

The General Manager
Port Macquarie-Hastings Council
P O Box 84
Port Macquarie 2444

20 April 2021

Dear Dr Allen

SUBMISSION

YOUR REF: 2021/219

19421

PORT MACQUARIE CITY COUNCIL	
Item No	COM No
22 APR 2021	
Forward	
Activity	
Subject	
Folder 00010-2021-219-1	

OUR DETAILS

My husband and I are the resident owners of [REDACTED] and our names are Maurice and Anne-Marie Ferry. Neither of us has ever made any political gift or donation [REDACTED].

The southern border of our property adjoins the northern boundary of the proposed development, 2021/219. We have serious objections to this development, which seems to contravene at least three relevant sections of Council's Development Control Plan 2013.

APPLICANTS' DETAILS

It appears that Port Macquarie-Hastings Council owns a portion of the property on Pacific Drive and is involved in a joint venture with Laurus Projects Pty Ltd. (I am not sure whether this level of co-operation would be normal procedure or a potential conflict of interest.) Laurus Projects Pty Ltd is a new company formed in 2017 and based in Sydney. Their expert planners have got the project to the stage of submitting a Development Application to Council for the 4500 square metre site, comprising various lots.

The Laurus website lists the key components of the Pacific Drive development, the first point being "low rise/small impact design".

OUR AIM

The developers' claim that this is to be a "low rise/small impact design" is not borne out by the facts. They are proposing a high rise, high impact design. If approved, two of the apartment towers would exceed the height limit and one would dominate the skyline and coastline. Such large-scale development would have ongoing negative social impacts.

We believe that future development should be in accord with the Development Control Plan 2013. Our objections are on the grounds that this Development Application does not comply with (at least) the following three criteria of the Precinct Structure Plan:

- Medium Density
- Sensitive Building Design
- Desired Future Character

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21-7-21

PRECINCT STRUCTURE PLAN

- **Medium Density**

Before citing the precinct specific statements, I note in the strategic context section of the document that "the following desired future character statements and structure plans for each Precinct serve to guide assessment of development applications...(P196)

That would imply that the Pacific Drive Development, being in the Windmill Hill Precinct, should conform to the applicable plan.

"The Windmill Hill Precinct will continue to evolve as a medium density residential precinct with a diverse range of housing types." (P199)

I checked definitions of medium density housing. One source gave a wide range, 25-80 dwellings per hectare. 68 dwellings on a 4500 square metre site, as stated on the Laurus Projects Pty Ltd website, is well outside that range. The density of the proposed development is double that outside figure. It equates to over 140 dwellings per hectare. As such it must be considered high or very high density, and therefore totally unsuitable for Windmill Hill.

We therefore consider that such high density development should be rejected.

- **Sensitive Building Design**

On P199 of the Development Control Plan 2013, it is specified that "the eastern end of Burrawan Street and the northern end of Pacific Drive will be developed with sensitive building design that reduces their visual impacts on views from the public domain and on open space."

The developers have not respected this principle of sensitive building design. To the contrary, they are seeking permission to exceed the maximum permitted height of 17.5 metres and have lodged a Clause 4.6 variation to allow the high rise tower at the top of the hill to be an extra 2.8 metres above the limit. There is no merit in permitting a building of this size (20.3 metres) to tower above the surrounding properties. It is totally out of character and will impact on public views to the south and west, in contravention of the purpose of this provision. This huge development will look totally out of place in photos of the town and from Pacific Drive.

- **Desired Future Character**

The Council Development Guide explains that the objective of the precinct Structure Plans is "to ensure that development occurs in accordance with the desired future character of the East Port Neighbourhood." (P203)

Describing the Desired Future Character of Rocky Beach, the Council Development Guide is specific.

"The scale of development in Rocky Beach will typically range from town houses to small apartment buildings, responding to the topography and access to views to the west." (P207)

What is proposed does not fit with these requirements, as the developers are aiming for high rise and the maximum possible number of apartments on this premium site.

Approving the construction of 68 dwellings in buildings 20 or 21 metres high is massive over-development of the 4500 square metres on Pacific Drive. It would breach the guidelines Council has laid down for Rocky Beach, and destroy the character of the precinct forever.

An inappropriately designed development was allowed south of Flynn's Beach in the past (as stated on Pp206-7 of the Council Development Guide) and this has caused ongoing problems. Council should not repeat this mistake by approving a large scale collection of towering apartment blocks at the northern end of Flynn's Beach.

The desired future character of this lovely area is our third grounds for objecting to the proposed inappropriate development on Pacific Drive.

CONCLUSION

The Development Application 2021/219 should not be approved as it contravenes key sections of Council's Development Control Plan 2013. We call on those assessing the application to safeguard the amenity of the area for future generations.

[REDACTED] s [REDACTED] y

[REDACTED]
[REDACTED]

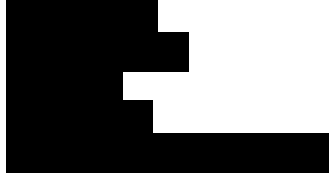
Anne-Marie Ferry

25 April 2021

Submission: Objection to Development Proposal

10 Pacific Dr. Application number 2021/219 Laurus Projects Pty Ltd

Andrew Essex



Grounds for objection:

1. Objection to property height:

Not in keeping with current properties in the area.

The surrounding properties are 1, 2 or 3 stories tall and this development is grossly up to seven times the height of neighbouring homes. The height of the development is excessive and is not consistent with the area.

See development documents: 6. Statement of Environmental Effects 5115_V1_PAN-84062

"Surrounding Development

The subject land is surrounded by a range of single and two storey dwellings to the south and west and residential flat buildings in Windmill Street to the north of the site. These buildings to the north range between 2 to 3 storey, however due to the topography are considerably higher than the other surrounding dwellings." (SEE p. 7).

The proposed development is not compatible with the varied housing in the immediate area. A three-story building could be argued to be compatible but not a seven story 68 unit building (SEE p. 10).

2. Objection to Proposed Development Excess Height beyond current allowances:

The development at 17.5 meters is already excessive and any excess height beyond current limits will exacerbate the visual disfigurement of the area, potential view obstructions and the proposed overshadowing.

In addition, the planned height allowances for the proposed solar panels and gardens are not in the plans.

3. Objection to the Clause 4.6 Variation request.

The proposed development does not comply with height restrictions (SEE p. 4). Any additional heights will impact the overshadowing and visual impacts of the proposed development on surrounding residents.

The proposal does not consider the residential amenity of the existing residents nearby and future residents with respect to the adjoining residential properties and the constraints if the development cannot comply with all the height limitations of the site.

The proposed development is not of a scale that is in keeping with the surrounding built environment of the area. An over shadowing building seven times the height of its neighbours is not “a gradual transition of building height.” (SEE p.4)

4. Objection to Overshadow of Proposed Development

Houses to the South and West of the development are going to be grossly impacted by this developments shadow. The Development cannot meet its own solar access requirements and will have a significant impact on surrounding residents.

The ESS reports development achieves 68% solar access for their units when 70% is required and they have also used an extra hour in their calculations counting until 8am-4pm. (9am-3pm is the standard).

This proposed development will seriously reduce the solar access of the surrounding properties and cause considerable increases in costs for the heating of these properties. In addition, the roof top solar power options will be significantly impacted by the proposed development.

5. Objection due to demands on current infrastructure.

Home Street has foot traffic on the roads as there are no footpaths at the northern end of Home St. The increase in both the vehicle and pedestrian traffic will create a serious risk to pedestrians.

6. Objection to Noise pollution during construction.

A development of this size will take an unreasonably long time to build and the noise, dust and loss of privacy will negatively impact local residents for an unreasonably long period of time.

7. Objection to loss of privacy as I will have the south side windows looking directly into my house and yard.

The design and landscaping proposed will not obscure views into the west and southern surrounding residents homes from the upper floors.

Furthermore, the proposed screening plants may not grow in the shade of the building as per plans.

8. Objection to inadequate parking:

100 car parks for 68 units. Look at the congestion around similar developments in the Flynn's Beach area or Towns Beach areas. Pacific drive is not wide enough to accommodate parking in this area.

Also, ten bicycle spaces are also inadequate for the proposed development.

I request a further 6 week extension for formation of an objector group, public review, consultation and consideration. I request this time to prepare and submit a petition to object to this development.

I strongly object to this proposed development for the reasons listed above.

No disclosures.

Yours sincerely,
Andrew Essex

R V and AH EMERY



27 April 2021

The General Manager
Port Macquarie Hastings Council
PO Box 84
Port Macquarie NSW 2444

Dear Sir or Madam,

Submission DA2021.219.1

We reside at 2 Windmill Street Port Macquarie as owners of Unit 3, and confirm that we have made no relevant political gifts or donations.

We object to the proposal referred to above on two major grounds.

The Building

The Council's Development Control Plan 2013 (DCP) sets out how the eastern end of Burrawan Street and the northern end of Pacific Drive are seen, and this proposal is not in accordance with that vision.

On our eastern boundary are two houses, occupied by less than ten people. On our western boundary is a building containing five apartments occupied by approximately ten people. Our building contains four apartments occupied by seven people. The area referred in the DPP generally comprises houses and buildings containing a small number of apartments, none housing large numbers of people.

The proposed development, on a relatively small block, is to comprise 68 apartments or units. This would attract well in excess of 100 people; just not what was envisaged by the DCP.

Drawings and plans contained in the proposal are also at variance with the DCP's vision for the Windmill Hill Precinct.

In our opinion the proposed building does not blend in with the Windmill Hill Precinct but is less than attractive in appearance.

Furthermore the construction period will be most disruptive of the atmosphere presently enjoyed by the residents of the Windmill Hill Precinct; the moreso as it will no doubt be lengthy.

We have sighted objections raised by our neighbors in 2 Windmill Street, and will not attempt to repeat them here, but are generally in agreement with the arguments and sentiments expressed therein.

Pacific Drive

Windmill Street has only one exit; onto Pacific Drive and using that exit, particularly if turning right, indicates that Pacific Drive is already overloaded in terms of traffic. Moreover that exit is at the crest of a hill with limited vision to the left and right. Experience teaches that not all approaching vehicles are observing the speed limit.

The proposed development will attract maybe 100 resident vehicles as well as vehicles servicing the proposed building. Also of course large numbers of vehicles will be involved in the construction period.

In our opinion Pacific Drive does have the ability to safely absorb the increase in traffic that will result from the proposed development.

Conclusion

For the reasons set out above we have serious reservations about the development proposed for 10-16 Pacific Drive, and strongly object to it.

Yours Faithfully

(signed)

Robert V Emery

(signed)

Anthea H Emery

[REDACTED]

From: [REDACTED]
Sent: Thursday, 29 April 2021 4:20 PM
To: Council
Subject: Correction to Submission dated 27 Apr 21 - DA2021.219.1
Categories: DA Submission

Attention Benjamin Roberts

The submission I made on 27 Apr 21 contained a typo and the last paragraph under Pacific Drive should read:

“In our opinion Pacific Drive does not have the ability to safely absorb the increase in traffic that will result from the proposed development.”

Apologies and Regards

Robert V Emery

[REDACTED]

27 April 2021

The General Manager
Port Macquarie Hastings Council
PO Box 84
Port Macquarie NSW 2444

Dear Sir

DEVELOPMENT APPLICATION 2021/219

I write as the owner of the above property, which neighbours the proposed development at:

[REDACTED]		
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My full name is Andrew John Stoner, [REDACTED]
[REDACTED] my email address [REDACTED] and my telephone number is [REDACTED]
[REDACTED] I have never made any political donations in connection with this or any other development.

I wish to register my objections to both the scale of the proposed development and the proposed process for determining it.

1. SCALE OF PROPOSED DEVELOPMENT

(a) Inconsistency With Development Control Plan 2013 (DCP)

The proposed development is clearly inconsistent with Council's DCP, including:

- Its density;
- Its height; and
- Compatibility with the character of the local neighbourhood.

Regarding density, the DCP states that "The Windmill Hill precinct will continue to evolve as a medium density residential precinct..." (p199). According to the NSW Government's Draft Medium Density Design Guide, "*Low rise medium density residential development is development that contains more than one dwelling and has a height of less than 10m. Typically, it results in a net density of 25-45 dwellings per hectare*". The proposed development is clearly high rather than medium density, with 70 apartments across 4500 sqm or 156 dwellings per hectare, more than triple the Government's guideline.

In terms of height, the design indicates 8 stories with a height of 20.3 metres, more than double the Government guideline for medium density development.

In relation to the character of the local neighbourhood, the surrounding properties in the Rocky Beach/Windmill Hill area are individual residences of no more than 2 stories and apartment buildings of no more than 3 stories comprising 4-5 dwellings, in keeping with the DCP. The proposed development is clearly inconsistent with the character of the area.

(b) Loss of Amenity to Existing Residents

The sheer scale (height, width and depth) of the proposed development will result in a substantial loss of amenity to existing residents, including loss of light and views. Neighbouring residents on Home Street will lose substantial sunlight, particularly during winter. Neighbouring residents on Windmill Street will lose views to the South East (ocean) and to the west (mountains). In addition to loss of amenity, the valuations of affected properties are likely to decline in relative terms.

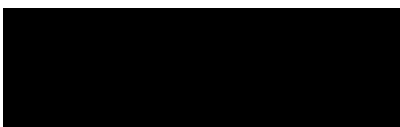
(c) Traffic Impacts

Pacific Drive has experienced a dramatic increase in traffic since early 2020, due to demographic changes associated with the pandemic, together with large residential subdivisions at Lake Cathie/Bonnie Hills and Thrumster. A development of up to 70 dwellings is likely to contribute an additional 100 or more vehicles accessing Pacific Drive and similar numbers of pedestrians accessing the coastal walk and parkland opposite, in an area regarded as a “blind spot”, located in a dip between two hills. Already local residents face difficulties making a right (southward) turn onto Pacific Drive and frequently observe “near misses”. Given the increase in traffic volume and the poor road visibility near the site, such a large development in this location is likely to result in adverse road safety outcomes.

2. PROPOSED PROCESS FOR DETERMINING THE DEVELOPMENT APPLICATION

The process proposed for determining this development application involves Port Macquarie Hastings Council as the consent authority. However it is clear that the Council has a potential conflict of interest, as the proposal involved the sale by them of land (formerly road reserve between Home and Windmill Streets) to the developer around 2017 (by way of direct negotiations rather than a public tender process). As Council benefitted financially from its negotiations with the developer relating to the sale of this parcel of formerly public land, it should not now be the consent authority. An alternative consent authority, for example a Joint Regional Planning Panel, should determine this development application.

Yours sincerely



Hon. Andrew Stoner AM

[REDACTED]

From:

[REDACTED]
Tuesday, 27 April 2021 9:14 PM

To:

Council

Subject:

Application: Development Application (10.2021.219.1)

Categories:

Helen, DA Submission

To the General Manager of the Port Macquarie Hastings Council,

I am writing to you in regards to the Application: Development Application (10.2021.219.1). Myself David Burrows, my wife Carmel Burrows and family strongly disagree with and do not support the above application (: Development Application (10.2021.219.1)) for the following reasons:

1. The constant noise caused by the driveway/carparking located and impacting our property at 3 Home Street, Port Macquarie. If the application is to advance, we request the developer install high grade sound proof fencing.
2. Loss of sun and increased shade on our property. The property will already block a significant amount of sun if it is allowed to be built to the regulated height of 17.5m for the R3 Zoning. allowing an increase to this height would block over 50% of the sun to our block, causing an less than desirable living situation, reduction of enjoyment to our life style and increased mould.
3. Significant increase in noise for a sustained period of time
4. Increased risk of overland flooding, the steep nature of the land currently forces water to rush through our block from the proposed development site.
5. The development will reduce to value of our property (support by McGrath real estate)

Please consider our reasons to deny this development application or significantly alter its current design.

Yours sincerely,

David and Carmel Burrows

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 28 April 2021 9:32 AM
To: Council
Subject: The General Manager, Port Macquarie-Hastings Council, Development Application No. 2021/219

Categories: Helen, DA Submission

From: Vincent McInerney, [REDACTED]
[REDACTED]

Application No.: DA2021.219.1

Disclosure: No gifts or political donations

Grounds for objection:

Application 2021/219 should be rejected on the grounds that it conflicts with Council's stated aim of maintaining medium density building with sensitive building design. The proposal would result in high density development which is inappropriate for this area.

The General Manager
Port Macquarie-Hastings Council

Submission for DA 2021.219.1 – Proposed Residential Flat Building – 10,13,16 Pacific Drive, Port Macquarie

1.1 INTRODUCTION

This submission is a joint submission from several residents of Macquarie Place, namely the owners of Numbers 2, 4, 8 and 10.

Some items below are requests for more information, some items are objections with potential comprises and some items provide additional local information, which we hope, will assist in the assessment of the development.

1.2 LAND OWNERSHIP – REQUEST FOR MORE INFORMATION

It is our understanding that the land which is located along the road frontage is public land owned by Council. We thought the sale of public land would need to be advertised and undergo public consultation. We were surprised to receive notices about the development.

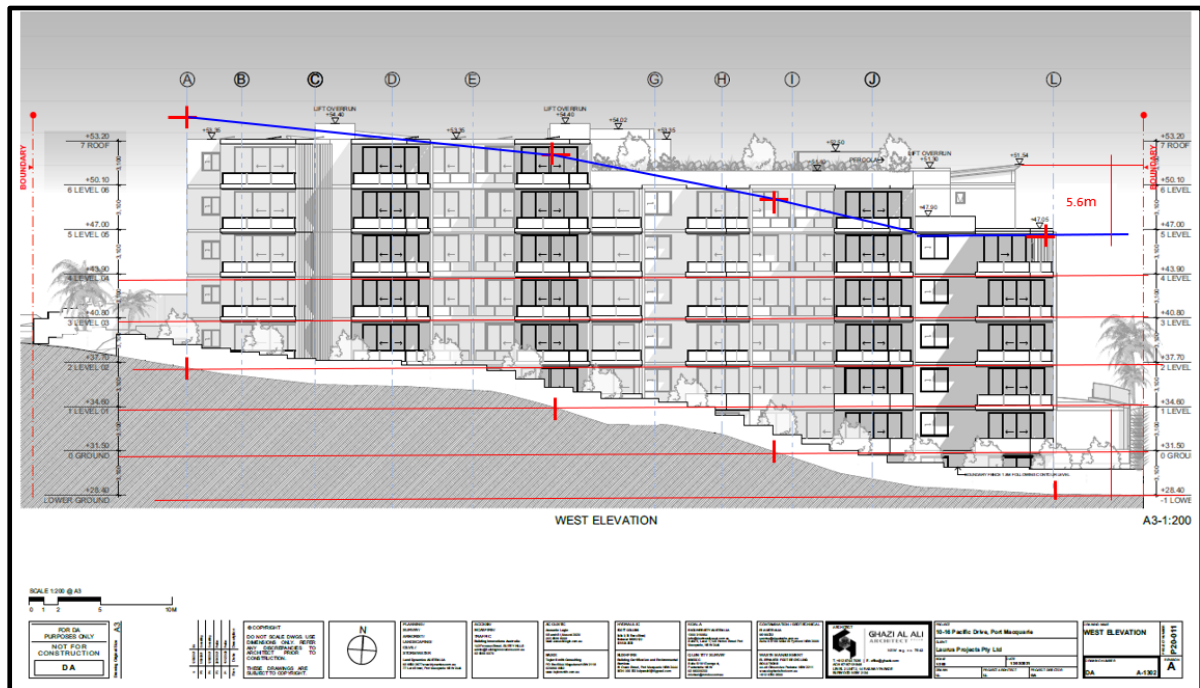
Therefore, we have the following questions:

1. Could you provide information about the process for the purchase of Council owned public land?
2. Why was the road closure deemed confidential in 2017 and what was the potential commercial advantage?
3. While we understand that the applicant of a development may not, and usually is not, the owner of property. We didn't think an applicant could submit a development application for a commercial development on public land. Therefore, our question is, can a commercial development be proposed by a commercial developer not engaged by Council, be assessed and approved on public land?
4. Then specifically, in this case, should commercial development of prime public coastal land be approved without wide public consultation?

1.3 OBJECTION TO BUILDING HEIGHT VARIATION

We note that the land zoning for the area is R3, which has a maximum height limit of 17.5m. Much of the proposed development appears to be 2-3 m above the height, with the rear 5.6m beyond the upper limit. Figure 1 shows the height non-compliance

Figure 1 Height non-compliance



The SEE document states that the architects have tried to strictly adhere to the 17.5 limit when what the architects were supposed to work hard to do was work within the limits.

We note the applicant has requested a variation to the height. While we recognise the property is sloping, we strongly object to this variation for the following reasons:

A 17.5m high building will be significantly higher than the adjacent low density residential housing and will overshadow the Home St cottages and block the easterly morning sun to Macquarie Place properties. Increasing the height by 30% over this limit will amplify these significant issues.

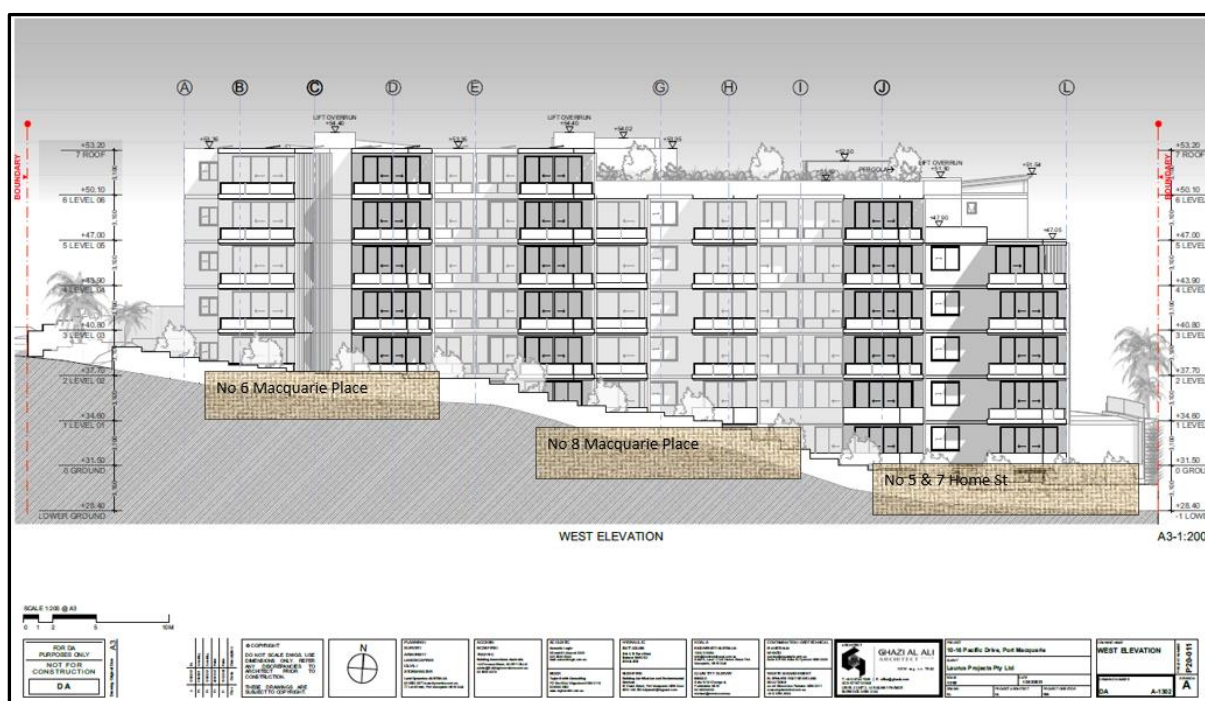
The development has a very vertical rear façade, with 66 balconies looking directly into your backyards. From the rear neighbours perspective, it will look overbearing and will cause significant overshadowing, noise, privacy and light pollution issues. Figure 2 from the SEE shows an artist's view of the development and its surrounding neighbours. Note: high perimeter retaining walls have been omitted. Figure 3 shows the West Elevation of the development with the surrounding neighbours.

Figure 2 Rear neighbours' view of the development Source SEE



Figure 6. General bulk and scale of the proposal, segmented to break up the volume of the building

Figure 3 Rear neighbour homes - gutter heights sourced from DA Plan A-1102



The SEE Executive Summary states that “The height variations do not result in an unacceptable or overbearing visual appearance from Pacific Drive” but does not mention “unacceptable or overbearing visual appearance to Home St and Macquarie Place neighbours”. Instead, the SEE states “no impacts arise on adjoining properties as result of the height non-compliance. **We strongly refute this statement.** The overshadowing diagrams show significant increased shadowing on our homes and Figure 3 above clearly shows that the proposed development has severe visual, privacy, noise and light pollution issues.

We understand that zoning limits are maximum limits and that developments may be designed up to these limits in the absence of any other limiting factors, considerations or constraints.

A workable comprise would be to design a building that fits within the site and neighbourhood constraints. A design which exhibits care and consideration of its rear and side neighbours, stepping down and the western façade is stepped back to ensure continuity sunlight and privacy.

1.4 COMMENTS REGARDING APARTMENT DESIGN CODE

Attachment A at the end of this document contains relevant excerpts from the Apartment Design Code. There are many references to consideration of neighbouring properties. We have circled the most relevant items we found.

We consider the development needs to better address the Apartment Design Code, particularly items concerning neighbour and neighbourhood amenity.

1.5 OBJECTION TO DCP 2013 NON-COMPLIANCES

The SEE states that the development complies with DCP 2013 C2. I had never read the document however upon my first review it is clear that this development fails to comply with visual, acoustic, amenity, solar objectives. There are too many non-compliances to document, so I've provided the following highlighted snips from DCP 2013

Purpose

The purpose of the provisions in this section are to encourage development to:

- Have regard to the desired scale, bulk and height of existing residential development as well as streetscape and landscape in the locality;
- Be attractive and functional,
- Not unduly affect the amenity of neighbours;
- Be landscaped to complement its appearance from the street, adjoining properties and vantage points in the area, and retain existing vegetation where possible;
- Have adequate and functional onsite parking;
- Have adequate and functional common and private open space areas on site;
- Provide safe and convenient access to property for residents, visitors and at the public/private property interface (i.e. line of sight).
- Consider the principles of crime prevention in the design of developments.
- Be sited and designed to have regard to adjoining and nearby existing structures, street facades and public open space.
- Preserve the skyline and the building's relationship to natural features.

- Provide optimum solar access to public open spaces within the development and adjoining properties.
- Ensure ongoing privacy of neighbouring properties.
- Ensure view-sharing opportunities from nearby properties and vantage points to minimise adverse impacts.

Amenity

Developments should be designed so that the privacy of each individual dwelling and adjacent existing dwelling is reasonably protected, with particular regard to private open spaces and the windows of habitable rooms.

Measures utilised to ensure that these guidelines are satisfied may include:

- Proper consideration of privacy outcomes at the site planning stage;
- Screening;
- Offset windows;
- Separation by distance

Landscaping cannot be considered as a privacy solution because of the lead time in establishing vegetation and the difficulty in maintaining its effectiveness once established.

Site layout should separate active recreational areas, parking areas, vehicle access ways and service equipment areas from bedroom areas of dwellings and have regard to the location of habitable rooms of adjacent developments.

Side and Rear Setbacks

61. Objective

- To allow flexibility in the siting of buildings while limiting the extent to which any building overshadows or overlooks adjacent properties.
- To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.
- To provide acoustic and visual privacy.
- To provide adequate area for deep soil planting.

Development Provisions

- a) The following setbacks (Refer Figure 7) apply to all sites, except where the side boundary is a secondary street frontage:
 - Buildings should be set back a minimum of 1.5m from side boundaries, for a maximum of 75% of the building depth.
 - Windows in side walls should be set back 3m from side boundaries.
 - Where the site is adjacent to an existing strata-titled building, buildings should be set back a minimum of 3m from side boundaries.
- b) Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.
- c) A minimum rear setback of 6.0m from the building and sub basements is required.

Excerpts from Council relevant documents referred to in the Pre-lodgement meeting regarding the height variation.

"What are the underlying objectives or purpose of the development standard?"

The underlying objective or purpose of the maximum permissible building height development standard applicable to the subject land under Clause 4.3 and the proposed development is stated within the objectives to Port Macquarie Hastings LEP 2011 - Clause 4.3 (1) - Height of Buildings, as follows:

" (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- (d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan."*

As can be seen on the building elevations, the proposed development exhibits only a minor variation to the maximum permitted building height. This is principally a reflection of site levels and topography.

The proposed development exhibits a high degree of architectural quality and urban form and the development steps to respond to the topography. The building's proportions have been developed in consideration of its visual impact on the skyline and impacts for adjoining properties. The proposed building design maximises the roof space and provides a superior level of urban design. The proposed minor building height exceedance does not significantly reduce the opportunity for either the proposed development, or public areas to receive satisfactory exposure to sunlight. Further, the form of the development allows greater exposure to daylight and solar access.

The design height of the proposed development is appropriate in the context of the surrounding residential form and has had regard to the proposed downslope in this development. A minor departure only is proposed from the 17.5m maximum permissible building height development standard and does not cause significant visual impact and does not adversely impact view corridors from public spaces or adjoining neighbours. The proposed development will not be visually dominant due to the slope of the land and the cut proposed.

Conclusion

It is considered that any requirement for the proposed development to strictly comply with the applicable 17.5m maximum permissible building height development standard of Clauses 4.3 of Port Macquarie Hastings LEP 2011 would be unreasonable or unnecessary in the particular circumstances as the proposed development is in the public interest as it will facilitate the economically viable redevelopment of the subject land in a manner consistent with the strategic planning objectives for the development of the overall planned development of the area.

Further, the proposed development is consistent with objectives for development within the zone and the proposed development is consistent with the objectives of the maximum building height development standard as expressed in Clause 4.3 (1) of Port Macquarie Hastings LEP.

The particular circumstances relating to the subject land and the proposed development are unique to this application due to the slope at the eastern end and will not lead to similar development applications which would cumulatively undermine the planning objectives for the locality.

The proposed minor exceedance in maximum permissible building height does not significantly increase the bulk and scale of the proposed development, cause any additional view loss from neighbouring properties, or surrounding residential properties or have any significant additional adverse scenic/visual impacts or amenity (privacy/overshadowing) impacts on the public domain. There is a need for the infrastructure for a residential flat building and it is usual for it to be placed on the roof.

There is no public benefit to be derived, or planning purpose to be served, in requiring the proposed development to strictly comply with the applicable maximum permissible building height development standards of LEP 2011. This request demonstrates that there are sufficient environmental planning grounds for the proposed development to contravene the maximum permissible building height development standard applying to the subject land under Clauses 4.3 of Port Macquarie Hastings LEP 2011.

Port Macquarie-Hastings Council is therefore requested to exercise its discretion under Clause 4.6 of Port Macquarie Hastings LEP 2011 and approve the proposed exceedance of the applicable maximum building height development standard for the proposed residential development proposed by this application.

The submitted **DCP Compliance Table** document does not talk to many of the above objectives, it minimises or ignores the impacts on neighbours instead focusing on the positive amenity to future residents of the proposed development.

The **DCP Compliance Table** document contains a copy of the Windmill Precinct Structure Plan which states that “development will be stepping down towards the west” and then states that “the redevelopment is consistent with the anticipated evolution”.

A workable compromise would be to ensure the development is kept within the 17.5m height limit by stepping down the roof line and the western façade is stepped back to lessen the bulk of the development when viewed from the west and ensure it does not decrease sunlight and privacy to neighbouring properties.

1.6 OBJECTION TO OVERSHADOWING

As shown above, it is unacceptable that existing dwellings have significant increased shadowing due to this development.

Reasonable compromise would be to re-configure the design to ensure existing residents do not have additional overshadowing shading at any time during the year.

Note: The colouring used to show the proposed shadowing is very light and difficult to see. We recommend the increased overshadowing due to the development is made more visible.

1.7 OBJECTION TO LOSS OF EASTERN MORNING SUN

The development as proposed will block the northern and eastern morning sun to all residents in Macquarie Place and residents in No. 3, 5, 7, 9, 11 Home St.

Suggestion to make the development acceptable would be to ensure the development is stepped down and the western façade is stepped back to eliminate the decrease in sunlight to neighbouring properties.

1.8 OBJECTION TO LOSS OF PRIVACY

As shown above, it is unacceptable that existing dwellings have significant loss of privacy due to this development.

A workable compromise would be to ensure the development is stepped down and the western façade is stepped back to lessen the bulk of the development when viewed from the west and ensure privacy to neighbouring properties without causing overshadowing.

1.9 OBJECTION – ENTRANCE AND EXIT TO PACIFIC DRIVE

The site is located on the southern side of a hill crest. The proposed Vehicle entrance is in a blind spot. Drivers of vehicles heading south on Pacific Drive would not see a stationary vehicle waiting to turn right into the proposed development until the moving vehicle was fully over the crest. The risk of collision is high. Figure 4 illustrates the issue.

Figure 4 - View from crest of hill



The high accident risk could be managed by having “No Right Turn” into and out of the development.

I’m not sure whether the Traffic Impact Statement was meant to address the above vehicle entering and exit issue.

1.10 KOALA ASSESSMENT - ADDITIONAL INFORMATION



The area is a known koala area. The Windmill Precinct and Oxley Crescent area has an active local koala population. There are many koala habitat and food trees in the area. Figure 2 below shows the locations of koala sightings by either myself or my neighbours in 2020. While the development site does not contain koala food trees, it is the travel corridor for local koalas.

Collaboration opportunity 1

Council, in collaboration with relevant NSW Government agencies and local stakeholders, will map existing koala corridors across Port Macquarie to inform the Port Macquarie-Hastings' Koala Recovery Strategy and development of Port Macquarie's Green Grid

Timing: Short-term

Could this fact be addressed in the assessment?

Figure 5 - Locations of koala sightings by residents of Macquarie Place in 2020



1.11 GROUNDWATER – STORMWATER – ADDITIONAL INFORMATION

Many properties along the southern face of Windmill Hill have groundwater issues and the development site has a creek running through it. The creek ends with an above ground collection pit on the site near Home St. We are surprised the geotechnical investigation area did not find groundwater.

The intention of the information below is to show the existing overland and groundwater issues on adjacent properties to assist the designers of the proposed development.

- A. The garages of the block of units at 2 Oxley Crescent have significant groundwater inundation during most storms. Groundwater seepage continues for weeks afterwards.
- B. The vacant block at 2A Oxley Crescent has significant overland stormwater issues during most storms, see Figure 3 below. Groundwater from the site would be adding to flooding of A. above.
- C. No. 2 Macquarie Place receives undocumented piped stormwater from several Windmill St properties and overland stormwater from No.10 & 12 Windmill St. See Figures 6 & 7.

Figure 6 - overland flow 2A Oxley Crescent



Figure 7 - undocumented stormwater collection pipes and pits at 2 Macquarie Place from several Windmill St properties

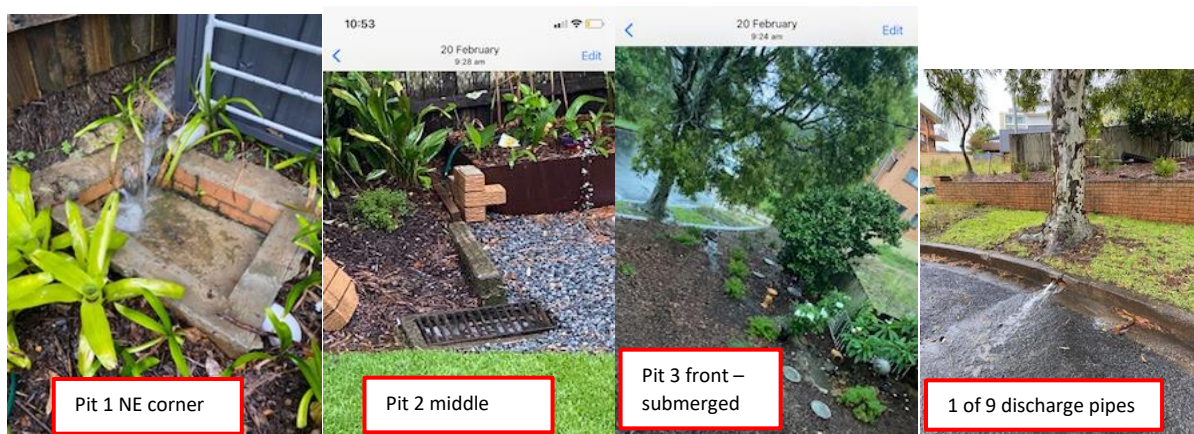
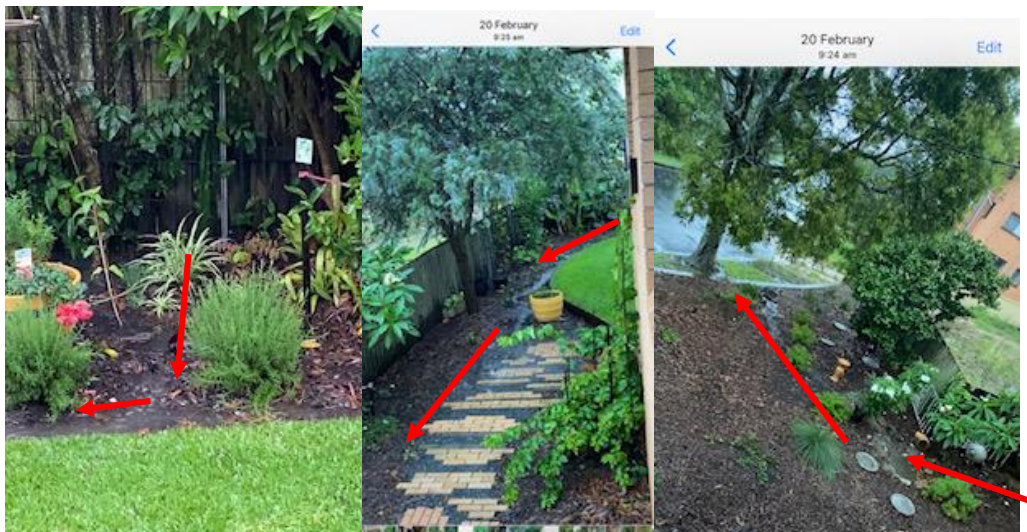


Figure 8 Overland flow from 12 Windmill St entering 2 Macquarie Place



1.12 REQUEST FOR EXTENSION OF PUBLIC EXHIBITION PERIOD

We request an extension of the public exhibition period to allow sufficient time for all neighbours to review the documents.

There was a lot to read and learn in a 2 week period. Even in our cul-de-sac of 5 properties, 3 of the owners have other pressing issues. One owner lives at Blackmans Point and is still cleaning up from the recent flood, another couple recently had a very premature baby and another owner left for a two week holiday 1 day after receiving the letter.

We request an additional four (4) week period.

1.13 CONCLUSION

We hope you consider our objections and additional information and work with the proponent to develop a workable solution which better ameliorates the impact on the hours of sunlight, noise and privacy of the existing neighbours.

Apartment Design Code

Narrow infill apartments



Narrow infill apartment types are suited to narrow, deep lots. The design needs to consider privacy impacts on neighbours

Narrow infill apartments are typically two to three storey walk-up apartments (stairs only) or buildings with three to five levels and a lift. They are a response to the dimension of traditional residential lot sizes in suburban areas in NSW which are narrow and deep, and are often surrounded by a combination of detached houses and flat buildings from previous eras.

Privacy impacts along side and rear boundaries to neighbouring properties need to be carefully managed as achieving minimum building separation can be a challenge. This building type is best used when:

- a narrow lot width or frontage results in a building envelope oriented perpendicular to the street frontage
- amalgamation opportunities of properties in the area are constrained.



Strategic centres

Strategic centres are characterised by an established commercial core with a full range of services, taller buildings and a network of retail and commercial streets with active frontages.

Considerations for residential apartment development in strategic centres include complex relationships with adjacent buildings, impact of taller building types, privacy between commercial and residential uses, parking demand, high site coverage, limited deep soil, reliance on quality public streets and places and overshadowing.

Local centres

Local centres are typically characterised by an established main street. In larger local centres, retail and commercial uses are distributed around the main street or across a small network of streets defining the core. In smaller local centres, the main street or shopping strip is surrounded by residential uses.

Considerations for residential apartment development in local centres include shop top housing, high site coverage, narrow site frontages, heritage, relationship with adjacent low density residential uses and multiple small lot land ownership requiring amalgamation to support changing use and density.

Urban neighbourhoods

Urban neighbourhoods are often located within walking distance of centres. Established urban neighbourhoods may be characterised by existing residential flat buildings ranging from three storey walk-ups to eight storey perimeter blocks or towers. Other urban neighbourhoods may be transitioning from low density residential and/or a mix of larger format commercial and light industrial use.

Considerations for residential apartment development in these settings include overshadowing, amenity and privacy impacts between existing and future buildings, open space patterns, existing vegetation, demand for new public domain elements, variety of lot sizes and shapes and changing streetscape and scale.



Figure 18.2 The location of residential flat buildings is determined by factors such as neighbourhood character, accessibility to transport, jobs and services and environmental considerations

Suburban neighbourhoods

Suburban neighbourhoods are typically characterised by detached housing in a landscaped setting.

Considerations for residential apartment development in suburban neighbourhood settings include relationships and interface with existing houses, appropriateness of apartment buildings compared to other forms of medium density housing (such as terraces or townhouses), landscape setting, existing significant trees and the pattern of front and rear gardens.



Figure 2F.3 Building separation supports residential amenity and helps to provide suitable communal open space areas

Table 1 Minimum building separation increases proportionally to the building height

Building height	Separation distance
9 storeys and above	12-24m
Up to 8 storeys	9-18m
Up to 4 storeys	6-12m

How to measure building separation

Gallery access circulation areas should be treated as habitable space, with separation measured from the exterior edge of the circulation space.

When measuring the building separation between commercial and residential uses, consider office windows and balconies as habitable space and service and plant areas as non-habitable.

Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes the building separation equally between sites (consider relationship with section 3F Visual privacy).

Considerations in setting building separation controls

Design and test building separation controls in plan and section

Test building separation controls for sunlight and daylight access to buildings and open spaces

Minimum separation distances for buildings are:

Up to four storeys (approximately 12m):

- 12m between habitable rooms/balconies
- 9m between habitable and non-habitable rooms
- 6m between non-habitable rooms

Five to eight storeys (approximately 25m):

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

Nine storeys and above (over 25m):

- 24m between habitable rooms/balconies
- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms

Building separation may need to be increased to achieve adequate sunlight access and enough open space on the site, for example on slopes

Increase building separation proportionally to the building height to achieve amenity and privacy for building occupants and a desirable urban form

At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m

No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres

Required setbacks may be greater than required building separations to achieve better amenity outcomes

2H Side and rear setbacks

Side and rear setbacks govern the distance of a building from the side and rear site boundaries and are related to the height of the building. They are important tools for achieving amenity for new development and buildings on adjacent sites.

Setbacks vary according to the building's context and type. Larger setbacks can be expected in suburban contexts in comparison to higher density urban settings. Setbacks provide transition between different land uses and building typologies. Side and rear setbacks can also be used to create useable land for common open space, tree planting and landscaping.

Aims

- provide access to light, air and outlook for neighbouring properties and future buildings
- provide for adequate privacy between neighbouring apartments
- retain or create a rhythm or pattern of spaces between buildings that define and add character to the streetscape
- achieve setbacks that maximise deep soil areas, retain existing landscaping and support mature vegetation consolidated across sites
- manage a transition between sites or areas with different development controls such as height and land use.



Figure 2H.1 Side setbacks can contribute to the character of the street, for example by allowing views to existing vegetation at the rear of buildings



Figure 2H.2 On Infill sites follow the existing open space patterns, limit side setbacks and locate habitable rooms to face the street and rear boundary to optimise amenity and privacy for all

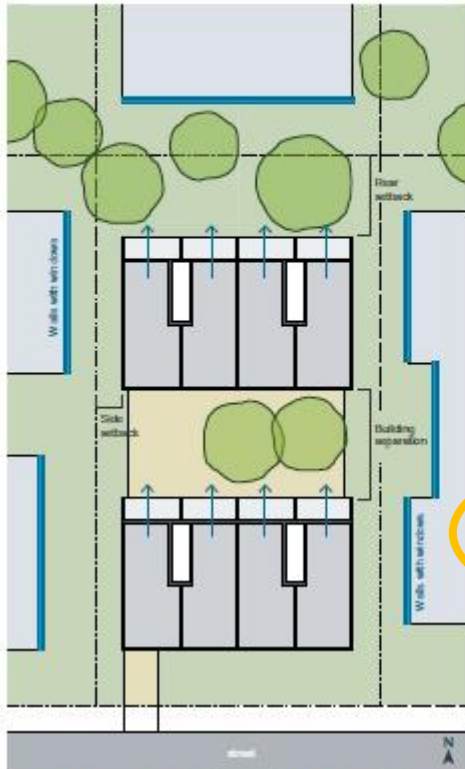


Figure 2H.3 On narrow infill sites select a building type that orientates habitable rooms to the street and rear, minimising required side setbacks

Considerations in setting side and rear setback controls

Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces

Test side and rear setbacks with the requirements for:

- building separation and visual privacy
- communal and private open space
- deep soil zone requirements

Consider zero side setbacks where the desired character is for a continuous street wall, such as in dense urban areas, main streets or for podiums within centres

On sloping sites, consider increasing side and rear setbacks where new development is uphill to minimise overshadowing and assist with visual privacy



Figure 2H.4 Side and rear setbacks vary according to the building context and type. In urban areas, setbacks are often guided by minimum building separation requirements

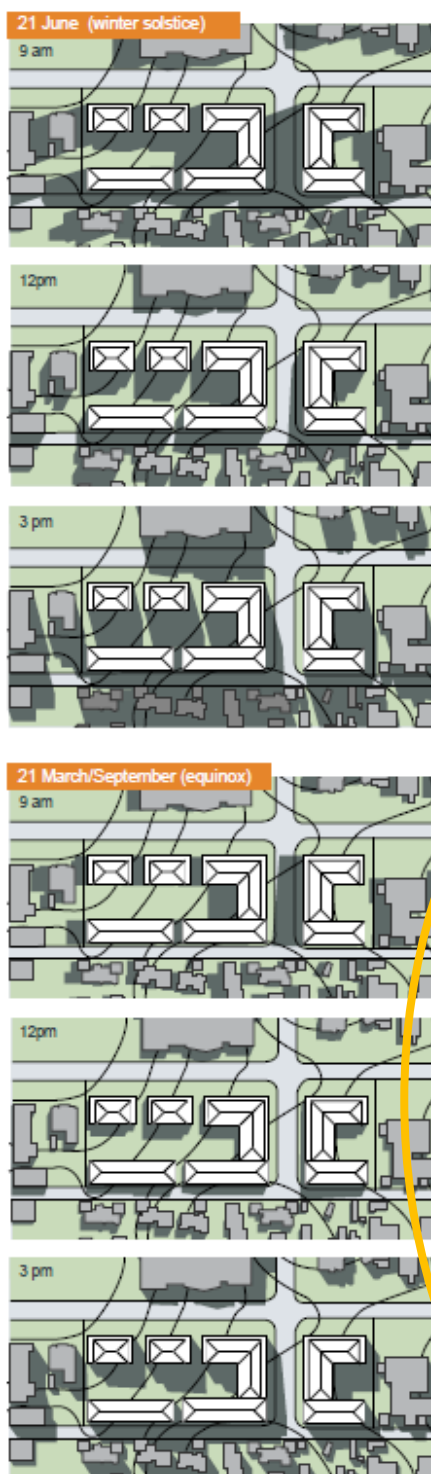


Figure 3B.3 Shadow diagrams demonstrate the impact of overshadowing within and beyond the site

Objective 3B-1

Building types and layouts respond to the streetscape and site while optimising solar access within the development

Design guidance

Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1)

Where the street frontage is to the east or west, rear buildings should be orientated to the north

Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2)

Objective 3B-2

Overshadowing of neighbouring properties is minimised during mid winter

Design guidance

Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access

Solar access to living rooms, balconies and private open spaces of neighbours should be considered

Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%

If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy

Overshadowing should be minimised to the south or down hill by increased upper level setbacks

It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development

A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings

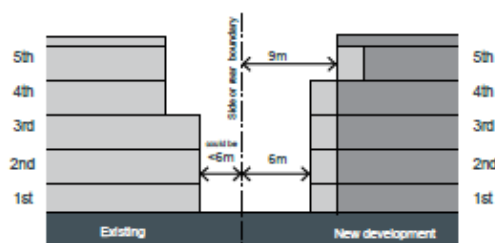


Figure 3F.3 New development adjacent to existing buildings should provide adequate separation distances to the boundary in accordance with the design criteria

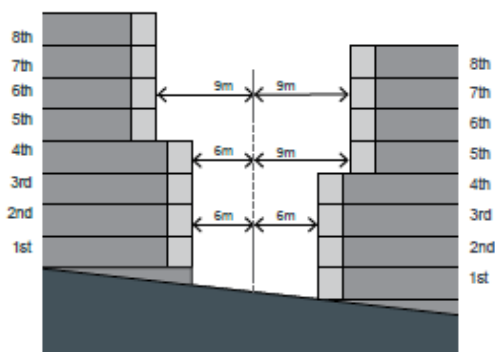


Figure 3F.4 Within the same site, minimum separation should be shared equitably between buildings. On sloping sites, appropriate separation distances ensure visual privacy for apartments on different levels

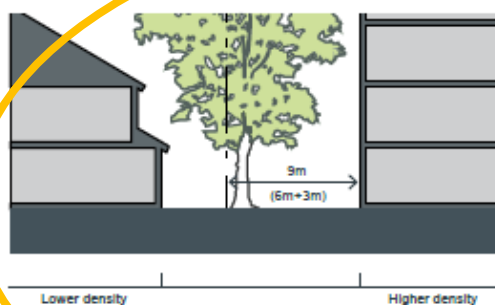


Figure 3F.5 To resolve amenity impacts, apartment buildings should increase the building separation distance (+3m) when adjacent to a different zone that permits lower density residential development

Objective 3F-1

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

Design criteria

- Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2)

Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties

Design guidance

Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance

For residential buildings next to commercial buildings, separation distances should be measured as follows:

- for retail, office spaces and commercial balconies use the habitable room distances
- for service and plant areas use the non-habitable room distances

New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:

- site layout and building orientation to minimise privacy impacts (see also section 3B Orientation)
- on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)

Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)

Direct lines of sight should be avoided for windows and balconies across corners

No separation is required between blank walls

Lisa Christie

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

General Manager
Port Macquarie Hastings Council

Re: Objection for Submission for DA 2021.219.1 – Proposed Residential Flat Building – 10,13,16 Pacific Drive Port Macquarie

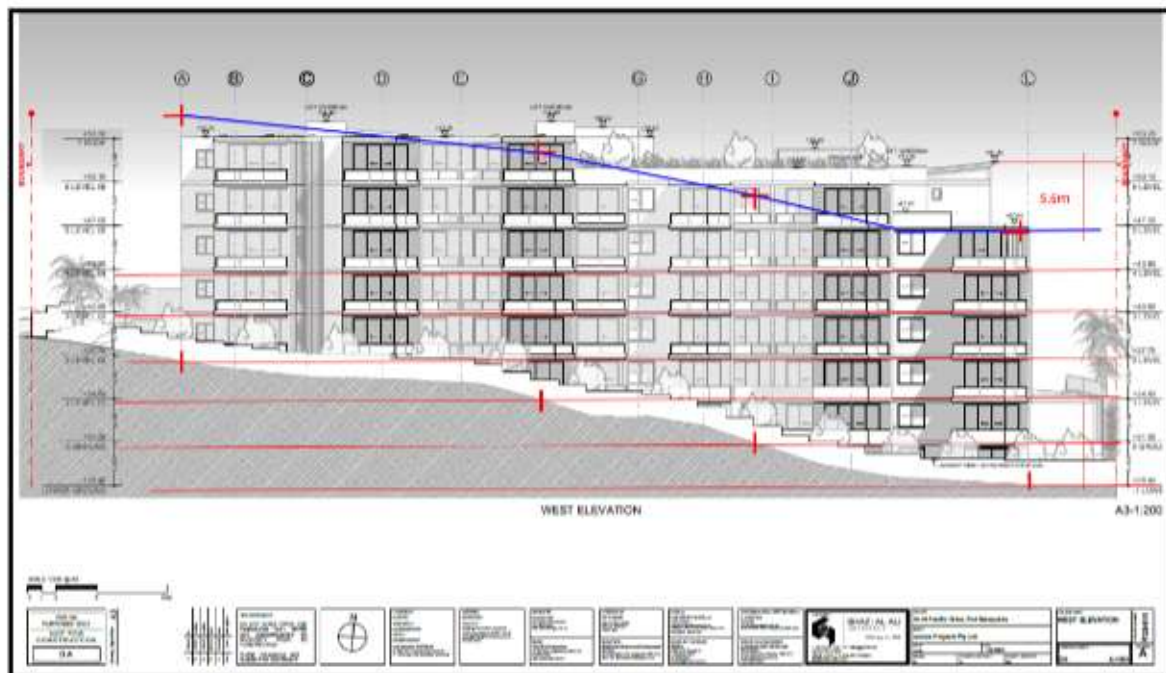
This submission is from the owner of 6 Macquarie Place.

Objection to Height variation

We note that the land zoning for the area is R3, which has a maximum height limit of 17.5m. Much

of the proposed development appears to be 2-3 m above the height, with the rear 5.6m beyond the

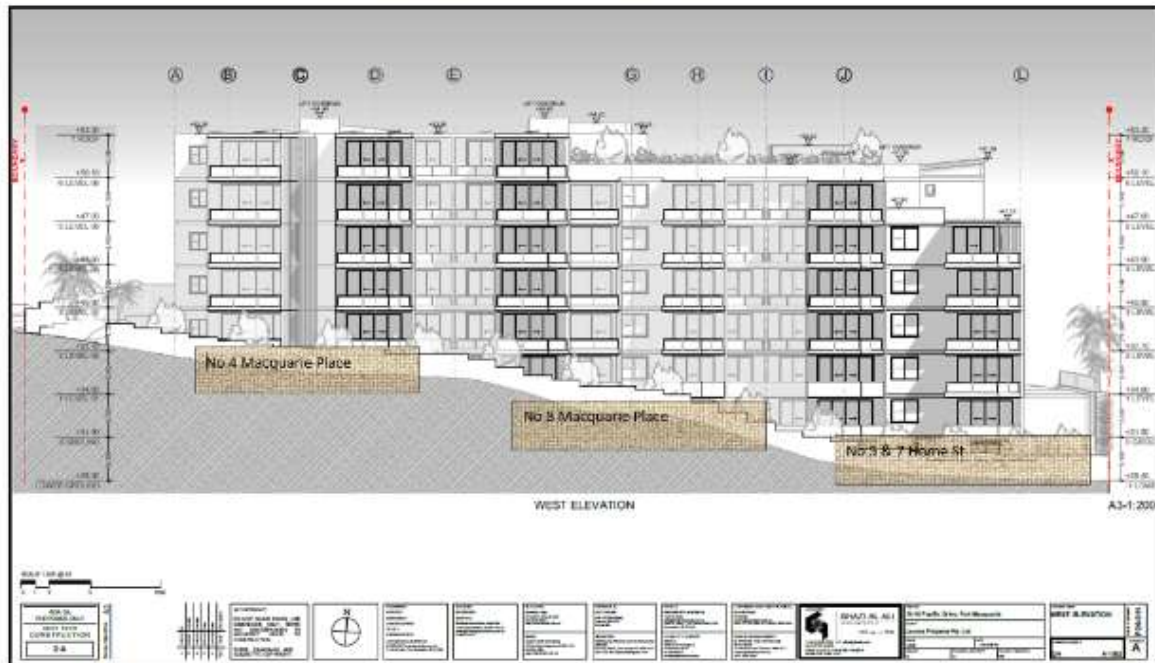
upper limit. Figure below shows the height non-compliance



Architects havenot worked within the height limits. The applicant has requested a variation to the height which seems unreasonable and this I strongly object to. The property is sloping and I realise this but my adjacent low density residential property will be overshadowed and block easterly morning sun. This is totally unacceptable and the issues that will arise are substanbtial. Loss of privacy for the dwellings on Macquarie Place are significant wioth 66

balconies overlooking the backyards of the houses creating noise issues, privacy issues and significant light pollution.

Figure 3 Rear neighbour homes - gutter heights sourced from DA Plan A-1102



The SEE Executive summary states that “The height variations do not result in an unacceptable or overbearing visual appearance from Pacific Drive” but does not mention “unacceptable or overbearing visual appearance to Home St and Macquarie Place neighbours”. Instead, the SEE states “no impacts arise on adjoining properties as result of the height non-compliance. We strongly refute this statement. There has been no care or consideration of neighbours to the rear and side whatsoever.

The development is an unattractive oversized monstrosity – hardly compliant with the local lower density buildings which are all attractive and scaled appropriately. This looks like an urban money machine and locals will strongly oppose the construction. The bulk and scale of their proposal is grossly out of context for our local area.

Setbacks will need to be properly addressed and locals need to know that council will police this carefully in the case of high density dwellings when adjoining lower density as in this case.

This area has an active Koalas population which will be adversely affected by the development. It is a travel corridor and another reason why the development is unacceptable and abhorrant. What happened to our Koala recovery strategy? – or is this just lip service?



**The General Manager
Port Macquarie Hastings Council**

Submission

**Re Development Application (DA) 2021/219 Proposed Residential Flat Building, Pacific Drive,
Port Macquarie**

Brian Johnson & Shannon Miller, [REDACTED]
[REDACTED]
[REDACTED]

Please note the application documents (Architectural Plans 5115, Pg3 & the Statement of Environmental Effects, Fig22, Pg54) incorrectly labels our property as No.3 rather than No.6.

We object to the above proposal on the following grounds:

1 Scope of the proposal

The size of the proposal is an over development of the site, dwarfing existing properties in the vicinity and will reduce the residential amenity of existing residents. Also, due to the unique nature of the land area involved, it is unlikely any future development proposal will be able to approach this scope. It is likely to remain significantly a larger than other buildings in this vicinity and as a symbol of over development for years to come.

Also, as this is the first development of this nature in this vicinity we are opposed to any variation of building height limit. Regulated height limits are that and to vary them creates a (dangerous) precedent for subsequent building proposals. Potentially, the height limits are rendered as meaningless. Additionally, the regulated height limits should apply to all the individual lots included in this proposal.

Pacific Dr is an iconic road with ocean and hinterland views along its way. The scope of this development will detract from these views in this area.

2. Traffic

Pacific Dr currently is a very busy road particularly in the morning and early evening. Traffic flows to and from the CBD area are at the limit of the road's capacity. The addition of 100 cars entering and exiting from the proposed development (which has only 1 entry/exit) will add to these flows. Further as Pacific Dr is only a single lane in either direction vehicles turning into the property particularly travelling to the south, will interrupt these flows, cause traffic stoppages and increase the likelihood of accidents as vehicles crest the hill from the Oxley Beach area. To this can be added the waste collection vehicles needed to service the properties.

Pacific Dr is also very popular route for cyclists (particularly in the morning) and walkers. Any increase to the volume of traffic and associated problems is likely to have detrimental impacts on their safety and to the amenity of their activities.

3. Parking

The proposal has provision for 100 car spaces. With 64 of the 68 units to be 2 bedroom or more, the demand for car spaces is likely to be in excess of this number resulting in an increase in on street parking. Pacific Dr will not provide for this. The adjoining side streets are Home and Windmill Streets. Home Street does have on street parking whilst Windmill Street is already at capacity. Additional street parking in either of these streets will have a detrimental impact on the amenity of the residents environments.

4. Koalas

The area adjoining the western and northern sides of the proposed development area is a locally recognised koala corridor. Below are a number of photos of koalas in this area:

Fig 1: Koala in tree, rear of 6 Windmill Street



Fig 2: Koala, rear fence between 6 Windmill Street & Rocky Beach Motel



Fig 3: Koala on the fence between Nos 2 & 6 Windmill Street

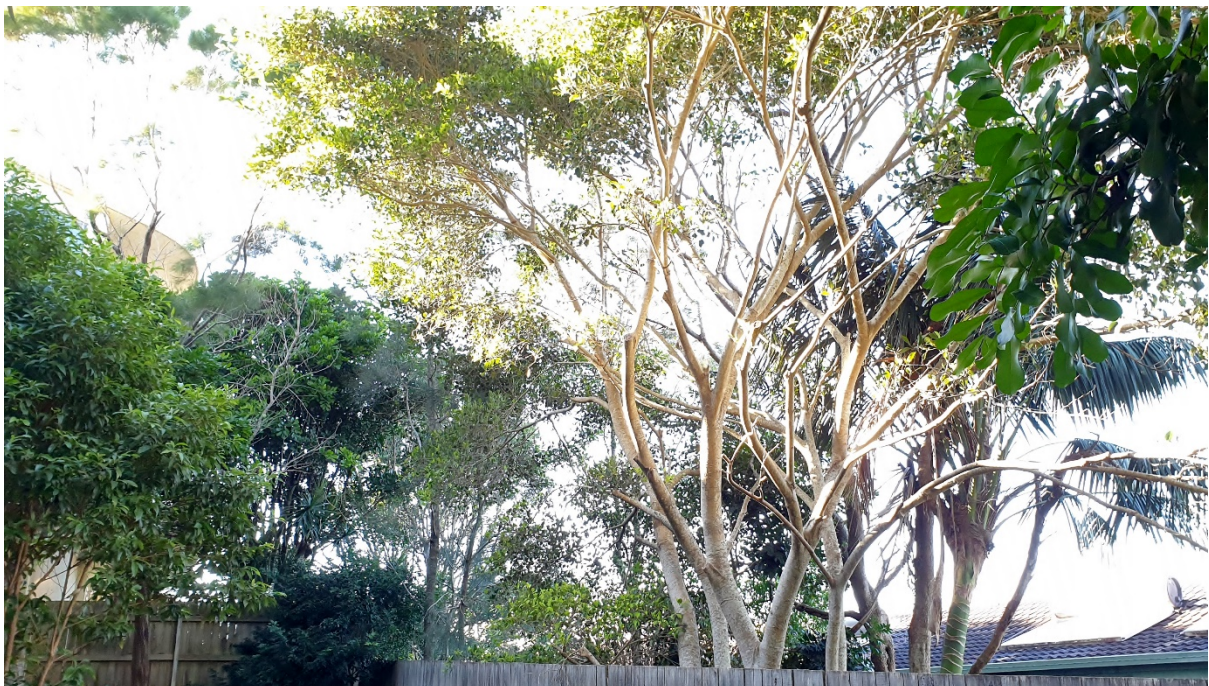


The area provides both connectivity, shelter and foraging for koalas.

5: Trees

The proposal involves the removal of several mature trees along the northern border at the rear of Nos 2 & 6 Windmill Street. These trees are part of the koala corridor, attract birdlife to the area and form a privacy screen for residents.

Fig 4: Trees rear Nos 2 & 6 Windmill Street



The Statement of Environment Effects, Pg 11 states "Removal of all vegetation, with no significant vegetation identified on the site currently." The figure above clearly shows that there is significant vegetation on the site.

The Arborists letter in the application states 'As an AQF5 qualified Arborist, I can confirm that all trees on site are proposed to be removed as part of the residential development and therefore there is no requirement to prepare an Arborist report for tree retention on site as per PMHC requirements

However, The Statement of Environment Effects, Fig 8, Pg 13 shows "trees to be maintained". These are labelled 1 in the legend. However, there is no explanation for 2 (which overlaps 1) in the legend and 3 is for trees to be removed.

As Fig 4 clearly shows there are significant trees on site. To say the least, there is confusion about the future of the existing mature trees.

We are strongly opposed to the removal of these trees as they provide habitat for koalas and birds plus provide a privacy screen for residents.

6: Conflict of interest

Does the Council have a potential conflict of interest in the determination of this proposal?

Statement of Environmental Effects (SEE), Development Application (DA) Proposed Residential Flat Building, Pacific Drive, Port Macquarie, Pg 4, Land Dynamics Australia states the following:

"The eastern portion of the development site comprises Lot 101 DP 1244390, which is currently owned by Port Macquarie Hastings Council. The owners of the remainder of the development site is in discussion with Council to purchase the lot."

On Pg 10 of the above statement

"Council's Property Section has sold off vacant land along the western edge of Pacific Drive, which are in the process of being purchased and are incorporated into this development site. The sale will be finalised once this application is determined. In this regard, a copy of the resolution of Council from 15 March 2017 has been provided with this application and Council has advised that owner's consent will be provided."

The conflict appears to arise as council hold a significant parcel of land (without which the development proposed could not occur) is negotiating the sale of that land with the developer, the sale will only be finalised when the application is determined and the council is the body who will determine the outcome of the application.

Brian Johnson & Shannon Miller

M & K Pollard

[REDACTED]

To Whom It May Concern:

In regards to the proposed DA 2021/219 we have two objections which we seek further clarification on.


- As per the information supplied in Council's application tracker, we could not find clear information on the shading affects to adjoining properties, as our property is to the south on this proposal and will be the most affected, we would like further information on this matter to better understand effects so an objection can be made if required.
- We would also like to know how this DA can be approved by the Port Macquarie Hastings Council when some of the proposed development Lot 101 DP 1244390 is on Council land which has not yet been purchased by the applicant, isn't this an "conflict of interest". If the DA is approved in principle does this mean the 15m easement through Lot 102 DP 1244390 is approved in principle also? As per our last correspondence from Council on the purchase of the land east of our property we were still waiting on clarification on the easement which was not present in the road reserve prior to this proposal. As this will have a major impact on the future use of this land and the purchase price submitted by Council, we seek further clarification prior to an objection being made.

Thank you for your assistance in these matters and we reserve the right to make objections on these two issues post 28/04/2021 while we wait for your clarification.

Regards,

Mark & Kirsty Pollard

19421.

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
29 APR 2021	
Keyword	
Activity	
Subject	
Folder 0010-2021-0000219-1.	



Our Ref: MP:MP:6868
Your Ref: SF14/2505

Incorporating Meryllyn Page Conveyancing

28 April 2021

Port Macquarie Hastings Council

Dear Sir

RE: Pollard Purchase from Port Macquarie Hastings Council
Property: Closed road Part Pacific Drive, , Port Macquarie Bc

RE: Proposed Development Application: DA 2021/219

On the instruction of my client please find annexed letter requesting clarification on issues relating to DA 2021/219.

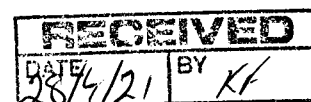
Would you please advise.

Yours faithfully

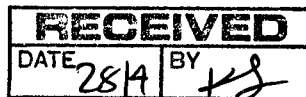
A black rectangular box redacting the signature of Meryllyn Page.

Meryllyn Page

Encl.



Carole Field



19421

PORT MACQUARIE
HASTINGS

TRIM No _____ CRM No _____

29 APR 2021

Keyword _____

Activity _____

Subject _____

Folder: 00000 - 00000 2021 - 219 - 001

The General Manager,

Submission for DA 2021/219 Proposed Resort - Flat dwelling - Pacific Drive, Port Macquarie.

INTRODUCTION.

I am the owner of the property namely [REDACTED] I have lived in the property for 15 years. I have concerns and objections towards the construction of this Resort. I have questions about land ownership of land that I understand is/was owned by Council that is frontage to the property in question. If this strip of land has already been sold to the owner of the proposed development site, when did this happen and was it advertised for the benefit of the general public prior to its sale.

HEIGHT.

Research and scrutiny of the proposed height levels and storeys of this complex shows that it exceeds the zoning limits. The height of the building will be out of proportion to surrounding existing buildings which consist of low density and mainly one storey buildings. This will cause disturbances, restrictions and interference to privacy and lifestyle to all residents in this area. Residents will be impacted in the following ways;

- a) Deprivation and loss of sunlight for most of the daylight hours available.
- b) Invasion of privacy by residents from the 66 balconies able to look into our yards - giving them access to our comings and goings and activities. Privacy is a human right.
- c) Light pollution issues by lights from the units being lit up at night.
- d) Noise by traffic from this number of units.

The proposed development fails to comply with DCP 2013 C2 requirements, particularly those listed above. The proposed construction would have an enormous impact on the residents in the adjoining area.

STORM WATER RUN OFF.

Council is already aware, because of previous submissions for development that the land and area in question has an issue with run off and drainage of rain water because of the terrain of this property. Surrounding property owners have concerns about how this problem is proposed to be resolved and how it will impact on their properties. Previous proposals have wanted to have storm water drains go through their properties. This is unacceptable to all of us in the nearby area.

DAMAGE TO OUR PROPERTIES.

There will need to be extensive drilling to secure stable foundations and to construct underground car parking. This will subject our houses and property to damage by geographical disturbances by drilling through the rock and soil that exists in this area. This is not uncommon in such circumstances.

TRAFFIC.

With the increased traffic flow to the area by the increased number of residents entering and exiting the premises, it will be problematic because of vision issues with oncoming traffic along the busy

Pacific Drive road. The fact that the entrance and exit site will be on the top of a hill with limited vision will give rise to inevitable accidents.

This area is also a corridor for koalas which are active in this area.

VALUES.

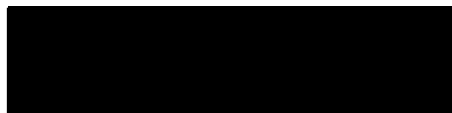
As a result of the proposed development being approved, the construction of this Resort will inevitably cause our properties to be de-valued. Most of houses in this area have been constructed 50-60 years ago and mostly are of a single storey. This new construction will be overwhelming in proportion to already existing properties.

CONCLUSION.

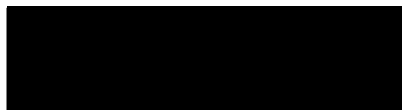
The construction of this resort is being opposed by surrounding residents who fear for the loss of lifestyle and basic living standards such as privacy, sunlight and safety.

Council has an obligation to maintain equal living standards to all ratepayers and to protect them from the exploits of developers who are only interested in financial gains. The construction of this Resort is not beneficial to established home owners, nor is it conducive to the land terrain with the confronting problems that exist.

With respect,



Carole Field



Leanne and Denis Tinsey

The General Manager
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Attn: Benjamin Roberts

Council Reference: Residential Flat Building and Strata Subdivision including Clause 4.6 variation to Clause 4.3 (height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011

Application Number: Development Application (10.2021.219.1)

Dear Sir/Madam

Objection to Development of Multi-unit dwellings (68 units) Proposal as described above.

We, the owners of 3/5 Home street, wish to object to this proposal on the following grounds of concern:

1. That the council owns 1/3 of the land area (lot 101) and is willing to sell this as part of the development process? - Why was this not put out to public tender/auction?
2. The size, height and bulk of the development, allows a High density complex in an existing area of low/medium area.
3. The land size for the development is approx. 4300m²-with 68 units proposed, it will impact greatly on the existing services infrastructure and properties in the neighbourhood including:
 - a) Shadowing of neighbouring properties. Eliminating the prospect of adding Solar to existing properties in the future, thus not affording them the opportunity to decrease costs.
 - b) Traffic implications – Home street /Pacific Drive. Intersection is already a current concern without an added 68 properties accessing within 20m.
 - c) Increased pedestrian activity – will there be a pedestrian crossing to current footpath to town?
 - d) Parking overflow – ratio of units to car parking/prospective occupant numbers – where will overflow carparks be?
 - e) Runoff, drainage and water storage control – will it have adequate drainage to avoid runoff in extreme weather events and overflow situations?
 - f) Privacy issues for existing properties – the current west facing façade shows 30+ balconies facing existing properties, this is a real concern.

19421

PORT MACQUARIE HASTINGS	
TRIM No	CRM No
11 MAY 2021	
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- g) Noise issues through construction and upon completion
- h) Possible Vegetation Vandalism – in surrounding landscape that will grow & impede current view expectations from the upper level units.

We understand that some of the above concerns have been addressed in the Design Verification 5115 doc. attached in the application. The recommendations and controls outlined to minimise the impact in these areas will not be fully realised/tested until it is completed, by then it is too late and again the burden is born by council and the ratepayers.

[Redacted Signature Block]

Leanne Tinsey

Denis Tinsey

Date

[Redacted Signature Block]

10/5/2021

[REDACTED]

From: krissa Wilkinson [REDACTED]
Sent: Friday, 14 May 2021 2:35 PM
To: Melissa Watkins <Melissa.Watkins@pmhc.nsw.gov.au> [REDACTED]

Subject: OUR REGIONAL REPUTATION AS A GREEN DESTINATION FOR TOURISM??? 10 PACIFIC DRIVE, PMQ - DA 219

Dear Melissa, Samantha, Clare, Mayor and Councilors,

I am writing to register a strong objection to the proposed development at 10 Pacific Drive, opposite the historic Windmill Hill.

I have attached a summary of my research into the 1971 battle against high-rise at Windmill Hill , to remind Councilors and because staff should also know of this legacy.

Decades of community efforts and campaigns, led by concerned residents saved nine kilometers of our coastline.

Port Macquarie Hastings Council made a commitment to set height limits , to protect our coastal green zone from ugly, imposing high-rise and this has made Port Macquarie a destination for green tourism, with our Coastal Walk frequently number 1 on Trip Advisor. Visitor enjoyment of the coastal walk will inevitably be affected by the dominance of the proposed buildings.

For many of us it is deeply disturbing that this substantial development proposal, on such a significant site , with a request to significantly exceed height restrictions, by four metres, was not immediately put on full public display.

Council should have procedures in place to ensure that planners don't just think in terms of two dimensional maps and take note of the actual physical surroundings of a proposal, key community focal points and environmental assets.

A development of this scale and height is not appropriate for Windmill Hill .
The visual impact and the request to exceed environmental height restrictions must be refused.

It also goes against current development principles, of visually friendly construction. The proposed building , with its excessive height, would be a totally unsympathetic intrusion on this highly visible headland and quite contrary to good planning principles.

Buildings on such prominent skyline locations should not be approved above the regulated height limits due to the significant impacts on views from places both close to and quite distant from the building's location.

Council developed the height limitations for this location after comprehensive engagement with the community and landowners. If the proposed development were to be approved, it would utterly undermine Council's otherwise very reasonable control plan for this visually important location.

The detailed illustrations in the DA, clearly show the disastrous impact on neighboring properties. Many residents would live in its shadow and their view a huge wall.

The density of the development, with 68 units, is absurd, as traffic and parking is already an issue on Pacific Drive and surrounding streets.

No doubt many locals anticipated that one day, something would be built on this site. But what we need is a visionary, environmentally friendly proposal, that would further our regional reputation as a green destination.

The is not just a DA, it represents a much bigger challenge for Council, to actually protect what makes the Port Macquarie coastline so attractive to residents and visitors alike.

Are we going to allow developers to carve up our beautiful coastline? Turn Port Macquarie into just another high rise destination?

Or will Council defend its development plan and height restrictions ?

Krissa Wilkinson

OUR SAVING GRACE – a Conservation Tale by Krissa Wilkinson

Krissa Wilkinson has spent the past two decades researching local stories and transforming them into installations and performances. In recent years, her focus has been learning about people who fought to preserve the beauty of local wild places that we enjoy today.

When the precious 1971-1981, minute book of the Port Macquarie Conservation Society was passed on to her she uncovered the remarkable work of the late Grace Easterbrook. Krissa shares some of this remarkable story.

On our Coastal Walk from Westport to Lighthouse, we have 9km of pristine sandy beaches, rainforest, and headlands fringed in native vegetation with no high-rise in sight! And in the middle of town 67-hectares of nature walks in Kooloonbung Creek Nature Park . No wonder Port Macquarie is an Eco-Tourism destination.

Few residents and visitors know that the highlights of Port Macquarie's Coastal Walk and our Town centre, are the legacy of decades of community efforts and collaborative conservation campaigns, led by concerned residents against high-rise, for public access to our waterways and foreshores and to preserve precious habitat.

They persisted for decades, despite endless opposition from Council, State Government, and developers. The great irony of course, is that now it is these thriving green places that attract tourists and support our local economy

Read how this remarkable story unfolded at each location, and how residents who loved where they lived, worked on so many projects, from Westport to Lighthouse.

THE BATTLE FOR WINDMILL HILL, 1971 -1982

This grass roots, kitchen-table community campaign, was one of the most important events that shaped the town of Port Macquarie and saved much of its natural beauty from ugly high-rise development.

On 29 November 1971, in response to a high-rise proposal, a remarkable woman, Grace Easterbrook, held a meeting at her home and formed the Port Macquarie Conservation Society (PMCS). Grace lobbied Council and State Government, including the first Liberal Minister for Conservation, Jack Beale; the State Planning Authority; the National Party Member for Lyne Bruce Cowan; and the Deputy Premier Sir Charles Cutler.

Grace Easterbrook also organised a petition of 1,000 signatures from concerned ratepayers and made an 11th hour deputation to Council. The controversy and interest in this issue led Council to dramatically reverse their policy, to actually open the Council chambers doors for the first time, so that the public and press could hear the debate firsthand at their 30 November meeting.

Under such scrutiny, Council voted against the high-rise development, following Alderman Matesich's motion arguing the application would not enhance the ecology of the area in question .

On the same day, the Editor of the Port Macquarie News, wrote *Port Macquarie is our little piece of nature's garden and we must at all costs ensure that we continue to preserve the historical small town feeling of Port Macquarie. Our town is still one of the most natural resorts along Australia's seaboard: most people can still rejoice at seeing the sun rising and setting on distant horizons.*

Council's decision led to hundreds of town folk dividing themselves into two main camps. The first group represented the conservationists and nature lovers. To counter this particular movement, the Port Macquarie Progress Association was formed by businessmen, land developers, real estate agents and other financially interested people.

On 18 January 1973, the PMCS purchased a full-page advertisement in the Port Macquarie News (see attachment).

The minute book of the PMCS, supported by Port Library archives, provide an insight into the strategies Grace Easterbrook and PMCS, would use for another ten years, opposing countless high-rise development proposals for Windmill Hill, lobbying politicians and Councillors, fighting for public access to our headlands and foreshores, for coastal protection and a town plan with appropriate development controls, building heights and sight lines to preserve our heritage.

In 1982, 11 years after numerous proposals for high rise at Windmill Hill, Grace Easterbrook, supported by the National Parks Association (NPA), persuaded Paul Landa (Minister for the Environment in the Wran Labor Government), to purchase Windmill Hill to establish a nature reserve and protect it from high-rise development. Demolition of the houses on the headland began in March 1982 and this set the scene for the coastal walk.

In 1984, Grace Easterbrook died but other members of the PMCS, including the late Phyl Tuite took up her campaign and eventually all of the houses were removed from Windmill Hill

THE DOCTOR'S WAY 1987-1988

In the 1980s, Port Macquarie was small enough that local doctors knew each other, and all were members of the Port Macquarie Medical Association.

Local Dr Peter Reed thought it would be a great idea if the doctors could do something for the community and suggested in 1987, that a coastal walk would be a good Bi-Centennial project, to encourage residents to enjoy our beautiful coastline as well as healthy exercise.

Initially the idea was a linking series of beach walks from West Port to the Lighthouse. Dr Reed met with Council's Parks and Gardens director, Paul Pontifex, and they walked the path around the planned route, planning to install steps for access at Oxley and follow the contours, up to Mrs Easterbrook's lookout.

They constructed ***The Doctor's Way***, from Flagstaff to Windmill Hill, under supervision of Paul Pontifex from PMHC.

Dr Kevin Alford recalled that almost every doctor in the medical association contributed financially, which paid for the materials. Working bees ran over several weeks with 6-8 doctors and their families digging trenches, building steps and balustrades under the supervision and support of Paul Pontifex and Council crew.

KOOLOONBUNG CREEK 1974-1985

From 1974 the Port Macquarie Conservation Society also lobbied the Hastings Municipal Council for the protection and preservation of Kooloonbung Creek, concerned for 'the green lung of town', a valuable 67 hectares of wilderness right in the heart of Port Macquarie.

Unaware of the role mangroves play as fish nurseries, there was a grand plan to fill the wetlands for sports fields and units. In a 1974 letter to Milo Dunphy, Director of the Total Environment Centre, Grace Easterbrook said Kooloonbung, was a designated sanctuary and wildlife reserve in early maps of the colony and that beautiful, historic Port Macquarie's unique and charming character should be preserved.

In 1977 the National Parks and Wildlife Service declared a policy to preserve the diminishing wetlands of NSW and the Conservation Society suggested that Kooloonbung Creek be included in the list for preservation. That this 67-hectare wildlife reserve, with its forests, woodlands, lagoon, mudflats and mangroves provides a viable habitat for aquatic birdlife and marine creatures.

In 1979, Council commissioned a planning study of the Kooloonbung Creek area that recommended that the area should be managed as a natural ecosystem.

In October 1984 Vice president Phil Tuite submitted the Bicentennial application for the Native Botanical Gardens project. *It is a brackish, swampy and sometimes wide area of water. Diverse bird population, particularly migratory types....the area serves as a buffer zone to the expansion of Port Macquarie.* Phil declared the aims of the PMCS as *the encouragement for and the protection of a better, more beautiful environment. Kooloonbung is listed as meaning a saltwater swamp or seeds beside a creek in the Birpai language.*

On 19 April 1985 the NSW Government declared the Kooloonbung Creek area a Public Reserve for the promotion of the study and preservation of native flora and fauna, recognising that beyond the arboretum on Gordon street there are seven distinct habitats. The Friends of Kooloonbung continue to care for the park, and guide visitors and school groups.

In May 1985 following the announcement of the bi-centennial funding the editorial in the Port Macquarie News included the following comment. *Far sighted people, such as the conservation Society have long campaigned to retain the area and for once they have had very little opposition to their efforts. The money will be used not to 'develop' the area but rather to ensure that it remains a nature reserve and to provide the public with some limited means of appreciating this natural heritage.*

On 11 November 1988 Cath Le Page spoke at the official launch ...*What I and the other members of The Friends and the Conservation Society have been concerned to do is to show a true and practical regard for the environment.*

SEA ACRES 1981-2010

From 1981 National Parks and Wildlife Service (NPWS) supported by the PMCS planned a nature reserve from Nobby Head to Tacking Point.

In 1987 Sea Acres, the 76-hectare park was finally declared a Nature Reserve on 11 March and gazetted as a National Park in October 2010 under the National Parks & Wildlife Act of 1974.

The primary purpose for dedication of Sea Acres Nature Reserve was to preserve an area containing significant geological features and an outstanding remnant of coastal littoral rainforest for an area so far south and because of its important scientific and educational value.

The littoral rainforest which covers a significant area of the reserve is one of the largest and least modified remnants of littoral rainforest in New South Wales. Its species diversity is nearly double that of other coastal rainforest sites surveyed in the area.

In 1989 The Hawke Labor Government's grant of \$1million dollars funded the construction of **Sea Acres Rainforest Centre** and the **1.3-kilometre Boardwalk under the National Rainforest Conservation Program**. According to former NPWS Officer Harry Creamer, *the grant made an enormous difference and meant that there was a visitor centre to inform and inspire people about the value of special places. The 1980s, when Sea Acres was protected, was still a time when ordinary people were listened to and jewels in our environment were protected.*

In 2009-2010 the southern end of the Coastal Walk, from Shelly Beach, through Sea Acres to Miners Beach and the Lighthouse was completed by the National Parks & Wildlife Service by constructing pathways, walkways, and a lookout platform, and adding signage.

WESTPORT PARK 2007-2012

In 2007, in response to concerns raised by the community about open space being developed by private commercial interests, the **Foreshore Protection Association** was formed, including members of the of the PMCS, Steve and Jackie Cartwright.

In 2009, Hands Off Our Foreshores were still rallying against the State Government's plans to give public land at Westport Park to private enterprise.

In 2012, when the **State Government gazetted Westport Park**, supported by Nationals MP Leslie Williams, it was another victory of public access over profit and completed the initial vision of a walk from Westport to Lighthouse.

GRACE EASTERBROOK'S LEGACY

Grace is remembered as someone who knew the importance of taking a stand on a principle and how to successfully advocate for it.

NPA member Frank Dennis, said Grace had an enormous influence still reflected in the character of Port Macquarie today – It was her campaigning and initial lobbying on high-rise which led the Council to put in place a plan for appropriate development controls for building heights in Port Macquarie.

Grace Easterbrook understood that it was the ocean front and beaches, the lakes, rivers and waterways and wetlands, the coastal forests and mountains. that made Port Macquarie such a special and attractive place to live.

Grace knew that urban development should fit into this landscape, not dominate it, destroying the all-important landscape features which made it so special.

ACKNOWLEDGEMENTS

Beyond these walking tracks, we must give thanks to other achievements of the PMCS, including saving the sightlines of our heritage, our Historic Courthouse and Mrs York's Garden from development. We must also acknowledge the many people who contributed, from many families in the Hastings and from other organisations who supported and networked with the PMCS.

It must be acknowledged that Port Macquarie Hastings Council constructed other sections of the Coastal Walk, linking the sites listed in this article. They do a great job maintaining, upgrading and promoting our walks.

In addition, they provide an outstanding library service, with wonderful staff, that enables people like me, academics, writers, journalists and researchers to do our jobs.

This story is a celebration of community contribution and claiming public access, to public space over profit driven, private development. People who loved living in Port Macquarie who wanted to preserve it, worked so hard, so that we can enjoy this beauty today. We must not be complacent.

[REDACTED]

Sent: Thursday, 20 May 2021 2:29 PM
To: Council
Subject: Submission DA2021.219.1

Categories: Sue, DA Submission

Dear Council.

My name is Edward Coleman [REDACTED]

[REDACTED]

Regarding the proposal by Laurus Projects Pty Ltd. **DA2021.219.1**

I would like to register my objection to the aforementioned proposal on a number of grounds.

1. Firstly the construction of the 'development' itself will impact all the neighbouring residents both with noise and much increased traffic.
2. The completed development will overlook all the residences in the immediate neighbourhood, eliminating privacy and producing additional noise and light pollution. The character of the precinct will be irreversibly changed, not for the better.
3. Contrary to the developers claim this precinct is a not current koala habitat ; the claim that no koalas have been recorded in the precinct since 2019 is a blatant falsehood. Koalas regularly visit my property in Oxley Crescent and in my neighbours yards in Macquarie Place. The councils commitment to Koala welfare is clearly questionable should this development be permitted. Although there is no koala vegetation on the main lots in question the addition of a huge block of flats will inevitably have an impact on their access and desire to return.
4. This town is in danger of eliminating the very thing that makes people want to live here. Continual growth and overdevelopment are turning a beautiful casual seaside town into a crowded, noisy replica of the cities many of us came here to get away from. Witness the ridiculous and frustrating traffic congestion that is now the new normal.
5. If the council is serious about maintaining greenspace, amenity and our wildlife then serious consideration should be given to preventing further developments such as this in this area. Perhaps the land should be allocated for regrowth with native vegetation to suit koalas and the many other species of wildlife that frequent what's left of this beautiful coastal strip along pacific drive.
6. Finally, be assured that many nearby residents will not be happy about this development and opposition will be loud and nationally visible.

Regards Ed Coleman

[REDACTED]

Sent: Thursday, 20 May 2021 3:12 PM
To: Council
Subject: DA 10.2021.219.1 Residential Flat Building and Strata Subdivision 10-16 Pacific Drive Port Macquarie

Categories: Sue, DA Submission

Dear General Manager,

Re: DA 10.2021.219.1

I am writing to strongly object to this development proposal on Pacific Drive. I am opposed to it because it seeks to surpass the height limit which has been set in this part of Port Macquarie. If Council relents on the height limit for this development it will create a precedent for other similar developments in the area. Height limits are imposed for a reason and Council must abide by them until such time as the community accepts otherwise.

I understand that the area is zoned for medium density housing and I consider that residential flats are appropriate and part of Council's growth strategy for such urban areas. But this site is close to Port Macquarie's scenic foreshore reserve and is adjacent to single level dwellings to the south and west which will be very negatively affected by this development.

I urge Council to require the proponent to present a design of no more than 4 levels which is the case with residential flats behind Flynns Beach. Preferably it should be less than this so as not to eliminate solar access for the adjacent dwellings, in particular those to the south of the site.

I also consider that Council should be requesting that some of the units are set aside for affordable long term rental accommodation. Council must take such opportunities to address the growing housing crisis in rapidly growing centres such as Port Macquarie.

Thankyou for considering this submission

Yours sincerely

Les Mitchell

[REDACTED]



Virus-free. www.avg.com

General Manager
Port Macquarie Hastings Council
17 Burrawan St
Port Macquarie
NSW 2444

Reference: Application No. 2021/219
Proposal: Residential Flat Building 10-16 Pacific Drive, Port Macquarie

This objection is submitted by Leonie and Malcolm Brown



The submission, under traffic and parking assessment, states, 'The area surrounding the proposed development predominately includes commercial/retail businesses and residential buildings'.

It has been many years since the former Rocky Beach Motel had a sign advertising it as a commercial concern so traffic numbers from that building can be discounted. The submission also states that 100 car spaces will be provided for the 68 units but this will only result in an increase of 3% in traffic entering Pacific Drive in peak times. It states that 'the proposed development is not anticipated to generate any adverse impacts on existing traffic conditions', yet is asking the council to re-design existing intersections to allow for a left turn and also to reduce the speed limit for that part of Pacific Drive.

This submission should be refused on the fact alone that the scale and size of the proposed development would be a danger to unit owners, other drivers, cyclists and pedestrians using this part of Pacific Drive. This part of Pacific Drive is already identified as a high traffic road, being 750m from Flynns Beach and on a main road into town. The proposed development is close to the crest of the hill, used regularly by cyclists and not far from a high school. Especially during school holidays, it is already difficult to enter and leave Windmill St. An additional concern is where visitors to the proposed development would park.

In conclusion, our objection is based on the fact that this proposal of 68 units would result in a dangerous situation with cars entering, and leaving the property, onto Pacific Drive.

Leonie and Malcolm Brown



**The General Manager
Port Macquarie Hastings Council**

**Re Development Application (DA) 2021/219 Proposed Residential Flat Building, Pacific Drive,
Port Macquarie**

Ian & Jody Smith, [REDACTED]
[REDACTED]

Having viewed the online Development application and going through the various documents and plans relating to this development, we object to the above proposal on the following grounds;

1. Traffic

Traffic on Pacific Drive is very busy, especially during peak times, we are concerned with the added vehicle movement from the proposed development this will add to the congestion of the flow of traffic with vehicles entering and exiting from the proposed development, Resulting in the likelihood of accidents and traffic congestion. ■

2. Parking

Added to the traffic flow issue is the concern of Parking at the proposed development, we understand there is off street underground parking included in the development, but we are concerned whether it will be enough to cater for the number of residents and all their vehicles and that some may be forced to park on the street, along with any visitors that may be visiting the property, this also will add to the congestion of traffic flow and the risk of causing accidents along Pacific Drive.

3. Natural Habitat – Koala's & Birdlife

The area adjoining the proposed development area is recognised a Koala corridor with Koalas often seen in the trees at the rear of our Windmill St apartment which adjoins the development site and in the trees between the buildings adjoining us in Windmill St. (As shown in pictures attached) We understand that several trees are to be removed on the northern boundary of the development, these trees are residence for these Koalas as they move through the corridor along with many bird species, including a Tawny Frogmouth Owl that has resided in these trees for several years.

4. Size of the Development

The size of the development is an obvious concern and how it will affect existing properties in the vicinity. With Shadowing on the Western and Southern side and the visual impact for all surrounding residents which will be dwarfed by the development, along with impacting the Western Hinterland views currently seen from Pacific Drive. Another issue that comes with a development of this size is the noise impact, not only throughout construction but from within the building after completion, not only with the number of units and occupants but with an understanding also that some of the units may be used for holiday letting.

5. Conflict of Interest

We understand that the Port Macquarie Hastings Council currently own some of the land (Lot 101 DP 1244390) that would need to be acquired by the developers, and that the sale of the land will not be finalised until once the development application is determined.

The conflict appears to arise as Council hold this parcel of land (without which the development proposed could not go ahead) and is negotiating the sale of that land with the developer, the sale will only be finalised when the application is determined, and the council is the body who will determine the outcome of the application.

Yours Sincerely,

Ian & Jody Smith

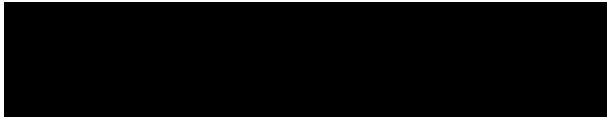




**The General Manager
Port Macquarie Hastings Council**

Submission

**Re Development Application (DA) 2021/219 Proposed Residential Flat Building, Pacific Drive,
Port Macquarie**



We object to the above proposal on the following grounds:

1 Scope of the proposal

The size of the proposal is an over development of the site, dwarfing existing properties in the vicinity and will reduce the residential amenity of existing residents. Also, due to the unique nature of the land area involved, it is unlikely any future development proposal will be able to approach this scope. It is likely to remain significantly a larger than other buildings in this vicinity and as a symbol of over development for years to come.

Also, as this is the first development of this nature in this vicinity we are opposed to any variation of building height limit. Regulated height limits are that and to vary them creates a (dangerous) precedent for subsequent building proposals. Potentially, the height limits are rendered as meaningless. Additionally, the regulated height limits should apply to all the individual lots included in this proposal.

Pacific Dr is an iconic road with ocean and hinterland views along its way. The scope of this development will detract from these views in this area.

2. Traffic

Pacific Dr currently is a very busy road particularly in the morning and early evening. Traffic flows to and from the CBD area are at the limit of the road's capacity. The addition of 100 cars entering and exiting from the proposed development (which has only 1 entry/exit) will add to these flows. Further as Pacific Dr is only a single lane in either direction vehicles turning into the property particularly travelling to the south, will interrupt these flows, cause traffic stoppages and increase the likelihood of accidents as vehicles crest the hill from the Oxley Beach area. To this can be added the waste collection vehicles needed to service the properties.

Pacific Dr is also very popular route for cyclists (particularly in the morning) and walkers. Any increase to the volume of traffic and associated problems is likely to have detrimental impacts on their safety and to the amenity of their activities.

3. Parking

The proposal has provision for 100 car spaces. With 64 of the 68 units to be 2 bedroom or more, the demand for car spaces is likely to be in excess of this number resulting in an increase in on street parking. Pacific Dr will not provide for this. The adjoining side streets are Home and Windmill Streets. Home Street does have on street parking whilst Windmill Street is already at capacity. Additional street parking in either of these streets will have a detrimental impact on the amenity of the residents environments.

4. Koalas

The area adjoining the western and northern sides of the proposed development area is a locally recognised koala corridor. Below are a number of photos of koalas in this area:

Fig 1: Koala in tree, rear of 6 Windmill Street



Fig 2: Koala, rear fence between 6 Windmill Street & Rocky Beach Motel



Fig 3: Koala on the fence between Nos 2 & 6 Windmill Street



The area provides both connectivity, shelter and foraging for koalas.

5: Trees

The proposal involves the removal of several mature trees along the northern border at the rear of Nos 2 & 6 Windmill Street. These trees are part of the koala corridor, attract birdlife to the area and form a privacy screen for residents.

Fig 4: Trees rear Nos 2 & 6 Windmill Street



The Statement of Environment Effects, Pg 11 states "Removal of all vegetation, with no significant vegetation identified on the site currently." The figure above clearly shows that there is significant vegetation on the site.

The Arborists letter in the application states 'As an AQF5 qualified Arborist, I can confirm that all trees on site are proposed to be removed as part of the residential development and therefore there is no requirement to prepare an Arborist report for tree retention on site as per PMHC requirements

However, The Statement of Environment Effects, Fig 8, Pg 13 shows "trees to be maintained". These are labelled 1 in the legend. However, there is no explanation for 2 (which overlaps 1) in the legend and 3 is for trees to be removed.

As Fig 4 clearly shows there are significant trees on site. To say the least, there is confusion about the future of the existing mature trees.

We are strongly opposed to the removal of these trees as they provide habitat for koalas and birds plus provide a privacy screen for residents.

6: Conflict of interest

Does the Council have a potential conflict of interest in the determination of this proposal?

Statement of Environmental Effects (SEE), Development Application (DA) Proposed Residential Flat Building, Pacific Drive, Port Macquarie, Pg 4, Land Dynamics Australia states the following:

"The eastern portion of the development site comprises Lot 101 DP 1244390, which is currently owned by Port Macquarie Hastings Council. The owners of the remainder of the development site is in discussion with Council to purchase the lot."

On Pg 10 of the above statement

"Council's Property Section has sold off vacant land along the western edge of Pacific Drive, which are in the process of being purchased and are incorporated into this development site. The sale will be finalised once this application is determined. In this regard, a copy of the resolution of Council from 15 March 2017 has been provided with this application and Council has advised that owner's consent will be provided."

The conflict appears to arise as council hold a significant parcel of land (without which the development proposed could not occur) is negotiating the sale of that land with the developer, the sale will only be finalised when the application is determined and the council is the body who will determine the outcome of the application.


Glyn Talbot

The General Manager
Port Macquarie Hastings Council
P O Box 84
Port Macquarie NSW 2444

23 September 2021

Dear Dr Allen

19421

 PORT MACQUARIE HASTINGS	
TRIM No	CTM No
24 SEP 2021	
Keyword	
Activity	
Subject	
Folder DD010,2021,00000219,001	

SUBMISSION - YOUR REF: 2021/219

We have recently seen a copy of a response to community submissions prepared by Land Dynamics Port Macquarie, dated 23 June 2021. The status of this document is unknown, as there was no mention of Council sending submissions to a third party as a step in the process, nor were we aware that the developer would be given an opportunity to revise their application based on the information supplied to council. It seems council is spending ratepayers' money to assist in getting this development approved – or is the aim to distance themselves from community backlash if it proceeds? We question the quality of the advice in this report, which talks a lot about minor aspects of traffic and parking, and then dismisses several major concerns in a general hybrid section on size and scale.

Traffic and parking concerns

The photos claiming to show “appropriate distance” and “appropriate additional width” are deceptive. They were taken from a device mounted about one and a half metres above the roof of a vehicle, which is not an indication of the visibility from an ordinary car trying to turn right onto Pacific Drive from Windmill Street. (The white vehicle was seen by witnesses.) Their images artificially flatten the crest and widen the angle, making the road and bicycle path look wider and oncoming cars more visible than is actually the case. The photographs provided by Land Dynamics Australia have been cropped or photo-shopped so that the KOALA and PEDESTRIAN ACTIVITY warning signs are not visible. Our photograph (attached) shows the KOALA sign (indicating the presence of koalas in the area) and down the hill the top only of the PEDESTRIAN ACTIVITY sign (because of the steep incline.)

Size and scale concerns

Our submission dated 20 April 2021 gave some examples of how the proposed development, incorrectly described by the proposers as being “low rise/small impact design”, was in fact not compatible with the surrounding environment and land uses as set out in Development Control Plan 2013. Despite claims in the Land Dynamics Australia report that the high rise, high density blocks of flats conform to some future idea of new, different redevelopment, it should be assessed on whether it complies with the existing guidelines. Regardless of what Pittwater Council approved, or even the Beach Park development Port-Macquarie Hastings Council regrettably approved here, the residential development on the Pacific Drive site should accord harmoniously with the slope and capacity of the site.

Community angst

To avoid community outrage about changing the character and design of the area to suit the developer, we suggest consultation prior to revising the Development Control Plan 2013. This could appropriately be done in the lead up to the forthcoming council elections.

Yours faithfully

Maurice and Anne-Marie Ferry

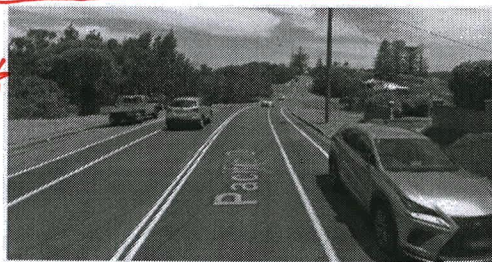




planning shall consider the additional traffic generation to the precinct in its entirety and consider the appropriate upgrades required to access to and from the precinct via Pacific Drive and other main roads.

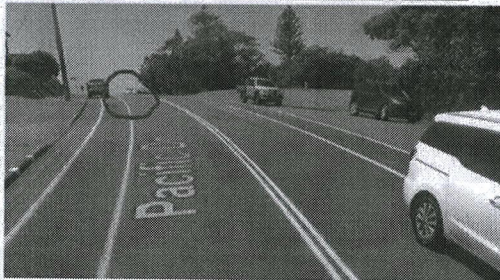
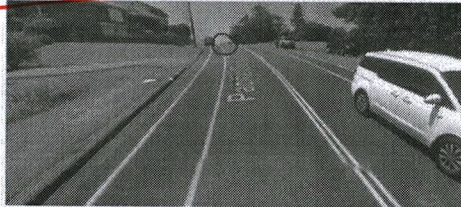
The architect has taken careful consideration in the location of the driveway along with the traffic engineer to ensure the driveway was located on the southern boundary of the site to remain as far away as possible from the hill crest which is some distance away from the site. Both driveways on 7 and 9 Pacific Drive are considerably closer to the crest and have not raised any incidents in terms of 'near misses' when entering and exiting their driveway. The location of the driveway in relation to the topographical nature of the immediate area has been considered for the proposed development. Locating the access driveway in the southern portion of the site allows for appropriate sight distance of a vehicle coming over the crest moving south on Pacific Drive. This in conjunction with the speed limit of 50km/h will allow for appropriate sight and stopping distance should a vehicle be entering into the development whilst navigating south on Pacific Drive. Appropriate sight distance for travel south down Pacific Drive is provided from 7 Pacific Drive.

*KOALA WARNING
SIGN SEPARATELY
OMITTED*

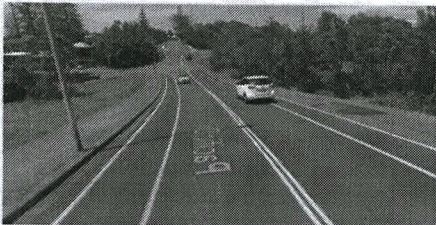


*PHOTO TAKEN FROM
ELEVATED HEIGHT—
COMPARE WITH OUR
PHOTO TAKEN FROM THE
DAVER'S SEAT !!*

Appropriate distance can be seen to the vehicle at the top of the crest adjacent to the intersection of Windmill St and Pacific Drive.



Appropriate additional width for overtaking a vehicle turning appears to be provided via the additional bicycle path and hard standing bitumen roadway extension as seen below should it be required.

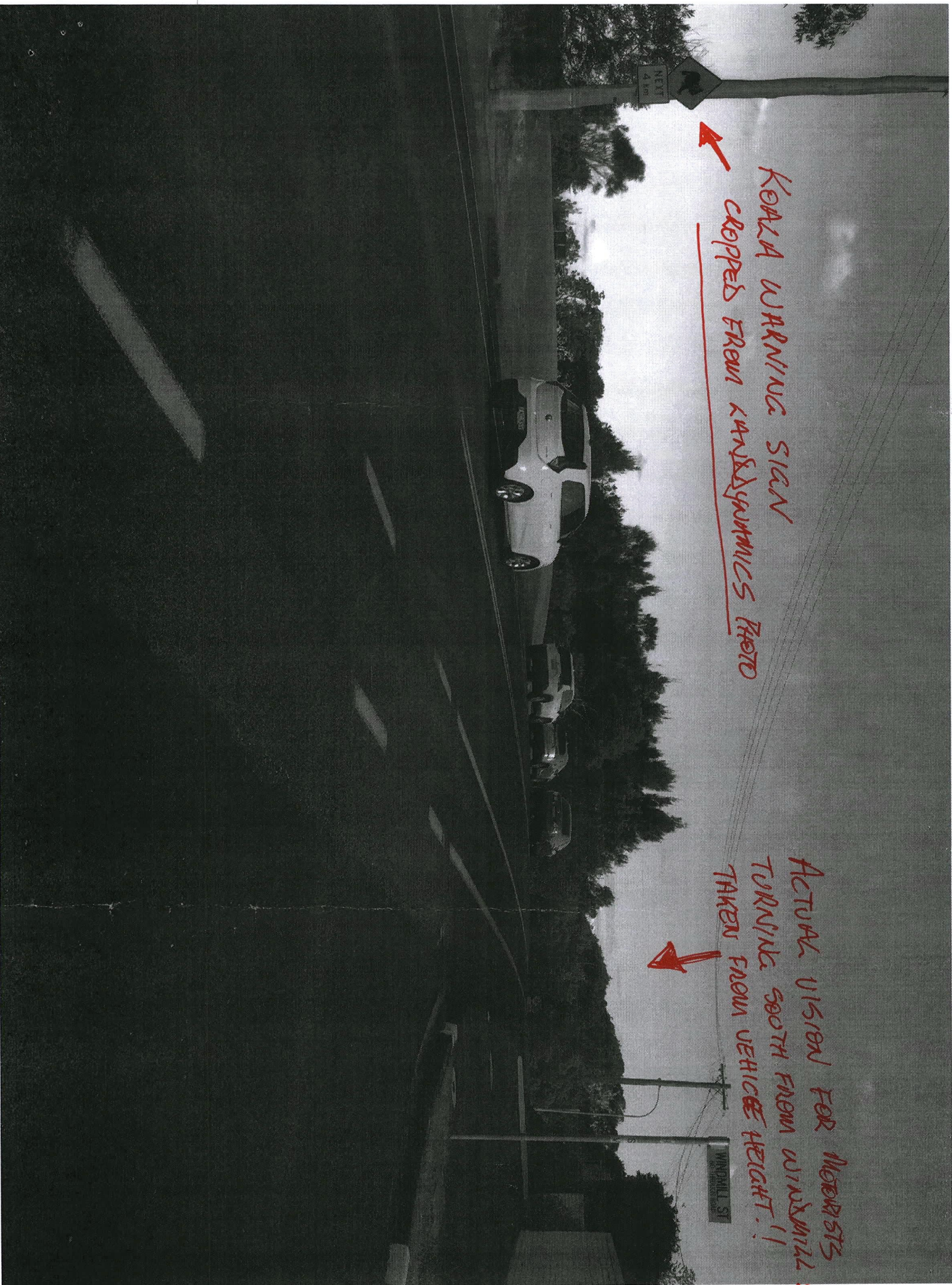


Council will determine as part of their technical assessment whether there is a need for no stopping signs installed along Pacific Drive to prevent vehicles from parking along the street kerb.

The Traffic Report notes that Council needs to separately consider intersection upgrades to the Windmill Precinct once the precinct is further into its medium density development but that is outside the scope of the report however required to be mentioned as per the Traffic

KOALA WARNING SIGN
CROPPED FROM KANSAS PHOTO

ACTUAL VIEWED FOR METROSTIS
TURNPIKE SOUTH FROM WINDMILL ST
TAKEN FROM VEHICLE HEIGHT. !!



[REDACTED]

From: Malcolm McNeil [REDACTED]
Sent: Friday, 24 September 2021 5:23 PM
To: Ben Roberts <Ben.Roberts@pmhc.nsw.gov.au>

[REDACTED]

Subject: 2154 DA 2021/216 No.10-16 Pacific Drive PM - Proposed Residential Flat Development

CAUTION: This email came from outside of council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

The CEO
Port Macquarie Hastings Council
council@pmhc.nsw.gov.au
Attention: Ben Roberts
Ben.Roberts@pmhc.nsw.gov.au

Dear Ben,

We, a group of local architects are writing this submission to express our concerns as to certain elements of the above referenced proposal.

It is important to note that the site/sites have sat vacant for decades whilst despite many attempts, nobody has been able to put together a proposal that has seen the light of day. It is a very positive move that the developer, the Council and Crown lands have been able to negotiate a position where the irregular front boundary has been rationalised to relate to the actual road alignment of Pacific Drive.

Unfortunately, if this development is approved in its current form, the positivity of the boundary change and the resultant opportunity will have indeed been lost.

With the front boundary appropriately relating to the road alignment, there is an opportunity, or in fact a necessity to pull the building forward to a setback alignment of 3 m. This would result in a move of around 12 to 18 m.

There are major advantages of pulling the development forward:

- This will prevent No. 9 (Lot B DP 157217) Pacific Drive looking like a major town planning mistake.
- Pulling the development forward should be done to also ease the pressure on the properties to the west, where the "wall of units" at minimal setback has a huge impact on amenity and overshadowing.
- The neighbour to the south at No. 17 Pacific Drive will have the potential to vastly improve solar exposure.
- Such setback is consistent with the next group of multi residential buildings on the coastal drive, being the relatively new buildings in William Street.

The newly created Lot 102 DP 1244390 still has the potential to be left isolated, so it is critical that the southern end of the development is completed as a finished product of aesthetic appeal and not looking like a "work in progress" in the urban design master plan

There is no scope in this situation to increase the bulk of the building by adopting the reduced front boundary setback as the FSR is virtually on the 1.5:1 limit at 1.48:1

It is also despite the FSR being within the 1.5:1 limit the design of the building presents as a huge bulk to the western and southern neighbours. This bulk presents as a wall of 8 storeys of balustrades and glazing overlooking the neighbours. The view to the west from the units may be impressive but will be at the expense of thermal comfort when the summer heat will be extreme and need to be controlled. Such control is most likely to be by way of a huge variety of blinds and shutters installed by individual residents resulting in an uncontrolled patchwork quilt.

Waste Management. This is extremely poorly addressed with 2 lines on page 56 of the SOEE. There is no explanation of how over 30 bins shown in the bin rooms on the lower ground floor will be transferred to the bin holding area shown on Level 01.

We appreciate the difficulty of the site but believe the pedestrian access to the building by way of a complex and confusing combination of stairs and ramps is not befitting of a medium density residential building.

We believe there is a total disrespect for the southern neighbour at No.17 by accentuating the roof height on the southern portion of the building.

In terms of the Clause 4.6 variation we find it difficult to see how such variation can be supported. As noted this is an important part of the Port Macquarie foreshore and any variation cannot be treated lightly.

In conclusion, this development is on an important coastal road and must present a cohesive development that is respectful of the prominent location and its neighbours to the north, south and west. It is our opinion that the proposed development does not support the existing and desired unique character of Port Macquarie.

Signed by a concerned group of Port Macquarie Architects.

Chris Jenkins, N.S.W. Architects Registration No. 5287

Malcolm McNeil, N.S.W. Architects Registration No. 4226

Rob Snow, N.S.W. Architects Registration No. 8969

Craig Teasdale, N.S.W. Architects Registration No. 6952

Megan Watson, Vic. Architects Registration No. 19599

Karen Burke, N.S.W. Architects Registration No. 5156

