



Development Assessment Panel

Business Paper

date of meeting: Thursday 7 October 2021

location: Via Skype

time: 2:00pm

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	18/03/21	15/04/21	17/06/21	01/07/21	09/08/21	02/09/21
David Crofts	✓	✓	✓	✓	✓	✓
Michael Mason	✓	✓	✓			✓
Chris Gee		✓		✓	✓	✓
Tony McNamara	✓		✓	✓	✓	
Dan Croft (Group Manager Development Assessment)	✓	✓	✓		✓	
Grant Burge (acting)				✓		
Patrick Galbraith-Robertson (Development Planning Coordinator)						✓

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
18/03/2021	Committee Room	2:00pm
1/04/2021	Function Room	2:00pm
15/04/2021	Function Room	2:00pm
6/05/2021	Function Room	2:00pm
20/05/2021	Committee Room	2:00pm
3/06/2021	Function Room	2:00pm
17/06/2021	Function Room	2:00pm
1/07/2021	Function Room	2:00pm
15/07/2021	Function Room	2:00pm
19/08/2021	Function Room	2:00pm
2/09/2021	Function Room	2:00pm
16/09/2021	Function Room	2:00pm
7/10/2021	Function Room	2:00pm
21/10/2021	Function Room	2:00pm
4/11/2021	Committee Room	2:00pm
18/11/2021	Committee Room	2:00pm
2/12/2021	Function Room	2:00pm
16/12/2021	Function Room	2:00pm

Development Assessment Panel Meeting

Thursday 7 October 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 2 September 2021 be confirmed.

PRESENT

Members:

David Crofts (Independent Chair)
Chris Gee (Independent Member)
Michael Mason (Independent Member)
Development Planning Coordinator (Patrick Galbraith-Robertson)

Other Attendees:

Development Engineering Coordinator (Grant Burge)
Development Assessment Planner (Fiona Tierney)
Development Assessment Planner (Ben Roberts)

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apology received from Dan Croft be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 19 August 2021 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2020 - 1100.1 DEMOLITION OF DWELLING AND CONSTRUCTION OF DUAL OCCUPANCY WITH TORRENS TITLE SUBDIVISION AND JETTY AT LOT 47 DP 246284, NO 29 FRANCIS STREET, PORT MACQUARIE

Malcolm McNeil (opposing the development)
Chris Reece (opposing the development)
Michelle Love (applicant)
Derek Collins (applicant)

CONSENSUS:

That DA2020 - 1100.1 for a demolition of dwelling and construction of dual occupancy with Torrens title subdivision and jetty at Lot 47, DP 246284, No. 29 Francis Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

06 DA2019 - 324 INDUSTRIAL SUBDIVISION LOT 21 DP 811254 BAGO ROAD, WAUCHOPE

Andrew Lister (applicant)
Geoffrey Hill (applicant)
Douglas Head (applicant)

CONSENSUS:

That DA 2019 - 324 for an Industrial Subdivision at Lot 21, DP 811254, Bago Road, Wauchope, be determined by granting consent subject to the recommended conditions and as amended below:

- Condition A(4) be amended to change Stage 4 to be Lots 36 to 39 and add a new Stage 5 with Lot 40.
 - Delete condition B(6).
 - Throughout the conditions make amendments to the wording reference to 'Construction Certificate' to change to 'Subdivision Works Certificate'.
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07 GENERAL BUSINESS

07.01 ASSESSMENT REPORTS

Panel to provide feedback to staff on assessment reports.

The meeting closed at 2:50pm.

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 (i)
 - (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 - 958.01 ALTERATIONS AND ADDITIONS TO ECO TOURIST FACILITY, INCLUDING CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARD UNDER CLAUSE 7.14, LOT 100 & 101 DP 754444, 743 OCEAN DRIVE, GRANTS BEACH

Report Author: Development Assessment Planner, Steven Ford

Applicant:	P S Mansfield C/- King & Campbell
Owner:	P S Mansfield
Estimated Cost:	\$710,000
Parcel no:	18680

Alignment with Delivery Program

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

RECOMMENDATION

That it be recommended to Council that DA2020 - 958 for Alterations and Additions to EcoTourist Facility, including Clause 4.6 exception to Development Standard under Clause 7.14 (exceeding the total gross floor area for an Eco-tourist Facility) at Lot 100 & 101, DP 754444, No. 743 Ocean Drive, Grants Beach, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for Alterations and Additions to Eco Tourist Facility, including Clause 4.6 exception to Development Standard under Clause 7.14 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, no submissions were received.

The site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

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

The reason for the application being referred to Council's Development Assessment Panel (DAP) is because the application includes a Clause 4.6 exception to a development standard under the Port Macquarie-Hastings Local Environmental Plan

2011. A copy of the DAP Charter outlining the delegations and functions of the DAP is available on Council's website.

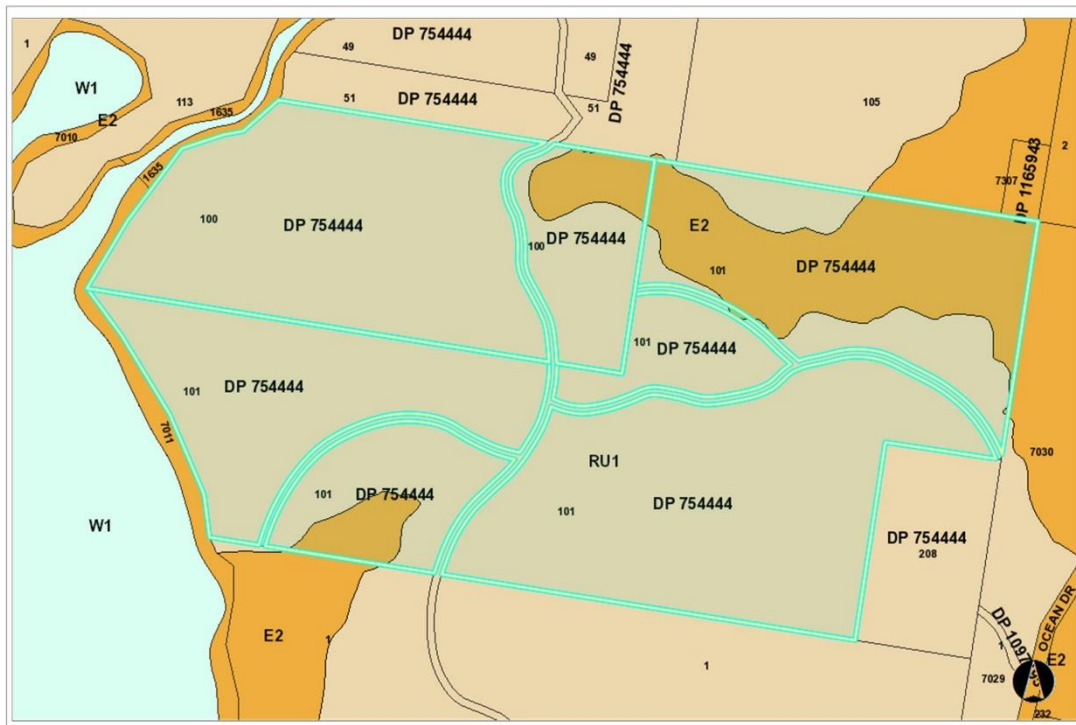
The application is required to be reported to a meeting of the Ordinary Council following consideration of the application by the DAP.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has a total area of 262.44 hectares.

The site is zoned RU1 Primary Agriculture and part E2 Environmental Conservation 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 photographs:



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Alterations and Additions to existing Eco Tourist Facility (DA2016/700, as modified);

- This Application seeks approval for 5 x single bedroom Tourist and Visitor Cabins (Tiny Homes);
- Change of use of existing southern shed to Recreation Hall with the additions of amenities;
- The application seeks to increase the maximum number of persons on site to;
 - 50 overnight/short stay, and
 - 150 on-site at any one time (excluding caretakers, staff, etc) during functions or events; and
- Upgrade of Ocean Drive Intersection.

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

Application Chronology

- 4/11/2020 - Development Application Lodged - Alterations and Additions to Eco Tourist Facilities.
- 12/11/2020 to 25/11/2020 - Public Notification - No submissions received.
- 26/11/2020 - Additional information requested.
- 24/02/2021 - NSW Rural Service (RFS) concurrence received.
- 2/08/2021 - Additional information received - updated Statement of Environmental Effects, revised Cabin Plans, Bushfire Hazard Assessment, Emergency and Evacuation Plan, AHIMS Search, Traffic Engineering Assessment, Ocean Drive proposed intersection upgrade works.
- 26/08/2021 - Clause 4.6 variation request received.
- 27/08/2021 - Transport for NSW (tfNSW) concurrence received.
- 09/09/2021 - Revised RFS concurrence received.

3. STATUTORY ASSESSMENT

Section 4.15(1) Matters for Consideration

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

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

State Environmental Planning Policy (Koala Habitat Protection) 2019

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

Clause 8 - An Approved Koala Plan of Management (KPOM) applies to the site. Having considered the requirements of the KPOM, the development is consistent with the KPOM for the following reasons:

- a) No Additional clearing proposed;
- b) Vegetation Management Plan implemented, being works associated with the KPOM were undertaken in 2019 including the planting of 188 Koala Food Trees and an annual monitoring report finalised by Biodiversity Australia Pty Ltd in April 2020 and May 2021; and
- c) Compliant fencing, no dogs and pool requirements met.

State Environmental Planning Policy No. 55 - Remediation of Land

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

State Environmental Planning Policy (Coastal Management) 2018

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

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

Having regard to clause 11 (proximity to coastal wetlands or littoral rainforest) of this SEPP, the proposed development is not considered likely to result in any of the following:

- (a) identifiable adverse impacts on the biophysical, hydrological and ecological integrity of the nearby littoral rainforest/coastal wetland; and
- (b) identifiable impacts to water flows to the nearby littoral rainforest/coastal wetland.

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 increased risk of coastal hazards on the land or other land.

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

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 refers to development with frontage to a classified road. Ocean Drive is listed as a classified road and the provisions of Clause 101 of this policy therefore apply and are addressed in the following table:

Clause 101	Comments
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<p>(1) The objectives of this clause are— (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</p>	<p>The existing driveway connection to Ocean Drive is considered to require improvements to accommodate the increased demand occurring as a result of the proposed population increase. The proposed upgrade works are detailed in the plans included within this Application. These works are considered to ensure that the proposal does not compromise the effective and ongoing operation of Ocean Drive.</p> <p>These plans have been referred to TfNSW for review and comments.</p>
<p>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p>	<p>The site is located in an area in which large rural allotments are common with the nearest residential neighbour being some 700m away, and on the downside of a large ridge. The existing eco-tourist facility and proposed cabins are also approximately 1,200m from Ocean Drive.</p> <p>No traffic noise or vehicle emission issues are therefore anticipated.</p>
<p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that— (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p>	<p>The site does not have frontage to any other road. It is considered that Ocean Drive is the only access option for vehicles to enter the site.</p> <p>Proposed intersection upgrade works are accompanied by a traffic impact statement and have been referred to the TfNSW for comments.</p>
<p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p>	<p>The proposed driveway intersection upgrade works are detailed in the plans and traffic impact statement. These works are considered to ensure that the proposal does not compromise the effective and ongoing operation of Ocean Drive.</p> <p>The upgrade works are not considered likely to result in an adverse effect to the vehicular access or generate any emission of smoke or dust from the development, noting that the existing driveway connection is sealed. In addition, the volume and frequencies of vehicles utilising Ocean Drive is not considered likely to increase as a result of the proposed increase in population. This has been considered and assessed within the Traffic Assessment prepared by TPS.</p>

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.	The eco-tourist facility is not considered to be a type of development which is sensitive to traffic noise. Further, the facility is located approximately 1,200 metres from Ocean Drive and is therefore considered unlikely to be detrimentally impacted by vehicle emissions or require any ameliorative measures.
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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 traffic or noise.

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 create no 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 RU1 Primary Production and Part E2 Environmental Conservation. The proposal is within the RU1 zone.
- Clause 2.3(1) and the RU1 zone landuse table - The proposed development for Alterations and Additions to existing Eco-Tourist Facility is a permissible landuse with consent.

The objectives of the RU1 zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:

- The proposal is a permissible landuse;
- The proposal provides diversity without adversely impacting primary production value and amenity for the area.
- The proposal does not conflict, fragment or alienate any adjoining land uses.
- Clause 5.13 -Specifies matters to be considered in assessing development for eco-tourist facilities. Having considered the Clause, the development achieves compliance as follows:
 - There is an existing Eco Tourist Facility was approved by DA2016/700. The existing Development Application Council granted consent to a total of 12 accommodation cabins, a 16-space car park and a large common room including kitchen, dining room with amenities and swimming pool.
 - DA2016/700 demonstrated connection between the development and the ecology/environment on site. The development is positioned to take

- advantage of key views from the site and contains many trails and connections to areas to enjoy the ecology.
 - Eco-Tourist Facilities are permissible with consent in the RU1 Primary Production land use zone under the provisions of the PM-H LEP 2011. The proposed buildings are considered ancillary to the dominant use, being the existing eco-tourist facility.
 - The site will utilise predominately cleared areas for access and infrastructure. This limits the impact on the environment.
 - An existing Plan of Management (POM) ensures protection and future maintenance of the site/environment. The POM will deal with waste during operation. Standard waste controls will apply during construction.
 - The existing and proposed buildings have been located on-site to ensure minimal impact. This includes location on cleared (and within the existing bushfire asset protection zone, thereby resulting in no tree removal being required).
 - The proposed development is considered to enhance the appreciation of the natural environment and coastal attractions of the locality whilst being within close proximity to the villages of North Haven and Bonny Hills.
 - The existing Eco-Tourist facility is off-grid in terms of water, electricity and sewerage services. The proposed conference facility and recreation hall toilets shall be connected to the existing on-site wastewater system. The new cabins are proposed to be connected to a new separate wastewater system.
- Clause 7.1, parts of the property are mapped as potentially containing acid sulfate soils. However, the mapped areas are on the lower sections of the property, which are not to be disturbed.
- Clause 7.5 - The site is subject to an existing KPoM. The proposal is considered to be consistent with existing Plan of Management implemented on property and monitored by Council's Natural Resources Team. There is no additional clearing associated with this proposal.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, on-site sewage management, stormwater drainage and suitable road access to service the development.
- Clause 7.14 - Applies additional provisions applicable to eco-tourist facilities. The proposed development complies with the provisions as follows:
 - The buildings are proposed to be located within proximity to the existing facility. Whilst the application seeks to increase the potential number of persons on-site, it is seeking to do so without substantially increasing the scale of the facility.
 - No adverse impacts to mineral resources are anticipated.
 - The minimum lot size specified by the PMHC LEP 2011 applying to the sites 40ha. The subject site contains a total site area of 262.44ha and therefore exceeds the minimum lot size required.
 - The eco-tourist facility is not considered 'large scale'.
 - The facility is self-sufficient utilising solar and battery power for electricity, on-site wastewater for sewerage, and tank water.
 - The facility is not considered likely to put pressure on existing infrastructure.
 - Access to the site is via Ocean Drive. The Intersection into the site is proposed to be upgraded as part of this application to cater for the increased visitors and overnight accommodation numbers.

- As a result of the additional floor area proposed under this application including the conversion of the large southern shed to a recreation hall, the total gross floor area on site will exceed 1,000 square metres. The total gross floor area, excluding those areas used solely for farm storage and maintenance purposes is 1,174m², as detailed in table below.

Building Description	DA Reference, Approval Date	Use	GFA (m ²)
Accommodation Cabins	2016/700, 24 May 2017	Accommodation	220
Common Building	2016/700, 24 May 2017	Ancillary	76
Kitchen	2019/756, 23 March 2020	Ancillary	29
Office	2016/700, 24 May 2017	Ancillary	14.5
Pool Room	2017/849, 10 November 2017	Ancillary	29.3
Caretaker's Residence	2020/471, 7 August 2020	Accommodation	139.5
Site Office	2020/471, 7 August 2020	Ancillary	29.2
Sub-Total			537.5
Laundry (Battery Storage)	2019/756, 23 March 2020	Ancillary	14.5
5 x Tiny Houses	2020/958, subject to approval	Accommodation	122.5
Shed (Recreation Hall – DA2020/958)	2016/411, 11 August 2016	Conferences	500
Total			1174.5

- A Clause 4.6 variation request has been submitted and discussed next in this report regarding the maximum 1,000m² gross floor area development standard being unreasonable and unnecessary in this case.
- Clause 4.6 - A Clause 4.6 variation request has been included with this application to vary clause 7.14 (maximum gross floor area of 1000m² standard restriction). This clause establishes a degree of flexibility for certain development standards in certain circumstances which have demonstrated that a better planning outcome will occur from that flexibility.

“development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

- the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
- the proportion or percentage of the area of a site which a building or work may occupy,
- the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
- the cubic content or floor space of a building,
- the intensity or density of the use of any land, building or work,
- the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
- the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
- the volume, nature and type of traffic generated by the development,
- road patterns,
- drainage,

- (k) the carrying out of earthworks,*
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,*
- (m) the provision of services, facilities and amenities demanded by development,*
- (n) the emission of pollution and means for its prevention or control or mitigation, and*
- (o) such other matters as may be prescribed.”*

Making reference to NSW Land and Environment Court caselaw of *Strathfield Municipal Council v Poynting* (2001) 116 LGERA 319, the Court considers the recurring question of whether a specific planning control is prohibition or a development standard. The Court applied the ‘two-step’ approach. Firstly, a consideration of whether the proposed development is prohibited under any circumstances pursuant to a planning instrument, and secondly, if it is not prohibited, a consideration of whether clause of a planning instrument specifies a requirement or imposes a standard in relation to an aspect of the proposed development.

First step, clause 7.14 of the Port Macquarie Hastings Local Environmental Plan 2011, does not prohibit developments, but rather outlines certain criteria to be met. Second step, the Court highlighted that the definition of ‘development standards’ in section 4 of the *Environmental Planning and Assessment Act 1979* (NSW). Given the numerical measurement of this clause, it is determined that this specifies a requirement and set standard for the proposed development. Therefore, clause 7.14 falls within the definition of “development standard’ and meets both steps outlined.

In this regard, the proposal seeks a variation to the development standard of clause 7.14(2) of the PMHCLEP 2011, as outlined in this report for exceeding the numerical total gross floor area prescribed for Eco-Tourist Facilities.

Having regard to specific requirements of clause 4.6(3) and 4.6(4) the following assessment comments are provided:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comments: The Applicant has submitted a request in writing to justify the contravention of Clause 7.14(2)(b) of the PMHC LEP 2011, which limits *the gross floor area of the eco-tourist facility and any ancillary permanent accommodation for owners or managers does not exceed 1,000 square metres* for the following reasons (as summarised):

1. Compliance with the development standard is unnecessary as the proposal has demonstrated to be consistent with the objectives of the RU1 Primary Production land zoning, clause 5.13 Eco-tourist facilities and clause 7.14 Eco-tourist Facilities-additional provisions, notwithstanding the numerical variation to the maximum floor area.

2. The site has a total land area of 262.44 hectares and the gross floor area of all buildings on site occupies 0.045% of the total site area.
3. The numerical maximum floor area for an Eco-tourist Facility and ancillary dwellings is 1,000m². The proposed development has a total gross floor area of 1,174m². This equates to a 17.4% variation, which is a very minor variation in the context of the size of the land holding.
4. The minimum lot size is 40ha. The area has a total land area of 262.44ha, therefore land area has the potential of up to six (6) lots. In the context of site potential, the 17.4% variation is considered minor with no adverse impacts anticipated.
5. The additional floor area will not have any identifiable adverse impacts to adjoining properties, natural resources or potential agricultural uses.

(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 subclause (3),

In *Wehbe v Pittwater Council (2007) NSWLEC 827*, five-part test has been developed to establish whether compliance with a development standard is unreasonable or unnecessary:

1. The objectives of the standard are achieved notwithstanding the non-compliance with the numerical standard and therefore compliance is unnecessary.
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
3. The underlying object or purpose of the standard 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 a consent to proposals departing from the standard and hence compliance is unreasonable and unnecessary.
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land.

The proposal relies upon the first test and it is considered that the Applicant's written request had satisfactorily demonstrated that that the proposed development will achieve the objectives of *Clause 7.14 Eco-tourist Facility - additional provisions* standard despite the numerical non-compliance.

PMH LEP 7.14(2)(b) the gross floor area of the eco-tourist facility and any ancillary permanent accommodation for owners or managers does not exceed 1,000 square metres,

Comment: The additional provisions of providing a maximum 1,000m² of gross floor area was to intended to limit large scale eco-tourist facilities on small or remote lots, put unnecessary pressure of infrastructure and/or conflict with the rural amenity.

The subject site consists of Lots 100 (190.81ha) and 101 in DP754444 (71.63ha). The combined area of these allotments is 262.44 hectare. The minimum lot size within the RU1 zone is 40 hectares. Potentially, the property

has capacity to be divided into multiple properties, being up to 6 dwelling entitlements potentially could be created and up to a total of 6,000m² of gross floor area for eco-tourist facilities across the potential yield. Therefore, the site is not considered a small lot and the overall total gross floor area is only 0.045% of the total site area. Within the context of the site, the total development is not considered large scale.

The facility is considered self-sufficient utilising solar and battery power for electricity, on-site wastewater for sewerage and tank water. The only impact to public infrastructure is the need to upgrade the existing access intersection from Ocean Drive and alleviate any risk. The facility is therefore not considered likely to put adverse pressure on existing or future infrastructure.

The site is not considered as a remote location, as it is located within close proximity to Bonny Hills and North Haven which provides accessibility for essential and emergency services.

There are no identifiable adverse impacts in addition to the Visual Impact Statement prepared and reviewed under the original development application (DA2016/700). The development is not visible from the public domain, therefore the numerical variation does not add any additional impact to bulk and scale of the existing facility.

The Eco-tourist facility is condensed to a single location within the property and does not fragment the site, impact the existing agricultural potential or detracted from any environmental amenity.

(c) The concurrence of the Secretary has been obtained.

1.

Comments: In accordance with Planning Circular PS 20-002, the Secretary's concurrence cannot be assumed for development contravenes a numerical standard by greater than 10%. As the numerical variation being sort is 17.4%, as outlined in the Planning Circular PS 20-002, this Application is required to be reported to the Development Assessment Panel, which then needs to be referred to an Ordinary meeting Council for determination. A public register of variations is maintained and quarterly reporting made to the Department.

Having regard to the above requirements it is recommended that the additional gross floor area of the combined eco-tourist facility and ancillary permanent accommodation exceeding 1,000m² using Clause 4.6 be supported.

(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 made for storage of garbage bins on-site and collection of bins via private waste collection.	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).	Minor earthworks required for new driveway and pad under the proposed Tiny Homes. It is anticipated that earthworks greater than 1m will occur. However, there are no identifiable impacts to adjoining property or environmental amenity. Cut and fill is capable of being contained within the site and either managed by a retaining wall or batter.	No, but considered acceptable considering the location and context of the development.
5	a) A certified practicing structural engineer must certify any retaining wall greater than 1.0m.	Retaining walls are central to the development and capable of complying to engineering standards. Suitable draft condition recommended.	No, but considered to be capable of complying.
	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 	No new works proposed.	N/A

	25% transparent; and <ul style="list-style-type: none"> – provide a 3m x 3m splay for corner sites, and – provide a 900mm x 900mm splay for vehicle driveway entrances. 		
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 earthworks exceed an average of 10,000m ³ per ha shall: <ul style="list-style-type: none"> – identify the impact of the proposed land reforming on the environment, landscape, – visual character and amenity, natural watercourses, riparian vegetation, topographical features of the environment and public infrastructure; – demonstrate compliance with the provisions of Council's AUS-SPEC design specification; – assess the impacts and benefits of the proposal to all impacted persons and the general public; – provide measures to compensate for and minimise any net adverse impacts. 	No significant land reforming works proposed.	N/A
	b) The use of high earthworks batters should be avoided.	No high earthwork batters are proposed.	N/A
	c) Preliminary plans indicating the final landform are required to be submitted with any master plan or subdivision application.	No subdivision works proposed.	N/A

	d) The subdivision should be designed to fit the topography rather than altering the topography to fit the subdivision.	No new works proposed.	N/A
Environmental Management Areas and Buffers			
7	<p>a) For coastal floodplain endangered ecological communities a minimum, fully vegetated buffer of 35m must be provided.</p> <p>b) For Freshwater Wetland on Coastal Floodplain endangered ecological community a fully vegetated buffer of 100m is to be provided.</p> <p>c) For all other endangered ecological communities, a fully vegetated buffer of 50m must be provided.</p> <p>d) Stormwater management facilities may be considered within buffer areas only where the applicant can demonstrate the proposal is justified on the basis of practical engineering related site constraints and where it is adequately demonstrated that the applicable objectives are achieved.</p> <p>e) Fully vegetated buffers cannot contain road infrastructure or an asset protection zone.</p> <p>f) Where different buffers (including riparian buffers) apply to an area, the greater of the buffer widths applies.</p>	<p>No proximity issues identifiable to unmanaged vegetable or endangered ecological communities.</p> <p>Stormwater runoff is fully contained within the site or captured for use.</p>	Yes
8	<p>a) Any habitat/vegetation which will be lost as a consequence of development is to be offset through the dedication of suitable land utilising expert ecological knowledge to determine the impact and offset based on the principle of 'improve and maintain'.</p> <p>b) Improvement and maintenance of existing habitat and corridors and</p>	There is no impact to the existing Vegetation Management Plan applying to the property. The proposal does not included any clearing or fragmentation of existing vegetation corridors. There is no variation to the existing KPOM or VMP	Yes

	the consolidation of fragmented bushland are to be considered as the first preference for any development offset.	proposed. No adverse impacts identified.	
	c) A Vegetation Management Plan (VMP) is to be prepared for any environmental land that is to be retained or used to offset development impacts.		
	d) VMPs are required to address Council's VMP "Heads of Consideration"		
9	a) A minimum, fully vegetated buffer from the top of bank to both sides of a watercourse is to be provided in accordance with the following: <ul style="list-style-type: none"> - 10m for 1st order streams that flow intermittently. - 30m for 1st order streams that flow permanently. - 40m for 2nd order streams. - 50m for 3rd order streams. - 65m for 4th order streams. 	The Eco-tourist facility is not located within close proximity to a identified stream. No adverse impacts identified.	N/A
	b) Stormwater management facilities may be considered within buffer areas only where the applicant can demonstrate the proposal is justified on the basis of practical engineering related site constraints and where it is adequately demonstrated that the applicable objectives are achieved.	No adverse impacts identified.	N/A
	c) Fully vegetated buffers cannot contain road infrastructure or an asset protection zone.	No adverse impacts identified.	N/A
Tree Management - Land to which State Environmental Planning Policy SEPP (Vegetation in Non-Rural Areas) 2017 Applies			
10	a) Prescribed vegetation for the purposes of the SEPP (Vegetation in Non-Rural Areas) 2017 is any tree	No tree removal required for the proposal.	N/A

	<p>identified in Table 1 or is a mangrove or cycad and is:</p> <ul style="list-style-type: none"> – 3 metres or higher in height, or – has a trunk diameter of 100mm measured at 1.0metre above ground level; or – a hollow bearing tree 		
	<p>b) The above criteria does not apply to a tree where the nearside trunk is 3 metres from the nearest external wall of an existing, permanent dwelling or manufactured home and is located within the same property. Such trees may be removed without a permit or development consent. This Provision does not apply to areas mapped as Core Koala Habitat under the LEP. A permit will be required in these instances.</p>	No tree removal required for the proposal.	N/A
Tree Management – Private Land			
11	<p>a) Pruning must be undertaken in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees.</p>	No tree removal required for the proposal.	N/A
	<p>b) An application for the removal of a tree listed in Table 1 must be accompanied by an 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 	No tree removal required for the proposal.	N/A

	<p>removal permit can be obtained from Council's Tree Assessment staff.</p> <ul style="list-style-type: none"> – 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>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>	No tree removal required for the proposal.	N/A
	<p>d) Removal of dead branches including palm fronts and the selective removal of branches up to and including a diameter of 50mm may be undertaken without a permit or development consent where the removal:</p> <ul style="list-style-type: none"> – Does not alter the canopy of the tree, and – Does not destroy the aesthetic appearance of the tree canopy; and – Does not alter the growth structure of the tree, and – Is carried out in accordance with Australian Standard AS 4373 - Pruning of Amenity Trees. 	No tree removal required for the proposal.	N/A
	<p>e) The pruning of large garden shrubs in excess of 3 metres in height for the</p>	No tree removal required for the proposal.	N/A

	purpose of ornamental shaping is permitted without a permit or development consent.		
	f) Where a development is proposed adjoining Council controlled land, the plans must identify all trees that fall within 6.0m of the property boundary and any trees proposed to be removed, identified on that plan.	No tree removal required for the proposal.	N/A
	g) Any pruning or removal of any tree on private land must be undertaken in accordance with Council's tree management specifications.	No tree removal required for the proposal.	N/A
	<p>h) A tree removal permit can be sought for tree removal associated with a Complying Development Certificate (CDC), subject to the tree removal meeting the following criteria:</p> <ul style="list-style-type: none"> – Must be associated with CDC and removal must not occur until CDC issued. – Application must identify and locate all trees within proximity to the development. – No more than 3 trees over 6m in height to be removed. Trees taken to be impacted on by the development are to be determined in accordance with AS 4970 - Protection of trees on development sites (i.e 12 x DBH tree protection zone required for those trees to be retained). – Must not involve removal of hollow bearing trees. – The removal of any koala browse tree species are to be replaced at a ratio of 2:1 	No tree removal required for the proposal.	N/A

	on site or at a secure off site location agreed to by Council. Any on site replanting is to have regard for services and buildings and is to be agreed to by Council.		
Tree Management - Hollow Bearing Trees			
13	<p>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</p> <p>b) Any tree that scores less than 8 using the HBT assessment protocol may be considered for removal subject to compensatory measures specified below.</p> <p>c) Any tree that scores 8-12 using the HBT assessment protocol may be considered for removal if management measures are 'impractical to allow retention'</p> <p>d) Any tree that scores more than 12 using the HBT assessment protocol the assessment must be retained and afforded a development exclusion buffer or located within environmental lands.</p> <p>e) Where a development exclusion buffer is proposed it shall have a radius of 1.25 times the height of the tree measured from its base.</p>	No tree removal required for the proposal.	N/A
14	<p>a) A strategy for tree removal (timing and methodology) that minimises impacts on native wildlife shall accompany any development that proposes the removal of HBTs.</p> <p>b) The removal of HBTs is to be offset by the retention of recruitment trees. Compensatory recruitment</p>	<p>No tree removal required for the proposal.</p> <p>No tree removal required for the proposal.</p>	<p>N/A</p> <p>N/A</p>

	<p>trees shall be provided at the rate of two for one for trees that scored 8-12, Development Control Plan 2013 page 25 and at the rate of one for one for trees that scored less than 8. A tree can be considered to be a compensatory recruitment tree under the following criteria:</p> <ul style="list-style-type: none"> – Does not have any major structural defects or is suffering from disease that would lead to premature death; and – Is from the same vegetation community and same genus; and – Are to be located within environmental lands and managed in accordance with a VMP; and – Have a DBH of 50cm or greater and do not possess hollows. For Blackbutt Eucalyptus pilularis a DBH of 100cm or greater applies. 		
	c) The removal of HBTs are to be offset by the installation of nesting boxes of similar number and size as those to be removed.	No tree removal required for the proposal.	N/A
	d) Nesting boxes are to be installed like for like (both type and number, and host tree to genus level) and must be located within proposed open space or environmental lands.	No tree removal required for the proposal.	N/A
	e) Nesting Boxes are to be installed and maintained within environmental lands in accordance with a VMP.	No tree removal required for the proposal.	N/A
	f) Nesting Boxes to be inspected and maintained by a qualified ecologist.	No tree removal required for the proposal.	N/A
	g) Any HBT that will not afford protection via an exclusion buffer or within environmental lands will attract the same offsetting	No tree removal required for the proposal.	N/A

	requirements as if it was to be removed.		
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DCP 2013: Part B - General Provision - B3: Hazards Management

DCP Objective	Development Provisions	Proposed	Complies
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.	APZs are to be located outside of environmental protection zones and wholly provided within private land.	Yes
	b) Perimeter roads are to be provided to all urban areas adjoining environmental management areas and their buffers. Refer to Figure 2.	No perimeter roads proposed.	N/A
Flooding			
19	a) Development must comply with Council's Floodplain Management Plan and Flood Policies.	The site is not subject to any identifiable mapped or known flood risk.	N/A

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

DCP Objective	Development Provisions	Proposed	Complies
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.	No new access to the existing facility is proposed. However, a Traffic Impact Statement has been provided. It has been identified that an intersection upgrade would be beneficial to the safety of entering and exiting the site, as well as not disrupting the traffic movements of Ocean Drive. See Traffic Impact Statement and comment later in this report.	Yes
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.		
	c) Vehicle driveway crossings are minimal in number and width (while being adequate for the		

	<p>nature of the development), and positioned:</p> <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. 		
Parking Provision			
24	<p>a) Off-street Parking is provided in accordance with Table 3.</p> <p>Tourist and Visitor accommodation - 1.1 per unit + 1 per 2 employees (onsite at any one time) + 1 for on-site manager. If public restaurant/function room included - see restaurants.</p> <p>For major developments, coach parking may be provided in lieu of car spaces at a rate of 1 coach space per 5 car spaces.</p> <p>Restaurants - outside commercial zones @ 1 per 6m² serviced floor area</p>	<p>Total of 17 car parking spaces are currently available on-site for visitors, under the existing approval of DA2016/700.</p> <p>The current proposal is for an additional 5 Cabins (Tiny Homes) and change of use of the large southern shed to a recreation hall (existing farm shed of 25mx20m, plus additional amenities 4.2m x 8.4m, total 535m²).</p> <p>There are 5 additional formal car parking spaces proposed adjacent to the Tiny Houses (Cabins), under this proposal.</p> <p>Recreation Hall total floor area is 535m². This requires a maximum total car parking demand of 89 spaces.</p> <p>To cater for the Recreational Hall car parking demand, an overflow car parking area with gravel driveways for up to 100 additional vehicles to accommodate events</p>	Yes

		<p>held on site within the Eco-tourist facility. It is also noted that this car park can also provide Coach parking as well.</p> <p>In addition, during these events it is likely that guests staying in the accommodation will also be attending the functions in the Recreation Hall.</p> <p>Note: Concurrence from the TfNSW (RMS) has been provided regarding the development generating over 50 car parking spaces and the proposed Ocean Drive intersection upgrade.</p>	
	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.	N/A - It is considered the Recreation Hall is defined as an Entertainment Facility or Function room.	N/A
	c) Where a proposed development falls within more than one category Council will require the total parking provision for each category.	Total of 23 car parking spaces provided for tourist and visitor accommodation and capacity of 100 parking spaces within the overflow car park for functions. This adequately addressed this clause.	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	N/A	N/A

	credit for any existing deficiency, including any contributions previously accepted in lieu of parking provision.		
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 contribute to the streetscape. 	No on-street parking reliance.	N/A
	b) On street parking is provided in accordance with AS2890.5.	No on-street parking reliance.	N/A
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. 	No on-street parking reliance.	N/A
Parking Layout			
28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	Parking area are considered to be appropriately located for both uses.	Yes
	b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	Due to the location of the Eco-tourist facility centralised to the property signage and screening isn't	Yes

	<p>c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when:</p> <ul style="list-style-type: none"> - 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. 	<p>considered necessary. The area available for providing parking on-site provides sufficient opportunity for manoeuvring of vehicles on-site.</p>	
	<p>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.</p>	<p>Proposed car parking is capable of complying. The area available for providing parking on-site provides sufficient opportunity for manoeuvring of vehicles on-site.</p>	<p>Yes - capable to be formalised if required.</p>
	<p>e) Stack or tandem parking spaces will not be included in assessment of parking provision except where:</p> <ul style="list-style-type: none"> - the spaces are surplus to that required; - in motor showrooms; - for home business; - for exhibition homes; - in car repair stations; - staff parking spaces are separately identified and delineated; - it is visitor parking associated with a dual occupancy multi dwelling and/or terrace housing, directly in front of the garage with a minimum depth of 5.5m. 	<p>No stack parking proposed.</p>	<p>N/A</p>
29	<p>a) Parking is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking, AS/NZS 2890.2 - Parking</p>	<p>Accessible car parking spaces provided and additional opportunity</p>	<p>Yes - capable to be formalised if required.</p>

	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.	in overflow car parking available. The area available for providing parking on-site provides sufficient opportunity for manoeuvring of vehicles on-site.	
30	a) Bicycle and motorcycle parking shall be considered for all developments.	No bicycle or motorbike parking indicated, however, it is considered capable of complying.	Yes
	b) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3 - Parking facilities - Bicycle parking facilities.	N/A	N/A
	c) Motorcycle parking areas shall be 1.2m (wide) x 2.5m (long).	N/A	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).	Due to the size of the proposed Recreation Hall and overflow car parking area, this development is considered traffic generating. A traffic Impact Statement was provided, along with plans for the Ocean Drive intersection to be upgraded and the application was referred to the RMS (TfNSW) under Clause 104 of the Infrastructure SEPP. See comments earlier in this report.	Yes, concurrence was provided from the RMS and Council's Development Engineers have reviewed the draft conditions.

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.	A social impact assessment is not required.	N/A
Crime Prevention			
43	a) The development addresses the generic principles of crime prevention: <ul style="list-style-type: none"> – Casual surveillance and sightlines; – Land use mix and activity generators; – Definition of use and ownership; – Basic exterior building design; – Lighting; – Way-finding; and – Predictable routes and entrapment locations; – as described in the Crime Prevention Through Environmental Design (CPTED) principles. 	No adverse crime risk potential exists with the nature of the design layout and intended uses of the site.	Yes

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

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

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

(iv) Any matters prescribed by the Regulations

Fire Safety and other considerations - Clause 93

The change of use of existing shed to ancillary recreation hall sought by a development application is satisfied that the building can comply (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use. It is considered that buildings are capable of complying to that required by the BCA appropriate to all of the proposed uses, both the existing eco-tourist facility and ancillary buildings, on completion.

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

Context and Setting

The site has distant frontage Ocean Drive to the east.

Adjoining the site is predominately timbered rural and environmental zoned land. A quarry exists approximately 1.5km to the north east.

The proposal will not have any significant adverse impacts to existing adjoining properties or the public domain.

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

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate building separation to adjoining land uses.

Access, Traffic and Transport

The proposal intends to increase from 12 Cabins (DA2021/700) to a total of 17 Cabins, with a total potential of 54 overnight guests and function capacity of up to a maximum of 150 guests at any one time. A Traffic Impact Statement (TIS) has been provided to support the proposal. The TIS, based on the traffic demands likely to be generated at peak times, has recommended that the Ocean Drive Access intersection should be upgraded to include AUL(s) and CHR(s) left and right turn lanes. This would adequately alleviate any significant adverse impacts and satisfactorily cater for any increase in traffic generation as a result of the development.

Transport for NSW comments are as follows:

1. We note the scale of expansion proposed and particularly the works proposed for the Ocean Drive intersection, as shown in drawing 5957E_Ocean Drive Intersection, Rev A, dated July 2021. Council will need to approve these works under section 138 of the Roads Act, after obtaining concurrence from TfNSW. The scope of works appears to be satisfactory for the intended expansion of the eco-resort. However, Council should be satisfied that traffic analysis reflects to growth proposed for the Ocean Drive area, particularly increases in traffic between now and 2032.
2. It is requested that the timing of the roadworks necessary to service the proposed increase in use be clearly set out in any consent granted. Works should be in place early to ensure the safety and efficiency of traffic and patrons accessing the development.
3. A Management Plan for the proposed development should have consideration for the traffic and transport impacts generated from the temporary events (i.e., the weddings, functions, conferences referred to in the Statement of Environmental Effects – p1)
4. Any roadwork on classified road/s is to be designed and constructed in accordance with the current Austroads Guidelines, Australian Standards and TfNSW Supplements.

Site Frontage and Access

Ocean Drive is a Roads and Maritime Services (RMS) classified road and will require concurrence and/or a Works Authorisation Deed (WAD) from the RMS prior to works on this road. Details shall be provided as part of a Roads Act (Section 138) application to Council.

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

- Access intersection should be upgraded to include AUL(s) and CHR(s) left and right turn lanes.
- A condition is recommended requiring construction of intersection upgrades to the Ocean Drive access prior to occupation.

Parking and Manoeuvring

A total of 24 parking spaces for the tourist accommodation and overflow car parking for up to 100 vehicles for functions have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been imposed to reflect these requirements.

Water Supply Connection

No Council water supply to the proposed development.

Sewer Connection

Onsite sewerage management system. Council Environmental Health Officers have reviewed the site and provided concurrence that the site has sufficient area to satisfy onsite waste management facility requirements.

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

Appropriate conditions are recommended in this regard.

Stormwater

The site naturally grades towards the north and is currently an unserviced rural lot. The site is reliant on rainwater.

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

Appropriate conditions are recommended in this regard.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

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

As a precaution, a condition of consent has been recommended that works are to cease in the unexpected event heritage items are found. Works can only recommence when appropriate approvals are obtained for management and/or removal of the heritage item.

Other Land Resources

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

Water Cycle

The proposed development will not have any significant adverse impacts on water resources and the water cycle.

Soils

The proposed development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and Microclimate

The construction 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 Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise and Vibration

The construction and/or operations of the proposed development will not result in any significant adverse impacts. The nearest residential property is approximately 750m and separated by a ridgeline. Noise generated from the proposed recreation hall can be arbitrated through standard conditions and the Protection of the Environmental Operations Regulation 2017 (POEO).

Standard precautionary site management condition recommended.

Bushfire

The site is identified as being bushfire prone.

The Applicant has submitted a bushfire report prepared by a Certified Consultant.

An assessment of bushfire risk having regard to section 4.3.5 of Planning for Bushfire Protection 2006 including vegetation classification and slope concludes that a Bushfire Attack Level 29 shall be required for the Accommodation Cabins.

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

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 density will improve natural surveillance within the locality.

Social Impacts in the Locality

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

Economic Impact in the Locality

The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site Design and Internal Design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality.

Construction

Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended.

Cumulative Impacts

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

(c) The suitability of the site for the development

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

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

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

No written submissions were received following public exhibition of the application.

(e) The Public Interest

The proposed development satisfies relevant planning controls 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 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.
2.
- 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 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  Attachment 1 - DA2020 - 958.1 Consent Conditions
- 2  Attachment 2 - DA2020 - 958.1 Plans
- 3  Attachment 3 - DA2020 - 958.1 Contributions Estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2020/958****DATE: 23/09/2021****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
Plans	5957 - DA1.1_F, DA1.3_D	King and Campbell	9/6/2021
Plans (Tiny Houses)	SOJOURNER Version 3	Hauslen Tiny House Co.	7/4/2021
SOEE incl. Clause 4.6 variation request	5957	King and Campbell	July 2021 (v2)
Traffic Engineering Assessment	TPS395Rep1	Glen R Holdsworth (RPEQ4152)	16/6/2021
Ocean Drive Intersection Upgrade Works	5957E_OceanDrive Intersection	King and Campbell	22/07/2021
Bushfire Hazard Assessment		David Pensini	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) (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.
- (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 holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (4) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (5) (A007) The development must only proceed in accordance with the approved stages as set out below:
 - Stage 1: Installation of 5 Tiny Homes and Driveways for Tourist and Visitor Accommodation.
 - Stage 2: Ocean Drive Intersection Upgrade, Alterations and Additions to Existing Shed and Change of use to Recreations Hall.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.
- (6) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
 - NSW Rural Fire Service - The General Terms of Approval, Reference DA20201203004532-CL55-1 and dated 9 September 2021, are attached and form part of this consent.
- (7) (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.
- (8) (A031) Approval 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 obtained from Port Macquarie-Hastings Council.

Such works include, but not be limited to:

 - Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Functional vehicular access
 - Road works for the full intersection upgrade along Ocean Drive, generally in accordance with the concept plan by King & Campbell Pty Ltd; Ocean Drive Proposed Intersection Upgrade Works,

957E_OceanDriveIntersection Rev A, or as amended during detailed design to meet current Austroads Guidelines, Australian Standards and TfNSW Supplements.

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

- (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) (A062) The applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.

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:
 - Onsite waste management
 - Stormwater drainage termination point

- (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. Earthworks.
 3. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 4. Stormwater systems.
 5. Erosion & Sedimentation controls.
 6. 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
 7. Traffic management control plan in accordance with as agreed by Council.
 8. Detailed intersection layout at the junction of Ocean Drive and Access Location in accordance with the current version of the AUSTRROADS guidelines for Intersection design, giving particular attention to sight distance.
- (4) (B030) Prior to issue of Construction Certificate for road works, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:
- a. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - b. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - c. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used).
- (5) (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.
- (6) (B046) The building recreation hall and tiny homes shall be designed and constructed so as to comply with the Bushfire Attack Level (BAL) 29 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.

- (7) (B061) Prior to release of the Construction Certificate submission of a Waste Management Plan, in accordance with Council's current requirements.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C002) Prior to the commencement of any works, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the applicant or consultants, principal contractor and Council's development engineer or his representative.

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:
- at completion of installation of erosion control measures
 - at completion of installation of traffic management works
 - at the commencement of earthworks;
 - before commencement of any filling works;
 - when the sub-grade is exposed and prior to placing of pavement materials;
 - when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - at the completion of each pavement (sub base/base) layer;
 - prior to the pouring of concrete for sewerage works and/or works on public property;
 - on completion of road gravelling or pavement;
 - 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) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Environment and Conservation is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87

or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.

- (4) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (5) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (2) (E010) Driveways, access aisles and parking areas shall be provided with an approved 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).
- (3) (E015) Prior to occupation or issue of the Occupation Certificate, details of compliance with the bushfire risk assessment is to be provided to the Principal Certifying Authority.
- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Part Occupation Certificate) the owner must provide the Principal Certifying Authority 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) (E034) Prior to occupation or the issuing of the Final Occupation Certificate, for the Recreation Hall, 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) (E051) Prior to occupation or the issuing of any Occupation Certificate, for the Recreation Hall, a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (8) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
- (9) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:

- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (10) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (11) (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 S138 certificate of completion. The copyright for all information supplied, shall be assigned to Council.
- (12) Prior to Occupation or the release of the Occupation Certificate for the Recreation Hall, upgrade works to the Ocean Drive intersection must be completed to ensure the safety and efficiency of traffic and patrons accessing the development.
- (13) Prior to Occupation or release of the Occupation Certificate for the Recreation Hall. 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.

F – PRIOR TO OCCUPATION OF THE MOVEABLE DWELLINGS / ISSUE OF CERTIFICATE OF COMPLETION IN ACCORDANCE WITH THE LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVANS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2005

- (1) Prior to occupation of the movable dwellings (i.e. cabins and/or tiny homes), a certificate of completion is to be issued by Council in accordance with the Local Government (Manufactured Home Estates, Caravans, Camping Grounds and Moveable Dwelling) Regulations 2005.
- (2) Prior to occupation a section 68 Final Completion certificate shall be obtained from Port Macquarie-Hastings Council for all plumbing and drainage works.
- (3) Payment to Council of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent, based upon the number of bedrooms in the individual moveable dwellings/manufactured home/s, unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
 - Hastings S94 Administration Building Contributions Plan
 - Hastings Administration Levy Contributions Plan
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
 - 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.

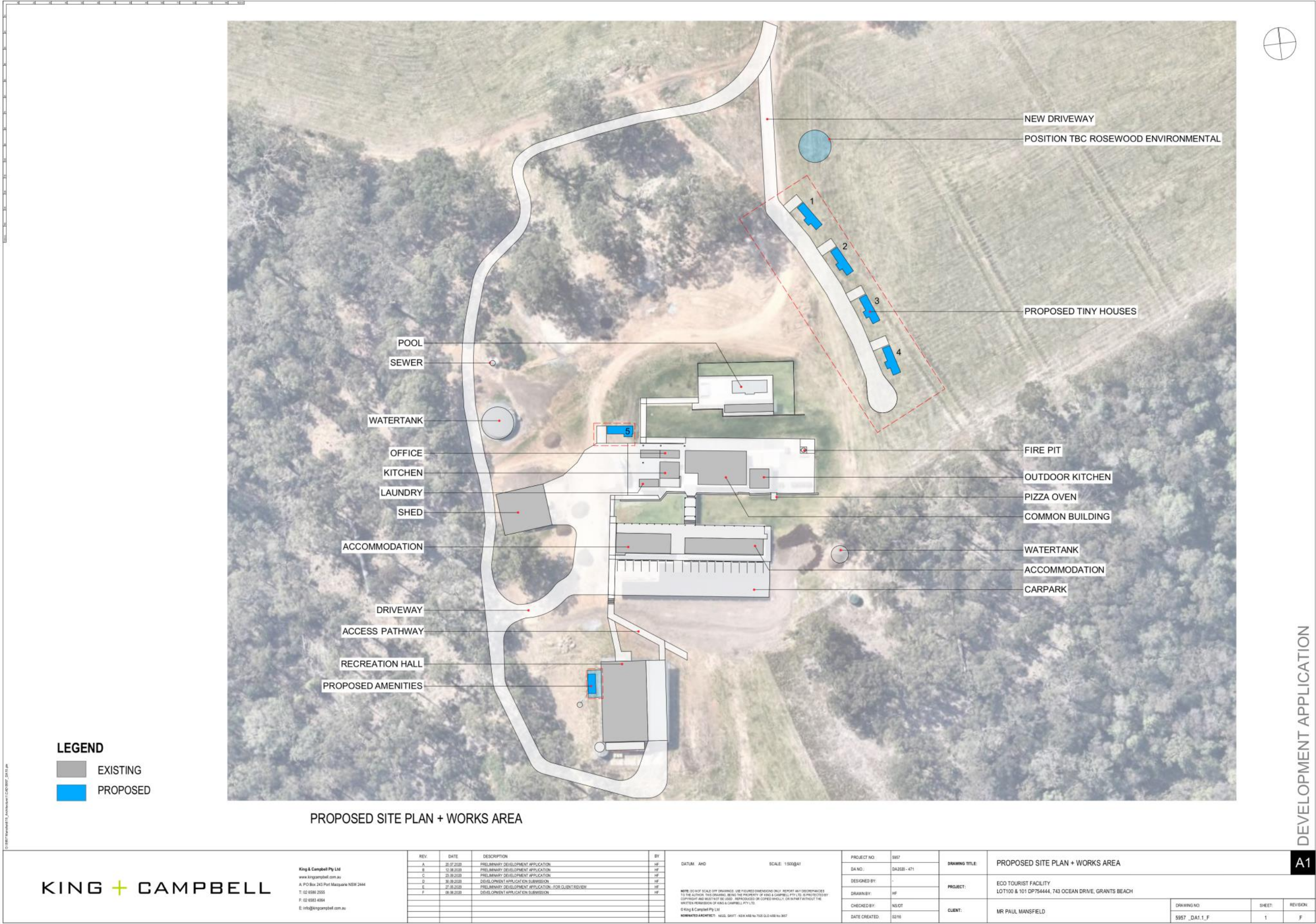
- (4) Prior to installation of any moveable dwelling, a Section 68 application is to be lodged and approved by Council and monetary development contributions addressed as follows:
 - a. The Section 68 Application is to include with each movable dwelling to be installed:
 - i. a site map indicating its proposed location; and
 - ii. a request to provide an updated Notice of Payment for contributions for the movable dwelling(s).
 - b. Prior Section 68 approval or any Notice of Completion for the movable dwelling (whichever occurs first), development contributions are to be paid.
- (5) (A044) The site is currently not serviced for water. If the site is serviced for water and provided a water service. The water service will incur contributions for augmentation of the town water supply headworks in accordance with the provisions of the relevant Section 64 Development Servicing Plan.

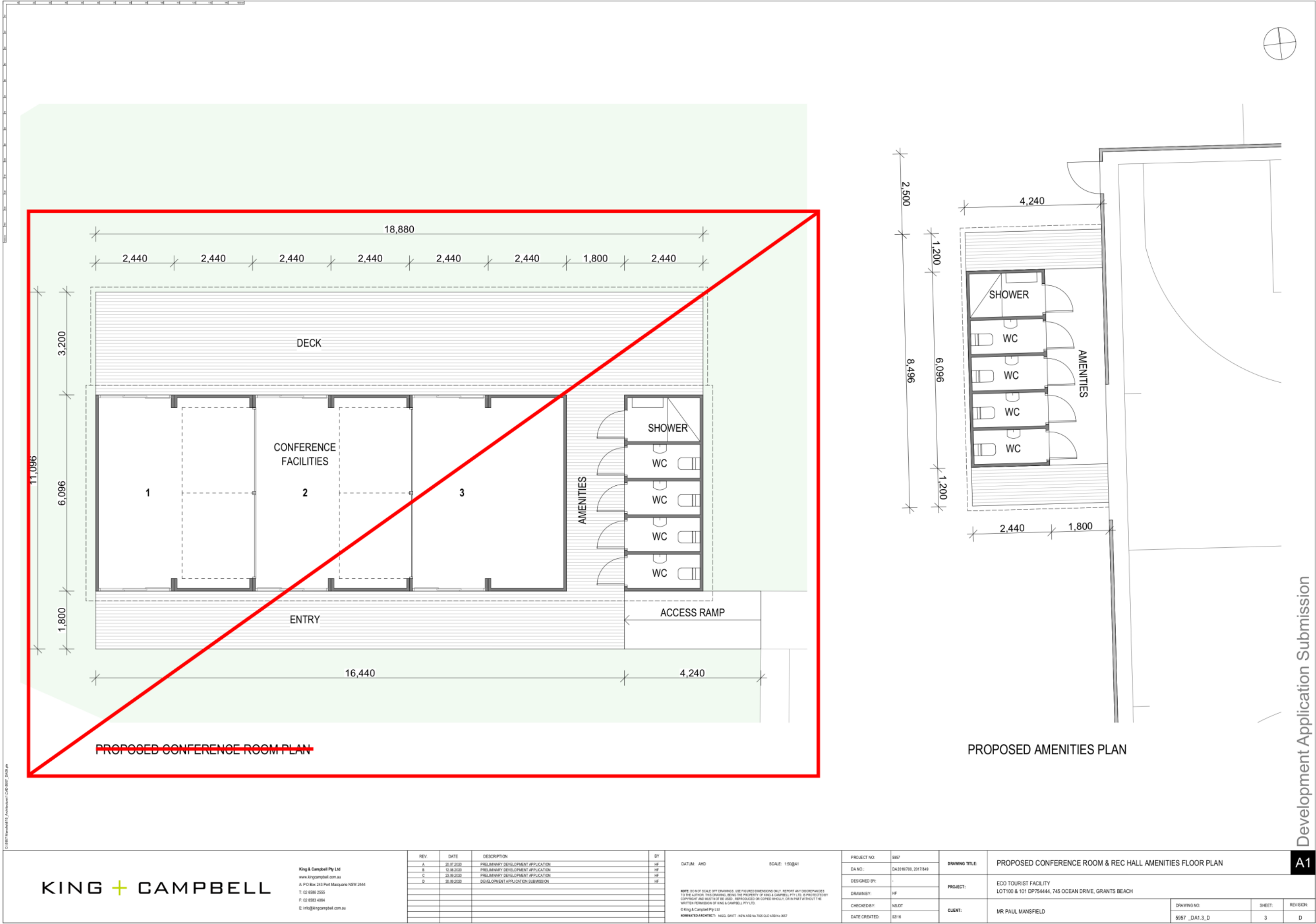
G – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 24 spaces for the short tourist and visitor accommodation component of the Eco-tourist Facility and up to 100 car parking spaces in the overflow car park is to be provided onsite for the ancillary Recreation Hall.
- (2) (F005) The moveable dwellings are approved for short term accommodation only.
- (4) (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.
- (5) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (6) (F195) The number of visitor or guests attending an event at any one time is capped at 150 people, inclusive of those staying within the onsite accommodation.
- (7) (F196) The recreation hall is approved as ancillary to the existing eco-tourism development on the site and is not to be operated or leased out separately.
- (8) The parking areas, including the overflow parking, shall be monitored and managed to ensure no adverse dust, erosion or wet weather problems. A seal or gravel surface may be necessary to manage such impacts should they occur.

- (9) Hours of operation for the Recreation Hall for noise generation function and/or events are restricted to the following hours:
- 8 am to 11 pm – Mondays to Saturdays
 - Daylight hours on Sundays

DRAFT







PROJECT
**SOJOURNER
VERSION 3**

DRAWING
TITLE PAGE

Scale	
Drawing Number	00
Drawn by	HH

No.	Description	Date
B	CONCEPT DRAWINGS	09.03.21
C	CONCEPT DRAWINGS	16.03.21
D	CONCEPT DRAWINGS	18.03.21
E	CONCEPT DRAWINGS	01.04.21
F	CONCEPT DRAWINGS	07.04.21

NOTES:

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TINY HOUSE - SOJOURNER VERSION 3

CONCEPT DRAWINGS

07/04/2021



NO.	NAME	Current Revision	Current Revision Date
00	TITLE PAGE	F	07.04.21
01	LIST OF DRAWINGS	F	07.04.21
02	3D	F	07.04.21
03	FLOOR PLANS	E	01.04.21
04	ELEVATIONS	F	07.04.21
05	SECTIONS	F	07.04.21
06	ELECTRICAL PLANS	F	07.04.21
07	CABINETRY PLANS	F	07.04.21
08	CABINETRY 3DS	F	07.04.21

PROJECT

SOJOURNER
VERSION 3

DRAWING

LIST OF DRAWINGS

Scale

Drawing Number

01

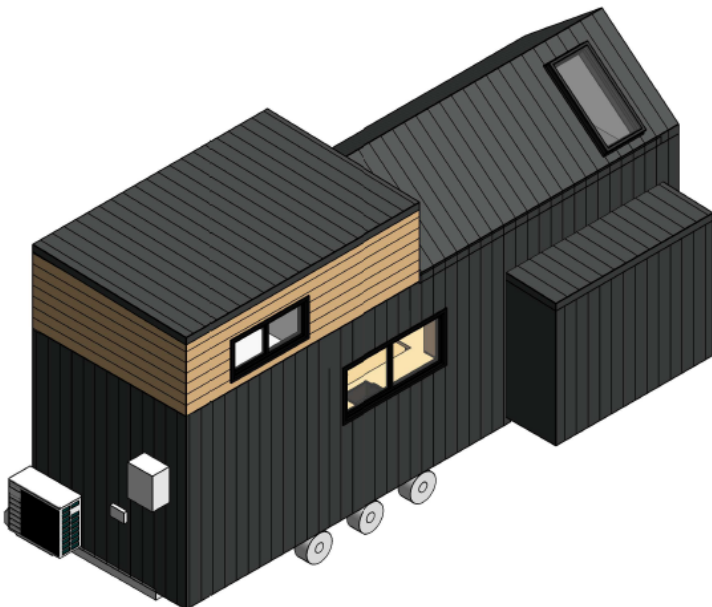
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HH

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C	CONCEPT DRAWINGS	16.03.21
D	CONCEPT DRAWINGS	18.03.21
E	CONCEPT DRAWINGS	01.04.21
F	CONCEPT DRAWINGS	07.04.21

NOTES:

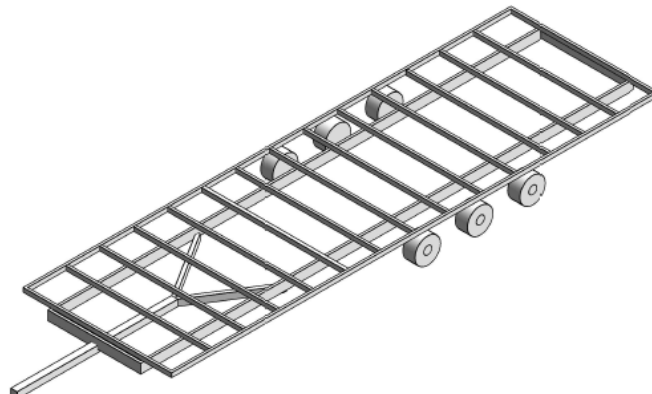
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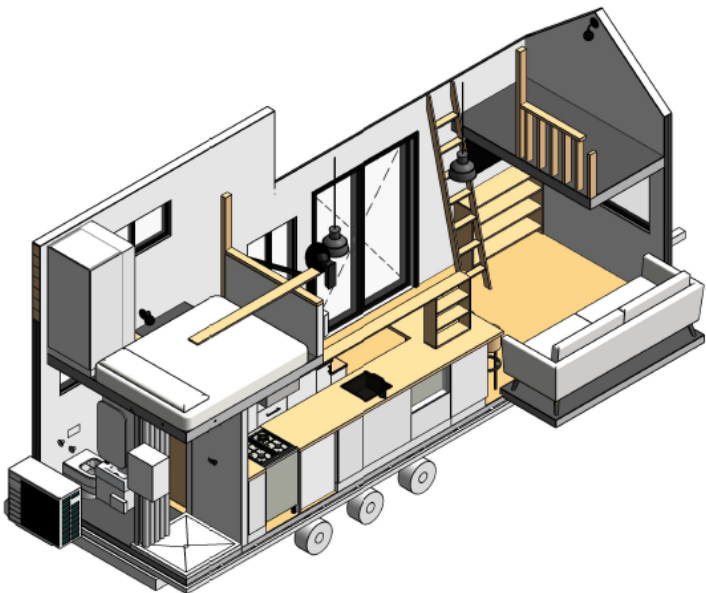
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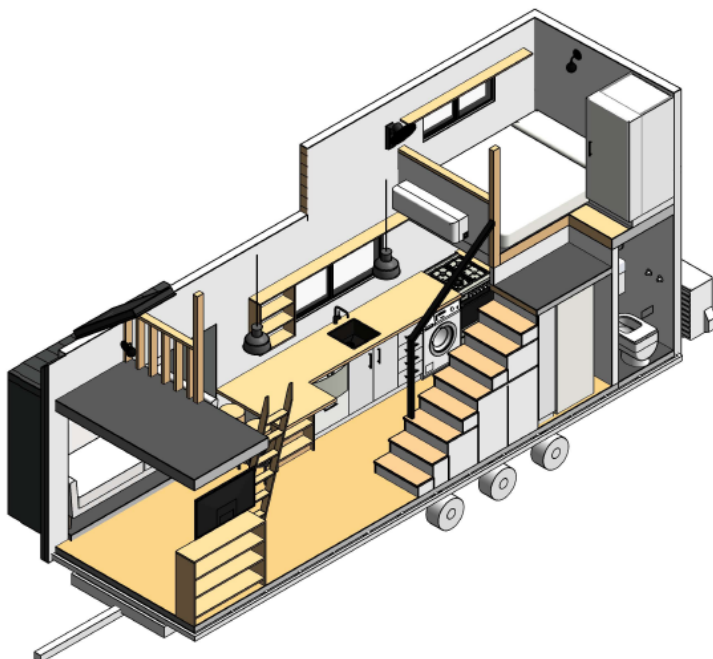
2 3D 02



5 3D CHASSIS



3 3D 03



4 3D 04



PROJECT
SOJOURNER
VERSION 3

DRAWING
3D

Scale

Drawing Number	02
Drawn by	HH

No.	Description	Date
B	CONCEPT DRAWINGS	09.03.21
C	CONCEPT DRAWINGS	16.03.21
D	CONCEPT DRAWINGS	18.03.21
E	CONCEPT DRAWINGS	01.04.21
F	CONCEPT DRAWINGS	07.04.21

NOTES:
Appliances, furniture, AC & light fittings
are optional extras. A slide-out is required
and included in this design and pricing.

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PROJECT
SOJOURNER
VERSION 3

DRAWING
FLOOR PLANS

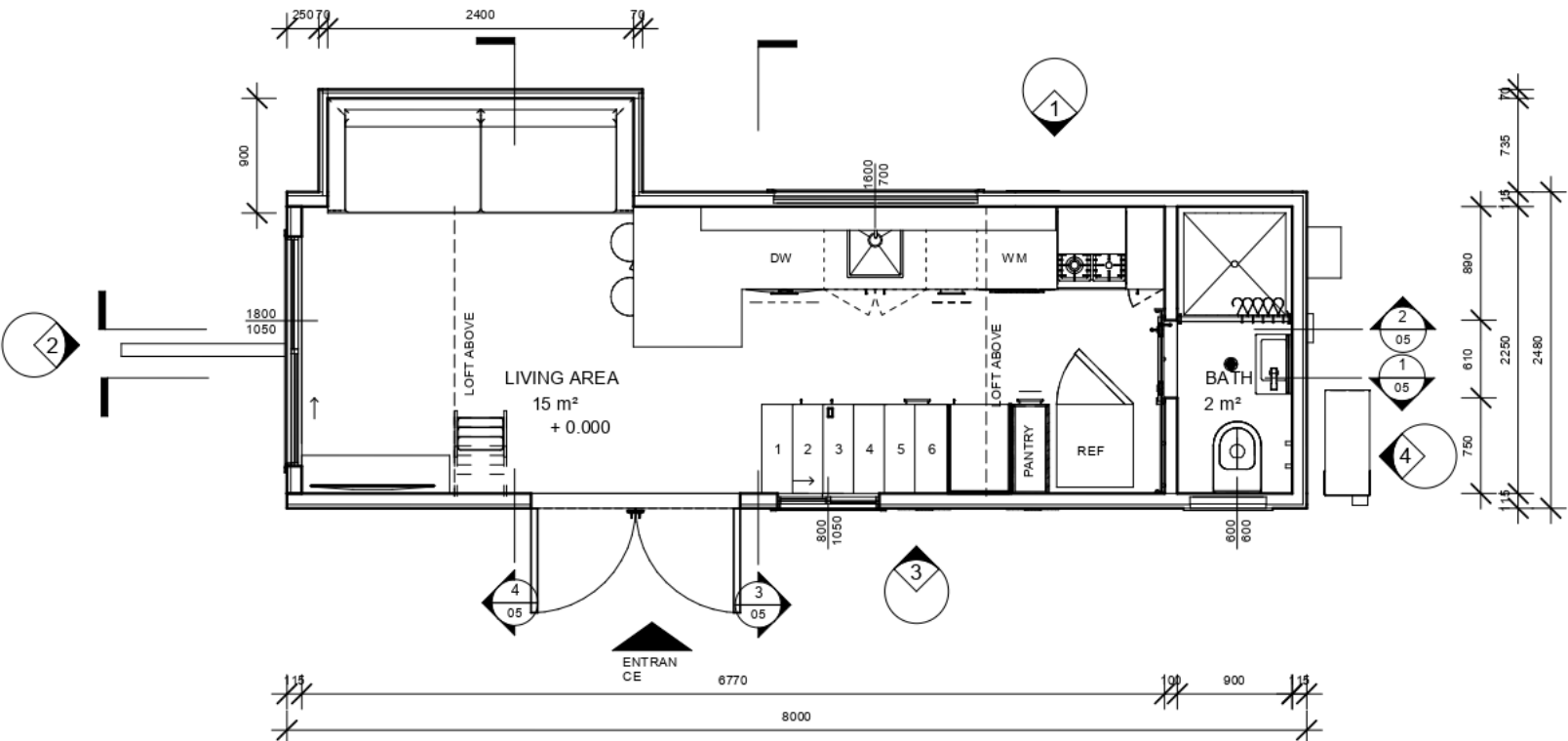
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Drawn by	HH

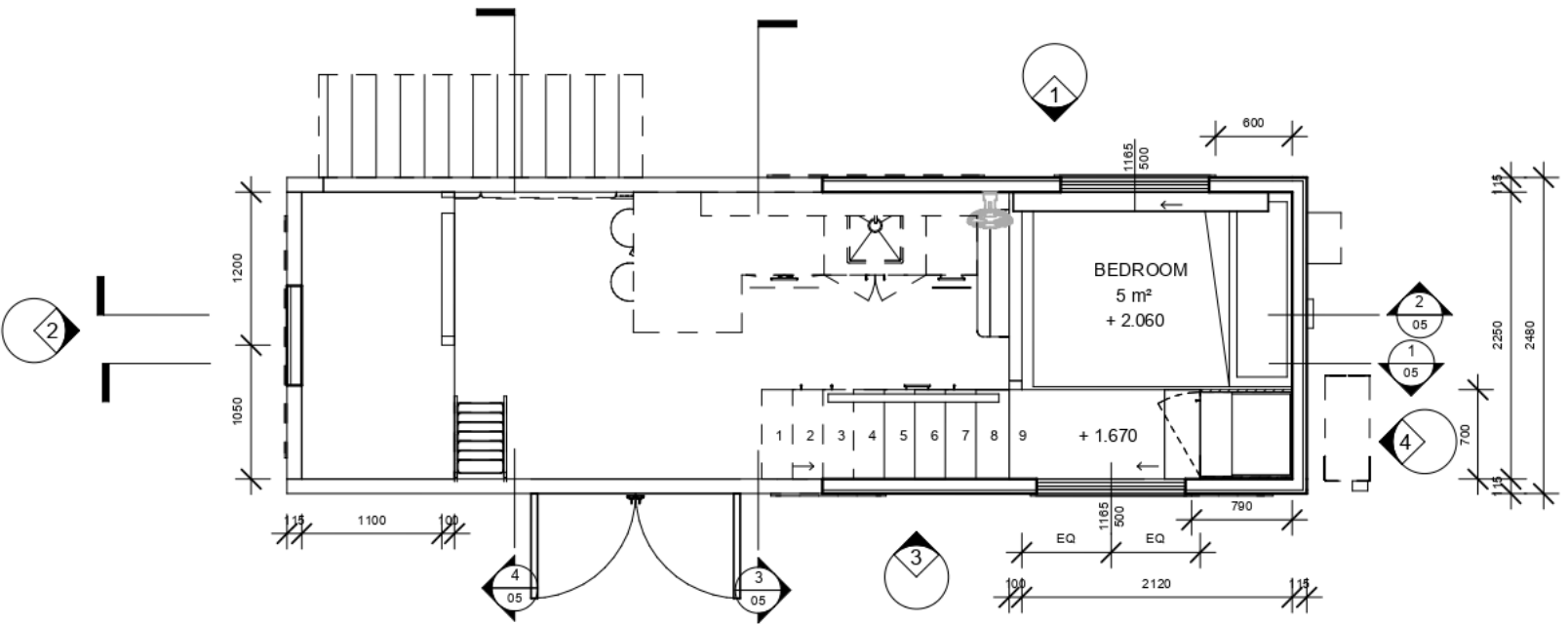
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C	CONCEPT DRAWINGS	16.03.21
D	CONCEPT DRAWINGS	18.03.21
E	CONCEPT DRAWINGS	01.04.21

NOTES:

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1 FIRST FLOOR PLAN
1 : 50



2 SECOND FLOOR PLAN
1 : 50

0 1 m 5 m



PROJECT
**SOJOURNER
VERSION 3**

DRAWING
ELEVATIONS

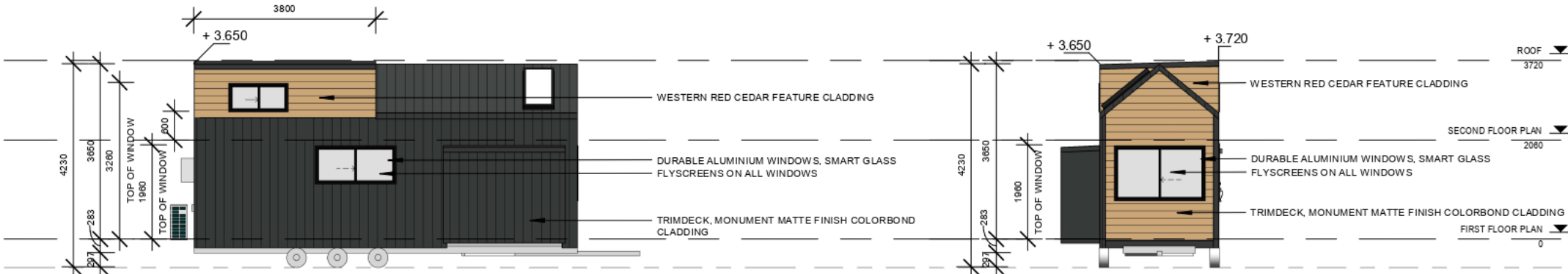
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F	CONCEPT DRAWINGS	07.04.21

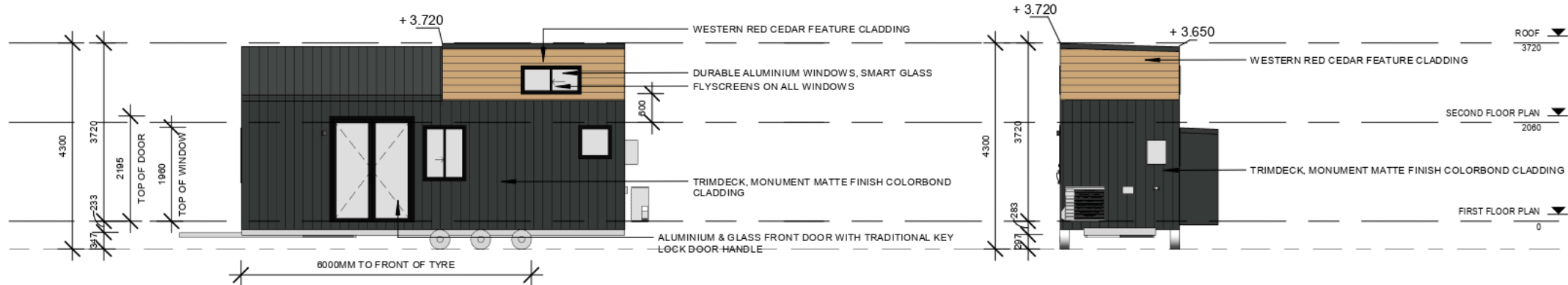
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1 ELEVATION 01
03 1 : 100

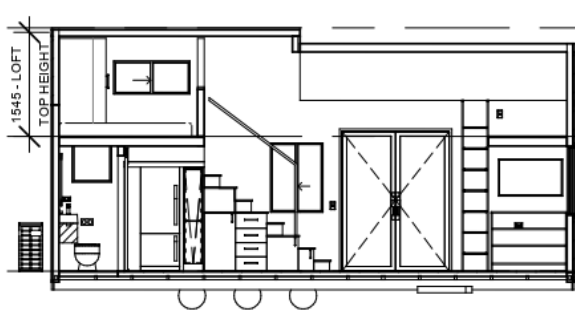
2 ELEVATION 02
03 1 : 100



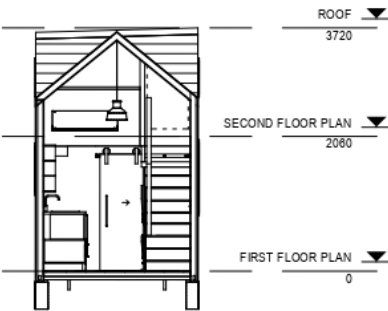
3 ELEVATION 03
03 1 : 100

4 ELEVATION 04
03 1 : 100

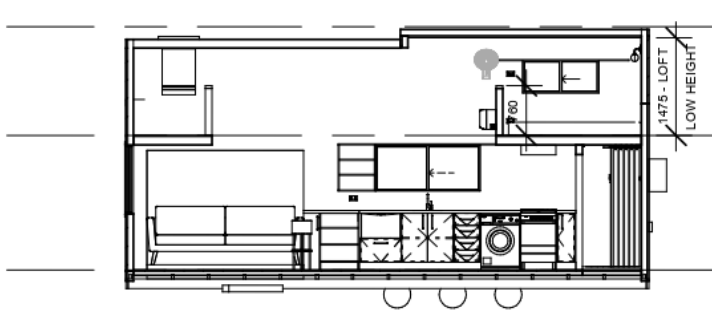




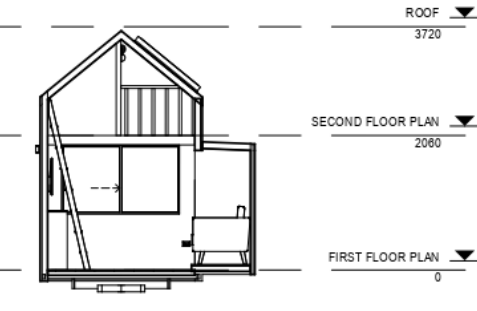
1 SECTION 01
03 1 : 100



3 SECTION 02
03 1 : 100



2 SECTION 03
03 1 : 100



4 SECTION 04
03 1 : 100

0 5 m



PROJECT
SOJOURNER
VERSION 3

DRAWING
SECTIONS

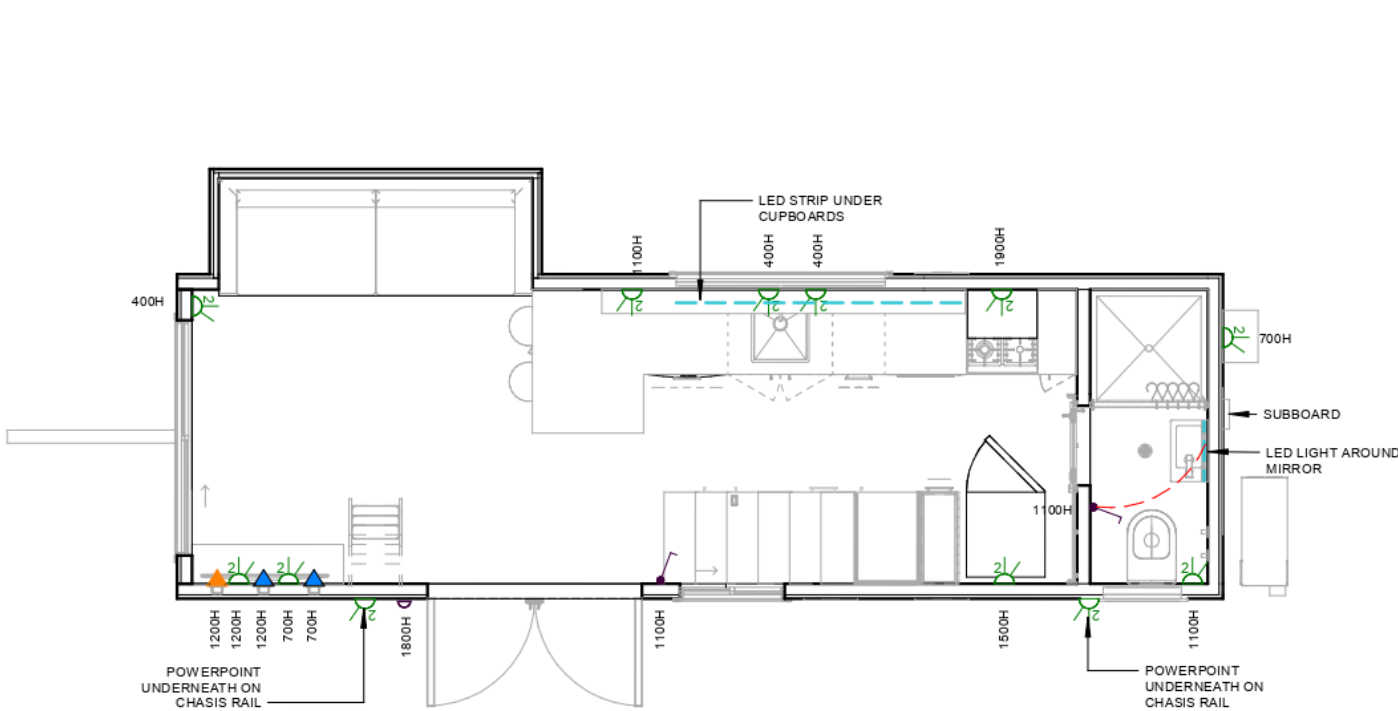
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Drawn by	HH

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F	CONCEPT DRAWINGS	07.04.21

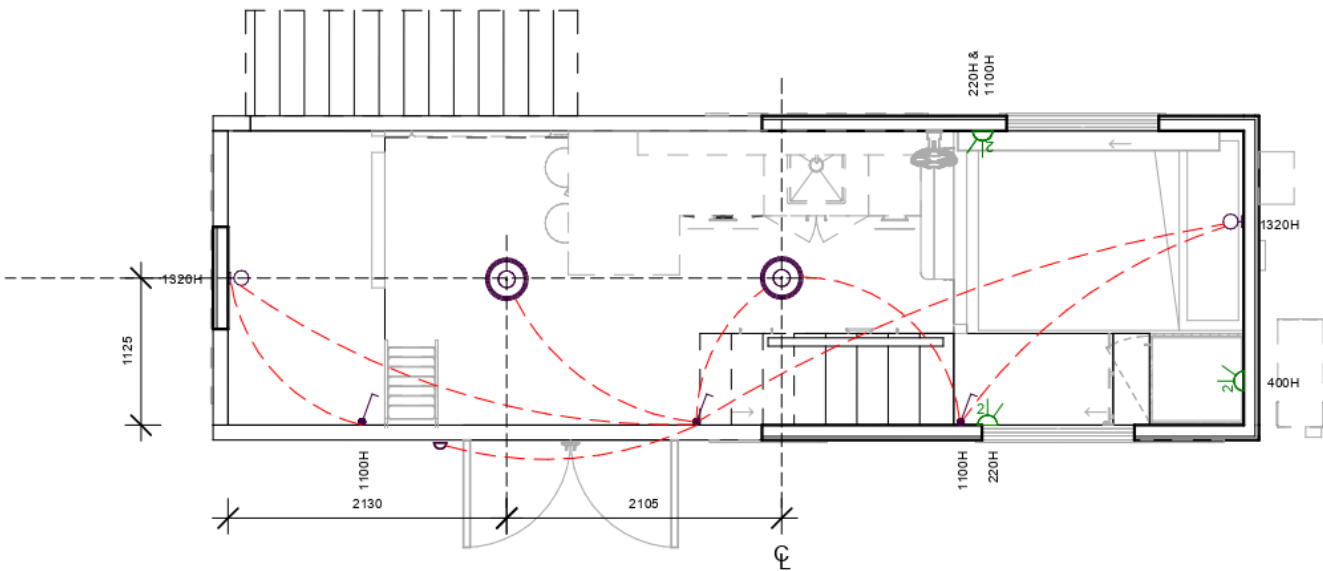
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- LIGHTING
LEGEND
- LIGHT SWITCH
 - DOUBLE GPO OUTLET
 - TV OUTLET
 - HDMI OUTLET
 - PENDANT
 - WALL LIGHT 01
 - WALL LIGHT 02
 - SUBBOARD

1 FIRST FLOOR ELECTRICAL PLAN
04 1 : 50



2 SECOND FLOOR ELECTRICAL PLAN
04 1 : 50

0 1 m 5 m



PROJECT
SOJOURNER
VERSION 3

DRAWING
ELECTRICAL PLANS

Scale 1 : 50

Drawing Number	06
Drawn by	Author

No.	Description	Date
B	CONCEPT DRAWINGS	09.03.21
C	CONCEPT DRAWINGS	16.03.21
D	CONCEPT DRAWINGS	18.03.21
E	CONCEPT DRAWINGS	01.04.21
F	CONCEPT DRAWINGS	07.04.21

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PROJECT
SOJOURNER
VERSION 3

DRAWING
CABINETRY PLANS

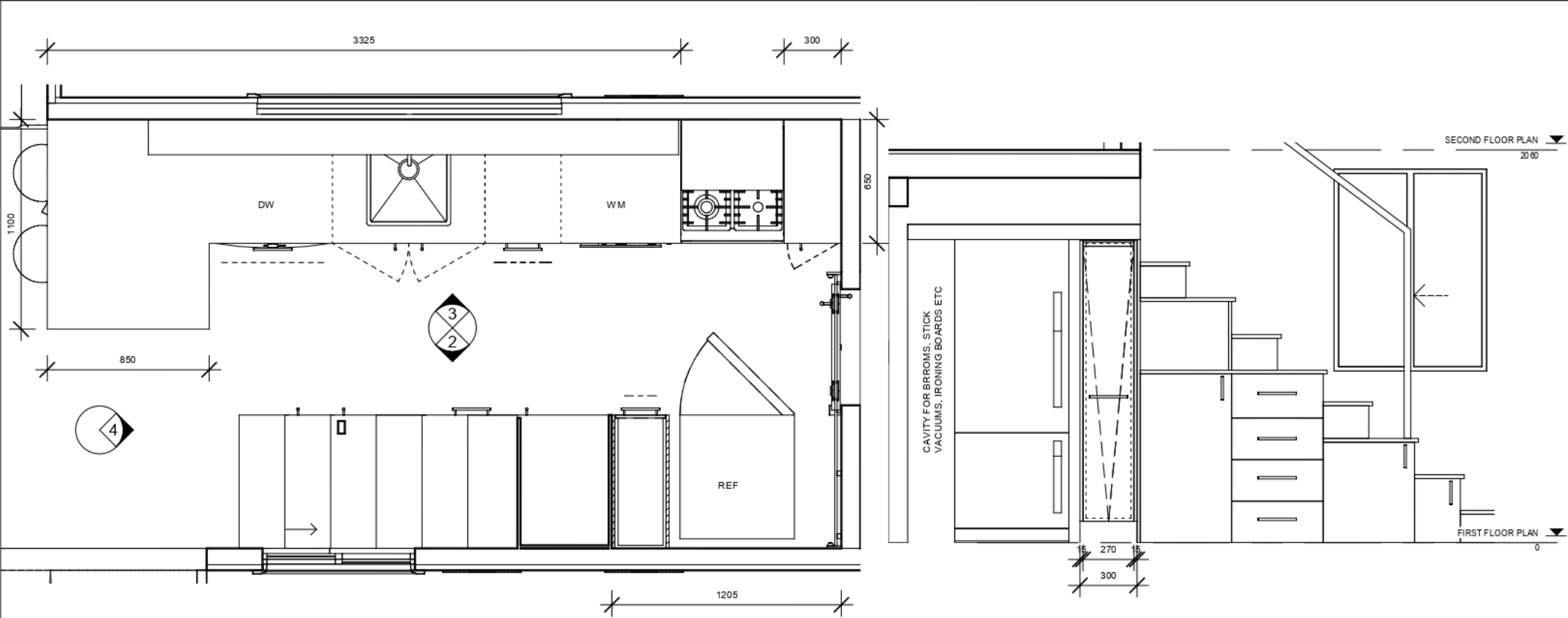
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Drawn by	Author

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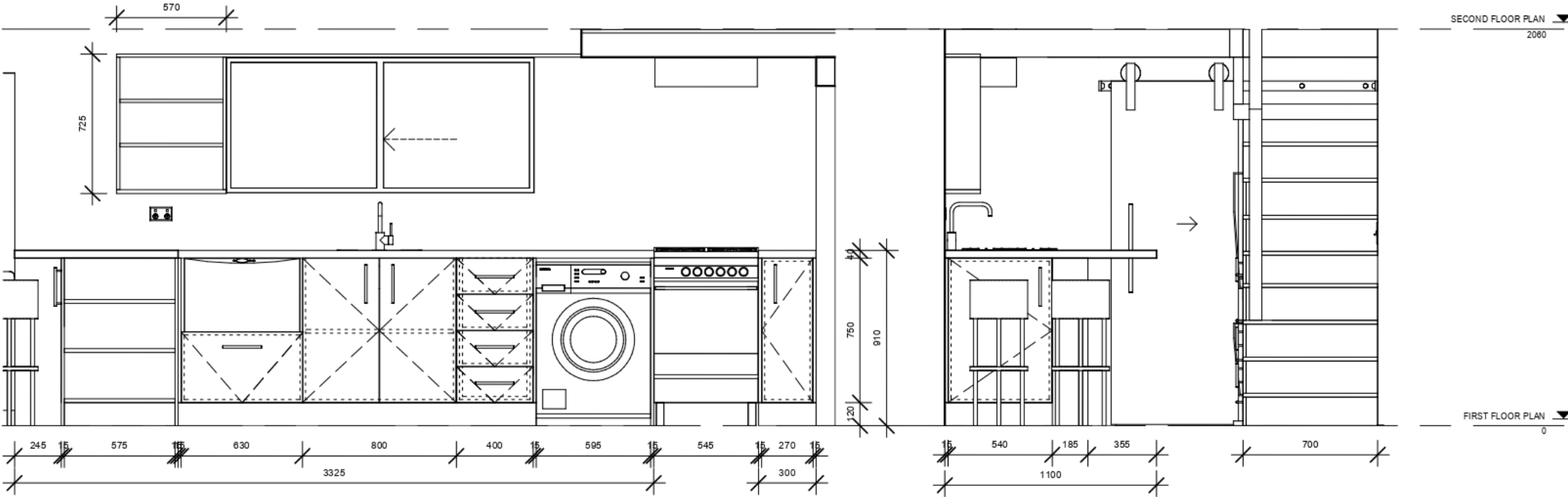
NOTES:

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1 KITCHEN CABINETRY
1 : 25

2 CABINETRY ELEVATION 01
07 1 : 25



3 CABINETRY ELEVATION 02
07 1 : 25

4 CABINETRY ELEVATION 03
07 1 : 25



PROJECT
SOJOURNER
VERSION 3

DRAWING
CABINETRY 3DS

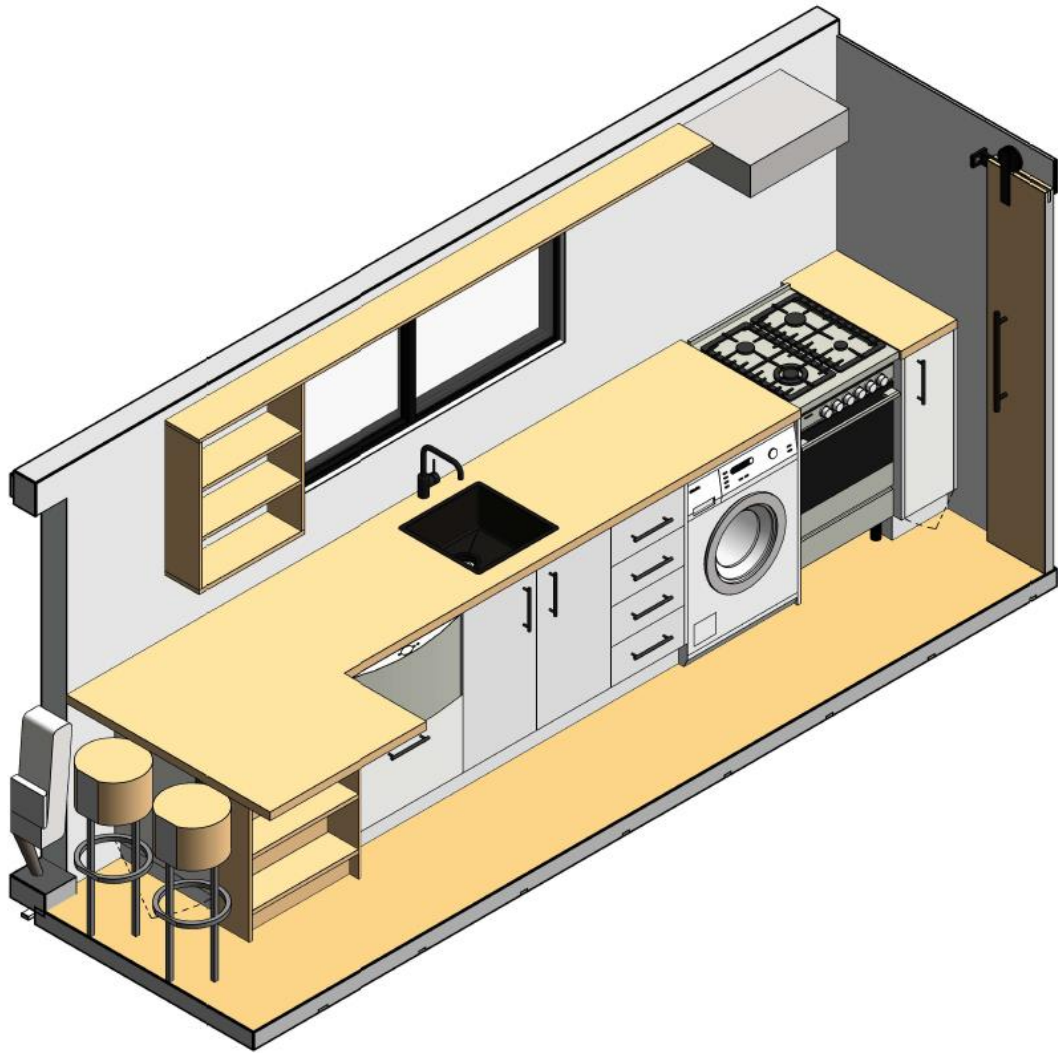
Scale

Drawing Number	08
Drawn by	Author

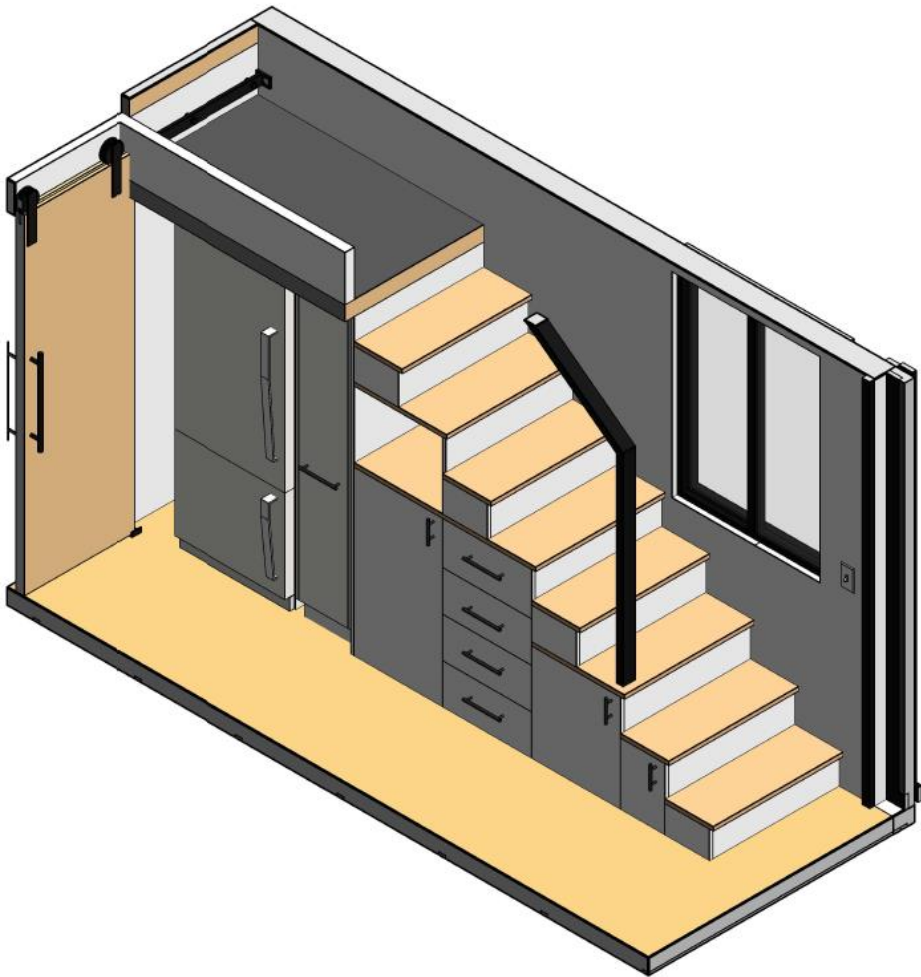
No.	Description	Date
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C	CONCEPT DRAWINGS	16.03.21
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F	CONCEPT DRAWINGS	07.04.21

NOTES:

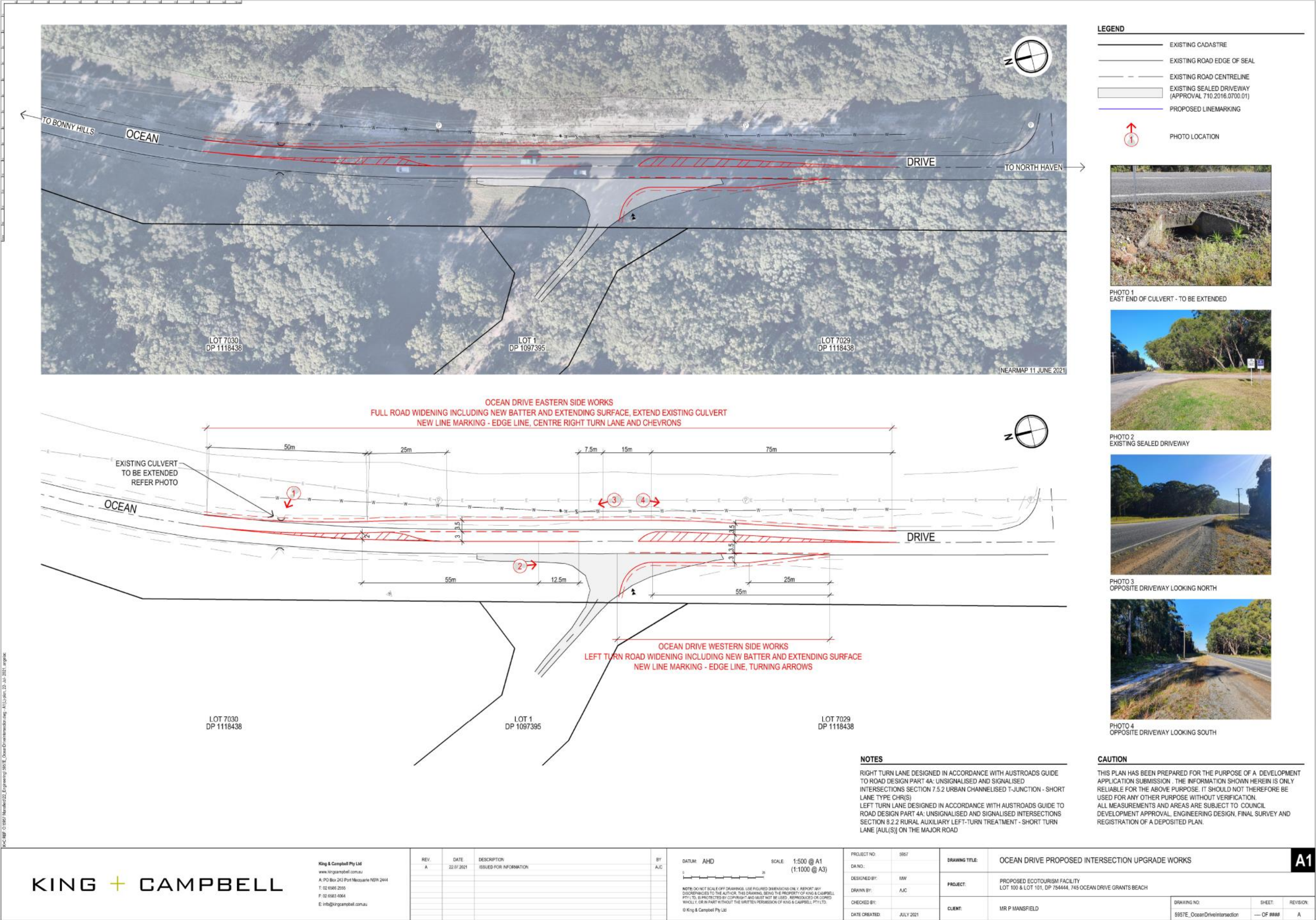
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1 CABINETRY 3D 01



2 CABINETRY 3D 02



Developer Charges - Estimate

Applicants Name: P S Mansfield
 Property Address: 743 Ocean Drive Grants Beach
 Lot & Dp: Lot(s):101,DP(s):754444
 Development: DA 2020/958 - Alterations and Additions to Eco Tourist Facility



154 2020 0012 01

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 N/A			
2 N/A			
3 Since 1.7.04 - Major Roads - Camden Haven - Per ET	2.5	\$8,703.00 Per ET	\$21,757.50
4 Since 31.7.18 - Open Space - Camden Haven - Per ET	2.5	\$6,184.00 Per ET	\$15,460.00
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Camden Haven	2.5	\$4,584.00 Per ET	\$11,460.00
6 Com 1.3.07 - Administration Building - All areas	2.5	\$937.00 Per ET	\$2,342.50
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 Bushfire Additional	2.5	\$520.00 Per ET	\$1,300.00
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$1,151.00
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$53,471.00

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

DATE OF ESTIMATE:

27-Sep-2021

Estimate Prepared By Steven Ford

This is an ESTIMATE ONLY - NOT for Payment Purposes

S Mansfield, 743 Ocean Drive Grants Beach, 27-Sep-2021.xls

PORT MACQUARIE-HASTINGS COUNCIL

Item: 06

Subject: DA2019 - 945.1 HIGHWAY SERVICE CENTRE AT LOT 21 DP 1261690
OXLEY HIGHWAY, SANCROX

Report Author: Development Assessment Planner, Chris Gardiner

Applicant:	Hopkins Consultants Pty Ltd
Owner:	Portcrox Pty Ltd
Estimated Cost:	\$28,100,000
Parcel no:	70003

Alignment with Delivery Program

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

RECOMMENDATION

That DA2019 - 945.1 for a Highway Service Centre at Lot 1, DP 1261690, Oxley Highway, Sancrox, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a highway service centre 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 on three separate occasions, seven (7) written submissions were received.

The proposal has been amended through the assessment process, including changes to access, signage, landscaping, parking and circulation.

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 granted consent subject to the conditions in **Attachment 1**.

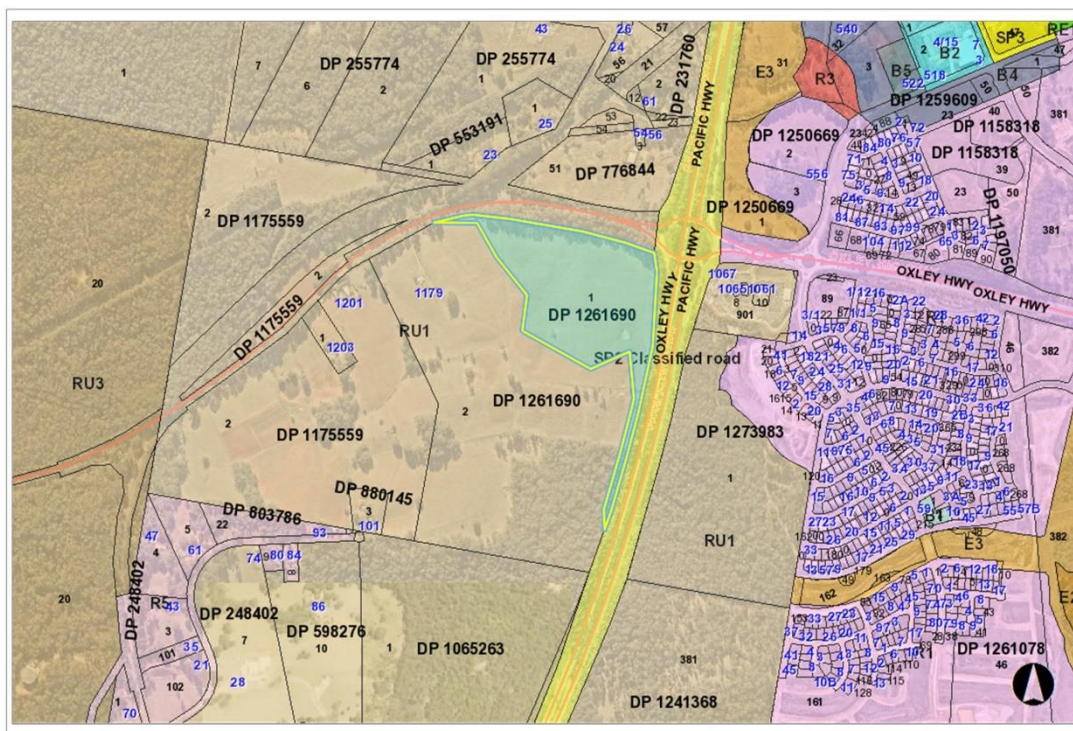
The reason for the application being referred to Council's Development Assessment Panel (DAP) is because three (3) or more objections to the proposal have been received. A copy of the DAP Charter outlining the delegations and functions of the DAP is available on Council's website.

1. BACKGROUND

Existing Sites Features and Surrounding Development

The site has an area of 13.59 hectares.

The site is zoned RU1 Primary Production 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:



Key aspects of the proposal include the following:

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

- 20 December 2019 - Application lodged.
- 30 January 2020 to 28 February 2020 - Neighbour notification and advertising of application.
- 14 February 2020 - Comments on application received from Transport for NSW.

- 9 March 2020 - Comments on application received from Biodiversity Conservation Division.
- 12 March 2020, 23 March 2020, and 17 April 2020 - Additional information requested from Applicant.
- 21 July 2020 - Additional information and amended plans submitted.
- 3 August 2020 to 17 August 2020 - Application re-notified.
- 20 August 2020 - Comments on amended proposal received from Transport for NSW.
- 14 September 2020 - Further additional information requested from Applicant.
- 21 December 2020 - Further additional information and amended plans submitted by Applicant.
- 7 January 2021 to 25 January 2021 - Application re-notified.
- 13 January 2021 - Comments on amended proposal received from Transport for NSW.
- 23 February 2021 - Further additional information requested from Applicant.
- 6 May 2021 - Further additional information and amended plans submitted by Applicant.
- 16 July 2021 - Comments on amended proposal received from Biodiversity Conservation Division.
- 27 July 2021 - Comments on amended proposal received from NSW Department of Primary Industries.
- 27 July 2021 - Comments on amended proposal received from Transport for NSW.
- 11 August 2021 - Additional ecological assessment submitted by 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**

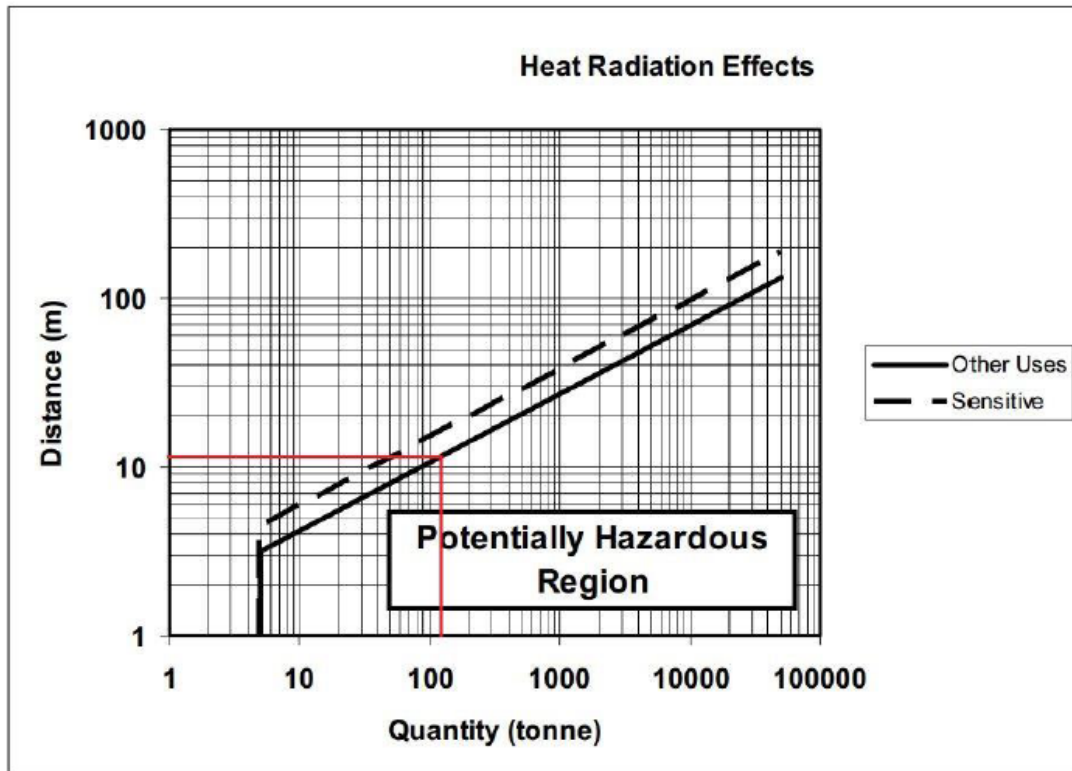
State Environmental Planning Policy No. 33 - Hazardous and Offensive Development

SEPP 33 presents a systematic approach to planning and assessing proposals for potentially hazardous and offensive development for the purpose of industry or storage. The Policy ensures that only those proposals which are suitably located, and able to demonstrate that they can be built and operated with an adequate level of safety and pollution control, can proceed.

The Department of Planning's *Hazardous and Offensive Development Application Guidelines - Applying SEPP 33* provides a framework for assessing such proposals. The Applicant has submitted a SEPP 33 Assessment prepared by HMC Environmental Consulting Pty Ltd and dated February 2018. The assessment includes preliminary screening in accordance with the Guideline to determine whether the fuel storage for the proposed highway service centre make the proposal a potentially hazardous industry.

The screening test for fuel storage and dispensing has been carried out based on a total storage volume of 640kL. As all fuel is stored underground the volume is able to be divided by 5 for the purpose of the screening test (128kL). Using the graph in Figure 9 of the Guideline, the consultant has determined that a minimum separation distance of 13m is required for the development not to be considered potentially hazardous (see below).

Table 4 – Separation Distance Estimate



Source: Figure 9 Applying SEPP 33 (2011)

The screening thresholds for LPG are shown below:

- 2.1 (LPG only — not including automotive retail outlets¹)
- 10 tonne or 16 m³ if stored above ground
 - 40 tonne or 64 m³ if stored underground or mounded

The proposed development includes 15.3 tonnes stored underground and 0.28 tonnes stored above ground, and does not exceed either of the screening thresholds.

The transport movements associated with the development are also below the screening threshold. The Applicant has estimated that the expected number of deliveries will be less than 300 per annum. This is significantly below the relevant threshold of 500 deliveries for Class 2.1 substances, and 1000 deliveries for Class 3PGIII substances.

As the proposed development falls below the relevant screening thresholds, the Guideline provides that the development is not considered potentially hazardous and a Preliminary Hazards Analysis is not required.

State Environmental Planning Policy (Koala Habitat Protection) 2020

With reference to clauses 6 and 7, the subject land is greater than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP must be considered.

An ecological assessment prepared by Naturecall Environmental has been submitted with the application, which includes consideration of SEPP 44 (same methods as SEPP 2020). A survey of the existing scattered trees on the site determined that the majority of trees were Tallowwoods and the site therefore meets the definition of potential koala habitat.

Further investigations determined that the site does not constitute core koala habitat and therefore a koala plan of management is not required.

State Environmental Planning Policy No. 55 – Remediation of Land

A Stage 1 Contaminated Site Assessment prepared by Regional Geotechnical Solutions has been submitted for the site. The land has previously been used for agricultural purposes and the assessment investigated areas of environmental concern including a spoil mound of unknown origin adjacent to the eastern boundary and drainage lines and paddock areas potentially impacted by pesticide and herbicide use.

Soil sampling concluded that contaminant concentrations did not exceed adopted guidelines and the site was suitable in its current state for future industrial/commercial land use. In accordance with clause 7(1) of the SEPP, the land is therefore considered suitable for the intended use for a highway service centre.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development includes proposed advertising signage in the form of business identification signs, including 2 pylon signs to 20m high, and various signage for the individual businesses within the highway service centre. None of the proposed signs are considered to be general advertising, as the signage will relate to the businesses located on the land. It is not considered necessary for Pylon Sign A (Pacific Highway frontage) to include business signs on both sides as the development only provide access to northbound traffic on the Pacific Highway. A condition is recommended restricting business identification signs to the southern elevation of Pylon Sign A.

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

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

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposal is consistent with the objectives of the policy subject to the recommended conditions	Yes

Schedule 1(1) Character of the area.	<p>The site currently has a rural character, but it is acknowledged that the LEP amendment to provide for a highway service centre on the land has altered the desired future character for the area.</p> <p>Site specific DCP provisions apply to the land, as discussed later in this report. As the proposal is consistent with the DCP provisions, it is therefore considered compatible with the desired future character for the area.</p>	Yes
Schedule 1(2) Special areas.	<p>The proposal will result in a measurable change to the visual amenity of the existing rural landscape. However, as noted above, the overall development of the site for a highway service centre would alter the existing rural landscape. Signage of an appropriate scale is considered to be appropriate for this use and would fit into the landscape setting.</p>	Yes
Schedule 1(3) Views and vistas.	<p>Pylon Sign A would project into the skyline when viewed by northbound traffic on the Pacific Highway and would affect the existing rural vista.</p> <p>Pylon Sign B would also project into the skyline when viewed by eastbound traffic on the Oxley Highway and southbound traffic on Billabong Drive.</p> <p>A condition is recommended reducing the height of the pylon signs to a maximum of 15m.</p>	No
Schedule 1(4) Streetscape, setting or landscape.	<p>As noted above, pylon signs A and B have significant scale, particularly vertically. As noted above, the signs would extend above the top of buildings and tree canopies when viewed from certain locations.</p> <p>The precinct DCP includes performance based provisions relating the maximum height of pylon signs, which are discussed later in this report.</p> <p>A condition is recommended reducing the height of the pylon signs to a maximum of 15m.</p>	No
Schedule 1(5) Site and building.	<p>The scale and proportions of the proposed wall signs are appropriate for</p>	Yes

	the buildings and have been integrated with the design to avoid any important building features.	
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	N/A
Schedule 1(7) Illumination.	The proposed signs, including pylon signs, are proposed to be illuminated given that the highway service centre would operate 24 hours. A preliminary lighting assessment has been submitted with the application, which indicates that the development is capable of complying with relevant Australian Standards controlling the amenity and safety impacts of the illumination. Conditions have been recommended requiring all illuminated signage to be installed and certified in accordance with the recommendations of the report.	Yes
Schedule 1(8) Safety.	<p>The proposed highway service centre is aimed at improving road safety through reducing driver fatigue by providing regular resting opportunities. The proposed pylon signs at the Pacific Highway and Oxley Highway access points effectively identify the site's use and would assist in improving general road safety in this regard. The location of the signs is not expected to have any traffic safety issues in terms of sight distance or driver distraction.</p> <p>The site is not expected to be a high pedestrian activity area, with pedestrian movements limited to between parking areas and the service centre buildings. The type and location of signs are not expected to adversely impact pedestrian or cyclist safety.</p>	Yes

State Environmental Planning Policy (Infrastructure) 2007

Clause 99 - The proposed highway service centre would not be located within a road corridor.

Clause 101 - The site has frontage to the Pacific Highway and Oxley Highway, both of which are classified roads. The land does not have access to a road other than the classified road, and the development proposes access from both the Pacific Highway and Oxley Highway. Egress from the development is to the Oxley Highway only. Given the nature of the proposed use as a highway service centre, access from the classified road network is necessary for the development to serve its purpose.

The design of the vehicular access to the land and the likely traffic impacts of the development are considered in detail later in this report.

The proposed development is not of a type that is sensitive to road traffic noise.

Clause 102 - The development is not of a nature that would be sensitive to road noise or vibration.

Clause 104 - The proposal is traffic generating development and the application has been referred to Transport for NSW (TfNSW) for comment. The matters raised in the response from TfNSW have been considered in the Traffic and Transport section later in this report.

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

Clause 29 - The application was referred to NSW Department of Primary Industries (DPI) in accordance with this clause given the large scale of the proposed on-site sewage management system and the potential for a significant failure of the system to affect oyster aquaculture downstream in the Hastings River. DPI raised concerns about the significant potential for failure of the on-site sewage management system, and/or a reduction in treatment processes prior to discharge to sensitive receiving waters. The quality of influent is critical to on-site treatment processes and commercial waste of oil, grease and chemicals are likely to compromise on-site sewage treatment processes. The higher level concept design of on-site sewage management discussed in the On-site Sewage Management - Site Feasibility Report does not provide specific details on the preferred system and it is therefore not possible to thoroughly evaluate the impacts.

DPI recommends that the use of an on-site sewage management system not be supported, and that the development be connected to reticulated sewer.

Of relevance to this consideration, Council entered into a Planning Agreement with the developer prior to the lodgement of this application, which allows on-site sewage management providing that the developer make a monetary contribution towards the longer term connection of the site to sewer. On this basis, it is not considered possible to force the developer to connect to sewer as the only option.

The installation of the on-site sewage management system will require separate approval under Section 68 of the Local Government Act 1993. The detailed design as part of this application will need to address the above concerns and particularly include appropriate measures for the management of oil, grease and other commercial waste, and mitigation measures to contain effluent within the site in the event of system failure. Appropriate conditions have been recommended in this regard.

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 RU1 Primary Production. In accordance with clause 2.3(1) and the RU1 zone landuse table, the proposed development for a highway service centre is prohibited in the zone. However, Schedule 1 of the LEP provides for additional permitted uses on the land and allows

development for the purposes of a highway service centre and ancillary hotel or motel accommodation with development consent.

The objectives of the RU1 zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:

- The value of the land for primary production has been considered in a strategic context as part of the LEP amendment that allowed the additional use of the land for a highway service centre.
- The potential for land use conflict between the proposal and adjoining land uses has been considered in the assessment and it is considered that the potential conflicts can be appropriately managed.
- Clause 2.5 - Schedule 1 of the LEP provides for additional permitted uses on the land and allows development for the purposes of a highway service centre and ancillary hotel or motel accommodation with development consent. This clause has effect despite anything to the contrary in the Land Use Table or any other provision of the Plan.
- Clause 4.3 - No maximum height of buildings applies to the site.
- Clause 4.4 - No maximum floor space ratio (FSR) applies to the site.
- Clause 5.10 – The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.7 – The obstacle limitation surface (OLS) at the location of the development site is approximately 60m AHD. The highest part of the development (top of pylon sign A) is approximately 43m AHD, and will be substantially below the OLS. However, a precautionary condition is recommended in relation to the use of cranes during construction.
- Clause 7.13 - Satisfactory arrangements can be made to make available essential services including water supply, electricity supply, on-site sewage management, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of an Occupation Certificate as recommended by a condition of consent.
- Clause 7.17 - Subdivision of the land for the purpose of a highway service centre has previously been granted in accordance with this clause under DA2019 - 680.1.

(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

DCP Objective	Development Provisions	Proposed	Complies
1	Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	Signs identify names of businesses and not products or services.	Yes
	Signage is not permitted outside property boundaries except where mounted upon buildings and clear of pedestrians and road traffic. No signage is permitted upon light or power poles or upon the nature strip (the area between the property boundary and constructed roadway). Limited directional signage and "A" frame signage may separately be approved by Council under the <i>Roads Act 1993</i> or section 68 of the <i>Local government Act 1993</i> .	All signs located within property boundaries.	Yes
	An on-building 'chalkboard' sign, for the purpose of describing services or goods for sale which vary on a regular basis generally should not be any larger than 1.5m ² , and should contain a sign written heading indicating the premises to which it refers.	N/A	N/A
	On-premise signs should not project above or to the side of building facades	None of the proposed on-premises signs project above or to the sides of building facades.	Yes
2	Where there is potential for light spill from signage in a non residential zone adjoining or adjacent to residential development, illuminated signage is to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night, depending on the nature of the development.	The proposed signage, including pylon signs, is proposed to be illuminated given that the highway service centre would operate 24 hours. A preliminary lighting assessment has been submitted with the application, which indicates that the development is capable of complying with	Yes

		<p>relevant Australian Standards controlling the amenity and safety impacts of the illumination. Conditions have been recommended requiring all illuminated signage to be installed and certified in accordance with the recommendations of the report.</p>	
3	<p>Development must comply with Council's Developments, Public Place & Events - Waste Minimisation and Management Policy.</p>	<p>The Applicant has submitted a Waste Management Plan that generally addresses the Policy. The Plan includes arrangements for the management of construction and operational waste, facilities for waste storage, and access for waste collection vehicles.</p> <p>The construction waste management provides a template for this aspect of the development, but seeks to provide full details of the volumes and type of waste once the construction tender process has been completed and this information can be provided more accurately. This is considered acceptable and a condition has been recommended requiring an amended Waste Management Plan to be approved prior to the issue of a Construction Certificate.</p> <p>The volume of organic waste generated by the take away food and drink premises is also likely to be underestimated in the current Waste Management Plan. The volume has been estimated using the rate in Council's Policy, which is based on the sale of pre-packaged food. This is not considered to be a significant issue as there is sufficient storage capacity to</p>	Yes

		provide additional organic waste bins. Increasing the frequency of waste collection would also be an alternative, as the development will have a private waste collection service.	
6	<p>a) Significant land reforming proposals where >10% gross site area or >1.0ha is to have surface levels changed by more than 5m or where earthworks exceed an average of 10,000m³ 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. 	The submitted plans include detailed earthworks plans and sections showing the proposed finished surface levels.	Yes
	b) The use of high earthworks batters should be avoided.	The proposed development includes some significant earthworks batters due to existing topography and the required location of the intersection on the Oxley Highway. The site specific DCP provisions include details of the height and treatment of earthworks batters and are discussed later in this report.	No, but acceptable
9	a) A minimum, fully vegetated buffer from the	The NSW Natural Resource Access Regulator has	No, but acceptable

	<p>top of bank to both sides of a watercourse is to be provided in accordance with the following:</p> <ul style="list-style-type: none"> • 10m for 1st order streams that flow intermittently. • 30m for 1st order streams that flow permanently. • 40m for 2nd order streams. • 50m for 3rd order streams. • 65m for 4th order streams. <p>b) Stormwater management facilities may be considered within buffer areas only where the applicant can demonstrate the proposal is justified on the basis of practical engineering related site constraints and where it is adequately demonstrated that the applicable objectives are achieved.</p> <p>c) Fully vegetated buffers cannot contain road infrastructure or an asset protection zone.</p>	<p>reviewed the proposal and raised no objection to the existing first order stream being built over and replaced with piped stormwater drainage. As the stream is not required to be retained, there is no nexus for a vegetated buffer.</p>	
11	<p>Tree management on private land.</p>	<p>The ecological assessment found that there are approximately 67 primary and secondary preferred food trees along the eastern road reserve and 23 along the northern road reserve. These comprise Tallowwood, Small-fruited Grey Gum and Red Mahogany. In addition to these, there are three KFTs within the subject site that will require removal.</p> <p>As such, there are approximately 93 primary and secondary Koala food trees that will require removal and 186 offset plantings are required to meet the DCP ratio of 2:1.</p>	<p>No, but acceptable</p>

		<p>The submitted landscape plan indicates that 86 of the required offset planting can be provided within the site at appropriate spacing. The additional planting can either be provided in a secure off-site located agreed by Council, or through re-vegetation of the on-site sewage irrigation area when the land is connected to the sewer in the future.</p> <p>A reduced number of offset plantings could be accepted in the event that Transport for NSW carries out clearing in the road reserve for road related purposes prior to the development commencing.</p> <p>A Vegetation Management Plan will be required confirming the above details.</p>	
13	Removal of hollow bearing trees	<p>The Addendum Ecological Assessment for Proposed Highway Service Centre, Oxley Highway, Sancro identified that the following number of nest boxes per category are to be sourced and installed in existing vegetation on or adjacent to the site:</p> <ul style="list-style-type: none"> • eight microbat boxes • four small glider/phascogale nest boxes • four large possum boxes • four parrot boxes <p>Consideration to additional tree planting may be permitted in place of the nest box installation if no available suitable locations. This has been detailed in the conditions to prepare a Vegetation Management Plan.</p>	Yes

18	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.	All APZs are located outside environmental zones.	Yes
23	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Access from Pacific Highway and Oxley Highway proposed in consultation with TfNSW.	No, but acceptable
	Driveway crossing/s minimal in number and width including maximising street parking	No street parking exists in either street frontage, and it is unlikely that street parking will be provided in the future given that both roads are classified roads. No loss of street parking expected from proposed access points.	Yes
24	Off-street parking in accordance with Table 2.5.1. (Provision to consider reduced parking where supported by parking demand study)	The proposal includes the following components that generate parking demand: <ul style="list-style-type: none"> • Service station - 1 space per employee, plus 2 customer spaces (minimum), plus any restaurant/takeaway food requirements. • Take-away food and drink premises: <ul style="list-style-type: none"> ○ developments with on-site seating but no drive through facilities: <ul style="list-style-type: none"> ▪ 12 spaces per 100m² GFA, or the greater of. ▪ 1 space per 5 seats (both internal and external seating), or. ▪ 1 space per 2 seats (internal seating). ○ developments with on-site seating and drive-through facilities greater of 	Yes

		<ul style="list-style-type: none"> ▪ 1 space per 2 seats (internal), or. ▪ 1 space per 3 seats (internal and external). ▪ Plus queuing for minimum of 8 vehicles. <ul style="list-style-type: none"> • Retail premises (service station shop - T05) - 1 space per 30m² GFA. <p>Service Centre Take-Away For the purpose of the parking assessment the take-away food and drink premises within the service centre building have been considered as a single entity as there will be no seating within the individual tenancies and they all rely upon a shared internal and external seating area. The main service centre building includes two drive-through facilities and has been assessed as a take-away food and drink premises with drive through facility and internal and external parking.</p> <p>The submitted plans show 113 internal seats and 52 external seat (total 165 seats). A 1 space per 3 seats the parking demand for this component is 55 spaces.</p> <p>Queuing for minimum of 8 vehicles at each drive-through facility has been provided.</p> <p>T08 (take-away food and drink premises with 88 internal seats, and drive through) - 88 seats at 1 space per 2 seats = 44 spaces.</p>	
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		<p>Queuing for minimum of 8 vehicles at drive-through facility provided for T08.</p> <p>T05 (service station convenience shop with 270m² GFA - 270m² at 1 space per 30m² = 9 spaces.</p> <p>Service Centre (30 employees) - 30 employees at 1 spaces per employee = 30 spaces.</p> <p>Minimum 2 customer spaces = 2 spaces.</p> <p>Total Parking Demand 140 spaces</p> <p>The submitted plans show 148 car parking spaces for the development, with an additional 25 truck parking spaces, 2 bus parking spaces, 8 caravan/trailer/motorhome spaces, and 4 motorcycle spaces.</p> <p>The development therefore meets the minimum parking requirements.</p>	
28	Parking layout in accordance with AS/NZS 2890.1 and AS/NZS 2890.2	Capable of complying with Australian Standard. Conditions recommended requiring certification of plans with Construction Certificate, and certification of completed work prior to the issue of an Occupation Certificate.	Yes
29	Accessible parking provided in accordance with AS/NZS 2890.1, AS/NZS 2890.2 and AS 1428	Five (5) accessible parking spaces proposed. Capable of complying with Australian Standard. Conditions recommended requiring certification of plans with Construction Certificate, and certification of completed work prior to the issue of an Occupation Certificate.	Yes
30	Bicycle and motorcycle parking considered and	Four (4) motorcycle parking spaces proposed. Capable	Yes

	designed generally in accordance with the principles of AS2890.3	of complying with Australian Standard. Conditions recommended requiring certification of plans with Construction Certificate, and certification of completed work prior to the issue of an Occupation Certificate.	
33 - 34	Landscaping of parking areas	Landscaping generally provided throughout parking areas in accordance with these provisions. Site specific landscaping controls apply to this site and are addressed later in this assessment table.	Yes
35	Sealed driveway surfaces unless justified	Sealed surfaces proposed and condition recommended confirming this requirement.	Yes
36	<p>Parking areas to be designed to avoid concentrations of water runoff on the surface.</p> <p>Vehicle washing facilities – grassed area etc available.</p> <p>No direct discharge to K&G or swale drain</p>	A Stormwater Management Plan has been submitted for the proposal. See comments later in this report under stormwater.	Yes
37	Car parking areas drained to swales, bio retention, rain gardens and infiltration areas		
38	<p>Off street commercial vehicles facilities are provided in accordance with AS/NZS 2890.2</p> <p>Loading bays will be provided in accordance with the following requirements;</p> <ul style="list-style-type: none"> • Minimum dimensions to be 3.5m wide x 6m long. (This may increase according to the size and type of vehicle). • Vertical clearance shall be a minimum of 5m. • Adequate provision shall be made on-site for the loading, unloading and 	One loading bay provided for service centre building with access via the truck parking area. An additional bay is also proposed for the separate food and drink premises (T08).	Yes

	<p>manoeuvring of delivery vehicles in an area separate from any customer car parking area.</p> <ul style="list-style-type: none"> • A limited number of 'employee only' car parking spaces may be combined with loading facilities. • Loading areas shall be designed to accommodate appropriate turning paths for the maximum design vehicle using the site. • Vehicles are to be capable of manoeuvring in and out of docks without causing conflict with other street or on-site traffic. • Vehicles are to stand wholly within the site during such operations. 		
	Other commercial development shall provide one loading bay for the first 1,000m ² floor space and one additional bay for each additional 2,000m ² .		
39	The location and design of loading bays should integrate into the overall design of the building and car parking areas.	Location and design satisfactory.	Yes
	Where visible from the public domain, loading bays are located behind the building.	Located behind the buildings.	Yes
	Where loading bays are located close to a sensitive land use, adequate visual and acoustic screening is provided.	Not located in proximity to sensitive land uses.	Yes
43	Design addresses generic principles of Crime Prevention	The Applicant has provided the following advice	Yes

	<p>Through Environmental Design guideline:</p> <ul style="list-style-type: none"> Casual surveillance and sightlines Land use mix and activity generators Definition of use and ownership Lighting Way finding <p>Predictable routes and entrapment locations</p>	<p>regarding CPTED principles.</p> <p>Natural Access Control – The design directs the flow of traffic, using signage, from the site access to the relevant car park in the well-lit service centre.</p> <p>Natural Surveillance – Staff and customers of the highway service centre will passively overlook the car park areas through large expanses of glazing. Mid level landscaping is not proposed within the service centre to provide optimum visibility along paths of travel. Lighting is proposed throughout the site to improve visibility. Security cameras will be provided where required by tenancy operators.</p> <p>Territoriality – The internal road around the service centre building creates a sense of territoriality on the site. Staff will be present on site at all times to enforce territoriality. 'Staff only' areas will be clearly labelled as such.</p> <p>Maintenance – The highway service centre will be subject to a maintenance schedule which will include maintenance of landscaping, cleaning of indoor and outdoor areas and removal of all graffiti in a timely manner.</p>	
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DCP 2013: Chapter D8 Highway Gateway Sites

DCP Objective	Development Provisions	Proposed	Complies
335	A formal urban design/landscape analysis with a set of architectural	Urban Design and Landscape Statement	Yes

	diagrams explaining the design, and how it responds to the site context. The site analysis is also to include an evaluation of existing trees for protection and retention.	prepared by i2C submitted with the application.	
	Detailed cross-sections through the entire site, including through the location of main access points and across the highway boundaries. The cross-sections are to be of a scale that can be clearly read and indicate: <ul style="list-style-type: none"> – The existing and proposed landform in separate colours and line form (e.g. use a dashed line for proposed) – Areas of cut and fill – Reduced Levels (RLs) of main features and heights of any buildings and structures such as signs – Location of existing and proposed vegetation, defining where any vegetation is proposed for removal. 	Sufficient information provided between the architectural and civil plans.	Yes
	Photomontages to illustrate the development proposal as accurately as possible and produced in accordance with the NSW Land and Environment Court's Use of Photomontages document as available on their website. In addition, the photomontages are to: <ul style="list-style-type: none"> – Be approximately from the following locations indicated in Figure 4.7-2: Viewpoints B and D applicable to the Southern Site and Viewpoints E and G applicable to the Northern Site. In addition, a photomontage is to be included from wherever the main access will be 	Adequate photomontages submitted showing key viewpoints. It is noted that the photomontages have not strictly been prepared in accordance with the recommended Land and Environment Court guidelines due to a lack of safe locations along the classified road frontages to carry out the necessary survey work. It is considered that the photomontages submitted provide an accurate visual representation of the key aspects of the proposal.	No, but acceptable

	<p>from the Oxley Highway, looking into the site.</p> <p>– Photomontages are to include an image of the development immediately following construction (i.e. with any new landscaping shown as immature) and at approximately 5-7 years post construction (i.e. showing new landscaping with estimated growth likely to be achieved in that timeframe).</p>		
336	<p>In consultation with Council and the Roads and Maritime Services, a four-way intersection will need to be provided at the intersection of the Oxley Highway with Billabong Drive to service the likely future needs of development to the north and south of the Oxley Highway. The intersection design will need to be approved by the NSW Roads and Maritime Services, and Council.</p>	<p>Details of the proposed four-way intersection with Oxley Highway and Billabong Drive have been submitted. Transport for NSW (formerly RMS) have been consulted in the assessment of the application.</p>	Yes
	<p>Prior to development of the Southern Gateway Site, provide detailed information demonstrating that the 'Access Land Dedication Land' referred to in the Highway Service Centre Planning Agreement is appropriately located and can be constructed to current AUS SPEC standards.</p>	<p>The application has demonstrated that a road consistent with Aus-Spec standards could be constructed to the adjoining land to the west. It is noted that road construction would require significant excavation and earthwork batters. The development has been designed to ensure that there are no structures or environmental offsets within the corridor required for construction of the future road.</p>	Yes
337	<p>Locate car and truck parking areas so that extensive areas of hard pavement are broken-up and articulated with landscaping, different materials/colours and level changes and sites</p>	<p>Car parking areas between the buildings and public roads are appropriately landscaped. The truck parking area contains limited landscaping within the extensive hardstand area. However, the truck</p>	Yes

	buildings so as to contribute to screening views of car parking from outside views.	parking area is located behind the service centre buildings and includes perimeter landscaping. It is considered that this area would be appropriately screened from outside views.	
	<p>Provide a 40m minimum setback to all buildings from the Pacific Highway frontage, and 20m from the Oxley Highway frontage.</p> <p>The general requirements for this setback in terms of landscaping and the siting of hard surface areas is shown diagrammatically in Figures 4.7-3 and 4.7-4. If it can be shown that the Roads and Maritime Services can guarantee the retention of the majority of large trees within the existing road reserves along the highway boundaries in the long term (over 20 years) then consideration could be given to reducing the requirement for the Pacific Highway boundary setback to 20m, including a reduced landscape buffer to 10m. Such a scenario and its implications would need to be negotiated with Council.</p>	Proposal exceeds minimum setback requirements, with all buildings setback more than 50m from both frontages.	Yes
	In consultation with Council and the Roads and Maritime Services, road access points from either the Pacific Highway or Oxley Highway are to be designed, as far as possible, to maintain the natural integrity of existing landform, vegetation and drainage systems. Structural drainage elements should be used in preference to mass fill embankments.	The proposal includes significant landform change and vegetation removal at both the Pacific Highway and Oxley Highway access points. The location of the access points are constrained for traffic safety reasons and there is not any alternative access arrangement that would reduce the extent of landform change and vegetation removal. The impacts of these works will be offset through terracing	No, but acceptable

		of batters and appropriate landscaping.	
338	Any batters and retaining walls must be treated to reduce visual impacts and stabilise the landform.	The submitted landscape plans include plantings on batters.	Yes
	As a general rule, batters should be kept to a maximum gradient of 1V:2.5H (i.e. 1m vertical to 2.5m horizontal) and terraced so as to avoid a high single batter and allow trees of at least 5m mature height to be established on the terraces and base of the batter. Total maximum vertical height of any batter to be 8m.	Batter grades and terracing comply with this requirement.	Yes
	Excessive retaining walls are to be avoided, with a maximum height of 8m permitted.	No retaining walls greater than 8m high proposed.	Yes
	Alternative batter and retaining wall treatments may be considered providing that it is clearly shown that the objective of this provision is achieved.	The proposal is consistent with the batter provisions above and does not include an alternative solution.	N/A
339	<p>Within the setback along the Pacific Highway and Oxley Highway boundaries design for a corridor of vegetation along the boundary of at least 15m wide (at ground level) for the Pacific Highway frontage and 10m wide for the Oxley Highway frontage.</p> <p>The corridor is to apply to at least 60% of the length of the boundary with coverage of at least one plant per m².</p> <p>Design for a mix of: 20% canopy trees (with a mature height over 20m); 30% mid-storey shrubs/small trees (mature heights 3–10m); and a</p>	<p>Landscaping plan submitted which includes minimum 15m wide landscaping to the Pacific Highway frontage (excluding access road), and 10m wide landscaping to the Oxley Highway frontage (excluding access road).</p> <p>The landscaping includes canopy trees, mid-storey, and understorey plantings and the landscape plan is noted to confirm that the mix of plantings will be in accordance with the DCP.</p>	Yes

	<p>50% understorey of small shrubs/groundcovers (mature heights under 3m).</p> <p>Canopy trees are to be relatively evenly spread; yet mid-storey shrubs/small trees may be grouped as appropriate if a glimpse through vegetation from highways is desired.</p>		
	<p>Once plants are well-established, if increased highway exposure is desired it should be achieved by:</p> <ul style="list-style-type: none"> - Selective pruning of lower tree limbs up to a maximum height of 6m - Ongoing management of existing and new vegetation. 	Noted.	Yes
	<p>Design for a mix of garden areas, tree groups (of 10-20m in mature height) and open grassed areas that combined, produce pleasant spaces for public seating and use, shade, separation of different use areas and variety.</p> <p>Any proposal for a highway service centre should include consideration of opportunities for public recreation facilities in conjunction with the highway service centre use.</p>	<p>Satisfactory mix of landscaping proposed, including shade trees around seating areas near the car and truck parking.</p> <p>No outdoor public recreation facilities proposed. Indoor play areas proposed in the service centre and also the separate food and drink premises.</p>	Yes

	Select plant species that are suitable for the growing environment and relatively low maintenance. The majority of plant species are to be locally native species. Exotic species may be suitable in certain locations, particularly those with some cultural relationship to the local area that can be used to draw attention to parts of the site, or for playgrounds and public seating areas.	The selected plant species are low maintenance natives. A mix of boundary, corridor and feature trees are proposed.	Yes
	Within parking areas, development should include supply, installation and maintenance of at least one advanced (minimum height of 2m at planting) clear trunked broad canopy tree (with a minimum mature height of approx. 10m) for every eight at-grade car parking spaces and one for every three truck parking spaces.	25 trees provided within the car parking areas, which exceeds the 1 per 8 space requirement. 12 trees are proposed within the truck parking, which also exceeds the minimum requirement of one tree per 3 spaces. A condition is recommended confirming the requirement for plantings in the parking area to be a minimum of 2m high at planting.	Yes
	Each landscape planting area should include at least one medium to large tree species with suitable ground covers or low shrubs below and have a minimum width of 3m and include measures to protect trees from vehicle damage.	Landscaped areas have been designed to generally accommodate at least one medium to large tree. Some landscaped areas within the service centre parking are less than 3m wide. These have been designed to be equivalent to a single parking bay, which will provide a more practical and usable parking area. The landscaped areas are still of suitable dimensions to accommodate a medium to large trees and the proposal is consistent with the objectives of the provision.	No, but acceptable
340	Design a suite of buildings and structures with a complementary visual relationship that are of a	Design of buildings considered satisfactory.	Yes

	high-quality architectural design.		
	Consider the roof form, particularly when viewed from the Pacific Highway and Oxley Highway. Design a roof form that is aesthetically pleasing and of elegant form.	Roof form considered satisfactory in the context.	Yes
	Consider building articulation, architectural features and the presentation of the façade. Buildings with minimal articulation will not be accepted.	Buildings include satisfactory articulation.	Yes
	The location of loading bays, garbage storage and collection should be such that these cannot be seen from the Pacific or Oxley Highways.	Main loading bay located at rear of service centre building and out of view from Pacific and Oxley Highways. Loading bay for food and drink premises T08 is located on the eastern side of the building and would be screened from view of the Pacific Highway by the service centre building. It would also be largely screened from view from the Oxley Highway by perimeter and carpark landscaping.	Yes
	Buildings should not be visible above the dominant existing and future tree-line (i.e. approx. 20m) when viewed from the locations indicated in Figure 4.7-2: Viewpoints B, D and H applicable to the Southern Site and Viewpoints E, F and G applicable to the Northern Site.	Proposed buildings, including pylon signs, are less than 20m high and would not project above the tree line.	Yes
	Signage is required to satisfy State Environmental Planning Policy 64 - Advertising and Signage. In addition, proposed signage should be shown in the photomontages and be demonstrated to	See comments under SEPP 64 earlier in this report. A condition has been recommended requiring amendments to the pylon signs to satisfy SEPP 64 and the DCP provisions.	No

	achieve the objectives of this area based DCP.		
	In general, signs should not be visible above the dominant existing tree-line (evident at the time of this DCP commencing, i.e. mature trees in place alongside highway boundaries) when viewed from the locations indicated in Figure 4.7-2: Viewpoints B and D applicable to the Southern Site and Viewpoints E and G applicable to the Northern Site. If the majority of trees within the highway reserve are removed, then a maximum permitted height of 15m applies.	The proposal includes the clearing of the majority of trees in the road reserve on both highway frontages. Only a small amount of vegetation adjacent to the Pacific Highway and Oxley Highway interchange is shown to be retained on the landscape plan. Pylon signs A and B are proposed to be 20m high, which exceeds the maximum permitted under this provision.	No
	Balance the type and level of lighting to address the safety and needs of users, the potential for negative visual impact to surrounding viewpoints and any desire for highway exposure.	The Applicant has submitted a preliminary lighting report demonstrating that the external lighting is capable of complying with relevant Australian Standards. Conditions have been recommended requiring all illuminated signage to be installed and certified in accordance with the recommendations of the report.	Yes
	Sensitively designed lighting could be used to enhance the gateway role of the sites, particularly along the highway edges, yet the effect and potential visual impact would need to be demonstrated to be aesthetically pleasing and have a public benefit.	No particular lighting proposed along the highway edges.	Yes
	Avoid fencing where unnecessary; and where unavoidable, use aesthetically pleasing alternatives in terms of materials, colours, lower heights and integrated	The proposal does not include any fencing forward of, or within, the highway service centre. A fauna fence is proposed along the western perimeter of the development, which is not considered to be	Yes

	landscaping such as planting and mounding.	inconsistent with this provision.	
341	The development should provide quality artwork(s) in publicly accessible location(s) and take into account links and connections between the development and the area's natural and cultural heritage.	Indicative location/s for public art identified on the submitted plans.	Yes
	The public art is to be 1% of the total cost of the development to provide works of art for appreciation from the public domain, including the Pacific Highway and/or the Oxley Highway (NSW Roads and Maritime Services approval may be required).	Condition recommended confirming value of public art required.	Yes
	Specifically designed lighting may be appropriate as either an integral part of any public art or to highlight it.	Noted. Details not provided at this stage.	N/A
	In consultation with Council, develop an appropriate response to the Oxley Highway intersection that could include specific landscape planting and/or a public art element.	A condition has been recommended regarding the treatment of the new roundabout.	

The application seeks to vary Clause 340 in relation to the height of proposed pylon signs A and B adjacent to the Pacific Highway and Oxley Highway accesses.

The relevant objective of the provision is to ensure signage achieves a balance between providing appropriate directions and notification to travellers yet not overly dominate the surrounding character of the local landscape.

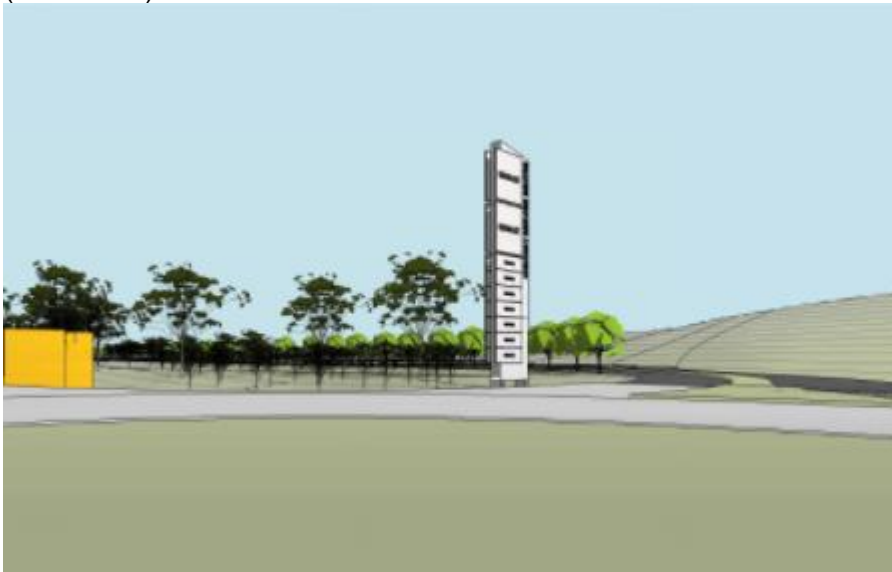
The Applicant has submitted that the proposed 20m high pylon signs are acceptable for the following reasons:

- The applicant has removed the two 5m high fuel price boards previously shown on the DA drawings.
- The RMS does not object to the sign height of Pylon Signs A and B as per their letter dated 13 January.
- The 20m height allows for adequately sized signage for all tenants.
- Pylon Sign A will be visible from the approach to the Pacific Highway off ramp to allow motorists to make safe decisions.
- Pylon Sign B will be visible from the Oxley Highway roundabout to drivers from both directions.

- Pylon Signs A and B will be in close proximity to existing tree canopy with a minimum height of over 20m as shown in the submitted drawing “Elevation Sketch of Signage Pylons Within the Proposed Landscape.” The pylon sign height is therefore not intrusive on the landscape as it is not higher than the surrounding canopy.
- Nambucca Service Centre has an approved pylon sign which is 25m tall.

It is not considered that the Applicant’s justification provides sufficient grounds to support the increased sign height having regard to the objectives of the provision. It is recommended that the variation not be supported for the following reasons:

- The development includes the clearing of the majority of the roadside vegetation in both highway frontages, which will leave the two pylon signs very exposed and prominent in the landscape. The submitted plans confirm that Pylon Sign B (Oxley Highway frontage) will project into the skyline even 6-7 years after completion of the development when new landscaping is becoming established (see below).



A similar photomontage has not been provided for Pylon Sign A in the Pacific Highway frontage, but from the views available through the roadside vegetation it is expected that this pylon would also significantly project into the skyline.



- SEPP 64 aims to prevent signs from projecting above the top of the tree canopy into the skyline in a rural context.
- The preparation of the DCP controls included review of signage at a number of existing Highway Service Centres and the 15m height limit was considered to provide the best balance between providing sufficient exposure for the businesses and protecting the visual amenity of the rural landscape.
- The pylon signs could be easily altered to provide equitable display area for all businesses within the 15m height limit. It is not considered necessary for the top two panels of the pylon sign to be of larger dimensions as currently proposed and fuel pricing could be provided within the site closer to the fuel outlets and at a lower scale.
- A 15m sign will provide sufficient visibility to allow motorists to make safe decisions about exiting the Pacific and Oxley Highways. Transport for NSW have also advised that they would provide advisory signs for motorists that they are approaching an exit to a highway service centre.
- The signage proposal relies upon landscaping that will be carried out as part of the development, and this will not provide any effective screening for many years and may not ultimately achieve a 20m height.
- Transport for NSW have an interest in the traffic safety aspect of signs near transport corridors and are not assessing visual and amenity impacts. The lack of objection from TfNSW does not make the signs acceptable having regard to the DCP objectives as a planning consideration for Council as the consent authority.

Having regard to the above unresolved signage detail, a condition is recommended requiring amended plans of the pylon signs to be submitted prior to the issue of a Construction Certificate. The height of the structures are recommended to be specifically reduced to a maximum of 15m, consistent with the DCP provisions.

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

The land is subject to the 1179 Oxley Highway, Sancrox Planning Agreement dated 24 July 2019 between Port Macquarie Hastings Council, Scott PDI No.6 Pty Ltd and Margaret Mary Hore. The following provisions of the Planning Agreement are applicable to the proposal:

Clause 9 - Requires payment of the Sewerage Infrastructure Contribution prior to the release of the first Construction Certificate if the developer elects to use on-site wastewater management. An appropriate condition is recommended requiring payment of the relevant contribution.

Clause 10 - Requires payment of monetary DSP contributions immediately prior to connection to reticulated sewer or the issue of a Section 307 certificate, whichever occurs first. The application does not propose connection to reticulated sewer.

Clause 11 - Requires dedication of land associated with the new road off the Oxley Highway. An appropriate condition has been recommended requiring dedication of public road in accordance with the agreement.

Clause 12 - If the developer elects to use on-site wastewater management, they are required to carry out the Sewerage Infrastructure Connection Works (a sewer connection from the subject site to the northern side of the Oxley Highway). Appropriate conditions have been recommended in relation to the design and construction of this infrastructure.

Clause 15 - Provides for the adjoining landowner to enter the HSC land for the purpose of constructing a public road on the Adjoining Land Access Land.

Clause 30 - The Deed has already been registered on the title of the HSC land as part of the previous subdivision.

(iv) Any matters prescribed by the Regulations

No matters prescribed by the regulations are applicable to the proposal.

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

The site (Lot 1) has a general northerly street frontage orientation to the Oxley Highway and an easterly frontage to the Pacific Highway. Adjoining the site to the south and west is the rural property from which the proposed highway service centre has been subdivided under DA2019 - 680 (Lot 2, No. 1179 Oxley Highway). Further to the south-west is a rural residential estate in Birrale Drive.

On the eastern side of the Pacific Highway is another highway service centre and a residential subdivision known as Stirling Green.

On the northern side of the Oxley Highway are a mix of rural residential and tourist uses in Billabong Drive and Bushlands Drive. An aerial image showing the site context is included below:



The proposal has had appropriate regard to the surrounding land uses in the assessment of impacts.

Roads

The site has road frontage to the Pacific Highway to the east and the Oxley Highway to the north. Both of these roads are classified (State) roads and are controlled access roads along the frontages of the subject site.

Vehicular access to and from the site is proposed through a new four-way intersection at the existing Billabong Drive intersection location, in the form of a 2 lane roundabout. The public road network will be extended off the new intersection to the highway service centre access, include a new roundabout designed to accommodate future access to the urban investigation area to the west of the site. This new road shall comply with AUSPEC requirements and conditions are recommended in this regard. Access into the site will also be achieved from the Pacific Highway via a new entry lane off the existing highway off-ramp, with works including the extension of the existing highway off-ramp.

The Pacific Highway and Oxley Highway are both classified (State) roads and consent from TfNSW under the terms of a Works Authorisation Deed (WAD) will be required prior to any works being undertaken on the classified roads.

Traffic and Transport

The application includes a Traffic Impact Assessment from TTM Consulting, reference 9486R7622C.DOC, which includes Traffic Modelling from Bitzios Consulting. Key findings of the study and modelling determined the following:

“Overall, the proposed service centre is not considered to have a significant impact on the efficiency of the road network based on the modelling undertaken. This is as a result of typical trip types associated with highway service station developments being predominantly pass-by trips. Provided that the mitigation works including the extension of the northbound off-ramp, intersection upgrade at Billabong Drive, and frontage capacity improvements on the Oxley Highway

are undertaken. Refer to Civil Concept Plans of such works on these highways where these improvements are shown."

The development proposes significant earthworks to be undertaken on the site. To protect existing road facilities, existing road conditions shall be evaluated and bond securities held prior to any earthworks, details shall be provided as part of a Roads Act (Section 138) application as recommended in the proposed conditions of consent.

Transport for NSW

The application was referred to Transport for NSW (TfNSW) on a number of occasions in accordance with SEPP (Infrastructure) 2007. TfNSW provided the following key comments for consideration in the assessment of the application:

14 February 2020:

1. The Statement of Environmental Effects addresses clause 101 of the ISEPP, but does not deal with the provisions of clause 104(3) requiring consideration be given to '(ii) the efficiency of movement of people and freight to and from the site...' and (iii) any potential traffic safety, road congestion or parking implications of the development.

In respect to traffic efficiency and safety, and pedestrian movements and safety both into and within the site; the following observations are made:

- It is difficult to ascertain if topography adjacent the ramp entering from the Pacific Highway constrains available sight distance for drivers approaching the initial decision point within the development. Vehicles entering the development will transition from a 110k/h speed environment to 80k/h (and less) when entering the ramp, and drivers will require sufficient time to identify and respond to any conflict at the initial decision point. Site distance along the off-ramp to the decision point appears to be constrained. Any conflict or collision at this decision point has the potential to impact adversely on the safety and/or efficiency of the Pacific Highway off-ramp. It is recommended that the decision point be moved further back into the property to improve sight lines and increase time for drivers to anticipate the decision point. This may require refuelling canopies and buildings to be set back further into the site.
- Vehicles wishing to access refuelling canopies from the Oxley Highway are required to circulate to the Pacific Highway entry and must give way to vehicles entering from the highway off-ramp. In particular, heavy vehicles must slow or stop to give-way and cross the flow of entering vehicles at a 90-degree angle increasing the risk of a side-impact if vehicle fails to give way to entering traffic.

It is recommended that further consideration should be given to simplifying the design of this decision point to direct all entering vehicles towards their respective canopies in a legible manner. Consideration could be given to pavement differentiation to reinforce vehicle paths all entering vehicles should ideally progress to the canopies and then onward to parking areas. The option for vehicles entering from the Pacific Highway to turn immediately into the circulating road to the Oxley Highway is considered unnecessary.

- The inclusion of drive-thru facilities located adjacent to the refuelling canopies increases the complexity of movement paths, limits space for vehicle manoeuvring and directs light vehicles into the truck parking and servicing area.

It is recommended that consideration be given to rationalising the number of proposed drive-thru facilities to encourage highway users to stop and rest. The need for a facility in the refuelling area should be reconsidered and available space used to maximise safety for the interactions between vehicles and pedestrians. All facilities intended for light vehicles should enter and leave via the respective parking areas.

- Refuelling points for underground tanks are not clearly demonstrated on the plans. Drawing no. 94867713 – *Vehicle Paths sheet 3* shows the swept path of a truck manoeuvring through the light vehicle refuelling canopy. It is unclear why this movement is demonstrated and what impact such a movement may have on operation of the canopy.

It is recommended that Council seek clarification of the refuelling points and associated servicing arrangements. Appropriate measures should be identified to minimise any potential for queuing from the refuelling canopies and/or conflict between vehicles and pedestrians.

- It is noted there is limited parking options for longer vehicles such as buses, campers, small rigid trucks or vehicles towing caravans or boats. The proposed long vehicle parking is significantly separated from the main building and parking areas, and requires vehicles to 'parallel' park along the primary circulation road.

It is recommended that further consideration be given to provision of long vehicle parking bays in an area close to the main building and separated from the perimeter road to ensure that manoeuvring vehicles are clear of circulating traffic.

- The internal intersection arrangement on approach to the Oxley Highway should be further considered. The intersection design should be clearly delineated to minimise conflict between vehicles entering and leaving the site. Any potential collision at this location has the potential to impact on the safety and efficiency of the highway.
 - There is limited detail of the proposed use of the area marked for 'future development' on the plans. It is unclear how any future use will interact with the proposed site access, circulation roads, parking and servicing areas. Further consideration could be given to the use of this space to adjust the overall site layout, to prioritise vehicular circulation paths and to allow greater setbacks between the refuelling canopies and the site entry.
2. The Statement of Environmental Effects and supporting Traffic Impact Assessment (TIA) propose upgrades to the Pacific Highway and Oxley Highway to facilitate access to the proposed development. The supporting plans provide limited detail of the proposed works and it is difficult to confirm the reliability of the TIA conclusions with respect to the modelling outputs.

It is recommended that Council seek sufficient detail to clarify the scope of road works proposed, the associated environmental impacts and the potential costing of road works prior to making a determination. At a minimum, strategic design drawings should be requested to confirm the scope of proposed road works and to satisfy the Consent Authority that the impacts of the development on the safety and efficiency of the surrounding road network have been addressed.

All works on classified (State) road are to be designed and constructed in accordance with Austroads Guidelines, Australian Standards and TfNSW Supplements. In particular, the design of the proposed Billabong Drive roundabout should enable a car to pass on the inside of the current design vehicle permitted on the highway with a minimum one metre offset. The relevant design vehicle currently approved for the Oxley Highway is a 26m B-double.

3. Any on-site advertising signs deemed by Council to trigger the requirements of Clauses 17 and 18 of SEPP 64 are to be referred to TfNSW for concurrence. TfNSW will provide concurrence to a maximum of two (2) pylon advertising signs, designed and located in accordance with the current TSOAC Guidelines. In particular, consideration should be given to Part 3 of the guidelines pertaining to road safety and the location of signs adjacent to a roundabout and/or decision points such as the diverge from the highway off-ramp.

It is recommended that one pylon structure fronting each State road frontage be suitably located to inform drivers of the development location and clear of decision points. Each pylon sign should provide equitable exposure to all tenants located within the site.

TfNSW highlights that the proposed development, if approved will be eligible for TfNSW white-on-blue service signposting on both the Oxley Highway and Pacific Highway, which will inform highway users of the developments location and the opportunity to stop.

TfNSW considers pylons C and D are surplus to building identification signage and should be of a suitable scale for wayfinding purposes, to guide customers within the site and aligned with internal sight lines. They should not be directed to external road frontages.

4. All internal access, parking, manoeuvring and servicing areas should be designed and constructed in accordance with AS2890.
5. The Highway Service Centre will be a road related area. Any regulatory controls will need to be referred to Council's Local Traffic Committee for a recommendation prior to installation.
6. Discharged stormwater from the development must not increase demand on the stormwater drainage system of adjacent classified roads. It is requested that the Consent Authority be satisfied that the development has catered appropriately for any increase in stormwater flows.
7. Consideration should be given to measures to minimise litter transfer from the site to the wider road network. Adequate supply of on-site waste bins and signage to discourage patrons from littering should be provided.

20 August 2020:

1. It is this Agency's position that the submission has not provided sufficient evidence to address a number of matters raised in our previous response; and further, it introduces assumptions related to sites external to this project which have no relevance. In particular, the following issues are noted:
 - Detailed strategic design plans are required to enable full assessment of the development. TfNSW requested these in our previous correspondence, and Council has also asked for them (point 3 Council email dated 23 March). Please refer to point 2 of TfNSW's letter dated 17 February 2020 (copy attached).
 - In respect to sight lines at the proposed intersection of the site with the Oxley Highway, there appears to be an issue with sight distance triangles for exiting vehicles looking right. Further, the applicable sight distance for 60km/h is 114m and for 80km/h it is 170m. Only 104m is being provided. It is important that drivers have good sight distance on the approach to a facility, so that they can begin to identify the various elements available, and clearly identify entry and exit routes. The applicant should demonstrate how the applicable sight distance can be achieved and the Consent Authority may wish to require an independent Road Safety Audit, prepared by a qualified person, to address any risk associated with the shortfall.
 -
 - The amended plans provided do not provide a bypass lane at the refueling bowsters, for trucks entering the site that may not wish to refuel. This could result in queuing and delays at the entry point during peak operational periods. It would seem that the relocation of the bus parking bays may have introduced/added to this potential for conflict.
 - Our letter of 17 February 2020 recommended one pylon sign fronting each State controlled road. That advice is confirmed, and an extract is provided as follows: *'Any on-site advertising signs deemed by Council to trigger the requirements of Clauses 17 and 18 of SEPP 64 are to be referred to TfNSW for concurrence. TfNSW will provide concurrence to a maximum of two (2) pylon advertising signs, designed and located in accordance with the current TSOAC Guidelines. In particular, consideration should be given to Part 3 of the guidelines pertaining to road safety and the location of signs adjacent to a roundabout and/or decision points such as the diverge from the highway off-ramp...'*

TfNSW considers that two (2) appropriately placed pylons, providing equitable displays for all tenancies, will provide sufficient exposure for highway users. All other signs should be consistent with our previous comments with respect to internal wayfinding purposes.
 - The above points should be read in conjunction with the TfNSW letter dated 17 February 2020.
2. In respect to the Hopkins' response to points 2 to 4 of Council's email dated 12 March 2020, please be advised that the vegetation management plans and landscape plans need to be submitted to Council to inform the environmental approvals required by that entity. They are NOT a matter to be dealt with by TfNSW through the WAD process, and nor is the proposed removal of koala

food trees from within the road reserve. TfNSW supports Council in their advice that the DCP provisions apply to all land in the Council area, including vegetation in the road reserve.

When determining an application under the *Environmental Planning and Assessment Act 1979*, it is the Consent Authority's responsibility to consider the environmental impacts of any roadworks, which are ancillary to the development. This includes any works, which form part of the proposal, and/or any works which are deemed necessary to include as requirements in the conditions of project approval.

3. In respect to the amended plans provided, the following points are noted:
 - The stacked parking for longer vehicles shown is not considered to be an efficient parking configuration as spaces should be a drive-thru arrangement. Long trailered vehicles will find it difficult to use these spaces and they may be underutilised during peak periods.
 - The internal intersection at the Oxley Highway end needs to allow exiting traffic the option to circulate rather than having to use the roundabout and external road network to undertake a U-turn.
 - The pedestrian crossing point for bus passengers and truck drivers is shown to traverse the 'ordering point' for the drive-through. This has potential for conflict between vehicles and pedestrians.
 - Vehicles exiting the drive-through are directed into the heavy vehicle parking area at a point where heavy vehicles will reverse into a loading bay. There is not parking located downstream of the same drive-through to enable occupants to access other facilities during peak periods.
4. It is requested that a provision be included into an Operational Management Plan requiring that TfNSW be contacted should an incident occur on the site that will have an impact on traffic movements on the State road network.

13 January 2021:

1. It is noted that a set of concept strategic design plans were provided. While we welcomed the plans to inform the project, we note they were provided for information only, and as such detailed assessment has not been undertaken.
2. In respect to the amended plans, TfNSW raises the following points that need further consideration/clarification:
 - DwDA0006 shows bus stops within the truck bypass lane. This is not reflected on other plans. Stopping buses (to unload/reload passengers) at that point has the potential to restrict the passage of heavy vehicles wishing to bypass the bowlers. It should not be supported.
 - The Eastern pedestrian crossing for the old bus stop is unlikely to be required.
 - Point 5 states that caravan and trailer parking will be 'drive-through'. However, site plans show parallel parking. Our experience is that

caravan/trailers/commercial vehicles are not designed to reverse into parallel spaces. If parallel parking is proposed, the spaces need to be much longer than 10m so vehicles can safely manoeuvre in and out.

- We note that two (only) pylon signs will be provided as requested in TfNSW previous correspondence. This is supported. However, there appears to be some inconsistency in plans in respect to the location of the signs – DwDA0003 shows both signs at the respective entrances from the Pacific Highway and the Oxley Highway. This is acceptable. However, DwDA0006 shows a sign on the bowser entrance blister. The location of the signs should be consistent on all plans.
3. It is noted in point 5 of the response to Council that caravan and trailer parking has been reduced. Council should be satisfied that sufficient parking spaces are available for caravans and motor homes, particularly at a time where there appears to be an increase in popularity for such modes of travel.
 4. Point 3 in the response to Council refers to the amended design showing an internal roundabout. It is agreed that this facility should improve internal traffic flow and is supported.
 5. In respect to the intention that delivery vehicles will unload during off peak periods, it is agreed that the management of that activity should be dealt with by conditions of approval.

27 July 2021:

1. We note that the anomalies identified in our previous correspondence appear to be corrected in respect to the number and location of signs; there being two (2) only pylon signs as previously requested by TfNSW. We also note that the bus stop in the truck passing lane has been removed.
2. In point 2 (dot point 3) of our January letter we raised the issue of caravan and trailer parking. We note that the parking has been relocated to the southern side of the OSSM area. This does not appear to resolve the issue of such vehicles being able to safely manoeuvre into the parking spaces. Further, by placement of the caravan/trailer parking spaces as now proposed, additional conflict points could be created by virtue of the proximity to truck parking/exit routes and the intention that all other vehicles exit past that point.
3. The plans now show the northern loop road as one-way, thereby necessitating all vehicles to exit southward, past the parking spaces mentioned above, onto the roundabout. It is unclear why this change has been promoted, given that previous plans showed less conflict points and greater separation of light and heavy vehicles.
4. In summary, Council should be satisfied that the changes proposed are an improvement on the previous design plans. The above matters have been raised to assist in your assessment.

Having regard to the above feedback from TfNSW, the majority of the concerns have been satisfactorily addressed with amendments and additional information provided through the assessment process. In relation to items 2 and 3 of the final comments from 27 July 2021 the following comments are provided:

The minimum number of caravan and trailer parking spaces for this type of development is not specified in the DCP, and the spaces proposed have been determined to be suitable by the Applicant's traffic consultant. The detailed design of these spaces is subject to compliance with AS2890 at the Construction Certificate stage. The site plans show that there is sufficient space available at this location for any changes to these spaces including for manoeuvrability to achieve compliance with this standard. Refer to recommended conditions of consent.

The changes identified in item 3 were promoted by Council staff to reduce the number of conflict points for traffic using the western roundabout and improve the approach leg separation. The original design included separate exit legs to the roundabout for cars and trucks, which resulted in these traffic streams converging at the public roundabout with limited separation. While it is acknowledged that the amended design would increase the potential conflict between light and heavy vehicles within the highway service centre, it would remove this conflict from the public road network.

Parking and Manoeuvring

A total of 148 car parking spaces, 25 truck parking spaces, 2 bus parking spaces, 8 caravan/trailer/motorhome parking spaces, and 4 motorcycle parking spaces have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Due to the size and nature of the development, car parking and site circulation is required to enable all vehicles to enter and exit the site in a forward manner, without impacting on the broader highway network. Site plans show that this has been achieved and adequate area is available.

Water Supply Connection

Council's water main shall be extended from the intersection of Billabong Drive and Oxley Highway to service the development at no cost to Council. Design and works shall be in accordance with Council's adopted Aus-Spec Specifications.

Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.

The existing 525mm and 600mm water trunk main which runs along the northern boundary of the development lot shall be reconstructed to accommodate finished surface levels of the site, with details to be shown on the construction plans.

Appropriate conditions are recommended in this regard.

Sewer Connection

The site is not currently connected to reticulated sewer and is proposed to be serviced for sewer by an on-site sewage management system.

In accordance with the Planning Agreement, gravity sewer main shall be constructed from the development site to the northern side of the Oxley Highway for future connection to reticulated sewer at no cost to Council. Design and works shall be in accordance with Council's adopted Aus-Spec Specifications.

Appropriate conditions are recommended in this regard.

On-site Sewage Management

An On-site Sewage Management - Site Feasibility Report prepared by HMC Environmental has been submitted with the application. The report concludes that the capacity of the proposed development site to sustainably manage the wastewater generated by the proposed development has been adequately demonstrated by a site and soil assessment, and calculation of the projected wastewater flow volumes and quality.

The on-site sewage strategy includes the following minimum recommendations:

1. Install a modular, minimum secondary quality Commercial Sewage Treatment Facility, capable of treating the maximum design peak wastewater flow of 90kL/day and a minimum regular flow of 60kL/day. Detailed design to be provided at installation and construction approval stage.
2. The CSTF is to be capable of treating the expected variables in wastewater flow and concentration due to peaking factors, and to consistently achieve the following effluent quality criteria:

Constituent	Concentration
Total Suspended Solids (non-filterable residue)	< 30mg/L
Turbidity	<5NTU
Biological Oxygen Demand 5 Day(BOD5)	< 20 mg/L
Disinfection Criteria	<10 cfu/100mL
pH	6.5-8.5
Dissolved Oxygen (DO)	>2mg/L
Total Nitrogen (TN)	< 40 mg/L
Total Phosphorus (TP)	< 7 mg/L
Chlorine (residual disinfection)	0.2-2.0mg/L

3. Install a minimum of 3 hectares of pressure-compensating sub-surface dripperline subject to detailed design approval at construction and installation approval.
4. An Effluent Irrigation Management Plan is to be prepared and submitted at the time of installation and construction approval and is not within the scope of this report.
5. It is recommended that influent monitoring via flow meter and laboratory analysis be carried out to obtain representative loading information to assist the operation of the sewage treatment plant in regard to contaminant and hydraulic loads, and surge control. The monitoring and review are to commence during initial establishment phase and continue on a regular and representative basis through the operational stages and remain subject to review.

Council's Environmental Health team have assessed the proposal and have concerns about the suitability of on-site sewage management for a development of this nature. There is a history of failure of some on-site sewage management systems serving highway service centres both in Port Macquarie and also other LGA's on the Mid North Coast. While the Planning Agreement provides for Council to accept a monetary contribution towards the future connection of the site to sewer,

there is currently no timeline for the sewer extension to the site and it is not clear how long the on-site sewage management system would need to operate effectively.

The installation of the on-site sewage management system will require separate approval under Section 68 of the Local Government Act 1993. The detailed design as part of this application will need to address the above concerns and particularly include appropriate measures for the management of oil, grease and other commercial waste, and mitigation measures to contain effluent within the site in the event of system failure. Appropriate conditions have been recommended in this regard.

Stormwater

The total stormwater catchment contributing to the development area is 16.57ha & comprises of the development site & upstream area to the south. The natural/existing surface falls generally to the north-east. An unnamed watercourse drains toward the northern boundary. The overland flow paths are currently along the base of high batters adjacent to highway carriageways and directed to a single 1200mm diameter pipe crossing under the Oxley Highway at the north-eastern corner of the site.

A Stormwater Management Plan prepared by Hopkins Consultants has been submitted for the development.

A stormwater quantity strategy for the existing catchment was modelled in DRAINS software then the development proposal was assessed similarly adopting area percentages pervious and impervious based on architectural layouts and establishing multiple sub catchments. The stormwater quantity strategy was prepared to satisfy the following criteria:

- Maintain pre-development discharge rates post development;
- Provided adequate stormwater detention areas;
- Safely convey flows to a piped system;
- Maintain downstream Ephemeral Watercourse flow rates.

The proposed strategy for achieving the above criteria is for the use of a large scale above ground detention basin.

The construction of an above ground Biofiltration system has been proposed for general site water quality treatment. SPEL Stormsack, SPEL Hydrosystem & SPEL Puraceptor (or equivalent) are proposed for the service station water quality treatment.

The MUSIC software package has been used to estimate average annual pollutant exports for the existing and post-development scenarios. In order to achieve NSW Office of Water pollutant reduction targets, as well as Port Macquarie-Hastings Council Engineering Specification D7 conditions requiring no net increase in average annual pollutant discharge, the proposed stormwater treatment train effectiveness has been assessed by comparing the average annual load of TSS, TP and TN:

- Existing (pre-development)
- Post-development (with treatment)

The MUSIC model results indicate that the proposed stormwater treatment measures will achieve the relevant water quality targets.

Detailed design of the stormwater systems in accordance with Aus-Spec requirements will be required as part of the Section 68 application and prior to the

issue of a Construction Certificate. Appropriate conditions have been recommended in this regard.

Other utilities

The site is currently un-serviced and the Section 88B instrument for the subdivision creating the lot notes that satisfactory arrangements for servicing will be required at the time the land is developed. Condition recommended requiring evidence of satisfactory arrangements with the relevant utility authorities including electricity prior to the issue of an Occupation Certificate.

Heritage

No known items of European heritage significance exist on the property.

An Aboriginal Cultural Heritage Assessment prepared by Birpai Local Aboriginal Land Council was submitted with the previous Planning Proposal for the site. The report made the following conclusion:

Based on the Site Inspection and other investigation, there is no reason from an Aboriginal Cultural and Heritage perspective that this rezoning cannot proceed. However any future development should include a restriction that in the event of any items of Aboriginal significance being found on the site, work is to cease and a Sites Officer from the Birpai Local Aboriginal Land Council is to be engaged to determine how best to proceed.

A condition of consent has been recommended that works are to cease in the unexpected event heritage items are found. Works can only recommence when appropriate approvals are obtained for management and/or removal of the heritage item.

Other land resources

The proposal will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will not have any significant adverse impacts on water resources and the water cycle.

Soils

The proposed development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

The construction 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. Given the extensive volume of earthworks proposed it will be important for the developer to appropriately manage dust during the construction phase. Standard precautionary site management condition recommended.

Flora and fauna

The proposed development includes clearing of approximately 3.3 hectares of native vegetation within the site and the adjoining road reserves. The Biodiversity Offset Scheme applies for the following reasons:

- The extent of clearing is above the thresholds in Clause 7.2 of the Biodiversity Conservation Regulation 2017;

Minimum lot size of land (LEP Lot Size Map)	Area of Clearing
Less than 40 hectares but not less than 1 hectare	0.5 hectares or more

The Applicant has submitted a Biodiversity Development Assessment Report (BDAR) prepared by an authorised person. The report has been reviewed and it is considered that adequate measures have been taken to avoid or minimise impacts, and the development would not result in serious and irreversible impacts on biodiversity.

The development will require the retirement of the following ecosystem credits to offset the impacts of the development:

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
1569-Flooded Gum - Brush Box - Tallowood mesic tall open forest on ranges of the lower North Coast	65	Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	North Coast Wet Sclerophyll Forests This includes PCT's: 487, 613, 661, 684, 686, 692, 693, 694, 695, 699, 747, 748, 752, 812, 826, 827, 1073, 1208, 1217, 1222, 1237, 1244, 1245, 1257, 1259, 1260, 1261, 1265, 1266, 1282, 1284, 1285, 1504, 1561, 1562, 1563, 1566, 1567, 1568, 1569, 1572, 1573, 1575, 1579, 1841, 1843, 1915

Conditions have been recommended requiring evidence of retirement of the relevant credits prior to the commencement of any clearing on the land.

Section 5.2 of the BDAR also include a series of mitigation measures to minimise the impacts of the development, including:

- General clearing measures;
- Pre-clearing survey and clearing supervision;
- Pre-clearing koala food tree count;
- Donation of foliage;
- Weed control;
- Controls on external lighting;

- Soil erosion and sedimentation control.

A condition has been recommended requiring these mitigation measures to be implemented at the relevant stages of the development.

Waste

See comments earlier in this report under the DCP regarding waste management.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise and vibration

The highway service centre is proposed to operate 24 hours, 7 days per week. The application includes an Acoustic Assessment prepared by Matrix Thornton and dated 17 December 2019, and an amended Acoustic Assessment and cover letter dated 20 July 2020. The assessment has been carried out in accordance with the NSW Noise Policy for Industry and EPA Road Noise Policy using EPA approved modelling methods.

The assessment has considered noise impacts associated with vehicles within the development site, mechanical services, and traffic noise associated with additional vehicles using the Oxley Highway between Billabong Drive and the Pacific Highway.

The report concludes that noise is predicted to comply with day-time and night-time noise trigger levels at all residential receivers potentially impacted by the development (see extract below). The report further concludes that noise levels are below the screening thresholds for sleep disturbance.

Receiver	Daytime/Evening			Night-time		
	Day/Evening Predicted level	Trigger Level	Complies	Night	Trigger Level	Complies
1	43	47	Yes	33	44	Yes
2	42	47	Yes	33	44	Yes
3	47	47	Yes	38	44	Yes
4	42	46	Yes	32	46	Yes
5	43	46	Yes	34	46	Yes
6, 6a	37-42	46	Yes	31-36	46	Yes
7	47	47	Yes	36	44	Yes
8	46	46	Yes	36	46	Yes
9	45	47	Yes	28-33	46	Yes

Table 5-2 Predicted Noise Levels

In relation to road traffic noise on the Oxley Highway, the modelling has determined that there would be no increase in the predicted noise level at any of the affected receivers (see below). The report notes that traffic volumes on the Oxley Highway would need to double before there was any significant impact on any of the residential receivers.

Receiver	2019				2029			
	Daytime		Nighttime		Daytime		Nighttime	
	Without	With	Without	With	Without	With	Without	With
R1	46	46	46	46	47	47	47	47
R2	53	53	53	53	54	54	54	54
R3	48	48	48	48	49	49	49	49
R4	47	47	47	47	48	48	48	48
R5	53	53	53	53	54	54	54	54
R6	45	45	45	45	46	46	46	46
R7	51	51	51	51	52	52	52	52
R8	54	54	54	54	55	55	55	55
R9	46	46	46	46	47	47	47	47

Table 6-5 Traffic Noise Levels, $L_{Aeq,period}$ dBA

The amended report acknowledges that the construction of a new roundabout at the intersection of the Oxley Highway and Billabong Drive will change vehicle speeds and the characteristics of traffic noise at this location. The following comments are provided in the report in relation to the changes to traffic noise.

“Studies of noise at roundabouts and intersections has shown that the deceleration and acceleration of vehicles does not significantly change the overall L_{Aeq} output of the traffic stream. Although there is some change in character of the noise close to the roundabout because noise is assessed in terms of L_{Aeq} , the roundabout will not significantly change the assessment.”

The details have been assessed as being acceptable.

Bushfire

The site is identified as being bushfire prone.

The Applicant has submitted a bushfire report prepared by Midcoast Building and Environmental. As the Application was lodged, but not finally determined, on 1 March 2020 and in accordance with Clause 273B of the Environmental Planning and Assessment Regulation 2000, the proposal is to be assessed under the provisions of Planning for Bush Fire Protection 2006 (not the 2019 version).

The assessment concludes that the development is appropriate from a bushfire perspective providing that the following recommendations are implemented:

1. The proposed development lot (with the exception of the vegetated corridors along the Oxley Highway and Pacific Highway frontages) is to be managed as Asset Protection Zone.
2. Services as detailed in Section 3.1.3 of this report are to be provided.
3. Adopt landscaping principals in accordance with Section 3.1.4 of this report.
4. That appropriate Emergency Management Systems are implemented.
5. That the six key Bush Fire Protection Measures as detailed in Table 5 of the report are considered.

The details have been assessed as being acceptable. Conditions have been recommended incorporating the above recommendations.

Safety, security and crime prevention

As the proposed highway service centre will operate 24 hours, consideration of crime prevention principles and the safety of staff and customers is important, particularly at night. The Applicant's Statement of Environmental Effects includes the following comments regarding CPTED principles:

Natural Access Control – The design directs the flow of traffic, using signage, from the site access to the relevant car park in the well-lit service centre.

Natural Surveillance – Staff and customers of the highway service centre will passively overlook the car park areas through large expanses of glazing. Mid-level landscaping is not proposed within the service centre to provide optimum visibility along paths of travel. Lighting is proposed throughout the site to improve visibility. Security cameras will be provided where required by tenancy operators.

Territoriality – The internal road around the service centre building creates a sense of territoriality on the site. Staff will be present on site at all times to enforce territoriality. 'Staff only' areas will be clearly labelled as such.

Maintenance – The highway service centre will be subject to a maintenance schedule which will include maintenance of landscaping, cleaning of indoor and outdoor areas and removal of all graffiti in a timely manner.

The key safety issue for customers and staff will be access between parking areas (including the fuelling canopy) and the service centre buildings at night. The public parking is generally located in proximity to the buildings and in a location where passive surveillance is available from within the buildings, and the same is the case for the fuelling canopy. The Statement of Environmental Effects indicates that appropriate lighting will be provided to the parking areas and pedestrian paths.

Social impacts in the locality

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

Economic impact in the locality

The application includes an Economic Impact Assessment prepared by Foresight Partners Pty Ltd and dated December 2019. The assessment identifies the need for a highway service centre in this location, consistent with the North Coast Regional Plan 2036, and relevant Ministerial directions.

While competition impacts on other fuel retailers and take away food and drink premises are not a relevant consideration in the assessment of the application, the report also notes that the primary function of the service centre is to provide services to passing traffic on the Pacific Highway, and therefore is not expected to directly compete with other local services in Port Macquarie and Wauchope.

The assessment identifies the following positive economic impacts associated with the proposed development:

- 60-70 job years during construction;
- Operational employment in the order of 250 people in full-time, part-time, or casual positions.

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. All works on the Pacific Highway and Oxley Highway will require a Works Authorisation Deed with Transport for NSW to ensure appropriate traffic management during construction. Standard construction and site management conditions have been recommended.

Cumulative impacts

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

(c) The suitability of the site for the development

The suitability of the site for the proposed highway service centre has been considered at a strategic level by both Council and the State Government. Specific site constraints have been considered in this assessment and are capable of being appropriately managed.

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

Seven (7) written submissions were received following public exhibition of the application. Copies of the written submissions have been provided separately to members of the DAP.

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

Submission Issue/Summary	Planning Comment/Response
The application has not adequately addressed the noise impacts of the additional traffic on the Oxley Highway as a result of the development. The proposed roundabout at the Billabong Drive intersection will also result in increased noise due to acceleration and deceleration of heavy vehicles. Noise barriers should be installed along the Oxley Highway.	The proposed development does not have direct access to the Oxley Highway. The highway service centre will access a proposed new public road on the western side of the site, which then connects to the Oxley Highway and Billabong Drive intersection with a proposed roundabout. It is not practical to assess traffic noise impacts on the broader road network once vehicles leave the development site, as the volume and nature of traffic on these roads can be influenced by many factors beyond the control of the development. The Oxley Highway is a classified road designed to accommodate large volumes of traffic, and the numbers will continue to increase with general growth in the region even if the highway service centre doesn't proceed. It is the responsibility of the roads authority to continually monitor and manage traffic noise impacts from major roads.

Submission Issue/Summary	Planning Comment/Response
The highway service centre would be better suited to a location further north near Expressway Spares.	The consent authority is required to consider the development in the location proposed, and cannot consider alternative sites. The highway service centre is permissible on the subject site.
The development should not compromise the broader strategic planning investigations for the Sancrox area.	The broader strategic planning investigations for the Sancrox area are continuing and will not be affected by the determination of this application. The proposal specifically includes provision for extension of road access and sewer to adjoining land within the Sancrox investigation area.
Loss of value for properties in Billabong Drive.	This is not a relevant matter for consideration in the assessment of the application.
The proposed new intersection at Billabong Drive will further congest traffic flow on the Oxley Highway.	The application includes appropriate modelling of traffic flows at the proposed new roundabout. Transport for NSW have also reviewed the application and are satisfied with the impact of the development on the safety and efficiency of the classified road network.
Object to the removal of any vegetation in the frontage of No 23 Billabong Drive for the proposed new intersection.	No vegetation removal in the frontage of 23 Billabong Drive is proposed.
The traffic data in the Bitzios report was collected in 2016, and the Traffic Impact Assessment prepared by TTM should be updated to reflect current traffic volumes.	The amended Traffic Impact Assessment includes adequate assumptions for traffic growth since the submission of the Bitzios report.
If the development is approved it should include a noise monitoring program.	Noise monitoring programs are typically only required for developments requiring an Environment Protection Licence from the EPA. It is considered that current legislation provides sufficient avenues for Council to investigate any future noise complaints, and no specific conditions are required in this regard.
Details of noise mitigation options should be provided with the application.	No noise mitigation measures are proposed for the development.
It would also be appropriate to ban the current practice of overnight truck parking on Billabong Drive as a more appropriate location with adequate facilities will be provided for freight companies.	This is a separate matter and is not relevant to the assessment of the application.
Consideration needs to be given to the effect that the removal of existing vegetation and roadside cuttings to facilitate a roundabout will have on natural sound absorption.	The removal of the embankment and roadside vegetation on the southern side of the Oxley Highway would only reduce the traffic noise protection to the subject site. Having regard to the topography of the land in the area, it is not anticipated that the embankment would currently be providing any

Submission Issue/Summary	Planning Comment/Response
	reduction of Pacific Highway road noise for residents on the northern side of the Oxley Highway.
<p>Impacts on water quality and pollution implications for downstream properties given the known challenges of on-site wastewater management for highway service centres. Concerns include:</p> <ul style="list-style-type: none"> • Suitability of steep slope for irrigation; • Potential additional earthworks to achieve appropriate slopes for irrigation; • Potential leeching of wastewater into the stormwater drainage network during heavy rainfall; • Impacts of 'shock loading' during holiday periods. <p>The exhibited proposal does not include sufficient information to assess the effectiveness of the proposed on-site sewage management.</p>	<p>Separate approval will be required under Section 68 of the Local Government Act 1993 for the installation and operation of the on-site sewage management system. An appropriate level of detail to assess these matters will be required with this application. The recommended conditions prevent the issue of a Construction Certificate until a Section 68 approval has been issued for the on-site sewage management system.</p>
<p>Potential stormwater quality and quantity impacts on downstream properties. Specific concerns include:</p> <ul style="list-style-type: none"> • Characterisation of pre-development node in MUSIC modelling; • No details of fuel spills management and potential impacts on the stormwater drainage system; • Impacts of litter from fast food restaurants and need for gross pollutant trap; • Management of erosion during earthworks phase. 	<p>An amended Stormwater Management Plan has been submitted and is considered acceptable in principle by Council's Senior Stormwater Engineer. The recommended conditions will ensure that these issues are appropriately managed in the detailed design.</p>
<p>The application includes insufficient detail of the extent of earthworks proposed for the development.</p>	<p>Additional details have been submitted through the assessment process confirming the extent of earthworks.</p>
<p>The Geotechnical Assessment in Appendix E refers to a superseded layout of the proposed highway service centre.</p>	<p>While the lot configuration in the Geotechnical Assessment differs slightly from the current property boundaries, the investigation still broadly covers the location of the works in the current application.</p> <p>None of the recommended conditions rely upon this assessment, and the document is not referenced in the proposed conditions.</p>
<p>Given the location of Port Macquarie between Sydney and Brisbane and the need for heavy vehicle driver to stop for a break every 6 hours to manage fatigue, the</p>	<p>The assumptions made in the traffic assessment regarding heavy vehicle volumes are based on data from other highway service centres on the Pacific Highway and in consultation with</p>

Submission Issue/Summary	Planning Comment/Response
volume of heavy vehicles using the facility is expected to be higher than modelled.	Transport for NSW. The report has been based on the best available information and is considered appropriate for the purpose of the modelling.
The proposal needs to give adequate consideration to providing for future access to the urban investigation area to the west of the site.	The proposed roundabout on the new road off the Oxley Highway includes a proposed public road leg that will provide future access for the urban investigation area to the west. The submitted plans have considered the extent of earthworks that would be required to construct a future road to Aus-Spec standards, as required by the DCP. The Planning Agreement between the landowners and Council includes provisions that facilitate the construction and dedication of a public road connecting to this roundabout.
The layout shown on the landscape plan conflicts with the architectural plans.	Noted. The proposed conditions include a recommendation that an amended landscape plan be submitted that is consistent with the layout on the architectural plans.
The application should include sufficient details of the extent of landform change and the volume of cut and fill.	Amended plans have been submitted showing this detail.
Greater detail of the on-site sewage management system should be provided at the DA stage and this detail should not be deferred until the subsequent Section 68 application.	It is typical for the details of such matters to be addressed with a subsequent Section 68 application. Only the conceptual suitability of the site needs to be demonstrated at the DA stage. The recommended condition requires approval of the Section 68 application prior to the issue of a Construction Certificate, which would prevent the works from commencing if satisfactory details can't be provided.
The offset plantings along the western side of the highway service centre should not create any additional bushfire risk to neighbouring property, which is intended to be developed for residential purposes in the future.	The neighbouring land to the west is currently zoned RU1 Primary Production and the proposed offset plantings would not increase bushfire risk to the existing dwelling. A vegetated buffer between the highway service centre and any future urban uses on the land to the west is considered to be a good planning outcome.
Council should commission their own independent noise assessment.	It is not the role of the consent authority to commission independent studies for the development proposal. Council's Environmental Health Officer has reviewed the specialist assessment and

Submission Issue/Summary	Planning Comment/Response
	is satisfied that the findings in the report from the Applicant's acoustic consultant are reasonable having regard to the relevant legislation and guidelines. The proposal has also been reviewed by Transport for NSW (who will ultimately be responsible for managing traffic noise on the Oxley Highway and Pacific Highway).
A requirement should be placed on the developer that the noise levels be monitored in future years, with a guarantee that noise barriers will be constructed in the event that noise levels are exceeded.	This is not considered to be a practical requirement. Traffic volumes and the proportion of heavy vehicles on the Oxley Highway and Pacific Highway can be affected by many factors outside the control of the development.
The traffic volumes used in the traffic noise assessment are considered to be understated based on a traffic survey carried out by the submitter. If the modelled traffic volumes are incorrect, the assumed noise impacts will also not be accurate.	<p>It is agreed that the traffic volume of 3000vpd on the Oxley Highway used in the acoustic assessment does not reflect current traffic volumes. The TTM Traffic Impact Assessment suggests that traffic volumes in the Oxley Highway are in the order of 20,000vpd (both directions).</p> <p>In considering the accuracy of the findings in the noise assessment, Council staff have reviewed the Department of Planning's <i>Development near Rail Corridors and Busy Roads – Interim Guideline</i>. The guideline includes screen tests for traffic noise and relevant construction standards, which are included below this table.</p> <p>The nearest dwelling is located approximately 100m from the proposed new roundabout at the intersection of Oxley Highway and Billabong Drive. It is expected that the posted speed limit on completion of the roundabout would be 60km/h, consistent with the speed controls on the eastern side of the Pacific Highway interchange. Using Screen Test 1(a) from the guideline, the level of construction required for dwellings to achieve satisfactory internal noise levels would not increase until traffic volumes on the Oxley Highway reach approximately 25,000vpd. The development will not increase traffic on the Oxley Highway to this magnitude.</p>

Submission Issue/Summary	Planning Comment/Response
	On this basis, it is not considered appropriate with any justifiable nexus that any noise mitigation measures in the Oxley Highway could be imposed on the development.

Screen Test 1(b) – Habitable Areas 100/110 km/h

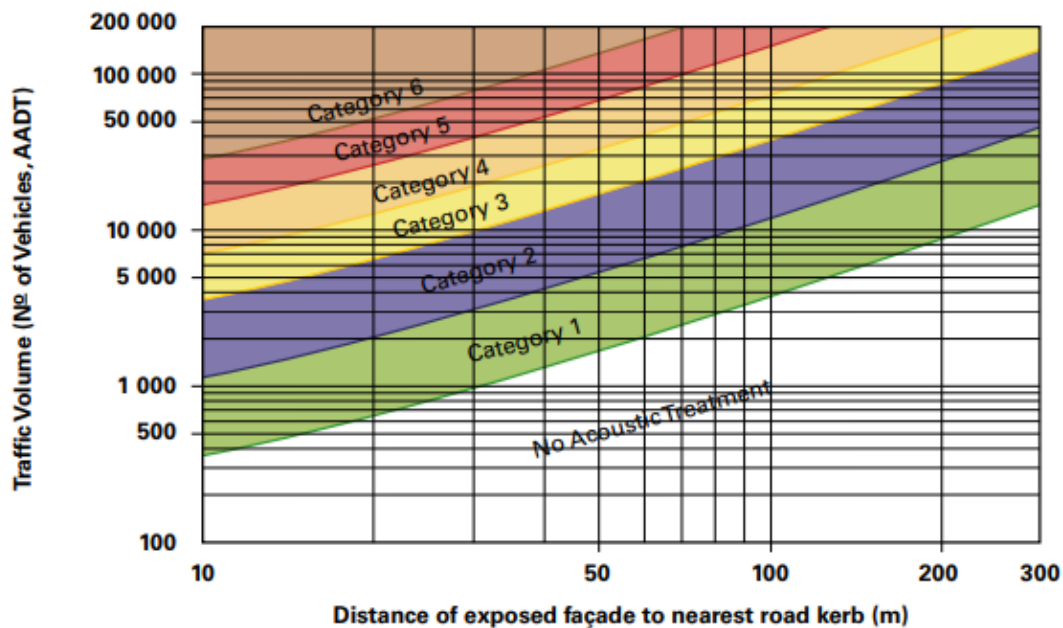


Figure 3.3(b): Screen tests for habitable areas of single/dual occupancy dwellings (if any exposed façade is direct line-of-sight)

(e) The Public Interest

The proposed development satisfies relevant planning controls 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

Section 7.11 Contributions

The development does not contain any residential component. As a result, Section 7.11 contributions do not apply.

Section 7.12 Contributions

In assessing s7.12 contributions, Council staff have reviewed the development in accordance with the Port Macquarie-Hastings Council Development Contributions Assessment Policy (DCAP) and the Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007.

The proposed development will comprise a highway service centre and is deemed to increase the demand for public amenities/services.

As a result, s7.12 contributions apply and a condition of consent has been recommended to ensure payment.

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.

No contribution credit applies to the site.

The proposed development will comprise a highway service centre including the following land uses:

- T08 Food and drink premises - 436m²;
- Service centre food and drink premises - 1689m²;
- T05 Service station - 270m²;
- Service station driveway and forecourt area - 2075m².

Having considered the above, the proposed development will increase the demand on water services. As a result, Section 64 contributions apply and a condition of consent has been recommended to ensure payment.

The site is not proposed to be connected to sewer and only the water component of the Section 64 contributions will be applicable.

A copy of the contributions estimate is included as **Attachment 3**.

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



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   Attachment 1 - DA2019 - 945.1 Consent Conditions
- 2   Attachment 2 - DA2019 - 945.1 DA Plans
- 3   Attachment 3 - DA2019 - 945.1 Contributions Estimate

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2019/945****DATE: 17/09/2021****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
Architectural Plans	2019-154 DA001 Issue I, DA003 Issue O, DA004 Issue M, DA010 Issue G, DA012B Issue F, DA013 Issue D	i2C	26 May 2021
Architectural Plans	2019-154 DA002 Issue D, DA006B Issue A	i2C	29 May 2020
Architectural Plans	2019-154 DA005 Issue D, DA006 Issue F, DA007 Issue E, DA008 Issue D, DA009 Issue D, DA011 Issue G, DA012 Issue E, DA012A Issue B	i2C	20 April 2021
Civil Works Plan	7200-0014-002 Rev D	Hopkins Consultants	7 June 2021
Civil Concept Plans - Highway Works	7200-0016-001 to 7200-0014-008 Rev C	Hopkins Consultants	15 October 2019
Landscape Plan	5261 0001, 0002 Rev D	Land Dynamics Australia	18 June 2021
Biodiversity Development Assessment Report	Rev 5	Biodiversity Australia	10 November 2020

Addendum Ecological Assessment	-	WolfPeak Pty Ltd	3 August 2021
Waste Management Plan	Waste Management Plan	Scott PDI No. 6 Pty Ltd	26 April 2021
SEPP Assessment 33	HMC2018.013.02 a	HMC Environmental Consulting Pty Ltd	July 2020
Bushfire Assessment	-	Midcoast Building and Environmental	June 2020
Acoustic Assessment	M17758.01B	Matrix Thornton	20 July 2020
Cover Letter RTN Report	M17758.03	Matrix Thornton	20 July 2020
Traffic Impact Assessment	9486R7622C.DO C	TTM Consulting (Vic) Pty Ltd	7 December 2020
Statement of Environmental Effects	-	Hopkins Consultants	December 2019
Lighting Assessment	-	Light Harmony	25 February 2018

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

- (2) (A002) No building or subdivision work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
 - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
 - Building waste is to be managed via appropriate receptacles into separate waste streams;

5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

6. Building work being limited to the following hours, unless otherwise permitted by Council;

- Monday to Saturday from 7.00am to 6.00pm
- No work to be carried out on Sunday or public holidays

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

- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (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.
- (7) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

- (8) (A062) Prior to connection of the land to Council's sewer, the applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre-treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.
- (9) (A195) The ameliorative measures detailed on pages 50-54 of the Biodiversity Development Assessment Report for Proposed Highway Service Centre on Part Lot 11 DP1029846, Oxley Highway, Sancro, prepared by Biodiversity

Australia, dated 10 November 2020, form part of this consent and shall be implemented at the respective stages throughout the development.

- (10) (A196) Prior to any vegetation/clearing work commencing Port Macquarie-Hastings Council shall be formally notified in writing at least 48 hours prior to clearing work commencing.
- (11) (A197) The following biosecurity controls shall be implemented at the relevant stages of the development:
- Under the NSW *Biosecurity Act 2015*, weeds identified as priority weeds in the north coast region (see link <https://weeds.dpi.nsw.gov.au/WeedBiosecurities?Areald=107>) should be managed according to their biosecurity duty and the control measures described. This must be done two weeks prior to commencing earthworks. Weed monitoring and control must continue throughout the development phase to ensure that weeds do not establish and spread on the site.
 - As a part of general site management all plant and machinery involved in earthworks and vegetation control should arrive and leave clean. The DPI decontamination guide is the best practice http://www.dpi.nsw.gov.au/data/assets/pdf_file/0010/545554/procedure-decontamination-vehicles-and-equipment.pdf
 - To reduce the likelihood of spreading weeds - Work zones on the site must be identified and fencing or flagging tape used to delineate no-go areas.
- (12) (A198) The developer shall comply with all obligations in the 1179 Oxley Highway, Sancroix Planning Agreement dated 24 July 2019 between Port Macquarie Hastings Council, Scott PDI No.6 Pty Ltd and Margaret Mary Hore.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Subdivision Works Certificate or Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Road works along the frontage of the development, generally in accordance with civil concept plans 7200-0016-001 Rev C prepared by Hopkins Consultants, or as modified to meet the requirements of the TfNSW Works Authorisation Deed (WAD).
 2. New roads within the development.
 3. Earthworks, including filling of the land for flood protection.

4. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 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. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements.
 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. Traffic management control plans.
 11. Detailed intersection layouts at the junctions of public roads in accordance with the current version of the AUSTROADS guidelines for Intersection design, giving particular attention to sight distance.
 12. The slope of the cut/fill batter shall be in accordance with Council's adopted AUSPEC Design and Construction Guidelines. Adequate safety fencing is to be provided if maximum batter slope is exceeded.
- (3) (B004) Road network within the subdivision is to be categorised with carriageway width as follows. Prior to release of the Subdivision Works Certificate such details are to be illustrated on the submitted plans.

Road Name	Road Reserve (Carriageway)	Road Category
Public Road south of the new Billabong Drive Roundabout	20m (13m or on merit)	Commercial

- (4) (B005) Approval must be obtained from Council under Section 68 of the Local Government Act 1993, for work to install or alter any onsite sewage management facility related to the development. For consideration of this approval, Council will require, but is not limited to, the following supporting documentation:
- The make and model of the proposed treatment facility with documentation showing the facility is suitable and capable;
 - A detailed design showing the hydraulic layout of the entire on-site sewage management (OSM) system;
 - Details of the proposed installer and evidence of their OSM system installation experience;
 - Specifications, layout and details of how trade waste from the different outlets entering the system will be managed;

- A plan of management for the ongoing maintenance and servicing of the OSM system including emergency response and notification procedures;
 - Details of wastewater production metering/monitoring;
 - Details and plans of proposed earthworks supporting their conformance with the provided Wastewater Report and design.
 - Details of mitigation/management measures sufficient to contain effluent within the site in the event of system failure.
- (5) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

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

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

- (6) (B007) Road names proposed for the development shall be submitted to Council prior to release of the Construction Certificate. A suitable name for any new road(s) shall be in accordance with the NSW Addressing User Manual.
- (7) (B090) Payment to Council, prior to the issue of a Construction Certificate of the Section 7.12 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007

The plan may be viewed on Council's website or 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 plan. 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.

- (8) (B011) Prior to the issue of a 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.

- (9) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- (10) (B030) Prior to issue of Subdivision Works Certificate or Construction Certificate, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:
- a. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - b. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - c. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used).
- (11) (B031) The application for the Construction Certificate is to be accompanied by an execution of a Works Authorisation Deed (WAD) with Transport for NSW (TfNSW) or evidence of agreement from TfNSW that no WAD is required.
- (12) (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.

- (13) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (14) (B088) Prior to commencement of any vegetation clearing or issue of a Construction Certificate, whichever occurs first, the class and number of ecosystems credits in the table below must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator¹.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority prior to commencement of any vegetation clearing or issue of a Subdivision Works Certificate or Construction Certificate, whichever occurs first.

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
1569-Flooded Gum - Brush Box - Tallowwood mesic tall open forest on ranges of the lower North Coast	65	Macleay Hastings, Carrai Plateau, Coffs Coast and Escarpment, Comboyne Plateau, Karuah, Manning, Macleay Gorges, Mummel Escarpment and Upper Manning. or Any IBRA subregion that is within 100 kilometres of the outer edge	North Coast Wet Sclerophyll Forests This includes PCT's: 487, 613, 661, 684, 686, 692, 693, 694, 695, 699, 747, 748, 752, 812, 826, 827, 1073, 1208, 1217, 1222, 1237, 1244, 1245, 1257, 1259, 1260, 1261, 1265, 1266, 1282, 1284, 1285, 1504, 1561, 1562, 1563, 1566, 1567, 1568, 1569, 1572, 1573,

		of the impacted site.	1575, 1579, 1841, 1843, 1915
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¹Note that prices of credits in the Biodiversity Offsets Payment Calculator are subject to change. The amount payable to discharge an offset obligation will be determined at the time of payment.

- (15) (B195) Council's water main shall be extended from the intersection of Billabong Drive and Oxley Highway to service the development at no cost to Council. Design and works shall be in accordance with Council's adopted Aus-Spec Specifications.
- (16) (B197) The existing water trunk main which runs along the northern boundary of the development lot shall be reconstructed to accommodate finished surface levels of the site. Details are to be shown on the construction plans to the satisfaction of Council prior to the issue of a Construction Certificate. If the alignment of the reconstructed water main is outside the current easement a new/widened easement shall be created to the satisfaction of Council, prior to the issue of any Section 307 Certificate of Compliance.
- (17) (B198) Prior to the issuing of the Construction Certificate, details of the following shall be submitted to Council for approval:
 - Detailed specifications and plans of the filling points, fuelling areas, under canopy areas and canopy, including canopy overhang, bunding and gradient.
 - Detailed specifications and plans of the Underground Petroleum Storage Systems (UPSS) demonstrating compliance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019, associated guidelines and Australian Standard AS 4897-2008. The detailed specification shall be prepared by a suitably qualified person for the purposes of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 and associated guidelines.
 - Stormwater management for the site including:
 - the under canopy areas,
 - all filling points,
 - the forecourt areas,
 - on-flow/up-gradient stormwater diversion around bunded areas,
 - stormwater treatment, disposal, including maintenance and ongoing monitoring.
 - Concrete bunds and drains shall be used to divert stormwater away from the contamination area into the clean stormwater system, and to channel runoff from the contamination area to the treatment device(s). The sizing and effectiveness of the bunds and oil separation system shall be verified for all storms up to and including 100 year ARI. Prior to the issuing of the Construction Certificate, Detailed plans shall be provided to and approved by Council as part of the Section 68 and Section 138 applications.
- (18) (B199) Gravity sewer main shall be constructed from the development site to the northern side of the Oxley Highway for future connection to reticulated sewer at no cost to Council. Design and works shall be in accordance with Council's adopted Aus-Spec Specifications.
- (19) (B200) Prior to the issue of a Construction Certificate, amended plans of Pylon Signs A & B shall be submitted for the approval of the Principal Certifying Authority. The amended plans shall include:

- a) A maximum pylon sign height of 15m above finished ground level for both signs;
 - b) Pylon Sign A shall be single-sided with all business identification signs oriented to the south;
 - c) No increase in the width of the pylon or changes to the general design of the structure.
 - d) Separate fuel pricing signs (one for each access road) may be permitted where they have a maximum height of 5m and are located a minimum of 40m on the development side of the pylon signs.
- (20) (B201) Prior to the issue of a Construction Certificate, an amended Waste Management Plan shall be submitted for the approval of the Principal Certifying Authority. The amended Plan shall be generally in the format of the approved document, and include details of waste volumes and waste streams for all construction and operational waste.
- (21) (B202) Prior to the issue of a Construction Certificate, an amended landscape plan shall be submitted for the approval of the Principal Certifying Authority. The amended plan shall be consistent with the layout on the approved architectural plans, and confirm that all trees within the parking areas will be advanced plantings with a minimum height of 2m at planting.
- (22) (B203) Prior to the issue of a Construction Certificate, a public art strategy to the value of 1% of the construction cost of the development shall be determined, as follows:
- The developer shall establish a public art committee with representatives from the developer, and Council.
 - The committee shall, in consultation with relevant stakeholders, determine the concept theme, components/type and location for the proposed public art infrastructure. The public art must be located within the site in publicly accessible location(s) and take into account the links and connections between the development and the area's natural and cultural heritage. Public art in the Oxley Highway roundabout could be considered with the consent of Transport for NSW.
 - The committee shall invite expressions of interest from three agreed artists with demonstrable experience in the creation of public art infrastructure in regional centres.
 - The committee will review expressions of interest from the three agreed artists make a recommendation to Council containing details of the preferred artist, a concept presentation of the proposed public art infrastructure and the preferred location(s) for its' installation.
- (23) (B205) Prior to any works commencing a Vegetation Management Plan (VMP) shall be submitted and approved by Council. The VMP shall provide detailed specifications with minimum requirements as set out in the guidelines for preparation of Vegetation Management Plans on Council's website. The VMP shall include planting of Koala Food Trees (KFT), nest box installation and or mid storey compensatory planting to provide habitat and account for the loss of hollows as no suitable locations are available to install the required number of nest boxes, details of fauna fence, fauna culverts and maintenance thereof. The VMP shall include a full list of flora species removed for the works, and provide for rehabilitation of all disturbed areas. The species list is to be developed from the same native species that have been removed. The planting shall be from local provenance where all plants are grown from seed collected from healthy plants growing near to and in similar environmental conditions as the planting site, which gives new plants the best chance of

survival. The rehabilitation shall be completed to Council's satisfaction in accordance with the approved VMP prior to the issue of the Occupation Certificate. The VMP shall be written to include the minimum requirements of the template and include details of the following:

- a) 186 KFT are required to be planted in association with the clearing to facilitate this project footprint. At initial project establishment phase plantings are to occur in locations outside of the effluent treatment and irrigation area and may include a secure off-site location agreed to by Council. The overall landscape concept plan (Land Dynamics) provides guidance on planting locations. The landscape plan only meets approximately 45% of the required planting volumes (approximately 80 trees are shown). Plantings of KFT to occur at 8-10m centres. The number of KFT plantings may be reduced in the event that clearing in the adjoining road reserves is carried out by Transport for NSW for road related purposes prior to the development commencing.
- b) If a secure off-site location is not utilised to meet the full offsetting obligation above, the 3ha effluent treatment and irrigation area are to be remediated to allow for planting out with KFT upon the connection of the development to the PMHC sewer network. KFT to be planted at 8-10m centres. The rehabilitation of the effluent treatment once decommissioned is to account for the trees that were unable to be planted at the project development stage. All available planting space is to be utilized, even if this exceeds the original 186 KFT required, as this will counteract the inability to have planted all the KFT at the project establishment phase and delay in delivering local compensatory habitat.
- c) Required nest boxes are to be inserted on trees within the site footprint to the greatest extent practicable. Additional trees may be planted during development of the site and utilised when possible for nest box placement. No nest boxes are to be installed in the Pacific Highway or Oxley Highway road reserve. Nest boxes can be established in the adjoining retained vegetation with the consent of the relevant landowner.
- d) Mid storey compensatory planting in between KFT to provide habitat and account for the loss of hollows if no suitable locations are available to install the required number of nest boxes.
- e) Fauna fence is to link to the existing fauna movement culvert present at the Pacific Highway at the southern extent of the project. Fauna fence is to be present at property boundary and Pacific Highway interface on the eastern extent of the site, guiding any potential terrestrial fauna towards to the fauna culvert. The fauna fence is to be constructed between the offset planting area and the Service Centre to prevent fauna interaction with the site. Fauna fencing is to be continuous across the site, with no gaps and the specifications for maintenance including vegetation management around the fauna fence to be included in the VMP.
- f) The highway service centre southern off ramp is to provide for connection to the existing fauna culvert under the Pacific Highway. This is to occur via a like-sized culvert structure that matches the dimensions and characteristics of the existing fauna culvert. The VMP shall include planting specifications to create habitat to link the culvert.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors

engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.

- (2) (C003) A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the Obstacle Limitation Surface (OLS). To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.
- (3) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (4) (C195) At the commencement of construction and in perpetuity the land to a distance of 25m to the north and east from the highway service centre buildings, 12m to the west, and 8m to the south shall be maintained as an inner protection area in accordance with the requirements of Planning for Bush Fire Protection 2019.

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) at completion of installation of traffic management works
 - d) at the commencement of earthworks;
 - e) before commencement of any filling works;
 - 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) (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) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act 1974*. Subject to an

assessment of the extent, integrity and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.

- (4) (D037) Noise from construction activities (measure as the L_{AeqT} noise level) shall not exceed the background noise level (measured as the L_{A90} noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence, or premises.
- (5) (D040) Wastes including vegetation shall not be disposed of by burning.
- (6) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (7) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (4) (E012) Dedication as public road the area required for any road widening (if required) along the frontage of the development at no cost to Council.
- (5) (E015) Prior to occupation or issue of the Occupation Certificate, details of compliance with the bushfire risk assessment is to be provided to the Principal Certifying Authority.
- (6) (E016) Prior to occupation or the issue of the Occupation Certificate (or Part Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (7) (E024) Occupation of the premises shall not occur until a registration application has been submitted to Council's Environmental Health Unit for the food premises.

- (8) (E025) Prior to occupation or the issue of an Occupation Certificate, provide a certificate from the installer certifying that the mechanical ventilation system meets the requirements of AS 1668 Parts 1 & 2. The certificate must include:
- Inspection, testing and commissioning details
 - Date of inspection, testing and commissioning
 - The name and address of the individual/company, who carried out the test
 - Statement that the service has been designed, installed and is capable of operating to AS 1668.
- (9) (E027) A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer. The inspection shall include the following items:
- Onsite Sewage Management System
 - Food premises
 - Underground Petroleum Storage System (UPSS)
 - Stormwater pollution prevention/forecourt spill kit
 - Stormwater management, treatment system and disposal.
- Evidence of satisfactory completion of the inspection shall be submitted to the Principal certifying Authority prior to the issue of an Occupation Certificate.
- (10) (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.
- (11) (E035) Prior to occupation or the issuing of the Occupation Certificate, provision to the Principal Certifying Authority of documentation from Transport for NSW, being the roads authority, certifying that all matters required by approval issued by Section 61 and/or Section 138 of the Roads Act/WAD have been satisfactorily completed. A copy of this documentation is to be submitted to Council prior to the release of the engineering security bond.
- (12) (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.
- (13) (E039) An appropriately qualified and practising consultant is required to certify the following:
- all drainage lines have been located within the respective easements, and
 - any other drainage structures are located in accordance with the Construction Certificate.
 - all stormwater has been directed to a Council approved drainage system
 - all conditions of consent/ construction certificate approval have been complied with.
 - Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (14) (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.

- (15) (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'.

- (16) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (17) (E053) All works relating to public infrastructure shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (18) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of an Occupation Certificate.
- (19) (E061) Landscaped and VMP planting areas being completed prior to occupation or issue of the Occupation Certificate. The VMP planting areas to rehabilitate the 3 hectare onsite sewage management system once decommissioned (if required) shall be permitted to be planted at a later date. Public landscaping may be bonded as agreed to by Council.
- (20) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.
- (21) (E064) Provision of street lighting to all new roads in accordance with AS1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Provision shall be made for placement of conduits for future requirements or upgrades. Evidence by way of letter from the electricity provider, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.

Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) street lighting shall:

- Forward all plans to the service provider for comment;
 - Include instruction for completion of 'Lighting Requirements';
 - be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads;
 - Supply to Council to keep in stock, one (1) extra pole for every six (6) run of poles,
- (22) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services

- c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (23) (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 dwellings (including street lighting and fibre optic cabling where required).
- (24) (E072) Lodgement of a security deposit with Council upon practical completion of the public infrastructure works.
- (25) (E080) The applicant is to dedicate the area required for the new public road prior to the issue of an Occupation Certificate.
- (26) (E081) The applicant will be required to submit prior to the issue of the Subdivision Certificate, a geotechnical report certifying construction of all earthworks as controlled fill in accordance with Council AUS-SPEC Standard and AS 3798. Such report to provide details of:
- a. The surface levels of the allotments created, filled or reshaped as part of the development.
 - b. Compaction testing carried out to Controlled Fill Standard as per AS 3798.
 - c. Standard penetration tests and calculated N values.
 - d. Bore logs
 - e. Site classification of all allotments in accordance with AS2870.2011 - Residential Slabs and Footings.
- (27) (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.
- (28) (E195) Prior to the issuing of any type of Occupation Certificate or the occupation of the site, whichever occurs first, a suitably qualified person shall provide certification to Council that the UPSS has been designed, installed, tested and commissioned in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019. All relevant certificates and reports, including for the Equipment Integrity Test, shall be submitted to Council within sixty (60) days of the system having been commissioned by the Duly Qualified Person.
- (29) (E196) Prior to the issue of any Occupation Certificate, groundwater monitoring wells must be designed, installed and tested by a suitably qualified person in accordance with the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.
- (30) (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 NSW Land Registry Services shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (31) (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 NSW Land Registry Services. The plan and terms of the easement must be endorsed by Council through formal application prior to lodgement at the NSW Land Registry Services. Evidence of registration shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (32) (E197) Prior to the issue of an Occupation Certificate, the installation of all public art shall be completed.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A minimum of 140 spaces are to be provided onsite.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the designated loading bays at all times and must not obstruct other users of the highway service centre.
- (3) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (4) (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.
- (5) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (6) (F014) In accordance with Council's Smoke Free Outdoor Areas Policy, no smoking is permitted within the nominated outdoor dining area. Staff of the business to which the no smoking outdoor dining area applies, shall advise patrons within the area that no smoking is permitted. Signs bearing the legend "No Smoking" must be placed on each table within the outdoor dining permit area and no ash trays shall be provided on the tables within the outdoor dining permit area.
- (7) (F020) Liquid materials, including chemicals, cleaning liquids, and other fluids are to be stored in roofed and imperviously bunded area. The bund shall be capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is greatest.
- (8) (F021) All solid waste generated by the development which cannot be reused or recycled, shall be disposed of at Council's waste management facilities.
- (9) (F023) Spills and contaminated runoff from the service station forecourt, filling points, and under canopy areas area where necessary should be prevented from entering the stormwater system. In this regard, adequate spill containment equipment should be maintained on site at all times.
- (10) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997 shall not be generated as a result of the operation of the development.
- (11) (F025) This consent permits the highway service centre to operate 24 hours, 7 days per week.
- (12) (F036) Any exterior lighting and illuminated signage on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.

- (13) (F195) The treated discharge water from the oil water separator entering receiving waters in the stormwater system shall be tested for Total Petroleum Hydrocarbons (TPH) by a NATA registered laboratory. The results shall be retained on the premises for a minimum of three (3) years and made available to an Authorised Officer upon request.
- (14) (F196) Stormwater testing shall be carried out at a point after the treated water has exited the oil/water separator but before it leaves the service station boundary and enters a public stormwater system or the environment. The discharge water shall be tested a minimum of three (3) times a year including once following a rain event. The maximum allowable TPH limit at the time of approval is 5mg/L (or parts per million - ppm).
- Test samples shall only to be taken by a suitably qualified person and tested by a NATA registered laboratory. Monitoring for the concentration of TPHs must be done in accordance with the most current version of the publication: Approved Methods for the Sampling and Analysis of Water Pollutants in New South Wales.
- The discharge criteria of TPH from the system shall comply with relevant industry standards at the time of the inspection such as British European Standard BS 858, Australian Standards, NSW EPA requirements, guidelines and industry best practice. At the time of approval, the relevant industry accepted standard is 5mg per litre (5mg/L).
- (15) (F197) The oil water separator shall be properly maintained in good operating condition at all times in accordance with the manufacturer's specification and recommendations. The specification shall be retained on the premises at all times. All service/maintenance records shall be retained on the premises for three (3) years and made available to an Authorised Officer upon request.
- (16) (F198) Accumulated sediment in the sump is to be removed when necessary by a licensed contractor and disposed of properly at an EPA licensed facility. Receipts for the servicing and disposal shall be retained on the premises for three (3) years and made available to an Authorised Officer upon request.
- (17) (F199) The premises shall have a fully compliant and operational Fuel System Operation Plan (FSOP) and designated "Person Responsible". The FSOP and details of the designated "Person Responsible" shall be held onsite at all times and made available to an authorised officer upon request.
- (18) (F200) The operation, maintenance, reporting and record keeping for the service station, including the forecourt water treatment systems and UPSS shall comply with all relevant EPA requirements, NSW legislation, Australian Standards and manufacturer's requirements, at all times. Required test results, documents and plans shall be made available to an authorised officer upon request.
- (19) (F201) Should the Underground Petroleum Storage System (UPSS) require repairs during the operational phase, the UPSS must not be recommissioned unless it satisfies the requirements outlined in the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.
- (20) (F202) Wastewater generated in the undercover refuelling forecourt must be collected and appropriately stored for removal by the a NSW EPA licensed contractor and disposed of at an appropriate facility.
- (21) (F203) Any Underground Petroleum Storage System (UPSS) to be removed, replaced or decommissioned shall require site validation. The Validation Report shall be prepared by a suitably qualified and practising professional in

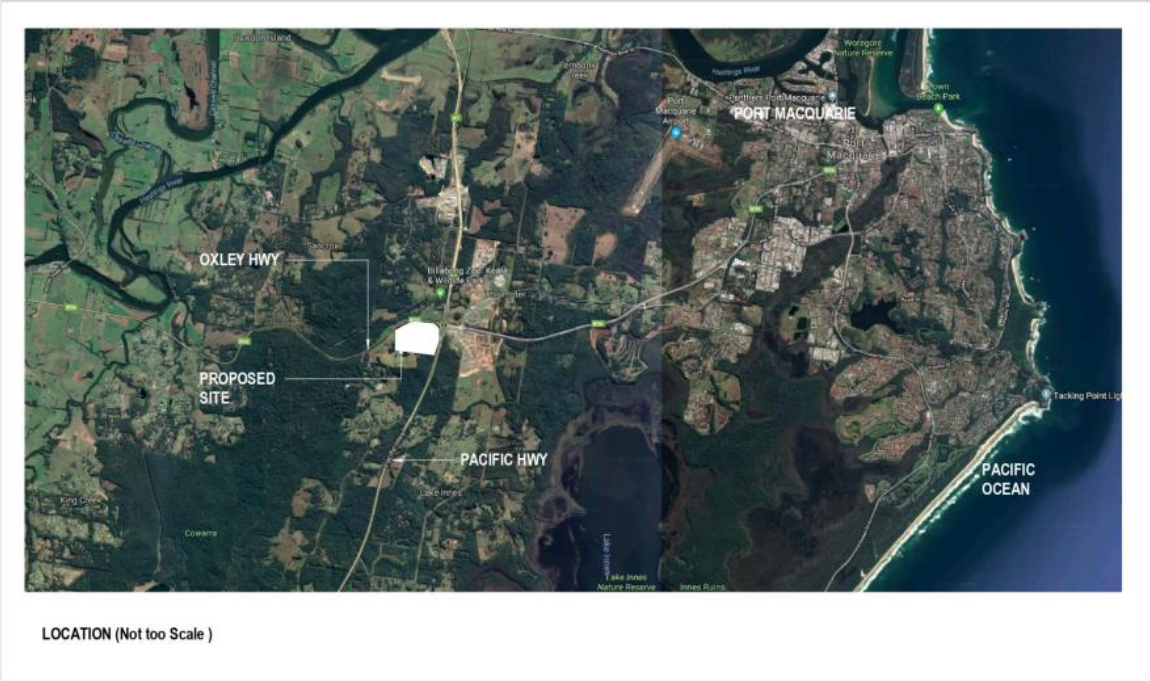
accordance with relevant legislation and guidelines, and shall be submitted to Council within sixty (60) days of validation works being completed.

- (22) (F204) The operation, testing, reporting and maintenance of the service station, UPSS, all pollution control and monitoring equipment, loss monitoring and detection equipment shall comply in full, at all times with:
- The POEO Act, 1997;
 - UPSS Regulation, 2019;
 - Clean air Regulation, 2010;
 - NSW SafeWork requirements;
 - NSW EPA requirements and relevant guidelines;
 - Relevant Australian Standards;
 - Manufacturer's specifications and requirements;
 - Codes of Best Practice; and
 - Industry Best Practice.
- (23) (F205) All trees planted, retained, or offset on site shall be maintained in perpetuity and shall not be permitted for removal through provision of any mechanism such as 10/50 code without the consent of Council to determine the tree is dead dying or dangerous. Any tree removed with consent from council shall require offset at a 2.1 ratio.
- (24) (F206) Transport for NSW shall be contacted should an incident occur on the site that will have an impact on traffic movements on the State road network.

DEVELOPMENT APPLICATION

PORT MACQUARIE SERVICE CENTRE

ADDRESS: cnr PACIFIC AND OXLEY HIGHWAY, PORT MACQUARIE, NSW



LOCATION (Not too Scale)

DRAWING SCHEDULE			
Sheet Number	Sheet Name	Revision	
DA001	COVER SHEET	I	
DA002	EXISTING SITE PLAN	D	
DA003	OVERALL SITE PLAN	G	
DA004	SITE PLAN	M	
DA005	SITE - SECTIONS	D	
DA006	SERVICE CENTRE - PLAN	F	
DA006B	SERVICE CENTRE - SEATING LAYOUT	A	
DA007	SERVICE CENTRE - ELEVATIONS	E	
DA008	SERVICE CENTRE - SECTIONS	D	
DA009	SERVICE CENTRE - CONCEPT VIEWS	D	
DA010	FOOD & DRINK - PLAN & ELEVATIONS	G	
DA011	PYLON SIGNS	G	
DA012	3D VIEWS GATEWAY VIEWS	E	
DA012A	3D VIEWS GATEWAY VIEWS 2	B	
DA012B	GATEWAY VIEWS PLAN	F	
DA013	AERIAL VIEWS	D	



2 SITE VIEW

no.	date	ISSUE / revision	by
1	10/10/2021	ISSUE 1 - FOR INFORMATION	DA
2	10/10/2021	ISSUE 2 - FOR INFORMATION	DA
3	10/10/2021	ISSUE 3 - FOR INFORMATION	DA
4	10/10/2021	ISSUE 4 - FOR INFORMATION	DA
5	10/10/2021	ISSUE 5 - FOR INFORMATION	DA
6	10/10/2021	ISSUE 6 - FOR INFORMATION	DA
7	10/10/2021	ISSUE 7 - FOR INFORMATION	DA
8	10/10/2021	ISSUE 8 - FOR INFORMATION	DA
9	10/10/2021	ISSUE 9 - FOR INFORMATION	DA
10	10/10/2021	ISSUE 10 - FOR INFORMATION	DA

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PROPERTY DEVELOPMENT INVESTMENT

client
PORT MACQUARIE SERVICE CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

drawing title
COVER SHEET

job no
2019-154

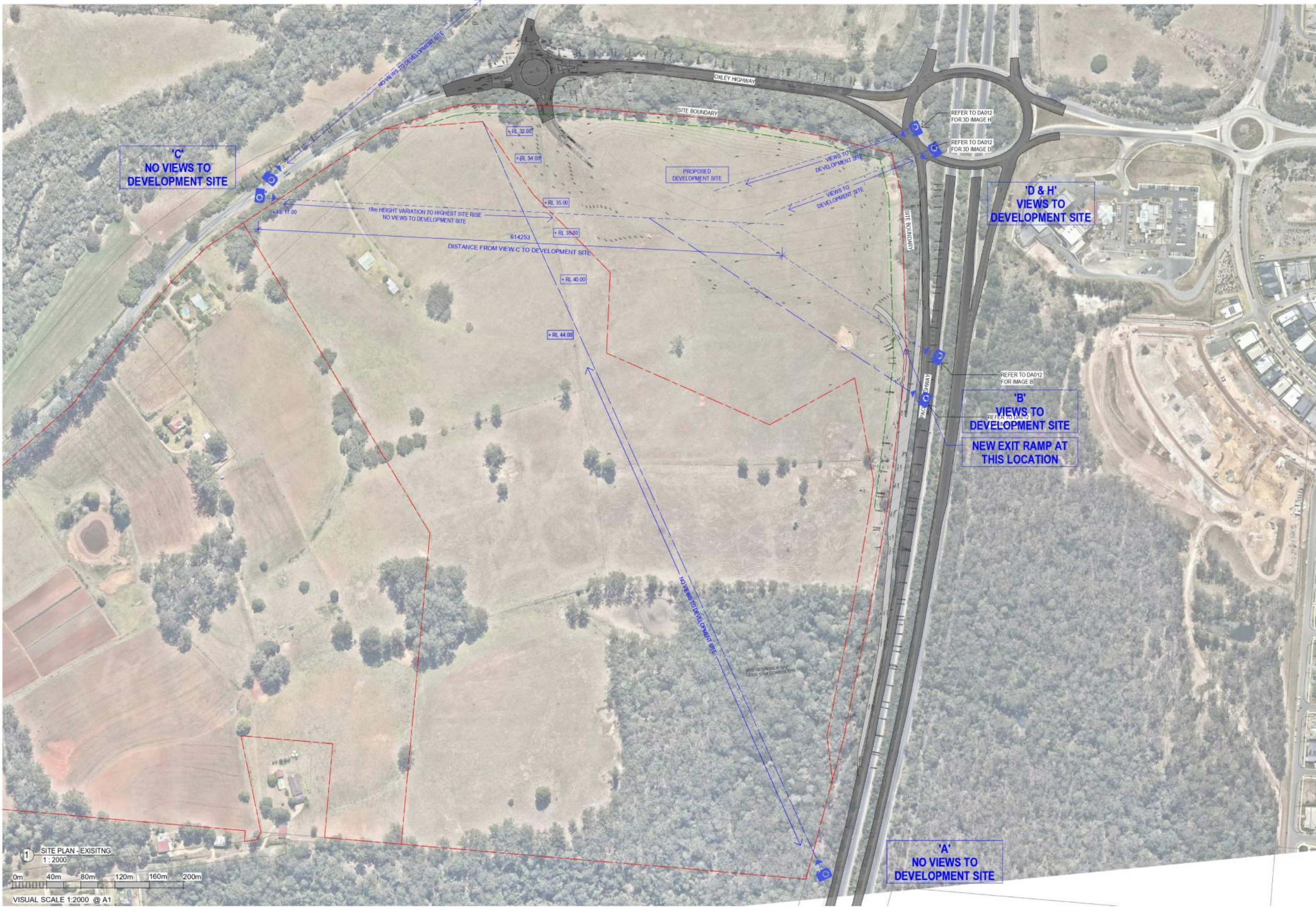
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1	10/10/2020	ISSUE 1: FOR DISCUSSION	DA
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3	10/10/2020	ISSUE 3: FOR DISCUSSION	DA
4	10/10/2020	ISSUE 4: FOR DISCUSSION	DA
5	10/10/2020	ISSUE 5: FOR DISCUSSION	DA
6	10/10/2020	ISSUE 6: FOR DISCUSSION	DA
7	10/10/2020	ISSUE 7: FOR DISCUSSION	DA
8	10/10/2020	ISSUE 8: FOR DISCUSSION	DA
9	10/10/2020	ISSUE 9: FOR DISCUSSION	DA
10	10/10/2020	ISSUE 10: FOR DISCUSSION	DA

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PROPERTY DEVELOPMENT INVESTMENT

client - address
PORT MACQUARIE SERVICE CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

drawing title
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job no.
2019-154



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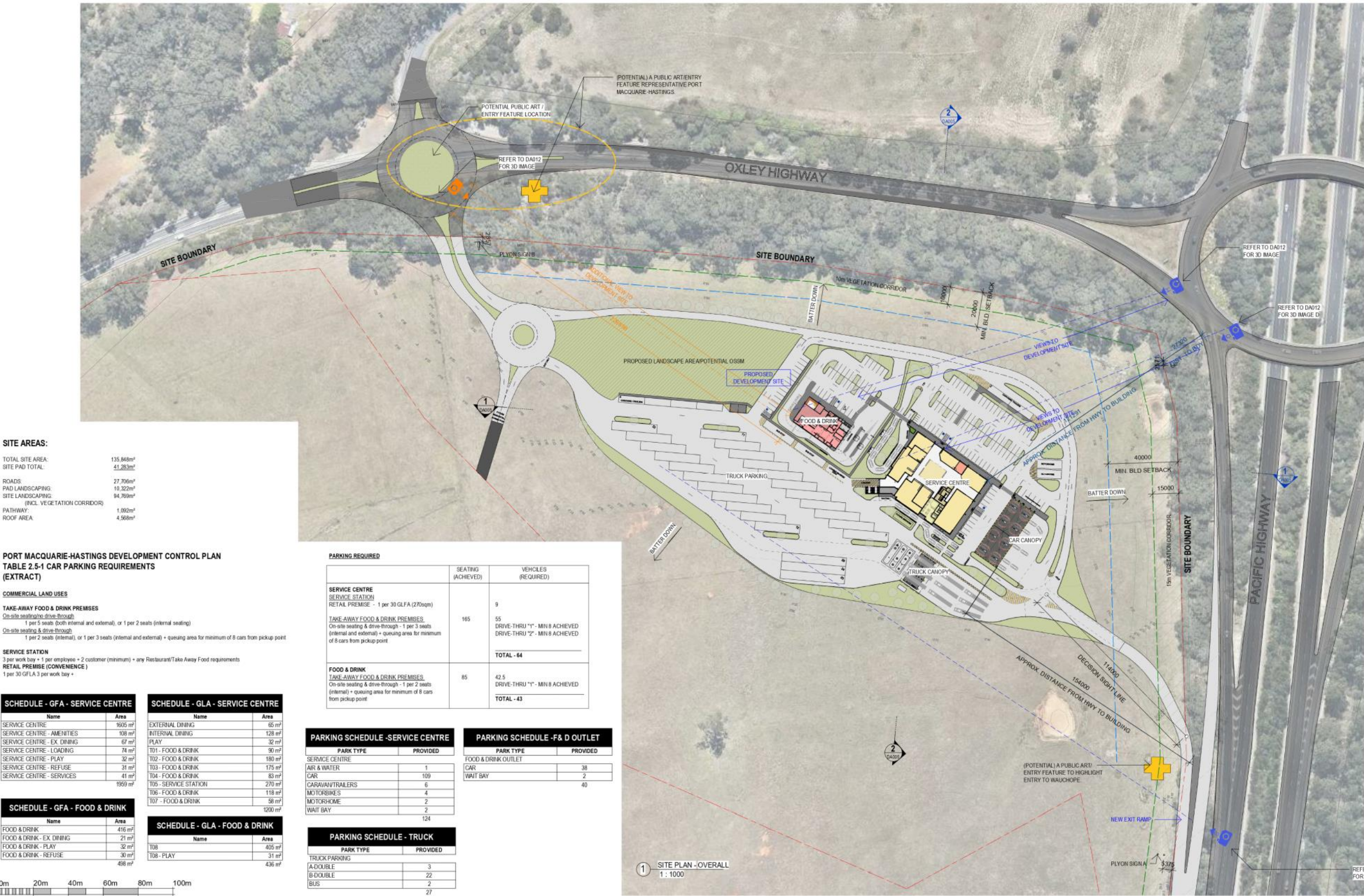
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PROPERTY DEVELOPMENT INVESTMENT

project - address

PORT MACQUARIE SERVICE CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

drawing title

OVERALL SITE PLAN

job no.

2019-154

drawing no.

DA003

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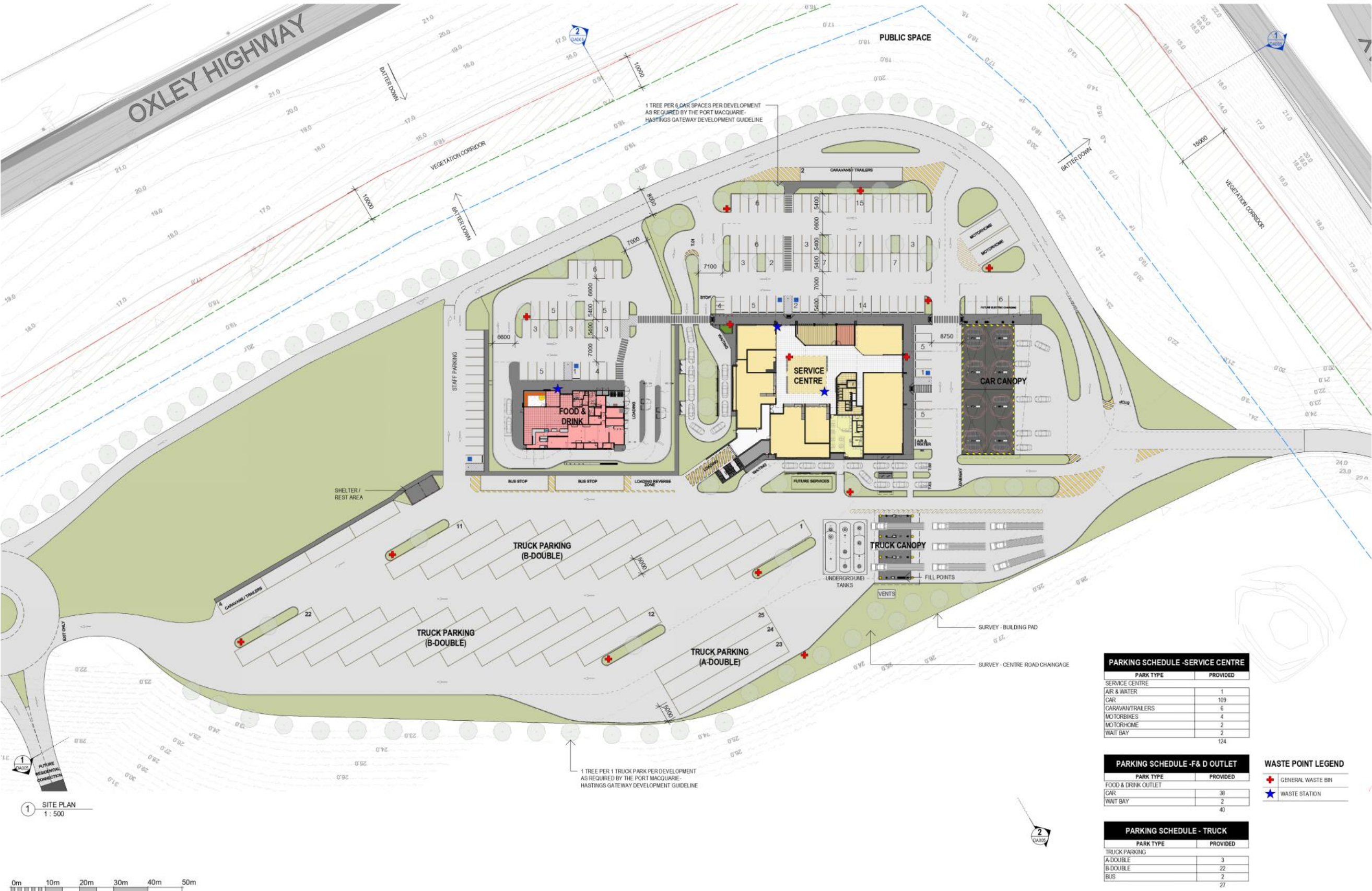
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1 SITE PLAN
1 : 500

0m 10m 20m 30m 40m 50m

VISUAL SCALE 1:500 @ A1

PARKING SCHEDULE - SERVICE CENTRE	
PARK TYPE	PROVIDED
SERVICE CENTRE	1
AIR & WATER	109
CAR	6
CARAVAN/TRAILERS	4
MOTORBIKES	2
MOTORHOME	2
WAIT BAY	124

PARKING SCHEDULE - F&D OUTLET	
PARK TYPE	PROVIDED
FOOD & DRINK OUTLET	38
CAR	2
WAIT BAY	40

PARKING SCHEDULE - TRUCK	
PARK TYPE	PROVIDED
TRUCK PARKING	
A-DOUBLE	3
B-DOUBLE	22
BUS	2
	27

WASTE POINT LEGEND	
+	GENERAL WASTE BIN
*	WASTE STATION

no.	date	ISSUE / revision	by
1	2019-10-15	ISSUE FOR DEVELOPMENT	SC
2	2019-10-15	ISSUE FOR DEVELOPMENT	SC
3	2019-10-15	ISSUE FOR DEVELOPMENT	SC
4	2019-10-15	ISSUE FOR DEVELOPMENT	SC
5	2019-10-15	ISSUE FOR DEVELOPMENT	SC
6	2019-10-15	ISSUE FOR DEVELOPMENT	SC
7	2019-10-15	ISSUE FOR DEVELOPMENT	SC
8	2019-10-15	ISSUE FOR DEVELOPMENT	SC
9	2019-10-15	ISSUE FOR DEVELOPMENT	SC
10	2019-10-15	ISSUE FOR DEVELOPMENT	SC
11	2019-10-15	ISSUE FOR DEVELOPMENT	SC
12	2019-10-15	ISSUE FOR DEVELOPMENT	SC
13	2019-10-15	ISSUE FOR DEVELOPMENT	SC
14	2019-10-15	ISSUE FOR DEVELOPMENT	SC
15	2019-10-15	ISSUE FOR DEVELOPMENT	SC
16	2019-10-15	ISSUE FOR DEVELOPMENT	SC
17	2019-10-15	ISSUE FOR DEVELOPMENT	SC
18	2019-10-15	ISSUE FOR DEVELOPMENT	SC
19	2019-10-15	ISSUE FOR DEVELOPMENT	SC
20	2019-10-15	ISSUE FOR DEVELOPMENT	SC
21	2019-10-15	ISSUE FOR DEVELOPMENT	SC
22	2019-10-15	ISSUE FOR DEVELOPMENT	SC
23	2019-10-15	ISSUE FOR DEVELOPMENT	SC
24	2019-10-15	ISSUE FOR DEVELOPMENT	SC
25	2019-10-15	ISSUE FOR DEVELOPMENT	SC
26	2019-10-15	ISSUE FOR DEVELOPMENT	SC
27	2019-10-15	ISSUE FOR DEVELOPMENT	SC
28	2019-10-15	ISSUE FOR DEVELOPMENT	SC
29	2019-10-15	ISSUE FOR DEVELOPMENT	SC
30	2019-10-15	ISSUE FOR DEVELOPMENT	SC
31	2019-10-15	ISSUE FOR DEVELOPMENT	SC
32	2019-10-15	ISSUE FOR DEVELOPMENT	SC
33	2019-10-15	ISSUE FOR DEVELOPMENT	SC
34	2019-10-15	ISSUE FOR DEVELOPMENT	SC
35	2019-10-15	ISSUE FOR DEVELOPMENT	SC
36	2019-10-15	ISSUE FOR DEVELOPMENT	SC
37	2019-10-15	ISSUE FOR DEVELOPMENT	SC
38	2019-10-15	ISSUE FOR DEVELOPMENT	SC
39	2019-10-15	ISSUE FOR DEVELOPMENT	SC
40	2019-10-15	ISSUE FOR DEVELOPMENT	SC
41	2019-10-15	ISSUE FOR DEVELOPMENT	SC
42	2019-10-15	ISSUE FOR DEVELOPMENT	SC
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45	2019-10-15	ISSUE FOR DEVELOPMENT	SC
46	2019-10-15	ISSUE FOR DEVELOPMENT	SC
47	2019-10-15	ISSUE FOR DEVELOPMENT	SC
48	2019-10-15	ISSUE FOR DEVELOPMENT	SC
49	2019-10-15	ISSUE FOR DEVELOPMENT	SC
50	2019-10-15	ISSUE FOR DEVELOPMENT	SC

SCOTT**pd****i**
PROPERTY DEVELOPMENT INVESTMENT

client
PORT MACQUARIE SERVICE CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

project - address
SITE PLAN

drawing title
2019-154
DA004
M
1 : 500
KR

job no.
2019-154
DA004
M
1 : 500
KR

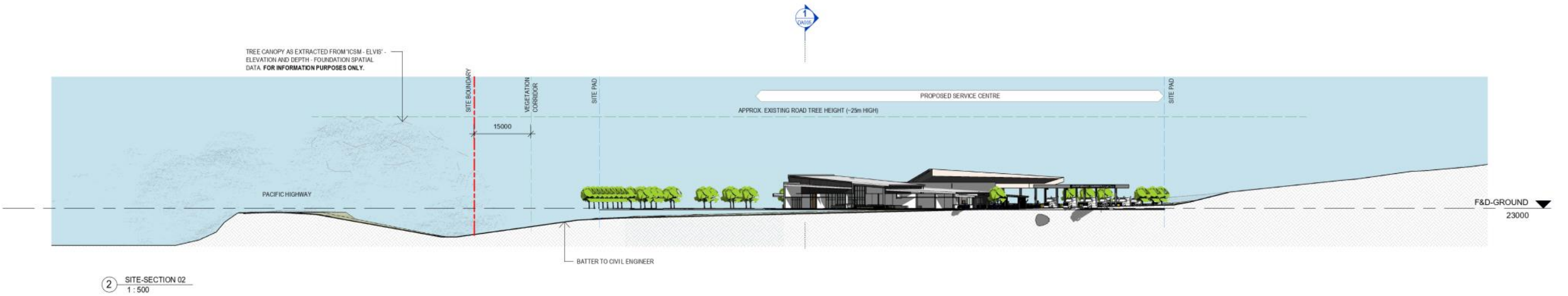
scale @ A1
1 : 500
KR

issue
1 : 500
KR

additionals
1 : 500
KR

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1	10/10/2020	FOR DISCUSSION	CM
2	10/10/2020	FOR DISCUSSION	CM
3	10/10/2020	FOR DISCUSSION	CM

client
SCOTT pdi
PROPERTY DEVELOPMENT INVESTMENT

project - address
PORT MACQUARIE SERVICE CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

drawing title
SITE - SECTIONS

job no.
2019-154

drawing no.	DA005	issue	D
scale @ A1	1 : 500	drawn	KJR

add dimensions in the drawing only. do not scale dimensions. if you need to scale dimensions, use the drawing title block. do not scale dimensions. if you need to scale dimensions, use the drawing title block. do not scale dimensions. if you need to scale dimensions, use the drawing title block.

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SCHEDULE - GLA - SERVICE CENTRE	
Name	Area
EXTERNAL DINING	65 m²
INTERNAL DINING	128 m²
PLAY	32 m²
T01 - FOOD & DRINK	90 m²
T02 - FOOD & DRINK	180 m²
T03 - FOOD & DRINK	175 m²
T04 - FOOD & DRINK	83 m²
T05 - SERVICE STATION	270 m²
T06 - FOOD & DRINK	118 m²
T07 - FOOD & DRINK	58 m²
	1200 m²

SCHEDULE - GFA - SERVICE CENTRE	
Name	Area
SERVICE CENTRE	1805 m²
SERVICE CENTRE - AMENITIES	108 m²
SERVICE CENTRE - EX. DINING	67 m²
SERVICE CENTRE - LOADING	74 m²
SERVICE CENTRE - PLAY	32 m²
SERVICE CENTRE - REFUSE	31 m²
SERVICE CENTRE - SERVICES	41 m²
	1959 m²

1 PLAN - CENTRE OVERALL
1 : 200
0m 4m 8m 12m 16m 20m
VISUAL SCALE 1:200 @ A1

no.	date	ISSUE / revision	by
1	11/11/2020	ISSUE 1 - FOR APPROVAL	DA
2	11/11/2020	ISSUE 2 - FOR APPROVAL	DA
3	11/11/2020	ISSUE 3 - FOR APPROVAL	DA
4	11/11/2020	ISSUE 4 - FOR APPROVAL	DA
5	11/11/2020	ISSUE 5 - FOR APPROVAL	DA
6	11/11/2020	ISSUE 6 - FOR APPROVAL	DA
7	11/11/2020	ISSUE 7 - FOR APPROVAL	DA

client
SCOTT pdi
PROPERTY DEVELOPMENT INVESTMENT

project - address
PORT MACQUARIE SERVICE CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

drawing title
SERVICE CENTRE - PLAN

job no
2019-154

drawing no
DA006

scale @ A1
1 : 200

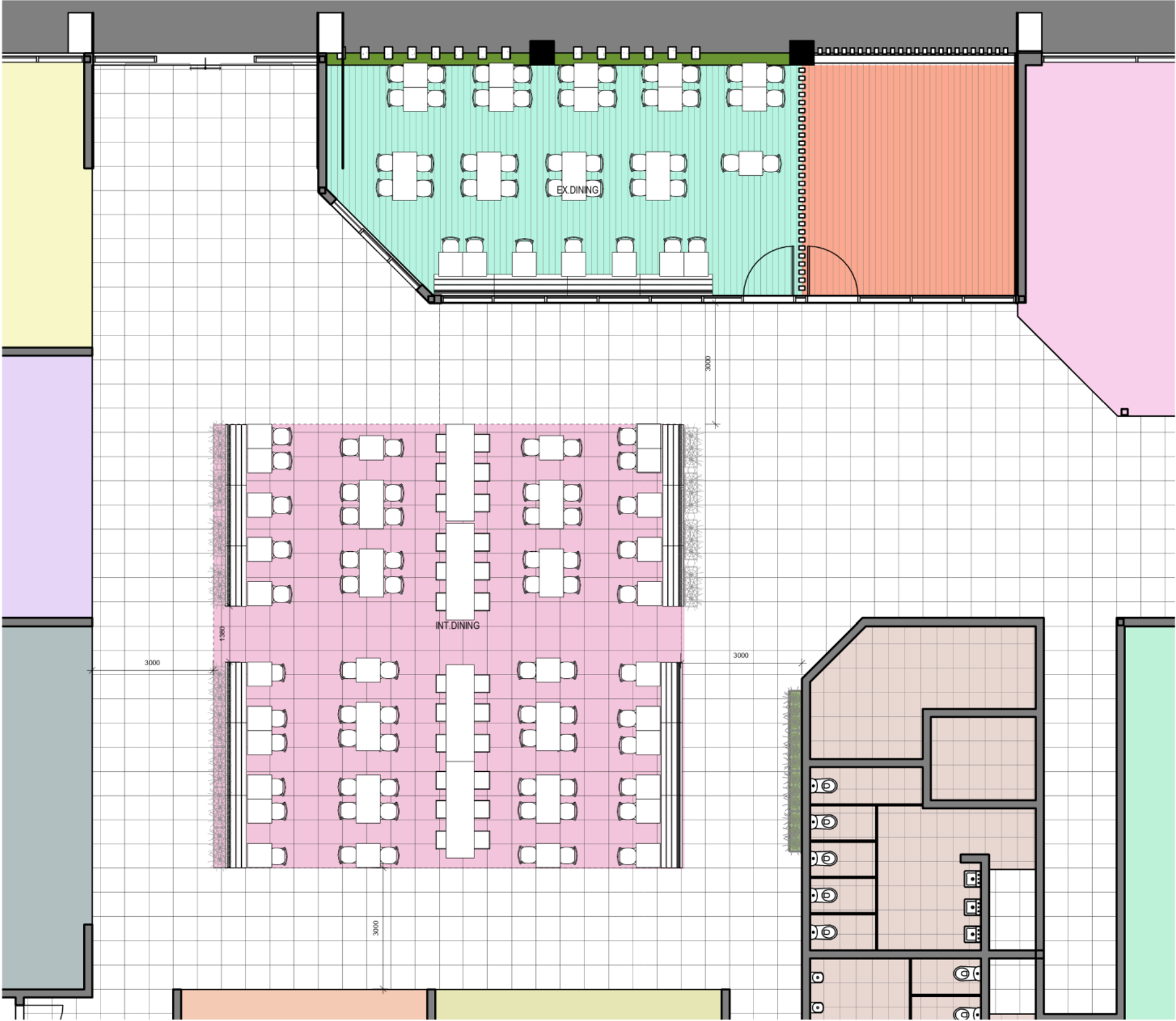
drawn
KJR

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SEATING AREAS:

INTERNAL	-	113
EXTERNAL	-	52
TOTAL	-	165

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1	07/10/2021	Issue 1	SC

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PROPERTY DEVELOPMENT INVESTMENT

PORT MACQUARIE SERVICE CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

SERVICE CENTRE - SEATING
LAYOUT

2019-154



drawing no.	issue
DA006B	A
scale @ A1	As indicated
author	Author

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1	10/10/2020	ISSUE 1	SCOTT
2	10/10/2020	REVISION 1	SCOTT
3	10/10/2020	REVISION 2	SCOTT
4	10/10/2020	REVISION 3	SCOTT
5	10/10/2020	REVISION 4	SCOTT

client
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PROPERTY DEVELOPMENT INVESTMENT

project - address
PORT MACQUARIE SERVICE CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

drawing title
**SERVICE CENTRE -
ELEVATIONS**

job no	2019-154	drawing no	DA007	issue	E
scale	A1	drawn	KJR		
scale	1:250				

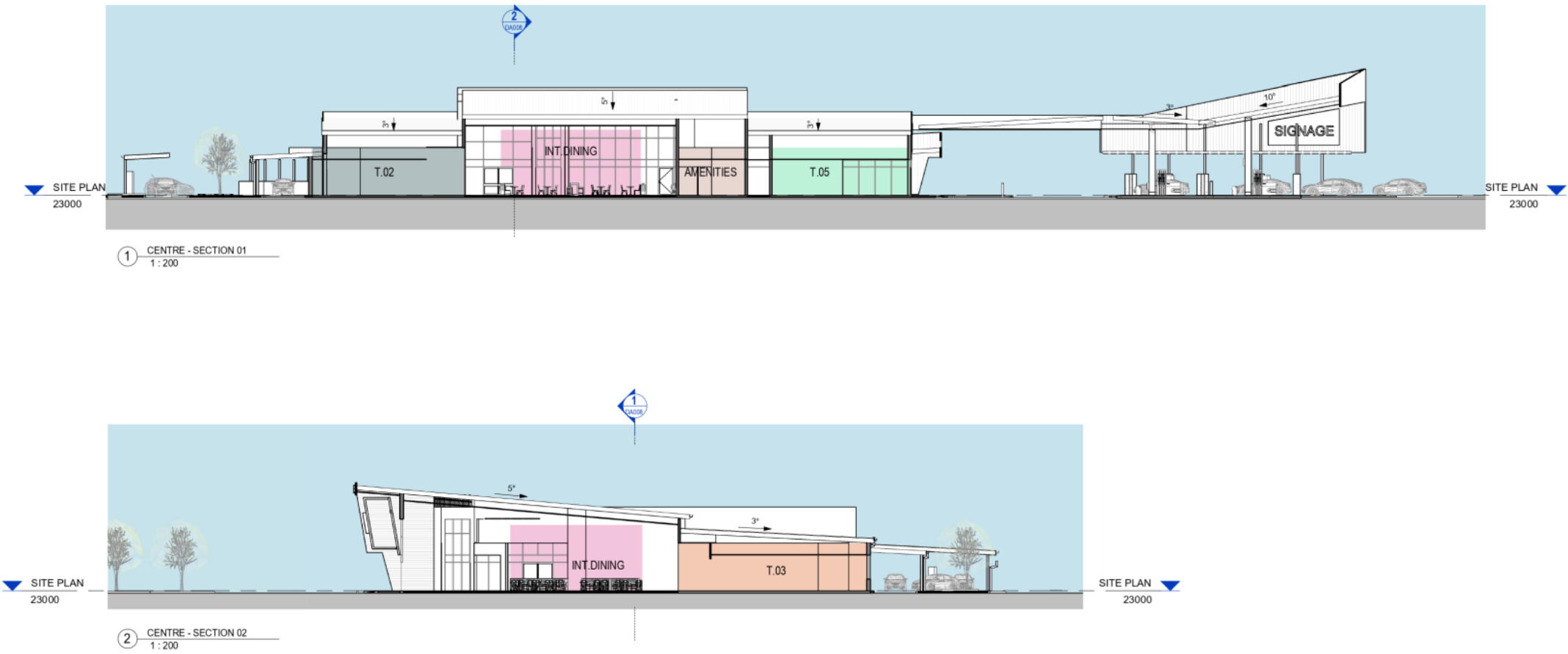
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1	10/10/2020	FOR PRELIMINARY	DM
2	10/10/2020	FOR PRELIMINARY	DM
3	10/10/2020	FOR PRELIMINARY	DM

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PROPERTY DEVELOPMENT INVESTMENT

PORT MACQUARIE SERVICE CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

SERVICE CENTRE - SECTIONS

2019-154

DA008

D

Scale (A1)

1 : 200

Drawn

KJR

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1 VIEW A - ENTRY VIA OXLEY HIGHWAY



2 VIEW B - ENTRY VIA PACIFIC HIGHWAY



3 VIEW C - MAIN SERVICE CENTRE ENTRY

LANDSCAPING NOT SHOWN FOR CLARITY PURPOSES

no.	date	ISSUE / revision	by
1	10/10/2021	ISSUE 1 - FOR APPROVAL	DA
2	10/10/2021	ISSUE 2 - FOR APPROVAL	DA
3	10/10/2021	ISSUE 3 - FOR APPROVAL	DA

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PROPERTY DEVELOPMENT INVESTMENT

client - address
PORT MACQUARIE SERVICE CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

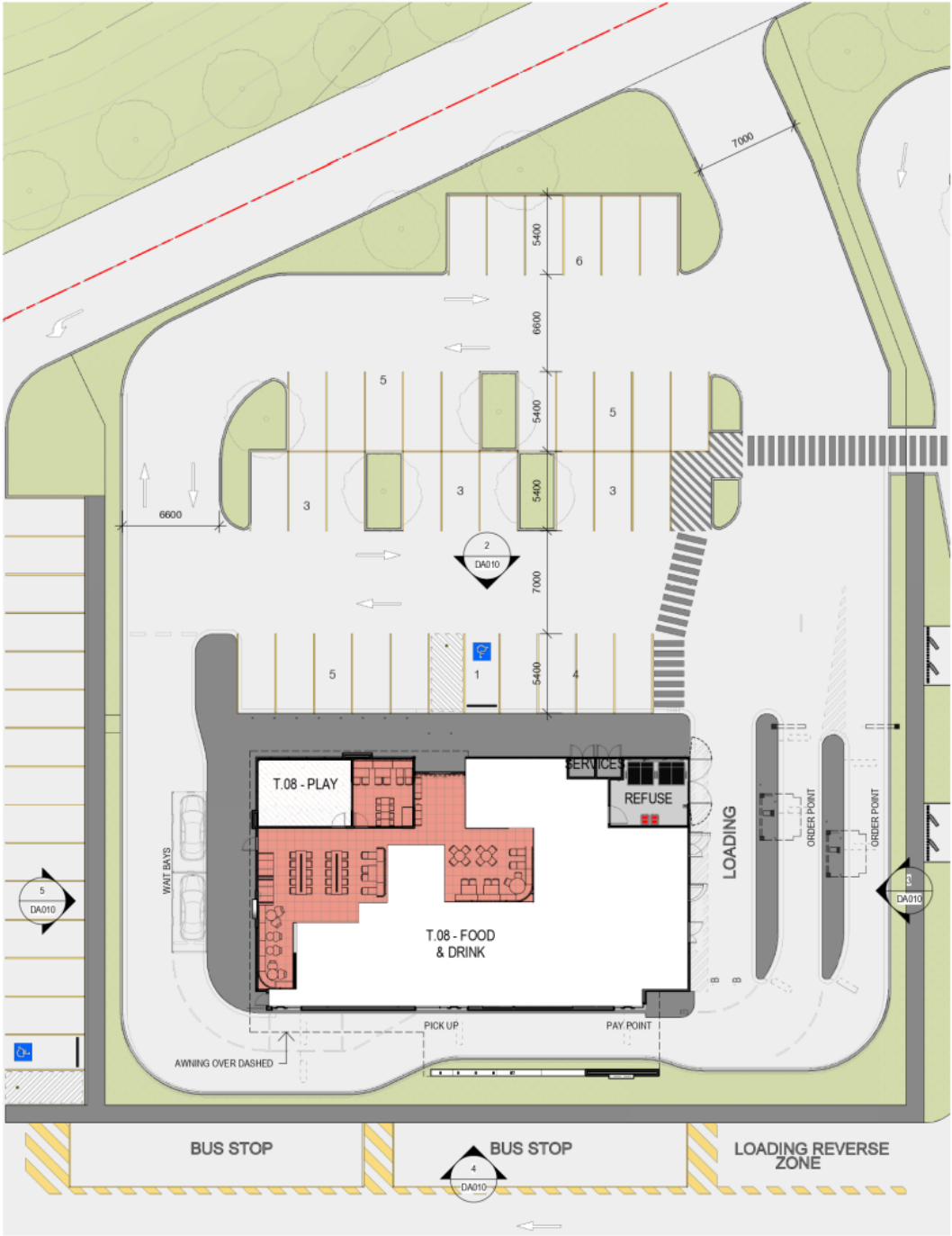
drawing title
SERVICE CENTRE - CONCEPT
VIEWS

job no
2019-154

drawing no.
DA009
scale (s) A1
drawn
KJR

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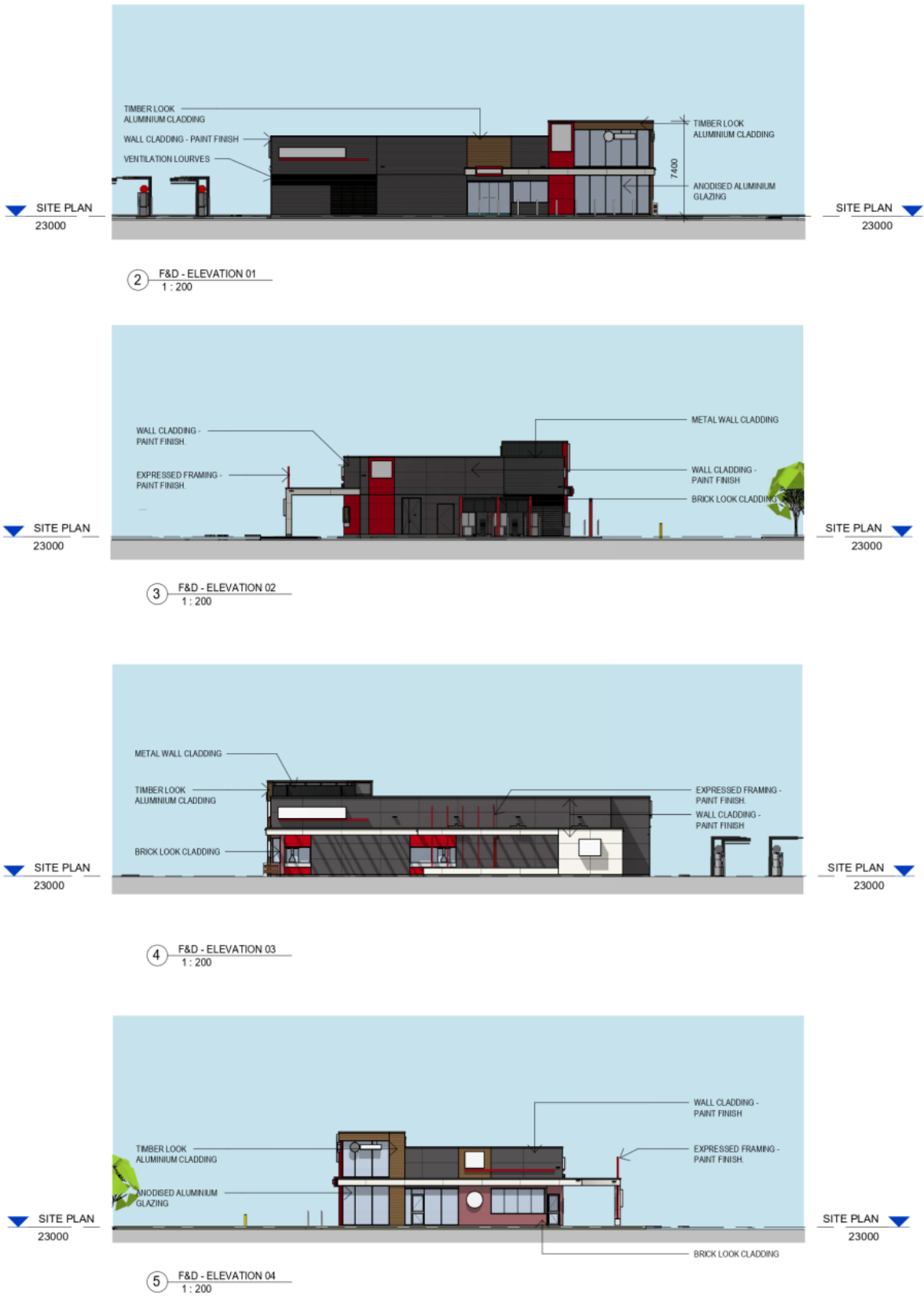


1 PLAN - FOOD & DRINK
1: 200

SCHEDULE - GLA - FOOD & DRINK		
Name	Area	
T08	405 m ²	
T08 - PLAY	31 m ²	
	436 m ²	

SEATING AREAS:

INTERNAL 85



5 F&D - ELEVATION 04
1: 200

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3	10/10/2021	ISSUE 3 - FOR DEVELOPMENT	DA
4	10/10/2021	ISSUE 4 - FOR DEVELOPMENT	DA
5	10/10/2021	ISSUE 5 - FOR DEVELOPMENT	DA

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PROPERTY DEVELOPMENT INVESTMENT

PORT MACQUARIE SERVICE
CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

FOOD & DRINK - PLAN &
ELEVATIONS

2019-154

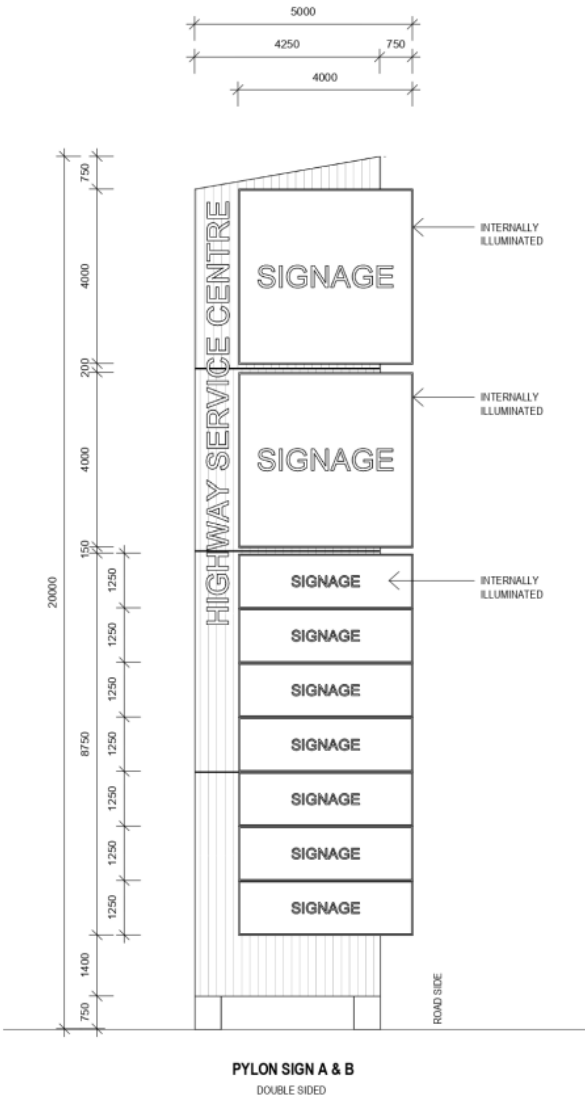
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As indicated
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PYLON SIGN		MAX. HEIGHT	WIDTH	DISPLAY AREA (m²)
SIGN-A	ENTRY PACIFIC HWY	20	5	92m²
SIGN-B	ENTRY OXLEY HWY	20	5	92m²



no.	date	ISSUE / revision	by
1	01/01/2021	ISSUE 1 - FOR INFORMATION	PD
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3	01/01/2021	ISSUE 3 - FOR INFORMATION	PD
4	01/01/2021	ISSUE 4 - FOR INFORMATION	PD
5	01/01/2021	ISSUE 5 - FOR INFORMATION	PD
6	01/01/2021	ISSUE 6 - FOR INFORMATION	PD
7	01/01/2021	ISSUE 7 - FOR INFORMATION	PD
8	01/01/2021	ISSUE 8 - FOR INFORMATION	PD

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PROPERTY DEVELOPMENT INVESTMENT

PORT MACQUARIE SERVICE CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

client

project - address

drawing title

job no

drawing no

issue

PYLON SIGNS

2019-154

DA011

G

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REFER TO DA012B - GATEWAY VIEW_PLAN



1 COUNCIL VIEW B - EXISTING



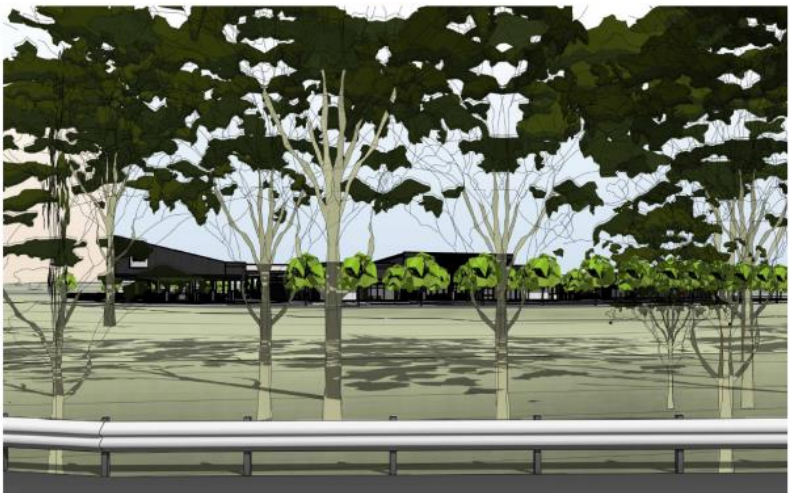
1A COUNCIL VIEW B - POST CONSTRUCTION



4 COUNCIL VIEW B - 6-7 YEARS AFTER



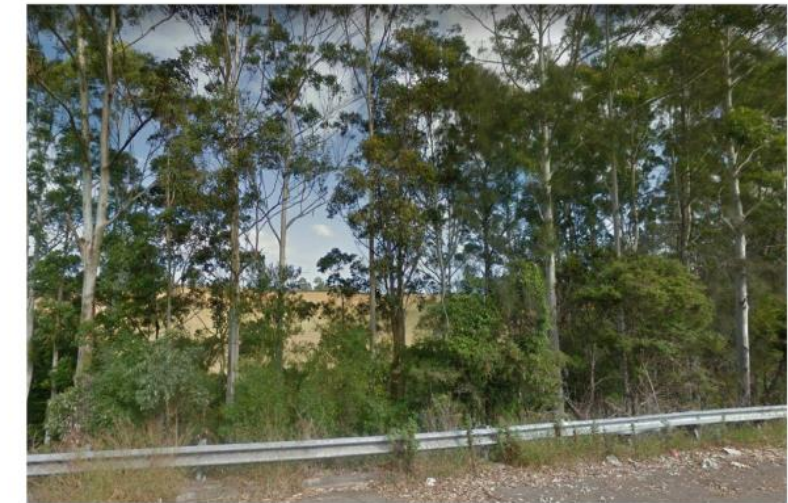
2 COUNCIL VIEW D - EXISTING



2A COUNCIL VIEW D - POST CONSTRUCTION



2B COUNCIL VIEW D - 6-7 YEARS AFTER



3 COUNCIL VIEW H - EXISTING



3A COUNCIL VIEW H - POST CONSTRUCTION



3B COUNCIL VIEW H - 6-7 YEARS AFTER

no.	date	ISSUE / revision	by
1	01/01/2021	ISSUE 1 - FOR INFORMATION	CM
2	01/01/2021	ISSUE 2 - FOR INFORMATION	CM
3	01/01/2021	ISSUE 3 - FOR INFORMATION	CM
4	01/01/2021	ISSUE 4 - FOR INFORMATION	CM
5	01/01/2021	ISSUE 5 - FOR INFORMATION	CM

client	project - address	drawing title	job no.	drawing no.	issue
SCOTT PDI PROPERTY DEVELOPMENT INVESTMENT	PORT MACQUARIE SERVICE CENTRE PACIFIC & OXLEY HIGHWAYS, PORT MACQUARIE, NSW	3D VIEWS_GATEWAY VIEWS	2019-154	DA012	E

scale	drawn	checked	approved
A1	CM		

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REFER TO DA012B - GATEWAY VIEW_PLAN



1 COUNCIL VIEW J - EXISTING



2 COUNCIL VIEW J - POST CONSTRUCTION



3 COUNCIL VIEW J - 6-7 YEARS AFTER



DCP VIEW A-EXISTING
1 : 500

NO DIRECT VIEWS TO SUBJECT SITE DEVELOPMENT



DCP VIEW C-EXISTING
1 : 500

NO DIRECT VIEWS TO SUBJECT SITE DEVELOPMENT

no.	date	ISSUE / revision	by
1	07/10/2021	ISSUE 1	KJR

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PROPERTY DEVELOPMENT INVESTMENT

PORT MACQUARIE SERVICE
CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

3D VIEWS_GATEWAY VIEWS 2

2019-154



DA012A
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1	07/10/2021	ISSUE 1	ISSUE 1	SCOTT PDI	PROPERTY DEVELOPMENT INVESTMENT	PORT MACQUARIE SERVICE CENTRE	PACIFIC & OXLEY HIGHWAYS, PORT MACQUARIE, NSW	GATEWAY VIEWS_PLAN		2019-154		DA012B	F	As indicated	KJR	MELBOURNE SYDNEY PERTH BRISBANE	i2c i2c.com.au
2	07/10/2021	ISSUE 2	ISSUE 2														
3	07/10/2021	ISSUE 3	ISSUE 3														
4	07/10/2021	ISSUE 4	ISSUE 4														
5	07/10/2021	ISSUE 5	ISSUE 5														
6	07/10/2021	ISSUE 6	ISSUE 6														
7	07/10/2021	ISSUE 7	ISSUE 7														
8	07/10/2021	ISSUE 8	ISSUE 8														
9	07/10/2021	ISSUE 9	ISSUE 9														
10	07/10/2021	ISSUE 10	ISSUE 10														



2 VIEW D - AERIAL



3 VIEW B - AERIAL



1 NORTHERN VIEW - AERIAL

no.	date	ISSUE / revision	by
1	07/10/2021	ISSUE 1 - FOR PRELIMINARY	CM
2	15/10/2021	ISSUE 2 - FOR PRELIMINARY	CM
3	20/10/2021	ISSUE 3 - FOR PRELIMINARY	CM
4	20/10/2021	ISSUE 4 - FOR PRELIMINARY	CM

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PROPERTY DEVELOPMENT INVESTMENT

PORT MACQUARIE SERVICE
CENTRE
PACIFIC & OXLEY HIGHWAYS,
PORT MACQUARIE, NSW

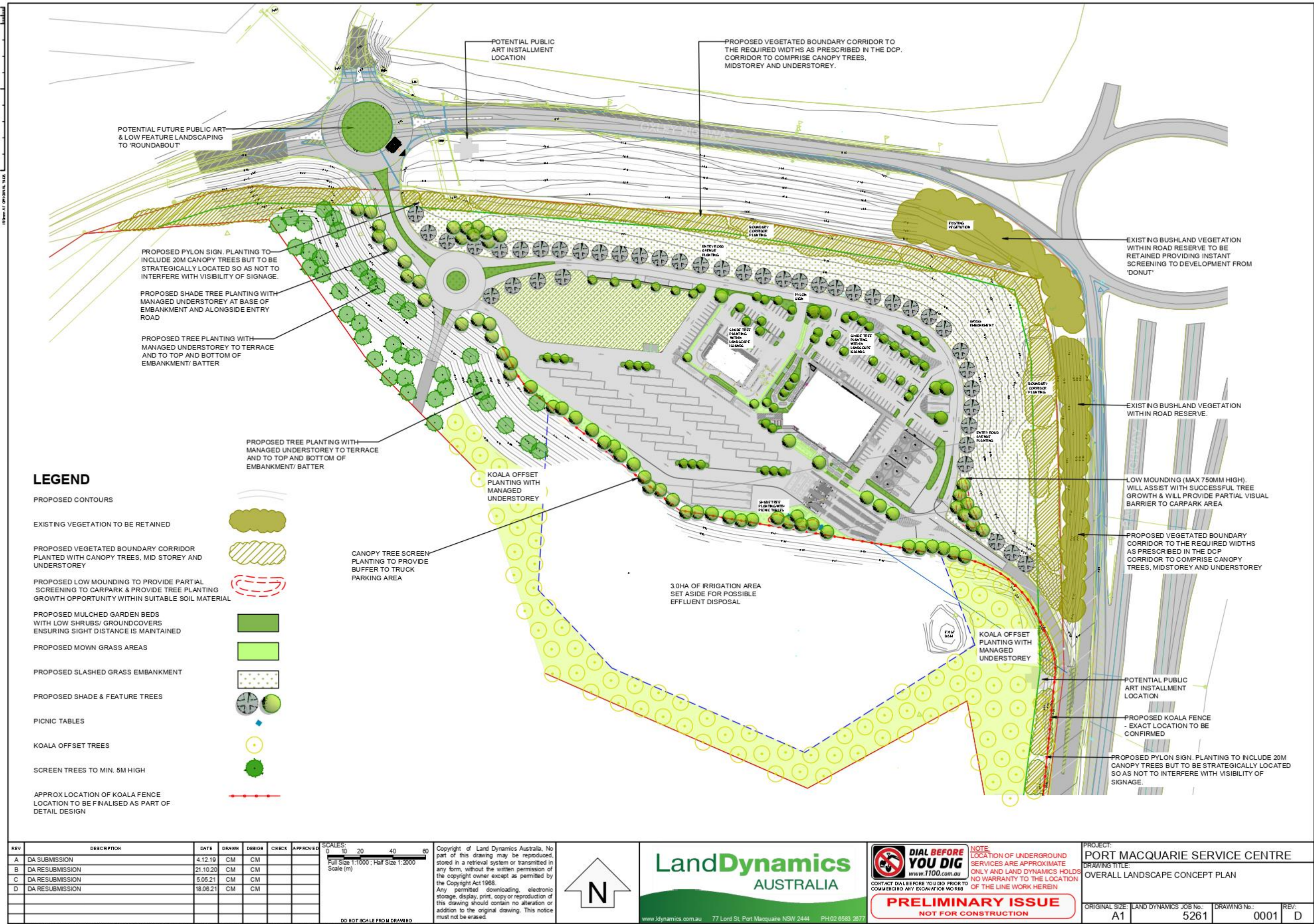
AERIAL VIEWS

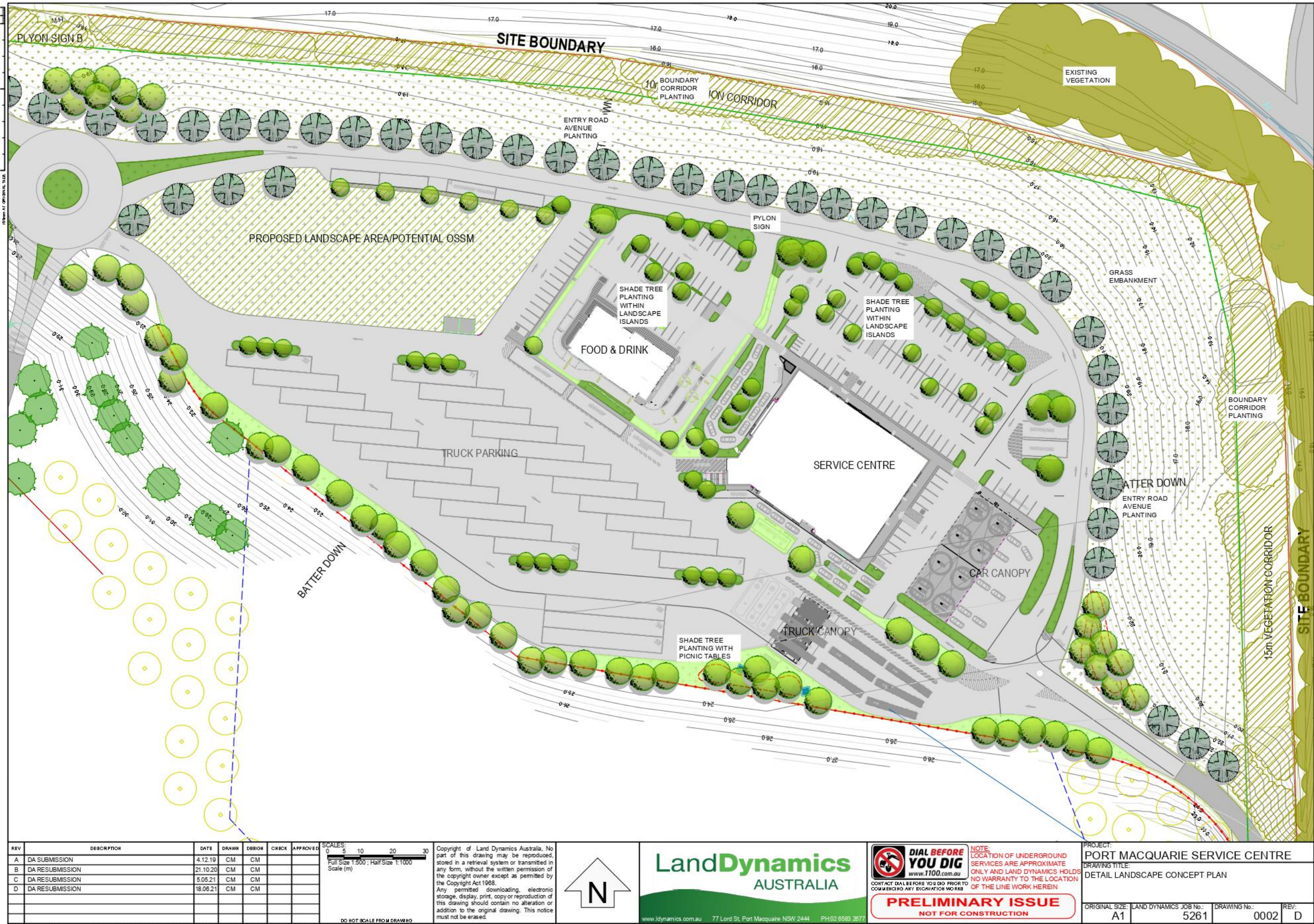
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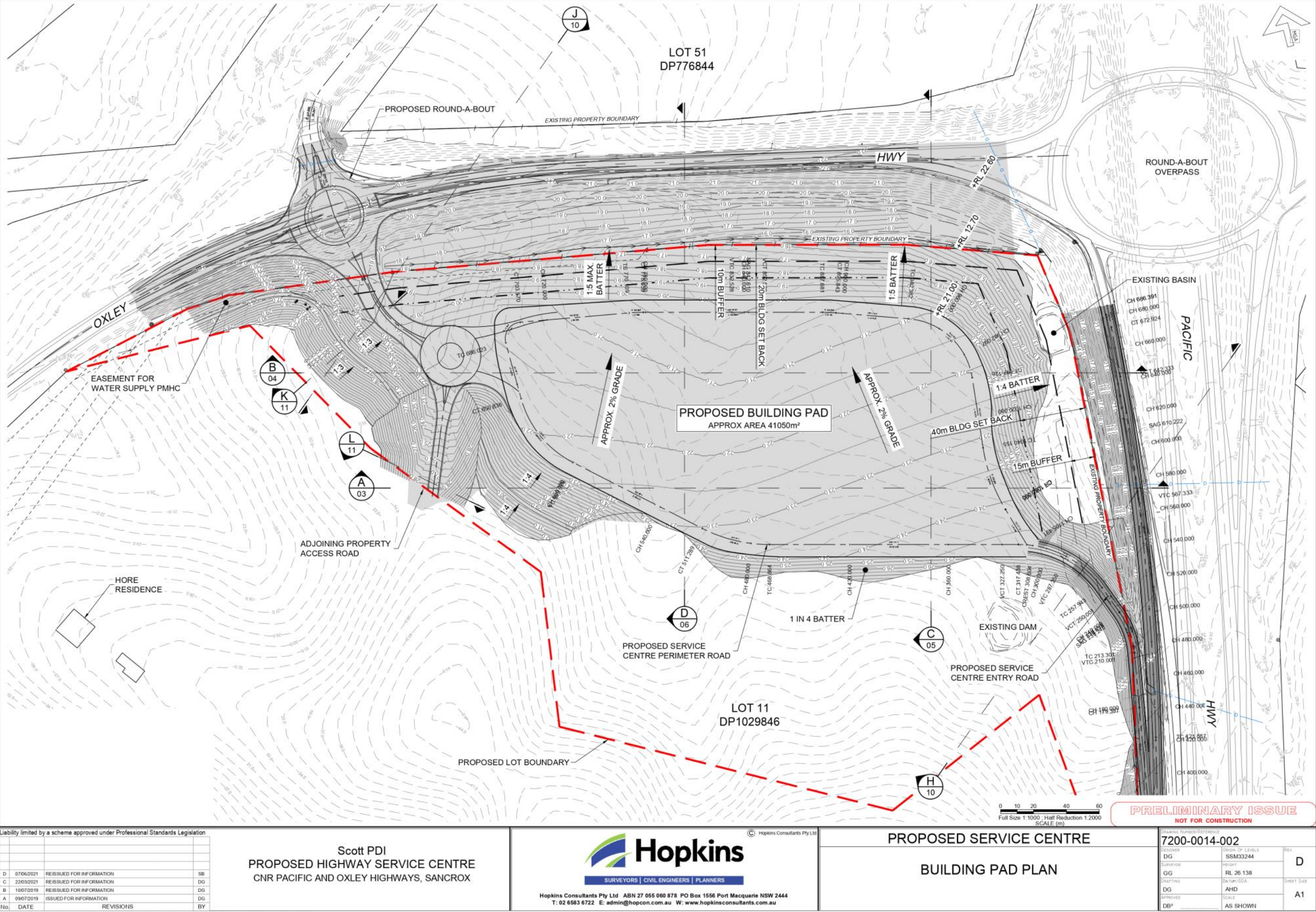
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CIVIL CONCEPT PLANS FOR THE
PACIFIC HIGHWAY OFF RAMP TO
OXLEY HIGHWAY REALIGNMENT
AND OXLEY HIGHWAY WIDENING
WITH BILLABONG DRIVE
ROUND-A-BOUT FOR
PROPOSED SERVICE CENTRE

DRAWING LIST		
DRAWING NUMBER/REFERENCE	TITLE	REVISION
7200-0016 -001	COVER SHEET AND DRAWING LIST	C
7200-0016 -002	GENERAL ARRANGEMENT KEY PLAN	C
7200-0016 -003	ROAD DETAILS PACIFIC HIGHWAY OFFRAMP EXTENSION 1 OF 2	C
7200-0016 -004	ROAD DETAILS PACIFIC HIGHWAY OFFRAMP EXTENSION 2 OF 2	C
7200-0016 -005	ROAD DETAILS OXLEY HIGHWAY ROUND-A-BOUT AND WIDENING 1 OF 2	C
7200-0016 -006	ROAD DETAILS OXLEY HIGHWAY ROUND-A-BOUT AND WIDENING 2 OF 2	C
7200-0016 -007	ROAD DETAILS OXLEY HIGHWAY ROUND-A-BOUT DETAILED GEOMETRY 1 OF 1	C
7200-0016 -008	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP AND OXLEY HIGHWAY INTERSECTION 1 OF 1	C
7200-0016 -009	ROAD DETAILS TYPICAL CRITICAL SECTIONS 1 OF 3	C
7200-0016 -010	ROAD DETAILS TYPICAL CRITICAL SECTIONS 2 OF 3	C
7200-0016 -011	ROAD DETAILS TYPICAL CRITICAL SECTIONS 3 OF 3	C
7200-0016 -012	ROAD DETAILS TYPICAL PAVEMENT DETAILS 1 OF 1	C
7200-0016 -013	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 1 OF 18	C
7200-0016 -014	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 2 OF 18	C
7200-0016 -015	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 3 OF 18	C
7200-0016 -016	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 4 OF 18	C
7200-0016 -017	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 5 OF 18	C
7200-0016 -018	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 6 OF 18	C
7200-0016 -019	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 7 OF 18	C
7200-0016 -020	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 8 OF 18	C
7200-0016 -021	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 9 OF 18	C
7200-0016 -022	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 10 OF 18	C
7200-0016 -023	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 11 OF 18	C
7200-0016 -024	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 12 OF 18	C
7200-0016 -025	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 13 OF 18	C
7200-0016 -026	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 14 OF 18	C
7200-0016 -027	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 15 OF 18	C
7200-0016 -028	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 16 OF 18	C
7200-0016 -029	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 17 OF 18	C
7200-0016 -030	ROAD DETAILS PACIFIC HIGHWAY OFF RAMP CROSS SECTIONS 18 OF 18	C
7200-0016 -031	ROAD DETAILS OXLEY HIGHWAY CROSS SECTIONS 1 OF 10	C
7200-0016 -032	ROAD DETAILS OXLEY HIGHWAY CROSS SECTIONS 2 OF 10	C
7200-0016 -033	ROAD DETAILS OXLEY HIGHWAY CROSS SECTIONS 3 OF 10	C
7200-0016 -034	ROAD DETAILS OXLEY HIGHWAY CROSS SECTIONS 4 OF 10	C
7200-0016 -035	ROAD DETAILS OXLEY HIGHWAY CROSS SECTIONS 5 OF 10	C
7200-0016 -036	ROAD DETAILS OXLEY HIGHWAY CROSS SECTIONS 6 OF 10	C
7200-0016 -037	ROAD DETAILS OXLEY HIGHWAY CROSS SECTIONS 7 OF 10	C
7200-0016 -038	ROAD DETAILS OXLEY HIGHWAY CROSS SECTIONS 8 OF 10	C
7200-0016 -039	ROAD DETAILS OXLEY HIGHWAY CROSS SECTIONS 9 OF 10	C
7200-0016 -040	ROAD DETAILS OXLEY HIGHWAY CROSS SECTIONS 10 OF 10	C
7200-0016 -041	SWEPT PATH OXLEY HIGHWAY ROUND-A-BOUT SERVICE CENTRE ENTRY/EXIT 25m B DOUBLE	C
7200-0016 -042	SWEPT PATH OXLEY HIGHWAY ROUND-A-BOUT EAST WEST TRANSIT 25m B DOUBLE	C
7200-0016 -043	SWEPT PATH OXLEY HIGHWAY ROUND-A-BOUT TURNING RIGHT WITH CAR 19m SEMI	C
7200-0016 -044	SWEPT PATH OXLEY HIGHWAY ROUND-A-BOUT SERVICE CENTRE ENTRY/EXIT 19m SEMI	C
7200-0016 -045	SERVICES WATER, SEWER, DRAINAGE AND LIGHTING STRATEGY PLAN 1 OF 1	C



LOCALITY PLAN
SCALE 1:5000



CONCEPT ISSUE
NOT FOR CONSTRUCTION

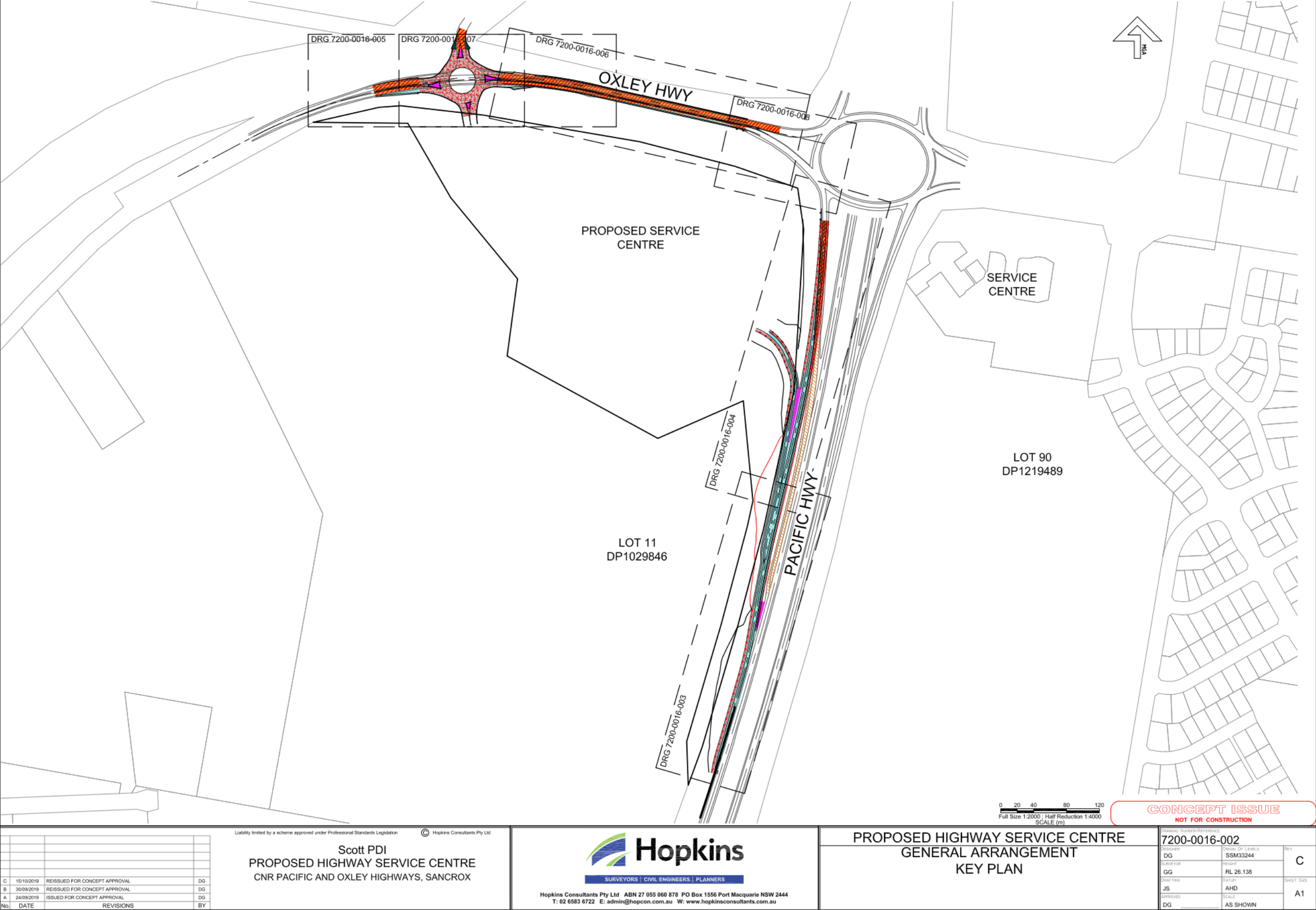
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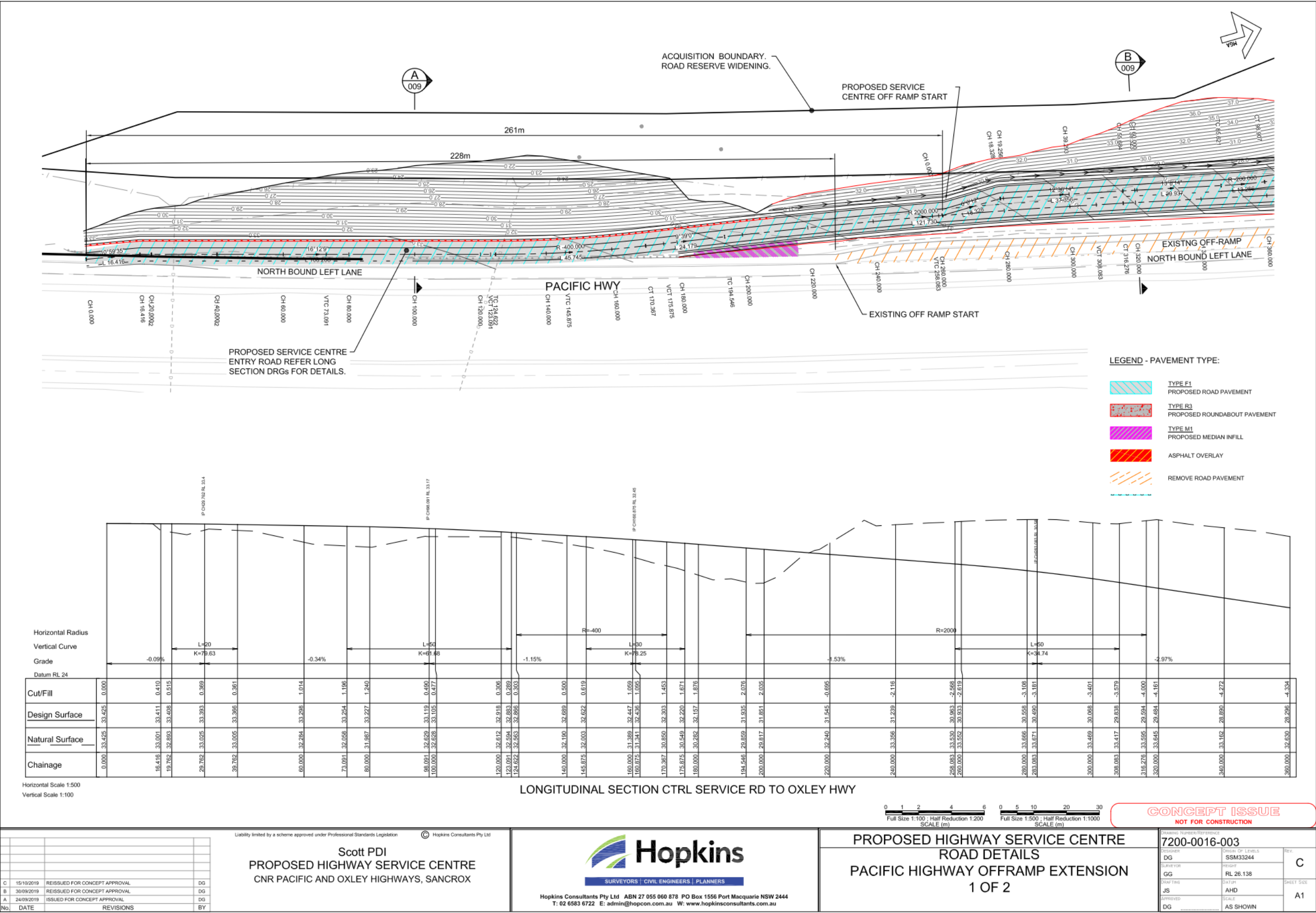


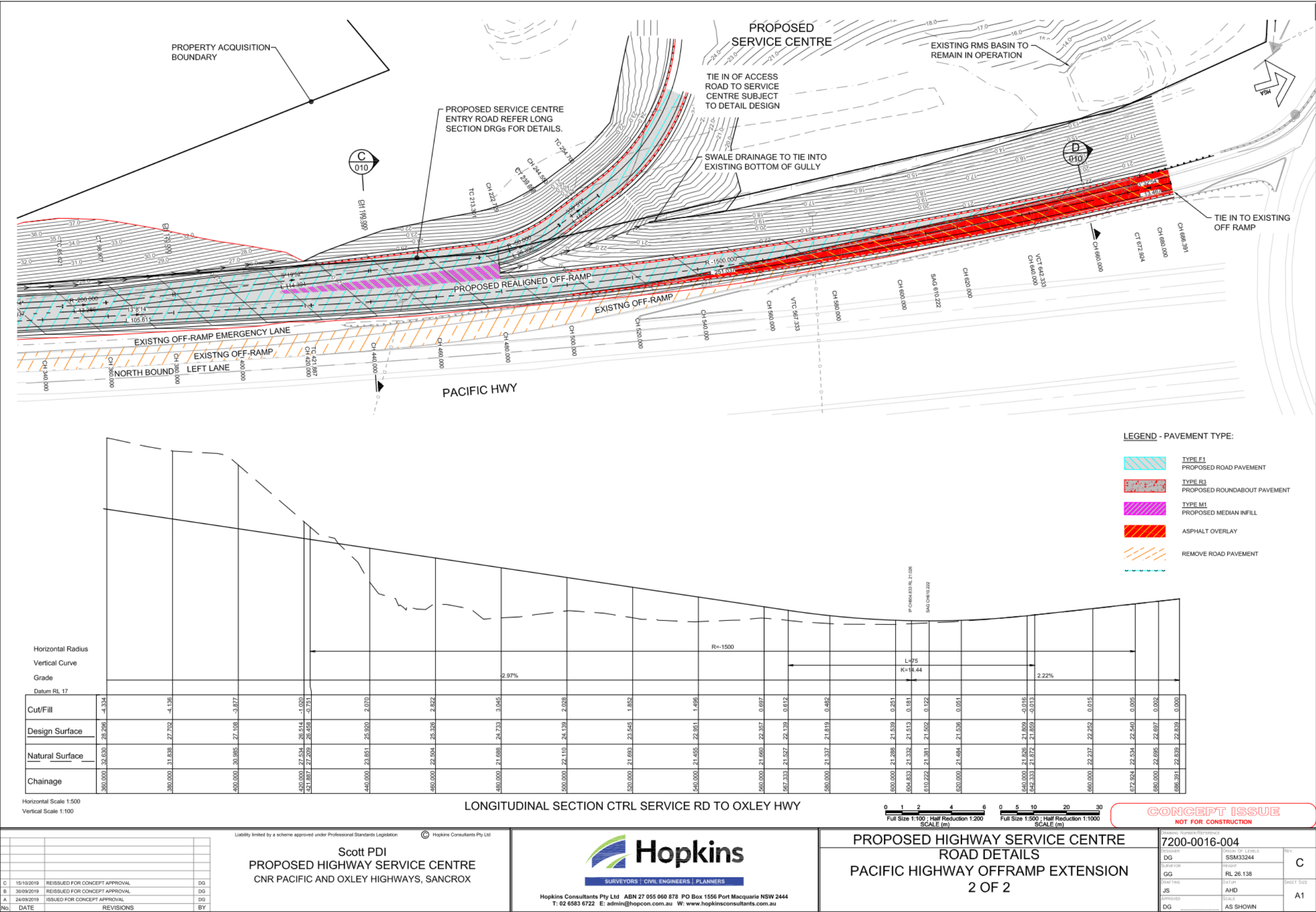
Hopkins Consultants Pty Ltd ABN 27 055 060 878 PO Box 1556 Port Macquarie NSW 2444
T: 02 6583 6722 E: admin@hopcon.com.au W: www.hopkinsconsultants.com.au

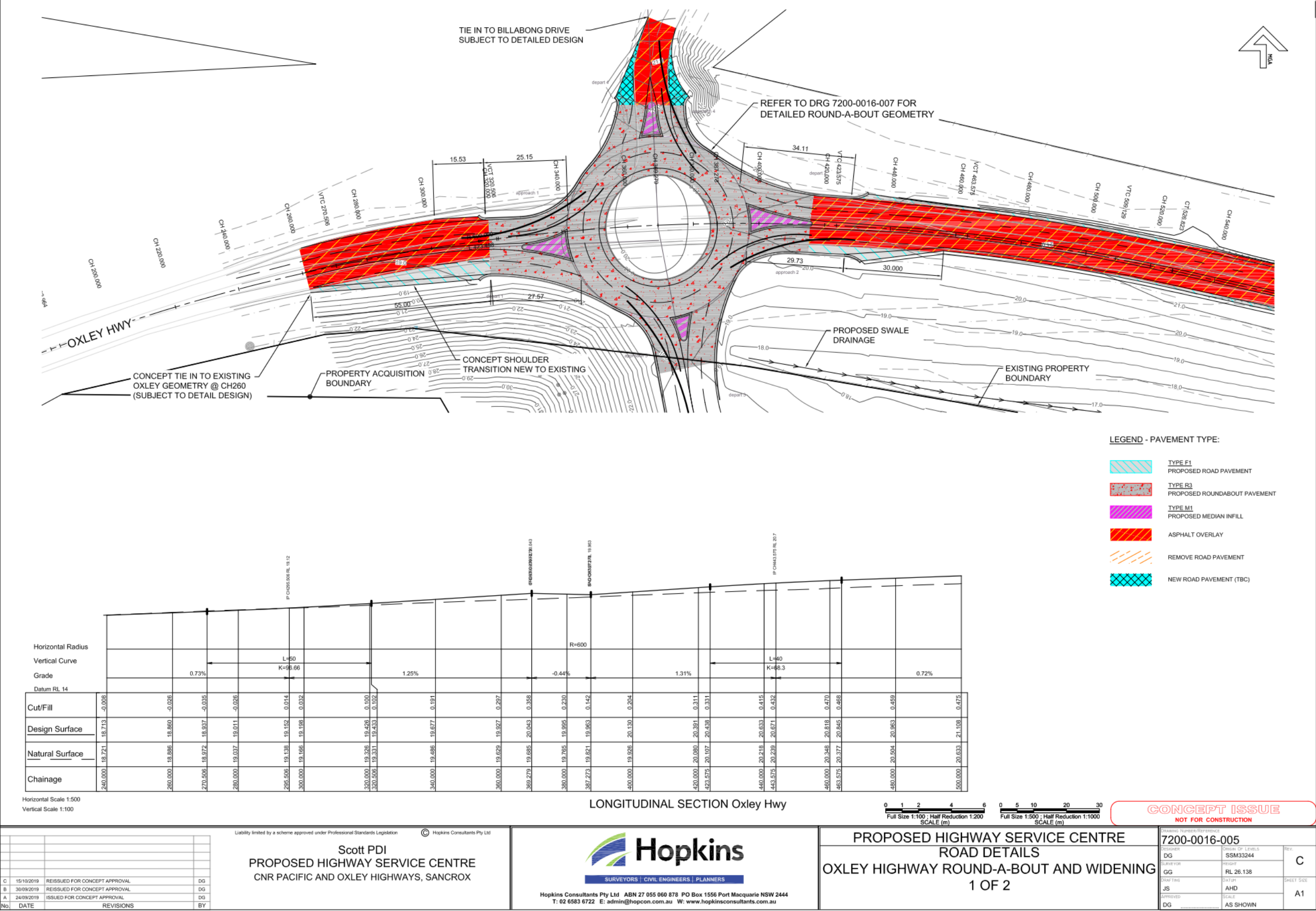


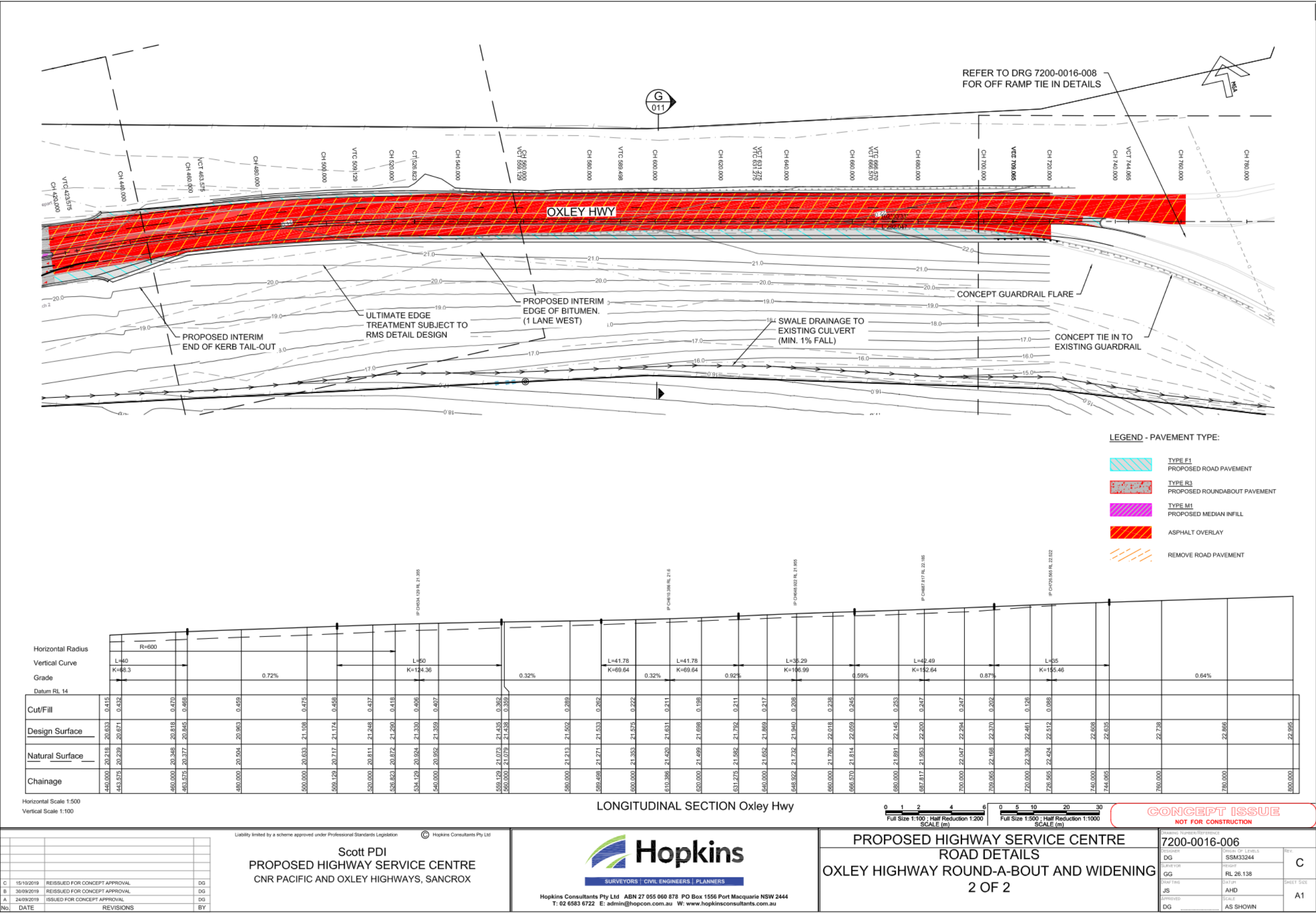
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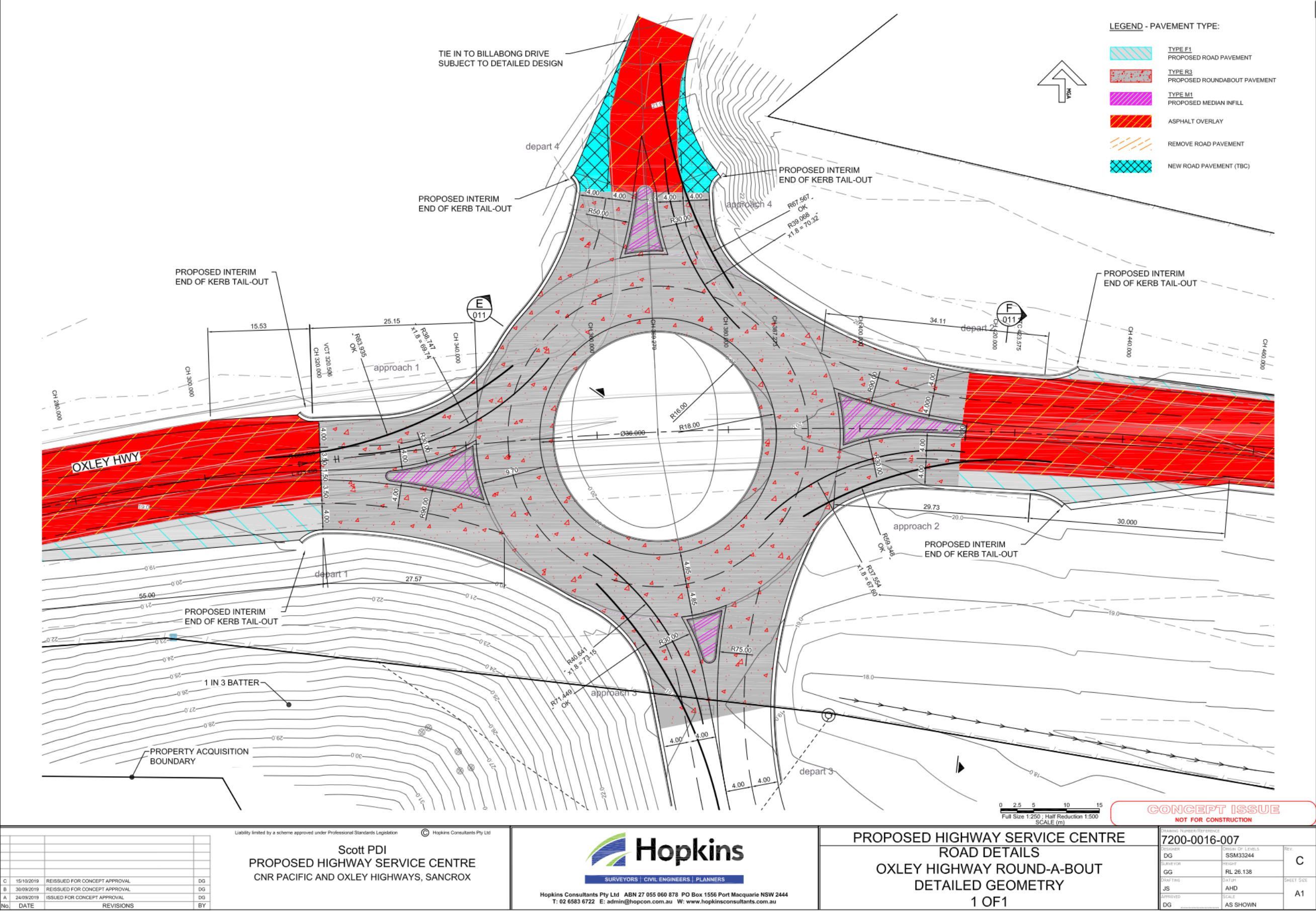


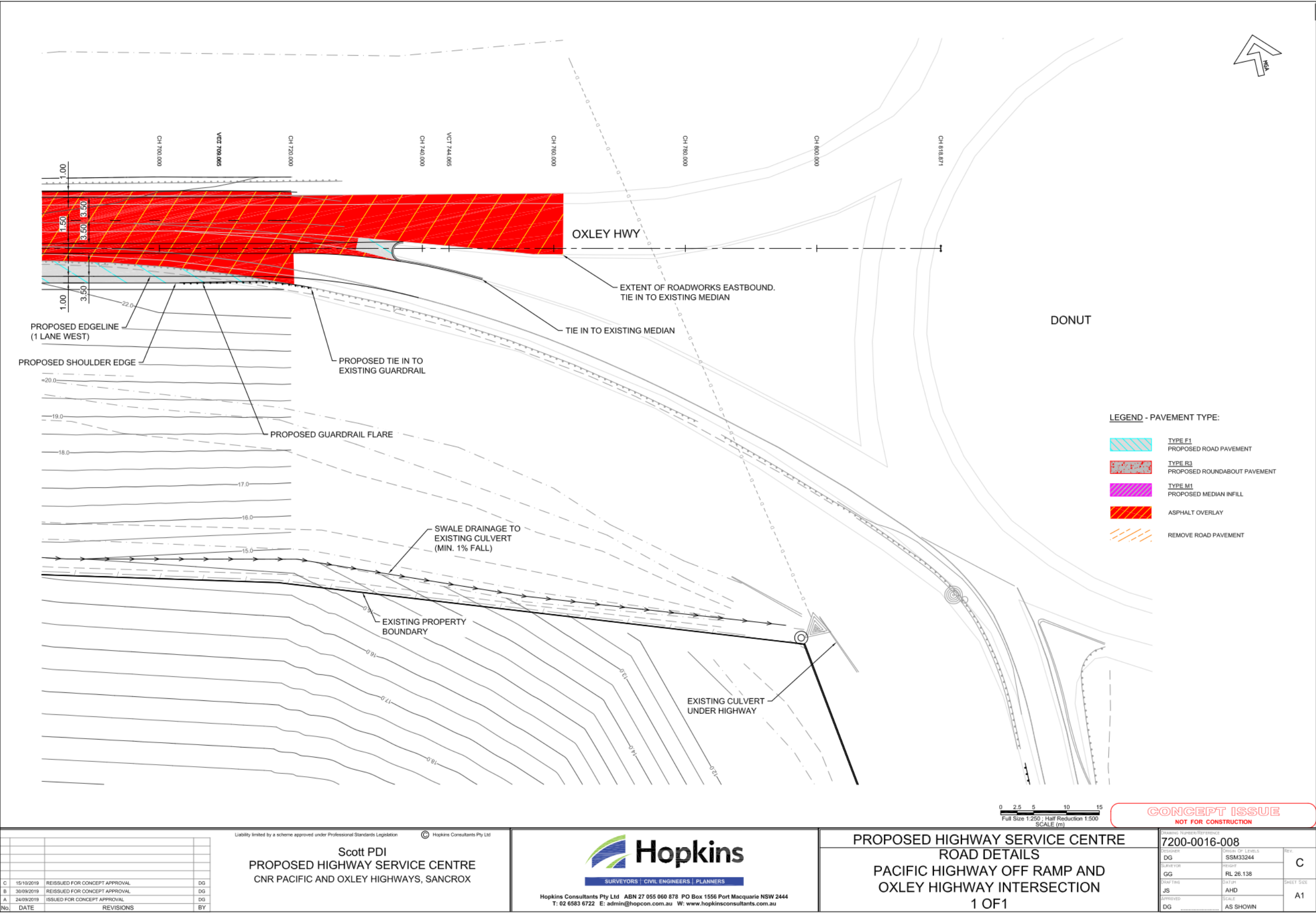












Developer Charges - Estimate

Applicants Name: Hopkins Consultants Pty Ltd
 Property Address: 1179 Oxley Highway, Sancro
 Lot & Dp: Lot(s):1,DP(s):1261690
 Development: DA 2019/945 - Highway Service Centre



Note: This notice includes charges associated with the 1179 Oxley Highway, Sancro Planning Agreement executed 24 Jul 2019 based upon provisions for onsite sewer work under Clause 12.3.2.

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	11.82	\$10,498.00 Per ET	\$124,075.80
2 Sewerage Scheme Port Macquarie	11.3	\$3,983.00 Per ET	\$45,007.90
3 N/A			
4 N/A			
5 N/A			
6 N/A			
7 N/A			
8 N/A			
9 Sewer Infrastructure Contribution levied under the 1179 Oxley Highway, Sancro Planning Agreement	1	\$227,888.00 Each	\$227,888.00
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 S94A Levy - Applicable to Consents approved after 2/12/07	1.00%	\$ 28,799,484	\$287,994.00
15 Admin General Levy - Applicable to Consents approved after 11/2/03	Contribution Not Applicable		
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$684,965.70

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:

27-Sep-2021

Estimate Prepared By Chris Gardiner

This is an ESTIMATE ONLY - NOT for Payment Purposes

Consultants Pty Ltd, 1179 Oxley Highway, Sancro, 27-Sep-2021.xls

PORT MACQUARIE-HASTINGS COUNCIL