

Joint Regional Planning Panel October 2013

JOINT REGIONAL PLANNING PANEL (Northern Region)

JRPP No	JRPP Reference Number
DA Number	2013/0452
Local Government Area	Port Macquarie-Hastings Council
Proposed Development	Additions to Recreational Facility (Major) and Additional Community Facility (PCYC). Application includes Clause 4.6 Variation to Clause 4.3 (Height of Building) of the Port Macquarie-Hastings Local Environmental Plan 2011
Street Address	Lot 81 DP 1128367, 153 Hastings River Drive, PORT MACQUARIE
Applicant/Owner	Facility Design Group (Applicant) Port Macquarie- Hastings Council (owner)
Number of Submissions	7 Submissions (Including One Petition)
Recommendation	Consent subject to Conditions
Report by	Fiona Tierney, Development Assessment Planner
Date	October 2013

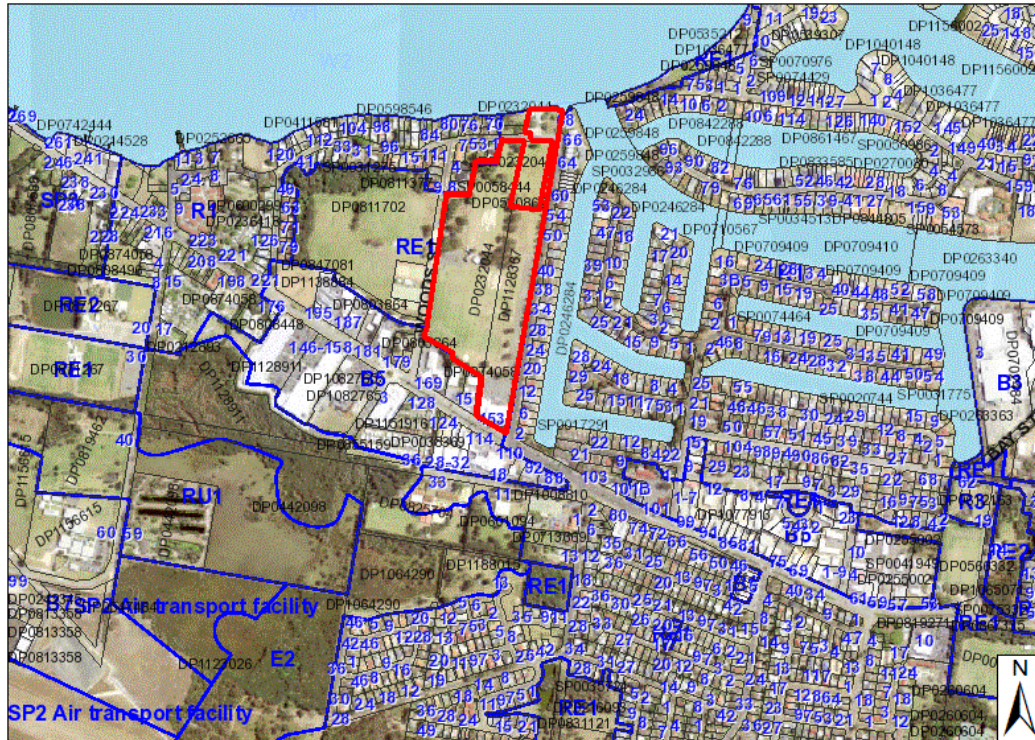
RECOMMENDATION

That DA 2013/0452 for a Additions to Recreational Facility (Major) and Additional Community Facility (PCYC). Application includes Clause 4.6 Variation to Clause 4.3 (Height of Building) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 81 DP 1128367 & Lot 16 DP232044, 153 Hastings River Drive, PORT MACQUARIE, be determined by granting consent subject to the recommended conditions.

1. BACKGROUND

Existing sites features and surrounding development

The site is approximately 12.5 hectares in size and located within an area identified as a sporting field and stadium precinct. An existing stadium containing basketball courts, gymnastics centre, associated amenities and parking area is located on the corner of Hastings River Drive and Hibbard Drive. The aerial photograph below provides an overview of the site:



The site is located on the south eastern end of Hibbard Drive in Port Macquarie. The site has a frontage onto Hasting River Drive and Hibbard Drive.

Adjoining the site to the north are existing playing and sporting fields and associated amenities and clubhouse buildings. To the east is existing residential development that extends along the length of Hibbard Drive and to the south and west are a number of car yards and industrial development.

The site is relatively flat land that extends through to the Hastings River to the north and is subject to flood inundation. Only minor land reshaping and mounding has occurred to allow for viewing areas for sporting events.

Background and History to the development

The site has been home to Port Macquarie Regional Stadium and is part of a larger regional sporting field precinct known as Stuarts Park. In 2008 application was made and subsequently granted for a staged Rugby Club and PCYC development within the park that replaced the existing Rugby and League facilities located to the northwest of the subject site. This site has since been abandoned and options for an alternate combined site with the current subject application pursued.

2. DESCRIPTION OF DEVELOPMENT

In summary the proposed development includes the following:

- A court hall (containing three basketball courts)
- A PCYC activity centre and stadium management
- A kiosk/takeaway food premises
- Amenities
- Relocation and extension of parking area to accommodate 167 car spaces (with 130 overflow spaces) and a bus drop off area for 5 buses.
- Demolition of an existing amenities block

Application Chronology

12 August 2013 - Application lodged
16 August 2013 - Notification to Joint Regional Planning Panel
16 August 2013 - Referred to Roads and Maritime Services (RMS)
23 August - 6 September 2013 - Public Exhibition via neighbour notification
23 August - 6 September 2013 - Public advertising in local newspapers
5 September 2013 - RMS response provided
5 September 2013 - Request from Flood Engineer for carpark levels
11 September 2013 - NSW Police Crime Prevention Assessment received.
12 September 2013 - Additional information request to applicant in relation to resident and sporting group concerns
13 September 2013 - Applicant response to RMS response.
17 September - Applicant response to resident concerns.
10 October 2013 - Meeting between Applicant and representatives regarding Stormwater, Car park design, RMS requirements and submissions.
14 November 2013 - Flood levels and car park issues resolved and conditioned.
December 2013 - Report to Joint Regional Planning Panel

3. STATUTORY ASSESSMENT

Section 79C Matters for Consideration

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

State Environmental Planning Policy No. 44 - Koala Habitat Protection

In accordance with clauses 6 and 7, the subject land has an area of more than 1 hectare in size and therefore the provisions of SEPP must be considered.

SEPP 44 defines "potential Koala habitat as areas of native vegetation where Koala food trees constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

A Koala habitat assessment was conducted on the site (including Stuarts Park) by Environmental Resources Management (ERM) in 2009. A total of 265 trees were recorded of which 49 were identified as Schedule 2 Koala feed tree species. This represents 23% of the total number of native trees on the site. Consequently the site is considered to be '*potential*' koala habitat.

Is the land core koala habitat?

SEPP 44 defines 'core koala habitat' as an area of land within a resident population of koala evidenced by attributes such as breeding females and recent sightings of and historical records of a population.

The site has historical records of Koala sightings and signs of Koala utilisation (scats, scratches etc.) have been documented.

ERM undertook 'spot assessments' to determine the level of Koala activity which indicated an overall activity level less than 25%. It was concluded that whilst a small cluster of trees close to the centre of the park showed moderate activity levels, that outside this area activity was low. Under this current proposal trees within the centre of the park are not proposed to be disturbed. ERM concluded that, due to the overall low to moderate activity levels, the sparse distribution of trees and highly modified nature of the site, it does not contain core koala habitat under SEPP 44.

The application was referred to Council's ecologist who further reviewed the proposed Koala Food tree removal. Advanced Swamp Mahogany *E. robusta* are to be planted as offset at the rate of 4:1 for the Koala Food Trees that will be removed. Four (4) listed Koala Food Species are to be removed.

For the purposes of the development application it is considered that the provisions of the SEPP have been satisfied.

State Environmental Planning Policy 55 - Remediation of Land

This policy requires a consent authority to consider the potential for a development site to be contaminated and therefore whether it is suitable for the use for which is proposed. If the land is unsuitable, remediation must take place before land is developed.

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and its location, the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the nearby Hastings River approximately 665m to the North of the site.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development includes proposed advertising signage in the form of business/building identification and/or general advertising.

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

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

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	Building identification signage effectively integrated into the building. No adverse impact on surrounding locality.	Yes
Schedule 1(1) Character of the area.	Signage is small scale wall type signage that is appropriate within the setting and does not dominate or impact adversely on the adjoining residential area.	Yes
Schedule 1(2) Special areas.	The signage is low impact and will not detract from any special areas as described in the SEPP.	Yes
Schedule 1(3) Views and vistas.	Signage will not impede views or vistas within the area.	Yes
Schedule 1(4) Streetscape, setting or landscape.	Signage is minimal in and around the site and the proposed signage is low scale and low impact.	Yes
Schedule 1(5) Site and building.	Compatible and suitable.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	N/A	Yes
Schedule 1(7) Illumination.	No illumination proposed	Yes
Schedule 1(7) Safety.	Satisfactory	Yes

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy No. 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71.

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

Having regard to clauses 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore;
- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage; and
- g) reduce the quality of the natural water bodies in the locality.

In particular, the site is predominately cleared and located within an area zoned for recreational purposes.

The requirements of this SEPP are therefore satisfied.

Environmental Planning and Assessment Act 1979

Schedule 4a of the Act requires certain development to be referred to the Joint Regional Planning Panel (JRPP) to exercise consent function as determination authority.

In this regard development that has a capital investment value of more than \$5 million if:

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or
- (b) the council is the owner of any land on which the development is to be carried out, or
- (c) the development is to be carried out by the council, or
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).

The development is valued at \$5,355,400, the land is owned by Council and the development will be managed by Council. The application is therefore required to be referred to the JRPP for determination.

State Environmental Planning Policy (Infrastructure) 2007

This policy aims to assist in effective infrastructure delivery. Schedule 3 of the policy requires the consent authority to give written notice to the Roads and Maritime Service (RMS) and take into consideration any comments the RMS provides.

The application was referred to the RMS and considerations of their comments have been addressed in the access, transport and traffic section of this report.

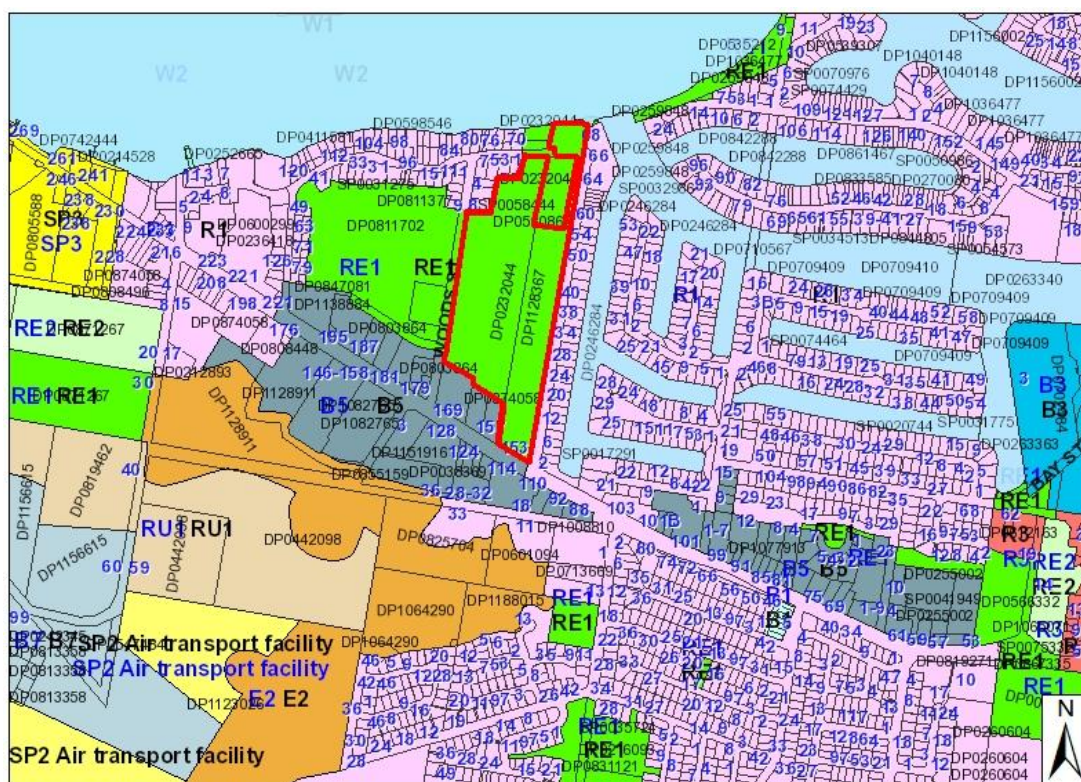
Concerns were raised by the RMS in relation to provision of left-turn deceleration and acceleration lanes for Hastings River Drive, capacity of the Hibbard Drive/Hastings River Drive junction and connection of the existing shared path along Hibbard Drive.

Council has reviewed the RMS comments and Council's Infrastructure Director has advised that these works will be addressed in the future upgrade planning for Hastings River Drive. Pedestrian connectivity will be maintained.

It is considered that the proposal satisfies the objectives of this policy in that effective infrastructure delivery is capable of being provided to the site.

Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2 the subject site is zoned RE1 Public recreation. The zoning map is overlaid on the subject property as provided below:



The objectives of the RE1 Public Recreation zone are as follows:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

In accordance with clause 2.3(2), the proposal is consistent with the zone objectives. The proposal is a permissible land use and contributes the range of services and recreation facilities available to the residents of Port Macquarie-Hastings.

In accordance with clause 4.3, the height of the proposed additions at the highest point from existing ground level is 10.606m which exceeds the 8.5m standard applying to the site by 2.106m. (It should be noted that the existing building exceeds the height limit by 4.65m).

The applicant has lodged a clause 4.6 objection under the LEP to the building height standard of 8.5m applying to the site on the following grounds:

- Sports stadiums are required to have a large building floor area and high ceiling to provide adequate clearance for sport activities and natural ventilation,
- The proposed height of the sports stadium is reasonable having regard to the floor area,

- The existing stadium has a greater height than the proposed stadium,
- The stadium is located within Stuarts Park, which is a large sporting area and the stadium will not be out of scale with this setting.
- It is noted that the Department of Planning Circular PS08-003 provides Council with the assumed concurrence of the Director General with respect to the Clause 4.6 variation.

Having regard for the above, it is agreed that a variation to the standard is acceptable in this instance. The proposed variation does not result in an adverse overshadowing or view loss impact. The proposed structure is in proportion with the existing building and given the location within a sporting field precinct will not result in adverse impact to adjoining occupied premises.

In accordance with clause 7.2, the following comments are provided with regard to the likely earthworks proposed to be undertaken as part of the proposal:

- the works will be unlikely to lead to any significant identifiable adverse effects upon existing drainage patterns, soil stability of the site or adjoining/adjacent sites, any nearby water course or known environmental sensitive area within the immediate locality.
- the works will be unlikely to adversely affect potential additional future land uses on the site.
- the existing soil quality and structure will not present an identifiable constraint to the construction of the proposal on the site.
- the likely change in levels associated with the proposed development will not have any identifiable adverse effect on the amenity of adjoining/adjacent properties to the site.

In accordance with clause 5.9, 4 listed trees in Development Control Plan 2011 are proposed to be removed. Assessment and inspection has been conducted by Council's Ecologist and Tree Assessment Officer. The trees are isolated species and considered acceptable to remove. It is proposed to replace each tree with 4 advanced suitable Koala Food Species.

Clause 5.10 – Heritage = The site does not contain or adjoin any known heritage items or sites of significance.

In accordance with clause 7.3, the site is land within a mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrent interval flood event plus 0.5m freeboard) or is land at or below the flood planning level. In this regard the following comments are provided which incorporate consideration of Council's Interim Flood Policy:

- The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties.
- The proposal incorporates measures to manage risk to life from flood
- The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses
- The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- Additional comment is made further in the report and additional details in relation to evacuation procedures and management strategies are to be submitted with the application for the Construction Certificate.

In accordance with clause 7.1, the site has class 3 potential acid sulfate soils. The proposed development includes car parking and footing construction, however no excavation extending 1 below the natural surface level is proposed, therefore no adverse impacts are expected to occur to the Acid Sulphate Soils found on site.

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

No draft instruments apply to the site.

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

The development complies with the general provisions of DCP 2011. No specific criteria exist for sporting stadiums. Matters are addressed within the report in relation to Advertising and Signage, Community Participation and Social Impact Assessment, Environmental Management, Tree Management, Hazards Management and Transport, Traffic Management, Access and Car Parking.

(iiia) 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:

Nil

iv) any matters prescribed by the Regulations:

The proposed development is consistent with the objectives and strategic actions of the NSW Coastal Policy.

(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 development is considered to be in context with the setting and use of the site for sporting grounds. The building is of appropriate scale, will improve the scenic qualities of the area and identification as a sporting precinct through improved appearance, signage and landscaping. There are no anticipated overshadowing or view loss impacts.

Access, Transport & Traffic

Council's Engineer has advised that the existing local road infrastructure, parking areas and traffic patterns are adequate to cater for the proposed development.

Roads

The existing indoor sports facility fronts Hibbard Drive Port Macquarie and also has road frontage to Hastings River Drive. Hibbard Drive is a council owned and maintained road. Hastings River Drive is a major arterial road connecting to the Pacific Highway. Any works required on Hastings River Drive will require the concurrence of RMS.

Traffic

Traffic assessment was completed by RoadNet in July 2013, with traffic surveys undertaken on 15 and 17 May 2013. Traffic surveys determined peak conditions into and out of the facility occur between 3:45 and 4:45 pm on Wednesday (15th) and from 5:00 to 6:00 pm on Friday (17th). Traffic surveys show existing traffic volumes ranging from 187 vehicles per hour (vph) to 224 vph during event peaks. Based upon these surveys, the expanded facility is anticipated to generate traffic conditions during events from 415 to 497 vph.

Roadnet's analysis of existing conditions show that both the Hibbard & Car park driveway intersection, and the Hibbard Drive & Hastings River Drive intersection had a very good to excellent Level of Service (LOS).

Trip generation increases were modelled based on the proposed new GFA and the results indicate that the proposed development would not have a significant adverse impact on the capacity of the road intersections or road network.

RMS

The application was referred to the RMS on 16 August 2013 for review. The letter response from RMS on 5 September 2013 raised the following items for consideration:

- 1) Existing traffic counts indicate based on the AUSTROADS Fig 4.9 Warrants that the junction of Hastings River Drive and Hibbard Drive require both a left-turn deceleration and acceleration lane for Hastings River Drive for the present development.
- 2) The SIDRA modelling needs to project the traffic generation for the total development to check if the junction of Hastings River and Hibbard Drives will operate in 10 years efficiently.
- 3) A connection to the existing shared path on Hastings River Drive needs to be provided along Hibbard Drive.

Council reviewed the items raised and determined the following:

- 1) Council staff reviewed left-turn lane Warrants with, Council's Traffic Engineer. Upon review, it is clear that the primary movements to and from the site are coming from the east (Port Macquarie) with limited traffic movements (50-60 vehicles per hour) anticipated during the peak periods from the west.

Any acceleration and/or deceleration lanes along Hastings River Drive associated with the left-in/left-out movements would have significant impacts to on-street parking as well as affect current bus facilities and pedestrian distances across Hastings River Drive. Due to the urban environment of this road and the limited turning movements, Council engineering staff (representing the Road Authority) do not support RMS advice for the installation of a westbound left-turn deceleration and acceleration turn lane. Therefore, no deceleration and acceleration lanes will be provided at this time.

In addition, Council's Traffic Engineer John Hanlon indicated that Council has a Master Plan for upgrade of intersections along HRD, and that the Hibbard intersection has been earmarked for traffic lights. It is noted that the proposal for the traffic lights will cater for the efficiency of the intersection as discussed by RMS. The upgrading works would only be completed as funds become available. Other intersections would have a higher priority than Hibbard at this stage.

- 2) Council staff reviewed concerns raised by the RMS regarding modelling planning year horizons. RMS has adopted AUSTRROADS traffic study requirements (Traffic Management Part12) which require traffic operation assessments and road safety review for large developments to consider a 10-year planning horizon after opening. Growth in traffic along Hastings River Drive will have a direct impact to gap acceptance and will impact queue requirements at turn lanes. As the majority of patrons come from and to the east (Port Macquarie), Council engineering staff concerns are primarily associated with the adequacy of the westbound right-turn lane to accommodate vehicle queues within the planning horizon.

Since the original application, RoadNet has conducted additional Sidra modelling for the intersection 10-years into the future. The modelling shows that the westbound right turn bay will need to be extended over 6-years after the site reaches full development to cater for future through movement traffic growth on Hastings River Drive. Based upon the findings and further discussions with Council's Director of Infrastructure, Council has agreed it is appropriate to incorporate the extension of the westbound right-turn lane on Hastings River Drive into future upgrades currently in the planning phase.

- 3) Council has agreed with the RMS regarding pedestrian connectivity from existing facilities along Hastings River Drive to the site. Refer to 'Pedestrians' heading below.

Access

Access to the site is via Hibbard Drive to the proposed car parking area. There are currently four access driveways into the car park from the street. The existing two (2) northern access points are to be retained. However, the lower two (2) access locations will be relocated toward the north to serve as the primary access to the new on-site carpark to be constructed, and to facilitate ingress/egress for the proposed bus loading/unloading area immediately east of the proposed carpark.

In addition, the application will create a new one-way drop-off zone proposed to be constructed between Hastings River Drive & the primary carpark driveway. This access will facilitate drop-off/pick-up of patrons along the eastern edge of the building and facilitate a turnaround through the primary driveway in an effort to minimize traffic impacts on Hibbard Drive north of the site. Access shall be designed in accordance with Council's AUSPEC and Australian Standard requirements.

Parking

RoadNet reviewed the site parking in July 2013. This study was based upon a parking survey collected at the site in 2006, as the current facility is similar to that in the original study. The study determined that the peak parking demand of the new facility (6,663 sqm) would be 193 spaces based on a peak demand of 2.9 spaces per 100m² of Gross Floor Area (determined for the existing 3,005 sqm facility).

In addition, Council reviewed the DCP and RMS requirements for parking and compared this information to RoadNet's study parameters. A summary of the information is provided in the table below.

Parking Spaces	DCP Requirement	RMS Guide*	Shown on Plan A01	RoadNet Recommended
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				**
Near parking	500 (7.5 per 100 sqm)	299 (4.5 per 100 sqm)	167	193 (2.9 per 100 sqm)
Overflow parking			73	
TOTAL			240	

* RMS *Guide to Traffic Generating Developments* October 2002, Section 5.9.2 yields the minimum recommended for a metropolitan sub-regional area.

** based on RoadNet survey in 2006 at this facility.

In general, the site plan proposes a total of 240 spaces, which exceed the current demands determined for this facility. In addition to the proposed parking above, the site is being designed with additional on-site bus parking loading/unloading facilities (for 5-6 buses), and is linked to the existing Stuart Park with additional off-site parking and Hibbard Drive which currently has additional on-street parking. Based upon these findings, parking proposed is adequate to address anticipated peak events. All parking facilities shall be considered in accordance with AS 2890 (Parts 1, 2 & 6) as appropriate.

Manoeuvring

The car park provides for drive through access for busses and a manoeuvrable turning area for garbage pickup on the site.

Council Engineers reviewed swept path drawings for the site and determined the need for increasing the turn radii of the kerb returns and kerb alignments along the western boundary of the bus loading/unloading area. Agreement has been reached with the applicant on these required changes. Plans are to be updated reflecting proposed changes prior to any construction certificate. Conditions of consent shall reflect this requirement.

Pedestrians

Pedestrian pathways and crossing locations are provided as part of the parking facility. There are no public footpaths provided in the vicinity of the site. RMS noted in their comments that a connection to the existing share path on Hastings River Drive needs to be provided along Hibbard Drive. It is noted that there is an existing concrete footpath in HRD of width 1.2m. The applicant has agreed to the installation of pedestrian facilities and these items have been conditioned accordingly. Details shall be provided prior to any construction certificate.

Sewer

Sewer is connected to the site via a 150 dia main and junction from manhole PM22P011 adjacent the west boundary. This junction can remain to serve the proposed additions. The proposed additions will not impinge on Council sewer on the site.

Internal waste water extensions will require S68 application.

Access to the existing sewer manhole on site is to be maintained at all times by providing a clear space of minimum 1m around the MH.

Earthworks

Council records indicate that the site is affected by a moderate soil erosion rating. As such, erosion and sediment control measures need to be incorporated into any earthworks proposed at the site. These measures should be maintained for the duration of the works and until the site is stabilised with vegetation.

Public Domain

No adverse impact on the public domain.

Utilities

Electricity and Telstra facilities are available in the vicinity of the site.

Stormwater

RoadNet has provided a Stormwater Management Plan for the Proposed Extension and car park. It is noted that Council's Stormwater Engineer has met with the consultants on-site, and has discussed the issues relating to the drainage of the site and in regards to provision of bio-retention areas, pollutant traps and water storage. Stormwater drainage design to be undertaken in accordance with AUSPEC D5 and D7.

Water

Records indicate that the site generally has six metered water services. The services for the existing stadium building are a 40 mm service from the 100mm AC water main on the opposite Hibbard Drive and a 100mm fire service from the 150mm PVC water min in Hastings River Drive.

Final water service sizing is to be determined by a hydraulic consultant to suit the domestic and commercial components of the existing and proposed development, as well as fire service and backflow protection requirements. If an additional domestic service or a fire related service is proposed from the Hibbard Drive water main then augmentation of this main will be required.

Soils

Council records indicate that the site is affected by a moderate soil erosion rating. As such, erosion and sediment control measures need to be incorporated into any earthworks proposed at the site. These measures should be maintained for the duration of the works and until the site is stabilised with vegetation.

The site is identified as potentially containing Class 3 acid sulphate soils. Work below 1m from natural ground level will require a Management Plan to determine treatment and or offsite disposal requirements. This has been recommended as a condition of consent.

Air & Micro-climate

Potential exists for dust to be generated during construction - standard dust control DA consent condition recommended

Flora & Fauna

An inspection has been carried out by Councils Ecologist who has identified that some minor potential habitat or refuge may be removed as part of the works to be carried out under this application. To ensure adequate compensatory measures and alternate refuge the following works are to be carried out and are to be conditioned as part of any consent issued:

Prior to works commencing, 16 nest boxes constructed of ACQ treated-timber are to be installed by appropriately qualified contractor under the supervision of councils ecologist in the Settlement Shores Bushland Reserve east of Park Street. The specified nest boxes are: 6 large sized (comprised of: 3 brushtail possum, 2 Rosella and 1 Boobook Owl box); 2 medium sized (comprised of: 1 sugar/squirrel glider box, 1 Brush-tail Phascogale box); 8 small sized (comprised of: 3 Scaly-breasted Lorikeet, and 5 forest bat boxes).

Prior to issuing a construction certificate, a landscape plan is to be approved to Council's satisfaction. The Landscape Plan must only use species from Council's Indigenous Plant Species List (Blackbutt Satinwood Dune Forest). The landscaping must also provide (at the rate of 4:1 for the Koala Food Trees that will be removed), advanced Swamp Mahogany *E. robusta* that meet NATSPEC *Specifying Trees* as offset.

Waste

Standard demolition and construction wastes expected and a "Waste Management Plan" has been submitted as part of the DA.

Energy

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

Noise & Vibration

A NIA report has been provided as part of the SOEE submitted with the DA. The acoustic consultant has considered the potential noise sources from the proposed development (indoor noise & mechanical plant) and the use of the premises (carpark) and has determined that the PSNL's for the project are likely to be exceeded during the Evening and Night periods.

Due to the likely exceedances and to prevent adverse noise impact on adjacent residential receivers, several recommendations regarding the construction of the roof of the building and doors/seals etc have been made; as well as recommending that the calculated combined sound power level of all external mechanical plant being limited to 73dB(A) to ensure the Night PSNL criterion can be met at the closest receiver. Carpark noise emissions are expected to be below the relevant criteria.

Additional RTN arising from the proposed development is not expected to increase existing RTN by more than two (2) decibels and is therefore satisfactory.

Special DA conditions are recommended to ensure the recommendations made in the NIA report are incorporated into the building design & construction and are to be applied in section B of the Consent, i.e. "Prior to the issuing of the Construction Certificate". Works are to be carried out in accordance with the following report: "Hastings Community Sports Centre -Acoustical Assessment, Hibbard Drive Port Macquarie NSW 2444 July 2013 Report No. nss 21915 – Final"; prepared for Facility Design Group Architects by Noise and Sound Services Pty Ltd".

Natural Hazards

The site is affected by flooding, with a 1 in 100 year flood level of 3.0m AHD. Flood category is low hazard flood storage, with a flood freeboard level of 3.9m allowing 400mm for climate change. The applicant is requesting proposed building floor level to match the existing 3.55m AHD.

It is proposed that the minimum floor level of habitable areas to be at or above RL 3.5m AHD and all parts of the structure below the applicable Flood Planning Level shall be constructed from flood compatible materials as listed within the Interim Port Macquarie-Hastings LGA Flood Policy (2007).

The 1:100 Yr Flood Level for this site is 3.0m AHD. From the plans provided (Sheet 11 dated 11/10/2013) the car park levels range from 2.30m AHD to 2.70m AHD. This would indicate potential inundation of the car park up to 0.7m deep during a 100 Yr event.

According to the Flood Policy, car parks are to be designed to ensure damage to vehicles is minimised and vehicles do not become moving debris. It is held that water depths greater than 0.4m can potentially elevate cars during a flood resulting in a potential debris hazard.

The applicant has requested that the additional car park areas remain at the same level as the existing constructed car park due to additional costs and lack of easy transition from one car park level to the other. Justification was presented that the car park is unlikely to be in use during flood events and that significant evacuation times and warning would be available.

To ensure the risk is minimised, prior to issue of a Construction Certificate, the applicant shall submit a Flood Management Plan detailing effective flood mitigation measures for the car park for events up to the 1:100 Yr ARI event. The Flood Management Plan shall detail measures to reduce the risk of damage to vehicles and the likelihood of vehicles becoming moving debris during flooding events.

Safety, Security & Crime Prevention

An evaluation report has been prepared by Mid North Coast Local Area Command (NSW Police Force). The Safer By Design Evaluation has identified the Development as being LOW CRIME RISK and a number of recommendation made in accordance with Crime Prevention Through Environmental Design principles.

Social Impact in the Locality

The proposed stadium and PCYC is likely to provide a significant positive social impact for the local community in terms of additional provision for recreational, public health, community networks and youth engagement.

It is proposed to implement mitigation strategies in the design of the building to assist in alleviating any potential impacts in the operational phase of the development.

A comprehensive Social Impact Assessment submitted by All About Planning was assessed by Council's Social Planner and found to be acceptable. The report provides mitigation strategies that should be considered as part of the consent conditions.

Compliance or Otherwise with the DDA

Council's Community Development Officer- Aged & Disability and the Access Committee reviewed the DA at their committee meeting on 9 September 2013. Compliance will be required with the access provision of the Building Code Of Australia.

Economic Impact in the Locality

The proposal will have a likely positive impact through the provision of additional employment, ability to attract larger sporting events and the associated impact to the

community in terms of additional visitors, spending on sporting related equipment and the associated flow on effects.

Site Design and Internal Design

The proposed development design is satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

A report under the Building Code of Australia has been submitted with the application for compliance (and potential alternate solution design requirement) and for preliminary energy efficiency compliance under Section J. The applicant has demonstrated satisfactory compliance will be capable of being achieved.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal. Standard construction hours are to be conditioned on the consent.

Cumulative Impacts

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

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

The site is considered suitable for additions to the stadium and expansion of the community use of the park. The proposal will fit into the locality and the site constraints have been adequately addressed and appropriate conditions of consent recommended.

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

Following exhibition in accordance with DCP 2011, 7 submissions received (including 1 petition. The development is notifiable local development and as such neighbour notification has been undertaken.

Submission Summary	Comment
Disturbance to residents in the vicinity.	The precinct has been established as a sporting and recreational facility for a significant amount of time. Strict management of the site is proposed with increased supervision and presence at the site.
Antisocial behaviour	A Crime Prevention Report has been submitted to Council and an assessment made by Council Crime Prevention Officer. The PCYC are committed to engaging with youth to foster good relationships and a sense of investment in the facility. The PCYC are committed to managing the site and responsible and appropriate behaviour of patrons.
Proposal has design flaws unsuitable for sporting groups.	Discussions have taken place with various stakeholders over a number of years and the PCYC. The proposal is designed to cater for various groups and

	the PCYC requirements and has been designed with these needs in mind.
Noise /impact reduction	It is recognised that there may be potential noise impacts from the development- including indoor noise and mechanical ventilation. An acoustical assessment has been provided by the applicant. Conditions of consent are proposed to restrict noise levels from the development and structural requirements are being imposed to ensure noise levels meet relevant noise criteria.
Traffic flow/design issues	Council's Engineers have completed an assessment and negotiated design changes to ensure the design works as effectively as possible.
Request additional vegetation for screening/privacy.	Significant landscaping is proposed in accordance with the recommended tree species schedule under Council's DCP.
Lighting to be installed to not create nuisance.	Conditions of consent will be imposed requiring hours of operation of lighting and shielding where necessary
Speeding drivers and u-turns	The PCYC are committed to appropriate management of the site and hoon behaviour is to be managed through normal Police Patrols and reported inappropriate behaviour.
Request installation of CCTV	The applicant has advised that a CCTV system is to be installed.
Request contact person for issues relating to stadium/complaint management procedure	A management plan will be in place for the PCYC and designated officers will operate out of the site that will be available to contact.
Restrict hours of operation	Hours of operation will be imposed on the conditions of consent - 7am to 10pm Mon- Sat. 10am-10pm Sundays.
Prohibit particular activities- parties, boxing nights, discos/dance parties	Uses will be permitted for community groups and managed under improved noise control measures and site management plans.
Proposal will reduce/restrict area available to other sporting groups	Council recognises the need to maintain the availability of sporting spaces for the community. Preliminary discussions and stakeholder engagement has taken place with various community groups and where possible existing areas will be relocated or modified to ensure they are not severely disadvantaged. Continued negotiation and discussion will be carried out as the project moves forward.
Size, bulk and scale	The eastern elevation of the building has been designed with a single storey entry with offices and amenities that will extend approximately 40m from the

frontage to Hibbard Drive as a single storey structure. The two storey portion will be lower than the existing structure and is considered appropriate in the recreational zone.
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Community Participation and Engagement

A number of opportunities have been provided by Council for the community to be heard in respect of the proposed Stadium redevelopment and new PCYC facility. Initial community consultation occurred in October 2012 followed by a report to Council to the December 2012 meeting. A community forum was held on 11th October 2012 and was attended by the Mayor, Council staff, NSW PCYC CEO, Project Architect (Facility Design Group) and approximately 70 members of the public.

In addition 2 community forums were held during Stage 2 of the engagement process. Both forums were well attended by the community and key stakeholder groups and attendees and other persons were invited to make submissions to Council on the project.

A community reference group (CRG) was established to focus in building design outcomes. The CRG reviewed the draft concept and discussed and implemented various design changes as requested by community members. This included car parking, "Kiss and Drop" Zones, bus parking and general access.

(e) The Public Interest:

The proposed development will be in the wider public interest with provision of appropriate additional community and sporting facilities.

The proposed development satisfies relevant planning controls and is not expected to impact on the wider public interest.

Ecologically Sustainable Development and Precautionary Principle

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

The four principles of ecologically sustainable development are:

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

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

A request for waiving of development contributions was submitted with the DA. The building is located on Council owned land under the control of Council (classified as 'Community Land').

It is considered that PMHC (being the developer) is a not for profit organisation and that the proposed development will provide an essential community service. As such, the development is being undertaken on Council owned land by a not for profit organisation which is providing an essential community service.

Consequently the proposed development of the Regional Indoor Stadium building is recommended to be exempt from contributions as it meets the definition of clause 6.3 of Councils Development Contributions Assessment Policy.

Clause 6.3 - Development by non-profit organisations Development by non-profit organisations on Council owned or controlled land is exempt from the payment of development contributions, provided that the Council determines that the development is for an essential community service. Exempt development under this clause is not included in the calculation of demand under Council's Development Contributions Plans or Development Servicing Plans. Any shortfall in contributions resulting from exempt development is to be met by the relevant Contributions Plan or Development Servicing Plan.

5. CONCLUSION

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

Issues raised during assessment of the application have been considered and where relevant conditions have been recommended to manage the impacts attributed to these issues.

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

ATTACHMENTS

Plans

Recommended conditions

Assessments

Submission details