



UPDATED STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Entertainment & Commercial Precinct

Lot 22 DP 1220661 Cnr Park Street & Warlters Street,
PORT MACQUARIE

For: **Sam Mustaca, Planet Warriewood Pty Ltd**
June 2020

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1. Social Impact Comment – prepared by All About Planning Pty Ltd
2. Crime Prevention Through Environmental Design - Preliminary Assessment, prepared by All About Planning Pty Ltd

UPDATED STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Entertainment & Commercial Precinct

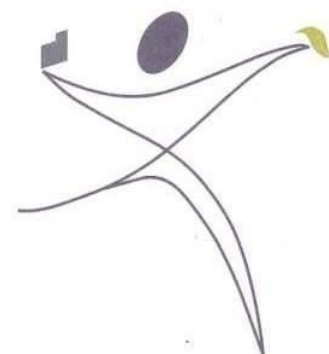
Lot 22 DP 1220661

Cnr Park Street & Warlters Street, PORT MACQUARIE

June 2020

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This updated Statement of Environmental Effects has been prepared in accordance with an agreement between All About Planning Pty Ltd, MM Atelier Architects and Sam Mustaca of Planet Warriewood Pty Ltd, in response to a detailed request for additional information from Port Macquarie-Hastings Council emailed to AAP on 5th December 2019. Due to the Christmas break, then various local and international incidents, including COVID 19, the subject amendments took some time to finalise.

The following key further amendments to the original advertised proposal have now been made and are detailed in this updated SEE:

- Cinemas 1- 4 have been lowered such that the building now sits below the height limit of 16m and the proposal now fully complies with all three of Council's adopted LEP height controls.
- Gross Floor Area (GFA) has been reduced to comply with Council's 2:1 FSR control as specified in the LEP, taking into account Council's feedback on GFA inclusions and exclusions. GFA of 11,433m² is now proposed. GFA reductions were achieved by reduction in overall cinema areas, a reduced total number of cinema seats, a reduction in ground floor tenancy areas and function room floor area. The Level 3 rear cinema seating areas and all storage areas are now counted as Gross Floor Area (GFA) as requested by Council.
- A reduced number of cinema seats, being 1,191 seats (down from the original proposed 1,418 seats and the subsequent reduction down to 1,343 seats). A total reduction of 227 seats has now been proposed since the original DA was submitted.
- The lift overrun has been confirmed by the Registered Project Architect to not project above the roof parapet of RL 21.53.

The nautically restyled built form proposed in the November 2019 amendment has been retained, together with the Aboriginal marine themed public artwork introduced on the Walters Street and Kmart R.O.W. building sides, together with the decorative access stair plinth details along Park Street.

A number of updated assessments and supporting documentation is now also submitted, being:

- A Revised Traffic Impact Assessment, reflecting the most recent GFA and seat reductions, and which specifically addresses Council's latest traffic engineering queries. The updated parking and traffic assessments confirm that no overflow parking in Park or Walters Street or the Westport Parking area is relied on. In peak periods some existing parking is still proposed to be utilised from the Kmart parking surplus.
- An Operational Plan of Management is provided for the Loading Dock.
- An Economic Impact Assessment Review accompanies this amended DA, prepared by Atlas Urban Economics and which addresses key economic submissions received.
- As requested by Council, a copy of the earlier prepared Geotechnical Assessment has been provided, which includes an Acid Sulphate Soils (ASS) Addendum confirming ASS will be able to be satisfactorily managed on site. The assessed level of environmental risk for the development is rated as 'low'.

In preparing this updated town planning report, All About Planning Pty Ltd has used and relied on data, plans and information provided by MM Atelier Architects and other parties as detailed in this document. Except as otherwise stated, the accuracy and completeness of the information provided to All About Planning Pty Ltd for this assessment has not been independently verified.

This updated SEE prepared by All About Planning Pty Ltd should be read in conjunction with the following additional documents, plans and attachments. Where these plans and documents have been amended to reflect the above revisions, this has been noted below:

- Development Application Form & PMHC DA Fees Quote, No. 23565
- Detailed Site Survey prepared by King and Campbell
- Amended Architectural Plan set including Photomontages & Shadow Diagrams prepared by MM Atelier Architects in March 2020
- Amended Design Excellence Statement prepared by Vanessa Benitez, Senior Architect – MM Atelier Architects and Registered Architect, dated 19th August 2019
- Amended Landscape Plans prepared by Stone Rose Landscapes dated 12th August 2019
- Revised Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering and Road Safety Consultants dated 9th April 2020

- Loading Dock Management Plan dated 11th March 2020
- Drone Footage to inform earlier View Analysis (retained in documentation set, whilst noting the proposed amended building heights are all now fully compliant with Council's adopted height controls)
- Survey Detail confirming updated height of existing pine trees on the subject site prepared by Coastal Survey Solutions
- Geotechnical Report & ASS Addendum prepared by Fortify Geotech
- Acoustic Assessment prepared by Acoustic Logic
- Quantity Surveyors Report prepared by Hugh B. Gage Pty Ltd
- BCA Report prepared by Accessibility Solutions (NSW) Pty Ltd
- Stormwater/ Erosion & Sedimentation Management Plans including Flood Compliance Statement provided by Taylor Consulting
- Social Impact Comment prepared by All About Planning Pty Ltd (attached to Updated SEE dated June 2020)
- Preliminary CPTED Report (Crime Risk Assessment) prepared by All About Planning Pty Ltd (attached to Updated SEE dated June 2020)
- Waste Management Plan prepared by MM Atelier Architects
- Access Assessment prepared by Accessibility Solutions (NSW) Pty Ltd
- Economic Impact Assessment prepared by AEC
- Economic Impact Assessment Review prepared by Atlas Urban Economics dated June 2020
- BASIX Certificate for proposed caretaker's residence dated September 2019 by BASIXMAX Sustainable Building Assessors

For and on behalf of All About Planning Pty Ltd.



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1.0 INTRODUCTION

This Updated Statement of Environmental Effects (SEE) has been prepared in support of a revised development application to Port Macquarie – Hastings Council for the construction of an Entertainment and Commercial Precinct development at Lot 22 DP 1220661, located on the identified gateway corner site of Park Street and Warlters Street, Port Macquarie.

This proposal for a new \$34.7 Million state of the art entertainment precinct is an exciting opportunity for Port Macquarie, that will deliver the Settlement City gateway site as a vibrant activity hub and enliven the Park Street frontage in particular. The revised built form delivers a modern nautical themed style, suited to the proposed entertainment and commercial uses and the coastal urban context and which will be enhanced by appropriate landscaping that is compatible with both the site and the existing road reserve plantings.

The proposed development is permissible in the B3 Commercial Core zone and compatible with Council's adopted zone objectives. Detailed site investigations have ensured a well-considered design that is respectful of its site and the variety of adjacent commercial and nearby residential uses.

This statement addresses the proposed revised development, the characteristics of the site and surrounding area and the impacts of the proposal. A detailed assessment of the proposed development under the provisions of Section 4.15 of the *NSW Environmental Planning and Assessment Act 1979* is provided. A Section 4.6 exception to development standards is no longer required to form part of the DA documentation, as building heights have now been fully revised to not exceed Council's 11m, 16m and 19m height controls. Detailed consideration has also been given to the Council's DCP's 2011 and 2013.

The proposed 9 x 'ultra comfortable' cinemas, utilising BIO Box technology, coupled with food and drink premises, a gymnasium, 'fun fair' indoor recreation facility and other retail uses will deliver a brilliant new mixed use entertainment and commercial hub to service the growing needs of Port Macquarie and the Hastings region.

1.1 Site History

In 2009 Council adopted the Settlement City Structure Plan which provisions were subsequently incorporated in amended form into the Port Macquarie LEP 2011.

In 2014, PMHC submitted a Kmart Planning Proposal to the NSW Department of Planning & Environment which included proposed architectural quality provisions relevant to the subject site, as

the site was at that time in the same ownership. The Planning Proposal resulted in the current adopted Building Height and FSR controls as well as the LEP's Precinct wide Design Excellence provisions.

1.2 Council's Pre-lodgement Advice

The proponents through AAP held pre-lodgement discussions with Council regarding the proposed development on Tuesday, 22nd May 2018 and Council issued formal pre-lodgement advice in response on 30th May 2018. Subsequently a DA proposal was submitted to Council and publicly exhibited. Since this time elements of the development proposal have subsequently been revised

A summary of this pre-lodgement advice and the project team's updated response to that advice in light of the now subject revised plans is provided in the table below.

Pre-Lodgement Advice - DA Requirement	AAP Response - June 2020
Architectural plan set Floor plans, elevations, shadow diagrams, external lighting details, photomontages etc and site calculations confirming proposed height, FSR and landscaped area) DCP Settlement City Provisions require provision of continuous street awnings and vehicle access being prohibited to Warlters St and Park St (as now proposed) Any flooding design requirements need to be addressed on plans, refer Clause 7.3 of LEP 2011. Lighting impacts on nearby dwellings to be addressed.	A detailed revised architectural plan set has been prepared following the latest feedback from Council and the community.
Disabled Access Provision Compliance Disabled access compliance to be addressed and demonstrated in design.	A BCA report forms part of the DA documentation.
Signage/Advertising Plan Details SEPP 64 – Advertising and Signage plan details are required for AAP to include in SEE and in any plan package, including any proposed illuminated signage	Nominated signage locations are provided and included in the DA package. A SEPP assessment has been undertaken and is addressed later in this SEE.
Architectural Design Excellence Statement The site is identified as a Significant Urban Area and DA needs to address the design excellence provisions of Clause 7.11 of LEP 2011.	A revised design excellence statement has been prepared and forms part of the DA documentation and which reflects the more recent Council requested design modifications.
Comprehensive Statement of Environmental Effects SEE is to include: Permissibility – includes Indoor recreation facilities, entertainment facilities, retail and food & drink premises, SEPP 64, Coastal Management SEPP 2018, General and relevant specific DCP 2013 provisions	An updated Statement of Environmental Effects has been prepared and forms part of the DA documentation, dated June 2020. The FSR and building height have been further amended in response to Council's request and community feedback and now fully comply with Council's LEP.
Clause 4.6 Variation	No variation to height or FSR is now proposed. The revised height and FSR are fully compliant with Council's adopted LEP controls.

<p>Detailed View Sharing Analysis Must have regard to the relevant planning principle, with particular attention to any non-compliant aspect of the proposal (eg. Building height and setback controls).</p>	<p>No variation to the proposed height is now proposed, meaning earlier view sharing analysis and associated images are no longer formative to the amended proposal. Drone footage submitted to Council in November 2019 has however still been included in the revised DA package for reference by persons keen to understand view impacts associated with the now fully compliant DA.</p>
<p>Traffic and Parking Assessment Use comparable data obtained from operation of an existing facility. Likely traffic generation should be quantified and include comment on likely traffic and parking demand 10 yrs hence.</p> <p>Circulation and parking to be based on a category 3A development under AS 2890.</p> <p>PMHC has advised they consider it likely the traffic generating development thresholds in Schedule 3 of the SEPP (Infrastructure) 2007 will be triggered. (Refer Clause 104 of SEPP – RTA is to be consulted.)</p> <p>(Refer also Schedule 3 - Any Carpark – 200 or more spaces. Shop – 2,000m² or more, Commercial Premises – 10,000m² GFA or more. Any other purpose – 200 or more vehicles per hour)</p>	<p>McLaren Traffic Engineering has prepared a Revised Traffic and Parking Assessment dated April 2020 which responds to the revised DA plans and Council's feedback.</p> <p>This McLaren's revised assessment identifies reduced overall parking shortfalls for the development, as a consequence of the reduced GFA and reduced cinema seat numbers.</p> <p>The assessment demonstrates that any shortfall in basement parking on site during peak periods will be accommodated within the existing surplus Kmart parking area.</p>
<p>Stormwater Management Plan Prepared in accord with requirements of Auspec D5 and D7 and AS. Should include Stormwater detention facilities and details of how the basement carpark will be drained. Pump out of basement water discharge not permitted unless it will be minimal.</p>	<p>Stormwater Hydraulic plans have been prepared by Taylor Consulting.</p>
<p>Local Drainage Investigation Site is located within a flood planning area – refer Clause 7.3 of LEP 2011, which need to be addressed. Flooding requirements have previously been forwarded by AAP to MM Atelier - obtained from Jesse Dick of PMHC.</p> <p>Investigation is to ensure that the risks associated with local overland flooding are identified and if necessary the development is modified to minimise any key risks.</p>	<p>Refer letter from Taylor Consulting which confirms design compliance with Council's requirements, following further flooding enquiries that were made with Council.</p>
<p>Noise Impact Assessment Assessment should include assessment of impact of proposed uses on dwellings in vicinity of site, including use of loading dock, hours of operation for various land uses etc.</p>	<p>An Acoustic Assessment has been obtained and forms part of the DA documentation.</p>
<p>Waste Management Details Details of proposed Waste Management/ storage and collection arrangements are required.</p>	<p>A Waste Management Plan has been prepared by MM Atelier Architects.</p>
<p>Acid Sulphate Soils Management Plan Class 3 acid sulphate soils are identified on site – refer Clause 7.1 of the LEP 2011.</p>	<p>An ASS Addendum report was obtained from Fortify Geotechnical and forms part of the DA documentation.</p>
<p>Crime Prevention Through Environmental Design Proposed development to have regard to CPTED.</p>	<p>A preliminary CPTED review was undertaken by AAP and forms part of this updated SEE.</p>
<p>Social Impact Policy</p>	<p>A Social Impact Comment prepared in accordance with Council's Social Impact</p>

Proposed development is to have regard to Council's Social Impact Policy.	Assessment Policy was prepared by AAP and forms part of this updated SEE.
Fire Safety Requirements Design to address fire safety requirements	A BCA fire safety assessment forms part of the DA documentation.
Hydraulic Design If existing 100mm water service to Warlters St watermain is deemed too small, will need to arrange connection to 150mm watermain in Park St and under bore road – the new road pavement is not to be disturbed. Reclaimed water is available to the site. The sewer to discharge to 150mm junction to manhole on the northern footpath of Warlters St.	A Hydraulic Design has been obtained from Taylor Consulting and forms part of the DA documentation.
Engineering Details – Geotechnical, Structural, Civil Full geotechnical investigation required for excavation within zone of influence. Retaining walls are to be entirely self-supporting. All structures, including anchors and subsoil drainage are to be located entirely within the property. All footings and excavation to be located outside of easement boundaries. CCTV inspection will be required before and after excavation. Aquifer Interference triggers Integrated Development Referral to NSW Office of Water - \$320 cheque and \$140 fee payable – AAP can co-ordinate as may be required	A Geotechnical Assessment including ASS Addendum was obtained and forms part of the DA documentation from Fortify Geotechnical. Critically, the geotechnical report identifies the likely existence of a permanent water table at around 3m below natural ground level, and which precluded further consideration of a second basement level. ASS are confirmed to be able to be effectively managed on site.

Above: AAP response to April 2019 Council Issues

1.3 Post DA Lodgement Additional Information Requests

Two requests for additional information have been made by Port Macquarie – Hastings Council in respect of the subject DA. These requests and the project team's response are summarised below.

1.3.1 April 2019 Request for Additional Information

On 8th April 2019 Council issued the proponent with a request for additional information, as summarised in the table below, with a formal response provided to Council in September 2019. A summary of this request is provided in the table below, which includes reference to the most recent amended plans submitted that now form part of the subject amended DA proposal dated June 2020.

As relevant background, in September 2019 the proponent elected to not drop the proposed building height within the LEP's 16m wedge shaped western section of the site because such an amendment would reduce screen height and also seat numbers, and which had associated potential implications for the cinematic experience and economic viability of the project. As per Section 1.3.2 of this updated SEE, it was subsequently determined in response to Council's second request for additional information

to drop both the GFA and overall building height and this modification has reduced the number of seats proposed by 227, now down to a total 1,191 seats.

Council Additional Information Request - April 2019	AAP Response
1. Carparking/ traffic	A revised traffic and parking assessment has been prepared based on the latest amended plans dated April 2020.
2. Economic Impact	<p>A specialist Economic Impact Assessment was prepared by an experienced consultant and submitted for consideration with the revised DA.</p> <p>This Assessment and the community responses to this report have subsequently been reviewed by Atlas Urban in June 2020.</p>
3. Building height and clause 4.6 Request for Variation to Port Macquarie-Hastings Local Environmental Plan 2011	<p>A revised architectural plan set was prepared which formed part of the then amended DA proposal. Further plan revisions were subsequently made in March 2020 that form part of the subject updated DA package.</p> <p>A revised Clause 4.6 Request was submitted to Council in September 2019 but is now no longer required, given the latest March 2020 architectural plans no longer propose any variation to Council's LEP controls.</p>
4. View sharing	<p>New site survey detail was obtained and submitted to Council in September 2019 confirming the updated height of the existing pine trees on the subject site.</p> <p>An updated view analysis was prepared by MM Atelier Architects based on site inspections and drone footage of prime views from the Icon and Horizons Apartments and relevant case law, which was submitted in September 2019.</p> <p>This view analysis is now outdated given the March 2020 plans do not propose any variation to the LEP's height or FSR and therefore this earlier height analysis is somewhat redundant.</p>
5. Floor space ratio and clause 4.6 objection to Port Macquarie-Hastings Local Environmental Plan 2011	<p>No Clause 4.6 variation to FSR is now required to be obtained due to the reduction in overall gross floor area as demonstrated in the June 2020 amended DA details.</p> <p>A floor area detail is included in the updated plan, traffic assessment and this updated SEE.</p>
6. Clause 7.11A Design excellence	A revised Design Excellence statement was prepared in September 2019 to reflect amendments to the proposed design of the subject building, including Council's request for incorporation of maritime styled building elements.
7. Settlement City Development Control Plan 2011	<p>Figure 107 of the DCP was addressed in the SEE and in the September updated traffic assessments. This figure is also further addressed in this updated SEE and in the Revised Traffic Assessment by McLaren dated April 2020.</p> <p>A wider concourse was also proposed at ground level and awnings were provided over the concourse elevated ground level.</p>
8. Floor levels freeboard and flooding	Council received detailed feedback from MM Atelier Architects demonstrating why the proposed building could not be further lowered.
9. Steps and ramps	Stairs and access ramps are now positioned within the subject lot and do not encroach onto the road reserve.
10. Accessibility	The size of the lift was increased and 1:20 ramp gradients were specified.

	<p>Two drop off spaces are proposed along the Park Street frontage of the site and there is also the existing bus stop along Park Street.</p> <p>Pedestrian crossings are proposed for crossing over fast food driveways. A stop sign can be required for traffic leaving the drive-through and loading dock.</p>
11. Waste Management	<p>Storage bin sizes and total garbage storage dimensions were increased in the September 2019 plans as per Council's request.</p> <p>The proponent confirmed they would be happy to accept a condition regarding preferred hours of waste collection.</p>
12. Landscaping	An updated landscaped plan and details was submitted in September 2019.
13. Acid sulphate soils	An Acid Sulphate Soils Addendum was prepared by Fortify Geotech and included in the submitted DA details.
14. Noise	An updated acoustic report was included in the then updated DA details.
15. Signage	The submitted Owners Consent documentation confirms that Kmart has entered into an agreement with the proponent to incorporate Kmart signage on the subject premises. SEPP 64 is addressed in the updated SEE.
16. Outdoor Lighting and illumination including signage	Outdoor lighting details – the proponent confirmed they would be prepared to accept a condition regarding maximum lux levels and hours of operation.
17. Public Art	Fantastic public art details have now been incorporated for the project, comprising maritime themed aboriginal artwork and also engaging decorative access stair plinth details were added to Park Street.
18. Electricity substation	A sub-station will be provided near Tenancy 15, to be accessed internally via Warlters St
19. BASIX certificate	A BASIX certificate for the caretakers residence was included in the amended DA details submitted September 2019.
20. Stormwater	Stormwater modelling was provided by Taylor Consulting.


Above: AAP's response to Council's April 2019 Request for Additional Information

1.3.2 December 2019 Request for Additional Information

On 5th December 2019 a further request for additional information was made by Port Macquarie – Hastings Council, as summarised in the table below together with AAP's response from June 2020.

Due to the impending Christmas holidays, other work commitments by relevant project consultants and then substantial COVID 19 impacts, preparation of a response to this request was unavoidably delayed. There were also a number of detailed submissions to review, following DA notification which was extended by Council until 8th November 2019.

Amended Architectural Plans further to Council's request and the submissions received were finalised in March 2020 and a revised Traffic Impact Assessment was finalised in April 2020. The Economic Impact Assessment Review was finalised in June 2020.

Council Additional Information Request - December 2019	AAP Response
<p>1. Proposed additional right turn lane on Walters Street - Traffic impacts and Development Control Plan</p> <p>2. Off-street carparking provision and use of Kmart Carpark</p>	<p>Updated Traffic and Parking Assessment:</p> <p>The revised traffic and parking assessment by McLaren provides a robust justification to Council regarding the proposed right turn lane from Walters Street, Warlters Street being identified by Council as a future collector road. The McLaren response confirms compliance with the Austroads requirements for channelized right turns on this divided urban road.</p> <p>A revised traffic and parking assessment has been prepared by McLaren Traffic Consultants, dated April 2020. This assessment has reassessed off-street parking demand based on the now reduced Gross Floor Area of 2:1 FSR including a reduction in cinema seating and ground floor commercial space. Proposed cinema seating has been reduced by 270 (from an original 1,418 seats to 1,191 seats).</p> <p>Figure 107:</p> <p>Figure 107 of DCP 2011 is an indicative street hierarchy and movement network map, adopted by Council nine years ago further to 2009 strategic planning and urban design work for Settlement City, at a time when the subject development lot had not yet been legally created and when the subject site was still part of the now adjacent Kmart site.</p>  <p>Figure 107: Street hierarchy and movement network map</p> <p>Above: Figure 107 Extract from DCP 2011</p> <p>Figure 107's key includes 'indicative vehicle and service access' points, including only one indicative access point along Warlters Street relevant to the subsequent created lot. A strict application of Figure 107 would mean a vehicle access would be only 'permitted' in that area of the now created subject lot nearest the nose of the site and closest to the intersection of Warlters Street with Park Street. This is not something Council or the project's own traffic consultants would support as a viable vehicle access and</p>

	<p>egress alternative. It is clear furthermore that some aspects of Figure 107 have now been abandoned by Council over the years, including the proposed 'Retail Street' and Town Square which are also indicated in Figure 107, but which were elements dropped as part of Council's subsequent assessment of the specific Kmart DA.</p> <p>Figure 107 was always intended to only provide a broad strategic indication of road hierarchy and traffic movement within Settlement City rather than it being a detailed DCP provision, as evidenced by Council's own subsequent approved variations to Figure 107. AAP considers that inconsistencies in strict adherence to Figure 107 over the ensuing years since the DCP's adoption in 2011 would now make enforcement of this one particular indicative access aspect of the plan impossible to justify.</p>
3. Floor Space Ratio	<p>A revised architectural plan set has been prepared and forms part of this amended DA proposal.</p> <p>No Clause 4.6 Request for variation is now required, given both the FSR and height are LEP compliant, so this aspect of the earlier DA proposal is now removed from the subject application.</p> <p>The updated drawings now include the rear cinema seating areas and all storage areas in the calculation of GFA. The cinemas have been reduced in area i.e. back row has been deleted and store rooms under Cinemas 1-4 have been removed. This means the FSR is now at the allowable 2:1 ratio. Adjusted areas and plans are provided.</p>
4. View sharing impacts	<p>Cinemas 1 - 4 have now been lowered below the 16m height limit, therefore this issue is now redundant.</p>
5. Clause 4.6 variation	<p>No Clause 4.6 variation to FSR is now required due to a reduction in overall floor area. A floor area detail is included in the updated plan, traffic assessment and SEE details.</p> <p>The rear cinema rows are now included in the GFA Calculations. As a result the cinemas were reduced in area, and the number of seats was reduced. The ground floor tenancies were also reduced in area, as has the function room.</p>
6. Acid Sulphate Soils	<p>A Geotechnical Report by Fortify Geotechnical, signed by Director and Senior Geotechnical Engineer, Jeremy Murray was submitted with the other DA documentation and which relied on 7 test pit locations over the subject site. It was confirmed by Fortify in May 2019 that the site, at the same time as their geotechnical investigation, was also tested for acid sulphates and the results were included in an Addendum to Fortify's Geotechnical report.</p> <p>A copy of this Addendum Report dated December 2018 is included again in the updated DA package and which confirms that ASS will be able to be satisfactorily managed on site. The assessed level of environmental risk for this development is rated as "low" as pH>4.5. The report further found that acid sulphate tests established that the site soils are unlikely to produce sulphuric acid upon exposure to oxygen. To neutralise the soil during earthworks and for disposal and to reduce the risk of damage to concrete and steel structures, these excavated soils can be treated with lime during earthworks.</p>
7. Outdoor Lighting Impacts	<p>It is anticipated that angles of lighting and illumination design can be adequately addressed by Council through imposition of a condition on the development consent, requiring specification of the type and quantity of lighting onsite and an assessment of light spill and intensity having regard to <i>AS/NZS 4284:2019 – Control of the obtrusive effects of outdoor lighting</i>.</p>
8. Economic Impact	<p>A specialist Economic Impact Assessment was prepared by an experienced Economic Impact Assessment consultant and which was submitted for</p>

	<p>consideration in the assessment of the DA in September 2019. This assessment has subsequently been reviewed by Atlas Urban Economics and in light of the submissions subsequently received. This Economic Review, dated June 2020, found that:</p> <ul style="list-style-type: none"> • The Greater Port Macquarie CBD comprises the Port Macquarie CBD and Settlement City and these B3 zoned areas are not considered by Council's relevant policy framework to be two distinct precincts, but one primary centre. Indeed the Port Macquarie Retail Strategy Review of 2015 maintains and reinforces the principle and structure of the Greater Port Macquarie CBD. • Cinema screen provision and seat provision per capita at Port Macquarie is low compared to the other regional centres examined. This indicates Port Macquarie is currently undersupplied from both a screen and seat perspective. • The low cinema provision in Port Macquarie has been exacerbated in recent years by population growth of 1.4% to 2% per annum. • The original EIA's approach is agreed, being not to adopt the state wide average of 12,000 persons per screen. • Post completion of the subject development (assumed to occur by 2026) cinema provision per seat falls from 78.1 persons per seat in 2019 to 40.6 persons per seat in 2026, rising to 45.7 persons per seat in 2036. These ratios of persons per seat are below observed benchmarks. • There is sufficient demand at present and to 2036 to support additional screens. • Arguments about the possible future closure of the existing cinema are speculative and competitive forces are in the public interest, as they encourage investment, promote business efficiency, stimulate innovation and force businesses to adapt to stay relevant. This should be viewed positively as something in the public interest and is not a material economic consideration. • Helpful analysis is included of other locations in Regional Australia which had more than one cinema operating and also of benchmarking revenue compared with Coffs Harbour, in response to specific points raised in the submissions received. • It is the responsibility of the applicant to ascertain whether the proposed development is commercially viable, given they are funding the proposal and are the one taking the risk. Issues of project commercial viability are not a relevant planning consideration, especially when the adopted zone controls directly support the proposed land use • The Urbacity report reads as inherently biased, rather than being a balanced critique, containing subjective and emotive language. Further, much of the commentary and data is not material to the submitted EIA. • The subject site is the primary preferred location for higher order retail and leisure activities. • The Majestic Cinema draws box office revenue that is comparable to the BCC Cinema in Coffs Harbour, despite the BBC Cinema having 50% more seating capacity.
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	<p>Cinemas, like any business, perform poorly for a number of reasons. It may not be competitively positioned to meet market expectations or comprise a poor offer, not due to an oversupply situation. Equally, a cinema could be trading at much higher levels due to its offer eg. recliner seats, IMAX etc, despite operating in a competitive environment.</p>
9. General Design Matters	<p>The proposed Gym/Tenancy 22 will be accessed either by the lift or the internal ramp.</p> <p>The need for appropriate screen plantings within the Warlters Street median strip to prevent car light impacts on residences on the southern side of Warlters Street can be addressed by Council through imposition of a condition on the development consent, requiring specification of appropriate screen plantings in this location.</p> <p>Regarding the lift overrun the project architect has confirmed that the top of the lift is typically around 4.2m from the finished floor of the last level. In this case the Biobox RL.17.0 plus 4.2 = 21.2m, which is lower than the roof parapet of RL 21.53.</p>
10. NSW Roads and Maritime Services (RMS) Referral	<p>Council has advised feedback was obtained from the RMS on the proposed development. This feedback has been reviewed and considered by McLaren Traffic Engineering.</p>

Above: AAP's response to Council's December 2019 Request for Additional Information

2.0 DESCRIPTION OF LOCALITY AND SITE

The predominantly flat 5,771m² site is located on the corner of Park Street and Warlters Street, Port Macquarie on land currently described as Lot 22 in DP 1220661.



Figure 1: Locality Plan including Settlement City precinct with subject site shown in blue Source: PMHC

The B3 Commercial Core zoned site is situated in the Settlement City Precinct, being an area identified by Port Macquarie – Hastings Council as the Greater Port Macquarie CBD and which is approximately 1km west of the Port Macquarie CBD.

The Settlement City Precinct of Port Macquarie is a primary commercial area of Port Macquarie that has undergone further transformation over the last few years, with the construction and then opening of the Kmart retail development in 2017 and establishment of smaller retail tenancies fronting Park Street and associated at grade parking.

Opposite the subject site fronting Park Street is the locally significant Westport Park and associated Hastings River edge pathway, a disabled accessible children's playground, boat ramp and jetty facilities.

Further along Park Street is the Port Macquarie Marina, which is a key destination boating, specialised marina services, recreation, commercial and retail precinct. Recent marina upgrades include new retail areas and office spaces for tenants; new boat berths and pontoons; a new slipway and hardstand area for boat servicing; new balustrades on walkways; new lighting and CCTV cameras; landscaping; and car park re-asphalting and expansion. The commercial marina facility and precinct, is also used by community members including the outrigger canoe club, Flamin' Dragons and the Port Macquarie Game Fishing Club.

Adjacent to the Marina at 20 Park Street, in an absolute riverfront location, is the recently upgraded Sails Resort that comprises amongst other key uses a large function area, dining and bar space and guest accommodation in an attractive landscaped setting.

Opposite the Sails Resort also fronting Park Street is a McDonalds Restaurant including drive-through facility and the Bay Park Plaza, comprising key tenancies such as Pillow Talk, Rivers, Sheridan, a Chemist and other specialty retail and food premises.

Further north and west again of the subject site is the main retail and commercial hub known as the Settlement City Shopping Centre.

Panthers Port Macquarie is situated adjacent to the Settlement City shops also with frontage to Park Street.

Fronting Warlters Street immediately south of the subject site is a mix of lower density residential development and west along Warlters St is the St Joseph's Primary School and Preschool.



Figure 2: Drone Image of locality and with subject site indicated in red outline, Source: Overall Photography

The site has a rounded triangular shape, with two street frontages being located on the corner of Park Street and Warlters Street, Port Macquarie. The site is generally a flat, vacant site and as Council's 2012 contours maps indicate, with a maximum 0.5m gradient variation in small pockets across the site.



Figure 3: Google Earth Image of locality and with subject site indicated in red outline

The property has been cleared, with the exception of a few trees and is covered in grass. These features are shown in Figure 2 and 4.

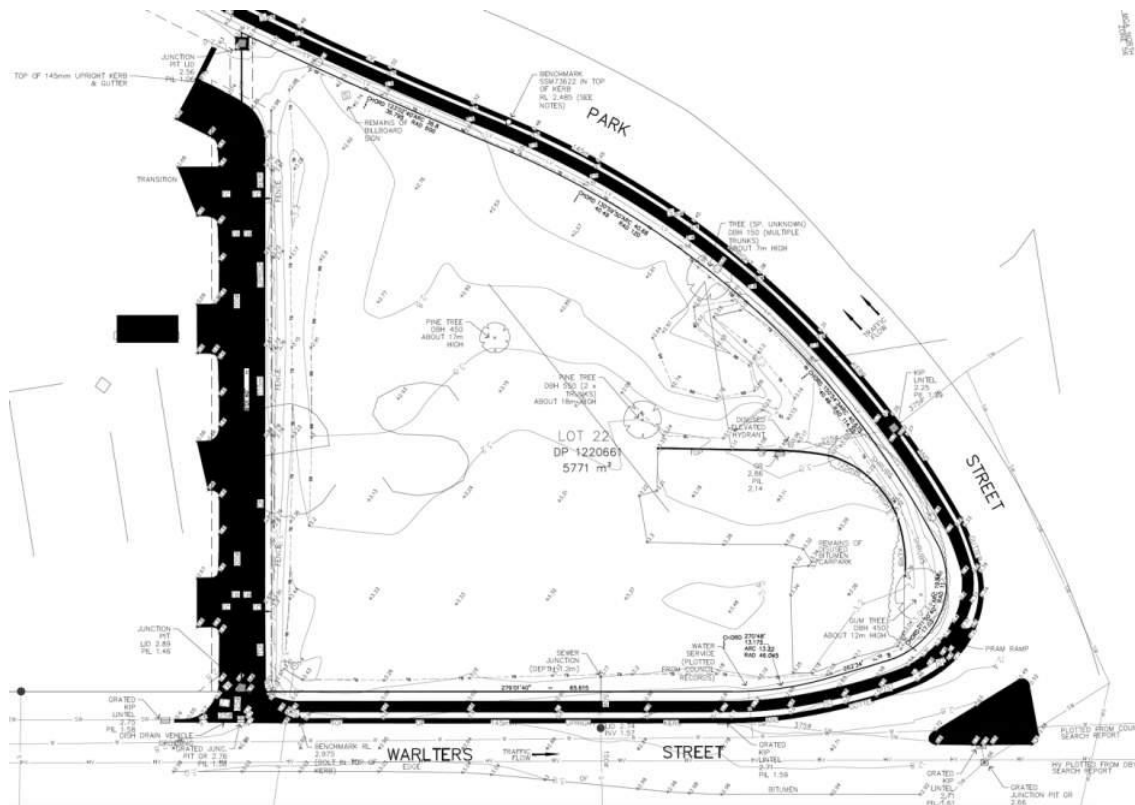


Figure 4: Deposited Plan – identifying details for the site being Lot 22 in DP 1220661

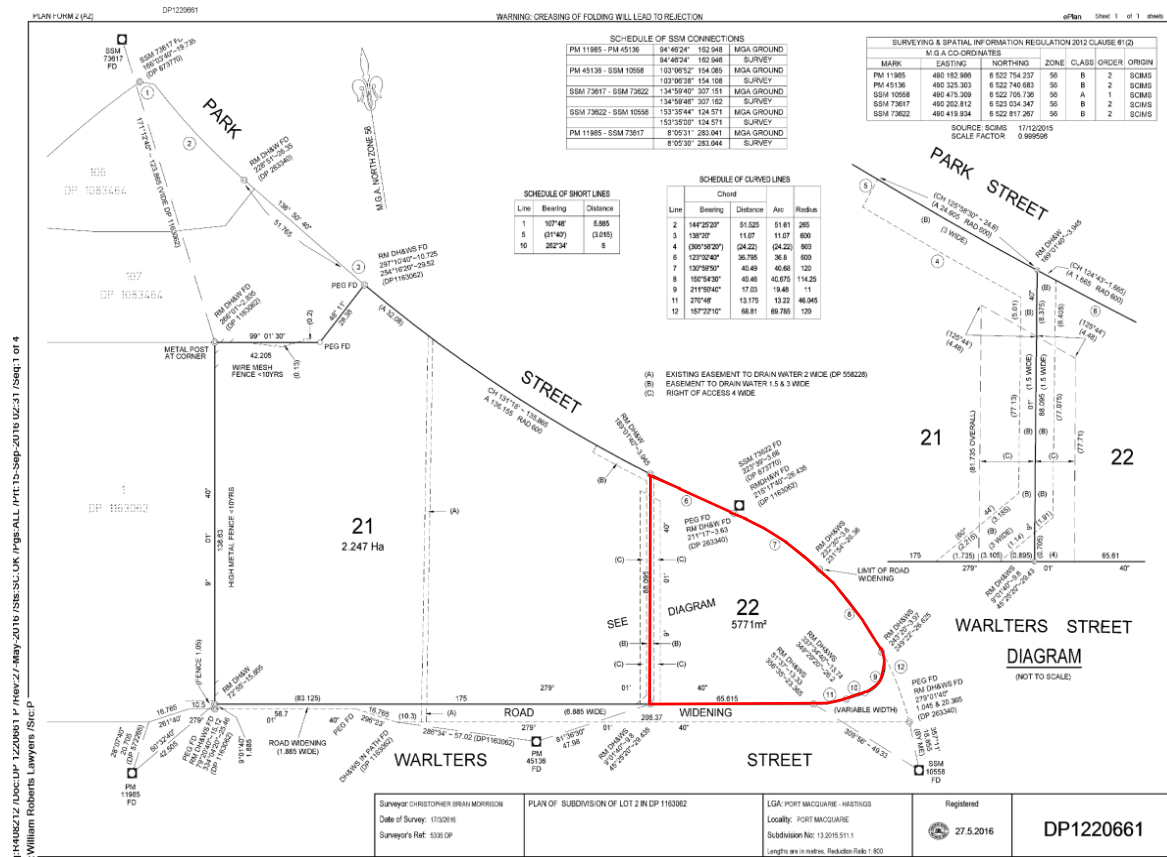


Figure 5: Deposited Plan – identifying details for the site being Lot 22 in DP 1220661

The Port Macquarie Hastings Council Profile.id site (<https://profile.id.com.au/port-macquarie-hastings/about>) provides the following historical background on Port Macquarie:

The Port Macquarie-Hastings Council area is located on the Mid North Coast of New South Wales, about 420 kilometres north of the Sydney CBD, and 510 kilometres south of the Brisbane CBD. The Port Macquarie-Hastings Council area is bounded by Kempsey Shire in the north, the Tasman Sea in the east, the Mid Coast Council area in the south, and Walcha Shire in the west.

Port Macquarie is named after New South Wales Governor Lachlan Macquarie (1810-1821), while Hastings is named after the Governor of Bengal, Francis Rawdon Hastings. European settlement dates from 1818 when the area was first explored, and 1821 when a penal settlement was established at Port Macquarie.

The PMQ LGA has (based on 2016 census figures) a population of 79,905, with a population density of 0.22 persons per hectare.

The original inhabitants of the Port Macquarie-Hastings Council area were the Birpai Aboriginal people.

3.0 DESCRIPTION OF PROPOSAL

3.1 General Description

A valuable new entertainment and commercial hub is proposed by Planet Warriewood Pty Ltd for the subject B3 Commercial Core zoned corner site within the Greater Port Macquarie CBD. Planet Warriewood is associated with United Cinemas Australia Pty Ltd (United Cinemas).



Figure 6: Updated Photomontage of the subject amended proposal - Park Street and Kmart carpark elevation



Figure 7: Photomontage of the subject amended proposal - Park Street and Kmart carpark elevation

The following key uses are proposed on site:

- 9 x Cinemas, restaurant and function room and managers residence

- Gymnasium
- Fun Fair including indoor bowling facility
- Food and Drink Premises, including two ground level drive through premises
- Retail tenancies
- Basement Carpark incorporating Car Wash Tenancy and delivering 153 car spaces and 12 bicycle spaces



Figure 8: Updated Photomontage of the subject amended proposal Warlters Street elevation

Planet Warriewood Pty Ltd/United Cinemas are an Australian owned, award winning chain of Cinemas, owned and operated by the Mustaca Family.



Figure 9: Updated Photomontages of subject amended proposal, viewed from Warlters Street, looking NE

A full revised architectural plan set accompanies the subject development application. The Development Application plans have been prepared by MM Atelier Architects. Vanessa Benitez of MM Atelier Architects is a registered architect that has worked on many civic, educational and residential projects for top tier firms. Her expertise in cinema design is invaluable to United Cinemas, bringing a level of excellence to the United Cinema designs.



Figure 10: Amended Park Street elevation

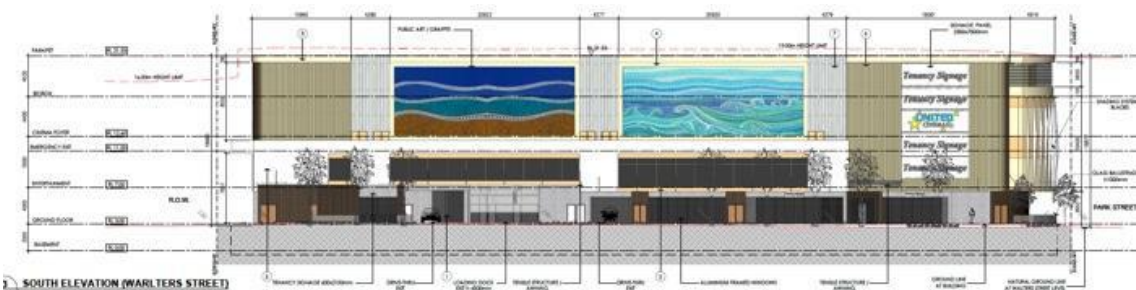


Figure 11: Amended Warlters Street elevation

The Mustaca Family have been in the cinema business since 1987. Since that time United Cinemas have acquired and built a number of cinema theatres all over Australia. United Cinemas currently own and run 8 Cinema Complexes across Australia that comprise 46 theatres and are affiliated with Cinemas abroad in China and a number of other Cinema chains such as the Dendy Opera Quays, Sydney & Hoyts at Westfields Warringah Mall, Sydney.

Since its inception United Cinemas have built a strong and reputable business in their market and have won the respect of international film players on all levels. The United Cinemas design model has evolved over this time, keeping up with market trends and setting precedents.

United Cinemas is a growing business with a number of new cinemas in its pipeline that include: McGraths Hill, Terry Hills, Queanbeyan, Gregory Hills, Opera Quays Sydney CBD, Dee Why Town Centre, Port Macquarie in New South Wales. A new 11plex cinema to replace the existing Eldorado Cinema in Indooroopilly and a 10plex in Hervey Bay, Queensland. A 10plex cinema in Cockburn, Perth and a 10plex cinema in Point Cook, Victoria.

United Cinemas, being a family run business, is focused on establishing good customer relationships and delivering an ultimate cinema experience, from patrons being greeted by an 'usher', to quality and comfortable interiors and offering excellence in food. The quality of picture and sound is world class as

United Cinemas install the finest sound systems available in the industry (DOLBY ATMOS Sound), ensuring the viewer is immersed into the movie.

The revised proposal involves reduced seat numbers and reduced (complying) FSR as detailed in the tables below.

Cinema Seat Numbers	Recliner	Stadium	W/C	Subtotal
Cinema 1	50	68	3	121
Cinema 2	50	68	3	121
Cinema 3	50	68	3	121
Cinema 4	50	68	3	121
Cinema 5	45	77	3	125
Cinema 6	45	77	3	125
Cinema 7	45	77	3	125
Cinema 8	45	77	3	125
Cinema 9	120	81	6	207
Subtotal	500	661	30	
TOTAL				1191

Figure 12: Updated Table of Cinema Sea

UNITED CINEMAS - PORT MACQUARIE AREA SCHEDULE - GFA		
Site Area (m2)	5771	
	Area (m2)	Area (m2)
Ground Floor (excludes fire egress, drive thru, loading, driveway, outdoor seating area)	2523	
First Floor (Excludes internal vertical circulation)	4238	
Second Floor (Excludes internal vertical circulation)	3793	
Third Floor (Excludes internal vertical circulation)	988	
TOTAL GFA (excluding Basement)	11542	Allowable =11542 (2:1)
FSR	2	

Figure 13: Updated FSR Calculations

The architectural plan set includes a plan detail of all four levels of the building and FSR inclusions and exclusions.

The following detailed description of the proposed entertainment and commercial development is provided below for the site.

Basement

The proposed development includes a single basement level which includes:

- 153 car parking spaces including 4 disabled car parking spaces
- 12 motorbike parking spaces
- a down-ramp entry centrally located leading from the ground floor level to the basement level
- an up-ramp exit located to the southern side of the building leading up to ground floor level
- double lane road to allow traffic flow both ways throughout
- centrally located escalator for pedestrians to get to/from the basement to first floor, and two lifts for access to the various levels of the complex
- emergency stairwell exits to the ground level of the complex
- 5 separate storage units

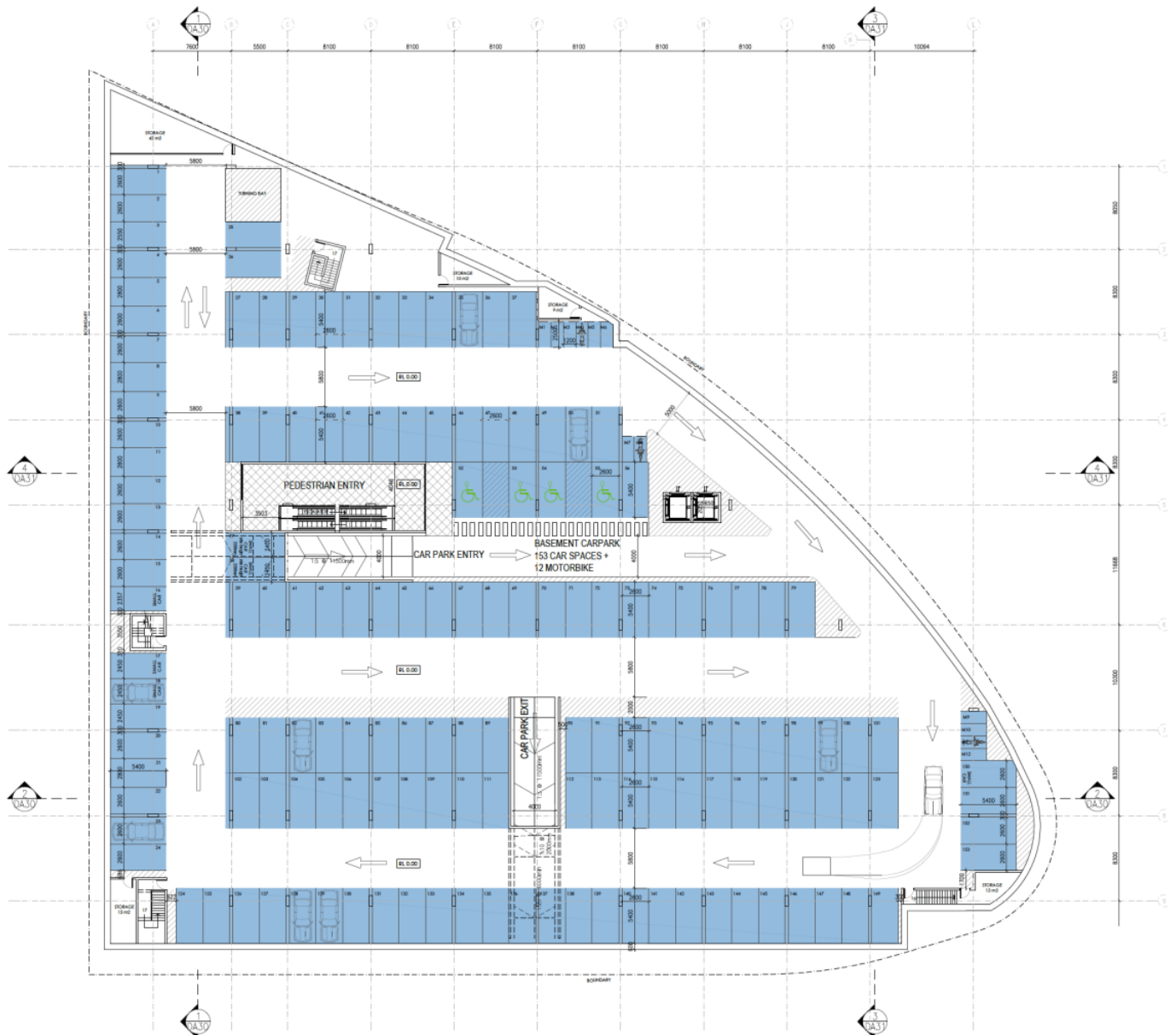


Figure 14: Amended Basement Floor Plan

Ground Floor

The proposed ground floor/street level of the development includes:

- 15 varied size tenancy spaces (proposed tenancy 1-15)
- 3 tenancies (proposed tenancy 11, 12 and 15) that have pedestrian access from Warlters Street
- 9 tenancies (proposed tenancy 1-4, and 6-10) that have direct pedestrian access from Park Street
- 3 tenancies (proposed tenancy 5, 13, and 14) that will be accessed internally within the complex
- External pedestrian pathways, disabled access ramps and a raised pedestrian concourse to provide quality and complying access to the complex and all the ground floor tenancies
- Alfresco dining, varied furniture, landscaping and exterior elements to provide active spaces along the building edge
- A primary pedestrian entry point is provided central to the complex, accessed midway along the building off Park Street
- A second entrance from Walters Street is additionally provided into the complex
- Tenancy 15 has an internal split lane drive-thru facility with double vehicular ordering point. Entry is from the existing registered ROW on the western side of the site and exit is onto Warlters Street
- Tenancy 1 also has an internal split lane drive-thru facility with double vehicular ordering point. Entry is via the ROW on the western side of the site and exit is onto Park Street
- An Escalator/travelator is centrally located midway in the building to enable pedestrian transit up and down from the ground floor to basement level or to Level 1
- 2 lifts located near the Park Street entrance will also provide transit and disabled access between the various floors
- Public toilet facilities for the complex are located internally within the development, accessed from a corridor behind proposed tenancy 13 and 14
- A loading dock area with several loading bays – with vehicular entry via the ROW to the immediate west of the site, with exit onto Warlters Street
- Ramps will be located in the loading bay to enable items to be delivered to tenancies and to the 12 storage units adjacent to the loading bay
- Services such as sprinkler/hydrant pump room, emergency and service corridors, and garbage room
- Vehicular access into the basement parking level of the complex is positioned midway along the western side of the complex and accessed via the legal ROW to the immediate west of the site

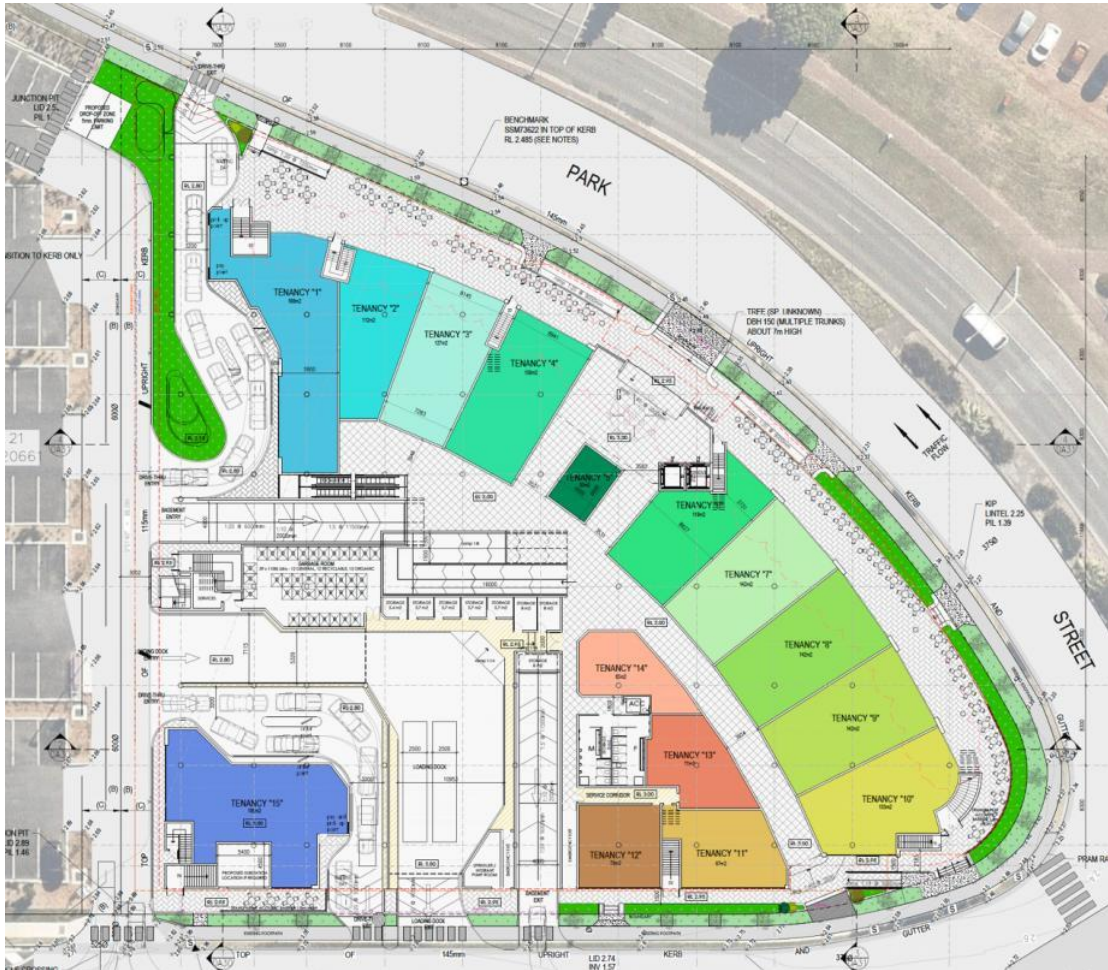


Figure 15: Amended Ground floor of proposed commercial and entertainment complex, showing commercial tenancies , vehicle and pedestrian access and egress arrangements, internal garbage storage area and delivery dock details and 2 x drive thru tenancies

First Floor

The proposed development includes a 1st floor entertainment level which includes:

- UFC / World Gym (proposed tenancy 22)
- Fun fair / amusement parlour including indoor bowling alley, 230 seat cinema (Cinema 9)
- 2 lifts and escalator to enable transit to and from the various levels of the complex
- Storage

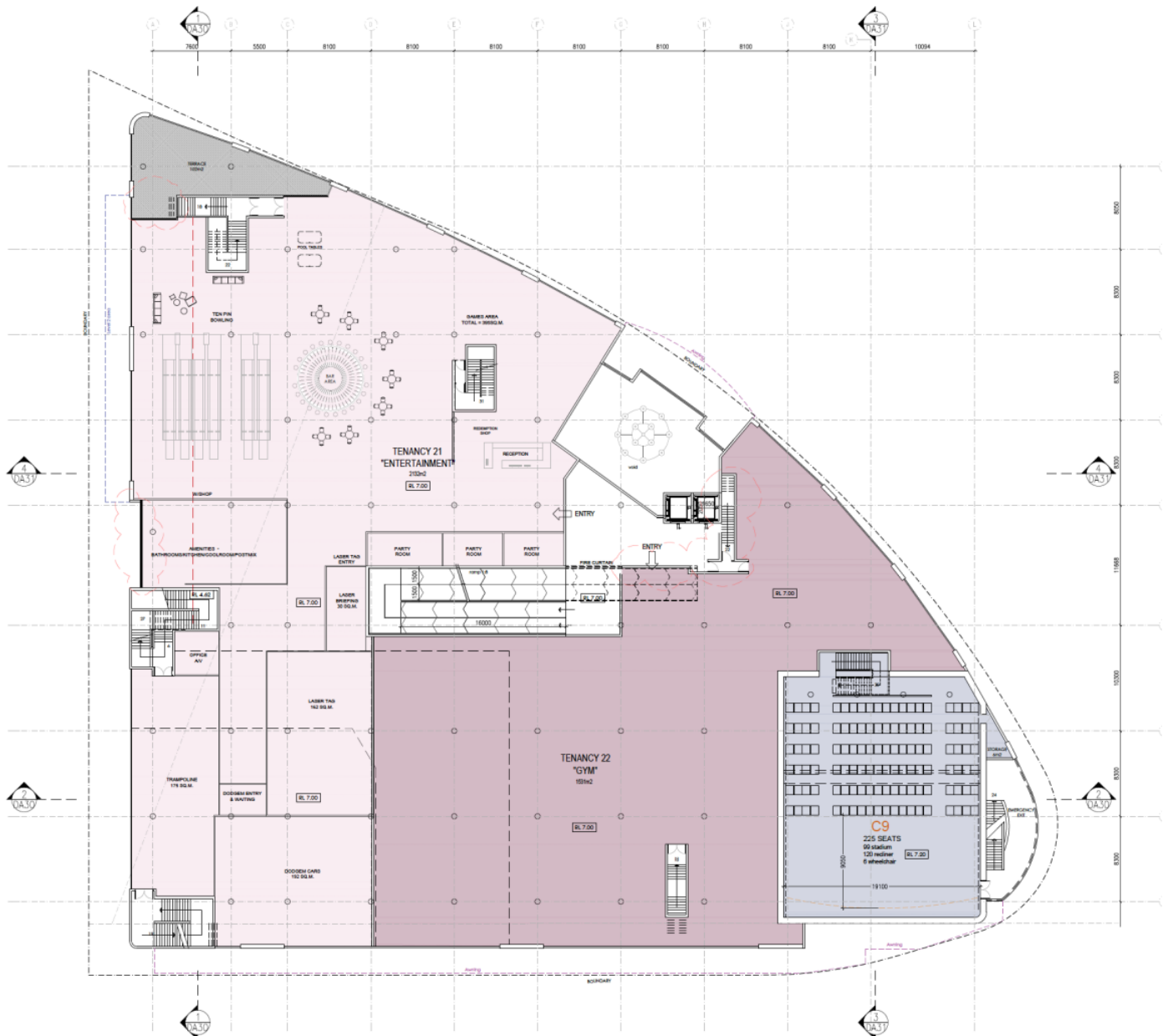


Figure 16: Amended First floor of proposed commercial and entertainment complex, showing gym and entertainment tenancies

Second Floor

The proposed development includes a 2nd floor cinema entry level which includes:

- 9 cinemas as per the following table, totalling 1343 seats (reduced from ??)
- Cinema lobby / waiting room area for cinema patrons
- Service desk / ticket sales area
- Kitchen and cool room
- Office space
- Toilet facilities
- 2 lifts and escalator to enable transit to and from the varies levels of the complex
- Storage areas and corridor areas

- Living/dining areas for the managers residence



Figure 17: Amended Second floor of proposed commercial and entertainment complex, comprising 9 cinemas and managers residence

Third Floor

The proposed development includes a 2nd floor cinema entry level which includes:

- Void spaces for the 9 cinemas and area for BIOBOX projectors, audio equipment etc
- Food and Drink premises (commercial tenancy 41) including function room, cool room, storage room, office, kitchen, toilet facilities
- 2 lifts to enable transit to the lower levels of the complex
- Upper level of manager's residence, primarily bedrooms.



Figure 18: Amended Third floor of proposed commercial and entertainment complex, comprising upper levels of 9 cinemas, tenancy 41 and the upper level of the managers residence

Finishes

- MM Ateliers Architects revised the architectural design as part of their earlier response to Council's feedback, which had requested an architectural theme with nautical influence. The maritime/nautical styled elements have been retained and include white sails along the Park Street façade to accord with the vision under the Settlement City DCP. The repetition of the sails and change in sail shape create 'flowing/fluid' eye movement as a person moves along Park Street. Larger sails have been located at the Park Street pedestrian entry to better define that key entry point.
- Port holes were also been introduced to tie the building to its boating/marina surrounds.
- The buildings revised colour scheme reflects the sand from the beach and timber from the local marina.

- The building frontage has been broken into various elements to create an articulated façade through the use of repetition and introducing natural elements.
- The top floor has been setback to reduce the visual impact of the building and create a 'relief' in the building façade. The building setback reduces the visual bulk and scale of the building.
- The façade provides an opportunity to display Public Art to be enjoyed along Warlters Street and from the adjacent Kmart site. It is proposed to use a local indigenous artist to display water themed motifs to tie in with the nautical appearance of the building.
- The building height has been lowered from the original and earlier revised scheme and both Height and floor space ratio are now reduced to fully comply with Council LEP standards.

Stormwater

Stormwater for the proposal will be collected and conveyed via an approved management system connected to the in-street piped stormwater network.

Water & Sewer

Reticulated water and sewer services are also available outside the site and the proposed development will be connected to these.

Garbage

Garbage will be collated in a central location on the ground floor level in the garbage room. Garbage waste disposal will be undertaken through the loading dock.

Public Domain

Public footpaths are constructed along Warlters Street and Park Street. Kerb and gutter is also already installed along both Warlters Street and Park Street. An existing pedestrian crossing and traffic lights provides pedestrian access across both Warlters and Park Street linking the complex to the foreshore and other existing pathways to the town centre and surrounding area.

New driveways and kerb cross-overs will be constructed including three crossovers along Warlters Street to enable access for the take away drive-thru exit, loading dock exit and basement exit; 1 crossover along Park Street only for the take away drive-thru is proposed.



Above: United Cinema Images

4.0 PLANNING CONTROLS

The statutory and strategic planning instruments which guide this proposal are:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy - Building Sustainability Index 2004
- State Environmental Planning Policy (Exempt and Complying Codes) 2008
- State Environmental Planning Policy (Coastal Management) 2018
- Port Macquarie Hastings Local Environmental Plan 2011
- Port Macquarie Hastings Development Control Plan 2013

4.1 Environmental Planning and Assessment Act 1979

This application is made under Part 4 of the *Environmental Planning and Assessment Act 1979 (the Act)*.

The proposal does not come under any of the following classifications of the Act:

- *exempt or complying development*
- *designated development*
- *integrated development*

The subject site is not classified as bushfire prone by the NSW Rural Fire Service and an integrated development consent is not triggered.

The proposal fully satisfies those matters raised under Section 4.15 of the Act as detailed later in this report under Section 5.

4.2 Environmental Planning and Assessment Regulation 2000

Clause 50 (*How must a development application be made*), of the *Environmental Planning and Assessment Regulation 2000* (the Regulations) includes the following provisions:

- (1) *A development application:*

- (a) Must contain the information, and be accompanied by the documents, specified in Part 1 of Schedule 1, and*
- (b) If the consent authority so requires, must be in the form approved by that authority, and*
- (c) Must be accompanied by the fee, not exceeding the fee prescribed by Part 15, determined by the consent authority, and*
- (d) Must be delivered by hand, sent by post or transmitted electronically to the principal office of the consent authority, but may not be sent by facsimile transmission.*

The subject development application complies with the above provisions of the Environmental Planning and Assessment Act Regulation 2000.

4.3 State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP (Infrastructure) 2007 identifies the following development as being traffic generating development which requires referral to the RMS:

- Food and Drink Premises – carparking for 200 or more vehicles (Not Applicable to subject Proposal)
- Shops 2,000m² GFA – being primarily a retail premises selling merchandise and does not include food and drink premises
- Take away food with drive through – 200 or more vehicles per hour
- Commercial Premises – 10,000m² GFA or greater. The definition of Commercial Premises under the SEPP is taken to be the same definition as in the Standard Instrument and the Port Macquarie LEP 2011. Therefore, due to the entertainment and indoor recreations facility uses being excluded from the definition of commercial premises, this SEPP provision does not apply.
- Any other purposes – 200 or more vehicles per hour

McLaren Traffic Engineers for the subject proposal have confirmed that the proposed combined uses will result in 200 or more vehicles per hour in peak periods and therefore a referral to the RMS is required. Any submissions received from the RMS are to be taken into consideration by the consent authority.

4.4 State Environmental Planning Policy (State and Regional Development) 2011

The following development identified under the SEPP is considered to be regionally significant and which triggers the Joint Regional Planning Panel as the consent authority:

- Development that has a capital investment value of more than \$30 Million
- Development that has a capital investment value of \$10 – 30 Million if the DA has not been lodged but not determined within 120 days

The subject development has a capital investment value of more than \$30 Million, as confirmed by the submitted Quantity Surveyors detail and therefore the consent authority for this development will be the Northern Joint Regional Planning Panel.

4.5 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 (1)(a) of this planning instrument requires Council to consider whether land is contaminated in its assessment of a development application. Based on the available information regarding the sites long history of use as a primary school which included a grassed student playground, the knowledge that at least part of the site contains fill for early land reclamation purposes and its urban location, it is considered unlikely that the subject site includes contaminated soil (or other contaminating agents).

In any event the site is considered suitable for the proposed entertainment and commercial development, as the development will involve removal of most if not all of the earlier placed site fill, in order to construct the sealed concrete lined basement parking area and the fact that the entire site will comprise either basement parking with sealed pedestrian concourses or driveway and parking accessways.

The submitted Geotechnical Report relevantly confirms that:

“The development will have a single-level basement, requiring excavation to about 3m depth. Such excavations would be through existing fill and alluvial soils, which can all be dug by backhoe and excavator”

4.6 State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 has adopted the following aims and objectives, which the proposed development satisfies:

3 Aims, objectives etc

(1) This Policy aims:

(a) to ensure that signage (including advertising):

(i) is compatible with the desired amenity and visual character of an area, and

- (ii) provides effective communication in suitable locations, and*
- (iii) is of high quality design and finish, and*
- (b) to regulate signage (but not content) under Part 4 of the Act, and*
- (c) to provide time-limited consents for the display of certain advertisements, and*
- (d) to regulate the display of advertisements in transport corridors, and*
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*
- (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.*

SEPP 64 applies to all signage that can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and which is visible from any public place or public reserve, except as provided by this Policy.

The Policy does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it, or that is exempt development under this Policy.

This policy prevails over other policies in the event of any inconsistency.

Schedule 1 of the policy contains signage assessment criteria which the SEPP requires to be satisfied. These criteria are detailed below together with a compliance comment.

Schedule 1 Assessment criteria

1 Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

COMMENT: As demonstrated in this updated SEE, the subject amended proposal is compatible with the desired future character and existing character of the area, being a gateway site within the Greater CBD of Port Macquarie and which is now completely compliant with Council's adopted height and FSR controls for the site.

2 Special areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

COMMENT: As demonstrated in this SEE, the revised DA proposal, including signage, is reasonably expected and permissible on the site and will not detract from the amenity or visual quality of the

locality, being within the Greater CBD of Port Macquarie and within the Settlement City commercial and entertainment precinct.

3 Views and vistas

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

COMMENT: A comprehensive view analysis has been prepared by MM Atelier Architects and which shows that the permitted height and FSR controls for the site do result in some view impacts but the subject proposed development including wall mounted signage itself does not cause any additional view impacts that would be out of character for the B3 Commercial Core land use zone.

4 Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

COMMENT: A rational and uncluttered signage scheme is proposed, refer revised architectural building elevations. No signage protrusions above the subject building or structures is proposed. Unsightly garbage and loading areas are positioned internal to the site development. No major vegetation management is required as a consequence of the updated landscaping plan.

The scale and proportions of proposed signage is acceptable, being a maximum dimension of 2500 x 7500mm flush wall mounted cinema and tenancy signage – that will be illuminated but not flashing or moving – refer to the prepared photomontages and Park Street elevations.

5 Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

COMMENT: The proposed signage is suited to the proposed revised building design.

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

COMMENT: Signage requirements for the subject building have been discussed, in some instances agreed and integrated into the elevation design.

7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

COMMENT: Final detailed signage schemes have not yet been conceived for the proposed new entertainment and commercial hub and individual premises, however illumination of signage is proposed, but not moving or flashing signage. The proponent would be prepared to accept a condition regarding maximum lux levels and hours of operation.

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

COMMENT: Illuminated signage needs to be controlled and therefore a condition of consent can be imposed by the consent authority requiring the signage to be turned off at close of business.

The use of hooded street light/pathway shades will also cut out light spill and direct light only to the ground and which can form a condition of development consent.

4.7 State Environmental Planning Policy - Building Sustainability Index 2004

Regulations under the EPA Act 1979 have established the BASIX scheme to encourage sustainable residential development. Port Macquarie – Hastings Council confirmed that a BASIX certificate is required for the manager's residence proposed for a small section of the second and third floor of the subject development.

The required BASIX Certificate for the caretakers residence is included with the revised architectural details.

4.8 State Environmental Planning Policy (Exempt and Complying Codes) 2008

The aim of this Policy is to determine exempt and complying development.

The subject proposal does not meet the Complying Development SEPP standards. Consequently, the subject DA has been prepared and lodged with Port Macquarie – Hastings Council.

4.9 State Environmental Planning Policy (Coastal Management) 2018

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area.

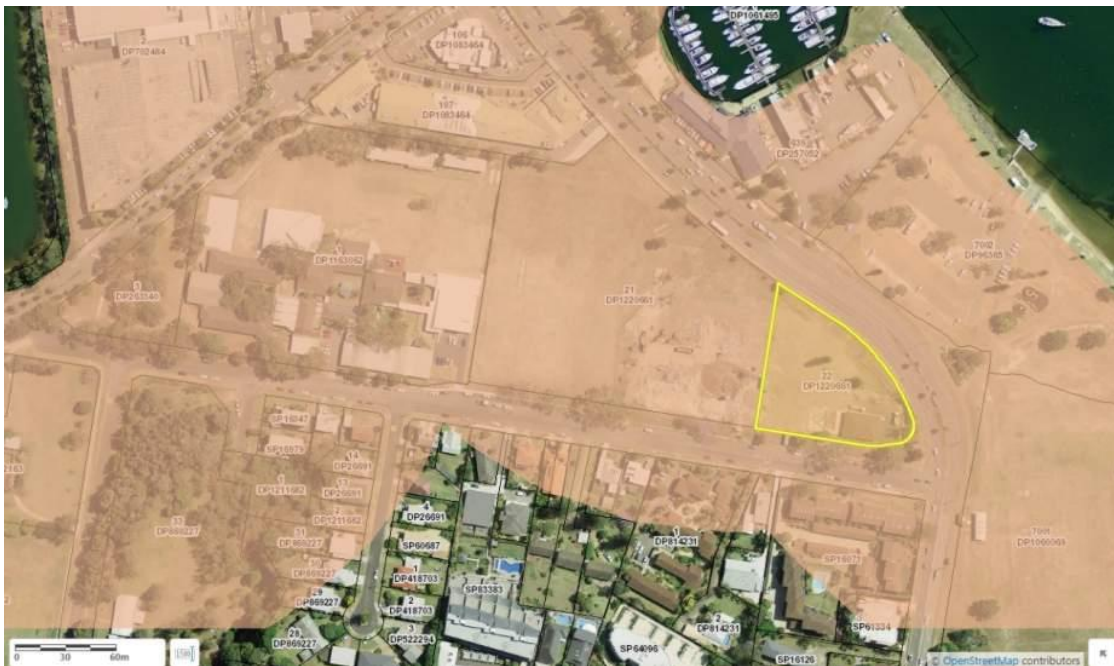


Figure 19: SEPP (Coastal Management) 2018 map detailing Coastal Use Area. Source: NSW Department of Planning and Environment

The subject land is identified as falling within the Coastal Use Area on the State Environmental Planning Policy (Coastal Management) 2018 online mapping (ref extract below). An assessment of the proposal under this policy has therefore been undertaken.

Coastal Management Act 2016	
Clause 3 Objects of this Act <i>The objects of this Act are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State, and in particular:</i>	AAP Compliance Comment
(a) <i>to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and</i>	The subject site is not impacted by coastal processes except for in a flood event. A flooding investigation has been undertaken which adequately addresses this objective.
(b) <i>to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and</i>	Public access will be significantly improved over this privately owned site, as the site currently being fenced off to prevent access.
(c) <i>to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and</i>	Noted. Complies.
(d) <i>to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and</i>	The subject development will activate the site and support a sustainable coastal economy.
(e) <i>to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and</i>	The site has been thoroughly planned to deliver sustainable land use outcomes and the development will facilitate cycling and walking opportunities.
(f) <i>to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and</i>	The flooding assessment that has been undertaken for the site has taken into account the effects of future climate change.
(g) <i>to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and</i>	The site does not directly adjoin coastal shoreline and is not at risk of loss or damage due to coastal processes.
(h) <i>to promote integrated and co-ordinated coastal planning, management and reporting, and</i>	Noted. Complies.

<p>(i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and</p> <p>(j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and</p>	
<p>(k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and</p> <p>(l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and</p>	The proposal has been publicly advertised.
<p>(m) to support the objects of the Marine Estate Management Act 2014.</p>	Noted. Complies.

4.10 Port Macquarie Hastings Local Environmental Plan 2011

As indicated by the following map extract from the Port Macquarie Hastings Local Environmental Plan 2011 (PMHLEP 2011) the subject site is zoned B3 Commercial Core.

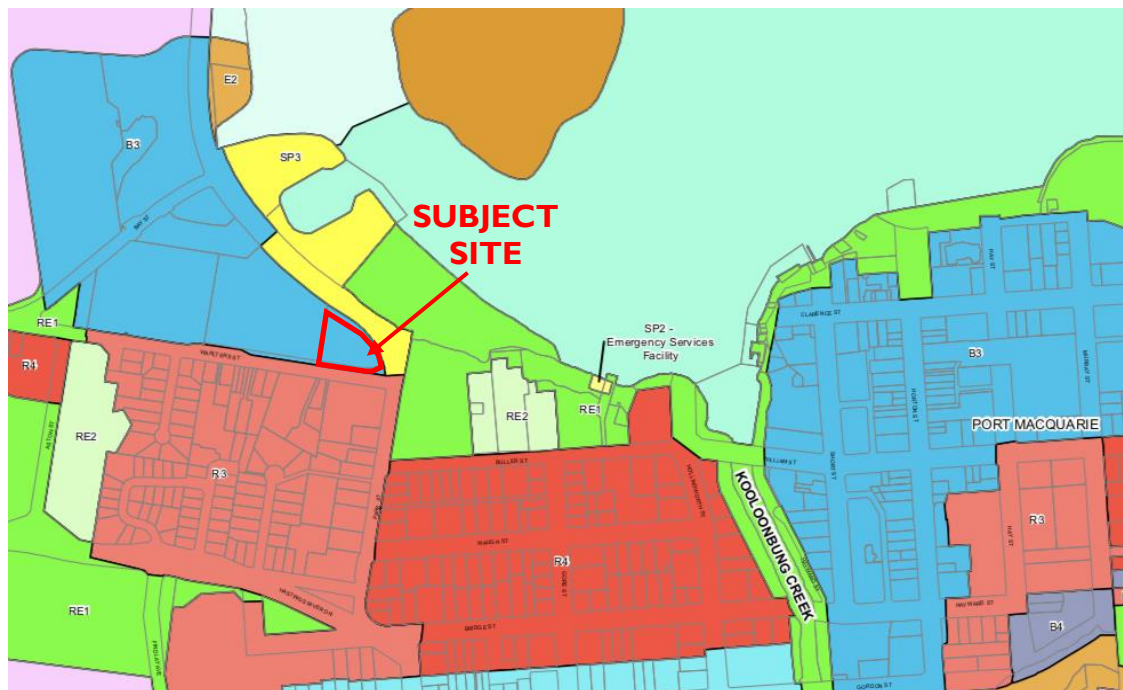


Figure 20: Zoning Plan (Map LZN 13G) being B3 – Commercial Core. Extract from the PMH LEP 2011.

The objectives of the B3 Commercial Core Zone from the PMH LEP 2011 are as follows:

Zone B3 Commercial Core

I Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that new residential accommodation and tourist and visitor accommodation within the zone does not conflict with the primary function of the centre for retail and business use.
- To provide for the retention and creation of view corridors and pedestrian links throughout the Greater Port Macquarie city centre.

The following land uses are permitted with consent in the B3 zone:

*Boarding houses; Centre-based child care facilities; **Commercial premises**; Community facilities; Educational establishments; **Entertainment facilities**; **Function centres**; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; **Recreation facilities (indoor)**; Registered clubs; Respite day care centres; Restricted premises; Roads; **Shop top housing**; Any other development not specified in item 2 or 4*

The proposed mixed use development is permissible with consent in the B3 Commercial Core zone, comprising Entertainment Facility (9 x Cinemas – one grand theatre and 8 stadium theatres and a Fun Fair), Indoor Recreation Facility (Gymnasium), various Food and Drink Premises including an associated Function Room and 2 x drive through Food and Drink Premises, Shop Top House (Managers Residence) and various Commercial Premises, all as defined under the LEP.

Clause 4.3 – Height of Buildings of the PMHLEP 2011 controls the allowable building height measured from natural ground level to the roof on land subject to the LEP.

The site has a predominant height control of 19m, but with a 16m wedge adjacent to the Park Street frontage as well as a narrow strip of 11.5m height along Warlters Street.

The subject amended architectural plans fully comply with all three of these height controls for the site.

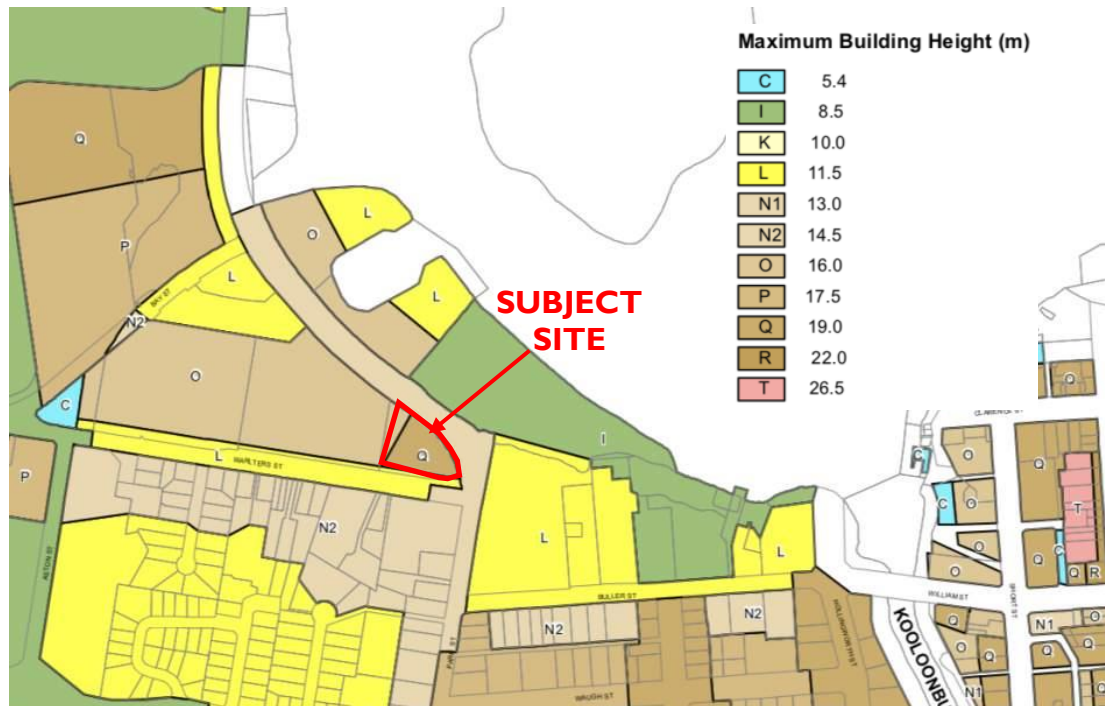


Figure 21: Height of Buildings. Extract from the PMH LEP 2011

Clause 4.4 – Floor Space Ratio of the PMHLEP 2011 controls the allowable floor space ratio (FSR) on land subject to the LEP. The subject site is located within a 2:1 mapped FSR area. The proposed development has an FSR of 2.07:1.

11,542m² floor space is permitted under Council's 2:1 FSR control for the subject site and 11,542m² of gross floor space is proposed in the revised scheme. The revised FSR calculation takes into account permitted LEP exclusions, as depicted in the revised FSR plans.

The relevant FSR objectives under PMH LEP 2011 are:

4.4 Floor space ratio

(1) The objectives of this clause are as follows:

- (a) to regulate density of development and generation of vehicular and pedestrian traffic,
- (b) to encourage increased building height and site amalgamation at key locations,
- (c) To provide sufficient floor space for high quality development for the foreseeable future,
- (d) To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality

(2) The maximum floor space for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The subject proposal complies with the LEP FSR standard and objectives of the LEP.

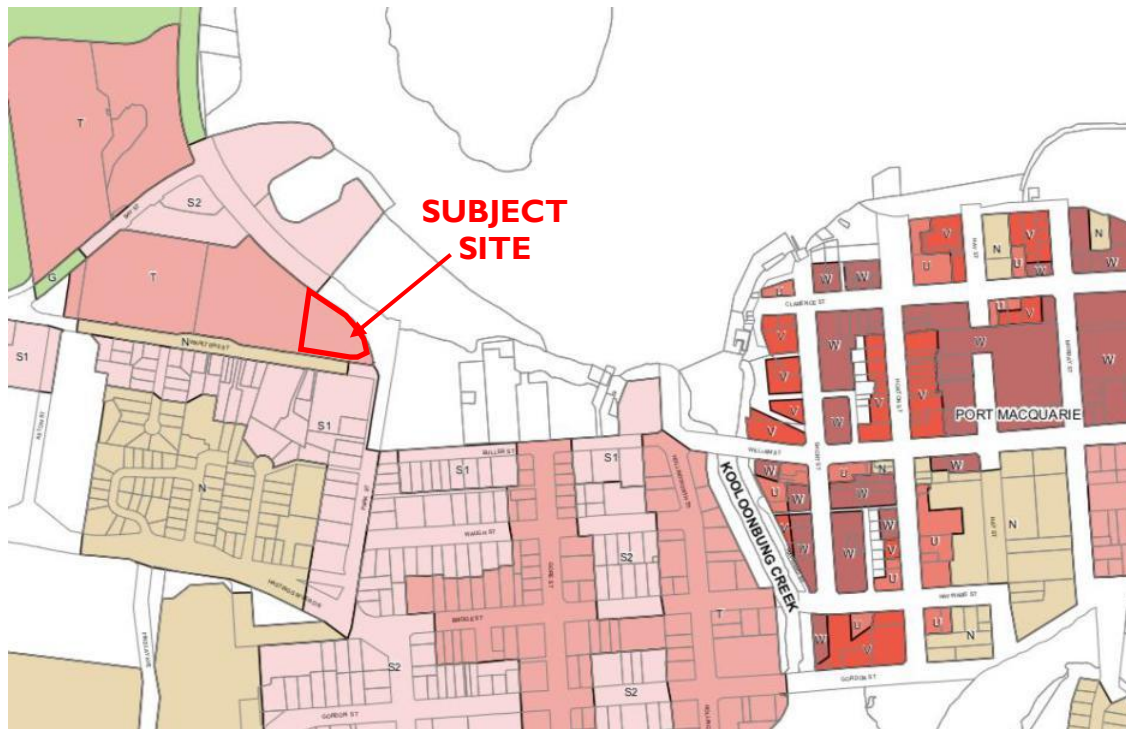


Figure 22: Floor Space Ratio - Mapped T - FSR 2: Extract from the PMH LEP 2011

Clause 7.1 - Acid Sulfate Soils, of the PMHLEP 2011 seeks “to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage”. “Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the (PMH LEP 2011) Acid Sulfate Soils Map as being of the class specified for those works”. An ASS Assessment prepared by Fortify Geotechnical forms part of the DA documentation and which identified no issues of concern.

Clause 7.2 – Earth works, of the PMH LEP 2011 seeks “to ensure that earthworks for which development consent is required will not have detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land” and “to allow earthworks of a minor nature without separate development consent”. The submitted geotechnical report prepared by Fortify Geotechnical provides preliminary details regarding the proposed earthworks and cut and fill requirements. Stormwater and drainage matters, cut and fill material can all be managed, and should not detrimentally impact the amenity of adjoining neighbours, water-courses, drinking water catchment or environmentally sensitive areas.

Clause 7.3 Flood Planning, of the PMH LEP 2011 seeks “to minimise the flood risk to life and property associated with the use of land”, and “to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change, and “to avoid significant adverse impacts on flood behaviour and the environment.” This clause applies to land shown on the Flood Planning Map as flood planning area. The subject site is identified as being partly flood prone on Council’s Flood Planning Map.

Clause 7.11A Design Excellence, of the PMHC LEP 2011 identified the site as a Significant Urban Area and as such the amended Development Application has addressed the design excellence provisions of Clause 7.11 of LEP 2011.

The following is an extract from Council's Settlement City Precinct Structure Plan 2009 regarding the desired future character.

"The Settlement City Precinct is a distinctive place that offers a different experience to other Coastal regional towns. The Precinct provides a vibrant, interconnected and active node where residents and visitors can work, live and play within the Port Macquarie Greater CBD.

The Settlement City Precinct provides a major commercial, tourism and retail node that forms part of the Greater Port Macquarie CBD. The Precinct assists the Greater CBD maintain its role as the primary commercial centre in the Port Macquarie LGA and a major centre on the NSW mid-north coast.

The area has high quality public domain open spaces and squares with landscaped streets and laneways, innovative built form and a diverse range of uses and facilities such as shopping, offices, recreation, entertainment, tourist and residential dwellings to support local residents.

The continuous foreshore walk from Westport Park to the end of Settlement City Shopping Centre is constantly busy. It offers a range of activities and places of interest, such as watching the marina activities and boats being launched from the boat ramp, fishing from public jetties as well as opportunities to sit outside with a coffee or lunch and watch human activity and interaction in Westport Park and playground.

The public boardwalk and pathway links around the Marina and Sails Resort through to Governors Way Bridge with views back into the Precinct along new and existing streets and pedestrian links. These streets and links are activated with shops and other retail and businesses. These links provide views to the water for the residential dwellings on south of Warlters Street with new development framing the view corridors.

The Precinct is highly permeable and legible offering a choice of routes through the area to key destinations and adjoining streets and public areas. Existing streets are upgraded with generous footpaths, shady trees, on street parking and awnings that provide a high quality pedestrian experience. New streets and laneways offer opportunities to wander through the Precinct, providing pleasant surprises such as urban squares and pocket parks.

The new buildings relate to the human scale with varied and interesting roof forms. The building heights maintain occasional view corridors across the lower land from the Westport Ridge to the water and allow the green ridge line to predominate within the views from the foreshore of the CBD. The architecture of the buildings reflect a high quality local character and uses a mix of natural materials with high levels of articulation and activation to the public domain. The entry points into the Precinct are marked with high quality innovative development that balances the scale of the Panthers roof and announce entry into the Precinct.

Car parking and service areas within developments are concealed behind active frontage and/or high quality architectural features and/or landscape treatments to provide a high quality amenity and visual appearance to the street and public spaces. Car parking for the foreshore sites is limited in area to maximise the active foreshore and public domain frontages.

4.11 Port Macquarie – Part 5 Area Based Provisions - Hastings Development Control Plan 2011

Port Macquarie Hastings Development Control Plan 2013 (PMH DCP 2013) notes at s.4.3.2 - Settlement City Neighbourhood, that at present there are no provisions and in lieu, refer to the relevant provisions in Part 5 of Port Macquarie-Hastings Development Control Plan 2011.

Development Control Plan 2011, Part 5 - Area Based Provisions, provides guidance for development outcomes across areas of Port Macquarie-Hastings LGA. The site is located within the Settlement City Precinct and incorporates the recommendations of Port Macquarie-Hastings Council's Settlement City Precinct Structure Plan 2009. Council's adopted aim to see the precinct fulfil its potential as a truly mixed use, vibrant, successful place with strong social, economic and physical ties to the Port Macquarie Town Centre but with a distinctive character that reflects the Vision and Desired Future Character statement defined in the Plan.



Figure 23: The Settlement City Precinct

The following table outlines and responds to the relevant Port Macquarie Development Control Plan 2011, Part 5 - Area Based objectives and provisions:

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
Transport, Traffic Management, Access and Car Parking			
OBI To improve vehicular and pedestrian linkages and enhance the existing road network to accommodate the expected increase in travel demand	I.1 The street hierarchy and D movement network, including new retail streets and access laneways, should be provided generally in accordance with the conceptual Street Hierarchy and Movement Network map at Figure 107: Street hierarchy and movement network map (as shown below).	✓	<p>This DCP objective of improved pedestrian and vehicular linkages and enhancements to the existing road network within the Settlement City precinct has been satisfied.</p> <p>In this regard it is noted that:</p> <ul style="list-style-type: none"> The indicative road widening shown in Figure 107 has now occurred, including in respect of the subject site. Provision has been made for Warlters Street to become a future collector road. Vehicular access points to the subject gateway development site have been carefully considered and are set back as far as possible from the site's intersection with Park Street. Provision has been made for pedestrian linkages through and around the development site to the extent able, given the Kmart development as now approved and executed. The desired future character of Settlement City as a distinctive and high quality mixed use commercial precinct reinforcing the role of the Greater Port Macquarie town centre is achieved in the subject proposed development. The subject development will deliver an engaging quality place where residents and visitors can work and enjoy leisure and various other commercial and retail activities. McLaren's Traffic Engineers have carefully and in detail analysed the proposed right turn from Warlters Street into the ROW
	I.2 The upgrade of Warlters Street, Aston Street, Bay Street (southern extent) and intersection works, are to be carried out in accordance with the requirements of the (draft) PMHC Section 94 Settlement City Precinct Roads Contribution Plan 2013; and as appropriate for the proposed development.	✓	



DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
			<p>and confirmed it complies with all relevant design criteria.</p> <ul style="list-style-type: none"> • Pedestrians are given priority in the design and compliant pedestrian sightlines is achieved at all driveway exits. Therefore, there will be no negative impact on pedestrians. • It is noted that it is advantageous for internal traffic flows within the Kmart car park to disperse exiting traffic across several exit points. • Traffic movement for the site and area has been planned to ensure efficiency of movement of people and freight to/from the site, and minimise any potential traffic conflicts. • Consistent with Figure 107, no vehicular egress is proposed around the corner intersection of Park and Warlters Streets and which is instead reinforced as the primary promenade, including through introduction of an elevated pedestrian concourse and promenade along the full length of the building's frontage to Park St and wrapping around the 'nose' of the site. • The proposed location of the vehicle entry and exits for the subject development is clearly the most suitable location on the subject site to position these access points. <p>In the above ways the strategic intent of Figure 107 is satisfied in respect of the subject development.</p> <p>Figure 107 was intended to provide a broad strategic framework of road hierarchy and traffic movement within Settlement City rather than it being an inflexible DCP vehicle access standard, as evidenced by Council's</p>

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
			<p>own subsequent approved variations to Figure 107.</p> <p>Relevantly Council, post adoption of Figure 107, granted subdivision development consent to creation of the subject corner development lot and an associated Right of Way to service this created gateway development site, which identified the gateway opportunity, in the subject location. Furthermore, and despite more recent development approvals, no alternative provision for an independent point of vehicular access to this corner gateway site has since been adopted by Council.</p> <p>AAP considers that strict adherence to Figure 107's 'indicative' access concept since the DCP's adoption in 2011 is impossible to justify, in light of the above changed site and development consent circumstances.</p> <p>Revised traffic reports and responses have been prepared by McLaren Traffic Engineering to address transport, traffic management and access arrangements.</p> <p>Traffic into the entertainment and commercial precinct will be directed along an existing internal Right of Way (ROW) access road positioned on the edge of the Kmart carparking site, with vehicular entry midway along the western side of the proposed new building.</p> <p>Vehicles & service vehicles will access the site via Warlters Street using the existing registered ROW. Three new access points (exit left turn only) are proposed from the site into Warlters Street – for vehicles using the loading bay, the drive-thru premises, and which are exiting from the basement carpark.</p> <p>A new access point (exit only) is also proposed to exit into Park Street</p>


DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
			<p>from the drive through proposed on the northern side of the site.</p> <p>For the above reasons it is considered that the proposed development complies with Figure 107.</p> <p>For more details please refer to the McLaren Traffic Engineers reports including their 'Response to Council'.</p>
OB2 Reduce the cumulative width of vehicle accesses over footpaths, especially for active street frontages.	2.1 Where practicable, adjoining buildings are to share, or amalgamate vehicle access points.	✓	<p>Please refer to the detailed traffic assessments prepared by McLaren Traffic Engineers and the above commentary in respect of OB1, which provide strong justification for the proposed vehicle access points.</p> <p>The activated street frontage along Park Street and Warlters Street will connect pedestrians from within the surrounding Kmart development, the Marina and Settlement City shops and from the neighbouring parklands.</p>
OB3 To provide easy access to public transport and encourage greater use of buses close to connections into the precinct	3.1 Bus stops are provided to both sides of Warlters and Park Streets near the intersection with the new Main Street.	✓	<p>The proposal does not impede Council's bus stop objectives.</p> <p>Public transport users will be able to utilise the existing bus stops on Park Street in immediate vicinity of the subject site, to access the proposed commercial and entertainment precinct. As the proposal has a large mix of uses and a cinema, the site is expected to encourage greater reliance on buses to this locality.</p>
Pedestrian amenity and permeability			
OB1 To assist in achieving a more pedestrian friendly and walkable precinct	1.1 The design of new development is to provide for new pedestrian links, laneways, secondary through-block connections and public promenade generally in the locations shown on Figure 112: Pedestrian arrival point.	✓	<p>The proposal will deliver a pedestrian friendly and walkable precinct. As indicated previously there are existing upgraded pedestrian footpaths along both Park Street and Warlters Street which will direct people to/from, through and within the site.</p> <p>The proposed development provides an active street frontage and elevated public promenade for pedestrians. There are also several access points</p>

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
	<p>1.2 The design of the east-west pedestrian link is to provide for the connection to:</p> <ul style="list-style-type: none"> - be open to the air and with parts, publicly accessible at all times, with consultation to occur between Council and developers to maximise public access in the short-term; - have active street frontages; - be a clear and direct thoroughfare for pedestrians; - have a minimum width of 8m clear of all obstructions; and - demonstrate the application of 'safer-by design' principles. <p>1.3 New secondary through block connections should provide convenient links to the existing/proposed pedestrian network and are discouraged through car parking bays or along loading docks, in favour of pedestrian access along active building edges and footpaths.</p>	<p>✓</p> <p>✓</p>	<p>to the building which incorporate disability/mobility access ramps into the design and provide linkages with existing pedestrian access pathways. Internally, the building has a centrally located escalator and lifts connecting all floor levels.</p> <p>The design directs pedestrians to the Park Street entrance. The public pedestrian footpath along Warlters and Park Streets will be retained.</p> <p>Along the edge of the ground level tenancies, a secondary communal pathway/promenade incorporating active street frontages such as landscaping, outdoor dining etc will be constructed.</p> <p>This communal space will be separately defined and landscaped, and be independent of the public footpath. These distinct pathways will minimise any potential pedestrian conflicts, create defined territorial space between the public and private use, and improve amenity in the area in accordance with 'safer-by-design' principles.</p> <p>The proposal has incorporated through block vehicular connections. There are linkages provided for the existing pedestrian networks, and access points to the commercial and entertainment precinct are conveniently located and link with service points such as lifts, escalator and are directed away from vehicular conflict points, loading docks and parking bays.</p>
OB2 To provide shelter for public streets where most pedestrian activity occurs.	2.1 Continuous street frontage awnings should be provided for all new development along Bay Street, Park Street, the new Main Street and laneways for pedestrian comfort and amenity. Outside these areas, weather protection is to be provided at the main entrance to each building.	✓	The proposal incorporates continuous, articulated covered street frontage and covered main entrances to the complex. This design feature provides shelter and comfort for pedestrians, create amenity, and ensure weather protection.





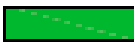



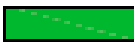



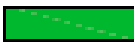
DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
OB3 To encourage walking to and through the precinct and provide safe and convenient pedestrian crossing points that link the precinct to the surrounding area.	3.1 The intersections of the new Main Street with Warlters Street and the new Main Street with Park Street should feature increased traffic management measures to facilitate pedestrian movement.	✓	<p>Complies. Whilst there is not a formal Main Street as a consequence of the approved Kmart development and Council's approved variations to the Main Street DCP concept, vehicle access is nonetheless proposed via the western edge of the site and exits are consistent with the proposed Main Street, with vehicle exits to Park Street and Walters Street.</p> <p>The McLaren Traffic Engineering report identifies the proposed works to be undertaken as part of the present proposal, and features increased traffic management measures appropriate for this location and development.</p> <p>The grouped location of vehicular traffic along the south-western edge of the development and the identified pedestrian crossing locations, will assist in reducing potential conflict, ensure pedestrian safety and encourage walking throughout this precinct.</p> <p>The complex's entrance on Warlters Street provides linkages with the existing traffic lights and pedestrian crossing on the corner of Warlters and Park Street linking the precinct to the surrounding area.</p>
OB4 To enable creation of a public promenade foreshore pedestrian network to ensure continuous pedestrian linkage from the town centre CBD to the precinct in addition to activation and surveillance along the water's edge,	<p>4.1 As part of any redevelopment, the promenade along the edge of the Hastings River is to be public in order to maximise access to the foreshore. Extension of the public promenade along the water edge at Port Marina and Sails Resort will be subject to negotiations between Council, State Government and the landowners.</p> <p>4.2 The minimum width of the pedestrian promenade at any point is to be 3.0m and designed taking into account the location, adjacent uses and built form design.</p> <p>4.3 The pedestrian promenade is to be open 24 hours, 7 days a week through the</p>	N/A	<p>The proposed iconic commercial and entertainment complex does not have a foreshore edge. Nonetheless, the development will benefit existing pedestrian linkages with the existing promenade along the Hastings River, and pedestrian network from the town centre CBD to the Settlement City precinct, being a key land use and pedestrian attractor and will engender activity and visual interest.</p> <p>The activated alfresco dining areas along the complex's frontage will also increase casual surveillance of the</p>

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
providing public safety	registration of a public right of way and managed through a Plan of Management, subject to negotiations between Council, the Crown and the landowners.		surrounding river foreshore and parkland area.
OB5 To provide some separation between public and private uses on the foreshore and enhance privacy and surveillance.	5.1 Tourist accommodation on the foreshore edge and at the level of the public domain is to be setback 4.0m to provide a level change to a raised landscaped terrace (see Figure 113: Level change to raised landscaped terrace. Any fencing along the foreshore edge should be setback behind landscaping and comprise a clear glazed open balustrade, or a low palisade style fence.	N/A	The proposal does not involve tourist accommodation or any development on the foreshore edge. There is appropriate separation between the private users on the foreshore and within the parkland area to the proposed development to allow surveillance but maintain privacy.
OB6 To achieve comfortable street environments for pedestrians and provide for a well framed streetscape appropriate to the precinct and pedestrian scale	6.1 Buildings adjoining the Main Street and Town Square are to have a maximum street edge height of 11.5m, with levels above this height set back 2.5m. In other areas of the precinct, the street frontage height of any new building is to be appropriately scaled to complement the streetscape.	✓	There is no Main Street and Town Square. The design of the building has considered the site as a gateway development. The architecture has taken into consideration the curve of Park Street, appearances from residences to the south of Warlters Street, and at a pedestrian scale creating street activation, and alfresco dining along the promenade. The combination of the above elements has provided a well framed streetscape appropriate to the precinct.
Building Facades, Materials and Finishes			
OBI To contribute to the creation of a vibrant precinct streetscape through appropriate architectural design.	1.1 The use of textures, colours and different natural materials is encouraged to create visual interest and variation. Natural materials associated with maritime uses and structures is encouraged.	✓	Complies. MM Atelier Architects have provided an updated material and finishes schedule for the proposed development as identified in the table opposite. MM Atelier have provided a detailed updated Architectural Design Quality Statement reflecting revisions to the initial design. The revised building design has utilised a variety of building materials, louvres, balconies and windows and public artwork to create a visually interesting facade whilst also reflecting the features of the surrounding maritime/parkland area.

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
	<p>1.2 Expression of bold structural elements is encouraged. Portholes and exaggerated maritime elements are not supported.</p> <p>1.3 Use of elements such as sails and lightweight timber shading structures is encouraged, particularly along the foreshore.</p> <p>1.4 Blank building wall(s) or loading docks along street frontages or visible from streets and other public space is discouraged.</p> <p>1.5 Any above ground level decked car parking areas and visible service areas of a building are to be treated as an integral part of the overall design and fully screened from public areas.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>N/A</p>	<p>This complex has been designed as a substantial contributory anchor building consistent with the DCP requirements for an iconic structural form.</p> <p>Significant timber elements and shading structures are being utilised as part of the overall design of the building.</p> <p>Consistent with the DCP, the loading docks are not visible from the street frontage, and are tucked behind other commercial uses, being positioned internal to the ground floor of the complex with only a vehicle exit being proposed to Warlters Street.</p> <p>Parking is located within the basement below ground level. Service areas of the building are an integral part of the overall design, and screened from public areas.</p>
Adaptable Design			
OBI To encourage building designs that meets the broadest range of occupants' needs possible and which can accommodate whole or partial changes of use.	1.1 For all new buildings greater than single-storey, the ground floor should have a minimum floor to ceiling height of 3.4m to provide for flexible tenancy opportunities.	✓	To meet the needs of a variety of tenancies, the ground floor to ceiling height is 3.6m, consistent with the DCP requirements.
OB2 To facilitate the future conversion of above ground parking to alternative uses	2.1 Decked car parking at and above ground level should provide for appropriate ceiling heights and floor levels to allow for future adaption to other uses	N/A	No decked car parking proposed.
Street Edge Activation			
OBI To maximise street edge activation in the Settlement City Precinct to contribute towards creating a dynamic,	<p>1.1 New development is to provide for ground floor activation of street edges generally in accordance with Figure 114.</p> <p>Activation map as follows: - primary activation of frontages along the new Main Street, Park Street, Bay Street and street corners;</p>	✓	Consistent with the DCP and Figure 114, the development has activated street edges at ground floor level along both Park Street and Warlters Street, and incorporates pedestrian

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
vibrant and interesting place [Street edge activation refers to street frontages where there is active visual engagement between those in the street and those on the ground floors of buildings. The quality is assisted where the front façade of buildings, including the main entrance, faces and opens towards the street.]	<p>- primary activation of frontages to the Town Square, Marina Foreshore Plaza, east-west pedestrian laneway and through-block connections; and</p> <p>1.2 Enclosed malls are not supported - secondary activation of frontages along the remainder of Warlters Street and foreshore frontages.</p> <p>For primary activation, active ground floor uses occupy a minimum 70% of the building frontage.</p>	<p>✓</p> <p>N/A</p> <p>✓</p>	<p>pathways into the development from the street corners.</p> <p>Each external tenancy on the ground floor level has an active street frontage and faces onto the street consistent with the 70% minimum building frontage activation DCP requirements. There are several entrances leading onto the alfresco promenade in addition to the main entrances into the complex providing active engagement within the locality.</p> <p>As MM Atelier Architects revised Photomontages show all building frontages have high quality design, building articulation and suitable materials.</p> <p>The complex incorporates commercial/retail tenancies with ability for active street frontages along the promenade/alfresco dining area. The commercial and entertainment complex will be landscaped with a variety of different plantings to add visual interest and amenity to the locality.</p>
Open Space			
OBI To create an inviting public domain and provide a range of active and passive public open spaces throughout the precinct that are accessible to residents and visitors alike.	<p>1.1 New open spaces, accessible by the public, should be established throughout the precinct generally in the locations shown on Figure 115: Open Space map</p> 	N/A	The proposal is consistent with the DCP requirements and the public open space areas will remain accessible to visitors and residents to the locality.

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
	<p>1.2 The proposed town square and foreshore plaza spaces are hard paved open areas with some feature tree planting, public art, pedestrian lighting, seating and demonstrated opportunity for pavement leasing for cafes/restaurants.</p> <p>24-hour public access into and through the proposed town square and foreshore plaza spaces is encouraged for a range of leisure, recreation and community activities to cater to locals and visitors.</p> <p>The park at the western entrance to the precinct is softer in character with landmark trees and grass for a shaded relaxed environment and facilities for sitting.</p>	N/A	<p>The proposed commercial and entertainment precinct complex provides a range of leisure and recreation activities to cater for locals and visitors. The development provides opportunities for tenancies to have cafes/food and drink premises along the promenade / alfresco area and drive-thru facilities on the western edges of the development.</p> <p>The mixed-use premises will contribute to the public domain and add to the vibrancy of the locality.</p>
OB2 Encourage a high-level public domain quality and appearance consistent with the town centre to reinforce a connected and holistic Greater Port Macquarie CBD	2.1 Improve amenity of the public realm through use of a consistent theme of pavement materials, trees and vegetation, tree grates, seating, lighting, bins, bollards and the like consistent with the materials and elements specified in the <i>Port Macquarie Greater CBD Masterplan 2003</i> .	✓	<p>The revised anchor gateway complex compliments the commercial/retail style buildings in vicinity, and provides a unique facility to be enjoyed by all. The revised design of the building is consistent in its theme in uses of materials and style. The complex will be welcoming, emphasises social utility and incorporates the latest technology.</p>
View and view Corridors			
OB1 To enhance views along new and existing streets, laneways and from the public domain.	<p>1.1 Development is designed to maintain or create view corridors as shown in Figure 116: View corridors and flooding map.</p>	✓	<p>The subject amended architectural details now confirm a fully height compliant building is proposed for the site and all identified view corridors are maintained.</p> <p>As relevant background, as part of a now outdated plan, Council's assessing town planner, AAP and MM Atelier the Project Architects, attended site inspections from the following locations to inform analysis of view impacts of the then higher building.</p> <ol style="list-style-type: none"> 1. Unit 306, 20 Mort Street 2. Unit 205, 20 Mort Street 3. Unit 501, 16-18 Hilltop Crescent 4. 9 Hastings Avenue <p>AAP also subsequently arranged for drone photography and video footage</p>

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct											
Objectives	Development Provisions	Complies Yes/No	Comment								
	<p>1.2 Development is designed to maintain and enhance long street views:</p> <ul style="list-style-type: none">- along Park Street and Hastings Ave north to the water (see Figure 117: Park Street Primary view corridor and Figure 118: Vista from Hastings Avenue);- to Westport Park along Warlters Street;	✓	<p>to further document/record existing views at all levels of the apartments from in front of 20 Mort Street, captured by Tim Hitchins of Overall Photography, on 28th May 2019.</p> <p>An amended View Analysis was then prepared by MM Atelier Architects based on this additional analysis.</p> <p>It is important to note that since this time, the proposed height of building for the site has been dropped so that all three of the height controls for the site are fully complied with.</p> <p>The view corridor along Park Street is now fully maintained/complied with.</p> <p>The proposed development height was dropped over the western wedge, as shown in the illustration opposite, to achieve full compliance.</p>								
	<div><p>LEGEND</p><table><tr><td>11.5m HEIGHT LIMIT</td><td></td></tr><tr><td>14.5m HEIGHT LIMIT</td><td></td></tr><tr><td>18m HEIGHT LIMIT</td><td></td></tr><tr><td>19m HEIGHT LIMIT</td><td></td></tr></table></div>	11.5m HEIGHT LIMIT		14.5m HEIGHT LIMIT		18m HEIGHT LIMIT		19m HEIGHT LIMIT		<p>1.3 Development is to create and enhance new views across the Marina Foreshore Plaza and water of the Hastings River along the new Main Street</p>	✓
11.5m HEIGHT LIMIT											
14.5m HEIGHT LIMIT											
18m HEIGHT LIMIT											
19m HEIGHT LIMIT											

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
	<p>1.4 Pedestrian overpasses and vehicular bridges over streets are not supported</p> <p>1.5 Buildings and works extending over laneways are not encouraged.</p>	<p>N/A</p> <p>N/A</p>	<p>No pedestrian overpasses and vehicular bridges over streets are proposed. No building over laneways is proposed either.</p>
OB2 To allow for view sharing and quality of views across the precinct to the foreshore.	2.1 Development is designed to create visually pleasing roofscapes when viewed from the south and in profile from the water, foreshore or Westport Park.	✓	The revised architectural design has incorporated a variety of materials and articulated aspects to create interest and amenity for residents viewing the complex. The roof's shale grey colour will blend with the surrounding landscape and minimise glare for any potential residents sighting the proposal from above.
	2.2 Development is designed to promote view sharing from the south across the precinct to the water and demonstrated by articulating roof forms and modelling building heights.	✓	AAP considers that the proposal satisfies view sharing objectives. Refer MM Atelier's View Analysis. The development has been designed to fit within the shaped curved triangular lot. The form of the building follows the functions of the spaces and shape of the site; however, the building form has been successfully broken up with the use of a variety of materials, detail and openings.
Visual and Environmental Amenity			
OBI To minimise the visual impacts of development and to promote the functional and environmental benefits of landscape quality and performance.	1.1 Any at grade car/trailer parking areas within or close to view corridors are to be designed using high quality materials such as cobbles, landscaping, lighting and small unit pavers to minimise visual impact and to create the character of a shared zone.	✓	153 car parking spaces plus 12 motorbike spaces are provided within the basement level of the site and vehicular exits have been grouped along the western side of the building to minimise visual impacts. Consistent with Council's DCP requirements high quality finishes, materials, and lighting promote functional and environmental benefits for the locality.
	1.2 Where it is not feasible to provide activation to the street edge in the immediate to short-term and at grade parking is proposed, tree planting should be provided either in car parking bays, at the end of aisles and or between, to provide suitable shade to minimise radiant heat and to assist in managing stormwater run-off from large expanses of at grade car parking.	N/A	Landscaping including new tree planting, lawns, a variety of shrubbery and various materials have been incorporated into the streetscape. Please refer to the revised landscaping plans.
	1.3 New development is encouraged to retain existing mature trees where feasible and to provide opportunities to enhance the landscape features of the area.	✓	The site has been previously cleared of vegetation and there is no significant native vegetation remaining

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
	<p>In circumstances where a mature tree cannot be replaced on a site, developers are encouraged to incorporate suitable replacement planting in a publicly accessible open space within the precinct (for eg town square, plaza park, Walters Street pocket park).</p> <p>1.4 Canopy tree plantings are to be provided in a centre median in Warlters Street.</p>	✓	<p>on the site. Any mature pine trees/vegetation on the site will be removed to enable the development to be undertaken. Consistent with the DCP requirements, a suitable landscape plan has been prepared with replacement plantings, and will be undertaken in consultation with Council.</p> <p>It is noted that trees have been planted in the centre median in Warlters Street consistent with this DCP requirement.</p>
Gateways and Landmark Sites			
OBI To recognise the high visibility and contribution of particular corner sites to overall streetscape and 'gateway' design.	<p>1.1 New development located at potential landmark sites and gateway locations identified on <i>Figure 116: View corridors and flooding map</i>, is to demonstrate how the proposal addresses the landmark or gateway location and how the building has been designed to function as a landmark or gateway structure. Refer photomontages of cinema and commercial/entertainment premises.</p> <p>1.2 Development on the corner of Park/Warlters Street is to be designed as an iconic building with a maximum height of 19m, subject to minimising overshadowing of residential land south of Warlters Street.</p> <p>In this regard, a shadow diagram is to be submitted to demonstrate that the development will not unduly impede solar access to the living and private open space areas of adjacent residential development to less than 3 hours between 9am and 3pm on June 22.</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>A revised Design Excellence Statement has been provided by the project architects.</p> <p>The location of the proposal is a gateway landmark site, being the entrance to the Settlement City and Marina Precinct. The revised building design has successfully addressed Council's feedback and will make an excellent contribution to the Settlement City Precinct. The design considers commuters driving along Park Street and the corner curve, appearance from residences to the south of Warlters Street and at a pedestrian scale, the need to achieve street activation with elevated alfresco dining along the majority of the Park Street boundary promenade and some of the Warlters St frontage.</p> <p>MM Atelier Architects have provided updated shadow diagrams which confirm residences to the south of the site are not impacted, with shadows only cast over part of their front lawns in mid-winter.</p> <p>Private open space and internal living areas for these residences will not be negatively impacted as a consequence of the proposed development.</p>

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
Flooding			
OBI To identify requirements for permissible developments in the flood liable areas of the precinct.	1.1 All buildings need to achieve a level of protection equal to the relevant Flood Planning Level (FPL). Where the transition to an existing street is difficult, Council may consider the use of flood gates/boards. Where there are no transition issues to existing streets, all floor levels within buildings are to be at the FPL. For the foreshore, the level change is to be accommodated by a series of decks, terraces and boardwalks located at different levels, with no change in level to be more than 1.0m. Where this approach is used, disabled access is to be provided by ramps or other methods integrated into the overall design of the terracing to achieve a high quality visual outcome.	✓ N/A ✓	The building has been designed with consideration of flood planning controls and policy requirements, and can achieve relevant Flood Planning Levels. Externally, level variations in ground level have been designed to ensure disabled access. Also, the promenade alfresco dining areas and adopted landscape plans achieve high quality visual outcomes consistent with the DCP requirements. Council issued data showing the site as being situated on the flood fringe and is not fully inundated, as shown in the diagram opposite. The proposed ground floor level for the development is R.L 3.00m and the minimum vehicle entry crest to the basement carpark is also 2.93m as per Council flooding requirements. The number of floodgates that would need to be introduced would not be feasible. Also, the levels between the building levels and the right of way levels and which in turn also work by being above the flood level. The proposed height is also going to deliver better elevated ground level views towards Hastings River and provides a separation between vehicles and the outdoor dining area. As such, Taylor Consulting Civil and Structural Engineers has advised that the proposed works are compliant with Council's flood requirements and are considered satisfactory.
	1.2 Underground car parking areas must have protection to the FPL.		
Stormwater			
OBI To mitigate the potential for stormwater flooding in the vicinity of Warlters Street.	1.1 A designated overland flow path is to be provided to mitigate the potential for adverse impacts to upstream land. The overland flow path should preferably be in the location of the new Main Street.	N/A	Taylor Consulting Civil and Structural Engineers and MM Atelier Architects have considered stormwater management and required mitigation

DCP 2011 Part 5 Area Based Provisions - Settlement City Precinct			
Objectives	Development Provisions	Complies Yes/No	Comment
	Where designed to support overland flow, the new Main Street is to be built to the level of existing surrounding streets. If not designed to accommodate overland flow, the new Main Street is to achieve a level of protection equal to the relevant FPL. An easement is to be created over any piped and overland flow paths through the site		measures through the development site consistent with Council's policies.
Koala Habitat			
OBI To assist in the short to medium-term management of koala habitat in the area in accordance with the recommendations of the Warlters Street Commercial Lands Local Environmental Study 2010.	1.1 All mapped koala food trees within the St Josephs Primary School site (see Figure 119) are to be retained for the life of the school use.	N/A	The school use of the subject site has ceased and the site has no koala food trees.
	1.2 Occupation of the St Josephs Primary School site by koalas is to be reassessed when the school use terminates, with any koala on-site at that time to be considered for relocation, prior to commencement of any development activity.	N/A	The demolition of the school and removal of most vegetation apart from two pines has already been undertaken.
	1.3 Council shall prepare a Vegetation Rehabilitation Management Plan (VRMP) for land formerly traversed by Bay Street (to be enacted when realignment of Bay Street is complete), elements of which must identify the need to plant additional Tallowwood trees as landscape elements. The VRMP is to recognise the need to remove some of the existing trees that appear maladapted to the site and replacement of these trees with more suitable species.	N/A	Revised landscape plans has been prepared as part of the proposed development. Council has not advised AAP of any particular preferred native tree species
Aboriginal and European Heritage and Archaeology			
OBI To determine any specific requirements of local indigenous groups for excavating land fronting Warlters Street in accordance with the Warlters Street Commercial Lands Local Environmental Study, 2010.	1.1 Where a DA for land fronting Warlters Street involves excavation works, other than minor works, where in the opinion of the assessing officer there is unlikely to be any adverse impact, Council shall consult with: - the Birpai Local Aboriginal Land Council; - the Birpai Traditional Owners; and - the Bril Bril Traditional Owners. Such consultation is to occur during the relevant public exhibition period.	✓	Noted. Any submissions will be considered as part of the development assessment process.

4.12 Port Macquarie – Hastings Development Control Plan 2013

Chapter 3.4 (Business and Commercial Development) of the Port Macquarie – Hastings Development Control Plan 2013 (PMH DCP 2013) applies to the subject application, as this section of the DCP applies to all business zones in the LGA for all business and commercial development.

The following table outlines the relevant DCP objectives and development provisions and an assessment of the amended proposal against each of these:

Part 4 Greater Port Macquarie - Area Based Provisions			
Objectives	Development Provisions	Complies Yes/No	Comment
Setbacks			
3.4.3.1 To provide an appropriate sense of enclosure and scale to all streets and reinforce their particular character.	a) A zero metre or consistent setback to ground floor is preferred in all business zone developments.	✓	<p>AA consistent setback to Park Street is proposed which together with the elevated pedestrian concourse and alfresco outdoor area successfully reinforces the primacy of Park Street and provides an attractive and engaging street edge.</p> <p>All LEP height requirements for the site are complied with under this revised proposal.</p> <p>Landscaping has also been incorporated along the road reserve edge of Park Street and Warlters Street which tie in with existing centre road plantings in Park Street and which are appropriate to the maritime design of the building and the available area.</p> <p>The building is not proposed to be built to the extremity of the western site boundary., This western side setback, whilst not required in the planning controls will enable some additional view sharing for residents on the southern hill of Walters Street.</p>
3.4.3.2 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.	a) 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.	✓	<p>A pedestrian promenade / alfresco dining area wrapping around the buildings north eastern, and southern sides is proposed together with vehicular access that effectively integrates into the adjoining Kmart site.</p> <p>Access via steps, escalators, travelators, ramps and lifts have been designed in accordance with BCA and disability access provisions, and are consistent with Council's DCP requirements. The building has been designed with multiple access points with safe passage for pedestrians along both Warlters and Park Street.</p>
	b) Where steps, escalators, ramps or lifts are set back, a further 1.2m should be	✓	

	<p>provided to maximise pedestrian flow and safety and allow for adequate waiting space.</p> <p>c) Any automatic teller machine:</p> <ul style="list-style-type: none"> • is set back 1.5m in addition to the building line; • is well illuminated at all times. 	✓	Any proposed automatic teller machine details will be provided at construction certificate or DA fit-out as required.
Roof Form			
3.4.3.3 To provide visually interesting and harmonious roofscapes and skylines	<p>a) Variations in roof form including the use of skillions, gables and hips are to be provided in the development.</p> <p>b) Variations in roof materials should be used.</p> <p>c) Parapets and flat roofs should be avoided.</p> <p>d) In an established street, roof form and materials should be consistent or complementary to those developments in that street.</p> <p>e) Lift over-runs and service plant should be concealed within roof structures.</p> <p>f) All roof plant should be represented on plans and elevations.</p> <p>g) Outdoor recreation areas on flat roofs should be landscaped and incorporate shade structures and wind screens to encourage use.</p> <p>h) Roof design should generate an interesting skyline and be visually interesting when viewed from adjoining developments.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>N/A</p> <p>✓</p>	<p>The revised development incorporates a parapet roof feature to deliver a landmark cinema proposal in the area, whilst maintaining high amenity and design quality with maritime references. The roof form has now been amended to incorporate even greater variation than initially proposed and fully delivers on the DCP's objective of providing a view corridor over the site.</p> <p>The required scale of the building and the LEP height limitations have dictated a low pitched roof with parapet edge to reduce imposition to residents viewing from the hillside, south of Warlters Street. The roof form is consistent with the surrounding roof forms typical of large retail and commercial complexes. Refer also to architectural plans. And design quality statement.</p> <p>A large mechanical equipment area is proposed on the third floor and which has minimised the need for roof top plant. The lift overrun is confirmed as sitting below the roof parapet level.</p> <p>Outdoor recreational areas on the roof are not proposed.</p> <p>As depicted on the Architectural Plans, the roof details will ensure an interesting and appropriate skyline within the particular site context.</p>
Building Facades, Materials and Finishes			
3.4.3.4 To encourage and reinforce character and	a) Colours, construction materials and finishes should respond in a positive manner to the	✓	As the revised photomontages and architectural elevations show, the updated colours, construction materials and finishes respond to the

continuity of streetscapes.	existing built form, character and architectural qualities of the street		<p>surrounding marina/maritime feel typical of Port Macquarie.</p> <p>Natural raw materials have been chosen which are timeless, functional and aesthetically beautiful and reinforce the character of the surrounding landscape. As identified earlier in this report, MM Atelier Architects has prepared a resided material and finishes schedule for consultation.</p> <p>This building provides a landmark anchor design to reflect a modern maritime style and that positively responds to the character and qualities of this gateway site. The building facade elements will be of a consistently high quality and design layout creates a welcoming focal point for the locality.</p>
3.4.3.5 To avoid bulky and unattractive buildings by encouraging high quality architectural building facades.	<p>a) Shopfront widths are to be between 15m and 20m.</p> <p>Widths up to a maximum of 30 metres may be considered where the building achieves superior built design and streetscape outcomes.</p> <p>b) The maximum length of any similar facade treatment is 22m.</p> <p>c) Side and rear facades are to be treated with equivalent materials and finishes to the front facade.</p> <p>d) Building facades should be designed to reflect the orientation of the site incorporating environmental control devices, e.g. sun shades, ventilation vents, overhangs, building recesses, eaves, as an integrated design feature of the building.</p> <p>e) An articulation zone of between 1.8m - 4.0m is provided for the front facade of all floors containing residential and tourist uses.</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>Ground floor shop front widths are narrower than that specified in the DCP, in order to deliver an interactive and engaging ground level. The width of shop frontages located along the ground floor level within the entertainment and commercial precinct have been designed in accord with potential tenancy requirements, and to provide an active and interesting shop frontage and streetscape.</p> <p>The development delivers an integrated commercial and entertainment precinct on an approximately 5,770m² site. The development is not conceived as part of an existing shopfront or main street context.</p> <p>As required by the DCP, the design of the entire landmark building has incorporated a variety of now revised materials and finishes. Refer architectural design quality statement.</p> <p>The combination of solid and transparent materials break up lengths of walls, and minimises bulk and scale and provides visual interest by creating an engaging rhythm along the building edge.</p> <p>The building includes fenestration with a modern maritime design and now also incorporates public artwork. balconies and louvre details.</p> <p>The exterior walls are articulated and incorporate a variety of materials, adding visual interest for the residents viewing the southern side of the building, consistent with the DCP provision for creating an interesting skyline.</p>

			<p>The building has been orientated to take advantage of environmental factors. The building design uses concrete that will provide good thermal mass, reducing fluctuations in temperature within the building.</p> <p>The majority of building openings have been directed to the north-eastern part of the site to benefit from the north-easterly sea breezes and solar orientation.</p> <p>The position and height of the building is such that it will not overshadow any other building.</p>
3.4.3.6 To promote a positive sense of space, safety and openness in the public domain.	a) Any security grilles should be provided inside the building, behind glazing and designed to ensure transparency to the interior.	✓	The development is consistent with the DCP requirements and provides a positive sense of space, safety and openness in the public domain and transparency to the building's interior.
3.4.3.7 To create a coherent streetscape.	<p>a) Infill development or alterations should respect the form, scale and massing of existing traditional buildings.</p> <p>b) Where traditional frontages and facades set the architectural theme for parts of a Centre, infill buildings or alterations respect and reflect the architectural qualities and traditional materials of those buildings, but do not necessarily imitate historical architectural styles.</p>	<p>✓</p> <p>N/A</p>	<p>The revised building design fully complies with the height controls for the site.</p> <p>The LEP zone provisions enable B3 Commercial Core developments on this site adjacent to existing residential development. The buildings form, scale and massing utilise the increased height controls, FSR and DCP gateway site vision to enable a landmark entertainment and commercial development on this site.</p> <p>The site is currently vacant and was subdivided from the adjacent constructed Kmart development. The proposed uses and mix of tenancies align with the DCP.</p>
Active Frontages			
3.4.3.8 To encourage an active street experience for pedestrians by promoting streets which are evenly edged with high quality and easily accessible buildings and businesses.	a) Ground floor levels should not be used for residential purposes in zones B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial core and B4 Mixed use.	✓	Consistent with the DCP, the ground floor levels do not include residential uses.
3.4.3.9 To encourage and enable direct contact (visual and physical) between the street and the	<p>a) Active frontages should consist of one or more of the following:</p> <ul style="list-style-type: none"> • A shop front. • Commercial and residential lobbies. 	✓	Consistent with the DCP, the precinct has been designed to promote an active and engaging front age. There are 12 shop fronts along the external edge of the development. Two main grand pedestrian lobbies provide entry into the complex. The promenade that wraps around the street

interior of a building.	<ul style="list-style-type: none"> • Café or restaurant if accompanied by an entry from the street. • Public building if accompanied by an entry from the street. <p>b) A minimum of 50% of the ground floor level front facade should be clear glazed.</p> <p>c) Active ground floor uses are to be accessible and at the same level as the footpath.</p> <p>d) Restaurants, cafés and the like should provide openable shop fronts to the footpath but should not encroach into footpath.</p> <p>e) Colonnade structures should not be used unless it is demonstrated that the design would not restrict visibility into the shop or commercial premise or limit natural daylight along footpaths and do not create opportunities for concealment.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>facades provides shared pedestrian access and linkages to shops and entry from the street to the proposed café's and alfresco dining areas.</p> <p>The ground floor level tenancies include a minimum 50% front façade with clear glazing enabling direct contact (visual and physical) between the street and the interior of a building.</p> <p>BCA and accessibility issues have been thoroughly incorporated within the design. The public pedestrian footpath connects with the internal accessible promenade pathway wrapping around the edge of the complex.</p> <p>Consistent with the DCP all proposed restaurant, cafes or food and drink premises will provide openable shop fronts to the footpath, but which will not encroach into the footpath.</p> <p>The design will maintain excellent visibility into shops and commercial premises.</p>
Arcades			
<p>3.4.3.10 To provide connections to enhance the pedestrian network and to link between shopping areas, public spaces and car parking.</p> <p>To encourage the use of parking at the rear of the development by providing good permeability to the front of the site.</p> <p>To encourage activity within arcades.</p>	<p>a) Arcades are to:</p> <ul style="list-style-type: none"> • House active uses (e.g. shop, commercial, public building and residential lobbies, cafés or restaurants. • Be obvious and direct through-ways for pedestrians. • Have a minimum width of 3m clear of all obstructions. • Provide public access from at least 7am-9pm daily. • Where practical, have access to natural light for part of their length and at openings at each end. • Where air-conditioned, have clear glazed entry doors at least 50% of the entrance. 	<p>N/A</p> <p>✓</p>	<p>No arcades are proposed between developments and streets in the locality.</p> <p>The development's internal areas have been designed enabling active uses, and accessible pathways incorporating ramps, lifts, travelators and escalators between the various floors. Natural lighting, signage and clear sight lines provide greater surveillance and reduce opportunities for concealment. A pedestrian pathway within the Kmart carpark will provide a convenient and accessible linkage between shopping areas, with pedestrians clearly and safely directed to Park Street in order to access the site.</p> <p>The elevated ground level of the premises has incorporated ramped and stair access to the public street. The planning of the building takes into consideration pedestrian flow and how pedestrians will access the building from all aspects.</p>

	<ul style="list-style-type: none"> • Have signage at the entry indicating public accessibility and to where the arcade leads. • Have clear sight lines and no opportunities for concealment. <p>b) Where arcades or internalised shopping malls are proposed, those shops at the entrance should have direct pedestrian access to the street.</p> <p>c) Non-slip pavements are provided throughout arcades.</p>	✓	The proposed development complies with Council's DCP requirements.
Awnings			
3.4.2.11 To provide pedestrian amenity by the provision of weather protection.	a) Continuous shelter from the weather is to be provided for the full extent of the active street frontage.	✓	The proposed development provides a protected walkway around the site which provides shelter from the weather and amenity for pedestrians and users of the site.
3.4.3.12 To provide a consistent building element within the streetscape.	<p>a) Awnings should be horizontal or near horizontal (maximum pitch of 10%).</p> <p>b) Awnings should be consistent with the existing streetscape or be between 3.2m and 4.2m from the finished front property boundary level at the building edge to the underside of the awning.</p> <p>c) A minimum awning width of 2.5m is required unless this cannot be achieved because of narrow pavements and street tree planting, traffic signals, traffic signage or utility poles.</p> <p>d) New awnings should be set back at least 1.0m from the kerb line.</p> <p>e) Awnings along sloping streets should step down in horizontal steps (a maximum of 700mm per</p>	N/A	<p>The development does not propose awnings, but a covered promenade is integrated within the overall architectural design of the complex.</p> <p>This structural element forms a consistent edge to the development and is a streetscape feature.</p>

	<p>step) to follow the slope of the street.</p> <p>f) All contiguous awnings should be of consistent height and depth and of complementary design and materials.</p> <p>g) Awnings and/or canopies should be provided elsewhere to define public entrances to buildings, including residential flat buildings.</p> <p>h) Awning should wrap around street corners and contribute to the articulation and focal design of corner buildings.</p> <p>i) Materials should encourage high quality design and amenity in the public domain.</p> <p>j) New awning fascias should be coordinated with adjacent awning fascias where they exist. In all other instances fascias are to be solid, flat and between 300mm and 700mm in height.</p>		
3.4.3.13 To promote safety and encourage the use of streets by pedestrians at all times of day and night.	<p>a) Skylights may be provided in the awning for a maximum depth of 1/3 of the total awning depth.</p> <p>b) Under awning lighting should comply with AS/NZS 1158 - Lighting for roads and public spaces.</p>	✓	The development incorporates appropriate lighting and security features for pedestrians and casual public surveillance.
3.4.3.14 To encourage the use of outdoor spaces for active uses in association with ground level uses.	a) Awnings are designed and constructed to encourage pavement dining in areas identified for pavement dining, along the foreshore and in piazzas.	✓	The covered elevated promenade enables alfresco dining opportunities along the pavement and active uses associated with ground level uses.
Landscaping			
3.4.3.15 Planting should be utilised to provide shade, soften the built form of the proposal and	<p>a) A landscape plan should be submitted with the development application and include:</p> <ul style="list-style-type: none"> • Existing vegetation; and 	✓	A series of landscape plans have been submitted with the DA. The site has been generally cleared. The existing pine trees / vegetation on site will be removed to enable the development to proceed. Replacement planting including newly planted

enhance its appearance from public viewpoints.	<ul style="list-style-type: none"> 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>b) Vegetation is provided on top of podium levels, on tops of car parks, and on balconies and verandahs fronting the street below podium level.</p>	✓	<p>advanced trees, native planting mix, planter boxes, lawns and landscaping are integrated in the overall landscape design.</p> <p>Refer to the landscape drawings regarding the various cut, fill and moulding elements of the landscaping design, preliminary signage and street furniture proposed.</p> <p>Consistent with the DCP, plantings will be utilised throughout the proposal to provide shade and additional visual interest and enhance the development's appearance.</p>
3.4.3.16 To contribute to the creation of functional corridors between different vegetation communities through the urban realm.	a) All street plantings are to be selected from Council's Indigenous Street and Open Space Planting List from the relevant vegetation community adjacent to the Development.	✓	A proposed revised plant schedule is included in the landscape details submitted and will be reviewed in consultation with Council as part of the DA process.
3.4.3.17 To improve the amenity of places through the retention and or/planting of large and medium size trees.	<p>a) Large trees and spreading ground covers are provided in all landscape areas within the site.</p> <p>b) 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.</p> <p>c) 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 frontage/s of the site.</p>	<p>✓</p> <p>✓</p> <p>N/A</p>	<p>To improve amenity, newly planted advanced trees, native planting mix, planter boxes, lawns and landscaping are integrated in the overall architectural design.</p> <p>The landscape design complements the building with use of palms (as well as complementing the existing neighbouring landscaping ie. the existing palm trees in the Park Street road median).</p> <p>As identified opposite in the MM Atelier Architect Elevation Drawings, landscaping is an integral part of the streetscape, public domain and will complement the architectural features of this development, and is consistent with the DCP requirements.</p> <p>Car parking is located in the basement level.</p>
3.4.3.18 To assist with management of	a) At grade car parking incorporate water sensitive urban design	N/A	A basement parking area is proposed. Water sensitive urban design elements have been adopted in this development, consistent with the DCP requirements.

the water table and water quality.	principles to drain pavement areas.		
3.4.3.19 To ensure that fencing does not detract from the streetscape. To avoid privatisation of public places.	a) Fencing for security or privacy should not be erected between the building line and the front boundary of a site.	✓	The development does not propose security fence between the building and front boundary of the site, consistent with the DCP requirements.
3.4.3.20 To ensure that rear and side fencing does not detract from the streetscape or from internal areas.	a) Where fences are erected, landscaping of an appropriate height and scale should be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place.	✓	The development does not propose fencing at the rear or side of the building. Landscaping of an appropriate height and scale integrated within the architectural design is proposed along the edges of the development and boundary of the site.
3.4.3.21 To ensure that street furniture is coordinated with existing street furniture. To ensure that street furniture does not create clutter and obstacles in the public realm.	a) 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.	✓	Street furniture will be well coordinated with other streetscape elements and has been revised to incorporate quality public art. Refer architectural plan details.
3.4.3.22 To encourage a positive response to public areas to the needs of people with a sensory disabilities.	a) Any ramps are to be integrated into the overall building and landscape design. b) The development complies with ASI428 - Design for Access and Mobility.	✓	An Access Report by Accessibility Solutions (NSW) Pty Ltd has been prepared and submitted as part of the DA and which confirms compliance with disability access. The development proposes five on-grade accessible entrances of the ground floor with lift access to all levels of the building. Amended architectural details have increased lift size, pursuant to Council's request. All nine cinemas will be wheelchair accessible and incorporate assisted listening devices for people with hearing impairment while ticketing, concession amenities and sanitary facilities will also be accessible in accordance with the criteria listed below. The Access Report by Accessibility Solutions (NSW) Pty Ltd states that "the plans illustrate that all areas within the cinema and entertainment complex will provide equitable access to readily

			<p>comply with Australian Standards AS1428.1, AS1428.4.1, AS1735.12 to satisfy Parts D3.2, D3.3, D3.6, D3.7, D3.8, D3.9, D3.12, E3.6, F2.4 of the BCA and the DDA Premises Standards.</p> <p>Details of various fixtures and fittings associated with ramps, stairs, the lift, hearing augmentation, accessible toilet installations, door schedule and tactile/Braille signs and the like shall be confirmed at construction certificate stage to reaffirm the above outcomes.”</p>
Gateways and Landmark Sites			
<p>3.4.3.23 To ensure key 'landmark' sites are developed to ensure distinctive and unique design of buildings that will form 'gateways' to town centres and business or commercial precincts.</p>	<p>a) The design of buildings on corner sites or at the ends of business or commercial zones, should emphasise the importance of the corner as a focal point.</p>	✓	<p>As noted in Part 5 Area Based provisions of PMHC DCP 2011, the location of this proposal is a gateway landmark site for the Settlement City and Marina Precinct.</p> <p>The building has been designed to reflect Council's preferred maritime style and will be a positive and interactive contribution to the built form and land uses in the locality. The revised design addresses the corner and considers building appearance as viewed from residences to the south along Warlters Street, and ensures a pedestrian scale to create street activation with elevated alfresco dining along the majority of the Park Street and also to a lesser degree the Warlters Street boundary promenade. It is noted that the 11.5 m height control along Warlters Street is fully complied with.</p>
	<p>c) Corner sites or at the ends of business or commercial zones should be constructed to boundary or with a minimal setback with no car parking or servicing between the site boundary and the building.</p>	✓	<p>Refer updated architectural design quality statement and revised architectural plans.</p> <p>There is no car parking between the boundary and the building. The corner site is effectively addressed and only a minimal setback incorporated where appropriate.</p>
	<p>c) Design devices such as:</p> <ul style="list-style-type: none"> • increased wall heights, • splayed corner details, • expression of junction of building planes, • contrasting building materials; and • other architectural features; <p>should be used to reinforce the way finding attributes and significance of focal points.</p>	✓	<p>As identified in the updated photomontages, the complex wraps around the street corner, and entrances are positioned along both Warlters and Park Street into the complex.</p> <p>Consistent with the DCP requirement, the building design and street frontage has clearly delineated the main entrances of the building to reinforce pathways.</p> <p>The corner site design is a tall element at the entrance to the Settlement City precinct. The proposed development height reflects the site's gateway and landmark status into this locality.</p>

	<p>d) Shopfronts should wrap around corners and entrances located centrally to the corner.</p> <p>e) The tallest portion of the building should be on the corner.</p>		
Waste Management			
3.4.3.24 To avoid the generation of waste through design, material selection and building practices.	<p>a) 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. 	✓	<p>A waste management plan for the site has been prepared by MM Atelier Architects and is submitted with the DA.</p> <p>Additional waste storage is incorporated into the amended architectural plans, as per Council's request.</p> <p>The development satisfactorily addresses waste management DCP requirements.</p>
3.4.3.25 To encourage waste management minimisation including source separation, reuse and recycling.	<p>a) Separate storage bins for collection for organic waste and recyclable waste are provided in the development.</p>	✓	<p>The development minimises waste through source separation, reuse and recycling consistent with the DCP requirement.</p>
3.4.3.26 To encourage efficient storage and collection of waste and quality design of facilities.	<p>a) Bulk waste facilities should 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 onsite employee recreation area; and • be maintained to be free of pests. 	✓	<p>As required by the DCP provisions, the proposed development has a designated bulk waste storage facility that is physically and visually integrated internal waste storage and collection point at ground level. This area is not visible from the street or public domain, is easily accessible to businesses, and located close to the internal loading bay for easy servicing by collection vehicles. The proposed development also includes water and drainage facilities for cleaning and maintenance.</p>

	<p>b) Cardboard compactors are provided for large retail and commercial developments.</p> <p>c) Where waste facilities cannot be collected at the street, evidence that the site can be serviced by a waste collection service should be provided.</p>	<p>✓</p> <p>✓</p>	<p>Satisfactory arrangements can be made for provision of cardboard compactors.</p> <p>The waste generated by the uses within the proposed development can be collected within the loading bay by the waste service provider.</p>
Vehicular Access Location and Design			
<p>3.4.3.27 To ensure that business and commercial development is pedestrian orientated whilst providing for appropriate vehicular access.</p>	<p>a) No direct vehicular access to at grade or basement car parking from the active street frontage should be permitted in BI zones.</p>	<p>N/A</p>	<p>The site is located within the B3 Commercial core zone. Consistent with the DCP, car parking to the basement is not provided from the primary active frontage along Park Street.</p>
	<p>b) The number of vehicular crossovers should be kept to a minimum and appropriate sight lines provided to encourage safe integration of pedestrian and vehicular movement.</p>	<p>✓</p>	<p>Refer detailed revised traffic engineering plans and assessment reports.</p> <p>Four (4) new vehicular crossovers are proposed along Warlters Street. The cross-overs comprise of one (1) entry into the development, and three (3) exits. The exits are needed from the basement car parking level, the loading dock and from the proposed drive-thru premises facing Warlters Street. There is one (1) exit onto Park Street resultant from the proposed drive-thru premises facing Park Street.</p> <p>As evidenced opposite, vehicular traffic to/from ground level to the basement car park level can be achieved using car park ramps located within the building footprint consistent with the DCP provisions.</p> <p>The basement car parks are designed to enable all vehicles to access and egress in a forward direction consistent with the DCP provisions.</p>
	<p>c) Any car park ramps are located largely within the building footprint.</p>	<p>✓</p>	<p>Updated comprehensive Traffic and Parking Impact Assessments have been undertaken by McLaren Traffic Engineering and Road Safety Consultants and these have been submitted with the revised DA details.</p>
	<p>d) Underground car parks should be designed to enable all vehicles to access and egress in a forward direction.</p>	<p>✓</p>	<p>The vehicular entrance to the underground car park is located within the internal access ROW between the proposed development and the Kmart site.</p>

	<p>e) Vehicular entrances to underground car parks are to be:</p> <ul style="list-style-type: none"> • Located on minor streets; • Have a maximum crossover of 6.0m; • Should be signed and lit appropriately; • Should be designed so that exiting vehicles have clear sight of pedestrians and cyclists. <p>f) At-grade / surface car parking areas adjacent to streets should be generally avoided or at least adequately softened by appropriate landscaping.</p> <p>g) All stairs and elevators in the parking structure are clearly visible.</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>Compliance with access and egress, lighting, and sight distances have been considered and are consistent with the DCP requirements.</p> <p>Consistent with the DCP provisions, carparking is being provided at basement level. There is an existing approved at-surface carpark within the adjoining Kmart site with existing landscaping that will also be utilised during times of peak parking demand.</p> <p>Stairs and elevators will be clearly identified in the parking structure.</p>
3.4.3.28 To ensure that car parking does not deactivate public space, including streets, laneways and share ways.	a) The street level frontage of car parking structures (including multi-level car parks) where adjoining public places, including streets, share ways and laneways, should present an active frontage along the entire frontage less any car park entry.	N/A	<p>The proposed internal access ROW to basement carpark adjoins the Kmart development site.</p> <p>It is proposed that the entertainment and commercial complex will link with the Kmart site via a designated pedestrian path leading towards the activated Park Street frontage.</p>
3.4.3.29 To integrate underground car parking into the building design and streetscape.	<p>a) Internal finishes of underground car parks should be consistent with the external materials where they are visible from the public realm.</p> <p>b) Underground car parks should generally be designed for natural ventilation. Ventilation ducts/grilles should integrate with the streetscape, be unobtrusive and/or appropriately screened.</p> <p>c) Garage doors to underground parking should be designed to complement the materials used elsewhere on the development.</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>It is proposed that the basement car park materials and design be complementary to the overall design scheme including consideration of external finishes, garage doors and ensuring ventilation ducts/grilles are unobtrusive or screened.</p>
Pedestrian Entries and Access			
3.4.3.30 To encourage and	a) The development complies with AS1428 -	✓	As stated previously, a comprehensive Access Report by Accessibility Solutions (NSW) Pty Ltd

promote equity for all street users	Design for Access and Mobility.		has been submitted with the DA. The report evidences that all areas within the cinema and entertainment complex will be provided equitable access to comply with Australian Standards. The proposed development wishes to encourage and promote equity for all street users. The revised plans incorporate a larger lift as required by Council.
3.4.3.31 To separate and clearly distinguish between pedestrian and vehicle access ways. To minimise potential conflict between pedestrians and vehicles.	a) Pedestrian and vehicle movement areas are separated to minimise conflict. b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways.	✓ ✓	The proposed development proposes to separate and clearly distinguish between pedestrian and vehicle access ways ensuring compliance with the DCP provisions. In accordance with the DCP provisions, the development proposes to use changes in pavement material, levels, lining and tactile treatments to distinguish changes between vehicle and pedestrian access ways to minimise potential conflict between pedestrians and vehicles.
3.4.3.2 The design of buildings and spaces should promote legibility to help users find their way.	a) Pedestrian and vehicle movement areas are separated to minimise conflict. b) Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways. c) Parking areas are adequately illuminated (naturally and/or artificially) during the time period the centre is open. d) Signage is provided at the entries to the development detailing the services available within the centre and where they are located. e) Signage to key public spaces accessible from the centre such as car parks, food courts should be provided within the centre. f) Signage to key facilities such as rest rooms, Centre Management, baby change rooms should be provided within the centre.	✓ ✓ ✓ ✓	As the amended Architectural Drawings prepared by MM Atelier Architects evidences, the building design will minimise the potential for conflict between pedestrians and vehicles. Use of pavement materials and tactile treatments, signage and appropriate lighting have been adopted with the design process to promote legibility of spaces to help users find their way. Consistent with the DCP provisions, appropriate signage will be provided throughout the development to direct users of the facility to the various areas of the development, services, toilets, centre management, car park and tenancy locations.

3.4.3.33	To encourage walking and cycling.	a) Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.	✓	Consistent with the DCP provision, the traffic and parking assessment and for the benefit of users of the site, bicycle storage will be provided in appropriate locations close to the entrance of the development with good surveillance.
Outdoor Dining				
3.4.3.34	To encourage appropriate outdoor dining associated with food and drink premises on public footpath areas. To promote vitality and interest in the streetscape. To promote security by activating streets. To allow the unobstructed movement of people and goods along all public footpaths. To minimise conflict between vehicles and diners.	a) A minimum footpath clearance width of: <ul style="list-style-type: none">• 1.8m for high volume pedestrian areas; or• 1.5m in all other circumstances; is to be maintained between the immediate front of the building (shoreline) and the proposed outdoor dining area. b) A risk assessment should accompany any application for footpath dining that considers the risk of conflict between vehicles and diners. The assessment should recommend adequate measures to minimise any risk identified. c) The suitability of the footpath for outdoor dining is at Council's discretion.	✓ ✓ ✓	An elevated promenade wrapping around the north, east and southern sides of the complex will incorporate appropriate footpath clearance, and considers alternate uses including alfresco outdoor dining areas. Adequate measures can be adopted within the development to reduce conflict and risk between the various users. The public footpath will be separately defined but will link with the promenade area to allow the unobstructed movement of people and goods along all public footpaths. Noted. The out-door dining positively integrates into the overall architectural design. The alfresco dining contributes to an activated and engaging space, promotes vitality and interest in the streetscape. Future applications lodged for tenancy fit out will provide detailed information regarding umbrellas, tables and chairs, planter boxes etc.
Commercial development adjoining Residential Land uses				
3.4.3.35	To promote compatibility between business 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	a) The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas. b) Where this cannot be achieved visual and acoustic treatment of the interface is required. c) The building elevation adjoining the residential area should 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;	✓ ✓ ✓	The subject development directs traffic associated with one drive through tenancy directly onto Park Street. An internal ROW from Warlters Street consistent with Council's strategic intent for this locality is relied on for the majority of vehicle access and egress to the site. A comprehensive Acoustic Impact Assessment was prepared by Acoustic Logic and submitted as part of the DA. The report identifies existing background noise levels, appropriate noise emission assessment criteria, potential noise sources caused by the proposed development. The report assesses the impacts on nearby sensitive receivers (the adjacent residences and the commercial / retail

and acoustic privacy.	<ul style="list-style-type: none"> • Be setback a minimum of half the height of the wall or a minimum of 3.0m whichever is greater. <p>d) Waste areas are located and managed to minimise pests, noise and odour.</p>	✓	<p>development) and provides appropriate management and noise control measures.</p> <p>The report concludes that noise emissions from the project site will comply with the requirements of the NSW EPA Industrial Noise Policy as presented in section 4.1.4 of this report if the recommendations presented in section 5 are implemented.</p> <p>MM Atelier Architects have designed the entertainment and commercial complex so that the residential interface is addressed, particularly by way of an internally positioned waste storage and collection area, which will minimise impacts on adjoining residential areas.</p>
Mixed Use Development			
3.4.36 To define the term 'place' in the Local Environmental Plan for the purposes of mixed-use development in the Port Macquarie-Hastings.	a) For the purpose of mixed-use development, 'place' is defined as being on the same lot or within those lots that are the subject of a single development application for 'mixed use development'.	✓	This subject gateway entertainment and commercial precinct is a mixed-use development with a wide variety of uses proposed. The mixed uses within this precinct include for example: at ground floor tenancies for various food and beverage and retail / commercial options; Level 1 comprises indoor recreation activities plus a gym; Level 2 provides 9PLEX Cinema consisting of 1 Grand Theatre and 8 stadium designed theatres.
3.4.3.37 To encourage the integration of appropriate retail and commercial uses with residential development.	a) Mixed use developments are located in areas close to key business, commercial and employment centres with good public transport accessibility.	✓	The proposed gateway entertainment and commercial development is located very close to other key business, commercial and employment centres in the Settlement City Greater CBD Precinct and which also enjoys good public transport, pedestrian and cycling accessibility to the Port Macquarie CBD and surrounding residential localities.
3.4.3.38 To ensure that the design of mixed-use developments maintains a reasonable level of residential amenity and preserves compatibility between uses.	a) The development should be designed so that loading bays, garbage collection areas and noise and odour generating aspects of buildings are located away from residential areas.	✓	MM Atelier Architects have designed this mixed-use development to maintain residential amenity and ensure compatibility between uses. Refer also acoustic assessment for recommended mitigations. No residential use is proposed apart from a single managers residence.
	b) Vehicular circulation systems are legible and differentiate between commercial service requirements, such as loading docks, and residential access.	✓	Consistent with the DCP, the development's traffic circulation systems are legible and differentiate between commercial service requirements, such as loading docks, and drive-thru premises and exits from the basement carpark.
	c) Residential entries are located directly from the public street and clearly	✓	Consistent with the DCP, residential entries are clearly demarcated from entries to commercial premises.

	<p>demarcated from entries to commercial premises.</p> <p>d) Security entries are to be provided to all entrances into private areas, including car parks and internal courtyards.</p> <p>e) Where possible acoustic separation between loud commercial uses (such as cafés and restaurants) and residential uses is achieved by utilising an intermediate quiet-use barrier, such as offices.</p> <p>f) Plant is located on the roof or visually and acoustically isolated from the residential uses.</p>	<p>✓</p> <p>✓</p>	<p>Council will be consulted regarding appropriate security entrances.</p> <p>The site has proposed quieter building uses along the southern part of the building to Warlters Street. Consistent with Council's strategic approach, traffic is to be directed into the site off Warlters Street, with vehicular access located off the internal ROW to mitigate traffic effects onto Park and Warlters Street. The architectural design satisfactorily isolates plant, services and loading bays from the residential uses.</p> <p>Refer also traffic and acoustic assessments for recommended mitigations and compliance assessments.</p>
<p>3.4.3.39 To encourage flexible building design to accommodate a range of uses and to allow for changes to uses over time.</p>	<p>a) Buildings are to have a simple and efficient structural grid.</p> <p>b) The number of internal apartment structural walls are minimised.</p> <p>c) Ceiling heights for the ground and first floors should be 3.6m.</p>	<p>✓</p> <p>✓</p>	<p>A simple and efficient structural grid is evident for the site layout.</p> <p>The proposed min. ceiling height for the ground floor is 3.6m and the height for the first floor is 4.6m and 3.9m.</p>
<p>3.4.3.40 To make a positive contribution to the built environment of the region and promote the inclusion and integration of public art work in development that is responsive to and reflects the local culture and character of the Port Macquarie-Hastings region; including the area's indigenous cultural history and traditions; European heritage and culture, as well as the area's unique natural environment.</p>	<p>a) 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>b) 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>c) 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>✓</p> <p>✓</p> <p>✓</p>	<p>A public art strategy has been developed for the site in consultation with Council and the proponent.</p> <p>Please refer to the amended architectural plans for details of the art wall features and public seat art features now proposed.</p>

5.0 ENVIRONMENTAL PLANNING ASSESSMENT

5.1 s.4.15 (1)(a)(i) the provision of any Environmental Planning Instrument (EPI)

Consideration of the following EPI's has been included in this report in Section 4.0:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy - Building Sustainability Index 2004
- State Environmental Planning Policy (Exempt and Complying Codes) 2008
- State Environmental Planning Policy (Coastal Management) 2018
- Port Macquarie Hastings Local Environmental Plan 2011

5.2 s.4.15 (1)(a)(ii) the provision of any draft Environmental Planning Instruments

Not applicable.

5.3 s.4.15 (1)(a)(iii) any development control plan

Consideration of the Port Macquarie Hastings DCP 2013 and Port Macquarie Hastings DCP 2011 has been included in Section 4.0 of this report.

5.4 s.4.15 (1)(a)(iv) any matters prescribed by the regulations

Not applicable.

5.5 s.4.15 (1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Desired Future Character

The proposed development is consistent with Council's desired future character statements for the site. Port Macquarie-Hastings Council's Development Control Plan 2011, Part 5 - Area Based Provisions and the earlier Settlement City Precinct Structure Plan 2009 state that:

"Council's adopted aim are to see the precinct fulfil its potential as a truly mixed use, vibrant, successful place with strong social, economic and physical ties to the Port Macquarie Town Centre but with a distinctive character that reflects the Vision and Desired Future Character statement defined in the Plan."

"The precinct provides a major commercial, tourism and retail node that forms part of the Greater Port Macquarie CBD. The Precinct assists the Greater CBD maintain its role as the primary commercial centre in the Port Macquarie LGA and a major centre on the NSW mid-north coast."

The area has high quality domain spaces and squares with landscaped streets and laneways, innovative built form and a diverse range of uses and facilities such as shopping, offices, recreation, entertainment, tourist and residential dwellings to support local residents. Existing streets are upgraded with generous footpaths, shady trees, on street parking and awnings that provide a high quality pedestrian experience.

The architecture of the buildings reflect a high quality local character and uses a mix of natural materials with high levels of articulation and activation to the public domain.

The entry points into the Precinct are marked with high quality innovative development that balances the scale of the Panthers roof and announces entry into the Precinct."

Additionally, the amended proposal for the site is consistent with the Kmart Planning Proposal dated June 2014, which specifically introduced Precinct wide Design Excellence provisions to the PMH LEP 2011. The Planning Proposal from 2014 noted:

"The Settlement City Precinct is recognised as a key area for the long term growth of the Greater Port Macquarie CBD and therefore, further development requires a special design response. The design excellence provisions aim to ensure that the development of land zones B3

Commercial Core and SP3 Tourist in the Settlement City Precinct is designed to take into account a number of urban design considerations.”

As stated earlier in this report, the proposed amended development is of a design quality and scale that is permissible within the locality and optimises height and building provisions as desired by Council’s future expectations for this locality.

View Sharing Analysis

Council, in preparing planning controls for the subject site, considered the need for view sharing given the location of dwellings positioned on the southern hill behind the subject development site. This is why a lower 16m height control was adopted for part of the site, together with a primary height of 19m.

The subject proposed development as now revised, complies fully with all the height controls adopted by Council for the site as well as the LEP’s FSR standard.

The NSW Land and Environment Court judgment in *Tenacity Consulting v Warringah* [2004] NSWLEC 140; established planning principles relating to the assessment of view impacts. To decide whether or not view sharing is reasonable, a four-step assessment has been adopted.

Step 1. Assessment of views to be affected.

In this respect it is noted that the view for residents from the hillside south of Warlters Street has been assessed.

Step 2. Consider from what part of the property the views are obtained.

The expectation to retain side (oblique) views and sitting views is typically considered unrealistic.

Step 3. Assess the extent of the impact.

This should be done for the whole of the property, not just for the view that is affected. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Step 4. Assess the reasonableness of the proposal that is causing the impact.

Where an impact on views arises as a result of non-compliance with one or more planning controls, the court has found that even a moderate impact may be considered unreasonable.

A detailed view analysis was prepared by MM Atelier Architects on an earlier plan for the site and which included a panoramic photographic study. Drone footage of the current views from various properties positioned on the southern hill was also obtained and provided to Council with the revised DA documentation.

Since this time the subject proposal was amended with the height and FSR being further reduced, such that the revised proposed development now fully complies with Council's adopted height and FSR controls.

Flooding Hazard

Council has advised that:

"the site is identified as being flood prone in a 1:100 year flood event. Further, the site falls within the Flood Planning Area (FPA), being the 900mm freeboard.

The 1:100 year flood level for the site is 2.53m AHD. Under the Flood Policy all commercial developments must be at or above FPL 2 being the 1:100 year flood level plus 400mm interim climate change allowance (being 2.93m AHD) with 25% of the ground floor plan to be at or above FPL 3, being 3.43m AHD.

Any at grade car parking must be at or above the 1:20 year flood level of 2.28m AHD

If basement car parking is proposed it must have a minimum level of 1.2m AHD. All access ramps and entry points which would allow water ingress are to be located at or above the 1:100 year flood level plus the interim climate change allowance of 400mm, i.e. 2.93m AHD.

It is noted that consideration can be given to lower floor levels in limited circumstances where mobility access standards are to be met and where compatibility with existing street frontages are required. If any variations to the Flood Policy requirements are sought they would need to be justified in the DA.

Flood Policy Extract:

Commercial & Industrial	FPL2 with 25% of the ground floor plan area to be at or above FPL3 Consideration will be given to a lower floor level in limited circumstances where mobility access standards are to be met and where compatibility with existing street frontages is required. However, the absolute minimum floor level will be FPL1.
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Please note that we are nearing completion of our Hastings River Climate Change Flood Mapping which will set new flood levels for this precinct. Whilst it is not yet adopted by Council, we anticipate that it will be within coming months. It is not likely to have a dramatic effect on the proposal, however the climate change flood modelling may increase the levels which must be met for commercial development.

Applicability of the final levels will depend on timing of lodgement of any application for development and timing of adoption of the climate change flood study results.”

Council issued data showing the site as being situated on the flood fringe and is not fully inundated. The proposed ground floor level for the development is R.L 3.00 and the minimum vehicle entry crest to the basement carpark is also 2.93m as per Council flooding requirements.

As such, Taylor Consulting Civil and Structural Engineers has advised that the proposed works are generally compliant with Council’s flood requirements and are considered satisfactory.



Figure 24: 1:100 yr flood level, depth and velocity as advised by PMHC in 2018



Figure 25: 1:20 yr flood level, depth and velocity as advised by PMHC in 2018

Acoustic Impacts

A detailed acoustic/noise impact assessment was undertaken by experienced acoustic consultants in respect of the proposed development. The acoustic assessment concluded that provided the recommendations of their acoustic assessment are complied with that no noise out of character with the existing commercial and residential nature of the area will be associated with the proposed development.

Landscaping

A revised landscaping plan was prepared by a Registered Landscape Architects, Stone Rose Landscapes, in respect of the proposed development and which identifies the following landscaping details:

- Creation of a soft landscaped edge around the front interface of the proposed development to Park Street and Warlters Street
- Addition of a number of small palms around the public edge of the building to Park Street and Warlters Street
- Incorporation of a landscaped garden feature around the drive through exiting onto Park St
- Retention of the existing median planting within the existing public road reserves

Access, Transport and Traffic

A detailed updated Traffic Impact Assessment has been prepared in respect of the amended plans which is dated April 2020 and is submitted with the revised DA documentation for the subject development.

As stated by McLaren's, this report is an amended traffic report which responds to parking and traffic related Port Macquarie-Hastings Council comments on the original MTE Traffic Report dated September 2019 (ref: 190226.03FA). The applicant has made the following amendments to the development scale and dual use considerations.

- Reduction in Cinema seats from 1,343 to 1,191;
- Reduction in Gym area from 1,540m² to 1,531m² (Tenancy 22);
- Reduction in laser tag area from 192m² to 162m² (Part of Tenancy 21);
- Reduction in Tenancy 1 (Guzman Y Gomez) from 196m² to 188m²;
- Reduction in Restaurant Floor Area from 1,123m² to 1,055m² (Tenancies 2-4, 6-10);
- Inclusion of terrace area for restaurants along the Park Street frontage;
- Reduction in Function Centre area from 566m² to 486m² (Tenancy 41);
- Increase in Drive-Through Queueing area to comply with the DCP.

No dual use consideration has been given to bowling, gym, amusement centre or function centre uses. The proposed revised development does not rely upon the Westport Park car park or any on-street parking.

This assessment has concluded (amongst other matters) that:

- Peak parking demand is expected to be over 200 vehicles and the proposed development qualifies as a development with relevant size and/or capacity under *Clause 104* of the *SEPP (Infrastructure) 2007* with access to any road. Accordingly, the development application must be referred to the Roads and Maritime Services (RMS), now Transport for New South Wales.
- The two relevant intersections are currently performing at a high level of efficiency, all with a level of service “A” conditions in both the AM & PM peak hours. The level of service “A” performance is characterised by low approach delays and spare capacity.
- It is conservatively assumed that 5% of patrons for the cinema will arrive to the site via alternative transport methods such as riding a bike, public transportation and/or walking.
- Peak parking demands for each use occur at separate times, and as such, it is not logical to use the sum of all individual demands to determine the cumulative car parking requirement.
- Overflow parking during peak periods will be accommodated in the private Kmart carpark in accordance with an agreement between the applicant and the Kmart site owners.
- During the Friday peak, the basement carpark is expected to overflow a maximum of **109** spaces between 5:00pm-9:00pm. It is noted that the minimum overflow capacity during this period is **235** spaces, which is more than sufficient to satisfy the overflow parking demand.
- During the Saturday peak, the basement carpark is expected to overflow a maximum of **141** spaces at 6:30pm. It is noted that the minimum overflow capacity during this period is **219** spaces, which is more than sufficient to satisfy the overflow parking demand. The most constrained time is 1:00pm on Saturday when parking associated with the Kmart site is at its peak. Even still, there is expected to be a surplus of **47** (96-49) spaces at this time, or **34** (83-49) spaces if the vacant tenancies were to operate at their potential.
- Westport Park hosts events throughout the year such as the Cinema Under the Stars and the Foreshore Markets. These public events rely on public parking within the area such as on-street parking, the Westport Park Car Park and the Boat Ramp car park. The survey results showed, however, that visitors to the Westport Park public events utilise the private Kmart car park as well as the public car parking. This is evidence that there is not enough public car parking in the area to support public events occurring at their current rate and scale.
- It is evident that the Kmart car park has sufficient spare capacity to accommodate the development's overflow during a typical Friday and Saturday. However during one-off events and monthly markets, inappropriate public parking occurs within the Kmart car park which minimises the car park's available capacity. There is still sufficient available parking on Friday to accommodate the development overflow despite additional overflow parking from the public Cinema Under the Stars event. On Saturday, the measured Kmart availability at 1:00pm (54 spaces) is also just sufficient to satisfy the development overflow (49 spaces). However, if the vacant tenancies were to be occupied at full capacity, there would only be 41 available spaces.
- Implementation of a Carpark Management Plan has been recommended to address the issue of unauthorised use of private parking spaces in the precinct associated with commercial

development from public events at Westport Park. A *Car Park Management Plan* should be implemented to ensure that the Kmart car park is utilised only by patrons to the Kmart, the subject development, and the surrounding privately owned tenancies.

- Each entry and exit to the basement car park should be implemented with a number plate reader and a boom gate. Entering vehicles will temporarily slow while the number plate reader records the number plate of the vehicle entering the private car park. Patrons of the subject development will validate their parking should the patron stay longer than a specified short-term period. The purpose of this exercise is to prohibit vehicles not associated with the development from entering the carpark. If necessary, these boom gates can be implemented in the Kmart car parking area as well, with similar measures to prohibit vehicles not associated with the Kmart development from entering the carpark.
- A dynamic parking sign shall be included near the basement entry to notify drivers of the available parking capacity within the basement. The basement car park offers covered and secure parking and is therefore desirable for development users. Once inside the basement, additionally dynamic parking systems should be provided within the basement to ensure efficient traffic flows within the basement. It is noted that the basement is designed for one-way flows, which is a superior outcome for traffic flow efficiency.
- Directional signage and multiple parking security agents are also recommended to monitor private parking areas during Westport Park events.
- The proposed basement car park of **153** car spaces is therefore supported, subject to the ability to use up to **141** car spaces within the Kmart Car Park, which has a total capacity of **269** spaces (excluding disabled).
- A bicycle parking area with lockable rails should be provided in a convenient location on the ground floor, where space permits

Public Domain

The revised proposal will positively contribute to the public domain. With the proposed revised high quality building design, use of a variety of building materials in various forms, landscaping, and additional new access to public footpaths, the proposed development will enhance the amenity and public domain and be a significant contributor to increased pedestrian footfall and overall vibrancy in this greater CBD location for Port Macquarie.

Utilities

The proposed development will not create any unreasonable impacts on the existing utility services available to the subject site.

Heritage

The subject site is not identified as a heritage item or an archaeological area under the PMHLEP 2011 nor is it in the vicinity of any other listed heritage item.

Flora and Fauna

As indicated earlier in the report, no other significant flora or fauna will be affected as the site is predominantly cleared of vegetation.

Energy

No specific energy issues have been identified.

Contaminated Land

Please refer to assessment comment under SEPP 55.

Technological Hazards

Not applicable.

Social Impact of proposed development in the Locality

As requested by Council, a Social Impact Comment was prepared in accordance with Council's Social Impact Assessment Policy - refer Appendix 2.

The subject development is anticipated to be popular across a broad age range, being a lifestyle mixed use commercial centre promoting leisure, entertainment and good health and offering multiple experiences and opportunities.

With a growing population base and continued forecast jobs growth, the subject development is considered to be a valuable proposed addition to the local area, both socially and economically.

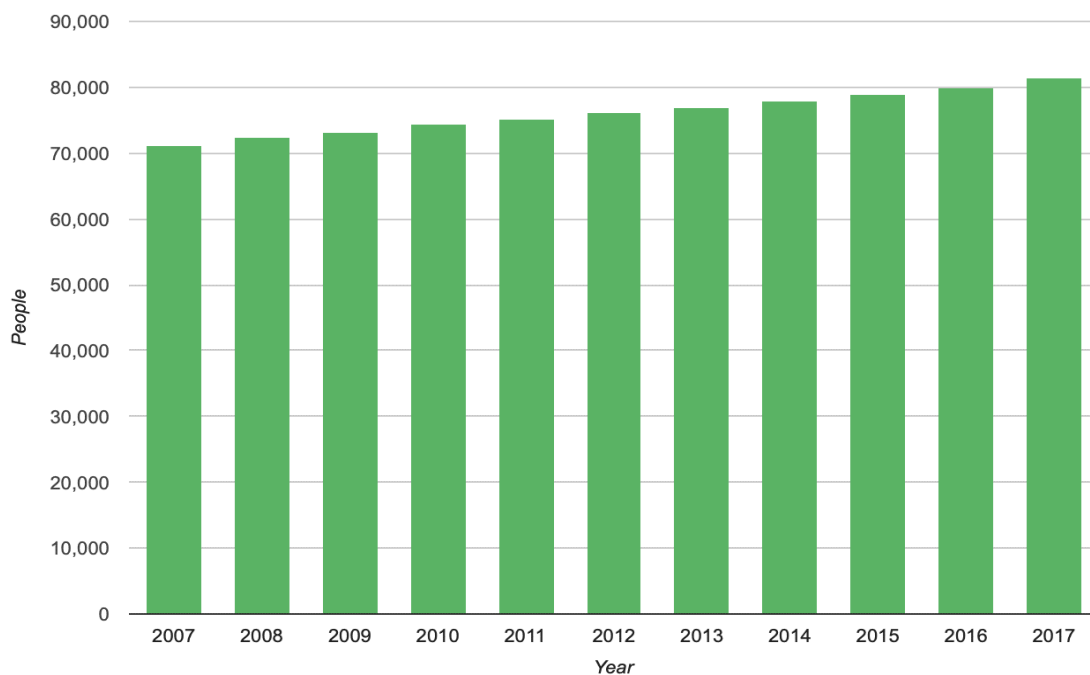


Figure 26: Estimated Resident Population of Port Macquarie. Source: PMHC Economic Profile

Crime Prevention Through Environmental Design

A Preliminary CPTED review of the subject medium scale development has been undertaken - refer Appendix 3, based on the following safer by design key criteria -

- Territorial Reinforcement – connecting people with places
- Surveillance – will anyone see me committing this crime?
- Access Control – how easy it is to reach a target, commit a crime and escape?

Economic Impact of proposed uses in the Locality

An Economic Impact Assessment was prepared by AEC and which findings have now been reviewed by Atlas Urban Economics in June 2020. Both the initial assessment and review have found in strong support of the proposed development on economic grounds.

Both reports confirm that proposed entertainment and commercial development is positioned within the Greater CBD area of Port Macquarie and amongst a significant number of existing commercial, entertainment, retail and tourist related uses.

The subject proposal is consistent with Council's adopted strategic planning controls, which include the objectives of consolidation and enhancement of the Greater Port Macquarie CBD.



Figure 27: Gross Regional Product Trend. Source: PMHC Economic Profile

The \$34.728 Million investment in the local community is confirmed to have significant short term construction benefits as well as sustained ongoing positive economic impacts, delivering attractive and well positioned new commercial tenancy opportunities and contributing to the viability of the Settlement City Precinct.

The development will additionally draw people from surrounding localities and consolidate the Settlement City precinct as an important commercial and entertainment hub.

Flow on effects have not been specifically analysed however it is anticipated that the new development will positively impact on the viability of other nearby commercial uses. UK film entities have identified that the presence of cinemas has a positive knock-on effect for other traders in the vicinity. Cinemas encourage footfall, particularly in the evening, and make the local area feel safer. (British Film et al, p.5, 2005. <https://www.bfi.org.uk/sites/bfi.org.uk/files/downloads/uk-film-council-impact-of-local-cinema.pdf>)

The proposed uses, which include a 9PLEX cinema, gymnasium, play centre and fun fair, food and drink premises and other commercial tenancies will result in increased competition for existing related uses within the Port Macquarie area. In respect of the cinema component of the proposed use, it is noted that the Majestic Cinema operating within Port Macquarie's CBD currently offers 5 screens, and a total of 578 seats. By contrast, the proposed 9PLEX cinema will offer a total of 1,418 seats.

Competition is seen as a positive opportunity for the area given the Hasting's regions sustained population growth and a demonstrated ongoing demand for quality entertainment and commercial experiences and opportunity in this region.

Local work opportunities will additionally be generated from the subject development post construction as well as during construction and will also result in sustained demand for local goods and services to support the new entertainment and commercial development.

Between 2011 and 2016 Council confirmed that jobs growth in the local construction sector increased by 121.2%, arts and recreation services jobs increased by 34.6%, food services jobs increased by 28.6% and the retail sector increased by 7.7%. (Source: PMHC Economic Profile)

As seen in the following tables, employment in retail trade, construction and food services are significant local industry sectors.

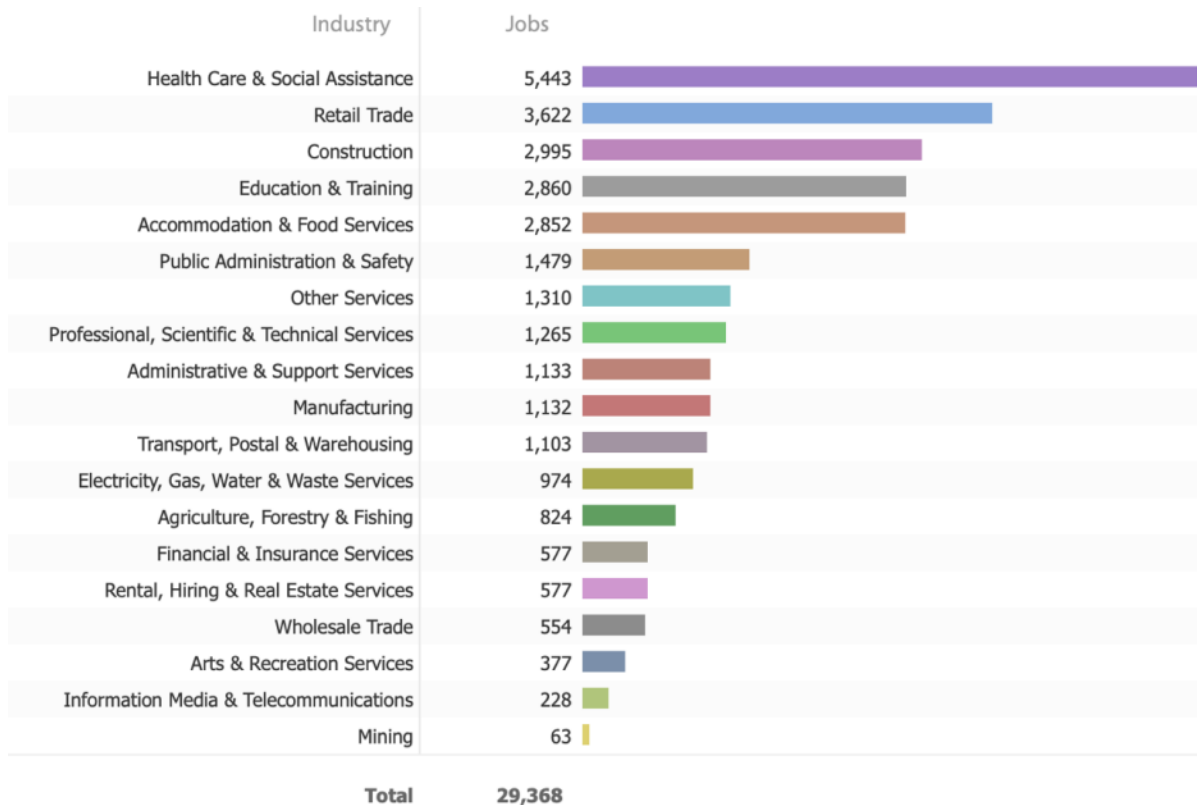


Figure: 28: PMHC Local Industry Analysis Source: PMHC Economic Profile

Source: <https://www.economyprofile.com.au/portmacquariehastings/industries#bar-chart>

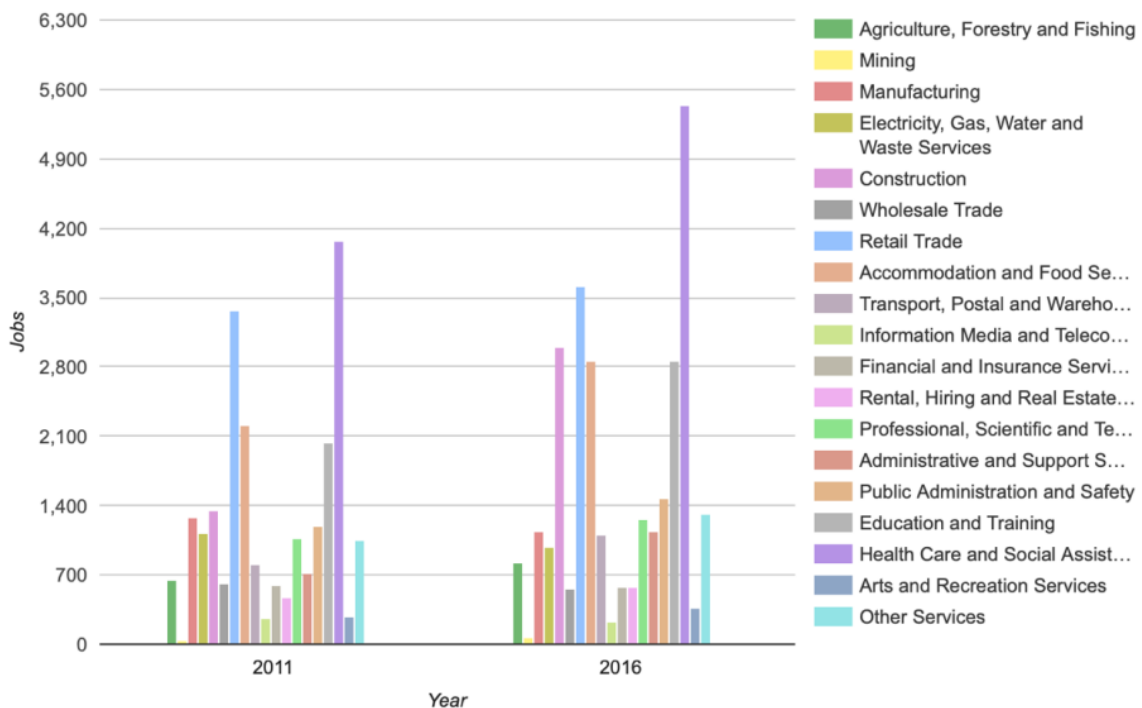


Figure: 29: PMHC Local Jobs Analysis Source: PMHC Economic Profile

Local Economy Snapshot at Time of DA Lodgement

81,202 Population (2017)	31,590 jobs Employment (2017)	3.7% Unemployment Rate (2018)	35,962 Labour Force (2016)
6,340 Number of Businesses (2017)	11% / 9,200 jobs Mid North Coast Jobs Growth (2017 - 2022)	\$4.7B Gross Regional Product (2017)	\$2.1B Regional Exports (2017)
\$4.4B Value Added (2017)	\$315.5M Developments Approved (2017 / 2018 FY)	\$570,000 Median House Price (2018)	\$425 Median Weekly Rent (2018)
1.5M Annual Visitation (2016)	\$469M Tourism Output (2017)	2,596 Tourism Jobs (2017)	Health Care Construction Education Mid North Coast Employment Growth Industries (2018)

Figure: 30: PMHC Economic Snapshot Source: <https://www.pmhc.nsw.gov.au/Business/Doing-business-here/Business-Facts-Stats>

Geotechnical

A Geotechnical Report and Acid Sulphate Soils Addendum has been prepared and forms part of the DA documentation. This report advises that:

“Permanent groundwater is expected at ~2.3m below existing ground surface levels. Excavation for the proposed one-level basement will need to overcome the likely problems of rapid groundwater inflows and the collapse of excavation sides in the saturated fill and loose alluvial soils. Sheet-piling or other suitable retaining system would be required to be constructed along the excavation perimeter prior to bulk excavations into these strata, so that the excavation can be dewatered. The sheet piling may need to extend down to bedrock level to seal the excavation, or deep enough to prevent heaving and liquefaction of the excavation base and instability of the sheet piling. Permanent basement retaining walls will need to be full tanked, designed to withstand water pressure and uplift in addition to the lateral earth pressures. Liners would be required for bored pier holes.”

No particular ASS issues are identified.

Construction

Construction of the development will be undertaken in accordance with the approved plans, Council standards and all imposed conditions of the development consent.

Cumulative Impacts

It is unlikely that the proposed development will have any significant cumulative impacts on the area. As outlined in the preceding environmental assessment, the impacts from the proposal will be relatively minor and within the normal bounds of expectation, without any major cumulative effects.

5.6 s.4.15 (1)(c) suitability of the site for development

Having regard to the location of the subject site and the preceding assessment of the proposal, the site will adequately accommodate the development in that:

- The proposed development is reasonably expected in the B3 Commercial Core zone and will be in keeping with this existing context;
- The proposal largely complies with the LEP and DCP requirements and will not create any unreasonable overshadowing, bulk and scale or privacy issues to the adjoining properties or public areas;
- The construction and occupation of the proposed development will be done in a manner that minimises impacts on the surrounding land and the wider environment.

5.7 s.4.15C (1)(d) submissions made in accordance with the Act or the Regulations

The Consent authority will need to consider any submissions received in response to the public exhibition of the proposed development. If it is helpful a review and response to any submissions made can be provided by the applicants.

5.8 s.4.15 (1)(e) the public interest

There are no known Federal and/or State Government policy statements and/or strategies other than those discussed in this report that are of relevance to this particular case. AAP is not aware of any other circumstances that are relevant to the consideration of this development application.

The amended proposal is consistent with all Council's strategic planning objectives for Settlement City and statutory planning controls applicable to the site. The proposed development is demonstrably in the public interest.

6.0 CONCLUSION

The subject revised entertainment and commercial development for the site is assessed as being an excellent opportunity for the Port Macquarie – Hastings area. The development will positively invigorate and enliven the currently vacant site and achieve good outcomes in terms of enhancing the commercial, leisure and entertainment offerings within the Greater CBD of Port Macquarie consistent with Council's strategic objectives.

The subject development within the Settlement City Precinct, will contribute to the creation of a truly mixed use, vibrant, successful place with strong social, economic and physical ties to the Port Macquarie Town Centre but with a distinctive character. The proposal will deliver a major commercial, leisure, entertainment and retail node within the Greater Port Macquarie CBD and will assist the Greater CBD maintain its role as a primary commercial centre in the Port Macquarie LGA and a major centre on the NSW mid-north coast.

The proposed entertainment and commercial uses are permitted under the adopted planning controls, are consistent with LEP zone objectives and have planning merit. The subject amended development involves only very minimal environmental impacts and now fully complies with Council's height and FSR development standards.

The proposal as outlined and assessed in this report is recommended to the consent authority as a positive response to the ongoing demand for entertainment, leisure and commercial uses in the Port Macquarie LGA and Greater CBD, whilst being compatible with and respectful of the existing surrounding context considered in the light of Council's adopted planning controls.

This building provides a landmark anchor design to reflect a modern maritime style and that positively responds to the character and qualities of this gateway site. The building facade elements will be of a consistently high quality and design layout creates a welcoming focal point for the locality.

The amended proposal is appropriate for its site and location and is fully recommended for Council's approval.

Appendix I:

Social Impact Comment

Prepared by: ALL ABOUT PLANNING

1.0 Introduction

This Social Impact Comment (SIC) has been prepared to accompany a development application to be lodged with Port Macquarie – Hastings Council for a proposed entertainment and commercial development on the currently vacant Lot 21, at the corner of Park Street and Warlters Street, within the Settlement City Precinct of Port Macquarie.

What is a Social Impact Comment?

A Social Impact Comment (SIC) considers how a proposed development will impact on the local area.

Some key questions to be addressed in a social impact comment include:

- *What are the positive and negative impacts of the development on the local community?*
- *What is the extent of the impact?*
- *Can any negative impacts be neutralised/mitigated in the interests of those affected ie. neighbours, occupants or the wider community?*

A Social Impact Comment was requested by Council to form part of the DA documentation, to address the social impacts of the proposed development, in accord with the requirements of Council's Social Impact Assessment Policy 2009 and the provisions of Section 79C of the Environmental Planning and Assessment Act 1979.

This Social Impact Comment has addressed identified key social impacts, both positive and negative and has aimed to facilitate the best possible final site design and quality ongoing site management outcomes for the benefit of nearby residents, precinct neighbours and the Port Macquarie community.

This SIC should be read in conjunction with the detailed description of the development in the comprehensive SEE also prepared by AAP, the DA architectural plans and the number of specialist consultants reports, including traffic and acoustic reports.

KEY FINDING: This Social Impact Assessment has identified a number of social and economic benefits for the area associated with the proposed entertainment and commercial development and also a number of potential negative impacts for the existing nearby residential pocket associated with an anticipated but planned increase in traffic movements and noise linked to the proposed Food and Drink Premises.

All potential negative impacts however can be effectively mitigated as part of the development application assessment process, as demonstrated by the Acoustic Assessment submitted within the subject DA and the submitted traffic assessment.

Appropriate site management, design responses and/or imposition of relevant conditions of consent by Council will satisfy all identified potential negative social impacts and ensure delivery and ongoing achievement of a popular and considered development well suited to its locality.

Direct consultation with the existing community is not required by Council when preparing a SIC and has not been undertaken by AAP in preparing this report.

2.0 Strategic Context & Social Profile

Following is a summary of key literature reviewed and the primary strategic planning context for consideration of the proposed development.

Permissibility

The subject site is zoned B3 Commercial Core which permits the proposed development and a height of buildings up to 19m and FSR of 2:1. The proposed MHE development is located within the urban footprint of Port Macquarie within the Greater Port Macquarie CBD of Settlement City.

Social Profile

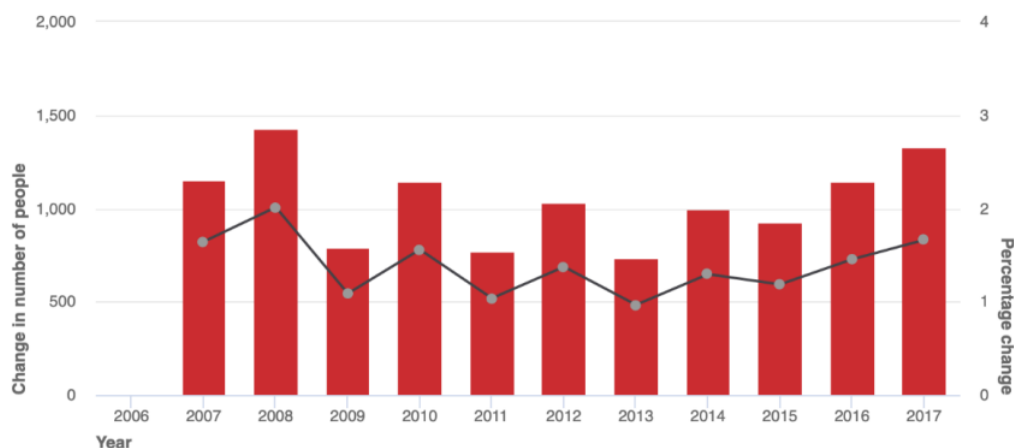
Local Population Growth

The 2016 census recorded a population of 78,539 persons residing in the Port Macquarie-Hastings Council area (Australian Bureau Statistics, 2017). This population is forecast to grow to 102,926 by 2036.

Annual change in Estimated Resident Population (ERP)

Port Macquarie-Hastings Council area

Change in number — Percentage change



Source: Australian Bureau of Statistics, Regional Population Growth, Australia (3218.0). Compiled and presented by .id the population experts

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the population
experts

Analysis of the five year age groups of Port Macquarie-Hastings Council area in 2016 compared to Regional NSW (refer table following) shows that there are a lower proportion of people in the younger age groups (under 15) and a higher proportion of people in the older age groups (65+).

Overall, 16.7% of the population in 2016 was aged between 0 and 15, and 27.7% were aged 65 years and over, compared with 18.4% and 20.6% respectively for Regional NSW.

The major differences between the age structure of Port Macquarie-Hastings Council area and Regional NSW are:

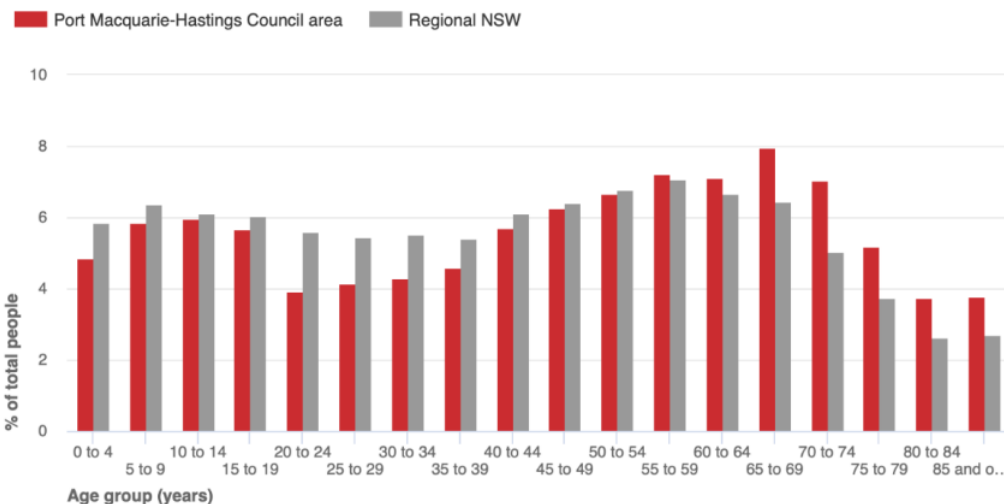
- A larger percentage of persons aged 70 to 74 (7.0% compared to 5.0%)
- A larger percentage of persons aged 65 to 69 (8.0% compared to 6.4%)
- A larger percentage of persons aged 75 to 79 (5.2% compared to 3.7%)
- A smaller percentage of persons aged 20 to 24 (3.9% compared to 5.6%)

Emerging groups

From 2011 to 2016, Port Macquarie-Hastings Council area's population increased by 5,834 people (8.0%). This represents an average annual population change of 1.56% per year over the period.

Age structure - five year age groups, 2016

Total persons



Source: Australian Bureau of Statistics, Census of Population and Housing, 2016 (Usual residence data). Compiled and presented in profile.id by .id, the population experts.

.id the population experts

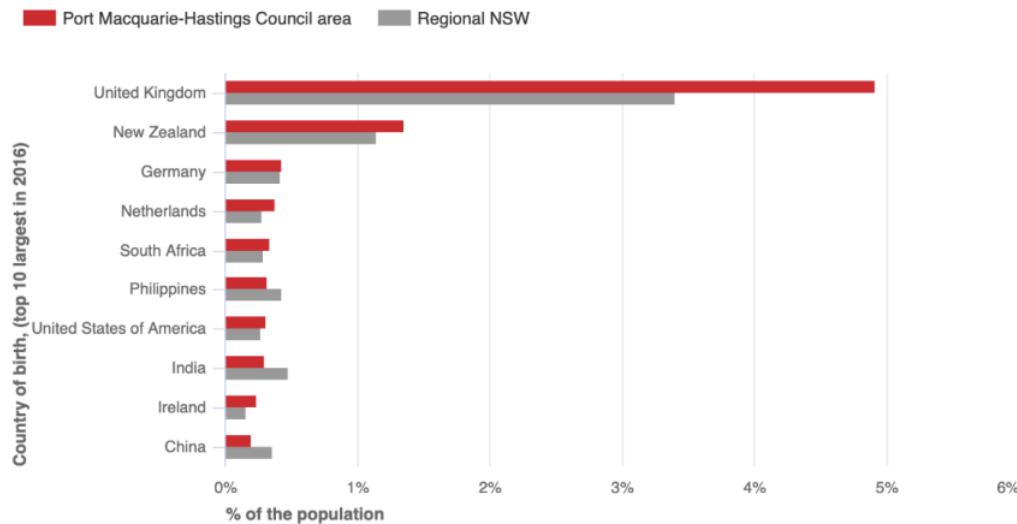
Source: <https://profile.id.com.au/port-macquarie-hastings/five-year-age-groups>

In 2016, 11.4% of people in Port Macquarie-Hastings Council area were born overseas.

In terms of overseas arrivals, 8,951 people who were living in Port Macquarie-Hastings Council area in 2016 were born overseas, and 9% arrived in Australia within 5 years prior to 2016.

There were more professionals in Port Macquarie-Hastings Council area in 2016 than any other occupation. Analysis of the qualifications of the population in Port Macquarie-Hastings Council area in 2016 compared to Regional NSW shows that there was a higher proportion of people holding formal qualifications (Bachelor or higher degree; Advanced Diploma or Diploma; or Vocational qualifications), and a lower proportion of people with no formal qualifications.

Birthplace, 2016



Source: Australian Bureau of Statistics, Census of Population and Housing, 2016 (Usual residence data). Compiled and presented in profile.id by .id, the population experts.

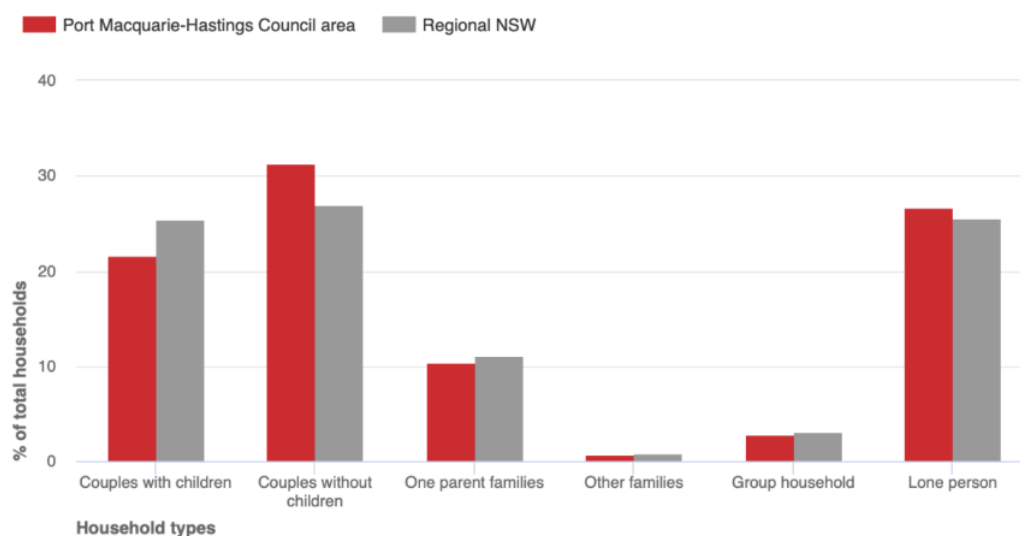
.id the population experts

Source: <https://profile.id.com.au/port-macquarie-hastings/birthplace>

Overall, 47.4% of the population aged 15 and over held educational qualifications, and 40.6% had no qualifications, compared with 46.2% and 41.7% respectively for Regional NSW.

The breakdown in local households is depicted in the following table.

Household type, 2016



Source: Australian Bureau of Statistics, Census of Population and Housing, 2016 (Enumerated data). Compiled and presented in profile.id by .id, the population experts.

.id the population experts

Source: <https://profile.id.com.au/port-macquarie-hastings/households>

Please also note that additional information regarding the economic and employment profile for Port Macquarie residents is included under Part 5 of AAP's SEE.

Social Impact Assessment

Council's Social Impact Assessment Policy requires the preparation of a Social Impact Comment for Recreation facilities catering for 100 or more persons and for Places of Assembly with capacity for 200 or more persons, but does not specifically reference a Cinema, Entertainment Venue or Commercial development. Nonetheless, in Pre-Lodgement consultation with PMHC a Social Impact Comment was requested to form part of the submitted DA documentation.

Council's Social Impact Assessment Policy 2009 states:

A Social Impact Comment (SIC) relates to projects that are unlikely to result in significant social impacts or is of a scale that does not warrant a comprehensive analysis by an experienced practitioner. Generally, a Social Impact Comment need only be undertaken by a qualified and experienced town planner and can form part of the Statement of Environmental Effects.

The Social Impact Statement (SIS), however is a comprehensive assessment typically required for large developments or developments where significant social impacts are anticipated. The Social Impact Assessment policy contains a list of developments that require either a SIC or SIS. However, Council, under the EP& A Act, has discretionary judgment to request an SIA for any application if believes that it is likely to have a significant impact on the community.

Council's policy additionally provides that SIA's should be carried out where the proposal/policy is likely to have:

- A definite (either positive or negative) effect on a particular social group (e.g. Aboriginal, young people, aged, people with a disability)
- An identifiable effect on the social composition and/or character of the locality
- An identifiable effect on the availability and use of existing community services, facilities and land, and/or may require the provision of such services, facilities and land
- Safety of residents within the identified area
- Change in housing choice, shopping, recreational facilities and services
- Change to lives of specific groups e.g. Change to community or group values, traditions, lifestyle and culture
- Employment opportunities
- Production of local products
- Multiplier effects on the wider community and economy
- Change in affordability of goods and services
- Provision of urban infrastructure

The relevant DCP extracts relevant to preparation of a Social Impact Assessment/Comment are included below, together with a compliance comment.

Social Impact Assessment
<p>2.7.2.1 Objective</p> <p>To ensure adverse impacts are identified and mitigation or avoidance measures are adopted to minimise or eliminate social impact on individuals and the community.</p>
<p>Development Provisions</p> <p>a) A social impact assessment shall be submitted in accordance with the Council's <i>Social Impact Assessment Policy</i>.</p> <p>Note: Council's Social Impact Assessment policy includes guidelines to assist applicants in preparing a SIA.</p>

Council's Social Impact Assessment Policy 2009 sets out that a full Social Impact Assessment is not required. A Social Impact Assessment is the more substantial of two possible social assessment reporting tools available to Council and involves pre-lodgement stakeholder consultation, statistical analysis and other profiling. A comprehensive SIA has not been prepared in accord with Council's 2009 Policy.

This SIC has been prepared in accord with Council's Social Impact Policy 2009.

The following relevant DCP objectives are noted relevant to the preparation of the SIC:

Social dimensions and housing affordability
<p>3.3.2.34 Objective</p> <p>To respond to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>To maximise development densities in areas identified for medium and high density residential.</p>
<p>Development Provisions</p> <p>a) Developments should be located close to areas of open space, recreation and entertainment facilities and employment areas.</p> <p>b) Where the Local Environmental Plan permits a floor space ratio greater than 1:1 a ratio of not less than 1:1 should be achieved.</p>
<p>3.3.2.35 Objective</p> <p>To optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p>
<p>Development Provisions</p> <p>a) A variety of apartment types including studio, 1, 2, 3 and 3+ bedroom apartments are provided within the development.</p> <p>b) Studios and 1 bedroom apartments are not to exceed 20% of the total number of apartments within the development.</p> <p>c) A mix of 1 and 3 bedroom apartments are provided on the ground level to cater for improved accessibility for disabled, elderly people or families with children.</p>

Cinema Community Impacts – Literature Review

A wide range of positive impacts from local cinemas on their communities has been identified. A British Film Industry UK based study (The Impact of Local Film, 2005) detailed the following positive community impacts associated with local cinemas:

1. *The venues foster a sense of place and provide a focus for the local community, whilst enhancing local cultural life through the provision of mainstream and/or specialised film. The cinemas play an important social inclusion role, reaching out to otherwise underserved elements of the local population. They enhance learning opportunities through links with local schools and colleges, improving the skills and knowledge base of the community.*
2. *Cinemas also contribute to the vitality and vibrancy of town centres, encouraging the evening economy and increasing footfall. This often has a positive impact on safety and security.*
3. *Cinemas contribute to the local economy through audience and visitor spend, the use of local suppliers, and their (albeit limited) impact on the local labour market*
4. *Links with Film Societies have a strong impact on local film culture, with the cinemas providing a venue, and often taking the lead in booking films.*
5. *Local cinemas are seen in general as affordable leisure options for families, with fewer concerns over travel and food costs than other activities. The cinemas are seen as safe, secure venues fostering independence among young people.*

(Source: BFI, UK Film et al,

<https://www.bfi.org.uk/sites/bfi.org.uk/files/downloads/uk-film-council-impact-of-local-cinema.pdf>)

Whilst smaller local cinemas were the focus of the above cited study, it is considered that the findings can be extrapolated to more broadly apply to larger cinema uses in local communities.

In the words of the UK Cinema study authors:

Film has the power to inspire us. It allows us to inhabit new identities, hear new voices and to see the world from many different perspectives. Film brings us news of other cultures, other mores, other values. The apparently universal ability of film to excite and enthral audiences, to make them think, to encourage empathy and compassion, to provoke laughter and tears, makes it the most pungent, mysterious and international of art forms.

Such a significant and popular medium should be accessible to all communities in its most potent form, which is the cinema. The magic of cinema in the cinema is connected to two unique conditions – the sharing of an experience in an audience and the contemplation of images projected on a scale beyond the perspective of normal perception. A face in an average television screen approximates to our sense of the human head. On a cinema screen, eyes, mouths, smiles, kisses, guns are amplified, pulling us into their power, for good or bad.

Well-supported local cinema. also makes less obvious contributions to small communities, providing economic benefit, confronting social exclusion, enhancing tourism.” (BFI, UK Film et al, p.6)

Another article by Thought Economics has sought to describe the role of film and cinemas in societies:

“Cinema has become a powerful vehicle for culture, education, leisure and propaganda. In a 1963 [report](#) for the [United Nations Educational Scientific and Cultural Organization](#) looking at Indian Cinema and Culture, the author (Baldoon Dhingra) quoted a speech by [Prime Minister Nehru](#) who stated, “...the influence in India of films is greater than newspapers and books combined.” Even at this early stage in cinema, the Indian film-market catered for over 25 million people a week- considered to be just a ‘fringe’ of the population.

Contemporary research has also revealed more profound aspects to film’s impact on society. In a 2005 [paper](#) by S C Noah Uhrig (University of Essex, UK) entitled, “‘Cinema is Good for You: The Effects of Cinema Attendance on Self-Reported Anxiety or Depression and ‘Happiness’” the author describes how, “The narrative and representational aspects of film make it a wholly unique form of art. Moreover, the collective experience of film as art renders it a wholly distinct leisure activity. The unique properties of attending the cinema can have decisively positive effects on mental health.

Cinema attendance can have independent and robust effects on mental wellbeing because visual stimulation can queue a range of emotions and the collective experience of these emotions through the cinema provides a safe environment in which to experience roles and emotions we might not otherwise be free to experience. The collective nature of the narrative and visual stimulation makes the experience enjoyable and controlled, thereby offering benefits beyond mere visual stimulation. Moreover, the cinema is unique in that it is a highly accessible social art form, the participation in which generally cuts across economic lines. At the same time, attending the cinema allows for the exercise of personal preferences and the human need for distinction.

In a nutshell, cinema attendance can be both a personally expressive experience, good fun, and therapeutic at the same time.”

(Source: Thought Economics <https://thoughteconomics.com/the-role-of-film-in-society/>)

The value of cinemas to night time economies is also significant, which is being shown to deliver legitimate activity and liveability to our urban areas and activated streets during the evening.

“Aspects of the night-time economies (NTEs) of Australian cities have recently been the subject of considerable public debate. Against this background, this paper reviews the NTE from a planning perspective in terms of the changing nature of commercial centres and associated planning responses and issues. Particular attention is given to two key issues that have arisen in a number of planning jurisdictions: conflicts around the performance of live music, and the spatial governance of licensed hospitality and entertainment venues. The paper concludes by noting that future urban liveability – and

potentially the successful implementation of elements of the current crop of metropolitan strategic plans – will be in some part determined by planners’ ability to negotiate successfully the various challenges posed by the NTE.”

(Source: Chris Beer at: <https://www.tandfonline.com/doi/abs/10.1080/07293682.2011.581245>)

3.0 Social Impact Analysis

The following positive and negative social impacts have been identified related to the proposed development:

No.	SOCIAL IMPACT	Degree of Impact	AAP Comment
Positive Impacts of Proposed Development			
1.	Delivery of desirable entertainment uses	High +ve	<p>The 9 x new cinemas component of the development will deliver 1 x large and 8 x smaller cinemas being a combined total of 1,418 new cinema seats to the Port Macquarie area.</p> <p>The new cinemas will improve access to what is an accessible social art form, allow for good fun and positive opportunities for human engagement and interaction.</p>
2.	Provision of desirable recreation uses	High +ve	<p>The new Gymnasium and Fun Fair will be desirable new uses in the Settlement City Precinct and which will complement the cinema use and associated commercial uses including various food and drink premises.</p> <p>The new gym and fun fair will allow provide opportunities for fun and positive opportunities for human engagement and interaction.</p>
3.	Supply of desirable commercial uses, including new Food and Drink Premises	High +ve	<p>The proposed new commercial tenancies will provide opportunities for new businesses to be established and social engagement is proposed.</p>
4.	New opportunities for evening social activity within the Settlement City Precinct	Moderate +ve	<p>It is anticipated key street level uses will be open until late fronting Park Street and to 10pm on Warlters Street and/or in accordance with the recommendations of the submitted acoustic report.</p> <p>The cinemas and gymnasium will also provide positive opportunities for legitimate and fun evening activities in the Greater CBD area</p>
5.	Increased social cohesiveness	Moderate +ve	<p>The proposed entertainment and commercial uses will provide positive opportunities for the community to meet and engage with others in the community.</p>

6.	Activation of the primary Park Street frontage and identified promenade	High +ve	Park Street is a key thoroughfare and identified promenade through the Settlement City Precinct and will benefit significantly from additional street level activation, such as that proposed in the subject development.
7.	Reinforcement of Strategic Urban Hierarchy	High +ve	The subject proposal will reinforce the Settlement City Precinct as the Greater CBD of Port Macquarie. Submitted landscaping plans reinforce the primacy of Park Street and demonstrate how the proposed urban form will be softened and enhanced.
Negative Impacts of Proposed Development			
1.	Evening activation has the potential to result in noise impacts on nearest neighbours	Moderate -ve	A detailed acoustic assessment of the proposal has been submitted which has included specific recommendations to effectively minimise negative acoustic impacts on nearby neighbours if implemented.
2.	Proposed uses will generate additional traffic and demand for parking in precinct	Moderate -ve	A detailed traffic and parking assessment of the proposal has been submitted which has made recommendations that will effectively minimised negative traffic and parking impacts on nearby neighbours if implemented.
3.	Bicycle Parking	Low -ve	No provision has currently been made for bicycle parking at the new entertainment and commercial hub. As per the traffic consultant's recommendation, provisions for bicycle parking is to be incorporated into construction application documentation as it is anticipated that there will be sustained demand for some bicycle parking.
4.	Increased Business Competition	Moderate -ve	Increased business competition can sometimes be viewed as a negative impact, but has also been found to improve economic outcomes longer term for some existing business owners as their area becomes well known as a cluster of desirable uses and which in turn attracts greater numbers of visitors and potential customers.

4.0 Recommendations

The following recommendations are made in respect of the proposed development to mitigate identified negative impacts.

No additional enhancement of identified positive impacts is considered necessary.

Recommended Mitigations:

1. **Managers Residence** – The residence is a welcome use on the site and should be retained if possible. The presence of a Managers Residence (Shop Top House) and On-Site Manager will facilitate direct oversight of the premises by the site manager and their management team, which will be useful in ensuring all recommended operational mitigations are acted on and consistently pursued.
2. **Consultant Mitigations** - Implementation of each recommendation identified by the project team's traffic, acoustic and landscape consultants is a significant mitigation, including the recommended hours of use for the external food and drink premise areas, design and installation of physical acoustic screening in recommended locations and shared parking area arrangements.
3. **Bicycle Parking** – bicycle parking is to be incorporated within the subject site, as also recommended by the Traffic Consultants, with details to be included on the Construction Certificate plans.
4. **Detailed Landscape Plan** is to be submitted with the CC documentation, that makes specific provision for:
 - a. Incorporation of bicycle parking facilities further to the Traffic Impact Assessment.
 - b. Designation of a clear pedestrian pathway from the Kmart at ground carpark to the Park Street pedestrian path.

Ongoing Monitoring:

No need for ongoing monitoring has been identified, with the possible exception of acoustic monitoring if such is recommended in the submitted acoustic assessment or in subsequent engagement with those consultants.

The inclusion of a managers residence on site will provide effective opportunities for ongoing monitoring of the proposed uses and direct engagement with on-site management as may be required.

Appendix 2: Crime Prevention Through Environmental Design - Preliminary Assessment

Prepared by: **ALL ABOUT PLANNING**

This Preliminary CPTED review of the subject medium scale entertainment and commercial development has been undertaken based on the following safer by design key criteria:

- Territorial Reinforcement – connecting people with places
- Surveillance – will anyone see me committing this crime?
- Access Control – how easy it is to reach a target, commit a crime and escape?

A. Territorial Reinforcement – connecting people with places

The subject location within the Greater CBD of Port Macquarie is an excellent location for the proposed entertainment and commercial uses. The local road network will benefit from increased activation along both street frontages and which will reinforce existing pedestrian and cycle routes within the road network.

Good positive territorial reinforcement is evident in the proposal in the following ways:

- The multiplicity of commercial tenants, owner/operators and staff/employees are all considered likely to defend the space/premises.
- Clear ownership cues are incorporated – territorial markers and space usage indicators include the use of Tactile markers, Ramps and other symbolic barriers and clear edge of premises markers delineated by the change in ground level from the footpath to the ground level terrace promenade.
- The broad placement and timing (including late night trade) of the various activities on site provides territorial reinforcement.
- Alcohol consumption will be contained to the food and drink premises who will have to satisfy relevant legislative requirements for sale and consumption of alcohol.
- The proposed development has a multiplicity of activity generators.
- The Neighbourhood edges will be clearly delineated by the strong architectural form and proposed street edge active uses.

B. Surveillance – will anyone see me committing this crime?

- **The site design effectively achieves a high level of ‘Natural Surveillance’** - through effective site design and layout, suitable landscaping, retention of sight lines and incorporation of mixed uses.
- **Technical compliance** – can be demonstrated by suitable lighting and the need for mechanical surveillance will be considered and discussed with the Mid North Coast Local Area Command.
- **Provision of Formal Guardians** – site guardians relevant to the subject development proposal include paid employees including cleaners and the on-site manager. Other personnel will also be considered as may be required.

C. Access Control – how easy it is to reach a target, commit a crime and escape?

Access control will effectively be achieved for the subject development by restricting, encouraging and channelling patrons and customers using the following methods:

- Change in land elevation
- Garden strips
- Clear building entry design
- Boom gates
- Building supervisors
- Security guards
- Other employees as may be required for particular uses

Conclusion

No particular amendments to the subject proposal have been identified as part of the Preliminary CPTED review.

AAP is able to engage directly with the Mid North Coast Local Area Command in respect of the subject development at the request of Council.