



LandDynamics
AUSTRALIA

STATEMENT OF ENVIRONMENTAL EFFECTS

DEVELOPMENT APPLICATION (DA)

Proposed Residential Flat Building

Lot 1 DP 538077 – 10 Pacific Dr,
Lot 2 DP 538077 - 13 Pacific Dr,
Lot A DP 441800 – 13 Pacific Dr &
Lot 101 & 102 DP 1244390 – Pacific Dr,
Port Macquarie

On behalf of Laurus Projects Pty Ltd

March 2021

Rev A 30 June 2021

Rev B 28 October 2021

Prepared for:

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Note: This Rev A Statement of Environmental Effects has been updated to reflect the additional information provided in the letters to Council provided in response to a review of the submissions and Council's Request for Information dated 23 June 2021 and 30 June 2021, respectively. This SEE should be read in conjunction with those letters and their attachments.

Note: This Rev B Statement of Environmental Effects has been updated to reflect the additional information provided in the letter to Council dated 28 October 2021 and should be read in conjunction with that letter and attachments,

Disclaimer

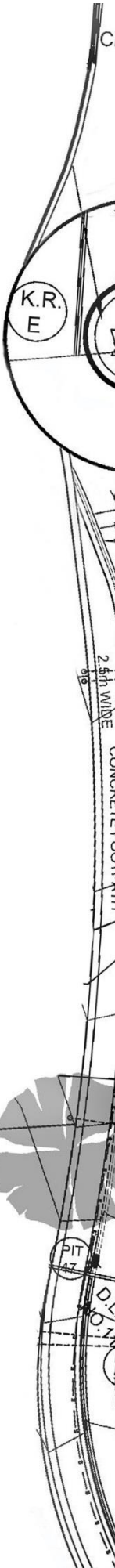
This report was prepared in accordance with the scope of works set out in correspondence between the client and Land Dynamics Australia. To the best of Land Dynamics Australia's knowledge, the report presented herein accurately reflects the Client's intentions when the report was printed. However, it is recognised that conditions of approval at time of consent, post development application modification of the proposals design, and the influence of unanticipated future events may modify the outcomes described in this report.

Land Dynamics Australia used information and documentation provided by external persons, companies and authority. Whilst checks were completed by Land Dynamics Australia to ensure that this information and/or documentation was accurate, it has been taken on good faith and has not been independently verified. It is therefore advised that all information and conclusions presented in this report apply to the subject land at the time of assessment, and the subject proposal only.



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1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) is to accompany a Development Application (DA) lodged with Port Macquarie Hastings Council for a proposed Residential Flat Building. This SEE includes a Clause 4.6 Variation regarding minor non-compliance with respect to height of the building due to the topography of the land.

This Statement of Environmental Effects has been updated to reflect the amendments in Rev B and Attachments updated in response to a review of the submissions and Council's Request for Information letters. This SEE should be read in conjunction with the letters to Council in response to a review of the submissions and Council's Request for Information dated 23 June 2021 and 30 June 2021, respectively and most recently, our letter dated 28 October 2021. Important to note is that the building design has not been amended, but rather additional information provided.

The site is identified as Lot 1 DP 538077 -10 Pacific Dr, Lot 2 DP 538077 – 13 Pacific Dr, Lot A DP 441800 – 13 Pacific Dr and Lots 101 and 102 DP 1244390, Pacific Drive, Port Macquarie, comprising vacant land and an existing Motel. The site is located on the southern edge of Port Macquarie and is located on the western side of the Pacific Drive.

The eastern portion of the development site comprises Lot 101 DP 1244390, which is currently owned by Port Macquarie Hastings Council and the purchase is underway. Owner's consent will be provided in accordance with Council's resolution of 15 March 2017, as per discussions with Council's Property Section. Civil works are proposed on Lot 102 to the south of the development site.

The site is zoned R3 Medium Density Residential under Port Macquarie-Hastings Local Environmental Plan 2011 (LEP), which allows Residential Flat Buildings. The surrounding land is zoned for residential purposes. The proposed development is a permissible land use and aligns with the objectives of the zone. The proposal considers the residential amenity of the existing residents nearby and future residents with respect to the adjoining residential properties and the constraints of the site. The proposal would be of a scale that is in keeping with the future development of the surrounding built environment of the transitioning area and provides a gradual transition of building height to surrounding future development.

A Clause 4.6 Variation to the height limit has been requested as the topography of this site makes the design of the building difficult to strictly adhere to the height limit. It is important to note that the requested height variation does not relate to this northern area of the building, but rather as the building steps down the slope towards the southern portion of the site. The building complies with the height control for this northern portion of the site where there is a potential for view loss to ensure the impact is minimised.

The residential flat building has been designed in accordance with the principles of State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65) and associated Apartment Design Guide and accompanying this application is a Design Verification from the Architect.

Consideration has been given to amenity impacts from the proposed development, and every effort has been made to minimise potential impacts, including an assessment of view sharing.

The layout responds to the characteristics of the site and Strata title allows for common areas. A high quality of landscaping is proposed throughout the development and to the boundaries of the site and screening to the dwellings to the north, west and south.

Given Strata Subdivision is proposed, and the land is identified as bushfire prone land, the application is to be referred to the NSW Rural Fire Service as "Integrated Development".

An investigation of environmental and design considerations illustrates the proposal is suitable for the site. No unmanageable issues were identified in relation to transport, visual and acoustic privacy, heritage, acid sulfate soils, land contamination, flooding, bushfire, flora and fauna or the provision of utilities. The subject land can accommodate the proposed development and existing services and infrastructure are capable of being extended. The existing road network can withstand the additional traffic generation and proposed development does not warrant the upgrade of any intersections.

This report represents a Statement of Environmental Effects (SEE) as required by the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) and NSW Environmental Planning and Assessment Regulation 2000 (EP&A Reg). This SEE describes the site and its context, the nature of the proposal, the relevant planning framework and assesses the proposal against the matters for consideration pursuant to Section 4.15 of the EP&A Act. This SEE concludes that there is no material planning or statutory impediment to the approval of the proposed use.

This report provides a description of the site and surrounding area; a description of the proposal; and an outline and assessment against of the relevant statutory and strategic planning policy framework. This report should be read in conjunction with the Appendices (including additional information provided as part of the Rev A & Rev B submission) accompanying this application including Architectural plans, services plans, specialist technical reports and Port Macquarie Hastings Council Development Control Plan 2013 Compliance Table.

2. SITE & CONTEXT

The Site

The site is identified as Lot 1 DP 538077 -10 Pacific Dr, Lot 2 DP 538077 – 13 Pacific Dr, Lot A DP 441800 – 13 Pacific Dr and Lots 101 and 102 DP 1244390, Pacific Drive, Port Macquarie, comprising vacant land and an existing Motel. The site is located on the southern edge of Port Macquarie and is located on the western side of the Pacific Drive.

The site slopes from the north to the south-west and contains scattered exotic vegetation and maintained grass throughout the majority of the development area.



Figure 1 - Locality Map of the Subject Land (source: www.sixmaps.nsw.gov.au)

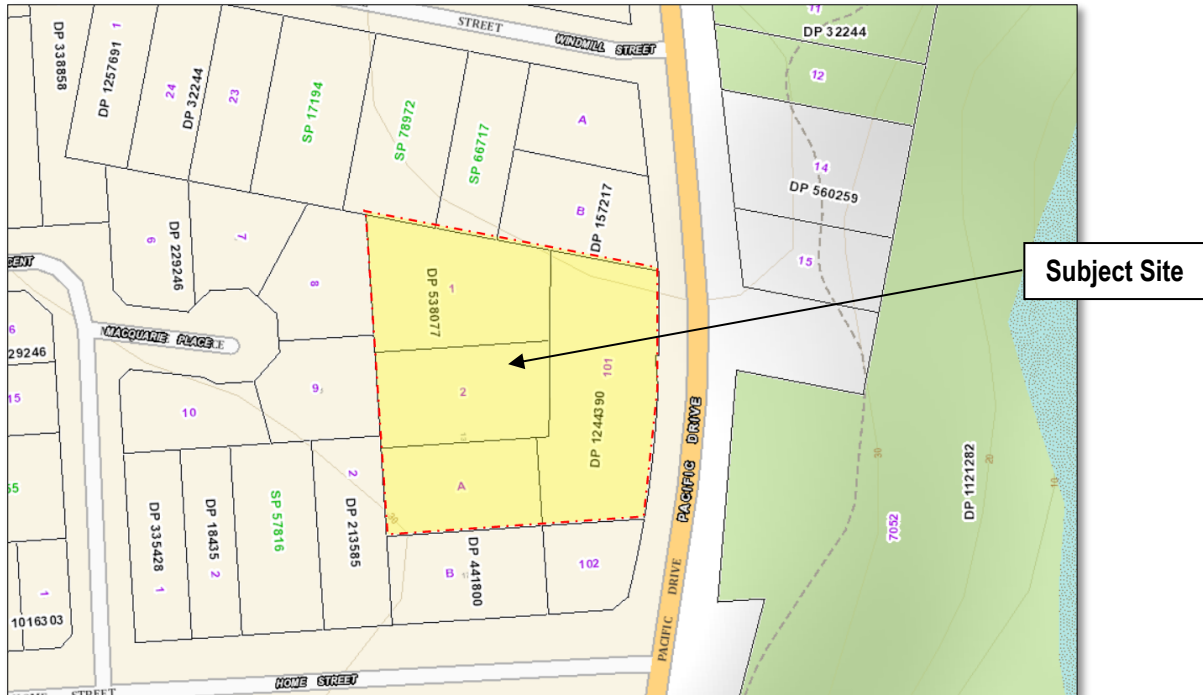


Figure 2 - Location of the subject land (source: www.sixmaps.nsw.gov.au) - note: civil works will also be required on Lot 102 to the south, outside of the development footprint

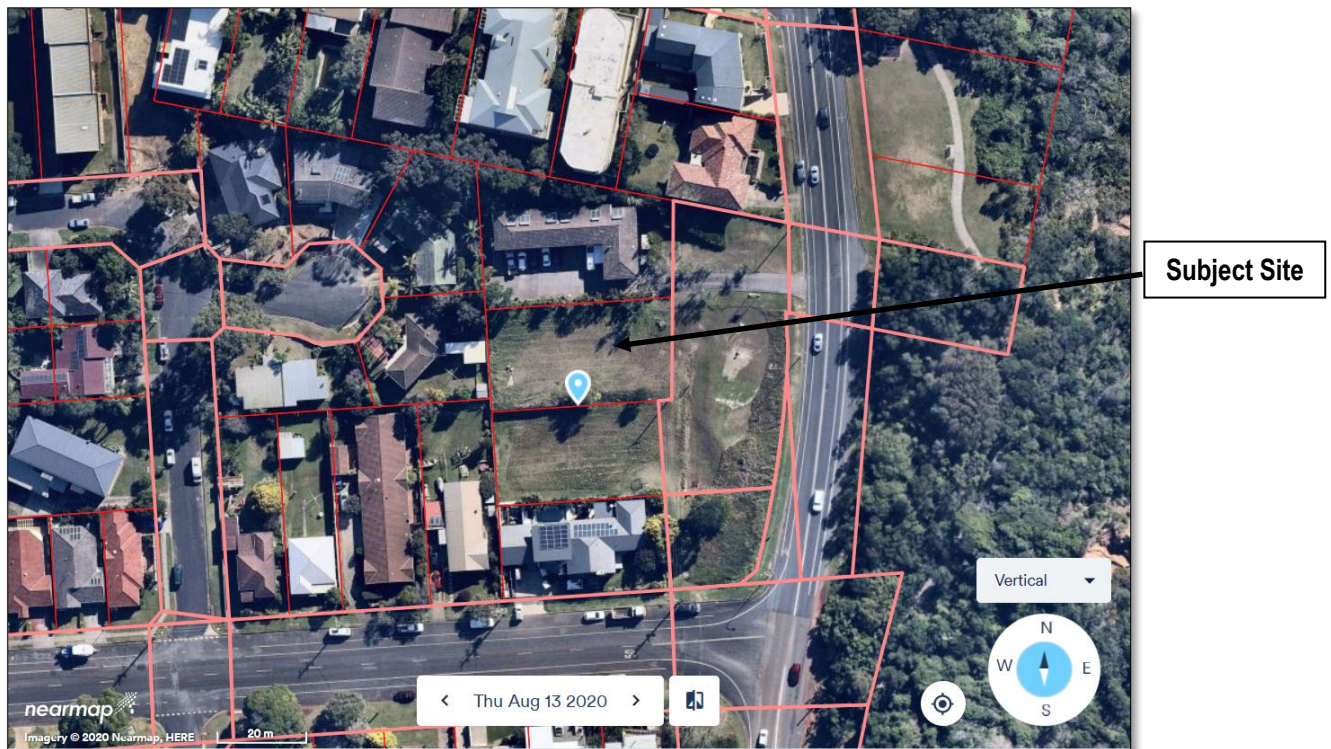


Figure 3 - Close Up Aerial Map of the subject land (source: www.nearmap.com)

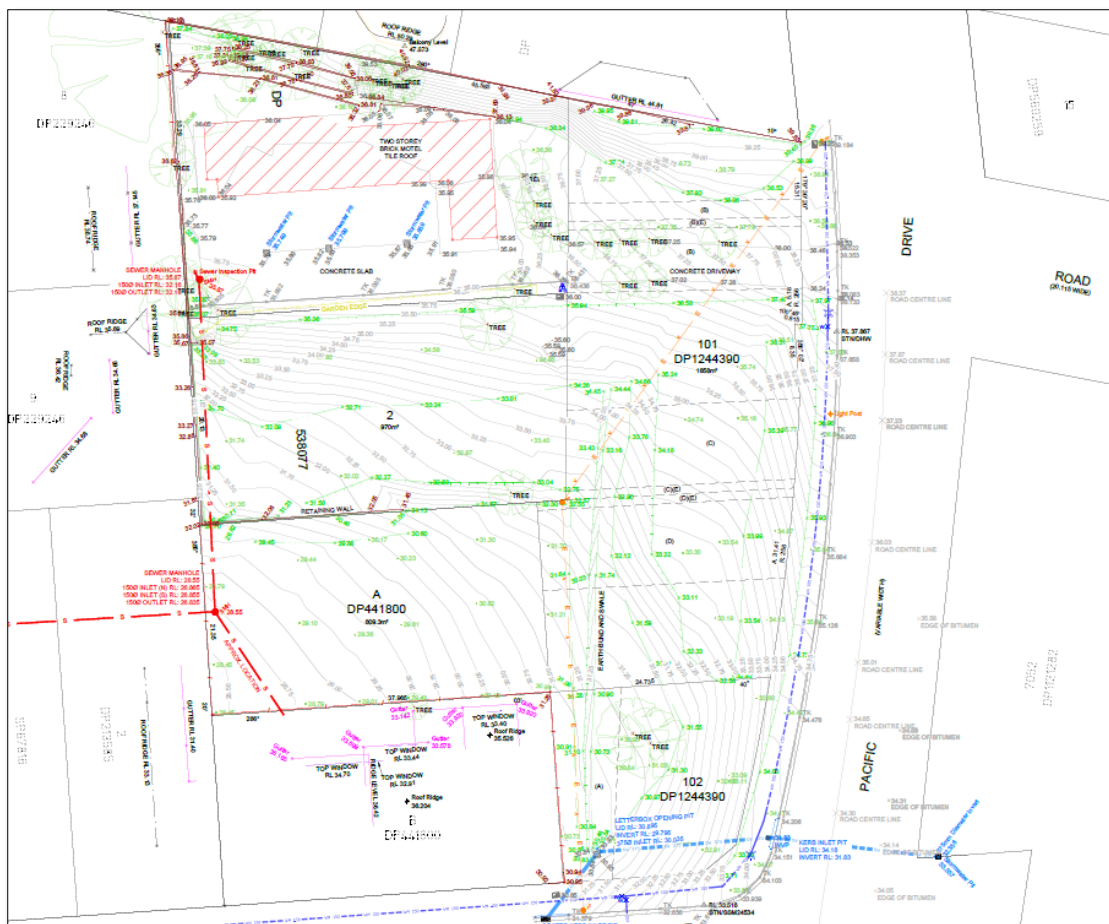


Figure 4 – Survey – Extract

To the east of the site is Windmill Hill which leads to Oxley Beach and onto Town beach, as well as numerous other local facilities, open space and recreation and businesses.

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. Owner's consent has been provided to lodge the application.

Surrounding Development

The site is located within the established residential area and forms part of one of the remaining vacant parcels in the area. 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. Retaining walls have been utilised along the northern and western boundaries and within the site due to the topography of the land.

The subject land is within easy access to the centre of Port Macquarie to the north. Pacific Drive is serviced by an existing Busways service. Directly to the east of the site on the opposite side of Pacific Drive is Windmill Hill, which leads to the beaches and the town centre via the coastal walk.

The site is also within walking distance of recreation areas including Oxley Oval, bowling club, maritime museum precinct and neighbourhood centres in Owen St and Hill St, as well as the centre of Port Macquarie to the north.

Photographs



Residential Flat Building & Dwelling to the north of the site, as viewed from Pacific Drive



Residential Flat Building & Dwelling to the north of the site & Motel on the subject site, as viewed from Pacific Drive



Northern boundary showing existing retaining wall and fencing and residential flat buildings behind.



Residential Flat Buildings & Dwelling to the north of the site, as viewed from within the site, with existing Motel



Residential dwellings to the west of the site, as viewed from Pacific Drive



Residential dwellings to the south of the site, as viewed from Pacific Drive, and the intersection of Home Street & Pacific Drive



Pacific Drive and the intersection with Home Street, looking south



Pacific Drive and the intersection with Home Street, looking south



Pacific Drive and the intersection with Home Street, looking north



Windmill Hill opposite the site, to the east of Pacific Drive



Residential dwellings to the west of the site, as viewed from within the site



Residential dwellings to the south of the site, as viewed from within the site



Figure 5 – Photographs

Additional photographs, including drone images at each proposed level is included in the views assessment within this report.

Compatibility of the Proposal

The site has been identified within Council's planning controls for medium to high density housing and the proposed residential flat building is compatible with the existing varied housing form in the immediate area, including residential flat buildings. The site is generally clear of vegetation (mainly exotic), making it ideal for development.

Previous Applications

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.

3. THE PROPOSAL

This application seeks approval for a Demolition of existing buildings and construction of a Residential Flat Building and associated parking, driveway, services, drainage, landscaping, as well as consolidation of allotments and subsequent Strata Subdivision. The proposed development specifically comprises:

- Residential Flat Building comprising 68 units, being 4 x 1 bedroom, 56 x 2 bedroom, 5 x 3 bedroom and 3 x 4 bedroom.
- 2 levels of basement car parking, with access via a single vehicular access point of Pacific Dr, in the south-east corner of the site and separated from the southern boundary by landscaping.
- 6 levels of residential above the basement, with one unit provided at lower ground level.
- Service / loading vehicle area to the north of the driveway, accessed within the site to accommodate the waste truck and access the adjacent bin holding area.
- Visitor car parking located on the Lower Ground Level, which is accessed immediately off the vehicular entry and adjacent to lift and stairs.
- Basement levels to contain service areas, storage, car parking for 100 spaces (including 2 accessible spaces), 10 bicycle spaces and 4 motorcycle spaces.
- Pedestrian entry to the site from Pacific Drive at a centralised main entry point into Entry 1 at Ground Level and Entry 2 at Level 1.
- Common open space provided at Lower Ground Level western side; Ground Floor western side and eastern side adjacent to Entry 1; Level 1 western side and eastern side adjacent to Entry 2; Level 2 north-west corner; and Level 6 Rooftop Terrace with pergola above.
- A communal area has also been proposed within the building on Level 1 adjacent to Entry 2, for use by residents, as well as an outdoor shower for those returning from the beach.
- Each unit is provided with ample area of private open space, including a balcony off the living area or courtyard at lower levels.
- Removal of all vegetation, with no significant vegetation identified on the site currently.
- Landscaping, as detailed on the concept landscape plans.
- Civil infrastructure including extension of services to the site and on site detention including a tank below the service / loading area. Services including electricity, water, stormwater and sewer will be provided, as detailed on the concept service infrastructure plan. A substation and hydrant/sprinkler have been provided along the eastern boundary and have been located within a landscaped setting.
- Retaining walls and boundary fencing to north, south and western boundaries which follows the topography and external balustrading to stairs and ramp to basement.
- Consolidation of all allotments into one.
- Strata Subdivision.

The aim of this development is to provide high quality units with generous living areas, highly sought-after expansive views and landscaping which screens the adjoining dwellings to the north, south and west and provides an attractive appearance when viewed from surrounding properties and Pacific Drive. This is reflected in the proposed architectural design and landscaping.

The proposed development responds to the slope of the land and the units contain a variety of 1, 2 and 3 bedrooms, open plan living, dining and kitchen and basement car parking below. The proposed materials have been selectively chosen to provide a variety in appearance of the building and are detailed on the Architectural Plans. The proposed materials will comprise a mix of fibre cement cladding, a mix of white, grey and black rendered masonry, glass balustrades and black aluminium windows.

In order to meet BASIX commitments, the proposal includes a rainwater tank, and each unit utilises 3 star rated showerheads, taps and toilets, amongst other things, as detailed on the BASIX Certificates accompanying this application. Solar panels have also been proposed on the roof.

This report is accompanied by Architectural Plans, Plan of Subdivision, Concept Landscape and Services Plans and extracts are shown below.



Figure 6 - Proposed Perspective from Pacific Drive



Figure 7 – Perspectives detailing building stepping with the land

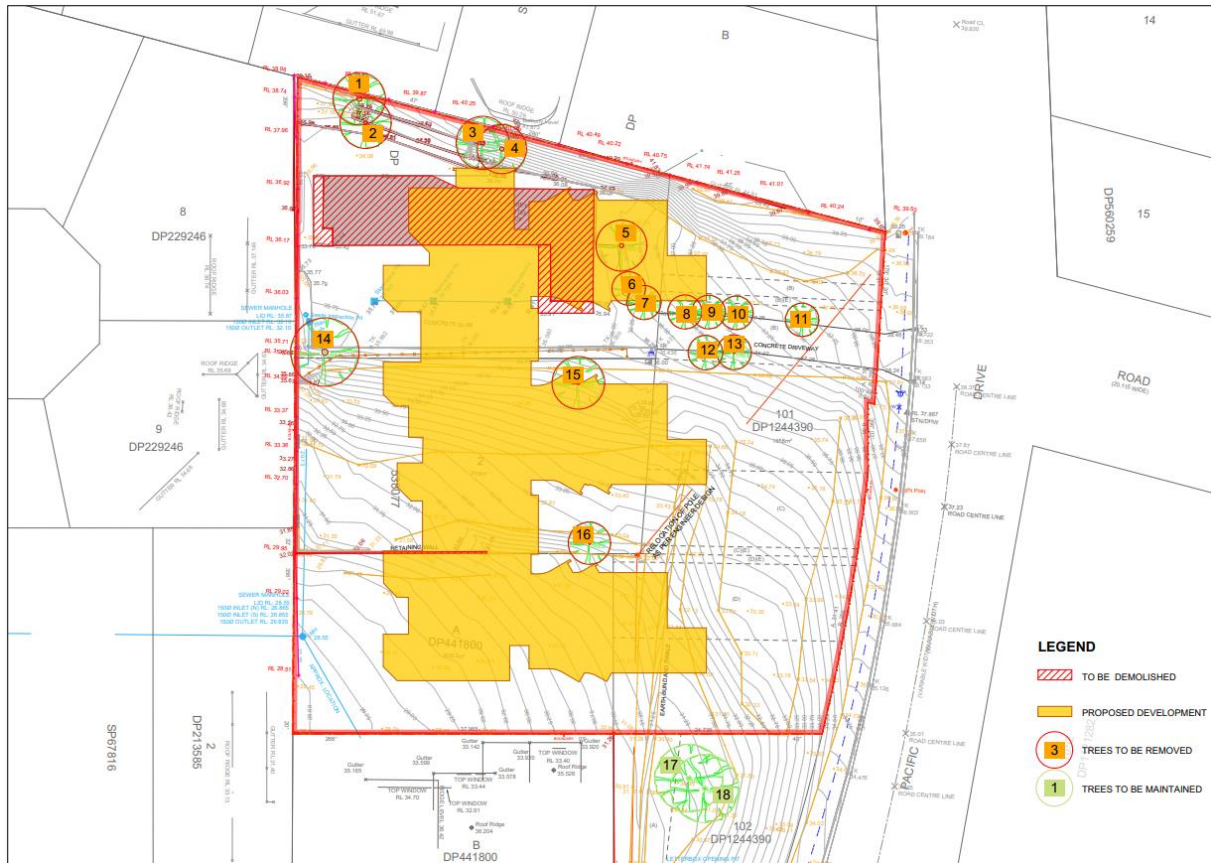


Figure 8 - Proposed Demolition, Tree Removal & Building Footprint Plan Extract



Figure 9 - Proposed Concept Landscape Plan Extract

The proposed final units have the following characteristics:

Unit	Level	Name	Bedrooms	Area	Balcony / Terrace / POS	Storage
1	Lower Ground	LG01	3	103.44 m ²	95.02 m ²	14.64 m ³
2	Ground	G01	2	104.02 m ²	43.06 m ²	28.53 m ³
3	Ground	G02	2	99.10 m ²	59.39 m ²	17.69 m ³
4	Ground	G03	2	94.56 m ²	163.07 m ²	21.68 m ³
5	Ground	G04	3	103.44 m ²	15.14 m ²	14.63 m ³
6	Level 01	101	2	85.86 m ²	15.14 m ²	13.31 m ³
7	Level 01	102	2	86.38 m ²	16.03 m ²	11.48 m ³
8	Level 01	103	2	87.32 m ²	15.53 m ²	14.78 m ³
9	Level 01	104	3	103.44 m ²	15.14 m ²	14.78 m ³
10	Level 01	105	2	105.51 m ²	14.17 m ²	14.84 m ³
11	Level 01	106	2	99.31 m ²	48.30 m ²	19.99 m ³
12	Level 01	107	2	84.49 m ²	25.73 m ²	11.48 m ³
13	Level 01	108	2	87.32 m ²	32.11 m ²	14.69 m ³
14	Level 01	109	2	87.06 m ²	12.14 m ²	12.21 m ³
15	Level 02	201	2	85.86 m ²	15.14 m ² & 3.12m ²	13.31 m ³
16	Level 02	202	2	86.38 m ²	16.03 m ²	11.48 m ³
17	Level 02	203	2	87.32 m ²	15.53 m ²	14.92 m ³
18	Level 02	204	3	103.44 m ²	15.14 m ²	14.63 m ³
19	Level 02	205	2	92.32 m ²	14.77 m ² & 8.96m ²	9.54 m ³
20	Level 02	206	2	86.38 m ²	16.03 m ²	11.48 m ³
21	Level 02	207	2	87.33 m ²	15.53 m ²	14.63 m ³
22	Level 02	208	2	87.06 m ²	12.14 m ² & 3.12m ²	12.49 m ³
23	Level 02	209	1	54.97 m ²	8.96 m ²	14.33 m ³
24	Level 02	210	2	89.74 m ²	15.80 m ² & 73.48 m ²	10.95 m ³
25	Level 02	211	2	86.38 m ²	28.70 m ²	11.48 m ³
26	Level 02	212	2	87.32 m ²	15.53 m ²	14.83 m ³
27	Level 02	213	2	88.94 m ²	15.14 m ²	16.30 m ³
28	Level 03	301	2	85.86 m ²	15.14 m ² & 3.12m ²	13.31 m ³
29	Level 03	302	2	86.38 m ²	16.03 m ²	11.48 m ³
30	Level 03	303	2	87.32 m ²	15.53 m ²	14.92 m ³
31	Level 03	304	3	103.44 m ²	15.14 m ²	14.63 m ³
32	Level 03	305	2	92.32 m ²	14.77 m ² & 3.69m ²	9.54 m ³
33	Level 03	306	2	86.38 m ²	16.03 m ²	11.48 m ³
34	Level 03	307	2	87.33 m ²	15.53 m ²	14.63 m ³
35	Level 03	308	2	87.06 m ²	12.14 m ² & 3.12m ²	12.49 m ³
36	Level 03	309	1	54.97 m ²	8.96 m ²	14.33 m ³
37	Level 03	310	2	89.74 m ²	15.80 m ²	10.95 m ³
38	Level 03	311	2	86.38 m ²	16.03 m ²	11.48 m ³

39	Level 03	312	2	87.33 m ²	15.53 m ²	14.83 m ³
40	Level 03	313	2	88.94 m ²	15.14 m ² & 3.69 m ²	16.33 m ³
41	Level 04	401	2	85.86 m ²	15.14 m ² & 3.12 m ²	13.31 m ³
42	Level 04	402	4	130.86 m ²	24.76 m ²	15.98 m ³
43	Level 04	403	2	86.23 m ²	15.14 m ²	10.90 m ³
44	Level 04	404	2	92.32 m ²	14.77 m ²	9.55 m ³
45	Level 04	405	2	86.38 m ²	16.03 m ²	11.48 m ³
46	Level 04	406	2	87.33 m ²	15.53 m ²	14.63 m ³
47	Level 04	407	2	87.06 m ²	12.14 m ² & 3.12m ²	12.49 m ³
48	Level 04	408	1	54.97 m ²	8.96 m ²	14.33 m ³
49	Level 04	409	2	89.74 m ²	15.80 m ²	10.95 m ³
50	Level 04	410	2	86.38 m ²	16.03 m ²	11.48 m ³
51	Level 04	411	2	87.33 m ²	15.53 m ²	14.83 m ³
52	Level 04	412	2	88.94 m ²	15.14 m ²	16.33 m ³
53	Level 05	501	2	85.86 m ²	15.14 m ² & 36.43 m ² & 3.12m ²	13.31 m ³
54	Level 05	502	4	130.86 m ²	24.76 m ²	15.98 m ³
55	Level 05	503	2	92.32 m ²	14.77 m ² & 3.96 m ²	9.54 m ³
56	Level 05	504	2	86.38 m ²	16.03 m ²	11.48 m ³
57	Level 05	505	2	87.33 m ²	15.53 m ²	14.63 m ³
58	Level 05	506	2	87.06 m ²	12.14 m ² & 3.12 m ²	12.21 m ³
59	Level 05	507	1	54.97 m ²	8.96 m ²	14.33 m ³
60	Level 05	508	2	89.74 m ²	15.80 m ²	10.95 m ³
61	Level 05	509	2	86.38 m ²	16.03 m ²	11.48 m ³
62	Level 05	510	2	87.32 m ²	15.53 m ²	14.83 m ³
63	Level 05	511	2	88.94 m ²	15.14 m ²	16.33 m ³
64	Level 06	601	2	92.32 m ²	14.77 m ² & 3.96 m ²	9.54 m ³
65	Level 06	602	2	86.38 m ²	16.64 m ²	11.48 m ³
66	Level 06	603	2	89.74 m ²	15.80 m ²	10.95 m ³
67	Level 06	604	4	136.41 m ²	15.53 m ² & 3.96 m ²	17.02 m ³
68	Level 06	605	2	88.94 m ²	15.14 m ²	16.33 m ³

The development will be serviced by a private waste contractor.

The plan below indicates the distances from the proposed buildings to all side boundaries.

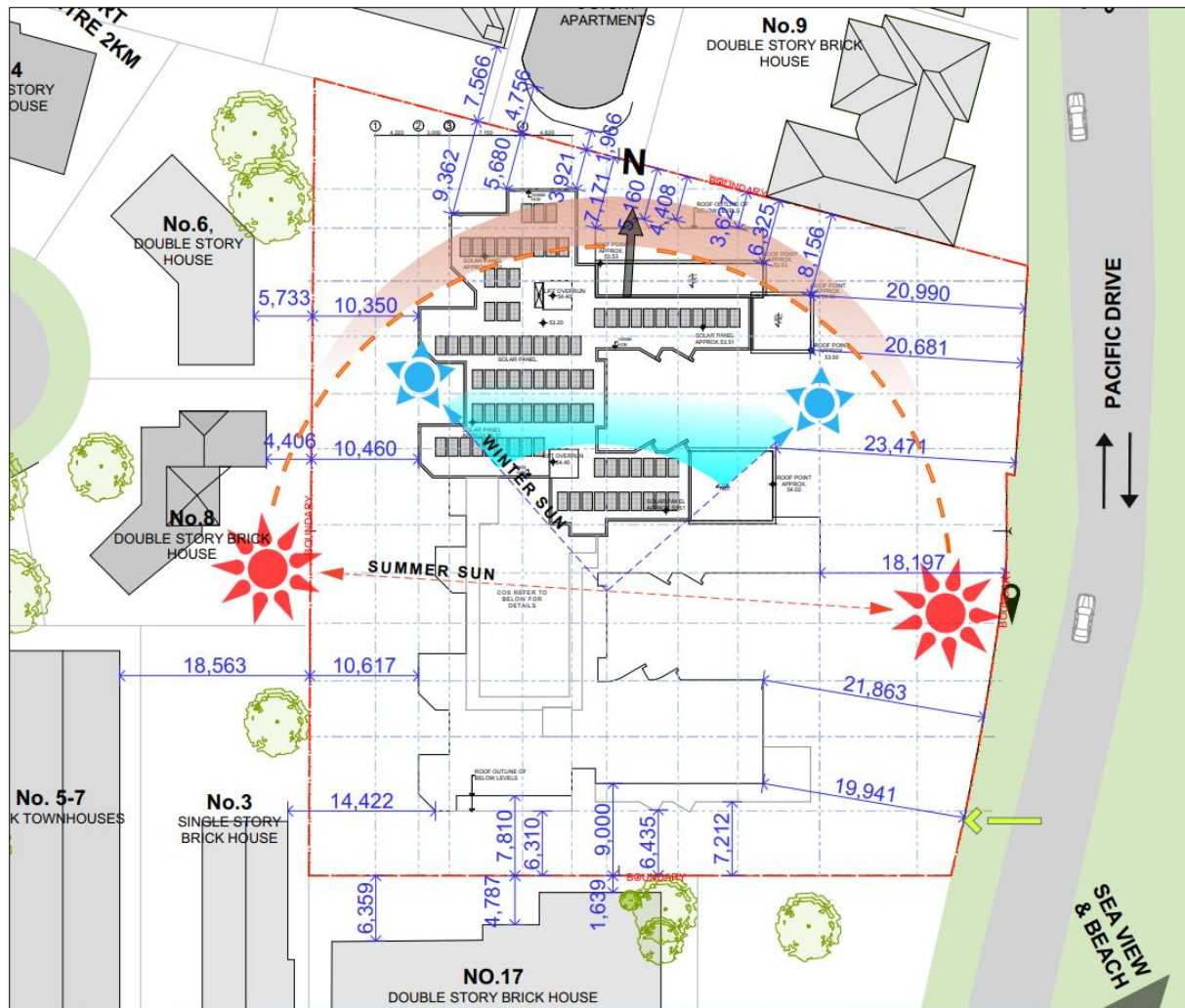


Figure 10 - Distances from Building to Boundaries - Extract

4. PRE-LODGEEMENT MEETING

A pre-lodgement meeting was held on 3 November 2020. Below is an extract of the notes provided from the meeting and a comment regarding the issues.

Planning
A detailed Statement of Environmental Effects addressing relevant Environmental Planning Instruments and merit-based issues is required. Particular attention should be given, but not limited to, the following:
1) State Environmental Planning Policy (Building Sustainability Index: BASIX) applies. Application to address relevant provisions of this policy.
<u>Comment:</u> Refer to discussion in Section 5 of this SEE and accompanying BASIX Certificate.
2) State Environmental Planning Policy (Coastal Management) 2018 applies. Application to address relevant provisions of this policy.
<u>Comment:</u> Refer to discussion in Section 5 of this SEE.
3) State Environmental Planning Policy (Infrastructure) 2007 applies. Application to address relevant provisions of this policy. Appears to be electricity infrastructure running through the site. Referral to Essential Energy will be undertaken. Recommend early discussions with Essential Energy to address this and servicing. Note any required substations will need be incorporated

into the proposal and have regard to visual amenity impact. Same principle applicable for water supply hydrants.

Comment: Refer to discussion in Section 5 of this SEE. A preliminary electrical design is attached, which was previously approved and included on the Services Plan. The design will be certified closer to construction.

4) State Environmental Planning Policy (Koala Habitat Protection) 2019 applies. Application to address relevant provisions of this policy.

Comment: Refer to discussion in Section 5 of this SEE and accompanying Ecological Assessment against SEPP.

5) State Environmental Planning Policy No 55 - Remediation of Land applies. Application to address relevant provisions of this policy.

Comment: Refer to discussion in Section 5 of this SEE and accompanying Contamination Assessment, which has deemed the site suitable for the proposed development.

6) State Environmental Planning Policy No 64 - Advertising and Signage will apply should any signage be proposed. Application to address relevant provisions of this policy.

Comment: Directional signage is detailed on the eastern elevation plans, which identifies the address at the pedestrian entry. Refer to discussion against SEPP 64 below.

7) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development applies. Application to address relevant provisions of this policy. Note additional application requirements of:

- Statement by a qualified designer (Clauses 50(1A) and AB)
- Schedule 1 of the Regulations.

Comment: Refer to discussion in Section 5 of this SEE and accompanying Design Verification Certificate.

8) State Environmental Planning Policy (State and Regional Development) 2011. Refer to trigger values within this policy for regional development to which the Joint Regional Planning Panel would be the determining authority.

Comment: Noted.

9) The site is zoned R3 Medium Density Residential under Port Macquarie-Hastings Local Environmental Plan (LEP) 2011. Residential flat buildings are permissible with consent.

Comment: Noted. Refer to discussion in Section 5 of this SEE.

10) In accordance with clause 4.3 of LEP 2011 a maximum building height of 17.5m applies. Any variation would need to be adequately justified in accordance with clause 4.6 of LEP 2011 and clearly illustrated on plans to demonstrate the extent of variation. Having regard for the topography of the site there is considered some scope to consider a minor height variation.

Comment: Refer to discussion in Section 5 of this SEE and Clause 4.6 Variation regarding the proposed height variation.

11) In accordance with clause 4.4 of LEP 2011, a maximum Floor Space Ratio (FSR) of 1.50:1 applies to the land. Application to include details of proposed FSR.

Comment: Refer to discussion in Section 5 of this SEE.

12) Application to address general provisions and relevant specific provisions of Development Control Plan (DCP) 2013. Any variations to be adequately justified against the relevant objectives.

Comment: Refer to accompanying DCP Assessment Table.

13) Details and calculations of required off-street parking to serve the development consistent with the parking rates identified in DCP 2013.

Comment: Refer to accompanying DCP Assessment Table.

14) Site is mapped as bushfire prone land. Bushfire assessment report required. If subdivision proposed integrated development and referral to NSW RFS.

Comment: Refer to accompanying Bushfire Report.

15) Potential for ground water/aquifer interference and need to determine whether dewatering required with basement excavation. Geotechnical investigation required. Depending on the findings the proposal may also be integrated development under the Water Management Act 2000 and referral to NSW Natural Resource Access Regulator would be undertaken.

<p><u>Comment:</u> Refer to accompanying Geotechnical Report which addresses groundwater and indicates that groundwater is not likely to be encountered during excavation.</p>
<p>16) Details of the type and extent of vegetation to be removed and retained (inclusive of any required bushfire Asset protection Zones) clearly illustrated on plans. Trees to be retained within close proximity of works/buildings shall be supported by an Arborist report demonstrating ability for long term retention.</p> <p><u>Comment:</u> A review of the site indicate that no significant trees are present, with exotic species present. Refer to accompanying letter from an Arborist.</p>
<p>17) Details of any staging to be clearly outlined.</p> <p><u>Comment:</u> Noted. This project is not intended to be staged.</p>
<p>18) A detailed analysis of overshadowing impacts. Shadow diagrams to clearly illustrate impacts to adjoining dwelling to the south. Suggest identifying the primary living and open space areas of this dwelling and window placements in illustrating overshadowing impacts. There may be additional benefit in analysing impacts in detail on the winter solstice as well as other dates through the year.</p> <p><u>Comment:</u> Refer to accompanying Architectural Plans and discussion in Section 6 of this SEE.</p>
<p>19) A detailed analysis of view sharing and privacy impacts.</p> <p><u>Comment:</u> Refer to accompanying Architectural Plans and discussion in Section 6 of this SEE.</p>
<p>20) Details of proposed waste management and collection arrangements.</p> <p><u>Comment:</u> Refer to accompanying Waste Management Plan and Architectural Plans and discussion in Section 6 of this SEE. The site will be serviced by a private waste contractor.</p>
<p>21) Extent of cut and fill and details of any retaining to be clearly illustrated on plans.</p> <p><u>Comment:</u> Refer to accompanying Architectural Plans and discussion in Section 6 of this SEE.</p>
<p>22) Land owners consent. Appears Lot 101 DP 1244390 is still owned by Port Macquarie-Hastings Council. The application would be subject to Council's Development Application - Conflict of Interest Policy.</p> <p><u>Comment:</u> Noted. Refer to accompanying letter providing owners consent for lodgement of the DA by Port Macquarie Hastings Council.</p>
<p>23) Lot consolidation will be required.</p> <p><u>Comment:</u> Noted. The proposal includes consolidation and Strata Subdivision of the residential flat building.</p>
<p>24) If subdivision proposed a draft subdivision plan will be required. Details of proposed servicing arrangements to be illustrated.</p> <p><u>Comment:</u> Refer to accompanying Services Plan and Draft Plan of Consolidation.</p>
<p>25) Development contributions will apply. An estimate may be obtained from Council's Development Contribution team, contact Council's Contributions Section. A credit would be available for the existing motel use.</p> <p><u>Comment:</u> Noted. A quote was obtained.</p>
<p>Water</p>
<p>1) Council records indicate that the development site has an existing 40mm metered water service to 10 Pacific Drive. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.</p> <p><u>Comment:</u> Noted. A Hydraulic Consultant was engaged during the design of the development. Mains connections, hydrants and mains meters have been reflected on the Concept Engineering Plan.</p>
<p>2) Each proposed unit will need to be separately metered for water, meters may be either located at the road frontage or internally with a master meter at the boundary. Internal water meters are to be located in foyer areas, secure and accessible for meter reading, otherwise a remote reading display facility shall be provided in an approved central location that is easily accessible. Details are to be shown on the engineering plans. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies.</p> <p><u>Comment:</u> Noted. A Hydraulic Consultant was engaged during the design of the development. Provision of risers and meter</p>

cupboards have been coordinated and reflected on the drawings.

3) Any water main fittings (hydrants, stop valves etc.) shall be moved clear of driveways if required at no cost to Council.

Comment: Noted. A Hydraulic Consultant was engaged during the design of the development.

4) Due to the proposed height of the development, it is likely the site will require a break tank and pressure system for internal water demands. A detailed report examining the internal hydraulics will be required as part of the application.

Comment: Noted. A Hydraulic Consultant was engaged during the design of the development. Subject to the pressure enquiry lodged with Council. Provisions for pump rooms (if required) have been coordinated and are reflected on drawings.

Sewer

1) Council records indicate that the development site is connected to Sewer via junction out of the existing manhole, which is located in the south western corner of Lot 1 (10 Pacific Drive). There is an existing 150mm diameter AC sewer main that runs parallel to the western boundary and a 150mm diameter AC sewer main that crosses Lot A (16 Pacific Drive). The proposed development may discharge all sewage to the existing point of connection to Council's sewer system or to a junction out of a new or existing manhole, as required.

Comment: Refer to accompanying Services Plan.

2) Any abandoned sewer junctions are to be capped off at Council's sewer main and Council notified to carry out an inspection prior to backfilling of this work.

Comment: Noted. The existing connection has been reflected on the Concept Engineering Plan.

3) Footings and/or concrete slabs of buildings adjacent to sewer lines are to be designed so that no loads are imposed on the infrastructure.

Comment: Noted.

4) Any excavation (for underground car parks etc.) is to consider the location of the existing sewer infrastructure. Relocation may be permitted at no cost to Council in accordance with Council's adopted AUSPEC Design and Construction Specifications.

Comment: Noted.

5) Replacement at no cost to Council of the existing AC sewer main that traverses the development site in accordance with Council's adopted AUSPEC Design and Construction Specifications.

Comment: Noted.

6) A sewer strategy and plans are required from a hydraulic consultant for the whole of the development on the site stage by stage.

Comment: Refer to accompanying Concept Services and Engineering Plans.

7) Where a sewer manhole and/or Vertical Inspection Shaft exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

Comment: Noted.

Stormwater

A stormwater management plan must be prepared in accordance with the requirements of AUSPEC D5 and D7 and the requirements of relevant Australian Standards, demonstrating how all stormwater and surface water discharging from the proposed development site, buildings and works will be conveyed to the legal point of discharge by underground pipe drains to the satisfaction of Council.

Comment: Refer to accompanying Stormwater Management Plan.

1) The legal point of discharge for the proposed development is defined as a direct connection to Council's existing piped drainage system downstream of the site in Home Street. Access to Council's stormwater infrastructure mapping can be accessed online via <https://maps.pmhc.nsw.gov.au/MapsPMHC/>

Comment: Noted. The Services Plan reflects this.

2) In addition, the stormwater management plan submitted with the development application must address the following

specific issues at a minimum:

▮ On-site stormwater detention facilities (or similar) must be incorporated into the design to ensure that the permissible site stormwater discharge from the entire development site is retarded to ensure that the post development site stormwater discharge rate does not exceed the pre development discharge rate for all storm events up to 1% AEP.

▮ The plan must include any existing components of the drainage system that are to be retained and show how runoff from the proposed/new components of the development will be integrated into the existing system.

▮ The stormwater management plan must be prepared and certified by a qualified practicing Civil Engineer or Registered Surveyor.

Comment: Noted.

3) Where it is proposed to use a rainwater tank in conjunction with or in lieu of an onsite stormwater detention (OSD) system, calculations must be provided in support of the storage volumes proposed. The calculations must demonstrate that the stormwater detention / retention system proposed complies with the objectives of Council's Drainage Code.

Comment: Refer to accompanying Stormwater Management Plan.

4) The Stormwater Management Plan must include detail of how the proposed basement carpark will be drained. Where minor surface areas drain to the basement, such as from the access driveway, a pump out system is permitted with discharge directed to the OSD storage tanks(s).

Pump-out of the subsoil drainage associated with the basement carpark is not permitted unless it can be demonstrated that groundwater flows are minimal/ intermittent and subject to direct connection of the site discharge to Council's piped drainage system. This option will only be considered when supported by detailed geotechnical investigation.

Comment: Refer to accompanying Stormwater Management Plan.

5) Driveway entrances to basement carpark areas must be designed to have adequate freeboard above the 1% AEP top water level of stormwater overland flows, which must be demonstrated by a hydrological model.

Comment: Refer to accompanying Stormwater Management Plan.

6) Where drainage cannot be achieved to Council's drainage infrastructure via gravity, appropriate easements must be created over downstream lots.

In this regard, an easement plan must be submitted showing the proposed easement location, proximity to adjacent buildings and structures and a longitudinal section of the proposed stormwater pipeline. The plan must also demonstrate that the inter-allotment drainage system has been sized in accordance with the requirements of AUSPEC D5 to accept all runoff from each allotment for flow rates having a 5% AEP design.

Written agreement to the creation of any proposed drainage easement(s) must be obtained from the affected property owner(s) and submitted with the development application.

The easement must be registered with the Land and Property Information NSW prior to the issue of an Occupation Certificate.

Comment: Refer to draft plan of subdivision indicating proposed easements.

7) The property is located a grassed reserve/verge area below Pacific Drive that has historically been a source of stormwater Complaints for council. In this regard, flows originating within the Pacific Dr road reserve and Lot: 101 Plan No: DP1244390 have historically inundated the adjoining property on Home Street and pose a risk to the subject development if not appropriately managed.

The stormwater management plan submitted with any future development application for the site shall demonstrate how natural surface flows arriving at the site frontage from the existing adjacent land is captured and safely conveyed to Home Street Particular reference in this regard is made to the existing swale and berm within the site frontage that will need to be crossed/ removed in order to facilitate the proposed driveway access to the site from Pacific Drive.

Comment: Refer to accompanying Stormwater Management Plan.

Engineering

1) Works within the road reserve and/or on Council owned assets will require a refundable bond equal to 130% of the cost of the works (to be held during construction until acceptance of the works). Footpath paving will be required for the frontage of the development.

<u>Comment:</u> Noted. Footpath paving has been reflected on concept engineering plans.
2) <i>Internal access aisles and parking bays will be assessed for conformance with AS 2890, and in particular part 1 for cars, part 2 for garbage and delivery trucks, and part 6 for disabled parking (if required by the BCA or other standards).</i> <u>Comment:</u> Noted. Refer to Traffic Report.
3) <i>Due to the likely traffic generated by the development, the driveway crossing within the road reserve shall conform to Council's ASD 202 heavy duty standard drawing as a minimum.</i> <u>Comment:</u> Noted. Reflected on the Concept Engineering Plan.
4) <i>A Traffic Impact Assessment (TIA) will be required.</i> a. <i>TIA is to be prepared by a qualified and/or experienced traffic consultant.</i> b. <i>TIA is to be prepared in accordance with guidelines contained in the Roads and Maritime Services Guide to Traffic Generating Developments (2002), and AUSTRROADS Guide to Traffic Management, Part 12: Traffic Impacts of Development.</i> c. <i>TIA should use data obtained from an existing facility, which operates in a similar manner to the proposed facility, and comment on any differences in operation.</i> d. <i>The likely traffic generation should be quantified, in terms of the number of vehicle trips during peak hours, number of trips per day, and breakdown of the types of vehicle users (e.g. residents' cars, staff cars, service trucks).</i> e. <i>The likely 85th percentile (time-weighted) parking demand is to be quantified.</i> f. <i>Comment on the likely traffic and parking demand ten years after the development</i> <u>Comment:</u> Refer to accompanying Traffic Impact Assessment.

5. PLANNING FRAMEWORK

Planning and Approvals Framework- Section 4.15 (1)(a)

The EP&A Act and EP&A Regulation establishes the framework for the assessment and approval of development in NSW. The proposal represents 'local development' under the EP&A Act which requires development consent. The EP&A Regulation sets out the processes and procedures for the assessment and approval of local development and specifies that a DA must be lodged with the consent authority in line with certain specific requirements.

This SEE accompanies a DA prepared to address the requirements of the EP&A Act and Regulation. Port Macquarie Hastings Council is the consent authority. Pursuant to the provisions of the EP&A Act and EP&A Regulation, the proposed development must be assessed against relevant State and Local planning instruments, as described below, as well as the overarching Federal legislation relating to ecology. The proposed development has been assessed against the planning controls and principles within the following applicable planning instruments:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Biodiversity Conservation Act 2016;
- Planning for Bush Fire Protection 2019;
- State Environmental Planning Policy (Koala Habitat Protection) 2020;
- State Environmental Planning Policy No. 55 Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;

- State Environmental Planning Policy Coastal Management 2018;
- State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX);
- State Environmental Planning Policy No 64—Advertising and Signage;
- Port Macquarie Hastings Local Environmental Plan 2011; and
- Port Macquarie Hastings Development Control Plan 2011.

In Section 4 of this report, an assessment of the proposal against each of these instruments is undertaken and demonstrates the proposal is generally consistent with the aims, objectives and controls of each applicable planning instrument, in accordance with Section 4.15 (1)(a) of the EP&A Act. Section 5 of this report addresses Section 4.15 (1)(b), (c), (d) and (e) of the EP&A Act.

Planning for Bush Fire Protection 2019

The site is identified as bushfire prone land as per the Rural Fire Service's online mapping. A Bushfire Assessment was undertaken with respect to the proposal which provided a number of recommendations including construction standards and asset protection zones. The report also has consideration to the matters raised within Table 8.2 of NSW Rural Fire Services, Planning for Bushfire Protection 2019, which specifically apply to high-rise development within bushfire prone land. A copy of the bushfire report accompanies this application and below is an extract of the recommendations:

"The following requirements are provided in response to the proposed residential flat building development to be constructed on land known as Lot 1 DP 538077, Lot 2 DP 538077, Lot A DP 441800 and Lot 101 DP 1244390, 10 –13 Pacific Drive, Port Macquarie as provided in Appendix 2.

(i) Asset Protection Zones for existing and proposed development are to be provided to the proposed development in accordance with Table 5 of this report.

(ii) Water and other services are to be provided to the proposed residential flat building development in accordance with the requirements detailed in Section 3.4 of this report.

(iii) The proposed residential flat building is to be constructed so as to comply with the relevant construction requirements of AS 3959 –2018 as amended by NSW Rural Fire Service, Planning for Bushfire Protection, 2019, refer to Appendix 4, as provided for in Table 10 of this report.

(iv) Adopt the landscaping principals in accordance with Section 3.5 of this report."

The bushfire report concluded:

"It is considered that the proposed residential flat building development on land known as Lot 1 DP 538077, Lot 2 DP 538077, Lot A DP 441800 and Lot 101 DP 1244390, 10 –13 Pacific Drive, Port Macquarie is at risk of bushfire attack; however, it is in our opinion that with the implementation of the bushfire threat reduction measures and consideration of the recommendations in this report, the bushfire risk is manageable for the proposed development.

With the implementation of the recommendations it is considered that it will be possible for the proposed residential flat building development to meet the applicable acceptable solutions as provided for in NSW Rural Fire Service, Planning for Bushfire Protection, 2019 having regard to the existing subdivision layout, the size of the subject site and the extent of development on adjoining and adjacent land.

This report is however contingent upon the following assumptions and limitations.

Assumptions



(i) For a satisfactory level of bushfire safety to be achieved regular inspection and testing of proposed measures, building elements and methods of construction, specifically nominated in this report, is essential and is assumed in the conclusion of this assessment.

(ii) There are no re-vegetation plans in respect to hazard vegetation and therefore the assumed fuel loading will not alter.

(iii) Any future residential developments are constructed and maintained in accordance with the risk reduction strategy in this report.

(iv) The vegetation characteristics of the subject site and surrounding land remains unchanged from that observed at the time of inspection.

(v) The information contained in this report is based upon the information provided for review, refer to Appendix 2. No responsibility is accepted for the accuracy of the information contained within the above plans.

Limitations

(i) The data, methodologies, calculations and conclusions documented within this report specifically relate to the building and must not be used for any other purpose.

(ii) A reassessment will be required to verify consistency with this assessment if there is building alterations and/or additions, change in use, or changes to the risk reduction strategy contained in this report."

As such, the proposal is acceptable in terms of bushfire impacts.

Biodiversity Conservation Act 2016

The ecological significance of the site has been examined in the Ecological Report accompanying this application and was considered to be in accordance with the requirements of Section 5A of the Environment Planning and Assessment Act 1979, as amended by the Threatened Species Conservation (TSCA) Act 1995, the Commonwealth Environment Protection and Biodiversity Conservation (EPBCA) Act 1999 - Matters of National Environmental Significance and State Environmental Planning Policy (SEPP) No. 44 - Koala Habitat Protection, as well as the relevant provisions for Koala food trees and Endangered Ecological Communities under the PMHC Development Control Plan (DCP) 2013.

A vegetation assessment was undertaken of the site and the Ecological Report accompanying this application indicates *"The vegetation within the subject site was restricted to occasional lower strata trees and regularly maintained exotic grass species, native vegetation structure was not present"*.

A Koala Plan of Management was not deemed necessary for this site as the assessment concluded that the site did not qualify as potential koala habitat.

Refer to discussions under State Environmental Planning Policy (Koala Habitat Protection) 2020 below.

Tree removal is identified on the plans and the accompanying letter from an Arborist 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."

An additional Arborist Report and additional Ecological reporting has been provided.

State Environmental Planning Policies (SEPP's)

The following SEPP's are of relevance to the proposal:

State Environmental Planning Policy (Koala Habitat Protection) 2020

The area of the subject land is not greater than 1ha and is located within the Port Macquarie Hastings Local Government Area, SEPP (Koala Habitat Protection) 2020 is not applicable. A Koala Assessment Report (completed by a qualified ecologist) was undertaken, including visiting the site and review of koala records. There were no records in close proximity of the site and no koalas were observed on site, nor scats.

The ecological assessment against the SEPP concluded:

"Following a comprehensive assessment from desktop assessment, targeted survey, and habitat assessment it can safely and confidently be determined that the subject site provides no ecological function to the local Port Macquarie Koala population for foraging, connectivity, shelter or any other ecological function. The Subject site does not qualify for assessment under the Koala Habitat Protection SEPP and does not require federal referral."

A Koala Plan of Management was not deemed necessary for this site. As such, SEPP (Koala Habitat Protection) 2019 has been satisfied.

State Environmental Planning Policy No 55 – Remediation of Land

SEPP 55 aims to "promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment". The land is generally cleared, with the exception of the Motel and associated car parking area, and forms part of a residential area. Preliminary Investigations have been undertaken regarding contamination which has determined that the potential for contamination to exist on the site was low and suitable for the proposed use, and does not identify the need for further investigation.

"The key findings of this PSI were as follows:

- *The site was a roughly rectangular block of land, covering a total area of 3437.3m². It was occupied by a two-storey, brick building on the northern portion, being used for temporary residential accommodation (i.e. a motel). A concrete driveway and open car park occupied the southern portion of the building. Remaining areas were vacant.*
- *Based on the historical information, the northern portion of the site had continuously been used for temporary residential accommodation (i.e. a motel) from about 1974 up to the present time. Prior to 1974, the land was expected to be vacant (undeveloped). The site surroundings had been used for mixed general residential, environmental conservation and public recreation purposes.*
- *The site was free of statutory notices and licensing agreements issued under the Contaminated Land Management Act 1997 and Protection of the Environment Operations Act 1997. It was not included on the List of NSW Contaminated Sites Notified to the EPA.*
- *Visual evidence of gross contamination, including fragments of fibre cement sheeting (FCS), was not observed on any part of the site. No suspicious odour was detected during the site inspection.*
- *There was no evidence that an underground storage tank (UST) was observed on the site. No above-ground storage tank (AST) was present.*
- *The subsurface was generalised as a shallow (<0.5m thickness) layer of silty sand, topsoil/fill, overlying natural, residual silty clay. The potential for acid sulfate soils (ASSs) to be present on the site was low.*
- *The conceptual site model (CSM) identified several potential contaminating sources at the site, those being fill soils of unknown origin and quality, pesticide use, leakage from parked vehicles and weathering of structures containing hazardous materials. However, it was considered that the risks associated with (possible) site contamination were low with respect to the identified sensitive receptors. Based on the findings of this PSI, and with consideration of*

El's Statement of Limitations (Section 7), it was concluded that the potential for contamination to exist on the site was low. The site was deemed to be suitable for the proposed development, in accordance with Clause 7 of State Environmental Planning Policy 55 -Remediation of Land."

The following recommendations were included:

- *"Before commencement of any demolition works, a Hazardous Materials Survey (HMS) should be completed by a suitably qualified consultant, to identify any hazardous materials present within the existing building fabrics.*
 - *If present, all identified hazardous materials must be appropriately managed, to maintain worker health and safety during demolition works and prevent the spread of hazardous substances.*
 - *An asbestos clearance inspection and certificate should be completed by a suitably qualified professional (SafeWork NSW Licensed Asbestos Assessor) following the removal of all ACM from the site.*
 - *Where clearance inspection indicates the presence of hazardous materials remaining on the site, further removal and validation works must be undertaken.*
- *Following demolition and removal of associated wastes, an inspection of the exposed surface should be performed by a suitably qualified environmental consultant.*
- *Under the proposed development (Section 1.2 and Appendix B), bulk excavation of site soils will be performed, in order to construct the basement facility. All (fill) soil materials that are designated for off-site disposal, including any virgin excavated natural material (VENM), must be pre-classified in accordance the EPA (2014) Waste Classification Guidelines. In designing the sampling, analytical and quality plan (SAQP) for waste classification, the EPA(1995) Sampling Design Guidelines should be referred to and the analytical suite should include the identified COPC (Section 4.5).*
- *Any material being imported to the site should be validated as suitable for the intended use in accordance with EPA guidelines. El note that these recommendations can be managed through the development application process, in accordance with SEPP 55 – Remediation of Land."*

Given there is no change of use of the site from approved for residential purposes, no further investigation of land contamination is required by SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of State Environmental Planning Policy (Infrastructure) 2007. This Policy contains State-wide planning controls for developments adjoining rail corridors and busy roads. The development is not located immediately adjacent to a classified road or within 40 metres of a Railway corridor. The development is not classified as a Traffic Generating Development in accordance with Clause 104 and Schedule 3 of SEPP.

The traffic generation of the proposed Residential Flat Building is unlikely to create adverse impacts, as detailed in the accompanying Traffic Impact Assessment, nor are any issues associated with noise or vibration envisaged.

State Environmental Planning Policy Coastal Management 2018

The site is identified on the SEPP mapping as being in proximity to Littoral Rainforest, as well as Coastal Environment & Coastal Use mapping. Below is an extract of the relevant map identifying the proximity area. The adopted Coastal Management SEPP applies to all land. The development however remains clear of the mapped Littoral Rainforest and is separated by the busy Pacific Drive. The buffer does not preclude development.

Clause 11 of the SEPP states:

“11 Development on land in proximity to coastal wetlands or littoral rainforest

Note—

The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.

(1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

(2) This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.”

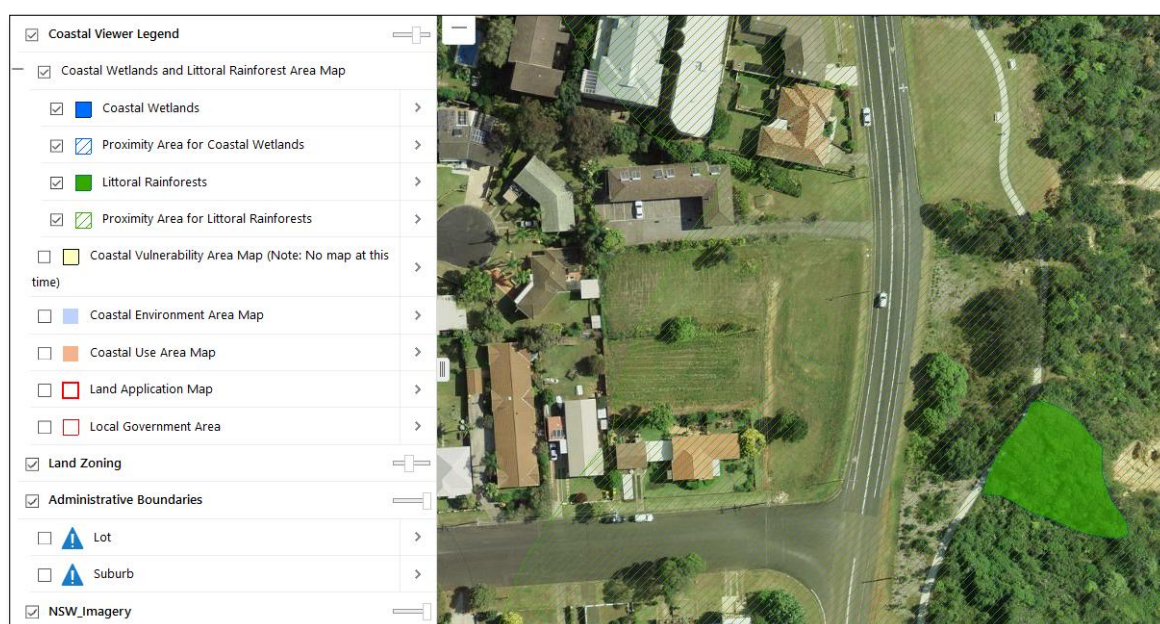


Figure 11 - State Environmental Planning Policy Coastal Management 2018 Mapping Extract (source: www.environment.nsw.gov.au)

Having regard to the proposed works on site and the footprint of the sites and works being well clear of the mapped Littoral Rainforest area, the cumulative impact is not significant. The scenic qualities of the coast will not be adversely impacted upon, and a substantial distance remains to the mapped areas to the east. There are no threatened species or endangered ecological communities impacted upon by this application.

The stormwater plan has been developed in an effort to ensure no nutrient runoff into the creek network and the topography slopes away to the south and west, not towards the mapped rainforest to the east. The proposed services, including stormwater and sewer avoid any potential concerns in this regard with respect to the Littoral Rainforest. There are no matters of environmental heritage.

The application includes supporting geotechnical and stormwater reports, the site is separated by a busy road from the rainforest and the topography does not allow for drainage towards the rainforest. Importantly, post developed flows from the site are equal to or less than predeveloped flows for ARI events up to the 1% event and the corner of the site will have less runoff than the predevelopment condition as the catchment has been divided, and we are collecting a section of that non-serviced region into the proposed basement pump station.

As such, the development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent littoral rainforest.

Refer to accompanying technical geotechnical and stormwater reports for further detail.

State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65) (and associated Apartment Design Guide) will apply as the proposal is a residential flat building. SEPP 65 aims to improve the design quality of residential flat development. SEPP 65 does not contain numerical standards but refers to the Apartment Design Guide (ADG). The Guide provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

Under the provisions of SEPP 65 – Design Quality of Residential Flat Development (SEPP 65), the proposal is defined as a Residential Flat Building as it comprises of a building of 3 or more storeys that includes 4 or more self-contained dwellings.

Accompanying this application is a Design Verification from the Architect which goes into further detail regarding the building design being in accordance with the Principles of SEPP 65 and ADG. The Design Verification has been prepared in accordance with the Environmental Planning and Assessment Regulation (2000), Division 1, Clauses 50 (1A), (1AB) and 1(B) and has been updated as part of the Rev B submission. This SEE should be read in conjunction with the Design Verification from the Architect.

The Principles of SEPP 65 are briefly addressed below and include reference to Design Verification from the Architect:

Principle 1: Context & Neighbourhood Character

The site is located within an area zoned for medium to high density residential housing. The area as a whole contains a variety of housing densities with tourist, retail and commercial services and the zoning and DCP controls allows a transition to increased residential densities in this Precinct. The development has responded to the slope of the land, is not flood prone and is free of significant trees within its vicinity. All vegetation from the site has been removed as part of the proposed development.

The building responds to the desired future character of the area for higher density in a landscaped setting. The design of the proposed development has had regard to the amenity of the future adjoining properties, providing a suitable setback to all boundaries.

The proposed development will be the entry statement to the development and the Architect has designed the proposed building with elements along the street frontage, the eastern orientation and views towards the beach. The design has been modulated to fit in with site elements and the landscaping and streetscape of Pacific Dr have been continued onto the eastern side of the site and building.

The Design Verification discusses the context and neighbourhood further.

Principle 2: Built Form and Scale

The proposed buildings would have a maximum height of six (6) residential storeys with two levels of basement below, which are considered to be in keeping with the height controls and future likely development in the area and the LEP and the current height (RL) of the residential flat buildings to the north. The design is stepped, and the upper level stepped back, and the overall building articulated at various points to provide an interesting design and reduces the bulk of the development. The proposal includes glass balconies, awnings and a range of materials to create depth and shade to the façade.

The development has been designed in three cores and cut into the site to provide a balance of cut and fill across the site and reduce the overall size of the development when viewed from the public domain and the adjoining properties and the wider area.

Accordingly, it is considered that the proposal would be of a scale that is in keeping with the future development of the surrounding built environment of the transitioning area and provides a gradual transition of building height to surrounding future development.

The proposed building has been designed to reduce the overall bulk and scale of the development and provide a continual progression of the built form. Suitable side and rear setbacks, landscaping and building articulation all assist in integrating the proposed built form into the existing locality and desired future character for this immediate area. Further, the size of the development is consistent with the existing buildings to the north and likely future desired built form of the overall area which comprises a range of densities.

The proposed setbacks are sufficient to allow outlook of the internal open spaces to encourage passive surveillance and safety whilst allowing for visual privacy to the proposed buildings.

The proposed building achieves an appropriate built form for its location, use and context. The building is articulated and massing within the prescribed envelope aims to reduce the building bulk. A mix of building materials and colour further enhances the presentation of the building.

The provision of a landscaped pergola along the northern side of the building softens the built form and integrates the development into the area and use of the landscaped areas is encouraged with the provision of grassed areas and seating.

The design of the building with three cores allows the development to present as three components responding to the topography rather than one single mass, as well as improved solar access and ventilation and therefore complies with the built form design quality principle.

The Architect has provided large balconies and terraces surrounding the built form are provided to respond to the context of the site and that the building forms have been strongly defined by the views to west and ocean views to the east. Further, the proposed buildings aim to reinforce the desired street line while providing articulated elements which add variety and interest to the streetscape.

Below is an extract from the Design Verification, which states:

"The proposal creates a series of courtyards within its eastern and western setbacks (sea view and mountain view side). This articulates three protruding main elements, which manifest lively spaces between the occupants to enhance the viewing experience of the South Pacific Ocean (Fig. 4)."



Figure 4: Main frontage on Eastern Façade (Sea-view facing) and bulk in relation to surrounding neighbours

Solar access is addressed under Principle 4, the Design Verification certification from the Architect and the assessment against the ADG below.

Height is addressed in the Design Verification and the assessment against the LEP below, including a Clause 4.6 variation request. The Design Verification states:

"The height limit is 17.5m. As the site sits in R3 Zoning, the future building character is articulated and formed in a reasonable ratio, in terms of its frontage and bulk height. The site has a wider frontage over three lots, with proposed height rationality (Fig. 5)."



Figure 5: Streetscape Analysis on Pacific Drive

Setbacks are discussed in the Design Verification and the assessment against the ADG below. The Design Verification states:

"The site setbacks vary due to the building orientations, to which the majority of surrounding and neighbouring buildings are orientated to capture and maximise ocean views. Therefore, the project provides reasonable setbacks to the front and rear. Variations of 10m-18m setbacks for the front (west) and rear (south) have been provided. 6-10m setbacks are given to the southern boundary, compliant with the ADG, providing well treated privacy protection where openings are proposed. 3-9m setbacks towards the northern boundary with highlight windows on solid walls are introduced. This allows entry of light above eye level to ensure privacy for prospective development, further extrapolated and ensured with angular windows. Further setbacks are introduced on levels 4-5 at 21m away from site boundary, in order to reduce the overall bulk of the building, as well as to give character to the design."

Setbacks have been considered for future development on neighbouring properties, particularly the eastern and western boundaries to allow for adequate building separation and is in exceedance of minimum requirements identified in the ADG."

Bulk and scale are discussed in the Design Verification which states:

"The proposed development aims to reduce the overall bulk and volume through introducing a tapered proposal that is stepped at a myriad of levels. This reduces the overall scale and increases the appeal of the site. Aesthetically,

the massing of major elements recognises the critical necessity to sustain continuity of neighbouring developments along the coastal drive (Fig. 8). The built form itself contains a series of balconies and openings spread vertically along the façade to break down the overall scale of the development.

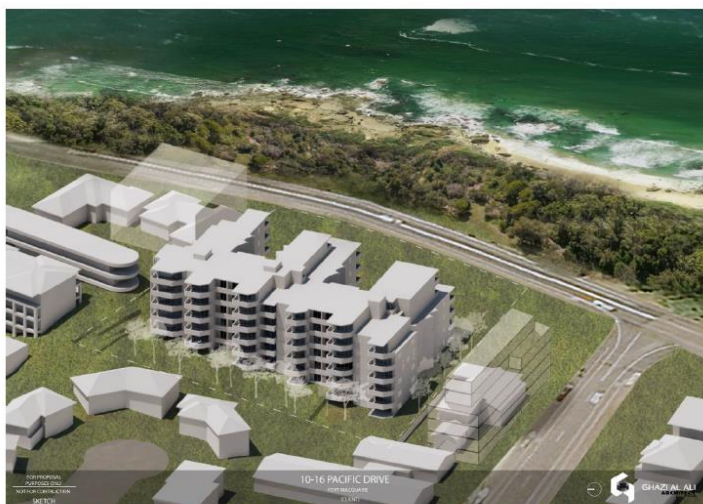


Figure 8: General bulk and scale of the proposal, segmented to break up the volume of the building

The rooftop is dedicated to the communal open space, accompanied by lush landscaping to soften the visual bulk of the development as seen from neighbouring properties and from the street. As mentioned above, the height breaches of the building do not result in a bulky development that would impact neighbouring properties in regards to noise, privacy, traffic or sun lighting, and having a rooftop area for residents to be able to use is highly beneficial for both amenity and privacy to and from the site.

The building footprint has been divided into 3 main segments, which allows for both cross ventilation and sun lighting in between the main portions of the design. In between the protruding forms, deep soil zones have been maintained, as well as vegetation been replanted and relandscaped to add to the visual and green amenity of the project. Due to the steepness of the site, onsite carparking requirements have been reduced. Lower ground and ground floors have carparking spaces, rather than a full basement level proposed, to reduce the amount of soil excavation required. The proposed excavation is not overly excessive to result in a full terraform of the whole site, keeping the sloping of the land in consideration. Thusly, the impact of this new development's building footprint is respectful of the existing sloped terrain of the site, and is minimised.

The design and bulk are proposed in respect of the future streetscape of the area. The area is under transition into R3 Medium Density zoning, and would not be dissimilar to neighbouring buildings that is envisioned for the area in the future. It is to be considered that the unique sloping of the site has been a key consideration during the design of the proposal, to suit the future built fabric of the area. As mentioned above, the setbacks of the proposal, particularly on the western and eastern boundaries, allows for adequate solar access into neighbouring proposals, minimisation of view loss and sufficient building separation for future developments."

The completed development will sit comfortably within its present and future context and will form an appropriate scale to suit the future character of the precinct.

Principle 3: Density

The proposed accommodation seeks to cater for future demand and desired future densities identified by the zoning of the site and the LEP and DCP controls. The density responds to the site opportunities and constraints and provides a range of floor space yields and apartment mixes. The site is appropriate for higher densities given its location in a transitioning area.

The Design Verification states:

"The proposal caters for future demands in terms of development of the area, as well as densities identified through the LEP and DCP. There is a good mix of apartment types appropriated within the design, providing comfortable and aesthetic living conditions for future residents.

The proposed mixed-use development is permissible within R3 zoning, in accordance with Port Macquarie Development Control Plan 2013 and satisfies the objectives of this zone. LEP controls state the permissible FSR to be 1.5:1. The proposed FSR is 1.48:1; therefore, it falls within the controls envisaged by the Local Government ordinances. The floor space has also been thoughtfully distributed along the site.

Reiterating, the site is located in convenient walking distance to various department store locations, hospitals, and centres. This development proposes 68 units in total, with a mix of 1- Bed, 2-Bed 3-Bedroom and 4 Bedroom apartments in R3 High Density residential zone. Thus, the apartment density is reasonable and capable to meet the local demand of the area."

Principle 4: Sustainability

The Guide recommends that 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm mid-winter into the living rooms and private open space. The layout of the proposed units has ensured maximum solar access. In this regard, the Design Verification states:

"The scheme further considers that over 60% of its units witness the South Pacific Ocean view. With the solar access for majority of units being assessed from 8.00am to 4:00pm, 68% of all units achieve 3 hours and more of sunlight in midwinter. Acknowledging that the assessment period be normally within the 9am-3pm range, we note that the site is unique as it is a sea-facing coastal site. As there are no buildings to the east of the site, and because the ocean sets the design philosophy on this side for not only the proposal, but for all the buildings in its mediate context, its orientation is the most optimal to balance both sun lighting and views. Thus, council should consider this a unique context for their assessment. Therefore, as the significant views of the area sees views be prioritised for building orientation due to its coastal position, the scheme meets the design criteria and objectives of sun light and orientation."

Passive solar design principles have been incorporated through a high level of solar access and natural ventilation of units as well as effective thermal massing. The design responds to environmental concerns by focusing on natural ventilation, and light and incorporates recessed balconies.

The Design Verification states:

"The building as one entity aims to use the optimum amount of renewable energy and provide an environmentally friendly development. Moreover, there are a set of guidelines the residents must abide by with regards to the overall sustainability of the building.

Materials proposed in the design have been selected for their low embodied energy and efficient maintenance characteristics. Low use lighting and appliances have been selected. Low water use fixtures, and efficient electrical appliances have been planned for. By maximising the use of solar panels on roof top, the proposed development achieves high level of green and sustainable energy.

The landscape design features on ground level and at the rear with a common open space, plans for the planting of trees with high water retention, minimizing the need for watering during especially dry seasons throughout the year.

As the proposal has a majority of east, west and north-facing living spaces, the development achieves 68% solar access over three hours from 8am to 4pm. With the benefit to apartments located at four corners, it also has 90% cross ventilation, satisfying the minimum requirement of 60%. These advantages contribute to the overall thermal comfort in mid-winter, which enables natural light to warm up the habitable area, thus minimising the need for cooling in summer due to the use of passive controls through ventilation.

The diagram (Fig. 9) taken from the ADG helps understand that the building is supported by green courtyards in between the building's three protruding forms to the east, that hug and support direct light and reflective light through all units on that façade. The good amount of sun lighting the proposal receives contribute to the amenity and low

reliance of electricity during the day. Furthermore, solar panels have been added to this development to harness coastal sun lighting to allow for energy efficiency for occupant use.

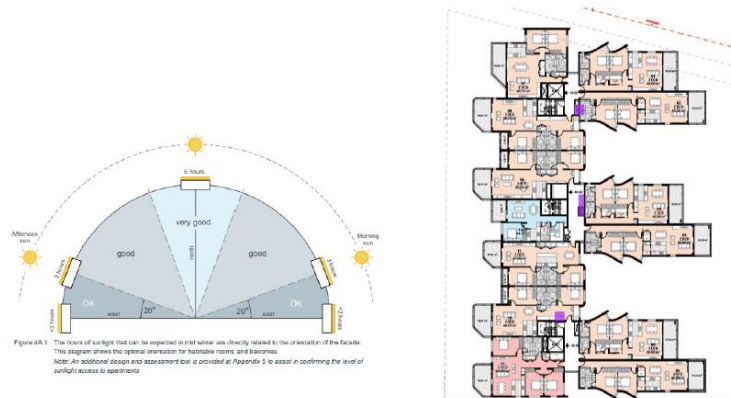


Figure 9: Diagram of solar access and typical floor plan of the proposal

Due to the angled form of the window openings on the sides of these protruding forms, privacy between units have not been compromised in the design's aim to break up it's built form to allow for sunlight into the units and the courtyards between.

In addition to the above, the entire development has been thoroughly assessed by an independent thermal energy assessor to achieve the highest possible rating for the entire building, as mentioned in the BASIX report submitted along with the application. Hence, the development can be considered contributory to society, by minimising the ecological footprint on the natural environment.

From the sociological point of view, the proposed development would provide positive living conditions, while providing a more efficient land use and utilising the surrounding infrastructure. There is also opportunity provided to an older demographic for downsizing their living situations as well as allow for retiring citizens to relocate closer to the beach and amenities with ease, promoting positive care and consideration for the aging population."

Appropriate water efficiency and energy saving measures have been incorporated into the development.

Principle 5: Landscape

The landscape strategy includes courtyards and communal landscaped areas around the perimeter of the site. Deep planting (27%) which provides effective amenity both internally and to the public domain is also proposed within all setbacks. The landscaped open space provides connectivity between the buildings and provides an adequate buffer to ensure maximum amenity is offered to the occupants of the units.

A landscape concept plan was prepared, and the landscape design and streetscape strategy strike an effective balance between visual privacy and safety and security and sets the tone for the area and provides usable grassed and seated areas. The building further compliments the coastal landscaped setting and is a focal point in the overall design.

The Design Verification states:

"The landscape design has been prepared in coordination between the architect and the nominated landscape architect, Land Dynamics (Fig. 10). The design improves the site's green amenity, as it features landscaping at multiple levels, including the roof top communal open space. Deep planting has been introduced within all setbacks, providing comfortable facilities which add a desirable green aesthetic alongside the building. The communal open spaces are introduced to provide courtyard amenities for occupants of the units. Adequate measures have been considered and are to be undertaken in relation to protection of any existing tree root systems nominated for retention during construction.

Concept for landscaping have already been established in the plans, planned with the consideration of visual privacy, welfare and security of occupants through natural screening with low shrubs and planters. Consideration of breakout spaces and outdoor activation through the proposal of seated areas and usable grassed spaces has also been considered. The design has considered to enhance and contribute to the existing landscape, whilst not detracting from the coast to stand as a focal point to the site.

The main objective of the design is to provide better amenity and bring vibrant terraces of lush green planting, shrubs and trees. The proposed development would rank high in the green amenity factor, by provision of a large proportion of deep soil, vegetation and ample communal open space within the R3 zone for the site."

Principle 6: Amenity

Main living spaces in each of the proposed units are open plan and located directly adjacent to their main private open space. This is intended to promote an extension of the living space. The terraces, courtyards and balconies are functional and promote indoor/outdoor living. The proposal provides a high level of amenity for all of the units including layout, natural ventilation, solar access and private open space. Room sizes are generous throughout as are ceiling heights, maximising fresh air and light and a mix of units is proposed.

Each unit has been prepared to provide control by the occupant by way of ventilation and movable screens for solar access and privacy control.

There is ample car parking provision on the site itself, which minimises any potential impact of the development on local traffic conditions.

The development is accessible in its design and a lift has been provided to all units.

The Architect has confirmed that large areas of glass are provided to living spaces providing generous natural light and views and designed the building with all the apartments having balconies or ground level courtyards as their private open space, of varying depth and width for various sitting arrangements. The apartments open directly onto these large balconies providing natural ventilation and outdoor living opportunities.

Storage for each apartment has been provided within each apartment as well as additional storage spaces adjacent to their car space in the basement.

Lift access will be provided to all apartment levels and the basements, linking every floor with the street level and basement. The lobbies at ground level will present as clearly articulated entries to the residential buildings providing a welcoming and secure environment for residents and their guests.

The Design Verification states:

"The proposed design aims for great internal amenity, by providing smart internal designs in conjunction with ample solar access and cross-ventilation of the apartments, long hour solar access and privacy for occupants. Terraces, courtyards and balconies are added to amplify outdoor/indoor living patterns of future residents, inclusive of ocean view access. Rooms occupy generous floor area, as are ceiling heights at 2.7 m high, encouraging natural air and achieving over 90% cross ventilation.

The proposed design also improves the outdoor amenity as all units have access outdoor areas in the form of balconies or private garden. The size of the balconies is spacious for all apartments throughout the proposal (Fig. 11). And numerous generous communal open spaces on the roof top, front and rear, add to it, offering a variety of recreational opportunities directly forming a connection to the adjacent parks.



Figure 11: Typical floor plan with large balconies not only for the east facing (sea view) façade, but for units with a western aspect.

Ample onsite parking has been provided in order to avoid an increase of traffic conditions in street parking around the area. Lift access have been designed to provide easy access to all levels and units.

Providing three separate lift shafts supports easy and unobstructed access to all apartment levels, with direct access to street level and basement from each level. Clearly designed lobbies will be indicated, to provide a welcoming and secure entry to the building.

The design features a good balance and mix of apartments, with one-, two-, three- and four-bedroom unit mix. Natural lighting design has been confirmed by the Architect, to facilitate natural lighting through large areas of glass for accessible views and comfortable living, with private space accessible to all units through consideration of balconies and ground level courtyards. The design features a high proportion of east, west and north facing units which allows for an abundance of solar access, natural ventilation and natural day lighting. This significantly adds to the amenity and quality of the building, and diminishes a heavy reliance upon mechanical equipment to achieve a similar result.

Storage has also been provided internally throughout all units, as well as provisions made for additional storage spaces in the basement adjoining carparking spaces. Walls, floors and ceilings between apartments and those enclosing common and service areas shall meet the Building Code of Australia requirements as delivered in BASIX certificate and acoustic report. Number of on ground courtyards plus a roof top garden benefits all future residents.

In addition to above, the proximity of public activities, beaches and parks are within close vicinity. Furthermore, the site is within a short distant to Port Centre."

Principle 7: Safety

The proposed units are oriented to allow windows for passive surveillance of the communal open spaces and the main entrance. All entrances are highly visible, are in highly trafficked areas and have good sight lines across the site. Safety and security measures incorporate unobscured public domain spaces, the basement and all lobbies are wide and brightly lit, with units adjacent to facilitate safety and passive overlooking and all landscaped spaces within the site will be well lit and designed to maximise personal security. There are no entrapment zones identified within the development.

Access will be by electronic security devices at the vehicle entry point and the pedestrian entry points and lobbies.

The Design Verification states:

"Entries have high visibility, placed within likely trafficked areas, incorporation of unobscured public spaces and lobbies with a high volume to space ratio to allow for a large amount of light to enter. Units adjacent ensuring safety and landscape domains well-it to maximise security. No entrapment zones have been identified.

The proposal incorporates suitable definition of the public, communal and private domains. Entry to building or backyard space within the site is controlled by the security doors at the building entry and the lift. The car parking

system is also secured by roller shutter door. The communal open space at roof level is well lit, as well as balconies and windows, allows for passive surveillance of the area, which creates a pleasant domain for common use and all family activities. Safety and security of the area is reinforced by an intercom security system that allows only pass holders to access.”

Principle 8: Housing Diversity and Social Interaction

The proposal responds to the need for housing and incorporates a range of bedroom numbers and floor sizes. The units and in many instances the private open space is considerably larger than the minimum requirements, increasing the amenity for the occupants.

The Design Verification states:

“The proposal responds to the necessity for housing within Port Macquarie, with every unit having a larger internal area, which supports an increase of amenities for occupants. The proposed mix includes 4 one-bedroom units, 56 two-bedroom units, 5 three-bedroom units and 3 four-bedroom units, giving a total of 68 apartments. Two common rooms have also been planned for. The diversity of the unit types offers accommodation to meet the demands of many different types of occupants across a range of affordability, from individuals to medium sized families.

The proposal is considered to offer a well-balanced mix of accommodation, which translates to a desirable outcome in housing diversity. The proposed mix of household types responds to the convenience and accessibility to the evolving outer ring of the local area, to meet the demands of many different occupants across the multiple levels of prices.”

Principle 9: Aesthetics

The architectural style is contemporary and is sympathetic to its coastal surroundings. The design reduces building bulk, and the landscaped setting will ensure they are integrated into their surroundings and the future desired character for the area.

The proposal is designed to appear lightweight with defined entry points. Balconies are common external areas that create active edges for the proposed buildings both functionally and aesthetically.

The Architect has advised that the proposed development achieves design excellence through the careful modulation of building forms and through the deliberate architectural articulation of elements and the use of a limited pallet of materials and colours will provide a simple and timeless character to the building. The facades comprise balconies with glazing to maximise the views and the segments of the building are joined. A sense of drama is achieved by emphasising on the depths of the three segments of the building that extend eastwards. The facade has a suitably varied character.

The Design Verification states:

“The Development considers coastal parameters in design, reducing bulk and integration of landscape settings to mitigate development bulk in the coastal context.

Design excellence has been achieved through careful integration of balconies that allow for active domains for coastal views, portraying a modern character with consideration of coastal surroundings. Entry points are easily identifiable. Form and modulation of the design has been carefully considered to allow for solar access, ventilation and coastal view accessibility. Colour pallet selection has allowed for a timeless consistency, through limited material use. Balconies enhance edge and character of the development.

The proposed built form is a suitable response to its current context in terms of the bulk and scale. The town centre sits in the near neighbourhood with a number of modern style apartments. It is aesthetically appealing as a modern style building, sharing similarities to its local area as well as creates a unique characteristic, setting it apart from its neighbouring buildings (Fig. 12)



Figure 12: Final photo render of the main street and sea view facing façade along Pacific Drive.

The overall design of the development derives from a multi-disciplinary co-operation across the spectrum of professions. It comprises a modern finish that helps break the bulk and mass of the building visually into smaller components, and to respect high density residential scale of the current zone and surroundings. The main idea is to treat the building as a high-density residential development, which it will be consistent with current and future character of the area. The carefully designed form and variety of material collections help to create visual interest and a balance in the current and future streetscape. The proposed materials and textures are a suitable response to the current context and desired character of the area. The massing, geometries and material palette of the building respond to both the current characters of the site's surrounding neighbourhood, as well as its well-documented aspirations for the area. The building combines a robust and contemporary material palette.

The principle of side façade design is to avoid leaving the sides unarticulated and blank with low or non-maintenance for long periods. By applying contrast colour materials to the bottom and upper level, it helps to break up the form into two languages. And with a neutral palette, the facades coexist within anticipated building forms and colours. The geometrical arrangement of the facades is also noteworthy, as it mimics the adopted language of orthogonal forms.

The façade colour selection (Fig. 13 & 14) is inspired by its existing neighbours along Pacific Drive. Several dwellings external façades use beige and white colour weatherboard or paint. Just at the nearest corner up the road, the high-density residential apartment is with the same beige colour render. To the north of the site, down the road, where it gets closer to B zone and town centre, grey or darker colours are dominate the facades on upper level of high-rise buildings. The proposal continues the colour tone, with texture apply to the wall to distinguish levels from below."

In consideration of the detailed information above it is considered that the subject proposal can reasonably satisfy the design quality principles of SEPP 65 and the guidelines contained within the associated Apartment Design Guide.

Apartment Design Guide

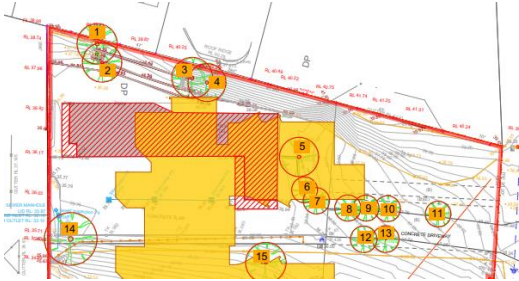
The Apartment Design Guide was released by the Department of Planning and Environment in 2015 to provide guidance for the design and assessment of residential flat developments. The amended SEPP 65 requires consideration of the Apartment Design Guide. The ADG includes development controls and best practice benchmarks for achieving the design principles of SEPP 65.

Clause 6A of the ADG states that if a development control plan contains provisions that specify requirements, standards or requirements, standards or controls in relation to a matter to which Clause 6A applies (including visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage), those provisions have no effect.

The Guide has been considered by the Architect in the design and the following table sets out the proposal's compliance with the Guide's key Design Criteria:

Guide Element	Requirement	Proposed
3D Communal and Public Open Space	<p>Communal open space 25% of site (1,159m²). Where unable to be provided due to small lot or dense urban zone, provide on roof, increase size of balconies or be in proximity of open space.</p> <p>Links for pedestrians and good solar access.</p>	<p>Complies – 41%.</p> <p>The proposal has provided numerous areas of Communal Open Space throughout the development, which will allow for the varying needs of users, use at different time of day having regard to solar access and also as meeting areas with other residents or visitors to the site, such as adjacent to the two entries. A rooftop area has been included as encouraged by the ADG.</p> <p>Common open space is provided at:</p> <ul style="list-style-type: none"> • Lower Ground Level western side; • Ground Floor western side and eastern side adjacent to Entry 1; • Level 1 western side and eastern side adjacent to Entry 2; • Level 2 north-west corner; and • Level 6 Rooftop Terrace. <p>A communal area has also been proposed within the building on Level 1 adjacent to Entry 2, for use by residents, but has not been included within the calculations, however strictly speaking could have been.</p> <p>Refer to calculations on Architectural Plans which show a breakdown of COS areas, with a total of 1,903.76m².</p> <p>The COS areas will be highly usable, with pedestrian pathways and seating proposed to the common open space and it experiences good solar access.</p>
3E Deep Soil Zones	<p>7% of the site with a minimum dimension of 7m. May not be able to be achieved in high density areas and suitable stormwater and planting proposed.</p>	<p>Complies – 27%.</p> <p>Refer to calculations on Architectural Plans which indicate a total landscape area of 1639.68m², of which 1,265.16m² is deep soil. The deep soil area has been achieved around the building within the setback area and will allow for good landscaping, as detailed on the landscape concept plan.</p>
3F Visual Privacy Building Separation	<p>Up to 4 storey (up to 12m) - 6m between habitable rooms (3m non-habitable)</p> <p>5-8 Storeys (up to 25m) - 9m between habitable rooms (4.5m non-habitable)</p>	<p>Refer to Figure 10 earlier in this report and in the Architectural Plan set for separation details at the particular points of the proposed building, which is not uniform along the boundaries, in particular the northern boundary. Separation generally complies with the requirement for ADG min. 3m with majority of solid wall. Whilst a solid wall could be provided all the way</p>

	<p>No separation required between blank walls</p> <p>Direct line of sight to be avoided for windows</p> <p>Separate private and communal open space</p> <p>Balconies and terraces to be in front of living rooms</p>	<p>along the northern façade to fully comply, the Architects were attempting to find a balance of increase internal amenity as well as ensuring adjacent privacy. It should be considerable of acceptance with minor percentage of variation in this instance to still achieve the intent of the separation clause.</p> <p>Due to the natural fall, the building cannot be benefit from northern orientation and as such, the habitable room orientations are mostly the east and west. This still allows for good solar access. With respect to character, the northern neighbouring structure as indicated in the survey with main balcony setback 2m (No.2 Windmill St) from the common boundary and almost no setbacks (No.9 Windmill St). We are providing sufficient setbacks in the circumstances of this case.</p> <p>The variation is not significant and at certain small points at north-east corner of the site on levels 2 to 6 with respect to distance from the existing dwelling and units to the north for small components only. However, the building has been angled to increase privacy and is only a small corner portion which does not comply. The privacy impacts from this minor and justified in this instance. The plan in Figure 10 earlier in this report and within the Architectural Plans clearly indicate points of the building only and due to the design, the separation increases significantly for all other points. The photos below also detail that the existing Motel is already sited close to this northern boundary in proximity of the dwelling and RFB.</p> <div data-bbox="884 1308 1310 1626" data-label="Image"> </div> <div data-bbox="884 1648 1310 1948" data-label="Image"> </div>
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		<p>The proposed building is shown yellow over the existing Motel which is hatched red. The proposal pulls the building back from the north-west corner and is not too dissimilar in its proposed setback from the northern boundary.</p>  <p>The northern elevation clearly reveals that privacy loss has been considered and the upper level on this boundary setback further.</p> <p>Non-habitable rooms have been utilised on lower levels on northern boundary.</p> <p>All other boundaries exceed the required separation.</p> <p>Planters are used to separate the common open space.</p> <p>Balconies and terraces off living areas.</p>
3J Car Parking	<p>Car parking for sites within proximity to public transport in metropolitan Sydney and centres in regional areas.</p> <p>Bicycle parking to be provided.</p> <p>Car park to be safe and secure</p> <p>Visual impact of underground parking minimised</p>	<p>Complies.</p> <p>Refer to DCP as not within proximity.</p> <p>Bicycle parking proposed in basement.</p> <p>Car park is enclosed by a security roller door</p> <p>The exposure of the basement has been limited and the use of planters and landscaping assists with visual integration.</p>
4A Solar Access	<p>70% of Units to receive 3 Hours Solar Access between 9am and 3pm Mid Winter</p>	<p>The proposal achieves solar access in winter between 8am to 4pm to 67.7% of the units. All other units achieve solar access, with nil receiving none. Having regard to the topography of the site sloping downwards towards the south, it is the lower level central and south-west units which do not achieve the requirement. The "E" shape of the building was designed to allow for greater solar access and achieves a good outcome when considering the other factors, in particular slope. Refer to calculations on Architectural Plans and discussion against SEPP 65 Principles above.</p>
4B Natural Ventilation	<p>60% of Units are cross ventilated in a building up to 9 storeys</p> <p>Overall width of a cross over or cross through apartment is < 18m</p>	<p>Complies – 90%. Refer to calculations on Architectural Plans.</p>

		Achieving a high level of cross ventilation is very important having regard to the climate of Port Macquarie and reducing the need for artificial cooling.
4C Ceiling Height	2.7m habitable 2.4m non-habitable	Complies - 2.7m proposed.
4D Unit Sizes 1 bed 2 bed 3 bed 4 bed + 5m ² for each unit with more than 1 bathroom. Bedroom sizes Living rooms/dining areas have a minimum width	50m ² 70m ² 90m ² 102m ² Master - 10m ² Other - 9m ² Studio/1 br – 3.6m 2br/3br – 4m	Complies - Refer to table earlier in report and calculations on Architectural Plans.
4E Private Open Space Balcony Sizes	1 bed - 8m ² & 2m depth 2 bed - 10m ² & 2m depth 3 bed - 12m ² & 2.4m depth Ground level - 15m ² & 3m depth	Complies - Refer to table earlier in report and calculations on Architectural Plans.
4F Common Circulation and Spaces	8 Units per Plate	Complies.
4G Storage Min 50% of required storage is within the apartment but not in kitchens, bathrooms and bedrooms.	1 bed - 6m ³ 2 bed - 8m ³ 3 bed - 10m ³	Complies - Refer to table earlier in report and calculations on Architectural Plans. Storage areas provided in the basement, as well as within the units. At least 50% of required storage is within the units.

The proposed development complies with the Apartment Design Guide.

State Environmental Planning Policy (Building Sustainability Index: BASIX)

Schedule 1 of the Environmental Planning and Assessment Regulation (2000) sets out the requirement for a BASIX certificate to accompany any BASIX affected building, being any building that contains one or more dwellings, but does not include a hotel or motel. A BASIX Certificate and associated Assessor certificate and stamped plans accompanies this application.

State Environmental Planning Policy No 64—Advertising and Signage

The proposed signage on the eastern elevation of the wall at the front property boundary, as shown in the extract below, is considered to be a building identification sign and is permitted under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 without consent.

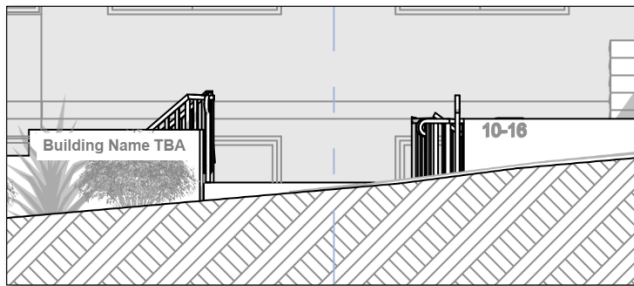


Figure 12 – Proposed Building Identification Signage Extract

A building identification sign is defined as:

“building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note—

*Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.”*

No further assessment against State Environmental Planning Policy No 64—Advertising and Signage, nor Schedule 1 Assessment Criteria of that SEPP is required given the type of signage and that it does not require consent.

Local Planning Policies

Port Macquarie Hastings Local Environmental Plan 2011

(a) Zoning, Permissibility & Objectives

As indicated by the following map extract from the Port Macquarie Hastings LEP 2011 the subject site is currently zoned R3 – Medium Density Residential under Port Macquarie Hastings LEP 2011.

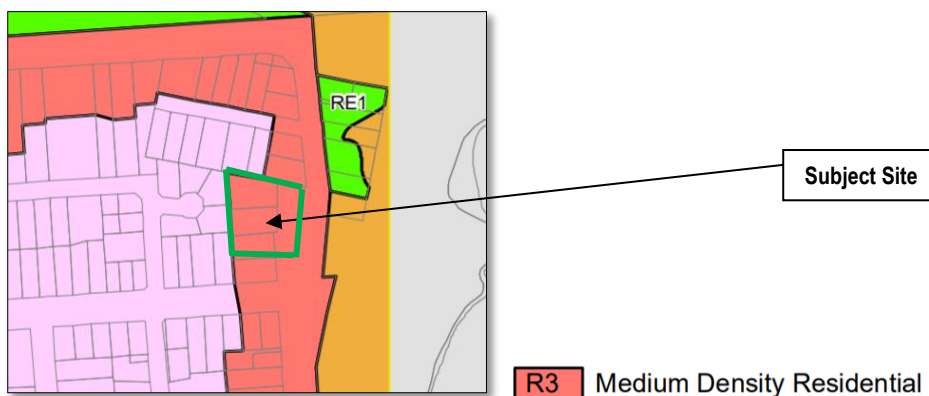


Figure 13 - Zoning Map Extract Port Macquarie Hastings LEP 2011

The proposed development is a Residential Flat Building, which is defined as:

“residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.”

The proposed development of a Residential Flat Building and associated works is consistent with the above definition and provides orderly and economic use of the land, in accordance with the general aims of the LEP.

The objectives of the R3 zone are:

- *“To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.”*

The proposed development will contribute sixty-eight (68) residential units to the residential housing stock of the greater Port Macquarie region. This is consistent with the Mid North Coast Regional Strategy and the identified population increase and the Urban Growth Management Strategy which encourages infill development within existing residential areas. Providing additional housing on a relatively unconstrained site within an established urban area, with good access to existing services and public transport is ideal.

The surrounding area contains a variety of allotment sizes, dwelling forms and densities, including residential flat buildings. The proposed layout will increase the density on the site, providing an alternative housing options and is in keeping with the desired future character identified within the Windmill Hill planning under the LEP and DCP. The final layout and unit design have provided a variety of housing types and densities which will cater to a wide range of the market.

The proposed development is in keeping with the objectives of the zone.

(b) Clause 2.6 - Subdivision

Subdivision of land is permissible with development consent.

(c) Clause 4.1 - Minimum Lot Size

Subdivision requires a minimum allotment size of 450m². The proposal seeks to Strata subdivide the building, which is permitted below the minimum lot size, which is permitted under this clause.

(d) Clause 4.3 - Height of Building

The site has a maximum height of 17.5m as shown on the Port Macquarie Hastings Local Environmental Plan 2011 – Height of Buildings Map.

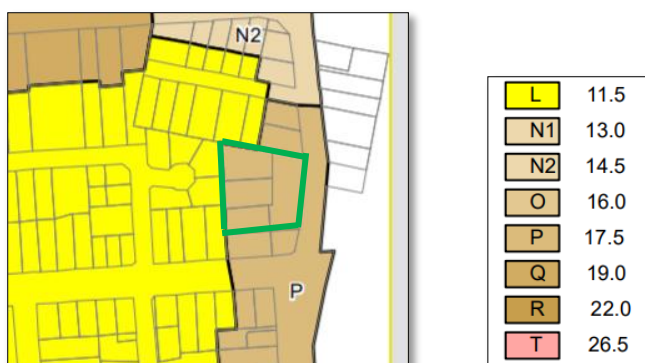
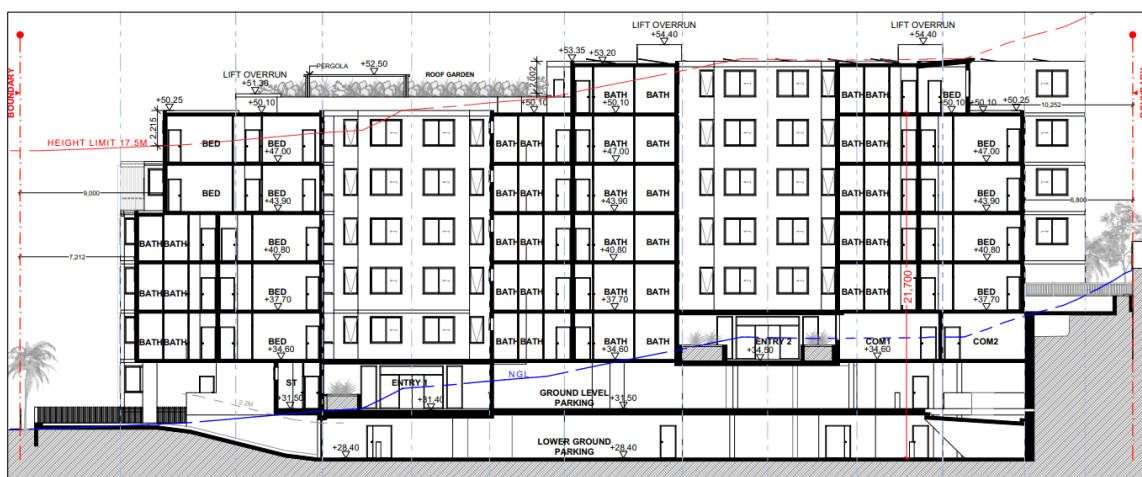


Figure 14 - Height Map Extract Port Macquarie Hastings LEP 2011

[illegible]

17.5M HEIGHT PLANE

LIFT OVER-RUN

2.4M PERGOLA

2.1M

2.8M

3.7M

2.3M

2.9M

LIFT OVER-RUN

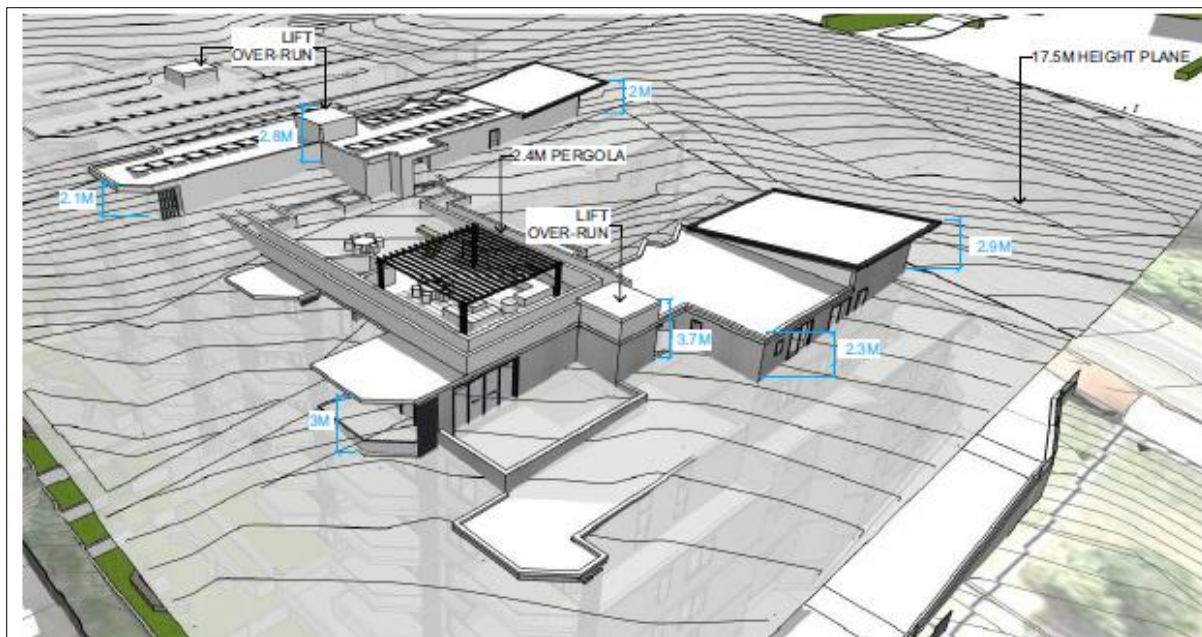


Figure 16 – Height Plane – Extract – Additional View added in Rev A

The submitted Elevations clearly indicate the height limit and where the residential flat building exceeds the limit. As can be seen from the extracts above, the portion of the roof which exceeds the controls is unlikely to result in amenity impacts and will not be discernible from the public domain due to the location of the variation and the inability to identify when viewing from the public domain at street level. The images detail the maximum height at the worst point above natural ground level, noting it is a portion only due to the slope, and not the entire building exceeding the height limit. The red line on the elevation plans reflects the maximum height limit and the portion of the building which exceeds the limit. The grey coloured areas in the images indicate the areas of exceedance, demonstrating the very minor nature of the variation.

Justification to the variations is detailed in the stand alone Clause 4.6 variation report.

(e) Clause 4.4 - Floor Space Ratio

The site has a floor space ratio (FSR) of 1.5:1 on the entire site as shown on the Port Macquarie Hastings Local Environmental Plan 2011 - Floor Space Ratio Map.

The proposed building complies with this control being a total of 6879.61m², which equates to 1.48:1, complying with this requirement.

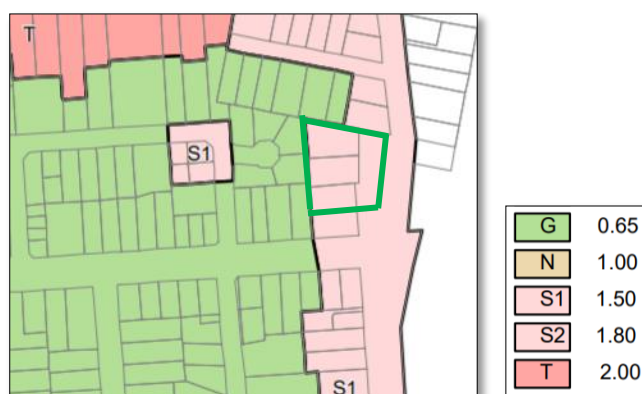


Figure 17 - FSR Map Extract Port Macquarie Hastings LEP 2011

The LEP defines Gross Floor Area as:

“gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*
- but excludes:*
 - (d) any area for common vertical circulation, such as lifts and stairs, and*
 - (e) any basement:*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
 - (h) any space used for the loading or unloading of goods (including access to it), and*
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and*
 - (j) voids above a floor at the level of a storey or storey above.”*

The calculations in the table above have excluded the components listed in the definition, and is clearly identified on the Architectural Plans.

In summary, the floor space ratio controls are satisfied for the proposed development.

(f) Clause 4.6 – Exceptions to Development Standards

This is a request to vary a development standard pursuant to the provisions of Clause 4.6 of Port Macquarie Hastings Local Environmental Plan 2011 (LEP 2011), the relevant clause being Clause 4.3 Height of Building.

The relevant maximum height of 17.5m. The relevant maximum height of building control is a development standard for the purposes of the EP&A Act 1979.

The Justification to the variations is detailed in the stand alone Clause 4.6 variation report as to why strict compliance with the height control is unreasonable in this instance.

The objectives of Clause 4.6 1(a) are to provide an appropriate degree of flexibility in applying certain development standards to particular development. The intent is to allow flexibility in particular circumstances in accordance with Clause 4.6 1(b). Flexibility is requested in relation to the proposal in regard to the application of the LEP building height control. In accordance with Clause 4.6, the following is a written request justifying departure from Clause 4.3 in relation to the proposed height of the development.

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.

It is considered that any requirement for the proposed development to strictly comply with the applicable maximum building height development standard of 17.5m under Clause 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 achieves the objectives of both the development standard and zoning of the land under the LEP 2011, and will facilitate the use of the subject land in a manner consistent with the strategic planning objectives for the development of the overall planned development of the area.

The particular circumstances relating to the subject land and the proposed development are unique to this application, as outlined in this submission. Cumulatively there are not disbenefits which arise from the proposal as ultimately the development will not be discernible from the road and desired character of the area will not be impacted. The broader planning objectives of the zone are not undermined as the circumstances of the case are very particular to the subject site.

Overall, there is no planning purpose to be served in requiring the proposed development to strictly comply with the applicable development standard in this case.

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.

(g) Clause 5.10 - Heritage

The site is not mapped as containing a heritage item, archaeological site or aboriginal place of heritage significance.

(h) Clause 6.3 - Development Control Plan

Port Macquarie Hastings Development Control Plan 2013 applies to the site, specifically , Parts C2: Residential Flat Development and D2: Port Macquarie East of DCP 2013 apply. The site is located within the Windmill Hill Precinct. Refer to the detailed Compliance Table as an Appendix to this SEE.

(i) Clause 7.1 – Acid Sulfate Soils

The site is not mapped as containing acid sulphate soils.

(j) Clause 7.2 – Earthworks

The proposal involves earthworks with respect to the construction. Full details will be provided at the construction certificate stage. Due to the nature of the site, there will be a requirement for some cut and fill, with a number of retaining wall structures proposed, as shown on the Architectural drawings. The proposed cut and fill will not impact upon the environment, adjoining properties or proposed drainage of the site, but rather provides a level building

platform. The Architectural Plans detail the proposed estimated cut and fill, with cut over the majority of the site and fill primarily along the eastern boundary.

(k) Clause 7.3 - Flood Planning

The proposed development is contained within flood free area.

(l) Clause 7.5 – Koala Habitat

The development site is not identified as koala habitat, as discussed earlier within this report.

(m) Clause 7.9 - Development subject to Acoustic Controls

The site is not subject to acoustic controls. However, an Acoustic Report has been undertaken to ensure a high level of amenity for residents and adjoining residents and is discussed later in this report.

(n) Clause 7.13 - Essential Services

Clause 7.13 requires Council to be satisfied that essential services are capable of being provided to the site. Electricity, sewer and water are available to the site. A Services Plan accompanies this application which details proposed water, stormwater and sewer, and appropriate existing and proposed easements. Preliminary discussions with service providers have not identified an issue with extending the existing nearby services to the proposed lots. Refer to accompanying Service Plan and Electrical Design.

Development Control Plans

Port Macquarie Hastings DCP 2013

The Port Macquarie Hastings DCP 2013 is applicable to the site and the current proposal. The DCP supports the LEP in providing a range of development criteria for residential areas, urban centres and character areas as well as development criteria relating to environmental and engineering matters.

In addition to the general provisions, Parts C2: Residential Flat Development and D2: Port Macquarie East of DCP 2013 apply. The site is located within the Windmill Hill Precinct.

Our assessment against the controls set out in the Port Macquarie Hastings DCP is provided in the DCP Compliance Table in an Appendix to this report. Any non-compliance identified with the DCP are justified within the DCP compliance table and are minor in nature, resulting from the characteristics of the site.

6. PLANNING ASSESSMENT

This section will consider the likely impacts of the development; site suitability and public interest in accordance with Section 4.15 (1)(b), (c), (d) and (e).

Assessment of Natural Environmental Impact – Section 4.15 (1)(b)

Topography and Scenic Impacts

Overall, the proposed development is compatible with existing and future surrounding land uses. The site is zoned to allow the proposed development and is located close to the township of Port Macquarie. The proposed design provides a landscaped buffer between the existing dwellings to the north, south and west and has had regard to the environmental qualities of the site.

The building process will be managed so to minimise the disruption to the adjoining properties and the environment. The site slopes towards Pacific Drive and the plans demonstrate that building and adequate areas of private open space and vehicular access can be accommodated on the site notwithstanding the slope.

Micro-Climate Impacts

The proposal will not impact on micro-climates.

Water & Air Quality Impact

The site is not flood affected and water is available to the site already and can be extended to accommodate the additional lots.

A Services Plan accompanies this application which details proposed water, stormwater and sewer, and appropriate existing and proposed easements to ensure all lots can legally drain to the street.

When the development is completed, air pollution caused by the operation of the development is not expected to be significant nor create any long term impacts.

A Stormwater Assessment has been prepared to provide information on stormwater quality and quantity control and addresses the pre and post development scenarios for the development. A copy of the report accompanies this application. The proposed development includes on-site detention.

Soils

As previously assessed, the site is unlikely to include any contaminated soil (or other contaminating agents) based on the site's land use history and the site is suitable for the construction of the proposal. Disturbance to insitu soils on site will be minimised by undertaking all erosion and sediment control practices during construction in accordance with "NSW Department of Housing - Managing Urban Stormwater, Soils & Construction" 2004 (Blue Book). Post construction of residential development, all pervious surfaces will be vegetated by landscaping or turfing/grass seeding until established.

Assessment of Built Environment Impacts – 4.15 (1)(b)

Impact on the Area's Character

The planning which occurred for the area by Council identifies this site and surrounds for redevelopment opportunity to achieve higher densities. The LEP controls which allow Residential Flat Buildings and indicate height and floor space controls reflect this higher density. The proposal is considered to be of a scale that is in keeping with the future development of the surrounding built environment of the transitioning area and provides a gradual transition of building height to surrounding future development.

The earlier photographs provides evidence of the existing variety and nature of development in the area and the lack of a consistent character in density. Further, the existing Motel on the subject site is an altered land use than residential. It is an achievement for this development to set the future tone and desired future character of the area.

The Land and Environment Court has established Planning Principles. In *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191, a Planning Principle has been established with respect to surrounding development and compatibility. Having regard to above Planning Principle, the proposed development does have regard to height, setbacks, landscaping and architectural style of the area and has had regard to the relationship between the various factors and this has been reflected in the site layout and building design. The built form has been stepped and "E" shaped with large areas of landscaped open space surrounding and components of built form and landscaping seen at nearby residential flat buildings have been incorporated into the proposal. In terms of height,

the overall building height is consistent with nearby built form to the north and further along Pacific Drive (e.g. Sunrise units) and in Burrawan St, and setbacks are significantly in excess of adjoining developments. The design reference allows for individuality in the development on this site, whilst having regard to the existing and future desired character.

A review of the area identifies that there is not a consistent character. There is no consistent or established rhythm within this area of Port Macquarie due to the take up of development to implement the planning controls being slow. There is no denying that the proposed development is a new feature for this immediate strip along Pacific Dr as it is the first development to occur. However, the proposed built form, layout and design reference allows for a rhythm within the development to be established which is not repetitious and uninteresting in form. The future development of this area should be guided by this architectural form.

As outlined in the Planning Principle above, the development is to be in harmony with the Windmill Hill Precinct, but does not need to be the same and can have different attributes and still remain compatible. The proposed built form responds to the essential elements identified in the area, both built and landscaping, to ensure a harmonious development and form.

The proposal is of benefit to the surrounding area as it proposes a positive development of high quality design that will improve surveillance and safety of the precinct. Overall, the proposed development is compatible with existing and future surrounding land uses, which is high density residential. The site is zoned for residential purposes and is located within an established residential area. The proposed design will retain a high level of amenity of the subject and surrounding sites including in respect of solar access, views, privacy and noise levels. Consideration has been given to the existing adjoining dwellings and new landscaping and fencing will be provided along boundaries where not currently in place to ensure a delineation of boundaries and to ensure the amenity is protected for existing and proposed residents. The design of the units, open space and landscaping are consistent with that anticipated for this form of development and the setbacks, in particular the large western setback, allows for landscaping. The aim of this development is to provide high quality units, generous living areas, highly sought-after outlook and finishes which are in keeping with the surrounding development, whilst being reflective of the desired high density housing under Council's planning controls. This is reflected in the design.

Appropriate mitigation will be undertaken during construction and operation to preserve the amenity of surrounding land uses. The site does not exhibit any characteristics which would preclude the development from proceeding.

Aural & Visual Privacy Impact

As described above, the proposed development has been designed in such a way to maximise visual and acoustic privacy by minimising direct views between primary indoor and outdoor living area of adjoining dwellings. Good separation has been provided to the existing allotments adjoining the development. This combined with the future landscaping will enhance the visual appearance of the development whilst assisting with minimising amenity impacts from the new units.

With regards to the scale and character of the proposed development, the proposed development accommodate units which are consistent with the desired and nearby residential flat buildings. The proposed form of housing is clearly evident within the nearby residential areas of Port Macquarie. On a regional scale, the development is consistent with the existing pattern of development being within an existing residential area and higher density near the centre. The density and scale are commensurate with the existing and desired character of this area of Port Macquarie. The proposed development is a permissible use in the zoning under the LEP and supports the residential redevelopment of the site.

The proposal ensures that principles of Crime Prevention Through Environmental Design is incorporated into the overall design of the allotments, pathways and common open space to provide passive surveillance, inhibit hiding or enclosed spaces and landscaping to provide an attractive streetscape without compromising safety and security.

In considering the visual impact of the proposed building from the beach, it will not be highly visible due to the setback and presence of vegetation between the road and water. The proposal is an increased density for the site, however consistent with existing buildings to the north. The design responds strongly to its coastal location by the design and materials which ensures a visually pleasing building. The high level of landscaping surrounding the building will considerably reduce the visual prominence of the building from a distance, unlike the roofs of existing housing in the wider area.

Additional Architectural Plans have been provided in response to Council's Request for Information which further supports this visual impact discussion above and within this SEE.

During construction, some noise and vibration is likely to be created however construction activities will be short term and will only occur during those hours permitted by the Council and as represented in the development permit. The operational noise levels from the proposal will not be out character with the future intent of the precinct. The development has been designed (materials, setbacks etc) to minimise any impacts on existing residents of the area. It is considered there will be no ongoing air issues pertaining to the proposed development.

An Acoustic Assessment has been undertaken and recommended construction requirements have been included to provide a suitable environment for the residents of the proposed building. Consideration has also been given to the noise generated by the development including from the basement and waste area. The report concludes:

"Provided that the recommendations presented in Section 5.3 are adopted, internal noise levels for the development comply with the acoustic requirements of the following documents:

- Port Macquarie-Hastings Council DCP 2013, and
- Australian Standard AS2017:2016 – 'Recommended Design Sound Levels and Reverberation Times for Building Interiors'.

External noise emissions criteria have been established in this report to satisfy the requirements of the following documents (with preliminary emissions recommendations provided in Section 7.5, to be iterated in CC stage):

- Port Macquarie-Hastings Council DCP 2013, and
- NSW Department of Environment and Heritage, Environmental Protection Agency document – 'Noise Policy for Industry (NPI) 2017'."

Below is an extract of the recommendations of the report which include two options along the southern boundary, with only one required. The recommendation also limits movements into the waste collection / loading area, which is not considered to be an issue given waste collection will not occur daily.

7.5 RECOMMENDATIONS

All feasible and reasonable noise mitigation measures have been applied to reduce noise levels and the following recommendations are presented:

- A 1.8m high imperforate acoustic barrier is to be erected along the southern and western fence line of the development as detailed in green below. Alternatively, a 1.8m high imperforate can be erected along the driveway as detailed in red. Only one of the two options is required.

The barrier may be constructed of lapped and capped timber, plexiglass, 4mm Perspex, Colorbond, 9mm fibrous cement sheet or equivalent, installed with no gaps between the panels, and maximum of a 20mm gap at the bottom to allow water flow if required.

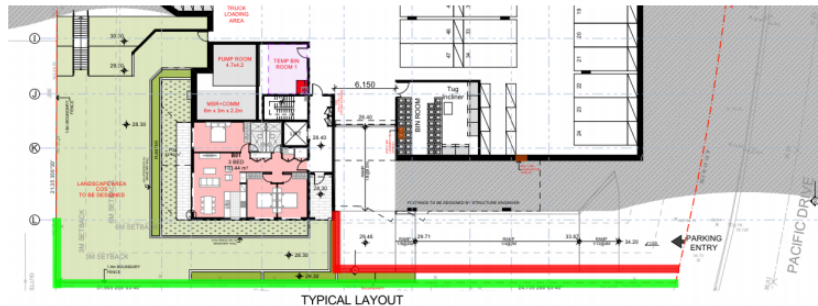


Figure 2 – 3m High Acoustic Barrier Location

- The number of truck movements for the loading dock is to be limited to the following:
 - 2 movements per 15 minutes in the day time period (7am – 6pm)
 - 1 movement per 15 minutes in the evening time (6pm – 10pm), and
 - No allowable usage of the loading dock during the night time period (10pm – 7am).
- Engines should be turned off during loading and unloading movements when utilising the loading dock, thus effectively having no idling noise during the loading and unloading operations.

These recommendations will be incorporated into the proposed development and explored further post consent as part of the detailed construction design.

The proposed development will exhibit a positive visual outcome for the area achieved through planning and design and landscaping. The variety of unit sizes will allow for diversity within the estate. The proposed materials, landscaping and fencing will be consistent throughout the site and have been designed to create a consistent feel and distinct character for the development. The proposal ensures the orderly use of the land through the provision of a mix of units and sufficient private and communal open space. The size, shape and orientation of individual units creates visual interest and provides opportunities for passive surveillance.

Fencing and landscaping within the development will soften the appearance of built form, contribute to the creation of a high amenity environment, provide for pleasant views to and from the site and enhance the vegetated character of the locale. A concept landscape plan has been developed to ensure that screen planting is provided between the development and the adjoining properties. The proposed landscaping will also assist in screening the proposed retaining walls and the detailed Construction Certificate design of the retaining walls may result in terracing in conjunction with landscaping to reduce the overall height of the walls.

Impact on Sunlight Access

Due to the slope of the site down to Pacific Drive, overshadowing cannot be avoided for any building. The design has however sought to minimise loss of sunlight for adjoining properties. The Architectural Plans include shadow diagrams for mid-winter, and it reveals that there will be overshadowing impacts in the morning to the west and south, however as the sun moves around during the day, the shadowing direction and amount is altered and the eastern corner of the dwelling to the south experiences the greatest impact. It is to be acknowledged that due to

the topography sloping south and as such the subject land is higher, a single or two storey dwelling immediately to the north of the boundary would result in similar overshadowing for the same time period.

View Impacts

The slope of the land allows for the proposed units to look over the roofs of the dwellings to the south and west and further beyond to the mountains. The photographs provided earlier in this report provide the existing situation and clearly demonstrate the dwellings to the west and south do not have views in the direction of the site due to the topography. The residential flat buildings to the north of the site, in particular the units at 2 Windmill St shown on the Survey extract below, which extends close to the subject site, has potential for views towards the ocean. The proposed residential flat building has potential to impact upon existing views in this direction only.

It is important to note that the requested height variation does not relate to this northern area of the building, but rather as the building steps down the slope. The building complies with the height control for this northern portion of the site where there is a potential for view loss.

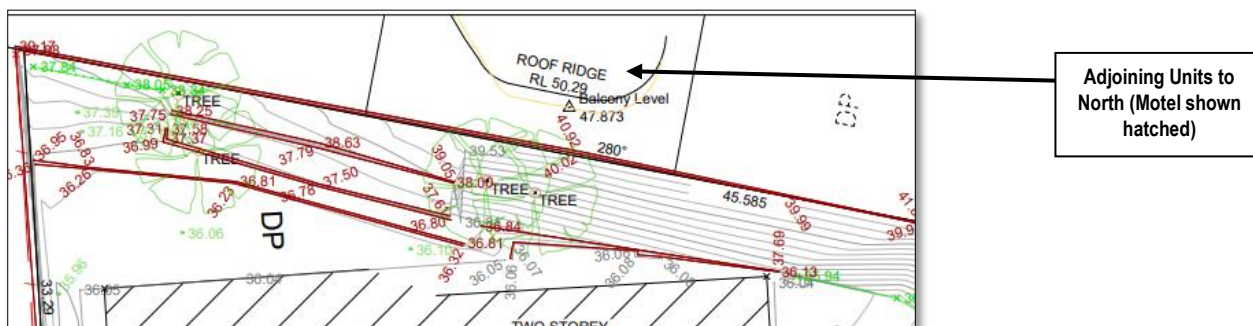


Figure 18 - Survey Plan Extract to show RFB to the north with balcony at 2 Windmill St - RL 47.873



Figure 19 - Balconies on Units to the north with upper balcony having RL 47.873

A drone was utilised to ascertain the level within the proposed building that ocean views are to be experienced. It was concluded that this will begin to occur from level 4 and be more unobstructed from level 5 up. Below is the drone image for each level having regard to the view eastwards only as the building is not obstructing north, west or south views due to topography.

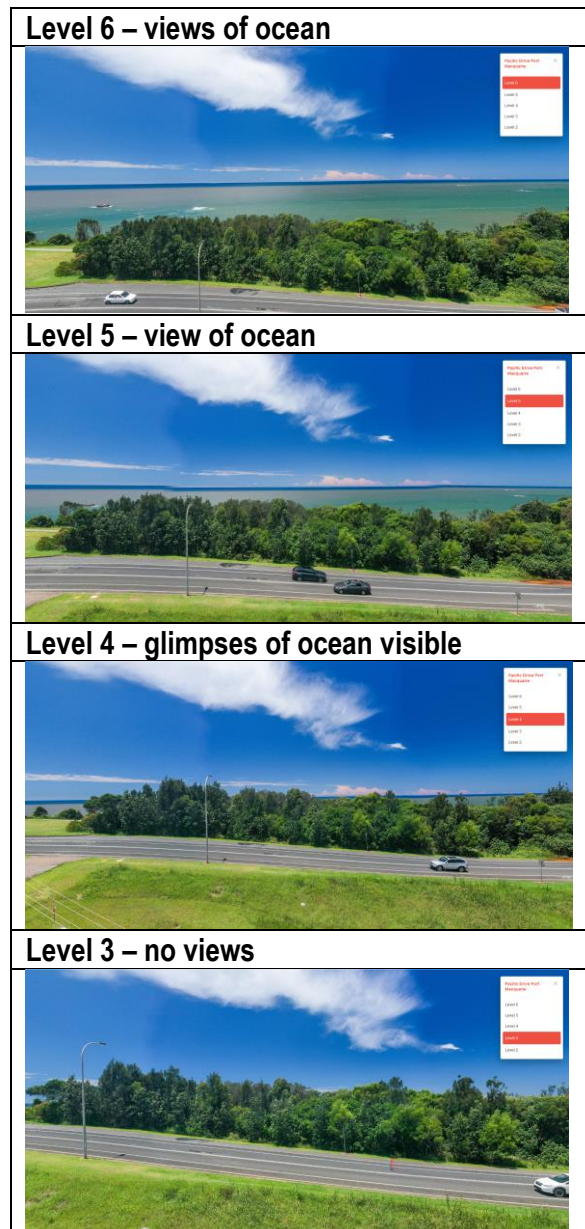


Figure 20 – Drone Images from Levels 3 to 6 of the proposed Building

The RFB to the north at 2 Windmill St has an upper balcony level of RL 47.873. Level 4 upper ceiling has a level of RL 47. As such, from level 4 and above, views will be partially obstructed from the northern RFB. Views from below level 4 are already expected to be partially obstructed given the presence of vegetation between Pacific Drive and the ocean, as shown in the photos below.

Further, a review of photos publicly available online indicate the rear two units of 2 Windmill St has views currently. These units have a wraparound balcony from the south around to the east, which provides views over the roof of the dwelling at 9 Pacific Drive.

It is also important to acknowledge that the balcony orientation also allows for views to the west towards the mountains.



Figure 21 – Photographs from 2 Windmill St (source www.realestate.com)

This view could be deemed to be borrowed amenity which has been enjoyed for many years due to the motel only existing on the site and a single dwelling at 9 Pacific Dr (not part of this development). The planning controls developed by Council for the area have long anticipated high density on this site and when setting the height limit have deemed the loss of views appropriate for nearby properties.

The design is reasonable having regard to view loss and has had regard to surrounding properties and hence the design being angled along this elevation to allow for view corridors to still be maintained. Further, the existing direct eastern view as seen above is not being altered and the setback of the building in this area is considerable in many parts due to the angle of the building, as shown in the extract below.

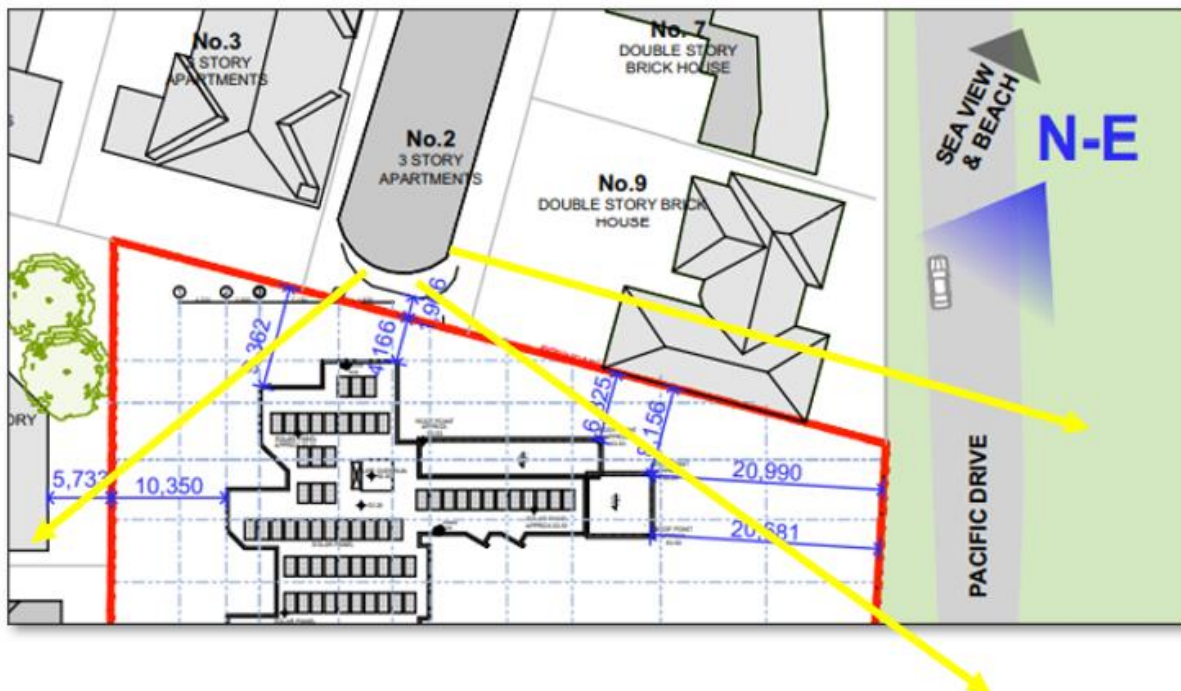


Figure 22 – Close Up of Proposed Northern Boundary Setbacks with View lines shown Yellow

The proposed residential flat building achieves a large part of the existing view being visible from the existing development, as indicated by the yellow arrows above. The proposed development provides for reasonable and equitable sharing of views, between both the subject and neighbouring properties. There are no whole views or iconic views lost or obstructed by the proposal. The south-western views are maintained.

This assessment has been undertaken in accordance with the Planning Principle contained in *Tenacity Consulting v Warringah [2004] NSWLEC 140* which sets out the planning principle for considering the acceptability of the impact of a proposed development on the views enjoyed from private properties in the vicinity of the development.

The notion of view sharing is when a property enjoys existing views, and a proposed development would share that view by taking some of it away for its own enjoyment. To decide whether or not view sharing is reasonable, the court developed a four-step process of assessment:

- Step 1 assessment of views to be affected, noting that water views are valued more highly than land views and iconic views are valued more highly than views without icons and that whole views are valued more highly than partial views.
- Step 2 consider what part of a private property the views are available from (i.e. principle living areas and private open space or non-habitable rooms).
- Step 3 assess the extent of the impact for the whole of the property, not just for the view that is affected.
- Step 4 assess the reasonableness of the proposal that is causing the impact.
- The final question to be asked is whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of the development would probably be considered acceptable and the view sharing reasonable.

With respect to Step 1, earlier within this report, the photographs have outlined the views from various perspectives has revealed that there are water views from the adjoining units to the north.

For the purposes of this assessment, the residential units to the north only are considered in detail given the earlier assessment, topography and direction of views.

With respect to Steps 2 and 3, the units experience the views from the rear (south) of the units, including an open deck area at the rear/side (wrap around south and east), adjacent to the subject site. This is the main external living areas and as the dwelling's living areas as set back further from the boundary, no loss of view is likely from the inside of those areas of the dwelling. The deck may experience a reduction in views of the water as shown in the photographs above, however it is expected given the views are over private land which is capable of being developed and some water views are maintained. The south-western views are maintained, which is an equally important view. Therefore, views will still be available from principal living areas and private open spaces.

With respect to Step 4, and having regard to the proposed development, the proposal is considered reasonable. The site could accommodate a larger, bulkier development than proposed and closer to the eastern boundary which would further obstruct views and result in a taller building due to topography, which would obstruct more views and has the potential to remove a large majority of water views. However, this is not what is proposed, and the building's siting and design is considered to be appropriate having regard to view sharing and reasonableness.

A more skilful design could not be achieved given the scaling back of the proposed residential flat building. The design allows for amenity for both properties to ensure views are shared through careful consideration.

The views experienced are over a vacant private parcel of land, which has provided borrowed amenity for the residents for a large number of years. Council's planning controls for the area have envisaged this form of density on this land and a varied design would likely result in some obstruction of views in order to achieve the desired planning outcome for this area.

In summary, this assessment has considered the existing views and potential impacts from the change to views, as well as whether the proposed alterations and additions to the existing dwelling will unreasonably impact on views from adjoining property, in particular of the water. No whole views are obstructed and partial views, which may be minimally reduced, are maintained. Therefore, having regard to the Planning Principle, the view impact of the proposed development is considered acceptable and the view sharing reasonable and equitable.

Environmentally Sustainable Development

The proposal incorporates passive solar design principles, which will allow for the units to enjoy levels of thermal comfort and to minimise the reliance on mechanical ventilation, heating and cooling. Refer to accompanying BASIX documentation.

The building responds to the desired future character of the area for higher density in a landscaped setting, as outlined in the LEP and DCP specifically for Windmill Hill. This area has been identified for urban regeneration, which is more sustainable than further urban sprawl and is important for the Port Macquarie region to efficiently utilise existing residential land.

Waste Management

The development will provide appropriate best practice facilities for removal of waste. Provision has been made for a dedicated waste storage and collection area within the site and will be serviced by private waste contractors.

Structural Design

Accompanying this application is a Structural Report with respect to the proposed development, which states:

"This design brief is a summary of the structural concept, data assumptions, principles and proposed construction methods and materials to be used in the design of the Proposed Residential Flat Building on Lot 1, 2 of DP 538077, 101 of DP 1244390 and A of DP 441800 in Pacific Drive, Port Macquarie.

This document aims to note down all project data and information, relevant design criteria and other materials associated with the structural design of this project. As new information or updates are available, the contents will be revised and changed accordingly.

This is to note that the building is still in an early design stage. The structural design may change with architectural changes, further client's requests or to comply with Council's requirements."

The comments provided within the report have been considered by the Architect in the submitted plans and will be refined further as part of the building construction design post consent.

Assessment of the Site Suitability – Section 4.15 (1)(c)

Social Impact & Crime Prevention

This Social Impact Comment has been prepared at the request of Port Macquarie Hastings Council. The purpose of the Statement is to assess the social impacts which may result from the construction and operation of a Residential Flat Building at Pacific Drive, Port Macquarie. Council has requested a Social Impact Comment to be included within the SEE. The following comment below has been prepared in accordance with the intent of Port Macquarie Hastings Social Impact Assessment Policy.

- **Accessibility of Development**

The proposed development will be accessible from the public domain and the basement via lifts and pathways and not incorporate a number of accessible units. If a resident of the unit has special needs their homes will be constructed to cater for them. Lift access will be provided to all apartment levels and the basements, linking every floor with the street level and basement. The lobbies at ground level will present as clearly articulated entries to the residential buildings providing a welcoming and secure environment for residents and their guests.

- **Common Areas and Shared Facilities**

Access to the basement is limited to residents and their visitors only. The proposal also included common areas and shared facilities in the form of open space. These common areas and shared facilities may be facilitated by a corporate body for the entire development.

Residents residing within the units have chosen to do so for the peaceful environmental attributes of the site and location with respect to the coast, walkways and town.

- **Need for the Development**

There is a greater demand for alternative living arrangements and diversity of housing stock and various sized units and bedroom mixes.

The proposed development is designed to accommodate residents choosing a certain lifestyle which has a lower level of maintenance with shared facilities rather than being single dwellings with its own backyard. Benefits can include the unit that is easily maintained, in a private and secure environment with people of a similar life stage.

The proposed development will provide alternative housing stock for people who wish to downsize from their existing home or relocate to Port Macquarie, single, couples or new entries into the market. Port Macquarie provides a vast range of community and government facilities/services for all ranges of ages.

- **Services**

The proposed development will have access to a variety of commercial and community services and facilities. It is expected that all the existing community and government services would have capacity to service the needs of the residents.

An audit of current services and facilities located within the Port Macquarie area is not deemed necessary for the proposed development. Port Macquarie is an urban regional centre which is serviced by a large range of government agencies and community services. These services would be made available to all Port Macquarie residents.

- **Resident's Demographic Profile**

Port Macquarie could be classified as an urban regional community with a population of 44,830. It is located within the Port Macquarie Hastings LGA which has a population of 78,539 (2016 Census). According to the ABS Census in 2011 40% of the population of Port Macquarie Hastings was 50 years and older. This figure increased to 47.5% in 2016.

NSW Planning and Environment's *NSW Population and Household Projections* forecasts a projected increase of 18,550 residents to the Port Macquarie area between 2011 and 2036. Of this 18,550 14,600 will be 50 years and over. This increase in older people indicates a change of age demographics for the LGA.

Throughout Australia proportionately more people aged 50 years and over live in small towns than major cities.

The upgrades to the Pacific Highway have presented the Port Macquarie area with new opportunities. The improved travel safety and reduced travel times makes the Port Macquarie area more accessible and more attractive to those looking for a both a sea and tree change.

- **Housing Diversity & Cohesion**

Diversity in housing prices is an important part of community infrastructure that supports community wellbeing and social and economic sustainability and strong and inclusive communities, including supporting a diverse labour market and economy.

The nature of the development will encourage social cohesion amongst residents of the development. The demographics of the residents will result in similar characteristics – these could include age, income, life experiences and education.

In relation to the existing community cohesion it is envisaged that the residents will assimilate with their peers and other residents currently residing in the Port Macquarie and surrounding area. Given that the units will cater for a range of ages and demographics it would be likely that community cohesion could expand into the general community. Given the close proximity of service Clubs and community facilities could also act as a conductor for creating positive community cohesion between all Port Macquarie residents.

- **Character & Identity**

The proposed development is not expected to create a negative impact on the neighbourhood character or identity given its consistency for the planning of the area and mix of housing types in existence.

- **Economic**

This development is expected to increase the population living in Port Macquarie. The more people in the area will increase retail and economic demand and the flow on effect expected to contribute to Port Macquarie and real estate values.

The proposed development is providing diversity of housing stock for the Port Macquarie area. The proposed development is not expected to decrease housing prices within the area.

According to NSW Treasury Economic Update (September 2013),

“NSW Treasury estimates that for every \$1 million spent on extra residential construction, a possible \$2.5 million would be generated in the overall economy. The spending would give rise to an additional three full-time jobs in the construction industry and a total of eight full-time jobs in the overall economy.”

The total construction cost of the proposed development, being the roads, enabling infrastructure, community facilities and homes is estimated to be approximately \$23 million. Using the information provided by NSW Treasury the proposed development will generate \$57.5 million to the overall economy. In addition, full-time construction jobs and flow on jobs in the overall economy will be created.

The proposed development will create a positive economic effect on the local community.

- **Safety**

With respect to safety of the development, access to the building and basement car parking will be limited to prevent those not invited to access the site and only available for residents and their visitors.

Port Macquarie contains a mix of residential developments and environmental areas. Port Macquarie presents as a quiet and idyllic place to live. All residents will be expected to behave in an acceptable manner.

The proposed development has been planned and designed around the principals of Crime Prevention Through Environmental Design (CPTED). NSW Police Force's publication *“Safer By Design”* suggests that the use of CPTED principals “reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients (law, offender, victim or target, opportunity) from intersecting in time and space”.

CPTED is a strategy that looks at the planning, design and structure of a proposed development and opportunities for crime. The aim of a CPTED is to minimise crime risk opportunities of a development and it's surrounds through an assessment of design and place management principles.

There are four CPTED Principles that must be considered in the assessment of a development to minimise the opportunity for crime. These include:

- **Surveillance** occurs through natural, technical and formal measures that allow people to see what others are doing in public spaces. They assist in contributing to people feeling safe in a place as well as the deterrence of crime.
- **Access Control** is the restriction or attraction of movements of people out of and around developments. Access control measures increase the effort required to commit crime. Access Control occurs through natural, technical/mechanical and formal control measures.
- **Territorial Reinforcement** relates to the distinction between public and private property using actual and symbolic boundary markers, spatial legibility and environmental cues. Territorial reinforcement encourages community responsibility, identifies the use of a space and distinguishes who should/should not be within such space.
- **Activity and Space Management** relates to how spaces are used and maintained to maximise community safety. Space management involves the formal supervision, control and care of a development.

The following principles should be considered in the planning stage of the proposed development to further improve the safety and security of the subject site:

Surveillance

The proposed development will contribute to natural surveillance of the streets from windows of dwellings which overlook the internal streets.

Recommendations

- Dwellings should have windows which face to the street and communal areas for casual surveillance;
- Landscaping should not give rise to concealment opportunities or obstruct natural surveillance;
- Vegetation should be maintained to avoid concealment opportunities or obstruction of natural surveillance;
- Adequate lighting should be provided to key entry points, pathways, carparking areas and other communal spaces; and
- Appropriate fencing to allow for passive surveillance in and out of the development.

Access Control

The proposed vehicular and pedestrian entry access point is to be from Pacific Drive.

Recommendations

The following measures should be considered for incorporation into the proposed development:

- Signage at entry points to the subject site should be erected stating 'Private Property' and indicate visitor parking is within the basement;
- Way finding signage should be erected identifying areas of restricted access and communal spaces;
- Emergency exits should be installed in accordance with relevant legislation and policies;
- Access to the basement and within the building will should only be via key/swipe card; and
- The entire property should be fenced to ensure a good presentation and allow a balance between security and transparency.

Territorial Reinforcement

Recommendations

To distinguish between private and public areas the following measures should be implemented:

- Landscaping and fencing around the development area will create a clear boundary between public space and the privately-owned caravan park;
- Access points should be legible; and
- Signs and location markers should be clear, legible and useful.

Space Management

Appropriate space management principals will ensure areas are used and maintained to maximise community safety.

Recommendations

The following measures should be adopted to ensure the formal supervision, control and care of a development:

- Regular maintenance of landscaping and facilities should occur;
- Establish vegetation buffer areas which will prevent unauthorised access to the premises and anti-social behaviour;
- A rapid removal policy for vandalism repair and removal of graffiti should be employed;
- Garbage bins should be located away from entrances, communal areas and out of general sight
- The POM should state *“any criminal activity will not be accepted within the caravan park and will be reported to the local police.”*

Overall Crime Assessment

By following the recommendations, it is unlikely that the proposed development will result in any significant increase of crime activity but could potentially contribute towards the greater security and crime prevention in the Port Macquarie area.

Social Impact Comment Impact Assessment

This Social Impact Comment aims to analyse and manage the intended and unintended social consequences, both positive and negative, of the proposed development.

• **Positive Social Impacts**

Below are the identified positive social impacts of the development:

1. Provision of a variety of housing in the Port Macquarie area;
2. Development site is within proximity to commercial, recreation and community services;
3. Increased economic and social benefits to local businesses from new population;
4. Enrichment of the local community by supporting a diversity of population; and
5. Provision of housing stock diversity in Port Macquarie, consistent with previous planning for the area including UGMS and DCP.

• **Negative Social Impacts**

Below are the identified negative social impacts of the development:

1. Impacts on existing social cohesion of the existing community;
2. Risk perception within the existing community;
3. Increased concentration of people in close proximity to each other and other local residents;
4. Increased traffic and impact on road safety in local area; and
5. Impact on the existing character/identity of the local area.

This Social Impact Comment aims to analyse and manage the intended and unintended social consequences, both positive and negative, of the proposed development.

From a review of the submissions, the following issues has been raised as a negative impacts during the community notification:

- Traffic and parking and safety of cyclists and pedestrians
- Ecology, in particular koalas
- Size and scale of the development and character
- Amenity impacts
- Reduced property values
- Drainage

The proposed building design and layout provides for areas of open space, which assists with providing amenity where there is a concentration of people in close proximity to each other and other local residents. The resulting design creates precincts within the development and provides connection by pathways to the coastal walk to the east, as well as onto other facilities such as town centre, recreational facilities and beaches, which creates a liveable community.

The net benefit to the community in allowing new residential development is the key contribution to provision of a liveable community. The development makes provision for new housing and the new footpath along the frontage of the site will be a benefit for the existing community and addresses safety concerns.

The existing public transport is currently available to all members of the public. The residents of the development will be able to access the existing system.

Sewer, water, electricity and phone services will be made available to all sites. The existing service providers will have no difficulty in providing these services.

The following services are within close proximity (distances have been measured from subject site to destination by road) to the subject site:

- Port Macquarie District Hospital - approximately 4.5km from subject site;
- Port Macquarie Business District – approximately 1.5km from the subject site

The subject site is ideally located to ensure residents have easy access to existing services and facilities.

The provision of infrastructure encourages the areas capacity for growth.

Local character/identity is important, especially to long term residents of an area. However, the growth of a town, additional housing stock, the possibility of increased property values if the new development is well designed and complements existing housing, and a diversity of population groups is also important. The planning which occurred for the area by Council identifies this site and surrounds for redevelopment opportunity to achieve higher densities. The LEP controls which allow Residential Flat Buildings and indicate height and floor space controls reflect this higher density. The proposal is considered to be of a scale that is in keeping with the future development of the surrounding built environment of the transitioning area and provides a gradual transition of building height to surrounding future development.

Properties currently adjoining the subject site may experience some loss of lifestyle with regards to outlook than others. While some trees will be removed to accommodate the proposed development, replanting is to occur. The loss of lifestyle regarding outlook is expected to be minimal.

Every effort has been made to restrict negative impacts on the environment. Recommendations of the Arborist and Ecology Report have been taken into consideration in the design features of the proposed development.

The subject site is located within a bush fire prone area. The proposed development will comply with the principals of "Planning for Bush Fire".

The exterior appearance of the buildings will be maintained in an excellent condition.

The proposed development will be incorporated to reduce the risk of crime and anti-social behaviour. It is unlikely that the proposed development will result in any significant increase of crime activity but could potentially contribute towards the greater security and crime prevention in the Port Macquarie area.

Factual supporting documentation is difficult to obtain regarding the matter of increasing/decreasing real estate values as a result of the proposed development. There is no common formula for establishing if a proposed development will decrease the value of adjoining properties unless a valuation of before and after the development has been completed can be undertaken.

The loss of amenity may result in reduced property values for those properties adjoining the proposed development site in the short term. However, if the proposed development is well designed and complements existing housing it is a possibility that surrounding property values will increase.

Based on the fact that the proposed development will provide additional housing stock for the Port Macquarie area it is expected that the development will have a positive impact on housing prices within the local area. That is, the proposed development could lead to increased employment opportunities, increased provision for leisure activities and upgrades to infrastructure, which would provide a positive impact on existing house values and should not create a negative impact on adjoining property.

Each dwelling allows the resident to have their own private open space as well as access to communal areas including outside seating and bbq areas, rooftop terrace and inside communal rooms. This provides residents with options to suit their individual circumstances and allows residents to have a sense of belonging.

The proposed development will provide both residential and visitor parking. Each unit will have carparking within the basement, as too will visitor carparking. The provision of both resident and visitor parking will ensure that parking will not create a negative impact on the development or surrounding residents. The car parking areas provided on site will be in excess of Council's DCP requirements.

The proposed development meets 'Neighbourhood Planning Principle' as public transport and social infrastructure are already in place and are able to accommodate the needs of the proposed development.

Net Benefit is defined as *"having an overall positive impact on relevant communities"*.

This Social Impact Comment has identified a number of areas in which the proposed development has an overall positive impact on the Port Macquarie area.

This Social Impact Comment has been prepared to address relevant social planning issues for the proposed development. The proposed development is deemed appropriate as:

- It is envisaged that the residents will assimilate with their fellow residents and the general population.
- Positive community cohesion between all Port Macquarie residents can be achieved.
- It is unlikely that the proposed development will result in any significant increase of crime activity but could potentially contribute towards the greater security and crime prevention in the Port Macquarie area.
- While measures can be implemented to promote a safe environment for residents, residents must also be responsible in ensuring they act in a responsible and safe manner at all times.
- There is a genuine need for 'reasonably priced' housing within Port Macquarie.
- The proposed development is not expected to decrease housing prices within the area.
- Integration between residents within the development is expected to be positive.

- The proposed development will create a positive economic effect on the local community.
- The proposed development will have access to water, sewer, electricity, internet and telephone services.
- Local commercial businesses have the capacity to service the proposed development.
- Diversity of housing stock will be achieved through the proposed development, with a mix of unit sizes and bedroom numbers.
- The development site is within close proximity to commercial, community, public transport recreation and environmental areas.
- Enrichment of the local community by supporting a diversity of population.

The Social Impact Comment concludes that the proposed development will not have unreasonable/ negative social impacts in the locality. A range of measures are proposed to mitigate impacts in the locality.

Proximity to Services & Infrastructure

All services are available to the site and will be extended to the proposed allotments. The demands of the development on utility supplies are reasonable given the urban context and the availability and location of all required servicing. All installations will meet the requirements of Council, Australian Standards and the Building Code of Australia.

Traffic, Parking & Access

A complying number of parking spaces are proposed on-site for each unit, as outlined in the DCP assessment. Access to the site is proposed to the existing Pacific Drive. The existing roads will service the units and no new road construction is required.

The Traffic & Parking Assessment submitted with the application considers the existing and proposed traffic generation, and it is anticipated that the road network within the area will have sufficient capacity, with the report stating, *"is not anticipated to generate any adverse impacts on the existing traffic conditions (3.5% increase in daily trips)."* The assessment also notes that this proposal aligns with the Windmill Hill Precinct within Council's planning documents and the associated LEP controls with respect to increased density.

The entry and exit to Pacific Drive is also considered within the assessment and the one consolidated vehicular entry point is supported. Sufficient room for queuing is anticipated based on the design.

Based on the assessment, the proposal does not result in the need for new traffic works.

With respect to parking, the development proposes 100 spaces, which is well in excess of the required 89 spaces under the DCP and includes 2 accessible spaces. In addition, 10 bicycle spaces are proposed and 4 motorcycle spaces. All visitor spaces are provided at lower ground floor and access to the basement levels is via a pedestrian ramp or lifts.

A dedicated service vehicle / waste collection bay is proposed at the front of the site, accessed off the driveway once into the development. This ensures no overhang onto the street or conflict with pedestrians on Pacific Drive. The service bay has been designed to accommodate a service vehicle as advised by the local waste contractor JR Richards (10.5m length x 3.5m height x 2.5m width). A convex mirror and strobe light is also proposed adjacent to the service bay to alert passenger vehicles utilising the basement and given the low usage of the service bay (e.g. likely 1 a week waste collection), off peak time usage of the service bay likely and the short period of time for use, there is no expected to be a conflict between private vehicles and service vehicles.

The car parking layout as detailed on the Architectural Plans has been reviewed with respect to compliance with AS 2890.1-2004, as discussed in detail in the Traffic & Parking Assessment and swept paths analysis as an appendix to that report.

Accessibility

Accessible car parking and ramps have been proposed within the development, which allows for disabled access throughout the development, including from the street to the entry and the basement and via lifts to the units.

Hazards

The subject land is not identified as flood affected nor does it contain acid sulfate soils.

The subject land is identified as bushfire prone and a Bushfire Hazard Assessment accompanies this application which recommends asset protection zones, water provision, landscaping principals and driveway construction details.

Overall Suitability

The site is considered to be suitable for new housing as it is located in an existing residential area and has no unmanageable constraints. The proposal is suitable for the subject land and provides additional housing stock. The proposal is a permissible land use and has been designed to complement the character locality. There are no hazardous land uses or activities nearby and the site is well appointed with respect to public transport.

The proposed development is considered to be compatible with the future desired character of the surrounding area and the R3 zoning for housing. The site is primarily cleared of vegetation and does not contain constraints which preclude development. The slope of the land has been addressed through the design of the development. The proposed built form is an anticipated form of development envisioned in the LEP controls for the locality.

Submissions made in accordance with the Act or Regulations – Section 4.15 (1)(d)

Port Macquarie Hastings Council as the Consent authority will consider any submissions received in response to the public exhibition of the proposed development after lodgement of the Development Application. Following the notification period, any issues of public interest will be known and can be considered and addressed.

The Public Interest – Section 4.15 (1)(e)

It is considered there are no matters of public interest pertaining to the proposal which will facilitate the orderly and efficient use of land within the area which has been zoned for residential accommodation. The proposal provides an opportunity for more choice of housing in the market. The development of the site will improve the supply of housing in the Port Macquarie region, in accordance with the regional strategies.

The proposed housing form is proposed to accommodate market demands from a particular sector of the market. Overall, the proposal provides positive social, economic and environmental outcomes that will positively contribute to Port Macquarie and the overall Port Macquarie region. All environmental impacts are able to be sufficiently mitigated to minimise disturbance to surrounding land uses. The design has had regard to the amenity of the surrounding properties, including views. The proposal is therefore considered to be in the general interest of the public and will not conflict with the character or amenity of the surrounding region. The proposal is considered within the public interest as it will assist with housing shortage issues and housing targets as a result of increasing populations in the locality. In view of the above, it is considered that development of the site as proposed would create public benefit.

There are no known Federal and/or State Government policy statements and/or strategies other than those discussed in this report that are of relevance to this particular development proposal.

The proposed development is unlikely to result in any adverse social or economic effects in the locality. The proposal has been designed to respect the surrounding built form and amenity of residents.

It is considered the proposal is in the public interest and of benefit to both Port Macquarie and the wider region.

7. CONCLUSION

This application has been considered against the relevant provisions of the Section 4.15 of the Environmental Planning and Assessment Act, 1979 including relevant State Environmental Planning Policies, Port Macquarie-Hastings Local Environmental Plan 2011 and Port Macquarie-Hastings Development Control Plan 2013 and the proposed development is consistent with legislation and Council's controls.

The site is currently zoned R3 Medium Density Residential under the Port Macquarie Hastings LEP 2011, which allows the proposed Residential Flat Building and associated works and Strata Subdivision with consent. The proposed development layout is in keeping with the existing and proposed residential character of the area and the site constraints have been resolved within the design. The likely impacts have been considered and found to be satisfactory and the site is suitable for the proposed development and the proposal is in the public interest. On balance, a good planning outcome has been achieved. No unmanageable issues were identified in relation to transport, visual and acoustic privacy, heritage, flooding, bushfire, flora and fauna or the provision of utilities. The development is proposed on the cleared or disturbed portion of site, in an area zoned for residential purposes.

The comprehensive assessment undertaken has found the following:

- The layout and design of the proposal responds to the site conditions, taking into consideration the site topography/ height limits, the current and future character and scale of the surrounding residential area.
- The proposal includes landscape provisions to enhance the visual amenity of the site and integrate the proposed development into the site and surrounding area and assist in providing screening and a high level of amenity for all future residents.
- The variation to the height limit is discernible and will not adversely impact upon the bulk and scale of the development or amenity and has no relation to view loss.
- The proposed development of the site has been assessed and informed by a team of specialist consultants including Architecture, Building Code Australia, Civil Engineering, Hydraulic, Electrical, Acoustic, Waste Management, Bushfire, Geotechnical, Ecology, Arborist, Landscaping and Town Planning advice. The supporting reports and plans are included with the application and conclude the proposal is appropriate for the site.

On this basis, it is considered that the proposal is consistent with the relevant objectives and provisions of applicable planning instruments and suitable for the site and will have minimal negative impact. For all of the above reasons, in our opinion, the proposal is an appropriate development for the subject site, and we seek Council's support for this application.

8. APPENDICES

- A. Architectural Plan Set by Ghazi Al Ali
- B. Design Verification by Ghazi Al Ali – Updated in Rev B
- C. Survey Plan by Land Dynamics Australia
- D. Concept Services Plan by Land Dynamics Australia
- E. Concept Engineering Plan by Land Dynamics Australia
- F. Landscape Concept Plans by Land Dynamics Australia
- G. Stormwater Management Plan & Appendices by Land Dynamics Australia
- H. Koala Assessment by Biodiversity Australia
- I. Arborist Report by Arborist Letter by Land Dynamics Australia
- J. Preliminary Site Investigation (Contamination) Assessment by EI Australia
- K. Geotechnical Investigation by EI Australia
- L. Bushfire Report by David Pensini - Building Certification and Environmental Services
- M. Traffic & Parking Assessment by Building Innovations Australia
- N. Acoustic Report by Acoustic Logic
- O. BASIX Certificate, Assessor Certificate & Stamped Plans
- P. Structural Report by PTC Consulting Engineers
- Q. BCA & Access Assessment by Building Innovations Australia
- R. Waste Management Plan by Elephant Foot
- S. Electrical Design by Midstate Power
- T. Development Control Plan Compliance Table by Land Dynamics Australia
- U. Plan of Consolidation by Land Dynamics Australia
- V. Fire Engineering Letter by BCA Innovations
- W. Letter to Council – Response to Submissions dated 23 June 2021 and accompanying information
- X. Letter to Council dated 13 August 2021 – Response to Request for Information and accompanying information
- Y. Letter to Council dated 28 October 2021 – Response to Request for Information and accompanying information
- Z. Stand Alone Clause 4.6 Variation – Updated in Rev B