



DEVELOPMENT APPLICATION

Staged construction of place of public worship, ancillary buildings, 106 space carpark, 2 lot subdivision and extension of Annabella Drive

Statement of Environmental Effects

SITE Lot 22 DP1296583, 171 John Oxley Drive, Port Macquarie NSW 2444

BY The Point Community Church

DATE 27 September 2024

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Revision Schedule

Revision Number	Date	Description	Staff
A	27/09/2024	Lodged NSW Planning Portal	DM/NS/AJT

Disclaimer

This report was prepared in accordance with the scope of works set out in the contract between King & Campbell Pty Ltd and the Client. To the best of King & Campbell Pty Ltd's knowledge, the proposal 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.

King & Campbell Pty Ltd used information and documentation provided by external persons, companies and authorities. Whilst checks were completed by King & Campbell Pty Ltd 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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Section 1

Purpose of Proposed Development & Site Description

1.1 The Purpose of Proposed Development

This Statement of Environmental Effects (**SoEE**) has been prepared on behalf of The Point Community Church for the purposes of seeking development consent for the construction of a *place of public worship* (**Development**) upon Lot 22 DP 1296583, 171 John Oxley Drive, Port Macquarie (**Site**).

The proposed Development is a 500-seat church and ancillary buildings containing:

- 200m² foyer
- office and administration space
- a church hall of 257m²
- seven (7) multi-purpose rooms,
- kitchen
- amenities
- 106 space car park

The proposed Development also includes:

- the public road extension of Annabella Drive
- subdivision to create proposed Development Lot 1 and proposed Public Reserve Lot 2 as shown on the Plan of Proposed Subdivision (refer Sheet DA 1.3 in **Appendix C**).
- replacement Koala Food Trees within the proposed Public Reserve Lot 2 in accordance with South Lindfield Koala Plan of Management (**South Lindfield KPOM** - refer **Appendix K**),

A detailed description of the Development, including staging, and church operations is provided in Section 3.

1.2 Site Description

The Site has an area of 1.851ha and is rectangular in shape. The northern and western boundaries of the Site have frontages to John Oxley Drive and Annabella Drive respectively. The subject eastern boundary adjoins existing residential lots containing single-storey dwellings (for the northern half of the eastern boundary), the current western termination of Annabella Drive and a public reserve (Lot 26 DP 1280506).

The Site is split zoned with R1 General Residential for the north half, and C2 Environmental Conservation for the southern half (**Figure 10**) pursuant to the provisions of the *Port Macquarie-Hastings Local Environmental Plan 2011 (PM-H LEP)*. A *place of public worship* is permissible with the consent of Council in the R1 General Residential zone and prohibited in the C2 Environmental Conservation zone.

The proposed Development is wholly contained in the R1 zoned part of the Site. The R1 zoned part of Site is subject to Floor Space Ratio (**FSR**) of 1:1 and building height development standard (**HOB**) of 11.5 under the PM-H LEP.

The Site is not occupied and consists of managed grass and remnant trees on the northern half, whilst the southern half consists of Environmental Management Land (**EML**) vegetation, as identified under the South Lindfield Urban Release Area Planning Agreement (**VPA**), dated 16 January 2019 (**Appendix Q**). The land

containing the EML vegetation is proposed to be dedicated as public reserve as shown on the Plan of Subdivision (refer **Sheet DA 1.3, Appendix C**) and as per provisions contained in the VPA. The VPA is discussed in detail in the body of this SoEE (Section 4.9.1).

As required by the VPA, a future road connection for Annabella Drive is to be constructed and dedicated to Council mid-site, between Proposed Development Lot 1 and Proposed Public Reserve Lot 2.

The C2 zoned part of the Site has undefined FSR and HOB development standards. The minimum Lot size standard for the R1 zone is 450m², whilst the C2 zone is 3,000m².

A survey of the Site was completed by B.R. Development Consulting and is included as **Appendix B**. The survey confirms that the Site has a ridge approximately mid Site. Hence the Site has both northerly and southern aspects. The northern aspect falls from where the proposed Annabella Drive Road extension is to be constructed towards John Oxley Drive, grading from approx. RL 18m AHD down to approx. RL 10m AHD, over a distance of approx. 135 metres, providing a cross fall of approximately 5.9%. The Development is to be contained the northern section of the Site.

Necessary essential services, including, water, sewer, stormwater, electricity and telecommunications are immediately available to the site.



Figure 1 – Aerial image of the site (orange arrow and yellow outline) and surrounding land (Nearmap: 8 June 2024)



Figure 2 - Image of the Site looking southeast across intersection of John Oxley Drive and Annabella Drive



Figure 3 - Image of Site looking south from opposite side of John Oxley Drive



Figure 4 - Image of Site from looking southeast from northwestern corner.



Figure 5 - Image of Site looking northwest from mid-site near corner Annabella Drive and Lewin Circuit.



Figure 6 - Image of Site looking east across proposed location of Annabella Drive extension, with C2 zoned land to right of image.



Figure 7 - Looking south approximately mid-site toward C2 zoned land.



Figure 8 - Looking west through middle of Site from where Annabella Drive is to be extended through the Site.



Figure 9 - Image looking northeast from mid-site toward neighbouring residences on eastern boundary

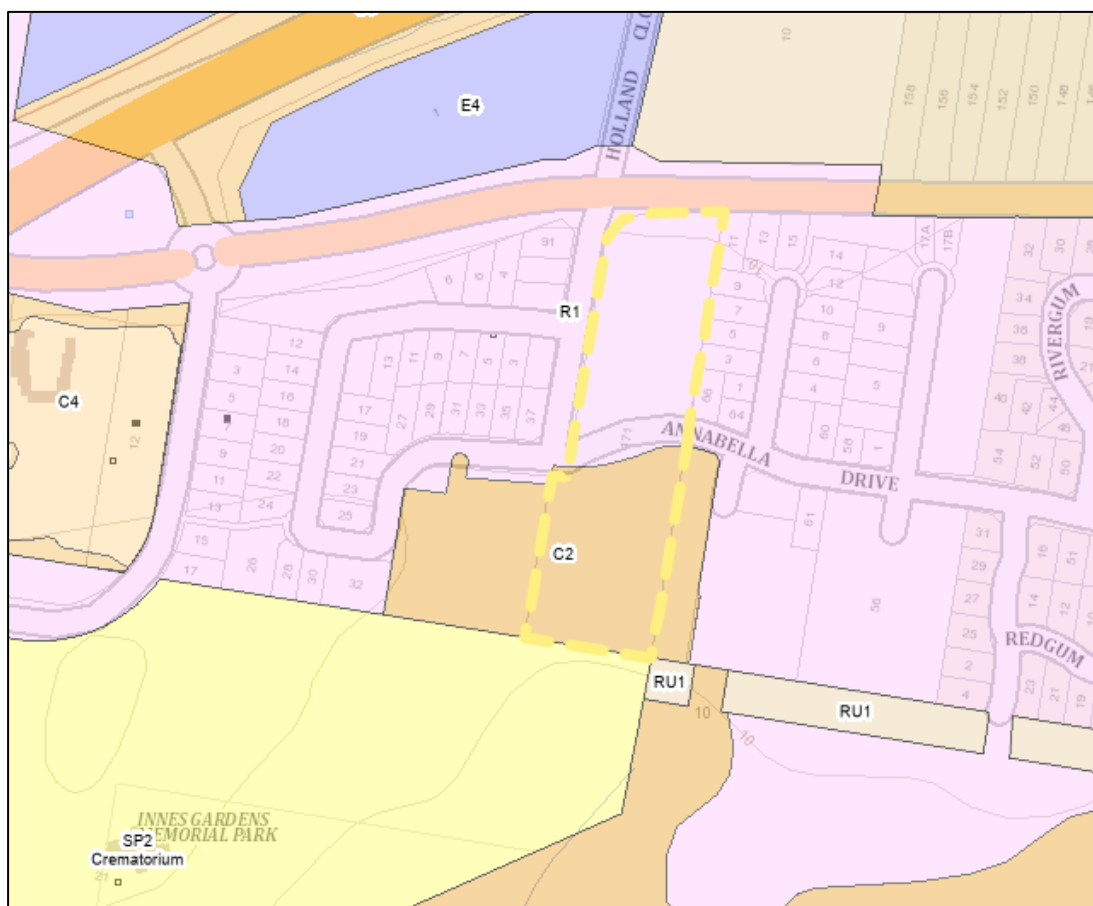


Figure 10 – Zoning of the site (bound yellow) and surrounding land (ePlanning Spatial Viewer).

Section 2

Consultation

2.1 Pre-Lodgement Meeting

Prior to the preparation of the subject application, consultation was undertaken with Port-Macquarie-Hastings Council (**Council**) via a pre-lodgement meeting on 25 May 2021 (Council Ref: 210.2021/44). A copy of Council's meeting minutes is included in full at **Appendix H** and addressed in **Table 1** below:

Table 1 – Pre-lodgement Minutes Summary

Council Comment	Response
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:	
<p>1. <i>State Environmental Planning Policy (Infrastructure) 2007 applies. Proximity to electricity infrastructure. Referral to essential energy.</i></p> <p><i>If size or capacity triggered in Schedule 3 referral to RMS will be undertaken.</i></p> <p><i>Application to address relevant provisions of this policy.</i></p>	<p>This Policy has been replaced by <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>. The Development is considered consistent with the relevant provisions of the SEPP (Transport and Infrastructure) 2021, which is discussed under Section 4.5.2 of this SoEE.</p>
<p>2. <i>State Environmental Planning Policy (Koala Habitat Protection) 2021 applies. Approved South Lindfield Koala Plan of Management applies. Application to demonstrate consistency.</i></p> <p><i>Application to address relevant provisions of this policy.</i></p>	<p>This Policy has been replaced by <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>, which is addressed in Section 4.5.1 of this SoEE.</p> <p>Chapter 4 of the SEPP (Biodiversity and Conservation) 2021 is relevant and calls upon approved KPOMs.</p> <p>The South Lindfield KPOM (refer Appendix K) is relevant under this chapter. This SoEE demonstrates consistency with the South Lindfield KPOM which is also discussed in detail under Section 4.5.1 of this SoEE.</p>
<p>3 <i>State Environmental Planning Policy - Advertising and Signage will apply if any signage is proposed. Application to address relevant provisions of this policy.</i></p>	<p>This Policy has been replaced by <i>State Environmental Planning Policy (Industry and Employment) 2021</i>, which is addressed in Section 4.5.5 of this SoEE.</p> <p>The Development proposes building identification sign on the western elevation, which is The Point Community Church's logo; and a business identification inside the front fence on the north boundary containing the Church's name and service times. Details of the signage are contained Sheets DA 1.5, DA 1.11, DA 3.1, DA 3.4 & DA 4.2 of the architectural drawing set in Appendix C.</p> <p>As discussed under Section 4.5.5 of this SoEE, the proposed signs are consistent with the provisions of this Policy.</p>
<p>4 <i>State Environmental Planning Policy (State and Regional Development) 2011. Note \$5 million trigger</i></p>	<p>This Policy has been replaced by <i>State Environmental Planning Policy (Planning Systems) 2021</i>, which is addressed in Section 4.5.6 of this SoEE.</p>

<i>for places of public worship being regionally significant development.</i>	Pursuant to this Policy the Development is considered to be Regionally Significant Development.
<p>5 <i>The site is zoned R1 General Residential and E2 Environmental Conservation under Port Macquarie-Hastings Local Environmental Plan (LEP) 2011.</i></p> <p><i>Places of public worship are permissible with consent in the R1 zone.</i></p>	<p>Permissibility under PM-H LEP is addressed in Section 4.6 of this SoEE.</p> <p>A place of public worship is permissible with consent in the R1 General Residential zone.</p>
6 <i>In accordance with clause 4.3 of LEP 2011 a maximum building height of 11.5m applies.</i>	<p>Building Height and compliance with LEP 2011 is addressed in Table 3 under Section 4.6 of this SoEE.</p> <p>The Development is compliant with the HOB requirements, with its proposed highest point above ground being 11.5m.</p>
7 <i>In accordance with clause 4.4 of LEP 2011, a maximum Floor Space Ratio (FSR) of 1:1 applies to the land. Application to include details of proposed FSR.</i>	<p>FSR and compliance with LEP 2011 is addressed in Table 3 under Section 4.6 of this SoEE</p> <p>The Development is compliant with the FSR requirements, with a proposal FSR of 0.2:1.</p>
8 <i>Clause 7.5 applies and shall be addressed. Refer to Koala SEPP comments.</i>	The SEPP and Koalas are addressed under Section 4.5.1 of this SoEE, which demonstrates that the Development is consistent with the South Lindfield KPOM, satisfying Clause 7.5(3) of PMH LEP 2011.
9 <i>Clause 7.9 the land is mapped as subject to acoustic controls. Application be supported by an acoustic report addressing road traffic noise impacts and adjoining industrial land to the development and general noise impacts to surrounding residential from the proposed development.</i>	<p>An Acoustic Report has been prepared by Matrix Thornton and is provided as Appendix H. The Acoustic Report and noise impacts are discussed in Section 4.9.3 of this SoEE.</p> <p>The Acoustic Report recommends noise mitigation measures to ensure compliance with Clause 7.9(3).</p>
10 <i>Application to address general provisions and relevant specific provisions of Development Control Plan (DCP) 2013. Demonstrated consistency with South Lindfield Precinct provisions.</i>	<p>The DCP is addressed under Section 4.7 of this SoEE.</p> <p>The proposed Development is consistent with the relevant provisions of the PM HDCP 2013.</p>
11 <i>Places of public worship are identified as advertised development under the Community Participation Plan.</i>	It is noted the Development will be publicly notified, including neighbor notification.
12 <i>Details and calculations of required off-street parking to serve the development consistent with the parking rates identified in DCP 2013.</i>	<p>The DCP is addressed under Section 4.7 of this SoEE, including a detailed car parking assessment.</p> <p>The Development proposes a 106 space car park that exceeds the requirements of the PMH DCP 2013.</p>
13 <i>Site is mapped as bushfire prone land. Bushfire assessment report required.</i>	<p>Bushfire hazard is discussed under Section 4.4 of this SoEE.</p> <p>Appendix F contains the Bushfire Hazard Assessment Report prepared by David Pensini Building Certification and Environmental Services in relation to the Development. The Development is consistent with the recommendations outlined in the Bushfire Hazard Assessment Report in terms of APZs and construction standards.</p>

<p>14 Details of the type and extent of vegetation to be removed and retained (inclusive of any required Bushfire Asset Protection Zones and servicing proposed i.e. water, sewer, stormwater and roads) 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>A Biodiversity Development Assessment Report addressing the Biodiversity Conservation Act and the relevant provisions of DCP 2013 shall support the application. The site is located on the biodiversity values map.</p>	<p>A Biodiversity Assessment Report (BDAR) and Vegetation Management Plan (VMP) have been prepared by Biodiversity Australia and are provided in full as Appendices D and E.</p> <p>The Development is consistent with the conclusions and recommendations of the BDAR, in that compensatory Koala Food Trees (KFTs) are to be planted to satisfy the South Lindfield KPOM (Refer Appendix K).</p>
<p>15 Preliminary Vegetation Management Plan (VMP) to support the application.</p>	<p>The VMP prepared by Biodiversity Australia is contained in Appendix E. The VMP provides details of the proposed KFTs to be planted within proposed Public Reserve Lot 2 in accordance with the South Lindfield KPOM (refer Appendix K), in terms of their locations, establishment, management and dedication to Council as a Public Reserve.</p>
<p>16 Preliminary engineering/servicing plan.</p>	<p>Provided as part of Appendices C, O & P. Refer to the 'External Works Plan' being Sheet DA 1.8 in Appendix C, Appendix O contains the Stormwater Management Plan and Appendix P contains the Stormwater Management Access and Servicing details as well as engineering details within the proposed carpark and Development site generally.</p>
<p>17 Details of any staging to be clearly outlined.</p>	<p>Staging is discussed in Section 3 of this SoEE, and the Staging Plan is Sheet DA 1.2 within Appendix C.</p>
<p>18 Elevation/perspective plan of view from John Oxley Drive with proposed retaining wall and any fencing for streetscape appearance.</p>	<p>Refer to Architectural Plans provided at Appendix C sheets DA 3.1 - DA 3.4 which provide elevations, sheets DA 4.1 – DA 4.3 which provide external perspectives and sheet DA 4.4 which provides internal perspectives of the proposed Development.</p>
<p>19 Details of proposed waste management and collection arrangements consistent with Council's waste minimisation policy.</p>	<p>Waste management is discussed in Section 3, which demonstrates the Development is consistent with Council's Waste Minimization Policy.</p>
<p>20 Planning agreement in place. Proposal would need to demonstrate consistency.</p>	<p>The South Lindfield Urban Release Area Planning Agreement (VPA) dated 16 January 2019 (refer Appendix Q) is discussed in Section 4.9.1 of this SoEE, which demonstrates the Development is consistent with the relevant provisions of the VPA.</p>
<p>21 The suggested variation from the planned road layout and its location within the adopted DCP 2013 (South Lindfield) and executed planning agreement was noted. If pursued it was suggested that some preliminary discussions with Council's strategic planning and development contribution sections occur.</p> <p>Initial thoughts being that both the DCP and planning agreement would need to be amended before</p>	<p>The proposed extension of Annabella Drive across the Site is consistent with the DCP and VPA for South Lindfield. An alternative road layout is not sought. (Refer Sheet DA 1.2 within Appendix C and the Stormwater Management, Servicing and Access Plan in Appendix P).</p>

	<i>consideration of a development application for an alternative road layout.</i>	
22	<i>Development contributions will apply. An estimate may be obtained from Council's Development Contribution team, contact Council's Contributions Section.</i>	Noted.
Water		
1	<i>Council records indicate that the proposed development site has an existing 20mm metered water service from the water main on the opposite side of John Oxley Drive.</i>	Noted. Water services are addressed in Section 4.9.2 of this SoEE and the Stormwater Management, Servicing and Access Plan in Appendix P .
2	<i>A final water supply reticulation strategy is subject to water supply modelling. The existing 200mm diameter water main in Annabella Drive is to extend across the development site to a new road opposite Holland Close and connect to the 300mm main in John Oxley Drive. A servicing plan is required to show the water main connection to John Oxley Drive. Should an alternative road or water main alignment be proposed then additional modelling will be required.</i>	Noted. The extension of Annabella Drive will include an extension of the 200mm diameter water main for potable water supply.
3	<i>A hydraulic strategy and plans are required from a hydraulic consultant for the whole of the development on the site stage by stage. Water service sizing is then to be determined by the hydraulic consultant to suit the proposed domestic and commercial components of the development, as well as addressing fire service requirements to AS 2419 and backflow protection requirements.</i>	Noted. Refer to Section 4.9.2 of this SoEE.
Sewer		
1	<i>Council records indicate that sewer is currently available to the development site. A detailed Sewer servicing strategy will be required for the site to assess the impact on the local sewer reticulation system. This report will detail the proposed interim and ultimate sewer loads generated from the site. Any required sewer augmentations shall be at no cost to Council.</i>	Sewer is addressed in Section 4.9.2 of this SoEE. Nevertheless, the Development is to be serviced by sewer constructed pursuant to SWC17.2019.400.01. The sewer connection point and proposed internal private sewer extension is as shown on the Stormwater Management, Servicing and Access Plan in Appendix P .
2	<i>The existing Pump Station 54 Sewerage System is approaching capacity. Previous advice to other proposals in the area that was provided in 2018 have indicated that there is approximately 135 ET remaining. Since this advice was provided, two DA's have been approved with a total of 31 ET being proposed. Please note that Council does not reserve capacity for developments and the capacity may vary in the future subject to development occurring in the area. A sewer servicing strategy will be required to show the proposed development's loading.</i>	DA 2019/400, DA 2019/401 and DA 2021/454 development consents provided for a total of 80 residential lots. The proposed Development generates 12 ETs, with capacity for 43 ETs remaining available.
3	<i>A sewer main extension across the proposed development site will be required to provide for future extension of the sewer network.</i>	Land to the west of the Site has been developed pursuant to the DA 2021/454 using the sewer connection provided in SWC 17.2019.400.01. No further sewer extension across the Site to for future extension of the sewer network is required.

4	<i>In accordance with PMHC's Design Specification D12.05, the depth of the sewer shall be sufficient to allow 100 per cent of available building area of each lot to be serviced in accordance with AS 3500.</i>	Noted.
5	<i>Footings and/or concrete slabs of buildings adjacent to sewer lines are to be designed so that no loads are imposed on the infrastructure.</i>	Noted.
6	<i>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.</i>	Noted.
7	<i>Due to the scale of the development and the increased load on sewer infrastructure, it may be necessary to discharge all sewage to a new manhole.</i>	Noted. The Development will discharge to a proposed manhole in the northeast corner of the Site. Details are shown on the Stormwater Management, Servicing and Access Plan in Appendix P .
Stormwater		
1	<i>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.</i>	<p>A Stormwater Management Plan has been prepared by King and Campbell Pty Ltd and is provided at Appendix O. Stormwater drainage is also discussed in Section 4.9.2 of this SoEE.</p> <p>The impact of the proposed development on stormwater quantity and stormwater quality for the catchment has been modelled in the 12d and MUSIC programs respectively, comparing existing pre-development conditions to proposed post-development conditions, and the change to water quality from source to outlet. The modelling has clearly demonstrated that the subject land has the capability to provide the necessary mitigation measures to ensure protection of the downstream environment and hydrology.</p>
2	<p><i>The legal point of discharge for the proposed development is defined as discharge to John Oxley Drive roadside open drain. Access to Councils stormwater infrastructure mapping can be accessed online via https://maps.pmhc.nsw.gov.au/MapsPMHC/</i></p> <p><i>In addition, the stormwater management plan submitted with the development application must address the following specific issues at a minimum:</i></p> <ul style="list-style-type: none"> <i>On-site stormwater detention facilities (or similar) must be incorporated into the design 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.</i> 	<p>Noted - refer Appendix O</p> <p>Noted. The SMP addresses the relevant provisions of AUSPEC D5 and D7 in relation to the stormwater quantity and stormwater quality.</p>

<ul style="list-style-type: none"> • Water quality provisions meeting AUSPEC D7 is required. • 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. 	<p>Noted. refer Appendix O</p> <p>Noted refer Appendix O</p>
<p>3 Where it is proposed to use a rainwater tank in conjunction with or in lieu of an on-site 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.</p>	<p>Noted. refer Appendix O</p>
Engineering	
<p>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).</p>	<p>Noted.</p>
<p>2 New roads to be dedicated to Council will need to meet the provisions of AUS-SPEC Table D1.5 based on the potential lot yield (including future subdivision potential). As such, it may be beneficial to increase the proposed lot yield to minimise future infill subdivision proposals.</p>	<p>The application seeks approval for a <i>place of public worship</i> and does not involve subdivision for residential purposes. Therefore, an increase in lot yield to minimise future infill subdivision is not relevant to the Development.</p> <p>The proposed extension of Annabella Drive to be dedicated to Council complies with AUS-SPEC Table D1.5.</p>
<p>3 Provide splays at the corners of the development lot, to be dedicated as public road to allow space for future services, kerb, footpath and other works.</p>	<p>The Plans provided at Appendix C demonstrate the location of the proposed extension of Annabella Drive.</p> <p>The Plans also demonstrate details of splay corners, road and road reserve width sufficient to provide space for future services, concrete footpath and other works.</p> <p>Detailed engineering plans are to be provided to Council in respect of the Annabella Drive extension prior to the issue of a Construction Certificate.</p>
<p>4 A Traffic Impact Assessment (TIA) will be required.</p> <ul style="list-style-type: none"> • TIA is to be prepared by a qualified and/or experienced traffic consultant. • TIA is to be prepared in accordance with guidelines contained in the Roads and Maritime Services Guide to Traffic Generating Developments (2002), and AUSTROADS Guide to Traffic Management, Part 12: Traffic Impacts of Development. 	<p>A TIA has been prepared by SCT Consulting and is provided in full at Appendix G. Car parking and traffic generation is addressed in Section 4 of this SoEE.</p> <p>The TIA has been prepared in accordance with the guidelines of the RMS Guide to Traffic Generating development and AUSTROADS Guide to Traffic Management.</p>

<ul style="list-style-type: none"> • 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. • 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). • The likely 85th percentile (time-weighted) parking demand is to be quantified. • Comment on the likely traffic and parking demand ten years after the development 	<p>Attendance figures from The Point Community Church's existing services at Westport High School were obtained for the purposes of the TIA, which addresses vehicle parking, vehicle trips, demand on current infrastructure and likely demand scenarios ten year after the development.</p>
<p>5 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).</p>	<p>Noted. The proposed car park is compliant with AS 2890 with respect to car space internal isles, disabled spaces and turning movements for garbage trucks.</p>
<p>6 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.</p>	<p>Noted. Construction details to be provided prior to issue of the Construction Certificate.</p>
<p>7 A concrete footpath will be required along the public road for the full frontage of the development site. Details shall match Council's standard drawing ASD 100 series.</p>	<p>A concrete footpath is to be provided for the length of the Annabella Drive extension. A footpath is also to be provided on the constructed part of Annabella Drive from the intersection with Lewin Circuit to the pedestrian entrance to the Development on the Western boundary. A pedestrian footpath is not considered necessary on the northern boundary adjacent John Oxley Drive as there is no connecting pedestrian pathway to the east of the Site, and the topography and environment is not conducive to pedestrian movement.</p>
<p>Natural Resource Management</p>	
<p>1 The principles of Ecologically Sustainable Development shall be demonstrated in the planning and assessment of the proposal. It must demonstrate and be consistent with the objects of the Environmental Planning and Assessment Act 1979 Section 1.3 (b) and should also address Section 1.3(e) - to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitat.</p>	<p>A Biodiversity Assessment Report (BDAR) and Vegetation Management Plan (VMP) have been prepared by Biodiversity Australia and are provided in full as Appendices D and E.</p> <p>The BDAR and VMP demonstrate the Development is consistent with the South Lindfield KPoM and therefore compliant with Chapter 4 of the <i>SEPP (Biodiversity and Conservation) 2021</i>.</p> <p>The VMP provides for the establishment of replacement KFTs, the management of the KFTs and handover of the proposed Public Reserve Lot to containing the KFTs to Council in accordance with the South Lindfield KPoM (refer Appendix K).</p>
<p>2 The proponent must adhere to and demonstrate the principles of avoid, minimise and then offset any impacts to biodiversity from the proposal. To do so, the design must aim to avoid impact on areas identified on the Biodiversity Values Map, Threatened Ecological Communities, Threatened</p>	<p>Noted.</p>

	<i>species and areas identified under the Coastal Management SEPP such as coastal wetlands or littoral rainforest and their proximity areas.</i>	
3	<i>Proponent is advised that the Critically Endangered species Native Guava (Rhodomyrtus psidioides) has been identified on adjacent land and it is possibly also located within the proposed development site. This species is listed as a Serious and Irreversible Impact Species. Potential impact to this species will require detailed assessment.</i>	Noted. The BDAR confirms there is no native guava within the footprint of the Development within proposed Development Lot 1.
4	<p><i>Proposed development and retention of trees on residential allotments - An arborist report prepared by an AQF Level 5 qualification in arboriculture is required to ensure the proposed building envelopes and services are not within the hazard zone of any trees proposed to be retained. This is to avoid any impacts on trees proposed to be retained within proximity to buildings.</i></p> <p><i>Tree protection zone to be established. Australian Standard Tree Protection Plan / Fencing in accordance with AS 4970-2009 Protection of trees on development sites</i></p> <p><i>Tree hazard zone to be established</i></p> <p><i>Building envelope to be outside tree protection and tree hazard zones</i></p>	Noted. There are no residential lots being created with the proposed Development.
5	<p><i>If the removal of vegetation is required, the following must be undertaken:</i></p> <ul style="list-style-type: none"> <i>A detailed list of the type and extent of all vegetation: Species (common name and botanical name), DBH and height to be removed and retained (including but not limited to all vegetation proposed for removal to establish easements, asset protection zones, development footprint, driveways, services and any future clearing for 10/50 rules.</i> <i>A site plan and current aerial photo (at a scale of 1:200 or better) that clearly illustrates the location of any proposed vegetation removal.</i> <i>Consideration of the appropriate approval pathways will determine the type of Ecological Assessment required including:</i> <ul style="list-style-type: none"> <i>Triggering entry into the Biodiversity Offset Scheme, which may require a Biodiversity Assessment Report (BDAR) under the Biodiversity Conservation Act 2016. Considerations of thresholds, Biodiversity values map and area cleared must be addressed.</i> 	<p>Noted. Details provided in the BDAR and VMP, which demonstrate the Development is consistent with the requirements of the South Lindfield KPOM, which requires existing koala food trees within the R1 zoned land to be removed to enable development and a replacement replanting ratio of 2 to 1 within the land zoned C2. (Refer Figure 6, P.23 Appendix K)</p> <p>The BDAR also assesses biodiversity credits generated by the proposed Development and concludes the proposed Development will require the retirement of 2 credits.</p>
6	<i>PMHC Council DCP requirements to be adhered to:</i>	
a)	<i>Setback from streams. A minimum, fully vegetated buffer from the top of bank to both sides of a</i>	Noted.

<p>watercourse is to be provided in accordance with the following:</p> <ul style="list-style-type: none"> • 10m for 1st order streams that flow intermittently. • 30m for 1st order streams that flow permanently. • 40m for 2nd order streams. • 50m for 3rd order streams. • 65m for 4th order streams. <p>Fully vegetated buffers cannot contain road infrastructure or an asset protection zone. Please note: Stormwater management facilities may be considered within buffer areas only where the applicant can demonstrate the proposal is justified on the basis of practical engineering related site constraints and where it is adequately demonstrated that the applicable objectives are achieved.</p> <p>b) KFT Offsets. Where a tree listed in Table 1 of the DCP is proposed for removal it must be compensated with 2 x koala habitat trees. Significant large-scale development will require an advanced size koala food tree or habitat tree (primary Koala browse species) that meets AS2303:2015. Tree Stock for Landscape Use. The compensation tree is to be planted in a suitable location as determined by the Director of Development an Environment or their delegate.</p>	<p>Noted. Offset planting at a rate of 2:1 for KFTs removed is proposed within the southern environmental lands in the locations shown in the South Lindfield KPOM applicable to the Site. (Refer Figure 6, P.23 Appendix K)</p>
<p>7 When the PMHC DCP triggers an offset (does not include offsets triggered by other policies or legislative obligations), the following requirements need to be considered:</p> <ul style="list-style-type: none"> • PMHC Vegetation Management Plan template to be followed • Consideration of planting location in relation to ongoing maintenance of easements and APZ requirements. • Please Note: Any proposed offsetting and management actions under the South Lindfield KPOM Stage 3: Koala Plan of Management is in addition to the requirements of the Biodiversity Offset Scheme. 	<p>Noted. The VMP (refer to Appendix E) complies with the PMHC VMP Template. Noted Plantings are within the EML contained within proposed Public Reserve Lot 2 in accordance with the locations nominated in the South Lindfield KPOM. (Refer Figure 6, P.23 Appendix K)</p> <p>Noted.</p>
<p>8 Suitably Qualified and Experienced Person to prepare ecological assessments.</p>	<p>Noted.</p>
<p>9 A project requiring a Biodiversity Development Assessment Report (BDAR) must be prepared utilizing the Biodiversity Assessment Method (BAM) and be certified by an 'Accredited Person' as defined under Section 6.10 of the Biodiversity Conservation Act (2016).</p>	<p>Noted. The BDAR complies with this requirement.</p>
<p>Flood</p>	
<p>1 The development must comply with the provisions of the Flood Policy (2018). Prescriptive controls that must be addressed include:</p> <ul style="list-style-type: none"> • Floor Levels 	<p>The Site is not flood affected. Correspondence by email with Council on 13 April 2023 confirms that items 1 to 6 regarding flooding were included within these minutes in error, refer to Appendix L and that no detailed Flood</p>

<ul style="list-style-type: none"> • Flood Proofing • Flood Impact on Other Properties • Site Access and Flood Evacuation Requirements 	<p>impact assessment or flood risk assessment is required with this development application.</p>
<p>2 The development must be supported by a Flood Risk Assessment (FRA) and must demonstrate that suitable advanced evacuation warning time is available by addressing the Site Access and Flood Evacuation Requirements of the Flood Policy.</p>	
<p>3 The development must be supported by a Flood Impact Assessment (FIA) and must demonstrate that the impacts of the development meet the requirements of the Flood Impact on Other Properties' section of the Flood Policy.</p>	
<p>4 Flood Impact Assessments and Flood Risk Assessments (and any other Flood studies or reports as required by Council) are to be prepared by a suitably qualified hydrologic/hydraulic engineer with a demonstrated experience in Flood assessment and management of land Development proposals.</p>	
<p>5 The development must meet the following Flood Planning Levels (FPL's):</p> <ul style="list-style-type: none"> • FPL1 - 1:20 Year Flood Level (no allowance for Climate Change No Freeboard) = xxx mAHd • FPL2 - 1:100 Year Flood Level + Climate Change (No Freeboard) = xxx m AHD • FPL3 - 1:100 Year Flood Level + Climate Change + 500mm Freeboard = xxx mAHd • FPL4 – Probable Maximum Flood (PMF) = xxx m AHD 	
<p>6 Flood Planning Levels that apply to developments are specified in Table 5 of the Flood Policy.</p>	
<p>7 Development within the proximity area to Coastal Wetlands has the potential to impact the adjacent vegetation. This may occur as a result of fill, affecting groundwater and triggering modification to the hydrological regime. Such alteration has the potential for long-term impacts on adjacent wetland ecosystems. As such, development within the proximity area to Coastal Wetlands requires;</p> <ul style="list-style-type: none"> • Detailed hydrological assessment (specialists in groundwater and ecology and • Addressing State Environmental Planning Policy (Coastal Management) 2018 (Part 2, Division 1, Clause 11) to demonstrate 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 wetlands or littoral rainforest. 	<p>The Site, as discussed under Section 4.5.3 is not mapped as being with a Coastal Wetland or in the Proximity Area for Coastal Wetlands. Therefore, a hydrological assessment is not considered necessary in respect to this application.</p>

Other	
1	<i>Please make reference to these pre-lodgement comments within the DA submission/planning report.</i>
This Table addresses the matters raised as part of the SoEE.	
2	<i>Any comments in this Pre-Lodgement advice are based on the information provided. The comments do not predicate the outcome of a full assessment of any forthcoming development application regarding this proposal. Any subsequent change to legislation may also affect the accuracy of this advice.</i>
Noted.	

Section 3

The Proposed Development

3.1 The Proposed Development

This application seeks development consent, under Part 4 of the *Environmental Planning & Assessment Act 1979* (EPA Act), for the construction of a *place of public worship* for The Point Community Church.

The Development is made up of two (2) buildings connected by a covered atrium and are described as follows:

1. Main Church (western) Building:
 - 500 seat church, with a 117m² stage, back of house storage, green room, building services and plant rooms.
 - 200m² foyer, providing access to the main auditorium, parents room, cafeteria and amenities.
 - 2nd floor above the Foyer, break out space, office and administration space, and 5 meeting rooms.
2. Church Hall and Multi-purpose (eastern) Building:
 - Hall of 257m².
 - seven (7) multi-purpose rooms,
 - commercial grade kitchen for catering, and
 - amenities.
3. A 106-space car park to south of the Main Church and Church Hall buildings.
4. Extension of Annabella Drive

The Development will also construct and dedicate to Council the Annabella Drive road connection to the south of the proposed car park. Further, the Development is required to establish and manage EML land in accordance with the South Lindfield VPA, which is discussed in the body of this report. The EML land is contained within proposed Public Reserve Lot 2 as shown on sheet DA 1.3 **Appendix C**.

The extent of the Development is shown in the Site Plan in **Figure 11**.

5. 2 lot subdivision to create the Development Land Lot 1 and the Public Reserve Lot 2 containing the Environmental Management Land (EML). (Refer Sheet DA 1.3 **Appendix C**)
6. Planting of replacement Koala Food Trees and other works as outlined in the Vegetation Management Plan (refer **Appendix E**) within the proposed Public Reserve Lot 2 in accordance with South Lindfield Koala Plan of Management (South Lindfield KPOM) (refer **Appendix K**).



Figure 11 - Overall Site Plan showing (from right to left) the proposed Church, car park, Annabella Drive extension and EML.

The proposed *place of public worship* is detailed in the plans enclosed as **Appendix C** with extracts of Site Plan and 3D Perspectives provided in Section 3.8.

3.2 External and Landscaping Works

The application also seeks consent for extensive external and landscaping works including as provided in the Architectural Plans at **Sheet DA 1.5 Appendix C**.

3.3 Hours of Operation

The Point Community Church which currently operates at Westport High School, proposes to operate in the new facility as follows:

- Services
 - Sunday 9:30am to 11am, and at 5pm to 6:30pm
 - Friday Kids 4pm to 6pm
 - Friday Youth 7pm to 9pm
- Events (Weddings)
 - Saturday weddings - 1 to 2 services per month (6 to 10 events per year)
- Group Activities – weekly church activities
 - Monday to Friday various small groups (Bible Studies, play group, community groups). 10 to 40 people per group. 9:30am to 12pm & 7:30pm to 9:30pm

3.4 Staff

The Church currently maintains the following staff numbers:

- 4 Full Time
- 6 Part Time
- 10 Volunteer

These staff will move from current offices at Pacific Plaza to the subject Development Site once it is ready for occupation.

3.5 Access & Parking

The proposed Development includes a 106 space car park located between the Church/Church Hall buildings and the Annabella Drive road extension. The car park will have entries and exits to Annabella Drive (west) midway between the Lewin Circuit T-intersections, and to the new extension (south) to be constructed as part of the Development. There is a proposed drop off area directly in front of the foyer and a covered atrium between the main church building, the church hall and the multi-purpose rooms. The car park and accessways are shown in **Figure 12**.

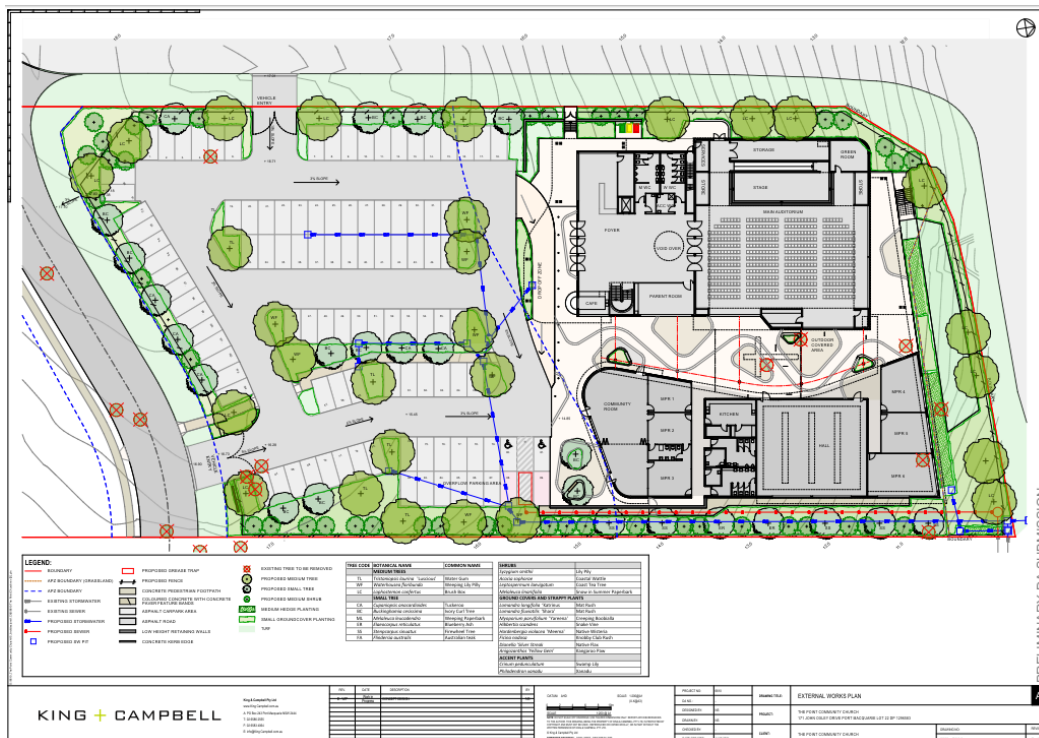


Figure 12 - Extract of external works plan showing car park layout and access from car park to the buildings

3.6 Staging

Construction of the Development is proposed to be staged. A Staging Plan (**Sheet DA 1.2**) forms part the Architectural Plans provided as **Appendix C**, with an extract provided in **Figure 13**.

The staging involves:

- Stage 1 – Construction of main church auditorium, foyer and administration offices and the carpark.
- Stage 2 – Construction of the church hall, multipurpose rooms and kitchen and amenities
- Stage 3 – construction of atrium between the buildings in Stages 1 and 2.



Figure 13 - Extract of Staging Plan

3.7 Waste Management

The facility is proposed to be serviced by J.R. Richards & Sons. For the most part the Development will be serviced by standard residential sized wheelie bins during weekly collections, however for larger events, 600 litre bins will be kept on Site and emptied via a private contract between the church and J.R. Richards.

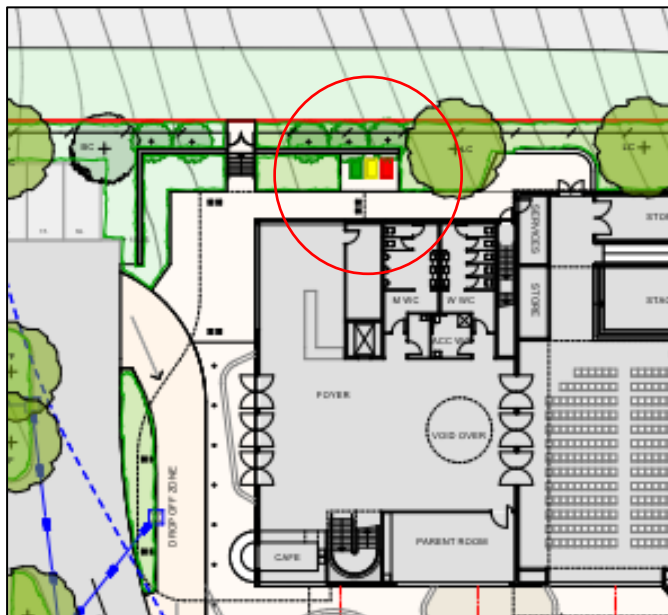


Figure 14 - Proposed Bin Storage location in red circle

Architectural elevation drawing of a building facade. The drawing includes the following annotations:

- 15' 0" MAX. BUILDING HEIGHT LINE
- FEATURE LOSS
- POSTPOSED AVENUE COVER
- FEATURE FINE BRICKWORK PACKED
- BRICKWORK TO COMPLY WITH SIDE WALL OF THE 15' 0" MAX. HEIGHT
- STONES: HORIZONTAL AND VERTICAL INDICATORS TO DESIGN
- BLICK CONSTRUCTION TO MATCH
- STORAGE
- FEATURE TIEBACKS TO MANUFACTURE DETAILS
- A LANTERN FINISH PACKED: REFLECTED TO THE UNDERPITCHED ROOF
- FEATURE TIEBACKS TO STRONG DETAILS
- REFLECTING WALL TO STRUCTURE AND DESIGN

[illegible]

Architectural elevation drawing of the building facade, showing various materials and details. The drawing includes a sloped roofline, a brick section, and a section with horizontal slats. Callouts on the right side identify:

- FEATURE GLASS (LOWEN KANNE)
- METAL ROOF PARAPET (DETAILS TO THE MANUFACTURING DETAIL)
- ALUMINUM FRAMED WINDOWS (DETAILS TO THE MANUFACTURING DETAIL)
- FEATURE FOLD (MANUFACTURING FOLDER)
- ALTER CONNECTION TO SUBFLOOR

Architectural elevation drawing of the building facade. The drawing shows a modern building with a mix of materials and textures. Key features include:

- LIGHTWEIGHT GLASSING** installed to the STRUCTURAL DETAILS.
- FEATURE WINDOW SHIELD**.
- FEATURE TOWER** PRIOR TO STRUCTURAL STEEL DETAILS.
- FEATURE GLASS** (GLASS) UPWARD.
- FEATURE FACE** (BRICKWORK) FACETS.
- GLASSING FRAMES** WERE RE-INSTALLED TO THE MANUFACTURER'S CODE.

Dimensions are indicated on the right side of the drawing:

- 0.00
- 0.00
- 0.00

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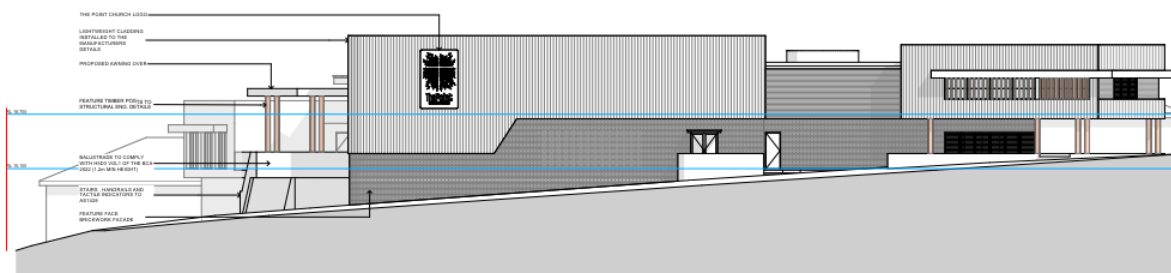


Figure 19 - Western Elevation to Annabella Drive



Figure 20 - Extract of 3d perspective looking toward western and southern elevations of the Development



Figure 21 - Extract of 3D perspective looking toward northwestern corner of the Development



Figure 22 - Extract of 3D perspective looking toward northern elevation of the Development.

Section 4

Key Issues and Legislation

Port Macquarie-Hastings Council is the relevant consent authority for the determination of this development application. In determining the development proposal, the consent authority must take into consideration the following statutory provisions as prescribed under Section 4.15 of the *Environmental Planning & Assessment Act 1979 (EPA Act)*:

4.1 Environmental Planning & Assessment Act, 1979

This application is made under Part 4 'Development Assessment' of the EPA Act and is therefore, required to address those matters outlined under Section 4.15 of the EPA Act. These matters are addressed in **Table 2** below and within the body of this report.

Table 2 - Matters for Consideration under s4.15

MATTERS FOR CONSIDERATION	
Section 4.15	Comments
(a)(i) Any environmental planning instrument	The environmental planning instruments applicable to the Site and the proposed Development are addressed within Section 4 of this SoEE.
(a)(ii) Any proposed planning instrument that is or has been the subject of public consultation under this ACT and that has been notified to the consent authority.	There are no draft or proposed environmental planning instruments known to apply to the Site or the proposed Development at the time of writing this SoEE.
(a)(iii) Any Development Control Plan	The relevant provisions of the <i>Port Macquarie-Hastings Development Control Plan 2013 (DCP)</i> have been addressed within Section 4.7 of this report.
(a)(iii)a) Any planning agreement or draft planning agreement under Section 7.4.	The <i>South Lindfield Urban Release Area Planning Agreement</i> , dated 16 January 2019 applies to the Site and is addressed in Section 4.9.1 of this SoEE.
(a)(iv) Any matters prescribed by the regulations (to the extent that they prescribe matters for the purposes of this paragraph)	There are no matters prescribed by the regulations relevant to the Site or proposed Development.
(a)(v) (Repealed)	N/A
(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality.	<p>This report is considered to demonstrate that the proposed Development is unlikely to have a detrimental impact on the natural or built environments of the South Lindfield locality for the following reasons:</p> <ul style="list-style-type: none"> The BDAR and VMP (refer Appendices D and E) demonstrate the Development meets the requirements of the South Lindfield KPOM (refer Appendix K) and VPA (refer Appendix Q) in terms of providing replacement KFTs and the rehabilitation and management of the EML. The EML will also be dedicated to Council as public reserve in accordance with Clause 23 of the South Lindfield VPA. The Development via the BDAR and VMP demonstrate conformity with the BC Act in terms of concepts of 'avoid', 'minimise' and 'offset'.

	<ul style="list-style-type: none"> • The Development is not likely to create adverse noise impacts upon adjoining residential properties as long as the recommendations of the Acoustic Report by Matrix Thornton (refer Appendix H) are implemented. • The traffic impact of the development is acceptable as demonstrated in the TIA by SCT Consulting (refer Appendix G). • The Development is capable of meeting the PfBP requirements for a place of public worship as demonstrated by the Bushfire Assessment by David Pensini Building Certification and Environmental Services (refer Appendix F). • The Development is of a high-quality design and will not be 'at odds' to the emerging residential character of the locality. • The Development will provide social benefits to the community via the creation of a permanent base for the existing church. Operations of The Point Community Church involve, bible studies, community groups, youth groups/programs/activities, parent support groups, marriage support, amongst others. • The proposed Development will result in the construction and dedication of the missing Annabella Drive connection. <p>Therefore, the Development is likely to make positive contribution to the built and natural environments, as well as provide positive social and economic impacts within the community.</p>
<i>(c) The suitability of the site for the development.</i>	<p>The Site is considered suitable for the proposed <i>place of public worship</i>, as it will not have an adverse impact upon the residential character of the South Lindfield locality. The Development, although having the primary purpose of being a <i>place of public worship</i>, will also provide community meeting places in the area, services catered to children, youth and community participation.</p> <p>The southern section of the Site will be utilised for the construction and dedication of the Annabella Drive extension to Council, and the rehabilitation and dedication of conservation land to Council (C2 zoned land).</p>
<i>(d) Any submissions made in accordance with this Act or the regulations.</i>	Submissions, if received, will be addressed during the assessment of the lodged application.
<i>(e) The public interest</i>	The proposed Development is permissible with consent and is consistent with the zone objectives. The proposal is also like to have positive impacts both socially and economically on the local community and is therefore considered to be in the best interest of the public.

4.2 Environmental Planning & Assessment Regulations, 2021

The subject application is made in accordance with the provisions of Part 3, Division 1 of the Regulations and includes the documents and forms required under Section 24 Content of Development Applications.

With respect to Section 25 Information about Concurrence or Approvals, it is noted that concurrence is required from the following authorities:

- NSW Rural Fire Service, pursuant to the provisions of Section 100B of the *Rural Fires Act 1997*.

In accordance with the above, the application is supported by a Bush Fire Assessment, refer to **Appendix F**.

4.3 Biodiversity Conservation Act, 2016

The southern portion of the Site is mapped as having Biodiversity Values and is identified in the South Lindfield VPA for dedication to Council as public reserve, which is to be managed for conservation purposes, as shown in **Figure 23**. The land mapped as having biodiversity values is contained within proposed Public Reserve Lot 2 (refer **Sheet DA 1.3 Appendix C**)

Section 7.7 of the *Biodiversity Conservation Act 2016* (**BC Act**) provides for the following:

- (1) This section applies to an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979, except—
 - a. an application for development consent for State significant development, or
 - b. an application for a complying development certificate.
- (2) If the proposed development is likely to significantly affect threatened species, the application for development consent is to be accompanied by a biodiversity development assessment report.

The Development Site is currently a vacant large residential lot with managed grass vegetation and remnant trees as shown in **Figure 2** to **Figure 9**. A number of the mature trees on the northern section of the Site are to be removed to enable the Development and are discussed in the BDAR at **Appendix D**. Fourteen (14) of the trees to be removed are Koala Food Trees (**KFT**), as identified and discussed in the South Lindfield Koala Plan of Management (**KPoM**) (Refer Figure 6, p.23 **KPoM – Appendix K**). The KPoM and BDAR are further discussed in Sub-Section 4.5.1 of this SoEE.

The southern section of the of the land, noted in **Figure 23** as having biodiversity values is zoned C2 Environmental Conservation and is to be dedicated as public reserve for conservation purposes upon completion of the Development. The South Lindfield VPA contains provisions requiring the following actions with respect to the proposed public reserve (capitalised terms have same meaning as those in the VPA):

- Approval of a Vegetation Management Plan (**VMP**) for the Environmental Management Land (**EML**) to be submitted with any development application for use of the land for urban purposes. (The required VMP is contained in **Appendix E**)
- Establishment Obligation – to establish the EML in accordance with the approved VMP.
- Establishment Period – following on from the Establishment Obligation.
- Management Period – commences at the end of the Establishment Period and ending three years after the EML has been dedicated to Council, or other such period as agreed between the parties.
- Dedication of EML free of cost to the Council.

The BDAR, as previously mentioned, in summary, concludes:

- The Development Footprint does not contain any EECs, Coastal Wetlands or Serious and Irreversible Impacts. Furthermore, no threatened flora or fauna species were detected within the Development Footprint despite targeted survey by suitably qualified BAM accredited assessors.
- Two (2) vegetation communities (PCTs) were identified in the Development Footprint, and these were separated into four (4) distinct vegetation zones. The total area of native vegetation that will require removal for the development is 0.98 ha which includes 0.27ha of heavily modified native vegetation with vegetation integrity scores between 11.5 and 23 and 0.71ha of derived grassland with vegetation integrity scores between 3.7 and 9.

This impact is proposed to be offset through purchase and retirement of 2 (two) appropriate ecosystem credits (PCT 3553 Northern Sands Bloodwood-Swamp Turpentine Forest) as described in this report (Section 6.2) and implementation of a Vegetation Management Plan (BA 2024) (Refer **Appendix E**).

- An area of the land mapped as having Biodiversity Values associated with important areas for 'Threatened species or communities with potential for serious and irreversible impacts' (containing Native Guava) occurs within southern half of the Subject Land proposed to be dedicated as public reserve. This area has been excluded from the Development Footprint and will not be impacted by the proposed works. Rather, vegetation management¹ will ensure the improvement of the quality of habitat for native species.
- Biodiversity Australia have prepared a Vegetation Management Plan (VMP Section 5.5.2 Appendix E) to mitigate against the impacts identified in this BDAR, and to ensure the appropriate management of be retained vegetation within the Subject Land. T

The VMP describes the locations and objectives of the two Environmental Management Units (EMUs) within the EML. The VMP also contains a native species planting list, aims and objectives, project activities such as weed control, rehabilitation, performance criteria and a project work plan for the implementation and duration of the VMP. In addition, the VMP sets out requirements for monitoring and reporting, as well as compliance with regulations and the long-term maintenance and security of vegetation within the EMUs.

- Biodiversity Australia's VMP forms an integral part of the BDAR mitigation measures designed to avoid and minimise impacts from the development on biodiversity values located within and adjacent to the Subject Land.

Hence via the BDAR and VMP, the Development is considered to be aligned with the provisions of the BC Act, the South Lindfield KPOM, and the South Lindfield VPA in the management and improvement of the EML contained on the southern part of the Site and will therefore not have an adverse impact on threatened species or their habitat.

¹ Via the Vegetation Management Plan (VMP)

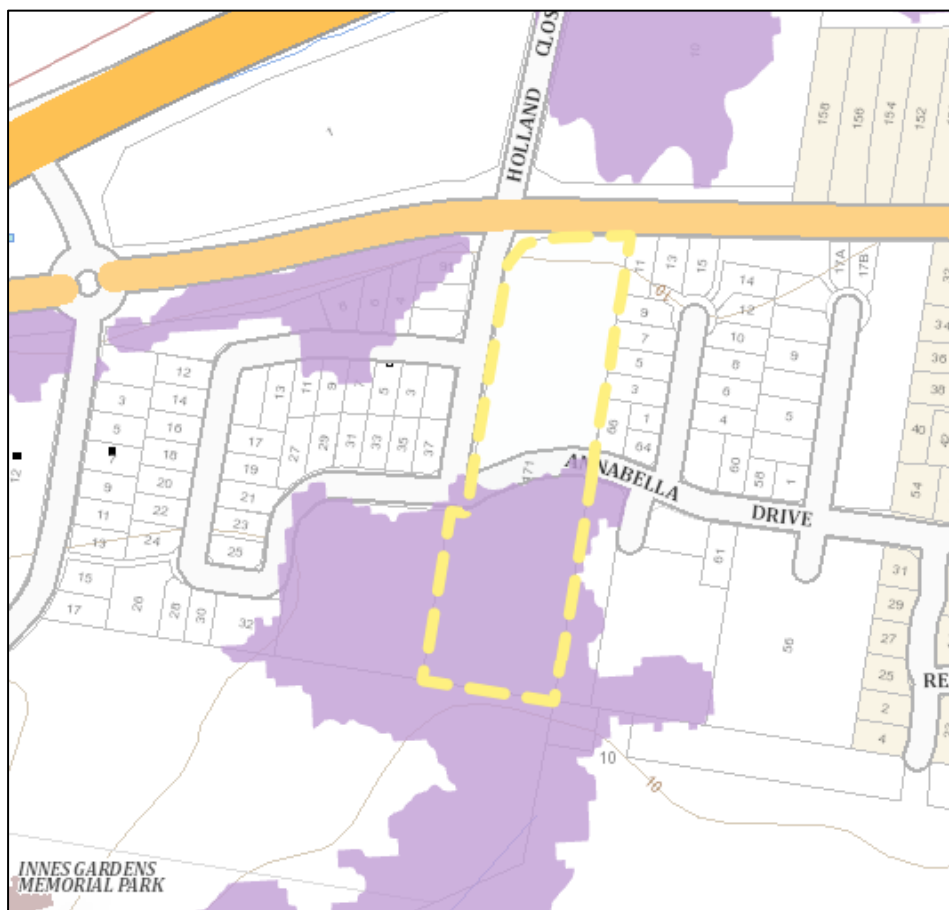


Figure 23 – Excerpt of the biodiversity values mapping showing the subject site edged yellow (ePlanning Spatial Viewer).

4.4 Rural Fires Act, 1997

The subject site is mapped as being within Category 1 and 3 bushfire prone vegetation (refer **Figure 24**).

Although a *place of public worship*, is not listed in under Section 100B of the *Rural Fires Act 1997* (**RF Act**), as a *Special Fire Protection Purpose* (**SFPP**), or under Clause 47 for the *Rural Fires Regulation 2022* (**RF Reg**), Section 8.3.11 of the NSW Rural Fire Services *Planning for Bushfire Protection 2019* (**PfBP**) states:

Buildings used for public assembly with a floor space area of greater than 500m² are required to consider bush fire. These developments will be treated technically as SFPP due to the evacuation challenges presented by large numbers of occupants.

Assembly buildings can accommodate large numbers of persons of various physical capabilities. Emergency management planning for these developments must account for the total number of occupants and be commensurate with the level of risk. These developments must not experience radiant heat levels of greater than 10kW/m² on any part of the building. Assembly buildings include places of public worship.

An assessment of the proposal with respect to the provisions of the *Rural Fires Act 1997* and *Planning for Bushfire Protection 2019* has been undertaken by David Pensini, Building Certification and Environmental Services and is included in full as **Appendix F**.

The assessment notes that the highest Bushfire Attack Level to the proposed buildings was determined from Table A1.12.6 of *Planning for Bushfire Protection 2019* (PBP) to be 'BAL 12.5', with Asset Protection Zones

(APZs) of 40m to the north and 79m to the south.

The proposed 106 space car park to service the Development provides the required APZ to the south of the buildings from the EML in the C2 Environmental Conservation zone. John Oxley Drive provides adequate APZ to the north of the development.



Figure 24 – Excerpt of the bushfire prone land mapping showing the subject site, edged yellow (ePlanning Spatial Viewer).

4.5 State Environmental Planning Policies

The following SEPP's apply to the subject site and proposed development:

4.5.1 SEPP (Biodiversity and Conservation) 2021

Chapter 4 – Koala Habitat Protection 2021

This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

This Chapter applies to residentially zoned land within the Port Macquarie-Hastings local government area.

The Site is mapped as being located within a Koala Habitat area on the PM-H LEP Koala Habitat Map (Sheet KHA_013D), as reproduced in **Figure 25**.



Figure 25 - Copy of Koala Habitat Map from PMH LEP - Sheet KHA_013D (Source: https://eplanningdprod.blob.core.windows.net/pdfmaps/6380_COM_KHA_013D_020_20190924.pdf)

Accordingly, the *South Lindfield Koala Plan of Management (Nov 2018) (KPoM)* applies to the Site. Section 4.8 of the Policy (SEPP) requires any development of the land to be consistent with the KPoM.

South Lindfield KPoM (refer Appendix K)

The KPoM applies to land as shown in **Figure 26**. The KPoM came into effect in 2018, as part of the South Lindfield Planning Proposal that rezoned land in the locality for various urban purposes, including general industrial, general residential and conservation as shown in **Figure 27**.

The objectives of the KPoM are:

1. To maintain the viability of the current Koala population which occurs in the local area via:
 - Retaining the majority of the existing mature Koala food trees, and current activity areas.
 - Increasing the net extent of primary browse species in the study area to increase its carrying capacity and potentially allow population expansion;
 - Maintaining and enhancing linkages with other habitat known to be required by the local Koala population; and,
 - Effectively mitigate threats to the viability of Koalas induced by the proposal.
2. To effectively minimise the proposal's contributions to other threats facing the Koala.

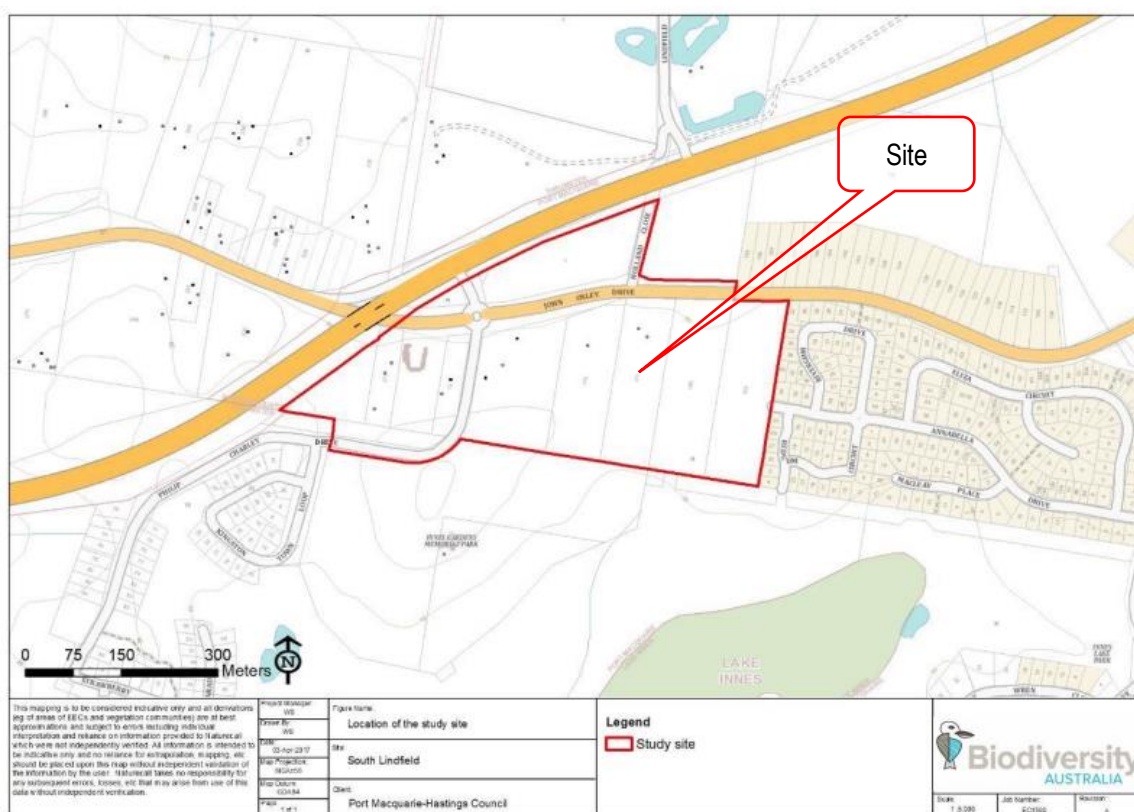


Figure 26 - South Lindfield KPoM Extent (Figure 1 from KPoM)

To achieve the objectives, the KPoM, amongst other things, requires the removal of some Koala Food Trees (**KFT**) in the locality, with offset replacement planting. The trees required for removal within the residentially zoned land are identified with red dots in **Figure 28**. Approximately 14 of these trees are identified on the Site. The offset ratio of replacement planting is to be at the rate of 1:2, hence two (2) KFTs are to be planted and established for every KFT removed. Proposed replacement planting of KFTs are identified as blue dots in **Figure 28**.

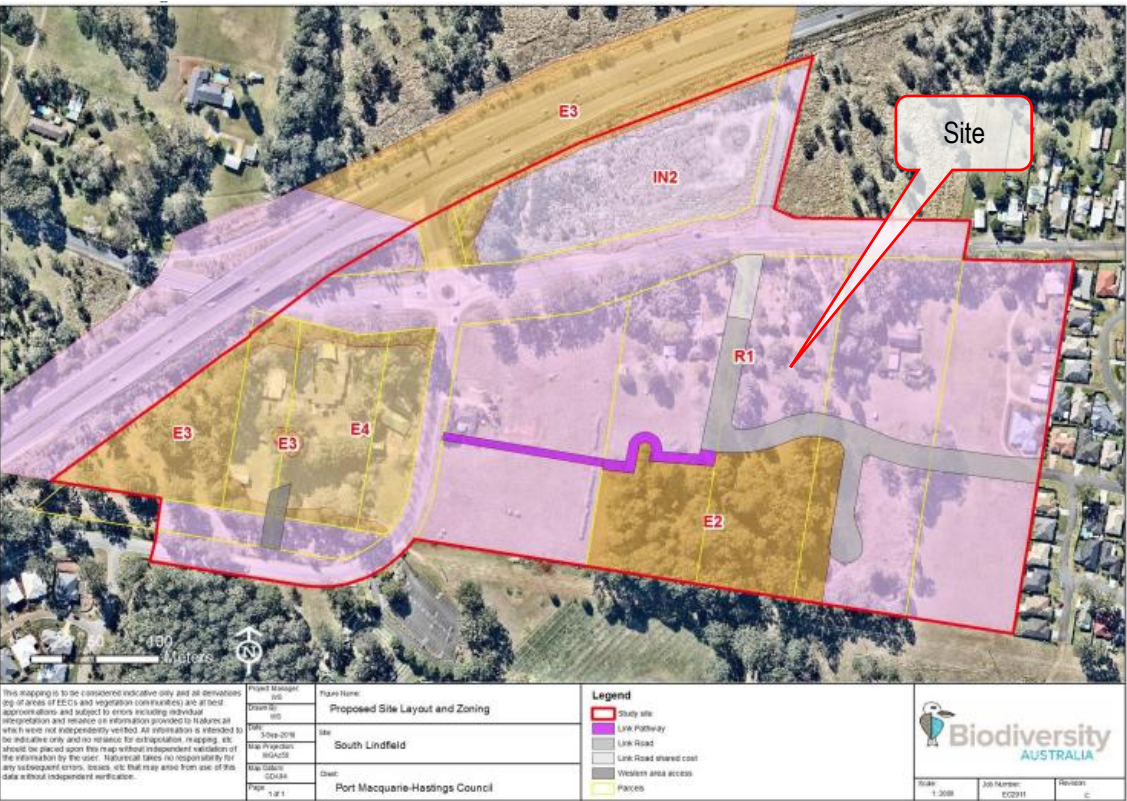


Figure 27 - South Lindfield Planning Proposal - proposed zones (at the time) (Extract of Figure 2 from KPoM)

Note: IN2 zone is now E4 General Industrial; E2 is now C2 Environmental Conservation; E3 is now C3 Environmental Management, E4 is now C4 Environmental Living. R1 remains General Residential zone.

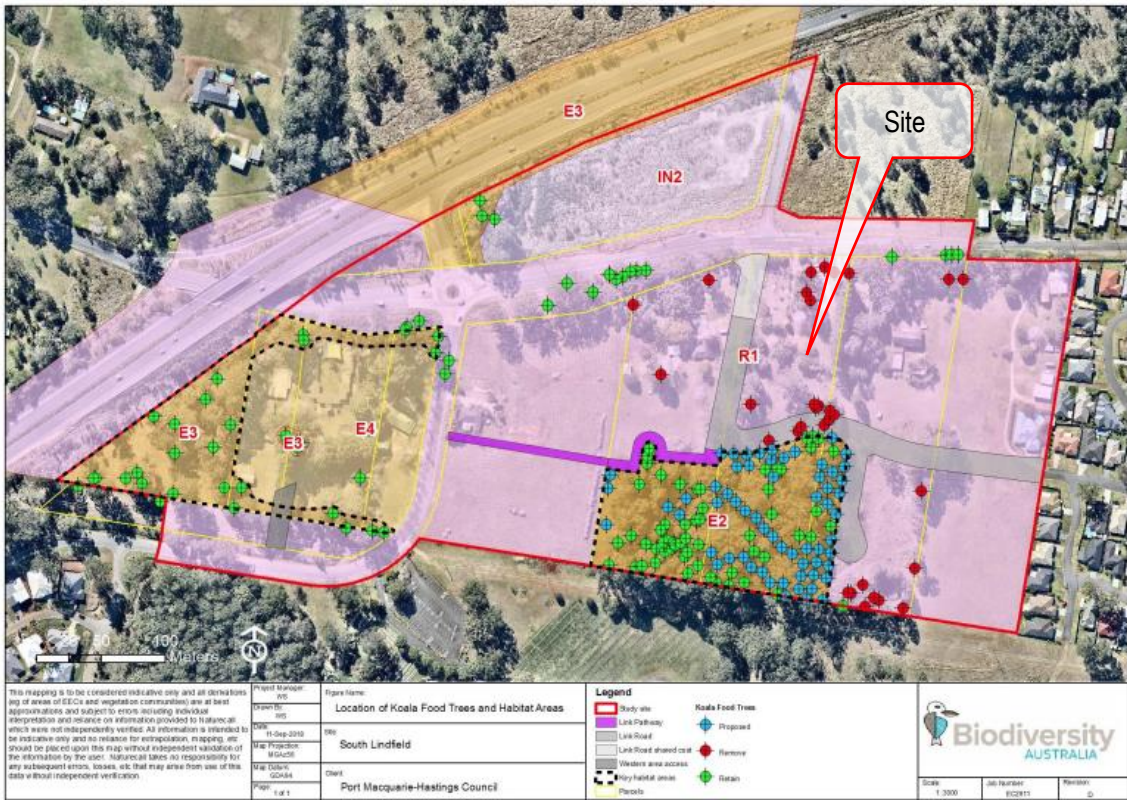


Figure 28 - Extract of Figure 6 from South Lindfield KPoM - Koala Food Trees within the Precinct

As well as offset planting, the C2 Environmental Conservation zone (refer to **Figure 10**) on the southern part of the Site, depicted as 'E2' in **Figure 28**, is to become a managed habitat protection public reserve in accordance with the KPOM and the South Lindfield VPA (addressed separately in Section 4.9.1 of this SoEE).

To establish the managed habitat protection public reserve, a VMP has been developed by Biodiversity Australia and is provided as **Appendix E**. The VMP has been developed in accordance with Appendix 1 and 2 of the KPOM to achieve the following (p. 37 of KPOM):

- *Retention of the overwhelming majority of Koala habitat with secure tenures in the long term.*
- *Compensatory plantings of removed Schedule 2 Primary Browse Species result in a net increase of Potential Koala habitat and provide a higher carrying capacity to allow expansion of local aggregate.*
- *Enhancement of local linkages via strategic location of offset plantings.*
- *Mitigation of potential and existing threats via effective measures with compliance mechanisms to ensure mortality rates are not elevated to the point of resulting in population collapse or creation of a sink.*

Therefore, the proposed Development, taking into account the VMP and more broadly the BDAR, is consistent with the South Lindfield KPOM.

4.5.2 SEPP (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Division 5 Electricity transmission or distribution networks

Section 2.48 of this Policy requires referral to the electrical supply authority where development is carried out:

- i. Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
- ii. Immediately adjacent to an electricity substation, or
- iii. within 5m of an exposed overhead power line.

There are no exposed overhead power lines within the road reserve directly adjacent to the Site. The nearest overhead powerlines are on the northern side of John Oxley Drive, which is a distance of approximately 25 metres. However, there is a distribution pole in the road reserve near the north eastern corner of the Site, which is more than 5m from the proposed development.

Division 17 Roads and traffic

Section 2.119 of this Policy sets out the objectives for development with frontage to a classified road with the aim of ensuring that new development does not compromise the effective and ongoing operation of the classified road. In this instance, neither Annabella Drive or John Oxley Drive are classified roads and therefore referral to the RMS is not required.

Section 2.122 of this Policy sets out consideration for development that is considered to be Traffic Generating Development. The Proposed Development does not meet the criteria under Schedule 3 of this Policy to be considered Traffic Generating Development.

4.5.3 SEPP (Resilience and Hazards) 2021

Chapter 2 - Coastal Management

The site is not mapped as being within an area occupied by Coastal Wetlands or Littoral Rainforest, neither is the Site mapped as a Coastal Use Area, Coastal Environment Area or Coastal Vulnerability Area.

As such no further assessment under this part of the Policy is considered necessary.

Chapter 4 – Remediation of Land

An inspection of the subject land did not reveal any reason to suspect the land may be contaminated. Further, the fact that the site is not known, or recorded, to have been utilised for any purpose likely to be considered as potentially contaminating, suggests that the Site is suitable for the proposed purpose and does not require any remediation works.

4.5.4 SEPP (Sustainable Buildings) 2022

The aims of this Policy, amongst others, are to encourage the design and delivery of sustainable buildings, ensure consistent assessment of the sustainability of buildings, reduce greenhouse gas emissions, minimise the consumption of mains-supplied potable water and to ensure good thermal performance of buildings. Chapter 3 of this Policy sets out the standards required for non-residential development. Section 3.1(1)(a) under this Chapter states that the Policy applies to non-residential development that involves the erection of a new building that has an estimated development cost (**EDC**) of \$5 million or more.

The EDC of the Development is considered to be \$21,512,129 as provided in the Cost Estimate Report by Mitchell Brandtman, in accordance with Section 6 of the EPA Regulation (**Appendix M**).

As the Development Exceeds the \$5 million threshold, the following is to be considered under Section 3.2:

3.2 Development consent for non-residential development

- (1) *In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—*
 - (a) *the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
 - (b) *a reduction in peak demand for electricity, including through the use of energy efficient technology,*
 - (c) *a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
 - (d) *the generation and storage of renewable energy,*
 - (e) *the metering and monitoring of energy consumption,*
 - (f) *the minimisation of the consumption of potable water.*
- (2) *Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

In respect of 3.2(1) (a) to (f):

- No demolition is required as the site is currently managed grass with remanent trees, thus, there is no opportunity for re-use of building materials, unless otherwise sourced elsewhere. It is considered too premature in the development process to source building materials, new, recycled or otherwise.
- The Development will be capable of utilising solar power and proposes significant roof area with a

northerly aspect.

- The Development provides significant glass frontages to take advantage of the Site's northerly aspect. The glass frontage will also entail large doors to allow natural ventilation when appropriate. The development also incorporates an open atrium between the main church auditorium and the Church Hall buildings, that will allow solar access and cross ventilation between the buildings.
- The potential for solar power generation from the Development will also enable the potential for storage via battery systems.
- The large roof area will also enable the Development to capture rainwater for use in flushing toilets, watering of gardens and other non-potable water uses. The Site also has access to Council recycled water reticulation scheme.

Metering and monitoring is also capable of being installed for solar/power storage systems, as well as recycled water usage. Nevertheless, it is considered premature at this juncture in the development process to detail specifications.

In respect of 3.2(2), the embodied emissions have been quantified by Mitchell Brandtman, and is provided in the required Embodied Emissions Material Form as part of **Appendix N**.

Therefore, no further assessment under this Policy is considered necessary.

4.5.5 SEPP (Industry and Employment) 2021

The locations and size of proposed Business Identification Signs are detailed on Sheets DA 1.5, DA 1.11, DA 3.1, DA 3.4, DA 4.2 and DA 4.11 of the architectural drawing set in **Appendix C**. The proposed signs are for identification of the 'The Point Community Church' and to provide information about the Church's services and other activities.

The proposed Business Identification Signs are to be illuminated and fitted with a time switch to dim by 50% or turn off the light by 11pm each night.

The proposed signs are consistent with the aims and objectives of *Chapter 3 - Advertising and signage* and *Schedule 5 Assessment Criteria* of the SEPP (Industry and Employment) 2021 as follows:

- The proposed signage is compatible with the desired future character of the area. The proposed Place of Public worship is located on the corner of John Oxley Drive (being a local arterial road) and Annabella Drive (being a collector road).
- The location of the signs with respect to any nearby environmentally sensitive areas. The southern half of the subject property has been identified for environmental conservation and the location of the proposed signs is separate to and therefore does not impact on that future public reserve.
- The scale of the proposed signage is compatible with the scale of the proposed Place of Public worship to be developed on the subject property.
- The proposed business identification signs will contain the logo of the Point Community Church and details of church services and other activities of the church.
- The signs are proposed to be illuminated in a manner that does not result in unacceptable glare or affect safety for pedestrians, vehicles or aircraft. The proposed business identification signs are to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night.

The signs will not promote any other product or entity and will therefore not be used as 'Advertising Signs'. Therefore the proposed business identification signs are considered compliant with this Policy.

4.5.6 SEPP (Planning Systems) 2021

This Policy sets out the criteria for development that is to be considered State Significant Development (**SSD**) or Regionally Significant Development (**RSD**). The proposed development does not meet the criteria to be identified as SSD, however it does meet the criteria to be identified as RSD under Section 5(b) of Schedule 6 of the Policy as follows:

5 Private infrastructure and community facilities over \$5 million

Development that has an estimated development cost of more than \$5 million for any of the following purposes—

- (a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*
- (b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.*

As the Development has an EDC of greater than \$5 million, and is a *place of public worship*, it is considered to be RSD. Therefore, the consent authority for the Development will be the Northern Regional Planning Panel.

4.6 Port Macquarie-Hastings Local Environmental Plan 2011

The Site is zoned part R1 General Residential and part C2 Environmental Conservation under PM-H_LEP. A *place of public worship* is permitted within the R1 General Residential zone. Nevertheless, the R1 General Residential zone has the following objectives:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The Development is considered consistent with the R1 zone objectives, as it is wholly contained within the R1 zone, and will provide facilities and services to meet the day-to-day needs of residents through the provision of a place for public worship, meeting rooms, church hall and church services for children, youth and adults.

The C2 Environmental Conservation zone has the following objectives:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could, destroy, damage or otherwise have an adverse effect on those values.
- To protect coastal wetlands and littoral rainforests.
- To protect land affected by coastal processes and environmentally sensitive land.
- To prevent development that adversely affects, or would be adversely affected by, coastal processes.
- To enable development of public works and environmental facilities where such development would not have an overall detrimental impact on ecological, scientific, cultural or aesthetic values.

The Development, is considered consistent with the objectives of the C2 zone for the following reasons:

- The part of the land zoned C2 is be managed environmental conservation public reserve land in accordance with the South Lindfield KPoM and South Lindfield VPA (refer **Appendices K & Q**).
- A VMP (refer Appendix E) has been prepared by Biodiversity Australia for the C2 land in support of the Development.
- Upon completion of the Development the C2 land is to be dedicated to Council in accordance with the South Lindfield KPoM and Clause 23 of the South Lindfield VPA.

Further to the zone objectives and permissibility of uses, the following clauses within the *Port Macquarie-Hastings LEP 2011* are applicable to the Site and the proposed Development:

Table 3 - PMH LEP 2011 Assessment Table

PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011	
PM-H LEP Section	Comment
2.1 Land use zones	The site is zoned part R1 General Residential and part C2 Environmental Conservation. A <i>place of public worship</i> is permissible in the R1 zone, and the development is wholly contained within the R1 zone. As discussed in the body of this Section, the Development is consistent with the objectives both the R1 and C2 zones.
2.6 Subdivision	This application seeks subdivision to excise the C2 Environmental Conservation zone from the land at the conclusion of the development, i.e. prior to issue of the Occupation Certificate. The C2 land is to be dedicated to Council as public reserve for the purposes of environmental management.
4.3 Height of buildings	The Site has a mapped height of building (HOB) limit of 11.5 metres The Development has a proposed HOB of 11.5m as shown on the Architectural Plans provided as Appendix C .
4.4 Floor space ratio	The R1 zoned part of the Site has a mapped floor space ratio (FSR) of 1:1. The C2 zoned part of the Site has no FSR requirement and is mapped as unspecified. The Development has a proposed FSR of 0.2:1 when calculated against the entire Site area. If the C2 zoned land was not included in the FSR calculation, the FSR would be approximately 0.4:1.
4.6 Exceptions to development standards	No exception to any development standard is sought with this Development.
5.10 Heritage conservation	The site is not mapped as being within a heritage conservation area.
5.21 Flood Planning	The site is not mapped as being flood prone land.
7.1 Acid sulfate soils	The site is not mapped as being within an area affected by Acid Sulfate Soils.
7.2 Earthworks	As can be noted from the Architectural Plans provided at Appendix C , the Development is designed to work with the neutral fall of land and requires minimal earthworks. Any spoil won from any required cut is likely to be used on site as fill.
7.4 Koala Habitat	This has been addressed under Section 4.5.1 of this SoEE. The proposed Development is consistent with the South Lindfield KPoM applicable to the land.
7.9 Essential services	The essential services necessary for the proposed development are available to the Site. Services are discussed under Section 4.9.2 of this SoEE. The Stormwater Management, Servicing & Access Plan is contained in Appendix P.

4.7 Development Control Plan

The following Sections of the *Port Macquarie-Hastings Development Control Plan 2013* (DCP) applicable to the proposed Development have been addressed in the following subsections:

4.7.1 B1 Advertising and Signage

The location and size of the proposed Business Identification Signs is detailed on Sheets DA 1.5, DA 1.11, DA 3.1, DA 3.4, DA 4.2 & DA 4.11 of the Architectural Plans (refer **Appendix C**).

The proposed Business Identification Signs are to be illuminated and fitted with a time switch to dim by 50% or turn off the light by 11pm each night.

The proposed signs are consistent with the aims and objectives of Provision B1 of the DCP as follows:

- The proposed signage is compatible with the desired future character of the area. The proposed Place of Public worship is located on the corner of John Oxley Drive (being a local arterial road) and Annabella Drive (being a collector road).
- The location of the signs with respect to any nearby environmentally sensitive areas. The southern half of the subject property has been identified for environmental conservation and the location of the proposed signs is separate to and therefore does not impact on that future public reserve.
- The scale of the proposed signage is compatible with the scale of the proposed Place of Public worship to be developed on the subject property.
- The proposed business identification signs will contain the logo of the Point Community Church and details of church services and other activities of the church.
- The signs are proposed to be illuminated in a manner that does not result in unacceptable glare or affect safety for pedestrians, vehicles or aircraft. The proposed business identification signs are to be fitted with a time switch to dim by 50% or turn off the light by 11pm each night.

The signs will not promote any other product or entity and will therefore not be used as 'Advertising Signs'. Therefore the proposed business identification signs are considered compliant with the DCP.

4.7.2 B2 Environmental Management

Waste Management and Minimisation

A Waste Management Plan for any waste materials generated during construction and to be removed from the Site will be provided with the Construction Certificate. As there is no current development on the Site, demolition and removal of building waste prior to commencing the Development is not required.

Cut and Fill Regrading

As can be noted from the Architectural Plans provided at **Appendix C**, the Development is designed to work with the neutral fall of land and requires minimal earthworks. Any spoil won from any required cut is likely to be used on site as fill.

Environmental Management Areas and Buffers

The BDAR, as provided at **Appendix D**, recommends a number of measures to mitigate the impacts of the proposed development including the establishment of a conservation public reserve in accordance with the VMP

provided at **Appendix E** and the South Lindfield VPA. The BDAR and VMP provide that Development meets the objectives and development provisions of this part of the DCP.

Tree Management – Private Land

As discussed under the previous paragraph the BDAR and VMP provide that the Development meets the Objectives and development provisions of this part of the DCP. Further, Biodiversity and the South Lindfield KPOM are discussed in Subsection 4.5.1 of this SoEE.

4.7.3 B3 Hazards Management

Bushfire Hazard Management

The Site is identified as bushfire prone land and the proposed development is considered a special fire protection purpose. Accordingly, a Bush Fire Assessment has been completed by David Pensini of Building Certification and Environmental Services. A copy of the assessment is included in full at **Appendix F** and is addressed in Section 4.4 of this SoEE.

4.7.4 B4 Transport, Traffic Management, Access and Car Parking

Parking Provision

Table 3 of the DCP considers a place of public worship to be a 'Community Land Use' and applies the following car parking requirements:

<i>Places of Public Worship</i>	<i>1 per 6 seats or 1 per 10m² GFA, whichever is the greater. (Where church and hall are located on the same land, provision need only be made for church or hall, whichever is the greater)</i>
---------------------------------	---

Based on the above requirement, the Church Auditorium is larger than the Church Hall and will therefore suffice as the assessed demand. The Church Auditorium is proposed to contain 500 seats and is 464m² in GFA. Hence the following calculations result:

$$1 \text{ per } 6 \text{ seats} = 500 \text{ seats} / 6 = 83.33 \text{ spaces (Round to 84 spaces)}$$

OR

$$1 \text{ per } 10\text{m}^2 \text{ GFA} = 464\text{m}^2 / 10 = 46.4 \text{ (Round to 47 spaces)}$$

The car park proposed with the Development provides 106 car parking spaces. Therefore, the Development is compliant with the DCP car parking provisions.

Parking Layout

The TIA provided at **Appendix G** concludes that the proposed car park supporting the development meets the DCP requirements in terms of AS 2890.

Landscaping or Parking Areas

The proposed design allows for landscaping treatment around the perimeter of the car parking to provide an aesthetic view from the street, whilst also allowing passive surveillance to and from the development. Internal islands within the car park will enable tree planting and landscaping to reduce hard stand area and provide shading. Details are contained in Sheet DA 1.5 of the Architectural Plan Set in **Appendix C**.

Surface Finishes

The proposed parking area shall consist of a sealed finish to minimise generation of dust, erosion or contaminated run off.

Drainage

The stormwater management plan enclosed as **Appendix N** details the expected stormwater flows and volumes. The proposed parking area has been designed to avoid large concentrations of water runoff.

Traffic Impact Assessment (TIA)

A TIA is provided at **Appendix G** and does not raise any concerns in terms of the impact of the Development on surrounding intersections and that existing infrastructure can fully accommodate the Development, noting that the Development includes the provision of the Annabella Drive connection.

4.7.5 B5 Social Impact Assessment and Crime Prevention

Social Impact Assessment

Council's Social Impact Assessment Policy² defers to the *Social Impact Assessment Guideline* (February 2023)³, as published by the DPHI. The DPHI's Guideline applies to State Significant Development. The proposed Development is not State Significant Development. Therefore, the DPHI's Guidelines are not applicable to the proposed Development in this instance.

Notwithstanding, the proposed Development is considered unlikely to have an adverse social impact on the community for the following reasons:

- The Point Community Church offers a number of services to the community in terms of:
 -
 - Social groups
 - Youth groups/activities
 - Marriage services
 - Parents groups

Further, as discussed throughout the body of this SoEE the Development is likely to result in positive environmental outcomes as per the BDAR and VMP; and will not be antithetical to the emerging residential character of the locality.

Based on the above discussion, the proposed Development is considered to be within the best interest of the public.

Crime Prevention

The proposed design is considered to have satisfactorily addressed the general principles of crime prevention. In this regard, the following comments are provided:

- The proposed landscaping has been designed to limit the potential for hiding opportunities and maximise the potential for visual surveillance.
- The proposed building design includes access to all rooms on a single level, minimising opportunities for entrapment and concealment.
- The building has been designed to allow good casual surveillance over the car park.

² <https://www.pmhc.nsw.gov.au/Your-Council/Policies-plans-and-strategies/Policies/Social-Impact-Assessment-Policy>

³ <https://www.planning.nsw.gov.au/policy-and-legislation/under-review-and-new-policy-and-legislation/social-impact-assessment>

- Pedestrian and vehicular entry/exit to the Site is well located for good causal surveillance during operating hours.
- Boundary fencing is proposed to be well defined and would limit access to the premises during non-operation hours.

4.8 Draft Environmental Planning Instruments

There are no draft environmental planning instruments relevant to the subject site or development proposal.

4.9 Other relevant matters

The following additional matters apply to the proposal:

4.9.1 South Lindfield Urban Release Area Planning Agreement (VPA)

The VPA (refer **Appendix Q**) is registered on the title of the land and imposes a number of obligations on any urban development that occurs on the land. In relation to these obligations, the VPA excludes s7.11 Development Contributions that would have otherwise been applicable to development of the Site. The VPA does not exclude the application of s7.12 developer contributions plans.

Table 4 outlines the obligations required in respect to the Development under the VPA and provides commentary on how they apply to the Development. Essentially, **Table 4** demonstrates that the Development is consistent with the provisions of the South Lindfield VPA.

Table 4 - South Lindfield VPA Obligations

Obligation Term (Capitalised terms has same meaning as per the VPA)	Description of Obligation	Comment
Administration Levy Contribution	A 2.2% Levy on the value of the Open Space Contributions and Roads Contributions as required under the VPA	Not applicable to a place of public worship. This levy does not apply to the Development as Council's <i>Development Contributions Assessment Policy July 2007</i> does not apply s7.11 ETs ⁴ (previously s94 ETs) to a <i>place of public worship</i> . Hence, there is no calculatable Open Space Contribution or Roads Contributions applicable to the Development under the VPA that the 2.2% Levy can be applied.
Environmental Management Dedication Land	For the purposes of this Development is the EML (C2 Environmental Conservation zone land) to be dedicated to Council upon completion of the	It is noted the EML is to be dedicated upon completion of the development and is likely to occur as part of the subdivision that creates both a public reserve for the EML and Public Road Reserve for the Annabella Drive link

⁴ Refer to the definition of an Equivalent Tenement (ET) in the South Lindfield VPA.

	development.	road connection.
Establishment Obligation & Management Period	For the purposes of this Development is the establishment and/or rehabilitation of the EML in accordance with an approved (by Council) VMP and is to transition to a Management Period as detailed in the VMP, which is to last for period of three (3) years from the date the EML is dedicated to Council.	A VMP has been produced by Biodiversity Australia for the purposes of this Development, which outlines establishment and maintenance of the EML. The VMP is provided at Appendix E .
Link Road	For the purposes of this Development the Link Road is the missing section of Annabella Drive that is to dissect the Site and separate the northern section from the EML land to the south. The VPA requires the Link Road to be constructed and dedicated to Council prior to the issue of an Occupation Certificate for the Development or the issue of a Subdivision Certificate, whichever is to occur first.	<p>The Link Road is proposed to be constructed as part of the Development, providing the final connection of the eastern and western sections of Annabella Drive.</p> <p>The Link Road connection is provided conceptually on the Architectural Plans and final construction plans will be provided prior to the issue of any Construction Certificate.</p>
Link Road Contribution	<p>For the purposes of this Development the Link Road Contribution is a monetary contribution payable to the Council, for the part of Annabella Drive constructed on the western boundary of the Site by a previous developer.</p> <p>The Link Road Contribution is an amount equal to the Council's reasonable determination at the time of payment of the likely cost that the Council would have incurred if it had constructed the Link Road.</p>	This monetary contribution is to be determined by Council at the time of payment, as required by the provisions of the VPA.
Management Obligation	For the purposes of this Development is the 3-year period in which the land is to be managed by the Developer (The Point Community Church) in accordance with the Development Consent and the VMP, following dedication of the land to Council.	A VMP has been produced by Biodiversity Australia for the purposes of this Development, which outlines establishment, maintenance and management obligations of the EML. The VMP is provided at Appendix E .
Open Space Contribution	The Open Space Contribution is a monetary contribution payable	This levy does not apply to the Development as Council's <i>Development Contributions</i>

	under the VPA at a rate of \$5,974.00 per ET, subject to quarterly CPI adjustments.	<i>Assessment Policy July 2007</i> does not apply s7.11 ETs (previously s94 ETs) to a <i>place of public worship</i> .
Roads Contribution	The Roads Contribution is a monetary contribution payable under the VPA at a rate of \$9,162.00 per ET, subject to quarterly CPI adjustments.	This levy does not apply to the Development as Council's <i>Development Contributions Assessment Policy July 2007</i> does not apply s7.11 ETs (previously s94 ETs) to a <i>place of public worship</i> .
Sewerage Services Contribution	The Sewerage Services Contribution is a monetary contribution payable under the VPA in accordance with the Council's adopted Sewerage Services - Developer Servicing Plan applying at the time of the Consent.	The DSP Charges applicable to the Development are discussed and calculated in Section 4.9.6 of this SoEE. In summary the ETs calculated to be produced by the Development in accordance with Council's <i>Development Contributions Assessment Policy July 2007</i> , are less than the existing credit applicable to the Site. As such no DSP charges are leviable for the Development.
Sewerage Services Contribution Local	The Sewerage Services Contribution Local is a monetary contribution payable under the VPA at a rate of \$3,128.00 per ET in addition to the Sewerage Services Contribution.	As the ETs for this Contribution are calculated in the same manner as the Sewerage Services Contribution, there is no additional demand created by the Development. Hence, this monetary contribution is not payable under the provisions of the VPA.
Stormwater Catchment Land Payment	For the purposes of this Development the Stormwater Catchment Land Payment is a monetary contribution payable to the Council, for the part of any land that Council would have otherwise had to acquire for the purposes of an easement to enable the Stormwater Catchment Work within the South Lindfield VPA. The Stormwater Catchment Land Contribution amount is to be determination at the time of payment by the Council.	This monetary contribution is to be determined by Council at the time of payment, as required by the provisions of the VPA.
Stormwater Catchment Work Payment	For the purposes of this Development the Stormwater Catchment Work Payment is a monetary contribution payable to the Council, for the part of Stormwater Work constructed in South Lindfield by a previous developer to enable development of the South Lindfield area identified in the VPA.	This monetary contribution is to be determined by Council at the time of payment, as required by the provisions of the VPA.

	The Stormwater Catchment Work Payment is an amount equal to the Council's reasonable determination at the time of payment of the likely cost that the Council would have incurred it had constructed the Stormwater Catchment Work.	
Vegetation Management Plan	For purposes of this Development a VMP is a document that contains provisions relating to the establishment and maintenance of the EML including provision for the staged dedication of the EML as a public reserve.	A VMP has been prepared by Biodiversity Australia for the purposes of this Development, which outlines establishment, maintenance and management obligations of the EML. The VMP is provided at Appendix E .

4.9.2 Services

The essential services necessary for the proposed development are available to the Site, as discussed below:

Water

Potable and non-potable Water is available to the site via existing twin 200 mm parallel mains located to the west of the site, on the eastern side of Annabella Drive.

The application seeks to connect to the existing potable and non-potable mains on Annabella Drive, south of the intersection with John Oxley Drive, generally in the area opposite Lots 4 and 5 DP1296583. It is anticipated that the connection will incorporate a hydrant booster assembly at this location, sized as required by the detailed hydraulic design and fire protection process.

Sewer

Council records indicate that sewer is currently available to the proposed development via an existing end of line termination shaft located in the northeastern corner of the subject land, draining eastwards to Sewer manhole PM54P292M via Lots 102 DP1298788 and Lot 8 DP1280506. The existing end-of-line termination shaft is proposed to be removed, and the existing main extended westwards to provide clearance to the proposed stormwater drainage line to a new sewer manhole within the subject land to provide a point of connection to drain all sewerage from the site.

Council have noted in their pre-lodgement minutes that:

“the existing Pump Station 54 is approaching capacity. Previous advice to other proposals [within the sewer catchment] that was provided in 2018 have indicated that there is approximately 135 ET remaining.”

Since the advice was provided, additional development has occurred with the construction of residential lots adjoining Ryeland Close, Freesia Place and Lewin Circuit have been approved and constructed as detailed in the following table:-

Table 5 - Recent Development ET take-up

Development Name	ET (No. Lots)	Available Capacity
2021 Capacity	N/A	135
Ryeland Close	16	119
Freesia Place	19	100
Lewin Circuit	45	55
2024 Capacity	N/A	55

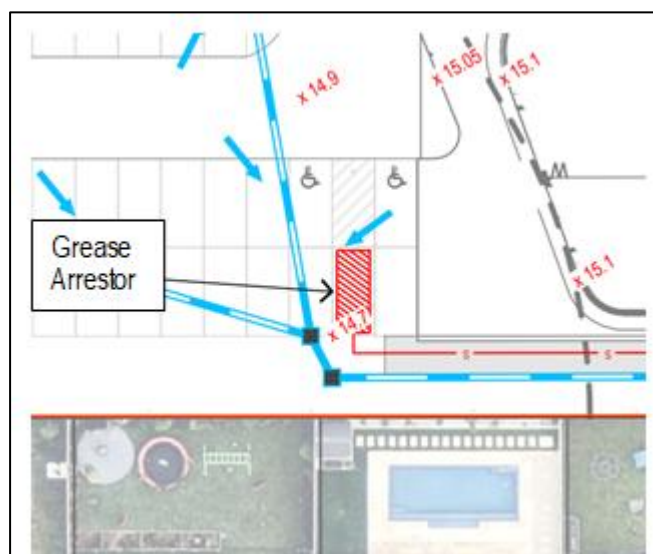
The anticipated sewer loading for the proposed development was calculated using the methodology and data contained within the Section 64 Determinations of Equivalent Tenements Guidelines published by the Water Directorate in 2017.

Table 6 - Potential ET of the proposed Development (not for s64 DSP purposes)

No.	Category	ET/unit	Sewer ET Load
1	Shower (Office)	0.4	0.4
18	WC (Ground Floor)	0.4	7.2
8	WC (First Floor)	0.4	3.2
17	m ² of Café (Servery)	0.01	0.17
30	m ² Kitchen	0.02	0.6
Total			11.6

Adopting 12 ET for the proposed development confirms that sufficient capacity exists within Sewer Pump Station 54 to cater for the proposed development, leaving 43 ET capacity available based on the 2021 advice.

Liquid waste from the proposed kitchen and servery is proposed to drain via a grease trap arrester located in the north eastern portion of the proposed carpark, east of the shared zone between the disabled car parking spaces, thence draining northwards to the proposed sewer manhole referenced above, refer to **Figure 29**. Sewer flows from non-kitchen areas (showers/WC etc) is proposed to connect directly to the main sewer drainage line downstream of the grease trap.

**Figure 29** - Location of Grease Trap east of disabled parking space shared zone for liquid waste from kitchen and servery.

Stormwater

A Stormwater Management Plan (**SMP**) has been prepared and is provided at **Appendix O** to this SoEE. In summary the SMP concludes that sufficient capacity is available within the existing bioretention/detention basin within Lot 20 DP1280506 to manage both water quality and quantity of the runoff from the proposed development.

The subject land contains a total site area of approximately 1.85 ha with the proposed development component consisting of approximately 8,595m² and the remaining 9,905m² being utilised for road dedication and vegetation retention purposes.

The capacity of existing stormwater drainage infrastructure constructed as part of subdivision works approved under DA2019/400 and DA2019/401 was designed with sufficient capacity to support development of the subject Site. The assessment considered the stormwater management requirements of the proposed Development, including the legal point of discharge, existing soils and the capacity of the land and downstream infrastructure to manage the stormwater quantity and quality treatment of runoff from the proposed Development.

The impact of the proposed development on stormwater quantity and stormwater quality was modelled in the 12d and MUSIC programs, comparing existing conditions to proposed conditions, and the change to water quality from source to outlet against Council's AUS-SPEC requirements.

The results of the modelling demonstrated that the infrastructure constructed as part of development approved under DA2019/400 and DA2019/401 have sufficient capacity to mitigate the post-development impacts on the downstream catchment.

Stormwater runoff from the proposed carpark is to be collected within pits and conveyed via the pit and pipe network parallel to the eastern boundary of the Site to the existing stormwater pit located in the northeastern corner of the site.

To protect existing residences adjoining to the east of the site, it is proposed that the stormwater pipe parallel to the Site's eastern lot boundary be sized to cater for 1% AEP flows.

Localised surface flows along the eastern boundary between the proposed building and adjoining lots are proposed to be contained within an overland flow path as shown in the typical sections within the excerpt of Figure 12 from the Stormwater Management Plan. See **Figure 30** below.

The provision of the overland flow path will also provide additional protection against stormwater flows entering the lots to the east of the site.

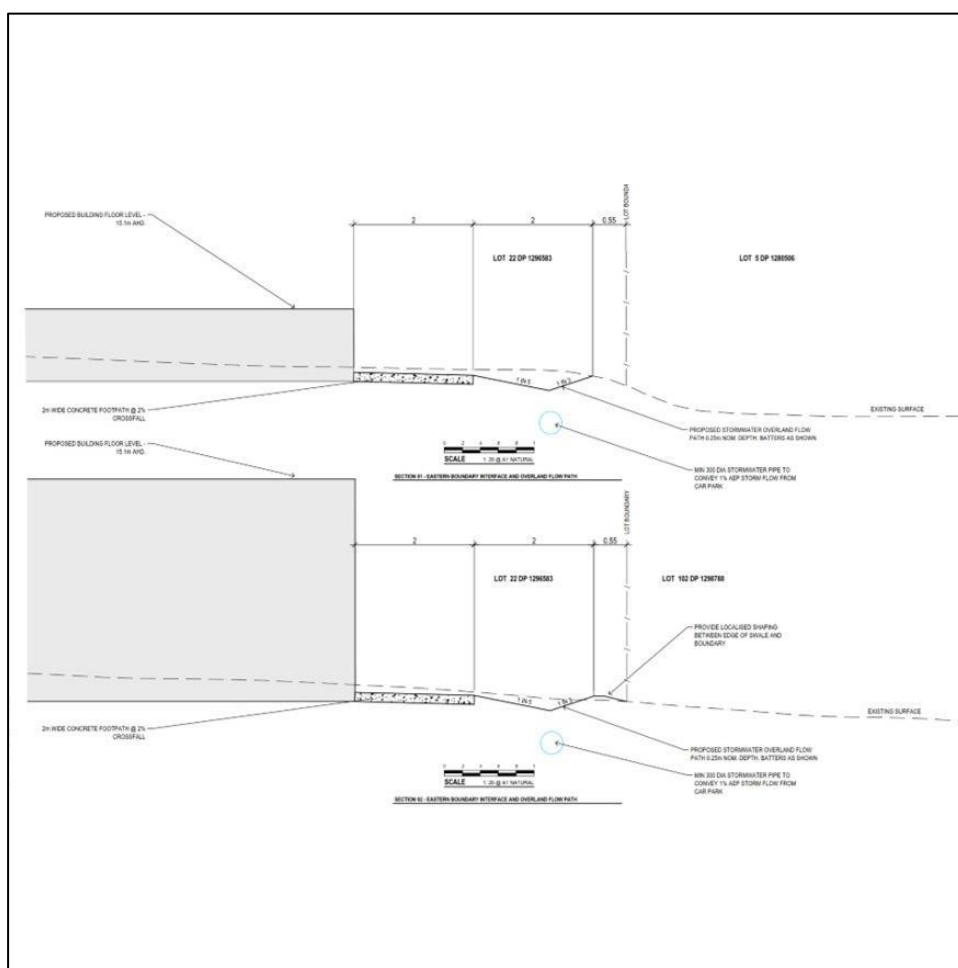


Figure 3030 – Excerpt from Figure 12 from the Stormwater Management Plan

Appropriate measures to the requirements of Port Macquarie-Hastings Council's AUS-SPEC are recommended for the construction period to protect downstream infrastructure and receiving waters from temporary higher sediment loading caused by construction works.

4.9.3 Noise

An acoustic assessment has been undertaken by Matrix Thornton to accompany this application. A copy of the assessment is provided in full under **Appendix H**.

The potential noise from the proposal considered within the assessment included:

- Noise from vehicles entering and exiting the car park including doors closing,
- Noise from inside the Church Auditorium and Church Hall buildings,
- Noise from any mechanical services.
- Noise from traffic external to the Site affecting use of the buildings.

Matrix Thornton provide the following recommendations to minimise noise impact from the Development, and include recommendations to minimise the impact of road noise from John Oxley Drive to the Development:

Noise from the development buildings

To minimize breakout noise from the auditorium the ceiling/roof should have a minimum acoustic performance of

Rw 40dBA. 6.38mm laminated glass is recommended for the glazing on the north façade. This will reduce noise breakout to any future receivers across John Oxley Drive.

To minimize breakout noise from the hall the ceiling/roof should have a minimum acoustic performance of Rw 35dBA. The windows of the hall and rooms MPR6 should be minimum 6mm glass on the eastern façade and be closed when noisy activities take place.

Traffic noise into the development buildings

The 6.38mm laminated glass recommended for the northern façade of the auditorium will lead to satisfactorily low traffic noise levels in the auditorium.

To minimize traffic noise into rooms MPR 4, MPR 5 and MPR6, those rooms should have minimum 6.38mm laminated glass on the northern facade.

Carpark

The following recommendations concern the carpark:

- Service attendees should be encouraged to leave as soon after 6pm as possible.
- Minibuses should not dwell with engines on, and the path of the bus through the carpark should avoid the south-western corner of the carpark.
- Neighbours should be notified of any events that require substantial use of the carpark after 7pm.

Traffic noise

Traffic noise due to extra traffic generated by the proposal is predicted to comply with the guidelines.

These recommendations have been incorporated into the design of the proposed centre and are included within the Architectural Plans provided in **Appendix C**.

4.9.4 Overshadowing

An assessment of the overshadowing from the proposed development is provided on the Architectural Plans and demonstrates that the low profile of the building will have minimal impact on neighbouring properties.

Section 5

Concluding Comments

This statement demonstrates that the proposed *place of public worship* at Lot 22 DP 1296583, 171 John Oxley Drive, Port Macquarie has satisfactorily addressed the required Matters of Consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

In this regard, the Development is considered to be consistent with the relevant provisions of the applicable environmental planning instruments including:

- *SEPP (Biodiversity and Conservation) 2021*
- *SEPP (Transport and Infrastructure) 2021*,
- *SEPP (Resilience and Hazards) 2021*
- *Port Macquarie-Hastings Local Environmental Plan 2011*, and
- *Port Macquarie-Hastings Development Control Plan 2013*.

The Architectural Plans provided at **Appendix C** also demonstrate that the Development is of a high-quality design and will not be antithetical to the urban character of the locality.

The site is also serviced by the infrastructure necessary to accommodate a development of this nature.

Further, the Development is consistent with the provisions of the South Lindfield VPA in that a BDAR and VMP are provided supporting the application and the rehabilitation and management of the EML on the southern section of the Site.

In considering the above, this report demonstrates that the subject Site is suitable for the proposed Development, and it is therefore commended to Council for a favourable determination.