



# Development Assessment Panel

## Business Paper

**date of meeting:** Wednesday, 11 May 2016

**location:** Function Room  
Port Macquarie-Hastings Council  
17 Burrawan Street  
Port Macquarie

**time:** 2.00pm

**Note:** Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.

## **Development Assessment Panel**

### **CHARTER**

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#### **COMPOSITION:**

Independent Chair (alternate, Director Development & Environment)

Manager Development Assessment (alternate, Director Development & Environment or Development Assessment Planner)

Development Engineering Coordinator (alternate, Development Engineer)

#### **MISSION:**

To assist in managing Council's development assessment function by providing independent and expert assessment of development applications

The Development Assessment Panel will make determinations on the basis of established criteria and practice and will not be influenced by "lobbying" and "weight of numbers" in its assessment process.

#### **FUNCTIONS:**

1. To review development application reports and conditions
2. To determine development applications outside of staff delegations
3. To refer development applications to Council for determination where necessary
4. To provide a forum for objectors and applicants to make submissions on applications before DAP.
5. To maintain transparency for the determination of development applications.

#### **DELEGATED AUTHORITY:**

1. Pursuant to Section 377 of the Local Government Act, 1993 delegation to:
2. Determine development applications under Part 4 of the Environmental Planning and Assessment Act 1979 having regard to the relevant environmental planning instruments, development control plans and Council policies.
3. Vary Modify or release restrictions as to use and/or covenants created by Section 88B instruments under the Conveyancing Act 1919 in relation to development applications for subdivisions being considered by the panel.
4. Determine Koala Plans of Management under State Environmental Planning Policy 44 - Koala Habitat Protection associated with development applications being considered by the Panel.



**PORT MACQUARIE  
HASTINGS**



**TIMETABLE:**

The Development Assessment Panel shall generally meet on the 1st and 3rd Wednesday each month at 2.00pm.

**VENUE:**

The venue will be determined according to the likely number of participants.

**BUSINESS PAPER AND MINUTES:**

1. The Business Paper for the meeting shall be published and distributed on the Friday prior to the meeting.
2. Special Meetings of the Panel may be convened by the Director Development & Environment Services with three (3) days notice.
3. The format of the preparation and publishing of the Business Paper and Minutes of the Development Assessment Panel meetings shall be similar to the format for Ordinary Council Meetings, except that the movers and seconders shall not be recorded and only the actual decisions are shown. Minutes shall also record how each member votes for each item before the Panel.

**FORMAT OF THE MEETING:**

1. Panel meetings shall be carried out in accordance with Council's Code of Meeting Practice for Council Sub-Committees, except where varied by this Charter.
2. Meetings shall be "Open" to the public.
3. The Panel will hear from applicants and objectors or their representatives. Where considered necessary, the Panel will conduct site inspections which will be open to the public.

**INDEPENDENT CHAIR:**

The Chair of the Development Assessment Panel shall be an independent person appointed by the General Manager. The Independent Chair shall have experience and qualifications relevant to planning. The term of the Independent Chair shall be four (4) years.

**QUORUM:**

All members must be present at the Meeting to form a Quorum.

## **DECISION MAKING:**

Decisions are to be made by the Development Assessment Panel by "consensus". Where "consensus" is not possible, the matter is to be referred to Council.

All development applications involving a variation to a development standard greater than 10% under Clause 4.6 of the Port Macquarie-Hastings Local Environmental Plan 2011 will be considered by the Panel and recommendation made to the Council for determination.

Staff Members shall not vote on matters before the Panel if they have been the principle author of the development assessment report.

## **LOBBYING:**

Outside of scheduled Development Assessment Panel meetings, applicants, their representatives, Councillors, Council staff and the general public are not to lobby Panel members via meetings, telephone conversations, correspondence and the like. Adequate opportunity will be provided at Panel inspections or meetings for applicants, their representatives and the general public to make verbal submissions in relation to Business Paper items.

## **OBLIGATIONS OF PANEL MEMBERS:**

All DAP members are required to comply with the following:

1. Members must perform their Development Assessment Panel obligations faithfully and diligently and in accordance with the DAP Code.
2. DAP members must comply with Council's Code of Conduct.
3. Except as required to properly perform their duties, DAP members must not disclose any confidential information (as advised by Council) obtained in connection with the DAP functions.
4. DAP members will have read and be familiar with the documents and information provided by Council prior to attending a DAP meeting.
5. DAP members must act in accordance with Council's Occupational Health and Safety Policies and Procedures
6. DAP members shall not speak to the media on any matter before the Panel otherwise than with the express approval of the Director Development & Environment Services.



**PORT MACQUARIE  
HASTINGS**

## Development Assessment Panel

### ATTENDANCE REGISTER

Member	08/07/15	22/07/15	12/08/15	26/08/15	09/09/15
Paul Drake	✓	✓	✓	✓	✓
Dan Croft Patrick Galbraith-Robertson (alternate)	✓	✓	✓	✓	✓
David Troemel Caroline Horan (alternate) Bevan Crofts (alternate)	✓	✓	✓	✓	✓

Member	23/09/15	14/10/15	28/10/15	11/11/15	25/11/15
Paul Drake	✓	✓	✓	✓	✓
Dan Croft Patrick Galbraith-Robertson (alternate)	✓	✓	✓ ✓	✓	✓
David Troemel Caroline Horan (alternate) Bevan Crofts (alternate)	✓	✓	✓	✓	✓

Member	09/12/15	16/12/15	20/01/16	24/02/16	23/03/16
Paul Drake	✓	✓	✓	✓	✓
Dan Croft Patrick Galbraith-Robertson (alternate)	✓	✓	✓	✓	✓
David Troemel Caroline Horan (alternate) Bevan Crofts (alternate)	✓	✓	✓	✓	✓

Member	13/04/16	27/04/16			
Paul Drake	✓	A			
Dan Croft Patrick Galbraith-Robertson (alternate)	✓	✓ ✓			
David Troemel Caroline Horan (alternate) Bevan Crofts (alternate)	✓	✓			

**Key:** ✓ = Present  
 A = Absent With Apology  
 X = Absent Without Apology



**PORT MACQUARIE  
HASTINGS**

# Development Assessment Panel Meeting

Wednesday 11 May 2016

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**PORT MACQUARIE  
HASTINGS**

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**Item: 01****Subject: ACKNOWLEDGEMENT OF COUNTRY**

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"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

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**Item: 02****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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**Item: 03****Subject: CONFIRMATION OF PREVIOUS MINUTES**

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**RECOMMENDATION**

That the Minutes of the Development Assessment Panel Meeting held on 27 April 2016 be confirmed.



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**PRESENT**

**Members:**

Matt Rogers (Chairperson)  
Dan Croft  
David Troemel

**Other Attendees:**

Clinton Tink  
Ben Roberts  
Patrick Galbraith-Robertson

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The meeting opened at 2.00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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CONSENSUS:

That the apology from Paul Drake be accepted.

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**03 CONFIRMATION OF MINUTES**

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CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 13 April 2016 be confirmed.

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA2002 - 512.2 - MODIFICATION TO DESIGN OF PREVIOUS APPROVED ALTERATIONS AND ADDITIONS TO RESIDENTIAL FLAT BUILDING INCLUDING AN INCREASE OF UNITS FROM 10 TO 11 - LOT 59 DP 18138, 5 EVERARD STREET, PORT MACQUARIE**

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**CONSENSUS:**

That modification to DA 2002 - 512.2 for alterations and additions to residential flat building including an increase of units from 10 to 11 at Lot 59, DP 18138, No. 5 Everard Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

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**06 DA2015 - 720.1 - REDEVELOPMENT OF HIGHWAY SERVICE CENTRE - LOTS 7, 8 AND 11 DP 1137444 OXLEY HIGHWAY, THRUMSTER**

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Speaker:

Scott Marchant (applicant)

**CONSENSUS:**

That DA2015 - 720.1 for redevelopment of Highway Service Centre at Lots 7, 8 and 11, DP 1137444, Oxley Highway, Thrumster, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition B10 to read: 'Prior to the issue of the Construction Certificate for stage 3 and prior to the decommissioning of the existing onsite wastewater treatment plant, certification from a suitably qualified and practising professional verifying that soil around and/or near the existing onsite wastewater treatment plant is not contaminated and has pathogen soil concentrations within relevant NSW requirements shall be submitted to Council. If required, a site Remediation Action Plan (RAP) shall be prepared and submitted to Council prior to the issue of the Construction Certificate.'
- Amend condition A4 to read: 'The development is to proceed in accordance with the approved stages as set out below:
  - Stage 1: Improvements to entry intersection (pancake roundabout), new car parking area and proposed takeaway food premises and temporary road connection to existing ramp.
  - Stage 2: Recreation area.
  - Stage 3: Service station refurbishment and car parking and large vehicle parking area.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable.'

- Amend condition E4 to read: 'Occupation of the premises shall not occur until a registration application has been submitted to Council's Environmental Health Unit for the Food Premises.'

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**07 DA2004 - 526.2 - SECTION 96 MODIFICATION TO INDUSTRIAL BUILDING -  
LOT 2 DP 225413, 10 GLEN EWAN ROAD, SANCROX**

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**CONSENSUS:**

That DA2004 - 526.2 for a Section 96 modification to industrial building at Lot 2, DP 225413, No. 10 Glen Ewan Road, Sancrox, be determined by granting consent subject to the recommended conditions.

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**08 DA2016 - 75.1 - ALTERATIONS AND ADDITIONS TO CHILDCARE CENTRE - 8  
FERNHILL ROAD, PORT MACQUARIE**

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**Speakers:**

Julian Jules (opposing)

Chris Jenkins (applicant)

**CONSENSUS:**

That DA2016 - 75.1 for alterations and additions to childcare centre at Lot 1 DP 852717, No. 8 Fernhill Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.

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The meeting closed at 2.20pm.

Item: 04  
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting: .....

Meeting Date: .....

Item Number: .....

Subject: .....  
.....

I, ..... declare the following interest:

☐

**Pecuniary:**

Take no part in the consideration and voting and be out of sight of the meeting.

☐

**Non-Pecuniary - Significant Interest:**

Take no part in the consideration and voting and be out of sight of the meeting.

☐

**Non-Pecuniary - Less than Significant Interest:**

May participate in consideration and voting.

For the reason that: .....  
.....

Signed: ..... Date: .....

*(Further explanation is provided on the next page)*

**Further Explanation**

(Local Government Act and Code of Conduct)

A conflict of interest exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out their public duty. Interests can be of two types: pecuniary or non-pecuniary.

All interests, whether pecuniary or non-pecuniary are required to be fully disclosed and in writing.

**Pecuniary Interest**

A pecuniary interest is an interest that a Council official has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the Council official. (section 442)

A Council official will also be taken to have a pecuniary interest in a matter if that Council official's spouse or de facto partner or a relative of the Council official or a partner or employer of the Council official, or a company or other body of which the Council official, or a nominee, partner or employer of the Council official is a member, has a pecuniary interest in the matter. (section 443)

The Council official must not take part in the consideration or voting on the matter and leave and be out of sight of the meeting. (section 451)

**Non-Pecuniary**

A non-pecuniary interest is an interest that is private or personal that the Council official has that does not amount to a pecuniary interest as defined in the Act.

Non-pecuniary interests commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

The political views of a Councillor do not constitute a private interest.

The management of a non-pecuniary interest will depend on whether or not it is significant.

***Non Pecuniary – Significant Interest***

As a general rule, a non-pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest, but it involves:

- (a) A relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the Council official or of the Council official's spouse, current or former spouse or partner, de facto or other person living in the same household.
- (b) Other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- (c) An affiliation between a Council official an organisation, sporting body, club, corporation or association that is particularly strong.

If a Council official declares a non-pecuniary significant interest it must be managed in one of two ways:

1. Remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.
2. Have no involvement in the matter, by taking no part in the consideration or voting on the matter and leave and be out of sight of the meeting, as if the provisions in section 451(2) apply.

***Non Pecuniary – Less than Significant Interest***

If a Council official has declared a non-pecuniary less than significant interest and it does not require further action, they must provide an explanation of why they consider that the conflict does not require further action in the circumstances.



## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of land in which councillor or an associated person, company or body has a proprietary interest ( <i>the identified land</i> ) <sup>i</sup>	
Relationship of identified land to councillor [Tick or cross one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease trust, option or contract, or otherwise).  <input type="checkbox"/> Associated person of councillor has interest in the land.  <input type="checkbox"/> Associated company or body of councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST</b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP ( <i>the subject land</i> ) <sup>iii</sup> [Tick or cross one box]	<input type="checkbox"/> The identified land.  <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor [Tick or cross one box]	<input type="checkbox"/> Appreciable financial gain.  <input type="checkbox"/> Appreciable financial loss.

Councillor's Signature: ..... Date: .....

**Important Information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

- 
- i. Section **443** (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative<sup>iv</sup> or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
- ii. Section **442** of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section **448** of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
- iii. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section **443** (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section **448** (g) (ii) of the *Local Government Act 1993*.
- iv. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

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**Item:** 05

**Subject:** DA2014 - 410.3 MODIFICATION TO SHOP TOP HOUSING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 123 DP1219042, CLARENCE STREET, PORT MACQUARIE

**Report Author:** Benjamin Roberts

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**Property:** Lot 123 DP1219042, Clarence Street, Port Macquarie  
**Applicant:** Bamford Engineering  
**Owner:** Yogi Bear Holdings Pty Ltd  
**Application Date:** 30 March 2016  
**Estimated Cost:** N/A  
**Location:** Port Macquarie  
**File no:** DA2014 - 410.3  
**Parcel no:** 65374

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#### **Alignment with Delivery Program**

4.9.2 Undertake transparent and efficient development assessment in accordance with relevant legislation.

#### **RECOMMENDATION**

That it be recommended to Council that section 96 modification to DA2014 - 410.3 for Shop Top Housing including Clause 4.6 variation to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP1219042, Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

#### **Executive Summary**

This report considers a section 96 application to modify approval for shop top housing at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, one (1) submission has been received.

#### **1. BACKGROUND**

##### **Existing sites features and Surrounding development**

The site has an area of 1518m<sup>2</sup>.

The site is zoned B3 Commercial Core in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:





**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- Change to finished ground floor level, increase of 800mm.
- Increase in building height of 800mm.

Refer to attachments at the end of this report.

**Application Chronology**

- 30 March 2016 - Application lodged
- 8 - 21 April 2016 - Public exhibition via neighbour notification

**3. STATUTORY ASSESSMENT****3. STATUTORY ASSESSMENT*****Is the proposal substantially the same?***

Section 96 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modification into three categories - S.96(1) for modifications involving minor error, mis-description or miscalculation; S.96(1A) for modifications involving minimal environmental impact; and S.96(2) for other modifications. Each type of modification must be considered as being substantially the same to that which was originally consented to.

The subject application is being considered under the provisions of Section 96(2). The proposal is considered to be substantially the same development to that which was originally consented to and will have minimal environmental impact. Having regard to the above principles, the proposed modification is not considered to alter the fundamental essence of the original development for the following reasons:

- The development use remains unchanged.
- The development footprint remains the same.
- Building height and built form are substantially the same. An 800mm increase to building height is minor in the context of the overall development and the surrounding locality.

***Are there any condition(s) of consent imposed by a Minister, government or public authority that require modification?***

No changes to any conditions imposed by a Minister, government or public authority.

***Does the application require notification/advertising in accordance with the regulations and/or any Development Control Plan?***

Neighbour notification has been undertaken in accordance with DCP 2013.

***Any submissions made concerning the modification?***

One submission was received following completion of the neighbour notification period. Key issues raised in the submission received and comments in response to these issues are provided as follows:



Submission Issue/Summary	Planning Comment/Response
It seems pointless to have a height limit standard if developers continue to vary it.	Refer to comments within clause 4.6 heading of this report.
If approval is granted the wording should be changed to the proposed modification is not to exceed 1m increase in building height as the higher this building becomes the more it impinges on privacy and values of adjoining property.	<p>The approval will provide for the building heights nominated on the approved plans. There is no evidence to suggest that the increase in height will adversely impact on privacy to adjoining properties.</p> <p>Impact on property values is not a planning consideration.</p>

***Any matters referred to in section 79C (1) relevant to the modification?***

- (a) **The provisions (where applicable) of:**  
 (i) **any Environmental Planning Instrument:**

**Section 79C(1) Matters for Consideration**

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**  
 (i) **any Environmental Planning Instrument:**

**State Environmental Planning Policy 65 - Design Quality of Residential Flat Development**

In accordance with clause 4 this policy applies to the proposal. It is noted that no Design Review Panel has been appointed by Port Macquarie-Hastings Council following amendments to this Policy in July 2015.

In accordance with clause 30(2), the modified proposal is consistent with the design quality principles contained in the Apartment Design Guide.

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

In accordance with clause 6, a BASIX certificate has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

**Port Macquarie-Hastings Local Environmental Plan 2011**

In accordance with clause 2.2 the subject site is zoned B3 Commercial Core.

In accordance with clause 2.3(1) and the B3 zone landuse table, the proposed development for shop top housing is a permissible landuse with consent.

In accordance with clause 2.3(2) the consent authority must have regard to the objectives of a zone when determining a development application.

The objectives of the B3 Commercial Core zone are as follows:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that new residential accommodation and tourist and visitor accommodation within the zone does not conflict with the primary function of the centre for retail and business use.
- To provide for the retention and creation of view corridors and pedestrian links throughout the Greater Port Macquarie city centre.

In accordance with clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:

- The proposal is a permissible land use;
- The development would provide additional ground floor retail and business use;
- The development will provide suitable high density residential accommodation;
- The proposal is accessible and will provide employment opportunities.

In accordance with clause 4.3, the maximum overall height of the modified proposal above ground level (existing) is 23.099m which does not comply with the height limit of 19m applying to the site. It is noted that the major bulk of the building (not including the roof over the roof top terrace) is at 20.198m on the west boundary and 19.244m on the east boundary. In the centre of the building is a communal roof deck, its roof being 23.099m above ground level. As a result, the applicant has submitted a Clause 4.6 variation to the standard. The change in levels and subsequent building heights are necessary to match the new footpath level from recent works undertaken in the road reserve.

Pursuant to Clause 4.6(3), consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the applicant submitted a Clause 4.6 variation to the standard based on the following reasons:

- The building design and height is consistent with the existing and future character of the locality in relation to height, bulk and scale.
- Existing building designs in the locality provide for lift overruns, roof top access and communal use rooftop areas in addition to the main building envelopes.
- There will be negligible impacts in relation to appearance, views, loss of privacy and loss of solar access.
- The proposal will have minimal impact on the heritage values of the site.
- The proposal will continue to provide for a transition in built form and land use intensity.

Having consideration to the above the applicant has demonstrated the proposal is consistent with the performance objectives of the height of building clause and will have limited impact on the environment. In addition, it is also considered that:

- The proposal is consistent with the objectives of the LEP and is unlikely to have any implications on State related issues or the broader public interest.

- When viewed from the street it will present as a six storey building. The roof top elements are open in nature, setback 3m from the perimeter of the main building, add minimal bulk and as suggested by the DRP will articulate the built form.
- The proposal is well below the allowable FSR standard thereby minimising bulk onsite.

As per Planning Circulars PS 08-003 & 08-014, Council can assume the Director's Concurrence for variations to height limits. The modified height variation is more than a 10% deviation from the standard and therefore the application needs to be determined by full council rather than general manager or nominated staff member.

In accordance with clause 4.4, the floor space ratio of the proposal remains unchanged at 1:2.91 which complies with the maximum 1:3.5 floor space ratio applying to the site.

**(ii) Any draft instruments that apply to the site or are on exhibition:**

No draft instruments apply.

**(iii) any Development Control Plan in:**

**Port Macquarie-Hastings Development Control Plan 2013**

As the modification relates to a change in building height only, there are no specific building provisions of this plan applicable.

**Car Parking**

This development is reliant on parking provided by DA2015/332 and ties into the adjoining residential flat development (DA2016/149). The total parking required versus proposed for the whole site is as follows:

This proposal as modified still requires 42.1883 spaces. DA2016/149 requires 15.5 spaces. In total 57.68 spaces are required to serve both developments. A total of 73 spaces are proposed. It is noted a couple of these spaces may be lost due to turnaround requirements for blind aisles however proposed parking exceeds requirements.

**(iia) any planning agreement that has been entered into under Section 93f or any draft planning agreement that a developer has offered to enter into under Section 93f:**

No planning agreement has been offered or entered into.

**iv) any matters prescribed by the Regulations:**

**New South Wales Coastal Policy**

The proposed development is consistent with the objectives and strategic actions of this policy. See SEPP 71 comments for further detail.

**Demolition of buildings AS 2601**

Demolition of the existing buildings are capable of compliance with the relevant standards. Appropriate condition has been recommended to ensure waste management and asbestos removal is undertaken in accordance with relevant legislative requirements.

- v) **any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)), that apply to the land to which the development application relates:**

No coastal zone management plan applies to the site.

- (b) **The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:**

**Context & Setting**

The site has approximately 2m fall from south to north and a 1m cross fall east to west. The site has a frontage of 30.17m to Clarence Street and an average depth of 33.53m.

Adjoining the site to the north is the Northpoint Apartments (9 storey residential flat building). Adjoining the site to the east is a low density apartment building similar to which exists on the subject site. Beyond and on the corner of Clarence and Munster Streets is the Macquarie Waters apartments (six storey residential flat building). Adjoining the site to the south is Clarence Street and beyond is the Port Pacific Resort building. Adjoining the site to the west is a single storey commercial building on the corner of Clarence and Murrays Streets.

The modified proposal is considered to be consistent with other higher density developments in the locality.

The modified proposal will not compromise any important views or view corridors. Impact to views enjoyed from units of the Port Pacific building would be minimal given the change in grade on Clarence Street and the subject site.

It is evident that the orientation of the block, units and subsequent balconies seek to maximise light and ventilation with the northern orientation. The building has been positioned in the southern portion of the block with the rear balconies setback approximately 6.8m from the rear boundary. This provides for approximately 19.5m separation to the units in the North point apartment building. It is considered that sufficient spatial separation between the units to provide an acceptable level of privacy.

- (c) **The suitability of the site for the development:**

The proposal as modified will fit into the locality and the site attributes are conducive to the proposed development. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

- (d) **Any submissions made in accordance with this Act or the Regulations:**

One (1) written submission was received following public exhibition of the application. Refer to comments previously provided within the report addressing concerns raised.

- (e) **The Public Interest:**

The proposed development satisfies relevant planning controls and is unlikely to impact on the wider public interest.

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

No change to contribution schedule attached to original consent.

**5. CONCLUSION**

The application has been assessed in accordance with Section 96 of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development as modified, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the section 96 application be approved, subject to the recommended conditions as amended and provided in the attachment section of this report.

**Attachments**

- 1[View](#). DA2014 - 410.3 Section 96 Plan
- 2[View](#). DA2014 - 410.3 SoEE
- 3[View](#). DA2014 - 410.3 Modified Conditions
- 4[View](#). DA2014 - 410.3 Submission - Stier







DE1C

2/11/2016

### SECTION 96 MODIFICATION SUPPORTING INFORMATION

This form is to be submitted with all modification applications submitted under Section 96 of the *Environmental Planning and Assessment Act 1979*. If this application is not submitted or completed fully, your application may not be accepted.

Please note Council cannot accept modification applications that relate to building works that have been finalised through the issue of a Final Occupation Certificate.

Contact Council's Duty Planner if you require assistance.

#### 1. PROPERTY DETAILS

Lot No. 2 & 3 Section No. .... DP/SP No. 1883 4 Street No. 17 & 19 .....

Street Name CLARENCE STREET .....

Suburb/Town PORT MACQUARIE Postcode 2444 .....

#### 2. DESCRIPTION OF PROPOSED DEVELOPMENT

Provide a description of the approved development SHOP TOP HOUSING  
INCORPORATING 2 X BASEMENT CARPARKS  
2 X COMMERCIAL TENNANCES & 20 X  
3 BEDROOM UNITS

#### 3. DESCRIPTION OF PROPOSED MODIFICATION(S)

Provide a description of the proposed modifications INCREASE IN  
BUILDING HEIGHT (APPROXIMATELY 1M)

Have the modifications been clearly indicated on the plans? E.g. highlighted, overlaid? Yes ☒ No ☐

Do the modifications relate to works that have been commenced or completed? Yes ☐ No ☒

If yes, then a Building Certificate application may also be required.

#### 4. WHAT CATEGORY IS THE PROPOSED MODIFICATION?

Section 96 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modification into three categories - S.96(1) for modifications involving minor error, misdescription or miscalculation; S.96(1A) for modifications involving minimal environmental impact; and S.96(2) for other modifications. If a government body condition (i.e. integrated condition) requires amendment the development cannot be considered a s96(1) or (1A).

What section are you applying to modify your consent?

- S.96(1) for modifications involving minor error , misdescription or miscalculation Yes ☐ No ☐
- S.96(1A) for modifications involving minimal environmental impact Yes ☒ No ☐
- S.96(2) for other modifications Yes ☐ No ☐

Please describe reasons for classification: BULK AND SCALE OF  
THE BUILDING REMAINS UNCHANGED  
IN THE CONTEXT OF STREETSCAPE.  
COUNCIL HAVE INCREASED THE HEIGHTS  
OF CLARENCE STREET THEREBY RETAINING  
THE SAME RELATIONSHIP TO THE BUILDING

#### 5. 'SUBSTANTIALLY THE SAME' TEST

Section 96 of the *Environmental Planning and Assessment Act 1979* states that a consent authority must be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified.

Will the modifications result in substantially the same development as approved? Yes ☒ No ☐

If yes, please describe:

(Refer to Clause 4.3 report)

If you answered "no", Council cannot accept your application as a modification and a new development application is required. If you are unsure, you should discuss your proposal with the Duty Planner before lodging your modification application.

**6. BASIX**

A new BASIX certificate must be submitted if the current BASIX certificate is no longer consistent with the proposed development to replace the current BASIX certificate.

Is a new BASIX certificate attached?

Yes ☐ No ☒

Comments: .....  
.....  
.....

**7. BUSHFIRE**

An amended Bushfire Risk Assessment must be submitted if the current Bushfire Risk Assessment is no longer consistent with the proposed development to replace the current report.

Is a new Bushfire Risk Assessment attached?

Yes ☐ No ☒

If a Bush Fire Safety Authority was issued by the NSW Rural Fire Service under the provisions of Section 100B of the Rural Fires Act, then your modification application may need to be re-assessed by the RFS.

Comments: .....  
.....  
.....

**8. RESIDENTIAL FLAT BUILDINGS**

If your modification application relates to residential flat development for which the development application was required to be accompanied by a design verification from a qualified designer under clause 50 (1A), your application must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies that:

- (a) he or she designed, or directed the design, of the modification of the residential flat development, and
- (b) the residential flat development, as modified, achieves the design quality principles set out in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development*, and
- (c) the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.

If your application is also accompanied by a BASIX certificate with respect to any building, the design quality principles referred to in that subclause need not be verified to the extent to which they aim:

- (a) to reduce consumption of mains-supplied potable water, or reduce emissions of greenhouse gases, in the use of the building or in the use of the land on which the building is situated, or
- (b) to improve the thermal performance of the building.

(1B) The consent authority may refer the proposed modification to the relevant design review panel.

Is your application accompanied by a design verification?

Yes ☒ No ☐

Comments: .....  
.....  
.....  
.....

#### 9. OTHER INFORMATION REQUIREMENTS

- If a Construction Certificate has already been issued, you will be required to modify your construction certificate also.
- An amended Statement of Environmental Effects or other specialist reports, such as Flora and Fauna, Noise or Wastewater, may also be required.
- If you proposed any variations to development controls, other than those previously approved, you will be required to submit a written justification demonstrating that the proposal will meet the objectives of the DCP.

#### 10. OWNER'S CONSENT

If the applicant is not the owner of the land, the owner must sign this form below or provide a signed statement to the effect that the owner consents to the making of the application.

I, the owner of the subject property, provide owner's consent to this modification application.

Bruce Gowan B. Gowan  
OWNER'S NAME & SIGNATURE

30/4/16  
DATE

Belinda Rodger (Belinda Rodger)  
APPLICANT'S NAME & SIGNATURE

30/4/16  
DATE

**SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT**

The conditions of consent referred to in the Notice of Determination for DA No 2014/410 are as follows:

<No.1>	Modification No.1	8 September 2015
<No.2>	Modification No.2	<<Insert approval date>>

**PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations 2000*.

**A – GENERAL MATTERS**

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	17-19 Clarence Street	David Pensini	April 2014
Development Plans as amended	Project 1401 Drawings No. A01-A011 Issue No 1	Wayne Ellis Architect	13 May 2015 & 18 January 2016
Landscape Concept Plan	Project No: 9007 Issue A	Land Dynamics Australia	16 April 2014
BASIX Certificate	544327M	Concept Designs Australia	26 May 2014
Archaeological Assessment Report	17-19 Clarence Street	AMAC Archaeological	March 2014
Waste Management Plan	17-19 Clarence Street	David Pensini	Undated
Rooftop Terrace Management Plan	17-19 Clarence Street	David Pensini	Undated

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail. <sup>2</sup>

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a. the appointment of a Principal Certifying Authority; and
  - b. the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  4. Building waste is to be managed via an appropriate receptacle;
  5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
  6. Building work being limited to the following hours, unless otherwise permitted by Council;
    - Monday to Saturday from 7.00am to 6.00pm
    - No work to be carried out on Sunday or public holidays
- The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A007) The development must only proceed in accordance with the approved stages as set out below:

- Stage 1: Demolition of existing units, excavation and construction of basement levels (including ground floor slab).
- Stage 2: Completion of development above ground floor slab.

Unless specified, the conditions of this consent will apply to all stages, with any decision on any discrepancy with conditions and associated staging resting with Council. Any decision to allow a change to staging will rest with Council along with applicable conditions and any contributions payable. <sup>1</sup>

- (7) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act



1979, and referenced below, are attached and form part of the consent conditions for this approval.

- NSW Office of Water - The General Terms of Approval, Reference 30ERM2014/0588 and dated 5 August 2014 are attached and form part of this consent.
- (8) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (9) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (10) (A024) The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- (11) (A029) As part of stage 2 works the provision, at no cost to Council, of concrete foot paving for the full street frontages of the development. For Clarence Street a full width footpath is required with design details in accordance with AUSPEC and the Town Centre Master Plan. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.<sup>1</sup>
- (12) (A030) As part of stage 2 works the restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.<sup>1</sup>
- (13) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security

any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (14) (A037) As part of stage 1 works provision of an automatic stormwater sump and pump system designed by a Practising Hydraulic Engineer for the disposal of seepage and stormwater in the basement storey. The system shall incorporate a standby pump. The design plans for the required services must be approved by Council pursuant to Section 68 of the Local Government Act 1993.<sup>1</sup>
- (15) (A049) The existing footpath/verge area in Clarence Street is to be raised to contain stormwater in the street. Design plans must be approved by Port Macquarie-Hastings Council pursuant to Section 138 of the Roads Act 1993.
- (16) (A053) As part of stage 1 works the required relocation and/or replacement of the sewer pipe that traverses the land is the responsibility of the proponent. Any relocation or replacement work shall be undertaken in accordance with Council's adopted AUSPEC Design and Construction Guidelines. Any costs associated with these works shall be the responsibility of the proponent.
- Construction details are to be submitted to Port Macquarie-Hastings Council with the application for approval pursuant to Section 68 of the Local Government Act 1993.<sup>1</sup>
- (17) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.

#### **B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works, relevant to the stage, is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location<sup>1</sup>
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the relevant stage of the development. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Public parking areas including;
    - a. Driveways and access aisles;

- b. Parking bays;
    - c. Delivery vehicle service bays & turning areas in accordance with AS 2890.
  2. Sewerage reticulation.
  3. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
  4. Retaining walls.
  5. Stormwater systems.
  6. Erosion & Sedimentation controls.
  7. Location of all existing and proposed utility services including:
    - a. Conduits for electricity supply and communication services (including fibre optic cable).
    - b. Water supply
    - c. Sewerage
    - d. Stormwater
  8. Traffic management control plan.
  9. Erection of hoardings and buildings in and/or the public road space.
  10. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD202, 207 & as 2890, Port Macquarie-Hastings Council current version.
  11. All roadworks along the full frontage(s) including full width paving, lighting and any necessary kerb construction or reconstruction in accordance with the current Town Centre Master Plan.
  12. Provision of a full width concrete footpath across the full road frontage of the property.<sup>1</sup>
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate which is relevant to the stage of works.  
Such works include, but not be limited to:
  - Civil works
  - Traffic management
  - Work zone areas
  - Hoardings
  - Concrete foot paving (width)
  - Footway and gutter crossing
  - Functional vehicular access<sup>1</sup>
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Hastings S94 Administration Building Contributions Plan

- Hastings Administration Levy Contributions Plan
- Community Cultural and Emergency Services Contributions Plan 2005
- Hastings S94 Major Roads Contributions Plan
- Hastings S94 Open Space Contributions Plan

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.<sup>1</sup>

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (6) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of the stage 2 Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.<sup>1</sup>
- (7) (B032) Details of the proposed slab/flooring and wall construction for structural independency are to be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.
- (8) (B034) Prior to release of the stage 1 Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
  - Recommended load limits for haulage vehicles and;
  - A procedure for monitoring the condition of the pavement during the haulage;
  - Bond to guarantee public infrastructure is not damaged as a result of construction activity,

and;

Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.<sup>1</sup>

- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B041) Prior to the issue of the stage 1 Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.<sup>1</sup>
- (11) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed retaining structures supporting the road reserve is to be submitted to Port Macquarie-Hastings Council prior to the release of the Construction Certificate.
- (12) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (13) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890.1. Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (14) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.
- (15) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (16) (B070) Where augmentation is required on adjoining property, owner's consent shall be provided to Council with any Section 68 application and/or Construction Certificate application for subdivision works where augmentation is required on adjoining property including:
  - Council's sewer infrastructure (i.e. sewer junction, sideline or manhole)
- (17) (B195) Each residential and commercial unit will require individual water metering with the meters either located on the road frontage or at the unit with remote reading facility located adjacent to the road frontage or in an easily accessible area such as a foyer.
- (18) (B196) Final water service sizing will need to be assessed by a hydraulic consultant to suit the commercial, domestic and fire service components of the proposed development, as well as backflow protection requirements. The two existing 20mm metered water services are to be disconnected. There is no charge for this disconnection service.

- (19) (B197) Prior to the issue of a construction certificate the proponent is to obtain an approval under Part 6, Division 9 of the Heritage Act (the 'relics' provisions) and undertake investigations for any surviving archaeology. The results of the investigation shall be provided to the NSW Heritage Office.
- (20) (B198) A certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.
- (21) (B199) The basement shall be designed and constructed in a way that fully complies with the provisions of Council's AUSPEC D5 Clause 5.29 'Basement Drainage and Groundwater'. This is to ensure the basement pump-out system is not required to drain subsurface waters (e.g. ground water table). The design shall be submitted and approved with the Local Government Act (Section 68) application to Council.
- (22) Deleted. <sup>1</sup>
- (23) (B202) A dedicated turning bay or forward-circulation aisle shall be provided on each car parking level to allow a vehicle to turn around to the minimum standard set out in AS 2890 if all spaces are occupied. The turning bay shall be line marked 'No Parking - Turning Bay' or equivalent. Any loss in car parking to provide a turning bay will require a section 96 modification application. <sup>1</sup>
- (24) (B203) All access aisles shall be two-way in conformance with AS 2890. Access aisles shall be a minimum of 5.5m wide plus required clearance to any barrier higher than 150mm. This includes the width of any proposed vehicular driveway from a public road. <sup>1</sup>
- (25) The fire stairs shall be moved 1m back into the building and shall enable the provisions of AS 2890 to be complied with for any adjacent driveways in regard to sight lines to pedestrians and the road. Details to be clearly illustrated on the Construction Certificate plans. <sup>1</sup>

#### **C – PRIOR TO ANY WORK COMMENCING ON SITE**

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C002) Prior to the commencement of any works, a pre-construction meeting shall be organised by the applicant. This meeting is to be attended by the applicant or consultants, principal contractor and Council's development engineer or his representative.
- (3) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a



stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

- (4) (C195) The Obstacle Limitation Surface (OLS) for the site is 60m. A controlled activity approval shall be obtained from the airport operator for any crane that may be used during the construction phase that would penetrate the OLS. To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.

#### **D – DURING WORK**

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
- at completion of installation of erosion control measures
  - at completion of installation of traffic management works
  - when the sub-grade is exposed and prior to placing of pavement materials;
  - when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - at the completion of each pavement (sub base/base) layer;
  - before pouring of kerb and gutter;
  - prior to the pouring of concrete for sewerage works and/or works on public property;
  - on completion of road gravelling or pavement;
  - during construction of sewer infrastructure;
  - prior to sealing and laying of pavement surface course.

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D004) Survey marks, including permanent survey marks and reference marks, shall be retained, undamaged, and not relocated. Failure to comply with this condition may also be an offence under Section 24(1) of the Surveying and Spatial Information Act (2002).
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) (D011) Provision being made for support of adjoining properties and roadways during construction.
- (5) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.

- (6) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (7) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

Should asbestos be present, its removal shall be carried out in accordance with the National OH&S Committee – *Code of Practice for Safe Removal of Asbestos* and *Code of Practice for the Management and Control of Asbestos in Workplaces*.

For further information on asbestos handling and safe removal practices refer to the following links:

[Safely disposing of asbestos waste from your home](#)

[Fibro & Asbestos - A Renovator and Homeowner's Guide](#)

[Asbestos Awareness](#)

- (8) (D046) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.

#### **E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E004) Consolidation of the allotments comprising the site of the proposed development prior to issue of the Occupation Certificate
- (3) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (5) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

- (6) (E021) Pool(s) to be fenced in accordance with the Swimming Pools Act, 1992.
- (7) (E022) Depth markers are to be installed on the swimming pool(s).
- (8) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (9) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (10) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (11) (E036) Certification by a suitably qualified consultant is to be submitted to the PCA certifying that the construction of the car park and internal accesses is in accordance with Australian Standard 2890.1 prior to occupation or issue of the Occupation Certificate.
- (12) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (13) (E039) An appropriately qualified and practising consultant is required to certify the following:
  - a. all drainage lines have been located within the respective easements, and
  - b. any other drainage structures are located in accordance with the Construction Certificate.
  - c. all stormwater has been directed to a Council approved drainage system
  - d. all conditions of consent/ construction certificate approval have been complied with.
  - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (14) (E053) All public infrastructure works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
- (15) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (16) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (17) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (18) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of

Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:

- a. The relocation of underground services where required by civil works being carried out.
  - b. The relocation of above ground power and telephone services
  - c. The relocation of street lighting
  - d. The matching of new infrastructure into existing or future design infrastructure
- (19) (E068) Prior to the issue of an occupation certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied.
- (20) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (21) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (22) (E195) A certifying authority must not issue an occupation certificate to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.
- (23) (E077) The completion of all works required under Council's consent to Development Application No. 2015/0332.<sup>1</sup>

#### **F – OCCUPATION OF THE SITE**

- (1) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (2) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (3) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (4) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must

only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

- (5) (F027) The swimming pool filtration motor shall be operated between the following hours only:

Monday to Friday (other than a public holiday)

7.00 am – 8.00 pm

Saturday to Sunday and Public Holidays

8.00 am – 8.00 pm

Should noise levels exceed 5dBA above the ambient noise level measured at the boundary, the pool filtration motor shall be enclosed with an effective soundproof unit.

- (6) The plan of management for use of the rooftop space is to be displayed in a prominent position on the rooftop at all times.

The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Codes and Policies, LEP's, DCP's or any other ancillary Act or Regulation in force at the time of the date of determination and are aimed at protecting the natural environment, preserving our heritage and providing a safe and health built environment.

#### **Rights of Appeal**


If you are dissatisfied with this decision a request for a review of the determination may be made to Council, under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979.

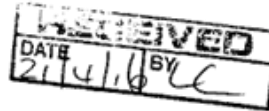
If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely

Apply electronic signoff

4534

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
22 APR 2016	
Keyword	
Activity	
Subject	
Folder	002014-410-1
21 April 2016	



904/2 Murray Street  
PORT MACQUARIE 2444

Dear Sir,

APPLICATION NO. 2014/410

DEVELOPMENT PROPOSAL – SECTION 96 MODIFICATION

Proposal: Modification to residential flat building including Clause 4.6 Clause Objection to Clause 4.3 (height of buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011

Property: Lot: 2DP: 18834, LOT 3DP:18834, 17 Clarence Street Port Macquarie  
19 Clarence Street Port Macquarie

I am the owner occupier of the 904/2 Murray Street property and I object to the modification of the above development proposal.

I note that Clause 4.3 (height of buildings) of the Port Macquarie-Hastings Local Environment Plan 2011 specifies buildings are not to exceed 19m. I understand in certain circumstances Council may allow modification of this height and I believe an extension of height was allowed the above applicants in their original application. Clause 4.3 seems pointless if developers' applications to raise the height of buildings which have already been given permission to exceed the limit are granted. I therefore request the wording of the application if granted be changed from "the proposed modification approximately 1m increase in building height" to "the proposed modification is not to exceed 1m increase in building height" as the higher this building becomes the more it impinges on my privacy and therefore the value of my property.

Yours faithfully,



Eric Stier

email:





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Item: 06

Subject: DA2016 - 149.1 SHOP TOP HOUSING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 123 DP1219042, CLARENCE STREET, PORT MACQUARIE

Report Author: Benjamin Roberts

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Property:	Lot 123 DP1219042, Clarence Street, Port Macquarie
Applicant:	Yogi Bear Holdings Pty Ltd
Owner:	Yogi Bear Holdings Pty Ltd
Application Date:	4 March 2016
Estimated Cost:	\$2,700,000
Location:	Port Macquarie
File no:	DA2016 - 149.1
Parcel no:	65374

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#### Alignment with Delivery Program

4.9.2 Undertake transparent and efficient development assessment in accordance with relevant legislation.

#### RECOMMENDATION

That it be recommended to Council that DA2016 - 149.1 for Shop Top Housing including Clause 4.6 variation to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 123, DP1219042, Clarence Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

#### Executive Summary

This report considers a development application for shop top housing including a height variation at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, no submissions were received.

#### 1. BACKGROUND

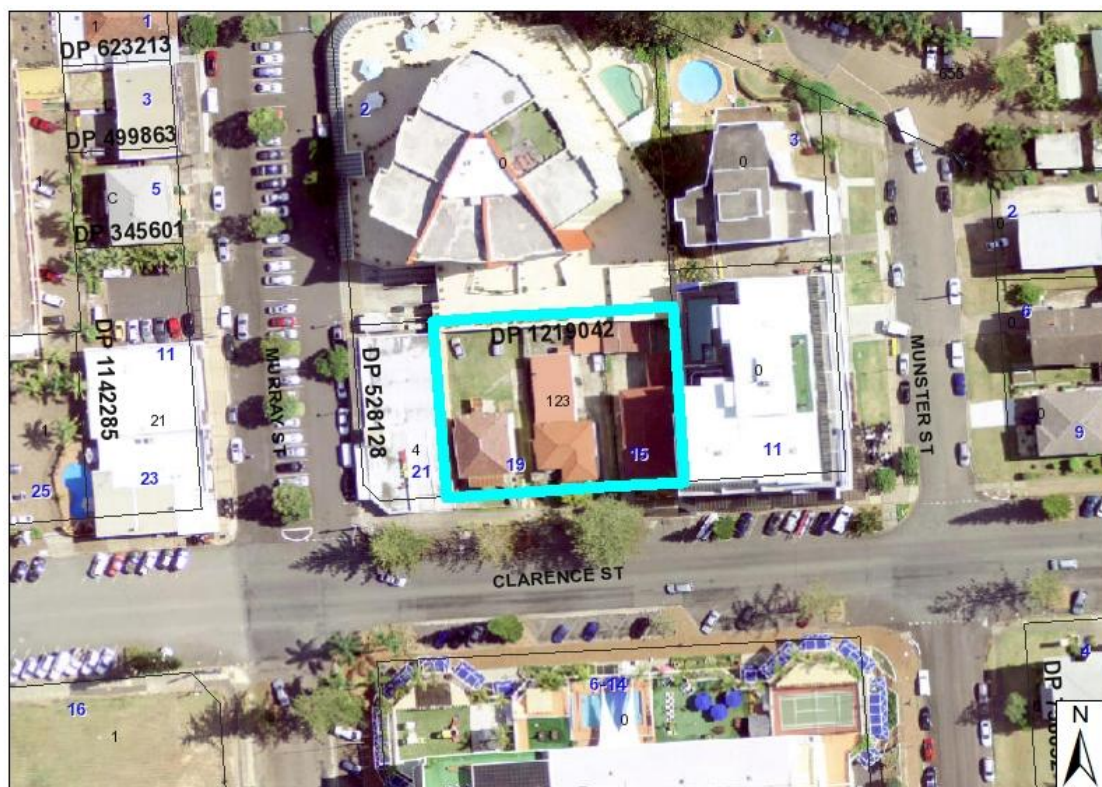
##### Existing sites features and Surrounding development

The site has an area of 1518m<sup>2</sup>.

The site is zoned B3 Commercial Core in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:



**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- Construction of a six (6) storey residential flat building above approved basement parking. The building will comprise ground floor commercial and 10 x 2 bedroom units over levels 1 to 6.

Refer to attachments at the end of this report.

**Application Chronology**

- 4 March 2016 - Application lodged
- 14-30 March 2016 - Public exhibition via neighbour notification
- 23 March 2016 - Additional information request (apartment design statement)
- 5 April 2016 - Apartment design statement provided

**3. STATUTORY ASSESSMENT****Section 79C(1) Matters for Consideration**

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**  
(i) **any Environmental Planning Instrument:**

**State Environmental Planning Policy 55 – Remediation of Land**

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

**State Environmental Planning Policy 62 - Sustainable Aquaculture**

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and its' location, the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the nearby Hastings River approximately 150m to the north-west from the site.

**State Environmental Planning Policy 64 - Advertising and Signage**

There is no signage proposed as part of the application. Suitable condition has been recommended advising of consent requirements for future signage.

**State Environmental Planning Policy 65 - Design Quality of Residential Flat Development**

In accordance with clause 4 this policy applies to the proposal. It is noted that no Design Review Panel has been appointed by Port Macquarie-Hastings Council following amendments to this Policy in July 2015.

In accordance with clause 30(2), the proposal has demonstrated satisfactory consideration against the design quality principles contained in the Apartment Design Guide and the following table provides an assessment against these principles:



Requirement	Proposed	Complies
<p><b>Context &amp; Neighbourhood Character</b> Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposal is for a six storey residential flat building. The area is characterised by a mixture of high rise developments. A number of larger flat buildings exist in the immediate area. Encouraging higher density in areas with close proximity to the CBD or business zones is desirable.</p> <p>The proposed building design is compatible with existing development and the desired future character of the area as stated in the relevant planning and design policies. It is considered the building will contribute to the identity of the area.</p>	Yes.
<p><b>Built form and Scale</b> Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposal incorporates a variation to the LEP building height control. Refer to clause 4.6 of LEP 2011 comments for consideration of the proposed variations.</p> <p>The height and bulk of the proposed building is considered to be acceptable in the streetscape and future desired character of the area.</p> <p>The building is considered to achieve an appropriate built form and incorporates interesting building elements and treatments that will compliment the streetscape.</p> <p>The proposed internal unit layouts provide for internal amenity. The orientation of the block takes advantage of the northern outlook.</p>	Yes
<p><b>Density</b> Good design achieves a high</p>	The proposal is for a floor space	Yes

<p>level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>ratio (FSR) of approximately 2.48:1, which complies with the maximum 3.5:1 FSR adopted in the LEP.</p> <p>The adopted FSR for the site is consistent with the objectives of the B3 zone and the height of buildings envisaged for the area.</p> <p>The proposed density is also considered to be sustainable having regard to availability of infrastructure, and public transport, proximity to services and community facilities and the environmental quality of the area.</p>	
<p><b>Sustainability</b></p> <p>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</p>	<p>The north - south orientation of the block has been utilised. All units contain a certain level of north facing balconies/aspect and opportunities for natural ventilation.</p> <p>A BASIX certificate has been provided demonstrating that the design satisfies acceptable energy and water efficiency measures.</p> <p>Suitable landscaping areas proposed on ground floor.</p>	<p>Yes</p>
<p><b>Landscape</b></p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good</p>	<p>Satisfactory landscaping. The soil depth and area available is consistent the Apartment Design Guide.</p>	<p>Yes</p>

landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.		
<b>Amenity</b> Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.	The building incorporates generous unit layouts and design which optimise the northern orientation, ventilation, privacy etc.  Adequate storage and outdoor space provided throughout the building.  Accessibility is possible via ramps, stairs and lifts.  The layout of the units has taken advantage of the northern orientation with an emphasis of natural sunlight and ventilation via extensive north facing windows and balconies.  The design and layout will provide a good level of amenity.  All units are accessible via lifts.  Building depth is satisfactory.  All units include a sufficient amount of private open space.  Communal open space is satisfactory.	Yes
<b>Safety</b> Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit	The various array of windows, doors and balconies throughout the building provide surveillance of the site and also the public domain.  Access to the site is controlled via a pedestrian entry point on Clarence Street and achieves good casual surveillance.  The basement parking area is secured.	Yes





and visible areas that are easily maintained and appropriate to the location and purpose.	The proposal adequately addresses the principles of Crime Prevention Through Environmental Design.	
<b>Housing Diversity and Social Interaction</b> Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.	The proposal provides 2 bedroom apartments only. 2 bedroom units will suit a variety of budgets and housing needs.  The proposal adequately addresses social dimensions and housing affordability.	Yes
<b>Aesthetics</b> Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The plans provide examples of the colours, textures and finishes. The colours and materials provided on the plans indicate a contemporary high quality design and finish. It is considered that the aesthetics of the building will respond appropriately to the surrounding environment and context of the existing and desired character of the locality.	Yes

Clause 28(2), the proposal has adequately addressed the Apartment Design Guide. The following table provides an assessment against the relevant Apartment Design Guide criteria:

Requirement	Proposed	Complies
<b><u>3A site analysis</u></b>		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Site analysis provided.	Yes
<b><u>3B orientation</u></b>		
Building types and layouts respond to the streetscape and site while optimising solar access	The site's primary frontage is to Clarence Street. The proposed building presents to Clarence	Yes

within the development.	Street with its ground floor commercial space and pedestrian and driveway entries. By setting the building along the Clarence Street frontage the building is afforded a northern orientation to rear and allows each unit to be provided with open, north facing units. This will ensure that suitable solar access is available to the individual units throughout the year.	
Overshadowing of neighbouring properties is minimised during mid winter	Due to the orientation of the site the primary overshadowing impacts shall occur over Clarence Street. There are no adverse overshadowing impacts to adjoining sites to the east or west.	Yes
<i>3C public domain interface</i>		
Transition between private and public domain is achieved without compromising safety and security	The ground level provides direct access to the street. It is noted that a small retaining wall is proposed along the frontage of the commercial tenancy. This is considered unavoidable given the slope of the site in meeting disabled access grade requirements. Each of the upper levels contain a balcony overlooking the street (public domain) as well as the rear (northern) area of private open space.	Yes
Amenity of the public domain is retained and enhanced.	Street frontage is activated with ground floor commercial tenancies with integration of awning structures above footpath.	Yes
<i>3D Communal and public open space</i>		
Communal open space 25% of the site.	Communal roof top area is approximately 20% of site area which is considered sufficient. There is limited opportunity to provide ground floor communal open space.	No but considered acceptable given business zoning and sufficient private open space areas.
50% direct sunlight to useable communal open space for 2 hours mid winter	>50% direct sunlight to communal open space area.	Yes

Communal open space is designed to allow a range of activities, respond to site conditions and be attractive and inviting.	The rooftop communal open space include a large covered area incorporating BBQ and toilet facilities. The communal area is considered to allow for a range of activities for both the individual and groups in a user friendly and northerly orientated open space.	Yes
Communal open space is designed to maximise safety.	The communal open space is directly accessible from the lift and designed to maximise safety.	Yes
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	No public open space proposed.	N/A
<b><u>3E deep soil zones</u></b>		
3m minimum dimensions required for deep soil zone and minimum 7% of site area.	No deep soil planting proposed. Consistent with DCP provisions for the site.	No but considered acceptable.
<b><u>3F Visual privacy</u></b>		
Between habitable rooms and site boundaries: - 6m separation up to 4 storeys - 9m separation 5 and 6 storey - 3m separation non habitable up to 4 storeys - 4.5m separation non habitable up to 4 storeys	On the northern side of the development there is a minimum 9m rear setback to the rear balcony of the units.  On the east and west sides of the development there is a zero side setbacks. No windows are provided in these elevations.	Yes  No but considered acceptable.
Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.	Fin walls and windows perpendicular to side boundaries east and west provide visual and acoustic privacy without detrimentally impacting solar access and views.	Yes
<b><u>3G Pedestrian access and entries</u></b>		
Building entries and pedestrian access connects to and addresses the public domain.	Multiple building entries are provided to ensure an activated street frontage is provided. Each access is clearly defined and articulated to the street.	Yes
Access, entries and pathways are accessible and easy to identify	The building access areas are clearly visible from the street	Yes

	and the ground floor is provided at grade in compliance with the relevant disability standards.	
Large sites provide pedestrian links for access to streets and connection to destinations	Pedestrian connections to the public footpath running along Clarence Street are proposed in accordance with the design criteria.	Yes
<u>3H Vehicle access</u>		
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	The basement driveway entry is located in the western corner of the adjoining site. The ground floor commercial entry is provided in the eastern corner of the site. Both connect directly to Clarence Street. Considered acceptable.	Yes
<u>3J Bicycle and carparking</u>		
On land within 400m of B3 or B4 mixed use or equivalent in a nominated regional centre the min. car parking requirements set out in the Guide to Traffic Generating Developments are to be provided.	<p>The subject site is located in B3 zone. In accordance with the design criteria the minimum car parking requirement for the site can be calculated against the DCP or <i>RMS Guide to Traffic Generating Development</i>, whichever is the lesser.</p> <p>In this case, the RMS Guide has been used.</p> <p>Car parking calculations are as follows:</p> <p>Medium Density Residential flat buildings (for less than 20 dwellings) = 1 space for each unit + 1 space per 5 units (visitor parking).</p> <p>Commercial = 1 space per 40m<sup>2</sup> gross floor area.</p> <p>Proposed:</p> <ul style="list-style-type: none"> <li>- 10 x 2 bedroom units</li> <li>- 139.82m<sup>2</sup> commercial</li> </ul> <p>Total 12 + 3.5 = 16 (15.5) car parking spaces required.</p> <p>As the proposal is reliant on parking provided via DA2014/410 and DA2015/332</p>	Yes

	the total parking required versus proposed is as follows:  DA2014/410 required 42.1883 spaces. This proposal requires 15.5 spaces. In total 57.68 spaces required to serve both developments. A total of 73 spaces is proposed. It is noted 2-3 of these space may be lost due to turnaround requirements for blind aisle parking.	
Parking and facilities are provided for other modes of transport	Area exists within the basement car park along the western wall, close to the basement entry.	Yes
Carpark design and access is safe and secure	Safe and secure parking proposed.	Yes
Visual and environmental impacts of underground car parking are minimised	The proposed basement car park shall not be visible from the street, apart from the driveway entry.	Yes
<b><u>4A Solar and daylight access</u></b>		
Living rooms and private open space areas of at least 70% apartments receive 3 hours of sunlight mid winter	All apartments receive 3 hours of sunlight mid winter	Yes
Max. 15% of apartments receive no direct sunlight in mid winter	N/A	N/A
Daylight access is maximised where sunlight is limited	It is considered that adequate daylight access is available to each of the proposed units due to their orientation.	Yes
Design incorporates shading and glare control, particularly for warmer months	Shading structures are proposed upon rear elevation to ensure a suitable level of glare control is provided as well as shade from the summer sun.	Yes
<b><u>4B natural ventilation</u></b>		
All habitable rooms are naturally ventilated.	The depths of the proposed unit's habitable rooms are considered to support natural ventilation.	Yes
The layout and design of single aspect apartments maximises natural ventilation.	No single aspect units.	N/A
60% of apartments are naturally cross ventilated	Cross ventilation provided.	Yes
Overall depth of crossover or cross through apartments does not exceed 18m	Average units depth of 18m. Some units are 19.3m in depth but still achieve solar and ventilation objectives.	No but considered acceptable.



<u>4C ceiling heights</u>		
2.7m habitable rooms ceiling height	3m habitable rooms ceiling height.	Yes
Ceiling height increases the sense of space in apartments and provides for well proportioned rooms	Consistent.	Yes
Ceiling heights contribute to the flexibility of building use over the life of the building	Consistent.	Yes
<u>4D apartment size and layout</u>		
Apartment size minimums to be comply 2 bed = 70m <sup>2</sup>	Apartment size minimums comply	Yes
Windows in habitable rooms with 10% of floor area	Windows provided and sufficient size	Yes
Environmental performance of the apartment is maximised	Bedrooms are located on the external face of the building so as to satisfy the required environmental performance.	Yes
Apartment layouts are designed to accommodate a variety of household activities and needs	Consistent. Bedroom dimensions to comply.	Yes
<u>4E Private open space and balconies</u>		
2 bed min area 10m <sup>2</sup> and min depth 2m	All balconies comply.	Yes
Ground floor min 15m <sup>2</sup> and min depth 3m	Ground floor unit private open space complies.	Yes
Primary private open space and balconies are appropriately located to enhance liveability for residents.	The north facing balconies for each of the proposed units are located off a bedroom and/or living area in a manner compliant with the design criteria.	Yes
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	The balcony design is considered to integrate into the architectural form of the building whilst providing views across the site, passive surveillance of the street and maintaining visual privacy for occupants. Operable louvres and solid balustrades are considered to contribute to the provision of privacy whilst also ensuring a positive contribution to architectural form.	Yes
Private open space and balcony design maximises safety.	The operable louvres and solid balustrades are considered to provide a design compliant with the applicable requirements and are not considered to provide opportunities for climbing or	Yes

	falls.	
<b><u>4F Common circulation and spaces</u></b>		
Max. 8 units off a circulation core on a single level	Compliant	Yes
Common circulation spaces promote safety and provide for social interaction between residents	The proposed lift lobby will provide a short, direct entry to the lift with access to the units.	Yes
<b><u>4G Storage</u></b>		
Min. storage requirements	Storage complies.	Yes
<b><u>4H Acoustic privacy</u></b>		
Noise transfer is minimised through the siting of buildings and building layout	The internal layout of the units has been designed so as to maximise acoustic privacy between apartments. Bedroom are position at end pints of the units. The units have been designed to comply with the noise transmission requirements of the BCA.	Yes
Noise impacts are mitigated within apartments through layout and acoustic treatments.	Rooms with similar noise requirements are grouped together both internally within the apartments and between apartments. Internal walls between apartments shall be constructed so as to comply with the applicable noise and acoustic standards.	Yes
<b><u>4J Noise and pollution</u></b>		
In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	The subject site is not considered to be located within a noisy or hostile environment.	N/a
Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	The building is not considered to front a significant noise source that would necessitate the installation of noise mitigation solutions.	N/a
<b><u>4K Apartment mix</u></b>		
A range of apartment types and sizes is provided to cater for different household types now and into the future.	The proposal is for 2 bedroom units only. When considered in conjunction the adjoining 3 bedroom units the mix is considered appropriate for the site and its position considering the distances to public transport, employment and education.	Yes
The apartment mix is distributed to suitable locations within the building.	Refer to above.	Yes



<u><b>4L Ground floor apartments</b></u>		
Street frontage activity is maximised where ground floor apartments are located	No ground floor units proposed.	N/A
Design of ground floor apartments delivers amenity and safety for residents.	No ground floor units proposed.	N/A
<u><b>4M Facades</b></u>		
Building facades provide visual interest along the street while respecting the character of the local area.	The proposed design provides a composition of varied building elements to ensure that the building is provided with variations in texture, material and detail. The proposal is considered compliant with the design criteria.	Yes
Building functions are expressed by the facade	The building entries are clearly defined from the street frontage via the provision of the access paths and variation of materials surrounding the entries. The proposal is considered compliant with the design criteria.	Yes
<u><b>4N Roof design</b></u>		
Roof treatments are integrated into the building design and positively respond to the street.	Although not visible from the street the proposal is considered compliant with the design criteria.	Yes
Opportunities to use roof space for residential accommodation and open space are maximised	Roof top communal terrace area.	Yes
Roof design incorporates sustainability features	Solar panels proposed.	Yes
<u><b>4O Landscape design</b></u>		
Landscape design is viable and sustainable	The proposed landscape planting is limited to first floor and acceptable.	Yes
Landscape design contributes to the streetscape and amenity	Limited landscape potential to street frontage. Town Centre master plan will provide street landscaping.	Yes
<u><b>4P Planting on structures</b></u>		
Appropriate soil profiles are provided	The soil depth above the basement car park is considered capable of accommodating small trees, shrubs, ground covers and turf. The landscape plan details planting above the basement car park to ensure a visually attractive outlook towards the rear ground floor units. The proposal is	Yes

	considered compliant with the design criteria.	
Plant growth is optimised with appropriate selection and maintenance	The plant species will be chosen for their suitability for the local environment and tolerance to the existing and proposed site conditions. The proposal is considered compliant with the design criteria.	Yes
Planting on structures contributes to the quality and amenity of communal and public open spaces	The proposal is considered compliant with the design criteria.	Yes
<b><u>4Q Universal design</u></b>		
Universal design features are included in apartment design to promote flexible housing for all community members	Universal design features are included in apartment design to promote some flexible housing for all community members in particular units.	Yes
A variety of apartments with adaptable designs are provided	The proposed apartments are considered to provide a layout and design that caters for adaptable apartments which include a high level of solar access.	Yes
Apartment layouts are flexible and accommodate a range of lifestyle needs	The proposed apartments contain open plan living, kitchen and dining areas which are considered to be suitable for a variety of adaptable uses.	Yes
<b><u>4S Mixed Use</u></b>		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Commercial ground floor street activation and residential above.	Yes
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	Separate access and parking areas well defined.	Yes
<b><u>4T Awning and Signage</u></b>		
Awnings are well located and complement and integrate with the building design	Awnings are street aligned, well integrated into the building design and provide defined entry to commercial tenancy.	Yes
Signage responds to the context and desired streetscape character	Building identification signage fronting Clarence Street consistent with the character of area and not visually obtrusive.	Yes
<b><u>4U Energy efficiency</u></b>		
Development incorporates passive environmental design	The proposal is considered to provide adequate passive solar design. BASIX provided.	Yes

Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	The proposal is considered to provide adequate natural ventilation. BASIX provided.	Yes
Adequate natural ventilation minimises the need for mechanical ventilation	The proposal is considered to provide adequate natural ventilation. BASIX provided.	Yes
<b><u>4V Water management and conservation</u></b>		
Potable water use is minimised	BASIX certificate submitted which includes requirements for water reuse.	Yes
Urban stormwater is treated is treated on site before being discharged to receiving waters	Refer to stormwater comments later in this report.	Yes
Flood management systems are integrated into site design	Suitable stormwater management systems are proposed to cater for any internal flooding of the basement parking area	Yes
<b><u>4W Waste management</u></b>		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	A common waste storage area is proposed within the ground floor parking area in a location suitable for collection via a private contractor.	Yes
Domestic waste is minimised by providing safe and convenient source separation and recycling.	Collection from the proposed building can occur via private collection.	Yes
<b><u>4X Building maintenance</u></b>		
Building design detail provides protection from weathering	The proposed design is considered to provide design solutions to be weather proof.	Yes
Systems and access enable ease of maintenance	North and south facing unit windows are considered to be able to be cleaned from inside. The windows provided to the circulation cores will require external maintenance.	Yes
Material selection reduces ongoing maintenance costs	The materials chosen for the proposed building are considered to be appropriate for the locality, robust and durable.	Yes

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

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71. In accordance with clause 5, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 2, 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore

- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage;
- g) reduce the quality of the natural water bodies in the locality (due to effluent & stormwater disposal, construction impacts, land use conflicts);
- h) adverse cumulative impacts of the proposed development on the environment;
- i) development within a zone to be consented to as if it were in a neighbouring zone.

In particular, the site is cleared and located within an area zoned for commercial purposes.

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

In accordance with clause 6, BASIX certificate has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

**Port Macquarie-Hastings Local Environmental Plan 2011**

In accordance with clause 2.2 the subject site is zoned B3 Commercial Core.

In accordance with clause 2.3(1) and the B3 zone landuse table, the proposed development for shop top housing is a permissible landuse with consent.

In accordance with clause 2.3(2) the consent authority must have regard to the objectives of a zone when determining a development application.

The objectives of the B3 Commercial Core zone are as follows:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that new residential accommodation and tourist and visitor accommodation within the zone does not conflict with the primary function of the centre for retail and business use.
- To provide for the retention and creation of view corridors and pedestrian links throughout the Greater Port Macquarie city centre.

In accordance with clause 2.3(2), the proposal is consistent with the zone objectives having regard to the following:

- The proposal is a permissible land use;
- The development would provide additional ground floor retail and business use;
- The development will provide suitable high density residential accommodation;
- The proposal is accessible and will provide employment opportunities.

In accordance with clause 4.1 it is noted that no subdivision is proposed as part of the application.

In accordance with clause 4.3, the maximum overall height of the proposal above ground level (existing) is 22.36m which does not comply with the height limit of 19m applying to the site. It is noted that the major bulk of the building (not including the roof over the roof top terrace) is at 19.9m on the west boundary and 18.97m on the east boundary. In the centre of the building is a communal roof deck, its roof being 22.36m above ground level. As a result, the applicant has submitted a Clause 4.6 variation to the standard.

Pursuant to Clause 4.6(3), consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

As a result of the above, the applicant submitted a Clause 4.6 variation to the standard based on the following reasons:

- The building design and height is consistent with the existing and future character of the locality in relation to height, bulk and scale.
- Existing building designs in the locality provide for lift overruns, roof top access and communal use rooftop areas in addition to the main building envelopes.
- There will be negligible impacts in relation to appearance, views, loss of privacy and loss of solar access.
- The proposal will have minimal impact on the heritage values of the site.
- The proposal will continue to provide for a transition in built form and land use intensity.

Having consideration to the above the applicant has demonstrated the proposal is consistent with the performance objectives of the height of building clause and will have limited impact on the environment. In addition, it is also considered that:

- The proposal is consistent with the objectives of the LEP and is unlikely to have any implications on State related issues or the broader public interest.
- When viewed from the street it will present as a six storey building. The roof top elements are open in nature, adequately setback from the perimeter of the main building, add minimal bulk and will articulate the built form.
- The proposal is well below the allowable FSR standard thereby minimising bulk on site.

As per Planning Circulars PS 08-003 & 08-014, Council can assume the Director-General's Concurrence for variations to height limits. The height variation is more than a 10% deviation from the standard and therefore the application needs to be determined by council rather than general manager or nominated staff member.

In accordance with clause 4.4, the floor space ratio of the proposal is 1:2.48 which complies with the maximum 1:3.5 floor space ratio applying to the site.

In accordance with clause 5.9, no listed trees in Development Control Plan 2013 are proposed to be removed.

In accordance with clause 5.10 the site is a listed archaeological site (A111). The applicant provided a preliminary archaeological assessment for the previous



application for construction of basement parking which was referred to the NSW Heritage Council. The prior consent contains conditions addressing heritage matters.

In accordance with clause 7.3 the land is above the flood planning area and no flood related building controls apply to the site. In accordance with clause 7.4 the north-western portion of the site is partly mapped within the flood plain risk management area. The development provides for adequate emergency evacuation onto Clarence Street and is not of a development type provided for in this clause.

In accordance with 7.7, the proposed development does not penetrate the Obstacle Limitation Surface (OLS) of the Port Macquarie Airport. In particular the OLS for the site is approximately 60m. However, if a crane is to be utilised during construction, care will be required. A condition is recommended to ensure any crane used onsite does not penetrate the OLS and in the event that it does a controlled activity approval from the airport operator be obtained prior to works commencing.

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and sewer infrastructure to service the development.

**(ii) Any draft instruments that apply to the site or are on exhibition:**

No draft instruments apply.

**(iii) any Development Control Plan in:**

**Port Macquarie-Hastings Development Control Plan 2013**

**General provisions**

<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
• Advertising & Signage	None proposed.	N/A
• Community Participation & Social Impact Assessment	Public exhibition undertaken in accordance with the requirements of this plan. Social Impact Assessment not considered necessary for the proposal.	Yes
• Crime Prevention	Adequate casual surveillance available and principles of crime prevention through environmental design achieved.	Yes
• Environmental Management	<ul style="list-style-type: none"> <li>• Site is mapped as potential archaeological site. Preliminary heritage assessment provided. Refer to comments earlier within report.</li> <li>• Excavation contained to within perimeter of the building.</li> <li>• Retaining wall along rear boundary.</li> <li>• No tree removal proposed.</li> <li>• Stormwater management details to be provided.</li> </ul>	<p>Yes.</p> <p>Yes. To be engineer certified.</p> <p>Consistent with master plan works.</p>

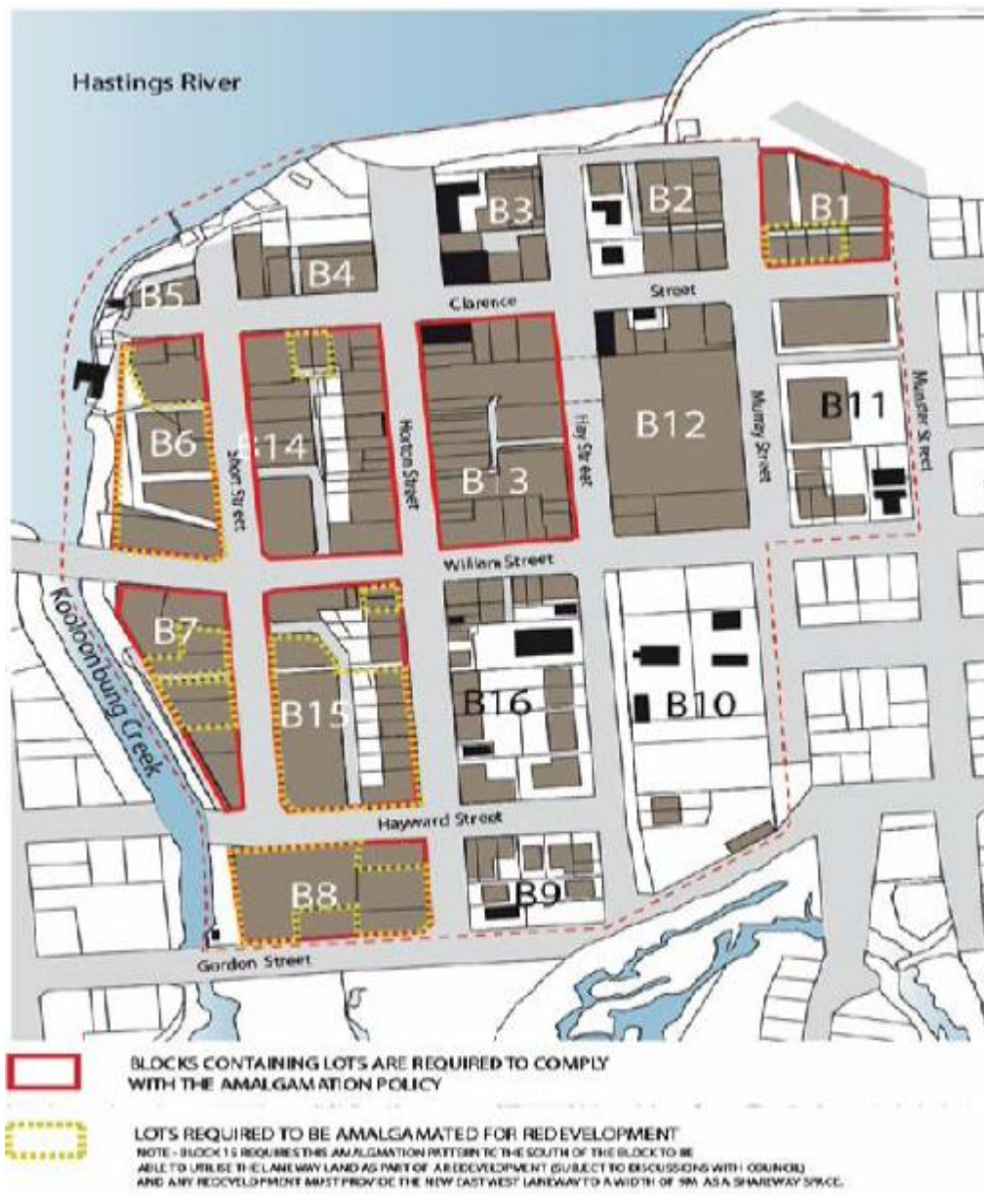
		Stormwater capable of being managed. Details to be provided with section 68 application.
<ul style="list-style-type: none"> <li>Transport, Traffic Management, Access &amp; Car Parking</li> </ul>	<p>Refer to comments in SEPP 65 heading above.</p> <p>Driveway grades, car parking layout and manoeuvring details provided.</p>	Yes

## Part 5 - Area based provisions - Port Macquarie Town Centre

Requirements/Objectives	Proposed	Complies
<b>Clarence Street precinct</b> The future heritage and leisure focus of the town for visitors and residents, Clarence Street will be a distinctive tree lined pedestrian dominated area with hotels and holiday apartments above an active street frontage lined with restaurants, heritage buildings and sidewalk cafés. The new buildings should respond to the heritage buildings without mimicking them.	<p>6 storey residential flat building with ground floor commercial.</p> <p>Ground floor commercial will provide active street frontage.</p> <p>Building design considered to be not out of character with existing flat buildings within the precinct.</p>	Consistent with objectives.
<b>Site amalgamation</b> - Amalgamations are desired on land identified in Figure 26. - If applicants propose a different amalgamation pattern then they must demonstrate that orderly development, high levels of connectivity and vehicle access will occur and that mid block connections are provided appropriately.	Proposal inconsistent with desired amalgamation plan.	Three lots (minus the corner lot) have been amalgamated. Considered to a good outcome.
<b>Active Frontages and Shop Widths</b> - Maximum shop widths comply with Figure 27: Maximum shop widths.	<p>30m maximum shop front width applies.</p> <p>Proposed shop front</p>	Yes

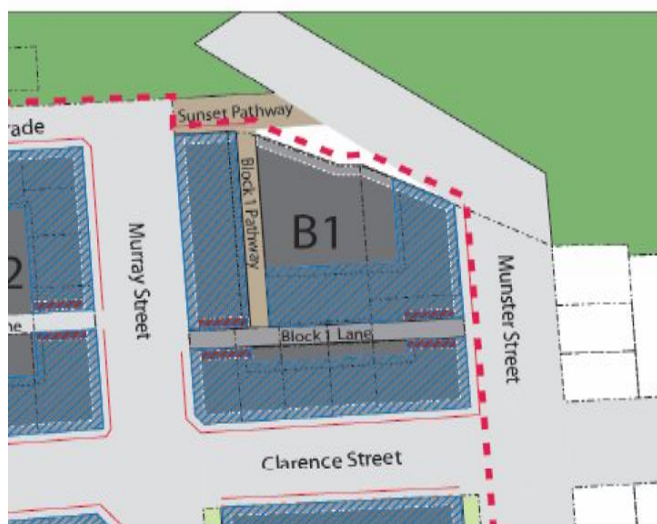


	equates to approx 15m.	
<b>Façade Enclosure</b> Façade enclosure complies with the block controls. Block 1: - Ground 60% - First 50% - Second/Third 40% - Top floor 40%	Refer to SEPP 65 design comments.	Façade enclosure considered acceptable.
<b>Roof Design</b> Break up roofs where possible with hips, gables and changes in materials.	Roof broken up with lift overrun and roof top terrace structures.	Yes

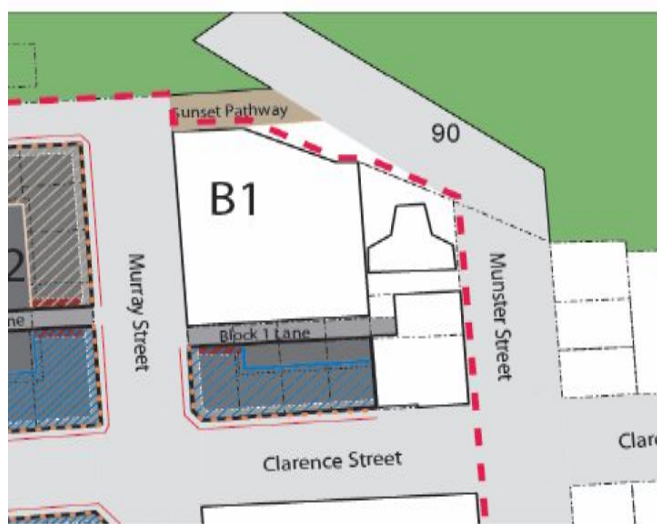


PART 4 BLOCK CONTROLS

Block 1



DIAGRAMMATIC BLOCK PLAN - LONG TERM



INTERIM BLOCK PLAN

Incorporating existing strata buildings and newly approved or constructed buildings and buildings significantly taller than current height controls.

KEY

Existing

- Study Area
- Existing lot boundaries
- Heritage building footprint
- Heritage area
- Existing strata or recently approved or constructed building footprint
- Existing Foreshore Reserve (subject to separate public domain plans)

New development

5. Maximum Building Depth
  - Ground Floor Building Footprint
  - Upper Floor Building Footprint
6. Front Boundary Setback
  - Build to line
8. Facade Articulation Zone
  - Front
  - Side/Rear
  - Upper Floor
9. Extent of Street Awning to be provided
12. New Streets, Laneways & Paths
  - Proposed New Street
  - Proposed New Laneway
  - Proposed New Path
14. Landscaping
  - Soft Landscaped with Deep Soil
  - Mix of Hard & Soft Landscaping

**Summary - Block 1 controls**

**Maximum Building Depth.** Ground whole site less setbacks,  
First/Second/Third/Top = 20m.

Refer to SEPP 65 comments. Depth consistent.

**Front Setback (Clarence Street). Ground/First/Second/Third = 0m. Top Floor = 3m.**

Front lobby on front boundary 0m consistent. <1m first/second/third/fourth/fifth with elements within articulation zone. Noting top floor <1m setback. While top floor does not comply it is consistent with adjoining top floor facades and will not result in any adverse visual, bulk and scale or amenity impacts which are inconsistent with that envisaged by the DCP.

**Rear Setback. Minimum 0m to Block 1 Lane for Ground/First/Second/Third. Top Floor minimum 3m.**

Proposed 8.4m to rear boundary all floors. Note future laneway not possible having regard to Macquarie Waters building.

**Side Setback. Minimum 0m to Block 1 Pathway for Ground/First/Second/Third. Top Floor minimum 3m.**

Proposed 0m side boundary setbacks all floors.

**Façade Enclosure. Ground 60%, First 50%, Second/Third 40%, Top Floor 40%.**

Refer to SEPP 65 design comments. Façade enclosure considered acceptable.

**Front articulation zone. Ground min 0m. First to fifth min 1.8m Max 4m. Top Floor N/a**

Refer to SEPP 65 design comments. Consistent.

**Rear/Side Articulation 0m.**

No side/rear articulation proposed.

**Vehicle entry from streets and paths. Off Block 1 Lane, Munster or Murray Streets**

Access directly from Clarence Street.

**New Streets, Laneways and Paths. Block 1 Lane. Min 7m wide – two way vehicle movement and 1m footpath.**

Proposed two level basement car parking. No provision for laneway or footpath.

**Arcades. N/A.****Car Parking Underground, on street, some on grade.**

Proposed two levels of basement car parking and commercial spaces at grade.

**Landscaping. N/A.**



**Residential Flat Development, Tourist and Visitor Accommodation, Mixed Use Development Provisions.**

Objectives/Provisions	Proposed	Complies
<b>Site Design &amp; Analysis</b> <ul style="list-style-type: none"> <li>- Attributes and constraints adequately considered in design.</li> <li>- Consideration to adjacent and adjoining sites in design.</li> </ul>	Site analysis provided.	Yes.
<b>Site Layout</b> <ul style="list-style-type: none"> <li>- Functional &amp; integrated with neighbourhood.</li> <li>- Energy efficient design.</li> </ul>	Detailed site plan provided with application demonstrating integration with potential integration with adjoining sites. Energy efficiency details provided. BASIX.	Yes.
<b>Height Limits &amp; FSR</b> <ul style="list-style-type: none"> <li>- Complies with LEP</li> <li>- Min floor to ceiling 2.7m.</li> <li>- FSR at least 1:1.</li> </ul>	Variation to height proposed. Ceiling heights comply. FSR 2.48:1.	No. Refer to LEP clause 4.6 comments. Yes. Yes.
<b>Streetscape &amp; Front Setback</b> <ul style="list-style-type: none"> <li>- Front setback with 20% of average setback of adjoining buildings.</li> <li>- Tourist accommodation 9m max setback for pool.</li> <li>- Balconies may encroach up to 600mm into setbacks.</li> <li>- Building aligned to street boundary.</li> <li>- Openings align with street or rear of site.</li> </ul>	<p>Proposed 0m front setback.</p> <p>N/A</p> <p>Balconies within setbacks.</p> <p>Building aligns with street. Openings face street.</p>	<p>Considered acceptable.</p> <p>N/A</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
<b>Side &amp; Rear Setbacks</b> <ul style="list-style-type: none"> <li>- Side setback min 1.5 for max 75% of building depth.</li> <li>- Windows in side walls setback 3m from side.</li> <li>- Adjoins existing strata building side set back min 3m.</li> <li>- Rear setback min 6m to building &amp; sub basement.</li> <li>- Party wall development if site amalgamation not possible and higher density envisaged.</li> </ul>	<p>0m side setbacks</p> <p>No windows in side walls.</p> <p>No strata building adjoining sides.</p> <p>8.4m rear setback to building.</p> <p>Site amalgamation as per DCP not achievable.</p> <p>Not a corner site.</p>	<p>Considered acceptable.</p> <p>N/A.</p> <p>N/A.</p> <p>Yes.</p> <p>Noted but considered best achievable outcome.</p> <p>N/A</p>

- Corner sites consolidated with adjacent sites.		N/A
<b>Building Depth</b> - Max 18m	Refer to SEPP 65 Design comments.	Building depth considered acceptable.
<b>Energy Conservation &amp; Solar Access</b> - Adequate light and ventilation. - Overshadowing.  - Energy efficiency.	North facing balconies. BASIX provided. No adverse shadow impacts given lot orientation. BASIX provided,	Yes . Yes.  Yes
<b>Landscaping</b>	Landscaping plan provided.	Yes
<b>Deep Soil – N/A</b>	N/A	N/A
<b>Communal Open Space</b> - 25% of site area	The rooftop terrace area inclusive of BBQ and toilets facilities provides sufficient communal open space.	Yes.
<b>Private Open Space</b> - Ground floor dwelling min 35m2 with 4mx4m area. - Areas <2m in width be excluded from area. - Balconies on or above first floor min 8m2 with min 2m width with direct living area access.	No ground floor dwellings.  Noted.  Refer to SEPP 65 comments.	N/A   Yes
<b>Fences and Walls</b> - None proposed	None proposed	N/A
<b>Acoustic Privacy</b> - Living areas to face street - Parking and driveways separation >3m from bed windows - Openings of adjacent dwellings >3m separation. - Building wall design minimise noise transition comply with AS.	Noted that two bedrooms at front of building face street. N/A no ground floor units.  No side wall openings.  Designed to comply with noise transmission requirements.	Noise impacts considered to be minimal. Additional glazing to bedroom windows possible.  N/A  Yes
<b>Visual Privacy</b> - Direct views between adjacent living areas screened if with distances. - Screening or fence requirements.	No side wall openings.	Yes

<ul style="list-style-type: none"> <li>- Window privacy screen requirements</li> <li>- Balcony privacy screen requirements</li> </ul>	Privacy walls and screening proposed where necessary.	Yes
<b>Accessibility</b> <ul style="list-style-type: none"> <li>- In accordance with AS1428</li> <li>- Barrier free min 20% of dwellings</li> <li>- Layout for variety of groups</li> <li>- Building design capable of adaptation to whole of partial changes of use</li> </ul>	Capable of compliance with AS1428. Details to be provided with Construction Certificate.	Yes.
<b>Social Dimensions &amp; Affordability</b> <ul style="list-style-type: none"> <li>- Located close to open space/recreation areas.</li> <li>- FSR not less than 1:1</li> <li>- Variety of apartment types, 1, 2, 3+ beds.</li> <li>- Consider Affordable Housing Strategy</li> </ul>	<p>Close to Town Green open space and foreshore areas.</p> <p>FSR complies. 2 bedroom only.</p> <p>Design allows for variety of potential tenants.</p>	<p>Yes.</p> <p>Yes. Considered acceptable.</p> <p>Yes.</p>
<b>Roof Form</b> <ul style="list-style-type: none"> <li>- Variations in form &amp; materials to be provided</li> <li>- Lift overruns &amp; plant integrated within roof structure</li> </ul>	Roof top structures provided varied roof form. Overrun and plant incorporated into roof top structures.	Yes.
<b>Façade Composition &amp; Articulation</b> <ul style="list-style-type: none"> <li>- Well balanced</li> <li>- Consistent &amp; complimentary to elements &amp; materials of existing buildings</li> </ul>	Consistent with existing flat buildings within the locality.	Yes
<b>Entries &amp; Corridors</b> <ul style="list-style-type: none"> <li>- Clear line of transition</li> <li>- Sheltered &amp; lit</li> <li>- Adequate circulation space</li> <li>- Corridor width min 2.5m wide &amp; 3m high</li> </ul>	<p>Building entry well defined, sheltered and adequate circulation space.</p> <p>Two entries of adequate width.</p>	<p>Yes</p> <p>Acceptable</p>
<b>Balconies</b> <ul style="list-style-type: none"> <li>- Min one balcony per apartment.</li> <li>- Main balcony min 2m width a 8m2.</li> <li>- Directly accessible from living area.</li> <li>- Balconies recessed, balustrade.</li> </ul>	<p>Two per unit.</p> <p>Complies.</p> <p>Off living area.</p> <p>Recessed and balustrade details provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<b>Emergency Services</b> - Accessible	Capable of access from street hydrant.	Yes
<b>Laundries &amp; Clothes Drying Facilities</b>	Laundry in each unit.	Yes
<b>Mailboxes</b>	Provided on ground level	Yes
<b>Safety &amp; Security</b>	Design meets principles of crime prevention through environmental design.	Yes
<b>Site Storage</b>	Adequate storage proposed.	Yes
<b>Waste Management</b> - Communal bulk waste facilities to be provided. - Designated area at ground or basement	Garbage storage on ground floor behind commercial tenancies.	Yes
<b>Utilities</b>	Services available.	Yes
<b>Strata Title Subdivision</b>	No subdivision proposed.	N/A

**Business and Commercial Development Provisions**

<b>Requirements/Objectives</b>	<b>Proposed</b>	<b>Complies</b>
<b>Building Heights:</b>	Proposed 22.36m.  19m LEP max height limit applies.	No. Refer to LEP clause 4.6 comments.
<b>Setbacks:</b> • A zero metre setback to ground floor is preferred in all business zone developments.	0m front setback.	Yes
<b>Roof Form:</b> • Variations in roof form including the use of skillions, gables and hips are to be provided in the development.	Variation with roof terrace proposed. Lift overrun and plant incorporated.	Yes.
<b>Building Facades, Materials &amp; Finishes:</b> • Colours, construction materials and finishes shall be predominately pale in colour and textured, tonal and subtle.	Proposed colours appear acceptable and consistent with existing flat buildings within the street.	Yes
• Shopfront widths are to be between 15 and 20metres.	Shopfront widths acceptable.	Yes
• Architectural detailing is to be provided to promote articulation, character and visual interest in the streetscape.	Architectural detailing provided within the articulation zone. Incorporates overhangs and recesses.	Yes
<b>Active Frontages:</b> • Ground floor levels shall not be used for residential purposes in	Ground floor incorporates shop/retail.	Yes



B1, B2, B3 and B4 zones.		
<ul style="list-style-type: none"> <li>A minimum of 50% of the ground floor level front facade is to be clear glazed.</li> </ul>	Approx 50% of street frontage clear glazed.	Yes
<b>Arcades</b>	No arcade proposed.	N/A
<b>Awnings</b>	Awning structure provides coverage for the extent of the active street frontage.	Yes
<ul style="list-style-type: none"> <li>Skylights may be provided in the awning for a maximum depth of 1/3 of the total awning depth.</li> </ul>	None proposed.	N/A
<ul style="list-style-type: none"> <li>Under awning lighting shall comply with AS/NZS1158.</li> </ul>	Capable of compliance.	Yes.
<ul style="list-style-type: none"> <li>Awnings are designed and constructed to encourage pavement dining in areas identified for pavement dining, along the foreshore and in piazzas.</li> </ul>	Awnings designed to encourage outdoor dining opportunities.	Yes.
<b>Landscaping:</b> <ul style="list-style-type: none"> <li>A landscape plan shall be submitted with the development application</li> </ul>	Landscape plan provided.	Yes
<b>Gateways &amp; landmark Sites:</b>	N/A	N/A
<b>Waste management:</b> <ul style="list-style-type: none"> <li>A waste management plan for the construction and/or occupation of the development is provided</li> </ul>	Waste management plan provided.	Yes
<b>Vehicular Access Location and Design:</b> <ul style="list-style-type: none"> <li>No direct vehicular access to at grade or basement car parking from the active street frontage will be permitted in B1 zones.</li> <li>The number of vehicular crossovers shall be kept to a minimum and appropriate sight lines provided to ensure safe integration of pedestrian and vehicular movement.</li> </ul>	<p>B3 Zone. Single crossover proposed. Access to basement car park from main entrance off Clarence Street.</p> <p>Single crossover proposed at grade.</p>	<p>Yes.</p> <p>Yes</p>
<b>Pedestrian Entries &amp; Access:</b> <ul style="list-style-type: none"> <li>The development complies with AS1428—Design for Access and Mobility.</li> </ul>	Designed to comply with standard.	Yes
<b>Outdoor Dining:</b>	Not proposed as part of this DA but future intent clear.	Yes
<b>Commercial Development Adjoining Residential Land uses:</b>		

<ul style="list-style-type: none"> <li>The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.</li> </ul>	<p>Site adjoins residential units located to the east.</p> <p>Site does not adjoin residential zoned land.</p>	Yes
<ul style="list-style-type: none"> <li>Waste areas are located and managed to minimise pests, noise and odour.</li> </ul>	Garbage storage located on ground floor behind commercial tenancy and basement for residential units.	Yes

**Mixed Use Development Provisions**

Requirements	Proposed	Complies
<b>Mixed use Development:</b> <ul style="list-style-type: none"> <li>For the purpose of mixed use development, 'place' is defined as being on the same lot or within those lots that are the subject of a single development application for 'mixed use development'.</li> </ul>	The proposal is considered mixed use development. It comprises commercial use on the ground floor and residential above.	Yes
<ul style="list-style-type: none"> <li>Mixed use developments are located in areas close to key business, commercial and employment centres with good public transport accessibility.</li> </ul>	Located on main street within close proximity to CBD. Appropriate land zoning.	Yes
<ul style="list-style-type: none"> <li>The development must be designed so that loading bays, garbage collection areas and noise and odour generating aspects of buildings are located away from residential areas.</li> <li>Vehicular circulation systems are legible and differentiate between commercial service requirements, such as loading docks, and residential access.</li> <li>Residential entries are located directly from the public street and clearly demarcated from entries to commercial premises.</li> <li>Security entries are to be provided to all entrances into private areas, including car parks and internal courtyards.</li> <li>Where possible acoustic separation between loud commercial uses (such as cafés and restaurants) and residential uses is achieved by utilising an intermediate quiet-use barrier, such as offices.</li> <li>Plant is located on the roof or visually and acoustically</li> </ul>	<p>Garbage collection via commercial private agreement within ground floor parking area.</p> <p>Commercial use not of a size that warrants a loading dock. Loading for commercial tenancies via parking at grade.</p> <p>Single crossover to parking. Commercial patrons likely to park on the street.</p> <p>Capable of compliance.</p> <p>No café/restaurant proposed. Would be subject to further application.</p> <p>Plant location and details incorporated into roof top</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

isolated from the residential uses.	structures.	
• Buildings are to have a simple and efficient structural grid.	Design acceptable.	Yes
• The number of internal, apartment structural walls are minimised.	Design acceptable.	Yes
• Ceiling heights for the ground and first floors are to be 3.6m.	Ceiling height acceptable.	Yes

**(iiia) any planning agreement that has been entered into under Section 93f or any draft planning agreement that a developer has offered to enter into under Section 93f:**

No planning agreement has been offered or entered into.

**iv) any matters prescribed by the Regulations:**

**New South Wales Coastal Policy**

The proposed development is consistent with the objectives and strategic actions of this policy. See SEPP 71 comments for further detail.

**v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)), that apply to the land to which the development application relates:**

No coastal zone management plan applies to the site.

**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:**

**Context & Setting**

The site was historically a single Torrens Title lot until recent consolidation with the two adjoining lots to the west. The site has an approximate fall from south to north of approximately 2m. The site has a frontage of 15.08m to Clarence Street and an average depth of 33.53m.

Adjoining the site to the north is the North point Apartments (9 storey residential flat building). Adjoining the site to the east is the Macquarie Waters apartments (six storey residential flat building). Adjoining the site to the south is Clarence Street and beyond is the Port Pacific Resort building. Adjoining the site to the west is the approved six storey residential flat building.

The proposal is consistent with planning controls in terms of density and height and will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain. The proposal is considered to be consistent with other higher density developments in the locality.

The proposal will not compromise and important views or view corridors. Impact to views enjoyed from units of the Port Pacific building would be minimal given the change in grade on Clarence Street and the subject site, and the location of existing buildings adjacent to the site.

It is evident that the orientation of the block, units and subsequent balconies seek to maximise light and ventilation with the northern orientation. The building has been positioned in the southern portion of the block. This provides for adequate separation to the units in the North point apartment building. It is considered that sufficient spatial separation between the units to provide an acceptable level of privacy.

**Access, Transport & Traffic**

No change to existing access and parking arrangements to that provided via DA2015/332.

**Pedestrians**

In accordance with the Port Macquarie Town Centre Master Plan, the proposed redevelopment of the lots will require full width concrete paving along the frontage of the site with specified materials and finishes.

**Public Domain**

No adverse impacts on public spaces or access thereto.

**Utilities**

Telecommunication and electricity services are available to the site.

**Stormwater**

The proposed stormwater system conceptually complies with Council's requirements. Details will be designed and submitted for Local Government Act (Section 68) approval prior to issue of the construction certificate.

**Water**

Records indicate that the current development site has an existing 20mm metered water service from the 150mm PVC water main on the same side of Clarence Street.

Each residential and commercial unit will require individual water metering with the meters either located on the road frontage or at the unit with remote reading facility located adjacent to the road frontage or in an easily accessible area such as a foyer.

Final water service sizing will need to be assessed by a hydraulic consultant to suit the commercial, domestic and fire service components of the proposed development, as well as backflow protection requirements. The existing 20mm metered water service is to be disconnected. There is no charge for this disconnection service.

Detailed plans will be required to be submitted for assessment with the S.68 application.

**Sewer**

Council records indicate that the development site is connected to sewer via junction to the existing sewer line that runs along the northern property boundary. A sewer reticulation strategy is to be provided. A manhole will be required at the high end of the line as it will be more than 40m long. If the main is subject to future extension an end of line terminal shaft (poo pit) will be required.

As the development will exceed 2ET discharge, sewer connection is to be made from a manhole. The hydraulic designer is to confer with Council sewer section prior to submitting sewer design plans.

Detailed plans will be required to be submitted for assessment with the S.68 application.

**Soils**

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

**Air & Micro-climate**

The operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

**Flora & Fauna**

Construction of the proposed development will not require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

**Waste**

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. Suitable conditions have been recommended for demolition water disposal. No adverse impacts anticipated.

**Energy**

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX. No adverse impacts anticipated.

**Noise & Vibration**

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.

**Natural Hazards**

The site is not mapped as bushfire prone land. Refer to comments under clause 7.3 of LEP comments for flood considerations.

**Safety, Security & Crime Prevention**

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in a loss of safety or security in the area. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

**Social Impact in the Locality**

Given the nature of the proposed development and its location the proposal is unlikely to result in any adverse social impacts.

**Economic Impact in the Locality**

No adverse impacts. Likely positive impacts can be attributed to the construction of the development.

**Site Design and Internal Design**

The proposed development design is satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

**Construction**

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.



**Cumulative Impacts**

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

**(c) The suitability of the site for the development:**

The proposal will fit into the locality and the site attributes are conducive to the proposed development. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

**(d) Any submissions made in accordance with this Act or the Regulations:**

No written submissions were received following public exhibition of the application.

**(e) The Public Interest:**

The proposed development satisfies relevant planning controls and is unlikely to impact on the wider public interest.

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

Refer to draft contribution schedule attached to this report and recommended conditions.

**5. CONCLUSION**

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

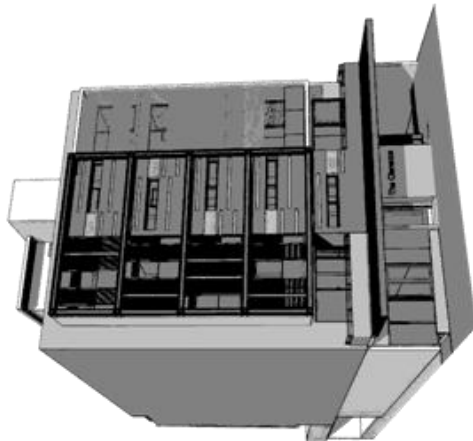
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

**Attachments**

- 1[View](#). DA2016 - 149.1 Plans.
- 2[View](#). DA2016 - 149.1 LEP Variation Justification.
- 3[View](#). DA2016 - 149.1 SOEE
- 4[View](#). DA2016 - 149.1 Design Guide Assessment.
- 5[View](#). DA 2016 - 149.1 Recommended Conditions





## RESIDENTIAL FLAT BUILDING

15 CLARENCE STREET, PORT MACQUARIE

A50/1 COVER SHEET

**A51/1 SITE PLAN + THERMAL PERFORMANCE SPECIFICATION**

A52/1 GROUND & LEVEL 1 FLOOR PLANS

A53/1 LEVEL 2, 3 & 4 FLOOR PLANS

**A54/1 LEVEL 5 & ROOF FLOOR PLANS**

A55/1 ELEVATIONS 01

A56/1 ELEVATIONS 02

A57/1 SECTION

A58/1 CONTEXT STREET ELEVATION

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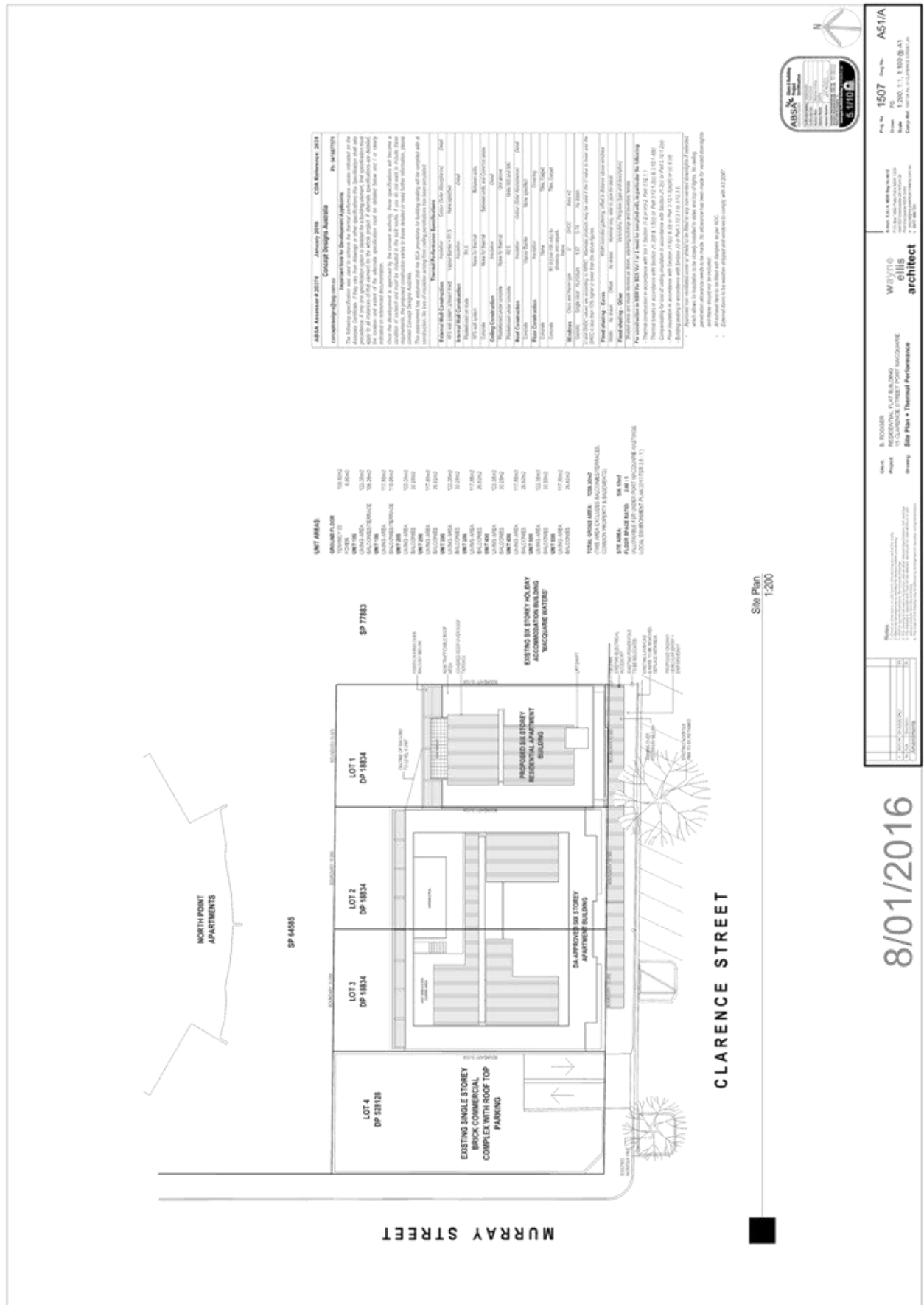
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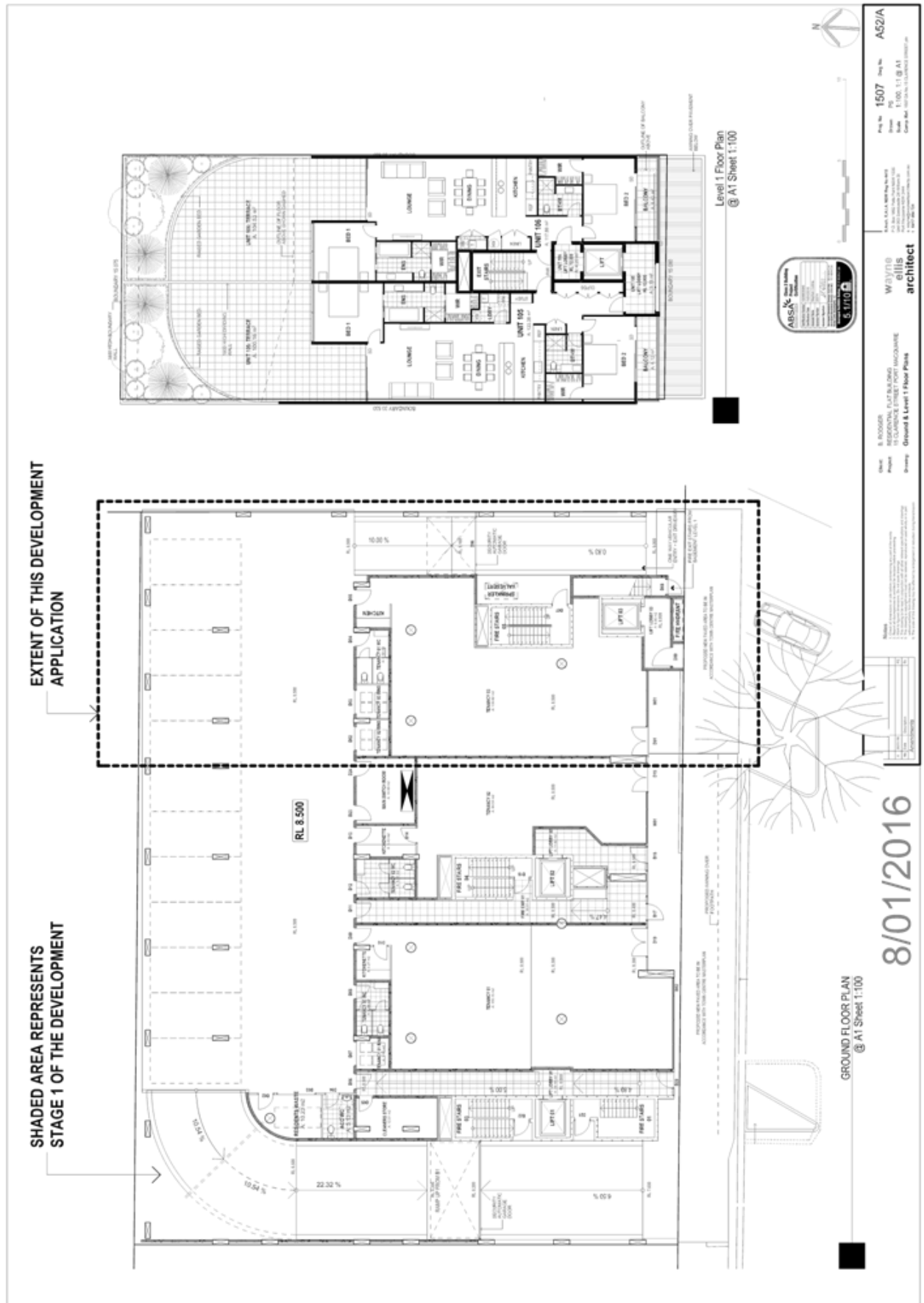


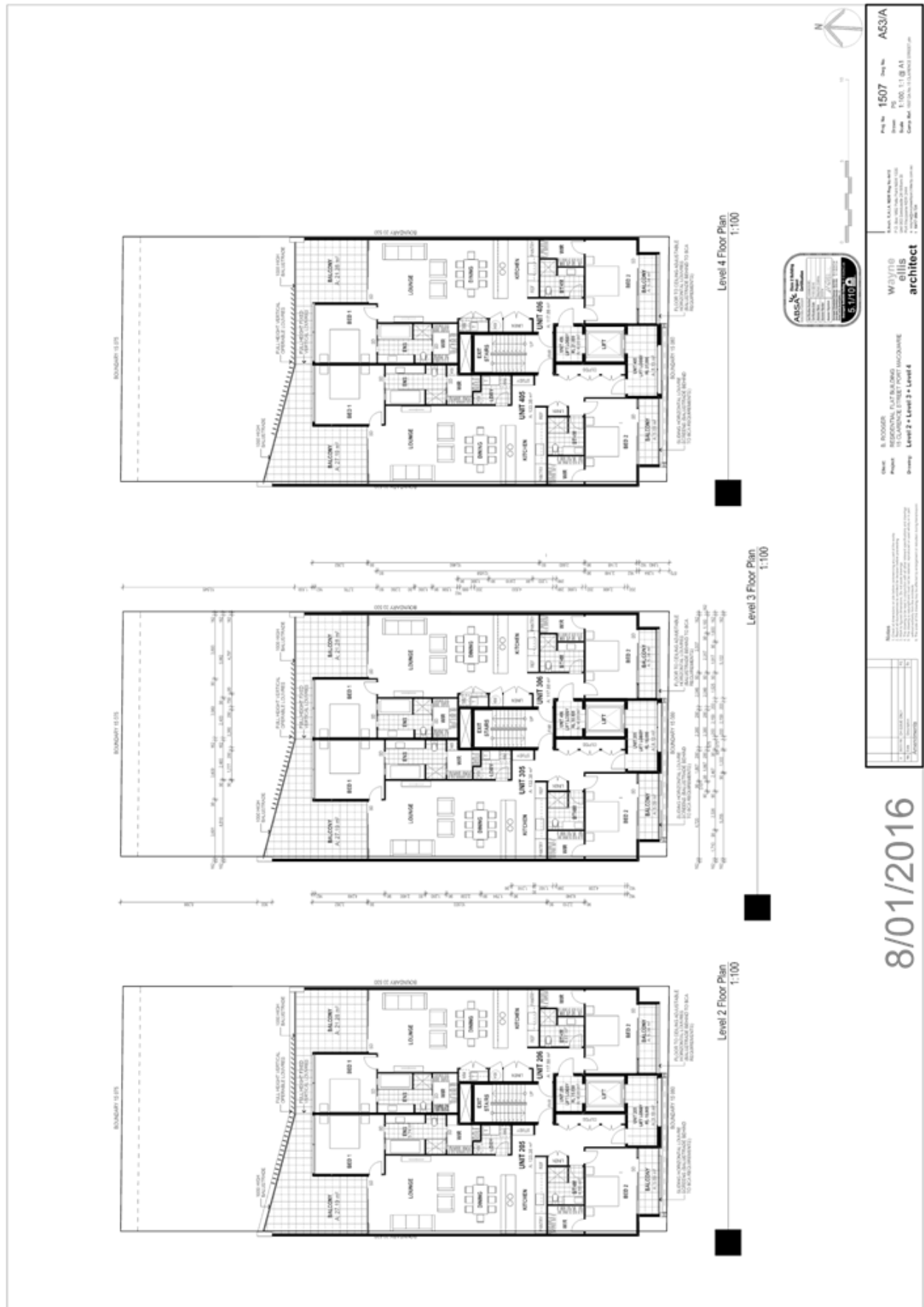
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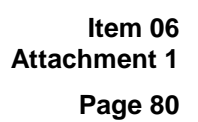
Sheet: **B. ROOFER**  
Project: **RESIDENTIAL FLAT BUILDING**  
15 CLARENCE STREET PORT MACQUARIE  
Drawing: **COVER SHEET**



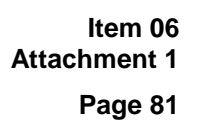


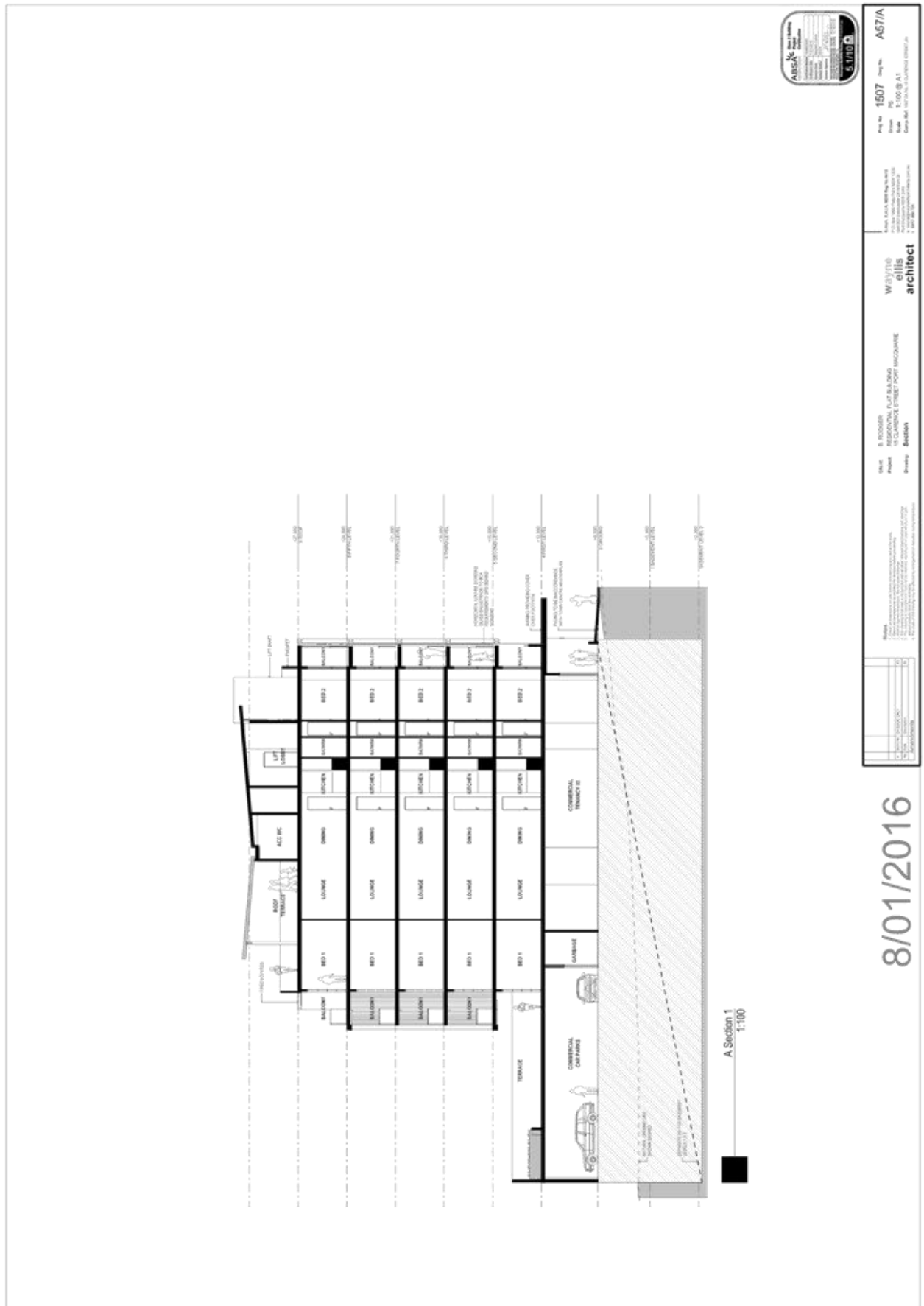


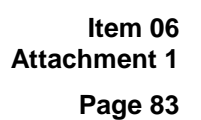












**Justification of Variation to  
Development Standard  
Building Height –  
Clause 4.3 of  
Port Macquarie–Hastings Local  
Environmental Plan (2011)**

**Proposed Residential Flat and  
Commercial Development at  
15 Clarence Street,  
PORT MACQUARIE NSW**

**For:  
YOGI BEAR HOLDINGS P/L**

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## 1. INTRODUCTION

### 1.1 Purpose of Report

This report has been prepared to accompany a development application which seeks approval for the construction of a mixed commercial and residential unit development at Lots 1 DP18834, 15 Clarence Street, Port Macquarie.

*Figure 1 – Site Location*



The purpose of this report is to provide justification for a variation to the Building Height provisions of Port Macquarie-Hastings Councils Local Environmental Plan, (LEP) 2011 for the mixed use development which is proposed to be undertaken on the subject site.

### 1.2 Background

The proposed includes the construction of a six (6) storey residential flat building with two (2) basement carparking levels having already been approved for the subject site via DA 332/2015.

Commercial tenancies, (approximately 140m<sup>2</sup>), together with building access infrastructure, (vehicle and pedestrian), will occupy the ground floor of the building. Amenity and waste management storage areas are also proposed for this level.



Ten (10), two (2) bedroom residential units are proposed to be distributed over Levels 1 – 6 of the building. Each unit is proposed to be provided with lift access with each unit having a dedicated lift lobby area. Each floor level is proposed to be provided with lift access with a common lift foyer provided on each level. Floor areas, (excluding balconies), of the proposed apartments are as follows;

- Unit 105 - 133.38m<sup>2</sup> + North Terrace - 100m<sup>2</sup> + South Balcony - 6.84m<sup>2</sup>
- Unit 106 - 117.88m<sup>2</sup> + North Terrace - 104.82m<sup>2</sup> + South Balcony - 6.17m<sup>2</sup>
- Units 205, 305, 405 and 505 - 133.38m<sup>2</sup> + North Balcony - 27.19m<sup>2</sup> + South Balcony - 8.44m<sup>2</sup>
- Units 206, 306, 406 and 506 - 117.88m<sup>2</sup> + North Balcony - 21.28m<sup>2</sup> + South Balcony - 8m<sup>2</sup>

The rooftop area of the proposed development contains a lift overrun and an enclosed fire stair which will provide access to a small covered roof terrace which provides for communal BBQ and open space.

The topography of the subject site has been modified as a result of its historical development. Current site conditions provide for an approximate 2m fall from south to the north (from Clarence Street to the rear of the property). A east to west cross fall in the order of at least 0.6m is also present although the natural topography of the subject site has been altered as a result of the historic development of the subject site.

The topography of the subject site couple with the presence of the lift overrun, enclosed fire stair and covered roof terrace provides that the height of the proposed building is in excess of the development standard provided for by Clause 4.3 of Port Macquarie-Hastings Councils Local Environmental Plan, (LEP) 2011.

This report therefore provides justification as to why Port Macquarie-Hastings Council should support the variation to the building height as proposed.

## **2. LEP 2011 REQUIREMENTS**

### **2.1 Introduction**

Port Macquarie – Hastings LEP 2011 specifies a number of principle development standards that are applicable for the erection of buildings in the Port Macquarie-Hastings Local Government Area.

In this regard Part 4 of the LEP provides for development standards related to;

- *Lot size;*
- *Rural Subdivision;*
- *Building Height;*
- *Floor Space Ratio;*

Being a “performance based” document the LEP provides for a series of objective together with specific design provisions that are ‘Deemed to Satisfy’ the performance objectives. Adoption of the specified design provisions would therefore provide for a building solution to be approved by Council as this specified solution is deemed to meet the relevant performance objectives.

However Clause 4.6 of the LEP recognizes the need to allow for exceptions to the specified design provisions. In this regard Clause 4.6 (2) of the LEP provides that;

*(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.*

**It is noted that issues pertaining to the height of buildings is not expressly excluded from the operation of Clause 4.6.**

In addition to establishing a framework for the consideration of exceptions to LEP development standards Clause 4.6 (3) – (5) of the LEP establishes the process by which exceptions to development standards are to be lodged, assessed and determined. The LEP which are applicable are as follows;

*(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 sub clause (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) In deciding whether to grant concurrence, the Director-General must consider:*

*(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

*(b) the public benefit of maintaining the development standard, and*

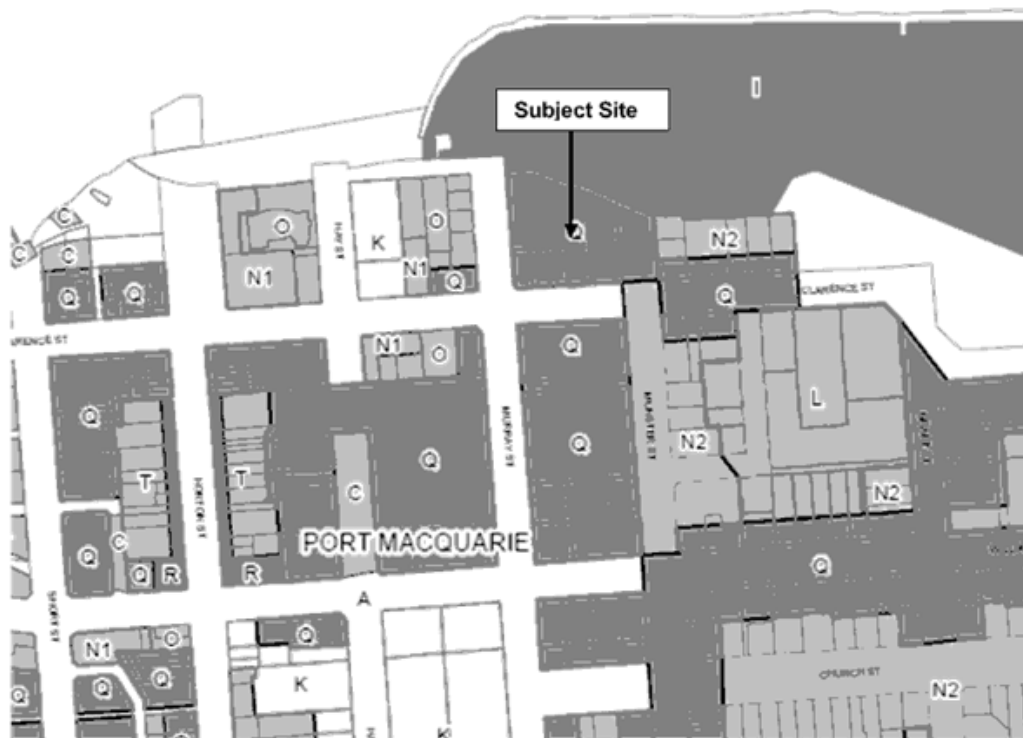
*(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

This report will provide justification for the variation of the acceptable design solution for the Height of the proposed building having regard to the relevant provisions of the LEP.

## **2.2 Building Height Development Standard**

Clause 4.3 of the LEP provides that the height of a building erected on the subject site is not to exceed 19m, refer to **Figure 1** below;

**Figure 2 - Building Height 'Deemed to Satisfy' Standard for Subject site.**



It is noted that the follow definition applies to the determination of the actual height of building;

**building height(or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

### 2.3 Development Standard Exemption Sought

The roof (not including the roof over the roof terrace) of the building is 19.9 metres above ground level on the west boundary and 18.97 above ground level on the east boundary measured along the Clarence street frontage. The side walls of the building will be concealed.

On the roof of the building it is proposed to create a communal roof deck, its roof is 22.36m above ground level. It is set back from the facades and side walls so as to have zero impact from the adjacent pedestrian viewpoints.

The reason for the inclusion of the roof deck is to increase the amenity afforded to the residents in respect to views having accepted that the existing buildings to the north, which are considerably higher, have an adverse impact, specifically in respect of privacy (overlooking) and overshadowing.

The following table summarizes the development standard together with the actual height of the building together with the quantum of the variation which is sought. The following table has been prepared having regard to the building height definition provided for in Section 2.2 of this report;

**Table 1 – Building Height Summary.**

BUILDING HEIGHT DEVELOPMENT STANDARD	HEIGHT OF MAJOR BULK OF BUILDING	ACTUAL WORST CASE HEIGHT OF BUILDING	QUANTUM OF VARIATION TO DEEMED TO SATISFY BUILDING HEIGHT STANDARD
19m	19.9m	22.36m	900mm – 3.36m

### 3. PERFORMANCE ASSESSMENT

As has already been identified the structure of Port Macquarie Hastings LEP 2011 provides for merit assessment of variations to development standards.

This structure is reflected in;

- The inclusion of Clause 4.6 into the LEP which recognizes the need to allow for exceptions to the specified design provisions.
- The inclusion of performance objectives in relation to development standards. The inclusion of specific performance objectives provides for a design solution to be approved on the basis that its outcomes will be consistent with the nominated performance objectives.

It is however noted that the LEP does not indicate the manner by which a performance assessment is to be carried out.

#### 3.1 Performance Objectives

The performance objectives that are relevant to the requested variation are contained within Clause 4.3(1) of LEP (2011) as follows;

*‘(1) The objectives of this clause are as follows:*

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- (d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan’.*

It is therefore considered that where a building design solution is consistent with the above objectives it can be assessed as being consistent with the requirements of PMHC LEP (2011) and as such development consent can be issued on the basis that the proposed development is in accordance with the relevant development standards.

### 3.2 Performance Assessment Method

To ensure that a performance based solution meets the relevant Performance Objectives it must be assessed using a nominated/accepted Assessment Method. In this regard it is noted that PMHC LEP (2011) does not nominate a process/method of assessment of an alternative design solution. In this regard common assessment methods used for performance based building design are as follows;

*(a) Evidence to support that a design meets a Performance Requirement or a Deemed-to-Satisfy Provision.*

*(b) Verification Methods.*

*(c) Comparison with the Deemed-to-Satisfy Provisions.*

*(d) Expert Judgement.*

Having regard to the above it is proposed to utilize a combination of (a) and (c) above as the method of assessing the proposed building design and the variation of the buildings height when compared to the 'Deemed to Satisfy' provision.

### 3.3 Performance Assessment

The following justification is provided in respect of each of the performance objectives listed in section 3.1 of this report;

**Table 2 – Performance Assessment**

PERFORMANCE OBJECTIVE	PERFORMANCE ASSESSMENT
<i>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.</i>	<p>The existing and future character of the locality is one of tourist residential development with cafes and other tourist and residential uses fronting Clarence Street. The relevance of the proposed building height design solution to the existing and future character of the locality is assessed as follows;</p> <p><b><u>Existing Character</u></b></p> <p>It is noted that the existing character of the area, from the perspective of height, bulk and scale, is dominated by a number of taller buildings in the immediate vicinity. These include the Tasman, to the northeast (9 storeys),</p>

Northpoint, located immediately to the north of the subject site (8 storeys), Port Pacific on the southern side of Clarence St (8 storeys) and Macquarie Waters to the east (7 storeys). It is also noted that the existing height of the of Macquarie Waters building to the east of the subject site provides for a height relationship to the subject site which is in excess of a 7 storey envelope due to the predominating east to west topography and the lack of response of the Macquarie Waters building to landform.

It is further noted that a six storey residential flat building has been approved by council (DA410/2014) on the adjoining site to the west with this building having a height up to 22.6m.

Whilst lower density development is present on adjacent land to the west the predominant building height backdrop when viewed from all aspects is that of 7 – 8 storey buildings with heights up to at least 25m common in these aspects. Whilst lower building heights predominate to the west of the subject site buildings of a height of up to 25m are also present in this aspect (Rydges).



*Northern backdrop (viewed from the south)*





*Southern backdrop (viewed from the north)*



*Eastern backdrop (viewed from the west)*

It is noted that it is the inclusion of the communal roof deck, lift overrun and rooftop access stairs which are the main aspects of the proposed building design solution which result in the height of the building being significantly in excess of the 'Deemed to satisfy' development standard of 19m. In this regard it is noted that existing building design solutions in the locality provide for lift overrun, roof top access and communal use terrace infrastructure in addition to the main building envelope. This approach is common for historical development in the locality but also in relation to recently constructed buildings (within the past 10 years).

	<p>Having regard to the above the outcomes provided for by the proposed building height design solution are entirely consistent with the existing character of the locality in relation to height, bulk and scale.</p> <p><b><u>Future Character</u></b></p> <p>The building height development standards provided for LEP 2011 for the subject site and surrounds provide for a 'Deemed to Satisfy' standard of 19m which would typically provide for a 6 storey building. In this regard it is noted that the proposed development is entirely consistent with this development standard on the Clarence Street frontage with the roof of the main building being between 18.97m and 19.9m which taking into account the topography of the area provides for a six storey building. Whilst a vertical element in the façade of the main building tops out at 19.9m above ground level on the Clarence Street frontage this feature is centralized along the façade and is in fact a feature intended to reduce the perceived scale of the building by creating a vertical element to disrupt the layering effect of each storey.</p> <p>It is noted that the majority of the height exceedance associated with the main bulk of the building is associated with the south to north topography of the subject site. In the context of the topography of the subject site and adjoining and adjacent land the bulk and scale of the lower elevated areas of the building will be masked by adjoining development to the north, east and west. Accordingly the main area of the proposed building will present as a six storey building. This will be particularly reinforced through the redevelopment of adjoining lots to the east and west.</p> <p>As mentioned previously it is the inclusion of the communal roof deck, lift overrun and rooftop access stairs which are the main aspects of the proposed building design solution which result in the height of the building being in excess of the 'Deemed to satisfy' development standard of 19m. In this regard it is noted that the roof top structures are setback at least 3m from the perimeter of the main building envelope and do not occupy the entire area of the rooftop. The open nature of the roof terrace also assists in reducing the overall bulk and scale of the roof top area. When viewed from</p>
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	<p>the Clarence Street frontage the additional building height associated with the rooftop structures will not be visible and as such will have a negligible impact on the existing and future character of the area. In this regard the bulk and scale of the roof top structures is moderated through there centralized location on the rooftop.</p> <p>Clarence Street is a main connector road being some 30m wide and can clearly accommodate development of greater densities and heights through site redevelopment within the framework of integrating good urban design principles. The width of the Clarence Street and its ability to accommodate developments of greater densities and heights is further reinforced by the significant setback of the existing bulk and scale of the building to the south of the Clarence Street road reserve adjacent to the subject site.</p> <p>Similarly when viewed from adjoining and adjacent buildings in the area the portion of the subject building which is in excess of the 19m development standard will have a negligible impact in relation to proposed buildings bulk and scale as it;</p> <ul style="list-style-type: none"> <li>• Will be generally indiscernible from the main bulk of the building (area of the vertical element in the façade of the main building which is in excess of 19m).</li> <li>• Will have a minimum impact when considered in the context of the height, bulk and scale backdrop which exists by virtue of existing multi storey buildings in the locality which have a height beyond that contemplated for the proposed building.</li> <li>• Will be consistent with the height of buildings which could result through the redevelopment of adjoining land to the east of the subject site.</li> </ul> <p>Given the minor nature of the rooftop structures it is considered that the impact on the future character of the locality of the proposed building design solution as it relates to building height will be minimal.</p>
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	<p>It is also noted that notwithstanding the height development standards provided for in LEP 2011 the future character of the locality has to a large extent been significantly influenced by the height of buildings which have been constructed in the past ten (10) years particularly in relation to buildings in proximity to the subject site. In the context of the life cycle of building infrastructure most recent decisions of Council have had a significant impact upon the achievement of the future character envisaged by the LEP development standard.</p>
<p><i>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development</i></p>	<p>Solar access studies show acceptable results for June 22 as a result of the proposed development in relation to adjoining and adjacent existing development. Accordingly the proposed building height design solution will have no significant impact on solar access beyond that contemplated by the 'Deemed to Satisfy' development standard.</p> <p>It is noted that when viewed from Clarence Street the proposed building will present as a six (6) storey building which is generally consistent with the 'Deemed to Satisfy' development standard. Accordingly the visual impact of the proposed building height solution will be minimal.</p> <p>Given the dominance of existing buildings to the north, east and south the proposed building will have no greater visual impact than that which currently exists as the existing buildings define the bulk scale and scale when viewed from adjoining buildings. In this regard the bulk and scale of the proposed development is consistent, (even less), than that which currently exist.</p> <p>Negligible impact will also result following the construction of the six (6) storey residential flat building on immediately adjoining land to the west.</p> <p>Views will not be impacted upon by the proposed development as view paths to the north, south, east and west are constrained by the existing buildings (and future approved buildings) which form the backdrop in these aspects. Views impact to the west will be minimized due to;</p> <ul style="list-style-type: none"> <li>• The location of the major bulk of the subject building in the southern portion of the site</li> </ul>

	<p>provides for view sharing promoted to the west.</p> <ul style="list-style-type: none"> <li>The orientation of the adjacent buildings to take advantage of views to the north, northeast and east. In this regard the design of a number of buildings to the east of the proposed building do not seek to take advantage of view paths to the west.</li> </ul> <p>Notwithstanding the variation to the building height development standard acceptable standards of solar access will continue to be provided to adjoining and adjacent buildings.</p> <p>Having regard to the above it is clear that quality urban and building design will be achieved as a result of the proposed development and that the proposed building height design solution will have negligible impact in relation to visual impact, views, loss of privacy and loss of solar access issues.</p>
<i>(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,</i>	<p>Whilst the subject site forms part of an area which the LEP identifies as being of potential heritage importance the archeological assessment which has been completed for the subject site indicates that the proposed development will have minimal impact on the heritage values of the subject site.</p> <p>In a broader context identified items/issues of heritage significance are not located in the immediate area to the subject site and as such the height of the proposed development is appropriate in the context of existing and future height, bulk and scale of the locality.</p>
<i>(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan’.</i>	<p>The proposed building height design solution will continue to provide for a transition in built form and land use intensity within the area covered by this Plan.</p>

Having regard to the above it is considered that the design solution of the subject building as it relates to the issue of building height is consistent to the relevant performance objectives of Port Macquarie – Hastings Council LEP 2011.

### 3.4 Consistency with LEP Exception Requirements

Given that the proposed building height design solution is consistent with the relevant building height development standard performance objectives of the LEP it is considered that the issuing of development

approval for the subject development, (as proposed), by Port Macquarie-Hastings Council is consistent with the requirements of Clause 4.3 of the LEP in that;

- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as the proposed alternative design solution satisfies the specific performance objectives which are relevant to the height of buildings; and*
- *there are sufficient environmental planning grounds to justify contravening the development standard as demonstrated in the performance assessment (Section 3.2 of this report); and*
- *the applicant's written request has adequately addressed the matters required to be demonstrated; and*
- *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*
- *the contravention of the subject development standard does not raise any matter of significance for State or regional environmental planning, and*
- *based upon merit assessment there is no public benefit in maintaining the development standard, and*

Accordingly it is recommended that Port Macquarie-Hastings Council seek the concurrence of the Director-General (NSW Department of Planning) for the variation to the height standard as provided for by the proposed building design solution.

#### 4. CONCLUSION

Having regard to the above it is considered that the proposed building design solution is consistent with the relevant building height performance standards as provided for by Clause 4.3 of the LEP and as such the exemption to the development standard is appropriate in the specific circumstances.

Accordingly the proposed building design solution is able to be supported by Port Macquarie-Hastings Council pursuant to Clause 4.3 of the LEP.



# STATEMENT OF ENVIRONMENTAL EFFECTS & SUPPORTING INFORMATION

**PROPOSED SHOP TOP HOUSING  
DEVELOPMENT  
AT  
LOT 1 DP 18834,  
15 CLARENCE STREET,  
PORT MACQUARIE**

**DECEMBER 2015**

Supporting Information  
Proposed Shop Top Housing Development  
15 Clarence Street, Port Macquarie

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## 1. INTRODUCTION

This report is submitted to Port Macquarie - Hastings Council as part of a development application for the construction of a shop top housing development at Lot 1 DP18834, 15 Clarence Street, Port Macquarie.

The final design of the proposed development complies with the requirements of Council's strategic planning objectives and development standards. The proposed development is also consistent with the land use zoning for the area and is compatible with the local context.

This report addresses the nature and form of the development, the characteristics of the site and surrounding area and the impacts of the proposed development.

## 2. LOCATION DESCRIPTION

### 2.1 Local and Regional Context

The subject site is located on the eastern fringe of the Port Macquarie Central Business District (CBD). It is within easy walking distance to the services and facilities located within the CBD as well as Town Beach and the Hastings River Break wall, refer to **Figure 1**.

**Figure 1 – Site Location**



The subject site is also in proximity to a range of community/recreational facilities including entertainment venues and sporting and recreational facilities.

The area is characterized by a mix of commercial and residential development which reflects the subject site's CBD fringe location. Apart from commercial land uses the locality contains a range of residential development including serviced apartment developments and older multistory and low-density residential flat and unit developments.

The age of existing building infrastructure is mixed with more recent developments, (i.e. < 8 years old), intermingled with historical developments which are in excess of 40 – 50 years old.

## **2.2 The Site**

Consisting of one (1) Torrens Title lot, 15 Clarence Street, Port Macquarie the site until recently supported the occupation and use of a two (2) storey residential flat building which contains six (6) separate residential units. This building has subsequently been demolished.

The subject site is legally known as Lot 1 DP18834, 15 Clarence Street, Port Macquarie, is rectangular in shape with a total site area of approximately 505.3m<sup>2</sup>. It has a frontage of 15.08m to Clarence Street, and an average depth of 33.53m.

The topography of the subject site has been modified as a result of its historical development. Current site conditions provide for an approximate 2m fall from south to the north (from Clarence Street to the rear of the property). A east to west cross fall in the order of at least 0.6m is also present although the natural topography of the subject site has been altered as a result of the historic development of the subject site. The topography of adjoining and adjacent land contains gentle south to north down slopes and a westerly cross-fall, refer to **Appendix 1**.

The subject site does not contain any significant vegetation with the majority of vegetation having been removed as part of recent demolition activities. Adjoining the subject site, within the Clarence Street road reserve are mature Norfolk Island pine trees which provide a distinctive streetscape element. It is noted that a Norfolk Island pine tree is located within the Clarence Street road reserve adjacent to the western boundary of the subject site.

The immediate locality, particularly to the north, south and east is dominated by larger residential flat and serviced apartment buildings. The western aspect of the subject site is dominated by commercial buildings which are generally up to two (2) storey in bulk and scale.

Additional information regarding the locality is provided in the SEPP No. 65 Design Report prepared by Wayne Ellis Architects, refer to **Appendix 2**.

It is noted that development consent DA332/2015 for two levels of basement car parking associated with an already approved shop top housing development on 17 – 19 Clarence Street, Port Macquarie has already been issued for the subject site, (date of consent being 8<sup>th</sup> September 2015).

## **2.3 Description of Existing Environment**

### **2.3.1 Climate**

The local climate is considered to be temperate with summer dominant rainfall.

The average daily maximum temperature is around 21.5°C, while the average daily minimum temperature is around 10°C - 11°C.

Long-term average annual rainfall is around between 1,500 mm.

Annual pan evaporation is estimated to be approximately 1,400 mm.

### **2.3.2 Soils and Vegetation**

As detailed in the Department of Land and Water Conservations, soil landscapes of Kempsey 1:1,000,000 Sheet 1999, the soil grouping on the subject site is shown to be potentially by human activity and as such soils could be high variable in characteristics and limitations.

Notwithstanding the above where site disturbance has not occurred it is likely that the soil groupings would comprise the Kundabung residual landscape. These soils have qualities of, shallow to deep, hard setting Soloths and grey, brown, yellow and red podzolic soils. The soil has limitations of seasonal water logging, water erosion hazard shallow and acidic soils and low permeability. However given the developed nature of the subject site and surrounds it is possible that soil conditions onsite have been disturbed.

All native vegetation has been removed from the subject site and immediate surrounds as part of the development of the land for the residential uses which exist in the locality.

The subject site does not contain any significant vegetation with the majority of vegetation having been removed as part of recent demolition activities. Adjacent to the subject site, within the Clarence Street road reserve, are mature Norfolk Island pine trees which provide a distinctive streetscape element. A Norfolk Island pine tree is located within the Clarence Street road reserve adjacent to the western boundary of the subject site.

### **2.3.3 Drainage**

The subject site is well suited to residential uses, with gentle slopes in all aspects of the subject site. The presence of Clarence Street to the south of the subject site provides for drainage opportunities to the south of the subject site. It is also noted that an inter-allotment drainage line is present along the northern portion of the subject site and as such drainage opportunities exist to the north also. Accordingly there are no constraints regarding site drainage.

Sufficient drainage infrastructure is present within the Clarence Street road reserve to service the proposed development. In this regard it is noted that the existing developed areas of the subject site do not appear to rely upon the existing drainage infrastructure within the road reserve with drainage assumed to be supported via the inter-allotment drainage system although given the age of the buildings on the subject site some form of onsite storm water disposal may have occurred.

### **2.3.4 Land Use**

The subject site forms part of the Port Macquarie CBD and until recently contained a two (2) storey residential flat building which was approximately 40 - 50 years old. The building contained six (6) residential units however this building and its ancillary structures have recently been demolished.

The western boundary of the subject site adjoins vacant land (historical residential flat buildings have recently been demolished), whilst developed multi storey serviced apartment developments incorporating ground floor commercial uses are present to the north and east of the subject site. The southern boundary of the subject site adjoins the Clarence Street road reserve. Beyond the road reserve to the south is an older style multi storey serviced apartment development.

In general land use in the western aspect of the subject site consists of a mixture of single and two storey commercial buildings and public road infrastructure with medium density multi storey residential and serviced apartment developments occupy the northern, eastern and southern aspects.



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The foreshore areas of the Hastings River are located approximately 200m to the north of the subject site whilst Town Beach is located approximately 600m to the east of the subject site.

### **2.3.5 Flora and Fauna**

The subject site contains managed garden and lawn areas which have been retained predominately in the southern portion of the subject site.

Given the modified and highly disturbed nature of the subject site it has limited ecological or habitat value for native flora and fauna.

### **2.3.6 Air**

The air quality at the subject site and surrounds reflects the mixed commercial and residential nature of the land use in the locality. In this regard the existing air quality of the area reflects the dust, odour and exhaust emissions from the commercial activities which are undertaken within the Port Macquarie CBD.

Notwithstanding this, the air quality at the subject site and surrounding area is generally good. This reflects the scale and nature of the development within the CBD.

### **2.3.7 Noise and Vibration**

It is noted that the existing noise and vibration characteristics of the subject site and surrounding areas is dominated by the commercial activities within the Port Macquarie CBD.

Notwithstanding this, the acoustic environment of the subject site and surrounding area is consistent with that which would be expected for a residential habitation within an area which supports the operation of commercial businesses in a town centre landscape.

## **3. PROPOSED DEVELOPMENT**

The proposal includes the construction of a six (6) storey residential flat building above the already approved basement carparking area.

A ground floor commercial area, (139.82m<sup>2</sup>), together with building access infrastructure, (vehicle and pedestrian), will occupy the ground floor of the building. Already approved car parking spaces, (DA332/2015), together with amenity and waste management storage areas are also proposed for this level.

Ten (10), two (2) bedroom residential units are proposed to be distributed over Levels 1 – 6 of the building. Each floor level is proposed to be provided with lift access with a common lift foyer provided on each level. Floor areas, (excluding balconies), of the proposed apartments are as follows;

- Unit 105 - 133.38m<sup>2</sup> + North Terrace - 100m<sup>2</sup> + South Balcony - 6.84m<sup>2</sup>
- Unit 106 - 117.88m<sup>2</sup> + North Terrace - 104.82m<sup>2</sup> + South Balcony - 6.17m<sup>2</sup>
- Units 205, 305, 405 and 505 - 133.38m<sup>2</sup> + North Balcony - 27.19m<sup>2</sup> + South Balcony - 8.44m<sup>2</sup>
- Units 206, 306, 406 and 506 - 117.88m<sup>2</sup> + North Balcony - 21.28m<sup>2</sup> + South Balcony - 8m<sup>2</sup>

The proposed apartments are well sized and will provide for a high standard of occupant amenity.

A rooftop terrace area incorporating BBQ and toilet facilities is also proposed. Lift access is proposed for the roof top terrace area.

As indicated on the Colour Materials/ Finishes Sample Sheet prepared by Wayne Ellis Architects, (included in the development proposal plans), the proposed development will be finished in contemporary tone colours.

Details of the floor areas of the proposed development (including the already approved basement carparking areas), are provided as follows;

**Table 1 – Development Floor Areas**

SITE	TOTAL
Total Gross Floor Area	1256.3m <sup>2</sup>
Site Area	506.12
Proposed floor space ratio	2.48 : 1

#### 4. PLANNING CONTROLS

The statutory and strategic planning instruments that are relevant to this proposal are:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Water Management Act, 2000
- State Environmental Planning Policy No. 65 – Design Quality for Residential Flat Development
- State Environmental Planning Policy No. 71 – Coastal Protection
- North Coast Regional Environmental Plan
- Port Macquarie - Hastings Local Environmental Plan 2011
- Port Macquarie - Hastings Development Control Plan 2013

##### 4.1 Environmental Planning and Assessment Act 1979

Part 4 of the Environmental Planning and Assessment Act, 1979 is relevant to the proposed development; refer to Section 5 of this report.

##### 4.2 Environmental Planning and Assessment Regulation 2000

Clause 50 of the Environmental Planning and Assessment Regulation, 2000 includes the following provisions;

(1A) *A development application that relates to a residential flat development, and that is made on or after 1 December 2003, must be accompanied by a design verification from a qualified designer, being a statement in which the qualified designer verifies:*

*(a) that he or she designed, or directed the design, of the residential flat development, and*

*(b) that the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are achieved for the residential flat development.*

As mentioned previously the subject development application is accompanied by design verification from the project architect who meets the requirements of SEPP 65. The verification complies with the above provisions and is attached as **Appendix 2**.

#### **4.3 Water Management Act, 2000**

It is noted that issues pertaining to ground water conditions of the subject site have already been investigated and assessed by Port Macquarie-Hastings Council as part of the determination of DA332/2015 (basement carparking on the subject site and adjoin and adjacent land to the west).

Accordingly the proposed development will not be integrated development under Section 91 of the *Environmental Planning & Assessment Act, 1979*.

#### **4.4 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development is relevant to the proposed development, as it triggers the definition of a residential flat building as follows:

*“residential flat building means a building that comprises or includes:*

*(a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*

*(b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

Part 2, of SEPP 65 introduces ten (10) Design Quality Principles for residential flat development which Port Macquarie – Hastings Council must take into consideration in determining the development proposal which is the subject of this development application.

These principles have been addressed and considered in detail in the SEPP No. 65 Design Report prepared by Wayne Ellis Architects which is included as **Appendix 2**.

#### **4.5 State Environmental Planning Policy No. 71 – Coastal Protection**

One of the overall aims of SEPP No. 71 – Coastal Protection is *“to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast”*.

It seeks to do this by requiring additional assessment matters for developments located within the Coastal Zone.

SEPP No. 71 applies to the subject site, as it is located within this Coastal Zone as defined by the SEPP. The matters required to be considered in the assessment of a development application by Port Macquarie-Hastings Council under Clause 7 of the SEPP are as follows:

**Table 2 – SEPP 71 Compliance**

Clause 8 matters for consideration, SEPP No. 71 – Coastal Protection	Compliance	Proposal as assessed under Clause 8 matters for consideration, SEPP No. 71 – Coastal Protection
(a) the aims of this Policy set out in clause 2,  (1) This Policy aims:  (a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and	Complies	The proposal will have a minimal impact on the natural, cultural, recreational and economic attributes of the NSW coast. This development will support economic investment within the local area specifically and the Mid-North Coast generally and will have positive economic benefits for the community.
(b) to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and	Not applicable	The proposal has no impact on public access to and along the coastal foreshore.
(c) to ensure that new opportunities for public access to and along coastal foreshores are identified and realized to the extent that this is compatible with the natural attributes of the coastal foreshore. and	Not applicable	See above comment
(d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and	Complies	There is are no known aboriginal heritage issues relevant to or present on the subject site.
(e) to ensure that the visual amenity of the coast is protected, and	Complies	The proposal will protect the visual amenity of the coast as it will be in keeping with the characteristics of the area.

(f) to protect and preserve beach environments and beach amenity, and	Complies	The proposal will have no impact on the environment or amenity of beach areas.
(g) to protect and preserve native coastal vegetation, and	Not applicable	The proposal will have no impact on native coastal vegetation.
(h) to protect and preserve the marine environment of NSW, and	Not applicable	The proposal will have no impacts on the marine environment of NSW
(i) to protect and preserve rock platforms, and	Not applicable	The proposal will have no impacts on rock platforms
(j) to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and	Not applicable	The proposal has been designed to consider the principles of ecologically sustainable development. Reference is also made to the BASIX certificate also submitted with the development application as <b>Appendix 3</b> .
(k) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and	Complies	The proposal is of an appropriate type, bulk, scale and size for its location which complements not only the existing built environment but also the scenic quality of the surrounding area.
(l) to encourage a strategic approach to coastal management.	Complies	The proposal does not impact on strategic coastal management.
(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,	Not applicable	The proposal has no impact on public access to and along the coastal foreshore.
(c) opportunities to provide new public access to and along the coastal foreshore for	Not Applicable	

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pedestrians or persons with a disability,		
(d) the suitability of development given its type, location and design and its relationship with the surrounding area,	Complies	See the comments made earlier in relation to 1(k) and the assessment of the proposal under SEPP No. 65, refer to <b>Appendix 2</b> .
(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,	Complies	The proposal will not result in any detrimental impact, overshadowing or loss of views from a public place to the foreshore.
(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,	Complies	Given the location of the subject development there are no scenic protections issues
(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,	Not applicable	Given the developed nature of the subject site it is extremely unlikely that the site includes any threatened species or items of conservation significance.
(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats	Not applicable	The proposal will have no impact on fish species or their environment.
(i) existing wildlife corridors and the impact of development on these corridors,	Not applicable	No corridors exist on or adjacent to the subject site
(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,	Not applicable	Given the location of the subject site it is unlikely that coastal processes or hazards will impact on the development.
(k) measures to reduce the	Not applicable	Due to its location the

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potential for conflict between land-based and water based coastal activities,		development proposal will not conflict with land based and water based activities.
(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,	Complies	See comments made earlier in this table regarding cultural and aboriginal heritage considerations.
(m) likely impacts of development on the water quality of coastal water bodies,	Complies	The proposal will not have a detectable impact on the water quality of coastal waters.
(n) the conservation and preservation of items of heritage, archaeological or historic significance,	Complies	<p>Issues pertaining to items of heritage, archaeological or historic significance have already been investigated and assessed by Port Macquarie-Hastings Council as part of the determination of DA332/2015 (basement car parking on the subject site).</p> <p>A recent site survey found no items of heritage, archaeological or historic significance.</p>
(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,	Not Applicable	Not Applicable
(p) only in cases in which a development application in relation to proposed development is determined: (i) the cumulative impacts of the proposed development on the environment, and (ii) measures to ensure that water and energy usage by the proposed development is efficient.	Complies	<p>As the proposal is a redevelopment and the subject site is located within an established urban area, the cumulative impacts of the proposal on the environment are considered to be minimal.</p> <p>Compliance with BASIX and Building Code of Australia requirements which are applicable to the subject development will provide for</p>



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		water and energy efficiency in the occupation of the proposed residential apartments.
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#### 4.6 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The Building Sustainability Index (BASIX) ensures homes, (including residential flat buildings), are designed to use less potable water and to assist with the reduction of greenhouse gases produced through the occupation and use of buildings.

The SEPP requires that all development applications for certain development types, (including residential flat buildings and serviced apartments), must be accompanied by a BASIX certificate for the project.

In fulfillment of the requirements a BASIX assessment is provided with this report refer to **Appendix 3**.

#### 4.7 North Coast Regional Environmental Plan

The following clauses of the North Coast Regional Environmental Plan (REP) are considered to be relevant to this application:

**Table 3 – NCREP Compliance Requirements**

Relevant Development Controls under North Coast Regional Environmental Plan	Compliance	Proposal as assessed under
Clause 36 Development control—heritage items, generally	Complies	Issues pertaining to items of heritage, archaeological or historic significance have already been investigated and assessed by Port Macquarie-Hastings Council as part of the determination of DA332/2015 (basement carparking on the subject site).  A recent site survey found no items of heritage, archaeological or historic significance.

#### 4.8 Port Macquarie-Hastings Local Environmental Plan 2011

##### 4.8.1 Land Use Zoning

It is noted that the subject site is zoned B3 (Business Core) under the provisions of Port Macquarie-Hastings LEP 2011, refer to **Figure 2**.

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**Figure 2 – Site Zoning**



The objectives of the B3 zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that new residential accommodation and tourist and visitor accommodation within the zone does not conflict with the primary function of the centre for retail and business use.
- To provide for the retention and creation of view corridors and pedestrian links throughout the Greater Port Macquarie city centre.

The proposal development satisfies the objectives of the zone and is therefore an appropriate form of development for the subject site and the general locality.

The location of the development is intended to support the commercial and recreational development in the area.

The proposed development will be in keeping with the existing and expected amenity of the area. It is noted that the proposed development is permissible in the zone. The land use requirements of Port Macquarie Hastings LEP 2011 for the R1 Zone are as follows;

**‘2 Permitted without consent**

*Home-based child care; Home occupations*

**3 Permitted with consent**

*Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Shop top housing; Any other development not specified in item 2 or 4.*

**4 Prohibited**

*Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies’*

As the proposed development provides for residential housing it is a permissible use which is subject to the issuing of development consent by the local council.

**4.8.2 LEP Compliance Requirements**

Other relevant clauses of the LEP that are considered to be applicable to the subject development are as follows;

**Table 4 – LEP Compliance Requirements**

Relevant Development Controls under Port Macquarie - Hastings LEP 2011	Compliance	Proposal as assessed under Port Macquarie - Hastings LEP 2011
<b>Part 2 - Permitted and prohibited Development</b>		
2.7 Demolition Requires Consent	Complies	Consent has already been granted for the demolition of the existing buildings on the subject site (DA 332/2015).
<b>Part 3 - Exempt and Complying Development</b>		
3.3 Environmentally Sensitive Areas excluded	Complies	The subject site does not currently have any trees which trigger Council's TPO.

Part 4 – Principal Development Standards		
4.3 Height of Buildings	Complies - refer to <b>Appendix 5</b> for Justification of Proposed Building Height in accordance with Clause 4.6 of the LEP	<p>The roof (not including the roof over the roof terrace) of the building is 19.9 metres above ground level on the west boundary and 18.97 above ground level on the east boundary measured along the Clarence street frontage. The side walls of the building will be concealed.</p> <p>On the roof of the building it is proposed to create a communal roof deck, its roof is 22.36m above ground level. It is set back from the facades and side walls so as to have zero impact from the adjacent pedestrian viewpoints.</p> <p>The reason for the inclusion of the roof deck is to increase the amenity afforded to the residents in respect to views having accepted that the existing buildings to the north, which are considerably higher, have an adverse impact, specifically in respect of privacy (overlooking) and overshadowing.</p> <p>It is noted that the proposed building height is in excess of the 19m development standard provided for by Section 4.3 of the LEP. Justification of the proposed building height solution in accordance with Clause 4.6 of the LEP is provided as <b>Appendix 5</b>.</p>
4.4 Floor Space Ratio	Complies	<p>Floor Space Ratio; Required - 1:3.5 Proposed - 1:2.48</p> <p>The proposed floor space ratio is well below the maximum provided for by the LEP. This supports the appropriateness of the scale of development which is proposed for the subject site.</p>
Part 5 – Miscellaneous Provisions		
5.5 Development in the Coastal Zone	Complies	The proposed development is consistent with the NSW Coastal Policy and SEPP 71; refer to <b>Table 2</b> of this report.
5.6 Architectural features on the roof	Complies	A vertical element in the façade tops out at 19.47m and is intended to reduce the

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		<p>perceived scale of the building by creating a vertical element to disrupt the layering effect of each storey. This architectural feature is considered accepted on the basis that;</p> <p>(i) comprises a decorative element on the uppermost portion of a building, and (ii) is not an advertising structure, and (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and (iv) will cause minimal overshadowing.</p>
5.9 Preservation of trees or vegetation	Complies	<p>The site does not currently have any trees which trigger Council's TPO.</p> <p>Whilst a Norfolk Island pine is located within the road reserve adjacent to the subject site it will not need to be removed as part of the development nor will the proposed development impact negatively upon the health of the subject tree.</p> <p>Changes to the streetscape proposed as part of the development will have no impacts on the tree beyond that which currently exists.</p>
5.10 Heritage Conservation	Complies	<p>Issues pertaining to items of heritage, archaeological or historic significance have already been investigated and assessed by Port Macquarie-Hastings Council as part of the determination of DA332/2015 (basement car parking on the subject site).</p> <p>A recent site survey found no items of heritage, archaeological or historic significance.</p>
5.11 Bushfire Hazard Reduction	Not Applicable	The subject site is not shown as being Bushfire Prone Land.
<b>Part 7 – Additional Local Provisions</b>		
7.1 Acid Sulphate Soils	Not Applicable	The subject site is not shown as being affected by acid sulphate soils on Council's acid sulphate soils maps.
7.2 Earthworks	Complies	The undertaking of proposed earthworks is consistent with the requirements of this

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		provision.
7.4 Flood Planning	Complies	The subject site is not identified as being subject to the flood planning level or the Level of Probable Maximum Flood.  Therefore the proposed development will not have significant impact in terms of affecting flood behaviour nor will the proposed development be negatively impacted upon by flood waters.
7.5 Koala Habitat	Not applicable	The proposed development contains no vegetation of koala habitat significance.
7.6 Coastal Hazards	Not applicable	The subject site is not subject to coastal hazards.
7.9 Development subject to acoustic controls	Not applicable	The subject site is not subject to specific requirements for acoustic controls.
7.13 Essential Services	Complies	All essential services are available to the land and subject development.

Having regard to the above it is considered that the proposed development is consistent with the relevant provisions and requirements of of Port Macquarie-Hastings LEP 2011.

#### 4.9 Port Macquarie-Hastings Development Control Plan 2013

The subject site is located within the area affected by Port Macquarie -Hastings Development Control Plan (DCP) 2013.

The subject site is subject to the general provisions of the DCP and also the specific development controls which are considered to be applicable to the Town Centre Area of Port Macquarie.

The DCP has both a number of generic requirements that apply to the entire area affected by the DCP and specific block controls for the individual precincts and sub-precincts.

An assessment of the proposed development against the relevant DCP provisions follows;

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**Table 5 – DCP Compliance Requirements**

DCP CRITERIA – RELEVANT DEVELOPMENT CONTROL STANDARDS	COMPLIANCE COMMENT
<b>PART 2 – GENERAL PROVISIONS</b>	
<b>2.2 Advertising and Signage</b>	
N/A	N/A
<b>2.3 Environmental Management</b>	
Cut and fill regrading	Complies – all excavation will be contained within the perimeter of the proposed building.
Environmental management areas and buffers	N/A – there are no environmental management areas and buffers applicable to the proposed development.
Koala habitat	N/A – there are no koala habitat issues relevant to the proposed development.
Hollow bearing trees	N/A – there are no hollow bearing trees on the site of the proposed development.
<b>2.4 Hazards Management</b>	
Airspace protection	N/A
Bushfire hazard management	N/A – the subject site is not bushfire prone land.
Flooding	N/A. The subject site is not identified as being subject to the flood planning level or the Level of Probable Maximum Flood.
Stormwater	Complies  A concept plan for stormwater management is provided as <b>Appendix 4</b> .
<b>2.5 Transport, Traffic Management, Access and Car Parking</b>	
Road hierarchy	The RMS's Guide to Traffic Generating Developments specifies that "in circumstances where the impact on traffic will be minimal, a statement relating to the impact of development on traffic is sufficient".  The guide specifies that Medium Density Residential units up to 2 bedrooms are likely to generate between 0.4 and 0.5 trips per unit during peak hours. The development is expected to generate only 5 trips during both the AM and PM peak hours. This low number of trips generated by the development is likely to have a negligible impact on



	<p>local traffic network performance and hence a Traffic Impact Assessment is not warranted for the development.</p> <p>The proposed development is not likely to significantly generate traffic, and does not warrant a Traffic Impact Assessment.</p>
Parking provision	<p>Complies.</p> <p><b>Relevant DCP Requirements;</b></p> <p><u>(i) Restaurant/Food premises</u> - in commercial zones: 1 per 30 m<sup>2</sup> serviced floor area = 4.66</p> <p><u>(ii) Residential Flat</u> - 1.0 per 2 bedroom unit + 1 visitors' space per 4 per units = 12.5</p> <p><b>Total Onsite Parking Requirements = 17.16 (18)</b> <b>Total Proposed = 73</b></p> <p>Total Onsite Parking - Modified Development (17 – 19 Clarence Street, PM) plus proposed development of 15 Clarence Street, PM (10 x 2 bedroom flats + Commercial);</p> <ul style="list-style-type: none"> <li>• Required = 61</li> <li>• Total Proposed = 73</li> </ul> <p>Having regard to the above it is noted that all carparking is able to be provided onsite to service the requirements of the development.</p> <p>Bicycle and motorcycle parking has been considered.</p>
Parking layout	Complies. Previously assessed by Council with DA332/2-015 and DA 410/2014.
Redevelopment of heritage items – Conservation Incentives	Not Applicable - the proposed development is not a redevelopment of a heritage item.
Section 94 Contributions	Contributions are not proposed in relation to the provision of carparking spaces.
Landscaping of parking areas	Not applicable – all carparking spaces are located behind the built form of the building and will be obscured from view. Therefore landscaping is not required.

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Surface finishes	Complies. Previously assessed by Council with DA332/2-015 and DA 410/2014.
Driveway grades	Complies. Previously assessed by Council with DA332/2-015 and DA 410/2014.
Drainage	Complies.  A concept plan for stormwater management is provided as <b>Appendix 5</b> .
Loading bays	A loading bay is not specifically provided with the development as such a facility is considered to be unnecessary given the nature and scale of the proposed development.  It is also noted that there is ample opportunity to conduct deliveries from the Clarence Street frontage as it is envisaged that deliveries will be opportunities, infrequent and undertaken by van or small rigid truck the parking of which can be accommodated for short periods within Clarence Street.
Industrial development	Not Applicable
Traffic generating development	The proposed development is not a traffic generating development.
<b>2.6 Tree Management</b>	
Tree Management – Clause 5.9 of LEP	N/A – there are no trees to which the LEP provisions apply on the subject site.
Tree management private land	N/A – there are no trees on the site of the proposed development.
Tree Management - council controlled land	Whilst a Norfolk Island pine is located within the road reserve adjacent to the subject site it will not need to be removed as part of the development nor will the proposed development impact negatively upon the health of the subject tree as the required basement level excavation of the site is setback approximately 3m from the front boundary thereby ensuring that the root zone of the tree will not be detrimentally affected by the proposed development.
<b>2.7 Social Impact assessment and crime prevention</b>	
Social impact assessment	The proposed development will assist in making the locality more of a lively area with an increased

	<p>demand for localized services.</p> <p>The proposed development is compatible with the land use zoning applicable to the area and the amenity of the area.</p> <p>The proposed development will make a positive contribution to the locality by reinforcing the trend for a variety of residential and commercial development complying with Council's strategic objectives for the area.</p> <p>The proposal will have a positive economic impact through the residential units which will represent a significant injection into the local economy and generate large employment opportunities and flow on benefits to other local businesses.</p> <p>Benefits will also be provided to the local construction industry and related services through the construction phase of the project.</p>
Crime prevention	<p>Complies.</p> <p>The proposal has been designed to minimize the risk of crime and maximize safety and security.</p> <p>Pedestrian entrances will be well lit, secure and visibility to and from the entrances is maintained. The buildings car parking areas are secured via a controlled roller shutter at the vehicle entrance to the building.</p> <p>All residential units will have good casual surveillance of the street and/or the recreation facilities on the site from the internal and external living areas, (without sacrificing privacy).</p> <p>In addition key card access is proposed to be provided to all residential units.</p>
<b>PART 3.3 – RESIDENTIAL FLAT DEVELOPMENT, TOURIST &amp; VISITOR ACCOMMODATION AND MIXED USE DEVELOPMENT</b>	
Site analysis	Complies.
Site layout	Complies.
Streetscape and front setback	Does not comply in relation to the top storey of the building which maintains the setback which applies to the below storeys.

	<p>This variation is considered to be acceptable based upon;</p> <ul style="list-style-type: none"> <li>• The expected fire wall approach to future development to the west of the subject site and the east to west topography is such that floor levels along the street front will be staggered thereby providing for the staggering of top floors.</li> <li>• As the DCP envisages the amalgamation of the subject site with lots to the west it is clear that a continuous facade was envisaged as being acceptable with the top floor setback only applying to the far ends, (east and west) of the amalgamated site. In this regard the proposed development is consistent with that which is envisaged in the DCP with the design of the proposed development being able to be integrated with firewall development which is the only likely option either side of the subject building. This proposal has considered the future adjacent developments in that it would be a first stage to an ultimate outcome that would fulfil the objectives of the DCP, i.e. a continuous street aligned activated façade.</li> <li>• The proposed development in its current form has no visual, bulk and scale or amenity impacts which are inconsistent with that envisaged by the DCP.</li> </ul>
Side and rear setbacks	N/A – refer to specific block controls.
Building depth and deep soil zone	<p>Building zone: Maximum 18m</p> <p>The decision to increase the residential density on the site by having parallel units has resulted in satisfying the DCP's objectives but has also resulted in a slight compromise to the Unit depths with 51% at 19.3m front to back and 49% at 16.7m. The open plan layout has not led to a compromise in respect to ventilation, solar access and view amenity.</p> <p>No deep soil zone is required.</p>
Energy Conservation and solar access	<p>Complies.</p> <p>Major window areas face north.</p> <p>Most units have dual orientations (north and south).</p>

	<p>Prevailing winds from the northern aspect.</p> <p>The impact of the proposed building on solar access have been reviewed for the adjoining sites to the east and west. The assessment indicates that the proposed development will have no overshadowing impacts due to the nature of the design of buildings on adjoining and adjacent land to the east and west.</p> <p>Cloths drying facilities will be available for each of the residential units.</p> <p>Refer to the BASIX assessment report (<b>Appendix 3</b>) that details the thermal performance requirements for the development.</p> <p>In addition compliance with the Part J Energy Efficient Requirements of the Building Code of Australia will provide for significant active and passive energy and thermal performance for the proposed ground floor commercial areas.</p>
Landscaping	<p>The subject site does not have any vegetation.</p> <p>New landscaping will be incorporated into the development.</p> <p>The landscaping will be designed to be in scale with the buildings, improve the privacy of the residential flats, relate to the building forms, add to the amenity of the balconies by screening excessive sun and generally soften the buildings.</p> <p>The landscaping will comply with the requirements of the DCP.</p>
Private open space	<p>N/A as there are no ground floor dwellings.</p> <p>Notwithstanding this the units on the first floor level have access to a minimum area of 100m<sup>2</sup> in one area with a minimum dimension of 4m x 4m. This area is directly accessible from living areas.</p> <p>All units have access to compliant balcony areas which are accessed off living areas. Secondary balconies for each unit are also provided along the southern aspect of the building.</p>
Fences and walls	Complies.

Acoustic privacy	The residential units have been designed to comply with the noise transmission requirements of the Building Code of Australia.
Visual privacy	<p>Complies – direct views are minimized through the orientation of all units to the front and rear of the subject site.</p> <p>Where necessary privacy has been maintained via the use of walls and screens.</p> <p>Complies - privacy walls/screens provided where necessary.</p>
Accessibility	<p>Complies.</p> <p>Requirements of AS1428 will be complied with.</p> <p>Street level access into the development will be available via the main entry area off Clarence Street.</p> <p>From the ground floor level access to all storeys of the building and the communal open space area will be possible.</p> <p>The proposal has lift access to all levels of the buildings, (including all car parking areas).</p> <p>The proposed development will remove the existing footpath along the property frontage and replace it with a wide paved area from the kerb to the building line, similar to the adjacent development to the west. The development provides a pedestrian connection into the site that links directly to the proposed stair and lift areas, providing separation between vehicles and pedestrians.</p>
Social dimensions and housing affordability	<p>Complies – being located within the Port Macquarie CBD the development is in close proximity to areas of open space, recreation and entertainment facilities and employment areas.</p> <p>The internal layout of the units allows for some flexibility of use. This has been achieved through the careful placement of the different living spaces in a logical hierarchy.</p> <p>The buildings include stacked wet areas, where possible north facing balconies off the living areas and dual orientation.</p>

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	The generous size of the units provides for flexibility in use and occupancy.
Roof form	<p>Complies – overruns integrated with roof structures.</p> <p>The setback positioning of the lift well is such as to not impact upon view paths and does not significantly impact upon the bulk and scale of the building when viewed from public and private spaces.</p>
Façade composition and articulation	<p>Complies.</p> <p>On Clarence street the ground level commercial has a minimal setback - 1.0/1.5m. This doesn't negate the street aligned effect but it does facilitate an 'alfresco' footpath scenario, something that is becoming a feature of street life in Port Macquarie.</p> <p>The Awning roof across the frontage deliberately is emphasised to separate the Base and the building over. On Clarence street the ground level commercial has a setback of 2.1m adjacent to the street aligned Main Entry to the Residential Units over. This doesn't negate the street aligned effect but it does facilitate a defined entry for the Commercial Tenancy. There is a single vehicle entry/exit point. The façade above is simple, purposely designed to be different to its neighbours and consists of horizontal &amp; vertical elements that conceal the fact that the building comprises parallel units of similar layouts. This façade element is a decorative pattern that will explain to the spectator that the floor levels are similar and thereby indicate a uniformity with the development on the west whilst not being a repetition. The use of a dominant form/element will give the building some individuality whilst it provides a building of similar function and doesn't add the perception of more repetitive building mass. Horizontal louvers will contrast the adjacent buildings strong Vertical louvers but in a more delicate understated way. This façade treatment will retain the base, middle and top effect that the designer was after. The form of the North façade is less articulated but still incorporates massing that defines the base middle and top of the building. The Vertical louvers are primarily to provide control over privacy and determine view access. They are restricted to the middle of the building to reinforce the middle aspect. Windows and openings are proposed to be</p>



	generally full height to maximise ventilation and sun access.
Entries and corridors	<p>Complies.</p> <p>The main entry into the proposed residential units will be off Clarence Street. Reflecting the residential nature of the proposed units the lift entry will be safe, well-lit and sheltered. In this regard the proposed access strategy provides for a single passenger lift providing secure access to the units.</p> <p>The entry lobbies for each unit on each floor of the proposed building are reasonable in configuration and area given the size of the development.</p> <p>No internal corridors are proposed to be provided.</p>
Balconies	<p>All of the proposed units have north facing balconies with high levels of usability and amenity resulting.</p> <p>All of the main balconies are an extension of main living areas, being designed as useable and effective outdoor living spaces.</p> <p>All units also have a secondary southerly balcony. This provides for higher levels of amenity and flexibility of use and enjoyment of each unit.</p>
Laundries and cloths drying facilities	<p>Complies - individual laundry areas are provided to each unit with mechanical cloths drying facilities provided within each laundry.</p> <p>There are no open air external cloths drying facilities proposed as part of the development. Cloths drying via cloths racks may however be undertaken by occupants with the northern balcony areas providing opportunities cloths drying.</p>
Mailboxes	Complies – mail boxes will be at the street frontage within the main built form.
Safety and security	<p>Complies.</p> <p>The proposal has been designed to minimize the risk of crime and maximize safety and security.</p> <p>Pedestrian entrances will be well lit, secure and visibility to and from the entrances is maintained. The buildings car parking areas are secured via a controlled roller shutter at the vehicle entrance to</p>

	<p>the building.</p> <p>All units will have good casual surveillance of the street and/or the recreation facilities on the site from the internal and external living areas (without sacrificing privacy).</p> <p>In addition key card access is proposed to be provided to all units.</p> <p>The Clarence street frontage is well lit and overlooked from neighbouring buildings specifically the Port Pacific across the road.</p> <p>The entry to the building is on the street frontage, well defined via paving, will be well and continuously illuminated and will be covered via CCTV surveillance.</p> <p>The carparking areas can only be accessed via remote control activation of the security door. There is no other access to the site.</p>
Site storage	<p>Complies.</p> <p>Dedicated storage areas have been incorporated into the design of the proposed development.</p>
Waste management	<p>Complies.</p> <p>A communal waste storage area has been provided on the ground floor level of the proposed development.</p> <p>Providing the waste storage area on the ground floor area ensures that the facilities are easily accessible to all occupants.</p> <p>The ground floor location also provides for ease of servicing of the facility.</p>
Utilities	<p>All utilities are available to the subject site.</p>
<b>PART 3.3 – AREA BASED PROVISIONS (Starting Page 5 – 3)</b>	
<b>GENERAL</b>	
<b>Site Amalgamation</b>	
DP1.1 Amalgamations are desired on land identified in Figure 26.	<p>The subject site forms part of a development proposal which involves the amalgamation of 3 Torrens Title lots and as such the proposed</p>

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	development is in keeping with the site amalgamations which are considered to be desirable.
<b>Shop Front Widths</b>	
DP2.1 Maximum shop widths comply with Figure 27: Maximum shop widths.	N/A
<b>BLOCK B1 CONTROLS</b>	
<b>Maximum Building Depth</b>	
<b>Front Setback</b>	
0m except for 3m for top floor	Complies – refer to above discussion on front setback and streetscape in relation to proposed setback of top floor.
<b>Side Setback</b>	
0m except for 3m for top floor	<p>The proposal has adopted 0m setbacks to the eastern and western (side) boundaries of the subject site.</p> <p>The setback variation in relation to the top floor is supportable on the basis of the:</p> <ul style="list-style-type: none"> <li>• reasonably short wall lengths of the proposed building compared to the overall length of the site;</li> <li>• the significant open area at the rear of the proposed development;</li> <li>• the overall merits of the proposed development and the practical difficulties associated with compliance and achieving a viable project;</li> <li>• the lack of detrimental overshadowing of the adjoining properties due to the existing lots orientation to north and south;</li> <li>• the minimization of privacy impacts to the adjoining properties due to a lack of regular windows in the proposed side elevations;</li> <li>• the size and scale of existing adjoining development to the east, west and north;</li> <li>• the excellent flow through (north to south / front to back) ventilation for the majority of proposed units which do not need to rely on side windows to provide excellent outlook and occupant amenity;</li> <li>• the use of varying finishes to create additional</li> </ul>

	<p>interest and relief and to decrease the vertical emphasis on the building as a whole;</p> <ul style="list-style-type: none"> <li>the non-compliance will result in no loss of primary views for neighboring residents/building occupants.</li> </ul> <p>The integration of the subject building into the desired streetscape envisaged by the DCP through the amalgamation of the sites either side of the subject site (refer to previous discussion on streetscape impacts - this proposal has considered the existing and future adjacent developments in that the ultimate outcome that would fulfil the objectives of the DCP, i.e. a continuous street aligned activated facade).</p>
<b>Façade Enclosure</b>	
Ground – 60% First – 50% Remainder – 40%	Please refer to the discussion of the architectural design of the proposal in the SEPP No. 65 Design Report included as <b>Appendix 2</b> .
<b>Front Articulation Zone</b>	
Ground – minimum 0m First to fifth – Minimum 1.8m Maximum 4m Top – N/A	<p>Please refer to the discussion of the architectural design of the proposal in the SEPP No. 65 Design Report included as <b>Appendix 2</b>.</p> <p>The proposed materials and colours will be balanced between predominantly light colours. The building will have an attractive presentation that will complement its context.</p>
<b>Rear/Side Articulation</b>	
0m	<p>Please refer to the discussion of the architectural design of the proposal in the SEPP No. 65 Design Report included as <b>Appendix 2</b>.</p> <p>The proposed materials and colours will be balanced between predominantly light colours. The building will have an attractive presentation that will complement its context.</p>
<b>Vehicle Entry</b>	
Vehicle entry from streets and paths	Complies – vehicular entry is provided for off Clarence Street.

New Streets, Laneways and Paths	
<p>Off Block 1 Lane, Munster or Murray Streets Minimum 7m wide - two way vehicle movement and 1m footpath Minimum 3m wide, extension of Sunset Parade Minimum 3m wide</p>	<p>It is noted that the Block Controls provide for the creation of a new services laneway along the northern aspect of the subject site and adjoining and adjacent lots to the east and west.</p> <p>It is considered that opportunities to create this feature have been lost through the recent construction of the Macquarie Waters development on the corner of Clarence and Munster Streets. In this regard the laneway concept was not included in this development and as such any opportunity to implement a laneway has been lost as the timeframe for any redevelopment of the Macquarie Waters site is considerable.</p> <p>Additionally the full site occupancy of the commercial building on the corner of Clarence and Murray Streets is such that future access to any laneway is uncertain.</p> <p>It is also noted that the size of the individual lots in the area are such that the sacrifice of land along the northern aspects of the lots is not sustainable in the context of providing for viable development opportunities on each of the lots.</p>
Carparking	
Underground, on street, some on grade	Refer to access and car parking assessment provided above.

## 5. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Section 79C (1b) of the Environmental Planning and Assessment Act 1979 as amended specifies the matters which a consent authority must consider when determining a development application.

Comments on these matters are provided as follows;

### 5.1 Context and Setting

The proposed development makes a positive contribution to the streetscape and its context. This is supported by the SEPP 65 Design Report which is included as **Appendix 2** and compliance with the applicable requirements of Port Macquarie–Hastings LEP 2011 and DCP 2013, refer to Sections 4.8 and 4.9 of this report.

### 5.2 Access and Transport

The subject site is on the eastern fringes of the Port Macquarie CBD thereby minimizing the need for

vehicular trips to the CBD to utilize the wide range of services which are available within the CBD.

Being located in the CBD building occupants will be able to walk to the main open space areas, access walks alongside the Hastings River and break-wall as well as taking full benefit of nearby beaches.

The subject site is also easily accessible to public transport routes along Clarence Street where many public transport routes start and finish.

In light of the subject site's CBD location and proximity to recreation facilities and open space areas, the proposed traffic generation from the proposal is not considered to be significant. Given the nature of road infrastructure in the area it is considered that traffic generation from the proposed development will be easily accommodated within the existing capacity of the existing public road system.

### 5.3 Public Domain

The proposal is of benefit to the surrounding area as it proposes a positive development of high quality design that will improve surveillance and safety of the adjoining and adjacent streets.

### 5.4 Utilities

The demands of the development on utility supplies are reasonable given the urban context and the location of all required servicing. All installations will meet the requirements of utility providers.

A storm water management concept plan is provided as **Appendix 5** and demonstrates that the building can be constructed in accordance with the capacity of the public storm water drainage infrastructure.

It is also noted that the proposed development will require the relocation of the reticulated sewerage main which is located in the northern portion of the subject site.

### 5.5 Heritage

Issues pertaining to items of heritage, archaeological or historic significance have already been investigated and assessed by Port Macquarie-Hastings Council as part of the determination of DA332/2015 (basement carparking on the subject site).

A recent site survey found no items of heritage, archaeological or historic significance.

### 5.6 Other Land Resources

Not applicable

### 5.7 Water

The water requirements of the proposal are considered appropriate given the location and current access to services. The proposed development can be serviced by the reticulated water supply without the need for major augmentation of the existing system.

In the event that any sewerage or other wastewater discharge is encountered during site works or other operations, immediate steps will be taken to isolate and repair the point of discharge and prevent the discharge of wastewater from the site. Appropriate controls will be implemented to prevent any wastewater entering stormwater drains and other sensitive environments until the discharge source has been repaired and residual wastewater has been removed.

The washing of any equipment used on site shall be carried out in a designated site wash down area that contains all wastewater on the work site. Equipment washing wastewater shall not be discharged from the site to any waters.

### 5.8 Soils

Given the historical residential occupation and use of the subject site there are no soil contamination issues that are required to be addressed.

Soil disturbance will occur as a result of the construction of the proposed development including the movement of vehicles to and from the site during construction.

The utilization of standard erosion and sediment control devices can be incorporated on site to minimize any erosion and sedimentation caused through site disturbance. In this regard an erosion and sediment control plan will be implemented on site during construction activities on the site.

Once the construction of the proposed building has been completed the impacts on soils will be minimal.

The subject site is not identified as containing Acid Sulphate Soils and as such no specific management actions are required.

Based upon historical landuse the subject site is not subject to the contaminated land provisions of State Environmental Planning Policy 55 – Remediation of Land and Managing Land Contamination: Planning Guidelines (EPA 1998).

### 5.9 Air and Microclimate

The proposal will not give rise to any significant air or microclimate impacts although construction activities on the site have the potential to create dust emissions.

The main sources of potential dust generation will be;

- The mechanical disturbance of the site as part of the creation of site levels
- The movement of trucks to and from the site.

Dust generation mitigation and control measures such as the following will be implemented on site;

- ☐ *wetting down the disturbed areas;*
- ☐ *limiting the extent of haulage routes and the utilization of any existing stabilized road surfaces to accommodate vehicle movements;*
- ☐ *wetting down of road surfaces which are likely to generate dust;*
- ☐ *regular cleaning of road and work surfaces so as to minimize the accumulation of soil and waste particles.*

### 5.10 Flora and Fauna

Given that the subject site has been cleared of all native vegetation as part of the historical development and occupation of the site for residential purposes there are no impacts on flora and fauna associated with the proposed redevelopment of the subject site beyond that which already exists.



Whilst a Norfolk Island pine which is located within the road reserve adjacent to the subject site it will not need to be removed as part of the development.

#### **5.11 Waste**

Adequate dedicated waste storage and collection facilities complying with Council's waste requirements will be incorporated into the operation of the residential units.

Arrangements will be put in place for the storage and collection of waste and recyclables during the construction of the proposed building.

A construction waste management plan has been prepared for the proposed development and is included as **Appendix 6** of this report.

#### **5.12 Energy**

Energy saving devices and fittings will be installed into the proposed development in accordance with the requirements of BASIX and through compliance with Part J of the Building Code of Australia.

#### **5.13 Noise and Vibration**

The noise levels from the development will be consistent with the mixed residential/commercial nature of the locality.

The imposition of Council's standard conditions with respect to the hours of work and maximum sound pressure levels provides for control of noise and vibration generated throughout the construction phase of the project.

#### **5.14 Natural Hazards**

Given the location of the subject site the proposed development is not considered to be subjected to any natural hazards.

#### **5.15 Safety, Security and Crime Prevention**

The proposal has also been designed to maximize safety and minimize the opportunities for criminal behavior.

There are no issues related to safety, security and crime prevention that arise as a result of the proposed development.

#### **5.16 Social Impact in the Locality**

The proposed development will assist in making the locality more of a lively area with an increased demand for localized services.

The proposed development is compatible with the land use zoning applicable to the area and the amenity of the area.

**5.18 Economic Impact in the Locality**

The proposed development will make a positive contribution by reinforcing the trend for mixed residential commercial and tourist accommodation development complying with Council's strategic objectives for the area.

The proposal will have a positive economic impact through the serviced apartments which will represent a significant injection into the local economy and generate large employment opportunities and flow on benefits to other local businesses.

Benefits will also be provided to the local construction industry and related services through the construction phase of the project.

**5.19 Site Design and Internal Design**

The proposed building addresses and contributes to the street frontage whilst also providing opportunities for casual surveillance. Whilst site orientation, setbacks and street address predominantly dictate the building orientation opportunities have been taken, (where practical), to maximize solar access and cross ventilation.

**5.20 Cumulative Impacts**

The subject allotment is adequately sized, shaped and orientated to accommodate the proposed development. The ability of the site to absorb the proposed density is demonstrated by the general compliance with Council's development controls and the limited environmental impacts.

Accordingly, the cumulative impact of the development on the amenity of the locality is expected to be negligible.

**5.21 The Public Interest**

It is considered that the proposal development is consistent with the public interest.

Having regard to the location of the subject site, and the preceding assessment of the proposal the site will adequately accommodate the development in that:

- The proposed development will reinforce the existing trend for redevelopment of the mixed residential/commercial/tourist accommodation area and be in line with Council's strategic objectives; and
- The subject site is located within the Port Macquarie CBD with its retail and employment uses and local open space and tourist attractions; and
- The proposed development takes advantage of, addresses and defines the site's street frontage; and
- The adjacent developments do not pose any prohibitive constraints and will not be detrimentally affected by the proposal; and
- It is not subject to any natural hazards that may inhibit its operation in the proposed form.

## **6.0 CONCLUSION**

The proposed shop top housing development will contribute architecturally to the area, create economic benefits and improve residential and neighborhood amenity.

The proposal will also take advantage of the site's excellent proximity to the Port Macquarie CBD, Town Beach, the Hastings River, coastal walks and local recreational facilities and will make the immediate area an even more attractive place to live and visit.

*Supporting information  
Proposed Shop Top Housing Development  
15 Clarence Street, Port Macquarie*

*DECEMBER 2015*

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## **Appendix 1**

### **Site Survey**

*Supporting information  
Proposed Shop Top Housing Development  
15 Clarence Street, Port Macquarie*

*DECEMBER 2015*

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## **Appendix 2**

### **SEPP 65 Design Report**

## **Appendix 3**

### **BASIX Assessment Certification**

## **Appendix 4**

### **LEP Height Variation Justification**



## **Appendix 5**

### **Stormwater Concept Plan**

## **Appendix 6**

### **Waste Management Plan**

*Supporting Information  
Proposed Shop Top Housing Development  
15 Clarence Street, Port Macquarie*

*DECEMBER 2015*

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APARTMENT DESIGN GUIDE COMPLIANCE ASSESSMENT REPORT 15 CLARENCE STREET, PORT MACQUARIE		
PART 3 – SITING THE DEVELOPMENT		
OBJECTIVE	COMMENT	
3A Site Analysis		
Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	An Infill building that reflects the adjoining existing & proposed buildings, all designed to take best advantage of prevailing breezes, orientation, views etc.	
3B Orientation		
Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development	<b>Compliant</b> - Living rooms and open spaces, balconies, face northwards.  The building and separate occupancies within the building address Clarence Street to the south whilst maintaining a northern orientation thereby ensuring that solar access to the development is maximized.	
Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter	<b>Compliant</b> - Overshadowing to the south is N/A, Clarence street. Being an infill building with party walls and aligned with the adjoining buildings means there is no overshadowing.  The impact of the proposed building on solar access have been reviewed for the adjoining sites to the east and west. The assessment indicates that the proposed development will have no overshadowing impacts due to the nature of the design of buildings on adjoining and adjacent land to the east and west.	

prepared by WAYNE EVIS architects. p. 5-2-11

<b>3C Public Domain Interface</b>	
<p><b>Objective 3C-1</b> Transition between private and public domain is achieved without compromising safety and security</p>	<p><b>Compliant</b> - Private Lobby entry off the public footpath in the public domain, well light and activated and overlooked.</p> <p>The proposal has been designed to minimize the risk of crime and maximize safety and security.</p> <p>Pedestrian entrances will be well lit, secure and visibility to and from the entrances is maintained. The buildings car parking areas are secured via a controlled roller shutter at the vehicle entrance to the building.</p> <p>All units will have good casual surveillance of the street and/or the recreation facilities on the site from the internal and external living areas (without sacrificing privacy).</p> <p>In addition key card access is proposed to be provided to all units.</p> <p>The Clarence street frontage is well lit and overlooked from neighbouring buildings specifically the Port Pacific across the road.</p> <p>The entry to the building is on the street frontage, well defined via paving, will be well and continuously illuminated and will be covered via CCTV surveillance.</p> <p>The carparking areas can only be accessed via remote control activation of the security door. There is no other access to the site.</p> <p><b>Compliant</b> - Street frontage is activated via street aligned Commercial tenancies adjacent.</p> <p>The design of the ground floor area of the building will enhance the amenity of the area whilst retaining privacy and security for the residential occupants of the proposed development.</p>
<p><b>Objective 3C-2</b> Amenity of the public domain is retained and enhanced</p>	

	The integration of an awning structure above the footpath area ensures that the amenity of ground floor occupants and pedestrians is enhance whilst ensuring that the amenity of residential occupants of the proposed development is protected.	
3D Communal and Public Open Space		
Objective 3D-1 An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	<u>Design criteria</u>  1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)  2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	Communal roof space has a Terrace of 14% of the Site area.  NOTE: Carpark on ground level is planned at the rear and linked to Lots 17 & 19 negating the opportunity to create ground level open communal space.
Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	<b>Compliant</b> - The Communal space has access to commanding coastal & river views.  A rooftop terrace area incorporating BBQ and toilet facilities is proposed. Lift access is proposed for the roof top terrace area. The utilization of the roof top area provides for a range of activities, responds to site conditions and will be attractive and inviting.	
Objective 3D-3 Communal open space is designed to maximise safety	<b>Compliant</b> - Only accessible via key card via in house Lift &/or Stair.  The rooftop terrace will be well lit, secure and visibility to and from the entrance will be maintained. Additionally access to the area will be via key card access with no uncontrolled public access available.	
Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	Not Applicable	

<b>3E Deep soil Zones</b>		
Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality	<u>Design criteria</u> Deep soil zones are to meet the following minimum requirements: <ul style="list-style-type: none"> <li>• 3m minimum dimension</li> <li>• 7% of site area</li> </ul>	The already approved car parking basement levels (DA 332/2015) which encompass the subject site has not provided for a deep soil zone and as such compliance in this instance is not relevant.
<b>3F Visual Privacy</b>		
Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy	<u>Design criteria</u> Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: <ul style="list-style-type: none"> <li>• Habitable Room/balcony setback – 9m</li> <li>• Non habitable rooms setback – 4.5m</li> </ul>	Compliant Compliant
Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	Compliant - Fin walls and windows perpendicular to side boundaries ensure neighbourhood privacy East & West. To the North East & North West privacy is retained via distance and external screening. Direct views are minimized through the orientation of all units to the front and rear of the subject site. Where necessary privacy has been maintained via the use of walls and screens. The unit layouts have emphasis on access to sunlight and ventilation via extensive north facing glazing and openings.	

3G Pedestrian access and entries		
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain	<b>Compliant</b> - Directly off the Clarence street footpath.  The proposed building's entries and pedestrian access connect to and address Clarence Street.	
Objective 3G-2 Access, entries and pathways are accessible and easy to identify	<b>Compliant</b> - Clarence street is a major CBD pedestrian route linking residential and tourist locales to restaurants and commercial centres hence it is obvious, well lit etc.  The proposed building's entries, pedestrian access and pathways are accessible and easy to identify.  The building is wheelchair accessible from Clarence street and from the internal carpark.  Not Applicable – the proposed development connects directly with Clarence Street.	
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations		
3H Vehicle Access		
Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	<b>Compliant</b> - Vehicle access points are located at the east and western ends of the development and connect directly with Clarence Street. The design of the access points provides that they are easy to identify and have been designed to the relevant design standards in order to respond to the safety and security issues that are relevant to the subject site. The integration of the vehicle access points into the overall design concept for the development site provides for a high quality streetscape outcome.	
3J Bicycle and Car Parking		
Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	<b>Design criteria</b>  For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land	<b>Compliant</b>  (i) Restaurant/Food premises - in commercial zones: 1 per 30 m <sup>2</sup> serviced floor area = 4.66 (ii) Residential Flat - 1.0 per 2 bedroom unit + 1 visitors' space per 4 per units = 12.5



	<p>zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</p>	<p><b>Total Onsite Parking Requirements = 17.16 (18)</b>  <b>Total Proposed = 73</b></p> <p><b>Total Onsite Parking - Modified Development (17 – 19 Clarence Street, PM) plus proposed development of 15 Clarence Street, PM (10 x 2 bedroom flats + Commercial);</b></p> <ul style="list-style-type: none"> <li>• Required = 61</li> <li>• Total Proposed = 73</li> </ul> <p>Having regard to the above it is noted that all car parking is able to be provided onsite to service the requirements of the development.</p>
Objective 3J-2 Parking and facilities are provided for other modes of transport	<p><b>Compliant – Addressed through DA 332/2015 and DA 410/2014.</b></p> <p>Given the excess in onsite carparking which is available the proposed development provides opportunities for parking and facilities for other modes of transport (e.g. Bicycles and motor bikes).</p>	
Objective 3J-3 Car park design and access is safe and secure	<p><b>Compliant – Addressed through DA 332/2015 and DA 410/2014.</b></p> <p>The Clarence street frontage is well lit and overlooked from neighbouring buildings specifically the Port Pacific across the road.</p> <p>The entry to the building is on the street frontage, well defined via paving, will be well and continuously illuminated and will be covered via CCTV surveillance.</p> <p>The carparking areas can only be accessed via remote control activation of the security door. There is no other access to the site.</p>	

Objective 3J-4 Visual and environmental impacts of underground car parking are minimised	<b>Compliant</b> – Addressed through DA 332/2015 and DA 410/2014.  <i>The design of the building is such that visual and environmental impacts are minimized. The design of the building is such that whilst the vehicle entries to the subject site are clearly defined the access to the basement levels is obscured from view and are not readily apparent from public places. The internalization of the entry to the basement carparking area ensures that visual impacts are minimized.</i>
Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised	<b>Compliant</b> – Addressed through DA 332/2015 and DA 410/2014.
Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	<b>Compliant</b> – Addressed through DA 332/2015 and DA 410/2014.  <i>The design of the building is such that visual and environmental impacts are minimized. The design of the building is such that whilst the vehicle entries to the subject site are clearly defined the access to the enclosed car parking is obscured from view and are not readily apparent from public places. The internalization of the entry to the enclosed car parking area ensures that visual impacts are minimized.</i>
<b>PART 4 – DESIGNING THE BUILDING</b>	
<b>4A Daylight and Solar Access</b>	
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	<p><b>Design criteria</b></p> <p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.</p> <p>N/A</p>

	<p>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter</p> <p>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</p>	<b>Compliant</b>
Objective 4A-2 Daylight access is maximised where sunlight is limited	<p><b>Compliant - All of North facing façade incorporates window elements.</b></p> <p><i>Major window areas face north.</i></p> <p><i>All units have dual orientations (north and south).</i></p>	
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	<b>Compliant - Deep balconies &amp; vertical sun control louvres provided.</b>	
<b>4B Natural Ventilation</b>		
Objective 4B-1 All habitable rooms are naturally ventilated	<b>Compliant – significant areas of openable windows and doors have been provided to all habitable rooms. Natural ventilation of habitable rooms is compliant with the requirements of the BCA.</b>	
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation	<b>Compliant - All units have dual orientations (north and south).</b>	
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents	<p><u>Design criteria</u></p> <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p>	<b>Compliant - All apartments have cross ventilation.</b>

	<p>Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</p>	<p><i>The decision to increase the residential density on the site by having parallel units has resulted in a slight compromise to the Unit depths with 51% at 19.3m front to back and 49% at 16.7m however the open plan layout has not led to a compromise in respect to ventilation, solar access and view amenity. The proposed design is considered to be consistent with the performance objective.</i></p>
<b>4C Ceiling Heights</b>		
Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access	<p><b>Design criteria</b></p> <p>1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> <li>• 2.7m habitable rooms</li> <li>• 2.4m non habitable rooms</li> </ul>	<p><b>Compliant</b> – habitable areas proposed to be 3.0m and non-habitable will be a minimum of 2.4m.</p>
Objective 4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	<p><b>Compliant</b> – common ceiling height throughout all habitable rooms with service bulk heads positioned so as to minimize visual and amenity impacts within spaces. Services to be centralized in non-habitable areas whereby reduced ceiling height is proposed and allowable.</p>	
Objective 4C-3	<p><b>Compliant</b> – ceiling heights greater than minimum required.</p>	

Ceiling heights contribute to the flexibility of building use over the life of the building	
<b>4D Apartment Size and Layout</b>	
<p><b>Objective 4D-1</b> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p>	<p><u><b>Design criteria</b></u> Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> <li>• 3 bedroom – 90m<sup>2</sup></li> </ul> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each</p> <ul style="list-style-type: none"> <li>• Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</li> </ul> <p><u><b>Design criteria</b></u> 1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height 2. In open plan layouts (where the living, dining and kitchen are</p>
<p><b>Objective 4D-2</b> Environmental performance of the apartment is maximised</p>	<p><b>Compliant</b></p> <p><b>Compliant</b></p> <p><b>Compliant</b> All bedrooms are compliant</p> <p>Living Room &amp; Dining room Compliant. Kitchen exceeds by 20%</p>

	combined) the maximum habitable room depth is 8m from a window	
<p><b>Objective 4D-3</b> Apartment layouts are designed to accommodate a variety of household activities and needs</p>	<p><u>Design criteria</u></p> <ol style="list-style-type: none"> <li>1. Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</li> <li>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</li> <li>3. Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul> </li> <li>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</li> </ol>	<p><i>Compliant</i></p> <p><i>Compliant</i></p> <p><i>Compliant</i></p> <p><i>Compliant</i></p>
<b>4E Private Open Space and Balconies</b>		
<p><b>Objective 4E-1</b> Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p>	<p><u>Design criteria</u></p> <ol style="list-style-type: none"> <li>1. All apartments are required to have primary balconies as follows: <ul style="list-style-type: none"> <li>o Minimum area – 12m<sup>2</sup></li> <li>o Minimum depth – 2.4m</li> </ul> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p> </li> </ol>	<p><i>Compliant</i></p>

	2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m	<b>Compliant</b>
Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents	<b>Compliant – The design provides for a direct link to Bedrooms &amp; Living Area</b>	
Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	<b>Compliant - It is the expression of form and façade articulation.</b>	
Objective 4E-4 Private open space and balcony design maximises safety	<b>Compliant - BCA compliant balustrades are proposed.</b>	
<b>4F Common circulation and spaces</b>		
Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments	<b>Design criteria</b>  1. The maximum number of apartments off a circulation core on a single level is eight  2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	<b>Compliant - Single unit access from each lobby.</b>  <b>N/A</b>
Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents	<b>N/A – no common circulation spaces are proposed at each unit level.</b>  <i>The design of the common lobby area at ground floor provides for opportunities for social interaction between residents whilst its location at the front of the building provides for high levels of surveillance and security.</i>	

<b>4G Storage</b>		
Objective 4G-1 Adequate, well designed storage is provided in each apartment	<p><b>Design criteria</b></p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> <li>• 10m<sup>2</sup></li> </ul> <p>At least 50% of the required storage is to be located within the apartment</p>	<b>Compliant</b>
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	<b>Compliant</b> - existing oversize garages are proposed with significant areas available in basement levels to accommodate additional storage for each unit.	
<b>4H Acoustic privacy</b>		
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout	<p><b>Compliant</b> – there are no opposing openings, i.e. parallel unit arrangement.</p> <p>The residential units have been designed to comply with the noise transmission requirements of the Building Code of Australia.</p>	
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	<b>Compliant</b> – the Bedrooms are positioned at the end points of the apartments. The design of the units minimizes the interface between non habitable areas and habitable areas.	
<b>4J Noise and pollution</b>		
Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	<b>N/A</b> – the location is not considered to be a noisy or hostile environment.	
Objective 4J-2	<b>Compliant</b> - Solid balcony upstands to deflect noise on the Clarence street frontage are proposed.	



Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	
<b>4K Apartment mix</b>	
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future	<i>Compliant - In the context of the adjoining unit development (i.e. 17 &amp; 19 Clarence Street, Port Macquarie) which are 3 x bedroom units, the proposed development which provides for 2 x bed units provides for variation in size and layout. Given that the overall development (15 - 19 Clarence Street, Port Macquarie) is integrated compliance is achieved.</i>
Objective 4K-2 The apartment mix is distributed to suitable locations within the building	<i>Compliant – refer to comments above.</i>
<b>4L Ground floor apartments</b>	
Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located	<i>N/A - commercial frontage/tenancy proposed. No ground floor apartments proposed.</i>
Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents\	<i>N/A - commercial frontage/tenancy proposed. No ground floor apartments proposed.</i>
<b>4M Facades</b>	
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area	<i>Compliant - Non repetitive levels and dissimilar to adjoining developments.  The building façade consists of horizontal &amp; vertical elements that conceal the fact that the building comprises parallel units of similar layouts. This façade element is a decorative pattern that will explain to the spectator that the floor levels are similar and thereby indicate a uniformity with the development on the west whilst not being a repetition. The use of a dominant form/element will give the building some individuality whilst it provides a building of similar function and doesn't add the perception of more repetitive building mass.</i>

	Horizontal louvers will contrast the adjacent buildings strong Vertical louvers but in a more delicate understated way. This façade treatment will retain the base, middle and top effect that the designer was after. The form of the North façade is less articulated but still incorporates massing that defines the base middle and top of the building. The Vertical louvers are primarily to provide control over privacy and determine view access. They are restricted to the middle of the building to reinforce the middle aspect. Windows and openings are proposed to be generally full height to maximise ventilation and sun access.
Objective 4M-2 Building functions are expressed by the facade	<b>Compliant</b> - Clearly commercial at ground level and residential over.  The Awning roof across the frontage deliberately is emphasised to separate the Base and the building over. On Clarence street the ground level commercial has a setback of 2.1m adjacent to the street aligned Main Entry to the Residential Units over. This doesn't negate the street aligned effect but it does facilitate a defined entry for the Commercial Tenancy. There is a single vehicle entry/exit point. The façade above is simple, purposely designed to be different to its neighbours.
<b>4N Roof design</b>	
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street	<b>N/A</b> - Not visible from the street.
Objective 4N-2 Opportunities to use roof space for residential accommodation and open space are maximised	<b>Compliant</b> - Roof Terrace, amenities & BBQ area are proposed.
Objective 4N-3 Roof design incorporates sustainability features	<b>Compliant</b> - Solar panels are proposed.
<b>4O Landscape design</b>	
Objective 4O-1 Landscape design is viable and sustainable	<b>Compliant</b> - The subject site does not have any vegetation.  New landscaping will be incorporated into the development.

	<p>The landscaping will be designed to be in scale with the buildings, improve the privacy of the residential flats, relate to the building forms, add to the amenity of the balconies by screening excessive sun and generally soften the buildings.</p> <p>The landscaping will comply with the requirements of port Macquarie Hastings Councils DCP 2013.</p>
Objective 4O-2 Landscape design contributes to the streetscape and amenity	<b>Compliant</b> – refer to comments above.
<b>4P Planting on structures</b>	
Objective 4P-1 Appropriate soil profiles are provided	<b>Compliant</b> – refer to comments in above section.
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance	Podium design provides for landscaping to be incorporated into design. <b>Compliant</b> – refer to comments in above section.
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	Podium design provides for landscaping to be incorporated into design. <b>Compliant</b> – refer to comments in above section.
<b>4Q Universal design</b>	
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	<b>Compliant</b> - Suitable for either long term residential or short term tourist accommodation. Open plan design provides for various levels of mobility and adaptation for where mobility impairment requires adaption of fixtures and facilities.
Objective 4Q-2 A variety of apartments with adaptable designs are provided	<p><b>Compliant</b> - Variety provided in the context of integrated development of 15 – 19 Clarence Street, Port Macquarie and similar developments in the immediate precinct. Variation in design provided. Design provides for:</p> <ul style="list-style-type: none"> <li>• convenient access to communal and public areas;</li> <li>• high level of solar access;</li> <li>• minimal structural change and residential amenity loss if adapted;</li> </ul>

Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	<ul style="list-style-type: none"> <li>larger car parking spaces for accessibility</li> <li>parking titled separately from apartments</li> </ul> <p><b>Compliant</b> - 2 x bedrooms each with ensuite provides flexibility and accommodates a range of lifestyle needs lettable options. Design provides for:</p> <ul style="list-style-type: none"> <li>rooms with multiple functions</li> <li>dual master bedroom apartments with separate bathrooms</li> <li>larger apartments with various living space options</li> </ul>
<b>4R Adaptive reuse</b>	
Objective 4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	N/A
Objective 4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	N/A
<b>4S Mixed use</b>	
Objective 4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	<p><b>Compliant</b> - Commercial and residential mix proposed. Design provides for:</p> <ul style="list-style-type: none"> <li>development addresses Clarence Street;</li> <li>active frontage is provided;</li> <li>diverse activities and uses proposed;</li> <li>no blank walls at the ground level.</li> </ul>
Objective 4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	<p><b>Compliant</b> - Separate access, 'keycard' from secure carpark and from the public footpath. Design provides for:</p> <ul style="list-style-type: none"> <li>residential entries are separated from commercial entries and directly accessible from the street;</li> <li>commercial service areas are separated from residential components;</li> <li>residential car parking and communal facilities are separated or secured;</li> </ul>

	<ul style="list-style-type: none"> <li>• security at entries and safe pedestrian routes are proposed;</li> <li>• concealment opportunities have been avoided.</li> </ul>
<b>4T Awnings and signage</b>	
Objective 4T-1 Awnings are well located and complement and integrate with the building design	<p><b>Compliant</b> - Street aligned. The Awning roof across the frontage deliberately is emphasised to separate the Base and the building over. On Clarence street the ground level commercial has a setback of 2.1m adjacent to the street aligned Main Entry to the Residential Units over. This doesn't negate the street aligned effect but it does facilitate a defined entry for the Commercial Tenancy. There is a single vehicle entry/exit point. The façade above is simple, purposely designed to be different to its neighbours.</p> <p>The following design solutions have been used:</p> <ul style="list-style-type: none"> <li>• continuous awnings are maintained and provided in areas with an existing pattern;</li> <li>• the height, depth, material and form complements the existing street character;</li> <li>• protection from the sun and rain is provided.</li> </ul>
Objective 4T-2 Signage responds to the context and desired streetscape character	<b>Compliant</b> - Discreet building name and window signage for Commercial Tenancy.
<b>4U Energy efficiency</b>	
Objective 4U-1 Development incorporates passive environmental design	<b>Compliant</b> - refer to BASIX assessment.
Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	<b>Compliant</b> - refer to BASIX assessment.
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	<b>Compliant</b> - refer to BASIX assessment. Significant areas of openable windows and doors have been provided to all habitable rooms. Natural ventilation of habitable rooms is compliant with the requirements of the BCA.

<b>4V Water management and conservation</b>		
Objective 4V-1 Potable water use is minimised	N/A	
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	Compliant - Stormwater Retention system incorporated.	
Objective 4V-3 Flood management systems are integrated into site design	N/A	
<b>4W Waste management</b>		
Objective 4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	<p>Compliant - a communal waste storage area has been provided on the ground floor level of the proposed development.</p> <p>Providing the waste storage area on the ground floor area ensures that the facilities are easily accessible to all occupants.</p> <p>The ground floor location also provides for ease of servicing of the facility.</p>	
Objective 4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	<p>Compliant - via Contract Waste removal using the source separated 'coloured bin' system.</p> <p>Design provides for;</p> <ul style="list-style-type: none"> <li>communal waste and recycling room in a convenient and accessible location;</li> <li>residential waste and recycling storage areas and access are separate and secure from other uses.</li> </ul>	
<b>4X Building maintenance</b>		
Objective 4X-1 Building design detail provides protection from weathering	<p>Compliant – the building design provides for;</p> <ul style="list-style-type: none"> <li>balcony (roof) overhangs to protect walls (north and south elevations);</li> <li>detailing horizontal edges with drip lines to avoid staining</li> <li>of surfaces;</li> </ul>	

	<ul style="list-style-type: none"> <li>• use of water proof membranes to minimize planter box leaching;</li> <li>• appropriate design and material selection</li> </ul>
Objective 4X-2 Systems and access enable ease of maintenance	<p><b>Compliant</b> - Stair &amp; Lift to roof to enable servicing/maintenance. North and south balconies make all glass accessible for cleaning and maintenance.</p> <p>Centralised maintenance, services and storage have been provided for communal open space areas within the building.</p> <p>High levels of access to internal fixtures/fittings/services and plant available through good design and construction practices.</p>
Objective 4X-3 Material selection reduces ongoing maintenance costs	<p><b>Compliant</b> - Glass, natural stone clear anodised and prefinished Aluminum incorporated specifically to reduce ongoing maintenance requirements and costs.</p> <p>Design provides for;</p> <ul style="list-style-type: none"> <li>• sensors to control artificial lighting in common circulation and spaces;</li> <li>• easily cleaned surfaces that are graffiti resistant;</li> <li>• robust and durable materials and finishes are proposed to be used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors.</li> </ul>

## FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS - 2011

NOTE: THESE ARE DRAFT ONLY

DA NO: 2016/149

DATE: 4/05/2016

### PREScribed CONDITIONS

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000.

### A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	15 Clarence Street	David Pensini	December 2015
Development Plans	1507 Revision A	Wayne Ellis Architect	8 January 2016
BASIX Certificate	652499M	Concept Designs Australia	11 January 2016

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
  - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - Appropriate dust control measures;



3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (7) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (8) (A024) The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- (9) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontage of the development. For Clarence Street a full width footpath is required with detailed design details in accordance with AUSPEC and the Town Centre Master Plan. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (10) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (11) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for

building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (12) (A053) The required relocation and/or replacement of the sewer pipe that traverses the land is the responsibility of the proponent. Any relocation or replacement work shall be undertaken in accordance with Council's adopted AUSPEC Design and Construction Guidelines. Any costs associated with these works shall be the responsibility of the proponent.

Construction details are to be submitted to Port Macquarie-Hastings Council with the application for approval pursuant to Section 68 of the Local Government Act 1993.

- (13) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (14) This consent provides for the necessary change in levels to the car parking approved via DA2015/332.

#### **B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

- Position and depth of the sewer (including junction)
- Stormwater drainage termination point
- Easements
- Water main
- Proposed water meter location

- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:

1. Public parking areas including;
  - a. Driveways and access aisles;
  - b. Parking bays;
  - c. Delivery vehicle service bays & turning areas in accordance with .
2. Sewerage reticulation.

3. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
  4. Retaining walls.
  5. Stormwater systems.
  6. Erosion & Sedimentation controls.
  7. Location of all existing and proposed utility services including:
    - a. Conduits for electricity supply and communication services (including fibre optic cable).
    - b. Water supply
    - c. Sewerage
    - d. Stormwater
  8. Traffic management control plan.
  9. Erection of hoardings and buildings in and/or the public road space in accordance with dated .
  10. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202, 207 and 208, Port Macquarie-Hastings Council current version.
  11. All roadworks along the full frontage including full width paving, lighting and any necessary kerb construction or reconstruction in accordance with the current Town Centre Master Plan.
  12. Provision of a full width concrete footpath across the full road frontage of the property.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
  - Traffic management
  - Work zone areas
  - Hoardings
  - Concrete foot paving (width)
  - Footway and gutter crossing
  - Functional vehicular access
- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Hastings S94 Administration Building Contributions Plan
  - Hastings Administration Levy Contributions Plan
  - Community Cultural and Emergency Services Contributions Plan 2005
  - Hastings S94 Major Roads Contributions Plan
  - Hastings S94 Open Space Contributions Plan
- The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (6) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (7) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
  - Recommended load limits for haulage vehicles and;
  - A procedure for monitoring the condition of the pavement during the haulage;
  - Bond to guarantee public infrastructure is not damaged as a result of construction activity,
- and;
- Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.
- (8) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (9) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.
- (10) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

- (11) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (12) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.
- (13) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (14) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (15) (B195) The fire stairs shall be moved 1m back into the building and shall enable the provisions of AS 2890 to be complied with for any adjacent driveways in regard to sight lines to pedestrians and the road. Details to be clearly illustrated on the Construction Certificate plans.
- (16) (B196) Each residential and commercial unit will require individual water metering with the meters either located on the road frontage or at the unit with remote reading facility located adjacent to the road frontage or in an easily accessible area such as a foyer.
- (17) (B197) Final water service sizing will need to be assessed by a hydraulic consultant to suit the commercial, domestic and fire service components of the proposed development, as well as backflow protection requirements. The two existing 20mm metered water services are to be disconnected. There is no charge for this disconnection service.
- (18) (B198) Council records indicate that the development site is connected to sewer via junction to the existing sewer line that runs along the northern property boundary. A sewer reticulation strategy is to be provided.
- (19) A certifying authority must not issue a construction certificate for the development unless the certifying authority has received the statement by the qualified designer verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles.

#### **C – PRIOR TO ANY WORK COMMENCING ON SITE**

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (3) (C195) The Obstacle Limitation Surface (OLS) for the site is 60m. A controlled activity approval shall be obtained from the airport operator for any crane that

may be used during the construction phase that would penetrate the OLS. To avoid any doubt as to whether an approval is required, applicants should check with the airport operator at the earliest possible stage.

#### **D – DURING WORK**

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
  - a. at completion of installation of erosion control measures
  - b. prior to installing traffic management works
  - c. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - d. prior to the pouring of concrete for sewerage works and/or works on public property;
  - e. during construction of sewer infrastructure;
  - f. during construction of water infrastructure;

All works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.

#### **E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

- (5) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (6) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (7) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) or Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (8) (E039) An appropriately qualified and practising consultant is required to certify the following:
  - a. all drainage lines have been located within the respective easements, and
  - b. any other drainage structures are located in accordance with the Construction Certificate.
  - c. all stormwater has been directed to a Council approved drainage system
  - d. all conditions of consent/ construction certificate approval have been complied with.
  - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (9) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (10) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond.
- (11) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation certificate.
- (12) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (13) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (14) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
  - a. The relocation of underground services where required by civil works being carried out.
  - b. The relocation of above ground power and telephone services
  - c. The relocation of street lighting
  - d. The matching of new infrastructure into existing or future design infrastructure
- (15) (E068) Prior to the issue of a Subdivision or Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have

been made to the lots and/or dwellings/units (including street lighting and fibre optic cabling where required).

- (16) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (17) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (18) A certifying authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received the statement by the qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

#### **F – OCCUPATION OF THE SITE**

- (1) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (2) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (3) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.



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**Item: 07****Subject: DA2016 - 46.1 - DWELLING AND SWIMMING POOL - LOT 48 DP  
233413, NO 25 ASTRONOMERS TERRACE, PORT MACQUARIE****Report Author: Patrick Galbraith-Robertson**

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<b>Property:</b>	<b>Lot 48 DP 233413, 25 Astronomers Terrace, Port Macquarie</b>
<b>Applicant:</b>	<b>AK Woodgate and SM Berry CARE Craig Teasdell Architect</b>
<b>Owner:</b>	<b>AK Woodgate and SM Berry</b>
<b>Application Date:</b>	<b>2 February 2016</b>
<b>Estimated Cost:</b>	<b>\$425K</b>
<b>Location:</b>	<b>Port Macquarie</b>
<b>File no:</b>	<b>DA2016 - 46.1</b>
<b>Parcel no:</b>	<b>837</b>

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**Alignment with Delivery Program**

4.9.2 Undertake transparent and efficient development assessment in accordance with relevant legislation.

**RECOMMENDATION**

**That DA 2016 - 46.1 for a dwelling and swimming pool at Lot 48, DP 233413, No. 25 Astronomers Terrace, Port Macquarie, be determined by granting of consent subject to the recommended conditions.**

**Executive Summary**

This report considers a development application for a dwelling and swimming pool at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, three (3) submissions have been received.

**1. BACKGROUND****Existing sites features and Surrounding development**

The site has an area of 638.6m<sup>2</sup>.

The site is zoned R1 general residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



- Construction of dwelling and swimming pool
- Tree removal

Refer to attachments at the end of this report.

**Application Chronology**

- 2 February 2016 - DA lodged
- 11 to 24 February 2016 - Neighbour consultation.
- 25 February 2016 - Additional information and amended plans received.
- 25 February 2016 - Additional information requested.
- 2 March 2016 - Additional information and amended plans received.
- 8 March 2016 - Advice emailed to one objector.
- 21 April 2016 - Additional information received.
- 29 April 2016 - Additional information received.

**3. STATUTORY ASSESSMENT****Section 79C(1) Matters for Consideration**

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**  
(i) **any Environmental Planning Instrument:**

**State Environmental Planning Policy 44 - Koala Habitat Protection**

There is no Koala Plan of Management on the site. The site is less than 1ha in area therefore no further investigations are required.

**State Environmental Planning Policy 55 – Remediation of Land**

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

**State Environmental Planning Policy 62 - Sustainable Aquaculture**

Given the nature of the proposed development and proposed stormwater controls the proposal will be unlikely to have any adverse impact on existing aquaculture industries within the Hastings River.

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX certificate (number 687112S) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

**Port Macquarie-Hastings Local Environmental Plan 2011**

The proposal is consistent with the LEP having regard to the following:



- Clause 2.2, the subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the dwelling (or ancillary structure to a dwelling) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality,

- Clause 4.3, the maximum overall height of the building above ground level (existing) is approximately 7m which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.27:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.9 - several existing trees including Casuarinas and one Nicholi identified in Development Control Plan 2013 (due to height above 3m) are proposed to be removed. There are no significant adverse flora or fauna impacts identified.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services.

**(ii) Any draft instruments that apply to the site or are on exhibition:**

No draft instruments apply to the site.

**(iii) any Development Control Plan in:**

**Port Macquarie-Hastings Development Control Plan 2013**

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	Location of water tank and swimming pool at rear of dwelling acceptable	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	8.7m front setback	yes

**DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development**

	Requirements	Proposed	Complies
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	11.75m front setback	yes
	6m max. width of garage door/s and 50% max. width of building	5m garage door	yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Access via right of carriageway across eastern neighbouring property. Driveway width limited to practical width	yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	12.8m	yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>Ground floor = min. 0.9m</li> <li>First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>Building wall set in and out every 12m by 0.5m</li> </ul>	Ground floor = 0.9m east and 0.9m west First floor = east and 0.9m to greater setback stepped along boundary. No adverse overshadowing to neighbouring properties identified. Building walls set in and set out	yes
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	>35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>3x3m min. splay for corner sites</li> <li>Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>0.9x0.9m splays adjoining driveway entrances</li> <li>Front fences and walls to have</li> </ul>	n/a	

**DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development**

	Requirements	Proposed	Complies
	complimentary materials to context		
3.2.2.8	No chain wire, solid timber, masonry or solid steel front fences	n/a	
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</li> <li>Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>Privacy screens provided to balconies/verandahs etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	No direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings.	yes

**DCP 2013: General Provisions**

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	Some additional casual surveillance available within immediate locality	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill changes within 1m change with exception of minor height being above 1m on western edge of driveway near garage	Yes/no - very minor variation. DCP objectives satisfied.
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	Several trees to be removed which are not considered significant	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes
2.5.3.2	New accesses not permitted from arterial or	n/a	

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	distributor roads		
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing width acceptable	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	2 parking spaces in garage	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway	yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of complying with Australian Standards and Council standard driveway crossovers.	yes

(iia) any planning agreement that has been entered into under Section 93f or any draft planning agreement that a developer has offered to enter into under Section 93f:

No planning agreement has been offered or entered into relating to the site.

iv) any matters prescribed by the Regulations:

N/A

v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates:

N/A

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:

#### **Context & Setting**

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be generally consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There are no identifiable adverse impacts on existing view sharing.
- There are no adverse privacy impacts having regard to Council's DCP.
- There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

**Access, Transport & Traffic**

The proposed dwelling includes a proposed new driveway to be constructed within an existing Right of Carriageway. Owner's consent has been obtained from all owner's related to the right of carriageway during the assessment of the application.

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

**Water supply**

Service available – details required with S.68 application.

**Sewer**

Service available – details required with S.68 application.

**Stormwater**

During the assessment of the application a stormwater strategy was requested due to the site not having any identifiable legal point of discharge. Submission issues have also been raised from neighbours.

The design of the absorption trench is lacking detail. However, there is considered sufficient area on the site to increase the size of the absorption trench if required. Council's stormwater engineer has raised no general objections towards the proposal subject to the submission of detailed designs based upon suitable geotechnical information at the Construction Certificate/Section 68 stage.

In this regard, a condition is recommended to require the submission of a detailed design and modelling to demonstrate that the proposal does not result in an increase in stormwater discharge or a concentration of stormwater flows onto adjoining and downstream properties for all storm events up to and including the 100 year ARI event.

Details required to be submitted with S.68 application.

**Other utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

This site does not contain or adjoin any known heritage item or site of significance.

**Other land resources**

No adverse impacts anticipated. The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

**Water cycle**

The proposed development will be unlikely to have any adverse impacts on water resources and the water cycle.

**Soils**

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.



**Air and microclimate**

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

**Flora and fauna**

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.

**Waste**

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated.

**Energy**

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.

**Noise and vibration**

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.

**Bushfire**

The site is identified as being bushfire prone.

The applicant has submitted a bushfire report prepared by a Consultant - David Pensini Building Certification and Environmental Services. The report submitted has satisfactorily addressed the assessment of likely hazard, access and water supply. The assessment concludes that the bushfire risk is acceptable subject to BAL 29 construction levels being implemented and APZ being maintained. A condition is recommended in this regard.

**Safety, security and crime prevention**

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

**Social Impact in the Locality**

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts.

**Economic Impact in the Locality**

No adverse impacts. Likely positive impacts can be attributed to the construction of the development and associated flow on effects (ie increased expenditure in the area).

**Site Design and Internal Design**

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

**Construction**

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

**Cumulative Impacts**

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

**(c) The suitability of the site for the development:**

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

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

**(d) Any submissions made in accordance with this Act or the Regulations:**

Three (3) written submissions have been received following neighbour consultation of the application.

Key issues raised in the submissions received and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
<p><b><u>27 Astronomers Terrace</u></b></p> <ul style="list-style-type: none"> <li>• Garden bed at driveway grade obstructing right of carriageway.</li> <li>• Reduction in the useable width of the carriageway.</li> <li>• No off-street parking other than double garage.</li> <li>• Provide a double layback rather single layback adjacent the existing driveway at Lot 29.</li> <li>• The insertion of bollards adjacent to the boundary of Lot 27 could potentially cause land slippage and have insufficient support to prevent a vehicle falling over a four metre drop onto the driveway of Lot 27.</li> </ul> <p>The position of a spoon drain across the entrance to Lot 27 from the right of carriageway creates a vehicle obstacle and appears insufficient to collect runoff from the planned concrete drive and the run-off from the existing higher levels on Lot 27.</p>	<ul style="list-style-type: none"> <li>• During the assessment of the application the adjoining owners have resolved to proceed with extinguishing the right of carriageway section past the subject development site.</li> <li>• The driveway area where the bollards are shown is approximately 1m above existing ground level. The section where the balustrade is shown on the driveway is approximately 2m above existing ground level.</li> <li>• A more detailed concept stormwater drainage plan has been submitted - see attached to this report. Refer to stormwater comments earlier in this report.</li> </ul>
<p><b><u>19 Jasmine Street</u></b></p> <ul style="list-style-type: none"> <li>• There are no details to adequately identify the management of stormwater.</li> <li>• As a downstream adjoining property owner we object to proposing an absorption trench and detention tanks to manage the property's stormwater. The Transit Hill area and the area location of the subject property consists of steep land combining to the challenge of the management of free flowing overland flood water.</li> </ul>	<ul style="list-style-type: none"> <li>• A more detailed concept stormwater drainage plan has been submitted - see attached to this report. Refer to stormwater comments earlier in this report. The Applicant has advised of no intention to pursue a drainage easement through a downstream neighbour's property to Jasmine Street.</li> </ul>
<ul style="list-style-type: none"> <li>• Storm events will result in overland floodwater charging the subsoil with high water content entering our property and having an adverse effect on our future dwelling in both construction, footings and general saturation of the land.</li> <li>• Should Council approve the absorption trenches and detention tanks would Council add to ensure appropriate maintenance of the absorption trench to ensure its optimum functioning and to avoid it failing by way of siltation or human intervention.</li> </ul>	<ul style="list-style-type: none"> <li>• More construction details regarding the proposed detention on-site will need to be provided prior to construction of the dwelling.</li> </ul>

<p>Discussions have been held between the owner and ourselves regarding securing an easement over our property however agreement on adequate compensation has not been achieved.</p>	
<p><b><u>17 Jasmine Street</u></b></p> <ul style="list-style-type: none"> <li>• Failure to detail arrangements for the management of stormwater.</li> <li>• Given the coastal climate and likelihood of severe storms and high rainfall, there is a significant risk that such an arrangement would be inadequate and so adversely affect the town downhill properties in Jasmine Street - No.17 and 19.</li> </ul> <p>A better solution would be to install a piped stormwater to Council's stormwater infrastructure in Jasmine Street.</p>	<ul style="list-style-type: none"> <li>• A more detailed concept stormwater drainage plan has been submitted - see attachment to this report. Refer to stormwater comments earlier in this report. The Applicant has advised they have no intention to pursue a drainage easement through a downstream neighbour's property to Jasmine Street.</li> <li>• More construction details regarding the proposed detention on-site will need to be provided prior to construction of the dwelling.</li> </ul>

**(e) The Public Interest:**

The proposed development satisfies relevant planning controls and is unlikely to impact on the wider public interest.

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

N/A

**5. CONCLUSION**

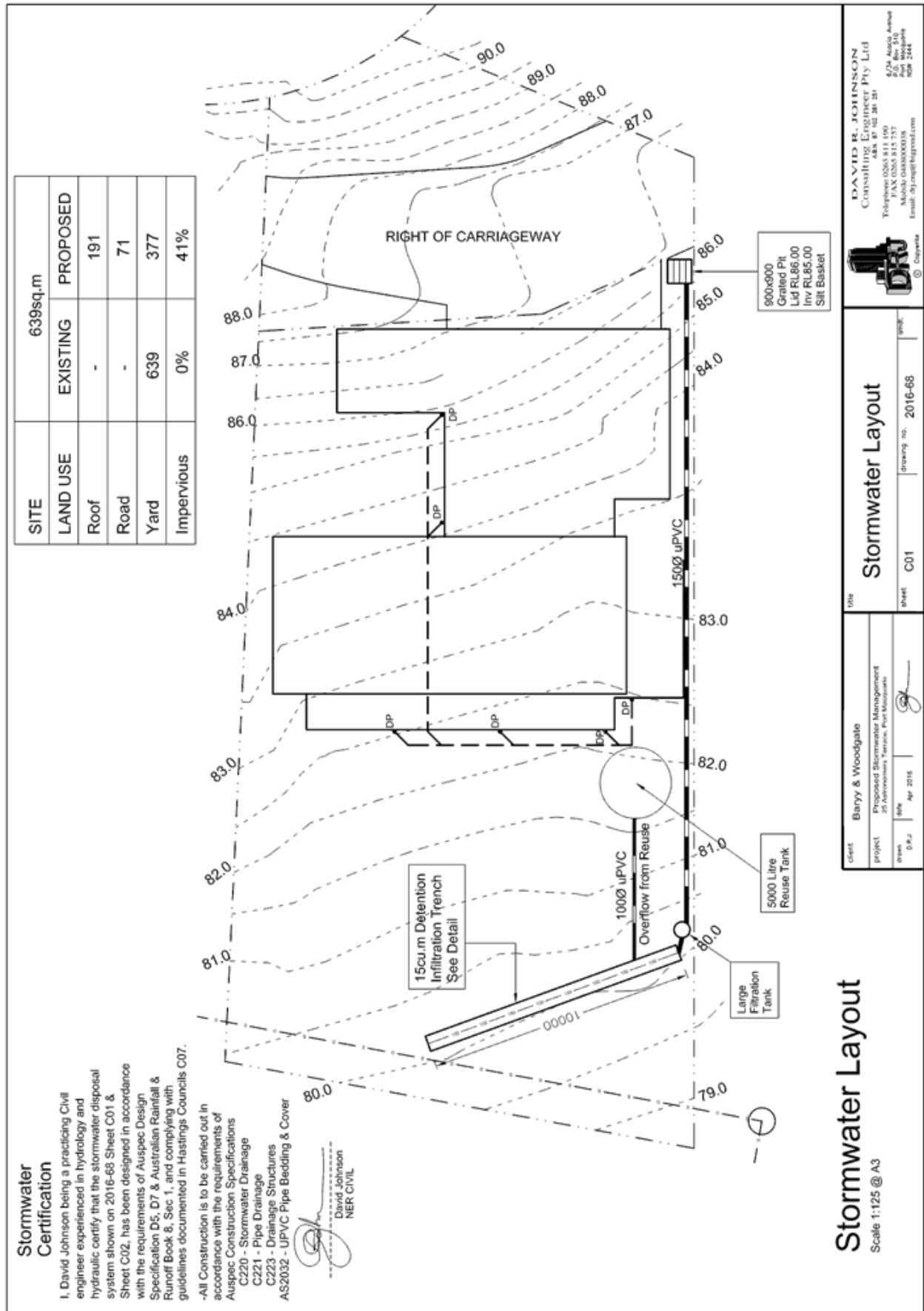
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

**Attachments**

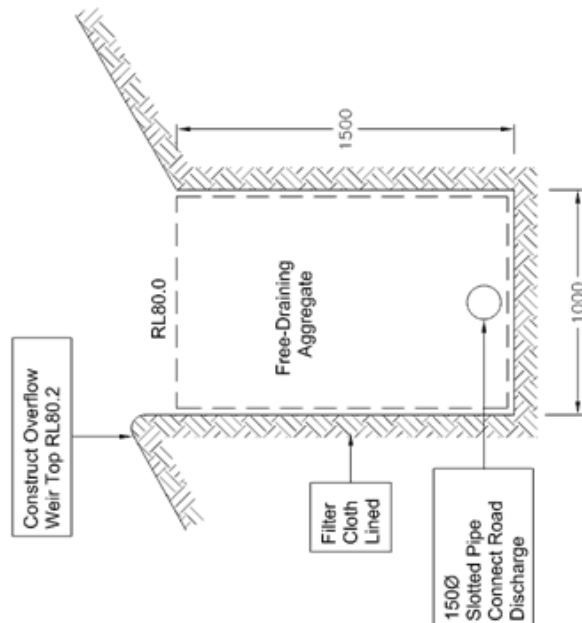
- 1[View](#). DA2016 - 46.1 Plans
- 2[View](#). DA2016 - 46.1 Recommended Conditions
- 3[View](#). DA2016 - 46.1 Submission - Bowden
- 4[View](#). DA2016 - 46.1 Submission - Maltabarow
- 5[View](#). DA2016 - 46.1 Submission - Nicholls & Trembath



## DETENTION OUTPUT

10 Year ARI Storm Durations							
EXISTING				PROPOSED			
Storm Duration	Q l/s	Roof	Road	Yard	Catchment Q l/s	Overflow Q l/s	Total Q l/s
10min	20	9	3	12	24	-	12
20min	28	10	4	17	31	-	17
30min	28	10	4	16	30	-	16
60min	23	10	4	14	28	2	16
120min	27	10	4	16	30	3	19
180min	17	5	2	10	17	3	13
Water Level							
79.15							
79.46							
79.68							
79.96							
79.96							
79.96							

100 Year ARI Storm Durations							
EXISTING				PROPOSED			
Storm Duration	Q l/s	Roof	Road	Yard	Catchment Q l/s	Overflow Q l/s	Total Q l/s
10min	35	13	5	21	39	-	21
20min	43	15	6	25	46	3	28
30min	41	14	5	24	43	7	31
60min	38	15	5	22	42	16	38
120min	40	14	5	24	43	16	40
180min	25	8	3	15	26	9	24
Water Level							
79.50							
79.96							
79.97							
79.99							
79.99							
79.98							

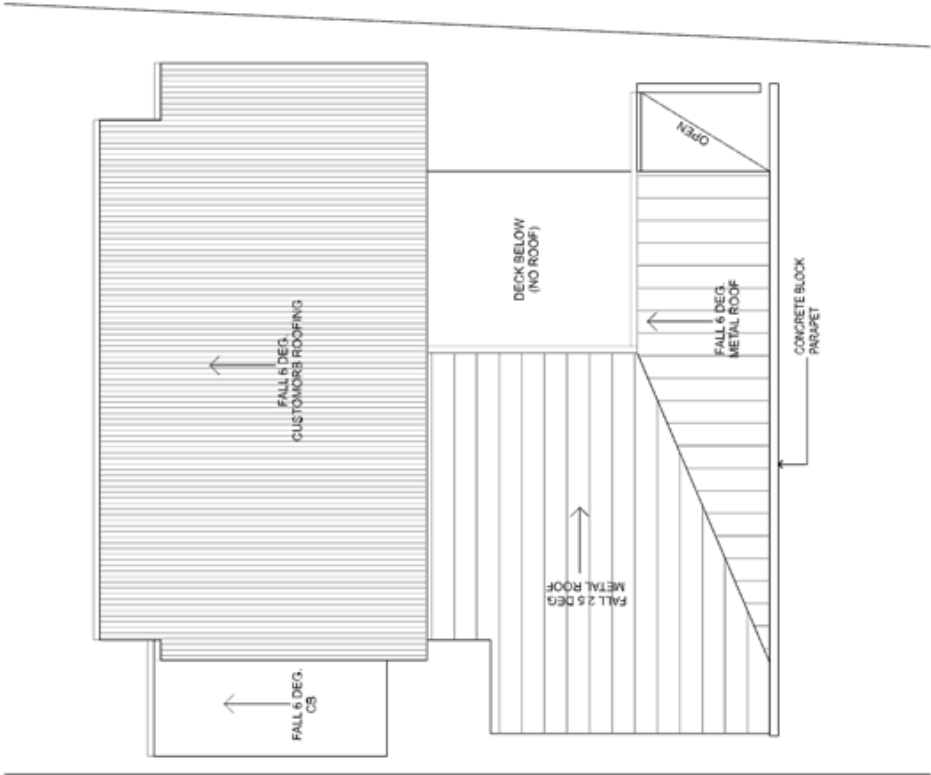


**Infiltration Tank**  
(Hydraulic Conductivity 0.5m/day)  
Scale 1:20

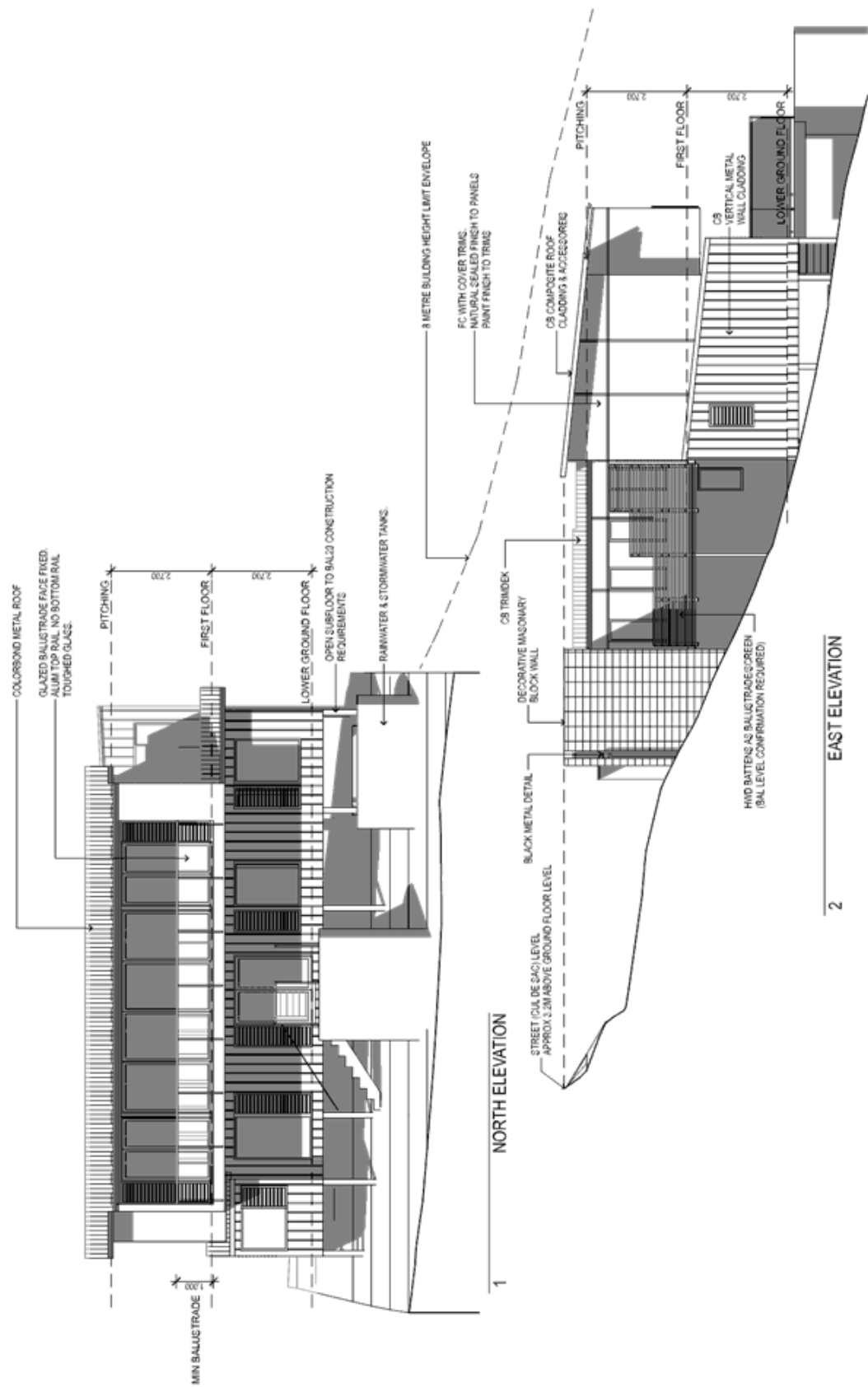
client	Barry & Woodgate	title	Stormwater Notes
project	Proposed Stormwater Management 20 Remembrance Terrace, Port Macquarie	sheet	C02
drawn	D.J.L.	drawing no.	2016-68
date	Apr 2016	scale	



**DAVID R. JOHNSON**  
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Port Macquarie  
NSW 2444



Project No:	1506
Scale: 1:100 @ A3	Date: 30/01/2016
Rev	B
Drawing No:	DA04B
<b>ROOF PLAN</b> <b>PROJECT: NEW 2 STOREY DWELLING</b> <b>25 ASTRONOMERS TERRACE</b> <b>LOT 28 DP 233413</b>	
<b>General Notes</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Drawings shall not be used for construction purposes and issued for construction. Do not scale drawings. All building and contents subject to survey.	
<b>Revisions</b> A 21.12.2015 FOR BUSHSIRE ASSESSMENT B 1.2.2016 DEVELOPMENT APPLICATION	
CLIENT: SUE & RAY WOODGATE	



<b>Revisions</b> A 21.12.2015 FOR BUSHSIRE ASSESSMENT DEVELOPMENT APPLICATION B 1.2.2016	<b>General Notes</b> The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Drawings shall not be used for construction purposes and issued for construction. Do not scale drawings. All building and contents subject to survey.		Scale: 1:100 @ A3	Project No: 1506
	<b>ELEVATIONS NORTH &amp; EAST</b> PROJECT: NEW 2 STOREY DWELLING 25 ASTRONOMERS TERRACE LOT 28 DP 233413		Date: 30/01/2016	Rev B
	CLIENT: S/USIE RARRY & A/IEY WOONGATE		Drawing No: DA05B	

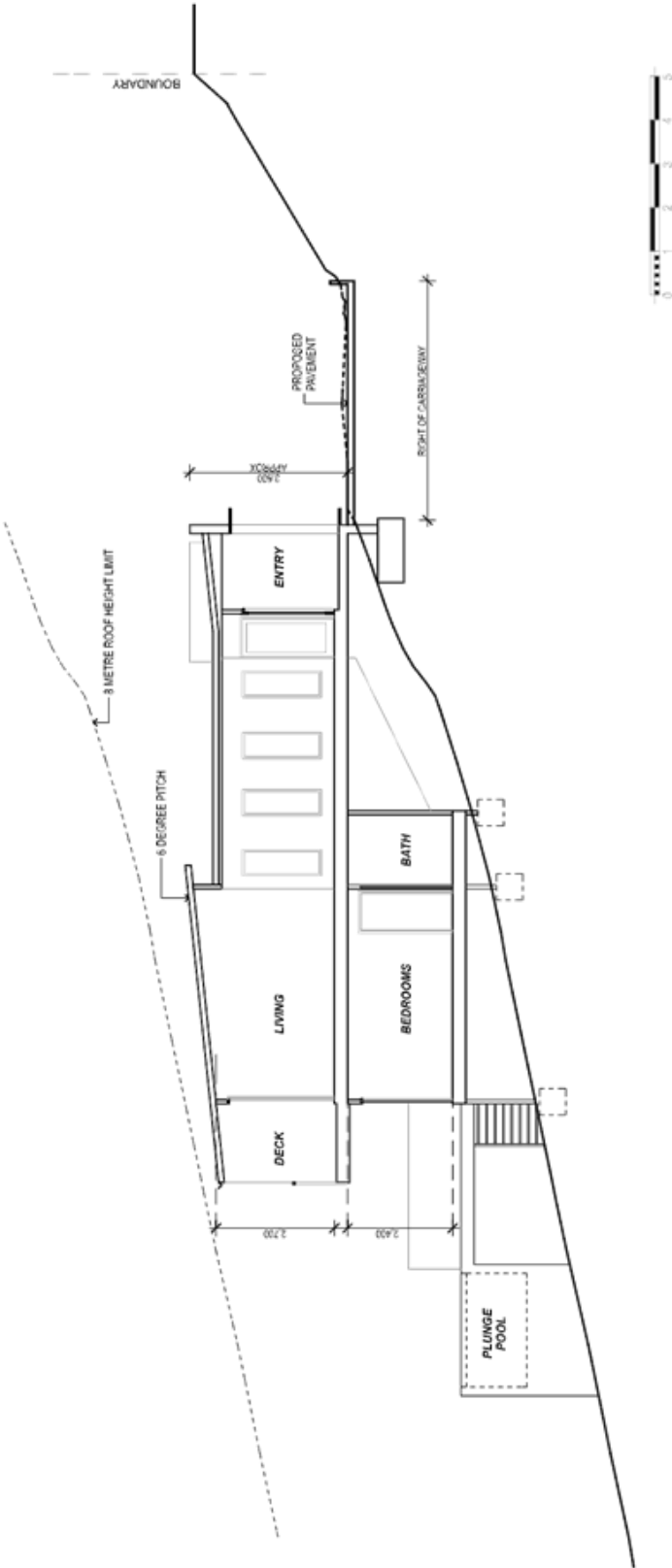
Craig Tansell  
 Suite 5/1, 23 Channon Street  
 Port Macquarie NSW 2444  
 m: 0408 668 240





<b>Revisions</b> A 12.12.2015 B 1.2.2016	<b>General Notes</b> This building shall comply with all dimensions and levels on site prior to construction. All dimensions shall be taken from the finished floor level. Drawings shall not be used for construction purposes and issued for construction. Do not scale drawings. All boundaries and contours subject to survey.	<b>ELEVATIONS SOUTH &amp; WEST</b>  <b>PROJECT: NEW 2 STOREY DWELLING</b> <b>25 ASTRONOMERS TERRACE</b> <b>LOT 28 DP 232413</b>	Scale: 1:100 @ A3 Date: 30/01/2016 Drawing No.: <b>DA06B</b>	Project No: <b>1506</b> Rev <b>B</b>
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**Craig Tensell**  
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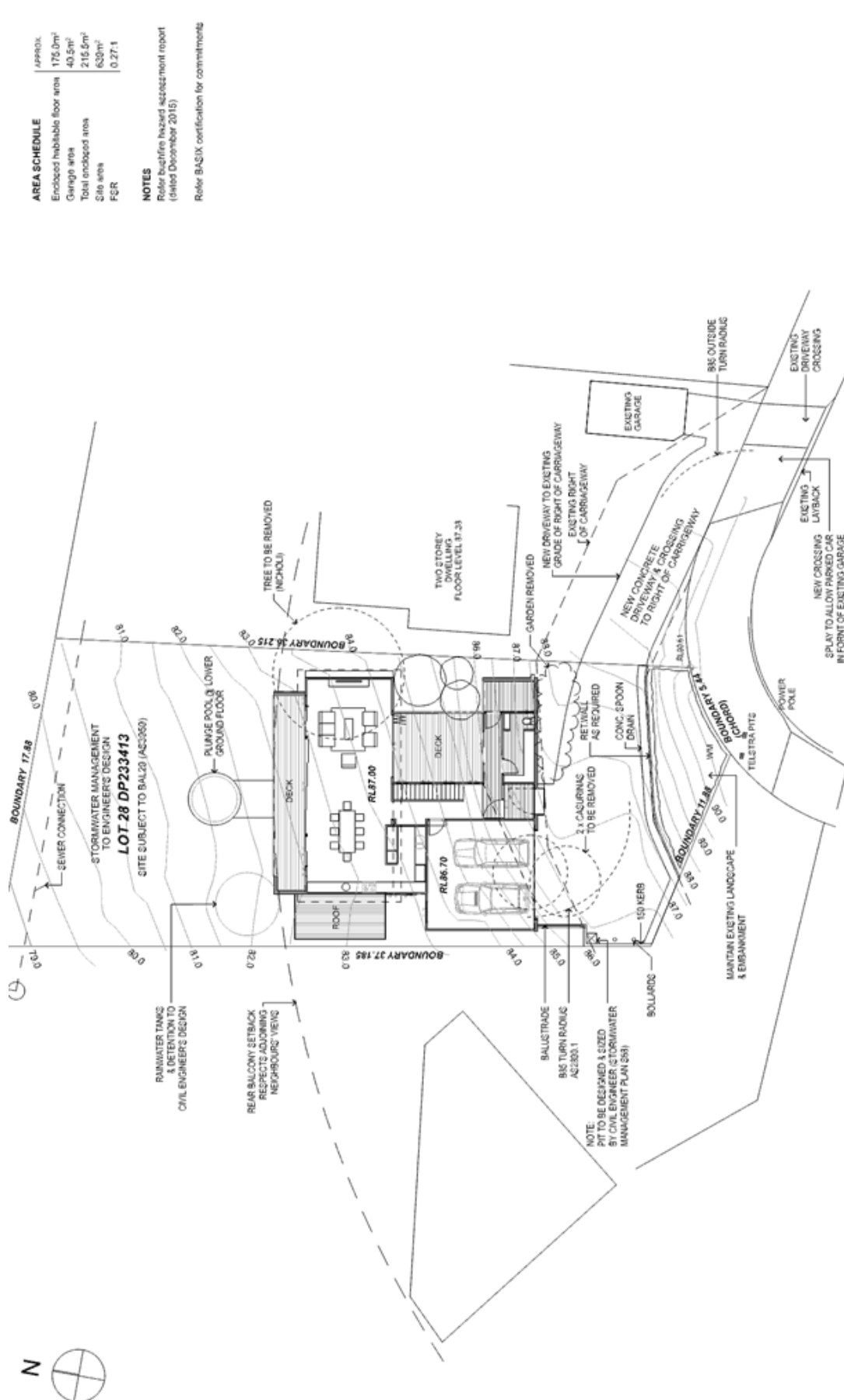
Revisions  
A 1.2.2016 DEVELOPMENT APPLICATION

**General Notes**  
The Builder must check all dimensions and levels on site prior to construction.  
Notify any errors, discrepancies or omissions to the architect.  
Drawings shall not be used for construction purposes and issued for construction.  
Do not scale drawings. All building and content subject to survey.



**SECTION**  
PROJECT: NEW 2 STOREY DWELLING  
25 ASTRONOMERS TERRACE  
LOT 28 DP 233413  
CLIENT: SUEBARRY & AILEY WOODGATE

Scale: 1:100 @ A3  
Date: 30/01/2016  
Drawing No.: DA07A  
Project No: 1506  
Rev B



<b>Revisions</b> A 21.12.2015 B 1.2.2016 C 23.2.2016 D 2.3.2016	<b>General Notes</b> The builder shall erect all foundations and levels on site prior to construction. Verify all levels, dimensions and locations to the architect. All work shall be carried out in accordance with the approved plans. Do not scale drawings. All boundaries and contours subject to survey.	<b>Project No:</b> <b>1506</b>	<b>Scale:</b> 1:200 @ A3
<b>FOR BUSHFIRE ASSESSMENT DEVELOPMENT APPLICATION DRIVEWAY MODIFIED FOLLOWING NEIGHBOUR DISCUSSIONS GARDEN BED DELETED FROM RIGHT OF CARRIAGEWAY</b>	<b>SITE MASTERPLAN</b>  <b>PROJECT: NEW 2 STOREY DWELLING</b> <b>25 ASTRONOMERS TERRACE</b> <b>LOT 28 DP 233413</b>	<b>Date:</b> 20/2016	<b>Drawing No.:</b> <b>DA01D</b>
	<b>CLIENT: SUE &amp; ALFY WOODGATE</b>	<b>Rev</b>	<b>D</b>

**Craig Tensell**  
 Suite 615, 23 Clemens Street  
 Fort Meade, MD 21050  
 Tel: 410 860 240

## FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS - 2011

NOTE: THESE ARE DRAFT ONLY

DA NO: 2016/46

DATE: 3/05/2016

### PREScribed CONDITIONS

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000.

### A – GENERAL MATTERS

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

Plan / Supporting Document	Reference	Prepared by	Date
BASIX certificate	687112S	Craig Teasdell Architect	3 February 2016
Site masterplan	Drawing no. DA01D	Craig Teasdell Architect	2 March 2016
Plans	Drawing no. DA02B	Craig Teasdell Architect	1 February 2016

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

- a) the appointment of a Principal Certifying Authority and
- b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

6. Building work being limited to the following hours, unless otherwise permitted by Council;

- Monday to Saturday from 7.00am to 6.00pm
- No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

#### **B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

- Position and depth of the sewer (including junction)
- Stormwater drainage termination point
- Easements
- Water main
- Proposed water meter location

- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- i. Footway and gutter crossing
- ii. Functional vehicular access

- (3) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 29 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.

- (4) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as the proposed absorption trench / rubble drain.
  - b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No 2016-68 C01 Prepared by David R Johnson and dated April 2016.
  - c) A detailed design based on site geotechnical information and actual soil permeability rates must be submitted with the application pursuant to s68 of the Local Government Act, 1993. The design shall demonstrate compliance with the requirements of AUSPEC D5 Section 5.31
  - d) The design shall demonstrate how the proposed right of carriageway / driveway will be drained.

- e) The design shall include modelling / calculations to demonstrate that the proposal does not result in an increase in stormwater discharge OR a concentration of stormwater flows onto adjoining and downstream properties for all storm events up to and including the 100 year ARI event.

**C – PRIOR TO ANY WORK COMMENCING ON SITE**

Nil

**D – DURING CONSTRUCTION**

- (1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (2) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (3) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.

**E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (5) (E020) The provision of a suitable sign containing the details required by the current Swimming Pools Act and Regulations.
- (6) (E021) Pool(s) to be fenced in accordance with the Swimming Pools Act, 1992.
- (7) (E022) Depth markers are to be installed on the swimming pool(s).

**F – OCCUPATION OF THE SITE**

- (1) (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.

Notice of objection to DA 2016/46 - Lot 28 DP233413A by owner Mrs J. Bowden of  
Lot 26 and Lot 27 (27 Astronomers Terrace; Port Macquarie)

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**Objector:** Mrs J. Bowden

**Email:** [REDACTED]  
[REDACTED]

**1. Garden Bed obstructing right of Carriageway**

The plan depicts a Garden Bed at Driveway Grade. The title of Lot 26 and Lot 27 who benefit from the right of carriageway stipulates the width of the Carriageway as 6.07m the construction of any garden bed effectively reduces the width of the carriageway without agreement from the beneficial owners at Lot 26 and Lot 27 and it is requested that this be removed from the plan.

**2. Reduction in the useable width of the carriageway**

The construction of a new concrete driveway less than the width of the 'right of carriageway' benefiting Lot 26 and Lot 27 creates raised edges to the thickness of the proposed slab, which is not specified. This again effectively reduces the width of the carriageway in respect of the title and creates a potential vehicle hazard with no detail of grading to the level of the driveway edges.

**3. The DA has no off-street parking other than the double garage.**

There is a reasonable expectation that the owners of Lot 28 will from time to time require parking outside their premises. The need to wash their vehicle, load their vehicle and to return into the house to pick up items without garaging has not been addressed. As the design of the house is built on the boundary of the right of carriageway, such activity will potentially cause obstruction to the said carriageway when better design and planning can alleviate this issue.

**4. Reduction of the peaceful enjoyment of Lot 29 (23 Astronomers Terrace)**

The owner of the fore mentioned premises Mr. Dibona has enjoyed residential parking outside his garage since the purchase of his property as the right of carriageway was not utilised by the former owner. Recently with the exchange of title of all beneficial owners to the right of carriageway this enjoyment will potentially cease. The owner of Lot 29 has no legal title to the parking in front of his garage as per the title, however a more considerate approach to the design of the layback could achieve a benefit to all three owners; Lot 26, Lot 27, Lot 28 and Lot 29. A double layback rather than a single layback adjacent to the existing driveway at Lot 29 will provide this amenity. The owners of Lot 26, 27 and Lot 29 request that consideration be given to providing this which will establish a double driveway access to the new residence at Lot 28. The owner of Lot 29 Mr. Dibona verbally confirmed that he would permit the removal of garden and shrubbery on his property for this purpose.

**5. Bollards not suitably retained.**

There is concern regarding the erection of bollards adjacent to the boundary at Lot 27 due to the existing poor retention of this land. The insertion of bollards potentially could cause land slippage and have insufficient support to prevent a vehicle falling over a four metre drop onto the driveway of Lot 27. The area below is utilised as a children's basketball court and presents a safety risk. There is no detail of how the bollards are to be retained to provide suitable strength to prevent any such event. Moving the bollards forward away

Notice of objection to DA 2016/46 - Lot 28 DP233413A by owner Mrs J. Bowden of Lot 26 and Lot 27 (27 Astronomers Terrace; Port Macquarie)

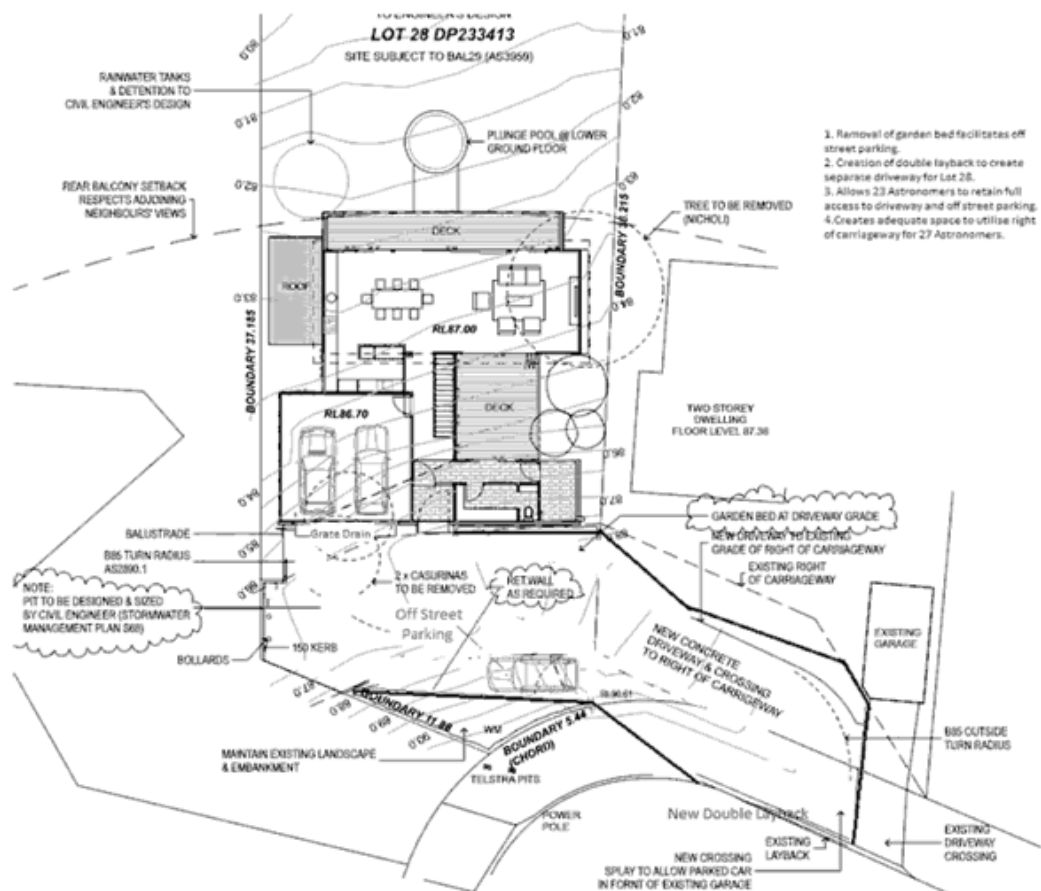
from the edge of the precipice will cause obstruction to Lot 27 via the right of carriageway. I submit that suitable design and retention of this area be incorporated in the plan.

#### 6. Stormwater collection at the boundary of Lot 27.

At present there is no engineering design documentation to support the current drawing. The position of a spoon drain across the entrance to Lot 27 from the right of carriageway creates a vehicle obstacle and appears insufficient to collect runoff from the planned concrete drive and the run-off from the existing higher levels on Lot 27. A spoon drain does not appear sufficient to prevent water pooling in this area. We acknowledge that more detailed documentation will be forth coming in the future.

#### COMMENTS

Unfortunately we were unable to access the plans to discuss any of the fore mentioned issues prior to the submission to council to allow suitable consultation prior to submission. I have included some suggested amendments for consideration by the DAP, which will preserve the width of the right of carriageway as per the title, provide off-street parking, and allow Mr. Dibona reasonable enjoyment of his property.



1. Removal of garden bed facilitates off street parking.
2. Creation of double layback to create separate driveway for Lot 28.
3. Allows 23 Astronomers to retain full access to driveway and off street parking.
4. Creates adequate space to utilise right of carriageway for 27 Astronomers.



[REDACTED]  
17 Jasmine Street,  
Port Macquarie NSW 2444

February 23, 2016

The General Manager  
Port Macquarie Hastings Council,  
Burrawan Street,  
Port Macquarie NSW 2444

RE: DEVELOPMENT APPLICATION NO. 2016.46.1  
PROPERTY LOT 28, DP 233413 ASTRONOMERS TERRACE PORT MACQUARIE

I wish to advise of my objection to the above proposed development for the construction of a dwelling on the above-mentioned vacant block.

My objection relates to the failure of the proposal to detail arrangements for the management of stormwater on the subject property.

Whilst two options are identified to deal with this issue – no details are provided as to the construction of an absorption trench and detention tanks. Given the coastal climate and likelihood of severe storms and high rainfall, there is a significant risk that such an arrangement would be inadequate and so adversely affect two downhill properties in Jasmine Street i.e. Numbers 17 & 19.

The better solution to this issue would be to install piped stormwater to Council's stormwater infrastructure in Jasmine Street. This would involve a trench constructed along the fence line adjoining numbers 17 & 19 on the vacant block side i.e. No. 19.

I understand that some discussions have taken place between the proponents and the owners of No. 19. The proposal states that these have been inconclusive.

However, my understanding is that the owners of No. 19 are keen to reach a resolution which avoids the need for an absorption trench and retention tanks. In my view, this would be a far superior solution for all parties concerned.

Yours sincerely, [REDACTED]

George Maltabarow

NOTE: Please address any future correspondence on this issue to my Sydney address:  
31 Anthony Road,  
Denistone NSW 2114

837

PORT MACQUARIE HASTINGS	
TRIM No	CRM No
23 FEB 2016	
Keyword	

Gregory Nicholls and Jessica Trembath  
17 Navigators Way,  
Port Macquarie NSW 2444  
[REDACTED]

21st February 2016

The General Manager  
Port Macquarie Hastings Council  
Burrawan Street,  
Port Macquarie NSW 2444

Dear Sir,

**Re: Development Application N: 2016.46.1**  
**Property Lot 28 DP: 233413 25 Astronomers Terrace, Port Macquarie**

837

PORT MACQUARIE HASTINGS	
TRIM No	CRM No
23 FEB 2016	
Keyword	
Activity	
Subject	
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DA2016.46.1

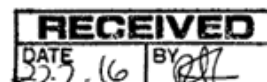
We advise of our objection to the above proposed development application for the construction of the dwelling.

We are owners of the neighbouring property No: Lot 72 Jasmine Street, Port Macquarie. Our objection is based on the absence within the application to adequately identify the management of stormwater at the subject property. The application states that there are two options available to them to deal with stormwater. As a downstream adjoining property owner we object to the second of the options stating that an absorption trench and detention tanks can adequately manage the property's storm water. Port Macquarie is an area known for storms producing heavy and high rainfall. The Transit Hill area and the area location of the subject property consists of steep land combining to the challenge of the management of free flowing overland flood water.

It is our option and concern that should the property be permitted to be constructed without piped stormwater management connected to councils stormwater infrastructure, then storm events will result in overland floodwater charging the subsoil with high water content entering our property and having as adverse effect on our future dwelling in both construction, footings and general saturation of the land.

Should council elect to approve the application relying on absorption trenches and detention tanks what conditions to the consent, would council add to ensure appropriate maintenance of the absorption trench to ensure its optimum functioning and to avoid it failing by way of siltation or human intervention eg. a future property owner may alter the yard at the property unaware of the purpose of the absorption trenches and rubble pits.

The application correctly states discussions have taken place between ourselves and the owners of the subject property regarding potential securing of the easement over our property (lot 72 Jasmine Street). It is not our position to refuse or frustrate the granting of an easement. However it is common practice that the owners of the land burdened by the granting of an easement have a right to be adequately compensated. At this point in time discussions between owners has not reached



agreement on the basis that a fair and appropriate sum for the compensation has not been reached. Information was provided to the owners following consultations with a property valuer specialising in the purchasing of easements. We have not been reapproached since this time.

Regards,

Jessica Trembath and

Gregory Nicholls

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Item: 08

Subject: DA2016 - 162.1 ANCILLARY BUILDING (SHED) - LOT 20 DP 707776,  
NO 20 LINKS CRESCENT, PORT MACQUARIE

Report Author: Stephen Ryan

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Property: Lot 20 DP 707776, No 20 Links Crescent, Port Macquarie  
Applicant: D H & S M M Edwards  
Owner: D H & S M M Edwards  
Application Date: 9 March 2016  
Estimated Cost: \$31,300  
Location: Port Macquarie  
File no: DA2016 - 162.1  
Parcel no: 12496

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#### Alignment with Delivery Program

4.9.2 Undertake transparent and efficient development assessment in accordance with relevant legislation.

#### RECOMMENDATION

That DA 2016 - 162.1 for an ancillary building (shed) at Lot 20, DP 707776, No. 20 Links Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

#### Executive Summary

This report considers a development application for an ancillary building (shed) at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, 4 submissions have been received.

The application was previously reported to the Development Assessment Panel meeting on 13 April 2016 where it was resolved:

*'That the application be deferred to enable the applicant to submit amended plans providing for the following:*

- 1. Landscaped screening of the shed.*
- 2. Resiting of the shed to be level with the existing fence and retaining wall structure on site*
- 3. Site plan detailing vehicular access to the shed from the existing driveway*
- 4. Horizontal clad finish to the shed with a colour sympathetic to the locality'*

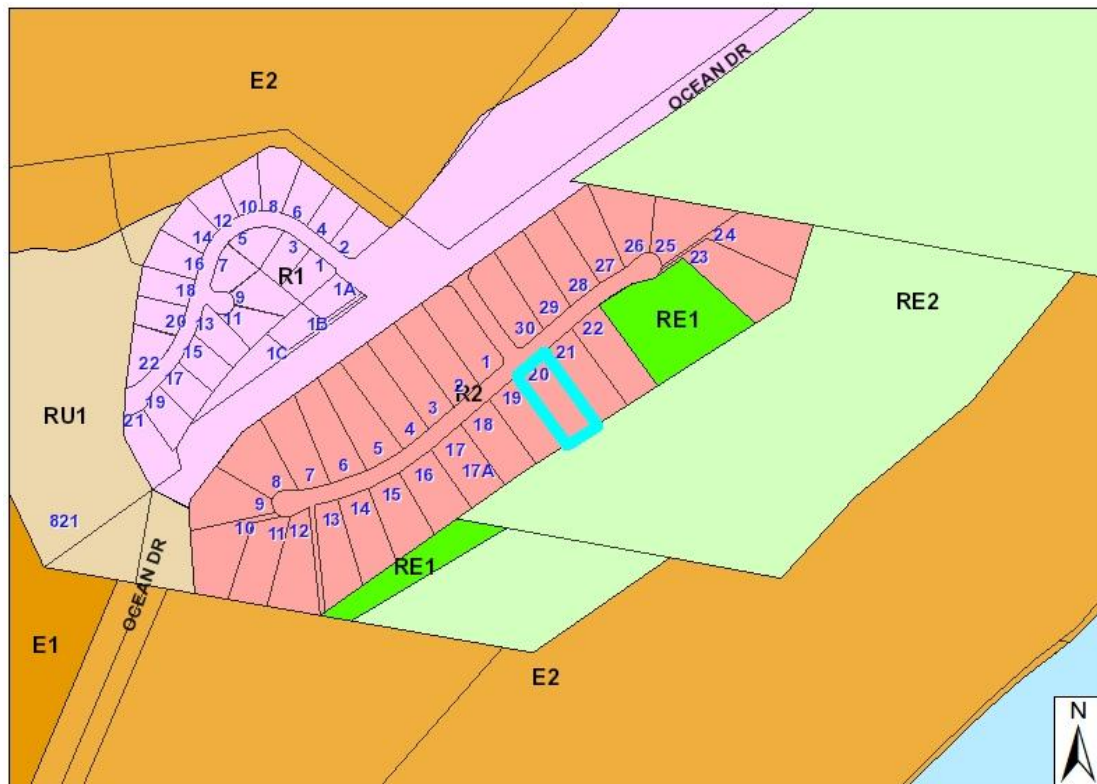
Amended plans have been submitted in response to the above resolutions.

## 1. BACKGROUND

### Existing sites features and surrounding development

The site has an area of 3911m<sup>2</sup>.

The site is zoned R2 in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph:





## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- The application proposes to erect a shed on the western side of the lot adjoining the existing dwelling.
- Removal of one tree.

Refer to attachments at the end of this report.

### Application Chronology

- 9 March 2016 - Application lodged
- 16 March 2016 - 31 March 2016 - Exhibition via neighbour notification
- 29 March 2016 - Objection received.
- 31 March 2016 - Objection received.
- 4 April 2016 - Request for revised site plan to applicant showing correct boundary setbacks.
- 4 April 2016 - Discussion with owner regarding issues raised by objectors.
- 4 April 2016 - Email received from owner addressing some issues raised.
- 4 April 2016 - 2 Objections received.
- 5 April 2016 - Revised site plan received from applicant.
- 13 April 2016 - Proposal submitted to the Development Assessment Panel for consideration. The Panel resolved;  
*'That the application be deferred to enable the applicant to submit amended plans providing for the following:*
  - *Landscaped screening of the shed.*
  - *Resiting of the shed to be level with the existing fence and retaining wall structure on site*

- *Site plan detailing vehicular access to the shed from the existing driveway*
- *Horizontal clad finish to the shed with a colour sympathetic to the locality'*
- 27 April 2016- Revised site plan received from applicant with the following items addressed:
  - Vegetative screening consisting of Lilly Pilly species and retention of one tree proposed to be removed for additional screening.
  - Gravel vehicular access from the existing driveway indicated on the plans.
  - Horizontal clad finish consisting of Stramit "Monopanel (C-Clad)" horizontal colorbond panel in a sympathetic "dune" colour.
  - The applicant has advised that the shed cannot be moved further on the block for the following reasons:
    - The shed would be sited too close to the house and eaves.
    - The 14.8m is already a compromise, as the shed needs to fit 3 cars end on end.
    - The shed size needs to fit its purpose and cannot be changed.

### 3. STATUTORY ASSESSMENT

#### Section 79C (1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

- (a) **The provisions (where applicable) of:**  
(i) **any Environmental Planning Instrument:**

#### State Environmental Planning Policy 44 - Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required.

#### State Environmental Planning Policy 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

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

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71.

In accordance with clause 5, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore
- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);

- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage;
- g) reduce the quality of the natural water bodies in the locality.

The site is located within an area zoned for residential purposes.

### **Port Macquarie-Hastings Local Environmental Plan 2011**

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2, the subject site is zoned R2 Low Density Residential. In accordance with clause 2.3(1) and the R2 zone landuse table, the ancillary structure to a dwelling is a permissible landuse with consent.

The objectives of the R2 zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for low density housing that does not compromise the environmental, scenic or landscape qualities of land.

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives as it is a permissible landuse and consistent with the established residential locality. The shed is ancillary to the existing dwelling on site.

- Clause 4.3, the maximum overall height of the building above ground level (existing) is 3.87m which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4, there is no maximum floor space ratio applying to the site.
- Clause 5.9 - No listed trees in Development Control Plan 2013 are proposed to be removed.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1, the site is mapped as potentially containing class 4 acid sulphate soils.
  - Works more than 2 metres below the natural ground surface.
  - Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.

The proposed development includes excavation for a concrete slab, however no excavation extending 2 metres below the natural surface level is proposed, therefore no adverse impacts are expected to occur to the acid sulphate soils found on site.

- Clause 7.3, the site is not land within a mapped “flood planning area”.
- Clause 7.5 – Koala Habitat – The site is not identified as a “Koala Habitat area” on the Koala Habitat Map.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services.



## (ii) Any draft instruments that apply to the site or are on exhibition:

No draft instruments apply to the site.

## (iii) any Development Control Plan in:

## Port Macquarie-Hastings Development Control Plan 2013

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> </ul> Not located in front setback	Shed 3.87m Single - 148m <sup>2</sup> 11° 2m forward of existing dwelling. Principally within side boundary setback.	Yes Yes N/A <b>No*</b> Yes <b>Yes &amp; No*</b>
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	34m from front boundary however 2m forward of dwelling.	<b>Yes &amp; No*</b> <b>No*</b>
	6m max. width of garage door/s and 50% max. width of building	4.2m & less than 50% building width	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	55m	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>• Building wall set in and out every 12m by 0.5m</li> </ul>	3m to side boundary  Not applicable to ancillary structures	Yes N/A  N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>• Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings.</li> </ul>	The proposal does not give rise to any significant privacy impacts	Yes

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	Adequate casual surveillance available	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	<1m	Yes
2.3.3.8	Removal of hollow bearing trees	No hollows identified at site inspection	Yes
2.6.3.1	Tree removal (3m or higher with 100m diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	1 tree is proposed to be removed. The tree is not identified as Koala browse species (Bloodwood species). The tree can be removed without Council consent under the RFS 10/50 rule. Compensatory replanting is proposed.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	Single space provided	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
	Vehicle washing facilities – grassed area etc available.	Available	Yes

The proposal seeks to vary Development DP: 3.2.2.1

The relevant objectives are:

- To facilitate and sustain certain development as ancillary development.

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The proposed shed exceeds the maximum allowable 100m<sup>2</sup> by 48m<sup>2</sup>.
- The variation is considered acceptable due to the large nature of the site and that the bulk of the building will not be visible from the street, being screened by proposed and existing vegetation.
- The shed will be clad in Stramit "Monopanel /C-Clad" horizontal colorbond panels in a sympathetic "dune" colour to reduce any visual impact.
- The shed is to be sited 2m forward of existing dwelling, which itself is sited toward the centre of the block. The shed is sited principally within side boundary setback behind the setback of the adjoining dwellings.

The proposal seeks to vary Development DP: 3.2.2.3.

The relevant objectives are:

- To minimise the impact of garages and driveways on the streetscape, on street parking and amenity.
- To minimise the visual dominance of garages in the streetscape.

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The shed is located at a distance of 34m from the front boundary which complies with the 5.5m requirement. The shed however sits 2m forward of the existing dwelling.
- The existing dwelling is sited at a considerable distance from the front boundary, behind the setback of the existing adjoining dwellings.
- Existing and proposed vegetative screening will reduce the visual dominance of the shed upon the streetscape.
- The 3m variation is considered minor because of the large lot size and the proposed 34m setback to street boundary.

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

**(iia) any planning agreement that has been entered into under Section 93f or any draft planning agreement that a developer has offered to enter into under Section 93f:**

No planning agreement has been offered or entered into relating to the site.

**iv) any matters prescribed by the Regulations:**

**New South Wales Coastal Policy**

The proposed development is consistent with the objectives and strategic actions of this policy.

**Demolition of buildings AS 2601 - CI 66 (b)**

N/A

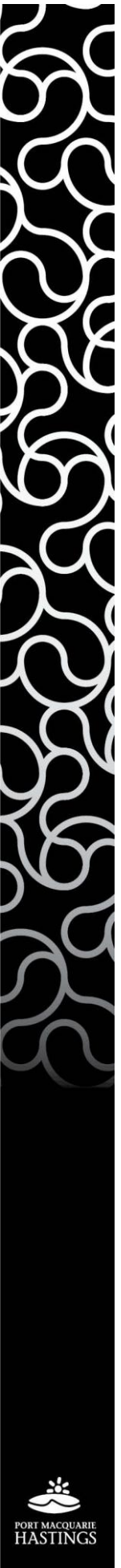
**v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)), that apply to the land to which the development application relates:**

N/A

**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, social and economic impacts in the locality:**

**Context & Setting**

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.



- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There is no adverse impact on existing view sharing.
- There are no adverse privacy impacts.
- There are no adverse overshadowing impacts. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

**Access, Transport & Traffic**

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

**Pedestrians**

The proposal will be unlikely to have any adverse impacts on pedestrian traffic.

**Public Domain**

There is no foreseeable impact on the public domain from the proposed shed.

**Utilities**

Telecommunication and electricity services are available to the site.

**Stormwater**

Service available – details required with S.68 application

**Water**

Service available – details required with S.68 application.

**Soils**

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

**Air & Micro-climate**

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

**Flora & Fauna**

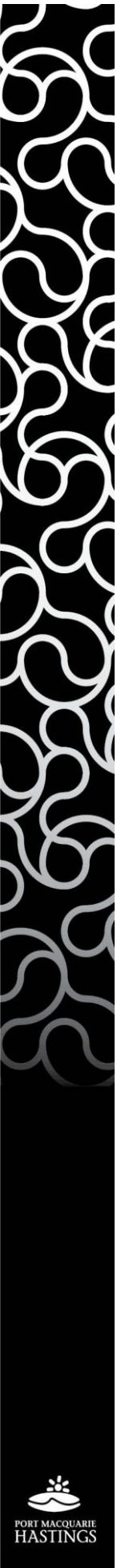
One tree is proposed to be removed. The site is located in a designated 10/50 vegetation entitlement clearing area. The large Bloodwood species can be removed without prior Council consent. It is recommended that a condition be imposed on the consent to require offset replanting on the site at a ratio of 2:1 trees removed.

**Waste**

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated.

**Noise & Vibration**

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours.



**Bushfire**

The site is identified as being bushfire prone.

The applicant has submitted a bushfire report. This report was based on incorrect site conditions. Council has undertaken its own assessment based on the revised site plan provided.

The following comments are provided having regard to section 4.3.5 of Planning for Bushfire Protection 2006:

<b>Asset Protection Zones</b>	APZ to be determined in accordance with AS3959	Effective slope = Flat land (0°) Forest vegetation = Yes APZ to be 20m – which can include 10m outer APZ Recommended entire property to be managed as APZ
<b>Siting and building design</b>	Siting and design principles considered section 4.3.5	Building sited 30m from hazard which is excess of standard calculated APZ No box gutters The site has as minor slope The building is single storey
<b>Construction standards</b>	Construction in accordance with AS3959.	FDI rating 80 Effective slope = Flat land (0°) = 30m = BAL 29 Garage doors to be ember proofed in accordance with Figure 4.9.
<b>Access requirements</b>	4.1.3 public road access	Constructed public road frontage
<b>Water and utility services</b>	4.1.3 services - water and electricity.	Water supply services available. Electrical transmission lines underground.
<b>Landscaping</b>	Appendix 5 landscaping	Existing landscaping to be maintained

The above assessment concludes that the bushfire risk is acceptable subject to BAL 29 construction levels being implemented and APZ being maintained.

**Safety, Security & Crime Prevention**

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.



**Social Impact in the Locality**

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts.

**Economic Impact in the Locality**

No adverse impacts. Likely positive impacts can be attributed to the construction of the development and associated flow on effects (i.e. increased expenditure in the area).

**Site Design and Internal Design**

The proposed development design is satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

**Construction**

No potential adverse impacts identified to neighbouring properties with the construction of the proposal.

**Cumulative Impacts**

The proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

**(c) The suitability of the site for the development:**

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

**(d) Any submissions made in accordance with this Act or the Regulations:**

Four (4) written submissions have been received following public exhibition of the application.

Key issues raised in the submissions received and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
Shed is inappropriately large & located in front of the existing house	Whilst the shed is large, it is proportionate to the large lot size (3911m <sup>2</sup> ). The shed is sited 2m forward of the existing house, however sits behind the two adjoining properties and is adequately setback from road frontage.
Shed would be built of materials out of character with the existing house and would negatively impact on the streetscape.	The owner has proposed to clad the shed in Stramit "Monopanel / C-clad" horizontal colorbond panels in a sympathetic "dune" colour to soften the overall look of the shed. The aesthetics of the shed are considered to be acceptable and not of sufficient weight to justify refusal of the application.
Shed would be out of character and prominent in the landscape. The shed should be located at the rear of the property.	The shed is to be sited behind an existing vegetated screen and 34m from the front boundary to Links Crescent. Additional vegetative screening of Lilly Pilly species is proposed which will provides adequate relief

	to the building and to soften the appearance of the shed on the streetscape. The shed will be constructed of sympathetic materials in a natural dune colour.
The shed would be located too close to our common boundary and adjoining house.	The shed is proposed to be sited 3m off the common boundary which is consistent with the provisions of DCP 2013. The adjoining house is sited 5m off the common boundary which would provide for an 8m separation between the habitable and non habitable structures. There are not considered to be any adverse overshadowing, privacy or aesthetic impacts attributed to the shed that would justify amending the location of the shed.
The shed would adversely affect the value of our property and to a lesser extent the value of all other properties in the Links Crescent subdivision	Property values are not a matter for consideration under 79C of the Environmental Planning & Assessment Act 1979.
The street is residential not rural.	The relatively large size of the allotment is considered to support a shed of the scale proposed.
It is an industrial looking shed & is not in keeping with the environment.	The owner has proposed to clad the shed in a sympathetic "dune" coloured Stramit "Monopanel / C-Clad" horizontal colorbond panel material to soften the overall look of the shed & to reduce the industrial look of the shed. The aesthetics of the shed are considered to be acceptable and not of sufficient weight to justify refusal of the application.

**(e) The Public Interest:**

The proposed development satisfies relevant planning controls and is unlikely to impact on the wider public interest.

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

N/A

**5. CONCLUSION**

The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

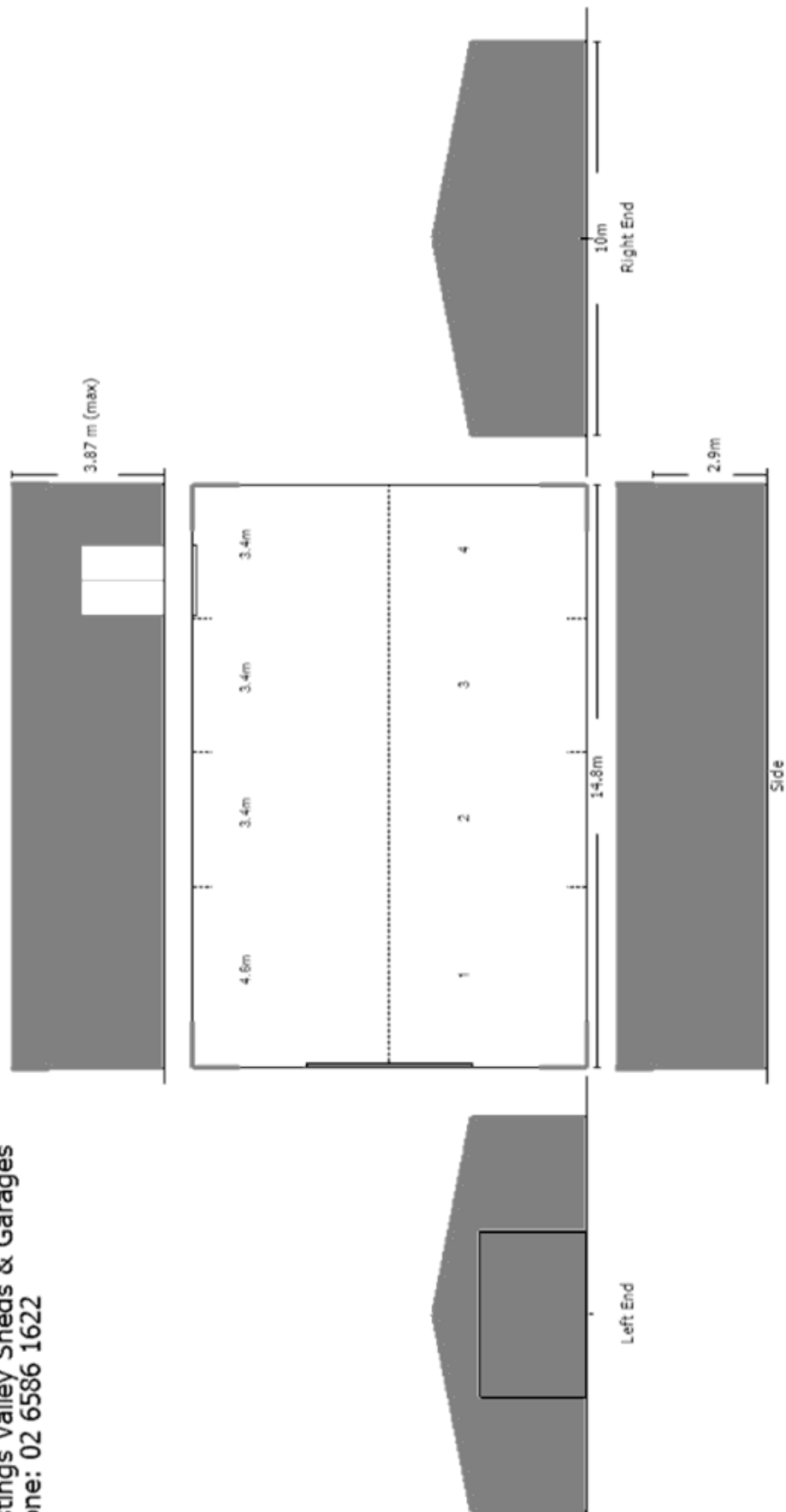
**Attachments**

- 1 [View](#). DA2016 - 162.1 Revised Plans
- 2 [View](#). DA2016 - 162.1 Recommended DA Conditions
- 3 [View](#). DA2016 - 162.1 Submission - Ditchfield
- 4 [View](#). DA2016 - 162.1 Submission - Filshie
- 5 [View](#). DA2016 - 162.1 Submission - Lloyd
- 6 [View](#). DA2016 - 162.1 Submission - Richmond





LINKS CR PORT MACQUARIE  
Number: 13019  
Designed by:  
Fair Dinkum Sheds & Garages  
Phone: 02 6586 1622



cal distributoryou are dealing with is an authorised independent distributor of Fair Dinkum Sheds' products  
iters into agreements with its customers on its own behalf and not as an agent of Fair Dinkum Sheds.

11/05/2016

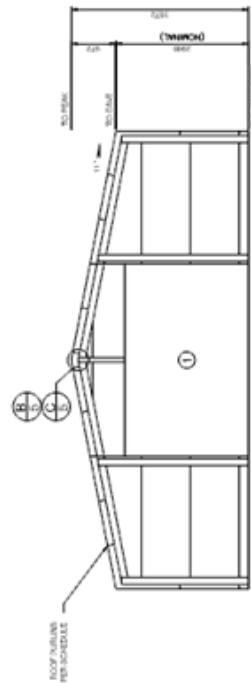
THE ROOM MEASUREMENTS GIVEN ARE MEASUREMENTS OF THE ROOMS ONLY AND DO NOT INCLUDE THE WALLS OR THE CEILING.



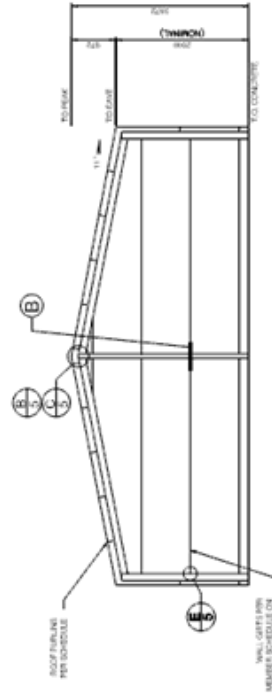
1 SIDEWALL EXTERIOR ELEVATION  
SCALE 1/4" = 1'-0"



2 SIDEWALL EXTERIOR ELEVATION  
SCALE 1/4" = 1'-0"



3 ENDWALL INTERIOR ELEVATION  
SCALE 1/4" = 1'-0"



4 ENDWALL INTERIOR ELEVATION  
SCALE 1/4" = 1'-0"

Diagonal X Bracing not required in this building.  
Cladding Diaphragm Sufficient. Fly Bracing is included in this building to be placed on every second Purfin Girt.

STEEL BUILDING BY	(CONTACT)
HASTINGS VALLEY SHEDS & GARAGES	02 6586 1922
FOR	DAVE EDWARDS
AT	20 LINKS CR
DRAWN	FDS
CHECKED	TM
DATE	9/3/2016
JOB NO.	PORT13019
SHEET	2
OF	5



NORTHERN CONSULTING	Mr Timothy Roy Messer BE MIE Aust RPREG
Engineers	Registered Professional Engineer 2558960
30 Purfin Girt	Signature
Queensland 4810	Date 9/3/2016
Ph: 07 4725 6850	Registered on the NPBR in the areas of project
Email: design@northern.com.au	and Phil A. Structural International
Page No. 100000	
Project No. 100000	

## FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF PROPOSED CONDITIONS - 2011

**NOTE: THESE ARE DRAFT ONLY**

**DA NO: 2016/162**

**DATE: 11 May 2016**

### **PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations 2000*.

### **A – GENERAL MATTERS**

- (1) (A001) The development is to be carried out in accordance with the plans and supporting documents set out in the following table, as stamped and returned with this consent, except where modified by any conditions of this consent.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Site plan & elevations	Pages 1- 3 PORT13019	Fairdinkum sheds	25/2/2016 9/3/2016
Engineering plans	Sheets 3 - 5/5	Fairdinkum sheds	9/3/2016

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

- a) the appointment of a Principal Certifying Authority and
- b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

- (3) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
4. Building waste is to be managed via an appropriate receptacle;
5. Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

- (4) (A195) The building is to be constructed to comply with Section 3 & 7 (BAL 29) AS3959- 2009 & Addendum: Appendix 3 Planning for Bushfire Protection 2010.

**B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

Nil

**C – PRIOR TO ANY WORK COMMENCING ON SITE**

Nil

**D – DURING CONSTRUCTION**

- (1) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

**E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE**

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (E195) Advanced vegetative screening is to be provided to the north and north-western elevation of the shed as per the site plan.
- (4) (E196) Trees to be removed are to be replaced with suitable Koala browse species at a ratio of 2:1 trees.

**F – OCCUPATION OF THE SITE**

- (1) (F002) The shed is not to be used for habitable, commercial or industrial purposes.
- (2) Landscaping is to be maintained for the life of the development.

**From:** Catherine Ditchfield [REDACTED]  
**Sent:** Monday, 4 April 2016 2:10 PM  
**To:** Stephen Ryan  
**Subject:** TRIM: Objection: Application No 2016/162 Lot 20 DP 707776 No 20 Links Crescent, Port Macquarie

Dear Stephen

I have recently become aware of the above mentioned application to build an excessively large colour bond shed on the property, No 20 Links Crescent, Port Macquarie.

I would like to lodge an objection to this application for the following reasons:

- . This industrial looking shed is not in keeping with the environment. This is a residential area, not an industrial area.
- . The size and location of the shed would impact every resident in the street. It will be the first thing we will all see when entering The Links.
- . The colour bond building material is completely out of character with residences in the street.
- . Approving the construction of this shed will **without doubt** have a negative impact on the entire neighbourhood.

When will this application be considered? Is it possible to attend the meeting?

Please let me know if there is anything else I need to do to formally object to this application.

Thank you for your time.

Catherine Ditchfield  
23 Links Crescent  
PORT MACQUARIE 2444  
[REDACTED]

11/05/2016

19 Links Crescent  
Port Macquarie NSW 2444

30 March 2016

General Manager  
Development Submission  
Port Macquarie-Hastings Council  
PO Box 84  
PORT MACQUARIE NSW 2444

Dear Sir

**Re: Application Number: 2016/162**  
**Ancillary Building - Shed**  
**LOT: 20 DP: 707776, 20 Links Crescent PORT MACQUARIE**  
**Assessing Officer: Stephen Ryan**

As adjoining neighbours to this property we were notified of this development application by letter from the Council dated 11 March 2016. Since then we have viewed the application and accompanying documents at the Council offices and Barry Filshie briefly discussed the application by telephone with the assessing officer, Stephen Ryan.

We hereby register our objection to the proposal on the following grounds:


1. The shed would be inappropriately large for a separate car garage located in front of the existing house.
2. The shed would be built of materials out of character with the existing house.
3. The shed would be out of character with the visible built environment within the Links Crescent subdivision.
4. The shed would be unsightly and prominent in the landscape
5. The shed would be located too close to our common boundary and thus to our house.
6. The shed would adversely affect the value of our property and to a lesser extent the value of all other properties in the Links Crescent subdivision.
7. Other considerations.

Below are further detailed reasons for our objections under each of these headings:

**1. Inappropriate size and location.**

As stated up front in the application, the dual purpose of the proposed shed would be firstly, to house a number of collectable cars owned by the applicant and secondly, to house a full size billiard table. The purpose of the shed presumably is not to house cars used on a

Submission 1

 <b>PORT MACQUARIE HASTINGS</b>	
TRIM No	CRM No
31 MAR 2016	
Keyword .....	
Activity .....	
Subject .....	
Folder .....	

OP2016-162.1.

day-to-day basis for regular transport. The existing house already has an integrated garage for this purpose.

The application justifies the size and location in the following terms: ***“There are similar or bigger garages, including in front of the boundary already in the street.”*** This is a misleading statement. There are much smaller garages in front of the house numbers 2 & 16, but these are constructed of the same materials (brick and render) and are not prominent because they are finished to match the corresponding houses. All other sheds in the street, big or small, are located further back on blocks, mostly behind existing houses and are not visible from the street.

With regard to the proposed siting of the shed, with its front being 2m in front of the existing building line, it is questionable whether this is permissible under existing regulations. Under item 3 of the proposal the applicant checked the NO box as to whether the proposal was permissible in the zone, and also NO with regard to compliance with the development control plan (e.g. setbacks and parking). Additional justification for non-compliance with these stipulations was supposed to be included with the proposal but these were/are missing from the documents on display. If either of these conditions can't be met then the proposal should be rejected.

**2. Materials out of character with the existing house.**

The existing house is built of brick or brick veneer. The proposed shed would be built from Colorbond steel, which would look out of place and inferior to the existing building.

**3. Out of character with the visible built environment within the Links Crescent subdivision.**

All others houses in the street are finished in brick or rendered brick or concrete. There are no houses or separate garages with Colorbond finishes fronting onto the street.

**4. Unsightly and prominent in the landscape.**

Colorbond steel is not a high class building material so if this shed were to be erected in its present position it would dominate the block. Not only that, but because No 20 is located at the end of the short entry “T” intersection of the road leading from Ocean Drive, the shed would be the first structure that anyone would see when driving into the subdivision. Whatever screening by way of trees or shrubs that might be provided/planted would not be substantial enough to hide the structure, which from the front would be 10 m wide and 3.872 m high at its peak. First impressions for newcomers entering the estate would not be indicative of the true standard of the real estate.

**5. The shed would be located too close to our common boundary.**

We built our house on the empty block, Lot 19, in 1999. At that time the building covenant stipulated setback of 10 m from the front boundary and 5m from side boundaries. Part of the reason we chose this block and subdivision was the large size of all the blocks and the un-crowded nature of the layout. To date we have felt pleasantly isolated from neighbours.

The proposed siting of the shed would be 2 m from the northern boundary of our block. So the proposed shed would be about 7 m from the wall of our second bedroom. We understand that the Council's setback rules would allow siting of the shed in this location and that Council regulations would override the original subdivision covenants.



Nevertheless we believe that the shed would end up being oppressively close to our house. The afternoon sun would reflect from the side wall of the shed and potentially radiate excessive light and heat onto our house and into the bedroom, regardless of the colour of the treated steel. This would be difficult to ameliorate completely with screening by vegetation, given the proposed height of the sidewall at 2.9m.

**6. Adverse effect on the value of our property.**

This is a very important consideration for us. We are both in our late 70s and, although we wish to stay here in Links Crescent as long as we are able, it is likely that we will have to sell the house and move to a different place sometime within the next 10 years. The house and land is our major asset so we are conscious of the fact that anything that will impact on the resale value of our property will have further implications for our living standards thereafter. Furthermore the resale value of other houses in the street could also be adversely affected, albeit to a lesser extent. If this application were to be approved in its present form it could be "the thin end of the wedge" and lead to a more general lowering of standards of housing in the street.

**7. Other considerations**

It's worth noting a little of the history of the Links Crescent estate over the time we have been here, which is just under 16 years.

When we bought the land the unimproved value was about \$200K, and we paid \$240K. The latest unimproved land valuation is \$650K. We assume that the value of the other blocks in the subdivision would be about the same. This is reflected in the way in which the estate has been improved by the owner/occupiers.

- Two new houses have been built (Nos 7 & 14)
- Three houses have been demolished and rebuilt from the foundations up. These include the two houses directly opposite us and No. 20, namely Nos 1 & 30 and also, No. 16, which was only recently completed.
- We understand that shortly the present house at No. 22 will also be demolished and rebuilt.
- The house on block No. 3 recently changed hands. It presently is unoccupied and is being extensively renovated, for the second time in as many years.
- Our other neighbours at No 18 bought the house about 2 years ago and have very extensively renovated the house and landscaped the garden since.
- Others owner/occupiers, such as No. 26, have extensively renovated and re-landscaped their properties in recent years.

The point of all this is to indicate how the increasing value of the land in this estate has led to huge amounts of money being spent on developments and improvements to the buildings and gardens and a marked beautification of the whole street.

By contrast No 20 has not been improved substantially in any way in 16½ years and has had 3 different owners. The addition of this proposed shed by the present owners would, if anything detract from the value of the property and everybody else's at the same time.

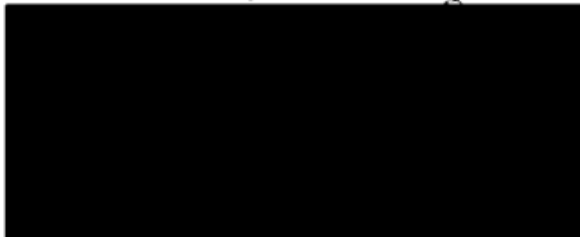
It should be pointed out that the owners of No 20 do not live in the house full time, but use it primarily as a holiday house. We estimate they would not be present for more than about 10% of the time. By contrast we think all but maybe one or two of the other properties in the street are occupied full time by their owners. This could reflect the differing attitudes towards the values that owners place on their properties and the improvements that they make to them.

**Three alternative suggestions.**

We would like to suggest three alternatives to the present proposal.

1. The most acceptable one to us would be for the owners to store their cars offsite and build a smaller shed, set back from the building line and suitably screened, for the billiard table. We note that one of the current residents of Links Crescent is an avid classic car collector and he garages his cars offsite, we believe in the industrial area of Port Macquarie. This would be more secure than having valuable old cars left unsupervised for extended periods of time. Relevant to this it's worth noting that a Mercedes was stolen from a locked garage in this street just last August.
2. Our second preference would be for the shed to be built at the rear of the property, where there is room. This would negatively impact visually on us, as there are presently no fences between our properties. We would probably have to establish vegetation for screening purposes, but this would be a more acceptable proposal than the present one.
3. Lastly, and this is not ideal from our viewpoint, would be for the shed to be made of brick/brick veneer rather than Colorbond, or have a brick façade matching the existing house, making it less noticeable and out-of-character.

Yours sincerely,



Barry and Dorothy Filshie

[REDACTED]

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**From:** christopher lloyd [REDACTED]  
**Sent:** Tuesday, 29 Mar  
**To:** Stephen Ryan  
**Subject:** Shed DA for 20 Linkc or PMQ

Hi Stephen thanks for the info by phone today re: above DA;

I don't believe a shed of 10m x 15m constructed near the front of no 20 is in keeping with the streetcape of Links crescent; there are many houses that have sheds in the street but all are at the rear of the properties and/or screened by trees or by the house. These are residential properties not rural and as a result I believe that this would detract from the street appeal particularly as it is the first property facing at the end of the "T" as you drive in from Ocean drive.

I would have no objection to a large shed at the rear of no 20 but certainly not at the front and being such a large one.

Regards

Chris G Lloyd  
6 Links cr PMQ  
[REDACTED]

-----Original Message-----

From: Grant Richmond [REDACTED]  
Sent: Tuesday, 5 April 2016 7:09 PM  
To: Stephen Ryan  
Cc: Jodie Richmond  
Subject: 20 Links Crescent Port Macquarie

Dear Stephen,

A neighbour has advised that a DA has been submitted for a 15m x 10m shed to be positioned in the front yard of the site.

We did not receive notice of the proposed development and we have not been able to discuss the proposal with our neighbours at 20 Links Crescent.

If the proposed construction is as it has been described, an industrial style shed is not in keeping with the natural amenity of the area and given that the shed would clearly be visible from the residential street frontage, will impact adversely on other residents.

If the proposed construction is as described, can you please note our objection to the DA. Alternatively, if the proposal differs from what has been described, can you kindly provide information, or advise what steps should be taken.

Thanks for your assistance.

Sincerely,

Grant & Jodie Richmond  
26 Links Crescent  
Port Macquarie NSW 2444  
[REDACTED]