



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Wednesday 18 January 2023

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

time: 2:00pm

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

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 (approve or refuse) 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 being considered by the panel.
- Determine Koala Plans of Management under State Environmental Planning Policy (Biodiversity and Conservation) 2021 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

- 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 Services (alternate - Director Community, Planning 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 media.

3.4 Member Tenure

The independent external members will be appointed for the term of 4 years or until such time as an expression of interest process to source panel members is completed for the proceeding 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 Wednesday each month at 2.00pm at the Port Macquarie offices of Council. Meetings may be conducted on-line or a combination of in person and on-line.
- Special Meetings of the Panel may be convened by the Director Community, Planning and Environment Services with 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 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 Community, Planning 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 3 days prior to each meeting. Minutes shall be appropriately approved and circulated to each member within 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 of the DAP and how each member votes for each item before the Panel. Meetings may be recorded via an on-line platform where practical.

6.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS

Not applicable.

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

- Members of the Panel must comply with 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 i.e. not disrupt the conduct of the meeting, 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	17/2/22	20/4/22	4/5/22	1/06/22	6/7/22	20/7/22	17/8/22	08/9/22	21/9/22	19/10/22	02/11/22	16/11/22
David Crofts (Independent Chair)	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	
Chris Gee (Independent Member)		✓		✓	✓	✓	✓		✓	✓	✓	✓
Michael Mason (Independent Member)	✓				✓	✓	✓	✓	✓			✓
Dan Croft (Group Manager Development Services)	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Tony McNamara (Independent Member)	✓	✓	✓	✓	✓	✓				✓		✓
Other attendees												
Mayor Peta Pinson	✓		✓				✓	✓				
Grant Burge (Development Engineering Coordinator)	✓	✓		✓	✓	✓	✓	✓	✓		✓	✓
Kerrod Franklin (Acting Development Engineering Coordinator)										✓		
Patrick Galbraith-Robertson (Development Planning Coordinator)	✓	✓	✓	✓	✓	✓	✓			✓	✓	
Steven Ford (Development Assessment Planner)					✓	✓	✓					
Chris Gardiner (Development Assessment Planner)			✓	✓	✓					✓		✓
Vanessa Penfold (Development Assessment Planner)					✓							
Clinton Tink (Development Assessment Planner)			✓	✓				✓				
Jon Power (Act Development Engineer Coordinator)			✓									
Beau Spry (Development Assessment Planner)			✓									
Ben Roberts (Development Assessment Planner)			✓									
Councillor Josh Slade	✓											
Councillor Sharon Griffiths											✓	
Kate Kennedy (Building Surveyor)	✓											
Warren Wisemantel	✓											
Deputy Mayor Adam Roberts												
Bob Slater (Development Assessment Planner)									✓			
Alton Dick (Stormwater Engineer)											✓	

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Meeting Dates for 2022

20/01/2022	Function Room	2.00pm
3/02/2022	Function Room	2.00pm
17/02/2022	Function Room	2.00pm
2/03/2022	Function Room	2.00pm
16/03/2022	Function Room	2.00pm
6/04/2022	Function Room	2.00pm
20/04/2022	Function Room	2.00pm
4/05/2022	Function Room	2.00pm
18/05/2022	Function Room	2.00pm
1/06/2022	Function Room	2.00pm
15/06/2022	Function Room	2.00pm
6/07/2022	Function Room	2.00pm
20/07/2022	Function Room	2.00pm
3/08/2022	Function Room	2.00pm
17/08/2022	Function Room	2.00pm
7/09/2022	Function Room	2.00pm
21/09/2022	Function Room	2.00pm
5/10/2022	Function Room	2.00pm
19/10/2022	Function Room	2.00pm
2/11/2022	Function Room	2.00pm
16/11/2022	Function Room	2.00pm
7/12/2022	Function Room	2.00pm

Development Assessment Panel Meeting

Wednesday 18 January 2023

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	<u>9</u>
02	Apologies.....	<u>9</u>
03	Confirmation of Minutes	<u>9</u>
04	Disclosures of Interest.....	<u>14</u>
05	DA2022 - 680.1 - Alterations and Additions to Tourist and Visitor Accommodation at Lot 3, DP 1113233, No 138 William Street, Port Macquarie.....	<u>18</u>
06	General Business	

AGENDA

DEVELOPMENT ASSESSMENT PANEL 18/01/2023

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 7 December 2022 be confirmed.

PRESENT

Members:

Chris Gee (Independent Member)
Tony McNamara (Independent Member)
Dan Croft (Group Manager Development Services)

Other Attendees:

Mayor Peta Pinson
Councillor Sharon Griffiths
Grant Burge (Development Engineering Coordinator)
Pat Galbraith-Robertson (Development Assessment Planning Coordinator)
Clinton Tink (Development Assessment Planner)
Ben Roberts (Development Assessment Planner)

Tony McNamara assumed the Chair

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

David Crofts (Independent Chair)

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 16 November 2022 be confirmed.

04 DISCLOSURES OF INTEREST

Nil.

05 DA2021 - 894.1 STAGED ADDITIONS TO RACECOURSE COMPRISING HORSE STABLES AND WALKERS AT LOT 653 DP 43940, NO.15 TULLOCH ROAD, PORT MACQUARIE

Speakers:

Maxine Godbolt (opposing the development)
Darren McCudden (opposing the development)
Robert Roach (opposing the development)
Wayne Evans (applicant)
Michael Bowman (applicant)
Andrew Lister (applicant)
Craig Nethery (applicant)
Chris Bawn (applicant)

CONSENSUS:

That DA2021 - 894 be deferred to enable the applicant to address the apparent conflict with the operational requirements and noise impact of the development noting the acoustic assessment supporting the application and draft conditions F(15) and F(16).

06 DA2022 - 649.1 STAGED MULTI DWELLING HOUSING AND STRATA TITLE SUBDIVISION AT LOT 1 DP 1279757, NO 120 CAMERON STREET, WAUCHOPE

Speakers:

Christine Peck (opposing the development)
Joy McKenzie (opposing the development)
Peter Roods (opposing the development)
Gus Gallo (opposing the development)
Ken Totter (opposing the development)
Jayden Thorpe (opposing the development)
Derek Collins (applicant)

CONSENSUS:

That DA2022 - 649.1 for a staged multi dwelling housing and strata title subdivision at Lot 1, DP 1279757, No. 120 Cameron Street, Wauchope, be determined by granting consent subject to the recommended conditions.

**07 DA2021 - 1221.1 MULTI-DWELLING HOUSING AND STRATA SUBDIVISION
AT LOT 5 DP 244326, NO 195 PACIFIC DRIVE, PORT MACQUARIE**

Speakers:

Susan Busby (opposing the development)
William Penn (opposing the development)
Mark Glendenning (opposing the development)
Damien Keep (applicant).

CONSENSUS:

That DA2021 - 1221 for multi-dwelling housing and strata subdivision at Lot 5, DP 244326, No. 195 Pacific Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.

**08 DA2021 - 964.1 DEMOLITION OF DWELLING AND CONSTRUCTION OF NEW
DWELLING AND SWIMMING POOL AT LOT 29A DP 24446, NO. 976 OCEAN
DRIVE, BONNY HILLS**

Written submissions from Stacey Brodbeck and Bonny Hills Progress Association tabled at the meeting.

Speakers:

Michael Toohey (opposing the development)
Stacey Brodbeck (opposing the development)
Natalie Southwell (opposing the development)
Dave McDonald (opposing the development)
Tracey O'Dea (opposing the development)
Ian Hartley (opposing the development)
Ken Robertson (opposing the development)
Trudy Hardy (opposing the development)
Helen Smith (opposing the development)
Odette Counsell (opposing the development)
Anne Huleatt (opposing the development)
John Stevens (applicant)
Michelle Love (applicant)
Derek Collins (applicant)
Boyd Ison (applicant).

CONSENSUS:

That DA 2021 - 964.1 for the demolition of dwelling and construction of new dwelling and swimming pool at Lot 29A, DP 24446, No. 976 Ocean Drive, Bonny Hills, be determined by granting consent subject to the recommended conditions.

09 GENERAL BUSINESS

Nil

The meeting closed at 5:15pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

(Refer to next page and the Code of Conduct)

Pecuniary Interest

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

Non-Pecuniary

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

Managing non-pecuniary conflicts of interest

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

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

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 (the <i>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 (the <i>subject land</i>)² <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: DA2022 - 680.1 - ALTERATIONS AND ADDITIONS TO TOURIST AND VISITOR ACCOMMODATION AT LOT 3, DP 1113233, NO 138 WILLIAM STREET, PORT MACQUARIE****Report Author: Development Assessment Planner, Steven Ford**

Applicant:	Encompass Drafting
Owner:	I M Francis
Estimated Cost:	\$850,000
Parcel no:	53525

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2022/680.1 for Alterations and Additions to Tourist and Visitor Accommodation at Lot 3, DP 1113233, No. 138 William Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for alterations and additions to existing tourist and visitor accommodation 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, 5 submissions were received.

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

This report recommends that the development application be approved subject to the attached conditions - Attachment 1.

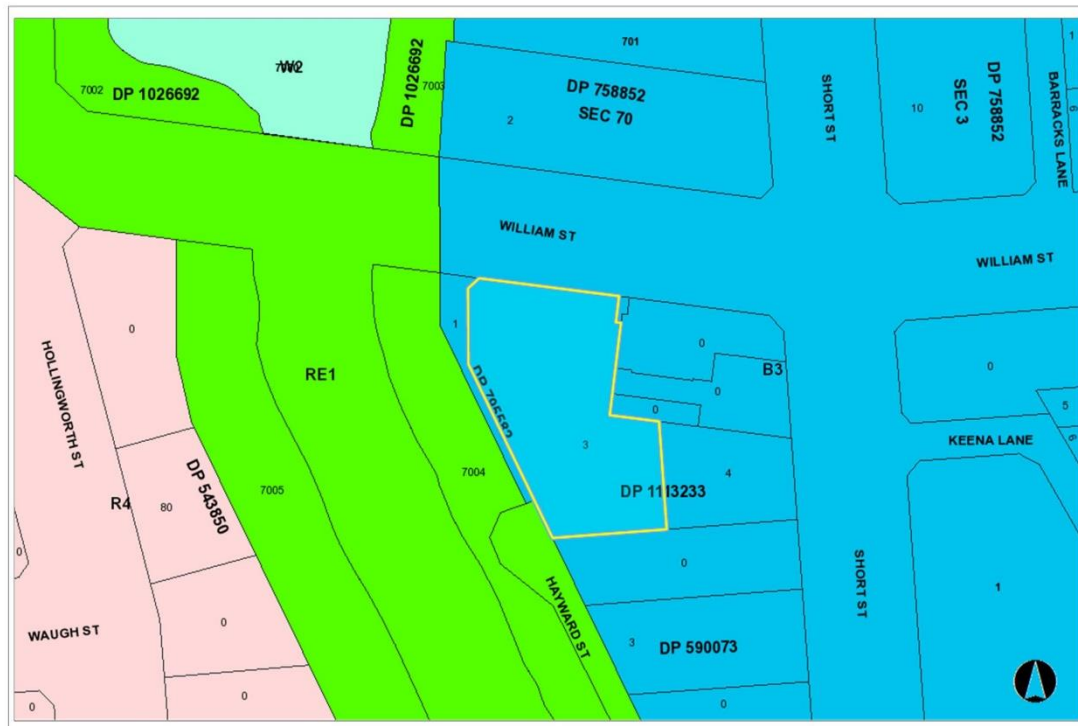
The reason for the application being referred to Council's Development Assessment Panel (DAP) is because three (3) or more objections to the proposal have been received. A copy of the DAP Charter outlining the delegations and functions of the DAP is available on Council's website.

1. BACKGROUND

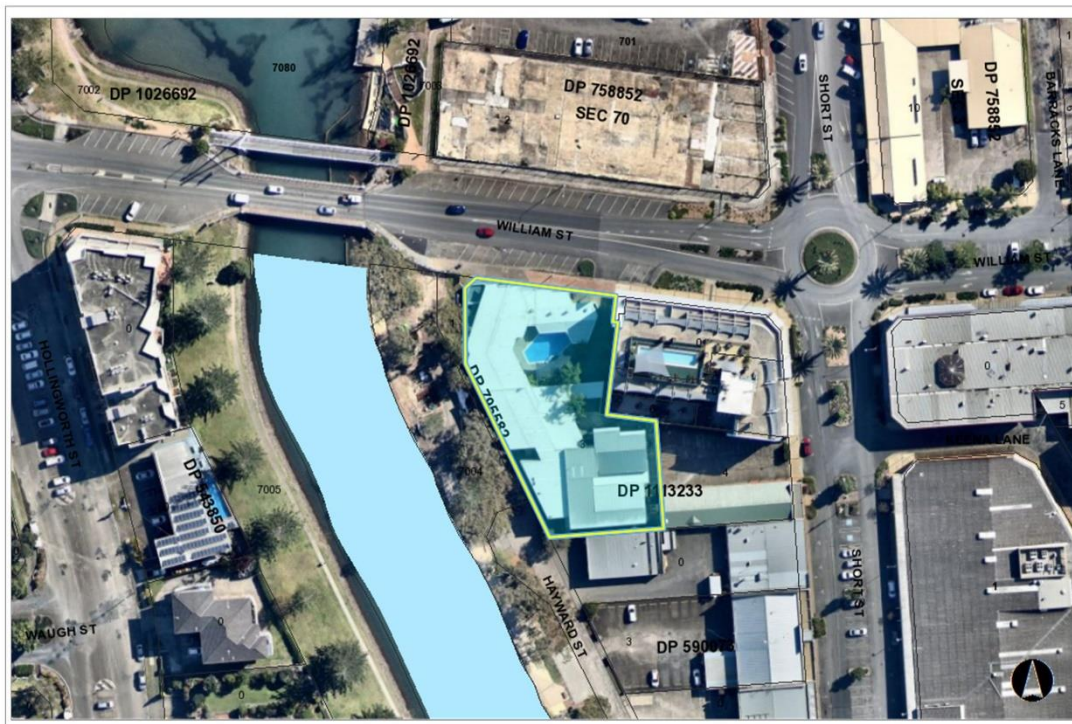
Existing Sites Features and Surrounding Development

The site has an area of 2,451m².

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Conversion of 5 squash courts and provide 10 additional tourist and visitor accommodation rooms.
- Minor changes to existing driveway and car parking layout.

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

Application Chronology

- 29 July 2022 - Application lodged.
- 28 August to 23 September 2022 - Public exhibition via neighbour notification.
- 21 October 2022 - Flood and evacuation report received.
- 27 October 2022 - Traffic and car parking assessment received.
- 11 November 2022 - Additional information and amended plans received.
- 1 December 2022 - Amended car parking assessment received.

Note: DA1999/723 was approved for Conversion of Squash Courts to Motel Units, Relocation of Manager's Residence, dated 26 August 1999. This approval has now lapsed.

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 (Biodiversity and Conservation) 2021
Chapter 4 Koala Habitat Protection 2021**

Clause 4.4 - This SEPP applies to all non-rural zoned land within the Port Macquarie-Hastings Local Government Area.

Clause 4.10 - Having considered the SEPP, the application and on completion of a site inspection, Council is not prevented from granting consent in this case for the following reasons:

1. The property is not subject to a KPOM,
2. The site not considered to be core koala habitat.

**State Environmental Planning Policy (Resilience and Hazards) 2021
Chapter 2 Coastal Management**

Clause 2.5 - This SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clause 2.8 (proximity to coastal wetlands) 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.

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

Having regard to clauses 2.10 and 2.11 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;

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

- (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.

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 commercial purposes.

Clause 2.12 - The proposal is not likely to cause increased risk of coastal hazards on the land or other land.

Chapter 4 Remediation of Land

Clause 4.6 - 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 continued tourist and visitor accommodation use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48 - Development in proximity to electricity infrastructure - referral to Essential Energy has been completed.

Essential Energy have no specific safety concerns regarding the development, but have provided some general advice. The advice received from Essential Energy has been forwarded the Applicant for consideration.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2 - The subject site is zoned B3 Commercial Core.
- Clause 2.3(1) and the B3 zone landuse table - The proposed development for alterations and additions to tourist and visitor accommodation is a permissible landuse with consent.

The objectives of the B3 zone are as follows:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
 - *To encourage appropriate employment opportunities in accessible locations.*
 - *To maximise public transport patronage and encourage walking and cycling.*
 - *To ensure that new residential accommodation and tourist and visitor accommodation within the zone does not conflict with the primary function of the centre for retail and business use.*
 - *To provide for the retention and creation of view corridors and pedestrian links throughout the Greater Port Macquarie city centre.*
- Clause 2.3(2) - The proposal is consistent with the zone objectives having regard to the following:

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

- Proposal does not conflict with the primary function of the locality or adjoining landuses. The site already contains established tourist and visitor accommodation.
- The proposed is a permissible use.
- Clause 4.3 - The maximum overall height of the building above ground level (existing) is 9.5m which complies with the standard height limit of 19m and 16m applying to the site.
- Clause 4.4 - The floor space ratio of the proposal is 1:1, which complies with the maximum 2.5:1 floor space ratio applying to the site.
- Clause 5.10 - Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 5.21 - The site is within the mapped flood planning area. A flood evacuation assessment prepared by Floodman Engineering, dated 8 September 2022 accompanied the application. Refer to Attachment 4. The report has been reviewed by Council's specialist flood engineer whom concluded that the proposal complies with the PMHC Flood Policy. The following specific comments have been provided:

"The proposal adheres to objective 1 (a) "to minimise the flood risk to life and property associated with the use of land", (b) "to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change.

Objectives 1(c) and 1(d) are not required to be addressed in this instance.

The development plans show the following levels:

- *Basement carpark level - varies from 1.1m AHD to 2.31m AHD*
- *Street level units (existing) - approximately 2.1m AHD (surveyed basement FL + 910mm as per architectural plans)*
- *Ground floor (area subject to development) - approximately 3.6m AHD (surveyed basement FL + 2400mm as per architectural plans).*
- *First floor units (existing) - approximately 6.48m*
- *The existing basement carpark and street level units do not meet flood policy requirements with regard to minimum floor levels (FPL2). These areas remain largely unchanged as a result of the development.*
- *The first floor units comprise approximately 40% of the total floor area and is located above FPL3. The policy requires 25% of floor area to be above FPL3, and the remainder to be at or above FPL2.*
- *The proposed ground floor additions appear to be above FPL2, complying with the flood policy, however a specific condition has been recommended to confirm."*
- Clause 7.4 - The flood evacuation assessment report lodged provided sufficient details and appropriate measures to the satisfaction of Council's Flood Officers. Appropriate consent conditions recommended.
- Clause 7.13 - Satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

(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.	Noted, existing private waste collection servicing the development.	Y
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).	As per the architectural drawings, the development will not require excavation or filling in excess of 1 metre.	Y

DCP 2013: Part B- General Provisions- B4: Transport, Traffic Management, Access and Car Parking			
DCP Objective	Development Provisions	Proposed	Complies
Road Hierarchy			
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 proposed.	NA
	b) Existing direct accesses from a development to arterial and distributor roads are rationalised or removed where practical.	Not adjoining arterial road.	NA

	<p>c) Vehicle driveway crossings are minimal in number and width (while being adequate for the nature of the development), and positioned:</p> <ul style="list-style-type: none"> - to avoid driveways near intersections and road bends, and - to minimise streetscapes dominated by driveways and garage doors, and - to maximise on-street parking. 	Existing Driveways utilised. No adverse concern identifiable.	Y
Parking Provision			
24	<p>a) Off-street Parking is provided in accordance with Table 3.</p> <p>Motel or Hotel 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>Restaurant and retail = 1 per 30m2 serviced floor area.</p> <p>Squash Courts = 3 per court.</p>	<p>The site currently has the following land uses operating on the site:</p> <ul style="list-style-type: none"> • Palm Court Motor Inn – 24 motel rooms / units including an onsite Manager and 2 administration staff. • Existing Restaurant Operation (109.30m2 GLFA). • Existing Retail Operation (58.50m2 GLFA). • 5 squash courts, and • 36 on-site car parking spaces. <p><u>Required parking for the existing development:</u></p> <ul style="list-style-type: none"> • Motel - 28 • Restaurant - 4 • Retail - 2 • Squash Courts - 15. <p>Total car parking demand of 49 for the existing development based on current car</p>	No. However, considered acceptable due to existing site credit exceeding the required parking

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

		<p>parking rates. Existing shortfall of 12 spaces.</p> <p><u>Summary of the proposed development:</u></p> <ul style="list-style-type: none"> • Motel rooms - 34 • Existing Restaurant Operation (109.30m2 GLFA). • Existing Retail Operation (58.50m2 GLFA), • removing 5x squash courts. • 38 parking spaces to be provided. <p>Required parking for the proposed development:</p> <ul style="list-style-type: none"> • Motel - 39 • Restaurant - 4 • Retail - 2 <p>Total car parking demand of 45 for the proposed development. A shortfall of 7 spaces.</p> <p>The proposed car parking demand is less than the existing car parking demand of 49 spaces.</p> <p>The proposed development has a 7 space shortfall compared to the existing developments shortfall of 12 spaces. Therefore, the overall impact has been reduced.</p> <p>See justification below.</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.	NA	NA

	c) Where a proposed development falls within more than one category Council will require the total parking provision for each category.	Multiple uses considered above.	Y
27	a) On street parking will not be permitted unless it can be demonstrated that: <ul style="list-style-type: none"> – parking does not detract from the streetscape; and – that streetscape improvement works, such as landscaped bays and street trees are provided. 	All parking areas are within the subject site. No changes to on street car parking.	Y
Parking Layout			
28	a) Visitor and customer parking shall be located so that it is easily accessible from the street.	Parking area is accessible from the main driveway. Operation of the site is also proposed to have valet parking. An appropriate condition is recommended.	Y
	b) Internal signage (including pavement markings) should assist customers and visitors to find parking and circulate efficiently and safely through a car park.	Internal signage is proposed to delineate parking areas and directional	
	c) Parking spaces shall generally be behind the building line but may be located between the building line and the street when: <ul style="list-style-type: none"> – it is stacked parking in the driveway; or – it can be demonstrated that improvements to the open space provided will result; and – the spaces are screened (densely landscaped or similar) from the street by a landscaping with a minimum width of 3.0m for the entire length of the parking area. 	Onsite parking complies with clause. No adverse concerns are identifiable.	Y
	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	Comments provided in traffic report and later in this report. Parking design satisfies this clause.	Y

	with a disability and AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.		
	e) Stack or tandem parking spaces will not be included in assessment of parking provision except where: <ul style="list-style-type: none"> – the spaces are surplus to that required; – in motor showrooms; – for home business; – for exhibition homes; – in car repair stations; – staff parking spaces are separately identified and delineated; – it is visitor parking associated with a dual occupancy multi dwelling and/or terrace housing, directly in front of the garage with a minimum depth of 5.5m. 	NA	NA
29	a) Parking is provided in accordance with AS/NZS 2890.1 - Parking facilities - Off-street car parking, AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities, AS 1428 - Design for access and mobility and AS 2890.6 - Off-street parking for individuals with a disability.	Comments provided in traffic report and later in this report. Parking design satisfies this clause.	Y
Section 7.11 Development Contributions			
32	a) Section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> permits Council, at its discretion, to accept a monetary contribution in lieu of on-site parking where it is considered impractical or undesirable to provide parking facilities on the site of the proposed development. Generally, contributions will not be accepted for the total amount of parking to be provided and will only be accepted in the commercial areas of Port Macquarie, Gordon Street, Laurieton,	Development Contributions apply, see comments later in this report.	NA

	North Haven and Wauchope, as identified in Council's Contribution Plan 1993, as amended. Contribution rates are indexed (CPI) each quarter with variations in the contribution rate for each area. Applicants are advised to consult Council's staff at the time of preparing the DA application should a contribution for parking be proposed.		
Landscaping of Parking Areas			
33	a) Landscaping areas shall be provided in the form of large tree planting, understorey plantings, mulch areas, mounding, lawns and the like	Existing landscaping satisfies this clause.	Y
	b) Landscaping areas shall be used throughout the car park and on the perimeters of the property where it addresses the public domain.	Landscaping and design elements proposed along driveway. Undercroft parking, does not require landscaping elements. No adverse concerns with regards to this clause.	Y
	c) Garden beds shall be a minimum of 3m in width between car parking areas and street boundaries.	NA - Car parking behind building line.	NA
	Surface Finishes		
35	a) All parking and manoeuvring areas shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers. Preliminary details of construction materials for access and car parking areas shall be submitted with the development application. Detailed plans shall be prepared for the construction	No changes to existing surface.	Y

	certificate by a practising qualified Civil Engineer.		
	b) In special cases (e.g. where traffic volumes are very low) Council may consider the use of consolidated unsealed gravel pavement for car parks. However, this should not be assumed and will need to be justified by the applicant at the Development Application stage.	No changes required.	Y
	Drainage		
36	a) All parking and manoeuvring spaces must be designed to avoid concentrations of water runoff on the surface.	No change to existing car parking levels. Capable of complying.	Y
	b) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development other than that of a minor nature.	No significant changes proposed.	Y
37	a) Car parking areas should be drained to swales, bio retention, rain gardens and infiltration areas.	NA	NA
	Loading Bays		
38	a) Off street commercial vehicle facilities are provided in accordance with AS/NZS 2890.2 - Parking facilities - Off-street commercial vehicle facilities.	No changes to existing arrangement for Hotel or Commercial tenancies.	Y
	b) Loading bays should be provided in accordance with the following requirements; <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 manoeuvring of delivery vehicles in an area 	NA	NA

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

	<p>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. 		
	c) Industrial development shall provide adequate heavy vehicle access to building entries, or alternatively, external bays located appropriately for goods distribution.	NA	NA
	d) For external bays, one bay is required for 500m ² of floor space or 1000m ² of site area.	NA	NA
	e) Commercial development having a floor space less than 500m ² need not provide a loading bay.	NA	NA
	f) 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 .	NA	NA
	g) If parcel pickup facilities are provided on-site they shall be located so as to avoid conflict with general traffic flow within parking areas. Parcel pickup lanes shall be separate from through traffic lanes in major shopping developments.	NA	NA

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.	<p>The proposed additional tourist and visitor accommodation does not have any direct social impacts to the local amenity or adjoining land uses.</p> <p>The proposal does not require a Social Impact Assessment under Council's Social Impact Policy.</p> <p>However, there have been a number of objections received regarding social impacts of the commercial decision to replace the existing squash courts. It is noted that the squash courts are a private business and not a government community facility.</p>	Y
Crime Prevention			
43	<p>a) The development addresses the generic principles of crime prevention:</p> <ul style="list-style-type: none"> – Casual surveillance and sightlines; – Land use mix and activity generators; – Definition of use and ownership; – Basic exterior building design; – Lighting; – Way-finding; and – Predictable routes and entrapment locations; – as described in the Crime Prevention Through 	<p>The proposed alterations and additions to the existing development does not create significant changes or entrapment areas that would support refusal of this application.</p> <p>Basic lighting and way finding signs are existing and considered appropriate. Additional elements are capable of being retrofitted if required.</p>	Y

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

	Environmental Design (CPTED) principles.		
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DCP 2013: Part C - Development Specific Provisions - C3: Business and Commercial Development			
DCP Objective	Development Provisions	Proposed	Complies
97	Setbacks a) A zero metre setback to ground floor is preferred for B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Centre and B4 Mixed Use zone developments.	No changes to existing side setbacks The proposed alterations and additions are within the existing external walls. Note: additional windows and openings for balconies to be cut into the existing wall. Privacy and proximity to adjoining residential uses considered later in this report as acceptable.	Yes
	b) Any front setback for other commercial zones to be considered on merit, having regard to existing streetscape.	No changes to primary street frontage by this application.	Yes
103	a) Infill development or alterations should respect the form, scale and massing of existing traditional buildings.	There are no additional adverse impacts identifiable to bulk and scale of the existing development	Yes
	b) Where traditional frontages and facades set the architectural theme for parts of a Centre, infill buildings or alterations respect and reflect the architectural qualities and traditional materials of those buildings, but do not necessarily imitate historical architectural styles.	No changes to street frontage proposed.	N/A
104	Active Frontages a) Ground floor levels should not be used for residential purposes in zones B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial core and B4 Mixed use.	No changes to street frontage proposed.	N/A

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

105	a) Active frontages should consist of one or more of the following: – A shop front. – Commercial and residential lobbies. – Café or restaurant if accompanied by an entry from the street. – Public building if accompanied by an entry from the street.	No changes to street frontage proposed.	N/A
	b) A minimum of 50% of the ground floor level front facade should be clear glazed.	No changes to street frontage proposed.	N/A
	c) Active ground floor uses are to be accessible and at the same level as the footpath.	No changes to street frontage proposed.	N/A
	d) Restaurants, cafés and the like shall provide openable shop fronts to the footpath but must not encroach into footpath.	No changes to existing frontage with regards to the existing food and drink premises or retail land uses proposed.	N/A
	e) Colonnade structures shall not be used unless it is demonstrated that the design would not restrict visibility into the shop or commercial premise or limit natural daylight along footpaths and do not create opportunities for concealment.	No changes to the existing location of the entrance/reception area of the existing Tourist & Visitor Accommodation	N/A
111	Landscaping a) A landscape plan shall be submitted with the development application and include: – Existing vegetation; and – Existing vegetation proposed to be removed; and – Proposed general planting and landscape treatment; and – Design details of hard landscaping elements and major earth cuts, fills and any mounding; and – Street trees; and – Existing and proposed street furniture including proposed signage.	Narrow landscaping along the eastern boundary to be removed to widen driveway to allow parking and improved access to parking. This strip is landscape planting only and somewhat to visual to passing traffic or adjoining developments. No changes to street frontage proposed.	N/A
	b) Vegetation is provided on top of podium levels, on tops of	None proposed	N/A

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

	car parks, and on balconies and verandas fronting the street below podium level.		
112	a) All street plantings are to be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.	No changes proposed	N/A
119	Gateways & Landmark Sites a) The design of buildings on corner sites or at the ends of business or commercial zones, shall emphasise the importance of the corner as a focal point.	Site is at the end of the B2 zoned land, However, no changes to street frontage is proposed or the significant changes to the external appearance of the existing building.	N/A
	b) Corner sites or at the ends of business or commercial zones shall be constructed to boundary or with a minimal setback with no car parking or servicing between the site boundary and the building.	N/A	N/A
	c) Design devices such as; - increased wall heights, splayed corner details, expression of junction of building planes, contrasting building materials; and other architectural features; should be used to reinforce the way finding attributes and significance of focal points.	N/A	N/A
	d) Shopfronts shall wrap around corners and entrances located centrally to the corner.	N/A - not considered a corner site.	N/A
	e) The tallest portion of the building shall be on the corner.	N/A	N/A
120	Vehicular Access Location and Design a) No direct vehicular access to at grade or basement car parking from the active street frontage should be permitted in B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core and B4 Mixed Use zones.	No new driveways proposed. The proposed development utilises existing driveways along William St and Secondary exit driveway on Hayward St. There are no additional adverse impacts to the street amenity or vehicle circulation of William street caused by the	N/A

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

		proposed development.	
	b) The number of vehicular crossovers shall be kept to a minimum and appropriate sight lines provided to ensure safe integration of pedestrian and vehicular movement.	No new driveway crossovers proposed.	Yes
	c) Any car park ramps are located largely within the building footprint.	No changes to the existing driveway grades.	Yes
	d) Underground car parks must be designed to enable all vehicles to access and egress in a forward direction.	Appropriate circulation provided to the undercroft parking area.	Yes
	e) Vehicular entrances to underground car parks are to be; <ul style="list-style-type: none"> – Located on minor streets; – Have a maximum crossover of 6.0m; – Shall be signed and lit appropriately; – Shall be designed so that exiting vehicles have clear sight of pedestrians and cyclists. 	No changes proposed to entrance and exit driveways.	Yes
	f) At-grade / surface car parking areas adjacent to streets shall be generally avoided or at least adequately softened by appropriate landscaping.	N/A	N/A
	g) All stairs and elevators in the parking structure are clearly visible.	Capable of being sign-posted and illuminated.	Yes
121	a) The street level frontage of car parking structures (including multi-level car parks) where adjoining public places, including streets, share ways and laneways, shall present an active frontage along the entire frontage less any car park entry.	No onsite street level parking proposed.	N/A
122	a) Internal finishes of underground car parks are to be consistent with the external materials where they are visible from the public realm.	Parking area not considered underground car parking.	N/A
	b) Underground car parks shall generally be designed for natural ventilation. Ventilation ducts/grilles shall integrate with	N/A	N/A

	the streetscape, be unobtrusive and/or appropriately screened.		
	c) Garage doors to underground parking shall be designed to complement the materials used elsewhere on the development.	N/A	N/A
123	Pedestrian Entries & Access a) Pedestrian and vehicle movement areas are separated to minimise conflict.	No change to existing shared driveway and pedestrian access. No adverse concern identifiable.	No, but considered acceptable based on existing use.
	b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways.	No change to existing shared driveway and pedestrian access. No adverse concern identifiable.	No, but considered acceptable based on existing use.
125	a) Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.	Demand not considered high for this type of development. However, parking level storage is possible and capable of being retrofitted without impacting car parking spaces.	No, but considered acceptable based on limited demand.

The proposal seeks to vary the Development Provision relating to parking provisions of clause 24.

The relevant objectives are:

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

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

- The proposed development has been supported by a Car Parking Assessment completed by Streetwise Road Safety and Traffic Services.
- The proposed development does not exceed the existing approved land use off street car parking or traffic demand.
- The proposal includes a valet service for disabled access and alleviates some of the concern of car park access and manoeuvring.
- The turnover of traffic generated is likely to be less than the existing squash court development.
- There are no additional adverse impacts to traffic or road function surrounding the subject site identifiable.

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

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

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

(iv) Any matters prescribed by the Regulations

Demolition of buildings AS 2601 - Clause 61

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

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

Context and Setting

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

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

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

The proposal does not have significant adverse lighting impacts.

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

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

Site Frontage & Access

The site has frontages to William Street and Hayward Street, both being sealed public roads under the control of council.

William Street is the primary frontage, and the site has an existing driveway from this road into the site. William Street is classified under AUSPEC as a Commercial road, with a 23m carriageway within a 30m road reserve. This frontage includes full width footpath paving, upright SA kerb and gutter, angled kerbside parking, and a painted central median.

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

Hayward Street is the secondary frontage at the rear of the site, and this site has an existing driveway access from this road as well. Hayward Street at this location is near the end of the street with an existing cul-de-sac / turning area in place. This street primarily acts as a service road to the car parking areas of the nearby property's whom also have dual road frontages to Short Street.

Vehicle access to the site is proposed through the existing access driveway off William Street, with egress out of the site via the existing driveway to Hayward Street. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been recommended to reflect these requirements.

Due to the nature of the development, additional works area required to be included as follows:

- Driveway upgrade off William Street per AUSPEC standard drawings and Town Centre Master Plan finishes.
- Pavement widening and kerb changes to Hayward Street entrance.
- Appropriate conditions are recommended in this regard.

Traffic and Transport

The proposal will not have any significant adverse impacts in terms of transport and traffic at this location. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Parking and Manoeuvring

The application was accompanied by a supporting Car Parking Assessment completed by StreetWise Road Safety and Traffic Service, Rev 4, dated 28 November 2022. Refer to Attachment 5. It is noted this assessment includes the emblems and names of some organisations which appear to be not relevant to this application, however this does not impact the overall outcome of the report.

A total of 38 parking spaces (including a valet service for clients requiring disabled access) have been provided on-site. The supporting Car Parking Assessment has demonstrated that the proposed development will have a reduced demand for on-site parking compared to the existing development. See comments earlier in this report for calculation.

The original car parking area was established and operational prior to the implementation of AS2890 being the appropriate standards for car parking design. The car parking area is unable to comply with the current standards for off street car parking facilities without significant structural modifications to the site. The introduction of access control to the parking area and valet parking for the operation of the site is considered an appropriate strategy to manage the non-compliance of the existing but modified car parking proposal in this specific instance.

Due to the nature of the development, additional items required include:

- Valet parking for the operation of the site.
- Access controlled entry, low clearance signage, no entry / exit signage as necessary.

Appropriate conditions are recommended in this regard.

Water Supply Connection

Council records indicate that is a 100mm AC main servicing the development, with a 50mm metered service. A hydraulic strategy and plans are required from a hydraulic consultant for the whole of the development. Water service sizing is then to be determined by the hydraulic consultant to suit the proposed domestic and commercial components of the development, as well as addressing fire service requirements to AS 2419 and backflow protection requirements Details are to be shown on the engineering plans.

Appropriate conditions are recommended in this regard.

Sewer Connection

Council records indicate that the sewer main traverses the site under the proposed development. The main shall be moved clear of the development, to run around the perimeter of the site and to reconnect the adjoining properties to the sewer. The sewer discharge for this development shall be upgraded to discharging directly into a new manhole.

It is noted that the development will be in the zone of influence to the new sewer main. Engineering details are required to ensure no loads are transferred to the sewer main.

Details are to be shown on the engineering plans.

Appropriate conditions are recommended in this regard.

Stormwater

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 Construction Certificate, in accordance with Councils AUSPEC requirements and the relevant Australian Standard requirements.

Appropriate conditions are recommended in this regard.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

The site is considered to be disturbed land.

Other land resources

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

Water cycle

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

Soils

The proposed development will not have any 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 on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. Adequate casual surveillance is available.

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 flooding have been adequately addressed.

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

5 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:

AGENDA

DEVELOPMENT ASSESSMENT PANEL

18/01/2023

Submission Issue/Summary	Planning Comment/Response
<p>Loss of the only squash court facility in Port Macquarie.</p>	<p>The existing development is privately owned and the commercial decision has been made to seek approval to redevelop based on an economic decision and use of the site. There is no planning mechanism to refuse the application based on merit of the recreation facility and availability of these facilities to the general public.</p> <p>Also, note that this development has previously been explored with a development application reference DA1999 - 723, determined with approval on 26 August 1999, which approved the alterations and additions to the squash courts to an additional 11 units.</p>
<p>Inadequate social impact statement with regards to the removal of the only squash courts in Port Macquarie.</p>	<p>Given the nature of the proposed development, the current land zoning, permissibility of the land use and its location, the proposal is not considered to have any significant adverse social impacts to the immediate area known as the Port Macquarie CBD or adjoining residential zone.</p> <p>It is noted that over time sporting facilities open and close due to demand. Unfortunately, the loss of the squash court facility will have a significant impact to the local squash community. However, the merit of this impact alone does not justify refusal of the application.</p>
<p>Privacy Impact to the adjoin Mantra Quayside tourist and visitor accommodation.</p> <p>Could the rooms facing the Mantra be redesigned to face short street?</p>	<p>The concern raised was discussed with the applicant. The balcony opening is minimal in size to all for ventilation of the rooms and have been located to provide solar access.</p> <p>The proposed balconies will be positioned lower and below the balustrade line of the adjoining developments rooms with potential privacy concerns. Noting that the adjoining rooms have glass balustrades with no privacy protection for future adjoining development.</p> <p>The nearest balcony will be approximately 11m from balustrade of</p>

Submission Issue/Summary	Planning Comment/Response
	<p>the existing balconies. Privacy screening with 25% transparency indicated on plans, are considered adequate in this instance and maintains a level of visual interest.</p> <p>The new openings and variation of materials will in provided articulation and visual interest to what is currently and blank unarticulated wall.</p> <p>Appropriate condition to require the installation of the proposed privacy screens prior to occupation certificate, in addition to the louvres to be fixed</p>
<p>Noise impacts to adjoin Mantra Quayside existing balconies and bedrooms.</p> <p>Is there any additional sound proofing in the wall cavities?</p> <p>Is there a sound rating for the privacy screens?</p>	<p>There are no adverse impacts identifiable between both adjoining tourist and visitor accommodation developments.</p> <p>There will be approximately a 15m separation between the proposed unit's balcony door and the adjoining development sliding balcony doors. Providing the intermitted use of the balconies, there are no adverse impacts with noise.</p> <p>Standard condition is recommended for noise omitted from mechanical ventilation systems and operation of the tourist and visitor accommodation.</p>

(e) The Public Interest

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

(f) 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.

(g) 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 towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.
- A copy of the contributions estimate is included as Attachment 3.






5. CONCLUSION AND STATEMENT OF REASON

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

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

The proposed development does not raise any significant general public interest issues beyond matters already addressed in this report. Overall, the proposed development is consistent with the provisions and objectives of the relevant planning controls and will have an acceptable impact on the surrounding natural and built environment. Approval of the application is considered to be in the public interest as it achieves the LEP objectives for development in the zone. No significant adverse environmental, social or economic impacts on the locality have been identified. Accordingly, the proposal is considered to be in the public interest.

Attachments

1.  DA2022 - 680.1 Recommended Conditions.
2.  DA2022 - 680.1 Plans
3.  DA2022 - 680.1 Contributions Estimate
4.  DA2022 - 680.1 Flood Evacuation Assessment report
5.  DA2022 - 680.1 Carparking Assessment report

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2022/680****DATE: 10/01/2023****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 4 - Division 2 of the *Environmental Planning & Assessment Regulations 2021*.

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	2010 (26/11/10)	Encompass Drafting and Design	28/7/22
Statement of Environmental Effects	Palm Court Motor Inn	Damien Keep	Nil
Car Parking Assessment	Palm Court Motor Inn	Streetwise Road Safety & Traffic Services	7/10/22
Flood Evacuation Assessment	FMDS0157-RP-FIA-00	Floodman Engineering	08/09/22

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 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;

2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (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 Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

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

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

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

- (8) (A042) In respect of applications for other than separate Class 1 buildings, applicants are required to furnish the following information from an approved Hydraulic Consulting Engineer with the application for the water service:

- a. Hydraulic calculations that address flow, pressure and velocity requirements of AS 3500.1.
 - b. A plan to a scale of not less than 1:100 that clearly indicates the position of the water meter on the property, the type of materials and nominal size of all water service pipes, the position of all stop valves, stop taps, backflow prevention devices and other valves, any water storage to be provided including air gap requirements, overflow pipe arrangement and any booster pumps.
 - c. Complete details of any fire service, booster pump or irrigation system installation.
- (9) (A090) All plumbing fixtures shall comply with the current version of the Plumbing Code of Australia and Australian Standard 3500. For the purpose of the code and standard the declared flood level is the 1 in 100 year flood level. Details demonstrating compliance shall be clearly illustrated on plans accompanying the section 68 application.
- (10) (A091) All parts of the structure below the applicable Flood Planning Level (1 in 100 flood level including climate change plus the relevant freeboard) shall be constructed from flood compatible materials compliant with the ABCB Standard for Construction of Buildings in Flood Hazard Areas. Consideration should also be given to the relevant provisions contained with the Hawkesbury-Nepean Floodplain Management Steering Committee document Reducing Vulnerability of Buildings to Flood Damage (2007). For the purpose of this requirement, the 1 in 100 year flood level including climate change and 500mm freeboard may be assumed to be 3.92m AHD.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Such works include, but not be limited to:

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

- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Road works along the frontage of the development, including pavement and kerb works at the Hayward Street frontage required to achieve the new car park spaces.
 2. Public parking areas including: driveways and access aisles, parking bays, turning areas, access control devices at entry, exit only (no entry) signage off Hayward street, Low Clearance signage.
 3. Sewerage reticulation. Council records indicate that the sewer main traverses the site under the proposed development. The sewer main shall be moved clear of the development, to run around the perimeter of the site and to reconnect the adjoining properties to the sewer system. The sewer discharge for this development shall be upgraded to discharging directly into a new manhole.
 4. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 5. Retaining walls.
 6. Stormwater systems.
 7. Erosion & Sedimentation controls.
 8. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 9. Traffic management control plan.
 10. Detailed driveway profile in accordance with Australian Standard 2890, and ASD202 & ASD207 Port Macquarie-Hastings Council current version. The upgraded driveway to William St shall be in accordance with the current Town Centre Master Plan details, or as otherwise approved by council.
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Administration Building Contributions Plan 2007
 - Hastings S94 Administration Levy Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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

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

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

Note 1: 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 or Subdivision Certificate relating to the development.

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

- (6) (B021) A hydraulic strategy and plans are required from a hydraulic consultant for the whole of the development on the site stage by stage. Water service sizing is then to be determined by the hydraulic consultant to suit the proposed domestic and commercial components of the development, as well as addressing fire service requirements to AS 2419 and backflow protection requirements.
- (7) (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).
- (8) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be

submitted to the Principal Certifying Authority with the application for Construction Certificate.

- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (11) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (12) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (13) (B069) Prior to release of the Construction Certificate a practising chartered professional structural engineer is to provide certification to the PCA that the building is designed so that all structural members are capable of withstanding flood forces and the impact of any debris (carried by floodwaters) likely to occur for a range of floods up to and including the 1 in 100 year flood including climate change and the relevant freeboard level of 500mm. For the purpose of this requirement, the 1 in 100 year flood levelling including climate change may be assumed to be 3.92m AHD. Velocities to be adopted for the calculation of forces created by flood waters and debris loading shall be at least three (3) times the velocities for a 1 in 100 year flood including climate change plus freeboard. For the purpose of this requirement, the velocity for the 1 in 100 flood may be assumed to be 0.29 m/s.
- (14) The floor level of the proposed ground floor units is to be no lower than the calculated 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be 3.42m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (3) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. at completion of installation of traffic management works
 - b. when the sub-grade is exposed and prior to placing of pavement materials;
 - c. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - d. at the completion of each pavement (sub base/base) layer;
 - e. before pouring of kerb and gutter;
 - f. prior to the pouring of concrete for sewerage works and/or works on public property;
 - g. on completion of road gravelling or pavement;
 - h. during construction of sewer infrastructure;
 - i. 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) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (4) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

- (5) (D016) During construction works the Pool Barrier must be maintained in accordance of the current Swimming Pools Act and Regulations.

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) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.

- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (5) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (6) (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.
- (7) (E060) Prior to Council accepting new sewer infrastructure, a CCTV inspection of all new and modified sewer 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'.
- (8) (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 Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (9) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (10) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (11) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (12) Prior to Occupation or release of the occupation certificate, privacy screening is to be installed and fixed as indicated on the plans, with a maximum 25% transparency.
- (13) (E044) The applicant will be required to submit prior to occupation or the issue of the Occupation/Subdivision Certificate, certification by a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.
- (14) (E045) All electrical meter boxes shall be placed at a level which is above the 1 in 100 year flood level including the applicable climate change allowance. The

positioning of meter boxes shall comply with the requirements of the relevant electricity authority. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL 3.42m AHD.

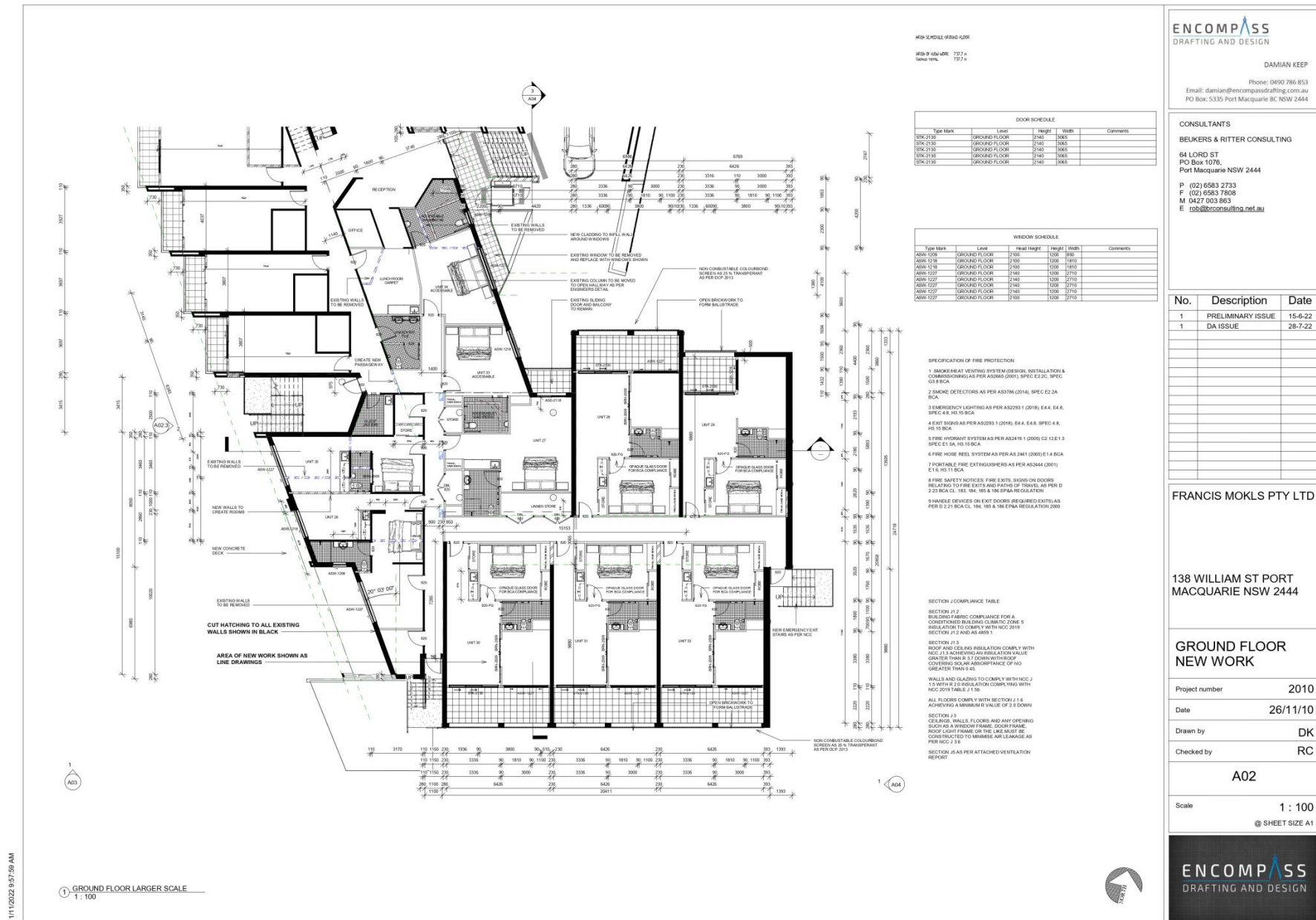
F – OCCUPATION OF THE SITE

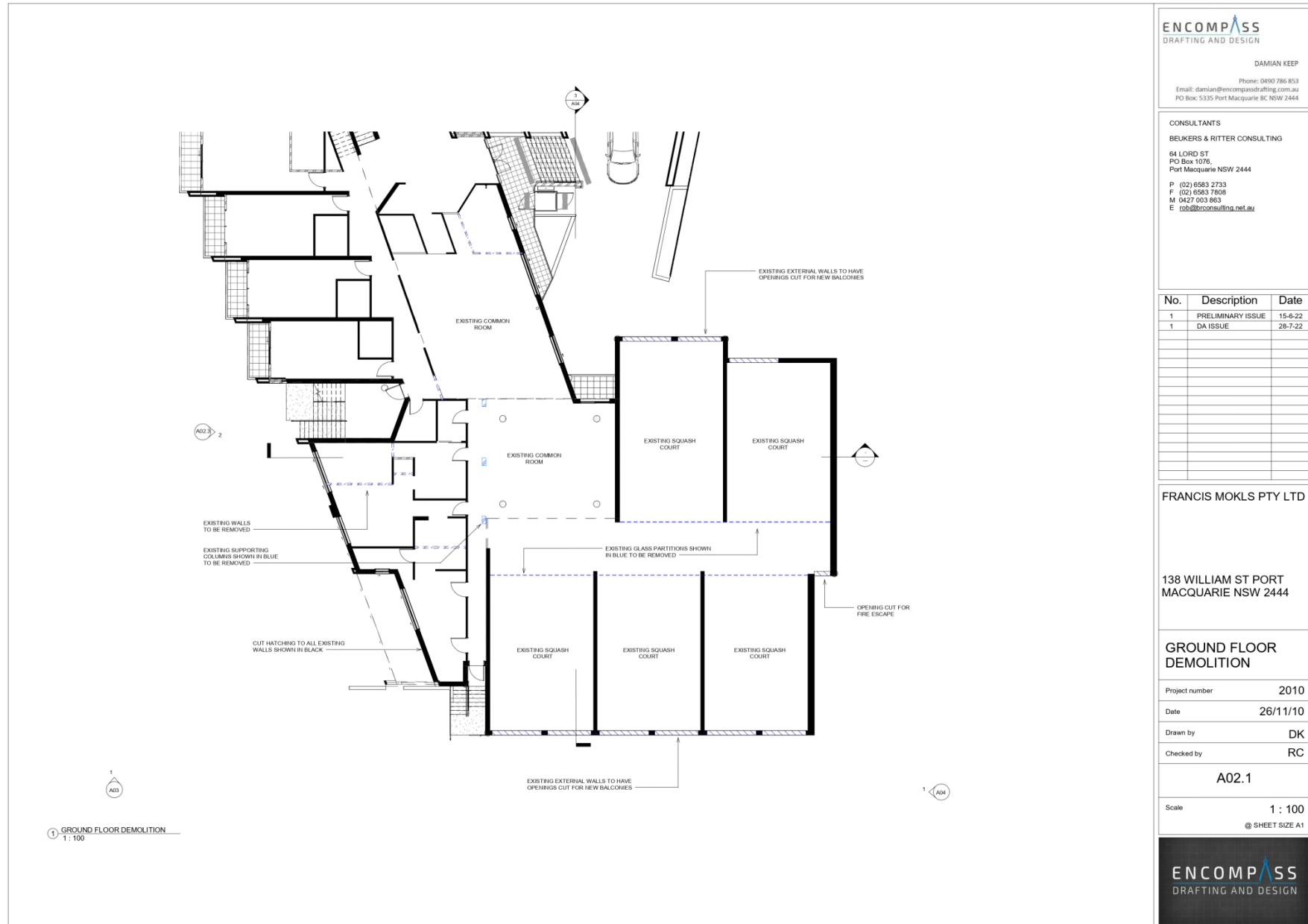
- (1) On site car parking in accordance with the approved plans is to operate under a 'valet' parking arrangement whereby only staff/users familiar with the site operate vehicles within the car park.
- (2) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.

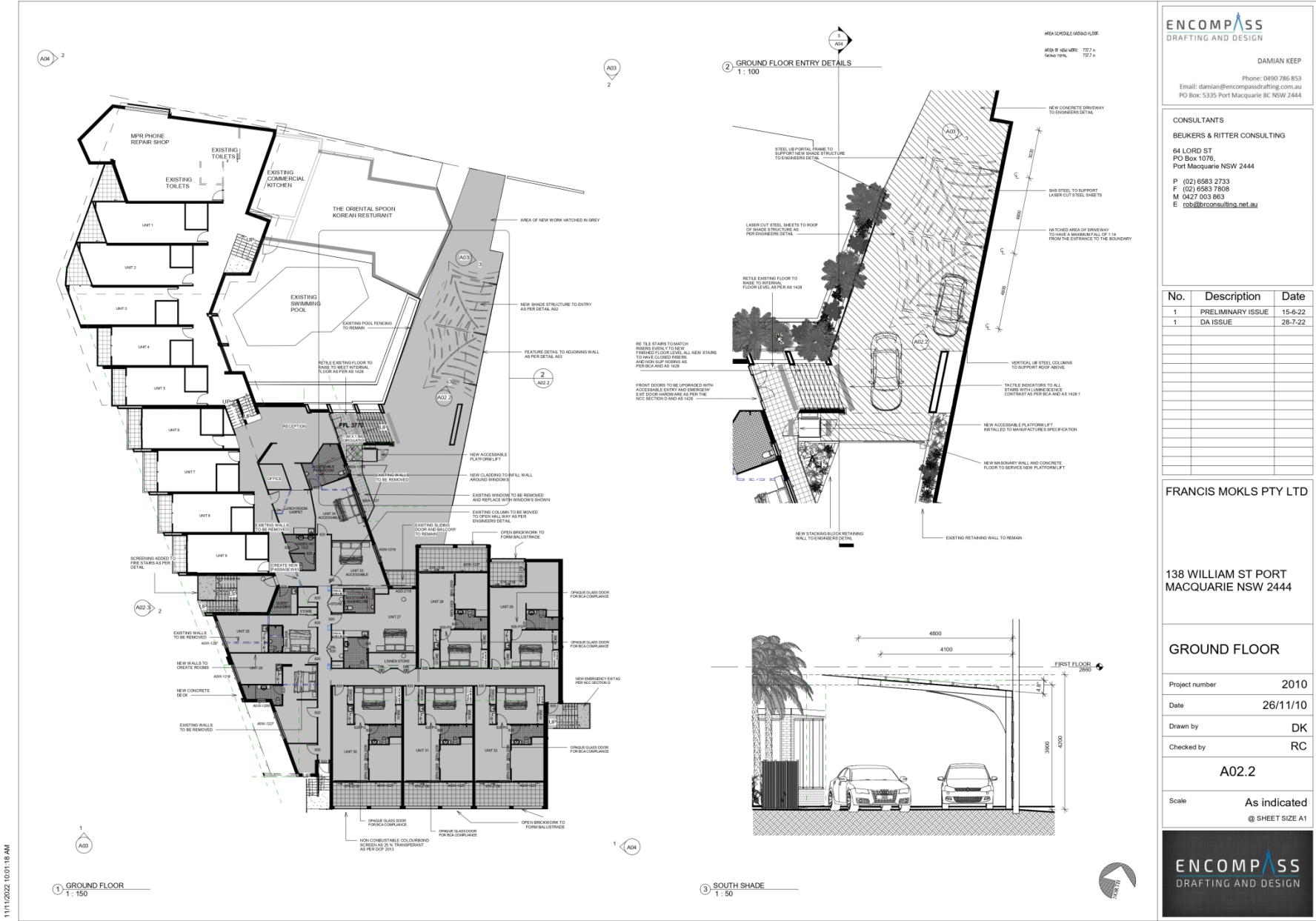
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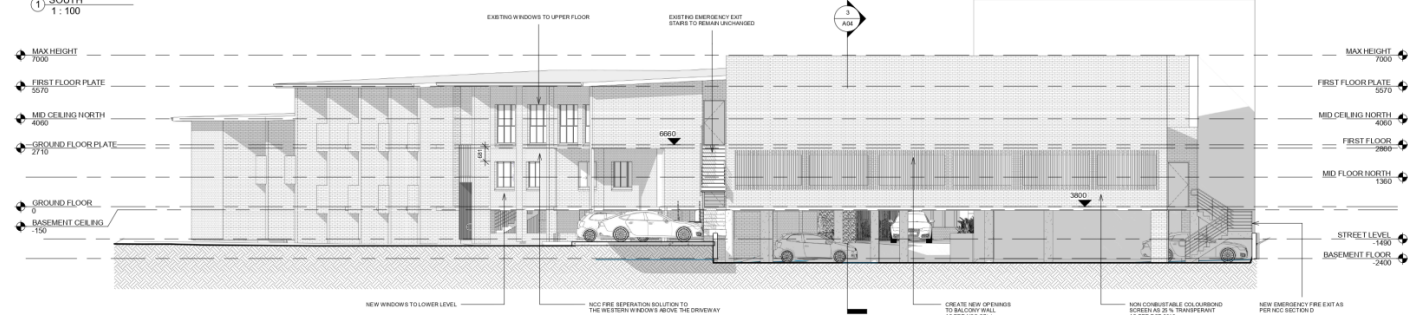
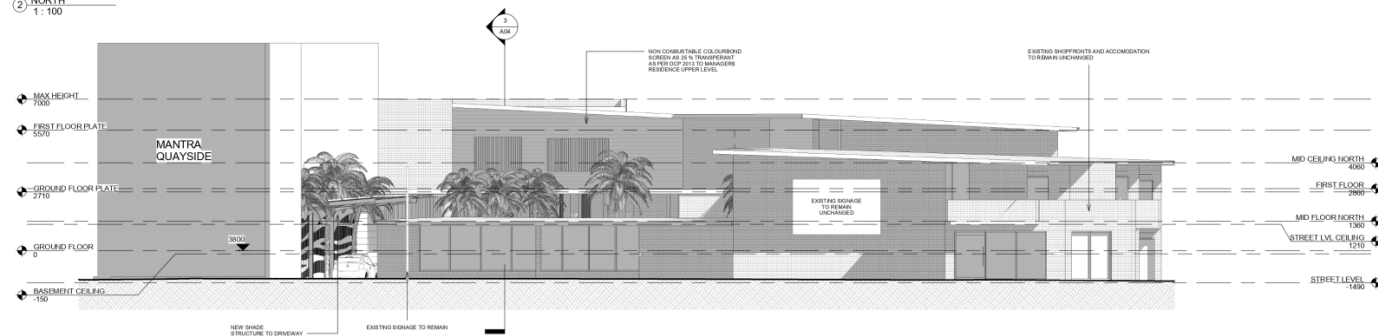
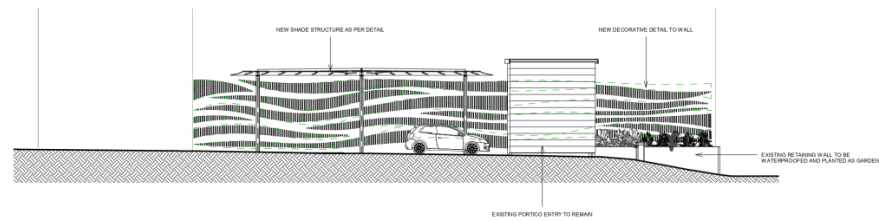
Item 05
Attachment 2
Page 55











ENCOMPASS
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138 WILLIAM ST PORT
MACQUARIE NSW 2444

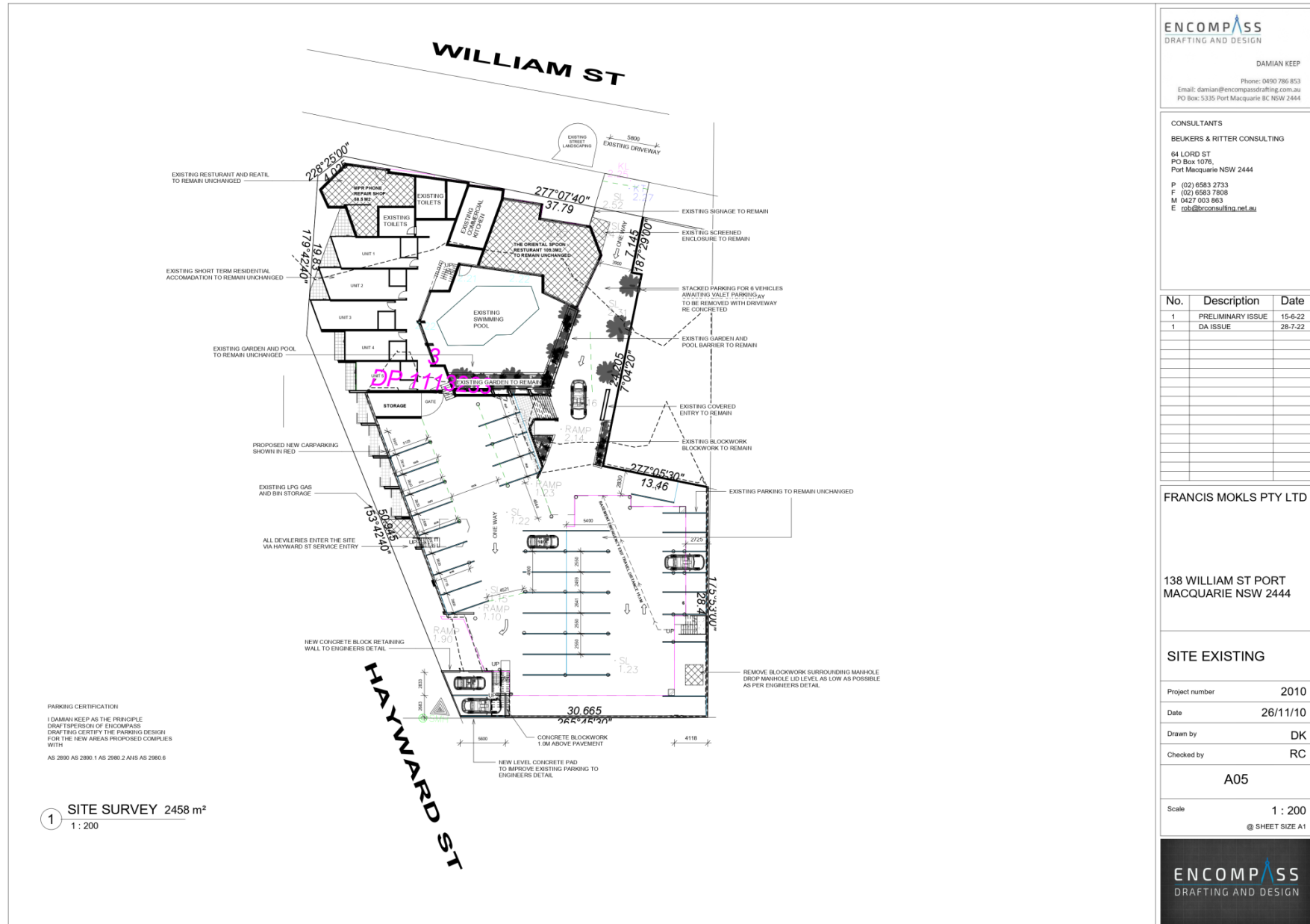
Project number	2010
Date	26/11/10
Drawn by	DK
Checked by	RC

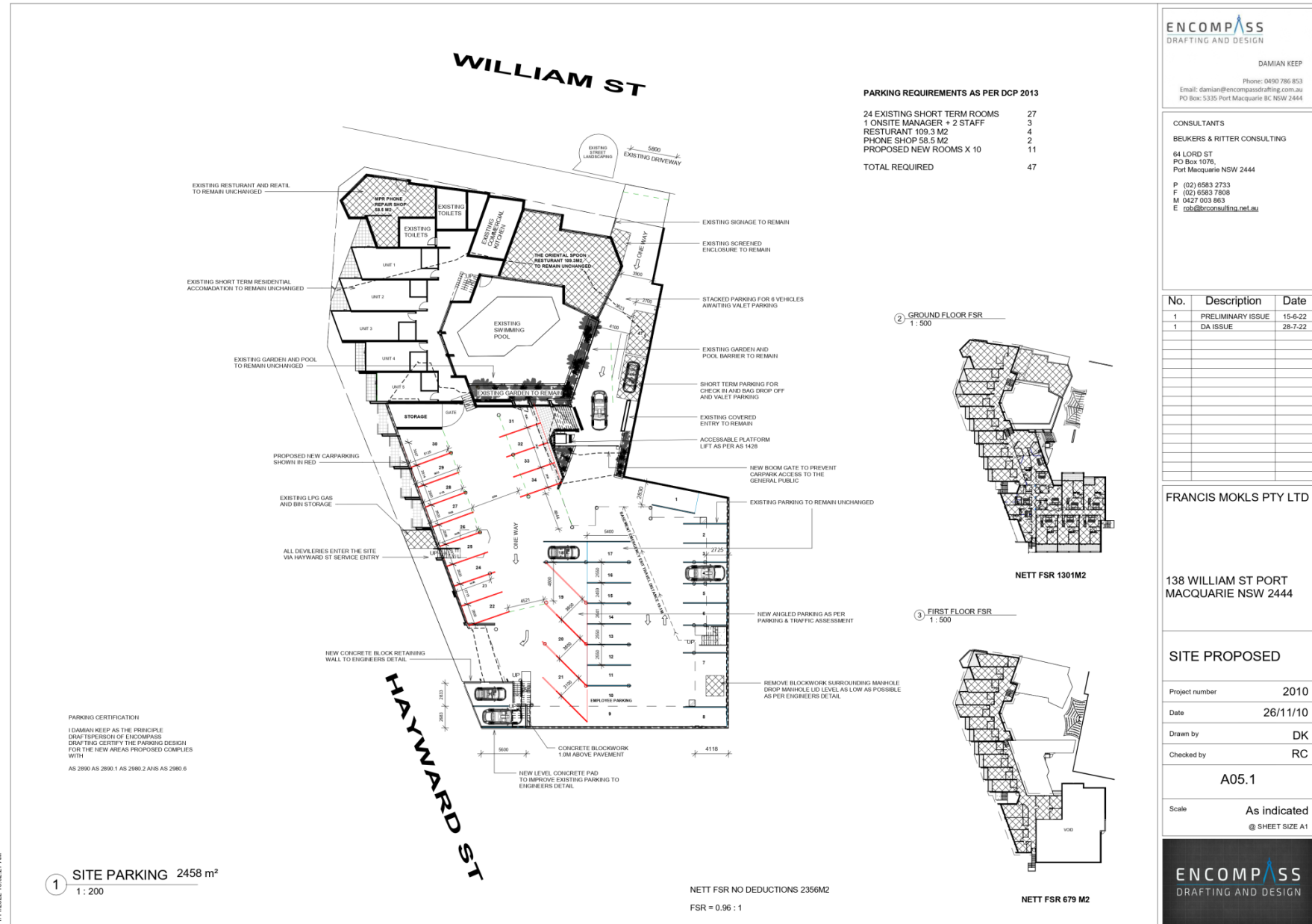
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ENCOMPASS
DRAFTING AND DESIGN







Item 05
Attachment 2
Page 64

Developer Charges - Estimate

Applicants Name: Encompass Drafting
 Property Address: 138 William Street Port Macquarie
 Lot & Dp: Lot(s):3,DP(s):1113233
 Development: Alterations and Additions to Tourist and Visitor Accommodation



Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S306 of the Water Management Act 2000.
 Other contributions are levied under Section 7.11 of the Environmental Planning and Assessment Act and Council's Contribution Plans.

Levy Area	Units	Cost	Estimate
1 Water Supply	4.4	\$11,307.00 Per ET	\$49,750.80
2 Sewerage Scheme Port Macquarie	6.6	\$4,290.00 Per ET	\$28,314.00
3 Since 1.7.04 - Major Roads - Port Macquarie - Per ET	5.44	\$8,475.00 Per ET	\$46,104.00
4 Since 31.7.18 - Open Space - Port Macquarie - Per ET	5.44	\$6,244.00 Per ET	\$33,967.30
5 Commenced 3 April 2006 - Com, Cul and Em Services CP - Port Macquarie	5.44	\$5,127.00 Per ET	\$27,890.80
6 Com 1.3.07 - Administration Building - All areas	5.44	\$1,009.00 Per ET	\$5,488.90
7 N/A			
8 N/A			
9 N/A			
10 N/A			
11 N/A			
12 N/A			
13 N/A			
14 N/A			
15 Admin General Levy - Applicable to Consents approved after 11/2/03	2.2% S94 Contribution		\$2,495.90
16			
17			
18			
Total Amount of Estimate (Not for Payment Purposes)			\$194,011.70

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:

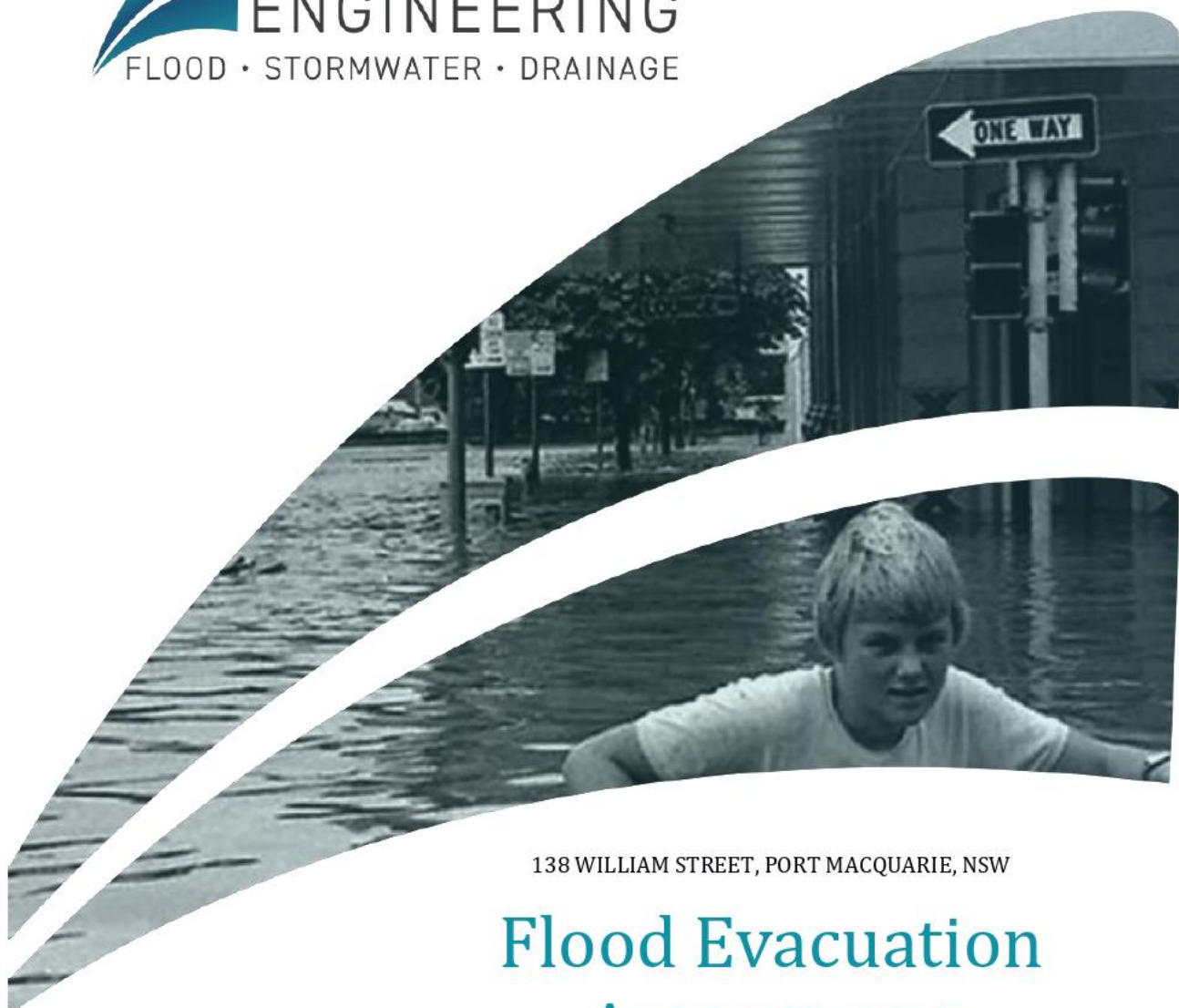
5-Jan-2023

Estimate Prepared By Steven Ford

This is an ESTIMATE ONLY - NOT for Payment Purposes

npass Drafting, 138 William Street Port Macquarie, 5-Jan-2023.xls

PORT MACQUARIE-HASTINGS COUNCIL



138 WILLIAM STREET, PORT MACQUARIE, NSW

Flood Evacuation Assessment

FMDS0157-RP-FIA-00/ 08 September 2022

PALM COURT MOTEL

Floodplain Management and
Development Services
ABN: 88588274827 (Sole Trader)

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Flood Expert Declaration

I Jacob John Franklin hereby declare the following:

- 20 years' experience in hydrological and flood hydraulic assessment associated with stormwater flooding;
- Bachelor of Environmental Engineering, Hons;
- Registered Professional Engineer of Australia (RPENG);
- I have read the Expert Witness Code of Conduct (Uniform Civil Procedure Rules 2005) and agree to be bound by it; and
- This report has relied upon the best available information and base data at the time of undertaking the assessment.




Document Control Register

Floodplain Management & Development Services ABN 88588274827

A 18/79-83 Tweed Coast Road, Bogangar NSW 2488

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Version Register

Version	Status	Authors	Reviewer	Change from Previous Version	Authorised for Release	
					Signature	Date
00	Final	JF	JF	-		08/09/2022

Transmission Register

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Palm Court Motel c/- Encompass Drafting	damian@encompassdrafting.com.au

Client : Palm Court Motel
Doc No. : FMDS0157-RP-01
Doc Title : 138 William Street, Port Macquarie, NSW - Flood Evacuation Assessment

Page iii



Table of Contents

1.	Introduction.....	1
2.	Site Details	2
2.1.	Location and Access	2
2.2.	Topography	3
3.	Flood Evacuation Time Assessment	4
4.	Design Flood Hydraulics	10
4.1.	Flood Risk	10
5.	Response to Port Macquarie Hastings Council LEP 2011 Part 5.21: Flood Planning	13

Figures

Figure 2.1	Aerial Imagery of Subject Site	2
Figure 2.2	Locality of Subject Site	3
Figure 3.1	Water Level Hydrograph at Wauchope Railway Bridge.....	4
Figure 3.2	1% AEP Assessment for the Subject Site	5
Figure 3.3	1% AEP Climate Change Assessment for the Subject Site	6
Figure 3.4	Route to Evacuation Point.....	7
Figure 3.5	Route to Evacuation Point and Flood River Warning Gauge.....	8
Figure 3.6	1% AEP Peak Water Level Between TuFLOW model and Council Model Results	9
Figure 4.1	PMHC Flood Policy 2018 Flood Planning Level Requirements	10
Figure 4.2	Combined Flood Hazard Curves (ARR 2019)	11
Figure 5.1	1%AEP Flood Velocity.....	14
Figure 5.2	1% Climate Change AEP Flood Velocity	15

Tables

Table 3.1	Predicted Lag Times Base on Wauchope Railway Bridge Gauge	6
Table 4.1	Subject Site Flooding Characteristics	10
Table 4.2	Combined Hazard Curves - Vulnerability Thresholds Classification Limits (ARR 2019)	11
Table 4.3	Combined Hazard Curves - Vulnerability Thresholds (ARR 2019)	12
Table 4.4	Flood Hazard Classification At The Proposed Site.....	12



1. Introduction

FloodMan Engineering has been engaged by Palm Court Motel to assess the flood evacuation time available for a proposed development at 138 William Street, Port Macquarie, NSW.

To reduce risks associated with adhering to Councils latest Flood Policy 2018 our client requested that a first step in preparing documentation for the change of Development Application is to ensure that a minimum of 8 hours flood evacuation time is achievable during the 1% Annual Exceedance Probability (AEP) flood and due to considerations to climate change scenarios. Hence, ensuring compliance with Council's latest Flood Policy (PMHC, 2018).

The second step was to assess risks and develop an evacuation management plan accordingly.

2. Site Details

2.1. Location and Access

The subject site is located at 138 William Street, Port Macquarie, NSW within the Port Macquarie Hastings Council (PMHC) Local Government Authority (LGA) and classified under land zoning as Commercial Core (B3). As it exists, the site is bound by Kooloonbung Creek to the west, William Street to the north and is surrounded by Commercial Core properties to the southeast of the site. Access to the site is gained via William Street to the north. Aerial imagery and locality of the subject site have been respectively provided in Figure 2.1 and Figure 2.2.



Figure 2.1 Aerial Imagery of Subject Site

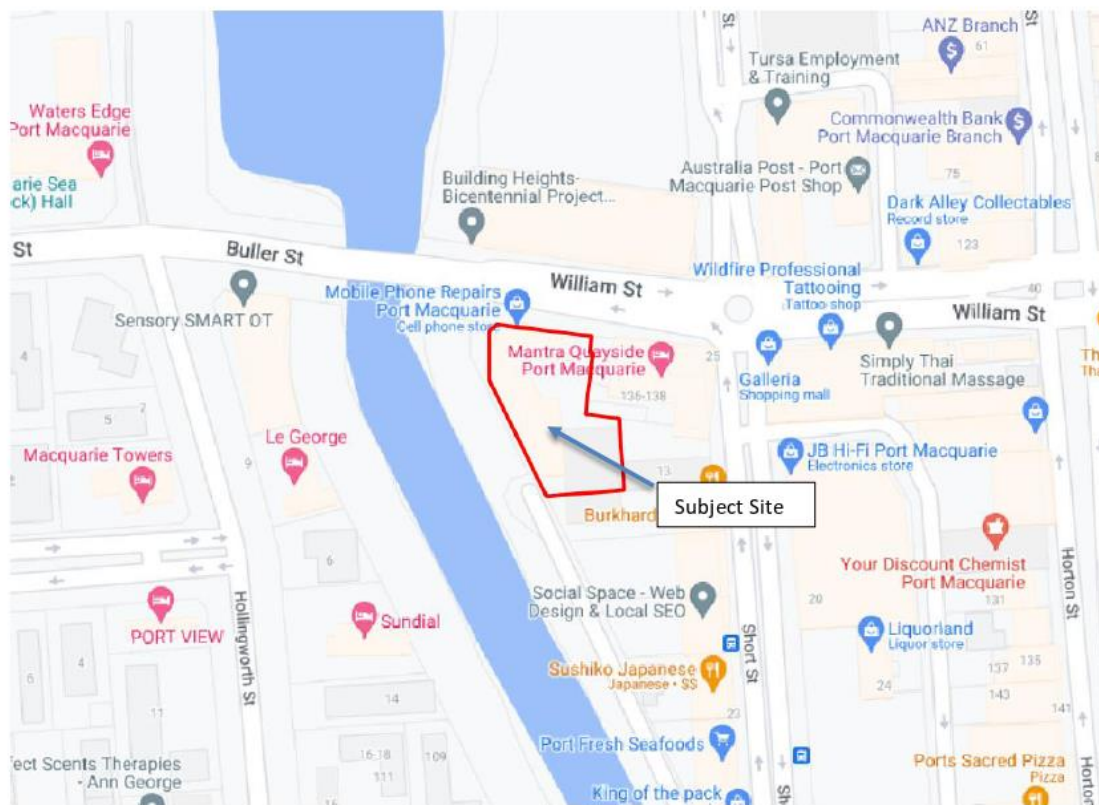


Figure 2.2 Locality of Subject Site

2.2. Topography

FloodMan Engineering has acquired the latest regional flood model data from Council flood consultant, Advisian. The data collected was provided in waterRIDE format and covers the flood planning area from Wauchope Bridge to the Hastings River entrance.

For the Pre-development scenario, a digital elevation model (DEM) was created using the following data:

- 1m grid LiDAR data from PMHC LiDAR data project; and
- 2m grid bathymetry data from the Advisian RMA-2 regional model for Hastings River and Caswell Channel.

3. Flood Evacuation Time Assessment

The proposed evacuation route for the development is attached. Along the route the lowest sag level point was identified using latest flood model topographic data covering this area and found to be the north to the side on William Street.

Design flood event water level time series data was extracted from the waterRIDE project file obtained for both the 1% AEP with and without climate change scenario at the Bureau of Meteorology (BOM) Wauchope Bridge flood alert gauge and at the sag point on the route.

Flood conditions over the road at the sag point are deemed to be unsafe at an H2 hazard category in accordance with Australian Rainfall and Runoff 2019 (0.3m flood depth).

The following figure presents the flood level hydrographs with critical levels superimposed.

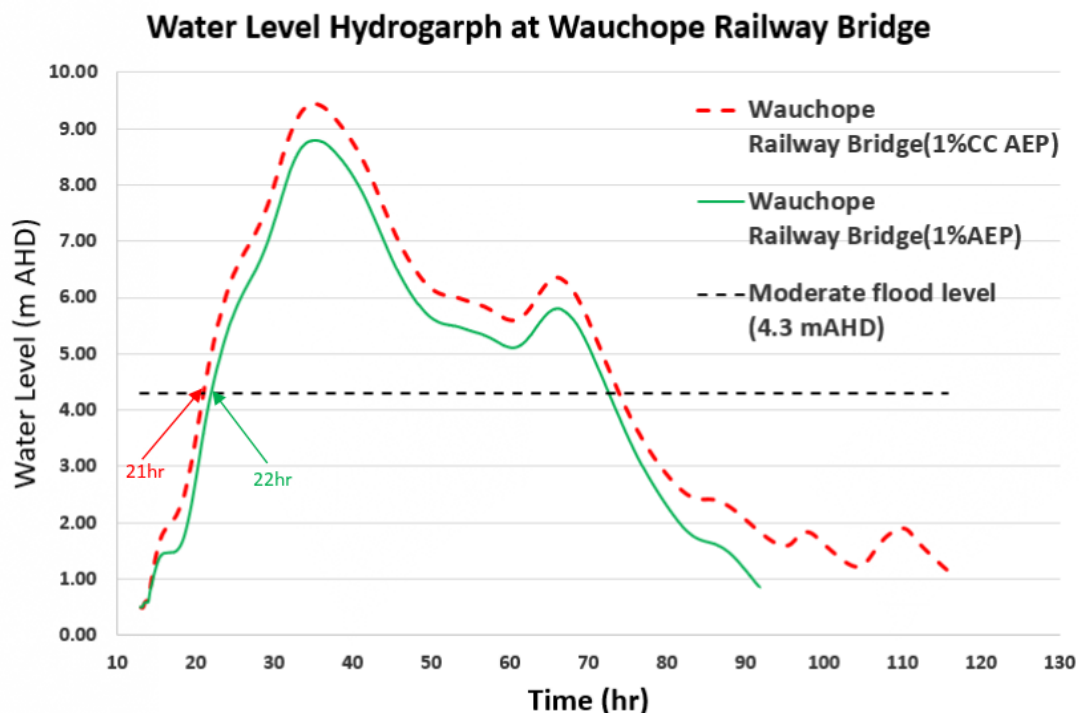


Figure 3.1 Water Level Hydrograph at Wauchope Railway Bridge

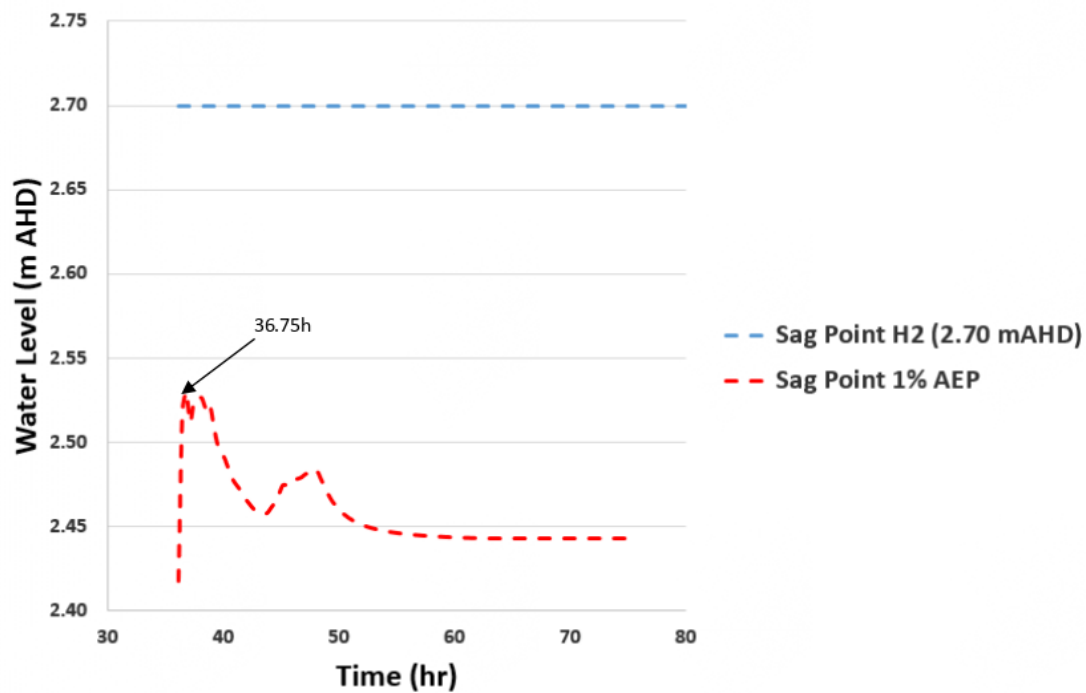
1%AEP Flood Event and Critical Site Evacuation Levels

Figure 3.2 1% AEP Assessment for the Subject Site

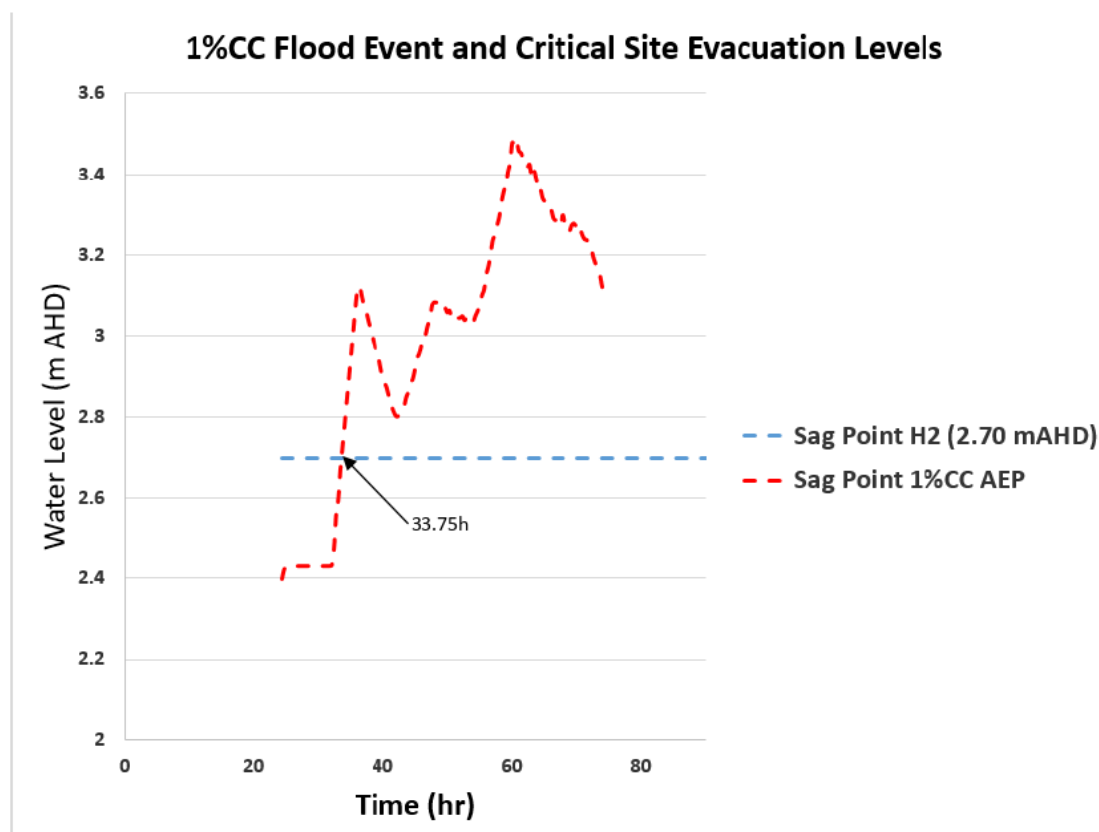


Figure 3.3 1% AEP Climate Change Assessment for the Subject Site

The following table presents the available flood evacuation time for the proposed development for both with and without climate change 1% AEP flood scenarios.

Table 3.1 Predicted Lag Times Base on Wauchope Railway Bridge Gauge

Flood Scenario	Time Evacuation (hr)
1% AEP CC	12.75
1% AEP	14.75

As demonstrated once a moderate flood level has been reached at the BoM Wauchope Gauge residents of the proposed development would have in excess of 8 hours to safely evacuate along the proposed route. Therefore, complaint with Council's Flood Policy.

Figure 3.4 summarises the location and route to the evacuation point.

Figure 3.5 summarises the location and route to the evacuation point and the Wauchope RWY Bridge gauge location.

Figure 3.6 provide the flood extent from TuFLOW and Council model, with the surface elevation from Lidar data. The difference in the flood extent is because of the updated Lidar information.

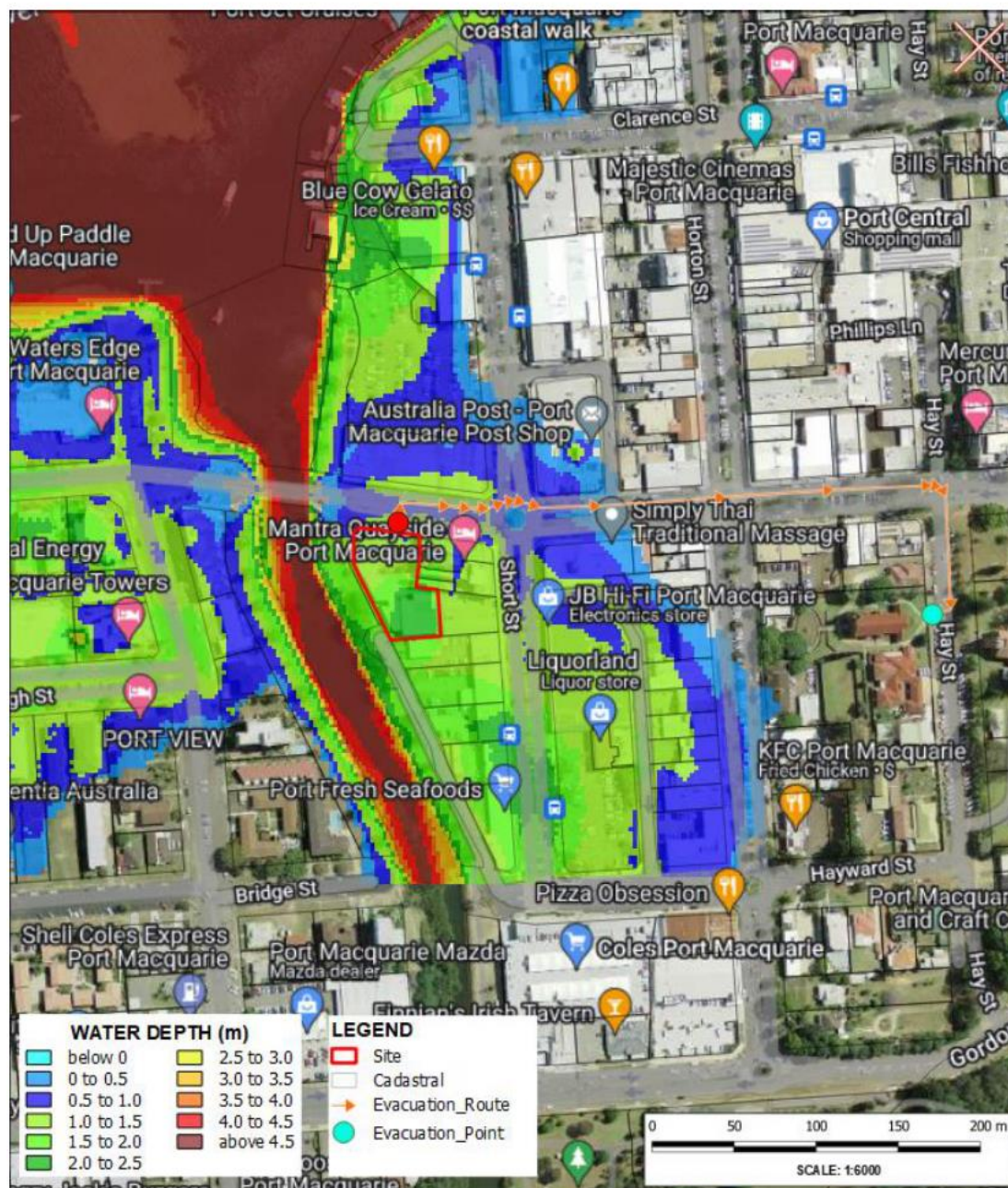


Figure 3.4 Route to Evacuation Point

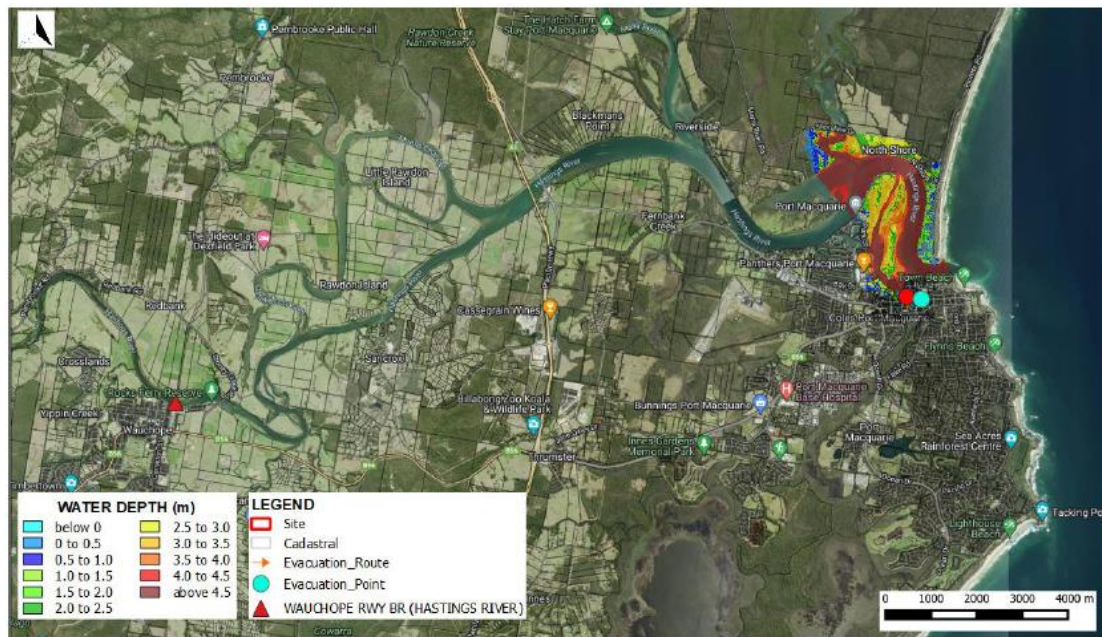


Figure 3.5 Route to Evacuation Point and Flood River Warning Gauge

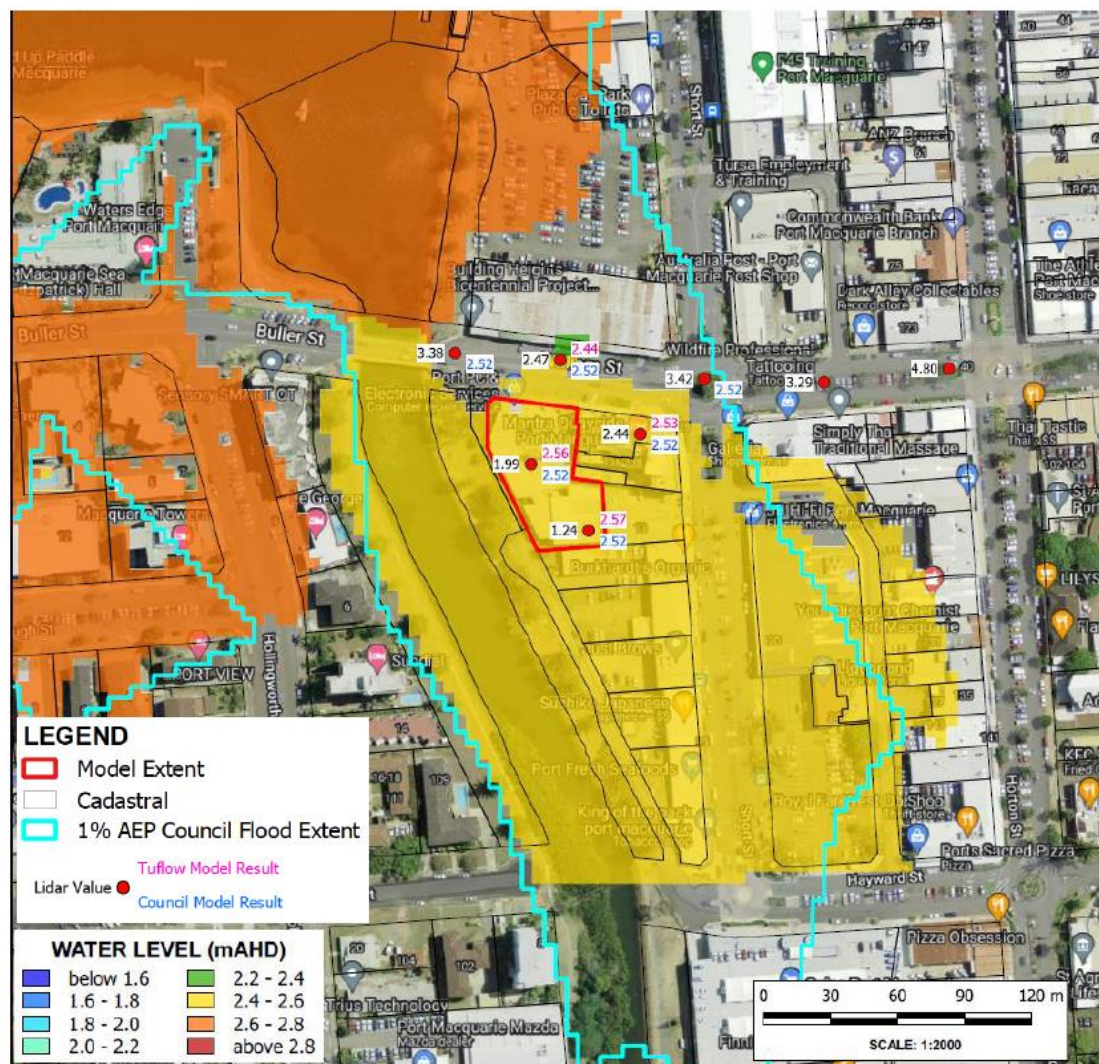


Figure 3.6 1% AEP Peak Water Level Between TuFLOW model and Council Model Results

4. Design Flood Hydraulics

Design flood data at the site was sourced directly from the TuFLOW model created by FloodMan Engineering as described above. The design peak flood levels at the subject site (development location) are shown below in Table 4.1 for the 1% AEP and the 1% AEP with Climate Change (CC) considerations.

Table 4.1 Subject Site Flooding Characteristics

Flood Event	Maximum Water Level (m AHD)*
1% AEP	2.572
1% AEP CC	3.485

Note: *The water level was taken from model results at the entrance to the subject site so maximum water levels may slightly vary across the site.

During a 1% AEP flood event, the maximum velocity of floodwaters flowing across the site is 0.567 m/s, and the flood depth is 1.51 m above the natural ground level.

Figure 4.1 below depicts Council Flood Policy (2015) requirements regarding the Flood Planning Level (FPL) of proposed developments.

Table 4: Flood Planning Level (FPL) Categories

Category	Proposed - FPL Category Description
FPL1	20 year ARI Flood level (No allowance for Climate Change, No Freeboard)
FPL2	100 year ARI Flood level + Climate Change Allowance (No Freeboard)
FPL3*	100 year ARI Flood level + Climate Change Allowance + 500mm Freeboard
FPL4	Probable Maximum Flood (PMF) as defined in Table 2

* Defines the Flood Planning Area (FPA) in the PMHC LEP.

Figure 4.1 PMHC Flood Policy 2018 Flood Planning Level Requirements

4.1. Flood Risk

In terms of floodplain management, hazard can be defined as a source of potential harm or a situation with potential to result in loss of life. Hence, the primary hazard is the result of a flood event that has the potential to cause damage or harm to the community. Associated with the hazard is the probability of its occurrence.

There are a number of factors to be considered where assessing the hazard associated with floods. The usual starting point is to predict the flood characteristics and particularly the flow characteristics of the floodplain's inundated areas. The main characteristics of interest typically are the flow depth and flow velocity. In addition, the assessment of the flood hazard needs to consider a range of other social, economic and environmental factors, though these are often more difficult to quantify.

The magnitude of flood hazard can be variously influenced by the following factors:

- Velocity of Floodwaters;
- Depth of Floodwaters;
- Combination of Velocity and Depth of Floodwaters;
- Isolation During a Flood;

- Effective Warning Time; and
- Rate of Rise of Floodwater.

The base data underpinning floodplain risk assessment typically comprises the flow characteristics (the flow depth and velocity) in the flood-affected areas within the catchment.

When quantifying and classifying flood hazard, it is important to understand the underlying causes of the hazard level. For example, if the hazard level is classified as 'high', it is important to understand the key reason it is high e.g. high depth, high velocity, high velocity and depth in combination, isolation issues, and short warning time. Best Management Practices have been used in assessing the hazards of the subject site. This assessment is also in accordance with the PMHC Flood Policy (2015) and the relating documents. The Australian Rainfall and Runoff (ARR) 2019 hazard categories are considered best management practices and used in this assessment. Figure 4.2 and Table 4.2 below illustrates the different hazard classifications and the relationship to water depth and velocity combinations. Table 4.3 below outlines acceptable uses for buildings at the maximum design flood for each modelled AEP.

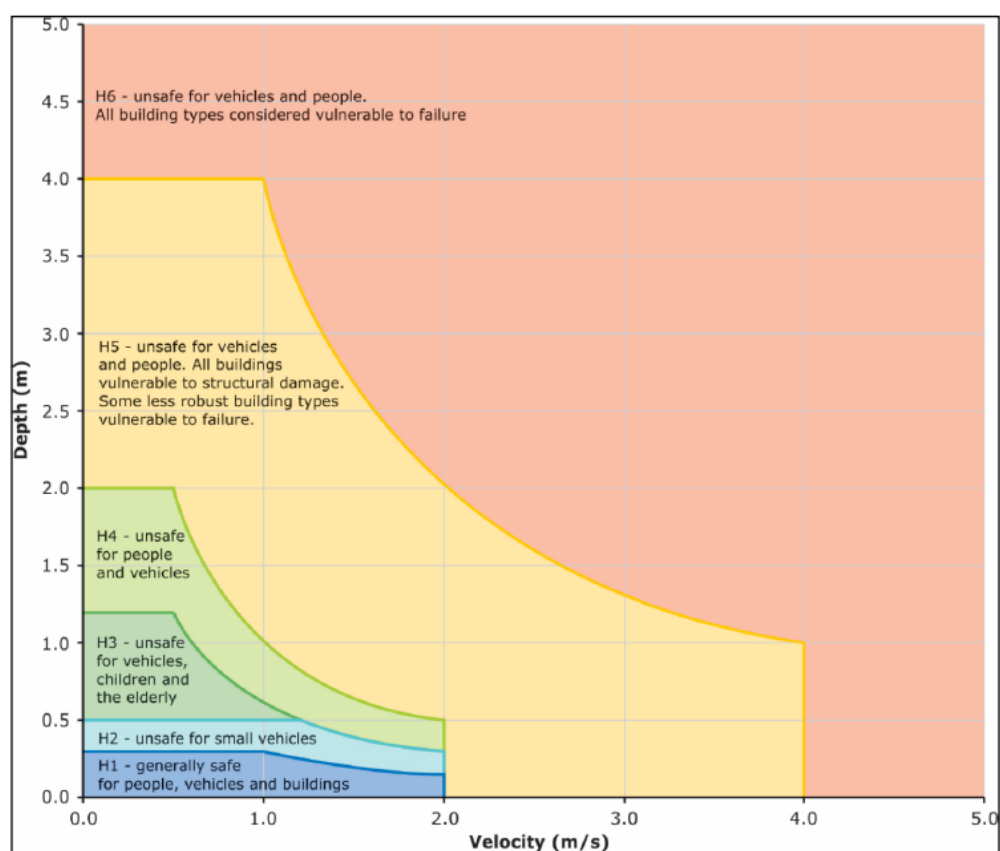


Figure 4.2 Combined Flood Hazard Curves (ARR 2019)

Table 4.2 Combined Hazard Curves - Vulnerability Thresholds Classification Limits (ARR 2019)

Client : Palm Court Motel
Doc No. : FMDS0157-RP-01
Doc Title : 138 William Street, Port Macquarie, NSW - Flood Evacuation Assessment

Page 11

Hazard Vulnerability Classification	Classification Limit (D and V in combination)	Limiting Still Water Depth (m)	Limiting velocity (m/s)
H1	$D \cdot V \leq 0.3$	0.3	2.0
H2	$D \cdot V \leq 0.6$	0.5	2.0
H3	$D \cdot V \leq 0.6$	1.2	2.0
H4	$D \cdot V \leq 1.0$	2.0	2.0
H5	$D \cdot V \leq 4.0$	4.0	4.0
H6	$D \cdot V > 4.0$	-	-

Table 4.3 Combined Hazard Curves - Vulnerability Thresholds (ARR 2019)

Hazard Vulnerability Classification	Description
H1	Generally safe for vehicles, people and buildings.
H2	Unsafe for small vehicles.
H3	Unsafe for vehicles, children and the elderly.
H4	Unsafe for vehicles and people.
H5	Unsafe for vehicles and people. All buildings vulnerable to structural damage. Some less robust buildings subject to failure.
H6	Unsafe for vehicles and people. All building types considered vulnerable to failure.

The flood hazard categorise at the proposed recreation area can be seen below in Table 4.4.

Table 4.4 Flood Hazard Classification At The Proposed Site

Flood Event	Maximum Water Depth (m)	Maximum Water Velocity (m/s)	DxV (m ² /s)	Hazard Vulnerability Classification
1% AEP	1.51	0.57	0.86	H4
1% AEP CC	2.42	1.05	2.54	H5



5. Response to Port Macquarie Hastings Council LEP 2011 Part 5.21: Flood Planning

The proposed development complies with the requirements of the LEP Part 5.21 for the following reasons:

1. The proposed development footprint and extent of vertical area exposed to flood flow forces does not significantly increase compared to the existing exposure of the building structure and hence potential impacts now and into the future are deemed negligible;
2. There are no development plans to intensify the extent of exposure in the future and hence cumulative impacts are negligible;
3. Peak flood flow velocities for the present day and climate change (year 2100) 1% AEP design flood scenarios are relatively low and hence the risk of impacts from impedance is insignificant; and
4. The risk of debris loading and blockages is low due to the low predicted flood flow velocities and site location within the floodplain. The risk does not change from pre to post-development nor from the present day to the year 2100 climate change scenario.

Figure 5.1 and 5.2 below show the Peak 1% AEP and CC Velocity at the site location:

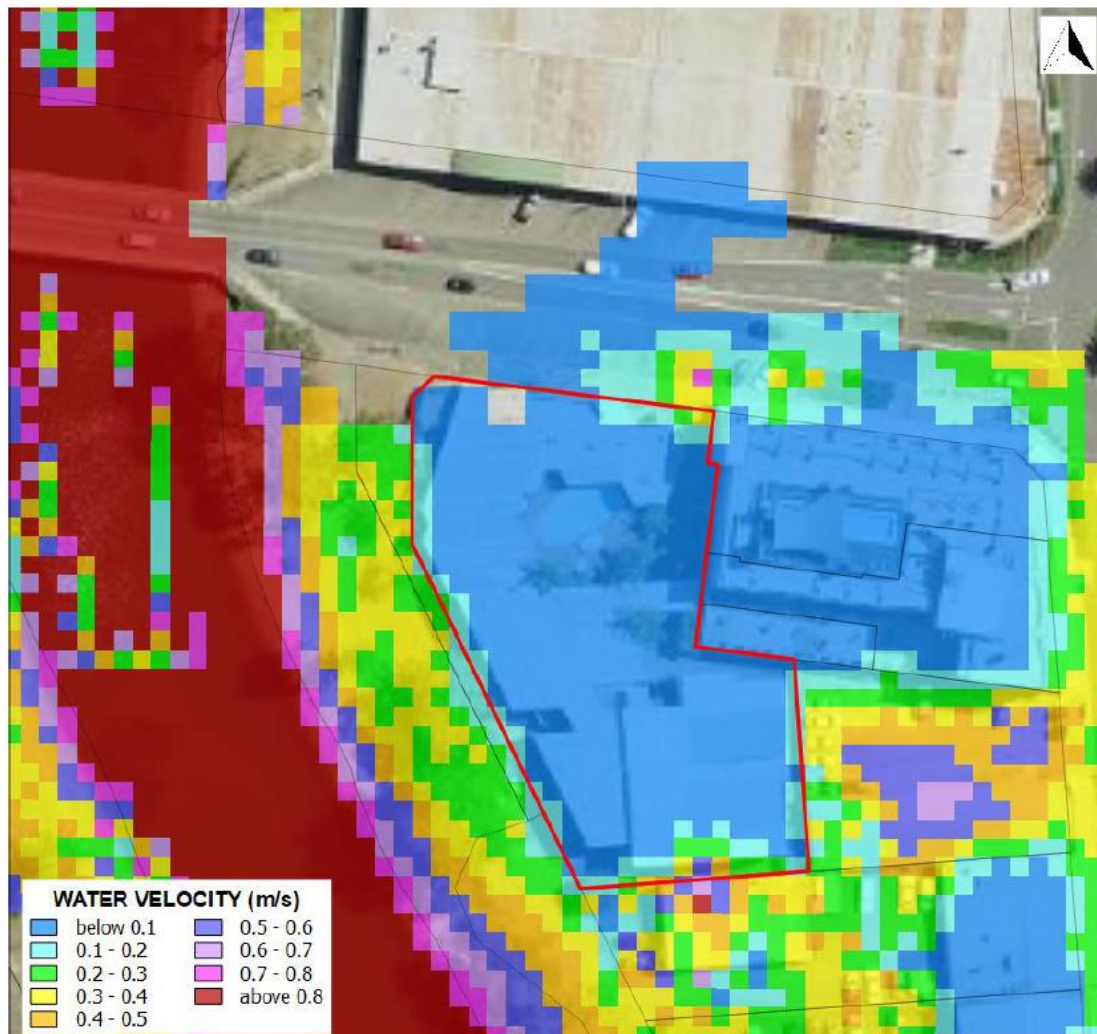


Figure 5.1 1% AEP Flood Velocity

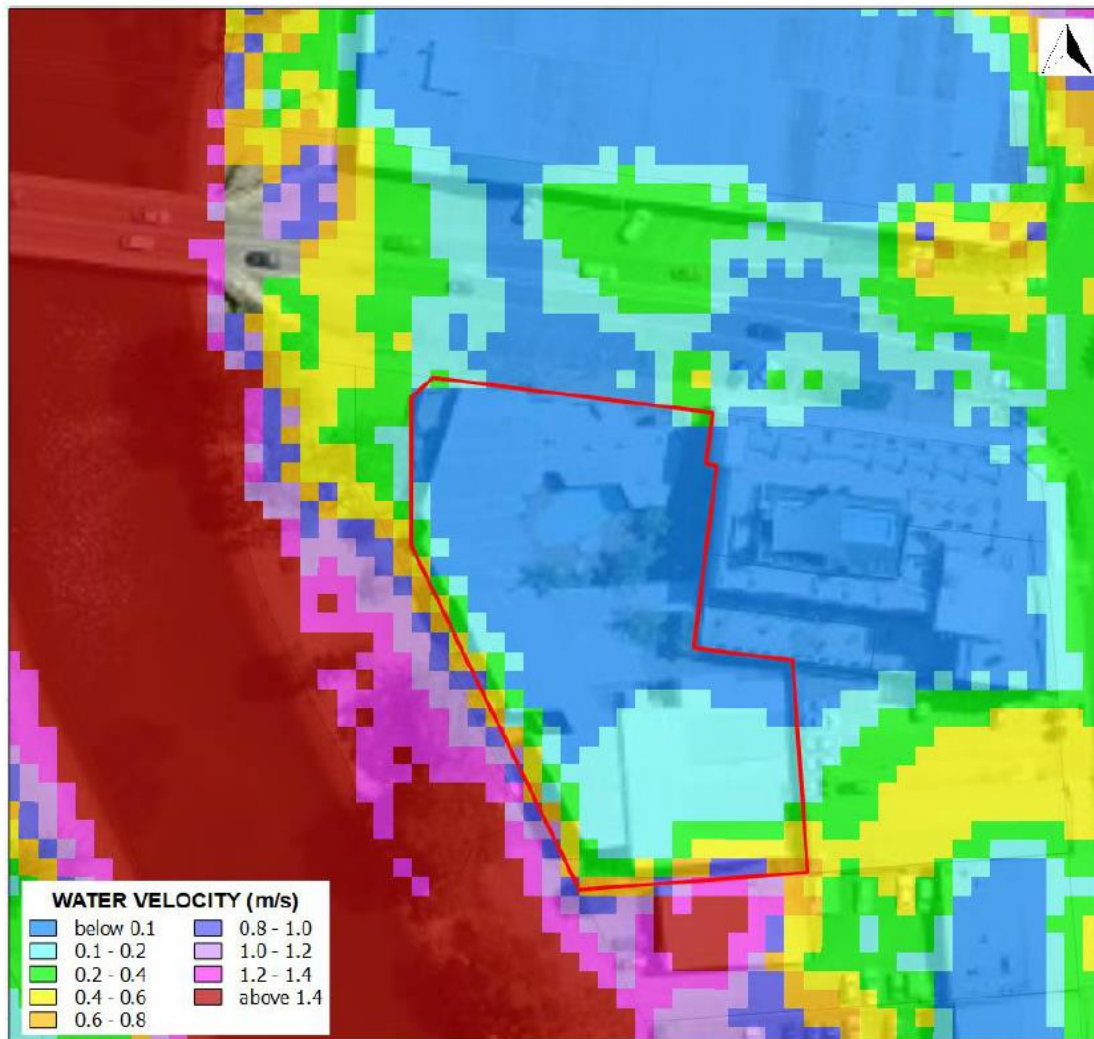


Figure 5.2 1% Climate Change AEP Flood Velocity



Appendix A Development Plans



Carparking Assessment

Proposed Redevelopment

**Palm Court Motor Inn (Lot 3 DP
1113233) 138 William Street,
Port Macquarie**

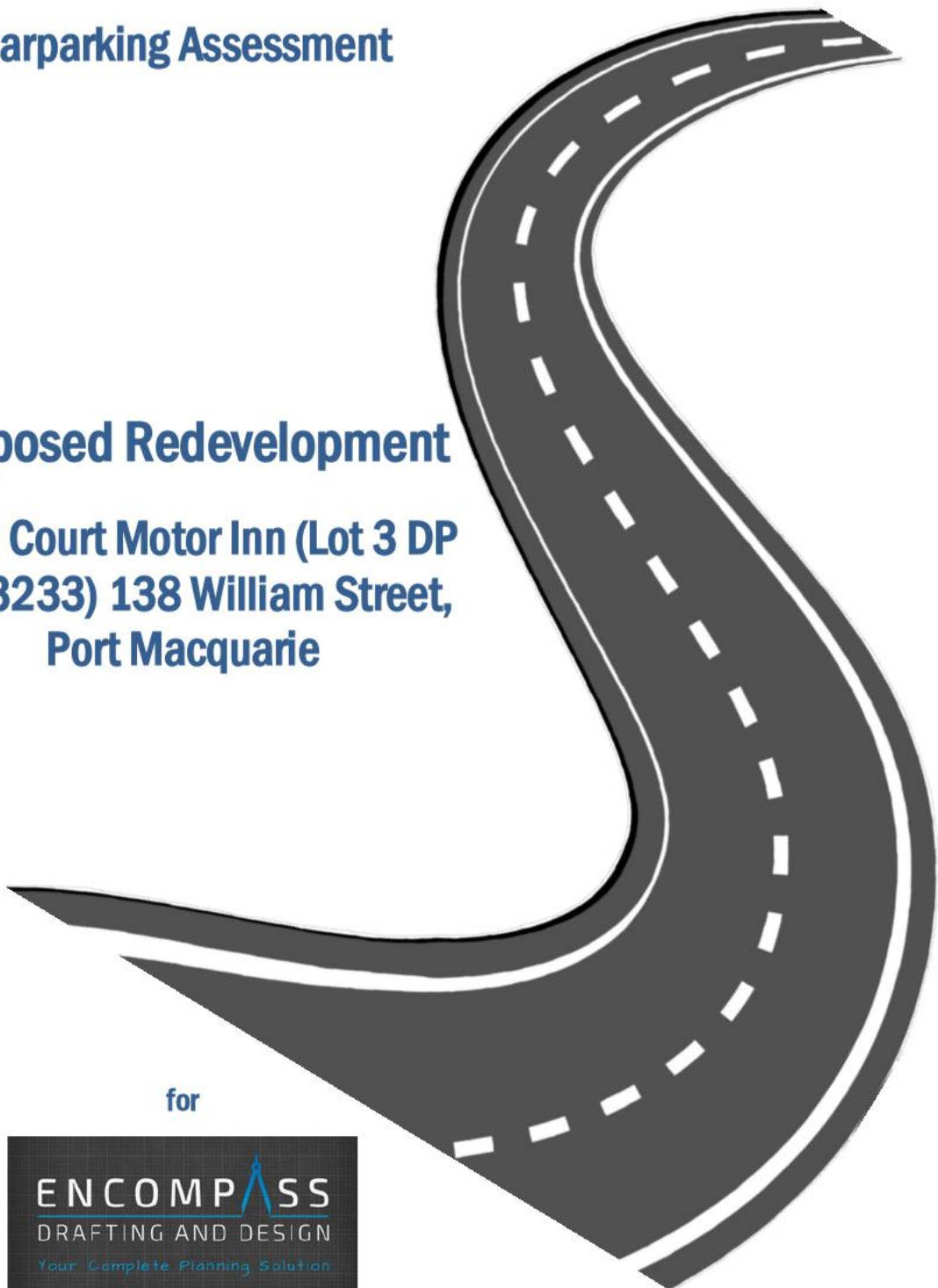
for




On behalf of

Francis Mokls Pty Ltd

28 November 2022



Traffic & Carparking Arrangement Assessment Details

Edition / Revision No.	1	2	3	4
Document Status	Internal Review	DRAFT for Client Comment	FINAL Report	Revised FINAL Report (For PMHC comments)
Prepared By	Andy Davis Director 	Andy Davis Director 	Andy Davis Director 	Andy Davis Director 
Reviewed By	Craig Nethery Director 	Craig Nethery Director 	Craig Nethery Director 	Craig Nethery Director 
Date	16 September 2022	28 September 2022	7 October 2022	28 November 2022
Issued To		Damian Keep, Encompass Drafting & Design	Damian Keep, Encompass Drafting & Design	Damian Keep, Encompass Drafting & Design

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CONTENTS

1. INTRODUCTION	4
1.1 General	4
1.2 Background	4
1.3 Description of Project	5
1.4 Scope of Assessment	6
1.5 References	6
2. CARPARKING ASSESSMENT.....	7
2.1 Geometric Carpark Design Assessment	7
2.2 Carparking Classification	7
2.3 Carparking Layout.....	7
2.4 Carparking Requirement.....	8
2.5 Summary of Prescribed Carparking Requirements.....	8
2.6 Disabled Parking.....	10
2.7 Driveway Access	11
2.8 Headroom Height.....	11
2.9 Site Servicing.....	11
2.10 Summary of Carparking Requirements for this Development	11
2.11 Assessment Summary.....	12
3. RECOMMENDATIONS	14

APPENDICES

APPENDIX A	15
DEVELOPMENT PROPOSAL (GROUND FLOOR CARPARK).....	15

Palm Court Motor Inn (Lot 3 DP 1113233) 138 William Street, Port Macquarie
Carparking Assessment

Proposed Redevelopment

1. INTRODUCTION

1.1 General

StreetWise Road Safety & Traffic Services have been engaged by Encompass Drafting and Design, on behalf of the Palm Court Motor Inn (Francis Mokls Pty Ltd), to complete a carparking assessment for the addition of 10 motel units as part of a redevelopment proposal for the Palm court Motor Inn, Lot 3 DP 1113233, 138 William Street, Port Macquarie, NSW.

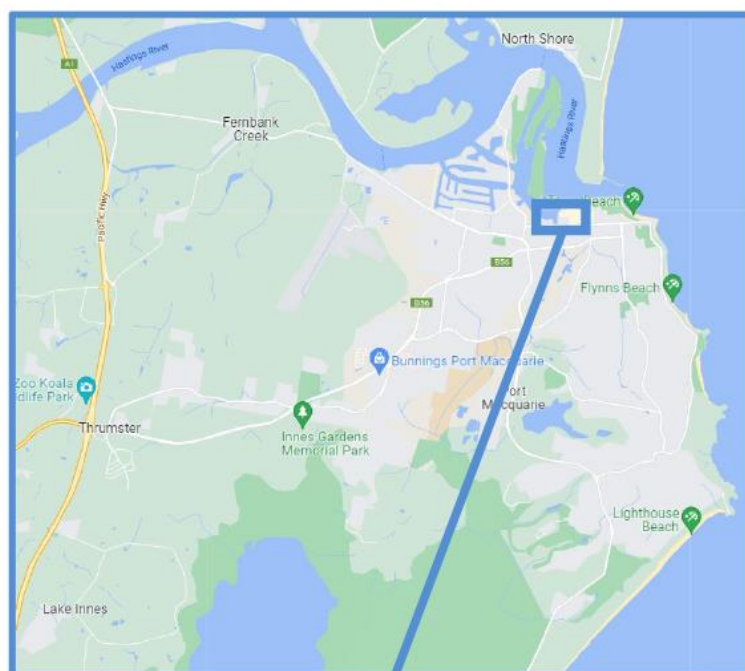


Figure 1.1 – LOCALITY SKETCH

1.2 Background

The original Palm Court Motor Inn (Palm Court Motel) was developed in the late 1970's as a motel with a retail component fronting William Street. Over the years the

site has been redeveloped with the addition of units / rooms, various changes of use for the retail component and the addition of 5 squash courts to the point where the site is operating as today. The existing carparking arrangement dates back to the original development of the site. The layout is constrained by the first floor supporting columns and the perimeter block walling.

Given the motel's location within the Port Macquarie CBD, the operation has generally serviced both travelling professional and holiday clientele.

1.3 Description of Project

The site currently has the following land uses operating on the site:

- Palm Court Motor Inn – 24 motel rooms / units including an On-site Manager and 2 administration staff.
- Existing Restaurant Operation (109.30m² GLFA).
- Existing Retail Operation (58.50m² GLFA).
- 5 squash courts, and
- 43 on-site carparking spaces.

The redevelopment proposal will provide the following land uses on the site:-

- Palm Court Motor Inn – 24 motel rooms / units including an On-site Manager and 2 administration staff plus 10 additional motel rooms / units.
- Existing Restaurant Operation (109.30m² GLFA).
- Existing Retail Operation (58.50m² GLFA).
- 5 existing squash courts are to be removed with 5 motel rooms / units proposed for their footprint, and
- Valet parking for a revised amount of 34 on-site carparking spaces.

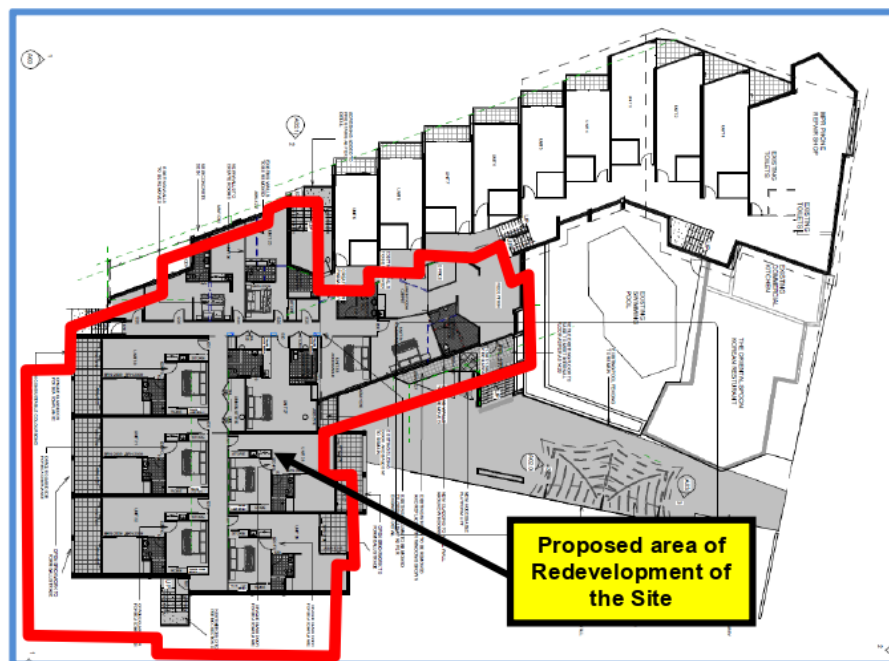


Figure 1.20 – PROPOSED STABLE DEVELOPMENT

Palm Court Motor Inn (Lot 3 DP 1113233) 138 William Street, Port Macquarie
Carparking Assessment

Proposed Redevelopment

1.4 Scope of Assessment

A pre-lodgement meeting was held with Port Macquarie Hastings Council staff prior to the submission of a development application was provided with the following traffic assessment requirements provided:-

- *Details and calculations of required off-street parking to serve the development consistent with the parking rates identified in DCP 2013. The assessment should consider the existing Palm Court Motel, restaurant and business premises at the site. Parking should be provided on-site and not reliant upon introducing additional parking in the public domain which may not have been planned for. Note additional comments under point 18. below and point 6. under Engineering regarding development contributions implications. (See Section 2.5 of this report for details)*
- *Accessible parking should be investigated to be provided on-site. (See Section 2.6 of this report for details)*
- *A full Traffic Impact Assessment (TIA) will not be required for this development. However, a Traffic Impact Statement should be provided with the Statement of Environmental Effects, confirming that this development will have negligible impact on the surrounding road network, based upon the likely additional traffic generation (particularly during peak times). (Noted)*
- *Any new driveway cross-over(s) shall conform to Council's ASD 202 heavy duty (commercial) standard drawing as a minimum. A minimum cross-over width of 5.5m should be provided to allow vehicles to enter/exit the site safely. Any redundant driveways will require removal and reinstatement with turf and kerb and gutter. (Noted)*
- *Internal access aisles and any new parking bays in particular, will be assessed for conformance with AS 2890, and in particular part 1 for cars, part 2 for garbage and delivery trucks, and part 6 for disabled parking (if required by the BCA or other standards). (See Sections 2.3 and 2.8 of this report for details)*
 - *The carpark(s) must be constructed of an approved surface, typically concrete or asphalt, and linemarked.*
 - *Entry to and exit from site is to be in a forwards only manner.*
 - *Where blind aisle exceeds the maximum length (AS2890.1, clause 2.4.2c) the provision of a turning bay (single manoeuvre entry/exit) is required at the blind end.*
 - *Show the AS 2890 turning templates on drawings to demonstrate the above criteria have been achieved. (See Section 2.3 of this report for details)*

1.5 References

The following references have been used as part of this carparking assessment

- Port Macquarie Hastings Council DCP 2013,
- Australian Standard AS2890,
- TfNSW guide to Traffic Generating Developments,
- National Construction Code of Australia (2022)

Palm Court Motor Inn (Lot 3 DP 1113233) 138 William Street, Port Macquarie
Carparking Assessment

Proposed Redevelopment

2. CARPARKING ASSESSMENT

2.1 Geometric Carpark Design Assessment

The design of the carparking layout is specified in the 'Australian/New Zealand Standard, Parking Facilities Part 1: Off Street Car Parking (AS/NZS 2890.1) of 2004 and Australian/New Zealand Standard, Parking Facilities Part 6: Off street parking for People with Disabilities of 2009.

2.2 Carparking Classification

Part 1 of AS2890 classifies this development as a Class 2 off-street car parking facility requiring a Category 2 driveway. Table 2.20 provides a comparison on the requirements of AS/NZS 2890.1 and AS/NZS 2890.6 applicable to the car parking proposal to be provided for the development.

Design Component	AS / NZS 2890.1 & AS / NZS 2890.6 Requirement	Proposed	Conformance with Standard
Parking Space (90 degree bays)	5.4m x 2.5m car space End Bays to be 2.9m wide where adjacent to a kerb or wall	Parking bay widths are variable. Generally, they are all greater than 2.50m wide with a length of 5.40m.	Yes
Parking Space (45 degree bays)	5.2m x 2.5m car space		
Disabled Access Parking	5.4m x 2.4m plus 5.4m x 2.4m shared zone disabled	Not Required	
Aisle Width	5.80m wide (90 degree) 3.70m wide (45 degree)	4.36m (on way) to 6.00m wide (two way)	Yes / No All aisle widths for 90° bays are to be provided for two way flows (ie. 5.80m wide)
Blind Aisle	1.0m	None Provided (existing configuration)	No Carparking layout is constrained by the location of existing column structures.
Driveway Width	Category 2 d/w = 6m – 9m (Combined) Note: Driveways are normally combined, but if separate, both entry and exit widths should be 3.0m min.	3.90m wide (existing)	No Existing driveway cannot be widened due to existing building structures located each of the existing driveway.

Table 2.20 – SUMMARY OF AUSTRALIAN STANDARD GEOMETRIC DESIGN REQUIREMENTS

The existing carparking arrangement has been in operation for over 40 years preceding the implementation of the Australian Standard carparking design layout requirements. The site is constrained by the existing structural columns supporting the overhead building structure and therefore conformance with the Australian Standard in some cases cannot be achieved due to these constraints.

Further detailed assessment will be provided for these issues.

2.3 Carparking Layout

The carparking layout generally conforms with the requirements of the Australian Standard AS2890. The bay widths exceed the requirement to be 2.50m wide with the bay lengths measuring 5.40m wide.

The aisle width (4.65m) on entry to the carpark does not meet the required width of 5.80m, nor does the aisle width (4.36m) located before the access to Hayward Street Lane.

2.3.1 Swept Turnpath Assessment

Generally the carpark configuration complies with the requirements of AS2890.2 for aisle widths and bay sizes, etc.

For the purposes of this assessment a swept turnpath assessment was completed for the new location of the On Site Manager's assigned parking space.

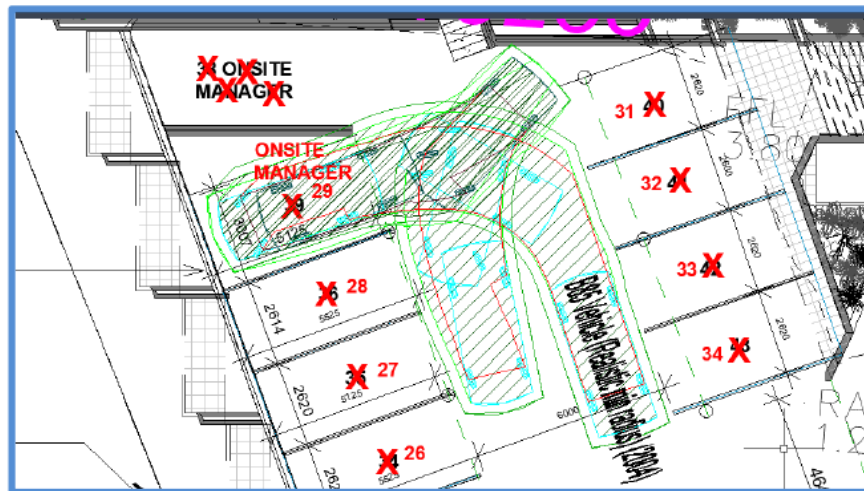


Figure 2.30 – SWEPT TURNPATH ASSESSMENT (PROPOSED ON SITE MANAGER'S SPACE)

2.4 Carparking Requirement

The following assessments have been completed for this development proposal with regard to the amount of carparking to be provided on site in accordance with the relevant reference guidelines.

2.4.1 Port Macquarie Hastings Council DCP Requirements

Council's Development Control Plan (Port Macquarie Hastings Council Development Control Plan 2013) prescribes the following car parking rates for the nominated land uses on this site:

- Motel 1.1 spaces / room / unit plus 1 space / 2 employees (on site at any one time). Coach parking can be provided at 1 coach space / 5 car parking spaces.
- Restaurant 1 space / 30m² GLFA in a commercial zone: 1 space / 6m² GLFA outside of a commercial zone.
- Retail Shop 1 space / 30m² GLFA or 1.5 spaces / office (min), whichever is greater.
- Squash Courts 3 spaces / court.

2.5 Summary of Prescribed Carparking Requirements

Based on the prescribed carparking rates in Section 2.3.1 above the following summary of the number of carparks required is provided for the nominated lands uses.

2.5.1 Existing / Current Operation

The site currently has the following land uses operating on the site:

- Palm Court Motor Inn – 24 motel rooms / units including an On-site Manager and 2 administration staff.
- Existing Restaurant Operation (109.30m² GLFA).
- Existing Retail Operation (58.50m² GLFA).
- 5 squash courts, and
- 43 on-site carparking spaces.

Land Use	PMHC (DCP 2013)
Motel	28
Restaurant	4 (Commercial Zone)
Retail	2
Squash Courts	15
Total Spaces Required	49

Table 2.50 – SUMMARY OF NUMBER OF CARPARKING SPACES REQUIRED – EXISTING OPERATION

The above summary indicates the current operation of the site has a shortfall of 6 parking spaces in accordance with the DCP 2013 requirements. Further to this, it is considered impracticable to provide on site parking for the restaurant and retail land uses. Both operations have direct access to William Street where there is nose in angled parking provided at the “front of house” for each land use. The on site parking does not provide a direct connection to these operations so it is highly unlikely patrons / customers would utilise the on site parking. This is also in keeping with the majority of land uses in the Port Macquarie CBD where they cannot / do not provide on site parking and patrons / customers access these operations from on street parking arrangements.

It shall also be noted the restaurant operation generally operates outside the CBD parking demand times (i.e. 9.00am to 5.00pm) thus making access from on street parking far easier than the provided off street parking.

The same could also be extended to the operation of the squash courts considering above.

Therefore, the existing provision of 43 spaces could be considered to be adequate given the operations location within the Port Macquarie CBD.

2.5.1 Proposed Operation

The redevelopment proposal will provide the following land uses on the site:-

- Palm Court Motor Inn – 24 motel rooms / units including an On-site Manager and 2 administration staff plus 10 additional motel rooms / units.
- Existing Restaurant Operation (109.30m² GLFA).
- Existing Retail Operation (58.50m² GLFA).
- 5 existing squash courts are to be removed with 5 motel rooms / units proposed for their footprint, and
- 43 on-site carparking spaces.

Palm Court Motor Inn (Lot 3 DP 1113233) 138 William Street, Port Macquarie
Carparking Assessment

Proposed Redevelopment

Land Use	PMHC (DCP 2013)
Motel	39
Restaurant	4 (Commercial Zone)
Retail	2
Squash Courts (to be removed)	Negative 15
Total Spaces Required	30

Table 2.51 – SUMMARY OF NUMBER OF CARPARKING SPACES REQUIRED – REDEVELOPED OPERATION

2.6 Disabled Parking

Council's DCP does not have a formal requirement for the provision of off street disabled parking for this development.

However, the National Construction Code of Australia (NCCA) has the following requirements for the provision of disabled parking. Below is an extract of Section 3.5 of the NCCA stating the requirements for the provision of disabled / accessible parking.

Accessible carparking spaces—

- (a) *subject to (b), must be provided in accordance with Table D3.5 in—*
 - (i) *a Class 7a building required to be accessible; and*
 - (ii) *a carparking area on the same allotment as a building required to be accessible; and*
- (b) *need not be provided in a Class 7a building or a carparking area where a parking service is provided and direct access to any of the carparking spaces is not available to the public; and*
- (c) *subject to (d), must comply with AS/NZS 2890.6; and*
- (d) *need not be identified with signage where there is a total of not more than 5 carparking spaces, so as to restrict the use of the carparking space only for people with a disability.*

Based on the above extract from the NCCA the following clauses will be triggered for this redevelopment.

- (a) *subject to (b), must be provided in accordance with Table D3.5 in—*
 - (ii) *a carparking area on the same allotment as a building required to be accessible; and*
- (b) *need not be provided in a Class 7a building or a carparking area where a parking service is provided and direct access to any of the carparking spaces is not available to the public;*

As part of the redevelopment of the site a parking service (ie. valet parking) will be provided for entry and exit of the site. The valet parking service will remove the need for patrons to travel around the carparking area to find a space as the valet staff will have prior knowledge of the parking arrangement (ie. free parking spaces). It shall be noted as part of the redevelopment an elevator / lift will be provided from the check in / bag drop off area up to the reception area.

StreetWise Road Safety and Traffic Services have been advised by Encompass Drafting and Design that an independent NCCA assessment will be completed to clarify this requirement for disabled parking.

2.7 Driveway Access

The site is currently serviced by a 3.50 to 3.90m wide access directly off William Street at the site's frontage. A second 5.50m wide is provided for entry / exit from the existing carpark to Hayward Street Lane.

AS2890 requires a driveway width of between 6 and 9.0m wide for category 2 (ie. 25 to 100 parking spaces) site. Widening of the existing William Street access is not attainable as it is constrained by the existing buildings on each side of the driveway. The same can be said for the Hayward Street Lane access as it is constrained by the existing carpark configuration.

As noted in Section 1.2 of this assessment the buildings on site are some 45 years old and were accepted / approved with the existing driveway width. Since then Port Macquarie Hastings Council has approved a development next to the site where the building envelope was constructed abutting the existing driveway.

Once on the site, the forecourt area (check in / baggage drop off) widens out to a minimum width of 6.80m wide including two (2) 2.70m wide bays allowing vehicles to exit the site to pass and entering or stopped vehicle in the bay/s.

The addition of the parking service (ie. valet) will reduce any perceived conflicts with entering / exiting traffic in and around the motel entry.

2.8 Headroom Height

As 2890.1 has a requirement that a minimum headroom height (ie. distance between the floor and an overhead obstruction) of 2.20m in height. The pre-existing headroom height for this site is 1.85m. As previously stated this site was originally developed in the 1970's before there being this requirement for a minimum height of 2.20m. When constructed in the 1970's the typical design vehicle was a passenger sedan whereas these days most vehicles on Australian roads are \$WD Utes or SUV's requiring a higher headroom clearance.

Therefore, it is recommended "Low Clearance 1.85m" signage be erected above the entry to the carpark as indicated below.

LOW CLEARANCE 1.85m

2.9 Site Servicing

Currently the motel operation is serviced via Hayward Street Lane for deliveries and garbage service. This will not change with the redevelopment of the site.

The restaurant and the retail shop are currently serviced via William Street for deliveries and garbage servicing from Hayward Street Lane. This will not change with the redevelopment of the site.

2.10 Summary of Carparking Requirements for this Development

This redevelopment of the Palm Court Motor Inn site is required to provide a total of 30 onsite parking spaces in accordance with Port Macquarie Hastings Council's DCP 2013. The site currently provides a total of 43 on site parking spaces. A revised

Palm Court Motor Inn (Lot 3 DP 1113233) 138 William Street, Port Macquarie
Carparking Assessment

Proposed Redevelopment

carparking layout will provide for 34 spaces. Where aisle widths do not meet the requirements of 90° angle parking, 3, 45° angle spaces are proposed to better meet the aisle width requirements.

In accordance with the NCCA requirements there is no requirement to provide on site accessible / disabled access parking as the operation will provide a parking / valet service.

The Australian Standard AS2890 requires the development provide between a 6 and 9.0m wide driveway access. The existing William Street driveway access is between 3.50 and 3.90m wide and is constrained by existing buildings abutting the driveway in each side with there being no scope to widen the existing driveway access.

There is also an existing 5.50m wide access to and from the existing carpark to Hayward Street Lane. The minimum standard width should be 6.0m wide however, widening of the access cannot be achieved as it is constrained by the carpark configuration.

Site servicing for the motel operation will remain from Hayward Street Lane with no change expected. The same can be said for the site servicing for the restaurant and the retail shop being from William Street and Hayward Street Lane.

2.11 Assessment Summary

This assessment has revealed the following:

- The operation of the site has been for the last 45 years. The original development approval was granted prior the PMHC DCP 2013, Australian Standard design standard / guidelines. At that time the driveway widths and carparking arrangement was acceptable for the operation of the site.
- The current on site operation has a shortfall of 6 carparking spaces in accordance with Port Macquarie Hastings Council's DCP 2013. However, the practicality of the on site parking being utilised by the restaurant, retail and squash court operations is questionable given the indirect access to the on site parking and the more direct access to the available on street parking in William Street.
- The redevelopment of the site will only require 30 on site carparking spaces to be provided. 13 spaces less than the currently provided 43 spaces. Under NCCA there is no requirement to provide accessible / disabled access parking as the revised motel operation will provide a parking / valet service. As part of the redevelopment an elevator will be provided from the forecourt (check in / baggage drop) area to the motel reception for access by disabled access users.
- A revised carparking layout will provide for 34 spaces. Where aisle widths do not meet the requirements of 90° angle parking, 3, 45° angle spaces are proposed to better meet the aisle width requirements.
- The existing driveway access from William Street and Hayward Street Lane do not meet the minimum width of 6.0m required by the standard. There is no ability to widen these accesses as they are constrained by on site conditions such as building envelopes and the like.

Palm Court Motor Inn (Lot 3 DP 1113233) 138 William Street, Port Macquarie
Carparking Assessment

Proposed Redevelopment

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- Site servicing will remain the same as currently undertaken both from Hayward Street Lane and William Street for all land uses on the site.

Palm Court Motor Inn (Lot 3 DP 1113233) 138 William Street, Port Macquarie
Carparking Assessment

Proposed Redevelopment

3. RECOMMENDATIONS

- The revised carparking layout and vehicle access arrangements be approved by Port Macquarie Hastings Council in accordance with the assessments completed in this report.
- Erect "Low Clearance 1.85m" signage above the entry to the carpark as indicated below.

LOW CLEARANCE 1.85m

Palm Court Motor Inn (Lot 3 DP 1113233) 138 William Street, Port Macquarie
Carparking Assessment

Proposed Redevelopment

APPENDIX A
DEVELOPMENT PROPOSAL (GROUND FLOOR CARPARK)

**Palm Court Motor Inn (Lot 3 DP 1113233) 138 William Street, Port Macquarie
Carparking Assessment**

