

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-385 – DA2024 - 668.1
PROPOSAL	Staged Construction of Place of Public Worship, Proposed Public Reserve and Extension of Annabella Drive.
ADDRESS	Lot 22 DP 1296583 - 171 John Oxley Drive, Port Macquarie
APPLICANT	King and Campbell Pty Ltd
OWNER	The Point Community Church Incorporated
DA LODGEMENT DATE	9 October 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the proposal is for a place of public worship with an estimated development cost of more than \$5 million.
CIV	\$21,512,129 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Primary Production) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Port Macquarie-Hastings Local Environmental Plan 2011 Port Macquarie-Hastings Development Control Plan 2013.
TOTAL & UNIQUE SUBMISSIONS KEY	2 Submissions (both unique) with key issues including: <ul style="list-style-type: none"> Impact of tree removal on fauna including the Koala.

ISSUES SUBMISSIONS	IN	<ul style="list-style-type: none"> • Amenity impact of large concrete building and parking adjoining residential dwellings. • Traffic congestion. • Noise impacts. • Site not suitable and not suitable to a residential zone rather industrial zone. • Impact upon house prices. • Ensure obligations of planning agreement are fulfilled.
DOCUMENTS SUBMITTED FOR CONSIDERATION	FOR	Architectural Plans Statement of Environmental Effects Biodiversity Development Assessment Report Vegetation Management Plan Koala Plan of Management Traffic Impact Assessment Acoustic Assessment Bushfire Assessment Stormwater Management Plan Preliminary Engineering/Services Plan Voluntary Planning Agreement Estimated Development Cost report
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)		N/A
RECOMMENDATION		Approval
DRAFT CONDITIONS TO APPLICANT		Yes
SCHEDULED MEETING DATE		16 June 2025
PLAN VERSION		Architectural Plans - Revision E dated 7 March 2025
PREPARED BY		Ben Roberts
DATE OF REPORT		3 June 2025

EXECUTIVE SUMMARY

The development application (DA2024 - 668.1) seeks consent for the staged construction of a place of public worship, environmental land dedication and road extension.

Specifically, the proposal involves:

- A 500-seat main church building with foyer, stage, amenities, parent room and cafeteria.

- A church hall building with community room, multipurpose rooms, kitchen and amenities.
- At grade car park comprising 105 spaces (including 8 stacked spaces).
- Public road extension of Annabella Drive.
- Subdivision to create development lot and public land dedication of the environmental land.
- Earthworks, tree removal, compensatory tree plantings and landscaping.
- Provision of infrastructure and services.

The subject site is recognised as Lot 22 DP 1296583 and located on the corner of John Oxley Drive and Annabella Drive. The site is rectangular in shape and 1.851 hectares in area. There are no buildings on the site. The site was historically rural land that was rezoned under the South Lindfield planning proposal to residential and environmental conservation. Development consent (DA2014/283) was granted for the demolition of the dwelling and ancillary sheds on 6 May 2014. These structures were removed shortly thereafter. The site contains remnant vegetation in the form of trees and managed grassland. The northern portion of the site is zoned R1 General Residential and the southern portion zoned C2 Environmental Conservation under the Port Macquarie-Hastings Local Environmental Plan 2011.

The site is located on the western fringe of Port Macquarie, approximately 5 kilometres from the Port Macquarie town centre. Adjoining the northern and residential zoned portion of site to the east is residential development in the form of dwelling houses. To the west is Annabella Drive with residential development in the form of dwelling houses beyond. The southern portion and environmental zoned part of the site adjoins previously dedicated, and Council owned environmental zoned land. Adjoining the site to the north is John Oxley Drive with vacant rural and industrial land beyond. Adjoining the site to the south is part of the land operating and zoned for the purpose of a crematorium. There are a couple of existing places of public worship approximately 1km from the site at 279 John Oxley Drive and 2 Kingfisher Road.

The proposed place of public worship and road connection are contained to the R1 zoned portion of the site. The proposal satisfies the definition of a place of public worship, which is a permissible use with consent in the Land Use Table in Clause 2.3 of the LEP. The application provides operation details surrounding how components of the development will be utilised. The church hall building, rooms within each building and café component are considered to be subordinate and ancillary to the place of public worship use.

There were no concurrence requirements from agencies for the proposal, but the application was referred to NSW Rural Fire service (RFS) for comment whom provided a number of recommended consent conditions.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied:

- Section 4.6 of the Resilience and Hazards SEPP for consideration of whether the land is contaminated;
- Section 3.2 of Sustainable Buildings SEPP for embodied emissions attributable to the development;
- Section 3.6 of Industry and Employment SEPP for signage;

- Section 2.27 of Primary Production SEPP for potential impact on oyster aquaculture;
- Section 2.48(2) of the Transport and Infrastructure SEPP in relation to consultation for development in proximity to electricity infrastructure;
- Clause 7.13 of the LEP in relation to the provision of essential services for the development.

The application was placed on public exhibition from 31 October to 29 November 2024 with two submissions being received. These submissions raised issues relating to traffic congestion, ecological impacts, noise impacts, incompatibility with surrounding residential context, impact on house prices and ensuring obligations of the VPA are fulfilled. These issues are considered further in this report.

The application is referred to the Northern Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 5 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is a place of public worship with an estimated development cost of more than \$5 million.

A briefing was held with the Panel on 21 January 2025 where the following issues were identified and further clarity sought in the assessment report:

- Proposed uses of church (regular services, annual service such as Easter, Christmas, weddings, funerals etc), hall and other areas for future functions/events, noting proximity of residential properties
- Proposed hours of operation for all proposed uses including youth and community groups etc
- Site utilisation (particularly multiple use at same time and noting proposed kitchens and green room), consistency between proposal and supporting documentation (TIA)
- Traffic Impact Assessment:
 - Car parking demand analysis
 - Alternative access points and impact on local road network (based on assessed car park numbers)
 - Bicycle parking to be incorporated into the design
 - Delivery vehicle parking spaces
 - Adequacy of 2 accessible spaces and paths of travel to church
- CPTED related issues
- Lighting of car park and impact on neighbouring properties
- Accessibility Report
- Noise - acoustic reports and building design - able to design building for potential future uses
- Signage - clarification if any illuminated signage - DCP controls limiting hours of illumination
- Waste storage area - noting size of kitchen area and potential catering facilities
- Staging proposed and timing for landscaping to be identified and linkage to relative stage of building
- Urban design of Annabelle Drive/John Oxley Drive intersection, noting setbacks, building height, proposed landscaping and species and potential conflicts with stormwater infrastructure to address visual impacts
- Land dedication for roads

Having considered the planning controls and the proposal in detail, the following key issues are relevant to the assessment of this application:

- Ecology / Koala Plan of Management
- Noise
- Traffic and parking

Key issues are discussed in Section 5 of this report and have been addressed through amendments to the design, submission of specialist reports, and/or the recommended conditions of consent.

Having considered the matters under Section 4.15(1) of the EP&A Act, the site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA2024 - 668.1 is recommended for approval subject to the conditions contained in **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

- The site is located on the western fringe of Port Macquarie and approximately 5 kilometres from the Port Macquarie town centre.
- The subject site is located on the corner of John Oxley Drive and Annabella Drive. The site is rectangular in shape and 1.851 hectares in area.
- There are no buildings on the site. The site contains remnant vegetation in the form of trees and managed grassland. The northern portion of the site is zoned R1 General Residential and the southern portion zoned C2 Environmental Conservation.
- Adjoining the northern and residential zoned portion of site to the east is residential development in the form of dwelling houses. To the west is Annabella Drive with residential development in the form of dwelling houses beyond. The southern portion and environmental zoned part of the site adjoins previously dedicated, and Council owned environmental zoned land. Adjoining the site to the north is John Oxley Drive with vacant rural and industrial land beyond. Adjoining the site to the south is part of the land operating and zoned for the purpose of a crematorium.
- Having regard the suburban nature of the site, proximity to public transport infrastructure and services is limited.
- There are existing places of public worship approximately 1km from the site at 279 John Oxley Drive and 2 Kingfisher Road.
- The site is mapped as bushfire prone land.
- A location map, aerial photograph, and site photographs are included below.

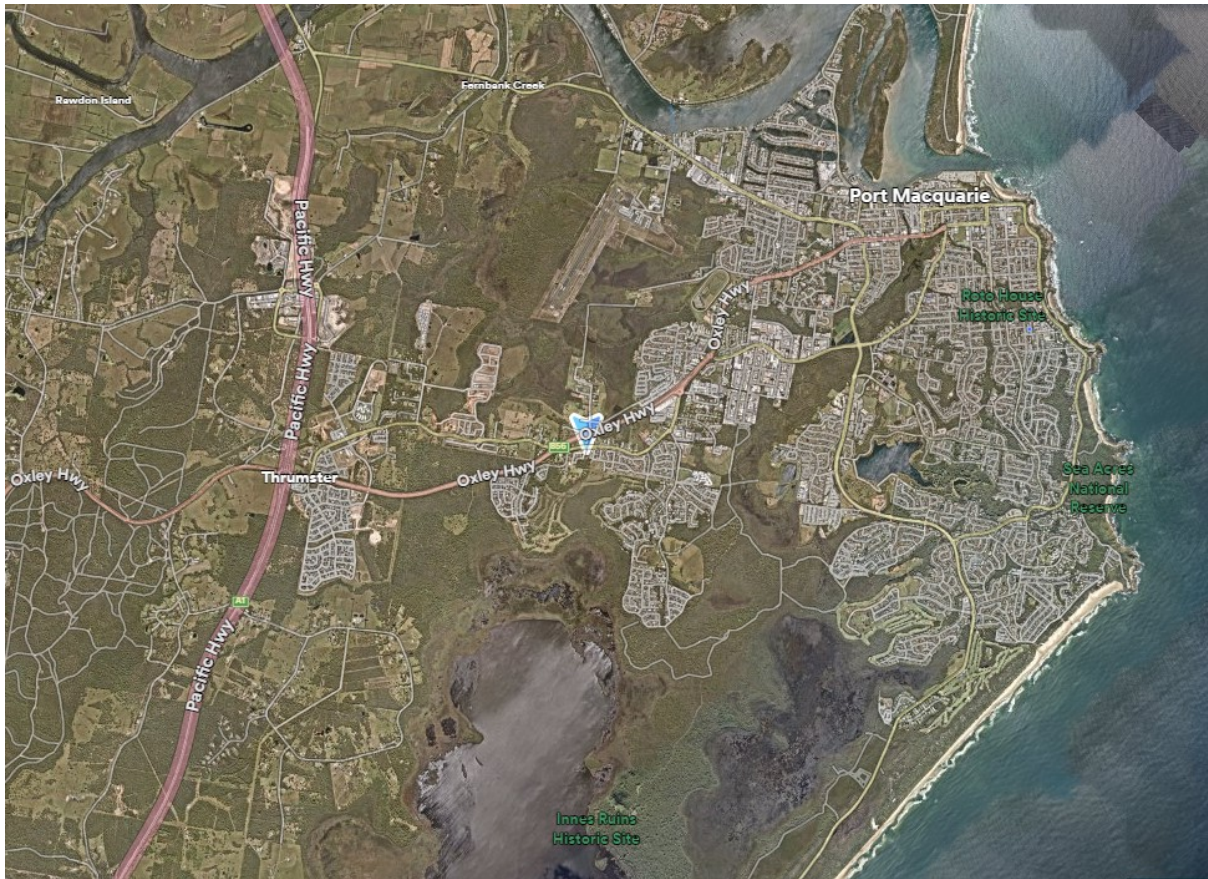


Figure 1 - Location Map



Figure 2 - Aerial Photograph of site



Photo 1 - Looking south to the site across the John Oxley Drive and Annabella Drive intersection.



Photo 2 - Looking west across the site from current extent of Annabella Drive.



Photo 3 - Approximate location of public through road connection of Annabella Drive.



Photo 4 - Photo of the site looking southwest.



Photo 5 - Photo across site looking north.



Photo 6 - Looking east across site with fencing and interface with existing residential development.



Photo 7 - Looking south from western edge of site down Annabella Drive.

1.2 The Locality

- The site is located on the western fringe of Port Macquarie and approximately 5 kilometres from the Port Macquarie town centre.
- The locality is characterised by existing low density residential development to the east and west of the site. Undeveloped industrial and rural land exists to the north of the site opposite John Oxley Drive. Adjoining the site to the south is an operational crematorium.
- The site is located close to key transport corridors of John Oxley Drive and the Oxley Highway.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for staged construction of a place of public worship, environmental land dedication and road extension.

Specifically, the proposal involves:

- A 500-seat main church building with foyer, stage, amenities, parent room and cafeteria.
- A church hall building with community room, multipurpose rooms, kitchen and amenities.
- At grade car park comprising 105 spaces (including 8 stacked spaces).
- Public road extension of Annabella Drive.
- Subdivision to create development lot and public land dedication of the environmental land.
- Earthworks, tree removal, compensatory tree plantings and landscaping.
- Provision of infrastructure and services.



Figure 3 - Extract of Site Plan



Figure 4 - Extract of Photomontage from corner of John Oxley Drive and Annabella Drive.

The key development data is provided in **Table 1** below.

Table 1: Development Data

Control	Proposal
Site area	1.851 hectares (R1 and E2 zoned portions). Proposed lot 1 is 8595m ² in residential zone only.
GFA	2,569m ²
FSR (retail/residential)	Maximum permitted 1:1 (R1 zoned portion only). Proposed 0.3:1 (on proposed lot 1 in residential zone only)
Clause 4.6 Requests	N/A
Max Height	Maximum permitted 11.5m. Proposed 11.5m.
Landscaped area	As detailed on external works plan (Drawing No: DA1.8) and planting schedule + landscape details plan (Drawing No: DA4.10).
Car Parking spaces	105 (including 8 stacked spaces).
Setbacks	Setbacks are illustrated on the ground floor plan (Drawing No: DA1.5). No specific DCP provisions apply to this form of development.

Koala Plan of Management	The South Lindfield Koala Plan of Management applies to the site.
Voluntary Planning Agreement	The South Lindfield Urban Release Area applies to the site.

2.2 Background

A pre-lodgement meeting was held on 25 May 2021 prior to the lodgement of the application, where various issues were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Koala Plan of Management consistency. The application has demonstrated consistency with the approved Koala Plan of Management.
- Ecological impacts - A Biodiversity Development Assessment Report has been submitted with the application, which confirms that the proposal will not have any significant ecological impacts.
- Traffic impact assessment - An adequate traffic impact assessment has been submitted with the application.
- Noise impacts - An adequate acoustic assessment has been submitted with the application which has driven incorporation of specific noise mitigation measures.

The development application was lodged on 9 October 2024. A chronology of the development application since lodgement is outlined below including the Panel's involvement with the application:

Table 2: Chronology of the DA

Date	Event
31 October to 29 November 2024	Exhibition of the application
28 October 2024	DA referred internally and to external agencies - NSW RFS and Essential Energy.
5 November 2024	Essential Energy comments received.
12 November 2024	Additional information request - stormwater.
13 November 2024	Additional information response - stormwater.
18 November 2024	NSW RFS comments received.
22 November 2024	Additional information request - land contamination, landowners' consent, TIA in draft form, total parking

	spaces and auditorium seats discrepancy between plans and SOEE/TIA, height plane plan to clarify highest point of building, FSR calculations and plans showing inclusions and exclusions, cut and fill plan with retaining wall details, waste management details, address part 3.2 precinct provision of DCP.
27 November 2024	Additional information request - stormwater.
29 November 2024	Part additional information response - land contamination.
29 November 2024	Site inspection.
2 December 2024	Additional information request - permissibility of café and church hall building noting layout as potential standalone café and function centre, show all trees on site plan discrepancy with BDAR and VMP figures, demonstrate proposed plantings not impacted by road and footpath extension, tree removal on adjoining lot 26 DP 1280506? And plantings on lot 26 DP 1280506?
10 December 2024	Additional information request - ecology. Minor updates to VMP to demonstrate KPOM consistency and BDAR. Noise impacts and discrepancy with proposed operating times and carpark mitigation measures.
19 December 2024	Part additional information response and revised SOEE re permissibility of ancillary components and characterisation as a place of public worship, noise, parking spaces, height plane, FSR calcs, waste management and DCP precinct provisions.
7 January 2025	Additional stormwater information submitted.
10 January 2025	Additional information request re noise impacts.
21 January 2025	Northern Regional Planning Panel briefing meeting.
23 January 2025	Additional information request re traffic impact assessment.
7 February 2025	Revised DAR and VMP submitted.
20 February 2025	Revised Traffic Impact Assessment submitted.
27 February 2025	Additional information request re stormwater.
26 March 2025	Additional stormwater information provided.

1 April 2025	Additional landowners consent details provided.
4 April 2025	Revised SOEE, Plans, Acoustic Report, TIA and Accessibility details provided.
19 May 2025	Draft consent conditions provided to applicant.
26 May 2025	Applicant comments on draft conditions seeking clarification and changes to stormwater and foot paving requirements.
28 May 2025	Applicant request to amend hours of operation condition seeking extension of operational hours on Saturdays to be in line with weekdays.
28 May 2025	Applicant advised that request to extend hours of operation on Saturday is inconsistent with that proposed, publicly exhibited, assessed in the acoustic report and assessed by Council staff to this point and change to condition is not supported.

2.3 Site History

- The site was historically rural land that was rezoned under the South Lindfield planning proposal to residential and environmental conservation.
- Development consent (DA2014/283) was granted for the demolition of the dwelling and ancillary sheds on 6 May 2014. These structures were removed shortly thereafter.
- The South Lindfield Urban Release Area Voluntary Planning Agreement applies.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- that apply to the land to which the development application relates,*

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Port Macquarie-Hastings Local Environmental Plan 2011*

A summary of the key matters for consideration arising from these environmental planning instruments are outlined in **Table 3** and considered in more detail below. Jurisdictional prerequisites to the grant of consent are shown in bold.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 4: Koala Habitat Protection 2021	Y
State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 3: Standards for non-residential development.	Y
State Environmental Planning Policy	Chapter 3: Advertising and Signage <ul style="list-style-type: none"> • Section 3.6 – granting consent to signage Section 3.11(1) – matters for consideration 	Y

(Industry and Employment) 2021		
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development • Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6.	Y
State Environmental Planning Policy (Primary Production) 2021	Chapter 2: Primary Production and rural development Division 4 - Consideration of effects of proposed development on oyster aquaculture.	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land • Section 4.6 - Historic land use and potential land contamination has been considered and the site is suitable for the proposed use.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure • Section 2.48(2) – electricity transmission - the proposal is satisfactory.	Y
Proposed Instruments	No compliance issues identified.	Y
Port Macquarie-Hastings Local Environmental Plan 2011	<ul style="list-style-type: none"> • Clause 2.3 – Permissibility and zone objectives • Clause 2.6 - Subdivision • Clause 4.1 - Minimum subdivision lot size • Clause - 4.3 - Height of Buildings • Clause - 4.4 - Floor Space Ratio • Clause 7.5 - Koala habitat map • Clause 7.9 - Acoustic controls map • Clause 7.13 - Essential services 	Y
Port Macquarie-Hastings Development Control Plan 2013	<ul style="list-style-type: none"> • Part B - General Provisions • Part C - Development Specific Provisions - C1 - Low Density Residential Development • Part D - Locality Specific Provisions - D4 Thrumster 	Y

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4: Koala Habitat Protection 2021

Chapter 4 applies to the proposal and 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.

The land is subject to the South Lindfield Koala Plan of Management (KPoM). Figure 5 below extracted from the plan identifies key habitat areas containing Koala food trees. The figure identifies Koala food trees in the residential zoned areas that were envisaged for removal subject to compensation measures.

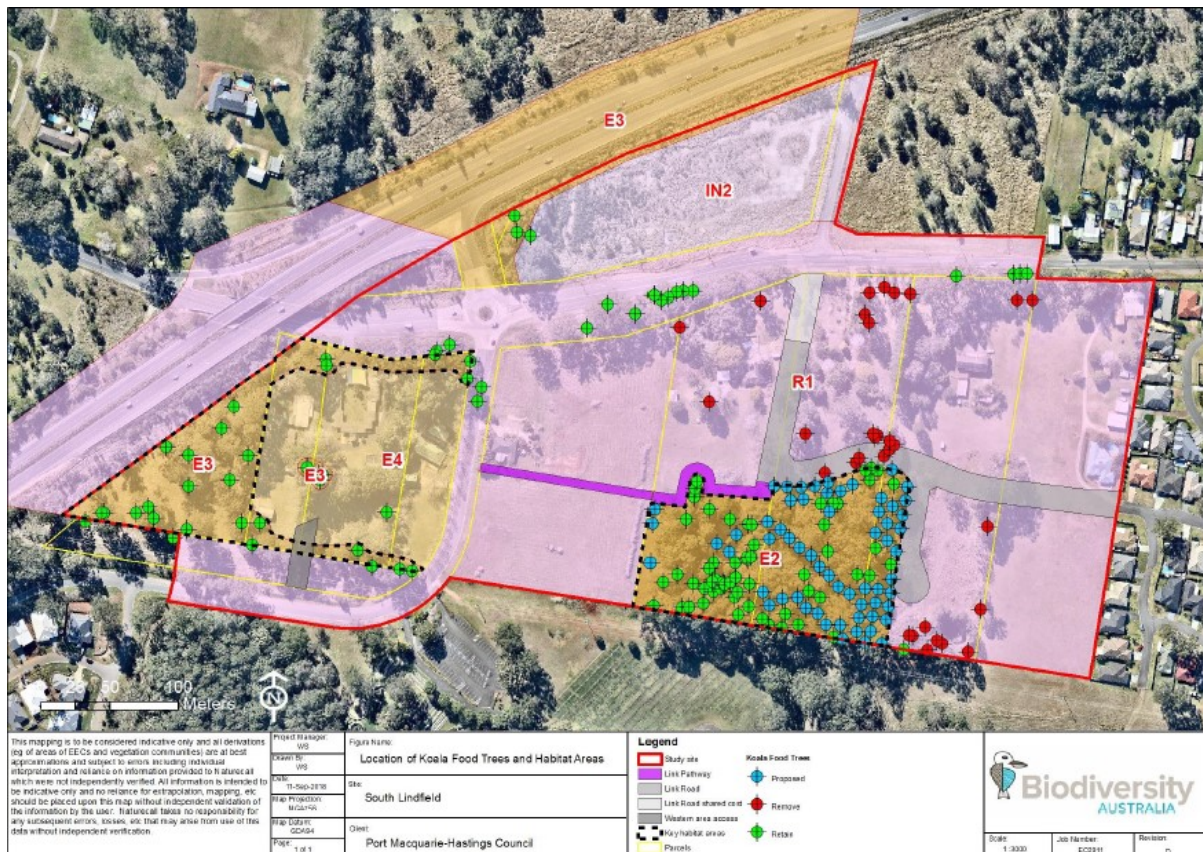


Figure 5 - Extract from KPOM showing Koala food trees.

The proposal incorporates removal of 14 Koala food trees within the residential zoned portion of the site with compensatory planting proposed within the E2 Environmental zoned portion of the site. The E2 zoned land is to be dedicated to Port Macquarie Hastings Council as public land in accordance with the Koala Plan of Management and Voluntary Planning Agreement.

The offset planting ratio within the plan of management is 2:1, with 2 Koala food trees to be planted and established for every Koala food tree removed. The proposal incorporates 29 Koala food tree plantings in the E2 zone which is consistent with the provisions of the plan.

A Vegetation Management Plan (VMP) supports the application which details weed management, offset planting locations, fauna fencing and Koala bridges. Figure 6 below is an extract from the VMP showing the location of proposed compensatory Koala food trees, weed management and fauna fencing.



Figure 6 - Extract from VMP with proposed compensatory plantings.

With the implementation of the VMP and recommended consent conditions the development will be consistent with the Koala Plan of Management.

Attachment B provides detailed comment against the provisions/measures outlined the Koala Plan of Management.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3: Standards for non-residential development

This chapter applies as the development has an estimated development cost of more than \$5 million.

Clause 3.2 (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.

Comment: No demolition is required and therefore no opportunity for re-use of building materials. The proposal is capable of utilising solar power with significant roof areas. The proposal incorporates significant glazing 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. There is potential for solar power generation and storage via battery systems. The large roof area will enable capture of 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 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.

Clause 3.2 (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.

Comment: The application is supported by an embodied emissions material form which quantifies the embodied emissions attributable to the development.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3: Advertising and signage

The proposed development includes proposed advertising signage in the form of business/building identification signage. Building signage and free standing signage (including dimensions) are shown on the plans.

Clause 3.6 - A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied -

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

The objectives of this chapter are:

- (a) to ensure that signage (including advertising)
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high-quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The following assessment table provides an assessment checklist against the Schedule 5 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory

Schedule 5(1) Character of the area.	The building signage is not inconsistent with the character envisaged for the area and specifically on the corner of John Oxley Drive.	Yes
Schedule 5(2) Special areas.	The signage will have no adverse impact on any special areas.	Yes
Schedule 5(3) Views and vistas.	No adverse impacts on special views or vistas would result from the signage.	Yes
Schedule 5(4) Streetscape, setting or landscape.	The building and identification signage is consistent with the scale of the building proposed will be consistent with the desired streetscape.	Yes
Schedule 5(5) Site and building.	The building signage is of an appropriate size and scale relative to the proposed buildings. No signage extends beyond the rooflines.	Yes
Schedule 5(6) Associated devices and logos with advertisements and advertising structures.	Associated devices and logos have been incorporated into the signage.	Yes
Schedule 5(7) Illumination.	Illumination of the signage is proposed with a dimmer switch to dim by 50% or turn off by 11pm each night.	Yes
Schedule 5(8) Safety.	No adverse safety impacts identified.	Yes

The signage is considered to be consistent with the objectives of this chapter.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 5 of Schedule 6 being a place of public worship with estimated development cost of more than \$5 million. Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Primary Production) 2021

Chapter 2 Primary production and rural development

Pursuant to clause 2.27 and having regard to the location and nature of the proposed development and proposed stormwater controls the proposal will be unlikely to have any adverse impact on existing priority oyster aquaculture areas.

Chapter 4: Remediation of Land

The provisions of Chapter 4 have been considered in the assessment of the development application. Section 4.6 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A preliminary investigation was carried out as part of the planning proposal. The investigation identified an historic horticultural use (i.e. nursery) in the south-eastern corner of the land subject to the rezoning proposal. That area being adjacent the John Oxley Drive and Philp Charley roundabout and well clear of the site subject to this application. That area has since been remediated with dwellings now in place.

The land is therefore considered to be suitable in its current state for the proposed use as a place of public worship.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The development is in proximity to electricity infrastructure and has been referred to Essential Energy in accordance with Clause 2.48. The electricity authorities provided the below advice:

“Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

- 1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.*
- 2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.*
- 3. In addition, Essential Energy’s records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as [ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure](#). Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.*
- 4. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- 5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.”*

Essential Energy have no specific safety concerns regarding the development but have provided some general advice. The advice received from Essential Energy has been forwarded the applicant for consideration.

The development does not trigger any of the traffic generating development thresholds of Clause 2.122. Referral to the NSW Roads and Maritime Services (RMS) is not required.

Port Macquarie-Hastings Local Environmental Plan 2011

The relevant local environmental plan applying to the site is the *Port Macquarie-Hastings Local Environmental Plan 2011* ('the LEP'). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to protect, conserve and sustainably manage the ecological biodiversity and natural environment of the Port Macquarie-Hastings area,*
- (b) to facilitate a strong and diverse local economy within the Port Macquarie-Hastings area,*
- (c) to manage and coordinate the orderly, equitable and economic use and development of land within the Port Macquarie-Hastings area,*
- (d) to facilitate the provision and coordination of community services and facilities within the Port Macquarie-Hastings area,*
- (e) to facilitate adaptive planning for natural hazards and risks, including flooding, erosion, inundation, land stability, bush fire risk and acid sulfate soils within the Port Macquarie-Hastings area,*
- (f) to reinforce the role of the Port Macquarie-Hastings area's settlement hierarchy, centred on Port Macquarie and supported by its surrounding towns and villages,*
- (g) to ensure the effective management of public assets within the Port Macquarie-Hastings area,*
- (h) to provide a land use framework for development within the Port Macquarie-Hastings area that is safe, inclusive and equitable, and caters for the housing, employment, entertainment, cultural, welfare and recreational needs of residents and visitors,*
- (i) to ensure that development does not conflict with the hierarchy of business and retail centres in the Port Macquarie-Hastings area and the role of the Greater Port Macquarie Central Business District as the focal point for subregional functions and service delivery,*
- (j) to identify and protect features of environmental, cultural or visual importance within the Port Macquarie-Hastings area,*
- (k) to ensure that new urban development makes a positive contribution to the public domain and streetscape,*
- (l) to facilitate efficient use of urban land and infrastructure by appropriate staging of development and ensuring appropriate density of development,*
- (m) to provide effective and efficient connectivity and movement corridors within and between subdivisions.*

The proposal is consistent with these aims for the following reasons:

- The development does not significantly impact on any ecology, biodiversity or natural environment.
- The proposal appropriately responds to the natural hazards applicable to the site.
- The development does not adversely impact on public assets.
- The development will promote the use and development of land for cultural activities.

Zoning and Permissibility (Part 2)

Lot 22 DP 1296583 is zoned R1 General Residential and C2 Environmental Conservation pursuant to Clause 2.2 of the LEP.

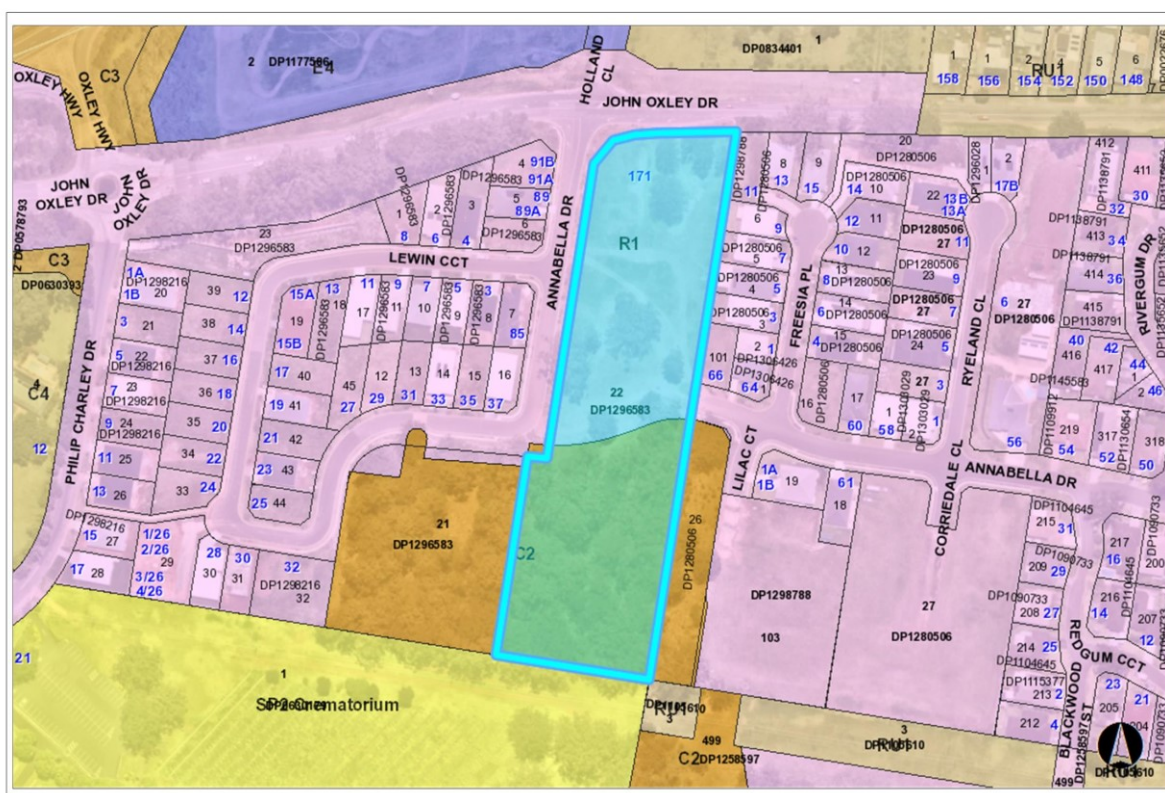


Figure 7 - Zoning Map

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of a place of public worship. The definition is as follows:

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

The application provides operation details surrounding how components of the development including buildings and rooms within will be utilised. The church hall building, rooms within each building and café component are considered to be subordinate and ancillary to the place of public worship use.

The place of public worship and road connection are contained to the R1 zoned portion of the site and are permissible in the zone with consent in the Land Use Table in Clause 2.3.

The objectives of the R1 General Residential zone include the following (pursuant to the Land Use Table in Clause 2.3):

- 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 proposal is considered to be consistent with these zone objectives for the following reason:

- The development will provide for a land use that will provide a service to meet the needs of residents in the community.

The objectives of the E2 Environmental Conservation zone include the following (pursuant to the Land Use Table in Clause 2.3):

- 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 proposal is considered to be consistent with these zone objectives for the following reason:

- The development will enhance and protect the area of the site containing high ecological value.
- The E2 zoned portion of the site will be dedicated to Council as envisaged in the Koala Plan of Management and Voluntary Panning Agreement.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	450m ² for R1 zone portion	Proposed Lot 1 = 8,595m ² for R1 zoned portion.	Yes
	4000m ² for E2 zone portion	Proposed Lot 2 = 8,626m ² for E2 zoned portion.	Yes
Height of buildings	11.5 metres for R1 zone portion	11.5 metres	Yes

(CI 4.3(2))			
FSR (CI 4.4(2))	1:1 for R1 zoned portion (8,595m ²)	0.3:1 (2,569.2m ²) for R1 zoned portion.	Yes
Koala Habitat Map (CI 7.5)	Consistent with approved Koala Plan of Management	Application is consistent with the approved South Lindfield Koala Plan of Management.	Yes
Acoustic Controls Map (CI 7.9)	Road traffic noise levels meet acceptable levels for the development	Application has demonstrated that occupants will not be subject to excessive road traffic noise.	Yes
Essential services (CI 7.13)	Essential infrastructure to be provided to development	Essential services existing or proposed to be provided as detailed in the recommended conditions.	Yes

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments applicable to the proposal.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Port Macquarie-Hastings Development Control Plan 2013* ('the DCP')

The key controls are discussed below and a full assessment table is included in **Attachment B**.

Advertising and Signage (Objective 1)

The application proposes business and building identification signage within the property. The signage does not extend beyond the roof line or building facade. The proposed signage is to be illuminated and fitted with a time switch to dim by 50% or turn off the light by 11pm each night. The proposed signage has demonstrated consistency with the provisions and objectives of the plan.

Waste Management (Objective 3)

The application includes details of proposed waste storage and collection arrangements, which satisfactorily addresses Council's Policy.

The development proposes a private waste collection service, and the plans include swept paths confirming that the access and carpark can accommodate a collection vehicle. A condition is recommended requiring confirmation of arrangements for the private waste collection service.

Environmental Management Areas and Buffers (Objective 8)

A Biodiversity Development Assessment Report (BDAR) prepared by Biodiversity Australia and dated 7 February 2025, which addresses the relevant provisions of the Biodiversity Conservation Act 2016 accompanies the application.

The report identifies 2 vegetation communities (PCTs) in the development footprint. The report recommends impacts be mitigated by offset through the retirement of 2 ecosystem credits and the following mitigation and management measures:

- Implementation of compensatory tree plantings, fauna fencing and bridge, weed control, monitoring and dedication of the environmental land as outlined the supporting Vegetation Management Plan (VMP).
- Preclearing survey and clearing supervision by ecologist.
- Induction and demarcation of protected area and trees.
- Appropriate erosion and sediment controls.
- Minimise and control of artificial lighting.
- Incorporate native plantings within landscaping.

The E2 zoned land is to be embellished and dedicated as public reserve. A Vegetation Management Plan (VMP) supports the application which details proposed offset plantings and weed management. The VMP is consistent with Council's guidelines.

Tree Management (Objective 11 and 13)

14 Koala food trees are proposed to be removed for the development. The trees are proposed to be offset at a 2:1 ratio in accordance with the KPOM.

The offsets are capable of being accommodated in the E2 zoned portion of the site with planting details and maintenance outlined in the supporting VMP.

No hollow bearing trees exist on the development site.

Parking (Objective 24)

The development proposes a main church building with auditorium incorporating 500 seats and a church hall building to be located on the same land. The following parking demand rates from the plan are of relevance and considered applicable:

Place of public worship

1 per 6 seats or 1 per 10m² GFA, whichever is the greater. (Where church and hall are located on same land, provision need only be made for church or hall, whichever is greater)

Office premises

1 per 30m² GLFA or 1.5 spaces per office (min), whichever is the greater.

Restaurants

In commercial zones: 1 per 30m² serviced floor area.

Outside commercial zones: 1 per 6m² serviced floor area.

Parking required per seating:

500 seats / 6 = 83.3 or 84 spaces required.

Parking required per GFA:

GFA is not defined in the DCP and therefore the LEP definition is adopted. The GFA of the main church building is 1,752m². Which would generate a parking demand of 1752m² / 10 = 175.2 or 176 spaces.

Having regard to open layout of the church hall building there is merit in applying some flexibility and exclude some areas recognised as GFA under the LEP definition, which will not generate any parking demand. Specifically, the amenities, foyer / reception areas, storage and service areas.

Exclusion of these areas suggests that a floor area of 581m² within the main church building is more reflective and appropriate for the purpose of calculating the parking demand at the 1 per 10m² rate. Therefore 581m² / 10 = 58.1 or 59 spaces required.

The building also contains multiple ancillary meeting rooms and an ancillary café which form part of the GFA. Having regard to the layout and intended use of these areas it is considered more appropriate that the typical office premises and café parking demand rates apply to these rooms/areas as opposed to the 1 per 10m² place of public worship rate.

The parking demand rate for an office is 1 space per 30m². The combined floor area of the first-floor meeting rooms, ground floor green room and parent room is 360m². Therefore 360 / 30 = 12 spaces required.

In terms of the café and having regard to the intended use by administration staff and self-service by patrons attending a service, an appropriate parking demand rate of 1 space per 30m² is considered appropriate. While the site is not located in a commercial zone it will not be a destination in its own right, as patrons and staff will already be on site for church operations. The cafe is 17m² in area. Therefore 17 / 30 = 0.6 or 1 space required.

Total parking required = 59 + 12 + 1 = 72 spaces.

The parking required based on GFA per definition is 176 spaces and greater than the 84 spaces required based on proposed seating numbers. However, on merit it is considered that 72 parking spaces are required based on the layout and intended use of areas and rooms within the main church building. As such, the parking required is considered based on the seating numbers, equating to required 84.

The GFA of the separate church hall building is 817m² which is less than the main church building so the parking requirements of the main church hall building are greater and apply.

The proposal provides 97 parking spaces with a further 8 stacked overflow spaces, which is in excess of the minimum 84 spaces considered to be required to serve the development under the DCP.

Access and Parking Layout (Objective 28)

The overall access and parking layout is considered acceptable and is capable of complying with AS 2890. The swept path analysis demonstrates that a service vehicle will be able to manoeuvre through the site.

South Lindfield Precinct - Road Hierarchy (Objectives 234 and 235)

Proposed Annabella Drive extension provides for the connectivity envisaged in this part. No direct access to John Oxley Drive proposed.

South Lindfield Precinct - Stormwater Management (Objectives 236 and 237)

Proposed stormwater management is consistent with the strategy identified. Stormwater is directed to the downstream basin adjoining John Oxley Drive to the east which is already dedicated to Council with existing access arrangements in place.

South Lindfield Precinct - Sewerage Services (Objective 238)

The site has access to sewer infrastructure and is capable of being serviced and connected to the existing network. Council's Water and Sewer Team have reviewed the proposal and issued a section 306 Notice of Requirements confirming connection arrangements.

South Lindfield Precinct - Environmental Management (Objective 239)

The proposed development is consistent with the KPoM. The E2 zoned portion of the site is proposed to facilitate compensatory Koala food tree plantings at appropriate centres and dedicated to Council. No APZs are proposed or required over the E2 zoned land. Fauna fencing is proposed and the integrity of the E2 land will not be compromised. The BDAR indicates that no hollow bearing trees are located on the site subject to the proposed development footprint.

South Lindfield Precinct - Oxley Highway Relationship (Objective 240)

The site is located approximately 160m from Oxley Highway and is not directly visible. The proposed building design and landscaping will contribute to an attractive visual amenity.

South Lindfield Precinct - Traffic Noise Management (Objective 241)

An acoustic report supports the application indicating that upgraded glazing is required to mitigate against road traffic noise.

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

Lot 22 DP 1296583, formerly Lot 2 DP 533058, is subject to an existing Planning Agreement (South Lindfield Urban Release Area Planning Agreement dated 16 January 2019) between the landowners and Port Macquarie-Hastings Council. The Planning Agreement includes the following provisions relevant to the proposed development:

- Clause 7 - Enables the inclusion of s7.12 contributions.

7 Application of s94, s94A and s94EF of the Act to the Development

- 7.1 This Deed does not exclude the application of s94A of the Act to the Development.
- 7.2 Section 94 of the Act does not apply to the Development if, and to the extent to which, this Deed requires a Development Contribution towards specified public amenities and public services.
- 7.3 This Deed does not exclude the application of s94EF of the Act to the Development.

- Clause 8 - Requires payment of the roads contribution (subject to CPI) within the VPA, prior to issue of the Construction Certificate.
- Clause 9 - Requires the construction and dedication of the Link Road. The submitted application includes construction of the Link Road, generally in the location as identified in the Planning Agreement.
- Clause 10 - Includes provisions for Link Road Contributions collected by Council to be paid back to the developer that constructs the Link Road. As the adjoining landowner constructed part of the Link Road now known as Annabelle Drive, the owner of Lot 22 DP 1296583 is required to pay part of that construction. The two owners are in negotiation regarding this payment. The NoP estimate has included a TBA until such agreement is reached. This contribution is to be paid prior to issue of the Construction Certificate.
- Clauses 13 to 15 - Includes provisions that provide for the construction of Stormwater Catchment Work and where appropriate reimbursement of the cost of those works on a catchment share basis.
- Clause 16 - Provides for the payment of the Sewerage Services Contribution and Sewerage Services Contribution Local, to be paid prior to issue of the Construction Certificate.
- Clause 17 - Provides for the payment of the Open Space Contribution (subject to CPI) within the VPA, prior to issue of the Construction Certificate.
- Clauses 18 to 23 - Includes provisions relating to the Environmental Management Land within the subject property. These clauses require the establishment, management and dedication of the Environmental Management Land (EML) in conjunction with the proposed development. It is proposed to undertake the establishment, management and dedication of the EML, as detailed in the submitted VMP and the South Lindfield KPOM.
- Clause 24 - Provides for the payment of the Administration Levy Contribution, prior to issue of the Construction Certificate.

Councils' development contributions staff have reviewed the proposal against the Planning Agreement and advised that in addition to s7.12 contributions, payment of contributions under the Planning Agreement are also applicable. Subject to the inclusion of these contributions the proposed development is consistent with the Planning Agreement. Appropriate consent conditions are recommended requiring the commitments in the Planning Agreement to be performed.

An estimate of development contributions payable is provided as Attachment E to this report.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

No additional matters prescribed by the regulations apply.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Context and Setting** - The subject site is located on the corner of John Oxley Drive and Annabella Drive and located on the western fringe of Port Macquarie and approximately 5 kilometres from the Port Macquarie town centre. Adjoining the northern and residential zoned portion of site to the east is residential development in the form of dwelling houses. To the west is Annabella Drive with residential development in the form of dwelling houses beyond. The southern portion and environmental zoned part of the site adjoins previously dedicated, and Council owned environmental zoned land. Adjoining the site to the north is John Oxley Drive with vacant rural and industrial land beyond. Adjoining the site to the south is part of the land operating and zoned for the purpose of a crematorium. There are no buildings on the site. The site contains remnant vegetation in the form of trees and managed grassland. The northern portion of the site is zoned R1 residential and the southern portion zoned C2 Environmental Conservation.

Having regard the suburban nature of the site, proximity to public transport infrastructure and services is limited. There are a couple of existing places of public worship approximately 1km from the site at 279 John Oxley Drive and 2 Kingfisher Road.

The proposed development is considered to appropriately fit into the local context and would not significantly affect surrounding land uses.

- **Access and traffic** - A Traffic Impact Assessment (TIA) prepared by SCT Consulting and dated 31 March 2025 has been submitted with the application. The report concluded:

“The proponent is seeking the construction of a community church on currently vacant land at 171 John Oxley Drive, Port Macquarie. The proposed site would be able to accommodate 500 seats and comprise an on-site car park of 105 spaces, including eight tandem parking spaces, and associated facilities.

Vehicular access to the site is provided at two locations on the planned Annabella Drive to the south.

The design of the proposed car park conforms with the AS 2890 standards. An MRV will be accommodated within the car park for waste collection.

According to Part B4 of the DCP, the proposed development is required to provide a minimum of 84 parking spaces. Meanwhile, Part D3 of the BCA requires two accessible parking spaces out of the total 84 parking spaces. A total of 105 parking spaces are proposed, including eight tandem parking spaces and two accessible parking spaces, satisfying the requirements.

The intersection of John Oxley Drive and Annabella Drive has been identified as the key intersection that will accommodate the majority of traffic generated by the proposed facility. The network peak hours are identified to be 10am to 11am and 4.30pm to 5.30pm on Sundays.

The population growth in the local area equates to an average of 1.79 per cent per annum, which was applied to the existing traffic volumes to demonstrate background traffic growth on the surrounding road network. Additionally, the planned extension of Annabella Drive to the south of the site would provide an alternative route for residents in the vicinity to access John Oxley Drive at its intersection with the Annabella Drive extension. These two parts form the background traffic growth.

The maximum attendance for the proposed facility is estimated to be 400 people in the morning session and 240 people in the afternoon session. Based on the assumed mode share and surveyed vehicle occupancy, the proposed church is estimated to generate a total of 123 vehicles during the Sunday AM peak hour and 107 vehicles during the Sunday PM peak hour.

Assuming people usually arrive at and leave the site 30 minutes before and after each session, there will be only outgoing traffic during the morning peak hour (10am to 11am) and only incoming traffic during the afternoon peak hour (4.30am to 5.30pm).

SIDRA modelling results show that the proposed development will not have any significant impact on the operation of the John Oxley Drive / Annabella Drive intersection during either peak hour both at completion in 2026 and ten years after the completion in 2036.

Parking demand of a maximum of 128 spaces may be generated by the proposed development. Based on the survey data across the three days, the calculated 85th percentile parking demand would be 120 and 105 spaces in the Sunday AM and PM peak hours, respectively.

While there may be overspilled parking demand (15 spaces) on certain days, it is expected to occur not frequently. The demand is anticipated to be accommodated by on-street parking (min 25 spaces) around the surrounding streets and not adversely impact the operation and safety of the surrounding road network.

The TIA concludes that the impact of the proposal will be fully accommodated by the existing and planned infrastructure."

Several components of the report were questioned by Council staff, these included the capacity of the proposed facility (500 seats) and the local traffic generation estimated to use the proposed link road (Annabella Drive). Whilst the report was amended and resubmitted several times it is still assuming a maximum of 400 attendees for the 500-seat venue, which is not considered reasonable. It has also not increased the traffic numbers on the through road for the ten-year growth.

The main concern in assessing the traffic impacts was the capacity of the John Oxley Drive/Annabella Drive intersection. This intersection is currently a CHR(s) right turn from John Oxley Drive into Annabella Drive, a left turn slip lane from John Oxley Drive into Annabella Drive and a channelized left and right turn lanes out of Annabella Drive. While the TIA is considered insufficient in the figures it has used for several factors, Council officers have reviewed and determined that the proposed development will not exceed the capacity of this intersection, and it can continue to function efficiently with the proposal. The report includes a SIDRA analysis that demonstrates that the intersection will have a delay of 13.1 seconds AM (2026) and 11.2 seconds PM (2026) with the development and 11.6 seconds AM and 10.1 PM without the development, therefore the development is creating slightly over 1 second increase to the delay at the intersection in its current format. Anything below 14.5 seconds is considered a good operating intersection and anything below 56.4 is considered satisfactory. Therefore, even increasing the traffic flows to the Council staff assumed figures would not affect the intersection to any extent that would hinder its safety operating performance. The forecast delay in 2036 is 15.3 AM and 12.7 PM, however the intersection will be upgraded as part of the adjacent development on Holland Close at that time.

There was also some concern over the alignment of the Annabella Drive and Lewin Circuit and ensuring the control hierarchy of continuation along Annabella Drive, however this seems relatively simple to address during assessment of detail construction plans and appropriate conditions have been included to ensure this.

Vehicle access to the site is proposed through two driveways of the Annabella Drive extension. The proposed locations of both driveways is satisfactory with no concerns over traffic conflicts. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been recommended to reflect these requirements.

All site frontage works will be subject to an approval under Section 138 of the Roads Act 1993, and a condition has been recommended in this regard.

- **Public Domain** - The development proposes construction of the Annabella Drive extension and footpath on the southern side of the proposed Annabella Road extension to connect to the existing pedestrian network in Annabella Drive to the east and west of the site.
- **Water Supply Connection** - The site has access to water supply infrastructure, including recycled water and is capable of being connected to the existing network. Council's Water and Sewer Team have reviewed the proposal and issued a section 306 Notice of Requirements confirming connection arrangements. Standard conditions of consent have been applied to obtain a section 307 certificate of compliance to ensure compliance with the requirements under the *Water Management Act 2000*.
- **Sewer Connection** - The site has access to sewer infrastructure and is capable of being connected to the existing network. Council's Water and Sewer Team have reviewed the proposal and issued a section 306 Notice of Requirements confirming connection arrangements. Standard conditions of consent have been applied to obtain a section 307 certificate of compliance to ensure compliance with the requirements under the *Water Management Act 2000*.
- **Stormwater** - The development application is supported by a preliminary stormwater management plan which demonstrates conceptually how stormwater is to be managed and disposed of. The legal point of discharge for the proposed development is defined

as a direct connection to the existing inter-allotment drainage system in the north-eastern corner servicing the site based on prior approved subdivision plans and catchment allowances directed to this piped system, with remaining western reaches of the lot to be directed to the open drain on John Oxley Drive.

Detention and water quality controls are required for this development. The existing downstream bio-retention basin is proposed to provide treatment for this development and has been outlined in the concept Stormwater Management Plan to have adequate capacity. A detailed stormwater management plan will be required, and appropriate conditions are recommended in this regard.

- **Utilities** – Telecommunication and electricity services are available to the site. Evidence of satisfactory arrangements with the relevant utility authorities for provision of services to the development will be required prior to works commencing.
- **Heritage** – No known items of Aboriginal or European heritage significance exist on the property. It is not anticipated that any items of significance would be uncovered during works.
- **Other land resources** – The site is within an urban context and will not sterilise any significant mineral or agricultural resource.
- **Water Cycle** - The proposed development will not have any significant adverse impacts on water resources and the water cycle.
- **Soils** - The proposed development will not have any significant adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.
- **Air and Microclimate** - The construction and operation of the proposed development will not result in any significant adverse impacts on the existing air quality or result in any pollution. Standard precautionary site management condition recommended.
- **Flora and fauna impacts** - The proposed development footprint is contained to the R1 zoned land in the northern portion of the site, which equates to 0.98 hectares. A small portion of the R1 zoned land is mapped on the biodiversity values map. Refer to figure 8 below. The proposal therefore exceeds the clearing threshold under the Biodiversity Conservation Act and a Biodiversity Development Assessment Report is required to accompany the development application.

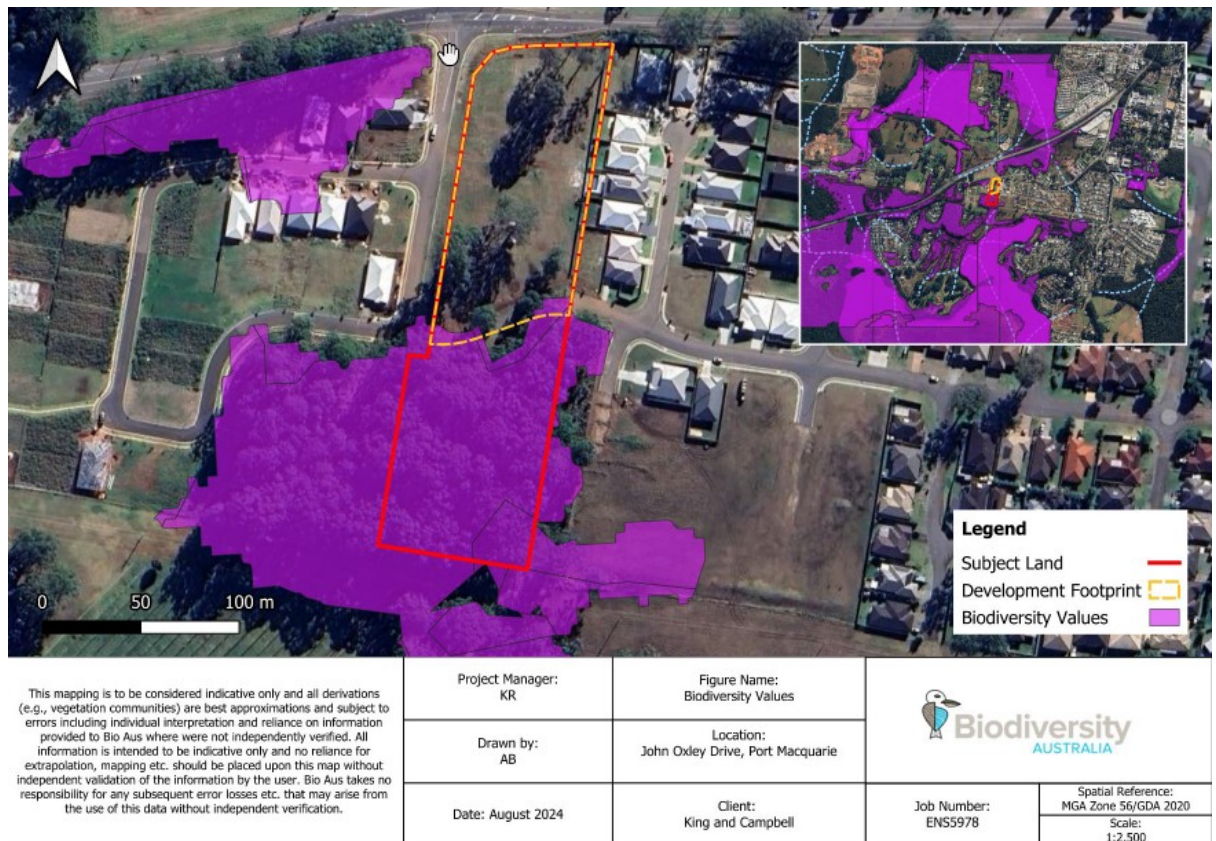


Figure 8 - Extent of impacted vegetation (Biodiversity Development Assessment Report - Biodiversity Australia)

A Biodiversity Development Assessment Report (BDAR) prepared by Biodiversity Australia and dated 7 February 2025, which addresses the relevant provisions of the Biodiversity Conservation Act 2016 accompanies the application.

The report identifies 2 vegetation communities (PCTs) in the development footprint. The report recommends impacts be mitigated by offset through the retirement of 2 ecosystem credits and the following mitigation and management measures:

- Implementation of compensatory tree plantings, fauna fencing and bridge, weed control, monitoring and dedication of the environmental land as outlined the supporting Vegetation Management Plan (VMP).
- Preclearing survey and clearing supervision by ecologist.
- Induction and demarcation of protected area and trees.
- Appropriate erosion and sediment controls.
- Minimise and control of artificial lighting.
- Incorporate native plantings within landscaping.

These measures have been addressed in the design of the development and the recommended conditions of consent.

- **Waste** – The application includes details of intended waste management, which satisfactorily addresses Council's Policy.

The development will require a private waste collection service, and the plans include swept paths confirming that the internal carpark can accommodate a collection vehicle.

The proposed bin storage area is located on the western boundary. The application details expected waste generation rates and indicates that 3 x standard domestic bins and 3 x 660 litre bins will accommodate the development.

A condition is recommended requiring confirmation of arrangements for the private waste collection service.

- **Energy** - The proposal satisfies the requirements of SEPP (Sustainable Buildings) 2022 and the development is capable of incorporating energy efficient technology. A future battery storage area is nominated in storage area under the building.
- **Noise and vibration** – The application includes an Acoustic Assessment prepared by Matrix Thornton and dated 29 March 2025. The assessment addresses road traffic noise impacts upon the development and noise impacts from the proposed development on adjoining residential development. The assessment and review of by Council's technical staff concludes that the proposed development will comply with relevant noise guidelines subject to the implementation of the following mitigation measures:
 - Main Church
Ceiling to have an acoustic rating of R_w40 , and the northern façade to have an acoustic rating of R_w32 with 6.38mm laminated glass. Western and northern façade windows closed during loud activities.
 - Church hall
Ceiling to have an acoustic rating of R_w35 and 6mm glass on the eastern façade. Windows closed in the hall and MPR6 during loud activities.
 - Carpark
Installation of a 1.5m lapped and capped timber acoustic fencing on the western side of the carpark and a 1.8m lapped and capped timber acoustic fence on the eastern side of the carpark atop the retaining walls to make overall height of the acoustic fence 2.4m.

Conditions of consent are recommended to ensure these measures are incorporated and implemented.

Construction noise impacts can be managed by restricting work to the standard construction hours, as recommended in the conditions.

- **Bushfire** – The site is identified as being bushfire prone. The application includes a Bush Fire Assessment Report prepared by Building Certification and Environmental services and dated 9 September 2024. While the proposal is not recognised as a Special Fire Protection Purpose under 100B of the Rural Fires Act 1997, section 8.3.11 of Planning for Bushfire Protection 2019 indicates that places of public worship are a form of assembly building which do require referral to NSW Rural Fire Service under s4.14 of the Environmental Planning and Assessment Act 1979.

The application has been referred to NSW RFS whom have reviewed the proposal and Bush Fire Assessment Report. The RFS have issued advice dated 18 November 2024, which includes recommended conditions relating to the following matters:

- Bush Fire Emergency Management and Evacuation Plan
- Asset protection zones;
- Construction standards

- Access roads internal and public
- Water and utility services.

The proposal is capable of complying with the requirements of the recommended conditions without any changes to the overall layout or design of buildings. The recommended conditions and requirements from the NSW RFS are to form part of recommended development consent conditions.

- **Safety, security and crime prevention** – The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The proposed fencing and landscaping limits access for security purposes and clearly defines the public domain and the private land interface. The two-storey form of the buildings will allow for passive surveillance of the street and carpark. Exterior lighting around the buildings and carpark can be provided at night.
- **Social impact** – Given the nature of the proposed development and its location the proposal is not considered to have any significant adverse social impacts. The use will provide for cultural interaction between members of the community.
- **Economic impact** – The proposal is not considered to have any significant adverse economic impacts on the locality. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.
- **Site design and internal design** – The proposed development design has had regard important environmental constraints and satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.
- **Construction** – Construction impacts are considered capable of being managed, standard construction and site management conditions have been recommended.
- **Cumulative impacts** – The proposed development is consistent with the relevant planning controls and is not considered to have any significant adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposal will fit into the locality and the site attributes are conducive to the development.

While there are no specific building or setback provisions applicable to this form of development the adopted setbacks are considered appropriate. The 6.1m setback to the eastern boundary provides an acceptable level of building separation to adjoining residential development. The 4.9m setback to Anabella Drive and 9.7m setback to John Oxley Drive provides for appropriate relief and in conjunction with the proposed landscaping present an acceptable streetscape appearance from the street frontages.

Site constraints of ecology and bushfire have been adequately addressed and appropriate conditions of consent recommended.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposed development satisfies relevant planning controls and will not have any significant adverse impacts on the wider public interest.

Ecologically Sustainable Development and Precautionary Principle

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the manmade development and the environmental impacts. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

Climate change

The proposal is not considered to be vulnerable to any risks associated with climate change.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
N/A			
Referral/Consultation Agencies			

Essential Energy	Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021	No concerns or safety risks identified.	Y
RFS	S4.14 – EP&A Act Development on bushfire prone land	Comments received with number of recommended consent conditions	Y
Integrated Development (S 4.46 of the EP&A Act)			
N/A			

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Stormwater engineer	The development application is supported by a preliminary stormwater management plan which demonstrates conceptually how stormwater is to be managed and disposed of. Council staff are satisfied that stormwater can be managed as indicatively suggested. A detailed stormwater management plan is required to provide specific details prior to construction and appropriate conditions are recommended in this regard.	Yes
Development Engineer	The submitted Traffic Impact Assessment has been reviewed by Councils staff and the conclusions and recommendations are considered appropriate for the development. Specifically upgrading of the Annabella Drive and John Oxley Drive intersection is not considered warranted for the proposed development. Appropriate conditions have been recommended in relation to the Annabella Road extension and works within the road reserve to ensure they satisfy relevant engineering standards.	Yes
Ecologist	The submitted Biodiversity Development Assessment Report (BDAR) and Vegetation Management Plan (VMP) have been reviewed by Council staff and findings and conclusions supported in principle. Appropriate consent conditions have been recommended to ensure the obligation and mitigation measures are implemented.	Yes
Water and Sewer	Water and sewer infrastructure is available and the development is capable of being connected.	Yes

	Council's Water and Sewer Team have reviewed the proposal and issued a section 306 Notice of Requirements confirming connection arrangements. Standard conditions of consent have been applied to obtain a section 307 certificate of compliance to ensure compliance with the requirements under the <i>Water Management Act 2000</i> .	
Trade Waste	Council's trade waste officer has reviewed and has no objection and provided recommended consent conditions.	Yes
Environmental Health	The submitted Acoustic Assessment. have been reviewed by Council staff and findings and conclusions supported in principle. Appropriate consent conditions have been recommended to ensure the mitigation measures are implemented.	Yes
Development Contributions	<p>Development contributions and obligations will apply in accordance with the following:</p> <ol style="list-style-type: none"> 1. Port Macquarie-Hastings Council s94A Levy Contributions Plan 2007; and 2. South Lindfeld Urban Release Area Planning Agreement <p>Conditions have been recommended requiring payment of the contributions and fulfilment of VPA obligations.</p>	Yes

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 34 October 2024 until 29 November 2024. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (40 letters sent); and
- Notification on the Council's website.

The Council received a total of two unique submissions, comprising two objections and no submissions in favour of the proposal. The issues raised in these submissions are considered in **Table 7**.

Table 7: Community Submissions

Issue	Council Comments
Ecology Impact of tree removal on fauna including the Koala.	The ecological impacts of the development have been assessed in the form of a Biodiversity Development Assessment Report (BDAR) prepared by Biodiversity Australia and dated 7 February 2025. The report recommends a number of mitigation measures including offset planting and demonstrates

	<p>consistency with the applicable Koala Plan of Management.</p> <p>Outcome: Councils technical officer has reviewed the findings of the report and concludes that no significant adverse ecological impact would result. The mitigation measures form part of the recommended consent conditions.</p>
<p>Amenity impacts</p> <p>Amenity impact of large concrete building and parking adjoining residential dwellings.</p>	<p>The envisaged future character of the site has been established in adoption of the key planning controls of building height and floor space ratio. The proposed development is consistent with the maximum 11.5m building height and maximum 1:1 floor space ratio controls applicable to the site. There is a generous 6.1m side setback from the Church Hall building to the eastern side boundary that in conjunction with the existing dwellings rear setbacks provide appropriate building separation to existing dwellings.</p> <p>Outcome: The proposal is consistent with the future character envisaged for the area and appropriate building separation will exist.</p>
<p>Traffic</p> <p>Increased vehicle movements and traffic congestion.</p>	<p>A Traffic Impact Assessment (TIA) prepared by SCT Consulting and dated 31 March 2025 has been submitted with the application and reviewed by Council technical staff. It is considered that access through the two driveways from the Annabella Drive extension is acceptable and that the existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.</p> <p>Outcome: The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.</p>
<p>Noise</p> <p>Operational noise impacts upon adjoining residential receivers.</p>	<p>The application includes an Acoustic Assessment prepared by Matrix Thornton and dated 29 March 2025, which recommends a number of mitigation measures to meet industry standard internal noise levels within adjoining residential receivers.</p> <p>Outcome: Subject to the implementation of the recommended noise mitigation measures, no significant adverse noise impacts would result that warrant refusal of the application. The noise mitigation measures form part of the recommended conditions of consent.</p>
<p>Site suitability</p> <p>Site not suitable and not suitable to a residential zone rather industrial zone.</p>	<p>The application and this detailed assessment demonstrate the development is suitable for the site. The proposal adequately responds to the site and identified impacts.</p>

	Outcome: The site is suitable for the proposed development.
House prices Impact upon adjoining house prices.	Outcome: Impact on property values is not a relevant planning consideration.
Voluntary Planning Agreement (VPA) Ensure obligations of planning agreement are fulfilled.	Outcome: Obligations of a Voluntary Planning Agreements (VPA) are legally binding. Consent conditions have been applied to ensure the obligations are fulfilled.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Ecological Impacts

A Biodiversity Development Assessment Report (BDAR) prepared by Biodiversity Australia and dated 7 February 2025, which addresses the relevant provisions of the Biodiversity Conservation Act 2016 accompanies the application.

The report identifies 2 vegetation communities (PCTs) in the development footprint. The report recommends impacts be mitigated by offset through the retirement of 2 ecosystem credits and the following mitigation and management measures:

- Implementation of compensatory tree plantings, fauna fencing and bridge, weed control, monitoring and dedication of the environmental land as outlined the supporting Vegetation Management Plan (VMP).
- Preclearing survey and clearing supervision by ecologist.
- Induction and demarcation of protected area and trees.
- Appropriate erosion and sediment controls.
- Minimise and control of artificial lighting.
- Incorporate native plantings within landscaping.

These measures have been addressed in the design of the development and the recommended conditions of consent.

The land is subject to the South Lindfield Koala Plan of Management (KPoM). The KPoM identifies Koala food trees in the residential zoned areas that were envisaged for removal subject to compensation measures.

The proposal incorporates removal of 14 Koala food trees within the residential zoned portion of the site with compensatory planting proposed within the E2 Environmental zoned portion of the site. The E2 zoned land is to be dedicated to Port Macquarie Hastings Council as public land in accordance with the Koala Plan of Management and Voluntary Planning Agreement.

The offset planting ratio within the plan of management is 2:1, with 2 Koala food trees to be planted and established for every Koala food tree removed. The proposal incorporates 29 Koala food tree plantings in the E2 zone which is consistent with the provisions of the plan.

A Vegetation Management Plan (VMP) supports the application which details weed management, offset planting locations, fauna fencing and Koala bridges.

With the implementation of the VMP and recommended consent conditions the development will be consistent with the Koala Plan of Management.

Resolution: The ecological impact have been adequately assessed and mitigation measures form part of the recommended conditions of consent as outlined in **Attachment A**

5.2 Noise Impacts

The application includes an Acoustic Assessment prepared by Matrix Thornton and dated 29 March 2025. The assessment addresses road traffic noise impacts upon the development and noise impacts from the proposed development on adjoining residential development. The assessment and review of by Council's technical staff concludes that the proposed development will comply with relevant noise guidelines subject to the implementation of the following mitigation measures:

- Main Church
Ceiling to have an acoustic rating of R_w40 , and the northern façade to have an acoustic rating of R_w32 with 6.38mm laminated glass. Western and northern façade windows closed during loud activities.
- Church hall
Ceiling to have an acoustic rating of R_w35 and 6mm glass on the eastern façade. Windows closed in the hall and MPR6 during loud activities.
- Carpark
Installation of a 1.5m lapped and capped timber acoustic fencing on the western side of the carpark and a 1.8m lapped and capped timber acoustic fence on the eastern side of the carpark atop the retaining walls to make overall height of the acoustic fence 2.4m.

Conditions of consent are recommended to ensure these measures are incorporated and implemented.

Resolution: The issue has been resolved through implementation of noise mitigation measures which form part of the recommended conditions of consent as outlined in **Attachment A**.

5.3 Traffic impacts

The main concern in assessing the traffic impacts was the capacity of the John Oxley Drive/Annabella Drive intersection. This intersection is currently a CHR(s) right turn from John Oxley Drive into Annabella Drive, a left turn slip lane from John Oxley Drive into Annabella Drive and a channelized left and right turn lanes out of Annabella Drive.

A Traffic Impact Assessment (TIA) prepared by SCT Consulting and dated 31 March 2025 has been submitted with the application. While the TIA is considered insufficient in the figures it has used for several factors, Council officers have reviewed and determined that the proposed

development will not exceed the capacity of this intersection, and it can continue for function efficiently with the proposal. The report includes a SIDRA analysis that demonstrates that the intersection will have a delay of 13.1 seconds AM (2026) and 11.2 seconds PM (2026) with the development and 11.6 seconds AM and 10.1 PM without the development, therefore the development is creating slightly over 1 second increase to the delay at the intersection in its current format. Anything below 14.5 seconds is considered a good operating intersection and anything below 56.4 is considered satisfactory.

Therefore, even increasing the traffic flows to the Council staff assumed figures would not affect the intersection to any extreme that would hinder its safety operating performance. The forecast delay in 2036 is 15.3 AM and 12.7 PM, however the intersection will be upgraded as part of the adjacent development on Holland Close at that time.

Resolution: The proposed development does warrant/ trigger upgrading of the John Oxley Drive and Annabella Drive intersection.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

Overall, the site is considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result a significant adverse social, environmental or economic impact.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA2024 - 668.1 (PPSNTH-385) for a staged place of public worship, proposed public reserve and extension of Annabella Drive at Lot 22 DP 1296583 - 171 John Oxley Drive, Port Macquarie be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: Compliance Tables
- Attachment C: Architectural Plans
- Attachment D: NSW RFS Comment and Recommended Conditions
- Attachment E: Contributions Estimates