Statement of Environmental Effects in relation to

Proposed Mixed Use Development
1 Wharf Street
Tuncurry

June 2018

Project: 17238

Tuncurry Office
5/4 South Street
Tuncurry NSW 2428

PO Box 568 Forster NSW 2428

Phone (02) 6555 2178
Fax (02) 6555 2741

Coastplan Group Pty Ltd ACN 114 738 662

Email forster@coastplan.com.au

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1. Introduction

1.1 Overview of Proposal

The proposed development involves the demolition of existing structures on the land, and development of a mixed use building on the land containing ground level café and parking, with residential units above.

1.2 Scope of Report

This report has been prepared to accompany the development application and provides information as required by Schedule 1 of the *Environmental Planning and Assessment Regulation 2000.* The report addresses matters that are required to be considered by the consent authority under the provisions of Section 79C of the *Environmental Planning and Assessment Act 1979.*

The Statement of Environmental Effects provides:

- A description of the site.
- A description of the proposed development.
- A review of the statutory and non-statutory planning instruments applying to the land.
- A review of the environmental impacts of the proposed development through the use of available site information and specialist reports.
- A discussion of the suitability of the site for the development.
- A discussion of how the proposal relates to the public interest.

1.3 Supporting Documentation

This Statement of Environmental Effects is supported by specialist investigations and assessments. Copies of these documents have been submitted with the development application. The following list of documents has been or will be submitted in support of the development application:

- Architectural Plans and Details – Shaddock Architects
- SEPP 65 Design Review and Certification – Shaddock Architects
- Stormwater Management Concept – Coastplan Group Pty Ltd
- Geotechnical Assessment – Regional Geotechnical Solutions

1.4 Site History

The subject site is comprised of a single allotment of land located within the original town plan area along the foreshore of Tuncurry. The land is currently developed with a small clad building used as a solicitors office and was previously used as a chandlery for the Wallis Lake Fishermen's Co-operative.

1.5 Pre Lodgement Discussions

A meeting was held with Council's Development Assessment Panel, Development Engineers and Planner on 23 February 2017 to discuss the proposal and discussion of key issues in relation to the proposal. The discussion at the meeting provided:

- A minimum 10% of units should be adaptable to obtain 10% increases in height and floor space ratio.
- The exceedance of the height control and FSR will need to be justified under Clause 4.6 of the LEP.
- Any variation will need to demonstrate that it does not result in adverse impact on streetscape, amenity or neighbouring development.
- SEPP 65 report and certification will be required.
- Stormwater management and water quality modeling will be required.
- Land is subject to flooding so residential floor levels shall not be less than 2.9m AHD.
- Waste Storage Area will need to be incorporated into the design.
- Land is identified as potentially contaminated and assessment will be required to determine if remediation is required to make site suitable for proposed use.
- Upgrading of Kerb and Gutter will be required, along with undergrounding of electricity.

2. Site and Surrounding Locality

2.1 Site Details

The following data is provided in relation to the site:

Title Description	Lot 16 DP 881494
Property Address	1 Wharf Street, Tuncurry
Site Area	701m^2
Zoning – Great Lakes LEP 2014	B4 – Mixed Use Zone

The subject site is located at the southern end of the Tuncurry township near the foreshore the Cape Hawke Harbour. The site in its regional context is shown in Figure 1 below.

Figure 1 – Location of Site (Regional) **[Source: www.google.com.au/maps]**

The site and surrounding area is depicted in Figures 2 and 3 below.

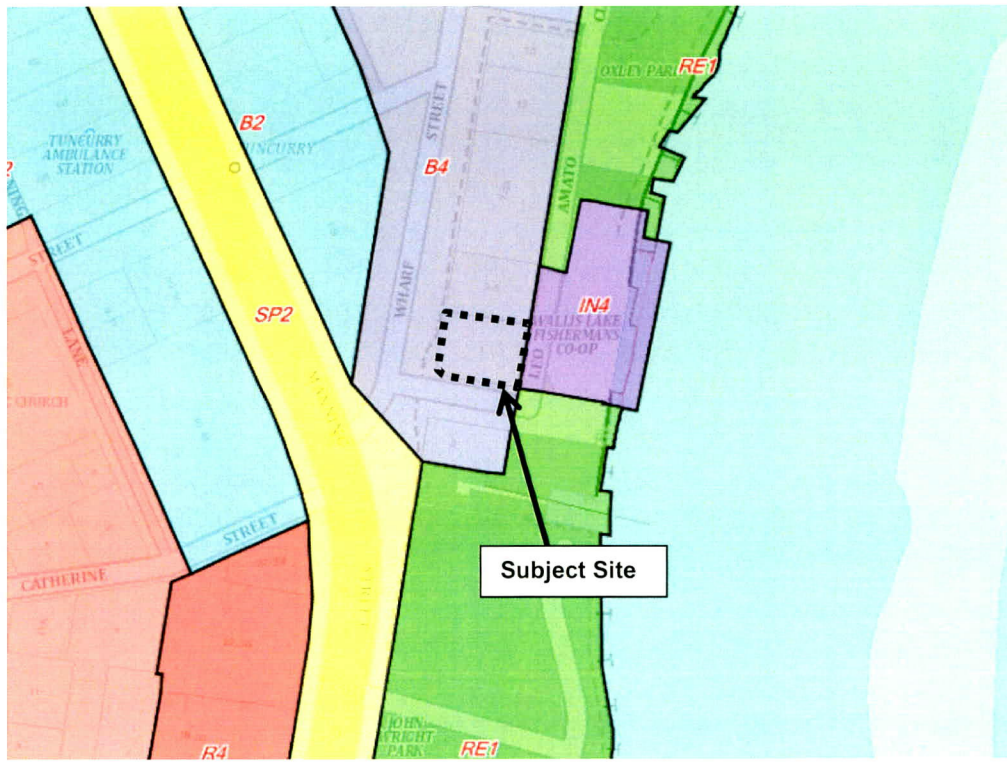


Figure 2 - Site Locality Plan (Zoning) [Source: MCC Exponare]

Figure 3 - Site Locality Plan (Satellite) [Source: LPMA SIX Maps]

The following photographs of the site are provided.

Subject site from Wharf Street looking along Ray Street

Subject site from Leo Amato Close

2.2 General Description

The subject site is comprised of a single allotment of land with a single storey clad building in the south eastern corner with large hardstand parking areas over the rest of the site.

The site has been significantly modified and disturbed as a result of its previous use. The site has three (3) street frontages to Wharf Street, Ray Street and Leo Amato Close.

2.3 Site Context and Surrounding Area

The site is located at the southern end of the Tuncurry township adjacent to the foreshore. The subject site is located at the interface between the Active Street and Fishing Fleet Precinct and the Tuncurry CDB Precinct identified in the Tuncurry Town Centre Precinct Plans.

The existing and future development/character of the surrounding areas are described below:

2.3.1 Land to the North

Land to the north is part of the Active Street and Fishing Fleet Precinct and is developed with residential flat buildings up to four (4) storeys, primarily constructed with external brick façade and large tiled roofs. The following photographs show the current development north of the site.

Existing development immediately adjoining to north along Wharf Street

Existing residential flat buildings along Wharf Street, Tuncurry

The area to the north is zoned B4 Mixed Use under the local planning controls, with similar development standards to the subject site.

2.3.2 Land to the East

Land to the east, on the opposite side of Leo Amato Close, is part of the Active Street and Fishing Fleet Precinct. The area is currently developed with buildings for commercial/industrial purposes occupied by the Wallis Lake Fishermen's Co-operative. The buildings are single storey, but have large internal heights and roof space to support the industrial activities. The following photograph shows the current development east of the site.

Existing Fish Cooperative building opposite on Leo Amato Close

The area to the east is zoned IN4 Working Waterfront under the local planning controls.

2.3.3 Land to the South

Land to the south on, on the opposite side of Ray Street, is located in the John Wright Park Precinct. The area contains a mixed use building with ground level restaurant and upper level residence. The following photographs show existing development south of the site.

Existing restaurant and residence on opposite side of Ray Street

The area to the south is zoned B4 Mixed Use under the local planning controls.

Land to the West

Land to the west is located within the Tuncurry CBD Precinct of the town centre. The land on the opposite side of Wharf Street is currently developed with a multi storey commercial building. The following photographs show the adjacent land.

Existing commercial development on opposite side of Wharf Street

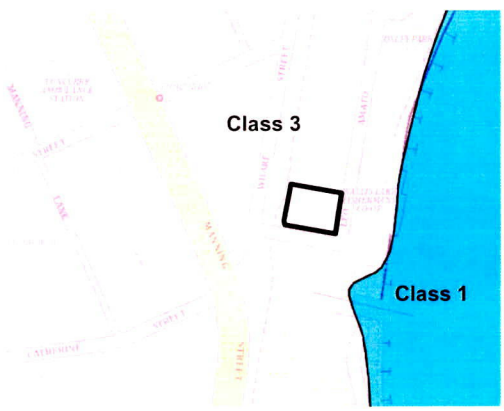
Residential tower on Manning Street and motel approved for 10 storey mixed use building

The area to the west is zoned B2 Local Centre under the local planning controls. The development controls provide for tall buildings in this area with maximum building heights of up to 22 metres (6-7 storeys) permitted by the development standards.

2.4 Soils

The soils on the subject site are being examined in depth by a geotechnical assessment for the land prepared by Regional Geotechnical Solutions.

The Acid Sulfate Soils Planning Maps for the area identify the site as Class 3, as shown on the map below. The classification for these soils means that there is potential for Acid Sulfate Soils to be present at depths below 1 metre below the natural surface.



The geotechnical assessment for the land includes screening for Acid Sulfate Soils which indicates soils more than 1.5m below the surface are Potential Acid Sulfate Soils.

The geotechnical assessment for the site encountered groundwater at depths of 0.85 – 0.95 metres below the existing surface.

The geotechnical assessment provided recommendations for the structural design for buildings on the land and suggests that the use of piles to support the building will be necessary.

2.5 Topography

The subject land is generally level. Wharf Street is approximately 600mm higher than the levels of the site. The levels of Ray Street and Leo Amato Close are generally consistent with the site levels along those frontages. There are no significant topographic features on the site or immediately surrounding area. The banks of Cape Hawke Harbour (Wallis Lake) are generally located approximately 36 metres east of the subject land.

2.6 Site Drainage

The site is primarily drained by on-site infiltration of stormwater, given the rapid infiltration capacity of the underlying sand foundation. In addition, the site grades to the surrounding street frontages which are provided with kerb and gutter which can collect overland flow which does not infiltrate on-site.

2.7 Ecological Values

The site is highly disturbed, with vegetation on the land limited to a narrow area of low ornamental exotic plants along the southern and western boundary.

2.8 Existing Development

The subject land is developed with a single storey clad building with sheet metal roofs. The building is used as a solicitors office, being a building adapted from its previous use as a chandlery associated with the Wallis Lake Fishermen's Co-operative.

2.9 Traffic and Access

2.9.1 Public Roads

The site has unobstructed frontage to three (3) streets, being Wharf Street Street (approximately 20m frontage), Ray Street (approximately 30m frontage), and Leo Amato Close (approximately 20m frontage). There are concrete driveway crossings to Wharf and Ray Streets, however, only the Wharf Street driveway is utilised for access to the existing carpark.

There is an existing footpath along the Wharf Street frontage to the site, with some paved areas along the other frontages, but no continuous footpath.

All frontages have concrete kerb and gutter to sealed road frontages.
Roads in the area are generally in a grid pattern as set by the original Tuncurry Town Plan. The main traffic flow through the Tuncurry township is from the bridge connecting to Forster along Manning Street. Wharf Street carries a large volume of traffic from Manning Street to the residential areas of the old Tuncurry township east of the main access corridor. Ray Street and Leo Amato Close provide for local and service traffic to the Fishermen's Co-operative and

foreshore. Ray Street acts as a significant pedestrian connection from the Tuncurry main street to the foreshore.

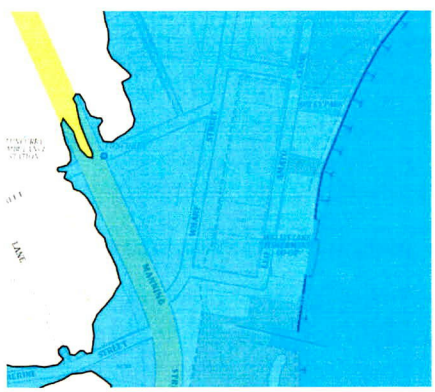
2.9.2 Public Transport

Public transport in the Forster Tuncurry area is limited to bus and taxi services. Bus services in the area are provided by Forster Buslines, with local bus services directly passing the site. Routes 303 and 304 connect the Tuncurry and Forester town centres and Stockland Forster, as well as to Forster Private Hospital and the Medical Precinct in central Forster. These routes operate eight (8) times a day on weekdays, and three (3) times a day on Saturdays. There is a bus shelter and bus stops located approximately 90 metres north of the site in Wharf Street.

2.10 Hazards

2.10.1 Flooding

The subject land is identified as being located within the flood planning area as shown in the following extract from the LEP Mapping.



The relevant flood levels for the area are:

- Current 1% AEP – 2.0m AHD
- 1% AEP 2060 Sea Level Rise – 2.4m AHD
- 1% AEP 2100 Sea Level Rise – 2.7m AHD
- Flood Planning Level (2100 1% plus 500mm free board) – 3.2m AHD

The levels of the subject land vary between approximately 1.20m AHD and 1.50m AHD.

2.10.2 Bushfire

The subject land is not identified as bushfire prone land on maps held by Council and is located over 350 metres from any areas mapped as containing bushfire prone vegetation.

2.11 Heritage

2.11.1 European Heritage

There are no items of European heritage listed as being present on the land or in adjoining areas.

2.11.2 Aboriginal Heritage

A search of the Aboriginal Heritage Information Management System (AHIMS) database has been undertaken and did not reveal any Aboriginal Sites or Places on the subject site. The subject land has been disturbed through past activities and would be identified as 'disturbed land' under the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.*

3. *The Proposed Development*

3.1 Demolition

The existing buildings on the site will be demolished as the initial stage of development. The buildings will be demolished by demolition contractors and the site left in a vacant state, free of materials for construction to commence.

3.2 Proposed Development Uses

The proposed development involves construction of a mixed use building providing a ground floor café and four (4) storeys of residential providing eight (8) dwellings.

The following statistics are relevant for the proposal:

Relevant Statistic	Proposal
Site Area	701m^2
Gross Floor Area	1,206.19m^2
FSR	1.72:1
Landscape Area	25%
Deep Soil Areas	11%
Maximum building heights above existing ground level	16.5 metres

3.3 Design Drawings

The development is detailed in designs prepared by Shaddock Architects. A full suite of plans has been prepared and submitted with the application.

The designs have been prepared by registered architects and the necessary SEPP 65 Design Report and Design Certification have also been prepared by the supervising architect and submitted with the development application.

3.4 Ground level uses

The ground level of the building contains the parking area for the building, as well as the entry foyer for the residential units and a café area with outdoor eating space. The small café provides 55m^2 of Gross Floor Area providing an active street frontage use to the Ray Street and Leo Amato Close frontages. A cantilever awning is provided over the outdoor eating area and the entry foyer of the building. The Wharf Street frontage of the site has been left as a 3 metre wide deep soil landscape frontage to complement the wide verge to this street.

3.5 Residential Accommodation

Residential accommodation is provided above the ground level uses and provides four (4) storeys for residential occupation and use.

The building contains eight (8) residential units with two (2) luxury units provided at each level.

Each unit is a full length unit with three (3) external walls and only one (1) common wall, providing enhanced access to natural breezes and sunlight. Each unit contains three (3) bedrooms with large open living areas, kitchen, bathroom en-suite and laundry. The first level units are accessible units with larger bathroom areas and hallways to provide for accessibility in accordance with AS 4299.

Each unit has a large deck off the main living area providing outlook to the east to take advantage of views over Cape Hawke Harbour. Unit 1 on the first floor level also has access to a large terrace over the podium area. The terrace is setback from the podium edge and screened with proposed landscape areas.

A passenger lift is provided to provide access from the ground floor foyer to the residential levels, as well as the required fire stair connecting each level.

3.6 Traffic and Access

The site has three (3) street frontages which are available to provide access into the site from the public road system.

Vehicular access to the ground floor parking area will be provided via a new driveway off Leo Amato Close. Pedestrian access will be available into the site from Ray Street by way of an entry foyer from the active street front.

Parking within the subject site is provided with 15 parking spaces provided, as well as an accessible space, adaptable spaces, motor bike parking and bicycle parking spaces.

3.7 Landscape and Open Space

The subject site does not contain any native vegetation communities and is almost comprised entirely of hardstand areas. There are some small exotic plantings in the south western corner of the site which will be removed.

The proposal includes landscaping of the site to complement the building and create a pleasant streetscape. This includes the establishment of native trees and shrubs in the deep soil area, as well as planting atop the podium to enhance open space areas and provide visual relief.

3.8 Stormwater Sensitive Design Controls

A stormwater management concept has been lodged with the application which provides for the collection of stormwater from the site being drained to a bioretention area located in the deep soil area of the site fronting Wharf Street.

4. Planning Controls and Legislation

4.1 Environmental Planning and Assessment Act 1979

4.1.2 Regional Development

Schedule 4A of the Act describes the types of development for which Regional Panels are authorised to act as consent authority for development applications.

The proposed development would be captured as this type of development if it fits into the following provisions which would designate it as regional development:

> ***3 General development over $20 million***
> *Development that has a capital investment value of more than $20 million.*

The proposed development has a capital investment value of less than $20 million and is not identified as regional development.

4.2 State Environmental Planning Policy Number 55 – Remediation of Land

The subject land was identified as potentially contaminated from previous uses. The level of contamination is being examined and recommendations in regard to any remediation or management required will be made when the final examination is complete. The report will be submitted to Council soon after the application is lodged.

4.3 State Environment Planning Policy Number 65 – Design Quality of Residential Apartment Buildings

State Environmental Planning Policy Number 65 (SEPP 65) provides certain requirements for residential flat buildings. As required by the Regulations, the application must be accompanied by a design verification, from a registered architect, certifying that the proposal has been designed in accordance with the design quality principles.

The architect for the project has prepared a design quality statement and certification for this proposal, which addresses the design quality principles and certifies that the design quality principles are achieved for the proposal. The following summary of the proposal's compliance with the design principles is provided below:

Design Principle	Comment
Context and Neighbourhood Character	*Based on the SEPP 65 typologies, the proposed development is classified as a combination of a 'Perimeter Block Apartment' and a 'Shop Top Apartment'. The proposed development is situated on the edge of an established street block, as such, the building provides a clearly defined street wall to bookend the residential street.* *The site is positioned between a traditional residential area and the fringe of an existing commercial strip. The area is characterised by wide and narrow lots surrounded by mostly detached residential flats. The site has well established pedestrian activity due to its proximity to local cafes and shopping areas.* *This development aims to increase residential density and diversify housing within this established area while also contributing to the commercial strip, improving pedestrian infrastructure and enhancing the existing streetscape.* *The local area is rapidly developing into a higher density with many larger residential flat buildings and commercial*

Design Principle	Comment
	developments recently constructed. The proposal is considered suitable for the locality and will be appropriate to address the existing streetscape and desired outcomes established by MidCoast Council. *The design of this development has involved a full and careful analysis of the local context and site conditions by a team of professional architects to ensure appropriateness of all design decisions. Context maps and site photos are contained in this Statement while a detailed Site Survey is contained as part of the submitted documentation package.*
Built Form and Scale	*The built form and scale of the building has been development in direct consultation with MidCoast Council.* *Regarding setbacks, the ground floor has a 3m setback to the highly trafficked Manning & Wharf Streets. The building has a zero setback to the eastern and southern boundary to provide an active street frontage, and a zero setback to the northern boundary adjacent the service court of the neighbouring site.* *The upper residential floors maintain the southern and western setbacks established by the ground floor. The northern setback increases to 6m to provide a large buffer from the neighbouring residential site. The eastern boundary provides a variable setback (0.9m to 3.6m) to articulate the façade and reduce the buildings impact on the narrower Leo Amato Close.* *All living areas have been primarily orientated east towards to take advantage of views towards Wallis Lake Waterway. The bulk of the building has been carefully articulated with the masonry elements scaled to reflect the size and materiality of adjacent dwellings.* *Under Great Lakes LEP 2014 the subject site has a maximum Height Limit of 12m. The proposed development has a maximum height of 16.5m due to the inclusion of an additional storey to the development. As the building provides lift access to each level and is consistent with AS4299-1995 – Adaptable Housing, the development may be granted a 10% increase to FSR (Clause 4.4 - 2B).* *The increase in height will not create any adverse impact on the streetscape, amenity, or neighbouring development. Refer to Statement of Environmental Effects for a full analysis and justification of the proposed height exceedance.*
Density	*Under Great Lakes LEP 2014 the subject site has a maximum Floor Space Ratio of 1.1:1. The proposed development has a Floor Space Ratio of 1.72:1. As the building provides lift access to each level and is consistent with AS4299-1995 – Adaptable Housing, the development may be granted a 10% increase to FSR (Clause 4.4 - 2B).* *The increase in FSR will not create any adverse impact on the*

Design Principle	Comment
	streetscape, amenity, or neighbouring development. Refer to Statement of Environmental Effects for a full analysis and justification of the proposed FSR exceedance.
Sustainability	*This development has been specifically designed to employ sustainable practises within the contextual restraints of the site. The proposed development is primarily orientated east, with operable windows strategically placed on all frontages for good solar control and weather protection throughout the year. East facing glazing leads to a private deck or terrace that has been specially detailed to ensure privacy and solar access depending on the specific orientation.* *All internal apartment depths are in full compliance with SEPP 65 requirements to improve solar penetration and air movement. The building envelope has good thermal performance due to its masonry construction. The floor plans have been designed into 3 specific zones (bedroom, living & bathroom) to allow heating and cooling to be specifically targeted to a zone for more efficient use.* *A large portion of the roof has been allocated for the potential installation of a photovoltaic solar system to offset energy consumption. This development has been designed to fully comply with BASIX requirements.* *The proposal has a designated waste storage facility adjacent to the carpark area. A Waste Management Plan that thoroughly outlines the waste strategies during demolition, construction and operational phases will be lodged to Council as part of the Development Application.*
Landscape	*The existing site is almost entirely covered with building and pavement areas. There is currently no substantial trees or vegetation on the site.* *To reduce the impact of the building from the busy main road of Manning & Wharf Street, the proposal features a densely landscaped 3m setback from the street boundary. The ground floor of the building has a zero setback to the eastern and southern boundary to provide an active street frontage, and a zero setback to the northern boundary adjacent the service court of the neighbouring site.* *The minimal landscaping on the northern & eastern boundary is compensated by deep planters on the first storey that will facilitate the planting of small trees, shrubs, and hanging plants. The planters will provide a visual break in the building and add a degree of greenery to the surrounding vistas.* *All landscaped areas will be designed by a suitably qualified Landscape Architect as part of the Construction Certificate application stage. Garden maintenance will be arranged by building management and completed by a private contractor on a scheduled basis.*
Amenity	***Communal Open Space*** *The site is located in an area considered to be within*

Design Principle	Comment
	Tuncurry's scenic, recreational and social hub. As such, it benefits from numerous natural, community and cultural facilities in the immediate vicinity, such as: • *<20m to John Wright Park* • *<40m to Wallis Lake Waterway* • *<40m to the Tuncurry Café & Retail Precinct* • *<750m to Tuncurry Beach & Break wall.* *Due to the spatial constraints within the urban setting, and the numerous recreational facilities directly adjacent the site, we believe a dedicated internal communal space will be underutilised. A better outcome for the development would be to increase occupant amenity through the prioritisation of private space. All hallways and lobbies have been generously proportioned to facilitate passive resident interaction.* ***Private Open Space*** *All units within this development have a balcony or terrace extending from the main living area. All have been sized to be functional and specifically detailed to ensure privacy and solar access depending on their specific orientation. Doorways will have a minimal threshold to act as an extension of the primary living area.* ***Visual Privacy*** *The proposal has been specifically orientated and detailed to provide a comfortable level of visual privacy between street traffic, neighbouring development, and internal functions.* *Units facing the main roads of Manning and Wharf street are setback 3m from the western boundary. These windows are suitable sized for privacy and benefit from a densely vegetated landscape buffer. Living room windows, facing Wallis Lake Waterway, are setback 3.6m from the eastern boundary to provide visual privacy to internal spaces.* ***Acoustics*** *Habitable residential areas have been located at the rear of the site to provide a buffer from general traffic and neighbourhood noise, ensuring acoustic comfort and amenity for all residents. All windows and doors will be acoustically sealed and fabricated from solid, high quality commercial aluminium components with appropriate glass to achieve compliance with the internal noise criteria for residential spaces in accordance with the NSW Department of Planning guidelines.* *The apartments have been arranged to minimise noise transition. Sound proofing of party walls and floor slabs will be completed in full compliance with the requirements for noise transference contained within Part 5F of the BCA.* ***Solar Access*** *All residential units will receive direct morning sun throughout the year. Additionally, windows have been placed on all*

Design Principle	Comment
	frontages to provide both direct, and non-direct lighting, to all habitable rooms within the development. ***Natural Ventilation*** *The proposed development provides cross ventilation to all apartments. All habitable rooms contain large operable windows to take advantage of prevailing breezes. Internal layouts have been sized and arranged to encourage natural circulation of air throughout the units.* ***Pedestrian Access & Entries*** *The proposal has been designed to provide high quality, safe and easily navigable pedestrian environments. The development will significantly improve pedestrian infrastructure adjacent the site and has been designed to provide equitable pedestrian access to the ground floor retail space within the development.* *The ground floor entry lobby is clearly delineated from the adjacent areas thorough articulation of the building form and materiality. The entry is sheltered, well-lit and directly visible from the street to provide safe and secure access to all residents. Security access provisions will be provided at the entrance to the residential apartments. Internally, the building entry has been generously sized with a seating area for resident and visitor interaction.* ***Vehicle Access*** *The proposal has enclosed car parking at the rear of the site to reduce the impact of vehicles on the more active Manning & Wharf streets. Vehicular entry to this site has been limited to a single entrance drive to improve the opportunities for an active street frontage and pleasant pedestrian-based streetscape.* ***Bicycle & Car Parking*** *The proposal has provided a total of 15 carparks (one space below Council requirements) within a secure garaging area. The proposed development is located directly adjacent the main street of Tuncurry and therefore benefits from direct access to local bus networks, shopping, retail, and recreational precincts. As such, we believe the minor departure from Council requirements will have little impact on the amenity of the development.* *The carparking area has been specifically located to reduce the impact of vehicles on the streetscape and public domain. The car park provides designated parking areas for bicycles and motorbikes, storage facilities, designated service areas and has direct access to the units above. The design ensures limited conflicts between pedestrian, cyclist and vehicular movements and provides safety for all users.* ***Ceiling Heights*** *Residential ceiling heights have a minimum height of 2.7m to*

Design Principle	Comment
	habitable rooms in full compliance with the recommendations of this clause. ***Apartment Size & Layout*** *The apartments have been sized in compliance with SEPP 65.* ***Storage*** *Generous, secure & convenient storage is provided for within apartments in the form of bedroom robes, linen cupboards, butler's pantry, bathroom cabinets and kitchen joinery. Additional storage for large items has been provided in the garage area with a secure storage cage allocated to each residential unit.*
Safety and Security	*The crime risk of the proposed development has been evaluated under the CPTED principles for minimising crime risk, contained within Crime Prevention and the Assessment of Development Applications, Guidelines under Section 79C of the Environmental Planning and Assessments Act 1979.* *SURVELLIANCE - Windows are located from residential units on all frontages to provide clear sightlines and casual surveillance to all accessible points of the site, including the public street, building entry and shared boundary. The activation of the site will increase pedestrian traffic, assist casual surveillance, and provide effective lighting to promote a sense of safety that will significantly deter opportunistic offenders.* *ACCESS CONTROL - The proposed development has a single, well-articulated entry for residents, and another for the commercial suite, that is directly visible from the street. The entries are sheltered, well-lit and clearly delineated to provide a safe and secure transition from the public domain. An appropriate security access system will be provided at the ground floor entrance for residents, commercial tenants, and visitors.* *TERRITORIAL REINFORCEMENT – The light and street activity caused by residents, as well as passive surveillance from above habitable spaces, will improve territorial reinforcement and increase the sense of community ownership that will reduce the likelihood and opportunity for crime.* *SPACE MANAGEMENT – Management of the building will implement strategies such as activity coordination, site cleanliness and graffiti repair. High quality commercial grade materials have been selected for this project to ensure longevity. Management of the building will implement strategies such as activity coordination, site cleanliness and graffiti repair. Ground floor level materials have been selected to be etch and graffiti proof and will be consistently monitored for damage by management to uphold the cleanliness of the streetscape.*

Design Principle	Comment
Housing Diversity and Social Interaction	*The apartment mix has been established by analysing market demand and social context of the local area. The suburb is generally characterised by residential flats utilised by families, retirees or as holiday accommodation. Increasing housing prices in the suburb have contributed to a demand for larger apartments that could accommodate a family looking to downsize from a traditional dwelling.* *As such, the development consists entirely of 3 bedroom apartments. Each apartment has been very generously sized to allow for flexibility in the configuration and use of internal space. T wo adaptable units have been provided in accordance with the requirements of AS4299-1955 – Adaptable Housing.* *All apartments have lift access and have been configured to provide a high level of amenity. Communal circulation spaces have been suitably proportioned to provide equitable access and to allow for informal resident interaction.*
Aesthetics	*The proposed development has been carefully designed to address the commercial strip of Manning Street, the existing residential typology of Wharf Street and the foreshore of the Wallis Lake Waterway.* *The ground floor of the building utilises face brickwork to create a rusticated base that aesthetically connects to the established brick residential flats of the area. Precast concrete has been utilised to give a modern and raw aesthetic, with extensive use of timber to soften the material palette while reflecting the traditional 'timber-town' of Tuncurry.* *Proportionally the western boundary has been scaled down to reflect the height and materiality of the adjacent three-storey residential flats. In contrast, the eastern harbour frontage is more prominent to give the building a strength and presence to bookend the residential street. Slight curves have been utilised to reflect the nautical, beachside location while softening the buildings form.* *The façade of the proposed development has been designed in accordance with the Building Principles outlined in the Residential Flat Design Pattern Book and has been articulated in full compliance with the requirements of this clause. Refer to Appendix 10.0 Visuals.*

The Design report includes a Design Quality Verification from the Registered Architect for the proposal as required by the Regulations.

4.4 State Environmental Planning Policy (Coastal Management) 2018

The SEPP became operational on 3 April 2018 and repealed SEPP 71, SEPP 14 and SEPP 26, providing a consolidated instrument for land in the coastal zone. The SEPP is supported by interactive mapping for the coastal area. The maps identify that the site is identified as:

- Coastal Environment Area
- Coastal Use Area

Clause 13 of the SEPP applies to land in the coastal environment area and provides:

> *13 Development on land within the coastal environment area*
>
> *(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
>
> *(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
>
> *(b) coastal environmental values and natural coastal processes,*
>
> *(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
>
> *(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
>
> *(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
>
> *(f) Aboriginal cultural heritage, practices and places,*
>
> *(g) the use of the surf zone.*
>
> *(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
>
> *(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
>
> *(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Relative to these matters:

- The proposal is unlikely to impact on ecological or hydrological values in the area.
- The proposal will not impact on water quality in any marine estate. The proposed development is likely to improve the quality of stormwater leaving the site.
- The proposal does not have adverse impacts on native vegetation, fauna or their habitats, headlands or rock platforms.
- The proposal does not impact on any known Aboriginal sites or places.
- The proposal includes connection of sewer to the MidCoast Water reticulated system.
- Stormwater is managed to improve stormwater quality from the site.
- The proposal will not impact on the surf zone.

Clause 14 of the SEPP provides controls in relation to land in the coastal use area as follows:

14 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that:

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Relative to the above, the following is noted:

- The site is located adjacent to the foreshore on the opposite side of the public road. The proposal does not impact on public access along the foreshore.
- The proposal does not involve adverse impact to views, overshadowing or wind funneling along the foreshore.
- The proposal will not impact on scenic amenity of the coast, including coastal headlands.
- The proposal does not impact on any known Aboriginal sites or places.
- The proposal does not affect any heritage items or areas.

4.5 Great Lakes Local Environmental Plan 2014

Great Lakes Local Environmental Plan 2014 (LEP) is the local planning instrument applying to the land and provides the main controls in relation to permissibility and development standards.

4.5.1 Development Control Table

Clause 2.3 of the LEP provides that the development control tables for each zone are used to determine if development is permissible or prohibited and provides that Council must give consideration to the objectives of the zone.

The proposed development is considered to contain the following uses:

- Café – *restaurant or café (means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided*) which is a type of *food and drink premises* which in turn are a type of *retail premises.*
- Residential Units – *shop top housing (means one or more dwellings located above ground floor retail premises or business premises).* This is considered the most appropriate definition for the residential units, however, they may also be described as a *residential flat building* (*means a building containing 3 or more dwellings, but does not include*

an attached dwelling or multi dwelling housing). Both uses are a form of *residential accommodation* under the LEP.

The development control table for the B4 – Mixed Use Zone provides a list of uses that are prohibited in the zone, and provides that certain uses are permissible with consent, as well as any other uses not listed as prohibited. *Restaurants and cafes* are not listed as prohibited (nor are *food and drink premises* or *retail premises*) and are therefore permissible. *Shop top housing* and *residential flat buildings* are specifically listed as permissible in the zone.

The objectives of the B4 zone are:

Zone B4 Mixed Use
1 Objectives of zone
- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that does not prejudice the established business and industrial centres.*
- *To ensure that traffic generation from development can be managed in a way that avoids conflict with the desired pedestrian environment.*
- *To ensure the inclusion and integration of housing to promote housing diversity and community activity within the business centre.*
- *To enable a range of tourism-related uses that support the business centre.*

The proposal provides an integrated compatible business use for the site location and provides an increase in housing diversity in a highly desirable location close to the existing business centre and is consistent with the relevant zone objectives.

4.5.2 Development Standards

4.5.2.1 Height of Buildings

The Height of Buildings map (extract below) shows that the maximum building height control applying to the land is 12 metres, with adjacent areas to the west having building height controls of 22-33 metres.

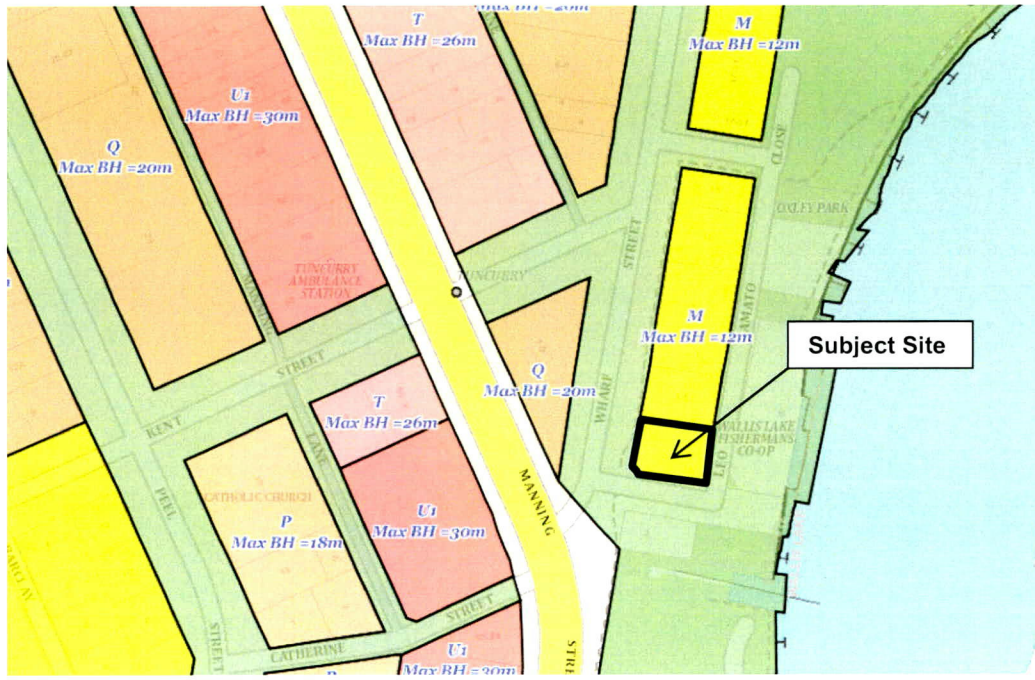


Figure 4 – Building Height Control Map **[Source: MCC Exponare]**

Clause 4.3 of the LEP provides:

> *(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
>
> *(2A) Despite subclause (2), the height of a building may exceed the maximum height shown for the land on the Height of Buildings Map by 10% if the land is in Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use and the consent authority is satisfied that:*
>
> *(a) internal lift access will be provided to all levels in the building, and*
>
> *(b) the design of the building is consistent with AS 4299–1995, Adaptable housing.*

Internal lift access is provided to all levels of the buildings and the proposal includes adaptable units meeting the requirements of AS 4299-1995. Accordingly, the provisions of subclause (2A) mean that the height controls applicable under the clause would be 13.2 metres.

The maximum height of the building is 16.5 metres at the outside parapet, other parts of the roof up to 1 metre lower. This document includes a submission seeking exception to this development standard in accordance with the provisions of clause 4.6 of the LEP.

4.5.2.2 Floor Space Ratio

The Floor Space Ratio Map (extract below) shows that the floor space ratio applicable to the site is 1:1, whilst there is no floor space control for sites to the west.

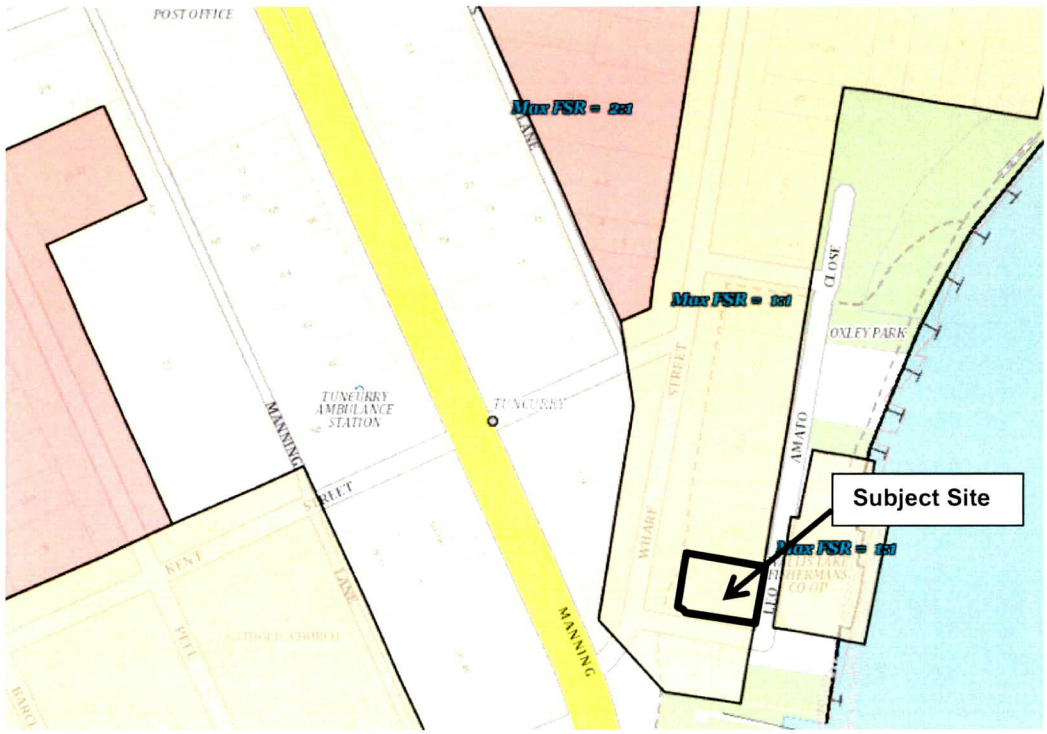


Figure 5 – Floor Space Ratio Map **[Source: MCC Exponare]**

Clause 4.4 of the LEP provides:

> ***4.4 Floor space ratio***
> *(1) The objectives of this clause are as follows:*
> *(a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,*
> *(b) to encourage a diversity of development on land in business zones, which is unlikely to prejudice the supply of retail or business floor space in those zones,*
> *(c) to permit a floor space ratio that will provide a transition in built form and land use intensity,*
> *(d) to encourage residential development that is consistent with AS 4299—1995, Adaptable housing.*
>
> *(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*
>
> *(2A) Development consent must not be granted for development on land in Zone B1 Neighbourhood Centre or Zone B2 Local Centre unless the development includes commercial premises with a floor space ratio of at least:*
> *(a) for land in Zone B1 Neighbourhood Centre—0.3:1, and*
> *(b) for land in Zone B2 Local Centre—1:1.*

(2B) Despite subclause (2), the floor space ratio for a building on land in Zone R3 Medium Density Residential or Zone B4 Mixed Business may exceed the floor space ratio shown for the land on the Floor Space Ratio Map by 10% if the consent authority is satisfied that:

(a) lift access will be provided to each level in the building, and
(b) the design of the building is consistent with AS 4299–1995, Adaptable housing.

(2C) Despite subclause (2), the floor space ratio for development for a purpose other than residential accommodation on land in Zone RU5 Village may exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Internal lift access is provided to all levels of the buildings and the proposal includes adaptable units meeting the requirements of AS 4299-1995. Accordingly, the provisions of subclause (2B) means that the floor space ratio controls applicable under the clause would be 1.1:1.

The Gross Floor Area of the development proposal is 1,206m^2 which results in a floor space ratio of 1.72:1. This document includes a submission seeking exception to this development standard in accordance with the provisions of clause 4.6 of the LEP.

4.5.3 Clause 4.6 Exceptions to Development Standards

Clause 4.6 of the LEP provides for exceptions to development standards which would allow Council to consider variation of these standards. Specifically, the clause provides:

(1) The objectives of this clause are as follows:
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.
(4) Development consent must not be granted for development that contravenes a development standard unless:
(a) the consent authority is satisfied that:
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5).....

Relevant to subclause (2), neither Clause 4.3 nor 4.4 is expressly excluded from the operation of the clause as detailed in subclause (7) (not reproduced).

The following provides the written request for variation of the development standards for height of buildings and floor space ratio.

4.5.3.1 Height of Buildings

The variance from the building height is a 3.3 metre variation which is a 25% variance from the 13.2 metre height limit.

As a first step in determining if the application of the standard is unreasonable or unnecessary in this case, the objectives of the development standard are determined. Clause 4.3 lists the objectives of the development standard as follows:

(a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,

(b) to encourage residential development that is consistent with AS 4299–1995, Adaptable housing.

As can be seen, the key objective in relation to the development standard for building height is compatibility with the existing and desired future environmental character of the area. To examine this issue, the architect has undertaken visual analysis including montages from key viewing points toward the site. These montages are provided below.

View to site from Bridge

View to site from Boat Harbour

View to site from Breakwall

Whilst the proposed building is higher than the immediately adjoining building, it is congruent with the maximum height of other buildings throughout the precinct, including the residential flat buildings at 7-11 Wharf Street and 17-21 Wharf Street.

The building height is also below the landscape backdrop of the Tuncurry townscape and does not extend above existing buildings and significant trees in the backdrop when viewed from these locations.

The future character of the area is quite apparent from the redeveloped sites in the Tuncurry town centre with large residential towers and office buildings existing. The montages show that this building will be consistent in the townscape with these and future buildings to be developed.

The site is a small isolated parcel of land but is a visually significant site acting as the gateway between the foreshore and the main street. Three (3) frontages of the site require a quality built form addressing the street and activating this gateway. The design demands of the site mean that building form should be set to reinforce the corner and define the street. As such the building is oriented closer to Ray Street. Whilst a reduced setback from the units to north could be provided, this would impact on the established character for those units and the unit yield that could be achieved in that area has instead been placed in an additional storey. The form therefore acts to protect that established character for these units whilst delivering the desired future character for the corner site, consistent with the character statement for this precinct.

The proposed development is considered to be consistent with the objectives of the standard, notwithstanding the non-compliance with the numeric control.

Given the above discussion, it is submitted that:

- It is unreasonable and unnecessary to maintain the maximum height standard in this case as:
    - The building heights are consistent with existing building heights and the established townscape for Tuncurry.
    - The subject site is in an area of transition where some additional; height can be tolerated to allow a better interface with areas having a higher control.
    - The additional units allow delivery of enhanced design quality outcomes for the building, including maintaining a separation for the residential apartments to the north.
    - The proposed building height does not result in significant impacts to other sites in terms of views, overshadowing etc.

The strict application of the standard is considered unreasonable and unnecessary as the proposal will meet the objectives of the control, notwithstanding the minor exceedance of building height in this proposal.

In the case of *Winten v North Sydney Council* 2001 in the Land and Environment Court Lloyd J framed questions for assessing a variation to a development standard (under SEPP 1 at the time). The questions are repeated below, along with comments on their application to the proposal:

i. *Is the planning control a development standard?*
The maximum height of building control is clearly a development standard.

ii. *What is the underlying object or purpose of the standard?*

- The objectives of the development standard are detailed in the clause as:
    - *to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,*

- *to encourage residential development that is consistent with AS 4299–1995, Adaptable housing.*

iii. *Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the EP and A Act 1979?*
There are no stated aims for Clause 4.6 of the LEP, however the proposal is considered to be consistent with the stated aims of the LEP. The proposal gives rise to the highest and best use of land and provides for proper management or the Tuncurry town centre by encouraging design excellence. The proposal provides for the orderly and economic development of the land, with the design outcome providing economic development of the land whilst meeting sustainability criteria and design excellence.

iv. *Is compliance with the development standard unreasonable and unnecessary in the circumstances of the case?*
Through other cases, a series of reasons have been identified as to why compliance with a development standard may be considered unreasonable or unnecessary in the circumstances of a case.

Preston CJ (*Wehbe v Pittwater Council*) expressed the view that there are five (5) different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy (SEPP 1 at the time). The five (5) ways expressed are:

1. *the objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents*

departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

5. *the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

As discussed, previously, it is considered that the proposed development meets the underlying objectives of the control even though not strictly complying with the numerical standard.

The following environmental planning grounds support variation of the development standard:

- The development of the site as a landmark and connection between the foreshore and main street provides excellent urban design outcomes for the Tuncurry town centre.
- The proposal provides for development of a small site with a high quality design outcomes which would not be possible without a suitable yield.

Given the above, variation of the height of buildings development standard is sought in accordance with Clause 4.6 of Great Lakes LEP 2014.

4.5.3.2 Floor Space Ratio (FSR)

As a first step in determining if the application of the standard is unreasonable or unnecessary in this case, the objectives of the development standard are determined. Clause 4.4 lists the objectives of the development standard as follows:

(a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,
(b) to encourage a diversity of development on land in business zones, which is unlikely to prejudice the supply of retail or business floor space in those zones,
(c) to permit a floor space ratio that will provide a transition in built form and land use intensity,
(d) to encourage residential development that is consistent with AS 4299—1995, Adaptable housing.

The subject site is adjacent to land which allows 22-33 metre buildings with no control on floor space ratio and is capable of achieving much higher densities than that proposed. The additional density for this proposal is not significant in this context and transitions between these areas and the lower density areas of 3-4 storeys to the north.

The site is a gateway and seeks to reinforce and activate the street frontages, requiring a larger built form. The development is also required to incorporate retail floor space and service areas which also add to the gross floor area of the development.

As discussed, the building scale and form are considered congruent with other building form and is directly adjacent to multi storey commercial development which has large site coverage and floor space ratios. The proposed design responds to the site's context and transitions between the main street development and residential uses to the north.

Given the above discussion, it is submitted that:

- It is unreasonable and unnecessary to maintain the FSR standard in this case as:
    - Scale of the buildings is consistent existing and desired future character of the area
    - The development density is consistent with the objective to transition between higher intensity land uses to lower intensity land uses.
    - .The building form is a high quality design outcome linking the connection between the foreshore and main street in a manner consistent with the character statement for the precinct.
    - The proposed building does not result in significant impacts to other sites in terms of views, overshadowing etc.

The strict application of the standard is considered unreasonable and unnecessary as the proposal will meet the objectives of the control, notwithstanding the exceedance of the FSR standard applicable to the land.

In the case of *Winten v North Sydney Council* 2001 in the Land and Environment Court Lloyd J framed questions for assessing a variation to a development standard (under SEPP 1 at the time). The questions are repeated below, along with comments on their application to the proposal:

i. *Is the planning control a development standard?*
The maximum floor space ratio control is clearly a development standard.

ii. *What is the underlying object or purpose of the standard?*
The relevant objectives of the development standard are detailed in the clause as:
- to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,
- to permit a floor space ratio that will provide a transition in built form and land use intensity,
- to encourage residential development that is consistent with AS 4299—1995, Adaptable Housing.

iii. *Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the EP and A Act 1979?*
There are no stated aims for Clause 4.6 of the LEP, however the proposal is considered to be consistent with the stated aims of the LEP. The proposal gives rise to the highest and best use of land and provides for proper management or the Tuncurry town centre by maximising mixed use yield in close proximity to high level town centre services and meeting the urban design outcomes for the town centre. The proposal provides for the orderly and economic development of the land, with the design outcome providing economic development of the land whilst meeting sustainability criteria and design excellence.

iv. Is compliance with the development standard unreasonable and unnecessary in the circumstances of the case?

Through other cases, a series of reasons have been identified as to why compliance with a development standard may be considered unreasonable or unnecessary in the circumstances of a case. Preston CJ (*Wehbe v Pittwater Council*) expressed the view that there are five (5) different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy (SEPP 1 at the time). The five (5) ways expressed are:

1. *the objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

As discussed, previously, it is considered that the proposed development meets the objectives of the control with the outcomes consistent with the existing and desired future character of the area. The proposal provides for a transition for built form use and intensity even though not strictly complying with the numerical standard.

- The following environmental planning grounds support variation of the development standard:
    - Consistent with the objectives of the control, the proposal provides for a transition of land use and intensity between the precinct and the main street area with much higher densities.
    - The site is a gateway between the main street and foreshore and the proposed design responds to this function assisting to improve urban design and function in the area.

Given the above, the proposed variation of the floor space ratio development standard is sought in accordance with Clause 4.6 of Great Lakes LEP 2014.

It is noted that the concurrence of the Director General can be assumed in relation to variation of these standards as detailed in the planning circular *PS 17-006 – Varying to Development Standards.*

4.5.4 Additional Local Provisions

4.5.4.1 Clause 7.1 – Acid Sulfate Soils

Clause 7.1 of the LEP provides controls in relation to Acid Sulfate Soils and applies where lands are mapped as Class 1-5 on the Acid Sulfate Soils Maps. As discussed, the subject land is mapped as Class 3 on the Acid Sulfate Soils Planning Maps. The provisions of the clause require investigation of Acid Sulfate Soils where development is likely to disturb soils more than 1 metre below the existing ground surface. The Geotechnical Assessment has identified that Potential Acid Sulfate Soils exist on the site at depths more than 1.5m below the existing surface. The proposal does not include any basement and would only require management of these soils if the structural footings require excavation to depths below this level. It is likely that the use of screw piles and high level footings will mean disturbance of soils at this depth will not be necessary.

4.5.4.2 Clause 7.3 – Flood Planning Area

Clause 7.3 of the LEP provides controls which apply to land located within the flood planning area and would be applicable to the subject land.

The operative provisions of the clause provide:

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
(a) is compatible with the flood hazard of the land, and
(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
(c) incorporates appropriate measures to manage risk to life from flood, and
(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) In determining a development application for development on land to which this clause applies, the consent authority must have regard to the following matters:
(a) the intended design life and scale of the development,
(b) the sensitivity of the development in relation to future effective self-evacuation of the land, and if that is not possible, the low risk occupation in time of flood,
(c) the potential to modify, relocate or remove the development.

Relevant to the matters under subclause (3), the following is noted:

- The site is mapped as being located within the flood planning area and site levels vary between 1.2m and 1.5m AHD. The site is mapped as low hazard under the Wallis Lake Floodplain Management Study.
- Being a low hazard area with low water velocities etc, the proposed development is unlikely to significantly impact on flood behavior in the area.
- All habitable areas are located above the design flood planning level and there is safe access from site to flood free areas. The carpark and café are located below the design flood levels but cannot be lifted. The building will be constructed from flood compatible materials.
- The proposal will not impact on riparian areas or other sensitive areas. Erosion and Sediment Controls will be implemented during construction.
- The proposal incorporates appropriate safeguards to protect persons and property in the event of a flood event and would not result in additional social or economic costs to the community as a result of flooding.

With regard to subclause (4), the following is noted:

- The proposal has a long design life and is medium scale. The proposal incorporates safeguards to protect life and property as required by Council's controls.
- The development on the site can be easily evacuated and with direct vehicular and pedestrian connection to flood free areas in close proximity to the site.
- As the development has been designed to address flooding, there would be no necessity to modify, relocate, or remove the development to address flood issues.

4.5.4.3 Clause 7.7 – Riparian Land and Watercourses

This clause is applicable as the subject site is located within 40 metres of the Wallis Lake foreshore.

The operative provisions of the clause provide:

> *(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
> *(a) whether or not the development is likely to have any adverse impact on the following:*
> *(i) the water quality and flows within the watercourse,*
> *(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,*
> *(iii) the stability of the bed, shore and banks of the watercourse,*
> *(iv) the free passage of fish and other aquatic organisms within or along the watercourse,*
> *(v) any future rehabilitation of the watercourse and riparian areas, and*
> *(b) whether or not the development is likely to increase water extraction from the watercourse, and*
> *(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
> *(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
> *(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
> *(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
> *(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Relevant to these matters, the following is observed:

- The proposal will not impact on water flows, riparian areas, habitats or fish passage and will not impact on the banks of the watercourse.
- The watercourse bank is developed with rock wall revetments and the riparian area is utilised for pedestrian and vehicular access, open space, as well as foreshore structures (jetties and commercial fishing access).

- The proposal involves no extraction of water.
- The proposal does not result in any significant adverse environmental impact.

4.6 Great Lakes DCP 2014

Great Lakes Development Control Plan 2014 (DCP) provides development controls for various forms of development in the former Great Lakes local government area. The DCP provides 15 Parts that provide controls in relation to various development issues, as well as site specific plans provided in Part 16.

The following Parts of the DCP would be relevant to the proposed development:

- Part 3 – Character Statements
- Part 4 – Environmental Considerations
- Part 6 – Residential Apartment Buildings, Mixed Use Development and Business Premises.
- Part 10 – Car Parking Alternative and Active Transport
- Part 11 – Water Sensitive Design
- Part 13 - Landscaping and Open Space
- Part 14 – Waste Management

4.6.1 Part 3 – Character Statements

The subject land is located in the Tuncurry Town Centre precinct known as the Active Street and Fishing Fleet Precinct. The character statement for this precinct is:

> *This area represents possibly the greatest potential for improvement in the either town. The vision for the area is for a well-landscaped street environment with shade trees, calmed traffic, pedestrian shared zones, active frontages with restaurants and retail spilling onto footpaths. This is an environment suitable for strolling, looking in shops having lunch in a street café. Envisaged land use is generally commercial at ground level with apartment accommodation above.*
>
> *The potential exists for a positive relationship between the fishing industry and the recreational uses in the area. More visitors will boost the co-op sales, while the boats, nets and the catch of the fleet provide interesting*

and authentic attraction for visitors. A reconfigured co-op would permit better catch-handling improve foreshore pedestrian access and visibility of the processes of a working fishing fleet.

The proposed development is consistent with this character statement. The proposal involves a small site which is a key link between the foreshore and the main street. Being a small site, the development challenges for the site are significant and require variation of development standards to achieve outcomes envisaged by the character statement of the area.

4.6.2 Part 4 – Environmental Considerations

4.6.2.1 Flooding

This part of the DCP provides the Council's requirements in relation to development in flood prone areas:

The DCP provides controls in relation to subdivisions and buildings. The proposed controls in relation to buildings are relevant to this proposal. The controls are:

Building Controls

Any building partly or wholly constructed below the 2100 flood planning level, must be certified by a structural engineer to demonstrate that the building and associated structures have been designed to withstand flood forces exerted by the 2100 1% AEP flood.

New Buildings

1. *New buildings are to be designed and located entirely outside of the 2100 flood planning area wherever possible.*
2. *New buildings are to be designed with habitable floor levels above the 2100 1% AEP flood planning level.*
3. *In circumstances where construction of a new building at the 2100 1% flood planning level is likely to have an adverse impact on the adjoining property or the visual amenity of the location, a variation may be sought. If supported by Council, the new building may be designed with habitable floor levels above the 2060 1% AEP flood planning level.*

4. *Vehicle access to new buildings is to be designed to so that ingress and egress from the site is provided above the 2100 1% AEP flood planning level.*

With regard to these controls, the following is noted:

- The 2100 Flood Planning level is 3.2m AHD. The entire site is located within this flood planning area.
- All habitable floor levels of the units are located above the Flood Planning level of 3.2m AHD (minimum 5.0m AHD). The carparking areas and café are located at the ground floor and are below the flood planning level. Consistent with the DCP provisions, this area can be constructed with flood compatible materials and be designed to withstand flood forces.
- As discussed, the parking area is located below the flood planning level. Given the constraints of the site, it is not possible to raise the parking level, and it is also relevant to note that the adjoining public roads are also below flood level. The parking area is fully enclosed, preventing cars from floating from the carpark area and potentially causing damage in other areas.
- The development provides ability for people to refuge on-site in the units which are located above both the 1% AEP levels and the PMF for Wallis Lake. In addition, there is likely to be a significant warning time for flood events, with at least 24 hours warning time for major flood events, allowing residents to prepare, including relocating vehicles etc to avoid damage potential.

4.6.3 Part 6 – Residential Apartment Buildings Mixed Use Development and Business Premises

This chapter provides the controls for medium and high density residential development, mixed use, and business premises. The following table discusses controls that are relevant to the proposal:

DCP Matter	DCP Control	Compliance of Proposal
General Building Design	Provides a series of controls for design quality and to ensure that development responds appropriately to the context of	The proposed design has been undertaken by a registered architect and has addressed design quality principles and

DCP Matter	DCP Control	Compliance of Proposal
	the site.	also meets the DCP requirements.
Pedestrian Amenity – Street Address	• Active ground floor uses should be located at same level as footpath. • Residential developments are to have clear entry points.	•The ground floor café is located at street level. •The pedestrian entry from Ray Street is clear/defined.
Pedestrian Amenity - Awnings	• Awnings are to be provided over building entries for legibility and weather protection for pedestrians. • Awnings should be 3-3.5m above footpath level and be drained internally and not interfere with street trees.	•Awnings are provided for the active streetfront areas and the residential building entry. •The awnings are approximately 3.3m above footpath level.
Pedestrian Amenity - Pedestrian Access	• Main entry points should be highlighted. • Provide suitable disabled access for the building.	•The pedestrian access is clearly highlighted. •Disabled access is provided throughout the building and an access from Ray Street is suitable for use by disabled persons. Disabled parking spaces are also provided in the parking area.
Pedestrian Amenity - Vehicle Access	• Vehicle entry points should not occupy any more than 25% of a frontage. • Vehicular entry points should be integrated in building design. • Doors limiting access to parking areas should be a minimum 6m from the site frontage.	•The vehicle access points occupy approximately 41% of the Leo Amato Close. The driveway is as narrow as possible and this is the preferred frontage for access. •Vehicle Access is integrated into the development design. •The garage door to restrict access to parking areas is located at the site frontage. Given the constraints of the site, this is the only feasible provision for access that can be provided.
Pedestrian Amenity – Safety and	Incorporate CPTED principles in access design to address safety of persons.	The pedestrian access is open and provided with good surveillance from the street and

DCP Matter	DCP Control	Compliance of Proposal
Security		with the development. Access control is provided throughout to restrict access to other areas within the site.
Building Configuration – Adaptable Housing	10% of dwellings should be designed as adaptable housing.	More than 10% (approximately 25%) of the dwellings have been designed to be adaptable and lift access is incorporated through the building.
Building Configuration – Dwelling Layout and Mix	• Provide a mix of apartments as follows: - Min. 15% Studio - Min. 15% 1 bedroom - Min. 40% 2 bedroom - Min. 15% 3 bedroom • Apartments should have minimum floor areas of: - 2 bedroom 70m^2 - 3 bedroom 95m^2	•There are no studio apartments within the development and all apartments are 3 bedroom units. The proposal involves a small site and only provides 8 units making diversity of units difficult to achieve. The developer's research of the market has found that there is minimal demand for this product and the units are premium units aimed at permanent living for retirees etc. •The internal floor areas of the different units are between 142 and 143m^2.
Building Configuration – Ceiling Heights	Provide ceiling heights as follows: - Ground floor minimum 3.3m - 2.7m for habitable rooms - 2.4m for non-habitable rooms	Ceiling heights within the proposed development are: - Ground floor – 3 - 3.3m - Residential – 2.7m
Building Configuration Storage	Provide storage as follows: - 3 bed unit 5m^2 50% of storage should be provided in units.	Storage is provided for each unit in the form of storage lockers in the basement, and internal storage within the units, exceeding the DCP requirements.
Building Configuration – Basements and Podiums	• Basement podium must not be located more than 1 metre above ground level.	•The building does not contain a basement, however, the ground floor parking forms a podium for the first level.

DCP Matter	DCP Control	Compliance of Proposal
	• Can be built to boundary as per setback controls	•The size constraints of the site and the parking required make additional setback impossible. The top of the podium has been treated to provide a wide area for landscape treatment on top of the podium. The wall does not impact on significant outlook areas from public or private areas.
Building Configuration – Facade Articulation	• Façade is to be articulated to provide visual interest. • No single wall plane should exceed 20m^2 • The top storey should be setback from the levels below.	•The facades of the building to the street frontages are highly articulated in meeting the controls. •The top level of building has been treated with a lighter material to affect a similar visual outcome to a reduced footprint.
Building Configuration – Roof Design	• Maximum building height shall be no more than 5.5 metres above the topmost floor. • Roof top structures, etc shall be incorporated into the roof.	•The maximum building height above top floor level is 4m. •The low rise lift tower is concealed within the building form.
Building Amenity – Acoustic Privacy	Design should consider acoustic privacy within the development and between adjoining sites.	There are no acoustic privacy issues between the site and adjoining sites.
Building Amenity - Solar Access and Overshadowing	• At least 75% of apartments receive 3 hours of sunlight (9am-3pm) to living rooms in mid-winter. • Residential buildings and adjacent open space must receive 3 hours of sunlight from 9am – 3pm on the winter solstice.	•The proposed units all have eastern and western outlooks providing access to morning and afternoon sun. •Shadow diagrams show the effect of midwinter shadows to the existing property to the south (opposite side of Ray Street). The proposed development will maintain sunlight to this rear deck well in excess of the minimum requirements.

DCP Matter	DCP Control	Compliance of Proposal
Building Amenity – Natural Ventilation	• Residential apartment depth should be between 10-18m (shortest distance). • 60% of apartments should have cross flow ventilation. • Kitchens should have natural ventilation.	•Maximum apartment depth is generally no more than7.5 metres. •100% of units achieve cross flow ventilation compliance. •All kitchens in apartments are part of an open plan with access to the balconies providing natural ventilation.
Building Amenity – Site Facilities and Servicing	The following should be provided: • Mailboxes • Single antennae/dish for communications/television.	•Mail boxes can be provided at the pedestrian entrance off Ray Street. •A single antennae/dish can be provided for the building.
Building Performance	All new residential development to meet BASIX requirements.	The required BASIX certificate has been received.
Minimum Allotment Frontages	A minimum site width of 30 metres is required.	The site has 3 frontages, but has a maximum site frontage of 26 metres. Amalgamation to increase frontage is not possible
Building Depth and Bulk	• Maximum Building depth - 18 metres. • Gross Floor area of top level should be 60% of level below.	•Whilst overall building depth is greater than 18m on places, the front to back apartment design means that highly sustainable apartments are achieved. •The gross floor area of the top level is not reduced from below, but has a lightening of form and materials to reduce apparent bulk, consistent with the DCP objectives.
Primary Street Setbacks	• 0-4m setback	•0-3m setback proposed recognizing need to activate and address Ray Street as a gateway between foreshore and main street.
Side and rear Setbacks	• Nil for commercial • Nil for 1 side boundary, 2.5m	• The only 'side' boundary is to the north adjoining an

DCP Matter	DCP Control	Compliance of Proposal
	for other side boundary (up to 3 storeys) • 6.5m for levels above 3 storeys	existing residential flat building. Setback is 0m for 1st storey and 7.2m for storeys above.
Ground level Uses	• Provide non-residential uses at ground floor where relevant.	• Café provided at ground level as required to activate street.

Whilst the proposal requires many variations to the DCP, the proposed site is small and constrained and located in a key connection between the foreshore and main street. The design has met the design objectives of the DCP whilst addressing these constraints.

4.6.4 Part 10 – Car Parking Alternative and Active Transport

This part of the DCP provides requirements for car parking, as well as provision of bike parking.

The parking required for the residential development under the DCP is:

- 3 bedroom units (1.5 spaces per unit) – 12 spaces
- Visitor Spaces (0.2 per unit) – 1.6 spaces
- **Resident and Visitor Parking – 13.6 spaces**
- Trailer spaces (0.125 per unit) – 1 space
- Café spaces (1 space/15 seats) – 2 spaces

The proposed development provides 15 parking spaces which can cater for all resident parking, as well as 1 space for the café.

The provision of a trailer space for such a development is considered impractical, given the limitations for manoeuvrability within parking areas. The proposed development is focussed toward permanent residents, rather than tourist and trailer parking for resident vans/boats and would be more appropriate at commercial van/boat storage yards which are becoming more common in the area.

The proposal also provides a high level of alternate transport options, with excellent bike storage and parking for residents and guests. In terms of bike parking, secure bike parking is included for each unit with a basement storage

area. In addition, bike rails are provided at the ground level for visitor. A motorcycle parking space is also provided, further improving transport and parking options.

It is considered that the on-site parking provided is sufficient to meet the parking requirements for the proposed development.

4.6.5 Part 11 – Water Sensitive Design

The concept stormwater drainage quality control for this site is the use of bioretention within the pervious area of the site. This type of development does not require water reuse, and therefore the collected roof water is proposed to drain through to the treatment device, being the bioretention.

In consultation with MidCoast Council staff on 28 June 2018, s3qm was used to assess the effectiveness of the treatment device, being the bioretention. The multiple run of the s3qm was carried out to examine the effectiveness of the selected bioretention area of 20m². The results of examination for a 25m² and 30m² bioretention area show that the improvement in the total phosphorus treatment is very small if an increased bioretention area is used.

It should be noted that the total nitrogen, total suspended solids and gross pollutant removal meet the design criteria for the 20m² bioretention area.

The following table shows the comparison of effectiveness percentage between the three sizes of bioretention.

Bioretention area (m²)	TSS	TP	TN
20	88.3	53.1	51.2
25	90.7	55.2	55.2
30	92.4	56.8	58.3

Based on the above assessment, it is proposed to use a 20m² bioretention area within the pervious area of the site. Although the 20m² does not provide the required 60% removal for the total phosphorus, the following constraints should be considered in assessing such effectiveness:

- The site has a very flat topography;
- The existing site has a nearly full coverage with impervious area so the provision of treatment as proposed would offer an improvement to the existing site coverage;
- The bulk of the runoff from the proposed development is generated by roof area.

4.6.6 Part 13 – Landscape and Open Space

This Part of the DCP provides the controls in relation to the provision of open space and landscape areas for development. Part 13.2 provides the controls for Open Space and landscaping as follows:

Communal Open Space

- Provision of $10m^2$ of communal open space per residential dwelling – formal communal open space meets this requirement, with a large open area, improved for resident enjoyment.

The subject site is constrained due to size and other limitations making provision of a ground level communal open space area difficult to achieve.

The site is located in an area considered to be within Tuncurry's scenic, recreational and social hub. The development includes a small café which provides a meeting area and also benefits from numerous natural, community and cultural facilities in the immediate vicinity, such as:

- John Wright Park
- Wallis Lake Waterway
- Tuncurry Café & Retail Precinct
- Tuncurry Beach & Break wall

Give the numerous recreational facilities directly adjacent to the site, it is likely a dedicated internal communal space will be underutilised. A better outcome for the development would be to increase occupant amenity through the prioritisation of private space.

Private Open Space

- Private Open Space must be provided to each unit in the form of a balcony, courtyard or terrace – each unit is provided with a balcony or terrace with 1st level units having 2 or 3 areas.
- Private Open Space areas for above ground dwellings must have an area of $12m^2$, with a minimum dimension of 2m. Each unit has a generous balcony in excess of $12m^2$ ($15\text{-}112m^2$) in area with the balconies more than 2m wide (2.4-2.7m wide).
- Private Open Space shall be directly accessible from a living area – all units have compliant balconies that are accessed directly from the open plan living areas.

Landscape Design

- Site landscaping should be no less than 40% of the site area - the landscape areas provided represents 25% of the site area given the constraints of the site. There is currently no substantial trees or vegetation on the site which is dominated by building and gravel carpark areas. The proposal will improve landscape outcomes for the site.
- Landscaping is to be designed in conjunction with stormwater drainage requirements – the landscaping design has been carefully integrated with stormwater management for the site.

Deep Soil Zones

- Deep Soil Zones should comprise 20% of the site area. The proposal has 11% of the site as deep soil zone. As discussed above, the existing site is almost entirely covered with building and pavement areas and the proposal represents an improvement in deep soil areas on the site.

4.6.7 Part 14 – Waste Management

This part of the DCP seeks to ensure that waste management is considered in development design, so that suitable facilities are in place to enable garbage to be collected, stored and picked up within a development.

The DCP provides that the Site Waste Minimisation Template form provided by Council can be completed. The matters dealt with in the template are, discussed below.

Construction Waste Generation

During construction waste generation, the following measures will be employed:

- Sand and soils generated by excavation will be used as fill on site or at other construction sites (where acceptance of fill has been approved by Council).
- All excess materials from construction will be returned to the supplier or recycled where possible.
- Any waste materials (packaging, etc) will be collected at the site and taken away by a waste contractor for disposal at a licensed waste management centre.
- Any opportunity for separation of recyclable materials in construction waste will be examined and separate collection of recyclable materials at the site will be provided.

Waste Management and Collection

The development will have a garbage room which is located at ground level. The room allows for housing of bins to deal with different waste streams and residents and staff will access the room for disposal of their various waste.

The garbage room is in the carpark which connects to Leo Amato Place, where contractors can collect bins as necessary.

5. Likely Environmental Impacts

5.1 Context and Setting

The proposed development involves a mixed use development on a site linking the main street with the Tuncurry foreshore. The area has been identified for future development consistent with the proposal. The proposed building is considered to be consistent with the existing and desired future character of the area.

The site is located adjacent to the Tuncurry Central Business District and provides a density of population with a close walking distances to services and facilities, as well as connected to public transport. The proposal also includes a ground level café as part of the activated street linkage to the main street area. Such outcomes are consistent with the character statement for the precinct.

5.2 Geotechnical

The geotechnical aspects of the site are being examined in detail by Regional Geotechnical Solutions, and a copy of their geotechnical assessment for the site will be submitted with the development application. The assessment examines the site conditions, geotechnical constraints, water tables and dewatering issues, infiltration rates, acid sulphate soils, and soil aggressivity; and recommendations for foundation/footing design and earthquake factors.

5.3 Ecological Impacts

The subject site is dominated by building and gravel carparking area and does not contain any native vegetation communities or significant habitat features. The proposed development is unlikely to impact on any ecological values in the area.

5.4 Aboriginal Heritage

The following review has been undertaken using the due diligence Code of Practice for the Protection of Aboriginal Objects in NSW. Use of the due diligence code is not mandatory but is used to determine if further assessment of Aboriginal heritage is warranted. The due diligence code provides a series of steps for undertaking due diligence assessment, which has been followed in this case.

With regard to the first step, the proposal will involve ground disturbance so the next step is to consider Step 2a.

Step 2a requires the undertaking of an AHIMS search. An AHIMS search did not identify any Aboriginal site or places within the subject site, or adjoining areas.

Step 2b of the due diligence process involves consideration of whether there are any landscape features indicating a likelihood of the presence of Aboriginal objects, where the land is not 'disturbed land'. The subject site is 'disturbed land' as defined by the code. In these circumstances, the code provides that activity could proceed but that work must stop if any Aboriginal objects are found during construction works.

5.5 Hydrological Impacts

The proposed development on the land will be connected to MidCoast Water's reticulated water supply system for the area to provide potable water for the development. All sewage wastes from the development will be drained to the existing MidCoast Water reticulated sewerage system.

Stormwater management on the site utilises an approach which provides for the effective, treatment, and conveyance of stormwater flows from the development. The system is detailed within the stormwater management concept submitted with the development application. The system provides for improvement in the quality of stormwater from the site.

5.6 Privacy/Overshadowing Impacts

As discussed, shadow diagrams have been prepared for the proposal, which shows the impact of shadows cast in mid-winter. The shadows cast by the proposed building between 9am and 3pm in mid-winter affect the Ray Street roadway and the adjacent property on the opposite side of the street. The adjacent building contains ground level restaurant and a first level dwelling. The shadow diagrams show that the proposal will not affect available sunlight to the residence or its roof deck.

5.7 Traffic and Access

As discussed previously, parking numbers provided for the development are generally in accordance with the requirements of the DCP.

Vehicular access to the site is provided by a new driveway from Leo Amato Close, which will serve the ground level parking area. There is no access provided from Wharf or Ray Streets.

The proposed development would not result in significant traffic generation and would be unlikely to impact on the capacity of local roads or intersections.

5.8 Social and Economic Impacts

The proposal facilitates growth of the Tuncurry township in accordance with the Council's strategic planning for the area. The proposal provides a range of housing types and forms, including adaptable units which provide an increased

choice of housing in the area which is consistent with the Council's housing strategies for the area.

The proposed café development and activation of the street will improve the amenity of the town centre and enhance the urban design characteristics, improving outcomes for locals and tourists, and encouraging additional commercial activity to the main street consistent with the Council's character statement for this precinct.
The construction and operation of the development will provide additional employment opportunities in both the short term (construction) and long term (café and maintenance).

The proposal will have positive social and economic effects for the local community.

6. *Suitability of the Site*

The subject site is highly suitable for the proposed development, being located in a town centre precinct where this type of development has been identified as desirable. In particular, the following aspects make the site highly suitable for this form of development:

- The land is located in the Tuncurry town centre, adjacent to commercial and community uses.
- The site is a highly disturbed urban site which does not have significant environment values which would restrict development.
- Whilst the land is subject to flooding hazards, these can be managed in an acceptable manner.

7. *The Public Interest*

The proposed development delivers outcomes in a manner consistent with the policies and strategies of Council. As discussed, the proposed development will deliver growth and social and economic benefits which are clearly in the public interest.

7.1 Disabled Access and Facilities

The proposed development has been designed to provide a high level of access for persons with a disability. The proposal provides for access throughout the building and includes adaptable units and a passenger lifts connecting all levels of the building.

8. Conclusion

The subject land is a small parcel of land with three (3) street frontages to Wharf Street, Ray Street and Leo Amato Close. The site is a key connection between the Tuncurry main street and the Wallis Lake foreshore.

The proposed development involves demolition of the existing structures and construction of a mixed use development containing a café, eight (8) units and associated parking.

The proposed development is permissible in the B4 Mixed Use Zone and is consistent with the objectives of this zone. The proposal involves some variations to the building height and FSR controls, and these variations have been justified according to the provisions of Clause 4.6 of the LEP.

The subject site is quite constrained due to size and street frontages and requires several variations to the numerical controls in Council's DCP. The development outcome, however, is consistent with the character statement of the development precinct and is consistent with the objectives for the DCP controls.

The subject site is highly disturbed and does not contain any significant environmental values. The proposal does not result in any significant impacts on the surrounding environment.

The subject land is not significantly constrained and is suitable for urban development forms. The location of the site in proximity to the town centre and services makes the site highly suited to this mixed use development.