Joint Regional Planning Panel 16 April 2014

JOINT REGIONAL PLANNING PANEL
(Northern Region)

JRPP No	**JRPP Reference Number 2013NTH026**
DA Number	**2013-0730**
Local Government Area	**Port Macquarie-Hastings Council**
Proposed Development	**Demolition of Dwelling, Construction of a Residential Flat Building (79 units) and Strata Subdivision. Application Includes Clause 4.6 Variation to Clause 4.3 (height of buildings) of the Port Macquarie Hastings Local Environmental Plan 2011**
Street Address	**Lot 2 DP 262236, 4 Highfields Circuit, Port Macquarie**
Applicant/Owner	**Swift Architects Pty Ltd (applicant) R T & K M Felstead (owner at time of lodgement)**
Number of Submissions	**Four (4)**
Recommendation	**Consent subject to Conditions**
Report by **Date**	**Clinton Tink, Development Assessment Planner** **2 April 2014**

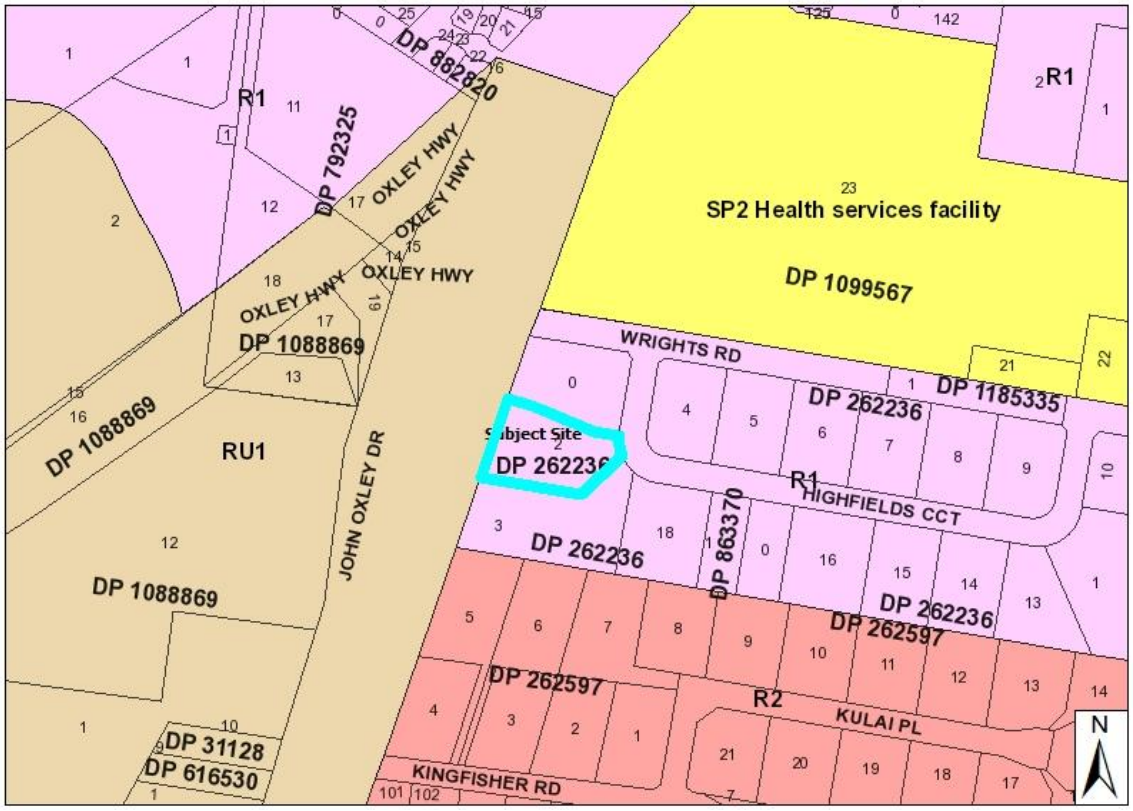
RECOMMENDATION

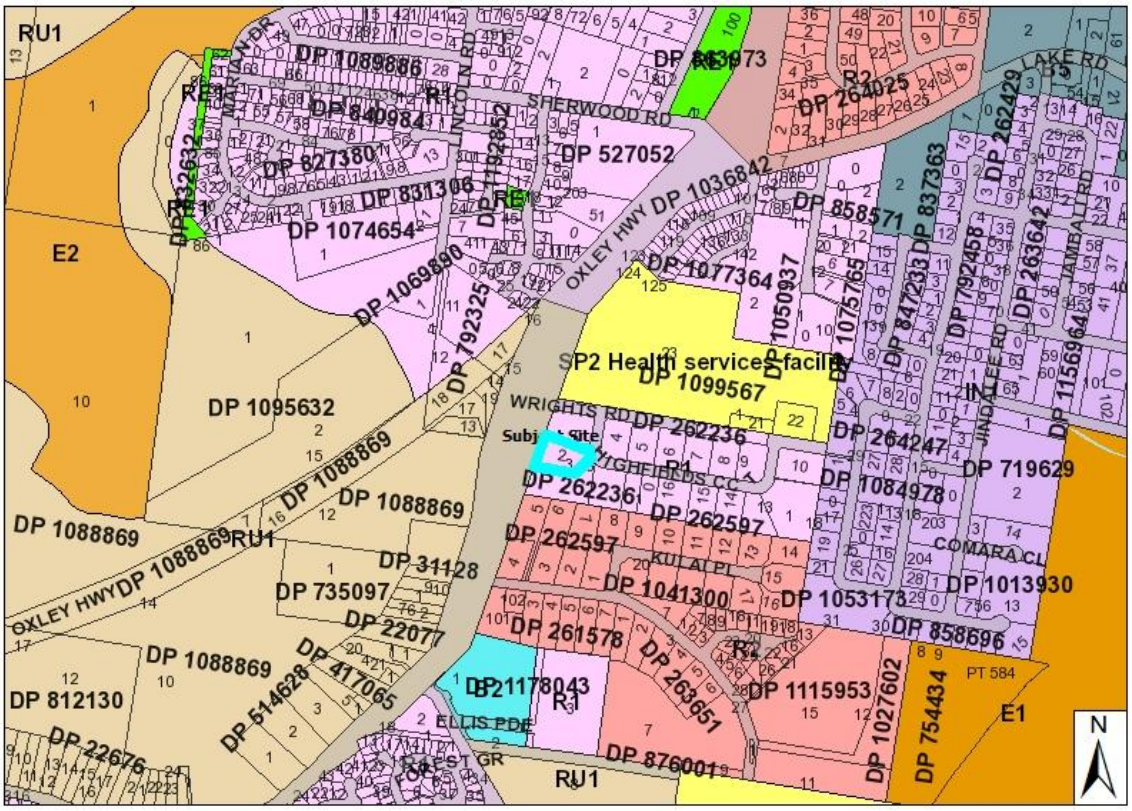
That DA 2013-0730 for demolition of dwelling, construction of a residential flat building (79 units) and strata subdivision, including Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 2 DP 262236, 4 Highfields Circuit, Port Macquarie, be determined by granting consent subject to the recommended conditions.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 4473m². The site is located within the R1 General Residential zone under the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011) as shown in the attached zoning maps. The first zoning map is of the immediate area, while the second shows zoning approximately 500m from the site for further context.





The property is located within the Highfields Circuit/Hospital precinct, which is currently experiencing a transition from residential to medical related land uses and associated learning facilities. A number of sites have also been proposed to provide accommodation associated with the above medical and learning facilities in the area. As an example, of the eighteen (18) properties in Highfields Circuit, nine (9) have applications in or have had approval for medical and higher density accommodation purposes.

Adjoining the property to the north and south are medical and higher density accommodation. A further 100m to the north lies the Port Macquarie Base Hospital.

To the west of the site is a vegetated corridor separating the site from the old Oxley Highway (now known as John Oxley Drive).

East of the development is Highfields Circuit and a single dwelling. A further 400m lies the Port Macquarie Industrial area.

The site contains an existing dwelling, shed and some minor exotic plant species that are all proposed to be removed. The site slopes east to west.

Details of the above site characteristics can be identified in the aerial photograph below:

2. DESCRIPTION OF DEVELOPMENT

In summary the proposed development includes the following:

- The demolition of the existing dwelling and shed onsite and removal of exotic plant species.
- A residential flat building comprising seventy nine (79) one (1) bedroom units built over two (2) and three (3) storeys. There are 82 parking spaces in total proposed, which has been nominated as 72 resident spaces and 10 visitor spaces. Included in the total are 3 disabled parking spaces dispersed throughout the basement area, plus a car wash space and bike parking.
- 30% of units will be allocated to affordable housing.

Application Chronology

23/7/2013 - Proposal presented to Council's Pre-lodgement meeting.
18/9/2013 - Proposal was presented to the Design Review Panel (DRP) for consideration against State Environmental Planning Policy 65 - Design Quality of Residential Flat Buildings.
26/11/2013 - Development Application lodged with Council.
3/12/2013 - Council staff requested additional information on car park area, elevation of courtyard, confirmation on percentage of affordable housing, communal areas and concept strata plan. Council staff also informed Joint Regional Planning Panel of the application. Applicant also submitted revised traffic report.
4/12/2013 - The application (with noted amendments from the previous meeting) was presented to the DRP.

6-20/12/2013 - Notification period.
10/12/2013 - Comments received from DRP and forwarded onto the applicant for comment.
6/1/2014 - Applicant confirmed they would be responding to additional information letter from Council staff and DRP comments. Applicant requested summary submissions.
16/1/2014 - Summary of issues raised in submissions provided to applicant.
5/2/2014 - Meeting held with applicant to go through additional information issues.
19/2/2014 - Applicant provided revised plans in response to DRP and Council staff issues.
20-22/2/2014 - Discussion between Council staff and the applicant regarding the revised plans and issues relating to their affect on the original statement of environmental effects, landscaping matters, strata layout. Revised detail submitted 22/2/2014.
10/3/2014 - Council staff requested further information on revised BASIX certificates, affordable housing compliance and percentage, plus the associated impact on parking numbers.
18/3/2014 - Meeting held with the applicant to go through Council staff's additional information request dated 10/3/2014.
25/3/2014 - Applicant provided response to additional information in response to issues raised by Council staff on 10/3/2014.

3. STATUTORY ASSESSMENT

Section 79C Matters for Consideration

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

State Environmental Planning Policy 44 - Koala Habitat Protection

In accordance with clauses 6 and 7, the subject land does not equate to one hectare in size (including any adjoining land under same ownership) and therefore the provisions of SEPP do not apply. In addition, no koala feed tree species are proposed to be removed.

State Environmental Planning Policy 55 - Remediation of Land

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 location; the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The Design Review Panel (DRP) originally met with Council and the applicant before the lodgement of the development application. As a result, the applicant made a number of amendments to the design before lodgement. In accordance with clause 30, the proposal has since been referred back to DRP to seek further advice.

The following table provides a summary of the conclusions/recommendations for consideration of the proposal by the DRP and comments and in response by Council staff:

DRP comment	**Comments in response**
More detail on landscaping required. Connectivity through landscape area. External space use areas need to be defined.	The applicant has since submitted a more detailed landscape plan that details species of plants proposed throughout the site. The applicant has also provided more detail on the use of open space areas including hard and soft landscaping treatments.
The Panel noted the changing uses and growth within the area. The Panel noted that there are similar size/scale buildings existing and proposed in the area	Noted
The Panel noted that the site was disconnected for the uses proposed. There is limited pedestrian facilities, car parking or other urban facilities.	The site has a pedestrian footpath on the Highfields Circuit frontage that provides partial access to the hospital. The hospital is provided with a regular bus service. It is recommended in the conditions that the footpath connection to the hospital be completed. The site is also within 400m of a local shopping centre. An informal connection path to the centre is provided to the west of the site.
Entry to the building has been compromised from the street due to the driveway and garbage compound.	The garbage compound has been moved into the underground carpark. Due to the narrow frontage, the driveway is always going to occupy a significant portion of the frontage. However, the applicant has further revised the frontage by providing a more defined pedestrian entry and separating the driveway from the pedestrian area via a 1.2m high feature wall.
The elevations need more commitment to the detail design in SEPP 65 including finishes and colours.	The applicant has since provided a materials and colour palette and revised plans to show finishes.
The DRP noted the bush corridor along the western edge may permit some additional height as indicated.	Noted.
Entry sequence to the street is still poor.	The garbage compound has been moved into the underground carpark. Due to the narrow frontage, the driveway is always going to occupy a significant portion of the frontage. However, the applicant has further revised the frontage by providing a more defined pedestrian entry and separating the driveway from the pedestrian area via a 1.2m high feature wall. The scale of the

	front facade presents as a two storey building, which reduces the bulk of the design when viewed from the public street. The frontage provides a suitable transition from existing buildings within the area to the new medical focus.
Design needs to show relationship of buildings and changes in level with the central courtyard.	The applicant has provided a revised landscape design showing the relationship of the buildings to the central courtyard. The revised plans also provided more detail on pedestrian linkages throughout the central courtyard and proposed hard stand areas.
Suggest narrower unit layout to ensure north aspect for all units.	It is considered that the design is acceptable with the majority of units having access to north aspect and all contain dual aspect for ventilation. The western block faces east west however the location of balconies will enable access to partial north aspect during the day.
Car park has been designed to allow for deep soil in the central courtyard.	Noted.
Need for a link through the site to allow connection of the overall area to the shopping centre to the south.	The proposed development will provide direct access from the site to the informal western track that links to the centre. The access will be for residents only. The issue of connectivity from the Hospital precinct to the shopping centre is a larger issue. The informal western track may not be the best option as it is isolated and provided with limited surveillance. A more holistic option would be along John Oxley Drive. With the Oxley Highway and Wrights Road roundabout currently being reviewed, it is considered that pedestrian linkages from the Hospital precinct to the shopping centre will form part of the review.
DRP note that the FSR is subject to the Affordable Housing SEPP.	Noted
Accuracy of BASIX needs to be investigated in terms of windows.	The applicant has provided further detail on window sizes. The applicant will also be conditioned to comply with the BASIX certificate and applicant will be accountable for compliance.
DRP recommended all units have through ventilation and this has been largely addressed.	Noted
DRP noted that access cores are	Noted.

predominately naturally lit and ventilated. External corridors are provided in lieu of internal (positive).	
Large trees should be incorporated into the design.	The landscape plan has been amended showing presence of larger trees.
Narrow setbacks along northern and western boundaries are of concern for access and maintenance.	The narrow areas have been incorporated into individual unit open space areas, which eliminates access and maintenance concerns.
Larger scale apartment layouts required.	Applicant has since submitted.
Top floor units could benefit from skylights to hallways and internal service areas.	Hallways and service areas are now predominately external.
Higher window heads will allow better light and ventilation.	The applicant has incorporated raked ceilings into the design with higher window heads. This has resulted in a further increase in height. Given the windows are on the northern façade and rake down on the southern façade, minimal new impact will occur on overshadowing, loss of any view and privacy.
Central garbage compound location needs to be reviewed.	The central garbage compound has been removed and is now located in the basement carpark out of sight, but still accessible for residents. A private collection service will be required, but this was always going to be the case given the narrow frontage and limitations on bin storage during pick up days.
The pedestrian entry is poor and confusing with inadequate path widths, articulation, use of mailboxes/intercom as a central meeting place. Access needs to be more identifiable.	The applicant has redesigned the entry to ensure pedestrian access is separate to vehicular by way of a separating/feature wall. A covered entry structure has also been included to define the entry with mailboxes also included. The entrance funnels people into the complex where more defined pathways than take residents/visitors throughout.
Location of private living spaces and access overlook communal spaces and links, which aids safety and security.	Noted
Clear site lines to entries essential.	The improved pathways and external corridors provide suitable sight lines.
The driveway needs to be clear from the street without dominating.	The narrow frontage makes it difficult for the driveway not to dominate the street. However, the proposed intercom, overhead structure will define the vehicular entry while

	the slope will provide a level of concealment as well. The inclusion of the two storey building component will also provide a level of street address that minimises the scale of the driveway.
Northern lift core needs to be more central.	The northern lift core has been moved into the central courtyard area making it more visible and useable.
DRP noted the affordable housing nature of the proposal and a need to address the transient population created by the health precinct.	Noted
DRP note the need for finishes board and more detail on design.	Applicant has since provided more detail on finishes and design.
Attention should be made to break up built form. Roof is still very dominant as a single skillion form.	The applicant has amended the design to step down more with the slope of the land. This creates articulation in the built form. Changes in height and also separation between buildings also aids in breaking up built form. The skillion roof is still retained. However, the above changes in articulation break up the overall design and dominance of the roof. The roof design is also consistent with the recently approved dwelling to the south, the hospital and education facilities in the area.

It should be noted that the comments provided by the DRP have been made with regard to the Residential Flat Design Code.

It is considered that the information provided by the applicant post the DRP meeting has satisfactorily addressed the issues raised.

In accordance with clause 30(2), the proposal has demonstrated satisfactory consideration against the design principles contained in the Residential Flat Design Code and the following table provides an assessment against the design quality principles:

Requirement	**Proposed**	**Complies**
Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a	Design of development has responded to and will contribute to the existing key natural and built features of the immediate locality and with the future intent of the area. Development is generally consistent with the built form controls of Port Macquarie Hastings Development Control Plan 2013 (DCP 2013) and Port	Yes

transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	Macquarie-Hastings LEP 2011 (LEP 2011) and will be of an appropriate scale, reflecting desirable future aspects within the existing locality undergoing transition.	
Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.	Design of development is satisfactory in terms of future desired bulk and height controls envisaged by DCP 2013 and LEP 2011 and is suitable to the scale of the existing buildings occurring within the area, adjacent streets and scale of potential re-development of other surrounding sites. The small frontage and reduced height of buildings at the frontage presents a consistent façade to the street with other development in the area. The subject locality is undergoing transition and the development will be consistent with the identified desired future character of the locality.	Yes
Built form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	Design of development is of a satisfactory built form for the site and building's purpose in terms of building alignments, proportions, building type and the manipulation of building elements. Design of development has responded to and will satisfactorily define the existing public domain. Design of development will contribute to existing desired future character of the streetscape and a satisfactory amount of internal amenity and outlook will be provided.	Yes
Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional	Density of proposed development is consistent with the built form controls of the affordable housing SEPP and will be appropriate to the site and its context within a locality undergoing transition.	Yes

context, availability of infrastructure, public transport, community facilities and environmental quality.		
Resource, energy and water efficiency Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	Design of development will be energy efficient. The design incorporates passive solar design principles, is capable of providing efficient appliances and mechanical services and adequate provision of deep soil zone areas have been provided.	Yes
Landscape Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.	Landscape design will result in good aesthetic quality and amenity for future occupants of the development. Landscape design will likely enhance the development's natural environmental performance by co-ordinating water and soil management, solar access and micro-climate. Landscape design will optimise usability, privacy and social opportunity, equitable access and respect for existing neighbours' amenity, and likely provide for practical establishment and long term management.	Yes
Amenity Good design provides amenity through the physical, spatial and environmental	Design of development will provide a satisfactory amount of residential amenity with appropriate room dimensions, adequate access to	Yes

quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.	sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and a satisfactory level of accessibility.	
Safety and security Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.	Design of development would provide for a satisfactory level of safety and security, both internally to the development and with respect to its relationship with the public domain. Entry to the site has been improved and is considered acceptable.	Yes
Social dimensions and housing affordability Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.	The design of the development responds to the existing social context and needs of the local community in terms of lifestyle and access to social facilities. Proposed development is generally consistent with relevant planning controls and will provide for desired provision of housing mix for future affordable housing occupants, people associated with the hospital and students associated with the transitioning area.	Yes
Aesthetics Quality aesthetics require the appropriate composition of building	Design aesthetics of development has appropriate composition of building elements, textures, materials and	Yes

elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	indicative colours which reflect the use, internal design and structure of the development.	

State Environmental Planning Policy (Affordable Rental Housing) 2009

The development is considered in-fill affordable housing for the purposes of the SEPP. Relevant provisions of the SEPP and associated compliance is detailed in the following table:

SEPP requirement	**Proposed**	**Complies**
Clause 10 - Development must be permissible with consent, not be on land that contains a heritage item and be within 400m of a B2 or B4 zone.	A residential flat building is permissible with consent. The site contains no known heritage items and is within 400m of the B2 zoned Lake Innes Shopping Village.	Yes
Clause 13 - The SEPP provides for revised FSR. The formula in this case when the existing FSR is less than 2.5:1 and the % of affordable housing is less than 50% is Y = AH/100 (Y is the bonus and AH is the percentage of affordable housing on offer). The applicant is nominating 30% of housing under the National Rental Affordability Scheme. Y = 30/100, which equates to a 0.3 bonus. FSR for the site can be 0.65:1 + 0.3 = 0.95:1.	0.77:1.	Yes
Clause 14 - Standards that the consent cannot refused on: 1. If site area is a minimum 450m². 2. If 30% of the site landscaped. 3. If 15% of the site is used for deep soil zone with only areas min 3m included. Where practical two thirds of the deep soil zone should be in the rear of the site. 4. If living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	1. The site area is 4473m². 2. 40% of site landscaped. 3. 16% deep soil zone provided. The deep soil zone has been provided internally and along the southern boundary. This was in response to the existing western road corridor already containing significant vegetation and the nominated areas onsite work best from a design point of view. In this regard, a rear deep soil zone was not practical in this case. 4. Except for the western building, all units are provided	Yes

5. At least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms, 6. If each dwelling has a gross floor area of at least: (i) 35 square metres in the case of a bedsitter or studio, or (ii) (ii) 50 square metres in the case of a dwelling having 1 bedroom, or	with a north aspect and good solar access. The western building, while not orientated to the north contain balconies with partial north access. Considered that a minimum of 58 units will definitely comply and the remainder would comply or just under. 58 units equates 73%. 5. There are 79 studio/one bedroom units of which 30% are affordable housing. 30% of 79 units = 24 units. 24 units at 0.5 spaces requires 12 spaces. Using Council's DCP 2013 to determine the remaining parking requirements on the non affordable housing component, 1 space is required for 1 bedroom units and 1 per 4 units for visitor. 79 units - 24 affordable = 55 units. 55 x 1 space = 55 spaces. 55/4 = 14 visitor spaces. The total parking required is 12 + 55 + 14 = 81 spaces. 82 spaces provided. 6. Proposed studio units exceed 35m² (proposed approximately 40m²) and one bedroom exceed 50m² (proposed approximately 52m²).	
Clause 16 - SEPP 65 still applies	The development has addressed SEPP 65 - refer to assessment above in this report.	Yes
Clause 16A - Is the development compatible with the area.	Given the area is currently going through a transition from larger lot single dwellings to a medical and education precinct; the development is considered compatible with the area and especially the future desired outcome for the area. The accommodation is well suited to the transient nature of medical and educational facilities. It is envisaged that the accommodation will prove popular for university and medical	Yes

	interns studying in the area. The scale of the building is also conducive to others being built in the area, including the existing hospital, hospital upgrades, university buildings etc.	
Clause 17 - A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that: (a) for 10 years from the date of the issue of the occupation certificate: (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, that will ensure that the requirements of paragraph (a) are met.	To be conditioned.	Yes
Clause 18 - The SEPP allows this type of development to be subdivided.	Development is proposed to be strata subdivided.	Yes

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

In accordance with clause 6, a BASIX certificate (number 515864M_02) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

The requirements of this SEPP are satisfied.

State Environmental Planning Policy (Infrastructure) 2007

The development is not considered to front a classified road or a road that generates more than 40,000 annual average daily traffic volume. In particular, the Oxley Highway is located over 150m to the north west, across John Oxley Drive. In this regard, Clauses 101 & 102 do not apply.

In accordance with Division 17, Subdivision 2, Clause 104, the proposed development does not trigger any of the thresholds in the SEPP. As a result, referral to the Roads and Maritime

Services (RMS) was not required. Due to the issues surrounding the Oxley Highway/Wrights Road roundabout, Council staff have referred a copy of the application to the RMS for their information.

While the SEPP provisions do not apply, the impacts of traffic, traffic on the Oxley Highway/Wrights Road roundabout etc are still an issue to consider and are addressed later in this report.

The requirements of this SEPP are satisfied.

State Environmental Planning Policy (State and Regional Development) 2011

This policy aims to identify state and regional significant development or infrastructure and confer functions on joint regional planning panels.

In accordance with clause 20 of this policy, clause 6 of Schedule 4A of the Environmental Planning and Assessment Act 1979 identifies the development for which a regional panel is authorised to exercise the consent authority function.

Clause 6 reads as follows:

6 Private infrastructure and community facilities over $5 million

Development that has a capital investment value of more than $5 million for any of the following purposes:

> *(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
> *(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes*, health services facilities or places of public worship.

In this case, the proposed development is for affordable housing and has a CIV over $5 million.

In accordance with clause 21 of this policy, the purpose of this report is to provide an assessment of the development application in accordance with section 79 (C) of the Act.

Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2 the subject site is zoned R1 General Residential.

In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for a residential flat building is a permissible landuse with consent.

In accordance with clause 2.3(2) the consent authority must have regard to the objectives of a zone when determining a development application.

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.

• To provide for a variety of housing types and densities.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

In accordance with clause 2.3(2), the proposal is a permissible land use with consent. The residential flat building will provide for housing for the community and nearby existing uses. The development will also add to the variety of housing and density in the area by producing a more affordable and higher density development.

In accordance with Clause 2.7, the demolition of the existing dwelling and shed requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.

In accordance with Clause 4.1A, the proposed strata subdivision is exempted from the minimum lot size provisions of Clause 4.1.

In accordance with clause 4.3, the maximum overall height of the proposal above ground level (existing) is approximately 10.5m which does not comply with the height limit of 8.5m applying to the site. As a result, the applicant has submitted a Clause 4.6 variation to the standard. Pursuant to Clause 4.6(3), consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the applicant submitted a Clause 4.6 variation to the standard based on the following reasons:

- The proposal is below the floor space ratio (FSR) provisions of SEPP (Affordable Rental Housing) 2009.
- The building height will read as a two storey building when viewed from the public domain (ie Highfields Circuit) due to the fall in the site heading west.
- The development contains significant sections of compliance with the 8.5m standard.
- The areas of non compliance do not result in any additional significant overshadowing or loss of privacy.

Having considered the application and Clause 4.6 variation, the proposal will have limited impact on the environment as per the reasons identified by the applicant. In addition, it is also considered that the development:

- Will provide a transition to the adjoining hospital building.
- Is consistent with the objectives of the LEP and is unlikely to have any implications on State related issues or the broader public interest.
- Is well below the allowable FSR standard thereby minimising bulk onsite and also providing suitable setback to adjoining premises.
- Contains large setbacks ensuring there is no adverse overshadowing from the building, especially when compared to a compliant development.
- Comprises bulk and scale that has been minimised on the street elevation and throughout the site as the building is broken up into a number of smaller buildings to allow light and articulation.
- Height is consistent or scaled down when compared to the height of vegetation along the western boundary.

As per Planning Circulars PS 08-003 & 08-014, Council can assume the Director's Concurrence for variations to height limits. The application is not being determined by Council staff, which also ensures transparency in the decision.

In accordance with clause 4.4, the floor space ratio of the proposal is 0.77:1.0 which exceeds the maximum 0.65:1 floor space ratio applying to the site. However, the FSR can be varied as detailed in the SEPP (Affordable Rental Housing) 2009 assessment above, which overrides the LEP. The FSR complies with the SEPP.

In accordance with clause 5.9, no listed trees in Development Control Plan 2013 are proposed to be removed.

In accordance with clause 5.10, the site does not contain any known heritage items or sites of significance. The site also shows signs of past disturbance via the existing residential use.

In accordance with 7.7, the proposed development does not penetrate the Obstacle Limitation Surface (OLS) of the Port Macquarie Airport. However, if a crane is to be utilised during construction, care will be required. A condition will be imposed to ensure any crane used onsite does not penetrate the OLS and that appropriate authorities are notified.

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and sewer infrastructure to service the development.

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

None relevant.

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

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Residential Flat Development, Tourist and Visitor Accommodation and Mixed Use Development			
DCP Objective	**Development Provisions**	**Proposed**	**Complies**
3.3.2.2	Satisfactory site analysis plan submitted.	Satisfactory plan submitted.	Yes
3.3.2.3	Statement addressing site attributes and constraints submitted.	Application has dealt with site attributes and constraints.	Yes
3.3.2.4	Streetscape and front setback: • Within 20% of the average setback of the adjoining buildings. • 3m setback to all frontages if no adjoining development. • 2m setback to secondary frontages. • Max. 9m setback for	The development is setback 6.5m to front balconies or 8.4m to the front façade. There is a mixture of front setbacks in Highfields but the majority of development are setback approximately 10m. Either side of this site, the setbacks are over 20m, due in part to car parks being forward of the building line and the unusual lot frontages	No but acceptable.

	tourist development to allow for swimming pool.	created on the bend in Highfields Circuit. The 6.5m exceeds the normal 4.5m setback applied in residential zones. The proposed design is considered acceptable in a transitioning area and also because of the unusual lot frontage. The two storey nature of the building fronting Highfields will also ensure it is not out of character with the existing or future streetscape.	
3.3.2.5	Balconies and building extrusions can encroach up to 600mm into setback.	Balconies are setback 6.5m. Refer to comments on setbacks above.	No, but acceptable.
	Buildings generally aligned to street boundary.	Due to the unusual shape and small frontage of the property, the development is aligned down the property. The alignment is consistent with adjoining properties.	No, but acceptable.
	Primary openings aligned to street boundary or rear of site.	Due to the number of units proposed, primary openings are focused on the street, internally and to the western vegetated road corridor. Openings to the north face an internal driveway on an adjoining property.	Yes
3.3.2.6	Side setbacks comply with Figure 3.3-1: • Min. Side setback 1.5m for 75% of building depth. • Windows on side walls min. 3m from side boundary. • 3m minimum where adjacent to existing strata titled building.	Except for Building A and the balcony to Unit 79, the development is setback in excess of 3m, including windows. In most parts, the building is setback over 4.5m from the northern side setback and 6m from the southern side boundary. In terms of the variations to Building A and the balcony to Unit 79, the encroachments are minor in the context of the overall building, are located on the northern façade (ie create no overshadowing), the windows are limited in size to ensure no overlooking and the use of the adjoining land is a car park/driveway so there is	No, but acceptable.

		no loss in privacy. Variation will create no adverse impact.	
	Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.	All facades contain a suitable level of articulation via the development stepping down the site, inclusion of open space and balcony areas.	Yes
	Min. 6m rear setback (including sub basements)	The façade of the development is setback over 6m from the western rear boundary, balconies are setback 5m and the underground car park less than a metre. Throughout the process of assessing this proposal and early on (including assessment by DRP), it was suggested that the deep soil zone and western rear setback could be reduced in lieu of an internal deep soil zone area, especially given the unusual shape of the property and lack of neighbours to the west. It is considered that the development has followed this design theme. Also refer to comment on 3.3.2.10 for further context.	No, but acceptable.
3.3.2.7	A party wall development may be required if site amalgamation is not possible and higher density development is envisaged by these controls.	No party wall or site amalgamation required.	N/A
3.3.2.8	Party wall development can occur only with the agreement and consent of the adjoining property owner. Exposed party walls should be finished in a quality comparable to front facade finishes.	No party wall or site amalgamation required.	N/A
3.3.2.9	Corner sites consolidated with adjacent land where possible.	The site is not considered a corner lot for the purposes of the DCP.	N/A
	Where consolidation not possible a minimum setback of 6m should extend to secondary street (see Fig 3.3-	Consolidation not required.	N/A

	2 and 3.3-3).		
3.3.2.10	Where sites adjacent to open space are to be developed the edge of the open space should be defined with a public road and buildings address the open space.	The western façade addresses the adjoining large, vegetated road reserve and informal pathway. While a road reserve, the area presents as an open space.	Yes
3.3.2.11	Buildings should be sited across the frontage of the site (not down the length of the site). Refer to Figure 3.3-3.	The development has been located down the site - refer to comments on 3.3.2.25 above in this assessment table.	No, but acceptable.
3.3.2.12	Deep soil zones: • Extend the width of the site and have minimum depth of 6m. • Are contiguous across sites and within sites (see Fig 3.3-4).	Given the unusual shape of the property, the deep soil zone has been provided internally. This was considered an acceptable alternative to having a deep soil zone at the rear of the site where there is no adjoining neighbour to be separated from. Other smaller deep soil zone areas have been provided throughout the site, including to the south as a form of separation. As a comparison, a 6m deep soil zone to the west would have created an approximate 366m² deep soil zone area. The proposed internal deep soil zone is 321m² and there are other additional deep soil zone areas onsite that push the figure well over 366m².	Yes
3.3.2.13	Deep soil zones accommodate existing advanced trees, and allow for advanced tree planting.	There are limited trees onsite at present. The proposed deep soil zones will allow for advanced tree planting.	Yes
3.3.2.14	Deep soil zones integrated with stormwater management measures.	Deep soil zone and stormwater integrated. Underground car park allows the site to be drained rather than create a dam affect from building boundary to boundary.	Yes
3.3.2.15	Sunlight to the principal area of ground-level private open space of adjacent properties should not be reduced to less than 3 hours between 9.00am	The development will overshadow the ground level private open space areas of the proposed development to the south, which is currently	No but acceptable.

	and 3.00pm on June 22.	under construction. The overshadowing is not so much a result of the increase in height of the building but rather the orientation of the lots. In particular, a compliant development would create a similar impact as side setbacks can be less than 3m. The normal separation allowed between flat buildings is 12m. For the most part, the proposed development is setback 12m from the development to the south. In addition, the overshadowing is worst case and would improve over other months. Based on the above, the development will overshadow the proposal to south but is deemed acceptable when considering the setbacks provided, the impacts of a compliant development and the findings being based on a worst case scenario.	
	Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.	No substantial overshadowing currently occurs onsite.	N/A
	Buildings should not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than the above specification.	Refer to comments above on overshadowing of private open space areas.	No, but acceptable.
3.3.2.16	Internal clothes drying space provided (not mechanical).	Clothes drying facilities can be provided on balconies. Communal facility provided on ground floor.	Yes
	Ceiling fans provided in preference to air conditioning.	No heating or cooling facilities proposed.	N/A
	Solar hot water systems (or equivalent technology) provided.	Electric proposed. Solar panels provided on roof.	No but acceptable. BASIX allows.

	Photovoltaic arrays installed where practical.	Solar panels proposed.	Yes
3.3.2.17	Landscape plan provided including: • 35% soft landscaping with minimum width of 3m. • Existing vegetation and proposed treatment. • Details of hard landscaping. • Location of communal recreational facilities. • Species not to obscure doors, paths, etc. • Street trees in accordance with Council's list.	40% provided. Suitable landscape plan provided detailing soft and hard landscaping areas.	Yes
3.3.2.18	Existing vegetation to be retained and nutrient-rich water prevented from entering native gardens.	The site contains limited vegetation for retention. Stormwater detention will manage stormwater leaving the site.	Yes
3.3.2.19	Landscape plan to demonstrate how trees and vegetation contribute to energy efficiency and prevent winter shading on neighbouring properties.	Tall vegetation has been predominately located in existing shaded/overshadowed areas.	Yes
3.3.2.20	Street trees in accordance with Council's list.	None proposed.	N/A
3.3.2.21	All dwellings at ground floor level have minimum $35m^2$ of private open space, including one area 4m x 4m at maximum grade of 5% and directly accessible from living area.	The 35m² open space requirement is more aimed at dwellings on their own lot (ie in a torrens subdivision situation). In residential flat buildings, the 35m² is not as critical when a large communal open space area is provided such as in this proposal. The 4m x 4m is considered the more critical requirement and each ground floor unit is provided with a compliant dimensioned area or an acceptable varied useable dimensioned area (ie 5m x 3m+ equating to over 16m²).	Yes
	Separate private open space	No resident manager	N/A

	for any resident manager or permanent occupant of a tourist facility.	proposed. Unit 51 would likely be a managers unit and is provided with a suitable courtyard area.	
3.3.2.22	Where open space is of irregular shape, areas having a width less than 2m are excluded from calculated area.	Except for some small pinch points around Building A, the majority of open space area has dimensions exceeding 2m.	Yes
	Dwellings not at ground level have balconies with minimum area $8m^2$ and minimum dimension 2m.	All balconies equate to or exceed 8m² with a minimum dimension of no less than 2m.	Yes
3.3.2.23	Fencing or landscaping defines public/communal and private open space.	Courtyard fences and use of hard and soft landscaping has been used to define communal and private open space areas.	Yes
3.3.2.24	Solid fences should be: • Max. 1.2m high, • Setback 1m, • Suitably landscaped, • Provide 3m x 3m splay.	A solid 1.2m wall is proposed at the front of the building separating the pedestrian and car park entry. It will be conditioned to be setback 1m to provide better vision of the road.	Yes
	Where front fences higher than 1.2m: • Max. 1.8m high, • Landscaped recesses for 50% of frontage, or length of fence not more than 6m or 50% of street frontage. • Min. 25% transparent, • 3m x 3m splay for corner sites. • 900mm x 900mm splay at vehicle driveways.	A front courtyard fence is provided to Unit 51. The fence is 1.2m solid and then contains spaced timber slats up to 1.8m to allow partial transparency. The actual fence is setback 5m from the front boundary with landscaping included in front. The fence does not occupy more than 50% of the frontage and due to the large setback and use of landscaping, will create no adverse impact on streetscape.	Yes
3.3.2.25	Fencing materials consistent with or complimentary to existing fencing in the street.	Minimal front fencing used. Where applied, the fencing forms part of the design and/or integrates into the landscaping.	Yes
3.3.2.26	Fences constructed of chain wire, solid timber or masonry and solid street not permitted, even if consistent with	None proposed.	N/A

	existing fencing in the locality.		
3.3.2.27	Building to be designed so that: • Busy, noisy areas face the street. • Quiet areas face the side or rear of the lot. • Bedrooms have line of site separation of at least 3m from parking areas, streets and shared driveways.	The unit designs ensure noisy living areas either face the road, internal areas, external unused areas (i.e western road reserve) while at the same time placing opposing low use areas towards noisy areas. As an example, the southern building units face the internal courtyard. The remaining units in the northern and western buildings in response to this have low use areas such as entrances and bathrooms etc. facing the internal courtyard. Bedrooms are in the middle of each unit with living area on one side and low use bathroom etc. on the other side. Bedrooms that face walkways etc have no windows or highlight windows to maintain privacy. Direct line of site openings are also greater than 3m apart.	Yes
	Openings of adjacent dwellings separated by at least 3m.	Openings that face each other are separated by 3m or more.	Yes
3.3.2.28	Building designed so noise transmission between apartments is minimised.	Layout of units have been grouped to minimise noise transmission. Refer to comment on 3.3.2.27 above.	Yes
	Uses are to be coupled internally and between apartments i.e. noisy internal and noisy external spaces should be placed together. (See Figure 3.3-6).	Refer to above comment.	Yes
3.3.2.29	Development complies with AS/NZS2107:2000 *Acoustic – Recommended design sound levels and reverberation times for building interiors for residential development.*	To be conditioned.	Yes
3.3.2.30	Impact of noise from key public places to be considered.	Suitable separation exists between the development and Highfields Circuit. There is likely to be some noise from	Yes

		the hospital at times, which is not uncommon for a development in an urban centre next to a hospital. Noise from the western road reserve is likely to be minimal during the day and unlikely to be used at night (at present) due to the potential unsafe nature of the pathway as it is not lit.	
3.3.2.31	Direct views between living room windows to be screened where: • Ground floor windows are within 9m of windows in an adjoining dwelling. • Other floors are within a 12m radius. • Living room windows are within 12m radius of the principal area of private open space of other dwellings.	Direct views from all living room windows are separated by more than 9m from other living room windows within the complex and adjoining properties. Direct views between living rooms on other floors exceed 12m separation. Direct views between living rooms and private open space areas exceed 12m.	Yes
	Direct views may be screened with either a 1.8m high fence or wall, or screening that has maximum 25% openings.	Not required.	Noted.
	Windows in habitable rooms screened if >1m above ground level and wall set back <3m.	Situation does not exist onsite.	N/A
	Balconies, decks, etc screened if <3m from boundary and floor area >3m^2 and floor level >1m above ground level.	Except for Unit 79, all balconies are setback more than 3m from a boundary. In terms of Unit 79, the balcony overlooks a driveway and therefore does not create any privacy issues.	No, but acceptable.
3.3.2.32	Developments to be designed in accordance with AS 1428.	Development has been designed with AS1428 in mind. Disabled parking provided, lifts and wheelchair access available to a number of units. A number of units are capable of compliance.	Yes
3.3.2.33	Barrier free access to at least 20% of dwellings provided.	Barrier free access is provided to over 20% of units.	Yes
3.3.2.34	Developments located close to open space, recreation,	Development is located in close proximity to medical	Yes

	entertainment and employment.	facilities, industrial area and a local shopping centre.	
	Where LEP permits FSR > 1:1, FSR not less than 1:1 should be achieved.	LEP 2011 FSR is 0.65:1, which has been exceeded in accordance with affordable rental housing SEPP.	N/A
3.3.2.35	Variety of types - studio, 1, 2, 3 and 3+ bedroom apartments	Due to the development been aimed at affordable housing and most likely the transient university and medical occupants in the area; units have been limited to studio and 1 bedroom. In particular, the housing is specific to the area.	No, but acceptable.
	Studio and 1 bedroom apartments not > 20% of total number of apartments.	Refer to above comment.	No, but acceptable.
	Mix of 1 and 3 bedroom apartments at ground level.	Refer to above comment.	No, but acceptable.
3.3.2.36	Council's Affordable Housing Strategy to be considered for residential flat buildings.	The development is consistent with the strategy as it aims to provide affordable housing in an area that is suitably serviced with facilities and is likely to require accommodation aimed at the transient university and medical occupants in the area. The development will further add to the mix of accommodation and housing opportunities in the area.	Yes
3.3.2.37	Lift over-runs and plant integrated within roof structures.	Lifts have been suitably integrated into the design and materials used on the building.	Yes
	Outdoor recreation areas on roof tops to be landscaped and incorporate shade structures and wind screens.	None proposed.	N/A
	Outdoor roof areas oriented to the street.	None proposed.	N/A
	Roof design to generate interesting skyline.	The roof design is simple in design. While not creating interest, the roof design is consistent with surrounding development and the transitioning nature of the site.	Yes
3.3.2.38	Facade composition should:	Façade composition steps	Yes

	• Have balance of horizontal and vertical elements. • Respond to environmental and energy needs. • Incorporate wind mitigation. • Reflect uses within the buildings. • Include combination of building elements.	down the site and is broken up into a number of separate buildings providing a good balance of vertical and horizontal lines. The site provides good aspect to each unit to allow suitable access to sun and wind conditions.	
3.3.2.39	Building elements, materials and colours consistent or complimentary to those existing in the street.	The materials used are acceptable considering the area is going through a transition. The materials are consistent with the more recent development approved in the area.	Yes
3.3.2.40	Entrances clearly identifiable from street level.	Entrance is identifiable from the street through the use of dividing wall, open awning structure, presence of mailbox area and pathway location.	Yes
	Entries provide clear transition between public street and shared private circulation spaces/apartments.	Pathways, fencing and landscaping cues delineate transitions between public and private areas.	Yes
	Entries provide clear line of sight between one circulation space and the next.	Refer to above comment.	Yes
	Entries avoid ambiguous and publicly accessible small spaces in entry areas.	Private entries are identifiable as majority of public access points are clearly separate from unit areas.	Yes
	Entries sheltered and well lit.	Entries to units are sheltered.	Yes
	Entries and circulation spaces sized for movement of furniture.	Circulation areas are acceptable for movement of furniture.	Yes
	Corridors minimum 2.5m wide and 3.0m high.	Corridors range in size but are predominately 2m wide and 2.4m high. The corridors will feel wider and more roomy given they are not enclosed.	No, but acceptable.
	Corridor lengths minimised and avoid tight corners.	The separation of buildings and inclusion of multiple entry points (ie stairwells and lifts) limit corridor lengths.	Yes
	Longer corridors articulated	While not considered long, the	Yes

	by: • Changing direction and width. • Utilising series of foyers. • Incorporating windows.	development has incorporated changes in direction, voids and an open design to further limit the impact of excessive corridor length.	
3.3.2.41	Minimum 1 balcony per apartment.	Each above ground level unit is provided with at least one balcony.	Yes
	Main balcony accessible from living area.	Balconies are accessible from living areas.	Yes
	Balconies take advantage of favourable climatic conditions.	Balconies are north facing or have partial north aspect.	Yes
	Balconies and balustrades balance privacy and views.	The design of the building ensures there is no loss of privacy or views both internally or externally.	Yes
3.3.2.42	Balconies include sunscreens, pergolas, shutters and operable walls.	Balconies provided with awning structures.	Yes
	Balconies recessed to create shadowing to facade.	The awning structures and balconies located above balconies create a recessed and shadowing affect.	Yes
	Solid balustrades discouraged.	A mixture of solid and semi transparent balustrades proposed.	Yes
	Air conditioning units not visible from the street.	None proposed.	Yes
3.3.2.43	Secure open air clothes drying facilities that are: • easily accessible, • screened from public domain and communal spaces, • located with high degree of solar access.	The size of balconies and limited number facing public open space areas, will ensure minimal impact. As discussed previously, the majority of units have either north aspect or partial access. Ultimately, clotheslines installed retrospectively are hard to police.	Yes
3.3.2.44	Mailboxes integrated into building design and sighted to ensure accessibility and security.	Mailbox area is located at the front of the development, which provides accessibility and security (natural surveillance provided from street).	Yes
3.3.2.45	Public and private space clearly defined.	Public and private open space areas clearly defined by entry feature and soft/hard landscaping treatments.	Yes
	Entrances: • oriented to public street,	Entrance is orientated to street. Car park will be gated	Yes

	• provide direct and well lit access between car parks, lift lobbies and unit entrances, • optimise security by grouping clusters (max. 8) around a common lobby	ensuring security. Living areas face communal areas to provide surveillance.	
	Surveillance facilitated by: • views over public space from living areas, • casual views of common internal areas, • provision of windows and balconies, • separate entries to ground level apartments.	A number of living areas and trafficable corridors face both private and public spaces to ensure security. Each unit is provided with a entry separated from major access points (i.e. such as stairways and lifts) to ensure limited confusion between private and public/communal areas.	Yes
	Concealment avoided by: • preventing dark or blind alcoves, • providing lighting in all common areas, • providing graded car parking illumination (greater at entrances).	The car park will be gated with access available by a pin code system. This will provide security and safety to residents. Alcoves throughout the site are limited with most areas being overlooked by units. Lighting can be retro fitted if problem areas are identified following construction.	Yes
	Access to all parts of the building to be controlled.	Access is controlled to car park. Communal areas are accessible but overlooked by natural surveillance.	Yes
3.3.2.46	Accessible storage provided for tenants in basement car park or garages.	There are two communal storage facilities provided in the basement.	Yes
	One bike storage space per dwelling provided.	Bike parking is provided in the basement car park. Likely most people will keep bikes in their units.	Yes
3.3.2.47	For developments of < 6 dwellings individual waste management permitted. Designated area to be provided for storage of bins: • not visible from street, • easily accessible, • not adjoining private or communal space,	More than 6 units proposed.	N/A

	windows or clothes drying areas, • on hard stand area, • close to street and a tap for washing, • maintained free of pests.		
	Communal bulk waste required where: • > 6 dwellings, or • Number of bins wouldn't fit in street frontage, or • Topography would make street collection difficult.	A communal waste area has been provided in the basement car parking area.	Yes
	Communal bulk waste facilities integrated into development and located at ground or sub-basement level. • Not visible from street, • Easily accessible, • Can be serviced by collection vehicles, • Not adjoining private or communal space, windows or clothes drying areas, • Has water and drainage facilities for cleaning, • Maintained free of pests.	Refer to above comment. The facility is not visible from the street, is easily accessible (people would go past when leaving the complex), does not adjoin open space area, will have access to water/drainage, can be maintained free of pests and a private collection will be required. Applicant has advised that a local waste company has advised that they can service the facility.	Yes
	Evidence provided that site can be serviced by waste collection service.	As per above comment. Applicant has received advice from a local waste company that they can service the facility. Likely that bins will be transported up the driveway to the road for collection.	Yes
3.3.2.48	Site and individual units numbered.	To be conditioned.	Yes
	Common aerials and satellite dishes provided.	To be conditioned.	Yes

DCP 2013: General Provisions			
DCP Objective	**Development Provisions**	**Proposed**	**Complies**
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design (CPTED) guideline:	The development has addressed the general principles of CPTED. The site provides casual surveillance of internal and external areas,	Yes

	• Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations	provides cues to delineate private and public areas and contains minimal entrapment/concealment areas. The application was also reviewed by NSW Police who were supportive of the design. Suggestions were made on management issues of the site including signage, lighting, landscape management etc. Issue of the site being occupied by university students and non university students could create conflict. It is considered that this is a management issue. The main communal area is located in the centre of the complex and shielded from adjoining residents.	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill exceeds 1m for the purposes of establishing the underground car park, which is acceptable from a DCP perspective.	Yes
	Any retaining wall >1.0 in height to be certified by structural engineer	To be conditioned.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Noted
	Driveway crossing/s minimal in number and width including maximising street parking	Only one driveway crossover proposed.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1: • 1 space = single dwelling (behind building line) and dual occupancy • Medium density – 1 per 1 or 2 bed dwelling or 1.5 per 3-4 bed dwelling + 1 visitor/4 dwellings	Refer to comments on parking in SEPP (Affordable Rental Housing) 2009 above in this report.	Yes
2.5.3.7	Visitor parking to be easily accessible	Visitor parking is provided in the basement area. Access will be provided via code and	Yes

		intercom system. In particular, a visitor will pull into the access driveway, buzz the room they are visiting and be subsequently let in. If they are not allowed in, they will need to reverse the short distance back onto Highfields Circuit.	
	Parking in accordance with AS 2890.1	Parking areas have been accepted by Council's engineering staff and any consent will be conditioned to comply with the standard.	Yes
2.5.3.9	Bicycle and motorcycle parking considered and designed generally in accordance with the principles of AS2890.3	Bike parking included in basement. Motorbikes can also utilise car spaces.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.14	Sealed driveway surfaces unless justified	Driveways will be sealed.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	Driveway grades accepted by Council's Engineering section.	Yes
2.5.3.16	Transitional grades min. 2m length	Driveway grades accepted by Council's engineering staff.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Council's Stormwater Engineer has accepted concept stormwater design.	Yes
	Vehicle washing facilities – grassed area etc available.	A vehicle washing facility has been provided in the basement parking area, which is acceptable for this kind of larger scale development.	Yes
	No direct discharge to K&G or swale drain	Stormwater design has been accepted by Council's Stormwater Engineer.	Yes
2.5.3.18	Car parking areas drained to swales, bio retention, rain gardens and infiltration areas	Stormwater design has been accepted by Council's Stormwater Engineer	Yes

It should be noted that the subdivision provisions of the DCP have not been considered as they are more relevant to torrens title subdivisions rather than strata subdivision of a building.

(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:

None relevant.

iv) any matters prescribed by the Regulations:

Demolition of buildings AS 2601 – Clause 92

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

Fire Safety and other considerations

Fire safety can be addressed through the construction certificate process.

(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 proposal will provide accommodation aimed at affordable housing in a transitioning area. It is likely that the accommodation will cater for the transient nature of the medical and university facilities occurring in the area. In this regard, the proposal is considered to be a logical development for the precinct.

The proposal will not result in any adverse privacy, overshadowing or view impacts. Impacts resulting from operational aspects of the development are considered capable of being managed through conditions of consent.

The proposal satisfies relevant planning controls and is not considered to be at odds with the context and setting of the existing and importantly future character of the locality.

Access, Transport & Traffic

Roads
Highfields Circuit is a Council owned and maintained facility with a bitumen seal and layback kerb and gutter. Highfields Circuit is up to an 8m-wide pavement formation within a 20m wide road reserve. Highfields Circuit is in a poor condition with intermittent footpath paving southern side (same side as development) and no on-street parking permitted northern side.

John Oxley Highway (formally Oxley Highway) is a two (2) lane undivided arterial road located along the rear of the property south of the Wrights Road roundabout.

Traffic
Council received a traffic study dated 3 December 2013 from TTM Group with the application. This traffic report determined that this development will generate approximately 420 daily trips, based on a rate of 0.5vph/unit (in+out) for medium density flat developments as defined in the RMS Guide to Traffic Generating Developments.

This report is based on a previous May 2004 RoadNet report prepared for Council completed prior to the Oxley Highway/Wrights Road Roundabout. The traffic conditions in this area have changed considerably since this report was prepared in 2004 and the information provided in this report does not reflect the current or future conditions.

Council's traffic engineering staff recognises that the Oxley Hwy/Wrights Rd roundabout currently experiences heavy traffic volumes during peak times of the day. Council traffic

engineering staff has been in consultation with the RMS regarding future long-term requirements to address impacts associated with this intersection. It is recognised that any future requirements to address traffic concerns would not be the responsibility of this development. In particular, any development approved in the Lake Innes area, Thrumster area and Wauchope would all be contributing to the same problem. In this regard, the issues surrounding the Highfields Circuit precinct and the Oxley Highway/Wrights Road roundabout is an issue not specific to this development, but a rather larger local issue.

In addition to the above, the proposed development is likely to provide accommodation aimed at the medical and tertiary institutions occurring in the area. All these are within walking distance, as is the Port Macquarie Industrial area and Lake Innes Shopping Village. These factors will aid in minimising reliance on motor vehicles.

Access
The applicant proposes underground car parking. Carpark access shall be designed in accordance with AS2890. The applicant shall provide cross-sectional detail of the entrance to the carpark facility complying with AS2890 standards. Conditions of consent shall require the these details be provided as part of the Road Act Application prior to any Construction Certificate.

Parking
The applicant has indicated a total of 82 car parking spaces, which includes disabled spaces. The report indicates that the affordable housing will need to be 30% in order to comply with the minimum parking requirement.

The applicant has proposed an internal grade of 1:20 in accordance with AS2890. However, disabled spaces along this grade do not comply with AS2890.6 which states a max grade of 1:40. Conditions of consent shall require disabled spaces to be relocated to comply with standards.

Manoeuvring
The applicant proposes car parking spaces do not circulate from north side to the south side of the development. This was highlighted in the pre-lodgement minutes as something the applicant should consider. Although circulation appears possible, car parking as proposed complies with relevant Australian Standards.

Pedestrians
Pre-lodgement minutes indicate that a footpath would be required with the development. The applicant has proposed footpath paving on the plans submitted for DA approval. Due to the nature of the development and limited car parking being provided, it is recommended that the proponent extend the concrete footpath paving to the nearest bus stop facilities located within the Base Hospital.

Public Domain

No adverse impacts on the public domain. Positive public impact can be attributed to the creation of additional affordable housing aimed at facilities in a in a transitioning area.

Traffic and parking impacts will continue to occur in the area but are not specifically created from this development. The matter is a larger issue to be addressed by a number of agencies - refer to comments on Traffic heading previously in this report.

Utilities

Telecommunications and electricity are available and can be extended as required in accordance with the utility provider.

Stormwater

A stormwater management plan has been submitted in support of the proposed development including onsite detention (OSD) facilities to restrict stormwater discharge to pre-development rates and water quality controls in the form of bioretention swales.

The plan has been prepared generally in accordance with the pre-lodgement advice and complies with the requirements of AUSPEC D5 and D7.

It is noted that stormwater discharge from the development site is to the adjoining John Oxley Drive road reserve. There are a number of large trees in the vicinity of the outlets which need to be assessed by Parks Section prior to determination of the construction certificate.

Water

Records indicate that the current development site has a 20mm metered water service from the 150mm PVC water main on the same side of Highfields Circuit.

A 90 metre long watermain augmentation will be required in Wrights Road.

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

Individual water meters are required for all residential units. Electronic meter reading may be used providing it is approved by the Water and Sewer Planning Manager.

With the proposed stormwater discharge into the road reserve of John Oxley Drive, the proponent needs to be aware of the presence of 450 mm and 300mm water mains in this area.

Sewer

Council records show a 150mm sewer main running approximately parallel to the northern boundary of the lot before turning southward to traverse through the western part of the lot between 19 metres and 14 metres off the western lot boundary.

The lot is currently served by an existing junction to the sewer main at the south western part of the lot. Capping of this junction will be required as the discharge from the development will exceed two equivalent tenements. A sewer junction can be provided from a new or existing manhole on site.

The existing sewer infrastructure shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate. Any excavation on the site will need to consider the depth of the existing main. Relocation of the sewer main may be required at the applicant’s expense to enable construction of the proposed

buildings. It was indicated at the pre-lodgement meeting, by the applicant's sewer contractor that relocation of the sewer has already been considered.

Footings and/or concrete slabs of buildings and other structures 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 professional civil and/or structural engineer are to be submitted with the application for the Construction Certificate.

Soils

Soil erosion control measures will be required prior to any construction taking place and will need to be maintained for the duration of the works (refer to recommended condition of consent). These measures shall be maintained until the soils stabilise.

Air & Micro-climate

Potential exists for dust to be generated onsite during demolition and construction works. Standard dust control consent conditions will be recommended.

Flora & Fauna

Construction of the proposed development will not require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Section 5A of the Act is considered to be satisfied

Waste

Satisfactory arrangements are available to the development for the storage and collection of waste and recyclables.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX. No adverse impacts anticipated.

Noise & Vibration

Conditions will be recommended to restrict construction to standard construction hours.

The development is separated from the Oxley Highway by a distance of over 100m and is screened by fencing, balconies, sound walls and vegetation. Unlikely that traffic noise will be an issue.

The communal area to the facility is central to the complex and bound by walls and screening on all frontages. Noise from communal activities is not likely to impact on adjoining properties, which are limited to similar accommodation and commercial activities.

Twenty four hour noise will occur from the hospital (especially ambulance sirens), which is approximately 100m away. Screening exists to the development by way of fencing, surrounding development and balconies. This will ensure any noise is within an acceptable level, along with the intermittent number of ambulances and the acceptance of living in a urban setting close to a hospital (expectation of hearing ambulance sirens).

Natural Hazards

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997,* the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes.

The applicant has submitted a bushfire report prepared by a certified consultant. The report assumes that proposed subdivision will occur and has carried out an assessment under Section 100B requirements. The report was subsequently forwarded to the NSW Rural Fire Service for a Bushfire Safety Authority.

The NSW Rural Fire Service has since issued a Bushfire Safety Authority for the development, subject to conditions. The conditions have been included into the recommended conditions of consent.

Safety, Security & Crime Prevention

The development has clear entry points and lacks any concealment or entrapment areas. The various units provide suitable surveillance. The site footprint will also be clearly defined through vegetation and pathways, which will provide suitable territorial reinforcement.

Based on the above, the development is unlikely to create any crime spots that would result in a loss of safety or security in the area.

Social Impact in the Locality

A social impact assessment was included with the application. Based on the report, the proposed development is considered to have the following positive social impacts:

- Increase in affordable housing;
- Increase mix of accommodation in the area catering for various markets;
- Employment opportunities during constructions of the facility;
- Development compatible with the transitioning nature of the area (ie accommodation for medical and university students).

Negative issues such as noise, overshadowing, conflict of occupants and traffic have been considered throughout this report and either deemed acceptable or can be resolved through conditions.

Economic Impact in the Locality

The proposed development will create an overall positive economic impact through expansion of the education/medical precinct via provision of associated accommodation facilities. There will also be maintained employment in the construction industry within the area. This can create and maintain employment opportunities, which in turn lead to flow on effects such as expenditure and investment in the local economy.

Site Design and Internal Design

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

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal. Erosion and sedimentation controls will be conditioned and construction works will be limited to reasonable hours.

Cumulative Impacts
Other than the traffic and parking issue in the area, discussed previously in this report, 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 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:

Four (4) written submissions were received following completion of the required public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
Traffic and parking issues in Highfields Circuit area (including roundabouts) being compounded by the development. Need for lower speed limits.	The proposed off street parking numbers comply with the legislative requirements of SEPP (Affordable Rental Housing) 2009. The issue of cars parking along Highfields Circuit and blocking traffic is an existing problem. A further solution to the problems in Highfields Circuit would be to extended the no parking signage and or include a reduction in the speed limit. This would need to be followed up with the Local Traffic Committee. The issue of traffic and congestion is addressed previously in this report under the Access, Transport & Traffic heading. Parking is also likely to improve once upgrading of the hospital is finished due to a reduction in construction workers in the area.
The development will impact on the amenity of the area. In particular, the type of development, height of development, parking and use of development are not consistent with the area.	The development is a permissible in the subject zone. The height variation, parking and use of the site are considered acceptable and have all been addressed earlier in the report. The accommodation will support the transitioning uses, which include medical and university facilities, by providing affordable accommodation to the transient university and medical students. Given the transitional nature of the precinct, it is considered that the development is not at odds with the amenity of the area.
Need for pathway linkages to the hospital, Oxley Highway area and Lake Innes Shopping	Conditions are recommended to extend pathways where it is considered that there is a

Centre	nexus. As an example, a condition is recommended to link the site to the hospital bus stop on the basis of the units being for affordable housing and not all residents will have access to a private motor vehicle. The complex will also have access to the informal track along the western boundary to Lake Innes Shopping Centre. It is likely that a more formalised path will be addressed as a larger issue when the Oxley Highway/Wrights Road roundabout is reviewed.
The provision of affordable housing should be left to the Department of Housing.	The SEPP (Affordable Rental Housing) 2009 allows for private development of affordable housing and is addressed in the report above.
Public transport is minimal in the area.	The site has access to public transport and as an alternative, the development is also within walking distance of key existing and proposed infrastructure facilities, such as the hospital, medical centres, Lake Innes Shopping Centre, Port Macquarie Industrial area and university facilities.
Affordable housing will lead to low socio economic people living in the area and creating noise, drug issues, crime etc. There are existing criminal activities occurring in the area.	The development is a permissible form of development. Council has limited control over the type of people that may occupy the facility and how they will act. However, the design of the building provides natural surveillance for security and communal areas are screened to reduce noise.

(e) The Public Interest:

The proposed development satisfies relevant planning controls and is expected to provide a public benefit by providing additional affordable housing in a transitioning area that would be well served by such facilities.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and head works and sewer services headworks under Section 64 of the Local Government Act 1993.

- Development contributions will be required towards roads, community and cultural facilities, open space and administration building under Section 94 of the Environmental Planning and Assessment Act 1979 .

It should be noted that Council is considering a request made on behalf of the Developer to reduce development contributions that are applicable to the development based on the provision of ‘Affordable Housing’ units within the development. This is being assessed as a separate matter. Contributions will apply in some aspect and recommended conditions are correct either way..

Refer to recommended contribution conditions.

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, 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