

JRPP No:	Item 1 (2009NTH003)
DA No:	DA 2009/0263
PROPOSED DEVELOPMENT	STAGED CONSTRUCTION OF RETAIL COMPLEX COMPRISING SUPERMARKET, SHOPS & PUBLIC CARPARKING, REPLACEMENT BUS TERMINAL AND 1 INTO 2 TORRENS LOT COMMERCIAL SUBDIVISION - LOT 2 DP 850217, 28 HAYWARD STREET, PORT MACQUARIE
APPLICANT:	KING & CAMPBELL PTY LTD
REPORT BY:	PORT MACQUARIE-HASTINGS COUNCIL

Assessment Report and Recommendation

PRECIS

This report considers a Development Application for the above proposed development.

The matter is being reported to the Joint Regional Planning Panel as the proposal is a 'regional development' in accordance with the State Environmental Planning Policy (Major Development) 2005.

The proposal is also an 'integrated development' for the purposes of the Water Management Act 2000.

6 submissions have been received following the public exhibition of the proposal.

The proposal has been amended during the assessment of the application.

RECOMMENDATION

That DA 2009/0263 for a staged construction of:

- **A retail complex comprising supermarket, shops, and replacement public carparking;**
- **Replacement bus terminal; and**
- **a 1 into 2 torrens lot commercial subdivision**

at Lot 2, DP 850217, No. 28 Hayward Street, Port Macquarie, be determined by granting consent, subject to the recommended conditions.

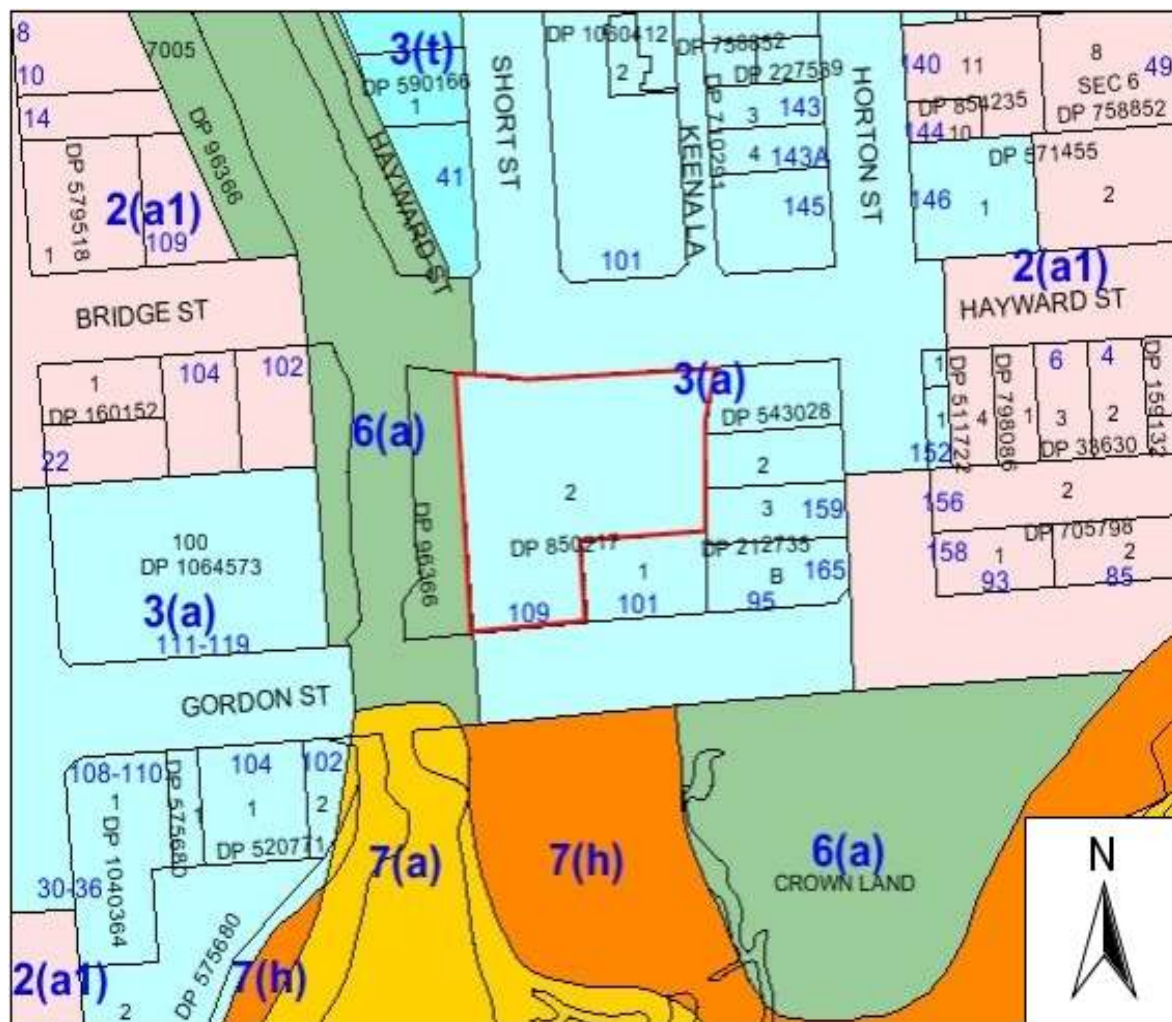
1. BACKGROUND

Existing sites features and Surrounding development

The site has an area 6413 m² and is irregular in shape. The site has frontages of 41.535m to Gordon Street and 96.115m to Hayward Street.

The site is currently occupied by an existing bus terminal interchange which has frontage to Hayward Street, an existing public carpark with 154 carparking spaces accessed from a roundabout in Hayward Street and an area of open space. The site was reclaimed from part of Kooloonbung Creek in the 1960s/1970s.

The site is zoned 3(a) General Business pursuant to the Hastings Local Environmental Plan 2001, as shown in the following zoning plan overlay:



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



Previous applications on the site

A previous DA 2008/224 for a retail complex was approved by Council on 17 December 2008 on the site together with Lots 2,3 and B shown in the above image (lots fronting Horton Street).

2. DESCRIPTION OF DEVELOPMENT

In summary, the application proposes the following:

- Demolition of the existing bus interchange
- Demolition of the existing public carpark
- The construction of a new replacement bus interchange with frontage to Gordon Street and Kooloonbung Creek reserve
- 1 into 2 lot torrens title commercial subdivision
- The construction of a building comprising basement car parking, a retail level which includes a supermarket (Coles), 2 shops and a level of carparking on the roof of the building (154 of 163 of these parking spaces will be public parking spaces which are proposed to be administered and managed by Council by way of a deed of agreement) which is accessed on the roof of the building

- A lift and travelators within an proposed enclosed lobby on the Hayward Street frontage will connect the 3 levels of the building
- External advertising signage
- A loading dock and back of house facilities (office and storage areas) servicing the supermarket will be provided within the building accessed off Hayward Street
- Proposed trading hours for the supermarket of 6.00am to 12.00 midnight, 7 days per week
- Proposed delivery and waste collection hours for the supermarket of 6.00am to 10.00pm, 7 days a week

The development is proposed to be carried out in stages as follows:

1. Construction of the proposed bus terminal
2. Completion of the subdivision to create a separate parcel to contain the bus terminal
3. Demolition of the existing bus terminal and public carpark
4. Construction of the building containing the supermarket, shops and carparking.

Attachments - site plans and elevations

Refer to attachments at the end of this report.

3. APPLICATION CHRONOLOGY

24 July 2009 - DA lodged with Council.

31 July 2009 - Brief on DA provided to Council Executive Management to determine whether internal staff resources be used to assess DA

11 August 2009 - Referral sent to Department of Water and Energy to seek integrated concurrence under Water Management Act 2000

11 August 2009 - Referral sent to the New South Wales Roads and Traffic Authority (NSW RTA) to seek comments pursuant to State Environmental Planning Policy (Infrastructure) 2007

11 August 2009 - Copies of DA documentation sent to Joint Regional Planning Panel secretariat

13 August 2009 - Assessment officer advised that Council Executive Management resolved that DA be assessed using internal staff resources at meeting on 4 August 2009.

13 August 2009 - Additional copies of DA documentation received from applicant

21 August to 21 September 2009 - Public exhibition of proposal via neighbour notification and advertisement in local newspaper in accordance with Council's DCP 2006 and Environmental Planning and Assessment Regulation 2000

24 August 2009 - Additional information requested from applicant.

28 August 2009 - Additional information received from applicant.

7 September 2009 - Written advice received from NSW RTA

18 September 2009 - Copy of NSW RTA advice forwarded to applicant

19 September 2009 - Applicant provided with copy of written advice provided from NSW RTA on previous DA 2008/0224 as requested

4 September 2009 - Additional information received from applicant

11 September 2009 - Additional information received from applicant

7 October 2009 - Additional information requested from applicant

4 November 2009 - Additional information requested from applicant

4 November 2009 - Additional information received from applicant

11 November 2009 - Additional information received from applicant
12 November 2009 - Additional information received from applicant
18 November 2009 - Advice received from Department of Water and Energy in relation to Integrated concurrence under Water Management Act 2000
20 November 2009 - Additional information received from applicant

4. STATUTORY ASSESSMENT

Section 79C Matters for Consideration

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

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

State Environmental Planning Policy No.55 – Remediation of Land

In accordance with clause 7, the applicant has submitted details in a report prepared by Cavvanba Consulting that the site has been subject to preliminary testing in order to ascertain the presence of substances or other elements requiring remediation.

In summary, the Cavvanba report details the following:

- The site was reclaimed from being part of Kooloonbung Creek in the 1960s/1970s.
- The activities on the site conducted appear to have been limited to filling and subsequent carparking and landscaping. There is potential for the fill material to include demolition waste, drums etc and minor spills of oil or fuels to have occurred during its use as a carpark. It is possible that fill from sources other than sand dredging have been placed on the site.
- The bus terminal does not include any refuelling facilities and is merely a pickup point for passengers including some amenities.
- It is evident that a stabilising aggregate eg. roadbase has been placed on the surface to facilitate the asphalt surface and carparking.
- Groundwater was observed to be at approximately 2.0m depth.
- Apart from the fill on the site no on-site sources of contamination were visible.
- Off-site sources of potential contamination include the former service station and the dry cleaners, both of which are located up-topographic gradient of the site.
- Based upon the scope of work undertaken, the site is likely to be suitable for the proposed commercial land use, with appropriate management of any potential groundwater contamination.
- Development of a suitable management approach will require additional data input obtained through more intrusive, focused investigation of the potential contaminants migrating onto the site from adjacent properties.
- Additional investigations should include the installation of additional monitoring wells, replacement of the monitoring wells installed as part of this investigation, and investigation of details of the existing monitoring well.

It is recommended that compliance with the Cavvanba report be conditioned to be required to be complied with prior to and during construction of the development be a condition of consent.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy No.64 - Advertising and Signage

The proposed development includes proposed advertising signage as depicted in the submitted elevation plans.

In accordance with clause 7, this SEPP prevails over the Hastings LEP 2001 in the event of any inconsistency.

Refer to the assessment table following this table for compliance with specific requirements of this SEPP. The proposed signage satisfies all listed requirements.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy No.71 – Coastal Protection

The site is located within a coastal zone as defined in accordance with clause 4. The site is further identified as a sensitive coastal location.

In accordance with clause 7, this SEPP prevails over the Hastings LEP 2001 in the event of any inconsistency.

Refer to the assessment table following this table for compliance with specific requirements of this SEPP.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy (Infrastructure) 2007

In accordance with clause 104 and Schedule 3, the proposed development is a 'traffic generating development' for the purposes of this SEPP. The proposal includes provision of a new vehicular access off Gordon Street, which is a classified road.

In accordance with clause 104 the following requirements apply:

(3) Before determining a development application for development to which this clause applies, the consent authority must:

(a) give written notice of the application to the RTA within 7 days after the application is made, and

(b) take into consideration:

(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

In this regard, the application has been referred to the NSW RTA. A copy of the advice provided from the RTA is provided in the attachments section of this report. Initial issues raised by the RTA have been forwarded to the applicant to provide the opportunity to respond to together with Council initial assessment concerns. Refer to assessment details later in this report which under heading 'access, transport and traffic' for consideration of the proposal in accordance with this SEPP and details in response to the RTA's concerns.

A copy of the determination of the DA will be forwarded to the RTA following issue of the notice of determination to the applicant.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy (Major Development) 2005

In accordance with clause 13B, the proposed development is a 'regional development' due to:

- The estimated capital investment value being greater than the \$10 million (being \$18.05 million)
- The proposal being on Council owned land and valued over \$5 million.

In accordance with clause 13F, Council is the consent authority for the proposed development, however the determination of the DA is required to be made by a Joint Regional Planning Panel. The DA is therefore reported to the JRPP for determination. Following a determination being made by the JRPP, Council will be required issue the determination notice in accordance with this clause.

The requirements of this SEPP are therefore satisfied subject the JRPP making determination of the DA.

North Coast Regional Environmental Plan

In accordance with clause 2 and 2B, the proposal will not contravene any of the aims of this REP.

In accordance with clause 32B(2) the following guidelines are be taken into consideration:

- (a) the NSW Coastal Policy 1997,*
- (b) the Coastline Management Manual, and*
- (c) the North Coast: Design Guidelines.*

The applicant has submitted details that the preparation of the proposal has taken into consideration of these guidelines and policy documents. The development site is also not directly adjoining any defined 'waterfront' open space area.

In accordance with clause 32B(3), consent must not be granted to the carrying out of development which would impede public access to a foreshore. In this regard, the

proposal will not adversely affect existing public access points to the adjoining Kooloonbung Creek foreshore. Additional embellishment of this Crown reserve is proposed to be undertaken as part of the development which will include improved accessible access from Gordon Street.

In accordance with clause 36F, consent must not be granted to the carrying out of development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting. In this regard, the proposal will not have any identifiable adverse impacts to any heritage listed items within proximity to the site. Additional details are provided later in this report under Hastings LEP 2001. As part of the assessment of the previous DA 2008/224 on the site, Council's nominated heritage advisor (at the time) provided comments that no concerns were raised with any potential impacts on the settings of these items for that commercial proposal.

In accordance with clause 81, consent must not be granted for development on land within 100 metres of the ocean or any substantial waterway unless it is satisfied that:

- (a) there is a sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development,*
- (b) buildings to be erected as part of the development will not detract from the amenity of the waterway, and*
- (c) the development is consistent with the principles of any foreshore management plan applying to the area.*

The applicant has submitted the following details, adequately addressing the REP:

- There is sufficient foreshore open space which is accessible and open to the public within the vicinity of the proposed development.
- Buildings to be erected as part of development will not detract from the amenity of the waterway; and
- The development is consistent with the principles of the foreshore management plan which applies to the area.

The requirements of this REP are therefore satisfied.

Hastings Local Environmental Plan 2001

In accordance with clause 9, the subject site is zoned 3(a) General Business. The adjoining Crown reserve, as part of Kooloonbung Creek, is zoned 6(a) Open Space.

The proposed development includes landuses which can be best as 'general store', 'shop', 'car park' and 'bus station' for the purposes of the LEP, which are permissible landuses with consent within the 3(a) zone.

In accordance with clause 9(2), the objectives of the 3(a) zone require consideration as follows:

- (a) To allow a range of retail, office and commercial development appropriate to the status and function of the particular retail centre within the zone.*
- (b) To allow a wide range of uses which may be ancillary to, supportive of, or appropriately located near, or within, retail and commercial facilities.*
- (c) To facilitate strong, multi-functional town centres.*
- (d) To enable appropriate development where allowed with consent.*

The proposal satisfies the objectives of this zone for the following reasons:

- All landuses are permissible within the 3(a) zone with consent;
- The applicant has submitted details that the proposed supermarket will replace an existing supermarket and will be supported by 2 proposed shops. The shops will assist with the activation of the adjacent section of Hayward Street and in turn assist with the strengthening of this part of the town centre.
- The applicant has submitted details that the proposed retention of the public carpark and bus terminal will also be supportive of the multi-functional nature of the town centre.

In accordance with clause 13, satisfactory arrangements are available for water supply and facilities for removal/disposal of sewage and drainage to the proposal.

In accordance with clause 25, in the case of flood liable land the following shall be taken into consideration:

(3).... consent shall not be granted to development of the land unless a survey identifying the level of the land relative to the 1 in 100 year flood level has been completed.

A site survey of the land identifying existing levels has been submitted with the DA. The likely 1:100 year flood level expected to affect the site is to RL 2.55 AHD (without consideration for any potential climate change impacts).

(4) Consent shall not be granted to development of any flood liable land unless the consent authority has considered:

- (a) the likelihood of loss of life or property from flooding, and*
- (b) the likelihood of increased demand for flood mitigation measures and emergency services, and*
- (c) any impediments to the operation of floodway systems in times of flood, and*
- (d) the effect of proposed development on adjoining land in times of flood, and*
- (e) limits on the intensity of development of urban flood liable land, and*
- (f) the provision of services and facilities appropriate to the flood liability of the land.*

In this regard, the applicant has provided the following details:

- The basement car park will be below the 1:100 year flood level.
- Access to the carpark will be from Hayward Street and will be via a ramp which will be graded in such a way that it goes above the 1 in 100 year flood level, before going down to the basement, thereby flood proofing it.
- The entry to the loading dock is proposed to be below the 1 in 100 year flood level. This area will be sealed to prevent water entering the building.
- The bus terminal will be above the 1 in 100 year flood level.
- The adjacent streets are generally above the 1 in 100 year flood level, although a section of Hayward Street west of Keena lane, grades down to levels below the 1 in 100 year flood level. This, however, is not considered to represent a major safety issue.

Comments with regard to flooding are as follows:

- The site is flood affected, including the full frontage to Hayward Street. The vehicular access to the basement carpark is within this location, as well as the truck loading ramps. It is proposed to protect the basement carpark from flooding by grading the

entrance ramp above the 1:100 ARI event. In addition, it is proposed to seal the truck loading bays so that water does not enter the loading bay area. A flood management plan shall be submitted and approved by Council before a Certificate of Occupancy is issued.

- The current 1:100 year flood level is 2.55m AHD. The 1:20 year level is 2.30m AHD.
- Council's flood policy requires commercial development to be at the 1:100 level and all basement carparks to be protected from the 1:100 year event. Note: The above levels do not include Climate Change (sea level rise) and as such the development should allow for an adoptable approach and provide for a 400mm increase in flood levels due to sea level rise over the next 50 years.

In accordance with clause 26, the site has class 3 potential acid sulfate soils (ASS) across the majority of the site. This clause requires (with potential class 3 ASS) that where proposed works are proposed beyond 1 metre below the natural surface, consent must not be granted unless Council has considered a preliminary soil assessment determining the presence or absence of potential or actual acid sulfate soils within the area of the landform alteration. In this regard, construction of the proposed development will likely require excavation greater than 1m below the existing ground surface. The applicant has provided details that this matter could be appropriately addressed via a condition of consent. It is recommended that whilst limited details are available, this approach will be appropriate via inclusion of a condition to require that an acid sulfate soils management plan be prepared in accordance with the Acid Sulfate Soils Manual, published by the Acid Sulfate Soils Management Advisory Committee prior to issue of a construction certificate.

In accordance with clause 34, consent must not be granted to development on land in the vicinity of a heritage item unless an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting. In this regard, there are 2 heritage items in the vicinity of the site, 1 being a convict well at 158 Horton Street and the other Historic Cemetery on the southern side of Gordon Street. The applicant submits that the proposed development will not adversely impact on the heritage significance of the existing nearby convict well primarily as the proposal is located on an allotment of land on the opposite side of Gordon Street. It is agreed that adequate separation/curtilage is afforded to the heritage items and their integrity will remain in tact. No significant adverse impacts can be identified.

In accordance with clause 37, where the consent authority receives an application for consent to carry out development involving the excavation or filling of land, or the erection or **Error! Hyperlink reference not valid.** of buildings on land identified on the zoning map as a potential archaeological site, it must not grant consent unless it has considered a report which includes an assessment of how the proposed development would affect the archaeological significance of the site. In this regard, the applicant has submitted satisfactory details that in 1958 the subject land formed part of the Kooloonbung estuary. The land was reclaimed in the mid to late 1960s and the applicant has stated that it is unlikely that the land will contain any items of archaeological significance. Additionally it is noted that as part of assessment report for DA 2008/224 the following comments were made:

A historical and archaeological assessment prepared by Edward Higginbotham & Associates Pty Ltd has been submitted which relates to Lot B DP: 212735, 165 Horton Street, Lots 2 and 3 Section 10A DP 758852, 159 Horton Street. A copy of advice from the NSW Heritage Office providing an excavation exception under section 140 of the

Heritage Act 1977 has been provided which relates to Lot B DP: 212735, 165 Horton Street, Lots 2 and 3 Section 10A DP 758852, 159 Horton Street. Details have been provided that the remainder of the site Lot 2 DP: 850217, 28 Hayward Street, is reclaimed land and considered to not bear considerable archaeological significance. Figure 2.13 and 2.14 of the Edward Higginbotham & Associates report shows a survey completed on 9 September 1960 for the Kooloonbung Creek reclamation and aerial photo taken in 1960 showing no existing buildings on the now Lot 2 DP: 850217. In the 1960's land was reclaimed with a large part of the Kooloonbung watercourse and the canalisation of the creek at the western edge of its original course.

In accordance with clause 40, Consent must not be granted to the display of an advertisement unless:

(a) *the advertisement relates to the use of the land on which it is to be displayed, or*

...

(c) *the sign complies with the provisions of Development Control Plan No 7—Policy on Advertisements.*

In this regard, the proposal includes proposed advertising signage. The proposed signage relates to the proposed uses of the site and complies with the requirements of DCP 7.

The requirements of this LEP are therefore satisfied.

Any draft instruments on applies or on exhibition pursuant to Section 47(b) or 66(1)(b):

No draft EPIs applicable

(iii) any Development Control Plan in force under Section 72:

Port Macquarie Hastings Development Control Plan 2006:

DCP 7 – Policy on Advertisements

The proposal includes proposed advertising signage which complies with the applicable provisions of this DCP. Relevant factors for consideration are included in SEPP 64 assessment in the attachments to this report.

DCP 17 – Subdivision Code

The proposal includes a proposed 1 into 2 lot torrens title subdivision which complies with the applicable provisions of this DCP.

DCP 18 – Off-street Parking Code

The proposal includes provision of off-street carparking which complies with the provisions of this DCP. Refer to the attached tabled assessment of the proposal in accordance with applicable requirements of this DCP.

DCP 20 – Port Macquarie Town Centre

The attached tabled assessment provides an assessment check of the proposal in accordance with applicable requirements of this DCP. The assessment reveals a number of matters of non-compliance. The following comments are provided with regard to a merit assessment of the most significant matters:

Provision not being made for a new laneway providing a mid block connection

Principle 8 of the section in Part 2 headed 'Street Hierarchy' states that 'where possible, access to parking and service areas should be via a lane accessing the rear of properties'.

The subject property has two street frontages and accordingly does not have a rear lane (in the sense) contemplated by DCP 20.

These frontages have been able to be utilised to provide direct access to the proposed parking areas as well as the proposed loading dock.

Lack of activation of Kooloonbung Creek, location of loading dock and amalgamation of lots within urban block not possible

The DCP identifies the site as being substantially intended to be utilised for large floor plate retailing. The DCP suggests that properties be amalgamated for this purpose. The applicant has advised that whilst this might be theoretically possible, the form of the property ownership within the block makes this very difficult to achieve in practice. The applicant contends that it is not possible in the subject case.

As conditions of sale of the land that the existing 154 parking spaces are required to be retained in any development of the land and that the bus terminal must also be retained on the land.

In order to provide parking on a single level, a large part of the land area needs to be utilised. To spread the parking over two levels would add significantly to the cost of the development as well as increase its height.

Both the required public parking spaces and bus terminal are critical elements of public infrastructure serving the needs of the broader community. The proposed supermarket requires a footprint which covers a substantial percentage of the land and be on a single level. To create an alternate parcel of sufficient size to accommodate the supermarket, by amalgamations, would be difficult to achieve in a practical sense.

The proposed embellishments including lighting and landscaping of the adjoining Kooloonbung Creek reserve adjoining the western frontage will improve the amenity of this area significantly.

If the loading dock was required to be relocated to the Gordon Street frontage, this frontage would lack amenity and not be adequately activated. The applicant submits that the access to the loading dock off the western section of Hayward Street is where there is likely to limited traffic.

The applicant contends that the proposed architectural treatment of the western elevation is clean and simple and will accentuate the horizontal perception of the elevation which will have the effect of minimising the perception of height of the wall when viewing this elevation.

It is agreed with the applicant's contentions that taking into consideration of the above factors it would not be practical to develop the land to its desired use and at the same time activate the frontage to Kooloonbung Creek. An appropriate balance is considered to have been achieved.

Appropriateness of location of relocated replacement bus terminal to Gordon Street

On page 36 of DCP 20 an alternate bus interchange location is identified to be possible along the frontage to Gordon Street to which appears to be sited where the Finnians Tavern is. The applicant contends that the location of the bus terminal on Gordon Street as being generally consistent with the provisions of DCP 20. The applicant has also advised that the potential location of the terminal in Gordon Street was partly based on the consideration that this location had advantages in terms of ease of access by bus operators.

The proposal has been amended during the assessment of the application to provide for a layby for buses which are likely to be pulling up in front of the terminal. This will increase the visibility for vehicles exiting the upper level carpark to Gordon Street.

The terminal will address Gordon Street thereby contributing to the activation of the street. This in turn will facilitate better integration of the supermarket with the remainder of the town centre, particularly other shopping outlets in Short Street.

Significantly improved lighting together with comprehensive live monitored CCTV cameras providing surveillance of all faces of the building will improve the safety of the area generally. Bus access to a terminal in Gordon Street will be easier for buses which will not need to enter the town centre fully assisting the management of the traffic in the town centre.

The applicant has provided the following details, as summarised, in response to the CPTED assessment that has been carried out by the NSW Police Service:

- It is not correct that the report states that the only way patrons of the bus terminal can access the rest of the CBD is via the reserve along the Kooloonbung Creek reserve. Patrons could just as easily access the town centre via Gordon Street and Horton Street or via the pedestrian pathway through the rooftop carpark to Hayward Street, which will be well lit and subject to CCTV camera surveillance.
- An inspection of the business premises in Short Street would suggest that there would be little point in going there after normal business hours as the vast majority of businesses in this location would not be of interest to patrons of the bus terminal and would close at the cessation of the normal business hours. The Coles supermarket is currently located in Short Street but is to be relocated as part of the proposed development.
- Finnians Tavern is likely to meet some of the needs of people using the bus terminal.
- Other potential food outlets are Kentucky Fried Chicken which is located in Horton Street which closes at 10pm each night.
- The nearest takeaway food shop in the CBD is located at the corner of Horton and William Streets. There is also a bakery located in Horton Street and newsagent on the corner of Horton and Hayward Streets and these facilities are not likely to be open late at night.

- Access to the proposed supermarket will be via 3 routes. The most direct will be via utilising the pedestrian link through the rooftop carpark. This route will be well lit and subject to CCTV camera surveillance. It will also be possible to access the supermarket via the Kooloonbung reserve and via Gordon, Horton and Hayward Streets.
- It would seem that the primary time period of concern from a safety perspective will be late at night. To the applicant's knowledge, nothing in the vicinity of the terminal is open after 10 pm other than the Finians Tavern. Accordingly, it is unlikely that people using the bus terminal late at night will use the reserve along Kooloonbung Creek to access the remainder of the town centre at this time.
- Plans have been submitted which indicate that the Kooloonbung Creek reserve will be subject to embellishment improvements including lighting. Additionally, CCTV cameras which will subject to live monitoring will provide surveillance of all aspects of the proposed building.
- The bus terminal and its surrounds will also be well lit. All of these elements will significantly improve the safety of the area generally, including the area proposed to the occupied by the bus terminal.
- The Gordon Street location of the bus terminal will see significantly more passing traffic with the surveillance that comes from that, than the existing or proposed site in Hayward Street. To suggest that the proposed terminal will only be subject to reduced levels of police surveillance because they focus on identified hotspots also seems contradictory to the view that it will be a vulnerable location.

DCP 34 – Acid Sulphate Soils

Refer to comments provided earlier in this report under clause 37 of Hastings LEP 2001. The proposal is capable of compliance with the requirements of this DCP.

DCP 40 - Advertising of Development

The proposed development has been publicly exhibited via neighbour notification letters and an advertisement in the local newspaper for a period in accordance with Environmental Planning and Assessment Regulation 2000 requirements for nominated integrated development and this DCP.

DCP 41 – Building Construction & Site Management

The proposal is capable of compliance with the building construction and site management requirements of this DCP subject to the recommended conditions.

(iia) any planning agreement that has been entered into under Section 93f or any draft planning agreement that a developer has offered to enter into under Section 93f:

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

iv) any matters prescribed by the Regulations:

NSW Coastal Policy 1997

The proposed development is consistent with the objectives and strategic actions of this policy. Relevant matters for consideration are contained in SEPP 71 assessment.

Demolition of buildings AS 2601 - CI 66 (b)

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

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

Context & Setting

The site is currently occupied by an existing bus terminal interchange which has frontage to Hayward Street, an existing public carpark with 154 carparking spaces accessed from a roundabout in Hayward Street and an area of open space. The site is affected by an easement for batter (supporting Gordon Street).

The Lot is bounded by Kooloonbung Creek reserve (west), Hayward Street (north), existing commercial properties (east), and Gordon Street and a commercial property (south).

Access, Transport & Traffic

Roads

Hayward Street and Horton Street are public roads under the care and control of Council. Gordon Street is a classified road (Main Road) and although Council is the road authority, RTA concurrence is required for any proposed works.

Traffic

There has been much discussion on the application between the applicant, Council and the RTA. RTA comments relating to the impacts of road safety, efficiency and traffic management were detailed in a letter from RTA dated 4 September 2009 and are as follows: (Development Engineer response in brackets) –

- 1. The proposed access to Gordon Street will require approval and concurrence in accordance with Section 138 of the Roads Act.*

(Agreed)

- 2. It has been demonstrated that the proposed development will have a cumulative impact on the existing road infrastructure such as the three existing roundabouts at Hayward/Short Street, Hayward/Horton Street and Horton/Gordon Street. An equitable contribution should be made toward the upgrade of these facilities in the future do to the impact on their efficiency.*

(Agreed. Improvements will be required as a condition of consent to improve the Horton Street & Gordon Street Roundabout, as well as many site related improvements along Gordon Street and Hayward Street.)

3. All of the existing central parking should be retained in Hayward Street so as not to create a cross-junction at Keena Lane. Exiting and entering traffic from the proposed development and the lane can utilise the two existing roundabouts for u-turns.

(Agreed. Plans have been amended to reflect request.)

4. It is unsafe to permit articulated service vehicles to reverse on a public road. Any service area should be designated so they can enter and leave in a forward manner.

(Agreed. Conditions of consent shall require that backing motion of vehicle in public road reserve does not impact forward motion of vehicles along the west leg of Hayward Street & Short Street roundabout.)

5. Adequate and safe provisions need to be provided for pedestrians to cross Hayward Street

(Agreed. It is recommended that the development be required to upgrade the pathway to current pedestrian crossing standards.)

6. Consideration needs to be given to how the public will be able to access both car parks safely and easily after hours.

(Agreed. The basement car park primarily serves Coles. After hour access will only be required to the public rooftop car park. Assessable pedestrian access should be maintained from Hayward Street to rooftop garage through extended lobby hours.)

7. Both public car parks will need to be appropriately illuminated to maintain security.

(Agreed. The applicant proposes appropriate lighting and CCTV monitoring of areas while open.)

8. It is not clear how the speciality shops fronting Hayward Street will be serviced.

(Disagreed. Specialty shops will be serviced through a kerbside loading zone. Council Local Traffic Committee has approved the use of a 2 bay loading zone as well as taxi zone on Hayward Street on 11 Nov 2009.)

9. The bus terminal would be better located on a less significant road in a safer environment where it would not conflict with entering and exiting traffic to a public car park.

(Agreed. However proposed relocation is in accordance with DCP 20. Amended plans provide layby for bus terminal to overcome issues regarding adequate site distance for vehicles entering/exiting the rooftop car park.)

TTM Consulting Traffic Engineers prepared a revised traffic study (dated 5 November 2009) following issues raised by Council, RTA and submissions as a result of public exhibition. The revised report evaluates trip generation for the site using the RTA's *Guide to Trip Generating Developments*. Based upon the square footage for the

proposed development and assuming a 25% reduction in traffic for multi-purpose trips, which may be expected in the CBD area, a total of 480 peak hour trips were evaluated.

In addition, no modifications to existing travel patterns were assumed for this traffic. This is because of the low peak hour volume shown in the counts and type of use for these facilities. Council staff agrees that these traffic conditions will create negligible impacts to the adjacent roundabout patterns.

Based upon the traffic conditions modelled, the Horton Street & Gordon Street roundabout should be modified to provide a second southbound to eastbound left-turn lane as part of the conditions of consent.

Bus/Coach Terminal

The applicant plans to stage the construction of the Bus/Coach terminal so that no interruption in service is provided. Specifically, the applicant proposes to build the new Bus/Coach terminal prior to the removal of the old. This process of staged construction is acceptable.

Access

Vehicular access is proposed to the rooftop carpark through Gordon Street and to the basement carpark through Hayward Street. Access widths at both access driveways do not comply with the Australian or Council Standards, but are sufficient for left-in/left-out access.

Access to the basement carpark is immediately adjacent to access service driveway for the existing shops to the east. Separation between these driveways should provide a minimum 2 metre x 3 metre wide refuge area consistent with ASD 109.

Service vehicle access and truck bays are proposed on the western boundary of the site. Council should be advised that access to truck service bay requires backing along the public road reserve for Hayward Street. As defined in sections 6.2.2 and 6.4.2 of the RTA's *Guide to Traffic Generating Development*, forward ingress and egress of service vehicles is desired. Where backing is required in the public road reserve, backing should not obstruct forward motion of westbound vehicles on the western leg of the Hayward Street & Short Street roundabout. No parking shall be provided in the public road reserve where servicing vehicles forward and backward movements occur.

Amended plans propose acceptable pedestrian access along Hayward Street. Pedestrian features will be required to be constructed to current Australian and Council Standards.

Parking

Parking is to be provided in two locations.

- Roof top carpark - This is to replace the existing Council carpark.
- Basement carpark – This is to serve as the primary carpark for the development.

Prior to the issue of any Construction certificate (including demolition) all necessary arrangements shall be made for the temporary relocation of carspaces of the existing

Hayward Street public carpark. This shall include all legislative approvals, Local Development Committee (traffic) approval, public consultation, etc.

Refer to DCP 18 assessment (attachment).

Manoeuvring

With regard to the rooftop parking deck, parking spaces located directly across from the entry/exit ramp create the potential for challenging conditions for parked vehicles required to back into the main driveway to the carpark. The blind isle located toward Gordon Street also presents some concern. This configuration creates difficulties for parking vehicles to turn around when parking spaces are unavailable. Notwithstanding these issues, given the low speed environment of the car park and capability of the parking area to comply with the Australian Standard, an acceptable outcome has been achieved.

Pedestrians

Disabled access is available to Hayward Street, via the basement carpark and lift, and via Gordon Street through the disabled ramp. Full width footpath paving, in accordance with Town Centre Masterplan, is required for the full frontages of the development to Gordon Street and Hayward Street. The finished floor levels of all shops with direct street access shall be set from the footpath levels approved pursuant to Section 138 of the Roads Act. Warping of the footpath to suit inappropriate floor levels will not be permitted.

Public Domain

Council has a Policy with regard to street improvements associated with developments in the Port Macquarie Town Centre. Any works in the streets needs to conform with the Port Macquarie Town Centre Master Plan. The proposal also includes significant improvements for pedestrians using the reserve along Kooloonbung Creek. These improvements include a ramp facilitating disabled access from Gordon Street to the reserve proper, lighting and seating. Connectivity will also be possible by using Horton Street.

The adjoining Crown reserve to the western boundary of the property is earmarked for public improvements in the future as identified in the *Port Macquarie Foreshore Masterplan*. The proposed embellishment works are generally consistent with the requirements of this Masterplan.

Utilities

Water

Records indicate that there is a 150mm PVC water main on the opposite side of part of Hayward Street and a 300mm PVC or ductile iron water main on the opposite side of Gordon Street. There is also a reclaim water main on the opposite side of Gordon Street.

A water service connection for the supermarket development from Hayward Street would be limited to 150mm unless water main augmentation takes place in Short Street. A water main connection to Hayward Street west of Short Street would require a water

main extension across Short Street and across Hayward Street. A water main connection to Hayward Street east of Short Street will only require a water main connection across Hayward Street. Alternative arrangements for the supermarket development could include a connection to the 300mm water main on the opposite side of Gordon Street requiring a major water service to cross four traffic lanes and two parking lanes. This route would also allow connection to the reclaim water main on the opposite side of Gordon Street should this be desired. Smaller water service connections across Gordon Street will be required provide a reclaimed water supply and potable water supply to the bus terminal lot.

Final water service sizing for the proposed development will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as addressing fire service and protection requirements. Any internal fire hydrant or fire sprinkler systems are to be metered with individual double detector check installations.

Sewer

Sewerage facilities are available to serve the proposed development.

It will be necessary to extend Council's system to provide a separate independent point of connection wholly contained within the two (2) lots to be created. Council's preferred option is to connect to the existing system adjacent to the western boundary of the site and the applicant is to ensure the proposed development including any basement carpark fixtures will drain to these points. A sewer rising main located adjacent to western boundary may also require relocation.

Due to scope of the development all sewage is to be discharged to new or existing manholes.

Utilities

Electricity and telephone services are available.

Stormwater

There are significant existing capacity problems with the drainage in Hayward Street and Short Street. Water quantity (flow) calculations have not been provided to demonstrate the suitability of the existing council system to cater for the additional discharge. The developer must access the existing system to determine its capacity and ability to receive drainage water from this development. If the existing system is found to be inadequate, the developer must upgrade the system. Additional outlets into Kooloonbung Creek will not be approved.

The developer must allow for, and provide drainage infrastructure as necessary, to drain Lot 1, DP 850217 (the tavern) for storms in excess of the capacity of the piped system.

In addition, the development must provide appropriate easements for any stormwater drainage crossing the property. An existing kerb inlet located in the basement carpark driveway will need to be converted to a grate inlet.

There are pipe drains located in Hayward Street, however its capacity will need to be checked against the design discharge. If the system is not adequate it will need to be upgraded or OSD provided.

There is a drainage line running north/south on the eastern boundary. This should be located to confirm it is not on the site. If it is, this system must be relocated or alternative arrangements made. It will important to confirm the capacity of any existing system and if necessary the system is to be upgraded. Council will be unable to support maintaining the system under the new development.

The Kooloonbung Creek tailwater levels for the design shall adopt the following:

- Minor storm (1:20) - Mean High Water (MHW) level plus 400mm for climate change,
- Major storm (1:100) - Highest Astronomical Tide (HAT) plus 400mm for climate change.

Water quality (WQ) treatment devices shall be provided on-site (eg. gross pollutant trap, oil and grease trap etc).

Hydrology in the locality

The proposal is for an integrated development for the purposes of the Water Management Act 2000, due to works proposed within 40m of an existing watercourse requiring a controlled activity approval pursuant to clause 91(2) of this Act. The Department of Water and Energy (DWE) have provided advice with general terms of approval subject to conditions which are required to be included in the consent. The DWE have also provided advice that a license to dewater will also be required under Part 5 of the Water Act 1912.

Additionally, it is also recommended that a condition be included to require that the stormwater drainage system for the development shall incorporate measures to enhance stormwater discharge quality from the site and protect downstream waterways. All stormwater discharging from the site shall comply with Council's AUS-SPEC Design & Construction Specifications, Table D7.5 (modified ecosystems - estuaries).

The proposal will be unlikely to have any significant adverse impacts on existing water resources and the water cycle.

Soils

Substantial excavation will be involved to develop the basement carpark. Excess material will be likely to be required to be removed from the site.

Air & Micro-climate

The construction and operations of the proposed development will be unlikely to result in any identifiable adverse impacts on the existing air quality or result in any adverse pollution within the immediate locality. Standard recommended conditions relating to construction requirements are included.

Flora & Fauna

Construction of the proposed development will not require any removal/clearing of any significant vegetation. It is therefore unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and/or fauna.

Waste

Details have been submitted with the DA from Coles addressing proposed waste management including methods to minimise waste and carry out recycling. The proposed arrangements for waste are satisfactory.

Energy

During the assessment of the application, the applicant has submitted a report prepared by Blackett Maguire and Goldsmith (BMG) addressing compliance of the proposal with the requirements of the Building Code of Australia (BCA). The BMG report details that the proposal is capable of compliance with the section J BCA energy efficiency requirements in relation to insulation, external glazing, building sealing, efficiency of air conditioners, artificial lighting and power controls and hot water systems.

Noise & Vibration

The proposed trading hours for supermarket are from 6.00am to 12.00 midnight, 7 days per week. Based upon the intended use and the site being within a commercial zone and setting these hours are considered acceptable. A recommended condition is included to require compliance with these hours of operation.

The proposed delivery and waste collection hours for supermarket are proposed from 6.00am to 10.00pm, 7 days a week.

It is recommended that the hours of deliveries be conditioned to be between 7am to 10pm, 7 days a week.

A standard condition is recommended to address restrictions to construction hours.

A standard condition is recommended to address restrictions to construction hours.

Bushfire risk

The site is mapped for the southern majority of the site as being within a mapped buffer area associated with an existing bushfire hazard to the south of Gordon Street within the Kooloonbung Creek nature reserve. In accordance with the aims and objectives of the NSW Rural Fire Service's document Planning for Bushfire Protection 2006 the following comments are provided:

- Given the distance separation to the existing hazard identified above and the intended nature of use, adequate protection from exposure of occupants and the buildings to a potential bushfire will be provided.
- Sufficient defendable space will be available around the building in the public domain.
- Adequate water supply services will be available to meet the needs of fire fighters in the area in the event of a bushfire.

Safety, Security & Crime Prevention

The applicant has submitted a Crime Prevention through Environmental Design assessment prepared by the NSW Police Mid North Coast Crime Management Unit. The assessment raises issues with the location of the bus terminal and its design including the proposed amenities. Comments have been provided from the applicant in response to the bus terminal location as detailed under the previous section addressing DCP 20.

Council's Crime Prevention Officer has advised that the proposed relocation of the terminal to Gordon Street is not supported and should remain in Hayward Street.

Other matters of consideration can be addressed via recommended conditions as appropriate.

Notwithstanding the Crime Prevention Officer's advice, the applicant's response previously detailed under the section addressing DCP 20 is considered on balance to be satisfactory to not warrant refusal of the application solely on the basis of the location of the bus terminal.

Social Impact in the Locality

In summary, the applicant has provided the following satisfactory details:

- The provision of improved retailing facilities in the Port Macquarie Town Centre will have a positive social impact.
- The section in the Community Profile on Council's website dealing with employment across various industries indicates that retailing is the category that provides the largest number of jobs.
- The proposal will retain an existing carparking facility as well as an existing bus terminal on the land.
- The provision of the proposed modern supermarket and shops that will replace an existing supermarket will play a positive role in retaining an important retail amenity in the town centre.

Economic Impact in the Locality

In summary, the applicant has provided the following satisfactory details:

- As the proposed supermarket and shops will largely replace an existing supermarket, it is unlikely that the proposed centre will have a significant impact on existing retailing within the Port Macquarie Town Centre.
- The proposed supermarket will conform with Coles latest format and will be marginally bigger than the existing supermarket (4,200m² as opposed to 3,500m²). It will therefore have capacity to absorb some increased activity over time.
- Council sought independent advice from Leyshon Consulting in 2006 with regard to the future retail needs of the Greater Port Macquarie CBD, with supplementary advice from Hill PDA in 2007.
 - Presently there is around 130,000m² of shop front space in the LGA of which around 110,000 m² is being used for retailing. Port Macquarie Greater Central Business District has almost 80,000m² of retail space, almost half is in 2 large indoor shopping centres ie. Port Central and Settlement City.

- The current level of supply in retail floor space was close to equilibrium in 2006 based on national benchmark turnover levels.

- Whilst demand and supply are more or less in equilibrium in 2006 there is considerable growth forecast over the next decade or so. The demand for shop front space in the greater CBD will increase at around 2,600m² each year.

- There is nothing in the findings which would mitigate from the Port Macquarie Town Centre from absorbing the proposed supermarket.

Site Design and Internal Design

It is considered based upon the existing site attributes and inability to practically achieve block consolidation that the design response has sufficiently balanced site constraints, operational and access needs for a viable development together with making a genuine attempt to provide for improved amenity and animation of the surrounding public domain.

The applicant has submitted a report prepared by Blackett Maguire and Goldsmith (BMG) addressing compliance of the proposal with the requirements of the Building Code of Australia (BCA). The BMG report details that the proposal is capable of compliance with the BCA subject to consideration of proposed fire engineered alternative solutions which could be appropriately addressed prior to issue of a construction certificate. Appropriate conditions are recommended to address this matter.

Construction

The proposed development is proposed to be constructed in stages as detailed earlier in this report. This will facilitate retention of a bus terminal on the site at all times.

Cumulative Impacts

The construction and/or operations of the proposed development will be unlikely to result in any adverse cumulative environmental, social or economic impacts within the locality. The provision of improved retailing facilities in the Port Macquarie Town Centre will be likely to have a positive social and economic impact.

(c) The suitability of the site for the development:

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

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

6 written submissions have been received following completion of the required public exhibition of the application.

A list of names and addresses of members of the public who have lodged submissions is provided as an attachment to this report.

Issues raised in the submissions received and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
General support for proposal <ul style="list-style-type: none"> • General support for development of the site with a major retail facility. • The southern end of the CBD will be improved in a way that will increase the overall consolidation of the CBD as a vibrant retail centre. 	Comments noted.
Shopping trolley management <ul style="list-style-type: none"> • Concern that trolley management plan does not include any system for restricting shopping trolleys to the boundary of the site. • Wayward abandoned trolleys are a problem as they are unsightly, environmentally damaging and a cause of significant cost and damage. • A mechanical wheel lock system should be fitted to each shopping trolley. 	<p>The applicant has provided a response to this matter advising that Council needs to have a policy in place that applies to all relevant retailers that are associated with this issue.</p> <p>Notwithstanding that Council has no Policy on trolley management, it is recommended that the suggested mechanical wheel lock system be fitted to each shopping trolley.</p>
Provision of additional car parking <ul style="list-style-type: none"> • Concern that the number of all day car parks has not been significantly increased. • The lack of available car parking spaces is a well documented issue that has been continually raised. • The ceding of the public car parking asset to a commercial venture should achieve significant improvement to the availability of all-day car parking whether on that site or elsewhere in the CBD. • Concern that once the land is sold, there will be no future opportunity for Council to be able to develop further car-parking on the site. • The long term ramifications of forgoing the opportunity to provide future car parking is highlighted in the Port Central shopping centre. 10 years later after construction of the centre when Council sold the car park in Hay Street Council tried to negotiate unsuccessfully with the owners of Port Central to build another level of car parking spaces to no avail and the CBD has suffered as a result. 	<p>The applicant has provided a response that the provision of additional car parking on the site could only be done by adding another level to the proposed development and would have major cost implications together with opening up a number of planning considerations. The applicant contends that the site is not an appropriate location for Council to provide additional parking to serve the town centre. It would be better located more centrally in the town centre.</p>
Provision of active uses to Hayward Street <ul style="list-style-type: none"> • The inclusion of specialty retail shops facing Hayward Street is a positive (although limited) component. 	Comments noted.
Public domain improvements <ul style="list-style-type: none"> • The extension of Council's beautification 	Council has a Policy with regard to street improvements associated with developments in

<p>program into the southern end of Short Street and the eastern end of Hayward Street is essential to assist the development to consolidate the southern end of the CBD.</p> <ul style="list-style-type: none"> The external landscaping of the developed site needs to be consistent with Council's plans for the streetscape. 	<p>the Port Macquarie Town Centre. Any works in the streets needs to conform with the Port Macquarie Town Centre Master Plan.</p>
<p>Location of replacement bus terminal, including public amenities</p> <ul style="list-style-type: none"> The relocation of the bus terminal to Gordon Street represents sound logic. This is the main thoroughfare and a more open and safe environment for commuters out of business hours. The proposed location of the bus interchange from Hayward Street frontage to the Gordon Street frontage is remote from the existing bus interchange, the existing local bus connections and the existing circulation pattern of bus stops within the town centre. The relocation of the public amenities will result in these facilities not being readily available to a wider group of users. Council's engineers do not support the relocation of the bus interchange and its public facilities from Hayward Street frontage to any other frontage based on feedback with previous DA on the site. 	<p>The submissions received have mixed views on the appropriateness of the location of the replacement bus terminal.</p> <p>The applicant has provided the following additional details during the assessment of the application which are summarised in comments provided earlier in the report under DCP 20.</p> <p>The applicant's response is considered on balance to be satisfactory to not warrant refusal of the application solely on the basis of the location of the bus terminal.</p>
<p>Accessibility and design of car parking</p> <ul style="list-style-type: none"> Consider that the car parking could be better integrated with existing shops surrounding the proposed development. Considering that 154 of the car parking spaces are Council car parks, they should be easily accessible to and from the outside of the development. The access from the Hayward Street retail shops to the supermarket should be improved. 	<p>The access provided to the rooftop carparking area offers the best legibility and connectivity given the existing site conditions and desired usage of the site.</p> <p>The access from Hayward Street to the retail shops (existing and proposed) is satisfactory. Internal access of all shops from within the shopping complex would be at odds with the intent of DCP 20.</p>
<p>Inconsistency with DCP 20</p> <ul style="list-style-type: none"> The DA has ignored a significant number of the provisions of the now adopted DCP 20. No adequate justifications for the departure from DCP 20 have been offered by the applicant and therefore in the absence of such justifications for the departures the DA should be refused. 	<p>The applicant has provided sufficient detail to justify the logic as to the design response not being able to achieve all design principle requirements of DCP 20. An acceptable on balance outcome has been achieved - refer to DCP 20 comments.</p>
<p>Awnings across street frontages</p>	<p>This matter was raised with the applicant</p>

<ul style="list-style-type: none"> The design is not consistent with DCP 20 controls in that it does not provide for an awning as required along each of the nominated street frontage. 	<p>following an initial planning assessment of the application. The proposal has been amended to provide continuous awnings across the frontages to Gordon and Hayward Streets.</p>
<p>The articulation of facades</p> <ul style="list-style-type: none"> The design does not include articulation within the façade zones at both ground level and upper level within DCP 20 controls with provision of a continuous wall. 	<p>The applicant has provided a response that the proposed facades to Gordon and Hayward Streets both contain elements that address the issue of articulation.</p> <p>The proposed façade facing the reserve along Kooloonbung Creek is not articulated. This façade is proposed to include elements that will given it interest consistent with a maritime theme. Articulation of this façade would create functional issues with the proposed building.</p>
<p>The view of proposed building from Church Hill as identified in DCP 20</p> <ul style="list-style-type: none"> The view line B from Church Hills will be adversely impacted by the proposed height of the building and the inclusion of canopy structures over the roof-top area parking. 	<p>The applicant has provided a response that the application includes a photomontage which addresses View B identified in DCP 20. The applicant considers that the proposal is consistent with the requirements of View B, as the vegetated horizon will remain part of the view on completion of the proposed development.</p>
<p>Connectivity between Gordon and Hayward Streets, including a laneway</p> <ul style="list-style-type: none"> The design does not provide for or enable the inclusion in the future of a laneway from Hayward Street frontage to the Gordon Street frontage through the site for access. This is a significant loss of pedestrian amenity and connectivity given that the existing at-grade parking enables pedestrians to traverse unrestricted through the Council site between Hayward and Gordon Streets. DCP 20 block controls require provision of a laneway which would serve as a through site link from Hayward Street to Gordon Street. 	<p>The applicant has provided a response that the proposal includes a pedestrian link between Gordon and Hayward Streets including a ramp facilitating disabled access together with a lift and travelators. The proposal also includes significant improvements for pedestrians using the reserve along Kooloonbung Creek. These improvements include a ramp facilitating disabled access from Gordon Street to the reserve proper, lighting and seating. Connectivity will also be possible by using Horton Street.</p> <p>The applicant has provided a response that the only reference to a laneway in DCP 20 is the option for one to provide access loading areas, located on the eastern side of the Finniens Tavern property. There is no such need for a laneway to service the current proposals for the affected properties. There is also very little likelihood of the necessary cooperation between the affected property owners to provide a laneway in this location.</p>
<p>Activation of Gordon and Hayward Street frontages as well as the frontage to the reserve along Kooloonbung Creek</p> <ul style="list-style-type: none"> The design does not provide for sufficient 	<p>The applicant has provided a response that the proposal will activate the Gordon and Hayward Streets frontages. Other than the minor extent of activation that will be provided by the</p>

<p>shop frontages directly onto Hayward Street, Gordon Street or the foreshore area alignments to enable the possibility of street activating uses to be located at pedestrian footpath levels. As such the design principles of DCP 20 will not be achieved.</p> <ul style="list-style-type: none"> The development will result in an inferior urban design outcome given the location of the loading dock adjacent to the foreshore reserve at the Hayward Street frontage, given the number of truck deliveries and requirements associated OH&S, this will restrict pedestrian access along Hayward Street to the foreshore reserve area and adversely affect public safety. 	<p>proposed bus terminal the frontages to the reserve of Kooloonbung Creek will not be activated. Given the nature and structure of the proposal activation of this frontage is not possible. The proposal does include measures to mitigate the blandness of this elevation, along with measures to improve the amenity of the reserve itself.</p>
<p>The height of the proposed development relative to the height of existing adjoining developments</p> <ul style="list-style-type: none"> The design of the development is significantly larger in height when compared to existing development within this block and southern portion of the Port Macquarie town centre and given this larger scale is out of character with existing development. The design of the development does not make provision for any physical connections with land within the remainder of the block and as such will not result in an outcome as envisaged in the future character of this portion of the Port Macquarie Town Centre as outlined within DCP 20. The proposed development will adversely impact on adjoining properties and will result in orphaned allotments due to the lack of inclusion of all land within the block. 	<p>The applicant has provided a response that potential overshadowing of adjoining properties is the only issue that is relevant to comparison heights. The plans forming part of the application address overshadowing. Separately, DCP 20 indicates that the height of any development of the land should be a maximum of 4 storeys for the bulk of the site with a section up to 5 storeys and another section 3 storeys.</p> <p>The top of the columns supporting the proposed sails to provide shade for the rooftop car park are shown to be 13m above existing ground level. This proposed height is not uniform and will generally be less than 13m. The main structure of the building is 2 to 4m below the top of the columns. The proposal complies with DCP 20 with regard to height.</p>
<p>Lack of public benefit</p> <ul style="list-style-type: none"> The applicant has failed to demonstrate an adequate assessment of the Council's requirements and the overall effect of the departures will result in a development which is not in the public interest. On balance the inappropriate locations and lack of direct public access to the replacement facilities when compared to that currently enjoyed today, it is clear that the public benefit derived today from the replacement facilities will be diminished. The development will not bring about a like 	<p>The applicant has provided a response that the proposal includes retention of 14 public parking spaces and a bus terminal including public conveniences. Refer also to comments provided later in this report under section addressing public interest.</p>

for like public benefit for the people of Port Macquarie, despite the inclusion of replacement car parking and replacement bus interchange. These adverse social impacts in themselves are unacceptable.	
Independent assessment <ul style="list-style-type: none"> The DA will need to be assessed by an independent planner as part of its reporting process to the Joint Regional Planning Panel to ensure Council does not fetter its own interests. 	Council executive management have resolved to have DA assessed internally with Council given the DA will be required to be reported to the independent JRPP for determination.
Relocation of bus stop in Gordon Street and potential interference with access to the car park for the proposed Dan Murphy Development <ul style="list-style-type: none"> The relocation of the existing bus stop to a position further east seems at odds with the concept of providing a bus interchange facility at the site. The position of the relocated bus stop is likely to conflict with future access to lot 8 which has limited accessible frontage to Gordon Street due to its corner position and is currently vacant. The submitted TTM traffic report does not address the traffic implications of relocating the bus interchange facility and its relationship to the proposed access to the public car park from Gordon Street. Furthermore, there is the potential for traffic conflict between these two elements and the existing driveway to Finniains Tavern. Council has insufficient information to make an informed decision in regards to traffic impacts associated with relocating the bus interchange facility to Gordon Street. 	<p>The applicant has provided a response that they have reviewed the matter and agree that there is potential for conflict if the location of the repositioned bus stop is taken literally. The submitted plans demonstrate a general location for a repositioned bus stop that would not interfere with future access to the proposed Dan Murphy carpark. The relocation of the bus stop requires consideration by Council and the Local Traffic Advisory Committee.</p> <p>The applicant has provided further comments that another option would be to combine the local bus stop with the operation of the bus terminal and therefore not relocate it, to any significant degree. The detailed resolution of this issue is beyond the scope of the application.</p>
Potential for conflict between the proposed bus terminal and access to rooftop car park <ul style="list-style-type: none"> The proposed ramp off Gordon Street to the rooftop car parking area will potentially exacerbate traffic issues in Gordon Street given its location close to the proposed bus interchange facility, bus stop and entry to Finniains Tavern car park. The TTM traffic report states that the rooftop car parking will not result in any additional traffic generation. However it does not take into account the relocation of this driveway to Gordon Street and vehicular movements in and out of the 	<p>This matter of concern was raised as part of the initial assessment of the application. The applicant has provide a response that proposal has been amended to include a layby for buses using the terminal, thereby allowing vehicles entering the access to utilise a separate deceleration lane and also ensuring clear visibility for vehicles exiting the carpark.</p> <p>Refer also to comments made later in report under access, traffic and transport.</p>

carpark.	
<p>The requirements for an economic impact assessment</p> <ul style="list-style-type: none"> • There is no economic impact statement provided with the DA. The application relies on the Leyshon Consulting report and supplementary advice from Hill PDA regarding the future retail demands with the LGA. • The statement of environmental effects fails to acknowledge that the proposal includes over 4,400m² of additional retail floor space. The existing Coles supermarket premises when vacated will be available to another retail use. • Since 2006 three major retail developments have been approved within the LGA which increases the approved retail floor space by over 10,200m² well in excess of the 3,000m² shortfall identified in the 2006 Leyshon report. The economic impact of this has not been addressed. 	<p>The applicant has provide a response that none of the 3 supermarkets referred to are in Port Macquarie. The proposal is to relocate an existing supermarket. It is likely that any reoccupation of the existing supermarket premises will require a further DA. The 2007 PDA report stated that the Greater CBD of Port Macquarie will require an additional 2,600m² of retail space on an annual basis.</p>
<p>Site contamination and provisions of SEPP 55</p> <ul style="list-style-type: none"> • The Cavvanba site investigation report is accompanied by limited soil and groundwater testing. • The Cavvanba report concludes that the groundwater in the north east section of the site is contaminated with volatile organic compounds associated with up gradient off site sources being the adjacent service station and dry cleaner. The report recommends that further investigation to determine the extent of groundwater contamination followed by further evaluation of options including environmental and human health risk assessment. • Without a remediation action plan, Council is not in a position to comply with its obligations under SEPP55. 	<p>This matter can be appropriate addressed via an appropriate condition of consent. Refer to comments provided earlier in this report under the section addressing SEPP 55.</p>
<p>Hours of deliveries</p> <p>With regard to nearby residential apartments to the west a request has been received to consider curfew times that the semi trailers would be unloading goods at night as could create a lot of noise.</p>	<p>It is recommended that the hours of deliveries be conditioned to be confined to be between 7am to 10pm, 7 days a week.</p>
<p>Restriction to rooftop parking</p> <p>Question whether time restrictions are going</p>	<p>The application does not include any details identifying restricted hours of access. Access</p>

to be placed on the rooftop parking.	from the rooftop to the Coles supermarket however will be restricted in line with trading hours.
Weather protection with bus terminal <ul style="list-style-type: none"> • Would appear that there is limited protection from the elements for passengers both boarding and alighting from buses. As a minimum there should be an awning or similar roof covering extending from the Terminal Building out and over where it is planned for buses to load and unload similar to that at the current terminal. 	The submitted plans indicate an awning proposed to cover the public footpath to the front of the terminal. In accordance with DCP 20 the awning needs to be setback from the kerb.

(e) The Public Interest:

Issues of concern raised in submissions received following public exhibition of the proposal have been addressed in this report.

With regard to the overarching public interest consideration, it is imperative that consideration be given as to whether the public advantages of the proposal outweigh to some extent possible disadvantages of the proposal. For reasons stated, it is apparent that there is significant public benefit to be derived from the provision of a new additional publicly accessible major retail attraction at the southern end of the CBD area. This will maintain Port Macquarie's role as the primary business and retail centre on the Mid North Coast.

The proposal provides for significant impetus for the higher utilization of the site to support economic activity within the town centre while maintaining the provision of required public car parking and public bus passenger facilities. Despite the perceptible difficult constraints and issues with likely impacts on the public domain, the development is incapable of providing for continuous activation of all street block interfaces.

On balance, it is considered that the benefits outweigh the perceptible disbenefits and as such the proposed development will have an overall net public benefit.

Interim Port Macquarie-Hastings Flood Policy April 2007

The assessment of the proposal with regard to the potential for flooding impacts has been addressed earlier in this report under the section addressing Hastings LEP 2001 taking into consideration of the requirements of this Interim Policy.

Retail Policy Plan

The objectives of the Retail Policy are to

1. *To maintain and enhance the present hierarchy of retail centres throughout the Hastings Local Government Area.*

2. *To encourage new retail development (Note 1) to occur within the existing identified CBDs of the Hastings LGA (Note 2) to meet the needs of a resident population of 97,800 people and a sub-regional population of 150,000.*
3. *New retail centres (Note 1) to be restricted to neighbourhood centres servicing new urban areas, apart from those within the CBDs referred to in Objective 2 above.*
4. *To provide for additional major retail development in the long term (Note 3)*
5. *To retain higher order retail services within the CBDs.*

The proposal is consistent with the objectives of the Policy in that it will be located within the Port Macquarie CBD and will strengthen the retail offered by this CBD.

Draft DCP 17 – Subdivision Code

The proposed subdivision component of the proposal satisfies the objectives and proposed guidelines of this draft DCP, as exhibited.

Climate change

An appropriate condition is recommended to require that minimum flood protection which makes allowance for any future sea level rise predictions in accordance with the requirements of the NSW Sea Level Rise Policy Statement (October 2009) and requiring submission of an appropriate flood management plan.

5. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- A condition is recommended to require payment of Section 94A of the Environmental Planning and Assessment Act 1979 towards public road improvements within the locality.

6. CONCLUSION

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is therefore recommended that the application be approved subject to the recommended conditions of consent provided in the attachment section of this report.

7. ATTACHMENTS:

FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS

NOTE: THESE ARE DRAFT ONLY

DA NO: 2009/263

DATE: 20/11/2009

A - GENERAL MATTERS

- (1) (DA001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	-	King & Campbell Pty Ltd	July 2009
Site Plan	Issue C	Leffler Architects Simes	29 October 2009
Lower Ground Floor Plan	Issue C	Leffler Architects Simes	29 October 2009
Ground Floor Plan	Issue A	Leffler Architects Simes	23 July 2009
Basement Floor Plan	Issue A	Leffler Architects Simes	23 July 2009
First Floor Plan	Issue A	Leffler Architects Simes	23 July 2009
Section Elevations &	Issue B DA 08+09	Leffler Architects Simes	29 October 2009
Section Elevations &	Dwg DA10 Issue B	Leffler Architects Simes	29 October 2009
Material Selections	Issue B	Leffler Architects Simes	29 October 2009
Sketch Design – Hayward Street Treatment	-	King & Campbell Pty Ltd	28 September 2009
Amenity Plan		King & Campbell Pty Ltd	28 September 2009
Proposed Subdivision Plan			27 August 2009
Possible Ramp – Gordon Street – Landscape Plan		Stevens Landscape Architect	July 2009

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

- (2) (DA002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a. the appointment of a Principal Certifying Authority; and
 - b. the date on which work will commence.

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

- (3) (DA003) All building work must comply with the provisions of the Building Code of Australia (BCA).
- (4) (DA004) An application for Subdivision Certificate shall be lodged with Council together with the payment of all relevant fees in accordance with Council's Management Plan for the approved subdivision.
- (5) (DA006) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works within the development site required by the development consent is to be obtained from Port Macquarie-Hastings Council. A copy of the approval is to be submitted with the application for Construction Certificate.
- (6) (DA007) Approval pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be obtained from Port Macquarie-Hastings Council. The application for this engineering approval must be made on the prescribed form with payment of fees pursuant to Section 223 of the Roads Act 1993 in accordance with Council's Schedule of Fees and Charges. The application is to include detailed design plans prepared by an appropriately qualified and practising consultant. A copy of the approval is to be submitted with the application for Construction Certificate. Under the provisions of the Local Government Act 1993 and/or the Roads Act 1993, if the activity is staged, the activity or the specified part or aspect of the activity, or any thing associated with the activity or the carrying out of the activity, may be the subject of a further approval.

Such works include, but not be limited to:

- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
- (7) (DA009) The provision of additional roads and stormwater works within the road reserve or Council's land at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of conditions of this consent. The extent of works required for this development will be determined by Council in conjunction with assessing the application under the Roads Act. Design plans for any such works are to be incorporated in the design for other roads and stormwater systems required for this development.
- (8) (DA011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications and Port Macquarie-Hastings Council DCP 2006 which are prescribed at the time of commencement of engineering works.
- (9) (DA016) The general terms of approval from the following authorities are set out in Section H of this consent and form part of the consent conditions for this approval.

- Department of Water and Energy

- (10) (DA024) The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- (11) (DA042) All construction buildings, site fencing/hoarding and materials are to be wholly enclosed within the development site. Approval pursuant to Section 138 of the Roads Act, 1993 for hoardings over public property is to be obtained from Port Macquarie-Hastings Council prior to commencement of any works. At all times the public road is to be free from extraneous building material allowing unobstructed pedestrian movement.
- (12) (DA055) The submission to Council of stormwater drainage details in accordance with Council's Development Control Plan 2006 and AUSPEC Specifications D5 and/or D7 where relevant. Where the details relate to subdivision works the details are to be approved prior to the release of the Construction Certificate for subdivision works. Where the details relate to the erection of a building the details are to be lodged with Port Macquarie-Hastings Council with the application for approval pursuant to Section 68 of the Local Government Act.
- (13) (DA057) Any interruption to the natural overland flow of stormwater drainage, which could result in the disruption of the amenity, or drainage or deterioration to any other property is not permitted.
- (14) (DA059) Relocation or replacement at no cost to Council of the stormwater pipe that traverses the north eastern corner of the site in accordance with Council's adopted AUSPEC Design and Construction Specifications D5 & D7.
Details shall be provided with the application for Construction Certificate.
- (15) (DA072) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Construction Certificate.
- (16) (DA080) The applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.
- (17) (DA097) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

- (18) (DA195) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (19) (DA196) The proponent shall construct the following infrastructure works, in compliance with Council's "Port Macquarie Town Centre Masterplan" and designed in accordance with Council's adopted AUS-SPEC Design and Construction Specifications, Australian Standards and Council's Standard Drawings. The proponent shall complete all the works prior to the issue of any occupation certificate, including interim occupation certificate, be responsible for all costs, including maintenance for a period of twelve (12) months from the date of approval of the completed works. Required works include:

- a) All other driveways in accordance with Council's Standard Drawing ASD 202 modified to suit a 2.0% footpath crossfall. Surface finish to be in accordance with Town Centre Masterplan.
- b) Removal of all existing driveways made obsolete by the development.
- c) Full width concrete footpath for the full frontage of the development to Gordon Street, and Horton Street. Crossfall shall be 2.0% with surface finish in accordance with Town Centre Masterplan.
- d) Relocation of the existing bus stop in Gordon Street, including shelter and signage, as approved by Council.
- e) Provision of taxi zone (two car) adjacent to current coach terminal in Hayward St (as shown on application plan) including signage.
- f) Provision of a loading zone in Hayward Street, (as shown on application plan) including signage.
- g) Provision of a 100 mm diameter conduit for future fibre optic cable laid within the road reserve (footpath) for the full frontage of the site.
- h) Access compliant pathway and associated lighting from Gordon St to Hayward St within the Kooloonbung Reserve.

- (20) (DA197) The proponent shall submit with the application pursuant to the Roads Act the proposed structural treatment and operational procedures at the service area and access ramp to the roof top car park necessary to clearly define and regulate the safe movement of traffic and pedestrians within Gordon Street.

- (21) (DA198) Full details of all awnings over public road reserves shall be submitted with the application pursuant to Section 138 of the Roads Act. This submission shall include full certification of the structural integrity of the design by an accredited structural engineer. The structural engineer will be required to also certify the completed works prior to the issue of any occupation certificate.

- (22) (DA199) The finished floor levels of all shops with direct street access shall be set from the footpath levels approved pursuant to Section 138 of the Roads Act. Warping of the footpath to suit inappropriate floor levels is not permitted.

- (23) (DA200) Lodgement of a security deposit or bank guarantee with Council, prior to the issue of the construction certificate to cover the estimated cost plus 30%, or \$100,000 whichever is the greater, of all engineering works required on public property as assessed by the Director of Infrastructure Services, plus a written agreement undertaking to carry out the works required prior to issue of occupation certificate, together with an authorisation for Council to use the funds to complete any unfinished works.

The bond is to be issued without an expiry date. The bond value is to be valid for limited period of two (2) years and cash securities only will be for bonds less than \$5000. If the works are not completed and accepted by Council within the two-year period, a new bond is to be lodged prior to the expiry of the two (2) year period. Any cost of repairing damage caused to Council's infrastructure is to be met in full by the applicant/developer.

Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. Following "practical completion" of the infrastructure works the bond may be reduced to equivalent to 10% of all infrastructure works required on public property as assessed by the Director of Infrastructure. The security deposit shall be held for a minimum maintenance period of twelve (12) months following issue of final occupation certificate, prior to formal acceptance of the work by Council.

- (24) (DA201) The application for the Construction Certificate is to be accompanied by a written concurrence from the Roads and Traffic Authority (RTA) for works on Gordon Street. Please contact the Northern Regional Office of the RTA at Grafton for further details (Phone 02 6640 1344).
- (25) (DA202) The application is to submit a detailed construction program with the Roads Act application for all works that may impact on the public road.
- (26) (DA203) The applicant shall construct an access compliant pathway between Gordon Street and Hayward Street via the Kooloonbung Creek Reserve.
- (27) (DA204) One (1) metre clear distance is required around any vertical inspection shaft and any manhole.
- (28) (DA205) Service loading in the public road reserve along Hayward Street shall be designed so that articulated vehicles do not obstruct forward motion of other vehicles while backing within road reserve. Heavy-duty pavement shall be used where service vehicle manoeuvring is required west of Hayward Street & Short Street roundabout. Clear delineation shall be made through pavement marking and pavement surface separating through movement from service vehicle movements on Hayward Street. No pedestrian activity and no parking to be permitted in articulated vehicle service area on Hayward Street.
- (29) (DA206) The proponent shall address the following stormwater drainage issues in addition to the general stormwater disposal requirements. Full details to be submitted with the application pursuant to Section 68 of the Local Government Act 1993.
- Assessment of the existing stormwater drainage system (piped and overflow paths) to determine its capacity and ability to receive runoff from this development. If the existing system is found to be inadequate, the developer shall upgrade the system;
 - Additional outlets into Kooloonbung Creek will not be permitted;
 - The development shall be repositioned so that the existing stormwater pipeline from Gordon Street to Hayward Street remains clear of all structures. Clear and unhindered access to the pipeline and pits shall be maintained at all times. The developer shall provide an easement over this drain in councils favour.

- Any disconnection or realignment of the existing stormwater pipeline from Gordon Street to Hayward Street shall not proceed without the concurrence of all landowners serviced by this system and council;
 - The stormwater drainage system for the development shall incorporate measures to enhance stormwater discharge quality from the site and protect downstream waterways. All stormwater discharging from the site shall comply with council's AUS-SPEC Design & Construction Specifications, Table D7.5 (modified ecosystems - estuaries);
 - No polluted water of any type shall be permitted to enter Council's stormwater drainage system.
- (30) (DA207) The development shall comply with the Port Macquarie-Hastings Flood Policy.
- (31) (DA208) The development shall be designed and constructed to provide minimum flood protection for the 1:100 ARI event and an allowance for future sea level rise predictions in accordance with the requirements of the NSW Sea Level Rise Policy Statement (October 2009).
- (32) (DA209) A water service connection for the supermarket development from Hayward Street would be limited to 150mm unless water main augmentation takes place in Short Street. A water main connection to Hayward Street west of Short Street would require a water main extension across Short Street and across Hayward Street. A water main connection to Hayward Street east of Short Street will only require a water main connection across Hayward Street. Alternative arrangements for the supermarket development could include a connection to the 300mm water main on the opposite side of Gordon Street requiring a major water service to cross four traffic lanes and two parking lanes. This route would also allow connection to the reclaim water main on the opposite side of Gordon Street should this be desired. Smaller water service connections across Gordon Street will be required provide a reclaimed water supply and potable water supply to the bus terminal lot.
- (33) (DA210) 154 of the rooftop parking spaces shall be for the purposes of public car parking spaces which are to be administered and managed by Council by way of a deed of agreement between the parties.
- (34) (DB013) The submission with the Section 138 Roads Act application to and approval by Council of details for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity.

and;

Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.

Details are to be provided with the application for approval pursuant to Section 138 of the Roads Act 1993.

B - PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE (AS APPLICABLE TO EACH STAGE OF DEVELOPMENT)

- (1) (DB004) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments;
 1. Public parking areas including;
 - Driveways and access aisles;
 - Parking bays;
 - Delivery vehicle service bays & turning areasin accordance with AS 2890.1 & AS 2890.2, unless otherwise approved by Council.
 2. Water supply reticulation in accordance with AUSPEC Design Specification D11, Port Macquarie-Hastings Council current version.
 3. Water supply hydraulic plans for internal water supply services and associated works in accordance with AS 3500, NSW Code of Practice and Port Macquarie-Hastings Council Policies.
 4. Sewerage reticulation in accordance with AUSPEC Design Specification D12, Port Macquarie-Hastings Council current version.
 5. Retaining walls in accordance with AUSPEC Design Specification D3, Port Macquarie-Hastings Council current version.
 6. Stormwater systems in accordance with AUSPEC Design Specification D5 & D7, Port Macquarie-Hastings Council current version.
 7. Erosion & Sedimentation controls in accordance with AUSPEC D6 & D7, Port Macquarie-Hastings Council current version and with the relevant sections of the Department of Housing manual "Soil and Water Management for Urban Development", Port Macquarie-Hastings Council sediment control policies.
 8. Location of all existing utility services including;
 - Conduits for electricity supply and communication services.
 - Water supply
 - Sewerage
 - Stormwater

An application and checking fee in accordance with Council's Management Plan shall be payable upon submission of engineering design plans.

- (2) (DB009) If engineering works are of a value greater than \$25,000, a detailed estimate of cost of the civil engineering works and documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans.
- (3) (DB011) The excavated and filled area shall be retained and drained in accordance with DCP No. 41 – Building Construction and Site Management. Detailed drawings and specifications are to be submitted with the application for the construction certificate.
- (4) (DB017) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a

practising chartered professional civil and/or structural engineer are to be submitted with the application for the Construction Certificate.

- (5) (DB027) A schedule of proposed fire safety measures is to be submitted with the application for the Construction Certificate.
- (6) (DB035) A detailed engineering plan showing driveways, parking areas, and the means of access from the road to the proposed development in accordance with Council's adopted AUSPEC Design and Construction Guidelines are to be submitted to the Principal Certifying Authority for approval. Plans are to include site conditions affecting the access, pavement levels in relation to floor levels, and should nominate levels in relation to the kerb (or nominated fixed datum) and grades.
- (7) (DB036) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (8) (DB038) Prior to the issue of any Construction Certificate, satisfactory arrangements are to be made with the Water Authority for the provision of water and sewer services to the land. Evidence of such arrangements will be furnishing relevant documentation from the Water Authority.
- (9) (DB045) Payment to Council, prior to the issue of the Construction Certificate of the Section 94A contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
 - Port Macquarie-Hastings Section 94A Levy Contributions Plan 2007The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (10) (DB050) Submission of a detailed landscaping plan to Council for approval prior to the issue of the Construction Certificate which includes details of landscaping of the adjacent Crown reserve as identified on the approved plans.
- (11) (DB195) Final water service sizing for the proposed development will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as addressing fire service and protection requirements. Any internal fire hydrant or fire sprinkler systems are to be metered with individual double detector check installations.
- (12) (DB196) The engineering design and specifications for construction of the car parks, service areas and accesses is to be in accordance with AS/NZS 2890.1 and AS 2890.2, unless otherwise agreed to by Council. Accesses to car park facilities shall be constructed in to the minimum dimensions defined in Table 4.1 of TTM Consulting, 5th November 2009 submission. Submission and certification of the design by a suitably qualified consultant, are to be provided to the PCA, prior to issue of the Construction Certificate. The design is to include the provision of an electronic parking availability sign for all entrances.

- (13) (DB197) Prior to the issue of any construction certificate, including demolition, the applicant shall undertake all necessary arrangements for the relocation of the Hayward St bus/coach terminal. This shall include all, but not limited to: legislative approvals, Local Development Committee (traffic) approval and public consultation.
- (14) (DB198) Awnings overhanging the footpath (public roads) shall be cantilevered and not extended closer than 600 mm to the kerb line of the carriageway (with the exception of the awning required associated with the bus terminal).
- (15) (DB200) All sewage from the development is to be discharged to a new or existing manhole.
- (16) (DB202) Prior to the issue of any construction certificate, the applicant shall undertake all necessary arrangements for the displaced parking and temporary relocation of the Hayward St public carpark. This shall include all, but not limited to: legislative approvals, Local Development Committee (traffic) approval and public consultation. Any cost associated with providing parking shall be burden of the development and no cost to Council.
- (17) (DB203) A Flood Management Plan shall be submitted to and approved by Council prior to the issue of a Construction Certificate. The Flood Management Plan must include a flood evacuation component for the development and detail the management systems for any basement carpark protection system. Sea level rise predictions shall be included in the development of the Flood Management Plan.
- (18) (DB204) Access shall be maintained at all times for adjacent property east of site on Hayward Street. Construction of Pedestrian Refuge between basement car park and adjacent property access shall be designed in accordance with ASD 109 pedestrian refuge area with a minimum width of 2000 mm by 3000 mm.
- (19) (DB205) The applicant shall construct an access compliant pathway between Gordon Street and Hayward Street via the Kooloonbung Creek Reserve.
- (20) (DB206) An acid sulfate soils management plan shall be submitted with the application for construction certificate. The management plan shall be prepared by suitably experienced/qualified person in accordance with the Acid Sulfate Soils Manual, published by the Acid Sulfate Soils Management Advisory Committee.
- (21) (DB207) An amended trolley management plan shall be submitted to and approved by Council. The amended trolley management plan shall address/include the following:
- Details that a mechanical wheel lock system will be fitted to each trolley, activated by radio signal when the trolley is taken across any car park exit to an adjoining street.
 - Details that signage on trolleys, at entries /exits and prominent locations throughout the store advising of the trolley locking system.
- (22) (DB208) Prior to issue of a Construction Certificate, details shall be provided on the plans including provision of nib screening walls at the entrances to the toilet facilities within the proposed bus terminal.
- (23) (DB209) Prior to issue of a Construction Certificate the recommendations of the Cavvanba report shall be complied with prior to and during construction of the development.
- (24) (DB210) Final water service sizing for the proposed development will need to be determined by a hydraulic consultant to suit the domestic and commercial

components of the development, as well as addressing fire service and protection requirements. Any internal fire hydrant or fire sprinkler systems are to be metered with individual double detector check installations.

- (25) (DG022) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (26) (DG026) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000 the payment of a cash contribution, prior to the issue of a Construction or Subdivision Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent is required. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
 - augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks

C - PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (DC002) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (DC004) Prior to the commencement of any works, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the applicant or consultants, principal contractor and Council's development engineer or his representative.
- (3) (DC006) Erosion and sediment controls in accordance with the approved management plan shall be in place prior to the commencement of any works or soil disturbance on the site.
- (4) (DC010) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must:

- a. be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the Council, or
- b. an approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (5) (DC013) Signage must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited.
 - b. showing the name of the principal contractor in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 - c. the name and contact details of the principal certifying authority responsible for the site

Any such signage is to be removed when the work has been completed.

D - DURING WORK

- (1) (DD002) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your construction certificate number and property description to ensure your inspection is confirmed:
- prior to commencement of site clearing and installation of erosion control facilities;
 - at completion of installation of erosion control measures
 - prior to installing traffic management works
 - at completion of installation of traffic management works
 - at the commencement of earthworks;
 - when the sub-grade is exposed and prior to placing of pavement materials;
 - when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - at the completion of each pavement (sub base/base) layer;
 - before pouring of kerb and gutter;
 - prior to the pouring of concrete for sewerage works and/or works on public property;
 - during construction of sewer infrastructure;
 - during construction of water infrastructure;
 - prior to sealing and laying of pavement surface course.

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

Council will undertake random audits of work sites to verify compliance of public works as required.

- (2) (DD006) The capacity and effectiveness of erosion and sediment control measures shall be maintained at all times in accordance with the approved management plan until such time as the site is made stable by permanent vegetation cover or hard surface.
- (3) (DD010) A survey certificate is to be submitted to the Principal Certifying Authority at footings and/or formwork stage. Such certificate shall set out the boundaries of the site, the actual situation of the buildings and include certification that siting levels comply with the approved plans.
- (4) (DD024) Work on the project being limited to the following hours, unless otherwise permitted by Council:-
- Monday to Saturday from 7.00am to 6.00pm
 - The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (DD028) Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.
- (6) (DD039) Demolition works performed on buildings with materials containing asbestos or lead shall be carried out strictly in accordance with the

requirements of the Workcover Authority and National OH&S Committee – *Code of Practice for the Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.

- (7) (DD041) All demolition waste is to be disposed of at the Council Waste Management Facility.

At the completion of demolition activities, Waste Management Centre weighbridge dockets are to be provided to Port Macquarie-Hastings Council to demonstrate compliance with this condition.

- (8) (DD047) Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, constructed drainage systems, easement, water bodies, or road surface and located wholly within the site with measures in place to prevent erosion or movement of sediments in accordance with the approved management plan. All spillage of materials, as a result of delivery or handling, must be removed as soon as practicable and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- (9) (DD048) Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.
- (10) (DD195) Any abandoned junctions shall be capped off at Council's main with an approved fitting and Council notified to carry out inspection prior to backfilling of this work.
- (11) (DA082) Dust nuisance to neighbouring properties shall not be generated as a result of the construction of the development.
- (12) (DC003) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

E - PRIOR TO THE ISSUE OF OCCUPATION AND/OR SUBDIVISION CERTIFICATE

- (1) (DE001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (DE004) Where any permanent control marks are placed in accordance with the Survey Regulation 2006 in the preparation of the plan, two (2) copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision. Any permanent control marks destroyed are to be replaced in accordance with the Survey Regulation 2006.
- (3) (DE005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (DE015) Prior to the issue of the Occupation Certificate (or interim occupation certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

- (5) (DE033) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to the issue of the Occupation Certificate.
- (6) (DE038) Prior to the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed for Hayward Street.
- (7) (DE039) Prior to the issuing of the Occupation Certificate, provision to the Principal Certifying Authority of documentation from the Roads and Traffic Authority (RTA) being the roads authority certifying that all matters required by approval issued by Section 61 and/or Section 138 of the Roads Act have been satisfactorily completed for Gordon Street. A copy of this is to be submitted to Council prior to the release of the engineering security bond.
- (8) (DE043) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming:
- a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (9) (DE051) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any Occupation and/or Subdivision Certificate.
- (10) (DE052) Prior to the issue of any Occupation Certificate, submission of relevant documentation from the Water Authority confirming its acceptance of infrastructure works, including work as executed plans in accordance with Port Macquarie-Hastings Council current version of AUSPEC.
- (11) (DE053) Prior to the issuing of any Occupation Certificate provision to the Principal Certifying Authority of a Water Authority and/or Section 68, Sanitary Plumbing and/or Stormwater Drainage Final Certificate issued by Port Macquarie-Hastings Council.
- (12) (DE056) All works shall be certified by a practicing Chartered Civil Engineer or Registered Surveyor as compliant in accordance with the requirements of AUSPEC Quality Initiatives for Provision of Public Infrastructure, prior to Issue of the Subdivision Certificate;
- Council will undertake random audit of work sites to verify compliance of public works as required.
- (13) (DE057) No building is to be connected to Council's future sewer main until Council has accepted such main. A pre-requisite for acceptance will be to successfully comply with Council's AUSPEC Specifications for air testing, visual inspection, manhole lid seal and the level of the lid 50mm above the proposed finished surface level. The manhole must be protected during dwelling construction by erecting a barrier around the manhole. Any alterations to the finished surface level requiring the raising or lowering of the manhole will require Council's approval.
- (14) (DE065) Landscaped areas being completed in accordance with the approved landscape plans prior to issue of the Occupation Certificate.

- (15) (DE072) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure. Any alterations to or relocation of street lighting to be approved in writing from Port Macquarie-Hastings Council.
- (16) (DE073) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (17) (DE074) Provision for the supply by telecommunication services to the subject land by way of underground cables and the provision of a certificate from the relevant authority acknowledging provision of infrastructure and payment of any necessary contributions.
- (18) (DE077) Prior to the issue of an Occupation Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied. Any alterations to or relocation of street lighting is to be approved in writing from Port Macquarie-Hastings Council.
- (19) (DE086) The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by payment of all relevant fees in accordance with Council's Management Plan, and original plan of subdivision together with 7 copies with associated 88B instruments, where necessary.
- (20) (DE195) Prior to the issue of any occupation certificate, the proponent shall submit, for Council's concurrence, the Operational Procedures/Manual for the operation of the following aspects of the development.
- Service areas/loading docks to ensure the safe movement of traffic and pedestrians;
 - No queuing on the public road by vehicles waiting to access the service areas/loading docks;
 - The use of B-Doubles is prohibited;
 - 24 hour disabled access to roof top car park;
 - Flood management plan including flood evacuation.
- (21) (DE196) Prior to the issue of any occupation certificate, the proponent shall modify the Horton Street and Gordon Street roundabout so as to provide a second southbound left turn. Any cost associated with the modification shall be burden of the development.
- (22) (DE197) Prior to issue of a subdivision certificate for the 2 lot subdivision, the construction of the replacement bus terminal shall be completed and an occupation certificate issued.

- (23) (DE198) Prior to issue of a construction certificate the concrete columns and ceilings in the sub level car park should be painted white to increase visibility and reflective light of this area.
- (24) The loading dock area shall be a secure area provided with a visually permeable gate to prevent unauthorised access.
- (25) (DG029) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (26) The ceiling of car parking areas is to painted white.

F - OCCUPATION OF THE SITE

- (1) (DF009) All new essential fire safety measures shall be maintained in working condition at all times.
- (2) (DF010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (3) (DF031) Hours of operation of the development are restricted to the following hours:
 - 6.00 am to 12.00 midnight, Seven (7) days per weekDelivery and waste collection removal times:
 - 7.00 am to 10.00pm, Seven (7) days per week
- (4) (DF034) All trade waste discharged into Council's sewerage system is to meet the following minimum acceptance limits: BOD₅ and suspended solids at 600mg/L each; temperature at 38°C; pH within the range 7.0 to 9.0; oil and grease at 100mg/L. All detergents are to be biodegradable.

Note: All roof, rain surface, flood, seepage and subsoil water is prohibited for discharge into Council's sewerage system.
- (5) (DF195) Access shall be provided at all times (24 hours/day, 7 days/week) to the roof top car park.
- (6) (DF196) Provision of an electronic parking availability sign for all entrances.
- (7) (DF197) A copy of the approved Operational Procedures/Manual shall be kept on site and implemented at all times.

G - ADVICE

- (1) (DG001) Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council's Engineering Development Section within Infrastructure Division to discuss the extent and scope of all works and details required on the design plans to conform to Council's Development Control Plans, Codes, Policies and AUSPEC Specifications. Some of the issues to be discussed and incorporated in the design plans include, but are not limited to, the following:

- water supply
 - sewer
- (2) (DG008) Workcover require worksites to be provided with a restrictive barrier to limit access in accordance with Cl. 235 of 'The Occupational Health and Safety Regulations 2001'. Design specifications are available from Workcover. Where such barrier will encroach upon public land, an application for approval is to be lodged with Council.
 - (3) (DG023) In respect of applications for other than separate Class 1 buildings, applicants are required to furnish the following information from an approved Hydraulic Consulting Engineer with the application for the water service:
 - a. Hydraulic calculations that address flow, pressure and velocity requirements of AS 3500.1.
 - b. A plan to a scale of not less than 1:100 that clearly indicates the position of the water meter on the property, the type of materials and nominal size of all water service pipes, the position of all stop valves, stop taps, backflow prevention devices and other valves, any water storage to be provided including air gap requirements, overflow pipe arrangement and any booster pumps.
 - c. Complete details of any fire service, booster pump or irrigation system installation.
 - (4) (DG027) Extension or modification of the town water supply and town sewerage systems where necessary to serve the development, at no cost to Council.
 - (5) (DG195) Records indicate that there is a 150mm PVC water main on the opposite side of part of Hayward Street and a 300mm PVC or ductile iron water main on the opposite side of Gordon Street. There is also a reclaim water main on the opposite side of Gordon Street.
 - (6) (DG196) Consideration needs to be given to the desirability of separately metering the separate lease areas of the proposed development site. Separate metering can be by internal meters or by Council read meters. Care needs to be taken with regard to any future considerations of Strata Title or Stratum Torrens Title subdivisions with regard to water supply. All Stratum Torrens Title lots are to have totally separate and independent water meters directly connected to Councils water mains.
 - (7) (DG197) The Architect should be advised of the sizing and configuration of the fire hydrant, fire sprinkler and domestic water supply metering and control installations so that sufficient space is allowed for this facility as well as addressing the overall aesthetics.
 - (8) (DG198) Existing water services no longer required are to be disconnected at the main (there is no charge for this service).
 - (9) (DG199) The applicant be advised that the Premier Bus Company , Nowra , is to be included in any discussions regarding the relocation of the bus/coach terminal.

H - GENERAL TERMS OF APPROVAL

CONDITIONAL TO ISSUE OF CONTROLLED ACTIVITY APPROVAL **WATER MANAGEMENT ACT 2000**

General Conditions

- (1) A Controlled Activity Approval (CAA) under the Water Management Act 2000 must be obtained from the New South Wales Office of Water (NOW) prior to undertaking certain works in, on or under waterfront land

DRAFT

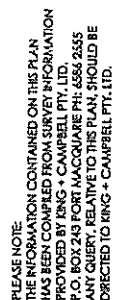
- (2) The consent holder must prepare :
- Site plan, map and/or surveys,
 - Structural design and specifications
 - A Vegetation Management Plan,
 - Works Schedule,
 - Erosion and Sediment Control Plan,
 - Soil and Water Management Plan
 - Rehabilitation Plan, and
 - Amendments to Plans
- (3) These plans must be prepared by a suitably qualified person and submitted for approval by the NOW prior to any controlled activity commencing.
- The plans must be prepared in accordance with NOW guidelines:
- Riparian Corridors
- (4) The consent holder must:
- carry out any controlled activity in accordance with approved plans, and
 - construct and/or implement any controlled activity by, or under the direct supervision of, a suitably qualified professional, and
 - when required provide a certificate of completion to NOW.
- (6) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by NOW.
- (7) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to NOW as required.
- (8) Subject to reasonable notice, the consent holder will allow authorised officers of the Department access to the site and allow those officers to do all things reasonably necessary for the purpose of monitoring and/or auditing the CAA.
- (14) The consent holder must ensure that no materials or cleared vegetation that may obstruct flow or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by NOW.
- (17) The consent holder must ensure that all erosion and sediment control works and water diversion structures are established in accordance with a plan approved by the NOW. All measures shall be inspected and maintained throughout the working period and not removed until the site has been fully stabilised.
- (18) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by.

CONDITIONAL TO ISSUE OF LICENCE

PART V OF THE WATER ACT 1912

- (19) Before commencing any works or using any existing works for the purpose of dewatering an approval under Part V of the Water Act 1912 must be obtained from the department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these terms of approval.

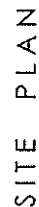
- (20) The authorised work shall not be used to discharge polluted water into a river or lake otherwise than in accordance with the conditions of a licence granted under the Protection of the Environment Operations act 1997. A copy of the licence to discharge is to be provided to (NOW) prior to the issue of the licence.
- (21) The volume of groundwater extracted shall not exceed 10 mega litres for the term of the licence.
- (22) The work shall not be used to discharge water unless the pH of the water is between 6.5 and 8.5 or the water has been treated to bring the pH to level within this range prior to discharge or the water is discharged through the Councils sewerage treatment system.
- (23) The licensee shall test the pH of any water extracted from the work prior to the commencement of discharge and at least twice daily thereafter and record the date, time and result of each test in a site log.
- (24) Prior to commencement of dewatering a Dewatering Management Plan shall be prepared to and approved by NOW.
- DRAFT



STUDYING FOR THE GRE

PROPOSED RETAIL DEVELOPMENT GORDON STREET
PORT MACQUARIE
COLES GROUP DEVELOPMENT PROPERTY

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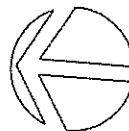


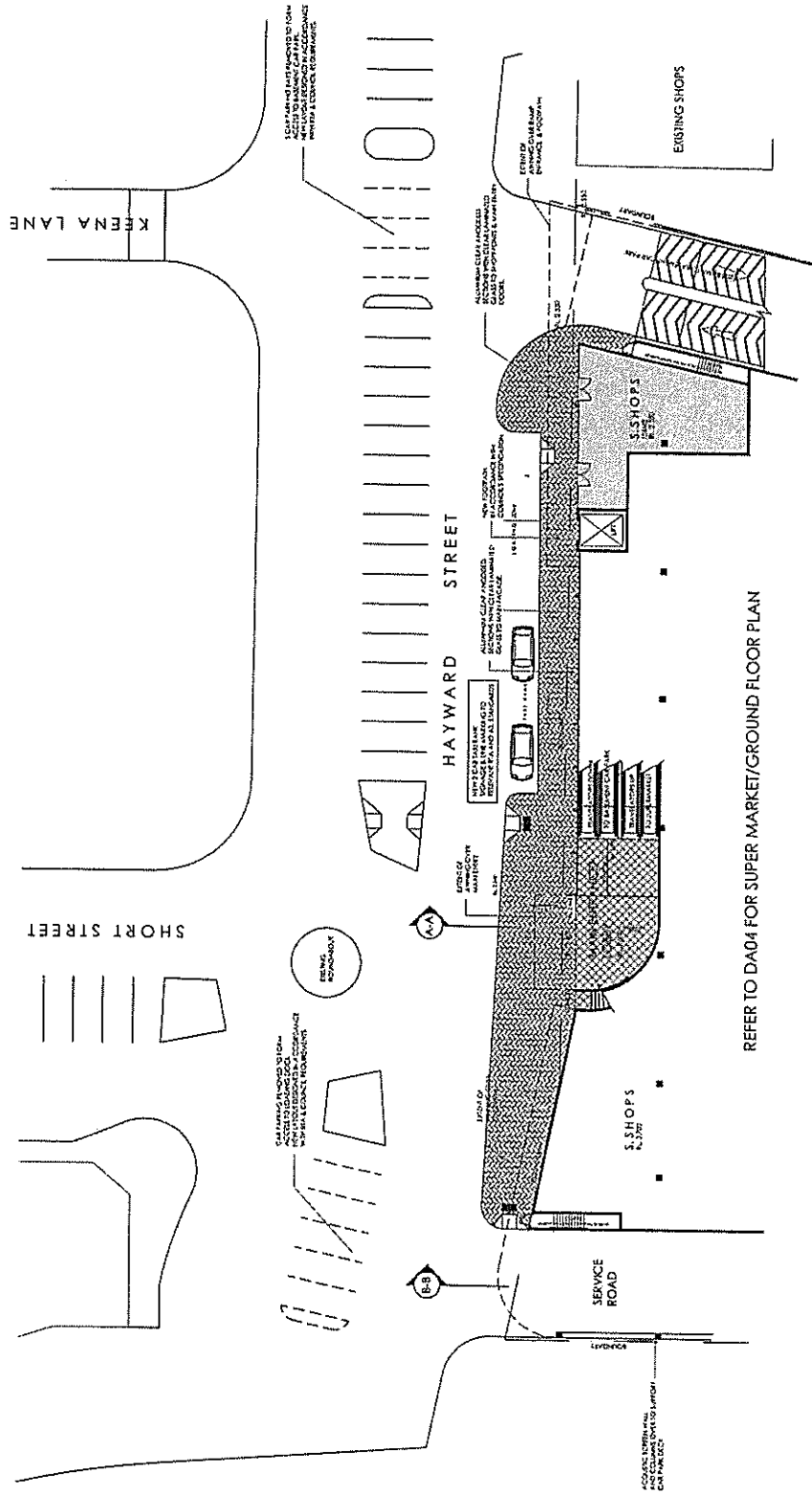
PROPOSED RETAIL DEVELOPMENT GORDON STREET
PORT MACQUARIE
COLES GROUP DEVELOPMENT PROPERTY

LEFFLER SIMES ARCHITECTS

ARCHITECTS
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PROJECT NO. 2540
DATE: JULY 08
DRAWN BY: DA02
SCALE: 1/50



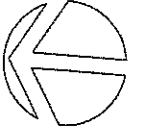
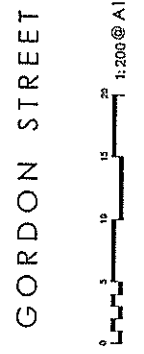


REFER TO DA04 FOR SUPER MARKET/GROUND FLOOR PLAN

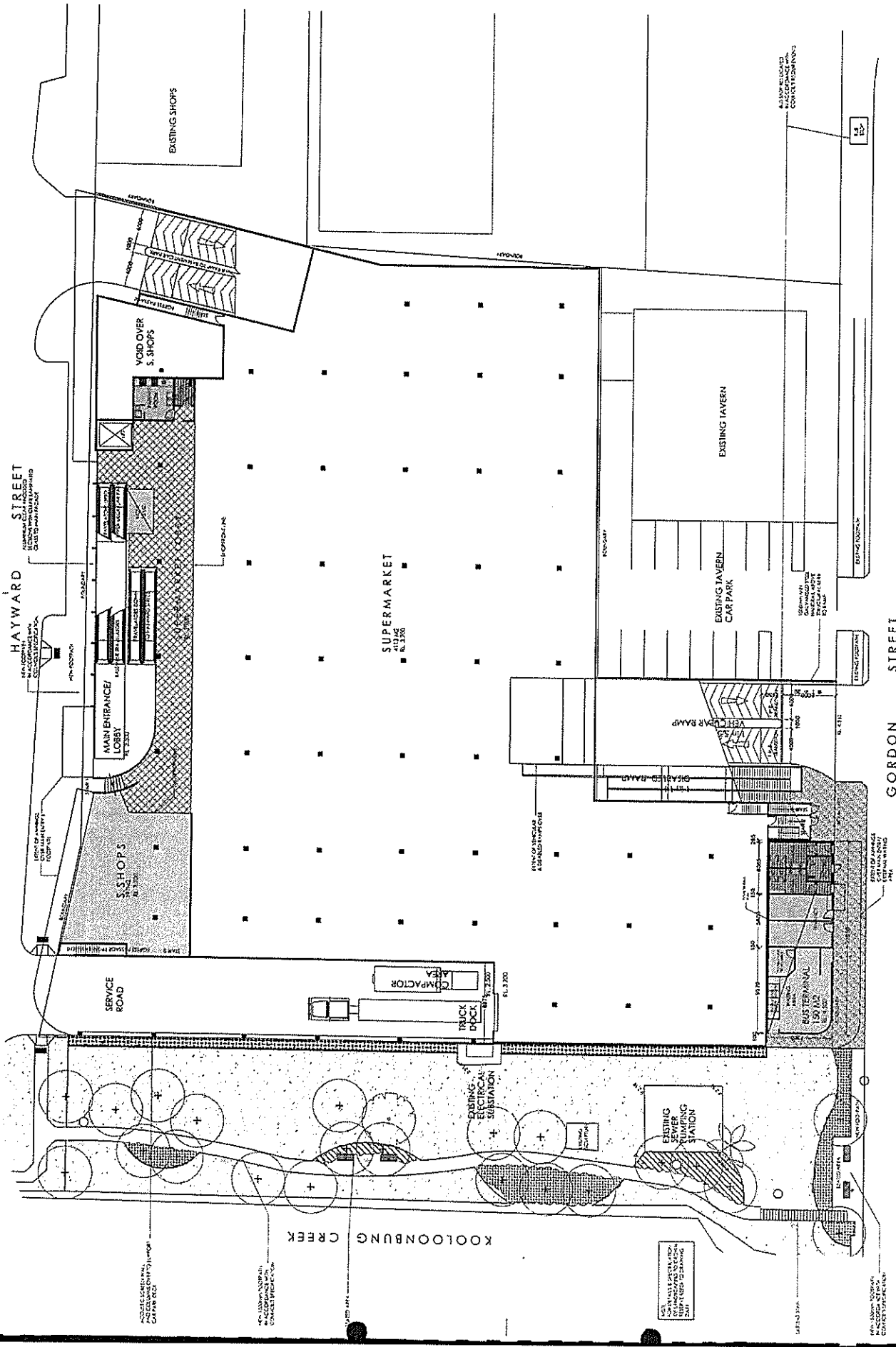
LOWER GROUND FLOOR PLAN

PROJECT NO.	2540
DATE	20/08/2010
BY	DAVID J. SIMES
CHECKED BY	DAVID J. SIMES
SCALE	1:200 @ A1
ISSUE	A

PROPOSED RETAIL DEVELOPMENT GORDON STREET
 PORT MACQUARIE
 COLES GROUP DEVELOPMENT PROPERTY



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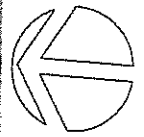
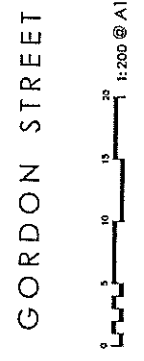


GROUND FLOOR PLAN

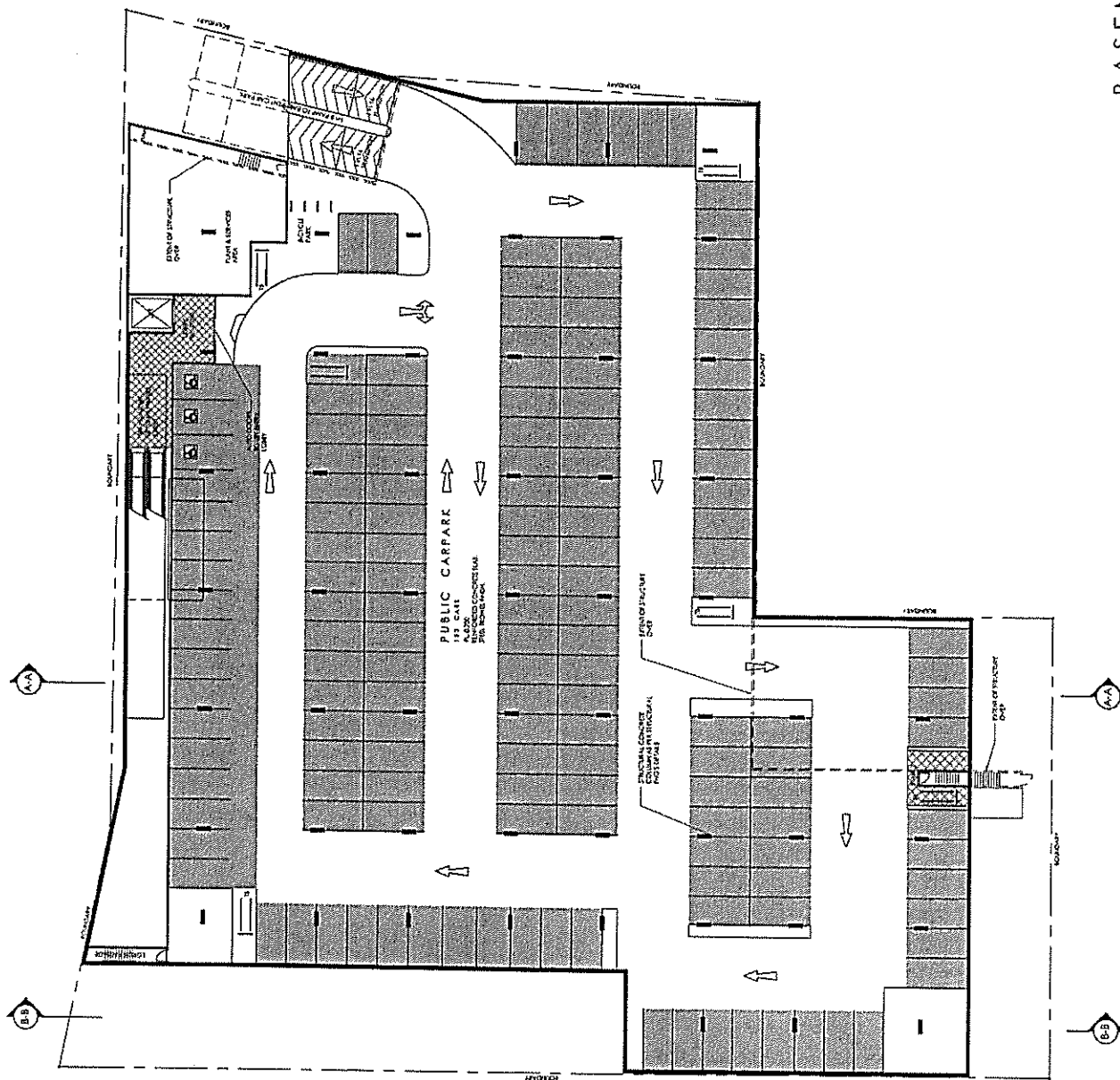
LSA

DATE	12/10/2014
PREPARED BY	J. S. JAMES
DESIGNED BY	J. S. JAMES
CHECKED BY	J. S. JAMES
APPROVED BY	J. S. JAMES

PROPOSED RETAIL DEVELOPMENT GORDON STREET
PORT MACQUARIE
COLES GROUP DEVELOPMENT PROPERTY



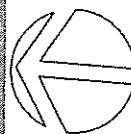
LEFFLER SIMES ARCHITECTS
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DATE: 12/10/2014
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PROJECT: 2550
SCALE: 1:200
SHEET: A



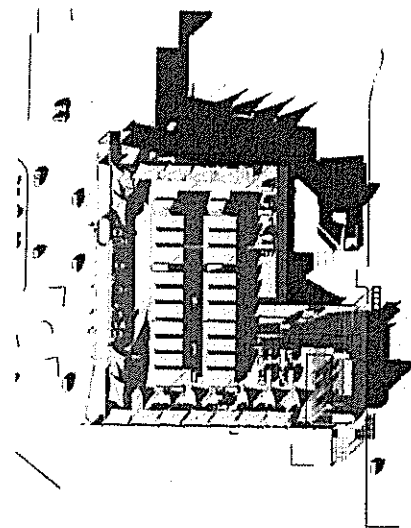
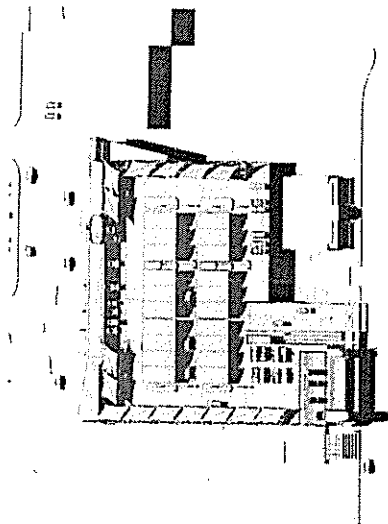
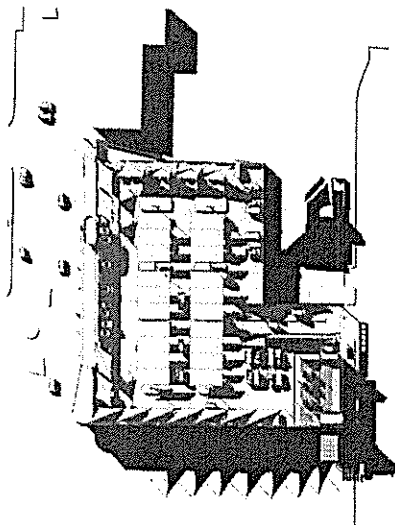
BASEMENT FLOOR PLAN

PROPOSED RETAIL DEVELOPMENT GORDON STREET
 PORT MACQUARIE
 COLES GROUP DEVELOPMENT PROPERTY

LSA
 DATE
 27/07/18
 27/07/18
 27/07/18



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 DATE 27/07/18
 PROJECT NO. 2540
 SHEET NO. 1/20
 SCALE 1:200
 NAME A



SHADOW DIAGRAMS

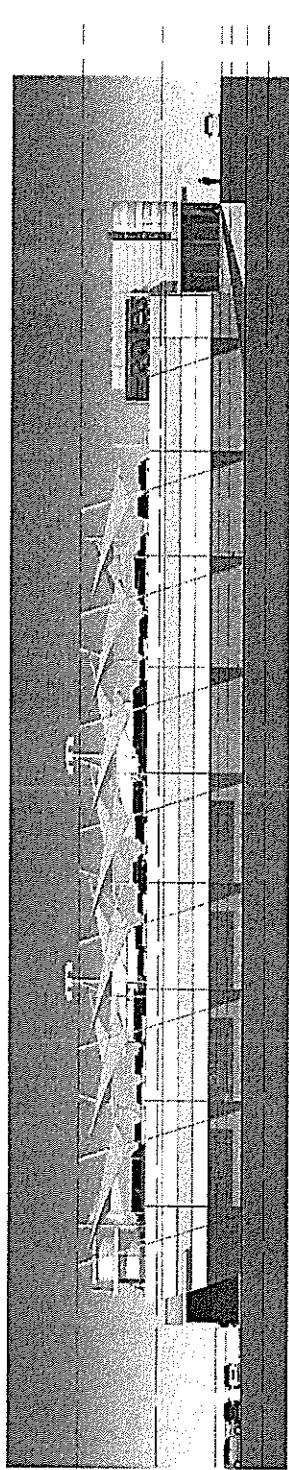
PROPOSED RETAIL
PORT MACQUARIE
COLES GROUP DEVELOPMENT PROPERTY



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PROJECT NO. 2540
DATE 25/10/2000
DRAWING NO. DA07
SCALE 1:20
SHEET A



WEST ELEVATION

RL + 13m ABOVE GROUND

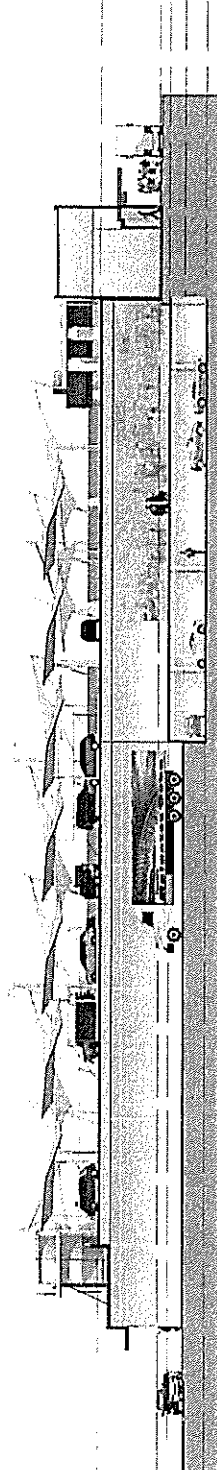
RL 9.200 ROOFTOP PARKING

RL 4.500 BUS TERMINAL
RL 3.700 SUPERMARKET
RL 2.550 WAREHOUSE ST + LOADING
RL 0.200 BASEMENT PARKING

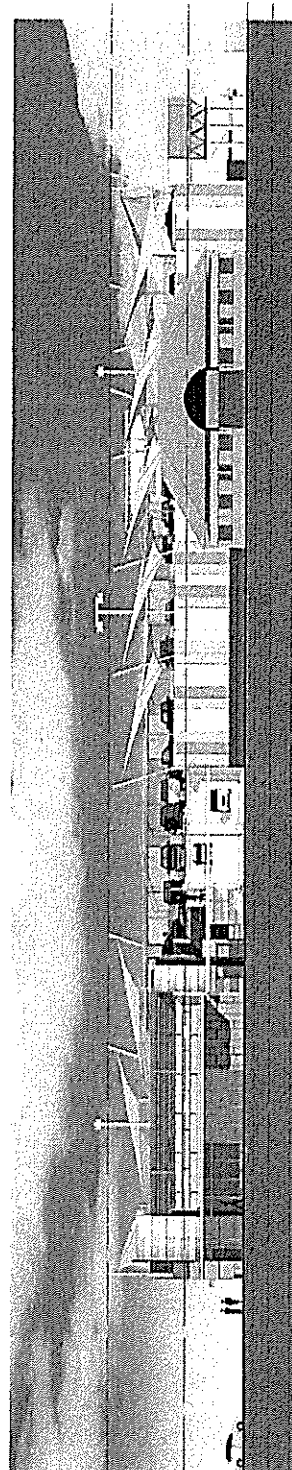
RL + 13m ABOVE GROUND

RL 9.200 ROOFTOP PARKING

RL 4.500 BUS TERMINAL
RL 3.700 SUPERMARKET
RL 2.550 WAREHOUSE ST + LOADING
RL 0.200 BASEMENT PARKING



SECTION 88



SOUTH ELEVATION

RL + 13m ABOVE GROUND

RL 9.200 ROOFTOP PARKING

RL 4.500 BUS TERMINAL
RL 3.700 SUPERMARKET
RL 2.550 WAREHOUSE ST + LOADING
RL 0.200 BASEMENT PARKING

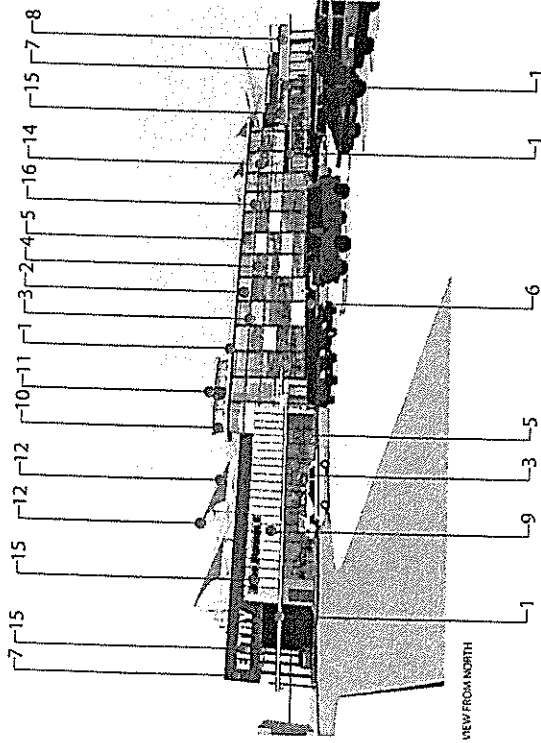
SECTION & ELEVATIONS

PROPOSED RETAIL DEVELOPMENT GORDON STREET PORT MACQUARIE

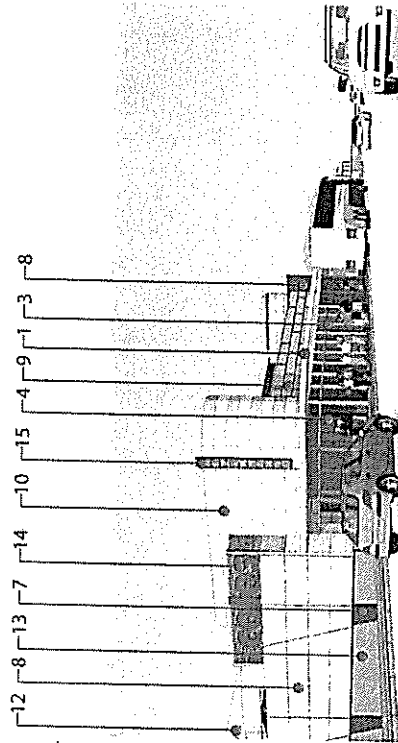
COLES GROUP DEVELOPMENT PROPERTY

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WWW.LEFFLER-SIMES.COM.AU
DATE: 20/01/2015
PROJECT NO: 2550
DRAWING NO: DA09
SCALE: 1:200
SHEET: A





VIEW FROM NORTH

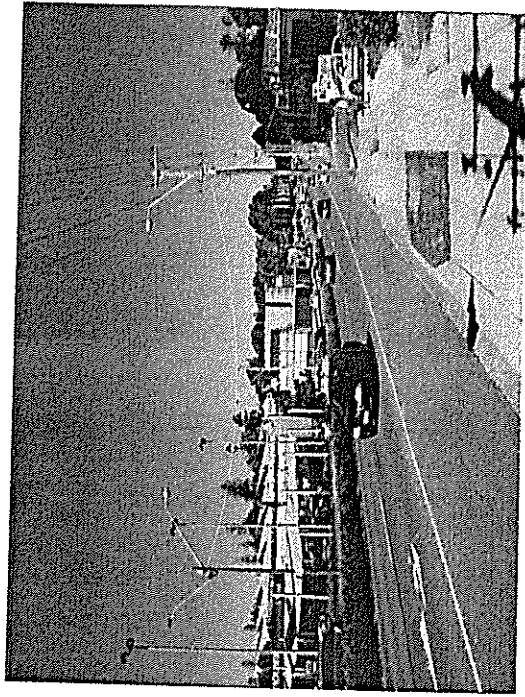


VIEW FROM SOUTH

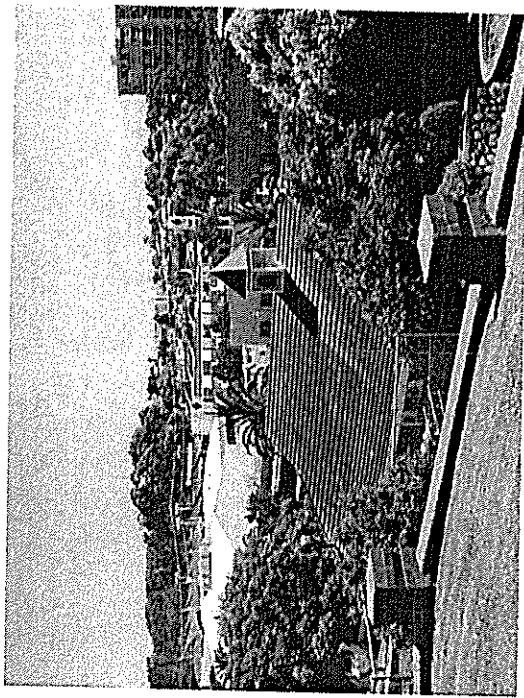
MATERIAL SELECTIONS

LEGEND

1. METAL FASCIA, POWDERCOAT FINISH
2. LIGHTWEIGHT METAL PANELS IN 3 VARYING COLOURS
3. ALUMINIUM FRAMING, POWDERCOAT FINISH
4. COLOURED GLASS #1
5. COLOURED GLASS #2
6. CONCRETE BASE PANEL, PAINT FINISH #1
7. CONCRETE FASCIA CAR PARK EDGE, PAINT FINISH #2
8. CONCRETE FASCIA PANEL, PAINT FINISH #3
9. LIGHTWEIGHT METAL PANNELLING #1
10. LIGHTWEIGHT METAL PANNELLING #2
11. COLOURED CLOCK
12. FABRIC SHADE STRUCTURE, PVC & STAINLESS STEEL POLES
13. CONCRETE WALL PANEL, PAINT FINISH #4
14. COLES SIGNAGE, INDIVIDUAL ILLUMINATED LETTERS
15. GENERAL SIGNAGE
16. SILVER SUN SHADES OVER GLASS PANELS



VIEW FROM GORDON STREET



VIEW FROM CHURCH ON HAY STREET

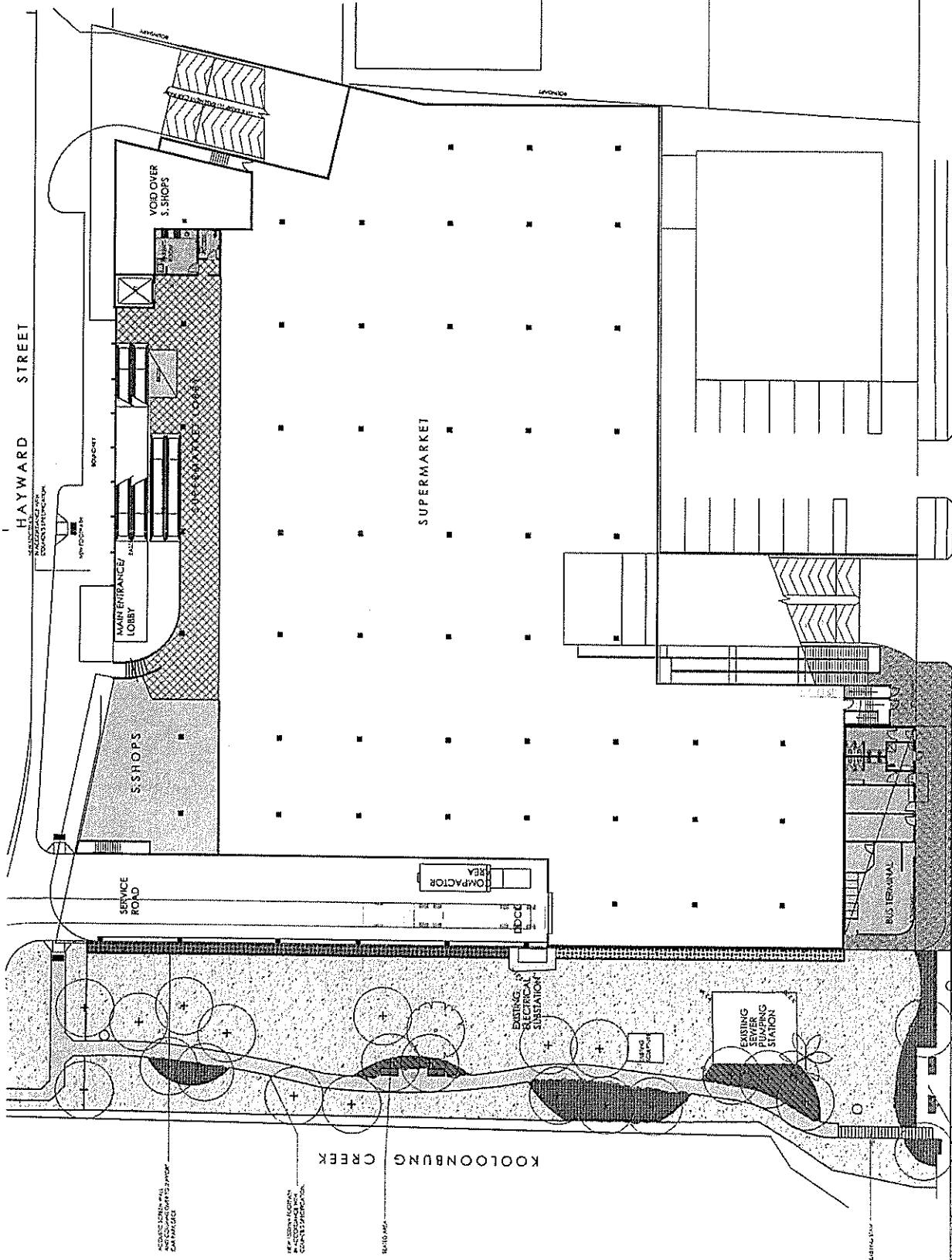
PHOTO MONTAGES & MATERIAL SELECTIONS

PROPOSED RETAIL DEVELOPMENT GORDON STREET
PORT MACQUARIE
COLES GROUP DEVELOPMENT PROPERTY

LEFFLER SIMES ARCHITECTS

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DATE: 15/01/2010
PROJECT NO: 2540
DRAWN BY: DA11
SCALE: A

DATE:	15/01/2010
BY:	DA11
CHECKED BY:	DA11
APPROVED BY:	DA11



- LEGEND**
- Existing Tree to be Retained
 - Existing Tree to be Removed
 - Proposed Tree - Exempted & Cautious
 - Proposed Native Grasses
 - Proposed Screen Planting
 - Proposed Lay Flat Hedge
 - Proposed Concrete Easing
 - Proposed Turf
 - Proposed Seal
 - As Council Standard
 - As Council Standard
 - As Council Standard

DESIGN NOTES

- There has been a very recent amendment to produce the Landscape Plan and this has resulted in some changes to the original design of the development. The following notes are to be read in conjunction with the amended Landscape Plan and the original design of the development.
- The existing site access from Gordon Street has been retained and adjacent planting has been added at the top of the site to provide a screen and to provide a buffer to the adjacent site.
 - The existing parking is being retained as a parking area, however, a concrete pathway with associated new stormwater, underground ground cover paving and a seating area. This will reduce the noise to the Creek and provide good access for the safety of pedestrians.
 - Plant lighting has also been included as landscape screens to provide additional safe access for pedestrians.
 - The hedge planting adjacent to the building is proposed to reduce potential privacy problems.
 - All plant species will be selected in consultation with Council's representatives.

LSA

DATE	DESCRIPTION
12/10/10	PRELIMINARY DESIGN
12/10/10	FINAL DESIGN
12/10/10	CONSTRUCTION

PROPOSED RETAIL DEVELOPMENT GORDON STREET
PORT MACQUARIE
 COLES GROUP DEVELOPMENT PROPERTY



LEFFLER SIMES ARCHITECTS
 ARCHITECTS
 1/111 GORDON STREET, PORT MACQUARIE NSW 2556
 PHONE (02) 6561 1111
 FAX (02) 6561 1112
 EMAIL: info@lefflersimes.com.au
 PROJECT NO: 2240
 DATE: 12/10/10
 SCALE: 1:200
 SHEET: A

LANDSCAPING LAYOUT

[illegible]

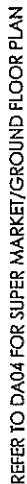
SCHEDULE OF AREAS	4093 M2
SUPERMARKET	321 M2
SPEC. SHOPS	15 M2
KIOSK	150 M2
BUS INTERCHANGE	
TOTAL GLA	4579 M2

CAR PARK SCHEDULE	
BASEMENT	153
FIRST FLOOR	163
<hr/>	
TOTAL CARS	316

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PROPOSED RETAIL DEVELOPMENT GORDON STREET
PORT MACQUARIE
COLES GROUP DEVELOPMENT PROPERTY





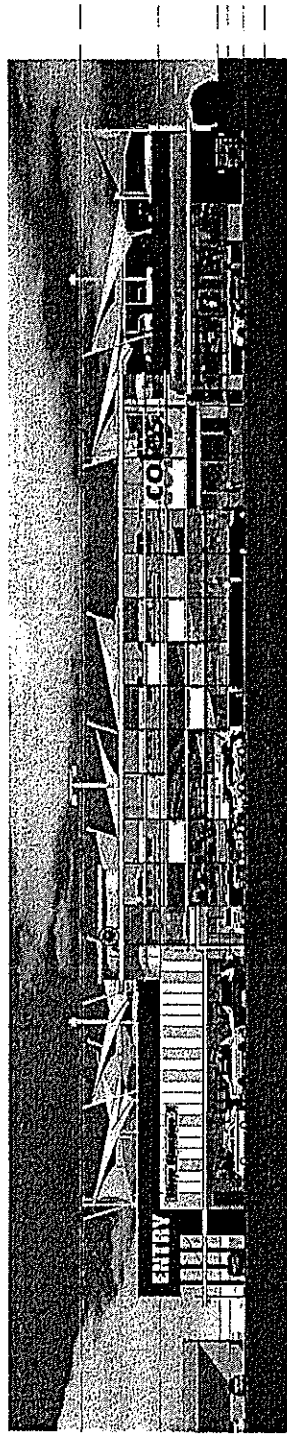
LEFFLER SIMES ARCHITECTS



PORT MACQUARIE

COLES	GROUP	DEVELOPMENT	PROPERTY
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
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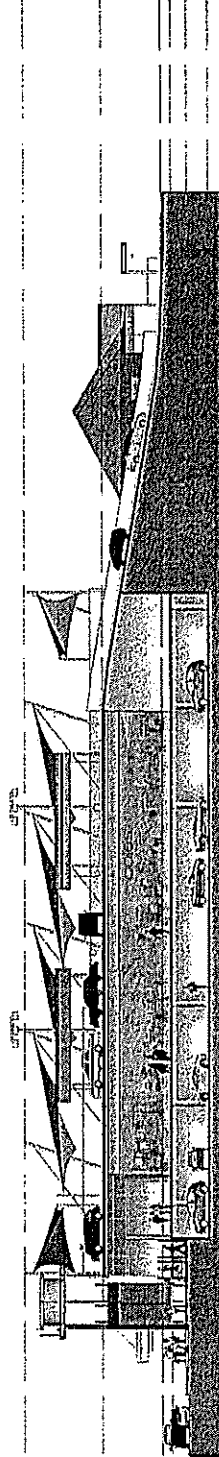


NORTH ELEVATION

RL + 13 ABOVE GROUND

RL 9,200 ROOFTOP PARKING

RL 4,500 BUS TERMINAL
RL 1,700 SUPERMARKET
RL 2,550 HAYWARD ST. LOADING
RL 6,200 BASEMENT PARKING

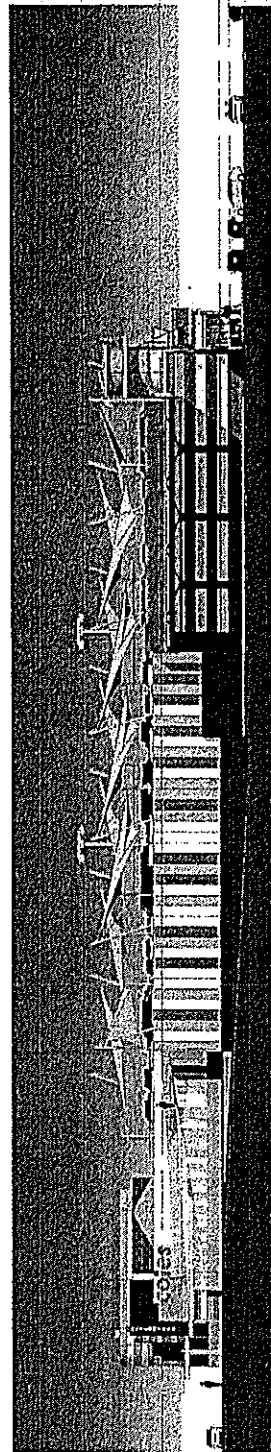


EAST ELEVATION

RL + 13 ABOVE GROUND

RL 9,200 ROOFTOP PARKING

RL 4,500 BUS TERMINAL
RL 1,700 SUPERMARKET
RL 2,550 HAYWARD ST. LOADING
RL 6,200 BASEMENT PARKING



NORTH ELEVATION

RL + 13 ABOVE GROUND

RL 9,200 ROOFTOP PARKING

RL 4,500 BUS TERMINAL
RL 1,700 SUPERMARKET
RL 2,550 HAYWARD ST. LOADING
RL 6,200 BASEMENT PARKING

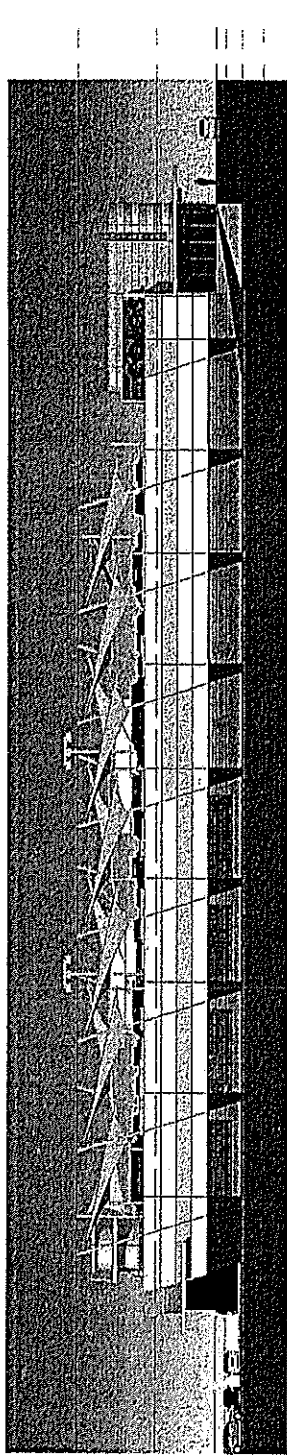
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12/10/10	100

PROPOSED RETAIL DEVELOPMENT GORDON STREET PORT MACQUARIE COLES GROUP DEVELOPMENT PROPERTY



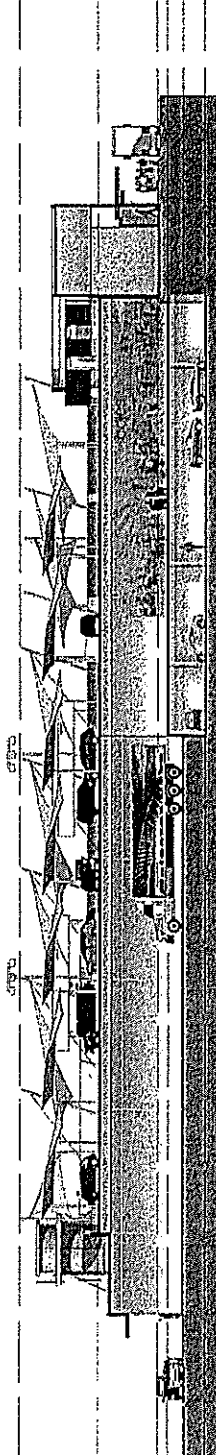
SECTION & ELEVATIONS

LEFFLER SIMES ARCHITECTS
LEFFLER SIMES ARCHITECTS
15000 BULLOCK STREET, SUITE 100, PORT MACQUARIE NSW 2550
TEL: 02 7000 1000
FAX: 02 7000 1001
WWW.LEFFLER-SIMES.COM.AU
DATE: 12/10/10
DRAWN: 25/10
CHECKED: 25/10
PROJECT NO: 0408
SCALE: 1:100
SHEET: 8



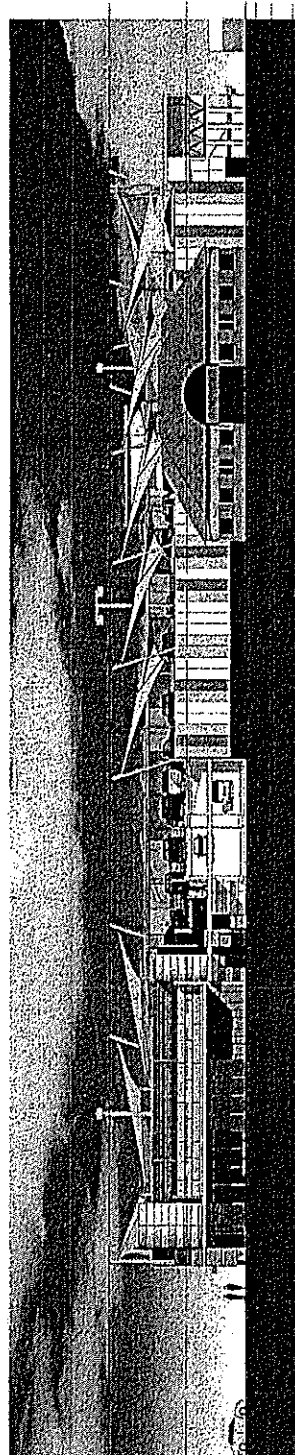
WEST ELEVATION

RL +11 ABOVE GROUND
RL 3.000 ROOFTOP PARKING
RL 4.500 BUS TERMINAL
RL 3.700 SUPERMARKET
RL 2.550 WAREHOUSE ST + LOADING
RL 0.000 BASEMENT PARKING



SECTION BB

RL +11 ABOVE GROUND
RL 3.000 ROOFTOP PARKING
RL 4.500 BUS TERMINAL
RL 3.700 SUPERMARKET
RL 2.550 WAREHOUSE ST + LOADING
RL 0.000 BASEMENT PARKING



SOUTH ELEVATION

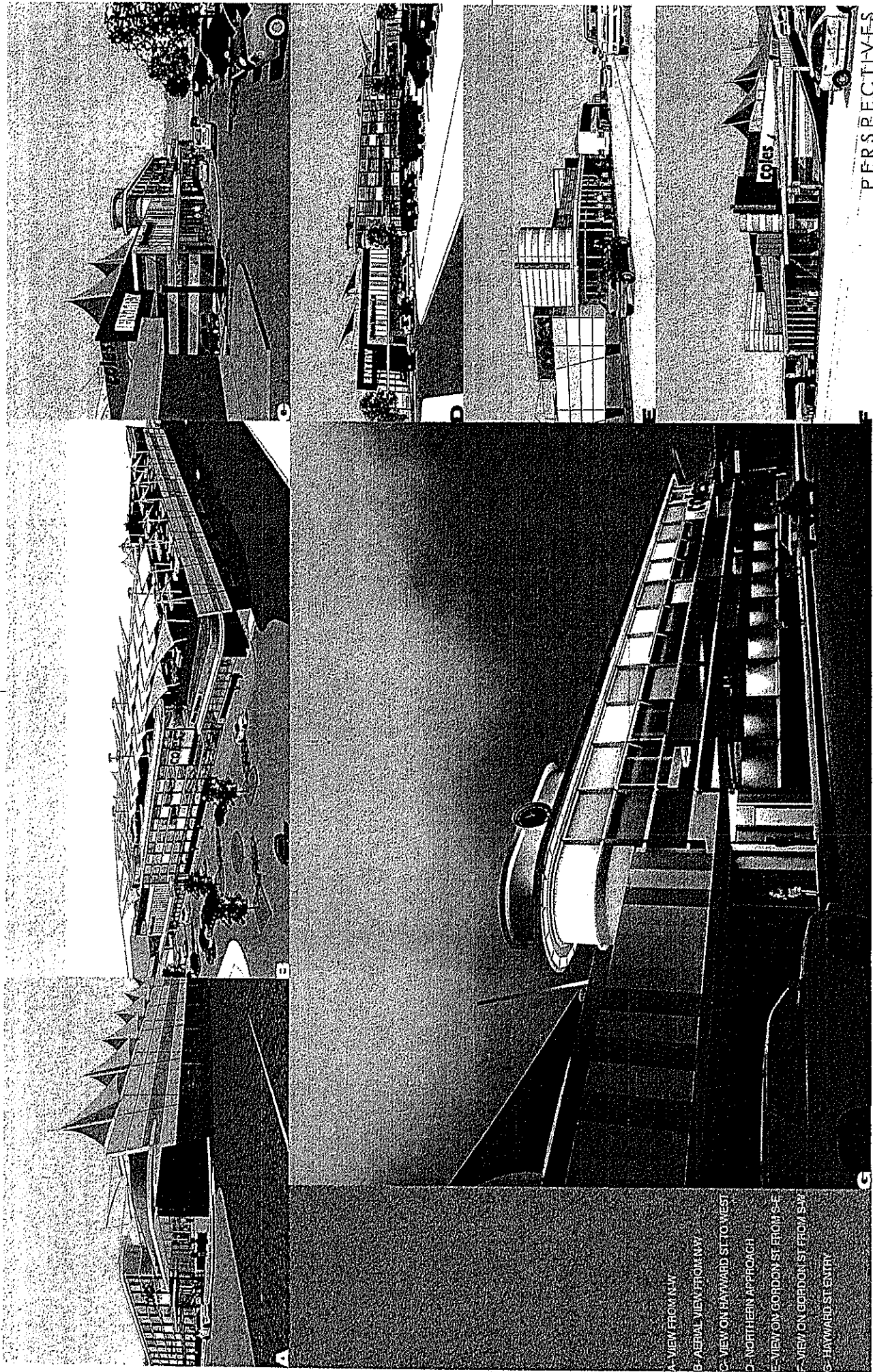
RL +11 ABOVE GROUND
RL 3.000 ROOFTOP PARKING
RL 4.500 BUS TERMINAL
RL 3.700 SUPERMARKET
RL 2.550 WAREHOUSE ST + LOADING
RL 0.000 BASEMENT PARKING

SECTION & ELEVATIONS

PROPOSED RETAIL DEVELOPMENT GORDON STREET
PORT MACQUARIE
COLES GROUP DEVELOPMENT PROPERTY

USA	
PROJECT NO.	2540
DATE	11/09
DESIGNED BY	LEFFLER SIMES ARCHITECTS
CHECKED BY	LEFFLER SIMES ARCHITECTS
DATE	11/09
SCALE	1:200 @ A1

LEFFLER SIMES ARCHITECTS
LEFFLER SIMES ARCHITECTS
ARCHITECTS
11/09
PROJECT NO. 2540
DATE 11/09
SCALE 1:200
PAGE 8

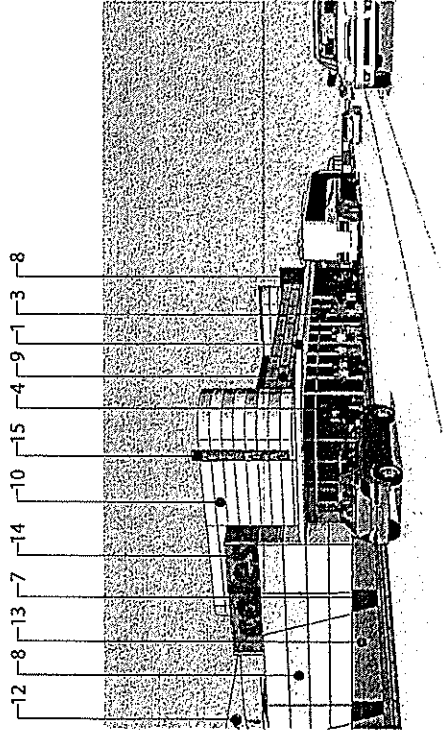
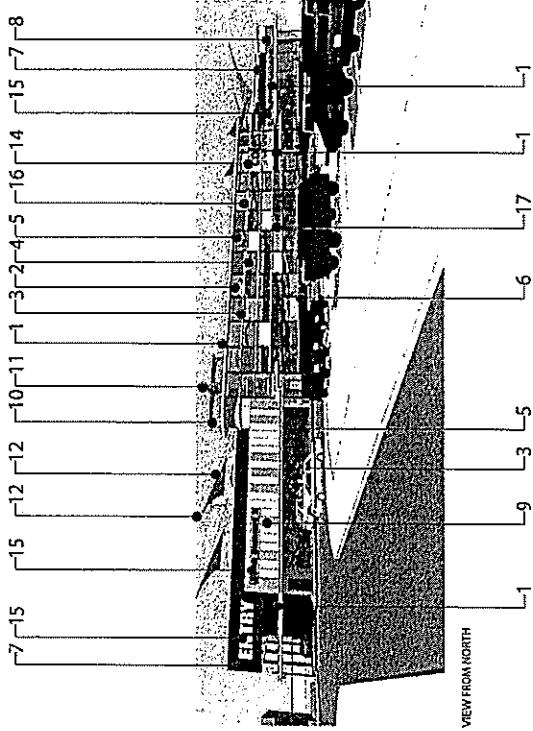


PERSPECTIVES

LEFFLER SIMES ARCHITECTS
 10/100 HAYWARD STREET
 PORT MACQUARIE NSW 2444
 PHONE (067) 721 1111
 FAX (067) 721 1112
 EMAIL lefflers@lefflers.com.au
 DATE 25/01/2010 SCALE 1:200
 PROJECT 2510 GORDON ST ENTRY

PROPOSED RETAIL DEVELOPMENT GORDON STREET
 PORT MACQUARIE
 COLES GROUP DEVELOPMENT PROPERTY

DATE	25/01/2010
BY	LEFFLER SIMES
CHECKED BY	LEFFLER SIMES
DATE	25/01/2010
BY	LEFFLER SIMES
CHECKED BY	LEFFLER SIMES



MATERIAL SELECTIONS

1	METAL FASCIA, POWDERCOAT FINISH
2	LIGHTWEIGHT METAL PANELS IN 3 VARYING COLOURS
3	ALUMINIUM FRAMING, POWDERCOAT FINISH
4	COLORLED GLASS #1
5	COLORLED GLASS #2
6	CONCRETE BASE PANEL, PAINT FINISH #1
7	CONCRETE FASCIA CAR PARK EDGE, PAINT FINISH #2
8	CONCRETE FASCIA PANEL, PAINT FINISH #3
9	LIGHTWEIGHT METAL PANELLING #1
10	LIGHTWEIGHT METAL PANELLING #2
11	COLORLED CLOCK
12	FABRIC SHADE STRUCTURE, PVC & STAINLESS STEEL POLES
13	CONCRETE WALL PANEL, PAINT FINISH #4
14	COLES SIGNAGE, INDIVIDUAL ILLUMINATED LETTERS
15	GENERAL SIGNAGE
16	SILVER SUN SHADES OVER GLASS PANELS
17	GLASS WYRING

LEGEND

1. METAL FASCIA, POWDERCOAT FINISH
2. LIGHTWEIGHT METAL PANELS IN 3 VARYING COLOURS
3. ALUMINIUM FRAMING, POWDERCOAT FINISH
4. COLORLED GLASS #1
5. COLORLED GLASS #2
6. CONCRETE BASE PANEL, PAINT FINISH #1
7. CONCRETE FASCIA CAR PARK EDGE, PAINT FINISH #2
8. CONCRETE FASCIA PANEL, PAINT FINISH #3
9. LIGHTWEIGHT METAL PANELLING #1
10. LIGHTWEIGHT METAL PANELLING #2
11. COLORLED CLOCK
12. FABRIC SHADE STRUCTURE, PVC & STAINLESS STEEL POLES
13. CONCRETE WALL PANEL, PAINT FINISH #4
14. COLES SIGNAGE, INDIVIDUAL ILLUMINATED LETTERS
15. GENERAL SIGNAGE
16. SILVER SUN SHADES OVER GLASS PANELS
17. GLASS WYRING

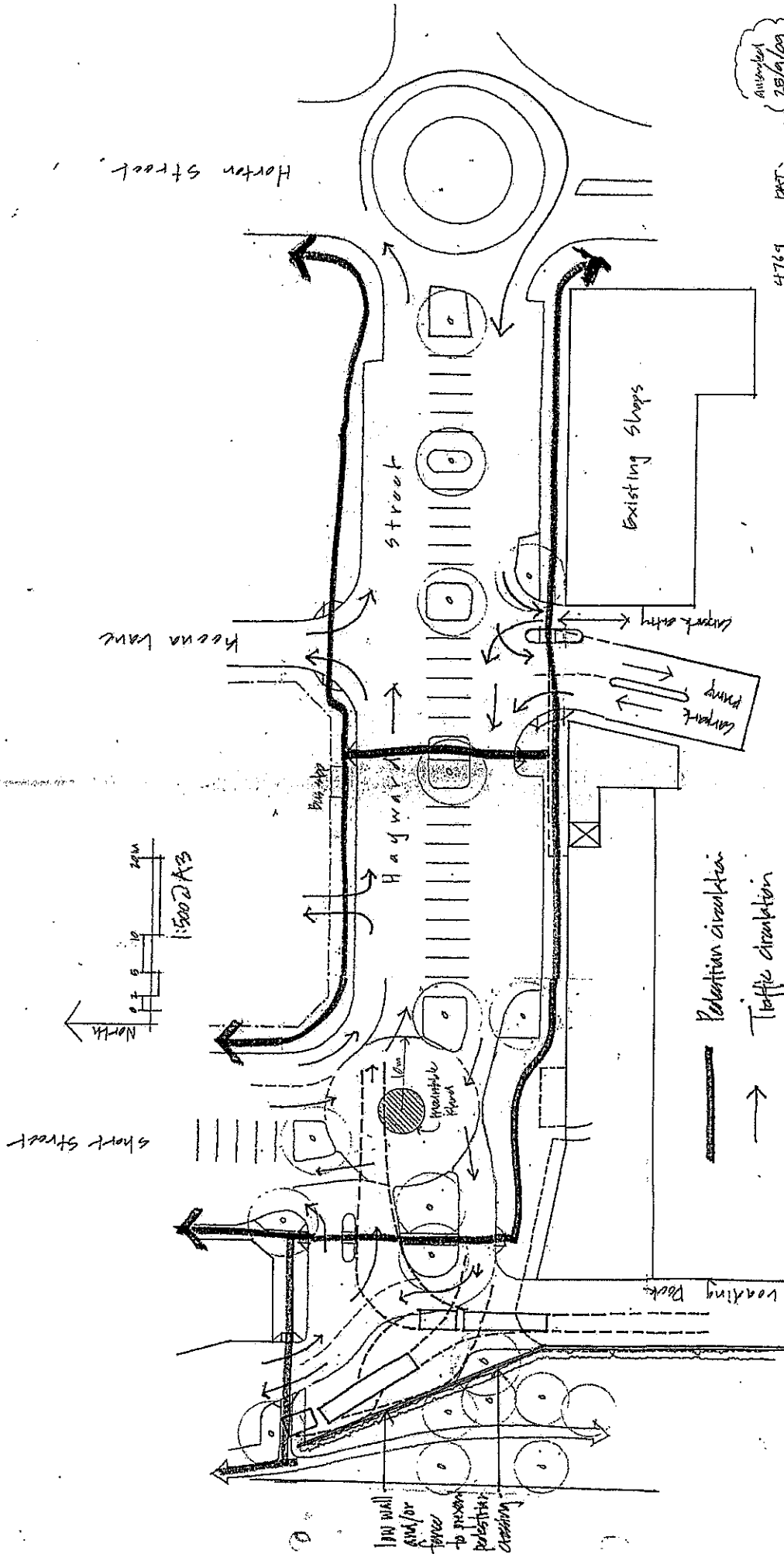
VIEW FROM GORDON STREET

VIEW FROM CHURCH ON HWY STREET

PHOTO MONTAGES & MATERIAL SELECTIONS

PROPOSED RETAIL DEVELOPMENT GORDON STREET
PORT MACQUARIE
COLES GROUP DEVELOPMENT PROPERTY

LEFFLER SIMES ARCHITECTS
LEFFLER SIMES ARCHITECTS
100/102 GORDON STREET, GORDON NSW 2265
PH: 02 9471 1111
WWW.LEFFLER-SIMES.COM.AU
DATE: 15/05/2013
PROJECT: 2240
DRAWN: DA11
CHECK: B



Amended
25/9/09

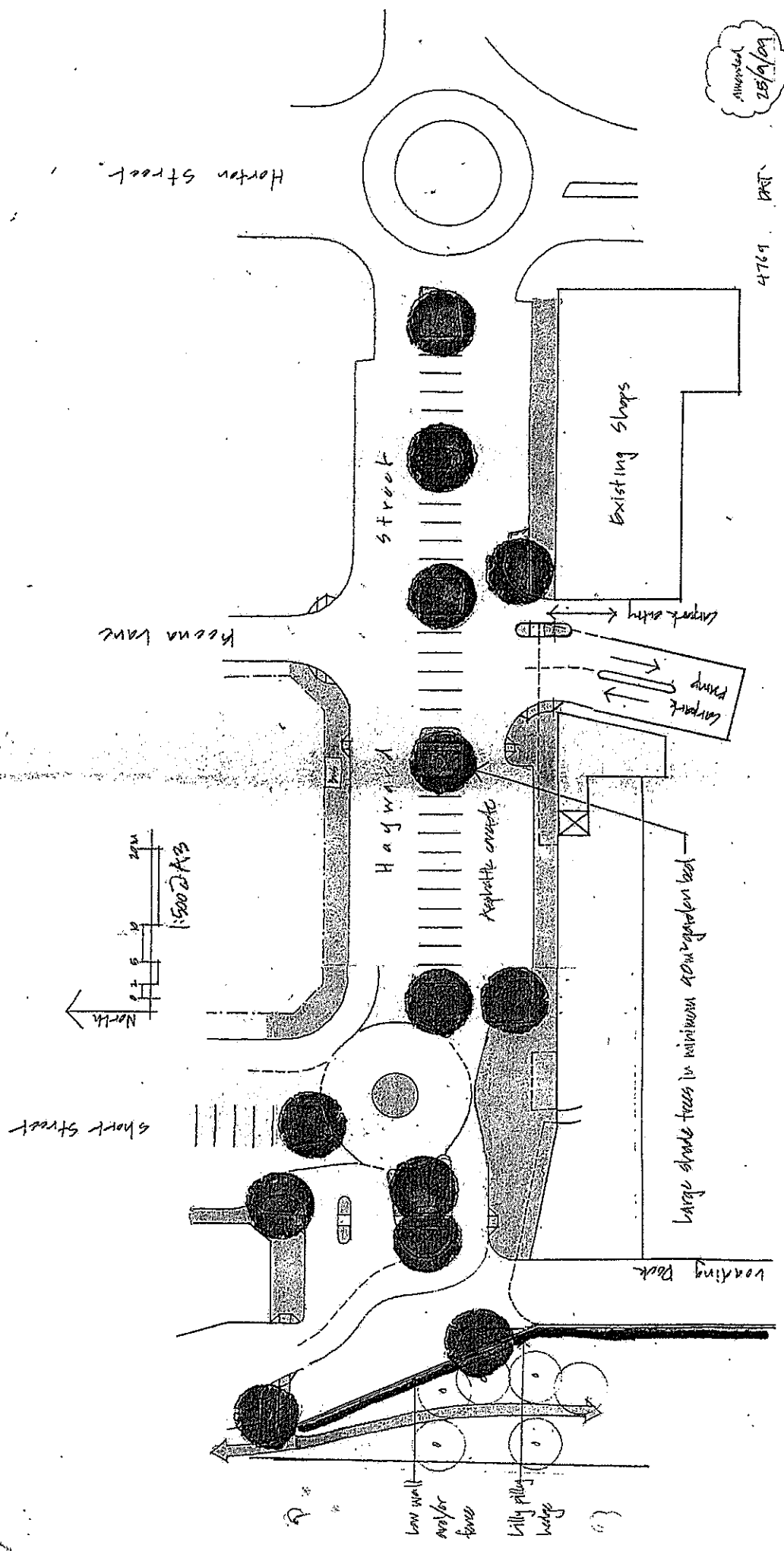
4769 PST

Sketch Design - Hayward St Treatment

KING + CAMPBELL

PO Box 243
Port Macquarie NSW 2444
T: 02 6586 2555
ABN 44 584 476 716

1. Circulation



Amended
25/6/09

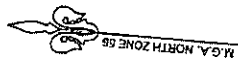
4769 DPT

KING + CAMPBELL

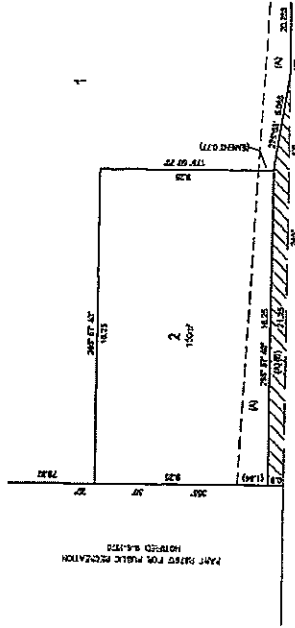
Sketch Design - Hayward St Treatment

PO Box 243
Port Macquarie NSW 2444
T: 02 6586 2355
ABN 44 554 475 716

2. Amenity



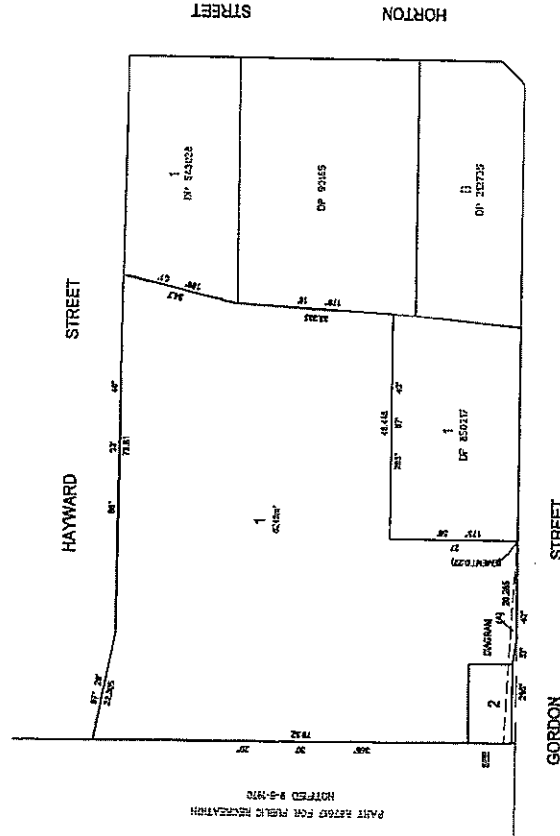
- (A) EXISTING EASEMENT FOR BATTER VARIABLE WIDTH (DP 257762)
 (B) PROPOSED ROAD WIDENING 0.8 WIDE & VARIABLE (15m²)



GORDON STREET

DIAGRAM
 SCALE 1:250 (A1)

AMENDED PLANS



CAUTION

THIS PLAN HAS BEEN PREPARED FOR THE PURPOSE OF A SUBDIVISION PROPOSAL. THE INFORMATION SHOWN HEREIN IS ONLY RELIABLE FOR THAT PURPOSE AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE WITHOUT VERIFICATION.

ALL MEASUREMENTS AND AREAS ARE SUBJECT TO COUNCIL APPROVAL, SURVEY AND REGISTRATION OF A DEPOSITED PLAN. THE FINAL PLAN MAY VARY IN ACCORDANCE WITH SECTION 888 INSTRUMENT ATTACHED.

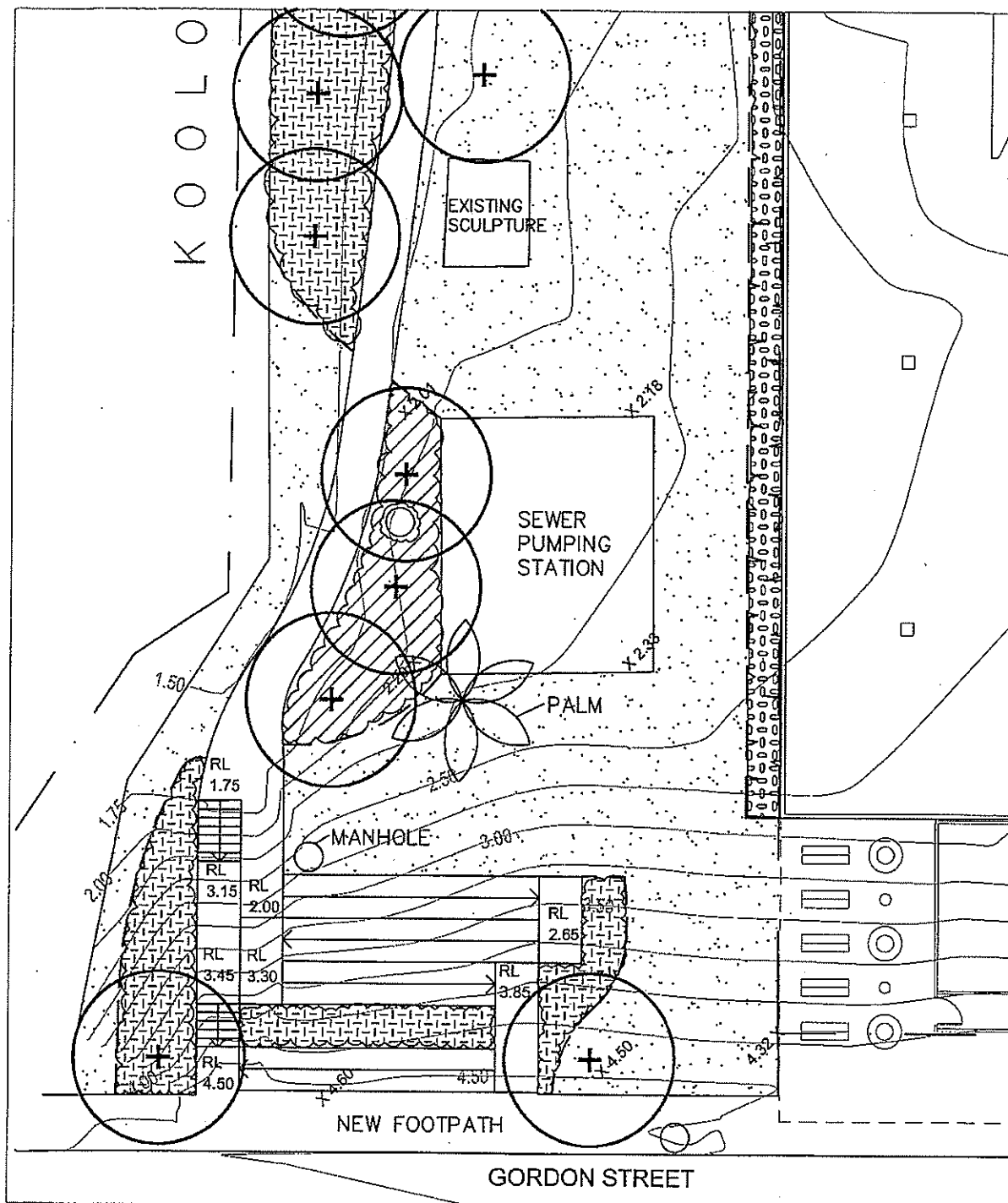
THE RESTRICTIONS AND EASEMENTS CONTAINED THEREIN MAY BE SUBJECT TO CONDITIONS CONTAINED WITHIN THE DEVELOPMENT CONSENT AND CONSTRUCTION CONTRACT, CIVIL CONSTRUCTION, FINAL SURVEY AND COUNCIL APPROVAL.

Surveyor: CHRISTOPHER BRIAN MORRISON
 Date of Survey: 27/6/2009
 Surveyor's Ref: 14759

LGA: PORT MACQUARIE - HASTINGS
 Locality: PORT MACQUARIE
 Subdivision No.
 Lengths are in metres. Reductions Rate 1: 1000 (A3)

DP

10 20 30 40 50 60 70 80 90 100 110 120 130 140



POSSIBLE RAMP - GORDON STREET - LANDSCAPE PLAN

SCALE: 1:200 @ A4

DATE: JULY 09

PROJECT

PROPOSED RETAIL DEVELOPMENT - PORT MACQUARIE, NSW

CLIENT

COLES GROUP DEVELOPMENT PROPERTY

LANDSCAPE ARCHITECT

STEVENS LANDSCAPE ARCHITECTS

T: 02 - 9363 2060

AMENDED PLANS

SEPP 64 – Advertising & Signage

The proposal satisfies the applicable requirements of this SEPP. The assessment table provided below provides consideration of the proposal in accordance with schedule 1 of the SEPP.

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposed signage will be compatible with the desired amenity and visual character of the subject commercial business area. The proposed signage will provide effective communication in appropriate and suitable locations with frontages to the Kooloonbung Creek reserve, Gordon Street, Hayward Street and Horton Street. The proposed signage is of high quality design and will be anticipated to be completed in a high standard of finish.	Yes
Schedule 1(1) Character of the area.	The signage proposed is consistent with a retail facility in a major commercial area comprising building and business identification signage. The signage is incorporated into the architectural treatment of the facades.	Yes
Schedule 1(2) Special areas.	The proposed signage is in scale to the area of façade treatments, achieving an overall measured effect. The extent and nature of signage will be unlikely to detract from the visual quality of the adjoining Crown Reserve, particularly in via of the site being on the edge of the commercial zone.	Yes
Schedule 1(3) Views and vistas.	The proposed signage is within the building envelope and chiefly incorporated within the façade designs. No signage protrudes so that it significantly interrupts the skyline or adversely obstructs views.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The proposed signage is appropriate to the commercial streetscapes providing visual interest appropriate to such settings. Signage is not proposed to screen unsightliness or protrude above buildings or tree canopies.	Yes
Schedule 1(5) Site and building.	The applicant has provided details that the proposed signage has been designed to be an integral part of the façade treatment to ensure that it is located and scaled appropriately. The signage proposes to reflect the hierarchy of the uses within the development as well as making clear activities and entrances for legibility.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	The proposed signage is appropriately scale to its location. The signage is essentially for identification purposes and to assist likely customers access the parking proposed as part of the development.	Yes

Schedule Illumination.	1(7)	<p>Several of the signs are proposed to be illuminated. The applicant has provided details that the illumination is designed to not interfere with the safety of pedestrians, vehicles or aircraft, present unacceptable glare or detract from the amenity of any residence or other form of accommodation.</p> <p>Instead the illumination is proposed to be measured appropriately to the commercial nature of the development and adjacent streets while assisting in providing adequate visibility for night time safety of pedestrians.</p>	Yes
Schedule Safety.	1(7)	The proposed signage will not affect available sightlines and will not act as an adverse unsafe distraction or movement impediment to pedestrians, bicycles or vehicles.	Yes

SEPP 71 ASSESSMENT TABLE

Provision	Comment	Complies
Part 2 – Matters for Consideration		
(a) the aims of this Policy set out in clause 2,	Taking into consideration of the existing site conditions and applicable of the requirements of DCP 20, the proposal will meet the aims of this Policy as listed in clause 2.	Yes
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	The proposal will not adversely affect any existing access to and along any coastal foreshore, and will not affect any water based activities. The applicant has provided details that the proposal aims to improve public access to the Kooloobung foreshore for pedestrians.	Yes
(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,	The applicant has provided details that the proposal aims to improve public access to the Kooloobung foreshore for pedestrians.	Yes
(d) the suitability of development given its type, location and design and its relationship with the surrounding area,	Taking into consideration of the existing site conditions and applicable of the requirements of DCP 20, the proposal will be suitable given its commercial type, location within the southern end of the CBD, its design response to the site and context.	Yes
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	The proposal will not adversely affect the visual amenity of the surrounding coastal environment due to the location and distance from the foreshore and coast. The proposal will be unlikely to result in identifiable adverse overshadowing of the existing adjoining coastal foreshore of Kooloonbung Creek.	Yes
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	The proposal will be unlikely to result in significant adverse impact on the scenic qualities of this portion of the coast along Kooloonbung Creek.	Yes

(g) measures to conserve animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats,	Details provided that the proposal will not impact on any known threatened species.	Yes
(h) measures to conserve fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and marine vegetation (within the meaning of that Part), and their habitats	The applicant has provided details that measures are proposed to address sedimentation and erosion control as well as water quality issues of any discharge. Refer to other comments provided earlier in report under section addressing stormwater.	Yes
(i) existing wildlife corridors and the impact of development on these corridors,	Details provided that the proposal will not impact on any known threatened species. The site does not form a part of any identifiable wildlife corridor.	Yes
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	The potential impacts of flooding have been considered earlier in this report under section addressing Hastings LEP 2001. The proposal is also unlikely to impact on coastal processes or create any coastal hazards itself.	Yes
(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,	The proposal will not adversely affect any existing access to and along any coastal foreshore, and will not affect any water based activities.	Yes
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	The proposal is unlikely to have any identifiable adverse impact on any item of Aboriginal significance.	Yes
(m) likely impacts of development on the water quality of coastal waterbodies,	The applicant has provided details that measures are proposed to address sedimentation and erosion control as well as water quality issues of any discharge. Refer to other comments provided earlier in report under section addressing stormwater.	Yes
(n) the conservation and preservation of items of heritage, archaeological or	The proposal is unlikely to have any identifiable adverse impact on any items of heritage significance,	Yes

historic significance,	archaeological or historic significance.	
(o) only in cases in which a Council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	N/a	N/a
<p>(p) only in cases in which a development application in relation to proposed development is determined:</p> <p>(i) the cumulative impacts of the proposed development on the environment, and</p> <p>(ii) measures to ensure that water and energy usage by the proposed development is efficient.</p>	<p>The construction and/or operations of the proposed development will be unlikely to result in any adverse cumulative environmental impacts within the locality.</p> <p>The proposal is capable of compliance with the section J requirements of the BCA.</p>	Yes
Part 4 – Development Control		
13 Flexible zone provisions – A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect.	N/a	N/a
14 Public access – A consent authority must not consent to an application to carry out development on land to which this Policy applies if, in the opinion of the consent authority, the development will, or is likely to, result in the impeding or diminishing, to any extent, of the physical, land-based right of access of the public to or along the coastal foreshore.	<p>The proposal will not adversely affect any existing access to and along any coastal foreshore, and will not affect any water based activities.</p> <p>The applicant has provided details that the proposal aims to improve public access to the Kooloobung foreshore for pedestrians.</p>	Yes
15 Effluent disposal – The consent authority must not consent to a development application to carry out	N/a	N/a

development on land to which this Policy applies in which effluent is proposed to be disposed of by means of a non-reticulated system if the consent authority is satisfied the proposal will, or is likely to, have a negative effect on the water quality of the sea or any nearby beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or a rock platform.		
16 Stormwater – The consent authority must not grant consent to a development application to carry out development on land to which this Policy applies if the consent authority is of the opinion that the development will, or is likely to, discharge untreated stormwater into the sea, a beach, or an estuary, a coastal lake, a coastal creek or other similar body of water, or onto a rock platform.	<p>The applicant has provided details that measures are proposed to address sedimentation and erosion control as well as water quality issues of any discharge.</p> <p>Refer to other comments provided earlier in report under section addressing stormwater.</p>	Yes

DCP 18 –Off-street Parking Code

Issue	Requirement	Proposed	Complies
Parking numbers	Off-street parking required: General store, shops – 1 per 30m ² GLFA. Supermarket = 4,113 m ² Shops = 321m ² Total = 4,434m ² This requires 148 off-street parking spaces	Basement = 153 parking spaces Rooftop = 163 parking spaces Total parking spaces = 316 154 of these are to be for public parking spaces therefore 316-154 = 162 parking spaces proposed	Yes
	Bus interchange to have access to 154 parking spaces as per current arrangement	Bus interchange will have access to 154 parking spaces as per current arrangement	Yes
Disabled parking	2 percent to be disabled parking spaces	6 disabled parking spaces proposed	Yes
Location of Access Driveways	Access driveways shall not be located: 1) Closer than 6 metres to the prolongation of a property boundary or commencement of curved or angled corner of the property; 2) Within 6 metres of an opening in a median strip of a divided carriageway; 3) Within 12 metres on the approaches to "stop" or "give way" signs; 4) Within 25 metres of any signalised intersection.	Refer to detailed comments provided in body of assessment report addressing access under section addressing access, traffic and transportation	Yes

Sight Distances	Driveways are to be located so that vehicles entering or leaving the development may do so in a forward direction and without interference with the traffic flow. Under exceptional circumstances Council may approve a lesser standard provided that vehicles entering and leaving the development can be seen by the driver of an approaching vehicle on the roadway in time for the approaching vehicle to stop short of that driveway.	Refer to detailed comments provided in body of assessment report addressing access under section addressing access, traffic and transportation	Yes
Access Driveways	All access driveways shall cross the footpath or footway at right angles to the centreline of the road.	Access driveway to basement parking area is designed to be perpendicular as much as possible to Hayward Street. Access to Gordon Street at right angles.	Yes Yes
Vehicle Crossing Widths and Spacing		Refer to detailed comments provided in body of assessment report addressing access under section addressing access, traffic and transportation	Yes
Internal Driveways		Refer to detailed comments provided in body of assessment report addressing access under section addressing access, traffic and transportation	Yes
Parking areas location	Parking facilities shall be located so that their use is encouraged and evident from the street, particularly in the case of visitor and customer parking.	Parking areas location satisfactory.	Yes
Parking Space and Aisle Dimensions		Refer to detailed comments provided in body of assessment report addressing access under section addressing access, traffic and transportation. Parking space dimensions satisfactory.	Yes

<p>Disabled parking dimensions</p>	<p>Minimum width shall be 3.2m (add 300mm for each side barrier).</p> <p>Vertical clearance above space is to be 2.5m (min) extending from the entrance to the space to a distance of not less than 2.16 m from the front of the space (where overhead structures are present).</p> <p>Pavement shall be a firm, non-slip surface with a fall not exceeding 1:40 generally or 1:33 if bitumen and outdoors.</p> <p>Spaces are to be located close to an accessible entrance to the building.</p> <p>A continuous, unobstructed path to the building is to be provided.</p> <p>Signage is to be clearly visible, using the international symbol of access for people with disabilities.</p>	<p>Disabled parking spaces will comply with all design requirements.</p>	<p>Yes</p>
<p>Stack Parking</p>	<p>Stack or tandem parking spaces will not be accepted in the assessment of parking provision except in the following circumstances:</p> <p>Additional parking to that required;</p> <p>Motor showrooms;</p> <p>Car repair stations;</p> <p>Staff parking spaces where separately identified and delineated.</p>		<p>N/a</p>

Loading bays		Refer to detailed comments provided in body of assessment report addressing access under section addressing access, traffic and transportation.	Yes
Bicycle and Motor Cycle Parking		Bicycle parking proposed.	Yes
Pavement construction		Details prior to CC.	Yes - capable
Landscaping	Garden beds should be a minimum of 1.5-2 m wide to achieve a desired planting effect		N/a

DCP 20 – Port Macquarie – Town Centre Assessment Table

Part & Section	Requirement / Principles	Proposed	Complies
2 Objectives and Urban Structure – Structure Plan Regional Context	<ol style="list-style-type: none"> 1. Ensure new development respects the heritage and contributes economically and socially to the Town Centre. 2. That uses within the town centre strengthen the role of the Port Macquarie City Centre as the regional business, retail and cultural centre of the Mid North Coast with a predominance of commercial uses. 3. Contribute to the accessibility and vibrancy of the waterfront area. 4. Identify the character of Precinct within the Town Centre and retain and improve it with any new development. 	<ol style="list-style-type: none"> 1. The proposed retail complex will be likely to positively contribute economically and socially to the Port Macquarie Town centre. 2. The proposed retail complex will be likely to strengthen the role of the Port Macquarie City Centre as the regional business, retail and cultural centre of the Mid North Coast. 3. The applicant has provided details that the proposal aims to improve public access to the Kooloobung foreshore for pedestrians. Refer to comments in main body of report addressing issue of active frontage not being provided to Kooloobung Creek reserve frontage. 4. The site partly (central and eastern section of site) within the precinct for large floor plate retail identified on page 61. The applicant has provided details that the proposal aims to improve public access to the Kooloobung foreshore for pedestrians. Refer to comments in main body of report addressing issue of active frontage not being provided to Kooloobung Creek reserve frontage and not providing a laneway through the site. 	<p>Yes</p> <p>Yes</p> <p>Yes/No</p> <p>Yes/No</p>
2 Objectives and Urban Structure – Structure Plan Local Context	<ol style="list-style-type: none"> 1. Respect archaeological finds and heritage items and their settings when developing buildings in the vicinity. 2. Develop public domain plans based primarily on the original street grid and historic street and landscape plantings. 3. Ensure new developments do not encroach upon identified views. 4. Encourage a diversity of commercial and tourist 	<ol style="list-style-type: none"> 1. The site is unlikely to contain any items of archaeological significance and the proposal will be unlikely to adversely affect the setting of nearby items of heritage significance. 2. Existing public domain plans considered in other sections of report. 3. Refer to sections addressing impacts on views later in this table. 	<p>Yes</p>

	<p>activity by:</p> <ul style="list-style-type: none"> - providing a traditional shopping experience, - encouraging a range of tourist accommodation, - offering a wide range of services to visitors and residents within a walkable and compact centre. 	4. Retail complex proposed including replacement bus terminal and public carparking.	
<p>2 Objectives and Urban Structure – Structure Plan Heritage</p>	<p><i>Heritage Buildings</i></p> <p>1. Any redevelopment or alterations to a heritage building is to include the preparation of a conservation management plan for the building and its setting. (refer Heritage LEP) Development on a site which contains a heritage building is to adopt appropriate conservation practices such as conservation, restoration, renovation or adaptive re-use with the Burra Charter and The Conservation Management Plan.</p> <p>2. Historic skylines as seen from adjacent public places should be maintained. Where development is proposed adjacent to, or in the vicinity of heritage buildings, the scale of development, proportions, colour, roof form and placement in relation to the street should bear a harmonious relationship to the relevant historic building or group. However, buildings should not be designed to mimic the historical style.</p> <p>3. Maintenance of appropriate settings from heritage buildings. Setbacks for individual Heritage Items are specified in the Block Controls in Part 4.</p> <p><i>Archaeological Finds</i></p> <p>4. Archaeological items have statutory requirements under the Heritage Act. Early consultation with Council staff should occur for all sites to ascertain the likelihood of archaeological significance.</p> <p>5. For sites potentially containing an archaeological find Council may consider a parking contribution in lieu</p>	<p>1. N/a</p> <p>2. No adverse impact identified to existing skylines. Retention of views required by other sections of this DCP generally achieved. There are 2 heritage items in the vicinity of the site being a convict well at 158 Horton Street and the Historic Cemetery on the southern side of Gordon Street. The applicant has submitted details that the proposed development will not adversely impact on the heritage significance of the existing nearby convict well and the proposal is located on an allotment of land on the opposite side of the road. Council's nominated heritage advisor provided comments in relation to the previous DA 2008/224 which was approved on the site raising no concerns with the previous approved proposal on the site. With regard to the subject proposed development no adverse impacts can be identified.</p> <p>3. N/a</p> <p>4. The site is unlikely to contain any items of archaeological significance.</p> <p>5. N/a</p> <p>6. Refer to comments under point 3 above.</p> <p>7. N/a</p> <p>8. Refer to assessment under section Structure Plan: Public Open Space, vegetation and natural</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/a</p> <p>Yes</p> <p>N/a</p> <p>Yes</p>

	<p>of basement parking subject to the significance of the find. Council will only consider a monetary contribution for sites indicated on the Potential Archaeological site map in the following circumstances;</p> <ul style="list-style-type: none"> - Where Councils heritage planner considers the significance of the find justifies that council considers the operation of the provision, - Where an independent specialist report provided by a qualified and respected archaeologist / heritage architect which supports the significance of the find and its retention, - Where a detailed management plan and strategy is provided for the site and find, - Where the design of the development respects and celebrates the find making it publicly accessible. <p><i>Heritage Precincts</i></p> <p>6. Respect the height, scale, cornice lines and awning heights of heritage buildings as a key design consideration when surrounding sites redevelop and particularly in the Clarence Street and Church Hill Precincts.</p> <p>7. Landscape elements and street trees within the Clarence Street and Church Hill Precincts should respond to the existing historic character and landscape.</p> <p><i>Heritage Planting and Landscaping</i></p> <p>8. Refer to Structure Plan: Public Open Space, vegetation and natural heritage.</p>	heritage.	
2 Objectives and Urban Structure – Structure Plan	<p>View Corridors towards the Town Centre include:</p> <p>1. Identified view corridors from areas outside the immediate town centre looking towards the historic churches. These views are essential place making</p>	<p>1. Relevant view to Church Hill is 'View to Church Hill 4 – Church Hills from Gordon Street. This view is permitted to be reduced to a number of glimpses along Gordon Street by redevelopment</p>	Yes

Views into the Town Centre	views and are to be maintained. These views have been defined to ensure that the upper half of the Church's are visible. Applicants are to provide photo montages, maximum AHD's and certified surveyors drawings to show that the proposed built form will not impact on these church views. In assessing view impacts, the way the proposed building acts to 'frame' and enhance the view corridor will be favourably considered. 2. Visually prominent building frontages have been identified throughout the Town Centre and are indicated on the structure plan diagram on page 23. Proposals must show extra attention to facade and roof form design quality in response to the increased exposure including photomontages of the most common views. 3. Where vegetation is nominated as visually prominent, any proposed development must demonstrate retention or improvement of that area in landscape plans prepared by a suitably qualified landscape architect.	which fulfils height controls. The proposal development site is specified to be permitted to block this view near the Creek bridge along Gordon Street. A photomontage has been submitted which has been prepared taken from a distant point to the west of the site along Gordon Street which demonstrates that the proposal will retail some views of the Church Hill. 2. Refer to comments in main body of report addressing issue of active frontage not being provided to Kooloonbung Creek reserve frontage. 3. N/a	No N/a
2 Objectives and Urban Structure – Structure Plan Views out of Town Centre	1. Views from Church Hill to the water, ridge lines and mountains are to be protected as identified in Views and B . Applicants are required to provide photo montages taken from eye level from the circled viewpoints in the adjacent plan where development falls within any of the view corridors shown, which illustrates protection of these views using the diagrams and descriptions on the following pages. No part of a development is to encroach on views A or B. Certified surveyors drawings and maximum AHD's are to be provided showing that the development will not encroach on these views and water glimpses.	1. A photo montage including depicted details of the proposal has been submitted which is taken from View B from the St Agnes Church looking towards the vegetated horizon identified in View B in the DCP. Based upon the photomontage being compared to the DCP shade sail structures proposed as part of the first floor public carpark will encroach approximately up to 2m within the identified view. This encroachment is insignificant and generally meets the intent of the desired quality of view retention of the vegetated horizon of Kooloonbung Creek reserve.	Yes

	<p>2. The views to the water down streets and laneways and between buildings shown on the adjacent map must remain free of obstructions and are not to be built over. Street trees are allowable however flag poles, sign posts, built structures and similar objects should be minimised in these areas to ensure views are not diminished.</p> <p>3. All roof forms in the Town Centre require a high quality design response and are required to meet the standards set out in the Detailed Design Guidelines for Roof Form in Part 5.</p> <p>4. In the Horton Street Precinct careful consideration is to be given to roof colour and design. Avoid light and reflective roofs which contrast sharply with Church Hill green backdrop.</p>	<p>2. N/a</p> <p>3. Refer to assessment provided later in report of compliance with roof form requirements.</p> <p>4. N/a</p>	<p>N/a</p> <p>Yes</p> <p>Yes</p>
<p>2 Objectives and Urban Structure – Structure Plan</p> <p>Public open space, vegetation and natural heritage</p>	<p><i>Public Open Space</i></p> <p>1. Foreshore Management Plan/Masterplan works to include a planting programme and streetscape work such as street furniture, pedestrian ways, street lighting, paving, signage and open space areas.</p> <p>2. Any new development with frontage to the foreshore area must be consistent with the Port Macquarie - Hastings Foreshore Masterplan 2009.</p> <p><i>Trees</i></p> <p>3. Norfolk Island Pines are recognised as an integral feature of the Town Centre Landscape and are to be protected. Development works are to avoid removal.</p> <p>4. In the Clarence Street Precinct Island Pines are integral to character and should be continued at regular intervals along the length of the street.</p> <p>5. Simple, robust and bold street tree and open space planting is proposed to create a consistent and</p>	<p>1. The adjoining Crown reserve to the western boundary of the property is earmarked for public improvements in the future as identified in the <i>Port Macquarie Foreshore Masterplan</i>.</p> <p>2. The adjoining Crown reserve to the western boundary of the property is earmarked for public improvements in the future as identified in the <i>Port Macquarie Foreshore Masterplan</i>. The proposed embellishment works are generally consistent with the requirements of this Masterplan.</p> <p>3. N/a</p> <p>4. N/a</p> <p>5. Landscaping improvements will be required to be carried out in accordance with the Town Centre Masterplan.</p> <p>6. N/a</p>	<p>Yes</p> <p>Yes</p> <p>N/a</p> <p>N/a</p> <p>Yes</p> <p>N/a</p>

	<p>recognisable identity and to provide shade to all other streets.</p> <p>6. Reinforce major streets with significant boulevard planting.</p> <p>7. Choose tree species which do not block views to the water where streets end at the foreshore.</p> <p><i>Foreshore Recreation Link</i></p> <p>8. Provide a new pedestrian bridge across the creek mouth that creates a visual focus. Refer to Port Macquarie-Hastings Foreshore Masterplan 2009.</p> <p>9. Improve connections under and over the William Street bridge and across Gordon Street to the south.</p> <p>10. Expand the existing boardwalk around the Fisherman's Co-op.</p> <p><i>Foreshore Destination</i></p> <p>11. The Port Macquarie - Hastings Foreshore Masterplan 2009 has been prepared & adopted by Council. Streetscape works undertaken on private land adjacent to public streets and open spaces are to support the objectives of the masterplan.</p> <p>12. Investigate extending the foreshore reserve, currently part of a Crown Leased tourist accommodation park, to include the prominent portion of land at the northern end of Murray Street at some future date. Refer to Port Macquarie-Hastings Foreshore Masterplan 2009.</p> <p>13. Re-establish mangroves along Kooloonbung Creek between the William Street bridge and Hayward Street (subject to environmental study).</p> <p>14. Provide visual continuity within the context by designing and selecting materials and planning vegetation to complement the habitat qualities of the</p>	<p>7. N/a</p> <p>8. No intention proposed to provide new pedestrian bridge across creek.</p> <p>9. N/a</p> <p>10. Paving proposed within site on Gordon Street will satisfactorily match up with works proposed within Kooloonbung Creek reserve.</p> <p>11. N/a</p> <p>12. N/a</p> <p>13. N/a</p> <p>14. The proposal does include measures to mitigate the blandness of this elevation, along with measures to improve the amenity of the reserve itself. The adjoining Crown reserve to the western boundary of the property is earmarked for public improvements in the future as identified in the <i>Port Macquarie Foreshore Masterplan</i>. The proposed embellishment works are generally consistent with the requirements of this Masterplan.</p> <p>15. The adjoining Crown reserve to the western boundary of the property is earmarked for public improvements in the future as identified in the <i>Port Macquarie Foreshore Masterplan</i>. The proposed embellishment works are generally consistent with the requirements of this Masterplan.</p> <p>16. N/a</p> <p>17. N/a</p>	<p>N/a</p> <p>N/a</p> <p>N/a</p> <p>Yes</p> <p>N/a</p> <p>N/a</p> <p>N/a</p> <p>Yes</p> <p>Yes</p> <p>N/a</p> <p>N/a</p>
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<p>2 Objectives and Urban Structure – Street hierarchy</p>	<p>adjoining ecological areas along Kooloonbung Creek and the original vegetation communities.</p> <p>15. Cultural and maritime markers should be retained as an important part of the character of the foreshore reserve, however street furniture, flag poles, signage and service structures should be consolidated and standardised to avoid clutter.</p> <p><i>Natural Heritage</i></p> <p>16. Consolidate and protect the vegetated areas of the Church Hill precinct without blocking views with dense vegetation.</p> <p>17. Retain heritage open space and contributory open space areas near the heritage well adjoining the existing court house subject to qualified landscape architect and arborist advice.</p>		
<p>1. <i>Gordon Street</i> Improve the Gordon Street bridge over Kooloonbung Creek to be more bridge-like and less like the rest of the street to improve its role as a gateway to the Town Centre.</p> <p>2. <i>Horton Street</i> Consolidate as the main street of the Central Business District with an improved entry at Gordon Street in terms of the intersection.</p> <p>3. <i>Clarence Street</i> Consolidate as the main leisure/ tourism/historic street with pedestrian emphasis, slowed traffic, minimal service vehicles and uncluttered views to the water, down streets and between buildings.</p> <p>4. <i>Foreshore Streets</i> Accommodate the suitable level of car parking, without dominating the foreshore. Reduce visual markers and</p>	<p>1. No proposed works to Gordon Street bridge.</p> <p>2. No proposed works to entry at Horton Street in terms of intersection.</p> <p>3. N/a</p> <p>4. Based upon amended plans, it appears that works are partly proposed within the Block 7 Foreshore Street.</p> <p>5. N/a</p> <p>6. N/a</p> <p>7. N/a</p> <p>8. No laneway connection proposed between Gordon Street and Hayward Street. Access from western end of Horton Street.</p>	<p>N/a</p> <p>N/a</p> <p>N/a</p> <p>Yes</p> <p>N/a</p> <p>N/a</p> <p>N/a</p> <p>No</p>	

		<p>extent of car parking on the north western edge of the foreshore.</p> <p>Transform the Block 7 lane to be a foreshore street and a shared pedestrian/vehicle route.</p> <p>In the Kooloonbung Creek foreshore area retain and improve service lane and vehicle access to commercial properties of Short Street south of William Street.</p> <p><i>5. William Street</i></p> <p>Widen and improve the William Street bridge over Kooloonbung Creek to achieve its gateway role.</p> <p>Subject to negotiations with land owners provide a new 'landmark' pedestrian bridge across the mouth of Kooloonbung Creek to provide a higher amenity & more direct pedestrian route between the east & west sides of the creek as part of the continuous foreshore walk. Refer to Port Macquarie-Hastings Foreshore Masterplan 2009.</p> <p><i>6. Hay Street</i></p> <p>Consolidate as the main Civic Street of the CBD.</p> <p>Develop a public domain strategy to reinforce the role of this street as the civic spine. Re-establishing the street network continuity and views to the water along this street if Port Central shopping centre is redeveloped. Investigate a pedestrian bridge as an alternative way method of linking across Hay Street.</p> <p><i>7. Short Street</i></p> <p>Limit vehicular entry/exit into the Mid Pacific Motel (when it redevelops) to Short Street.</p> <p>Rationalise the parking area at the western end of Short Street to provide the maximum foreshore reserve area and allow use of this parking area for</p>	
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	<p>markets in the future.</p> <p>8. <i>Laneways</i></p> <p>Where possible, access to parking and service areas should be via a lane accessing the rear of properties. Existing laneways and new laneways are to be of sufficient width to accommodate vehicle movement in both directions in addition to a footpath for pedestrians. Where possible cul de sac laneways should be provided with an alternative pedestrian exit point ie mid block pedestrian link.</p> <p>Laneways whilst providing vehicle access should also offer a reasonable pedestrian amenity via lighting, good quality materials and overlooking by surrounding buildings are to be widened.</p> <p>New laneways should be provided between</p> <ul style="list-style-type: none"> - Short and Horton Street - Foreshore and Short Street (North) - Foreshore and Short Street (South) - Sunset Parade and Murray Street - Murray and Munster Street as indicated on the map. <p>Nominated locations for new lanes are indicative only and final location is subject to best design solution after full site planning.</p> <p>Subject to negotiation, Council will consider the use of Planning Agreements to provide for new and existing laneways.</p> <p>Servicing of shops from main street frontages particularly Clarence Street, Horton Street and William Street disrupts pedestrian amenity and on street parking spaces conflicts with the traffic volumes and is generally discouraged.</p> <p>Coordinate carriageways, service access and drainage</p>	
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	between developers who collectively create new lanes or rights of way. Dimensions for new streets and lanes are located in the Block Controls, Part 4.		
2 Objectives and Urban Structure – Pedestrian and cycle movement and public transport	<p>Pedestrian Movement</p> <ol style="list-style-type: none"> 1. Improve pedestrian pathways along foreshore areas (refer to Structure Plan – Public Open Space, Vegetation and Natural Heritage for more regarding this). 2. Provide convenient and inviting pedestrian pathways along streets to the neighbouring residential areas as well as around the Town Centre to discourage unnecessary multiple car movements. Improved pedestrian access to and within public car parking areas is also desirable. 3. Provide new pedestrian pathways to provide secondary access to the dead ends of existing laneways or ensure laneways are lockable outside business hours. 4. Widen and improve William Street bridge to be more hospitable to pedestrians and to achieve its gateway role and provide new pedestrian bridge over the mouth of the creek. Refer to Port Macquarie-Hastings Foreshore Masterplan 2009. 5. Extend and complete the foreshore walkway /boardwalk to link continuously from Settlement City to Town Beach along the foreshore. 6. Improve the linkages to the foreshore down streets, lanes and paths, particularly in the blocks closest to the foreshore. 7. Retain and improve the pedestrian environment by encouraging through block connections and 	<ol style="list-style-type: none"> 1. The adjoining Crown reserve to the western boundary of the property is earmarked for public improvements in the future as identified in the <i>Port Macquarie Foreshore Masterplan</i>. The proposed embellishment works are generally consistent with the requirements of this Masterplan. 2. A compliant access ramp is provided from Gordon Street to first floor rooftop public carparking area. 3. N/a 4. N/a 5. N/a 6. The adjoining Crown reserve to the western boundary of the property is earmarked for public improvements in the future as identified in the <i>Port Macquarie Foreshore Masterplan</i>. The proposed embellishment works are generally consistent with the requirements of this Masterplan. 7. Through block connection proposed from Gordon Street to Hayward Street via ramped access to first floor rooftop public carpark via lobby during business opening hours of shopping complex. Refer to assessment of awnings requirements as indicated in Block Controls Part 5. 8. Active use not provided to Kooloonbung Creek foreshore adjacent to the west of the site. 	<p>Yes</p> <p>Yes</p> <p>N/a N/a N/a Yes</p> <p>Yes</p> <p>No</p>

	<p>continuous awnings as indicated in Block Controls Part 5.</p> <p>8. Ensure all new development and alterations and additions to existing development provide active frontages to ground floor uses addressing all foreshore areas, streets and public open spaces. Passive surveillance is to be provided by uses above the ground level.</p> <p>Arcades and Laneways</p> <p>9. Make arcades, new laneways and open pedestrian pathways a lively secondary network making connections through large commercial blocks. Activate with windows, balconies and retail frontages provide, light and airy feel and ensure clear sight lines are provided from one end to the other. Refer to Detailed Design section.</p> <p>Closure of existing angled lane ends may be possible where new straight laneway between major streets are provided to enable improved development potential for larger footprint development and improved pedestrian circulation.</p> <p>The new laneways to be provided between Short and Horton Street (Block 15). Laneways between the Foreshore and Short Street (Blocks 6 and 7) are to provide active retail frontages to the ground floor and be designed as shareways.</p> <p>Cycle Network</p> <p>10. The cycle network in the Town Centre will provide links to regional cycle routes throughout greater Port Macquarie and will extend and enhance the recreational and access network in the local area.</p> <p>11. Design a recreational shared pedestrian and cycle</p>	<p>9. N/a</p> <p>10. N/a</p> <p>11. N/a</p> <p>12. N/a</p> <p>13. N/a</p> <p>14. Bicycle facilities provided.</p> <p>15. No traffic lights or additional roundabouts proposed to manage traffic. Works proposed in Horton Street and Gordon Street.</p> <p>16. N/a</p> <p>17. Replacement bus terminal proposed and bus stop proposed to be relocated which will continue to encourage use of public transportation.</p> <p>18. Refer to assessment in accordance with DCP 18 – Off Street Parking Code. The Hastings Parking & Access Strategy 2003 identifies the site has having potential to provide for additional off-street public parking spaces. No additional parking to the 154 parking spaces is proposed.</p>	<p>N/a</p> <p>N/a</p> <p>N/a</p> <p>N/a</p> <p>N/a</p> <p>Yes</p> <p>Yes</p> <p>N/a</p> <p>Yes</p> <p>Yes and No – no additional parking proposed.</p>
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<p>Part 3 Precinct controls Structure Height</p>	<p>path along Hastings River Foreshore and Kooloongbung Creek of a suitably high standard of amenity and appearance, connecting to Westport and Town Beach.</p> <p>12. Provide dedicated cycle lanes along Horton Street and William Street as well as the foreshore.</p> <p>13. Prioritise cyclists' safety, intersections and crossings</p> <p>14. Provide convenient and lockable bicycle storage at commercial / maritime centres and civic facilities.</p> <p>Traffic and Public Transport</p> <p>15. Investigate diverting vehicles to centrally located car parks quickly and smoothly and directing through traffic with traffic lights in preference to roundabouts which are less pedestrian friendly.</p> <p>16. Provide convenient locations for public transport routes through the Town Centre to outlying areas of greater Port Macquarie.</p> <p>17. Port Macquarie is isolated from the regional rail network. The Town Centre is served by bus services which follow a loop route through the Town Centre and out to surrounding areas. Encourage the use of the bus services.</p> <p>18. Refer to the Hastings Parking & Access Strategy 2003. DCP No 18 - Off street parking.</p> <p>Principles</p> <p>1. Allow greater heights in the areas not affecting views and where redevelopment is desired to improve the vitality of the Town Centre as well as the long term economic viability.</p> <p>2. Provide up to 6 and 7 storey buildings as the highest commercial part of the Town Centre in Horton Street in</p>		
		<p>1. Site has a part 3 storey (13m), 4 storey (16m) and 5 storey (19m) height limit in accordance with the structure plan on page 40. The shopping complex is technically 3 storeys with no part of the building above 13m in building height.</p> <p>2. N/a</p> <p>3. N/a</p>	<p>Yes</p> <p>N/a</p> <p>N/a</p>

	<p>the block bounded by Clarence and William Streets.</p> <ol style="list-style-type: none"> 3. Make a consistent minimum of two storey buildings in the Town Centre (except where they are heritage items, located on Church Hill or directly adjacent to the foreshore). 4. Provide a mixture of 3, 4, and 5 storey buildings in the majority of the Town Centre. 5. Decrease building height towards the waterfront. 6. Retain the view corridors shown with lower development within those view corridors. 7. Provide 4 - 5 storey height limits along the foreshore not withstanding existing taller buildings which set a poor precedent and are not to be emulated. 8. Ensure low scale development occurs in the vicinity of heritage items. 	<ol style="list-style-type: none"> 4. The shopping complex is technically 3 storeys in height. 5. The height of the building complies with the structure plan height controls which apply to the site. 6. Identified view corridors retained. 7. The height of the building complies with the structure plan height controls which apply to the site. 8. The proposal will be unlikely to adversely affect the setting of nearby items of heritage significance. The height of the building complies with the structure plan height controls which apply to the site. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Part 3 Precinct controls</p> <p>Structure Uses</p>	<p>Principles</p> <ol style="list-style-type: none"> 1. Encourage uses which help differentiate the Town Centre from other centres with its: <ul style="list-style-type: none"> - traditional main street experiences - waterfront facilities and potential - heritage items 2. Incorporate active public amenities, community, commercial, retail and tourist uses at ground level throughout the Town Centre. 3. Consolidate tourist uses of a diverse range in the nominated areas around the foreshore, Clarence Street and parts of Church Hill. 4. Ensure that new residential uses, tourist and visitor accommodation does not conflict with the primary function of the centre for retail and business use. 5. Consolidate commercial uses of a diverse range in the nominated areas in the central part of the Town 	<ol style="list-style-type: none"> 1. 2 specialty shops and supermarket proposed 2. Ground level bus terminal proposed with frontage to Gordon Street and ground floor level shops fronting Hayward Street. No active use provided to front Kooloonbung Creek reserve frontage. 3. No tourist use proposed. 4. No residential use proposed. 5. N/a 6. Large floor plate retail proposed with a proposed supermarket. 7. N/a 	<p>Yes</p> <p>Yes</p> <p>No</p> <p>N/a</p> <p>N/a</p> <p>N/a</p> <p>Yes</p> <p>N/a</p>

	Centre, in particular Horton and William Streets. 6. Allow larger floor plate retail in nominated areas on Gordon Street, Short Street and the existing Port Central shopping centre. 7. Extend and enhance maritime uses, boat moorings, water oriented commercial and retail activity and low scale marine related developments to the western edge of Short Street in the Hastings River Foreshore Precinct.	
Part 3 Precinct controls Structure Precincts	1. Ensure future development supports and creates the desired future character expressed in the following pages, of the Precinct/s in which it is located.	<p>The site partly (central and eastern section of site) within the precinct for large floor plate retail identified on page 61 and partly (western section of the site) within the precinct Kooloonbung Creek foreshore.</p> <p>The building design is not orientated towards the waterfront reserve of Kooloonbung Creek foreshore.</p> <p>The applicant has provided details that the proposal aims to improve public access to the Kooloonbung Creek foreshore for pedestrians.</p> <p>Supermarket is sleeved by active uses to Gordon Street and Hayward Street where possible.</p> <p>No shareway laneway is proposed within the midblock.</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p>
Part 3 Town Centre Controls Height	<p>1. Maximum number of storeys Upper height limits have been set for the Town Centre and are expressed as maximum number of storeys and are shown on the Town Centre Control Plan on page 68.</p> <p>A storey is defined as:</p> <ul style="list-style-type: none"> - a level in a development. - this includes attic spaces with habitable rooms - it includes space used for car parking, laundries or storage if the ceiling above the space is more than 1200mm (measured from the lowest point on the 	<p>1. Site has a part 3 storey (13m), 4 storey (16m) and 5 storey (19m) height limit in accordance with the structure plan on page 40. The shopping complex is technically 3 storeys with no part of the building above 13m in building height.</p> <p>2. Refer to comments provided earlier this table with regard to the impact on view corridors.</p> <p>3. Minimum ceiling heights are acceptable.</p> <p>4. The shopping complex is technically 3 storeys with no part of the building above 13m in building height.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>site) above ground level.</p> <ul style="list-style-type: none"> - double height spaces with mezzanines count as two storeys <p>2. View Corridor protection</p> <p>Developments located within identified view corridors (refer to Structure Plan - Views into & out of the Town Centre, Part 2) must demonstrate that the proposed building including the roof and any roof protrusions will not encroach on the view corridor. It is the responsibility of the applicant to demonstrate that their development will not obscure the views by ground based surveys and sections.</p> <p>3. Minimum height of ceilings</p> <p>Dimensions for ceiling heights are measured from finished floor to finished ceiling level. Dimensions for floor to floor heights are measured from finished slab to finished slab level.</p> <p>4. Maximum height in metres</p> <p>Height is also provided in metres. This height is an overall height.</p> <p>The allowance in metres assumes the maximum floor to floor height plus an allowance of 3m for plant, lift overruns, roof forms (other than for single storey development)</p> <p>For all buildings containing retail, commercial or tourist accommodation in Port Macquarie Town Centre the following minimum ceiling heights shown in the adjacent table apply.</p>		
Part 3 Town Centre Controls Site	<p><i>Where amalgamation is proposed the development must:</i></p> <ul style="list-style-type: none"> - Provide articulation and variety in building frontages and facade design. 	<p>No amalgamation proposed.</p> <p>Refer to comments provided in body of assessment report addressing existing site conditions and inability to of the site to be consolidated with adjoining properties.</p>	No

<p>Amalgamation</p> <ul style="list-style-type: none"> - Respect the small frontage texture of the streetscape in the design of retail frontages, at ground floor level pathway, - Sleeves any large format retail uses or above ground carparking with active uses, - Provide open air midblock connections generally as indicated in the Street Hierarchy / Pedestrian Connection section (Part 2 Town Centre Urban Structure), - Rationalise vehicle and pedestrian access via existing and new laneways to ensure sufficient width for two way traffic, maintaining access to smaller land parcels, - Ensure orderly land development occurs and that amalgamation does not result in reduced development potential on adjoining site or isolated sites, <p>For Blocks 1,6,7,8,14 and 15 where indicated site amalgamations should occur generally as indicated on the map.</p> <p>If applicants propose a different amalgamation pattern then they must demonstrate that orderly development, high levels of connectivity and vehicle access will occur and that mid block connections are provided appropriately.</p> <p>For all other areas heights above 4 storeys can only be achieved for sites with a minimum area of 1200m2.</p>	<p>Part 3 Town Centre Controls</p> <p>Public/private interface</p>
<p>1. Consistent building alignment proposed along Hayward Street and for section of site fronting Gordon Street.</p> <p>2. Eastern specialty shop with frontage to Hayward Street level with street but access to foyer provides access to western specialty shop.</p>	<p>Yes</p> <p>Yes</p>

	<p>Part 4. Maximum Shopfront Widths <i>Definition of Shopfront</i> The ground floor street frontage of a retail or commercial business containing the main entry for customers, window display areas and signage for that business.</p> <p>4. Provide shopfront widths of 15 - 20 metres in the nominated areas indicated on the plan, up to a maximum of 30 metres.</p> <p>5. Provide shopfront widths of up to 100m in the nominated areas indicated on the plan.</p> <p>Active frontages <i>Definition of Active Frontage</i> - A street frontage which provides direct contact or access between the street and the interior of the building.</p> <p>6. Provide Active Frontage in the areas indicated on the plan</p> <p>7. Within the Hastings River Foreshore Precinct: - have active edges, setback from the reserve with outdoor eating areas for buildings adjoining the Town Green. - maintain a publicly accessible interface along the foreshore, incorporating where possible cafes, shops and pedestrian entrances to buildings. - encourage indoor/outdoor uses such as outdoor rooms and/or openable sunrooms or decks. - avoid presenting back-of-house uses, car parking and blank walls to the foreshore - prohibit fencing adjacent to the foreshore except as shrub hedging or where unavoidable need is clearly demonstrated.</p>	<p>3. Awnings provided which comply. 4. No shopfronts provided along Kooloonbung Creek frontage. 5. Shopfronts provided along Hayward Street. Bus terminal provided along section of site fronting Gordon Street. 6. Active frontage not provided along Kooloonbung Creek reserve frontage. 7. N/a 8. N/a 9. Architectural colour palette treatment proposed acceptable. 10. Western façade similar treatment for majority of length of boundary. 11. Refer to section later in this table addressing façade composition. 12. Lightweight timber shading devices not proposed. 13. Façade enclosure acceptable. 14. N/a</p>	<p>Yes No. Yes No N/a N/a Yes No Yes N/a Yes N/a</p>
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	<p>8. Provide active ground floor uses and balconies on upper levels which face both street and foreshore where lots have both street and foreshore frontages.</p> <p><i>Elevations</i></p> <p>9. Use colours, construction materials and finishes which are predominantly pale in colour and textured, tonal and subtle. Dark, saturated 'synthetic' colours are to be reserved for small areas of contrast or very occasional architectural elements such as blade walls.</p> <p>10. Limit the maximum length of any similar facade treatment to 22m.</p> <p>11. Ensure all buildings have well articulated and scaled elevations (refer to Detailed Design Guidelines - Facade Composition, Part 5)</p> <p>12. Encourage elements such as lightweight timber shading devices within the Foreshore Precincts in particular.</p> <p>13. Provide a greater degree of facade enclosure within the Horton Street and Secondary Retail Precincts (refer to Block Controls, Part 4).</p> <p>14. Use masonry construction for lower storeys within the Clarence Street Precinct .</p> <p><i>A good interface between private property and the public domain forms an important function in making a successful Town Centre.</i></p>		
Part 4 Block 8 Control 4 Maximum Building depth	Whole site area	Building is proposed with full site coverage with exception of areas driveway areas accessed from Hayward Street and Gordon Street.	Yes
Part 4 Block 8 Control 5	Build to line for all frontages.	Build to line for all frontages.	Yes

Setbacks			
Part 4 Block 8 Control 6 Façade enclosure	Min. 60% façade enclosure	Articulation to western façade limited.	No
Part 4 Block 8 Control 7 Articulation zone	Ground floor – 0 m. First floor – Min. 1.8m & max. 4m	Articulation to western façade limited.	No
Part 4 Block 8 Control 8 Awnings	Awnings provided comply	Awnings provided comply	Yes
Part 4 Block 8 Control 9 Pedestrian entry	From streets and foreshore reserve	Access compliance ramp provided from Gordon Street to rooftop carpark to provide access through the site. Embellishment works proposed within Kooloonbung Creek foreshore reserve including providing access compliant ramp from Gordon Street.	Yes
Part 4 Block 8 Control 10 Vehicle entry	Vehicle entry to be integrated in site planning to balance any potential conflicts with streetscape requirements and traffic patterns and to minimise potential conflicts with pedestrians. Avoid vehicular access from Horton Street. Locate car parking ramp within building footprint. Provide parking and service lanes servicing the rear of properties where possible.	Vehicle entries location suitable and minimised. Unsure as to whether this requirement should apply? Carparking ramps within building footprint. No laneway proposed.	Yes ? Yes N/a
Part 4 Block 8 Control 11 New Streets, laneways, paths and arcades	N/a (no specific requirement) – Block controls show optional shared loading car access laneway.	Block controls show optional shared loading car access laneway. No laneway proposed.	N/a
Part 4 Block 8	To be underground. Semi-submerged. Above ground	Semi and underground parking proposed. Parking areas	Yes

Control 12 Carparking	only if sleeved with active uses to Hayward and Horton Street. Any carparking above ground to Gordon Street to be above first floor and designed with high quality façade. Ideally roof carparking to be screened from Church View.	not visible from Hayward Street with exception of access ramp. Façade treatment designed to screen car parking as practically possible. Roofparking provided with shade sails.	Yes Yes Yes
Part 4 Block 8 Control 13 Landscaping	To foreshore and streets.	Landscaping proposed to Hayward Street and foreshore reserve.	Yes
Part 4 Block 8 Control 14 Waste management	<ul style="list-style-type: none"> - Incorporate existing built elements in to new work where possible. - Recycle and reuse demolished materials where possible. - Specify building materials that can be reused and recycled at the end of their life. - Integrate waste management processes into all stages of the project. - Support waste management during the design stage by specifying modestly for project needs, reducing waste by using standard components and sizes and by designing for easy updates in the future. - All development is to prepare a waste development plan for the construction and operation of the development. - Locate bins for storage of waste below ground level, away from public areas. - Provide all dwellings and tourist apartments with a waste cupboard and temporary separated storage of food waste and recyclable materials. Provide separate storage bins for collection for food waste and recyclable waste in the basement.	Details have been submitted with the DA from Coles addressing proposed waste management including methods to minimise waste and carry out recycling. The proposed arrangements for waste are satisfactory.	Yes

	Incorporate on site composting where possible.		
Part 5 Detailed Design Guidelines Arcades	<p>Existing arcades are to be retained where they directly link desirable destinations for pedestrians.</p> <p>Arcades are to:</p> <ul style="list-style-type: none"> - have active uses - be obvious and direct through-ways for pedestrians - have a minimum width of 3m clear of all obstructions. - provide public access from at least 7am to 9pm daily. - where practicable, have access to natural light for part of their length and at openings at each end. - where air conditioned, have clear glazed entry doors comprising at least 50% of the entrance. - have signage at the entries indicating public accessibility and to where the arcade leads. 	No arcade proposed.	N/a
Part 5 Detailed Design Guidelines Awnings	<p>Awnings are to be provided to the full extent of the street frontage in the locations nominated in the Block Plans except in cases where there would be a major adverse impact on a heritage streetscape</p> <p>Awnings may be considered on other streets subject to urban design and heritage considerations.</p> <p>Height</p> <p>Awning height is measured from the footpath to the underside of the fascia.</p> <p>On sloping sites, the awning should step down in horizontal steps to follow the slope of the street.</p> <ul style="list-style-type: none"> - the underside of the awning is to be not less than 3200mm above the footpath. - the majority of the awning ceiling and underside of the fascia is to match those of adjoining awnings and to be between 3200 mm and 4200 mm high. - steps for design articulation and to accommodate sloping streets are to be a maximum of 700 mm. 	Awnings comply.	Yes

	<p>Pitch</p> <p>Awnings should be predominantly horizontal and flat throughout their length and width:</p> <ul style="list-style-type: none"> - a maximum slope of 10% is to be used for the roofs and the ceilings of awnings. <p>awnings are to have roofs that slope towards the building so that gutters are not required at the street edge.</p> <p>Width</p> <p>Awning width is measured between the building and the kerb.</p> <p>Where possible new awnings should match the width of adjacent awnings within the following guidelines:</p> <ul style="list-style-type: none"> - new awnings are to be set back minimum 1000 mm from the face of the kerb to accommodate utility poles and traffic/parking in the kerbside lane. <p>In cases where traffic signs and signal are located on utility poles further setbacks may be required (generally no less than 1100mm).</p> <ul style="list-style-type: none"> - where street trees are required, the awning should be set back from the kerb along its entire length by not less than 1500mm to accommodate the trees. In some streets and laneways this will mean that awnings are not appropriate - cut out segments in awnings are not acceptable - the minimum width of an awning is to be 2500 mm (subject to the above) - the Local Government Act restricts the width of suspended awnings to 3660mm and applications for wider awnings require a separate approval from the Director General of <p>Fascia depth</p>	

	<p>New awning fascias must be coordinated with adjacent awning fascias to ensure a consistency and unity to awnings within a block. Traditional fascias are solid, flat and between 300 mm and 700 mm deep awnings.</p> <p>Skylights and Glazing</p> <p>Glazing to awnings is allowed in order to ensure adequate levels of lighting under the awning and to allow improved natural lighting of ground floor spaces within buildings. Fully glazed awnings are generally not acceptable because they cause excessive glare and heat and cannot mask dirt or wind blown paper and leaves. Awning skylights must comply with the following guidelines:</p> <ul style="list-style-type: none"> - awning skylights are to be made from glass. Acrylic, polycarbonate and other plastics are not acceptable glazing alternatives as they are not sufficiently durable - glass used in awnings is to comply with AS1288 <p>Glass in buildings – Selection and installation</p> <ul style="list-style-type: none"> - glass in awnings is to be clear or very lightly tinted, and must also be patterned in a durable finish (such as a fritted, or seraphic glass finish) in order to mask dirt, dust and windblown debris - skylights/glazed portions of awnings are limited to a width no greater than one third of the total awning width - applicants must prepare a maintenance program for awning skylights to ensure that they are appropriately cleaned on a regular basis to Council's satisfaction <p>Fabric canopies</p> <p>Fabric canopies are not generally permitted for buildings in streets where awnings are required due to their different character and shorter life span compared</p>	

		<p>to regular awnings.</p> <p>Construction</p> <p>Awnings are to be constructed to Council's satisfaction and in accordance with good building practice:</p> <ul style="list-style-type: none"> - awnings are to be supported from the building - awnings are to be structurally capable of withstanding all loads including self loads, live loads (including maintenance crews walking over them), lateral wind loads, impact loads (including being struck by a passing vehicle) - certification from an appropriately qualified practising structural engineer that the design and structure comply with the relevant clauses of the BCA is required with each proposal - materials are to be durable, low maintenance and appropriate for the city context - opaque, solid and non reflective materials are generally preferred - awnings built over an exit doorway from a fire isolated stairway are to be constructed of a non-combustible material <p>Drainage</p> <p>Awnings must drain towards the building in order to eliminate gutters and downpipes at the street edge.</p> <p>Awnings</p> <p>Lighting</p> <p>Lighting is required below all awnings to supplement existing street lighting and 'spill' lighting from shopfronts and other ground floor uses.</p> <ul style="list-style-type: none"> - lighting is to comply with requirements for pedestrian areas in the current AS/NZS 1158 - lighting must be recessed into the awning and be 	
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<p>Part 5 Detailed Design Guidelines Roof design</p>	<p>integral to the awning's structure and form</p> <ul style="list-style-type: none"> - all associated wiring and conduits are to be completely concealed - light fittings should be readily accessible to support their regular maintenance <p>Maintenance</p> <p>Awning are to be maintained to a high standard and to Council's satisfaction. A maintenance plan must be submitted for approval prior to commencement of construction indicating the proposed methods of cleaning and a detailed maintenance schedule to ensure the structural integrity of the awning. The maintenance plan and schedule are to include:</p> <ul style="list-style-type: none"> - annual inspection of steel work, connections and supports - triennial repainting of the awning - regular cleaning of drains and the footpath under the awning - regular cleaning of and replacement of defective lighting - regular cleaning of any skylights or awning glazing (with cleaning to occur every six months as a minimum or more frequently depending upon the needs of individual cases) 		
	<ul style="list-style-type: none"> - Break-up roofs where possible with hips, gables and changes in materials. - Make roofs into roof top recreation terraces for staff, public access or for tourists in tourist accommodation buildings. - Make roofs into roof top recreation terraces and/or green roofs with living roof gardens which have rainwater capturing and re-use benefits as well as 	<p>Roof design satisfactory given that shopping complex with requirement for rooftop parking carparking. Shade sails proposed to be provided to rooftop area.</p>	<p>Yes</p>

	<p>aesthetic ones.</p> <ul style="list-style-type: none"> - Roof shapes, roof top housings and projections should be treated as an integral part of the building design.. - Where seen in relation to historic buildings, pitched roof of equivalent slope, scale and colour may be appropriate to historic pitched roofs. - In other circumstances, continuity of parapet lines may be appropriate. - Roof colours should not contrast strongly with the dark green of the Church Hill backdrop the Town Centre. 		
Part 5 Detailed Design Guidelines Signage and advertising	<ul style="list-style-type: none"> - Signage is to be integrated with awnings, including suspended under awning signage. - Roof signs are not permitted. - Building identification is the only signage permitted above awning height. - Electrical conduits to illuminated signs are to be taken directly into the building, or be otherwise screened to the satisfaction of the Council. - A coordinated presentation for all signs is required where there are multiple occupancies or uses within a single building development. - Where a building facade is adjacent to an undeveloped or lower storey building for an interim period, the 'black' facades may be treated with some form of signage/advertising subject to it meeting the approval of Council and strict requirements of being an artwork which contributes positively to the built environment of Port Macquarie. 	All proposed signage acceptable. Refer all also to assessment of proposal addressed earlier in report under section addressing SEPP64.	Yes
Part 5 Detailed Design	The following are preferred treatments for building facades in the Town Centre:	Façade composition acceptable for north and south facades.	Yes

<p>Guidelines Façade composition</p>	<ul style="list-style-type: none"> - Base, middle and top conditions should vary on the facades composition, with cues for each zone taken from adjacent characteristic development. - Fenestration should form less than 50% of facades. - Surface relief and pattern should be included in facade designs - Balance of horizontal and vertical articulation. - Pale rendered treatments and timber in the Foreshore and Clarence Street Precincts with balconies and open facades on upper floors and cues taken from heritage and contributory buildings. - Masonry and face brickwork in the Horton Street and Secondary Retail Precincts with greater facade enclosure. - More freedom in this regard in the Large Floor Retail Precinct. - Masonry in red-brown mid-tones and stone complementing the churches in the Church Hill Precinct. - Non preferred treatments include: <ul style="list-style-type: none"> - black - predominantly blue and yellow colour schemes - metallic and reflective finishes - highly saturated colours, particularly primary colours 	<p>Western façade commented on in the body of the assessment report.</p>	<p>Yes</p>
<p>Part 5 Detailed Design Guidelines Waste Management</p>	<ul style="list-style-type: none"> - Incorporate existing built elements into new work where possible. - Recycle and reuse demolished materials where possible. - Specify building materials that can be reused and recycled at the end of their life. - Integrate waste management processes into all stages of the project. 	<p>Details have been submitted with the DA from Coles addressing proposed waste management including methods to minimise waste and carry out recycling. The proposed arrangements for waste are satisfactory.</p>	<p>Yes</p>

	<ul style="list-style-type: none">- Support waste management during the design stage by specifying modestly for project needs, reducing waste by using standard components and sizes and by designing for easy updates in the future.- All development is to prepare a waste management plan for the construction and operation of the development.- Locate bins for storage of waste below ground level, away from public areas.- Provide all tourist apartments with a waste cupboard and temporary separated storage of food waste and recyclable materials.- Provide separate storage bins for collection for food waste and recyclable waste in the basement.- Incorporate on site composting where possible.	
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D-PGR.

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File No: 196NTH09/N01639 09/1752
Your reference DA2008/224
Greg Sciffer

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

Port Macquarie COUNCIL
28081
1 - SEP 2009
DA 2009-0263
Coordinator
Binder

Main Road 600 - Gordon Street. Port Macquarie Hastings Council.
Lot 2 DP 850217. DA 2009/263. Proposed Supermarket.

Dear Sir

I refer to your letter dated 11 August 2009 to the Roads and Traffic Authority (RTA) concerning the proposed development.

The proposed development is captured by the Roads Act 1993, Clauses 101 and 104 of the Infrastructure SEPP (2007). Council needs to satisfy itself that the requirements and objectives of the legislation are being met.

The following comments in relation to the impacts on traffic management, road safety and efficiency are provided to assist Council in the determination of the application:

- i. The proposed access to Gordon Street will require approval and concurrence in accordance with Section 138 of the Roads Act.
- ii. It has been demonstrated that the proposed development will have a cumulative impact on the existing road infrastructure such as the three existing roundabouts at Hayward/Short Street, Hayward/Horton Street and Horton/Gordon Street. An equitable contribution should be made towards the upgrade of these facilities in the future due to the impact on their efficiency.
- iii. All of the existing central parking should be retained in Hayward Street so as not to create a cross-junction at Keena Lane. Exiting and entering traffic from the proposed development and the lane can utilise the two existing roundabouts for u-turns.
- iv. It is unsafe to permit articulated service vehicles to reverse on a public road. Any service area should be designed so they can enter and leave in a forward manner.
- v. Adequate and safe provisions need to be provided for pedestrians to cross Hayward Street.
- vi. Consideration needs to be given to how the public will be able to access both car parks safely and easily after hours.

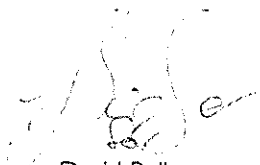
Roads and Traffic Authority

www.rta.nsw.gov.au 02 6646 1300

- vii. Both public car parks will need to be appropriately illuminated to maintain security.
- viii. It is not clear how the speciality shops fronting Hayward Street will be serviced.
- ix. The bus terminal would be better located on a less significant road in a safer environment where it would not conflict with entering and exiting traffic to a public car park.

If there are any further enquiries regarding this matter please contact Greg Sciffer on 6640 1300 or email land_use_northern@rta.nsw.gov.au.

Yours faithfully



David Bell
Regional Manager, Northern Region

- 4 SEP 2009