



Development Assessment Panel

Business Paper

date of meeting: Wednesday 8 August 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 | 23/05/18 | 13/06/18 | 27/06/18 | 11/07/18 | 25/07/18 |
|---|----------|----------|----------|----------|----------|
| Paul Drake | ✓ | ✓ | ✓ | ✓ | ✓ |
| Robert Hussey | ✓ | ✓ | ✓ | ✓ | ✓ |
| 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 8 August 2018

Items of Business

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| 05 | Section 4.55 Modification DA2015 - 871.3 - Modification To Design Of Dwelling 1 - Lots 1 & 2 DP1230318, 27A & 27C Verbena Avenue, Port Macquarie..... | <u>15</u> |
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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 25 July 2018 be confirmed.

PRESENT

Members:

Paul Drake
Robert Hussey
Dan Croft

Other Attendees:

Chris Gardiner
Grant Burge

The meeting opened at 2:00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 11 July 2018 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

**05 DA2018 - 213.1 TWO SEMI-DETACHED DWELLINGS AND STRATA
SUBDIVISION AT LOT 313 DP 1080621, NO. 16 LOMANDRA TERRACE, PORT
MACQUARIE**

Speaker:
Damien Keep (applicant)

CONSENSUS:

That DA2018 – 213.1 for two semi-detached dwellings and strata subdivision at Lot 313, DP 1080621, No. 16 Lomandra Terrace, Port Macquarie, be determined by granting consent subject to the recommended conditions.

06 GENERAL BUSINESS

Nil.

The meeting closed at 2:12pm.

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: SECTION 4.55 MODIFICATION DA2015 - 871.3 - MODIFICATION TO
DESIGN OF DWELLING 1 - LOTS 1 & 2 DP1230318, 27A & 27C
VERBENA AVENUE, PORT MACQUARIE**

Report Author: Patrick Galbraith-Robertson

Applicant: D McCosh CARE Collins W Collins
Owner: PJM International
Estimated Cost: N/A
Parcel no: 66582, 66583

Alignment with Delivery Program

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

RECOMMENDATION

That Section 4.55 Modification to DA2015 – 871.3 for a modification to dwelling 1 at Lots 1 & 2, DP 1230318, No. 27A & 27C Verbena Avenue, Port Macquarie, be determined by granting the modified consent subject to the recommended conditions as modified.

Executive Summary

This report considers a Section 4.55(1A) modification of consent application at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Being a Section 4.55 modification, the modified proposal has only been assessed against the legislation and related planning guidelines in place at the time of the original assessment.

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

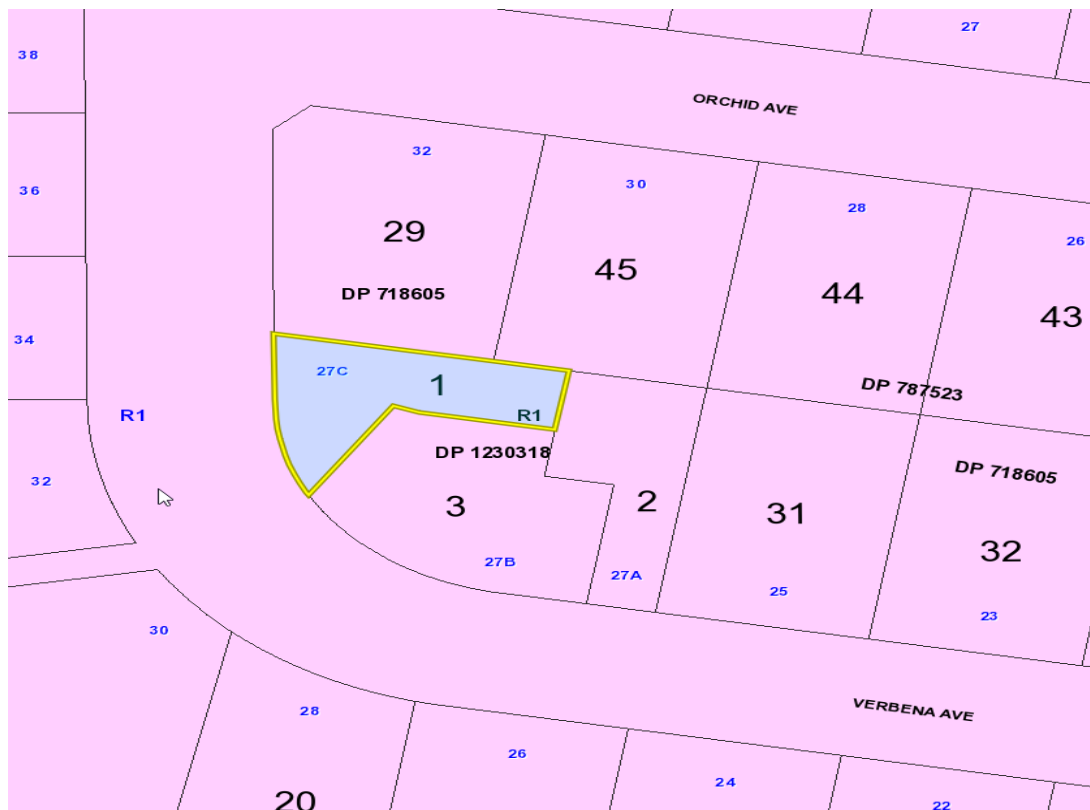
1. BACKGROUND

Existing sites features and surrounding development

The current site has had the subdivision component and dwelling 2 component of the proposal completed under the subject DA.

The subject Lot 1 (the subject of the modified dwelling 1 design) has an area of 334.6m².

The site is zoned R1 general residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, which was in force at the time of the original application, as shown in the following zoning plan:



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photograph (Nearmap: July 2018):



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the modified proposal (as amended following neighbour notification) include the following:

- Dwelling 1 lower floor change in floor layout to WC and laundry and add double hung window to east wall adjacent stairway;
- Dwelling 1 upper floor remove window above stairway to rumpus with south wall add double hung window unit to west wall adjacent to stair way leading to rumpus.

Refer to attachments at the end of this report.

Application Chronology

- 26 January 2016 - Original DA2015 – 871 approved for multi- dwelling housing and subdivision including two new additional dwellings to be completed in a staged manner.
- 10 October 2018 – Modification application approved – minor change to internal drainage easement and boundaries
- 22 June 2018 - Subject modification application lodged with Council.
- 12 – 25 July 2018 – Neighbour notification of subject modification proposal

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

Section 4.55 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modifications into three categories - S.4.55(1) for modifications involving minor error, mis-description or miscalculation; S.4.55(1A) for modifications involving minimal environmental impact; and S.4.55(2) for other modifications. Each type of modification must be considered as being substantially the same to that which was originally consented to.

The subject application is being considered under the provisions of Section 4.55(1A).

The proposal is considered to be substantially the same development to that which was originally lodged and consented to and will have minimal environmental impact when making a comparison between the original and proposed modified proposal. In particular, the main changes occur to the design of dwelling 1 only which are considered to be minor.

Having regard to the above, the proposed modification is not considered to alter the fundamental essence of the original development and is considered within the scope of a modification application.

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

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

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

Neighbour notification has been undertaken in accordance with the DCP.

Any submissions made concerning the modification?

One (1) written submission has been received following public exhibition via neighbour notification of the application.

The issues raised in the submission received have been forwarded to the Applicant during the assessment of the DA to respond to.

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

| Submission Issue/Summary | Planning Comment/Response |
|--|--|
| More time should have been taken to assess the impact of the proposed development on the privacy of the existing dwelling. | The original proposal did not have a significant privacy impact between the existing and proposed dwelling. The Applicant has chosen however to improve the privacy with a change in window location and design. |
| Understood that the Land and Environment Court approved the original development. | The original development was approved by Council. |
| Concern with proposal's compatibility with character and surrounding residences and existing resident's wellbeing. | The original development was approved by Council. The development was assessed as being suitable for the site having regard to the planning policies in place and merit considerations for suitability made under section 79C of the Act at the time of original assessment. |
| Concern with timeframe of first dwelling to be constructed – 8 months | Council has no control over the timeframe for construction unless a complaint is received and it is agreed that the issue is potentially causing a significant adverse impact to warrant potential compliance action. |

Any matters referred to in section 4.15 relevant to the modification?

Overall, the proposed development remains consistent with the original s79C assessment. Areas of the original assessment impacted by the changes or with revised comments are outlined below:

Port Macquarie-Hastings Local Environmental Plan 2011

The above LEP was in place at the original time of assessment and determination of this DA.

The subject section of the original development site was zoned R1 general residential under this LEP. The subject modified dwelling, as part of a multi dwelling housing and subdivision, remains permissible on the site.

Port Macquarie-Hastings Development Control Plan 2013:

The above DCP was in place at the original time of assessment and determination of this DA.

It is important to note that internal amenity issues within the cluster housing development are not strictly required to be considered by the development control provisions in place at the time of the original approval. In this regard, the modified proposal does not change any of the aspects of the development to require reconsideration under this DCP.

The original proposal did not have a significant privacy impact between the existing and proposed dwelling. The Applicant has chosen however to improve the privacy with a change in window location and design.

Other issues of merit impacts from the original assessment that have been revisited due to the modification are listed below:

Context, setting and site suitability

The modified proposal will be unlikely to have any adverse impacts to existing adjoining properties or the public domain.

The modified proposal adequately addresses planning controls for the area.

There are no significant adverse privacy impacts identified with the modified changes proposed. Adequate building separation is proposed/existing.

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Applicable development contributions to each dwelling as modified and/or lot if released first will need to be reassessed/checked at Subdivision Certificate and Construction Certificate stage for each of the dwellings (whichever occurs first). No change to conditions are required in this regard.

5. CONCLUSION AND STATEMENT OF REASON

The application has been assessed in accordance with Section 4.55 and 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.

The site remains 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 modification application be approved, subject to the recommended modified conditions of consent provided in the attachment section of this report.

Attachments

- 1 [View](#). DA 2015 - 871.3 Recommended DA Consent Conditions
- 2 [View](#). DA 2015 - 871.3 Plans
- 3 [View](#). DA2015 - 871.3 Submission

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/871****DATE: 30/07/2018**

The conditions of consent referred to in the Notice of Determination for DA No 2015/871 are as follows:

| | | |
|------|-------------------|-----------------|
| No.1 | Modification No.1 | 10 October 2016 |
| No.2 | Modification No.2 | 8 August 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

Existing condition A(1):

- (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 |
|-----------------------------------|---------------------|--------------------|------------------|
| General layout plan | Drawing 2 | Land Dynamics | 1 August 2016 |
| BASIX certificates | 684385S and 684513S | Land Dynamics | 23 November 2015 |
| Development plans | Sheets 1 to 8 | Collins W Collins | 23 November 2015 |

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.¹

Proposed condition A(1):

- (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 |
|-----------------------------------|---------------------|--------------------|------------------|
| General layout plan | Drawing 2 | Land Dynamics | 1 August 2016 |
| BASIX certificates | 684385S and 684513S | Land Dynamics | 23 November 2015 |

| | | | |
|---------------------|---------------------|-------------------|------------------|
| Development plans | Sheets 2,3,5,6 to 8 | Collins W Collins | 23 November 2015 |
| Site plan | Sheet 1 | Collins W Collins | 6 April 2018 |
| Dwelling elevations | 1 Sheet 4 | Collins W Collins | 6 April 2018 |
| Roof plan | Sheet 7 | Collins W Collins | 6 April 2018 |

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

- (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) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - Building waste is to be managed via an appropriate receptacle;
 - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 - Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- 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.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving (width)
- Footway and gutter crossing
- Functional vehicular access

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Sewerage reticulation.
 2. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 3. Stormwater systems.
- (4) (E008) Payment to Council, prior to issue of the Construction Certificate or Subdivision Certificate (whichever occurs first) of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Hastings S94 Administration Building Contributions Plan
 - Hastings Administration Levy Contributions Plan
 - Hastings S94 Major Roads Contributions Plan
 - Hastings S94 Open Space Contributions Plan
 - Community Cultural and Emergency Services Contributions Plan 2005
 - Port Macquarie-Hastings Section 94A Levy Contributions Plan 2007
- The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.
- The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (5) (E009) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution prior to the issue of the Construction Certificate or Subdivision Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the

installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.

- (8) (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.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (11) Council records indicate that the development site has an existing 20mm metered water service from the 100 AC water main on the opposite side of Verbena Avenue. This water service can be adopted for Lot 1. The remaining lots require individual metered water services. The plan provided is acceptable for Water Supply Section.
- (12) Council records indicate that the development site is connected to Sewer via junction to the existing sewer manhole in the north eastern corner of the lot. The remaining lots require individual connections to the Sewer. The engineering plan is acceptable in principal. Details are to be provided.
- (13) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.
 - b) The design is to be generally in accordance with the General layout plan prepared by Land Dynamics Australia and dated 7 January 2016.
 - c) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
 - d) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - e) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.¹
- (14) (B086) Prior to issue of a Construction Certificate evidence provided to the satisfaction of the Certifying Authority of an application being made to the electricity and telecommunications service providers. Services are required to be underground.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C013) Where a sewer manhole and/or Vertical Inspection Shaft 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 OCCUPATION CERTIFICATE / SUBDIVISION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (5) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (6) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (7) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (8) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
 - As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
 - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (9) (E195) The subdivision certificate shall not be issued until such time that the

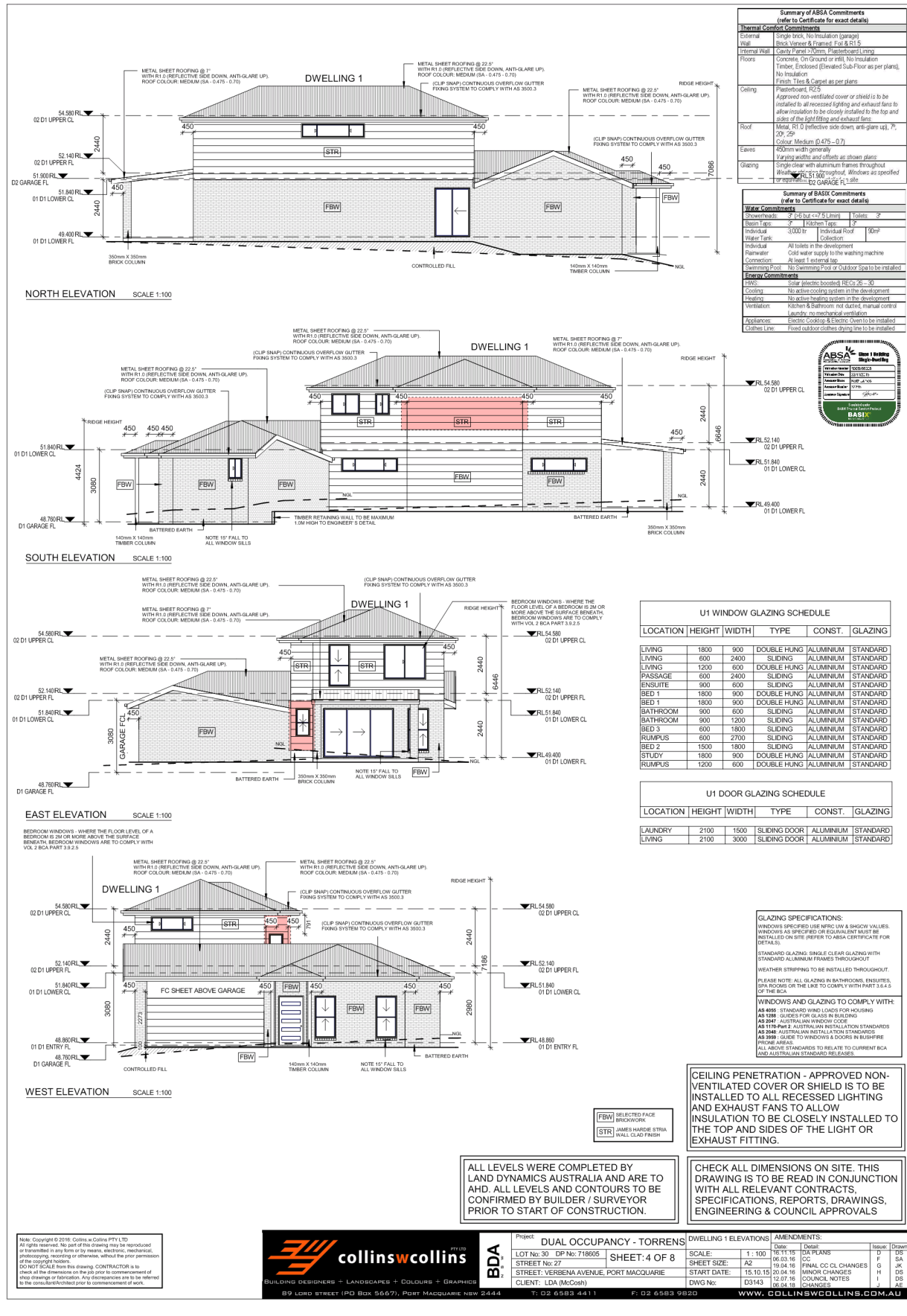
dwelling associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

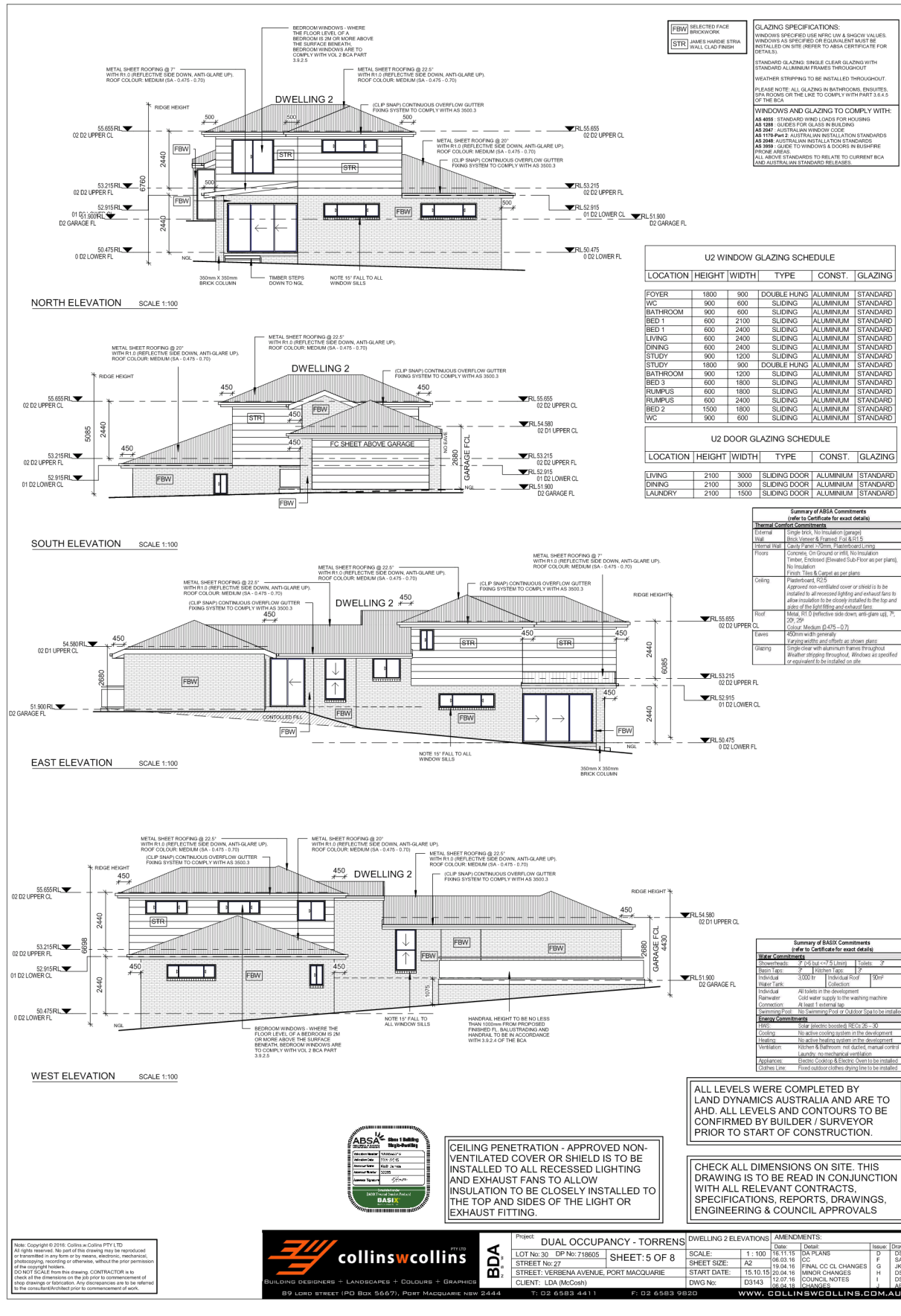
- (10) (E068) Prior to the issue of a Subdivision or Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots and/or dwellings/units (including street lighting and fibre optic cabling where required).

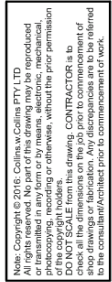
F – OCCUPATION OF THE SITE

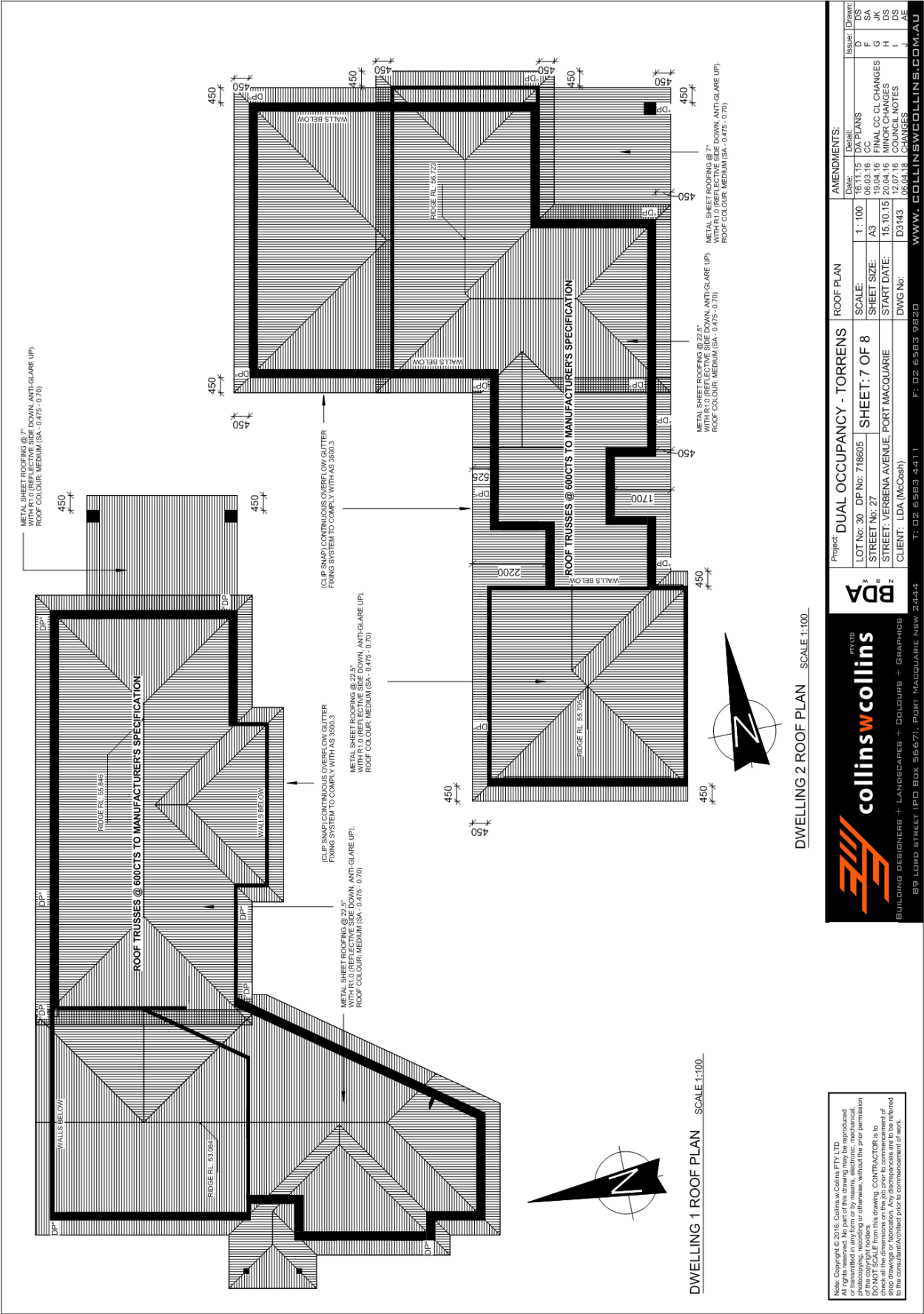
- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.

DRAFT









**THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.
THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS,
OPERATORS, MAINTENORS, DEMOLISHERS.**

1. FALLS, SLIPS, TRIPS**4. WORKING AT HEIGHTS****DURING CONSTRUCTION**

Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

DURING OPERATION OR MAINTENANCE

For houses or other low-rise buildings where scaffolding is appropriate: Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation. For buildings where scaffold, ladders, trestles are not appropriate: Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

B) SLIPPERY OR UNEVEN SURFACES**FLOOR FINISHES Specified**

If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

FLOOR FINISHES By Owner

If designer has not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS HB 197/1999 and AS/NZ 4586:2004.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES

Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace. Building owners and occupants should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spills, loose material, loose objects or any other matter that may cause a slip or trip hazard should be cleaned or removed from access ways. Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

2. FALLING OBJECTS**LOOSE MATERIALS OR SMALL OBJECTS**

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.

1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide toeboards to scaffolding or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road: Parking of vehicles or loading/unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Traffic signs and management personnel should be responsible for the supervision of these areas. For building where on-site loading/unloading is restricted: Construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas. For all buildings: Busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

4. SERVICES**GENERAL**

Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dig Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used. Locations with underground power: Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing. Locations with overhead power lines: Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass. All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur. Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

6. HAZARDOUS SUBSTANCES**ASBESTOS**

For alterations to a building constructed prior to 1990, if this existing building was constructed prior to asbestos 1990 - it therefore may contain asbestos 1986 - it therefore is likely to contain either in cladding material or in fire retardant insulation material. In either case, the builder should check, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS

Many materials used in the construction of this building can cause fibrosis, asbestosis, cancer and other diseases. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER

The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

VOLATILE ORGANIC COMPOUNDS

Many types of glue, solvents, spray paints, paints, varnishes and some cleaning materials and disinfectants have dangerous fumes. Areas where these are used should be well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

SYNTHETIC MINERAL FIBRE

Insulation material and other mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

TIMBER FLOORS

This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

7. CONFINED SPACES**EXCAVATION**

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practicable, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

ENCLOSED SPACES

For buildings with enclosed spaces where maintenance or other access may be required. Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

SMALL SPACES

For buildings with small spaces where maintenance or other access may be required. Small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING RESIDENTIAL BUILDINGS

This building has been designed as a residential building. If, at a later date, it is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

10. OTHER HIGH RISK ACTIVITY

Code All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZ and all licensing requirements. 3012 All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace. Code of All work should be carried out in accordance with Code of Practice: Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving trench construction and concrete placement. All the above applies.

EXCAVATIONS**1. Excavations**

The part of the site to be covered by the proposed building or buildings and an area at least 1000mm wide around that part of the site or to boundaries of the site, whichever is the lesser, shall be cleared or graded as indicated on the site works plan. Top soil shall be cut to a depth sufficient to remove all vegetation. Excavations for all footings shall be in accordance with the Engineer's Recommendations or the BCA requirements.

FOUNDATIONS AND FOOTINGS**1. Underfloor Fill**

Underfloor fill shall be in accordance with the BCA.

2. Terminate Risk Management

Terminate treatment shall be carried out in accordance with the BCA.

3. Vapour Barrier

The vapour barrier installed under slab-on-ground construction shall be 0.2mm nominal thickness, high impact resistance polyethylene film installed in accordance with the BCA.

4. Reinforcement

Reinforcement shall conform and be placed in accordance with the Engineer's Recommendation and the BCA. Support to all reinforcement shall be used to correctly position and avoid any undue displacement of reinforcement during the concrete pour.

5. Concrete

Concrete shall not be less than Grade N20 except otherwise approved by the engineer and in accordance with the BCA.

6. Curing

All concrete slabs shall be cured in accordance with AS 3600.

7. Footings and Slabs on Ground

Concrete slabs and footings shall not be poured until approval to pour concrete is given by the engineer or the Local Authority.

8. Sub-Floor Ventilation

Where required, adequate cross ventilation will be provided to the space under suspended ground floor. Construction is to meet the requirements of the BCA. No section of the under floor area wall to be constructed in such manner that will hold pockets of still air.

9. Sub-Floor Access

If required, access will be provided under suspended floors in position where indicated on plan.

EFFLUENT DISPOSAL/DRAINAGE**Storm Water Drainage**

Stormwater drainage shall be carried out in accordance with the BCA. The Builder will allow for the supplying and laying of stormwater drains where shown on the site plan.

TIMBER FRAMING**1. General**

Timber frame works, spans, spacing, notching, checking and fixing to all floor, wall and roof structure shall comply with the BCA or AS 1684. Alternative structural framing shall be to structural engineer's details and certification. The work shall be carried out in a proper and trades person like manner and shall be in accordance with recognised and accepted building practices.

2. Roof Trusses

Where roof truss construction is used, trusses shall be designed in accordance with AS 1720 and fabricated in a properly equipped factory and erected, fixed and braced in accordance with the fabricator's written instructions.

3. Bracing

Bracing units shall be determined and installed in accordance with AS 1684 as appropriate for the design wind velocity for the site. Bracing shall be evenly distributed throughout the building.

Floor joists will be covered with strip or sheet flooring as shown on plan with particular regard to ground clearance and installation in wet areas as required by the BCA. Thickness of the flooring is to be appropriate for the floor joist spacing.

Strip and sheet flooring shall be installed in accordance with AS 1684.

Where stated in Schedule of Works, floors shall be sanded to provide an even surface and shall be left clean throughout.

5. Timber Posts

Where practicable, the carports, verandas and porches shall be timber suitable for external use, or as otherwise specified, supported on galvanneal or treated metal post holes, unless otherwise specified. Posts shall be bolted to all adjoining beams as required by AS 1684 for the wind speed classification assessed for the site.

6. Corrosion Protection

All metal brackets, facing plates and other associated fixings used in structural timber joints and bracing must have appropriate corrosion protection.

STEEL FRAMING**1. General**

Steel floor, wall or roof framing shall be installed in accordance with the manufacturer's recommendations and the BCA.

ROOFING**ROOFING**

All roof cladding is to comply with the relevant structural performance and weathering requirements of the BCA and be installed as per the manufacturer's recommendations.

1. Tiled Roofing

The Builder will cover the roof of the dwelling with approved tiles as selected. The tiles are to be fixed (as required for appropriate design and wind speed) to battens of sipes appropriate to the spacing of rafter/trusses in accordance with the manufacturer's recommendations. The Builder will cover hips and ridges with capping and all necessary accessories including starters and apex caps. Capping and verge tiles are to be well bedded and neatly pointed. Roofing adjacent to valleys should be fixed so as to minimise water penetration as far as practicable. As roof tiles are made of natural products slight variation in colour is acceptable.

2. Metal Roofing

The Builder will provide and install a metal roof together with accessories all in accordance with the manufacturer's recommendations.

Except where design prohibits, sheets shall be in single lengths from fascia to ridge. Fixing sheets shall be strictly in accordance with the manufacturer's recommendation as required for the appropriate design and wind speed. Incompatible materials shall not be used for flashings, fasteners or downpipes.

3. Gutters and Downpipes

Gutters and downpipes shall be manufactured and installed in accordance with the BCA. Gutters and downpipes are to be compatible with other materials used.

4. Sarking

Sarking under roof coverings must comply with and be fixed in accordance with manufacturer's recommendations.

5. Sealants

Appropriate sealants shall be used where necessary and in accordance with manufacturer's recommendations.

6. Flashing

Flashings shall comply with, and be installed in accordance with the BCA.

MASONRY**1. Damp Proof Courses**

All damp proof courses shall comply with the BCA and Clause 1.0.10. The damp proof membrane shall be visible in the external face of the masonry member in which it is placed and shall not be bridged by any applied coatings, render or the like.

2. Cavity Ventilation

Open vertical joints (weepholes) must be created in the course immediately above any DPC or flashing at centres not exceeding 1.2m and must be in accordance with the BCA.

3. Mortar and Joining

Mortar shall comply with the BCA. Joint tolerances shall be in accordance with AS 3700.

4. Lintels

Lintels used to support brickwork opening in walls must be suitable for the purpose as required by the BCA. The Builder will provide one lintel to each wall leaf. The Builder will provide corrosion protection in accordance with the BCA Part 3.4.4 as appropriate for the site environment and location of the lintels in the structure.

5. Cleaning

The Builder will clean all exposed brickwork with an approved cleaning system. Care should be taken not to damage brickwork or joints and other fittings.

CLADDING AND LININGS**External Cladding**

Steel materials or other external cladding shall be fixed in accordance with the manufacturer's recommendations and any applicable special details.

Where required in open verandas, porches and save soffits, materials indicated on the plans shall be installed.

2. Internal Wall and Ceilings Linings

The Builder will provide gypsum plasterboards or other selected materials to walls and ceilings. Plasterboard sheets are to have recessed edges and will be a minimum of 10mm thick. Internal angles in walls from floor to ceiling are to be set. Suitable cornice mouldings shall be fixed at the junction of all walls and ceilings or the joint set as required. The lining of wet area and walls shall be constructed in accordance with the BCA. Wet area lining is to be fixed in accordance with the manufacturer's recommendations.

The ceiling access hole shall be of similar material to the adjacent ceiling.

3. Waterproofing

All internal wet area and balconies over internal habitable rooms are to be waterproof in accordance with the BCA.

JOINERY**1. General**

All joinery work (metal and timber) shall be manufactured and installed according to accepted building practices.

2. Door Frames

External door frames shall be a minimum of 32mm thick solid rebated 12mm deep to receive doors. Internal jamb linings shall be a minimum of 18mm thick with 12mm thick door stops. Metal doorframes shall be installed with indicated on drawings in accordance with the manufacturer's recommendations.

3. Doors and Doorsets

All internal and external timber door and door sets shall be installed in accordance with accepted building practices. Unless listed otherwise in the Schedule of Works, doors and door sets shall be manufactured in accordance with AS 2688 and AS 2689.

4. Window and Sliding Doors

Sliding and other timber windows and doors shall be manufactured and installed in accordance with AS 2047.

Sliding and other aluminium windows and the doors shall be installed in accordance with manufacturer's recommendations and AS 2047.

All glazing shall comply with the BCA and any commitments outlined in the relevant BASIX Certificate.

5. Stairs, Balustrades and other Barriers

The Builder will provide stairs or ramps to any change in levels, and balustrades or barriers to at least one side of ramps, landings and balconies as per the BCA.

SERVICES**1. Plumbing**

All plumbing shall comply with the requirements of the relevant supply authority and AS 3500. The work is to be carried out by a licensed plumber.

Fittings, as listed in the Schedule of Works, shall be supplied and installed to manufacturer's recommendations. Fittings, hot water system and any rainwater harvesting facilities shall be appropriate to satisfy any commitment outlined in the relevant BASIX Certificate.

2. Electrical

The Builder will provide all labour and materials necessary for the proper installation of the electricity service by a licensed electrician in accordance with AS/NZS 3000 and the requirements of the relevant supply authority. Unless otherwise specified, the electrical service will be 240 volt, single phase supply.

3. Gas

All installation (including LPG) shall be carried out in accordance with the requirements of the relevant supply authority.

4. Smoke Detectors

The Builder will provide and install smoke alarms manufactured in accordance with AS 3786 AS specified or as indicated on the plans and in accordance with the BCA.

5. Thermal Insulation

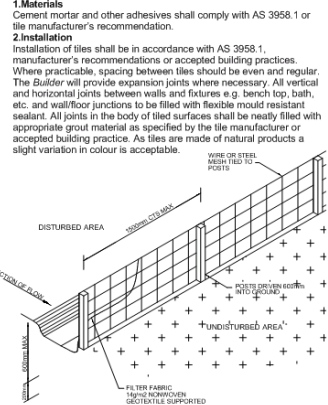
Where thermal insulation is used in the building fabric or services, such as air conditioning ducting or hot water systems, it shall be installed in accordance with manufacturer's recommendations to achieve the R-values required by the BCA or as outlined in the relevant BASIX Certificate.

TILING**1. Materials**

Cement mortar and other adhesives shall comply with AS 3958.1 or tile manufacturer's recommendation.

2. Installation

Installation of tiles shall be in accordance with AS 3958.1, manufacturer's recommendations or accepted building practices. Where practicable, spacing between tiles should be even and regular. The Builder will provide expansion joints where necessary. All vertical and horizontal joints between walls and fixtures e.g. bench top, bath, etc. and wall/floor junctions to be filled with flexible mould resistant sealant. All joints in the body of tiled surfaces shall be neatly filled with appropriate grout material as specified by the tile manufacturer or accepted building practice. As tiles are made of natural products a slight variation in colour is acceptable.



| Project: DUAL OCCUPANCY - TORRENS | | | | WORK SAFETY NOTES | | AMENDMENTS: | |
|--|---------------|---------------|--|-------------------|--------------|-------------|---------------------|
| LOT No: 30 | DP No: 718605 | SHEET: 8 OF 8 | | SCALE: | As indicated | Date: | 16.11.15 |
| STREET No: 27 | | | | SHEET SIZE: | A3 | Detail: | 06.03.16 |
| STREET: VERBENA AVENUE, PORT MACQUARIE | | | | DRAWN DATE: | 15.10.15 | CC | DA PLANS |
| CLIENT: LDA (McCosk) | | | | DWG No: | D3143 | 19.04.16 | FINAL CC CL CHANGES |
| | | | | | | 20.04.16 | MINOR CHANGES |
| | | | | | | 12.07.16 | COUNCIL NOTES |
| | | | | | | 06.04.18 | CHANGES |
| | | | | | | | J AE |

BUILDING DESIGNERS + LANDSCAPES + COLOURS + GRAPHICS
89 LORD STREET (PO BOX 5667), PORT MACQUARIE NSW 2444 T: 02 6583 4411 F: 02 6583 9820 WWW.COLLINSWCOLLINS.COM.AU

**Marilyn J Hutchison
26 Verbena Avenue, Port Macquarie NSW 2444**

Property ID: UY - 5295 - GO Govt ID: 19/718605

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22 July 2018

The General Manager
Port Macquarie Hastings Council
17 Burrawan Street
PORT MACQUARIE NSW 2444

66583

| | |
|----------------------------|--------|
| PORT MACQUARIE HASTINGS | |
| PRINCIPAL | COM No |
| 24 JUL 2018 | |
| Keywords | |
| Activity | |
| Subject | |
| Folder DA 2015 - 871.3 | |

APPLICATION NO. DA2015.871.3**NOTIFICATION OF DEVELOPMENT PROPOSAL – SECTION 4.55 MODIFICATION****Proposal: Modification to Multi Dwelling Housing****Property: Lot: 2 DP: 1230318, Lot: 1 DP: 1230318****27A Verbena Avenue PORT MACQUARIE,****27C Verbena Avenue PORT MACQUARIE**

Application No. 2015/871
Applicant: PJM International Pty Ltd

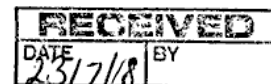
Dear Sir

As a resident and owner of 26 Verbena Avenue, Port Macquarie I have given thorough consideration to the proposed modification to the existing and proposed dwelling (as above).

I would like to express my objection to this proposal on the grounds that in the initial stages of the proposal and planning all aspects should, and could have been given more time to assess the impact the proposed development would have on the existing dwelling that is now at this latter stage being considered as having a "privacy" issue.

My understanding from the information I have been given is that initially Hastings Council rejected the proposed development in its totality and that following that rejection/objection an Appeal was lodged with Land and Environment Court who (for reasons that mount to something unbelievable) over-ruled the Hastings Council's decision.

I am unable to fathom how a Council's ruling/decision-making can simply be walked over in the interests of a group of people who are so focused on capitalism without taking into account the impact not only by a plan that is so out of character with surrounding residences but also the personal impact a development of this size has had on existing residents well-being, particularly



Marilyn J Hutchison
26 Verbena Avenue, Port Macquarie NSW 2444

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the development on the boundary of No. 25 Verbena Avenue (an elderly couple unwell). This development has been constructed right on the boundary and took an entire 8 (yes, I said 8) months for one dwelling to be completed from beginning to end. The residents at No. 25 were not told that the development would be double storey. Not to mention the filthy language some of the older more experienced tradesmen delivered while on-the-job. Not good enough. There are children living directly opposite at No. 24.

If everyone acted the way these key players have so determinedly with no respect for Hastings Council authority or existing residents I would hate to think what Port Macquarie Hastings Region would end up becoming. In short, not the opinion of visitors and those wishing to move into the area for reasons that have always existed giving Port Macquarie its reputation so deservedly and proudly held over past years and exists to this day.

I am submitting this objection hopefully taken constructively and fairly for your consideration.

Thanking you for your valuable time.

Regards

Marilyn Hutchison

Item: 06

Subject: DA2018 - 340 - TWO SEMI-DETACHED DWELLINGS WITH TORRENS TITLE SUBDIVISION - LOT 1 DP 1222707, 65 YALUMA DRIVE, PORT MACQUARIE

Report Author: Patrick Galbraith-Robertson

Applicant: RA Witt
Owner: RA & TC Witt
Estimated Cost: \$660K
Parcel no: 65570

Alignment with Delivery Program

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

RECOMMENDATION

That DA2018 - 340 for two semi-detached dwellings with torrens title subdivision at Lot 1, DP 1222707, No. 65 Yaluma Drive, Port Macquarie, be determined by granting consent subject to the recommended consent conditions.

Executive Summary

This report considers a development application for a two semi-detached dwellings with torrens title subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, four (4) submissions have been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 640.8m².

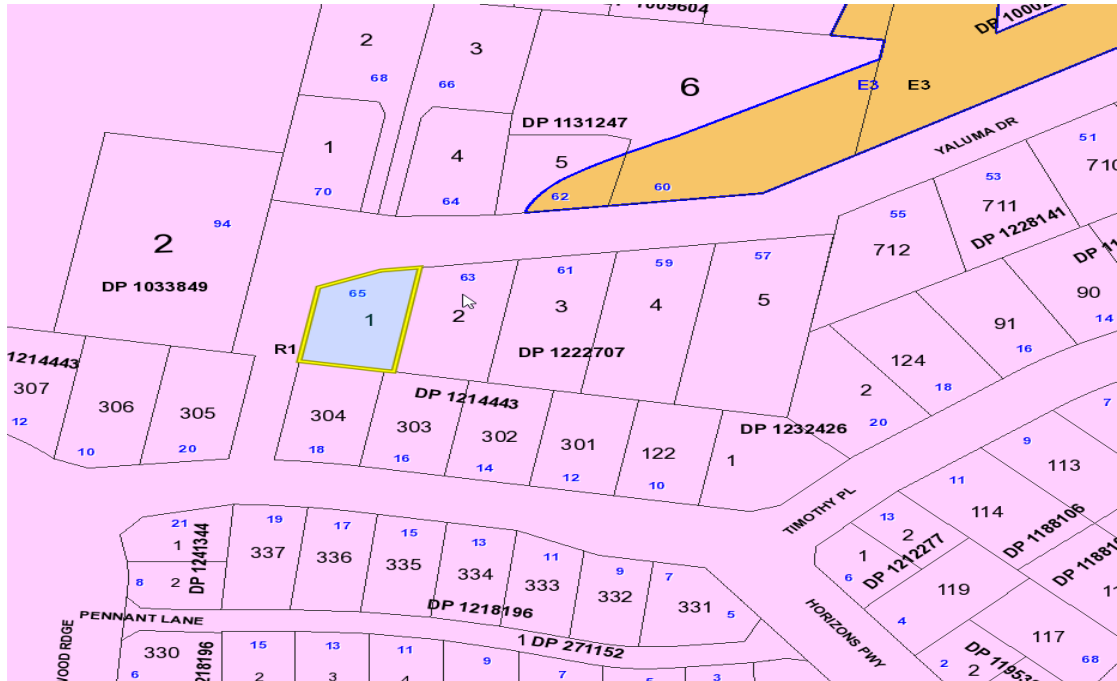
The site has frontage to Yaluma Drive and slopes from front to rear.

There is an existing dwelling to the south, vacant land to the east and a road reserve to the west with a public footpath.

There is an existing stormwater drainage easement of variable width that runs along the southern boundary and a second drainage easement of 1.5m wide that cuts

across the site towards the eastern boundary line. There is an existing stormwater junction in the south-western corner of the site.

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



The existing subdivision pattern and location of existing development within the locality is shown in the following aerial photographs (2012 and nearmap 2018):





2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Tree removal and proposed offset planting of a Council reserve; and
- Construction of dual occupancy consisting of two (2) attached two-storey, Torrens titled dwellings with individual driveway accesses provided to each dwelling.

Refer to attachments at the end of this report.

Application Chronology

- 8 May 2018 – DA lodged with Council
- 15 May 2018 – Additional information requested – Bushfire report and additional fees
- 18 to 31 May 2018 – Neighbour notification of proposal
- 30 May 2018 – Copies of submissions forwarded to Applicant for consideration
- 31 May 2018 – Bushfire report received
- 1 June 2018 - Bushfire report forwarded on the NSW Rural Fire Service for concurrence
- 18 June 2018 – Additional information received in response to neighbour concerns raised
- 28 June 2018 – Additional information requested on offset planting
- 3 July 2018 – Bushfire Safety Authority received from the NSW Rural Fire Service
- 11 July 2018 – Meeting with Applicant to discuss assessment issues
- 24 July 2018 – Council staff confirmation provided on offset tree planting location provided to Applicant

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 a Koala Plan of Management (KPoM) on the site referred to as the *Vieceli Port Macquarie SEPP 44 Assessment and Koala Management Plan, prepared by EcoPro dated September 1999*. A copy of this KPoM is attached to this report. Comments addressing this KPoM is addressed later in this report under the flora and fauna section. Additionally, the site is less than 1 hectare 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 (Building Sustainability Index: BASIX) 2004

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2, the subject site is zoned R1 general residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for semi-detached dwellings is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

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

- the proposal is a permissible landuse;
- the proposal will provide for an appropriate alternative form of residential housing
- Clause 4.1(4A) , the minimum lot sizes for the torrens title component of the proposal do not apply to the proposal as it is characterised as semi-detached dwelling or multi dwelling housing development.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 8.36m (Unit 2) 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 0.62:1.0 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 and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

(iii) any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

| <i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i> | | | |
|---|---|--|-----------------|
| | Requirements | Proposed | Complies |
| 3.2.2.1 | Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback | Water tanks are appropriately located | Yes |
| 3.2.2.2 | Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature | The development contains a porch for both dwellings within the articulation zone. The porches do not exceed 25% of the articulation zone and are setback a minimum 3m. | Yes |
| | Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 4.5m local road | >4.5m - front building line setback requirements are complied with. | Yes |

| DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development | | | |
|--|---|--|-----------------|
| | Requirements | Proposed | Complies |
| 3.2.2.3 | Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided | Garage door setback requirements are complied with however garage itself within 5.5m | Yes/No* |
| | 6m max. width of garage door/s and 50% max. width of building | Width of garage door requirements are unable to be complied with – 53% however are no wider than 6m each in width | No*&Yes |
| | Driveway crossover 1/3 max. of site frontage and max. 5.0m width | Driveway crossing width requirements are unable be complied with – 38% | No* |
| 3.2.2.4 | 4m min. rear setback. Variation subject to site analysis and provision of private open space | The rear setback requirements are complied with – minimum. 4.6m | Yes |
| 3.2.2.5 | Side setbacks: <ul style="list-style-type: none"> Ground floor = min. 0.9m First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. Building wall set in and out every 12m by 0.5m | The minimum side setback requirements are complied with. The side setbacks within 3.0m will not result in any adverse impacts to neighbouring properties. The wall articulation is compliant and satisfies the objectives of the development provision. | Yes |
| 3.2.2.6 | 35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade | Unit 1 contains >35m ² open space including useable 3m x 4.7m and 3.5m x 4.7m areas. Unit 2 contains >35m ² open including useable 2.5m x 4.4m and 4.0m x 6.2m areas. Technically the min. 4x4m <5% grade areas do not comply. | Yes/No* |
| 3.2.2.10 | Privacy: | No direct views | Yes |

| DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development | | | |
|--|--|--|-----------------|
| | Requirements | Proposed | Complies |
| | <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 | <p>between main living areas of adjacent dwellings when within 9m radius of any part of window of adjacent dwelling and between main living areas and decks within 12m of private open space areas of adjacent dwellings.</p> <p>No privacy screens are recommended. A privacy screen is shown for Unit 1 on the western deck for a drying area on</p> | |

| DCP 2013: General Provisions | | | |
|-------------------------------------|---|---|--------------------------|
| | Requirements | Proposed | Complies |
| 2.7.2.2 | Design addresses generic principles of Crime Prevention Through Environmental Design guideline | No concealment or entrapment areas proposed. Adequate casual surveillance available. | Yes |
| 2.3.3.1 | Cut and fill 1.0m max. 1m outside the perimeter of the external building walls | Cut and fill <1.0m change 1m outside the perimeter of the external building walls for Unit 1 Cut >1.0m at 1.5m outside perimeter of external building walls for Unit 2 | Yes 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 | Condition recommended to require engineering certification for retaining walls | Yes – capable compliance |
| | Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway | No retaining wall front fence combination proposed. | N/A |
| 2.3.3.8 | Removal of hollow bearing trees | No trees proposed to | N/A |

| DCP 2013: General Provisions | | | |
|-------------------------------------|---|--|--|
| | Requirements | Proposed | Complies |
| | | be removed that are hollow bearing | |
| 2.6.3.1 | Tree removal (3m or higher with 100m diameter trunk at 1m above ground level and 3m from external wall of existing dwelling) | 5 trees proposed to be removed – refer to comments | Refer to comments later in report to address offset planting |
| 2.4.3 | Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater | Refer to main body of report. | |
| 2.5.3.2 | New accesses not permitted from arterial or distributor roads | No new access proposed to arterial or distributor road. | N/A |
| | Driveway crossing/s minimal in number and width including maximising street parking | Driveway crossing(s) are minimal in width including retaining potential for street parking in this section of Yaluma Drive | Yes |
| 2.5.3.3 | Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). | Proposal includes 4 parking spaces within 2 double garages + capacity for parking in driveways | Yes |
| 2.5.3.11 | Section 94 contributions | Contributions apply - refer to ET calc and NOP. | Yes |
| 2.5.3.12 and 2.5.3.13 | Landscaping of parking areas | Suitable landscaping proposed around driveway/parking locations. | Yes |
| 2.5.3.14 | Sealed driveway surfaces unless justified | Sealed driveway areas proposed. | Yes |
| 2.5.3.15 and 2.5.3.16 | Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length | Driveway grades capable of satisfying Council standard driveway crossover requirements. | Yes |
| 2.5.3.17 | Parking areas to be designed to avoid concentrations of water runoff on the surface. | Stormwater drainage is capable of being managed as part of plumbing construction. | Yes |

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

Departure/variation sought from the DCP

The proposal seeks to vary the Development Provision relating to the technical requirement for a minimum 4x4m area at <5% grade within the private open space for each dwelling.

The relevant objectives are:

To encourage useable private open space for dwellings to meet the occupants requirements for privacy, safety, access, outdoor activities and landscaping.

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

- Both dwellings have 2 usable outdoor living spaces which are greater in 1 direction than 4m. The useable areas are capable of being sufficient to provide satisfactory amenity to the future occupants.
- The rear yard areas are greater than 35m².
- Due to the site contours, location of drainage easements and restrictions on use of land, the rear yard will have a grade greater than 5%.

The proposal seeks to vary the Development Provision relating to the garage door widths occupying more than the recommended maximum 50% proportion of building width and because of the angle front boundary the perpendicular garage setback is less than 5.5m from front boundary.

The relevant objectives are:

To minimise the impact of garages and driveways on the streetscape, on street parking and amenity.

To minimise the visual dominance of garages in the streetscape

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

- The proposed garage doors are each 5.0m wide, with Unit 1's garage door occupying 53% of the total combined building width, both minimally exceeding the 50% guide.
- The garage door widths are less than the permitted 6m width individually.
- Both dwellings are two storey as presented to the streetscape. The proposed façade design is well-articulated and integrates various external materials and finishes, creating visual interest that reduces visual dominance of the proposed garages to the streetscape.
- Street parking is possible between the driveways.
- The proposal provides a varied setback to the proposed garages due to the angled nature of the front boundary line. Otherwise a 5.5m length is possible to permit vehicle to parking in the driveways off-street.

The proposal seeks to vary the Development Provision relating to the site cut exceeding 1.0m for Unit 2. The proposal includes a site cut of 1.5m adjacent to the eastern boundary.

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 and fill regrading*
- *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.*

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

- The Applicant has stated that the proposed cut is to allow for the proposed Bedroom 3 to be constructed without requiring a wet wall construction.
- The proposed cut that is in excess of 1.0m extends for an overall length of approximately 2.35m and is positioned 986mm from the boundary line.
- The position and extent of the proposed cut will have minimal impacts on neighbouring properties with regards to future development stability, drainage and privacy. Adequate drainage provisions for the proposed development will be incorporated in the construction.
- A standard condition is recommended to require engineering certification for the retaining walls as part of the project.

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied.

Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

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

iv) any matters prescribed by the Regulations:

N/A

(v) Any Coastal Zone Management Plan

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.
- For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. The most important

contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In this regard, the proposed building height is compliant with the maximum building height of 8.5m, the front setback and side setback DCP guidelines and satisfactory landscaping is proposed. It is also noted that other 2 storey dwellings have been approved and/or constructed within the immediate Yaluma Drive locality. The proposal is not located within a nominated conservation area.

- The proposal is considered to be sufficiently consistent with other residential development in the locality and adequately addresses planning controls.
- There are no identifiable adverse impacts on existing view sharing within the locality. It is noted that the proposed buildings are compliant with the building height limit for the site.
- There are no adverse privacy impacts. The Applicant has provided additional details to address a submission received which is addressed later in this report under the submissions section.
- There are no adverse overshadowing impacts. The Applicant has provided additional details to address a submission received which is addressed later in this report under the submissions section. The proposal does not prevent adjoining properties from receiving 3 hours of sunlight to the principal private open space areas and primary living areas on 21 June.

Access, transport and traffic

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

The proposal provides compliant parking of-street in accordance with Council's Parking Code under Development Control Plan 2013.

With regard to garbage trucks being able to continue to service the properties within Yaluma Drive, Council's AUSPEC D1 specifies that the radius of cul-de-sac heads shall be 9m. An 18m diameter is existing which indicates compliance with typical standards.

Water Supply Connection

Council records indicate that the development site has an existing 20mm sealed water service from the 100 PVC water main on the same side of Yaluma Drive. Each proposed lot shall have an individual water service. Path boxes shall be installed on the existing water services where located under driveways at no cost to Council.

Details are to be shown on the engineering plans. Detailed plans will be required to be submitted for assessment with the Section 68 Local Government Act 1993 application.

Sewer Connection

Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that traverses the development site. Each proposed lot requires an individual connection to Council's sewer system. Engineering plans are

required to detail how the dwellings will avoid placing additional loads on the existing sewer infrastructure.

Stormwater

The site naturally grades towards the rear and there is an existing stormwater drainage easement of variable width that runs along the southern boundary and a second drainage easement of 1.5m wide that cuts across the site towards the eastern boundary line. There is an existing stormwater junction in the south-western corner of the site.

The legal point of discharge for the proposed development is defined as a direct connection to the existing inter-allotment drainage system servicing the site.

A draft Subdivision Construction Plan has been submitted which includes satisfactory details of the existing and proposed stormwater junctions and other private drainage infrastructure likely to be proposed.

With regard to the upper level deck of Unit 2, whilst it is not desirable to have a structure over an easement for drainage (restricts future maintenance access), the terms of the easement and Council's current AUSPEC Specifications do not preclude structures over easements. Further, recent practice has been to allow eaves to overhang easements for drainage if the structure is at least 3m above ground level. This allows access for maintenance via typical maintenance vehicles – small rubber tracked excavator as a worst case scenario.

In this scenario, the proposed structure is located greater than 3m above the existing ground level, meaning that typical maintenance equipment can work within the easement, with supporting columns located clear. In addition, this easement is not utilised for overland flow, as there is a separate easement for overland flows located along the rear boundary.

Subject to the provision of a structural design for the supporting column footing to demonstrate that both no load is placed on the pipeline and that the structure is not destabilised by any future maintenance works within the easement, no objections are raised towards the proposed development. An appropriate consent condition is recommended.

Both dwellings are capable of draining to the existing point of connection and the system has adequate capacity for the subject development. A detailed site stormwater management plan will be required to be submitted for assessment with the Section 68 application and prior to the issue of a Construction Certificate.

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

- *The legal point of discharge for the proposed development is defined as the existing interallotment drainage.*
- *The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.*

Other Utilities

Telecommunication and electricity services are available to the site.

Evidence of satisfactory arrangements with the relevant utility authorities for provision to each proposed lot will be required prior to Subdivision Certificate approval (**E068**).

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

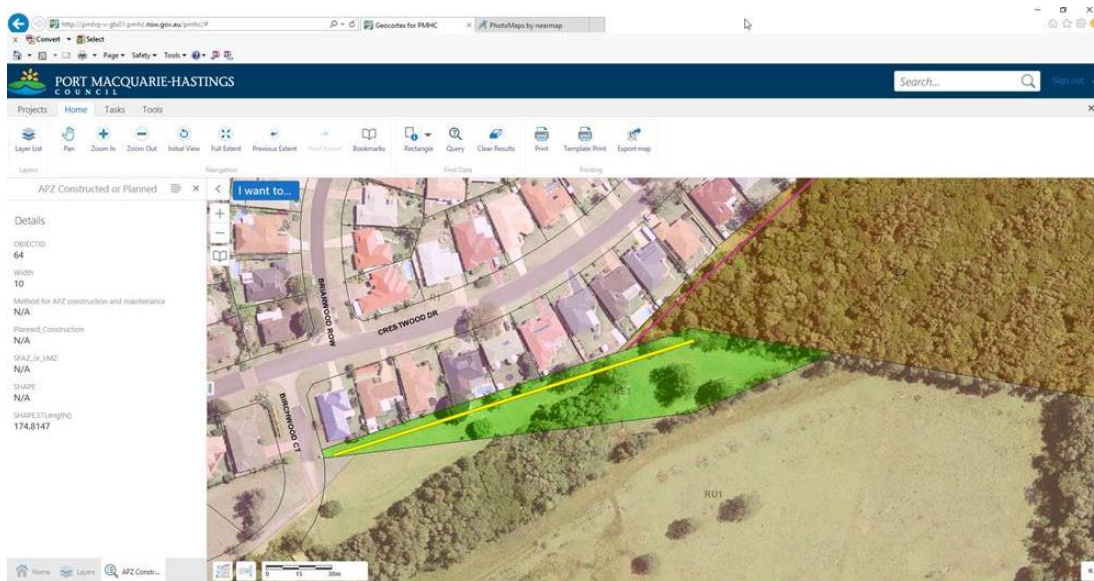
Construction of the proposed development will require removal/clearing of five (5) trees as detailed on the Tree Removal plan dated 7 May 2018 attached to this report. There is an existing KPoM applying to the site referred to as *Vieceli Port Macquarie SEPP 44 Assessment and Koala Management Plan, prepared by EcoPro dated September 1999*. The following comments are provided to justify the appropriateness of recommending support to the removal of the subject trees:

1. Whilst there was good intention to require the plantings to be completed in the locations on this site, their long term retention with regard to proximity to a single building on the site even within the approved envelope is not considered practical.
2. It is considered more appropriate to require planting of appropriate habitat plantings in a more suitable location as detailed shown below. The recommended condition is to require:
 - *Prior to the issue of a Construction Certificate, a suitably experienced Bush Regeneration Contractor shall arrange for planting of eight (8) trees on Lot 137 DP846604, Birchwood Court, Port Macquarie to the satisfaction of Council. Evidence of plantings being completed shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate. Swamp mahoganies can be planted in the eastern end at 10 m centres, with stems no closer than 20m to private property boundaries to the north.*

Trees are to be mulched and deer-proof guarded.

3. The KPoM was approved in 1999 and has a provision which states/refers to a historic provision which enabled tree removal under the historic Tree Preservation Order (TPO) which was in place at the time. The TPO requires that replacement planting of koala food trees be provided for any trees that are removed by residents. It is considered that this provision provides scope for reviewing any tree removal on the site as individual trees are not nominated for retention.
4. One (1) tree is proposed to be retaining in the south-eastern corner of the site.

Location for offset planting below which is Council Land:



In addition to the above, it has been identified during the assessment that the restriction as to user that also applies to the area of trees to be removed requires Council to approve the variation to the restriction. In this regard, the General Manager has supported the variation to the restriction as to user subject to the Development Assessment Panel granting consent to the proposal.

Subject to requiring the offset planting to be completed prior to construction commencing, the proposal will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna subject to the recommended consent condition. Part 7 of the Biodiversity Conservation Act is considered to be satisfied.

Waste

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

Noise and vibration

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

Bushfire

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential purposes. As a result, the Applicant has submitted a bushfire report prepared by a Certified Consultant. The report was forwarded to the NSW Rural Fire Service who have since issued a Bushfire Safety Authority, which will be incorporated into the consent.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site design and internal design

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

Construction

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

Cumulative impacts

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

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

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

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

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

Four (4) written submissions have been received following public exhibition of the application.

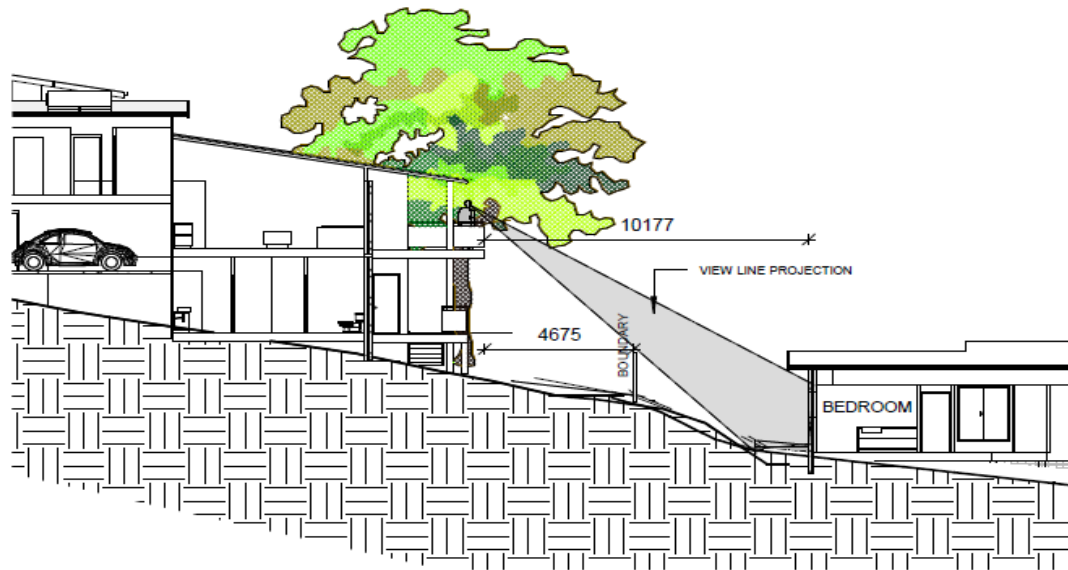
Key issues raised in the submissions received and comments in response to these issues are provided as follows:

| Submission Issue/Summary | Planning Comment/Response |
|--|--|
| Impact on views to 64 Yaluma Drive. | <p>The existing dwelling at 64 Yaluma Drive is a single storey dwelling that does not appear to have been designed to access available views to the south ie no outdoor living areas providing visual access to views – only a bedroom and garage at the front to Yaluma Drive.</p> <p>The distant views to the south comprise of bushland, hinterland, North Brother Mountain and a new subdivision stage currently under construction.</p> <p>With the height of the existing dwelling any construction on the subject site would present some obstruction to the southern views although this impact is not considered to be significant and is not of a sufficient weight to warrant a redesign of the proposal.</p> |
| Impact of additional traffic given small diameter cul-de-sac and potential development of 94 Yaluma Drive. | <p>The proposal will be unlikely to have any adverse impacts in terms of access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.</p> <p>The proposal provides compliant parking off-street in accordance with Council's Parking Code under Development Control Plan 2013.</p> <p>The potential development of the neighbouring 94 Yaluma Drive will need to be reassessed at the time of such a proposal.</p> |
| There are 13 non-compliances with proposal. | Following a detailed assessment of the proposal, the following variations are |

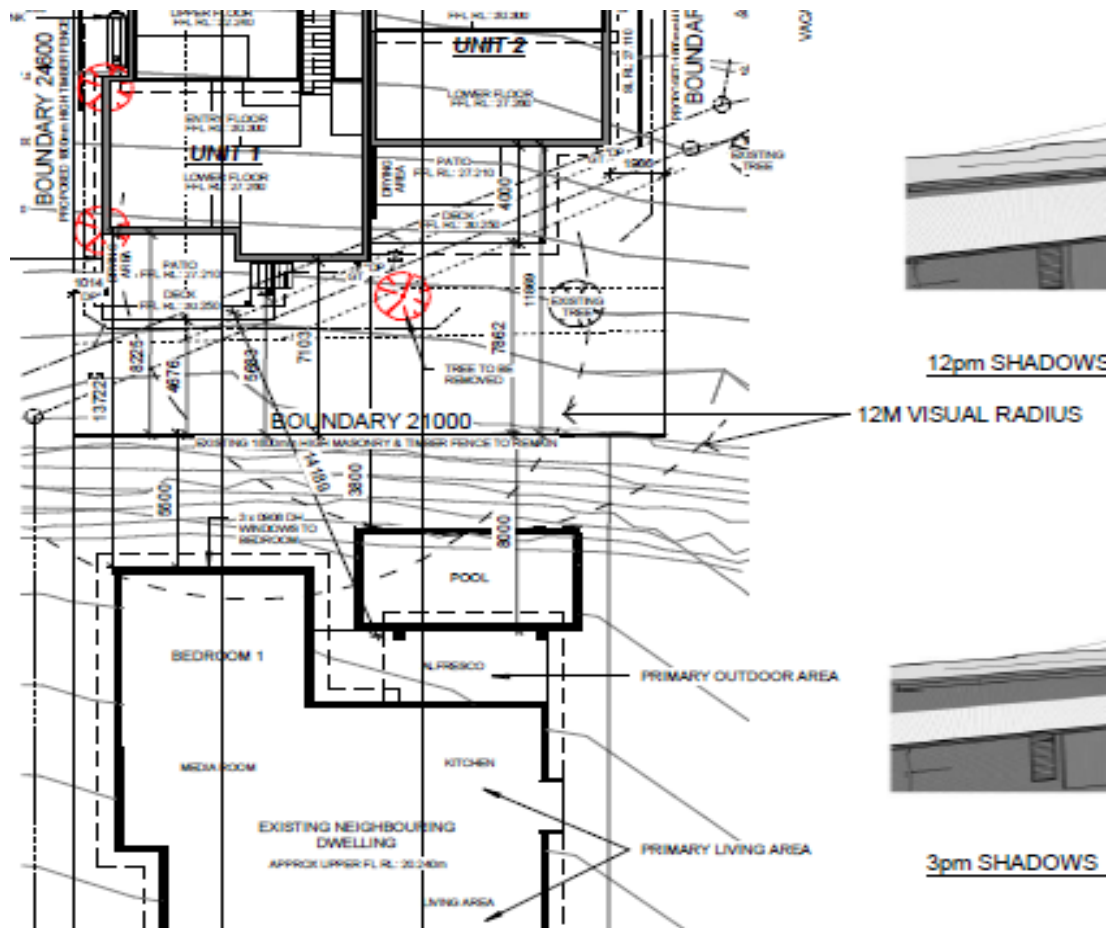
| Submission Issue/Summary | Planning Comment/Response |
|--|--|
| | <p>proposed:</p> <ul style="list-style-type: none"> • The driveway widths combined are 38% in width and 1.17m in combined width above the recommended standard. Street parking will still be possible between the driveways and no adverse streetscape impacts are identified to warrant recommending refusal. • The garage door widths are 53% in width and 0.57m in combined width above the recommended standard. The garage doors are less than the permitted 6m each individually however. • The garages are technically closer than 5.5m to the front boundary because of the angle of the front boundary otherwise providing a 5.5m driveway length. • The private open space areas technically do not provide for the minimum 4mx4m areas however have significantly more than 35m² in open space area and provides for two useable areas. • The proposal includes a site cut of 1.5m adjacent to the eastern boundary. The proposed cut is to allow for the proposed Bedroom 3 to be constructed without requiring a wet wall construction. <p>All variations are considered to be justified given the nature of the site and design response to the site conditions.</p> <p>Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.</p> |
| The type of dwelling does not complement the existing neighbourhood. | For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. The most important contributor to urban character is the |

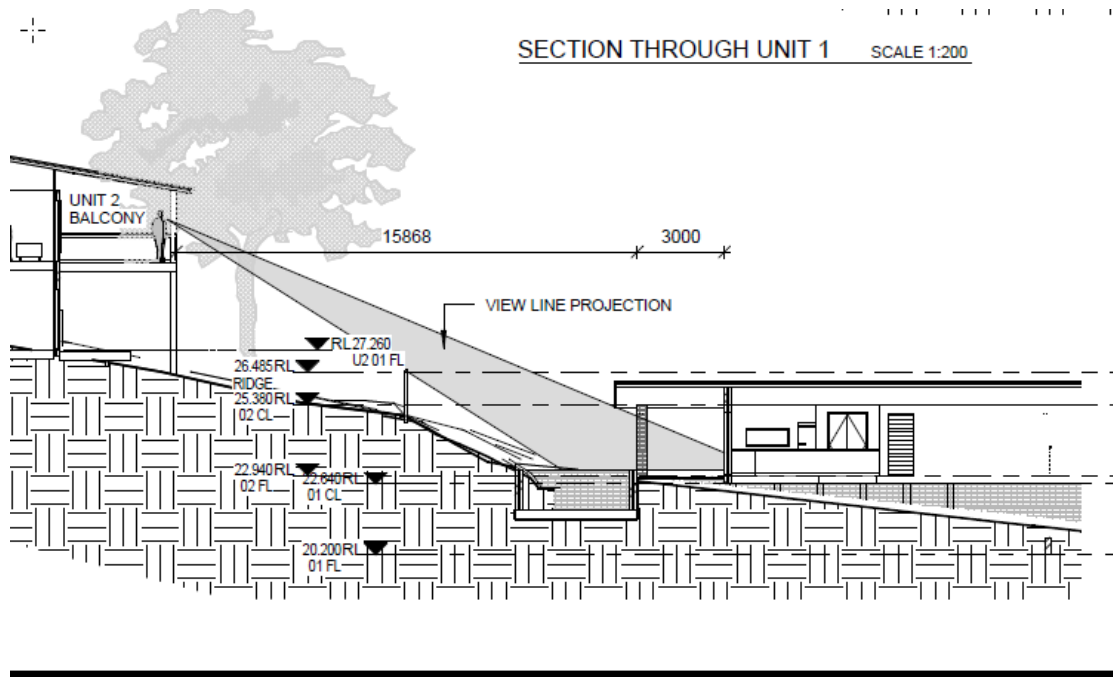
| Submission Issue/Summary | Planning Comment/Response |
|---|--|
| | relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In this regard, the proposed building height is compliant with the maximum building height of 8.5m, the front setback and side setback DCP guidelines and satisfactory landscaping is proposed. It is also noted that other 2 storey dwellings have been approved and/or constructed within the immediate Yaluma Drive locality. |
| Removal of koala preferred trees on the site disregarding that the trees were planted under Council's direction previously. | Whilst there was good intention to require the plantings to be completed in the locations on this site, their long term retention with regard to proximity to a single building on the site even within the approved envelope is not considered to be practical. |
| Land was at one time deemed a koala corridor but an abundant removal of trees during recent construction has removed this corridor. | It is considered more appropriate to require planting of appropriate habitat plantings in a more suitable location as detailed earlier in this report. |
| Unit 2 has a maximum height of approximately 9.86m being well above the 8.5m height limit. | Unit 2 is a maximum 8.36m in building height and complies with the maximum 8.5m building height limit. Building height is measured from existing ground level and does not include the section of building below the existing ground level as is in part the case for the subject proposal. |
| Waste management trucks have difficulty in manoeuvring in cul de sac and any vehicular parking in this area would make the truck access unsafe. | <p>With regard to garbage trucks being able to continue to service the properties within Yaluma Drive, Council's engineering AUSPEC guidelines D1 specifies that the radius of cul-de-sac heads shall be 9m. An 18m diameter is existing which indicates compliance with typical standards.</p> <p>Each of the dwellings provide for a double garage parking space and a suitable driveway length to permit additional stacked parking in front of the garages.</p> <p>The proposed driveways have also been positioned to allow for on-street parking between the driveways, or position of</p> |

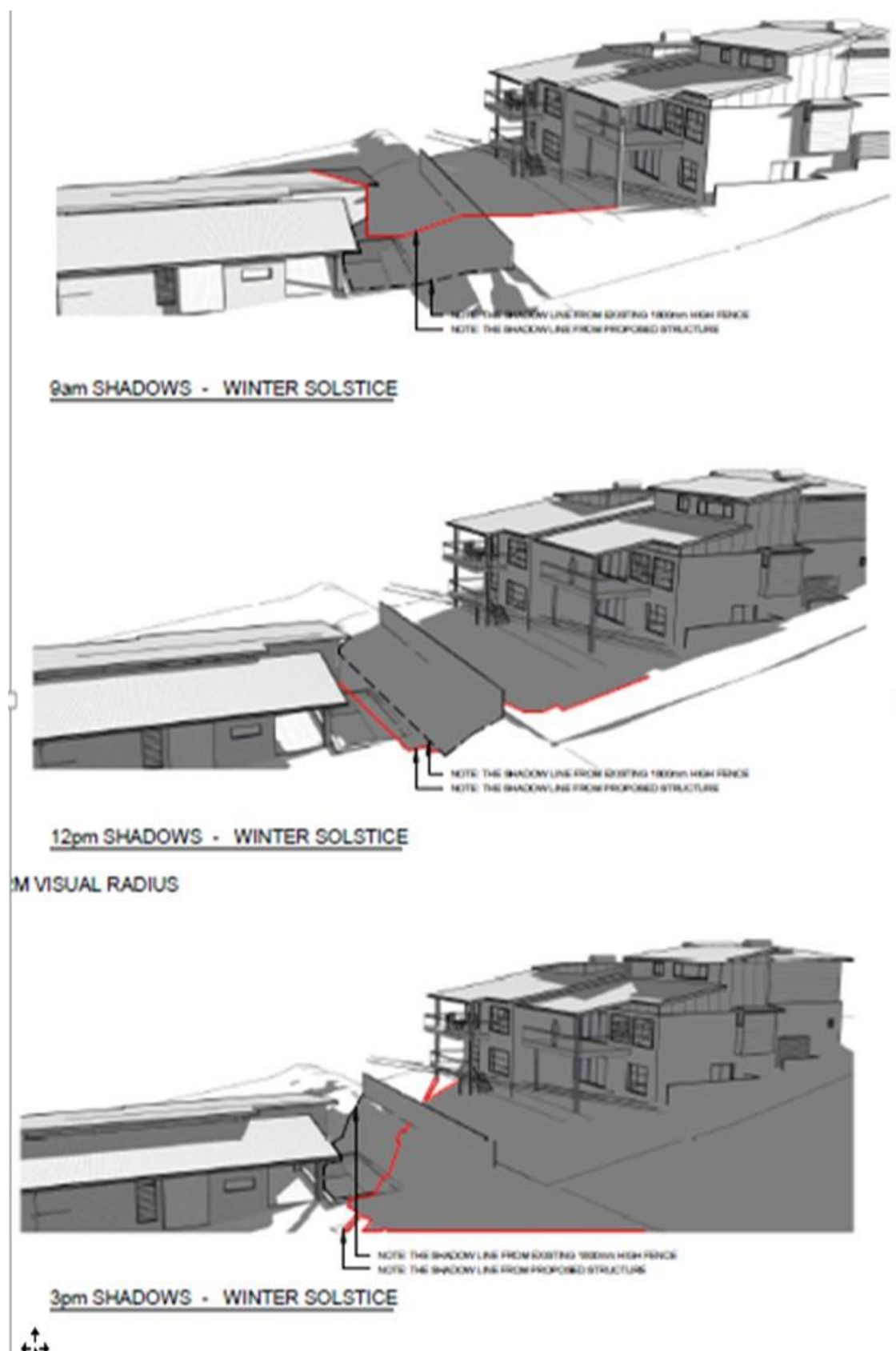
| Submission Issue/Summary | Planning Comment/Response |
|---|--|
| | bins on collection day. |
| <p>The dwellings will remove the privacy in backyard of 16 Horizons Parkway.</p> | <p>The rear neighbouring property has a swimming pool and covered alfresco adjacent to the rear boundary line. The swimming pool is setback 3.8m from the rear boundary line. There is a large covered deck to the front of the dwelling which appears to be the primary outdoor living area.</p> <p>The proposal provides increased rear setbacks which result in a minimum separation of 14.189m from the edge of Unit 1's upper floor deck to the rear neighbour's alfresco. The separation to the edge of Unit 2's upper floor deck is 15.862m.</p> <p>The separation proposed is considered to be satisfactory and meets the 12m separation requirements for principal private open space areas.</p> <p>The applicant has submitted a plan showing a line of sight cross-section which is shown below this table.</p> |
| <p>The dwellings will cast a shadow in winter months to 16 Horizons Parkway which will deny essential sunlight.</p> | <p>Additional shadow diagrams have been submitted by the applicant during the assessment of the DA. The shadow diagrams are shown below this table and satisfactorily demonstrate that the proposal does not overshadow the pool or alfresco at 9am, it does however, shadow the rear bedroom wall/window. At 12 noon the proposal marginally overshadows the pool but not the alfresco or any other part of the dwelling. At 3pm, the proposal does not overshadow the rear neighbouring property.</p> |



SECTION THROUGH UNIT 1 SCALE 1:200





**(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

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

5. CONCLUSION AND STATEMENT OF REASON

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 considered suitable for the proposed development and the proposal adequately addresses relevant planning controls. The development is not considered to be contrary to the public's interest and will not result 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 - 340.1 DA Consent Conditions

2[View](#). DA2018 - 340.1 Plans and Supporting Documents

3[View](#). DA2018 - 340.1 Submissions

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2018/340

DATE: 30/07/2018

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 |
|-----------------------------------|-------------------|-------------------------------|--------------------------------|
| Development plans | Sheets 1 to 12 | Collins W Collins | 7 May 2018 |
| Tree removal plan | Sheet 1 | Collins W Collins | 7 May 2018 |
| Draft DP subdivision plan | | Beukers and Ritter Consulting | Stamped approved 8 August 2018 |
| BASIX certificates | 913244S & 913324S | Collins W Collins | 12 April 2018 |

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a. the appointment of a Principal Certifying Authority; and
 - b. the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:

1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
2. Appropriate dust control measures;
3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A013) The general terms of approval from the following authorities, as referred to in section 4.50 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
 - **NSW Rural Fire Service** - The General Terms of Approval, Reference D18/5888 DA18060813452 and dated 3 July 2018, are attached and form part of this consent.
- (8) (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.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B195) Prior to the issue of a Construction Certificate, a suitably experienced Bush Regeneration Contractor shall arrange for planting of eight (8) trees on Lot 137 DP846604, Birchwood Court, Port Macquarie to the satisfaction of Council. Evidence of plantings being completed shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate. Swamp mahoganies can be planted in the eastern end at 10 m centres, with stems no closer than 20m to private property boundaries to the north. Trees are to be mulched and deer-proof guarded.
- (2) Detailed drawings and specifications prepared by a professional engineer for the Unit 2 upper level post and deck shall be submitted with the application for a Construction Certificate. The provision of a structural design for the supporting column footing to demonstrate that both no load is placed on the pipeline and that the structure is not destabilised by any future maintenance works within the easement.
- (3) (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
- (4) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

 - Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving (width)
 - Footway and gutter crossing
 - Functional vehicular access
- (5) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Sewerage reticulation.

2. Water supply plans.
 3. Stormwater systems.
- (6) (B010) Payment to Council, prior to the issue of the Construction Certificate or Subdivision Certificate (whichever comes first) of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Hastings S94 Administration Building Contributions Plan
 - Hastings Administration Levy Contributions Plan
 - Community Cultural and Emergency Services Contributions Plan 2005
 - Hastings S94 Major Roads Contributions Plan
 - Port Macquarie-Hastings Open Space Contributions Plan 2018
- The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.
- The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (7) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate or Subdivision Certificate (whichever comes first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (8) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
- (9) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (10) (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.
- (11) (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.

- (12) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (13) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as the existing inter-allotment drainage..
 - b) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (14) Council records indicate that the development site has an existing 20mm sealed water service from the 100 PVC water main on the same side of Yaluma Drive. Each proposed lot shall have an individual water service. Path boxes shall be installed on the existing water services where located under driveways at no cost to Council. Details are to be shown on the engineering plans.
- (15) Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that traverses the development site. Each proposed lot requires an individual connection to Council's sewer system. Engineering plans are required to detail how the dwellings will avoid placing additional loads on the existing sewer infrastructure.
- (16) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
 - earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries;
 - earthworks that are more than 1m above or below ground level (existing) in any other location;are to be submitted to the Principal Certifying Authority with the application for 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) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's

Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:

- a. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- b. prior to the pouring of concrete for sewerage works and/or works on public property;
- c. during construction of sewer infrastructure;

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE / SUBDIVISION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (5) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any 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.
- (6) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (7) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (8) (E068) Prior to the issue of a Subdivision or Occupation Certificate (whichever occurs first), evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the providers (including street lighting and fibre optic cabling where required).
- (9) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as

determined by Council), or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

F – OCCUPATION OF THE SITE

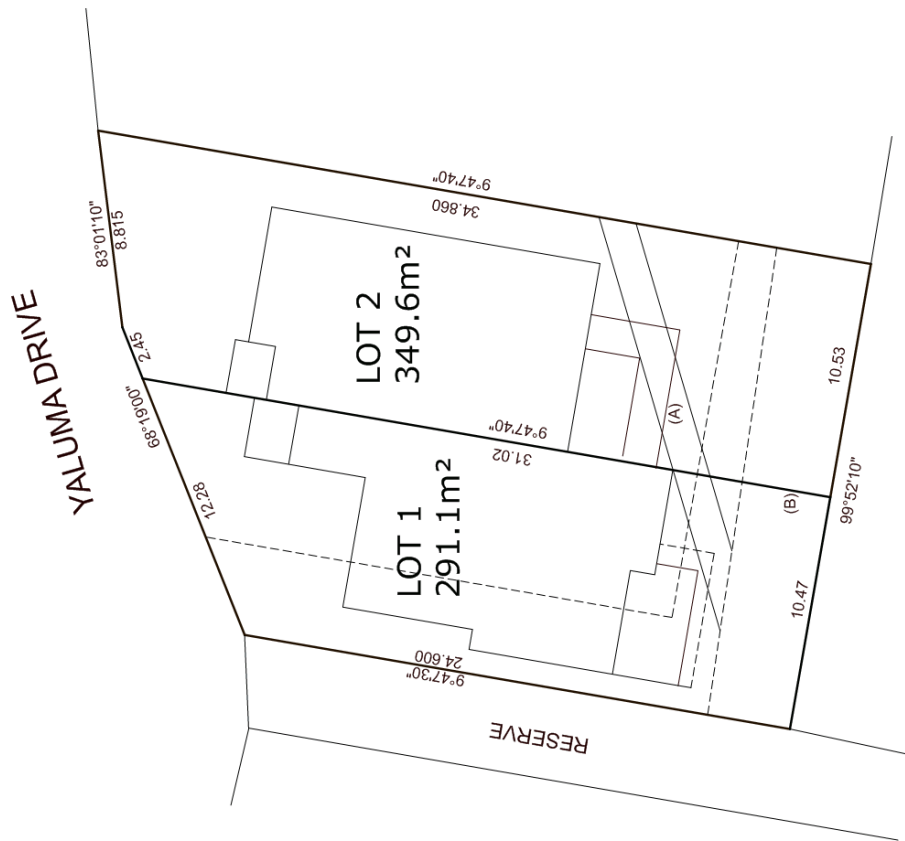
- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.

DRAFT

SHEET 1 OF 1 SHEETS

WARNING: UNRELIABLE UNLESS USED WITH REFERENCE TO THE PLAN

1:5000 1:5000 1:5000



CAUTION
THIS PLAN IS PRELIMINARY AND IS
NOT TO BE USED FOR CONSTRUCTION,
FURTHER SURVEY, INVESTIGATION,
& REGISTRATION AT THE LAND TITLES
OFFICE.
ALL AREAS & DIMENSIONS ARE
SUBJECT TO CONFIRMATION

PREPARED BY:

Beukers & Ritter Consulting
Surveying • Civil & Structural Engineering • Planning

Office: 14 Lort Street
Perth, Western Australia 6000
Phone: (08) 9480 3735
Email: office@beukersandritter.com.au

| Number | Radius | Arc Length | Chord Distance | Chord Bearing |
|--------|--------|------------|----------------|---------------|
| 1 | 390.5 | 19.82 | 19.815 | 216°36'15" |

(A) - EASEMENT TO DRAIN WATER 1.5 WIDE DP1222707
(B) - EASEMENT TO DRAIN WATER VARIABLE WIDTH DP1222707

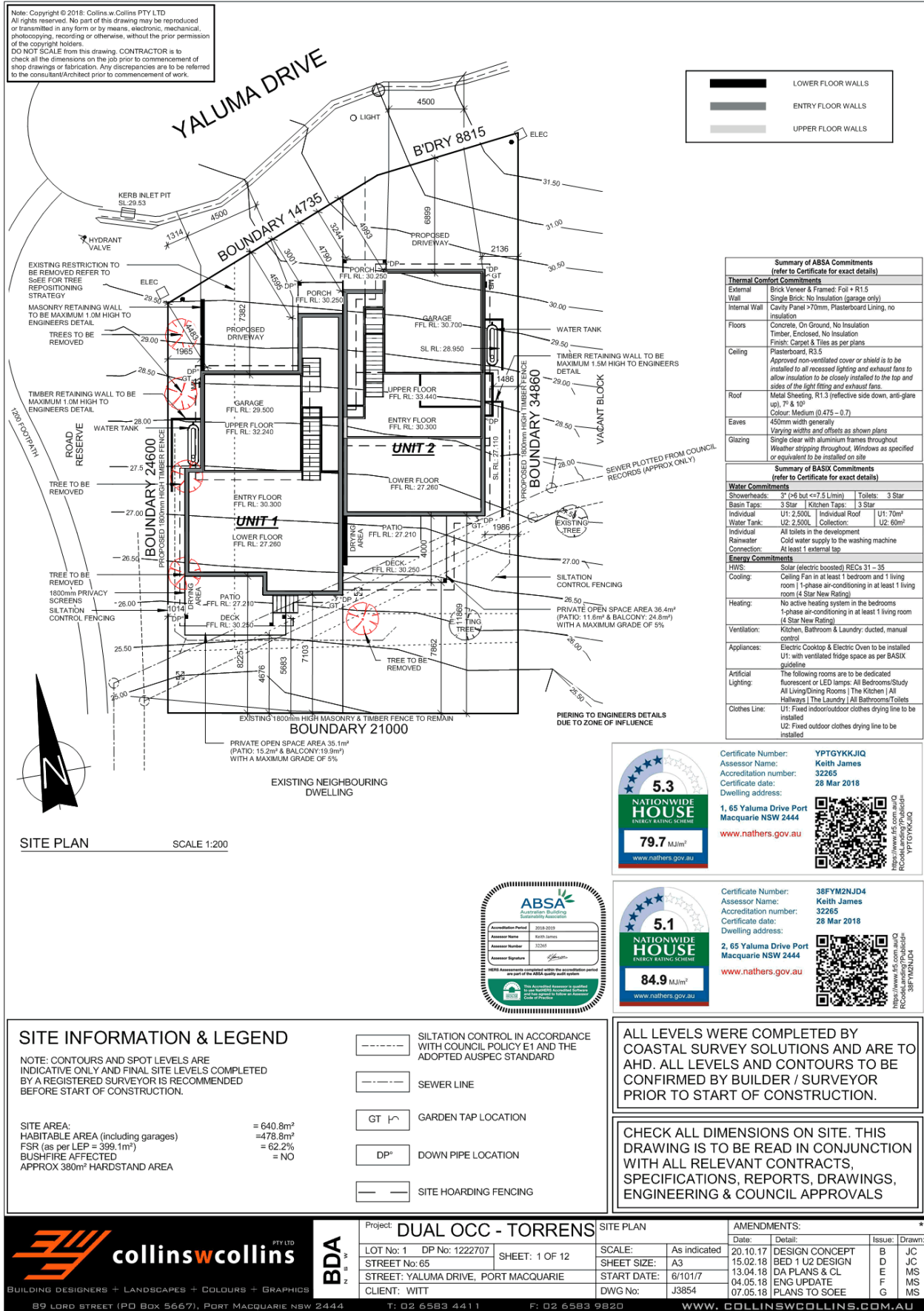
Surveyor:
Date of survey:
Surveyor's ref: 10753

PLAN OF SUBDIVISION
OF LOT 38 DP 1222707

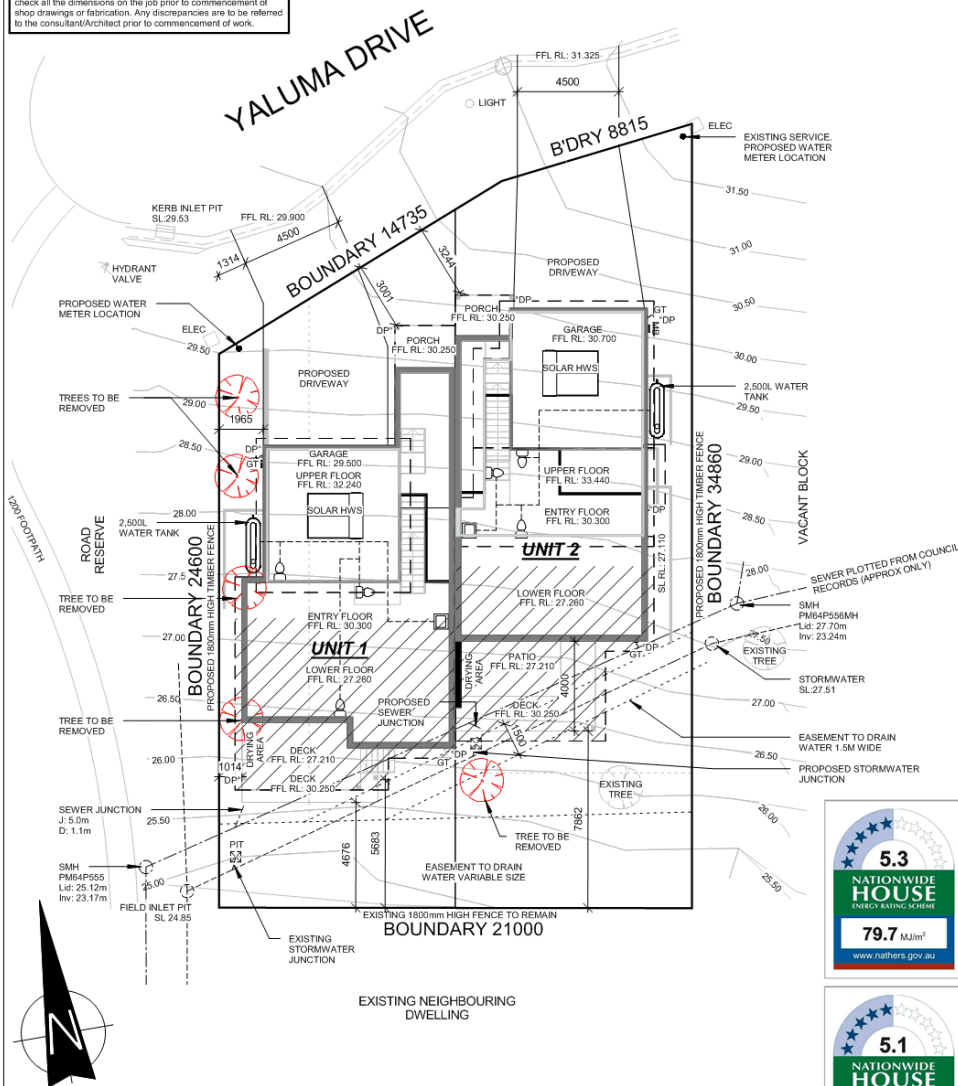
LGA:
Locality:
Subdivision No:
Lengths are in metres. Reduction ratio 1:200

Registered

DP



Note: Copyright © 2018, Collins w Collins PTY LTD
All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright holder.
DO NOT SCALE from this drawing. CONTRACTOR is to check all the dimensions on the job prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the consultant/Architect prior to commencement of work.



S68 & S138 PLAN SCALE 1:200

| DRIVEWAY DETAIL TO BE IN ACCORDANCE WITH ASD201 & ASD208 | | | |
|---|-------------------------------|------------------------|----------------------------|
| | KERB & GUTTER INVERT LEVEL | GARAGE FL TO GARAGE | DISTANCE KERB TO GARAGE |
| U1 | 29.900m | 29.500m | 10.215m |
| U2 | 31.325m | 30.700m | 10.970m |

S68 & S138 SITE INFORMATION & LEGEND

STORMWATER NOTE:
STORMWATER/RAINWATER OVERFLOW TO
STORMWATER EASEMENT AT REAR OF SITE

- SEWER LINE
- GTAP GARDEN TAP LOCATION
- DP^o DOWN PIPE LOCATION

- CATCHMENT OF ROOF AREA TO BE DIRECTED TO TANK (TO BE USED AS GUIDE ONLY)
- PROPOSED TANK LOCATION: U1: 2,500L U2: 2,500L
- PATH OF WATER FLOW FROM D/PIPES TO TANK (TO BE USED AS A GUIDE ONLY)
- WATER FLOW FROM TANK TO APPLIANCES (TO BE USED AS A GUIDE ONLY)
- LAWN & GARDEN AREA TO BE U1: 60m²; U2: 700m² (AS PER BASIX CERTIFICATE TO BE USED AS A GUIDE ONLY)

CEILING PENETRATION - APPROVED NON-VENTILATED COVER OR SHIELD IS TO BE INSTALLED TO ALL RECESSED LIGHTING AND EXHAUST FANS TO ALLOW INSULATION TO BE CLOSELY INSTALLED TO THE TOP AND SIDES OF THE LIGHT OR EXHAUST FITTING.

ALL LEVELS WERE COMPLETED BY COASTAL SURVEY SOLUTIONS AND ARE TO AHD. ALL LEVELS AND CONTOURS TO BE CONFIRMED BY BUILDER / SURVEYOR PRIOR TO START OF CONSTRUCTION.

CHECK ALL DIMENSIONS ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS, DRAWINGS, ENGINEERING & COUNCIL APPROVALS



| Summary of ABSA Commitments (refer to Certificate for exact details) | |
|---|--|
| Thermal Comfort Commitments | |
| External Wall | Brick Veneer & Framed: Foil + R1.5 |
| Internal Wall | Single Brick: No Insulation (garage only) |
| Floors | Cavity Panel >70mm, Plasterboard Lining, no insulation |
| Ceiling | Concrete, On Ground, No Insulation |
| Roof | Timber, Enclosed, No Insulation |
| Eaves | Plasterboard, R1.5 |
| Glazing | Approved non-ventilated cover or shield is to be installed to all recessed lighting and exhaust fans to allow insulation to be closely installed to the top and sides of the light fitting and exhaust fans. |
| | Colour: Medium (0.475 - 0.7) |
| | 450mm width generally |
| | Varying widths and offsets as shown plans |
| | Single clear with aluminium frames throughout |
| | Weather stripping throughout. Windows as specified or equivalent to be installed on site |

| Summary of BASIX Commitments (refer to Certificate for exact details) | |
|--|---|
| Water Commitments | |
| Showerheads | 3/4" (6 but <= 7.5 L/min) |
| Basin Taps | 3 Star |
| Individual Water Tank | U1: 2,500L Individual Roof U1: 70m ² U2: 60m ² |
| Rainwater | At least 1 external tap |
| Connection | At least 1 external tap |
| Energy Commitments | |
| HWS | Solar (electric boosted) RECs 31 - 35 |
| Cooling | Ceiling Fan in at least 1 bedroom and 1 living room 1-phase air-conditioning in at least 1 living room (4 Star New Rating) |
| Heating | No active heating system in the bedrooms. 1-phase air-conditioning in at least 1 living room (4 Star New Rating) |
| Ventilation | Kitchen, Bathroom & Laundry: ducted, manual control |
| Appliances | Electric Cooktop & Electric Oven to be installed U1: with ventilated fridge space as per BASIX guideline |
| Artificial Lighting | The following rooms are to be dedicated fluorescent or LED lamps: All Bedrooms/Study All Living/Dining Rooms The Kitchen All Hallways The Laundry All Bathrooms/Toilets |
| Clothes Line | U1: Fixed indoor/outdoor clothes drying line to be installed U2: Fixed outdoor clothes drying line to be installed |

Certificate Number: YPTGYKJQ
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 28 Mar 2018
Dwelling address: 1, 65 Yaluma Drive Port Macquarie NSW 2444
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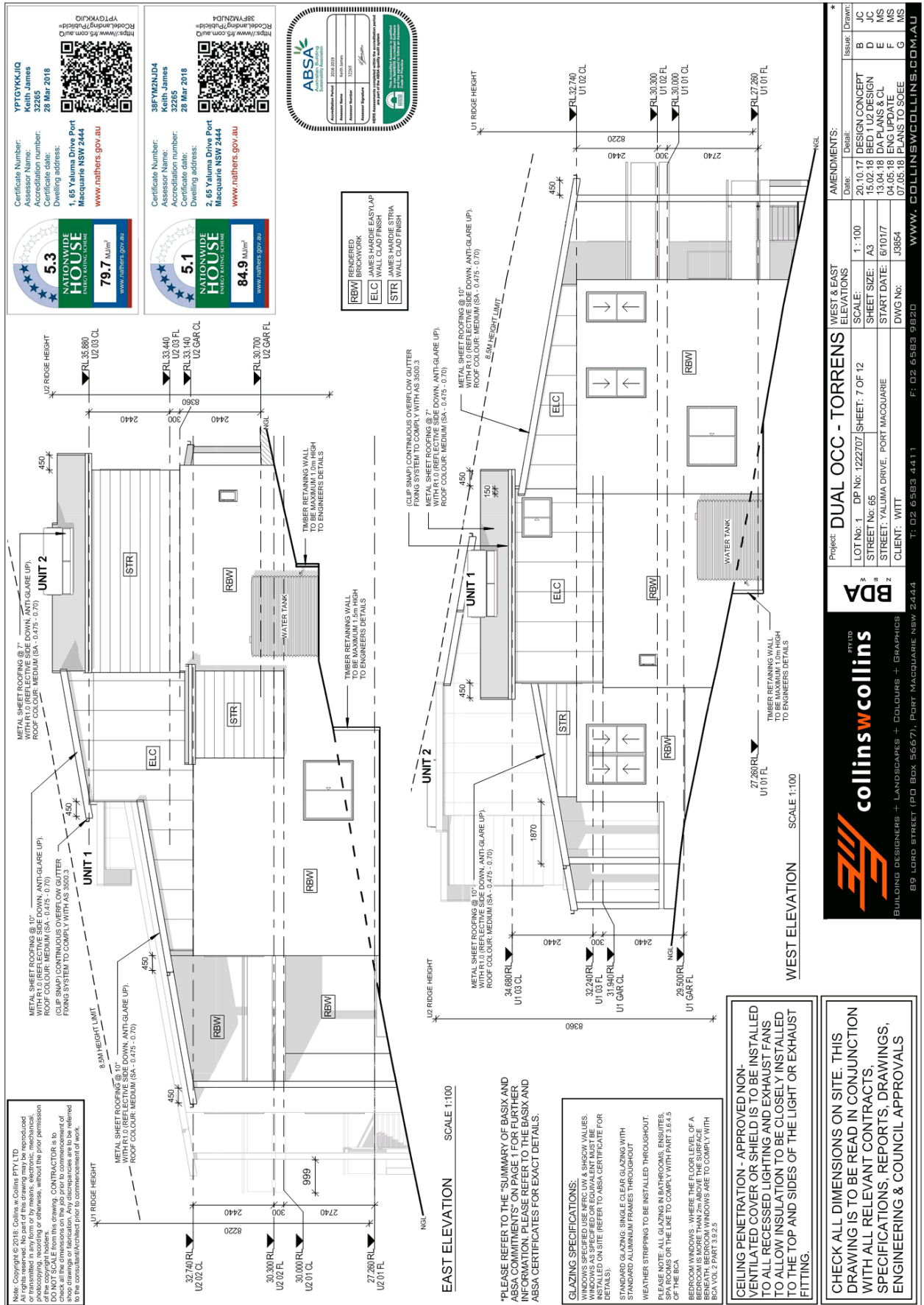
5.3
NATIONWIDE HOUSE
ENERGY RATING SCHEME
79.7 MJ/m²
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Certificate Number: 38FYM2NJD4
Assessor Name: Keith James
Accreditation number: 32265
Certificate date: 28 Mar 2018
Dwelling address: 2, 65 Yaluma Drive Port Macquarie NSW 2444
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5.1
NATIONWIDE HOUSE
ENERGY RATING SCHEME
84.9 MJ/m²
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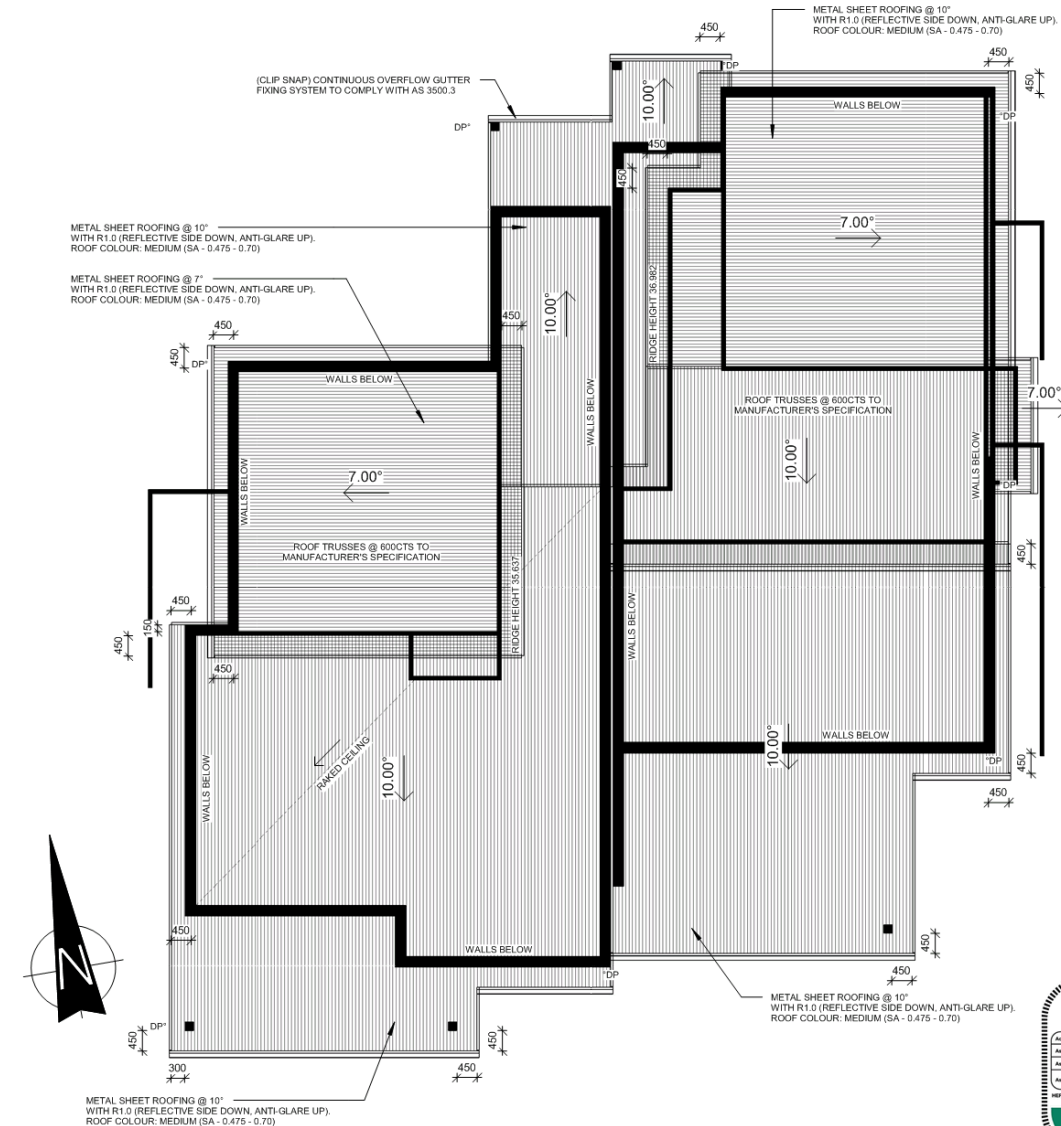
| <p>collinswcollins PTY LTD</p> <p>BUILDING DESIGNERS + LANDSCAPES + COLOURS + GRAPHICS</p> <p>89 LORD STREET (PO Box 5667), PORT MACQUARIE NSW 2444</p> | <p>BDA</p> | <p>Project: DUAL OCC - TORRENS</p> <p>LOT No: 1 DP No: 1222707 SHEET: 2 OF 12</p> <p>STREET No: 65</p> <p>STREET: YALUMA DRIVE, PORT MACQUARIE</p> <p>CLIENT: WITT</p> | <p>S68 & S138 PLAN</p> <p>SCALE: As indicated</p> <p>SHEET SIZE: A3</p> <p>START DATE: 6/10/17</p> <p>DWG No: J3854</p> | <p>AMENDMENTS:</p> <table border="1"> <thead> <tr> <th>Date</th> <th>Detail</th> <th>Issue</th> <th>Drawn</th> </tr> </thead> <tbody> <tr> <td>20.10.17</td> <td>DESIGN CONCEPT</td> <td>B</td> <td>JC</td> </tr> <tr> <td>15.02.18</td> <td>BED 1 U2 DESIGN</td> <td>D</td> <td>JC</td> </tr> <tr> <td>13.04.18</td> <td>DA PLANS & CL</td> <td>E</td> <td>MS</td> </tr> <tr> <td>04.05.18</td> <td>ENG UPDATE</td> <td>F</td> <td>MS</td> </tr> <tr> <td>07.05.18</td> <td>PLANS TO SOEE</td> <td>G</td> <td>MS</td> </tr> </tbody> </table> | Date | Detail | Issue | Drawn | 20.10.17 | DESIGN CONCEPT | B | JC | 15.02.18 | BED 1 U2 DESIGN | D | JC | 13.04.18 | DA PLANS & CL | E | MS | 04.05.18 | ENG UPDATE | F | MS | 07.05.18 | PLANS TO SOEE | G | MS |
|---|-------------------|--|---|--|-------|--------|-------|-------|----------|----------------|---|----|----------|-----------------|---|----|----------|---------------|---|----|----------|------------|---|----|----------|---------------|---|----|
| | | Date | Detail | Issue | Drawn | | | | | | | | | | | | | | | | | | | | | | | |
| | | 20.10.17 | DESIGN CONCEPT | B | JC | | | | | | | | | | | | | | | | | | | | | | | |
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| 13.04.18 | DA PLANS & CL | E | MS | | | | | | | | | | | | | | | | | | | | | | | | | |
| 04.05.18 | ENG UPDATE | F | MS | | | | | | | | | | | | | | | | | | | | | | | | | |
| 07.05.18 | PLANS TO SOEE | G | MS | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>1</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |





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DO NOT SCALE from this drawing. CONTRACTOR is to check all the dimensions on the job prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the consultant/Architect prior to commencement of work.

"PLEASE REFER TO THE 'SUMMARY OF BASIX AND ABSA COMMITMENTS' ON PAGE 1 FOR FURTHER INFORMATION. PLEASE REFER TO THE BASIX AND ABSA CERTIFICATES FOR EXACT DETAILS.



ROOF PLAN SCALE 1:100

GLAZING SPECIFICATIONS:

WINDOWS SPECIFIED USE NFRC UW & SHGCW VALUES. WINDOWS AS SPECIFIED OR EQUIVALENT MUST BE INSTALLED ON SITE (REFER TO ABSA CERTIFICATE FOR DETAILS).

STANDARD GLAZING: SINGLE CLEAR GLAZING WITH STANDARD ALUMINIUM FRAMES THROUGHOUT

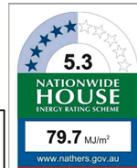
WEATHER STRIPPING TO BE INSTALLED THROUGHOUT.

PLEASE NOTE: ALL GLAZING IN BATHROOMS, ENSUITES, SPA ROOMS OR THE LIKE TO COMPLY WITH PART 3.6.4.5 OF THE BCA

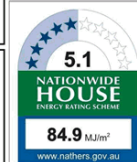
BEDROOM WINDOWS - WHERE THE FLOOR LEVEL OF A BEDROOM IS MORE THAN 2m ABOVE THE SURFACE BENEATH, BEDROOM WINDOWS ARE TO COMPLY WITH BCA VOL 2 PART 3.9.2.5

CEILING PENETRATION - APPROVED NON-VENTILATED COVER OR SHIELD IS TO BE INSTALLED TO ALL RECESSED LIGHTING AND EXHAUST FANS TO ALLOW INSULATION TO BE CLOSELY INSTALLED TO THE TOP AND SIDES OF THE LIGHT OR EXHAUST FITTING.

CHECK ALL DIMENSIONS ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS, DRAWINGS, ENGINEERING & COUNCIL APPROVALS



Certificate Number: YPTGYKKJQ
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Accreditation number: 32265
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Project: DUAL OCC - TORRENS

LOT No: 1 DP No: 1222707 SHEET: 8 OF 12
STREET No: 65
STREET: YALUMA DRIVE, PORT MACQUARIE
CLIENT: WITT

ROOF PLAN

SCALE: 1:100
SHEET SIZE: A3
START DATE: 6/10/17
DWG No: J3854

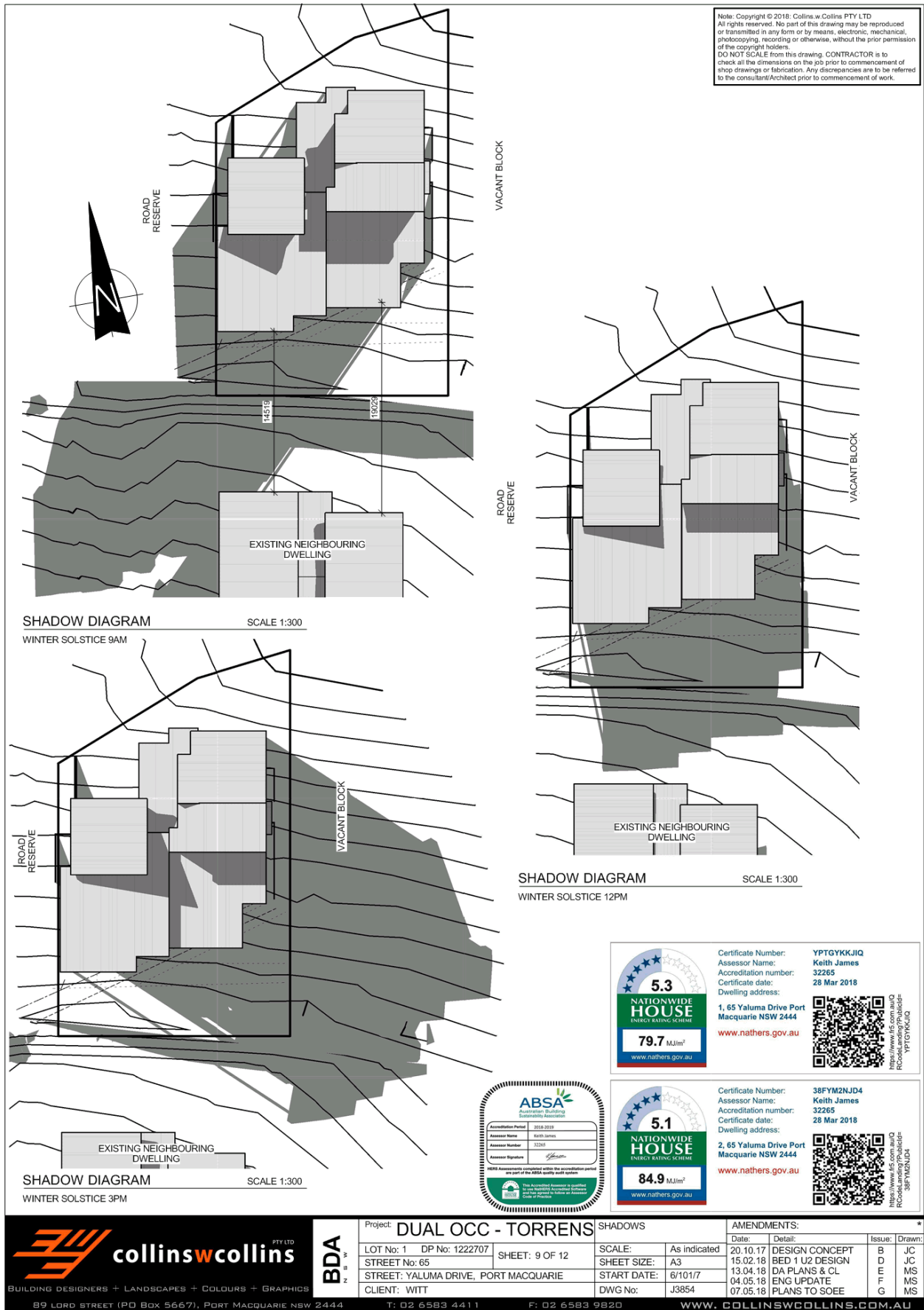
AMENDMENTS:

| Date: | Detail: | Issue: | Drawn: |
|----------|-----------------|--------|--------|
| 20.10.17 | DESIGN CONCEPT | B | JC |
| 15.02.18 | BED 1 U2 DESIGN | D | JC |
| 13.04.18 | DA PLANS & CL | F | MS |
| 04.05.18 | ENG UPDATE | F | MS |
| 07.05.18 | PLANS TO SOEE | G | MS |

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F: 02 6593 9820

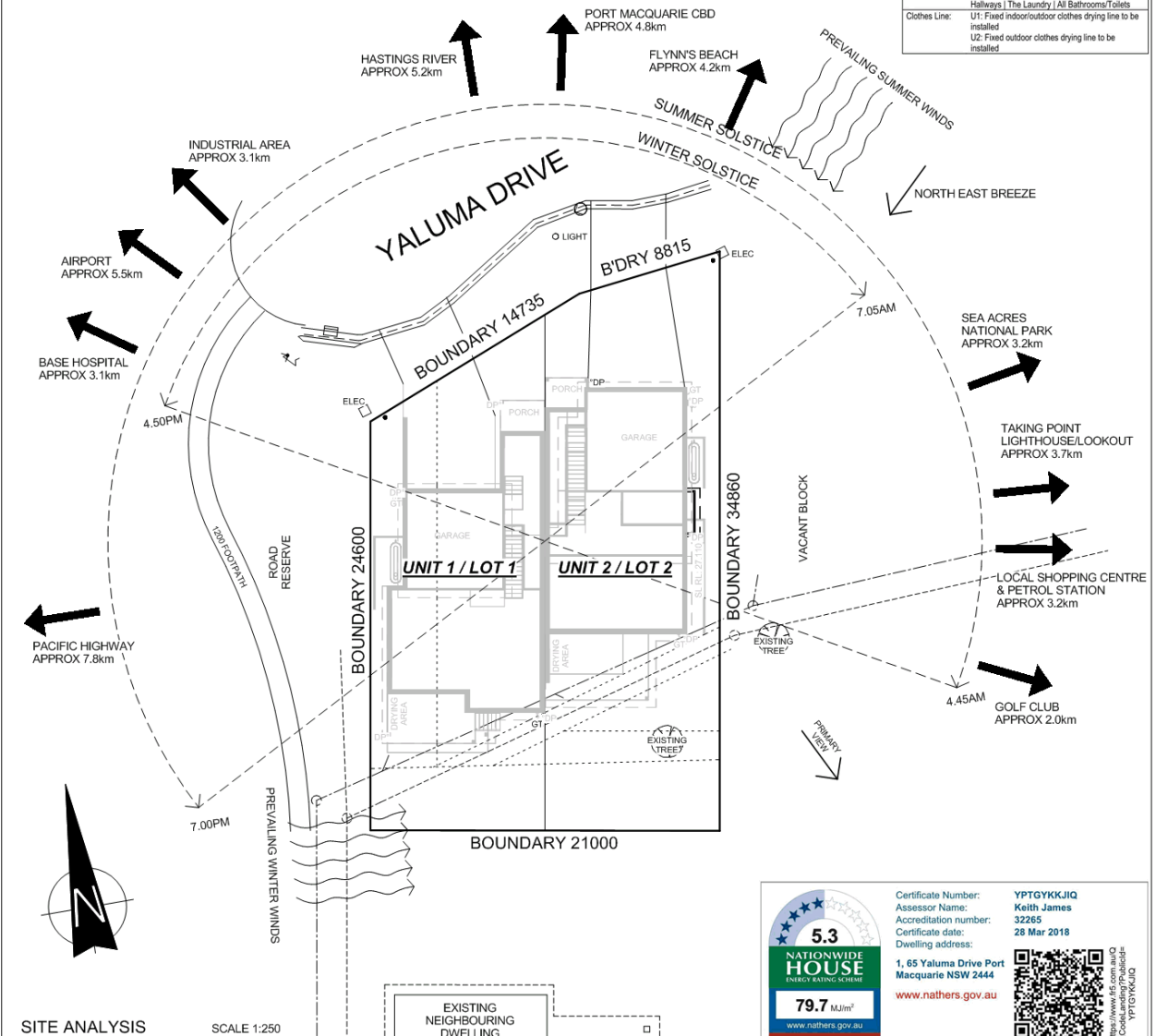
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| Summary of ABSA Commitments (refer to Certificate for exact details) | |
|---|--|
| Thermal Comfort Commitments | |
| External Wall | Brick Veneer & Framed: Foil + R1.5 Single Brick: No Insulation (garage only) |
| Internal Wall | Cavity Panel >70mm, Plasterboard Lining, no insulation |
| Floors | Concrete, On Ground, No Insulation Timber: Enclosed, No Insulation Finish: Carpet & Tiles as per plans |
| Ceiling | Plasterboard, R3.5 Approved non-ventilated cover or shield is to be installed to all recessed lighting and exhaust fans to allow insulation to be closely installed to the top and sides of the light fitting and exhaust fans. |
| Roof | Metal Sheeting, R1.3 (reflective side down, anti-glare up), 7° & 10° Colour: Medium (0.475 - 0.7) |
| Eaves | 450mm width generally Varying widths and offsets as shown plans |
| Glazing | Single clear with aluminium frames throughout Weather stripping throughout. Windows as specified or equivalent to be installed on site |

| Summary of BASIX Commitments (refer to Certificate for exact details) | |
|--|---|
| Water Commitments | |
| Showerheads: | 3' >6 l/min <7.5 l/min |
| Toilets: | 3 Star |
| Basin Taps: | 3 Star |
| Kitchen Taps: | 3 Star |
| Individual Water Tank: | U1: 2.500L Individual Roof Collection |
| Individual Rainwater Connection: | U1: 70m ² U2: 60m ² |
| Energy Commitments | |
| HWS: | Solar (electric boosted) RECs 31 - 35 |
| Cooling: | Ceiling Fan in at least 1 bedroom and 1 living room 1-phase air-conditioning in at least 1 living room (4 Star New Rating) |
| Heating: | No active heating system in the bedrooms 1-phase air-conditioning in at least 1 living room (4 Star New Rating) |
| Ventilation: | Kitchen, Bathroom & Laundry: ducted, manual control |
| Appliances: | Electric Cooktop & Electric Oven to be installed U1: with ventilated fridge space as per BASIX guideline |
| Artificial Lighting: | The following rooms are to be dedicated fluorescent or LED lamps: All Bedrooms/Study All Living/Dining Rooms The Kitchen All Hallways The Laundry All Bathrooms/Toilets |
| Clothes Line: | U1: Fixed indoor/outdoor clothes drying line to be installed U2: Fixed outdoor clothes drying line to be installed |



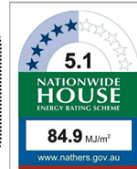
SITE ANALYSIS

SCALE 1:250

CHECK ALL DIMENSIONS ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS, DRAWINGS, ENGINEERING & COUNCIL APPROVALS



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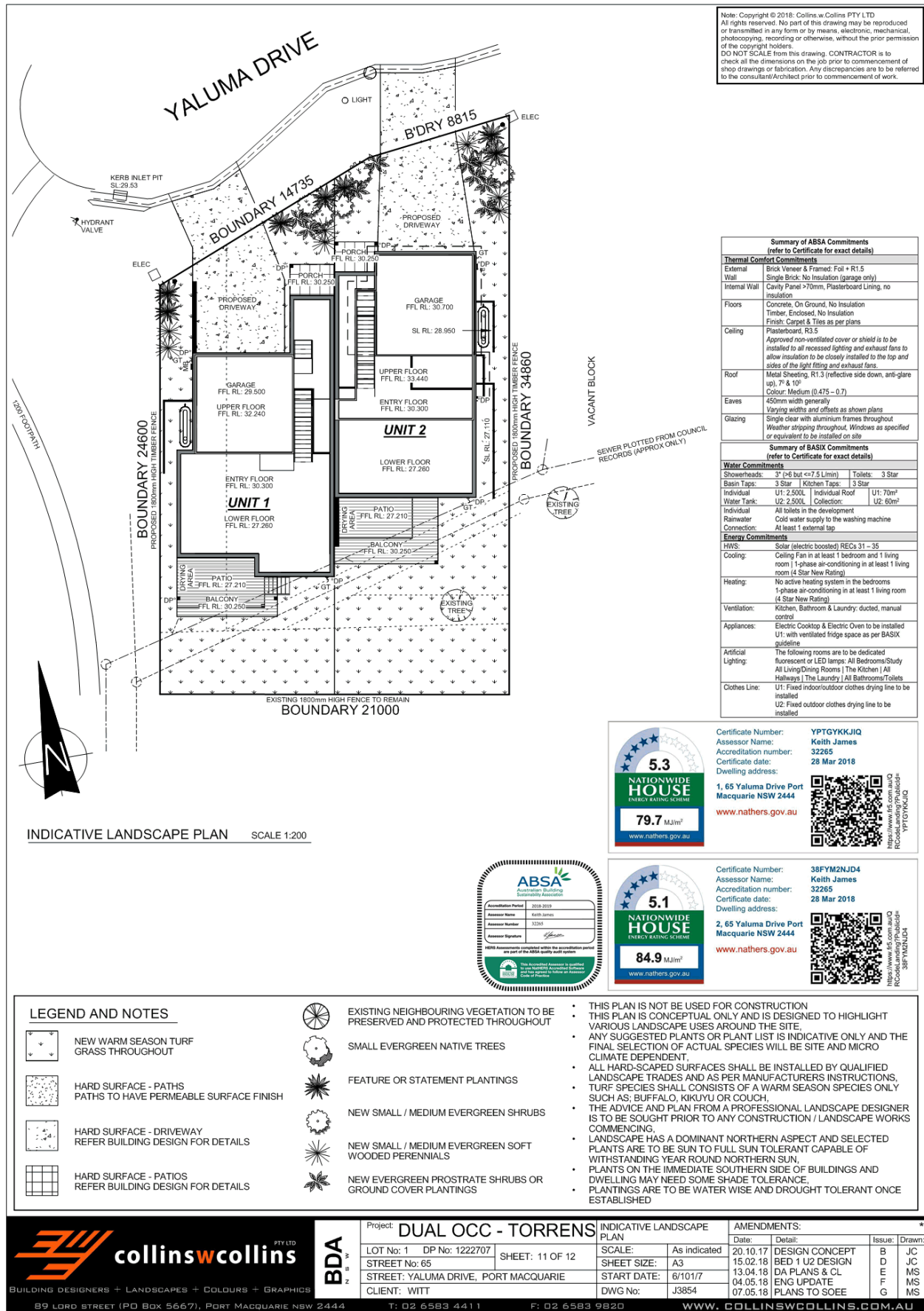
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BDA
Project: DUAL OCC - TORRENS
LOT No: 1 DP No: 1222707 SHEET: 10 OF 12
STREET No: 65
STREET: YALUMA DRIVE, PORT MACQUARIE
CLIENT: WITT

| SITE ANALYSIS | | AMENDMENTS: | |
|---------------|--------------|-------------|--------|
| Date: | Detail: | Date: | Issue: |
| 20.10.17 | As indicated | 20.10.17 | B |
| 15.02.18 | | 15.02.18 | D |
| 13.04.18 | | 13.04.18 | JC |
| 04.05.18 | | 04.05.18 | MS |
| 07.05.18 | | 07.05.18 | F |
| | | | G |
| | | | MS |



**THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.
THIS INCLUDES (but is not limited to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS,
OPERATORS, MAINTENORS, DEMOLISHERS.**

**BUILDING SPECIFICATIONS FOR CLASS
1 AND 10 BUILDINGS**

All works to be completed in accordance with the current version of the National Construction Code Series, including Building Code of Australia (BCA), Volume 2 and the Plumbing Code of Australia (PCA), Volume 3 as applicable.
All Australian Standards listed are the versions that have been adopted by the relevant version of the National Construction Code Series at the time of Construction Certificate or Complying Development Certificate Application.

SITE PREPARATION

Earthworks - Earthworks are to be undertaken in accordance with Part 3.1.1 of the BCA.
Drainage - Stormwater drainage is to be undertaken in accordance with AS/NZS 3500.3, or, Section 5 of 3500.5, or, the Acceptable Construction Practice as detailed in Part 3.1.2 of the BCA.

Termite Risk Management - Where a primary building element is considered susceptible to termite attack the building shall be protected in accordance with the following:

- a) AS 3600.1, and
- b) A durable notice is permanently fixed to the building in a prominent location, such as in a meter box or the like, including the details listed in Part 3.1.3.2 of the BCA, or
- c) The Acceptable Construction Practice as detailed in accordance with Part 3.1.3 of the BCA.

FOOTINGS AND SLABS

The footing or slab is to be constructed in accordance with AS 2870, except that for the purposes of Clause 5.3.3.1 of AS 2870, a damp-proofing membrane is required to be provided, or, the Acceptable Construction Practice detailed in Part 3.2 of the BCA.

Piled footings are to be designed in accordance with AS 2159.

MASONRY

Unreinforced Masonry - to be designed and constructed in accordance with;

- a) AS 3700; or
 - b) AS 4773 Parts 1 and 2
- Reinforced Masonry - to be designed and constructed in accordance with;
- a) AS 3700; or
 - b) AS 4773 parts 1 and 2

Masonry Accessories - to be constructed and installed in accordance with;

- a) AS 3700; or
- b) AS 4773 Parts 1 and 2

Weatherproofing of Masonry

This Part applies to an external wall (including the junction between the wall and any window or door) of a Class 1 Building.

This Part does not apply to any Class 10 building except where its construction contributes to the weatherproofing of the Class 1 building.

The weatherproofing of masonry is to be carried out in accordance with;

- a) AS 3700; or
- b) AS 4773 Part 2 and 1 and 2

FRAMING

Structural Software - Must comply with the Australian Building Codes Board (ABCB) Protocol for Structural Software and Part 3.4.0.2 of the BCA.

Sub-Floor Ventilation - Is to comply with the Acceptable Construction Practice of Part 3.4.1 of the BCA.

Steel Framing - Is to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.4.2 of the BCA, or, one of the following manuals:

- a) Steel structures: AS 4100.
 - b) Cold-formed steel structures: AS/NZS 4600.
 - c) Residential and low-rise steel framing: NASH Standard.
- Timber Framing - Is to be designed and constructed in accordance with the following, as appropriate:

- a) AS 1684.2.
- b) AS 1684.4.

Structural Steel Members - Is to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.4.4 of the BCA, or, one of the following manuals:

- a) Steel Structures: AS 4100.
- b) Cold-formed steel structures: AS/NZS 4600.

ROOF AND WALL CLADDING

Roof Cladding - Is to comply with the Acceptable Construction Practice of Part 3.5.1 of the BCA, or, one of the following:

- a) Roofing tiles: AS 2049 and AS 2050.
- b) Metal roofing: AS 1562.1.
- c) Plastic sheet roofing: AS/NZS 4256 Parts 1, 2, 3 and 5; and AS/NZS 1562.3.
- d) Corrugated fibre-reinforced cement sheet roofing: AS/NZS 1562.2.
- e) Asphalt shingles: ASTM D3018-90.

f) Pliable membrane and underlay: AS/NZS 4200 Parts 1 and 2.

Gutters and Downpipes - are to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.5.2 of the BCA, or, AS/NZS 3500.3 - Stormwater drainage, or, AS/NZS 3500.5 - Domestic installations, Section 5 - Stormwater drainage.

Wall Cladding - to be designed and constructed in accordance with Acceptable Construction Practice of Part 3.5.3.1 of the BCA, or, for metal wall cladding if it is designed and constructed in accordance with AS 1562.1.

GLAZING

Glazing - to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.6.1 of the BCA, or, one of the following manuals as applicable:

- a) AS 2047.
- b) AS 1286.

FIRE SAFETY

Fire Separation - to be designed and constructed in accordance with the Acceptable Construction Practice of Part 3.7.1 of the BCA.

Smoke Alarms - to be designed, connected and located in accordance with the Acceptable Construction Practice of Part 3.7.2 of the BCA.

Heating Appliances - are to be installed in accordance with the Acceptable Construction Practice of Part 3.7.3 of the BCA, or, one of the following manuals:

- a) Domestic solid-fuel burning appliances are installed in accordance with AS/NZS 2918.
- b) Boilers and pressure vessels are installed in accordance with AS/NZS 1200.

BUSHFIRE AREAS

Bushfire Areas - This section relates to:

- a) A Class 1 building; or
- b) A Class 10a building or deck associated with a Class 1 building, if it is constructed in accordance with the following:
- c) AS 3959, except for Section 9 Construction for Bushfire Attack Level FZ (BAL-FZ). Buildings subject to BAL-FZ must comply with specific conditions of development consent for construction at this level; or
- d) The requirements of (c) above as modified by the development consent following consultation with the NSW Rural Fire Service under section 79BA of the Environmental Planning and Assessment Act 1979; or
- e) The requirements of (c) above as modified by the development consent with a bushfire safety authority issued under section 100B of the Rural Fire Act for the purposes of integrated development.

Alpine Areas - to be constructed in accordance with the Acceptable Construction Practice of Part 3.7.5 of the BCA if located in an alpine area, as identified in Figure 3.7.5.2 of the BCA.

HEALTH AND AMENITY

Wet Areas and External Waterproofing - building elements in wet areas within a building must:

- a) Be waterproof or water resistant in accordance with Table 3.8.1.1 of the BCA; and
- b) Comply with AS 3740.

Room Heights - are to be constructed in accordance with the Acceptable Construction Practice of Part 3.8.2 of the BCA.

Facilities - are to be constructed in accordance with Acceptable Practice of Part 3.8.3 of the BCA.

Light - is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.4 of the BCA.

Ventilation - is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.5 of the BCA.

Sound Insulation - (only applies to a separating wall between two or more class 1 buildings) is to be provided in accordance with the Acceptable Construction Practice of Part 3.8.6 of the BCA.

SAFE MOVEMENT AND ACCESS

Safe Movement and Access

Stair Construction - to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9.1 of the BCA.

Balustrades and Handrails - to be constructed and installed in accordance with the Acceptable Construction Practice of Part 3.9.2 of the BCA.

Swimming Pool Access - to be designed and installed in accordance with the Swimming Pools Act 1992, Swimming Pool Regulation 2008 and AS 1926 Parts 1 and 2.

Swimming Pool Water recirculation Systems - is to be designed and constructed in accordance with AS1926.3.

ADDITIONAL CONSTRUCTION REQUIREMENTS

High Wind Areas - Applies to a region that is subject to design wind speeds more than N3 or C1 (see table 1.1.1 of the BCA). To be constructed in accordance with one or more of the relevant manuals of Part 3.10.1 of the BCA.

Earthquake Areas - relates to areas subject to seismic activity. To be constructed in accordance with the Acceptable Construction Manuals listed in Part 3.11 of the BCA.

Flood Hazard Areas - applies to areas on a site (weather or not mapped) encompassing the land lower than the flood hazard level (as defined by the BCA) which has been determined by the appropriate authority (statutory authority), are to be constructed in accordance with the ABCB Standard for Construction of Buildings in Flood Hazard Areas.

STRUCTURAL DESIGN MANUALS

Structural Design Manuals - is satisfied by complying with:

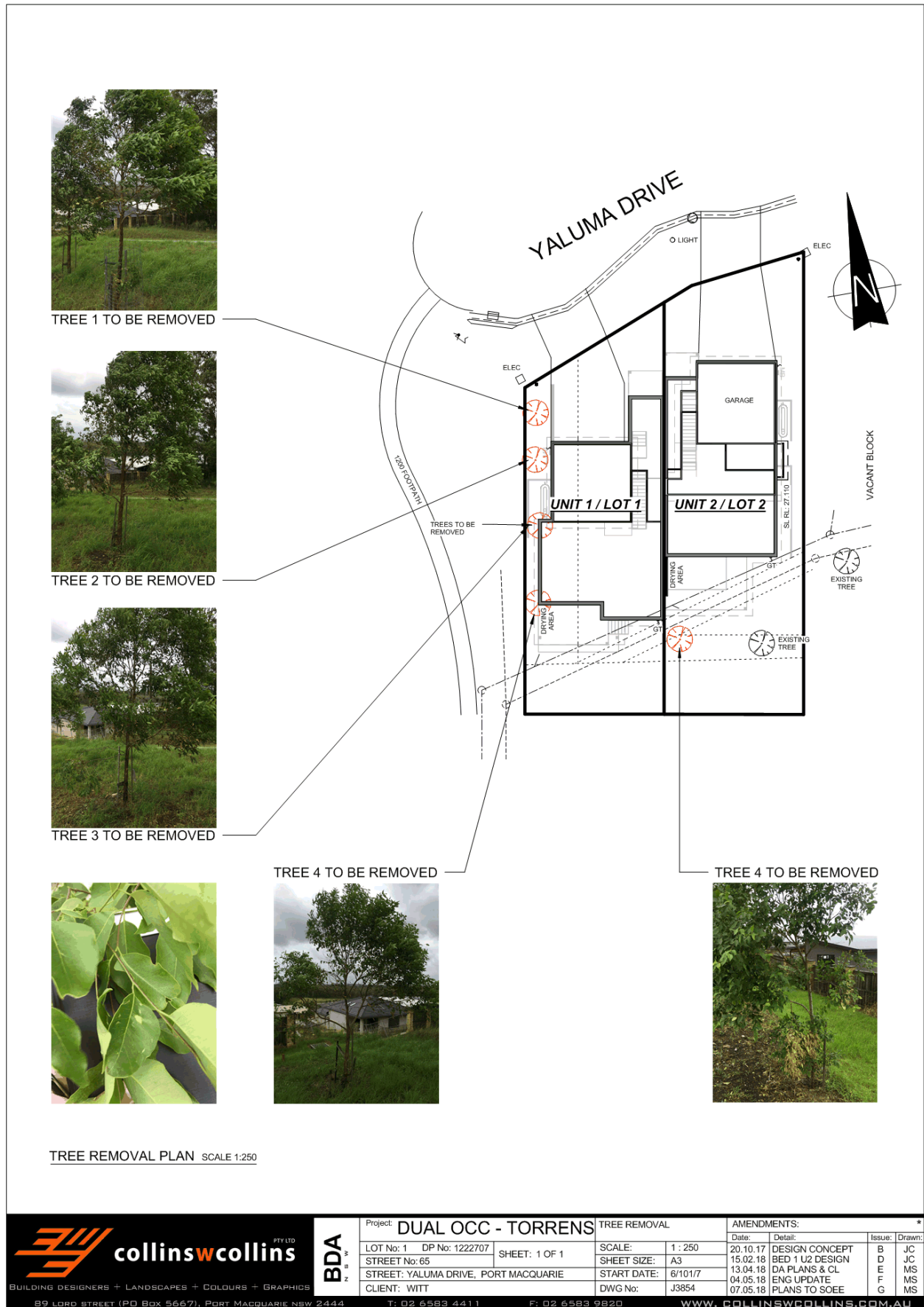
- a) 3.11.2, 3.11.3 and 3.11.6 of the BCA; or
- b) the relevant provisions of other Parts of Section 3 of the Housing Provisions of the BCA relating to structural elements; or
- c) any combination thereof.

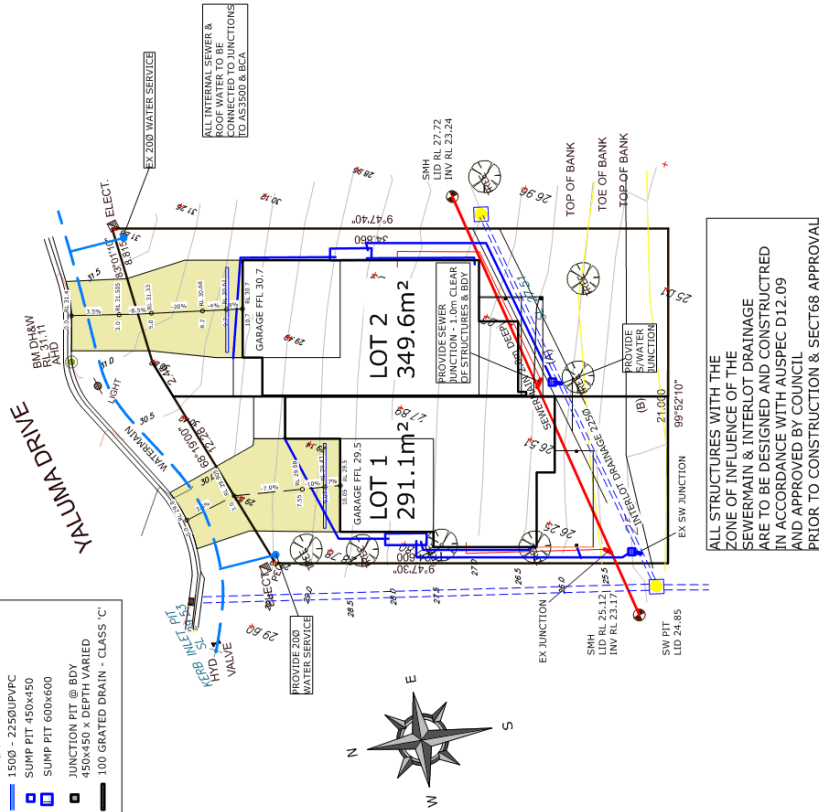
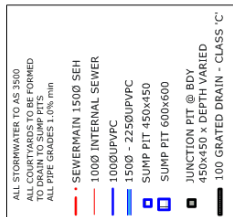
ENERGY EFFICIENCY

Energy Efficiency - to comply with the measures contained in the relevant BASIX certificate.

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| Project: DUAL OCC - TORRENS | | BUILDING SPECIFICATIONS | AMENDMENTS: | | | |
|--------------------------------------|-----------------|-------------------------|-------------|-----------------|---|----|
| Date: | Detail: | Issue: | Drawn: | | | |
| LOT No: 1 | DP No: 1222707 | SCALE: 1 : 100 | 20.10.17 | DESIGN CONCEPT | B | JC |
| STREET No: 65 | SHEET: 12 OF 12 | SHEET SIZE: A3 | 15.02.18 | BED 1 U2 DESIGN | D | JC |
| STREET: YALUMA DRIVE, PORT MACQUARIE | | START DATE: 6/10/17 | 13.04.18 | DA PLANS & CL | E | MS |
| CLIENT: WITT | | DWG No: J3854 | 04.05.18 | ENG UPDATE | F | MS |
| | | | 07.05.18 | PLANS TO SOEE | G | MS |





(A) - EASEMENT TO DRAIN WATER 1.5 WIDE DP1222707
(B) - EASEMENT TO DRAIN WATER VARIABLE WIDTH DP1222707

GENERAL

- This plan is to be read in conjunction with the engineering plans, and any other plans or written instructions that may be issued relating to development or the subject site.
- Do not obtain dimensions by scaling the drawings.
- In case of doubt or discrepancy, refer to superintendent for clarification or confirmation prior to commencement of construction.
- Where new work about existing the contractor shall ensure that a smooth even profile, free from abrupt changes is obtained.
- These plans shall be read in conjunction with all approved drawings & specifications prepared by other project consultants.
- It is the contractors responsibility to ascertain in the field the location and extent of existing underground services (gas, water, sewer, etc.) and any other structure likely to be affected by the works and take appropriate measures to ensure no damage thereto. Any damage shall be made good at no cost to the proprietor.
- Location of all drainage lines within easements to be fixed and verified by the superintendent prior to construction.
- Subsidiary drainage is generally required where depth to road subgrade from natural surface is 400mm or more. Install a 3m length of subsoil drain on the upstream side of all drainage pits with an upstream pipe.
- Surface cut off drains, and other measures as required, to be constructed to ensure surface water is maintained at all times during construction period.
- All works in accordance with AUSPEC No. 1 Port Macquarie Hastings Council Version 2003 Edition.
- All works within road reserves must be carried out by a council registered contractor.
- Traffic control to AS1742.3.
- Contractor to take appropriate dust suppression measures as necessary to prevent disturbances to adjoining residences.
- Filling works shall be controlled fill as defined in AS2870 and AS3798.
- Traffic management plan by contractor in accordance with AS1742.3.

WORK AS EXECUTED INFORMATION

All relevant work as executed information as required by Port Macquarie Hastings Council is to be forwarded to the supervising consultant by the contractor.

SEWER:

- Manholes to be placed directly above all sewer dead ends indicating the depth of the pipe invert from finished surface level.
- Length and angle of sidelines to be noted.
- Use of a riser is to be noted.

WATERMAIN NOTES

- Design and construction work is to be carried out in accordance with AUSPEC development design specification D11 - Water Retention & Development
- Construction Specification C401 - Water Retention
- Location of services
- Minimum cover in footpath area to be 450mm & under road pavement 500mm.
- Connections are to be in accordance with ASD 450, ASD 451 & ASD 452. (20mm copper)
- Connection to, adjustment of, or relocation of existing mains are to be noted.
- All pipes shall be inspected for surface damage immediately before installation. Pipes with scores or surface scratched deeper than 10% of the local surface depth shall be rejected. Where possible, a single length of pipe shall be used.
- Only pipe manufacturers specified tools and materials are to be used during jointing operation.

EXISTING SERVICES

- All utility services indicated on the drawings originate from supplied data, therefore their accuracy and completeness is not guaranteed. It is the responsibility of the contractor to determine and confirm the location and level of all existing services prior to commencement of work.
- Care to be taken when excavating near existing services. No mechanical excavators are to be used in close proximity to existing services. Gas or electrical services are to be located and marked prior to excavation. All existing services that are to be retained in the vicinity of the proposed works. Any damage to these services shall be repaired by the contractor under the supervision of the superintendent, and at no extra cost.
- The contractor shall allow in the program for the adjustment of existing services to be retained in the vicinity of the proposed works. Any damage to these services shall be repaired by the contractor under the supervision of the superintendent, and at no extra cost.
- The contractor shall ensure that at all times buildings not affected by the works are not disrupted.
- Prior to commencement of work the contractor shall gain approval of the program of relocation and/or construction of temporary services and for any associated interruption of supply.
- The contractor shall construct temporary services to maintain existing supply to buildings remaining in operation during works to the satisfaction of the superintendent. Once the works are completed, the contractor shall make good to the satisfaction of the superintendent.

ACCESS & SAFETY

The contractor shall comply with all statutory & industrial requirements for a safe working environment, including traffic control:

- The contractor shall ensure that at all times access to all buildings adjacent the works is not disrupted.
- Where necessary the contractor shall provide safe passage of vehicles and pedestrians through the site.

SEWER NOTES

- The contractor shall provide & keep up to date at all times a set of drawings marked in such a manner as to show "Work As Executed". These drawings are to be returned to the surveyor/engineer at the end of construction.
- One junction is to be installed for each lot as shown by the arrows. The junction is to be installed at the pipe joint nearest the location shown by the arrow. The final locations of all junctions, showing distances to D.S. are to be shown on Work As Executed drawings by the contractor.
- Junction position to be indicated by 75mmx50mm hardwood stake painted entirely in red oil paint and marked with a chiselled "J".
- Manhole numbers are to be painted on each lid by the contractor in accordance with the council's standard requirement.
- Pipe types to be U.P.V.C class S.E.H or ultra high class S.H.E for line types and 150mm or 225mm for manholes. All pipes to be V.C.P. All pipes to be rubber ring jointed.
- Step from to be provided to manholes deeper than 1.2m to benching.
- Trench stops to be provided on all sewer lines where grades exceed 10% or where directed.
- All trenches in excess of 1.5m deep are to be benched or shored to the satisfaction of the superintendent.
- Type "D" cement to be used on all sewer works.
- Connections to council's sewer system are to be carried out under supervision of council.
- Sidelines are to be 150mm extensions constructed off and at the levels of the sewermain.

IF IN DOUBT...ASK!!!!!!
DO NOT SCALE PLAN

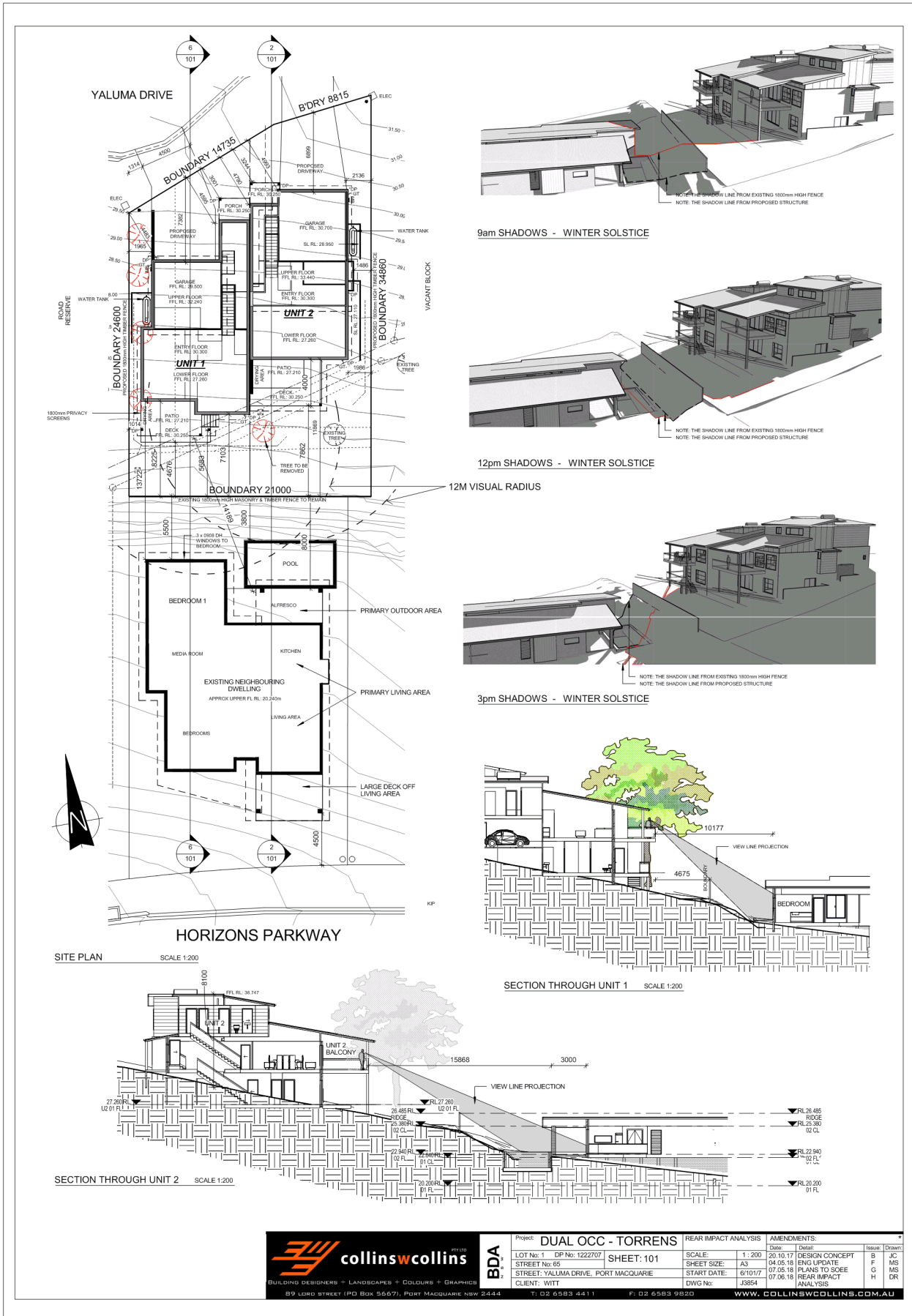
| REDUCTION RATIO | 1:200 @ A2 |
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| DATE | |
| DRAWN | RB |
| JOB REF: | 10753 |
| SHEET | 1 OF 1 |

Client:
R. WITT
Job Address:
LOT 1 DP 1222707
YALUMA DR
PORT MACQUARIE

PROPOSED DUAL OCC & 2 LOT SUBDIVISION
LOT 1 DP 1222707
YALUMA DR, PORT MACQUARIE
SUBDIVISION CONSTRUCTION PLAN
STORM WATER
WATER & SEWER CONNECTION PLAN

Beukers & Ritter Consulting
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All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Facsimile: 8741 5433



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

Your Ref: 2018/340
Our Ref: D18/5888
DA18060813452 WS

ATTENTION: Patrick Galbraith-Robertson

3 July 2018

Dear Mr Galbraith-Robertson

Integrated Development Application - 1//1222707 - 65 Yaluma Drive, Port Macquarie

I refer to your correspondence dated 1 June 2018 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

1. The proposed development is to comply with the plan titled 'Site Plan', prepared by Collins W Collins, reference J3854, Issue G dated 7 May 2018, except where modified by conditions of this Bush Fire Safety Authority.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Should you wish to discuss this matter please contact Wayne Sketchley on 1300 NSW RFS.

Yours sincerely

A handwritten signature in black ink that reads "Neil Pengilly". The signature is written in a cursive style with a large, stylized 'N' and 'P'.

Neil Pengilly
A/Team Leader, Development Assessment & Planning

For general information on bush fire protection please visit www.rfs.nsw.gov.au

Refers

Attachment No: ...DCU4

...DCU... Report to

...PDE... Meeting

...29-11-99...

VIECELI

PORT MACQUARIE SEPP 44 ASSESSMENT AND KOALA MANAGEMENT PLAN

PREPARED FOR
LUKE AND COMPANY NSW PTY
SEPTEMBER 1999



EcoPro

THE ECOLOGICAL PROFESSIONALS

104 PAYNES LANE UPPER LANSDOWNE 2430

PH: 02 65569270 FAX: 02 65 569271 MOBILE: 018 610 146

SEPTEMBER 1999

VIECELI SEPP44 ASSESSMENT & KOALA MANAGEMENT PLAN

This report, **Vieceli SEPP 44 Assessment and Koala Management Plan**, has been prepared for Luke and Company Pty Ltd in accordance with the requirements of State Environmental Planning Policy Number 44 - Koala Habitat Protection.

The author of this report was

Kylie Maryott-Brown
Principal Environmental Scientist
EcoPro Pty Ltd

whose qualifications are

B.Nat.Res. (Hons)

The information present in this report is based on an objective study undertaken in response to the brief provided by the client. Although conclusions were based on the available data, the variability of the natural environment coupled with the general lack of comparative research data, required that some professional judgement be applied in reaching conclusions. While the use of such judgements is unavoidable, every attempt has been made to ensure the accuracy and objectivity of the report's conclusions.

Any opinions expressed in the report are the professional, objective opinions of the author and are not specifically intended to advocate any particular proposal or pre-determined position.

.....
Author

.....
Date

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SEPTEMBER 1999

VIECELI SEPP44 ASSESSMENT & KOALA MANAGEMENT PLAN

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1 INTRODUCTION

1.1 BACKGROUND

A residential subdivision is proposed to be developed on land between Yaluma Drive and Ocean Drive, Port Macquarie. The study area is located on the mid-north coast of New South Wales, within the Hastings Council Area. The site is 1.6 hectares in size, with about half of this area containing native vegetation.

1.2 MANAGEMENT CONTEXT

State Environmental Planning Policy No. 44 (SEPP 44) - Koala Habitat Protection was gazetted in January 1995 and commenced operation on 13 February 1995. This policy aims to "encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas, to ensure permanent free-living populations over their present range and to reverse the current trend of population decline".

The SEPP requires all development applications and encourages all rezoning applications to undertake a koala assessment. There are three parts to the SEPP, firstly identifying *potential koala habitat*, and then *core koala habitat* and finally undertaking a koala management plan. The Director of Planning must approve any Plan of Management before the development application can be determined.

1.3 SCOPE OF THE MANAGEMENT PLAN

The following report seeks to identify the extent of remaining koala habitat on the study site. Any threatening processes operating in the area will be identified and mitigation measures recommended. Chapter 2 provides an evaluation of the site in terms of habitat resource and potential koala population on the site. Chapter 3 provides a description of the proposed development, while Chapter 4 details the koala management plan for the site.

2 SITE CHARACTERISTICS

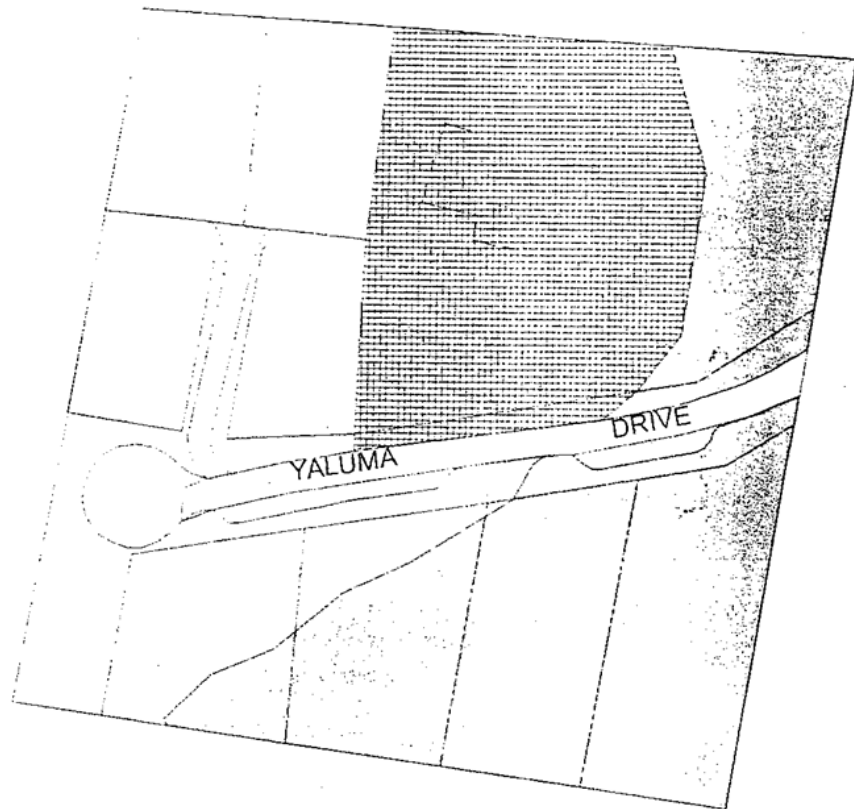
2.1 VEGETATION COMMUNITIES

A vegetation survey of the area was undertaken in July 1999. The survey method involved walking transects. Vegetation communities were described using structural and floristic data, while canopy and understorey species were recorded. Three vegetation communities were identified on the site Disturbed Tallowwood-Forest Red Gum Forest, Grassland and House Gardens. The distribution, structural and floristic descriptions of these communities are described below. Their location on the study site is shown on Figure 1, while a detailed species list is contained in Appendix A.

2.1.1 Disturbed Tallowwood - Forest Red Gum Forest

Structure: This community has a partially closed tree canopy, reaching 15 to 25 metres in height. The understorey consists of pasture species on the southern

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VEGETATION BOUNDARY DENOTES CANOPY COVER.
NO TREES ARE ACTUALLY LOCATED ON PROPOSED LOT 1.

KEY

- Grassland
- House Garden
- Tallowood/Forest Red Gum

NOTE: Vegetation boundaries reflect canopy cover
not individual tree locations. No trees are located
on proposed Lot 1.

FIGURE 1 VEGETATION COMMUNITIES

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side of the road and contains more shrubs on the northern side of Yaluma Drive. Goats are grazing this forest community on the southern side of Yaluma Drive.

Floristic Description: The dominant trees in this community are tallowwood (*E. microcorys*) and forest red gum (*E. tereticornis*). A few blackbutts (*E. pilularis*), brushbox (*Lophostemon confertus*) and Sydney blue gums (*E. saligna*) also occur in this community. Cabbage tree palm (*Livistonia australis*) and forest she-oak (*Allocasuarina littoralis*) also occur in small numbers. The understorey is dominated by grasses and introduced weeds on the southern side of Yaluma Drive, while more shrub species occur to the north. These species include common hop bush (*Dodonaea triquetra*) and lantana (*Lantana camara*).

Distribution: This community is found along the southern and eastern portion of the study site. It is part of a larger piece of forest extending to the east and south along and across Yaluma Drive.

2.1.2 Grassland

Structure: This community has been cleared in the past and maintained in this state through current land practices of goat grazing and slashing. The herb layer is the dominant layer in this community.

Floristic Description: Grasses including kikuyu (*Pennisetum clandestinum*), kangaroo grass (*Themeda australis*), paspalum (*Paspalum dilatatum*) and common couch (*Cynodon dactylon*). A variety of weeds and other soft herbs are also present.

Distribution: This community occurs predominantly in the western portion of the study site as shown in Figure 1.

2.1.3 Urban Gardens

Structure: This community contains some native species, but also exotic garden species. The structure of this area is highly variable and includes the existing house.

Floristic Description: A variety of native shrubs and introduced species occur in this area. There is also patches of grassland dominated by kikuyu and occasional trees usually tallowwoods.

Distribution: This community occurs around the existing house in the centre of the study site to the north of Yaluma Drive.

2.2 POTENTIAL KOALA HABITAT

2.2.1 Methodology

Potential koala habitat is defined as "areas of native vegetation where the trees of types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component". Schedule 2 of SEPP 44 lists ten Eucalypt species being primary koala food trees for the State. However, Hastings Council compiled an additional list of known koala food trees for the local area. This

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list is used in conjunction with those on Schedule 2 to assess an area's potential habitat. The tree species from the list that are present on the study site include.

| | |
|--------------------------------|----------------|
| <i>Eucalyptus microcorys</i> | Tallowwood |
| <i>Eucalyptus tereticornis</i> | Forest Red Gum |
| <i>Eucalyptus pilularis</i> | Blackbutt |

During the vegetation survey, a tree count was undertaken for assessment of potential habitat. This involved counting all of the trees on the site. Within the area species were identified and counted in both the upper and lower tree strata. These results were then tabulated and the percentage of koala food trees identified.

2.2.2 Results

The results of the tree count undertaken on the site is provided in Table 1 below.

Table 1 - SEPP 44 Tree Count Results

| TREE SPECIES | UPPER CANOPY | | LOWER CANOPY | |
|---------------------------------------|--------------|-------------|--------------|----------|
| | Number | % | Number | % |
| <i>Eucalyptus microcorys</i> | 31 | 45 | 0 | 0 |
| <i>Eucalyptus pilularis</i> | 2 | 3 | 0 | 0 |
| <i>Eucalyptus tereticornis</i> | 30 | 43 | 0 | 0 |
| <i>Eucalyptus saligna</i> | 4 | 6 | 0 | 0 |
| <i>Livistonia australis</i> | 0 | 0 | 1 | 25 |
| <i>Lophostemon confertus</i> | 2 | 3 | 0 | 0 |
| <i>Allocasuarina littoralis</i> | 0 | 0 | 3 | 75 |
| Percentage of Koala Food Trees | | 91.0 | | 0 |

Overall, the proportion of known koala food trees (Hastings List) on the site is 91% in the upper canopy and 0% in the lower canopy. This is significantly above the required 15%. Therefore, the study site would be classified under SEPP 44 as being potential koala habitat. In addition, a large number of scratch marks consistent with those made by koalas were observed on many of the trees, while koala scats were found under many of the trees on the site.

2.3 CORE KOALA HABITAT ASSESSMENT

Evaluation of core koala habitat was carried out in accordance with the Department of Planning Circular B35 (22.3.95) Section 2 Director's Guidelines. Evidence for the presence of koalas on the site was examined to provide details on the extent and nature of any identified populations and in particular the presence of breeding females and juveniles/sub-adults in the population. Other published or publicly available data relating to the fauna of the site was examined.

2.3.1 Methodology

i. Assessment of Available Records

Records for the area were obtained from the Koala Preservation Society (Koala Records within a 1km radius) and the local landholder.

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ii *Physical Evidence of the Presence of Koalas*

The habitat resource for koalas in the study area was determined via a scat search conducted during August 1999. A brief search for koalas was also undertaken on the site.

Scat searches were conducted at the base of trees for half a day. Due to the small nature of the site, most of the trees in the Tallowood-Forest Red Gum Forest were searched for scats and scratch marks. A total of 50 trees were examined on the site. Information was also recorded on the presence of scratch marks on the trunks.

2.3.2 *Results*

i. *Past Recordings*

Records existing within the Port Macquarie Koala Preservation Society (KPS) database demonstrate regular use of the Yaluma Drive area by koalas. The KPS also have records of road kills on Ocean Drive near the site over many years.

The local landholder also report seeing koalas in the Yaluma Drive area and had noted a female koala with a young joey on the southern side of Yaluma Drive about 18 months ago. Two koalas were observed in swamp forest to the north of the site near Ocean Drive earlier this year.

ii. *Scat Searches*

Table 2 below outlines the results of the scat searches undertaken on the study site.

Table 2 - Activity Levels

| Tree Species | Total No. Trees | No. Trees With Scats | % Trees With Scats |
|-----------------|-----------------|----------------------|--------------------|
| Tallowood | 24 | 13 | 54% |
| Sydney Blue Gum | 3 | 1 | 33% |
| Blackbutt | 2 | 0 | 0% |
| Brushbox | 2 | 0 | 0% |
| Forest Red Gum | 19 | 8 | 42% |

iii. *Sightings*

No koalas were observed on the study site during the survey period, despite intensive visual searches in all trees during the scat search.

2.3.3 *Core Habitat*

Evidence of koalas were found throughout the site, with concentrations of scats being in the north-eastern portion of the study site, near the residence. A large portion of the scats found in the area also occurred along the eastern and southern boundary of the study site.

While no individual koala were recorded on the site during the present survey, local records show that koalas are using the area. The sighting of a female with a joey in the area suggests the area is part of a breeding aggregate. Therefore, the

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Tallowwood – Forest Red Gum Forest on the study site would be classified as core koala habitat pursuant to SEPP 44 - Koala Habitat Protection.

3 PROPOSED DEVELOPMENT

It is proposed to subdivide the land into 9 residential lots. Five lots will be formed on the northern side of Yaluma Drive, with four lots being about 700 m² each and the residual lot being 4,500m² and containing the existing dwelling. Four lots would be developed on the southern side of Yaluma Drive varying in size from 988m² to 1476m².

No trees will be required to be removed as a result of the subdivision, but trees are likely to be lost with housing developments, which will be subject to separate DA's. To preserve many of the trees on the site that are being utilised by koalas a building line will be established at the rear of the lots on the southern side of Yaluma Drive as shown in Figure 2. The trees around the existing dwelling house will also not be removed as a result of the proposed development. 23 trees occur on the site outside of the building line and may be removed with the establishment of houses on the blocks. However, many of these trees occur on the edges of the blocks and it is estimated that potentially only ten trees could be removed to erect dwellings. Council's tree preservation order will affect the area and all trees removed after the area is subdivided will require Council's approval. This will provide protection for some of the trees that occur outside of the building line.

The development will be undertaken in two stages. Stage 1 will involve the subdivision of the northern side of Yaluma Drive, consisting of Lots 4 to 8. When this stage is being developed planting of trees will also take place at the rear of Lots 1 and 2 and the western edge of Lot 1. It is estimated that about 20 trees could be planted in this area and it is assumed that maybe 15 of these would survive. Undertaking the planting at this stage will ensure the trees are established prior to the release of Stage 2, consisting of Lots 1-4 on the southern side of Yaluma Drive.

4 KOALA MANAGEMENT PLAN

SEPP 44 requires a Koala Management Plan to be prepared for any land subject to a development application that has been identified as "core" koala habitat. This plan has to subsequently be approved by the Director of Planning before the development application can be processed. A list of matters that should be considered when undertaking a SEPP 44 plan of management is provided in Planning Circular No. B35. Each of these matters is addressed below.

4.1 POPULATION SIZE

The koala population in Lake Innes Nature Reserve is quite extensive, probably around 500 individuals (S. Wilkes pers. comm.). The population within the township of Port Macquarie is also quite large and is estimated to be about 500 animals (R. Martin 1996). The study site is known to support habitat for at least one koala, possibly being a female.

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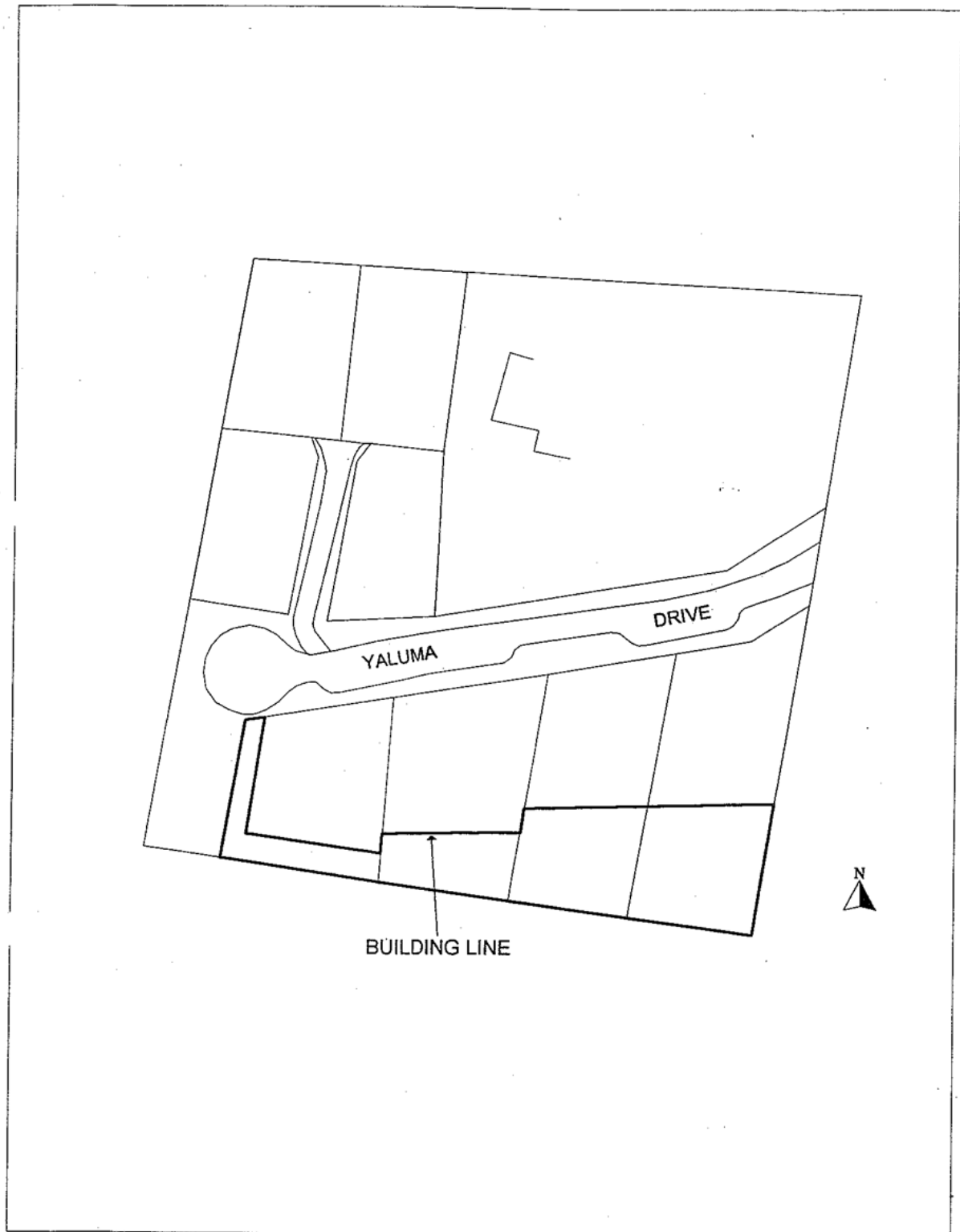


FIGURE 2 LOCATION OF PROPOSED BUILDING LINE

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Koalas are essentially solitary, sedentary animals living in the same restricted area over successive years. The home range of several individuals overlap and adult males have larger home ranges, and move more frequently than females. Home range size is influenced by the density of trees (i.e.: they are smaller in areas with high densities), and by the population density (smaller in areas with high population densities) (Mitchell, 1990).

In Victoria home ranges of 1.7 and 1.2 hectares have been recorded for male and females respectively on French Island; and 3.1 to 2.1 hectares in Brisbane Ranges NP (Mitchell, 1990; Hindell and Lee, 1988). An estimate of koala home range size in Port Macquarie has suggested that home ranges may be as small as 0.5 hectares (S. Wilkes, pers. comm.), but are usually about 1 hectare. The vegetated portion of the site would total about 0.5 hectares, and it is estimated that the habitat on the site would comprise part of one home range for a single koala.

4.2 FOOD RESOURCE

The scat search showed that the preferred food trees in the local area are tallowwood and forest red gum. Elsewhere in the locality, swamp mahoganies, scribbly gums and paperbarks are highly utilised food trees for koalas.

There is approximately 0.5 hectares of food resource on the site for koalas. Substantially greater areas of habitat occur in the region including Lake Innes Nature Reserve to the west of the site and remnant vegetation patches in the area, as shown on Figure 3.

4.3 REGIONAL DISTRIBUTION

An extensive koala population exists in the city of Port Macquarie, due to many small nature reserves in the urban environment and the planting of koala food trees within urban backyards. An important regional resource for koalas in the area is also provided in Lake Innes Nature Reserve. Figure 3 shows the distribution of remnant vegetation around the site, most of which provides habitat for the koala.

4.4 HABITAT CORRIDORS AND KOALA MOVEMENTS

The vegetation on the study site is at the end of a small finger of vegetation that extends north-eastwards from Lake Innes Nature Reserve. This vegetation may form a corridor linkage between Lake Innes NR and the township of Port Macquarie, however, a more intact corridor occurs immediately to the north of the study site. Koala food tree planting that is occurring in residential subdivisions to the north and north-east of the site will further enhance the movement corridor in the area.

4.5 MAJOR THREATENING PROCESSES

4.5.1 *Traffic Mortality*

In Port Macquarie an average of 15.6 koalas are killed and 8.6 injured per year (since 1985) as a result of collisions with cars. Deaths are more frequent on roads with speed limits in excess of 60 kph and/or streets with poor visibility due to terrain or

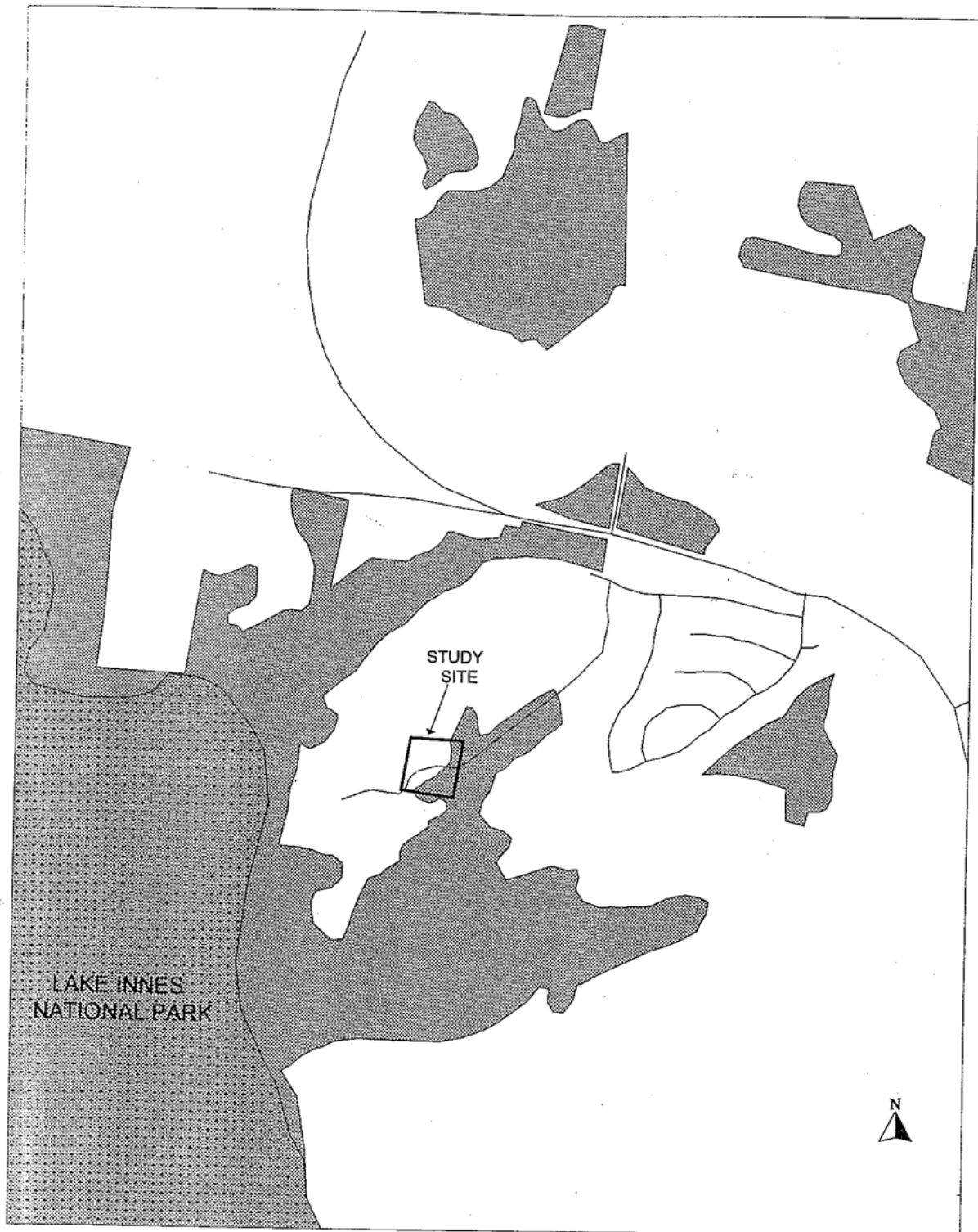


FIGURE 3 REMNANT VEGETATION NEAR THE STUDY SITE

by the Award Winning Cheyenne Bitware

9/16/99 11:31:

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lack of street lighting. It has been shown that fewer koalas are injured by cars on slow residential streets than on main arteries such as Kennedy Drive and Ocean Drive where cars travel at higher speeds and driver awareness is lower.

The proposed subdivision is unlikely to increase road mortality of koalas in the locality. The road will be maintained as a narrow country road and ends in a col-de-sac. Variations in the road width also breaks the sight line of the driver and increases driver awareness. This situation promotes slower vehicle movement which will reduce the likelihood of collisions with koalas.

4.5.2 Dog Attacks

Another threat to koalas near urban environments is the increased presence of dogs. Studies in Port Macquarie have shown dogs account for approximately 5 per cent of koala deaths and 13 per cent of koala injuries (Mount King Ecological Surveys, 1992). The proposed subdivision is likely to result in an increase in the presence of dogs, however, as the area is already surrounded by urban development, this increase is not expected to significantly impact upon the local koala population. However, a pamphlet will be provided to new residents informing them of the impact of dogs on koalas, in an effort to promote better pet control.

4.5.3 Habitat Clearance

Habitat clearance and fragmentation is a major threat to koala populations. Since European settlement there has been widespread loss of koala habitat throughout the species range. Continual habitat fragmentation, caused by clearing of land can result in koala populations being nutritionally stressed, having low reproductive rates and hence becoming susceptible to parasitism and disease, including Chlamydia (Hume, 1988).

The proposed subdivision of the study area into 9 residential blocks will not result in the loss of significant areas of koala habitat and as such should not have an impact on the surrounding koala population. With the future erection of houses on the lots, most of the trees will still be retained on site. All trees in the large residual lot containing the existing dwelling and at the rear of the lots on the southern side of Yaluma Drive behind the building line will not be removed. This will preserve about 0.28 of the 0.5 hectares of Tallowood – Forest Red Gum Forest.

In numbers all the trees on the northern side of Yaluma Drive will be retained, and 35 of the 58 trees (or about 60%) will be retained behind the building line on the southern side of the road. Additional trees are also likely to be retained at the edge of the subdivided blocks and in the road reserve, with it estimated that potentially only ten trees will be required to be removed with the erection of dwelling houses. Additional planting of 20 trees in the building line on Lot 1 and 2 will replace trees that may be removed as a result of the development. This will be done immediately upon approval of the subdivision to enable the trees to obtain some height prior to any removal of trees in the area. Therefore, the development will not significantly decrease the habitat in the area.

4.5.4 Disease

The range of diseases caused by the bacterium *Chlamydia psittaci* are the most common diseases found in koalas and include an eye infection leading to blindness;

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an infection of the female urinary tract leading to infertility; a urinary tract infection; and an upper respiratory tract infection. Koala populations under other environmental pressures are more susceptible to development of diseases which further imposes population pressures (Canfield, 1987). It is estimated that about 45 per cent of all koalas are infected with Chlamydia (Brown and Carrick, 1985).

The proposed development should not place any additional pressure on the koala population in Lake Innes Nature Reserve or the city of Port Macquarie, providing the majority of trees in the area are retained. This will be accomplished with a building line being established on the blocks and replanting of koala food trees. Therefore, the risk of Chlamydia within these populations should not be increased.

4.5.5 *Bushfire*

Koalas are at risk during times of bushfire, as they tend not to move away from a fire but more often climb high into the trees in an attempt to avoid the flames. Little is known about the species' response to fire however, it has been demonstrated on numerous occasions that koalas do not survive intense wildfires. Koalas can survive medium and low intensity fires, but breathing related disorders following smoke inhalation can develop.

A bushfire of variable intensity in Lake Innes Nature Reserve in 1994 killed or injured a small portion of the population, which survived and is now thriving again (S. Wilkes pers. comm.). This fire demonstrated one instance where fire did not have a major impact on the population as a whole. This was due to the variable fire intensity across habitat areas and the fast development of epicormic shoots providing a favoured food resource (S. Wilkes unpublished data).

The majority of bushfires occurring in the local area have been caused by arson or negligence. However, the proposed development is not expected to significantly increase the risk of bushfire in the area.

4.5.6 *Habitat Degradation*

While the majority of the vegetation on the study site will be retained, the presence of additional people in the area is likely to result in some disturbance to the habitat. Weed invasion of adjoining bushland from domestic gardens is likely to be more prevalent on the site than is currently experienced. However, the vegetation on the site is currently infested with a variety of weeds, especially exotic grasses and herbs. Koalas are living and breeding in other small remnant habitat areas overgrown with weeds throughout Port Macquarie. Therefore additional weed invasion is unlikely to change the suitability of the site for koalas.

Additional dwellings in the study site will also increase human access to the retained vegetation. However, provided the trees are retained in the area this is also unlikely to change the suitability of the site to support koalas.

4.6 AMELIORATION MEASURES

The above discussion showed that the development will only result in minor impacts to koalas in the locality. The impacts to the koala population that currently occur in the Port Macquarie area, such as collisions with cars, dog attack, degradation of habitat and bushfires, are not expected to increase significantly as a result of the

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development. However, to ensure that the development will have a negligible impact on the koala population a number of amelioration measures are recommended.

4.6.1 *Building Line*

To ensure the maintenance of the majority of the koala habitat on the study site a building line at the rear of the blocks on the southern side of Yaluma Drive is recommended. This building line will vary from being 27 metres into the blocks at the eastern edge and 10 metres into Lot 2 towards the western edge of the site. This building line will protect 35 trees from being removed through building. Twenty-three trees occur on the southern lots outside of this building line, however, some of these occur close to Yaluma Drive and the lot boundaries and may be retained. The provisions of the Tree Preservation Order (TPO) will ensure trees that are not dangerous to infrastructure or health are preserved outside of the building line. Planting will also take place in the building line of Lot 1 and 2 to replace trees lost from the area. This planting will be undertaken at subdivision stage.

4.6.2 *Information Pamphlet*

An information pamphlet should be prepared for new residents outlining the use of the area by koalas, how they can contribute to koala friendly area and alerting them to the importance of being aware of koalas crossing roads when driving through the subdivision. The importance of keeping dogs contained and not allowing them to roam into adjacent vegetated area should also be emphasised. Reference should also be made in the pamphlet with regard to the Tree Preservation Order affecting the land, the location and provisions of the building line and the long-term benefits of planting koala food trees in the area.

4.7 IMPROVEMENT OF CORE HABITAT

The core habitat on site will not be improved with the subdivision, but should be maintained. The subdivision will result a maximum loss of 23, which are not included in the building line. However, this figure is likely to be much less, with the use of the Tree Preservation Order and the location of trees at the edges of the blocks. To ensure that the core habitat is maintained tree planting will be undertaken at the rear of Lots 1 and 2 and along the western boundary of Lot 1. This area will accommodate between 15 and 20 trees. The TPO also requires that replacement planting of koala food trees that are removed by residents. Therefore, the core habitat will be maintained in the area over the long-term.

4.8 AIMS AND OBJECTIVES OF THE PLAN

The aims and objectives of this plan are:

- to maintain koala habitat in the area;
- minimise any impacts the development may have on the population; and
- provide for the long-term conservation of the koala population in the area.

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4.9 CRITERIA FOR ACHIEVEMENT OF OBJECTIVES

Protection of the majority of trees on the study site in their current mature state with the use of a building line and the tree preservation order will ensure the aims and objectives of the plan are met. Planting undertaken on Lots 1 and 2 will also assist in maintaining core habitat in the area. Protection of other remnant koala habitat in the locality will ensure the long-term conservation of the koala population in the Port Macquarie area.

Maintenance of koalas on and around the site will indicate that the objectives of the plan would have been achieved. Annual monitoring of the population, as outlined further below, will enable an assessment of whether the objectives have been achieved.

4.10 MONITORING

Monitoring of koalas on the adjacent subdivision should enable the impact of both subdivisions on the local koala population to be determined. The survey will record any presence of koalas and any other noteworthy features pertinent to the koala. Monitoring will be undertaken for a minimum of 5 years after development has commenced.

A record is also kept by the Koala Preservation Society regarding koala injuries and deaths. Figures for the area should be obtained annually to enable any problems in the area to be identified, especially regarding collisions with cars and dog attacks. If problems are noted, then further mitigation measures may need to be established.

5 CONCLUSION

Three vegetation communities and fauna habitats occur in the study area. These are Tallowwood - Forest Red Gum Forest, House Gardens and Grassland. This SEPP 44 assessment showed that the Tallowwood - Forest Red Gum Forest on the study site would be considered as potential koala habitat and also as core habitat.

The Koala Plan of Management for the site aims to conserve the koala population in the area. The site is considered to support a maximum of 1 koala, with a much larger population known to occur in the adjacent Lake Innes Nature Reserve.

The development may have a number of impacts on the population on site, principally habitat loss and habitat degradation. To mitigate these impacts it is recommended that:

- a building line be utilised at the rear of the lots on the southern side of Yaluma Drive and the western edge of Lot 1;
- tree planting be undertaken in the building line in Lots 1 and 2 ; and
- an information pamphlet be prepared for new residents;

Providing that the mitigation measures are undertaken, it is considered that the proposed development will not have a significant impact on the local koala population. Tree planting on the site and trees contained in adjacent reserves will also ensure the local population is preserved in the area.

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APPENDIX A

PLANT SPECIES LIST

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FILICOPSIDA (Ferns)**DENNSTAEDTIACEAE***Pteridium esculentum***MAGNOLIOPSIDA (Flowering Plants)****DICOTYLEDONS****ACANTHACEAE***Pseuderanthemum variabile***APOCYNACEAE***Parsonsia straminea***ARALIACEAE***Polyscias sambucifolia***ASCLEPIADACEAE****Gomphocarpus fruticosus***ASTERACEAE****Bidens pilosa***Conyza bonariensis***Hypochaeris radicata***Senecio madagascariensis***CASUARINACEAE***Allocasuarina littoralis***CONVOLVULACEAE***Dichondra repens***FABACEAE**

subf. Faboideae

*Hardenbergia violacea***Trifolium repens*

subf. Mimosoideae

*Acacia longifolia***HALORAGACEAE***Gonocarpus teucrioides***LOBELIACEAE***Pratia purpurascens***MALVACEAE****Sida rhombifolia***MYRTACEAE***Eucalyptus microcorys**Eucalyptus pilularis**Eucalyptus tereticronis**Eucalyptus saligna**Lophostemon confertus*

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PASIFLORACEAE

Passiflora edulis

PITTOSPORACEAE

*Billardiera scandens**Pittosporum undulatum*

PLANTAGINACEAE

Plantago debilis

SOLANACEAE

**Solanum mauritianum*

SAPINDACEAE

Dodonaea triquetra

VERBENACEAE

Lantana camara*Verbena bonariensis*

MONOCOTYLEDONS

ARECACEAE

Livistona australis

COMMELINACEAE

Commelina cyanea

CYPERACEAE

Lepidosperma laterale

LOMANDRACEAE

Lomandra longifolia

POACEAE

Andropogon virginicus*Chloris gayana***Cynodon dactylon***Echinopogon caespitosus***Paspalum dilatatum***Pennisetum clandestinum***Sporobolus indicus var. capensis*

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APPENDIX B

CURRICULUM VITAE
OF AUTHOR

ECOPRO



EcoPro

THE ECOLOGICAL PROFESSIONALS

ACN 068 007 509 104 PAYNES LANE UPPER LANSDOWNE NSW 2430 PH: 02 6556 9270 FAX: 02 6556 9271 MOBILE: 018 610 146

RESUME FOR KYLIE MARYOTT-BROWN

ACADEMIC QUALIFICATIONS:

Bachelor of Natural Resources (Honours)
University of New England, Armidale

CAREER AND SPECIALISED COMPETENCE:

Vegetation Surveys, Rare Plants, Fauna Surveys,
Flora and Fauna Management Plans and
Species Impact Statements.

AWARDS:

1988 - Geographical Society of NSW Prize
1995 - RAPI Award of Excellence in Local Govt.
Planning - Pacific Palms L.E.S.
1997 - Winner Tidy Towns Habitat Corridor
Protection - Hallidays Point Fauna Report

PROFESSIONAL EXPERIENCE - PRIVATE CONSULTANCY:

ECOPro PTY LTD (1995 to Present) Principal Environmental Scientist responsible for a range of ecological reports incorporating flora and fauna surveys, assessment of conservation values, assessment of impacts, recommendation of mitigation measures and formulation of management plans.

MITCHELL McCOTTER (Dec 1993-95) Senior Environmental Scientist responsible for ecological surveys (flora, fauna and soils), assessment of conservation values, preparation of EIS's and other environmental studies.

PROFESSIONAL EXPERIENCE - PUBLIC AUTHORITIES:

NATIONAL PARKS AND WILDLIFE SERVICE (1993) Project Officer and Technical Officer for a range of projects at Head Office, Northern Region, Upper Hunter District, Blue Mountains District and Central Coast District.

FORESTRY COMMISSION OF TASMANIA (1991) Environmental Officer using Caesium 137 analysis for soil erosion estimation and control.

REPRESENTATIVE PROJECTS UNDERTAKEN:

Environmental Impact Statements:

Mingaletta Quarry EIS (Private Client): Project manager for a range of experts assessing the environmental, economic and social impacts of a proposed hard-rock quarry. Responsible for assessing soil, flora and fauna aspects of the project.

Currabubula Quarry EIS, Flora/Fauna Investigations (Valerie Smith and Assoc.): Assessment of impacts from a proposed quarry on flora and fauna for a site south-west of Tamworth. The report forms part of an EIS for the quarry.

Proposed Expansion of Dunbogan Sand Quarry EIS (Hurd Haulage Pty Ltd)

Kylie Maryott-Brown

*Extension of Grants Head Quarry EIS (Private Client)**Great Lakes Landfill EIS, Flora/Fauna Components (Perram & Assoc.)***Fauna Surveys and Fauna Impact Statements:***Dunbogan Sand Quarry FIS (Private Client):* Project Manager investigating the presence of Schedule 12 fauna on a proposed sand quarry at Dunbogan on the mid-north coast of NSW. Identifying potential impacts on these species and recommending mitigation measures.*Pacific Palms Critical Habitat Analysis (Great Lakes Council):* Identification of future development areas at Pacific Palms to minimise environmental degradation. This involved extensive fauna surveying, identification of critical habitat areas of Schedule 12 species and delineating residential, rural and conservation zones.*Design of Walking Trail Through Core Koala Habitat (Midcoast Water)**Design of Underpasses for Fauna, Raymond Terrace to Karuah Duplication (RTA)**Clearing Operations Fauna Management Plan for Bulahdelah Bypass (RTA)**Pre-clearing Surveys Wang Wauk Deviation (RTA)**Fauna Survey, Old Bar Park (Greater Taree City Council)**Mingaletta Hard Rock Quarry FIS (Private Client)**Fauna Survey for Clybucca FIS (Private Client)**Hawks Nest Critical Habitat Assessment (Great Lakes Council)**Fauna Survey for Wildlife Refuge Proposal (Private Client)**Managing Community Volunteer Koala Survey (Hallidays Point Tidy Towns)**Red-necked Pademelon Survey, Currumbulla Quarry (Private Client)**Oxygen Farm Conservation Agreement Fauna Survey (NPWS)**Compensatory Habitat Assessment Bulahdelah Deviation (RTA)**Frog Survey (Private Client)***Eight-Point Checks:***Heron's Creek Duplication, Pacific Hwy Eight-Point Test (RTA):* Comprehensive fauna survey of the development area and adjoining land, eight-point test of significance and recommendations regarding mitigation measures.*Nursery Development Eight-Point Test, Failford (Private Client) (in progress)**Mingaletta Aquaculture Development Eight-Point Test (Private Client)**Tuncurry Recycling Centre Eight-Point Check (Great Lakes Council)**Bulahdelah Bypass Modifications Eight-Point Check (RTA)**Valla Beach Residential Development Eight-Point Check (GHD) (in progress)**Woolgoolga Subdivision and Banana Plantation Eight-Point Check (Private Client)**Tourist Development Eight-Point Check (Barry Evans and Assoc.)**Port Macquarie Residential Development Eight-Point Check (Vision Homes)**Gravel Quarry Eight-Point Test, Lanitza (GHD)**Sand Mining Eight-Point Check, Crescent Head (Private Client)**North Boambee Residential Development Eight-Point Check (GHD)*

Kylie Maryott-Brown

Taree Crematorium Eight-Point Check (Greater Taree City Council)
Fauna Investigations Peppermint Crescent (Hastings Council)
Old Bar Park Fire Trail Eight-Point Test (Greater Taree City Council)
Eight-Point Check Pickett Hill Residential Development (Private Client)
Residential Subdivision Eight-Point Check, Port Macquarie (Private Client)
Eight-Point Check Rezoning Application Hawks Nest (Great Lakes Council)
Catholic School Eight-Point Check, Rifle Range Road Taree (Private Client)
Seven-Point Fauna Check for Proposed Subdivision Taree (Taree Golf Course)
Violet Hill Seven-Point Fauna Check (Private Client)
Seven-point Check, Expansion of Kew Quarry (Private Client)
Lansdowne Dwelling Application Eight-Point Check & SEPP 44 (Private Client)
Woodworm Rural Residential Development, Eight-Point Check (Private Client)
Putta Road, Lansdowne Eight-Point Check and SEPP 44 Asses. (Private Client)
Retreat Village, Port Macquarie Eight Point Check (Luke & Co.)
Greenmeadows Dr, Port Macquarie 8-Pt Check & SEPP 44 Assessment (Luke & Co)
Sandhurst Estate Detention Wall Eight-Point Check (Luke & Co.)

Vegetation Studies:

Threatened Plant Assessment for Sporting Complex (Lake Macquarie Council):
 Undertaking a vegetation survey for broad vegetation communities and threatened plant species. Assessment of the distribution of these plants and the impact a proposed sporting complex will have on them under the Threatened Species Conservation Act.
Shire-wide Vegetation Survey, Great Lakes Council Area (Great Lakes Council):
 Undertaking a vegetation survey for the entire Great Lakes Council using aerial photographs and field surveys.
Vegetation Survey of Booti Booti National Park (NPWS) (in progress)
Survey of Threatened Plant, Big Nobby Headland (NPWS)
Flynns Beach Cabin Development Vegetation Assessment (Private Client)
Coffs Harbour Retirement Village Ecological Assessment (GHD)
Urunga South Vegetation Survey (Bellingen Shire Council)
Vegetation Survey for Council Land (Newcastle Council)
Rare and Endangered Plants of Yengo N.P. and Parr S.R.A. (NPWS)
Fire Prescription Management for Sensitive Plants in Wollemi National Park (NPWS)
Conservation Research Statement & Recovery Plan for Zieria involucrata (NPWS)
Glenrock SRA Flora Survey along Hunter Waterboard Carriermain (Private Client)
North Haven High School Vegetation Survey (Australian Museum Business Services)
Regional Flora Survey - Dunbogan (Private Client)
Vegetation Survey, Hungry Head Nature Reserve (Bellingen Council)
Old Growth Forest Mapping (NPWS)
Conservation Research Statement & Recovery Plan for Velleia perfoliata (NPWS)
Threatened Flora Species Search, Glendale Public Land (Lake Macquarie Council)

Kylie Maryott-Brown

Ecological Studies (Flora & Fauna Components):

Blackhead Lagoon Flora and Fauna Investigations (Greater Taree City Council): Vegetation and fauna survey of the catchment of Blackhead Lagoon. Management strategies were then recommended to ensure the integrity of the lagoon, and its association flora and fauna, was maintained despite urban development in the area.

Wingen Maid Nature Reserve Resource Inventory (NPWS): Responsible for flora and fauna surveys in the nature reserve to be used as base data for a Review of Environmental Factors for fire prescription burning.

Smiths Lake Planning Study - Ecological Aspects (WBM) (in progress)

Fauna Underpass Design, Raymond Terrace to Karuah Duplication (RTA)

Ecological Assessment Albury/Wadonga TAFE site (Public Works Dept.)

Westport Park Flora and Fauna Survey for Plan of Management (Hastings Council)

Ecological Assessment, Proposed Expansion to Kurri Kurri TAFE (NSW TAFE)

Bulahdelah Residential Rezoning, Flora and Fauna Assessment (Private Client)

Woodworm Residential Development Flora and Fauna Assessment (Private Client)

Fire Management Plan, Old Bar Park (Greater Taree City Council)

Ecological Assessment of Proposed Tourist Development (Hastings Council)

Ecological Assessment Taree Highway Service Centre (Greater Taree City Council)

Old Bar Wallabi Point Environmental Study (Greater Taree City Council)

Tuncurry Darrawank Environmental Survey (Great Lakes Council)

Manning River Floodplain Management Study (Willing & Partners for GTCC)

Ecological Aspects of South West Rocks Structure Plan (Kempsey Council)

Hallidays Point Flora and Fauna Management Study (Private Client)

Flora and Fauna Review, Heron Creek Deviation (RTA)

Ecological Assessment of Subdivision, Loftus Rd Crescent Head (Hastings Council)

Annual Monitoring for Dunbogan Sand Quarry (Hurd Haulage) (in progress)

SEPP 44 - Koala Habitat Protection:

Dunbogan Sand Quarry Koala Plan of Management (Hurd Haulage): Formulation of a Koala Plan of Management for a sand quarry at Dunbogan in accordance with SEPP 44 - Koala Habitat Protection.

Stroud Rural Residential Subdivision, Koala Management Plan (Private Client)

Koala Management Plan - Wastewater Treatment Plant (Midcoast Water)

Mingaletta Quarry SEPP 44 Assessment (Hurd Haulage)

Pacific Palms Potential & Core Koala Habitat Assessment (Great Lakes Council)

SEPP 44 Assessment Residential Subdivision, Taree (Private Client)

Banksia Estate, Tea Gardens SEPP 44 Core Habitat Assessment (Private Client)

Hawks Nest North Core Koala Habitat Assessment (Great Lakes Council)

SEPP 44 Potential Koala Habitat Assessment (Hallidays Point Golf Course)

Rural Dwelling, SEPP 44 Koala Management Plan (Private Client)

Melinga Gravel Quarry SEPP 44 Potential Habitat Assessment (Private Client)

'The Binnacle' SEPP 44 Core Habitat Assessment (Hastings Council)

Kylie Maryott-Brown

Court Litigation And Ecological Reviews:

Camden Shores Canal Development Commission of Inquiry (Private Client): Appearing as an expert witness on issues related to rare and threatened fauna and their habitat resource on the site and in the region, and on the impact the development would have on wetlands in the immediate area.

Blueys Beach Rainforest Clearing Court Injunction (Private Client): Assessment of illegal clearing of SEPP 26 Littoral Rainforest for inclusion in court testimony.

Court Witness - DA Applications Queens Estate, Port Macquarie (Hastings Council)

Cedar Party Road Illegal Clearing, Flora and Fauna Survey (NPWS)

Court Witness - DA Application Osprey Drive Urunga (Bellingen Shire Council)

Review of EIS - Coffs Harbour Quarry (GHD Pty Ltd)

Review of Residential Subdivision Ecological Report, Nth Valla (Nambucca Council)

Review of Ecological Consultants Report, Tandy's Lane Deviation (RTA)

Review of EIS - Tourist Development Scotts Head (GHD)

Submission to Scientific Committee - Glossy Black Cockatoos (Nambucca Council)

Review of Ecological Work Coopernook Bypass (RTA)

Review of Eight-Point Test, Herons Creek Duplication (RTA)

Review of Eight-Point Test, Raymond Terrace to Karuah Duplication (RTA)

PUBLICATIONS:

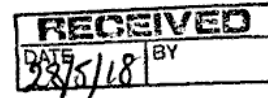
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Maryott-Brown, K. (1994) *Recovery Plan for Velleia perfoliata*. Australian Nature Conservation Agency Endangered Species Program Project No. 371/7.

Maryott-Brown, K. (1994) *Conservation Research Statement for Zieria involucreta*. Australian Nature Conservation Agency Endangered Species Program Project No. 371/6.

Maryott-Brown, K. (1994) *Recovery Plan for Zieria involucreta*. Australian Nature Conservation Agency Endangered Species Program Project No. 371/6.

Maryott-Brown, K. and Wilks, D. (1993) *Rare and Endangered Plants of Yengo National Park and Adjacent Areas*. NSW National Parks and Wildlife Service.



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

28TH May, 2018

Dear Sir,

RE: OBJECTION TO SUBMISSION-DA2018.340.1

We wish to submit our objection to the proposed Development Application for the construction of 2 semi-detached dwellings at 65 Yaluma Drive, Port Macquarie.

Details of Objections

1. With the proposed construction of 2xDwellings, rather than a single home type common to Yaluma Drive, additional traffic congestion will occur at the southern end of the road. Extra street vehicle parking will create a hazardous turning circle for the weekly garbage trucks etc.
2. Unit No. 2 appears to be well above the DCP stated @ 8.5m height.

We would appreciate your reply and comments regarding the above 2 objections.

Your faithfully,

[Redacted]
Cheryl & Allan Grieve
68 Yaluma Drive
Port Macquarie

Phone: [Redacted] 33 [Redacted] 111872 @bigpond.com

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| | |
|----------------------------|--------------|
| PORT MACQUARIE HASTINGS | |
| 29 MAY 2018 | |
| Keyword | |
| Activity | |
| Subject | DA2018-340.1 |
| Folder | |

The General Manager
Port Macquarie-Hastings Council
Wednesday, 25 May 2018

Gary and Erica Nelson
64 Yaluma Drive
Port Macquarie 2444



Dear Sir,

SUBMISSION – DA2018.340.1 - Grounds for Objection

65 Yaluma Drive, Port Macquarie

Please be advised of our objection to the proposed Development Application for the construction of 2 Semi-Detached dwellings at 65 Yaluma Drive, Port Macquarie.

In summary we have 4 primary objections (1) being the impact of the dwelling on our views to the south of our property, which given the height of the construction will obliterate any of our views south, (2) the impact of additional traffic in the location given the small diameter cul-de-sac where the dwelling will be built, and additionally the potential future development of 94 Yaluma Drive (3) the number of non-compliances apparent in the submission (4) the type of dwelling does not complement the existing neighbouring residential homes - rather it will be a detraction.

Also of concern is the apparent decision of Council to readily agree to the removal of the Koala preferred trees from the site- disregarding the fact that those trees were planted at the direction of Council when this parcel of land was first sub-divided and developed by Mr Sam Vieceleli – Mr Vieceleli bore the cost to plant these new saplings.

It is noted that this land was, at one time, deemed a Koala corridor by Council but sadly, as witnessed by the abundant removal of trees during recent construction of new homes on this parcel of land this appears to be no longer the case. It is further advised that Koala activity is still visible in this location as recent as this week however will likely diminish over time with the Council sanctioned removal of trees.

Details of Objections

- (1) We note the proposed construction will consist of 2 units, Unit 1 with 2 levels having three (3) bedrooms and Unit two of 3 levels having four (4) bedrooms.

The Development Control Plan references a maximum height of 8.5M – the proposal indicates a height of Unit 1 as 8.22m from the 27.260RL to the U1 ridge height which is in compliance, however Unit 2 references a height of 8.360 to the U2 ridge but not from the 27.260RL (which is the base of the dwelling) rather it appears to be from the top of the retaining wall adjacent to the eastern boundary). This retaining wall is 1.5m in height, so in effect this would give Unit 2 a max height of approximately 9.86m well outside the DCP stated 8.5m.

As stated in our preamble this will have a significant impact on views to the south of our home.

- (2) In regards to traffic impact we note the submitted proposal indicates a 2 car garage for each unit and off road parking for other vehicles on the apron adjacent to the garages, however, be that as it may, we have been advised that the intent of the development is for the lease/rental of the properties – therefore consideration needs to be given to the scenario, that the occupants may all be individuals all with vehicle ownership and not necessarily families. This cannot be dismissed lightly as there are more than enough examples of this existing in Port Macquarie already. The result is a gaggle of vehicles jammed into whatever and wherever they can find space, restricting ready vehicular movement on the street.

There is a good example of this outside of and adjacent to No 13 Yaluma Drive where multiple cars park on the footpath/street and this is also exacerbated by the parking of a Caravan on the opposite side of the street. At times trying to negotiate safe passage through this area has been a concern to many residents. This has been previously reported to Council.

Also, it needs to be noted here that the relatively small size of the cul-de-sac already makes it difficult for the waste management trucks to manoeuvre – most of the time 4 point turns are required. Any vehicular parking in this area would make the access to the cul-de-sac by waste management trucks or any other large vehicle an unsafe proposition.

It is noted that in addition to vehicular traffic a pedestrian footpath which co-joins Yaluma Drive and Timothy Place starts/exits from the cul-de-sac and runs between No 65 and 94 Yaluma Drive.

In respect to 94 Yaluma Drive we draw your attention to the potential future development of this residence/site.

The address has one (1) dwelling and sits on land of approximately 3000 sqm. It is located at the western end of the cul-de-sac.

The current owner of the property is undecided on her future however, has indicated that selling up and moving on is one consideration. She has had discussions with a number of parties in regards to this and has been informed that if

the land was to become available the development and building of up to 4 homes on the site would be a reasonable outcome.

The only access to this property is at the western end of the Yaluma Drive cul-de-sac. If this scenario was to come to fruition, and an additional 4 homes result. Vehicular traffic from ten (10) homes would be accessing the cul-de-sac. Again, garbage trucks and other large truck access could develop into be a potential safety issue.

- (3) We note that there are 13 non-compliances currently in the submission. While not commenting on every individual non-compliance, it is however our overarching view that this proposal is purely an exercise in trying to squeeze an economic driven development onto a site that is not able to accommodate it in respect to the land size of 640sqm, its front boundary configuration, the location of the sewer and stormwater pipes, the DCP requirements and nor is it appropriate to the existing residential environment (see comments next para).
- (4) There is substantial building and development underway in Yaluma Heights and newer developed areas of in Crestwood – all of the beautiful new residential homes in both locations vary in land size and home size and, at least to our knowledge, are free standing homes. This is very evident in Yaluma Drive where the design and type of home recently completed and soon to be completed homes have enhanced the area.
- The proposed construction of a semi-detached building sits outside the theme of the local environment.
- Particularly relevant, as previously stated, is the land size and its configuration which is not suitable to this design and would necessitate DCP requirements to be breached to accommodate the construction proposal.

Thank you for the opportunity to voice our opinion and concerns regarding this development proposal. We believe they are legitimate concerns and I add that they are shared by other residents within the area.

Yours Sincerely,

Gary and Erica Nelson

23 May 2018 .

General Manager
PMHC
c/- email: council@pmhc.nsw.gov.au

Dear Sir

OBJECTION TO PROPOSAL: Two Semi-Detached Dwellings with Torrens Subdivision
Property: LOT 1 DP 1222707, 65 Yaluma Drive PORT MACQUARIE
Application No. DA2018.340.1

Our details:

Jodie and James O'Brien
16 Horizons Parkway, PORT MACQUARIE NSW 2444
Po Box 9498, Lighthouse Beach 2444
[REDACTED]

We write to object to the above proposal which is located behind our new build in Horizons Parkway. We believe if allowed to proceed these dwellings will remove any privacy we might have had in our backyard, pool and entertaining area due to having two outdoor deck areas having views straight into our backyard. We understand something needs to be built there however we would prefer a single dwelling as we already have 4 properties looking into our yard.

They will also cast a shadow during the winter months denying us essential sunlight. We are concerned whether the 3.00pm shadow diagram accurately reflects the slope of our land as well as the proposed site. We are entitled to a minimum amount of sunlight to our private open space from 9am to 3pm on 21st June.

In addition we were told there was a Koala Corridor behind our back fence and would like to know details of where this corridor begins and ends in relation to the proposed dwellings.

We request that Council suppress our personal information in this submission from public release.

Yours faithfully,
[REDACTED]

Jodie and James O'Brien

RG & HA Golding
70 Yaluma Drive
Port Macquarie NSW 2444
[REDACTED]

27 May 2018

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

council@pmhc.nsw.gov.au

Dear Sir or Madam

Objection to Submission: DA2018.340.1–65 Yaluma Drive, Port Macquarie

We wish to advise our objection to the proposal for two semi-detached dwellings with Torrens Subdivision at 65 Yaluma Drive, Port Macquarie.

Traffic & Parking

Due to the size of the cul-de-sac there is extremely limited space for parking. As is, it is a difficult for some larger vehicles and trucks to turn and safely navigate around the area without the impact of an extra, undetermined amount of vehicles parking on the road on a regular basis. The proposed dwellings in question are apparently being developed with the intent to lease which means that there could be up to four or more cars parked at each of these at any given time. This issue, we are sure, will be a major concern for existing residents.

Type of dwelling uncomplimentary to area

The existing homes on Yaluma Drive are all of a high standard and are, as far as we know, all free standing, owner occupied residences. The newest of homes which have been built as part of the new land release are particularly impressive and have complemented existing buildings and enhanced the area. Introducing a subdivision into this is not only disappointing but disrespectful to those who have purchased and built in the vicinity, investing substantial amounts of money into their dream home. We believe that the height of the units are not compliant and that attempting to put two large townhouses on such a small block will do nothing but cheapen the area.

Impact on Koala Corridor

It is noted that apparently council have agreed to the removal of some trees from the site, even though they had been planted as part of a directive from council to

replace trees removed from this stretch of land when it was first developed. The large amount of trees which council has allowed to be removed from this area is a disgrace. When we bought in Yaluma Drive we were impressed by the commitment of the Port Macquarie Council to maintain a Koala Corridor and have been lucky to witness much koala activity over the past five years. The additional removal of any gum trees are sure to severely impact on wildlife in the area.

We trust that you will consider our concerns carefully and make a decision that is favourable to existing residents of Yaluma Drive.

Yours sincerely

RG & HA Golding