JOINT REGIONAL PLANNING PANEL
(Northern Region)

JRPP No	**2015NTH003**
DA Number	**2015-0095**
Local Government Area	**Port Macquarie-Hastings Council**
Proposed Development	**Boarding Houses (592 Bed Student Accommodation Facility) and Associated Infrastructure including Clause 4.6 Variation to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011**
Street Address	**Lot 7 DP 876001, 28 Kingfisher Rd Port Macquarie**
Applicant/Owner	**Applicant: Chase Port Developments** **Owner: Watling Haulage Pty Ltd**
Number of Submissions	**Four**
Regional Development Criteria (Schedule 4A of the Act)	**Proposed Student Accommodation is development over $20 million in capital investment value ($31.5 million)**
List of All Relevant s79C(1)(a) Matters	• **State Environmental Planning Policy No. 44 - Koala Habitat Protection** • **State Environmental Planning Policy No.55 – Remediation of Land** • **State Environmental Planning Policy No. 62 – Sustainable Aquaculture** • **State Environmental Planning Policy No. 64 – Advertising and Signage** • **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004** • **State Environmental Planning Policy (Infrastructure) 2007** • **State Environmental Planning Policy (Affordable Rental Housing) 2009** • **State Environmental Planning Policy (State and Regional Development) 2011** **Planning for Bushfire Protection 2006** **Port Macquarie-Hastings Local Environmental Plan**

	2011 • **Port Macquarie-Hastings Development Control Plan 2013** •
List all documents submitted with this report for the panel's consideration Recommendation	1.Recommended conditions 2.Development contributions calculations 3.Copies of submissions 4.Traffic impact and parking details 5. Ecological Report **Refusal of consent**
Report by	**Fiona Tierney, Development Assessment Planner** **September 2015**

RECOMMENDATION

That DA 2015 - 095 for Boarding Houses (592 Bed Student Accommodation Facility) and Associated Infrastructure including a Clause 4.6 Variation to Clause 4.3 (Height of Buildings) under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 7 DP 876001, 28 Kingfisher Rd, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application (DA) for Boarding Houses (592 Bed Student Accommodation) and associated infrastructure at the subject site.

This report provides an assessment of the application in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

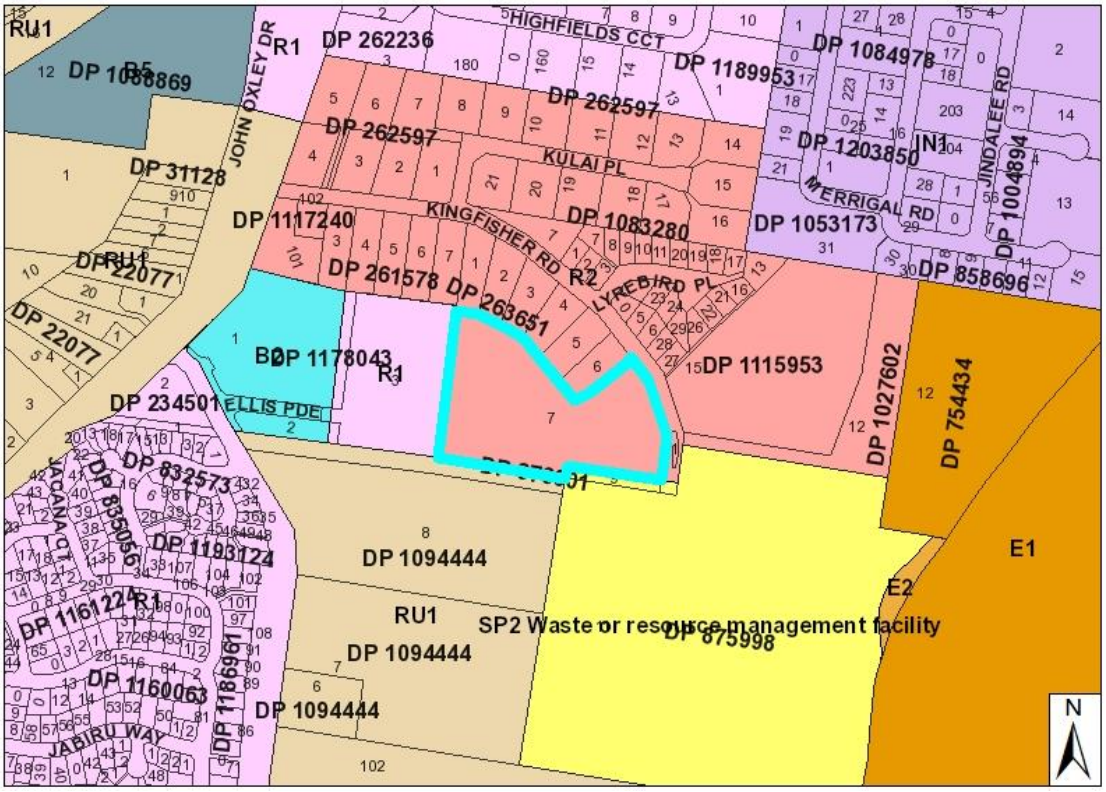
Subsequent to neighbour notification of the application, four submissions have been received.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 3.447 hectares.

The site is zoned R2 Low Density Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The site is located approximately 4.5 kilometres south-west of the Port Macquarie Central Business District and approximately 600 metres south of the Oxley Highway. The site is currently vacant. A portion of the site has been cleared under the previous Development Consent (DA 373/1997) for a 14 lot subdivision.

The site falls north to South approximately 12-14 m from the north-west corner down to the Southern boundary.

The land fronts Kingfisher Road which connects with John Oxley Drive further north of the site which then connects to the Oxley Highway further to the north.

To the north and north-east of the site are existing low density zoned allotments occupied by residential dwellings which have frontage to Kingfisher Road.

To the west and south of the site is the Charles Sturt University (currently under construction) and Lake Innes Village shopping centre.

To the south of the site is the Council's Waste Transfer Facility.

The existing subdivision pattern and location of existing development within the immediate locality is shown in the following aerial photograph (2012 aerial):

2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Staged construction of 13 student accommodation boarding houses (Stage 1-368 beds) (Stage 2-224 beds).
- Construction of a central social and administration hub and manager's residence.
- Construction of internal access roads and parking for a total of 126 vehicles, including 23 spaces for persons with a disability.
- Landscaping of the site including pathways inter-connecting to the CSU campus and retention of existing vegetation on site.
- Parking area for up to 130 bicycles and 32 motorbikes.
- Provision of water and sewer infrastructure in conjunction with the CSU campus.

Application Chronology

- 4 September 2014 - Prelodgement Meeting
- 20 February 2015 - application lodged.
- 24 February 2015 - SEPP 44 Referral to Department of Planning and Infrastructure
- 24 February March to 19 March 2015 - Neighbour notification and public exhibition
- 3 March 2015 -Referral NSW Rural Fire Service
- 12 March 2015 - Referral Joint Regional Planning Panel
- 7 April 2015 - Request for additional information from Rural Fire Service (RFS)
- 17 June 2015 - Further referral to RFS
- 21 July 2015 - Further referral SEPP 44 Dept of Planning and Infrastructure
- 24 July 2015 - Additional Information received amended landscaping
- 24 July 2015 - Bushfire letter of response
- 3 August 2015 - Additional Information request from Department of Planning and Infrastructure.
- 27 August 2015 - RFS response- conditions issued
- 27 August 2015 - Revised architectural plans received
- 3 September - amended Koala Plan of Management submitted
- 10 September 2015 - Department of Planning and Infrastructure approval of KPoM.
- 16 September 2015 - additional ecological information submitted by applicant.

3. STATUTORY ASSESSMENT

Section 79C (1) 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 (including any adjoining land under same ownership) and therefore the provisions of SEPP must be considered.

In accordance with Schedule 2, the site consists of areas of potential koala habitat containing more than 15% of koala feed trees species. Schedule 2 of SEPP 44 lists the tree species that are recognised as food trees utilised by the Koala. Two Koala feed tree species, *Eucalyptus microcorys* and *E. signata*, listed under Schedule 2 of the policy, were recorded on the subject land during the current investigation

SEPP 44 defines "*core koala habitat*", as "*an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population*".

The applicant has identified the site as Core Koala habitat as defined under the SEPP based on the following:

- the recent sightings of the Koala within the subject site and on adjoining land owned by Charles Sturt University;
- the evidence of breeding females utilising the site, as provided by Council (T Asao *pers. comm.* Nov 2014 - photo evidence and location of tree provided), with female and joey sighted on the western boundary of the site;
- the indirect evidence of scats, and 'high' activity levels according to Spot Assessment Technique results and recent scratches in the majority of the Northern Scribbly Gums; and
- Koala habitat mapping for Port Macquarie Hastings LGA, which maps the site as "*secondary*" habitat.

Koala activity on the subject land was categorised as '*high'* according to Spot Assessment Technique plots (SLR 2014a). Additionally, 34 trees were recorded with fresh koala scratches. Two koalas were also recorded browsing in trees on the subject site.

A draft Koala Plan of Management (KPoM) has been prepared in accordance with the provisions of SEPP 44 (attached). A number of issues have been addressed during the assessment of the application and draft KPoM with most recent amendments submitted on 3 September 2015. IN accordance with the SEPP the draft KPoM has been approved by the Department of Planning and Infrastructure on 10 September 2015.

In summary, the KPoM proposes the following actions and management strategies:

- A proposed offset planting site has been negotiated at a site adjacent Tuffins Lane Sporting Fields and it is proposed that a total of 414 replacement trees will be located at this site (see Section 6.1.2 of the KPoM - Table 9).
- On-site supervision and wildlife rescue. Project ecologist (and/or wildlife handler or spotter/catcher) to supervise tree removal to prevent Koala mortalities during tree felling and *Habitat Tree Protocol* to be implemented during construction.
- Layout designed to retain bushland corridor of canopy trees (including Koala feed trees) extending east-west across the site.
- Fencing to be designed and located to allow ground movements of koalas through site; no mesh fencing will be installed along bushland corridor.
- Planting of koala feed trees throughout site and retained Koala feed trees will be monitored and managed on an ongoing basis.
- Koala activity and movements within the site to be monitored.
- Weed management and vegetation monitoring.

- Pedestrian access to be controlled via construction of at-grade path along boundary of southern corridor using permeable low nutrient material (eg. crushed sandstone)
- Educational signage to be installed along southern corridor boundary (pathway) informing users of the site of importance of koalas, koala habitat protection and associated access restrictions.
- Restriction on title preventing dog ownership on the site and no pets on site.
- Asset Protection Zone (APZ) to be established on eastern boundary. APZ will decrease risk of bush fire on site and reduce threat of bushfire posed to Koalas. Management of APZs does not require removal of Koala feed trees.
- Ongoing APZ management will be sensitive to koala life cycles.
- Traffic control during construction and construction staff briefed on presence of Koalas on the site.
- Restrict motor vehicle speed limit within the site to 10 km/h – install speed signs.
- Internal roads to be shared zones.
- Koala warning signs installed on the site and the adjacent Kingfisher Road.

Subject to the above actions being implemented, it is considered that the proposal meets the applicable provisions and objectives of the SEPP. The draft KPoM is considered satisfactory and recommended to be approved.

State Environmental Planning Policy No.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 site does adjoin the Council owned and managed waster transfer station and former landfill site. Whilst no direct contamination of the subject site is anticipated directly from the former landfill, Council has been monitoring the site and its surrounds for methane gas emissions generated through the breakdown of biological matter within the landfill. Council has been monitoring the site for approximately 6 months and methane levels have been consistently recorded below the acceptable guidelines. Whilst the assessed risk is considered low, buildings constructed adjoining landfill sites are required by the EPA to be monitored for a period of 12 months to ensure gases are not unknowingly accumulating within buildings to unacceptable levels. Prior to the issue of an Occupation Certificate, the applicant shall prepare and submit to Council a Landfill Gas Monitoring Plan (LGMP) for all buildings within 250m of deposited waste at the Kingfisher Road landfill. The LGMP shall be prepared by a suitably experienced landfill gas engineer/consultant.

The LGMP shall be developed in accordance with the *Environmental Guidelines: Solid Waste Landfills (EPA NSW 1996)* and identify all buildings and areas as having potential to have methane concentrations of greater than 1.25% (v/v) [12,500 ppm].

The LGMP shall identify all buildings and areas to be monitored with a calibrated methane detector. The frequency of monitoring shall be no less that on a monthly basis and shall continue for no less than 12 months from occupancy or until Council advices that monitoring may cease.

The LGMP shall identify the method of monitoring including the installation of fixed landfill gas detection monitors within all buildings prior to occupation.

The LGMP shall include an Emergency Action Plan that must outline the actions to be

taken should landfill gas be detected above 1.25% (v/v) [12,500 ppm].

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 4 kilometres from the site.

State Environmental Planning Policy No. 64 – Advertising and Signage

A site entry marker and directional signage is proposed on the northern corner of the entry carpark. The proposal satisfies the applicable requirements of this SEPP as building identification signage. The following assessment table provides consideration of the proposal in accordance with Schedule 1 of the SEPP.

Applicable clauses for consideration	**Comments**	**Satisfactory**
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1) (a).	The scale and form of the signage proposed will be compatible with the desired amenity and visual character of the immediate locality. The signage will be effective in communicating the entry to the site and will be of a high quality design and finish.	Yes
Schedule 1(1) Character of the area.	The low scale signage will be compatible with the locality.	Yes
Schedule 1(2) Special areas.	The low scale signage will not detract from the amenity of nearby residential properties.	Yes
Schedule 1(3) Views and vistas.	The signage will not affect any significant views or have an adverse impact on any vista or thoroughfare.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The low scale and form of the signage is limited and compatible with the proposed landscaping and streetscape context.	Yes
Schedule 1(5) Site and building.		Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	The logos and flags will be limited and suitable for the intended purpose to identify the accommodation.	Yes
Schedule 1(7) Illumination.	No adverse impacts identified with the limited illumination of the signage	Yes
Schedule 1(7) Safety.	No safety concerns identified with the signage. The location of the signage is suitable for the intended purpose.	Yes

State Environmental Planning Policy (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. Clause 104 relates to traffic generating development listed in Schedule 3 of the State Environmental Planning Policy (SEPP) which requires referral to the NSW Roads and Maritime Services. A review of the developments listed within Schedule 3 reveals that the proposed boarding house / student accommodation does not trigger referral to the RMS.

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 Division 3- Boarding Houses	**Proposed**	**Complies**
Clause 26 Development permissible in R1, R2, R3, R4, B1, B2.	A boarding house is permissible within a R2 - Low Density Residential zone	Yes
Clause 27 - This Division applies to development on land to which this Division applies, for the purposes of boarding houses. Division does not apply to land within R2 Low Density unless all or part of development is within 400m of land zoned B2 Local Centre or B4 Mixed Use.	The site is located within 300-350m of B2 zoned local commercial centre.	Yes
Clause 29- Standards that cannot be used to refuse consent. (1) Floor Space Ratio not more than: (a) Existing FSR any residential development (b) any FSR non residential.(c)land within zone that permits RFB	The LEP does not restrict the FSR for the site.	Yes
(2) (a) building height complies any EPI.	The applicant has applied for a variation under Clause 4.6 the LEP for a building height variation (within 10% of the standard)	No
(b) landscape area	A landscape plan has been submitted with the application that provides a suitably integrated design that will be compatible with the existing treed nature of the streetscape.	Yes

(c) solar access	The applicant has conducted modelling that demonstrated that the living rooms will meet the minimum 3 hours between 9am-3pm	Yes
(d)private open space	Adequate areas have been provided in and around the buildings in the form of decks and courtyards for use of lodgers. Typical details have been indicated in the landscape plans.	Yes
(e)parking 0.2 spaces per boarding room	Based on 592 rooms, 118 car spaces are required. 126 spaces are proposed including 22 disabled spaces	Yes
(f)Accommodation size 12msq for single lodger	11.5m2 minimum proposed- most in excess of 12m2 however considered a minor variation and acceptable adequate usable spaces available in each room	No - acceptable
3.Kitchen/bathroom facilities use 30 A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:	Available	Yes
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	Provided	Yes
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	Provided	Yes
(c) no boarding room will be occupied by more than 2 adult lodgers,	Provided	Yes
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Provided	Yes
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	Provided	Yes

(f) (Repealed) (g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use, (h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	Total of 118 bicycle and 118 motorcycle spaces required. 130 bicycle and 30 motorcycle spaces provided - refer to traffic and parking comments.	Yes N/A No
Clause 30A - 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 educational precinct; the development is considered compatible with the area. The accommodation is well suited to the transient nature of university students. A character statement has been submitted by the applicant in support of the proposal and satisfactorily addresses the SEPP.	Yes
Clause 52 No subdivision of boarding houses A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.	No subdivision proposed	Yes

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 P r i v a t e 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 R2 Low Density Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011.

In accordance with clause 2.3(1) and the R2 zone landuse tables, the proposed student accommodation/boarding house is permissible with consent. The objectives of the R2 zone are as follows:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for low density housing that does not compromise the environmental, scenic or landscape qualities of land.*

In accordance with clause 2.3(2), Council must have regard to the objectives for development in a zone. Whilst boarding houses are permissible within the zoning, the proposed development cannot be described a low density housing given that the site is proposed to support in excess of 592 occupancies across the site.

In evaluating the suitability of the site for such a development and reasons for supporting the proposal it is important to consider the context in which the development is proposed. The site is unique in that it is situated at the termination point of a number of low density/ large lot housing of which development of this density and scale would in most circumstances be unsuitable.

The precinct however is undergoing a significant transformation with the construction of a large local shopping centre and University campus immediately adjoining the subject site. This has resulted in, and will result in, additional noise and activity within the area. This, together with the existing waste transfer station to the east and higher density residential development to the north result in the development being a transitional development that is residential in nature but is ancillary and supportive to

the operation of the University. Whilst the density is high it is considered that the development has been designed to be sympathetic to the locality. This is achieved by the number of built forms, footprint coverage of the site and the substantial setbacks to the existing residential development.

It is considered that the development will not compromise the environmental, scenic or landscape qualities of the land due to the sympathetic setbacks to Kingfisher Road, vegetation retention and landscaping proposed within the site. On balance, the proposal is considered to be adequately consistent with the zone objectives. The proposed use is a permissible and the development will provide significant benefits for the Port Macquarie-Hastings region.

In accordance with clause 4.3, the maximum overall height of the proposal above ground level (existing) varies to a maximum 9.5m in height at the southern elevation of the building. This height exceeds the standard height limit of 8.5m applying to the site. A clause 4.6 variation has been applied for as part of the application and is addressed below.

In accordance with clause 4.4, there is no applicable FSR applying to the site. The floor space ratio of the proposal is 0.4:1.0 which is not considered to be incompatible with other residential development in the area.

In accordance with Clause 4.6, the applicant has submitted a request the vary the 8.5m standard height limit in part to a maximum height of 9.5m for the following reasons:

- The site generally slopes from the northern boundary towards the centre of the site. The design of the proposal has restricted the height of Blocks 7 and 8 along the northern portion of the site to two storeys due to the higher landform and to and allow for solar access to the other buildings on the site. These two storey buildings comply with the height control.
- The adjoining university has an applicable 8.5m height control but it is noted that a height of 13.75m has been approved, well in excess of the LEP height standard. By comparison a maximum 1m variation is considered to be relatively minor.
- The design of the proposed buildings has had regard to the landform, the adjoining land uses and potential amenity impacts and good integration and connection with the university currently under construction.
- It can be seen on the landscape plan that the existing mature vegetation along the northern boundary is being retained. There is a 22m (and increasing) setback to Block 8 and 18.275m (and increasing) to Block 7. The design of the buildings has allowed for retention of a large area of vegetation which is in keeping with the character of the area and will also aid in screening the proposed buildings from the adjoining properties.
- The substantial proposed boundary setbacks in conjunction with the setbacks to existing and approved development, the higher landform of the properties to the north and stepping of the height of the building to be two storey adjacent to the neighbouring dwellings, all aid in minimising the impact of the height of the development.
- There are no impacts envisaged from the additional height with respect to the properties to the south due to their use. A substantial buffer or vegetation has also been maintained to the south.

- The site is considered to be ideal with respect to providing student accommodation for the university, which is currently not provided elsewhere and there is a strong demand for such housing.
- The proposal has accommodated 592 rooms within 13 separate buildings. The impact of height beyond that permitted by the LEP was considered in the design and Blocks 7 and 8 adjusted accordingly to be below the standard.
- Good solar access is maintained throughout the development.
- The immediate and surrounding locality is in the process of transition from vacant land to commercial and educational developments.
- The site is not restricted by floorspace controls. The design has been guided by the constraints of the site and the amenity and integration with the surrounding land uses due to the absence of floorspace controls.

The above justifications for seeking a variation to standard building height restriction are well considered to be well founded and acceptable. It should also be noted that the Director General's concurrence from the Department of Planning and Infrastructure is assumed for Council's assessment of the building height variation under Planning Circular PS 08- 0 3 .

In accordance with clause 5.3, the proposed storm water works have been assessed and satisfactorily addressed on site.

In accordance with clause 5.9, listed trees in Development Control Plan 2013 are proposed to be removed. This has been addressed elsewhere in this report through the ecological and SEPP 44 assessment.

In accordance with Clause 5.10, the site does not contain or adjoin any known heritage items or sites of known heritage significance.

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

(ii) Any draft instruments that apply to the site or are on exhibition:

Nil

(iii) any Development Control Plan in:

Port Macquarie-Hastings Development Control Plan 2013

The proposal is consistent with the DCP (as applicable) as detailed in the following compliance table:

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.	The development is setback approximately 23m to the caretaker's residence and the student accommodation will be setback further within the site.	Yes
3.3.2.5	Balconies and building extrusions can encroach up to 600mm into setback.		N/A
	Buildings generally aligned to street boundary.		No, but acceptable given the low density nature of the area increased setbacks reduce impact of the development
	Primary openings aligned to street boundary or rear of site.	Due to the number and nature of units proposed, primary openings are focused internally.	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.	Blocks are located in excess of 15m from side boundaries except adjacent to the existing Charles Sturt University site where setbacks are reduced to 4m setbacks with access stairs proposed. Minimal impact to privacy with significant vegetation screening provided.	Yes
	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.	Yes

	Min. 6m rear setback (including sub basements)	Setback reduced adjoining university site and carpark.	No, but acceptable. No privacy issues along this boundary given adjoining car park
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.	No, but acceptable given size and nature of lot.
3.3.2.12	Deep soil zones: • Extend the width of the site and have minimum depth of 6m.	Significant deep soil zones exist through the site.	Yes
3.3.2.13	Deep soil zones accommodate existing advanced trees, and allow for advanced tree planting.	There are significant trees onsite at present.	Yes
3.3.2.14	Deep soil zones integrated with stormwater management measures.	Deep soil zone and stormwater integrated.	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 and 3.00pm on June 22.	No adverse overshadowing impact - significant separation to adjoining properties	Yes
	Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more	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		Yes
3.3.2.16	Internal clothes drying space provided (not mechanical).	Communal facility provided.	Yes
	Solar hot water systems (or equivalent technology) provided.		Yes

	Photovoltaic arrays installed where practical.		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.	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 vegetation for retention. Stormwater detention will manage stormwater leaving the	Yes
3.3.2.19	Landscape plan to demonstrate how trees and vegetation contribute to energy efficiency and prevent winter shading on neighbouring properties.		Yes
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.	No - considered acceptable given nature of development. Suitable communal and open space areas provided throughout the site.
	Separate private open space for any resident manager or permanent occupant of a tourist facility.	Resident manager proposed. Suitable open space proposed	Yes
3.3.2.22	Where open space is of irregular shape, areas having a width less than 2m are excluded from calculated area.		Yes
	Dwellings not at ground level have balconies with minimum area $8m^2$ and minimum dimension 2m.	Student boarding house development- communal spaces provided throughout the site	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
3.3.2.27	Building to be designed so that: • Busy, noisy areas face the street. • Quiet areas face the side or rear of the lot.	The unit designs ensure noisy living areas either face the road, internal areas, and external unused areas while at the	Yes
	• Bedrooms have line of site separation of at least 3m from parking areas, streets and shared driveways.	same time placing opposing low use areas towards noisy areas.	
	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.	Yes
3.3.2.29	Development complies with AS/NZS2107:2000 *Acoustic – Recommended design sound levels and reverberation times for building interiors for*	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 potential noise sources.	Yes
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	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
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	Yes
3.3.2.33	Barrier free access to at least 20% of dwellings	Barrier free access is provided to over 20% of	Yes
3.3.2.34	Developments located close to open space, recreation, entertainment and employment.	Development is located in close proximity to medical facilities, industrial area and a	Yes
3.3.2.35	Variety of types - studio, 1, 2, 3 and 3+ bedroom apartments	All studio rooms	No, but acceptable given the nature of the development and adjoining university. There is generally considered to be a shortage of student accommodation
	Studio and 1 bedroom apartments not > 20% of total number of	Refer to above comment.	No, but acceptable.
	Mix of 1 and 3 bedroom apartments at ground	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 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
	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: • 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.	Façade composition steps 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.	Yes
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	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 streets and shared private circulation	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	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	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)	Yes
	Longer corridors articulated by: Changing direction and width. Utilising series of foyers. Incorporating windows.	While not considered long, the development has incorporated changes in direction, voids and an open design to further limit the	Yes
3.3.2.41	Minimum 1 balcony per apartment.	Each above ground level unit is provided with access to communal open spaces.	Yes
	Balconies take advantage of favourable climatic	Adequate solar access and ventilation.	Yes
	Balconies and balustrades balance privacy and views.	The design of the building ensures there is no loss of privacy or views both	Yes
3.3.2.42	Balconies include sunscreens, pergolas, shutters and operable	Communal areas to be provided with shade structures	Yes
3.3.2.43	Secure open air clothes drying facilities that are:	Laundry facilities available	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 landscaping treatments	Yes

	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 or card 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.	Yes
	One bike storage space per dwelling provided.	Bike parking is provided .	Yes
	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	Yes

	Communal bulk waste facilities integrated into development and located at ground or sub-basement level. • Not visible from street, Easily accessible,	Applicant advise local 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
PMHC DCP 2013 - General Provisions			
2.7.2.2	Design addresses generic principles of	The development has addressed the general	Yes
	Definition of use and ownership Lighting Way finding Predictable routes and entrapment locations	areas.	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls		Yes
	Any retaining wall >1.0 in height to be certified by structural engineer	Compliance with BCA is a prescribed condition - details will be required with construction certificate.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace	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	Refer to comments on parking in SEPP (Affordable Rental Housing) 2009 above.	Yes - SEPP overrides DCP.
2.5.3.7	Visitor parking to be easily accessible	Visitor parking is provided in carpark.	Yes
	Parking in accordance with AS 2890.1	Parking areas capable of complying and 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	Bike parking included in car park. 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	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 comply.	Yes
2.5.3.16	Transitional grades min. 2m length	Driveway grades comply.	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.	Available	Yes
	No direct discharge to K&G or swale drain	Stormwater design has been accepted by Council's Stormwater	Yes
2.5.3.18	Car parking areas drained to swales, bio retention, rain gardens and	Stormwater design has been accepted by Council's Stormwater	Yes

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

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

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

iv) any matters prescribed by the Regulations:

N/A

v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates:

No Coastal Zone Management Plan applies to the subject site.

(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 architectural form, height and massing of the proposal are considered appropriate within the existing context and residential zoning taking into consideration of the setbacks to the building as follows:

- North side setback = minimum 17 metres (approximately) East side setback = minimum 23 metres
- South side setback = minimum 17 metres to Crown Road reserve (approximately)
- West side setback = minimum 4m to side boundary.

The following additional comments are made relative to the proposal's impact on the context and setting of the area.

- The carparking, vehicle circulation and associated landscaping are located so as to not dominate the site and to provide easy, safe, compliant access to the building.
- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal does not have any identifiable impact on existing sharing of views.
- The proposal does not have significant adverse lighting impacts.
- There are no significant adverse privacy impacts. Adequate building separation is proposed particularly to existing dwellings to the north. A condition is recommended to construct a new lapped and capped 1.8m high timber fence for the full length of the northern boundary.
- There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Roads

The below diagram depicts the local road network surrounding the site of the proposed student accommodation (outlined in light blue).

The site is bounded on the south side by an unformed crown public road reserve of 20m width (shown in yellow), which is mainly vegetated. Council has no plans for provision of a road formation within this reserve. The adjacent approved development for Stage 1 of the Charles Sturt University (shown as Lot 3 DP 1178043) involves construction of pedestrian links and stormwater / sewer services through the reserve. The subject development also proposes to construct stormwater and sewer infrastructure through the Crown road reserve to suitable discharge points south of the site (on the potential future CSU Stage 2 development land). Easements over the line of services across private land (the CSU site) will also be required by a condition of consent.

The eastern boundary of the site fronts the Kingfisher Road reserve (shown as grey). Kingfisher Road is a Council owned 20m wide road reserve with a sealed, two-lane road formation. The road is classified by Council under the AUS-SPEC standard as an 'Industrial' road, due to its use by truck traffic accessing the Kingfisher Road Waste Management Facility. The width of the road varies between 6 and 11m with the provision of passing / parking bays at intervals of approximately 30m. The length of Kingfisher Road which fronts the existing residential dwellings has layback (SE type) kerb and gutter, but no piped stormwater drainage or pits. Along the frontage of the proposed student accommodation site, there is no kerb and gutter and the road formation is approximately 6m wide.

The developer will be required to provide upright (SA type) kerb and gutter along one side of the Kingfisher Road frontage of the site. Upright kerb functions to prevent vehicles from parking on the grassed verge, which will result in deterioration of Council assets and obstruction of the footway if there is a parking shortage in the area. Given the proposed increase in traffic associated with the development, likely on-street parking demand (see traffic section below), and for safe interaction with the existing mixed truck traffic, the road width will need to be increased to a minimum width of 9m (an increase of 3m). This is the appropriate width required for an AUS-SPEC Collector standard road considering the existing and proposed traffic volumes. Refer to the traffic section below for more detailed discussion of traffic numbers. A condition of consent has been recommended and details will be assessed with a Roads Act (s138) application to Council.

The developer has proposed a pedestrian link to the CSU development on the adjacent property to the west. A condition of consent will require this link, or an equivalent footpath construction through the Crown road reserve to Major Innes Road, as this will ensure a connection is available to the shopping village and regional bus routes. In addition, Council's policy is for all developments larger than 3 dwellings to provide a minimum 1.2m wide footpath along their frontage. Such a condition has been recommended due to the desire lines for students to walk directly along Kingfisher Road as a shorter route to the Wrights Road hospital precinct to the north, and/or the Lake Road industrial area to the northeast.

To the northwest of the site, Kingfisher Road forms a T-intersection with John Oxley Drive, which is classified as an AUS-SPEC 'Urban Distributor' two-lane road. John Oxley Drive provides the main vehicular connection from the Lake Innes precinct to the Oxley Highway and town CBD. Independently of this proposal, Council is in the process of developing a concept plan for upgrade of John Oxley Drive to four lanes, to accommodate current and future urban traffic growth and a nearby bulky goods commercial development. Currently the intersection has a slip lane for the left turn

ingress movement into Kingfisher Road from the north (the minor leg), a channelised right turn (AUSTROADS type CHR) lane for the ingress movement into Kingfisher Road from the south, and a two-lane give way arrangement (dedicated left and right turning lanes) for the egress movements onto John Oxley Drive. The traffic section below confirms that, based on the estimated traffic generated by the student accommodation, no upgrade to the intersection is required as a result of this proposal.

Traffic and Parking

The application included a Traffic Impact Assessment authored by TEF Consulting dated 18/02/105. The study refers to survey data taken from CSU's established campuses in Bathurst and Thurgoona (Albury), which it is submitted are regional facilities that represent likely traffic generation by students at a Port Macquarie university campus. Key findings of the study are presented below, and Council staff's position is discussed in relation to each point.

- In relation to parking, the proposal relies on the provisions of State Environmental Planning Policy (Affordable Housing) 2009 (SEPP), which override Council's local DCP controls. The land is within 400 metres of bus stops with regular services and therefore consent cannot be refused on the basis of inadequate parking if at least 0.2 spaces are provided for each boarding room and if 1 space is provided for 'each person employed in connection with the development and who is resident on site'. For 592 residents in individual rooms, the study states that this equates to 118 spaces to be provided on-site for boarders, plus 3 spaces for staff (1 on-site manager, 1 maintenance supervisor, and 1 administrator). 125 spaces have been provided onsite, including 22 disabled access spaces.

- Council staff note that the amount of car parking complies with the SEPP and the proposal cannot be refused on this basis. Because of the regional nature of Port Macquarie, and lack of public transport accessibility in comparison to a metropolitan area, it is noted however that the actual student car parking demand is likely to be much higher than the SEPP quota. Any demand which cannot be accommodated onsite will be shifted to Kingfisher Road, and it is therefore important that the road shoulder be upgraded to accommodate on-street parking width as discussed in the roads section above.

The traffic report continues by noting that under Clause 30 of the SEPP, a bicycle space and a motorcycle space is to be provided for every 5 boarding rooms (0.2 per room), equating to 118 bicycle spaces. 130 are proposed which exceed the requirements of the SEPP.

Only 24 motorcycle spaces are proposed. The study submits that CSU survey data from Bathurst and Thurgoona shows only 2% of regional students (and less for resident students) use motorcycles to travel to campus. Further, 22 disability access units (and 22 disabled parking spaces) have been provided, so 22 boarders will not require motorcycle parking. The study concludes therefore that required motorcycle provision should be (592 minus 22 = 570 boarders) x 2% = 11 motorcycle spaces.

- Council staff note the CSU traffic survey data quoted has not been provided with this application. However, the same data was detailed in the traffic impact study by TEF lodged with the application for the for the university, which was determined in 2014 by the Joint Regional Planning Panel. That earlier study showed that the regional nature of the Bathurst and Thurgoona campuses means that a lower use of motorcycles and bicycles occurs (2%). Port Macquarie would be expected to function in a similar manner (due to less availability of bus and train transport). However, the same study demonstrates that 85% of resident (on-campus) students had a car parked on-campus. Based on 592 students, this would equate to 503 on-site parking spaces being required. The lower motorcycle use reflects a higher car use. For comparison, if the applicant were seeking to meet Council's

DCP controls rather than the SEPP, the prescribed rate for boarding houses is 1 car space per 2 bedrooms, plus 1 per employee. This would equate to a minimum of 299 spaces to be provided on site. Notwithstanding this apparent undersupply of parking on the site, an application cannot be refused where the minimum number of spaces required by the SEPP are satisfied. Refusal of the application based on the shortfall in required motorcycle parking spaces would be considered difficult to justify.

- The Traffic Impact Assessment provides that existing traffic volumes to and from Kingfisher Road (i.e. at the intersection with John Oxley Drive) can be estimated as follows, based on 56 residential dwellings, a quarry and a waste management centre having access via the road:
    - During the AM peak hour, 54 incoming vehicle movements and 28 outgoing movements.
    - During the PM peak hour, 28 incoming and 58 outgoing vehicle trips.
- Assessment by Council staff indicates these numbers are reasonable, except that the estimates do not consider the actual number of truck movements attributed to the waste management facility. The estimates can be accepted, as truck movements are likely to be distributed across the day, and the AM and PM peak periods will be the critical periods for the John Oxley Drive / Kingfisher Road intersection and this development proposal. Further, as the road is already classed as an 'Industrial' standard by Council and is in use by trucks, the increase in car traffic will have a negligible impact on durability and maintenance of the road.
- Trip generation rates for the proposed student accommodation were calculated in the study based on the maximum number of parked vehicles accommodated on-site. A full capacity of 156 parked vehicles was assumed.
    - Student trip rates measured at the access to the student accommodation at Thurgoona CSU campus were outlined by the study (although the actual survey data was not provided). During the AM peak hour, the rates were 10.3% incoming and 12.6% outgoing. For the proposed student accommodation, the study claims this equates to 16 vehicles incoming and 20 vehicles outgoing.
    - During the PM peak hour, 10.3% incoming and 13.8% outgoing, or 16 vehicles incoming and 22 vehicles outgoing.
    - The study assumed that trip distribution in the AM period would involve 90% of vehicles from the student accommodation making a left turn from Kingfisher Road onto John Oxley Drive (towards CSU / shopping village) and 10% making a right turn (towards the Port Macquarie CBD and Oxley Hwy).
    - Trip distribution in the PM period was assumed to be 90% of vehicles turning into Kingfisher Road from John Oxley Drive south (from CSU / shopping village), and 10% turning in from the north (from the CBD and Hwy).
- Council staff do not agree that traffic generation will correlate with the Affordable Housing SEPP off-street parking numbers alone, as they do not reflect demand shifted to other areas (such as on-street parking numbers). Further, the trip distribution ratio of 90-10% is considered skewed, because of factors such as the majority of students walking and cycling to the campus and shopping village (as that is the shortest route). There is also the likelihood that some students will commute toward the Port Macquarie CBD during the week to attend work or other university or TAFE premises (the tenure of residents at this facility is not proposed to be restricted to CSU students only). However, a conservative sensitivity analysis by Council staff indicates that the existing intersection has sufficient capacity to cater for the proposed traffic increase as a result of the development. If

capacity degrades to the point that a right hand turn from Kingfisher Road onto John Oxley Drive is not possible (due to no gaps being available in through traffic), traffic can make a left turn and proceed around the roundabout immediately south of the intersection.

Roads and Maritime Services (RMS)

The nearest RMS classified road is the Oxley Highway, approximately 800m to the northwest of the site by road. Less than 200 car parking spaces are proposed and therefore the application was not referred to the RMS based on the provisions of the Infrastructure SEPP (2007).

Access

Vehicle access to the site is proposed though two driveways with direct access to Kingfisher Road. These access points will be shared by all traffic (residents and service vehicles). Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Vehicle queuing into the existing waste management facility to the south of the site is anticipated to back up along Kingfisher Road for a distance of at least 80m from the weighbridge. This would result in delays for vehicles entering the student accommodation site unless an ingress driveway is available north of the queue. Consultation with the applicant has resulted in the design accommodating this distance, and a condition has been recommended to ensure the detailed design meets this requirement.

Manoeuvring

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available. Parking and driveway widths on site can also comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Water Supply Connection

Records indicate that the current development site does not have a water service.
A watermain augmentation (about 225 metres long) will be required in Kingfisher Road as well as a water main extension (about 125 metres long). The final details will be subject to water reticulation computer modelling.

Final water service sizing for the development site 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.
The proposal to seek a water main connection through this property to Ellis Parade (that was based on the originally proposed residential subdivision with public roads) will now not proceed.

Sewer Connection

Council has provided a concept plan for the sewer strategy for the area. This strategy was reliant on infrastructure to be built to service the CSU University and the student accommodation. The sewer is to be discharged into the manhole (PM71P131MH) on the corner of Braeroy Dr. The sewer reticulation strategy provided is acceptable for sewer section. A detailed design is to be submitted. Surge analysis of sewer rising main is to be conducted as per Aus-Spec requirements D12, Specifically negative pressure section.

Stormwater

The site generally drains southwards towards the adjoining crown road reserve. The proposed development includes the collection of stormwater runoff, its detention and treatment prior to discharge via overland sheet flow across the southern part of the site towards the unmade road reserve area.

Whilst this approach is acceptable in principal on the grounds that it attempts to mimic the existing stormwater flow regime across the site and onto adjoining land, pre-lodgement advice was that the applicant should liaise with CSU (adjoining landowner) to determine if a mutually beneficial point of discharge could be obtained. The rationale for this is that the future downstream Stage 2 CSU development will likely need to capture this stormwater discharge in order to direct it around / under the proposed Stage 2 works. This approach has been recommended in the conditions of consent requiring a detailed stormwater management plan to be submitted.

The proposed development includes provision for the collection of stormwater discharge from upstream adjoining lots fronting Kingfisher Rd. This system will be required to be within a suitably sized easement to drain water. Detailed design of this system demonstrating the following will also be required to be submitted with the CC/S68 application:

- Dimensions of swale,
- Freeboard (having regard for future growth of vegetation)
- Scour protection
- Maintenance access and rights

In addition to receiving existing stormwater discharge from upstream lots, the site is also subject to stormwater discharge from Kingfisher Road itself. This has not been acknowledged in the DA submission and unless adequately managed, may lead to inundation of the development during extreme rainfall events.

A development of this scale will be required to construct kerb and guttering along the site frontage as part of the proposed works. Given the site location at the ‘sag’ point in Kingfisher Rd, the kerb and gutter works within the site frontage must also include the provision of piped stormwater drainage infrastructure designed in accordance with Council’s AUS-SPEC Specifications.

This piped drainage system will need to be drained through the development site (along the existing natural flowpath) to the point of discharge via appropriately sized pipeline(s). The stormwater network traversing the site must be located in appropriately sized easement(s) for drainage benefitting Council and must also make provision for overland flows in the event of system blockage or in the event that the capacity is exceeded by major event storm flows.

An amended stormwater drainage concept plan is hence required including the provision of the abovementioned piped drainage system to convey existing stormwater flows from Kingfisher Rd through the site and to the downstream point of discharge. The system must be designed as per AUS-SPEC Specifications and must include provision for safe overflows through the site. The plan shall be accompanied by a plan of proposed easements for drainage.

In relation to the specifics of the stormwater modelling undertaken, the proposal is generally acceptable for approval of the development application. There are however a couple of matters that will need to be addressed as part of the preparation of detailed plans for the future CC/S68 submission:

- The Mannings “n” value utilised for grassed areas appears very low and may misrepresent existing site characteristics. Justification needs to be provided for the

value of 0.017, OR the DRAINS Modelling shall be revised to include a higher value.

- Confirmation is sought as to whether any rainwater reuse is proposed. The volume of on-site stormwater detention storage (OSD) can potentially be reduced where on-site retention (OSR) facilities for rainwater reuse and/or stormwater reuse are proposed.

A detailed site stormwater management plan will be required to be submitted for assessment with the S.68 application and prior to the issue of a CC.

In accordance with Councils AUSPEC requirements, the following must also be incorporated into the stormwater drainage plan:

- On site stormwater detention facilities
- Water quality controls

Refer to relevant conditions of consent.

Other Utilities

Telecommunication and electricity services are available to the site. The developer will need to make arrangements with the relevant authorities (including Essential Energy, NBN Co and/or Telstra) to determine any requirements for supply to the new premises.

A utilities investigation was prepared by ARUP consultants. Satisfactory arrangements are in place for telecommunications and electricity infrastructure to the site.

Heritage

Following a site inspection (and a search of Council records), no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts are anticipated.

Other land resources

No adverse impacts anticipated. The site is primarily within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

Soils

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

Air and microclimate

The construction and operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management conditions are recommended.

Flora and fauna

Construction of the proposed development will require clearing of vegetation

throughout the site. Council staff have been in lengthy discussions with the applicant and the applicant's nominated ecologist in relation to threatened species identified on the site, particularly the koala and 6 threatened microchiropteran bat species. The issues have largely related to the preservation of koala habitat and hollow bearing trees on site and the ability to maintain sufficient habitat so as not to result in a significant impact. The requirement for bushfire asset protection zones and practical retention of large hollow bearing trees has added to this challenge.

The following key outcomes have been achieved to ensure that Section 5A of the Act has been satisfied:

- A performance-based bushfire asset protection zone has been negotiated with the RFS. This has had regard for hollow bearing tree and koala habitat preservation as well as longer term landscaping and replanting on the on the site.
- The development has been designed so as to maximize retention of significant hollow bearing trees.
- An off-site koala habitat offset has been secured as p[art of the koala plan of management. Conditions of consent have been recommended to ensure long-term management of this is achieved.
- Conditions of consent have been recommended to ensure clearing and construction work is supervised by an ecologist and arborist.
- Compensatory nesting boxes have been proposed and included in recommended conditions.

Extensive assessment and analysis has been undertaken by the proponent and Council's ecologist on the proposal's ecological impacts. Whilst it is acknowledged that the proposal will come with an ecological impact, the mitigation measures proposed (and conditioned) are considered to such that this impact is acceptable and of insufficient weight to refuse the application.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. Standard student and office wastes expected which will be managed via Council's waste management system or where required, by private contractor.

No adverse impacts anticipated. A standard precautionary site construction management condition recommended.

Energy and water efficiency

The proposal includes measures to address energy efficiency including orientation to maximise natural light, solar access and natural ventilation and will be required to comply with the requirements of the Building Code of Australia.

No adverse impacts are anticipated.

Noise and vibration

A noise assessment has been conducted by the applicant and is included in the comments within the social impact assessment. An on-site manager will be positioned adjacent to the car park and who would consequently experience the most significant

noise impact if any significant noise impact was to occur. A management plan/tenancy agreement shall incorporate noise and socially acceptable behaviour provisions.

Where appropriate, conditions of consent have been recommended to address noise.

Bushfire

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes an educational establishment which is deemed a *special fire protection purpose.*

The Applicant has submitted a bushfire report prepared by Australian Bushfire Protection Planners which has been forwarded to the NSW Rural Fire Service (RFS) for concurrence under the Rural Fires Act. The RFS have assessed the development and issued a Bushfire Safety Authority subject to conditions which form part of the recommended conditions of consent.

Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. Consultation with the Mid North Coast Local Area Command has been carried out in preparation of the Crime Risk Assessment submitted with the application. Recommendations are to be implemented on site and incorporated in any management plans and protocols developed.

Social impacts in the locality

In accordance with Council's Social Impact Assessment Policy, a Social Impact Comment (SIC) has been prepared by All About Planning. The SIC report addresses the likely impacts of the development on the local area and community, consultation with key stakeholders, including directly affected neighbours and details the positive and negative aspects of the proposal and how negative impacts will be mitigated.

Overall the proposed development is considered to have a significant positive impact on the socio-economic environment of the Port Macquarie-Hastings region. More specifically the SIC report provides satisfactory mitigation in regards to social impacts as follows:

- Key mitigations include a requirement for a permanent manager to reside on site and for this manager (and any necessary supporting administration staff) to establish and maintain from the outset, a paid Residential Advisor Scheme, to assist in managing and caring for all university students residing on site. A minimum of one residential advisor is to be available during term times after hours in the administration centre at the HUB (from 5pm until 9.00pm).
- The student accommodation facility (boarding house) development will mitigate potentially significant local affordable housing impacts associated with approval of the Charles Sturt University campus. Furthermore it is anticipated that the development will considerably reduce vehicle movements in the area associated with approved operation of the university.

The Applicant has detailed that feedback from the program of consultation undertaken prior to lodgement of the DA identified a number of concerns relating to parking/access/transport; noise and tree removal have all been considered in the final detailed proposal and Statement of Environmental Effects as submitted. No specific conditions are recommended in this regard.

Economic impact in the locality

The student accommodation will have significant economic benefit to the Port Macquarie region by supporting the education opportunities at the adjoining university. The proposal is considered to have a direct nexus in supporting long and short term employment opportunities and the local economy.

No adverse economic impacts within the broader Port Macquarie-Hastings locality are likely. Likely positive impacts can be attributed to the construction and operation of the development.

Site design and internal design

The proposed development design responds to the site attributes and will fit into the locality in a satisfactory manner taking into consideration of the planning controls applying to the site. No adverse impacts are likely in this regard.

Construction

No potential adverse impacts identified to neighbouring properties with the construction of the proposal. Standard construction mitigation measures are recommended as a condition of consent approval.

Cumulative impacts

The proposed development is not expected to have any identifiable adverse cumulative impacts on the natural or built environment.

The proposal is likely to have significant positive social and economic impacts within the Port Macquarie-Hastings region and further abroad.

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

Site constraints of bushfire risk, ecology and traffic have been adequately addressed and appropriate conditions of consent recommended.

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

Four written submissions have been received with three raising concerns with the proposal following completion of the required neighbour consultation and advertising of the application.

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

<u>Submission Issue/Summary</u>

- Increased traffic generation as a result of the development. Heavy trucks currently use Kingfisher Road.
- The DAs do not sufficiently recognise the existing issues with the intersection of the Oxley Highway and Kingfisher Road intersection and the limitations to the capacity of the future function of the Oxley Highway/John Oxley Drive/Wrights Road intersection.
- Privacy concerns are raised in relation to the 2 and 3 storey buildings that will overlook the backyards of existing residences in Kingfisher Road. Request 8 foot fence for privacy.
- Loss of security due to increased crime rates associated with large numbers of student accommodation
- Noise issues created by students carrying out activities/social activities on the site

- Ecological impacts created by developing the site- particularly impact to Koalas
- Want to ensure that sewer is to be constructed at developers cost and wholly on the site and that they will have access.
- Request footpaths be installed along Kingfisher Road for pedestrian access.
- Insufficient parking provision-students in regional areas require higher rates above SEPP requirements due to high car ownership and needs for access and greater distances to facilities.
- Inadequate supervision and managerial team proposed resulting in risk to social cohesion and adverse impacts to surrounding residents.
- Occupancy is not guaranteed to CSU Students

Comments

- Traffic and Parking- this has been addressed in detail earlier in this report. In summary, traffic is considered capable of compliance. Some concern is raised as to actual car parking demand that will be created as a result of the development based on recorded data from other universities in regional areas. Whilst car parking provided may comply with the SEPP and cannot be used as a basis for refusal, the site will be required to be managed to ensure students are informed of the parking available to them for private vehicles and to encourage public transport options.
- Privacy and Fencing - it is recommended a 1.8m high lapped and capped timber fence be provided between the site and the residential properties to the north. Such fence is to comply with KPoM for the site. Privacy impacts are considered acceptable given the topography, lack of upper deck areas, vegetation preservation/reinforcement and distances between the proposed development and existing residential buildings.
- Site management, noise and security - the site will have an on-site manager live in a designated dwelling at the front of the site facing Kingfisher Rd who will provide a level of supervision together with live in student advisers. Issues may be reported to the on site manager. Strict rules will be in place for prospective tenants regarding noise and socially acceptable behavior.
- Footpath - a footpath will be required to be constructed. Council's engineers have imposed a condition of consent requiring construction.
- Sewer - see comments above. An extension of sewer will be required and the applicant has detailed a number of properties that will have the ability to connect to this system.
- Restriction to CSU students - there is no formal agreement between CSU and the proponents however due to the proximity to the CSU campus, the nature of the accommodation and the target market it is envisaged that the majority of tenants will be associated with the university.
- Ecological Issues - these have been addressed in detail within the report. This issue is considered to be resolved.

Public Interest

The proposed development will be in the wider public interest with provision of a new University in the Port Macquarie-Hastings Local Government area. In particular the proposal will be able to provide an additional tertiary education service to meet the needs of the broader Mid North Coast Region.

The proposed development satisfies relevant planning controls including the satisfactory exception to building height standard and is considered to be in 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 this report relating to the ecology on the site, it can be sufficiently ascertained that the development can be completed in an ecologically sustainable manner.

Mid North Coast Regional Strategy 2006-31

The proposal is consistent with the Strategy by facilitating the delivery of a University Campus. The delivery of the CSU Campus accords with the Strategy's economic, development and employment growth actions.

Port Macquarie-Hastings Urban Growth Management Strategy

The proposed student accommodation is consistent with this Strategy by carrying out works for stimulating economic development and employment opportunities and not adversely impacting the existing environmental values of the Local Government Area.

John Oxley Drive Precinct Structure Plan

The site is located with proximity to the Structure Plan area. The proposal for the student accommodation will not affect the delivery of development in the Structure Plan.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- The development is considered commercial and involves intensification or expansion of the site and the proposed value of works is $100,000 or greater. Section 94A contributions apply to the proposal is this regard.
- 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.

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 considered suitable for the proposed development and will positively contribute to the benefit of the community as a whole. Consequently, it is recommended that the application be approved subject to the recommended conditions.