

# Settlement City Shopping Centre – Port Macquarie

Environmental Assessment proposed Stage 1  
Volume 1

JUNE 2009



# Contents

<b>Statement of validity</b>	<b>1</b>
<b>1 Executive summary</b>	<b>2</b>
<b>2 Introduction</b>	<b>4</b>
2.1 Proposal overview	4
2.2 Background to the proposal	4
2.3 Report structure	6
<b>3 Site and locality description</b>	<b>12</b>
3.1 Site description	12
3.2 Existing land use	12
3.3 Surrounding environment	16
<b>4 Project overview and justification</b>	<b>18</b>
4.1 Project overview	18
4.2 Options	19
4.3 Project description	19
4.4 Justification and need for the project	25
4.5 Staging and timing	30
4.6 Operation and management of the shopping centre	31
<b>5 Planning framework</b>	<b>32</b>
5.1 Commonwealth context	32
5.2 New South Wales context	32
5.3 Local planning context	36
5.4 Additional legislation and guidelines considered	37
<b>6 Impacts and mitigation</b>	<b>39</b>
6.1 Land use patterns and adjoining sites	39
6.2 Urban design	41
6.3 Visual impact	44
6.4 Sustainability	54
6.5 Infrastructure service provision	57
6.6 Traffic and access	60
6.7 Hazard management and mitigation	62
6.8 Climate change	70
6.9 Water cycle management	73
6.10 Flora and fauna	76
6.11 Noise	78
6.12 Social impacts	81
6.13 Economic impacts	84

<b>7</b>	<b>Consultation</b>	<b>87</b>
7.1	Methodology	87
7.2	Community consultation	88
7.3	Council consultation	92
7.4	Government agency consultation	92
7.5	Ongoing consultation	93
<b>8</b>	<b>Conclusion</b>	<b>94</b>
8.1	Project justification	94
8.2	Conclusion	96
Appendix A Drawings and supporting material		
A.1	Masterplan drawings	
A.2	Proposed Stage 1 drawings	
A.3	Design statements and supporting material	
Appendix B	Cost assessment	
Appendix C	Economic impact assessment	
Appendix D	Consent from Panthers	
Appendix E	ESD report	
Appendix F	Estuarine assessment	
Appendix G	Traffic assessment	
Appendix H	Acid sulfate soil, contamination and salinity assessment	
Appendix I	Flora and fauna assessment	
Appendix J	Community information	
Appendix K	Acoustic planning review and report	
Appendix L	Engineering advice report	
Appendix M	Electrical infrastructure report	
Appendix N	Visual impact assessment	
Appendix O	Draft statement of commitments	

# Statement of validity

## Environmental assessment prepared by

---

Name:	David McNamara Project Leader
Qualifications:	Bachelor of Urban and Regional Planning, University of New England, 1998
Address:	Manidis Roberts Level 9, 17 York Street Sydney NSW 2000
In respect of:	Settlement City shopping centre partial redevelopment and expansion – Port Macquarie.

---

## Proponent and lot details

---

Applicant name:	Armstrong Jones Retail Fund (ING Real Estate)
Applicant address:	ING Real Estate Level 11, 345 George St Sydney NSW, 2000
Proposed development:	Partial redevelopment and expansion of Settlement City shopping centre at Port Macquarie. Works involve partial demolition, construction and landscaping of a new precinct to accommodate increasing retail needs for the region.
Land to be developed:	3 Bay Street, Port Macquarie Lot 2 in DP 702484 and Lot 4 and Lot 5 in DP 1018087

---

## Statement of validity

---

Statement of validity:	I certify that I have prepared the contents of the Environmental Assessment and to the best of my knowledge: <ul style="list-style-type: none"><li>• It is in accordance the Director-General's requirements dated 4 March 2009.</li><li>• The information contained in the document is neither false nor misleading.</li></ul>
------------------------	---

---

Signature:



Date: 30 June 2009

---

# 1 Executive summary

For a quarter of a century, the Settlement City Shopping Centre has serviced the needs of the residents of Port Macquarie. It is an important part of the retail fabric of the city, and helps ensure its retail primacy. The centre also supports local businesses, local jobs and local skills.

The average population growth for the Greater Port Macquarie region is expected to increase by 1.8 per cent per annum, to a population of approximately 110,360 persons by 2031 – a greater rate than for the entire mid north coast of NSW generally. Growth to date has also been above average.

As Port Macquarie continues to grow, demand for updated goods and services, contemporary facilities and the infrastructure to support their delivery also grows. It is proposed now to partially redevelop and expand the Settlement City Shopping Centre to meet the growth in demand, and to update a successful but aging facility.

The revitalised shopping centre is aimed at providing a new vibrant experience for locals and tourists that is responsive to the coastal character of Port Macquarie and the vision of the Port Macquarie-Hastings City Council's *Settlement City Precinct Structure Plan*.

Urban design and architectural features of the masterplan expansion and redevelopment include:

- An open pedestrian pathway connecting Bay Street with the Hastings River, improving permeability and providing views to the water.
- Two new external streets through the site ('entertainment' and 'leisure' streets) to improve access and permeability, and diversify the retail setting.
- Activation of Bay Street and Park Street by adding retail and commercial uses to otherwise void pedestrian areas.
- An improved food court overlooking the water, optimising the river setting while activating the foreshore in line with planning objectives and improving views from across the water.
- Improved landscaping and pedestrian access through and around the centre, as well as better route options for buses and taxis.

An additional 7,862m<sup>2</sup> of retail space will be built. Other features include:

- Greater retail diversity and a wider range of shops and services serving residents and tourists.
- The introduction of a leisure centre and gymnasium.
- A new state-of-the-art bowling alley.
- Much needed new cinemas for Port Macquarie, serving amongst others the key demographic groups seeking entertainment outlets – an aging population and teenagers.

The partial redevelopment and expansion is expected to create 419 jobs during the construction phase and almost 598 new positions on completion. The multiplier effect will also lead to the creation of over 1,136 new positions.

Extensive consultation with the Port Macquarie community, retailers, Port Macquarie Hastings Council, and state government organisations has been undertaken, and the issues raised during this process

have contributed to the refinement of the proposal. Consultation will be ongoing throughout the construction and implementation stage of the proposal.

The potential environmental, social, and economic impacts of the proposal have been assessed. The sensitive coastal location of the proposal requires the development of specific mitigation measures in order to protect the aquatic and terrestrial environment. Koala habitat is also identified on the site. A draft statement of commitments is included in this report and details the mitigation measures that will be undertaken to mitigate or manage the potential impacts of the proposal.

# 2 Introduction

This chapter provides an outline of the Settlement City Shopping Centre ('the shopping centre') partial redevelopment and expansion proposal. The existing shopping centre was built in 1984, and is now due to be updated and improved to meet the needs of the current market at Port Macquarie. The increasing population has necessitated more floor space, while changing shopping habits and expectations support opening up of the traditional enclosed mall to create a more modern, vibrant retail experience.

This chapter includes a general overview of the proposal, background, report aims, and a synopsis of the structure of the report.

## 2.1 Proposal overview

---

Armstrong Jones Retail Fund (ING Real Estate Australia) owns the Settlement City Shopping Centre at Settlement Point, Port Macquarie. Adjacent to the shopping centre is a Panthers Club, owned by the Panthers Partnership, which is a joint venture between Panthers Entertainment Group and ING Real Estate. Together the sites comprise 6.4 hectares (ha).

This proposal presents a masterplan for the site overall together with detailed plans for the partial redevelopment and expansion of the Settlement City Shopping Centre portion of the site. Armstrong Jones Retail Fund (ING Real Estate) ('the proponent'), as owners of the shopping centre, wish to revitalise the existing centre. The proposal will facilitate revitalisation of the centre to better engage with the surrounding waterway, promote a village style atmosphere, and provide an active day and night time environment.

A masterplan has been created for the site. The masterplan is included in the EA to demonstrate how the Stage 1 Project is the first part of an overall strategy to integrate the existing shopping centre, the Panthers Club and adjoining Precinct areas in order to create an entertainment destination for Port Macquarie. It also demonstrates that the masterplan is broadly consistent with the principles contained within the *Settlement City Precinct Structure Plan December 2008*.

The subject of this environmental assessment report is Stage 1 of the project – 'the proposal'. The proposal subject of this application would see the retail floor space (including new large format stores, specialty retail stores and food and beverage outlets) expanding by 7,862m<sup>2</sup>, as well as a new leisure and entertainment area (including a cinema complex and bowling alley with floor spaces of 3,523m<sup>2</sup> and 1,165m<sup>2</sup> respectively). A further 2,748m<sup>2</sup> of commercial space is also proposed. An additional 325 car-parking spaces will be provided to service the additional floor space.

This proposal requests approval for the Stage 1 Project – 'the proposal'.

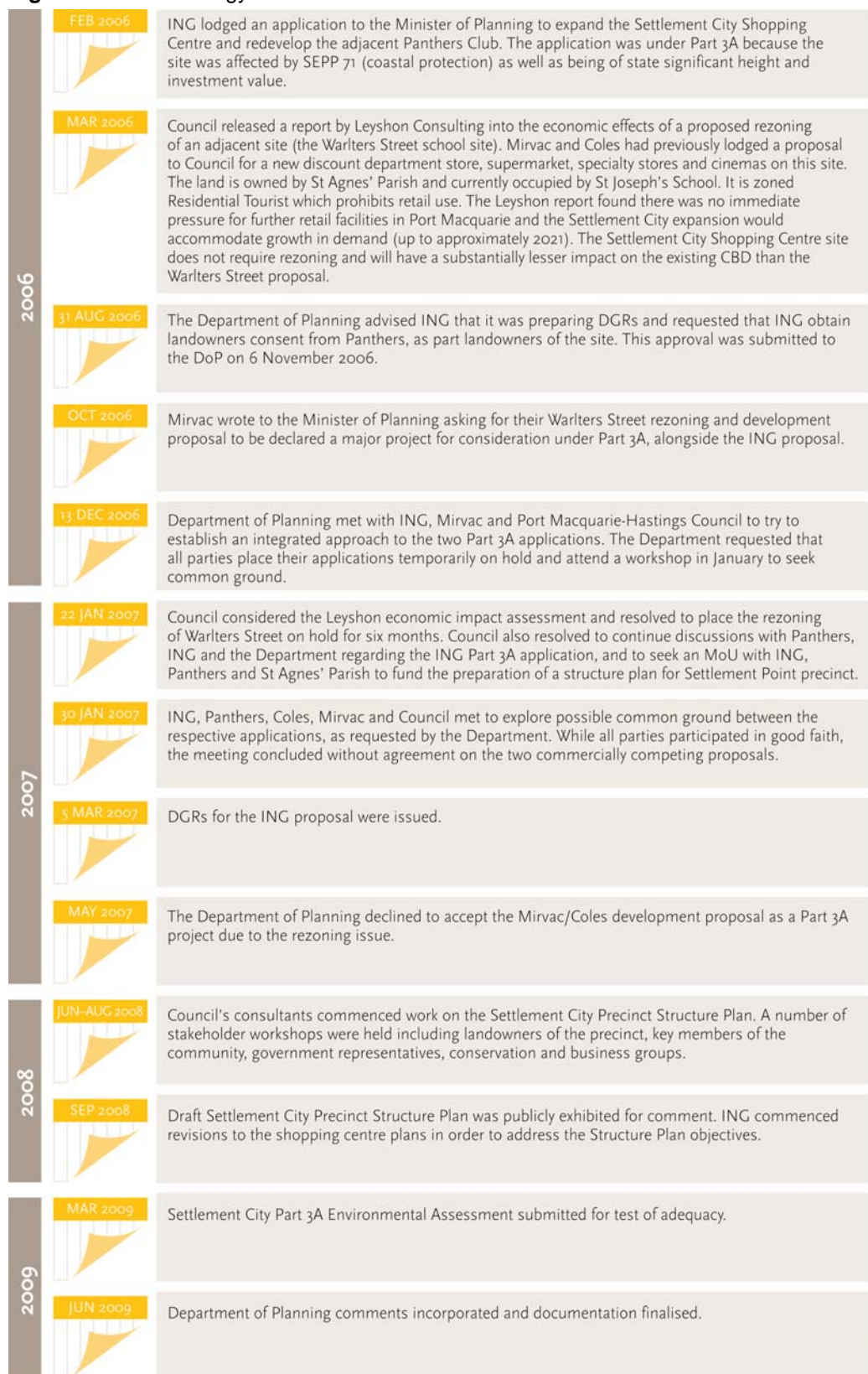
## 2.2 Background to the proposal

---

The proposal to redevelop Settlement City received Director-Generals Requirements (DGRs) as a Part 3A project in 2006. The project has, however, encountered delays due to a competing proposal on

an adjacent site, and also due to precinct-wide structure planning affecting the site. Outlined below is a chronology of key events:

**Figure 1** Chronology





## 2.3 Report structure

This report describes the project plans, addresses the DGRs recently reissued for the project, and identifies impacts on the environment that may result from the proposal. Mitigation measures are also identified and incorporated into a draft statement of commitments. The report shows that the proposal will provide a net public benefit and that adverse environmental effects will be mitigated or avoided entirely.

- Chapter 2 provides an introduction to the proposal and relevant historical information.
- Chapter 3 provides a description of the proposal site and its surrounding environment.
- Chapter 4 provides a description and strategic justification for the project.
- Chapter 5 outlines relevant statutory planning considerations.
- Chapter 6 addresses the DGRs and provides an analysis of the impacts of the proposal, along with mitigation measures for any unavoidable impacts.
- Chapter 7 describes consultation undertaken to date, and the consultation process that will occur going forward.
- Chapter 8 concludes the report.

The table below summarises the DGRs and, for ease of reference, identifies where within the report these have been addressed.

**Table 1** Director-General's Requirements

DGR	Where addressed
<b>General requirements</b>	
An executive summary	Chapter 1
Outline of the project including: <ul style="list-style-type: none"> <li>• Any development options.</li> <li>• Justification for the project.</li> <li>• Outline of the staged implementation of the project.</li> </ul>	Chapter 4
Site analysis including: <ul style="list-style-type: none"> <li>• Constraints mapping.</li> <li>• Description of the existing environment.</li> </ul>	Chapter 3 Chapter 6
Consideration of relevant statutory and non-statutory provisions, and identification of any non-compliances with such provisions, in particular those arising from environmental planning instruments, regional strategies (including draft regional strategies), and development control plans (DCPs).	Chapter 5
Consideration of impacts on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> .	Chapter 5
Assessment of potential impacts of the project and a draft statement of commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project.	Chapter 6 Appendix O
The plans and documents outlined under <i>Plans and documents</i> below.	See below
Author's statement of authenticity	See page 1

DGR	Where addressed
Quantity surveyor's Certificate of Cost	Appendix B
An assessment of the key issues below and a table outlining where these issues have been addressed.	See below
<b>Key issues</b>	
<p>Strategic planning:</p> <ul style="list-style-type: none"> <li>Justify the proposal with reference to relevant local, regional, and state planning strategies. Provide justification for any inconsistencies with these planning strategies.</li> </ul>	<p>Chapter 4 Chapter 5</p>
<p>Land use patterns and adjoining sites:</p> <ul style="list-style-type: none"> <li>Address the proposal in light of linkages to and development opportunities of adjoining sites and land uses, demonstrate that desirable planning outcomes can be achieved for the locality.</li> <li>Address potential impacts such as access arrangements for each use, traffic, buffers, density controls, and suitability of the proposed development within the surrounding area.</li> </ul>	Section 6.1
<p>Urban design, visual impact and sustainability:</p> <ul style="list-style-type: none"> <li>Demonstrate suitability of the proposal with the surrounding area in relation to bulk, scale, density, amenity (including noise), and visual amenity having regard to the <i>Coastal Design Guidelines of NSW (2003)</i> and the <i>NSW Coastal Policy 1997</i>.</li> <li>Address the visual impact of the proposal in the context of the surrounding development and relevant mitigation measures. In particular, address impacts on the amenity of the foreshore, overshadowing of public reserves, loss of views from public places, and cumulative impacts. Address visual impacts through design, use of appropriate colours and building materials, landscaping and buffer areas must be addressed.</li> <li>Address details of the proposed streetscape improvements to the precinct.</li> </ul>	<p>Section 6.2 Section 6.3 Section 6.4</p>
<p>Infrastructure provision:</p> <ul style="list-style-type: none"> <li>Address existing capacity and requirements of the development for sewerage, water, electricity, waste disposal, telecommunications, and gas in consultation with the relevant agencies. Identify augmentation works necessary to fully service the project. Identify and describe staging, if any, of infrastructure works.</li> <li>Address and provide the likely scope of any planning agreement and/or developer contributions with Council/government agencies.</li> </ul>	<p>Section 6.5 Section 6.6.4</p>
<p>Traffic and access:</p> <ul style="list-style-type: none"> <li>Prepare a traffic impact study in accordance with Council's relevant traffic and parking codes and Table 2.1 if RTA's Guide to Traffic Generating Developments.</li> <li>Protect existing public access to and along the coastal foreshore, and provide, where appropriate, new opportunities for controlled public access. Consider access for the disabled, where appropriate.</li> </ul>	Section 6.6
<p>Hazard management and mitigation:</p> <ul style="list-style-type: none"> <li>Contamination – identify and contamination on-site and appropriate mitigation measures in accordance with the provisions of <i>SEPP 55 – Remediation of Land</i>.</li> <li>Acid sulphate soils – identify the presence and extent of acid sulphate soils on the site and. Where relevant, appropriate mitigation measures.</li> </ul>	Section 6.7

DGR	Where addressed
<ul style="list-style-type: none"> <li>Bushfire – address the requirements of Planning for Bushfire Protection 2006 (RFS).</li> <li>Geotechnical – provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.</li> <li>Flooding: <ul style="list-style-type: none"> <li>Provide an assessment of any flood risk on the site (for the full range of floods including events greater than the design flood, up to probable maximum flood, and from coastal inundation, catchment-based flooding, or a combination of the two) and having consideration of any relevant provisions of the <i>NSW Floodplain Development Manual 2005</i>.</li> <li>Assess the potential impacts of sea level rise and an increase in rainfall intensity on the flood regime of the site and adjacent lands with consideration of <i>Practical Consideration of Climate Change – Floodplain Risk Management Guideline</i> (DECC, October 2007).</li> </ul> </li> <li>Coastal processes – address coastal hazards and the provisions of the <i>Coastline Management Manual</i>. In particular, consider impacts associated with wave and wind action, coastal erosion, sea level rise, and more frequent and intense storms.</li> </ul>	
<p>Water cycle management:</p> <ul style="list-style-type: none"> <li>Address and outline measures for integrated water cycle management (including stormwater) based on <i>Water Sensitive Urban Design</i> principles which address impacts of the surrounding environment, drainage and water quality controls for the catchment, including identification of any on-site treatment of stormwater and waste water, and erosion and sedimentation controls at construction and operational stages.</li> <li>Address drainage and stormwater management issues arising from the development, including: <ul style="list-style-type: none"> <li>Demonstrating that drainage and stormwater runoff will not significantly impact on the surrounding environments downstream of the development, particularly the Hastings River.</li> </ul> </li> <li>Assess the impacts of the proposal on surface and groundwater hydrology and quality during both construction and occupation of the site.</li> </ul>	Section 6.9
<p>Flora and fauna:</p> <ul style="list-style-type: none"> <li>Outline potential impacts on aquatic and terrestrial flora and fauna and their habitats (within the meaning of the <i>Threatened Species Conservation Act 1995</i> and the <i>Fisheries Management Act 1994</i>). Provide measures for their conservation where relevant.</li> <li>Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land.</li> </ul>	Section 6.10
<p>Noise:</p> <ul style="list-style-type: none"> <li>Demonstrate that the project will be designed, constructed, operated, and maintained so that there is no unacceptable level of noise impacts (including traffic noise) on amenity in the locality.</li> </ul>	Section 6.11
<p>Socio-economic impacts:</p> <ul style="list-style-type: none"> <li>Provide a socio-economic impact assessment for the proposal in the context of the surrounding locality considering and addressing the outcomes and principles in the <i>Settlement City Precinct Structure Plan</i>, the <i>Port Macquarie Foreshore Masterplan</i>, the <i>Retailing Review for the Port Macquarie-Hastings Local Government Area</i> (Hill PDA, August 2007), the <i>Retail Strategy Review</i> (Leyshon Consulting, June 2004), and the draft <i>Local Environmental Study for the St Joseph's School Site, Warlters St</i>.</li> </ul>	Section 6.12

DGR	Where addressed
<ul style="list-style-type: none"> <li>Provide an economic impact assessment of the proposed development, including justification for the additional floor space and its effect on the greater CBD area.</li> </ul>	
<p>Staging:</p> <ul style="list-style-type: none"> <li>Identify staging of the development and demonstrate that land supply and demand will be released in an orderly and coordinated manner. This is to be supported by plans prepared at an appropriate scale.</li> </ul>	<p>Chapter 4</p> <p>Chapter 6</p>
<p>Consultation – an appropriate and justified level of consultation with the following agencies should be undertaken during preparation of the environmental assessment:</p> <ul style="list-style-type: none"> <li>Agencies or other authorities: <ul style="list-style-type: none"> <li>Port Macquarie-Hastings Council.</li> <li>NSW Roads and Traffic Authority.</li> <li>Department of Water and Energy.</li> <li>Department of Environment and Climate Change.</li> <li>Department of Primary Industries (Port Stephens Fisheries Centre).</li> <li>Rural Fire Service.</li> <li>Department of Lands.</li> <li>NSW Police Service.</li> <li>State Emergency Service.</li> <li>Northern Rivers Catchment Authority.</li> <li>Relevant Local Aboriginal Land Council/s and other Aboriginal community groups.</li> <li>Relevant infrastructure providers.</li> </ul> </li> <li>Public: <ul style="list-style-type: none"> <li>Document all community consultation undertaken to date or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.</li> </ul> </li> </ul> <p>The consultation process and the issues raised should be described in the environmental assessment.</p>	<p>Chapter 7</p>
<b>Plans and figures required</b>	
<p>The <b>existing site survey plan</b> is to be drawn to 1:500 scale (or other appropriate scale) and show:</p> <ul style="list-style-type: none"> <li>The location of the land, the measurements of the boundaries of the land, the size of the land, and north point.</li> <li>The existing levels of the land in relation to buildings and roads.</li> <li>Location and height of existing structures on the site.</li> <li>Location and height of adjacent buildings and private open space.</li> </ul>	<p>Appendix A</p>
<p>An <b>aerial photograph</b> of the subject site with the site boundary superimposed.</p>	<p>Chapter 3</p> <p>Appendix A</p>

DGR	Where addressed
A <b>site analysis plan</b> must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rocky outcrops, utility services, boundaries, orientation, view corridors, and all structures on neighbouring properties where relevant to the application (including windows and driveways etc).	Chapter 6 Appendix A
A <b>locality/context plan</b> drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> <li>• Significant local features such as parks, community facilities and open space, water courses, and heritage items.</li> <li>• The location and uses of existing buildings, shopping, and employment areas.</li> <li>• Traffic and road patterns, pedestrian routes and public transport nodes.</li> <li>• The existing site plan and locality plan should be supported by written explanation of the local and site constraints and opportunities revealed through the above documentation.</li> </ul>	Appendix A.2
The <b>environmental assessment</b> in accordance with the Director-General's requirements as outlined in attachment 1.	This document
The <b>architectural drawings</b> are to be drawn to scale and illustrate the following general features: <ul style="list-style-type: none"> <li>• The location of any existing building envelopes or structures on the land.</li> <li>• The floor plans.</li> <li>• The location of lifts, stairs, and corridors.</li> <li>• Section plans.</li> <li>• Communal facilities and servicing points.</li> <li>• The height of the proposed development (in M AHD) in relation to the land.</li> <li>• Significant levels changes.</li> <li>• Parking and vehicular access arrangements.</li> <li>• Pedestrian access to, through, and within the site.</li> </ul>	Appendix A.2
<b>Elevations</b> of the proposed buildings drawn to the same scale as the architectural drawings. The elevations are to indicate height and key datum lines, building length and articulation, the composition of the façade and roof design, existing buildings on the site, building entries (pedestrian, vehicular, and service), and profile of existing buildings on adjacent properties. Include photomontages and an indicative external materials and finishes schedule.	Appendix A.2
<b>Stormwater plan</b> illustrating stormwater management from the site and must include details of any major overland flow paths through the site and any discharge points to the street drainage system. Where on-site detention system is required, the type and location must be shown and must be integrated within the proposed landscape design. Site discharge calculations should be provided.	Chapter 6 Appendix L
<b>Erosion and sediment control plan</b> – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site.	Chapter 6 Appendix L

DGR	Where addressed
<b>Landscape plan</b> – plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised, and surface treatments (eg pavers, lawns, etc).	Appendix A.2
<b>Construction management plan</b> – a plan which outlines traffic and pedestrian management during construction and management of impacts in amenity of adjoining properties and appropriate mitigation measures including noise dust, and sedimentation and erosion controls.	Appendix O
<b>View analysis</b> – artist's impression, photomontages, etc of the proposed development in the context of the surrounding development.	Chapter 6 Appendix N
<b>Shadow diagrams</b> for developments comprising two or more storeys are to show solar access to the site and adjacent properties at summer solstice (Dec 21) and winter solstice (June 21) and the equinox (March 21 and September 21) at 9am, 12 midday, and 3pm.	Appendix A.2
A <b>cut and fill plan</b> showing areas subject to cut/fill and the depths of both cut and fill, including measures to be taken to retain both are to be indicated.	Cut and fill not required

# 3 Site and locality description

## 3.1 Site description

---

The Settlement City Shopping Centre and Panthers Club site is located in Port Macquarie, approximately 420km north of Sydney and 510km south of Brisbane. Port Macquarie is the largest town in the Port Macquarie-Hastings LGA, and Settlement City is one of two sub-regional shopping centres within the region, the other being Port Central, located in the Port Macquarie CBD.

The Settlement City Shopping Centre is bounded by Park Street to the east, Bay Street to the south, and the Hastings River and its estuaries (natural and artificial) to the western and northern boundaries. Settlement City is the main retail development to have occurred outside the existing town centre in Port Macquarie. Given its proximity to the town centre (1.3km) Settlement City is envisaged to integrate with existing commercial development through a complementary range of uses. A detailed description of the areas surrounding Settlement City can be found in Appendix C. Figure 2 shows the local context of the Settlement City development.

## 3.2 Existing land use

---

The existing Settlement City Shopping Centre is located at 3 Bay Street, Port Macquarie; Lot 2 in DP 702484 (4.51ha) and Lot 4 and part Lot 5 in DP 1018087 (3.73ha). The shopping centre occupies the western portion of the block bounded by Bay Street, Park Street and the Governors Way inlet of the Hastings River. Settlement City Shopping Centre consists of 19,157m<sup>2</sup> gross floor area, comprising a discount department store, supermarket, mini major stores, specialty stores and food and beverage outlets. Access to the site is via both Park and Bay Streets with an existing triple-deck car parking area fronting Bay Street. Existing loading activities occur via a driveway along the western portion of the site, with access from Bay Street. The car park sits on the south-west corner of the site with poor presentation to Bay Street. A petrol station is located adjacent to the main Bay Street entry.

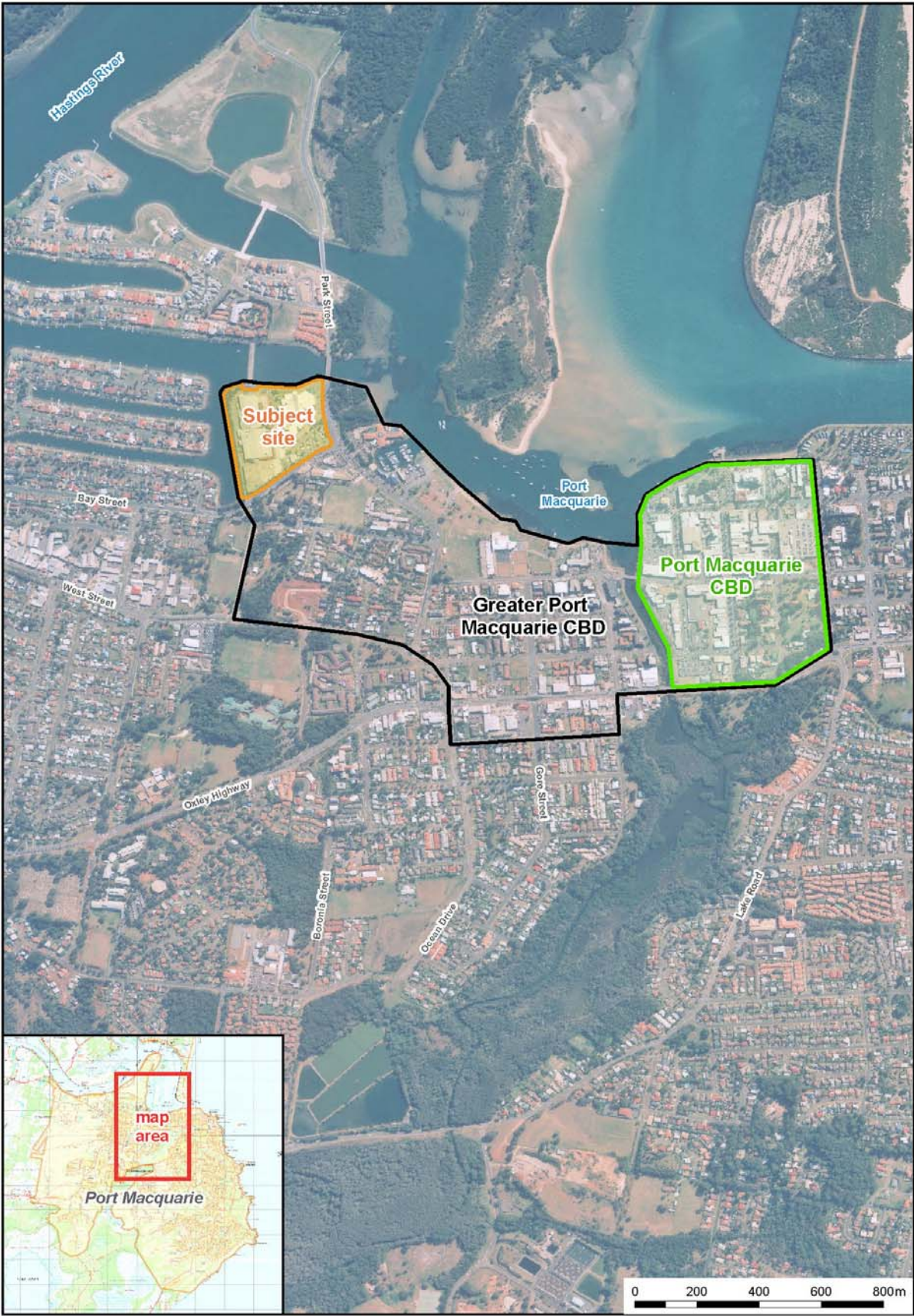
The shopping centre is single storied, with the main part of the shopping centre running approximately north to south along the western half of the subject site. A second shopping centre arm runs diagonally from the southern grade car park to meet the main mall at a central plaza space.

Adjacent to the centre and connected via the food court of the Settlement City Shopping Centre is the Panthers Club. The Panthers site has an area of 25,060m<sup>2</sup> and is located at 1 Bay Street, Port Macquarie; Lot 5 in DP 1018087. The Panthers site provides a total of 11,214m<sup>2</sup> of floor space over three levels, with 267 parking spaces provided at grade in the car park located on the corner of Park and Bay Streets. The car park is used commonly by both shoppers and club patrons.

No development or alteration to the Panthers Club is proposed within this application. However the car park (owned by Panthers) will be built over. The proposal has the consent of the Panthers Partnership (refer Appendix D). Figure 3 illustrates the existing land use.



**Figure 2**    Subject site of the proposal





**Figure 3** Existing land use of the site





Figure 4 Existing conditions



### 3.3 Surrounding environment

---

The Settlement City Shopping Centre is bounded by the Hastings River (Governor's Way) to the north, Bay Street to the south, Park Street to the east and a residential canal development to the west.

#### 3.3.1 North

The Settlement City site (including the Panthers site) has an outlook over the waterfront, but there is little public amenity and landscaping to this edge. A weir crossing exists to the residential land on the northern side of the waterway, comprising relatively large single lot homes and some attached townhouses.

At present, pedestrian connectivity to Park Street and the foreshore walkway is poor, and there is little connectivity between the shopping centre and Panthers Club.

#### 3.3.2 South

The only built form development edging the site on the south is located at the south east corner, to the south side of Bay Street, where there is a fast food outlet and small local shops. Other development is generally set back from the road and poorly integrated with the subject site.

At the southernmost tip of the site (opposite Bay Street from the existing decked car park) are school playing fields and a mature reserve of trees.

#### 3.3.3 East

Covering the foreshore across Park Street at the eastern boundary of the subject site is an area of mangroves, leaving no open space area for direct connection to the foreshore. The closest building is the Sails Resort, located on the foreshore between the marina and Settlement City.

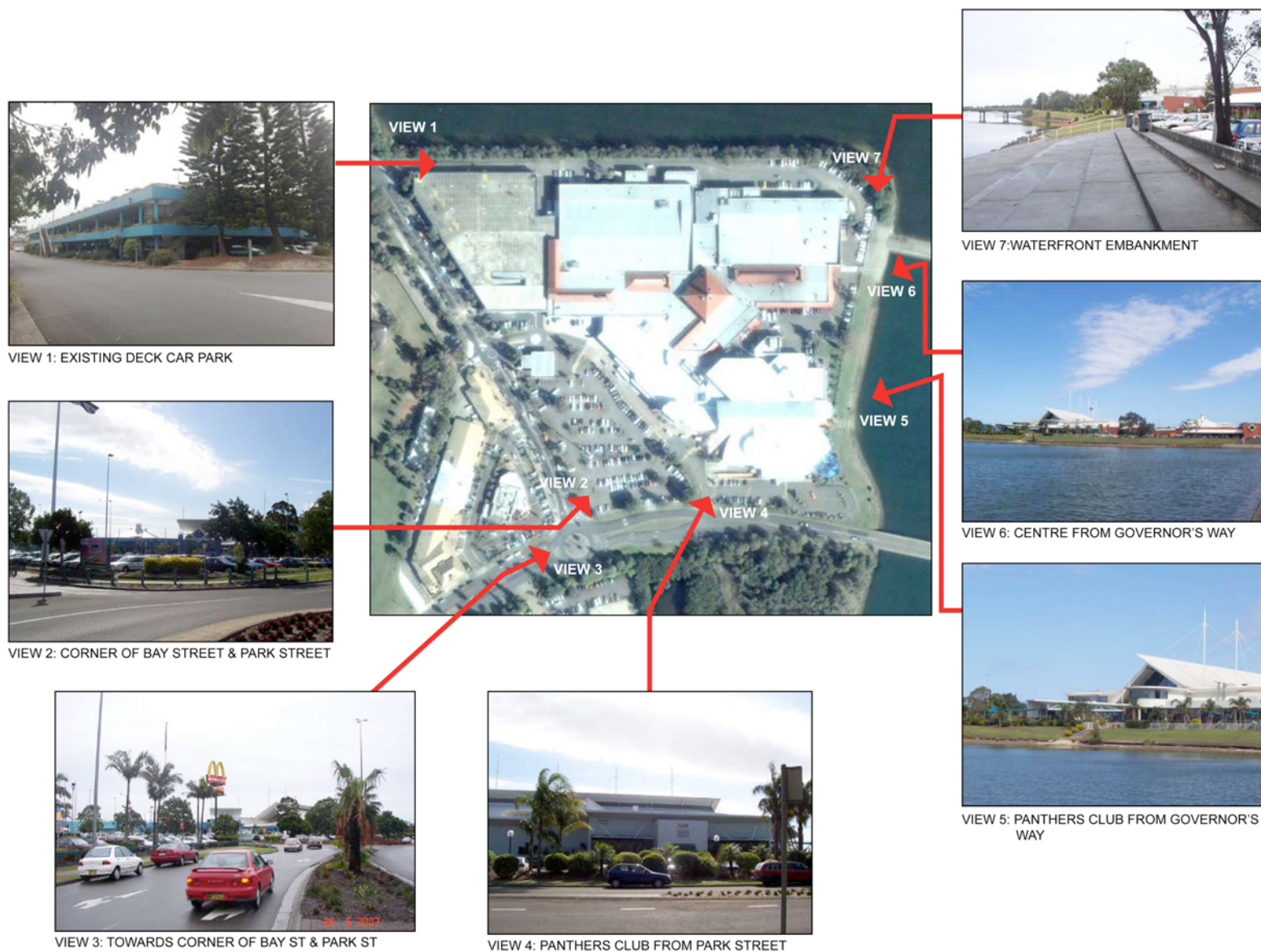
#### 3.3.4 West

The western boundary of the subject site is the service land and loading dock for the existing shopping centre. The boundary is edged with mangroves. Beyond that is the Governors Way canal, with residential properties on the other side of the canal, comprising relatively large single lot homes in a canal-style layout.

Figure 5 below shows key features of the site.



**Figure 5** Existing views at the site



# 4 Project overview and justification

## 4.1 Project overview

---

The objective of the *Settlement City Shopping Centre Masterplan* (the masterplan) is to create a vibrant mixed-use destination that responds to its riverside setting and the context of the greater Port Macquarie CBD. The revitalised centre will help create the major commercial, tourism and retail node desired for the precinct and described in the *Desired future character* section of the *Settlement City Precinct Structure Plan* document.

The masterplan creates two new street environments, one specialising in retail, the other in food and entertainment, creating new links to the precinct through the urban block, and creating a permeability that has not been available in the past.

The 'leisure' street runs from Bay Street through towards the river. The completed masterplan will see this street link completed through to the river providing new visual, physical and pedestrian connection to the river, where a new public landscape will offer places to sit, eat and walk looking out across the water.

The 'entertainment' street creates a new pedestrian precinct that ties the Panther's Club into an external street setting activated by retail, restaurants and the cinema/bowling foyer.

Both Park Street and Bay Street have new buildings, built to the edge of the site, creating active frontages to both streets and will include variation within the architecture and good quality environmental protection. These new buildings along with the two new streets 'sleeve' a central multi-level car parking structure within the middle of this new block.

The corner of Bay Street and Park Street is an important urban junction within the precinct and is an important visual focus of the approach along Park Street from the east. The height and strong built form of the corner respects this prime location. The proposed cinemas and bowling are located on the upper level of the development with its mass set back to the north-west of the block so that the upper level of the development is not visible from the surrounding streets.

New buildings will respond, in both form and materiality to the local character and coastal context and create a high quality public domain. The existing centre will be partially redeveloped to enable the new leisure street to be constructed and internal refurbishment that will include straightening the mall to enable clear view lines to the river and a new food court will bring a 'market' feel and water's edge dining to the precinct.

## 4.2 Options

---

The proponent considered three options to update and expand the Settlement City Shopping Centre. Plans are provided in Appendix A. The key features of each option are:

### 4.2.1 Scheme A

- Existing mall straightened to provide a link between Bay Street and the river.
- New retail street created following the line of existing centre between Bay Street and Park Street.
- Car park is sleeved by other uses to activate the street.
- Activation of riverfront edge by new food court.
- Strong connection between new car park and shopping mall.

### 4.2.2 Scheme B

- Existing mall straightened to provide a link between Bay Street and the river.
- Activation of river edge by new food court and street retail.
- Mall entry brought to street front.
- Major public space presentation to Bay Street with an entertainment precinct.
- Small ground floor parking foot print.

### 4.2.3 Scheme C (preferred option)

- Existing mall straightened to provide a link between Bay Street and the river.
- New retail street created following the line of existing centre between Bay Street and Park Street.
- Activation of river edge by a new food court and street retail.
- Activation of Bay Street and Park Street by retail and commercial activity.
- Car park is sleeved by other uses to activate the street.
- Strong built forms to new entry points and the corner of Park Street and Bay Street.
- Creation of two new external streets to diversify retail settings.

While each option offered the opportunity to improve amenity, Scheme C was selected for further refinement and detailing as it best and most comprehensively addressed the objectives of the *Settlement City Precinct Strategic Plan*, the Shopping Centre and Panthers Club.

## 4.3 Project description

---

The proposal being put forward for approval is a significant part of the overall *Settlement City Shopping Centre Masterplan*. The masterplan is included as information to accompany the application in order to assist in supporting the stage 1 works. The masterplan communicates the overall strategy and vision of the site.

#### **4.3.1 Settlement City Shopping Centre Masterplan**

Urban design and architectural features of the masterplan expansion and redevelopment include:

- An open pedestrian pathway connecting Bay Street with the Hastings River.
- Activation of Bay Street and Park Street by adding retail and commercial uses to otherwise void pedestrian areas.
- Activation of the river edge by introduction of a new food court and street retail.
- Strong built forms to new entry points at the Park Street and Bay Street corners.
- Car parking 'sleeved' by other uses.
- Two new external streets through the site ('entertainment' and 'leisure' streets) to improve access and permeability, and diversify the retail setting.

The masterplan proposal and future uses are illustrated on figures 6 and 7 respectively. Full details of the masterplan documents have been included as part of Appendix A.1.

As noted earlier the works to deliver the masterplan will be undertaken in stages. This application seeks approval for Stage 1 and a detailed description of these works is provided below.

#### **4.3.2 Settlement City Proposed Stage 1**

The Settlement City Proposed Stage 1 works (the proposal) expansion will see an addition of 7,862m<sup>2</sup> of retail space, comprising large format retail, leisure, gymnasium and health spa, food and beverage outlets and retail showrooms. The total amount of retail space on offer will increase from 19,157m<sup>2</sup> to 27,019m<sup>2</sup>.

In addition to the retail space, the expansion will introduce a leisure and entertainment offer to the centre. Cinemas and bowling will be added, with floor spaces of 3,523m<sup>2</sup> and 1,365m<sup>2</sup> respectively, as well as commercial offices of 2,748m<sup>2</sup>.

The total floor space provided within the Settlement City development (excluding Panthers) will increase from 19,157m<sup>2</sup> to 34,455m<sup>2</sup>.

An additional 325 car spaces will be added to cater for the increased demand, increasing the total number of car spaces on site to 1,528.

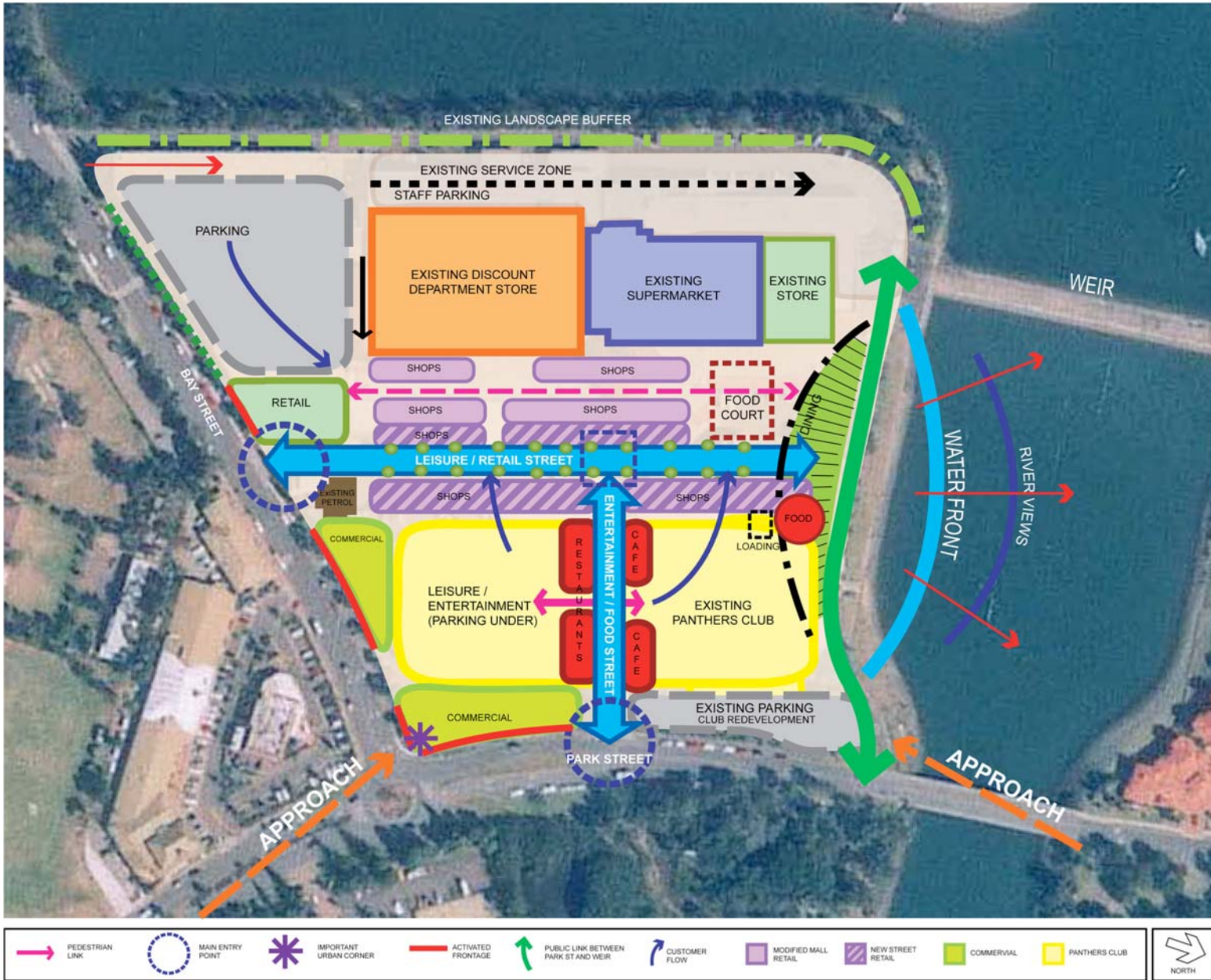
In summary approval is sought for:

- Partial demolition of existing buildings and structures.
- Construction and landscaping of a mixed use precinct to provide for additional retail, leisure, entertainment and commercial office uses.
- Provisions of a total of 1528 car parking spaces (existing and additional).

Refer to Appendix A.2 for the complete Settlement City Proposed Stage 1 plans.



### Figure 6





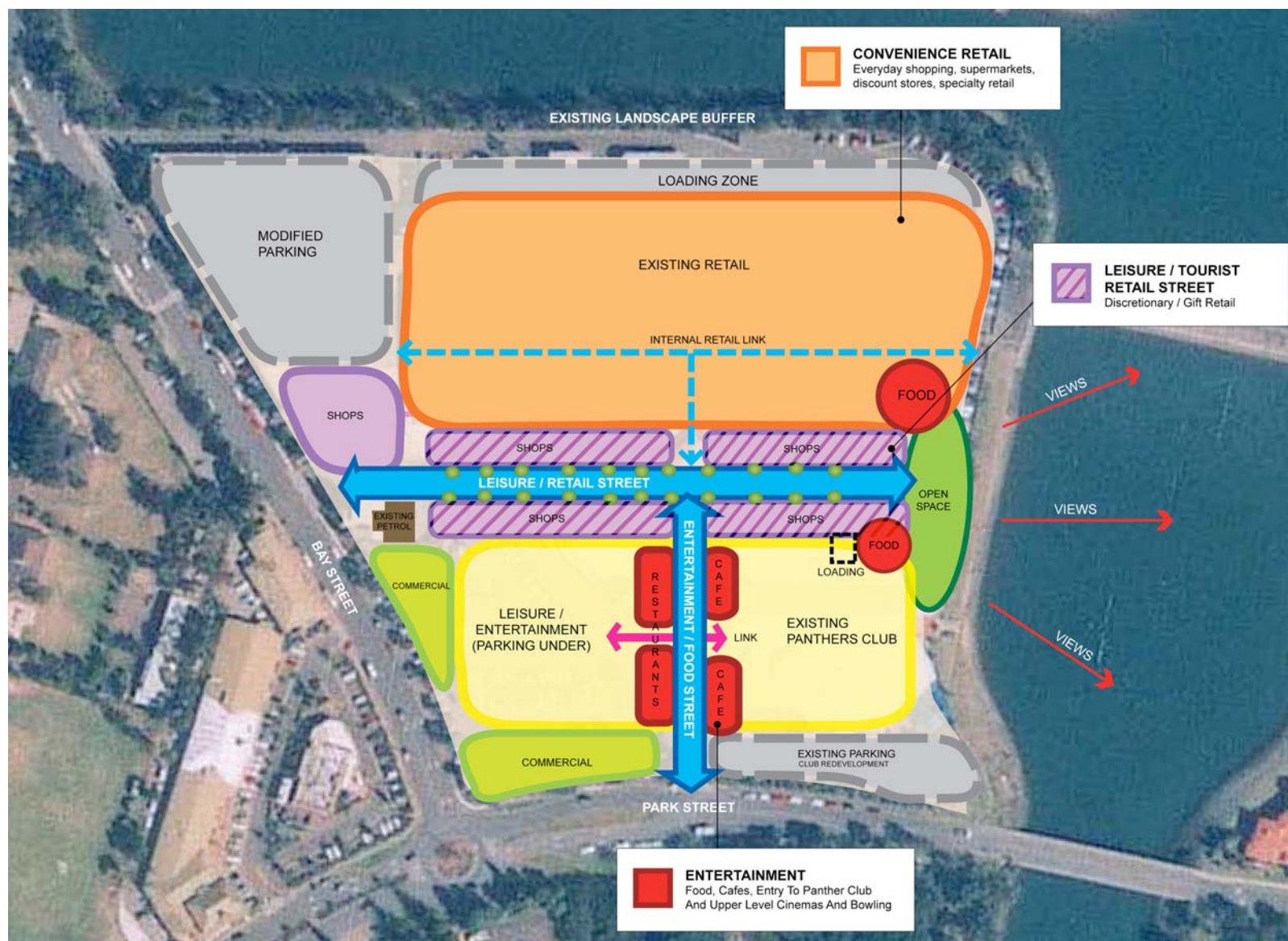
**Figure 7** Proposed uses of the site



Figure 8 Locality plan





## 4.4 Justification and need for the project

---

This section provides an overview of the justification and need for the proposal by evaluating the proposal against:

- Economic impact including future job growth and investment.
- Retail demand within the Port Macquarie region.
- NSW government policy initiatives of the state including priorities of the *New South Wales State Plan*, the *State Infrastructure Strategy* and the *Mid North Coast Regional Strategy*.
- Local government planning objectives and strategic plans.

### 4.4.1 Boosting regional economic growth

The Stage 1 proposal is expected to create up to 419 jobs during construction and 598 permanent and casual jobs during operation. The capital investment value of \$59 million will contribute directly to the regional economy of Port Macquarie and the Mid-North Coast Region. Economic analysis undertaken by Urbis (Appendix C) has highlighted that the redevelopment would assist in maintaining spending patterns within the Port Macquarie area and help retain local spending.

The *Mid North Coast Regional Strategy* has identified that the population in the region is expected to grow by up to 27 percent from 333,400 to around 424,400. The strategy has also identified that the region will need to support economic growth and an additional 47,000 jobs. Much of this growth is likely to be accommodated by the region's four major regional centres including Port Macquarie.

### 4.4.2 Responding to increased retail demand

The existing shopping centre was built in 1984, and since opening minimal refurbishment and no expansion of the centre has occurred. There is now a need to update and improve the retail offer to meet the changing needs of Port Macquarie, particularly increased demand for improved outdoor dining, fresh food and convenience retailing that supports the resident population and tourists.

The Settlement City centre is a significant part of the regions retails offer. Its revitalisation is an opportunity to provide additional and complimentary mix of retail, food and entertainment uses in a single destination waterfront setting. The proposal will meet identified demands for retail facilities whilst at the same time complimenting the existing CBD and contributing to the realisation of Council's future plans for the precinct.

Retail demand analysis prepared by Urbis (Appendix C) has identified that the trade area has a current day population of around 69,000 people. It has increased by 8,000 people since 2001 and is conservatively forecast to add a further 16,000 people to reach 85,000 by 2021. The primary trade area should increase from 43,000 people to 53,000 people in the same period, housing 65 per cent of the trade area's growth. Around 80 per cent of Port Macquarie's growth has come from net migration.

Tourism is also an important element of the regional economy with around 1.3 million visitors per annum staying 2.8 million visitor nights in Port Macquarie. This is equivalent to an average daily, or resident equivalent, population of almost an additional 8,000 people.

Trade area retail spending by residents is estimated at \$730 million in 2008, of which around 63 per cent is from the primary sector. By 2016, trade area spending is projected to increase to \$868 million. Given that tourism plays a vital role in the local economy, it is estimated that a further

\$205 million can be generated from beyond the trade area by 2016. The region's combined projected increase in retail expenditure over the next 8 years could support the equivalent of 31,000m<sup>2</sup> of retail floor space.

Port Macquarie has an estimated 150,000m<sup>2</sup> of retail and bulky goods floor space, with the Greater Port Macquarie CBD hosting 75,000m<sup>2</sup>, or around 50 per cent. Research conducted by council and confirmed by focus groups conducted at Settlement City has indicated that there is no real preference by shoppers in Port Macquarie with significant cross usage between Settlement City and the CBD core. The proposal at Settlement City is unlikely to dramatically change these perceptions or usage patterns. It will however provide the opportunity for many retailers absent from Port Macquarie to expand their store networks, and for those already in Port Macquarie, and the food and leisure/general merchandise offering, which is currently quite poor, to be extended and improved.

As the city passes 50,000 people and the region 70,000 people, Port Macquarie is approaching the scale of a large regional city where many national retailers will consider establishing with the right opportunity. The partial redevelopment and expansion of the centre will satisfy the location needs of many prospective tenants and maintain the primacy of Port Macquarie as the economic and retail heart of the region.

#### **4.4.3 Supporting NSW Government policy objectives**

The *NSW State Plan* establishes the government's strategic approach to identified challenges and opportunities of the future. The plan sets out clear priorities for government action, with targets for improvement designed to guide decision-making and resource allocation. In addition, the *NSW State Plan* sets out how the government will work to deliver on these priorities.

The proposal will contribute towards achieving State Plan priority P6 by increasing business investment in rural and regional NSW. The proposal will contribute to boosting the Mid North Coast regional economy by supporting the economically significant tourism and service industries located within the region and particularly Port Macquarie.

#### **4.4.4 Mid North Coast Regional Strategy**

The Mid North Coast Regional Strategy is a 25-year (2006–31) strategy document to guide development in the mid north coast in order to protect natural assets, while also accommodating high population growth and allowing economic prosperity. The strategy aims to:

- Protect high value environments and habitats, cultural and Aboriginal heritage and scenic landscapes.
- Provide up to 58,400 new homes by 2031, including encouraging multi-unit style dwellings.
- Ensure land is available to support economic growth and provide jobs.
- Encourage growth and redevelopment of the regional centres (Grafton, Coffs Harbour, Port Macquarie and Taree).
- Protect the coast by avoiding development in areas constrained by coastal processes, flooding, wetlands, important farmland and landscapes of high scenic and conservation value.

Within the economic development and employment growth section, the strategy states 'It is expected that Taree, Port Macquarie, Coffs Harbour and Grafton will take the majority of commercial development as these centres have the greatest capacity for redevelopment.'

The proposal will assist in achieving the objectives of the Mid North Coast Regional Strategy including the provision of employment land to support economic growth. The Stage 1 proposal will result in:

- 419 jobs during construction.
- The creation of 598 permanent and casual jobs during operation. Other multiplier effects resulting in 1,136 positions.
- A capital investment of \$59 million directly into the regional economy.

The revitalisation of Settlement City will help to cement Port Macquarie's role as the economic hub of the region and a centre for tourist activity. The centre will facilitate social cohesion through its offer of a range of uses and activities and provide the population with a 'one stop' shopping destination rather than having to visit multiple locations.

#### **4.4.5 Addressing local planning objectives**

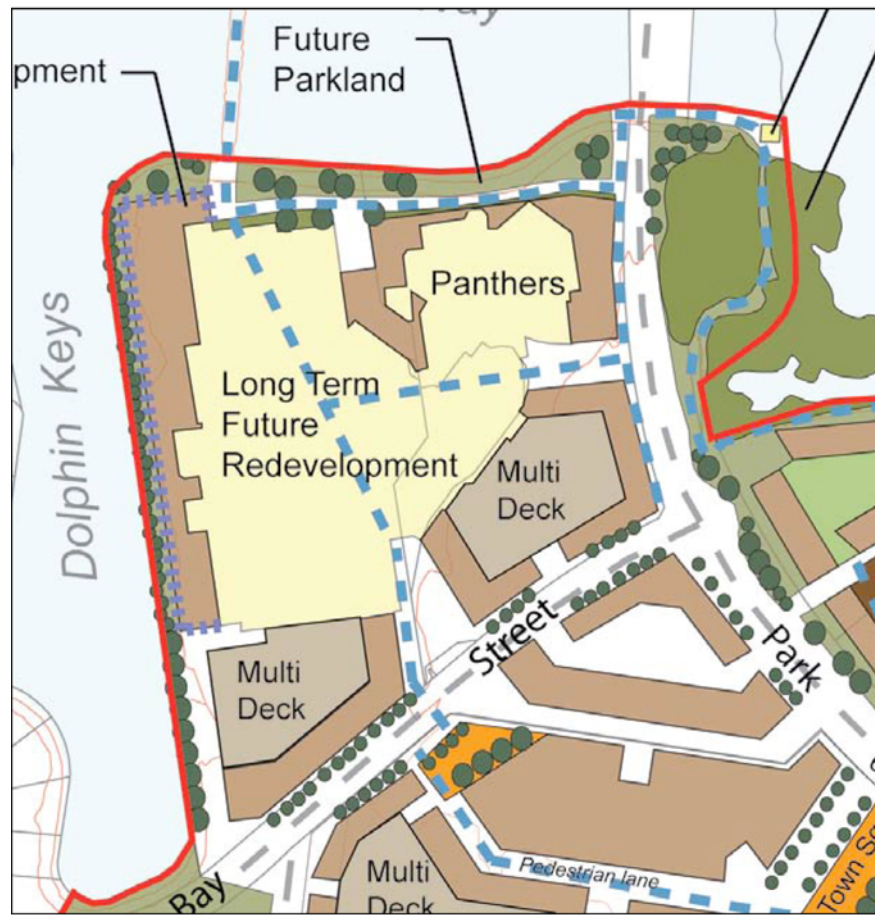
##### *Settlement City Precinct Structure Plan*

A detailed structure plan for Settlement City (the *Settlement City Precinct Draft Structure Plan*) was publicly exhibited in September 2008 and adopted by Council on 21 January 2009. The structure plan covers the existing Settlement City Shopping Centre, Panthers Club, Sails Resort, St Josephs Catholic Primary and High Schools, the carpark between Park Street and Hastings River, and residential and open space area around Aston Street.

The structure plan is intended to enable the revitalisation of the Settlement City precinct. It envisages a mixed-use precinct that is a major commercial and retail node, with high quality public open spaces and landscaped streets, with a pedestrian friendly, busy street and walkway environment. Facilities and uses provided will include shopping, offices, recreation, entertainment, tourist and residential dwellings. The structure plan proposes rezoning – through a change to the *Local Environmental Plan* (LEP) – the shopping centre site from 3(t) Tourist Business to B3 (Commercial Core).

The subject site enjoys a prime outlook over two river frontages and mangrove trees, which at present is not fully utilised. The proposal would see the streetscape and public domain areas improved by the activation of pedestrian areas – a key aim of the structure plan. Cafes and retail space will front the street and foreshore as opposed to the existing inwardly facing shopping centre. A new food court and gourmet food market area will face The Governors' Way, located between the Panthers Club and the existing supermarket, which will activate the foreshore walkway and create a more pedestrian focused environment.

The structure plan proposes a zoning of B3 (Commercial Core) for the subject site. Although the structure plan does not specify which land uses are intended for this zone, the broad land uses and activities proposed within the current redevelopment proposal are in alignment with the mixed-use nature of future land use outlined in the structure plan. An increased focus on entertainment will be achieved with the provision of cinemas and a bowling alley. A comparison between the structure plan diagram for the site and the actual proposed design is shown in Figure 9. This illustrates how, where redevelopment is proposed, the objectives of the structure plan are met.

**Figure 9** Existing and proposed structure plan

EXISTING



PROPOSED

The proposal generally complies with the specific requirements of the structure plan. The only exception is the height of the cinema roof. The height of this part of the building is RL24.3, which exceeds the structure plan maximum of RL19. This additional height is addressed in detail in section 6.3 of the report (visual impact).

In summary the assessment concludes that the height generally complies with the adopted structure plan and provides a net benefit in terms of visual impact. Additional height proposed for the cinema element is largely unavoidable due to site constraints including acid sulphate soils, cinema design requirements and parking requirements.

The redevelopment proposal will assist in achieving the objectives of the structure plan by responding to the increasing demand for retail and commercial space in Port Macquarie, activating and improving the pedestrian environment, and updating the existing retail offer to keep it current and competitive. The proposal will also reinforce the position of Port Macquarie as one of the four major regional centres of the Mid-North Coast Region.

#### *Port Macquarie Foreshore Masterplan*

In conjunction with the *Settlement City Structure Plan* a draft masterplan for the Port Macquarie foreshore, covering the area from Town Beach to Settlement City, was prepared and publicly exhibited from September 2008. Council adopted this masterplan on 21 January 2009. The vision for the foreshore is an iconic, safe and connected area, with nodes of interest and activity acting as a major coastal destination. The masterplan aims to create a foreshore promenade that locals and tourists are proud of because of its amenity, and social and environmental sustainability.

In the Settlement City and Westport Park precinct area of the masterplan area, the vision is to provide marine and recreational experiences, and upgrade the access to the foreshore through improved pedestrian and cycle pathways, lighting, seating and landscape. Active marine and retail uses along the waterfront, with additional passive recreational activities such as dining and entertainment are desired.

The proposed expansion of the shopping centre will assist in achieving the objective and vision of the *Port Macquarie Foreshore Masterplan*. The proposal will provide increased activity and improved frontage along the foreshore. The existing walkway will be widened and improved with lighting and landscaping of areas adjacent to the public space. An alfresco food court overlooking the river will improve amenity and informal surveillance of the waterfront. Where practical, active street frontages have been located around car parks to improve the pedestrian environment.

#### **4.4.6 Hastings Retail Policy Plan 2004**

The Hastings Retail Policy Plan 2004 is designed to establish Hastings Council's position for planning future retail development. It aims to maintain and enhance the already established hierarchy of retail centres throughout the Hastings local government area (LGA), to encourage new retail development in the existing Greater Port Macquarie town centre to meet population increases, to restrict new retail centres to neighbourhood-level centres, to provide for additional major retail development in the long term and to retain higher order retail services within the town centre. The policy serves as a guide to:

- Bulky goods retailing.
- Amenity in retail areas.
- Transportation and accessibility.
- Integration with surrounding areas.
- Employment.



- Planning for future retail development.
- Assessment of applications.
- Review of the existing policy.

The *Retail Policy Plan* defines the Greater Port Macquarie Central Business Area (CBA) as the combined Port Macquarie Town Centre, Settlement City and those areas in between. The proposed Settlement City expansion is therefore consistent in retaining development within the defined CBA.

The proposed development is also expected to have a positive impact on employment levels, both locally and in the broader economy; both through employment of staff in the centre itself, and over the construction period.

The addition of a high quality cinema, bowling alley and restaurants as part of a new leisure precinct will enhance the multi-purpose nature of the CBA through addressing the perceived lack of leisure facilities in the local area.

A detailed assessment of retail need and demand is provided at Appendix C, with the main conclusions identifying a lack of high quality retail floor space, particularly in the CBA.

The proposal will enhance the amenity of the Settlement City precinct by activating streets and providing an improved pedestrian and open space network. Public transport opportunities and accessibility will be improved, as well as additional car parking will be provided as outlined further in section 6.6. Links between Settlement City and the wider Port Macquarie township will be improved with pedestrian paths and open space. Employment opportunities will be expanded with a broadened offer of retail and services within the wider Port Macquarie area.

Primacy of Port Macquarie as the retail heart of the region will be maintained and reinforced. Further information on the retail impact is provided at Appendix C.

The proposal is compliant with the Hastings Retail Policy Plan 2004.

## 4.5 Staging and timing

---

The existing shopping centre will remain operational throughout the expansion and redevelopment process.

The initial works (Stage 1A) are expected to commence in 2010–11 and will involve realigning and opening out the existing enclosed shopping mall along the north-south axis of the site. This will require the demolition and relocation of some specialty retail stores.

Further work (Stage 1B) will commence on the new multi-deck car park, additional specialty retail, and leisure space in the next phase of development.

Due to the nature of this project, interim sub stages are likely to be completed in phases to facilitate the ongoing centre operations.

The commercial space at the Park Street and Bay Street corner will be the final phase of works within the Settlement City Proposed Stage 1 expansion and redevelopment.

Timing will be adapted to suit market demand and building efficiencies.



## 4.6 Operation and management of the shopping centre

Settlement City Shopping Centre has been successfully operating for 25 years. A full-time centre manager is on site during business hours, and this person is responsible for liaison with customers as well as tenants, maintenance and security.

### 4.6.1 Hours of operation

**Table 2** Current hours of opening for the centre

	Specialty stores	Discount department store	Supermarket
Monday	9am–5.30pm	8.30am–7pm	7am–9pm
Tuesday	9am–5.30pm	8.30am–7pm	7am–9pm
Wednesday	9am–5.30pm	8.30am–7pm	7am–9pm
Thursday	9am–5.30pm	8.30am–7pm	7am–9pm
Friday	9am–5.30pm	8.30am–7pm	7am–9pm
Saturday	9am–4pm	8.30am–6pm	7am–8pm
Sunday	10am–4pm	9am–5pm	8am–8pm

**Table 3** Proposed hours of opening for the centre

	Specialty stores	Discount department store	Supermarket	Entertainment precinct
Monday	9am–5.30pm	8.30am–7pm	7am–9pm	9am – Midnight
Tuesday	9am–5.30pm	8.30am–7pm	7am–9pm	9am – Midnight
Wednesday	9am–5.30pm	8.30am–7pm	7am–9pm	9am – Midnight
Thursday	9am–5.30pm	8.30am–7pm	7am–9pm	9am – Midnight
Friday	9am–5.30pm	8.30am–7pm	7am–9pm	9am – Midnight
Saturday	9am–4pm	8.30am–6pm	7am–8pm	9am – Midnight
Sunday	10am–4pm	9am–5pm	8am–8pm	9am – Midnight

The shopping centre's hours of operation are generally maintained as existing. However, given the leisure and recreational nature of the cinema, gym and bowling alley, these facilities will operate beyond normal business hours, assisting in activating the centre at otherwise quiet times such as evenings.

### 4.6.2 Maintenance and management

The existing shopping centre management structure and maintenance arrangements will remain predominately unchanged.

The uses proposed as part of the expansion and partial redevelopment will not require additional large scale external plant or machinery, other than those associated with air conditioning and other normal building services. Assessment of the impact of these works has been completed and is outlined in section 6 of the report.

# 5 Planning framework

The legislative framework for the proposed project and the relevant environmental planning instruments are discussed below. Commonwealth, state, and local planning instruments are considered. A list of additional legislative and policy requirements is also provided.

## 5.1 Commonwealth context

---

### 5.1.1 Environment Protection and Biodiversity Conservation Act (Cwth) 1999

The *Environment Protection and Biodiversity Conservation Act* (EPBC Act) aims to protect matters of national environmental significance.

The Act states that a person must not take an action that has, will have, or is likely to have a significant impact on any of the matters of national environmental significance without written approval from the Federal Environment Minister. Matters of national environmental significance are:

- World Heritage properties.
- National Heritage places.
- Wetlands of international importance.
- Threatened species and ecological communities.
- Migratory species.
- Commonwealth marine areas.
- Nuclear actions (including uranium mining).

A search of the subject site and the surrounding locality has been undertaken using the Department of Environment, Water, Heritage and the Arts search tool. The search found that there are no sites of national environmental significance located near the subject site, nor are there any affected by the proposal, therefore the EPBC Act is not applicable to the project.

## 5.2 New South Wales context

---

### 5.2.1 Part 3A of the Environmental Planning and Assessment Act 1979 and SEPP (Major Projects) 2005

Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives powers to the Minister for Planning to determine 'major projects' deemed to be of state or regional significance.

Under section 75B, it states:

*'This Part applies to the carrying out of development that is declared under this section to be a project to which this part applies:'*

- a) *by a State environmental planning policy, or*
- b) *by order of the Minister published in the Gazette.'*

The current proposal falls into the following categories of development as described within the EP&A Act:

- Schedule 1, Group 5 (Construction) – Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the minister determines are important in achieving State or regional planning objectives.
- Schedule 2 Specified Sites – 1 Coastal areas, Clause (g) – buildings or structures (other than minor alterations or minor additions to existing buildings or structures) that are:
  - Greater than 13 metres in height, in the case of buildings or structures wholly or partly within a sensitive coastal location.

Clause 6 of the State Environmental Planning Policy (Major Projects) 2005, states:

*'Development that, in the opinion of the Minister, is development of a kind:*

- a) *that is described in Schedule 1 or 2, or ...*
- ... is declared to be a project to which Part 3A of the Act applies (Clause 6(1)).'*

The proposal has a capital investment value (CIV) of \$59 million, confirmed by the quantity surveyor estimates contained in Appendix B. Whilst this amount meets the numerical threshold for designation as a major project the Minister did not declare the application on these grounds in this instance.

The proposal is greater than 13 metres in height, thereby meeting the threshold of Schedule 2 of the SEPP. Therefore, the proposal can be determined as having 'state significance' and the proponent seeks the Minister's approval pursuant to Clause 75J of Part 3A of the EP&A Act.

## **5.2.2 State Environmental Planning Policy (Infrastructure) 2007**

SEPP 11 – Traffic generating development has been repealed and was replaced with the Infrastructure SEPP in 2007.

The objectives of the Infrastructure SEPP that relate to the project are to:

- e) *Identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development.*
- f) *Provide for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

The provisions of the SEPP that apply to the project are considered below.

### *Clause 104 – traffic generating development*

This clause dictates the following:

- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
  - (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
  - (b) *take into consideration:*

- (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
- (ii) *the accessibility of the site concerned, including:*
  - the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
  - the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
- (iii) *any potential traffic safety, road congestion or parking implications of the development.*

This clause applies to development specified in column 1 of the table to Schedule 3, specifically development which meets the following:

- Commercial premises – 10,000m<sup>2</sup> in area.
- Shops – 2,000m<sup>2</sup>.
- Shops and commercial premises – 4,000m<sup>2</sup>.
- Parking – 200 or more motor vehicles.

The project will result in an additional 15 298 m<sup>2</sup> GLFA and 325 additional car park spaces, therefore requiring this clause to be considered as part of the assessment.

A full traffic and parking assessment is provided in section 6.6 of this document. The assessment considers accessibility of the site, traffic and pedestrian safety, and movement of people and traffic to or from the site.

### **5.2.3 State Environmental Planning Policy 71 – Coastal Protection**

The proposal site is located directly adjacent to the Hastings River, and is in close proximity to the coastline. As such, the relationship between the proposal and the coastline requires particular attention. Potential impacts of the project on the coastline and proposed mitigation measures are explored in detail in Chapter 6 of this report.

SEPP 71 was introduced in 2002 and seeks to ensure:

- Development in the NSW coastal zone is appropriate and suitably located.
- There is a consistent and strategic approach to coastal planning and management.
- There is a clear development assessment framework for the Coastal Zone.

It applies to land within coastal areas as defined by the *Coastal Protection Act 1979*, including the subject site. A brief summary of the aims of the SEPP the project's response is provided in the table below.

**Table 4** Response to coastal protection SEPP aims

Aim of SEPP	Proposal response
Protect and manage the natural, cultural, recreational and economic attributes of the NSW coast.	The proposal aims to preserve and manage the recreational and economic attributes of the NSW coast.
Improve existing public access to coastal foreshores.	The proposal strengthens the existing retail core of Port Macquarie as the site is zoned for tourist business (in which retail uses are permissible).
Ensure that new opportunities for public access are realised.	Existing public access to the foreshores on the northern part of the site will be improved by the introduction of an open plaza, restaurants and cafes. New public access will be created, with new pedestrian links to Park Street and the pedestrian network.
Ensure the visual amenity of the coast is protected.	The visual amenity of the coast will be protected and improved by the proposal through the provision of improved public access and landscaping, along with improved amenity provided by waterfront restaurants and cafes. The existing façade of the shopping centre will also be improved by the design of new buildings, landscaping and visual screening from Bay Street and Park Street.
Protect and preserve native coastal vegetation.	The flora and fauna assessment (Appendix I) indicates that there will be no adverse impacts on native coastal vegetation or the marine environment.
Protect and preserve the marine environment of NSW.	Protection of the marine environment has been considered in the proposal development process. The impact assessment (Appendix F) details the physical estuarine setting of the site as well as water levels, currents, wave action, sediments and sediment transport, and bank stability. All civil works associated with the proposal will be undertaken in accordance with the Construction Environmental Management Plan.
Manage the coastal zone in accordance with the principles of ecologically sustainable development.	Consideration of water quality, hydrology, and stormwater management has been addressed in section 6.9 and Appendix L of this report. It has been concluded that the redevelopment of the site will result in a net beneficial impact on the local hydrology, and that the proposed water quality control measures shall ensure that the post development scenario is considerably better than the existing site situation.
Ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area.	The principles of ecologically sustainable development have been complied with, as demonstrated in 6.4.
Encourage a strategic approach to coastal management.	The type, scale, bulk and design of the development meet the objectives of Council's <i>Settlement City Precinct Structure Plan</i> . The visual and scenic qualities of the area are enhanced by the public domain improvement works, which provide an attractive design solution.

## 5.3 Local planning context

### 5.3.1 Port Macquarie-Hastings Development Control Plan

Various sections of the *Port Macquarie Development Control Plan* will apply to the proposal. The relevant sections and the proposal's response are detailed in the table below.

**Table 5** Relevant development controls

Development control	Proposal response
Off-street parking – aims to ensure that adequate provision is made for off-street parking likely to be generated by the development, parking areas are visually pleasing and likely to be used, relate to the development in scale and function, and are safe and easy to use.	The proponent has submitted a parking assessment for the project in order to calculate parking requirements, in lieu of using Council's off-street parking DCP. The assessment concludes that adequate parking is provided for the proposed uses. Full details of this assessment are provided in section 6.6, <i>Traffic and access</i> .
Acid sulphate soils (ASS) – aims to ensure that activities located within an area of acid sulphate soils risk are identified, requires that a preliminary ASS be undertaken to clarify extent of risk, and requires that an ASS management plan be prepared where required.	An acid sulphate soils assessment was undertaken for the project. The assessment determined that as ASS management plan is not required for this project. ASS issues relating to the project are described in detail in section 6.7.
Policy on advertisements – aims to encourage the integration of advertisements and associated structures within the design of the buildings, and to achieve a visual impact compatible with and to the enhancement of the locality.	The project will be designed to ensure that appropriate signage is provided whilst minimising visual impacts.. Approval of the signage details is not sought by this application and will be subject to separate approvals. However, details of the proposed signage zones are addressed in section 6.2, <i>Urban design</i> .
Building construction and site management – aims to specify minimum construction standards and site management procedures for building-related developments, in addition to those contained in the Building Code of Australia or other related documents.	Prior to construction, a construction management plan (CMP) will be prepared to ensure that all relevant construction standards are adhered to. Preparation of a CMP is one of the undertakings included in the applicant's draft statement of commitments.

### 5.3.2 Hastings Local Environment Plan 2001

The *Hastings Local Environment Plan* (the LEP) applies to the subject site. The following clauses of the LEP are of particular relevance to the project.

#### *Zoning*

The subject site is zoned 3(t) Tourist Business. This zoning permits a range of tourist developments which take advantage of the tourism potential of the business centre, and enables appropriate development, with consent of the approval authority.

The proposed development is not prohibited by the zoning and therefore can be determined as allowed, with development consent.

The proposal supports the current zoning of the site by providing a design that will enable Settlement City to become a significant tourist destination within the Port Macquarie region. The project will be

designed to take full advantage of the site's coastal location, and will provide tourist activities and amenities such as a cinema, bowling alley, and new restaurants and café's along the foreshore.

#### *Flood liable land*

Clause 25 (Flood Liable Land) aims to minimise potential flood damage by ensuring that only appropriate development occurs on flood liable land, and to minimise the effects of flooding on the community. Flooding issues related to the site are specifically assessed in detail in section 6.7.

#### *Acid sulfate soils*

Clause 26 (Acid Sulfate Soils) aims to ensure adequate assessment of development, which may create an acid sulfate hazard. The acid sulfate soils map accompanying the LEP shows that acid sulfate soils exist within the vicinity of the project site. The requires a detailed assessment and consent to be obtained for works that extend one metre below natural ground level or are likely result in the water table being lowered by more than one metre below natural ground.

A specialist report has been prepared to consider any potential acid sulfate soil risk. The findings of the report are addressed in section 6.7.

## 5.4 Additional legislation and guidelines considered

Below is a list of legislation and guidelines considered and/or adhered to by this proposal, in addition to the statutory and strategic planning considerations. The table below indicates where each policy or guideline is addressed within the EA.

**Table 6** Additional policy and guidelines considered

Policy or guideline	Compliant	Where considered in this report
<i>State Environmental Planning Policy 44 – Koala Habitat Protection</i>	Yes	Section 6.10, <i>Flora and fauna</i>
<i>State Environmental Planning Policy 55 – Remediation of Land</i>	Yes	Section 6.7, <i>Hazard management and mitigation</i>
<i>State Environmental Planning Policy – Advertising and Signage</i>	Yes	Signage and advertising within the proposal will be subject to detail development approval at a later stage.
<i>Native Vegetation Act 2003</i>	Yes	Provided the proposal is granted approval under Part 3A of the EP&A Act, it would not be required to obtain the authorisation referred to in section 12* of the <i>Native Vegetation Act 2003</i> to clear native vegetation or State protected land.
<i>Water Management Act 2000</i>	Yes	The <i>Water Management Act</i> has progressively superceded numerous more specific acts and regulations to date. Provided the Minister grants approval under Part 3A of the EP&A Act, water use approval under Section 89, water management work approval under Section 90 or an activity approval under Section 91 of the <i>Water Management Act 2000</i> would not be required.
<i>NSW Coastal Design Guidelines</i>	Yes	Section 6.2, <i>Urban design</i>

<b>Policy or guideline</b>	<b>Compliant</b>	<b>Where considered in this report</b>
<i>NSW Coastal Policy 1997</i>	Yes	Section 6.2, <i>Urban design</i>
<i>Department of Environment and Climate Change – Climate Change Action Plan</i>	Yes	Section 6.8, <i>Climate change</i>
<i>NSW Industrial Noise Policy</i>	Yes	Section 6.11, <i>Noise</i>
<i>RTA's Environmental Criteria for Road Traffic Noise.</i>	Yes	Section 6.11, <i>Noise</i>
<i>'Safer-by-design'/CPTED guidelines.</i>	Yes	Section 6.2, <i>Urban design</i>
<i>Floodplain Risk Management guideline</i>	Yes	Section 6.7, <i>Hazard management and mitigation</i>
<i>Contaminated Sites: Sampling Design Guidelines (EPS, 1995)</i>	Yes	Section 6.7, <i>Hazard management and mitigation</i>
<i>ASSMAC Guidelines 1998</i>	Yes	Section 6.7, <i>Hazard management and mitigation</i>
<i>Hastings Retail Policy Plan 2004</i>	Yes	Section 4.4, <i>Justification and need for the project</i>
<i>Port Macquarie Foreshore Masterplan</i>	Yes	Chapter 4, <i>Project overview and justification</i>
<i>Port Macquarie-Hastings Council Social Impact Assessment Policy</i>	Yes	Section 6.12, <i>Social impacts</i>
<i>Interim Port Macquarie-Hastings Council Flood Policy (2007)</i>	Yes	Section 6.7, <i>Hazard management and mitigation</i>
<i>Settlement City Structure Plan December 2008</i>	Yes	Section 4.4 <i>Justification and need for the project</i> Section 6.2, <i>Urban design</i> Section 6.3, <i>Visual impact</i>
<i>Port Macquarie-Hastings Council Section 94A Levy Contributions Plan 2007 and associated policies.</i>	Yes	Section 6.6, <i>Traffic and access</i>