



Development Assessment Panel

Business Paper

date of meeting: Wednesday 11 April 2018

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

time: 2:00pm

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	13/12/17	14/02/18	28/02/18	14/03/18	28/03/18
Paul Drake	✓	✓	✓	✓	✓
Robert Hussey	✓	✓	A	A	✓
David Crofts (alternate member)			✓	✓	
Dan Croft (Acting Director Development & Environment)	✓	✓			
Clinton Tink (Acting GM Development Assessment (alternates) - Director Development & Environment - Development Assessment Planner	✓	✓	✓	✓	✓

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology

Development Assessment Panel Meeting

Wednesday 11 April 2018

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 28 March 2018 be confirmed.

PRESENT

Members:

Paul Drake
Robert Hussey
Clinton Tink

Other Attendees:

Patrick Galbraith-Robertson
Dan Croft
Deb McKenzie
David Troemel

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

Paul Drake advised that the attendance register for 28 February 2018 was incorrect. In particular, the attendance register had Paul Drake as being away when in fact he was at the meeting. The anomaly was noted and to be corrected.

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 14 March 2018 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2017 - 853.1 MULTI DWELLING HOUSING AND TORRENS TITLE SUBDIVISION OF PROPOSED LOTS 401, 402, 403 AND 404 - CURRENTLY LOT 208, DP 1224779, VENTURA PLACE, PORT MACQUARIE

Speakers:

Donna Clarke (applicant)

Michael Summers (applicant)

CONSENSUS:

That DA 2017 – 853.1 for multi dwelling housing and torrens title subdivision on proposed Lots 401, 402, 403 and 404, currently Lot 208, DP 1224779, Ventura Place, Port Macquarie, be determined by granting consent subject to the recommended conditions as amended below:

Replace the wording of condition A9 to state:

A9 (A007) The development must only proceed in accordance with the approved stages as set out below:

- Stage 1 – site works
- Stage 2 – construction of the dwellings and subdivision

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

06 DA2018 - 91.1 GARAGE/SHED - LOT 39 DP 790538, NO 13 BABINDA AVENUE, WEST HAVEN

Speakers:

Gary Bewley (o)

Robert Smallwood (applicant)

CONSENSUS:

That DA2018 – 91.1 for a garage/shed at Lot 39 DP790538, No.13 Babinda Avenue, West Haven be determined by granting consent subject to the description of the development being a shed (not garage) and the recommended conditions as amended below:

- Add condition B2 to state:
B2 (B195) Prior to release of the Construction Certificate, details are to be submitted demonstrating that the structure will not impact on the zone of influence of the adjoining stormwater pipe or ability to excavate and do work on the pipe.
- Delete condition F2.

07 DA2017 - 234 - WASTE MANAGEMENT FACILITY (CONCRETE RECYCLING) - LOT 1 DP 1202080, PACIFIC HIGHWAY, PEMBROOKE

Speakers:

Nil.

CONSENSUS:

That the Development Assessment Panel recommend to Council that DA2017 - 234 for a waste management facility (concrete recycling facility) at Lot 1, DP 1202080, Pacific Highway, Pembroke, be determined by refusing consent for the following reasons:

1. Integrated Development concurrence has not been obtained for the proposal. An Environment Protection License has not been granted by the NSW Environment Protection Authority for the proposal pursuant to section 91 of the Environmental Planning and Assessment Act 1979 and Protection of the Environment Operations Act 1997.
2. The Applicant has failed to submit a site and development specific specialist Traffic Report to address the proposal's likely impacts and ascertain whether mitigation measures will be required.
3. The Applicant has failed to submit a specialist Noise and Dust report to address the proposal's likely impacts and ascertain whether mitigation measures will be required.
4. The Applicant has failed to provide the necessary specialist stormwater management plans to satisfactorily address required stormwater quality management.
5. The Applicant has failed to provide satisfactory details on management of asbestos and contaminated materials.
6. The Applicant has failed to provide the necessary dust monitoring (depositional dust analysis) in accordance with AS/NZS 3580.10.1-2003.

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7. The Applicant has failed to provide satisfactory details on perimeter landscaping details.
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08 SECTION 96 MODIFICATION DA2017 - 500.2 - MODIFY DESIGN OF PREVIOUS APPROVED DWELLING - LOT 703 DP 1228141, NO 37 YALUMA DRIVE, PORT MACQUARIE

Speakers:
Nil.

CONSENSUS:

That DA 2017 – 500.2 for a Section 96 modification to design of previous approved dwelling at Lot 703, DP 1228141, No. 37 Yaluma Drive, Port Macquarie, be determined by granting the modified consent subject to the recommended conditions.

09 DA2017 - 1018.1 DWELLING - LOT 20 DP 803114, NO 21 MILL HILL, PORT MACQUARIE

Speakers:
Laura Clyne (applicant)

Clinton Tink advised that he was approached by David Roberts (objector) during his site inspection. David Roberts advised that he was an apology for the meeting but requested the issues raised in his submission still be considered and that the house should be amended to avoid damage/loss of trees and fencing along his boundary.

CONSENSUS:

That DA2017 – 1018.1 for a dwelling at Lot 20, DP 803114, No. 21 Mill Hill, Port Macquarie, be determined by granting a deferred commencement consent subject to the recommended conditions as amended below:

Amend deferred condition 1 to state:

- 1 Koala Habitat Tree Compensatory Planting
 - (a) The applicant and Port Macquarie-Hastings Council are to agree, in writing, as to the location of the replacement planting of the koala habitat trees required as part of this application.
 - (b) A replacement ratio of 2:1 is to be applied, requiring fourteen (14) replacement koala habitat trees (preferably Tallwoods) be planted.
 - (c) The applicant is to employ a suitably qualified tree consultant to undertake the planting of the replacement trees (14 in total), as agreed with Council. Each tree is to be a minimum of three (3) litre containers.
 - (d) The planting of the trees is to be undertaken in accordance with AUSPEC landscaping provisions and maintained by a Council contractor.
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- (e) Council staff are to inspect the site(s) of the tree plantings within 14 days of notification of the plantings being accepted.

The consent will not operate until such time as this agreement is in place and Council notifies the applicant, in writing, that deferred commencement consent conditions, as indicated above, have been satisfied.

Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent as shown in Schedule 1A – Conditions of Consent.

10 GENERAL BUSINESS

Nil.

The meeting closed at 3:30pm.

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 - 1116.1 SECONDARY DWELLING - LOT 4 DP 37760, NO. 9
HASTINGS STREET, PORT MACQUARIE**

Report Author: Andrew Rock

Applicant: Love Project Management
Owner: P J & Y M Baumgart
Estimated Cost: \$70,000
Parcel no: 8297

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2017 – 1116.1 for a secondary dwelling at Lot 4 DP37760, No. 9 Hastings Street, Port Macquarie by determined by granting consent subject to the recommended conditions.

Executive Summary

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

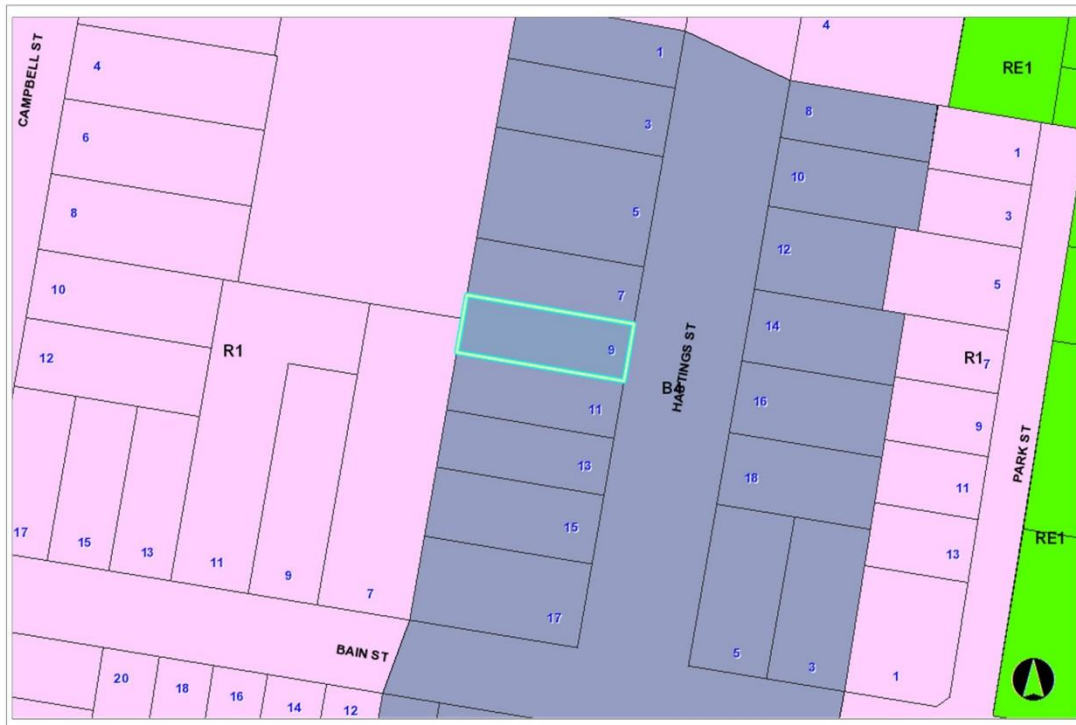
Following exhibition of the application, one submission has been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 689.2000m².

The site is zoned B4 Mixed Use 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 secondary dwelling

Refer to attachments at the end of this report.

Application Chronology

- 14.12.2017 – Application lodged
- 9-22.1.2018 – Application notified
- 18.1.2018 – Submission received
- 31.1.2018 – Site inspection
- 31.1.2018 – Site meeting with applicants
- 31.1.2018 – Site meeting with objectors representatives
- 13.2.2018 – Further information requested from applicant
- 6.3.2018 – Further information/revised plans received from applicant
- 7.3.2018 – Revised plans sent to objector for consideration/comment
- 12.3.2018 – Updated plan provided by applicant
- 26.3.2018 – Objector requesting more time to consider revised plans
- 28.3.2018 – Objector advised that still objecting to proposed development
- 29.3.2018 – Applicant and objector notified of application referral to DAP

3. STATUTORY ASSESSMENT**Section 4.15(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 1ha in area 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

SEPP 71 does not apply to the site.

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

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

Clause 20 - the site is not located within a prescribed zone (R1, R2, R3, R4 and R5). However, the applicant is relying on flexible zone provisions to the Port Macquarie-Hastings Local Environmental Plan with regard to being located within close proximity to R1 – General Residential Zoning for permissibility purposes. Accordingly, Division 2 of the SEPP may be considered. In this regard, a secondary dwelling is permissible with consent within the R1 zoning pursuant to the Port Macquarie-Hastings Local Environmental Plan.

Clause 22(2) - the development would not result in there being a dwelling other than the primary dwelling and the secondary dwelling.

Clause 22(3) – the total floor area of the principle and secondary dwelling is significantly less than the floor space ratio of the 1.0:1 applying to the site and the 0.65:1 floor space ratio applying to the adjoining residential land. The total floor area of the secondary dwelling is less than 60m².

Clause 22(4) - it is noted that consent cannot be refused on the grounds of site area or parking.

Clause 24 - it is noted that the consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out. This is not proposed.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy (Coastal Management) 2018

The site is mapped within the 'coastal use area' however Clause 21 – Savings and transitional provisions, sub clause 1 states:

The former planning provisions continue to apply (and this policy does not apply) to a development application lodged, but finally determined, immediately before the commencement of this Policy in relation to land to which this Policy applies.

Note: *former planning provisions* means the following policies that were in force immediately before the Policy's repeal/amendment:

- State Environmental Planning Policy No 14 – Coastal Wetlands,
- State Environmental Planning Policy No 26 – Littoral Rainforests,
- State Environmental Planning Policy No 71 – Coastal Protection, and
- State Environmental Planning Policy (Infrastructure) 2007

This application was lodged on 14 December 2017 and State Environmental Planning Policy (Coastal Management) 2018 commenced on 3 April 2018. Accordingly, this policy does not apply.

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 B4- Mixed Use. In accordance with clause 2.3(1) and the B4 zone landuse table, the secondary dwelling is a prohibited landuse.

The objectives of the B4 – Mixed Use Zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure the new developments make a positive contribution to the public domain and streetscape.

In accordance with Clause 2.3(1) the proposed development is a prohibited landuse. See below with regard to the proposed use of Clause 5.3 – Development near zone boundaries.

- Clause 2.7, no demolition works proposed.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 4.24 m which complies with the standard height limit of 8.5 m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is approximately 0.29:1.0 which complies with the maximum 1.0:1 floor space ratio applying to the site. The proposed floor space ratio would also apply to the adjoining residential zoned land which has a maximum floor space ratio of 0.65:1.
- Clause 5.3, relates to development near zone boundaries. This clause prescribes that *“the objective of this clause is to provide flexibility where the investigation of a site and its surrounds reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.”*

In accordance with subclause (2), the relevant distance from an adjoining zone R1 – General Residential is 20m, within which the secondary dwelling is proposed.

In accordance with subclause (3) this clause does not apply to land within a “coastal zone” (among other restrictions). The definition of a “coastal zone” within the LEP has the same meaning as the Coastal Protection Act 1979 which defines “coastal zone” as:

“(a) the area within the coastal waters of the State as defined in Part 10 of the [Interpretation Act 1987](#) (including any land within those waters), and

(b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
(c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State."

The "coastal zone" as mapped (see SEPP 71 – Coastal Protection mapping) does not include the site. Accordingly, the site is not excluded from using this clause as a result of sub clause 3.

Sub clause 4 nominates that development consent may be granted to development that may be carried out in an adjoining zone, if the consent authority is satisfied that:

- a) The development is not inconsistent with the objectives for development in both zones, and*
- b) The carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

With regard to (4)(a) above, the objectives of the zone applying to the site, B4 – Mixed Use are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To ensure that new developments make a positive contribution to the public domain and streetscape.*

It is considered that the proposed secondary dwelling; is compatible with the surrounding residential land uses, is located within close proximity to the Wauchope CBD and will not detract from the public domain nor streetscape. Accordingly, the proposed development is not considered to be inconsistent with the B4 land zoning.

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.*

The proposed secondary dwelling contributes to the housing needs of the community and provides a housing type which is suitable for a segment of the community. Accordingly, the proposed development is not inconsistent with the R1 land zoning.

With regard to (4)(b) above, the proposed secondary dwelling is compatible with the surrounding residential land uses of the area. The existing

infrastructure within the locality will be able to satisfactorily cater for the proposed development, and the future development of the B4 Mixed Use zone will not be unacceptably impacted as a result of the proposed development. Accordingly, the proposed development is not inconsistent with the provisions of subclause (4)(b).

Accordingly, the proposed development complies with the relevant provisions of Clause 5.3.

- Clause 5.4, the floor area of the secondary dwelling does not exceed 60m².
- Clause 5.9, no listed trees in Development Control Plan 2013 are proposed to be removed.
- Clause 5.10, the site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.1, the site is not mapped as potentially containing acid sulfate soils.
- Clause 7.3, the site is not land within a mapped "flood planning area".
- 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:

N/A

(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
	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 	Secondary dwelling proposed behind the existing dwelling.	Yes
3.2.2.3	Car parking space 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Proposed car parking space for existing dwelling is to be located forward of the building line.	No
	6m max. width of garage door/s and 50% max. width of building	No garage or carport proposed.	N/A

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

	Requirements	Proposed	Complies
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Existing driveway crossover.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Proposed rear setback of 1.0m. The design of the secondary dwelling has a deck and living areas orientated to the north which will achieve a better solar access. The proposal is unlikely to achieve a minimum 4m in width x 15.2m (equivalent length of rear boundary) open space area but will provide a usable open space area for the secondary dwelling and is unlikely to adversely impact on dwellings to the west (rear) of the site.	No
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 	A minimum side setback of 1.0m is proposed. The southern elevation of the proposed secondary dwelling is designed to have an unarticulated 13.550m wall. This unarticulated wall is proposed to be located next to an existing shed (with an unarticulated side wall adjoining the common lot boundary, of a similar length to the proposed unarticulated wall) on the adjoining property to the south. As the proposed unarticulated wall does not immediately adjoin an existing primary indoor area or principle open space area, perceptions of overbearing, building bulk are minimised to the south and privacy is maintained.	Yes No
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Available for both proposed and existing dwelling.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> If solid 1.2m max height and front setback 1.0m 	No changes to front fencing proposed.	N/A

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

	Requirements	Proposed	Complies
	with landscaping <ul style="list-style-type: none"> • 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 		
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No changes to front fencing proposed.	N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> • 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 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 	<ul style="list-style-type: none"> • Southern elevation windows proposed to be frosted. • Eastern elevation window proposes a sill height of 1.5m above finished floor level. • Screening/fencing proposed between the principal open space areas of both the existing and proposed dwelling of 9 Hastings Street and the property to the south, 11 Hastings Street, Wauchope. • Internal fencing proposed between open space areas of existing and proposed dwelling. • Existing 1.8m boundary fencing and vegetation screening along the northern and western lot boundaries. 	Yes

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	guideline		
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	No retaining wall proposed.	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	No retaining wall front fence combination proposed.	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 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.	One car space proposed for secondary dwelling at rear of lot.	Yes
		One car space proposed for principal between the dwelling and the front lot boundary.	No
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	Existing driveway crossover is suitable.	Yes
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

The proposal seeks to vary Development Provisions relating to:

- Proposed car parking space located forward of the building line – 3.2.2.3,
- Secondary dwelling proposed to be setback less than 4m from the rear lot boundary – 3.2.2.4, and

- Southern elevation of secondary dwelling is proposed to extend greater than 12m without articulation – 3.2.2.5.

With regard to the proposed car parking space being located forward of the building line the objectives of 3.2.2.3 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 proposal will not create an additional garage nor driveway.
- The proposal assists to maintain on street car parking.
- Minimal adverse impacts on the streetscape and amenity of the area.

With regard to the secondary dwelling proposed 1m from the rear lot boundary (4m rear setback development provision), the objectives of 3.2.2.4 are:

- *To allow adequate natural light and ventilation between dwellings/buildings and to provide open space areas.*
- *To provide usable yard areas and open space.*

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

- Given the proposed single storey design of the secondary dwelling and orientation of the lot, the residential dwelling/s to the west of the site are unlikely to be adversely impacted with regard to the availability of natural light and ventilation to this dwelling and open space area.
- The living area of the proposed secondary dwelling and deck are orientated to the north to take advantage of the desirable aspect. An open space area, directly accessible from the living room area, is proposed to be located to the north of the secondary dwelling, ensuring a quality/usable outdoor space area.

With regard to the southern elevation of the proposed secondary dwelling extending 13.350m without articulation (12m development provision), the objectives of 3.2.2.5 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 proposed secondary dwelling is single storey and will adjoin an existing storage shed (of a similar length and overall size to the proposed secondary dwelling) on the property to the south (11 Hastings Street). Consequently, minimal if any perceptions of overbearing or building bulk can reasonably be expected when considered from the existing dwelling or open space areas of the property to the south (11 Hastings Street).

- Frosted screens are proposed on the non-living room windows, on the southern elevation of the secondary dwelling, which will further protect visual privacy.

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:

None relevant.

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

Access, transport 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 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.

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.

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

Construction

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

Cumulative impacts

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

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

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

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

One written submissions 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
Lighting impacts from vehicle parking	With revised plans submitted, lighting from vehicles will not be directed towards an adjoining property.
Visual privacy impacts	Revised plans submitted nominate a barrier between the open space areas between properties. A condition is recommended to limit any transparency to less than 25%.
Potential noise, dust and privacy impacts during construction.	Proposed secondary dwelling is to be positioned on top of pad footings, accordingly, minimal excavation works area required. Construction times recommended to be restricted to standard hours as per consent condition.
Building bulk	This has been assessed as acceptable. See assessment in Development Control Plan 2013 section (3.2.2.5)
No existing and proposed ground survey levels provided to allow for assessment of overshadowing impacts and building bulk.	Revised section plan nominates finished floor level 600mm above existing ground level and an overall height of 4.24m above existing ground level. Minimal overshadowing impacts expected and building bulk earlier assessed as acceptable.

Submission Issue/Summary	Planning Comment/Response
<p>The consent authority cannot be satisfied that the development meets Clause 5.3(4)(a) and (b) of LEP 2011 as follows :</p> <p>a) The development is not inconsistent with the objectives for development in both zones, and</p> <p>b) The carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</p>	<p>Assessment earlier in this report deems the proposed development acceptable with regard to Clause 5.3(4)(a) and (b).</p>
<p>The amended plans do not include adequate measures to provide or maintain visual privacy. Development should be conditioned as follows:</p> <p><i>The developer must design and install a new, minimum 6-foot high fence, at the full expense to the developer, to replace the existing fence along the full length of the southern boundary of the property, prior to the commencement of construction of the development, in consultation with and to the satisfaction of the owner (in writing) of the adjoining property (11 Hastings Street), to avoid lighting impacts, provide adequate visual privacy, attenuate construction noise, minimise dust impacts and avoid perceptions of building bulk.</i></p>	<p>The existing boundary fence between 9 and 11 Hastings Street is approximately 1.2m high and has been in existence for several years. Presently, there is minimal visual privacy between the two properties.</p> <p>The design of the proposed secondary dwelling ensures that privacy is maintained between living areas of the secondary dwelling and 11 Hastings Street. As such, privacy is only considered to be required between areas of private open space between 9 and 11 Hastings Street.</p> <p>In this regard, the following condition is recommended:</p> <p><i>A privacy screen or fence is to be installed on or adjacent to the lot boundary of 9 and 11 Hastings Street. The fence or privacy screen is to extend from the south-western corner rear of the existing dwelling to the south-eastern corner of the proposed secondary dwelling. The fence or screen is to be a minimum of 1.8m above existing ground level, have a maximum transparency level of 25% and be installed prior to occupation or the issue of an occupation certificate.</i></p> <p>The above condition will ensure that appropriate privacy is achieved between the lots, even if agreement cannot be reached between adjoining land owners.</p>

(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

Not applicable.

5. CONCLUSION

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

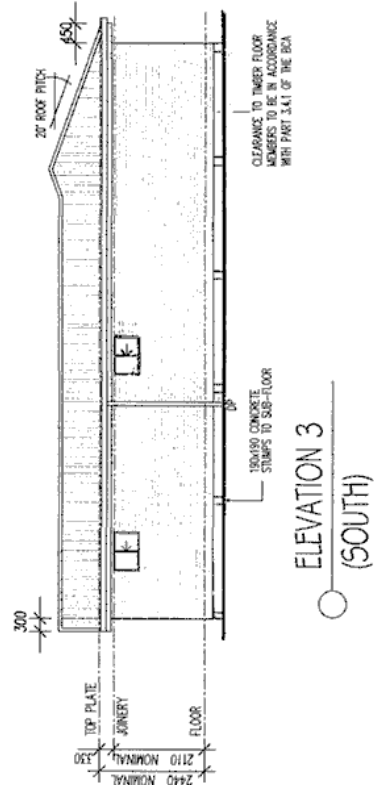
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

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.

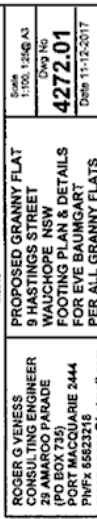
Attachments

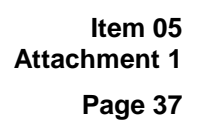
- 1 [View](#). DA2017 - 1116.1 Plans
- 2 [View](#). DA2017 - 1116.1 SOEE
- 3 [View](#). DA2017 - 1116.1 Applicants Letter
- 4 [View](#). DA2017 - 1116.1 Recommended Conditions
- 5 [View](#). DA2017 - 1116.1 Submission - Monkley





<div>DRAWN BY:  SHAYNE CALLAGHAN 20 Michellina Drive Benenden QLD 4285 Telephone: (07) 5541 0976 email: sc.drafting@bigpond.com 600 LORREY RD 111672907</div>		<div>PRECARD PTY LTD 9 HASTINGS STREET WAUCHOPE</div>		<div>DRAWING ELEVATIONS</div>		<table><thead><tr><th>ISSUE</th><th>AMENDMENT</th><th>DATE</th><th>ISSUE No</th></tr></thead><tbody><tr><td>A</td><td>PRELIM PLAN</td><td>02.04.2017</td><td>BA 650JC</td></tr><tr><td>B</td><td>BA ISSUE</td><td>04.04.2017</td><td>200 No</td></tr><tr><td colspan="2"></td><td></td><td></td></tr><tr><td colspan="2"></td><td></td><td></td></tr></tbody></table>		ISSUE	AMENDMENT	DATE	ISSUE No	A	PRELIM PLAN	02.04.2017	BA 650JC	B	BA ISSUE	04.04.2017	200 No									<div>SCALE 1:100@A3</div> <div>DRAWN SC</div> <div>SHEET No 3 OF 3</div>
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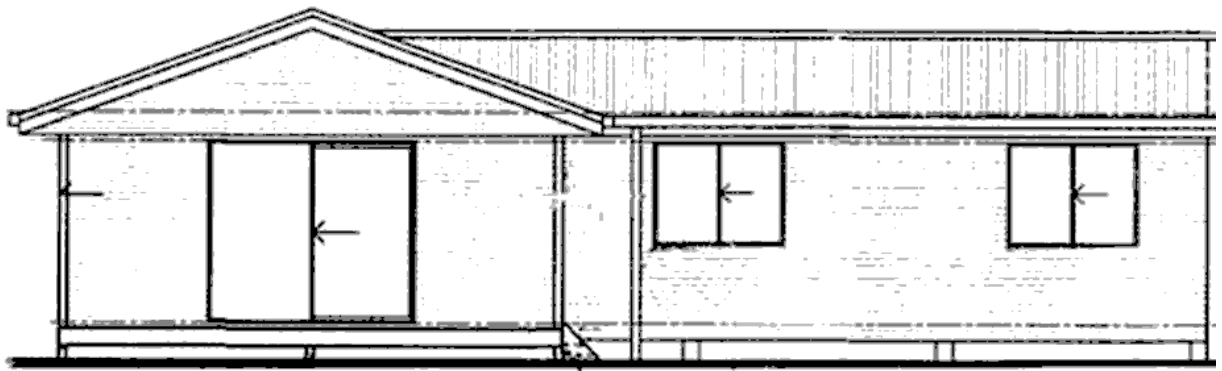
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Proposed Secondary Dwelling Hastings Street, Wauchope



Michelle Love, Project No 6663
Love Project Management

December, 2017

Document Details

Document Version Date: December 2017

Authorised by: Michelle Love

Signed:  .

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All parties must acknowledge that conditions of approval at time of consent, post development application and approvals, and other matters, may modify the outcomes described in this report. The information and conclusions presented in this report apply to the subject land at the time of the assessment. All parties must take into account the above information when making decisions on the basis of the findings and conclusion of this report.

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Executive Summary

This application seeks development consent for the erection of a secondary dwelling within the rear yard of an existing residential property. The zoning of this residential area is B4 – Mixed Use and therefore the secondary dwelling approval relies upon clause 5.3 – Development near zone boundaries, which permits a 20m variation in the landuses across zone boundaries. Both the existing and proposed secondary dwelling are single storey and will share the existing driveway off Hastings Street. This is essentially a residential use within an existing residential area of Wauchope.

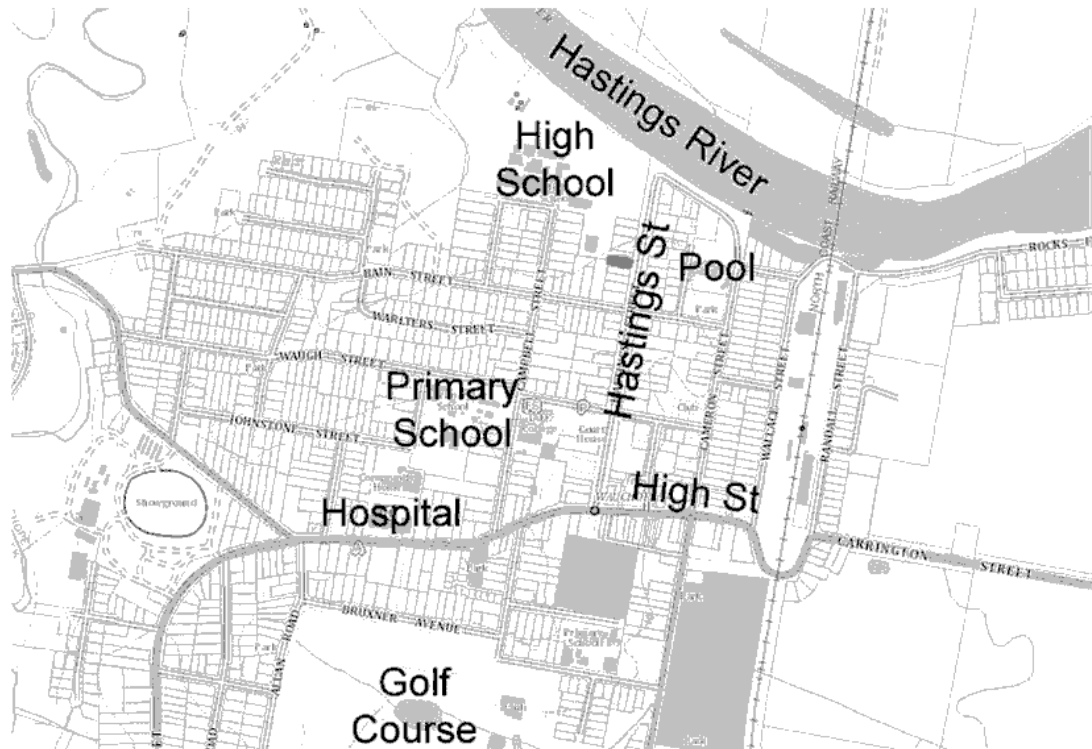
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1. Subject Land & Locality

The subject land may be identified as Lot 4, DP 37760, Hastings Street, Wauchope. The land is located in a well established residential area of Wauchope. The land is close to the Hastings River, and a level walking distance to the main shopping centre with banking, postal, pharmacy and grocery services, along with the full range of CBD services and facilities.

Figure 1: Locality of Subject Land (land shaded red)



The precinct is characterised by low to medium density residential development. The land is generally level, and most residential development is single storey. Single, detached dwellings are established on the residential properties adjoining each side boundary. A section of the Wauchope High School property adjoins the northern part of the rear boundary, whilst medium density residential development adjoins the southern, majority of the rear boundary.

Secondary Dwelling, Hastings St, Waverley

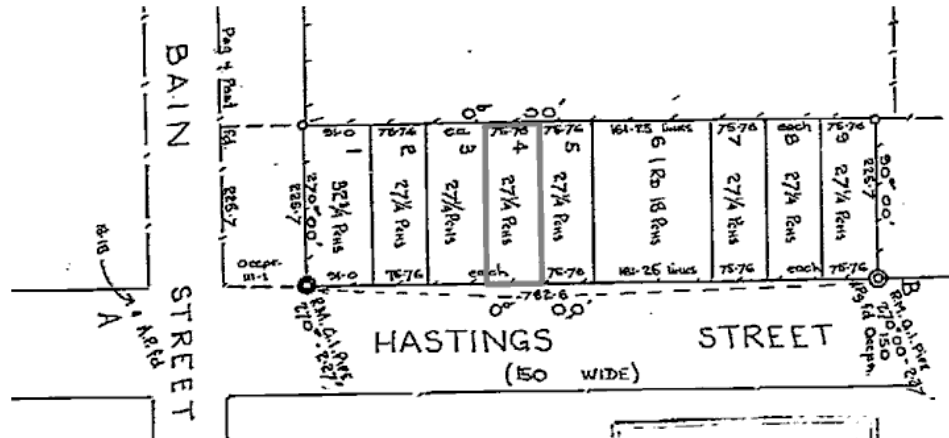
The subject land is currently occupied by a single dwelling, and a detached garage / storage shed in the rear yard, as may be seen in the aerial image extract.

Figure 2: Aerial Image extract showing Subject Land (red outline)



The deposited plan extract highlights the width of Hastings Street. The allotment was created in May 1938 with an area of $27 \frac{1}{4}$ perches, which converts to 689.2m².

Figure 3: Deposited Plan extract of Lot 4 shown bounded in red



The deposited plan extract shows that the subject land is not impacted by any easements under the provisions of DP 37760. The subsequent installation of a reticulated water and sewer service has resulted in a sewer line passing through the property – the location of which is shown on the application plans.

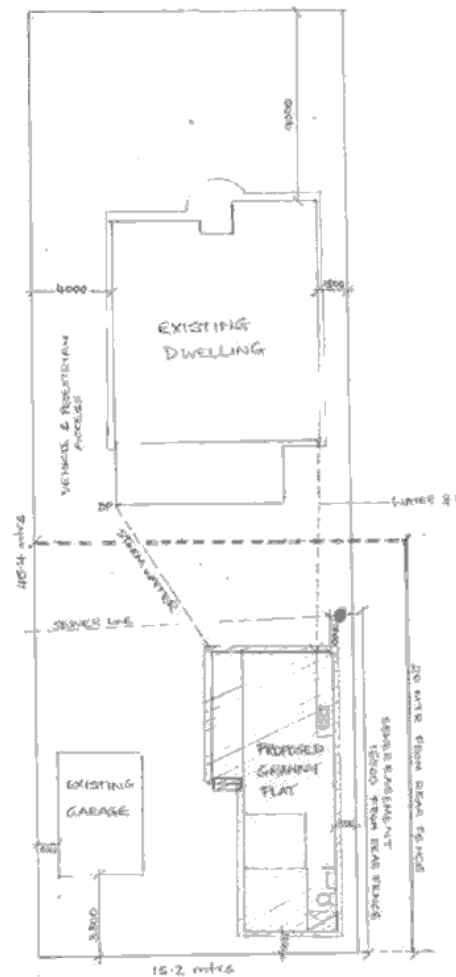
LPM December 2017



2. Proposal

The proposal is to construct a secondary dwelling in the rear yard of the existing property. The secondary dwelling will contain two bedrooms, a kitchen and living room, with a bathroom and separate laundry. The living area has access to a north facing deck which forms part of the outdoor recreation area.

Figure 4: Extract from Site Plan



3. Statutory Assessment

The Environmental Planning and Assessment Regulation 1980 require development applications to be accompanied by a Statement of Environmental Effects (clause 50). The following sets out the matters which are relevant to the consent authority's assessment of this application with particular regard to Section 79C(1) of the Environmental Planning & Assessment Act 1979.

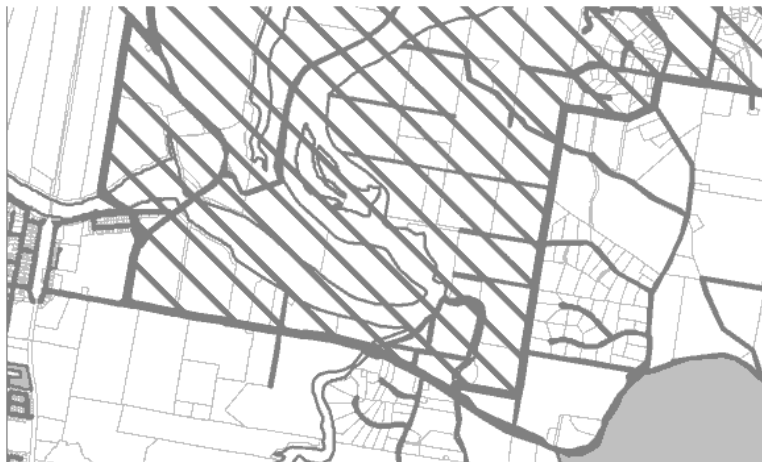
a) Provisions of Planning Controls

i. State Environmental Planning Policies

State Environmental Planning Policy 71– Coastal Protection

The subject land is not within the coastal zone. Therefore the provisions of SEPP 71– Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011 do not apply to the land. The nearest coastal zoned land is shown in the following SEPP 71 mapping extract which identifies land east of the Wauchope railway line.

Figure 5: SEPP 71 mapping extract - showing land east of Wauchope



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

An assessment regarding building sustainability has been undertaken and is provided with this application. The proposal is compliant with the BASIX requirements. The BASIX Certificate is 888878S.

There are a number of draft State Environmental Policies which the Department of Planning has exhibited but not yet adopted. These draft policies may be amended prior to adoption, however are considered as follows:

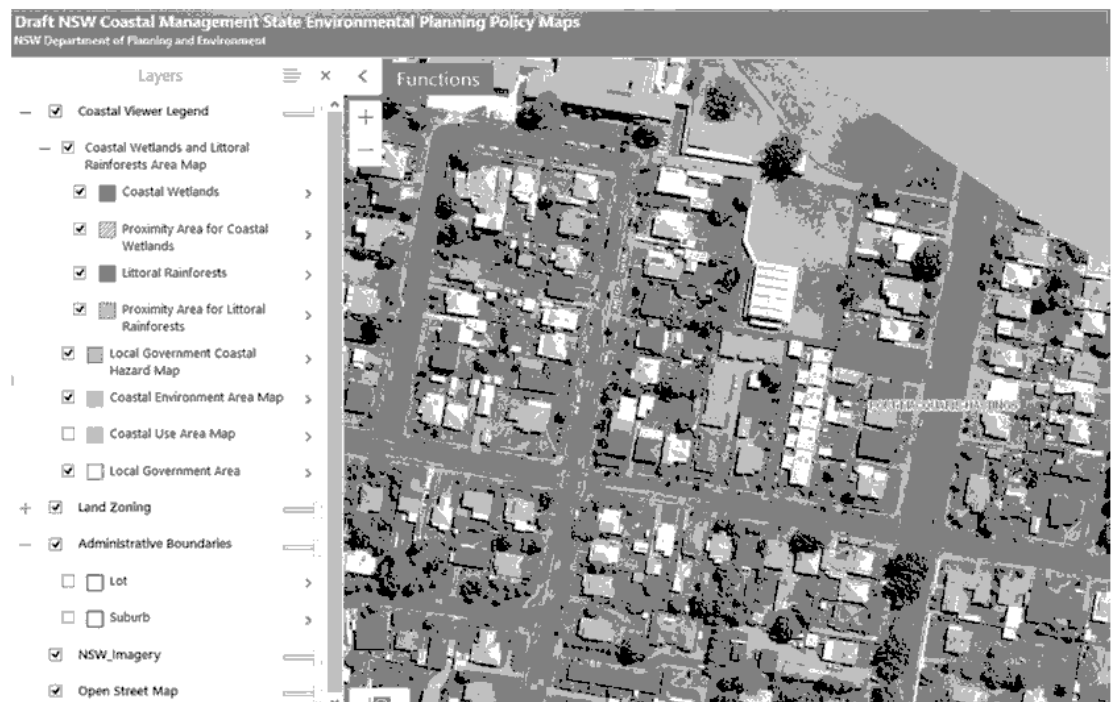
Draft Coastal Management State Environmental Planning Policy

The draft Coastal Management State Environmental Planning Policy (SEPP) will establish a new, strategic land use planning framework for coastal management. It will support implementation of the management objectives set out in the Coastal Management Act 2016.

The draft Coastal Management SEPP aims to consolidate and improve current coastal-related SEPPs. It will replace SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection) and ensure that future coastal development is appropriate and sensitive to our coastal environment, and that we maintain public access to beaches and foreshore areas.

The subject land is not within the SEPP 26 area or the proximity to SEPP 26 as mapped under the draft Coastal Management SEPP. The land is not mapped as coastal environment under the provisions of the draft Coastal Management SEPP with the nearest land so mapped being the Hastings River and bank areas as shown shaded blue on the following extract from the draft Coastal Management SEPP mapping (note: the subject land shaded red)

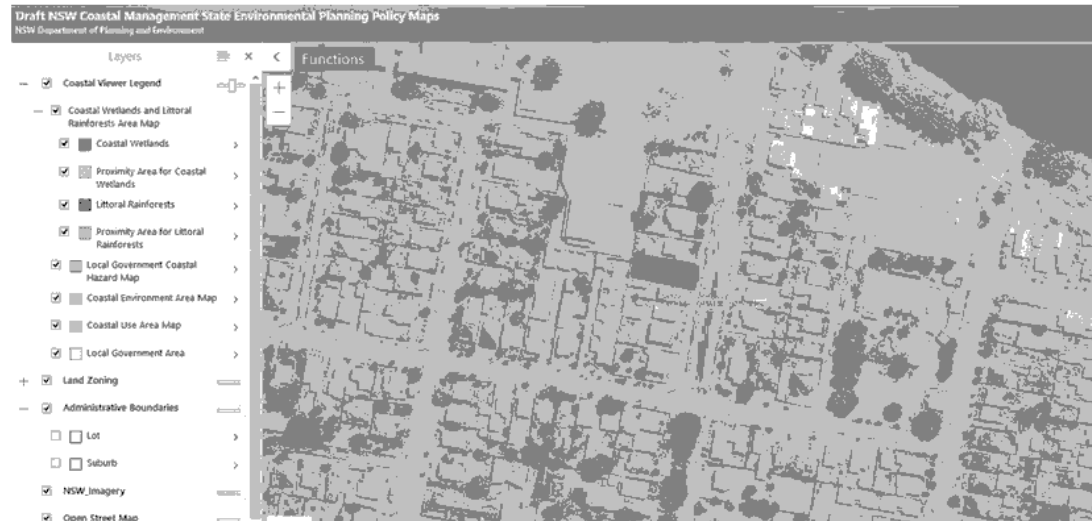
Figure 6: Extract from draft Coastal Management SEPP



Secondary Dwelling, Hastings St, Wauchope

The subject land is within the area mapped as Coastal Use area under the provisions of the draft Coastal Management SEPP.

Figure 7: Extract from draft Coastal SEPP showing Coastal Use Area shaded dusty pink



This requires the consent authority to consider a number of matters similar to the existing SEPP 71 provisions, including access to public foreshore areas and overshadowing of public foreshore areas, as shown in the following extract from the draft SEPP as exhibited:

Draft Coastal SEPP – As exhibited

Division 4 Coastal use area

15 Development on land within the coastal use area

Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

- (a) is satisfied that the proposed development:*
 - (i) if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and*
 - (ii) minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and*
 - (iii) will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and*
 - (iv) will not adversely impact on Aboriginal cultural heritage and places, and*
 - (v) will not adversely impact on use of the surf zone, and*
- (b) has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development*

The proposed development will not adversely impact on the public coastal areas and thus is not inconsistent with the provisions of the draft Coastal Management SEPP.

The exhibited material included Clause 23 of this SEPP which would remove the use of flexible zone provisions in local planning instruments. The clause as exhibited is as follows:

23 Flexible zone provisions

A provision of an environmental planning instrument that allows development within a zone to be consented to as if it were in a neighbouring zone, or a similar provision, has no effect to the extent that it applies to land to which this Policy applies.

Whilst this formed part of the exhibited material, there is no certainty regarding whether or not this clause will form part of the final, adopted provisions. Therefore, whilst this has been considered, it is noted that the consent authority must consider the planning provisions as currently in force at this time. Thus the consent authority is able to consider and approve this Secondary Dwelling proposal, relying on the LEP zone variation clause, as the draft SEPP has not been finalised and there is no direction to suggest that the gazettal of the SEPP is imminent or that it would be adopted exactly as per exhibited. There are a number of matters which are being amended in the SEPP and draft clause 23 may well also be amended or deleted from the final document. The use of the LEP clause is discussed in a later section of this report.

Draft State Environmental Planning Policy (Environment)

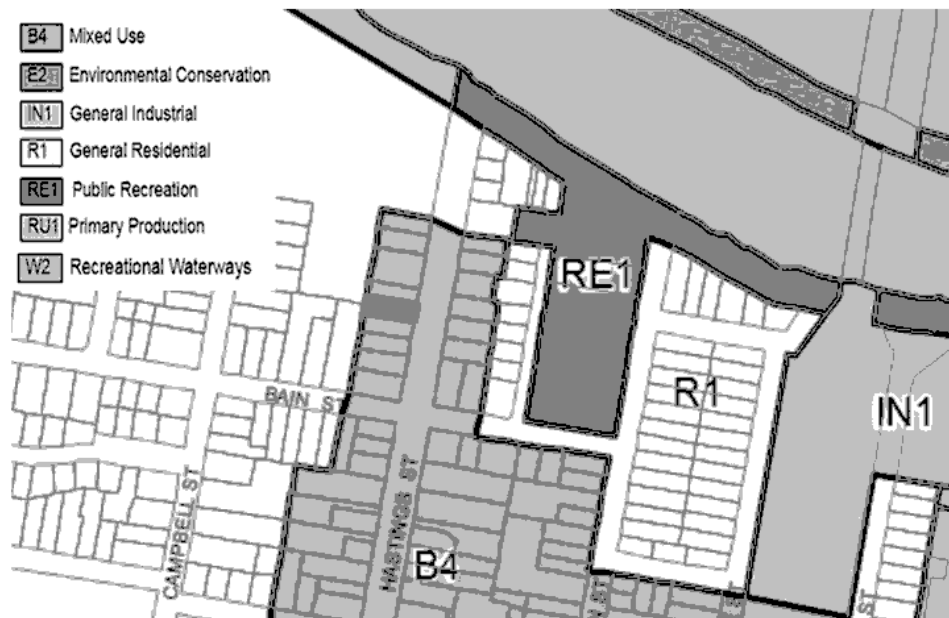
A review of the mapping which relates to the draft SEPP (Environment) noted that the subject land was outside the areas identified as significant.

ii. Local Environmental Plans

The subject land is zoned B4 – Mixed Use under the provisions of Port Macquarie – Hastings Local Environmental Plan 2011 and a range of developments are permissible with consent.

An extract from the zone map is shown below with the subject land outlined in red.

Figure 8: LEP Zone map extract



However Secondary Dwellings are not permissible in the B4 – Mixed Use zone unless the provisions of clause 5.3 are applied. This clause permits a variation to the zone boundary as setout in the following LEP extract:

5.3 Development near zone boundaries

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is:*
- (a) *100 metres from a zone boundary of land that is only within Zone RU1 Primary Production, Zone RU2 Rural Landscape or Zone RU3 Forestry, or*
 - (b) *20 metres from any other zone boundary.*
- (3) *This clause does not apply to:*
- (a) *land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or*
 - (b) *land within the coastal zone, or*
 - (c) *land proposed to be developed for the purpose of sex services or restricted premises.*
- (4) *Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*
- (a) *the development is not inconsistent with the objectives for development in both zones, and*
 - (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) *This clause does not prescribe a development standard that may be varied under this Plan.*

The proposed Secondary Dwelling is within 20m of the adjoining R1 – General Residential zoned land. The dashed line on the site plan is to show the distance 20m from the rear property boundary. It has previously been noted that the land is not within the coastal zone, and an extract from SEPP 71 has been included to confirm this matter. Therefore, the provisions of this clause may be applied, and the consent authority must consider the following matters in relation to the proposed Secondary Dwelling:

The development is not inconsistent with the objectives for development in both zones:

The objectives of the R1 – General Residential 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.*

Having regard to the above objectives of the R1 zone, it is noted that the development proposal may be considered consistent with these objectives as the Secondary Dwelling will certainly assist in the provision of housing needs for the community, as well as providing for a variety of housing types and densities. The third objective is not applicable to the development proposal. Therefore, the consent authority may be satisfied that the proposal is consistent with the R1 – General Residential zone objectives.

The objectives of the B4 – Mixed Development zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To ensure that new developments make a positive contribution to the public domain and streetscape.*

Having regard to the above objectives of the B4 zone, it is noted that the development proposal is compatible with the other landuses in this precinct, and is in an accessible location as there is ready access to shops, services and facilities. The streetscape will be unchanged as the Secondary Dwelling will not be visible from the street. Therefore, the consent authority may be satisfied that the proposal is consistent with the B4 – Mixed Development zone objectives.

The carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land:

The proposed Secondary Dwelling is compatible with the landuses in this precinct. The adjoining landuses are residential, with a minor boundary adjoining part of the Wauchope High School property. There is adequate infrastructure to cater for the proposed additional two bedroom dwelling, and Hastings Street has capacity to cater for additional traffic movements. The erection of a Secondary Dwelling on the subject land does not preclude the long term development of the precinct for Mixed Use developments. Therefore, it is considered that the development proposal is compatible with land use planning, is within the capacity of the existing infrastructure, and will not hinder future development of the precinct as a mixed use precinct.

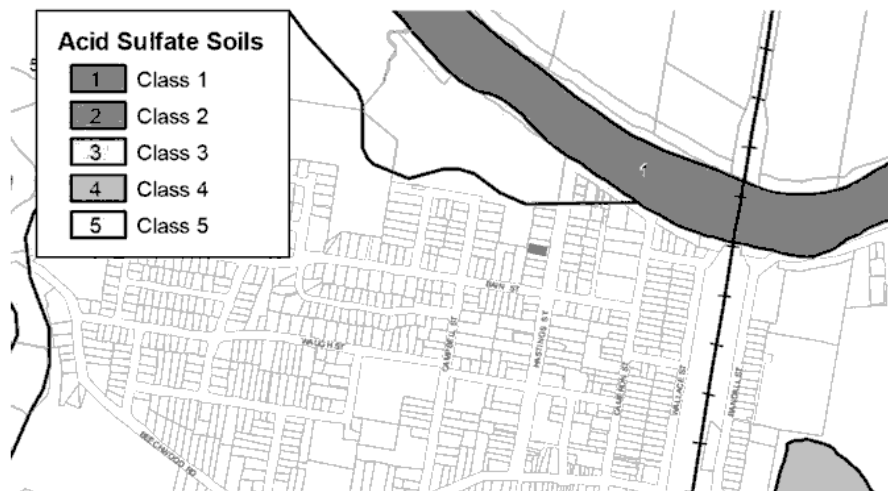
Therefore, it is considered that the provisions of clause 5.3 may be applied and the landuse may be considered a permissible use within the 20 metre variation area in the rear yard of the subject land.

The minimum lot size map does not identify a minimum lot size for the subject land, however no subdivision is proposed for this development and therefore no further consideration of the lot size provisions is provided.

The LEP mapping does not identify the land as being impacted by coastal erosion, acoustic controls or visually sensitive land. There are no additional dwelling opportunities mapped for land in this locality.

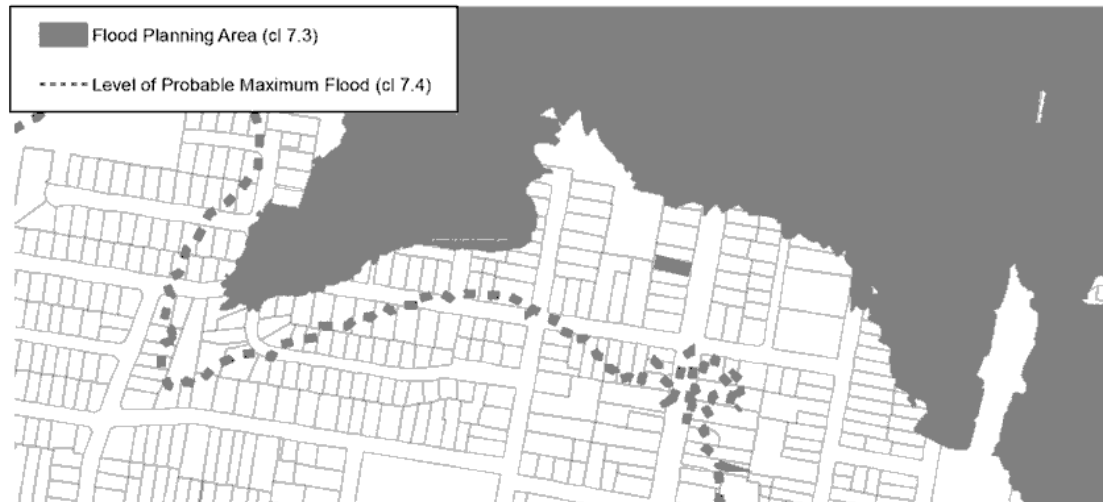
The LEP mapping does not identify the land as containing any potential acid sulphate soils. This is shown on the following LEP map extract, with the subject land shown edged in red.

Figure 9: LEP Acid Sulphate Soils map extract with subject land shown edged in red



The LEP mapping does not identify the land as floodprone. The land is within the level of Probable Maximum Flood which triggers the provisions of clause 7.4. An extract from the LEP Flood mapping is shown below:

Figure 10: LEP Flood map extract with subject land shown shaded red



The provisions of clause 7.4 – Floodplain risk management, require the consent authority to undertake additional assessment where the development proposal is for any of the following landuse types:

- (a) caravan parks,
- (b) correctional facilities,
- (c) emergency services facilities,
- (d) group homes,
- (e) hospitals,
- (f) residential care facilities,
- (g) tourist and visitor accommodation.

The development proposal is for a Secondary Dwelling is not one of the abovementioned landuses. Therefore, the provisions of clause 7.4 do not apply to this development proposal.

Secondary Dwelling, Hastings St, Wauchope

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Reference is made to clause 4.4 Floor space ratio. The floor space ratio (FSR) identified in the LEP 2011 mapping shows the land with a maximum floor space ratio of 1:1. Both dwellings are single storey and the floor space ratio is significantly less than the permitted ratio. Noting that Council's long term direction for this land is to create a mixed use environment, the proposed Secondary Dwelling may be considered an interim use of the land, and this lower floor space ratio is consistent with a low intensity and interim landuse, and is also consistent with the existing development within this precinct.

Figure 11: LEP Floor Space Ratio map extract with subject land shown shaded red



No items of European Heritage have been mapped within the LEP provisions, either on the land or on the adjoining properties.

Reference is made to clause 4.3 Height of buildings. The maximum building height for the subject land is the standard height for residential areas of 8.5m. This is measured from the existing ground level to the top of the proposed building. The LEP mapping showing the building heights for this estate is shown in the following map extract. The development proposal does not exceed the permitted height limit.

Figure 12: Maximum Building Height map extract with subject land shown shaded red



The proposed Secondary Dwelling has a maximum height of 4m above the existing ground level to the uppermost point of the structure. Therefore, the proposal is less than the permitted maximum building height.

The land is not mapped as containing koala habitat and is not mapped as containing any land required for Council acquisition. The land is not within an area identified as an urban release area.

In accordance with Clause 2.3(2), the proposal is consistent with the zone objectives as noted earlier in this report.

Reference is made to clause 7.13. It is noted that the subject land is serviced by reticulated water and sewer services. The location of the services is shown on the site plan. The existing services may be extended to provide reticulated services to the proposed Secondary Dwelling and this will ensure satisfactory levels of services are provided.

Therefore, it may be seen that the proposal for a Secondary Dwelling is compatible with the relevant provisions of LEP 2011.

iii. Development Control Plans

An assessment of the proposal under the provisions of DCP 2013 has been carried out and is summarised in the following table.

LEP 2011			
LEP Clause	Development Provisions	Proposed	Compliance
Max Height of Building	8.5m	Maximum height is 4m	Yes
Max Floor Space Ratio	1:1	Less than 1:1	Yes

DCP 2013			
DCP Objective	Development Provisions	Proposed	Compliance
DCP GENERAL PROVISIONS			
2.3.3.1	Cut and fill 1.0m max 1m outside the perimeter of the external building walls	Secondary dwelling to be erected on pier footings. No cut and fill exceeding 1m required.	Yes
2.3.3.2	Max height retaining wall along road frontage is 1.0m. Where a combination of a fence and a wall is proposed to be greater than 1.2m high:	No front retaining wall proposed Fences on top of retaining walls are not proposed.	N/A N/A
2.3.3.3	Significant earthworks of more than 10% site area or 1ha where surface level changed by more than 5m or earthworks exceed average of 10000m ³ per ha – see requirements	No significant earthworks proposed	Yes
2.3.3.4	EEC buffers	Not applicable	N/A
2.3.3.5	Environmental Offsets & VMPs	Not applicable	N/A

DCP 2013			
DCP Objective	Development Provisions	Proposed	Compliance
2.3.3.6	Vegetated Riparian buffers according to 1 st – 4 th order streams	Not applicable	N/A
2.3.3.7	Koala Habitat	Not applicable	N/A
2.3.3.8	Hollow Bearing Trees – located by survey and HBT assessment protocol applied	Land is cleared.	N/A
2.3.3.9	HBT removal protocol & offset via nesting boxes	Not applicable	N/A
2.4.3.1	Development within proximity of flight paths not to attract birds or flying vertebrates	Not applicable	N/A
2.4.3.2 & 2.4.3.3	No airborne particulates or gaseous plumes within operational airspace & no hazardous or obtrusive light	Not applicable	N/A
2.4.3.4 Bushfire 2.4.3.5 Flooding 2.4.3.6 Stormwater	Bushfire risk, Flooding, Stormwater	Land not identified as being subject to flooding hazard. Stormwater from the site will be directed to the existing network. Land not identified as bushfire prone	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical.	Not applicable No arterial or distributor roads. Use of existing access off local street network is proposed.	Yes
2.5.3.2	Driveway crossing/s minimal in number and width including maximising street parking	Existing crossing to be utilised and shared with existing dwelling.	Yes

Secondary Dwelling, Hastings St, Wairoa 19

DCP 2013			
DCP Objective	Development Provisions	Proposed	Compliance
2.5.3.3	Off-street parking in accordance with Table 2.5.1 1 space required for existing dwelling and 1 space required for Secondary Dwelling.	Secondary dwelling will have use of existing garage. Existing dwelling has aggregate sealed parking area in front of existing dwelling.	Yes
2.5.3.7	Visitor parking to be easily accessible. Stack parking permitted in special circumstances	Visitor parking may be achieved via stack parking if required.	Yes
Chapter 3.2 – Low Density Residential Development			
3.2.2.1	Ancillary developments to be not more than 4.8m height, with max area of 60m ² (or 100m ² for large lots). Garages and rainwater tanks to be behind main building line	No ancillary developments proposed The primary dwelling is forward of the garage and any other structures.	N/A Yes
3.2.2.2	<u>Front setbacks</u> Primary Frontage: 4.5m <u>Articulation zone</u> entry feature, balcony, deck, awning, sun shade feature may be within front setback but no less than 3m from front bdy, & not above eave gutter line other than pitched entry feature to match pitched dwelling	Primary Frontage 9m <u>Articulation Zone</u> The existing dwelling includes a front verandah / porch area which is setback greater than 3m and is thus compliant.	Yes Yes

DCP 2013			
DCP Objective	Development Provisions	Proposed	Compliance
3.2.2.3 Garage Setback	1.0m behind dwelling line where dwelling is set back 4.5m or more;	Garages are setback 5.5m	Yes
	6.0m max door width or 50% max of the building width	Garage door are is less than 4m in width and is less than half the building width of the existing dwelling.	Yes
	5.0m max crossover width or 1/3 max of site frontage	Driveway crossover width is approximately 3m and is significantly less than 1/3 site frontage.	Yes
3.2.2.4	<p>Rear setback</p> <p>A minimum rear boundary setback of 4m except where better solar access may be between the building and the side setback. In that instance, the rear setback may be reduced to 900mm..</p> <p>A minimum rear boundary setback of 900mm applies to sheds and swimming pools subject to achieving minimum required private open space area</p>	<p>The proposed Secondary Dwelling is proposed to be setback 1m from the rear boundary and 8 – 10m setback from the northern boundary.</p> <p>The deck is on the northern side as are the living areas. The rear boundary of the subject land adjoins the school yard and a villa development with internal colorbond fencing. The proposed location of the dwelling will make better use of solar access.</p>	Yes

DCP 2013			
DCP Objective	Development Provisions	Proposed	Compliance
3.2.2.5	Side Setback		
	Ground Floors : 900mm	Ground floor setbacks are a minimum of 900mm from the proposed Secondary Dwelling to the existing side boundaries.	Yes
	First Floors & Above: 3.0m or reduced down to 900mm	Not applicable.	Yes
	12m max unarticulated wall length (step by min 500mm)	The proposed dwelling has an unarticulated wall length of 13.35m. This is discussed at the end of this table.	No
3.2.2.6	Private Open Space		
	35m ² in on area 4m x 4m min dimension 5% maximum grade for min 4m x 4m area Accessible from internal living areas May include clothes drying & garbage storage	Both dwellings will have areas greater than the minimum required and capable of incorporating a 4m x 4m area. The existing dwelling will retain the rear covered patio which has vegetation screening in place. The proposed dwelling will have an area between the existing garage and the proposed building which exceeds the area requirements. Grade and dimensions are compliant.	Yes

DCP 2013			
DCP Objective	Development Provisions	Proposed	Compliance
3.2.2.7	<p>Fences</p> <p>Solid front fence to be: Max height 1.2m Setback 1m from front bdy Landscaped 3mx3m splayed cnr If more than 1.2m height: Max 1.8m height AND either</p> <ul style="list-style-type: none"> 50% landscape reserves or Only 6m of front bdy or 50% of the street frontage <p>25% transparency</p> <p>900x900mm driveway splay</p> <p>3m x 3m corner splay</p> <p>900mm x 900mm splay for vehicle driveway entrances</p>	Existing front fence will remain. No changes proposed.	Yes
3.2.2.10	<p>Visual Privacy</p> <p>Ground & First Floor windows 9m radius are screened or obscured</p> <p>Other floor windows 12m radius are screened or obscured. Direct views within 12m radius from living rooms and principle areas of open space screened or obscured</p> <p>Privacy screen to deck where setback is less than 3m from side or rear boundary, is greater than 3m² and more than 1m above ground level</p>	<p>Boundary fencing provides screening of ground floor windows, highlight windows have minimised privacy issues.</p> <p>The rear patio area of the existing dwelling is already well screened and both dwellings will maintain privacy due to the difference in their orientation, amongst other features.</p> <p>The proposed deck is setback from adjoining properties and will not result in privacy issues for neighbours, particularly having regard to the location of the existing garages / sheds on adjoining land, and the setback of the deck from the property boundaries.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

The development proposal is generally compliant with the provisions of DCP 2013. There is only one area of variation, as discussed below:

The proposed Secondary Dwelling has one wall which is 13.35m in length and unarticulated. The relevant part of objective 3.2.5 of DCP 2013 is to reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy. The elevation in question is along the southern boundary of the property. The building directly adjoining on the neighbouring property is a large shed used for storage. Therefore, the opportunity for any person to view this side elevation of the proposed dwelling will be very difficult if not impossible. The wall in question is also single storey in elevation.

It is considered that the variation to the length of unvaried wall is not significant and this elevation will have minimal viewing opportunities, particularly due to the large shed located on the nearest adjoining property. For these reasons, the variation is considered acceptable in the circumstances of this matter.

iv. Relevant Planning Agreements

There are no relevant planning agreements relating to the subject land or this development proposal.

b) Context & Setting

The proposal provides for additional residential accommodation in an existing residential locality. The development is considered to be consistent with the existing and likely future residential context and setting.

c) Access, Transport & Traffic

The road network has been designed to cater for residential development. The proposal will not significantly increase the traffic loading on the network. Each dwelling will have adequate parking area and will be able to share the driveway access. The driveway width of 4m alongside the existing dwelling is considered adequate to service a two bedroom Secondary dwelling.

d) Natural Hazards

The land was not identified as being subject to any known natural hazards. It has been noted earlier in this report that the subject land is not flood prone, not mapped as bushfire prone and not subject to potential acid sulphate soils.

e) Waste

The domestic waste disposal from the new dwelling will be removed in accordance with Council's standard garbage and recycling collection service. There is adequate street frontage to provide for the kerbside collection provided by Council.

f) Water Supply & Sewer Connection

The new dwelling will be connected to the reticulated water and sewer network. The location of existing services is shown on the application plans.

g) Stormwater / Water

The Secondary dwelling will connect to the existing stormwater network as shown on the plans.

h) Energy

The new dwelling will meet BASIX requirements and a certificate of compliance is included with this application.

i) Noise & Vibration

Construction noise will be limited to normal operation hours as per Council's standard conditions.

j) Heritage

No items of heritage are listed under Council's LEP matters for the subject land. A search revealed no listed items of Aboriginal heritage for the subject land.

4. Conclusion

The proposal is consistent with the existing residential development in this precinct. Whilst Council has identified mixed use development for the long term (as per the zoning of the land), there are no business developments in close proximity to this land at this time. Therefore a detached residential dwelling landuse is an appropriate interim landuse which will not preclude the land from being used for mixed use developments in the very long term.

Hastings Council meeting committee
Development application DA 2017.116.1
9 Hastings Street Wauchope.

Last Wednesday 28th March we met with Trevor, the son in law of Janet Monkley at 11 Hastings Street, to try and work out an agreeable to solution to his objections.
He informed us that the only issue at this point was the replacement of the entire fence line, and the other issues he had raised were of no concern. Therefore we did not discuss the other issues.

We measured the height of the existing fence to be 1200 high. We discussed adding a slattice panel to the top of the existing fence, which comes in 300 wide panels. 600 wide panels are available. Obviously we would need two panels to raise the fence to the required 1800 high and he said that he would view the panels at Our Town Fencing.
He responded today, Monday 2nd April saying that we (Peter and I) weren't prepared to go to 1800 high?? He obviously misunderstood that two panels would be required to bring it up to 1800 high.

He has been informed by Council that we are prepared to reconstruct the visual areas of the boundary with an 1800 high fence however he feels the need for a complete new fence along the entire boundary, front to back, of 1800 high. We feel he hasn't taken northerly breezes into consideration into his yard, and shadowing particularly in winter months.

After doing more homework on the fencing we have found that slattice is not an option due to the existing profile of the fence and so we will need to replace the panels with solid colour-bond sheeting.

He feels the front porch of no 11 is implicated by car headlights when parking on the existing gravel in the front house and so a full length fence is required from front to rear boundaries.



This picture was taken of the present tenant's car this week and shows that the headlights would have to travel through the vegetation, through the existing colour-bond fence and through the brick wall of the carport of no 11 to reach their porch.



This is the view towards no 9 parking area from the carport at no 11.

As the fence is his major issue, we wonder why a replacement fence in its entirety is required. He mentioned the fence was constructed years ago for free as Janet was a war veteran recipient and unfortunately it was done while she was away. She came home to the new low fence and was not happy of the height.

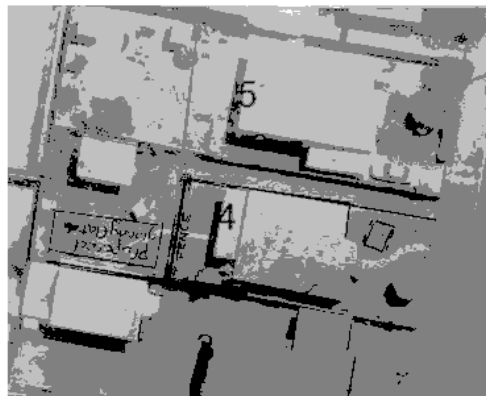
We have owned no 9 for five years and we have never been approached to raise the fence even though our property has been tenanted the whole time.

We are aware of privacy and strategically moved some existing lattice along the fence line on our own accord and planted a vine near a window that looked into Janet's yard to afford her some privacy.



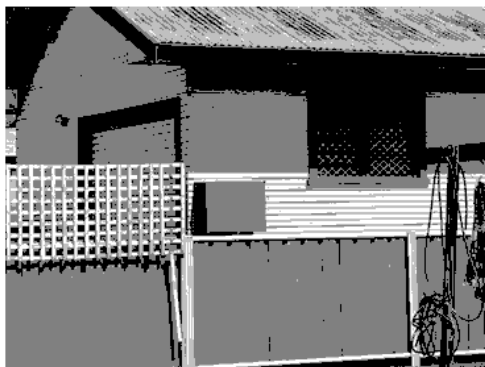
We intend to construct a fence between the new granny flat and our existing house for privacy, so in real terms the only area that will change from its present situation is the 1-2 metres of new yard of the granny flat that can affect the owner of no 11.

Everything else remains the same.



However we have advised that we are prepared to change the adjoining fence, from the building lines (plus a little more, as the panels extend past the building lines a little) of both the new granny flat and the existing house to create a private yard which will not impact on each or our tenants or the adjoining neighbour at no 11. See above red lines showing dividing fence and reconstruction of neighbouring fence.

To replace the full length of fence on the sth side between the shed and the granny flat, would not achieve anything, as no 11 would still see the granny flat through the louvre windows of the shed, and the granny flat has 2 high frosted windows only on that side.



An 1800 high cream rear fence in the right hand photo can be seen and the shadow line on the shed in the first photo is approximately 1800 high. To replace the existing fence with 1800 high in this area is going to create a dark damp area where no sunlight can reach. We wonder if the owner has considered this.

Also what is the purpose of changing this section of fence line where privacy is not impacted?
If the shed is removed later, the tenant in the granny flat cannot view into the adjoining yard.

To replace the fence from the rear building line of the existing house to the front roadway also achieves nothing in terms of privacy, so we feel the son in law, Trevor, is trying to obtain a new higher fence at our cost and using privacy as an excuse.

Why has he not approached us before this time if privacy is a major concern to him (and Janet) and why did he not rectify the original new fence years ago with a panel or two placed on top, if it was a major concern?

If he wishes to pursue the height of these sections of fence it should be a personal matter between neighbours which can be agreed upon at a later date. Although we would be prepared to go half in the cost and construction of the remaining sections which is more than fair considering that there is already a fence in place and the only reason to change these sections of fence is because the neighbour wants it.

An example: We felt privacy was impacted on our northern boundary of no 9 so two years ago we planted a stand of trees to act as a screen. We did not ask the neighbour to go half or raise the fence as it was our decision to screen this area.

It is his decision to screen where privacy is not impacted and we feel that we are being more than fair in meeting his demands.

To recap his objections:

LIGHTING IMPACTS FROM PARKING OUT FRONT

The proposed development will not impact the neighbour at 11 Hastings Street at all as stated in the objection.

There can be no turning circle between the house and the granny flat as he suggested as there is a planned 1800 high fence to be erected between the two properties.

INADEQUATE VISUAL PRIVACY

Covered in this submission

INTRUSIVE NOISE AND DUST

A granny flat takes approx. 6 weeks to construct and neighbours must tolerate a little construction noise within in the legal working hours. However the neighbour mentions she is deaf. How is noise an issue?

There is no cut and fill, as this is a level site, so the only dust that might occur would be drilling pier holes on one day.

We can inform the neighbour on the day before this happens so that she does not hang washing on her line.

NON COMPLIANCE BUILDING BULK

The straight wall of 13.35 mtrs is not truly a concern, in a back yard where it cannot be seen. This is a visual requirement and it will be hard to determine when the dividing privacy fence is erected along with the 1800mm barrier to the neighbour.

OTHER SIGNIFICANT MATTERS

The future use of flexible zoning provisions is not an issue. The neighbour even agrees the consent authority must consider the planning provisions currently in force at the time. As the proposed development falls within this legal planning and the construction falls within 20 meters of the rear boundary it meets all requirements and there can be no legal objection to the construction.

CONCLUDING

- The key issue is the fence replacement, to rectify the previous construction of a low fence, at no cost to the neighbour at no11
- Lighting is not an issue and privacy hasn't been an issue until now.
- With replacement sheeting to the existing fence privacy issues are rectified.
- In essence we will:
We will replace the visual areas of yard with solid colour-bond sheeting in the open areas between the building lines of existing house and granny flat to a height of 1800
We will go half in the cost of all remaining sections of fence to 1800 high if the neighbour wishes to proceed with this.
We will provide obscure glass to the high southern windows of the granny flat.

We feel these changes are more than fair on our part and have rectified all assumed complaints.

We hope this development can now go ahead and we apologise for not being able to attend the meeting.

Regards Peter and Yvonne Baumgart

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2017/1116

DATE: 3/04/2018

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 and footing engineering adjacent to sewer main.	9 Hastings Street, Wauchope	Shayne Callaghan Drafting Service and Roger G Veness	4.4.2017 11.12.2017
Section plan	9 Hastings Street, Wauchope	Shayne Callaghan Drafting Service	4.4.2017
Floor plan	9 Hastings Street, Wauchope	Shayne Callaghan Drafting Service	4.4.2017
BASIX Certificate	Certificate No. 888878S	Yvonne Baumgart	13.12.2017
Statement of Environmental Effects	Project No 6663	Love Project Management	December 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:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;

3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

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

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) (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.
- (3) (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.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (2) (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) (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.
- (2) (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.

E – PRIOR TO OCCUPATION OR THE ISSUE OF 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) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any properly qualified person (eg the builder), stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (4) A privacy screen or fence is to be installed on or adjacent to the lot boundary of 9 and 11 Hastings Street. The fence or privacy screen is to extend from the south-western corner rear of the existing dwelling to the south-eastern corner of the proposed secondary dwelling. The fence or screen is to be a minimum of 1.8m above existing ground level, have a maximum transparency level of 25%.

F – OCCUPATION OF THE SITE

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

Janet E Monkley11 Hastings Street WAUCHOPE NSW 2446


19 January 2018

General Manager
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

council@pmhc.nsw.gov.au
Sent Via Email

RE: SUBMISSION OF OBJECTION TO DEVELOPMENT APPLICATION (DA2017.1116.1) AT 9 HASTINGS STREET

Please accept the following submission of objection to the proposed development for a secondary dwelling at 9 Hastings Street in Wauchope, New South Wales (NSW). The subject land (Lot 4, DP 37760) is the neighbouring property to that I own and reside (at 11 Hastings Street) and shares a property boundary to the north (Figure 1).

This submission has been prepared with the assistance of my family who, like myself, are concerned about this proposed development and the impact it would have on my family home that I have lived in for 47 years.

Following review and consideration of the *Proposed Secondary Dwelling, Hastings Street, Wauchope* ('the Development Report') prepared by Love Project Management (December, 2017), there are a number of key issues outlined below that must be mitigated and resolved. I strongly object to the proposed development in its current form.

KEY ISSUES AND NEGATIVE IMPACTS ON MY FAMILY HOME/PROPERTY**1. Lighting Impacts from Parking**

The proposed development will use the existing garage on the property. Consequently, the existing dwelling will need to utilise an aggregate sealed parking area in the front of the existing dwelling on the property. It is also reasonable to assume that the area between the existing dwelling and the proposed secondary dwelling could be utilised for parking by residents/tenants and visitors.

Use of the aggregate sealed parking area (aligned generally north-south), will result in car headlights shining directly and indirectly (by reflection) toward the front porch/patio, kitchen, dining and entry to the dwelling at 11 Hastings Street (Figure 2). Similarly, use of the area behind the existing dwelling will result in headlights beaming toward the back of my house and shed. As shown in the photographs I have enclosed, an existing low fence (approximately 4-foot) exists at the boundary of the property and is partially screened by vegetation and an existing carport brick wall (with gaps).

It is noted the front porch/patio and entry of my property are elevated and therefore views are available toward the aggregate sealed parking area. The boundary fencing does not provide screening at the back of the house, and the current screening of views (i.e. lattice work and vegetation) is partial only (see photographs enclosed).

The lighting impacts associated with the development will therefore be intrusive and unacceptable, particularly at such short distances. Furthermore, if the vegetation was to be removed, or was to perish, the lighting impacts would be significantly exacerbated.

2. Inadequate Visual Privacy

The Development Report indicates that the 'boundary fencing provides screening of ground floor windows', the rear patio area of the existing dwelling is already 'well screened', and the proposed deck setback so it 'will not result in privacy issues for neighbours'. **This is incorrect.**

The boundary fencing does not provide screening, and the current screening of views (i.e. lattice work and vegetation) is partial only and does and will not provide or maintain adequate visual privacy. Such inadequate visual privacy is unacceptable. It is also unclear where two private open spaces for the existing dwelling and proposed secondary dwelling are to be located considering the overcrowding of the property with two dwellings, patio areas and parking (including stack parking).

3. Construction Noise/Dust Impacts and Privacy During Construction

Besides reference to limiting construction noise to normal operation hours as per Port Macquarie-Hastings Council's standard conditions in the Development Report, the proposed development does not demonstrate nor ensure how construction noise and dust impacts will be managed or that adequate privacy will be maintained. As described in (2) above, the existing low fence does not provide any visual privacy or restriction of any viewscape.

Such intrusive noise and visual impacts are unacceptable. The existing clothes line on my property (Figure 2) is also located several metres from the proposed development and is therefore at risk of being impacted by dust during construction.

4. Non-Compliant Building Bulk

The proposed development seeks approval for a 13.35 m length wall which is non-compliant (i.e. exceeds 12 m) with the relevant provision of objective 3.2.2.5 of the *Port Macquarie-Hastings Development Control Plan 2013* (DCP) to reduce overbearing and perceptions of building bulk.

The Development Report indicates that the building 'directly adjoining' on the neighbouring property is a large shed used for storage and the opportunity for any person to view this side elevation of the proposed dwelling 'will be very difficult if not impossible'. **This is incorrect.**

The shed is accessed and utilised regularly (e.g. several times daily, at times) and includes two louvred windows on the north facing side of the building (see photograph enclosed). Access along the northern boundary of the property is also readily available (see photograph enclosed). The existing low fence (approximately 4-foot) does not provide any visual privacy or restriction of any viewscape. By comparison, the existing fence at the western boundary of the property is much higher (see photograph enclosed). Furthermore, the existing shed is aging and considerations are being made for its future use.

The applicant is attempting to use my existing shed as an excuse not to address this development control. I intend to replace this shed in years to come and therefore the secondary dwelling will not only be impeding on my property, but will also detract from the general amenity of the Hastings Street domain. Using old, deteriorated buildings on adjoining properties to overcome these obstacles should not be a green light for developers to overdevelop what is a family-orientated street in the heart of Wauchope.

It is also noted that the Development Report does not appear to provide existing and proposed ground survey levels. As these are not provided, it does not allow for assessment of overshadowing impacts of the building bulk on my property.

OTHER SIGNIFICANT MATTERS

The proposed development of the secondary dwelling on the subject land is zoned as **Zone B4 Mixed Use**.

My understanding of the *Port Macquarie-Hastings Local Environmental Plan 2011* (LEP) is that *residential accommodation* is prohibited in **Zone B4 Mixed Use**. However, the proposed development is attempting to rely upon the provisions of clause 5.3 of the LEP for the development near zone boundaries (i.e. in this case within 20 m).

As outlined in the Development Report, the future use of such flexible zone provisions in local planning instruments may be removed (with reference to the NSW Department of Planning and Environment *draft Coastal Management State Environmental Planning Policy* [SEPP]), and therefore suggests the consent authority must consider the planning provisions as currently in force at the time, and the proposed development is within 20 m of the adjoining **Zone R1 General Residential**. While the Development Report suggests there is no direction to suggest that the gazettal of the SEPP is imminent or that it would be adopted exactly as per exhibited, Port Macquarie-Hastings Council should consider the State's intent in the assessment of the application.

Nevertheless, as residential accommodation is prohibited in **Zone 4 Mixed Use**, the consent authority (Port Macquarie-Hastings Council) could not be satisfied that (as required by clause 5.3[4] of the LEP):

- (a) *the development is not inconsistent with the objectives for development in both zones, and*
- (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

CONCLUDING REMARKS AND REQUEST TO RESOLVE THE MATTERS

Based on the key issues and other significant matters outlined above, I object to the proposed development in its current form.

I trust that my concerns are taken seriously. It is requested that all the matters raised in my submission be resolved before any further assessment is made by Port Macquarie-Hastings Council for the proposed development.

Notwithstanding the above, it is however noted that some of the key issues may potentially be addressed by the installation of a boundary fence which avoids lighting impacts, provides adequate visual privacy, attenuates construction noise and minimises dust impacts, and avoids perceptions of building bulk, by conditioning the development by way of example:

The developer must design and install a new, minimum 6-foot high fence, at the full expense to the developer, to replace the existing fence along the full length of the southern boundary of the property, prior to commencement of construction of the development, in consultation with and to the satisfaction of the owner (in writing) of the adjoining property (11 Hastings Street), to avoid lighting impacts, provide adequate visual privacy, attenuate construction noise, minimise dust impacts and avoid perceptions of building bulk.

Given the direct and indirect impacts on my property as a result of the proposed development, it would be appreciated if the relevant officer for Port Macquarie-Hastings Council could please keep me informed of any response by the applicant and future steps in the application process, including opportunities for further consultation to resolve the key issues outlined.

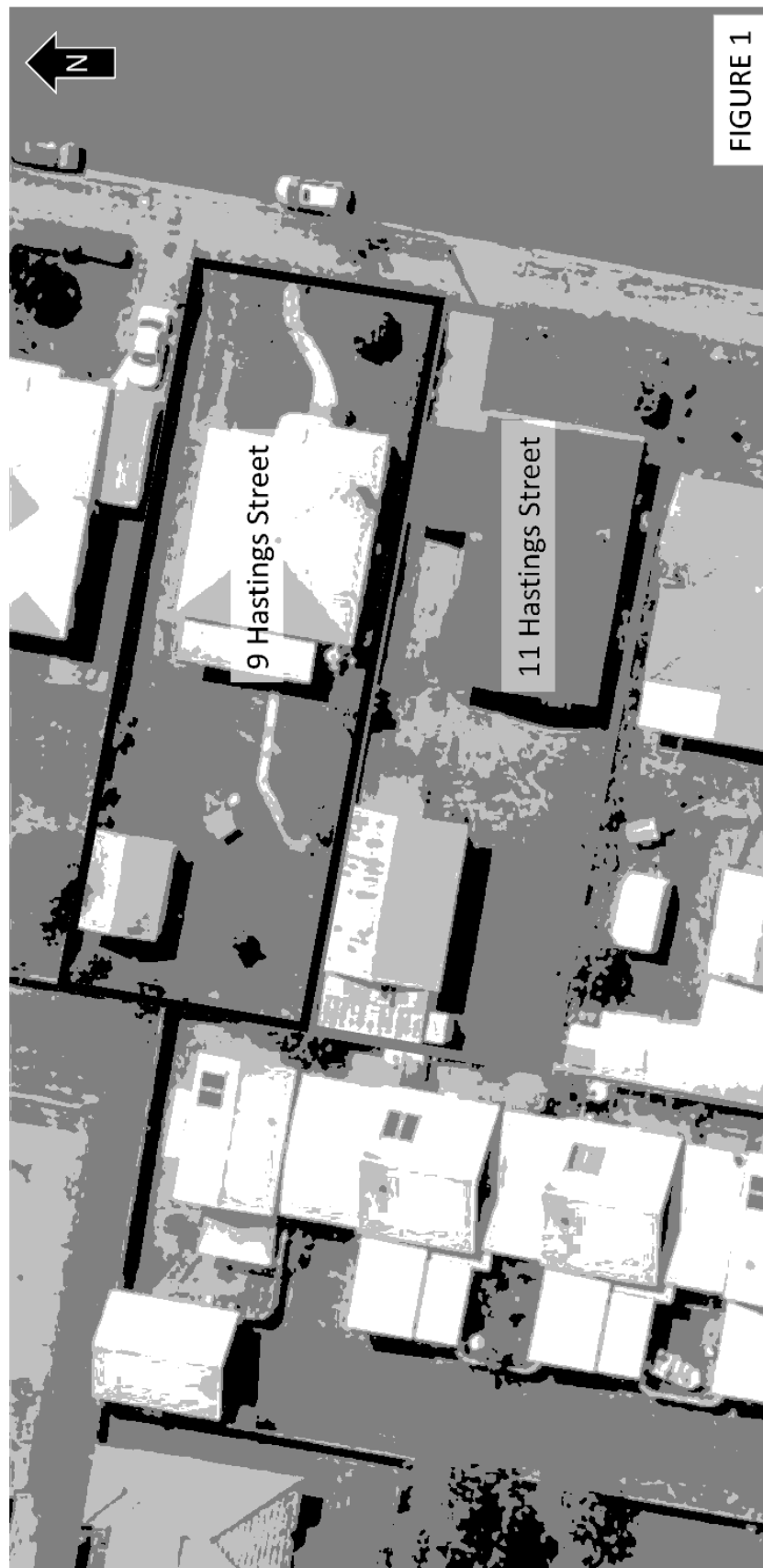
My hearing has significantly deteriorated and therefore I request that unless correspondence is received in writing that future consultation (in person or via phone) be in the presence of a family member with whom I nominate as required.

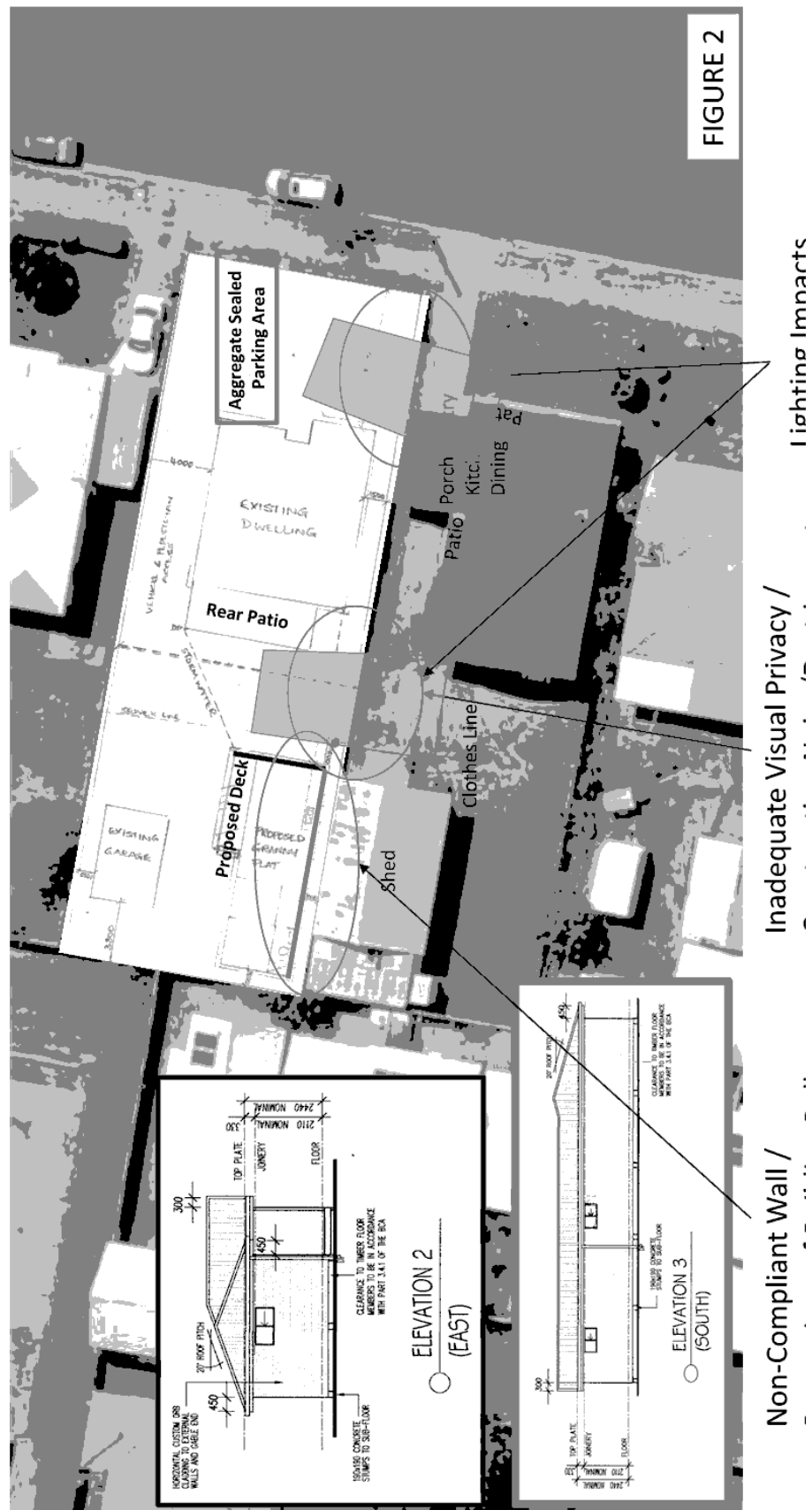
Your timely response to the matters above would be greatly appreciated.

Sincerely,

Janet E Monkley







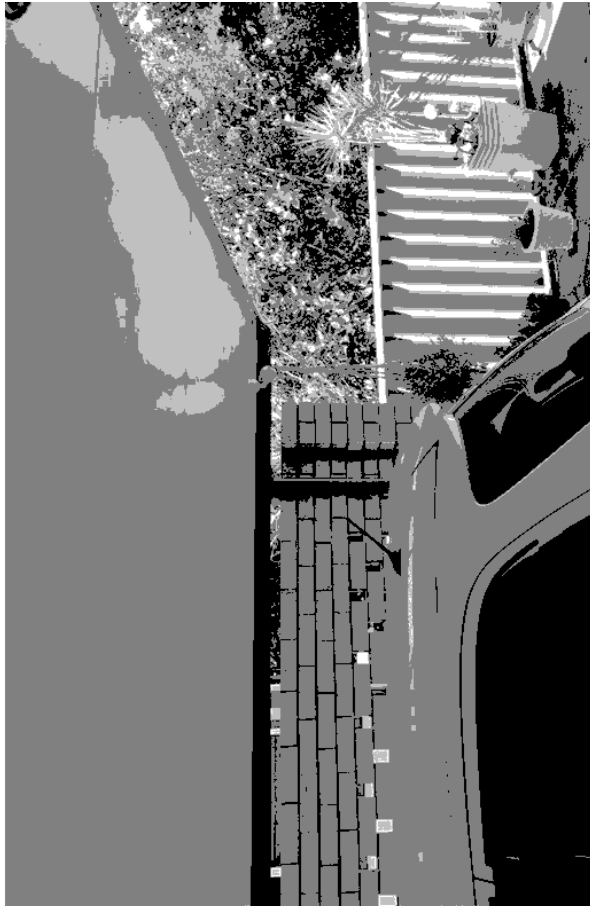


Photo 2



Photo 1



Photo 4



Photo 3



Photo 6



Photo 5

Item: 06

Subject: DA2018 - 48 - DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF EMERGENCY SERVICES FACILITY (AMBULANCE STATION) AND LOT CONSOLIDATION - LOTS 26 & 27 DP 37531, 94 - 96 HIGH STREET, WAUCHOPE

Report Author: Patrick Galbraith-Robertson

Applicant: Health Infrastructure CARE Lotti Wilkinson, City Plan Strategy and Development
Owner: Ambulance Service of New South Wales
Estimated Cost: \$2.623M
Parcel no: 8964 & 8964

Alignment with Delivery Program

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

RECOMMENDATION

Pending the applicant's agreement to the draft conditions of consent, DA2018 – 48.1 for demolition of existing structures and erection of emergency services facility (ambulance station) and lot consolidation at Lot 26 & 27, DP 37531, No. 94 - 96 High Street, Wauchope, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for demolition of existing structures and erection of emergency services facility (ambulance station) and lot consolidation at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979 (Act).

The proposal is a Crown Development.

Section 4.33 of the Act sets out the following requirements for Crown Developments:

- (1) *A consent authority (other than the Minister) must not:*
- (a) *refuse its consent to a Crown development application, except with the approval of the Minister, or*
 - (b) *impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

The Applicant has been forwarded the draft conditions for concurrence in accordance with these requirements of the Act. At the time of writing this report, the Applicant has not yet come back to Council with any requested changes. The Applicant will need to agree to the proposed conditions of consent prior to determination.

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

Amended stormwater management plans have also been received during the assessment of the application.

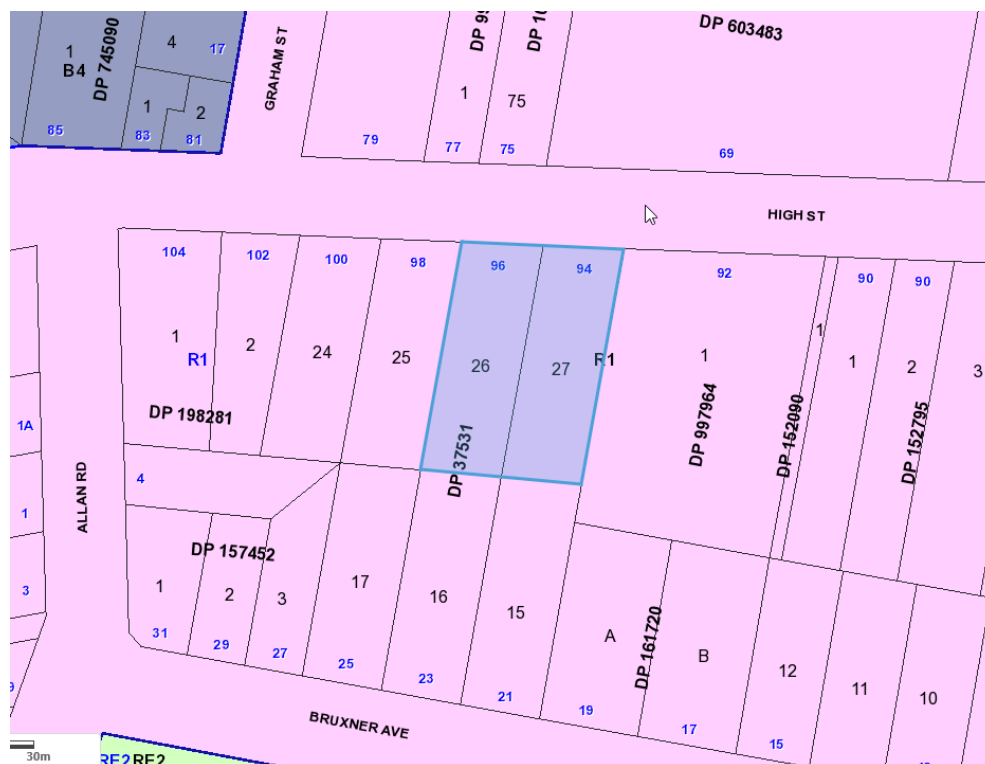
1. BACKGROUND

Existing sites features and Surrounding development

The combined site has an area of 2367.68m².

The site fronts High Street, which is the main road extending through Wauchope, and forms part of the Oxley Highway. The immediate locality comprises a mix of land uses, including the Wauchope District Memorial Hospital directly opposite the site, single storey dwellings to the north, east and west of the site and various commercial uses along High Street. The site contains an existing single storey ambulance station at No. 96 High Street and an existing single storey residential dwelling at No. 94 High Street. The existing ambulance station has a capacity of two ambulance vehicles and 5 full time equivalent (FTE) staff.

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 location of existing development within the locality is shown in the following aerial photograph (source: nearmap December 2017):



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of the existing buildings and removal of two trees on the site;
- Construction of a new single storey ambulance station;
- Six (6) internal ambulance parking spaces;
- Six (6) carparking spaces, including one accessible space;
- One (1) external wash bay;
- New flag pole;
- Internal facilities including:
 - Administration and storage spaces;
 - Amenity facilities including lockers, toilets, relief area, showers, kitchen and dining, lounge area and outdoor area.
- Tree removal;
- Landscape works including tree planting;
- Consolidation of Lots 26 and 27 DP 37531.

Vehicle access to the proposed ambulance station is provided via a two-way entry/exit on the eastern side of the site which is shared by ambulances, staff and service vehicles from High Street and a dedicated exit on the western side.

The ambulance station is expected to employ up to 12 full time equivalent staff and will operate 24 hours a day and 7 days per week. At any one time the maximum number of FTE on site will be six (6).

Refer to attachments at the end of this report.

Application Chronology

- 30 January 2018 – DA lodged with Council
- 2 February 2018 – Additional information requested – clarification of owner's consent and additional application fees
- 2 February 2018 – Additional information received
- 15 to 28 February 2018 – Neighbour notification and advertising in local newspaper of proposal
- 1 March 2018 – Email correspondence with Applicant
- 6 March 2018 – Copy of submission requested by Applicant
- 6 March 2018 – Copy of submission forwarded to Applicant
- 9 March 2018 – Amended stormwater plans received
- 23 March 2018 – Status update requested from Applicant on assessment and draft conditions
- 3 April 2018 – Draft conditions forwarded to Applicant for concurrence

3. STATUTORY ASSESSMENT**Section 4.15(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 a search of Council records, the subject land is not identified as being potentially contaminated. The Applicant has however detailed that the existing conditions of the site have been assessed by Regional Geotechnical Solutions (RGS) in the submitted Geotechnical Site Investigation and Phase 1 Environmental Site Assessment. The assessment concludes that asbestos appears to be the only identifiable contaminant on the site and will need to be removed during the demolition of the buildings. Overall the report concludes that provided the recommendations set out in the report are implemented, including the preparation of an asbestos management plan, the land is suitable for the purpose for which the development is proposed to be carried out.

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 nearby Hastings River.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development includes proposed advertising signage in the form of 1 flush wall building identification sign.

In accordance with clause 7, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

The following assessment table provides an assessment checklist against the Schedule 1 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposed signage is consistent with the objectives of this policy.	Yes
Schedule 1(1) Character of the area.	The signage is consistent with the desired future character of the area and locality as it is limited to the building's purpose and does not protrude above the building.	Yes
Schedule 1(2) Special areas.	The signage will not detract from the amenity or visual quality of any special areas.	Yes
Schedule 1(3) Views and vistas.	The signage will not obscure or adversely impact on any views of vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The signage is proportionate to the building proposed and the site to which it will be installed and will not detract from the streetscape.	Yes
Schedule 1(5) Site and building.	The signage is of a suitable scale and proportion to the site which it's to be located.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	A logo is nominated and of an appropriate for the intended identification purpose.	Yes
Schedule 1(7)	No illumination proposed.	Yes

Illumination.		
Schedule Safety.	1(7) No adverse safety impacts identified from the proposed signage.	Yes

State Environmental Planning Policy (Infrastructure) 2007

In accordance with clause 8, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

In accordance with clause 47, the proposed emergency services facility on behalf of the Ambulance Service of New South Wales is identified as being a permissible land use in the R1 general residential zone.

In accordance with clause 101, the following comments are provided:

- Adjacent to the site, High Street/Oxley Highway is a sealed public road under the care and control as a classified road by the Roads and Maritime Services;
- Vehicle access is not practical to be provided from an alternative road other than the classified road;
- The safety, efficiency and ongoing operation of High Street/Oxley Highway will not be adversely affected by the design of the vehicle access points proposed or likely nature and volume of vehicles which will be gaining access to the site from this classified road.

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 an emergency services facility is a permissible landuse with consent.

The objectives of the R1 General Residential 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 an essential service to meet the day to day needs of residents.
- 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 8.4m, which complies with the standard height limit of 8.5 m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.29:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.

- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage (as justified with proposed arrangements) 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

This DCP has limited application to the proposal as there is no specific chapter for emergency service facilities or neighbourhood/precinct specific development control provisions. There are however several general provisions which are addressed below.

The following table provides a checklist against the Development Provisions requirements of this DCP:

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	The layout does not create any identifiable crime risk safety issues. The design limits potential concealment areas and allows surveillance of the carpark and street in part. Security fencing is proposed along the front of the premises. Appropriate lighting can be provided to improve safety.	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.	No*
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	Proposal will 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	N/A	N/A
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 100mm diameter	Tree removal applied for and addressed later in this report.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	trunk at 1m above ground level and 3m from external wall of existing dwelling)		
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads	Existing accesses proposed to be replaced with the replacement emergency services facility.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossings minimal in width including maximising potential for street parking.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. No specific parking rates required.	The proposal provides for adequate parking on the site, with the provision of six (6) onsite car parking spaces, including one accessible space, in addition to the six ambulance bays. The maximum number of staff on site at any one time is six (6).	N/A
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Landscaping of parking areas satisfactory.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveways 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.	Proposed stormwater management systems capable of satisfying all relevant standards and requirements.	Yes

The proposal seeks to vary the Development Provision relating to the performance based maximum fill regrading levels permitted associated with a new building (outside 1m of the building itself).

The relevant objectives are:

To ensure that design of any building or structure integrates with the topography of the land to:

- *Minimise the extent of site disturbance caused by excessive cut and fill to the site.*

- *Ensure there is no damage or instability to adjoining properties caused by excavation or filling.*
- *Ensure that there is no adverse alteration to the drainage of adjoining properties.*
- *Ensure the privacy of adjoining dwellings and private open space are protected.*
- *Ensure that adequate stormwater drainage is provided around the perimeter of buildings and that overflow paths are provided.*

The site slopes towards the rear with a cross fall of approximately 3.5m. The proposal involves filling of the site to a maximum depth of 1700mm on the eastern extent of the site along the boundary of 92 High Street and to a maximum depth of 1500mm on the western extent of the site along the boundary of 96 High Street. The fill is retained by masonry retaining walls on the eastern and western boundaries. At the rear, the landfill is battered to a low retaining wall approximately 0.47m high and 11.36m from the rear boundary.

The Applicant has stated that although the building provides generous setbacks from the adjoining residential properties at No.s 92 and 98 High Street, vehicle manoeuvring areas encroach within 1m on the western boundary and 2.5m on the southern boundary and are elevated according to the landfill. The Applicant has further justified that it is proposed to retain and/or reinstate the colorbond boundary fences and provide landscape screening between the retaining walls and the manoeuvring areas as illustrated in the architectural and landscape plans. Rather than erect a conventional fence along these boundaries, it was decided to construct a blockwork wall, up to 1700mm on the eastern boundary and 1500mm on the western boundary with a 1000mm high metal balustrade fence.

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

- Due to the existing topography of the land and the need to provide appropriate levels for access to both the proposed emergency services facility and associated carpark, the proposal does not strictly comply.
- Retaining walls are limited to 1.5m to 1.7m in maximum height and not located towards the rear of the site.
- There are no adverse stormwater impacts identified.
- The additional fill heights will be unlikely to result in any identifiable adverse impacts to the neighbouring properties particularly noting the fencing proposed, orientation of the site and existing building locations.
- The fill areas will be required to be stabilized with appropriately designed engineered retaining walls.

(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:

Demolition of buildings AS 2601 – Clause 92

Demolition of the existing building 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

An existing ambulance station operates from part of the site (96 High Street).

The proposal is for a single storey ambulance station. The surrounding built form includes a mix of commercial premises and low rise residential dwellings. Considering the surrounding land uses and built form, the proposal will be compatible within the context and built form character of the existing area.

The proposal provides a 6.2m setback along the site's main frontage along High Street and a setback of 8.6m is provided from the site's western boundary, an 8.3m setback is provided from the site's eastern boundary and an 11.7m setback is provided from the rear boundary.

With regard to the likely impact on the existing streetscape, the proposal is technically not subject to the front setback controls under Development Control Plan 2013. The proposal has however adopted a front setback greater than the typical minimum 6.0m front setback alignment for a residential building fronting a classified road and has provided satisfactory landscaping.

The proposed ambulance station incorporates appropriate setbacks and a relatively modest built form when viewed from the public domain. The proposed scale and mass combined with the appropriate landscape treatment will enhance the appearance of the site and will ensure that the proposed ambulance station is consistent with the character of the immediate locality.

The building placement has also had satisfactory regard to the other existing developments in the locality and therefore the proposal will be unlikely to result in adverse impacts to the streetscape.

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 development in the locality and adequately addresses planning controls for the area.

The proposal does not have a significant adverse impact on existing view sharing.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate building separation and tenancy is proposed/existing.

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.

Roads

The site has road frontage to High Street/Oxley Highway, Wauchope.

Adjacent to the site, High Street/Oxley Highway is a sealed public road under the care and control of RMS. High Street/Oxley Highway is an Urban Arterial/RMS State road with a 12.7m carriageway width within a 20m road reserve. The road formation includes parallel parking and (SA) upright kerb on both sides of the street. The site is fronted by a 1.2m wide concrete footpath.

Traffic and Transport

The subject property occupies approximately 2,358m², with a 40m frontage along High Street/Oxley Highway. Currently, the property is occupied by a residential dwelling (94 High Street) and an Ambulance Station (96 High Street).

The Oxley Highway has sufficient capacity to accommodate the development as proposed.

The application includes a Traffic Impact Assessment from PTC Consultants on 18 December 2017. Findings of the study determined:

- *The DA seeks to redevelop the existing Wauchope Ambulance Station at 96 High Street, Wauchope, as part of the Health Infrastructures Rural Ambulance Infrastructure Reconfiguration (RAIR) program,*
- *The existing ambulance station currently has a capacity of two ambulance vehicles. The redevelopment will increase the capacity to four ambulance vehicles, 1 ambulance SUV operational vehicle and one tyre changing facilities, ambulance washing facilities, and an increase from 5 to 12 FTE staff along with improved end-of-trip facilities. 6 external parking spaces are proposed on-site, inclusive of 1 accessible bay. This has been assessed to be adequate to meet the parking demands of the proposal,*
- *Traffic generations associated with the immediate staff increase under the proposal are found to be negligible (anticipated net increase in 4 hourly trips). Trips associated with emergency responses have been assessed using NSW Ambulance projections from a similar-scale regional Ambulance Station, which is a similar rural station. The projections for the next 20 years, estimates that the hourly trip volumes will increase from 1.8 trips (currently, including return) to 2.6 trips per hour. This growth is driven by the growing regional population, which is the driver for this RAIR ambulance upgrade. In regards to traffic, these volumes are considered minor, and not expected to notably impact the local road conditions.*
- *Public transportation is limited within the area; therefore, it is anticipated that most staff will drive to the station. However, the bus network connecting the Wauchope Region and Port Macquarie could be a viable alternative to transportation, which should be encouraged by building management,*
- *Visibility between ambulances leaving the site and pedestrians and vehicles along High Street is compliant with AS2890. In addition to providing adequate visibility, the audio/visual warnings from ambulance sirens will accommodate a good degree of safety between ambulances and public,*
- *It is understood that waste collection will be conducted on-street, which aligns with the general context of the area,*

- *The architectural plans have been reviewed in the context of vehicular arrangements (AS2890, NSW Ambulance requirements and industry best practice). This review found that all elements including access, visibility, manoeuvrability and parking to be compliant and safe for vehicles and other road users, both internally and externally,*
- *Based on the assessment, ptc. endorse this DA in the context of parking and traffic considerations.*
- *In order to prevent insufficient site distance at the driveway, it is recommended that a "Keep Clear" zone and "No Stopping" signs be installed along the full frontage of the proposed site. This will improve the sight distance of exiting vehicles significantly;*
- *The close proximity of the Wauchope District Memorial Hospital and the Wauchope Town Centre will lead to a high rate of walking. In order to ensure safety for pedestrians, any fencing or landscaping should be low in height and/or made with permeable materials.*

The traffic study has been assessed by Council staff and deemed satisfactory.

Site Frontage & Access

Vehicle access to the site is proposed through multiple access driveways to High Street/Oxley Highway. All accesses shall comply with Council AUSPEC and Australian Standards and conditions have been imposed to reflect these requirements.

High Street/Oxley Highway is a Roads and Maritime Services (RMS) state classified road and will require concurrence from the RMS prior to works on this road. Details shall be provided as part of a Roads Act (Section 138) application to Council.

Parking and Manoeuvring

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. Refer to relevant recommended conditions of consent.

Water Supply Connection

Council records indicate that the development site has two existing 20mm metered water services. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500. Refer to relevant recommended conditions of consent.

Sewer Connection

Council records indicate that the development site is currently has two connections to Council's sewer system. The development is to discharge all sewage to the junction connected to the existing sewer manhole within the site. The redundant sewer junction must be capped at the main. Engineering plans are required to detail how the building will avoid placing additional loads on the existing sewer infrastructure. Refer to relevant recommended conditions of consent.

Stormwater

The site naturally grades towards the rear and is currently un-serviced.

There are no easements for drainage available to service the site, however the roof level of the proposed development is sufficiently high to be drained via gravity to the kerb and gutter in High Street.

The nature of the site and topography means that surface water runoff cannot be drained via gravity to High Street. These areas naturally drain overland through the properties to the south.

In seeking an ideal drainage solution for the site, the landowner has sought to create an easement(s) for drainage over those lower downstream lots. Unfortunately, the Applicant has not been successful in gaining consent from the adjoining downstream landowners.

With no easement(s) for drainage available to the site, the applicant has the following options available:

1. Seek to enforce the creation of an easement for drainage over downstream lots via the Land and Environment Court – *this options has not been pursued by the applicant*
2. Utilise on-site absorption facilities to dispose of runoff on-site – *site soil conditions are expected to be unfavourable, rendering such a proposal unlikely to be feasible. This options has not been explored by the applicant.*
3. Drain the site to the public drainage system adjacent to the site in High Street. Noting that the site does not naturally drain to High Street, charged and/or pump-out drainage system is required. *This option has been utilised and is discussed in more detail below.*

Stormwater from the proposed development is planned to be disposed via charged lines from the roof and pump-out system with back-up for the remainder of the site.

The charged roof drainage system will drain all roof areas via gravity to the kerb and gutter in High Street via a rainwater tank and suitably sized on-site detention facilities.

The remainder of the site is proposed to be drained to a pump-out system via a separate on-site stormwater detention system, from where discharge will be pumped up to the kerb and gutter in High Street.

The proposal to discharge to the pump-well via an on-site stormwater detention system results in flows to the pump-well being at a rate equivalent to pre-development flows. Hence, even in the event of a total pump failure (the risk of which is managed via the use of dual pumps and other mechanical safeguards as per AS3500), any overflows from the pump out system will only occur at a rate equivalent to the pre-development discharge rate.

Consequently and subject to the provision of an overflow mechanism that spreads any overflows uniformly along the length of the property, downstream properties will not see an increase in stormwater discharge as a consequence of the development.

A detailed site stormwater management plan will be required to be submitted for assessment with the Section 68 application and prior to the building works commencing.

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

The proposal seeks the removal of two (2) trees to accommodate the proposed development. The trees include a Bunya Pine and a Hoop Pine located at the front of the site. Mid North Coast Tree Service completed an assessment on the trees and concluded in their report that each should be removed as they are within the footprint of the proposed ambulance station. There is no significant value identified with retaining the subject trees.

A Landscape Concept Plan prepared by Terras Landscape Architects has been submitted. The proposed landscaping comprising new trees, hedging, turf and planting. Along the site's High Street frontage, two hoop pine trees and two water gum trees are proposed, with turf planting and understorey planting proposed along the frontage of the ambulance station to assist in improving and enhancing the presentation of the site.

Along the eastern and western boundaries of the site, basket grass is proposed to provide a robust edging to the driveway and a narrow callistemon hedge is provided to the rear of the site to assist in appropriately screening the fence line from the adjoining neighbouring properties. To the rear of the site, a row of Backhousia myrtifolia is proposed, as well as two blueberry ash trees, to provide appropriate screening to the rear of the site.

The landscaping proposed is satisfactory.

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

Waste*Demolition and Construction Waste*

The Applicant has advised that a waste management plan will be prepared by the builder during construction including site diagrams. The report will include the appropriate methods of disposal or excavated material, construction waste and recycling where appropriate.

Operational Waste

The Applicant has advised during the operations of the ambulance station, the Station Officer will supervise and follow up with the staff to ensure that the Waste Management procedures are followed in accordance with the Policy Directive – Waste Management Guidelines for Health Care Facilities – August 1998, Document Number PD2005_123.

Staff will dispose of waste from the point of generation to the waste holding area located in the site.

Waste will be collected by an external operator from a waste holding area on the Ambulance Station site which is secure and separate from the Plant Room. The Waste Area is a designated area where waste bins are kept. The frequency of general waste and recyclable waste collection will be as per current council arrangements for the local area.

Clinical Waste

Paramedics will dispose of waste, including clinical waste, at hospitals. This will reduce the amount that is returned to the Station.

Standard precautionary site management condition recommended.

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

The Applicant has submitted details to address potential noise impacts with an Acoustic Assessment submitted prepared by Acoustic Studio. Identified noise impacts likely to result from the ambulance station are related to plant and mechanical equipment (principally the air conditioning plant and a pressure washer) and vehicle movements. It is noted that the external plant and equipment is proposed to be located on the High Street frontage of the site, away from the adjoining residential properties.

The Acoustic Assessment assesses the likely impact against the NSW Industrial Noise Policy Criteria, which Acoustic Studio consider to be the most stringent criteria. In the absence of a noise survey, Acoustic Studio have applied the recommended background noise levels from Australian Standard 1055.3:1997

The assessment concludes that provided the recommendations detailed in this report are correctly implemented, it is anticipated that the proposed building will have no

adverse noise impact at the nearest receivers and recommended internal noise levels within the ambulance station will be met for all areas.

It is noted that one of the recommendations includes a restriction on night time use of the pressure washer. Hours of operation will be restricted to between 7am to 8pm during Monday and Saturday and between 8am to 8pm on Sundays.

With regards to the use of sirens, ambulance drivers can decide whether to use ambulance sirens on a case-by-case basis. It is the practice of paramedics to minimise the use of sirens when it will cause a noise disturbance and the sirens are deemed unnecessary. It is noted that the site provides good sight distances for drivers which minimises the need for sirens.

No identifiable adverse impacts are therefore anticipated. The proposed hours of operation are acceptable and a condition is 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. Improved ambulance facilities is seen as creating a positive social impact for the locality.

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction and health 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 is considered to be an appropriate response to the physical characteristics of the site, its immediate surrounding area and locality and the needs of the surrounding communities. The proposal is a suitable development outcome for this site.

Site constraints, including stormwater drainage disposal, has been adequately addressed by the Applicant during the assessment of the application and appropriate conditions of consent recommended.

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

One (1) written submission has been received from a Solicitor on behalf of the owners of 21 Bruxner Avenue to the rear of the site following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The proposed drainage easement through 21 Bruxner Avenue property along the western boundary is inappropriate.	In seeking an ideal drainage solution for the site, the landowner sought to create an easement(s) for drainage over those lower downstream lots, however has not been successful in gaining consent from the adjoining downstream landowners.
The creation of the easement would require excavation of 21 Bruxner Avenue's concrete path and driveway causing disruption and inconvenience.	
The easement could be more conveniently located adjacent to the rear boundaries of 21 Bruxner Avenue and the neighbouring property to the east at no. 19 Bruxner Avenue and run along the western boundary of 17 Bruxner Avenue exiting to Bruxner Avenue.	
	With no easement(s) for drainage available to the site, the Applicant has chosen the option to drain the site to the public drainage system adjacent to the site in High Street. Noting that the site does not naturally drain to High Street, charged and/or pump-out drainage system is required.
	The charged roof drainage system will drain all roof areas via gravity to the kerb and gutter in High Street via a rainwater tank and suitably sized on-site detention facilities.
	The remainder of the site is proposed to be drained to a pump-out system, via a separate on-site stormwater detention system, from where discharge will be pumped up to the kerb and gutter in High Street.
	Refer to additional specialist comments in stormwater drainage addressed earlier in this report which concludes that this arrangement is acceptable subject to specific conditions of consent.

(e) The Public Interest:

The proposed development satisfies relevant planning controls, as justified, and is not expected to adversely impact on the wider public interest.

Ecologically Sustainable Development and Precautionary Principle

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

The four principles of ecologically sustainable development are:

- the precautionary principle,
- intergenerational equity,
- conservation of biological diversity and ecological integrity,
- improved valuation, pricing and incentive mechanisms.

The principles of ESD require that a balance needs to be struck between the man-made development and the need to retain the natural vegetation. Based on the assessment provided in the report and with recommended conditions of consent, it is considered an appropriate balance has been struck.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions are normally required towards augmentation of town water supply and head works and sewer services headworks under Section 64 of the Local Government Act 1993. However, under Clause 2.7 of Council's Contribution Policy, Council cannot levy contributions for water and sewer on essential facilities. As a result, Section 64 contributions will not apply.
- With regard to S94A Levy Contributions, these normally apply to all land within the Port Macquarie-Hastings LGA. The Contribution Plan enables Council to levy Section 94A developer contributions for new and upgraded road networks, traffic management facilities, car parking and town centre improvement works. However, exercising the discretion afforded under the Act (ie to not impose a condition requiring the payment of a Section 94A levy), Section 94A contributions will not apply for the following reasons:
 - An ambulance station is an important public facility in its own right;
 - The proposed new ambulance station will not generate any demand for new services; and
 - The ambulance facility is a substantial investment in social infrastructure to meet the needs of the local community and is considered to be worthy of an exemption from paying this contribution.

5. CONCLUSION

The application has been assessed in accordance with Section 4.15 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

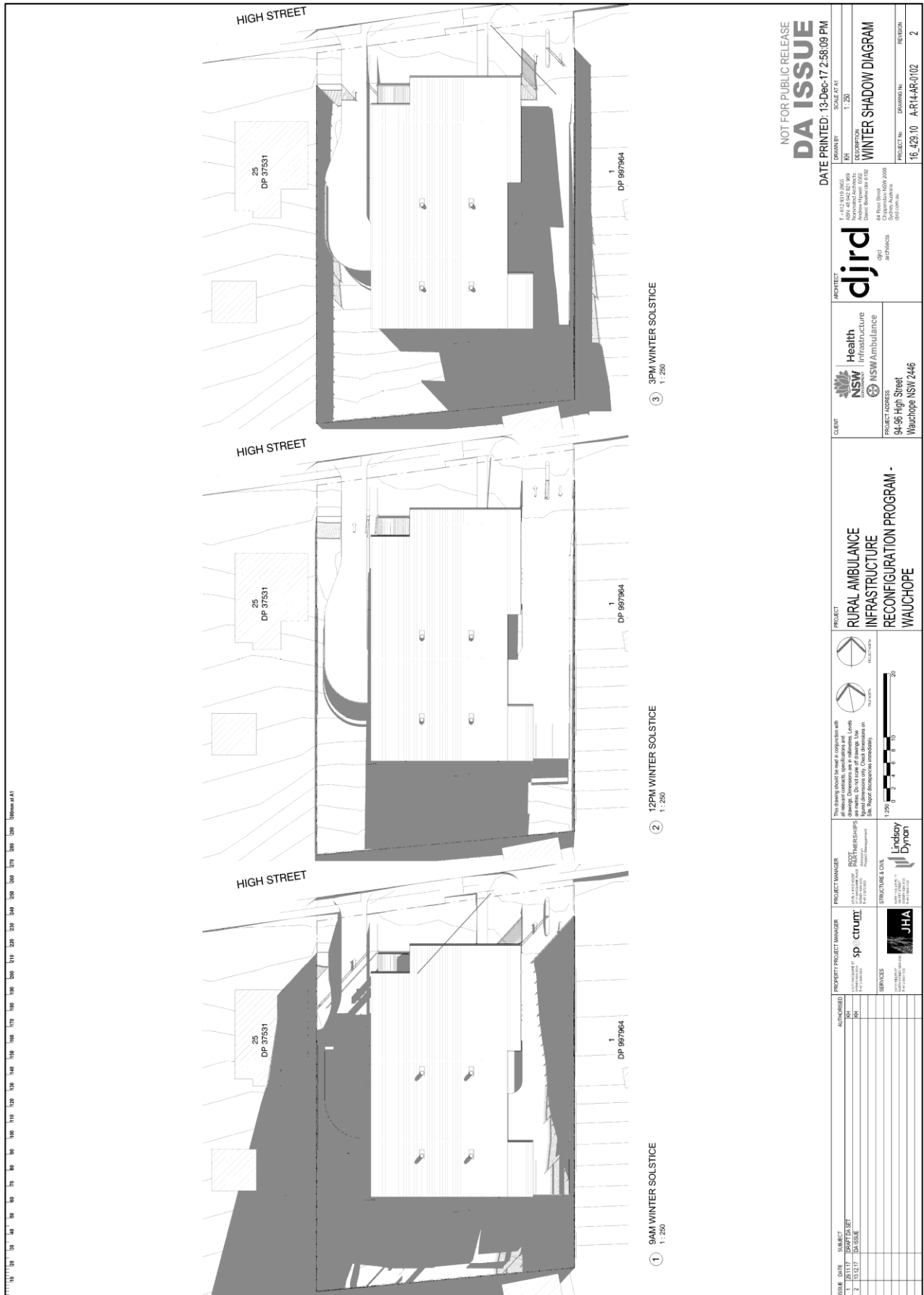
- 1 [View](#). DA2018 - 48.1 Plans
- 2 [View](#). DA2018 - 48.1 Easement Offers
- 3 [View](#). DA 2018 - 48.1 Recommended Conditions
- 4 [View](#). DA2018 - 48.1 Submission - Priest for Fowler

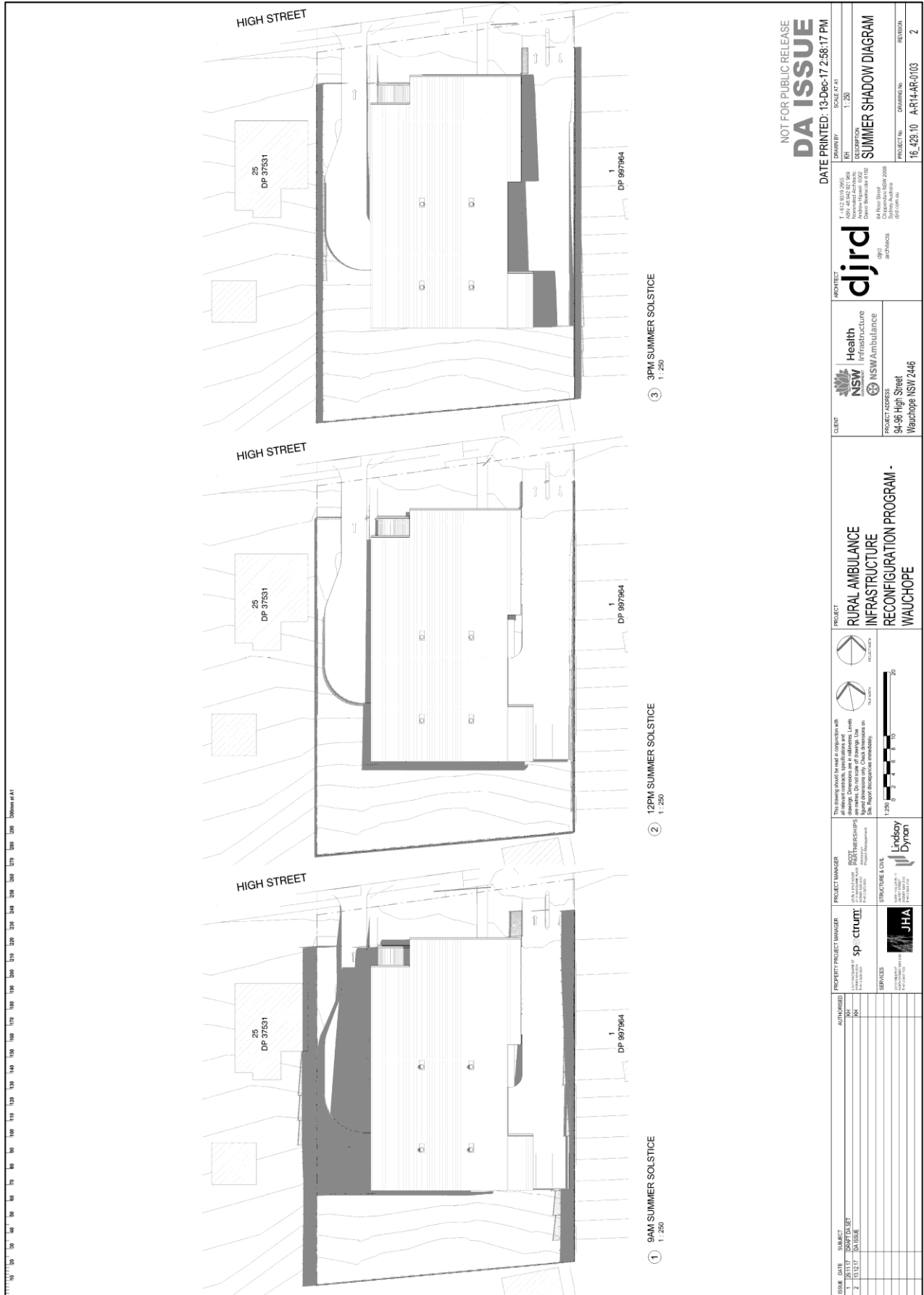
R14 WAUCHOPE - 94-96 HIGH STREET, WAUCHOPE NSW 2446

DRAWING LIST			REVISION
SHEET NO	SHEET NAME		
R14-AR-0000	COVER PAGE		2
R14-AR-0101	SITE PLAN		8
R14-AR-0102	WINTER SHADOW DIAGRAM		2
R14-AR-0103	SUMMER SHADOW DIAGRAM		2
R14-AR-0104	DEMOLITION PLAN		4
R14-AR-1101	GROUND FLOOR GENERAL ARRANGEMENT PLAN		8
R14-AR-2001	ELEVATION 01		5
R14-AR-2501	SECTIONS 01		5
R14-AR-9000	PERSPECTIVE		4
R14-AR-9001	AXONOMETRIC		3

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NOT FOR PUBLIC RELEASE
DA ISSUE
DATE PRINTED: 13-Dec-17 2:58:17 PM

ARCHITECT	CLIENT	PROJECT	SCALE AT
djrd	Health NSW NSW Ambulance	RURAL AMBULANCE INFRASTRUCTURE RECONFIGURATION PROGRAM - WAUCHOPE	1:250
PROJECT NO.	PROJECT ADDRESS	PROJECT NAME	REVISION
16-429-10	94-98 High Street Wauchope NSW 2446	AMPHIBIOUS	2

DATE	DESCRIPTION
13-Dec-17	DA ISSUE

PROJECT MANAGER	STRUCTURE & CIVIL	SERVICES
sp ctrum	Lindsey Dynan	JHA

PROPERTY PROJECT MANAGER	STRUCTURE & CIVIL	SERVICES
sp ctrum	Lindsey Dynan	JHA

PROJECT MANAGER	STRUCTURE & CIVIL	SERVICES
sp ctrum	Lindsey Dynan	JHA

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sp ctrum	Lindsey Dynan	JHA

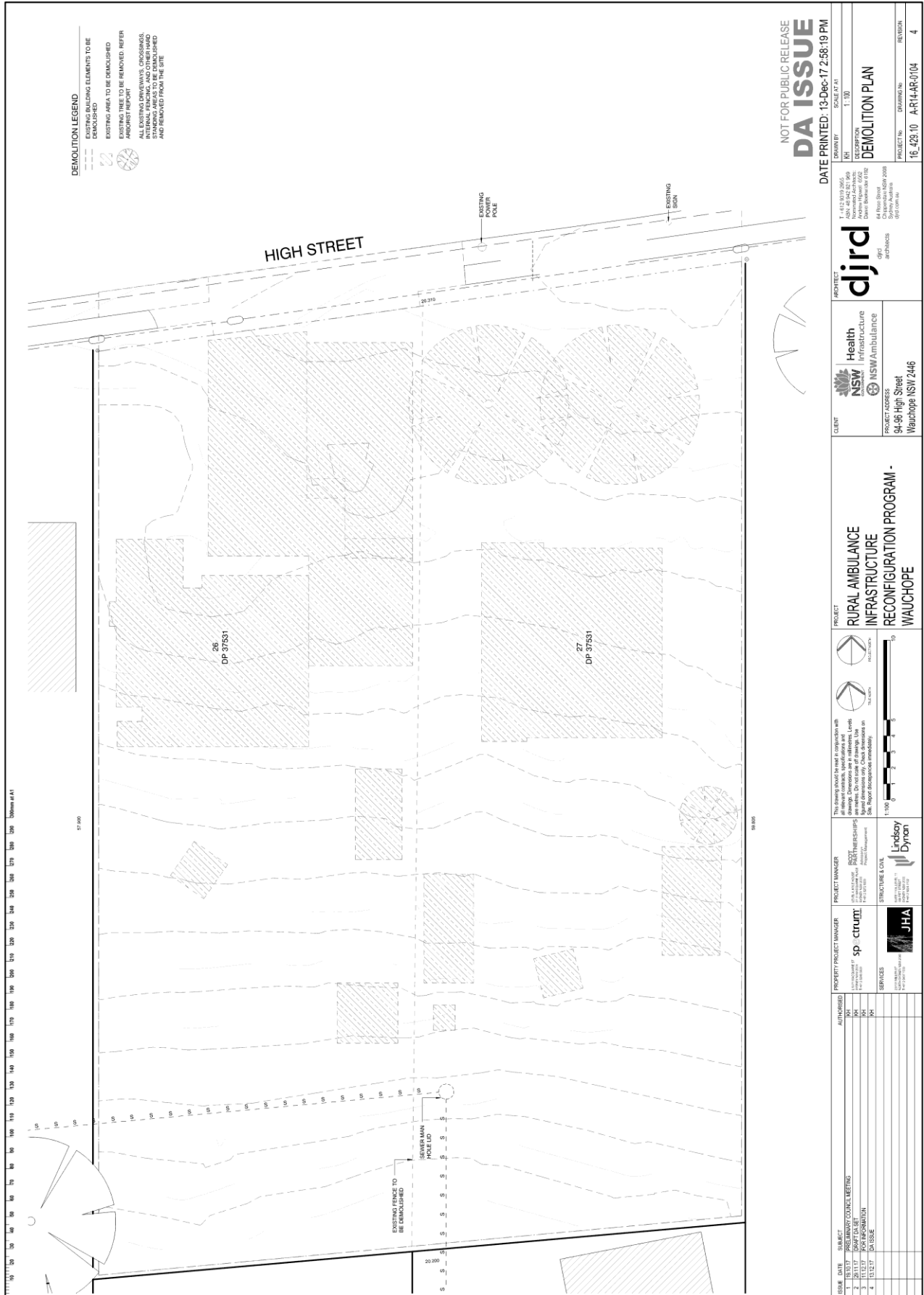
PROJECT MANAGER	STRUCTURE & CIVIL	SERVICES
sp ctrum	Lindsey Dynan	JHA

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sp ctrum	Lindsey Dynan	JHA

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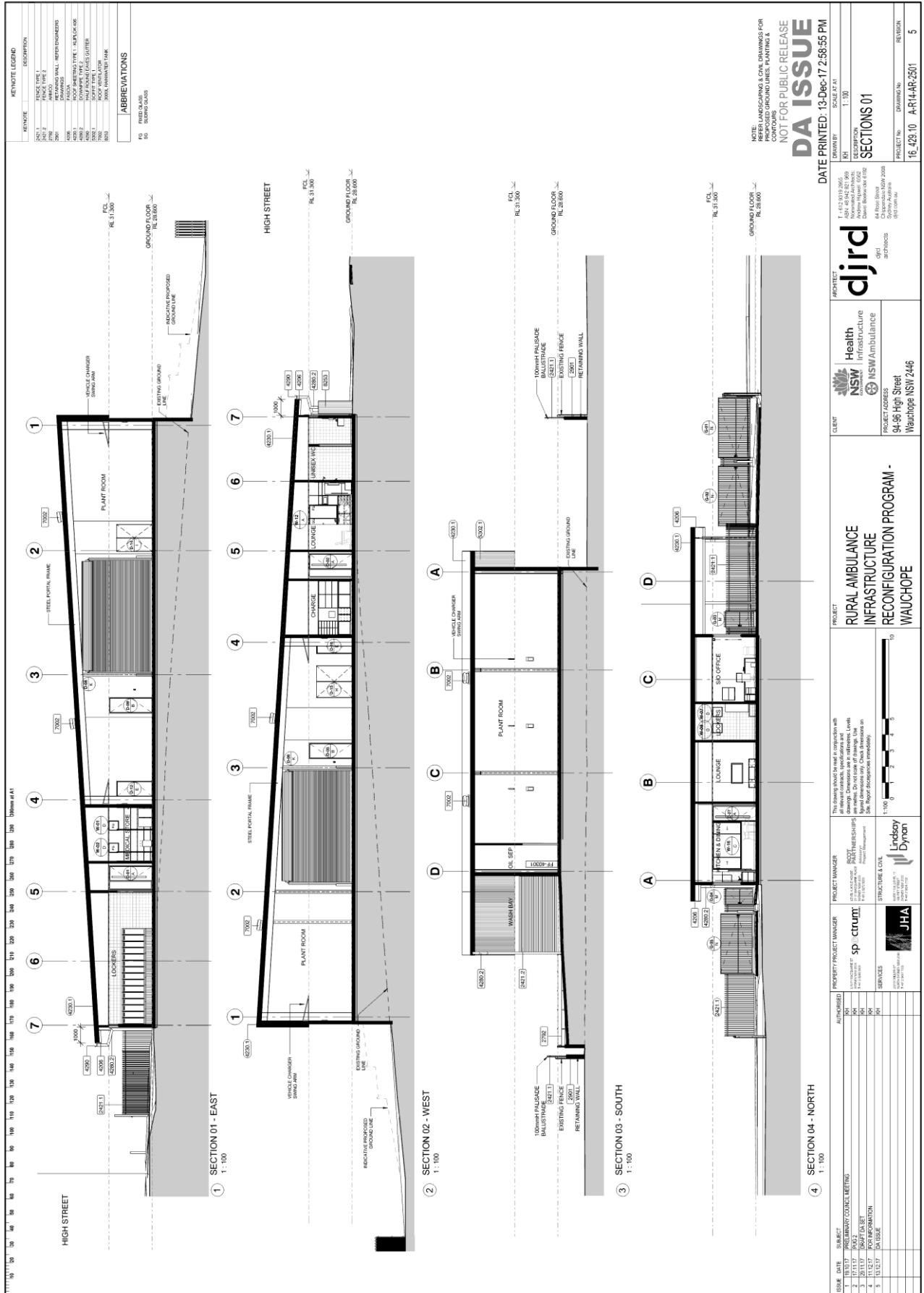
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sp ctrum	Lindsey Dynan	JHA

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sp ctrum	Lindsey Dynan	JHA

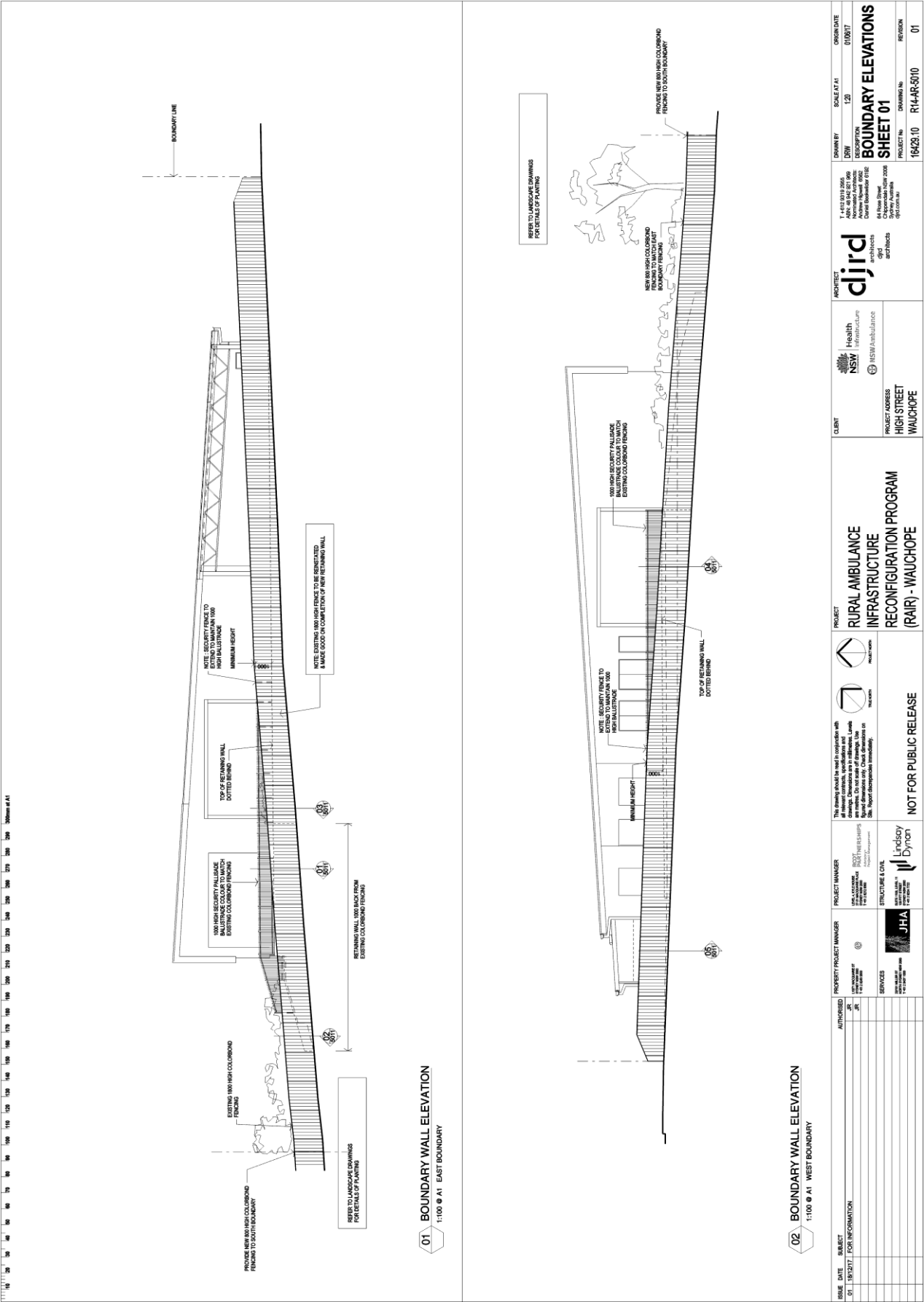


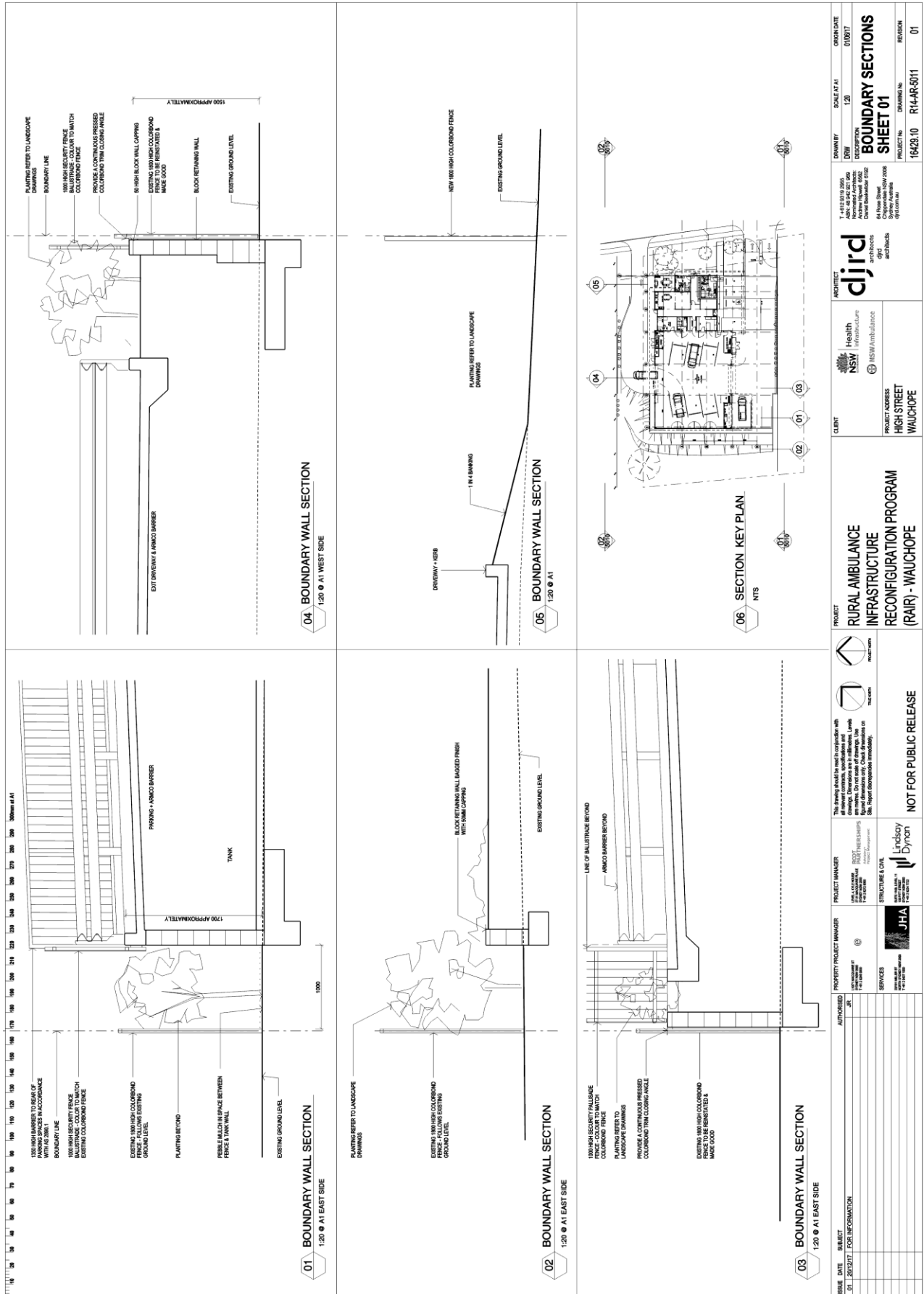












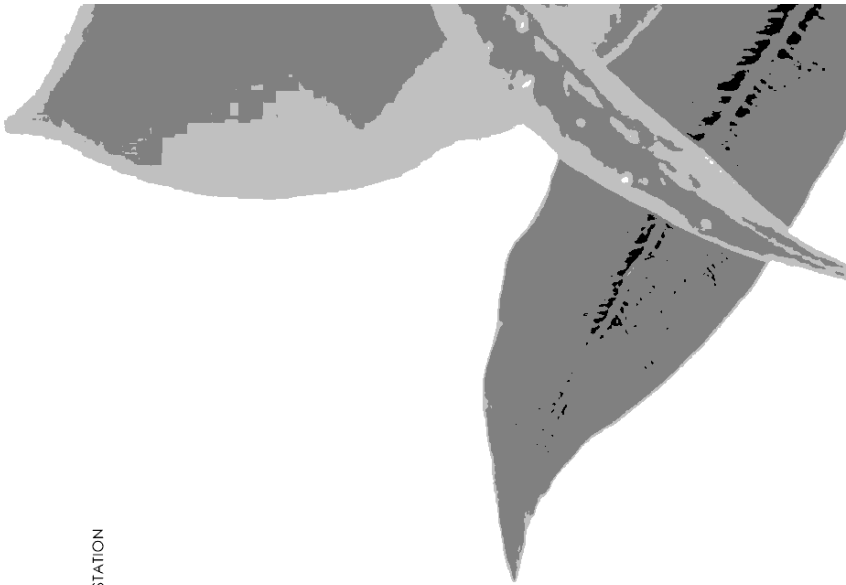
Landscape Concept Plan

Project - Wauchope Ambulance Station



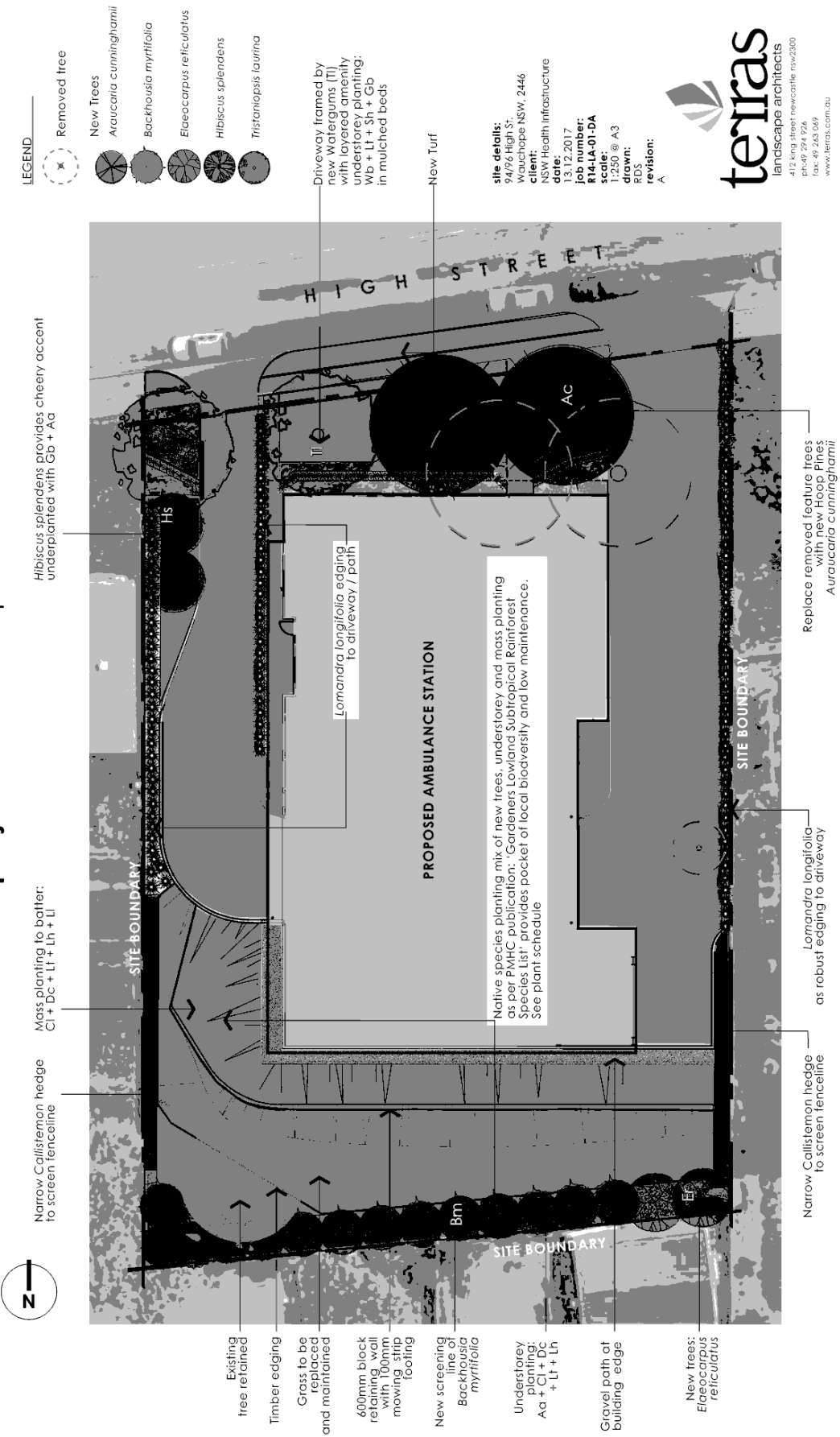
SITE OF PROPOSED
NEW AMBULANCE STATION

site:
94 /96 HIGH STREET
WAUCHOPE,
NSW 2446
client:
NSW HEALTH
council:
PORT MACQUARIE - HASTINGS
project no:
R14-LA-01-DA
drawn:
RDS
date:
13.12.2017
revision:
A



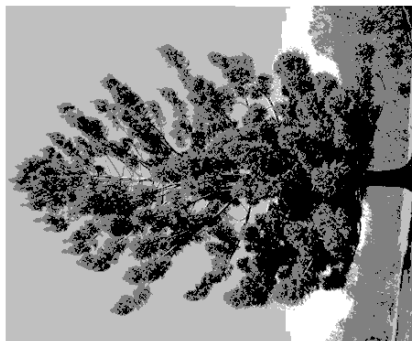
Landscape Concept Plan | 01

project - Wauchope Ambulance Station

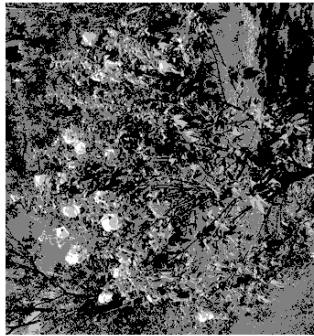


Plants | 02

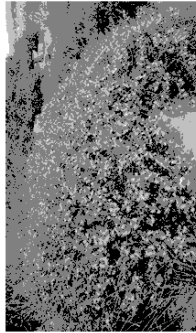
project - Wauchope Ambulance Station



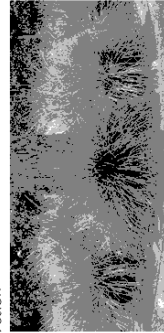
Araucaria cunninghamii
Hoop Pine



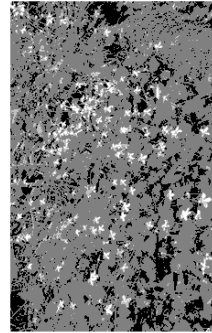
Hibiscus splendens
Pink Hibiscus (Native)



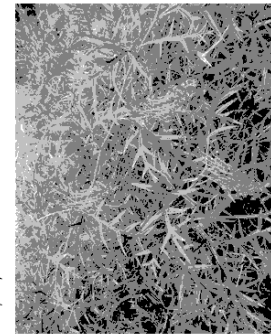
Scaevola humilis 'Purple Fusion'



Lomandra longifolia
'Tanika'



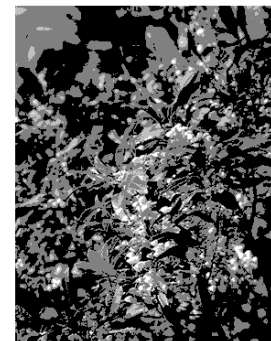
Lobelia trigonocaulis
Forest Lobelia



Grevillea hybrid
'Blonde Rambler'



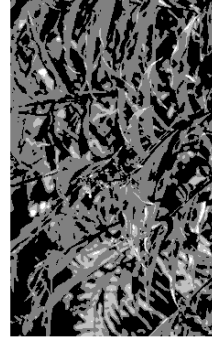
Tristanopsis laurina
Water Gum



Elaeocarpus reticulatus
Blueberry Ash

PLANT SCHEDULE			
ABV TREES	BOTANICAL NAME	COMMON NAME	H x W m Pot Size
AC	<i>Araucaria cunninghamii</i>	Hoop Pine	55 x 8 25L
Brn *	<i>Backhousia myrtifolia</i>	Grey Myrtle	3 x 3 25L
Fr *	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	9 x 4 25L
Hs *	<i>Hibiscus splendens</i>	Pink Hibiscus	6 x 5 25L
Tl *	<i>Tristanopsis laurina</i>	Water Gum	6 x 5 75L
SHRUBS / HEDGING			
Cv	<i>Callistemon viminalis</i> 'Cv01'	Callistemon 'Sini'	3 x 1.3 4.5L
Wt	<i>Westringia laurica</i> 'WES06'	Westringia Aussie Box	60 x 60 4.5L
MASS PLANTING TO FRONT			
Gs	<i>Grevillea robusta</i> 'Rambler'	grevillea 'Rambler'	5 x 4 2.5L
Lom	<i>Lomandra longifolia</i>	Lomandra 'Tanika'	4 x 6 1.9L
Li	<i>Lobelia trigonocaulis</i>	Forest Lobelia	4 x 6 50mm
Sc	<i>Scaevola humilis</i> 'PES100'	Scaevola 'Purple Fusion'	2 x 1.5 1.9L
NATIVE GROUNDCOVER TO REAR			
Al	<i>Alphila arundinelliana</i>	Narrow-leaved Ginger	1.5 x 1 1.9L
Cl	<i>Carex longebrachiata</i>	Drizzling sedge	3 x 4 50mm
Dc	<i>Dianella caerulea</i>	Peace Lily	2 x 3 50mm
Lb	<i>Lobelia trigonocaulis</i>	Forest Lobelia	2 x 3 50mm
Li	<i>Lomandra hystrix</i>	River Mat Rush	1 x 2 50mm
Turf			
Tl	<i>Buteloua dactyloides</i> - Hybrid	Buffalo - 'St. Walter'	

* Native species planting mix of new trees and understorey as per PMHC publication: 'Gardeners Lowland Subtropical Rainforest Species List'



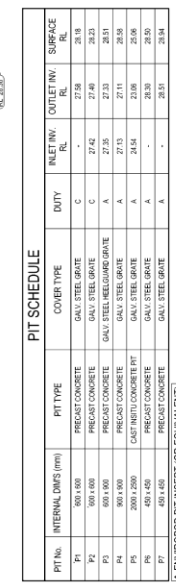
Carex longebrachiata
Drizzling Sedge

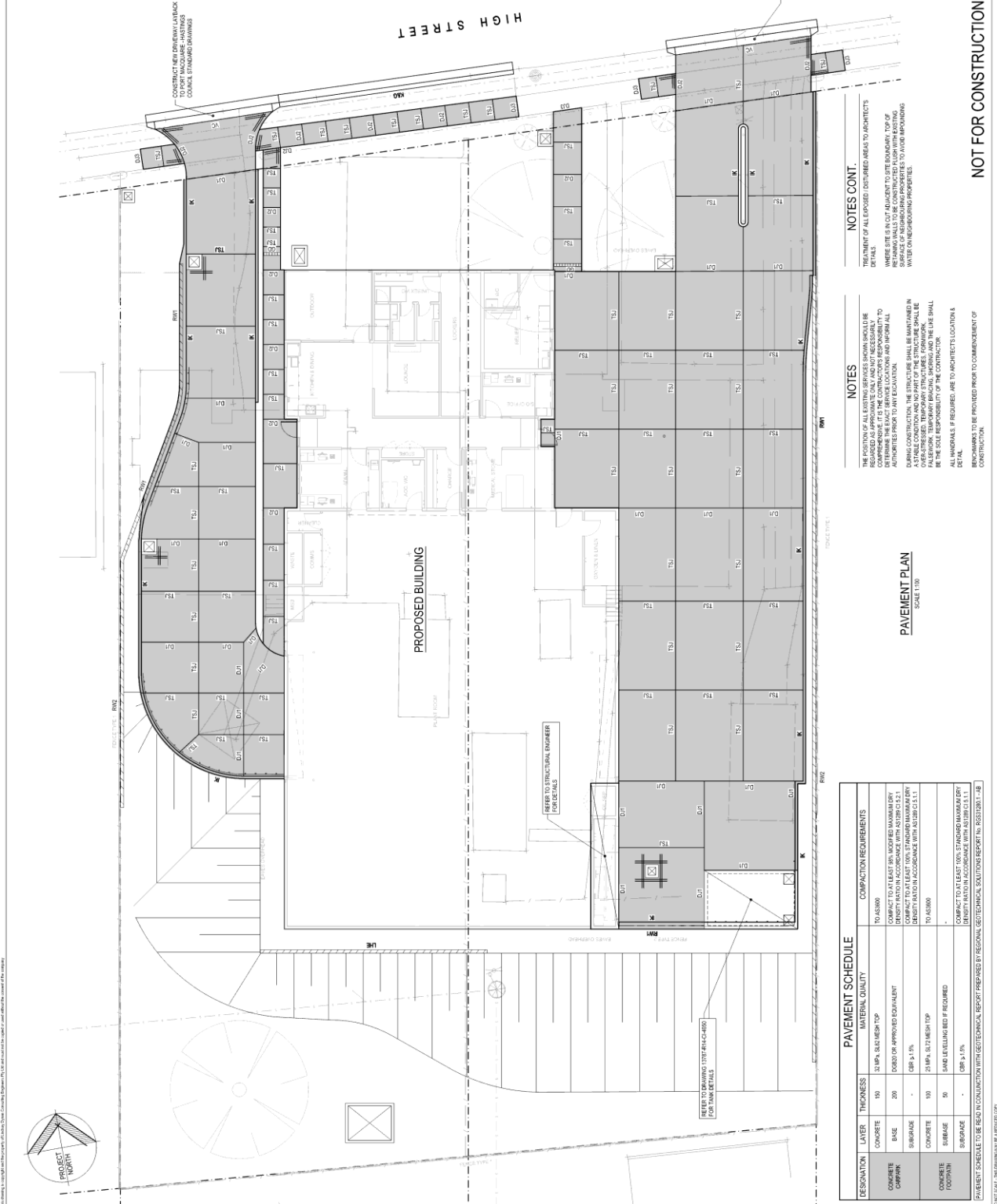


Carex longebrachiata
Drizzling Sedge

site details:
94/96 High St
Wauchope NSW, 2446
client:
NSW Health Infrastructure
date:
13.12.2017
job number:
R14-LA-01-DA
scale:
1:250 @ A3
drawn:
RDS
revision:
A

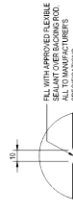
terras
landscape architects
412 King Street Newcastle NSW2300
ph:02 294 1246
fax:02 294 069
www.terras.com.au

VEHICLE BARRIER ALONG
G WALLS WHERE HEIGHT

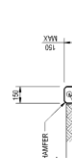




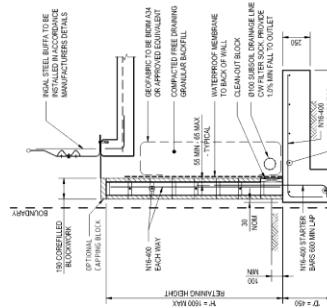
DOWEL JOINT - DJ3



DETAIL **A**

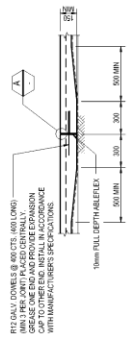
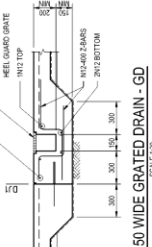


150 INTEGRAL KERB - IK

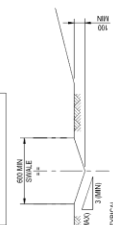


BLOCK RETAINING WALL - RW2

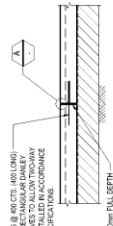
RETAINING WALL SCHEDULE		
"H" WALL HEIGHT	"B" BASE WIDTH 54PS SURCHARGE	LEVEL
800		800
1000		900
1200		1000
1400		1100
1600		1200

DOWEL JOINT - DJ2

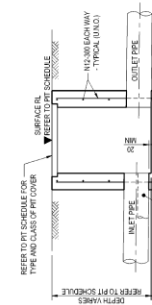
50 WIDE GRAITED DRAIN - GDI



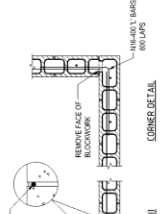
GRASS DRAINAGE SWALE



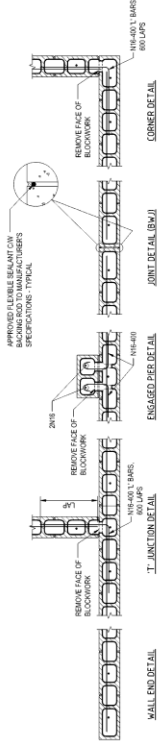
DOWEL JOINT - DJ1



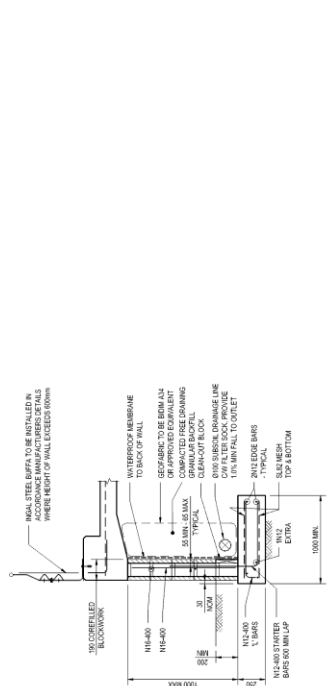
STORMWATER DRAINAGE PIT
CAST IN-SITU PIT



STORMWATER DRAINAGE PIT



190mm CONCRETE BLOCKWALL DETAILS



BLOCK RETAINING WALL - RW1

- THE DEMOLITION OF TWO EXISTING BUILDINGS
- THE CONSTRUCTION OF THE NEW WAUCHOPE AMBULANCE STATION
- CONSTRUCTION OF NEW HARDBOARD PAVEMENTS WITH ASSOCIATED PARKING SPACES, RETAINING WALLS

[illegible]

STORMWATER CALCULATIONS:

SITE AREA = 2.70m²ROADS
EASE
INTERFLOOR AREA = 1.45m²
PERVIOUS AREA = 92m²

ARI	PRE-DEVELOPMENT T FLOW (L/S)	DISCHARGE TO BACKWATER (L/S)	DISCHARGE TO BACK OF TRIB. VAL CRD TANK (L/S)	DISCHARGE TO OVERFLOWS (L/S)	POST DEVELOPMENT FLOW (L/S)	COMPLES WITHIN DISCHARGE
20	55	25	10	18	53	YES
100	106	25	15	53	50	YES

WATER QUALITY: IN ACCORDANCE WITH COUNCIL DOP, DEVELOPMENT DESIGN SPECIFICATION 07, THE PROPOSED DEVELOPMENT IS CONSIDERED A LOW RISK DEVELOPMENT AND AS SUCH BEST MANAGEMENT PRACTICES APPLY. IT IS PROPOSED THAT A 500M RAINWATER TANK IS TO BE INSTALLED THAT WILL COLLECT ALL ROOF WATER AND BE USED EXTERNALLY FOR THE SITE. GROSS POLLUTANT TRAPS ARE TO BE INSTALLED IN STORMWATER PIPES THAT COLLECT RUNOFF FROM THE HARDS AND PAVEMENT AREAS. REFER TO DA-200 FOR FURTHER DETAILS.



<table><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td>No.</td><td>DATE</td><td>REVISIONS</td><td colspan="7">BY</td></tr></table>												No.	DATE	REVISIONS	BY							<div><div><div>HOPKINS</div><div>CONSULTANTS PTY LTD</div></div><div><div>Suite 1 159 William Street PO Box 1555</div><div>Parramatta NSW 2150</div><div>Ph: 02 9639 5722 Fax: 02 9639 5724</div><div>0600 Email: enquiries@hopkins.com.au</div></div></div>	<div><div><div>Liability limited by a scheme approved under Professional Standards Legislation</div><div>Hopkins Consultants Pty Ltd</div></div><div><div>NSW HEALTH</div><div>INFRASTRUCTURE</div><div>WAUCHOPE AMBULANCE STATION</div></div></div>	<div><div>PLAN OF DETAIL SURVEY</div><div>LOTS 26 AND 27 DP37531</div><div>94 & 96 HIGH STREET</div><div>WAUCHOPE</div></div>	<table><tr><td colspan="2">Project Name/Project Number</td><td>7205-01</td><td>Rev</td><td>-</td></tr><tr><td>Client</td><td>DATE OF LAYOUT</td><td>PM SARGIS</td><td>DATE</td><td>5/6/2017</td></tr><tr><td>Author</td><td>DATE</td><td>RL 26.543</td><td>DATE</td><td>A3</td></tr><tr><td>P. Giddings</td><td>14/07/17</td><td>JMD</td><td>DATE</td><td>14/07/17</td></tr><tr><td>Checked</td><td>DATE</td><td>JMD</td><td>DATE</td><td>14/07/17</td></tr><tr><td>Approved</td><td>DATE</td><td>JMD</td><td>DATE</td><td>14/07/17</td></tr><tr><td>DB</td><td>SCALE</td><td>1:250</td><td>DATE</td><td>1</td></tr></table>	Project Name/Project Number		7205-01	Rev	-	Client	DATE OF LAYOUT	PM SARGIS	DATE	5/6/2017	Author	DATE	RL 26.543	DATE	A3	P. Giddings	14/07/17	JMD	DATE	14/07/17	Checked	DATE	JMD	DATE	14/07/17	Approved	DATE	JMD	DATE	14/07/17	DB	SCALE	1:250	DATE	1
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Harcourts

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8 November 2017

Mr Robert Dickson – Director
Spectrum Partners
By email - robd@spectrumpartners.com.au

Dear Robert

RE: Proposed Easement through 21 or 23 Bruxner Ave, Wauchope

Harcourts were engaged by Spectrum Partners on behalf of Health Infrastructure (HI) to approach the owners of 21 & 23 Bruxner Ave Wauchope with regard to a potential stormwater drainage easement through the properties in favour of the property at 94-96 High St Wauchope.

On 27th October 2017 I approached the owner of 21 Bruxner Ave, Wauchope and presented the offer of circa \$15,000 as consideration for the creation of the easement on the property. The owner requested time to discuss the proposal with his wife and indicated he may contact Council regarding the implications for the property should the easement be accepted. On 3rd November 2017, the owners advised a resounding NO to the easement saying that no money would be able to compensate for it.

On 6th November 2017 I approached the owner of 23 Bruxner Ave, Wauchope and presented the offer of circa \$13,500.00 as consideration for the creation of the easement on the property. The owner immediately advised they objected to the proposed easement.

To summarise, both owners were approached and each advised me they objected to the proposed easement.

Yours Sincerely

HARCOURTS GREATER PORT MACQUARIE



ROSS LINDSAY
PROPRIETOR

Tel: 0417 473 620

Email: ross.lindsay@harcourts.com.au

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2018/48

DATE: 3/04/2018

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	16_429.10 Drawings A-R14-AR-000 to	djrd architects	21 December 2017
Boundary elevations	16429.10 R14-AR-5010	djrd architects	20 December 2017
Boundary sections	16429.10 R14-AR-5011	djrd architects	20 December 2017
Landscape concept plan	Drawing 1 & 2	Terras landscape architects	13 December 2017
Stormwater drainage plan	13787 Drawing R14-CI-2000	Lindsay Dynan	9 March 2018
Statement of Environmental Effects	17-093	City Plan Services	17 January 2018
Acoustic Assessment	R14-ACO-RP01	acoustic studio	21 December 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) (A004) An application for a Subdivision Certificate for consolidation of the lots and encumbrances is required to be lodged with Council on completion of works.
- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (7) (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.
- (8) (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.
- (9) (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.

- (10) (A058) All liquid trade waste shall pass through a collection well (minimum working capacity 300 litres). A non-emulsifying pump with suction inlet at least 300mm above the bottom of the collection well shall be used to pump the waste to approved oil arrestor such as a coalescing plate interceptor, vertical gravity separator or a hydrocyclone separation system with an oil collection container and sludge withdrawal system. The oil arrestor/interceptor shall be sized according to the influent flow rate (minimum size 1000 L/h). The pre-treatment plant shall be within a bunded area that shall drain back to the pump well.
- (11) (A060) The area around all trade waste generating and pre-treatment facilities is to be suitably roofed and bunded to prevent any spillage of liquid trade waste influent or effluent, sludge or treatment chemicals entering the sewer or stormwater systems. Where a trade waste generating process does not fully occur within a building, roofing must be installed to prevent the ingress of rainwater. For a structure where one or more sides is open to the weather, 10 degrees from the vertical of overhang of the roofing is the minimum acceptable cover. To ensure no surface stormwater can flow onto the process area a bund/speed hump at least 50mm is necessary. The overall flow across the site has to be considered and the height of the bund/speed hump may have to be increased to prevent stormwater ingress.
- (12) (A061) The process area collection pit is to be sized according to the inflow to the system. Consideration should be given to solids settlement and a one-hour retention time is considered as satisfactory to allow for separation.
- (13) (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.
- (14) (A195) Provision of an automatic stormwater sump and pump system designed by a Practising Hydraulic Engineer for the disposal of stormwater. 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.

B – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (B001) Prior to building works commencing, 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) (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 building works commencing. This application is also to include an application for the disconnection of any existing service not required.
 - (3) (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 Council with the application for Section 68 approval.
 - (4) (B072) A stormwater drainage design is to be submitted and approved by Council prior to works commencing. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as the kerb and gutter.
 - b) The design is to be generally in accordance with the stormwater drainage concept plan on Drawing No R14-CI-2000 prepared by Lindsay Dynan.
 - c) 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.
 - d) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - e) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
 - f) 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.
 - g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - h) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
 - (5) (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 completed prior to building works commencing.
 - (6) (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 building works commencing demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.
 - (7) (B071) Prior to building works commencing, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.

- (8) (B195) Council records indicate that the development site has two existing 20mm metered water services. Prior to building works commencing, final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.
- (9) (B197) Council records indicate that the development site is currently has two connections to Council's sewer system. The development is to discharge all sewage to the junction connected to the sewer manhole. The redundant sewer junction must be capped at the main. Prior to building works commencing, engineering plans are required to detail how the building will avoid placing additional loads on the existing sewer infrastructure.
- (10) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (11) (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.

C – 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 Development Application/Section 68 number and property description to ensure your inspection is confirmed:
 - a. at completion of installation of traffic management works
 - b. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - c. before pouring of kerb and gutter;
 - d. prior to the pouring of concrete for sewerage works and/or works on public property;
 - e. 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 an officer of the Council.
- (3) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (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*.

D – PRIOR TO OCCUPATION OF THE DEVELOPMENT

- (1) (E004) Consolidation of the allotments comprising the site of the proposed development prior to occupation of the development.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E036) A suitably experienced consultant shall certify that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation of the development.
- (5) (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 of the development.
- (6) (E051) Prior to occupation of the development, a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (7) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to occupation of the development.
- (8) (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 occupation of the development. The copyright for all information supplied, shall be assigned to Council.
- (9) (E195) Prior to occupation of the development, 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 and stormwater pump-out system on the property.

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 maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b) The Proprietor shall have the OSD inspected annually by a competent person.
- c) The Proprietor of the property shall be responsible for maintaining and keeping clear and operational all pits, pipelines, pumps, sensors, control panels, backup power supplies and other components of the stormwater pump-out system,
- d) The Proprietor shall have the stormwater pump-out system inspected annually by a competent person.
- e) 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 and stormwater pump-out system or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.

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 Council prior to occupation of the development.

E – 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.

11/04/2018

PRIEST LEGAL

LAWYERS + CONVEYANCING

41 Hay Street
Port Macquarie
PO Box 48, DX 741
Port Macquarie NSW 2444

Our Ref: ACP:MK:247634
Enquiries: Alan Priest/Belinda

27 February 2018

The General Manager
Port Macquarie Hastings Council
DX 7415
PORT MACQUARIE

EMAIL: council@pmhc.nsw.gov.au

Dear Sir/Madam

**RE: OBJECTION TO DA 2018.48.1 ON BEHALF OF ALLYN JOHN FOWLER
& MAUREEN KAY FOWLER OF 21 BRUXNER AVENUE, WAUCHOPE**

We act on behalf of Allyn John Fowler and Maureen Kay Fowler of 21 Bruxner Avenue, Wauchope (telephone: 6585 3780) who oppose the above Development Application relating to property at 94-96 High Street, Wauchope to the extent that such development requires the provision of a drainage easement through our client's property at 21 Bruxner Avenue, Wauchope. Our clients consider that the easement is inappropriate in the proposed location along the western boundary of our client's property and approximately 1.3 – 1.5 metres wide. Our clients oppose the development so far as it requires the imposition of the easement on their land for the following reasons:-

- a) The easement would require the excavation of our client's concrete path and driveway causing them disruption and inconvenience;
- b) The natural fall of the land comprising 94 and 96 High Street is away from the location of the proposed easement through our client's land and our clients therefore consider it would be more conveniently situated adjacent to the rear boundaries of our client's land and the neighbouring lot to the east (19 Bruxner Avenue) and along the western boundary of number 17 Bruxner Avenue exiting to Bruxner Avenue;
- c) Whilst our clients have been approached on behalf of the owners of 94-96 High Street no agreement has in fact been reached to permit a drainage easement through our client's property.

Please keep our clients and/or ourselves advised of the progress of the Development Application.

Yours faithfully,
PRIEST LEGAL

ALAN C PRIEST
apriest@priestlegal.com.au



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