



# Development Assessment Panel

## Business Paper

**date of meeting:** Wednesday 14 November 2018

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

**time:** 2:00pm

## **Development Assessment Panel**

### **CHARTER**

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#### **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	11/07/28	25/07/18	08/08/18	26/09/18	24/10/18
Paul Drake	✓	✓	A	✓	✓
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 14 November 2018

## Items of Business

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05	DA2018 - 649.1 Alterations And Additions To A Dwelling Including A Clause 4.6 Variation To Clause 4.3 (Height Of Buildings) Of The Port Macquarie Hastings Local Environmental Plan 2011 - Lot 346 DP 236950, No. 14 Vendul Crescent, Port Macquarie .....	<u>16</u>
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**Item: 01****Subject: ACKNOWLEDGEMENT OF COUNTRY**

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Development Assessment Panel Meeting held on 24 October 2018 be confirmed.



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**PRESENT**

***Members:***

Paul Drake  
Robert Hussey  
Dan Croft

***Other Attendees:***

Patrick Galbraith-Robertson  
Chris Gardiner  
David Troemel

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The meeting opened at 2:00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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Nil.

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**03 CONFIRMATION OF MINUTES**

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**CONSENSUS:**

That the Minutes of the Development Assessment Panel Meeting held on 26 September 2018 be confirmed.

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA2018 - 215.1 - DEMOLITION OF HERITAGE LISTED CHIMNEYS  
ASSOCIATED WITH FORMER MILL WORKERS COTTAGES AND  
INTERPRETATION PLAN - NO. 47 HOMEDALE ROAD, KEW**

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**Speakers:**

Mike Dodkin (o)  
Geraldine Haigh (applicant)  
Jason Bignell (applicant)

A submission from Martin Parish dated 22 October 2018 was tabled at the meeting.

**CONSENSUS:**

That DA2018 – 215.1 for a demolition of heritage listed chimneys associated with former mill workers' cottages and Interpretation Plan at Lot 1, DP 1161722, No. 47 Homedale Road, Kew, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition A(5) to read: *'The Option 1 recommendations of the approved Interpretation Strategy, with the exception of creation of a public reserve, shall be completed within 24 months of the demolition of the chimneys.'*

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**06 DA2018 - 555.1 ALTERATIONS AND ADDITIONS TO DWELLING AND USE AS  
A HOME BUSINESS (HAIR AND BEAUTY SALON), LOT 246 DP 828767, NO. 10  
SPINDRIFT ROW, PORT MACQUARIE**

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**Speakers:**

Donna Clarke (o)  
Sarah Younger (o)  
Don Johanson (o)  
Desiree Kelly (o),  
Jason France (o),  
Julia Thompson (applicant)  
Geoff Picker (applicant)

**CONSENSUS:**

That DA 2018 – 555.1 for Alterations and Additions to Dwelling and Use as a Home Business (Hair and Beauty Salon) at Lot 246, DP 828767, No. 10 Spindrift Row, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Additional condition in Section B of the consent to read: *'B(4) A privacy screen shall be provided for the full length of the southern end of the porch. The privacy screen shall be 1.8m high and a maximum of 25% transparent. Details are to be submitted for the approval of the Principal Certifying Authority prior to the issue of a Construction Certificate.'*

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- Amend condition F(5) to read: *'(F025) Hours of operation of the development are restricted to the following hours:
    - 9.00 am to 5.00 pm – Mondays to Fridays
    - 9.00 am to 12.00 noon – Saturdays
    - No work is to be carried out on Sundays and Public Holidays'*
- Additional condition in Section F to read: *'F(8) A maximum of 6 customers per day are permitted on weekdays, and a maximum of 3 customers per day on Saturdays.'*
- Additional condition in Section F to read: *'F(9) The consent for the home business is granted on the basis of a trial period of 1 year from the date of the issue on the Occupation Certificate to ensure that the development operates within a reasonable residential amenity standard. Prior to the expiration of the trial period the Applicant may make application for the home business to operate permanently. The performance of the home business during the trial period will be taken into account in considering whether to grant consent on a permanent basis.'*

*During the trial period the proponent shall provide contact details in a clearly visible location and maintain a register of complaints and any actions taken to resolve them. The register is to be submitted with the application for the home business to operate on a permanent basis.'*

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## **07 GENERAL BUSINESS**

Nil.

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The meeting closed at 3:42pm.

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

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

Councillor's 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.

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

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**Item: 05**

**Subject: DA2018 - 649.1 ALTERATIONS AND ADDITIONS TO A DWELLING INCLUDING A CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 346 DP 236950, NO. 14 VENDUL CRESCENT, PORT MACQUARIE**

**Report Author: Clint Tink**

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**Applicant: Wayne Ellis Architect**  
**Owner: Liquor Folliculi Pty Ltd**  
**Estimated Cost: \$43,995**  
**Parcel no: 24344**

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

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

#### **RECOMMENDATION**

**That the Development Assessment Panel recommend to Council that DA2018 – 649.1 for alterations and additions to a dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of the Port Macquarie Hastings Local Environmental Plan 2011 at Lot 346 DP 236950, 14 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.**

#### **Executive Summary**

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

Following exhibition of the application, no submissions were received.

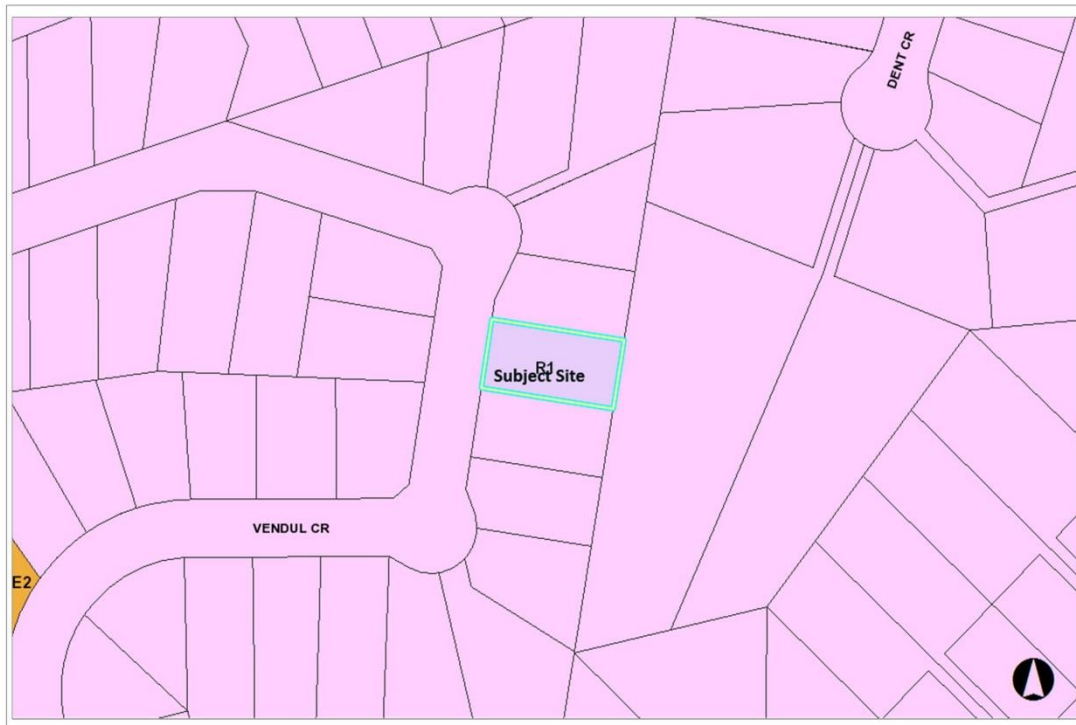
#### **1. BACKGROUND**

##### **Existing sites features and surrounding development**

The site has an area of 651.3m<sup>2</sup>.

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





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



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Proposal involves alterations and additions to an existing multi storey dwelling.
- The works are predominately contained within the footprint of the existing dwelling.
- Part of the existing roof design is being amended. The design results in a minor 553mm increase to the existing building height (relevant to that area of the dwelling). The additional height is predominately located central to the building design with the wall heights remaining relatively the same.
- The height limit for the area is 8.5m. It should be noted that the existing dwelling already exceeds the standard. In particular, the existing dwelling has a section that exceeds the height limit by 4.29m or 50% of the standard. Even where the new works are proposed, the existing roof already exceeds the height limit by 1.88m or 22%.
- The revised roof design will result in the height limit being exceeded by 2.44m or 29%.
- The front of the dwelling, when viewed from the street, complies with the 8.5m height limit (ie the height is 7.25m).
- As a result of the above, a Clause 4.6 variation is proposed to Clause 4.3 (Height of Buildings) of Port Macquarie-Hastings Local Environmental Plan 2011.

Refer to attachments at the end of this report.

### **Application Chronology**

- 20/8/2018 – Development Application lodged with Council.
- 27/8/2018 – Council staff requested further detail on owners consent.
- 28/8/2018 – Council staff requested additional information on vegetation removal, view impacts, height impacts and consideration of State Environmental Planning Policy (Coastal Management) 2018.
- 30/8/2018 to 12/9/2018 – Notification period.
- 31/8/2018 – Application referred to Local NSW Rural Fire Service for consideration.
- 5/9/2018 – Applicant advised that the rear deck would be removed from the proposal. Discussion with Council staff on additional information request.
- 8-10/9/2018 – Discussion with applicant on bushfire report.
- 12-13/9/2018 – Revised bushfire report submitted and associated discussion with Council staff on report detail. The revised bushfire report was sent to the Local NSW Rural Fire Service.
- 13/9/2018 – Applicant submitted revised plans, removing the rear deck.
- 14/9/2018 – Owners consent clarified.
- 18/9/2018 – Local NSW Rural Fire Service accepted the proposal subject to conditions.

### **3. STATUTORY ASSESSMENT**

#### **Section 4.15(1) Matters for Consideration**

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

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

**State Environmental Planning Policy No. 44 - Koala Habitat Protection**

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area and requires no vegetation removal. 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 (Coastal Management) 2018 and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The assessment table below considers the relevant provisions of the SEPP.

Clause	Provision	Proposed	Complies
<b>10 Development of coastal wetlands or littoral rainforest land</b> (Applies to land mapped as “coastal wetlands” or “littoral rainforest”)			
10(4)	Sufficient measures have been, or will be, made to protect the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.	The site contains sections of mapped littoral rainforest to the east of the existing dwelling. By removing the proposed eastern deck from the application, no works are proposed on the mapped littoral rainforest area. Therefore, Clause 10 does not apply.	Yes
<b>11 Development on land in proximity to coastal wetlands or littoral rainforest land</b> (Applies to land mapped as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both)			
11(1)(a)	The proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest.	The alterations and additions will not impact on the biophysical, hydrological or ecology of the littoral rainforest due to the already developed nature of the dwelling/site, existing stormwater in place and the fact no vegetation clearing is required.	Yes
11(1)(b)	The quantity and quality of surface and ground water flows to the adjacent coastal wetland or littoral	No change to water quality or quantity. In particular, minimal new hard stand areas proposed and the development will continue	Yes



	rainforest if the development is on land within the catchment of the coastal wetland or littoral rainforest.	to drain to an existing approved stormwater system at pre-development flows.	
<b>12 Development on certain land within the coastal vulnerability area</b> (Applies to land mapped as "coastal vulnerability area")			
12(a)	If the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works.	The site is not located within the coastal vulnerability area.	N/A
12(b)(i)	The proposed development is not likely to alter coastal processes to the detriment of the natural environment or other land.	The site is not located within the coastal vulnerability area.	N/A
12(b)(ii)	The proposed development is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development.	The site is not located within the coastal vulnerability area.	N/A
12(b)(iii)	The proposed development incorporates appropriate measures to manage risk to life and public safety from coastal hazards.	The site is not located within the coastal vulnerability area.	N/A
12(c)	Measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards	The site is not located within the coastal vulnerability area.	N/A
<b>13 Development on land within the coastal environment area</b> (Applies to land mapped as "coastal environment area")			
13(1)(a)	Whether the proposed development is likely to cause an adverse impact on the integrity	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only, well	Yes

	and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.	clear of any key coastal environment. Refer to comments on Clause 11 above, in relation to the littoral rainforest provisions.	
13(1)(b)	Whether the proposed development is likely to cause an adverse impact on coastal environmental values and natural coastal processes.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only and will not impact on values or processes.	Yes
13(1)(d)	Whether the proposed development is likely to cause an adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only, clear of any key coastal environment/area.	Yes
13(1)(e)	Whether the proposed development is likely to cause an adverse impact on existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only and will not impact on access to any key coastal area.	Yes
13(1)(f)	Whether the proposed development is likely to cause an adverse impact on Aboriginal cultural heritage, practices and places.	The site is not known to contain any heritage items or places. The site is also disturbed from past activities.	Yes
13(1)(g)	Whether the proposed development is likely to cause an adverse impact on the use of the surf zone.	The site is well clear of the surf zone. As a result, no adverse impact will occur.	Yes
13(2)	(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or (b) if that impact cannot be reasonably avoided—the development is	Refer to above comments, which confirm no adverse impact will occur.	Yes

	designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.		
<b>14 Development on land within the coastal use area</b> (Applies to land mapped as “coastal use area”)			
14(a)(i)	Whether the proposed development is likely to cause an adverse impact on existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only and will not impact on access to any key coastal area.	Yes
14(a)(ii)	Whether the proposed development is likely to cause an adverse impact on overshadowing, wind funnelling and the loss of views from public places to foreshores.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only. The proposed changes do not significantly change the bulk and scale of the dwelling and as a result will ensure no adverse overshadowing, wind funnelling, loss of views etc. The walls of the dwelling remain relatively unchanged with the minor change to height gradually occurring central to the building.	Yes
14(a)(iii)	Whether the proposed development is likely to cause an adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands.	No adverse impact will occur. Proposal is for alterations and additions to a single dwelling only within a semi developed residential area. The bulk, scale and positioning of works will ensure no adverse impacts on the visual or scenic qualities of the coast.	Yes
14(a)(iv)	Whether the proposed development is likely to cause an adverse impact on Aboriginal cultural heritage,	The site is not known to contain any heritage items or places. The site is also disturbed from past activities.	Yes

	practices and places.		
14(a)(v)	Whether the proposed development is likely to cause an adverse impact on cultural and built environment heritage.	The site is not known to contain any cultural/heritage items or value. The site is also disturbed from past activities.	Yes
14(b)	(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact.	Refer to above comments, which confirm no adverse impact will occur.	Yes
14(c)	The consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The coastal environment has been considered in the assessment and the development deemed acceptable.	Yes
<b>15 Development in coastal zone generally—development not to increase risk of coastal hazards</b> (Applies to all land in the coastal zone other than land mapped as “coastal vulnerability area”)			
15(1)	The proposed development is not likely to cause increased risk of coastal hazards on the land or other land.	The site is not within a coastal hazard area.	N/A
<b>16 Development in coastal zone generally—coastal management programs to be considered</b>			
16	Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of	No coastal zone management program applies to the land.	N/A

	any certified coastal management program that applies to the land.		
<b>20 Flexible zone provisions</b>			
20	Flexible zone provisions not applicable to land to which the SEPP applies.	The proposal does not rely upon flexible zone provisions.	Yes

Overall, the proposed development is not likely to result in any of the following:

- a) any adverse impact on integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- b) any adverse impacts coastal environmental values and natural coastal processes;
- c) any adverse impacts on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- d) any adverse impact on marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
- e) any adverse impact on Aboriginal cultural heritage, practices and places;
- f) any adverse impacts on the cultural and built environment heritage;
- g) any adverse impacts to or from the surf zone;
- h) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- i) overshadowing, wind funnelling and the loss of views from public places to foreshores;

The bulk, scale and size of the proposed development is compatible with the surrounding coastal and built environment.

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

The cost of the alterations and additions do not exceed \$50,000. Therefore, the proposal is not considered a BASIX affected development.

#### **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, alterations and additions to a dwelling is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

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

- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying Development Codes) 2008.



- Clause 4.3, this clause establishes the maximum “height of a building” (or building height) that a building may be built to on any parcel of land. The term “building height (or height of building)” is defined in the LEP to mean “*the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like*”. The term “ground level (existing)” is also defined in the LEP to mean “*the existing level of a site at any point*”.

The building height limit for the site is identified on the Height of Buildings Map as being 8.5m. The proposed development (new works) exceed the height by 2.44m, which represents a variation of 29%. Refer to the attached elevation plans, which demonstrate the areas of the building that exceed the height limit.

In considering the height variation, compliance with the objectives of Clause 4.3 of the LEP have been considered below:

*(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*

Comment:

The locality and Vendul Crescent are characterised by a number of dwellings with similar heights, due mainly to the steepness of the land.

Key aspects of this proposal are:

- The dwelling still presents as a single storey dwelling to the street/public domain.
- The change in height occurs central to the building with the wall heights facing side boundaries/neighbours remaining relatively unchanged. This will limit the impact on neighbours as the central height will not be visible.
- The section of the dwelling being changed is only being raised 553mm.
- The dwelling already has multiple sections that do not meet the height limit and actually exceed the height limit by more than the proposed 2.44m/29% under this application.

Based on the above, the proposed height, bulk and scale of the development is considered compatible with the existing and future character of the locality.

*(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

Comment:

The visual impact of the building is considered satisfactory for the following reasons:

- The main variations are located behind the facades of the building and are therefore less distinct.
- The variations are minor in the context of the existing built form and other existing height variations.
- The building height is similar to the existing dwellings in the area and will therefore not be visually dominant.
- The variation is created by the land sloping steeply away from the street.

View impacts and solar access are considered elsewhere in this report under ‘View Sharing’ and ‘Overshadowing’. The proposed development and minor height variation do not create any adverse view loss or overshadowing.

Potential privacy impacts are considered under the relevant DCP provisions below and have been satisfactorily addressed in the building design.

*(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,*

Comment:

The site does not contain any known heritage items or sites of significance.

*(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.*

Comment:

The proposed height is consistent with other dwellings in the area. The variation does not compromise this intent of the standard.

In addition to the above, the applicant has lodged a written request in accordance with Clause 4.6 of the LEP objecting to the 8.5m building height standard applying to the site (see comments below under Clause 4.6).

- Clause 4.4, the floor space ratio of the dwelling is being increased 10m<sup>2</sup> and conservatively using mapping, will result in an FSR below the 0.65:1 standard (ie calculations suggest approx. 0.6:1).
- Clause 4.6, consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable and/or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard without compromising the public interest.

As a result of the above, the applicant submitted a Clause 4.6 variation for the height standard (ie Clause 4.3). The applicant's reasoning for varying Clause 4.3 are as follows:

- The resultant height difference is minimal at 553mm.
- The proposed height from the street is 7.25m, which is under the 8.5m height limit.
- The height limit is already exceeded when viewed from the east.
- Precedence already exists on adjoining properties.
- The site slopes away steeply from the street and strict compliance with the standard is difficult to achieve and considered unreasonable.
- To obtain reasonable views and access from the street, it is difficult to get floor levels that result in a compliant height.
- The proposal does not adversely impact on views from neighbouring properties.

Having considered the application and Clause 4.6 variation to Clause 4.3, the proposal was deemed to have limited impact on the environment as per the reasons identified by the applicant above. In addition, it was also considered by staff that:

- The variation will not be readily visible due to the minor nature of the variation (553mm to a small portion of the building). In addition, the bulk of

the variation occurs behind the front façade and central to the roof (ie not easily visible from adjoining properties or the public domain).

- The existing built form of the dwelling has multiple sections that already do not meet the height limit and exceed the height limit by more than that being varied under this application.
- Limited change to height of walls proposed, which will ensure no adverse increase in overshadowing to that occurring at present.
- There are similar sized buildings within 500m of the site. As a result, the proposed height and minor variation were not unreasonable within the context of the area.
- There will be negligible public domain impact.
- The development is well articulated, which further reduces the bulk of the building.
- No significant views impacts will occur.
- Through the use of screening, separation, room layout and window type; there will be no loss of privacy.
- The development is consistent with the zoning and height objectives of the LEP 2011 and is unlikely to have any implications on State related issues or the broader public interest.
- The public benefit of the standard is not compromised or eroded.

As per the Planning Circular PS 18 - 003, Council can assume the Director's Concurrence for variations to height. As a result, Concurrence from the Department of Planning and Environment is therefore not required. However, the variation is over 10% of the standard and will need to be determined by Council as per the circulars.

Overall, the design provides a suitable height that has regard for the current legislative height controls and what has actually been built in the area to date. Compliance with the standard would be unreasonable in this case due to the surrounding examples of non-compliance and the design difficulty associated with the steep slope. It is recommended that the Clause 4.6 variation to Clause 4.3 be supported.

- Clause 5.5, relevant provisions of this clause are addressed by State Environmental Planning Policy (Coastal Management) 2018 above in this report.
- Clause 5.10, the site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services.

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

None relevant.

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

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

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	None proposed.	N/A
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	The dwelling contains a proposed bay window feature within the articulation zone. The window does not exceed 25% of the articulation zone and is still setback over 3m.	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	Front building line setback is compliant with the minimum 4.5m front setback requirements.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage door setback remains unchanged.	N/A
	6m max. width of garage door/s and 50% max. width of building	Width of garage door remains unchanged.	N/A
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing width remains unchanged.	N/A
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/remained unchanged.	N/A

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

	Requirements	Proposed	Complies
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>• Building wall set in and out every 12m by 0.5m</li> </ul>	The southern side setback is the only one being changed under this application. On such a façade, the new works will provide a continuation of the existing 850mm side setback for a length of an additional 1.76m. No significant impact will be created but the wall will need to be fire rated during the Construction Certificate process.  The building wall articulation is compliant and/or satisfactory to address the objective intent of the development provision.	No, but acceptable.
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	Open space areas will remain unchanged.	N/A
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>• If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>• 3x3m min. splay for corner sites</li> <li>• Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>• 0.9x0.9m splays adjoining driveway entrances</li> </ul>	No fences proposed.	N/A
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No fences proposed.	N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>• Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of</li> </ul>	No new openings are proposed that face adjoining properties and that are also within the relevant 9m/12m radius dimension.	Yes



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

	Requirements	Proposed	Complies
	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		

**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	No cut or fill proposed.	N/A
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	None proposed.	N/A
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No new retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed.	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground	No trees proposed to be removed.	N/A

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	level and 3m from external wall of existing dwelling)		
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Noted
2.5.3.2	New accesses not permitted from arterial or distributor roads	No access proposed to arterial or distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	No change to existing driveway proposed or required.	N/A
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	No change to existing parking proposed or required.	Yes
2.5.3.11	Section 94 contributions	Development is alterations and additions to an existing dwelling only. No new occupancy created. Therefore, contributions do not apply.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	No change to landscaping proposed or required in this case. Works are contained within the existing footprint.	N/A

(iiia) 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:

None relevant.

iv) any matters prescribed by the Regulations:

#### **New South Wales Coastal Policy:**

The proposed development is consistent with the objectives and strategic actions of this policy - refer to comments on State Environmental Planning Policy (Coastal Management) 2018 above in this assessment report.

#### **Demolition of buildings AS 2601:**

Demolition is capable of compliance with the Australian Standard and is recommended to be conditioned.

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

**Context & Setting**

- Surrounding uses comprise a mixture of multi storey dwellings with most being 2 and 3 storey.
- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There is no adverse privacy or overshadowing impacts.

**View Sharing**

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

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

**Step 1**

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

Comments: An initial site inspection flagged the issue of potential view loss as it was unclear from the information originally submitted with the application. Concern was raised whether 10 & 21 Vendul Crescent will lose views to North Brother Mountain and the Lighthouse respectively. However, the applicant submitted photos clarifying that no adverse impact on views would occur. Only part of a distant, already obscured water view from 21 Vendul Crescent would be affected. The views from 10 Vendul Crescent are across a side boundary and from low use rooms. See further principles below, which apply little weight to views from low use rooms. Nonetheless, aerial mapping also shows the view to North Brother Mountain should still be retained down the road reserve.

See photos/mapping below:

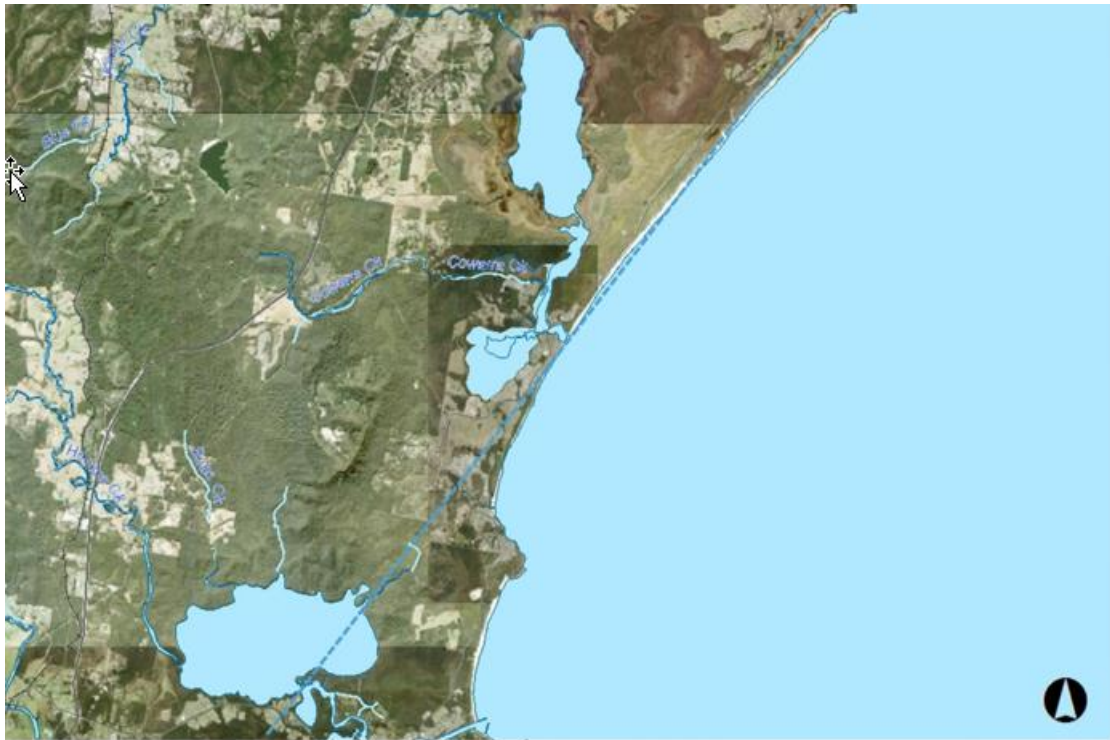




Photo 1: View from 21 Vendul



Photo 1: Use of 10 Vendul



Map 1: Dotted blue line shows view line from 10 Vendul Crescent to North Brother Mountain.



Map 2: Shows an enlarged image of the above dotted blue view line from 10 Vendul Crescent. The view is down the street.

As can be seen in the photos/mapping and in light of the principle of the case; no high value views exist or will be affected.



**Step 2**

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

Comments: The limited water views from 10 Vendul Crescent are obtained from living/deck areas across the front boundary. The views from 21 Vendul Crescent are obtained from a bedroom and ensuite window, across a side boundary/down the street.

**Step 3**

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

Comments: The extent of the impact upon views from 10 Vendul Crescent will be minor and acceptable. This is on the basis that the height and footprint of the subject dwelling remain relatively the same. The increased height is central to the dwelling with existing outer walls, footprint and vegetation already blocking the majority of the view. Refer to previous photo for context.

The view from 21 Vendul Crescent up the road to North Brother will be retained.

**Step 4**

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

Comments: Considering the comments on Clause 4.3 and 4.6 in the LEP 2011 section of this report, the proposal is considered reasonable and will not significantly change existing views. The proposed development will still achieve a suitable level of view sharing in terms of the planning principles of the court case.

It should also be noted that no submissions were received from adjoining neighbours, which is normally a sign of the acceptance of the design and that the existing views will not be impacted.

**Overshadowing**

Based on the submitted plans, the proposed development will not significantly increase overshadowing of key living areas/open space of any adjoining property to

the point where an adverse impact is created. In particular, the increased height is predominately central to the dwelling with the external wall heights to remain relatively unchanged.

**Access, Transport & Traffic**

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

**Utilities, Water, Sewer & Stormwater**

The proposed development will not impact on existing services.

**Soils**

The proposed development will not have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

**Air & Micro-climate**

The operations of the proposed development will not result in any adverse impacts on the existing air quality or result in any pollution.

**Flora & Fauna**

Construction of the proposed development will not require removal/clearing of any significant vegetation. The design is contained within the footprint of the existing building. The NSW Rural Fire Service have also confirmed that no vegetation removal is required to meet the bushfire requirements.

**Waste**

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

**Noise & Vibration**

Construction noise impacts are considered capable of being managed via standard construction hour conditions/restrictions.

Being a residential property, no adverse occupation noise will occur.

**Bushfire**

The site is identified as being bushfire prone.

The Applicant has submitted a bushfire report prepared by a Certified Consultant.

The application and report were referred to the Local NSW Rural Fire Service for comment. The Local NSW Rural Fire Service have reviewed the proposal and made recommendations which will be required to be imposed via conditions of consent.

Management of bushfire risk is considered acceptable subject to BAL 40 construction levels being implemented and landscape management. No tree removal is required. An appropriate condition is recommended.

**Safety, Security & Crime Prevention**

The proposed development creates no new concealment and entrapment areas. Surveillance is provided by the dwelling or street. In addition, the owner has the option of installing sensor lights and CCTV if deemed necessary.

**Social Impact in the Locality**

Given the nature and type of development proposed, no adverse social impacts foreseen.

**Economic Impact in the Locality**

No adverse impacts. Likely positive impacts can be attributed to the construction of the development and associated flow on effects (i.e. maintained employment in the construction industry and associated expenditure in the area).

**Site Design and Internal Design**

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

**Construction**

While there may be some standard short term impacts associated with a construction site (i.e. loss of off street parking due to construction workers, construction noise etc), no long term impacts to neighbouring properties will occur. In addition, standard conditions will be recommended to restrict hours of construction.

**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.

The height of the building and variation is consistent with other houses in the area as property owners address the steep terrain.

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

While there are variations proposed, it is considered that suitable justification has been provided in this case to ensure the development is consistent with other development in the area. In this regard, the development is considered to still satisfy relevant planning controls for the area and is not expected to impact adversely on the wider public interest.

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

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

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

Not applicable – no additional residential component being created.

**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 - 649.1 Recommended Conditions

2[View](#). DA2018 - 649.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/649****DATE: 4/10/2018****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
Statement of Environmental Effects	Project No 1731	Wayne Ellis Architect	9/8/2018
Plans	Project No 1731, DWG No D01-05/2	Wayne Ellis Architect	5/9/2018
Bushfire Hazard Assessment		David Pensini	13/9/2018

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:

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

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

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

- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- Appropriate dust control measures;
- 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;

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

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

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

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

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

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

- (2) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 40 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

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

- (3) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of the proposed footings and frame of the existing building are capable of carrying the additional works/load is to be submitted to the PCA prior to the release of the Construction Certificate.

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

Nil

#### **D – DURING CONSTRUCTION**

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

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

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



Safely disposing of asbestos waste from your home

Fibro & Asbestos - A Renovator and Homeowner's Guide

Asbestos Awareness

- (2) (D003) The Port Macquarie-Hastings area is known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (3) (E015) Prior to occupation or issue of the Occupation Certificate, details of compliance with the approved bushfire risk assessment as amended by the requirements of the NSW Rural Fire Service letter dated 18 September 2018, Ref D18/7188 is to be provided to the Principal Certifying Authority. It should be noted that the NSW Rural Fire Service have confirmed that the reference in their letter to the David Pensini report dated 5 September 2018 was an error and should read the report dated 13 September 2018. This change will need to be considered when checking for compliance (ie do not use the 5 September 2018 report).

#### **F – OCCUPATION OF THE SITE**

Nil



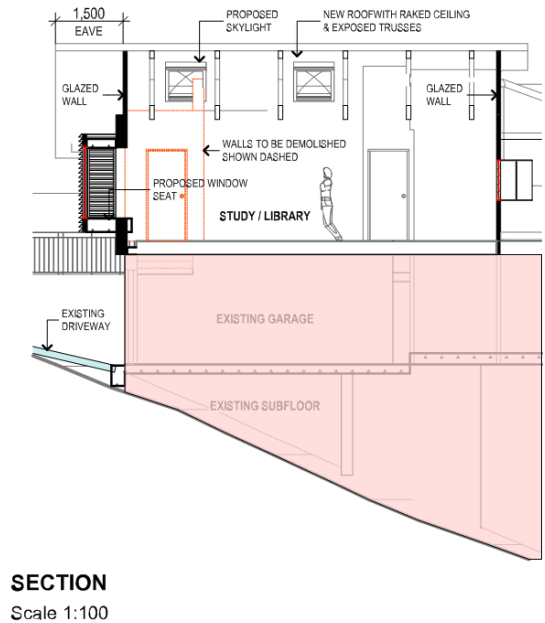
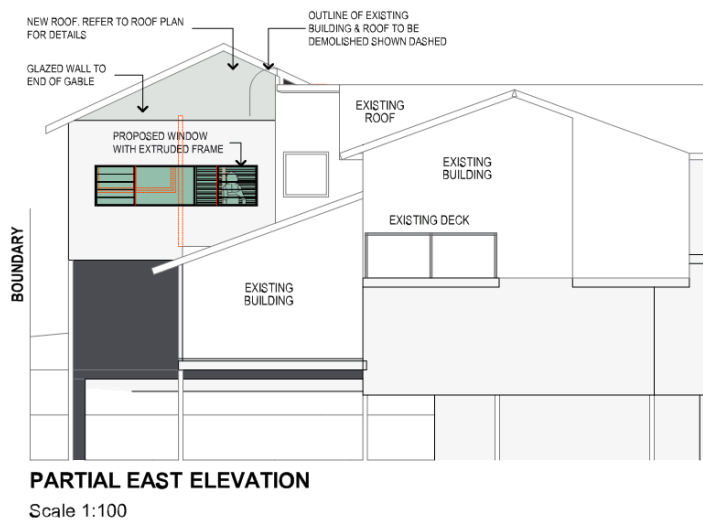
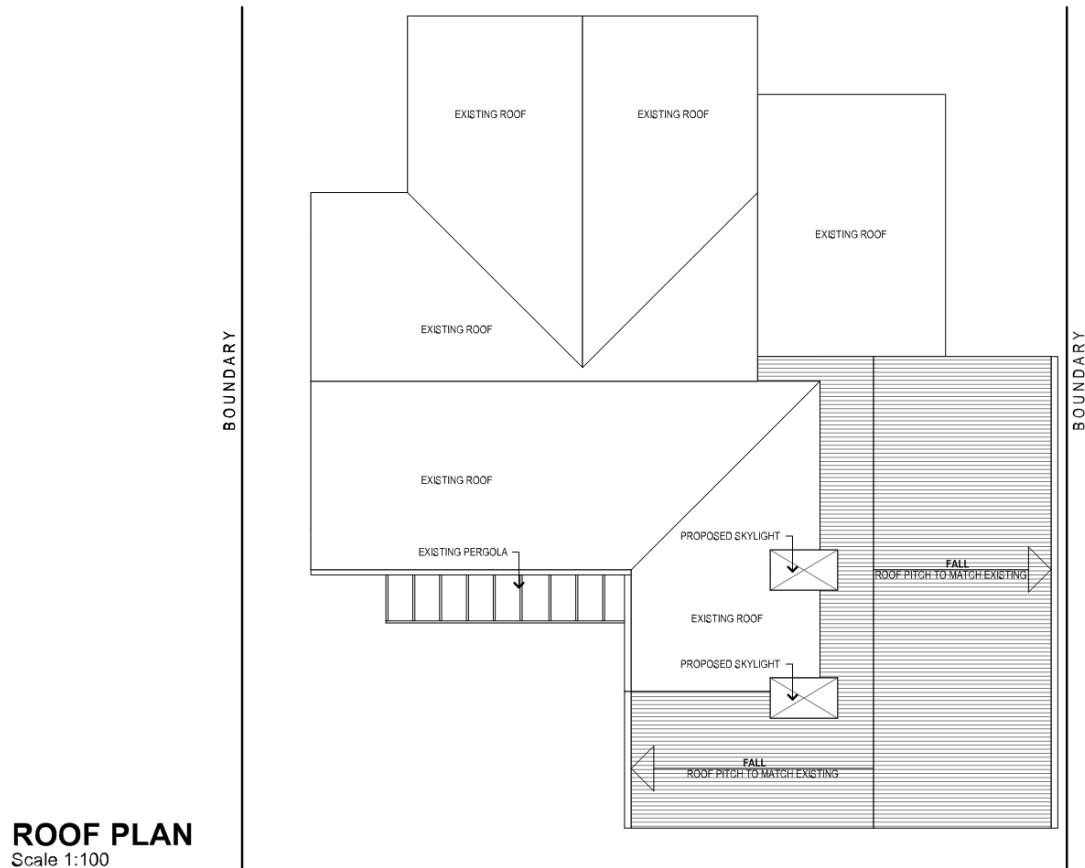
STREET PERSPECTIVE



AERIAL SITE PLAN

DA ISSUE ONLY 5/09/2018

				Client:	R. HODGSON		<div><div>wayne ellis architect</div><div>B.Arch. R.A.I.A. NSW Reg No 4415 P.O. Box 1892 Potts Point NSW 1335 Shop 11, 14 Clarence St Port Macquarie NSW 2444 e wayne@wearchitect.com.au t 0417 664 731</div></div>	Proj. No	1731
				Project:	ALTERATIONS & ADDITIONS TO 14 VENDUL CRESCENT PORT MACQUARIE			Dwg No.	D01/2
2	5.09.18	REMOVAL OF DECK	PS	Drawing:	AERIAL SITE PLAN + STREET PERSPECTIVE			Drawn	PS
1	10.08.18	DA ISSUE ONLY	PS					Scale	1:2.50 @ A3
No	Date	Description	By					Comp. Ref.	1731 REV DA ISSUE.pln
Amendments									



DA ISSUE ONLY 5/09/2018

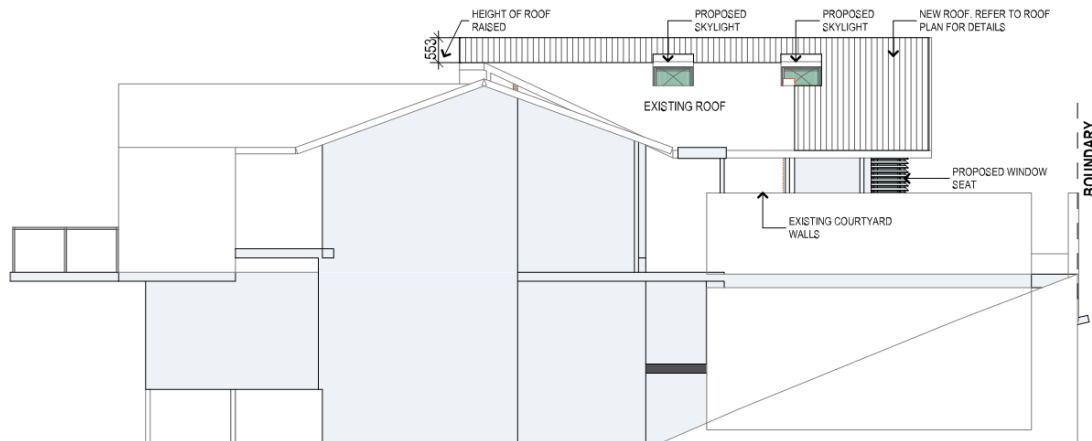
No.	Date	Description	By
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1	10.08.18	DA ISSUE ONLY	PS
Amendments			

Client: R. HODGSON  
Project: ALTERATIONS & ADDITIONS TO  
14 VENDUL CRESCENT  
PORT MACQUARIE  
Drawing: **ROOF PLAN, EAST ELEVATION +  
SECTION**

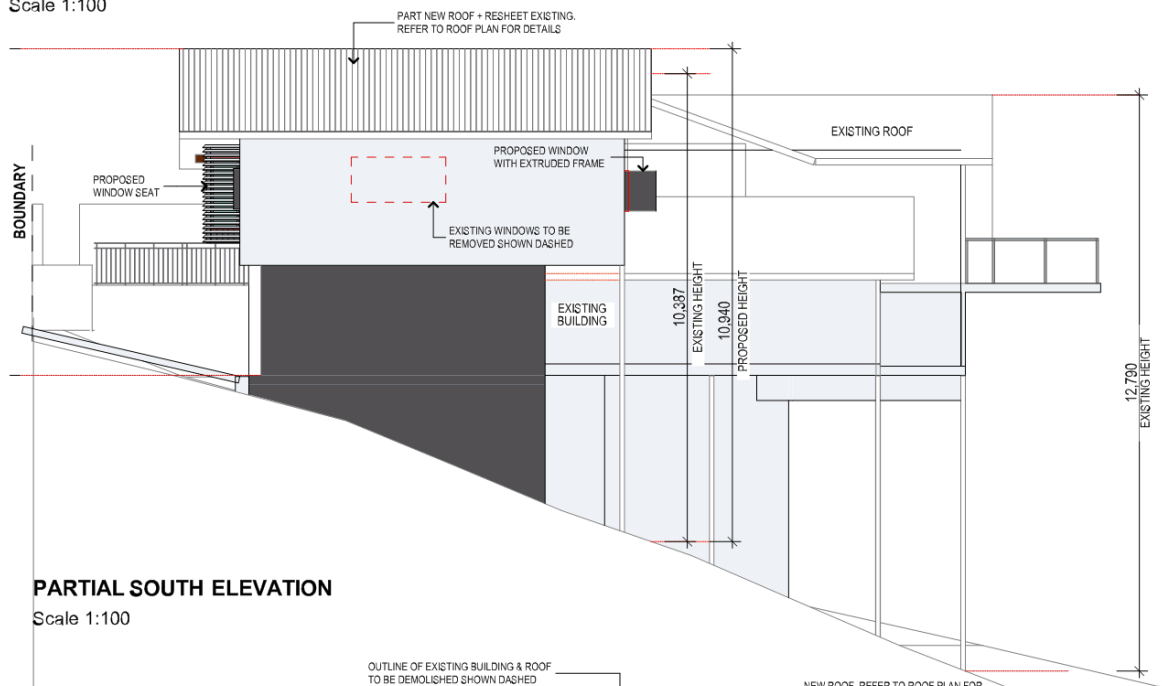
**wayne  
ellis  
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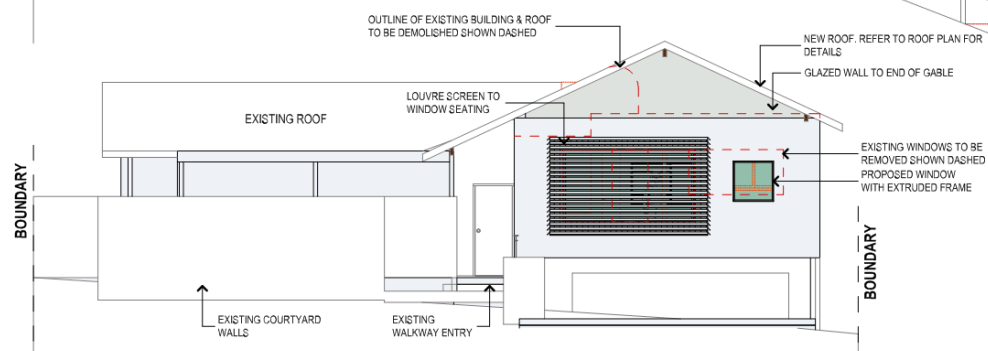
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Dwg No. D03/2  
Drawn PS  
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Comp. Ref. 1731 REV DA ISSUE.pln

**PARTIAL NORTH ELEVATION**

Scale 1:100

**PARTIAL SOUTH ELEVATION**

Scale 1:100

**WEST ELEVATION**

Scale 1:100

**DA ISSUE ONLY 5/09/2018**

No.	Date	Description	By
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1	10.08.18	DA ISSUE ONLY	PS
Amendments			

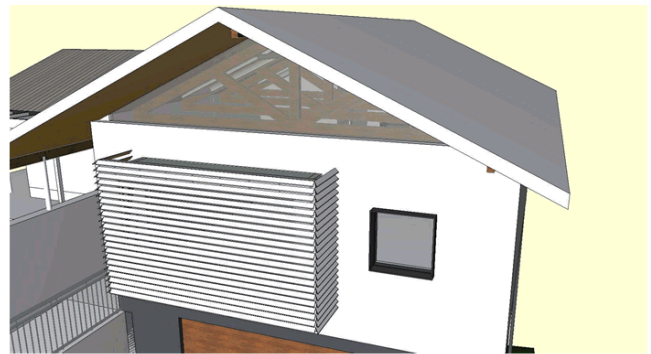
Client: R. HODGSON  
 Project: ALTERATIONS & ADDITIONS TO  
 14 VENDUL CRESCENT  
 PORT MACQUARIE  
 Drawing: **ELEVATIONS**

**wayne ellis**  
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Proj. No **1731**  
 Dwg No **D04/2**  
 Drawn **PS**  
 Scale **1:100 @ A3**  
 Comp. Ref. 1731 REV DA ISSUE.pln





2	5.00.18	REMOVAL OF DECK	PS
1	10.08.18	DA ISSUE ONLY	PS
No.	Date	Description	By
Amendments			

Client: R. HODGSON  
Project: ALTERATIONS & ADDITIONS TO  
14 VENDUL CRESCENT  
PORT MACQUARIE  
Drawing: 3D PERSPECTIVES

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Proj. No 1731  
Dwg No. D05/2  
Drawn PS  
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Comp. Ref. 1731 REV DA ISSUE.pln

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**Item: 06****Subject: DA2018 - 639.1 SENIORS HOUSING - LOT 1 DP527052, NO 7  
SHERWOOD ROAD, PORT MACQUARIE****Report Author: Patrick Galbraith-Robertson**

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**Applicant: Uniting Church In Australia Property Trust**  
**Owner: Uniting Church In Australia Property Trust**  
**Estimated Cost: \$2.6M**  
**Parcel no: 61730**

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA 2018 – 639.1 for Seniors Housing at Lot 1, DP527052, No. 7 Sherwood Road, Port Macquarie be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a Development Application for seniors housing at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

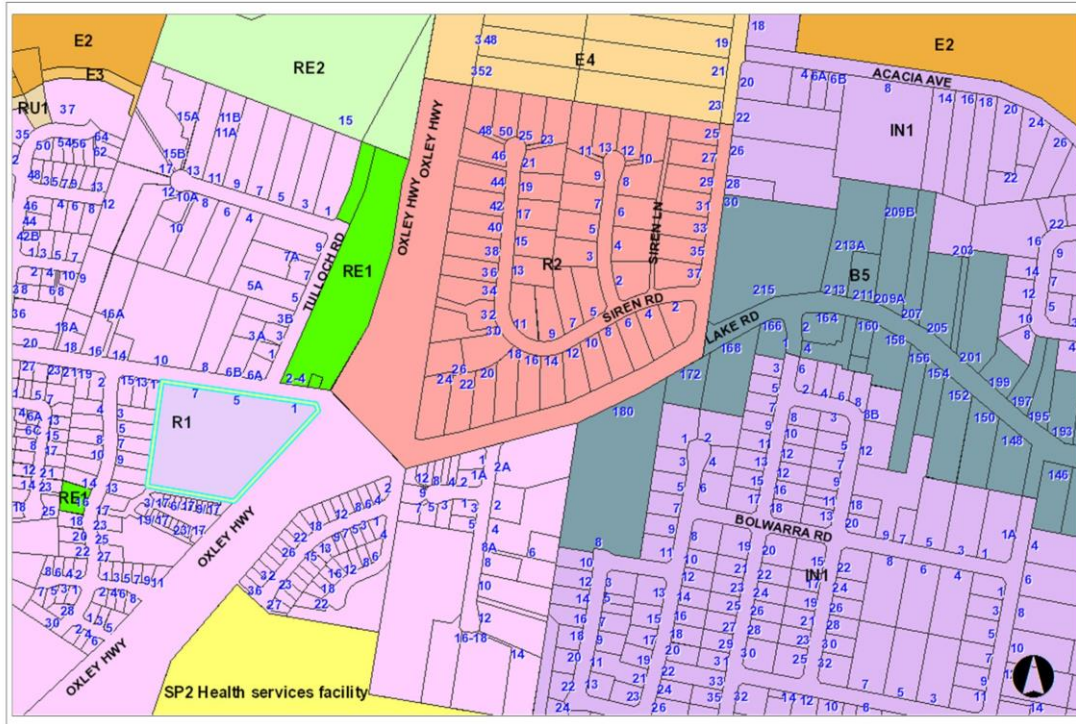
Following exhibition of the application, two (2) submissions have been received.

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

The site has an area of 2.3710 hectares.

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 site contains the Uniting Church, administration buildings, Lifeline and a 110 bed Residential Aged Care Facility known as 'Mingaletta'.

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



**2. DESCRIPTION OF DEVELOPMENT**

Key aspects of the proposal include the following:

- Construction of 15 single storey self-contained dwellings as in-fill self-care seniors housing including 10 off-street parking spaces;
- Tree removal and offset planting;
- Staging of the proposal with Stage 1; Site preparation and earthworks and Stage 2: Construction of the 15 units

Refer to attachments at the end of this report.

**Application Chronology**

- 17 August 2018 – DA lodged with Council.
- 23 August 2018 – Additional fees requested.
- 23 August 2018 – Additional fees received.
- 24 August 2018 – Referral to NSW Rural Fire Service
- 28 August to 10 September 2018 – Neighbour notification of proposal.
- 13 September 2018 – Copy of submission forwarded to Applicant to respond to.
- 21 September 2018 – Additional information requested – substation location, disabled parking space design and private garbage collection queried.
- 5 October 2018 – NSW Rural Fire Service Bushfire Safety Authority received.
- 10 October 2018 – Applicant provided response to additional information requests.
- 11 October 2018 – Second submission forwarded to Applicant to respond to.

**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:

**State Environmental Planning Policy No. 44 - Koala Habitat Protection**

With reference to clauses 6 and 7, the subject land is greater than 1 hectare and therefore the provisions of SEPP must be considered.

The site has a total area of 2.3ha and the provisions of this policy therefore apply to the site and proposed development.

The portion of the site proposed to contain the development is predominately managed grass with a cluster of trees in the south-western corner. Three (3) of the trees (Tallowood) proposed to be removed are identified within Schedule 2 of this policy as Koala feed trees.

The removal of these trees is not considered likely to have a detrimental impact on the koala for the following reasons:

- The existing trees are juveniles (planted in 2009) and are isolated from any adjoining vegetation by existing urban development;



- The site has a number of Koala feed trees located along its eastern boundary which are proposed to be maintained. These trees are located in proximity to the north-south vegetation corridor running along the eastern side of John Oxley Drive and to the north of the site;
- The *Port Macquarie-Hastings LEP 2011* (Map KHA\_013D) and the draft Coastal Koala Plan of Management do not identify the site as containing Koala habitat.

In addition to the above, it is proposed to compensate for the removal of the 3 Koala feed trees (Tallowwood) with the replanting of 10 Tallowwoods elsewhere on site as shown below:



The consulting arborist, Port Tree Fella, recommends that the compensatory replantings be planted in the eastern portion of the site to complement the existing Koala feed trees located within this area. An initial investigation of the area suggests that the area is limited to accommodate 10 trees therefore only the minimum DCP recommended offset planting of 6 trees (at a ratio of 2:1) are recommended to be planted.

The application has demonstrated that no significant habitat will be removed (noting the additional plantings proposed to offset the plantings) therefore no further investigations are required.

#### **State Environmental Planning Policy No. 55 – Remediation of Land**

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

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

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

#### **State Environmental Planning Policy No. 64 – Advertising and Signage**

The application seeks consent for a small sign located adjacent to the driveway entry. This sign shall contain dimensions of 1.2m high by 2m wide. The sign will identify the proposed development (building identification signage) as well as the one-way traffic direction.

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

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

<b>Applicable clauses for consideration</b>	<b>Comments</b>	<b>Satisfactory</b>
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The signage is limited in scale and meets the objectives of this Policy.	Yes
Schedule 1(1) Character of the area.	The signage is limited in scale and sufficiently compatible with the character of the existing residential locality.	Yes
Schedule 1(2) Special areas.		Yes
Schedule 1(3) Views and vistas.	The signage will not compromise any important views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The scale of the signage is limited and limited to one sign only. No adverse impacts can be identified to the existing streetscape.	Yes
Schedule 1(5) Site and building.	The signage is limited in scale and lower than the proposed buildings.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	N/A	N/A
Schedule 1(7)	No illumination proposed	N/A

Illumination.		
Schedule 1(7) Safety.	No safety concerns identified.	Yes

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

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

#### **State Environmental Planning Policy (Infrastructure) 2007**

Vehicular access is proposed as a part of this application to the local road known as Sherwood Road. The proposed connection to Sherwood Road is approximately 190m from the intersection of Sherwood Road and the classified road (Oxley Highway).

The proposed Independent Living Units alone do not trigger any of the thresholds of Schedule 3 of this Policy. The proposed development seeks to provide a total of 10 parking spaces with a circular driveway network, the closest egress to the Oxley Highway being approximately 190m from the classified road.

The site contains in excess of 50 parking spaces on site (estimated 132). However, no changes to these spaces or access arrangements are proposed. For this reason, referral to the RMS is not considered relevant. The following comments are made with respect to Clause 101 of this Policy:

- Vehicular access is proposed to the local road known as Sherwood Road. The proposed connection to Sherwood Road is approximately 190m from the intersection of Sherwood Road and the classified road (Oxley Highway);
- The development portion of the site is located approximately 180m from the Oxley Highway and the proposed access is not considered likely to result in any reduced risk of safety for the existing classified road or reduced efficiency or on-going operation of the classified road.

The proposed development is not considered likely to generate a significant amount of emissions and the development is considered to be appropriately located so as not to be affected by road noise or vehicle emissions.

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

Clause	Proposed	Complies
<b>4. Land to which Policy applies</b>		
Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if: (a) development for the purpose of any of the following is permitted on the land:	The subject site is zoned R1 General Residential and is therefore zoned for urban purposes.	Yes

<ul style="list-style-type: none"> <li>(i) dwelling-houses,</li> <li>(ii) residential flat buildings,</li> <li>(iii) hospitals,</li> <li>(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</li> <li>(b) the land is being used for the purposes of an existing registered club.</li> </ul>		
<b>8. Seniors</b>		
<p>In this Policy, <i>seniors</i> are any of the following:</p> <ul style="list-style-type: none"> <li>(a) people aged 55 or more years,</li> <li>(b) people who are resident at a facility at which residential care (within the meaning of the <u>Aged Care Act 1997</u> of the Commonwealth) is provided,</li> <li>(c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.</li> </ul>	The application seeks to provide housing for seniors or people with a disability.	Yes
<b>9. People with a disability</b>		
<p>In this Policy, <i>people with a disability</i> are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.</p>	The application seeks to provide housing for seniors or people with a disability.	Yes
<b>10. Seniors housing</b>		
<p>In this Policy, <i>seniors housing</i> is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</p> <ul style="list-style-type: none"> <li>(a) a residential care facility, or</li> <li>(b) a hostel, or</li> <li>(c) a group of self-contained dwellings, or</li> <li>(d) a combination of these,</li> </ul> <p>but does not include a hospital.</p> <p>Note. The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.</p> <p>Accommodation provided by seniors housing does not have to be limited to seniors or</p>	This proposal seeks consent for a 15 self-contained dwellings being in-fill self-care dwellings.	Yes



<p>people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following:</p> <ul style="list-style-type: none"> <li>(a) seniors or people who have a disability,</li> <li>(b) people who live within the same household with seniors or people who have a disability,</li> <li>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</li> </ul> <p>Relevant classifications in the <i>Building Code of Australia</i> for the different types of residential accommodation are as follows:</p> <ul style="list-style-type: none"> <li>(a) Class 3, 9a or 9c in relation to residential care facilities,</li> <li>(b) Class 1b or 3 in relation to hostels,</li> <li>(c) Class 1a or 2 in relation to self contained dwellings.</li> </ul>		
<b>13. Self-contained dwellings</b>		
<p>1) General term: “self-contained dwelling” In this Policy, a <i>self-contained dwelling</i> is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.</p> <p>(2) Example: “in-fill self-care housing” In this Policy, <i>in-fill self-care housing</i> is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.</p> <p>(3) Example: “serviced self-care housing” In this Policy, <i>serviced self-care housing</i> is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.</p>	The application is consistent with the definition of in-fill self-care housing.	Yes
<b>18. Restrictions on occupation of seniors housing allowed under this Chapter</b>		

<p>(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:</p> <ul style="list-style-type: none"> <li>(a) seniors or people who have a disability,</li> <li>(b) people who live within the same household with seniors or people who have a disability,</li> <li>(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.</li> </ul> <p>(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:</p> <ul style="list-style-type: none"> <li>(a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and</li> <li>(b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u>, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).</li> </ul> <p>(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.</p>	<p>Condition of consent required to ensure only the categories of people referred to in Subclause that may occupy the accommodation.</p>	<p>Yes - capable</p>
<p><b>26. Location and access to facilities</b></p>		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:</p> <ul style="list-style-type: none"> <li>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</li> <li>(b) community services and recreation facilities, and</li> <li>(c) the practice of a general medical practitioner.</li> </ul> <p>(2) Access complies with this clause if:</p> <ul style="list-style-type: none"> <li>(a) the facilities and services referred to in</li> </ul>	<p>A bus stop is located out the front of the site in Sherwood Road on the same side of the road as the proposal. The bus stop is approximately 60m from the development. The public transport service runs at least once per day on weekdays and provides access to the relevant facilities in the Port Macquarie CBD.</p> <p>It is noted that the site</p>	<p>Yes</p>

<p>subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <ul style="list-style-type: none"> <li>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</li> <li>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</li> <li>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</li> </ul> <p>(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:</p> <ul style="list-style-type: none"> <li>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</li> <li>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</li> <li>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),</li> </ul> <p>and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:</p> <ul style="list-style-type: none"> <li>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</li> <li>(ii) that will take those residents to a place</li> </ul>	<p>location has previously been considered suitable for the existing 110 bed residential care facility.</p>	
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<p>that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p> <p>Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.</p> <p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> <p>(4) For the purposes of subclause (2):</p> <p>(a) a <i>suitable access pathway</i> is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</p> <p>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p> <p>(5) In this clause:</p> <p><i>bank service provider</i> means any bank, credit union or building society or any post office that provides banking services.</p>		
<p><b>27. Bush fire prone land</b></p>		

<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled <i>Planning for Bush Fire Protection</i>, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.</p> <p>(2) A consent authority, in determining a development application made pursuant to this Chapter to carry out development on land in the vicinity of land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer”, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following:</p> <p>(a) the size of the existing population within the locality,</p> <p>(b) age groups within that population and the number of persons within those age groups,</p> <p>(c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,</p> <p>(d) the number of schools within the locality and the number of students at those schools,</p> <p>(e) existing development within the locality that has been carried out under this Policy or <u><i>State Environmental Planning Policy No 5—Housing for Older People or People with a Disability</i></u>,</p> <p>(f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,</p> <p>(g) the adequacy of access to and from the</p>	<p>A bushfire hazard assessment has been completed in support of the proposed development.</p> <p>Bushfire Safety Authority has been obtained from the NSW Rural Fire Service during the assessment of the DA.</p>	<p>Yes</p>
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<p>site of the proposed development for emergency response vehicles,</p> <p>(h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,</p> <p>(i) the requirements of New South Wales Fire Brigades.</p> <p>(3) In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.</p>		
<b>28 . Water and sewer</b>		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.</p>	<p>Water and sewer connections will be supplied in accordance with Council requirements.</p>	<p>Yes</p>
<b>30. Site analysis</b>		
<p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.</p> <p>(2) A site analysis must:</p> <p>(a) contain information about the site and its surrounds as described in subclauses (3) and (4), and</p> <p>(b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining</p>	<p>Satisfactory site analysis information submitted.</p>	<p>Yes</p>



<p>land zoned primarily for urban purposes, an aerial photograph of the site):</p> <p>(i) explaining how the design of the proposed development has regard to the site analysis, and</p> <p>(ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.</p> <p>(3) The following information about a site is to be identified in a site analysis:</p> <p>(a) Site dimensions:</p> <ul style="list-style-type: none"> <li>• length</li> <li>• width</li> </ul> <p>(b) Topography:</p> <p>spot levels and/or contour</p> <ul style="list-style-type: none"> <li>• north point</li> <li>• natural drainage</li> <li>• any contaminated soils or filled areas</li> </ul> <p>(c) Services:</p> <ul style="list-style-type: none"> <li>• easements</li> <li>• connections for drainage and utility services</li> </ul> <p>(d) Existing vegetation:</p> <ul style="list-style-type: none"> <li>• location</li> <li>• height</li> <li>• spread of established trees</li> <li>• species</li> </ul> <p>(e) Micro climates:</p> <ul style="list-style-type: none"> <li>• orientation</li> <li>• prevailing winds</li> </ul> <p>(f) Location of:</p> <ul style="list-style-type: none"> <li>• buildings and other structures</li> <li>• heritage features and items including archaeology</li> <li>• fences</li> <li>• property boundaries</li> <li>• pedestrian and vehicle access</li> </ul> <p>(g) Views to and from the site</p> <p>(h) Overshadowing by neighbouring structures</p> <p>(4) The following information about the surrounds of a site is to be identified in a site analysis:</p> <p>(a) Neighbouring buildings:</p> <ul style="list-style-type: none"> <li>• location</li> <li>• height</li> <li>• use</li> <li>• balconies on adjacent properties</li> <li>• pedestrian and vehicle access to adjacent properties</li> </ul>		
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<p>(b) Privacy:</p> <ul style="list-style-type: none"> <li>• adjoining private open spaces</li> <li>• living room windows overlooking site</li> <li>• location of any facing doors and/or windows</li> </ul> <p>(c) Walls built to the site's boundary:</p> <ul style="list-style-type: none"> <li>• location</li> <li>• height</li> <li>• materials</li> </ul> <p>(d) Difference in levels between the site and adjacent properties at their boundaries</p> <p>(e) Views and solar access enjoyed by neighbouring properties</p> <p>(f) Major trees on adjacent properties</p> <p>(g) Street frontage features:</p> <ul style="list-style-type: none"> <li>• poles</li> <li>• trees</li> <li>• kerb crossovers</li> <li>• bus stops</li> <li>• other services</li> </ul> <p>(h) The built form and character of adjacent development (including buildings opposite on both sides of the street(s) fronted):</p> <ul style="list-style-type: none"> <li>• architectural character</li> <li>• front fencing</li> <li>• garden styles</li> </ul> <p>(i) Heritage features of surrounding locality and landscape</p> <p>(j) Direction and distance to local facilities:</p> <ul style="list-style-type: none"> <li>• local shops</li> <li>• schools</li> <li>• public transport</li> <li>• recreation and community facilities</li> </ul> <p>(k) Public open space:</p> <ul style="list-style-type: none"> <li>• location</li> <li>• use</li> </ul> <p>(l) Adjoining bushland or environmentally sensitive land</p> <p>(m) Sources of nuisance:</p> <ul style="list-style-type: none"> <li>• flight paths</li> <li>• noisy roads or significant noise sources</li> <li>• polluting operations</li> </ul> <p>(n) Adjoining land uses and activities (such as agricultural activities).</p>		
<b>31. Design of in-fill self-care housing</b>		
In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-	Satisfactory consideration given to	Yes

care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	the Design Guideline.	
<b>32. Design of residential development</b>		
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	Refer to below.	Yes
<b>33. Neighbourhood amenity and streetscape</b>		
<p>The proposed development should:</p> <p>(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</p> <p>(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p> <p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</p> <p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p>	The proposal complies with Council's Local Environmental Plan and Development Control Plan requirements in regards to key design character controls noting the justified front garage setback variation.	Yes

(f) retain, wherever reasonable, major existing trees, and (g) be designed so that no building is constructed in a riparian zone.		
<b>34. Visual and acoustic privacy</b>		
<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p> <p>Note. The Australian and New Zealand Standard entitled AS/NZS 2107–2000, <i>Acoustics—Recommended design sound levels and reverberation times for building interiors</i> and the Australian Standard entitled AS 3671—1989, <i>Acoustics—Road traffic noise intrusion—Building siting and construction</i>, published by Standards Australia, should be referred to in establishing acceptable noise levels.</p>	The proposed development provides for satisfactory visual and acoustic privacy of neighbours in the vicinity and future residents.	Yes
<b>35. Solar access and design for climate</b>		
<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p> <p>Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.</p>	A BASIX certificate has been submitted which satisfies minimum sunlight and ventilation requirements.	Yes
<b>36. Stormwater</b>		
<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for</p>	Stormwater arrangements are acceptable as detailed	Yes

example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	later in this report.	
<b>37. Crime prevention</b>		
The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	The design of the proposal will provide for a satisfactory level of personal property security for residents and visitors will be achieved.	Yes
<b>38. Accessibility</b>		
The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The proposed development provides for obvious and safe pedestrian access and provides a satisfactory and convenient parking area for residents and visitors.	Yes
<b>39. Waste management</b>		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Waste facilities will be provided	Yes
<b>40. Development standards—minimum sizes and building height</b>		
(1) General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause. (2) Site size The size of the site must be at least 1,000	The proposal complies with all minimum size restrictions and height planning controls.	Yes

<p>square metres.</p> <p>(3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.</p> <p>(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted:</p> <p>(a) the height of all buildings in the proposed development must be 8 metres or less, and</p> <p>Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).</p> <p>(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</p> <p>Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.</p> <p>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</p> <p>(5) Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:</p> <p>(a) the Department of Housing, (b) any other social housing provider.</p>		
<b>41. Standards to self-contained dwellings</b>		
The proposed development complies with the standards specified in Schedule 3.	The proposed development is capable of compliance with the standards specified in Schedule 3. Condition recommended.	Yes –
<b>46. Inter-relationship of Part with design principles in Part 3</b>		
(1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the	Noted.	Yes



<p>principles set out in Division 2 of Part 3.</p> <p>Note. It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.</p> <p>(2) For the avoidance of doubt, nothing in this Part limits the matters to which the Director-General may have regard in refusing to issue a site compatibility certificate.</p>		
<p><b>50. Standards that cannot be used to refuse development consent for self-contained dwellings</b></p>		
<p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:</p> <p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),</p> <p>(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</p> <p>(c) landscaped area: if:</p> <p>(i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p> <p>(d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the <i>deep soil zone</i>). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,</p> <p>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>All buildings are under the maximum 8.5m height of building limit.</p> <p>Total gross floor area of 8,600.5m<sup>2</sup> and a total FSR of 0.36:1 is proposed. The FSR complies with the LEP.</p> <p>The application seeks to provide a total landscaped area of 773m<sup>2</sup> which equates to 33% of the works area.</p> <p>The proposal meets minimum solar access provisions.</p> <p>All dwellings have compliant private open space areas.</p> <p>The development includes a total of 17 bedrooms. A rate of 0.5 spaces per bedroom therefore requires to provide a minimum of 8.5 parking spaces, rounded to 9.</p> <p>The proposal provides a total of 9 external spaces and 1 garage space to Unit 15. The development is therefore considered consistent with the numerical parking</p>	

<p>(f) private open space for in-fill self-care housing: if:</p> <p>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,</p> <p>Note. The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.</p> <p>(g) (Repealed)</p> <p>(h) parking: if at least the following is provided:</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or</p> <p>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.</p> <p>Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</p>	<p>requirements of SEPP (Seniors Housing).</p>	
<p><b>Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings</b></p>		
<p><u>Part 1 – Standards applying to hostels and self-contained dwellings</u></p> <p><i>1 Application of standards in this Part</i></p> <p>The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.</p> <p><i>2 Siting standards</i></p> <p>(1) Wheelchair access</p> <p>If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous</p>	<p>The proposal is capable of compliance with all the standards of this Schedule. A condition is recommended in this regard.</p>	<p>Yes - capable</p>

<p>accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</p> <p>(2) If the whole of the site does not have a gradient of less than 1:10:</p> <p>(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and</p> <p>(b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.</p> <p>Note. For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.</p> <p>(3) <i>Common areas</i></p> <p>Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.</p> <p>3 Security</p> <p>Pathway lighting:</p> <p>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</p> <p>(b) must provide at least 20 lux at ground level.</p> <p>4 Letterboxes</p> <p>Letterboxes:</p> <p>(a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and</p> <p>(b) must be lockable, and</p> <p>(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.</p> <p>5 Private car accommodation</p> <p>If car parking (not being car parking for employees) is provided:</p> <p>(a) car parking spaces must comply with the</p>		
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requirements for parking for persons with a disability set out in AS 2890, and

(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and

(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

**6 Accessible entry**

Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.

**7 Interior: general**

(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.

(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.

(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.

**8 Bedroom**

At least one bedroom within each dwelling must have:

(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:

(i) in the case of a dwelling in a hostel—a single-size bed,

(ii) in the case of a self-contained dwelling—a queen-size bed, and

(b) a clear area for the bed of at least:

(i) 1,200 millimetres wide at the foot of the bed, and

(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and

(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and

(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and

(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and

(f) wiring to allow a potential illumination

<p>level of at least 300 lux.</p> <p>9 Bathroom</p> <p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p> <p>10 Toilet</p> <p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p> <p>11 Surface finishes</p> <p>Balconies and external paved areas must have slip-resistant surfaces.</p> <p>Note. Advise regarding finishes may be obtained from AS 1428.1.</p> <p>12 Door hardware</p> <p>Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.</p> <p>13 Ancillary items</p> <p>Switches and power points must be provided in accordance with AS 4299.</p> <p><u>Part 2 – Additional standards for self-contained dwellings</u></p> <p>14 Application of standards in this Part</p> <p>The standards set out in this Part apply in</p>		
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<p>addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.</p> <p>15 Living room and dining room</p> <p>(1) A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p> <p>16 Kitchen</p> <p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</p> <p>(b) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:</p> <p>(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) “D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p> <p>17 Access to kitchen, main bedroom, bathroom and toilet</p> <p>In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.</p> <p>18 Lifts in multi-storey buildings</p> <p>In a multi-storey building containing separate self-contained dwellings on different storeys,</p>		
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<p>lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the <i>Building Code of Australia</i>.</p> <p>19 Laundry</p> <p>A self-contained dwelling must have a laundry that has:</p> <p>(a) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</p> <p>(c) a clear space in front of appliances of at least 1,300 millimetres, and</p> <p>(d) a slip-resistant floor surface, and</p> <p>(e) an accessible path of travel to any clothes line provided in relation to the dwelling.</p> <p>20 Storage for linen</p> <p>A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.</p> <p>21 Garbage</p> <p>A garbage storage area must be provided in an accessible location.</p>		
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**Port Macquarie-Hastings Local Environmental Plan 2011**

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

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

The objectives of the R1 zone are as follows:

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

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

- the proposal is a permissible landuse;
- the proposal will provide a variety of housing type at a suitable density.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is approximately 4.5m which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4, the proposed development proposes a gross floor area of approximately 1,047.5m<sup>2</sup> within an area of approximately 2,325m<sup>2</sup> resulting in a floor space ratio (FSR) of 0.45:1. The site has a total area of 2.3ha and includes numerous separate buildings understood to have total gross floor

areas of approximately 7,553.5m<sup>2</sup> (including the church, 2 administration buildings and residential aged care facility). Including the proposed self-contained dwellings the site is considered to have a total gross floor area of 8,600.5m<sup>2</sup> and a total FSR of 0.36:1. The proposal and the site is therefore considered consistent with the maximum floor space ratio of 0.65:1.

- 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, on-site sewage management/sewer infrastructure, stormwater drainage and suitable road access to service the development.

**(a)(ii) Any proposed instrument that is or has been placed on exhibition**

No draft instruments apply to the site.

**(a)(iii) Any DCP in force**

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

<b><i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	Water tanks are appropriately located	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• An entry feature or portico</li> <li>• A balcony, deck, patio, pergola, terrace or verandah</li> <li>• A window box treatment</li> <li>• A bay window or similar feature</li> <li>• An awning or other feature over a window</li> <li>• A sun shading feature</li> </ul>	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> </ul>	Front building line setback requirements are complied with.	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs	Garage associated with Unit 15 is set perpendicular to Sherwood Road with	No*

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	provided	a setback of 5m.	
	6m max. width of garage door/s and 50% max. width of building	Garage door 2.7m wide and 27% of width of building.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing width requirements are complied with.	Yes
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.	Yes
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> <li>• Ground floor = min. 0.9m</li> <li>• First floors &amp; above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min.</li> <li>• Building wall set in and out every 12m by 0.5m</li> </ul>	The minimum side setback requirements are satisfied, with the exception that there are posts associated with Units 1 to 7 are within 0.9m proposed at 0.5m. It is proposed to condition that the posts are setback to a minimum 0.9m. The wall articulation is compliant and satisfies the objectives of the development provision.	Yes - capable
3.2.2.6	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	Each occupancy does not contain 35m <sup>2</sup> open space in one area including a useable 4m x 4m area however the Seniors SEPP permits a smaller private open space area.	No – Seniors SEPP permits a smaller private open space area
3.2.2.7	Front fences: <ul style="list-style-type: none"> <li>• If solid 1.2m max height and front setback 1.0m with landscaping</li> <li>• 3x3m min. splay for corner sites</li> <li>• Fences &gt;1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings</li> <li>• 0.9x0.9m splays adjoining driveway entrances</li> </ul>	No fences proposed	N/A

<b>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
3.2.2.8	Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel front fences	No fencing proposed.	N/A
3.2.2.10	Privacy: <ul style="list-style-type: none"> <li>Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</li> <li>Privacy screen required if floor level &gt; 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</li> <li>Privacy screens provided to balconies/verandahs etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	No direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. No privacy screens are recommended.	Yes
3.2.2.11	Roof terraces	N/A	
3.2.2.13 onwards	Jetties and boat ramps	N/A	

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill <1.0m change 1m outside the perimeter of the external building walls	Yes
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	Condition recommended to require engineering certification	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and	No retaining wall front fence combination proposed.	N/A



<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
	splay at corners and adjacent to driveway		
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)  2 for 1 offset planting required for removal of koala food trees.	It is proposed to compensate for the removal of the 3 Koala feed trees (Tallowwood) with the replanting of 6 Tallowwoods elsewhere on site. An appropriate condition is recommended.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	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 crossings are minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. <u>Dwelling/dual occupancies</u> 1 space per dwelling/occupancy (behind building line). <u>Multi dwelling</u> 1 space per 1 & 2 bedroom occupancies 1.5 spaces per 3+ bedroom occupancies 0.25 spaces per occupancy for visitor parking.	13 x 1 bedroom dwellings + 2 x 2 bedroom dwellings  15 x 1 space = 15 spaces + 1 space / 4 dwellings for visitors = 4 visitor spaces Total = 19 parking spaces required 10 spaces proposed. 9 of the spaces are external located at the front of the site	No – the Seniors SEPP permits a lesser parking provision as discussed earlier in this report
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	Driveway grades first 6m or 'parking area' shall be 5% grade with	Driveway grades capable of satisfying	Yes

<b>DCP 2013: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
2.5.3.16	transitions of 2m length	Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit.	
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

The proposal seeks to vary Development Provision 3.2.2.3 relating to the garage associated with Unit 15 being setback 5m from the front boundary within the 5.5m recommended setback. The garage is also set forward of the remaining primary building lines.

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 subject garage has access off the main common driveway proposed and does not include its own individual access.
- The building is setback greater than the minimum 4.5m typically permitted for a habitable component of a dwelling.
- No garage door faces directly to the street.
- The northern elevation of the garage has the appearance of a habitable room with 4 windows proposed in this elevation.
- No adverse impacts can be identified to the existing streetscape of Sherwood Road.
- Landscaping is proposed within the front setback forward of the garage.

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.

**(a)(iii)(a) Any planning agreement or draft planning agreement**

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

**(a)(iv) The regulations**

N/A

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

**Context and Setting**

The site has a general northerly street frontage orientation to Sherwood Road.

Adjoining the site to the west are two properties occupied by single dwellings.

The proposal will be unlikely to have any identifiable adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

The proposal is considered to be consistent with other residential and non-residential development in the locality and adequately addresses planning controls for the area.

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

The proposal does not have significant adverse lighting impacts.

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

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

**Roads**

The site has road frontage to Sherwood Road.

Adjacent to the site, Sherwood Road is a sealed public road under the care and control of Council. Sherwood Road is an urban collector road with an 11 metre carriageway within a 20 metre road reserve. Both sides of the street have 1.2 metre wide concrete footpath paving and SA kerb & gutter.

**Traffic and Transport**

The addition in traffic associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality.

The volume and frequency of traffic generated by the development is considered minor with respect to the surrounding residential development to the west of the site and the capacity and level of service provided by the round-a-bout at the intersection of Sherwood Road and Oxley Highway.

**Site Frontage & Access**

Vehicle access to the site is proposed through two access driveways to Sherwood Road. All accesses shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

**Parking and Manoeuvring**

A total of 10 parking spaces including one disable access space have been provided on-site. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

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

**Water Supply Connection**

Council records indicate that the development site has multiple metered water services.

Each dwelling shall be individually metered for water supply and supplied through either an existing or proposed master water meter. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.

The existing water supply assembly (domestic, fire hydrant/sprinkler) adjacent the driveway shall be assessed for potential vehicle impact. Any mitigation measures shall be installed at no cost to Council.

Refer to relevant conditions of consent.

**Sewer Connection**

Council records indicate that the development site has multiple connections to Council's sewer system. The development shall discharge all sewage to the existing sewer junction coming from the sewer manhole adjacent to the proposed driveway. Details are to be shown on the engineering plans.

Refer to relevant conditions of consent.

**Stormwater**

The site naturally grades towards the street frontage and is currently serviced via an existing interallotment drainage system connection to the public piped drainage system.

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

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

- On site stormwater detention facilities.

**Other Utilities**

Telecommunication and electricity services are available to the site.

**Heritage**

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

**Other land resources**

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

**Water cycle**

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

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

Construction of the proposed development will require removal of trees and planting of offset trees as detailed earlier in this report. The proposal will be considered unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

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.

Private garbage collection is proposed. A separate, central lockable and covered garbage area is proposed in the grassed area between Units 9 and 10 allowing collection from the internal access driveway servicing Mingaletta Aged Care.

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 development for a special fire protection purpose on bush fire prone land. 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.

A copy of the Bushfire Safety Authority conditions are attached to this report.

**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:**

Two (2) 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:

<b>Submission Issue/Summary</b>	<b>Planning Comment/Response</b>
Should no additional parking for 20-30 cars be provided, then those cars will park in spaces currently used by Lifeline and for church activities, including the playgroups and funerals. Concern that this will result in a significant detriment for existing users of the site.	The siting for the development is not an existing formal car park and the proposal complies with SEPP (Seniors Housing) for minimum provision of car parking. 10 parking spaces are proposed.
Parking pressures might be exacerbated by inadequate provision for parking in the proposed development itself. As a minimum the development should provide	The proposal complies with SEPP (Seniors Housing) for minimum provision of car parking. 10 parking spaces are proposed.

Submission Issue/Summary	Planning Comment/Response
one car space (or garage) per unit and provision of five spaces for parking for visitors to the seniors housing	
Sherwood Road is already overcrowded with parked cars it appears at least three current spaces on Sherwood Road will be lost for entry and exit points to the new development.	The driveway access points comply with Council Policy and are of a minimum combined width to retain possibility for onstreet parking.
On garbage collection nights the Uniting Church and Lifeline Centre currently leave their bins in the gutter so cars do not park in front of same to enable the garbage contractors to not have to exit their trucks to empty the bins.	Private garbage collection arrangements are proposed for the proposal. A separate, central lockable and covered garbage area is proposed in the grassed area between Units 9 and 10 allowing collection from the internal access driveway servicing Mingaletta Aged Care.
The proposed tree replanting it will be behind a 1.8 metre pool style security fence where koalas will not be able to access, so see no point in planting koala browse trees to replace the trees to be removed.	It is noted that the tree planting will be behind a fence however the proposal is still supported to proposed offset planting on the site as discussed earlier in this report.
The application states there is a shop within 400 metres to the west of the development – that has not been there for a number of years, a bus stop within one hundred metres – there is actually a bus stop right outside Mingaletta.	Noted that there is no longer shops at the corner of Merrymen Way and Lincoln Road to the west of the site.  The proposal has direct access to a bus stop at the front of the site.

**(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.

**Ecologically Sustainable Development and Precautionary Principle**

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

The four principles of ecologically sustainable development are:

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

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

- Development contributions 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 7.11 (formerly S94) 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 - 639.1 Recommended Conditions
- 2 [View](#). DA2018 - 639.1 Bushfire Safety Authority
- 3 [View](#). DA2018 - 639.1 Correspondence - Crime Prevention
- 4 [View](#). DA2018 - 639.1 Plans

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF  
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2018/639****DATE: 6/11/2018****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.

<b>Plan / Supporting Document</b>	<b>Reference</b>	<b>Prepared by</b>	<b>Date</b>
Development plans	Sheets 1, 2 to 10	Morr Constructions Pty Ltd	31 July 2018
Carparking layout	Drawing No. 2018 - 85	David R Johnson	July 2018
Landscape plan (as amended in red)	Sheet 2	Morr Constructions Pty Ltd	31 July 2018
Plan of detail and levels	Sheet 1	King and Campbell	14 August 2017
BASIX certificate	960161M	Morr Constructions Pty Ltd	16 August 2018
Crime Prevention Through Environmental Design Assessment		NSW Police Force	3 August 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:
- the appointment of a Principal Certifying Authority; and
  - the date on which work will commence.
- Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of

the relevant authority including the provision of easements over existing and proposed public infrastructure.

- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
  4. Building waste is to be managed via an appropriate receptacle;
  5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
  6. Building work being limited to the following hours, unless otherwise permitted by Council;
    - Monday to Saturday from 7.00am to 6.00pm
    - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference D18/7051 DA18083114866 WS and dated 5 October 2018, are attached and form part of this consent.
- (7) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (8) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (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.

- (11) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
  1. Public parking areas including;
    - a. Driveways and access aisles;
    - b. Parking bays;
    - c. Delivery vehicle service bays & turning areas in accordance with 2890.
  2. Sewerage reticulation.
  3. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
  4. Stormwater systems.

5. Erosion & Sedimentation controls.
  6. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD, Port Macquarie-Hastings Council current version.
- (3) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Port Macquarie-Hastings Administration Building Contributions Plan 2007
  - Hastings S94 Administration Levy Contributions Plan
  - Port Macquarie-Hastings Open Space Contributions Plan 2018
  - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005
  - Hastings S94 Major Roads Contributions Plan
- The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.
- The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (4) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (5) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (6) (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.
- (7) (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 legal point of discharge for the proposed development to the existing interallotment drainage system.

- (8) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6). Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (9) (B063) Prior to release of the Construction Certificate submission of a detailed landscape plan to the Principal Certifying Authority including provision of planting of six (6) x 50 litre (minimum) Tallowwood trees within the site.
- (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) (B196) The plans submitted within the application for Construction Certificate shall include modifying the patio posts of Units 1 to 7 to be a minimum 0.9m setback from the western side boundary.
- (12) (B197) The plans submitted with the application for Construction Certificate shall detail compliance with Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- (13) (B198) Each dwelling shall be individually metered for water supply and supplied through either an existing or proposed master water meter. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements in accordance with AS3500.
- (14) (B199) Prior to the issue of a Construction Certificate the existing water supply assembly (domestic, fire hydrant/sprinkler) adjacent the driveway shall be assessed for potential vehicle impact. Any mitigation measures shall be detailed on the engineering plans and installed at no cost to Council.
- (15) (B200) Council records indicate that the development site has multiple connections to Council's sewer system. The development shall discharge all sewage to the existing sewer junction coming from the sewer manhole adjacent to the proposed driveway. Details are to be shown on the engineering plans.
- (16) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
  - i. earthworks that are more than 600mm above or below ground level (existing); or
  - ii. located within 1m of the property boundaries; or
  - iii. 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) (C001) A minimum of one (1) weeks' notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors

engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.

- (2) (C013) Where a sewer manhole and 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) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
  - a. at completion of installation of erosion control measures
  - b. at completion of installation of traffic management works
  - c. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - d. before pouring of kerb and gutter;
  - e. prior to the pouring of concrete for sewerage works and/or works on public property;

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

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

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (3) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority (PCA) confirming that the car park and internal accesses have been constructed in accordance with Port Macquarie-Hastings Development Control Plan 2013 and Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6) prior to occupation or issue of the Occupation Certificate.
- (5) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:

"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".

This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.

- (6) (E046) Prior to the issue of an Occupation Certificate, a positive covenant is to be created under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the on-site stormwater detention facilities on the property.

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

- a. The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD").
- b. The Proprietor shall have the OSD inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.

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

- (7) (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.
- (8) (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.
- (9) (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.
- (10) (E061) Landscaped areas including planting of six (6) Tallowwood trees on the site shall be completed prior to occupation or issue of the Occupation Certificate.
- (11) (E062) Prior to occupation or the issue of any Occupation Certificate, evidence must be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of general waste (rubbish), recycling and food and garden organics from the premises by a private waste contractor. All wastes are to be collected as separate waste streams.
- (12) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC



Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

- (13) Prior to issue of an Occupation Certificate, a restriction as to user is to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in clause 18(1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

#### **F – OCCUPATION OF THE SITE**

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons.
- (2) (F004) The dwellings are approved for permanent residential use and by the kinds of people referred to in clause 18(1) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 only.

*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: 2018/639  
Our Ref: D18/7051  
DA18083114866 WS

**ATTENTION:** Patrick Galbraith-Robertson

5 October 2018

Dear Mr Galbraith-Robertson

**Integrated Development Application - 1//527052 - 7 Sherwood Road Port Macquarie 2444**

I refer to your correspondence dated 24 August 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 Morr Constructions, reference 10 xxx and dated 31 July 2018, Development Application - Issue, 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'.

**Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. An Emergency/Evacuation Plan is to be prepared in accordance with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plan and comply with Australian Standard AS 3745 -2010 'Emergency Control Organisation and Procedures for Buildings Structures and Workplaces for Residential Accommodation'.

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

Yours sincerely



Alan Bawden  
**Acting Manager**

For general information on bush fire protection please visit [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



Terrance Stafford  
King and Campbell PTY LTD  
PO Box 243  
Port Macquarie  
NSW 2444

**RE: CRIME PREVENTION THROUGH ENVIROMENTAL DESIGN ASSESSMENT  
FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT 1-7  
SHERWOOD ROAD, PORT MACQUARIE.**

On the 3 August 2018 a Safer by Design Evaluation was conducted on the above-mentioned development.

In April 2001 the NSW Minister for Planning introduced Crime Prevention Guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. 'If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimize crime risk, or, refusal of the development on the grounds that crime risk cannot be appropriately minimised'.

**THE SITE**

The Subject site is identified as Lot 1 DP527052, located at 1-7 Sherwood Road, Port Macquarie. It is part of the Mingaletta Aged Care Facility run by Uniting care. The site currently is vacant grassed land adjacent to carpark at Mingaletta aged care Facility. The site is currently used by sub-contractors/visitors to Mingaletta for parking. Entrance to the site will be directly off Sherwood Rd.

**Mid North Coast Local Area Command  
Port Macquarie Police Station**

2 Hay Street PO Box 387 Port Macquarie NSW 2444

Telephone 026583 0199 Facsimile 02 6583 0151 ENet 73199 EFax 73151 TTY 9211 3776 (Hearing/Speech impaired)

ABN 43 408 613 180

**NSW POLICE FORCE RECRUITING NOW 1800 222 122**  
WWW.POLICE.NSW.GOV.AU/RECRUITMENT

**THE PROPOSED DEVELOPMENT**

It is proposed to construct 15 single storey residential units on the site including:

- Thirteen (13) x 1 bedroom units of 66m<sup>2</sup>;
- One x 2 bedroom unit of 81m<sup>2</sup>;
- One x 2 bedroom unit including single garage of 108m<sup>2</sup> including garage;
- Central common landscaped area of 171m<sup>2</sup>; and
- Nine (9) off-street parking spaces.

**THE EVALUATION**

Plans supplied by architects, King+Campbell, were reviewed to evaluate the proposal. Plans viewed included;

- Site plan,
- Unit Floor Plans
- Elevations.

The Safer by Design Evaluation on the information given has identified the Development as being **LOW RISK**.

With this in mind the following Crime Prevention Through Environmental Design (CPTED) treatments should be considered for the development in order to reduce opportunities for crime.

**Vegetation:**

- All vegetation should be kept to a maximum height of approximately 1 metre.
- Either strong trunked vegetation or bollards to be erected around fire hydrant booster to prevent damage from motor vehicles.

**Lighting:**

- Suitable lighting be installed around grassed area to illuminate front of units or individual sensor lights.
- Units 7 and 6 to have sensor lights installed at front to illuminate entrance to units. 7 to prevent any A sensor light should be installed at rear of the building lighting the car park entrance and external car parking area.
- If carpark is to be lit vandal proof lighting is to be installed (Not bollard style).

**Carpark**

- As the amount of carparking seems to be an issue at Mingaletta appropriate signage needs to be installed stating that the unit carpark area is for residents and visitors of residents.
- Signage at the front of the complex should explain alternate parking locations for other visitors to Mingaletta.
- Signage prohibiting the use of skateboards and other wheeled toys should be also displayed.



**Waste**

- Lockable gate to be installed near rear of complex for the residents to be able to have access to dumpsters re waste disposal.

**Fencing**

- The area between unit 15's garage wall and the brick edged garden at the front of the complex needs to be enclosed to prevent persons secreting themselves or property.

**Disclaimer**

The New South Wales Police have a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this evaluation, any person who does so acknowledges that:

1. It is not possible to make areas evaluated by the NSWP safe for members of the community or their property
2. It is based upon the information provided to the NSWP at the time the evaluation was made,
3. The evaluation is a confidential document and is for use by the consent authority or organizations referred to on page 1 only,
4. The contents of this evaluation are not to be copied or circulated otherwise than for the purposes of the consent authority or organization referred to on page 1.

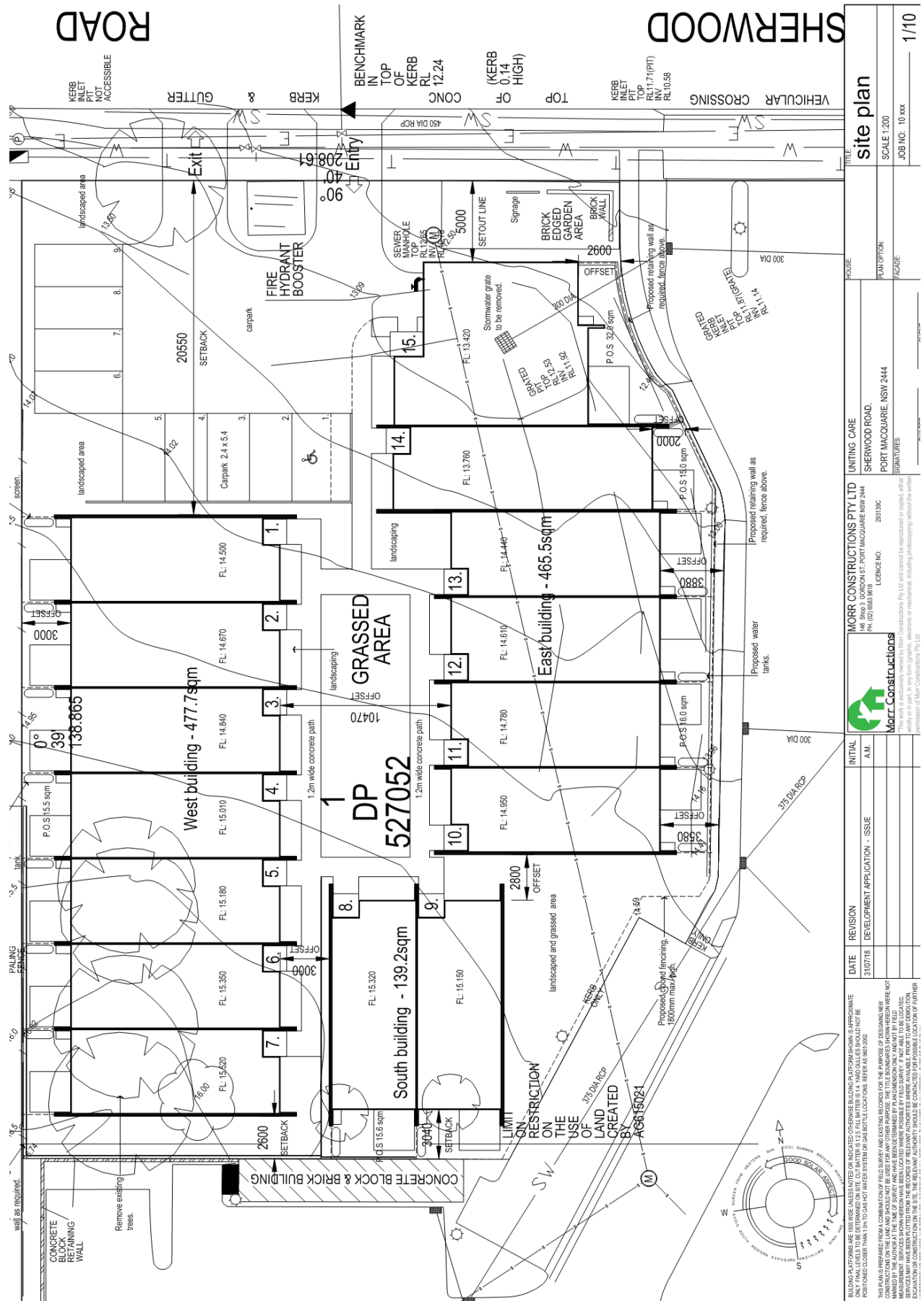
The NSW Police hopes that by using the recommendations contained in this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

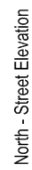
We would like to thank you for the opportunity of inspecting the plans for this development and should you require further information on the subjects mentioned within this report feel free to contact Senior Constable Steve Cherry, Crime Prevention Officer, Mid North Coast LAC, Phone 65 830172.

Yours sincerely

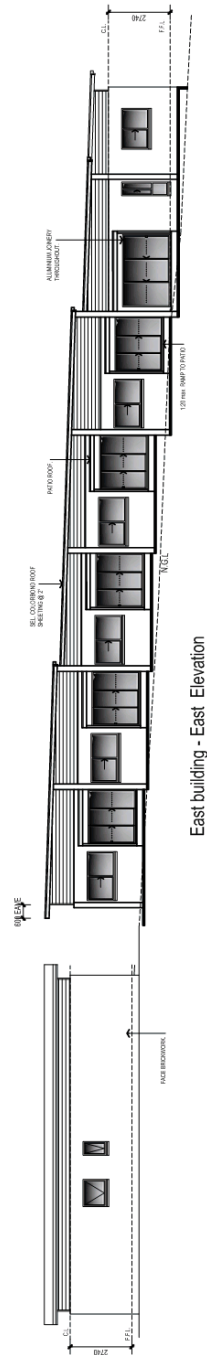


Stephen CHERRY  
Crime Prevention Officer  
3 August 2018.

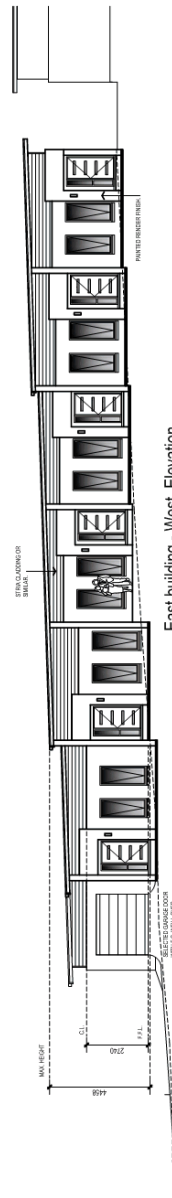




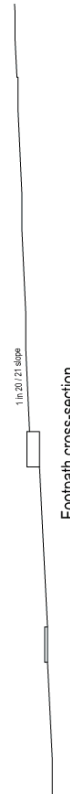
<p><b>PLANS AND DETAILS FOR WATER INFRASTRUCTURE PROJECTS ARE CLASSIFIED AS INFORMATION OF A CONFIDENTIAL NATURE. ANY FINAL PLANS FOR THE INFRASTRUCTURE PROJECT MUST BE APPROVED BY THE LOCAL GOVERNMENT. ANY UNAPPROVED PLANS SHOULD NOT BE USED FOR CONSTRUCTION OF THE PROJECT.</b></p> <p><b>THIS PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OF THE PROJECT. ANY UNAPPROVED PLANS SHOULD NOT BE USED FOR CONSTRUCTION OF THE PROJECT.</b></p> <p><b>THIS PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OF THE PROJECT. ANY UNAPPROVED PLANS SHOULD NOT BE USED FOR CONSTRUCTION OF THE PROJECT.</b></p>	DATE	REVISION	INITIAL	 <p><b>Morr Constructions</b>  <small>Water &amp; Sewerage Infrastructure Specialists</small></p>	<p><b>MORR CONSTRUCTIONS PTY LTD</b>  140 Shop 3, GORDON ST, PORT MACQUARIE NSW 2444  (02) 6666 6666</p> <p>231390</p> <p>LICENCE NO.</p>	<p>UNITING CARE  SHERWOOD ROAD,  PORT MACQUARIE, NSW 2444</p> <p>SCALE: 1:200 @ A3</p> <p>JOB NO: 10 XXX</p>	<p><b>Evations - 1</b></p>
	<p>DATE</p> <p>REVISION</p> <p>INITIAL</p>	<p>DEVELOPMENT APPLICATION - ISSUE</p> <p>A.M.</p>	<p>HOUSE</p> <p>PLAN OPTION</p> <p>FACADE</p>				



East building - East Elevation

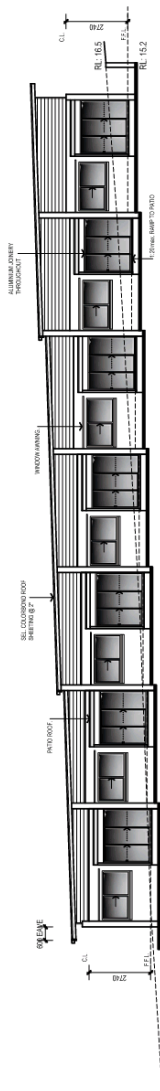


East building - West Elevation

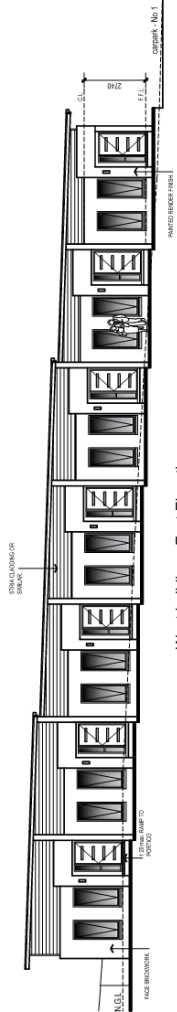


Footpath cross-section

<div><div>Morr Constructions</div></div> <div><div>THE WORKS ARE TO BE CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEY ACT 1998 AND THE SURVEY REGULATIONS 2000. THE SURVEY HAS BEEN CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEY ACT 1998 AND THE SURVEY REGULATIONS 2000.</div><div>Authorised by Morr Constructions Pty Ltd and cannot be registered or copied, altered or in part, in any form graphic, electronic or mechanical, including photocopying without the written permission of Morr Constructions Pty Ltd</div></div>	<div><div><div>MORR CONSTRUCTIONS PTY LTD</div><div>144 3RD FL, GORDON ST, PORT MACQUARIE NSW 2444</div><div>PH: 08 9068 1000</div><div>LICENCE NO: 283190C</div></div><div><div>UNITING CARE</div><div>SHERWOOD ROAD,</div><div>PORT MACQUARIE NSW 2444</div></div><div>SIGNATURES: _____</div><div>NO. OF SHEETS: _____</div></div>	MOUSE	TITLE	Elevations - 2	
					DATE
31/07/18	DEVELOPMENT APPLICATION - ISSUE	A.M.		JOB NO: 10 XXX	9/10



West building - West Elevation



West building - East Elevation



Footpath cross-section

DATE	3/10/18	REVISION	DEVELOPMENT APPLICATION - ISSUE	INITIAL	A.M.	MORR CONSTRUCTIONS PTY LTD 1/10/18 29319C LICENCE NO. 29319C PH: 020 6553 9918 PORT MACQUARIE NSW 2444	UNTING CARE SHERWOOD ROAD, PORT MACQUARIE NSW 2444	HOUSE	TITLE	Elevations - 3

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