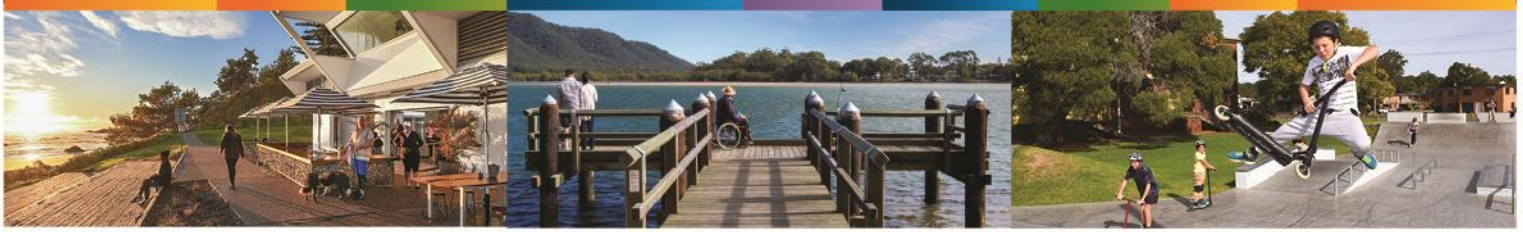




PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Wednesday 23 August 2017

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

time: 2:00pm

Development Assessment Panel

CHARTER

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.

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.

Development Assessment Panel

ATTENDANCE REGISTER

| Member | 14/06/17 | 28/06/17 | 12/07/17 | 26/07/17 | 09/08/17 |
|--|----------|------------|------------|----------|----------|
| Paul Drake Matt Rogers (alternate) | ✓ | ✓ | ✓ | ✓ | ✓ |
| Dan Croft Patrick Galbraith-Robertson Warren Wisemantel (alternates) | ✓ | ✓ | ✓ | ✓ | ✓ |
| David Troemel Caroline Horan (alternate) Bevan Crofts (alternate) Grant Burge (alternate) | ✓ | A ✓ | A ✓ | ✓ | ✓ |

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Development Assessment Panel Meeting

Wednesday 23 August 2017

Items of Business

| Item | Subject | Page |
|------|---|-----------|
| 01 | Acknowledgement of Country | <u>7</u> |
| 02 | Apologies..... | <u>7</u> |
| 03 | Confirmation of Minutes | <u>7</u> |
| 04 | Disclosures of Interest..... | <u>11</u> |
| 05 | DA2017 - 489.1 - Attached dual occupancy and Strata Title Subdivision - Lot 180 DP 240684, 5 Allunga Avenue, Port Macquarie | <u>15</u> |
| 06 | DA2017 - 410.1 - Dwelling And Shed - Lot 29 DP 104446, Loganvale Place Logans Crossing | <u>64</u> |
| 07 | DA2016 - 701 - Seniors Housing Aged Care Facility Including Clause 4.6 Objection To Clause 4.3 (Height Of Buildings) And Clause 4.4 (Floor Space Ratio) Of The Port Macquarie-Hastings Local Environmental 2011 - 1 Highfields Circuit, Port Macquarie | <u>89</u> |
| 08 | General Business | |

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

"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."

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 9 August 2017 be confirmed.



PRESENT

Members:

Paul Drake
Dan Croft
David Troemel

Other Attendees:

Fiona Tierney
Chris Gardiner
Ben Roberts

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 26 July 2017 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2016 - 53.1 AND PP2016 - 3.1 PLANNING PROPOSAL AND 2 INTO 5 LOT SUBDIVISION, LOT 15 DP 1099742 AND LOT 7 DP 1142473, NO. 40 READING STREET, PORT MACQUARIE

CONSENSUS:

That it be a recommendation to Council that Council:

1. Take the necessary steps under sections 58 and 59 of the Environmental Planning and Assessment Act 1979 to finalise Local Environmental Plan 2011 (Amendment No 41) as attached.
2. Enter into the Reading Street Environmental Land Planning Agreement under Section 93F of the Environmental Planning and Assessment Act 1979 between Port Macquarie-Hastings Council and Ronald Gordon Little and Adele Lillian Little.
3. Having regard to the assessment in this report of DA2017-53, for a subdivision at Lot 7 DP 1142473 and Lot 15 DP 1099742 (No. 40) Reading Street, Port Macquarie, delegate to the General Manager the determination of the development application upon the commencement of Local Environmental Plan 2011 (Amendment No 41).
4. Thank in writing all those who made a submission for their contribution and provide information on Council's decision on the matter.

06 DA2017 - 342.1 NEW DWELLING INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) (OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 271 DP 831575, 14 COASTLANDS PLACE, PORT MACQUARIE

CONSENSUS:

That DA2017 - 342 for a dwelling including clause 4.6 objection to clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 271, DP 831575, No. 14 Coastlands Place, Port Macquarie, be determined by granting consent subject to the recommended conditions.

**07 DA2017 - 351.1 ALTERATIONS TO GARAGE AND CONSTRUCTION OF DECK -
LOT 8 DP 734429 NO 128 CAMDEN HEAD ROAD, DUNBOGAN**

A submission from Robyn martin was tabled at the meeting.

Speakers:

Narelle Thompson (o)

Sue Hirst (o)

Donna Clarke (applicant)

Claire Mathieson (applicant)

CONSENSUS:

That DA 2017 - 351 for alterations to garage and construction of deck at Lot 8, DP 734429, No. 128 Camden Head Road, Dunbogan, be determined by granting consent subject to the recommended conditions.

08 GENERAL BUSINESS

Nil.

The meeting closed at 2:35pm.

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:

.....

Name:

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. The Council official must not be present at, or in sight of, the meeting of the Council at any time during which the matter is being considered or discussed, or at any time during which the council is voting on any question in relation to the matter. (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

| | |
|--|---|
| By <i>[insert full name of councillor]</i> | |
| In the matter of <i>[insert name of environmental planning instrument]</i> | |
| Which is to be considered at a meeting of the <i>[insert name of meeting]</i> | |
| Held on <i>[insert date of meeting]</i> | |
| PECUNIARY INTEREST | |
| Address of land in which councillor or an associated person, company or body has a proprietary interest (<i>the identified land</i>) | |
| 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. |
| MATTER GIVING RISE TO PECUNIARY INTEREST | |
| Nature of land that is subject to a change in zone/planning control by proposed LEP (<i>the subject land</i>) ⁱⁱⁱ [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 Name:

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^{iv} 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..
- 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.

Item: 05**Subject: DA2017 - 489.1 - ATTACHED DUAL OCCUPANCY AND STRATA
TITLE SUBDIVISION - LOT 180 DP 240684, 5 ALLUNGA AVENUE,
PORT MACQUARIE****Report Author: Clint Tink**

**Applicant: Encompass Drafting
Owner: T P & M J Cavallaro
Estimated Cost: \$540,000
Parcel no: 372**

Alignment with Delivery Program

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

RECOMMENDATION

That DA2017 – 489.1 for an attached dual occupancy and strata subdivision at Lot 180, DP 240684, No. 5 Allunga Avenue, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

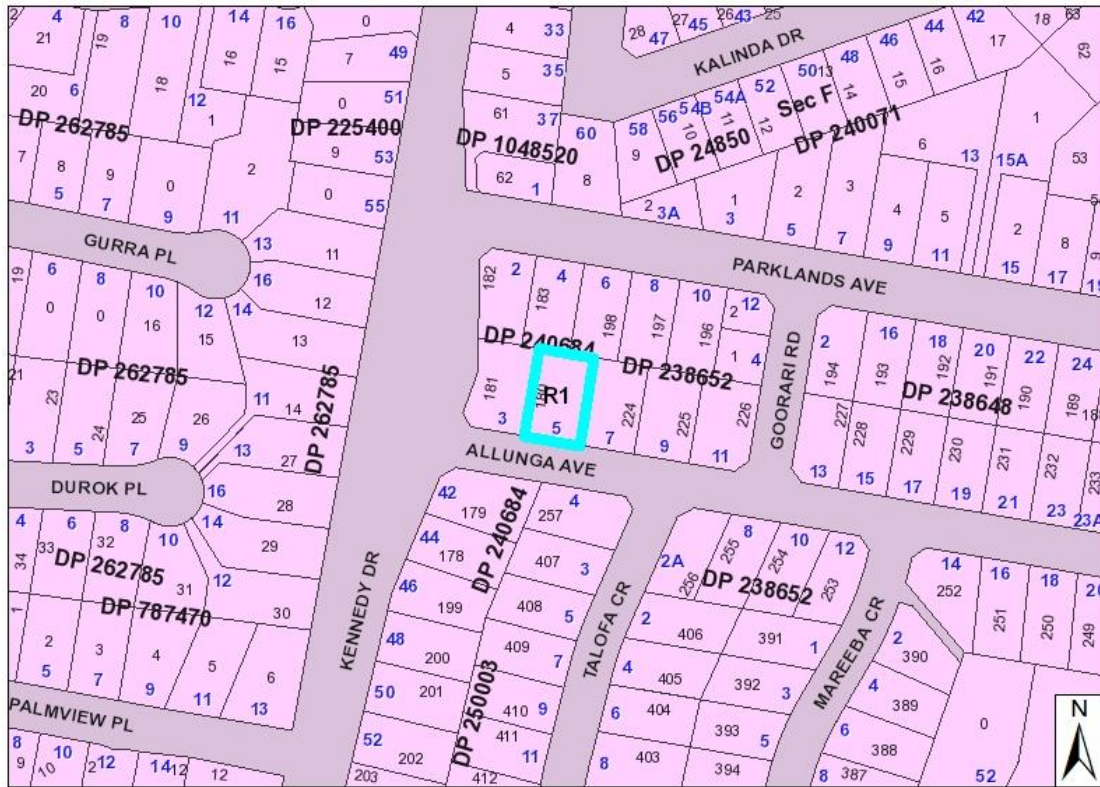
This report considers a development application for an attached dual occupancy and strata subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

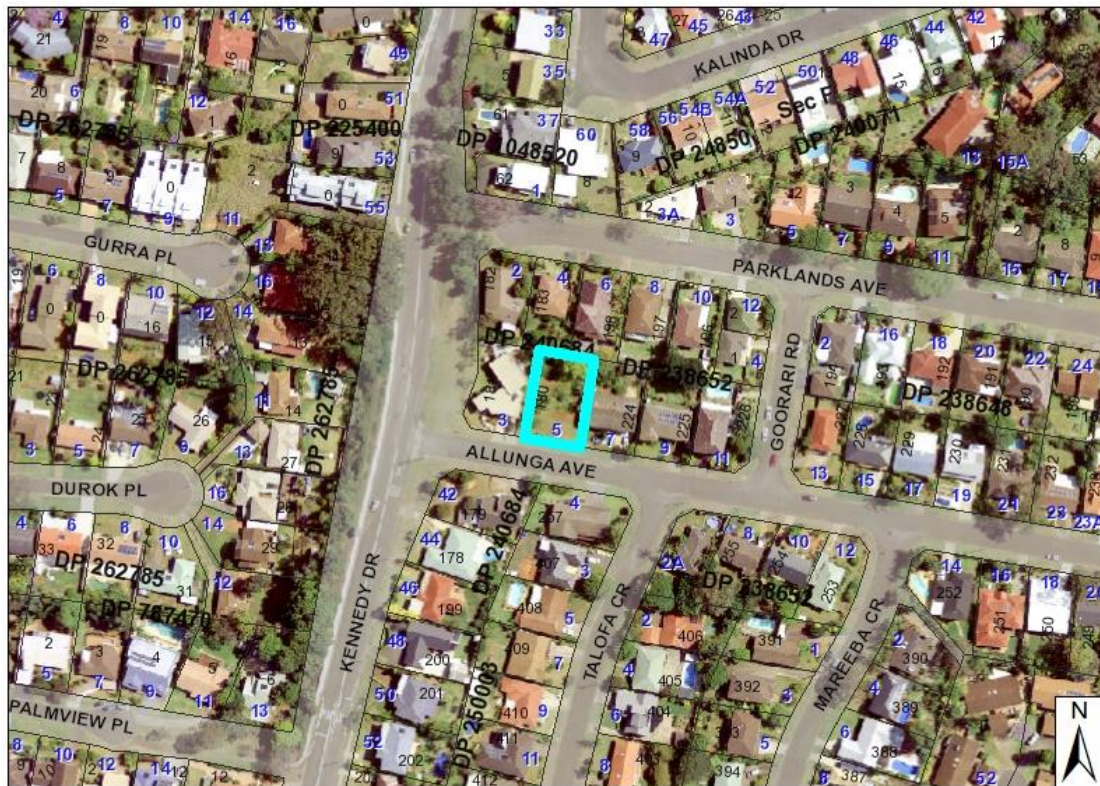
1. BACKGROUND**Existing sites features and surrounding development**

The site has an area of 701.9m².

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:



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 dual occupancy with each occupancy containing three (3) bedrooms and a double garage.
- The proposal is to be partially excavated into the site.
- The dual occupancy also contains strata subdivision, which will result in the attached dual occupancy being reclassified as semi-detached dwellings.
- During exhibition, one (1) submission was received.

Refer to attachments at the end of this report.

Application Chronology

- 8/6/2017 – Application lodged with Council.
- 19/6/2017 – Council staff requested additional fees to cover subdivision component.
- 22/6/2017 to 5/7/2017 – Notification period.
- 23/6/2017 – Council staff requested additional information on various matters such as sub floor use, Floor Space Ratio (FSR), privacy impacts, tree removal, front articulation, new plan set, subdivision plan etc.
- 26/6/2017 – Copy of exhibition material requested and sent to a neighbour.
- 27/6/2017 – Additional subdivision fees paid.
- 28/6/2017 – Applicant provided new plan set and Council staff also had discussion with neighbour regarding FSR.
- 4/7/2017 – Submission received and email from Council staff sent to objector regarding view loss photos.
- 5/7/2017 – View loss photos provided by objector.
- 20/7/2017 – Applicant submitted revised plans and response to Council's request for additional information.
- 21/7/2017 – Council staff advised the applicant that the revised plans/response did not address all the issues. Location of sewer junctions also raised as an issue.
- 25/7/2017 – Discussion with the applicant regarding another site in Lighthouse Beach area with a similar development. The other site was reviewed by Council staff and considered not relevant. The Lighthouse Beach site is located in a completely different area and was approved under previous planning controls that were repealed in 2011.
- 26/7/2017 – Meeting was held between Council staff, the applicant and owner to discuss the outstanding issues.
- 27/7/2017 – Except for the sewer issue, the applicant submitted revised plans and response addressing remaining outstanding items.
- 2/8/2017 – Council staff carried out site inspection, including visit to objector's property. Applicant submitted details addressing sewer location issue.

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 No. 44 - Koala Habitat Protection**

There is no Koala Plan of Management on the site. Additionally, the site is less than one hectare in area and contains no koala food trees. Therefore no further investigations are required.

State Environmental Planning Policy No.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 No. 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.

State Environmental Planning Policy No. 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

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 predominately cleared and located within an area zoned and already built out for residential purposes.

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

BASIX certificates have 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, an attached dual occupancy with

strata subdivision resulting in semi-detached dwellings 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, provides varied house types and density and is consistent with the residential locality.

- Clause 4.1, the lots for proposed Unit 1 and 2 are both under the 450m² minimum lot size standard being approximately 350m² each. Nonetheless, Clause 4.1A allows an integrated housing type proposal whereby construction and subdivision are included in the one application. When both construction and subdivision are included in the one application, Clause 4.1A allows the minimum lot size standard to be varied/reduced.

The intent of the clause is to encourage housing diversity without compromising residential amenity. This overall assessment shows that the development will have limited impact on adjoining properties. The surrounding area also contains a mixture of low and medium to high density residential development. This proposal will be consistent with the existing and future density for the area.

- Clause 4.3, the maximum overall height of the building above ground level (existing) is approximately 8.1m 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 approximately 0.64:1 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.9, no listed trees in Development Control Plan 2013 are proposed to be removed. However, it is noted that a banksia and several other introduced species are likely to require removal.
- Clause 5.10, the site does not contain or adjoin any known heritage items or sites of significance. The site is also disturbed from past gardening activities.
- 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:

None relevant.

(iii) any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

| DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development | | | |
|--|--|---|-----------------|
| | Requirements | Proposed | Complies |
| 3.2.2.1 | Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch | Water tank and clothesline appropriately located behind/outside of the front setback. | Yes |

| DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development | | | |
|--|--|---|-----------------|
| | Requirements | Proposed | Complies |
| | <ul style="list-style-type: none"> • Not located in front setback | | |
| 3.2.2.2 | <p>Articulation zone:</p> <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature | <p>The development contains a deck within the articulation zone. The deck occupies approximately 38% of the front articulation zone area. As a general rule, Council staff use 25% as a guide. In this case, the variation is acceptable for the following reasons:</p> <ul style="list-style-type: none"> - The variation to the 4.5m front setback creating the articulation is relatively minor (ie 0.7m). - The articulation breaks up the bulk of the building facade. - Even though the articulation occupies more than 25% of the area, the two storey design reduces the bulk of the impact (ie the articulation does not exceed 25% of the volume of the articulation zone). - The articulation helps transition the reduced front setback of 3 Allunga Avenue, down the remainder of Allunga Avenue. <p>Based on the above, the proposed articulation supports an attractive streetscape without redefining the front setback for the overall street.</p> | Yes |
| | <p>Front setback (Residential not R5 zone):</p> <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway | Front building line setback is compliant with the minimum 4.5m front setback requirements. | Yes |
| 3.2.2.3 | Garage 5.5m min. and 1m behind front façade. | Garage door setback requirements are complied | Yes |

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

| | Requirements | Proposed | Complies |
|---------|--|--|---------------------|
| | Garage door recessed behind building line or eaves/overhangs provided | with. | |
| | 6m max. width of garage door/s and 50% max. width of building | The garage doors do not exceed 6m individually but do equate to over 50% of the width of the building. In particular, the garages are 10.8m wide (combined) and the overall building is approximately 20m wide (ie 54%). The variation is acceptable for the following reasons: <ul style="list-style-type: none"> - Variation is minor. - Being a two storey building, the bulk of the garages are reduced so as to create no adverse impact or dominance on streetscape. - The change in levels between the units breaks up the horizontal impact of the garages. - Garages are located nearly 2m behind the front of the building. - Use of articulation further reduces garage dominance. | No, but acceptable. |
| | Driveway crossover 1/3 max. of site frontage and max. 5.0m width | Driveway crossing widths do not exceed 5m individually but do equate to over 1/3 of the frontage (ie 48%). The variation is acceptable for the following reasons: <ul style="list-style-type: none"> - The individual crossover widths comply. - A 7m+ garden area exists between the two driveways and 1m+ between side boundaries. This will allow landscaping to break up driveway dominance. | No, but acceptable. |
| 3.2.2.4 | 4m min. rear setback. Variation subject to site analysis and provision of private open space | The rear setback requirements are complied with. It is noted that part of the roof component is within the 4m | Yes |

| DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development | | | |
|--|--|--|-----------------|
| | Requirements | Proposed | Complies |
| | | setback but this is allowed (ie not a wall). Furthermore, the roof helps in the useability of the area by providing shelter from sun and rain while also reducing downward views from the properties to the north (ie privacy benefits). | |
| 3.2.2.5 | Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m | The minimum side setback requirements are complied with. Ground floor areas are setback 900mm+. First floor components are setback less than 3m but the applicant has shown the encroachments comply with the 900mm setback and will not result in overshadowing of adjoining properties by more than 3 hours between 9am and 3pm, 21 June. The wall articulation is compliant and satisfies the objectives of the development provision. | Yes |
| 3.2.2.6 | 35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade | Each occupancy contains 35m ² open space in one area including a useable 4m x 4m area. | Yes |
| 3.2.2.7 | Front fences: <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances • Front fences and walls to have complimentary materials to context | No front fences proposed. | N/A |
| 3.2.2.10 | Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent | The development will not compromise privacy in the area due to a combination of | Yes |

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

| | Requirements | Proposed | Complies |
|--|--|---|----------|
| | <p>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</p> <ul style="list-style-type: none"> • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m | lack of windows on side/rear boundaries, having high sill or obscure glass windows in appropriate places, limiting living areas that face adjoining living areas/open space, compliant separation and use of screening/fencing. | |

DCP 2013: General Provisions

| | Requirements | Proposed | Complies |
|---------|---|--|---------------------|
| 2.7.2.2 | Design addresses generic principles of Crime Prevention Through Environmental Design guideline | No concealment or entrapment areas proposed. Adequate casual surveillance available. | Yes |
| 2.3.3.1 | Cut and fill 1.0m max. 1m outside the perimeter of the external building walls | Sections of cut and fill exceeds 1m in height and will need to be certified by an Engineer. There are no stormwater or privacy implications created by the cut. Objectives of the DCP not compromised. | No, but acceptable. |
| 2.3.3.2 | 1m max. height retaining walls along road frontage | None proposed | N/A |
| | Any retaining wall >1.0 in height to be certified by structure engineer | Condition recommended to require engineering certification | Yes |
| | Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway | No retaining wall front fence combination proposed. | N/A |

| DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development | | | |
|--|---|--|-----------------|
| | Requirements | Proposed | Complies |
| 2.3.3.8 | Removal of hollow bearing trees | No hollow trees proposed to be removed | N/A |
| 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) | No significant trees proposed to be removed. Most are introduced species with limited habitat value. | Yes |
| 2.4.3 | Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater | None relevant. | N/A |
| 2.5.3.2 | New accesses not permitted from arterial or distributor roads | No new access proposed to arterial or distribution road. | N/A |
| | Driveway crossing/s minimal in number and width including maximising street parking | Driveway crossings are minimal and retain sufficient street parking. | Yes |
| 2.5.3.3 | Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). | Proposal involves two occupancies with each containing a double garage and room for stacked visitor parking in the driveway. Development complies with/exceeds parking requirements. | Yes |
| 2.5.3.11 | Section 94 contributions | Contributions apply. | Yes |
| 2.5.3.12 and 2.5.3.13 | Landscaping of parking areas | Suitable landscaping proposed around driveway/parking locations. | Yes |
| 2.5.3.14 | Sealed driveway surfaces unless justified | Sealed driveway areas proposed. | 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 satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit | Yes |
| 2.5.3.17 | Parking areas to be designed to avoid concentrations of water runoff on the surface. | Stormwater drainage is capable of being managed as part of plumbing construction. | Yes |

Note: Subdivision provisions of the DCP (except battleaxe handle width) are aimed at the creation of vacant lots (i.e. not lots within an integrated housing proposal such as this) and have therefore been excluded from the above assessment. Servicing requirements are discussed later in this report.

- (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:

None relevant.

- 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.

- 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:

None relevant.

- (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 and 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 are no adverse impacts on existing view sharing – see assessment on views below.
- There are no adverse privacy impacts.
- Due to the north south orientation of the lots and Allunga Avenue running along the southern boundary; no adverse overshadowing impacts will occur.

View Sharing

During the public exhibition period, concern surrounding view loss was raised. An inspection was carried out, including observations from the concerned neighbouring property at 3 Allunga Avenue.

The following photos were taken from the affected key living areas within the adjoining property. Standing photos would have been taken at a height of approximately 160-170cm above the floor. While there is nothing to say at what height photos should be taken, it is noted that the average height of an Australian male is 175cm and female is 162cm. Therefore, the height of the camera shot is consistent with the eye line of the average Australian.



Photo 1 & 2: Standing view from front deck 3 Allunga Avenue with second photo being zoomed in on the Ocean component (next to Norfolk Island pine tree)



Photo 3: Standing view from kitchen window 3 Allunga Avenue.



Photo 4: Standing view front deck looking through opening 3 Allunga Avenue



Photo 5: Sitting view front deck 3 Allunga Avenue

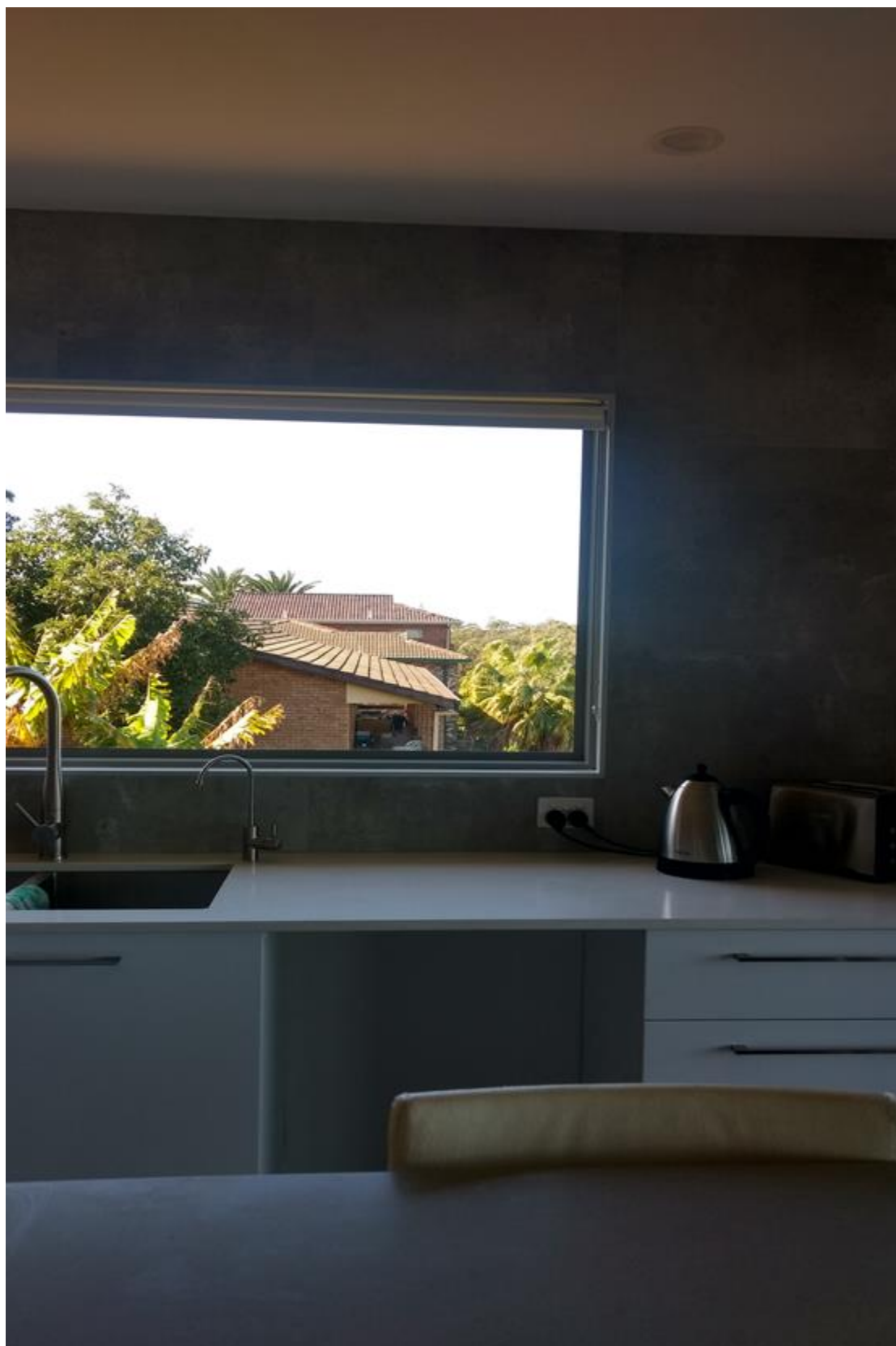


Photo 6: Sitting view within kitchen 3 Allunga Avenue

The overall notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking all the view away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

Using the principles of NSW Land and Environment Court case law - *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following comments are provided in regards to the view impacts using the 4 step process to establish whether the view sharing is acceptable.

Step 1

Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comments: The view corridor from the adjoining property (3 Allunga Avenue) is towards the south east, partially across a side boundary (5 Allunga Avenue). The view looks partially over houses towards vegetation within Calwalla Reserve and Wrights Creek. A small glimpse of the Ocean is possible between the canopy of vegetation, in one section to the east. The Ocean view does not include a land water interface and is dependent on the distant gap in the canopy being retained. The view also does not contain any iconic or unique features.

It is noted that the occupants of 3 Allunga Avenue highly rate the view and have completed recent renovations to maintain/enhance the above view(s).

In light of the principles of the case, while the view offers a degree of appeal, it is not considered to be of high value. In particular, the view is across a side boundary, is more a neighbourhood street outlook with slightly more vegetation created by the reserve (ie not overly unique), the Ocean view is limited and is reliant on distant vegetation canopies within the reserve(s) not growing any higher.

Step 2

Consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comments: The aforementioned view is enjoyed from 3 Allunga Avenue across the side and front boundary. The views are enjoyed from both standing and sitting positions from various parts of the dwelling with the most prevalent being from the upstairs kitchen window and deck area.

Step 3

Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comments: The extent of the impact upon the views enjoyed from 3 Allunga Avenue are considered to be acceptable for the following reasons:

- The impacts in view will occur across a side boundary with front views being retained.
- While parts of the more eastern view will be lost, the design will still retain sections of the view down to the reserve and creek. More complete views will also still be available from certain positions on the deck area.
- For the most part, the proposal complies with relevant planning controls and a greater impact on views could have occurred from a compliant development/Complying Development Application.

Step 4

Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comments: The proposal contains limited variations to Council's planning provisions and a greater impact could have occurred from a compliant dwelling/development. Furthermore, views from the key living areas will still be retained from various positions.

Based on the above, the proposed development is considered to achieve a suitable level of view sharing to a view that is not considered to have high value in terms of the planning principles of the court case.

Access, transport and 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.

Water Supply

Council records indicate that the development site has two existing 20mm metered water service. Each proposed lot requires an individual metered water service. The water meter locations shown on the plans are acceptable for Water Supply Section.

Sewer

Council records indicate that the development site has an existing connection to the sewer that runs outside the southern property boundary. The development is capable of being serviced with detailed plans being required with the S.68 application.

Stormwater

Service available with details required 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

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. Section 5A of the Act is considered to be satisfied.

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 not identified as being bushfire prone.

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 impacts 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 maintained employment and 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. View sharing impacts addressed above in this report.

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:

One (1) written submission was 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 |
|---|---|
| Does the floor space ratio (FSR) comply? | The original design included extended garage storage. This has since been removed resulting in the proposal complying with the FSR. |
| The front setback is not in keeping with the street. | Since lodgement, the applicant has pulled back the front setback articulation to a suitable level. The design is considered to comply with Council controls and will not adversely impact on the streetscape. Refer to comments on 3.2.2.2 in the DCP 2013 assessment table above in this report for further context. |
| The development will span the full width of the property. Are there any suggestions to soften or diminish the overbearing appearance? | The front of the dwelling contains articulation measures to break up the bulk of the building. Furthermore, the height and side setbacks are consistent with Council controls and complying development. |
| The development will obscure views. Can the applicant or Council determine how much of the view will be lost? | Refer to comments on view sharing above in this report. |

| | |
|---|--|
| Impact of overshadowing. | Refer to comments on 3.2.2.5 in the DCP 2013 assessment table regarding side setbacks and overshadowing. In particular, through shadow modelling plans and the north south orientation of the lots; no adverse overshadowing will occur. It should be noted that overshadowing from a Complying Development would result in a consistent impact. |
| The setbacks will result in privacy issues with adjoining properties. | Refer to comments on 3.2.2.10 in the DCP 2013 assessment table regarding privacy. |
| Non-compliant rear setback. | Applicant has since amended the development to comply. Part of the roof component is within the 4m setback but this is allowed (ie not a wall). Furthermore, the roof helps in the useability of the area by providing shelter from sun and rain while also reducing downward views from the properties to the north (ie privacy benefits). |
| Privacy between deck areas of 3 & 5 Allunga Avenue. | The proposed deck areas on 5 Allunga Avenue are located off a bedroom and are minimal in width. This limits the useability to a low use area and not a key living/open space. Furthermore, the decks appear more for maintenance/appearance purposes. The deck for 3 Allunga Avenue also contains a semi solid wall section that limits part of their view across to 3 Allunga Avenue. Based on the above, it is considered there will be no adverse privacy issues between the decks or the need for any screening. |
| Due to setback variations, the proposal will be imposing, overbearing and contain limited open space. Impacts on streetscape. | Since lodgement, the applicant has amended the design to be more compliant with Council controls and result in no adverse impacts – refer to assessment above. The design is also considered to be consistent with the existing and desired future streetscape. |
| Impact on the value of adjoining property. | Property values is not a matter for consideration under the s79C assessment process. As a result, Council is unable to give such an issue any weight in the assessment process. |

(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.

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.

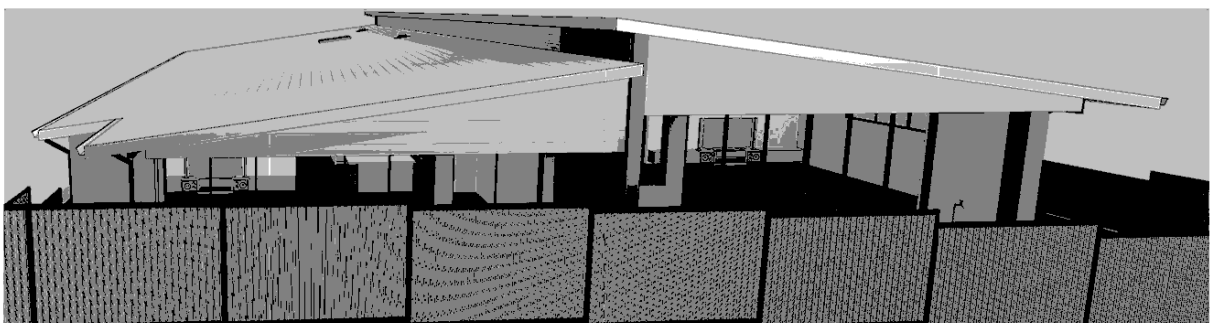
Attachments

1[View](#). DA2017 - 489.1 Plans

2[View](#). DA2017 - 489.1 Recommended DA Conditions

3[View](#). DA2017 - 489.1 Submission - Harding

1 COVER SHEET



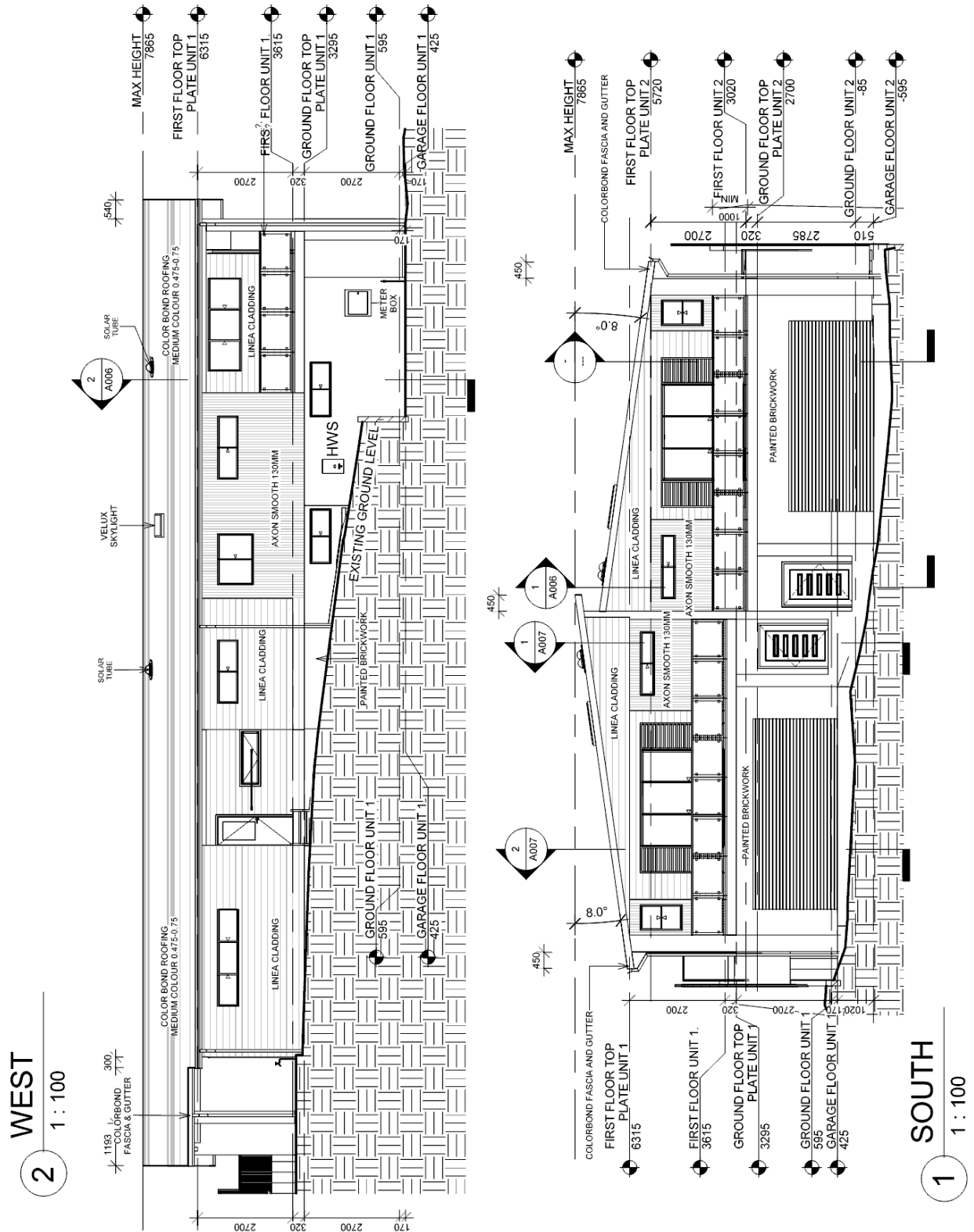
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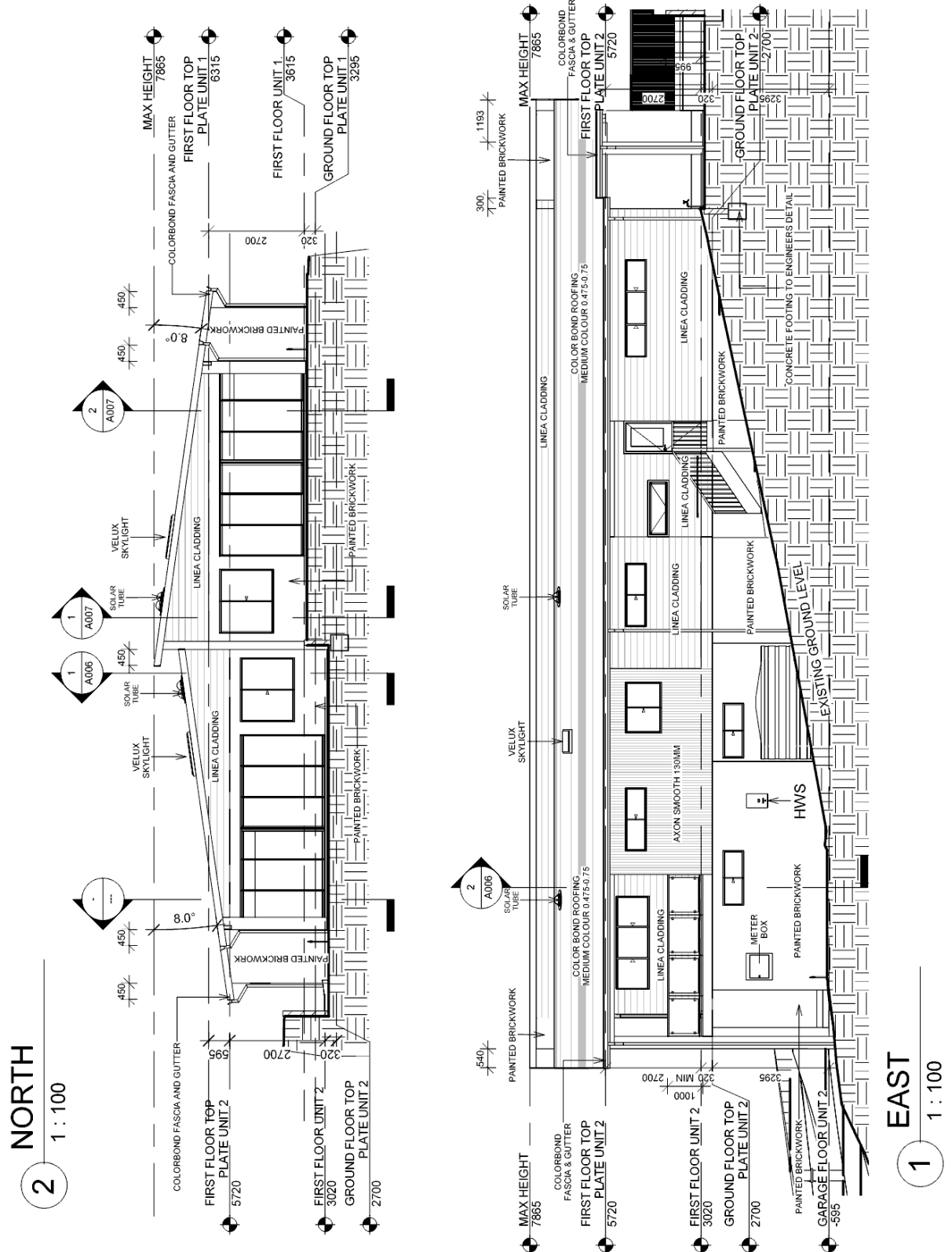
ELEVATIONS

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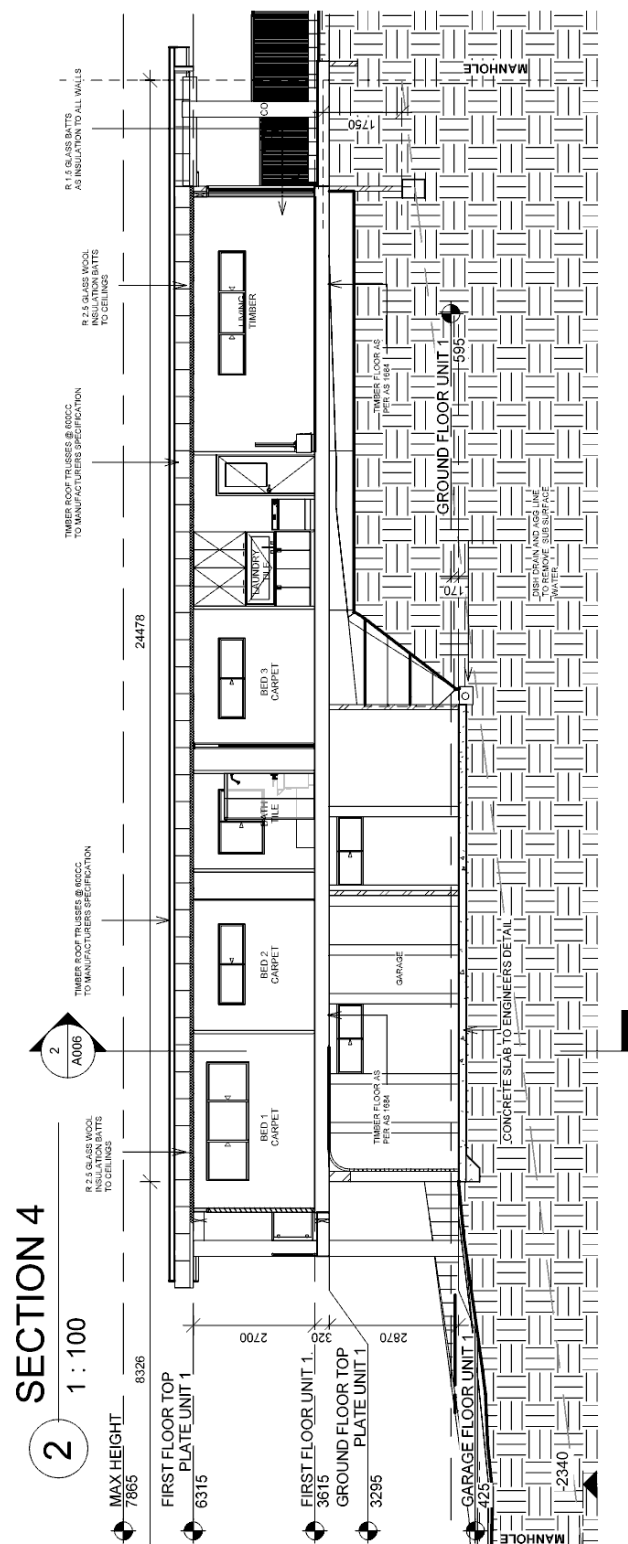
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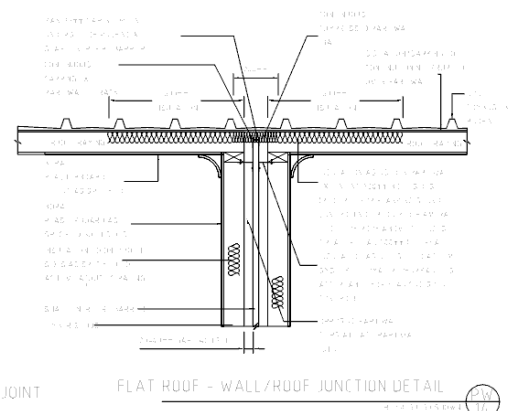
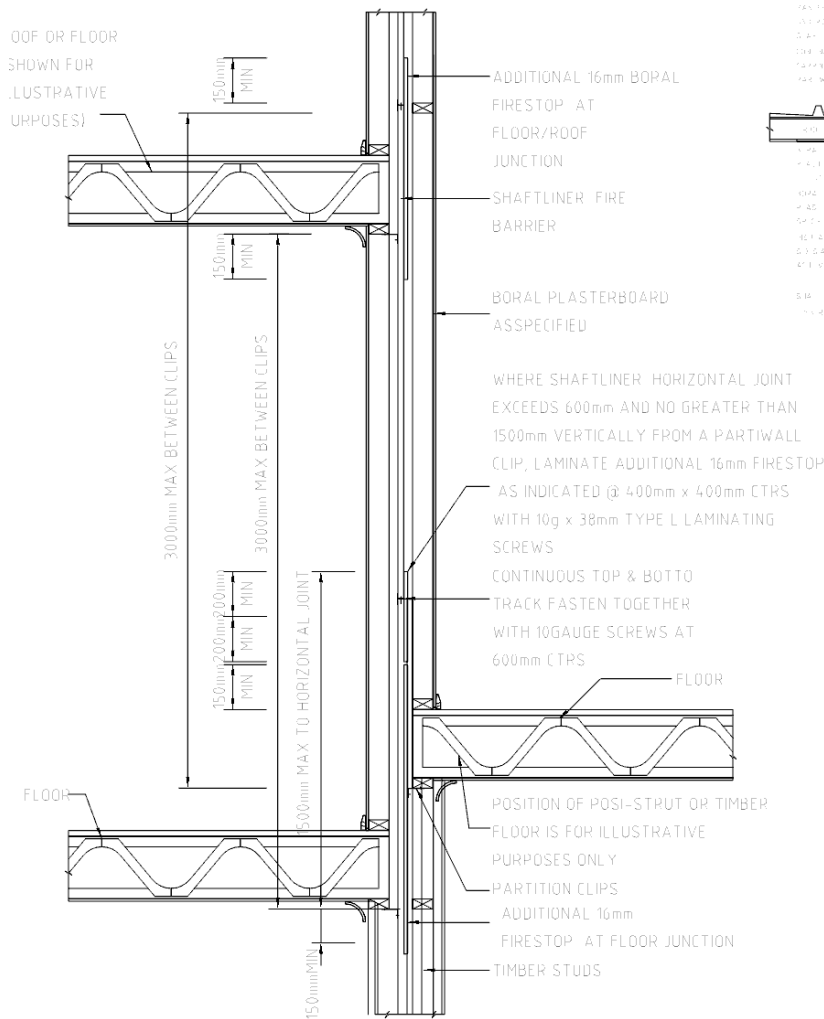
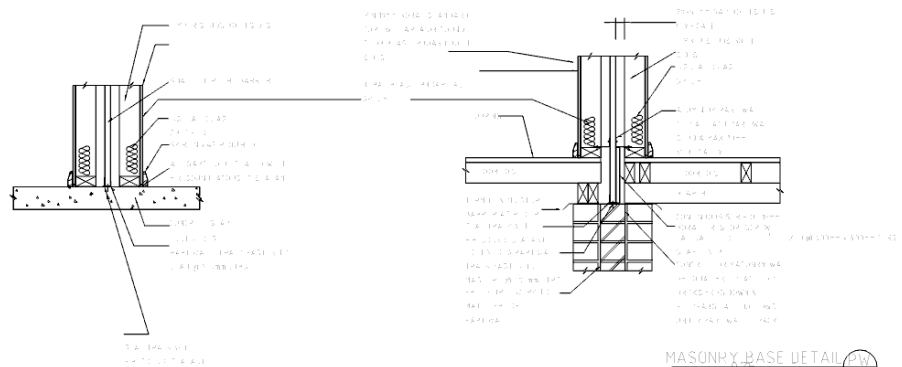
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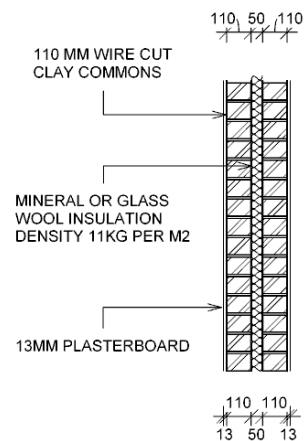
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BORAL PARTI WALL DETAILS
VARIOUS SCALES
TO BE READ IN CONJUNCTION
WITH BORAL INSTALLATION MANUAL



STAGGERED FLOOR DETAIL PW 18
SCALE 1:20 FRL 60/60/60 SHOWN

2 ALT BASE DETAIL
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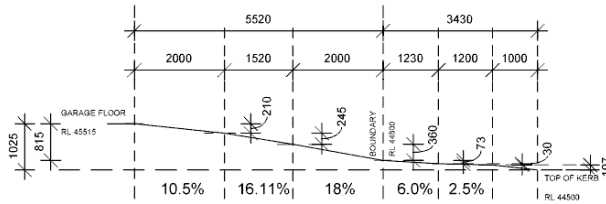
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PARTY WALL DETAILS

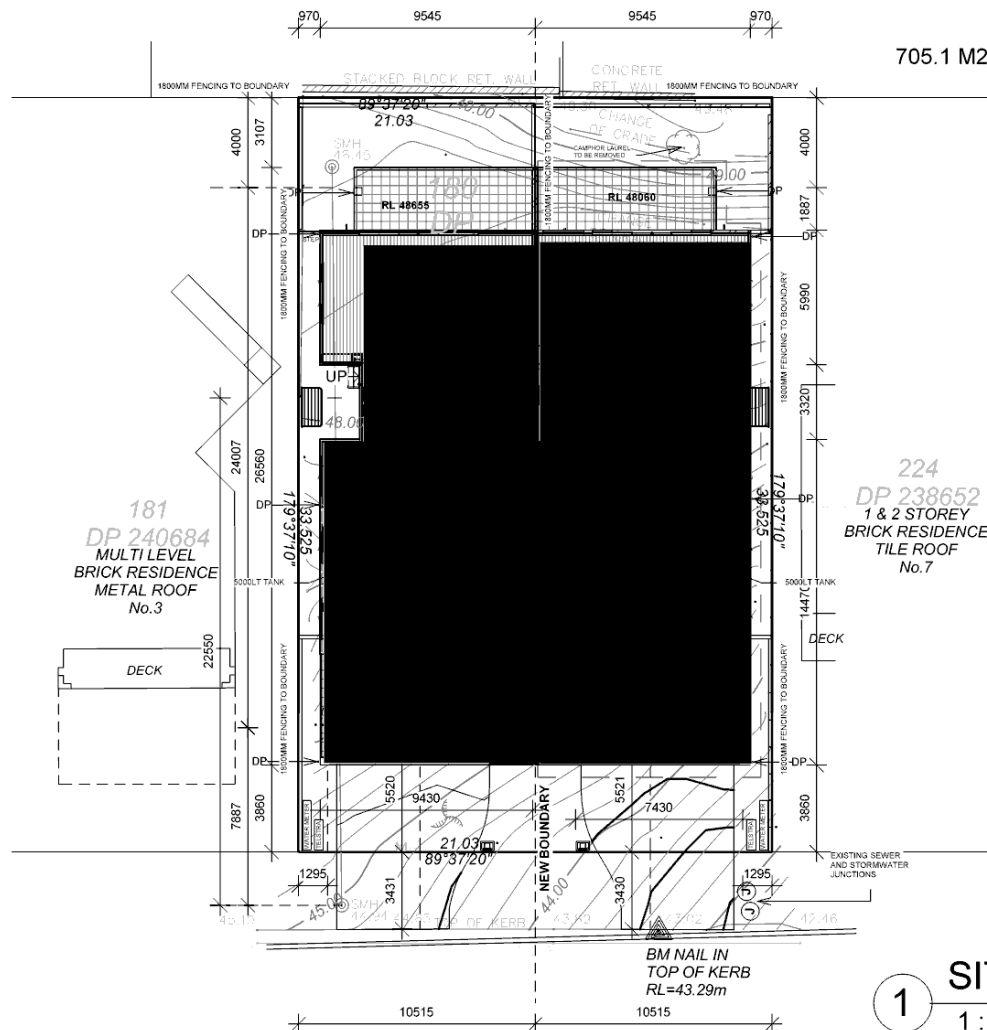
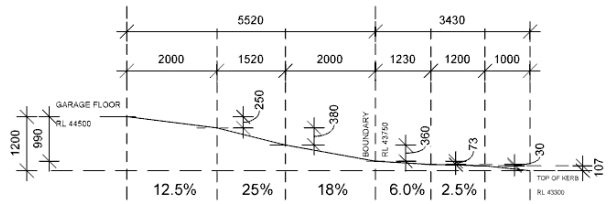
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3 DWAY SECT UNIT U1 1 : 100



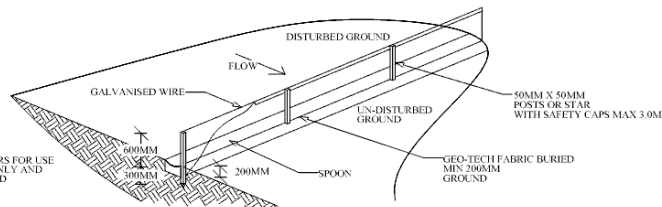
2 DWAY SECT UNIT U2 1 : 100



LEGEND

| | |
|------------------|-------|
| STORMWATER | —ST— |
| SEWE | —S— |
| WATE | —W— |
| ELECTRICITY | —E— |
| SERVICE JUNCTION | (J) |
| SERVICE METER | METER |

NOTE: GEO-TEXTILE FILTER BARRIERS FOR USE DURING CONSTRUCTION PERIOD ONLY AND NOT TO BE USED IN CONCENTRATED AREAS



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DRAFTING AND DESIGN

DAMIAN KEEP

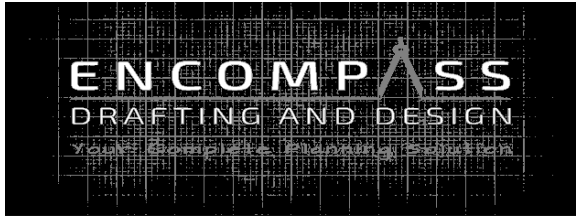
Phone: 0490 786 853
Email: damian@encompassdrafting.com.au
PO Box: 5335 Port Macquarie BC NSW 2444

TOM CAVALLARO

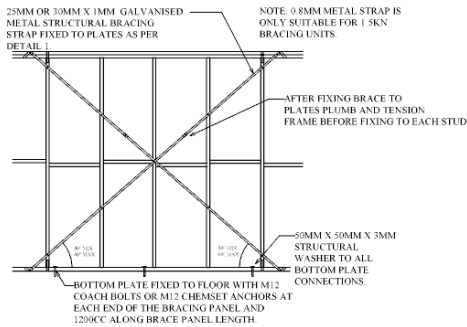
LOT 180 No 5 DP 240684 ALLUNGA
AVENUE PORT MACQUARIE 2444
DA ISSUE

SITE

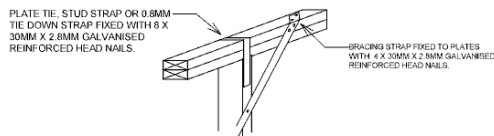
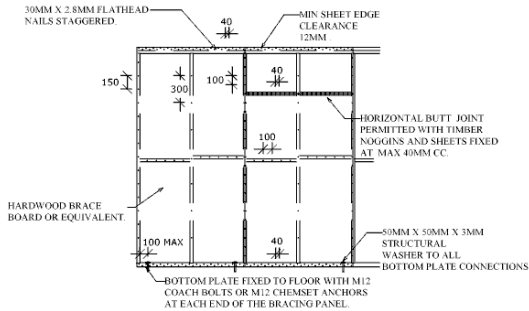
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| Project number | 2012 | A009 |
| Date | 27/07/2017 12:06:17 PM | |
| Drawn by | DK | |
| Checked by | MG | |
| Scale | As indicated | |



CROSS BRACING DETAIL 1.5 KN OR 3KN WITH TIES & ANCHORS.



SHEET BRACING DETAIL HARDWOOD BRACEBOARD 3.4KN OR 6KN WITH ANCHORS.



STUD STRAP FIXING DETAILS

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NOTES
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SPECIFICATIONS & GENERAL NOTES

THESE ARCHITECTURAL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE STRUCTURAL ENGINEERS DRAWINGS AND ALL OTHER RELEVANT CONSULTANT DRAWINGS.

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE RELEVANT AND CURRENT AUSTRALIAN STANDARDS AND THE BUILDING CODE OF AUSTRALIA UNLESS OTHERWISE SPECIFIED.

TIMBER FRAMING TO BE IN ACCORDANCE WITH AS 1684 2006. NATIONAL TIMBER FRAMING CODE.

SARKING MATERIAL USED MUST COMPLY WITH AS/NZ 4200 PARTS 1 AND 2 AND HAVE A FLAMMABILITY INDEX OF NO GREATER THAN 5.

WHERE PRE FABRICATED WALL FRAMES AND ROOF TRUSSES ARE NOMINATED THE DESIGN AND SPECIFICATION (INCLUDING SPECIFIC HOLD DOWN REQUIREMENTS) ARE TO BE SPECIFIED BY THE FRAME AND TRUSS MANUFACTURER.

BALUSTRADING AND HANDRAILS (WHERE APPLICABLE) ARE TO COMPLY WITH B.C.A. CLAUSE 3.9.2 AND AS 1170.

STAIRS (WHERE APPLICABLE) ARE TO COMPLY WITH BCA CLAUSE 3.9.1.3 AND 3.9.1.4. WITH NON SLIP TREADS AND HANDRAIL AS PER AS 4586

VAPOUR BARRIER TO BE INSTALLED IN ACCORDANCE WITH B.C.A CLAUSE 3.2.2.6 AND TO BE 0.2 FORTECON OR EQUIVALENT AND MUST BE MEDIUM IMPACT RESISTANT ON A MINIMUM 50MM BED OF SAND FILL.

WHERE W.C. OR ENSUITE DOORS DO NOT OPEN OUTWARD THEY SHALL BE INSTALLED WITH LIFT OFF HINGES.

PLUMBING AND DRAINAGE SYSTEMS ARE TO COMPLY WITH AS3500 WITH TEMPORARY DOWN PIPES TO BE USED TO DISPERSE WATER DURING CONSTRUCTION.

STORM WATER FROM THE ROOF TO BE DISCHARGED TO WATER TANKS, THE STREET KERB OR ONTO OWN PROPERTY WITHOUT NUISANCE TO NEIGHBOURS.

TERMITE MANAGEMENT SYSTEMS ARE TO COMPLY WITH AS 3660 WITH THE PROPERTY OWNERS NOTIFIED AS TO ANY ON GOING MAINTENANCE REQUIREMENTS / OBLIGATIONS.

INSTALLATION OF SMOKE DETECTORS TO COMPLY WITH AS 3786.

CONCRETE CONSTRUCTION TO BE IN ACCORDANCE WITH AS 3600.

MASONRY CONSTRUCTION TO BE IN ACCORDANCE WITH AS 3700.

DAMP PROOF COURSES AND FLASHINGS TO BE IN ACCORDANCE WITH AS/NZ 2094.

THERMAL INSULATION OF DWELLINGS TO COMPLY WITH AS3999 AND ANY SPECIFIC BASIX REQUIREMENTS.

UN-PLASTICISED PVC (UPVC) DOWN PIPE AND FITTINGS FOR ANY RAINWATER TO COMPLY WITH AS 1273.

INSTALLATION OF SHEET ROOF AND WALL CLADDING TO COMPLY WITH AS 1273.

ALL PEDESTRIAN SURFACES TO COMPLY WITH AS/NZ 3661 SLIP RESISTANCE.

GLAZING, SHOWER SCREENS, BATH ENCLOSURES AND ROBE DOORS ARE TO BE SELECTED AND INSTALLED IN ACCORDANCE WITH AS 1288 & AS 2074 AND BCA CLAUSES 3.6.6, 3.6.7 AND 3.6.9.

WATERPROOFING OF WET AREAS TO COMPLY WITH AS 3740 AND B.C.A. CLAUSES 3.8.1.3, 3.8.1.4, 3.8.1.5.

ELECTRICAL INSTALLATIONS TO COMPLY WITH AS/NZ 3018.

POOL SAFETY FENCES (WHERE APPLICABLE) ARE TO BE INSTALLED TO COMPLY WITH AS 1926 AND THE SWIMMING POOLS ACT 2008 WITH ACCESS AND FITTING TO COMPLY WITH AS 1428.1

IF ANY DISCREPANCY, AMBIGUITY, ERROR OR INCONSISTENCY IS FOUND IN THIS SET OF DRAWINGS, REPORT SUCH TO J & E MILLERS DRAFTING DEPT BEFORE PROCEEDING.

SILT FENCES ARE TO BE 600MM HIGH AND ARE TO COMPLY WITH COUNCIL POLICY

ALL DIMENSIONS ARE TO BE VERIFIED BY THE BEFORE WORK OR FABRICATION COMMENCES.

| WINDOW SCHEDULE | | | | |
|-----------------|-------------|--------|------------------------|-------------------------------|
| Type Mark | Head Height | Height | Width | Comments |
| AAW-0616 | 1510 | 600 | 1600 | ALUMINIUM AWNING WINDOWS |
| AAW-0616 | 1510 | 600 | 1600 | ALUMINIUM AWNING WINDOWS |
| ADH-1207 | 2400 | 1191 | 724 | ALUMINIUM DOUBLE HUNG WINDOWS |
| ADH-1207 | 2400 | 1191 | 724 | ALUMINIUM DOUBLE HUNG WINDOWS |
| ASW-0418 | 2400 | 400 | 1800 | ALUMINIUM SLIDING WINDOWS |
| ASW-0418 | 2400 | 400 | 1800 | ALUMINIUM SLIDING WINDOWS |
| ASW-0616 | 2700 | 590 | 1550 | ALUMINIUM SLIDING WINDOWS |
| ASW-0616 | 2700 | 590 | 1550 | ALUMINIUM SLIDING WINDOWS |
| ASW-0616 | 3000 | 590 | 1550 | ALUMINIUM SLIDING WINDOWS |
| ASW-0616 | 3000 | 590 | 1550 | ALUMINIUM SLIDING WINDOWS |
| ASW-0618 | 2140 | 590 | 1791 | ALUMINIUM SLIDING WINDOWS |
| ASW-0618 | 2735 | 590 | 1791 | ALUMINIUM SLIDING WINDOWS |
| ASW-0618 | 2140 | 590 | 1791 | ALUMINIUM SLIDING WINDOWS |
| ASW-0618 | 2140 | 590 | 1791 | ALUMINIUM SLIDING WINDOWS |
| ASW-0626 | 2140 | 600 | 2750 | ALUMINIUM SLIDING WINDOWS |
| ASW-0626 | 2140 | 600 | 2750 | ALUMINIUM SLIDING WINDOWS |
| ASW-0926 | 2400 | 933 | 2629 | ALUMINIUM SLIDING WINDOWS |
| ASW-0926 | 2400 | 933 | 2629 | ALUMINIUM SLIDING WINDOWS |
| ASW-1014 | 2140 | 1020 | 1438 | ALUMINIUM SLIDING WINDOWS |
| ASW-1014 | 2140 | 1020 | 1438 | ALUMINIUM SLIDING WINDOWS |
| ASW-1518 | 2400 | 1534 | 1810 | ALUMINIUM SLIDING WINDOWS |
| ASW-1518 | 2400 | 1534 | 1810 | ALUMINIUM LOUVRE WINDOWS |
| LVR-2407 | 2400 | 2400 | 750 | ALUMINIUM LOUVRE WINDOWS |
| LVR-2407 | 2400 | 2400 | 750 | ALUMINIUM LOUVRE WINDOWS |
| LVR-2407 | 2400 | 2400 | 750 | ALUMINIUM LOUVRE WINDOWS |
| LVR-2407 | 2400 | 2400 | 750 | ALUMINIUM LOUVRE WINDOWS |
| DOOR SCHEDULE | | | | |
| Type Mark | Height | Width | Comments | |
| -820- | 2134 | 820 | HALF LIGHT DOOR | |
| -820- | 2134 | 820 | HALF LIGHT DOOR | |
| -1200- | 2040 | 1200 | HUME ENTRY DOOR | |
| -1200- | 2040 | 1200 | HUME ENTRY DOOR | |
| CSD-820 | 2100 | 820 | CAVITY SLIDING DOOR | |
| CSD-820 | 2100 | 820 | CAVITY SLIDING DOOR | |
| PL-2354 | 2415 | 5470 | PANEL LIFT GARAGE DOOR | |
| PL-2354 | 2415 | 5470 | PANEL LIFT GARAGE DOOR | |
| STK-2427 | 2400 | 2750 | ALUMINIUM STACKER | |
| STK-2427 | 2400 | 2750 | ALUMINIUM STACKER | |
| STK-2453 | 2400 | 5290 | ALUMINIUM STACKER | |
| STK-2453 | 2400 | 5290 | ALUMINIUM STACKER | |

ENCOMPASS
DRAFTING AND DESIGN

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TOM CAVALLARO

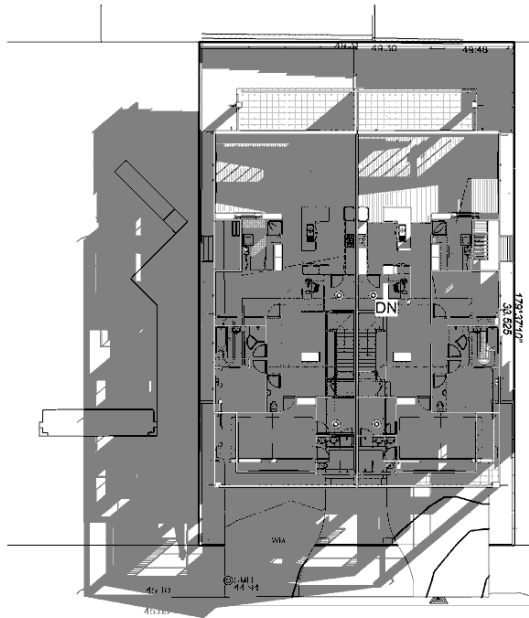
LOT 180 No 5 DP 240684 ALLUNGA
AVENUE PORT MACQUARIE 2444
DA ISSUE

SPECIFICATIONS & NOTES

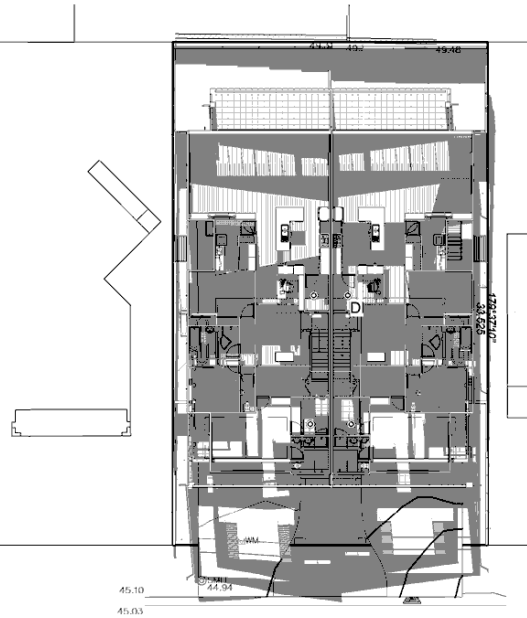
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| Date | 27/07/2017 12:06:17 PM | |
| Drawn by | Author | Scale |
| Checked by | Checker | |

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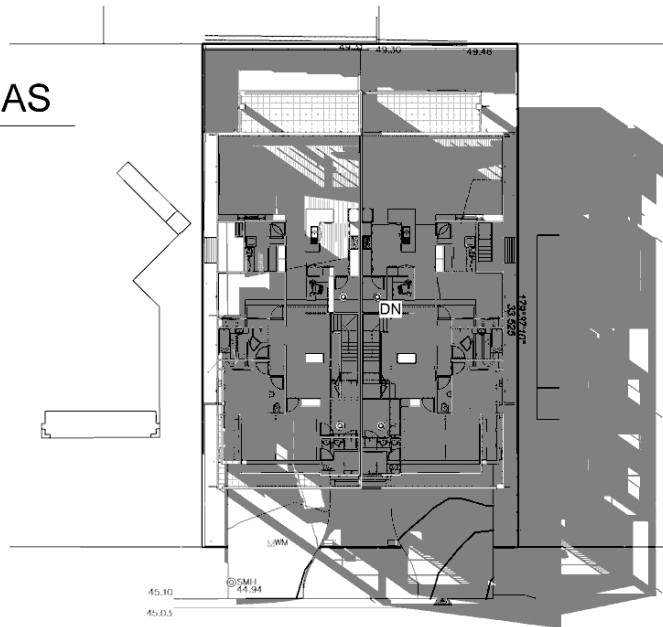
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1 : 300



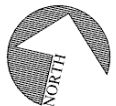
3 SITE SHADOW 12PM AS
1 : 300



2 SITE SHADOW 3PM AS
1 : 300



NOTES
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ENCOMPASS
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LOT 180 No 5 DP 240684 ALLUNGA
AVENUE PORT MACQUARIE 2444
DA ISSUE

SHADOWS 21 ST MARCH 2017

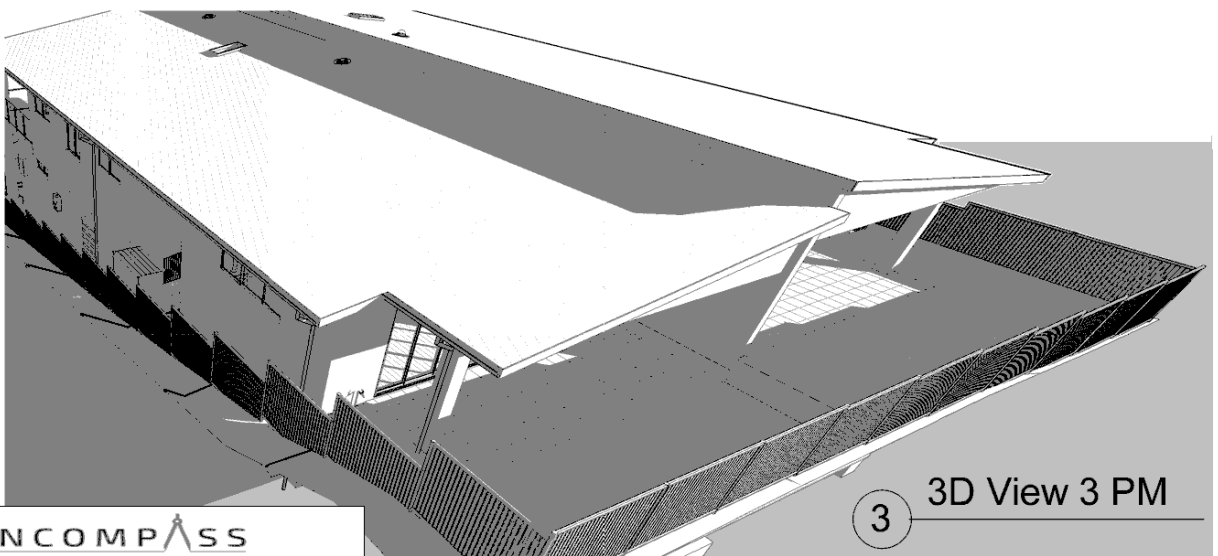
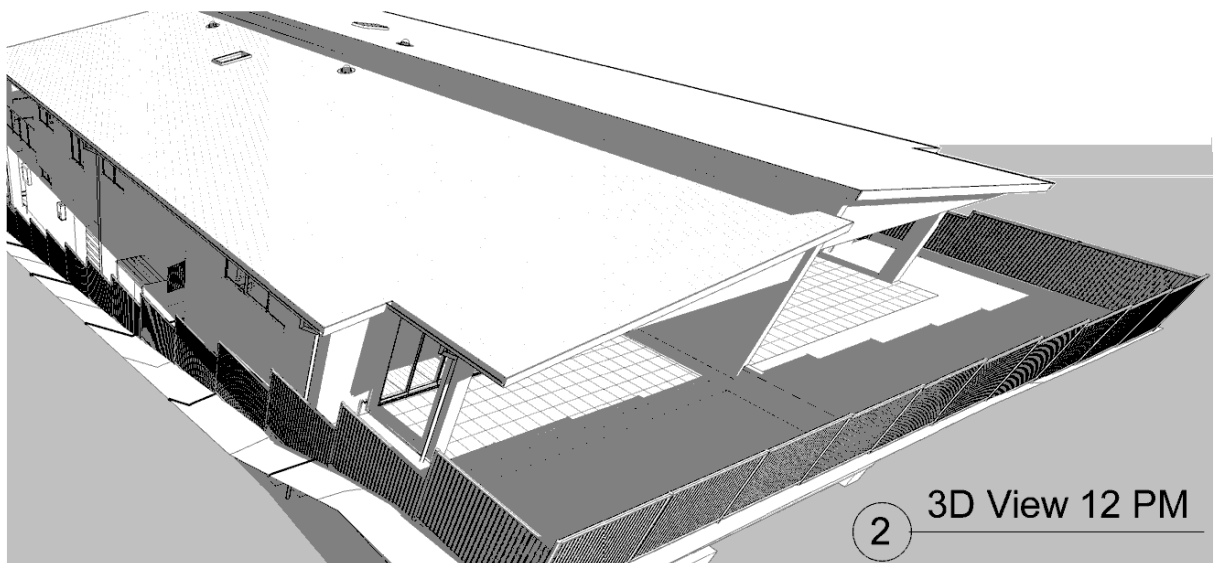
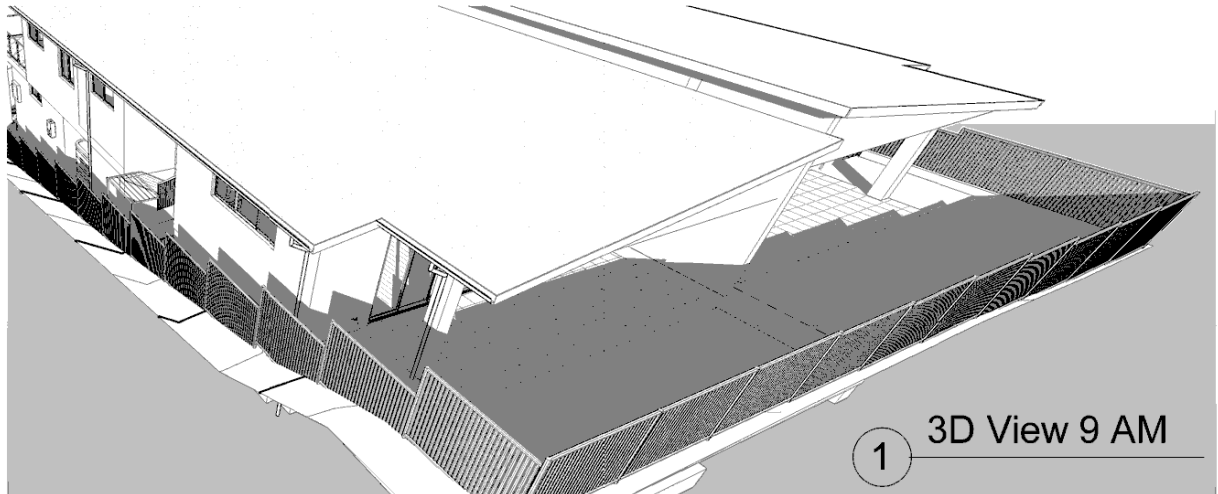
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| Date | 27/07/2017 12:06:19 PM | |
| Drawn by | Author | Scale |
| Checked by | Checker | |

1 : 300

3 SITE SHADOW 9AM WS
1 : 300



Item 05
Attachment 1
Page 46



ENCOMPASS
DRAFTING AND DESIGN

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198DP 238648



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 Postal: PO Box 1076
 Boston, Massachusetts, 02111, U.S.A.

Phone: (02) 6583 2733
 Fax: (02) 6583 7808
 Email: office@bimconsulting.net.au

P - PATIO
OS - PRIVATE OPEN SPACE
CS - CARPORT
CP - COMMON PROPERTY
F - PROLONGATION OF FACE OF WALL
T - TIMBER DECK

Surveyor : Dallas Laundry
of Beukers & Ritter Consulting P/L
Surveyor's Ref : 10311 ALLUNGA
Subdivision No :
Lengths are in metres. Reduction Ratio 1:200

PS

Lengths are in metres. Reduction Ratio 1:200

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2017/489****DATE: 7/08/2017****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 | | Damian Keep | 12/6/2017 |
| Plans | Project Number 2012, A001, 2, 3, 4, 5, 6, 7, 9, 11 and 11A | Encompass Drafting and Design | 27/7/2017 |
| BASIX | 830176S & 830189S | Damian Keep | 12/6/2017 |
| Strata Plan | Surveyor Ref 10311 Allunga Avenue | Dallas Laundry | Unknown |

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) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (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.

- (5) (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. 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.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (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.

- (8) (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.

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) (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
 - Hoardings
 - Footway and gutter crossing
 - Functional vehicular access
- (3) (B010) Payment to Council, prior to the issue of the Subdivision or Construction Certificate (whichever occurs first) 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, Laurieaton, 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.

- (4) (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, or Subdivision Certificate (whichever occurs first), 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
- (5) (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.
- (6) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (7) (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.
- (8) (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.
- (9) (B072) 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 Council's piped drainage system.
- In this regard, Council's piped drainage system Allunga Avenue must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a pit must be installed, to allow direct piped connection from the development site into the public drainage system.
- The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
- b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
- c) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (10) (B195) Council records indicate that the development site has two existing 20mm metered water service. Each proposed lot requires an individual metered water service. The water meter locations shown on the plans are acceptable for Water Supply Section.

- (11) (B196) Prior to release of the construction certificate, the plans are to be amended so as to remove the windows to the sub floor area.
- (12) Prior to release of the construction certificate, a practising chartered professional civil and/or structural engineer is to certify that any existing rear retaining wall that is to be retained, can be done so without any works proposed as part of this application, compromising the retaining walls structural integrity. Where a structural engineer cannot certify such works, a new common retaining wall is to be built (provided relevant owners consent is provided) or a modification of consent sought for an alternative design.
- (13) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed retaining walls over 1m in height is to be submitted to Port Macquarie-Hastings Council prior to the 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.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

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. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - b. prior to the pouring of concrete for sewerage works and/or works on public property;
 - c. during construction of sewer 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) (D003) The site is in an area 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.

- (4) (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 / SUBDIVISION 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) (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) (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/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (5) (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.
- (6) (E061) Landscaped areas, retaining walls and fencing shown on the approved plans is to be completed prior to occupation or issue of the Occupation Certificate (whichever occurs first).
- (7) (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. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (8) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.
- (9) (E010) Driveways shall be provided with a concrete or equivalent hard 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).

F – OCCUPATION OF THE SITE

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

Chris Harding & Ivana Moudry
PO Box 9128
Port Macquarie
NSW 2444



3 July 2017

General Manager
Port Macquarie Hastings Council
PO Box 84
Port Macquarie
NSW 2444

Notification of Development Proposal

Proposal: Dual Occupancy and Torrens Title Subdivision
Property: Lot: 180 DP: 240684, 5 Allunga Ave Port Macquarie

Application No: 2017/489
Applicant: Encompass Drafting

Dear Sir.

My partner, Ivana Moudry and I reside at 3 Allunga Avenue and also own 42 Kennedy Drive as Ivana's commercial place of business.

We have recently undertaken and completed a council approved and certified addition and extensive alteration to our home. This high expense upgrade was purposely designed to take advantage of the water and nature views our elevated plot allows. Although we have no objection to the adjoining lot at 5 Allunga Ave being developed and understand that the new owner/developer will want to make the most from the land, we do expect that the proposed development is compliant with Port Macquarie Hastings Council Development Plan 2013 and is sympathetic as much as possible to the existing streetscape and the mutual privacy of the proposed and existing dwellings, while allowing shared views – a sentiment, we hope council shares.

We would like to make the following submission documenting our concerns, questions, and comments to council with regard to the development proposal for 5 Allunga Avenue.

- We have been informed that the floor space ratio is greater than council's permissible ratio of 0.65:1. Will this be, or has this been addressed by Council?
- The front of house roof line for the total width of the development is proposed to be at the 3m setback of the front boundary line. Although this may be compliant with the permitted features in the articulation zone, this will be the only dwelling in the street with all of the front roof line and features beneath it, at this forward position. We feel this will not be in keeping with the existing front setbacks and detract from an attractive streetscape, especially as it is near the top of the rise of Allunga Avenue and close to the junction of Kennedy Drive from where it would be in full view.

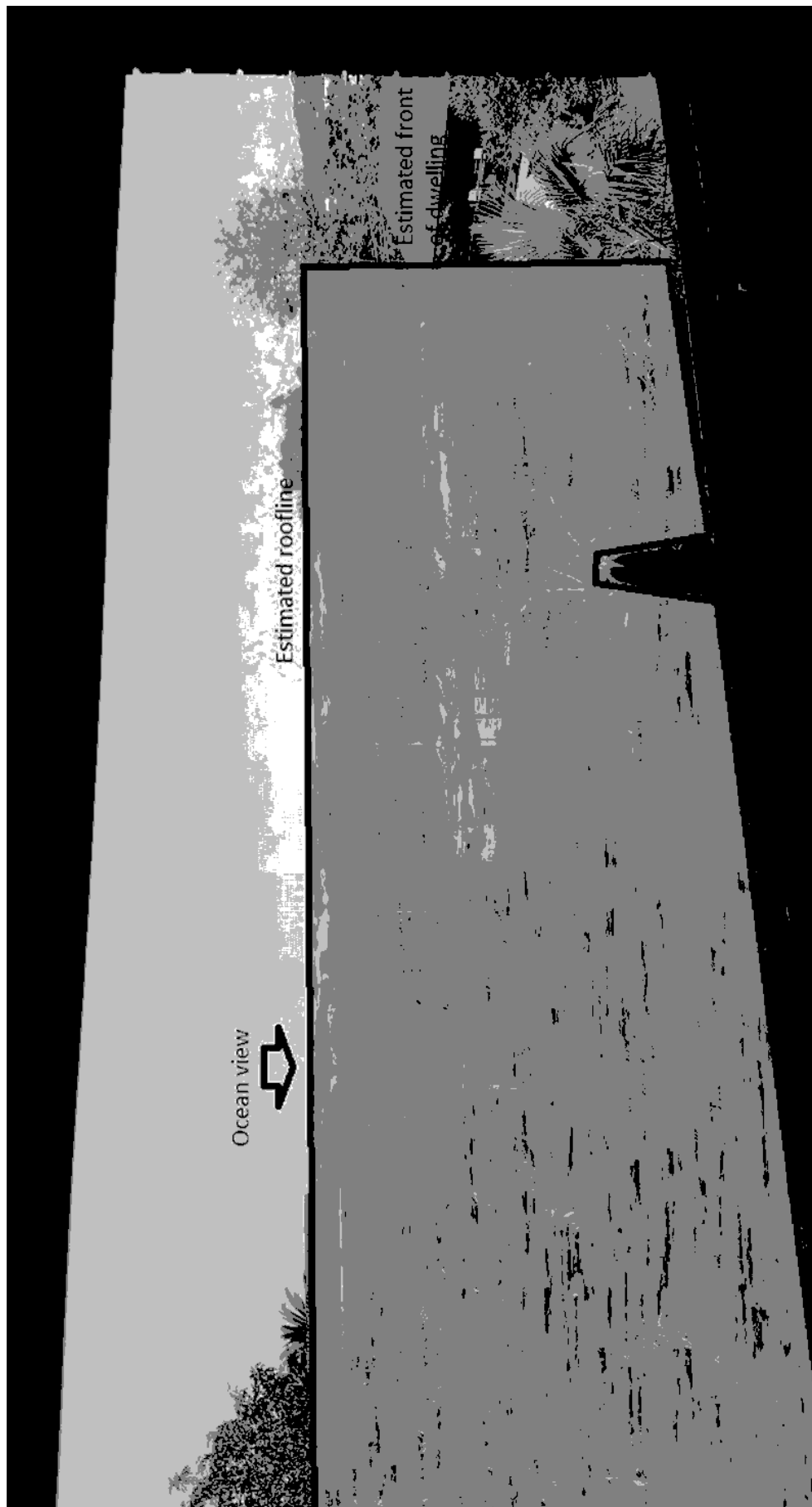
- This development potentially will be the only dwelling on Allunga Ave which spans the full width of the plot in this prominent forward position. Are there any suggestions from Council that would soften and/or diminish the “overbearing block like” appearance of these dwellings?
- At this forward position and height, the roofline and upper deck will severely obscure our existing view to the eastern horizon, sunrise, and already limited water views which we currently have from our purpose-built first floor deck. This view was the major contributing factor in our decisions with design in our recent alteration to this area of our house. Looking down the street in that direction we would likely be looking at the proposed deck and roof and lose our only water view.
- Can the applicant or council determine exactly how much view of the tree line horizon we will lose due to roof line height?
- The first floor is predominantly set back to 900mm from the side boundary. Has there been any modeling to show that this will not adversely impact us by overshadowing? We believe it will adversely impact us. As the first floor walls are less than the suggested 3m set back from the side boundary, we feel this will also have an impact on privacy as there will be main living area and kitchen windows across from bedroom windows. Will council be asking for this issue to be addressed?
- Is council satisfied with the applicant’s reasoning when addressing non compliance of the rear setback distance?
- What provision will be made for mutual privacy at the front deck on the west side of the dwelling?
- As this proposed development builds right to the minimum setback distance of the block and beyond setback distance at the rear of the property, we feel that the proposed dwellings will be very imposing and overbearing, considering the very minimal outside living areas, and will severely impact both our views and privacy. Is council accepting of this appearance for this streetscape?

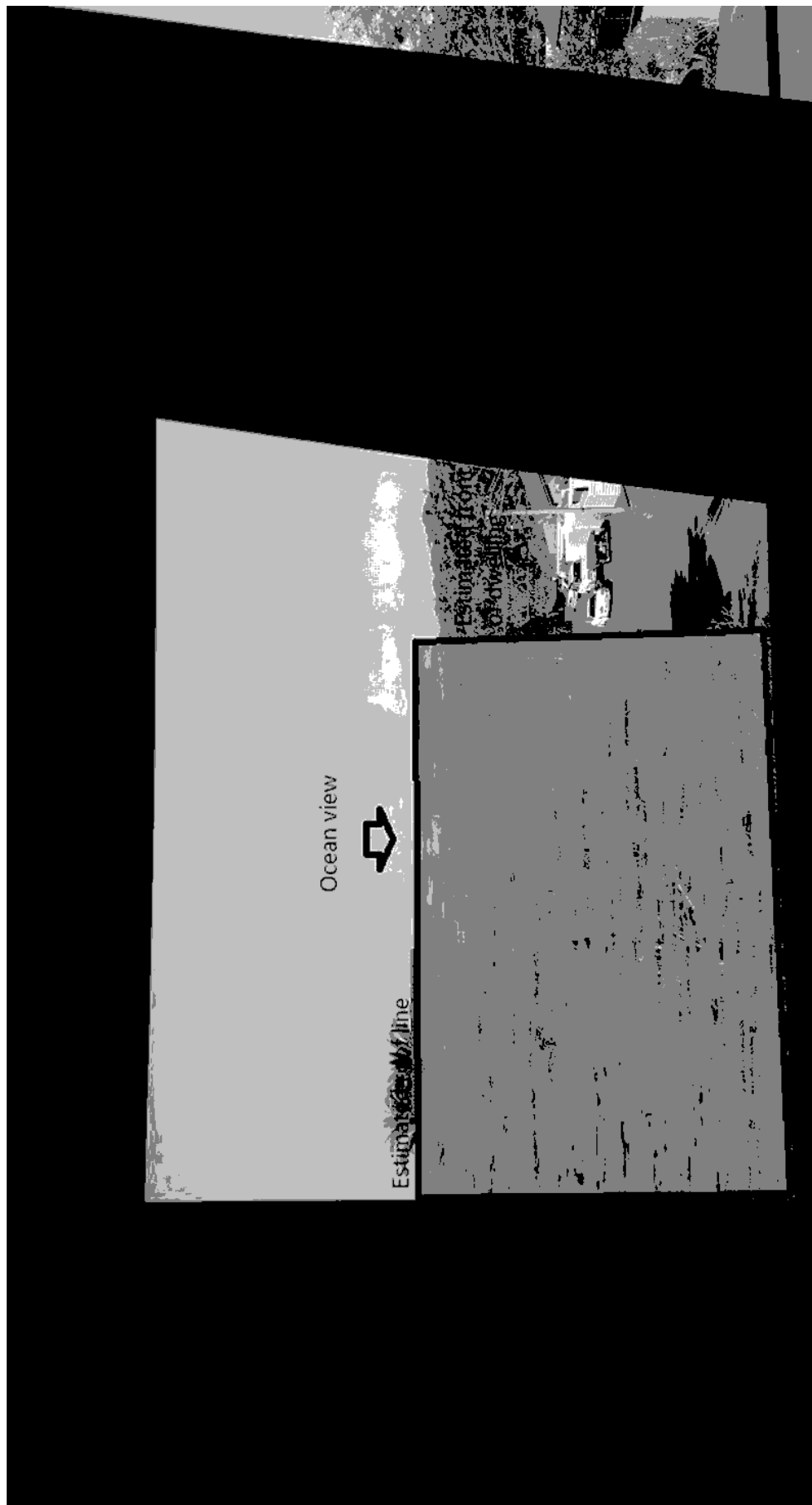
In closing, due to the above outlined statements, we are extremely concerned that this development proposal as currently submitted, will not only adversely affect our enjoyment of living in our newly renovated home, but will also significantly and negatively impact on the value of our property.

We look forward to your reply.

Yours truly,

Ivana Moudry and Chris Harding

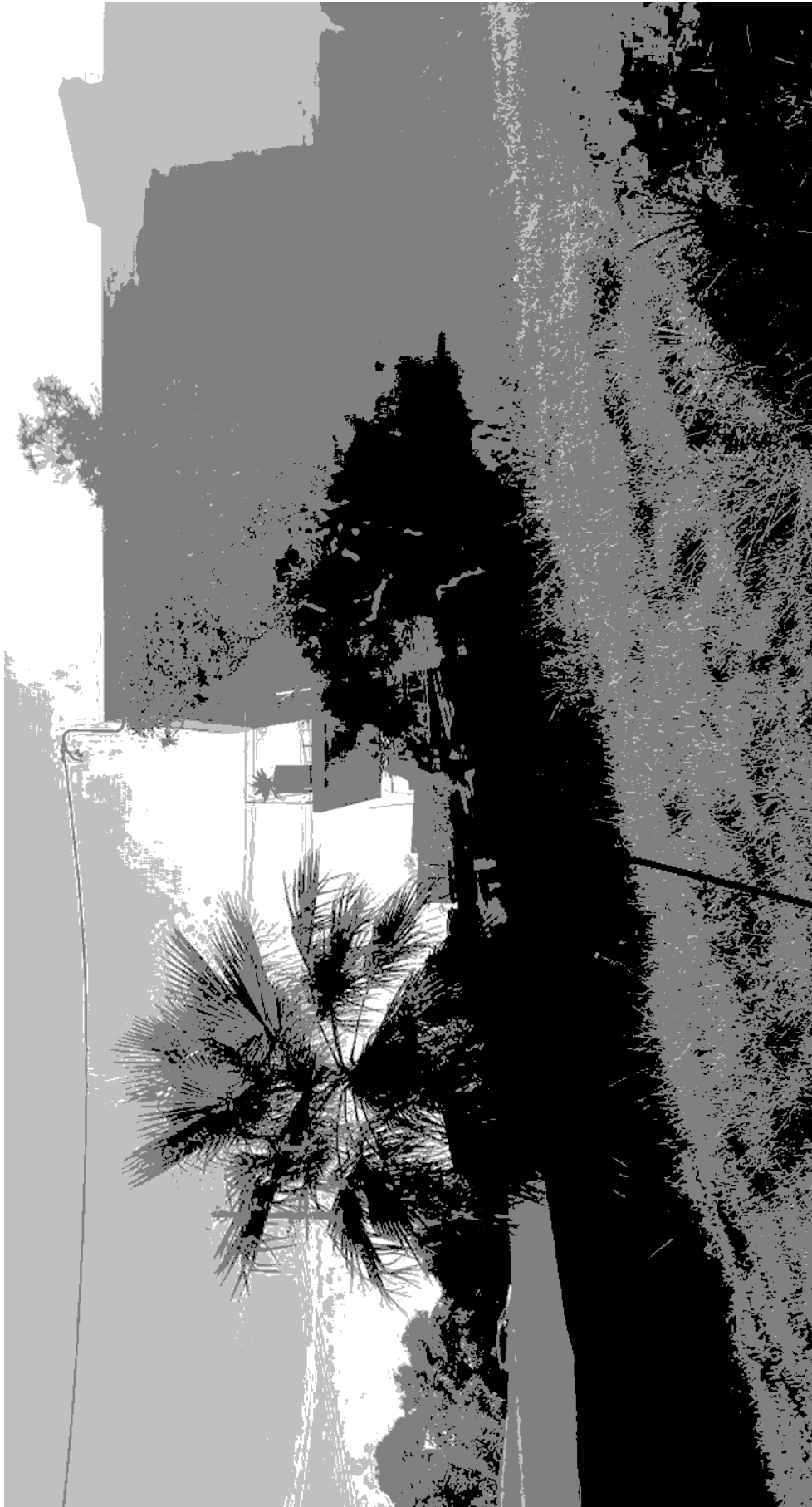














Item: 06

**Subject: DA2017 - 410.1 - DWELLING AND SHED - LOT 29 DP 104446,
LOGANVALE PLACE LOGANS CROSSING**

Report Author: Andrew Rock

Applicant: J T Latham & C J Eames

Owner: J T Latham & C J Eames

Estimated Cost: \$289,000

Parcel no: 39187

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2017 – 410.1 for a dwelling and shed at Lot 29, DP 1045446, Loganvale Place, Logans Crossing, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

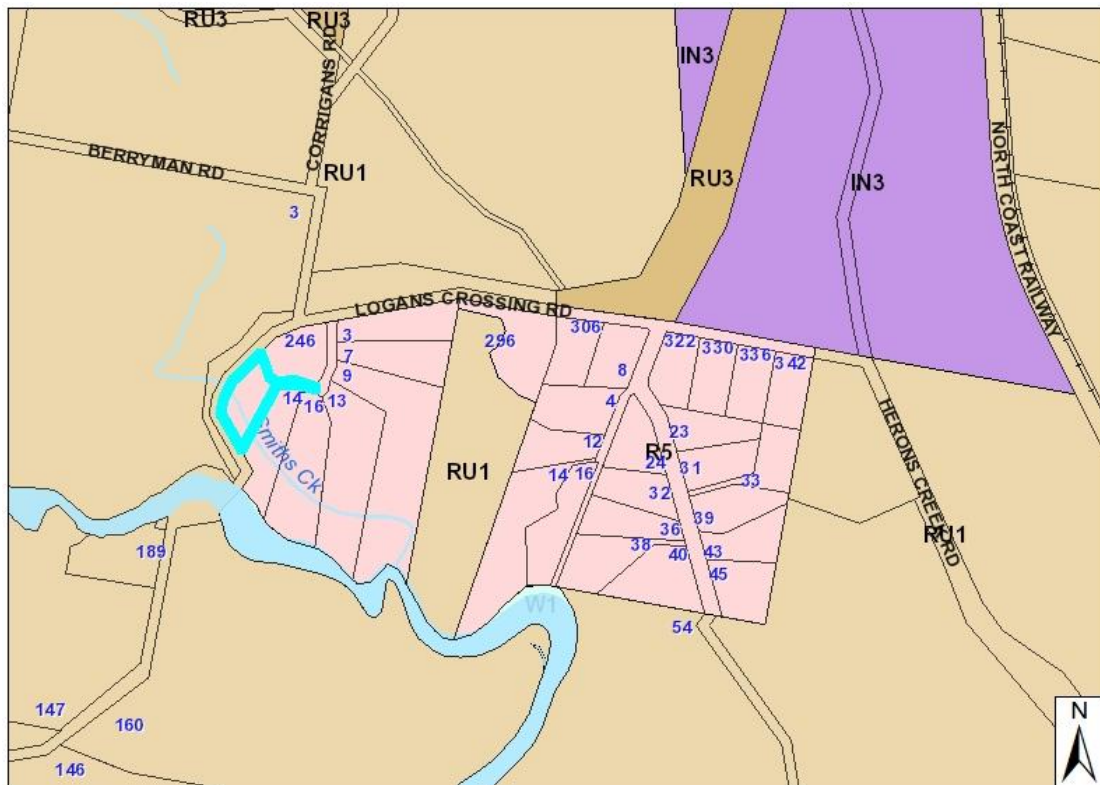
Following exhibition of the application, one submission has been received.

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 1.0210 Hectares.

The site is zoned R 5 Large Lot Residential 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:

- Proposed dwelling and shed

Refer to attachments at the end of this report.

Application Chronology

- 16 May 2017 Application lodged
- 30 May 2017 – 13 June 2017 Notification
- 19 June 2017 Request for hardcopy of application
- 30 June 2017 Submission received
- 26 July 2017 Applicant response to submission

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 No. 44 - Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, no Koala food trees are proposed to be removed therefore no further investigations are required.

State Environmental Planning Policy No.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 No. 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 Camden Haven River.

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

A BASIX certificate (number 785574S) 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 R5 Large Lot Residential. In accordance with clause 2.3(1) and the R5 zone landuse table, the dwelling (or ancillary structure to a dwelling) is a permissible landuse with consent.

The objectives of the R5 zone are as follows:

-

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

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 large lot residential locality.

- Clause 4.3, there is no maximum height of building for the lot. The 7.37m maximum height of the building is considered satisfactory for the site.
- Clause 4.4, there is no maximum floor space ratio for the site. The floor area proposed is considered compatible with the locality.
- Clause 5.9 - No trees listed in Table 2.6-1 of the Development Control Plan 2013 are proposed to be removed. One Figtree is listed on plan to be removed. Large amount of branches were on the ground at the time of site inspection.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1, the proposed building site is not mapped as potentially containing acid sulfate soils.
- Clause 7.3, the site is land within a mapped “flood planning area” (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard). However, the proposed development is significantly higher than the 9.15m AHD flood level. In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3, Council’s Flood Policy (2015); the NSW Government’s *Flood Prone Lands Policy* and the NSW Government’s *Floodplain Development Manual* (2005):
 - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
 - The proposal will not result in a significant adverse effect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
 - The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land;
 - The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
 - The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding;
- Clause 7.5 – Koala Habitat – Site is not listed on the Koala Habitat Map.
-

- Clause 7.7 – Airspace operations - Proposed will not penetrate the Limitation or Operations Surface.
-
- Clause 7.8 - Development in areas subject to aircraft noise - proposed development is not in an ANEF contour or greater.
-
- Clause 7.9 - Development is not subject to acoustic controls
-
- 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 force:

Port Macquarie-Hastings Development Control Plan 2013

| <i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i> | | | |
|---|---|--|-----------------------------|
| | Requirements | Proposed | Complies |
| 3.2.2.1 | Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback | 4.83m 49m ² Roof pitch <24° | No, 30mm over Yes Yes |
| 3.2.2.2 | Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature | N/A | N/A |
| | Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway | Battle-axe block | 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 | Garage not behind habitable areas of dwelling. | No, considered suitable - battle-axe block. |
| | 6m max. width of garage door/s and 50% max. width of building | 5.4m opening = 22% of width of building. | Yes |
| | Driveway crossover 1/3 max. of site frontage and max. 5.0m width | Able to comply. Details to be provided in S138 application. | Yes |
| | Garage and driveway provided on each frontage for dual occupancy on corner lot | N/A | N/A |
| 3.2.2.4 | 4m min. rear setback. Variation subject to site analysis and provision of private open space | >4m provided. | Yes |
| 3.2.2.5 | Side setbacks: • Ground floor = min. 0.9m | 10m and 12m setbacks for dwelling. | Yes |
| | • Building wall set in and out every 12m by 0.5m | 1m side setback for shed. 13.560m without articulation on eastern elevation. | Yes No but considered acceptable due to the 10m side setback. |
| 3.2.2.6 | 35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade | Available | Available |
| 3.2.2.10 | Privacy: • 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 • Privacy screen required if floor level > 1m height, window side/rear setback (other than | No direct views to another dwelling nor within 12m of private open space areas. | Yes |

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

| | Requirements | Proposed | Complies |
|--|--|----------|----------|
| | bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m | | |

DCP 2013: General Provisions

| | Requirements | Proposed | Complies |
|---------|---|--|----------|
| 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 | <1.0m cut/fill proposed outside external perimeter of external walls. | Yes |
| 2.3.3.2 | 1m max. height retaining walls along road frontage | N/A | N/A |
| | Any retaining wall >1.0 in height to be certified by structure engineer | N/A | N/A |
| | Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway | N/A | N/A |
| 2.3.3.8 | Removal of hollow bearing trees | A fig tree once stood on-site. At the time of site inspection (19 June 2017) the head of the tree had been removed, with only the trunk remaining. It is unknown if the tree was hollow bearing. | N/A |
| 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) | A fig tree once stood on-site. At the time of site inspection (19 June 2017) the head of the tree had been | N/A |

| DCP 2013: General Provisions | | | |
|-------------------------------------|--|---|-----------------|
| | Requirements | Proposed | Complies |
| | | removed, with only the trunk remaining. | |
| 2.4.3 | Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater | Refer to main body of report. | |
| 2.5.3.2 | New accesses not permitted from arterial or distributor roads | Not an arterial or distributor roadway. | N/A |
| | Driveway crossing/s minimal in number and width including maximising street parking | Existing driveway to battle-axe lot. | Yes |
| 2.5.3.3 | Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line) | Double garage proposed. | Yes |
| 2.5.3.11 | Section 94 contributions | Refer to main body of report. | |
| 2.5.3.12 and 2.5.3.13 | Landscaping of parking areas | Parking areas located within garage. | Yes |
| 2.5.3.14 | Sealed driveway surfaces unless justified | Large lot residential site. Gravel vehicle manoeuvring areas suitable if desired. | 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 | Able to comply. | Yes |
| 2.5.3.17 | Parking areas to be designed to avoid concentrations of water runoff on the surface. | Minimal run off expected. | Yes |
| | Vehicle washing facilities – grassed area etc available. | Permeable space available for car washing. | Yes |

The proposal seeks to vary Development Provisions 3.2.2.1 (ancillary development height), 3.2.2.3 (garage not behind building line) and 3.2.2.5 (wall articulation).

3.2.2.1 - Ancillary building height

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 detached shed is to stand 4.83m above existing ground level, 30mm higher than the development provision.

- At the proposed building site the land slopes down and the additional building height is required to achieve a level floor surface for a suitably sized shed.
- Due to the land contours the additional height will only be visible from the rear elevation, which will not be visible from adjoining residences.
- Given the size and location of the proposed shed, it will not dominate the site.

3.2.2.3 – Garage not set back behind front of building

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 proposed attached garage is to be sited forward of the front of the dwelling.
- The building site is a battle-axe lot setback greater than 85m from the roadway.
- Given the unique site circumstances the proposal will not adversely impact on the streetscape, on-street parking and the amenity.

3.2.2.5 – Wall articulation

The relevant objectives are:

- *To reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy.*
- *To provide for visual and acoustic privacy between dwellings.*

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- The eastern wall of the proposed dwelling extends 13.560m without articulation.
- Proposal is setback 10m from the lot boundary and is single storey construction, which cumulatively ensure that perceptions of overbearing and building bulk are minimised and appropriate levels of visual and acoustic privacy are achieved.

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.

(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 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 – Clause 66 (b)

No building demolition proposed.

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:

None applicable

(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 and setting**

- The proposal will be unlikely to have any unacceptable 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 is no unacceptable privacy impacts.
- There is 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 and 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.

Water Supply

Service available – details required with S.68 application.

Sewer

- Service available – details required with S.68 application
-

Stormwater

Service available – details required 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 large lot residential 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

Construction of the proposed development will require the removal of one fig tree, which was mostly removed at the time of site inspection. The removal of this tree is unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Section 5A of the Act is considered to be satisfied.

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, within a small section of the lot well away from the building site.

The applicant has submitted a bushfire report prepared by the building designer. The report nominates that the bushfire threat vegetation is situated greater than 100m from the proposed building site. Accordingly, the site is unlikely to be an area that can support a bushfire or is likely to be the subject to bushfire attack, resulting in the site not being identified as 'bushfire prone land' and required to comply with provisions of Planning for Bushfire protection 2006.

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 impacts 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.

Potential site constraints of bushfire and flood mapping have been adequately addressed by the proposed building location.

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

Following notification in accordance with DCP 2013, one submission has been received.

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

| Submission Issue | Planning Comment/Response |
|---|---|
| <i>Encroachment of privacy</i> | <p>The proposed dwelling is to be located 10m from the eastern lot boundary and the existing building located on lot 28 (property to the east) is located 5m from the dividing lot boundary, resulting in the physical separation between the dwellings being 15m.</p> <p>Just inside the common lot boundary of lot 28 is a vegetation strip which will aid in obscuring any views between the existing and proposed dwelling.</p> <p>The eastern wall of the proposed dwelling is to contain a garage and another non-living room.</p> <p>Primary direct views from the proposed living areas and the living areas of the existing dwelling on lot 28, are to the south of the respective lots, not towards each other.</p> |
| <i>The dwelling is so close to my house, depreciates the value of my property and will make it harder for me to sell.</i> | <p>Property values are not a matter for consideration under the section 79C assessment process. Consequently, Council is unable to give this issue any weight in the assessment process.</p> |
| <i>A screen of trees and shrubs between the two properties will be</i> | <p>The width of the easement that runs parallel to the dividing lot boundary between the subject</p> |

| | |
|--|---|
| <i>difficult as there is only a 3 metre space between the dwelling and the easement. The easement is 7 metres wide not 2 metres.</i> | lot (lot 29) and the lot to the east (lot 28) is predominately 2m wide, apart from a small section near the creek area, in the southern part of the lot, where the easement is 5m wide. |
| <i>Consultation with neighbours before the plans were submitted to Council would probably averted the situation.</i> | Consultation with neighbours in regards to the building design is not a matter for consideration under the section 79C assessment process. Consequently, Council is unable to give this issue any weight in the assessment process. |

(e) The Public Interest:

The proposed development will be in the wider public interest with provision of appropriate additional housing.

The proposed development satisfies relevant planning controls and is not expected 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](#). DA2017 - 410.1 Plans
- 2[View](#). DA2017 - 410. Recommended Conditions
- 3[View](#). DA2017 - 410.1 - Submission - Elms

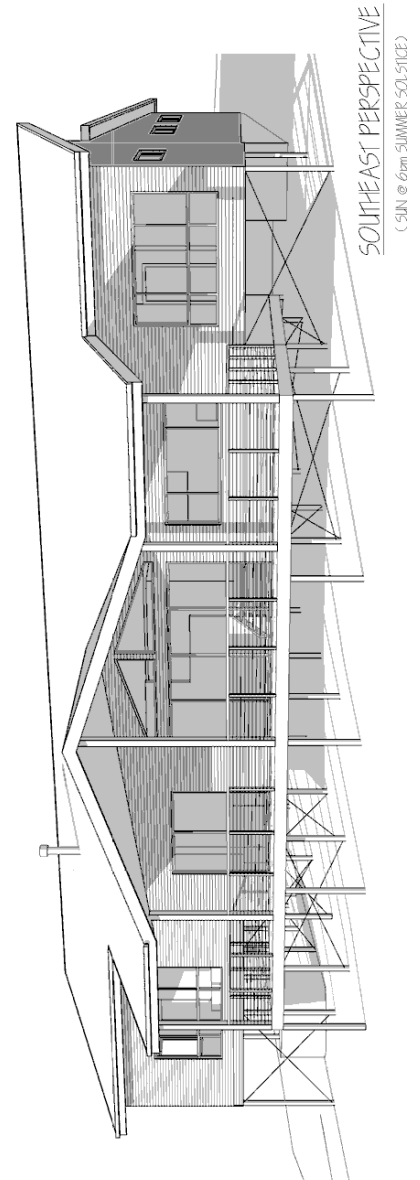
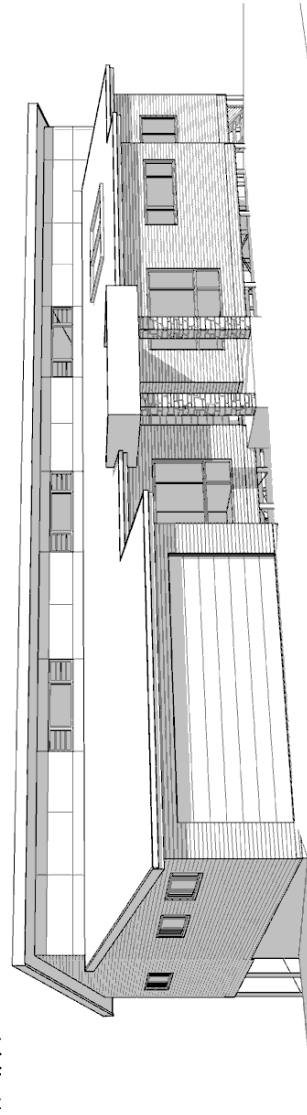
PROPOSED RESIDENCE + SHED

AT: LOT 29 LOGANVALE PLACE,
LOGANS CROSSING

FOR: C. EAMES & J. LATHAM

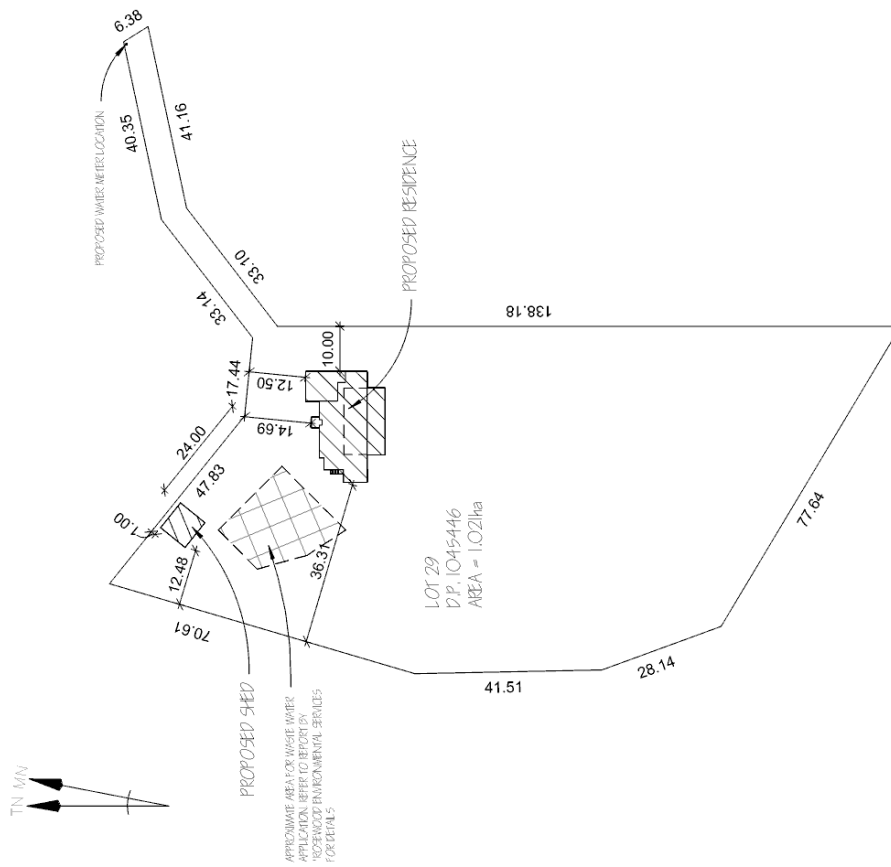
REF: 16-1262

DATE: APRIL 2017



DAVCC APPLICATION

16-1262
SHEET 1 OF 7
ROBERT SMALLWOOD
BUILDING PLANS



LOCALITY PLAN 1:1000

DA/CC APPLICATION

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DO NOT SCALE from this drawing. Use plan dimensions. CONTRACTOR is to check all dimensions prior to tendering, construction and before commencement of site drawing or construction. Consultant Designer prior to commencement of work.



SITE PLAN 1:400

DA/CC APPLICATION

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BEDROOM WINDOWS

NOTE: WHERE THE LOWEST LEVEL OF A BEDROOM WINDOW IS LESS THAN 17 ft ABOVE THE FLOOR & WHERE THE FLOOR LEVEL OF A BEDROOM IS 2 ft OR MORE ABOVE THE SURFACE HEIGHT, THEN THE BEDROOM WINDOWS ARE TO COMPLY WITH LULU-2003 CHAPTER 5-9.2.5.9. THE EXPOSED PORTION OF THE WINDOW MUST BE RESTRICTED TO MAX 120 cm or be SCREENED WITH SCREEN TO RESTRICT HORIZONTAL ACTION OF 25 cm AND HAVE CHAD RESISTANT LOCKING MECHANISM IF MADE TO BE REMOVED.



DA/CC APPLICATION

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THIS INFORMATION IS A SUMMARY OF THE BASIC COMMITMENTS FOR THIS PROJECT. C. EAMES & J. LATHAM, REFER TO THE CERTIFICATE FOR FULL DEFINITIONS AND DETAILS

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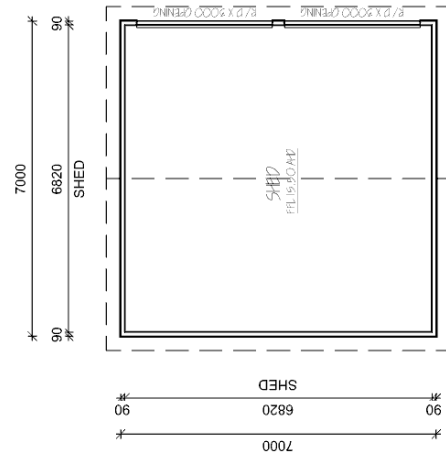
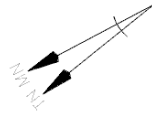
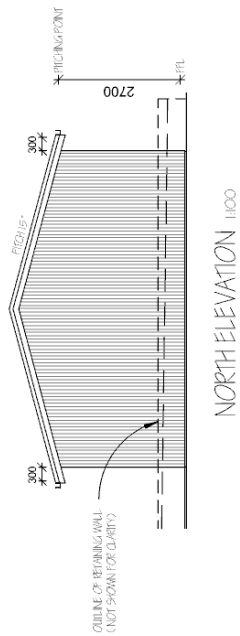
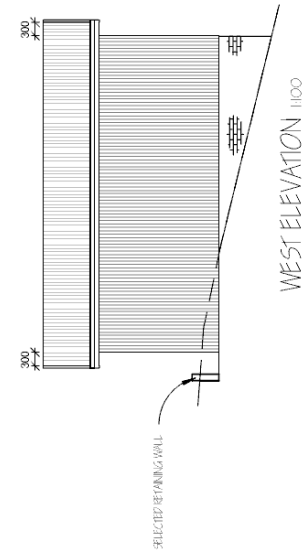
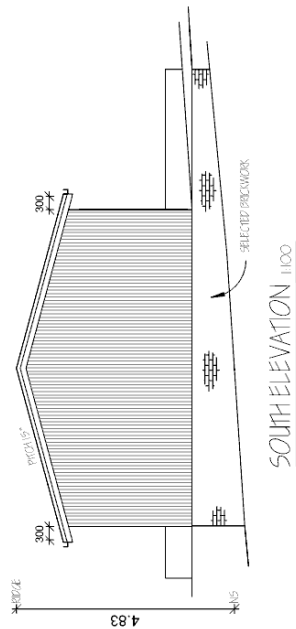
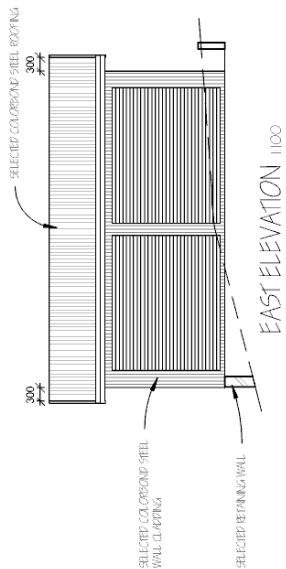
DA/CC APPLICATION[illegible]

16-262
SHEET 5 OF 7

ROBERT SMALLWOOD
BUILDING PLANS
ARCHITECTS AND DESIGNERS PUBLISHED BY THE ARCHITECTS' ASSOCIATION OF AMERICA

16-1262
SHEET 6 OF 7

ROBERT SMALLWOOD
BUILDING PLANS



AREA: 49.0 m²
NOTES: FFL 15.50 MD - FINISHED FLOOR LEVEL ON MD

D.A. ONLY

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**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2017/410****DATE: 15/08/2017****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 |
|------------------------------------|--|----------------------------------|--------------|
| Site and elevation plans | 16/1262 – pages 1, 2, 3, 5, 6 and 7. | Robert Smallwood Building Plans | Undated |
| Floor plan | 16/1262 – page 4. | Robert Smallwood Building Plans. | Undated |
| Statement of Environmental Effects | Lot 29 Loganvale Place, Logans Crossing. | Robert Smallwood Building Plans. | April 2017 |
| BASIX Certificate | Certificate Number: 785574S | Robert Smallwood Building Plans. | 6 April 2017 |

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. 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 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 (including onsite waste management systems) is to be obtained from Port Macquarie-Hastings Council.
- (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. Functional vehicular access (concrete)

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) (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.

F – OCCUPATION OF THE SITE

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

14 Roganvale Place,
Rogan Crossing.

Attention Andrew Rock,


Submission concerning Lot 29, Roganvale Place.

Reasons being: -

- ① Encroachment of privacy.
- ② The Dwelling so close to my house depreciates the value of my property and will make it harder for me to sell.
- ③ A Screen of trees and shrubs between the two properties will be difficult as there is only a 3 metre space between the dwelling and the easement. The Easement is 7 metres wide not 2 metres.
- ④ Consultation with neighbours before the plans were submitted to council would probably averted the situation.

Yours Faithfully

39187

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|--|--------|
|  PORT MACQUARIE HASTINGS | |
| TRIM No | CRM No |
| 30 JUN 2017 | |
| Keyword | |
| Activity | |
| Subject | |
| Folder DA 2017-410.1 | |

Item: 07

Subject: DA2016 - 701 - SENIORS HOUSING AGED CARE FACILITY INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) AND CLAUSE 4.4 (FLOOR SPACE RATIO) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL 2011 - 1 HIGHFIELDS CIRCUIT, PORT MACQUARIE

Report Author: Patrick Galbraith-Robertson

Applicant: All About Planning
Owner: Palmcare Pty Ltd
Estimated Cost: \$17.8M
Parcel no: 9077

Alignment with Delivery Program

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

RECOMMENDATION

That the Development Assessment Panel recommend to Council that DA2016 - 701 for a Seniors Housing Aged Care Facility Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) and Clause 4.4 (Floor Space Ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 4, DP 262236, No. 1 Highfields Circuit, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application (DA) for a seniors housing aged care facility including clause 4.6 objection to clause 4.3 (height of buildings) and clause 4.4 (floor space ratio) of the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP) 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, two (2) submissions have been received.

The proposal has been amended during the assessment of the DA in response to assessment issues identified.

The Applicant has made an offer to enter into a Voluntary Planning Agreement in relation to proposed/required sewer bypass main works external to the site necessary to service the development.

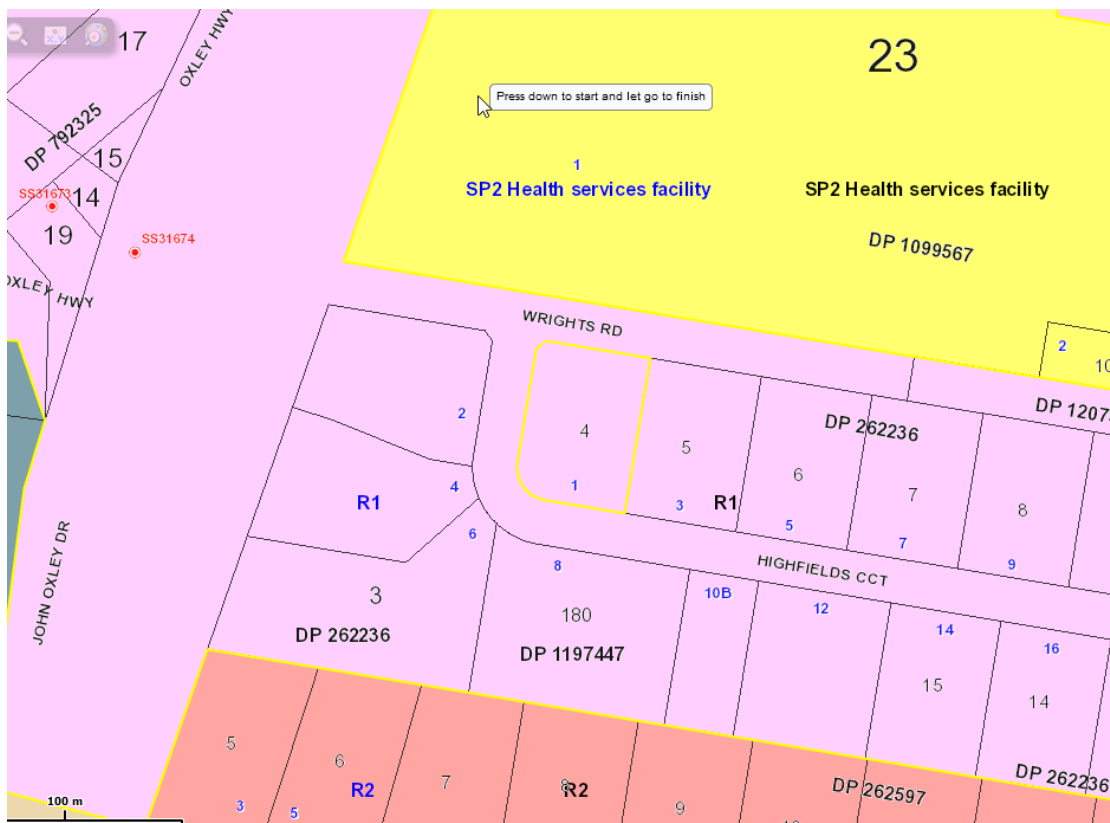
- In accordance with the Department of Planning and Environment Circular PS 08-014, the proposal includes variations to the LEP which are greater than 10% and therefore require the DA to be determined by full Council.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 3544m².

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:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph (nearmap 2017):



On-site is an existing single storey brick and tile house with tennis court, swimming pool and separate detached garage and some existing vegetation.

This dwelling is generally consistent with the type of detached housing that remains in the area, however it is noted that the precinct is rapidly transforming into a higher density health and education hub with only a few permanent detached dwellings now remaining.

Immediate neighbours to the subject site are a Urology Medical Centre to the east at 3 Highfields Circuit and the Wrights Road Reserve to the North.

Other near neighbours include a 2 and 3 storey residential flat building (including affordable rental housing) directly opposite at 4 Highfields Circuit, together with a strata titled unit development at No. 2 Highfields Circuit known as The Highfields Villas and a 72 resident Newcastle University student accommodation facility at 6 Highfields Circuit.

Also opposite the site are newer medical centres.

The site is accessed by vehicles off Wrights Road from the Oxley Highway roundabout, and which has recently been modified to incorporate slip lanes into and out of Wrights Road.

2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- 105 bed vertical village aged care facility.

- The facility comprises three key block elements, two with a two and three storey building form and the central block with a single, two and three storey form, all with basement parking under, to be accessed directly off Highfields Circuit.
- The buildings have articulated facades and a defined entrance, including separate portico pick-up and drop-off area from Highfields Circuit.
- Vehicular access to a secure basement parking area is to be provided off Highfields Circuit from the southern boundary of the site. There are lifts and stairs from the basement parking area to service all levels.
- A number of landscaped communal outdoor living spaces are proposed within the site (refer perspectives and plans) for use by residents, visitors and staff.

Refer to attachments at the end of this report.

Application Chronology

- 7 September 2016 – DA lodged with Council.
- 15 to 28 September 2016 – Neighbour notification of proposal
- 29 September 2016 – Additional information request to address initial issues identified – sewer, traffic impacts, off-street parking, foot paving, submission issues, social impact, arborist report and front setback.
- 6 October 2016 – Additional information received from Applicant in response to assessment issues identified including amended landscape plan and Arborist report.
- 6 October 2016 – Applicant requested advice on construction of deep carrier bypass sewer main in Major Innes Road.
- 7 October 2016 – Advice provided to Applicant that costing unable to be provided for deep carrier sewer main.
- 7 October 2016 – Applicant requested further advice on potential conditions for sewer bypass main and relationship to other developments.
- 12 October 2016 – Advice provided to Applicant of likely conditions for construction of bypass sewer main if development approved.
- 20 December 2016 – Additional information received from Applicant including traffic impact assessment and amended basement plan.
- 12 January 2017 – Advice provided to Applicant on sewer bypass main including providing an indicative map of potential alignment. Owner's consent requested for sewer works – refer comments later in report.
- 8 February 2017 – Advice provided to Applicant to confirm owner's consent required for sewer works and process for decision/determination of DA.
- 9 March 2017 – Additional advice and plans sent to Applicant with regard to sewer works being constructed as part of the Student Accommodation DA on Kingfisher Road and works constructed as part of the Charles Sturt University (CSU) development.
- 3 April 2017 – Applicant advised that CSU provides support to the construction of sewer and queried whether formal owner's consent required.
- 18 April 2017 – Applicant requested advice on process for offering a Voluntary Planning Agreement (VPA) in relation to seeking monetary offset for constructing the sewer bypass main works and timing.
- 20 April 2017 – Advice provided to Applicant on process for a VPA.
- 26 April 2017 – Advice provided to Applicant that formal owner's consent required from CSU for sewer bypass main works.
- 24 May 2017 – Additional advice provided to Applicant on process for VPA offer.

- 26 May 2017 – Amended plans received from Applicant with no additional changes to number of bedrooms or building height. Essentially internal design changes only.
- 2 June 2017 – Letter of offer to enter into a VPA received from Applicant.
- 2 June 2017 – Advice provided to Applicant to confirm acknowledgement of VPA offer and process.
- 9 June 2017 – Requested update from the Applicant with regards to seeking owner's consent from CSU.
- 19 June 2017 – Proposed heads of agreement for the draft VPA sent to the Applicant.
- 19 June 2017 – Applicant queried what the offset monetary amount will be paid to the proponent/Applicant if the development is approved and VPA entered into.
- 20 June 2017 – Advice provided to Applicant that current and future contributions would be covered under the proposed definitions for sewer augmentation refund and sewer augmentation contribution in the proposed VPA.
- 28 June 2017 – Applicant provided advice of acceptance to heads of agreement for proposed VPA.
- 19 July 2017 – Owner's consent from CSU received from Applicant for sewer main works and advice requested on timeframe for determination of the DA.
- 20 July 2017 – Advice provided on timing for DA being reported to DAP and Council.

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 No. 44 - Koala Habitat Protection

With reference to clauses 6 and 7, the subject land is less than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP do not require consideration.

State Environmental Planning Policy No.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 No. 62 – Sustainable Aquaculture

Given the nature of the proposed development and proposed stormwater controls, the proposal will be unlikely to have any adverse impacts on existing aquaculture industries within the Hastings River approximately 3.5 kilometres from the site.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The following assessment table checklist is provided to address compliance with the requirements of this SEPP:

| Clause | Proposed | Complies |
|--|---|----------|
| 4. Land to which Policy applies | | |
| <p>Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:</p> <p>(a) development for the purpose of any of the following is permitted on the land:</p> <p>(i) dwelling-houses,</p> <p>(ii) residential flat buildings,</p> <p>(iii) hospitals,</p> <p>(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</p> <p>(b) the land is being used for the purposes of an existing registered club.</p> | Land zoning is urban - R1 general residential. Permitted uses enable the subject development. | Yes |
| 5. Relationship to other environmental planning instruments | | |
| If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency. | Noted - LEP provisions relationship considered. | Yes |
| 8. Seniors | | |
| <p>In this Policy, <i>seniors</i> are any of the following:</p> <p>(a) people aged 55 or more years,</p> <p>(b) people who are resident at a facility at which residential care (within the meaning of the <i>Aged Care Act 1997</i> of the Commonwealth) is provided,</p> | Seniors housing proposed. | Yes |

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| (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider. | | |
| 9. People with a disability | | |
| In this Policy, <i>people with a disability</i> are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life. | Seniors housing proposed. | Yes |
| 10. Seniors housing | | |
| <p>In this Policy, <i>seniors housing</i> is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</p> <ul style="list-style-type: none"> (a) a residential care facility, or (b) a hostel, or (c) a group of self-contained dwellings, or (d) a combination of these, <p>but does not include a hospital.</p> <p>Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.</p> <p>Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following:</p> <ul style="list-style-type: none"> (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy. | Seniors housing proposed. | Yes |

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| <p>Relevant classifications in the <i>Building Code of Australia</i> for the different types of residential accommodation are as follows:</p> <p>(a) Class 3, 9a or 9c in relation to residential care facilities,</p> <p>(b) Class 1b or 3 in relation to hostels,</p> <p>(c) Class 1a or 2 in relation to self contained dwellings.</p> | | |
| 11. Residential care facilities | | |
| <p>In this Policy, a <i>residential care facility</i> is residential accommodation for seniors or people with a disability that includes:</p> <p>(a) meals and cleaning services, and</p> <p>(b) personal care or nursing care, or both, and</p> <p>(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,</p> <p>not being a dwelling, hostel, hospital or psychiatric facility.</p> <p>Note. The <i>Aged Care Act 1997</i> of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.</p> | The proposal is best characterised as a <i>residential care facility</i> . | Yes |
| 18. Restrictions on occupation of seniors housing allowed under this Chapter | | |
| <p>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:</p> <p>(a) seniors or people who have a disability,</p> <p>(b) people who live within the same household with seniors or people who have a disability,</p> <p>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</p> <p>(2) A consent authority must not consent to a development application</p> | Condition recommended to require an appropriate s88B instrument restriction to seniors housing only. | Yes |

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| <p>made pursuant to this Chapter unless:</p> <p>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</p> <p>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <i>Conveyancing Act 1919</i>, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</p> <p>(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.</p> | | |
| <p>26. Location and access to facilities</p> | | |
| <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> <p>(2) Access complies with this clause if:</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable</p> | <p>The proposed aged care facility will also include on-site medical services and care, a shop, beauty salon and cafe as outlined in the submitted details and illustrated on proposed plans.</p> <p>The residents will also have access to the Busways Local bus routes which run on the Oxley Highway and to the base hospital and on to Settlement City Shopping Centre and the Port Macquarie CBD (and which have extensive medical, banking, commercial, retail and community services).</p> <p>A condition is recommended to require a footpath to be constructed to link up to the Base Hospital frontage to provide compliant accessibility.</p> | <p>Yes - capable</p> |

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| <p>access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p> <p>(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:</p> | | |
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| <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p> <p>Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.</p> <p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> | | |
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| <p>(4) For the purposes of subclause (2):</p> <p>(a) a <i>suitable access pathway</i> is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</p> <p>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p> <p>(5) In this clause:</p> <p><i>bank service provider</i> means any bank, credit union or building society or any post office that provides banking services.</p> | | |
| 28. Water and sewer | | |
| <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.</p> | <p>Refer to comments later in this report addressing water supply and sewer servicing. Sewer upgrades are required external to the site to address current catchment capacity issues.</p> | Yes |
| 30. Site analysis | | |
| <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant</p> | <p>A satisfactory site analysis plan complying with the provisions of clause 28 (1) and (2) has been submitted.</p> <p>Details of the site and the description of the surrounds</p> | Yes |

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| <p>in accordance with this clause.</p> <p>(2) A site analysis must:</p> <p>(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and</p> <p>(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site):</p> <p>(i) explaining how the design of the proposed development has regard to the site analysis, and</p> <p>(ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.</p> <p>(3) The following information about a site is to be identified in a site analysis:</p> <p>(a) Site dimensions:</p> <ul style="list-style-type: none"> • length • width <p>(b) Topography:</p> <p>spot levels and/or contour</p> <ul style="list-style-type: none"> • north point • natural drainage • any contaminated soils or filled areas <p>(c) Services:</p> <ul style="list-style-type: none"> • easements • connections for drainage and utility services <p>(d) Existing vegetation:</p> <ul style="list-style-type: none"> • location • height • spread of established trees • species <p>(e) Micro climates:</p> <ul style="list-style-type: none"> • orientation • prevailing winds <p>(f) Location of:</p> | <p>and locality as detailed in the submitted Statement of Environmental Effects.</p> | |
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| <ul style="list-style-type: none"> • buildings and other structures • heritage features and items including archaeology • fences • property boundaries • pedestrian and vehicle access <p>(g) Views to and from the site</p> <p>(h) Overshadowing by neighbouring structures</p> <p>(4) The following information about the surrounds of a site is to be identified in a site analysis:</p> <p>(a) Neighbouring buildings:</p> <ul style="list-style-type: none"> • location • height • use • balconies on adjacent properties • pedestrian and vehicle access to adjacent properties <p>(b) Privacy:</p> <ul style="list-style-type: none"> • adjoining private open spaces • living room windows overlooking site • location of any facing doors and/or windows <p>(c) Walls built to the site's boundary:</p> <ul style="list-style-type: none"> • location • height • materials <p>(d) Difference in levels between the site and adjacent properties at their boundaries</p> <p>(e) Views and solar access enjoyed by neighbouring properties</p> <p>(f) Major trees on adjacent properties</p> <p>(g) Street frontage features:</p> <ul style="list-style-type: none"> • poles • trees • kerb crossovers • bus stops • other services <p>(h) The built form and character of adjacent development (including buildings opposite on both sides of the street(s) fronted):</p> | | |
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| <ul style="list-style-type: none"> • architectural character • front fencing • garden styles <p>(i) Heritage features of surrounding locality and landscape</p> <p>(j) Direction and distance to local facilities:</p> <ul style="list-style-type: none"> • local shops • schools • public transport • recreation and community facilities <p>(k) Public open space:</p> <ul style="list-style-type: none"> • location • use <p>(l) Adjoining bushland or environmentally sensitive land</p> <p>(m) Sources of nuisance:</p> <ul style="list-style-type: none"> • flight paths • noisy roads or significant noise sources • polluting operations <p>(n) Adjoining land uses and activities (such as agricultural activities).</p> | | |
| 32. Design of residential development | | |
| A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2. | See below. | Yes |
| 33. Neighbourhood amenity and streetscape | | |
| <p>The proposed development should:</p> <p>(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</p> <p>(b) retain, complement and</p> | <p>The proposed development satisfactorily responds to the rapidly evolving character of the area by presenting a 1 and 2 storey form to the western frontage of the site, and which then steps up behind to a 3 storey scale.</p> <p>The proposed built form is further broken up into three</p> | Yes |

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| <p>sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p> <p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</p> <p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p> <p>(f) retain, wherever reasonable, major existing trees, and</p> <p>(g) be designed so that no building is constructed in a riparian zone.</p> | <p>wings and is set into the site in the north eastern corner to reduce overall height across the site.</p> <p>Setbacks to the boundaries are acceptable.</p> <p>There are no conservation areas or heritage items in the vicinity of the site identified in the Hastings LEP 2011.</p> <p>The proposal is compatible with the desired neighbourhood character particularly having regard to the adoption of mix of 1, 2 and 3 storey built form, the roof lines and broken up nature of the building footprint and generous setbacks to side boundaries.</p> <p>No existing building line is apparent for this section of Highfields Circuit.</p> <p>The landscape plans submitted will add to the streetscape.</p> <p>The proposal is not being constructed in a riparian zone.</p> | |
| <p>34. Visual and acoustic privacy</p> | | |
| <p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p> | <p>The location and design of windows and common balconies will not have any identifiable adverse impacts to neighbouring properties.</p> <p>The proposed landscaping on the site will soften the building and provide a satisfactory outlook for both residents of the proposed facility and adjoining neighbours.</p> <p>Acoustic treatment of the</p> | <p>Yes</p> |

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| <p>Note. The Australian and New Zealand Standard entitled AS/NZS 2107–2000, <i>Acoustics—Recommended design sound levels and reverberation times for building interiors</i> and the Australian Standard entitled AS 3671—1989, <i>Acoustics—Road traffic noise intrusion—Building siting and construction</i>, published by Standards Australia, should be referred to in establishing acceptable noise levels.</p> | <p>north western corner of the building, which is closest to the Wrights Road roundabout, is proposed.</p> | |
| <p>35. Solar access and design for climate</p> | | |
| <p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p> <p>Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.</p> | <p>The proposal has adopted a 1, 2 and 3 storey built form with suitable setbacks to boundaries. There will be no significant overshadowing of adjoining properties and which it is noted are either non-residential uses or well setback from the road frontage in any event. Therefore adequate sunlight access will be maintained to adjacent properties.</p> | <p>Yes</p> |
| <p>36. Stormwater</p> | | |
| <p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p> | <p>Refer to comments later in this report addressing stormwater requirements. On-site detention stormwater facilities are proposed.</p> | <p>Yes</p> |
| <p>37. Crime prevention</p> | | |

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| <p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p> | <p>The Applicant has advised that the proposal has been designed to protect the security of residents through the design of building entries which are highly visible (both into and out of) which are monitored by receptionists, and which are lockable at the appropriate times.</p> <p>Passive surveillance of the streets and on-site common areas is achieved.</p> <p>The details submitted are considered satisfactory.</p> | <p>Yes</p> |
| 38. Accessibility | | |
| <p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p> | <p>The proposal has clear designated pedestrian links which can be used to walk to the nearby hospital or other medical facilities and the nearby bus stop.</p> <p>Satisfactory and logical pedestrian and vehicular entrances to the proposal along with satisfactory onsite parking have been provided as detailed on the submitted plans for the proposal.</p> <p>A condition is recommended to require a footpath to be constructed to link up to the Base Hospital frontage to provide compliant accessibility.</p> | <p>Yes</p> |
| 39. Waste management | | |
| <p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p> | <p>The proposed development provides for waste facilities that maximise recycling by the provision of appropriate facilities.</p> | <p>Yes</p> |
| 45. Vertical villages | | |

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| <p>(1) Application of clause This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9)) on which development for the purposes of residential flat buildings is permitted.</p> <p>(2) Granting of consent with bonus floor space is subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than <i>State Environmental Planning Policy No 1—Development Standards</i>) by a bonus of 0.5 added to the gross floor area component of that floor space ratio.</p> <p>Note. For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.</p> <p>(3) Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan.</p> <p>(4) In calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded.</p> <p>(5) However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.</p> <p>(6) Requirements relating to</p> | <p>Residential Flat Buildings are permitted on the subject site under the LEP 2011.</p> <p>It is proposed to utilise the available floor space ratio bonus provided in the SEPP (Housing for Seniors) for vertical village applications involving a minimum 10% component of affordable accommodation.</p> <p>A total FSR of 1.24:1 is being proposed. The Applicant has submitted that FSR is in excess of the SEPP's FSR bonus, but not in excess of a 10% variation to the maximum FSR standard as addressed in the application for a clause 4.6 variation. The 0.5:1 FSR bonus is acknowledged in merit in the clause 4.6 variation later in this report.</p> <p>A minimum 10% of the dwellings for residents will be affordable places, as stipulated in the SEPP. A condition is recommended to enforce.</p> <p>10% of total bed places will be identified by the operator. A condition is recommended in this regard.</p> | <p>Yes</p> |
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| <p>affordable places and on-site support services</p> <p>A consent authority may only grant consent to a development application as referred to in subclause (2) if:</p> <p>(a) the consent authority is satisfied, on written evidence, that:</p> <p>(i) the proposed development will deliver on-site support services for its residents, and</p> <p>(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and</p> <p>(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.</p> <p>(7) Grounds on which consent cannot be refused</p> <p>A consent authority must not refuse consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in clause 40 (4) (a), 48 (a), 49 (a) or 50 (a).</p> <p>(8) Conditions on grants of development consent</p> <p>A development consent may be granted as referred to in subclause (2) subject to a condition that requires the creation of a restrictive or positive covenant on land to which a development application relates concerning the continued provision of the affordable places identified in the application.</p> <p>(9) A development consent may be granted as referred to in subclause (2) subject to a condition that requires the affordable places identified in a development application to be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing.</p> <p>(10) Subclauses (8) and (9) do not limit the kinds of conditions that may be imposed on a development</p> | | |
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| <p>consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.</p> <p>(11) Clause does not apply to certain heritage affected land Nothing in this clause applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the <i>Heritage Act 1977</i> applies.</p> <p>(12) Definitions In this clause:</p> <p><i>affordable place</i>, in relation to seniors housing, means a dwelling for the accommodation of a resident:</p> <p>(a) whose gross household income falls within the following ranges of percentages of the median household income for the time being for the Sydney Statistical Division according to the Australian Bureau of Statistics:</p> <table><tr><td>Very low income household</td><td>less than 50%</td></tr><tr><td>Low income household</td><td>50% or more but less than 80%</td></tr><tr><td>Moderate income household</td><td>80–120%</td></tr></table> <p>(b) who is to pay rent that does not exceed a benchmark of 30% of the resident's actual household income.</p> <p><i>on-site support services</i>, in relation to residents of seniors housing, means:</p> <p>(a) 3 meals a day provided on a communal basis or to a resident's dwelling, and</p> <p>(b) personal care, and</p> <p>(c) home nursing visits, and</p> <p>(d) assistance with housework.</p> | Very low income household | less than 50% | Low income household | 50% or more but less than 80% | Moderate income household | 80–120% | | |
| Very low income household | less than 50% | | | | | | | |
| Low income household | 50% or more but less than 80% | | | | | | | |
| Moderate income household | 80–120% | | | | | | | |

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| 47. Standards that cannot be used to refuse development consent for residential care facilities | | |
| <p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:</p> <p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or</p> <p>(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</p> <p>(c) landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,</p> <p>(d) parking for residents and visitors: if at least the following is provided:</p> <p>(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and</p> <p>(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and</p> <p>(iii) 1 parking space suitable for an ambulance.</p> <p>Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</p> | <p>The only relevant issue for consideration is the off-street parking which is not covered by Council's DCP:</p> <p>22 nominated parking spaces are proposed within the basement parking area.</p> <p>105 beds are proposed = $105/10 = 11$ spaces minimum to be provided.</p> <p>The proposal provides more parking than the minimum standard requires.</p> | Yes |

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 proposed development for seniors housing 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 having regard to the following:

- the proposal is a permissible landuse;
 - the proposal will provide for suitably located high care residential accommodation.
- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
 - Clause 4.3, the maximum overall height of the building above ground level (existing) is 9.8m (1.3m or 15.2% exceedance) which is unable to comply with the standard height limit of 8.5 m applying to the site. *Refer to clause 4.6 below for specific details.* The sections of the building above the 8.5m height are shown on the plans attached to this assessment report.
 - Clause 4.4, the floor space ratio of the proposal is 1.24:1.0 which is unable to comply with the maximum 0.65:1 floor space ratio applying to the site. The Seniors SEPP allows for a 0.5:1 floor space ratio bonus however the proposal is to have floor area above that by a further 0.09:1 or 7.8% of 1.15:1 FSR (assumed standard). Refer to clause 4.6 below for specific details.
 - Clause 4.6 – provides for the granting of development consent for development even though it will contravene a development standard imposed by the LEP or any other environmental planning instrument. The Applicant has lodged a clause 4.6 objection under the LEP in regards to variations to building height and floor space ratio standards.
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 - The following justification points are provided to address why compliance with the development standards are unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental grounds to justify contravening the standard:
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 - 1. Both the proposed variation in Height of Building at 1.3m or 15.2% of the standard and the proposed variation in addition to assumed allowance for extra floor space under the Seniors SEPP FSR control at an additional 0.09:1, 335.9m² or 7.8% (above the assumed Seniors SEPP standard extra floor space allowance), are minor, and will not result in any identifiable unacceptable impacts on adjoining properties or public areas including the surrounding street;
 - 2. The Seniors SEPP 2004 does not have a statutory maximum building height for the development (by default under clause 40 of this SEPP) as Residential Flat Buildings are permitted in the PMH LEP 2011 R1 General Residential Zone in which the site is located;
 - 3. The proposed development including the proposed variation to the PMH LEP 2011 height of building control and the Seniors SEPP 2004 FSR control is consistent with the objectives for development within the subject R1 General Residential Zone under the PMH LEP 2011 to (relevantly) provide for the housing needs of the community, to provide a variety of housing types and densities and to enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - 4. The proposed development including the proposed variation to the PMH LEP 2011 height of building control and the Seniors SEPP 2004 FSR

control will also be consistent with the objectives of the Seniors SEPP 2004 as contained in clause 2(1) including making efficient use of existing infrastructure and increasing the supply of seniors housing.

5. The proposed additional building height and FSR will not create any detrimental impacts on adjoining properties in regard to bulk and scale, privacy and overshadowing;
6. There are no immediately adjoining residential dwellings to the subject site. The only immediately adjoining property is to the east (No. 3 Highfields) is a Urology Clinic. To the west and south the site has frontage to Highfields Circuit and to the north, the Wrights Road existing vegetated road reserve. Opposite the site in Highfields Circuit there are additional medical consulting rooms to the west and south of the site with two newer residential accommodation developments which run more or less end on or perpendicular to the street (one of which has a 3 storey height taking advantage of that site's topography). This lack of immediately adjoining residential development avoids any possibility of detrimental amenity impacts such as bulk and scale, aural and visual privacy and overshadowing being created from the variations;
7. The proposed development is located within a rapidly emerging and transitioning higher density health precinct including large accommodation facilities, medical centres and the significant Port Macquarie – Base Hospital building to the north of the site. The development with its proposed 1, 2 and 3 storey building height and FSR will be generally in keeping and context with this surrounding development;
8. The development has a well-considered and thoughtful architectural design which is a stepped 1, 2 and 3 storey, E-shaped building which has effectively minimised the perception of bulk and scale to the surrounding streets and adjoining properties;
9. The proposal is consistent with the objectives of the subject development standard (being *Clause 4.3 – Height of Buildings* of the PMH LEP 2011) particularly as the height of the building will provide a transition in built form from the Port Macquarie Hospital to the north;
10. The approval of the proposal with the subject variations to the height of building and FSR control will also not create an undesirable precedent or cumulative effect as the development is within the defined emerging Hospital precinct with unique characteristics and built forms. The maximum height of the recent additions to the Hospital is 18.75m from existing ground level.

The variations are therefore recommended to be supported.

It is noted that the Department of Planning and Environment Circular PS08-003 provides Council with the assumed concurrence of the Director General with respect to the Clause 4.6 variation.

- In accordance with the Department of Planning and Environment Circular PS 08-014, the proposed variation is greater than 10% which requires the DA to be determined by full Council.
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- Clause 5.9, several listed trees in Development Control Plan 2013 are proposed to be removed. Refer to comments later in this report addressing flora and fauna.
- Clause 5.10, heritage - the site does not contain or adjoin any known heritage items or sites of significance.

- Clause 7.7, airspace operations – A condition is recommended to address any potential for construction cranes extending up into the defined Obstacle Limitation Surface (OLS) associated with the operations of the Port Macquarie Airport.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

(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 force:

Port Macquarie-Hastings Development Control Plan 2013

There are no precinct specific provisions relating to Highfields Circuit.

Whilst the subject development proposal is not a Residential Flat Building, given the nature of the building, the development provisions (as applicable and listed below) relating to Residential Flat Buildings are considered to be appropriate to have regard to.

It should be noted that where DCP provisions are inconsistent with the standards of the Seniors Housing SEPP, the SEPP standards will prevail to the extent of any inconsistency.

| <i>DCP 2013: Residential Flat Development, Tourist and Visitor Accommodation and Mixed Use Development</i> | | | |
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| DCP Objective | Development Provisions | Proposed | Complies |
| 3.3.2.2 | Satisfactory site analysis plan submitted. | Satisfactory site analysis plan submitted. | Yes |
| 3.3.2.3 | Statement addressing site attributes and constraints submitted. | Statement addressing site attributes and constraints submitted. | Yes |
| 3.3.2.4 | Streetscape and front setback: <ul style="list-style-type: none"> • Within 20% of the average setback of the adjoining buildings. • 3m setback to all frontages if no adjoining development. • 2m setback to secondary frontages. • Max. 9m setback for tourist development to allow for swimming pool. | There are no other similar scale buildings along the subject western and southern sides of Highfields Circuit. The proposed front setbacks are as follows: <ul style="list-style-type: none"> • Min. 5.055m setback to the south front boundary. • Min. 6.0m setback to the west front boundary. • The Applicant has stated that the porte coche awning is setback 3.5m from the west front boundary. | Yes |
| 3.3.2.5 | Primary openings aligned | The site is a corner lot. | Yes |

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| | to street boundary or rear of site. | Satisfactory orientation of openings to both street frontages and rear northern boundary. | |
| | Side setbacks comply with Figure 3.3-1: <ul style="list-style-type: none"> Min. Side setback 1.5m for 75% of building depth. Windows on side walls min. 3m from side boundary. 3m minimum where adjacent to existing strata titled building. | 1m minimum eastern side setback for rear half of building | No* |
| | Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings. | N/A | |
| 3.3.2.6 | <ul style="list-style-type: none"> Min. 6m rear setback (including sub basements) | Site is a corner lot | N/A |
| | Corner sites consolidated with adjacent land where possible. | No consolidation necessary | N/A |
| | Deep soil zones: <ul style="list-style-type: none"> Extend the width of the site and have minimum depth of 6m. Are contiguous across sites and within sites (see Fig 3.3-4). | 6m north side setback and other areas within the site provide deep soil zones. | Yes |
| 3.3.2.9 | Deep soil zones accommodate existing advanced trees, and allow for advanced tree planting. | Detailed landscape plan submitted which is satisfactory. | Yes |
| 3.3.2.11 | <ul style="list-style-type: none"> Deep soil zones integrated with stormwater management measures. | Deep soil zone has limited identifiable integrated stormwater management identified. | Yes |
| 3.3.2.12 | Sunlight to the principal area of ground-level private open space of adjacent properties should not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22. | Sunlight to the principal area of ground-level private open space of adjacent properties not reduced to less than 3 hours between 9.00am and 3.00pm on June 22. Note that there is only a Urology medical centre next door. | Yes |
| 3.3.2.13 | Internal clothes drying | Proposal is for high care | Yes |

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| | space provided (not mechanical). | aged facility being different to typical residential flat building with self-contained dwellings. In house cleaners will be provided. | |
| 3.3.2.14 | Ceiling fans provided in preference to air conditioning. | No details. Proposal is not a BASIX affected building. | N/A |
| 3.3.2.15 | Solar hot water systems (or equivalent technology) provided. | No solar hot water system proposed. | N/A |
| | Photovoltaic arrays installed where practical. | No PV arrays proposed | N/A |
| | Landscape plan provided including: <ul style="list-style-type: none"> • 35% soft landscaping with minimum width of 3m. • Existing vegetation and proposed treatment. • Details of hard landscaping. • Location of communal recreational facilities. • Species not to obscure doors, paths, etc. Street trees in accordance with Council's list. | Detailed landscape plan submitted which is satisfactory. | Yes |
| | Existing vegetation to be retained and nutrient-rich water prevented from entering native gardens. | Detailed landscape plan submitted which is satisfactory. | Yes |
| 3.3.2.16 | <ul style="list-style-type: none"> • Landscape plan to demonstrate how trees and vegetation contribute to energy efficiency and prevent winter shading on neighbouring properties. | Detailed landscape plan submitted which is satisfactory. | Yes |
| 3.3.2.17 | Street trees in accordance with Council's list. | One street tree proposed. | Yes - capable |
| 3.3.2.18 | All dwellings at ground floor level have minimum 35m ² of private open space, including one area 4m x 4m at maximum grade of 5% and directly accessible from living area. | No dwellings proposed | N/A |
| 3.3.2.19 | Where open space is of irregular shape, areas having a width less than | n/a | |

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| | 2m are excluded from calculated area. | | |
| 3.3.2.20 | <p>Building to be designed so that:</p> <ul style="list-style-type: none"> • Busy, noisy areas face the street. • Quiet areas face the side or rear of the lot. <p>Bedrooms have line of site separation of at least 3m from parking areas, streets and shared driveways.</p> | <p>Building design layout is satisfactory having regard to the street orientations. Acoustic treatment of the north western corner of the building, which is closest to the Wrights Road roundabout, is proposed. Parking is within basement.</p> | Yes |
| 3.3.2.26 | <ul style="list-style-type: none"> • Development complies with AS/NZS2107:2000 <i>Acoustic – Recommended design sound levels and reverberation times for building interiors for residential development.</i> | <p>The proposal will be required to meet the requirements of the Building Code of Australia which is required to be checked at Construction Certificate stage. Acoustic treatment of the north western corner of the building, which is closest to the Wrights Road roundabout, is proposed. Parking is within the basement which will not create any identifiable internal amenity issues between parking and sleeping areas.</p> | Yes |
| | <p>Direct views between living room windows to be screened where:</p> <ul style="list-style-type: none"> • Ground floor windows are within 9m of windows in an adjoining dwelling. • Other floors are within a 12m radius. <p>Living room windows are within 12m radius of the principal area of private open space of other dwellings.</p> | <p>There are no primary living areas in each of the nursing home/high care rooms. Notwithstanding there are no significant adverse privacy impacts identified to warrant refusal of the application. Note that there is only a Urology medical centre next door.</p> | Yes |
| 3.3.2.28 | <p>Developments to be designed in accordance with AS 1428.</p> | <p>The development is capable of compliance with AS1428.1. Specific compliance details will need to be addressed as part of the Construction Certificate</p> | Yes – capable |
| 3.3.2.30 | <ul style="list-style-type: none"> • Lift over-runs and plant | Lift over-runs and plant | Yes |

| | | | |
|----------|--|---|--|
| | integrated within roof structures. | integrated within roof structures. | |
| 3.3.2.31 | Outdoor recreation areas on roof tops to be landscaped and incorporate shade structures and wind screens. | The outdoor terrace proposed on the first and second floor plan levels are not provided with any shade structures. These areas are intended to provide a useable open space for occupants. Future shade structures can be provided if required. | No - however capable to provide shade if required in future. |
| 3.3.2.36 | Outdoor roof areas oriented to the street. | Outdoor roof areas orientated to Highfields Circuit. | Yes |
| | Roof design to generate interesting skyline. | Roof design will generate an interesting skyline. | Yes |
| | Facade composition should: <ul style="list-style-type: none"> • Have balance of horizontal and vertical elements. • Respond to environmental and energy needs. • Incorporate wind mitigation. • Reflect uses within the buildings. Include combination of building elements. | Facade composition acceptable design. | Yes |
| | Building elements, materials and colours consistent or complimentary to those existing in the street. | Building elements, materials and colours acceptable. | Yes |
| 3.3.2.37 | <ul style="list-style-type: none"> • Entrances clearly identifiable from street level. | Entrances clearly identifiable from street level. | Yes |
| 3.3.2.38 | Entries provide clear line of sight between one circulation space and the next. | Entries provide clear line of sight between one circulation space and the next. | Yes |
| 3.3.2.39 | Entries avoid ambiguous and publicly accessible small spaces in entry areas. | Entries avoid ambiguous and publicly accessible small spaces in entry areas. | Yes |
| | Entries sheltered and well lit. | Entries sheltered and well lit. | Yes |
| | Entries and circulation spaces sized for movement of furniture. | Entries and circulation spaces sized for movement of furniture. | Yes |
| | Corridors minimum 2.5m | Corridors minimum 2.1m | Variation of |

| | | | |
|----------|--|---|--|
| | wide and 3.0m high. | minimum width. | 0.4m acceptable as relates to a high care aged facility and not typical residential flat building with dwellings |
| | Corridor lengths minimised and avoid tight corners. | Corridor lengths minimised and avoid tight corners. | Yes |
| | Longer corridors articulated by: <ul style="list-style-type: none"> Changing direction and width. Utilising series of foyers. Incorporating windows. | Longer corridors articulated by: <ul style="list-style-type: none"> Changing direction and width. Utilising series of foyers. Incorporating windows. | Yes |
| | Secure open air clothes drying facilities that are: <ul style="list-style-type: none"> easily accessible, screened from public domain and communal spaces, located with high degree of solar access. | Laundry area provided in basement designed specifically for the needs of a high care aged facility | N/A |
| | <ul style="list-style-type: none"> Public and private space clearly defined. | Public and private space clearly defined. | Yes |
| 3.3.2.42 | Entrances: <ul style="list-style-type: none"> oriented to public street, provide direct and well lit access between car parks, lift lobbies and unit entrances, optimise security by grouping clusters (max. 8) around a common lobby | Entrances: <ul style="list-style-type: none"> oriented to public street, provide direct and capability for being well lit access between car parks, lift lobbies and unit entrances | Yes |
| 3.3.2.44 | Access to all parts of the building to be controlled. | Given the nature of the proposed high care use – access control will be provided throughout the site. | Yes |
| | Above ground utility infrastructure integrated with building design. | Above ground utility infrastructure integrated with building design including new electricity substation. | Yes |

| DCP 2013: General Provisions | | | |
|-------------------------------------|---|---|---------------------------|
| | Requirements | Proposed | Complies |
| 2.7.2.2 | Design addresses generic principles of Crime Prevention Through Environmental Design guideline | No concealment or entrapment areas proposed. Adequate casual surveillance available. | Yes |
| 2.3.3.1 | Cut and fill 1.0m max. 1m outside the perimeter of the external building walls | Cut and fill <1.0m change 1m outside the perimeter of the external building walls | Yes |
| 2.3.3.2 | 1m max. height retaining walls along road frontage | None proposed | N/A |
| | Any retaining wall >1.0 in height to be certified by structure engineer | Can be addressed as part of Construction Certificate | Yes |
| | Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway | No retaining wall front fence combination proposed. | N/A |
| 2.3.3.8 | Removal of hollow bearing trees | No hollow bearing trees are proposed to be removed | N/A |
| 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 are proposed to be removed. A specialist Arborist Report has also been submitted to address potential impacts on trees within the adjoining Wrights Road reserve to the north. | Yes – applied for removal |
| 2.4.3 | Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater | Refer to main body of report. | |
| 2.5.3.2 | New accesses not permitted from arterial or distributor roads | No new access proposed to arterial or distribution road. | N/A |
| | Driveway crossing/s minimal in number and width including maximising street parking | Driveway crossing minimal in width | Yes |
| 2.5.3.3 | Parking in accordance with Table 2.5.1. The requirements of this DCP are overridden by the requirements of the Seniors SEPP as detailed earlier in this report. | 22 nominated parking spaces are proposed within the basement parking area. 105 beds are proposed = $105/10 = 11$ spaces minimum to be provided. The proposal provides more | N/A |

| DCP 2013: General Provisions | | | |
|-------------------------------------|--|--|-----------------|
| | Requirements | Proposed | Complies |
| | | parking than the minimum Seniors SEPP requires. | |
| 2.5.3.11 | Section 94 contributions | Refer to main body of report. | Yes - condition |
| 2.5.3.12 and 2.5.3.13 | Landscaping of parking areas | Basement parking area proposed | N/A |
| 2.5.3.14 | Sealed driveway surfaces unless justified | Sealed driveway proposed | 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 satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit | Yes |
| 2.5.3.17 | Parking areas to be designed to avoid concentrations of water runoff on the surface. | Stormwater drainage requirements are capable of being managed as part of plumbing construction. | Yes |

The proposal seeks to vary the Development Provision relating to the recommended side setback on the eastern side of the site. Specifically, the eastern-most section of the building is setback 1m from the eastern site boundary which is unable to comply with the 3m side setback DCP provision (applicable for residential flat buildings rather than aged care facilities).

The relevant objectives are:

- *To allow flexibility in the siting of buildings while limiting the extent to which any building overshadows or overlooks adjacent properties.*
- *To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.*
- *To provide acoustic and visual privacy.*
- *To provide adequate area for deep soil planting.*

Having regard for the development provisions and relevant objectives, the variation is considered acceptable for the following reasons:

- the proposal is located immediately adjacent to a non-residential use to the east, being a urology clinic and associated car park;
- the wall length along this boundary does not result in any loss of residential amenity or significant overbearing effects;
- the proposal will not create an unreasonable overshadowing impact on the adjoining property to the east;
- a larger setback is alternatively proposed along the northern boundary of the site;
- a multi-dwelling housing proposal or single dwelling could be proposed with a 1.0m side setback up to 8.5m in building height under the general housing provisions of the DCP.

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.

(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 entered into relating to the site. The Applicant has however made an offer in writing to seek commencement of process to prepare a Planning Agreement. Council Staff are currently negotiating the terms of the Planning Agreement however no Agreement has been formally entered into at this point.

The infrastructure requirements listed below with regard to sewer are required to be developer funded and Council is willing to facilitate Voluntary Planning Agreements (VPA) in the area to allow the cost of the infrastructure to distribute among multiple developers. This would be generally set up through a percentage breakdown for the cost of the infrastructure amongst the developers on an ET basis.

No specific conditions are recommended in relation to the Planning Agreement other than requiring a Section 96 modification application should the VPA be formally entered into and to be relied up. The infrastructure is recommended to be built as part of this development with the cost sharing details to be worked through separately after the development consent is issued.

iv) any matters prescribed by the Regulations:

Demolition of buildings AS 2601 – Clause 92

Demolition of the existing buildings on the site is capable of compliance with this Australian Standard and is recommended to be conditioned.

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 subject 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 and 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 sufficiently compatible with other development in the locality and adequately addresses the intent of planning controls including the floor space ratio and building height (noting the variations proposed) for the area.

The proposal will not have any identifiable adverse impacts on existing view sharing.

The proposal will be unlikely to generate any significant adverse lighting impacts.

There are no significant adverse privacy impacts identified to neighbouring properties.

There are no adverse overshadowing impacts. The proposal will not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

Roads

The site has road frontage to Highfields Circuit, Port Macquarie.

Adjacent to the site, Highfields Circuit is a sealed public road under the care and control of Council. Highfields Circuit is a local road containing an 8m carriageway within a 20m road reserve.

Traffic and Transport

During the assessment of the DA, the Applicant has submitted a Traffic Impact Assessment form Woolacotts Consulting Engineers. A copy of the report is attached to this assessment report. Findings of the study determined:

Existing traffic concerns within Highfields Circuit all relate to on-street parking and congestion caused by poor parking, vehicles searching for parking and construction activities. We recommend that the on-street parking within Highfields Circuit be reviewed by Council and appropriate signage be erected to control the location and time available for non-resident parking. As a minimum we recommend formalising the no parking signage for the street frontage of this proposed development, which corresponds to the inside of a blind corner and is within close proximity of the roundabout intersection with Wrights Road. Conditions should also be placed on the parking of construction vehicles, to ensure they do not disrupt traffic flow by causing obstructions. The traffic generated by the proposed development is relatively minor and will have minimal impact on existing traffic conditions.

The findings of the traffic report are recommended to be supported. It is also noted that no parking signs are erected along the frontage of the development. Review of existing Highfields Circuit on-street parking and signage recommendations would need to be addressed separate to the DA process.

Site Frontage & Access

Vehicle access to the site is proposed through multiple driveway access to Highfields Circuit. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Due to the type and size of development, additional works are required to include concrete footpath paving (minimum 1.2m wide) along the full frontage.

Parking and Manoeuvring

A total of 22 nominated parking spaces (including 2 disabled spaces) have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner. Site plans show adequate area is available and conditions have been imposed to reflect these requirements.

Water Supply Connection

Council records indicate that the development site has an existing 20mm metered water service.

Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development. Fire service and backflow protection requirements must be addressed in accordance with AS 2419.

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

Refer to relevant conditions of consent.

Sewer Connection

Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that runs outside the southern property boundary.

The proposed development must discharge sewage to an existing or proposed sewer manhole. Any abandoned sewer junctions must be capped at the main.

The existing Council sewer system does not have sufficient capacity to facilitate the proposed development. This has been discussed extensively with the Applicant during the assessment of the DA. The following sewer infrastructure upgrades are required:

1. A new Sewer Pump Station of diameter 2.4 metres (located on the future CSU site) and lead in gravity trunk mains along the eastern boundary of Lot 7 DP 1094444 (currently being constructed by the student accommodation on Kingfisher Road DA2015 - 95).
2. Approximately 450m of sewer rising main from the Sewer Pump Station (described in requirement 1 above) to an existing sewer manhole located near Major Innes Road.
3. A deep carrier bypass sewer main through Major Innes Drive near the intersection of John Oxley Drive.
4. Approximately 150 metres of deep gravity sewer main along Major Innes Road
5. Approximately 250 metres of gravity sewer main on the northern side of Lot 8 DP 1094444.

The infrastructure requirements listed above are unable to be included in a Local Area Development Services Plan (DSP) and will not be applicable to contribution offsets if constructed. The contributions for the development would be the current DSP rates only and there would be no additional charge from another DSP.

The infrastructure requirements listed above are recommended to be developer funded and it has been recommended that the Applicant offer a Voluntary Planning Agreements (VPA) to allow the cost of the infrastructure which could also include distribution of cost among multiple developers. This would be generally done through a percentage breakdown for the cost of the infrastructure amongst the developers on an Equivalent Tenement (ET) basis.

Stormwater

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline within Highfields Circuit.

A detailed site stormwater management plan will be required to be submitted for assessment with the Section 68 application and prior to the issue of a Construction Certificate.

In accordance with Council's AUSPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On-site stormwater detention facilities
- Water quality controls

Refer to relevant conditions of consent.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Following a site inspection (and a search of Council records), no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

Other land resources

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. Standard precautionary site management condition recommended.

Flora and fauna

During the assessment of the DA, an Arboriculture Impact Assessment Report prepared by The Tree MD Pty Ltd has been submitted to address tree retention outside the boundary on the northern side of the site within the Wrights Road reserve.

The author of this report established that excavation to within 4 meters of the existing fence line and 2.5m from the fence north of the tennis court location would not compromise the structural integrity of the Council trees. Further protective measures are specified to allow for the retention of soil moisture and that any tree roots encountered are preserved or pruned in accordance with the Australian Standard Pruning of Amenity Trees AS 4373 - 2007.8.

With the setback of the proposed development wall at 6m from the fence line with 3m deep excavation there can be sufficient room allocated for the protection and retention of the trees. Identifiable concerns are raised if the removal of the fence line, shed and tennis court are carried out with heavy machinery. Root development within the site is expected to be minimal due to the constraints of the fence line and concreted areas as well as the poor compact soil conditions within the site.

Additional concerns are raised with the establishment of footpaths or excavation for services or the location of a substation around Tree 1 and Tree 2, it is recommended that these designs are either above grade or a diploma level arborist oversees the possible excavation of the area. With the utilisation of a load sharing surface pedestrian access could be permitted through the Tree Preservation Zone.

The requirements of the Arborist Assessment are considered acceptable and recommended to be supported. An appropriate condition is recommended to require compliance with the recommendations.

Construction of the proposed development will require the removal/clearing of several trees within the site itself however these trees are not considered to be significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Section 5A of the Act is considered to be satisfied.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise and vibration

Acoustic treatment of the north western corner of the proposed nursing home is proposed to reduce noise associated with operation of the Base Hospital and the nearby Wrights Road roundabout.

During construction some noise and vibration may impact on the residential villas opposite however construction activities will only occur during those hours permitted by the Council.

The operational noise levels from the proposal will not be out character with the future intent of the precinct.

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

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

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

Social impacts in the locality

Given the nature of the proposed development and its' location the proposal is unlikely to result in any adverse social impacts. The proposal will provide for suitable additional seniors housing which is encouraged by State legislation.

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction and aged care industry, which will lead to flow impacts such as 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 particularly due to the proximity to the Port Macquarie Base Hospital and medical precinct.

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

Two (2) written submissions have been received following public exhibition of the application. Redacted copies of the submissions are attached to this report.

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

| Submission Issue/Summary | Planning Comment/Response |
|---|--|
| Inadequate parking facilities provided. | 22 parking spaces within a basement parking area and a designated drop-off area is proposed at the front of the development. This parking provided is greater than the minimum off-street parking spaces required under State legislation. During the assessment of the DA, the Applicant has submitted a Traffic Impact Assessment from Woolacotts Consulting Engineers. The findings of the report are noted and supported. |
| The locality is already experiencing car parking over-flow from hospital employees and visitors which is putting strain on legitimate patients trying to park at nearby medical centres. | |
| Very limited car parking spaces considering number of staff and visitor numbers. | |
| The capacity of the access roads and other infrastructure to cope with the increased traffic and itinerant visitors is becoming a real concern for tenants and owners within the locality. | During the assessment of the DA, the Applicant has submitted a Traffic Impact Assessment from Woolacotts Consulting Engineers. The condition of the road is noted and is a Council issue to resolve. Any upgrades to Highfields Circuit would need to be addressed separately to the DA process. |
| The width and capacity of Highfields Circuit to withstand the amount of usage per day has not been upgraded. | |
| Wear and tear on the road is evident. | |
| Most days, vehicles are parked on the street from No 6 to No 12, which requires vehicles of regular car width to pass each other cautiously, with narrow space between. | It is noted that currently parking is only permitted on the southern side of the road. Adequate room is available for two vehicles to pass each other and access the parking areas within the development. |
| Trucks and larger vehicles attending properties 1-5 and 2-12 are physically unable to get out of the traffic flow, thus reducing it to one-lane only. With the increased number of people driving on the street, attending their place of work or study, or attending specialist appointments, this is problematic and at times unsafe to all concerned. | It is noted that these are existing conditions that are not the responsibility of the development. Any upgrades to Highfields Circuit would need to be addressed separately to the DA process. |
| The development proposed at No 1 Highfields Circuit appears to utilise the entire footprint of land available, apart from the council verge and required distance from a neighbouring fence line. Thus trades people and delivery trucks will not have room to park on the property during construction. This has been an issue with three other recent developments on the street. | Construction activity concerns are noted. A condition has been recommended requiring a construction management plan be provided prior to construction certificate address construction traffic and parking. |
| Where there is legal verge parking on other properties further down the street, what provisions will be put in place for verge restoration of those other than No 1? | Conditions of consent require a security bond to be held during construction which can be used to address damage related to construction. |

| | |
|--|--|
| <p>The street is a cul-de-sac with the end being down the hill and around a narrow bend. There is no turning circle at the end of the street. Trucks have had to reverse all the way back, up the street in the past. What provisions will the developer be required to put in place, to ensure all large vehicles and trucks attending the site are made aware <u>not</u> to proceed down the street in order to turn around or exit the street.</p> | <p>Details regarding traffic and site parking management will need to be addressed as part of the construction management plan for the building site.</p> |
| <p>What provisions will the developer be required to put in place to ensure trucks do not proceed past the boundary of No 3 in order to keep the power lines intact and if they have ignored instruction and proceeded, ensure safety once lines are found lying across the road.</p> | <p>Construction deliveries will need to be addressed as part of the construction management plan for the building site.</p> |
| <p>The plans for the development of No 1 include underground parking entered from the area of the property that is around the corner from the proposed main entrance. The main entrance is shown to be central to the property frontage, with no parking for deliveries or visitors at this point. To further assist traffic flow into the street off the roundabout at the junction of Wright's Road and Highfields Circuit, I propose it is necessary for the developers to ensure there is bold signage erected angularly towards traffic entering the street, to advise all vehicles attending the property that they need to proceed round the bend in order to park.</p> | <p>This potential issue is noted. A condition is recommended to require suitable signage to be in place at the front of the development area to advise that parking is available at the rear of the development. It is understood that the porte coche area is a drop-off and pick-up area only.</p> |

(e) The Public Interest:

The proposed development will be in the wider public interest with provision of appropriate additional high care housing.

The proposed development satisfies relevant planning controls, as justified including well founded variations to standard, 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.

5. CONCLUSION

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

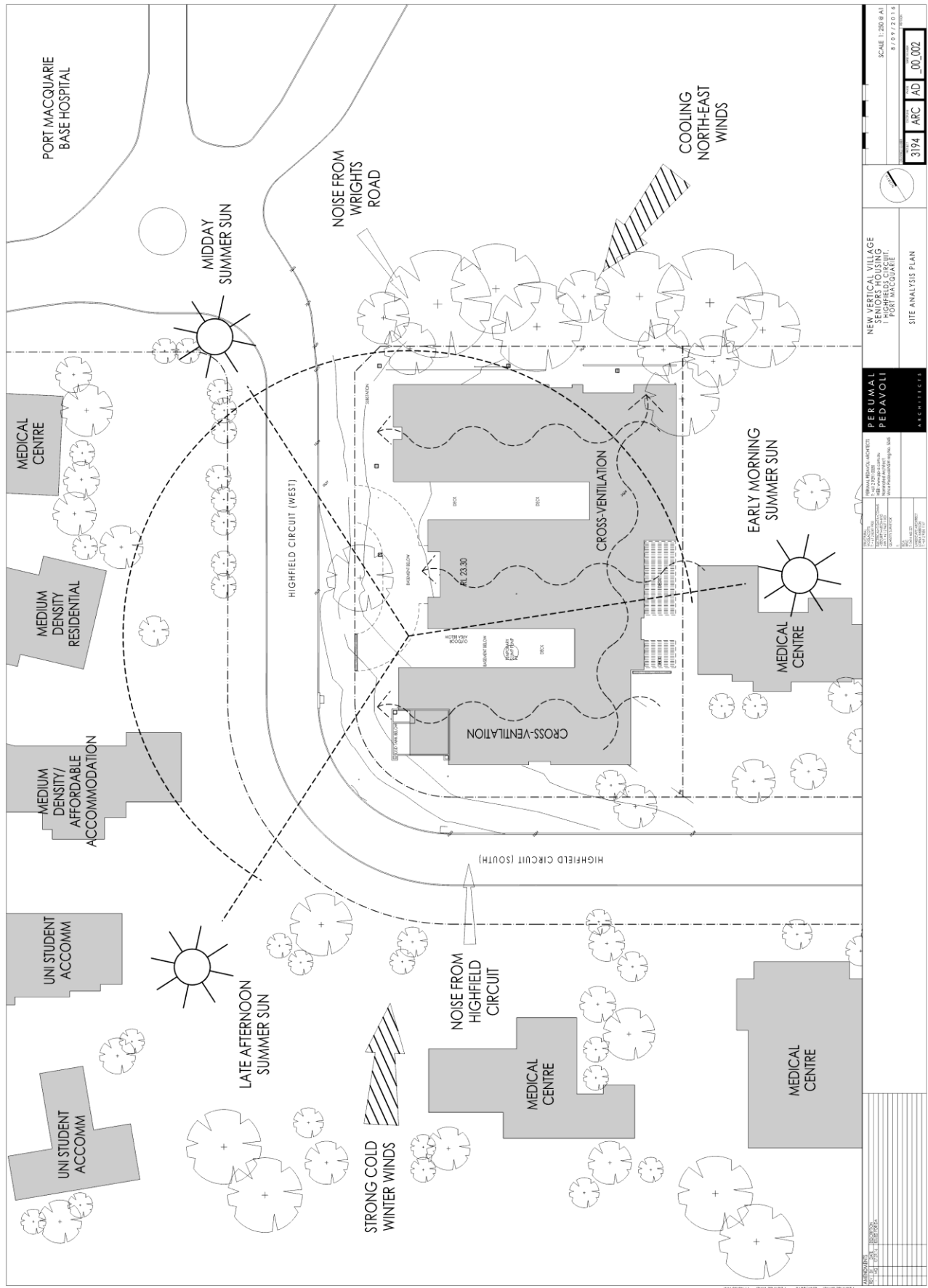
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

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 - 701.1 Plans
- 2 [View](#). DA2016 - 701.1 Nursing Home Survey
- 3 [View](#). DA2016 - 701.1 Traffic Report
- 4 [View](#). DA2016 - 701.1 Recommended Conditions
- 5 [View](#). DA2016 - 701.1 Submission - Byrne & Black
- 6 [View](#). DA2016 - 701.1 Submission - Green





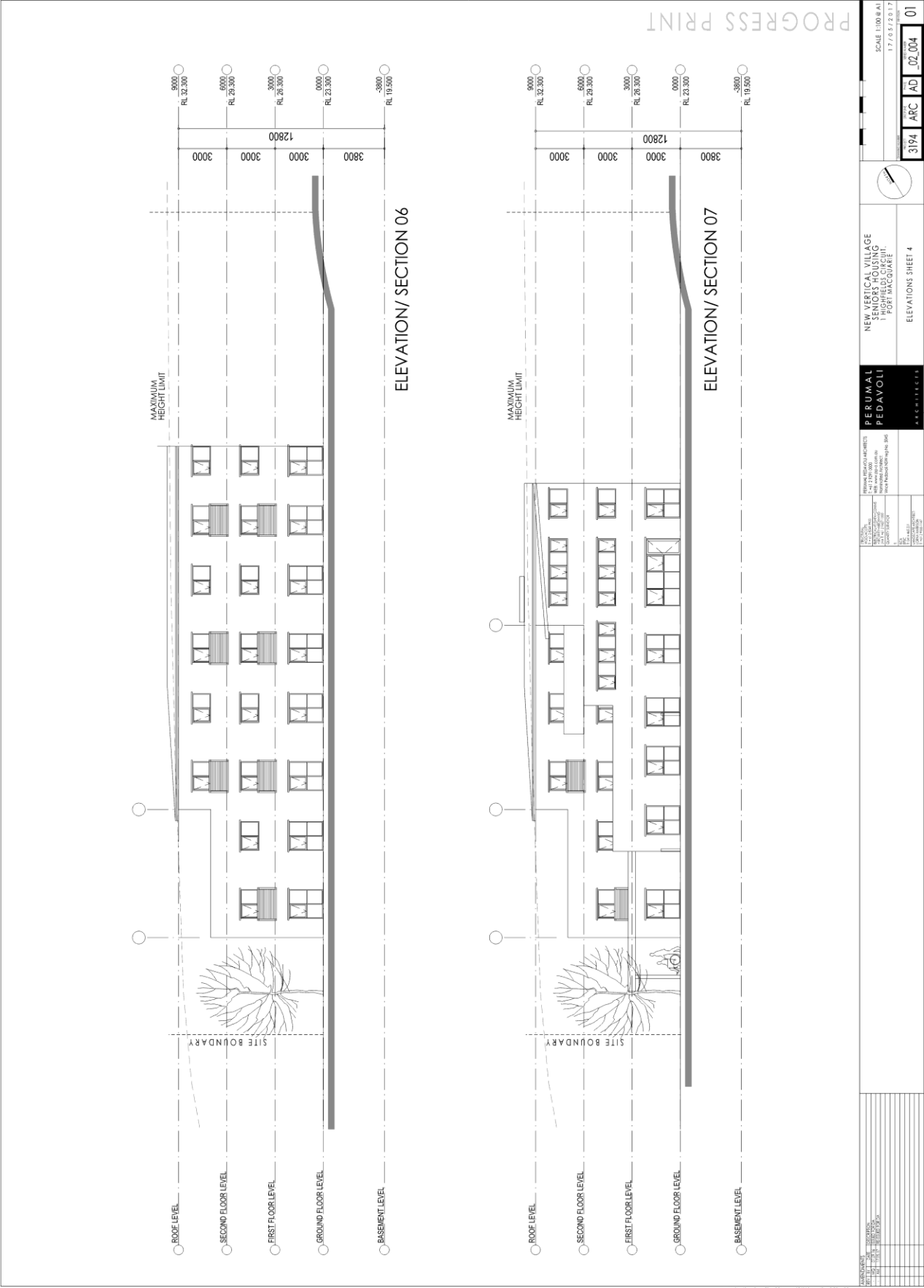
A black and white photograph of a modern, multi-story residential building. The building features a dark, possibly black, facade with large, rectangular windows. A prominent tree with dense foliage is in the foreground, partially obscuring the building. A paved road or driveway runs along the side of the building. In the background, a utility pole and other trees are visible under a clear sky.

[illegible]

A black and white photograph of a large, multi-story building, likely a school or institutional structure, featuring a prominent chimney on the left side. The building is surrounded by mature trees and a street in the foreground. A utility pole with wires is visible on the right side of the image. The sky is filled with clouds.

[illegible]



















New Vertical Village – Seniors Housing 1 Highfields Circuit, Port Macquarie Traffic Report

13 December 2016 | 16-180

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Document control

| Rev No | Date | Revision details | Approved | Verified | Prepared |
|--------|----------|-------------------|----------|----------|----------|
| P1 | 26.10.16 | Preliminary Issue | SETB | | SETB |
| A | 27.10.16 | Approved Issue | SETB | CMW | SETB |
| B | 13.12.16 | Revised Issue | SETB | CMW | SETB |
| | | | | | |
| | | | | | |

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1. Introduction

The New Vertical Village, Seniors Housing facility is proposed to be located at 1 Highfields Circuit, Port Macquarie. Refer to Figure 1 for the location of the site. This facility is designed to cater for 105 residents and will have a peak day time staff of 24.

This report has been prepared to address traffic issues associated with the proposed facility, including pedestrian and vehicular access, parking, and traffic generated by the site.

Traffic and parking requirements for the site are determined from the Council DCP, SEPP (Housing for Seniors or People with a Disability) 2004, AS2890 and the RMS *Guide to Traffic Generating Developments*.



Figure 1 – Site Location

2. Existing conditions

2.1 The site and existing roads

The site for the proposed New Vertical Village, Seniors Housing is located approximately 50m south of the intersection of Highfields Circuit and Wrights Road. It is located on a bend in the road and has two frontages to Highfields Circuit. The site is generally above the road level. Refer to Figure 2 below for an aerial photo of the site and Appendix A for a copy of the site survey.

The existing road network in the area is well established and consists of the following hierarchy:

1. Highfields Circuit – local road with 8m pavement width and rolled concrete kerbs each side. On street parking restrictions apply on the corner outside of the site
2. Wrights Road – collector road with 8m pavement width and concrete kerbs each side. The intersection of Highfields Circuit and Wrights Road is controlled by a roundabout with four legs – two of which provide access to the Port Macquarie Base Hospital.
3. John Oxley Drive – main road with 15m pavement width and gravel shoulders each side. The intersection of Wrights Road, John Oxley Drive and the Oxley Highway is controlled by a large, 2 lane roundabout which is currently being upgraded with additional slip lanes.



Figure 2 – The site
(image ©Six Maps)

2.2 Public Transport

Busways provide regular bus services from the adjacent Port Macquarie Base Hospital to Wauchope (335), Settlement Point (328) and Port Macquarie CBD (325). The bus stop at the base Hospital is less than 100m from the New Vertical Village, Seniors Housing facility. Refer Appendix B for route maps and timetables.

The 325 service operates 7 days a week. During weekdays and Saturdays it operates at 60 minute frequency, increasing to a 30 minute frequency during the weekday morning and evening peaks. On Sundays and Public Holidays it operates at 120 minute frequency.

2.3 Parking

There is limited existing street parking on Highfields Circuit and issues have been reported with parking on the grassed verges. Adjacent to the site there are 'no parking' signs on the street frontage and there are numerous driveways on the opposite side of the road.

Parking is currently an issue, with residents complaining about the lack of on-street parking in the local area due to parking by staff and visitors to the adjacent hospital. Submissions have been made to Council by local residents and these were referenced in the pre-DA meeting for this project.

2.4 Existing traffic

Highfields Circuit is a dead end, with the only traffic being that generated by the local residents and developments on the street and hospital staff and visitors looking for parking. Counts have not been undertaken, however the following traffic movements are assumed to occur:

- Residents leaving in the morning and returning in the afternoon. Based on the 15 residences still in Highfields Circuit, we estimate a maximum of 30 vehicle movement in the morning and afternoon 2 hour peak period giving 15 traffic movements per hour.
- Staff at facilities located within Highfields Circuit (including the Joint Health Training Facility and the UNSW Medical Training Facility) arriving in the morning and leaving in the afternoon. Google maps indicates a total of approximately 200 formal car parking spaces are provided at existing facilities located within Highfields Circuit. Based on this information, we estimate a maximum of 100 traffic movements in the morning and afternoon peak periods.
- Hospital staff parking in the morning and leaving in the afternoon. The number of on-street parking spaces in Highfields Circuit are limited by the number of driveways and no parking zones. We estimate a maximum of 65 spaces. Assuming 20% of these spaces are occupied by residents, we estimate a maximum of 25 traffic movements in the morning and afternoon peak periods.
- Hospital visitors parking throughout the day. These traffic movements are not generally during the morning and afternoon peak periods and therefore have not been included in the peak period numbers.
- Construction traffic for current developments. These traffic movements are temporary and have not been included in the numbers for long term design

Based on the above, we estimate approximately 125 movements into and 15 out of Highfields Circuit in the morning, and 15 in and 125 out in the afternoon.

3. The development and impact

3.1 Proposed works

The development proposed for the site consists of a three storey seniors housing facility, with 105 beds plus basement parking and back of house operations.

The main pedestrian entry and vehicular access for drop off and pick up will be via a circular driveway off the west frontage to Highfields Circuit. The basement entry is off the south frontage to Highfields Circuit. Refer Architectural Plans presented in Appendix A.

3.2 Public transport

Busways provide regular bus services from the adjacent Port Macquarie Base Hospital to Wauchope (335), Settlement Point (328) and Port Macquarie CBD (325). The bus stop at the base Hospital is less than 100m from the New Vertical Village, Seniors Housing facility. Refer Appendix B for route maps and timetables.

3.3 Parking

The Port Macquarie – Hastings Council DCP 2013 refers to the SEPP 2004 car parking requirements of: 1 car parking space per 10 beds, 1 car parking space per 2 staff, and 1 space for ambulances.

The facility will provide 105 beds and will have a peak daily staff of 24. Based on these numbers, it requires 23 car spaces and 1 space for ambulances. 26 car spaces are provided in the basement and ambulance parking is allowed for in the circular driveway.

The proposed car parking layout complies with AS2890.

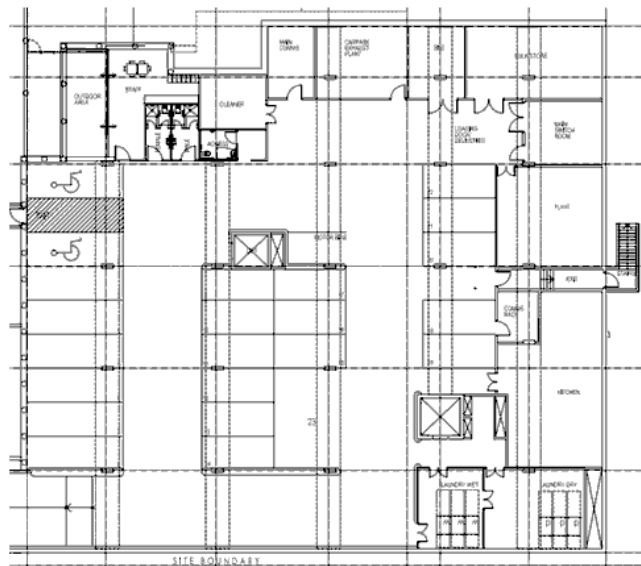


Figure 3 – Proposed parking layout

3.4 Access driveways

Access driveways to and from the site need to comply with AS2890.

The drop off circular driveway requires:

- Minimum entry and exit widths of 3m
- Located a minimum of 6m from the tangent point of the roundabout junction with Wrights Road.
- Located a minimum of 6m from the tangent point of the 90 degree bend in Highfields Circuit
- Exit driveway a minimum of 45m from the roundabout to provide sufficient sight distance for exiting vehicles

The basement entry requires:

- Minimum combined entry / exit width of 6m for a 23 vehicle parking area with a Local street frontage
- Located a minimum of 6m from the tangent point of the 90 degree bend in Highfields Circuit

All of the above requirements are satisfied by the layouts shown on the Architectural drawings presented in Appendix A.

The basement entry driveway must have a maximum gradient of 5% from the road frontage to the property line and for the first 6m beyond the property line. Gradient transitions shall be a minimum of 2m long and maximum gradient shall be 20%.

3.5 Traffic generation and impact

The following estimations of traffic generated by the facility are based on data from existing establishments and knowledge of the development.

Estimated traffic movements:

- Day staff arrive in the morning and night staff leave after change over. This results in approximately 12 vehicle movements per hour entering the site and 5 vehicle movements per hour leaving the site in the morning. The reverse will occur in the afternoon.
- Service deliveries will occur throughout the day. We estimate a maximum of approximately 3 vehicle movements per hour.
- Medical Staff and visitors will attend site throughout the day. We estimate a maximum of approximately 10 vehicle movements per hour.

In summary, the traffic generated during the morning and afternoon peaks is estimated as:

- AM peak - 25 vehicles into Highfields Circuit and 5 vehicles out
- PM peak - 25 vehicles out of Highfields Circuit and 5 vehicles in

These traffic volumes will have minimal impact on the existing peak traffic volumes and the new totals are well within the capacity of the road and nearby intersections.

4. Recommendations

Existing traffic concerns within Highfields Circuit all relate to on-street parking and congestion caused by poor parking, vehicles searching for parking and construction activities.

We recommend that the on-street parking within Highfields Circuit be reviewed by Council and appropriate signage be erected to control the location and time available for non-resident parking.

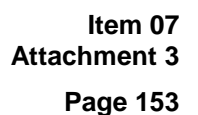
As a minimum we recommend formalising the no parking signage for the street frontage of this proposed development, which corresponds to the inside of a blind corner and is within close proximity of the roundabout intersection with Wrights Road.

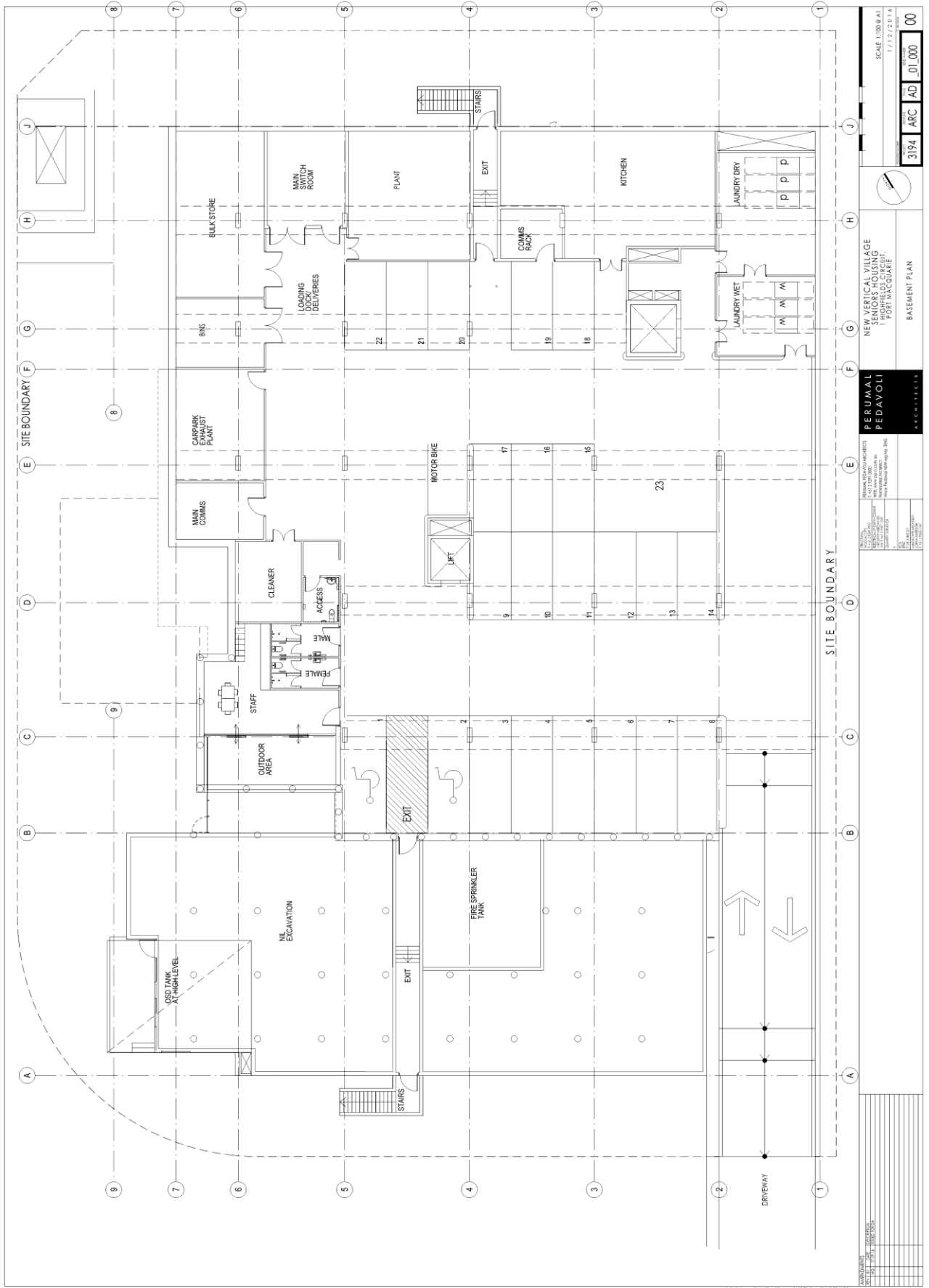
Conditions should also be placed on the parking of construction vehicles, to ensure they do not disrupt traffic flow by causing obstructions.

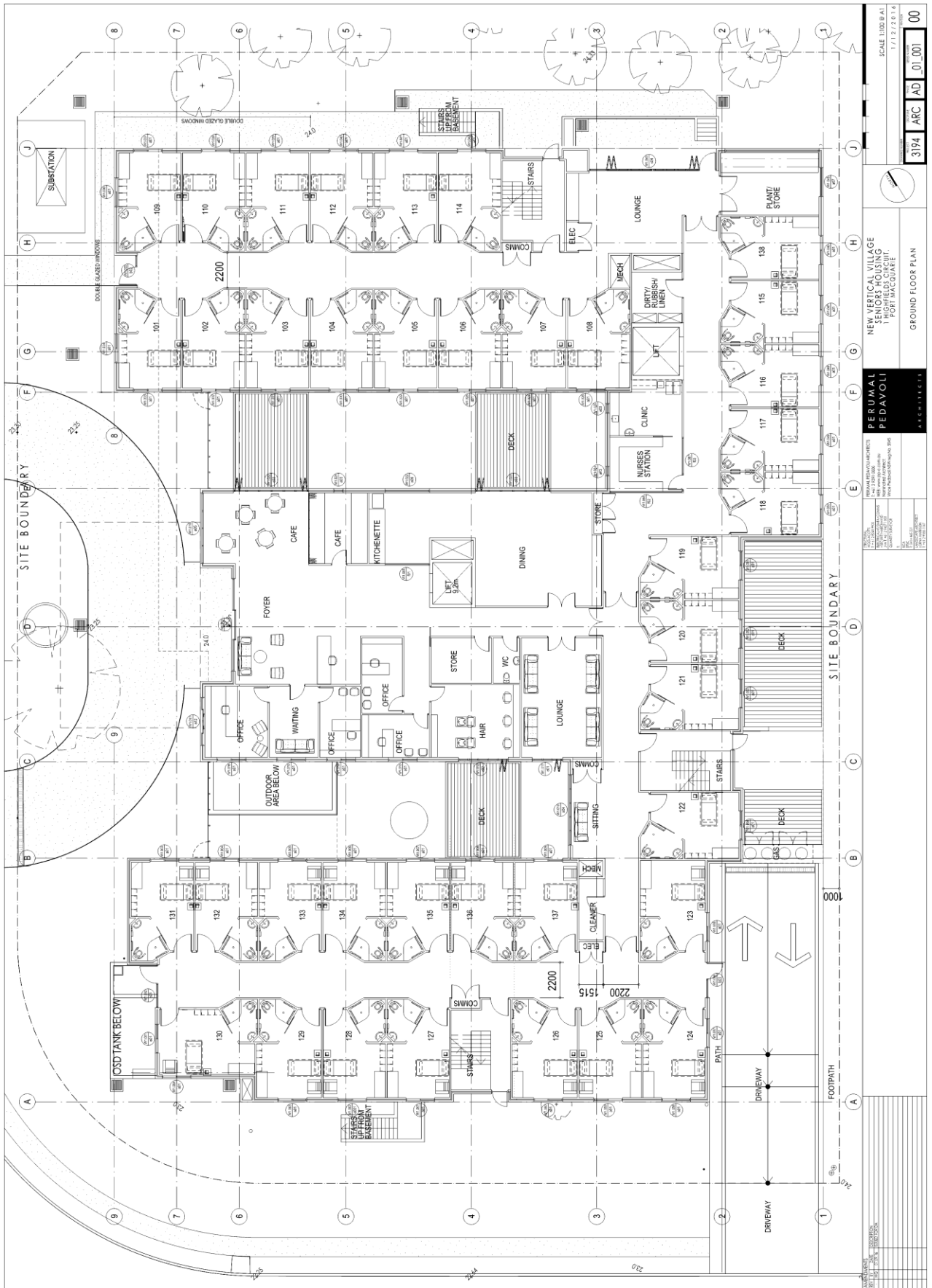
The traffic generated by the proposed development is relatively minor and will have minimal impact on existing traffic conditions.

Appendix A

Drawings







Appendix B
Site Data and Views

Google Maps Highfields Circuit



Image capture: Mar 2015 © 2016 Google

Port Macquarie, New South Wales

Street View - Mar 2015



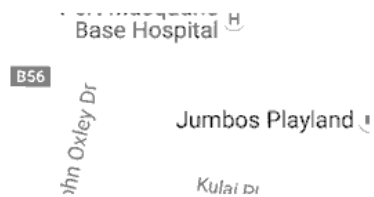
Google Maps Highfields Circuit

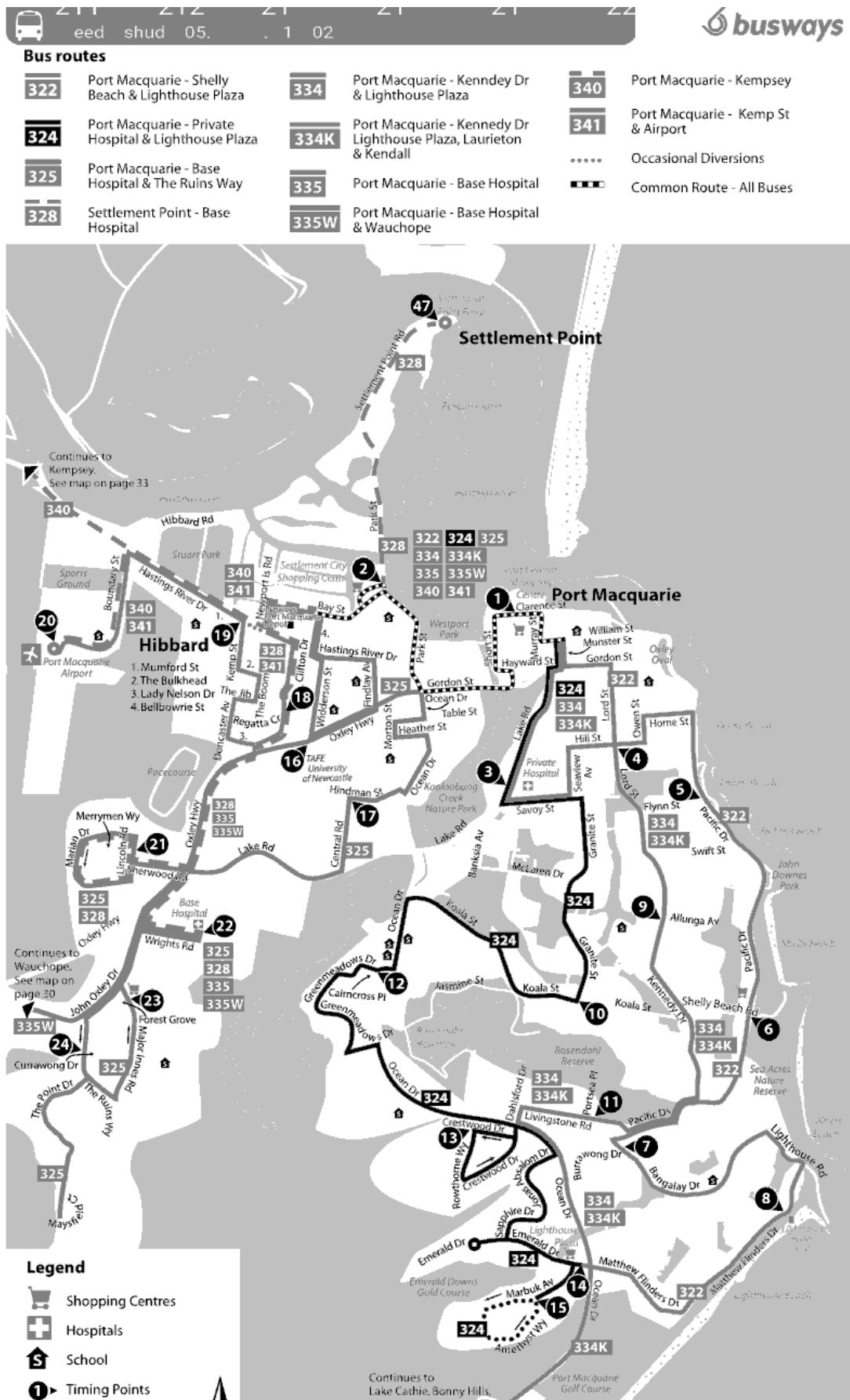


Image capture: Mar 2015 © 2016 Google

Port Macquarie, New South Wales

Street View - Mar 2015





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**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS****NOTE: THESE ARE DRAFT ONLY****DA NO: 2016/701****DATE: 16/08/2017****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 |
|-----------------------------------|----------------------|-----------------------------|------------------|
| Site plan | Series 00_001 number | Perumal Pedavoli Architects | 7 September 2016 |
| Site analysis plan | Series 00_002 number | Perumal Pedavoli Architects | 7 September 2016 |
| Photomontage Sheet 1 | Series 06_001 number | Perumal Pedavoli Architects | 7 September 2016 |
| Photomontage Sheet 2 | Series 06_002 number | Perumal Pedavoli Architects | 7 September 2016 |
| Title page | Series 00_000 number | Perumal Pedavoli Architects | 17 May 2017 |
| Sections Sheet 1 | Series 03_001 number | Perumal Pedavoli Architects | 17 May 2017 |
| Elevations Sheet 4 | Series 02_004 number | Perumal Pedavoli Architects | 17 May 2017 |
| Elevations Sheet 3 | Series 02_003 number | Perumal Pedavoli Architects | 17 May 2017 |
| Elevations Sheet 2 | Series 02_002 number | Perumal Pedavoli Architects | 17 May 2017 |
| Elevations Sheet 1 | Series 02_001 number | Perumal Pedavoli Architects | 17 May 2017 |
| Roof plan | Series 01_004 number | Perumal Pedavoli Architects | 17 May 2017 |
| Second floor plan | Series 01_003 number | Perumal Pedavoli Architects | 17 May 2017 |
| First floor plan | Series 01_002 number | Perumal Pedavoli Architects | 17 May 2017 |

| | | | |
|--|-------------------------|---|-------------------|
| Ground floor plan | Series number 01_001 | Perumal Pedavoli Architects | 17 May 2017 |
| Basement plan | Series number 01_000 | Perumal Pedavoli Architects | 17 May 2017 |
| Landscape principles plan | Drawing 1 | Rupert G.H Milne Home, Landscape Consulting | 19 September 2016 |
| Arboriculture Impact Assessment Report | | The Tree MD | 5 September 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;
 - 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;
 - Building waste is to be managed via an appropriate receptacle;
 - 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.
 - 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) (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) (A029) The provision, at no cost to Council, of concrete foot paving for the full street frontages (Highfields Circuit) of the development. For a 1.2 metre wide footpath is required with design details in accordance with AUSPEC and Council Standard drawing ASD103. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (8) (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.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A037) 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.
- (11) (A059) Commercial food preparation activities which generate greasy/oily types of liquid trade waste are required to install an approved grease arrestor pit with a minimum capacity sized according to inflow or number of beds. Installation is to be performed by a licenced plumber and drainer, at Council's direction and to Council's satisfaction. Further advice or assistance can be given by Council's Trade Waste Officer.
- (12) (A062) The applicant shall submit to Port Macquarie-Hastings Council plans for the management of trade waste including pre treatment facilities to the sewerage authority for approval pursuant to Section 68 of the Local Government Act. Upon approval the proponent shall enter into a written "Trade Waste Agreement" with Council prior to discharging wastes.
- (13) (A195) If the Laundry is installed:
- Lint screens are to be provided (washing machine internal screens are acceptable).
 - A cooling pit is to be installed for the laundry wastes to pass through prior to discharge to the sewerage system. The pit must be of a capacity so as to cool the discharge to below 38°C. If the cooling pit is covered, venting should be provided to accelerate cooling. The applicant must also submit the consultant's or supplier's calculations regarding the capacity of the cooling pit.
 - A cooling pit may not be required if cold water only is used for washing or a device reducing the temperature of hot water is installed.
- (14) (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.

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. Sewerage reticulation.
 2. 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.
 3. Retaining walls.
 4. Stormwater systems.
 5. Erosion & Sedimentation controls.
 6. 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
- (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 and parking management plan for construction works
 - Work zone areas
 - Hoardings
 - Concrete foot paving (width)
 - Footway and gutter crossing
 - Functional vehicular access
 - Other
- Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.
- (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) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- (7) (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.
- (8) (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.

- (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) (B049) Work associated with the fit out of hairdressing, beauty and skin penetrations salons shall be designed and carried out in accordance with the requirements of:
- a. The Local Government (General) Regulation 2005,
 - b. The Building Code of Australia,
 - c. Public Health Act 2010,
 - d. Public Health Regulation 2012

Prior to release of the Construction Certificate details demonstrating compliance with the above are to be illustrated on the plans.

- (11) (B072) 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) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
 - b) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - c) The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - d) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- (12) (B073) A dilapidation report on the visible and structural condition of the following public infrastructure must be provided to Council prior to the issue of a Construction Certificate.

The dilapidation report is to be prepared by a practising Structural/Civil Engineer agreed to by both the applicant and Council. All costs incurred in achieving compliance with this condition shall be borne by the applicant.

The applicant shall be responsible for public infrastructure. Any damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition will be borne by the applicant.

- (13) (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.

- (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) (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.
- (16) (B195) Prior to the issue of the Construction Certificate, a suitably qualified and practising acoustic consultant shall detail and certify that the noise attenuation measures proposed to be installed and/or constructed in the building to protect occupants from potential adverse noise impacts are adequate and shall stipulate the designed internal noise level to be achieved.
- (17) (B196) Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development. Fire service and backflow protection requirements must be addressed in accordance with AS 2419.
- (18) (B197) The proposed development must discharge sewage to an existing or proposed sewer manhole. Any abandoned sewer junctions must be capped at the main.
- (19) (B198) The existing Council sewer system does not have sufficient capacity to facilitate the proposed development. The following sewer infrastructure upgrades are required:
 - 1. A new Sewer Pump Station of diameter 2.4 metres (located on the future CSU site) and lead in gravity trunk mains along the eastern boundary of Lot 7 DP 1094444 (currently being constructed by the student accommodation on Kingfisher Road DA2015 - 95).
 - 2. Approximately 450m of sewer rising main from the Sewer Pump Station (described in requirement 1 above) to an existing sewer manhole located near Major Innes Road.
 - 3. A deep carrier bypass sewer main through Major Innes Drive near the intersection of John Oxley Drive.
 - 4. Approximately 150 metres of deep gravity sewer main along Major Innes Road
 - 5. Approximately 250 metres of gravity sewer main on the northern side of Lot 8 DP 1094444.

In the event a Voluntary Planning Agreement is to be utilised, the consent will need to be modified via a s96 application, so as to call up the Voluntary Planning Agreement.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) weeks' 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) All works in the vicinity of Port Macquarie Airport that require cranes during construction, must have prior approval from Port Macquarie Airport Operations due to possible infringement of the airport obstacle limitation surfaces (OLS). Crane operating height limits will be set and must not be exceeded for the duration of the works.

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. at completion of installation of traffic management works
 - c. at the commencement of earthworks;
 - d. when the sub-grade is exposed and prior to placing of pavement materials;
 - e. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - f. before pouring of kerb and gutter;
 - g. prior to the pouring of concrete for sewerage works and/or works on public property;

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) (D023) During all phases of demolition, excavation and construction, it is the responsibility of the applicant and their contractors to:
 - a. Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works.
 - b. Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.
 - c. Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities must be sited fully clear of

Council's stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease and the Certifying Authority and Council must be contacted immediately for advice.

Any damage caused to Council's stormwater drainage system must be immediately repaired in full and at no cost to Council.

- (4) (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*.

- (5) (D037) Noise from construction activities (measure as the L_{AeqT} noise level) shall not exceed the background noise level (measured as the L_{A90} noise level in the absence of the source), for periods of construction between 4 and 26 weeks by 10 dB(A), and for periods of construction exceeding 26 weeks by 5 dB(A), in any Octave Band Centre Frequency, when measured at any affected residence, or premises.
- (6) (D040) Wastes including shall not be disposed of by burning.
- (7) (D195) The requirements of the approved Arborist Report shall be complied with during all construction works being undertaken on the site.

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) (E006) Completion of engineering and environmental works for any land (other than proposed public roads) to be transferred to Council, in accordance with the approved Construction Certificate.
- (4) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Prior to the issue of an Occupation Certificate, certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (5) (E010) Driveways, access aisles and parking areas shall be provided with 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).
- (6) (E024) Occupation of the premises shall not occur until a registration application has been submitted to Council's Environmental Health Unit for the food premises.

- (7) (E025) Prior to occupation or the issue of an Occupation Certificate, provide a certificate from the installer certifying that the mechanical ventilation system meets the requirements of AS 1668 Parts 1 & 2. The certificate must include:
- Inspection, testing and commissioning details
 - Date of inspection, testing and commissioning
 - The name and address of the individual/company, who carried out the test
 - Statement that the service has been designed, installed and is capable of operating to AS 1668.
- (8) (E026) Occupation of the premises shall not occur until a Public Health Act 2010 Notification Form has been submitted to Council's Environmental Health Officer and payment of "Public Health Premises - Notification Fee" has been made.
- (9) (E027) A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council's Environmental Health Officer.
- (10) (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.
- (11) (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.
- (12) (E034) Prior to occupation or the issuing of the Final 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.
- (13) (E036) Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses is to be in accordance with Council's Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (14) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
- "This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".
- This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (15) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.
- The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:
- The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
 - The Proprietor shall have the OSD inspected annually by a competent person.

- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Evidence of registration with the Lands and Property Information NSW shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (16) (E048) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the water quality control facilities within the site.

In addition, a maintenance schedule for the water quality controls must be submitted to Council for approval with the stormwater work-as executed plans. This maintenance schedule and work as executed plan shall be registered and referred to as part of the positive covenant.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.
- b. The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

The instrument shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information (LPI) NSW. The plan and terms of the easement must be endorsed by Council through formal application prior to lodgement at the Lands and Property Information NSW. Evidence of registration shall be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- (17) (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.
- (18) (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.

- (19) (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:
- The relocation of underground services where required by civil works being carried out.
 - The relocation of above ground power and telephone services
 - The relocation of street lighting
 - The matching of new infrastructure into existing or future design infrastructure
- (20) (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.
- (21) (E195) Prior to the issue of the Occupation Certificate or occupation, a duly qualified and practising acoustic consultant shall certify that the building has been constructed in accordance with the acoustic consultant's requirements. Refer to development consent condition (B195).
- (22) (A196) Prior to Occupation certificate, a restriction as to user shall be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004:
- seniors or people who have a disability,
 - people who live within the same household with seniors or people who have a disability,
 - staff employed to assist in the administration of and provision of services to housing provided under this Policy.
- (23) (A197) Prior to Occupation certificate, a restriction as to user or positive covenant shall be registered against the title of the property on which development is to be carried out, limiting the use of any accommodation to which the application relates to the kinds of people referred to in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004:
- 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places,
 - the affordable places identified in a development application to be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons.
- (2) (F004) The building shall only be occupied by the kinds of people referred to in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004:

- (a) seniors or people who have a disability,
 - (b) people who live within the same household with seniors or people who have a disability,
 - (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.
- (3) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
 - (4) (F019) Wastes shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility.
 - (5) (F021) All solid waste generated by the development which cannot be reused or recycled, shall be disposed of at Council's waste management facilities.
 - (6) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
 - (7) Occupation of the hairdressing premises within the residential care facility shall not occur until a hairdressing/barber premises Notification Form (DE219) has been submitted to Council's Environmental Health Officer.
 - (8) (F025) Hours of operation of the café are restricted to the following:
- 7 am to 7 pm
 - (9) (F195) The café, hairdresser, and other ancillary services are only to operate in conjunction with the seniors housing. The services must be ancillary and subordinate to the aged care use and not operate as a standalone use.
 - (10) (F196) Access to facilities must be maintained in accordance with Clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
 - (11) (F197) Any lighting associated with the development is not to be directed onto adjoining residential receivers or cause any nuisance.
 - (12) (F200) This consent does not permit any skin penetration procedures as defined by the Public Health Act 2010 to occur within the hair dressing salon.

From: Gerard Byrne
To: [Council](#)
Cc: [REDACTED]
Subject: Submission 2016/701
Date: Friday, 23 September 2016 9:02:19 AM

The General Manager
Port Macquarie Hastings Council

Title: Submission in regard to DP 2016/701

Dear Sir/Madam

I am writing to express concern over the above proposal.

The proposal seems to have inadequate parking facilities for the size and type of development. As a landlord and owner part of the nearby medical facilities we are already experiencing car parking over-flow from hospital employees and visitors which is putting a strain on legitimate patients trying to park at the medical centre.

This development appears to have very limited car parking places considering the number of staff that would be required to operate a facility of this type, not to mention the probable visitor numbers.

We are in full support of the precincts medical facilities however the capacity of the access roads and other infrastructure to cope with the increased traffic and itinerant visitors is becoming a real concern for current owners and tenants.

Should our concerns be not addressed satisfactorily then you can consider this letter an objection to the development.

Regards

Gerard Byrne and Dr Penny Black
GEDPEN PTY LTD
Suite 6, 2 Wrights Rd
Port Macquarie NSW
[REDACTED]

From: Rachel Green
To: [Council](#)
Subject: Submission concerning Development Application No: 2016/701 - attention General Manager Mr C Swift McNair
Date: Tuesday, 27 September 2016 8:08:23 PM
Attachments: [Submission to PMHC re deveopment of No1 Highfields.docx](#)

Dear Mr McNair,

Please find attached a submission relating to concerns over DA no 2016/701 , No 1 Highfields Circuit, Port Macquarie.

Please address the statements in the next meeting regarding this DA.

Thank you.

Kind regards,
Rachel Green

27/09/2016

To the Port Macquarie Hastings Council General Manager – Mr. C Swift McNair.

Submission in relation to:

Development Proposal for Lot 4 DP 262236, No 1 Highfields Circuit, Port Macquarie, NSW 2444

Application No: 2016/701

Submission by: Rachel Green, 5 Highfields Circuit, Port Macquarie, NSW 2444

There are no political gifts or donations to be disclosed.

Highfields Circuit is a residential street of the older narrow style, designed and approved many years ago, for traffic flow of twenty family homes.

The homes and land have gradually been redeveloped within zone requirements for other purposes, however the street width and capacity to withstand the amount of usage per day has not. Wear and tear on the road is plainly evident (*see photo D*)

Currently in order for safety, and movement of one lane each of opposing traffic into/out of, and around the bend of the street, there are 'No Parking' and 'No Standing' signs from the street entrance to the boundary end of No 5 on one side, and the same from No 4 to the beginning of the street on the other side.

Most days, vehicles are parked on the street from No 6 to No 12, which requires vehicles of regular car width to pass each other cautiously, with narrow space between. (*see attached photos A-D*)

Trucks and larger vehicles attending properties 1-5 and 2-12 are physically unable to be out of the traffic flow, thus reducing it to one lane only. With the increased number of people driving on the street, attending their place of work or study, or attending specialist appointments, this is problematic and at times unsafe to all concerned.



Photo A - Two cars passing on the corner (no. 1 Highfields Circuit).



Photo B – daily weekday parking, commencing prior to 0700 PMBH shifts



Photo C – verge parking when street parking becomes a premium, causing damage to verges, and affecting ability to maintain them.



Photo D – state of Highfields Circuit caused by daily high volume traffic and heavy traffic. Daily parking, that narrows road width.

Considering the above statement, I request that the following be strongly considered and a process of monitoring such, be a requirement for this proposal to continue to proceed.

-The development proposed at No 1 Highfields Circuit appears to utilise the entire footprint of land available, apart from the council verge and required distance from a neighbouring fence line. Thus trades people and delivery trucks will not have room to park on the property during the development process. This has been an issue with three other recent developments on the street. *Thinking practically and realising the current signage, what provisions will the developer be required to put in place, to ensure traffic flow and safety remain on the street?*

- The development will occur over some period with many different tradespeople attending. Trade and heavy vehicle verge parking with the recent developments on the street, has left damage to verges used. *Where there is legal verge parking on other properties further down the street, what provisions will be put in place for verge restoration of those other than No 1?*

-The street is a cul-de-sac with the end being down the hill and around a narrow bend. There is no turning circle at the end of the street. Trucks have had to reverse all the way back, up the street in the past. *What provisions will the developer be required to put in place, to ensure all large vehicles and trucks attending the site are made aware not to proceed down the street in order to turn around or exit the street?*

-The street is of the much older style and constructed with main utilities on one side. Consequently from the boundary of No 3 down the street to No 11 there are low hanging power and telephone wires crossing the street. Vehicles carrying tall loads are unable to pass safely underneath. Twice in recent years, tall loaded trucks have taken out phone lines crossing the street. *What provisions will the developer be required to put in place to ensure trucks do not proceed past the boundary of No 3 in order to keep these wires intact and if they have ignored instruction and proceeded, ensure safety once lines are found lying across the road?*

-The plans for the development of No1 include underground parking entered from the area of the property that is around the corner from the proposed main entrance.

The main entrance is shown to be central to the property frontage, with no parking for deliveries or visitors at this point.

To further assist traffic flow into the street off the roundabout at the junction of Wright's Road and Highfields Circuit, I propose it is necessary for the developers to ensure there is bold signage erected angularly towards traffic entering the street, to advise all vehicles attending the property that they need to proceed round the bend in order to park.

Submitted 27/9/16