

PLANNING PROPOSAL

Pursuant to section 55 of the
Environmental Planning and Assessment Act 1979

Settlement City Precinct: Walters Street Built Form Controls and Precinct-wide Design Excellence Provisions

Draft Port Macquarie-Hastings Local Environmental Plan 2011
(Amendment No 21)

February 2013

Status of Planning Proposal

Stage	Version Date (blank until achieved)
Lodged with Council	Nov 2012
Reported to Council [sec 55]	12 Dec 2012
Referred to Dept of Planning and Infrastructure [sec 56 (1)]	26 Feb 2013
Gateway Panel determination [sec 56 (2)]	
Revisions required Yes [☒] No [☐]. Completed	
Public Exhibition (where applicable) [sec 57]	
For Council review [sec 58 (1)]	
Adopted by Council for final submission & referred to Dept of Planning [sec 58 (2)]	

Endorsement of Planning Proposal

This Planning Proposal was endorsed for **public exhibition** pursuant to section 57 of the Environmental Planning and Assessment Act 1979 on 2013 by the undersigned Council delegate:

Signed

Name Peter Cameron

Position Group Manager Strategic Planning

This Planning Proposal was endorsed for **finalisation** pursuant to section 58 of the Environmental Planning and Assessment Act 1979 on 2013 by the undersigned Council delegate:

Signed

Name Peter Cameron

Position Group Manager Strategic Planning

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Executive Summary

At the Ordinary Meeting held on 12 December 2012, Council resolved to progress a draft Planning Proposal to change the current height of building and floor space ratio controls applying to the Kmart site in the Settlement City Precinct and to introduce design excellence provisions to apply to B3 Commercial Core and SP3 Tourist land in the area. The Proposal also involves a change to the street edge height for properties adjoining the Kmart site to the west (St Joseph's Primary School & Council-owned land).

A change to the height of building and floor space ratio controls applying to the Kmart site will facilitate development in accordance with Kmart's concept for a "big box" discount department store, Kmart auto and at grade carparking.

Council's urban design consultant, Gallagher Ridenour has reviewed the Kmart proposal in context of the adopted Structure Plan and concluded that whilst the proposed Kmart development has limited capacity to deliver the objectives of the Structure Plan in the short-term, the objectives of the Structure Plan can be realised in the long-term.

Exhibition of the draft Planning Proposal together with draft development control provisions (DCP), a draft Section 94 Contributions Plan (s94) and draft Voluntary Planning Agreement (VPA), will give landowners, surrounding residents and the general public the opportunity to review and comment on the Planning Proposal and related draft plan provisions before a final decision is made.

This section of the draft Planning Proposal will be updated with details of the exhibition period following receipt of a gateway determination from the Department of Planning and Infrastructure.

- 1) To facilitate the development of a Kmart Discount Department Store, speciality shops, Kmart Auto and associated at grade parking on Lot 2 DP 1163062, Warlters and Park Streets, Port Macquarie, through a change to the height of buildings (HOB) and floor space ratio (FSR) development standards applying to the subject site.
- 2) To provide consistency between HOB controls applying to the Kmart site and adjoining lands to the west (Lot 1 DP 1163062 & Lot 3 DP263340).
- 3) To promote and encourage design excellence for development of land zoned 'B3 Core Commercial' and 'SP3 Tourist' in the Settlement City Precinct.

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Part 2 - Explanation of Provisions

The intended outcomes, as specified in Part 1 above, will be achieved by:

1. Amending the PMHLEP 2011 HOB map applying to the Kmart site (Lot 2 DP1163062) and adjoining lands to the west (Lot 1 DP 1163062 & Lot 3 DP263340), to permit a 16m building height limit across the properties (4-storey equivalent), with exception of the Warlters/Park Streets corner, which will retain the existing 19m (5-storey equivalent) height limit.
2. Amending the PMHLEP 2011 FSR Map applying to the Kmart site to permit a maximum permissible FSR of 2:1.
3. Amending the PMHLEP 2011 text to include additional local provisions under Part 7 to promote and encourage design excellence for future development of land zoned B3 Core Commercial and SP3 Tourist in the Settlement City Precinct.
4. Amending the PMHLEP 2011 map to include an additional map series to identify the extent of the Settlement City Precinct to which the Design Excellence provisions apply.

Part 3 – Justification

Section A - Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

- *Kmart height and floor space ratio controls*

The planning proposal is the result of a series of meetings between Council staff and representatives of Kmart over the last 12-14 months following receipt of a submission from Kmart to the public exhibition of a draft amendment to Port Macquarie-Hastings Development Control Plan 2011 (PMHDCP). The draft DCP amendment contained guidelines for development in the Settlement City Precinct (of which the Kmart site forms part) consistent with the design principles and strategies of the adopted Settlement City Precinct Structure Plan 2009.

Kmart's submission raised concerns in relation to the ability to develop their site within the parameters of the current LEP and draft DCP. Kmart requested a review of the height of building (HOB) and floor space ratio (FSR) controls applying to their land under PMHLEP 2011, as well as a number of changes to the exhibited draft DCP to potentially accommodate a Kmart development.

The current Height of Building (HOB) LEP map applying to the Kmart site reflects the adopted Structure Plan which envisaged development across the site with distinctly defined corridors linking the broader precinct to the foreshore.

Existing LEP height limits for the Kmart site are as follows:

- 5.4m (1-storey equivalent) for a new north-south "Main Street", Town Square and mid-block link at the eastern end of the site;
- 19m for the Warlters/Park Streets landmark corner (5-storey equivalent);
- 16m for the remainder of the site (4-storey equivalent); and
- 11.5m (3-storey equivalent) street edge wall height, with exception of the landmark corner site.

The FSR LEP map permits a FSR of 0.2:1 over the new "Main Street", Town Square and mid-block link which corresponds to the 5.4m (1-storey equivalent) maximum height limit. The remainder the site allows a FSR of 2:1.

The concept drawings submitted by Kmart in support of the proposal, relocate and realign the new north-south "Main Street" and its view corridor towards the adjacent Port Marina arcade, rather than to the foreshore at the western end of the Marina. The concept also involves a reduction to the size of the Town Square (approx 646sqm including Council footpath, walkways and landscaping) and relocation of this space to the western side the new "Main Street"/Park Street intersection. The mid-block link at the eastern end of the site is proposed as at grade car parking. A copy of Kmart's concept drawings and accompanying submissions from King and Campbell consultants on behalf of Kmart, dated 6 and 22 November 2012, are at **ANNEXURE A**.

King and Campbell consultants have advised that the following building heights are expected for the Kmart development:

- 12m - western side
- 14m – northern side entry Feature
- 9m – eastern Side
- 9m – southern side (Warlters Street)

It has also been advised that these heights include a substantial tolerance (ie final building height expected to reduce rather than increase).

To facilitate development of the site as proposed, Kmart seek an amendment to PMHLEP 2011 to permit a 16m height limit across the property (excluding the landmark corner which will retain the existing 19m limit); and a FSR of 2:1. This would result in an increase in height and FSR over the areas of the site currently identified for a north-south "Main Street" link, Town Square and mid-block link.

Rather than re-applying the 5.4m HOB and 0.2:1 FSR controls to these revised areas of the site, Kmart has offered to enter into a Voluntary Planning Agreement (VPA) with Council to ensure provision of the new north-south "Main Street" (19m min width & no buildings over); Town Square (19m x 34m including footpath areas) plus the potential for expansion of this space with additional development; and unimpeded east-west pedestrian connectivity (min 8m wide) into the future. From a planning perspective, the VPA provides a reasonable level of certainty in relation to these important urban design outcomes.

In addition to these outcomes, the VPA also offers the following roadworks:

- Park/Warlters Streets traffic intersection works including traffic lights;
- Warlters Street upgrade to a 4-lane median separate carriageway based on a 27m wide road reserve;
- Dedication of road widening to achieve 27m Warlters Street road reserve;
- Dedication of the land required for a splay corner at the intersection of Warlters/Park Streets; and
- Roadworks to provide a Park Street pedestrian crossing comprising a raised pedestrian facility incorporating a signalised pelican crossing linking the proposed Town Square with the adjacent marina.

The draft VPA will be exhibited together with the draft Planning Proposal.

Figures 2 and 3 show the existing and proposed LEP HOB and FSR maps for the Kmart site.

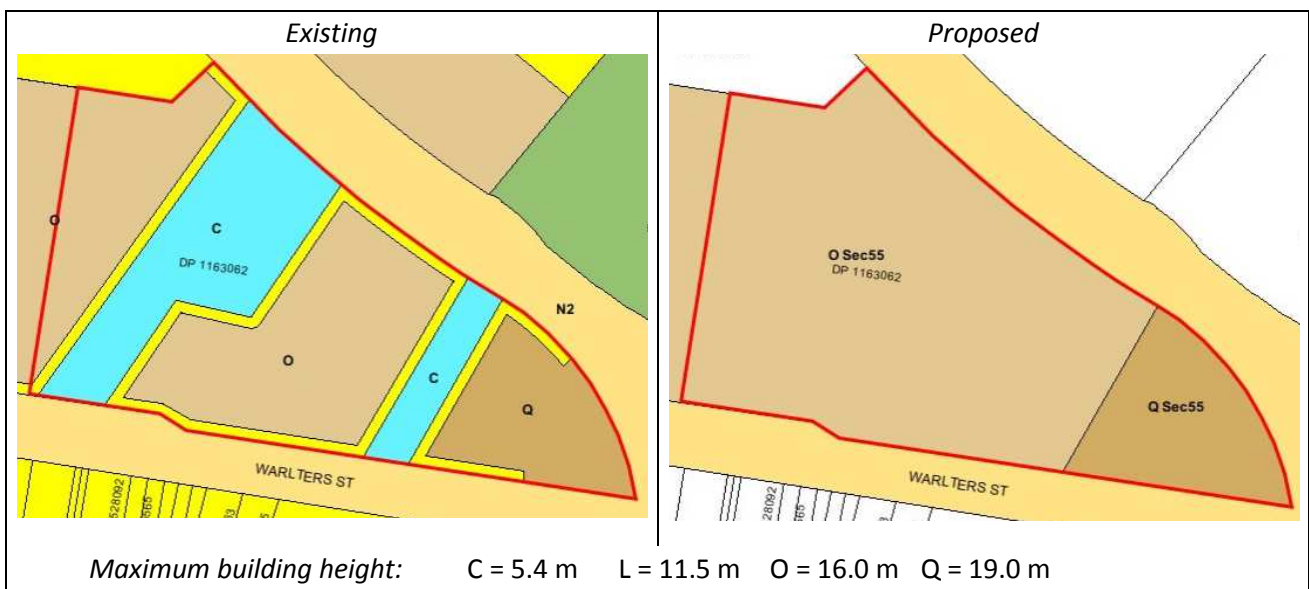


Figure 2: Height of Buildings Map for Kmart site - existing and proposed

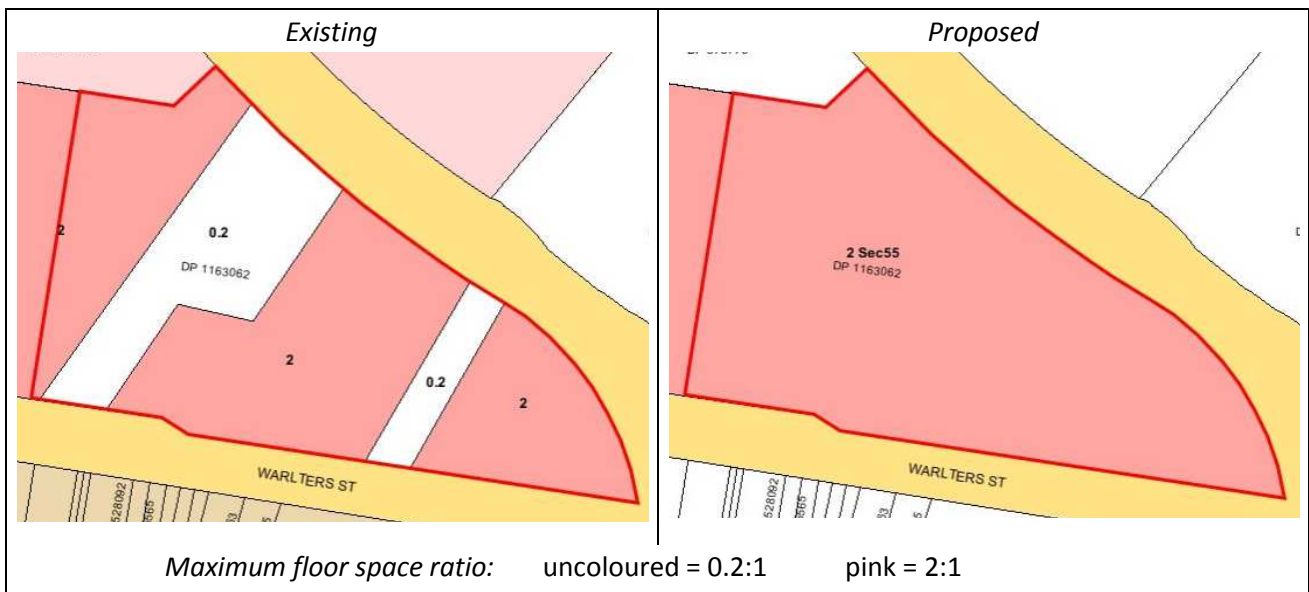


Figure 3: Floor Space Ratio Map for Kmart site - existing and proposed

The key issue considered by Council staff throughout 2012 was whether or not it is possible to locate a very large-scale “big box” development on the site without significantly compromising the design principles for the Settlement City Precinct as a whole. Whilst “big box” retail development was not dismissed as an option in the adopted Structure Plan, the emphasis was on these larger elements being centrally located within the Precinct and sleeved (ie concealed) with active frontages¹ to provide a town centre feel, connectivity and improved public amenity.

Council staff encouraged Kmart to adapt their concept to maximise achievement of the Structure Plan principles and to this end, Kmart have submitted a number of options. Due to the irregular shape of the site it has been difficult to accommodate the proposal without compromising connectivity and/or activation objectives.

Council has obtained independent specialist urban design advice from Gallagher Ridenour in relation to the proposal. A copy of the review is at **ANNEXURE B**. In summary, the review report notes that while the proposed Kmart development has limited capacity to deliver the objectives of the Structure Plan in the short-term, the objectives of the Structure Plan can be realised in the long-term.

The Gallagher Ridenour review notes that the Kmart proposal maintains north-south and east-west connectivity through the site in accordance with the Structure Plan; however, the mid-block link to the east of the “Main Street” is not addressed. In this regard, Gallagher Ridenour notes that the specific locations shown in the Structure Plan for this link (as well as the secondary link to the west) could move depending on future development uses and footprints. It is recommended that the draft DCP be revised to provide for the flexibility in location and guidance on the quality of these links.

Gallagher Ridenour also suggests that views from the south could be addressed with future building form, spaces between buildings, or with modelling of height to allow views over parts of the site. It is recommended that permeability of views and pedestrian access to the foreshore be promoted rather than

¹ *Active frontages* refers to street frontages where there is active visual engagement between those in the street and those on the ground floors of buildings. The quality is assisted where the front façade of buildings, including the main entrance, faces and opens towards the street.

a specific requirement for a view corridor. Appropriate provisions will be incorporated into the draft DCP for concurrent exhibition with the Planning Proposal.

The Gallagher Ridenour review also recommended that street edge wall heights be included in the draft DCP instead of the LEP and suggested that this approach be limited to the new “Main Street” and Town Square to assist in shaping these spaces and support future consistency in built form.

- *HOB controls for land to the west of the Kmart site*

In light of the above, it is considered reasonable that the current 11.5m (3-storey equivalent) street edge wall height applying to the St Joseph’s Primary School site to the west (Lot 1 DP 1163062) and adjoining Council-owned land (Lot 3 DP263340) also be revised on the LEP HOB map for consistency with the Kmart site, with appropriate provisions included in the draft DCP.

- *Precinct-wide Design Excellence provisions*

The Settlement City Precinct is recognised as a key area for the long-term growth of the Greater Port Macquarie CBD and therefore, future development requires a special design response. Design Excellence provisions similar to those that have been applied elsewhere in NSW (for eg Coffs Harbour City Centre), are proposed to be included in the PMHLEP 2011 text. The design excellence provisions will aim to ensure that future development of land zoned B3 Commercial Core and SP3 Tourist in the Settlement City Precinct is designed taking into account the following:

- Building design, external appearance, bulk, massing and modulation;
- Quality and amenity of the public domain;
- Activation of certain ground floor street frontages;
- View corridors;
- Relationship of development with existing/proposed development on the same, or on neighbouring sites;
- Pedestrian, cycle, vehicular and service access and circulation requirements;
- Street frontage heights; and
- Sustainable design, overshadowing and reflectivity.

A preliminary draft clause is shown below. It should be noted that the draft clause does not include the model clause provision which requires that an architectural design competition be held for key sites.

7.# Design Excellence

- (1) This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as “Subject to design excellence” on the Significant Urban Areas Map.
- (2) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (3) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development provides for activation of key street frontages and pedestrian thoroughfares,
 - (d) whether the development provides suitable view corridors,

- (e) how the development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,
 - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) the impact on, and any proposed improvements to, the public domain.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council could consider a development application (DA) to vary the existing HOB and FSR controls under clause 4.6 of PMHLEP 2011 to allow development of the Kmart site as proposed. Clause 4.6 enables a DA to be lodged seeking exceptions to development standards (in this case HOB and FSR standards), subject to a DA demonstrating that compliance with the development standard is unreasonable, or unnecessary in the circumstances of the case; and that there are sufficient environmental planning grounds to justify contravening the development standard. The concurrence of the Director-General of the Department of Planning and Infrastructure would be required.

In this instance, the Kmart proposal represents a substantial variation to the HOB and FSR controls affecting the site, as well as a significant departure from the provisions of the adopted Structure Plan and draft exhibited DCP. An amendment to the LEP FSR and HOB maps via a Planning Proposal is considered the most appropriate process to ensure that the proposal does not unduly comprise the design outcomes envisaged for the Settlement City Precinct.

Inclusion of design excellence provisions in the LEP text will help to strengthen and reinforce the role of the Precinct as a key part of the Greater Port Macquarie CBD. It is anticipated that these, or similar provisions, may be extended to include the Port Macquarie town centre area in the near future.

Is there a net community benefit?

The current B3 Commercial Core zoning of the land is not proposed to change.

The planning proposal aims to provide increase flexibility for development having regard to site constraints. The delivery of public domain improvements is expected to be achieved through planning agreements and the application of new design provisions in PMHLEP 2011 and new development control provisions.

On balance, it is considered that there is a net community benefit.

Section B - Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the Mid North Coast Regional Strategy 2006-31?

Yes.

Is the planning proposal consistent with Council's Community Strategic Plan and Urban Growth Management Strategy 2011 – 2031?

Yes. The key economic development and employment strategies in the PMH Urban Growth Management Strategy include the preparation of an LEP amendment in relation to St Joseph's school site in Warlters Street to increase commercial land supply in the Greater Port Macquarie CBD. The current planning proposal is consistent with that aim.

Is the planning proposal consistent with applicable state environmental planning policies?

There are no State environmental planning policies (SEPPs) of relevance to the Planning Proposal.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

There are no Ministerial Directions of relevance to the Planning Proposal.

Section C - Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The location of the proposed loading dock on Warlters Street adjacent to existing residents is a departure from the adopted Structure Plan.

A preliminary noise impact assessment submitted on behalf of Kmart, as part of a prior concept which included a Kmart auto at the intersection of Warlters Street and new “Main Street”, indicates that the loading dock area is expected to make a negligible contribution to existing noise levels in the area. A copy of the preliminary assessment report is at **ANNEXURE C**.

How has the planning proposal adequately addressed any social and economic effects?

A decision to amend the LEP HOB and FSR maps to accommodate the Kmart proposal triggers the need to amend and re-exhibit the draft Settlement City Precinct DCP, having regard to the scope of change proposed on issues such as the location and alignment of the new “Main Street”, street edge activation, design of the town square and the relationship of development to Warlters Street.

To reduce the visual impact of a blank wall and loading dock to Warlters Street, Kmart’s concept drawings propose a combination of landscaped setbacks from 1m to 10m, together with median planting to create a layered screening effect. The floor level of the dock is also proposed to be marginally lower than the floor level of the Kmart building to assist in minimising the potential for visual impacts.

As recommended by Gallagher Ridenour, provided Council ensures treatment of the loading dock area as proposed, in addition to the delivery of the median planting as shown in the Kmart concept drawings, the proposal is expected to have an acceptable visual impact to adjacent residents. Appropriate provisions will be included in the draft DCP.

Section D - State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

Yes. Council has prepared a draft Section 94 Contributions Plan to identify the level of developer contributions applicable to road and intersection works required to accommodate future development in the Settlement City Precinct overtime.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the Roads and Maritime Services is proposed to occur during the public exhibition period.

This section of the draft Planning Proposal will be updated post public exhibition.

Part 4 – Mapping

Proposed PMHLEP 2011 mapping changes are detailed in Part 2 of this Proposal.

Relevant map sheets will be prepared and details provided in this section prior to public exhibition.

Part 5 – Community Consultation

To date no community consultation has occurred in relation to this planning proposal, however, following Council's initial consideration of the proposal at the 12 December 2012 Ordinary meeting, approximately 27 form letters have been received from Warlters Street residents raising objections to the Kmart concept due to perceived impacts on existing residential amenity; traffic safety; noise and air quality; and views.

It is anticipated that the draft Planning Proposal, revised draft DCP, revised draft s94 Contributions Plan and draft VPA will be exhibited for twenty-eight (28) days and in accordance with the Department of Planning and Infrastructure's *A Guide to Preparing LEPs*.

The public exhibition will be advertised in a locally circulating newspaper and on Council's website. In addition, affected landowners and previously notified government agencies will be notified of the exhibition period and invited to view the material and make written submissions.

All submissions received as a result of (& lodged prior to) the exhibition phase, will be reported to Council and taken into consideration prior to a final decision being made on the draft Proposal.

Part 6 – Project Timeline

A preliminary project timeline is below. The project timeline is based on anticipated timeframes, however it should be noted that there can be unexpected delays.

Council seeks delegation to carry out plan-making functions to exhibit and finalise the draft LEP pursuant to the Environmental Planning and Assessment Act 1979. An evaluation of the criteria for the delegation of plan making functions and associated 'Delegated plan making reporting template' are at **ANNEXURES D and E**.

Planning Proposal Process Outline	2013				
	Mar	Apr	May	Jun	Jul
Commencement (date of Gateway determination)	X				
Timeframe for completion of associated revised draft DCP and revised s94 Contributions Plan	XXXX				
Timeframe for government agency consultation (pre & post exhibition as required by Gateway determination)					
Commencement and completion dates for public exhibition period		XXXX			
Dates for public hearing (if required)					
Timeframe for consideration of submissions		X XX			
Timeframe for consideration of proposal post-exhibition			XXXX		
Date of submission to the department to finalise the LEP					X
Date Council will make the plan (if delegated)				X	
Date Council will forward to the department for notification.					X

Annexure A

Kmart submissions (6 & 22 Nov 2012) and Concept Drawings

AJT/CW 5335
Please quote our ref: 5335_110

KING + CAMPBELL

6 November 2012

The General Manager
Port Macquarie Hastings Council
P O Box 84
PORT MACQUARIE NSW 2444

ATTENTION: Mr Matt Rogers

Dear Matt

RE: PROPOSED K MART CONCEPT & RETAIL PREMISES
LOT 2 DP 1163062 WARLTERS STREET PORT MACQUARIE

We refer to our meeting and presentation on 2 November 2012, attended by Council staff, Kmart representatives Ian Williams and Mark Staton and Nick Soudakoff, David Tooby and the writer. As agreed, we attach herewith a .pdf copy of the presentation and understand Council staff will use the presentation in a Councillor briefing later today.

We also refer to our meeting on 14 September 2012, Council's correspondence dated 19 and 24 September 2012 and our correspondence dated 20 September 2012.

This correspondence also provides a summary of Kmart's response to the conditions Council staff have placed on their in principle support for the concept plan presented on 14 September as follows;

1. Activation

The updated Concept Plan, 3D sketches and elevations provide further detail of the proposed short term activation of the eastern edge of the Kmart building including;

- The attached sketches, plans, elevations and 3D concepts provide details of the proposed design to achieve, in the short term, activation of this frontage to the north/south road;

The documents show that the eastern edge will be designed in an adaptive modular format using a combination of windows (clear and opaque), timber, galvanised planters and wire creepers for landscaping. This treatment is to be extended around the SE corner of the southern wall of the Kmart building fronting Warlters Street;

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- The documentation also provides details of the adaptive design approach to facilitate the creation of a fully activated edge in the long term. This approach includes the use of non-load bearing walls on the eastern edge and a lower roof form, more consistent with future speciality stores fronting the north-south road. The combination of the lightweight construction method and modular design allows for the modules to be changed in terms of materials used in response to either internal changes in the Kmart store, or as part of the future conversion to speciality stores;
- As outlined in the attached presentation, it is proposed to apply material and colour palettes that reflect the sites coastal location and drawing from the natural finishes that are already present in the surrounding site context. These could include materials such as untreated weathered timber, stone, terracotta footways or green wall treatments which are designed to soften and shield the traditional construction methods sitting behind them;
- The pedestrian pathway adjoining the eastern edge of the Kmart building has been designed to create an attractive colonnade for pedestrians, using a combination of lightweight materials, landscaping and paving;
- The NE corner of the Kmart building has been redesigned to include a first floor mezzanine element, seeking to create further interest and variety in the design of the building furthermore activating this important corner and locality where shoppers and visitors can enjoy views of the surrounding foreshore environment;
- The attached documentation includes concept design details of the roof form which is proposed to include;
 - The mezzanine level, on the northern frontage, which is proposed to be linked to the NE corner and potentially provide opportunities for adaptive uses such as outdoor cinema;
 - The eastern frontage which is set down from the main roof to create the appearance of a retail street along the north-south road;
- A combination of colour and shapes in the main roof to create a roof form with significant more interest than the typical standard roof often adopted in large building non-residential buildings;
- We have also attached a further concept plan “Potential Long Term Expansion” showing a hypothetical retail development incorporating the adjoining St Joseph’s property. This concept plan shows;
 - Potential footprints of future retail uses;
 - Stage 1 activation of the edge of the east-west pedestrian link, town square and Park Street;
 - Long term potential activation of the east-west pedestrian link, the edges of the large footprint retail stores, the landmark site on the corner of Park and Warlters Street and future parking areas;
 - Adaptive design for potential conversion of the eastern edge of the Kmart building to a full activated edge;

- Forecourt area located west of the current proposed Kmart building. The forecourt area provides access to the main retail areas, drop off zones and further pedestrian linkages between Warlters Street and the east-west pedestrian link;
- Green Open Space edge activation along Warlters Street, Park Street and Bay Street;
- Car parking on the northern parts of the site;
- Potential vehicular service link along the northern edge of the site.

2. Amenity

- Kmart Auto – The concept plan shows the Kmart Auto relocated to the NW corner of the property to eliminate any perceived acoustic impact on Warlters Street residents;
- Truck Movements – The Noise Impact Assessment assumes a worst-case 15 minute operational scenario and predicts an average noise level over this period (LAeq15min). One truck has been assumed to enter the loading dock, reverse to unloading position, idle while unloading and exit the site within a 15 minute period which is likely to be conservative since this operation will likely take longer than 15 minutes to complete. Kmart have previously confirmed that during normal operating conditions, they expect one large truck delivery per day;

In theory, if one truck was to do this for every 15 minutes of the day, the operational noise criteria (INP) would still be achieved.

The visual screening of the southern façade of the proposed building from Warlters Street residents has been carefully considered. A combination of variable building setbacks, detailed architectural treatment and landscape treatment has been employed to provide an acceptable visual outcome that seeks to protect the existing amenity experienced by the Warlters Street residents. Key elements proposed as part of this design outcome include:

- A three (3) metre wide centre road median containing trees at random but close centres to provide, in the short term (up to 5 years), a continuous closed canopy to six (6) metres high. Trees proposed for planting on this road median include Spotted Gum (*Corymbia maculata*) and Tallowwood (*Eucalyptus microcorys*);
- The retention of five (5) existing semi-mature trees (Spotted Gum) along the property frontage;
- Tree planting in the road verge in front of the existing loading dock area. The tree species proposed for this area is Water Gum (*Tristaniaopsis laurina*), a small tree that will likely achieve a mature height of 6-8 metres in this situation;
- A variable building setback of between one (1) and ten (10) metres from the property boundary. This setback will incorporate substantial landscape works including lower ground plane plants, hedges, plants in planter boxes and trees;

- A variety of wall and fence materials including:
 - Rendered walls and louvres on the loading dock frontage;
 - Timber slat fence to three (3) metres high (only one (1) metre of which will be visible from Warlters Street owing to earth mounding and planting);
 - Masonary planter boxes to 1.2 metres in height in front of the loading dock wall alternating with sections of hedging;
 - Low (to 1.2m high) masonry walls in front of the eastern section of the southern building façade to provide opportunity for the layering of planting up to and adjacent the main building wall.

It is submitted that the combination of the above carefully considered architectural and landscape elements will provide visual variability and interest across the length of the southern building frontage and an effective visual screening for Warlters Street residents.

This work is documented in the attached photomontages and landscape plans.

We also confirm that the proposed setback in front of the loading dock area is sufficient to provide meaningful landscape screening. In this regard this one (1) metre setback will readily accommodate a Lilly Pilly hedge (*Syzygium pariculatum* dwarf) and planter boxes containing Cordyline species (or similar) which will, in combination, provide a full visual cover of the wall. However, this treatment cannot be viewed in isolation. The tree and ground plane planting in the road centre median and the tree planting in the road verge effectively add two additional layers of visual screening. As demonstrated in the attached photomontages, the overall visual effect of the proposed works is substantial and creates an appropriate visual screening of the building from Warlters Street residents.

3. Road Infrastructure

We have attached a concept plan of the proposed Park Street Pedestrian Crossing. The plan shows that it will link via the car park on the Park Street road reserve to the existing arcade and covered walkway adjoining the existing retail premises within the Marina site.

The overall Concept Plan provides details of the vehicular access from Warlters Street. The access arrangements from the north-south road to the car parks have also been amended with separate access points now provided to the eastern and western carparks.

We now seek Council's commitment to report the Planning Proposal required for the amendments to the Floor Space Ratio and Height of Buildings sheets of the PM-H LEP 2011 to the December 2012 Council meeting.

Should you have any queries regarding the above matter please do not hesitate to contact the writer.

Yours sincerely
King & Campbell Pty Ltd



Anthony J Thorne
Director

cc Client

encl Updated Concept Plan and Context Plan
Potential Long Term Retail Expansion Photomontages (3)
Elevation – eastern wall
Park Street Pedestrian Crossing
Landscape plans

AJT/CW 20105335
Please quote our ref: 5335_112

KING + CAMPBELL

22 November 2012

The General Manager
Port Macquarie Hastings Council
P O Box 84
PORT MACQUARIE NSW 2444

ATTENTION: Ms Sandra Bush

Dear Sandra

RE: KMART PORT MACQUARIE
LOT 2 DP 1163063 WARLTERS STREET PORT MACQUARIE

We refer to our recent discussions and meetings regarding the Concept Plans of the Kmart Port Macquarie development recently presented to Council staff. As requested we provide the following submission as a compilation of previous submissions made as part of the negotiations with Council staff over the past 12 months.

1. Concept Plan and Photomontages

The attached drawing set was presented to Council staff on 2 November 2012 and forwarded to Council in hard and digital format on 6 November 2012. We enclose herewith a digital copy of the Concept Plan and Photomontages on the attached CD along with a copy of our correspondence dated 6 November. The drawing set contains the following plans:

- Context Plan – showing the overall Concept Plan in the context of the existing development on adjoining properties and streets (refer later comments regarding Concept Plan);
- Sheets 2 – 7 which provide background or contextual information drawn upon by the architects and designers in preparing the current concept design. The contextual information includes built form and natural elements from the surrounding environment of Port Macquarie, the architectural materials and colour palette with an emphasis on creating a natural vernacular architecture using a mixture of natural materials and contemporary construction methods;
- Sheet 8 contains a 3D perspective of the NE corner of the proposed development and provides detail of:
 - The proposed treatment of northern frontage of the speciality retail stores fronting the east-west pedestrian connection;

urban design

civil engineering

architecture

town planning

landscape architecture

surveying

directors

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- The proposed extension of retail and entertainment uses to the mezzanine or first floor level of the Kmart building;
- The proposed design treatment of the eastern edge of the Kmart building and associated pathway to create the immediate appearance of an activated edge;
- Sheet 9 contains ideas used in considering the roof form for the proposed Kmart building with particular emphasis on form and visual appearance (from above and from the pedestrian level and potential uses of the roof;
- Sheet 10 contains a roof view of the proposed Building Concept Design. The following details are important elements that have influenced the overall Concept Design:
 - The step-down in the roof on the eastern edge of the Kmart building to create the immediate appearance of an activated building edge as well as an adaptive design to facilitate the potential future conversion of this part of the building to specialty retail stores fronting the north-south “main-street”;
 - The step down in the roof on the northern edge of the building to create opportunities for retail/entertainment uses on the first floor such as the café/restaurant and outdoor cinema shown on the Concept Design.

Both of these step-downs along key frontages of the Kmart building serve to reduce the bulk and scale of the roof form from perspectives both above the building and from the pedestrian level;

- Treatment of the main roof itself using roof drainage channels and colours to create variety in the visual appearance and shape of the roof;
- The Building Concept Design on Sheet 10 also shows the relationships between the pedestrian walkways and the Kmart building along both the east-west pedestrian corridor and the north-south main street connection. The step-downs in the roof form reduces the scale of the Kmart building at the pedestrian level along these important pedestrian connections;
- Sheet 11 contains design detail of the materials and building elements proposed to be used on the NE corner of the Kmart building (Integrated Café) and along the eastern wall of the Kmart building to create the immediate appearance of an activated edge;
- Sheet 12 contains a large scale version of the Concept Plan and in conjunction with Sheet 1 shows:
 - Details of the proposed treatment of Warlters Street including the loading dock and the entrance to the north-south “main-street” connection, pathways and landscaping. Further detail of the Warlters Street treatment are contained in the attached photomontages and Landscape Plan;

- Details of the proposed north-south main street connection including road carriageway details, footpaths, landscaping, entries to eastern and western car parks, integration with the Town Square and entrance from Park Street;
 - Details of the east-west pedestrian link;
 - Details of the extent of potential future retail along the eastern edge of the Kmart building;
 - Details of the proposed Town Square, adjoining specialty retail fronting Park Street and the proposed Kmart Tyre and Auto building in the NW corner of the subject property;
 - Details of the RH turn entry from Park Street and the option for a pedestrian connection across Park Street in lieu of the re-configuration of Park Street proposed in the exhibited draft DCP;
 - Details of the extent of proposed at-grade carparking for the Kmart development;
 - The extent of land available for the future Landmark development site on the corner of Warlters and Park Streets;
- Sheet 13 contains the concept northern and eastern elevations of the proposed Kmart building;
 - Sheet 14 contains concept ideas for pylon signage drawing on the local context;
 - Sheets 15, 16 and 17 contain photomontages of the Warlters Street frontage showing the landscaping, fencing, building setbacks and architectural treatments proposed to be used along the southern façade of the Kmart building and loading dock to provide an attractive visual outcome that seeks to protect the existing amenity of Warlters Street residents;
 - Sheet 18 contains a concept of the Potential Long Term Retail Expansion including the adjoining St Joseph's Primary School property. This plan shows details of:
 - The current Kmart Concept Plan as described above;
 - Future long term activation of the Warlters Street and Park Street frontages of the corner Landmark site;
 - Future sleeving of the western edge of the Kmart building with retail specialty;
 - The east-west pedestrian link to Bay Street and Settlement City including future activation of the link with specialty retail;
 - Activated centrally located forecourt areas between the two main retail anchors;
 - Future potential supermarket location;
 - Future potential carparking location;

- Proposed vehicular service link;
- Dual carriageway treatment of Warlters Street and re-opening of the intersection between Aston and Bay Streets;
- Sheet 19 contains a Concept Plan of a potential pedestrian crossing of Park Street which has been suggested as an alternate to the re-structure of the Park Street carriageways contained in Figure 6 of the current draft DCP provisions;
- Sheet 20 contains a Preliminary Landscape Plan for the Warlters Street frontage and north-south main street link adjoining the proposed Kmart building.

2. Rationale for the Current Proposal

The rationale for the current proposal has been developed having regard to:

- The Design Principles and Strategies of the Settlement City Precinct Structure Plan (SCPSP 2009);
- The subdivision of the previous school lands into the subject Kmart property (3 hectares) and the ongoing use of the adjoining property (2.54 hectares) by St Joseph's Primary School;
- The need to provide an east-west pedestrian link ultimately linking Park Street and the Foreshore Reserve with Bay Street and Settlement City;
- The desirability of providing a north-south main street connection between Warlters Street and Park Street. Street design elements contained in the SCPSP 2009 have been incorporated into the current Concept Plan;
- An adaptive design approach to the eastern edge of the Kmart building to provide for short term activation or appearance of activation and the longer term adaption to a fully activated edge;
- Feedback from Council's urban design adviser (Gallagher Ridenour) dated December 2011 and May 2012 particularly in relation to the north-south main street connection, the Town Square, the east-west pedestrian connectivity and the design of the loading dock facilities on Warlters Street.

The feedback from Gallagher Ridenour and Council staff has led to much more detailed resolution of the design details of each of these issues in the current Concept Plan.

3. Options Considered

A number of different options have been considered in developing the current preferred Concept Design. These include:

- The initial concept prepared by I2C that was used in the submissions prepared by Kmart in relation to the exhibition of the draft Area Based DCP Provisions and the draft Contribution Plan.

Key elements of this Option were:

- Service lane on the northern and western boundaries with the main loading dock adjoining the western boundary;
- Town Square linkage from Park Street to the Kmart entry;
- Kmart building oriented north-south;
- At grade parking on the south side of the Kmart building.

This option was ultimately not adopted primarily due to:

- The long-term impediment to future east-west pedestrian connectivity caused by the service lane adjoining the western boundary;
 - The need to provide a more detailed main-street design to the north-south connection between Warlters Street and Park Street.
- Vabasis Architects have prepared a number of concepts to the current adopted Concept Plan. These concepts have included:

- Orienting the Kmart building north south rather than east-west. The advantage of this option was that the Kmart entrance and associated specialty retail addressed the north-south connection.

The overriding disadvantage was the effective blocking of an east-west pedestrian connection linking to future development on the adjoining western property;

- Various options were considered for enclosed malls including short-term tenancies at the western end of the mall (adjoining the western boundary). These were ultimately not adopted in favour of an unobstructed east-west pedestrian connection;
- Various options for the design of the north-south connection were considered including incorporating it into carparking areas, angled parking and a single entry into both the eastern and western carparks (4 way intersection).

The adopted Concept Plan has as much as possible embodied the street design elements of the SCPSP with pedestrian footpaths street and landscaping on both sides, parallel “main street” car spaces, separate access to eastern and western carpark (to improve accessibility), activation of the eastern frontage of the Kmart building and activation of the Town Square;

- Various options were considered for the size and shape of the Town Square with the current option chosen with a size of 34m x 19m in a rectangular shape;
- Various options were considered for the location of the proposed Kmart Tyre & Auto Centre. The adopted Concept Plan ensures the Kmart Tyre & Auto Centre is located to minimise potential impact on existing residents in Warlters Street and in a location to minimise potential impacts on the main street design concepts;
- Option A contained in the Gallagher Ridenour advice dated December 2011 was considered and not adopted for the following reasons:
 - Concerns with the viability of decked car parking as part of the Kmart development (cost prohibitive), the lack of parking convenient to the Kmart entrance and concerns with respect to future convention of the eastern frontage of the decked car parking to retail uses;
 - The decked carpark would potentially close off options to expand the retail premises to the west;
 - Concerns with respect to the impacts of the combined presentation of the decked carparking and Kmart building on Warlters Street;
 - The location of loading dock in proximity to the Landmark site and the corner of Warlters Street and Park Street.

A number of the design provisions of the Gallagher Ridenour advice dated May 2012 (in relation to north-south street, town square east west connectivity and treatment of Warlters Street) have been incorporated to varying degrees in the adopted Concept Plan.

4. Integration of the Concept Plan with Long-Term Development in the Precinct

Sheet 18 of the attached drawing set contains a Concept Design of the Potential Long Term Retail Expansion on the adjoining western property currently occupied by St Joseph's Primary School. The long term expansion concept also provides for potential integration with the adjoining northern property with a potentially shared service lane. Details of the Long Term Concept Plan are outlined above. Consultation has been undertaken with the adjoining western and northern property owners during the preparation of this plan.

5. Achievement of the Structure Plan Key Principles

The consultation process associated with developing the adopted Concept Plan has recognised that the SCPSP adopted in 2009 was prepared at a time when the school properties in Warlters Street were in a single ownership and an option to purchase the whole of the property was held by a major retailer.

The former option lapsed and the old regional high school site (3ha) was subdivided in 2011 and sold to Kmart. BER funding invested at the St Joseph's Primary School site (2.54ha) means that the site will remain as a school for 10 years. While the ownership changes are a fundamental shift in how the subject property can be developed, the Design Principles and Strategies contained in Section 4.3 of the SCPSP have been achieved in the adopted Concept Plan as follows:

- Role of the Precinct

The intent of this design principle is to develop interdependence between the CBD and SCP to form the Greater Port Macquarie CBD through strengthened linkages between the areas and shared enjoyment of the foreshore area.

This will be achieved in the Concept Plan through the road improvements outlined in the draft S94 Contribution Plan which where appropriate have been embodied in the Concept Plan. Improved pedestrian access to the foreshore reserve and the CBD will be achieved through pedestrian facilities at the corner of Warlters and Park Streets and the proposed pedestrian facility linking the Town Square and Marina precinct.

- Uses and Activation of the Public Domain

The Concept Plan and the Potential Long Term Retail Expansion Plan show details of the proposed short and long term activation of the Public Domain through the north-south main street connection, east-west pedestrian connection, future forecourt area, Town Square and linkages to the public foreshore reserve.

- Natural Setting and Open Space

As outlined in the attached drawing set the natural and built form settings of the property have provided the context to applying a natural vernacular architecture to the proposed development using a mixture of natural materials and contemporary construction methods. The retail development is proposed to be linked to the public foreshore reserves through the pedestrian facilities outlined above.

- Indigenous and European Heritage

As outlined in the attached drawing set the Concept Plan has drawn on the existing natural and built form to develop colour and material palettes for the proposed development. The public domain elements are proposed to be subject to high quality urban design as outlined in the Concept Plan documentation. Previous submissions have raised objections to the proposal for a contribution to public art to the value of 1% of the development costs as a de facto Section 94A developer charge which cannot be levied when Council also proposes to levy Section 94 local roads contributions.

- Views and Vistas

Our previous submission dated 14 September 2012 contained an assessment of the potential impacts on the “Key Views and Vistas of Foreshore and Water and Significant Views identified in DCPs” identified in the SCPSP as follows:

- Figure 9 (p.23) of the SCPSP identifies “Key Views and Vistas of Foreshore and Water and Significant Vistas identified in DCPs”;
- Figure 10 (p.24) shows the vista from St Agnes Church

Neither the development contained in the Overall Concept Plan nor the proposed amendment to the HOB map will noticeably alter the vistas as shown on Figure 10 when compared with the current HOB controls.

- Figure 11 (p.25) shows the vista from the Town Centre foreshore reserve

Neither the development contained in the Overall Concept Plan nor the proposed amendment to the HOB map will noticeably alter the vistas as shown on Figure 11 when compared with the current HOB controls.

- Figure 12 (p.26) shows the Park Street Primary View Corridor

Neither the development contained in the Overall Concept Plan nor the proposed amendment to the HOB map will alter the Park Street Primary View Corridor as shown on Figure 12 compared with the current HOB controls.

- Figure 13 (p.27) shows the vista from the top of Hastings Avenue

Neither the development contained in the Overall Concept Plan nor the proposed amendment to the HOB map will significantly alter the visas as shown on Figure 13 when compared with the current HOB controls.

- Figure 14 (p.28) shows significant visual links between Port Marina and Warlters Street (from the Marina).

The opportunities for visual links between Port Marina and Warlters Street based on the OCP and proposed HOB map amendment will not be identical to that shown on Figure 14 but will be just as significant across the Town Square, Main Street and eastern at-grade car park.

Section 2.12 of the SCPSP (p.30) contains a Summary of Key Urban Design Issues including “Views designated under DCP 20 and DCP 49 need to be maintained”. Neither the proposed Overall Concept Plan nor the proposed amendment to the HOB and FSR maps compromise the maintenance of the designated views.

- Figure 16 – Settlement City Structure Plan – Views and Flooding (p.47) identifies “Key Domain Water Views (Existing and Potential)” and Ridge Line View to Water.

As has been outlined in previous submissions the “Key Public Domain Water View (Existing and Potential)” through the centre of the Kmart Land does not currently exist due to the level differences and existing buildings along the Marina. It is noted that this view line is the only view that has not been photographed in the SCPSP. The current OCP will provide very similar opportunities for view lines from Warlters Street across the Main Street, Town Square and eastern at-grade car park. The proposed development and the amendment to the HOB map will not reduce the potential for views from Warlters Street to the Marina precinct compared to that contained in the SCPSP.

All other “Key Public Domain Water Views (Existing and Potential)” and “Ridge Line Views to Water” will be unaffected when comparing the extent of development proposed in OCP and the HOB/FST Map amendments and that currently possible under the existing LEP provisions.

- Figure 17 Height and Massing Plan (p.51) proposes a one-storey height limit adjoining the Landmark Site on the corner of Warlters Street and Park Street. This line of sight does not correspond with any of the identified view lines in the SCPSP. It is submitted that greater opportunities for visual links will be available across the eastern carpark and that a one storey height limit in this location is not justified.

It is submitted that the proposed changes to the HOB and FSR Maps, supported by appropriate development provisions in the DCP will provide appropriate and more flexible development controls to ensure that opportunities for visual linkages between Warlters Street and the Marina and foreshore are created and/or maintained. The extent of other key views and vistas identified in the SCPSP for retention, will be largely unaffected by the extent of development contained in the Overall Concept Plan or the proposed amendments to the HOB and FSR maps.

- **Movement Network**

The Concept Plan provides the primary movement network components contained in the SCPSP being the east-west pedestrian link and the north-south main street connection. Other components of the movement network are provided through pedestrian connections across Park Street to the foreshore reserve and continuation of the network through the adjoining western property as outlined in the Potential Long Term Retail Expansion Plan. The Concept Plan provides for the creation of focal urban space in the location of the Town Square.

- **Built Form**

The materials and colour palette outlined as the contextual background to the Concept Plan have been adopted to enhance the coastal Australian character of the Precinct as envisioned in the SCPSP.

6. Infrastructure Outcomes

The Planning Proposal to amend the Height of Building and Floor Space Ratio Sheets of the LEP will not significantly vary the infrastructure outcomes that would have occurred under the current development controls in relation to:

- Road infrastructure upgrades – reconstruction of Park Street as per the SCPSP is proposed to be replaced by a pedestrian crossing facility as outlined in previous Planning Agreement offers. It is proposed to widen Warlters Street to 27m rather than 31m as proposed in the SCPSP and as outlined in previous submissions and Planning Agreement offers;
- Water supply and sewerage services infrastructure upgrades will be determined to suit the requirements of the proposed development as part of the DA and CC documentation.

7. Planning Agreement Offer

Kmart's formal Planning Agreement offer will be confirmed under separate cover. As previously outlined the Offer will relate to:

- The LEP amendment to the HOB and FSR sheets of PM-H LEP 2011;
- The east-west pedestrian connection;
- The north-south main street connection;
- Roadworks associated with the traffic signals on the corner of Park and Warlters Streets and a development contribution offset for those works;
- Roadworks associated with the upgrade of Warlters Street and a development contribution offset for those works;
- Road dedication along the Warlters Street frontage and a development contribution offset for the value (or part thereof) of the dedicated land;
- Roadworks associated with the construction of a pedestrian facility in Park Street as per the attached Concept Plan (Sheet 19) and a development contribution offset for those works.

The formal Planning Agreement offer is expected to be tabled by Kmart within the next few days.

8. Desired LEP Provisions

As outlined in our submissions dated 14 September and 6 November 2012 the following amendments to the PM-H LEP 2011 are sought with respect to Lot 2 DP 1163062, Warlters Street:

- Amendment to the Floor Space Ratio Map (Sheet FSR-013FA) to apply a consistent 2.00:1 FSR on Lot 2. This will result in an identical approach to FSR on the subject property to that which applies on the adjoining St Joseph's Primary School and Settlement City properties;
- Amendment of the Height of Building Map (Sheet HOB-013FA) to replace the current 5.4m and 11.5m height limits with a 16m height limit such that a consistent height limit of 16m applies to that part of Lot 2 proposed to be developed for retail purposes in accordance with the attached Concept Plan. The current 17.5m height limit on the corner Landmark site is not proposed to be amended.

We thank you for the opportunity to provide this amalgamated response to the issues that have been raised in negotiations with Council staff over the past 18 months.

Should you have any queries regarding the above matter please do not hesitate to contact the writer.

Yours sincerely
King & Campbell Pty Ltd



Anthony J Thorne
Director

cc client

encl as listed



Port Macquarie

A Natural Connection

DESIGN INTENT PROPOSAL



Context Plan

The north eastern tip of Port Macquarie is an area of outstanding natural beauty with numerous natural reserves, green spaces, beaches and marinas. The development site lies just 750m (approx) north west of the Kooloobung Creek nature reserve, directly adjacent to West Port Park whilst the whole northern boundary of the site lies just 50m south of the coast line and Port Marina.

Tourism plays a key part in the areas development due to it's coastal proximity and as such many hotels, tourist parks, resorts and associated restaurants, stores and cafes litter the coast while residential developments are located further in land. The main district centre sits between the development site and the north east coastal tip.



DESIGN INTENT PROPOSAL



Inspiration from Port Macquarie

The expressive form of the exterior signals the cultural use of the award winning Glasshouse, echoing the movements of the ocean and sky. The design takes advantage of the Pacific Ocean views and is based on 'openness' and accessibility.

This type of development which carefully assesses the historical, cultural and contextual setting of the development site whilst also incorporating the end users operational requirements sets a precedent for architectural design in this region.



DESIGN INTENT PROPOSAL



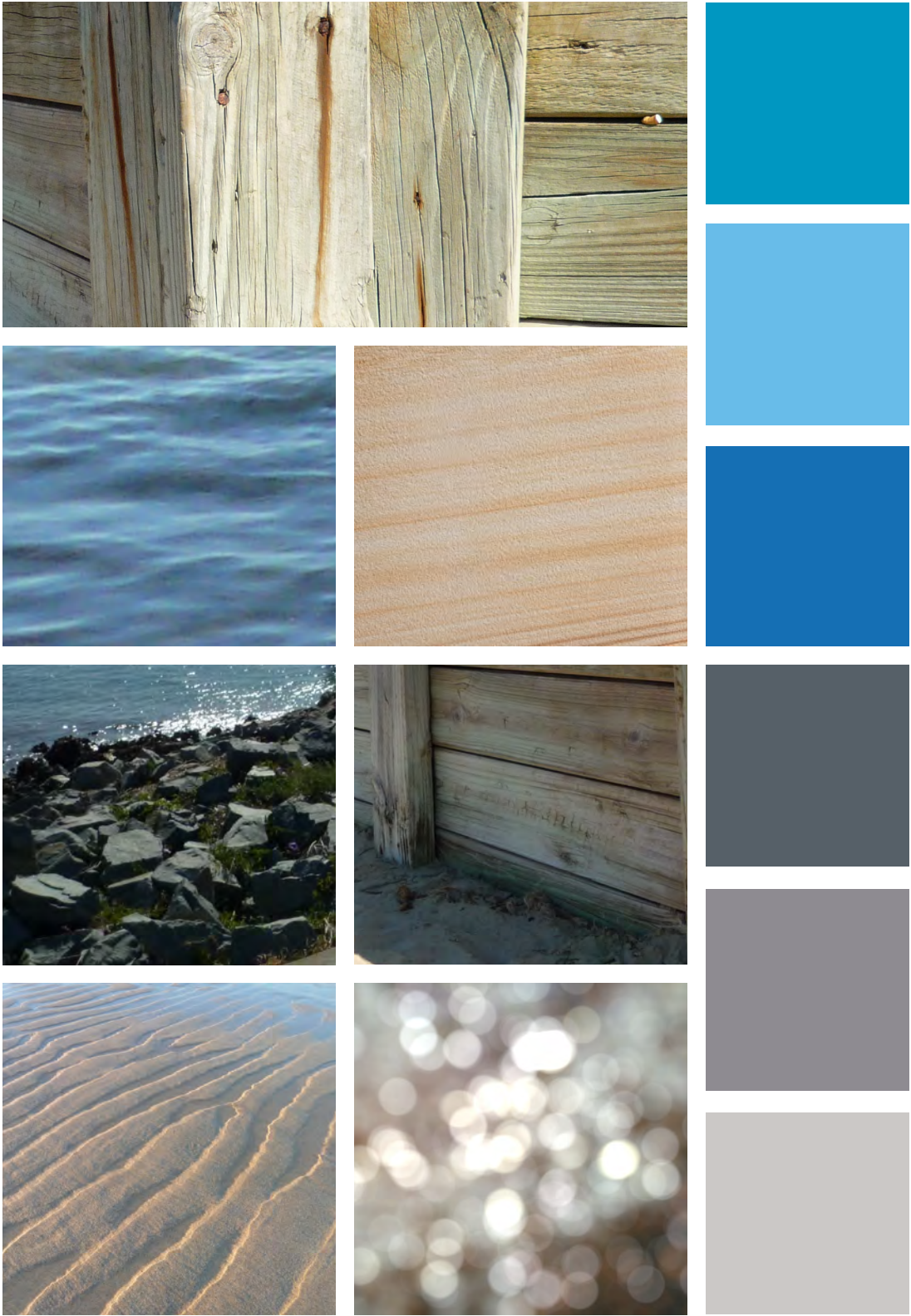
Path creates a natural connection to town

The proximity of the northern site boundary to the coast provides an opportunity to embed the site with this coastal setting and address links to the existing seafront footpath linking the east to the west.

The natural setting of the route from the site along the seafront offers inspiration for an architectural palette of colours, materials, form and landscaping.



DESIGN INTENT PROPOSAL



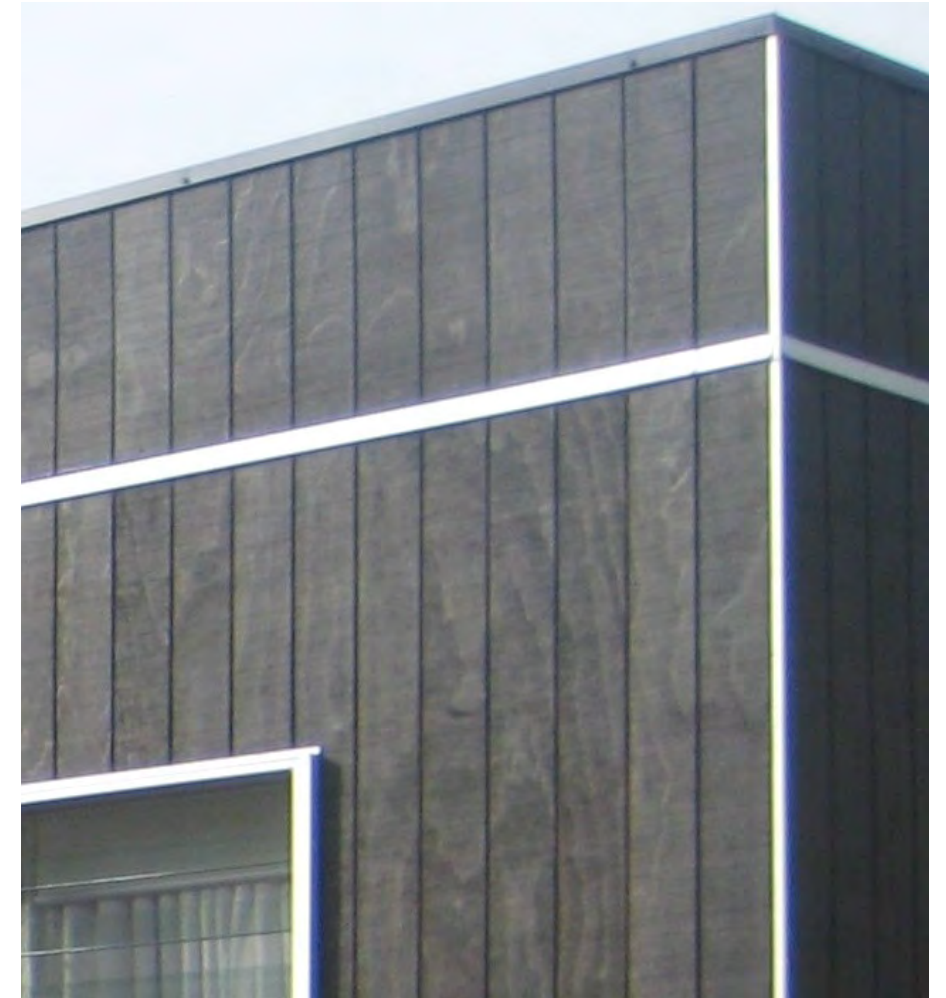
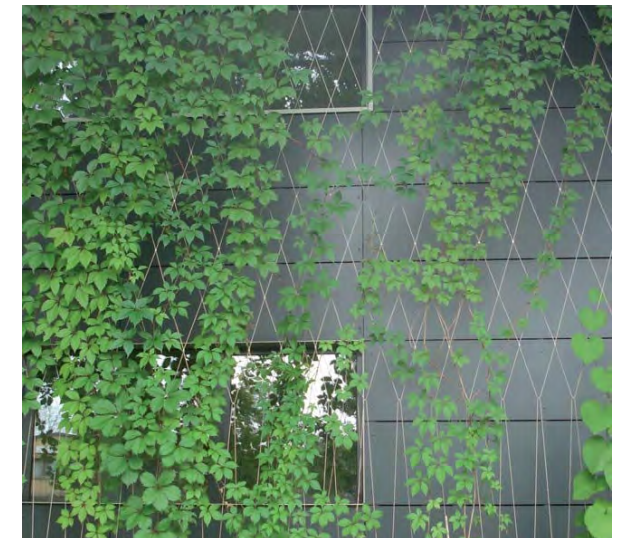
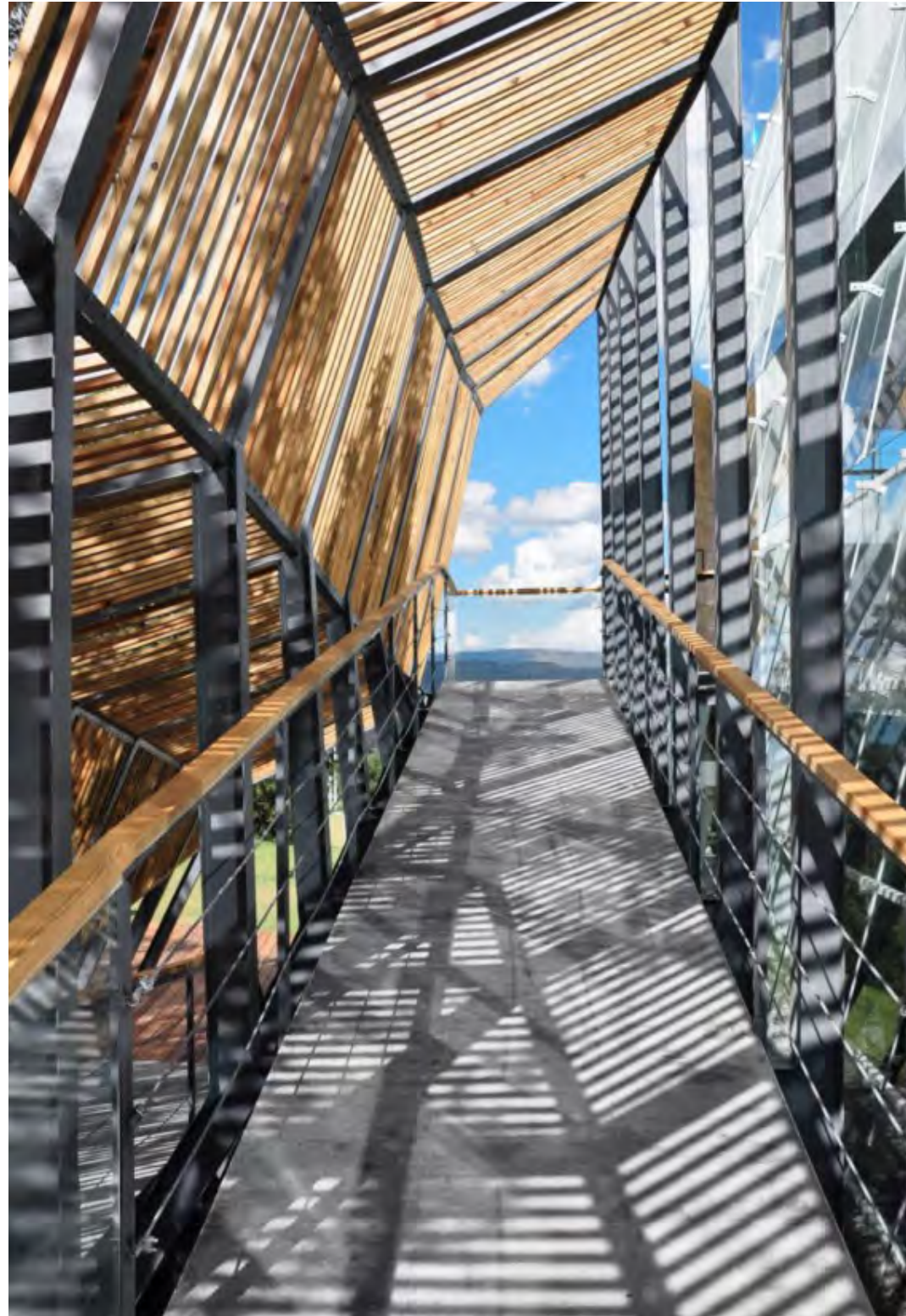
Architectural Colour Palette from Nature

Weathered timber, wet sand and blue sea all come together to form a natural palette of colours that could be suitable for incorporation in to any built form on the development site.

The textures of these natural elements also provide inspiration for how materials might be addressed. The juxtaposition of the soft wet sand against the hard jagged rocks, the reflective nature of the water against the sun and weather beaten timber could be transferred to the buildings elevations providing an interesting interplay of materials.



DESIGN INTENT PROPOSAL



Natural Materials & Finishes

Natural finishes are overwhelmingly obvious in the surrounding site context from building elevations to landscaping schemes. These could include untreated, weathered timber, stone, terracotta footways ways or green wall treatments which soften and shield the traditional construction methods which sit behind them.

DESIGN INTENT PROPOSAL

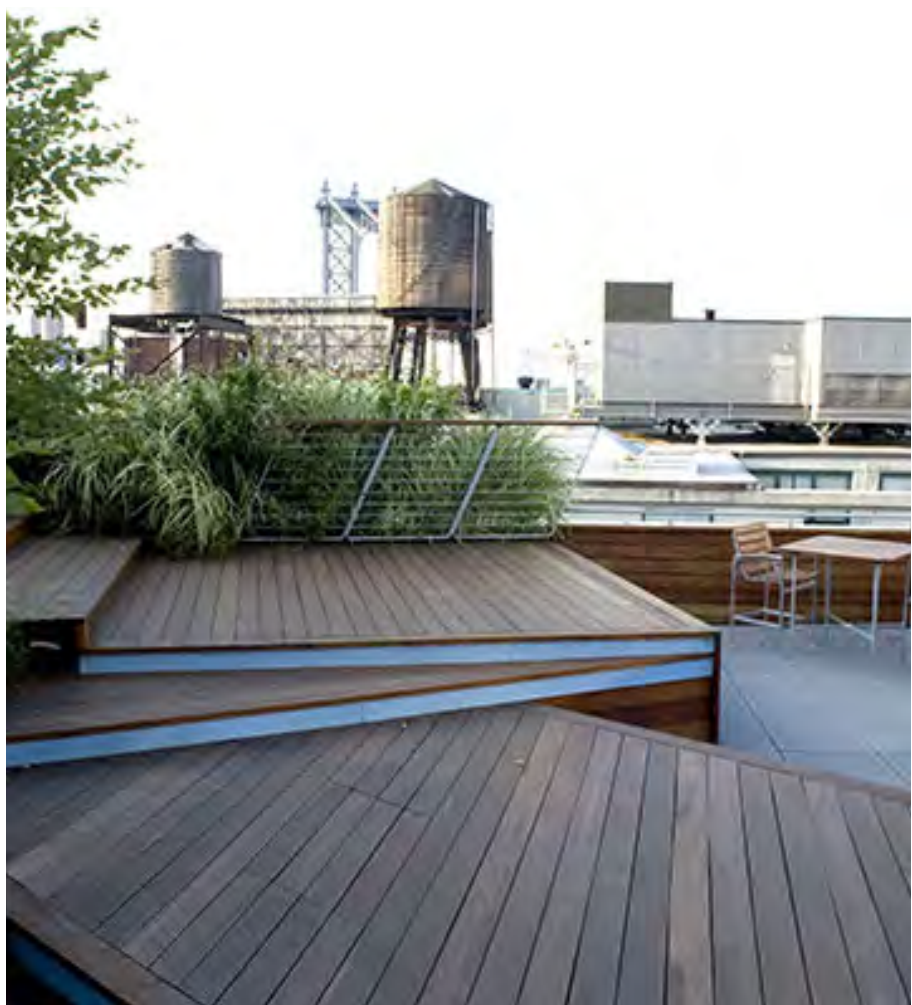


Creating a Natural Vernacular

Vernacular architecture isn't just an interesting bit of history for modern architects. Looking at the way people traditionally build in a certain place can be very useful when designing a building. As well as showing what materials are available locally and how well they stand up to the climate. In Port Macquarie a strong palette of natural materials, especially timber is evident. Glass is used to allow sunlight in, reflect the blue skies and provides view through

to activity. Solar shading appears in different shapes and forms but most evidence is of timber louvres, batons or tensile fabric sail forms. The maritime syntax has obviously played an important role in creating the historic and present day architectural style of Port Macquarie and this should be considered carefully in any future development.

DESIGN INTENT PROPOSAL



Natural Details

It is possible to mix contemporary construction methods and materials with natural elements and detailing. Timber louvers and cladding soften the appearance of buildings and create a visually pleasing contrast. Green elements can be incorporated into facades via green walls of ivy growth along wires to help give the building back to nature.



DESIGN INTENT PROPOSAL



FEATURE CORNER AND FRONTAGE PERSPECTIVE

Building Concept Design



DESIGN INTENT PROPOSAL



Roof Proposals

The roof of a building is in essence it's 5th elevation. It can be used as an outdoor public space which would tie into the public nature of the building and help it sit more comfortably within the community. It can be utilised to add form and visual interest, not only for those overlooking it but from a pedestrian level as well. The immediate context of the site should be carefully considered when progressing

down this design route.

Natural 'green' roofscapes can aid the biodiversity of a development. In a rural setting a green roof can help a building become more at ease with its natural environment whereas when used in a site of an urban nature it's stark contrast to the grey of cement and concrete can bring a building to life.

DESIGN INTENT PROPOSAL



ROOF VIEW

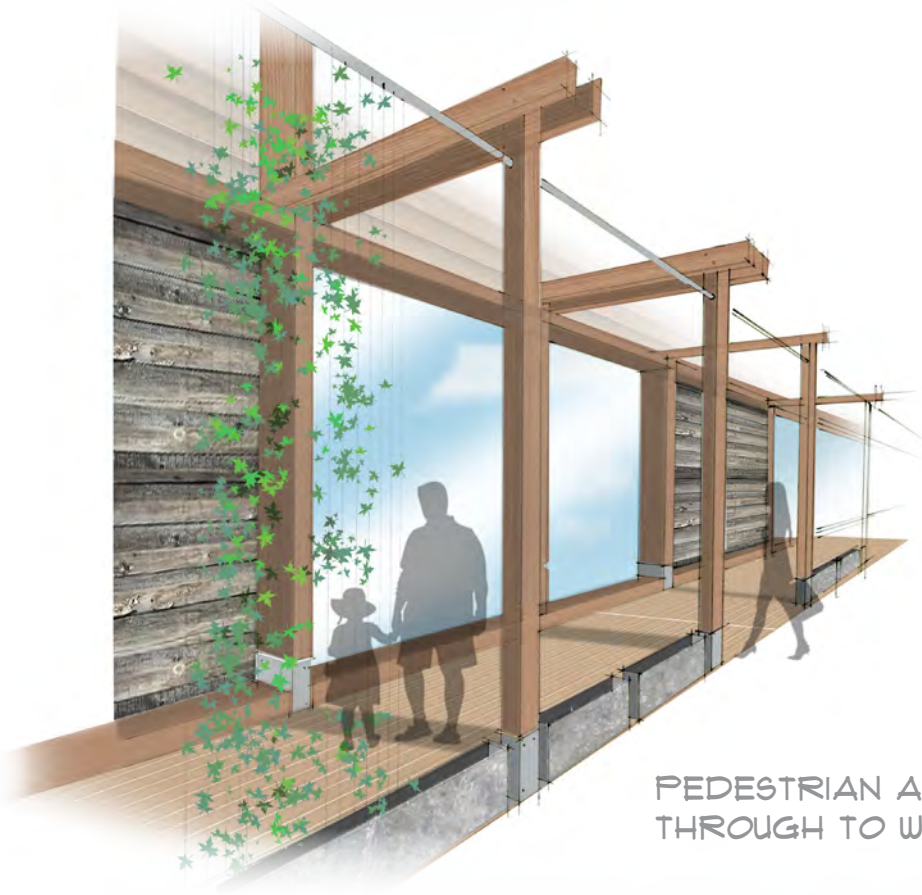
Building Concept Design



DESIGN INTENT PROPOSAL



FEATURE CORNER PERSPECTIVE :
INTEGRATED CAFE



PEDESTRIAN ACCESS : PARK ST
THROUGH TO WARLTERS ST



DETAIL : NATURAL TIMBER FINISH, GALVANISED PLANTERS
WITH WIRE CREEPERS

Building Concept Design



DESIGN INTENT PROPOSAL



Proposed Site Plan

DESIGN INTENT PROPOSAL



FRONT ELEVATION : VIEW FROM PARK STREET



EAST ELEVATION : INCORPORATING GLAZED DISPLAY AREAS

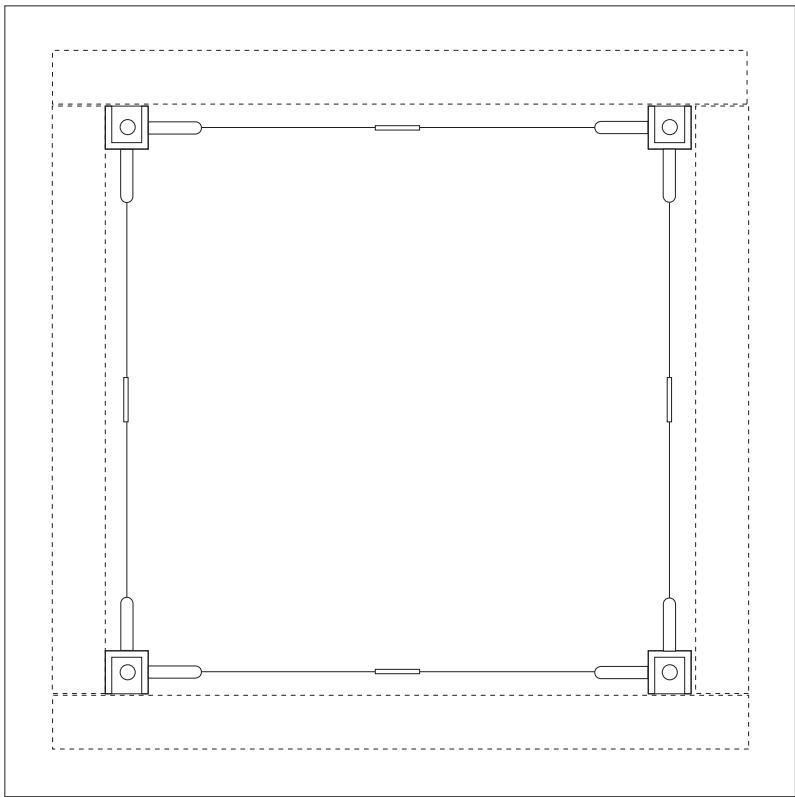
Building Concept Design



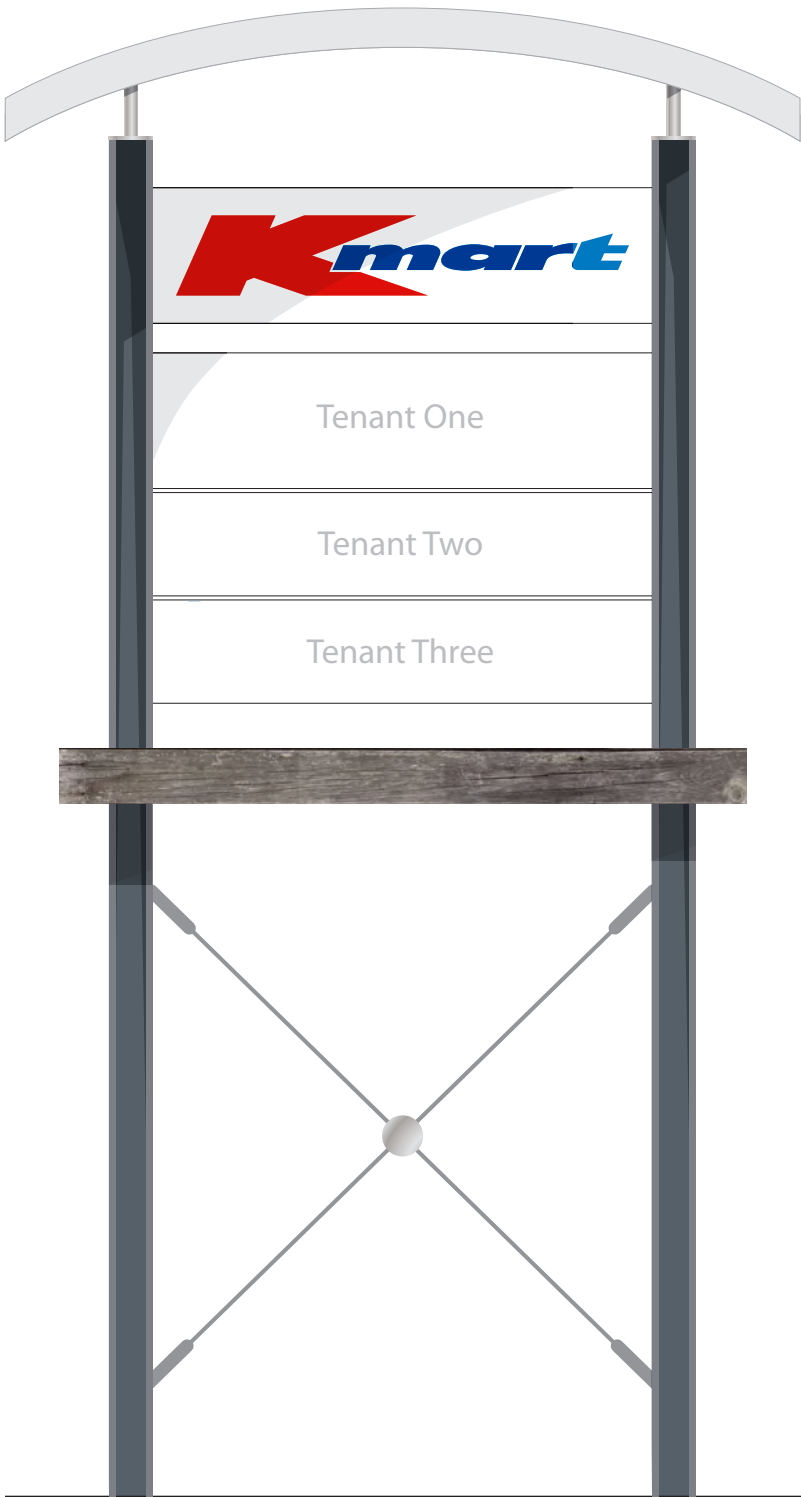
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INSPIRATION : LOCAL LIFESAVING TOWER



PLAN



FRONT ELEVATION



SIDE ELEVATION

Signage: Pylon Concept



DESIGN INTENT PROPOSAL



PERSPECTIVE 02 - VIEW FROM WARLTERS STREET LOOKING NORTH-WEST



DESIGN INTENT PROPOSAL



PERSPECTIVE 03 - VIEW FROM WARLTERS STREET LOOKING EAST



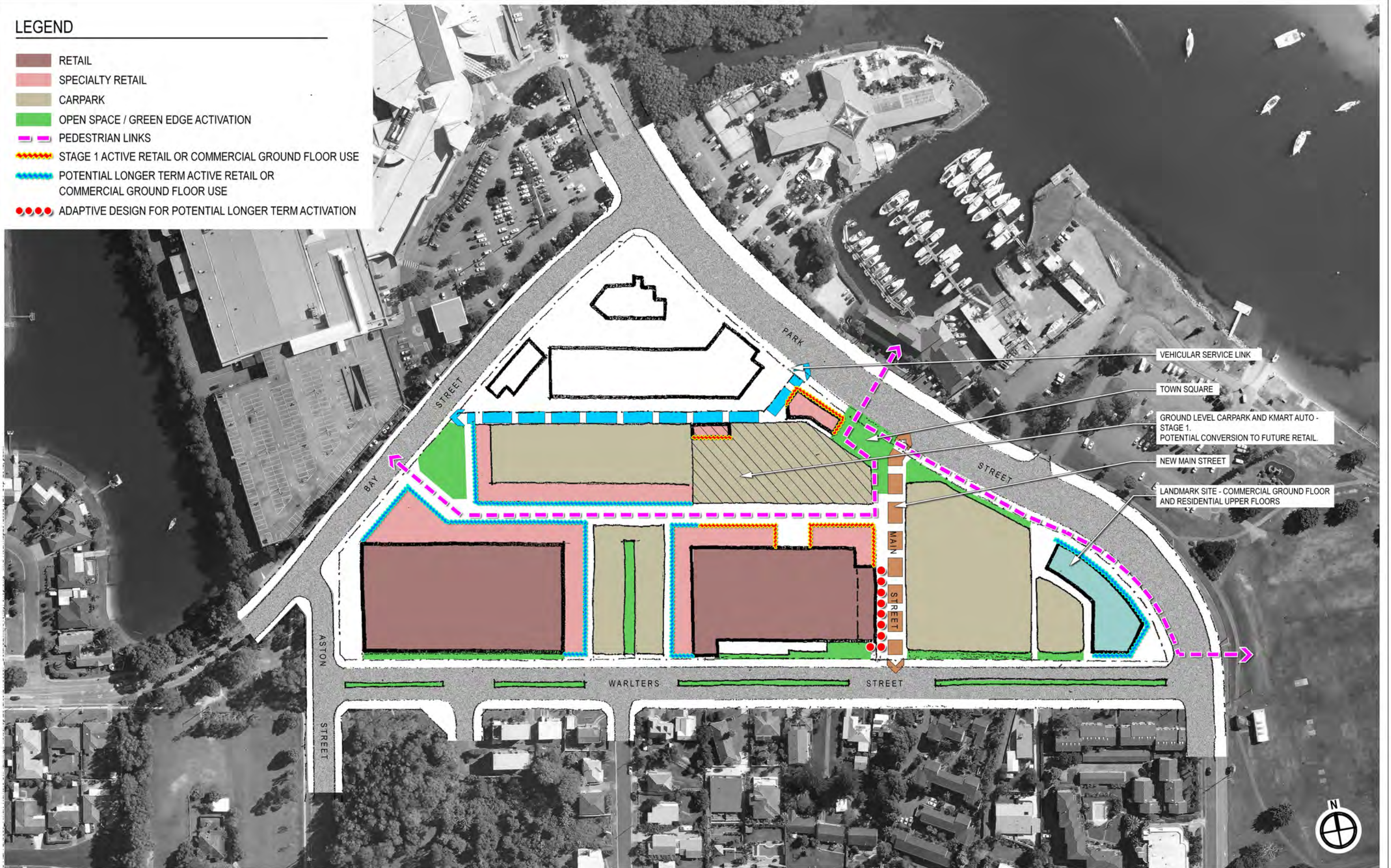
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PERSPECTIVE 04 - VIEW FROM WARLTERS STREET LOOKING TOWARDS LOADING DOCK ENTRY

LEGEND

- RETAIL
- SPECIALTY RETAIL
- CARPARK
- OPEN SPACE / GREEN EDGE ACTIVATION
- PEDESTRIAN LINKS
- STAGE 1 ACTIVE RETAIL OR COMMERCIAL GROUND FLOOR USE
- POTENTIAL LONGER TERM ACTIVE RETAIL OR COMMERCIAL GROUND FLOOR USE
- ADAPTIVE DESIGN FOR POTENTIAL LONGER TERM ACTIVATION



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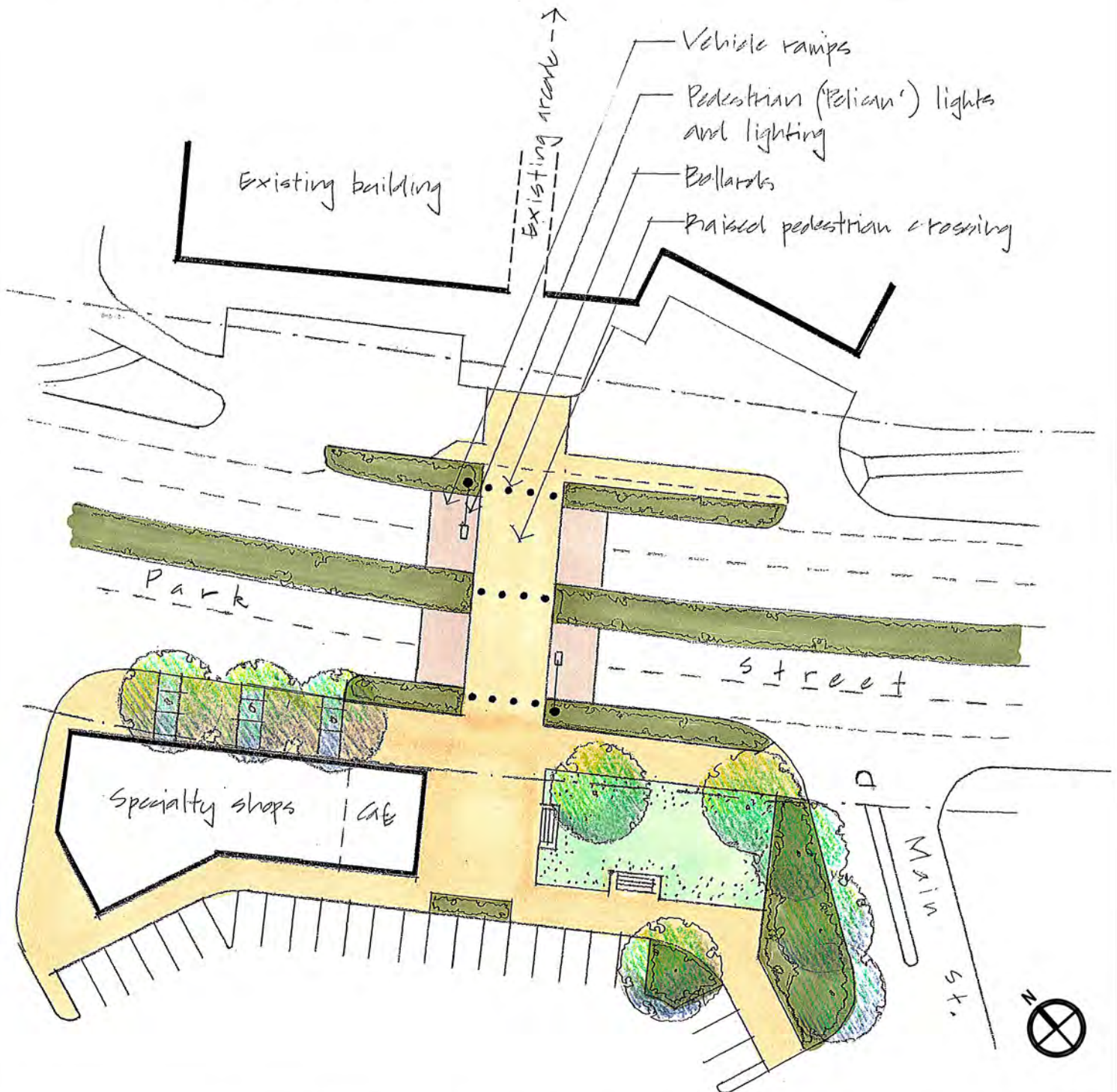
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PROJECT NO:	5335	DRAWING TITLE:	POTENTIAL LONG TERM RETAIL EXPANSION
DA NO:	-	PROJECT:	PARK STREET, BAY STREET AND WARLTERS STREET, PORT MACQUARIE LOTS 1 & 2 DP1163062
DESIGNED BY:	DAT	CLIENT:	KMART AUSTRALIA
DRAWN BY:	PH		
CHECKED BY:	DAT		
DATE CREATED:	SEPT. 2012		
		DRAWING NO:	5335_PotentialLTRetail.psd
		SHEET:	1
		REVISION:	A



PHOTO OF EXISTING ARCADE



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REV	DATE	DESCRIPTION
A	22.10.12	ISSUED FOR INFORMATION

DRAWN: AHD

SCALE: 1:500 @ A4

PROJECT NO: S335

DRAWING TITLE: PARK STREET PEDESTRIAN CROSSING AND TOWN SQUARE

DESIGNED BY: DAT

PROJECT: PARK STREET, BAY STREET AND WALTERS STREET, PORT MACQUARIE

DRAWN BY: PH

CLIENT: KMART AUSTRALIA

CHECKED BY: DAT

DATE CREATED: SEPT. 2012

DRAWING NO	SHEET	REVISION
S335_ParkStreetPedestrian Crossing.psd	1	A

1. General ground plane planting
- *Lomandra 'Tanika'*, *Lomandra 'Katrinus'*, *Pianella caerulea*

General new tree planting
- *Corymbia maculata*, *Eucalyptus microcorys*

Hedging plant (to 1.2m high)
- *Syzygium decosum*

Decorative gravel (max. 10mm) and stepping slabs

5 existing *Corymbia maculata* retained

Pedestrian path to be aligned around existing trees

General ground plane planting refer to 1. above

Turf

Hedging plant (to 3.5m) - *Syzygium paniculatum 'dwarf'*

Retaining wall and timber slat fencing

Medium tree planting
- *Melaleuca quinquenervia*

Hedging plant (to 3m)
- *Syzygium paniculatum 'dwarf'*

Masonry planter box sections
(to 1.2m high) with
planting of *Cordyline speciosa*

Climber up posts and over
open awning structure
- *Trachelospermum jasminoides*
(star jasmine)

Shrub on boundary
- *Westringia fruticosa*

General new tree planting - *Corymbia maculata*, *Eucalyptus microcorys*

Median ground plane planting - *Lomandra Tanika* (outside) *Lomandra Katrinus* (inside)



Section B

Section A

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DATUM: AHD SCALE: 1:500 @ A3

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PROJECT NO: 5335

DA NO: -

DESIGNED BY: DAT

DRAWN BY: PH

CHECKED BY: DAT

DATE CREATED: SEPT. 2012

DRAWING TITLE:

LANDSCAPE PLAN - PRELIMINARY

PROJECT:

PARK STREET, BAY STREET AND WALTERS STREET, PORT MACQUARIE
LOTS 1 & 2 DP1163062

CLIENT:

KMART AUSTRALIA

DRAWING NO:

5335_WaltersStreet
FrontageLandscapePlan.psd

SHEET:

1

REVISION:

A

Annexure B

Gallagher Ridenour Urban Design Review

Kmart Concept Plan: Urban Design Review

Prepared for Port Macquarie-Hastings Council
05 December 2012

Gallagher Ridenour Urban & Landscape Projects has been engaged by Council to provide an urban design review of the November 2012 Kmart Concept Plan, Settlement City. The urban design review will inform Council's report to the 12 December 2012 Ordinary Council meeting for consideration of a Planning Proposal for the Kmart site. It also provides urban design recommendations for consideration in any future planning agreement for the site and Development Control Plan amendments for the precinct.

Gallagher Ridenour has provided urban design review on the development of the Kmart Concept Design at the following previous stages:

- Review Kmart pre-development application, December 2011
- Review revised design proposal dated 04 May 2012
- Email and phone advice to Council for revised design proposal dated 13 September 2012

Throughout this process a number of key considerations have arisen that have influenced the opportunities and constraints for the design development of the Kmart Concept Plan and Stage 1 Proposal and the short and long term implementation of the Settlement City Structure Plan.

This report:

1. Outlines the key considerations of the proposal in relation to the Settlement City Structure Plan and its objectives;
2. Reviews the Concept Plan proposal against these key considerations and makes recommendations for Council's Local Environmental Plan and Development Control Plan provisions; and
3. Provides an urban design review and recommendations for design development of the detailed Stage 1 proposal.

This review is based on the Kmart Port Macquarie Design Concept drawings issued November 2012 and supporting letter from King and Campbell dated 22 November 2012.

1.0 Settlement City Structure Plan

The Settlement City Structure Plan was prepared in January 2009 with the aim to transform the existing car oriented shopping precinct into a walkable, pedestrian friendly centre that would complement the Port Macquarie Town Centre. The Structure Plan includes recommendations for new streets, pedestrian links, open spaces and street edged, mixed use building typologies.

The Kmart development site is a key site within the Structure Plan.

The structure plan was based on a number of assumptions that shaped the desired future public domain and built form for the centre. The following circumstances have changed since the preparation of the Structure Plan:

- Landownership – Subdivision and changes in land ownership since adoption of the Structure Plan have reduced the capacity to achieve an integrated approach to delivering new streets, pedestrian linkages and open spaces. This has limited the achievement of the Structure Plan in the short term.
- Building use and typologies – The Structure Plan envisioned mixed use building typologies with retail at ground level and residential uses above up to 4 storeys with a landmark 5 storey building on the corner of Warlters Street and Park Street. Ground floor uses integrated large format retail. The subdivided land area combined with the Main Street location and east-west pedestrian link, limits achievement of the Structure Plan. The resulting development areas are constrained; limit the opportunities for siting a large format retail building; and reduce the amount of space for achieving an adequate mix of retail uses (small and large format retail).
- Decked car parking – The Structure Plan located car parking in decked structures sleeved with commercial/retail uses to minimise the visual impact, use land more efficiently and improve streetscapes and their activation. The cost of decked parking is considered unviable in the short term by the proponent.
- High levels of street edge activation – The Structure Plan included a high level of active frontage and assumed large format retail uses and decked car parks would be sleeved with active retail uses. The mix of amount of smaller retail tenancies envisaged in the structure plan to sleeve larger format retail uses, does not align with the current retail requirements of Kmart for a stand-alone large format retail building with on-grade car parking. This building form results in a high percentage of inactive/blank elevations.

The proposed development with a Kmart, small retail tenancies and on-grade parking has limited capacity to deliver the objectives of the Structure Plan in the short term. However the objectives of the Structure Plan can be realised in the long term. It is important that the Kmart Stage 1 proposal provide the capacity for the Settlement City Structure Plan to be realised in the future. Several key urban design elements arising from the Structure Plan and identified throughout the review process are critical to achieving this aim. These include:

- Main Street – a new north- south street linking Walters Street to Park Street to Foreshore
- Town Square – a new open space at the intersection of Park Street and the new Main Street
- East-west connectivity – a new pedestrian link connecting Park Street through to Bay Street and Settlement City Shopping Centre
- Street Edge Activation – retail/commercial uses along New Main Street, Park Street, Warlters Street and pedestrian links
- Warlters Street – widened carriageway and improved streetscape
- Views and Visual Impact – views from the south across Settlement City to the Foreshore and Hastings River
- Future Planning Certainty – future use and potential amendments to the LEP Height and Floor Space Ratios

2.0 Kmart Concept Plan Review – Long Term Potential

The proponent's submission includes a drawing on page 19 Potential Long Term Retail Expansion that illustrates one option for the long term redevelopment of the whole site, as assumed in the Structure Plan.

This drawing, read in conjunction with the overall site plan on page 2 “Context Plan”, provides a framework for understanding a possible future outcome and the implications of the Kmart proposal for achieving the long term urban design outcomes. Drawings are supported by the letter dated 22 November 2012 from King and Campbell. These documents form the basis of the following review, which considers the urban design implication of the proposal for the Structure Plan and makes recommendations for refinements to the Concept Plan and for amendments to Council’s draft exhibited DCP.

2.1 Main Street

Structure Plan

The Structure Plan includes a new Main Street linking Park Street and Warlters Street. The Main Street is intended to have two lanes of traffic with on street parking and street trees between bays. It is also meant to be activated on both sides with retail frontages, footpaths and awnings.

Proposal

The previous concept plan dated 11 September 2012 showed the Main Street with two lanes with parallel parking, footpaths and street trees on both sides. The more recent plan appears to have been amended to respond to traffic engineering with revisions to the road design and car park access. It has also removed the footpaths from the eastern side of the main street. Footpaths are shown in the detail plan of Warlters Street and the Main Street intersection in the current drawing set.

Discussion

The Main Street design is an important component for the long term realisation of the Structure Plan and for achieving connectivity and place making. The site plan should be amended to match the detail plan’s street design and be supported by a dimensioned street section. It is important that the traffic engineering support the desired streetscape outcomes to prevent future urban design compromises.

Recommendations

- Provide amended site plan to match the detail plan and include a dimensioned street section.
- Provide traffic engineering confirmation of the amended Main Street design.

2.2 Town Square

Structure Plan

The Structure Plan includes a new 2000 sqm Town Square located at the intersection of the new Main Street and Park Street with visual and pedestrian connectivity to the foreshore. The provision of the Main Street and Town Square and its viability is linked to a much larger development with greater development contribution capacity in the Structure Plan than that sought by the current proposal.

Proposal

The proposal has significantly reduced the size of the town square and relocated it to the western side of the Main Street and Park Street. A second space is suggested in the long term plan at the intersection of Bay Street and the future pedestrian link. Visual and pedestrian connectivity with the foreshore is achieved through the alignment of the pedestrian crossing with the existing arcade at the marina. Active frontages are not shown along future building edges adjacent the Town Square.

Discussion

The Town Square in the proposal is a pocket plaza. Its size is constrained by short term viability and on-grade parking requirement of the Kmart. Consideration of the long term expansion of the Town Square to

more appropriately support its role within the Town Centre is needed. The lack of activation shown in the future plan for the Town Square is also a significant urban design concern. Future uses adjacent the Town Square must include ground level retail frontages. If this lack of activation is a result of an option for a future supermarket in this location, then further consideration for the location of the supermarket is needed.

Greater certainty that the short term Town Square is not further reduced in size and meets design quality expectations is needed. The proposal needs to include dimensioned plans and a minimum area for the Town Square. Cost per square meter should be established to support the appropriate level of embellishments.

The proposed open space on Bay Street is not on the proponents land and is currently zoned B3: Commercial Core and it therefore developable. The future of this land would need to be considered by Council in consultation with the landowner. From an urban design perspective this additional space, while lacking views and connectivity to the foreshore (an objective of the Structure Plan), could provide improved amenity to Bay Street and any future redevelopment of the school land. It could promote greater activation and use of external spaces within Settlement City, which would assist in making the centre more pedestrian oriented. It would have north and western aspect. The space could be a catalyst to revitalising Bay Street and encouraging active re-use of the ground level of the Settlement City decked car park.

Recommendations

- Consider future expansion of the Town Square to the south with future development.
- Consider future publically accessible open space opportunities within the town centre.
- Consult with adjacent landowners about proposed long term opportunities.

2.3 Pedestrian connectivity

Structure Plan

The Structure Plan aims to increase pedestrian permeability within the Town Centre and to the foreshore with a number of pedestrian connections including the new Main Street; a mid-block link to the east of the Main Street; and an east-west pedestrian link connecting Park Street through to Bay Street and the existing Settlement City shopping centre. A secondary link is also shown between the east-west link and Warlters Street.

Proposal

The proposal aligns the Kmart façade and retail tenancies along the future east-west pedestrian link. This supports a future link through the adjacent school site and provides a frontage for any future development to the north of the Kmart. The long term plan alludes to a potential link between the future east-west link and Warlters Street through an on-grade car park. The proposal does not address the link to the east of the Main Street.

Discussion

The east-west pedestrian link is an important element in the future centre and has been major point of discussion through the review process. The current proposal adequately supports this future link.

The secondary links between the east-west link and Warlters Street and east of the Main Street are important for increasing pedestrian permeability in the town centre. However their specific locations, as shown in the Structure Plan, could move depending on future development uses and footprints. The design of these links needs to facilitate pedestrian circulation and safety first. Linkages through car parking bays or along loading docks needs to be discouraged in favour of pedestrian access along active building edges along footpaths.

Recommendations

- Promote future secondary pedestrian links in the DCP and include guidance on the quality of the links.

2.4 Street edge and activation**Structure Plan**

The Structure Plan envisions a high level of street edge activation with retail/commercial uses. This includes activation along all streets, around the Town Square and along the pedestrian links.

Proposal

The proposal for a large format retail building includes activation along its main frontage. The remainder of the building elevations are not activated with retail/commercial uses. Along the western edge of the Main Street a more flexible building design provides the capacity for future tenancies to be retrofitted along the Main Street. The setback on the corner of Warlters Street and Main Street also has the capacity to be sleeved with a future tenancy.

Future active frontages identified in the Potential Long Term Retail Expansion are limited to the east-west pedestrian link and the landmark building's Park Street and corner frontage.

Discussion

The Structure Plan's objectives for street edge activation to assist in achieving a more pedestrian friendly and walkable town centre are supported. However it is recognised that transitioning from the current car oriented expectations of the market to a more externally oriented urban model as desired in the Structure Plan can be a challenge to some permissible development forms.

The Kmart proposal addresses some longer term flexibility along the Main Street but retains the eastern on-grade car park in the Potential Long Term Retail Expansion drawing. This results in a potentially single-sided Main Street and does not achieve the objectives of the Structure Plan. The proposal also lacks activation along Park Street and the Town Square. These areas have good potential to sustain active uses that build upon the nearby Port Shores and Port Marina retail frontages.

While the activation of the pedestrian link is likely to be achieved as part of a future shopping centre as it is the business interest of any future retail development, the long term activation of Bay Street and Warlters Street is not addressed in the proposal. Warlters Street is significantly compromised in the short term as it is dominated by a loading dock and on-grade car park. Bay Street will be a visually prominent corner when viewed from the west along the future Walters Street alignment. Primary active frontages should include the corners of Warlters Street at Main Street, Bay Street and Park Street to assist in 'seeding' activation on this street. The future permissible land uses along the south side of Warlters Street should also be reviewed to determine the best building uses for the proposed character and vehicle use of the street.

Where active frontages cannot be achieved in the short term, generous landscape setbacks need to be promoted. A setback of 10m would support generous landscaping to screen blank walls and would be a sufficient depth for future sleeving of buildings with more active retail/commercial use. Along Warlters Street east of the loading dock, the Kmart proposal achieves a 10m setback that could be sleeved in the longer term. To the west, the setback of the loading dock is limited by the floor plate requirements of the Kmart and the location of the east-west pedestrian link.

Future development controls need greater flexibility to provide a hierarchy of active frontages and to support staged development.

- Primary activation should include the new Main Street, frontage to Park Street and street corners.
- Secondary activation should occur along Warlters Street, with the level of activation dependent on the proposed building use.
- Where blank walls are proposed in lieu of active frontages, ensure sufficient setback to support generous landscaping and the infill of future active uses.
- Any future decked car parking should be sleeved with active uses at ground level where fronting Park Street, the new Main Street and the Town Square.
- Where decked structures are visible from the public spaces, streets, car parking levels should be screened. This could include façades designed with windows, materials and details reflective of the overall building design.

Recommendations

- Designate primary active frontages along Park Street, Main Street and around the Town Square.
- Along Warlters Street, promote primary active frontage at corner intersections with Park Street, Main Street and Bay Street.
- Promote secondary active frontages along remaining frontage to Warlters Street. Where secondary frontages cannot be achieved, provide a consistent 10m landscape setback control as an alternative and promote future infill of these setbacks areas with active retail uses.
- Include DCP provision to require the ground floor of any future decked car park structure to be sleeved with commercial/retail uses.
- Include DCP provision to promote integration of car parking into the façade design.

2.5 Warlters Street

Structure Plan

The Structure Plan envisaged Warlters Street as an 31m road reserve with 4 lanes of traffic, cycle lanes, a planted median and on-street car parking to both sides. The north side was intended to have street edge mixed use development with retail uses at ground level. Achievement of the street section requires land contribution from the Kmart site.

Proposal

The proposal provides a reduced street width from 31 m to 27m with 4 lanes of traffic and median tree planting. A combination of landscaped setbacks and median planting is used to create a layered screening of the Kmart loading dock and blank facade.

Discussion

The retention of existing trees to the east of the loading dock combined with additional tree planting to the north and the central median tree planting provide 3 layers of tree planting that visually screens the Kmart from the south. In contrast the area to the west of the loading dock relies more heavily on the median planting and is less successful with its smaller setback, smaller trees (more limited growth potential), planters and hedges.

Recommendations

- Ensure delivery of median planting in Warlters Street as shown in 3d illustrations.

2.6 Views

Structure Plan

The Structure Plan envisaged development across the site with distinctly defined view corridors linking Settlement City to the foreshore. Building heights were also limited to promote some views for properties on the hill to the south.

Proposal

The proposal realigns the Main Street and its view corridor toward the existing marina building, rather than the opening to the foreshore at the western end of the Marina. The proposal also includes significant areas of on-grade car parking. The “Potential Long Term Retail Expansion” drawing proposes the long term retention of the on-grade car park to the east of the Main Street. The proposed largely single storey development is well below the height plane.

Discussion

On grade car parking is a major departure from the objectives in the Structure Plan. While on-grade parking provides open views to the foreshore, the quality of the view from the south is significantly impacted by the extent of on-grade parking. The limited tree planting proposed in the car park further accentuates its visual impact.

The intent and view point from the eastern view corridor in the Structure Plan is not clear. If it is not defined by buildings and a street or pedestrian link, then it is arbitrary. If views are important from the south then this could be addressed with future building form, spaces between buildings or with modelling of height to allow views over parts. The view either needs to be more general as an objective or very specifically related to a view point, relative height or framed along a street. Permeability of views and pedestrian access to the foreshore could be promoted rather than a specific requirement for a view corridor.

The alignment of the Park Street pedestrian crossing with the marina arcade provides limited visual connectivity to the foreshore but assists in providing improved pedestrian permeability between the Main Street, Town Square and Foreshore.

Recommendations

- Retain view corridor along Main Street. This should be defined as open to the sky to limit any future bridging.
- Remove the eastern most designated view corridor.
- Promote pedestrian permeability through large development parcels and with connectivity to the foreshore.

2.7 Future Planning Certainty – Height and Floor Space

Structure Plan

The Structure Plan and the current Height of Building map provides for a 1 storey height for the new Main Street, town square and eastern view corridor to Westport Park; a 5 storey height for the landmark site on the corner of Warlters Street and Park Street, and 4 storeys for the remainder of the site. A 3 storey street edge applies to all streets with the exception of the landmark corner at the intersection of Warlters and Park Street. The 3 storey street edge only applies to the school and Kmart sites within the town centre.

The current FSR map shows a 0.2:1 FSR for the Main Street, Town Square and eastern view corridor. The landmark corner has a 3:1 FSR with the remainder of the site at 2:1 FSR.

Proposal

The Concept Plan proposes a blanket 4 storey (16m height) across the site with the exception of the landmark corner, which is proposed to retain the 5 storey (17.5m) height provision. A blanket FSR of 2:1 is

also proposed across the site. This results in an increase in FSR over the Main Street and Town Square and a reduction in FSR on the landmark corner.

Discussion

Providing blanket height and FSR controls across the site, increases the development capacity of the site and its value of land. While land value may not be a development driver in the short term, as seen by this proposal, over the longer term land values will become more relevant as land availability decreases in the Centre.

It is understood that the Proponent desires flexibility for future development and therefore have proposed a blanket approach to the LEP height and FSR. The realignment of the Main Street proposed in the Concept Plan supports greater flexibility for future development. It demonstrates the land area requirement for a conventional large format retail use with on-grade parking. A previous scheme from the proponents showed how the land to the north of Kmart could support a future supermarket. The remaining parcel to the east is larger than the parcel to the north and could therefore provide future flexibility in use and building types.

While a blanket approach to height and FSR minimises planning process complications for future redevelopment by the proponent, it provides Council and the community with little certainty for future outcomes. There is a need to secure the public benefits described in the Structure Plan to facilitate the long term achievement of the Structure Plan. As the Main Street and Town Square will be retained in Kmart ownership, it is important that the Main Street and Town Square are defined and suitably designed to appear and function as public open space.

Limiting the street edge to 3 storey street edge as shown in the existing Height of Building Controls is important if the overall height was ever achieved. The aim of the street edge height is to provide human scale to building edges along streets and around the town square; and to transition between existing development heights and any future taller height. The street edge height is particularly important for pedestrian intensive spaces: the Main Street, Town Square and pedestrian links. It also assists in shaping these central spaces within the town centre and supports their future built form consistency. The upper level setback could be reduced from 5m to 2.5m. This depth would visually define the edge and be sufficient for future balconies at the top floor. Street wall heights could be included in the DCP instead of the current height control shown in the LEP.

It is important to promote flexibility in the future use and building form for the landmark corner site. If future development was to have a large retail/commercial footprint with residential or tourist accommodation above, greater FSR would be required than if the site was an apartment building with a modest retail use at ground level. Further testing and FSR calculations are needed to determine the correct FSR to supports the desired 5 storey height, before changes to the LEP are recommended. This needs to consider the staging of development or the potential for the corner site to be subdivided.

Whatever mechanism Council chooses to provide future certainty for Council, the community and the landowner, either through planning policy or through a voluntary planning agreement, the Main Street and Town Square should be secured with no height and floor space and open to sky. Limiting height over the Main Street is also important because it prevents any future vehicle bridge between the roof of the Kmart and a decked car park structure. A future bridge would compromise the function and character of the Main Street and block the visual connectivity to the foreshore.

To provide greater certainty, a **scaled and dimensioned** long term plan (not just an illustrative plan of proposal) is needed to show the following:

- the location and extents of the Main Street ‘road reserve’
- the location and extents of the Town Square
- extent of development area
- setbacks
- extent of landmark development parcel

These parameters will also limit the extent of short term parking.

Recommendations

- Secure through planning or legal mechanisms no development over the Main Street and Town Square into the future.
- Consider including a 3 storey street wall height in the DCP, particularly for the Main Street, Town Square and pedestrian link edges.
- Establish areas and extents for the long term plan, including the Main Street, Town Square, development areas, and setbacks.
- Review 3:1 FSR on landmark site to ensure alignment of the controls and to ensure desired future forms can be achieved.

3.0 Design Review – Kmart Concept Plan Stage

The following provides urban design advice on the detailed design proposal for the Kmart and its associated car parking.

3.1 Architectural Resolution

The pergola structure on the roof, two storey high corner elements and entry feature add vertical dimension to what is a single storey large floor plate building. This improves the visual proportion of the buildings and its presentation within the town centre. It is important that these elements are retained through the design development stages. The materiality of the façade and pergola structure is in keeping with the character of Settlement City’s foreshore location and creates a language that could be expanded on with future development in the centre.

3.2 Town Square

The southern edge of the Town Square and its interface with the on-grade parking needs more consideration. Previous comments recommended additional planting at this edge. This could extend into the parking bays to add a sense of depth and increase the visual proportions of the Town Square. Pedestrians should be discouraged from crossing from the Town Square across the car park to the Kmart. Planting could assist in redirecting pedestrians along the footpath. The same level of conceptual design thinking and detail that has gone into the Kmart façade design needs to be applied to the Town Square and café. The Town Square is a key space for the Town Centre, which has been significantly compromised in size. The quality of the space should not be compromised. More detail on the café building adjacent the square is also needed. This will be a highly visible building due to its street edge and town square location.

3.3 Warlters Street

The proposed Warlters Street building edge is a significant compromise from the Structure Plan. The constraints of the Kmart footprint and loading dock requirements are understood. The proposed landscaping design assist in minimising visual impacts of the blank wall and loading dock (refer to comments above). More consideration for Safer by Design is needed at DA stage, particularly in relation to night time

pedestrian lighting (street lighting can be limited by tree canopies), materiality of exposed planter to minimise graffiti and potential concealment opportunities at the loading dock.

3.4 Car parking

On-grade car parking is a significant compromise of the Structure Plan objectives and greater certainty in the mitigation of visual impacts and improvement of environmental outcomes (shade, heat island effect, water management) is needed. Additional tree planting is needed in the both car parks. This was raised in previous reviews. The proposal should demonstrate effective shade of tree planting either in car bays, at the end of aisles and/or between rows. Effective shade will depend on species selection, location and planting frequency. Consideration is also needed for car park run off management to ensure additional land area for parking is not required in the future. Additional tree planting and stormwater management in the car parks is likely to reduce the number of car spaces, as will Part 2.0 comments on defining the main street reserve and the extent of car park areas. Car parking quantities need to be aligned with Council's DCP requirements and confirmed.

4.0 Conclusion

From an urban design perspective, the Kmart proposal is a significant compromise of the Structure Plan vision and objectives. However, the circumstances for many of the compromises, as discussed in Section 1.0 of this report, are acknowledged and have informed the urban design review process and recommendations in this report. The Kmart proposal has the potential to jump start the broader redevelopment of Settlement City beyond the existing Settlement City Shopping Centre and to promote a more exterior/urban focus for future retail. For this to occur, it is imperative that short term design proposals facilitate rather than constrain the long term achievement of the Structure Plan.

The Potential Long Term Retail Expansion drawing is not supported. Amendments to this plan and recommendation for future LEP and DCP amendments are included in this report. The proposed plan does not successfully demonstrate achievement of the Structure Plan objective for ground floor activation in critical locations: along the Main Street, around the Town Square and along Park Street. The Town Square is significantly reduced in area and the long term plan does not adequately show how the Town Square could be increased in area and its usefulness improved. Insufficient information is included for Warlters Street future activation and the sleeving of future car parking.

The following is a summary of recommendations that would assist the long term achievement of the Settlement City Structure Plan:

- Provide amended Kmart proposal site plan showing Main Street to match the proposed detail plan and include a dimensioned street section.
- Provide traffic engineering confirmation of the amended Main Street design to ensure future engineering does not compromise the Main Street streetscape and section.
- Consider future expansion of the Town Square to the south with future development.
- Consider future publically accessible open space opportunities within the town centre to complement the Town Square and consult with relevant landowners.
- Promote future secondary pedestrian links in the DCP and include guidance on the quality of the links.
- Designate primary active frontages along Park Street, Main Street and around the Town Square.
- Along Warlters Street, promote primary active frontage at corner intersections with Park Street, Main Street and Bay Street.

- Promote secondary active frontages along remaining frontage to Warlters Street. Where secondary frontages cannot be achieved, provide a consistent 10m landscape setback control as an alternative and promote future infill of these setbacks areas with active retail uses.
- Include DCP provision to require the ground floor of any future decked car park structure to be sleeved with commercial/retail uses.
- Include DCP provision to promote integration of car parking into the façade design.
- Ensure delivery of median planting in Warlters Street as shown in 3d illustrations.
- Retain view corridor along Main Street. This should be defined as open to the sky to limit any future bridging.
- Remove the eastern most designated view corridor.
- Promote pedestrian permeability through large development parcels and with connectivity to the foreshore.
- Secure through planning or legal mechanisms no development over the Main Street and Town Square into the future.
- Consider including a 3 storey street wall height in the DCP, particularly for the Main Street, Town Square and pedestrian link edges.
- Establish areas and extents for the long term plan, including the Main Street, Town Square, development areas, and setbacks.
- Review 3:1 FSR on landmark site to ensure alignment of the controls and to ensure desired future forms can be achieved.

The detail design of the proposed Kmart development has improved throughout the review process, particularly in relation to the architectural expression of the building and the long term achievement of the east-west pedestrian link. Some concern remains for the Stage 1 design of the Town Square, Warlters Street and the on-grade car parking. Confirmation is also needed that the Main Street design shown in the detail plan is the intended street section rather than the Main Street shown in the site plan.

Annexure C

SLR Noise Impact Assessment



global environmental solutions

Noise Impact Assessment
Warlters Street, Port Macquarie
Proposed Kmart

Report Number 630.10400-R1

12 September 2012

King & Campbell Pty Ltd
PO Box 243
Port Macquarie NSW 2444

Version: Revision 0

Noise Impact Assessment

Walters Street, Port Macquarie

Proposed Kmart

PREPARED BY:

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This report has been prepared by SLR Consulting Australia Pty Ltd with all reasonable skill, care and diligence, and taking account of the manpower and resources devoted to it by agreement with the Client. Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

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DOCUMENT CONTROL

Reference	Status	Date	Prepared	Checked	Authorised
630.10400-R1	Revision 0	12 September 2012	Katie Teyhan	John Cotterill	Katie Teyhan

Executive Summary

SLR Consulting has prepared a NIA for a proposed Kmart retail store to be located on Warlters Street, Port Macquarie, NSW in accordance with the NSW INP (EPA, 2000). The NIA has been prepared in response to a request from Port Macquarie Hastings Council (PMHC) with regard to a rezoning amendment request relevant to the proposed development site (Lot 2 DP 1163063).

Operator-attended and unattended ambient noise surveys were conducted to characterise and quantify the existing acoustical environment in the area surrounding the subject site at 18 Warlters Street. The results of ambient noise monitoring were used to determine relevant project specific noise criteria for the subject site which are provided in **Section 5**.

Potential noise impacts have been predicted and assessed based on the preliminary site design provided by Vabasis Architects and shown in **Figure 1**.

Typical operational scenarios were modelled for day, evening and night-time periods. Prevailing weather conditions were also considered in the noise model based on an analysis of local weather data obtained from the Bureau of Meteorology Automatic Weather Station at Port Macquarie Airport.

The noise sources considered for the purpose of the NIA are provided in **Table 10**. Sound power levels (SWL) of the delivery trucks, condensers and compactor have been obtained from measurements of similar plant at Kmart Waratah Village. Noise data for the Kmart Tyre and Auto facility has been obtained from measurements conducted at the Kotara Kmart Tyre and Auto store. It is understood this facility will be very similar to the one proposed for Port Macquarie. Relevant noise source data utilised in the noise model is provided in **Table 10**.

Other assumptions made for the purpose of modelling operational noise from the subject site are as follows:

- Condensers will operate 24 hours a day, seven days a week.
- The garbage compactor, located in the loading dock, could operate 24 hours a day, seven days a week.
- Kmart Tyre and Auto typical operating hours are 8.00am – 5.30pm Monday to Friday and 8.00am – midday Saturdays.
- Truck deliveries will typically occur during the daytime period only ie 7.00am – 6.00pm.
- The roof-top condenser units will be acoustically shielded on four sides; three walls and a roof, with the opening facing north, away from the nearest residences.
- There will be a 3.5m boundary fence shielding the trucks while they are parked in their unloading position.

Results of noise emission modelling indicate that the project specific noise criteria will be met during all periods of operation with the proposed noise mitigation and management strategies in place at all assessed receiver locations in Warlters Street.

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APPENDICES

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1 INTRODUCTION

SLR Consulting Australia Pty Ltd (SLR Consulting) has been engaged by King & Campbell Pty Ltd on behalf of Kmart Australia to prepare a noise impact assessment (NIA) for a proposed Kmart retail store to be located on Warlters Street, Port Macquarie, NSW.

Broadly, the objective of the assessment was to identify potential noise impacts from operation of the proposed Kmart at neighbouring residential properties. The NIA has been prepared in response to a request from Port Macquarie Hastings Council (PMHC) with regard to a rezoning amendment request relevant to the proposed development site (Lot 2 DP 1163063).

The NIA has been prepared with reference to Australian Standard AS 1055:1997 *Description and Measurement of Environmental Noise* Parts 1, 2 and 3 and in general accordance with the Environment Protection Authority's *NSW Industrial Noise Policy* (INP) (EPA, 2000).

2 PROJECT DESCRIPTION

The proposed retail outlet is to be located at Lot 2 DP 1163063, Cnr Park Street and Warlters Street, Port Macquarie. A preliminary site layout has been provided by Vabasis Architects and is provided in **Figure 1**. Potential noise impacts have been predicted and assessed based on this preliminary site design.

Figure 1 Proposed Kmart, Warlters Street – Preliminary Site Layout



Figure 2 shows the location of the nearest residential properties to the proposed development on the southern side of Warlters Street.

Figure 2 Nearest Noise-Sensitive Receivers



Source: Google Earth

An extract of the letter from Council dated 5 April 2012 provides the following with relevance to the NIA:

Warlters Street

a) Amenity

The key issue arising from the concept plans is the potential impact of the proposal on the amenity of Warlters Street and particularly, potential impacts on existing residents in that street. The inclusion of the Kmart loading zone on Warlters St is a significant departure from Figure 2 of the draft DCP (p14), which shows a prohibition on Vehicle/Service Access along Warlters St.

Council staff acknowledge that it is sometimes difficult to locate loading zones to avoid impacts on surrounding areas, however Kmart will need to document the consideration given to alternatives which would have a reduced impact...

It is requested that you submit a detailed assessment of this issue, including detailed acoustic and visual impact assessments and a description of how impacts on the amenity to existing/future adjacent residents will be addressed.

3 IMPACT ASSESSMENT PROCEDURES

3.1 Operational Noise (NSW Industrial Noise Policy)

Responsibility for the control of noise emission in New South Wales is vested in Local Government and the EPA. The INP was released in January 2000 and provides a framework and process for deriving noise criteria for consents and licences.

The specific policy objectives are:

- To establish noise criteria that would protect the community from excessive intrusive noise and preserve amenity for specific land uses.
- To use the criteria as the basis for deriving project specific noise levels.
- To promote uniform methods to estimate and measure noise impacts, including a procedure for evaluating meteorological effects.
- To outline a range of mitigation measures that could be used to minimise noise impacts.
- To provide a formal process to guide the determination of feasible and reasonable noise limits for consents or licences that reconcile noise impacts with the economic, social and environmental considerations of industrial development.
- To carry out functions relating to the prevention, minimisation and control of noise from premises scheduled under the Act.

The INP provides two forms of noise criteria with the aim of achieving environmental noise objectives; one to account for intrusive noise which involves setting a noise goal relative to the existing acoustic environment and the other to protect the amenity of particular land uses.

Assessing Intrusiveness

For assessing intrusiveness, the background noise level must be measured. The intrusiveness criterion essentially means that the equivalent continuous noise level (LA_{eq}) of the source should not be more than five decibels above the measured background level (LA_{90}).

Assessing Amenity

The amenity assessment is based on noise criteria specific to land use and associated activities. The criteria relate only to industrial-type noise and do not include road, rail or community noise. The existing noise level from industry is measured. If it approaches the criterion value, then noise levels from new industries need to be designed so that the cumulative effect does not produce noise levels that would significantly exceed the criterion.

An extract from the INP that relates to the amenity criteria is given in **Table 1** and **Table 2**.

Table 1 Amenity Criteria Recommended LAeq Noise Levels from Industrial Noise Sources

Type of Receiver	Indicative Noise Amenity Area	Time of Day	Recommended LAeq(Period) Noise Level (dBA)	
			Acceptable	Recommended Maximum
Residence	Rural	Day	50	55
		Evening	45	50
		Night	40	45
	Suburban	Day	55	60
		Evening	45	50
		Night	40	45
	Urban	Day	60	65
		Evening	50	55
		Night	45	50
School classrooms - internal	All	Noisiest 1 hour period when in use	35	40
Hospital wards - internal	All	Noisiest 1 hour period	35	40
			50	55
Place of worship - internal	All	When in use	40	45
Area specifically reserved for passive recreation (eg National Park)	All	When in use	50	55
Active recreation area (eg school playground, golf course)	All	When in use	55	60
Commercial premises	All	When in use	65	70
Industrial premises	All	When in use	70	75

Note: Daytime 7.00 am to 6.00 pm; Evening 6.00 pm to 10.00 pm; Night-time 10.00 pm to 7.00 am, On Sundays and Public Holidays, Daytime 8.00 am - 6.00 pm; Evening 6.00 pm - 10.00 pm; Night-time 10.00 pm - 8.00 am.
The LAeq index corresponds to the level of noise equivalent to the energy average of noise levels occurring over a measurement period.

If the measured existing noise level from industry approaches the criterion value, then noise levels from new industries need to be designed so that the cumulative effect does not produce noise levels that would significantly exceed the criterion. In this case, the amenity criteria provided in **Table 1** would need to be adjusted in accordance with the INP as per **Table 2**.

Table 2 Modification to Acceptable Noise Level (ANL)* to Account for Existing Levels of Industrial Noise

Total Existing LAeq noise level from Industrial Noise Sources	Maximum LAeq Noise Level for Noise from New Sources Alone, dBA
≥ Acceptable noise level plus 2 dBA	If existing noise level is <i>likely to decrease</i> in future acceptable noise level minus 10 dBA If existing noise level is <i>unlikely to decrease</i> in future existing noise level minus 10 dBA
Acceptable noise level plus 1 dBA	Acceptable noise level minus 8 dBA
Acceptable noise level	Acceptable noise level minus 8 dBA
Acceptable noise level minus 1 dBA	Acceptable noise level minus 6 dBA
Acceptable noise level minus 2 dBA	Acceptable noise level minus 4 dBA
Acceptable noise level minus 3 dBA	Acceptable noise level minus 3 dBA
Acceptable noise level minus 4 dBA	Acceptable noise level minus 2 dBA
Acceptable noise level minus 5 dBA	Acceptable noise level minus 2 dBA
Acceptable noise level minus 6 dBA	Acceptable noise level minus 1 dBA
< Acceptable noise level minus 6 dBA	Acceptable noise level

* ANL = recommended acceptable LAeq noise level for the specific receiver, area and time of day from **Table 1**

3.1.1 Project Specific Noise Criteria

The INP Project Specific Noise Criteria are the more stringent of either the amenity or intrusive criteria. The *Application Notes – NSW Industrial Noise Policy* (approved in December 2010) states that “*where the same number applies to both the amenity and intrusive criteria, the intrusive criteria would typically be more stringent because it is determined over a much shorter period.*” Similarly, if the intrusive criteria are lower than the amenity criteria it follows that the intrusive criteria would be the more stringent of the two.

The INP states that these criteria have been selected to protect at least 90% of the population living in the vicinity of industrial noise sources from the adverse effects of noise for at least 90% of the time. Provided the criteria in the INP are achieved, it is unlikely that most people would consider the resultant noise levels excessive.

In those cases where the INP project specific assessment criteria are not achieved, it does not automatically follow that all people exposed to the noise would find the noise unacceptable. In subjective terms, exceedances of the INP project specific assessment criteria can be generally described as follows:

- Negligible noise level increase <1 dB(A) (Not noticeable by all people)
- Marginal noise level increase 1 dB(A) to 2 dB(A) (Not noticeable by most people)
- Moderate noise level increase 3 dB(A) to 5 dB(A) (Not noticeable by some people but may be noticeable by others)
- Appreciable noise level increase >5 dB(A) (Noticeable by most people)

4 EXISTING ACOUSTICAL AND METEOROLOGICAL ENVIRONMENT

4.1 Ambient Background Noise Monitoring

Ambient noise surveys were conducted to characterise and quantify the existing acoustical environment in the area surrounding the subject site. A background monitoring survey was undertaken at 18 Warlters Street, Port Macquarie which is identified in the location map provided in **Figure 2**.

The background noise monitoring consisted of continuous, unattended noise logging and an operator attended noise survey. The operator attended noise survey helped to define noise sources and the character of noise in the area and was, therefore, used to qualify unattended noise logging results.

4.2 Attended Noise Monitoring

Operator attended noise measurements were conducted during the evening period at the noise monitoring location upon logger deployment.

The operator-attended noise survey was conducted over a 15 minute period using a B&K 2270 integrating sound level meter (S/N 2679354). The results of the measurement are given in **Table 3**. Ambient noise levels given in the table include all noise sources such as road, insects, birds, as well as any commercial operations.

Table 3 Operator-attended noise survey results – 18 Warlters Street, Port Macquarie

Location	Date/ Start Weather	time/	Primary Noise Descriptor (dBA re 20 μ Pa)					Description of Emission, Maximum Levels (dBA)
			L _{Amax}	L _{A1}	L _{A10}	L _{A90}	L _{Aeq}	
18 Warlters St 1m from western façade of house in front yard.	22/8/12 18:08 Temp 18 °C Wind up to 2m/s from North		74	66	52	44	53	Mainly traffic noise from Park St and Bay St Some local traffic up to 74 Truck reversing at McDonalds Dog barking to 58

4.3 Unattended Continuous Noise Monitoring

The objective of the unattended continuous noise monitoring was to measure long-term L_{A90}(15minute) and L_{Aeq}(15minute) noise levels. These noise parameters are utilised in the determination of relevant project specific noise goals for the subject development.

Noise levels were monitored by SLR Consulting at 18 Warlters Street, Port Macquarie from Wednesday 26 March 2009 to Thursday 8 April 2009. Measurements were conducted using an ARL Type EL316 environmental noise logger (S/N 16-306-039). Due to an unexpected failure of the noise monitoring equipment only five (5) days of noise data was obtained. The data obtained included Sunday which usually, and does in this case, represents the lowest background noise levels. The amount and quality of the data appears to be typical of such a suburban location and therefore suitable for use in this NIA.

Weather data was obtained from the Bureau of Meteorology automatic weather station at Port Macquarie airport located approximately 3 km west from the subject site. Any noise data during periods of rainfall and/or wind speeds in excess of 5 m/s (approximately 18 km/h) was discarded in accordance with INP weather affected data exclusion methodology. A summary of the results of the unattended continuous noise monitoring are provided in **Table 4**. Results are displayed graphically in **Appendix A**.

Table 4 Summary of Ambient Noise Monitoring – 18 Warlters Street, Port Macquarie

Location	Period	Background LA90 Noise Level (dBA)	Measured Industrial Contribution LAeq(Period) (dBA)
		Rating Background Level	
18 Warlters St	Day	42	< 49
1m from western façade of house in front yard.	Evening	39	< 39
	Night	34	< 34

4.4 Effects of Meteorology on Noise Levels

Wind

Wind has the potential to increase noise at a receiver when it is light and stable and blows from the direction of the source of the noise. As the strength of the wind increases the noise produced by the wind will obscure noise from most industrial and transport sources.

Wind effects need to be considered when wind is a feature of the area under consideration. Where wind blows from the source to the receiver at speeds up to 3 m/s for more than 30% of the time in any season, then wind is considered to be a feature of the area and noise level predictions must be made under these conditions.

Weather data was obtained, for a period of 12 months, from a Bureau of Meteorology (BOM) automatic weather station located at Port Macquarie Airport. This location is approximately 3 km west of the project site. The weather data was analysed to determine the frequency of occurrence of winds up to speeds of 3 m/s for daytime, evening and night in each season. A summary of the most frequently occurring winds is contained within **Table 5**, **Table 6** and **Table 7**. The percentage occurrence figures provided in bold are those that exceed the 30% threshold.

Table 5 Seasonal Frequency of Occurrence of Wind Speed Intervals – Daytime

Period	Calm	Wind Direction	0.5 - 2 m/s	2 - 3 m/s	0.5 - 3 m/s
Summer	0.9%	W±45°	4.8%	2.3%	7.1%
Autumn	2.3%	WNW±45°	9.5%	5.9%	15.4%
Winter	3.3%	W±45°	8.8%	6.1%	14.9%
Spring	0.7%	WNW±45°	5.3%	3.7%	9.0%

Table 6 Seasonal Frequency of Occurrence of Wind Speed Intervals - Evening

Period	Calm	Wind Direction	0.5 - 2 m/s	2 - 3 m/s	0.5 - 3 m/s
Summer	5.8%	N±45°	5.6%	3.9%	9.5%
Autumn	23.8%	WSW±45°	19.8%	5.4%	25.2%
Winter	27.9%	W±45°	20.4%	5.7%	26.2%
Spring	13.9%	NNW±45°	12.3%	4.5%	16.8%

Table 7 Seasonal Frequency of Occurrence of wind Speed Intervals – Night

Period	Calm	Wind Direction	0.5 - 2 m/s	2 - 3 m/s	0.5 - 3 m/s
Summer	23.6%	W±45°	20.4%	6.1%	26.5%
Autumn	18.6%	WNW±45°	25.6%	8.4%	34.0%
		W±45°	25.1%	9.2%	34.3%
		WSW±45°	22.0%	8.6%	30.6%
Winter	12.5%	W±45°	22.5%	8.3%	30.8%
		WNW±45°	24.5%	8.1%	32.6%
Spring	18.5%	WNW±45°	21.0%	6.3%	27.3%

Seasonal wind records indicate that winds up to 3 m/s exceed the 30% threshold from the western sector at night. Prevailing winds are therefore a feature of the area and have been considered in the assessment of potential noise impacts.

4.5 Temperature Inversion

Temperature inversions, when they occur, have the ability to increase noise levels by focusing sound waves. Temperature inversions occur predominantly at night during the winter months. For a temperature inversion to be a significant characteristic of the area it needs to occur for approximately 30% of the total night-time during winter, or about two nights per week.

Meteorological data was not available from the Port Macquarie Airport weather station to allow the determination of the percentage occurrence of temperature inversions during winter nights. A worst case analysis was therefore undertaken and the occurrence of temperature inversion during the night-time period has been considered as part of this noise assessment. Default temperature inversion values, as defined in the INP, have been assumed during the night-time period. Further details are provided in **Section 6**.

5 PROJECT SPECIFIC NOISE CRITERIA

5.1 Operational Noise Design Criteria

The noise emission design criteria for the proposed development have been established with reference to the INP outlined in **Section 3.1** of this report.

Existing LAeq noise levels in the vicinity of the subject site are dominated by traffic and local activity with minimal contribution from existing industrial/commercial sources. The acoustical environment typifies a suburban environment defined in the INP as *“an area that has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry”*.

The resulting operational project specific noise criteria for operation of the proposed Kmart are shown in **Table 8**. It is noted that the most stringent criteria is the intrusive noise criteria; i.e. if the intrusive criteria is achieved it follows that the amenity criteria will also be met.

Table 8 Operational Project Specific Noise Criteria

Location/s where criteria apply	Period	Measured RBL (dBA)	Intrusive Criteria LAeq(15minute) (dBA)	Amenity Criteria LAeq(period) (dBA)	Project Specific Noise Criteria LAeq(15minute)
Nearest potentially affected residences	Day	42	47	55	47 dBA
	Evening	39	44	45	44 dBA
	Night	34	39	40	39 dBA

The INP states that these criteria have been selected to protect at least 90% of the population, living in the vicinity of industrial noise sources, from the adverse effects of noise for at least 90% of the time. Provided the criteria in the INP are achieved, it is unlikely that most people would consider the resultant noise levels excessive.

6 OPERATIONAL NOISE ASSESSMENT

A computer model was used to predict noise emissions from operation of the proposed Kmart. The noise modelling was undertaken using SoundPLAN v7.1 software, developed by Braunstein and Berndt GmbH in Germany. The model used a three-dimensional digital terrain map, together with noise source data, ground cover, shielding by barriers and/or adjacent buildings and atmospheric information to predict noise levels at the nearest potentially affected receivers.

Potential noise impacts have been predicted and assessed based on the preliminary site design provided by Vabasis Architects and shown in **Figure 1**.

Noise emission levels were modelled for calm, prevailing winds and F class temperature inversion weather conditions. Atmospheric parameters under which noise predictions were made are given in **Table 9**.

Table 9 Metrological Parameters for Noise Predictions

	Temperature	Humidity	Wind Speed	Wind Direction (degrees from north)	Temperature Inversion
Calm – Day, Evening, Night	20°C	65%	n/a	n/a	n/a
Night - Inversion	10°C	90%	n/a	n/a	3°C/100m
Night – Prevailing Wind	10°C	90%	3 m/s	WNW (292.5°)	n/a

The noise sources considered for the purpose of the NIA are provided in **Table 10**. Sound power levels (SWL) of the delivery trucks, condensers and compactor have been obtained from measurements of similar plant at Kmart Waratah Village. Noise data for the Kmart Tyre and Auto facility has been obtained from measurements conducted at the Kotara Kmart Tyre and Auto store. It is understood this facility will be very similar to the one proposed for Port Macquarie. Relevant noise source data utilised in the noise model is provided in **Table 10**.

Table 10 Acoustically Significant Plant and Equipment

Equipment	Sound Power Level (dBA)
Delivery truck idling	87
Delivery truck manoeuvring	99
Condenser deck	95
Garbage compactor	80
Kmart Tyre and Auto*	87

Kmart Tyre and Auto includes activities such as use of hydraulic lifts to raise cars, use of rattle-guns for removing tyres, employee voices, compressor. The sound power level quoted here is considered to be representative of typical operations during a normal operational day.

In modelling noise from the proposed development the following assumptions have been made:

- Condensers will operate 24 hours a day, seven days a week.
- The garbage compactor, located in the loading dock, could operate 24 hours a day, seven days a week.
- Kmart Tyre and Auto typical operating hours are 8.00am – 5.30pm Monday to Friday and 8.00am – midday Saturdays.
- Truck deliveries will typically occur during the daytime period only ie 7.00am – 6.00pm.
- The roof-top condenser units will be acoustically shielded on four sides; three walls and a roof, with the opening facing north, away from the nearest residences.
- There will be a 3.5m boundary fence shielding the trucks while they are parked in their unloading position.

Noise emission predictions have been conducted to the nearest residential receivers illustrated in **Figure 2** on Warlters Street and are provided in **Table 11**.

Table 11 Proposed Kmart – Noise Emission Predictions

Location	Period	Predicted Noise Emission Level LAeq(15minute) (dBA)			Project Specific Noise Criteria LAeq(15minute) (dBA)
		Calm	WNW Wind	Inversion	
8 Warlters St	Day	43	-	-	47
	Evening	31	-	-	44
	Night	31	32	32	39
14-16 Warlters St	Day	47	-	-	47
	Evening	35	-	-	44
	Night	35	35	35	39
18 Warlters St	Day	45	-	-	47
	Evening	38	-	-	44
	Night	38	38	38	39
20 Warlters St	Day	46	-	-	47
	Evening	39	-	-	44
	Night	39	39	39	39
24B Warlters St	Day	47	-	-	47
	Evening	32	-	-	44
	Night	32	33	33	39
26 Warlters St	Day	46	-	-	47
	Evening	34	-	-	44
	Night	34	34	34	39
28 Warlters St	Day	43	-	-	47
	Evening	34	-	-	44
	Night	34	34	34	39
30 Warlters St	Day	43	-	-	47
	Evening	36	-	-	44
	Night	36	36	36	39

Noise emission levels from the proposed Kmart facility are predicted to meet the project specific noise criteria during the daytime, evening and night-time periods of operation with the proposed noise mitigation and management strategies in place at all assessed receiver locations.

7 CONCLUSION

SLR Consulting has prepared a NIA for a proposed Kmart retail store to be located on Warlters Street, Port Macquarie, NSW in accordance with the NSW INP (EPA, 2000).

Ambient noise surveys were conducted to characterise and quantify the existing acoustical environment in the area surrounding the subject site. The results of ambient noise monitoring were used to determine relevant project specific noise criteria for the subject site.

Typical operational scenarios were modelled for day, evening and night-time periods and prevailing weather conditions were also considered. Other assumptions made for the purpose of modelling operational noise from the subject site are provided in **Section 6**.

Results of noise emission modelling indicate that the project specific noise criteria will be met during all periods of operation with the proposed noise mitigation and management strategies in place at all assessed receiver locations in Warlters Street.

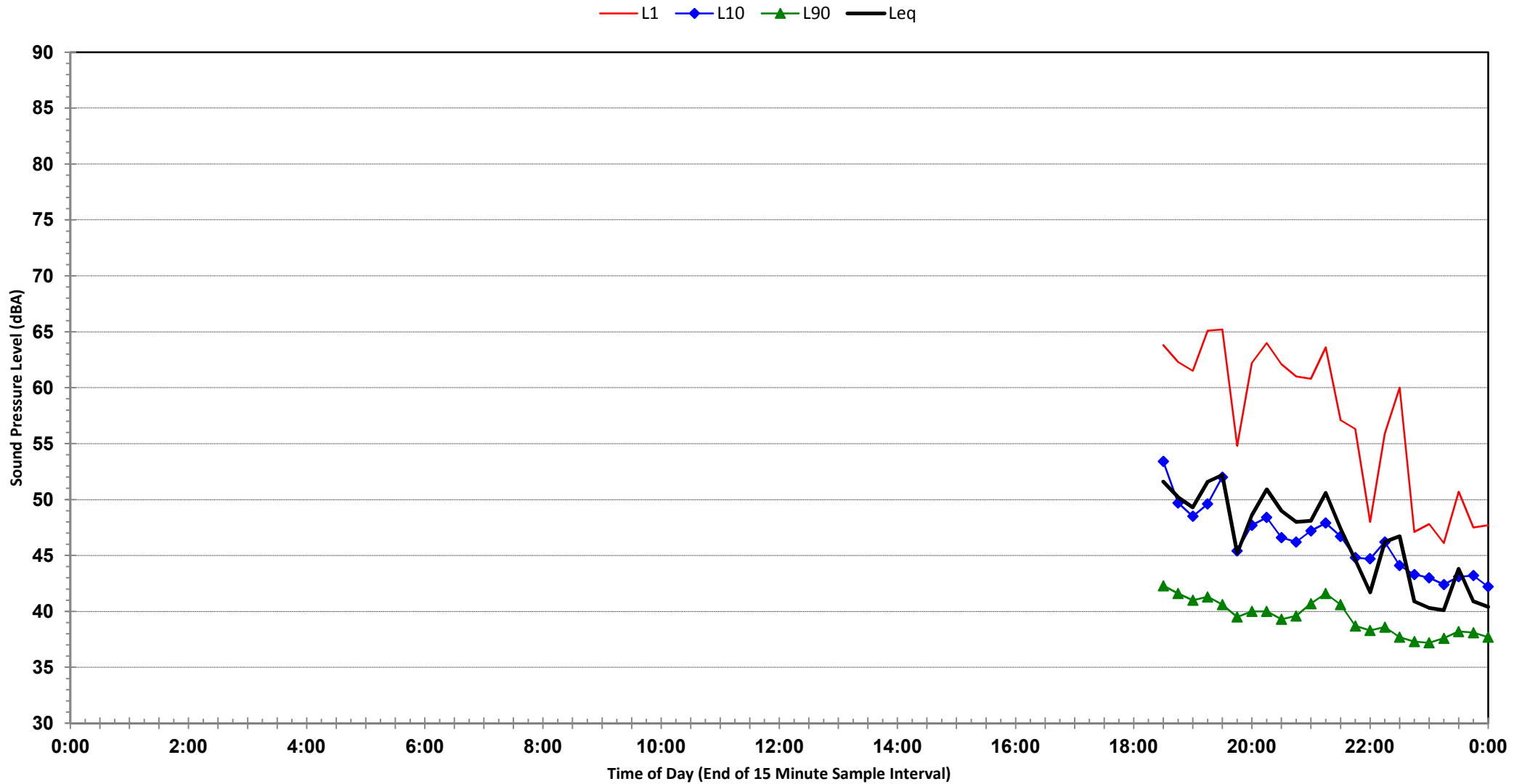
Appendix A

Report Number 630.10400-R1

Statistical Ambient Noise Levels

Statistical Ambient Noise Levels

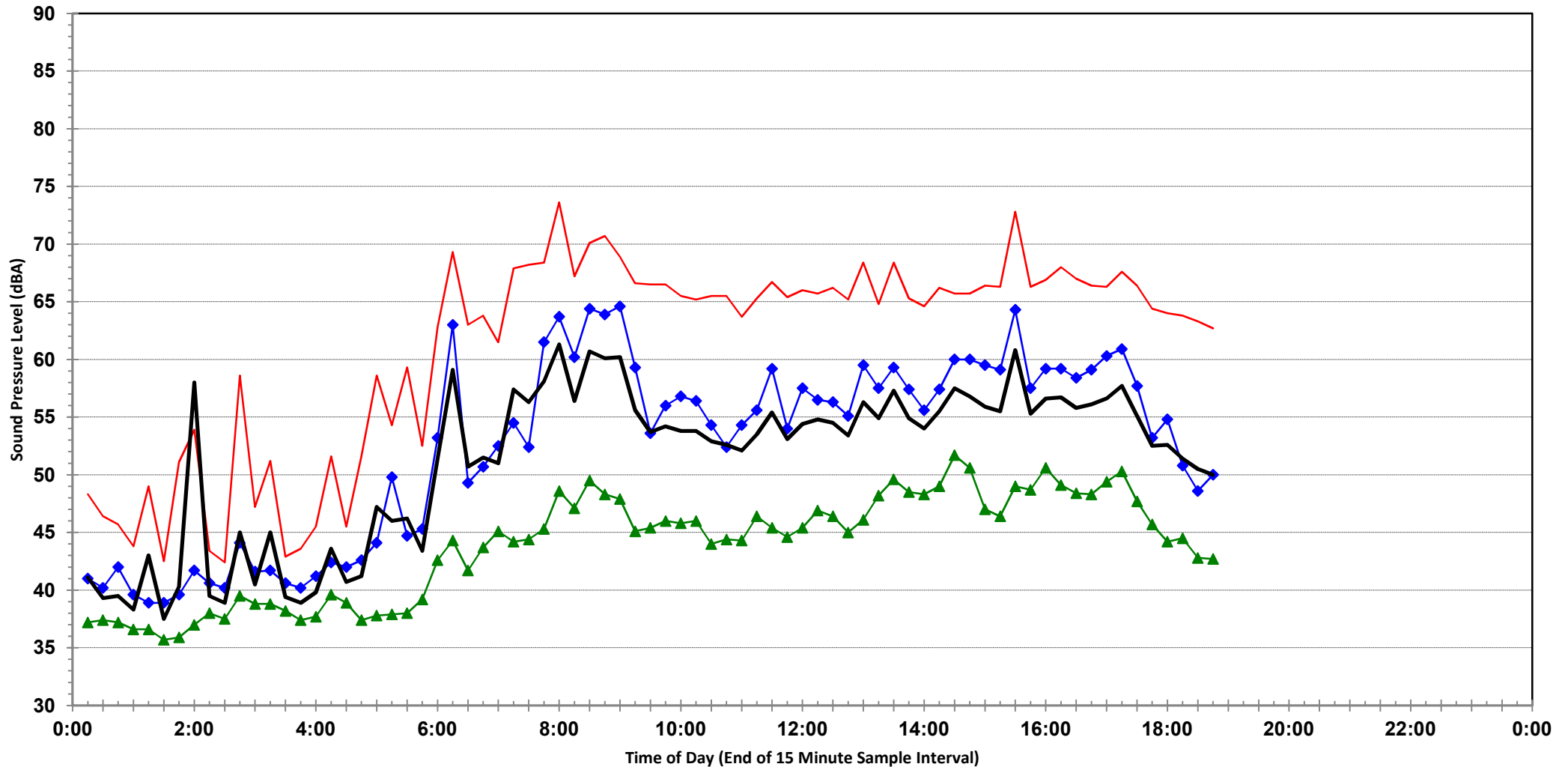
18 Warlters St, Port Macquarie - Wednesday 22 August 2012



Statistical Ambient Noise Levels

18 Warlters St, Port Macquarie - Thursday 23 August 2012

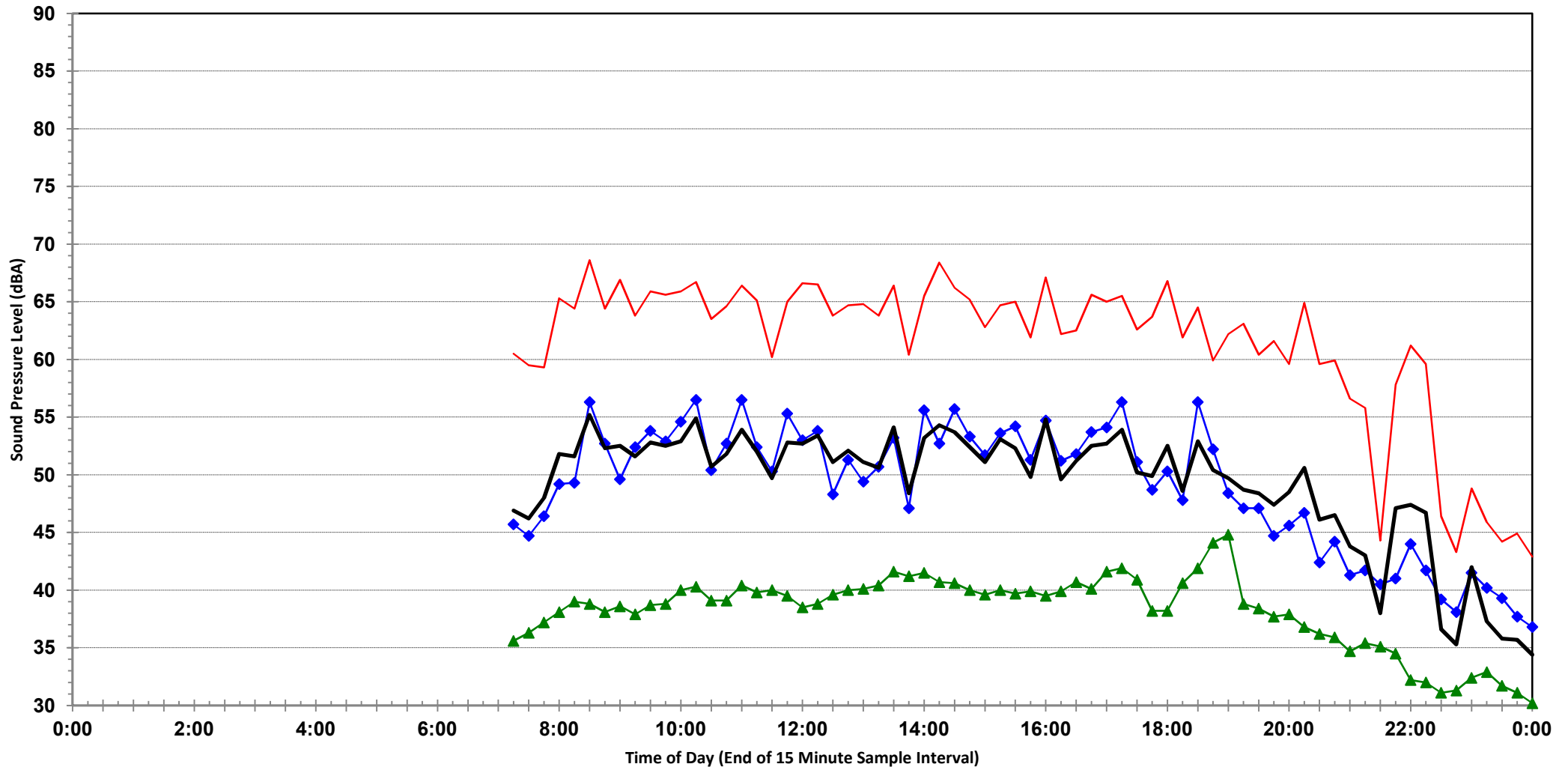
— L1 — L10 — L90 — Leq



Statistical Ambient Noise Levels

18 Warlters St, Port Macquarie - Sunday 26 August 2012

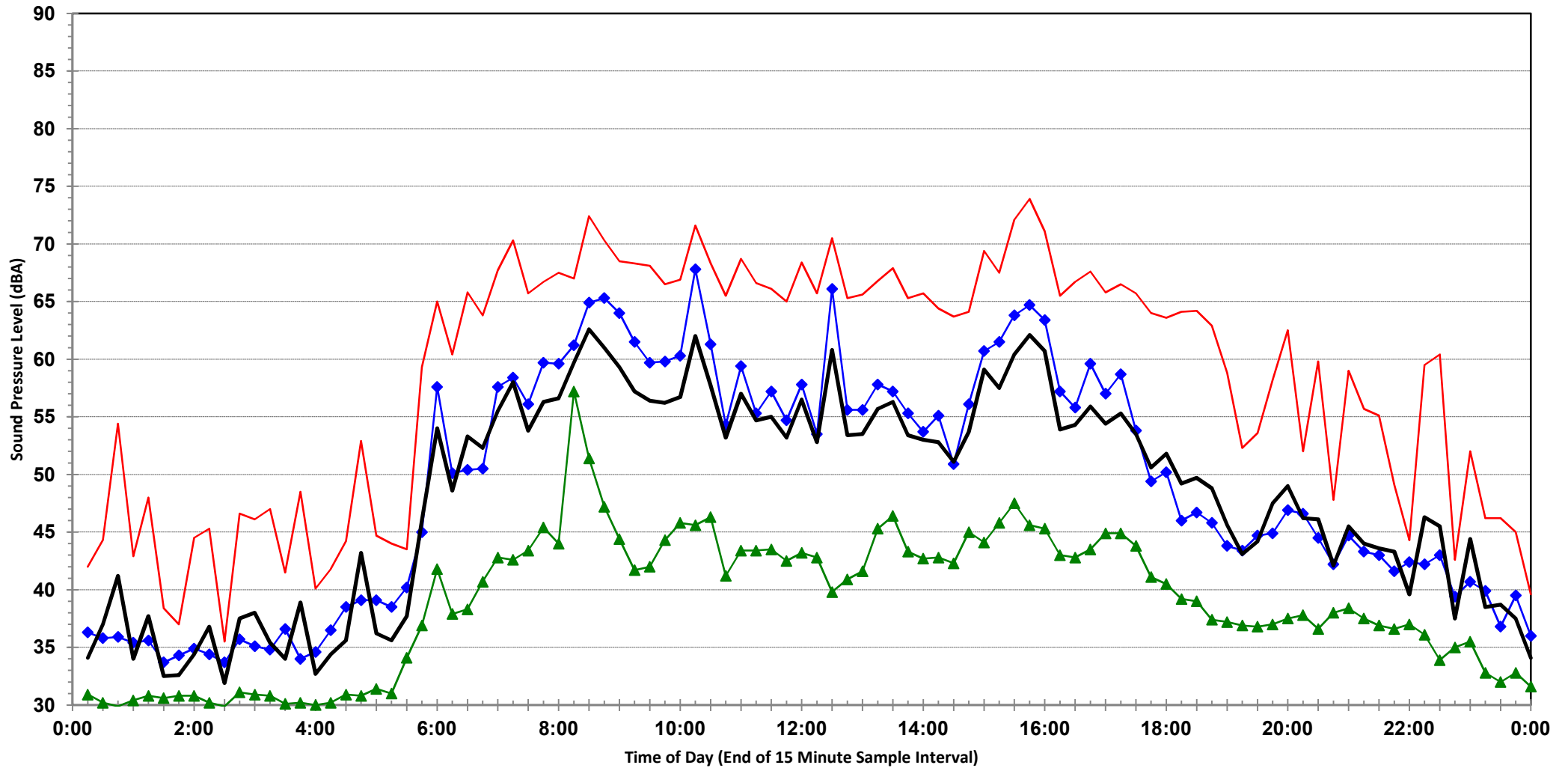
— L1 — L10 — L90 — Leq



Statistical Ambient Noise Levels

18 Warlters St, Port Macquarie - Monday 27 August 2012

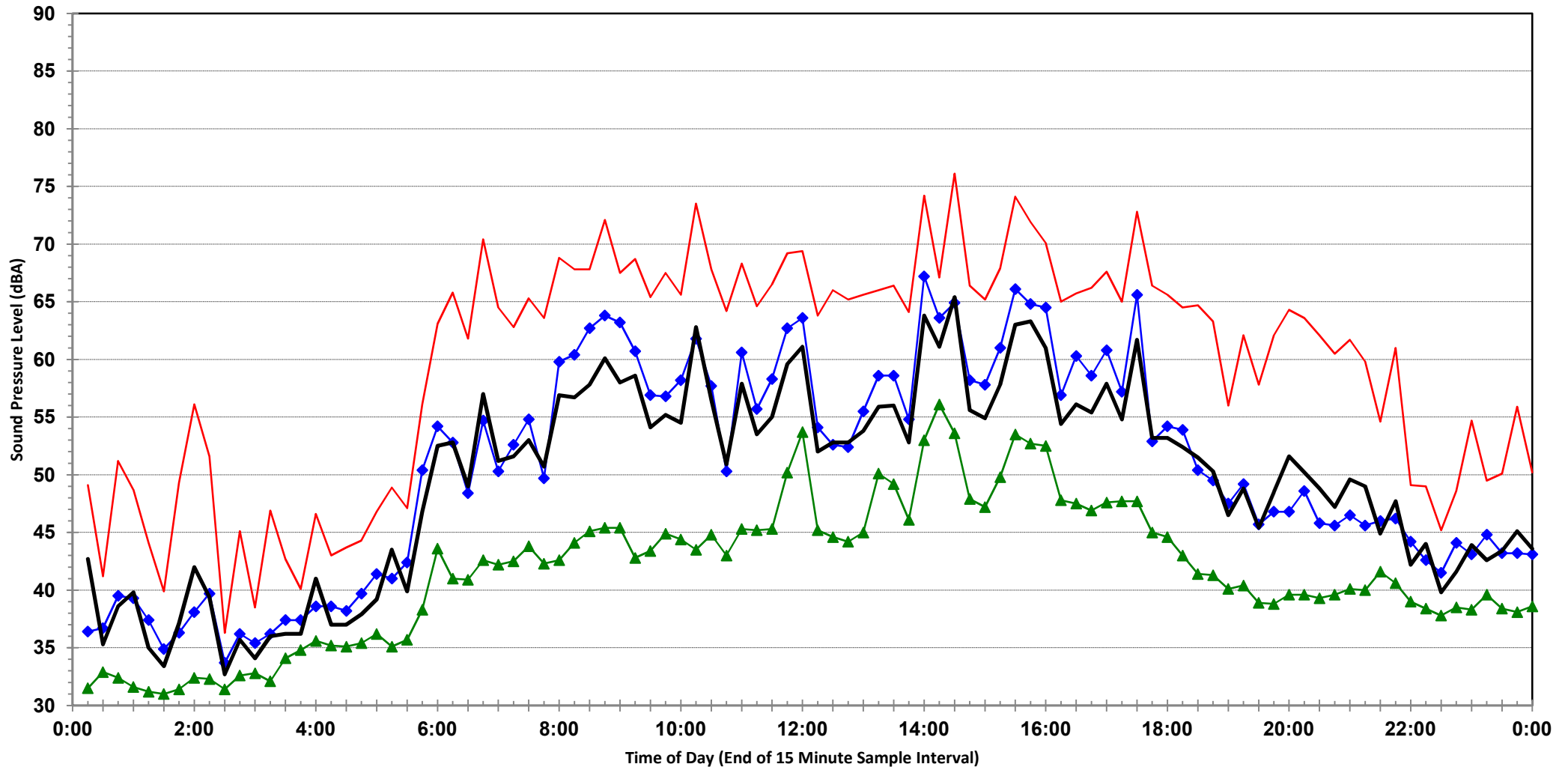
— L1 — L10 — L90 — Leq



Statistical Ambient Noise Levels

18 Warlters St, Port Macquarie - Tuesday 28 August 2012

— L1 — L10 — L90 — Leq



Annexure D

Evaluation criteria for the delegation of plan making functions

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area: Port Macquarie-Hastings Council

Name of draft LEP: Draft Port Macquarie-Hastings LEP 2011 (Amendment No 21)

Address of Land: Lot 1 DP702484, Bay Street, Port Macquarie

Lot 1 DP749597, No 2 Bay Street, Port Macquarie

Lot 2 DP702484, No 3 Bay Street, Port Macquarie

Lot 638 DP257052, No 20 Park Street, Port Macquarie

Lot 639 DP257052, No 18 Park Street, Port Macquarie

Lot 3 DP263340, No Bay Street, Port Macquarie

Lot 2 DP873770, No 4 Bay Street, Port Macquarie

Lot 4 DP1018087, No 3 Bay Street, Port Macquarie

Lot 109 DP1083464, No 1 Bay Street, Port Macquarie

Lot 1 DP1163062, Bay Street, Port Macquarie

Lot 2 DP1163062, No 23 Park Street, Port Macquarie

Intent of draft LEP: To facilitate a Kmart development and to promote and encourage design excellence for development in the Settlement City Precinct.

Evaluation criteria for the issuing of an Authorisation

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N			
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NA		
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NA		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?	N			

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		NA		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan</i> and <i>Best Practice Guideline for LEPs and Council Land</i> ?		NA		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	N			
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NA		
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters	Y/N			
Does the proposed instrument				
a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;	N			
b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or	N			
c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?	N			
(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).				
NOTES - Where a Council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. - Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.				

Annexure E

Delegated plan making reporting template

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	
Date Sent to department under s56	
Date considered at LEP Review Panel	
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional Relevant Information:

Contact Details:

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