



PORT MACQUARIE-HASTINGS
COUNCIL



Development Assessment Panel

Business Paper

date of meeting: Wednesday 27 September 2017

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

time: 2:00pm

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

Development Assessment Panel

CHARTER

1.0 OBJECTIVES

To assist in managing Council's development assessment function by providing independent and expert determinations of development applications that fall outside of staff delegations.

2.0 KEY FUNCTIONS

- To review development application reports and conditions;
- To determine development applications outside of staff delegations;
- To refer development applications to Council for determination where necessary;
- To provide a forum for objectors and applicants to make submissions on applications before the Development Assessment Panel (DAP);
- To maintain transparency in the determination of development applications.

Delegated Authority of Panel

Pursuant to Section 377 of the Local Government Act, 1993 delegation to:

- 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.
- 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.
- Determine Koala Plans of Management under State Environmental Planning Policy 44 - Koala Habitat Protection associated with development applications being considered by the Panel.

Noting the trigger to escalate decision making to Council as highlighted in section 5.2.

3.0 MEMBERSHIP

3.1 Voting Members

- Two independent external members. One of the independent external members to be the Chairperson.

- Group Manager Development Assessment (alternate - Director Development & Environment or Development Assessment Planner)

The independent external members shall have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, government and public administration.

3.2 Non-Voting Members

- Not applicable

3.3 Obligations of members

- Members must act faithfully and diligently and in accordance with this Charter.
- Members must comply with Council's Code of Conduct.
- 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.
- Members will have read and be familiar with the documents and information provided by Council prior to attending a DAP meeting.
- Members must act in accordance with Council's Workplace Health and Safety Policies and Procedures
- External members of the Panel are not authorised to speak to the media on behalf of Council. Council officers that are members of the Committee are bound by the existing operational delegations in relation to speaking to the media.
- Staff members shall not vote on matters before the Panel if they have been the principle author of the development assessment report.

3.4 Member Tenure

- The independent external members will be appointed for the term of four (4) years maximum in which the end of the tenure of these members would occur in a cascading arrangement.

3.5 Appointment of members

- The independent external members (including the Chair) shall be appointed by the General Manager following an external Expression of Interest process.
- Staff members of the Panel are in accordance with this Charter.

4.0 TIMETABLE OF MEETINGS

- The Development Assessment Panel will generally meet on the 1st and 3rd Wednesday each month at 2.00pm at the Port Macquarie offices of Council.
- Special Meetings of the Panel may be convened by the Director Development & Environment Services with three (3) days notice.

5.0 MEETING PRACTICES

5.1 Meeting Format

- At all Meetings of the Panel the Chairperson shall occupy the Chair and preside. The Chair will be responsible for keeping of order at meetings.
- Meetings shall be open to the public.
- 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.

5.2 Decision Making

- Decisions are to be made by consensus. Where consensus is not possible on any item, that item is to be referred to Council for a decision.
- All development applications involving a proposed variation to a development standard greater than 10% under Clause 4.6 of the Local Environmental Plan will be considered by the Panel and recommendation made to the Council for a decision.

5.3 Quorum

- All members (2 independent external members and 1 staff member) must be present at a meeting to form a quorum.

5.4 Chairperson and Deputy Chairperson

- Independent Chair (alternate, second independent member)

5.5 Secretariat

- The Director Development & Environment is to be responsible for ensuring that the Panel has adequate secretariat support. The secretariat will ensure that the business paper and supporting papers are circulated at least three (3) days prior to each meeting. Minutes shall be appropriately approved and circulated to each member within three (3) weeks of a meeting being held.
- The format of and the preparation and publishing of the Business Paper and Minutes shall be similar to the format for Ordinary Council Meetings.

5.6 Recording of decisions

- Minutes will record decisions and how each member votes for each item before the Panel.

6.0 CONVENING OF “OUTCOME SPECIFIC” WORKING GROUPS

Not applicable.

7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

- Members of the Panel must comply with the applicable provisions of Council's Code of Conduct. It is the personal responsibility of members to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.
- Panel members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted. Where members are deemed to have a real or

perceived conflict of interest, it may be appropriate they be excused from deliberations on the issue where the conflict of interest may exist. A Panel meeting may be postponed where there is no quorum.

8.0 LOBBYING

- All members and applicants are to adhere to Council's Lobbying policy. 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.

Development Assessment Panel

ATTENDANCE REGISTER

Member	12/07/17	26/07/17	09/08/17	23/08/17	13/09/17
Paul Drake	✓	✓	✓	✓	✓
Robert Hussey	-	-	-	-	-
David Crofts (alternate member)	-	-	-	-	
Dan Croft Patrick Galbraith-Robertson Warren Wisemantel (alternates)	✓	✓	✓	✓	✓ ✓
David Troemel Caroline Horan (alternate) Bevan Crofts (alternate) Grant Burge (alternate)	A ✓	✓	✓	✓	 ✓

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Development Assessment Panel Meeting

Wednesday 27 September 2017

Items of Business

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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 13 September 2017 be confirmed.

PRESENT

Members:

Paul Drake (Chairperson)
Robert Hussey
Dan Croft (Items 1-10)
Matt Rogers (Item 11)

Other Attendees:

Patrick Galbraith-Robinson
Clinton Tink
Fiona Tierney
Chris Gardiner
Grant Burge
Deborah McKenzie
Ben Roberts

The meeting opened at 2.00 pm.

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 23 August 2017 be confirmed.

04 DISCLOSURES OF INTEREST

Dan Croft declared a Non-Pecuniary Significant Interest in Item 11 and advised the Meeting that he would not sit on the Panel for this item.

05 DA2017 - 326.1 CHANGE OF USE - DWELLING TO SHORT TERM TOURIST AND VISITOR ACCOMMODATION, LOT 44 DP 1040148, 3 THE PENINSULA, PORT MACQUARIE

Speakers:

Michelle Love (O)
Pam Boon (O)
Brian Jux (O)
Murray Turnham (O)
Malin Oliver (O)
Anne Jackson (O)
Doug Sinclair (O)
Abigail O'Reilly (O)

CONSENSUS:

That DA 2017 – 326.1 for a Change of Use – Dwelling to Short Term Tourist and Visitor Accommodation at Lot 44, DP 1040148, No. 3 The Peninsula, Port Macquarie, be determined by refusing consent for the following reasons:

1. The development is inconsistent with the objectives of the R1 General Residential zone under the Port Macquarie-Hastings Local Environmental Plan 2011.
2. The siting and design of the building is inconsistent with the development provisions and objectives of the Port Macquarie-Hastings Development Control Plan 2013.
3. The application has not demonstrated that noise and anti-social behaviour can be effectively managed to prevent adverse impacts on the amenity of the locality.
4. Having regard to the residential character of the area, the site has not been demonstrated to be suitable for the proposed use.
5. The development will have adverse social impacts in the locality.
6. The fire protection and structural capacity of the building are not appropriate for the building's proposed use.

**06 DA2017 - 291 CHANGE OF USE FROM TOURIST TO RESIDENTIAL
ACCOMMODATION AND PLANNING AGREEMENT BEACHCOMBER - LOT 0
SP66988 NO 54 WILLIAM STREET, PORT MACQUARIE**

CONSENSUS:

1. That the Beachcomber Apartments Planning Agreement be supported and the General Manager enter into and execute the Agreement.
 2. That DA 2017 - 291 for a change of use from tourist to residential accommodation at SP 66988, No. 54 William Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.
-

**07 DA2017 - 596.1 ALTERATIONS AND ADDITIONS TO DWELLING AND
CONSTRUCTION OF SHED - LOT 34 DP 245450, NO 16 CAMDEN HEAD ROAD,
DUNBOGAN**

CONSENSUS:

That DA 2017 – 596.1 for alterations and additions to dwelling and construction of shed at Lot 34, DP 245450, No. 16 Camden Head Road, Dunbogan be determined by granting consent subject to the recommended conditions.

**08 DA2017 - 496.1 DUAL OCCUPANCY AND TORRENS TITLE SUBDIVISION - LOT
1 DP 1231421, NO 5A OCHRE VIEW, PORT MACQUARIE**

Speakers:

Derek Collins (Applicant)

CONSENSUS:

That DA 2017 - 496.1 for a dual occupancy and torrens title subdivision at Lot 1, DP 1231421, No. 5A Ochre View, Port Macquarie be determined by granting consent subject to the recommended conditions and the following amendment to the conditions of consent:

- Additional condition in Section B of the consent to read “Prior to release of the Construction Certificate, amended plans are to be provided for the building to be sited a further 500mm from the rear boundary (ie. shifted forward on the property 500mm).
-

09 DA2017 - 557.1 DUAL OCCUPANCY & STRATA SUBDIVISION - LOT 26 DP 1219489, BOLTWOOD WAY THRUMSTER

CONSENSUS:

That DA 2017 - 557.1 for a dual occupancy and strata subdivision at Lot 26, DP 1219489, Boltwood Way, Thrumster be determined by granting consent subject to the recommended conditions.

10 DA2017 - 605.1 HOME BUSINESS - LOT 5 DP 20579, 13 SWIFT STREET, PORT MACQUARIE

Speakers:

John Leach (O)
Chris Dawes (O)
Melinda Cockshutt (Applicant)
Todd Cockshutt (Applicant)

CONSENSUS:

That DA2017 - 605.1 for a home business at Lot 5, DP 20579, No. 13 Swift Street, Port Macquarie, be determined by granting consent subject to the recommended conditions, and the following amendments to the conditions of consent:

- Additional condition in Section A of the consent to read: 'The tiles on the overflow part of the pool are to be reinstated so as to minimise the acoustical impact of trickling water.'
- Amend Condition F1 to read:

 'Hours of operation of the development are restricted to the following:
 - 9am to 6pm – Mondays to Fridays
 No work is to be carried out on weekends and Public Holidays
 Exceptions to the above hours include the following;
 - Two (2) cycle classes can occur Tuesday, Wednesday or Thursday between 9am and 8pm.'

**11 DA1989 - 477.2 MODIFICATION TO RESIDENTIAL SUBDIVISION - LOT 22
DP1229697, EMERALD DRIVE, PORT MACQUARIE**

Dan Croft declared a Non-Pecuniary Significant Interest in this item and left the Meeting.
Matt Rogers assumed the position on the Panel.

A submission from McCartney Young Lawyers dated 11 September 2017 objecting to the proposal was tabled at the meeting.

Speakers:

Michael Young (O)
Paul Rowlandson (Applicant)
Tony Thorne (Applicant)

CONSENSUS:

That the Section 96 modification application to DA 1989 - 477 for a residential subdivision at Lot 22, DP 1229697, Emerald Drive, Port Macquarie, be determined by granting consent subject to the recommended modified conditions and the following amendment to the conditions of consent:

- 'Submission and obtaining approval to engineering design plans in accordance with Council's AUSPEC standards for:
 - a) Roads.
 - b) Stormwater drainage including detention basins and water quality control.
 - c) Water supply including overall strategies for the area.
 - d) Sewerage supply including overall strategies for the area.
 - e) Silt retention and erosion control.
 - f) Public open space management plan including cycleways, walkways and koala corridors where appropriate.
 - g) Street landscaping.
 - h) Bush fire protection zones.
 - i) Vegetation retention – including tree retention. '

The meeting closed at 4.40pm.

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: DA2015 - 721.2 MODIFICATION TO PREVIOUSLY APPROVED
DWELLING AND SECONDARY DWELLING LOT 12 DP 1145952 NO.
11 TALLOW WAY, PORT MACQUARIE**

Report Author: Fiona Tierney

**Applicant: Johnson Family Super Fund
Owner: S & K Johnson
Estimated Cost: \$60,000
Parcel no: 60264**

Alignment with Delivery Program

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

RECOMMENDATION

That Section 96 modification application DA 2015 – 721 for alterations to design of secondary dwelling at Lot 12, DP 1145952, No. 11 Tallow Way, Port Macquarie, be determined by granting consent subject to the modified conditions.

Executive Summary

This report considers a Section 96 modification for a previously approved secondary dwelling at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

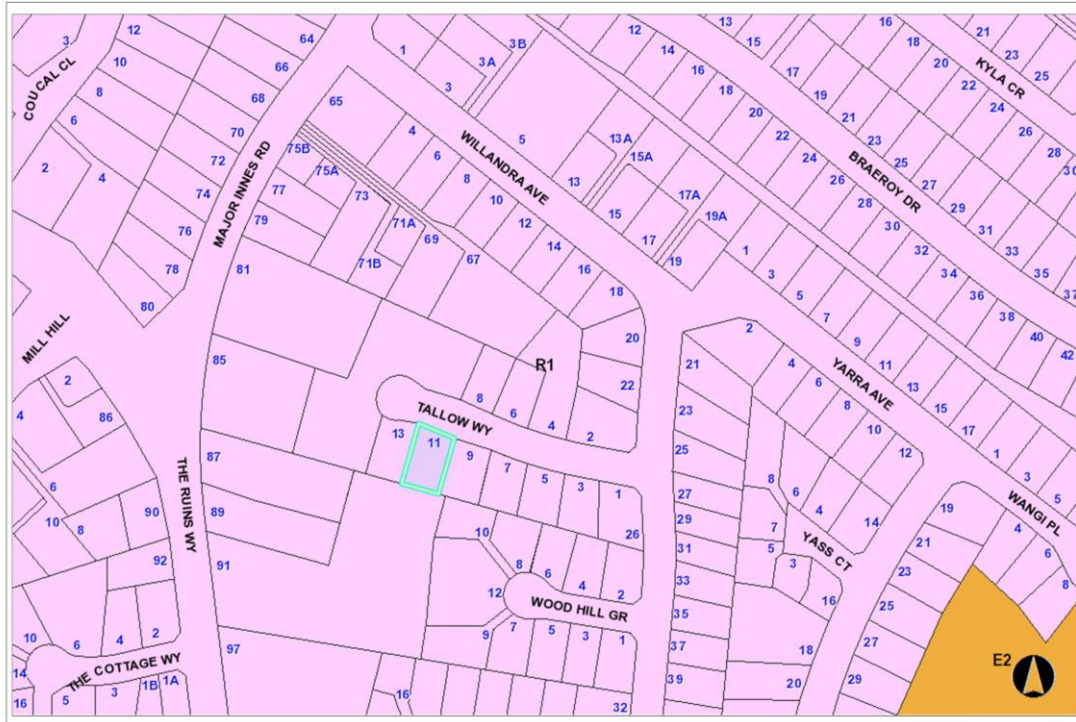
Following exhibition of the application, 1 submission was received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 651.1m².

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:

- Addition of carport and driveway access

Refer to attachments at the end of this report.

Application Chronology

- 25 November 2015- Original DA approved. The current approved DA is attached to this report.

Section 96 DA 2015 – 721

- 3 August 2017- S96 modification lodged
- 15 August to 28 August 2017- neighbour notification of proposal

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

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

The subject application is being considered under the provisions of Section 96(2). Having regard to the above principles, the Applicant has submitted that the proposal is substantially the same development for the following reasons:

- From both a qualitative and quantitative perspective, the proposed modified development will remain essentially and materially the same development as was approved;
- The proposed modified development includes a slightly modified footprint with carport and driveway access and the development is essentially the same as the previous application.
- The reasoning provided from the Applicant with regard to justifying that the development is substantially the same development is considered acceptable and recommended to be supported. The proposed use, overall built form and 'essence' of the development is considered to remain substantially the same.

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

N/A

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

Neighbour notification has been undertaken in accordance with DCP 2013.

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

(a) The provisions (where applicable) of:

(i) any Environmental Planning Instrument:

Hastings Local Environmental Plan 2001

No applicable considerations under the LEP.

(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
3.2.2.2	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 	No elements within the articulation zone.	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 	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 recessed behind building line or eaves/overhangs provided	Existing garage to be retained. New carport will comply with minimum 5.5 and 1m behind building line. Proposal will allow parking behind the building line.	N/A
	6m max. width of garage door/s and 50% max. width of building	No new garage proposed for the development. Existing garage to be retained.	N/A
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Additional driveway proposed.	Driveways will be approximately 40 % of the frontage. Space will still be available

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

	Requirements	Proposed	Complies
			for an on street carparking-minimal impact-considered acceptable

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
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distributor road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width including maximising street parking.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line). Parking for secondary dwelling optional.	More than 1 parking space behind the building line has been provided for.	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	Development is for a dwelling and secondary dwelling only with standard driveway. No specific landscaping requirements recommended.	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway existing.	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	Existing driveway.	N/A
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Development is for a secondary dwelling only with standard driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

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

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

- iv) any matters prescribed by the Regulations:

Nil

- 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 & Setting

The site is located in an established residential area characterised by single storey dwellings.

Access, Transport & Traffic

The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development. Carport location will allow for off street parking behind the building line.

Cumulative Impacts

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

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

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

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

One written submission has been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
Second driveway not in keeping with the streetscape	Changes will allow vehicles to be parked behind the building line and off-street. One space still available on street. Considered acceptable and of minimal impact to the existing streetscape.
Driveway previously removed at DAP under original application	Original proposal to have a second driveway was recommended for removal as the proposal did not meet the objectives of 2.5.3.2, 2.5.3.7, and 3.2.2.3. It is considered that the modification providing off street parking behind the building line will help with maximising on street parking and therefore better satisfying the objectives of the DCP.

(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

Not applicable.

5. CONCLUSION

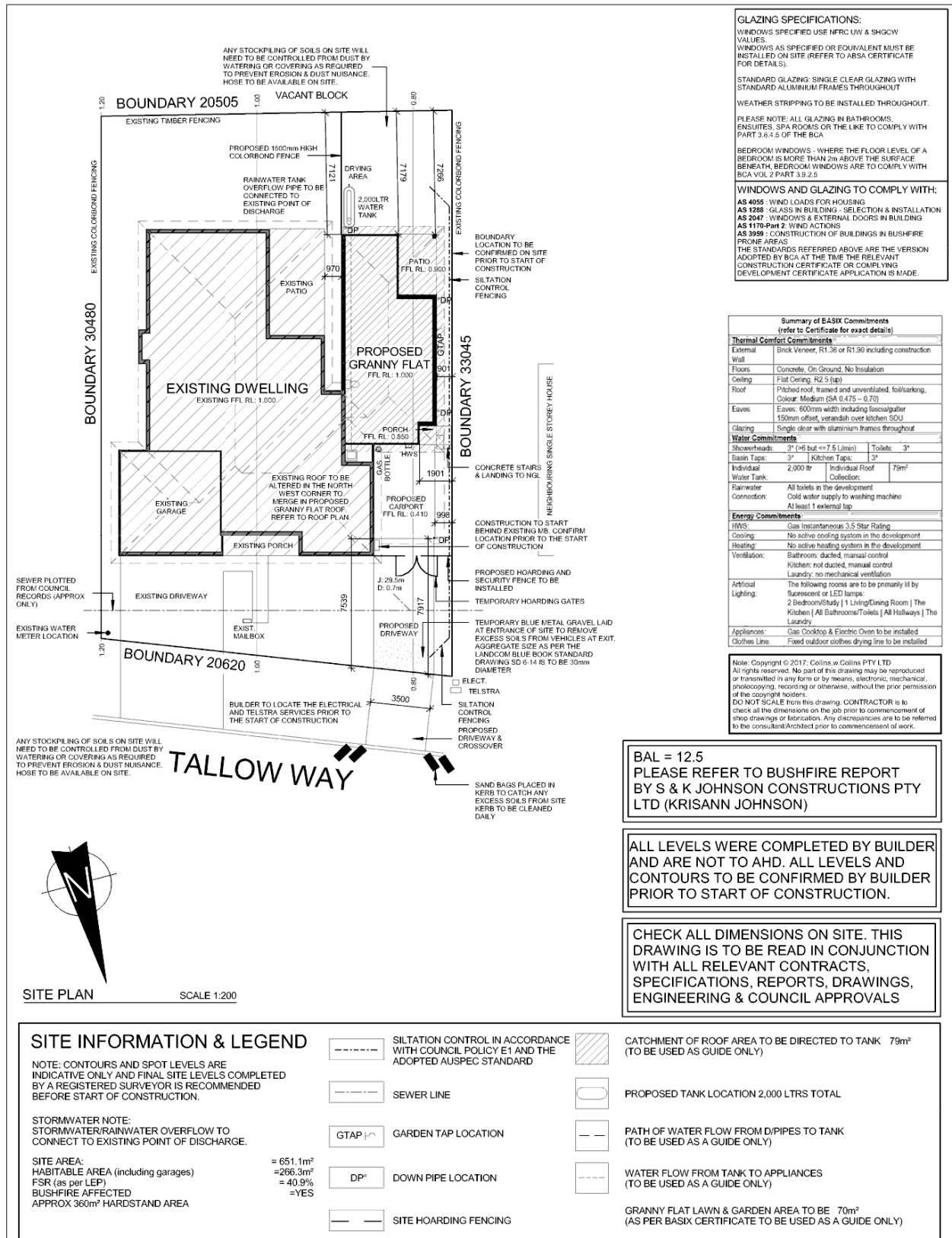
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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](#). DA2015 - 721.2 Plans
- 2 [View](#). DA2015 - 721.2 Modified Conditions
- 3 [View](#). DA2015 - 721.2 Submission - Johnson



 BUILDING DESIGNERS + LANDSCAPES + COLOURS + GRAPHICS	BDA BUSHFIRE DESIGN ASSOCIATION	Project: GRANNY FLAT		SITE PLAN		AMENDMENTS:					
		LOT No: 12 DP No: 1145952		SHEET: 1 OF 7		SCALE: As indicated		Date:	Detail:	Issue:	Drawn:
		STREET No: 11				SHEET SIZE: A3		06.08.15	ENERGY & CHANGES	F	TMR
		STREET: TALLOW WAY, PORT MACQUARIE NSW				START DATE: 19.06.15		12.08.15	ENERGY & CHANGES	H	TMR
		CLIENT: JOHNSON				DWG No: D3069		03.02.17	REVISED CONCEPT	J	MS
						09.02.17		PORCH ADJUSTED CC PLANS	K	DS	

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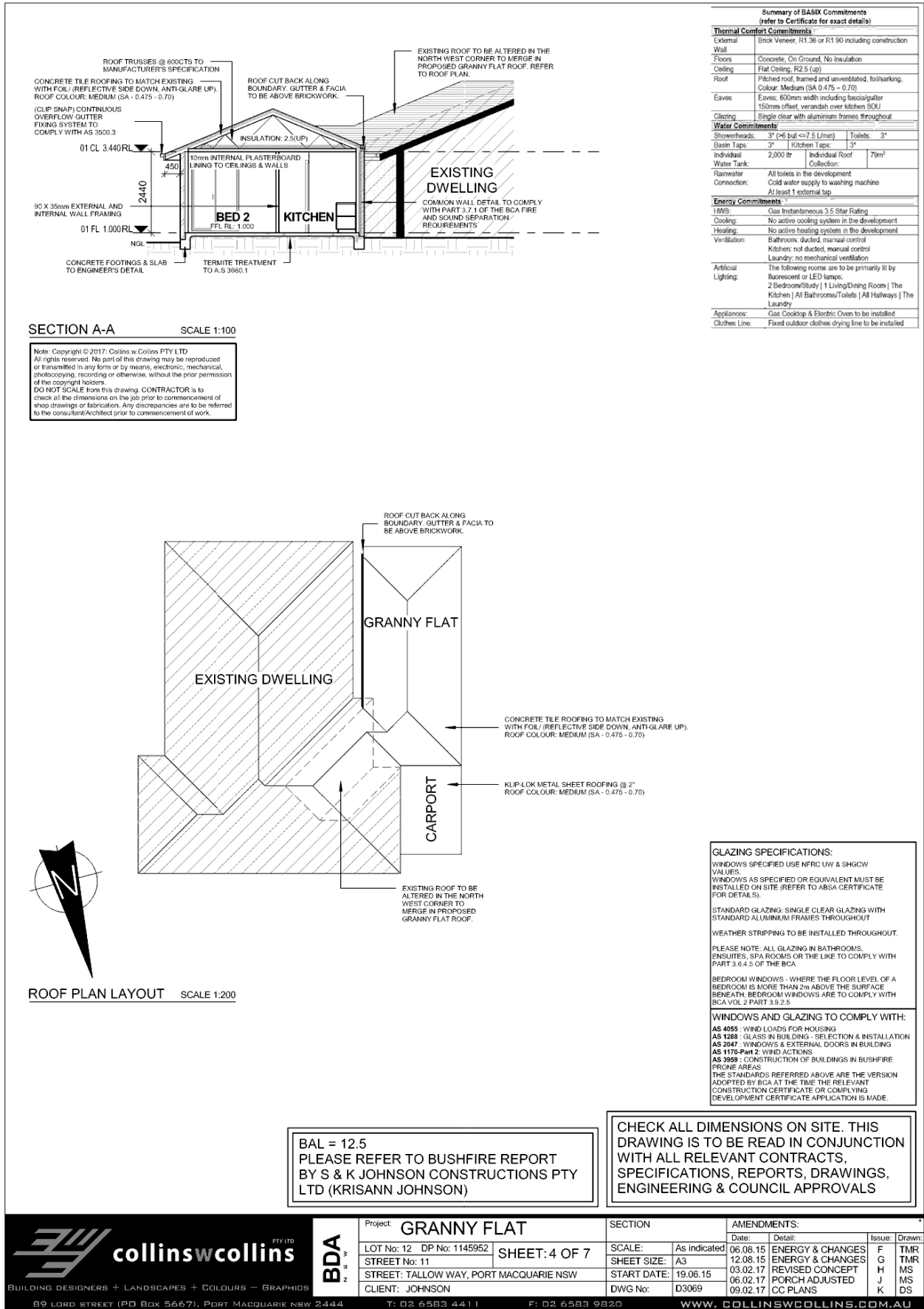
89 LORD STREET (PO Box 5667), PORT MACQUARIE NSW 2444

T: 02 6593 4411

F: 02 6593 9820

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2015/721

DATE: 20/09/2017

SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2015/721 are as follows:

No.1	Modification No.1	Date
------	-------------------	------

PRESCRIBED CONDITIONS

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Architectural Plans and Specifications	D3069	Collins W Collins	9/2/2017
BASIX	652590_02	Collins W Collins	8/2/2017
Bushfire Report	-	Krisann Johnson	28/9/2015
SOEE	Supporting information s96	Collins W Collins	3/8/2017

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:
- 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) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (4) (A044) The secondary dwelling shall be provided with a water service from the same meter as the principal dwelling. Any additional water service will incur contributions for augmentation of the town water supply headworks in accordance with the provisions of the relevant Section 64 Development Servicing Plan.

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) (B195) A privacy screen is to be provided to the stair entry area to the secondary dwelling to a height of 2.1m from natural ground level. Details to be shown on the application for the construction certificate.
- (3) The plans for the Construction Certificate shall be amended to exclude any driveway with associated hardstand space in front of the building line.

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

- (1) (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.

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.

F – OCCUPATION OF THE SITE

nil

27th August, 2017

Attn: General Manager
Port Macquarie Hastings Council
Port Macquarie NSW 2444

28 AUG 2017
Keyword
Activity
Subject
Folder

K A Johnson
13 Tallow Way
Port Macquarie NSW 2444

Re: Development Proposal DA2015.721.2,
Dwelling and Secondary Dwelling Modification Lot 12 DP: 1145952
11 Tallow Way

I wish to convey my objection for the **Development Proposal DA2015.721.2**, Dwelling and Secondary Dwelling Modification Lot 12 DP: 1145952 on the grounds that a previous development application: **DA2015/721: Secondary Dwelling** was submitted and reviewed by Council staff and that the development was approved with the proviso that the consent did not approve the proposed construction of a driveway and hardstand space in front of the building line.

I refer to the minutes of the Development Assessment Panel of 25 November 2015 section 11 which states the following:

11 DA2015 - 721 SECONDARY DWELLING, LOT 12 DP 1145952, 11 TALLOW WAY, PORT MACQUARIE

Speakers:

Phil Jamieson (o)
Kylie Johnston (o)
Krisann Johnnton (applicant)

CONSENSUS:

That DA 2015 - 0721 for a secondary dwelling at Lot 12, DP 1145952, No. 11 Tallow Way, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Additional condition in Section A of the consent to read: 'This consent does not approve the proposed driveway and hardstand space in front of the building line associated with the secondary dwelling.'
- Additional condition in Section B of the consent to read: 'The plans for the required Construction Certificate shall be amended to exclude any driveway with associated hardstand space in front of the building line.'

The new application, based on information provided in the development plan document (D2017/197399) once again highlights the development of a secondary driveway and crossover leading up to a proposed Carport. I believe the reasons that were highlighted during the original development submission leading to the non-consent of a secondary driveway being erected are still applicable. Namely that a secondary driveway is not in keeping with the streetscape of the Tallow Way subdivision, results in reduced front lawn/garden space and provides increased density of parking spaces for cars, caravans or boats etc. at the front of the residence. This is not in keeping with the current single dwelling/single driveway homes in the area.

I would appreciate when reviewing this development amendment that the outcomes of the original development application may be taken into account when a decision is being determined.

Thank you for your time and attention to this matter.

Sincerely



K A Johnson

27-08-2017.