

JOINT REGIONAL PLANNING PANEL (Northern Region)

JRPP No	2015NTH018
DA Number	2015 - 0600
Local Government Area	Port Macquarie-Hastings
Proposed Development	Bulky Goods Retail Premises and Hardware and Building Supplies (Including Masters Home Improvement Store) and 2 Lot Torrens Title Subdivision
Street Address	Lots 12 & 13 DP 1088869, No. 18 John Oxley Drive, Port Macquarie
Applicant/Owner	Applicant: CVC Mezzanine Finance Pty Ltd, C/- King & Campbell Pty Ltd Owner: CVC Mezzanine Finance Pty Ltd
Number of Submissions	Two
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value greater than \$20 million (\$21.95 million)
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 44 - Koala Habitat Protection • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 64 – Advertising and Signage • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • 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	<ol style="list-style-type: none"> 1. Recommended conditions 2. Copies of submissions 3. Plans 4. Koala Plan of Management
Recommendation	Granting of consent

Report by	Chris Gardiner, Development Assessment Planner
Report date	December 2015

RECOMMENDATION

That DA 2015 - 0600 for Bulky Goods Retail Premises and Hardware and Building Supplies (Including Masters Home Improvement Store) and 2 Lot Torrens Title Subdivision at Lots 12 & 13 DP 1088869, No. 18 John Oxley Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for bulky goods premises and hardware and building supplies (Masters Home Improvement Store), a 2 lot Torrens title subdivision, 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, two submissions have been received.

1. BACKGROUND

Brief history regarding rezoning of the site

The subject site has a lengthy history of strategic investigations commencing in 2010 with the Port Macquarie Hastings Retail Strategy Review 2010 and Draft *Urban Growth Management Strategy 2011-2031* (UGMS). The site was identified at the time for investigation for economic initiatives including retailing of bulky goods.

On 25 July 2012 Council formally adopted the John Oxley Drive Precinct Structure Plan. The Structure plan identified the subject site for 'business investigation'. A planning proposal (PP2011 - 7.2) was subsequently commenced for the rezoning of the site from RU1 Primary Production to B5 Business Development.

At its meeting on 20 August 2014 Council resolved (Minute 11.02):

That Council defer the matter until the completion of the LGA wide traffic management study and the review of the Urban Growth Management Strategy.

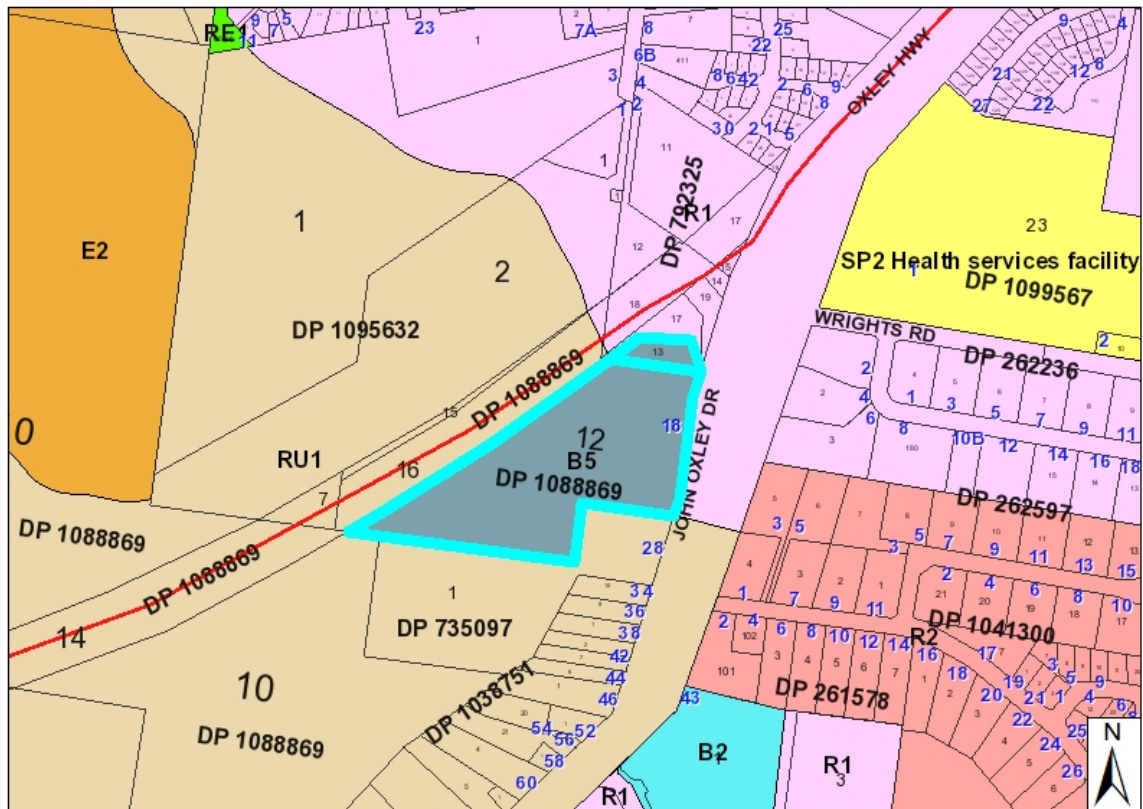
On 4 March 2015 the Minister for Planning wrote to Council advising that the Secretary of the Department of Planning and Environment had been appointed as the relevant planning authority to finalise the planning proposal.

Port Macquarie-Hastings Local Environmental Plan 2011 (Amendment No 20) commenced on 19 June 2015. The amended LEP had the effect of changing the zoning to B5 Business Development, and amending the Height of Buildings and Lot Size Maps applying to the site.

Existing sites features and surrounding development

The site has an area of 4.81 hectares.

The site is zoned B5 Business Development 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 adjoins the Oxley Highway on its north-west boundary.

The site falls east to west from approximately 9.5m AHD at the eastern boundary to approximately 2m AHD in the western corner of Lot 12 DP 1088869.

The land has frontage to both John Oxley Drive and the Oxley Highway. However, access is denied to the Oxley Highway and an existing acoustic wall and landscaping have been established along this frontage.

The site has previously been used as a caravan park. Permanent structures associated with the former use were demolished under DA2014 - 54.1 in 2014, although some internal roads remain on the site.

To the east of the site are existing low density residential zoned allotments occupied by a mix of residential dwellings and medical uses.

To the north and west of the site, on the opposite side of the Oxley Highway are residential uses, including a manufactured home estate used for seniors housing.

To the south of the site is a seniors housing development known as Sienna Grange.

Charles Sturt University (currently under construction) and Lake Innes Village shopping centre are located nearby to the south-east of the site and the Port Macquarie Base Hospital is located on the north-east corner of the Oxley Highway - John Oxley Drive - Wrights Road intersection.

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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- The subdivision of the site to create two (2) lots, incorporating easements for access and services as required, including;
 - Proposed Lot 1 with a site area of approximately 3.28 ha; and
 - Proposed Lot 2 with a site area of approximately 1.53 ha.
- Development of proposed Lot 1, including:
 - A Masters Home Improvement Store with GFA of 13,484m²;
 - Car parking for 385 vehicles; and
 - Associated loading facilities.
- Development of proposed Lot 2, including:
 - A bulky goods premises with three tenancies having a total GFA of 6,864m²;
 - Car parking for 138 vehicles; and
 - Associated loading facilities for each tenancy and a truck turning area.
- Construction of a new signalised intersection in John Oxley Drive at the site access and associated duplication of the road in the site frontage.
- Construction of a secondary access from John Oxley Drive for service vehicles.
- Landscaping of the site.
- Construction of 3m high acoustic fencing adjacent to the southern boundary of the site.
- Business identification signage, including 2 pylon signs.
- Provision of water, sewer and stormwater infrastructure.

Application Chronology

- 24 March 2015 - Pre-lodgement Meeting
- 28 August 2015 - Development Application lodged.
- 2 September 2015 - Application referred to Rural Fire Service, Roads and Maritime Services, and Department of Planning and Environment.
- 4 September 2015 - Additional information requested in relation to traffic report.
- 7 September 2015 to 21 September 2015 - Application notified to neighbours and advertised in accordance with Development Control Plan 2013 (2 written submissions received).
- 9 September 2015 - Additional information requested in relation to ecological reports and draft Koala Plan of Management.
- 17 September 2015 - Additional traffic and ecological information provided by Applicant.
- 23 September 2015 - Comments provided by Roads and Maritime Services.
- 13 October 2015 - Additional information requested from Applicant on various matters.
- 26 October 2015 - Comments provided by Rural Fire Service.
- 29 October 2015 - Response provide by Applicant to additional information request of 13 October 2015.
- 5 November 2015 - Amended architectural plan set provided by Applicant.
- 11 November 2015 - Meeting between Applicant and Council staff to discuss final matters outstanding for completion of the assessment.
- 19 November 2015 - Information requested at meeting provided by Applicant.
- 23 November 2015 - Amendments to Koala Plan of Management requested by Department of Planning and Environment.
- 24 November 2015 - Amended Koala Plan of Management submitted by Applicant.
- 26 November 2015 - Koala Plan of Management approved by Department of Planning and Environment.

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

With reference to clauses 6 and 7, the subject land has an area greater than 1 hectare and therefore the provisions of SEPP must be considered.

The Department of Planning and Infrastructure's Circular No. B35, Section 1.5 states that "In relation to affected development applications it is the intention of the policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat".

In this regard the proposed development is likely to involve the removal of 17 Schedule 2 koala food trees within the site and an additional 12 koala food trees on the eastern side of John Oxley Drive.

The Applicant has submitted two separate reports addressing the provisions of the SEPP for the development within Lots 12 and 13 DP 1088869 and also the associated road widening on the eastern side of John Oxley Drive.

A Flora and Fauna Assessment prepared by Peter Parker Environmental Consultants

Pty Ltd and dated 25 May 2015 considers the potential impact of the works within Lots 12 and 13 and includes consideration of SEPP No. 44. The assessment determined that koala food trees comprise more than 15% of the canopy and the land is therefore considered to be potential koala habitat. However, further investigation did not find any evidence of koala presence (scats, scratches on trees, etc) and the site is therefore not core koala habitat. A koala plan of management is not required for Lots 12 and 13 DP 1088869.

A further Ecological Assessment prepared by FloraFauna Consulting and dated 31 August 2015 has also been submitted and considers the impacts of the proposed road widening on the eastern side of John Oxley Drive. An Addendum to this report dated 22 September 2015 was provided, which identifies by survey the number of trees impacted by the proposed works. The assessment determined that the trees within the vegetated corridor in the John Oxley Drive road reserve meet the definition of potential koala habitat.

Further assessment identified that there was evidence of koalas using the area, with scats and scratches on trees found. The vegetation in John Oxley Drive adjacent to the site is therefore considered to be core koala habitat and a Koala Plan of Management (KPoM) is required for the development.

A draft Koala Plan of Management was submitted with the application and has been subject to amendments in response to feedback from Council and the Department of Planning and Environment over the course of the assessment. A final amended version of the KPoM (dated November 2015) was approved by the Department of Planning and Environment on 26 November 2015.

Key management actions in the approved KPoM include:

- Installation of advisory signage for pedestrians with dogs;
- Ongoing fox control;
- Installation of floppy top fencing between the habitat corridor and John Oxley Drive and advisory signage for motorists;
- Offset planting for habitat loss; and
- Appropriate construction phase management for tree removal.

In accordance with clause 13(2) of the SEPP, the KPoM has no effect unless it is approved by Council and the Director of the Department of Planning and Environment. It is recommended that the KPoM be approved and included in the stamped documentation for the development.

State Environmental Planning Policy No. 55 – Remediation of Land

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.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development includes proposed advertising signage in the form of business/building identification signs.

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

The following assessment table provides an assessment checklist against the Schedule 1 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposed signage is of high quality design and finish and would be compatible with the desired character for a B5 zone. The signage would provide effective communication in suitable locations.	Yes
Schedule 1(1) Character of the area.	The proposal is compatible with the desired future character of the locality. There is no established theme for outdoor advertising in the area.	Yes
Schedule 1(2) Special areas.	The site is located adjacent to residential areas. However, the design and location of proposed signs are not considered likely to detract from the amenity or visual quality of these areas.	Yes
Schedule 1(3) Views and vistas.	The signage would not affect any significant views or vistas, or impact on the viewing rights of other advertisers. A visual assessment has been submitted with the application, which demonstrates that the proposed signage would not be obtrusive when viewed from the Oxley Highway entrance to Port Macquarie or the adjoining residential development at Sienna Grange.	Yes
Schedule 1(4) Streetscape, setting or landscape.	<p>The scale and proportion of the proposed signage is appropriate for the setting. The proposed pylon signs (10m high) are comparable with the height of the Masters building. However, the pylon sign adjacent to the access road from John Oxley Drive would project above the top of both buildings as the ground level at the site frontage is approximately 4m higher than the floor level of the buildings. A condition is recommended requiring amended plans of the pylon signs to be submitted prior to the issue of a Construction Certificate, with a maximum height no greater than the roof ridge of the building on proposed Lot 1 (RL 14.18m AHD).</p> <p>The pylon signs are designed to accommodate business identification signs for future bulky goods uses on proposed Lot 2. This would reduce the potential for proliferation of signage along the John Oxley Drive frontage of the site.</p>	Yes
Schedule 1(5) Site and building.	The scale and proportions of the proposed wall signs are appropriate for the dimensions of the buildings.	Yes

Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	Lighting and logos have been designed as an integral component of the sign structures.	Yes
Schedule 1(7) Illumination.	<p>The proposal includes illuminated signage.</p> <p>The site adjoins residential development to the south. The proposed trading hours are 6.00am to 10.00pm Monday to Friday and 6.00am to 9.00pm Saturday and Sunday.</p> <p>There is not considered to be any reason for the business identification signs to remain illuminated beyond the trading hours for the businesses. Given the potential amenity impact on nearby residents, a condition is recommended requiring the signage to be fitted with a timer to turn off between 11.00pm and 5.30am.</p>	Yes
Schedule 1(8) Safety.	The design and location of the proposed signage is not considered likely to adversely impact on vehicular or pedestrian safety in the locality.	Yes

Part 3 of the SEPP is not applicable to the proposal as it does not include any advertisements or advertising structures.

State Environmental Planning Policy (Infrastructure) 2007

The application is for traffic generating development listed in Schedule 3 of the SEPP and has been referred to the NSW Roads and Maritime Service (RMS) in accordance with clause 104(3)(a). The RMS comments and other matters requiring consideration under clause 104(3)(b)(ii) and (iii) are discussed in the assessment of access, traffic and parking impacts addressed later in this report.

State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 - The proposal is regional development identified in Schedule 4A of the Environmental Planning and Assessment Act 1979, being general development with a capital investment value of more than \$20 million.

Clause 21 - The Northern Joint Regional Planning Panel is authorised to exercise the consent authority functions of Council.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2, the subject site is zoned B5 Business Development. In accordance with clause 2.3(1) and the B5 zone landuse table, the proposed development for hardware and building supplies and bulky goods premises are permissible land uses with consent.

The objectives of the B5 zone are as follows:

- To enable a mix of business and warehouse uses, and bulky goods premises

that require a large floor area, in locations that are close to, and that support the viability of, centres.

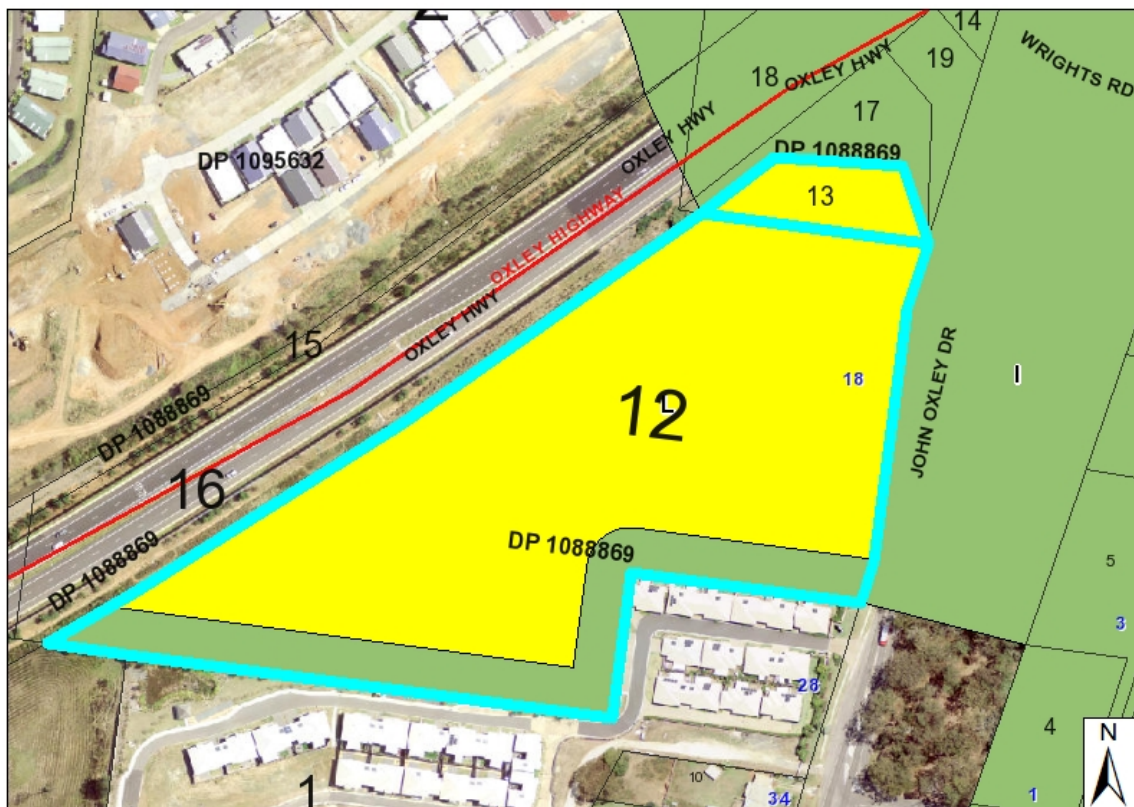
- To minimise conflict between land uses within the zone and with adjoining zones.
- To ensure that new developments make a positive contribution to the public domain and streetscape.

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:

- The proposal is for permissible land uses;
- The development would provide a mix of appropriate land uses that require large floor area.
- Sufficient measures have been proposed to minimise the potential for conflict between land uses.
- The proposed development would make a positive contribution to the public domain and streetscape.

The proposal also includes works in John Oxley Drive in the site frontage, which is zoned R1 General Residential. Roads are a permissible land use with consent in the R1 zone.

- Clause 4.1, the proposal includes a 2 lot Torrens title subdivision with lot sizes of 1.53 hectares and 3.28 hectares. All proposed lots comply with the minimum lot size of 15,000m² identified in the Lot Size Map relating to the site.
- Clause 4.3, the Height of Buildings Map identifies a maximum height of buildings of 8.5m (green) and 11.5m (yellow) as detailed in the map below.



The maximum overall height of the building above ground level (existing) is 8.40m for the part of the site having an 8.5m height limit and 11.41m for the part of the

site having an 11.5m height limit. The proposed building heights comply with the standards adopted on the Height of Buildings Map.

- Clause 4.4, the floor space ratio (FSR) of the proposal is 0.41:1 for proposed Lot 1 and 0.45:1 for proposed Lot 2. No maximum FSR has been adopted for the site on the Floor Space Ratio Map.
- Clause 5.5 - Climate change implications are addressed under Clause 7.3 below.
- Clause 5.9 - The proposal includes removal of 30 trees within the development site and 2500m² of vegetation on the eastern side John Oxley Drive for the required intersection construction and associated road widening. Of the trees proposed to be removed, 37 are either koala food trees and/or hollow bearing trees. Other trees include exotic tree and palm species. See comments later in this report under Flora and Fauna.
- Clause 7.1, part of the western side of the site is mapped as potentially containing class 5 acid sulphate soils. However, the proposed development does not include works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum as a result of the development. An acid sulphate soils management plan is not required for the development.
- Clause 7.3, the site is land within a mapped "flood planning area" (land subject to flood discharge of 1:100 annual recurrence interval flood event, plus the applicable climate change allowance and relevant freeboard). A Flood Impact Assessment and Flood Emergency Response Strategy was prepared by Worley Parsons on 6 December 2012 to support the rezoning of the site and remains applicable to the proposed development. Some references to the former Interim Flood Policy (2007) have since been superseded by Council's adoption of the Flood Policy 2015.

The following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council's Flood Policy 2015, the NSW Government's *Flood Prone Lands Policy* and the NSW Government's *Floodplain Development Manual* (2005):

- The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change. The Worley Parsons assessment indicates that flow velocities would be very low in the vicinity of the site (almost zero).
- The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties. Worley Parson have determined that there would be a negligible loss of flood storage as a result of the proposed filling for the development and would not have the potential to impact on flood behaviour on nearby sites.
- The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land. Buildings are proposed to have floor levels at 4.38m AHD (being the 1:100 year flood level, plus climate change allowance, plus 500mm freeboard), which exceeds the minimum requirements of Council's Flood Policy 2015.
- The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- The proposal is not likely to result in unsustainable social and economic costs

to the community as a consequence of flooding. Car parking areas are proposed to have a minimum finished level of 3.58m AHD, which would permit a maximum water depth of 300mm in the 2100 design 1:100 flood event. Appropriate flood warning time and safe evacuation routes are available for the site.

Conditions are recommended confirming the minimum permitted levels for buildings and parking areas in the development, and requiring construction to be appropriate to the flood hazard.

- 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. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

(iii) Any Development Control Plan in force:

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: Business & Commercial Development			
DCP Objective	Development Provisions	Proposed	Complies
3.4.3.1	Setbacks: A zero metre setback to ground floor is preferred in all business zone developments.	Front setback to John Oxley Drive varying between 10.2m and 145m. Minimum 6m setback to Oxley Highway.	No (see below)
3.4.3.2	Where a zero setback cannot be achieved, such as where parking can only be provided between the building and the street, a minimum 3.0m pedestrian setback is provided between the edge of the car park and the building. <ul style="list-style-type: none"> • The 3.0m pedestrian setback must be: open and accessible for pedestrians for its entire length and width; • clear of columns (other than awning posts where 	Masters: 3.0m Bulky goods tenancies: 2.4m Satisfactory grades for the pedestrian areas within the development, between tenancies, and connecting to the adjoining public roads are achievable.	No*

	<p>provided) and other obstructions;</p> <ul style="list-style-type: none"> • has a pavement matching the gradient of the adjoining footpath and connects pedestrian areas on neighbouring sites; and • connects without any lip or step to adjoining footpaths or abutting pedestrian areas on neighbouring sites. 		
3.4.3.3	Roof Form: Variations in roof form including the use of skillions, gables and hips are to be provided in the development.	Minimal variation in roof form proposed.	No*
	Variations in roof materials shall be used.	Mix of metal roof sheeting, insulated skylights and non-insulated skylights.	Yes
	Parapets and flat roofs should be avoided.	Pitched roof with small proportion of parapets associated with business identification signs. Considered acceptable.	Yes
	In an established street, roof form and materials shall be consistent or complementary to those developments in that street.	Site is in an area undergoing transition.	n/a
	Lift over-runs and service plant shall be concealed within roof structures. All roof plant must be represented on plans and elevations.	All proposed roof plant has been detailed on the submitted plans and complies with the applicable height limits for the area. The development does not include any lift over-runs.	Yes
	Roof design shall generate an interesting skyline and be visually interesting when viewed from adjoining developments.	Adjoining developments are at a lower level and roof design would generally not be visible.	n/a
3.4.3.4	Colours, construction materials and finishes should respond in a positive manner to the existing built form, character and	Site is in an area undergoing transition. Materials and finishes considered to achieve a satisfactory character.	Yes

	architectural qualities of the street		
3.4.3.5	<p>Shopfront widths are to be between 15 and 20 m.</p> <p>Widths up to a maximum of 30 may be considered where the building achieves superior built design and streetscape outcomes.</p>	<p>Masters building: 190m Bulky goods tenancies: 22m to 39.6m.</p>	No*
	<p>The maximum length of any similar façade treatment is 22m.</p>	<p>Bulky goods tenancies achieve variation in facade treatment each 22m.</p> <p>Masters building includes unrelieved concrete panel facade for lengths of up to 45m.</p>	No*
	<p>Side and rear facades are to be treated with equivalent materials and finishes to the front façade.</p>	Yes	Yes
3.4.3.6	<p>Any security grilles shall be provided inside the building, behind glazing and designed to ensure transparency to the interior.</p>	<p>None proposed on submitted plans.</p>	n/a
3.4.3.15	<p>Landscaping: A landscape plan shall be submitted with the development application and include:</p> <ul style="list-style-type: none"> • Existing vegetation; and • Existing vegetation proposed to be removed; and • Proposed general planting and landscape treatment; and • Design details of hard landscaping elements and major earth cuts, fills and any mounding; and • Street trees; and • Existing and proposed street furniture including proposed signage. 	<p>Landscaping plan submitted.</p>	Yes
3.4.3.16	<p>All street plantings are to</p>	<p>Condition recommended</p>	Yes

	be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.	requiring detailed landscaping plan for the proposed public domain works.	
3.4.3.17	Large trees and spreading ground covers are provided in all landscape areas within the site.	Submitted landscaping plan includes large trees up to 15m high and spreading groundcovers.	Yes
	Large screening shrubs of an appropriate density and size to complement the scale and bulk of the subject building are provided in areas where screening is a priority.	Screen plantings between bulky goods tenancies and existing Sienna Grange development to the south are of sufficient scale to provide screening of the southern elevation of the building. The Swamp Oak and Broad-leaved Paperbark have a mature height of up to 10m.	Yes
	Where car parking cannot be provided under or behind the building and Council has agreed to permit some or all of the parking in the front setback, a landscaped strip with a minimum width of 3.0m is provided along the entire frontage/s of the site.	Proposal includes a 3m wide landscaped strip along the front boundary to John Oxley Drive.	Yes
3.4.3.18	At grade car parking incorporate water sensitive urban design principles to drain pavement areas.	Bio-retention gardens proposed throughout parking areas.	Yes
3.4.3.19	Fencing for security or privacy shall not be erected between the building line and the front boundary of a site.	None proposed.	Yes
3.4.3.21	Street furniture, including seats, bollards, grates, grills, screens and fences, bicycle racks, flag poles, banners, litter bins, telephone booths and drinking fountains are coordinated with other elements of the streetscape.	Bollards and bicycle racks within the development are located at a significant setback from the street and it is not considered necessary for them to be coordinated with other elements in the streetscape.	n/a
3.4.3.22	Any ramps are to be integrated into the overall	No ramps proposed on submitted plans.	n/a

	building and landscape design.		
	The development complies with AS1428—Design for Access and Mobility.	Capable of complying. Details will be required with the Construction Certificate application.	Yes
3.4.3.24	<p>Waste management: A waste management plan for the construction and/or occupation of the development is provided that:</p> <ul style="list-style-type: none"> • Recycles and reuses demolished materials where possible; • Integrates waste management processes into all stages of the project; • Specifies building materials that can be reused and recycled at the end of their life; • Uses standard components and sizes to reduce waste and facilitate update in the future. 	The Applicant has indicated that a waste management plan will be developed as part of the Construction Certificate documentation. Condition recommended confirming this requirement.	Yes
3.4.3.25	Separate storage bins for collection for organic waste and recyclable waste are provided in the development.	Capable of complying.	Yes
3.4.3.26	<p>Bulk waste facilities must be stored in a designated area that is physically and visually integrated into the development at ground or sub-basement level that:</p> <ul style="list-style-type: none"> • is not visible from the street or public domain; • is easily accessible to businesses; • may be serviced by collection vehicles; • has water and drainage facilities for cleaning and maintenance; and • does not immediately adjoin 	<p>Bulk waste storage possible in rear loading areas of each of the buildings, which would not be visible from the public domain and are accessible via the service vehicle access road.</p> <p>Condition recommended requiring details to be confirmed on the Construction Certificate plans.</p>	Yes

	onsite employee recreation area; and <ul style="list-style-type: none"> be maintained to be free of pests. 		
	Cardboard compactors are provided for large retail and commercial developments.	Statement of Environmental Effects indicates that cardboard compactors will be provided. Condition recommended confirming this requirement.	Yes
	Where waste facilities cannot be collected at the street, evidence that the site can be serviced by a waste collection service must be provided.	Having regard to the scale of the development, a private waste collection service would be required. Condition recommended requiring confirmation of satisfactory arrangements for private waste collection prior to occupation.	Yes
3.4.3.27	The number of vehicular crossovers shall be kept to a minimum and appropriate sight lines provided to ensure safe integration of pedestrian and vehicular movement.	Proposal includes a single vehicular crossover in John Oxley Drive for service vehicles only. All other vehicular access would be via the new signalised intersection.	
	At-grade / surface car parking areas adjacent to streets shall be generally avoided or at least adequately softened by appropriate landscaping.	Proposal includes 3m wide landscaped strip along John Oxley Drive frontage. Landscaping, including tree planting, is also proposed in the parking areas. Part of the parking area is also cut in below ground level in John Oxley Drive, which would also reduce visual impact.	
3.4.3.30	Pedestrian Entries & Access: The development complies with AS1428—Design for Access and Mobility.	Capable of complying. Details to be provided with Construction Certificate application.	Yes
3.4.3.31	Pedestrian and vehicle movement areas are separated to minimise conflict.	Combination of separated concrete footpaths and painted pavement areas for pedestrian use.	Yes
	Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways.	Yes	Yes

3.4.3.32	Parking areas are adequately illuminated (naturally and/or artificially) during the time period the centre is open.	Condition recommended requiring illumination of the parking areas having regard to the proposed opening hours. Illumination shall comply with AS 4282 - <i>Control of the obtrusive effects of outdoor lighting</i> .	Yes
3.4.3.33	Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.	Bicycle parking provided near the entrances to both the Masters building and bulky goods tenancies.	Yes
3.4.3.35	Commercial Development Adjoining Residential Land uses: The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.	Main service vehicle access road located to the north and west of the site, away from adjoining residential areas. However, the main vehicular access/egress (which is also the service vehicle egress) is located directly adjacent to the Sienna Grange seniors housing development to the south of the site.	No (see below)
	Where this cannot be achieved visual and acoustic treatment of the interface is required.	Acoustic wall/fence 3m high proposed along southern side of the site at a 3m setback from the property boundary. Landscaping proposed between the between the acoustic wall/fence to reduce visual impact.	Yes
	The building elevation adjoining the residential area must be; <ul style="list-style-type: none"> • Articulated, with changes in setback at intervals no greater than 10m; • Use a variety of materials and treatments; • Be setback a minimum of half the height of the wall or a minimum of 3.0metres whichever is greater. 	South elevation of bulky goods tenancies does not include articulation. Variation in colour of the finishes has been proposed in addition to an increased 6.0m setback and landscaping to screen the building elevation from adjoining residential areas.	No*
	Waste areas are located and managed to minimise pests, noise and odour.	Bulk waste storage possible in rear loading areas of each of the buildings, which would not affect the amenity of residential development to the	Yes

		south.	
3.4.3.40	<p>Development proposed on land zoned Business or Tourist on sites over 5,000sqm, or where the total project capital costs exceed \$5M, is to provide a Public Art Strategy for consideration as part of a DA.</p> <p>The Strategy is to make provision for quality artwork(s) within the development in publicly accessible location(s) and take into account the links and connections between the development and the area's natural and cultural heritage.</p> <p>The public art is to be 1% of the total cost of the development to provide works of art for appreciation from the public domain.</p>	<p>The proposal meets the relevant thresholds in terms of floor area and capital cost.</p> <p>The Application has identified publicly accessible locations within the development that would be suitable for providing public art. A condition is recommended requiring a detailed public art strategy to the value of 1% of the cost of the development prior to the issue of a Construction Certificate.</p>	Yes

DCP 2013: General Provisions			
DCP Objective	Development Provisions	Proposed	Complies
2.2.2.1	Signs primarily identifying products or services are not acceptable, even where relating to products or services available on that site.	No signage identifying products or services proposed.	Yes
	Signage is not permitted outside property boundaries except where mounted upon buildings and clear of pedestrians and road traffic.	All signage proposed within property boundaries.	Yes
	On-premise signs should not project above or to the side of building facades	None of the proposed wall signs project above or to the side of the building facade.	Yes
2.2.2.2	Where there is potential for light spill from signage in a non-residential zone adjoining or adjacent to residential development, illuminated signage is to be fitted with a time switch to dim by 50% or	<p>The site adjoins residential development to the south.</p> <p>The proposed trading hours are 6.00am to 10.00pm Monday to Friday and 6.00am to 9.00pm Saturday and Sunday.</p>	Yes

	turn off the light by 11pm each night, depending on the nature of the development.	There does not appear to be any reason for the business identification signs to remain illuminated beyond the trading hours for the businesses. Given the potential amenity impact on nearby residents, a condition is recommended requiring the signage to be fitted with a timer to turn off between 11.00pm and 5.30am.	
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> • Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations 	Refer to main body of report.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	More than 1m of cut and fill proposed.	See 2.3.3.3 below
2.3.3.2	1m max. height retaining walls along road frontages	Retaining wall between the parking area and John Oxley Drive would be up to approximately 4m high. However, the parking area is at a lower level than the street and the proposed retaining wall would not be visible from the public domain. The submitted section plans indicate that a balustrade and vehicle barrier is proposed to be installed at the top of the retaining wall to protect public safety.	No, but acceptable
	Any retaining wall >1.0 in height to be certified by structural engineer	Condition recommended confirming this requirement.	Yes
2.3.3.3	a) Significant land reforming proposals	The Applicant has submitted an earthworks detail plan with	Yes

	<p>where >10% gross site area or >1.0ha is to have surface levels changed by more than 5m or where earthworks exceed an average of 10,000m³ per ha shall:</p> <ul style="list-style-type: none"> • identify the impact of the proposed land reforming on the environment, landscape, visual character and amenity, natural watercourses, riparian vegetation, topographical features of the environment and public infrastructure; • demonstrate compliance with the provisions of Council's Aus-Spec design specification; • assess the impacts and benefits of the proposal to all impacted persons and the general public; • provide measures to compensate for and minimise any net adverse impacts. <p>b) The use of high earthworks batters should be avoided.</p> <p>c) Preliminary plans indicating the final landform are required to be submitted with any master plan or subdivision application</p>	<p>the application and the architectural plans indicate proposed finished levels.</p> <p>The proposal includes excavation to a depth of up to 5-6m on the eastern side of the site and fill up to 2-3m in the western corner of the site. The Applicant has indicated that the proposal would involve approximately 7,500m³ of the cut material being utilised on site as fill, and approximately 45,250m³ of material removed from the site. A detailed plan for the removal of the material is proposed to be provided with the Construction Certificate documentation.</p> <p>High earthworks batters are not proposed and all significant areas of cut and fill are proposed to have retaining walls. The retaining walls will require engineering certification to ensure that they are structurally adequate.</p> <p>The significant excavation adjacent to John Oxley Drive will also need to be appropriately protected during construction to ensure that the stability of the public road is maintained.</p> <p>A balustrade and vehicle barrier will be required at the top of the retaining wall fronting John Oxley Drive to ensure vehicular and pedestrian safety.</p> <p>Stormwater drainage is capable of being managed and detailed design would be required with the Section 68 application.</p> <p>Conditions are recommended to address these matters.</p>	
2.3.3.8	Removal of hollow	See comments under Flora	

onwards	bearing trees	and Fauna section.	
2.6.3.1	Tree removal (3m or higher with 100m diameter trunk and 3m outside dwelling footprint)	See comments under Flora and Fauna section.	
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	The site has an existing access to John Oxley Drive from its previous use as a caravan park. The submitted proposal would rationalise the access by providing a new signalised intersection at the access point. An additional crossover is proposed for service vehicle entry only.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Council's long-term strategy for John Oxley Drive does not provide for street parking in the site frontage. The proposed access would not affect street parking.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1. (Provision to consider reduced parking where supported by parking demand study)	<u>Required:</u> In accordance with Table 2.5.1 the following parking rates are applicable to the proposal: <ul style="list-style-type: none"> - Bulky goods premises: 1 space per 100m² GFA for display, plus 1 space per 2 employees (warehouse area). - Hardware and building supplies: 1 space per 70m² display. Total required by DCP = 280 spaces <u>Proposed:</u> 138 spaces for bulky goods tenancies and 385 spaces for hardware and building supplies (Masters). Total spaces provided = 523	Yes
2.5.3.7	Parking layout in accordance with AS/NZS 2890.1 and AS/NZS 2890.2	Capable of complying. Conditions recommended requiring compliant design prior to the issue of a	Yes

		Construction Certificate and certification of the completed parking prior to the issue of an Occupation Certificate.	
	Parking spaces generally located behind building line, unless screened with 3m wide landscaping.	Parking spaces forward of the building line, but 3m wide landscaped area proposed for John Oxley Drive frontage excluding vehicle access locations.	Yes
2.5.3.8	Accessible parking provided in accordance with AS/NZS 2890.1, AS/NZS 2890.2 and AS 1428	Total of 15 accessible spaces proposed. 2.9% of total parking provision (523 spaces).	Yes
2.5.3.9	Bicycle and motorcycle parking considered and designed generally in accordance with the principles of AS2890.3	Bicycle parking proposed adjacent to both buildings.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Landscaping concept provided with the application, which includes larger trees and spreading groundcovers	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Condition recommended confirming this requirement.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 allows for steeper grades)	Submitted long section of access road indicates grade of 4.25% for first 6m.	Yes
2.5.3.16	Transitional grades min. 2m length	Capable of complying.	Yes
2.5.3.18	Car parking areas drained to swales, bio retention, rain gardens and infiltration areas	Bio-retention system proposed within car parking area.	Yes
2.5.3.19	Off street commercial vehicles facilities are provided in accordance with AS/NZS 2890.2	Capable of complying.	Yes
	Loading bays will be provided in accordance with the following requirements; <ul style="list-style-type: none"> • Minimum dimensions to be 3.5m wide x 6m long. (This may increase according to the size and type of vehicle). • Vertical clearance shall be a minimum 	Proposed loading bays are dimensioned to accommodate 19m long semi trailers and 12.5m long large rigid trucks. Swept path analysis has been provided in the Colston Budd Hunt & Kafes Pty Ltd Traffic Report demonstrating that the access roads and manoeuvring areas are of sufficient dimensions for their intended use.	Yes

	<p>of 5m.</p> <ul style="list-style-type: none"> • Adequate provision shall be made on-site for the loading, unloading and manoeuvring of delivery vehicles in an area separate from any customer car parking area. • A limited number of 'employee only' car parking spaces may be combined with loading facilities. • Loading areas shall be designed to accommodate appropriate turning paths for the maximum design vehicle using the site. • Vehicles are to be capable of manoeuvring in and out of docks without causing conflict with other street or on-site traffic. • Vehicles are to stand wholly within the site during such operations. 	<p>Loading and manoeuvring areas are separated from car parking and pedestrian areas.</p>	
	<p>Other commercial development shall provide one loading bay for the first 1,000m² floor space and one additional bay for each additional 2,000m².</p>	<p>Proposed development includes 5 loading bays (2 for Masters building and 1 bay for each bulky goods tenancy).</p> <p>The development would require 10 loading bays to comply with this requirement. However, this is not considered necessary having regard to the nature of the development.</p>	<p>No, but acceptable.</p>
2.5.3.20	<p>The location and design of loading bays should integrate into the overall design of the building and car parking areas.</p>	<p>Loading bays located at the rear of the buildings and integrated with building design.</p>	<p>Yes</p>
	<p>Where visible from the public domain, loading bays are located behind the building.</p>	<p>Yes</p>	<p>Yes</p>

	Where loading bays are located close to a sensitive land use, adequate visual and acoustic screening is provided.	Acoustic wall/fence 3m high proposed along southern side of the site at a 3m setback from the property boundary. Landscaping proposed between the between the acoustic wall/fence to reduce visual impact.	
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DCP 2013: Chapter 3.6 - Subdivision

DCP Objective	Development Provisions	Proposed	Complies
3.6.3.6	Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the subdivision works where these do not exist (may be varied subject to criteria in this clause)	Conditions recommended requiring this infrastructure in the site frontage.	Yes
3.6.3.20	Water supply to meet Council's design specifications.	See comments later in this report under Water.	Yes
3.6.3.21	All lots connected to reclaimed water if available.	Not available to the site.	n/a
3.6.3.24	Separate sewer junction provided for each lot.	See comments later in this report under Sewer.	Yes
3.6.3.27	Erosion and sediment control plan to be provided.	Condition recommended requiring erosion and sediment control plan prior to the issue of a Construction Certificate.	Yes
3.6.3.34	<div>All service infrastructure should be underground unless otherwise approved by Council.</div> <div>All service infrastructure should be installed in a common trench.</div> <div>Conduits for the main technology network system should be provided in all streets.</div> <div>Conduits are to be installed in accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to the Premises Underground</div>	Capable of complying. Condition recommended requiring confirmation of satisfactory arrangements from the relevant service providers prior to the issue of a Subdivision Certificate.	Yes

	<i>Deployment.</i>		
	Access pits are to be installed at appropriate intervals along all streets.		

DCP 2013: Chapter 4.4 - Port Macquarie West (John Oxley Drive East)

DCP Objective	Development Provisions	Proposed	Complies
4.4.2.1	A development application should be accompanied by a Noise Impact Assessment report, which is to be prepared by a professional acoustician in accordance with the <i>Industrial Noise Policy 2000</i> , NSW Environment Protection Authority and with applicable Australian Standards.	Noise impact assessment submitted with the application. See comments later in this report under Noise and Vibration.	Yes
4.4.2.2	<p>Sunlight to the principal area of ground-level private and other key open space of adjacent residential properties shall not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22.</p> <p>Buildings shall not reduce the sunlight available, to the north-facing windows of living areas in existing adjacent dwellings, to less than the above specification.</p>	<p>The Applicant has submitted shadow diagrams for the proposed bulky goods building and acoustic wall/fence located adjacent to the southern property boundary. The proposed acoustic wall/fence would not cause overshadowing of private open space or living room windows in adjacent residential property any greater than the existing 1.8m boundary fence between 9.00am and 3.00pm on 21 June.</p> <p>The proposed bulky goods building is located adjacent to a communal outdoor space and stormwater management basin, and would not reduce solar access to private open space or living room windows.</p>	Yes
4.4.2.3	The design details for any development application should address mitigation of any adverse impacts of the proposed development, when viewed from outside the site, in	Photomontages have been submitted with the application, showing the expected visual impact from locations on the Oxley Highway, John Oxley Drive and within the adjoining Sienna Grange residential	Yes

	<p>relation to:</p> <ul style="list-style-type: none"> • siting and bulk of buildings • car parking areas • signage. <p>Photomontages could be used to illustrate the visual impacts on the property to the south, and when viewed from east-bound traffic on the Oxley Highway.</p>	<p>development.</p> <p>The visual impact is proposed to be mitigated by a combination of the following measures:</p> <ul style="list-style-type: none"> - Excavation of the building into the northern end of the site. - Provision of landscaping along the John Oxley Drive frontage and between the proposed noise wall and building wall and Sienna Grange to the south. - Existing noise wall and landscaping along the Oxley Highway frontage. - Detailing of building facades. <p>The north west elevation plans submitted with the application details the height of the existing sound wall along the Oxley Highway frontage of the site. At the northern end of the Masters building the existing wall is at the same height of the top of the building and would obscure it from view. At the southern end of the Masters building, the top of the roof would be approximately 4m above the top of the sound wall. Existing vegetation between the sound wall and the development site would further reduce the visual impact.</p> <p>The submitted information demonstrates that the proposal would have a satisfactory visual impact when viewed from outside the development site.</p>	
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The proposal seeks to vary Development Provision 3.4.3.2 in relation to the width of the pedestrian area between the proposed bulky goods tenancies.

The relevant objectives are:

- To ensure that the development provides adequate pedestrian areas and integrates into the adjoining sites.
- To ensure that structures and queues do not undermine pedestrian movement.

The proposal is considered to be consistent with the objectives of the control for the following reasons:

- The proposed 2.4m wide pedestrian area is considered to be sufficient for the amount of pedestrian activity expected for the land uses.
- The site has no potential to connect with other commercial uses on adjoining land having regard to the residential zoning to the south and location of major roads on the other lot boundaries. The pedestrian area would therefore not need to accommodate additional off-site pedestrian traffic.
- The parking layout provides for satisfactory movement of pedestrians within the site that would limit conflict with vehicular traffic.

The proposal seeks to vary Development Provision 3.4.3.3 in relation to the lack of variation in roof form within the development.

The relevant objective is to provide visually interesting and harmonious roofscapes and skylines.

The proposal is considered to be appropriate having regard to the objectives of the control as the site is located in an area predominantly characterised by one and two storey buildings and views across the roofscape and skyline would be limited.

The proposal seeks to vary Development Provision 3.4.3.5 in relation to maximum shop front width and variations in facade treatment.

The relevant objective is to avoid bulky and unattractive buildings by encouraging high quality architectural building facades.

The proposal is considered to be consistent with the objectives of the control for the following reasons:

- Narrower shop fronts are not practical for bulky goods premises or hardware and building supplies due to the large display area required for such uses.
- Satisfactory variation in facade treatments has been proposed for the scale of the building.

The proposal seeks to vary Development Provision 3.4.3.35 in relation to articulation of building walls adjacent to residential areas.

The relevant objectives are:

- To promote compatibility between businesses and commercial development and preserve the amenity of adjoining residential areas.
- To ensure that the interface between business and commercial development and adjoining residential areas is of a high quality and achieves adequate visual and acoustic privacy.

The proposal is considered to be consistent with the objectives of the control for the following reasons:

- The proposal includes an increased side setback, which would improve acoustic privacy between the uses.
- Screen landscaping is proposed between the building wall and the adjoining Sienna Grange residential development, to reduce visual impact.

- Variation in the finished colours of the wall is proposed to reduce the bulk of the wall prior to landscaping reaching maturity.

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.

It is noted that a previous planning agreement was offered as part of the proposed rezoning of the site. The draft planning agreement was publicly exhibited, but never executed by the parties.

iv) any matters prescribed by the Regulations:

No matters prescribed by the regulations are applicable to the proposal.

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:

Existing Roads

The site is located south of the Oxley Highway, adjacent to the intersection with John Oxley Drive and Wrights Road. The north-western boundary of the development lot fronts the Oxley Hwy, which is a State classified Road and consequently a Controlled Access Road (CAR), requiring all vehicular access to be via other local roads wherever possible. An existing sound wall runs along the length of the site's north-western boundary with the highway.

The Oxley Highway in the vicinity of the site is dual carriageway two-way divided road. The road reserve varies in width ranging between approximately 50 and 60 metres. Oxley Highway is classified as an arterial road.

To the east, the site is bounded by John Oxley Drive (formerly the Oxley Highway). The road reserve along the site boundary ranges between 75m and 120m in width, with a large proportion of the reserve vegetated. The road formation is currently characterised as a two-way two-lane road having an approximately 10m wide formation at its narrowest point (including shoulders), and additional turning lanes on approach to / departure from nearby intersections. The road is classified by Council as an 'Urban Distributor' under the AUS-SPEC system, and is capable of handling additional traffic generated by the development with minimal impact to the existing pavement. Council has developed a concept master plan which includes duplication of the proposed John Oxley Drive corridor to cater to future growth in the area. Council's concept master plan further explained in the following Roads and Maritime Services section (below).

Roads and Maritime Services (RMS)

Council is the Road Authority for John Oxley Drive and the Oxley Highway, as well as all other local roads in the area. As the Oxley Highway is a State classified road, the RMS' concurrence is required (under s138 of the Roads Act) for any road works in that road reserve. Council referred the DA proposal to the RMS under the provisions of SEPP Infrastructure 2007 for formal review and comment. Findings of this review have been incorporated into the assessment of the application, with RMS traffic comments incorporated within the Traffic and Transport section (below).

The traffic assessment has determined that Traffic Control Signals (TCS) are required to be constructed at the access driveway. Traffic Control Signals (TCS) are under the care and control of the RMS and require RMS approval in accordance with Section 87 of the Roads Act 1993. To facilitate TCS installation, the developer is required to enter into a 'Works Authorisation Deed' (WAD) with RMS prior to the issue of any Construction Certificate, with all works under the WAD being completed (to the satisfaction of RMS) prior to the issue of any Occupation Certificate for the proposed development.

Further to the requirements above, it should be noted that at the time of this DA:

- a) the RMS is currently reviewing the concept design for John Oxley Drive, Wrights Road and the Oxley Highway intersection upgrade; and
- b) Council is refining the John Oxley Drive corridor master plan in consultation with the community and RMS.

Works defined in the broader traffic schemes noted above are not a sole responsibility of this development and will be managed through a Transport Infrastructure Contribution (TIC) payable to the RMS. Irrespective of this contribution, if the development proceeds prior to works associated with the Wrights Road roundabout and/or the John Oxley Drive duplication, the development will be required to construct any necessary improvements (consistent with future concept plans) to enable satisfactory transitions to the existing road network at no cost to Council or the RMS.

Traffic and Transport

Council conducted a traffic count on John Oxley Drive immediately south of the site in 2012. Findings of this count determined the Annual Average Daily Traffic (AADT) for the two-way flow of John Oxley Drive is approximately 10,000 trips per day.

Assessment of the traffic impacts associated with the development has occurred in an iterative fashion through numerous studies since the rezoning proposal for the site was reviewed by Council.

An initial 'Transport and Traffic Engineering Report' dated 11 February 2013 was prepared by Glen Holdsworth of TTM Group (at that time) in response to Council's Gateway Determination - Planning Proposal to Amend the PMHC LEP 2011 for Commercial Purposes. Key findings of this report (which are supported by generalised RTA survey data) concluded that the proposed development will generate 600 peak hour trips during the PM peak hour, and 1,000 peak hour trips during the weekend midday period.

Council commissioned SMEC to provide a Traffic Study (published 4 July 2013) for the John Oxley Drive Precinct. Findings of this study recommended that access to the proposed hardware and bulky goods development be signalised and include a two-lane (westbound) egress from site and an exclusive southbound right-turn into the site (as proposed).

Colston Budd Hunt & Kafes Pty Ltd conducted further traffic analysis (titled 'Traffic

report for proposed Masters Home Improvement Centre and bulky goods development, Port Macquarie') in August 2015 as part of the Development Application. This report included existing traffic counts which correlate with Council's existing survey data above, and determined that the current peak hour traffic volumes during the weekday PM and Saturday midday periods along John Oxley Drive are 900 and 1,200 vehicles per hour, respectively. The report also determined that the current average highest delay during weekday PM and Saturday mid-day peak hours is less than 30 seconds.

Further analysis was conducted by Glen Holdsworth, now with Traffic and Parking Systems (TPS) Pty Ltd, in a second report dated 27 August 2015. Results included Paramics micro-simulation modelling and SIDRA 6.1 intersection analysis based on the previous SMEC report. A follow-up report was issued on 5 November 2015 to address Council requests for additional information as a part of the DA process, followed by a subsequent 19 November 2015 letter principally to explain differences in southbound right-turn queuing distances between Council's and the developer's SIDRA analyses.

Council staff have determined that sufficient information has been provided to support the recommendation that the traffic impact can be adequately addressed by the provision of all infrastructure proposed by the applicant and required by conditions of consent, including signalised access with exclusive turning lanes for storage, acceleration and deceleration. Further to this development, future corridor and intersection improvements planned by RMS and Council will address capacity and safety needs in the surrounding area, in response to increasing traffic growth across the precinct.

Site and Sienna Grange Access

The primary vehicular access to the site for the public (customers) is proposed to be an at-grade signalised intersection, which is appropriate to cater for the likely traffic volumes. The intersection design also includes exclusive northbound and southbound turn lanes into the site and a two-lane eastbound departure leaving the site.

The secondary (restricted) vehicular access (ingress only) is proposed for staff and service vehicles (including stock delivery trucks) and has been proposed as an at-grade slip lane near the northern boundary of the site. The restricted use of this access is anticipated to generate minimal impact on traffic within John Oxley Drive on the approach to the Wrights Road roundabout. All vehicles exiting the site will do so via the primary signalised intersection.

The Sienna Grange Estate immediately south of the site currently accesses John Oxley Drive via a single two-way driveway crossover in close proximity to the proposed hardware and bulky goods stores signalised intersection. At pre-lodgement meetings and during the DA assessment, Council staff requested that the developer liaise with Sienna Grange to determine if any beneficial changes to the access arrangement could be made as part of the future intersection works. The applicant has not proposed any changes to the existing driveway arrangements. The road is currently divided by a painted 'BB' (double line) marking. Due to increasing traffic demand on John Oxley Drive and additional traffic conflicts associated with proximity to nearby intersections, Council's corridor master plan has identified the need to limit access to/from Sienna Grange to left in, left out only through the use of a barrier median kerb. If the proposed hardware and bulky goods development proceeds before Council upgrades John Oxley Drive, Council shall require the development to formalise the left in, left out arrangement at the Sienna Grange driveway consistent with the corridor master plan to prevent conflicting movements adjacent to the signalised intersection.

There are roundabouts located nearby at the intersections of John Oxley Drive/Oxley Highway/Wrights Road and John Oxley Drive/Major Innes Drive that would allow residents of Sienna Grange to safely turn around when accessing or exiting the site.

Pedestrian and Road Requirements

The applicant has proposed to provide pedestrian connectivity for the equivalent length of the full frontage of the site in accordance with Council's frontage works policy, and this is supported for the proposed hardware and bulky goods use. Instead of directly connecting to the roundabout to the north, which has no formed pedestrian route towards the town centre, footpaths will be required to connect the site to the bus bay proposed along the frontage, and also to the proposed traffic signal intersection to the south. Pedestrians and cyclists can cross the road more safely using the signals, and the applicant is to provide a shared cycleway consistent with the corridor master plan for the remaining equivalent length of the property frontage. If the development occurs before the RMS / Council upgrade projects, the completed segment of the shared cycleway can then be connected to by those parties.

Although the responsibility of maintaining the private vehicular access roads into the site will be the responsibility of the landowners, Council will need to approve the pavement design for the sections that will be situated within the road reserve as part of the Roads Act (s138) application. This is to ensure that the private junctions are built to a sound standard and premature failures impacting on the public road network will remain unlikely. Road pavement widening and turning lanes will become public assets, and as such the pavement design will need to comply with AUS-SPEC Table D1.5 for an 'Urban Distributor' road.

Water Supply Connection

Council records indicate there is an existing sealed water service to the lot from the 300mm water main on the same side of John Oxley Drive. This will need to be identified on the hydraulic plans and disconnected by Council (no charge for disconnections).

The existing 300mm water main along the property frontage is to be relocated if it ends up under or within 500mm of the kerb and gutter or under the road pavement of John Oxley Drive. The existing 300mm water main across the proposed access to the development is to be relocated if 600mm cover to the pavement is not available or a minimum 300mm cover to driveway subgrade is not available.

Each Torrens Title lot will require a private fire service as well as a domestic water service, not necessarily located as shown in the application. Final water service sizings for the proposed development will need to be determined by a hydraulic consultant to suit the domestic, commercial and industrial components of the development, as well as addressing fire service and backflow protection requirements.

Detailed plans will be required to be submitted for assessment with the required Section 68 application.

Sewer Connection

Council records indicate that there is an existing 100mm Sewer Rising Main that traverses the site. From further investigation, it was found that the rising main is "Disused". It is understood that the 100mm pipe is still present in the ground.

There is an existing manhole outside the northern property boundary. A junction can connect to this for sewer reticulation given it is possible to drain to the junction. As the development will exceed 2 Equivalent Tenements (ET) discharge, sewer connection is to be made from a manhole.

The private sewer pump station for proposed Lot 2 is located in the rear loading dock access and truck turning area and will be required to have a trafficable lid.

Detailed plans will be required to be submitted for assessment with the required Section 68 application.

Stormwater

The landform grades away from John Oxley Drive to the western rear of the site, which is characterised by seasonal wetland / flood prone land. Because of the close proximity to tail waters during rain events, Council has waived the standard requirement for onsite detention of stormwater peak flows. This can be accepted on the basis that attenuation of the peak outflow from this site would be likely to cause the peak to coincide with other catchment peak outflows, thereby increasing the impact of a storm on the downstream catchment, compared with the scenario where no onsite detention is provided.

AUSPEC D7 provides water quality controls and outcomes to be achieved by onsite treatment prior to release. The design proposes to incorporate onsite treatment in the form of bio-retention swales between the car parking aisles. The plans can comply in principle, subject to submission of all design calculations and modelling with the detailed design for acceptance by Council's stormwater engineer.

Council's road drainage currently discharges to the southeast corner of the site into an open swale. The developer is seeking to seal the flow path through the site, and is therefore required to pipe the road drainage through the site to an appropriate discharge point downstream (which has been detailed in the DA plans). An easement is required over this line of pipe with Council as the beneficiary in case Council crews need to access the site to maintain the infrastructure. The overland flow path is also to be contained within this easement, as extreme events will overwhelm the pipe network and flow over the surface. Scour protection works will be required at the proposed outlet to minimise erosion.

Appropriate conditions have been recommended for easements to be created over the inter-allotment drainage servicing both proposed subdivided lots.

Stormwater details will be assessed by Council under the Local Government Act (s68) and Roads Act (s138) applications prior to issue of the Construction Certificate.

Other Utilities

Telecommunication and electricity services are available to the site.

Evidence of satisfactory arrangements with the relevant utility authorities for provision to each proposed lot will be required prior to Subdivision Certificate approval.

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.

Overshadowing

The submitted application includes shadow diagrams demonstrating the extent of impact on solar access for existing residents of the Sienna Grange development to the south of the site. The proposed 3m high acoustic wall along the southern boundary has been setback 3m from the boundary to reduce its impact on solar access.

The shadow diagrams demonstrate that the proposed development would not adversely overshadow the main private open space area or living room windows for more than 3 hours on 21 June. The impact is therefore considered to be satisfactory.

The landscaping plan for the development has also been amended to reduce the mature height of trees proposed to be planted adjacent dwellings at Sienna Grange from 10m to 4m to reduce potential for overshadowing.

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

The proposal includes removal of 30 trees within the development site and 2500m² of vegetation on the eastern side John Oxley Drive for the required intersection construction and associated road widening. Of the trees proposed to be removed, 37 are either koala food trees and/or hollow bearing trees. Other trees include exotic tree and palm species.

A Flora and Fauna Assessment prepared by Peter Parker Environmental Consultants Pty Ltd and dated 25 May 2015 considers the potential impact of the works within Lots 12 and 13. A further Ecological Assessment prepared by FloraFauna Consulting and dated 31 August 2015 has also been submitted and considers the impacts of the proposed road widening on the eastern side of John Oxley Drive. An Addendum to this report dated 22 September 2015 was provided, which identifies by survey the number of trees impacted by the proposed works.

The reports include seven part tests in accordance with Section 5A of the Environmental Planning and Assessment Act 1979 for the following species known to occur in the area:

- Koala;
- Eastern freetail bat;
- Hoary wattled bat;
- Grey-headed flying-fox;
- Squirrel glider; and
- Little bent-wing bat.

The assessment concluded that the proposed development is unlikely to have a significant effect on threatened species or endangered ecological communities.

Offsets for the koala food trees proposed to be removed for the development are addressed in the Koala Plan of Management, as discussed earlier in this report.

A hollow bearing tree removal and nest box strategy is included in the assessment. The strategy includes appropriate procedures for the removal of hollow bearing trees and proposes to provide nesting boxes at a ratio of 2 boxes for each tree hollow removed, as determined by the tree hollow inventory.

Conditions have been recommended confirming these requirements.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. Bulk waste storage is possible in the rear loading areas of each of the buildings, which would not be visible from the public domain and is accessible via the service vehicle access road. The Statement of Environmental Effects indicates that cardboard compactors are proposed as part of the waste management strategy. The development would require a private waste collection service. Conditions are recommended confirming these requirements.

Standard precautionary site management condition also recommended for waste associated with construction activities.

Energy and water efficiency

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

Noise and vibration

The proposed hours of operation for the development are:

- 6.00am to 10.00pm - Monday to Friday, and
- 6.00am to 9.00pm Saturdays and Sundays.

The subject site is located near existing and proposed residential development that is potentially sensitive to noise generated by the development.

The Applicant has submitted a Noise Impact Assessment prepared by Acoustic Logic and dated 2 June 2015. The report concludes that noise emissions from the operation of the site will comply with acoustic criteria, preventing unacceptable noise impact on the nearest surrounding residential residents, providing that the recommendations presented in Section 7 of the report are adopted.

Section 7 of the report includes the following recommendations:

- Construction of a 3m high acoustic fence/wall along the southern side of the development site as shown on the application plans.
- Detailed design and certification of all mechanical plant to limit noise emissions to EPA requirements.
- Delivery vehicles entering the site between 6.00am and 7.00am shall only enter the northern entry driveway.
- Trucks shall not exit the premises before 7.00am.
- Deliveries to Tenancy 3 before 7.00am are not permitted.
- Use of the truck turning area at the rear of Tenancy 3 is not permitted before 7.00am.

Conditions are recommended confirming these requirements.

Condition also recommended restricting construction to standard construction hours.

Bushfire

The site is identified as being bushfire prone.

The applicant has submitted a bushfire report prepared by David Pensini Building Certification and Environmental Services and dated 24 April 2015.

The NSW Rural Fire Service (RFS) has assessed the development and has issued a Bushfire Safety Authority dated 26 October 2015, subject to conditions regarding the following matters:

- Arrangements for emergency and evacuation,
- Management of the site as an inner protection area,
- Installation of water, electricity and gas in accordance with Planning for Bush Fire Protection 2006,
- Landscaping in accordance with Planning for Bush Fire Protection 2006.

A condition is recommended requiring compliance with the RFS requirements.

Safety, security and crime prevention

The proposal would provide for casual surveillance from the commercial tenancies to the car parking areas, and surveillance of the parking areas from John Oxley Drive. Landscaping includes trees that will be pruned to a minimum height of 2m and low shrubs and groundcovers to a maximum height of 800mm.

As the buildings are significantly setback from the street there would be limited casual surveillance of the building entries and surrounds, particularly outside trading hours. CCTV is likely to be required to provide surveillance of these areas.

Some parts of the parking area adjacent to John Oxley Drive would also be out of sight from the public domain due to the significant difference in surface level.

Lighting is proposed within the parking areas to improved surveillance during the night. Semi-public areas within the development would be defined by pedestrian access paths and appropriate lighting. Areas of the site where public access is not desired (eg. rear serve access/loading areas) will be appropriately signposted.

There is evidence of graffiti and vandalism on the existing boundary fence along the southern side of the site and the rear of the acoustic wall along the Oxley Highway. This is likely a result of the site being vacant for some time, with a lack of supervision of the space. The proposed development would increase activity in the area and generally discourage this type of activity.

However, the space between the proposed new 3m high acoustic wall/fence along the southern boundary and the existing boundary fence of Sienna Grange would create an unsupervised space with potential for concealment, vandalism and graffiti. A condition is recommended requiring this space to be secured at each end with a fence/gate of an open style, to prevent unauthorised access.

Social impacts in the locality

A previous Social Impact Assessment (SIA) has been carried out for the site as part of a Planning Proposal prepared by Urbis in December 2011. The key social impact identified was the loss of affordable accommodation. At the time the site was being operated as the Port Gateway Residential Park.

The SIA recommended that assistance be provided to residents to relocate to alternative affordable accommodation. The proprietor gave existing residents 12

months notice of the closure of the Park and provided financial and other assistance to long-term residents to reduce the social impact.

The SIA did not identify any adverse social impacts associated with the proposed use of the site for bulky goods premises or hardware and building supplies.

Economic impact in the locality

The site has been subject of Economic Impact Assessment (EIA) as part of the previous rezoning and also the current Development Application. An EIA was prepared by MacroPlan Dimasi in August 2012 in support of the planning proposal to rezone the land. Key findings of the 2012 report included:

- Economic evidence suggests that there is a market gap for additional bulky goods retail floor space within Port Macquarie;
- An existing gap of around 14,200 m² was identified at present (2012) and this gap was expected to increase to be almost 20,000 m² by 2016;
- Moderate trading impacts on the existing bulky goods retailers was expected, with very limited impacts upon the traditional retail centres hierarchy of the region;
- The proposed development will create approximately 234 net additional jobs on site, a further 94 jobs through the broader economy, while the construction phase of the project will see some 94 direct jobs and 151 indirect jobs created;
- The development will provide enhanced consumer choice and competition; and
- The new bulky goods retail node that will be created at the subject site will enhance the role and function of Port Macquarie as the key regional centre of the mid-north coast.

Council engaged Hill PDA to carry out an independent review of the MacroPlan Dimasi report and their findings were provided in December 2012. The Hill PDA report found that the proposal was expected to have a net community benefit as a result of:

- The demonstrable need for the development and acceptable levels of economic impact;
- The additional jobs which it would support both during the construction process and post-construction. Given that the existing use (caravan park) is ceasing, these would all be net additional jobs to the LGA;
- The additional investment in the LGA which would result from the proposed development;
- The appropriate location of the site for accommodating the proposed bulky goods uses;
- Ensuring that a new retailer not currently represented in the trade area is allowed to enter the market;
- Reducing the need for residents to travel to access bulky goods shopping facilities; and
- Widening retail choice for local residents and supporting competition.

The Applicant has also submitted a supplementary EIA with the Development Application prepared by MacroPlan Dimasi a dated May 2015. The supplementary report considers changes since the 2012 report in terms of proposed GFA of the buildings, projected population growth, and current supply of bulky goods retail space in the LGA. The supplementary report concludes that:

- Sufficient gap still exists in the market to accommodate the proposed floor area;
- Projected population growth is slightly higher than what was expected when the 2012 report was prepared. The additional population will increase demand for bulky goods over time; and
- There has been an increase in per capita expenditure since the 2012 report, which also increases the available market gap.

The reports have been reviewed by Council's Economic Development Officer and it is considered that the proposed development is broadly consistent with key aims of the 2013-2016 PMHC Economic Development Strategy:

- broadening access to employment;
- attracting investment to the region; and
- attraction of competitive industry.

Key assumptions provided by MacroPlan Dimasi produce results consistent with Council's economic modelling, although net regional employment increase from this development appears optimistic. Council's analysis indicates Port Macquarie may see as many as 567 new jobs (including construction phase and flow-on effects) at a cost of 511 current local jobs.

Overall, it has been demonstrated that the proposal would have a substantial positive economic impact.

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

The proposal would involve a significant amount of excavation, with 7500m³ of material to be reused as fill on the site and 45259m³ of material to be removed from the site for disposal. A condition is recommended requiring details to be submitted of the proposed strategy disposal of excess spoil, including:

- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
- Recommended load limits for haulage vehicles and;
- A procedure for monitoring the condition of the pavement during the haulage;
- A bond to guarantee public infrastructure is not damaged as a result of construction activity.

The submitted plans indicate that excavation adjacent to John Oxley Drive would be up to 5m deep for part of the frontage. A condition is recommended requiring details of the proposed means of supporting the adjoining road during construction.

Construction of the proposed new signalised intersection and associated road duplication in John Oxley Drive is likely to cause some disruption to traffic during the construction phase. Appropriate traffic management will be required as part of the Section 138 application for the relevant work.

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 economic impacts within the Port Macquarie-Hastings region.

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

Site constraints of bushfire risk, flooding, 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:

Two 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:

Submission Issue/Summary

- Council should arrange a community meeting for residents of the local area to explain likely traffic impacts from the development.
- There is a lack of certainty that the RMS will carry out necessary upgrades to the intersection of the Oxley Highway / John Oxley Drive / Wrights Road.
- There is no scheduled timeframe or funding for the completion of upgrades to other sections of John Oxley Drive between Wrights Road and The Ruins Way in accordance with Council's concept plan.
- Impacts on access to Sienna Grange (28 John Oxley Drive).
- Multiple signalised intersections in John Oxley Drive will increase travel delays for road users.
- No evidence to substantiate statement that proposed development would increase employment densities near existing public transport services and strengthen demand for these services.
- No evidence to substantiate statement that traffic generated by the proposed development will have its greatest effects during weekday afternoon and Saturday peak periods when it combines with commuter and other traffic.
- Has the proponent considered the overall traffic impact, including their addition, over time and with no change in John Oxley Drive alignment?
- Should the proposal be delayed until no additional traffic delay and bottlenecks for current users of John Oxley Drive can be guaranteed?
- Failure to adequately advertise the application. Not all documents relating to the proposal were available on Council's website.
- The proposed development cannot be considered to be acceptable in relation to traffic impacts without satisfactory arrangements for upgrading of the intersection between the Oxley Highway, John Oxley Drive, and Wrights Road.
- The proposal should be amended to reduce the GFA to that proposed as part of the rezoning of the site. Economic impact of the increased floor area not addressed.
- The Statement of Environmental Effects is not clear about which tenancy should not be undertaking loading activities prior to 7.00am.
- If approved, a condition should be included requiring the primary entry/exit to be gated until 7.00am to prevent unauthorised access by trucks.
- Insufficient space has been provided to landscape between the development and Sienna Grange.
- The Applicant should clarify whether access around the southern side of the bulky goods tenancies would be required to comply with the Building Code of Australia. This would potentially compromise the proposed landscaping in this

location.

- The documentation does not have enough information on existing and proposed levels for the development and existing levels at Sienna Grange to assess visual impact.
- The southern wall of the bulky goods tenancy building should be finished and not just left as a concrete wall.
- A landscaping plan has not been provided that considers the suitability of species for the slope and shady conditions, or whether the species would provide adequate screening.

Comments

- Community meeting - Development Control Plan 2013 does not require Council to provide a public meeting as part of the public exhibition of such an application. It is noted that Council has carried out community consultation and provided information sessions as part of the broader John Oxley Drive Northern Precinct Upgrade Concept Design.
- Traffic impacts in John Oxley Drive - The potential traffic impacts of the proposed development have been discussed in detail earlier in this report.

Other matters raised in the submissions relate to broader traffic issues for John Oxley Drive. Council is carrying out on-going planning for the future upgrading of John Oxley Drive between The Ruins Way and Wrights Road to accommodate the additional traffic expected with population growth and traffic generating developments proposed in the area including the Charles Sturt University campus, student accommodation in Kingfisher Road and the subject proposal. The current concept design has been referenced in the traffic assessment for the development.

This concept will be advanced to a detailed design over the next 5 years. This process will involve more in depth consideration of community concerns and comments, environmental impact, land acquisitions, stormwater drainage and construction staging. The staged construction and implementation of the design is anticipated to occur over the next 20 years, at an estimated cost of \$17 million. No works have currently been scheduled in Council's Operational Plan as the timing of implementation will be dependent on development and rezoning of land in the area.

The site is located on an existing public transport route and a bus stop is proposed to be relocated to the site frontage as part of the development. It is acknowledged that the nature of the development would make it unlikely that there would be significant use of public transport by customers. However, there would be potential for employees to commute using public transport. The site is located in proximity to other significant employment generators in the locality, including Port Macquarie Base Hospital, Charles Sturt University (under construction) and Lake Innes Village Shopping Centre, which would also generate a demand for public transport services.

Multiple traffic signals are capable of being coordinated to limit the delays for road users. The expectation that the development should result in no additional traffic delay for current users of John Oxley Drive is unrealistic. The application has demonstrated that with proposed upgrades to John Oxley Drive, the road network is capable of accommodating existing and projected future traffic in John Oxley Drive with a satisfactory level of service at each of the nearby intersections.

- Advertising of application - Clause 91(1) of the Environmental Planning and

Assessment Regulation 2000 provides that *'the consent authority must ensure that a development application is publicly notified in accordance with the relevant requirements and that any accompanying information is available for inspection during the relevant submission period at the place or places specified in the public notice.'*

The public notice specified that documents were available to view at Council's Customer Service Centre Cnr Lord & Burrawan Streets Port Macquarie. Full copies of the plans and documentation were made available at that location.

Council provides additional summary information on the website to allow the public to see any projects that are currently being advertised and determine whether they would like to find out additional information. File size limits for the site restrict the amount of information that can be made available.

It is considered that the application was appropriately advertised.

The submitter was also provided with full copies of the documentation not available on the website after the submission was received and provided with the opportunity to make further comments.

- Intersection between the Oxley Highway, John Oxley Drive and Wrights Road - The Applicant's traffic consultant has been in discussions with Roads and Maritime Services (RMS) during the preparation of the traffic modelling for the proposed development to ensure that the modelling is consistent with the current concept for upgrading of the intersection.

The Applicant is understood to be in negotiations with the RMS regarding a monetary contribution towards the upgrade of this intersection and the RMS have recommended that the following condition be imposed to ensure that satisfactory funding arrangements are in place:

Prior to the issue of a Construction Certificate, the developer is to provide written advice from Roads and Maritime Services that Roads and Maritime is satisfied that suitable funding arrangements are in place for the upgrade of the Wrights Road, John Oxley Drive and Oxley Highway intersection.

The above condition has been included in the recommended conditions.

- Economic impact of additional floor area - The increase in floor area from the proposal considered at the rezoning stage has been supported by a supplementary economic impact assessment prepared by MacroPlan Dimasi, as discussed earlier in this report under 'Economic impacts in the locality'.
- Loading area issues - The Noise Impact Assessment prepared by Acoustic Logic and dated 2 June 2015 confirms that restrictions on the commencement of loading/unloading activities relate to bulky goods Tenancy 3 and conditions have been recommended confirming this requirement.

The suggestion to require the main entry/exit to the site to be gated until 7.00am to ensure delivery vehicles use the northern access is not considered practical. The development proposes to be open for trading from 6.00am and the noise impact assessment has demonstrated that acceptable noise levels can be achieved with cars using the access road at this time, subject to construction of the acoustic fence/wall. A gate at the main entry/exit would prevent cars from accessing the site between 6.00am and 7.00am.

The recommended management conditions are considered sufficient to prevent unauthorised use.

- Landscaping - The majority of landscaping proposed between Sienna Grange and the proposed development would be for the purpose of screening the

proposed 3m high acoustic fence/wall. The 3m wide area proposed is considered appropriate to establish landscaping of a scale sufficient to screen this structure.

The southern side of the bulky goods tenancy is setback slightly further to provide a 6m setback from the southern boundary. The separation is sufficient to establish a screen planting appropriate for the 8.4m height of the building.

The Applicant has advised that their initial BCA advice for the project is that the proposed bulky goods retail tenancies have been designed to contain 2 or more fire compartments with at least one internal fire rated wall between tenancies. On this basis a continuous perimeter access will not be required along the southern edge to the retail bulky goods tenancy building. Therefore, the proposed 6m wide landscaped area is not likely to be compromised by BCA requirements.

Amended plans have been submitted by the Applicant detailing the finished levels between the proposed bulky goods tenancy building and Sienna Grange. With some retaining adjacent to the southern wall of the building, a suitable grade is achievable for landscaping. The species selection is suitable for the damp conditions that would be expected on the southern side of the building and with the land functioning as an overland flow path for stormwater.

- Visual impact of the bulky goods tenancy building on Sienna Grange - The originally submitted plans have been amended by the Applicant to include painting of the southern wall of the bulky goods tenancy building. Variation in colour is also proposed to break down the bulk of the wall.

The plans confirm that the overall height of the building adjacent to Sienna Grange is below the adopted maximum building height of 8.5m.

Public Interest

The proposed development will be in the wider public interest with provision of additional investment and employment opportunities in the region, broadening retail choice and strengthening competition. The development would not compromise the existing retail hierarchy or viability of the Port Macquarie CBD.

The proposed development satisfies relevant planning controls 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 economic development and employment growth in a regional centre.

Port Macquarie-Hastings Urban Growth Management Strategy (UGMS)

The proposal is consistent with the planning principles in the Strategy, particularly:

- To stimulate economic development and employment opportunities to meet the future needs of the Port Macquarie-Hastings community, in locations that strengthen the hierarchy of urban centres and achieve efficient use of infrastructure and transport systems.
- To provide for further growth in retail and commercial space to meet growth in demand generated by population and household growth.
- To protect and enhance the integrity and function of existing centres, and to improve the amenity and vitality of centres as focal points for the Port Macquarie-Hastings community.
- To identify opportunities for bulky goods style retailing in accessible locations in or near commercial centres and restrict this form of retailing in industrial zones.

The UGMS also states:

“Given that there are very few, if any, remaining opportunities in Lake Road and Hastings River Drive the best location for a significant expansion of bulky goods (super centre or cluster) is along Oxley Highway between the Pacific Highway and Innes Lake. This is the main entry point to Port Macquarie from the highway. The site has considerable visual exposure from the road and accessibility is very good.”

John Oxley Drive Precinct Structure Plan

The subject site is identified for ‘Business Investigation’ in the Structure Plan. Key considerations for the site were identified as the following:

- Isolated from the balance of the precinct by Sienna Grange.
- Proposed Residential Park closure in August 2012.
- Must be subject to development controls in relation to noise, access, privacy and overshadowing to protect the residential amenity of residents of No 28 John Oxley Drive.
- Relationship to adjoining arterial and sub-arterial roads.
- Urban design – The site is visually prominent.
- Road and pedestrian access.
- Connectivity to neighbourhood centre and other surrounding uses.

These matters have been considered in the rezoning of the land and the assessment of this development application. The proposal is considered to be consistent with the structure plan.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- The development is 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 in 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.