
	LIGHT POINT WALL	
	CEILING MOUNTED FLUORESCENT	
	TWIN SPOT SENSOR LIGHT	
	SINGLE POWERPOINT	
	DOUBLE POWERPOINT	
	WEATHERPROOF POWERPOINT	
	POWER POINT WITH USB OUTLETS	
	EXHAUST FAN CEILING	
	TASTIC 2 HEATER/ LIGHT/FAN	
	TASTIC 4 HEATER/ LIGHT/FAN	
	TV POINT	
	PHONE POINT / NBN POINT	
	GAS POINT	
	CEILING FAN	
	CEILING FAN LIGHT COMBO	
	SMOKE ALARMS MUST BE INSTALLED IN ACCORDANCE WITH BCA 3.7.2.3; AND MUST COMPLY WITH AS 3786. SMOKE ALARMS MUST BE CONNECTED TO THE CONSUMER MAINS POWER WHERE CONSUMER MAINS POWER IS SUPPLIED TO THE BUILDING	
	APPROVED DOWNLIGHT NON-VENTILATED COVER OR SHIELD TO ALL CEILING PENETRATIONS FOR LIGHTING	
	BCA 2019 REQUIREMENTS: ALL EXHAUST FANS TO BE EXTERNALLY DUCTED.	

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DRAWING TITLE: ELECTRICAL
SCALE: 1 : 100

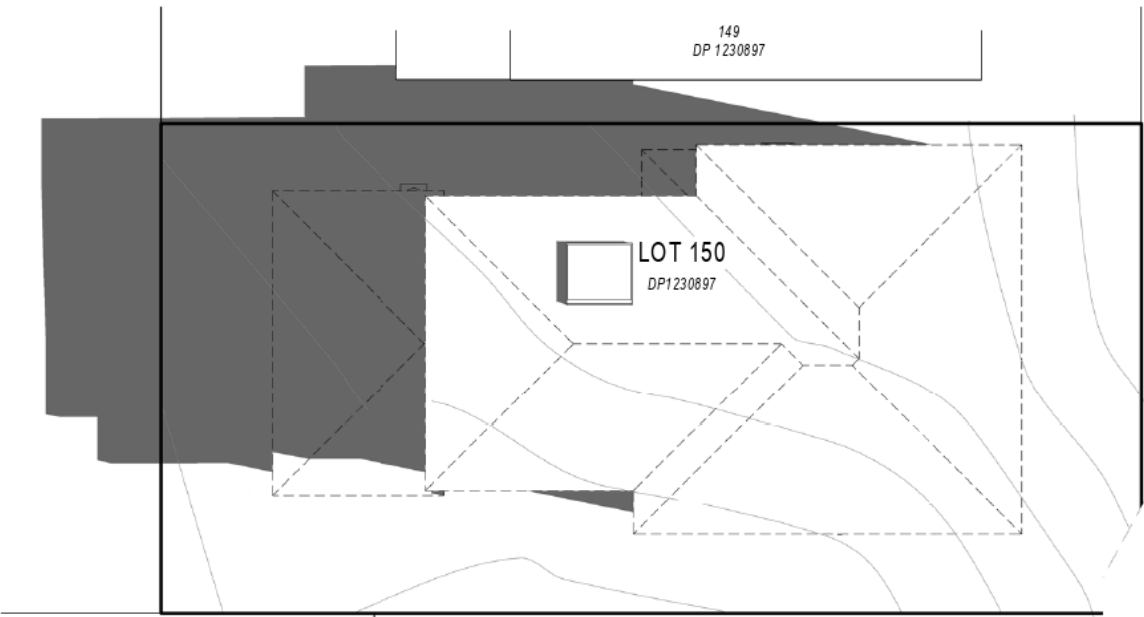
PROJECT: PROPOSED NEW RESIDENCE
LOT 150, DP1230897
No. 16 SHORE BREAK CRESCENT
LAKE CATHIE, NSW, 2445

PAGES: 06 of 13
SHEET SIZE: A3
JOB NO: 3024-NA
DRAWN: T.J.W
DATE: 23/10/20

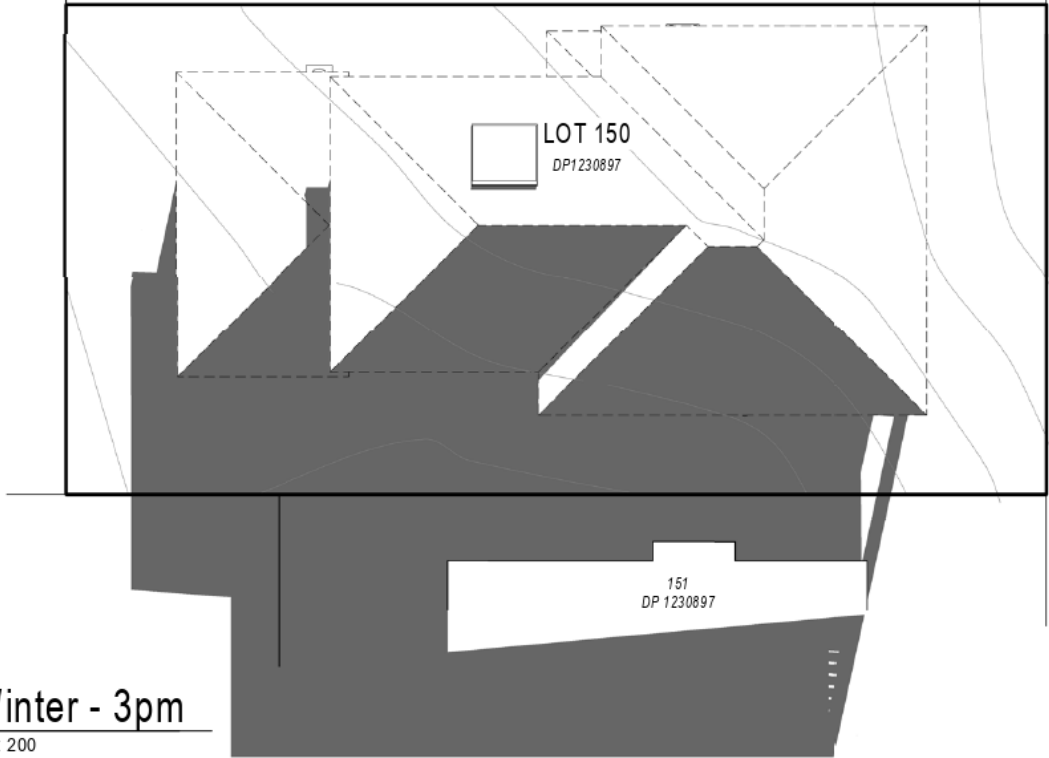
FLOOR AREAS:

Rev	Details	Date
A	Concept Issue	21/01/20
B	Revision	03/03/20
C	Council Issue	23/10/20
D	Council Issue B	10/02/21

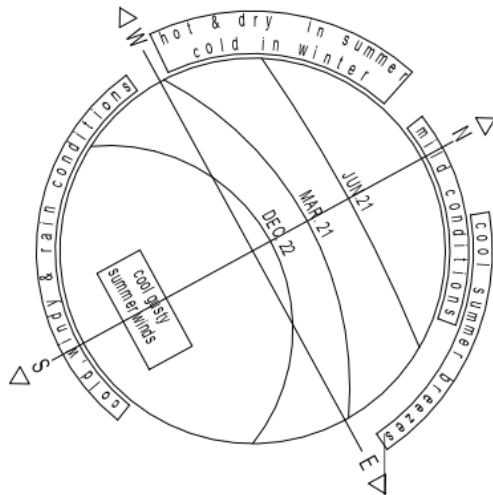
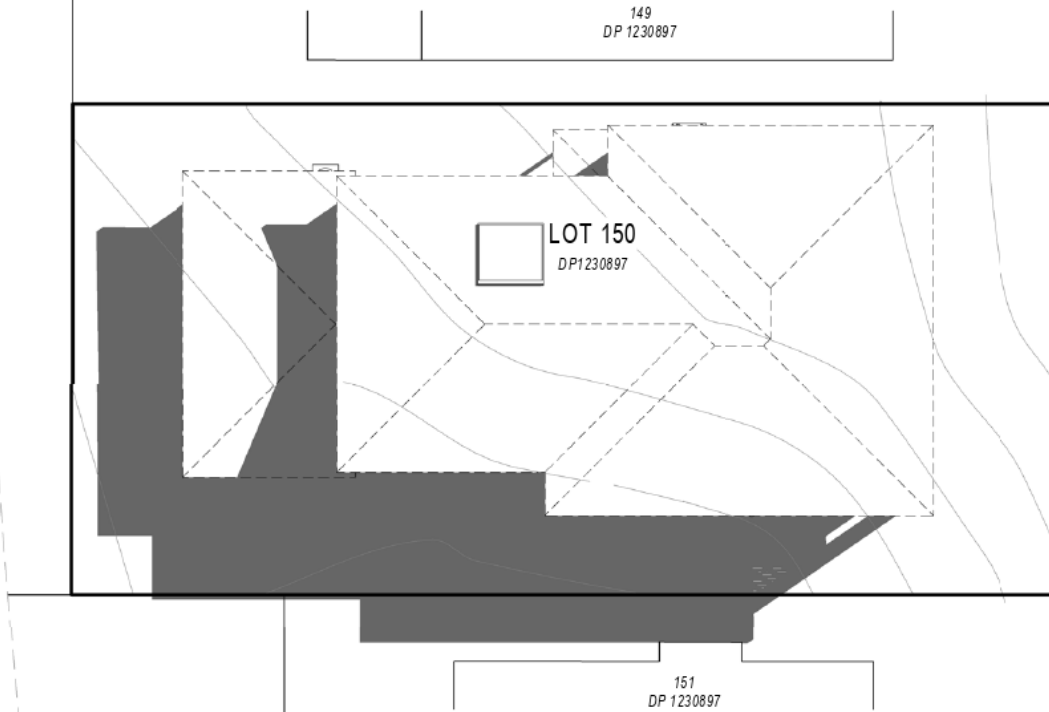
1 .1-Winter - 9am
Scale 1 : 200



3 .3-Winter - 3pm
Scale 1 : 200



2 .2-Winter - 12pm
Scale 1 : 200



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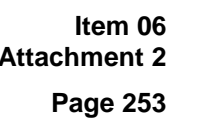
CLIENT:
KAREN & GARY MANGAN
DRAWING TITLE:
SHADOW DIAGRAMS
SCALE
1 : 200

PROJECT: PROPOSED NEW RESIDENCE
LOT 150, DP1230897
No. 16 SHORE BREAK CRESCENT
LAKE CATHIE, NSW, 2445

PAGES: 09-1 of 13
SHEET SIZE: **A3**
JOB NO: 3024-NA
DRAWN: **T.J.W**
DATE: 23/10/20

FLOOR AREAS:

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OWNER SIGNED:	DATE:	
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Rev	Details	Date
D	Council Issue B	10/02/21



Item: 07**Subject: DA2018 - 353.3 MODIFICATION TO COMMERCIAL PREMISES AND TOURIST AND VISITOR ACCOMMODATION INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 123 DP 1219042, NO 17 CLARENCE STREET, PORT MACQUARIE****Report Author: Development Assessment Planner, Benjamin Roberts**

Applicant:	David Pensini
Owner:	Yogi Bear Holdings Pty Ltd
Estimated Cost:	N/A
Parcel no:	65374

Alignment with Delivery Program

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

RECOMMENDATION

That the Development Assessment Panel recommend to Council that modification to DA2018 - 353.3 for a Commercial Premises and Tourist and Visitor Accommodation including clause 4.6 variation to clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a modification to a previous approved commercial premises and tourist and visitor accommodation including clause 4.6 variations to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of Port Macquarie-Hastings Local Environmental Plan 2011 at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, ten (10) submissions were received.

The site is considered suitable for the proposed modified development and the proposal adequately addresses relevant planning controls as justified. 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 modification application be approved subject to the amended conditions included in **Attachment 1**.

1. BACKGROUND

Previous consideration of the proposal and applications prior to current modification

The first development application was originally reported to the Development Assessment Panel on 23 January 2019 where the Panel was unable to reach consensus as follows:

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

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

For: Robert Hussey

Against: Paul Drake and Dan Croft.

The dissenting recommendation was:

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

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

“That DA2018 - 353 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.”

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

RESOLVED: *Intemann/Alley*

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

CARRIED: 6/1

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

AGAINST: *Levido*

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

The revised application was re-considered by the Development Assessment Panel on 22 May 2019 where it was again unable to reach consensus as follows:

The following motion was put to the panel:

“That it be recommended to Council that DA2018 - 353.1 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.”

For: Paul Drake and Dan Croft

Against: Robert Hussey

The dissenting recommendation was:

“That DA2018 - 353.1 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by refusing consent for the following reason:

1. Insufficient car parking is provided on site. To vary the Development Control Plan (DCP) car parking provisions by 18% has significant implications on parking in the CBD, will lead to an undesirable precedent and undermine the DCP. Council should consider amending the DCP if such variations are to be considered acceptable.”

Given the Development Assessment Panel was unable to reach consensus at its meeting on 22 May 2019 the matter was reported to Council in accordance with the DAP charter on 19 June 2019. The extent of the Clause 4.6 variation also required the application to be determined by Council.

In considering the matter at its meeting on 19 June 2019 Council resolved as follows:

RESOLVED: Hawkins/Turner

That DA2018 - 353.1 for a commercial premises and tourist and visitor accommodation with clause 4.6 variation to clause 4.3 (Height of Buildings) and clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP 1219042, No. 17 Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

CARRIED: 8/0

FOR: Alley, Dixon, Griffiths, Hawkins, Intemann, Levido, Pinson and Turner

AGAINST: Nil

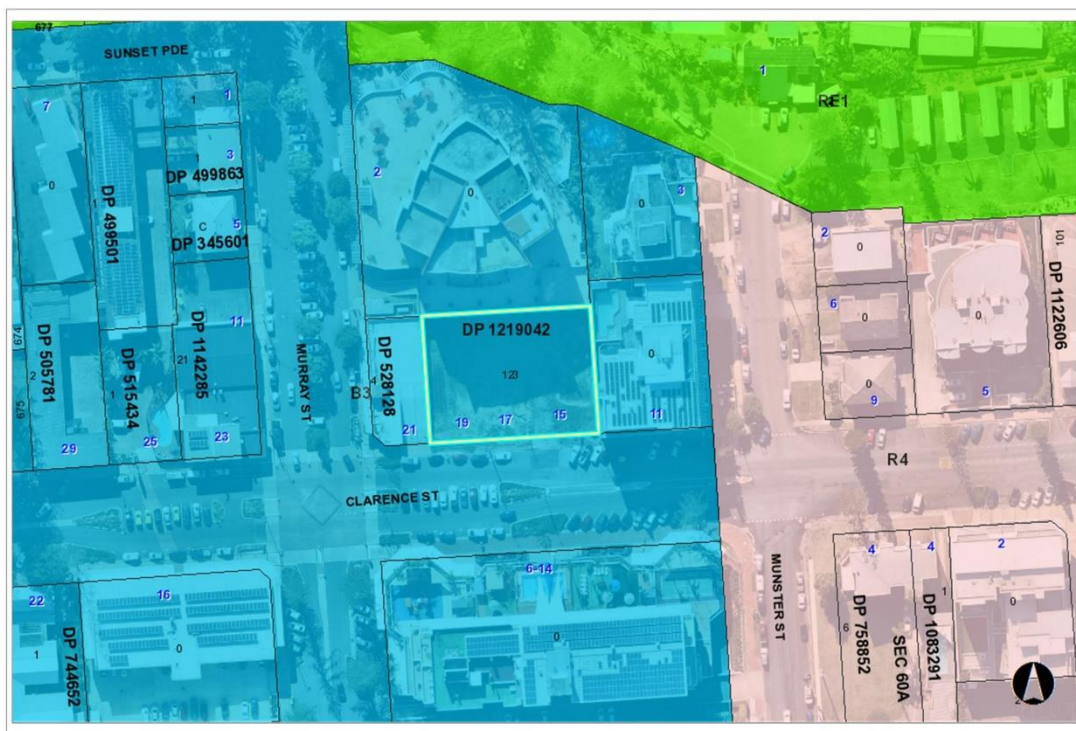
A modification application was subsequently approved by the Development Assessment Panel on 27 November 2019. The modification made the following changes:

- Increase to ground floor commercial floor space from 195.3m² to 347.73m², which also included a reduction in parking at the ground floor level from 20 spaces to 10 spaces;
- Increase to lower level basement area to provide for 13 additional parking spaces;
- Increase to the conference room area on the sixth floor from 96.2m² to 105.4m²;
- Relocation and reconfiguration of amenities and gymnasium areas on sixth floor;
- Incorporation of external signage to the building;
- Change consent condition A13 regarding water metering requirements; and
- Change consent condition F4 regarding reception operating hours.

Existing Sites Features and Surrounding Development

The site has an area of 1518m².

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposed modification include the following:

- Increase in building height;
- Relocation of electricity substation;
- Relocation of vehicle entry and exit;
- Relocation of discharge of internal fire stairs (south-eastern aspect);
- Reduced ground floor commercial area;
- Changes to the design of the basement car parking levels;
- Extension of external balcony (L1 - south-eastern corner of building);
- Enlargement of units (north-eastern aspect L4 - L6 inclusive);
- Changes to the reception area of the hotel;
- Change of level 6 roof over fire stairs;
- Minor changes to the southern façade appearance;
- Minor changes to the northern façade appearance;
- Internal changes to apartment layouts;
- Changes to location of service area; and
- Incorporate staging.

Refer to **Attachment 2** at the end of this report for plans of the proposed modified development.

Application Chronology

- 6 April 2020 - Application lodged.
- 23 April to 6 May 2020 - Public exhibition via neighbour notification.
- 25 May 2020 - Additional information request.

- 11 September 2020 - Additional information response.
- 4 December 2020 - Additional information request.
- 21 December 2020 - Additional information provided.
- 14 January 2021 - Additional information request.
- 28 January 2021 - Additional information response.

3. STATUTORY ASSESSMENT

Section 4.55 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modification into three categories - 4.55(1) for modifications involving minor error, mis-description or miscalculation; 4.55(1A) for modifications involving minimal environmental impact; and 4.55(2) for other modifications. Each type of modification must be considered as being substantially the same to that which was originally consented to. The application has been lodged as a Section 4.55(1A).

Is the proposal substantially the same?

The subject application is being considered under the provisions of Section 4.55(1A).

The applicant has provided the following details in regards to the substantially the same test against relevant case law:

- The modified proposal is not a radical transformation from the development originally approved. The overall layout and appearance of the building remains the same. The land use and numbers of units remains unchanged;
- A qualitative and quantitative assessment of the proposed changes against the approved development.

Having regard to guidance principles set out in NSW Land and Environment Court case law *Moto Projects (No 2) Pty Ltd v North Sydney Council 1999*, the proposal is considered to be substantially the same development as the development originally approved. A comparison of the qualitative and quantitative elements of the originally approved development to the modified proposal reveals the proposal will present materially and essentially the same. The changes will not result in a radical transformation from that originally approved. Specifically, the use of the site as a commercial premises and tourist and visitor accommodation and building footprint remains relatively unchanged. The fundamental characteristics and essence of the development remain essentially the same.

Does the application require notification/advertising in accordance with the regulations and/or any Development Control Plan?

Neighbour notification has been undertaken.

Any submissions made concerning the modification?

Ten (10) submissions were received following completion of the neighbour notification period. The submissions are considered later in this report.

Any matters referred to in section 4.15(1) relevant to the modification?

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 modified development that apply to the land to which the modification application relates:

(a) The provisions (where applicable) of:

(i) Any Environmental Planning Instrument

Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011)

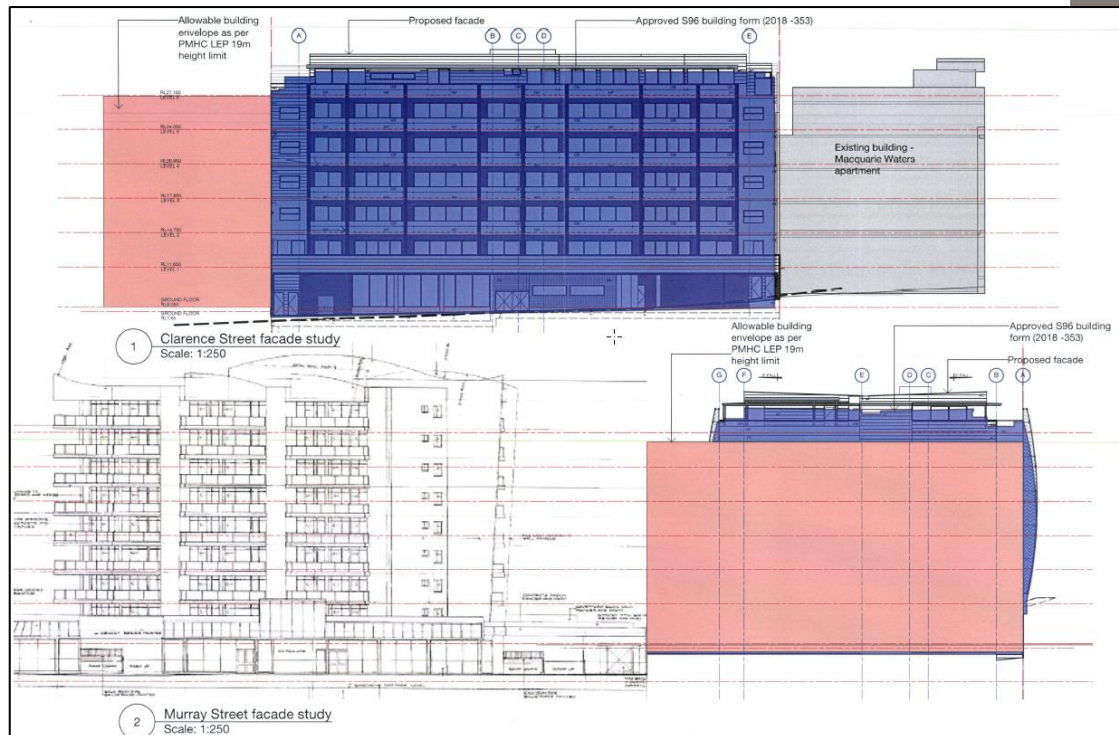
- Clause 4.3 - The maximum overall building height of the modified proposal above ground level (existing) is 24.65m. The approved building height is 23.65m. The proposed increase being 1m. The maximum building height standard applicable to the site is 19m. As a result, the applicant has submitted a modified Clause 4.6 variation to the standard. The proposed modified building height represents a 29.7% departure from the standard.
- Clause 4.6(3) - Consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

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

- In gaining an appreciation of the extent of the modified building height variation it is important to note the site has been excavated under a prior development consent. The plans provided as an attachment to this report illustrate the extent of the modified height variation proposed. The plans illustrate the building height limit, approved building height and the modified building height proposed.
- The modified building design and height remains consistent with the existing and future character of the locality in relation to height, bulk and scale.

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

- The proposal remains consistent with the objectives of the LEP and is unlikely to have any implications on State related issues or the broader public interest.
- When viewed from the street it will present as a six storey building. The 6th floor is adequately setback from the perimeter of the main building, add minimal bulk and will articulate the built form.
- The proposal remains consistent with established buildings in terms of height and storeys. The screenshot below extracted from the supporting façade study illustrates the building height comparison to the adjoining Macquarie Waters and North Point buildings:



- As per Planning Circular PS 20-002, Council can assume the Director-General's Concurrence for variations to height limits. The height variation is more than 10% deviation from the standard and therefore the application needs to be determined by full Council rather than under staff delegation.
- Clause 4.4 - The floor space ratio of the modified proposal is 3.69:1. The current approved (as modified) floor space ratio is 3.61:1. The maximum floor space ratio standard applicable to the site is 3.5:1. As a result, the applicant has submitted a modified Clause 4.6 variation to the standard. The variation represents a 5.4% variation from the standard and equates to an additional floor area of 286.8m² above the standard for the site.
- Clause 4.6(3) - Consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

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

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

Having consideration to the above the applicant has demonstrated the proposal is sufficiently consistent with the performance objectives of the floor space ratio clause. It is also noted that the site is located within a B3 non-residential zone. In addition, it is also considered that the proposal is unlikely to have any implications on State related issues or the broader public interest.

As per Planning Circular PS 20-002, Council can assume the Director-General's Concurrence for variations to floor space ratios. The floor space ratio variation is less than a 10% deviation from the standard and may be determined by staff under delegation. However, noting the building height variation proposed the application will be required to be determined by full council in any event.

(iii) Any Development Control Plan in force

Port Macquarie-Hastings Development Control Plan 2013

Applicable general provisions:

Off-street parking

Requirements	Modified Proposal	Complies
<ul style="list-style-type: none"> Off-street parking in accordance with Table 3: - Motel accommodation requires 1.1 per unit + 1 per 2 employees (onsite at any one time) + 1 for on-site manager. - Commercial premises require 1 per 30m² of Gross Leasable Floor Area (GLFA). - Function room requires 1 per 30m² serviced floor area in commercial zones. 	<p>Motel accommodation with dual key arrangement:</p> <ul style="list-style-type: none"> - 79 units = 86.9 - No onsite manager = 0 - 6 employees = 3 <p>Total for motel = 89.9 spaces.</p> <p>Commercial premises:</p> <ul style="list-style-type: none"> - 310m² = 10.33 spaces. <p>Function Room</p> <ul style="list-style-type: none"> - 105.4m² = 3.51 spaces. <p>Total required parking = 103.74 spaces i.e. 104 complete spaces.</p> <p>Total parking proposed = 88 spaces.</p>	No*

The modified proposal incorporates a reduction in commercial floor space on the ground floor. The changes to floor space results in an overall minor decrease in parking demand from that already approved.

The parking demand of the previous approval was 105 spaces. The parking demand of the modified proposal is 104 spaces (i.e. 1 space less). The application makes no change to the total parking proposed i.e. 88 spaces.

The modified proposal still includes a variation to clause 2.5.3 which requires onsite parking to be provided in accordance with Table 2.5.1. In accordance with the table above 104 spaces are required to serve the development with 100% occupancy of all units inclusive of 32 dual key units. The modified proposal includes 88 spaces. Thus resulting in a parking shortfall of 16 spaces. Previous shortfall was 17 spaces.

Section B24 of the DCP provides that Council may consider a reduced level of parking where it is supported by a parking demand study that assesses the peak parking demands for the overall development and completed by a suitably qualified and experienced person.

The relevant objectives of the plan are:

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

The subject application was supported by a traffic impact assessment that included a parking demand analysis. The assessment included a dual occupancy (i.e. dual key) parking sensitivity assessment with an assumed 80% occupancy rate which was considered reasonable and adopted in determining off-street parking demand for the development.

Revised calculations of parking demand for the modified proposal based on the adopted 80% occupancy rate is provided as follows:

- 79 lettable units at 80% occupancy equates to 63.2 units (i.e. $79 \times 0.8 = 63.2$).
 $63.2 \text{ units} \times 1.1 \text{ spaces per unit} = 69.52 \text{ spaces}$.
- Employees: 6 at 1 per 2 employees ($6/2$) = 3 spaces.
- Commercial premises: 310m^2 (1 per 30m^2) = 10.33 spaces.
- Function Room: 105.4m^2 (1 per 30m^2) = 3.51 spaces.
- Total parking demand required = 86.36 spaces.

Parking proposed is 88 spaces. Having regard to the overall findings of the traffic impact assessment it is considered the proposal as modified will not result in any significant adverse impacts to traffic, parking or road function.

(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

Having regard to existing development with the locality and adopted building height and floor space ratio controls, the proposal as modified is considered to be sufficiently consistent with the locality and adequately addresses planning controls for the area, including the additional variations.

The modified proposal is considered appropriate in terms of density and will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

(c) The suitability of the site for the development

The proposal as modified will fit into the locality. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

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

Ten (10) 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
No further increase in building height should be approved as the building already exceeds the maximum permitted. The proponent is trying to circumvent the controls by applying for minor increases over time. The proposal provides no benefit to the community.	Refer to comments under LEP heading of this report surrounding the height of building and variation sought. On merit the proposed building height is considered to be sufficiently consistent with the height of buildings objectives and existing high rise buildings adjoining and within vicinity of the site. It would be unreasonable to refuse the application on these grounds.
The modified building will be out of character and context with surrounding buildings.	Refer comments under Height of Buildings section of this report. The height context and façade study images illustrate the height and scale of existing adjoining buildings relative to the proposed modified building height. On merit the proposed building height is considered to be sufficiently consistent with the height of buildings objectives and existing high rise buildings adjoining and within vicinity of the site.
Overshadowing impacts to immediately surrounding area.	Having regard to the sites north south orientation it is evident that the adjoining properties will not be adversely overshadowed by the development for more than 3 hours between 9am -3pm on 21 June.
Overshadowing impacts to Macquarie Waters building and its rooftop solar.	During assessment the applicant has provided shadow diagrams which satisfactorily demonstrate the change to the extent of overshadowing impacts from the proposed further 1m increase in building height upon the roof of the adjoining Macquarie Water's building. The change has been assessed as minimal. There is no adopted planning controls that aim to protect solar access to solar panels.
Privacy impacts to both to Northpoint units and Macquarie Waters building from the rooftop terrace area and removal of planter boxes to units 406, 506 and 602B.	There is no change to the rear or side building setback from that already approved. Therefore, it is anticipated that there will be no change to privacy impacts. The removal of the planter boxes from units 406, 506 and 606B also includes the extension of the associated units wall. The wall contains no windows. No privacy impacts would result.
Removal of planter boxes and greenery from eastern elevation of levels 4 to 6 will result in a view of concrete walls from the Macquarie Waters building.	The extension of the eastern concrete wall to the previous balcony area and planter boxes of units 406, 406 and 602B is considered minor given the

Submission Issue/Summary	Planning Comment/Response
	extent of the concrete wall along the boundary. The change is not considered to be significant or result in any adverse effect to a view or the perception of overbearing/bulk from the Macquarie Waters building.
Noise impacts from use of rooftop terrace area and pool pump.	No change to what is already approved under this modification. Appropriate consent condition already exists to manage this potential issue.
Stormwater management.	There is no increase/change to impervious areas under this modification. Stormwater remains capable of being managed pre and post construction. Consent conditions remain the same requiring full stormwater design details being approved by Council prior to any construction.
Construction impacts like waste management (i.e. location of skip bins during construction), noise dirt and dust.	Like all development there will be building noise and associated building activity during construction. Standard building construction times apply as per the standard site management consent condition. No changes are proposed under the modification.
Impacts on structural integrity of Northpoint building during construction.	It is a prescribed condition of any development consent that possible damage from any excavation extending below the base of the footings of an adjoining building be protected and supported. Appropriate engineering details will form part of the Construction Certificate plans and approval process.
The building will block and overshadow signage located on the Macquarie Waters building.	It is unclear as to what signage would be blocked or shadowed. There is no signage on the western wall of the Macquarie Waters building.
Impacts to water views from the Port Pacific building.	Views across this site to the north from the Port Pacific building are already compromised by the existing North Point, Macquarie Waters and Tasman high-rise buildings. The façade study and height context images illustrate the height of the modified building in relation to the North Point and Macquarie Waters buildings. The proposed increase of 1m in building height will not result in perceptible view impacts due to the height of the existing buildings adjoining and beyond this site.

Submission Issue/Summary	Planning Comment/Response
The modification application needs to be considered against that originally approved and not that previously modified as avoid creeping from the controls.	Refers comments under section 3 of this report regarding “substantially the same test”.
The proposal is not substantially the same development to that originally approved.	Refers comments under section 3 of this report regarding “substantially the same test”.
The changes to floor areas would appear to affect the floor space ratio of the development.	Refer to Floor Space Ratio comments under Port Macquarie-Hastings Local Environmental Plan 2011. There is a minor increase in floor space ratio.
There are no visuals or photomontages from surrounding key vantage points that justify how the modified proposal is consistent with the height, bulk and scale of adjoining and surrounding buildings.	The applicant has provided height context images and a façade study images, which illustrate the height and scale of existing adjoining buildings relative to the proposed modified building height.
No attempt has been made to conceal the lift overrun within the roof design.	No changes to the current approved lift overrun and roof design are proposed.
What is the breakdown of parking between residential, visitors and commercial?	Refer to updated parking calculations under Port Macquarie-Hastings Development Control Plan 2013 heading of this report.
What are the changes to setbacks on all boundaries?	There is no change to boundary setbacks proposed.
The proposal will adversely impact on adjoining property and investment values.	Impact upon property values is not a relevant planning consideration.

(e) The Public Interest

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

Climate change

The modified proposal is not considered to be vulnerable to any risks associated with climate change.

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. The slight reduction in commercial floor area of ground floor tenancy 2 will result in reduced water and sewer charges.
- 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 revised contributions estimate is included as **Attachment 3**.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.55 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 modification application.

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

Attachments

- 1 [!\[\]\(79de0df6c6ddd2d4eb74f1cc5f48ec50_img.jpg\) !\[\]\(d4c9768318b38eff1042b07478e20b4c_img.jpg\) DA2018 - 353.3 Recommended Conditions](#)
- 2 [!\[\]\(27d314856359a9d7feca17161bc1f4a4_img.jpg\) !\[\]\(d355663486c698e3972a8b93ac8b2102_img.jpg\) DA2018 - 353.3 Plans](#)
- 3 [!\[\]\(1858f6a9022d088c0a7eca873f99643b_img.jpg\) !\[\]\(4a9a9afe1808e44249cde903a007394f_img.jpg\) DA2018 - 353.3 Contribution Estimate](#)

<<Date>>

Parcel Number: 65374

Bamford Engineering
CARE David Pensini Building Cert.
PO Box 5581
PORT MACQUARIE NSW 2444

Dear Sir/Madam

DA 2018/353.3 - Modification of Consent Pursuant to Section 4.55 (1A) of the Environmental Planning & Assessment Act 1979

I refer to your application dated 8 August 2019 to modify commercial premises and tourist and visitor accommodation under DA 2018/353 at LOT: 123 DP: 1219042 for No. 15 Clarence Street PORT MACQUARIE.

Please be advised that pursuant to Section 4.55 (1A) of the Act, your application to modify the consent has been granted, subject to:

A. Amend the following conditions:

- A1, B5, B6

B. Add the following conditions:

- A15,

C. Reimposition of all other previously approved conditions of consent as originally determined 19 June 2019 and as modified on 27 November 2019 and with this approval dated 18 March 2021.

The applicant is advised that Section 8.9 of the Act confers on an applicant who is dissatisfied with the determination, right of appeal to the Land and Environment Court.

A revised schedule of development consent conditions is attached.

SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2018/353 are as follows:

<No.1>	Modification No.1	27 November 2019
<No.2>	Modification No.2	18 March 2021

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 as modified	17 Clarence Street	David Pensini	June 2018, 9 July 2019 and 3 April 2020
Site Plan	Project No: 1977 Drawing No: A102 Revision D	Architects Becerra	21 January 2021
Basement 2 Plan	Project No: 1977 Drawing No: A105 Revision C	Architects Becerra	29 January 2021
Basement 1 Plan	Project No: 1977 Drawing No: A106 Revision C	Architects Becerra	29 January 2021
Ground Floor Plan	Project No: 1977 Drawing No: A107 Revision C	Architects Becerra	9 December 2020
Level 1 Floor Plan	Project No: 1977 Drawing No: A108 Revision B	Architects Becerra	20 April 2020
Level 2 Floor Plan	Project No: 1977 Drawing No: A109 Revision B	Architects Becerra	20 April 2020
Level 3 Floor Plan	Project No: 1977 Drawing No: A110 Revision C	Architects Becerra	9 December 2020

Level 4 Floor Plan	Project No: 1977 Drawing No: A111 Revision B	Architects Becerra	20 April 2020
Level 5 Floor Plan	Project No: 1977 Drawing No: A112 Revision B	Architects Becerra	20 April 2020
Level 6 Floor Plan	Project No: 1977 Drawing No: A113 Revision B	Architects Becerra	20 April 2020
Roof Plan	Project No: 1977 Drawing No: A114 Revision B	Architects Becerra	20 April 2020
North Elevation Plan	Project No: 1977 Drawing No: A200 Revision C	Architects Becerra	21 April 2020
South Elevation Plan	Project No: 1977 Drawing No: A201 Revision C	Architects Becerra	21 April 2020
East and West Elevation Plan	Project No: 1977 Drawing No: A202 Revision C	Architects Becerra	21 April 2020
Section Plan	Project No: 1977 Drawing No: A210 Revision C	Architects Becerra	21 April 2020
Section Plan	Project No: 1977 Drawing No: A211 Revision B	Architects Becerra	20 April 2020
Area Calculations	Project No: 1977 Drawing No: A900 Revision B	Architects Becerra	21 January 2021
External Signage Concept Plans	Quest Apartments	BEST	15 July 2018

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail. ²

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and

proposed public infrastructure.

- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (7) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (8) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (11) (A049) The existing footpath/verge area in Clarence Street is to be raised to contain stormwater in the street. Design plans must be approved by Port Macquarie-Hastings Council pursuant to Section 138 of the Roads Act 1993.
- (12) (A195) Prior to the preparation of any engineering plans or submission of any applications for construction to Council, the applicant is to contact Councils Engineering Development to ensure any design accords with Town Centre Master Plan works already carried out on Clarence Street across the subject property frontage. Works to be carried out as part of this development include raising verge, carriageway and kerb levels to improve surface drainage conditions for the full frontage of the development.
- (13) B196) Water meters shall be either located on the road frontage or in the building with remote reading facility located adjacent to the road frontage or in an easily accessible area such as a foyer. Details to be provided as part of the section 68 application. ¹
- (14) Development consent shall be sought for the first use of the ground floor commercial tenancy 1.
- (15) (A007) The development must only proceed in accordance with the approved stages as set out below:
 - Stage 1: Piling, excavation, and construction of basement levels (including ground floor slab).
 - Stage 2: Completion of development above ground floor slab.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable. An occupation certificate shall not be issued until completion of the stage 2 works.²

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Road works along the frontage of the development.
 2. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 3. Sewerage reticulation. Council records indicate that the development site is connected to sewer via an end of line connection in the north western corner of the lot. A sewer reticulation supply strategy shall be submitted as part of the infrastructure construction certificate.
 4. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies. Final water service sizing will need to be assessed by a hydraulic consultant to suit the commercial, domestic and fire service components of the proposed development, as well as backflow protection requirements.
 5. Retaining walls
 6. Stormwater systems.
 7. Erosion and Sediment controls.
 8. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 9. Traffic Management Control Plan.
 10. Erection of hoardings and buildings in and/or over the public road verge.
 11. Landscaping.
 12. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202 and ASD 207, Port Macquarie-Hastings Council current version.
 13. All roadworks along the full frontage including full width paving, lighting and any necessary kerb construction or reconstruction in accordance with the current Town Centre Master Plan.
 14. Provision of a full width concrete footpath across the full road frontage of the property.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to

be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving
- Footway and gutter crossing
- Functional vehicular access

(4) (B009) The applicant shall surrender the consents relating to DA No.2016/149 for Shop Top Housing, DA No. 2015/332 for car park associated with shop top housing and DA No.2014/410 for shop top housing at Lot 123 DP 1219042 by submitting an application for "Surrender of a Consent" to Council in accordance with the Environmental Planning and Assessment Regulation 2000, prior to release of the Construction Certificate.

(5) (B010) Payment to Council, prior to the issue of the Construction Certificate for any building works in stage 2 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. However, where a construction certificate in respect of the erection of any building to which this consent relates has been issued before or on 25 September 2022, the s7.11 monetary contributions may be paid prior to release of the first occupation certificate in respect of any building to which this consent relates. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

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

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

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council. ²

(6) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000,

the payment of a cash contribution, prior to the issue of a Construction Certificate for any building works in stage 2, 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 ²
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B032) Details of the proposed slab/flooring and wall construction for structural independency are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
- (9) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity,
- and;
- Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.
- (10) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (11) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.
- (12) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed retaining structures supporting the road reserve is to be submitted to Port Macquarie-Hastings Council prior to the release of the building Construction Certificate.
- (13) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

- (14) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.
- In this regard, Council's piped drainage system must be extended by an appropriately sized pipeline to the frontage of the site to allow direct piped connection from the development site into the public drainage system.
- The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
- b) The design is to be generally in accordance with the preliminary stormwater drainage concept plan being drawing No 2018-51 prepared by David Johnson Consulting Engineer and dated 21 June 2018.
- c) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
- d) Where works are staged, a plan is to be provided which demonstrates which treatment measures are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
- e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- f) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (15) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (16) (B054) A driveway longitudinal section shall accompany the section 138 application pursuant to section 138 of the *Roads Act, 1993*. The section shall demonstrate compliance with Council's adopted AUSPEC Design and Construction Guidelines.
- (17) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (18) (B195) The building Construction Certificate shall not be issued over any part of the site requiring a controlled activity approval (i.e. dewatering) until a copy of the approval has been provided to Council.
- (19) Illuminated signage shall be fitted with a time switch to dim by 50% or turn off by 11pm each night. Details shall be clearly illustrated on the building construction certificate plans. ¹

C – PRIOR TO ANY WORK COMMENCING ON SITE

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

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. prior to commencement of site clearing and installation of erosion control facilities;
 - b. at completion of installation of erosion control measures
 - c. prior to installing traffic management works
 - d. at completion of installation of traffic management works
 - e. at the commencement of earthworks;
 - f. when the sub-grade is exposed and prior to placing of pavement materials;
 - g. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - h. at the completion of each pavement (sub base/base) layer;
 - i. before pouring of kerb and gutter;
 - j. prior to the pouring of concrete for sewerage works and/or works on public property;
 - k. on completion of road gravelling or pavement;
 - l. during construction of sewer infrastructure;

- m. during construction of water infrastructure;
- n. prior to sealing and laying of pavement surface course.

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

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

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (E021) Pool to be fenced in accordance with the Swimming Pools Act, 1992.
- (6) (E022) Depth markers are to be installed on the swimming pool.
- (7) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (8) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all

matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

- (9) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:

"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".

This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.

- (10) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

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

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

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

- (11) (E049) A final Dilapidation Report including a photographic survey must be submitted after the completion of works. A copy of this Dilapidation Report together with the accompanying photographs must be given to the adjoining property owners. A copy must be submitted to Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Any damage identified in the Dilapidation Report must be fully rectified by the applicant or owner at no cost to the Council prior to the issue of an Occupation Certificate.

- (12) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

- (13) (E053) All public infrastructure works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.

- (14) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (15) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (16) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.
- (17) (E068) Prior to the issue of an Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the development (including street lighting and fibre optic cabling where required).
- (18) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (19) A roof top management plan for use of the rooftop space is to be prepared and approved by Port Macquarie-Hastings Council prior to the issue of any occupation certificate.
- (20) Parking spaces numbered 55 to 58 shall be clearly marked and sign posted as staff parking.

F – OCCUPATION OF THE SITE

- (1) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (2) (F005) The units are approved for short term accommodation.
- (3) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (4) (F025) Hours of operation of the motel reception is restricted to the following hours:
 - 7am to 11pm – Seven days a week. ¹
- (6) (F027) The swimming pool filtration motor shall be operated between the following hours only:
 - Monday to Friday (other than a public holiday)
 - 7.00 am – 8.00 pm

Saturday to Sunday and Public Holidays
8.00 am – 8.00 pm

Should noise levels exceed 5dBA above the ambient noise level measured at the boundary, the pool filtration motor shall be enclosed with an effective soundproof unit.

- (7) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 - 1997 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (8) The approved plan of management for use of the rooftop space is to be displayed in a prominent position on the rooftop at all times.
- (9) A noise/nuisance complaints register must be kept up to date at all times by management and must be made available to Council on request. The register must contain:
 - Complaint date and time;
 - Name of person making the complaint;
 - Contact details (phone and address) of person lodging the complaint;
 - Nature of complaint;
 - Name of staff managing the complaint;
 - Action taken (by whom and when); and
 - Outcome and or further action required;
 - A telephone number is to be provided on the front of the building to enable the public to register a complaint with the property manager.

The reason for this decision is that site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public interest and will not result in significant adverse social, environmental or economic impacts. The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Policies and Development Control Plan or any other ancillary Act or Regulation in force at the time of the date of determination. The conditions are aimed at protecting the natural environment, preserving our heritage and providing a functional, safe and healthy built environment.

Rights of Appeal

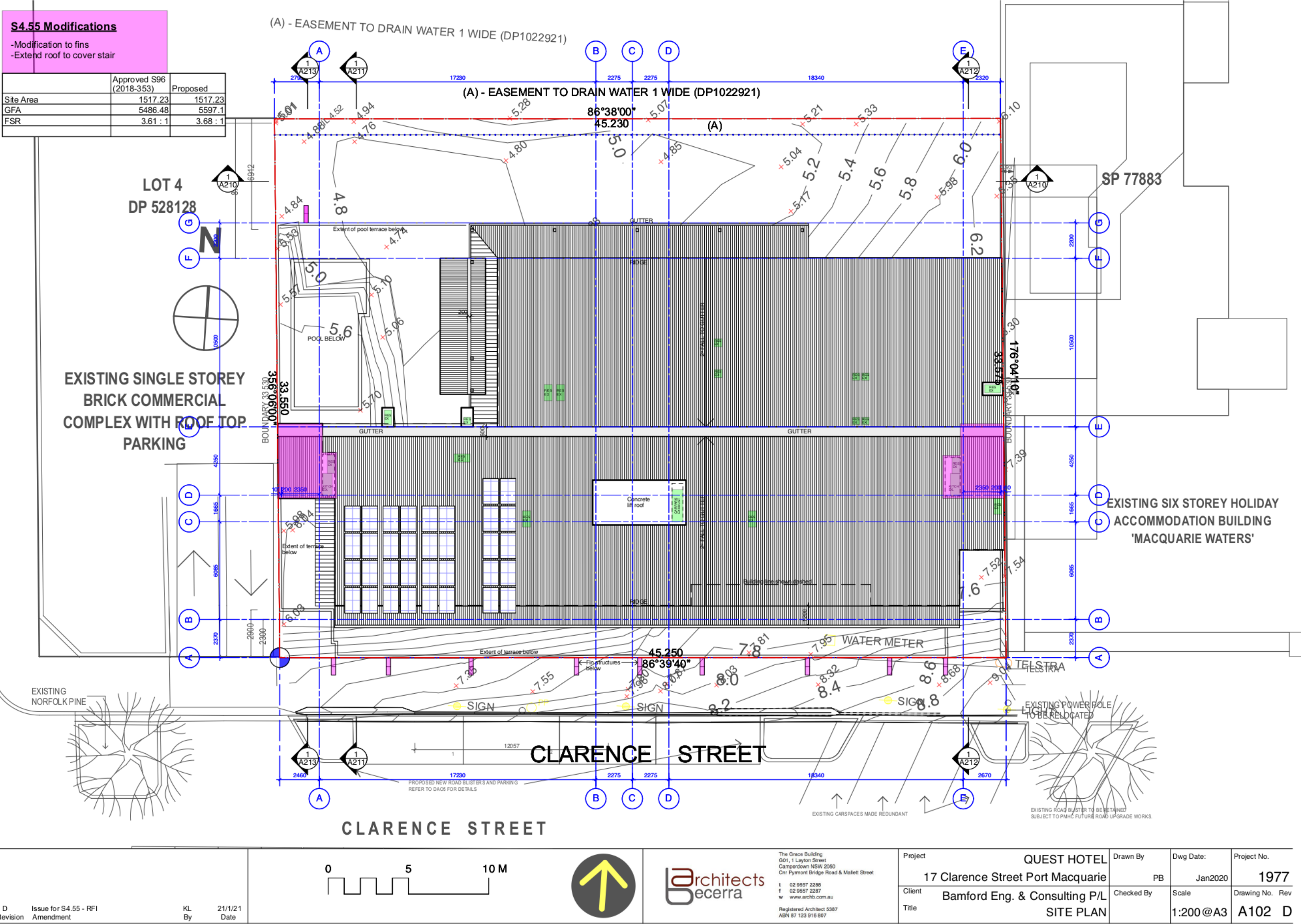
If you are dissatisfied with this decision a request for a review of the determination may be made to Council, under the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979.

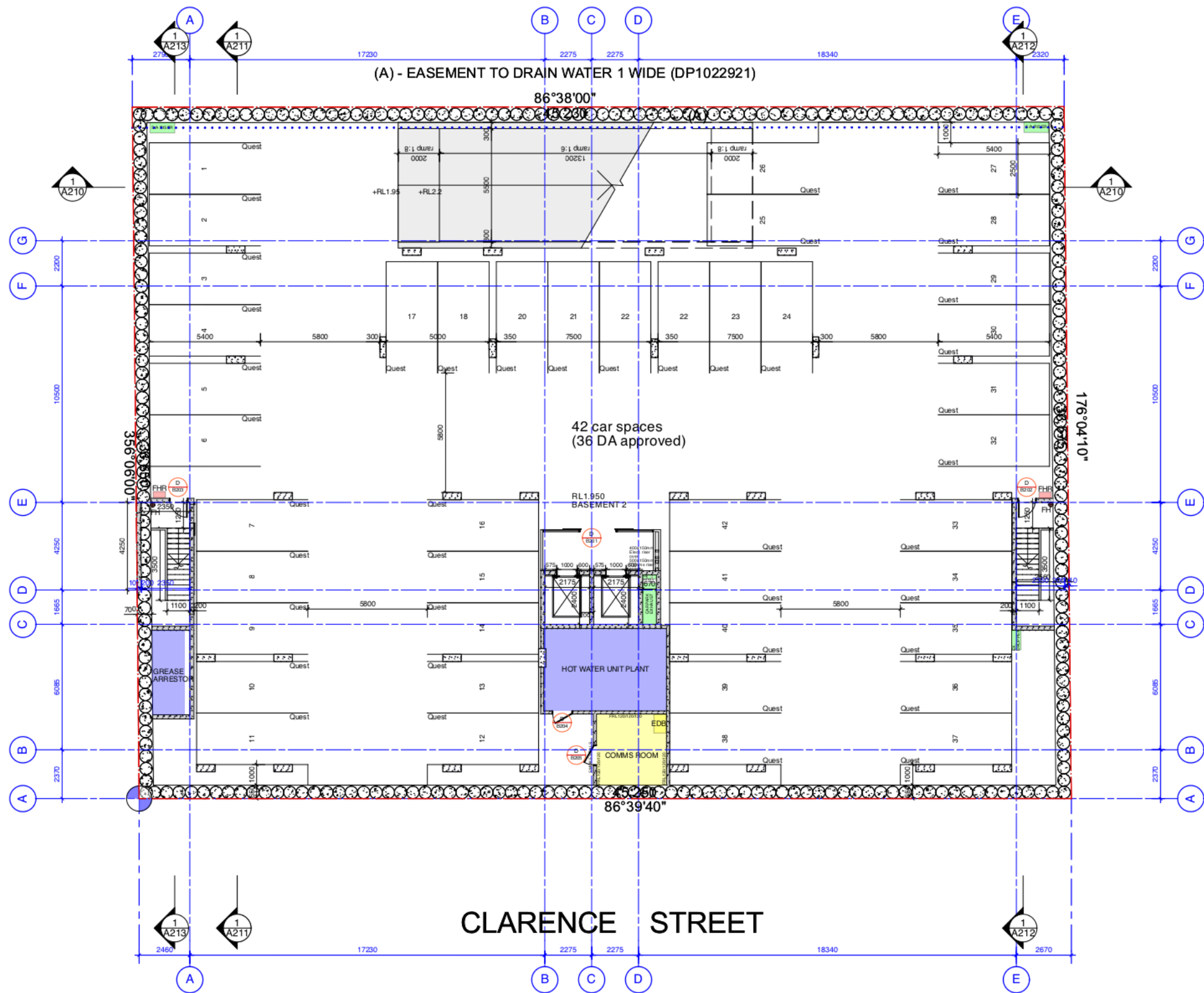
If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely

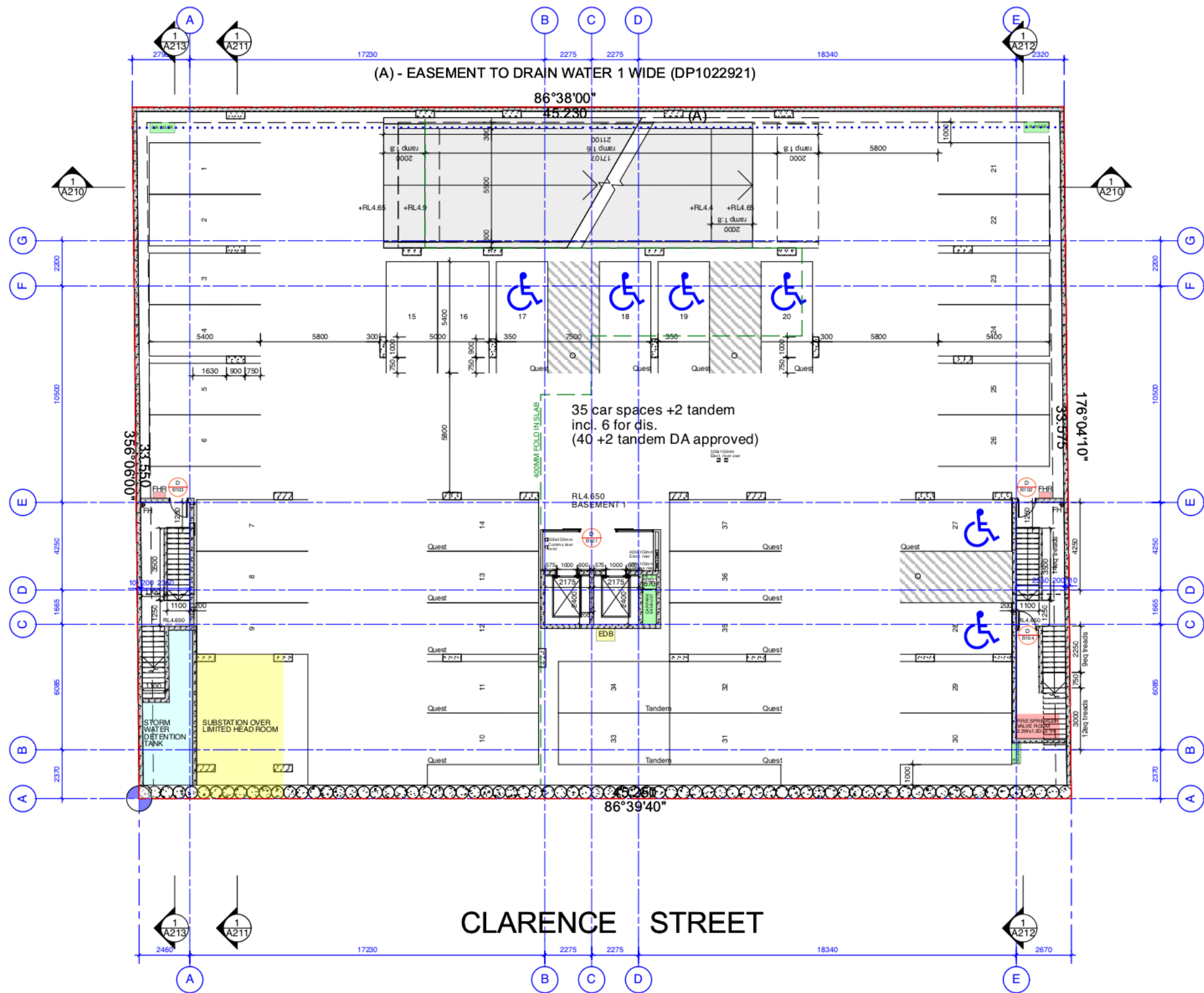
Apply electronic signoff

DRAFT

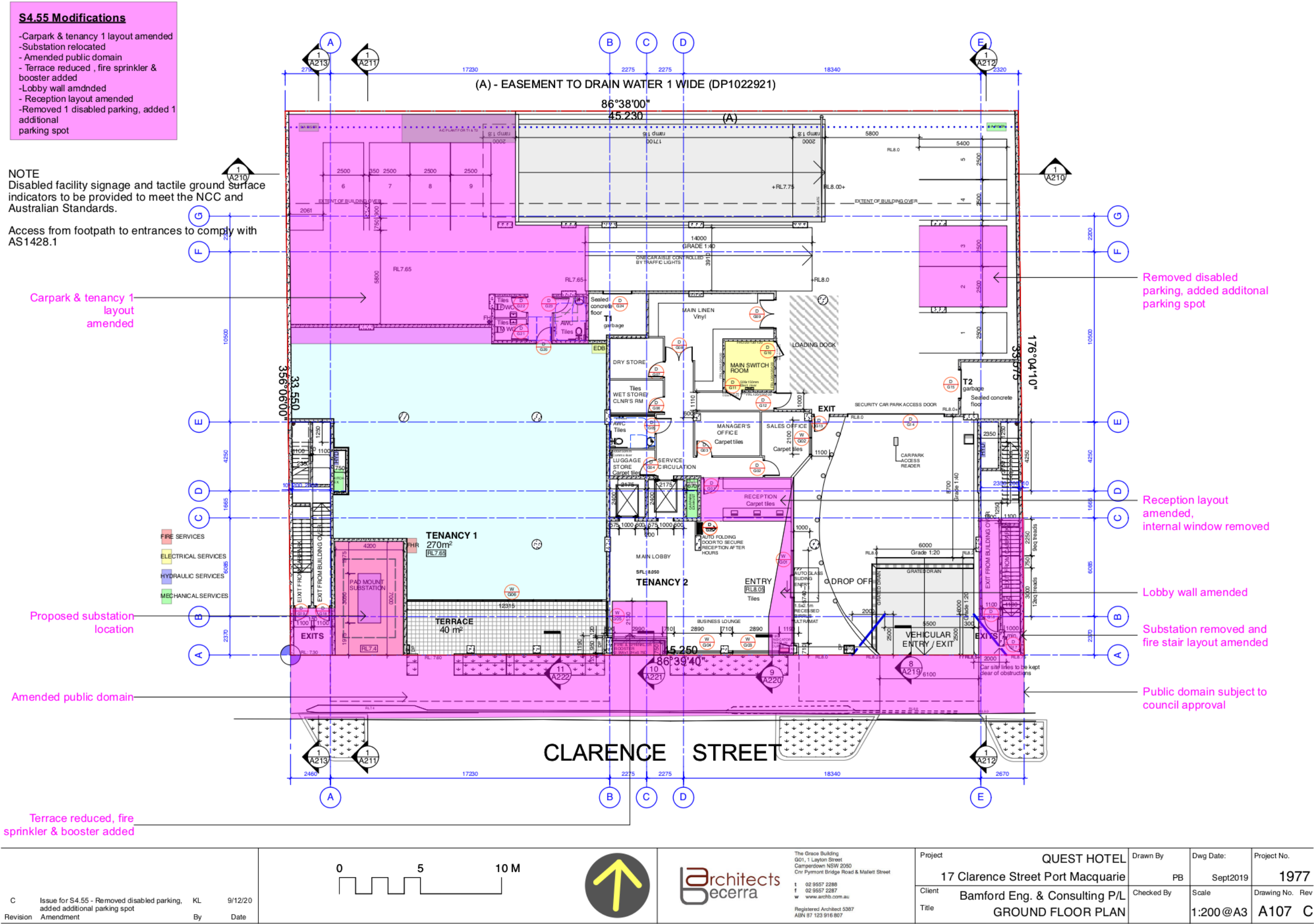




C Revision	Issue for S4.55 Amendment	KL By	29/1/21 Date				The Grease Building G01, 1 Layton Street Campdown NSW 2050 Cnr Pyrmont Bridge Road & Mallett Street t 02 9557 2288 f 02 9557 2287 w www.archb.com.au Registered Architect 5307 ABN 87 123 916 807	Project	QUEST HOTEL	Drawn By	Dwg Date:	Project No.
								17 Clarence Street Port Macquarie	PB	Jan2020	1977	
								Client Bamford Eng. & Consulting P/L	Checked By	Scale	Drawing No. Rev	
								Title	BASEMENT 2 PLAN		1:200 @A3	A105 C



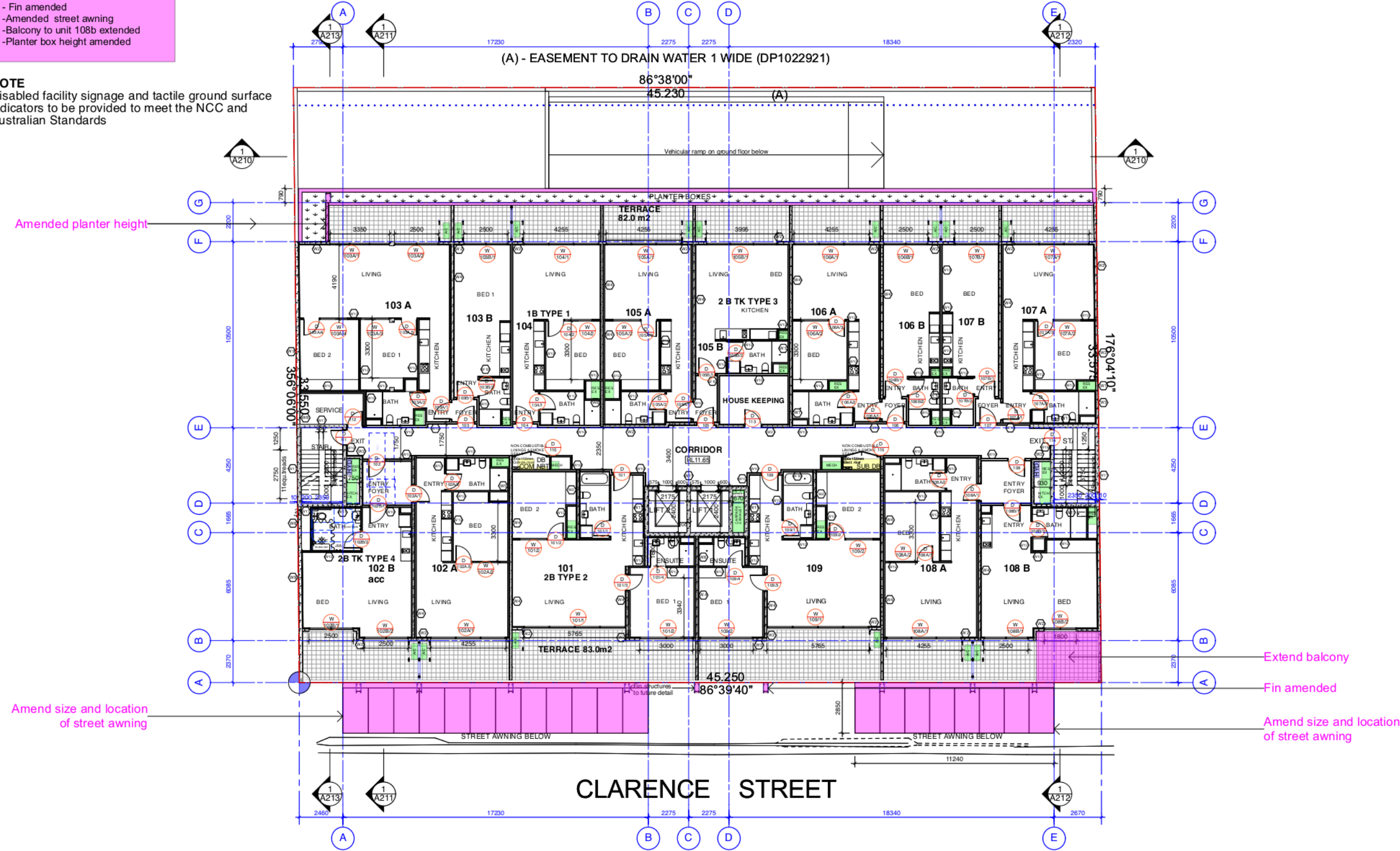
C Revision Amendment	Issue for S4.55	KL By	29/1/21 Date				The Grease Building G01, 1 Layton Street Campdown NSW 2050 Cnr Pymont Bridge Road & Mallett Street t 02 9557 2288 f 02 9557 2287 w www.archb.com.au Registered Architect 5307 ABN 87 123 916 807	Project	QUEST HOTEL	Drawn By	Dwg Date:	Project No.
								17 Clarence Street Port Macquarie	PB	Jan2020	1977	
								Client Bamford Eng. & Consulting P/L	Checked By	Scale	Drawing No. Rev	
								Title	BASEMENT 1 PLAN		1:200 @A3	A106 C



S4.55 Modifications

- Fin amended
- Amended street awning
- Balcony to unit 108b extended
- Planter box height amended

NOTE
Disabled facility signage and tactile ground surface indicators to be provided to meet the NCC and Australian Standards

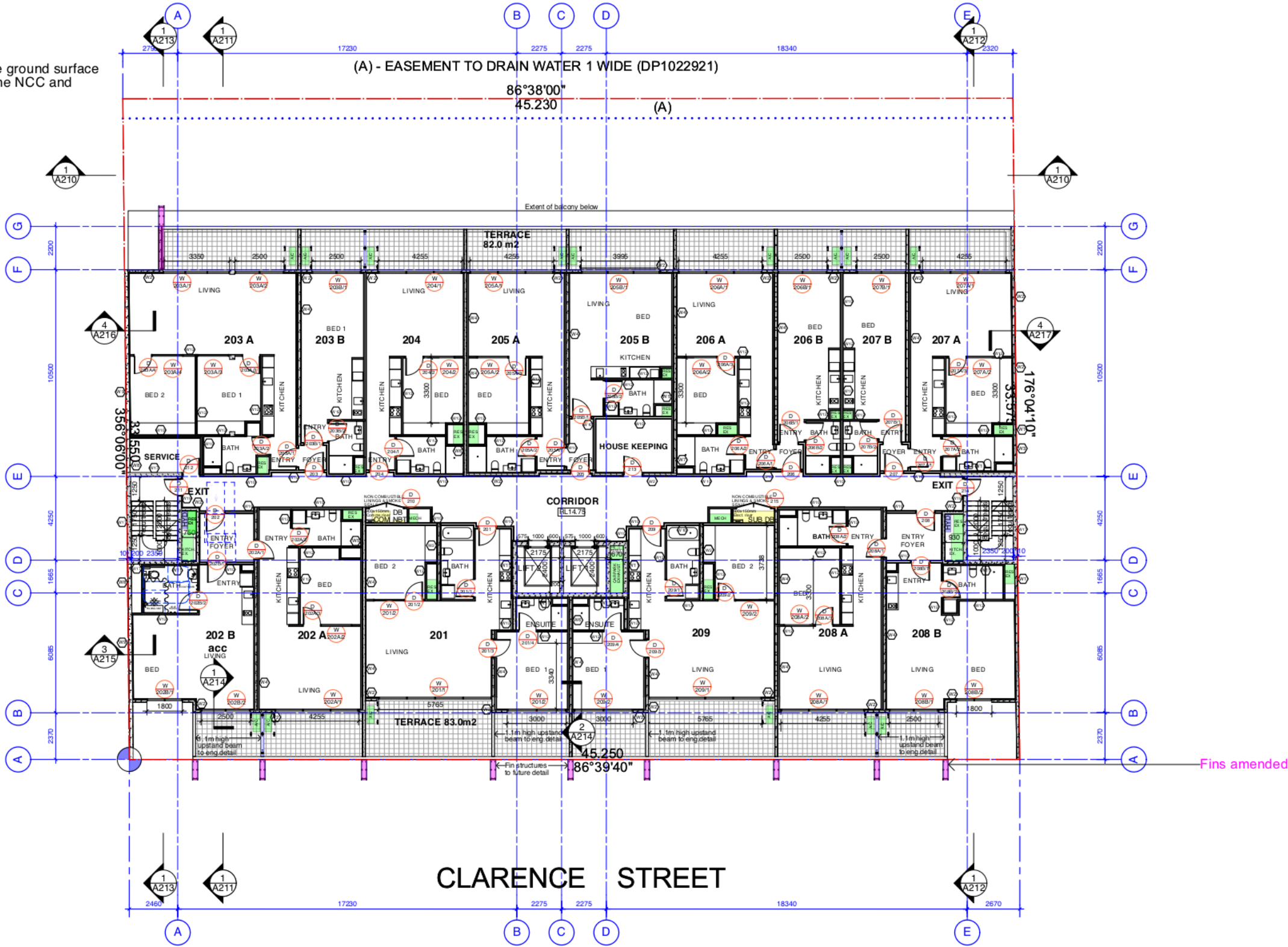


B A Revision	Issue for S4.55 ISSUED FOR TENDER Amendment	PB PB By	20/4/20 18/3/20 Date	  	The Gros Building G01, 1 Layton Street Campdown NSW 2050 Cnr Pyrmont Bridge Road & Mallett Street t 02 9557 2288 f 02 9557 2287 w www.archb.com.au Registered Architect 5307 ABN 87 123 916 807	Project	QUEST HOTEL	Drawn By		Dwg Date:		Project No.	
						17 Clarence Street Port Macquarie		PB		Sept2019		1977	
						Client Bamford Eng. & Consulting P/L	Title LEVEL 1 FLOOR PLAN	Checked By		Scale 1:200@A3		Drawing No. Rev A108 B	

S4.55 Modifications

- Fins amended

NOTE
Disabled facility signage and tactile ground surface indicators to be provided to meet the NCC and Australian Standards



Fins amended

B Issue for S4.55
A ISSUED FOR TENDER
Revision Amendment

PB 20/4/20
PB 18/3/20
By Date



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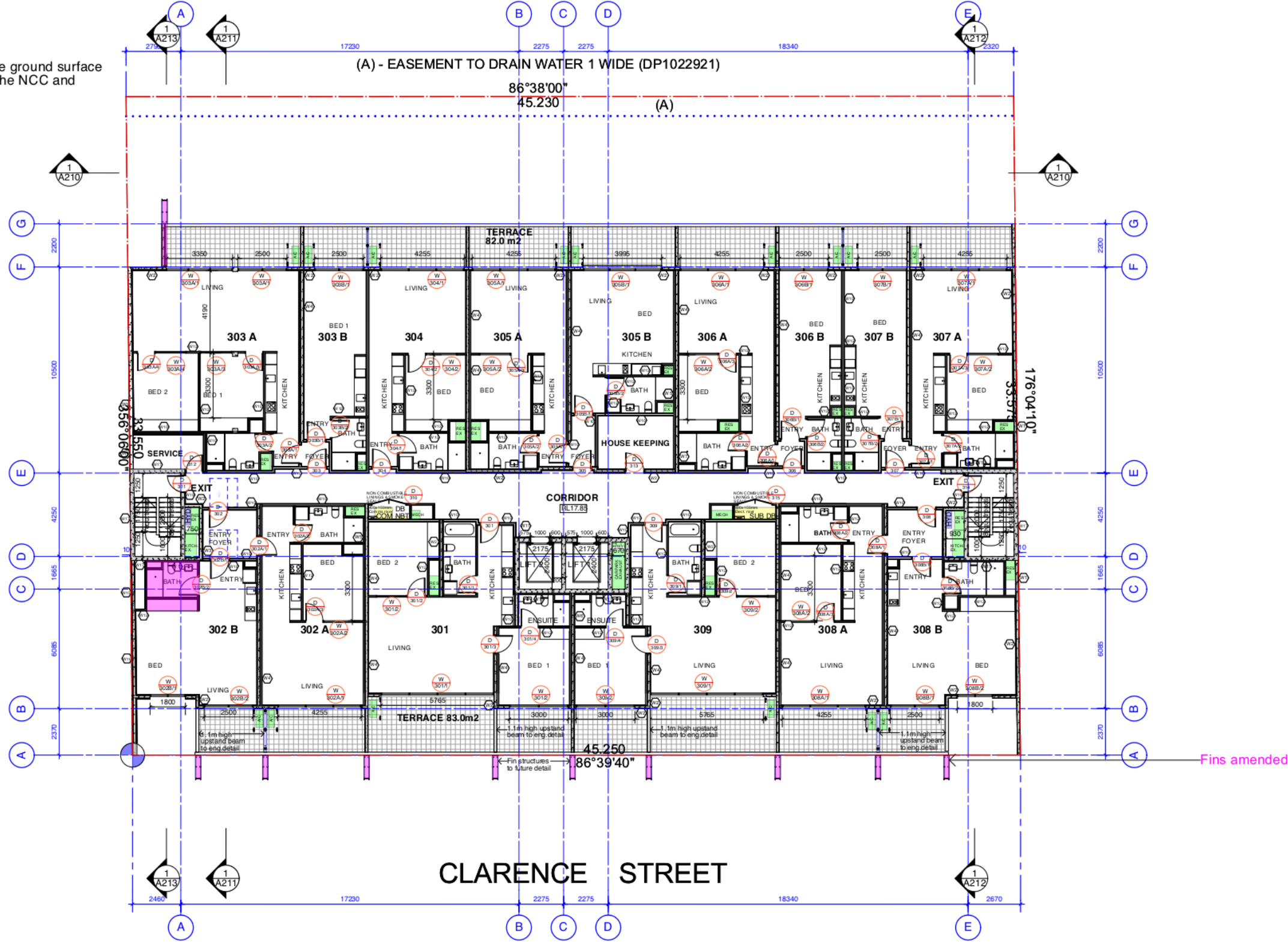
The Grass Building
G01, 1 Layton Street
Campdown NSW 2050
Cnr Pyrmont Bridge Road & Mallett Street
t 02 9557 2288
f 02 9557 2287
w www.archb.com.au
Registered Architect 5307
ABN 87 123 916 807

Project	QUEST HOTEL	Drawn By	PB	Dwg Date:	Sept2019	Project No.	1977
Client	Bamford Eng. & Consulting P/L	Checked By		Scale	1:200@A3	Drawing No.	A109
Title	LEVEL 2 FLOOR PLAN					Rev	B

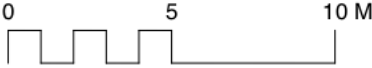
S4.55 Modifications

- Fins amended
- Unit 302B amended from accessible unit to regular unit

NOTE
Disabled facility signage and tactile ground surface indicators to be provided to meet the NCC and Australian Standards



C	Issue for S4.55 - Amended unit 302b from accessible unit to normal unit	KL	9/12/20
Revision	Amendment	By	Date



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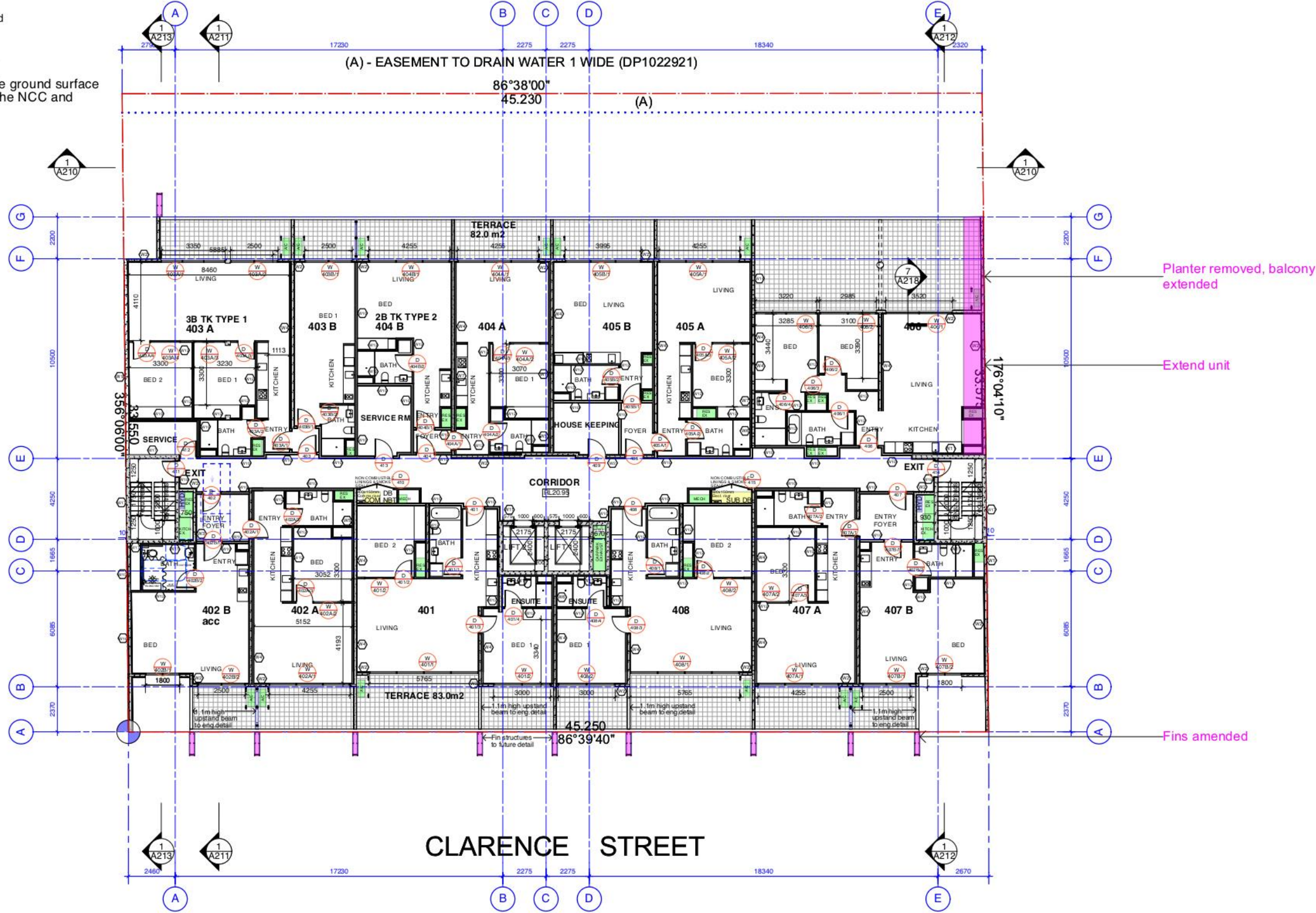
The Green Building
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f 02 9557 2287
w www.archb.com.au
Registered Architect 5387
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Project	QUEST HOTEL	Drawn By	PB	Dwg Date:	Sept2019	Project No.	1977
Client	Bamford Eng. & Consulting P/L	Checked By		Scale	1:200@A3	Drawing No.	A110
Title	LEVEL 3 FLOOR PLAN					Rev	C

S4.55 Modifications

- Fins amended
- Planter removed and balcony extended for unit 406

NOTE
Disabled facility signage and tactile ground surface indicators to be provided to meet the NCC and Australian Standards



B A Revision	Issue for S4.55 ISSUED FOR TENDER Amendment	PB PB By	20/4/20 18/3/20 Date			The Grace Building G01, 1 Layton Street Campdown NSW 2050 Cnr Pyrmont Bridge Road & Mallett Street t 02 9557 2288 f 02 9557 2287 w www.archb.com.au Registered Architect 5387 ABN 87 123 916 807	Project	QUEST HOTEL	Drawn By	Dwg Date:	Project No.
							17 Clarence Street Port Macquarie	PB	Sept2019	1977	
							Client	Bamford Eng. & Consulting P/L	Checked By	Scale	Drawing No. Rev
							Title	LEVEL 4 FLOOR PLAN		1:200 @A3	A111 B

S4.55 Modifications

- Fins amended
- Planter removed and balcony extended for unit 506
- Amended layout for unit 503 A & B

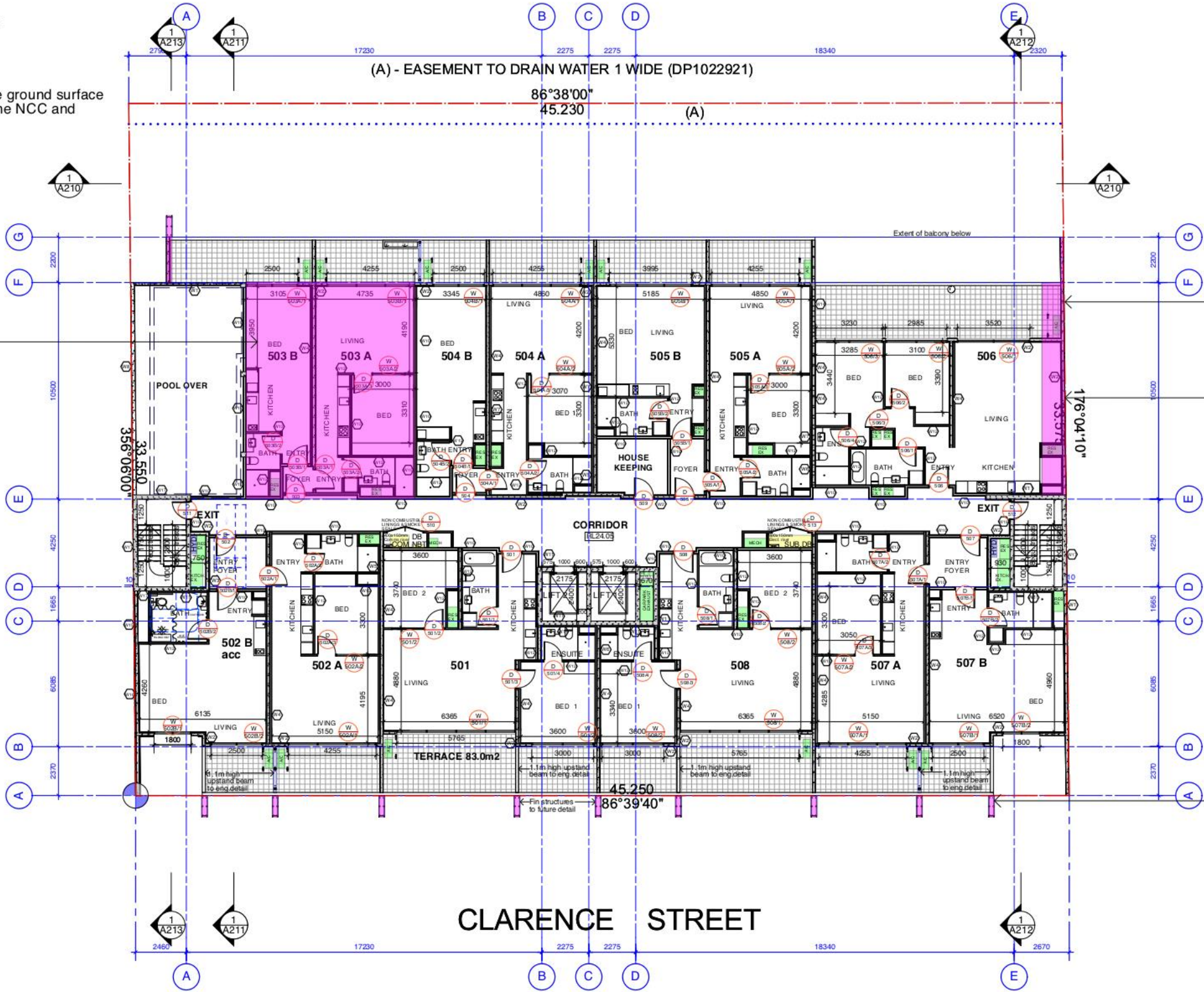
NOTE
Disabled facility signage and tactile ground surface indicators to be provided to meet the NCC and Australian Standards

Unit layout amended

Balcony extended

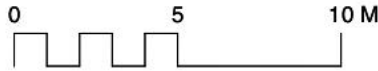
Extend unit

Fins amended



B Issue for S4.55
A ISSUED FOR TENDER
Revision Amendment

PB 20/4/20
PB 18/3/20
By Date



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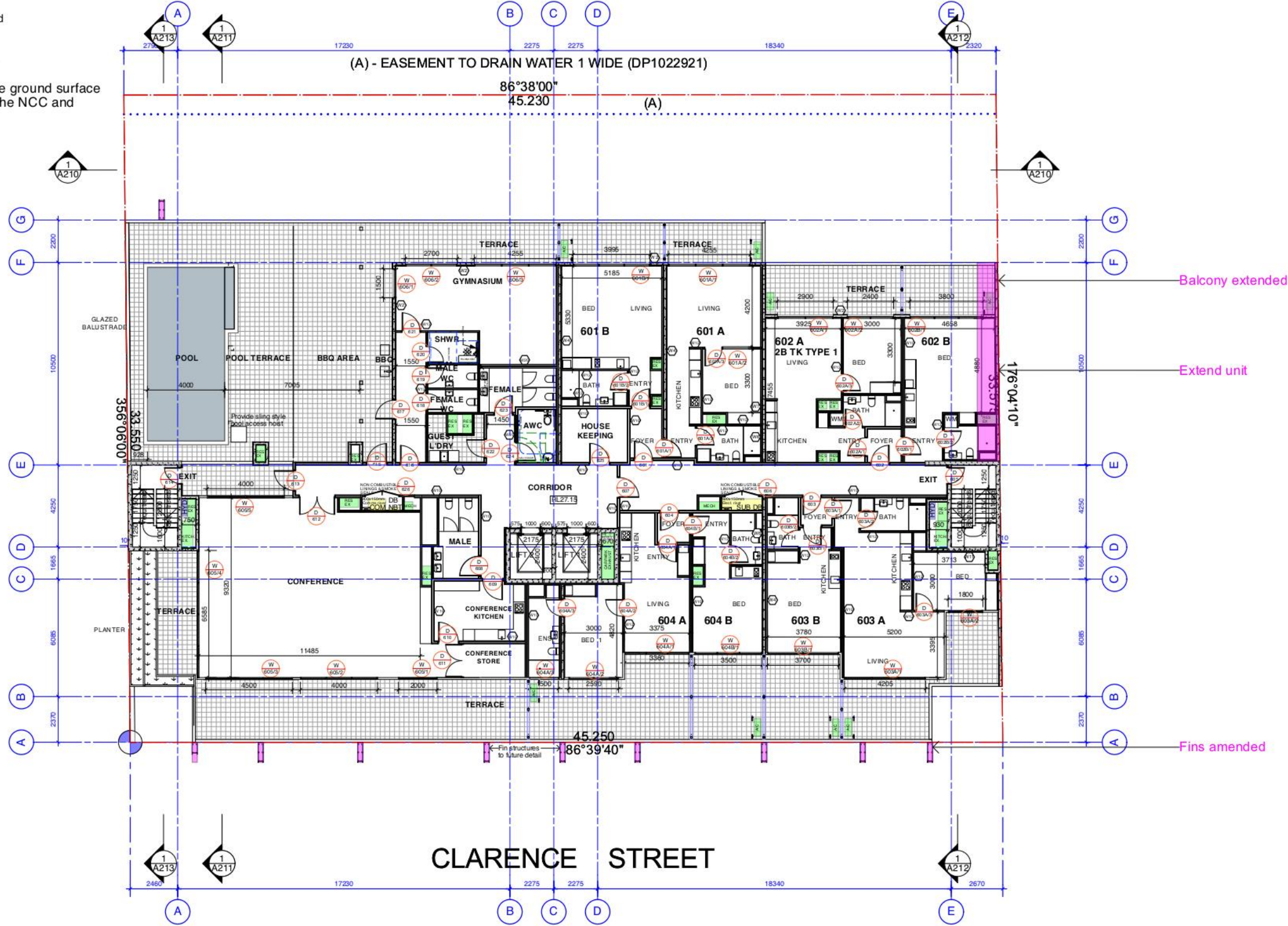
The Green Building
G01, 1 Lupton Street
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w www.archb.com.au
Registered Architect 5387
ABN 87 123 916 807

Project	QUEST HOTEL	Drawn By	PB	Dwg Date:	Sept2019	Project No.	1977
Client	Bamford Eng. & Consulting P/L	Checked By		Scale	1:200@A3	Drawing No.	A112
Title	LEVEL 5 FLOOR PLAN					Rev	B

S4.55 Modifications

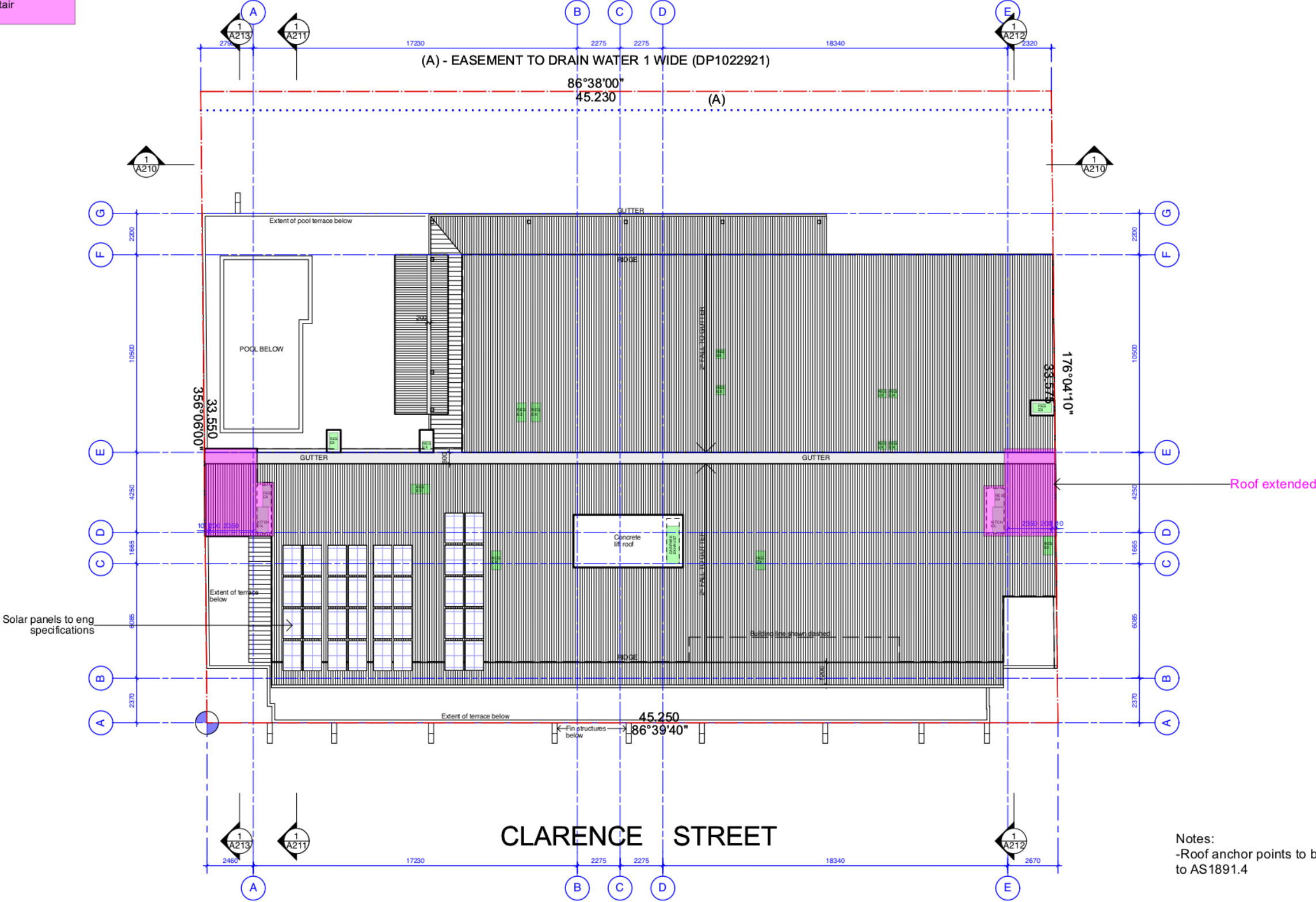
- Fins amended
- Planter removed and balcony extended for unit 506
- Amended layout for unit 503 A & B

NOTE
Disabled facility signage and tactile ground surface indicators to be provided to meet the NCC and Australian Standards



B A Revision	Issue for S4.55 ISSUED FOR TENDER Amendment	PB PB By	20/4/20 18/3/20 Date		The Quest Building 601, 1 Lagoon Street Campdown NSW 2050 Cnr Pyrmont Bridge Road & Mallett Street t 02 9557 2288 f 02 9557 2287 w www.archb.com.au Registered Architect 5387 ABN 87 123 916 807	Project	QUEST HOTEL	Drawn By	Dwg Date:	Project No.
						17 Clarence Street Port Macquarie		PB	Sept2019	1977
						Client Bamford Eng. & Consulting P/L	Checked By		Scale 1:200@A3	Drawing No. Rev A113 B

S4.55 Modifications
-Extend roof to cover stair

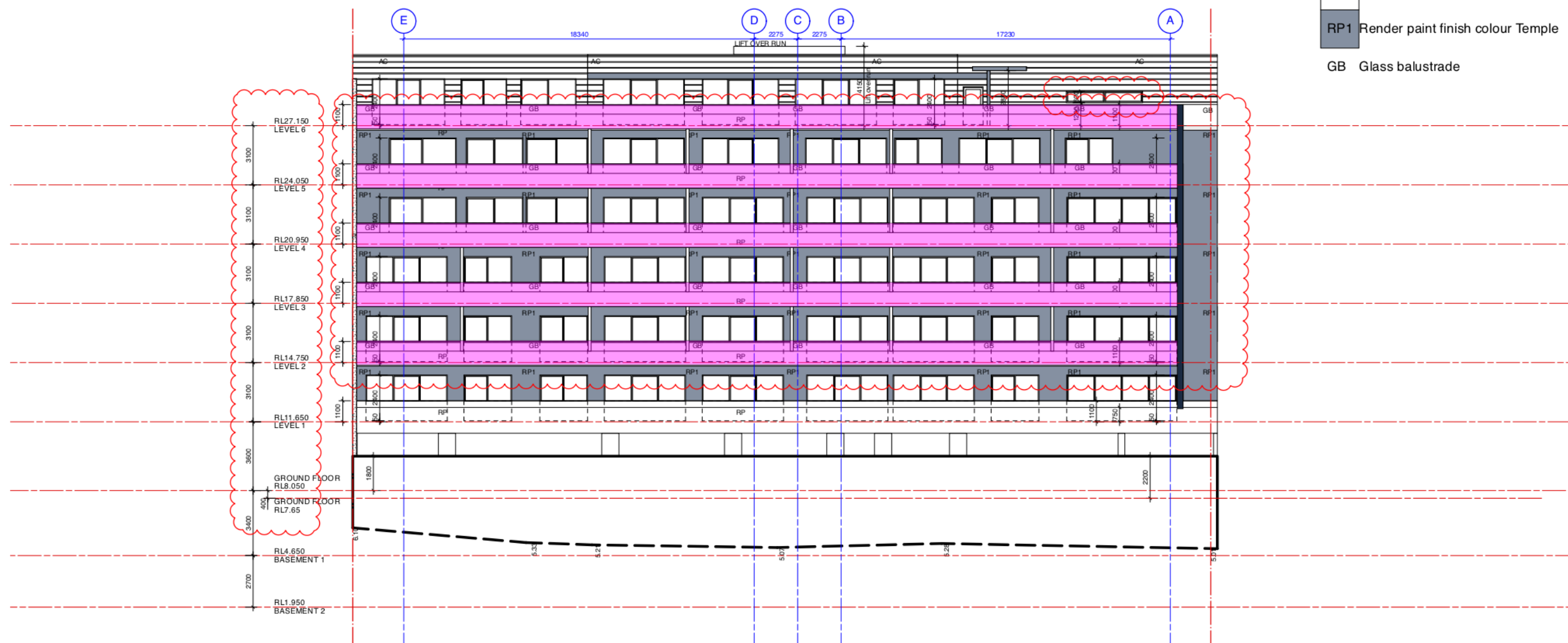


Notes:
-Roof anchor points to be installed
to AS1891.4

<div>B Issue for S4.55 PB 20/4/20</div> <div>A ISSUED FOR TENDER PB 18/3/20</div> <div>Revision Amendment By Date</div>				<div>0 5 10 M</div> <div></div>		<div></div>		<div>architects becerra</div> <div>t 02 9557 2288 f 02 9557 2287 w www.archb.com.au</div> <div>Registered Architect 5307 ABN 87 123 916 807</div>		<div>Project QUEST HOTEL</div> <div>17 Clarence Street Port Macquarie</div> <div>Client Bamford Eng. & Consulting P/L</div> <div>Title ROOF PLAN</div>		<div>Drawn By PB</div> <div>Checked By</div>		<div>Dwg Date: Sept2019</div> <div>Scale 1:200 @A3</div>		<div>Project No. 1977</div> <div>Drawing No. Rev A114 B</div>	
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- Amended floor levels
- Amended balustrade

PC	Precast concrete panel Class 2 finish with applied seal
AC	Aluminium cladding PowderCoate finish Timber Panelling
FB	Face brick running bond Designer Charcoal
AR	Aluminium Colorbond roof colour Surfmist
	Window frames, exposed steel & balustrade framing colour Powdercoate Ironstone
RP	Render paint finish colour White
RP1	Render paint finish colour Temple
GB	Glass balustrade



<div style="display: flex; justify-content: space-between;"> <div> <p>C Issue for \$4.55 KL 21/4/20</p> <p>B Issue for \$4.55 PB 20/4/20</p> <p>A ISSUED FOR TENDER PB 18/3/20</p> <p>Revision Amendment Bv Date</p> </div> <div style="text-align: center;">  <p>The Grace Building G01, 1 Layton Street Camperdown NSW 2050 Cnr Pymont Bridge Road & Mallett Street</p> <p>t 02 9557 2286 f 02 9557 2287 w www.archb.com.au</p> <p>Registered Architect 5387 ABN 87 123 916 807</p> </div> <div> <p>Project QUEST HOTEL</p> <p>17 Clarence Street Port Macquarie</p> <p>Client Bamford Eng. & Consulting P/L</p> <p>Title NORTH ELEVATION</p> </div> <div> <p>Drawn By PB</p> <p>Dwg Date: Sept2019</p> <p>Project No. 1977</p> </div> </div>			
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S4.55 Modifications

- Amended floor levels
- amended substation location
- amended balcony and window on L1
- added fire hydrant
- lobby extended
- balustrade amended

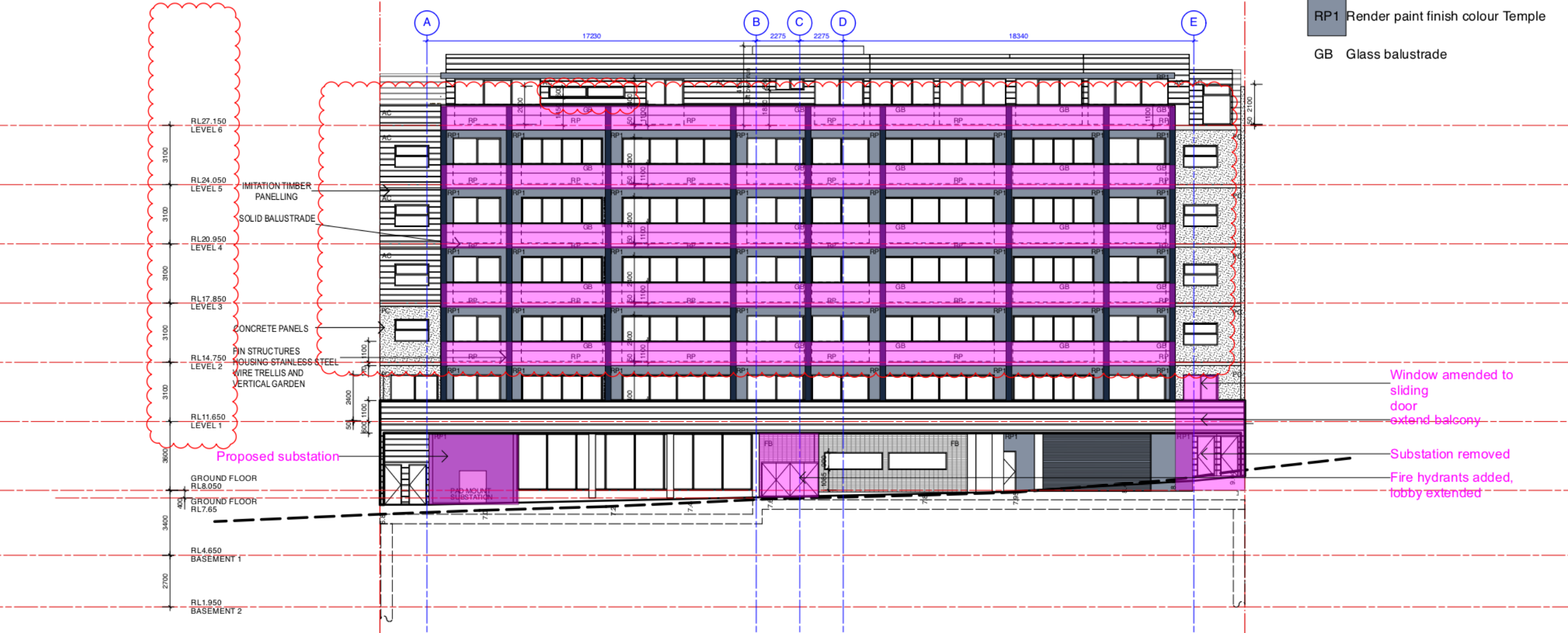
NOTES

Window restrictors to be added where required to meet the requirements of Cl.D2.24 of the NCC.

Disabled facility signage and tactile ground surface indicators to be provided to meet the NCC and Australian Standards

LEGEND

- PC Precast concrete panel Class 2 finish with applied seal
- AC Aluminium cladding PowderCoate finish Timber Panelling
- FB Face brick running bond Designer Charcoal
- AR Aluminium Colorbond roof colour Surfmist
- Window frames, exposed steel & balustrade framing colour Powdercoate Ironstone
- RP Render paint finish colour White
- RP1 Render paint finish colour Temple
- GB Glass balustrade



C	Issue for S4.55	KL	21/4/20
B	Issue for S4.55	PB	20/4/20
A	ISSUED FOR TENDER	PB	18/3/20
Revision	Amendment	By	Date

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Project	QUEST HOTEL	Drawn By	PB	Dwg Date:	Sept2019	Project No.	1977
Client	Bamford Eng. & Consulting P/L	Checked By		Scale	1:100@A3	Drawing No.	A201
Title	SOUTH ELEVATION					Rev	C

LEGEND

PC

Precast concrete panel Class 2 finish with applied seal

AC

Aluminium cladding PowderCoate finish Timber Panelling

FB

Face brick running bond Designer Charcoal

AR

Aluminium Colorbond roof colour Surfmist

Window frames, exposed steel & balustrade framing colour Powdercoate Ironstone

RP

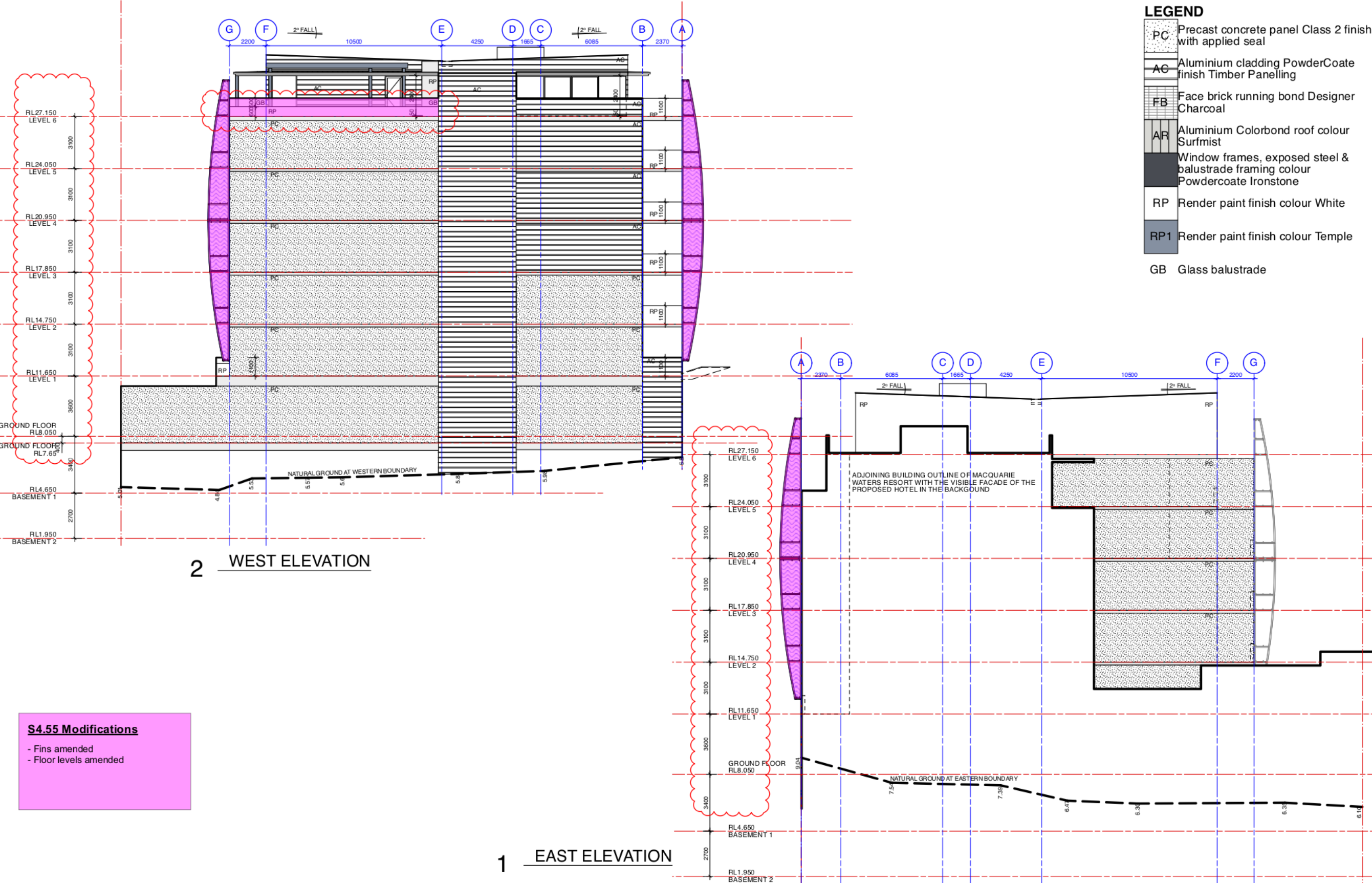
Render paint finish colour White

RP1

Render paint finish colour Temple

GB

Glass balustrade



S4.55 Modifications

- Fins amended
- Floor levels amended

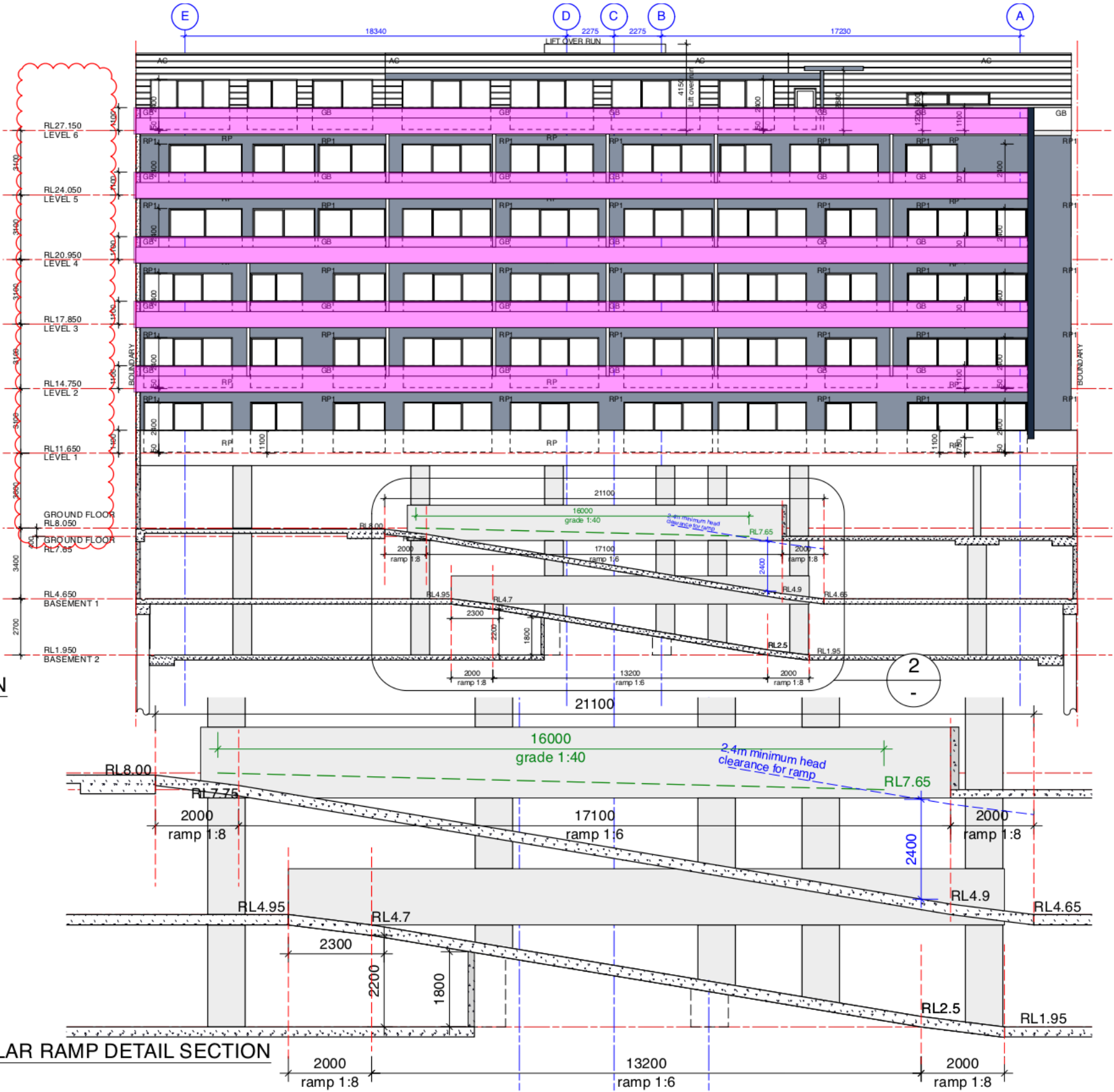
								<div><div><div>Architects Becerra</div></div><div><div>The Grace Building G01, 1 Layton Street Camperdown NSW 2050 Cnr Pyrmont Bridge Road & Mallett Street</div><div><div>t 02 9557 2288 f 02 9557 2287 w www.archb.com.au</div><div>Registered Architect 5307 ABN 87 123 916 807</div></div></div></div>				Project QUEST HOTEL		Drawn By	Dwg Date:	Project No.
C Issue for S4.55 KL 21/4/20								17 Clarence Street Port Macquarie		PB	Sept2019	1977				
B Issue for S4.55 PB 20/4/20								Client Bamford Eng. & Consulting P/L		Checked By	Scale	Drawing No. Rev				
A ISSUED FOR TENDER PB 18/3/20								Title EAST & WEST ELEVATIONS			1:200 @A3	A202 C				
Revision Amendment By Date																

S4.55 Modifications

- Amended floor levels
- Balustrade amended

1 SECTION
Scale: 1:200

2 VEHICULAR RAMP DETAIL SECTION
Scale: 1:100



C	Issue for S4.55	KL	21/4/20
B	Issue for S4.55	PB	20/4/20
A	ISSUED FOR TENDER	PB	18/3/20
Revision	Amendment	By	Date

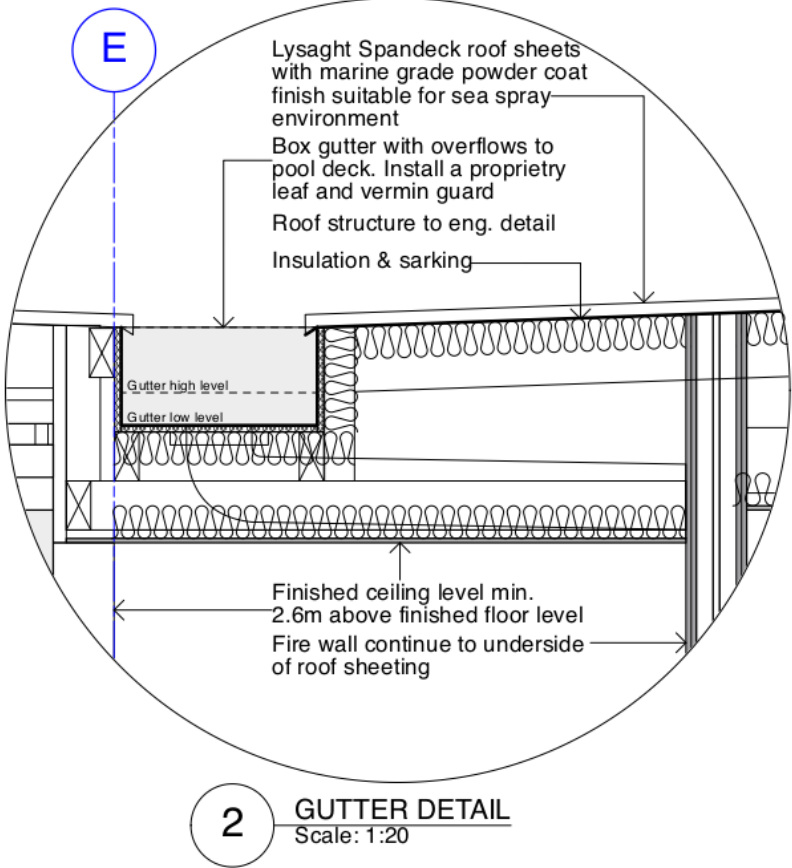
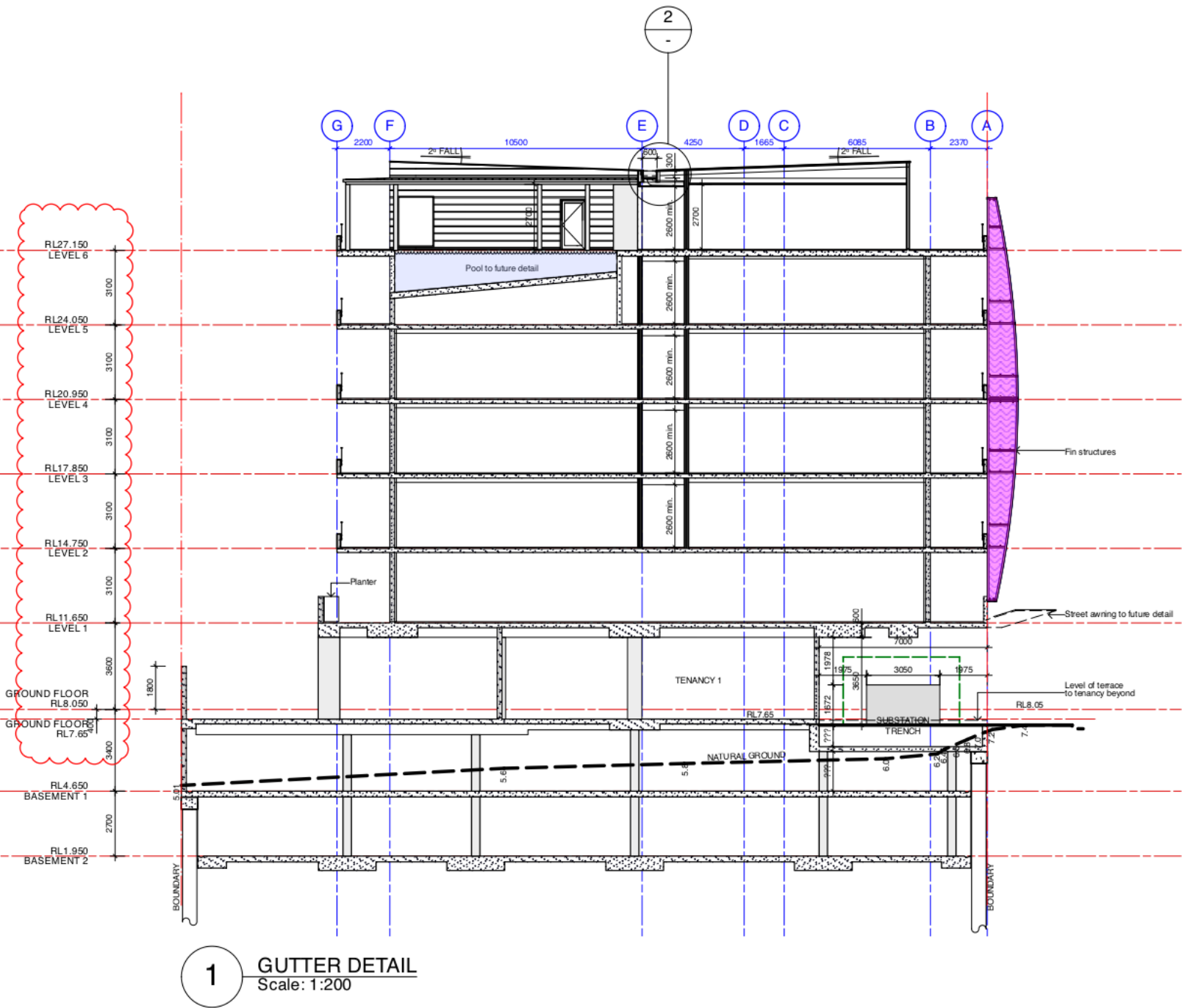
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Cnr Pyrmont Bridge Road & Mallett Street
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f 02 9557 2287
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Registered Architect 5307
ABN 87 123 916 807

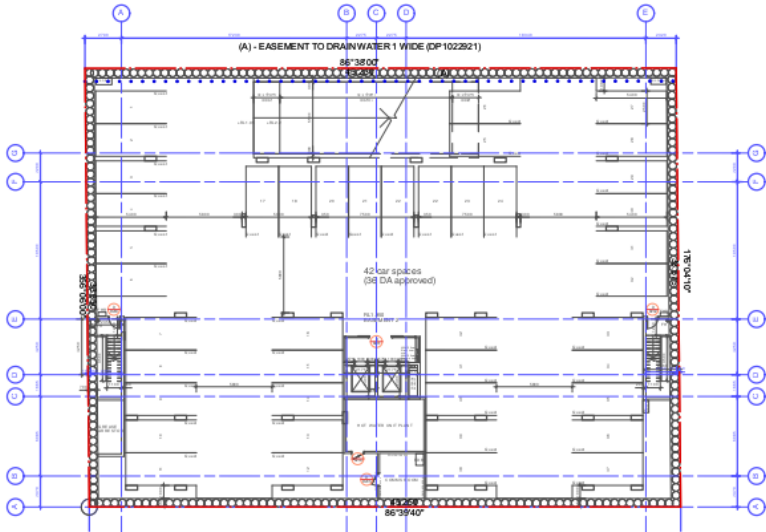
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Title	SECTIONS					Rev	C

S4.55 Modifications

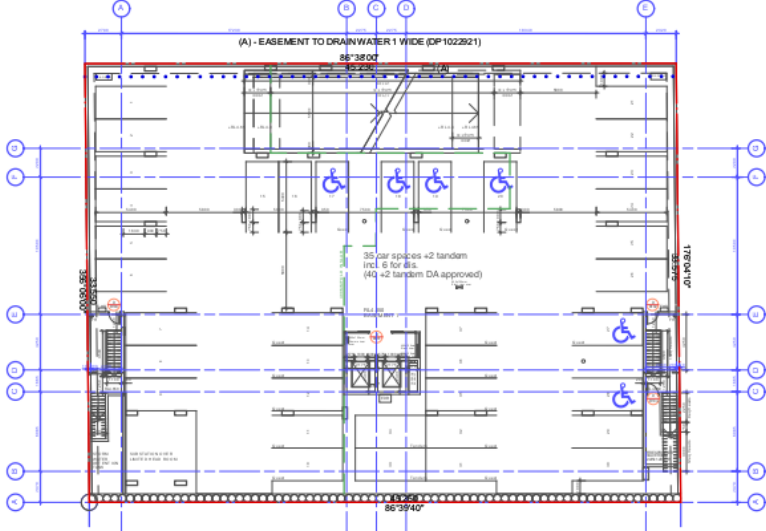
- Amended floor levels
- Amended fins



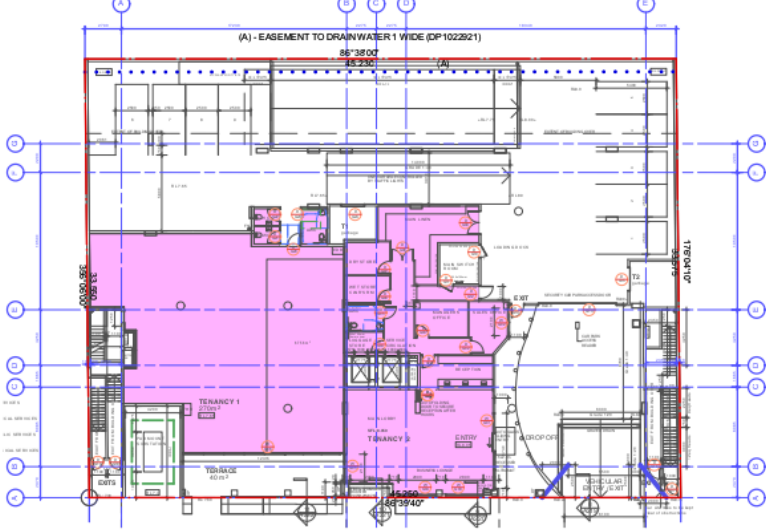
B Issue for S4.55 A ISSUED FOR TENDER Revision Amendment		PB 20/4/20 PB 18/3/20 By Date		 The Gros Building G01, 1 Layton Street Campdown NSW 2050 Cnr Pyrmont Bridge Road & Mallett Street t 02 9557 2288 f 02 9557 2287 w www.archb.com.au Registered Architect 5307 ABN 87 123 916 807		Project 17 Clarence Street Port Macquarie	QUEST HOTEL	Drawn By PB	Dwg Date: Sept2019	Project No. 1977
						Client Bamford Eng. & Consulting P/L	SECTIONS	Checked By	Scale 1:200@A3	Drawing No. Rev A211 B



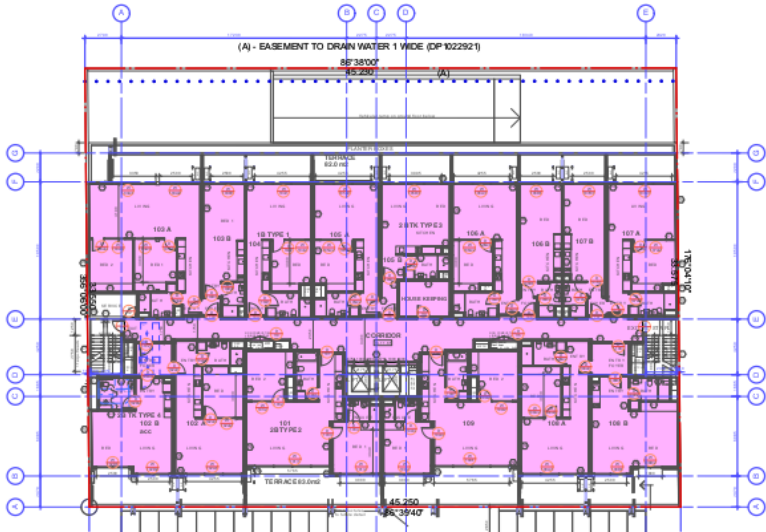
Basement 2



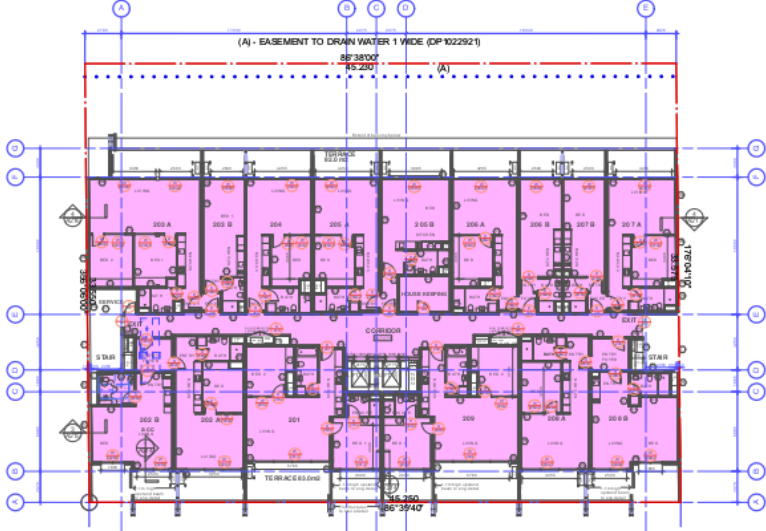
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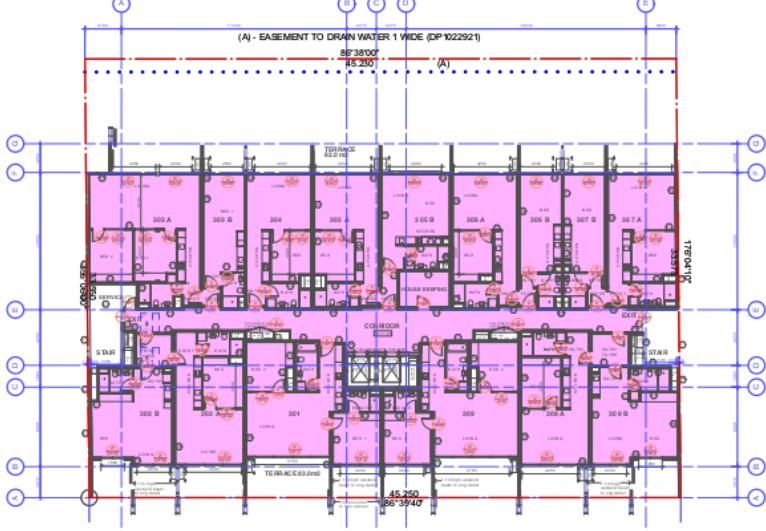
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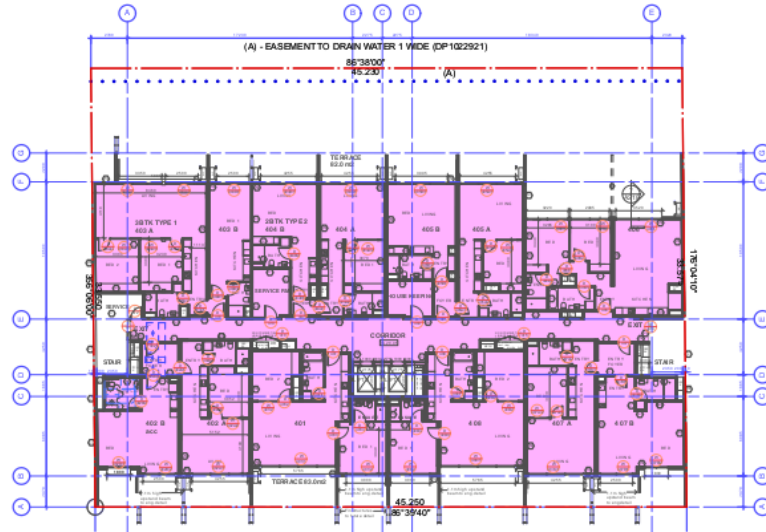
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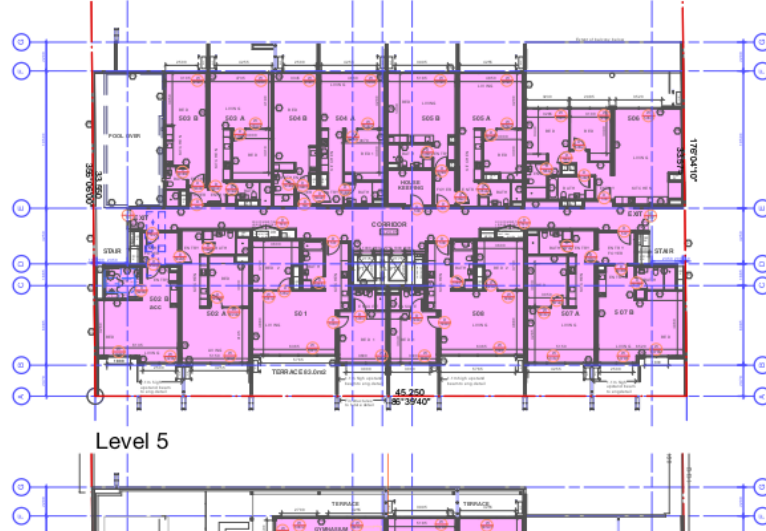
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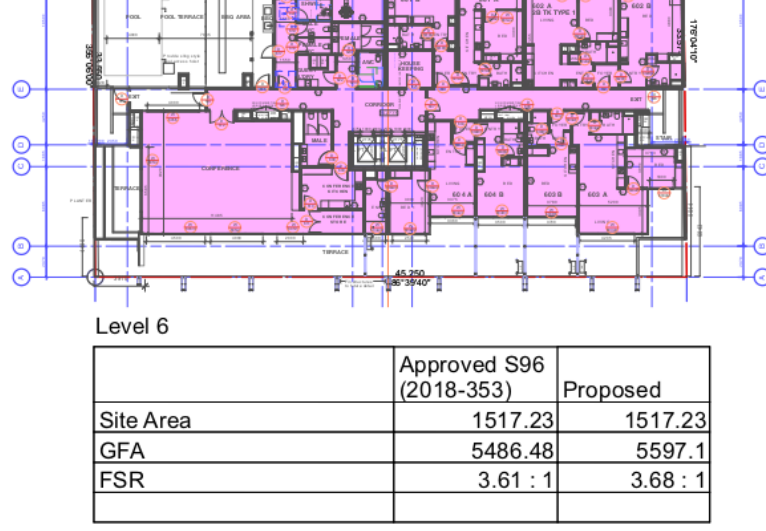
Level 3



Level 4



Level 5



Level 6

	Approved S96 (2018-353)	Proposed
Site Area	1517.23	1517.23
GFA	5486.48	5597.1
FSR	3.61 : 1	3.68 : 1

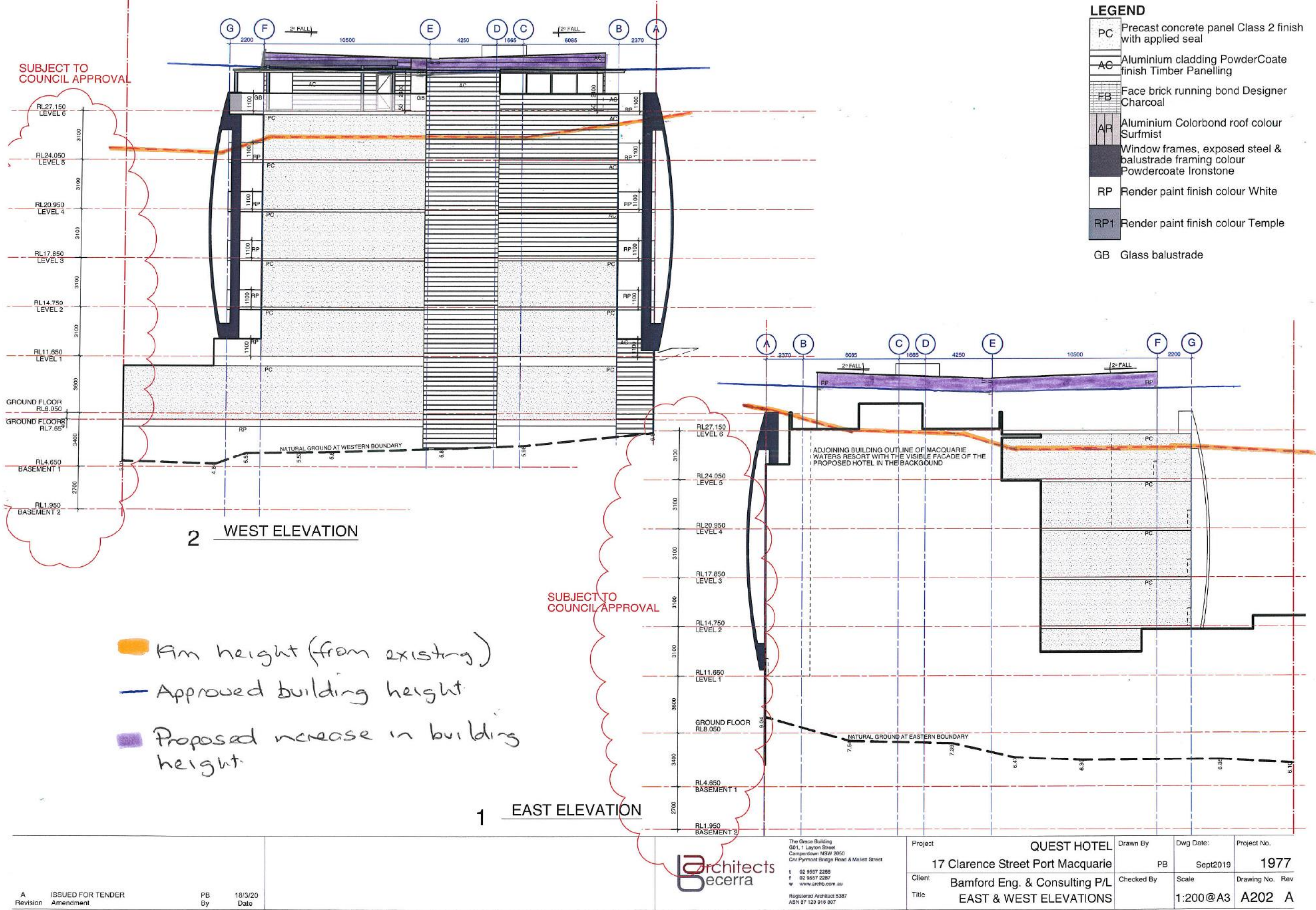
B	Issue for S4.55 - RF1	KL	21/1/21
Revision	Amendment	By	Date



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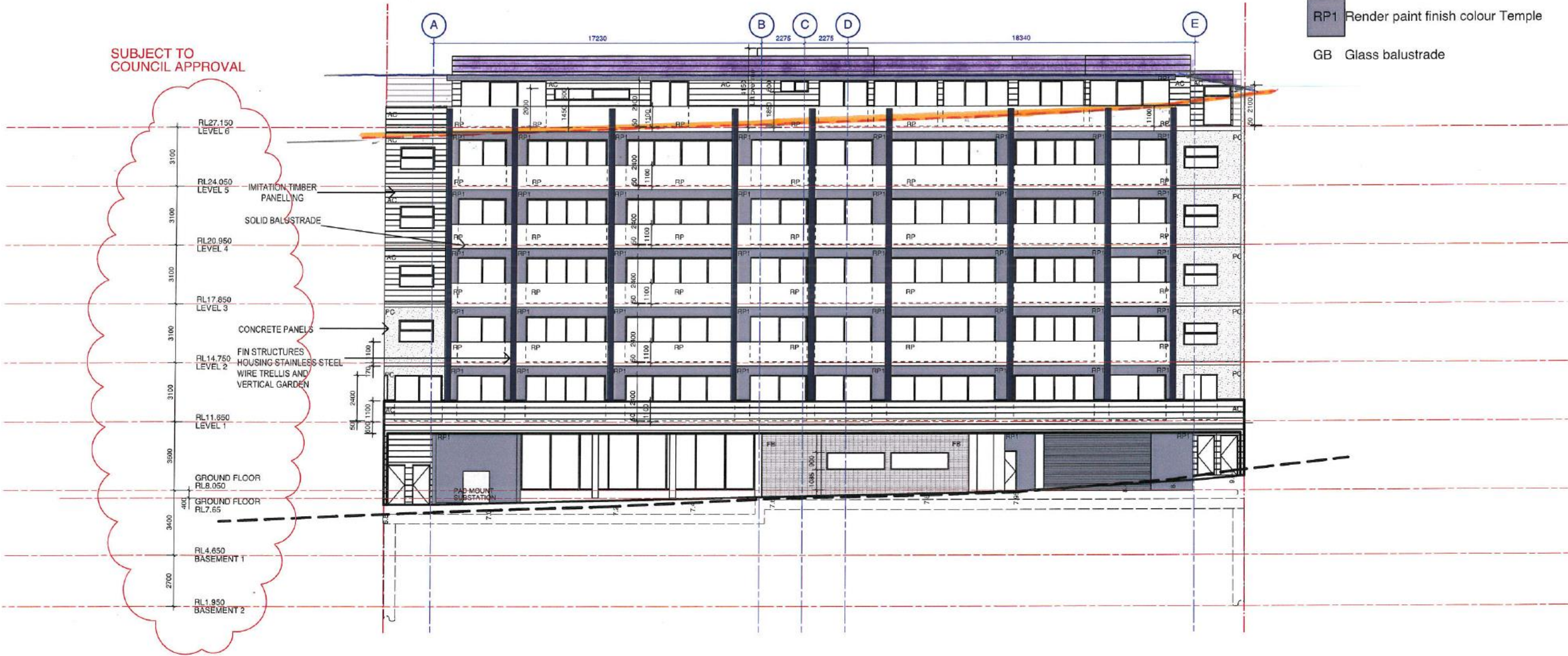
Project	QUEST HOTEL	Drawn By	PB	Dwg Date:	Jan2020	Project No.	1977
Client	Bamford Eng. & Consulting P/L	Checked By		Scale	1:200@A3	Drawing No.	A900
Title	Area Calculations					Rev	B



Item 07
Attachment 2
Page 301

19m height (from existing)
Approved building height
Proposed increase in building height

- LEGEND
- PC Precast concrete panel Class 2 finish with applied seal
 - AC Aluminium cladding PowderCoate finish Timber Panelling
 - FB Face brick running bond Designer Charcoal
 - AR Aluminium Colorbond roof colour Surfmist
 - Window frames, exposed steel & balustrade framing colour Powdercoate Ironstone
 - RP Render paint finish colour White
 - RP1 Render paint finish colour Temple
 - GB Glass balustrade



A Revision		ISSUED FOR TENDER Amendment		PB By		18/3/20 Date				The Grace Building G01, 1 Layton Street Camperdown NSW 2050 Cnr Pyrmont Bridge Road & Mallett Street t 02 9557 2280 f 02 9557 2287 w www.archb.com.au Registered Architect 5387 ABN 97 123 916 807		Project QUEST HOTEL 17 Clarence Street Port Macquarie		Drawn By PB	Dwg Date: Sept2019	Project No. 1977
												Client Bamford Eng. & Consulting P/L		Checked By	Scale 1:100@A3	Drawing No. Rev A201 A
												Title SOUTH ELEVATION				

E

Lysaght Spandeck roof sheets with marine grade powder coat finish suitable for sea spray environment

Box gutter with overflows to pool deck. Install a proprietary leaf and vermin guard

Roof structure to eng. detail

Insulation & sarking

Gutter high level

Gutter low level

Finished ceiling level min. 2.6m above finished floor level

Fire wall continue to underside of roof sheeting

2 GUTTER DETAIL

Scale: 1:20



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

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

APRIL 2020

Page 1

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APPENDIX 1 – 19M HEIGHT PLAN

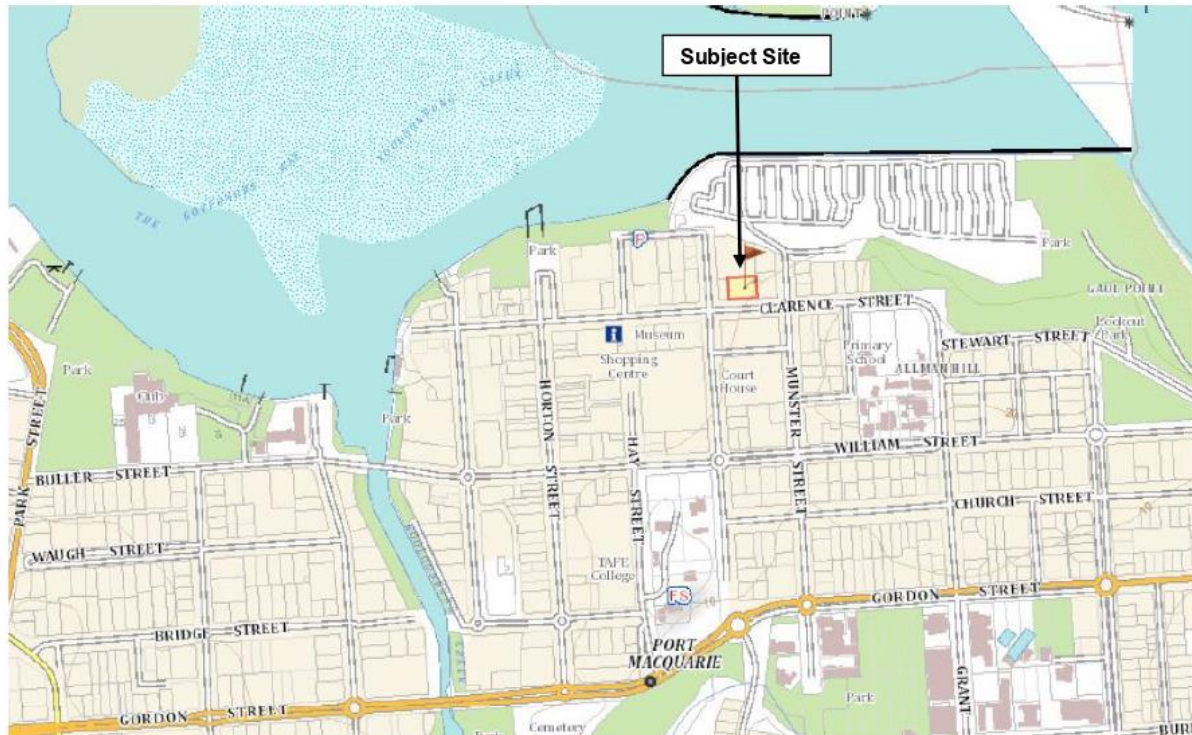
APPENDIX 2 – BULK AND SCALE CONTEXT PLAN

1. INTRODUCTION

1.1 Purpose of Report

Port Macquarie Hastings Council has granted development approval for a mixed tourist accommodation and commercial development on land known as Lot 123 DP 1219042, 17 Clarence Street, Port Macquarie.

Figure 1 – Site Location



In granting development consent for the proposed mixed tourist accommodation and commercial development, Council approved a variation to the LEP height standard which is applicable to development on the subject site.

As a result of the detailed construction design of the approved building an additional 200mm of ceiling height is required each for L1 – L5 of the building so as to accommodate required building services. As a consequence, the overall height of the proposed development will be 1m higher than that already approved by the council.

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

1.2 Background

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

A commercial tenancy, (270m²), together with the tourist accommodation reception and building access infrastructure, (vehicle and pedestrian), will occupy the ground floor of the building. Eight (8) carparking spaces together with, loading dock, amenity and waste management storage areas are also proposed for this level.

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

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

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

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

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

Two (2) basement level of car parking, (providing Seventy-nine (79) spaces), is proposed with access via a single vehicular driveway off Clarence Street utilizing the ground floor level of the proposed development. As well as the car parking areas the basement level will include general and dedicated service areas for the proposed development. Lift access to the basement level is proposed.

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

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

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

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

This report therefore provides justification as to why Port Macquarie-Hastings Council should support the variation to the building height standard as proposed which is 1m higher than that which Council has already approved. In this regard Council has approved the following building heights.

Table 1 – Council Approved Building Heights

GROUND LEVEL REFERENCE	BUILDING HEIGHT SOUTHEASTERN ASPECT OF PROPOSED BUILDING	BUILDING HEIGHT NORTHWESTERN ASPECT OF PROPOSED BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
Existing site ground levels	20.8m	23.65m	1.8m – 4.65m
Historical ground levels	20.8m	22.95m	1.8m – 3.95m
Finished Clarence Street Town Centre Masterplan Levels	19.77m	23.95m	0.77m – 23.95m

2. LEP 2011 REQUIREMENTS

2.1 Introduction

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

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

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

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

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

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

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

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

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

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

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

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

(a) the consent authority is satisfied that:

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

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

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

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

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

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

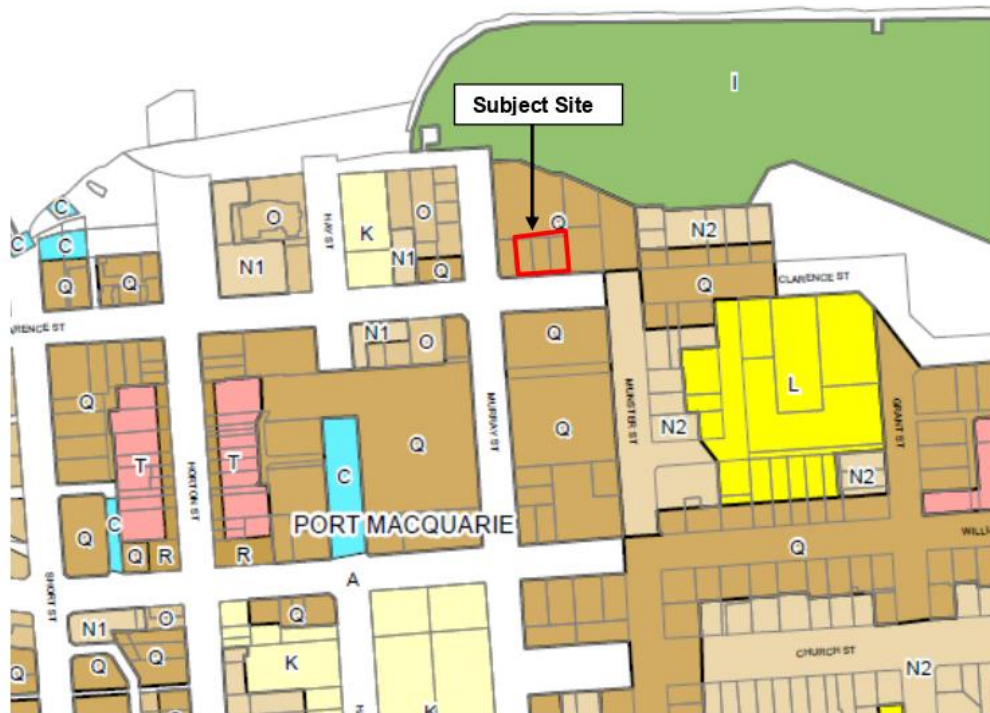
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

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

2.2 Building Height Development Standard

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

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



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

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

2.3 Proposed Development Standard Variation

Along the Clarence Street frontage of the subject site the roof of the proposed building above existing ground level ranges between 18.8 meters (south-eastern corner of boundary) and 20.5m (south-western corner of boundary). Along the northern elevation of the proposed building, (which is setback approximately 8.7m from the northern property boundary), the building height above ground level ranges between 23.65m and 24.65m.

It is noted that the top floor of the proposed building is setback from the Clarence Street frontage with the height of the building at this point above ground level being 21.55m (south eastern corner) and up to 23.65m (south western corner)

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

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

Table 2 – Worst Case Building Height Summary (worst case existing site ground levels)

BUILDING HEIGHT DEVELOPMENT STANDARD	BUILDING HEIGHT SOUTHEASTERN ASPECT OF PROPOSED BUILDING	BUILDING HEIGHT NORTHWESTERN ASPECT OF PROPOSED BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
19m	21.8m	24.65m	2.8m – 5.65m

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

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

Table 3 – Building Height Summary (historical ground levels)

BUILDING HEIGHT DEVELOPMENT STANDARD	BUILDING HEIGHT SOUTHEASTERN ASPECT OF PROPOSED BUILDING	BUILDING HEIGHT NORTHWESTERN ASPECT OF PROPOSED BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
19m	21.8m	23.95m	2.8m – 4.95m

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

reserve levels will be in the range of 20.77m and 22.9m. This again is an important consideration in the context of quantifying and qualifying the height of the proposed development and its actual bulk and scale impacts.

It is also noted that Council has already approved building heights which are greater than the 19m LEP standard. In this regard the variation which is now sought represents only 1m more than that which Council has already assessed and accepted as being appropriate for the subject site and locality. Therefore any assessment of the buildings now proposed height must have regard to the significance of the additional 1m in building height above that which has already been deemed to be acceptable.

3. MERIT ASSESSMENT

3.1 Background

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

This structure is reflected in;

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

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

It is however noted that, NSW Planning via its Guide to Varying Development Standards, 2011 provides that;

In deciding whether to approve a development application and associated application to vary a standard, council must consider whether non-compliance with the development standard raises any matter of significance for State and regional planning, and the public benefit of maintaining the planning controls adopted by the environmental planning instrument. As part of the consideration, council should examine whether the proposed development is consistent with the State, regional or local planning objectives for the locality, and, in particular, the underlying objective of the standard.

Additionally, the Guide provides that Clause 8 of SEPP 1 requires council to assess whether non-compliance with the development standard raises any matter of significance for State and Regional planning, and the public benefit of maintaining the planning controls adopted by the environmental planning instrument. Councils must furnish written evidence that they had considered the matters referred to in clause 8 of SEPP 1 in their assessment of an application.

Additional guidance regarding the assessment of variations to development standards can also be taken from the 'five-part test' established by the NSW Land and Environment Court which are outlined as follows;

- 1. the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
- 2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Having regard to the above, it is proposed to demonstrate that the proposed variation to the LEP development standard as it pertains to the revised height of the subject building continues to be acceptable in the circumstances as the design solution;

- Maintains compliance with the relevant objectives of the LEP development standard.
- Renders compliance with the development standard unnecessary and unreasonable in the circumstances.
- Does not raise any matter of significance for State and regional planning, and the public benefit.

3.2 Development Standard Objectives

NSW Planning's Guide to Varying Development Standards (August 2011) provides that when assessing applications involving variations to development standards under Clause 4.6 of the Standard Instrument, council should take into account both the mandatory zone objectives as well as any additional objectives.

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

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

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

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

The following justification is provided in respect of each of the performance objectives provided for in the LEP and listed above;

Table 4 – Performance Assessment

PERFORMANCE OBJECTIVE	PERFORMANCE ASSESSMENT
<i>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.</i>	<p>The existing and future character of the locality is mixed with tourist and residential development dominating the immediate area with cafes and other tourist and residential uses fronting Clarence Street.</p> <p>The relevance of the proposed building height design solution to the existing and future character of the locality is assessed as follows;</p> <p><u>Existing Character</u></p> <p>It is noted that the existing character of the area, from the perspective of height, bulk and scale, is dominated by several taller buildings in the immediate vicinity. These include the Tasman, to the northeast (9 storeys), Northpoint, located immediately to the north of the subject site (8 storeys), Port Pacific on the southern side of Clarence Street (8 storeys) and Macquarie Waters to the east (7 storeys). It is also noted that the existing height of the of Macquarie Waters building to the east of the subject site provides for a height relationship to the subject site which is in excess of a 7 storey envelope due to the predominating east to west topography and the lack of response of the Macquarie Waters building to landform.</p> <p>Whilst lower density development is present on immediately adjoining land to the west the predominant building height back drop when viewed from the north, south and west is that of 7 – 8 storey buildings with heights up to at least 25m common in these aspects. Whilst lower building heights predominate further to the west of the subject site, buildings of a height of up to 25m are also present in this aspect (e.g. Rydges).</p>



Northern backdrop (viewed from the south)



Southern backdrop (viewed from the north)



Eastern backdrop (viewed from the west)

**Western backdrop**

The relationship of the proposed increase in building height above that which has been assessed as acceptable is illustrated in **Appendix 2** of this report – Bulk and Scale Plan.

As can be seen in **Appendix 2** the building design outcome which is now proposed remains entirely consistent with the historical development in the locality, recently constructed buildings, (within the past 10 – 15 years) and the design outcome already approved for the subject site by Council.

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

As can be seen in **Appendix 2** the design outcome now proposed provides for a building height outcome which is entirely consistent with and in some areas less than that previously approved by Council. This is important in quantifying and qualifying the impacts of the proposed development above that which has already been assessed by Port Macquarie Hastings Council as being acceptable via the issuing of development approval DA 2018/353.

Future Character

The building height development standards provided for by LEP 2011 for the subject site and surrounds provide for a 'Deemed to Satisfy' standard of 19m which would typically

	<p>provide for a 6 – 7 storey building. In this regard it is noted that the proposed development is entirely consistent with this development standard on the Clarence Street frontage with the roof of the main building being between 21.8m and 23.65m which taking into account the topography of the area provides for a seven (7) storey building. The stepping back of the top floor of the development together with the integration of open space areas on this level, (swimming pool/BBQ area), is a feature intended to reduce the perceived scale of the building by disrupting the layering effect of each storey. In this regard when viewed from the street the top floor of the building will not be visible from the northside footpath and will only be partially visible from the southside footpath along Clarence Street.</p> <p>It is also noted that Councils Town Centre Masterplan works require that the Clarence Street frontage road reserve height be raised in order to accommodate revised finished levels for the northern portion of the Clarence Street carriageway and associated footpath area. Accordingly, the finished ground level adjacent to the southern elevation of the building will be approximately 800mm above the existing ground levels. Accordingly, the height, bulk and scale of the building when viewed from the southern and western aspects will have a context to the required new ground levels along Clarence Street and not the existing ground levels. Therefore, the height of the proposed building when viewed from the southern aspect and having regard to the new Clarence Street road reserve levels will be in the range of 20.77m and 22.9m. This again is an important consideration in the context of quantifying and qualifying the resulting height, bulk and scale of the proposed development and its impacts.</p> <p>It is noted that the majority of the height exceedance associated with the main bulk of the building is associated with the south to north topography of the subject site. In the context of the topography of the subject site and adjoining and adjacent land the bulk and scale of the lower elevated areas of the building will be masked by adjoining development to the north, east and west with the height, bulk and scale with the southern and western elevations providing the visual context for the height, bulk and scale rather than the northern aspect of the proposed building whereby the existing Northpoint building dominates the height, bulk and scale landscape.</p>
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	<p>Similarly, the height, bulk and scale of the eastern aspect of the proposed building is obscured by the existing Macquarie Waters building with the proposed building retaining a consistent height, bulk and scale with the adjoining Macquarie Waters building.</p> <p>Additionally, the top storey of the proposed building is setback from the main bulk and scale of the building with enclosed areas not occupying the entire area of the top storey. This approach greatly assists in reducing the overall bulk and scale of the top storey area with stepping down of the building's height, bulk and scale towards the western boundary of the subject site. Therefore, when viewed from the Clarence Street frontage the additional building height associated with the top storey will remain largely obscured and as such will have a minimal impact on the existing and future character of the area. As can be seen in Appendix 2, the height, bulk and scale of the top storey is moderated through the setbacks which have been incorporated at this level.</p> <p>As can be seen in Appendix 2 the major elements of the top storey which will be evident from Clarence Street will continue to be portion of the roof structure of the building which is consistent with the visual impacts assessed and approved by Council through the issuing of development approval for the serviced apartment development for the subject site (DA 2018/353)</p> <p>The future development of adjoining land to the west of the subject site has the potential to provide for a built form which significantly shields the height, bulk and scale of the proposed building with the future development of the land on the corner of Murray and Clarence Streets being the dominant factor in terms of height, bulk and scale impacts associated with the proposed development when viewed from the western aspect. In this regard the stepping back of the top floor of the subject building provides for a logical transition in building heights with distance towards the western property boundary. The positioning of open space areas associated with the swimming pool and the setbacks to the conference room allows for a transition in building height so as to integrate with the future desired development on the corner of Clarence and Murray Streets.</p> <p>It is also noted that Clarence Street is a main connector</p>
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	<p>road within the Port Macquarie CBD `being some 30m wide and can clearly accommodate development of greater densities and heights through site redevelopment within the framework of integrating good urban design principles. The width of the Clarence Street and its ability to accommodate developments of greater densities and heights is further reinforced by the significant setback of the existing bulk and scale of the building to the south of the Clarence Street road reserve adjacent to the subject site, (Port Pacific building).</p> <p>Similarly, when viewed from adjoining and adjacent buildings in the area the portion of the subject building which is in excess of the 19m development standard will have a negligible visual and amenity impacts in relation to the proposed buildings height, bulk and scale as it;</p> <ul style="list-style-type: none"> • Will be generally indiscernible from the main bulk of the building. • Will have a minimal impact when considered in the context of the height, bulk and scale backdrop which exists by virtue of existing multi storey buildings in the locality which already have a height beyond that contemplated for the proposed building. • Will be consistent with the height of buildings which could result through the redevelopment of adjoining land to the east of the subject site. <p>Having regards to the above it is considered that the impact on the future character of the locality of the proposed building design solution as it relates to building height will be minimal.</p> <p>It is also noted that notwithstanding the height development standards provided for in LEP 2011 the future character of the locality has to a large extent been significantly influenced by the height of buildings which have been constructed in the past ten (10) years particularly in relation to buildings in proximity to the subject site. In the context of the life cycle of building infrastructure most recent decisions of Council have had a significant impact upon the achievement of the future character envisaged by the LEP development standard.</p>
<i>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar</i>	Solar access studies show acceptable results for June 22 as a result of the proposed development in relation to

<p><i>access to existing development</i></p>	<p>adjoining and adjacent existing development and an additional 1m in building height as proposed does not alter the outcomes of the solar access studies due to the orientation of the subject site and the positioning of the subject building in the southern portion of the subject site. Accordingly, the proposed building height design solution will have no significant impact on solar access beyond that contemplated by the 'Deemed to Satisfy' development standard.</p> <p>It is noted that when viewed from Clarence Street the proposed building will continue to present as a seven (7) storey building which is generally consistent with the 'Deemed to Satisfy' development standard. Accordingly, the visual impact of the proposed building height solution will minimal.</p> <p>Given the dominance of existing buildings to the north, east and south the proposed building will have no greater visual impact than that which currently exists as the existing buildings define the bulk scale and scale backdrop when viewed from adjoining buildings. In this regard the bulk and scale of the proposed development is consistent, (even less), than that which currently exist.</p> <p>Views will not be impacted upon by the proposed development as view paths to the north, south and east are constrained by the existing buildings which form the backdrop in these aspects. View impacts to the west will be minimized due to;</p> <ul style="list-style-type: none"> • The location of the major bulk of the subject building in the southern portion of the site provides for view sharing promoted to the west. • The orientation of the adjacent buildings to take advantage of views to the north, northeast and east. In this regard the design of a number of buildings to the east of the proposed building do not seek to take advantage of view paths to the west. <p>Notwithstanding the variation to the building height development standard acceptable standards of solar access will continue to be provided to adjoining and adjacent buildings.</p> <p>Having regard to the above it is clear that quality urban and building design will be achieved as a result of the proposed</p>
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	development and that the proposed building height design solution will have negligible impact in relation to visual impact, views, loss of privacy and loss of solar access issues.
<i>(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,</i>	<p>Whilst the subject site forms part of an area which the LEP identifies as being of potential heritage importance the archeological assessment which has been completed for the subject site indicates that the proposed development will have no impact on the heritage values of the subject site.</p> <p>In a broader context identified items/issues of heritage significance are not located in the immediate area to the subject site and as such the height of the proposed development is appropriate in the context of existing and future height, bulk and scale of the locality.</p>
<i>(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan’.</i>	<p>The proposed building height design solution will continue to provide for a transition in built form and land use intensity within the area covered by this Plan.</p> <p>Being a CBD location, the proposed development provides for a density of development which is entirely consistent with that expected by the local community.</p>

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

3.3 Reasonableness of Proposed Variation

As noted in **Table 2** of this report the existing character of the area, from the perspective of height, bulk and scale, is dominated by several taller buildings in the immediate vicinity. These include the Tasman, to the northeast (9 storeys), Northpoint, located immediately to the north of the subject site (8 storeys), Port Pacific on the southern side of Clarence Street (8 storeys) and Macquarie Waters to the east (7 storeys). It is also noted that the existing height of the of Macquarie Waters building to the east of the subject site provides for a height relationship to the subject site which is in excess of a 7 storey envelope due to the predominating east to west topography and the lack of response of the Macquarie Waters building to changes in landform.

Whilst lower density development is present on immediately adjoining land to the west the predominant building height back drop when viewed from the north, south and west is that of 7 – 8 storey buildings with heights up to at least 25m common in these aspects. Whilst lower building heights predominate further to the west of the subject site, buildings of a height of up to 25m are also present in this aspect (e.g. Rydges). As can be seen in **Appendix 2** the building design height outcome which is now proposed is not only consistent with the historical development in the locality but also in relation to recently constructed

buildings, (within the past 10 – 15 years). In the context of the life cycle of building infrastructure most recent decisions of Council have had a significant impact upon the achievement of the future character envisaged by the LEP development standard.

Having regard to the above the outcomes provided for by the proposed building height design solution are entirely consistent with the existing character of the locality in relation to height, bulk and scale with existing development defining the bulk and scale backdrop which is relevant to the subject site and immediate area. On the basis of the height of the existing development on adjoining and adjacent land the proposed height of the subject building remains entirely consistent with the existing and future desired character for the area and accordingly compliance with the development standard is unnecessary and unreasonable in the circumstances. This position is further supported in that the proposed variation to the development standard provides for;

- negligible visual and amenity impacts in relation to the proposed buildings height, bulk and scale having regards to the topography of the subject site;
- minimal visual and amenity impacts when considered in the context of the height, bulk and scale backdrop which exists by virtue of existing multi storey buildings in the locality which already have a height beyond that contemplated for the subject building.
- minimal visual and amenity impacts when considered in the context of streetscape and public vantage points.
- negligible impacts on near or far views.
- the maintenance of acceptable levels of privacy for residents and occupants of adjoining and adjacent developments as well as the general public.
- consistency with the height of buildings which could result through the redevelopment of adjoining land to the east of the subject site.
- the maintenance of acceptable solar access standards for adjoining and adjacent sites.
- the transition in built form and land use intensity within the area covered by the LEP.
- consistency with the existing and future character of the locality in relation to height, bulk and scale.
- achievement of high-quality urban design outcomes.

3.4 Significance of Proposed Variation

The very nature of place-based merit decision making is to have specific regard to the characteristics, features and constraints of a site and development proposal and to assess the specific impacts of same.

Having regards to the specific characteristics of the subject site and its local context and the nature and impacts of the proposed development it is considered that non-compliance with the development standard does not raise any matter of significance for State and regional planning.

Additionally, given the information provided in support of the proposed variation to the development standard, there is minimal public benefit in maintaining the building height planning control which is relevant to the locality. On the contrary, as provided for in the Statement of Environmental Effects which accompanies this development proposal, there is considerable public benefit in approving the variation to the nominated height standard as the development will;

- provide for a positive development of high-quality design that will improve surveillance and safety of the adjoining and adjacent streets.
- assist in making the locality more of a lively area with an increased demand for localized services.
- have minimal impact on views, amenity, privacy and solar access
- reinforce and promote the trend for mixed tourist/visitor accommodation and commercial development in the locality complying with communities' strategic objectives and expectations for the area.
- have a positive economic impact through the serviced apartments which will represent a major injection into the local economy and generate significant employment opportunities and flow on benefits to other local businesses.
- provide benefits to the local construction industry and related services through the construction phase of the project.
- result in negligible cumulative impacts on or for the locality

3.5 Consistency with LEP Exception Requirements

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

- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as the proposed alternative design solution satisfies the specific performance objectives which are relevant to the height of buildings; and*
- *there are sufficient environmental planning grounds to justify contravening the development standard as demonstrated in the performance assessment (Section 3.2 of this report); and*
- *the applicant's written request has adequately addressed the matters required to be demonstrated; and*
- *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out; and*

- *the contravention of the subject development standard does not raise any matter of significance for State or regional environmental planning, and*
- *based upon merit assessment there is no public benefit in maintaining the development standard, and*

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

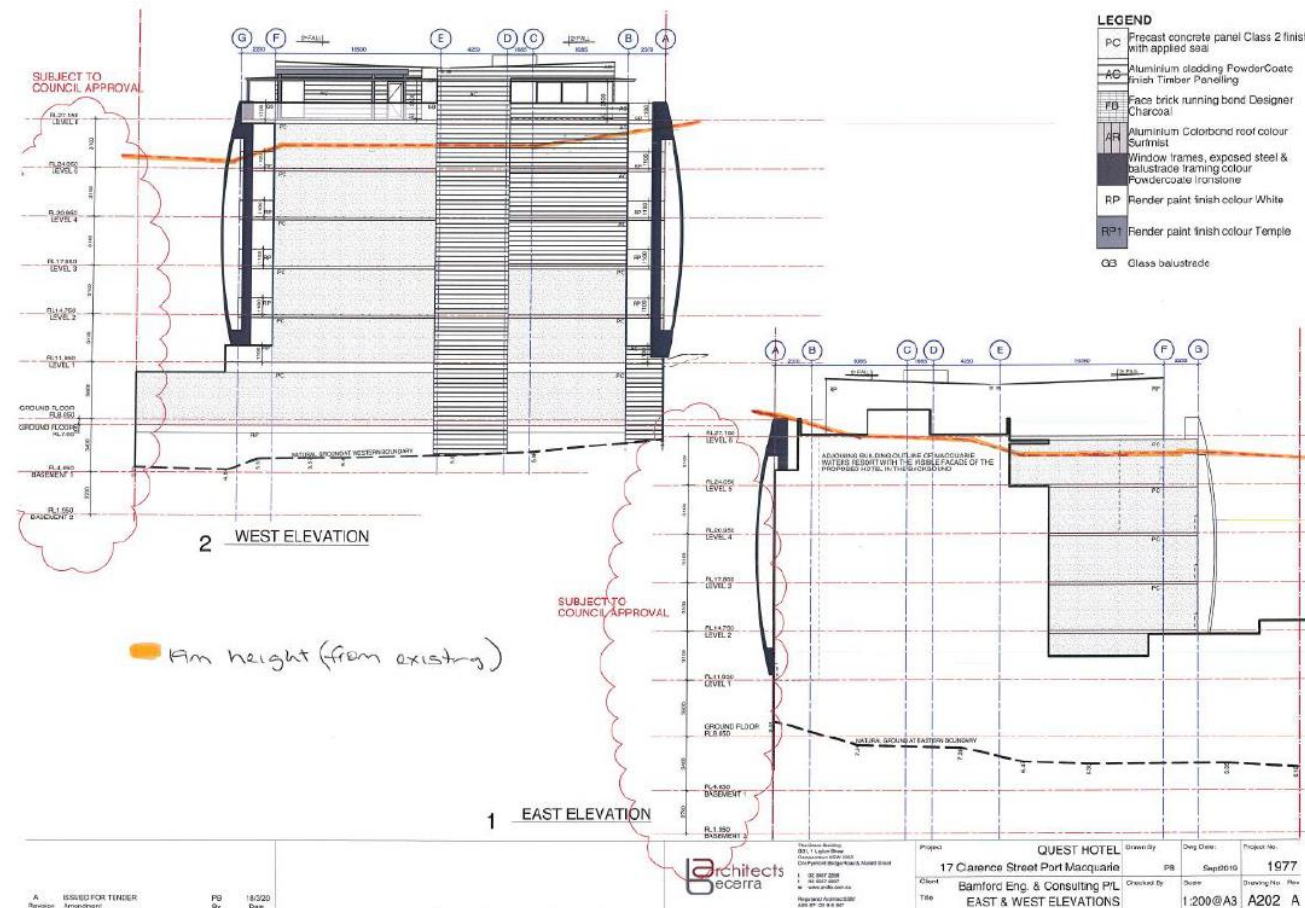
4. CONCLUSION

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

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

DEVELOPMENT STANDARD VARIATION JUSTIFICATION

APRIL 2020

Appendix 1 – Height Plane Plan

DEVELOPMENT STANDARD VARIATION JUSTIFICATION

APRIL 2020

19m height (from existing)

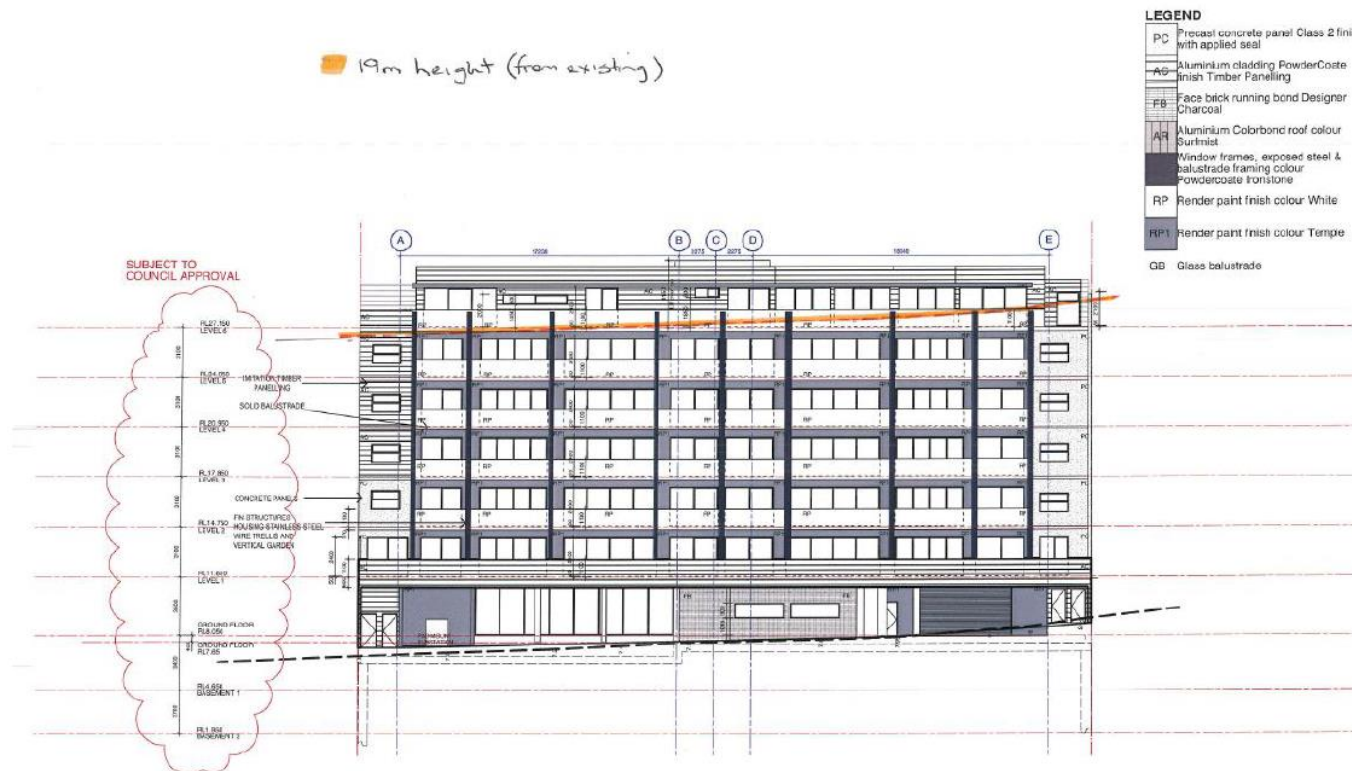


A	ISSUED FOR TENDER	PB	18/3/20	Date	Architects Becerra	The Office Building 221, 1, Leppington Comprehensive site plan and Planning Design, Road & Vehicle Design	Project QUEST HOTEL 17 Clarence Street Port Macquarie	Drawn By PB	Design Date Sep 2019	Project No. 1977
Revision	Amendment						Client Bamford Eng. & Consulting P/L	Checked By	Scale	Drawing No. / Rev
							TIN		1:200 @ A3	A200 A

DEVELOPMENT STANDARD VARIATION JUSTIFICATION

APRIL 2020

19m height (from existing)

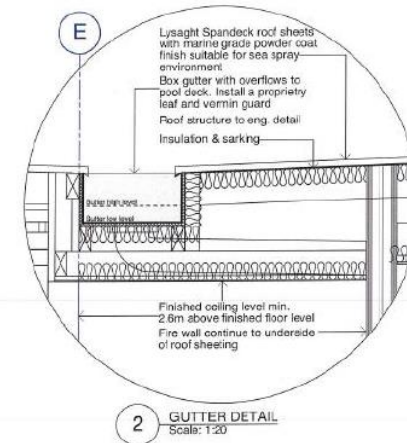
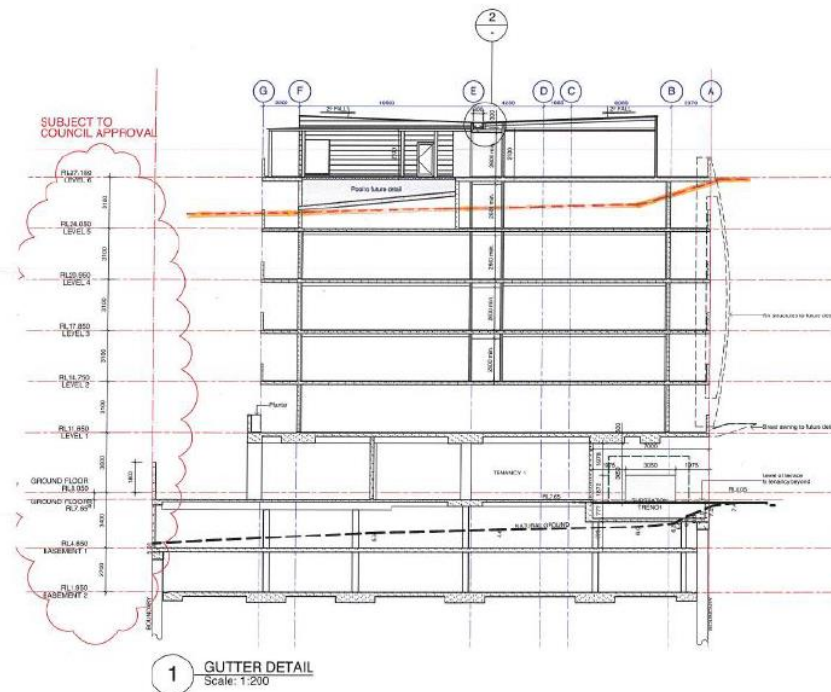


<p>A ISSUED FOR TENDER Rev: 001</p>	<p>FB 15/3/20 CMB</p>	<p>Architects ecerra</p> <p>The Green Building 20/11/2019 20/11/2019 20/11/2019</p>	<p>Project QUEST HOTEL 17 Clarence Street Port Macquarie</p> <p>Client Bamford Eng. & Consulting P/L</p> <p>Title SOUTH ELEVATION</p>	<p>Drawn By PS</p> <p>Check Date Sep 2019</p> <p>Project No. 1977</p> <p>Checked By Scale 1:100 @ A3</p> <p>Drawing No. A201</p> <p>Rev. A</p>
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DEVELOPMENT STANDARD VARIATION JUSTIFICATION

APRIL 2020

19m height (from existing)

A ISSUED FOR TENDER
Revision AmendmentPB
By Date18/3/20
DateArchitects
ecerra

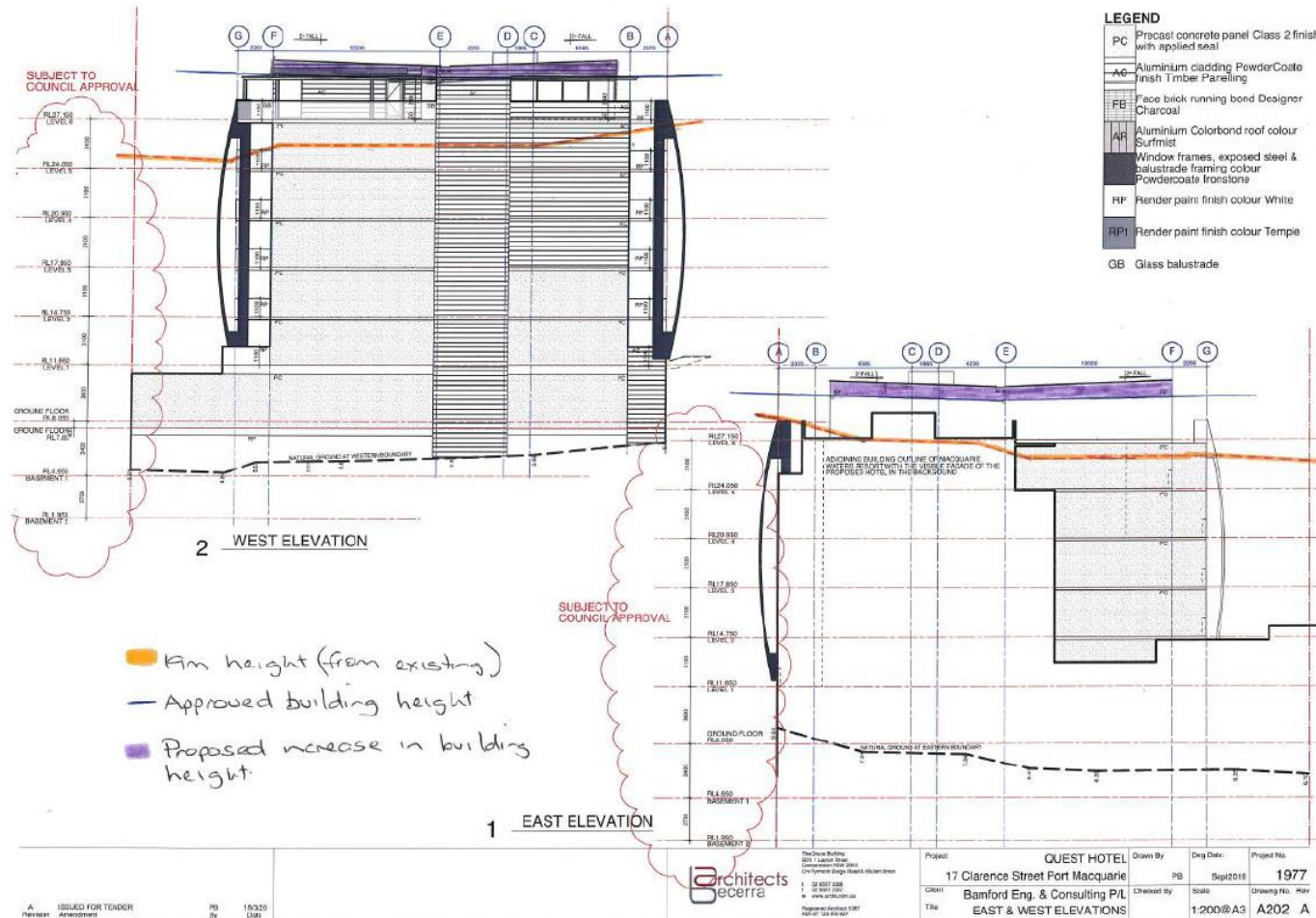
2nd Floor Office,
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Registered Architect 6387
JMB 87 100 100 000

Project	QUEST HOTEL	Drawn By	DB	Check Date	1977
Client	17 Clarence Street Port Macquarie	Checked By	Scale	Drawing No.	Rev
Title	Bamford Eng. & Consulting P/L	1:200@A3	A211	A	

DEVELOPMENT STANDARD VARIATION JUSTIFICATION

APRIL 2020

Appendix 2 – Bulk and Scale Context Plan



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DEVELOPMENT STANDARD VARIATION JUSTIFICATION

APRIL 2020



DEVELOPMENT STANDARD VARIATION JUSTIFICATION

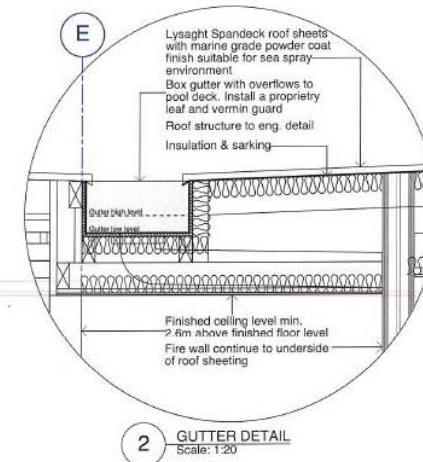
APRIL 2020

- 19m height (from existing)
— Approved building height
■ Proposed increase in building height



A ISSUED FOR TENDER		PB		18/3/20		Date		 <p>The Quest Building 17 Clarence Street Port Macquarie NSW 2444 Tel: 02 6551 0000 Fax: 02 6551 0001 www.architectssecerra.com.au Registered Architect 12887 A201 100 000 000</p>		Project: QUEST HOTEL		Drawn By: PB	Draw Date: Sep2019	Project No: 1977		
Revision		Amendment								Client: Bamford Eng. & Consulting P/L	Checked By:	Scale: 1:100@A3	Drawing No. A201	Rev. A		
										Title: SOUTH ELEVATION						

Page 28



A. ISSUES FOR TENDER Revision		PG By Date	18/03/2019	 <div>The Glass Building G/1, 1 Lyons Street Camberley NSW 2260 Cnr Pyrmont Bridge Road & Lyons Street T 02 9577 8288 F 02 9577 8287 www.ecerra.com.au Architectural Referral 1007 A/N 07 10 915 887</div>		<table><tr><td>Project</td><td>QUEST HOTEL</td><td>Drawn By</td><td></td><td>Desig Date:</td><td>Project No.</td></tr><tr><td></td><td>17 Clarence Street Port Macquarie</td><td></td><td>PB</td><td>Sep2019</td><td>1977</td></tr><tr><td>Client</td><td>Bamford Eng. & Consulting P/L</td><td>Checked By</td><td></td><td>Scale</td><td>Drawing No. / Rev</td></tr><tr><td>Title</td><td>SECTIONS</td><td></td><td></td><td>1:200 @ A3</td><td>A211 A</td></tr></table>	Project	QUEST HOTEL	Drawn By		Desig Date:	Project No.		17 Clarence Street Port Macquarie		PB	Sep2019	1977	Client	Bamford Eng. & Consulting P/L	Checked By		Scale	Drawing No. / Rev	Title	SECTIONS			1:200 @ A3	A211 A
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**Justification of Variation to
Development Standard
Floor Space Ratio –
Report Pursuant to Clause 4.6 of
Port Macquarie–Hastings Local
Environmental Plan (2011)**

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

JANUARY 2021

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1. INTRODUCTION

1.1 Purpose of Report

This report has been prepared to accompany a Section 4.55 application which seeks approval for modifications to the layout of the already approved, (DA 2018/353.2), mixed tourist accommodation and commercial development at Lot 123 DP 1219042, 17 Clarence Street, Port Macquarie.

Figure 1 – Site Location



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

1.2 Background

1.2.1 Original Development Approval

In June 2019 Port Macquarie Hastings Council granted development approval for the construction of a seven (7) storey tourist accommodation and commercial building with two (2) basement levels to accommodate onsite carparking.

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

Motel/Serviced Apartment accommodation comprising 47 apartments and associated infrastructure are distributed over Levels 1 – 7 of the building. The approved development provides for the following apartment configuration;

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

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

Two basement levels of car parking, (providing eighty-one (81) spaces), is provided with access via a single vehicular driveway off Clarence Street via the ground floor of the building. As well as the car parking areas the basement levels will include general and dedicated service areas for the development. Lift access to the basement levels is provided.

The approved development also provided for motel/serviced apartment ancillary use areas on Level 7 of the with a Conference Room, Gymnasium, BBQ area, amenities and a swimming pool located on the top floor area of the development.

The floor space ratio of the originally approved development being 3.57:1.

1.2.2 Section 96 Modification (November 2019)

In November 2019 Port Macquarie Hastings Council granted approval for modifications to the originally approved development concept with the approved modifications encompassing the following design changes.

- Lower Basement Level – increase in size of the floor area which provides for an additional 13 carparking spaces.
- Ground Floor Level – increase in area of commercial floor space from 141.63m² to 274.58m². The increase in commercial floor space has resulted in;
 - the reduction of carparking spaces at ground floor level (from 20 to 10)
 - reconfiguration of amenity and service areas associated with the commercial floor space.
 - reconfiguration of the back of house areas associated with the Tourist and Visitor Accommodation.
- Sixth Floor Level – enlargement of the Conference Room (from 96.2m² to 105.4m²) including relocation and reconfiguration of associated amenities. Reconfiguration of the gymnasium and associated amenities.
- External Signage – the hotel operators have finalized their external signage requirements for the proposed development and details of external signage form part of the Section 96 application.

It is noted that the proposed changes to the approved development concept provided for an increase in floor area of 142.15m² above that which has already been approved via DA 2018/353.1.

In this regard the approved floor space ratio associated with the modification to consent was 3.67:1.

1.2.3 Section 4.55 Modification (April 2020)

In April 2020 a Section 4.55 application was lodged with Port Macquarie Hastings Council seeking to gain approval for the following changes to the approved mixed tourist accommodation and commercial development;

- **Increased building height;**

In order to accommodate all building services, the ceiling heights within all levels of the building accommodating serviced apartments (L1 – L5) has been increased by 200mm which has resulted in an increased building height from that approved by Council of 1m.

- **Relocation of Electricity Substation**

The originally proposed location of the substation did not practically accommodate the spatial and operating requirements for a substation without impacting upon the design of the southeastern portion of the proposed development.

The substation has been relocated to the southwestern corner of the proposed development. This revised location is considered to have minimal streetscape and amenity issues and provides a positive outcome in terms of the operation of the vehicle entry and exit for the development with improved site lines available.

- **Relocation of Vehicle Entry and Exit**

Because of the relocation of the electricity substation the vehicle entry and exit has been adjusted so as to be closer to eastern property boundary than originally approved. This revised location is considered to have minimal streetscape and amenity impacts and does not decrease the functionality of the driveway or drop off area.

- **Relocation of discharge of internal fire stairs (southeastern aspect).**

The relocation of the electricity substation allows for an improved design of the fire isolated stairs servicing the eastern portion of the building with the design of the development now providing for the discharge of these exits adjacent to the southern property boundary rather than within the development site.

- **Reduced commercial floor area**

As a consequence of the relocation of the electricity substation the floor area of the ground floor commercial tenancy has been reduced to 270m². Additionally, the size of the Terrace area servicing the tenancy has also been reduced to 40m². The GLF for the commercial tenancy has been reduced by approximately 27.73m² which reduces the carparking demand for the proposed development by 1.

- **Changes to the design of the basement carparking levels**

The design of the basement carparking levels has been revised to reflect servicing requirements for the building.

In total 88 carparking spaces are provided which is consistent with that approved by Council.

- **Extension of external balcony (L1 – southeastern corner of building)**

The relocation of the electricity substation has now allowed for the extension of the balcony across the full Clarence Street frontage of Unit No. 108B.

- **Enlargement of Units (Northeastern Aspect L4 – L6 Inclusive)**

The size of the apartments located in the northeastern portion of Levels 4 – 6 inclusive has been increased via the easterly relocation of the external wall of the building to occupy the area approved as a planter box.

- **Changes to the Reception Area of the Hotel**

As a result of the redesign of the driveway and drop off areas the design of the reception area has been modified with the eastern external wall of the reception area 'squared off' rather than being splayed. This has resulted in a minor reduction in the floor area of the hotel reception area.

- **Change of Level 6 roof over fire stairs.**

The roof over the fire stairs has been approved on the basis of concrete construction. It is now proposed to change the building so that the main roof line of the building ends to include the areas over the fire stairs.

- **Minor changes to the southern façade appearance**

The design of the façade vertical fins has been modified to reflect constructability and functionality considerations.

Additionally, the design of the awning over the footpath along the southern elevation of the building has been modified in response to the proposed relocation of the electricity supply substation.

- **Minor changes to the northern façade appearance**

The design of the façade vertical fins has been modified to reflect constructability and functionality considerations.

- **Internal changes to Apartment Layouts**

There have been some minor internal changes to the layout of apartments with these changes reflecting a need to rationalize the provision of services within the building.

- **Changes to location of service areas**

The location of services and amenity areas on the ground floor level has been reviewed and modified to reflect other changes to the building.

Additionally, service areas have been included in the basement areas of the building as part of the review of the design of these areas.

- **Staging of development approvals**

The proposed development will proceed on the basis of a staging of construction activities with the following stages being proposed:

- Stage 1 – piling, excavation and construction of basement levels (including ground floor slab).
- Stage 2 – completion of development above ground floor slab.

Reflecting the staging of the construction activities associated with the approved development it is proposed to restructure the conditions of consent to reflect the staged approach to construction.

It is noted that as a result of the proposed changes to the design of the building an additional 29.17m² of floor area has been added to the development thereby altering the floor space ratio of the building. In this regard the floor space ratio of the building has increased from 3.67:1 to 3.68:1

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

1.2.4 Summary of Changes to FSR

The changes to the Floor Space Ratio (FSR) for the various design solutions submitted to Port Macquarie Hastings Council is summarized as follows;

Table 1 – Summary of Changes to FSR

APPLICATION NO.	PROPOSED FLOOR AREA	FLOOR SPACE RATIO	APPLICATION STATUS
DA 2018/353.1	5425.78m ²	3.57:1	Approved
DA 2018/353.2	5567.93m ²	3.67:1	Approved
DA 2018/353.2	5597.1m ²	3.68:1	Application

2. LEP 2011 REQUIREMENTS

2.1 Introduction

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

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

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

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

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

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

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

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

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

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

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

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

(a) the consent authority is satisfied that:

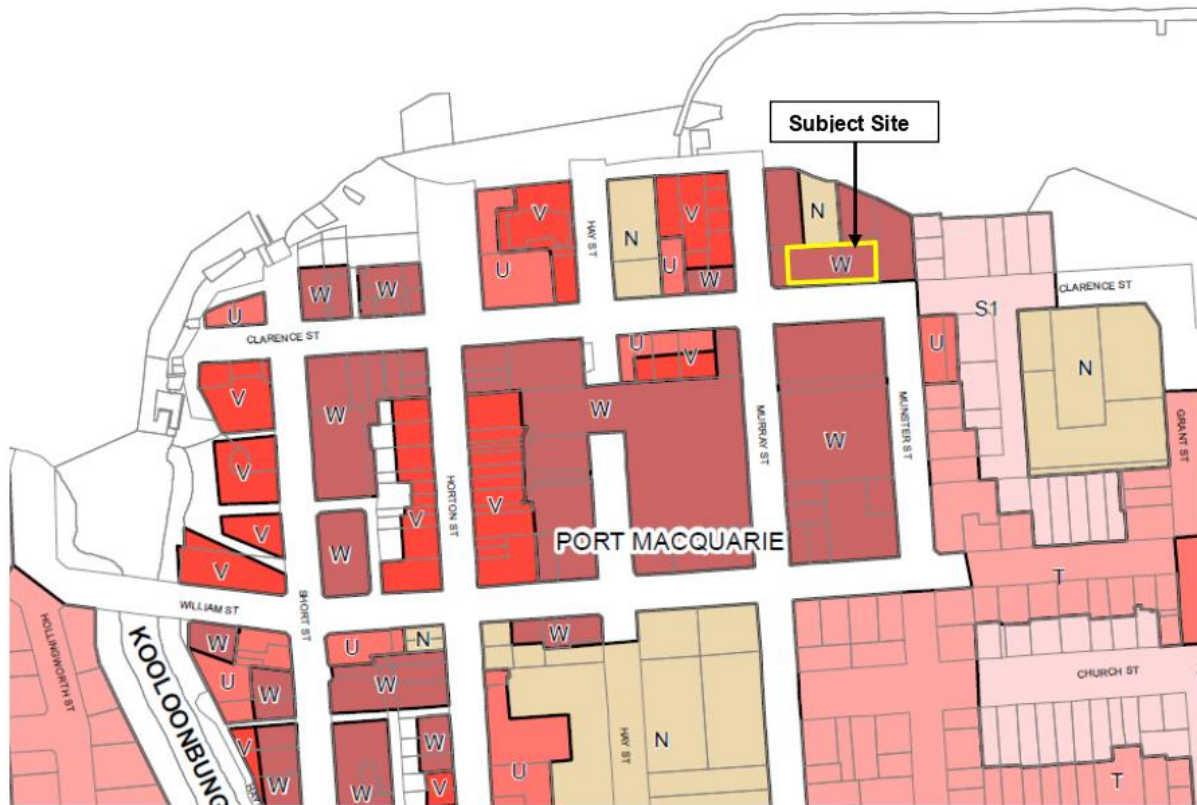
(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by sub clause (3), and

- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*
- (5) In deciding whether to grant concurrence, the Director-General must consider:*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

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

2.2 Floor Space Ratio Development Standard

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

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

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

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define **floor space ratio**,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and

- (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
- (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio”

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

(3) Site area

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

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

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

(4) Exclusions from site area

The following land must be excluded from the site area:

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

(5) Strata subdivisions

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

(6) Only significant development to be included

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

(7) Certain public land to be separately considered

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) Existing buildings

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

(9) Covenants to prevent “double dipping”

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

(10) Covenants affect consolidated sites

If:

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

2.3 Development Standard Exemption Sought

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

It is noted that the floor area of the building for the purposes of determining the proposed floor space ratio is now 5,597.1m² based upon a proposed increase in floor area of 29.17m² as a result of the proposed modifications to the approved building. The floor space of the proposed building has therefore been calculated to be 3.68:1.

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

Table 2 – FSR Summary.

FLOOR SPACE RATIO DEVELOPMENT STANDARD	PROPOSED FLOOR SPACE RATIO	QUANTUM OF VARIATION TO FLOOR SPACE RATIO DEVELOPMENT STANDARD	FLOOR AREA ABOVE FSR DEVELOPMENT STANDARD
3.5:1	3.68:1	0.18:1 (5.1%)	286.8m ²

3. PERFORMANCE ASSESSMENT

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

This structure is reflected in;

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

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

3.1 Performance Objectives

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

The objectives of this clause are as follows:

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

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

3.2 Performance Assessment Method

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

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

(d) Expert Judgement.

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

3.3 Performance Assessment

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

Table 3 – Performance Assessment

PERFORMANCE OBJECTIVE	PERFORMANCE ASSESSMENT
<i>(a) to regulate density of development and generation of vehicular and pedestrian traffic,</i>	<p>The existing and future character of the locality provides for predominately large multistorey commercial, residential and tourist accommodation developments dominating the area.</p> <p>The existing and future density of development in the locality will continue to reflect the higher densities of development in response to a range of physical and socio-economic factors which are relevant to the existing and future properties in the CBD locality.</p> <p>The building design outcome which is proposed is not only consistent with the historical development in the locality but also in relation to recently constructed buildings, (within the past 15 – 20 years).</p> <p>In this regard the density of the proposed development remains consistent with the existing and future character of the locality being CBD in nature.</p> <p>The existing road network will satisfactorily cater for any increase in traffic generation as a result of the proposed development. The proposed development allows for satisfactory onsite parking provision in accordance with the Development Control Plan.</p> <p>The width of Clarence Street is typical of streets within a CBD location with significant centre and road side onstreet parking arrangements available which will not present any traffic and/or pedestrian hazards beyond that which currently exists. Adequate provisions are in place to allow</p>

	<p>for the legal parking of motor vehicles within the Clarence Street road reserve.</p> <p>Pedestrian traffic in the locality will remain largely unchanged as a result of the proposed development with the form and nature of occupation of the subject site and proposed development being entirely consistent with the standards which are relevant to CBD areas. Indeed the proposed development will significantly improve and enhance pedestrian access infrastructure and opportunities above what currently exists.</p> <p>It is considered that the exceedance of the floor space ratio by approximately 5.1% is acceptable in the circumstances as the major bulk and scale of the development on the subject site is confined to the southern portion of the subject site with the northern portion of the subject site having a significantly reduced development footprint. In this context the proposed development will continue to provide for a bulk and scale outcome which is entirely consistent with the existing and future character of the area and is entirely consistent with the outcome already envisaged via the granting of Development Consent 2018/353.2.</p> <p>It is also noted that existing multistorey buildings to the north, south and east largely reflect the building bulk and scale character of the area with the bulk and scale of the already approved and currently proposed development being entirely consistent with the existing character of the area.</p> <p>Councils development standards for the area envisage a continuation of the bulk and scale associated with more recent development in the area and the already approved and currently proposed development on the subject site.</p> <p>Notwithstanding the proposed FSR of the subject development it is considered that the proposed development remains entirely consistent with the character which is envisaged for the area particularly given the minor 5.1% variation to the FSR development standard.</p>
<i>(b) to encourage increased building height and site amalgamation at key locations,</i>	<p>It is noted that the subject site is an amalgamation of three (3) historic lots and as such is consistent with the development control outcome for the subject site and locality in general. In this regard the amalgamation of the</p>

	<p>site provides for opportunities for increased building bulk and scale to be integrated over a larger building footprint.</p> <p>Solar access studies show acceptable results for the June 22 as a result of the proposed development in relation to adjoining and adjacent existing development. Accordingly, the proposed building's bulk and scale will have no significant impact on solar access beyond that contemplated by the 'Deemed to Satisfy' development standard and the outcome already envisaged via the granting of Development Consent 2018/353.2.</p> <p>It is also noted that when viewed from Clarence and Murray Streets the increased FSR, (above that already approved by Development Consent 2018/353.2), will not be visible with the bulk and scale of the building remaining consistent with the already approved development concept for the subject site. Similarly when viewed from adjoining and adjacent private properties the bulk and scale of the building will remain unchanged from that already envisaged via the granting of Development Consent 2018/353.2.</p> <p>Views will not be impacted upon by the proposed development as view paths to the north, south and east are constrained by the existing buildings/structures which form the backdrop in these aspects.</p> <p>Notwithstanding the variation to the floor space ratio development standard acceptable standards of solar access and visual amenity will continue to be provided to adjoining and adjacent buildings.</p> <p>Having regard to the above it is clear that quality urban and building design outcomes will be achieved as a result of the proposed development and that the proposed building design solution will have negligible impact in relation to visual impact, views, loss of privacy and loss of solar access issues.</p>
<i>(c) to provide sufficient floor space for high quality development for the foreseeable future,</i>	<p>It is noted that the quantum of the variation from the floor space ratio which is provided for in relation to the development of the subject site is considered to be minimal in the context of the size and development characteristics of the subject site.</p> <p>The 5.1% variation from the prescribed development</p>

	<p>standard is considered to be minimal with the design outcome consistent with the outcomes envisaged by the floor space ratio development standard.</p> <p>The design of the proposed development seeks to take advantage of opportunities to integrate the proposed development within the development envelope already approved via Development Consent 2018/353.2. Accordingly, the provision of additional floor space as proposed provides for the integration of floor space over the subject site in a manner which does not impact upon the visual appearance of the building from that which has already been approved via Development Consent 2018/353.2.</p> <p>Additionally, the design of the proposed development in conjunction with the topographical features of the subject site will ensure that a significant quantity of the additional floor space bulk and scale will be obscured from adjoining and adjacent properties and from public spaces. As such the impacts of the 5.1% exceedance of the LEP floor space ratio standard will be largely imperceivable and as such acceptable in the circumstances.</p> <p>The design approach and the materials which are proposed to be used will provide for a high-quality development for the foreseeable future.</p>
<p><i>(d) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.</i></p>	<p>The existing and future character of the locality is mixed with tourist and residential development dominating the immediate area with cafes and other tourist and residential uses fronting Clarence Street.</p> <p>The relevance of the proposed buildings design solution to the existing and future character of the locality is assessed as follows;</p> <p><u>Existing Character</u></p> <p>It is noted that the existing character of the area, from the perspective of height, bulk and scale, is dominated by several taller buildings in the immediate vicinity. These include the Tasman, to the northeast (9 storeys), Northpoint, located immediately to the north of the subject site (8 storeys), Port Pacific on the southern side of Clarence Street (8 storeys) and Macquarie Waters to the east (7 storeys). It is also noted that the existing height of</p>

the of Macquarie Waters building to the east of the subject site provides for a height relationship to the subject site which is in excess of a 7 storey envelope due to the predominating east to west topography and the lack of response of the Macquarie Waters building to landform.

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



Northern backdrop (viewed from the south)



Southern backdrop (viewed from the north)



Eastern backdrop (viewed from the west)



Western backdrop

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

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

It is also noted that the bulk and scale of the proposed building are entirely consistent with the building bulk and scale already approved for the subject site. In this the

	<p>tourist accommodation development already approved for the subject site has a floor space ratio of 3.67:1 with this bulk and scale being assessed as being appropriate for the area. It is noted that the proposed floor space ratio would be 3.68:1.</p> <p>The design outcome now proposed provides for a floor space ratio which is entirely consistent with the tourist accommodation development concept which has already been approved for the subject site. In this regard the proposed increase in floor space is such that the buildings bulk and scale will remain entirely consistent with that which has already been approved.</p> <p>A minor increase, (29.17m²), in the floor area associated with the now proposed building modifications will be imperceptible when viewed from adjoining and adjacent properties and from public places and the building will continue to provide for high quality visual outcomes. The bulk and scale impacts of the proposed building will remain unchanged from that which has already been assessed by Council as being acceptable for the location.</p> <p>The increased floor space will not be visible when viewed from adjoining and adjacent properties and public places with the bulk and scale of the building remaining entirely consistent with that which has already been approved by council. Whilst there will be some changes to the visual appearance of the eastern façade of the building these changes will not alter the perceptions of building bulk and scale when viewed from the south and east.</p> <p><u>Future Character</u></p> <p>The building floor space ratio development standards provided for by LEP 2011 for the subject site and surrounds provide for a 'Deemed to Satisfy' standard of 3.5:1 which would typically provide for a building with a floor area of 5,310.3m². In this regard it is noted that the proposed development is entirely consistent with this development standard.</p> <p>The maximization of the floor space ratio as applicable to the development of adjoining and adjacent land has resulted in large multistory building present to the north, east and south of the subject site with the proposed development of the subject site providing for a bulk and</p>
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	<p>scale outcome which is entirely consistent with the desired future character of the locality. It is also noted that the redevelopment of land to the west of the subject site will also result in bulk and scalar outcomes which are significantly greater than that which exists as the FSR of 3.5:1 applies to adjoining and adjacent land to the west of the subject site.</p> <p>It is also noted that notwithstanding the floor space ratio development standards provided for in LEP 2011 the future character of the locality has to a large extent been significantly influenced by the bulk and scale of buildings which have been constructed in the past fifteen (15) years particularly in relation to buildings in proximity to the subject site. In the context of the life cycle of building infrastructure most recent decisions of Council have had a significant impact upon the achievement of the future character envisaged by the LEP development standard.</p> <p>The design outcome now proposed provides for a floor space ratio which is entirely consistent with the tourist accommodation development concept which has already been approved for the subject site. In this regard the proposed increase in floor space is such that the buildings bulk and scale will remain entirely consistent with that which has already been approved. In this regard a minor increase, (29.17m²), in the floor area of the building will be imperceptible when viewed from adjoining and adjacent properties and from public places. The changes proposed along the eastern façade of the building will continue to provide for high quality visual outcomes whilst the bulk and scale impacts of the building will remain unchanged from that which has already been assessed by Council as being acceptable for the location.</p> <p>Whilst there will be some changes to the visual appearance of the eastern façade of the building these changes will not alter the perceptions of building bulk and scale when viewed from the east and south.</p>
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Having regard to the above it is considered that the design solution of the subject building as it relates to the issue of building floor space is consistent to the relevant performance objectives of Port Macquarie – Hastings Council LEP 2011.

3.4 Consistency with LEP Exception Requirements

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

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

Accordingly, it is recommended that Port Macquarie-Hastings Council approve the variation to the Floor Space Ratio development standard as provided for by the proposed building design solution.

4. CONCLUSION

Having regard to the above it is considered that the proposed building design solution is consistent with the relevant building Floor Space Ratio performance standards as provided for by Clause 4.4 of the LEP and as such the exemption to the development standard is appropriate in the specific circumstances.

Accordingly, the proposed building design solution is able to be supported by Port Macquarie-Hastings Council pursuant to Clause 4.6 of the LEP.

Developer Charges - Estimate

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



Water and Sewerage Headworks Levies are levied under S64 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	32.6	\$10,375.00 Per ET	\$338,266.50
2 Sewerage Scheme Port Macquarie	42.1	\$3,936.00 Per ET	\$165,721.30
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	38.48	\$7,777.00 Per ET	\$299,258.90
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	38.48	\$5,730.00 Per ET	\$220,490.40
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	38.48	\$4,705.00 Per ET	\$181,048.40
6 Com 1.3.07 - Administration Building - All areas	38.48	\$926.00 Per ET	\$35,632.40
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	\$16,201.40
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$1,256,619.30

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:

4-Mar-2021

Estimate Prepared By Ben Roberts

This is an ESTIMATE ONLY - NOT for Payment Purposes

vid Pensini, 17 Clarence Street, Port Macquarie, 4-Mar-2021.xls

PORT MACQUARIE-HASTINGS COUNCIL