

# Development Assessment Panel

### **Business Paper**

date of meeting: Wednesday 28 November 2018

**Iocation:** Function Room

**Port Macquarie-Hastings Council** 

17 Burrawan Street

**Port Macquarie** 

time: 1:00pm

### **Development Assessment Panel**

### **CHARTER**

#### 1.0 OBJECTIVES

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

### 2.0 KEY FUNCTIONS

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

### **Delegated Authority of Panel**

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

- Determine development applications under Part 4 of the Environmental Planning and Assessment Act 1979 having regard to the relevant environmental planning instruments, development control plans and Council policies.
- Vary, modify or release restrictions as to use and/or covenants created by Section 88B instruments under the Conveyancing Act 1919 in relation to development applications for subdivisions being considered by the panel.
- Determine Koala Plans of Management under State Environmental Planning Policy 44 - Koala Habitat Protection associated with development applications being considered by the Panel.

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

#### 3.0 MEMBERSHIP

### 3.1 Voting Members

Two independent external members. One of the independent external members to



- be the Chairperson.
- Group Manager Development Assessment (alternate Director Development & Environment or Development Assessment Planner)

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

### 3.2 Non-Voting Members

Not applicable

### 3.3 Obligations of members

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

#### 3.4 Member Tenure

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

### 3.5 Appointment of members

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

### 4.0 TIMETABLE OF MEETINGS

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



### 5.0 MEETING PRACTICES

### **5.1 Meeting Format**

- At all Meetings of the Panel the Chairperson shall occupy the Chair and preside.
   The Chair will be responsible for keeping of order at meetings.
- Meetings shall be open to the public.
- The Panel will hear from applicants and objectors or their representatives.
- Where considered necessary, the Panel will conduct site inspections which will be open to the public.

### 5.2 Decision Making

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

#### 5.3 Quorum

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

### 5.4 Chairperson and Deputy Chairperson

• Independent Chair (alternate, second independent member)

#### 5.5 Secretariat

- The Director Development &n 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

	25/07/18	08/08/18	26/09/18	24/10/18	14/11/18
Member					
Paul Drake	✓	Α	✓	✓	✓
Robert Hussey	<b>√</b>	✓	<b>√</b>	✓	✓
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 28 November 2018

### **Items of Business**

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05	DA2017 - 736.1- Staged 198 Site Manufactured Home Estate With Associated Amenities And Infrastructure, And Modification To Previous Approved Subdivision (DA2006-57) - 79 Batar Creek Road, Kendall	<u>16</u>
06	DA2018 - 790.1 Additional Dwelling to Create Dual Occupancy and Strata Subdivision	<u>323</u>
07	DA2018 - 778.1 Alterations And Additions To Dwelling - Lot 18, No. 8 Chepana Street, Lake Cathie	<u>365</u>
08	General Business	



Item: 01

Subject: ACKNOWLEDGEMENT OF COUNTRY

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

Item: 02

Subject: APOLOGIES

### RECOMMENDATION

That the apologies received be accepted.

Item: 03

**Subject: CONFIRMATION OF PREVIOUS MINUTES** 

### **RECOMMENDATION**

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





PRESENT
Members: Paul Drake Robert Hussey Dan Croft (excluding Item 6) Melissa Watkins (Item 6 only)
Other Attendees:
Patrick Galbraith-Robertson Caleb Scholes David Troemel
The meeting opened at 2:00pm.
01 ACKNOWLEDGEMENT OF COUNTRY
The Acknowledgement of Country was delivered.
02 APOLOGIES
Nil.
03 CONFIRMATION OF MINUTES
CONSENSUS:
That the Minutes of the Development Assessment Panel Meeting held on 24 October 2018

be confirmed.



### 04 DISCLOSURES OF INTEREST

Dan Croft declared a Non-Pecuniary – Significant Interest in Item 6 - DA2018 - 639.1 Seniors Housing - Lot 1 DP527052, No 7 Sherwood Road, Port Macquarie, as his grandmother is a resident at the existing aged care facility on the site subject to the development application.

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

Speakers: Paula Stone (applicant)

#### CONSENSUS:

- 1. That the Clause 4.6 objection submitted with DA2018-649 be supported.
- 2. That it be a recommendation 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.



### 06 DA2018 - 639.1 SENIORS HOUSING - LOT 1 DP527052, NO 7 SHERWOOD ROAD, PORT MACQUARIE

Dan Croft declared a Non-Pecuniary – Significant Interest in this item, left the meeting and did not take part in the discussion or voting thereon.

Melissa Watkins took position on the Panel.

Speakers:

Ross Chambers (o) Terrance Stafford (applicant) Luke Morris (applicant)

#### **CONSENSUS:**

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 and as amended below:

Amend condition F(1) to state:

(1)(F001) On site 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 residents.

Add new condition (E(14) to state:

(14) Prior to issue of an Occupation Certificate a sign shall be erected at the front entry to the site to the satisfaction of Council to advise that parking on-site is for residents and visitors of the facility only.

07	GENERAL BUSINESS
Nil.	

The meeting closed at 2:40pm.

04

**DISCLOSURES OF INTEREST** 

Item:

Subject:

# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

RECOMMENDATION			
That Dis	sclosures of	Interest be presented	
	DI	SCLOSURE OF INTEREST DECLARATION	
Name o	f Meeting:		
Meeting	Date:		
Item Nu	mber:		
Subject	:		
I,		declare the following interest:	
	Pecuniary: Take no part meeting.	t in the consideration and voting and be out of sight of the	
		iary - Significant Interest: t in the consideration and voting and be out of sight of the	
		iary - Less than Significant Interest: ate in consideration and voting.	
Signed:		Date:	

(Further explanation is provided on the next page)



### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

#### **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

		1
By [insert full name of councillor]		
In the matter of [insert name of environmental planning instrument]		
Which is to be considered at a meeting of the [insert name of meeting]		
Held on [insert date of meeting]		
PECUNIARY INTEREST		
Address of land in which councillor associated person, company or be proprietary interest (the identified	dy has a	
Relationship of identified land to councillor [Tick or cross one box.]		□ 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).
		☐ Associated person of councillor has interest in the land.
		☐ Associated company or body of councillor has interest in the land.
MATTER GIVING RISE TO PE	CUNIARY I	NTEREST
Nature of land that is subject to a c in zone/planning control by propos LEP (the <b>subject land</b> <sup>iii</sup>		☐ The identified land. ☐ Land that adjoins or is adjacent to or is in
[Tick or cross one box]		proximity to the identified land.
Current zone/planning control		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
[Insert name of current planning in		
and identify relevant zone/planning	g control	
applying to the subject land] Proposed change of zone/planning	r control	
[Insert name of proposed LEP and	identify	
proposed change of zone/planning		
applying to the subject land	/-1- · · ·	
Effect of proposed change of zone control on councillor	/planning	☐ Appreciable financial gain.
[Tick or cross one box]		□ Appreciable ililaticial galii.
		☐ Appreciable financial loss.



### **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.

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.



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..

Item: 05

Subject: DA2017 - 736.1- STAGED 198 SITE MANUFACTURED HOME ESTATE

WITH ASSOCIATED AMENITIES AND INFRASTRUCTURE, AND MODIFICATION TO PREVIOUS APPROVED SUBDIVISION (DA2006-

57) - 79 BATAR CREEK ROAD, KENDALL

**Report Author: Patrick Galbraith-Robertson** 

Applicant: Land Dynamics
Owner: M J & P B Angel

Estimated Cost: \$7.075M

Parcel no: 30145, 30146 & 30147

### **Alignment with Delivery Program**

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

#### RECOMMENDATION

That DA2017 - 736.1 for a two (2) lot subdivision, modification to previous approved subdivision and a staged 198 site manufactured home estate with associated amenities and infrastructure at Lot 1 DP 122192, Lot 79 DP 655658, Lot 23 DP112083 and Lot 1 DP 1142845, Batar Creek Road, Kendall be determined by granting consent subject to the recommended conditions.

### **Executive Summary**

This report considers a Development Application for a two (2) lot subdivision, modification to previous approved subdivision and staged 198 site manufactured home estate within associated amenities and infrastructure at the subject site. The report provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application on two (2) occasions, 134 submissions and a signed petition have been received.

The proposal has been amended during the assessment, including the following changes:

- 1. A reduction in the number of MHE sites from 280 to 198 and residential lots from 19 to 12.
- 2. Increase in the extent of open spaces areas and landscaping throughout the development site and increase in buffer to the showground to 20m width and Batar Creek Road in the north-west corner of the site.

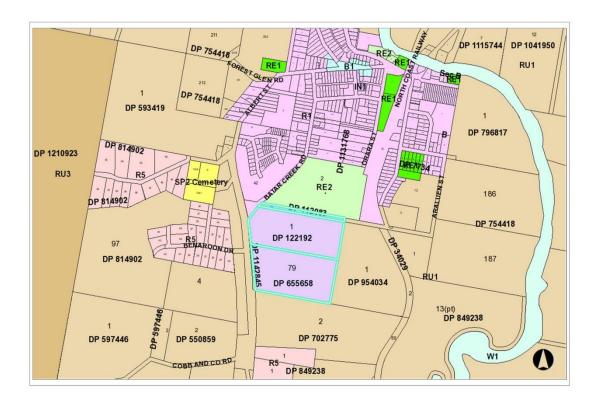


- 3. Submission of a Design Statement for regulating the character of future dwellings to be incorporated into the MHE.
- 4. Change of location of on-site manager's residence to site No.78.
- 5. The width of the road corridors within the MHE have been increased.
- 6. Change in visitor parking spaces within the MHE to 70 parking spaces including 4 disabled parking spaces.
- 7. Deletion of the entry gate to the MHE.
- 8. Addition of Lot 1 DP 1142845 to the proposal.

### 1. BACKGROUND

### Existing sites features and surrounding development

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 subject land is described as Lot 1 DP 122192, Lot 79 DP 655658, Lot 23 DP 112083 and Lot 1 DP 1142845, No. 79 Batar Creek Rd, Kendall. The land occupies an area of approximately 21.8ha and is mainly cleared.

The site currently contains a dwelling house and associated out buildings on the two larger parcels, with direct access to Batar Creek Road. A narrow parcel of land along the northern boundary is also included in the development site. The site is located on the southern edge of the town of Kendall and immediately to the north is the Kendall Showground. To the west of the site is a large lot residential area with access via Benaroon Drive. A large farm dam with an approximate area of 7500m² is in the southeast of the site.

The site has been extensively cleared in the past and has been used for the grazing of cattle. Small patches of vegetation have regrown in some areas. Small stands of



remnant forest along the northwest and eastern boundary remain, along with occasional scattered trees throughout the site.

The site was rezoned from rural to residential in 2006.

Kendall is a village located approximately 13km west of the coastal township of Laurieton and approximately 25km south of Port Macquarie. Kendall and Kew provide for a range of services and facilities to the residents of both villages and the surrounding rural locality including a primary school, RSL Club, Hotel, general store and other convenience stores, service station, show ground, public swimming pool, tennis courts, showground, golf course and community hall.

The North Coast Rail Line is to the east of the subject site. A small ridgeline extends onto the subject site from the northwest and progresses towards the centre of the site. Generally flat topography is present in the central portion of the subject site adjacent to the crest of the ridgeline.

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







#### 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Consolidation of the four (4) allotments and re-subdivision into two (2) lots to reflect the boundary between the subdivision consent in the southern and western sections of the site and this development is proposed.
- Demolition of all structures and filling of the dam.
- Retention of 12 existing torrens title residential allotments and partial road design as per DA 2006/57, including access to Batar Creek Rd via a roundabout and construction of a cycleway to the north of the site (to occur as per the existing consent DA2006/57).
- 198 manufactured housing sites under a private title arrangement, to be constructed in stages. The proposed residential sites vary in size and range from 272m² to 466m².
- It is proposed to undertake the development in a number of stages, as shown in the Staging Plan below. The vehicular access point will be constructed at Batar Creek Rd and up to the entrance of the main entrance to the MHE as part of Stage 1. This construction will occur as part of the current approval under DA2006/57 and appropriate rights of carriageway in favour of the MHE will be
- The Clubhouse is included in Stage 1 so that residents in Stage 1 have access to community facilities from the beginning of the development. The remaining



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community facilities will be provided at varying stages depending on their location within the site.

- On-site manager's residence will be located on site No. 78.
- Road network within the MHE connecting into the approved road design and access from Batar Creek Road. The roads within the MHE are in private ownership with access over the private roads.
- Facilities for the residents of the MHE including a Clubhouse (dining and bar area, lounge area, cinema, craft, gym, library, games area, administration, kitchen and toilets), swimming pool, bowling green, tennis court, community vegetable garden, men's shed, maintenance shed and caravan storage area.
- A series of internal private parks and landscaping links with pathways throughout the development and an external link to the north-west of the site which leads into Kendall, as well as a number of smaller links to the subdivision to the south-west approved by DA2006/57.
- Bio-detention ponds for drainage and water quality within the eastern landscaped areas (consistent with DA2006/57).
- Provision of services and utilities to the site.
- Provision of Asset Protection Zones.
- Removal of vegetation along the eastern boundary and replacement planting in the large area of open space in the north-east corner.
- Consent is being sought for the MHE sites, with a range of dwelling types that
  would fit the sites, with examples shown in the supporting documentation and a
  Design Statement provided for the future dwellings. Separate approval under
  S.68 would then be sought for the dwellings and tenure is secure under the
  Residential (Land Lease) Communities Act 2013 No 97.
- 70 visitor car parking spaces (including 4 disabled spaces) are proposed throughout the development and at the entry to the site adjacent to the security entrance.
- A 20m wide landscaped strip to the showground to the north with a 1.8m high wire security fence to the boundary and timber fencing to the dwelling sites.
- Timber fencing to the southern and western boundaries of the MHE, adjacent to the approved residential lots.
- An objection under s.82 of the Local Government Act is also sought as part of this
  application, to allow the dwellings to be built on site.

Select extracts of images from the details submitted are shown below:

### Staging proposed







### Example of manufactured home

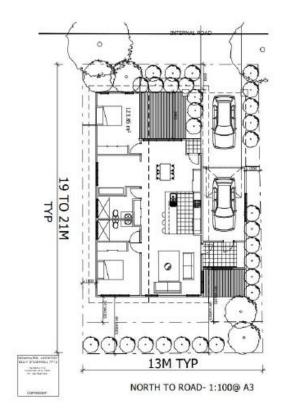


### Example of manufactured home





### Example of manufactured home

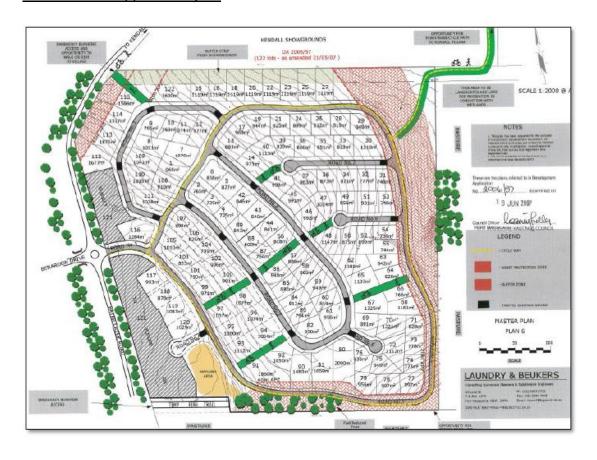








DA 2006 - 57 approved layout





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Council confirmed by letter dated 9 December 2010 that works had physically commenced and as such the consent has not lapsed. The consent was modified by Council on 18 April 2017 to rectify errors and remove the restriction on the timeframe for completion of the development.

DA2006/57 was approved on the site for a residential subdivision and child care centre. The general concept has been based on this approved layout, in particular having regard to the vehicular entry point and perimeter road layout, landscaped drainage area along the eastern boundary and pedestrian linkages to the north. This approval can be undertaken in stages, which Council requires to be confirmed prior to the Construction Certificate.

It is not proposed that the MHE would occupy the entire site and as such, the traditional subdivision has been maintained on the south-west portion of the site, in accordance with DA2006/57. The intersection, including an approved round-about at Batar Creek Rd is being constructed as part of DA2006/57. A cycleway along Batar Creek Rd to the northern edge of the showground will also be constructed as part of that consent.

Refer to attachments at the end of this report.

### **Application Chronology**

- 22 August 2017 DA lodged with Council.
- 29 August 2017 Additional fees and Social Impact Assessment requested.
- 5 September 2017 Referral to NSW Rural Fire Service.
- 7 September 2017 Social Impact Assessment received and showground interface plan.
- 14 September to 13 October 2017 Neighbour notification and advertising of original proposal.
- 17 October 2017 Bushfire Safety Authority from the NSW Rural Fire Service received.
- 18 October 2017 Applicant advised that a lot of public interest in application following exhibition.
- 2 November 2017 Additional information request issues raised: submission issues, sewer, access, transport, traffic, water supply, stormwater, flooding, relationship to previous DA2006 – 57.2 and proximity to showground.
- 23 November 2017 Meeting with Applicant to discuss assessment issues.
- 23 November 2017 Referral to the NSW Roads and Maritime Services.
- 28 November 2017 Applicant submitted detailed sewer loading calculations.
- 11 December 2017 Referral sent to the NSW Rail Authority.
- 12 December 2017 Additional assessment concerns raised with regards to traffic impacts.
- 19 December 2017 Advice received from the NSW Roads and Maritime Services.
- 12 February 2018 Meeting with Applicant to discuss assessment issues.
- 16 March 2018 Meeting with Applicant to discuss assessment issues.
- 22 March 2018 Applicant requested advice on how other MHE developments have been assessed with regards to traffic.
- 28 March 2018 Applicant provided with neighbour contact details to explore sewer main alternative alignments.
- 4 April 2018 Advice provided to Applicant on how other developments assessed from a traffic impact perspective.



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- 10 April 2018 Advice provided to Applicant that on-site sewage option for managing sewerage is not able to be considered.
- 4 May 2018 Meeting with Applicant to discuss assessment issues.
- 15 May 2018 Applicant advised that community meeting planned for 17 May 2018 at Kendall Services Club.
- 1 June 2018 Advice provided to Applicant from Council Sewer section.
- 25 June 2018 Amended proposal and additional information submitted by Applicant.
- 26 June 2018 Amended proposal referred back to the NSW Rural Fire Service.
- 29 June 2018 Further details on sewerage management proposal queried.
- 29 June 2018 Additional sewer details received from Applicant.
- 4 July 2018 to 30 July 2018 Amended proposal notified and public exhibited.
- 27 July 2018 Extension of exhibition period until 13 August 2018.
- 31 July 2018 Amended Bushfire Safety Authority received from the NSW Rural Fire Service.
- 20 August 2018 Submission issues forwarded to Applicant for consideration.
- 21 August 2018 Applicant advised liaising with showground representatives.
- 22 August 2018 Meeting with showground representative regarding new sewer alignment.
- 22 August 2018 Sewer section advice provided to Applicant.
- 28 August 2018 Advice provided to showground with regards to optional sewerage alignment.
- 7 September 2018 Alternative sewer upgrade line proposed not relying on showground access.
- 12 September 2018 Advice provided to the Applicant on the alternate sewer alignment.
- 20 September 2018 Applicant confirmed latest sewer alignment, updated services plan and provided a response to the submission issues raised with the amended proposal.
- 2 October 2018 Further information submitted regarding stormwater and flooding assessment issues.
- 20 November 2018 Discussed draft consent conditions with Applicant and owner's consent received for Lot 1 DP 1142845.

### 3. STATUTORY ASSESSMENT

### Section 79C(1) Matters for Consideration (as in force at the time of the lodgement of the DA)

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. 21 - Caravan Parks

The proposal is not for a caravan park under this SEPP. The proposal is for a manufactured home estate with the following SEPP 36 being applicable to consider.

State Environmental Planning Policy No. 36 - Manufactured Home Estates



The aims of this policy and comments are provided below:

 a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and

Comment(s): Manufactured Home Estates are considered a contemporary form of medium density housing. The proposed development will provide an alternative to traditional housing.

(b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and

Comments: This policy was gazetted and commenced on 16 July 1993.

(c) to encourage the provision of affordable housing in well designed estates, and

Comment(s): The proposal will provide a form of alternative residential housing in a specifically designed estate. Adequate provision has been made for on-site facilities, services and open space above minimum standards of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

(d) to ensure that manufactured home estates are situated only in suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and

Comment(s): Assessment of the proposal (as amended) having regard to landscape, scenic and in particular ecological qualities have concluded the site suitable for the proposed development.

(e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services; and

Comment(s): The proposed development will be capable of being serviced by adequate infrastructure including reticulated water and sewer facilities. The proposal will provide a number of community facilities within the estate and access to social and health services will be available by a private bus service.

(f) to protect the environment surrounding manufactured home estates, and

Comment(s): Measures have been incorporated into the design of the estate to provide adequate protection to the environment within and surrounding the proposed estate. Buffers to Batar Creek Road and the adjoining Showground and additional landscaped open space has been added to the proposal during the assessment of the DA.

(g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.

Comment(s): Tenure is largely secured through the large upfront capital required to establish supporting infrastructure. Conditions of consent have been recommended to require community and recreational facilities to be provided up front and before occupation of any sites particularly noting the Staging of the proposal. Tenancy agreements are the other means for tenure security for future residents.



The proposed development is considered consistent with the aims of this policy.

<u>Clause 6 - Where development for the purposes of a manufactured home estate may be carried out</u>

Clause 6 of this policy provides where development for the purposes of a manufactured home estate maybe carried out.

The proposed development is permissible with the consent of Council pursuant to clause 6. In particular, the subject clause allows a manufactured home estate on land where a 'caravan park' is permissible. The R1 residential zoning of the subject land permits 'caravan parks' with development consent. In addition, the proposed development is not subject to any of the excluded areas contained in Schedule 2 of the SEPP.

### Clause 7 - Development consent required for manufactured home estates

Clause 7(1) provides that development for the purposes of a manufactured home estate permitted to be carried out by this Policy may be carried out only with the development consent of the Council.

Comment(s): Noted. This Development Application is seeking development consent.

Clause 7(2) provides that a Council must not consent to any such development unless it imposes, as a condition of the consent, a requirement that an approval to operate a manufactured home estate on the land on which the development is to be carried out must be obtained under Part 1 of Chapter 7 of the Local Government Act 1993.

Comment(s): Noted. A suitable condition is recommended in this regard.

Clause 7(3) provides that nothing in this Policy requires a separate development consent to authorise the placing of each manufactured home within a manufactured home estate.

Comment(s): Noted. The installation or construction of a dwellings on individual manufactured home sites will not require separate development consent.

#### Clause 8 - Subdivision of manufactured home estates

- (1) Land on which development for the purposes of a manufactured home estate may be lawfully carried out (whether or not because of a development consent granted pursuant to this Policy) may be subdivided:
  - (a) under section 289K of the Local Government Act 1919 for lease purposes, or
  - (b) under the Community Land Development Act 1989,
  - only with the development consent of the council.
- (2) A Council must not grant a development consent for such a subdivision if any of the lots intended to be created by the proposed subdivision would contravene a requirement of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.



- (3) Any prohibition or restriction on the subdivision of land imposed by any other environmental planning instrument (whether made before or after this Policy) does not apply to such a subdivision.
- (4) This Policy does not allow the subdivision of land within a Crown reserve.

Comment(s): No subdivision of the MHE for lease or community title purposes is proposed with the subject development application.

### Clause 9 - Matters to be considered by Councils

Clause 9(1) provides that Council may grant development consent for the purposes of a manufactured home estate only if it satisfied:

- (a) That each of the sites on which a manufactured home is or will be installed within the manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and
  - Comment(s): Each of the proposed sites within the proposed estate are capable of being serviced by reticulated water, reticulated sewer, drainage and electricity services. Appropriate conditions are recommended in this regard.
- (b) that the manufactured home estate is or will be provided with adequate transport services, and
  - Comments(s): The road network provided to and within the estate is considered appropriate for the proposed development. A private daily bus service is proposed to provide residents who can't drive a motor vehicle with access to wider services and destinations as an alternate mode of transport. A Community Bus Time Table is to be developed and distributed to residents.
- (c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and
  - Comment(s): A range of community facilities are proposed within the estate, which will be directly available and accessible to the residents within the estate. The community facilities proposed include a clubhouse, swimming pool, bowling green, tennis court, men's shed and community gardens. In providing a private bus service residents within the estate will also have access to other facilities and services outside the estate and surrounds.
- (d) that the development will not have an adverse effect on any:
  - conservation area
  - · heritage item
  - waterway or land having special landscape, scenic or ecological qualities, which is identified in an environmental planning instrument applicable to the land concerned.

Comment(s): The proposed development will not have any identifiable adverse impacts on any of the above. The previous subdivision approval of the site is also noted.



Clause 9(2) provides that Council may grant development consent for the purposes of a manufactured home estate only after it has considered the following:

(a) the cumulative impact of the proposed development and other manufactured home estates in the locality,

Comments: An assessment of the proposed development, supporting documentation and legislative provisions suggests that there will be no adverse cumulative impact on the locality or other manufactured home estates in the area to warrant recommending refusing consent to the DA.

(b) any relevant guidelines issued by the Director,

Comment(s): No relevant guidelines identified.

(c) the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.

Comment(s): The above Regulation has since been repealed. The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is the current Regulation applicable. A detailed checklist of compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 is provided below:

### Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

It is noted the Development Application was accompanied by a section 82(1) objection under the Local Government Act 1993. Specifically seeking an exemption to clause 41 of this regulation which requires manufactured homes to be constructed and assembled onsite. This is noted however it is considered that this is not a matter for consideration under the Development Application process.

The relevant parts of the regulation are addressed below in the following table:

CLAUSE	REQUIREMENT (in summary)	COMMENT/COMPLIANCE	
Division 1 App	Division 1 Application of Part		
Clause 1-4	No specific requirements only information on the legislation in terms of operation, definitions etc	Noted	
5 Application of Part	This part applies to both the operation of the manufactured home estate and the installation of the home itself.	Noted	
Division 2 Approvals and exemptions			
6 Factors for consideration	(1) Council must be satisfied that the estate will be designed in	(1) The proposed development has been	



before approval is granted	accordance with Division 3; and (2) Council must have regard to the Floodplain Development Manual.	designed in accordance with Division 3, refer to comments in Division 3;  (2) Consultation has been undertaken with Council's Flooding Engineer as part of the site is mapped as flood prone land. Fill is proposed in low lying section to meet required flood planning levels. Council's Flooding Engineer has given consideration to the proposal with regard to the Floodplain Development Manual and provided recommended conditions to be applied to any consent issued.
7 Matters to be specified in approval	Any approval must specify the number, size and location of the dwelling sites.	N/A only relevant to approval to operate.
8 Conditions of approval	The approval must be conditioned to ensure the design, construction, maintenance and operation of the estate is in accordance with Division 3.	N/A only relevant to approval to operate.
9 Conditional exemption	<ul> <li>(1) Council approval is not required for:</li> <li>(a) the installation of a home within the estate, so long as it is designed, constructed and installed in accordance with Division 4 and is only occupied after certificate of completion is issued; or</li> <li>(b) the associated structure is designed, constructed and installed in accordance with Division 4.</li> </ul>	N/A only relevant to approval to operate.
	(2) This exemption applies only of the installation is carried out by the operator of the estate.	
	(3) This exemption does not apply to the installation of a home on flood liable land.	
	(4) This exemption does not apply for homes or associated structures of more than one storey.	



		1
10 Installation on flood liable land	(1) Council must have regard to the Floodplain Development Manual.	(1) As detailed above part of the site is mapped as flood prone land. However fill is proposed to meet the necessary flood planning levels.
	(2) The home must be designed, constructed and installed in accordance with Division 4.	(2) Noted.
11 Installation of manufactured home or associated structure of more than one storey	Council assessment must have regard to the amenity of the adjoining occupiers.	N/A only relevant to approval to operate/install. The plans provided indicate the dwellings will be of single storey construction.
Division 3 Ma	nufactured home estates	
12 Minimum size of estate	Estate must have an area of not less than 1 hectare.	Complies – total proposed manufactured home estate area is approximately 20 hectares.
13 Community amenities	<ul><li>(1) 10% of total area of estate must be reserved for recreation or other communal activities.</li><li>(2) If lesser proportion, Council must have regard to the type and range of amenities proposed.</li></ul>	Approximately 43% of the site is available for recreational or communal activities which is in excess of the 10% minimum standard.
14 Size of dwelling sites	A dwelling site must have an area of at least 130m <sup>2</sup> .	Complies – All proposed site have areas exceeding 130m². Minimum site area is 272m² to 466m².
15 Site identification	<ul><li>(1) Dwelling site to be numbered with clearly identified boundaries.</li><li>(2) Site identification must be conspicuous.</li></ul>	Complies – Each of the dwelling sites will be clearly numbered.
16 Dwelling sites to have road frontage	A dwelling site must have vehicular access to a road.	Complies – all proposed dwelling sites have frontage to a road



buildings	dwelling sites.	greater than 10m from
J	(2) Any lesser distance to satisfy Council that building has been properly screened, fenced, enclosed or otherwise treated.	boundaries of the site.
	(3) Must not in any case be closer than 2m to any boundary.	
18 Setbacks of dwelling sites from	(1) No closer than 10m to a public road or 3m to any other boundary unless approved.	All dwelling sites are located greater than 10m from a public road and 3m from any
road frontages	(2) Any lesser distance to satisfy Council that the dwelling site has been properly screened, fenced, enclosed or otherwise treated.	other property boundary.
19 Use of	Buffer zones can be used for:	Complies.
buffer zones	(a) community amenities, access roads, car parking, footpaths or landscaping, or	
	(b) or any similar purpose.	
20 Entrance and exit	(1) Entrance to or exit from estate must be 8m wide.	Complies. The entrance and exit roads meet the
roads	(2) Divided roads to have at least 5m on either side.	requirements.
	(3) Tapers between entrance and access roads to be in the approval.	
21 Width of roads	(1) Road reserve to be: (a) 8.5m for major access road, and (b) 6m for minor access road.	The widths of all proposed internal roads are capable of compliance with the requirements. Passing bays not required as no minimum
	<ul><li>(2) Sealed portion of access road must be:</li><li>(a) 6m for major roads, and</li><li>(b) 4m for minor roads.</li></ul>	road (i.e. 4m width is proposed).
	(3) Passing bays required for minor access roads exceeding 80m in length	
	(4) Passing bays at intervals of 100m.	
	<ul><li>(5) Sealed portion of access road with a passing bay to be:</li><li>(a) 8.5m for major road, and</li><li>(b) 6m for minor roads.</li></ul>	



22 Speed restrictions as part of road design	<ul><li>(a) 30 km/hr for major access roads, and</li><li>(b) 15 km/hr for minor access roads.</li></ul>	To be sign-posted accordingly and suitable condition recommended.
23 Visitor parking	<ul> <li>(1)(a) 8 spaces for an estate with 35 sites.</li> <li>(b) 12 spaces for 35 to 70 sites.</li> <li>(c) 16 spaces for 70 to 105 sites.</li> <li>(d) 20 spaces for 105, plus 1/7 sites over 140.</li> <li>(2)(a) Minimum dimensions of 5.4m x 2.5m, and</li> <li>(b) 6.1m x 2.5m.</li> <li>(3) Visitor spaces to be clearly identified.</li> </ul>	For the 198 sites proposed a total of 29 visitor car parking spaces are required. It is proposed to provide 70 visitor spaces throughout the property.  All spaces satisfy the minimum dimension requirements.
24 Visitor parking for people with disabilities	<ul> <li>(1) 1 space for people with a disability.</li> <li>(2) If more than 100 sites - 1 / 100 sites of fraction of 100 sites.</li> <li>(3) In accordance with AS/NZS 2890.1:2004.</li> <li>(4) Visitor and disabled spaces to be clearly marked.</li> <li>(5) Visitor spaces to be counted under clause 23.</li> </ul>	For the 198 sites proposed a total of 2 disabled visitor spaces are required. 4 disabled visitor spaces proposed.
25 Road surfaces	Must have all-weather sealed surface, allow for adequate drainage and eliminate excessive grades.	All proposed roads to and within the development will have all asphalt sealed surface and will allow for adequate drainage.
26 Lighting	Roads to be lit between sunset and sunrise.	All roads proposed to be lit via fixed street lighting.
27 Water supply	<ul> <li>(1)(a) Estate must be connected to mains water, or</li> <li>(b) provided with an alternative.</li> <li>(2)(a) Dwelling site must be connected to the estate water supply, and</li> <li>(b) separately metered.</li> <li>(3)(a) water supply to comply with the Plumbing and Drainage Code of Practice, and</li> <li>(b) Requirements of relevant statutory bodies.</li> </ul>	Complies – Estate is to be connected to mains water. Each dwelling site is to be connected to the estate water supply and to be separately metered.



		<del> </del>
	(4) Water for domestic requirements to comply with 'Australian Drinking Water Guidelines.	
28 Sewerage	(1)(a) Estate must be connected to main sewer, or (b) alternative approved system.	Complies. Estate to be connected to reticulated main sewer. A new sewer main is
	(2) Dwelling site to be connected to estate system.	required outside of the development site. Each
	(3)(a) System to comply with the Plumbing and Drainage Code of Practice, and (b) Requirements of relevant statutory bodies.	dwelling site will be required to be connected to the estate system.
29 Drainage	(1) Estate to comply with specified and approved stormwater drainage system.	Conceptual stormwater management plan has been submitted and will be
	(2)(a) dwelling site to be connected with estate system, or (b) or provided with on-site drainage system.	conditioned to comply.  Dwelling sites will be required to be directly connected to the stormwater drainage system.
	(3)(a) System to comply with the Plumbing and Drainage Code of Practice, and (b) Requirements of relevant statutory bodies.	
30 Electricity supply	(1) Dwelling site to be supplied with electricity and a separate meter.	Electricity supply is capable of being supplied to each
	(2) Installation in accordance with AS/NZS 3000:2000.	dwelling site. Recommended condition applied requiring letter from respective
	(3) Electricity charge to comply with standard for locality.	electricity authority confirming satisfactory arrangement have been made.
31 Telephone lines	Must be available to each dwelling site.	Each dwelling site will capable of having a telephone service available.
32 Common trenches	Common trench may be used.	Noted.
33 Garbage removal	Arrangements to be specified and must be in a clean and sanitary condition.	All proposed dwelling sites will be provided with a garbage collection service via a private waste contractor. Bin storage areas have been identified on plans in the north-east corner of site.
34 Fire	(1) Dwelling site and community building to be no more than	Fire hydrants are proposed to



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hydrants	90m from fire hydrant.	meet the requirements.
	(2)(a) hydrant to be a double- headed pillar-type hydrant, and	
	(b) maintained to standard specified.	
35 Buildings	(1) A building must not be erected in an estate unless the approval allows.	Complies. No buildings, other than community/recreational buildings are proposed as part
	<ul> <li>(2) Buildings allowed within an estate include:</li> <li>(a) community building,</li> <li>(b) Brick or masonry separating walls or external facades to homes.</li> </ul>	of this proposal.
	<ul> <li>(3) Brick or masonry external façade permitted only if:</li> <li>(a) the dwelling site is within a 'neighbourhood lot', and</li> <li>(b) the owner of the lot is also the proprietor.</li> </ul>	
36 Use of manufactured home estates	<ul> <li>(1)(a) estate must not be used for any other commercial purpose, or</li> <li>(b) manufacture, construction or reconstruction of a moveable dwelling.</li> </ul>	Noted.
	(2) Manufactured home may be used for exhibition purposes.	
	(3) Renovation and maintenance permitted on homes.	
37 Community map	Map to be provided to Council.	Noted. A community map will be provided to Council and will be a condition of any approval to operate the MHE under a separate section 68 permit.
38 Access to approval and community map	Approval, community map and this Regulation must be available for inspection.	Noted. Will be condition as part of the approval to operate the MHE under a separate section 68 permit.

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

With reference to clauses 6 and 7, the subject land is greater than 1 hectare (including any adjoining land under same ownership) and therefore the provisions of SEPP must be considered.



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The Applicant has submitted an ecological impact assessment prepared by Naturecall Environmental. The ecological assessment identified that the site qualified as Potential Koala Habitat due to the property containing greater than 15% Schedule 2 species however the site was assessed as not qualifying as Core Koala Habitat.

A findings of the Ecological Assessment are considered acceptable and the no further provisions of this SEPP require consideration in this regard.

### 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 any nearby existing aquaculture industries.

### State Environmental Planning Policy No. 64 - Advertising and Signage

The proposal incorporates entry feature signage to the front wall at the entrance to the proposed estate. The proposal satisfies the applicable requirements of this policy. The assessment table provided below provides consideration of the proposal in accordance with schedule 1 of the policy.

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The signage is consistent with the objectives of this policy.	Yes
Schedule 1(1) Character of the area.	The entrance wall and signage to be incorporated will not be out of character with the area.	Yes
Schedule 1(2) Special areas.	The entrance signage will not adversely impact on any identifiable special areas.	Yes
Schedule 1(3) Views and vistas.	The entrance signage will not adversely impact on any views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The entrance works and signage will not adversely detract from the streetscape.	Yes
Schedule 1(5) Site and building.	This signage is compatible with the entrance wall to which it is to be located.	Yes



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Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	N/A
Schedule 1(7) Illumination.	No illumination of the entrance signage is proposed.	Yes
Schedule 1(7) Safety.	The signage will not adversely impact on public safety matters.	Yes

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

The Applicant has submitted that the development is not age restricted. No provisions of this SEPP require specific consideration in this regard.

### State Environmental Planning Policy (Infrastructure) 2007

The proposal has been referred to NSW Roads and Maritime Services (RMS) during the assessment of the application. The advice received from the RMS has been considered later in this report.

### State Environmental Planning Policy (State and Regional Development) 2011

The proposed development does not have a capital investment value of more than \$20 million and is not considered Regional Development (as per legislation in force at the time of lodgement of the DA). No provisions of this SEPP require specific consideration in this regard.

### 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 and RU1 Primary Production (only Lot 1 DP 1142845 zoned RU1). In accordance the SEPP36 for a Manufactured Home Estate to be permissible a 'caravan park' under this LEP is to be permissible. In this regard, in accordance with clause 2.3(1) and the R1 and RU1 zone landuse table, the proposed development for a 'caravan park' is a permissible landuse with consent in the R1 zone however it is noted that the proposal could arguably be also defined as 'multi-dwelling housing' which is also permissible in the R1 zone. The proposed recreation and communal facilities are based upon the submitted details and locations best characterised as being ancillary and subordinate to the primary landuse and therefore permissible. The current approved road access across Lot 1 DP 1142845 has been approved under DA2006 – 57 which is propose to be modified by this DA and will be consolidated under the two (2) torrens title subdivision. The SEPP 36 requires communal facilities also which implies permissibility also for such ancillary uses.

The objectives of the R1 zone are as follows:

o To provide for the housing needs of the community.



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

The objectives of the RU1 zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- o To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

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

- o the proposal is a permissible landuse;
- the proposal will provide for an alternative type of residential housing with a range of opportunities for varied housing types.
- the entire site is not proposed as MHE with part of a previous approved torrens title subdivision retained to be proposed.
- The Lot 1 referred to above has no agricultural potential and is intended to consolidated with the subdivision component of the proposal.
- Clause 2.7, the demolition of existing structures on the site requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.1, the lot sizes within the proposed two(2) lot subdivision and the remaining subdivision to be modified under DA2006 – 57 range from 790m2 to 17.587 hectares. All proposed lots comply with the minimum lot sizes identified in the Lot Size Map – 450m2 lot size relating to the site.
- Clause 4.4, the floor space ratio of the component of proposal with permanent community amenity buildings does not exceed and complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.3, the site is land within a mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus the applicable climate change allowance and relevant freeboard) In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3 and 7.4, Council's Flood Policy 2015, the NSW Government's Flood Prone Lands Policy and the NSW Government's Floodplain Development Manual (2005):
  - The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change;
  - The proposal will not result in a significant adverse effect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties;
  - The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land;



- The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
- The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding;
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate and/or Occupation Certificate stage as recommended by conditions of consent.
- (ii) Any draft instruments that apply to the site or are on exhibition:

No draft instruments apply to the site

(iii) any Development Control Plan in force:

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

The following relevant provisions of the plan are addressed as follows:

DCP 2013	DCP 2013: General Provisions			
	Requirements	Proposed	Complies	
2.2.2.1	Signage to be building or business identification. Be contained to within the property. Not project above building facades. Potential for light spill from illumination to be subject to curfew.	Entrance signage on front wall identifying the estate proposed. No illumination proposed.	Yes	
2.3.3.3	Significant land reforming proposals shall not change surface levels by more than 5m.	Landform change is less than 5m change proposed.	Yes	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Earthworks proposed up front and capable of being managed. These provisions relates to developed individual sites where neighbour amenity issues are required to be considered. Suitable site management conditions recommended.	Yes	
2.3.3.2	1m max. height retaining walls along road frontage	No retaining walls along road frontage proposed.	N/A	



	Requirements	Proposed	Complies
	Any retaining wall >1.0 in height to be certified by structure engineer	Engineering certification capable.	Yes - capable
	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 combination of retaining and front fence proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No hollow bearing trees are proposed to be removed. Refer to detailed comments under the flora and fauna headings of this report.	Yes
2.6.3.1	Tree removal (3m or higher with 100m diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	Tree removal is proposed, Refer to detailed comments under flora and fauna heading of this report.	Yes
		2 for 1 replacement koala food tree plantings are recommended by the ecological report submitted. 13 koala food trees are proposed to be removed therefore 26 offset plantings required. The amended landscaping plan submitted satisfactorily addresses this requirement.	
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads	Access proposed via proposed public road connection to Batar Creek Road under a previous approved subdivision DA.	Yes



	Requirements	Proposed	Complies
	Driveway crossing/s minimal in number and width including maximising street parking	Single entry and exit point proposed via public road.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1.  Adequate off-street parking is proposed consistent with the requirement of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.		Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Internal roads to be sealed.	
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Internal roads can comply with requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Parking areas will be adequately drained.	Yes
	Vehicle washing facilities – grassed area etc available.	Suitable areas available for car washing.	Yes
2.7.2.1	Social impact assessment shall be submitted in accordance with Council's Social Impact Assessment Policy  A Social Impact Assessment Submitted with the DA which is considered later in this report.		Yes
2.7.2.2			Yes



DCP 2013: General Provisions				
	Requirements	Proposed	Complies	
	Environmental Design guideline	amenities within the development.		

DCP 2013: Chapter 3.6 - Subdivision					
DCP Objective	Development Provisions	Proposed	Complies		
3.6.3.1	A site analysis is required for all development and shall illustrate:  • microclimate; • lot dimensions; • north point; • existing contours and levels to AHD; • flood affected areas; • overland flow patterns, drainage and services; • any contaminated soils or filled areas, or areas of unstable land; • easements and/or connections for drainage and utility services; • identification of any existing trees and other significant vegetation; • any existing buildings and other structures, including their setback distances; • heritage and archaeological features; • fences; • existing and proposed road network, including connectivity and access for all adjoining land parcels; • pedestrian and vehicle access; • views to and from the site;	Satisfactory site analysis submitted.	Yes		



	<ul> <li>overshadowing by neighbouring structures; and</li> <li>any other notable features or characteristics of the site.</li> </ul>		
3.6.3.2	Torrens title lots minimum width of 15m when measured at a distance of 5.5m from front property boundary.	>15m width within all proposed torrens title lots	Yes
	Minimum width of 7m when boundaries are extended to kerb line.	N/A	N/A
	Minimum depth of 25m.	>25m depth within all proposed torrens title lots	Yes
	For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access.	No long sections of likely driveway grades required.	N/A
3.6.3.3	Battleaxe lots discouraged in greenfield development.	No battle axe lots proposed.	N/A
3.6.3.4	Lots are to be designed to allow the construction of a dwelling, which does not involve more than 1m cut, or fill, measured from natural ground level, outside the dwellings external walls.	All torrens lots capable of accommodating dwelling designs with minimum cut and/or fill	Yes
	Lot sizes increased for sloping sites in accordance with Table 3.6.1.	Lot sizes >600m2	Yes
	Additional information provided for slope categories in accordance with Table 3.6.2.	N/A	N/A
3.6.3.5	Wherever possible orientate streets to maximise the number of east, west and south facing lots and to minimise the number of	Lot orientation designs are acceptable for future dwellings.	Yes.



	narrow north facing lots.  Residential street blocks should preferably be orientated north-south with dimensions generally limited to 60-80m by 120-150m as illustrated in Figure 3.6-2.		
	Lot size and shape are to reflect orientation to ensure future dwelling construction has optimal opportunity for passive solar design.	Lot orientation designs acceptable to permit future dwellings with passive solar design capability.	Yes
3.6.3.6	Kerb and guttering, associated street drainage, pavement construction and foot paving across the street frontages should be constructed as part of the subdivision works where these do not exist (may be varied subject to criteria in this clause)	Kerb and gutter required for the torrens title subdivision component.	Yes
3.6.3.7	Subdivisions close to urban centres or along arterial roads serviced by public transport achieve yield of >35 dwellings per hectare.	N/A – modifying previous subdivision approval	N/A
3.6.3.20	Water supply to meet Council's design specifications.	Water supply arrangements satisfactory – refer to comments later in report.	Yes
3.6.3.21	All lots connected to reclaimed water if available.	N/A	N/A
3.6.3.24	Separate sewer junction provided for each lot.	Separate sewer junction provided for each lot.	Yes
3.6.3.27	Erosion and sediment control plan to be provided.	Erosion and sediment control plan to be in place prior to and during construction.	Yes
3.6.3.34	All service infrastructure should be underground unless otherwise approved by Council.	All service infrastructure to be underground	Yes
	All service infrastructure	Construction detail to	Yes –



	should be installed in a common trench.	come at Construction Certificate stage – capable of being achieved	capable
	Conduits for the main technology network system should be provided in all streets.	Construction detail to come at Construction Certificate stage – capable of being achieved	Yes – capable
	Conduits are to be installed in accordance with the National Broadband Network Company Limited's 'Guidelines for Fibre to the Premises Underground Deployment'.	Construction detail to come at Construction Certificate stage – capable of being achieved	Yes – capable
	Access pits are to be installed at appropriate intervals along all streets.	Construction detail to come at Construction Certificate stage – capable of being achieved	Yes – capable
3.6.3.51	Street trees should be provided along all road frontages generally at a rate of 1 per 20m interval.	Street trees should be provided along all road frontages generally at a rate of 1 per 20m interval.	
	Street trees should not affect solar access.	Street trees will not result in any identifiable adverse impacts on solar access.	Yes
3.6.3.52	Street trees from Council's list.	N/A – modifying previous subdivision approval – no street trees are proposed within the existing approved subdivision to be modified by this DA	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:

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

#### iv) Any matters prescribed by the Regulations:

#### **Demolition of buildings AS 2601 - Clause 92**

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



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

#### **Context and Setting**

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

The land to the east is zoned rural and will have a substantial separation to the MHE dwellings due to the large area of open space, drainage and community facilities.

The showground to the north will be screened by new fencing and a landscape strip along the entire northern boundary.

The proposal is considered to adequately address the planning controls for the area. The site is zoned for residential purposes and is adjoining the existing village of Kendall.

The Applicant has stated that the design of the subdivision and MHE has retained the allotments along Batar Creek Road as a transition between the subdivision and the MHE.

The more prominent hill top area of the site has been identified as open space and landscaping, in order to reduce the visual impact of the development when viewed from afar. The additional planting also assists in this regard.

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

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

There are no identifiable adverse privacy impacts.

There are no identifiable adverse overshadowing impacts. The proposal (including future manufactured homes and dwellings) will be unlikely to prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

#### Impact on existing Character of Locality

The assessment of impact on local character within the village of Kendall has been specifically requested to be addressed by the Applicant during the assessment of the application.

For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding environment. The most important contributor to character of Kendall is the relationship of built form to surrounding space created by building height, setbacks, landscaping, architectural style and materials used in existing buildings.

The Applicant has submitted a Character Statement together with an amended proposal and Design Reference Guide for future MHE dwellings for consideration in the justifying the suitability of the proposal.

The proposal (as amended) has been carefully assessed and the following key assessment comments are provided having regard to accepted Land and



Environment Court Planning Principles established in *Project Venture Developments V Pittwater Council (2005) NSWLEC 191*:

- Open space is an essential part of the urban framework of Kendall. Existing
  plantings, gardens and trees within Kendall have been identified as forming part
  of the local character. The amended proposal has incorporated a significant
  amount of open space and landscaping with opportunities for planting canopy
  trees.
- The MHE sites are grouped together with large areas of open space surrounding and key architectural features, built form and landscaping incorporated.
- Kendall doesn't have a consistent character however does contain many older buildings and dwellings with minimal setbacks located in the central area of the township. Other areas contain newer dwellings on standard residential sized blocks and others on rural-residential lots.
- The character of Kendall has changed in the past 10-15 years with the approval of new residential land subdivisions.
- Key built elements of other buildings in Kendall include gables, weatherboard cladding, timber posts, corrugated iron roof, verandahs and picket fencing. The design reference guide submitted by the Applicant satisfactorily responds to these key built form character requirements and the community amenity buildings also satisfactorily respond to the existing character also.
- The previous approved residential subdivision is being kept in part at the front of the site to provide a mix of built form and landscape.

It is considered that based upon the above that the proposal will result in a change in character for the Kendall area in particular however this is considered to be an acceptable physical and visual impact change.

#### Infrastructure with DA 2006/57

DA 2006/57 was originally consented on 12 June 2007. The landowner's consultant provided evidence on 8 December 2010 that DA 2006/57 had been physically commenced. As the current proposal seeks to build on the same footprint, impacts on infrastructure in the surrounding area arising from the above items cannot form part of the current s79c assessment, except to the extent that the current proposal will intensify or increase these impacts.

The previous DA 2006/57 sets out a number of infrastructure requirements in connection with the residential lot subdivision and child care centre. Of note these included:

- Potable water, sewerage, underground electricity and telecommunications connections from Kendall to each lot;
- (Condition A17) Filling of the site a minimum 0.5m above the 1 in 100 year flood level (RL 5.5m AHD);
- (Condition A22) Street trees along the entire Road 1 as compensation for trees
  to be removed from the site (min. 75L plantings). Council's AUSPEC D13
  provides for a minimum average of 1 street tree per lot. 55 lots front Road 1 in
  the original consent and so 55 offset tree plantings are required. A plan is
  required to demonstrate how these trees will be provided under the current
  proposed layout within the public domain;
- (Condition A25) A minimum 2.1m wide shared cycleway from the site to the northern corner of the Kendall Showground (Lot 2 DP 1048212);
- (Condition A26) A new roundabout at the intersection of the estate entry and Batar Creek Road / Benaroon Drive;



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- (Condition B1) Upgrade of the road shoulder and table drain for the full site frontage to Batar Creek Road;
- (Condition B2) A 9m wide perimeter collector road;
- (Condition B19) Regeneration of bushland within the eastern drainage basin area;
- (Condition B20) Dedicated public pathway 10m wide in the north west of the site linking from Batar Creek Rd to the internal subdivision roads;
- (Condition B21) Obtain a permit from ARTC to bore a sewerage pipeline under the railway;
- (Condition E25) Obtain a permit for works within 40m of water courses, including the proposed filling of onsite streams (now known as a Controlled Activity Approval application to the Office of Water);
- (Condition F3) A 24-month landscape and street tree maintenance program;
- A diversion swale along the western road frontage of the site to prevent runoff from Batar Creek Road flooding proposed residential lots along the western gully; and
- Provision of bio-retention basins in the east and southwest of the site to ensure catchment runoff meets AUSPEC D5 (use of detention facilities to mitigate any increase in peak outflows) and D7 (water quality outcomes). Refer to the Stormwater heading below for further discussion.

After the initial 2-lot subdivision, it is noted that the Applicant can proceed with the original subdivision instead of this Manufactured Home Estate (MHE) proposal. Where appropriate, the above infrastructure requirements have been adjusted in line with the current proposal and are reflected in the recommended conditions of consent.

#### **Traffic Study**

Streetwise Road Safety & Traffic Services was engaged by the Applicant to conduct a Traffic Impact Assessment (TIA) for the development. The study assessed existing and future traffic conditions, and impacts that the development will have on the existing road network. Council staff has reviewed this information and its impacts to the surrounding public road network as determined the following.

The site is fronted by Batar Creek Rd south of the showground. Currently, Batar Creek Road is defined as an Urban Collector with a 9m wide pavement formation north of the showground and a Rural Local Road with a 6m wide pavement formation south of the showground.

The traffic study has carried out a traffic count at the intersection of Batar Creek Rd and Benaroon Dr and determined the existing daily traffic conditions adjacent to the site are 520 vehicles per day (vpd) and 55 veh/hr (am and pm conditions). Councils traffic counts on Batar Creek Road north of the site (near Laurel Street) taken in 2016 indicated a traffic count of 890 vpd, which is inconsistent with the findings of the one day count. Insufficient information has been provided in the Applicant's traffic study to explain this discrepancy. Therefore, for the purposes of this report, Council officers have assumed worst case conditions along Batar Creek Road based upon Council 2016 counts.

Future background conditions were evaluated assuming a 1% (growth rate) p.a. increase in traffic over a ten year period, to year 2027. Using Council's daily counts, this equates to anticipated background daily conditions in the year 2027 of 1,003 vpd.

The development proposal will consist of a mixture of Torrens Title lots and the proposed Manufacture Housing Estate (MHE) development sites. According to RMS "Guide to Traffic Generating Developments" (TDT 2013/04A Technical Direction)



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daily trip generation rates for standard residential dwellings in regional areas is determined to be 7.4vpd, 0.78 morning peak hour trips and up to 0.71 evening peak hour trips, resulting in 89 vpd for the 12 proposed Torrens Title lots.

The RMS guide does not provide similar industry trip generation rates for Manufactured Housing Estates (MHE). As such, further assumptions need to be made in determining their impacts.

Streetwise has conducted a one-day count on the 28 Jun 2017 at the Ocean Club Resort (reserved for over 55yr olds). Findings of the survey concluded the estimated daily trip generation for Ocean Club generates 3.6 vpd. Details associated with how this information was collected cannot be confirmed and only show data between 7:30 AM to 5:30 PM which may not reflect actual daily conditions.

The RMS "Guide to Traffic Generating Developments" recommends daily trip generation of 4-5 vpd, (and peak hour conditions of 0.4-0.5 vph) for two bedroom dwellings; and 5-6.5 vpd (0.5-0.65 vph) for three bedroom dwellings (using Median Density Residential Development numbers).

It is noted that this MHE proposes larger sites (280m<sup>2</sup> to 397m<sup>2</sup>) than others seen in the area (approximately 250 m<sup>2</sup>) allowing larger dwellings to be constructed on each site. As sites do not define the dwelling sizes, estimates need to be made regarding dwellings size. For the purpose of this report, Council has assumed the potential for two and/or three bedroom dwellings (noting floor plans show capability of third bedroom). Assuming a trip generation rate of 6.5 vpd, 198 MHE sites are expected to generate a total of 1,287 vpd.

Summarising finding above, Council staff expects future traffic conditions (post development) on Batar Creek Road to be approximately 2,290 vpd. Council current engineering standards (Aus-Spec, D1 "Table D1 Characteristics of Roads in Rural Residential and Rural Subdivision Roads") for rural roads would define road with expected daily traffic conditions over 2,000 vehicles to be upgraded to Collector Standards (see table below):

Category Characteristics	1 Right of Carriageway (Private Property)	2 Rural (1) Laneway	3 Local Minor	4 Local Major	5 Collector	6 Arterial	7 Rural/ Residential
Maximum No of potential Tenements	2ET	4ET	50 ET	150 ET	150 to 500 ET	NA	100ET
Vehicles/Day (vpd)	0 to 20	0 to 20	20 to 200	Over 200	>2000		400
Carriageway width & seal type	4 (gravel)	4 (gravel) (A)	6 (sealed)	6 (sealed) (D)	9 (sealed) (D) (7 m carriageway edge marked)	9 (sealed) (D) (7 m carriageway edge marked)	6 (sealed) (D)
Shoulder (C)	0.5 (gravel)	1	1 Y	1(E)	2 (1.0 sealed)	1.2 (1.0 sealed)	1 (E)
Road Reserve	10	Existing	20	20	20	30	20
Design Speed (km/h). Min Desirable Longitudinal Max	N/A 20%	20 40 16%	40 60 16%	60 80 12%	60 80 12%	80 100 12%	40 60 16%
Grading Min	201		1%			1%	1%
Crossfalls - Normal Superevaluation Max	3% N/A	3% N/A	3% Required	3% Required	3% 7%	3% Required	3% NA
Pavement Design ESA's	200 mm (gravel)	5 x 104	10⁵	5 x 10⁵	5 x 10⁵	107	5 x 10⁵

Table D1Characteristics of Roads in Rural Residential and Rural Subdivision Roads

- are nuws to ne waterned locally at blind crests and curves and provide passing bays (6 mebes wide) within it distance of each point and not greater from 300 m apart. sing and auxiliary lanes and all other criteria as per the RTA Road Design Guidelines and AUSTROADS resctions at Croads.

- 14 mm/10 mm two coat flush seal

- The width of the road formation includes carriageway, shoulder and table drain



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Furthermore, the scale of the development will create more than the minimum equivalent tenements requirements for a rural collector road. As such this development creates the need to upgrade Batar Creek Road from a Rural Local Road standard to a Collector Road standard. The DA has been conditioned to require this upgrade to Batar Creek Road, from the development intersection on Batar Creek Road north to the existing collector road network (showground driveway).

North of the showground, the existing pavement width is 9m, which is consistent with an Urban Collector standard. Section of road has two pinch points at existing culverts, where two-way traffic is restricted. Council staff has considered that the culverts shall be widened to cater for the collector standard, which includes for the provision footpaths both sides, recognising however, that this development shall require the construction of the footpath on one side only.

Streetwise has assessed the development intersection with Batar Creek Road and determined this intersection should be upgraded to a roundabout, consistent with the previous DA on this site (DA 2006/57). Council staff agrees with this assessment.

Conditions have been applied to the DA reflecting the above.

#### **Road Network**

Many of the concerns associated with additional traffic using the public road network as a result of new developments can be divided into three domains: safety, where the risk of harm to persons or property is increased or a new hazard is created; efficiency, where parts of the road network approach capacity resulting in unacceptable delays as determined using traffic engineering practice; and maintenance, where the additional traffic wear on the road results in more frequent and/or higher cost maintenance by Council (and thus the community).

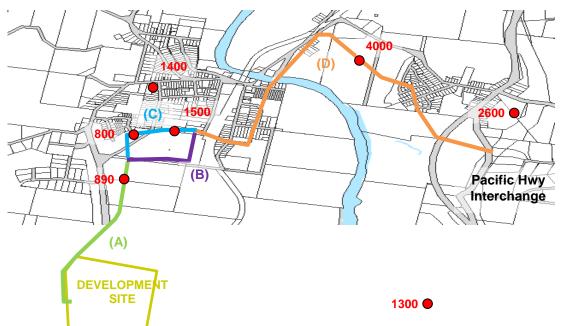
The primary route between the development site and the Pacific Highway, which provides access to other settlements, employment areas and services, is via the Kendall and Kew town centres. Constraints in relation to that road network are analysed in this section.

There are other road routes out of Kendall, including southwards along Batar Creek Road through State Forest and Middle Brother National Park to the Pacific Highway, but due to travel time these will attract a negligible share of daily trip generation as a result of the proposed development.

The figure below shows in red various traffic count data, which approximately represent the average daily trips at each location, obtained by Council between 2014 and 2016 in the vicinity of the local road network affected by the development. The applicant's derived 520 trips per day at the proposed roundabout intersection of Batar Creek Road and Benaroon Drive is also shown.



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For the purpose of the road safety and capacity analysis in this report, the route has been broken into segments as illustrated (A) to (D) shown above. Road standards for a given classification such as number of traffic trips and widths are set out in Council's AUSPEC D1 (Geometric Design) Table D1.5. Where Equivalent Tenements are calculated they are intended as a guide only, and represent the equivalent number of residential dwellings it would take to generate a similar amount of traffic on average, using a rate of 9 trips per dwelling derived from the RMS *Guide to Traffic Generating Developments* 2002.

#### (A) Batar Creek Road – Benaroon Drive to Laurel Street

Batar Creek Road in the vicinity of the site is characteristic of a rural road, with bitumen seal, gravel shoulders and a grassed swale draining each side of the road formation. It is a public road owned and maintained by Council.

The adjoining land is zoned R1 General Residential (the site to the east) and R5 Large Lot Residential (Benaroon Drive to the west).

As the road heads north past the showground the adjoining lot frontages become narrow, in character with a residential area. The road widens out with room for onstreet parking in vicinity of the showground, and concrete kerb and gutter for much (but not all) of the road. The section of road around the Laurel Street intersection narrows considerably and lacks kerb and gutter. This section is a sag point with significant flooding risk and is detailed in the Kendall Stormwater Management Plan (Storm Consulting, 2013).

	Existing	Post-development
Traffic trips per day	520 to 900	2410
Residential Equivalent Tenements (ETs)	58 to 100	268 to 310
Min. AUSPEC Standard	Urban Local	Urban Collector
Sealed Width	6m (south of showground) 5.5 to 11m (south of Laurel St)	9 sealed

On completion, this section of road will be frequented by trucks associated with the existing rural and forestry land to the south, a large increase in service trucks (garbage collection) proportional to the population increase, and a likely proportional increase in school buses, public buses and MHE bus trips. In terms of

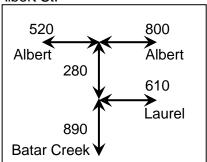


safety, given this and the large (greater than double) increase in general traffic volume, the width of the existing road along section (A) is a serious concern. Under Council's AUSPEC standard, the traffic volumes meet the lower range of both the recommended daily trips and Equivalent Tenement (ET) thresholds for a Collector Road, which sets a width of 9m. Where no provision is made for off-road cyclists along a road, at least 1.5m of pavement width in each direction should be available as on-road lanes or sealed shoulders.

For section (A) conditions of consent have therefore been recommended to require widening of the road to a minimum sealed width of 9m, being two 3.5m wide lanes plus two 1.0m sealed shoulders. In addition, a shared footpath shall be provided from the development to the showground, min 2.5m wide.

As can be seen in the above road network diagram, there is a drop in the traffic count along Albert Street which indicates that there is an alternative traffic desire line along Laurel Street attracting a significant proportion of traffic. The magnitude of this traffic split has been estimated as follows:

- I.From review of aerial photography there appear to be approximately 110 dwellings along Batar Creek Road from Kendall to the State Forest to the south. For 890 trips per day this equates to 8 trips per dwelling (similar to the RMS Guide).
- II. Albert Street had approximately 65 completed dwellings in mid-2016 (the year both traffic counts were obtained). Assuming a rate of 8 trips per dwelling, this would equate to roughly 520 trips per day.
- III. The number of trips counted on Albert Street (800 per day) minus the number of trips that would only use Albert Street at (II) above (i.e. excluding Batar Creek Road traffic) gives 280 trips per day using Batar Creek Road via Albert Street.
- IV. The number of trips using Batar Creek Road via Laurel Street is likely to be 890 minus the trips going via Albert Street (280) which yields 610 trips per day, based on the available data. This is an approximately 70% to 30% split Laurel St vs Albert St.



#### (B) Laurel and Orara Streets - Batar Creek Road to Graham Street

#### **Laurel and Orara Streets**

It is assumed that without reconfiguring existing intersections, the split between Laurel and Albert Streets would remain in the same proportion (70% and 30% respectively) with new traffic on completion of the development. 70% of the 2780 (210x9+890) total trips equates to 1946 trips per day.

	Existing	Post-development
Traffic trips per day	610 (estimated) + local residences	~1946
Residential Equivalent Tenements (ETs)	68	~278
Min. AUSPEC Standard	Local Street	Local/Collector Street



#### Sealed Width 9m 9m

Numerous public submissions have raised concern with the proposed increase of traffic on Laurel Street for the loss of residential amenity and tension between on-street parking and through traffic. Another significant concern in regard to safety is the presence of a blind crest vertical curve midway along Laurel Street. While these are existing concerns, the proposed intensification will not affect the classification of the existing road.

No upgrade of the road classification appears required for this segment, as the resulting trips post-development are still within the AUSPEC defined range for a Local Street/Collector Street with width of 7m.

# (C) Albert and Comboyne Streets – Batar Creek Road to Graham Street Allocating the remaining (30%) portion of trips from Batar Creek Road, on completion of the development an additional 834 trips are expected along this segment.

	Existing	Post-development
Traffic trips per day	800 to 1500	~1724-2334
Residential Equivalent Tenements (ETs)	89 to 167	299 to 377
Min. AUSPEC Standard	Local Street	Local Street/Collector
Sealed Width	6m	6m-9m

No upgrade of the road classification appears required for this segment, as the resulting trips post-development are still within the AUSPEC defined range for a Local Street/Collector Street with width of 7m.

#### (D) Kew Road - Graham Street to Nancy Bird Walton Dr

Impacts on these roads is not considered significant. Examining the existing vehicle movements and the proposed increase from the development, the impact is considered insignificant.

#### Roads and Maritime Services (RMS)

Consistent with RMS requirements, the proposal was referred to the RMS on 19 December 2017. RMS' review of the proposal determined:

Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

1. The Consent Authority should be satisfied that the impacts of through and turning traffic has been adequately addressed for the impacts on the regional and local road network.

Council has considered the details of the traffic study in relation to the vehicle movement per day and the impact of the additional traffic on local road networks. The applicant has used 4v/d to calculate the future traffic associated with the development. This rate is making an assumption that the development has been restricted to an aged demographic. This figure is not considered appropriate for the reasons detailed earlier.

The additional traffic impact from the development has changed the classification of Batar Creek Road. Council has applied DA conditions to deal with the upgrade required with the development.

2. The proposed roundabout should be designed and constructed in accordance with Austroads Guide to Road Design Part 4B. The design should accommodate the



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turning paths of the relevant design vehicles requiring access to the site. Suitable street lighting should be identified and installed to relevant specifications.

This development has proposed a roundabout on Batar Creek Road (at Benaroon Drive). Given the traffic counts as detailed in the traffic study, this approach would be supported by Council. Full design details will be required to comply with Austroads and Aus-Spec and shall be provided as part of the Roads Act Approval.

- 3. Any proposed change in speed zoning should be referred to Roads and Maritime for consideration prior to the issue of any Roads Act approval for the roundabout. Council has applied DA conditions to address any speed changes as a result of the development.
- 4. Consideration should be given to external connectivity for public transport facilities and active transport modes such as walking and cycling.
  - In line with the upgrade of Batar Creek Road, Council has conditioned a shareway/cycleway for connectivity of new residents with the village. These upgrade works extend into the village in order to provide bike/walking paths for future residents.
- 5. Regulatory signs and devices will require the endorsement of the Local Traffic Committee prior to Council's approval.

Endorsement of the Local Traffic Committee shall be required prior to Council approval of the future roundabout on Batar Creek Road. DA conditions have been applied to the DA to address this concern raised by RMS.

#### **Pedestrians**

This development is proposing effectively 208 new residential sites for development. A pedestrian path has been proposed to connect to Batar Creek Road on the North Western corner of the site.

This proposed location is approx. 375m south of the showground entry. At this location Batar Creek Road is 6m wide with an uneven reserve and tree lined. There is no existing footpath network in this area.

The proposed development is approx. 1km from Albert Street (intersection at Benaroon Drive) or 750m from the north western corner of the side. The development is considered to be within a reasonable distance from the town to require connectivity; by way of footpaths and cycleways. DA conditions have been applied to the consent to require footpath and cycleway connectivity to Albert Street.

The section of Batar Creek Road, south of the showground entry has been conditioned to provide a cycleway at 2.5m wide, which is to provide connectivity to the manufactured home estate and the torrens title lots.

The section of Batar Creek north of the show ground has been conditioned to have a 1.5m footpath on one side of the road only, noting that the pavement along this section of road is approx. 9m wide, which can accommodate cyclists. This footpath shall continue to Albert Street and shall include the inclusion of widening the culvert crossings to accommodate footpath both sides of the road, although only one side has been conditioned to be constructed at this stage.

Design Plans shall be required as part of the Road Act Approval, and details relating to slope and gradients shall be assessed in relation to Aus-Spec and disability access.



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#### **Parking and Manoeuvring**

A total of 70 parking spaces (including 4 disabled spaces) have been provided onsite. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890), Local Government Regulations and conditions have been imposed to reflect these requirements.

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

#### **Water Supply Connection**

Council records indicate that the development site is not currently connected to water.

Council's existing water supply system shall be extended to service the development site at no cost to Council. Water main extensions to the site include a 200mm diameter main from Albert Street across the Poets Ridge development (through the existing water supply easement), along the west side of Batar Creek Road to Benaroon Drive area then crossing Batar Creek Road into the development site. Connection to the 100mm Benaroon Drive water main will be required.

Each dwelling shall be individually metered for water supply with a master meter at the road frontage. 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.

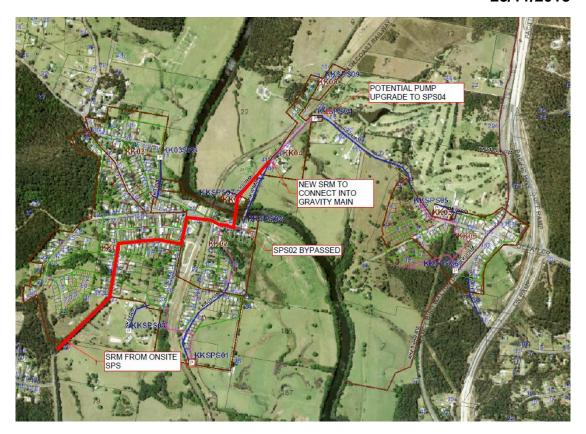
#### **Sewer Connection**

Council records indicate that the development site is not currently connected to sewer.

The Council sewerage system adjacent to the proposed development does not have sufficient sewerage capacity to cater for this development. A Sewerage Reticulation Strategy shall be submitted to the Water and Sewer Section for approval prior to release of the Construction Certificate. The internal village sewerage lines are to be private owned and maintained.

Several concept schemes were submitted during the assessment of the DA to address sewerage disposal from the development. The latest conceptual option is shown below:





A sewerage pumping station shall be constructed to Council's requirements and discharge into manhole KK04P008MH with an odour control device installed at no cost to Council. If flushing of the proposed sewer pump station is required to facilitate a sufficiently sized turnover of sewage then this is to also occur at no cost to Council.

The proposed sewer infrastructure for this development shall be extended at no cost to Council to provide Lot 2 DP1048212 with a gravity sewer connection.

The extension of Council's sewerage system to serve the development by the Applicant involves under boring of the North Coast Railway and will require Council to enter into a licence with the Australian Rail Track Corporation (ARTC). In this regard, it would be a requirement that prior to the issue of the Construction Certificate, the Applicant is required to submit sewerage plans that satisfy both Council's and the ARTC's requirements. During construction the Applicant must adhere to the requirements of Council for the construction of sewer and the ARTC with regard to the licence for the construction of infrastructure within the railway corridor.

#### Stormwater

The development site forms part of the Camden Haven River Catchment. It generally drains to the east and south towards natural gullies downstream of the site.

The development site is also traversed by a number of natural overland flowpaths, one originating from the land to the north and northwest, with the flowpath entering the site from the adjoining showground. A second flowpath adjoins the site frontage to Batar Creek Road, originating from developed land to the west. It is likely that flows from within this second flowpath do not enter the subject development site, however analysis of the capacity of the existing street drainage system, catchment and overland flowpath is required to be submitted at CC stage to confirm. This has been addressed by way of conditions of consent.



### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

The Development Application is accompanied by a stormwater management plan which includes the provision of both on-site stormwater detention facilities and water quality control facilities designed to meet the requirements and targets of AUS-SPEC D5 and D7 in relation to stormwater discharge rates and quality.

Conceptually, the proposal achieves compliance with the above standards, however detailed modelling and assessment will be required to be submitted in support of a future Construction Certificate/S68 application.

As outlined in the Road Network section above, the development proposal results in a need/requirement to upgrade a number of existing roadways/intersections as a result of the increase traffic generation resulting from the development. Any road /intersection upgrade, must be accompanied by a stormwater management plan to demonstrate that the upgraded road pavement meets the stormwater drainage requirements of AUS-SPEC D5 and D7. This will necessitate the construction, upgrade and amplification of existing stormwater infrastructure within and adjoining those sections of Batar Creek Road being upgraded as a result of the proposed development.

#### **Other Utilities**

Telecommunication and electricity services are available to the site.

Evidence of satisfactory arrangements with the relevant utility authorities for provision to each proposed lot and the MHE will be required prior to Subdivision Certificate approval and final Section 68 permit to operate the MHE being issued.

#### 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 bulk earthworks including site levelling, vegetation removal and dam filling have previously been approved for the site, thus they will provide a suitable platform for the development.

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



### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

Construction of the proposed development will require removal/clearing of vegetation. The Applicant has submitted an ecological impact assessment prepared by Naturecall Environmental. In summary the following has be identified from the ecological assessment:

- No threaten flora species have been identified.
- The development will see the removal of 1500m2 of modified swamp forest vegetation.
- The study site does not contain any core koala habitat under SEPP 44.
- No threatened fauna species were recorded on the site.
- Removal of 13 koala food trees is proposed and offset planting is required and proposed – refer to landscaping plan.
- An assessment under the seven part test (as in force at the time of lodgement of the DA) determined the impact, whilst being a generic negative effect in terms of incremental loss of habitat, is unlikely to be of sufficient order of magnitude to have a significant impact.

The extent of the previous approved subdivision works is also noted.

The ecological assessment is acceptable and demonstrates that the proposal will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Section 5A of the Act (as in force at the time of lodgement) is satisfied.

#### Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition recommended.

#### **Energy**

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

#### Noise and vibration

The operation of the dwellings and community facilities are proposed by the Applicant to not be restricted by hours of operation, but rather by standard noise criteria under the Protection of the Environment Operations Act 1997.

A 20m wide landscaped strip (as amended) to the showground to the north with a 1.8m high wire security fence to the boundary and timber fencing to the dwelling sites. This should assist with providing some mitigation of potential impacts with showground operations and activities.

No other adverse impacts are anticipated.

A standard condition recommended to restrict construction to standard construction hours.

#### **Bushfire**

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes: subdivision of bush fire prone land (2 lot subdivision included in proposal) and a MHE that could lawfully be used for residential purposes.

The Applicant has submitted a bushfire report prepared by a Consultant. The report assumes that proposed subdivision will occur and has carried out an assessment under Section 100B requirements.



### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

The Commissioner has assessed the development and has issued a Bushfire Safety Authority subject to conditions. A copy of the Authority is 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.

#### Social impacts in the locality

A Social Impact Assessment prepared by All About Planning has been submitted with the DA as required by Council's Development Control Plan 2013 and Social Impact Assessment Policy.

The below is a list of the key recommendations from the Social Impact Assessment, which the Applicant has justified that have been incorporated into the site plan or are addressed in the accompanying expert reports:

Retain an on-site resident manager.

- 1. The landscaping must also reduce visual impacts from both the showground and MHE site by introducing a substantial landscaped setback along the full northern boundary of the MHE.
- 2. A Traffic Engineering Assessment is to be provided with the Development Application.
- Consideration of pedestrian refuge/crossing point near Benaroon Drive on Batar Creek Road, a footpath to link proposed Road No.1 to the start of the pedestrian and cycle path in the north-west corner of the site, street lighting and upgrade of nearby roads.
- 4. Address showground security concerns by incorporating a high security fence along the full northern boundary of the MHE site.
- 5. The front gate to the site is to be left open during the day, to facilitate site access by visitors, tradespersons and the like and to ensure a friendly and welcoming entrance to the site is maintained. The open gate policy is to be reflected in the MHE's adopted Operational Plan.
- 6. A Community Bus is to be provided to assist with the transport needs of MHE residents. A Community Bus Time Table is to be developed and distributed to residents.
- 7. The pedestrian and cycle link required under the DA 2006/57 for residential subdivision on the site is to be constructed as part of the initial site works, together with the other community facilities, boundary fencing and landscaping.
- 8. The roundabout required under the DA 2006/57 for residential subdivision on the site is to be constructed as part of the initial site works, together with the other community facilities, boundary fencing and landscaping.
- 9. Preparation of a MHE Showground Community Engagement Plan to minimise risk of complaints from MHE residents about ongoing showground events and activities.
- 10. Enquiries are to be made with Council to confirm if current Section 94 and 64 contributions are targeted for expenditure within Kendall. Further, whether Council will permit a Kendall specific material public benefit or Voluntary Planning Agreement in lieu of these standard contributions.
- 11. Ongoing Kendall community consultation is to be undertaken.
- 12. During Council's public exhibition of the proposed development details, one hard copy of the proposed development should be provided by the proponent for Council to arrange for display at the Kendall Community Centre.



### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

- 13. A suitably fitted out space is to be created within the community clubhouse for booking and use by a consulting medical professional or other relevant resident service providers.
- 14. An offer is to be extended by the MHE site management and owners for occasional use of the MHE's on-site synthetic grass tennis court for local based tennis competitions on request by the Kendall Tennis Club.
- 15. The MHE operator is to adopt an Internal Neighbour Disputes Policy and this policy is to be referenced in all site lease agreements.
- 16. The MHE developer is to adopt a Local Workers Employment Priority Policy for suitable qualified and available trades for all construction and ongoing operational stages.
- 17. The stormwater detention basins proposed on site should be required by condition of consent to be constructed in the early stages of the development as appropriate for the size of the proposed staged construction.

Subject to the above being complied with, the proposal has been assessed as being unlikely to result in adverse social impacts which would warrant refusing the DA.

A key requirement of the Social Impact Assessment is to recommend provision of a private Community Bus to assist with the transport needs of MHE residents particularly noting that the proposal may provide for housing of seniors. A booking room is also to be available for local medical practitioners and other resident providers. Residents of the MHE will have access to Laurieton based medical facilities via the private bus transport.

Issues relating to impact on character have been addressed above earlier in this report. It is also noted that the gate at the entrance to the MHE has been removed. Appropriate conditions have been recommended to address the requirements of the above.

#### **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 adequately fit into the locality and the site attributes are conducive to the proposed development to not warrant recommending refusing consent to the application.

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



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

134 written submissions and a signed petition have been received following public exhibition of the application on two (2) occasions due to amendments being made to the proposal.

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

Submission Issue/Summary	Planning Comment/Response
General infrastructure	
Township of Kendall does not have the infrastructure and amenities to support this size development.	Subject to compliance with all recommended conditions for upgrades to infrastructure and services the proposal is suitable for the site.
	The proposal provides for private bus transport for which future residents of the MHE who are not able to drive by car will be able to travel to other destinations other than Kendall if required.
	The zoning of the site permits the proposal.
Adverse impacts on local residential home values.	Any potential impacts on land and property values are unable to be considered as part of the planning assessment of the DA.
No provision made by the developers or the Council to contribute to the improvement of roads, storm water or waste services.	Subject to compliance with all recommended conditions for upgrades to infrastructure and services the proposal is suitable for the site.
	The Applicant has also requested that with regard to any works that involve a material public benefit shall be given due consideration to be offset against development contributions in a works in kind / offset arrangement against Section 94 contributions.
If the proposal is to be approved, an enormous investment in infrastructure is required before the project starts.	Subject to compliance with all recommended conditions for upgrades to infrastructure and services the proposal is suitable for the site. Major upgrades to sewer main and road infrastructure as part of Batar Creek Road form part of these requirements.
No firefighting plans or equipment have	This will be subject to details assessment as part of the assessment



Submission Issue/Summary	Planning Comment/Response
been indicated.	under a Section 68 permit application to comply with the Local Government Regulations for Manufactured Home Estates.
Roads and traffic	
Batar Creek Road is too narrow.  Batar Creek Road has no lines, no street lights, and no gutters, nowhere safe for people / children to walk down the road.	Batar Creek Road as a rural collector road is recommended to be conditions to be upgraded from the development up to the entry of the showground to a 7m wide carriageway with 1m sealed shoulders both sides of the road. North of the showground, the rural collector standard shall be required in terms of pavement depth with kerb and gutter both side of the pavement, in keeping with current development along this section.  A shareway/footpath is also required
Where the proposed roundabout at the end of Benaroon Drive at the moment this intersection is used as a school bus pick up and drop off zone.	along Batar Creek Road.  A condition is recommended to require provision of a bus bay in accordance with Council's adopted AUSPEC Design and Construction Guidelines and shelter in accordance with Council standard drawings.
Batar Creek Road would not cope with the increased traffic either in the construction phase or with the residents upon completion.	Subject to compliance with all recommended conditions for upgrades to infrastructure and services the proposal is suitable for the site.
The streets of Kendall are in very poor condition.	
Council needs to do major road upgrades within Kendall and between Kew and Kendall.	
Neither Council nor the developer intend any road upgrades to Batar Creek Road or the road intersections leading from Batar Creek Road.	
Major concern with intersections of Albert Street and Comboyne, (near School of Arts village hall), and the major intersection at Comboyne and Graham Street, (near Citizens and Services Club). These intersections are often confusing	The subject roads have been assessed earlier in this report as having capacity to handle the additional traffic and it is considered that there is not enough nexus between the proposed development



Submission Issue/Summary	Planning Comment/Response
and awkward even when traffic is light. The increased volume of traffic will increase the potential for accidents, and will probably make these intersections highly congested and dangerous.	and these other sections of road to be required to have upgrades as conditions of consent.
At times cars are parked on either side of the top section of Comboyne St, between the Liquor Shop and the hall, reducing the road to an awkward single lane. The projected increase in traffic will worsen this situation.	
The proposal should be referred to the NSW Roads and Maritime Services (RMS) in accordance with the Infrastructure SEPP.	Referral to the RMS has occurred and advice received has been considered in this assessment as detailed earlier in this report.
There are 443 dwellings in Kendall. This development aims to add another 299 manufactured homes. There is no question the increase in traffic resulting from this development, on roads that already require improvement, will have an impact on safety.	The proposal has been amended to reduce the number of manufactured home sites from 280 to 198 sites. The subject roads have been assessed earlier in this report as having capacity to handle the additional traffic.
The right hand turn out of Batar Creek Road onto Albert Street is quite dangerous as there is limited view of oncoming traffic.	The subject roads have been assessed earlier in this report as having capacity to handle the additional traffic and is there is not
The developer's own Traffic Assessment calculates an increase of around 300 cars per day, resulting in a dramatic increase of over 1000 vehicle trips per day. The fact that there are no plans to upgrade the roads is highly concerning.	enough nexus between the proposed development and these sections of road to be required to have upgrades as conditions of consent.  Subject to compliance with all recommended conditions for upgrades to infrastructure and services the
Has the state of the bridge been assessed to cope with an influx of traffic.	proposal is suitable for the site.
Laurel St is narrow and has a dangerous crest, (cars often are head on at the crest as they go around parked cars on the narrow road).	
Poor visibility turning right on to Comboyne St exiting Kendall.	
The Intersection of Graham Street and Comboyne Street is poor.	
With the railway running through Kendall	

Submission Issue/Summary	Planning Comment/Response
and halting traffic on every occasion freight or passenger trains pass through (for up to five minutes with some longer freight trains). What measures will be put in place to hold and disperse this traffic build-up so that it does not cause continual disruption to businesses and the town centre with the increase in traffic proposed.	
The developer has not resolved or addressed any of the traffic concerns raised by the community and Council within their amended submission.	
How much of the Section 94 contributions will be spent in Kendall.	Specifics of where the section 94 contributions would be spent if the development goes ahead (and noted to be in stages) would need to be considered at that time by Council.  The Applicant has stated that the developer is open to a works in kind arrangement whereby some of proposed works off-site could be provided at the time of the development in lieu of payment of development contributions.
No mention has been made in the traffic report of the logging trucks travelling along Batar Creek Road during logging season and the size of the proposed roundabout would be difficult for a fully laden logging truck to negotiate.	Batar Creek Road as a rural collector road is recommended to be upgraded via a consent condition to require upgrading from the development up to the entry of the showground, i.e. 7m wide carriageway with 1m sealed shoulders both sides of the road. North of the showground, the rural collector standard shall be required in terms of pavement depth with kerb and gutter both side of the pavement, in keeping with current development along this section.
Pedestrians and cyclists	
Footpaths will be needed to be addressed.  Increased traffic will increase the danger to children both cycling and walking to the pool and tennis courts.	Conditions are recommended to require construction of a minimum 2.5m wide pedestrian shareway along Batar Creek Road to the entrance to the Showground and a 1.5m footpath from the Showground to Albert Street.
The lack of footpaths within the Kendall area does not cope with Kendall's	A 1.5m wide footpath is also required along the entry road within the



Submission Issue/Summary	Planning Comment/Response
population now. Increasing the population will not help.	development.
Public transport	
Public transport is minimal there is no Public Bus service to where the proposed estate will be.	A private bus service is proposed for those future residents of the MHE that are unable to drive by car to other destinations.
Water supply	
The proposal will put more strain on Water Supply. Residents in Benaroon Drive have water pressure problems which will be made worse.	Council's existing water supply system shall be extended to service the development site at no cost to Council. Water main extensions to the site include a 200mm diameter
Since the poets ridge estate has gone ahead there has been a drop in our water pressure.	main from Albert Street across the Poets Ridge development (through the existing water supply easement), along the west side of Batar Creek Road to Benaroon Drive area then crossing Batar Creek Road into the development site. Connection to the 100mm Benaroon Drive water main will be required.
Sewerage capacity	
Can the present sewerage treatment plant cope with the increase.	The Council sewerage system adjacent to the proposed development does not have sufficient sewerage
The increased loading (181,000 to 249,000 litres/day) on the sewerage system during peak periods would necessitate significant upgrades to existing infrastructure.	capacity to cater for this development. A Sewerage Reticulation Strategy shall be submitted to the Water and Sewer Section for approval prior to release of the Construction Certificate.
No sewer plan is shown.	Refer to comments provided earlier in this report including a proposed new sewer line.
Social impacts	
The proposal will be a gated community become a separate community from Kendall.	The original gates at the entrance proposed have been removed as part of the amended proposal.
The other residents of Kendall will not be allowed to use their pool, tennis court or bowling green.	The Applicant has advised that an offer is to be extended by the MHE site management and owners for occasional use of the MHE's on-site synthetic grass tennis court for local



Submission Issue/Summary	Planning Comment/Response
	by the Kendall Tennis Club.
	Other amenities are a requirement of the State Government's SEPP 36 to provide on-site.
People will need to commute to work, shops, school, health services and other government services in either Port Macquarie or Taree.	A private bus service is proposed for those future residents of the MHE that are unable to drive by car to other destinations including medical facilities within Laurieton.
There is also no amenities such as supermarkets, chemists, doctors etc within Kendall itself and transport by bus is almost non-existent in the afternoon so any non-drivers would be isolated.	The Applicant is also required to provide a suitably fitted out space is to be created within the community clubhouse for booking and use by a consulting medical professional or
There is a lack of medical and pharmaceutical services in Kendall. The proposal is for an over 55s development. These should be located, sensibly, near appropriate medical, pharmaceutical and hospital services. There is little prospect of attracting medical services to Kendall given the overall difficulty of attracting doctors to live and work in regional areas.	other relevant resident service providers.
A better location for this many households would surely be in Port Macquarie or Taree close to services.	This is difficult to assess and this assessment relates to the subject proposal only. The site is zoned to permit the MHE proposal.
Small cheap homes is a recipe for social problems and at the very least a less than optimal plan for housing.	The site is zoned to permit the MHE proposal.
With so many small houses so close together there will be increased neighbourhood disagreements over noise and other issues of close proximity.	The amended proposal includes proposed sites ranging in area from 249m2 to 561m2 which is much greater than the minimum 130m2 site area permitted under SEPP36. There is also relatively large areas of open space provided along the roads and between the groups of sites.
A huge influx to Kendall's population will have a detrimental impact on the social cohesion.	The proposal is noted to be a significant increase in population and housing numbers to Kendall however that is assuming all stages of the
The Social Impact Assessment should cover core issues around access to	development proceed in the short to medium term.
services and amenities but also more broader context, setting and the unique	The proposal's suitability for the site has been assessed in its entirety as



Submission Issue/Summary	Planning Comment/Response
character of Kendall.	being acceptable and does not warrant recommending refusal on the grounds of an increase in population or number of dwellings for the reasons stated through this report.
Minimum financial or social gain to Kendall will result due to there being no need to integrate the Estate with the Kendall community.	The proposal is permissible in the R1 zone applying to the site under State Government SEPP 36 legislation.
There is distinct scope for a 'ghetto' to be created.	There is no evidence that this will occur and the proposal is not intending to create a ghetto.
Unable to establish from the documentation that this is a development where the residents are to be over 55.	There is no restriction proposed formally within the proposal to be a Seniors Housing development however it is noted that the proposal is targeting this age group.
The development provision includes that a variety of dwelling types including studio, 1, 2, and 3+ bedrooms. This MHE proposal appears only to provide 2 bedroom dwellings. This is not achieving the diversity anticipated by this policy.	The Applicant has chosen to propose an alternate form of residential housing permitted under State Government legislation and the front western section of the site will mostly be retained for standard residential housing with relatively large
The proposal removes the opportunity for most younger people to be able to purchase a property because it appears that mortgages and financing is not possible.	residential lots.
No police presence in Kendall to cope with any additional adverse activities.	An on-site manager is proposed to manage any potential issues other than what needs to be policed if so required.
Population growth does not naturally lead to a better economic outcome for local businesses. The proposal will not benefit local businesses.	The proposal is assumed to have potential to benefit growth of local businesses with additional residents.
Emergency services	
There will be more strain on the local Emergency Services for example when there is flooding the township.	Noted. The site is zoned for the subject proposal and will be flood free on its own at completion of the works.
What measures are in place for safety of residents should there be a bushfire or	A specialist Bushfire Risk Assessment (as amended) has been



Submission Issue/Summary	Planning Comment/Response
natural disaster.  Has a Bushfire Risk Assessment been performed for the new development, both in its own right and for potential impact on	submitted and Bushfire Safety Authority has been granted by the NSW Rural Fire Service to the proposal subject to conditions.
the Showgrounds as a refuge.  Impacts on adjoining showground	
impacts on adjoining snowground	
Noise restrictions will be placed on the Camden Haven Showground and Society.	A 20m wide landscaped strip (as amended) to the showground to the north with a 1.8m high wire security
A buffer of medium height Lilly Pillys will do nothing to reduce noise.	fence to the boundary and timber fencing to the dwelling sites. This should assist with providing some mitigation of potential impacts with showground operations and activities.
Security to the showground needs to be addressed as this would be a shortcut to most of Kendall's existing facilities.	A dividing fence will be required on the northern boundary of the site.
The maintenance of the landscaped buffer area located at the rear of multiple small dwellings appears not to have been considered.	Maintenance of the buffer area will be the ongoing responsibility of the estate operators for the residents.
Question whether 20m buffer and engagement plan will mitigate any issues with showground.	This engagement process will assist with setting expectations for future residents and resolving any issues.
Crime risk	
Possibility of criminal activities increasing in the area.	A specific Crime Prevention Through Environmental Design (CPTED) report has not been submitted
No Crime Prevention Through Environmental Design report has been submitted.	however together with the justification details and based upon a Council assessment of the design layout and building designs no adverse crime risk potential can be identified.  Adequate casual surveillance will be available for all community amenities within the development. The Applicant has also stated that appropriate external lighting, signage and fencing will be proposed together with on-site management which will reduce the potential for crime risk behaviour.
Impact on character of Kendall	



Submission Issue/Summary	Planning Comment/Response
Object to 283 manufactured homes on one site is not in keeping with the living style in a small and quiet country village of Kendall.	The number of MHE sites has been reduced to 198 during the assessment of the application
The size and scale of this development would be to the detriment of the village of Kendall and its' residents.	Based upon the current amended proposal inclusive of character analysis and design restrictions proposed, landscaping and retaining
Cheap mass produced cabins in rows will be installed like Lake Cathie Ocean Club Resort with no trees.	part of the previous approved subdivision at the front western section of the site, the proposal is acceptable.
The establishment of Manufactured Home Estate is an alternative form of medium density housing.	Noted.
The bulk and scale of the prefabricated housing is not in keeping with the rural village character of Kendall.	The Applicant has stated that there will a certain level of uniformity in terms of the range of materials and single storey nature of dwellings however there will be varying roof forms, materials, landscaping and fencing.
	The impact of the proposal on the existing character of Kendall has been assessed earlier in this report.
Council's Urban Growth Strategy [UGMS] states: "Kendall has some capacity for urban expansion within existing residential zoned land. It is important, however, that new developments respect the historic built form and natural landscape of the town and that a strong visual and physical separation is maintained from Kew." (UGMS-1.1.2(c) Rural Residential-p55).	Noted. The impact of the proposal on the existing character of Kendall has been assessed earlier in this report. Based upon the current amended proposal inclusive of character analysis and design restrictions proposed, landscaping and retaining part of the previous approved subdivision at the front western section of the site, the proposal is considered acceptable.
It is a high-density prefabricated housing estate, which is highly incompatible with the rural aspect and historic built form and natural landscape of the town. A high-density development is completely out-of-place in a village of low to medium density housing.	Manufactured housing estates are considered not to be high density developments and the subject proposal is noted to be less dense than other MHEs within the local government area.
Kendall is an open neighbourhood rural streetscape of individualised rural housing, many of which have historic value. Some buildings have heritage	The existing character of Kendall has been noted during the assessment of the application.
listing. This development will introduce a	The number of MHE sites has been

Submission Issue/Summary	Planning Comment/Response
self-contained housing estate.	reduced to 198 during the assessment of the application.
The proposal will result in an inferior aesthetic compatibility.	Based upon the current amended proposal inclusive of character
The clustered development is obviously not in harmony with the existing built form and natural landscape.	analysis and design restrictions proposed, landscaping and retaining part of the previous approved subdivision at the front western section of the site, the proposal is acceptable.
The Kendall Serviceman's Club, Kendall Tennis Club, Kendall Pool and Kendall Men's Shed all contribute to the character of Kendall Village and demonstrate a strong sense of community. These services in Kendall, along with the Show Grounds, community garden, Kendall Hall and The Meeting Place provide a sense of place for residents which the proposal does not respond to.	The existing community facilities within Kendall are noted.
The canopy trees which line Batar Creek Road define the rural character of Kendall, the developer intends to remove all vegetation on the site and replace with landscape plantings this is completely out of character for the area.	A select line of trees as shown on the plans along Batar Creek Road are not proposed to be removed unless infrastructure upgrades require such removal. The subject Lot 121 is noted to be subject to a subsequent future DA. No specifics are available as part of this DA.
	The replacement landscaping for the remainder of the site to be cleared is substantial including planting of trees which will grow into large canopy trees and considered acceptable.
The developers themselves seem somewhat uncertain and contradictory as to whether their planned estate is compatible with Kendall's unique character. Perhaps they realise this high density, prefabricated housing estate is totally out of character with Kendall, and needs to be hidden from the public domain by Batar Creek Road buffers.	This concern raised following the original proposal being exhibited was noted. The Applicant was requested to address and subsequently have submitted an amended proposal with a significant reduction in MHE sites, increased landscaping and additional justification from a character perspective.
The amended DA is still not within character of the local area.  The screening and fencing is an admission on the developer's part that the MHE is not in character with the local character. There is no other area in Kendall that needs to be screened off.	Based upon the current amended proposal inclusive of character analysis and design restrictions proposed, landscaping and retaining part of the previous approved subdivision at the front western section of the site, the proposal is acceptable.

Kendall that needs to be screened off.



of the site, the proposal is acceptable

Submission Issue/Summary	Planning Comment/Response
Density and site suitability	
This type of housing is not appropriate in such a concentrated form and not a fix to housing affordability.	The MHE is permissible under State Government legislation being the SEPP 36.
This development will add 299 new dwellings into a village of around 450 dwellings.	The proposal has been amended during the assessment of the application to proposed 198 MHE sites.
There will be 63% increase in residences in Kendall made up almost entirely of small houses on small blocks located in a small relatively isolated area with poor traffic access.	The MHE is permissible under State Government legislation being the SEPP 36.
Support for the proposal which will provide good housing needed in the area and boost the local economy.	Noted support in 1 submission.
The amended proposal with a total of 210 new dwellings is not developing at a natural rate, for example over 30 years and is a sudden massive increase of population in Kendall.	The proposal is noted to be a significant increase in population and housing numbers to Kendall however that is assuming all stages of the development proceed in the short to medium term.
	The proposal's suitability for the site has been assessed in its entirety as being acceptable and does not warrant recommending refusal on the grounds of an increase in population or number of dwellings for the reasons stated through this report.
Conventional subdivision blocks should be proposed and be consistent with the character or Kendall.	The Applicant has chosen to propose an alternate form of residential housing permitted under State Government legislation and the front western section of the site will mostly be retained for standard residential housing with relatively large residential lots.
We understand the proposed site for this development is zoned R2- General Residential. The proposed development requires R3 or R4 zoning, none of which exist in Kendall or surrounds.	The site is zoned R1 general residential. The proposal is permissible in the zone with consent.
Kendall is a rural residential area and the zoning doesn't permit the proposal.	The R1 zoning of the site permits the proposal either as multi dwelling



Submission Issue/Summary	Planning Comment/Response
	housing or a caravan park under the Port Macquarie-Hastings Local Environmental Plan 2011.
Eve to eve high density dwellings on 240m2 blocks is not in keeping with the Kendall community lifestyle.	The proposed sites range in area from 249m2 to 561m2 and there are relatively large areas of open space provided along the roads and between the groups of sites.
Is this the first stage of development and is more development proposed for Lot 121.	Further development of proposed Lot 121 at the front of the site could be any form of residential development subject to appropriate justification for site suitability.
The proposal does not align with Council's rural residential strategy.	The site is not zoned for rural residential purposes such as a R5 large lot residential zone. The site is zoned a R1 general residential.
The economics of the project have not been well assessed nor the likely demand for such housing in the area, given the Links Estate development and expansions.	The Applicant has stated that the proposal will have a positive social impact providing additional housing options and a variety of dwelling designs and MHE site sizes. The part retention of the approved subdivision at the front western section of the site will permit other forms of conventional housing to also occur in part.
The lack of canopy trees will be a blight on the local environment.	The replacement landscaping for the remainder of the site to be cleared is substantial including planting of trees which will grow into large canopy trees and considered acceptable.
Noise generally will increase significantly with the higher population.	The site is zoned for residential purposes which foreshadows a planned change in character of usage and increased residential population for the site compared to its current use.
	The usage of community amenities will be restricted to not give rise to 'offensive noise' as defined under the Protection of Environment Operations Act 1997.
No provision for solar power to be used, no provision for water collection from the rooves, no recycling on site, no vegetable growing on site which contains good	The Applicant has advised that there is an intention to have such sustainable features incorporated into



Submission Issue/Summary	Planning Comment/Response
volcanic soil from the Comboyne Plateau.	the proposal.
	It is noted that there are no specific legislative requirements to require rain water tanks or solar systems (solar hot water or PV) compared to conventional housing which requires a BASIX certificate in accordance with State Government requirements.
There are no passively solar elements or other elements that reduce electricity use.	There are no passive solar elements or other elements that reduce electricity use proposed.
Drains on the phone and internet connections is bound to occur with resulting weaker signals and poorer services.	There is no evidence identifiable to suggest that local phone and internet services will be adversely affected, The proponent will be required to obtain satisfactory arrangements certificate from the appropriate providers prior to construction commencing.
Rates attributable to each future housing unit will be considerably smaller than the existing average for a residential block. This means that there will significant subsidisation of future infrastructure costs by the wider community.	Council rates are a separate matter to the determination and assessment of this DA. Development contributions will still remain payable by the developer to address future augmentation of sewer and water services, roads, community facilities and open space.
The number of houses should be significantly reduced by possibly half.	The number of MHE sites has been reduced significantly from the original 280 manufactured housing sites to 198 sites with an amended proposal.
The proposed development is disproportionate to the size of the existing village.	The proposal is noted to be a significant increase in population and housing numbers to Kendall however that is assuming all stages of the development proceed in the short to medium term.
	The proposal's suitability for the site has been assessed in its entirety as being acceptable and does not warrant recommending refusal on the grounds of an increase in population or number of dwellings for the reasons stated through this report.
A portion of the land in 2006 was not owned by the Applicant and owned by the	The previous assessment report under DA2006 – 57 stated:



Submission Issue/Summary	Planning Comment/Response
Crown.	Batar Creek Road is a two lane bitumen sealed road with shoulders and table drains. The road is contained within a travelling stock route and Council has only control of 10m either side of the centre line. The remaining area within the travelling stock route is crown land controlled by the Department of Lands. The Owners have made an application to the Department of Lands to purchase this strip of land for management and access purposes.
	This Lot is now owned by the owners of the remainder of the property since 2009 and forms part of the proposed development.
Does the Applicant have an option on the purchase of the land.	The current owner is not the Applicant. It has been assumed there is an option to purchase the land.
It is institutionalised habitation unconnected to its location or to its' social milieu.	The proposal is permissible on the R1 zoned site under State Government SEPP 36 legislation.
The concept and implementing of closed housing estates behind guarded gates and wire fences is more redolent of the U.S.A. and its peculiar social problems than it is of a free, liberal and safe Australia and smacks more of a 'get rich quick' scheme than a means of providing socially responsible housing.	The original proposed gates have been removed from the proposal
The proposal is a caravan park and not a housing estate.	The application proposes a manufactured home estate. A caravan park typically includes caravans and moveable dwellings.
A men's shed is proposed but no women's shed.	Advice noted. It assumed that other activities can occur within other on-site community facilities for women.
Local biodiversity and connectivity will not be improved.	An ecological impact assessment prepared by a suitably qualified ecologist has been submitted. Substantial areas of landscaping are included in the amended proposal including proposed planting of trees which will grow into large canopy



Submission Issue/Summary	Planning Comment/Response	
	trees.	
A mix of houses is not proposed.	The Applicant has chosen to propose an alternate form of residential housing permitted under State Government legislation and the front western section of the site will mostly be retained for standard residential housing with relatively large residential lots.	
The proposal will result in land use conflict.	Based upon the buffers, residential zoning of the site and current approved residential subdivision on the site no adverse landuse conflicts can be identified.	
The removal of trees from Crown Land to allow access to proposed development site opposes the Rural Lands Protection Act of 1989 the Native Vegetation Act of 2003 and Tree Preservation orders.	The subject land is assumed to refer to the Lot 1 DP 1142845 fronting Batar Creek Road and has an approval for road access under the previous approved subdivision DA2006 – 57. The DA has been amended to include the lot into the proposal.	
The ratio of developed to open space is not in keeping with surrounding development density.	The proposal has been amended during the assessment of the DA to significantly reduce the density of the proposal with additional landscaped open space areas and significantly less MHE sites.	
The giant transient trailer park for this quiet rural community should not be approved.	The proposal is not intended to be a 'trailer park' or caravan park.	
The establishment and maintenance of the additional trees and landscaping should be proposed.	The replacement landscaping for the remainder of the site to be cleared is substantial including planting of trees which will grow into large canopy trees and considered acceptable.	
The amended proposal with MHE sites reduced to 200 does not address the concerns originally raised.	The amended proposal sufficiently addresses the submission and assessment issues raised to not warrant recommending refusal to the application.	
The concerns currently being expressed by the Kendall township in general, evidenced by the holding of a public meeting shows that the proposal is not justified.	The interest in the proposal from the Kendall community is noted and has been carefully considered in the assessment of the application. The number of submissions received is	



Submission Issue/Summary	Planning Comment/Response
	noted and has drawn more careful attention on to a substantial amount of site suitability issues.
There is no mention of on-site management to ensure the safety of residents and adherence to a set standard of living, such as exists within Ocean Club Resort in Lake Cathie, for example.	An on-site manager is proposed who will assist with crime prevention and ongoing operational concerns for residents within the MHE.
Question how zoning has changed to R1 then DAs plans for the previous approved subdivision then a total different design and concept submitted with the MHE.	The zoning is R1 general residential and the previous subdivision was approved by Council.
The subject proposal is not substantially the same as the original development as DA2006 – 57.	The proposal is for a new DA for the MHE and to modify the previous approved DA2006 – 57.
The proposal fails to meet the objectives of the R1 residential zoning. The current approved subdivision would better meet the objectives of the R1 zone.	The proposal sufficiently meets the objectives of the R1 zone particularly as the proposal provides for an alternative form of residential housing as permitted by SEPP36.
The proposal is not responsive to the demographics of the area.	The proposal provides for an alternative form of residential housing as permitted by SEPP36.
The recreational facilities are prohibited on the site in the R1 general residential zone.	The application is made under SEPP 36 and the associated regulations and all MHE developments must include community facilities.
The proposal should address the requirements of the Seniors Housing State Environmental Planning Policy.	The proposal is not proposed under the Seniors Housing SEPP and the Applicant has confirmed they are not seeking to propose to use the provisions of this SEPP.
On-site garbage storage is not indicated on the plans and question whether garbage bins will be left on the street for pickup.	Private garbage collection is proposed and a designated garbage storage area on-site is proposed.
<u>Fencing</u>	
No mention of fencing details on eastern side of site.	The Applicant has stated that there is no fencing proposed on the eastern boundary at this stage and fencing is a matter under the Dividing Fences Act for both parties as neighbours. The Applicant has advised that they have



Submission Issue/Summary	Planning Comment/Response	
	commenced discussions with the adjoining showground owners in this regard.	
Stormwater and flooding impacts		
A great amount of extra stormwater and drainage is going to affect downstream properties, the showground and other residents upstream.	The issues surrounding flooding and stormwater have been the subject of detailed assessment of the DA. Refe to comments earlier in this report to address flooding and stormwater	
There is a risk of flooding unless works are done by Council and the proponent.	impacts. Appropriate conditions are also recommended to mitigate any	
The undersized stormwater pipe under the nearby railway line should be addressed.	potential impacts to appropriate Council standards.	
The proposal includes an intention to fill in a gully that drains water from surrounding properties. It is a low lying wet area and this may cause flooding to the properties affected.		
Council's erosion and sediment controls are either ineffective or not enforced. How would this proposal be any different.		
The very high percentage of impervious surfaces within the proposed development, will result in an enormous increase in stormwater runoff, with the associated increased impacts on downstream erosion and both upstream/downstream flooding.		
No details of capacity of the stormwater detention have been provided and no hydrology report has been submitted to address how sitting water will affect the local water table and adjoining properties.		
Will any adjoining properties be subject to providing easements to service the development.		
Exhibition and knowledge of proposal		
The developer only notified a total of only	Noted.	
22 Kendall residents.	The proposal has been neighbour notified to an extensive area of surrounding properties on two (2) occasions.	



Submission Issue/Summary	Planning Comment/Response
Fire risk to buildings	
High fire risk with volatile external cladding.	The use of such building materials is separately regulated.
Loss of prime agricultural land	
Destruction of prime agricultural land.	The site is zoned R1 general residential and not RU1 primary production.
	The potential for loss of agricultural farm land was considered in 2006 at the time of rezoning. A subsequent subdivision was approved in 2007 on the site.
The site has soil of such prime agricultural quality that it supplied Laurieton with vegetables in the 1950s.	The site is zoned R1 general residential and not RU1 primary production.
The Council should acquire the land for future food security.	Council is unable to acquire the privately owned land parcel for this purpose.
Physical commencement of 2006 subdivision consent	
Despite no work having been commenced on the site, an extension to the application was granted by the council in December 2010, sighting that "substantial commencement had been carried out by the DA survey". However, a parcel of Crown Land at the entrance to the site thwarts access, therefore, no development can be carried out until this parcel of land be re-zoned. No evidence of this re-zoning exists to date, therefore nobody can legally access the site to carry out any form of work.	On the 9 December 2010 Council confirmed that this DA2006/57 was physically commenced due to the setting out by survey upon the land of each of the component elements of the subdivision in accordance with the approved plans.

### (e) The Public Interest:

The proposal will accommodate an acceptable standard of living for future residents and will be capable of providing opportunity for an alternate housing in the market.

The subdivision and development of the site will improve the supply of housing in the Port Macquarie region, in accordance with the adopted State and Regional strategies.

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 manmade 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.

#### Climate change

Refer to comments provided earlier in this report under Port Macquarie-Hastings LEP addressing climate change.

#### 4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

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

The Applicant has requested that with regard to any works that involve a material public benefit shall be given due consideration to be offset against development contributions in a works in kind / offset arrangement against Section 94 contributions. The Applicant further states that these works could at the time of the development provide a public benefit and can be considered by Council separately to the DA determination and any conditional requirements for upgrades to public infrastructure external to the site.

#### 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.



### AGENDA

# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

### **Attachments**

1 <u>View</u> .	DA2017 - 736.1	Plans
2View.	DA2017 - 736.1	Recommended DA Conditions
3View.	DA2017 - 736.1	Modification of Consent
4View.	DA2017 - 736.1	Consent and Stamped Plans
5 <u>View</u> .	DA2017 - 736.1	Character Statement
6View.	DA2017 - 736.1	Dwelling Design Reference
7 <u>View</u> .	DA2017 - 736.1	DNR Letter
8View.	DA2017 - 736.1	Streetwise Letter
9View.	DA2017 - 736.1	RFS Bushfire Safety Authority
10View	. DA2017	- 736.1 Social Impact Assessment
11View	. DA2017	- 736.1 Stormwater Management Plan
12View	. DA2017	- 736.1 Traffic Impact Assessment







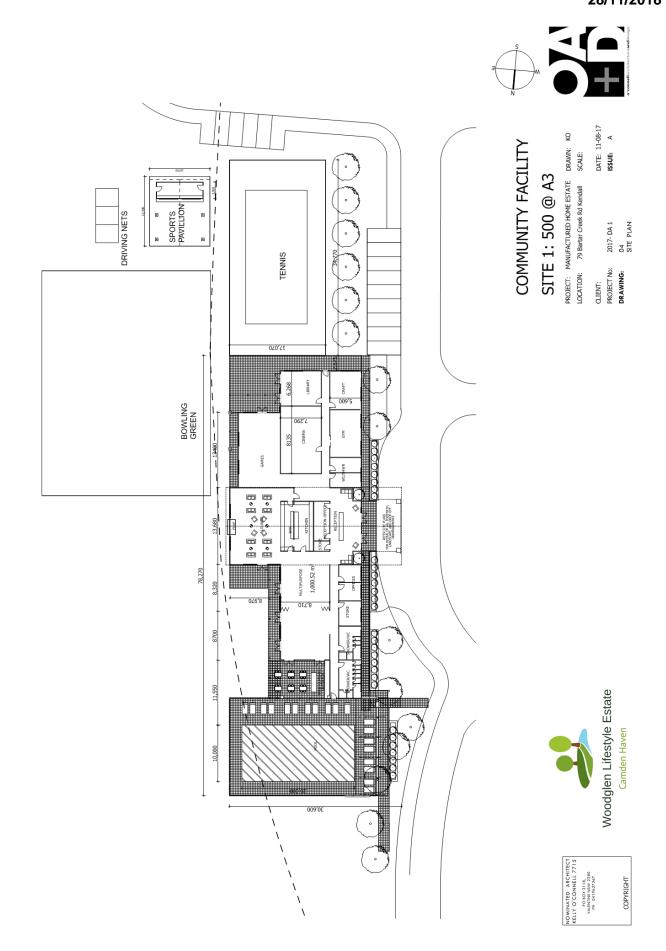


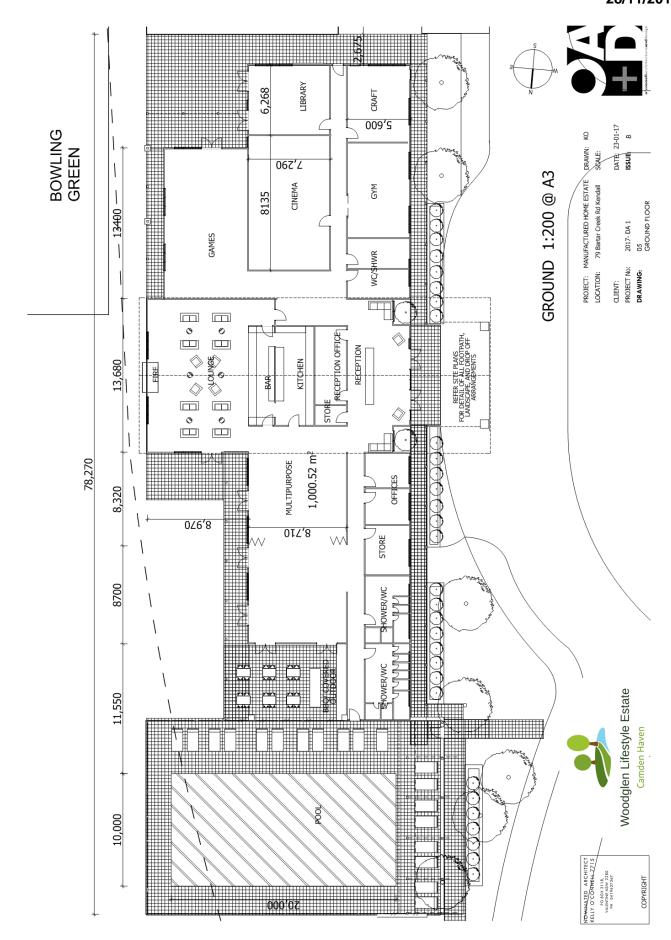




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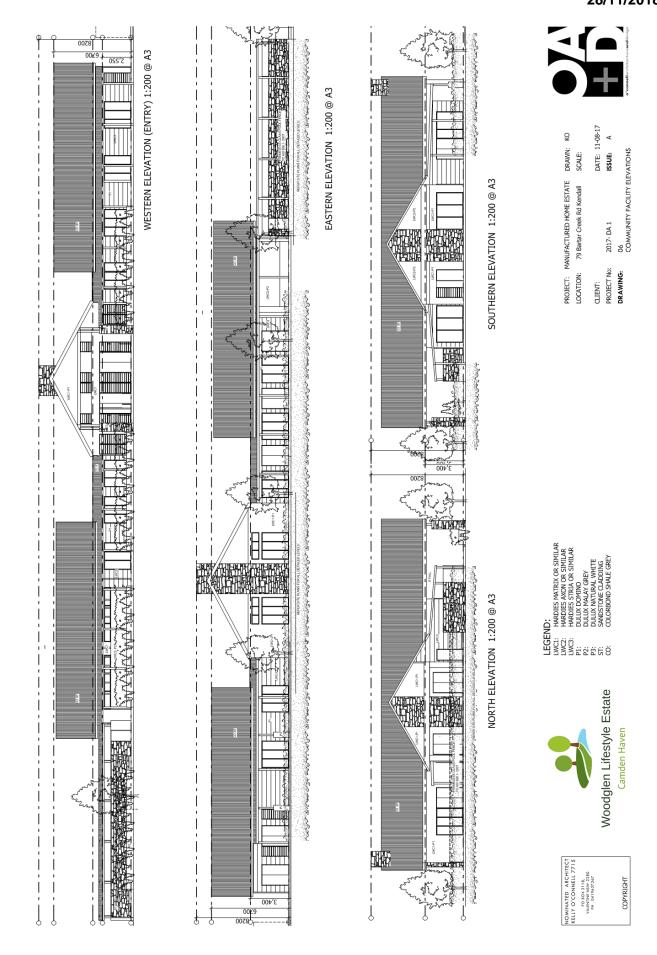


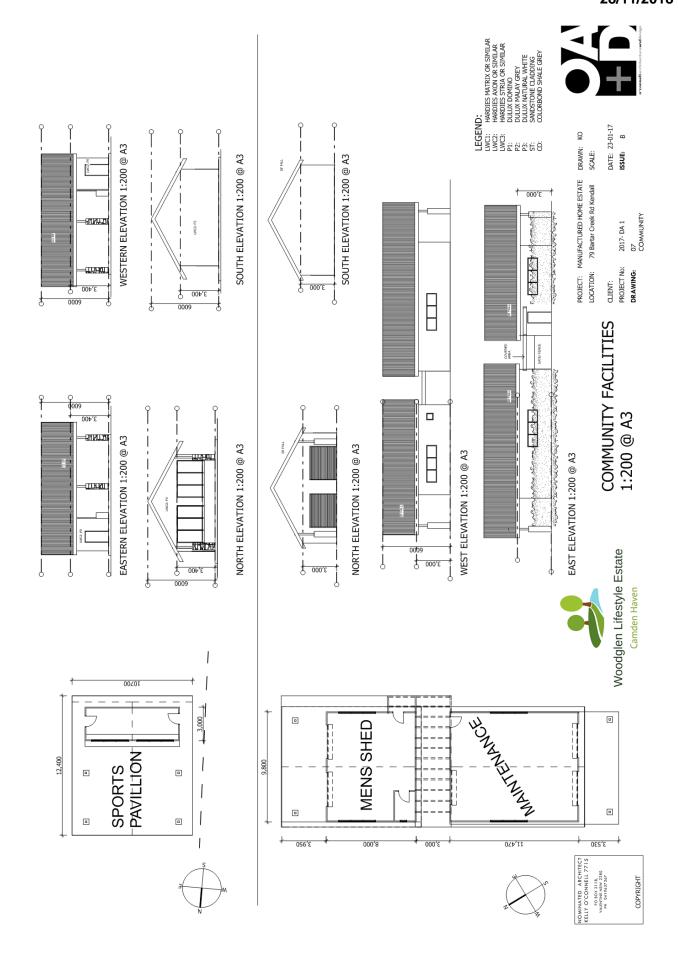




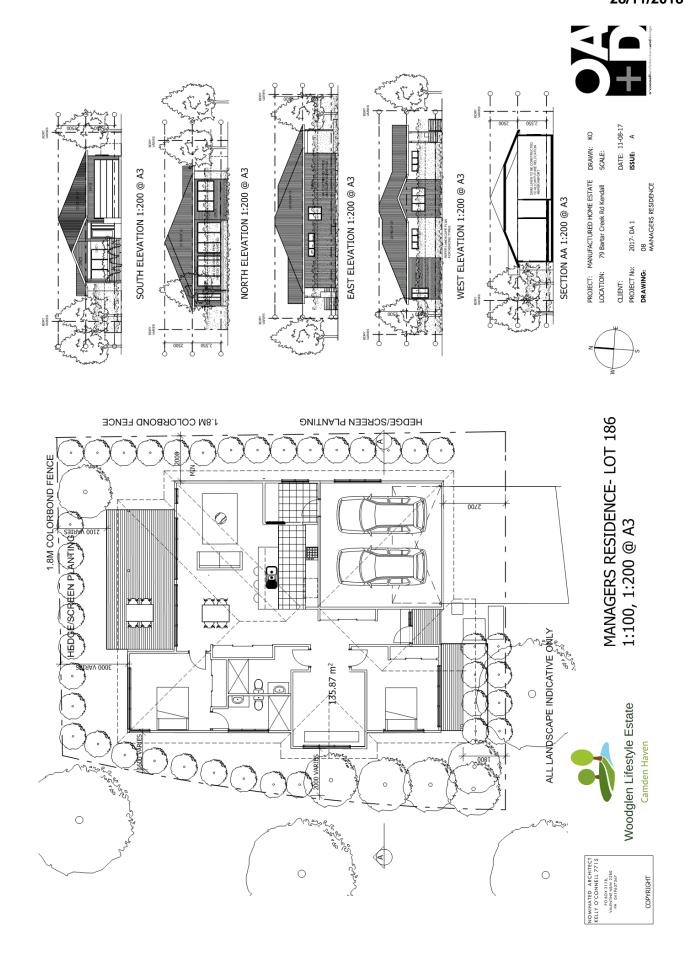
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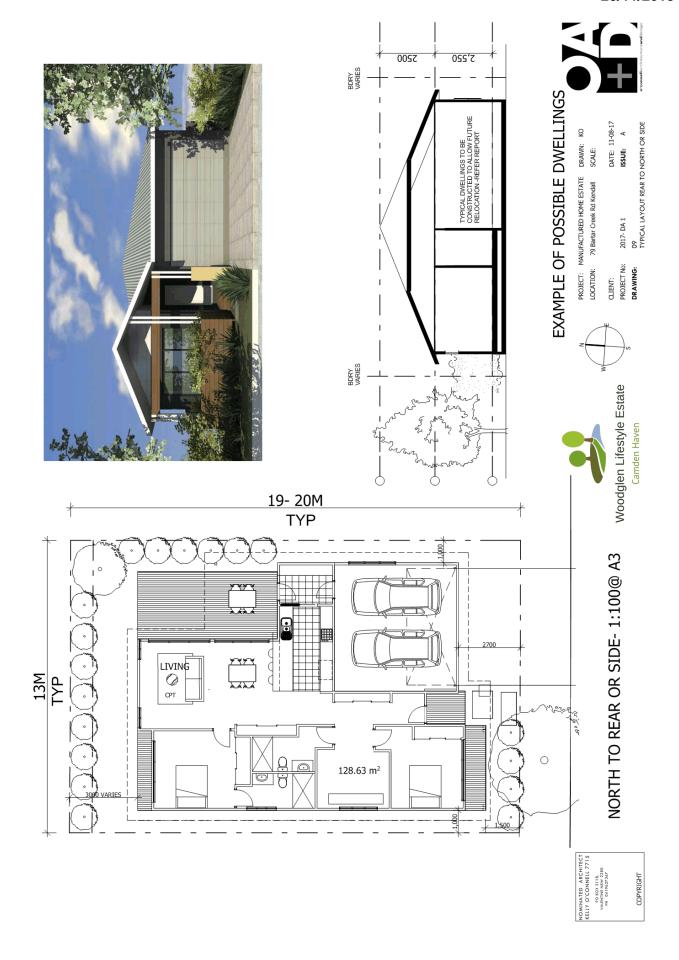
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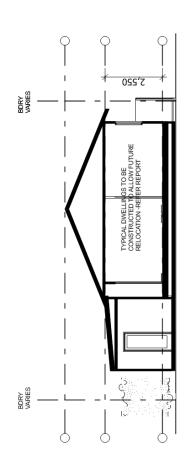


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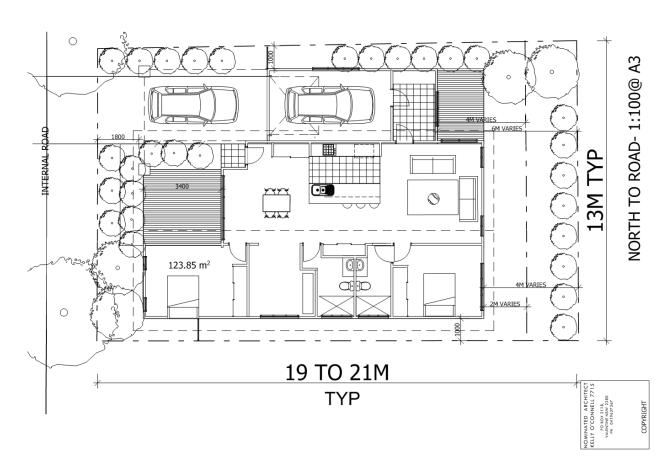


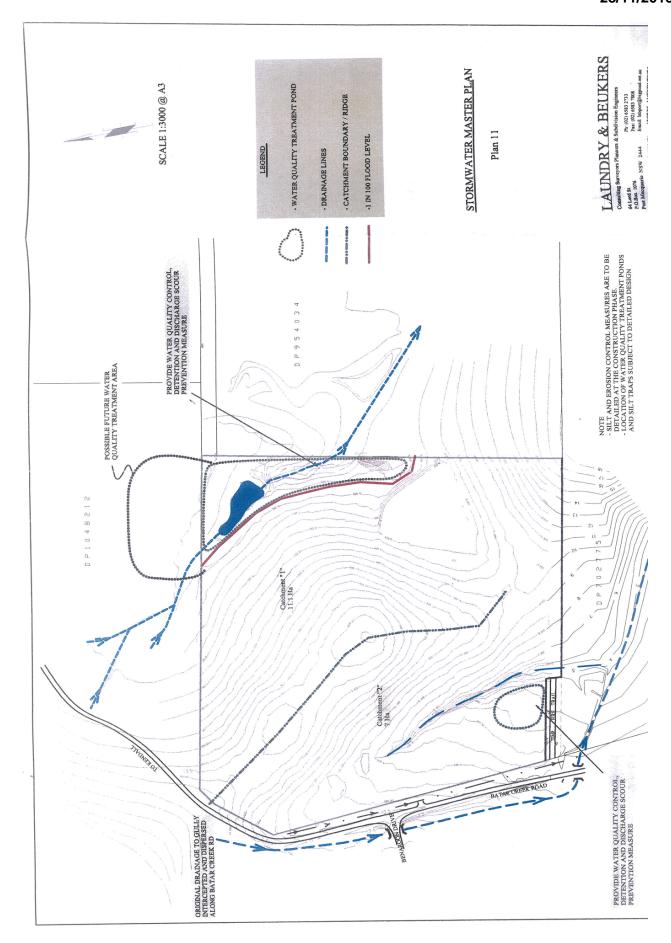


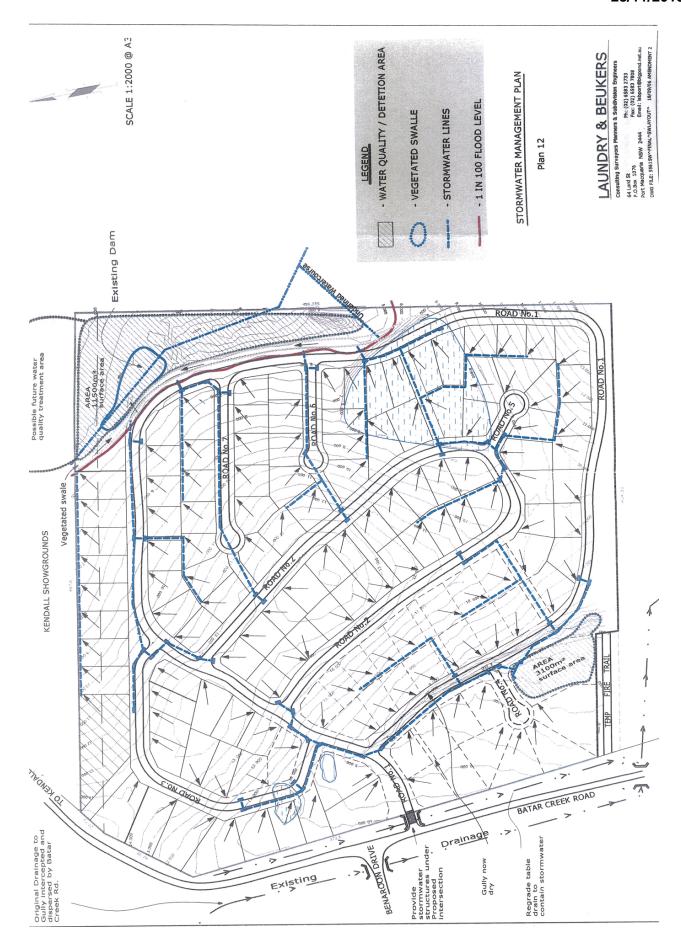


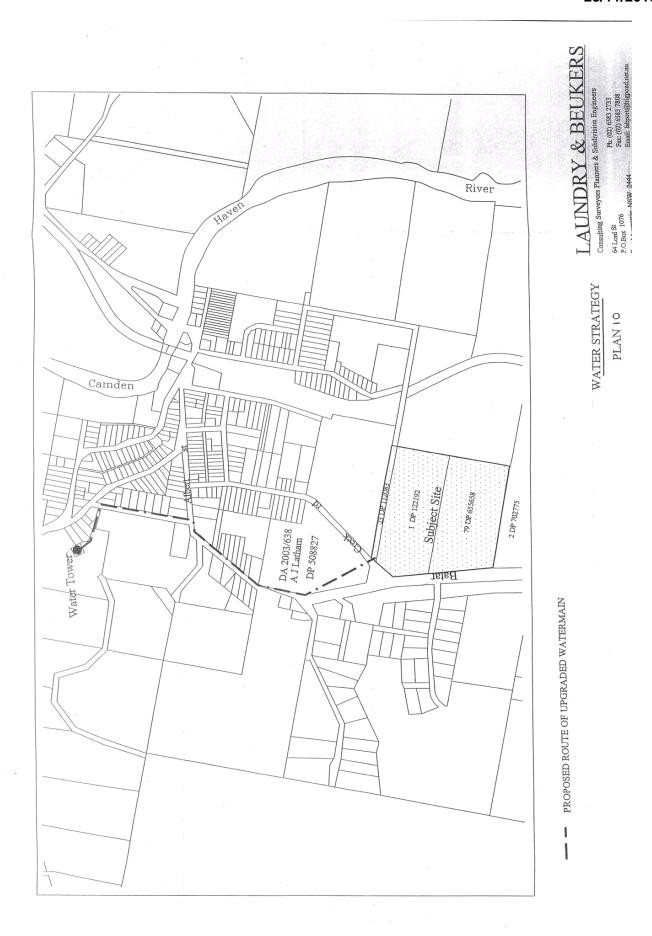




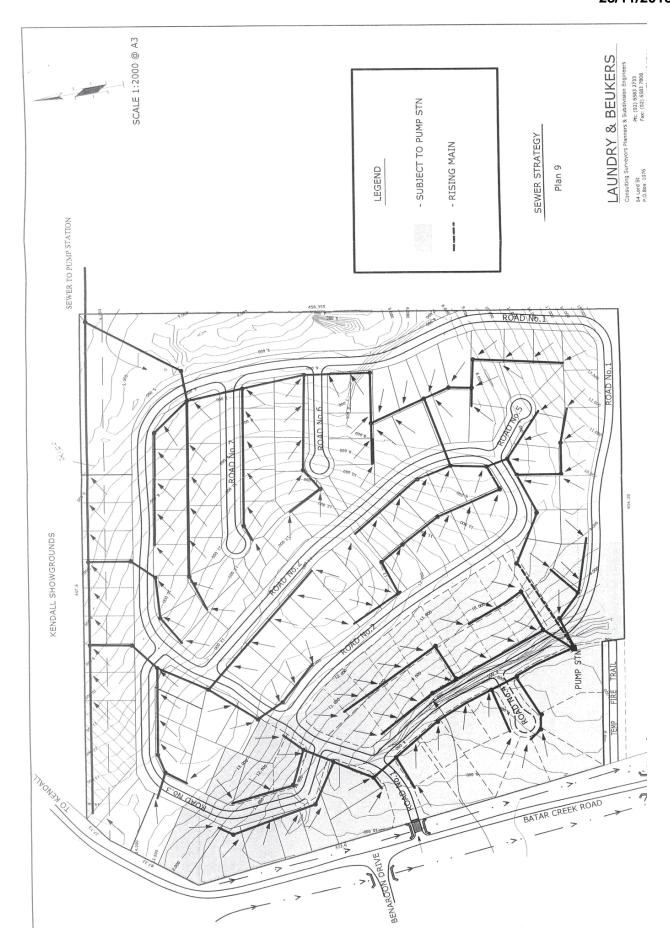








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#### PROPOSED CONDITIONS

NOTE: THESE ARE DRAFT ONLY

DA NO: 2017/736 DATE: 16/11/2018

#### 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.

Plan / Supporting Document	Reference	Prepared by	Date
Revised Option E  - Staging Plan	Drawing No. 2	Land Dynamics Australia	31 May 2018
Revised Option F - Services Plan	Drawing No. 5	Land Dynamics Australia	19 June 2018
Revised Option E  - Overall Layout	Drawing No. 1	Land Dynamics Australia	31 May 2018
Revised Option E  Landscape concept plan	Drawing No.3	Land Dynamics Australia	31 May 2018
Stormwater Management Plan for Batar Creek MHE, Batar Creek	5141-SW-RPT01	Land Dynamics Australia	June 2018
Statement of Environmental Effects		Land Dynamics Australia	June 2018
Plan of Consolidation and Subdivision of Lot 23 DP112083, Lot 1 DP122192, Lot 79 DP 655658			undated
Dwelling Design Reference Guide		Land Dynamics Australia & O'Connell Architecture and Design	undated
Woodglen Character Analysis	Drawing No.4	Land Dynamics Australia	31 May 2018

Entry feature montage			undated
Community facility plans	Drawing 4 to 7	O'Connell Architecture and Design	11 August 2017
Statutory Ecological Assessment	Manufactured Housing Estate on Lot 1 DP 122192 and Lot 79 DP 655658, Batar Creek, Kendall	Naturecall Environmental	August 2017

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
  - a. the appointment of a Principal Certifying Authority; and
  - b. the date on which work will commence.

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

- (3) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A007) The development must only proceed in accordance with the approved staging plan.

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

- (5) (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.
- (6) (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;
  - 2. Appropriate dust control measures;
  - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained. Where work adjoins the public domain, fencing is to be in place so as to prevent public access to the site;
  - 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.
  - 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.

- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (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 D17/3133 DA18070213789PC and dated 31 July 2018, are attached and form part of this consent.
- (9) (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.
- (10) (A032) The developer is responsible for any costs relating to alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (11) (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,
  - 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,
  - 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.

(12) Any assets (e.g. roads, pipes, earthworks, vegetation) or land which will be dedicated in future to Council shall only be approved by Council or an accredited certifier as part of a Construction Certificate for Subdivision Works,

- and shall be constructed under supervision of the Principal Certifying Authority (i.e. Council) even if the asset or land is not intended to be dedicated until a later stage.
- (13) Entrance threshold landscaping and signage shall be located in private lands.
- (14) Prior to issue of any Construction Certificate or Subdivision Certificate, A Notice of Modification to DA2006 – 57 under Section 4.17(5) of the Environmental Planning and Assessment Act 1979 and Section 97(1) of the Environmental Planning and Assessment Regulation 2000 and shall be submitted to Council prior to issue of a Subdivision Certificate for this consent.
- (15) Compliance with the general terms of approval of the Department of Natural Resources under DA 2006/57 dated 29 March 2006, including attainment of a Part 3A permit (now known as a Controlled Activity Approval from the Office of Water) prior to works within 40m from the top of bank of a watercourse.
- (16) Submission prior to the issue of a subdivision certificate of a plan prepared by a Registered Surveyor showing location of existing road formation relative to reserved and dedicated roads to enable determination of any road widening necessary. Any road widening is to be at no cost to Council.
- (17) This consent provides for a total of 198 manufactured home sites within the approved Manufactured Home Estate.
- (18) Unless varied by this consent the manufactured home estate is to comply with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- (19) The development is not to be used for tourist (i.e. short term stay) purposes.
- (20) The use of the community and recreational facilities within the site are for residents or their guests use only.
- (21) Dwellings on the manufactured home estate sites shall only be installed in accordance with the approved 'Woodglen Character Analysis' plan and 'Design Reference' design guideline.
- (22) The areas approved to be cleared of vegetation in the approved Statutory Ecological Assessment shall be clearly marked (e.g. with stakes and bunting before clearing in order to prevent inadvertent clearance beyond what is required and has been assessed.
  - Site induction is to specify that no clearing is to occur beyond the marked area, and vehicles are only to be parked in designated areas. Similarly, any materials are to be stored outside the retained vegetation.
  - Clearing and earthworks is to avoid damage to root zones of the retained trees.
- (23) A suitably fitted out space is to be created within the community clubhouse for booking and use by a consulting medical professional or other relevant service providers. The opportunity to use this space is to be promoted to local medical practitioners and other potential resident service providers by the MHE site manager.
- (24) The MHE operator is to adopt an Internal Neighbour Disputes Policy and this policy is to be referenced in all site lease agreements.
- (25) The MHE developer is to adopt a Local Workers Employment Priority Policy for suitably qualified and available trades for all construction and ongoing operational stages.
- (26) The following ameliorative measures should be carried during clearing works on-site:

- The clearing extent is to be inspected for Koalas and other fauna by a qualified ecologist immediately prior to commencement of any vegetation removal involving machinery and/or tree-felling. This is to occur each morning if clearing spans over multiple days.
- 2. If a Koala is present in an area subject to vegetation removal/modification, works must be suspended until the Koala moves along on its own volition. If the Koala is located in a position that a 50m buffer may be established, works may proceed outside this buffer.
- 3. The ecologist is to remain on site to supervise clearing and dewatering of dams to retrieve any fauna detected during works, undertake appropriate action (e.g. euthanize severely injured animals) and ensure Koalas do not enter the site during clearing works.
- 4. If any exotic aquatic species are captured during the dam dewatering (e.g. carp) they are to be euthanised on site by the ecologist. Any native aquatic species captured during the dam dewatering are to be released in suitable aquatic habitat nearby.

### B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE (WHERE APPLICABLE TO THE WORKS BEING CARRIED OUT)

- (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. Road works along the frontage of the development.
  - 2. New roads within the subdivision.
  - 3. Earthworks, including filling of the land for flood protection.
  - 4. Sewerage reticulation.
  - 5. Water supply reticulation.
  - 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.
  - 7. Stormwater systems.
  - 8. Erosion & Sedimentation controls.
  - 9. Landscaping.
  - 10. Bridges/Major Culverts.
  - Traffic management control plan.

- 12. Provision of a bus bay in accordance with Council's adopted AUSPEC Design and Construction Guidelines and shelter in accordance with Council standard drawings.
- 13. Provision of pedestrian access ways/shareways a minimum of 2.5m wide, from proposed intersection on Batar Creek Road (at Benaroon Drive) to the Showground entrance on Batar Creek Road. Such access ways to include a concrete pathway including kerb ramps where necessary.
- 14. Provision of a 1.5m wide concrete footpath along Batar Creek Road from the showground to Albert Street. Such access ways to include a concrete pathway including kerb ramps where necessary.
- 15. Provision of a 1.5m wide concrete footpath along the public roads inside proposed Lot 1 from the proposed intersection on Batar Creek Road to the entrance to the Manufactured Home Estate. Such access ways to include a concrete pathway including kerb ramps where necessary.
- 16. Detailed intersection layout at the junction of Benaroon Drive in accordance with the current version of the AUSTROADS guidelines for Intersection design, giving particular attention to sight distance.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- (4) (B007) Road names proposed for the development shall be submitted to Council prior to release of the Construction Certificate. A suitable name for any new road(s) shall be in accordance with the NSW Addressing User Manual.
- (5) (B015) Provision to each lot of a separate water connection (un-metered and sealed) to Council's main.
- (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
  - Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Construction Certificate.
- (7) (B019) The local water supply reticulation mains are to loop within the subdivision to minimise dead ends and connect to the existing reticulation wherever possible.
- (8) (B022) Prior to issue of a Construction Certificate, for the proposed total development, the proponent is to provide a water supply strategy detailing subdivision staging and the corresponding water supply work (including augmentation) necessary to support each stage. The strategy is to incorporate the latest changes in water supply design requirements as well as being modelled on software compatible with that used by Council.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B052) The provision of 3m x 3m splay corners at public road intersections or otherwise agreed to by Port Macquarie-Hastings Council. Details must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate.

- (11) The design of all car parking, passing bays and internal access roads is to be in accordance with Australian Standard 2890 (including AS 2890.1, AS 2890.2 and AS 2890.6), the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and Planning for Bushfire Protection 2006. Certification that the design meets these requirements by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (12) (B056) The Stormwater network proposed with the application for Construction Certificate is to include provision to each subdivided lot of a direct point of connection to Council's future piped drainage system.
- (13) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (14) (B070) Where augmentation is required on adjoining property, owner's consent shall be provided to Council with any Section 68 application and/or Construction Certificate application for subdivision works where augmentation is required on adjoining property including:
  - Public and/or private drainage infrastructure (i.e. interallotment drainage, Council drainage)
  - · Council's sewer infrastructure (i.e. sewer junction, sideline or manhole)
- (15) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (16) (B085) The location of electricity substations are to be clearly illustrated on the Construction Certificate plans. All substations are to remain on private property unless otherwise agreed to by Port Macquarie-Hastings Council.
- (17) Prior to each Construction Certificate for subdivision works, a Compliance Certificate under Section 109(C) of the EP&A Act shall be issued by the Water Authority approving the design of water and sewer subdivision works. The certificate and stamped plans shall form part of the Construction Certificate for subdivision works.
- (18) The provision, at no cost to Council, of concrete foot paving in the following locations in accordance with Council's footpath policy and AUS-SPEC standards:
  - a) A minimum 2.5m wide concrete footpath shall be constructed from the proposed intersection on Batar Creek Road (at Benaroon Drive), and north along the road to the northwest corner of the showground land (Lot 2 DP 1048212);
  - b) A minimum 1.5m wide concrete footpath from the internal subdivision roads to Batar Creek Road, i.e. 1.5m footpath along future local roads;
  - c) A footpath, min width of 1.5m shall be provided from the showground to the intersection with Albert Street. Pram ramps shall be constructed as necessary. Details shall be provided as part of the Construction Certificate/Roads Act Application.
  - d) All paths shall be linked together and to bus stops by kerb ramps located safely outside of intersections, and shared cycleways shall connect with on-road cycleways; and
  - e) Approaches to kerb ramps and other hazards or changes in direction shall be fitted with Tactile Ground Surface Indicators to the extent recommended by AS/NZS 1428.4.
- (19) Construction of a four-way single lane roundabout with the first stage of the development, on Batar Creek Road at the intersection of Road 1 and

Benaroon Drive, in accordance with AUSTROADS and Council's AUS-SPEC standards, at no cost to Council, and the following items:

- a) The roundabout is to cater for Large Rigid and Articulated Vehicles (for use by buses, forestry trucks and construction deliveries), in accordance with AUSTROADS. Swept paths demonstrating vehicle movement shall be provided on the plans.
- b) An indented bus bay and landing shall be provided on Batar Creek Road north of the roundabout in accordance with Council's standard drawing ASD 205
- c) The existing bus shelter structure should (if required by Council's engineer) be relocated adjacent to the new bus bay, keeping the public paintings intact.
- d) Any road reserve widening to accommodate the roundabout is to be dedicated at no cost to Council.
- e) A mix of landscaped areas and street trees are to be provided adjacent to the roundabout to create an appropriate entry/exit statement at the town limit and the access to the estate.
- f) The traffic-calming function of the roundabout shall be enhanced with suitable geometry and/or devices.
- g) Lighting of the roundabout shall be provided in accordance with AS1158
- h) Design details shall be approved by Council as part of a Roads Act (s138) application prior to construction.
- The roundabout shall include suitable stormwater drainage infrastructure designed to meet the requirements of AUSPEC D5.
- (20) Batar Creek Road shall be upgraded to a Collector Standard with the first stage of the development, between Benaroon Drive and Albert Street, in accordance with Port Macquarie-Hastings Council AUS-SPEC standards and the following items:
  - a) Benaroon Drive (Intersection) Showground
    - i. The section of Batar Creek north of the proposed intersection with Benaroon Drive and south of the entry to the showground, shall have a min. pavement width of 7m and 1m sealed shoulder to both sides of the pavement in accordance with Aus-Spec Collector Standard.
    - ii. A 2.5m concrete footpath shall be required along this section of road in accordance with Aus-Spec
    - iii. A detailed Geotech report shall be provided to Council as part of the Roads Act application and shall detail all reconstruction works along this length of road that is required as a result of the road classification upgrade.
  - b) Showground Albert Street
    - i. This section of Batar Creek road shall be upgraded to Collector standard with kerb and gutter provided to both sides of the road for the full length, matching into existing sections of kerb and gutter.
    - iv. The culvert sections shall be widened to suit the collector standard requirements and provide adequate provision for future 1.5m footpaths both sides of the culvert (min. width 12m).
    - As part of this development and for connectivity to the town, a 1.5m footpath shall be provided on one side of Batar Creek for this section of road.
    - vi. A detailed Geotech report shall be provided to Council as part of the Roads Act application and shall detail all reconstruction works along this length of road that is required as a result of the road classification upgrade.

- vii. Piped stormwater drainage shall be incorporated into the road design to ensure that the upgraded carriageway complies with the requirements of AUSPEC D5
- c) Batar Creek Road south of the Benaroon Intersection
  - i. A Geotech report shall confirm the integrity of the pavement section of Batar Creek Road south of the proposed intersection, within the 50km/h zone. Any reconstruction works highlighted from the geotech shall be addressed within the first stage of the development. At a minimum the surface of the existing pavement shall be re-sealed in accordance with the requirements of Aus-Spec.
- (21) The provision of additional civil works within Batar Creek Road at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development. Design plans are to be approved by Council prior to issue of the Subdivision Construction Certificate.
- (22) All new roads including private roads within the Manufactured Home Estate shall be lit between sunset and sunrise. Batar Creek Road shall be provided with street lighting from the southern extent of the property frontage (R1 zoned land) to the northern extent of the showground land (Lot 2 DP 1048212), also illuminating the public shared cycleway where practicable. For public roads, the lighting classification shall be nominated by Council prior to any Construction Certificate, using Essential Energy's prescribed form. Details of lighting installation shall be shown on the Construction Certificate plans for each relevant stage.
- (23) Any proposed changes to speed zoning should be referred to Roads & Maritime for consideration prior to the issue of any Roads Act approval for the roundabout.
- (24) Any Regulatory signs and devices proposed on public roads will require the endorsement of the Local Traffic Committee prior to Council's approval.
- (25) Council's existing water supply system shall be extended to service the development site at no cost to Council. Water main extensions to the site include a 200mm diameter main from Albert Street across the Poets Ridge development (through the existing water supply easement), along the west side of Batar Creek Road to Benaroon Drive area then crossing Batar Creek Road into the development site. Connection to the 100mm Benaroon Drive water main will be required.
- (26) Each dwelling site shall be individually metered for water supply with a master meter at the road frontage. 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.
- (27) The Council sewerage system adjacent to the proposed development does not have sufficient sewerage capacity to cater for this development. A Sewerage Reticulation Strategy shall be submitted to the Water and Sewer Section for approval prior to release of the Construction Certificate. The internal village sewerage lines are to be private owned and maintained.
- (28) A sewerage pumping station shall be constructed to Council's requirements and discharge into manhole KK04P008MH with an odour control device installed at no cost to Council. If flushing of the proposed sewer pump station is required to facilitate a sufficiently sized turnover of sewage then this is to also occur at no cost to Council.

- (29) The extension of Council's sewerage system to serve the development by the applicant involves under boring of the North Coast Railway and as such requires Council to enter into a licence with the Australian Rail Track Corporation (ARTC). Prior to the issue of the construction certificate, the applicant is required to submit sewerage plans that satisfy both Council's and the ARTC's requirements. During construction the applicant must adhere to the requirements of Council for the construction of sewer and the ARTC with regard to the licence for the construction of infrastructure within the railway corridor.
- (30) The proposed sewer infrastructure for this development shall be extended at no cost to Council to provide Lot 2 DP1048212 with a gravity sewer connection at the boundary.
- (31) The floor level of all habitable buildings must be a minimum of 500mm above the 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL6.11m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (32) The floor level of the Community Clubhouse and Men's Shed must be at or above the 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL6.11m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (33) The floor level of the bowling green, tennis court and other ancillary open space facilities must be at or above the 1 in 20 year flood level. For the purpose of this requirement, the 1 in 20 year flood level may be assumed to be RL4.90m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (34) The level of all roads and land containing habitable buildings and community facility buildings must be at or above the 1 in 100 year flood level including the applicable climate change allowance. For the purpose of this requirement, the 1 in 100 year flood level including climate change may be assumed to be RL6.11m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (35) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate and be submitted with the applications pursuant to section 68 of the Local Government Act, 1993 (internal private works) and section 138 of the Roads Act, 1993 (external site works). The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
  - a) The design is to be generally in accordance with the 'Stormwater Management Plan for Batar Creek MHE, Batar Creek, prepared by Land Dynamics and dated June 2018.
  - b) All torrens title allotments within proposed Lot 1 must be provided with a direct point of connection to the piped drainage system. Kerb outlets are not permitted.
  - The design requires the provision of interallotment drainage in accordance with AUSPEC D5.
  - d) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm

- events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
- e) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
- f) Any vegetated stormwater assets to be dedicated to Council within the subdivision as a result of the proposed development must be located clear of any asset protection zones required for bushfire management purposes.
- g) The design shall be accompanied by detailed modelling of the existing upstream catchment areas to the north/northwest of the development site. The modelling shall demonstrate how flows enter, cross and / or are conveyed along Batar Creek Rd and shall include an analysis of the capacity of the existing open drain and associated culverts located adjacent to the site along the western side of Batar Creek Rd. Any identified overland flowpaths through and / or into the development site shall be mapped.
- h) The stormwater plan shall demonstrate that stormwater discharge from the development site matches pre-development conditions in relation to flow rates, volumes and the method of discharge across the property boundaries for all storm events up to and including the 1%AEP event.
- i) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
- j) Where other conditions of this approval require the upgrade of existing roadways and intersections servicing the site, the stormwater management plan shall incorporate modelling and details of the stormwater drainage infrastructure to be installed in conjunction with those upgrades to ensure that the upgraded roadways and intersections comply with the requirements of AUSPEC D5.
- (36) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate for any community or recreational building containing food preparation areas.
- (37) (B071) Prior to the issue of any Construction Certificate for community and recreational buildings, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (38) (B039) Detailed drawings and specifications prepared by a professional engineer for all retaining walls supporting:
  - earthworks that are more than 600mm above or below ground level (existing) and located within 1m of the property boundaries;
  - earthworks that are more than 1m above or below ground level (existing) in any other location;

- are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (38) (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 relating to all community and recreation facilities, 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

### C – PRIOR TO ANY WORK COMMENCING ON SITE (WHÈRE APPLICABLE TO THE WORKS BEING CARRIED OUT)

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (3) (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.
- (4) (C014) Prior to the commencement of work, the location and depth of any water mains on the development site and adjacent land affected by the development is to be established. The water mains are to be clearly marked and protected with safety fencing.

#### D - DURING WORK (WHERE APPLICABLE TO THE WORKS BEING CARRIED OUT)

- (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. prior to installing traffic management works
  - c. before commencement of any filling works;
  - d. when the sub-grade is exposed and prior to placing of pavement materials;
  - e. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - f. at the completion of each pavement (sub base/base) layer;

- g. before pouring of kerb and gutter;
- h. prior to the pouring of concrete for sewerage works and/or works on public property;
- i. on completion of road gravelling or pavement;
- during construction of sewer infrastructure;
- k. during construction of water infrastructure;
- prior to sealing and laying of pavement surface course.

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D015) The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.
- (4) (D016) Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.
- (5) (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

- (6) (D040) Wastes including vegetation shall not be disposed of by burning.
- (7) (D051) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (8) (D033) Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service, Department of Environment and Conservation is to be informed in accordance with Section 91 of the National Parks and Wildlife Act 1974. Subject to an assessment of the extent, integrity

- and significance of any exposed objects, applications under either Section 87 or Section 90 of the *National Parks and Wildlife Act 1974* may be required before work resumes.
- (9) (D052) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
  - a. CBR test results, and
  - Subgrade / select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

## E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE (WHERE APPLICABLE TO THE WORKS BEING CARRIED OUT)

- (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) (E002) A final report on any archaeological site excavations prepared by the archaeologist shall be submitted to Council and the Heritage Council prior to the occupation of any new development on the land.
- (3) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (E008) Payment to Council, prior to the issue of a Subdivision 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
  - Hastings S94 Major Roads Contributions Plan
  - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.

The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.

(5) (E009) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Subdivision 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 sewerage system headworks
- augmentation of the local area sewerage system
- (6) (E011) Submission prior to the issue of a Subdivision Certificate of a plan prepared by a Registered Surveyor showing location of existing road formation relative to reserved and dedicated roads to enable determination of any road widening necessary. Any road widening is to be at no cost to Council.
- (7) (E013) Restrictions and/or positive covenant must be provided over the overland flow path for on site detention storage areas with appropriate public awareness signage.
- (8) (E021) Pool(s) to be fenced in accordance with the Swimming Pools Act, 1992.
- (9) (E022) Depth markers are to be installed on the swimming pool(s).
- (10) (E026) Occupation of the premises shall not occur until a Public Health Act 2010 Notification Form has been submitted to Council's Environmental Health Officer and payment of "Public Health Premises - Notification Fee" has been made.
- (11) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (12) (E034) Prior to occupation or the issuing of the Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (13) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
  - As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
  - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (14) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
  - "This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".
  - This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (15) (E042) Creation of drainage easement between lots (i.e. interallotment)

Where stormwater pipelines traverse lots other than those which they benefit appropriate drainage easements shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information NSW.

- a. For pipes less than 500mm diameter, the easement width must be a minimum of 1500mm. Easements for larger diameter pipes must be the pipeline diameter plus 1200mm wide, with a minimum width of 2400mm.
- b. Where easements are associated with a subdivision, the easement shall be established with the plan of subdivision and Section 88B instrument. Details to be submitted to Council prior to issue of Subdivision Certificate.

Where easements are not associated with a subdivision, the easement shall be approved by Council prior to lodgement at Lands and Property Information (LPI) NSW and evidence of registration shall be submitted to the Principal Certifying Authority prior to any Occupation Certificate.

(16) (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.

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

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

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

a. The Proprietor of the property shall be responsible for inspecting, maintaining and keeping clear all components of and structures associated with the stormwater quality improvement device (SQID) in accordance with the maintenance plan in order to achieve the design system performance targets.

- The Proprietor shall have the SQID inspected annually by a competent person.
- c. The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all components or structures in or upon the said land which comprise the SQID and recover the costs of any such works from the proprietor.
- d. The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the SQID, or failure to clean, maintain and repair the SQID.

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

- (18) (E050) Prior to Council accepting new stormwater infrastructure, a CCTV inspection of all new and modified stormwater assets must be undertaken in accordance with the Conduit Inspection Reporting Code of Australia WSA 05.
  - A copy of the CCTV inspection footage and inspection report prepared and certified by a suitably qualified person shall be provided to Council prior to the acceptance of works into the nominated 'into maintenance period'.
- (19) Prior to occupation or the issuing of any Occupation Certificate for a community or recreational building a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (20) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (21) (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.
- (22) Landscaped areas being completed in accordance with the stamped approved landscaping plans and staging plans prior to occupation or issue of the Subdivision Certificate. Public landscaping may be bonded as agreed to by Council.
- (23) (E064) Provision of street lighting to all new roads in accordance with AS1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Provision shall be made for placement of conduits for future requirements or upgrades. Evidence by way of letter from the electricity provider, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.

Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) street lighting shall:

- Forward all plans to the service provider for comment;
- Include instruction for completion of 'Lighting Requirements';

- be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads;
- Supply to Council to keep in stock, one (1) extra pole for every six (6) run
  of poles, for all poles that are non-standard poles.
- (24) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
  - a. The relocation of underground services where required by civil works being carried out.
  - b. The relocation of above ground power and telephone services
  - The relocation of street lighting
  - d. The matching of new infrastructure into existing or future design infrastructure
- (25) (E068) Prior to the issue of a Subdivision Certificate or an Occupation Certificate, evidence to the satisfaction of the Certifying Authority from the electricity and telecommunications providers that satisfactory services arrangements have been made to the lots (including street lighting and fibre optic cabling where required).
- (26) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (27) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictions, easements and/or covenants; with Council having the benefit and having the sole authority to release, vary or modify each restriction, easement and/or covenant. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
  - a. Prohibiting direct vehicular access to and from Batar Creek Road.
  - b. Restriction as to user in respect of the Manufactured Home Estate site for a private garbage service to be in place requiring the collection of all domestic waste comprising general waste (rubbish), recycling and food and garden organics by a private contractor. All wastes are to be collected as separate waste streams.
  - Details are to be submitted to Council prior to issue of the Subdivision Certificate.
- (28) (E077) The completion of all works required under Council's consent to Development Application No. 2006/57 prior to the issue of a Subdivision Certificate or the registration of a satisfactory 88B instrument which restricts the development of proposed Lot to that approved under that consent.
- (30) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.
- (31) The Applicant is required to make provision in the application for a Subdivision Certificate for dedication of any public road of a 3m splay corner.
- (32) (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.
- (33) (E027) A final site inspection of any community or recreational building containing any food preparation areas shall be arranged by the Applicant and shall be undertaken by Council's Environmental Health Officer.
- (34) Prior to release of Subdivision Certificate a Vegetation Management Plan (VMP) is to be prepared and submitted to Council for approval to manage the offset plantings of Koala food trees and regeneration areas on the property. This will detail the works required, location of planting areas, timeframes, and parties responsible for implementing the works and cost estimates to carry out the works. The approved VPM is to be implemented for the life of the consent.

# F – PRIOR TO OCCUPATION OF INDIVIDUAL MANUFACTURED HOMES / ISSUE OF CERTIFICATE OF COMPLETION IN ACCORDANCE WITH SECTION 69 OF LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVANS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2005

- The installation of a manufactured home within the estate is to comply with Division 4 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- (2) (E008) Payment to Council of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent, based upon the number of bedrooms in the individual manufactured home/s, unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - · Hastings S94 Administration Building Contributions Plan
  - · Hastings Administration Levy Contributions Plan
  - Hastings S94 Major Roads Contributions Plan
  - Port Macquarie-Hastings Open Space Contributions Plan 2018
  - Community Cultural and Emergency Services Contributions Plan 2005

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.

- (3) (DG026) 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 of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent, based upon the number of bedrooms in the individual manufactured home/s. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plans and towards the following:
  - · augmentation of the town water supply headworks

- augmentation of the town sewerage system headworks
- (4) Timing of payment of monetary contributions:

A Section 68 application for the installation of a manufactured home is to be lodged with Council, including a site map indicating the location of each site. Council may then issue notification of contributions payable.

Prior to occupation of any dwelling(s), a Notice of completion is to be lodged with council accompanied by the required contributions for that dwelling(s), and specifying the location of each site.

- (5) The community facilities and recreational facilities shall be completed and Occupation Certificate issued prior to occupation or the issue of any certificate of completion of a manufactured home within the estate.
- (6) (E007) The owner/applicant is responsible for ensuring that any imported fill is either Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Certification is to be provided to Council demonstrating that the fill is either VENM or ENM.
- (7) (E034) 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.
- (8) (E036) Certification by a suitably qualified consultant is to be submitted to the Principal Certifying Authority that the construction of the car parking, passing bays and internal accesses has been completed in accordance with the certified design.
- (9) (E053) All public infrastructure works and works on public land shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue the issue of a certificate of completion for any dwelling or release of the security bond, whichever is to occur first.
- (10) (E062) 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.
- (14) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
  - The relocation of underground services where required by civil works being carried out.
  - b. The relocation of above ground power and telephone services
  - c. The relocation of street lighting
  - d. The matching of new infrastructure into existing or future design infrastructure
- (15) (E064) Provision of street lighting to all new public and internal roads in accordance with AS1158. Certification from the lighting designer, indicating compliance with this condition, shall be submitted prior to the occupation of any dwelling on any site.

Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) within public roads shall include:

Forward of all plans to the service provider for comment;

- The electricity authority's lighting consent form being completed to the satisfaction of Council;
- Referral to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads;
- Supply to Council to keep in stock, one (1) extra pole for every six (6) run of poles, for all poles that are non-standard poles.
- (16) (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. The copyright for all information supplied, shall be assigned to Council.
- (17) (E072) Lodgement of a security deposit with Council upon practical completion of works.

#### G - 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, residents and visitors to the Manufactured Home Estate.
- (2) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (3) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (4) A community bus service shall be available to the residents of the manufactured home estate. The bus service shall include daily return trips into the Kendall main street and regular trips into Laurieton. A community bus time table is to be developed and distributed to residents and is to be reviewed at annually in consultation with MHE residents by site management to ensure the community bus service is meeting the needs of the MHE residents.
- (5) A community bus timetable is to be developed and distributed to residents. The timetable shall be reviewed annually in consultation with residents by the onsite manager to ensure the community bus service continues to meet the needs of the residents.
- (6) An on-site manager shall reside on the site and be available at all times. The contact details of the manager shall be displayed in prominent positions throughout the estate. The on-site Manager shall police regulation of the use of all recreation facilities.
- (7) All future manufactured homes installed/dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (8) (F027) The swimming pool filtration motor shall be operated between the following hours only:
  - Monday to Friday (other than a public holiday) 7.00 am 8.00 pm
  - Saturday to Sunday and Public Holidays 8.00 am 8.00 pm

Should noise levels exceed 5dBA above the ambient noise level measured at the boundary, the pool filtration motor shall be enclosed with an effective soundproof unit.

- (9) (F028) The operations of the public pool/spa is to comply with the requirements of the:
  - a. Public Health Act 2010,
  - b. Public Health Regulation 2012, and
  - NSW Ministry of Heath Public Swimming Pool and Spa Pool Advisory Document 2013.
- (10) (F036) Any exterior lighting on the site shall be designed and installed so as not to cause a nuisance or adverse impact on the amenity of the surrounding area by light overspill. The lighting shall be the minimum level of illumination necessary for safe operation and must be designed, installed and used in accordance with AS 4282 1997 control of the obtrusive effects of outdoor lighting. No flashing, moving or intermittent lighting is permitted on the site.
- (11) Prepare a MHE Showground Community Engagement Plan to minimise risk of complaints from MHE residents about ongoing showground events and activities. This plan is to be reviewed a minimum every 2 years. This plan is to be developed and subsequently reviewed in consultation with the Showground Executive and the MHE's on-site manager. A copy of this plan is to be provided to both the Showground Executive and the MHE Site Manager.



#### **ATTACHMENT**

### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

PORT MACQUARIE-HASTINGS COUNCIL

PO Box 84 Port Macquarie NSW Australia 2444 DX 7415

council@pmhc.nsw.gov.au www.pmhc.nsw.gov.au

ABN: 11 236 901 601

18 April 2017

PORT MACQUARIE HASTINGS

Parcel Number: 17536, 30145, 30146, 30147

Land Dynamics Australia PO Box 2459 PORT MACQUARIE NSW 2444

Dear Sir/Madam

#### DA 2006/57.2 - Modification of Consent Pursuant to Section 96 (1A) of the Environmental Planning & Assessment Act 1979

I refer to your application dated 30 March 2017 to modify conditions relating to timing of the application and flooding requirements under DA 2006/57 at LOT: 2 DP: 702775, LOT: 23 DP: 112083, LOT: 1 DP: 122192, LOT: 79 DP: 655658 Batar Creek Road KENDALL, 79 Batar Creek Road KENDALL.

Please be advised that pursuant to Section 96 (1A) of the Act, your application to modify the consent has been granted, subject to:

- A. Amend the following conditions as outlined in modified consent:
   A9 and A17
- B. Reimposition of all other previously approved conditions of consent as originally determined 12 June 2007 and as modified with this approval dated 18 April 2017.

The applicant is advised that Section 97AA of the Act confers on an applicant who is dissatisfied with the determination, right of appeal to the Land and Environment Court.

A revised schedule of development consent conditions is attached.

Yours sincerely

Clinton Tink

Development Assessment Planner

#### SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2006/57 are as follows:

No.1 Modification No.1 18 April 2017	
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#### A - GENERAL MATTERS

- (1) (DA001) The development shall be carried out in accordance with the approved plans and details submitted to Council, stamped and returned with this consent.
- (2) (DA002) 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) (DA003) All building work must comply with the provisions of the Building Code of Australia (BCA).
- (4) (DA006) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works within the development site required by the development consent is to be obtained from Port Macquarie-Hastings Council. A copy of the approval is to be submitted with the application for Construction Certificate.
- (5) (DA007) Approval pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be obtained from Port Macquarie-Hastings Council. The application for this engineering approval must be made on the prescribed form with payment of fees pursuant to Section 223 of the Roads Act 1993 in accordance with Council's Schedule of Fees and Charges. The application is to include detailed design plans prepared by a practising Chartered Professional Civil/Structural Engineer. A copy of the approval is to be submitted with the application for Construction Certificate. Under the provisions of the Local Government Act 1993 and/or the Roads Act 1993, if the activity is staged, the activity or the specified part or aspect of the activity, or any thing associated with the activity or the carrying out of the activity, may be the subject of a further approval.

Such works include, but not be limited to:

- · Civil works
- Traffic management
- · Work zone areas
- (6) (DA008) The requirements, pursuant to Section 306 of the Water Management Act 2000, to carry out water management works on public land, required by this Development Consent is to be obtained from Port Macquarie-Hastings Council prior to the issue of a Construction Certificate.
- (7) (DA011) The design and construction of all subdivision works shall be in accordance with Council's adopted AUSPEC Specifications and Development Control Plan No

- 17 which are prescribed at the time of commencement of engineering works.
- (8) (DA016) The general terms of approval from the NSW Rural Fire Service and the Department of Natural Resources are set out in the schedules attached to this consent and form part of the consent conditions for this approval.
- (9) (DA020) This consent approves the staging of the subdivision subject to:
  - (a) The applicant supplying an updated staging plan when lodging a Construction Certificate application showing each of the preceding stages and the proposed stages of the subdivision;
  - Compliance with any other conditions of consent in relation to the staging of works
  - (c) Deleted. 1
- (10) (DA024) The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- (11) (DA066) All water and sewer services necessary to service the development must be provided in accordance with Council's requirements. All services are to be designed and constructed in accordance with Council's AUSPEC Specifications. Council pursuant to Section 68 of the Local Government Act must approve the design plans for the required services.
- (12) (DA067) Provision of a 200mm diameter water main to supply the development; such main to extend from Kendall Reservoir to the subdivision.
  - Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Subdivision Construction Certificate.
- (13) (DA071) Provision to each lot of a separate water connection (un-metered and sealed) to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies.
- (14) (DA072) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
  - Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Subdivision Construction Certificate.
- (15) (DA082) Dust nuisance shall not be generated as a result of the undertaking of the development.
- (16) (DA083) Wastes including vegetation shall not be disposed of by burning.
- (17) (DA088) Filling of the site of the proposed development to a minimum 0.5m above the 1 in 100 year flood level in accordance with AUSPEC Specification D6.
  - For the purpose of this approval, the 1 in 100 year flood level may be assumed to be RL 5.5m AHD. Details shall be submitted with the application for the Construction Certificate. Certification must be submitted by a practising chartered professional civil and /or structural engineer certifying that the works have been completed in accordance with approved plans prior to the issue of Occupation Certificate. <sup>1</sup>
- (18) (DA094) Provision of overland flow paths, bypass facilities and the drainage of entrapped waters from adjoining property.

- (19) (DA099) The proponent shall provide underground electricity and telecommunication services in accordance with the requirements of the relevant authority.
- (20) (DA102) Submission prior to the issue of a subdivision certificate of a plan prepared by a Registered Surveyor showing location of existing road formation relative to reserved and dedicated roads to enable determination of any road widening necessary. Any road widening is to be at no cost to Council.
- (21) (DA105) Provision of the entrance threshold landscaping and signage shall be undertaken at the full cost of the proponent and shall be maintained for the duration of subdivision works. Any structures shall be removed within 2 years after the expiration of the roadworks and infrastructure maintenance period.
- (22) (DA111) Compensatory provision for the trees removed, as a result of the development shall be made. In this regard, an avenue of street tress (minimum 75litre plant stock) shall be placed along the entire alignment of proposed Road No. 1. The compensatory planting shall comprise of suitable species as agreed between the developer and Council's Parks and Gardens Section. A landscape plan/s and landscape maintenance plan, for this compensatory planting, is to be submitted to Council for approval with the application for a Construction Certificate.
- (23) (DA119) Existing mature specimen trees adjacent Batar Creek Road Reserve are to be mulched to a depth of 150mm. Mulch shall be free of deleterious and extraneous matter such as soils, weed, sticks and litter in accordance to AS 4454.
- (24) (DA195) Protective, durable and decorative fencing shall be installed around all street tree specimens at the time of planting. Fencing shall be maintained for a period of 2 years. The type, design and construction method shall be indicated on the landscape plans submitted with the application for the construction certificate.
- (25) (DA196) Provision of a combined cycle and signed way/pedestrian path across the frontage of the Kendall Showground to provide a pedestrian link with the Kendall urban area. The cycleway / pedestrian path shall extend from and link with the internal path network in the northwest boundary corner of the development to the northern corner of the Showground site. The cycleway/pedestrian path is to be 2.1m wide concrete within a minimum ten (10) metre wide reservation. Pathways are to include kerb ramps where necessary in accordance with Council's AUSPEC Design and Construction Guidelines. The design plans are to be approved by Council prior to the issue of the Subdivision Certificate.
- (26) (DA197) Construction of a roundabout on Batar Creek Road at the intersection of Road 1 and Benaroon Drive, as shown on application plan (Master Plan 6 –letter dated 15 March 2007), in accordance with AUSTROADS Pt 6 and AUSPEC Design and Construction Guidelines, at no cost to Council.
- (27) Provision of a 1.8m high chain wire security/safety fence along the boundary with the showground prior to release of lots adjacent the common boundary.
- (28) This consent allows for a maximum 56 childcare places in the child care centre.
- (29) The car park for the childcare centre shall provide for a minimum of 14 vehicle spaces with separate set down and pick up areas adjacent the entrance to the centre. The set down area shall be designed to allow vehicles to move past stationary vehicles and exit the site in a forward direction.
- (30) Asset Protection Zones for the childcare centre shall comply with the Bushfire Safety Authority issued by NSW Rural Fire Service and date stamped by Council March 2007.

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

- (1) (DB002) Submission to the Principal Certifying Authority prior to the issue of a Subdivision Construction Certificate detailed design plans for the following public infrastructure works associated with the developments:
  - a. Stage A: Construction of the road shoulder and table drain for the full frontage of the development in Batar Creek Road in accordance with:
    - AUSPEC Design Specification D1, Port Macquarie-Hastings Council current version.
  - New roads within the subdivision in accordance with AUSPEC Design Specifications – Port Macquarie-Hastings Council current version.
  - Earthworks, including filling of the land for flood protection in accordance with AUSPEC Design Specification D6, Port Macquarie-Hastings Council current version.
  - d. Sewerage reticulation in accordance with AUSPEC Design Specification D12, Port Macquarie-Hastings Council current version.
  - e. Water supply reticulation in accordance with AUSPEC Design Specification D11, Port Macquarie-Hastings Council current version.
  - f. Stormwater systems in accordance with AUSPEC Design Specifications D5 & D7, Port Macquarie-Hastings Council current version.
  - g. Erosion & Sedimentation controls in accordance with AUSPEC D7, Port Macquarie-Hastings Council current version.
  - h. Location of all existing utility services including:
    - Conduits for electricity supply and communication services.
    - Water supply
    - Sewerage
    - Stormwater
    - · Traffic Management Control Plan.

**Stage A:** Provision of pedestrian/cycleway access ways a minimum of 2.1m wide, within verge areas and water quality detention area in accordance with the approved Master Plan 6 as received by Council on 15 March 2007 and also on the northern side of Road No. 3 to link Road No. 1 to Batar Creek Road.

**Stage A:** Detailed intersection layout at the junction of Road No. 1 with Batar Creek Road and Benaroon Drive including street lighting in accordance with AUSTROADS Pt 6 "Roundabouts", including the reconstruction of the Batar Creek Road pavement for the full length of the intersection, giving particular attention to sight distance.

An application and checking fee in accordance with Council's Management Plan shall be payable upon submission of engineering design plans.

The plans are to be certified by a Chartered Professional Engineer or a registered Consultancy.

(2) (DB003) Road network within the subdivision is to be categorised with carriageway width as follows:

		Road Width (Metres)		
Road No.	Access	Local	Collector	
4, 5, 6 & 7	7.0m			
2		7.0m		
1 & 3			9.0m with indented bus bays	

- (3) (DB004) 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;
  - Earthworks, including filling of the land for flood protection in accordance with AUSPEC Design Specification D6, Port Macquarie-Hastings Council current version.
  - Public parking areas including;
    - · Driveways and access aisles;
    - Parking bays;

in accordance with AS2890.1 - 2004.

- Water supply hydraulic plans for internal water supply services and associated works in accordance with AS 3500, NSW Code of Practice and Port Macquarie-Hastings Council Policies.
- Stormwater systems in accordance with AUSPEC Design Specification D5, Port Macquarie-Hastings Council current version.
- Erosion & Sedimentation controls in accordance with AUSPEC D7, Port Macquarie-Hastings Council current version.
- Location of all existing utility services including;
  - · Conduits for electricity supply and communication services.
  - Water supply
  - Sewerage
  - Stormwater
- Detailed driveway profile in accordance with AUSPEC Design Specification D1 and Australian Standard Drawings ASD208, Port Macquarie-Hastings Council current version.
- An application and checking fee in accordance with Council's Management Plan shall be payable upon submission of engineering design plans.
- (4) (DB007) The provision of additional civil works within Batar Creek Road at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development. Design plans are to be approved by Council prior to issue of the Subdivision Construction Certificate.
- (5) (DB009) If engineering works are of a value greater than \$25,000, a detailed estimate of cost of the civil engineering works and documentary proof of payment of the levy required by the Building and Construction Industry Long Service Payments

- Act must be provided to Council prior to any approval of engineering plans.
- (6) (DB011) The excavated and filled area shall be retained and drained in accordance with DCP No. 41 – Building Construction and Site Management. Detailed drawings and specifications are to be submitted with the application for the construction certificate.
- (7) (DB012) An Erosion and Sediment Control Management Plan prepared in accordance with the relevant sections of the Department of Housing manual "Soil and Water Management for Urban Development", Port Macquarie-Hastings Council sediment control policies and Council's adopted AUSPEC Design and Construction Guidelines shall be submitted to and approved by the Principal Certifying Authority with the application for construction certificate.

The plan shall include measures to:

- Prevent site vehicles tracking sediment and other pollutants from the development site.
- Dust control measures.
- Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.
- Contingencies in the event of flooding.
- (8) (DB016) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted with the application for Construction Certificate.
- (9) (DB017) 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 with the application for the Construction Certificate.
- (10) (DB027) A schedule of existing and proposed fire safety measures is to be submitted with the application for the Construction Certificate.
- (11) (DB029) Prior to the issue of a Construction Certificate, provision shall be made for the storage of garbage containers and containers for recyclable material in a designated garbage area. If an external area is used for the storage of putrescible material then the area shall be:
  - Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest.
  - Provided with a hose tape connected to the water supply;
  - Paved with impervious material;
  - Graded and drained to the sewer system, and
  - Roofed to prevent the entry rainwater.
- (12) (DB031) The provision of splay corners in accordance with DCP 17. Details must be submitted to and approved by Council prior to issue of the Subdivision Construction Certificate.
- (13) (DB035) A detailed engineering plan showing driveways, parking areas, and the means of access from the road to the proposed development in accordance with Council's adopted AUSPEC Design and Construction Guidelines are to be submitted

to the Principal Certifying Authority for approval. Plans are to include site conditions affecting the access, pavement levels in relation to floor levels, and should nominate levels in relation to the kerb (or nominated fixed datum) and grades.

- (14) (DB036) 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).
- (15) (DB038) Prior to the issue of any Construction Certificate, satisfactory arrangements are to be made with the Water Authority for the provision of water and sewer services to the land. Evidence of such arrangements will be furnishing relevant documentation from the Water Authority.
- (16) (DB045) Payment to Council, prior to the issue of the Subdivision Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Hastings S94 Administration Building Contributions Plan
  - Hastings Administration Levy Contributions Plan
  - Hastings S94 Major Roads Contributions Plan
  - Hastings S94 Open Space Contributions Plan
  - Community Cultural and Emergency Services Contributions Plan 2005

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.

- (17) (DB050) Submission of a detailed landscape plan prior to the issue of the Construction Certificate.
- (18) (DB055) The applicant shall implement a landscape maintenance program for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Detailed Landscape Plan with the Subdivision Construction Certificate application.
- (19) (DB056) The applicant shall engage a qualified bush regenerator to develop a restoration plan and program for the eastern drainage area. This must be submitted with the Subdivision Construction Certificate application.
- (20) (DB195) The 10 metre wide pedestrian/cycleway access link between Lots 122 and 123 from Road No. 3 and Batar Creek Road is to be dedicated to Council as pathway and also constructed as an emergency bushfire access and comply with Section 4.1.3 of 'Planning for Bushfire Protection 2006'; such accessway is to be constructed with a minimum four (4) metre wide concrete pavement with the capacity to carry fully loaded firefighting vehicles of minimum 15 tonnes.
- (21) (DB196) The extension of Council's sewerage system to serve the development by the applicant involves under boring of the North Coast Railway and as such requires

Council to enter into a licence with the Australian Rail Track Corporation (ARTC). Prior to the issue of the Subdivision Construction Certificate, the applicant is required to submit sewerage plans that satisfy both Council's and the ARTC's requirements. During construction the applicant must adhere to the requirements of Council for the construction of sewer **and** the ARTC with regard to the licence for the construction of infrastructure within the railway corridor.

- (22) (DB197) The proponent is to provide, for the proposed total development, a water supply strategy, detailing subdivision staging and the corresponding water supply work necessary to support each stage. The strategy is to incorporate the latest changes in water supply design requirements as well as being modelled on software compatible with that used by Council.
- (23) (DB198) The local water supply reticulation mains are to loop within the subdivision to minimize dead ends and connect to the existing reticulation wherever possible. This will help to improve the quality and security of supply to the development site. Connections will be required to the existing and proposed water reticulation mains in Batar Creed Road, Benaroon Drive and the Latham Subdivision.
- (24) The proponent is to provide Council with a plan detailing the staging of the development.

#### C - PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (DC002) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (DC003) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (DC006) Erosion and sediment controls in accordance with the approved management plan shall be in place prior to the commencement of any works or soil disturbance on the site.
- (4) (DC030) A one-metre high exclusion fence shall be installed around the extremity of the drip line of the trees to be retained on-site, prior to any site works commencing. The minimum acceptable standard is a 3-strand wire fence with star pickets at 1.8 metre centres. Fencing shall be maintained throughout the period of construction to prevent any access within the tree protection area. No building materials or other items are to be placed or stored within the fenced off areas. Details of tree protection and its locations must be indicated on Architectural and Engineering Site Plans to be submitted with Construction Certificate.
- (5) (DC031) The ensure the protection of root systems of trees near the site access, the following protection works shall be implemented:
  - a minimum 350mm of mulch is placed and maintained along the access route under the canopy of the tree for the entire period of construction; or
  - (b) wooden slats shall be secured over a 150mm mulch layer where the gradient or frequency of access prevents maintenance of 350mm depth of mulch;

Submission of certification from a qualified Arborist that the above measures have been implemented prior to construction commencing and during the period of development.

(6) (DC032) Prior to commencement of site works, all trees required to be removed as a

consequence of drainage & sewer works; site filling and road construction shall be physically identified on-site. An inspection shall be made by the applicant's supervising Arborist or Council's Tree Assessment Officer, to ensure tree removal complies with the approved plan.

#### D - DURING WORK

- (1) (DD002) 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:
  - prior to commencement of site clearing and installation of erosion control facilities;
  - at completion of installation of erosion control measures
  - prior to installing traffic management works
  - before commencement of any filling works;
  - when the sub-grade is exposed and prior to placing of pavement materials;
  - when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - at the completion of each pavement (sub base/base) layer;
  - before pouring of kerb and gutter;
  - prior to the pouring of concrete for sewerage works;
  - on completion of road gravelling or pavement;
  - during construction of sewer infrastructure;
  - prior to sealing and laying of pavement surface course.

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.

Council will undertake random audits of work sites to verify compliance of public works as required.

- (2) (DD005) The slope of the cut/fill batter shall not exceed 1:6. The batter shall be stabilised with plantings and maintained in a neat state. The batter to any stormwater control device shall not exceed 1:8 unless provided with adequate safety fencing in accordance with Council's adopted AUSPEC Design and Construction Guidelines.
- (3) (DD006) The capacity and effectiveness of erosion and sediment control measures shall be maintained at all times in accordance with the approved management plan until such time as the site is made stable by permanent vegetation cover or hard surface.
- (4) (DD024) Work on the project being limited to the following hours, unless otherwise permitted by Council:-
  - Monday to Saturday from 7.00am to 6.00pm

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

(5) (DD028) Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific

- written approval has been obtained from Council beforehand.
- (6) (DD047) Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, constructed drainage systems, easement, water bodies, or road surface and located wholly within the site with measures in place to prevent erosion or movement of sediments in accordance with the approved management plan. All spillage of materials, as a result of delivery or handling, must be removed as soon as practicable and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- (7) (DD048) Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.
- (8) (DD058) Any damage to a tree nominated for retention/protection in the road reserve during the construction phase shall be treated by an approved Arborist at the developer's expense.
- (9) (DD059) A qualified ecological consultant shall be engaged to supervise all on site clearing and shall certify in writing that clearing has occurred in accordance with the approved plans and conditions of this consent.
- (10) (DD060) A suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before they are felled. If there are any koala or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. If it is likely that hollows are providing habitat for native species, traps shall be set for several nights and any native species found shall be relocated to an appropriate nearby location.

#### E - PRIOR TO THE ISSUE OF OCCUPATION OR SUBDIVISION CERTIFICATE

- (DE001) The child care centre shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (DE004) Where any permanent control marks are placed in accordance with the Survey Practice Regulation 2001 in the preparation of the plan, two (2) copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision. Any permanent control marks destroyed are to be replaced in accordance with the Survey Practice Regulation 2001.
- (3) (DE005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (DE012) Prior to occupation of the child care centre, a durable termite management system notice is to be displayed within the building, such as the metre box, in accordance with AS 3660. Such notice shall indicate:
  - the method of protection;
  - the date of installation of the system;
  - where a chemical barrier is used, its life expectancy as listed on the National Registration Authority Label;
  - the need to maintain and inspect the system on a regular basis.
- (5) (DE015) Prior to the issue of the Occupation Certificate for the child care centre (or interim occupation certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate

in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

- (6) (DE020) Certification shall be submitted to the Principal Certifying Authority certifying that all bush fire measures necessary to achieve compliance with the Development Consent and Construction Certificate have been implemented.
- (7) (DE033) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to the issue of the Occupation Certificate or commencement of the approved land use.
- (8) (DE035) The proponent shall place allotment number identification at the front boundary corners to indicate the side boundaries and/or access shafts prior to release of the Subdivision Certificate.
- (9) (DE037) All public roads are to be constructed in accordance with approved construction plans and Council's current AUSPEC Specifications and dedicated up to the boundaries of all adjoining properties where shown on the approved plan.
- (10) (DE038) Prior to the issuing of the Occupation Certificate for the Child Care Centre 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.
- (11) (DE043) A Professional Civil Engineer/Registered Surveyor is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming:
  - all drainage lines have been located within the respective easements, and
  - any other drainage structures are located in accordance with the Construction Certificate.
  - all stormwater has been directed to a Council approved drainage system
  - all conditions of consent/ construction certificate approval have been complied with.

Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.

- (12) (DE051) 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.
- (13) (DE052) Prior to the issue of any Occupation Certificate, submission of relevant documentation from the Water Authority confirming its acceptance of infrastructure works, including work as executed plans in accordance with Port Macquarie-Hastings Council current version of AUSPEC.
- (14) (DE053) Prior to the issuing of any Occupation Certificate provision to the Principal Certifying Authority of a Water Authority and/or Section 68, Sanitary Plumbing and/or Stormwater Drainage Final Certificate issued by Port Macquarie-Hastings Council.
- (15) (DE054) Provision of a certificate to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the child care centre certifying that the temperature control device has been installed in accordance with the relevant provisions of the National Plumbing and Drainage Code.

- (16) (DE056) All works shall be certified by a practicing Chartered Civil Engineer or Registered Surveyor as compliant in accordance with the requirements of AUSPEC Quality Initiatives for Provision of Public Infrastructure, prior to:
  - Issue of the Subdivision Certificate;

Council will undertake random audit of work sites to verify compliance of public works as required.

- (17) (DE058) No building is to be connected to Council's future water main until Council has accepted such main. A pre-requisite for acceptance will be to successfully comply with Council's AUSPEC Specifications for pressure testing of the main, hydrants and valves at the correct height in relation to the finished footpath and markers placed. The hydrant, valves and markers must be protected during dwelling construction by erecting a barrier. Hydrant, valves and markers are to be clearly visible at the completion of the dwelling landscape works. Water meters will not be connected until the mains are accepted.
- (18) (DE065) Landscaped areas being completed prior to issue of the Subdivision Certificate.
- (19) (DE066) Prior to the issue of Occupation Certificate for the child Care Centre, certification is to be provided stating that the landscaping which has been provided complies with the requirements for same specified in Bushfire Risk Assessment and Bushfire Safety Authority.
- (20) (DE067) Building envelopes for proposed lots 15-27 and 112-120 shall be identified on the linen plan of subdivision in accordance with building envelopes shown on the plan approved with the development consent.
- (21) (DE068) Occupation shall not commence until a Landscape Compliance Certificate, issued by Council or an Accredited Landscape Certifier, is submitted to the Principal Certifying Authority. The Certificate shall certify that the completed works have been constructed in accordance with the approved Landscape Concept Plan, consent conditions, Detailed Landscape Plan and that a maintenance programme has been established.
- (22) (DE071) Provision of street lighting to all new roads and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Evidence by way of letter from the electricity authority, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.
  - Any proposal to erect non-standard or prestige street lighting is to be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 Street Lighting on Public Roads.
- (23) (DE072) 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. Any alterations to or relocation of street lighting to be approved in writing from Port Macquarie-Hastings Council.
- (24) (DE073) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
  - The relocation of underground services where required by civil works being carried out.

- The relocation of above ground power and telephone services
- The relocation of street lighting
- The matching of new infrastructure into existing or future design infrastructure
- (25) (DE075) Compliance with the general terms of approval of the NSW Rural Fire Service and Department of Infrastructure as outlined in their correspondence dated and as follows:
  - Bushfire Safety Authority dated 26 March 2007 (Cncl Stamp)
  - Department of Natural Resources dated 31 March 2006 (Cncl Stamp)
- (26) (DE076) Prior to the issue of a Subdivision Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied.
- (27) (DE080) Lodgement of a security deposit with Council upon practical completion of the subdivision works equivalent to 10% of all engineering works required on public property as assessed by the Director of Infrastructure. The security deposit shall be held for a <u>minimum</u> maintenance period of three (3) months following issue of subdivision certificate, prior to formal acceptance of the work by Council.
- (28) (DE085) Road names proposed for the subdivision shall be submitted for Council approval prior to lodgement of the Subdivision Certificate. A suitable name for any new road/s shall be in accordance with Council's adopted policy.
- (29) (DE086) The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by payment of all relevant fees in accordance with Council's Management Plan, and original plan of subdivision together with 7 copies with associated 88B instruments, where necessary.
- (30) (DE087) The plan of subdivision and Section 88B instrument shall establish the following restrictive covenant; with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants:
  - Prohibiting direct vehicular access to Batar Creek Road.
  - The extent of the land affected by these covenants shall be defined on the plan
    of subdivision. Details are to be submitted to Council prior to issue of the
    Subdivision Certificate.
- (31) (DE089) The lot identified as proposed drainage land under Council's control is to be dedicated to Council for drainage purposes. Provision for this dedication is to be made in the application for the Subdivision Certificate.
- (32) (DE093) The applicant is required to make provision in the application for a Subdivision Certificate:
  - Dedication as public road of a 3m x 3m splay corner.
- (33) (DE094) The applicant will be required to submit prior to the issue of the Subdivision Certificate, a geotechnical report confirming construction of all earthworks in accordance with AUSPEC D6 and/or indicating the suitability of all allotments for future home/building sites; such report to provide details of:

- The surface levels of the allotments created and any other area filled or reshaped as part of the development
- compaction testing carried out to Level 2 of Appendix B AS 3798;
- standard penetration tests and calculated N values;
- bore logs
- site classification of all allotments in accordance with AS 2870.1. 1987 -Residential Slabs and Footings.
- (34) (DE095) 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 Certificate.
- (35) (DE096) All subdivision works must be in accordance with Development Code DCP 17 and approved by Council prior to the issue of a Subdivision Certificate.
- (36) (DE097) Prior to the issuing of the Subdivision 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.

#### F - OCCUPATION OF THE SITE

- (DF009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (2) (DF010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (3) (DF046) The applicant shall implement a Landscape and Street-Tree Fencing Maintenance Program for a minimum period of 24 months from the issue of the Occupation Certificate. A Bank Guarantee shall be submitted in order to ensure that all landscape work becomes well established by regular maintenance. Council will not release the Bank Guarantee until a Landscape Compliance Certificate, issued by an Accredited Landscape Certifier, is submitted to Council. The Certificate must state that the landscape works have been established and maintained as shown on the approved Detailed Landscape Plan in compliance with all conditions of consent.

#### G - ADVICE

- (1) (DG022) 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.
- (2) (DG023) In respect of applications for other than separate Class 1 buildings, applicants are required to furnish the following information from an approved Hydraulic Consulting Engineer with the application for the water service:

- Hydraulic calculations that address flow, pressure and velocity requirements of AS 3500.1.
- A plan to a scale of not less than 1:100 that clearly indicates the position of the water meter on the property, the type of materials and nominal size of all water service pipes, the position of all stop valves, stop taps, backflow prevention devices and other valves, any water storage to be provided including air gap requirements, overflow pipe arrangement and any booster pumps.
- Complete details of any fire service, booster pump or irrigation system installation.
- (3) (DG026) 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 Subdivision Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent is required. 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
- (4) (DG027) Extension or modification of the town water supply system where necessary to serve the development, at no cost to Council.
- (5) (DG028) Extension or modification of the town sewerage system where necessary to serve the development, at no cost to Council.
- (6) (DG029) 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 <u>Subdivision</u> Certificate. The copyright for all information supplied, shall be assigned to Council.
- (7) (DG033) Provision to each lot of a separate sewer line to Council's main.
- (8) (DG195) Future residential development of lots created within the subdivision and identified as bushfire prone land on the Council's Bushfire Fire Prone Land map will be subject to Section 79BA of the EP&A Act, 1979 and must meet the requirements of Planning for Bushfire Protection 2001.
- (9) (DG196) The bushfire trail shown as on the amended Master Plan 6 received by Council on 15 March 2007 as "Temporary Fire Trail" is to be eliminated. This is a carry over from the original layout plan prior to modification for Road No. 1 being a perimeter road. The bushfire report confirms safe evacuation can occur from the future dwellings within the subdivision, via the proposed internal access roads onto Batar Creek Road, thence to Kendall. If, in the event that the new internal road network/Batar Creek Road intersection is blocked, an alternate emergency egress is available via the 6 metre wide access link between Lots 122 and 123, onto Batar Creek Road, which has been confirmed by the NSW Rural Fire Service in letter to Council on 26 March 2007. The link is to comply with Section 4.3.3 of 'Planning for Bushfire Protection 2001'.
- (10) (DG197) Preliminary modelling of water supply demands for the proposed subdivision has indicated that it will be necessary to provide the equivalent of a 200mm water main from the Kendal Reservoir to the development site to fully serve

this development. A completely separate water main for the development will not be acceptable and any new water supply works are to be incorporated with the existing reticulation. Council will fund any pipe size increases requested over the minimum required for the subdivision and existing reticulation, in accordance with policy.

The water supply route proposed as shown on Plan 10 will require cooperation with the proponents of DA 2003/0638. Should there not be an agreement, then a water main route along Batar Creek Road will be required.

The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Codes and Policies, LEP's, DCP's or any other ancillary Act or Regulation in force at the time of the date of determination and are aimed at protecting the natural environment, preserving our heritage and providing a safe and healthy built environment.

#### **Rights of Appeal**

If you are dissatisfied with this decision a request for a review of the determination may be made to Council, under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979.

If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court.

Yours sincerely

Clinton Tink

Development Assessment Planner

#### Port Macquarie-Hastings Council

PO Box 84 Port Macquarie NSW 2444 DX 7415

Email: council@pmhc.nsw.gov.au Website: www.pmhc.nsw.gov.au Fax: 6581 8788

ABN: 11 236 901 601 19 June 2007



Laundry & Beukers Port Macquarie Pty Ltd PO Box 1076 PORT MACQUARIE NSW 2444

Dear Sir/Madam

Notice to applicant of determination of a development application under Section 81(1) (a) of the Environmental Planning and Assessment Act 1979 and Section 99 of the Local Government Act 1993

Subject Development Property Description Boundary Adjustment, 140 Lot Subdivision, Long Day Care Centre LOT: 2 DP: 702775, LOT: 23 DP: 112083, LOT: 1 DP: 122192,

LOT: 79 DP: 655658, Batar Creek Road KENDALL

Applicant

Laundry & Beukers Port Macquarie Pty Ltd

Owner

M J & P B Angel

Notice is hereby given of the determination by the consent authority of your development application by granting of consent subject to the conditions detailed on the schedule attached to this notice.

#### Approvals under the Local Government Act, 1993

Local Government Act 1993 approvals granted under Section 78A of the Environmental Planning & Assessment Act 1979 are as follows:

nil

#### Notes to this consent

- 1. The date of determination is 12 June 2007.
- The date from which this consent operates is 19 June 2007 and will lapse unless building, engineering or construction work or a use related to this consent is physically commenced within five (5) years of this date.
- The period for which this consent can operate may be limited by conditions of this consent.

Υ⁄ομrs faithfully

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L Fuller

Development Assessment Planner

A sustainable high quality of life for all

#### SCHEDULE OF CONDITIONS ATTACHED TO THIS CONSENT

The conditions of consent referred to in the Notice of Determination for DA No 2006/57 are as follows:

#### A – GENERAL MATTERS

- (DA001) The development shall be carried out in accordance with the approved plans and details submitted to Council, stamped and returned with this consent.
- (2) (DA002) 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) (DA003) All building work must comply with the provisions of the Building Code of Australia (BCA).
- (4) (DA006) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works within the development site required by the development consent is to be obtained from Port Macquarie-Hastings Council. A copy of the approval is to be submitted with the application for Construction Certificate.
- (5) (DA007) Approval pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be obtained from Port Macquarie-Hastings Council. The application for this engineering approval must be made on the prescribed form with payment of fees pursuant to Section 223 of the Roads Act 1993 in accordance with Council's Schedule of Fees and Charges. The application is to include detailed design plans prepared by a practising Chartered Professional Civil/Structural Engineer. A copy of the approval is to be submitted with the application for Construction Certificate. Under the provisions of the Local Government Act 1993 and/or the Roads Act 1993, if the activity is staged, the activity or the specified part or aspect of the activity, or any thing associated with the activity or the carrying out of the activity, may be the subject of a further approval.

Such works include, but not be limited to:

- · Civil works
- · Traffic management
- · Work zone areas
- (6) (DA008) The requirements, pursuant to Section 306 of the Water Management Act 2000, to carry out water management works on public land, required by this Development Consent is to be obtained from Port Macquarie-Hastings Council prior to the issue of a Construction Certificate.
- (7) (DA011) The design and construction of all subdivision works shall be in accordance with Council's adopted AUSPEC Specifications and Development Control Plan No 17 which are prescribed at the time of commencement of engineering works.
- (8) (DA016) The general terms of approval from the NSW Rural Fire Service and the Department of Natural Resources are set out in the schedules attached to this consent and form part of the consent conditions for this approval.

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- (9) (DA020) This consent approves the staging of the subdivision subject to:
  - (a) The applicant supplying an updated staging plan when lodging a Construction Certificate application showing each of the preceding stages and the proposed stages of the subdivision;
  - (b) Compliance with any other conditions of consent in relation to the staging of works
  - (c) Completion of the subdivision within 10 years of the date of consent.
- (10) (DA024) The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- (11) (DA066) All water and sewer services necessary to service the development must be provided in accordance with Council's requirements. All services are to be designed and constructed in accordance with Council's AUSPEC Specifications. Council pursuant to Section 68 of the Local Government Act must approve the design plans for the required services.
- (12) (DA067) Provision of a 200mm diameter water main to supply the development; such main to extend from Kendall Reservoir to the subdivision.
  - Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Subdivision Construction Certificate.
- (13) (DA071) Provision to each lot of a separate water connection (un-metered and sealed) to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies.
- (14) (DA072) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.
  - Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Subdivision Construction Certificate.
- (15) (DA082) Dust nuisance shall not be generated as a result of the undertaking of the development.
- (16) (DA083) Wastes including vegetation shall not be disposed of by burning.
- (17) (DA088) Filling of the site of the proposed development to a minimum 5.5m above the 1 in 100 year flood level in accordance with AUSPEC Specification D6.
  - For the purpose of this approval, the 1 in 100 year flood level may be assumed to be RL 5.5m AHD. Details shall be submitted with the application for the Construction Certificate. Certification must be submitted by a practising chartered professional civil and /or structural engineer certifying that the works have been completed in accordance with approved plans prior to the issue of Occupation Certificate.
- (18) (DA094) Provision of overland flow paths, bypass facilities and the drainage of entrapped waters from adjoining property.
- (19) (DA099) The proponent shall provide underground electricity and telecommunication services in accordance with the requirements of the relevant authority.

- (20) (DA102) Submission prior to the issue of a subdivision certificate of a plan prepared by a Registered Surveyor showing location of existing road formation relative to reserved and dedicated roads to enable determination of any road widening necessary. Any road widening is to be at no cost to Council.
- (21) (DA105) Provision of the entrance threshold landscaping and signage shall be undertaken at the full cost of the proponent and shall be maintained for the duration of subdivision works. Any structures shall be removed within 2 years after the expiration of the roadworks and infrastructure maintenance period.
- (22) (DA111) Compensatory provision for the trees removed, as a result of the development shall be made. In this regard, an avenue of street tress (minimum 75litre plant stock) shall be placed along the entire alignment of proposed Road No. 1. The compensatory planting shall comprise of suitable species as agreed between the developer and Council's Parks and Gardens Section. A landscape plan/s and landscape maintenance plan, for this compensatory planting, is to be submitted to Council for approval with the application for a Construction Certificate.
- (23) (DA119) Existing mature specimen trees adjacent Batar Creek Road Reserve are to be mulched to a depth of 150mm. Mulch shall be free of deleterious and extraneous matter such as soils, weed, sticks and litter in accordance to AS 4454.
- (24) (DA195) Protective, durable and decorative fencing shall be installed around all street tree specimens at the time of planting. Fencing shall be maintained for a period of 2 years. The type, design and construction method shall be indicated on the landscape plans submitted with the application for the construction certificate.
- (25) (DA196) Provision of a combined cycle and signed way/pedestrian path across the frontage of the Kendall Showground to provide a pedestrian link with the Kendall urban area. The cycleway / pedestrian path shall extend from and link with the internal path network in the northwest boundary corner of the development to the northern corner of the Showground site. The cycleway/pedestrian path is to be 2.1m wide concrete within a minimum ten (10) metre wide reservation. Pathways are to include kerb ramps where necessary in accordance with Council's AUSPEC Design and Construction Guidelines. The design plans are to be approved by Council prior to the issue of the Subdivision Certificate.
- (26) (DA197) Construction of a roundabout on Batar Creek Road at the intersection of Road 1 and Benaroon Drive, as shown on application plan (Master Plan 6 –letter dated 15 March 2007), in accordance with AUSTROADS Pt 6 and AUSPEC Design and Construction Guidelines, at no cost to Council.
- (27) Provision of a 1.8m high chain wire security/safety fence along the boundary with the showground prior to release of lots adjacent the common boundary.
- (28) This consent allows for a maximum 56 childcare places in the child care centre.
- (29) The car park for the childcare centre shall provide for a minimum of 14 vehicle spaces with separate set down and pick up areas adjacent the entrance to the centre. The set down area shall be designed to allow vehicles to move past stationary vehicles and exit the site in a forward direction.
- (30) Asset Protection Zones for the childcare centre shall comply with the Bushfire Safety Authority issued by NSW Rural Fire Service and date stamped by Council March 2007.

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

- (1) (DB002) Submission to the Principal Certifying Authority prior to the issue of a Subdivision Construction Certificate detailed design plans for the following public infrastructure works associated with the developments:
  - a. Stage A: Construction of the road shoulder and table drain for the full frontage of the development in Batar Creek Road in accordance with:
    - AUSPEC Design Specification D1, Port Macquarie-Hastings Council current version.
  - New roads within the subdivision in accordance with AUSPEC Design Specifications

     Port Macquarie-Hastings Council current version.
  - c. Earthworks, including filling of the land for flood protection in accordance with AUSPEC Design Specification D6, Port Macquarie-Hastings Council current version.
  - d. Sewerage reticulation in accordance with AUSPEC Design Specification D12, Port Macquarie-Hastings Council current version.
  - e. Water supply reticulation in accordance with AUSPEC Design Specification D11, Port Macquarie-Hastings Council current version.
  - f. Stormwater systems in accordance with AUSPEC Design Specifications D5 & D7, Port Macquarie-Hastings Council current version.
  - g. Erosion & Sedimentation controls in accordance with AUSPEC D7, Port Macquarie-Hastings Council current version.
  - h. Location of all existing utility services including:
    - Conduits for electricity supply and communication services.
    - Water supply
    - Sewerage
    - Stormwater
    - · Traffic Management Control Plan.

**Stage A:** Provision of pedestrian/cycleway access ways a minimum of 2.1m wide, within verge areas and water quality detention area in accordance with the approved Master Plan 6 as received by Council on 15 March 2007 and also on the northern side of Road No. 3 to link Road No. 1 to Batar Creek Road.

**Stage A:** Detailed intersection layout at the junction of Road No. 1 with Batar Creek Road and Benaroon Drive including street lighting in accordance with AUSTROADS Pt 6 "Roundabouts", including the reconstruction of the Batar Creek Road pavement for the full length of the intersection, giving particular attention to sight distance.

An application and checking fee in accordance with Council's Management Plan shall be payable upon submission of engineering design plans.

The plans are to be certified by a Chartered Professional Engineer or a registered Consultancy.

(2) (DB003) Road network within the subdivision is to be categorised with carriageway width as follows:

Road No.	Road Width (Metres)			
	Access	Local	Collector	
4, 5, 6 & 7	7.0m			
2		7.0m		
1 & 3			9.0m with indented bus bays	

- (3) (DB004) 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;
  - Earthworks, including filling of the land for flood protection in accordance with AUSPEC Design Specification D6, Port Macquarie-Hastings Council current version.
  - Public parking areas including;
    - · Driveways and access aisles;
    - Parking bays;

in accordance with AS2890.1 - 2004.

- Water supply hydraulic plans for internal water supply services and associated works in accordance with AS 3500, NSW Code of Practice and Port Macquarie-Hastings Council Policies.
- Stormwater systems in accordance with AUSPEC Design Specification D5, Port Macquarie-Hastings Council current version.
- Erosion & Sedimentation controls in accordance with AUSPEC D7, Port Macquarie-Hastings Council current version.
- Location of all existing utility services including;
  - · Conduits for electricity supply and communication services.
  - Water supply
  - Sewerage
  - Stormwater
- Detailed driveway profile in accordance with AUSPEC Design Specification D1 and Australian Standard Drawings ASD208, Port Macquarie-Hastings Council current version.
- An application and checking fee in accordance with Council's Management Plan shall be payable upon submission of engineering design plans.
- (4) (DB007) The provision of additional civil works within Batar Creek Road at no cost to Council necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development. Design plans are to be approved by Council prior to issue of the Subdivision Construction Certificate.
- (5) (DB009) If engineering works are of a value greater than \$25,000, a detailed estimate of cost of the civil engineering works and documentary proof of payment of the levy

- required by the Building and Construction Industry Long Service Payments Act must be provided to Council prior to any approval of engineering plans.
- (6) (DB011) The excavated and filled area shall be retained and drained in accordance with DCP No. 41 – Building Construction and Site Management. Detailed drawings and specifications are to be submitted with the application for the construction certificate.
- (7) (DB012) An Erosion and Sediment Control Management Plan prepared in accordance with the relevant sections of the Department of Housing manual "Soil and Water Management for Urban Development", Port Macquarie-Hastings Council sediment control policies and Council's adopted AUSPEC Design and Construction Guidelines shall be submitted to and approved by the Principal Certifying Authority with the application for construction certificate.

The plan shall include measures to:

- Prevent site vehicles tracking sediment and other pollutants from the development site
- Dust control measures.
- Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.
- Contingencies in the event of flooding.
- (8) (DB016) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted with the application for Construction Certificate.
- (9) (DB017) 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 with the application for the Construction Certificate.
- (10) (DB027) A schedule of existing and proposed fire safety measures is to be submitted with the application for the Construction Certificate.
- (11) (DB029) Prior to the issue of a Construction Certificate, provision shall be made for the storage of garbage containers and containers for recyclable material in a designated garbage area. If an external area is used for the storage of putrescible material then the area shall be:
  - Bunded with a minimum volume of the bund being capable of containing 110% of the capacity of the largest container stored, or 25% of the total storage volume, whichever is the greatest.
  - Provided with a hose tape connected to the water supply;
  - Paved with impervious material;
  - Graded and drained to the sewer system, and
  - Roofed to prevent the entry rainwater.
- (12) (DB031) The provision of splay corners in accordance with DCP 17. Details must be submitted to and approved by Council prior to issue of the Subdivision Construction Certificate.

- (13) (DB035) A detailed engineering plan showing driveways, parking areas, and the means of access from the road to the proposed development in accordance with Council's adopted AUSPEC Design and Construction Guidelines are to be submitted to the Principal Certifying Authority for approval. Plans are to include site conditions affecting the access, pavement levels in relation to floor levels, and should nominate levels in relation to the kerb (or nominated fixed datum) and grades.
- (14) (DB036) 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).
- (15) (DB038) Prior to the issue of any Construction Certificate, satisfactory arrangements are to be made with the Water Authority for the provision of water and sewer services to the land. Evidence of such arrangements will be furnishing relevant documentation from the Water Authority.
- (16) (DB045) Payment to Council, prior to the issue of the Subdivision Certificate of the Section 94 contributions set out in the "Notice of Payment Developer Charges" schedule attached to this consent. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Hastings S94 Administration Building Contributions Plan
  - Hastings Administration Levy Contributions Plan
  - Hastings S94 Major Roads Contributions Plan
  - Hastings S94 Open Space Contributions Plan
  - Community Cultural and Emergency Services Contributions Plan 2005

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.

- (17) (DB050) Submission of a detailed landscape plan prior to the issue of the Construction Certificate.
- (18) (DB055) The applicant shall implement a landscape maintenance program for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Detailed Landscape Plan with the Subdivision Construction Certificate application.
- (19) (DB056) The applicant shall engage a qualified bush regenerator to develop a restoration plan and program for the eastern drainage area. This must be submitted with the Subdivision Construction Certificate application.
- (20) (DB195) The 10 metre wide pedestrian/cycleway access link between Lots 122 and 123 from Road No. 3 and Batar Creek Road is to be dedicated to Council as pathway and also constructed as an emergency bushfire access and comply with Section 4.1.3 of 'Planning for Bushfire Protection 2006'; such accessway is to be constructed with a minimum four

- (4) metre wide concrete pavement with the capacity to carry fully loaded firefighting vehicles of minimum 15 tonnes.
- (21) (DB196) The extension of Council's sewerage system to serve the development by the applicant involves under boring of the North Coast Railway and as such requires Council to enter into a licence with the Australian Rail Track Corporation (ARTC). Prior to the issue of the Subdivision Construction Certificate, the applicant is required to submit sewerage plans that satisfy both Council's and the ARTC's requirements. During construction the applicant must adhere to the requirements of Council for the construction of sewer and the ARTC with regard to the licence for the construction of infrastructure within the railway corridor.
- (22) (DB197) The proponent is to provide, for the proposed total development, a water supply strategy, detailing subdivision staging and the corresponding water supply work necessary to support each stage. The strategy is to incorporate the latest changes in water supply design requirements as well as being modelled on software compatible with that used by Council.
- (23) (DB198) The local water supply reticulation mains are to loop within the subdivision to minimize dead ends and connect to the existing reticulation wherever possible. This will help to improve the quality and security of supply to the development site. Connections will be required to the existing and proposed water reticulation mains in Batar Creed Road, Benaroon Drive and the Latham Subdivision.
- (24) The proponent is to provide Council with a plan detailing the staging of the development.

#### C - PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (DC002) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (DC003) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (DC006) Erosion and sediment controls in accordance with the approved management plan shall be in place prior to the commencement of any works or soil disturbance on the site.
- (4) (DC030) A one-metre high exclusion fence shall be installed around the extremity of the drip line of the trees to be retained on-site, prior to any site works commencing. The minimum acceptable standard is a 3-strand wire fence with star pickets at 1.8 metre centres. Fencing shall be maintained throughout the period of construction to prevent any access within the tree protection area. No building materials or other items are to be placed or stored within the fenced off areas. Details of tree protection and its locations must be indicated on Architectural and Engineering Site Plans to be submitted with Construction Certificate.
- (5) (DC031) The ensure the protection of root systems of trees near the site access, the following protection works shall be implemented:
  - a minimum 350mm of mulch is placed and maintained along the access route under the canopy of the tree for the entire period of construction; or

 (b) wooden slats shall be secured over a 150mm mulch layer where the gradient or frequency of access prevents maintenance of 350mm depth of mulch;

Submission of certification from a qualified Arborist that the above measures have been implemented prior to construction commencing and during the period of development.

(6) (DC032) Prior to commencement of site works, all trees required to be removed as a consequence of drainage & sewer works; site filling and road construction shall be physically identified on-site. An inspection shall be made by the applicant's supervising Arborist or Council's Tree Assessment Officer, to ensure tree removal complies with the approved plan.

### D-DURING WORK

- (1) (DD002) 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:
  - prior to commencement of site clearing and installation of erosion control facilities;
  - at completion of installation of erosion control measures
  - prior to installing traffic management works
  - before commencement of any filling works;
  - when the sub-grade is exposed and prior to placing of pavement materials;
  - when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - at the completion of each pavement (sub base/base) layer;
  - before pouring of kerb and gutter;
  - prior to the pouring of concrete for sewerage works;
  - on completion of road gravelling or pavement;
  - during construction of sewer infrastructure;
  - prior to sealing and laying of pavement surface course.

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.

Council will undertake random audits of work sites to verify compliance of public works as required.

- (2) (DD005) The slope of the cut/fill batter shall not exceed 1:6. The batter shall be stabilised with plantings and maintained in a neat state. The batter to any stormwater control device shall not exceed 1:8 unless provided with adequate safety fencing in accordance with Council's adopted AUSPEC Design and Construction Guidelines.
- (3) (DD006) The capacity and effectiveness of erosion and sediment control measures shall be maintained at all times in accordance with the approved management plan until such time as the site is made stable by permanent vegetation cover or hard surface.
- (4) (DD024) Work on the project being limited to the following hours, unless otherwise permitted by Council:-

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Monday to Saturday from 7.00am to 6.00pm

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

- (5) (DD028) Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.
- (6) (DD047) Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, constructed drainage systems, easement, water bodies, or road surface and located wholly within the site with measures in place to prevent erosion or movement of sediments in accordance with the approved management plan. All spillage of materials, as a result of delivery or handling, must be removed as soon as practicable and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.
- (7) (DD048) Open and piped drains, gutters, roadways and access ways shall be maintained free of sediment for the duration of the work. When necessary, roadways shall be swept and drains and gutters cleaned of sediment build up.
- (8) (DD058) Any damage to a tree nominated for retention/protection in the road reserve during the construction phase shall be treated by an approved Arborist at the developer's expense.
- (9) (DD059) A qualified ecological consultant shall be engaged to supervise all on site clearing and shall certify in writing that clearing has occurred in accordance with the approved plans and conditions of this consent.
- (10) (DD060) A suitably qualified ecological consultant shall inspect all native trees that have been approved for removal before they are felled. If there are any koala or other fauna species in the tree, work in the vicinity is to cease until the animal has moved from the area. If it is likely that hollows are providing habitat for native species, traps shall be set for several nights and any native species found shall be relocated to an appropriate nearby location.

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

- (DE001) The child care centre shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (DE004) Where any permanent control marks are placed in accordance with the Survey Practice Regulation 2001 in the preparation of the plan, two (2) copies of the locality sketch plans of the marks placed are to be forwarded to Council with the final plan of subdivision. Any permanent control marks destroyed are to be replaced in accordance with the Survey Practice Regulation 2001.
- (3) (DE005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (DE012) Prior to occupation of the child care centre, a durable termite management system notice is to be displayed within the building, such as the metre box, in accordance with AS 3660. Such notice shall indicate:
  - the method of protection;

- the date of installation of the system;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority Label;
- the need to maintain and inspect the system on a regular basis.
- (5) (DE015) Prior to the issue of the Occupation Certificate for the child care centre (or interim occupation certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (6) (DE020) Certification shall be submitted to the Principal Certifying Authority certifying that all bush fire measures necessary to achieve compliance with the Development Consent and Construction Certificate have been implemented.
- (7) (DE033) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to the issue of the Occupation Certificate or commencement of the approved land use.
- (8) (DE035) The proponent shall place allotment number identification at the front boundary corners to indicate the side boundaries and/or access shafts prior to release of the Subdivision Certificate.
- (9) (DE037) All public roads are to be constructed in accordance with approved construction plans and Council's current AUSPEC Specifications and dedicated up to the boundaries of all adjoining properties where shown on the approved plan.
- (10) (DE038) Prior to the issuing of the Occupation Certificate for the Child Care Centre 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.
- (11) (DE043) A Professional Civil Engineer/Registered Surveyor is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming:
  - all drainage lines have been located within the respective easements, and
  - any other drainage structures are located in accordance with the Construction Certificate.
  - all stormwater has been directed to a Council approved drainage system
  - all conditions of consent/ construction certificate approval have been complied with.

Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.

(12) (DE051) 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.

- (13) (DE052) Prior to the issue of any Occupation Certificate, submission of relevant documentation from the Water Authority confirming its acceptance of infrastructure works, including work as executed plans in accordance with Port Macquarie-Hastings Council current version of AUSPEC.
- (14) (DE053) Prior to the issuing of any Occupation Certificate provision to the Principal Certifying Authority of a Water Authority and/or Section 68, Sanitary Plumbing and/or Stormwater Drainage Final Certificate issued by Port Macquarie-Hastings Council.
- (15) (DE054) Provision of a certificate to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the child care centre certifying that the temperature control device has been installed in accordance with the relevant provisions of the National Plumbing and Drainage Code.
- (16) (DE056) All works shall be certified by a practicing Chartered Civil Engineer or Registered Surveyor as compliant in accordance with the requirements of AUSPEC Quality Initiatives for Provision of Public Infrastructure, prior to:
  - Issue of the Subdivision Certificate;
  - Council will undertake random audit of work sites to verify compliance of public works as required.
- (17) (DE058) No building is to be connected to Council's future water main until Council has accepted such main. A pre-requisite for acceptance will be to successfully comply with Council's AUSPEC Specifications for pressure testing of the main, hydrants and valves at the correct height in relation to the finished footpath and markers placed. The hydrant, valves and markers must be protected during dwelling construction by erecting a barrier. Hydrant, valves and markers are to be clearly visible at the completion of the dwelling landscape works. Water meters will not be connected until the mains are accepted.
- (18) (DE065) Landscaped areas being completed prior to issue of the Subdivision Certificate.
- (19) (DE066) Prior to the issue of Occupation Certificate for the child Care Centre, certification is to be provided stating that the landscaping which has been provided complies with the requirements for same specified in Bushfire Risk Assessment and Bushfire Safety Authority.
- (20) (DE067) Building envelopes for proposed lots 15-27 and 112-120 shall be identified on the linen plan of subdivision in accordance with building envelopes shown on the plan approved with the development consent.
- (21) (DE068) Occupation shall not commence until a Landscape Compliance Certificate, issued by Council or an Accredited Landscape Certifier, is submitted to the Principal Certifying Authority. The Certificate shall certify that the completed works have been constructed in accordance with the approved Landscape Concept Plan, consent conditions, Detailed Landscape Plan and that a maintenance programme has been established.
- (22) (DE071) Provision of street lighting to all new roads and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Evidence by way of letter from the electricity authority, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.

- Any proposal to erect non-standard or prestige street lighting is to be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 Street Lighting on Public Roads.
- (23) (DE072) 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. Any alterations to or relocation of street lighting to be approved in writing from Port Macquarie-Hastings Council.
- (24) (DE073) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
  - The relocation of underground services where required by civil works being carried out.
  - The relocation of above ground power and telephone services
  - The relocation of street lighting
  - The matching of new infrastructure into existing or future design infrastructure
- (25) (DE075) Compliance with the general terms of approval of the NSW Rural Fire Service and Department of Infrastructure as outlined in their correspondence dated and as follows:
  - Bushfire Safety Authority dated 26 March 2007 (Cncl Stamp)
  - Department of Natural Resources dated 31 March 2006 (Cncl Stamp)
- (26) (DE076) Prior to the issue of a Subdivision Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied.
- (27) (DE080) Lodgement of a security deposit with Council upon practical completion of the subdivision works equivalent to 10% of all engineering works required on public property as assessed by the Director of Infrastructure. The security deposit shall be held for a minimum maintenance period of three (3) months following issue of subdivision certificate, prior to formal acceptance of the work by Council.
- (28) (DE085) Road names proposed for the subdivision shall be submitted for Council approval prior to lodgement of the Subdivision Certificate. A suitable name for any new road/s shall be in accordance with Council's adopted policy.
- (29) (DE086) The proponent shall submit an application for a Subdivision Certificate for Council certification. Such application shall be accompanied by payment of all relevant fees in accordance with Council's Management Plan, and original plan of subdivision together with 7 copies with associated 88B instruments, where necessary.
- (30) (DE087) The plan of subdivision and Section 88B instrument shall establish the following restrictive covenant; with the Council having the benefit of these covenants and having sole authority to release vary or modify these covenants:
  - Prohibiting direct vehicular access to Batar Creek Road.

- The extent of the land affected by these covenants shall be defined on the plan of subdivision. Details are to be submitted to Council prior to issue of the Subdivision Certificate.
- (31) (DE089) The lot identified as proposed drainage land under Council's control is to be dedicated to Council for drainage purposes. Provision for this dedication is to be made in the application for the Subdivision Certificate.
- (32) (DE093) The applicant is required to make provision in the application for a Subdivision Certificate:
  - dedication as public road of a 3m x 3m splay corner.
- (33) (DE094) The applicant will be required to submit prior to the issue of the Subdivision Certificate, a geotechnical report confirming construction of all earthworks in accordance with AUSPEC D6 and/or indicating the suitability of all allotments for future home/building sites; such report to provide details of:
  - The surface levels of the allotments created and any other area filled or reshaped as part of the development
  - compaction testing carried out to Level 2 of Appendix B AS 3798;
  - standard penetration tests and calculated N values:
  - bore logs
  - site classification of all allotments in accordance with AS 2870.1. 1987 -Residential Slabs and Footings.
- (34) (DE095) 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 Certificate.
- (35) (DE096) All subdivision works must be in accordance with Development Code DCP 17 and approved by Council prior to the issue of a Subdivision Certificate.
- (36) (DE097) Prior to the issuing of the Subdivision 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.

### F – OCCUPATION OF THE SITE

- (DF009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (2) (DF010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (3) (DF046) The applicant shall implement a Landscape and Street-Tree Fencing Maintenance Program for a minimum period of 24 months from the issue of the

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Occupation Certificate. A Bank Guarantee shall be submitted in order to ensure that all landscape work becomes well established by regular maintenance. Council will not release the Bank Guarantee until a Landscape Compliance Certificate, issued by an Accredited Landscape Certifier, is submitted to Council. The Certificate must state that the landscape works have been established and maintained as shown on the approved Detailed Landscape Plan in compliance with all conditions of consent.

### G-ADVICE

- (1) (DG022) 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.
- (2) (DG023) In respect of applications for other than separate Class 1 buildings, applicants are required to furnish the following information from an approved Hydraulic Consulting Engineer with the application for the water service:
  - Hydraulic calculations that address flow, pressure and velocity requirements of AS 3500.1.
  - A plan to a scale of not less than 1:100 that clearly indicates the position of the water meter on the property, the type of materials and nominal size of all water service pipes, the position of all stop valves, stop taps, backflow prevention devices and other valves, any water storage to be provided including air gap requirements, overflow pipe arrangement and any booster pumps.
  - Complete details of any fire service, booster pump or irrigation system installation.
- (3) (DG026) 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 Subdivision Certificate, of the Section 64 contributions, as set out in the "Notice of Payment Developer Charges" schedule attached to this consent is required. 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
- (4) (DG027) Extension or modification of the town water supply system where necessary to serve the development, at no cost to Council.
- (5) (DG028) Extension or modification of the town sewerage system where necessary to serve the development, at no cost to Council.
- (6) (DG029) 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 <u>Subdivision</u> Certificate. The copyright for all information supplied, shall be assigned to Council.
- (7) (DG033) Provision to each lot of a separate sewer line to Council's main.
- (8) (DG195) Future residential development of lots created within the subdivision and identified as bushfire prone land on the Council's Bushfire Fire Prone Land map will be

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- subject to Section 79BA of the EP&A Act, 1979 and must meet the requirements of Planning for Bushfire Protection 2001.
- (9) (DG196) The bushfire trail shown as on the amended Master Plan 6 received by Council on 15 March 2007 as "Temporary Fire Trail" is to be eliminated. This is a carry over from the original layout plan prior to modification for Road No. 1 being a perimeter road. The bushfire report confirms safe evacuation can occur from the future dwellings within the subdivision, via the proposed internal access roads onto Batar Creek Road, thence to Kendall. If, in the event that the new internal road network/Batar Creek Road intersection is blocked, an alternate emergency egress is available via the 6 metre wide access link between Lots 122 and 123, onto Batar Creek Road, which has been confirmed by the NSW Rural Fire Service in letter to Council on 26 March 2007. The link is to comply with Section 4.3.3 of 'Planning for Bushfire Protection 2001'.
- (10) (DG197) Preliminary modelling of water supply demands for the proposed subdivision has indicated that it will be necessary to provide the equivalent of a 200mm water main from the Kendal Reservoir to the development site to fully serve this development. A completely separate water main for the development will not be acceptable and any new water supply works are to be incorporated with the existing reticulation. Council will fund any pipe size increases requested over the minimum required for the subdivision and existing reticulation, in accordance with policy.

The water supply route proposed as shown on Plan 10 will require cooperation with the proponents of DA 2003/0638. Should there not be an agreement, then a water main route along Batar Creek Road will be required.

The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Codes and Policies, LEP's, DCP's or any other ancillary Act or Regulation in force at the time of the date of determination and are aimed at protecting the natural environment, preserving our heritage and providing a safe and health built environment.

### Rights of Appeal

If you are dissatisfied with this decision a request for a review of the determination may be made to Council, under the provisions of Section 82A of the Environmental Planning and Assessment Act 1979, within 12 months after the date on which you have received this notice.

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right of appeal to the Land and Environment Court within 12 months after the date on which you have received this notice.

Yours faithfully

L Fuller

Development Assessment Planner

### MOTIOL OF PATIMENT - DEVELOPER CHARGERS

DA No - 10.2006. 0057 .1 Stage No Total

Applicants Name: Laundry and Buekers Property Address: Batar Creek Road

Lot & Dp: Lot(s):79, 23, 2, 1, DP(s):655658, 112083, 702775, 122192
Development: Boundary adjustment, subdivision, child care centre



Water and Sewerage Headworks Levies are levied under S64 of the LGA Act & S307 of the Water Management Act 2000 Other contributions are levied under Section 94 of the Environmental Planning and Assessment Act and Council's S94 Contribution Plans. Ledger No Cashier D&E Units Amount Payable Date Paid Code Code Water Supply 1.11340.7018.738 907 CPL \$8,214.00 Per ET \$1,024,942.90 2 Sewerage Scheme Camden Haven 1.11040.7055.740 623 SCH 124.4 \$3,842.00 Per ET \$477,867.90 Since 1.7.04 - Major Roads -3 1.10410.7055.730 654 RC 121 \$6,337.00 Per ET \$766,777.00 Camden Haven - Per ET Since 1.7.04 - Open Space -1.10400.7055.732 705 OSCH 121 \$4,772.00 Per ET \$577,412.00 Camden Haven - Per ET Commenced 3 April 2006 - Com, CCEM 5 Cul and Em Services CP - Camden 1.10350.7420.734 616 121 \$3,337.00 Per ET \$403,777.00 CH Com 1.3.07 - Administration 6 1.10350.7461.734 731 ΑB 121 \$683.00 Per ET \$82,643.00 Building - All areas 7 N/A 8 N/A 9 N/A 10 N/A 11 N/A CCEM 12 Bushfire Additional 1.10350.7286.734 660 121 \$379.00 Per ET \$45,859.00 BF 13 N/A Admin General Levy - Applicable to Admin 1.10320.7163.670 672 2.2% S94 Contribution \$41,282.20 Consents approved after 11/2/03 Gen Admin Water Levy - Applicable to Consents approved after 11/2/03 Admin 1.11330.7421.670 673 1.6% Water Contribution \$16,399.00 Wat 16 Total Amount Payable

IMPORTANT - THE CHARGES SHOWN ABOVE ARE VALID FOR PAYMENT FOR A PERIOD OF 90 DAYS AFTER
THE ISSUE OF THIS NOTICE. AFTER THIS PERIOD THE CHARGE WILL NEED TO BE RECALCULATED.
A FEE WILL BE APPLICABLE FOR THE PREPARATION OF A NEW NOTICE OF PAYMENT

### Consent Date: 19-Jun-07 Cashier Receipt No Date of Issue of this Notice 20-Jun-07 Issue No 1 Total Paid Date Date Date Date

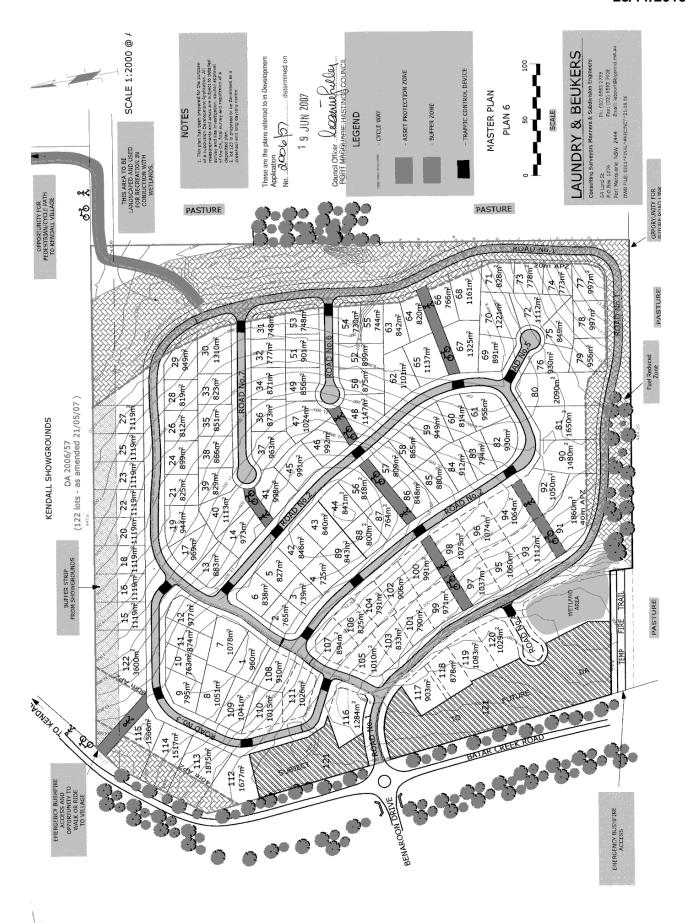
DATE CHARGES ARE VALID TO - 18 September 2007

A COPY OF THIS ADVICE MUST BE PRESENTED WHEN MAKING PAYMENT.

1 0057 of 2006, Stage No Total, Issue No 1, Leanne Fuller, 20-Jun-07.xls

Copy For: File; Applicant; Terry Brearley

PORT MACQUARIE-HASTINGS COUNCIL



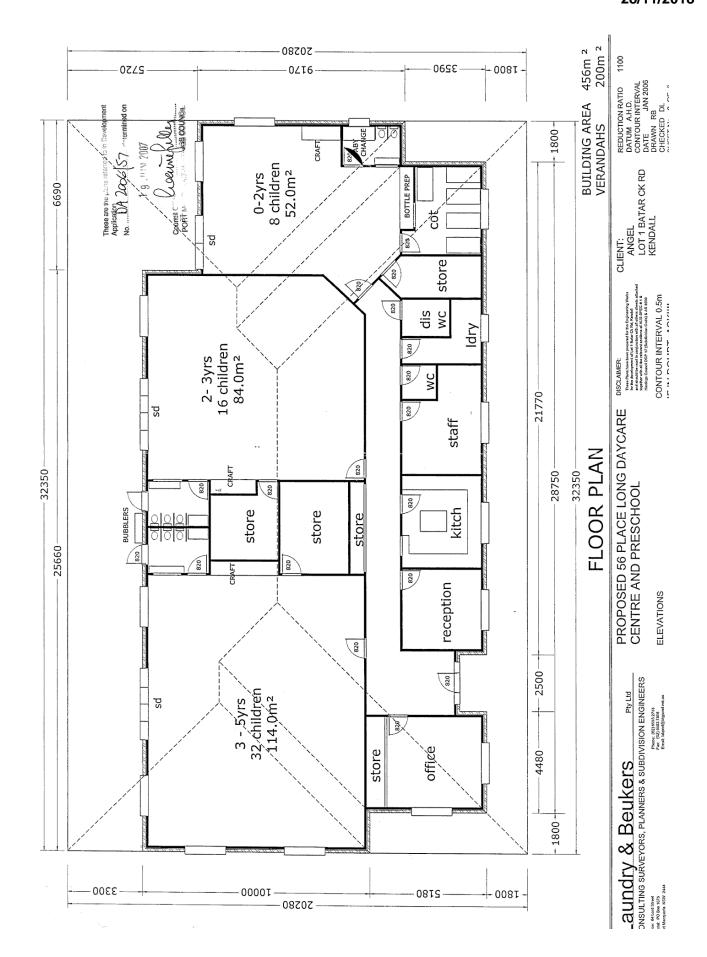
# PROPOSED PRESCHOO ONGDAYCA

These are the plans referred to in Development Application
No. 2006 57 determined on
1 9 JUN 2007

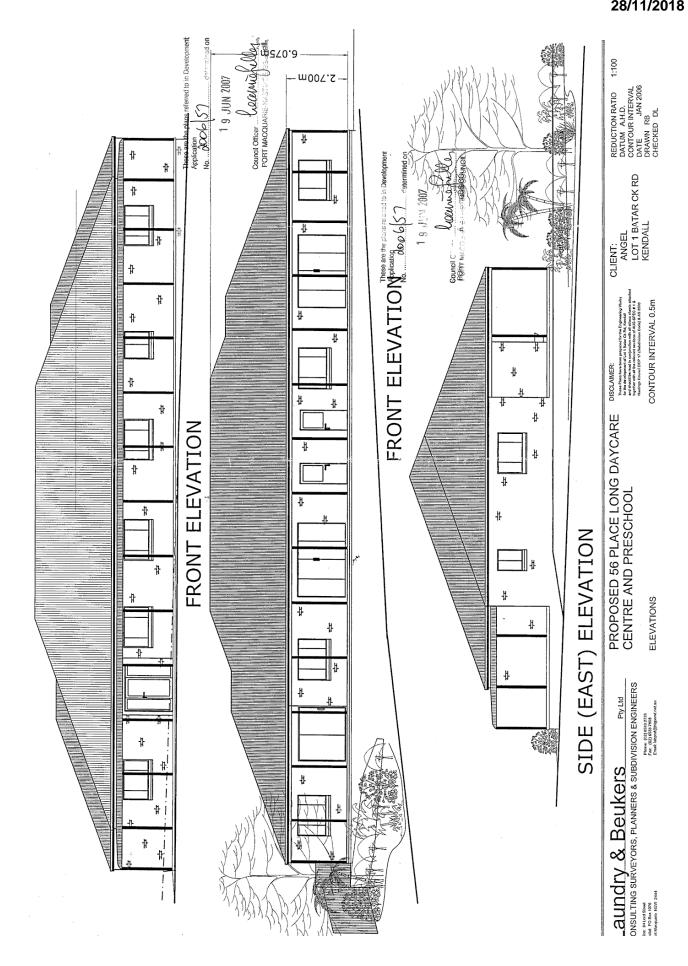
Council Officer
PORT MARCESUARIE: HASTING SEEDINGL.

Laundry & Beukers Pry Lid
CONSULTING SURVEYORS, PLANNERS & SUBDIVISION ENGINEERS
Office Released From Professional Profess

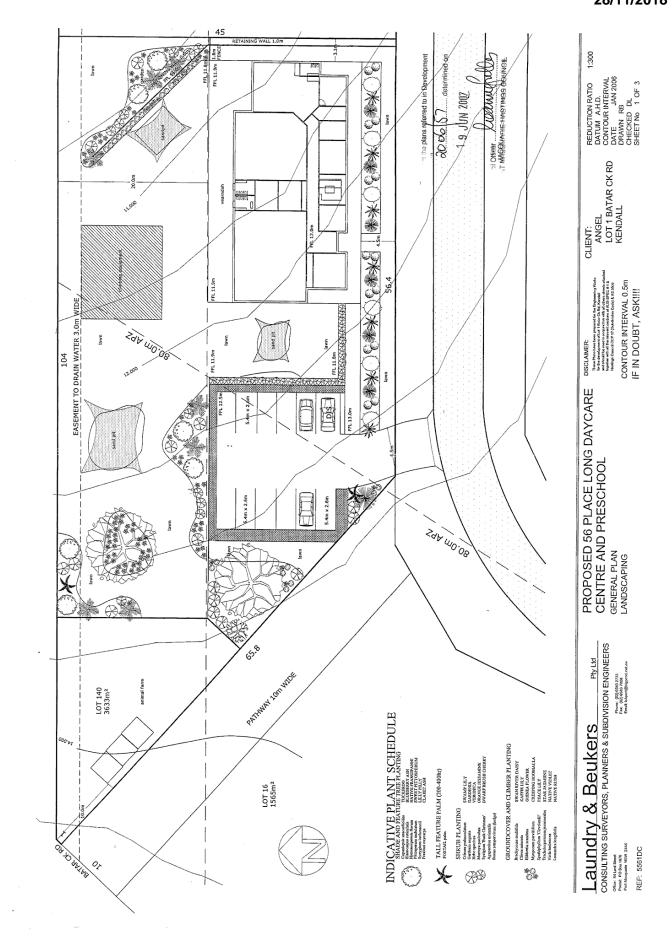
Item 05 Attachment 4



Item 05 Attachment 4 Page 156



Item 05 Attachment 4





### Character Statement - 79 Batar Creek Rd, Kendall

In response to comments made during the public exhibition of Development Application 2017/736 for a 280 Site Manufactured Housing Estate with Associated Infrastructure and 2 Lot Torrens Title Subdivision at 79 Batar Creek Road, Kendall, an assessment of the character of Kendall has been undertaken.

It is noted that the proposed development has been modified as part of this Rev A submission to contain 198 sites within the Manufactured Housing Estate and 12 residential lots as per a previous consent.

This Character Statement has identified positive features within the Kendall area, including built form and landscaping, which are proposed to be incorporated into the proposed Manufactured Housing Estate. A visual character analysis has also been provided and accompanies this Rev A submission to Council, and extracts included in this statement.

Kendall is a diverse community, with a mixture of old and new buildings and features. It is noted that there are new housing estates within Kendall, however it is the features of the established area including older buildings and mature trees which have been identified as being important to replicate and incorporate into the new development. The main focus is on the residential character of Kendall, however some commercial uses are contained in Kendall, such as shops, and incorporate similar building features and components.

As such, additional dwelling options and design reference have been developed which assist in tying in features of the existing character of Kendall.

This statement also addressed the relevant Land & Environment Court Planning Principle and other planning directions regarding character.

Figure 1 below indicates the revised site plan, with the significant reduction in site numbers and large areas of open space, wide meandering roads and plant schedule.



### (a) **Proposed Layout**

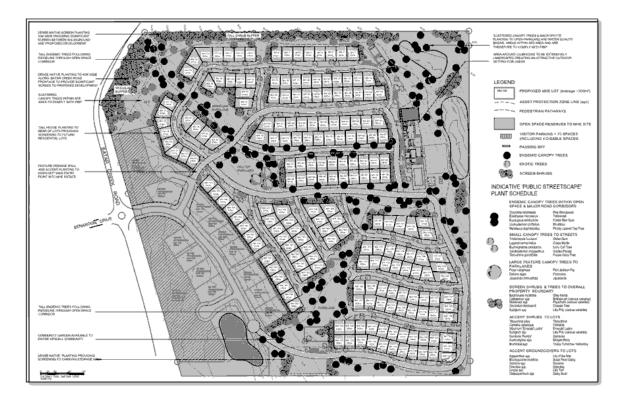
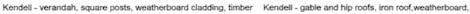


Figure 1: Revised Site Plan - Rev A Submission

### (b) **Existing Built Form Character**

The images below depict examples of the existing building character of Kendall.













Kendell - gable and hip roofs, corrugated steel roof, weatherboard, Kendell - verandah, weatherboard, corrugated steel roof,

Figure 2: Existing buildings in Kendall demonstrating character features

The Kendall Main Street Masterplan (2017) indicates that Kendall has a strong heritage, both indigenous and built heritage. The Masterplan has a strong focus on the main strip which contains community, residential and retail buildings and identifies that the roads are predominantly unformed and pedestrian network is fragmented, which contributes to the character.

### (c) Emerging Character

The Kendall Main Street Masterplan (2017) discusses the emerging character of Kendall, as follows:

### 3.4. EMERGING KENDALL

The region in which Kendall is located is rapidly changing. New housing subdivisions are under construction in Kew, to the north of Kendall. Within Kendall itself, new housing subdivisions are proposed such as a 280 lot manufactured housing estate at 79 Batar Creek Road. The application for this development is currently on exhibition on Council's website. This will bring an increase in population.

Therefore, when considering improvements to Kendall's main street, the study needs to consider that although Kendall may retain its village character, over time it will support a larger population base. This will result in an increase in demand for local community and commercial facilities, and an attendant increase in traffic.

### Port Macquarie-Hastings Urban Growth Management Strategy 2011-2031

The Strategy identifies a "secondary urban growth corridor" in Camden Haven, between Laurieton and Kendall, including Dunbogan, North and West Haven, and Kew:

The vision for this corridor is strongly dictated by the area's environmental constraints, which include the Camden Haven River, North Brother Mountain and Queens Lake. It is envisaged that smaller settlements will develop in this area, linked by Ocean Drive to Laurieton. The corridor contained 8968 persons in 2006, a figure projected to grow to 14,087 persons by 2031.

Kendall is identified as having some capacity for urban expansion within existing residential zoned land. It was also estimated that 8 rural residential lots of roughly 1 hectare each could be added in Kendall.

The Masterplan includes recommendations within the main street of Kendall regarding roads, landscaping, open space, in addition to a playground and lookout.



### (d) Proposed Built Form Character

The following images are examples of the proposed dwelling form, which has incorporated key elements from Kendall, including gables, weatherboard cladding, timber posts, corrugated iron roof, verandahs and picket fencing.







Woodglen - gable, verandah, weatherboard cladding



Woodglen - verandah, weatherboard cladding, timber



Woodglen - verandah, weatherboard cladding, corrugated iron roof

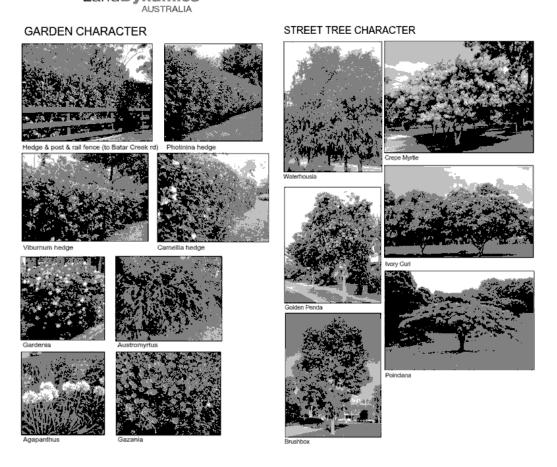
Figure 3: Proposed Indicative Dwellings in Manufactured Housing Estate

### (e) Existing Garden Character

The Masterplan identifies that "open space is an essential part of the urban framework of Kendall".

The images below indicate the character of plantings, gardens and trees in Kendall.





A planting list has been developed and shown on the plans, which incorporates specifies from the images above to assist in integrating the development into the existing area.

### (f) Design Reference

A Dwelling Design Reference has been developed for future MHE dwellings, which includes:

- Dominant roof forms to be complimentary to the existing heritage and general character of the town ship. Including:
  - Hipped and gable end styles with a minimum roof pitch 20" and over.
  - o Lower pitched verandah and garage roofs may be provided in a lean to or verandah style
  - o Roofs to be corrugated colorbond in one of the following colours only: shale grey, dune, windspray basalt
- · Wall materials to be predominantly weatherboard or lightweight style cladding with painted and or render finish



- Predominant paint colours to be light and medium neutral tones
- · Front doors to be clearly visible from the street
- . Windows may be aluminium but all windows to be provided with an external architrave / trim
- Fencing forward of the building line where provided to be of a picket style or post and rail with a maximum height of 1200mm and a minimum 25% opening
- Minimum 1 m landscape buffer in front of fencing
- Minimum 20% of frontage to be a verandah being a minimum of 1 m high
- · Pergola or verandah structures are to be lightweight timber frames or similar
- Balustrades are not required (except with PMHC compliance but where provided to be minimum 25% open and picket or post and rail style

A copy of the full document is contained as an Appendix to the SEE - Rev A.

### (g) Character Planning Principle

The Land and Environment Court has established Planning Principles. In *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*, a Planning Principle has been established with respect to surrounding development and compatability. Below is an extract from this case where the Planning Principle is discussed:

"21 The planning principle that follows develops the above further and makes it more generally applicable.

Planning principle: compatibility in the urban environment

22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

23 It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.

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24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

25 The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.

26 For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, **architectural style and materials** are also contributors to character.

27 Buildings do not have to be the same **height** to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.

28 Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. **Setbacks** from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.

29 **Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.

30 Conservation areas are usually selected because they exhibit consistency of scale, style or material. In conservation areas, a higher level of similarity between the proposed and the existing is expected than elsewhere. The similarity may extend to **architectural style** expressed through roof form, fenestration and materials.

31 It should be remembered that most people are not trained planners or urban designers and experience the urban environment without applying the kind of analysis described above. As people move through the city, they respond intuitively to what they see around them. A photomontage of a proposed development in its context provides the opportunity to test the above analysis by viewing the proposal in the same way that a member of the public would."

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Having regard to above comments, the proposed manufactured housing estate does have regard to height, setbacks, landscaping and architectural style. The Planning Principle discusses the relationship between the various factors and this has been reflected in the amended site layout, indicative dwelling design and design reference. The sites have been grouped with large areas of open space surrounding and the identified key architectural features and components of built form and landscaping in Kendall have been incorporated into the proposal. In terms of height, the future dwellings on the MHE sites are restricted to single storey and setbacks are required by the Regulations. The variety of lot shapes and sizes will allow for variation in setbacks and the variety of dwelling typologies and establishment of design reference allows for individuality in the dwellings, whilst having regard to character.

A review of Kendall identifies that there is not a consistent character, with some areas containing older buildings and dwellings, with minimal setbacks and located in the central area of the township. Other areas contain newer dwellings on standard residential sized blocks and others on rural-residential lots. Surrounding this mixture of buildings is a variety of plantings.

There is no consistent or established rhythm within Kendall and there is no denying that the proposed development is a new feature for Kendall. However, the proposed lot layout and design reference allows for a rhythm within the development to be established which is not repetitious and uninteresting in form.

As outlines in the Planning principle above, the development is to be in harmony with Kendall, but does not need to be the same and can have different attributes and still remain compatible. The proposed Rev A site design and proposed dwellings respond to the essential elements identified in Kendall, both built and landscaping, to ensure a harmonious development and form.

Large open areas from Batar Creek Road and other boundaries, as well as internally within the site, is proposed which is reflective of the nearby rural areas of Kendall.

### (h) Planning Circular

The Department of Planning & Environment have released a Planning Circular dated 16 January 2018. Having regard to this circular, the following points are provided:

- Development should have regard to the desired future character statement for the area.
- Compatibility is key for new development, which can co-exist together with the existing form but it does not need to be the same development.
- Respecting character does not preclude development.
- The values of the neighbourhood should be built on by the proposed development.
- Consider built form, bulk, scale, height, landscaping and good design.

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- Place based, responds to local character and community aspirations.
- Local character should be considered at all stages of planning.

Council does not have a desired future character statement for the area. There is a Main Street Masterplan, however it is restricted to the main street only rather than all of Kendall. This is discussed earlier in this statement.

The suitability of the site for residential development was addressed in 2006 at the time of the rezoning from rural to residential and approval of the 140 lot residential subdivision on the site. The character of Kendall has changed considerably over the past 10-15 years with the approval of new residential land subdivisions.

As identified in the Circular, respect for the existing character of Kendall does not preclude development from occurring. Specifically, with respect to character and compatibility, the Circular states:

"Compatibility is different from sameness, as it allows for many different features to coexist together harmoniously."

This is an important comment to note that the character of Kendall can be, and is being, respected by the proposed development, notwithstanding its varied form and not being the same as the existing residential form in the area.

This circular is consistent with the Planning Principle above and the comments in that section.

### (i) North Coast Urban Design Guidelines

The North Coast Urban Design Guidelines exists which identifies Kendall as being an inland village. In this regard, the following comments are provided within the guidelines:

- If minor expansion of the town boundary is necessary, new development should be located on unconstrained land nearby to minimise servicing costs and impacts on the natural landscape.
- Reinforce boundaries around the settlement to limit outward expansion.

With respect to these two points, the land is zoned for residential expansion, between two existing residential areas (village to north and large lot residential to south). The land is unconstrained and the revised design has minimal impact on the natural environment and allows for open areas to enhance the natural environment.



### (j) Conclusion

Having regard to the existing planning framework relating to Kendall, Planning Principles and Circulars regarding character and compatibility with the surrounds, it is concluded that the revised layout for the Manufactured Housing Estate is appropriate with respect to the existing and likely future character of Kendall.

The Design reference accompanying this application will ensure the future built form and landscaping of the development will occur in keeping with the existing positive features and character of Kendall to ensure the compatibility of the new development with the existing area.

Item 05

# DESIGN REFERENC

## Woodglen Lifestyle Estate Design Philosophy

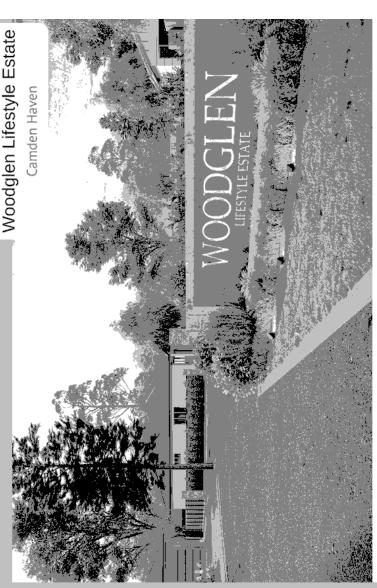
Woodglen Lifestyle Estate is a premium manufactured nousing estate located within the village of Kendall which is part of the Camden Haven Region and greater Port Macquaire Hasting Council Local Government area

We aim to achieve and retain a village design character, with the intent of this estate to offer attractive, affordable and vibrant housing options to enable likeminded couples and individuals to live within a friendly, secure and attractive estate that encourages a broader community involvement and focus.

# Purpose of the Design Reference

The purpose of the Woodglen Lifestyle Estate design reference is to outline design standards for reference of the individual homes and their streetscape landscaping to define and ensure the estate operators and residents maintain the defined character of Woodglen.

The standards are necessary to ensure that all homes provide a high design and quality living environment. The standards should maintain, protect and enhance the visual amenity of the estate and the valuable asset



# **Design Selection and Home Construction Approval Process**

The residents and operators will select the homes designs from a package of design options that will be available, possibly up to 10 standard designs that can be modified with the design reference in mind.

The home construction approval process will be made by Woodglen Lifestyle Estate operators in accordance with the relevant statutory approval pathways.

### Woodglen Lifestyle Estate Camden Haven

ndicative Design Facade and Landscaping

## **Design Guidelines**

- Dominant roof forms to be complimentary to the existing heritage and general character of the township, including:
- Hipped and gable end styles with a minimum roof pitch 20° and over
- Lower pitched verandah and garage roofs may be provided in a lean to or verandah style
- Roofs to be corrugated colorbond in one of the following colours only: shale grey, dune, windspray basalt
  - Wall materials to be predominantly weatherboard or lightweight style cladding with painted and or render finish
    - Predominant paint colours to be light and medium neutral tones
- Front doors to be clearly visible from the street
- Windows may be aluminium but all windows to be provided with an external architrave / trim
- Fencing forward of the building line where provided to be of a picket style or post and rail with a maximum height of 1200mm and a minimum 25% opening
- Minimum 1m landscape buffer in front of fencing
- Winimum 20% of frontage to be a verandah with a minimum height of 1m
- Pergola or verandah structures are to be lightweight timber frames or similar Balustrades are not required (except with PMHC compliance) but where provided to be minimum 25% open and picket or post and rail style

The design references have been made with the assistance of Land Dynamics and Kelly O' Connell Architecture and Design

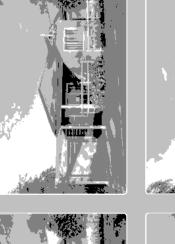
















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**NSW Government** 

DEPARTMENT OF NATURAL RESOURCES

31· 3· 06 0**018** 

Contact: Rob Kasmank Phone: (02) 66530 109 Fax: (02) 66530 144

Your ref: PN: 17536

mail: robert.kasmarik@dinr.nsw.gov.au

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

Attention: Leanne Fuller

29 March 2006

Dear Sir

Port Macquarie
HASTINGS COUNCIL

Percel DA 2006/0057

3 1 MAR 2006

Library CS
Room

DA 2006/57 - Boundary Adjustment, 140 Lot Subdivision, Long Day Care Centre

It is understood that the development proposal seeks approval for a staged development comprising a land subdivision, a boundary adjustment along the southern boundary and a child care centre. The application for the land subdivision is for 140 additional residential lots, with associated road and drainage reserves.

Binder

The subject site contains one apparent substantial dam that is to be filled. A first order stream at the north-eastern corner of the block appears in the proposal to be filled and a road constructed.

At the south-west corner there is another first order stream. Plan 2 – Site Analysis Plan attached to the proposal shows the significant vegetation along this stream line is to be retained. Plan 3 – Subdivision Layout shows the stream line and small dam (also shown on Plan 2 to be retained) completely covered by a proposed road. Apparently the "significant vegetation" is actually proposed to be removed.

The Environmental overview describes remnant vegetation on the site: as 3-5m wide and 100m long on either side of the streamline; high level of disturbance due to grazing and most closely associated with Ecosystem No. 142 Swamp Mahogany as defined in Forest Ecosystems Classifications for UNE and LNE CRA Regions 1999. The conclusion was that "the site has limited ecological value" and, "no threatened flora species, populations or vegetation communities were recorded on the site.

In view of the conclusions made in Environmental overview filling of the first order streams and removal of the remnant vegetation would appear acceptable.

It is considered that a part 3A permit under Rivers and Foreshores Improvement Act 1948 is required after development approval has been granted and before construction commences. A copy of the general conditions of approval is attached.

Yours faithfully

Rob Kasmarik

SNRO Coast, Coffs Harbour

Coffs Harbour Office Level 1 AMP Bldg cnr Gordon & Vernon Sts Box 582 Coffs Harbour NSW 2450 Telephone (02) 66530 100 Facsimile (02) 55530 144 Website http://nthcst/

2

### GENERAL TERMS OF APPROVAL

### **CONDITIONAL TO ISSUE OF PART 3A PERMIT**

### **RIVERS AND FORESHORES IMPROVEMENT ACT 1948**

### **General Conditions**

- 1 Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of the watercourse, without the prior issue of a Part 3A permit by DEPARTMENT OF NATURAL RESOURCES (DNR).
- 2 The Part 3A permit will be issued upon application to DNR comprising:
- A copy of Council's development consent including all conditions of approval; --- --
- Plans and/or other documentation (3 copies) that satisfy DNR's General Terms of Approval and recommendations which are included in Council's consent conditions; and,
- The appropriate permit fee paid to DNR.
- 3 Work is to be carried out in accordance with drawings and any management plans required by these conditions and approved by DNR that will accompany the 3A permit.
- Any Part 3A permit issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance provisions, have been satisfactorily completed in accordance with the permit conditions. Any application for renewal will be lodged at least 1 month prior to the permit expiry date.
- Work shall not cause damage to, or increase erosion of, the stream bed or banks. The permit holder shall carry out any instructions given by DNR with a view to preventing degradation of the stream bed or banks.
- 6 Any vegetation or other material removed from the area of works shall be disposed of so that the material cannot be swept back into the stream during a flood.
- 7 Any stormwater outlet to the watercourse is to be designed and constructed to minimise any erosion or scour of the banks or bed of the watercourse.
- 8 All works proposed must be designed, constructed and operated so they do not cause erosion or sedimentation and do minimise adverse impacts on aquatic and riparian environments.
- 9 No plastic netting is to be used for any purpose, in the stream or within the riparian zone unless such netting is of a rapidly biodegradable variety.
- Erosion and sediment control measures are required to be implemented prior to any works commencing, and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the river system. These measures are to be in accordance with Council's requirements and follow best management practices as outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").
- The excavation of soil/spoil and its removal is the responsibility of the permit holder and the owner or occupier of the land.
- 12 The approval of Department of Primary Industry (NSW Fisheries) is required for all proposed designs of in-stream and foreshore works prior to the issue of the Part 3A permit.
- 13 Removal of any seagrass or mangroves requires a permit from NSW Fisheries. NA

3

- 14 These conditions are issued with the proviso that operations shall be carried-out on freehold land. Should operations be on Crown Land, these conditions are rendered null and void and the occupier of Crown Land should contact Department of Lands.
- 15 Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the Part 3A permit.
- The permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company on this site.
- 17 The rehabilitation of the area in accordance with the Part 3A permit conditions is the responsibility of the permit holder and the owner or occupier of the land.
- Any Part 3A permit granted is not transferable to any other person or company without the written approval of DNR and does not authorise works at any other site.
- Any Part 3A permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.
- 20 Work as executed survey plans of a professional standard shall be provided to DNR upon request.
- 21 If, in the opinion of a DNR officer, any activity is being carried out in such a manner that it may degrade the riparian zone, stream, lake or foreshore environment, all work shall cease immediately upon oral or written direction of such an officer.
- If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and/or as directed by DNR. If any breach of the permit conditions requires a special site inspection by DNR, then the permit holder shall pay a fee prescribed by DNR for this inspection and all subsequent breach inspections.
- 23 If works are to cease prior to completion DNR must to be notified in writing one month in advance of the cessation of the operation.

\*\*\*end of conditions\*

### **ATTACHMENT**

### DEVELOPMENT ASSESSMENT PANEL 28/11/2018



Land Dynamics Australia PO Box 2459 Port Macquarie NSW 2444

Attention:- Graham Burns & Donna Clarke

21 August 2017

### TRAFFIC IMPACT ASSESSMENT FOR PROPOSED MANUFACTORED HOUSING ESTATE BATAR CREEK RD, KENDALL

Dear Graham / Donna

Please note our response to Port Macquarie Hastings Council's request that as part of the Traffic Impact Assessment for this development an assessment be completed for the travel route from the development site to the Pacific Highway.

It shall be noted that for the purposes of this response Council's version of Auspec Design Specification D1 – Geometric Design will be referenced.

As part of pre lodgement advice provided by Port Macquarie Hastings Council the following issues will be addressed in this response.

- Impacts on the road network from the site to the Pacific Highway, including (but not limited to) Batar Creek Rd, Albert St and Comboyne St are to be assessed, having regard to issues such as:
  - i) Carriageway capacity and safety,
  - ii) Intersection capacity and safety, and
  - iii) Durability of existing pavements and increase in maintenance burden.
- The TIA and/or Council's assessment may identify the need for particular works along the network to address hazards, increased maintenance and/or degraded efficiency.

It is council's responsibility to provide a safe usable road network for the public. As part of providing this network it is split up into a road hierarchy based on levels of service and traffic volume capacity. Figure D1.1 of the specification provides a summary outline of this hierarchy network.

For the purposes of this response the travel route referred to above of Batar Creek Road, Albert Street and Comboyne Street will be referred to as having a level of service

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equivalent to a Collector Road with Kendall Road referred to as a Sub Arterial / Distributor Road and the Pacific Highway being an arterial road.

Based on the above road hierarchy the following roadway capacities (traffic volumes) are provided based on Table D1.5 of the specification:-

- Collector Road 6000 vehicles per day,
- Sub Arterial / Distributor 10 000 vehicles per day, and
- Arterial > 20 000 vehicles per day.

Traffic Count Data obtained from Port Macquarie Hastings Council indicates the traffic volumes for Batar Creek Road north of the development site to be approximately 885 vehicle per day while volumes south of the development site are approximately 150 vehicles per day. Currently this indicates the roadway to be operating at a capacity of a Local Street (up to 2000 vpd) under council's road hierarchy network. Volumes further along the route also suggest the route to be operating at a capacity of up to a Local Street with 1500 vpd just south of the northern urban limit of Kendall. Kendall Road north of this point operates at a capacity of 4000 vpd as a Collector Road under the hierarchy network.

The development proposal is to build 280 Manufactured Homes on the site. In determining the traffic to be generated by the site it is normally considered to be 8 trips per house / lot per day. In considering the landuse of this development for the traffic to be generated this rate is considered to be excessive for this example. As a result of this StreetWise has conducted a full day observation count of a like development operation (Ocean Club Resort, Lake Cathie) to determine a traffic generation rate to be used in the Traffic Impact Assessment. This operation currently has 155 residents occupied generating a peak hour traffic generation rate of 3.6 trips per house / lot per day.

Using this information the Batar Creek Road development proposal will generate 1008 daily trips (280 house / lots x 3.6 trips per house / lot) at full development. Therefore the following full development traffic volumes could be considered to be:-

- Batar Creek Rd south of the site 150vpd (No change)
- Batar Creek Rd north of the site 885 + 1008 vpd = 1893 vpd.

Some of these generated trips will more than likely be contained to the Kendall area, say 50%. Therefore the following assumptions can be derived for Graham Street and Kendall Road.

- Graham Street 1500 + 504 = 2004 vpd, and
- Kendall Road 4000 + 504 = 4504 vpd.

Based on this full development traffic generation it can be assumed the development will generate traffic that is consistent with the existing derived road hierarchy capacities.

Page | 2

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In summing up this response to Council's request to assess and identify any upgrades along the nominated route it can be seen that this request cannot be justified based on the roadway capacities already in place and the fact that even taking into account this development the road network capacity in question will still have capacity to increase beyond this development.

It shall also be noted as this development will not create any road network capacity issues any requirement to upgrade the network shall not be borne by this development. This development along with all other developments in the area are required to make contributions towards the road network upgrades. This is where if there is any requirement to upgrade the road network it shall be meet via this fund.

Should Council wish to discuss the information contained in this letter further please contact either Craig or Andy on the contact details provided.

Craig Nethery (Director)

StreetWise Road Safety &Traffic Services Pty Ltd

### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

All communications to be addressed to:

Headquarters 15 Carter Street Lidcombe NSW 2141

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

Headquarters Locked Bag 17 Granville NSW 2142

Facsimile: 8741 5433



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

Your Ref: 2017/736 Our Ref: D17/3133 DA18070213789 PC

ATTENTION: Patrick Galbraith-Robertson 31 July 2018

Dear Mr Galbraith-Robertson

### Integrated Development Application - 1//122192, 79//655658 & 23//112083 - 79 Batar Creek Road Kendall

I refer to your correspondence dated 26 June 2018 seeking general terms of approval for the above Integrated Development Application.

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

### **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:

- At the commencement of the development and in perpetuity, the entire area of Lot 2, except for the following areas, 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':
  - the 10 metre wide screen planting along the northern boundary; and
  - the 40 metre wide native planting area in the north-west corner.

ID:113789/107588/5 Page 1 of 3

2. A restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed on Lot 1 along its common boundary with Lot 2 for the purpose of a 27 metre wide temporary asset protection zone (APZ). The APZ shall be managed as an inner protection area 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'. The restriction to land use for the purpose of a temporary asset protection zone may be extinguished upon commencement of future development over the affected areas.

### Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

 Water, electricity and gas shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

### Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', except that:
  - road widths shall comply with the approved plan
  - internal dead end roads may be greater than 100 metres in length; and
  - dead end roads shall incorporate passing bays and a 12 metre outer radius turning circle or a reversing bay not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres.
- 5. The fire vehicle accessway at the north-west corner of Lot 2 to Batar Creek Road shall comply with section 4.1.3(3) of 'Planning for Bush Fire Protection 2006'.

### **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:

6. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006', including the preparation of an emergency / evacuation plan consistent with the NSW RFS document titled 'A guide to developing a bush fire emergency management and evacuation plan'. A copy of the plan shall be provided to the consent authority, the local Bush Fire Management Committee and the occupant(s) of each residential premises prior to occupation of the development.

### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- 7. Construction of the manufactured homes, manager's residence and Men's Shed / workshop on Lot 2 shall comply with section 3 and section 5 (BAL 12.5), section 6 (BAL 19) or section 7 (BAL 29) as applicable of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'. Construction to BAL 40 or BAL FZ is not permitted.
- Construction of the community facility building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

### Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

### General Advice - consent authority to note

This Bush Fire Safety Authority, issued under s.100B of the Rural Fires Act 1997, relates to the development layout indicated on the plan titled 'Revised Option E – Overall Layout', prepared by Land Dynamics Australia (Project No. 5141, Issue E), dated 31 May 2018.

### Reviewed determination

This letter is in response to additional information submitted and supersedes our previous approval dated 17 October 2017.

Should you wish to discuss this matter please contact Paul Creenaune on 1300 NSW RFS.

Yours sincerely

Alan Bawden

Team Leader - Development Asessment & Planning

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



### SOCIAL IMPACT ASSESSMENT: PROPOSED MANUFACTURED HOME ESTATE

Lot 1, DP122192; Lot 79, DP655658; and Lot 23, DP112083 79 Batar Creek Road, Kendall

AAP Reference: 2016 - 074

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This report has been prepared in accordance with a fee agreement between All About Planning Pty Ltd, Land Dynamics Australia and Camden Heads Lifestyle Village Pty Ltd.

In preparing this report, All About Planning Pty Ltd has used and relied on data, plans and information provided by others as detailed in this document. Unless otherwise stated, the accuracy and completeness of the information provided to All About Planning Pty Ltd for purposes of preparing this Social Impact Assessment has not been independently verified.

This assessment has relied on plans and other project details provided by the Project Architect, Camden Heads Lifestyle Village Pty Ltd and Land Dynamics Australia.

The following Scope of Services regarding preparation of this social impact assessment was specified by the proponents and discussed with Council:

- Undertake a Social Impact Assessment, to be prepared in accordance with Council's Social Impact Policy
- · General liaison with relevant staff from Port Macquarie Hastings Council
- · Review of proposed development
- Site Inspection
- Literature and Scoping Review
- Letter box drop of Benaroon Drive Precinct and letter to adjacent eastern land owner
- Email and telephone consultation with interested persons
- Arrange and attend community representative stakeholder consultation meetings

For and on behalf of All About Planning Pty Ltd.

Michelle Chapman

a Chapman

Director - All About Planning Pty Ltd

Master Town Planning
Bachelor Urban & Regional Planning (Hons)
Registered Planner
Member Planning Institute Australia
ALL ABOUT PLANNING



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# **ATTACHMENTS**

- 1: Recommended Mitigations
- 2: MHE Letterbox Drop Information Pack
- 3: Email Information Pack
- 4: Relevant Local News Articles

# **Executive Summary**

This Social Impact Assessment (SIA) has been prepared to accompany a development application now lodged with Port Macquarie – Hastings Council for a proposed 280 site Manufactured Home Estate on Lot 1 in DP 122192; Lot 79 in DP 655658; and Lot 23 in DP 112083, Batar Creek Road, Kendall. (The number of sites has been reduced during public consultation, from an initial 283 sites)



A Social Impact Assessment is required to form part of the documentation submitted with the Development Application and is needed to address the social impacts of the proposed development, in accord with the requirements of Council's Social Impact Assessment Policy 2009 and the provisions of Section 79C of the Environmental Planning and Assessment Act 1979. This Social Impact Assessment has identified a number of social and economic benefits for the area associated with the proposed development and also a number of potential negative impacts for the wider community and other additional localised impacts on nearby neighbours.

Direct consultation with the Kendall community was undertaken to inform this SIA. All About Planning Pty Ltd thanks the Kendall community for their initial review and consideration of the MHE proposal and for their valuable feedback. Consultation with the community, comprising Kendall residents, community representatives and business owners, was essential to understanding the range of likely positive and negative impacts of the development and to preparation of this Social Impact Assessment.

Key community feedback is summarized below.

## Summary of Initial Community Feedback:

- There is potential for sustained economic benefits. New residents will contribute to the economic resilience of the community & support local business owners, service providers & community groups
- The proposed development does not fit with the rural village atmosphere of Kendall
- The proposal is too high density and is unsuitable for the area. Propose a smaller development
- A gated community is not conducive to effective integration with the existing Kendall community
- · A landscaped setback to the showground is needed, as is security fencing
- There is potential for complaints from MHE residents about Showground events and activities
- Batar Creek Road is unsuitable to handle the proposed additional traffic that will be generated.
- There is only one road in and out of Kendall and this is unsuitable to rely on for increased traffic
- · Council is not spending money on upgrading Kendall roads and other infrastructure
- The area is experiencing drainage and localised flooding issues detention ponds will overflow
- Will existing water pressure and NBN speeds be reduced by the proposed development?
- The lack of trees on the site will create a negative visual impact and reduce site ecology
- There needs to be a developer commitment to an ongoing community consultation strategy
- Some MHE residents have AVO's taken out against them, due to neighbour disputes
- Is the proposal an affordable/low cost development? Who will live there?

**KEY FINDING:** All About Planning Pty Ltd has carefully assessed and considered identified negative impacts associated with the proposed development and believes negative impacts can be mitigated to a reasonable degree as part of the development application assessment process, through appropriate ongoing site management and as part of a refinement of certain aspects of the site design.

AAP's recommended mitigations are:

#### Recommended Mitigations:

- 1. Retain an on-site resident manager.
- 2. Submit a **Concept Landscape Plan** with the DA documentation, that makes provision for substantial landscape plantings, including small, medium and large scale trees, throughout the site and particularly in key open spaces on site.
- 3. The landscape plan must also demonstrate how visual impacts of the development when viewed from both the showground and MHE site can be addressed, by introducing a landscaped setback along the full northern boundary of the MHE. (AAP notes that this landscape setback detail has now been incorporated into a new site plan and has resulted in a reduction in the number of home site proposed along the northern boundary of the MHE site from 283 to 280 sites.)
  - Details of the proposed landscape setback are to be provided with the DA documentation and are to also be forwarded directly to the Showground Executive for their additional feedback. (AAP is advised that the proponent has referred the amended site plan to the Showground Executive.)
- 4. Consideration of supplementary landscaping along the Batar Creek Rd frontage for any future development application of proposed lot 121 should also be made. Any future applications should exhibit a landscape design outcome that enhances and respects the rural character of the area.
- A Detailed Landscape Plan for the subject site is to be prepared incorporating all landscaping requirements, to be completed at CC stage.
- 6. A Traffic Engineering Comment is to be provided with the Development Application that specifically addresses whether there is the need for:
  - a. the addition of a pedestrian refuge/crossing point near Benaroon Drive on Batar Creek Road, so Benaroon Drive area residents can access the proposed pedestrian and cycle pathway required by Council to be constructed along the Showground frontage
  - b. the creation of a footpath to link proposed Road No.1 to the start of the pedestrian and cycle path in the north-west corner of the site. This pathway should be positioned external to the proposed MHE development, to ensure long term access is maintained to the pathway for non-MHE residents.
  - c. Street lighting to be extended along Batar Creek Road to the MHE site entrance
  - d. an upgrade of the:
    - i. Width of Batar Creek Road
    - ii. Kendall main street Y intersection of Comboyne Road and Graham Street
    - iii. Intersection of Jackson and Laurel Street
    - iv. Intersection of Albert Street and Batar Creek Road
    - v. Kendall railway crossing
    - vi. Timed parking or other options for managing main screet parking during major events
    - vii. A resident bicycle parking area to be provided on site

### **Recommended Mitigations Continued:**

The above proponent initiated local traffic comment is recommended to be obtained however it is noted that Port Macquarie-Hastings Council has the primary role of reviewing and maintaining Kendall's road infrastructure and in assessing the adequacy of the existing road, pedestrian and cycle network in respect of new development. AAP notes it is open to Council to require additional traffic assessment as part of their application review.

- 7. Address showground security concerns by incorporating a high security fence along the full northern boundary of the MHE site. This boundary fence detail and any design options for this fence are to be presented to the Kendall Showground Executive for their consideration prior to selection of the final boundary fence design.
- 8. The front gate to the site is to be left open during the day, to facilitate site access by visitors, tradespersons and the like and to ensure a friendly and welcoming entrance to the site is maintained. The **open gate policy** is to be reflected in the MHE's adopted **Operational Plan.**
- 9. A Community Bus is to be provided to assist with the transport needs of MHE residents. The bus is to include daily return trips into the Kendall main street and regular weekly return trips into Laurieton. A Community Bus Time Table is to be developed and distributed to residents and is to be reviewed at least annually in consultation with MHE residents by site management to ensure the community bus service is meeting the needs of the MHE residents.
- 10. The pedestrian and cycle link required under the 2007 DA for residential subdivision on the site is to be constructed as part of the initial site works, together with the other community facilities, boundary fencing and landscaping.
- 11. The roundabout is to be constructed as required under the 2007 DA for residential subdivision on the site and is to be constructed as part of the initial site works, together with the other community facilities, boundary fencing and landscaping.
- 12. Prepare a MHE **Showground Community Engagement Plan** to minimise risk of complaints from MHE residents about ongoing showground events and activities. This plan is to be reviewed at least every 4 years but may be reviewed earlier. This plan is to be developed and subsequently reviewed in consultation with the Showground Executive and the MHE's on-site manager. A copy of this plan is to be provided to both the Showground Executive and the MHE Site Manager.
- 13. Enquiries are to be made with Council to confirm if current Section 94 and 64 contributions are targeted for expenditure within Kendall. Enquiries should also confirm if Council will permit a Kendall specific material public benefit or Voluntary Planning Agreement in lieu of standard contributions.
- 14. Ongoing Kendall community consultation is to be undertaken by the developer of the MHE site. The form of this should at least include issue of an occasional emailed newsletter to all those that have currently been consulted and who have indicated a desire to be kept informed of the proposed development.
- 15. During Council's public exhibition of the proposed development details, one hard copy of the proposed development application should be provided by the proponent to Council, so that the proposal can be available for display and review at the Kendall Community Centre.

Item 05 Attachment 10

### **Recommended Mitigations Continued:**

- 16. A suitably fitted out space is to be created within the community clubhouse for booking and use by a consulting medical professional or other relevant service providers. The opportunity to use this space is to be promoted to local medical practitioners and other potential resident service providers by the MHE site manager.
- 17. An offer is to be extended by MHE site management and owners for occasional use of the MHE's on-site synthetic grass tennis court for local based tennis competitions on request by the Kendall Tennis Club.
- 18. The MHE operator is to adopt an Internal Neighbour Disputes Policy and this policy is to be referenced in all site lease agreements.
- 19. The MHE developer is to adopt a Local Workers Employment Priority Policy for suitably qualified and available trades for all construction and ongoing operational stages.
- 20. The **stormwater detention basins** proposed on site should be required by condition of consent to be constructed in the early stages of the development as appropriate for the size of the proposed staged construction, subject of course to more specific assessment of this issue by Port Macquarie Hastings Council's Stormwater Engineers.

Full discussion and additional details of recommended mitigations - refer Section 6.3 and Attachment 1 of this report

DEVELOPMENT ASSESSMENT PANEL 28/11/2018

Social Impact Assessment: MHE Development 79 Batar Creek Road, KENDALL

1.0 Introduction

A comprehensive Social Impact Assessment (SIA) is required to accompany a development application for a proposed 280 site Manufactured Home Estate (MHE) at Kendall in the Port Macquarie – Hastings Local Government Area (LGA), to be known as Woodglen Lifestyle Estate. The partial construction of an historic 2007 Council Development Consent for 19 residential lots and 2 residue residential lots is also proposed to be progressed on site and which is reflected on the site plan, this historic subdivision being known as Development Application (DA) 2006/57.

The social impacts of a proposed development are a relevant matter in determining any development application lodged under the NSW Environmental Planning and Assessment Act 1979.

A Social Impact Assessment is a development assessment tool most often used by Government to consider and analyse the social impacts of certain types of developments. The report has been prepared in accordance with the requirements of Council's Social Impact Assessment Policy and relevant town planning and other legislation governing development proposals in NSW. The preparation of this Assessment has involved pre-lodgement stakeholder consultation, statistical analysis, a literature review and other profiling relevant to MHE's.

MHE's are a component of new residential development in NSW, as demonstrated in the Colliers International Report on MHE's that has been discussed in this SIA and which are an element of existing and proposed new residential development in the Port Macquarie LGA and throughout Australia. More recent MHE developments in the Port Macquarie LGA include the Ocean Club Resort at Lake Cathie and the Laurieton Residential Resort at Lakewood.

This Social Impact Assessment has addressed all key social impacts of the proposed development, both positive and negative, and has aimed to facilitate the best possible final site design and quality ongoing site management outcomes for the benefit of nearby local neighbour's and the Kendall community.

What is a Social Impact Comment?

A Social Impact Comment (SIC) considers how a proposed development will impact on the local area. Some key questions to be addressed in a social impact comment include:

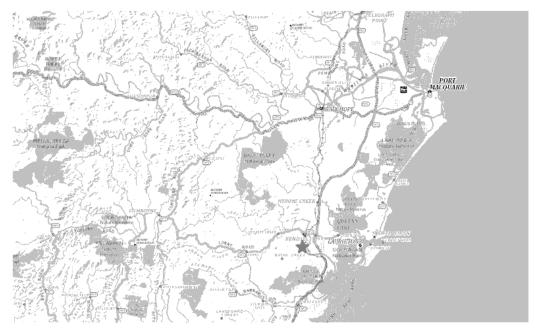
- What are the positive and negative impacts of the development on the local community?
- What is the extent of the impact?
- Can any negative impacts be neutralised/mitigated in the interests of those affected ie. neighbours, occupants or the wider community?

# 2.0 Existing Site and Locality

The village of Kendall is named after Henry Kendall, the first NSW Inspector of Forests. Kendall is positioned alongside the beautiful Camden Haven River and was once a hub for a thriving timber industry and substantial dairy farming interests.

The village enjoys close proximity to both the rural hinterland and the Camden Haven coast.

The Kendall community impresses, not only for its attractive village atmosphere, but because of the community's resourceful and committed support for others and for the way they respond to identified community needs through social enterprise, resourcefulness, co-operation, community engagement and personal action. Two examples of active local resident engagement include the community's support for the establishment of the Kendall Tennis Club and the Kendall Op Shop's sustained financial support for a significant number of Kendall community initiatives and local groups.



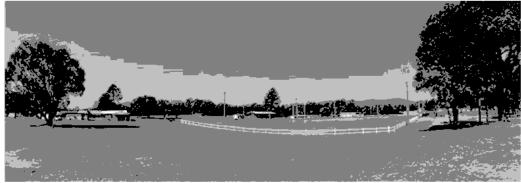
Above: Locality Plan with location of subject site highlighted with red pin Source: Six Maps



Above: Locality Plan with site indicated in Pink edging

## 2.1 Adjacent Uses

The subject R1 Residential zoned site is located immediately south of the Kendall Showground. The showground hosts a number of varied but complimentary land uses and events on site, including the annual Kendall Show, Riding for the Disabled, the Kendall Mens Shed, local markets, camping and motor home short stay sites, football matches and periodic other recreational and special interest events.



Above: Kendall Showground, view looking south east

Opposite the proposed MHE site on the western side of Batar Creek Road is the Benaroon Drive residential precinct, which comprises both Benaroon Drive and Ellendale Crescent.



Above: Entrance to Benaroon Drive from Batar Creek Road

South and east of the subject site is existing RU1 Rural zoned farmland.

# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

Social Impact Assessment: MHE Development 79 Batar Creek Road, KENDALL

# 2.2 Existing Road Access

Kendall has access to the Pacific Highway north and south via the village of Kew and into Laurieton via Ocean Drive, also from Kew.

The village of Kew is located 3km east of Kendall and the village of Comboyne is located 30km west of Kendall via Comboyne Road.

# 2.3 Public Transport Services

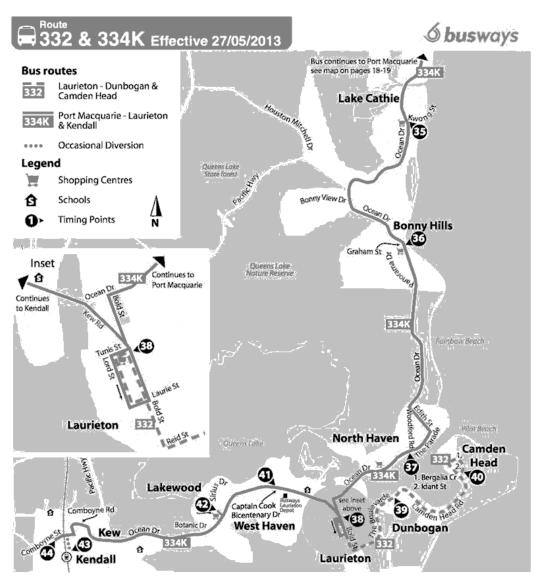
A Busways transport service is provided to Kendall which provides connection from Kendall to Lakewood, Laurieton and Port Macquarie. Please refer below for additional route details.

### Route 334K: Kendall, Laurieton, Lighthouse Plaza & Kennedy Dr to Port Macquarie

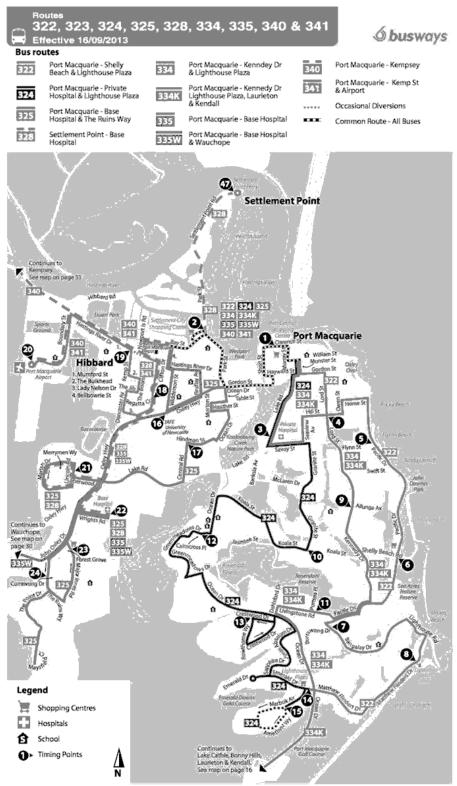
A bus service connects the village centre of Kendall (bus stop at Kendall War Memorial in Comboyne St) and the Kendall Station (in Railway Street) with Lakewood (Sirius Drive and Botanic Drive, near Lakewood Shopping Village) then on to Laurieton's main street (Bold St, outside Coles Supermarket) and then on to Port Macquarie, including stops at Lighthouse Plaza, the Private Hospital and medical Precinct on Lake Road, Port Central and Settlement City.

Route 334K operates 7 days a week, with a regular service throughout the day connecting Kendall to Lakewood, Laurieton, the medical precinct on Lake Road in Port Macquarie and the Port Macquarie CBD and Settlement City. A specific route map and timetable for this service follows.

Additionally, a school bus service runs along Batar Creek Road, to Kendall Public School and Camden Haven High School.



Above: Existing Busways Route Plan



Above: Existing Bus Service Route cont.

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# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

Social Impact Assessment: MHE Development 79 Batar Creek Road, KENDALL

□ 334/334K Kennedy Dr to	Port N	lacq	uari	9			9	bus	- WYCI	75								
fonday to Friday		Ġ	ė					Ġ	Ġ	Ġ	Ġ	ė	Ġ			Ġ	ě.	Ġ
Route number	334		334K	334	334	334K	334K	334	334K		334K			334K	334K		334K	
	am	am	am	am	am	am	am	am	am	pm	pm	pm	pm	pm	pm	pm	pm	pri
Kendall War Memorial (Comboyne St)	-1	6.34	7.15			8.55	9.55		11.55		1.55	1711		3.45	4.57	-	5.47	6.4
Kendall Station (Railway St)											1,57			3.47				6.4
Lakewood (Sirius Dr & Botanic Dr)		6.41	7.22			9:03	10.03		12.03		2.03			3.57	5.05		5.54	6.5
West Haven (Ocean Dr & Captain Cook Bicentennial Dr)	117	6.45	7.26			9.08	10.08		12.08	PT-1	2.08			4.03	5.10		5.58	6.5
Route 332 arrives from Camden Head			\$7,29			9.10					1.55				35.05			
Laurieton (Bold St outside Coles)	-11-	6.50	7.31	-11-	11-1	9.13	10.13	-11-	12.13		2.13			4.08	5.15		6.02Q	7.0
Nth Haven Bowling Club (The Parade & Woodford Rd)		6.55	7.36			9.19	10.19		12.19		2.19			4.14	5.21			
Bonny Hills Holliday Park (Ocean Dr & Graham St)		7.04	7.46			9.28	10.28		12.28		2.28			4.23	5.30			
Lake Cathie Tavern (Ocean Dr & Kywong St)	-1	7.12	7,58			9.36	10.36		12.36		2.36			4.36	5.38			
Lighthouse Plaza	6.49	7.22	8.08	\$8.30	9.16	9.46	10.46	11.46	12.46	1.46	2.46	H3.48	\$3.48	4.48	5.48	6.48		_
Livingstone Rd & Portsea PI	6.51	7.24	8.11	\$8.35	9.19	9.49	10.49	11.49	12.49	1.49	2.49	H3.51	\$4.00	4.51	5.50	6.50		
Kennedy Dr & Allunga Av	6.54	7.26	8.16	\$8.40	9.23	9.53	10.53	11.53	12.53	1.53	2.53	H3.55	\$4.03	4.55	5.53	6.53		
Lord St & Hill St	6.57	17.29	8.19	\$8.43	9.26	9.56	10.56	11.56	12.56	1.56	2.56	H3.58		4.58	5.56	6.56		
Private Hospital (Lake Rd)	6.59		8.23	\$8.47	9.28	9.58	10.58	11.58	12.58	1.58	2.58	H4.00		5.00	5.58	6.58		
Port Central	7.08	17.54	8.31	\$8.57	9.37	10.07	11.07	12.07	1.07	2.07	3.07	H4.07	S4.13	5.07	6.07	7.07		
Settlement City	7.15	7.46	D8.42	\$9.05	9.45	10.15	11.15	12.15	1.15	2.15	3.15	H4.15	\$4.21	5.15	6.15	7.15		
Bus arrives Base Hospital	X7.28	X8.05	X9.34	X9.33 )	(10.23	10.23	11.23	12.23	1.23	2.23	3.23		4.40	5.23		7.38		-
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Connecting bus departs Base Hospital				7.21	7.51	8.11	9.16	9.19	9.49	10.49	11.49	12.52	1.52	2.52	3.55	4.55	5.54	
Settlement City	5.58	6.33	7.18	7.49	8.26	8.44	9.24	9.44	10.24	11.24	12.24	1.24	2.24	3.24U	4.24	5.24	6.24	
Port Central	6.04	6.39	7.24	7.55	8.35	8.53	9.33	9.50	10.33	11.33	12.33	1.33	2.36	3.34	4.33	5.33	6.33	
Private Hospital (Lake Rd)	6.07	6.42	7.27	7.58	8.38	8.56	9.36	9.53	10.36	11.36	12.36	1.36	2.39	3.38	4.36	5.36	6.37	
Lord St & Hill St	6.10	6.45	7.30	8.01	8.41	9:00	9.40	9.56	10.40	11.40	12.40	1.40	2.42	3.41	4.40	5.40	6.40	
Kennedy Dr & Allunga Av	6.13	6.48	7.33	8.04	8.44	9.03	9.43	9.59	10.43	11.43	12.43	1.43	2.46	3.43	4.43	5.43	6.43	
Livingstone Rd & Portsea PI	6.17	6.52	7.37	8.08	8.48	9:07	9.47	10.03	10.47	11.47	12.47	1.47	2.50	3.48	4.48	5.48	6.47	
Lighthouse Plaza	6.22	6.55	7.42	8.13	8.53	9.12	9.52	10.08	10.52	11.52	12.52	1.52	2.55	3.51	4.54	5.54	6.52	
Lake Cathie Tavern (Ocean Dr & Kywong St)	6.29				9.01				11.00		1.00		3.03	4.02	5.02	6.02		
Bonny Hills Holliday Park (Ocean Dr & Graham St)	6.36				9.09				11.08		1.08		3.10	4.11	5.10	6.10		
Nth Haven Bowling Club (The Parade & Woodford Rd)	6.44	1611	bill.	4114	9.18	1611	N/II	1114	11.17	1411	1.17	-107	3.17	4.19	5.19	6.19		
Laurieton (Bold St outside Coles)	6.51				9.25				11.25		1.25		3.25	4.28	5.27	6.27		
Rocks 332 departs for Camden Head	\$7.04										1.30			\$4,38				
West Haven (Ocean Dr & Captain Cook Bicentennial Dr)	6.54				9.28				11.28		1.28		3.29	4.30	5.30	6.30		
Lakewood (Sirius Dr & Sotanic Dr)	6.57				9.32				11.32		1.32		3.33	4.34	5.34	6.34		
Kendall Station (Railway St)	R				8				11.00		F-000				R	2.00		

Above: Bus Timetables for Route 334K Weekday Service Kendall - Port Macquarie

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nturday Route number	₫. 334K	334	334K	334	334	334K	334	8 334K	334	334	334	334K	6. 334
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Kendall War Memorial (Comboyne St) Kendall Station (Railway St)	6.55	F13F	8.55	1171		11.55		1.55	1000		1101	4.45	6.4
Lakewood (Sirius Dr & Botanic Dr)	7.03	****	9.03	3371		12.03		2.03	1117	1071		4.53	6.5
West Haven (Ocean Dr & Captain Cook Sicentennial Dr)	7.08		9.08			12.08		2.08				4.58	6.5
Laurieton (Bold St outside Coles)	7.13		9.13			12.13		2.13				5.03Q	7.0
Nth Haven Bowling Club (The Parade & Woodford Rd)	7.19		9.19			12.19		2.19					
Bonny Hills Holliday Park (Ocean Dr & Graham St) Lake Cathie Tavern (Ocean Dr & Kywong St)	7.28 7.36		9.28 9.36			12.28 12.36		2.28					
Lighthouse Plaza	7.46	8.46	9.46	10.46	11.46	12.46	1.46	2.46	3.46	4.46	5.46		
Livingstone Rd & Portsea Pl	7.49	8.49	9.49	10.49	11.49	12.49	1.49	2.49	3.49	4.49	5.49		
Kennedy Dr & Allunga Av	7.53	8.53	9.53	10.53	11.53	12.53	1.53	2.53	3.53	4.53	5.53	1140	
Lord St & Hill St	7.56	8.56	9.56	10.56	11.56	12.56	1.56	2.56	3.56	4.56	5.56	1110	
Private Hospital (Lake Rd)	7.58	8.58	9.58	10.58	11.58	12.58	1.58	2.58	3.58	4.58	5.58		
Port Central Settlement City	8.07 8.15	9.07	10.07	11.07	12.07	1.07	2.07	3.07	4.07 4.15	5.07	6.07		86.
Bus arrives Base Hospital	8.34	9.34	10.13	11.34	12.13	1.37	2.13	3.37	4.37	5.37	6.38		
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Connecting bus departs Base Hospital		7.49	8.49	9.49	10.49	11.49	12.52	1.52	2.52	3.52	4.52		
Settlement City	7.24	8.24	9.24	10.24	11.24	12.24	1.24	2.24	3.24	4.24	5.24		
Port Central	7.33	8.33	9.33	10.33	11.33	12.33	1.33	2.33	3.33	4.33	5.33		
Private Hospital (Lake Rd) Lord St & Hill St	7.36	8.36	9.36	10.36	11.36	12.36 12.40	1.36	2.36	3.36	4.36	5.36		
Kennedy Dr & Allunga Av	7.40	8.40	9.40	10.40	11.40	12.40	1.43	2.40	3.40	4.40	5.40		
Livingstone Rd & Portsea Pl	7.47	8.47	9,47	10.47	11,47	12.47	1.47	2.47	3.47	4.47	5.47		
Lighthouse Plaza	7.52	8.52	9.52	10.52	11.52	12.52	1.52	2.52	3.52	4.52	5.52		
Lake Cathie Tavern (Ocean Dr & Kywong St)	2715	7111		11.00	3177	1.00			4.00		6.00		
Bonny Hills Holliday Park (Ocean Dr & Graham St)	****	****	****	11.08	****	1.08		****	4.08	****	6.08		
Nth Haven Bowling Club (The Parade & Woodford Rd) Laurieton (Bold St outside Coles)	0.785	****		11.17	1077	1.17			4.17		6.17		
West Haven (Ocean Dr & Captain Cook Bicentennial Dr)		****	*1-*	11.25	****	1.25			4.25 4.28		6.25		
Lakewood (Sirius Dr & Botanic Dr)				11.32		1.32			4.32		6.32	-	
Kendall War Memorial (Comboyne St)				11.43		1.43			4.43		6.43		
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Kendall War Memorial (Comboyne St)	8.12			12.34	2.12								
Kendall Station (Railway St) Lakewood (Sirius Dr & Botanic Dr)	8.19			12.41	2.14								
West Haven (Ocean Dr & Captain Cook Bicentennial Dr)	8.23			12.45	2.23								
Laurieton (Bold St outside Coles)	8.27	5141	1011	12.490		7117							
Nth Haven Bowling Club (The Parade & Woodford Rd)	8.32		60.06	4411	2.32	4544							
Bonny Hills Holliday Park (Ocean Dr & Graham St)	8.40	6149		1411	2.40	****							
Lake Cathie Tavern (Ocean Dr & Kywong St)	8.48			1411	2.48								
Lighthouse Plaza	8.58	10.58	12.58	1981	2.58	4.58							
Livingstone Rd & Portsea Pl Kennedy Dr & Allunga Av	9.01 9.05	11.01	1.01	1177	3.01	5.01 5.05							
Lord St & Hill St	9.08	11.08	1.05	F171	3.08	5.08							
Private Hospital (Lake Rd)	9.10	11.10	1.10		3.10	5.10							
Port Central	9.17	11.17	1.17		3.17	5.17							
Settlement City	9.25	11.25	1.25		3.25	5.25							
Bus arrives Base Hospital	10.00				4.00			_					
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Connecting bus departs Base Hospital Settlement City	9.55	11,01	11,55	11	1.58	3.58	5.01						
Port Central	10.21 10.27	11.21	12.21	****	2.21	4.21 4.27	5.21 5.27						
Private Hospital (Lake Rd)	10.30	11.30	12.30		2.30	4.30	5.30						
Lord St & Hill St	10.34	11.34	12.34		2.34	4.34	5.34						
Kennedy Dr & Allunga Av	10.37	11.37	12.37		2.37	4.37	5.37	-					
Livingstone Rd & Portsea PI	10.41	11.41	12.41		2.41	4.41	5.41						
Lighthouse Plaza	10.46	11.46	12.46		2.46	4.46	5.46						
Lake Cathie Tavern (Ocean Dr & Kywong St)	140	11.53	4776	4/61	5514	6447	5.53	_					
Bonny Hills Holliday Park (Ocean Dr & Graham St)		12.00	1415	4854	8544	LMI	6.00						
Nth Haven Bowling Club (The Parade & Woodford Rd) Laurieton (Bold St outside Coles)	1.649	12.08	4116	1.52	20.14	1141	6.08						
Laureur (Dud of oneing (AMS)		12.15	1416	1.52	****	5.1.41	6.15						
West Haven (Ocean Dr & Captain Cook Ricentennial Dr).		12 17		1.54			6 17						
West Haven (Ocean Dr & Captain Cook Sicentennial Dr)  Lakewood (Sirius Dr & Botanic Dr)		12.17		1.54			6.17	_					

9 | ALL ABOUT PLANNING: "Quality planning outcomes through personal service by experienced professionals."

Above: Bus Timetables for Route 334K Weekend Service Kendall - Port Macquarie

# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

Social Impact Assessment: MHE Development 79 Batar Creek Road, KENDALL

# 3.0 Proposed Development

A manufactured home estate, Woodglen Lifestyle Estate, is proposed for the subject site, which will comprise:

- 280 home sites (the number of sites being reduced from 283 home sites, post community consultation)
- · A community clubhouse with library, craft room, gymnasium, snooker room and theatrette
- Swimming pool
- Bowling green
- Tennis court
- Pocket parks, associated landscaping and internal pedestrian pathways
- Community bus
- Secure parking for resident owned caravans
- Men's shed
- Community vegetable garden
- On-site Manager and Associated Residence
- 2 x Stormwater Detention Ponds
- A 5m landscaped setback to the northern boundary (proposed post community consultation)

19 torrens titled residential lots, approved by council in 2007 and which have been legally commenced, together with two residue residential zoned lots will also be constructed on the subject site, together with another Stormwater Detention Pond, in accordance with that earlier consent.

Full plans and details of the proposed development are provided with the Development Application (DA) documentation to be lodged by the proponent.

## 3.1 Proposed Access and Parking

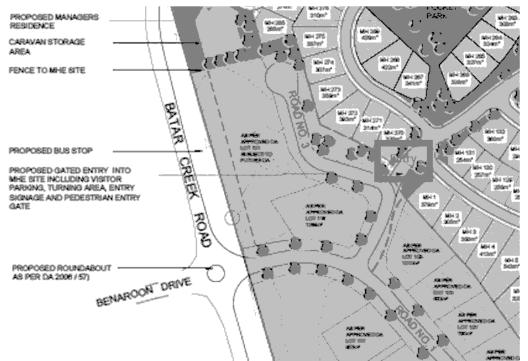
Vehicle access to the site will be via a new roundabout on Batar Creek Road, that was approved as part of a 2007 Development Approval for the site (DA 2006/57).

An external pedestrian and cycle path will be constructed along the showground frontage of Batar Creek Road, to connect the site to the urban edge of Kendall village, in accordance with the earlier residential subdivision consent for the site issued by Council.

The proposed vehicle entrance to Woodglen Lifestyle Estate is positioned off two, 2007 Council approved internal roads that are currently described as Road no.1 and Road No.3. Road No.1 will connect to Batar Creek

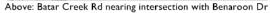
Road via the new roundabout at the intersection of Batar Creek Road and Benaroon Drive. Road No.3 will join internally with new road No.1, see diagram following with entry location label.

The proposed MHE entrance will not be visible from Batar Creek Road.



Above: The proposed MHE will be accessed off Road No.3, via Road No.1 and Batar Creek Road







Above: Batar Creek Rd south of the showground

The front entrance to the MHE site will have a gate installed, that the proponent committed to leaving open during the day, as a closed gate was a matter of concern identified during community consultation. The gate will then be closed at night.

Please refer to the submitted Traffic Impact Assessment Report lodged with the subject development application for more details and an assessment of proposed vehicle movements and parking requirements

The site layout has included a useable and attractive network of internal pedestrian pathways, in addition to the external pedestrian and cycle connection that will run along the western edge of the sbowground (eastern side of Batar Creek Road).

## 3.2 Landscaping

A Landscape Concept has been prepared to accompany the Development Application.

It is relevant to note that the landscape concept and site plan were modified following consultation with the Kendall Showground Executive, to include a proposed 5m landscape setback to the northern boundary of the site. A copy of the revised site plan is included below.

Some street trees and other site landscaping are proposed to soften the built form of the MHE and to provide an attractive residential environment. Street trees are proposed for both the previously approved public Road No.1 on site that will service the 19 torrens titled residential lot subdivision and the key internal access road for the MHE that will provide the primary link to the provided community facilities on site from the front entrance.



Above: Revised site plan, proposing 280 home sites



Above: Architectural detail of proposed MHE community clubhouse on site



Above: Proposed entrance design to MHE



Above: Proposed home design for MHE



Above: Proposed pool design for MHE



Above: Proposed clubhouse and bowling green design for MHE

# 4.0 Strategic Context

Following is a summary of key literature reviewed and the primary strategic planning context for consideration of the proposed development, with a particular focus on NSW and matters relevant to the MHE proposal at Kendall, within the Port Macquarie - Hastings LGA.

### 4.1 MHE's in Australia

Colliers International reported on Manufactured Home Estates in Australia in 2014. They noted that there were an estimated 2,500 'parks' in Australia incorporating Caravan Parks, Manufactured Housing Estates (MHE's) and Tourist Parks. They further noted that NSW had the highest concentration, with 39% of all parks. (Colliers International, Manufactured Home Estates – Australian Market Overview, November 2014)

Colliers identified three types of Manufactured Housing Estates, these being divided into:

- Holiday/Tourist Accommodation— A mix of caravans, up to and including on site, permanent 'premium'
  units typically located near coastal or beach areas;
- Long Term Residency Demand driven by over 50's alternative investment for retirees constrained by affordability issues; and
- Workplace Estates—Popular in remote communities, such as mining towns due to the fast construction times.

The subject proposed MHE at Kendall falls under the above definition of a long-term residency park.

Colliers went on to note that key investment drivers for MHE's are that:

- Operators have access to a long stable income stream;
- Gap between government welfare payments and rents large, supporting timely and consistent payment of rents;
- Demographic growth of the over 50's seeking affordable outer metropolitan, coastal accommodation;
- Low capital intensity for development costs;
- · Undersupply of seniors accommodation nationally; and
- Land bank with medium term cash flows.

(Colliers International, Manufactured Home Estates – Australian Market Overview, November 2014)

Colliers conducted a demographic analysis of 12 owner-occupied MHE's in 2014, which included four MHEs based in NSW, using the available 2011 census data. Colliers found that:

The average MHE household size based on their sample was 1.6 persons

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- Females made up 62% of the sampled MHE population
- The median age of residents in the sample was 71
- The majority (88%) of residents in the reported MHE sample were classed as 'Not in the labour Force', meaning they were either retired or not actively looking for work.

(Colliers International, Manufactured Home Estates - Australian Market Overview, November 2014, p.53)

The age profile for an MHE was also graphed – see below and which confirms the above key findings.

### MHE Benchmark Age Profile

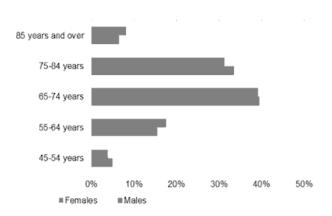


Figure 1: MHE Owner-Renter Occupant Age Analysis, Colliers International, Manufactured Home Estates – Australian Market Overview, November 2014, p.53

### MHE Benchmark Labour Force Status

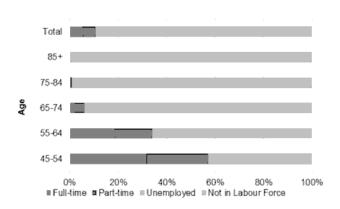


Figure 2: MHE Owner-Renter Occupant Labour Force Analysis, Colliers International, Manufactured Home Estates – Australian Market Overview, November 2014, p.54

# 4.2 NSW Planning Policy and Social Impact Assessment Guidelines

In NSW, MHE's are usually designed in accordance with the provisions of State Environmental Planning Policy No.36 – Manufactured Home Estates. The subject MHE is to be lodged in reliance on this policy. This state planning policy is addressed as part of AAP's analysis of strategic planning matters relevant to preparation of the subject Social Impact Assessment – refer table below.

# State Environmental Planning Policy No.36

The following table highlights key provisions under this SEPP and includes an AAP compliance comment.

SEPP No.36 Provision	AAP Response
2 Aims and strategies	
(1) The aims of this Policy are:	The subject MHE is proposed in a suitable location and is
<ul> <li>(a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements, and</li> <li>(b) to provide immediate development opportunities for manufactured home estates on the commencement of this Policy, and</li> <li>(c) to encourage the provision of affordable housing in well designed estates, and</li> <li>(d) to ensure that manufactured home estates are situated only in</li> </ul>	considered to be a very well designed estate, with larger than standard home sites, many quality recreational and social provisions proposed to benefit future residents, attractive landscaping, including some street trees, internal and
suitable locations and not on land having important resources or having landscape, scenic or ecological qualities that should be preserved, and (e) to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services, and (f) to protect the environment surrounding manufactured home estates, and	external pedestrian pathways and a design and other commitments which has sought to respond sympathetically to its local context.
(g) to provide measures which will facilitate security of tenure for residents of manufactured home estates.	The importance of maintaining the landscape and scenic value of the site has been addressed
(2) The strategies by which those aims are to be achieved are:	as part of AAP's proposed SIA mitigations and the location of
(a) by allowing, with development consent, manufactured home estates on certain land on which caravan parks are permitted if the land meets the suitable locational criteria stipulated in this Policy (which it would not do if, for example, it contains important resources, is subject to natural or man-made risks or has sensitive environmental or ecological features), and	the MHE off two approved public roads internal to the subject site will significantly reduce the overall visual impact of the MHE on the community.
<ul> <li>(b) by applying this Policy to areas where there is likely to be a demand and suitable opportunities for the development of manufactured home estates, and</li> <li>(c) by allowing manufactured home estates to be subdivided with</li> </ul>	All necessary services are available in proximity or provided on site.
development consent either by way of leases for terms of up to 20 years or under the Community Land Development Act 1989, and (d) by enabling the Minister for Planning to exclude from this Policy any	The site is zoned R1. Caravan parks are permitted.
land that is subject to a local environmental plan prepared in accordance with the principles of a direction issued in conjunction with this Policy under section 117 of the Act.	It is understood the proposed home sites are intended to be subdivided by lease.

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### 7 Development consent required for manufactured home estates

- (I) Development for the purposes of a manufactured home estate permitted to be carried out by this Policy may be carried out only with the development consent of the council.
- (2) A council must not consent to any such development unless it imposes, as a condition of the consent, a requirement that an approval to operate a manufactured home estate on the land on which the development is to be carried out must be obtained under Part I of Chapter 7 of the Local Government Act 1993.
- (3) Nothing in this Policy requires a separate development consent to authorise the placing of each manufactured home within a manufactured home estate.

Development consent is being sought by the proponent from Port Macquarie – Hastings Council.

It is open to Council to impose conditions of consent on the development.

## 8 Subdivision of manufactured home estates

- (I) Land on which development for the purposes of a manufactured home estate may be lawfully carried out (whether or not because of a development consent granted pursuant to this Policy) may be subdivided:
- (a) under section 289K of the Local Government Act 1919 for lease purposes, or
- (b) under the Community Land Development Act 1989, only with the development consent of the council.
- (2) A council must not grant a development consent for such a subdivision if any of the lots intended to be created by the proposed subdivision would contravene a requirement of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.
- (3) Any prohibition or restriction on the subdivision of land imposed by any other environmental planning instrument (whether made before or after this Policy) does not apply to such a subdivision.
- (4) This Policy does not allow the subdivision of land within a Crown reserve.

It is understood the proposed home sites are intended to be subdivided by lease.

Analysis of the specific provisions of related legislation has not formed part of the scope of this SIA, however it is anticipated that the relevant regulations have been addressed by the proponent and their town planning consultant in the DA documentation and/or by Council as part of their assessment of the DA.

### 9 Matters to be considered by councils

- (I) A council may grant a development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only if it is satisfied:
- (a) that each of the sites on which a manufactured home is or will be installed within the manufactured home estate is or will be adequately provided with reticulated water, a reticulated sewerage system, drainage and electricity, and
- (b) that the manufactured home estate is or will be provided with adequate transport services, and
- (c) that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate, and
- (d) that the development will not have an adverse effect on any:
- · conservation area
- heritage item
- · waterway or land having special landscape, scenic or ecological qualities,

which is identified in an environmental planning instrument applicable to the land concerned.

All required reticulated services, drainage and electricity will be provided to the MHE home sites.

Provision of a community bus is an AAP recommended SIA mitigation to the proposed development, consistent with the requirement of SEPP 36.

A Busways service is also available from Kendall as detailed in this SIA.

Sufficient community facilities and services will be provided on and off site, to meet the needs of future MHE residents, in compliance with the SEPP.

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- (2) A council may grant a development consent pursuant to this Policy allowing development for the purposes of a manufactured home estate only after it has considered the following:
- (a) the cumulative impact of the proposed development and other manufactured home estates in the locality,
- (b) any relevant guidelines issued by the Director,
- (c) the provisions of the Local Government (Manufactured Home Estates) Transitional Regulation 1993.

Kendall itself has a number of quality community facilities and local groups that will be accessible to future MHE residents as well as a general store and the Bendigo Bank, a local café, takeaway and other retail offerings.

Residents of the MHE will be provided with access to Laurieton based medical services and facilities. In addition, it is recommended that a space be provided within the MHE clubhouse for booking by medical practioners and other local service providers.

Transport to local medical centres and hospitals is also available via the busways bus or private transport service, in addition to a private car.

The proposed MHE will be the only MHE in Kendall and no negative cumulative impacts have been identified in respect of other MHE's within the broader Camden Haven area.

### 4.3 NSW Social Impact Assessment Guidelines

In addition to the existing provisions of SEPP 36, the NSW Department of Planning and Environment has been exploring ways to strengthen the quality and consistency of social impact assessments for large scale, state significant projects throughout 2017.

Whilst the Department's findings have no direct relevance to the subject local MHE development at Kendall, the preparation of NSW Guidelines for certain types of development will serve to articulate the broader value of and the desire for rigorous high quality social impact assessments.

In 2010 the NSW Department of Planning and Environment issued a Fact Sheet in respect of MHE Developments. Some key points from this 2010 Fact Sheet are included below:

"Manufactured Home Estates (MHEs) are a contemporary form of medium density housing development comprising land leased communities in which the residents own or rent manufactured homes on dwelling sites leased from the estate.

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Manufactured homes are a type of relocatable home. Manufactured homes are self-contained and include at least one kitchen, bathroom, bedroom and living area and also include toilet and laundry facilities. Manufactured homes... are seen as an important affordable housing option.

A relevant regulation for caravan parks, camping grounds and MHEs is the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (LG Regulation 2005), which sets standards for:

- the design, construction, maintenance and operation of MHEs, caravan parks and camping grounds
- · the design, construction and installation of manufactured homes and other moveable dwellings
- promotion of the health, safety and amenity of the occupiers of those dwellings.

The Residential Parks Act 1998 sets out requirements regarding the rights and responsibilities of residential park owners and persons who under a residential tenancy agreement occupy a residential site in a caravan park or MHE as their principal place of residence. The Residential Tenancies Act 1987 applies to other residential tenancy agreements under which residential premises consist of a moveable dwelling.

The Office of Fair Trading has responsibility for day-to-day administration of these Acts.

Approval of MHEs is similar to that for caravan parks and camping grounds. However, MHEs are subject to a different State Environmental Planning Policy. There are also some differences in requirements under the LG Regulation 2005. For example, that Regulation sets a larger minimum dwelling site size for MHEs than for caravan parks, and manufactured homes and associated structures in MHEs require a certificate of completion from the council following the giving of notice of completion of installation by the holder of the approval to operate."

(NSW DP&E, 'Approval and operation of caravan parks, camping grounds and manufactured home estates' Fact Sheet, 2010)

### 4.4 Active Aging and Human Capital

The value of active aging communities and the addition of human capital to existing communities has been considered by AAP as a relevant strategic context to assessment of the social impacts of the proposed MHE development at Kendall.

Dr E. O'Brien (lecturer at Southern Cross University at Lismore NSW), has recently addressed this value in a 2017 Planning Study titled: 'Planning for Population Ageing: the rhetoric of 'active aging' – theoretical shortfalls, policy limits, practical constraints and the crucial requirement for societal inventions', published by Routledge in 2017. Dr O'Brien notes that 'Active Aging' is the dominant international policy response to issues of population aging, since its introduction as a global concept two decades ago. (O'Brien, 'Planning for Population Aging', 2017, p.1)

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Dr O'Brien confirms that "local government has a critical role in promoting active living and that an important function for local council's is to create age friendly environments that support physical activity and social connection". (O'Brien, 'Planning for Population Aging', 2017, p.2)

One of the strengths of the subject proposed MHE at Kendall, is the Kendall community's existing social connectedness coupled with the high level of recreational opportunity to be afforded to future residents both within the proposed MHE site and within the wider Kendall community.

In a related study by O'Brien (co-authored with Phibbs in 2011), the substantial contribution that older people make to the economy and social fabric of local communities as volunteers and carers, and 'mature consumers' was also identified. O'Brien references that "studies in the USA and UK have shown the positive impact retiree inmigration can have on local economic development by creating jobs and stimulating demand for housing, goods and services, and through an infusion of human capital". (O'Brien, 'Planning for Population Aging', 2017, p.2)

The subject MHE development therefore has the potential to make a significant ongoing contribution to the Kendall economy and social fabric of the community, through additional demand for goods and services and an infusion of human capital.

### 4.5 Port Macquarie - Hastings Local Environmental Plan 2011

For details of compliance with the PM-HC LEP 2011, please refer to the Statement of Environmental Effects prepared by Land Dynamics Australia.

### 4.6 Port Macquarie - Hastings Development Control Plan 2013

Council's Development Control Plan (DCP) 2013 requires the preparation of a Social Impact Assessment for the subject MHE development. The DCP extracts relevant to preparation of this Social Impact Assessment are included below, together with a compliance comment.

## Social Impact Assessment

### 2.7.2.1 Objective

To ensure adverse impacts are identified and mitigation or avoidance measures are adopted to minimise or eliminate social impact on individuals and the community.

### **Development Provisions**

 A social impact assessment shall be submitted in accordance with the Council's Social Impact Assessment Policy.

Note: Council's Social Impact Assessment policy includes guidelines to assist applicants in preparing a SIA.

Comment: Council's Social Impact Policy 2009 sets out that a full Social Impact Assessment is required, which is to be prepared in accord with Council's Social Impact Policy 2009.

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The Social Impact Assessment prepared for this project has incorporated the following key staged consultation tasks, as itemised in the following table, in satisfaction of Council's SIA Policy.

Stage I was commenced in early July 2017 and comprised Project Commencement and Initial Consultation with the proponent and Council regarding the proposed consultation strategy and inspection of the site and Kendall village. A scoping/literature review was also undertaken to inform the consultation strategy and Stage 2 and 3.

Stage 2 comprised Community Consultation, which was completed in August 2017, being a letterbox drop and stakeholder meetings and other work as established in the adopted Consultation Strategy, including follow up emails to interested persons and enquiries regarding the capacity of local Laurieton Medical Centres.

Stage 3 being the compiling and review of all community/stakeholder responses and feedback received during Stage 2 and then the actual writing the SIA and subsequent issue to the proponent.

### A Letterbox Drop and/or via post was undertaken to:

- Residents of Benaroon Drive Precinct
- 44 Batar Creek Road (personal request)
- · Adjacent neighbour immediately east of site

### Personal Stakeholder Meetings, and/or follow up emails and telephone calls were made to:

- · Kendall Services and Citizens Club
- Kendall Showground Representatives
- Bendigo Bank
- Miss Nellies Café
- Kendall General Store
- Kendall Op Shop
- Kendall Tennis Club
- Kendall Craft Group
- Kendall Mens Shed
- Liquor & Co
- Crafty Shoes

### Kendall Consultation Project Team:

## • Michelle Chapman RPIA

Director – All About Planning Pty Ltd, Member Planning Institute of Australia, Member Social Planning Chapter PIA and PIA Registered Planner

### Tony Parker

Director - Camden Heads Lifestyle Village Pty Ltd

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A Social Impact Assessment is the more substantial of two possible social assessment reporting tools available to Council and involves pre-lodgement stakeholder consultation, statistical analysis and other profiling. This comprehensive SIA has been prepared in accord with Council's 2009 Policy.

### Social dimensions and housing affordability

#### 3.3.2.34 Objective

To respond to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

To maximise development densities in areas identified for medium and high density residential.

#### Development Provisions

- Developments should be located close to areas of open space, recreation and entertainment facilities and employment areas.
- b) Where the Local Environmental Plan permits a floor space ratio greater than 1:1 a ratio of not less than 1:1 should be achieved.

# 3.3.2.35 Objective

To optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

#### Development Provisions

- A variety of apartment types including studio, 1, 2, 3 and 3+ bedroom apartments are provided within the development.
- Studios and 1 bedroom apartments are not to exceed 20% of the total number of apartments within the development.
- A mix of 1 and 3 bedroom apartments are provided on the ground level to cater for improved accessibility for disabled, elderly people or families with children.

Comment: The subject site in Kendall has been zoned RI General Residential for some time now and which zone permits MHE development. The maximum density for MHE developments is determined by a minimum site area control, rather than site density being determined by a local DCP or LEP provisions.

The proposed MHE development is located outside the established urban footprint of Kendall village, as have all the most recent new residential subdivisions constructed in Kendall. AAP considers the key for a successful development in such circumstances is to ensure provision of good quality on site facilities and services and also to ensure transport options are available for connection to larger centres and the CBD of Kendall.

### Social dimensions and housing affordability

### 3.3.2.36 Objective

To address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

### **Development Provisions**

 Developments should consider the principles of the Council's Affordable Housing Strategy in any application for a residential flat building.

Comment: A residential flat building is not being proposed. The proposed MHE development will provide additional housing alternatives suited for both existing and future residents of Kendall.

## 4.7 Kendall Population Analysis

The 2017 population forecast for Kendall (Camden Haven West) is 3,267, and which is forecast to grow to 4,753 by 2036. (ID Profile, 2014)

Council's ID Profile states that: "It is assumed that this pattern (of population growth) will continue into the future, driving development on the outskirts of Port Macquarie, around Lake Cathie and in the Camden Haven. The appeal of the area is a reflection of the natural attractiveness of the area, the climate and the significant amount of residential housing opportunities close to the coast. Local demand is relatively strong as Port Macquarie has reached a size where it is creating significant numbers of new households (children leaving home) seeking new dwellings.

With the variety of residential and rural locations, different areas within Port Macquarie-Hastings have developed different roles within the housing market...Camden Haven and Lake Cathie-Bonny Hills attract significant numbers of retirees, while the rural area attracts fewer retirees and loses significant numbers of young adults as they seek employment and educational opportunities in larger centres. "(I.D Profile, January 2014)

### Kendall 2016

Code SSC12096 (SSC)Search for a Community Profile

People	1,141
Male	48.4%
Female	51.6%
Median age	44
Families	315
All private dwellings	443
Average people per household	2.7
Median weekly household income	\$1,061
Median monthly mortgage repayments	\$1,430
Median weekly rent	\$311

Source: http://www.censusdata.abs.gov.au/census\_services/getproduct/census/2016/quickstat/SSC12096?opendocument

# People — demographics & education

<u>demographics & education</u> | cultural & language diversity | employment People tables are based on a person's place of usual residence on Census night

People Persons count based on place of usual residence on Census night	Kendall	%	New South Wales	%	Australia	%
Male	555	48.4	3,686,014	49.3	11,546,638	49.3
Female	591	51.6	3,794,217	50.7	11,855,248	50.7
Aboriginal and/or Torres Strait Islander people	44	3.9	216,176	2.9	649,171	2.8

In the 2016 Census, there were 1,141 people in Kendall (State Suburbs). Of these 48.4% were male and 51.6% were female. Aboriginal and/or Torres Strait Islander people made up 3.9% of the population.

View the data quality statement for Place of Usual Residence (PURP)

Age	Kendall	%	New South Wales	%	Australia	%	
Median age	44		38		38		
0-4 years	80	7.0	465,135	6.2	1,464,779	6.3	
5-9 years	78	6.9	478,184	6.4	1,502,646	6.4	
10-14 years	82	7.2	443,009	5.9	1,397,183	6.0	
15-19 years	77	6.8	448,425	6.0	1,421,595	6.1	
20-24 years	57	5.0	489,673	6.5	1,566,793	6.7	
25-29 years	41	3.6	527,161	7.0	1,664,602	7.1	
30-34 years	53	4.7	540,360	7.2	1,703,847	7.3	
35-39 years	56	4.9	499,724	6.7	1,561,679	6.7	
40-44 years	68	6.0	503,169	6.7	1,583,257	6.8	

<sup>25 |</sup> ALL ABOUT PLANNING: "Quality planning outcomes through personal service by experienced professionals."

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45-49 years	86	7.6	492,440	6.6	1,581,455	6.8
50-54 years	89	7.8	485,546	6.5	1,523,551	6.5
55-59 years	88	7.7	469,726	6.3	1,454,332	6.2
60-64 years	62	5.5	420,044	5.6	1,299,397	5.6
65-69 years	79	6.9	384,470	5.1	1,188,999	5.1
70-74 years	71	6.2	292,556	3.9	887,716	3.8
75-79 years	32	2.8	217,308	2.9	652,657	2.8
80-84 years	23	2.0	155,806	2.1	460,549	2.0
85 years and over	15	1.3	167,506	2.2	486,842	2.1

The median age of people in Kendall (State Suburbs) was 44 years. Children aged 0 - 14 years made up 21.1% of the population and people aged 65 years and over made up 19.3% of the population. View the data quality statement for Age (AGEP)

Registered marital status People aged 15 years and over	Kendall	%	New South Wales	%	Australia	%
Married	430	48.I	2,965,280	48.7	9,148,218	48.1
Separated	38	4.3	190,198	3.1	608,059	3.2
Divorced	94	10.5	512,298	8.4	1,626,890	8.5
Widowed	49	5.5	331,653	5.4	985,204	5.2
Never married	283	31.7	2,094,460	34.4	6,668,910	35.0

Of people in Kendall (State Suburbs) aged 15 years and over, 48.1% were married and 14.4% were either divorced or separated.

View the data quality statement for Registered marital status (MSTP)

Social marital status People aged 15 years and over	Kendall	%	New South Wales	%	Australia	%
Registered marriage	370	46.8	2,612,630	48.3	8,001,141	47.7
De facto marriage	101	12.8	506,133	9.4	1,751,731	10.4
Not married	320	40.5	2,290,887	42.3	7,024,973	41.9

In Kendall (State Suburbs), of people aged 15 years and over, 46.8% of people were in a registered marriage and 12.8% were in a de facto marriage.

View the data quality statement for Social marital status (MDCP)

Education	Kendall	%	New South Wales	%	Australia	%
Preschool	18	5.0	132,047	5.7	347,621	4.8
Primary - Government	86	24.1	417,465	18.0	1,314,787	18.2
Primary - Catholic	13	3.6	122,099	5.3	380,604	5.3
Primary - other non Government	0	0.0	67,611	2.9	231,490	3.2
Secondary - Government	52	14.6	269,249	11.6	827,505	11.5
Secondary - Catholic	17	4.8	117,689	5.1	338,384	4.7
Secondary - other non Government	3	8.0	79,915	3.4	280,618	3.9
Technical or further education institution	23	6.4	144,103	6.2	424,869	5.9
University or tertiary institution	9	2.5	376,133	16.2	1,160,626	16.1
Other	4	1.1	63,673	2.7	198,383	2.8
Not stated	132	37.0	535,266	23.0	1,707,023	23.7

In Kendall (State Suburbs), 31.8% of people were attending an educational institution. Of these, 27.2% were in primary school, 19.7% in secondary school and 9.0% in a tertiary or technical institution.

View the data quality statement for Educational Institution Attendee Status (TYSTAP)

People - cultural & language diversity

demographics & education | cultural & language diversity | employment

Ancestry, top responses	Kendall	%	New South Wales	%	Australia	%
Australian	551	36.5	2,261,062	22.9	7,298,243	23.3
English	483	32.0	2,302,481	23.3	7,852,224	25.0
Irish	132	8.7	741,671	7.5	2,388,058	7.6
Scottish	92	6. I	587,052	5.9	2,023,470	6.4
German	49	3.2	236,146	2.4	982,226	3.1

The most common ancestries in Kendall (State Suburbs) were Australian 36.5%, English 32.0%, Irish 8.7%, Scottish 6.1% and German 3.2%.

Respondents had the option of reporting two ancestries on their Census form, and this is captured by the Ancestry Multi Response (ANCP) variable used in this table. Calculated percentages represent a proportion of total reported ancestry responses in Kendall (State Suburbs), and therefore the total responses count will not equal the persons count.

View the data quality statement for Ancestry (ANCP)

Country of birth	Kendall	%	New South Wales	%	Australia	%		
Australia	958	84.0	4,899,090	65.5	15,614,835	66.7		
Other top responses								
England	27	2.4	226,564	3.0	907,570	3.9		
New Zealand	11	1.0	117,136	1.6	518,466	2.2		
Netherlands	6	0.5	16,900	0.2	70,172	0.3		
Scotland	4	0.4	28,579	0.4	119,417	0.5		
Austria	4	0.4	5,172	0.1	15,384	0.1		

In Kendall (State Suburbs), 84.0% of people were born in Australia. The most common countries of birth were England 2.4%, New Zealand 1.0%, Netherlands 0.5%, Scotland 0.4% and Austria 0.4%. View the data quality statement for Country of birth (BPLP)

Country of birth of father and/or mother, stated responses	Kendall	%	New South Wales	%	Australia	%
Both parents born overseas	93	8.2	2,764,170	37.0	8,051,196	34.4
Father only born overseas	41	3.6	458,394	6.1	1,488,092	6.4
Mother only born overseas	29	2.5	325,182	4.3	1,094,591	4.7
Both parents born in Australia	857	75.2	3,399,725	45.4	11,070,538	47.3

In Kendall (State Suburbs), 75.2% of people had both parents born in Australia and 8.2% of people had both parents born overseas.

View the data quality statement for Country of birth of father and/or mother (BPPP)

Country of birth of father, stated responses	Kendall	%	New South Wales	%	Australia	%
Australia	896	79. I	3,745,787	50.1	12,231,150	52.3
England	39	3.4	359,370	4.8	1,403,096	6.0
New Zealand	20	1.8	143,450	1.9	617,331	2.6
Netherlands	13	1.1	40,444	0.5	175,354	0.7
France	8	0.7	14,779	0.2	40,804	0.2

In Kendall (State Suburbs), the most common countries of birth for male parents were Australia 79.1%, England 3.4%, New Zealand 1.8%, Netherlands 1.1% and France 0.7%.

View the data quality statement for Country of birth of father (BPMP)

Country of birth of mother, stated responses	Kendall	%	New South Wales	%	Australia	%
Australia	906	79.8	3,884,762	51.9	12,643,365	54.0
England	43	3.8	322,472	4.3	1,302,147	5.6
New Zealand	16	1.4	139,899	1.9	608,329	2.6
Netherlands	11	1.0	34,775	0.5	152,088	0.6
Poland	7	0.6	28,037	0.4	96,495	0.4

In Kendall (State Suburbs), the most common countries of birth for female parents were Australia 79.8%, England 3.8%, New Zealand 1.4%, Netherlands 1.0% and Poland 0.6%.

View the data quality statement for Country of birth of mother (BPFP)

Religious affiliation, top responses	Kendall	%	New South Wales	%	Australia	%
No Religion, so described	340	29.9	1,879,562	25.1	6,933,708	29.6
Anglican	307	27.0	1,161,810	15.5	3,101,185	13.3
Catholic	192	16.9	1,846,443	24.7	5,291,834	22.6
Not stated	142	12.5	684,969	9.2	2,238,735	9.6
Uniting Church	57	5.0	217,258	2.9	870,183	3.7

The most common responses for religion in Kendall (State Suburbs) were No Religion, so described 29.9%, Anglican 27.0%, Catholic 16.9%, Not stated 12.5% and Uniting Church 5.0%. In Kendall (State Suburbs), Christianity was the largest religious group reported overall (64.7%).

View the data quality statement for Religious affiliation (RELP)

Language, top responses (other than English)	Kendall	%	New South Wales	%	Australia	%
Thai	6	0.5	24,839	0.3	55,444	0.2
Polish	3	0.3	14,124	0.2	48,083	0.2
English only spoken at home	1,021	89.3	5,126,633	68.5	17,020,417	72.7
Households where a non English language is spoken	5	1.2	735,563	26.5	1,971,011	22.2

In Kendall (State Suburbs), 89.3% of people only spoke English at home. The only other responses for language spoken at home were Thai 0.5% and Polish 0.3%.

### 4.8 Kendall Services and Facilities

In considering the adequacy of existing services and facilities in Kendall and Camden Haven to provide for the needs of new MHE residents it is relevant to consider what particular services and facilities are available and also what impacts the MHE may have on these services and facilities.

### Services and Facilities

A number of services and facilities are available within Kendall itself, including:

- grocery and liquor supplies
- · café and takeaway food premises
- a bank (Bendigo Bank)
- · the Kendall Services and Citizens Club
- Kendall Pre-school & Child Care
- Kendall Public School
- Kendall Community Centre

Camden Haven High School is located between Lakewood and Kew. Furthermore, the Lakewood Shopping complex is only a short drive away from Kendall to the east, as is the Laurieton CBD with its variety of shops and services.

Kew has a Service Station, the Kew Corner Store and golf course.



Above: Kendall Community Op Shop



Above: Miss Nellies Café



Above: Kendall General Store



Above: Kendall Milkbar

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Above: Kendall Services and Citizens Club

There are several medical services within 10km of Kendall.

# Consultations with Camden Haven based Medical centres, confirmed the following centres have capacity for new patients:

#### • The Good Shepherd Medical Centre Laurieton

98 Bold St, Laurieton · (02) 6559 9618

Open Monday - Friday 8.30am until 5:00 pm and Saturday 9am to 1pm

#### • Camden Haven Medical Centre

5/16 Laurie St, Laurieton (02) 6559 5555

Open Monday - Friday 8.00am until 5:30 pm and Alternate Saturdays 8.30am to 12 noon

#### Your Family Practice

97 Bold St, Laurieton (02) 6559 5100

Open 8am to 5pm, Mon - Fri

#### **Community Social and Support Opportunities**

There are many opportunities to engage within the local Kendall community for interested persons, including sporting and social clubs, churches and educational institutions themselves.

Some of the social and support opportunities available in Kendall include:

Social Impact Assessment: MHE Development 79 Batar Creek Road, KENDALL

- Kendall Men's Shed
- · Kendall School of Arts
- Kendall Community Technology Centre provides a range of services including access to computers and the internet, photocopying, faxing, Countrylink ticketing
- Kendall Rural Transaction Centre houses a branch of Bendigo Bank, the Meeting Place, access to
   Centrelink services and rooms that are available for meetings and professional service providers
- Kendall Kids Corner
- Kendall Craft Group

#### **Recreation Opportunities**

There are a good range of local recreation and sporting opportunities in Kendall, including the Kendall Swimming Pool and Kendall Tennis Courts and well as local sporting teams.



#### Above: Kendall Tennis Club

#### 4.9 Kendall Main Street Masterplan Project

Council has commenced a Kendall Main Street Masterplan project and which has to date included initial community consultation in February 2017 together with preparation of key main street base plans identifying the main street precinct study area and key features, including open space, existing land uses and heritage.

Council has stated in the initial consultation documentation that:

Social Impact Assessment: MHE Development

Kendall is an idyllic, much loved town with a vibrant residential population as well as significant visitors each year. The town and community maintain a strong sense of civic pride, a creative culture and long standing historical ties to the cultural heritage of the area.

Council has been successful in receiving funding to develop a Master Plan for the Kendall Main Street. The focus area will be from River Street to Graham Street between the bridge over the Camden Haven River and the Comboyne Street intersection.

Traffic management, car parking, pedestrian circulation and general urban amenity is poorly defined in this area. There are a number of land uses and constraints that contribute to a complex environment including intersecting roads, railway line level crossing, tennis courts and reserves, War Memorial Hall, Henry Kendall sculpture, the Kendall Services and Citizen Club, Miss Nellie's cafe, community op-shop, swimming pool, skate park and broad expanses of pavement for informal parking.

This Master Plan is being prepared in consultation with the Kendall community, key stakeholders and Port Macquarie-Hastings Council. It aims to identify critical works to improve the urban structure on the main street and associated environment of Kendall so that walking and cycling trips are convenient, pleasant and safe and the character of the town and landscape is enhanced and respected." (Source - http://haveyoursay.pmhc.nsw.gov.au/kendall-main-street-master-plan)



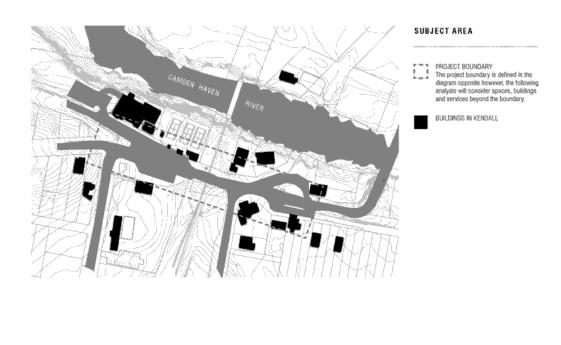
Above: Existing Kendall Main Street Intersection

The Main Street Plan is currently being drafted. Council has advised that additional Main Street Project community consultation is anticipated later in 2017, to be co-ordinated by John Hanlon, Council's Traffic Engineer.

Social Impact Assessment: MHE Development 79 Batar Creek Road, KENDALL

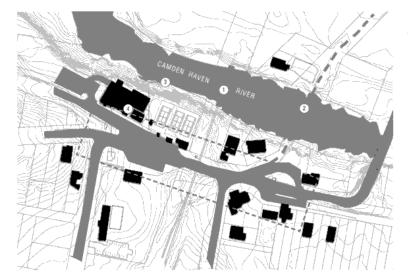


#### KENDALL MAIN STREET PLAN



KENDALL MAIN STREET PLAN

Social Impact Assessment: MHE Development 79 Batar Creek Road, KENDALL



#### HERITAGE

KENDALL RAILWAY BRIDGE 1915

Single span Pratt truss steel railway bridge on two concrete piers, with approach piers on concrete piers, and steel I beam girders.

2 ORIGINAL BRIDGE LOCATION

The urban framework, lot boudnaries and ownership suggest the original road and bridge was in this location.

ROAD NETWORK

The urban framework, road framework and predominately unformed edges demonstrate that Kendall evolved organically over time.

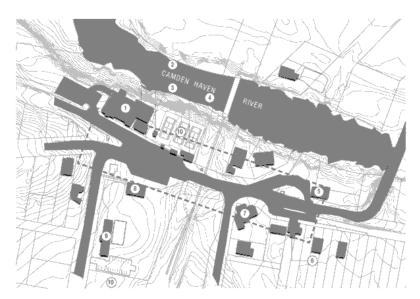
(4) HENDRY KENDALI, MEMORIAL

This memorial commemorates Henry Kendall and his role in the township.



PROJECT BOUNDARY

#### KENDALL MAIN STREET PLAN



#### BUILDING USES

- (1) KENDALL CITIZENS & SERVICES CLUB
- 2 WAR MEMORIAL HALL
- 3 PUBLIC TOILETS
- 4 TENNIS CLUB
- 5 HAIRDRESSER
- 6 MISS NELLIE'S CAFE
  7 CRAFTY SHOES
- 8 KENDALL OP SHOP
- 9 KENDALL SWIMMING POOL
- 10 KENDALL TENNIS COURTS

PROJECT BOUNDARY

KENDALL MAIN STREET PLAN

Above: Kendall Main Street Masterplan project documentation sourced at -

http://haveyoursay.pmhc.nsw.gov.au/kendall-main-street-master-plan

Social Impact Assessment: MHE Development 79 Batar Creek Road, KENDALL

### 5.0 Community Consultation

#### 5.1 Consultation with PMHC

Port Macquarie – Hastings Council was consulted prior to undertaking the Kendall community engagement work for the subject SIA.

#### 5.2 Kendall Community Consultation

#### 5.2.1 Community Engagement Methods

A number of community engagement methods were employed by AAP to ensure a good cross section of the community was canvassed upfront for their opinion regarding the MHE (being Kendall residents, community organisations and local businesses), within the stipulated project timeframe. Community consultation methods are summarised in the following Figure.

### FACE TO FACE ENGAGEMENT

4 separate meetings with representatives of the local community, being either business owners or representatives of local organisations

(a total 12 individuals)



### ELECTRONIC ENGAGEMENT

- 8 engagements with residents via email correspondence
- 10 engagements with residents and other local stakeholders via telephone
- 8 participant information packs distributed to community members on request
- 3 Medical Centres, the Bendigo Bank & Council



### PRINT COMMUNICATIONS

- 22 participant information packs distributed to homes in Benaroon Dr and Ellendale Crescent via a targeted letterbox drop
- 1 participant information pack posted on request to Batar Creeek Road resident
- 1 information pack posted to adjacent eastern neighbour
- 3 local newspaper articles (unsolicited)

TOTAL SUBMSSIONS: 24\* submissions received (verbal and written responses)

\*plus one additional late submission received Tuesday, 29<sup>th</sup> August 2017

Figure 3: Engagement Methods for Kendall MHE community consultation

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In order to investigate the attitudes of those Kendall community residents living closest to the proposed site, a targeted letter box drop was carried out on 8 August 2017. A total of 22 resident information packs were letterbox dropped to residents.

A copy of the emailed information pack is included at Attachment 2. Post the initial letterbox drop to residents, additional project images were provided by the proponent which were reflected in the subsequent emailed version of the information pack to interested individuals, including to those residents who contacted AAP and requested an emailed copy of the letterbox dropped information pack.

The information pack included a cover letter requesting community feedback on the proposed development, a brief summary on the development, a preliminary layout plan and concept design of the site and a questionnaire. A self-addressed, stamped envelope was included with each survey.

The survey asked respondents a couple of opinion questions regarding their attitudes to the proposed MHE development, if they considered other parties should be notified of the proposal and whether they would be interested in being part of an ongoing community consultation process.

Themed trends in response to survey questions have been identified through the reading and coding of survey

An additional information pack was mailed to a Batar Creek Road address on request and to the owner of the property to the immediate east of the subject site.

In addition to the mail survey, the project included 4 separate meetings with various community group representatives, and multiple communications with community members via email and telephone correspondence.

Almost all respondents (96%) were eager to participate in ongoing discussion regarding the proposal.

#### 5.2.2 Community Engagement Outcomes

AAP analysed the feedback provided by the Kendall community during the upfront consultation process. A total of 24 submissions were received from individual community members and which have been analysed and graphed as set out below.

One subsequent late submission was received by AAP on 29<sup>th</sup> August 2017 which was strongly in favour of the proposed development, but which was not included in the following graphed data analysis given the timing of the response.

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The submissions identified twenty six (26) themes raised by respondents. These themes are graphically represented in Figure 4 following.

As Figure 4 shows, Child and Pedestrian Safety (29.2%) was the top theme of respondents. Child and pedestrian safety was closely linked to issues regarding the current condition of Batar Creek Road (25%), Traffic Hazards 25%, Increased Traffic Volumes (25%), Construction Traffic (4.2%), the need for formalised Town Car Parking (4.2%) and a strain on Public Transport (4.2%). The respondents' submissions prioritising these matters all relate to a lack of confidence with the existing local road network of Kendall.

Inappropriate Development Size (25%) and the perceived threat to Neighbourhood Character (25%) were also major themes among respondents, together with the Demographic Characteristics (25%) of future residents with a particular focus on new resident age and income levels. Respondents identified a key development value was maintaining the characteristic qualities of the Kendall village.

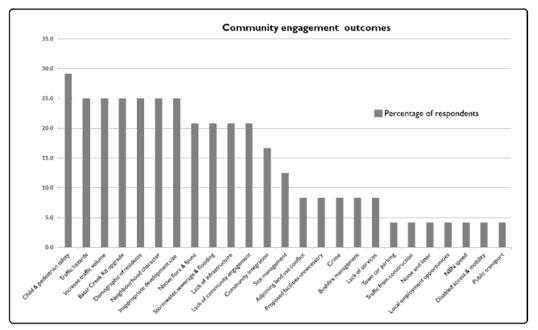


Figure 4: Community Engagement Outcomes

Matters of environmental impact such as the disturbance of Native Flora and Fauna (20.8%), Stormwater, Sewerage and Flooding (20.8%), and a Lack of Infrastructure (20.8%) were also raised as important matters as was the Lack of Community Engagement (20.8%).

Subsequent matters of lesser significance identified by respondents included the need for Community Integration of future residents (16.7%), good ongoing Site Management (12.5%), avoiding or reducing the potential for adjoining Land Use Conflicts (8.3%), the potential for competition with existing local amenities (8.3%), Increased

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Crime (8.3%), Bushfire Management issues (8.3%), a Lack of Existing Services (8.3%) to support the additional population.

A number of people that AAP engaged with in Kendall also identified the potential for positive impacts on the Kendall community, most notably resulting from additional employment opportunities and the financial benefits that additional community members can have on local businesses and community group membership.

Two submissions received were in favour of the proposed development and the remainder of the submissions received were at least somewhat concerned by the proposed development.

Following is a tabulated summary of the written and verbal feedback received and a response from AAP to the initial community feedback received.

#	Community Feedback Issue	AAP SIA Response
1.	The proposal has obvious potential for positive	Agreed. The value of the additional MHE
	sustained economic benefits. New residents	population is highlighted in AAP's strategic analysis
	will contribute to the economic resilience of	in this SIA.
	the community and support local business	
	owners, service providers & community groups	
2.	The proposed development does not fit with	The proposed MHE is the first of this kind of
	the rural village atmosphere of Kendall	permanent residential accommodation within
		Kendall and it is not surprising that the
		development has been met with some suspicion.
		The location of the MHE is however not dissimilar
		to the detached location of other recent residential
		subdivisions in Kendall.
		The subject site is zoned to permit an MHE.
		The village of Kendall is a contained and established
		urban area and opportunities for large scale
		residential development are not afforded within the
		existing village footprint.
3.	The proposal is too high density and is	The physical form of the MHE residential
	unsuitable for the area. Propose a smaller	development is of a higher density than existing
	development	standard residential housing in Kendall.

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		Proposed lot sizes are however larger than the
		minimum size for MHE lots and the built form will
		be mitigated by quality site landscaping.
		be integated by quarty site landscaping.
		Conversely, one advantage of a higher density
		residential development is that the development
		will bring a larger number of people into the
		Kendall community, which has potential for
		additional positive economic and social benefits
		above that which could be realised with a smaller
		development.
4.	A gated community is not conducive to	It is agreed that a closed front gate does not
	effective integration with the existing Kendall	present a 'friendly image' to visitors, nor is it an
	community	existing feature of residential development in
		Kendall. A closed gate can also be inconvenient to
		both residents, visitors and tradespersons, who
		may not have pin numbers or the required swipe
		card.
		caro.
		A recommended AAP mitigation is that the front
		gate to the MHE be kept open during daylight
		hours. This recommended mitigation has been
<u> </u>		agreed to by the proponent.
5.	A landscaped setback to the showground is	Agreed. Both a landscape setback and security
	needed, as is security fencing	fencing are recommended mitigations and this
		recommended mitigation has been agreed to by the
		proponent.
6.	There is potential for complaints from MHE	There is some potential for complaints. A
	residents about Showground events and	recommended mitigation has been agreed to by
	activities	the proponent.
7.	The Kendall Town Centre Masterplan project	AAP has considered this current project, but has
	does not address key traffic issues	not been able to source any updated information
		from Council above that available online
8.	Batar Creek Road is unsuitable to handle the	AAP is advised that a Traffic Impact Assessment
	proposed additional traffic that will be	was to be submitted with the DA. This assessment
	generated.	will be required by Council to consider whether
		Batar Creek Road is capable of handling the
		projected increase in traffic.
		F. James M. G. Garden

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		AAP has recommended a number of mitigations
		regarding traffic matters for consideration by
		Council and the proponent.
9.	There is only one road in and out of Kendall	AAP recommends that a comment from the
	and this is unsuitable to rely on for increased	proponent's traffic engineer be obtained addressing
	traffic	the sufficiency of existing key roads and other traffic
		related matters identified by the community, and
		that this comment be referred to Council's traffic
		engineer for formal assessment.
10.	Council is not spending money on upgrading	AAP considers there is value in enquiries being
	Kendall roads and other infrastructure	made with Council to confirm if current Section 94
		and 64 contributions are targeted for expenditure
		within Kendall. Further information can also be
		obtained confirming whether Council will permit a
		Kendall specific material public benefit or Voluntary
		Planning Agreement in lieu of payment of any
		standard contributions.
11.	The area is experiencing drainage and localised	The proponent has incorporated stormwater
	flooding issues – detention ponds will overflow	detention areas on site. The adequacy of these will
		be assessed by Council. The proponent has
		confirmed they will construct these detention areas
		in the first stage of the site development.
12.	Will existing water pressure and NBN speeds	This is a matter for Council and the proponent to
	be reduced by the proposed development?	address.
13.	The lack of trees on the site will create a	Whilst some significant landscaping is indicated for
	negative visual impact and reduce site ecology	the site, additional landscaping has been
		recommended as mitigation and which has been
		agreed to by the proponent.
14.	There needs to be a developer commitment to	Agreed. The proponent has expressed a
	an ongoing community consultation strategy	commitment to ongoing consultation, via an
		emailed periodic newsletter to interested persons.
15.	Some MHE residents have AVO's taken out	A good neighbour policy is recommended to be
	against them, due to neighbour disputes	adopted by the MHE operator.
16.	Is the proposal an affordable/low cost	The common demographics of MHE residents has
	development? Who will live there?	been considered in Section 4 of this SIA.
	I.	1

Table 1: Community Feedback & AAP Comment

<sup>41</sup> J ALL ABOUT PLANNING: "Quality planning outcomes through personal service by experienced professionals."

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6.0 Impact Analysis

The potential for clear and significant social and economic benefits related to construction of the proposed development have been identified, together with a number of localised negative impacts on neighbours, as well as a number of other potential negative impacts on the wider Kendall community.

MHE developments such as the subject residential proposal in Kendall, which cluster a group of predominantly older people, are capable of creating a distinctive set of local social impacts.

The likely positive and negative impacts are detailed in this section of the report, together with a detailed consideration of available mitigations that can be employed to limit or avoid negative impacts and improve or enhance positive impacts.

Impact analysis is a vital step in preparation of a Social Impact Assessment.

A number of impacts have been identified during the scoping and consultation stages of the project and which are discussed below.

It is essential to identify both existing social issues that would have arisen anyway as a result of the earlier Council approved 140 lot torrens titled residential subdivision and the revised higher density proposal for the site. (The revised proposal being the establishment of a 280 site MHE, together with the earlier approved 19 standard residential lots and 2 residue residential lots.) It is clear the revised MHE proposal for the site will increase the population in Kendall above what was consented to by Council in 2007.

The Impact Matrix at the end of this chapter provides a useful summary of the identified impacts, both positive and negative.

6.I SIA Study Boundaries

Three key study boundaries have been identified as relevant to this SIA. The first is the immediate locality of the proposed MHE site, including the adjacent Kendall Showground and eastern and southern neighbours, who all share a common property boundary with the site. There are also the future residents of the proposed MHE and residents of the retained 19 and two residue lot torrens titled residential subdivisions on the subject site.

The second key study boundary is identified as the Benaroon Drive residential precinct, due to its locational proximity to the subject site and the fact that those existing residents will share a common road access and future roundabout with residents of the subject site.

The third key study boundary are residents, community groups and business owners who live and operate within the village of Kendall and also the wider study context of the Camden Haven and Port Macquarie - Hastings Local Government Area (LGA).

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#### 6.2 Economic and Social Impacts

#### Population Change

The proposed MHE will result in a population increase in Kendall once all home sites/lots are taken up over time. It is useful from a Social Impact perspective to consider not only the total net increase in population attributable to the proposed MHE development but also any increase in population that the MHE development would deliver over and above that future resident population previously approved by Council in 2007.

In terms of population increase, the 2016 census confirms that the average household size for a standard residential dwelling is 2.6 persons. By comparison the average household size for a standard MHE dwelling is lower, at 1.6 persons.

Please refer to Table 2 below for an analysis of proposed and approved estimated population for the subject site at 79 Batar Creek Road, Kendall.

Anticipated Population Comparison –		
Analysis of proposed and approved population to reside at 79 Batar Creek Road, KENDALL		
Proposed 280 site MHE plus 19 residential lots	Approved 140 residential lots	
and resident manager site		
280 x 1.6 persons = 448 persons	140 x 2.6 persons = 364 persons	
19 x 2.6 persons = 49.4 persons		
1 x resident manager dwelling = 1.6 persons		
ANTICIPATED TOTAL PERSONS residing on site =	ANTICIPATED TOTAL PERSONS residing on site =	
499	364	
ADDITIONAL POPULATION ON SITE TO THAT APPROVED BY COUNCIL IN 2007 = 135 persons		

Table 2: Analysis of proposed and 2007 approved resident population of subject site

#### Economic Impacts

#### Short Term Construction Opportunities, being:

- Local construction workers will be required to undertake the site preparation and ongoing construction
  of the MHE if it is approved by Council.
- The slab on ground and on-site construction technique proposed for the MHE homes will require the
  engaging of local trades to construct the new dwellings. Unlike some other MHE developments in
  Australia, homes for the Kendall MHE will not be trucked to the site after being premade in a factory.

To ensure local economic benefits are maximized for Kendall residents and tradespersons, AAP has discussed with the proponent the adoption of a local workers preference policy.

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Long Term Local Employment Opportunities, being at a minimum:

I on site manager

I garden/grounds maintenance

• I administration staff

Short and Long Term Anticipated Flow on Effects from the proposed 280 MHE sites and approved 19 torrens title lots:

Residents of the subject site will use and engage with a number of local service providers, including the local shops and café, local market stall holders, hairdressers, local tradespersons, the Services Club, the Bendigo Bank and Kendall sporting, music and community groups.

It is clear that additional patronage of local service orientated businesses, tradespersons, retailers and organisations in Kendall both in the short and long term, will have an overall positive economic impact on those individuals and groups. Furthermore, ongoing and increasing local patronage (as more MHE sites are released and occupied) has the potential to contribute to the sustained vibrancy of the Kendall village area through increased economic and social activity.

The increased population may also prove to be an impetus for one or more new start-up service businesses or an expansion of an existing business to meet the needs of the new population.

The positive economic impact of the development if approved and constructed will not be immediate however, but rather will be staged over a number of years, as the site construction phase commences and as home sites are released. The timing of release of the home sites will be dependent on demand for the MHE sites.

Social Impacts

A number of potential negative social impacts have been identified in this SIA. A number of positive social impacts have also been identified.

It is considered that both the identified negative and positive impacts will be significantly moderated over time by virtue of the staged nature of the MHE development, which will allow for natural community adjustment and a gradual increase in population and related demand for local services and facilities over time rather than in one large surge.

This does not mean however that negative and positive social impacts of the development are inconsequential or will not be evident as soon as the construction stage of the MHE development commences. It is therefore relevant to consider if these immediate and ongoing potential negative impacts can be mitigated to a reasonable degree or conversely are so significant that they warrant Council refusing the proposed development. It is also relevant to consider if both immediate and ongoing positive community social benefits can be maximised and enhanced through the SIA process, if the application is supported by Council.

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As noted under the discussion of Economic Impacts above, it is important to differentiate between the additional social impacts associated with the proposed 280 site MHE and the social impacts that have already been effectively consented to by Council by virtue of their 2007 consent for a 140 lot residential subdivision on the site, which AAP is advised is physically and legally commenced.

#### Short Term Social Impacts

MHE home sites will be released in stages. Identified short term social impacts include:

- The presence of periodic construction traffic in the village of Kendall. A build on site construction model is proposed by the developer
- Visual and potential acoustic impacts associated with the initial construction and establishment of the
   MHE site and area preparation for the 19 lot residential subdivision
- · Potential road safety issues due to an increase in local traffic related to site construction
- Minor and modest population increase in Kendall most likely the MHE will release home sites in groups
  of approximately 20, which will result in a total net additional population of 32 persons per MHE stage
- Initial modest increased demand for local services and facilities in Kendall and the Camden Haven as initial MHE stage/s are released and homes are constructed
- Initial need for arrangements with immediate neighbours regarding site boundary fencing during construction and to confirm longer term boundary fencing designs

#### Medium and Long Term Social Impacts

A number of potential medium and long term social impacts have been identified by AAP and those who provided feedback to AAP during the consultation period, from the Kendall community.

- Additional and overall significant increase in Kendall population, being a maximum 135 persons over and above that approved for the site by Council in 2007 and a net total increase in Kendall's population from existing levels of approximately 500 persons
- Ongoing and sustained increased demand for local services and facilities as final stages of the MHE development are released and MHE construction winds down
- Visual and potential acoustic impacts associated with the initial construction and establishment of the
   MHE site and area preparation for the 19 lot residential subdivision
- Additional sustained levels of predominantly residential traffic in and around Kendall
- Additional pedestrian activity in and around Kendall's CBD

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- Increased business patronage and MHE resident desire for involvement and support of local community groups and organisations
- Change in the demographic of Kendall's population with a predominance of additional older persons residing on the site

#### 6.3 Development Impact Matrix and Recommended Impact Mitigation Strategy

The following impact matrix and recommendations mitigations are made to address key identified social impacts of the proposed development.

Anticipated positive impacts are differentiated from negative impacts by light green highlighting.

Attachment 1 contains a full summary of all recommended social impact mitigations.

Impact	Level of Impact Low. Moderate, High and Geographical Reach	Recommended Mitigation Strategy
Economic Impact	S	
Employment	Low +ve	The proponent has confirmed they will seek to utilise
		local construction companies and contractors wherever
		possible. A 'local first' employment policy is
		recommended to be adopted by the MHE operator to
		lock in a significant economic benefit for the proposed
		development and which policy has been accepted by the
		proponent.
		In addition to construction requirements, up to 3 new
		long-term jobs will be generated by the proposed MHE,
		being an on-site manager, administrator and
		gardener/groundsman.
Local Economy	Moderate & High +ve	The significant build cost will support the local economy
,	Kendall and LGA wide	and will also create a few additional permanent new jobs
		and moderate additional economic flow on effects to the
		Kendall community.
Community Need	s and Facilities	
Housing Choice	Moderate +ve	There is a clear identified local need for the ongoing
riousing Choice	Kendall and LGA wide	
	Kendali and LGA wide	provision of a variety of housing options to the Kendall
		and Camden Haven housing market. The subject MHE
		development will address this local need by providing a
		medium density form home and site lease package that

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		will be particularly attractive to some existing and new
		residents of the area.
Impact on	Moderate +ve	Local sports and community facility operators will
Existing	Kendall	benefit from the opening of the proposed manufactured
Sporting and		home estate, through increased patronage. Active
Community		sporting and other facilities are proposed as part of the
Facilities and		development, including a gym, pool, tennis course, lawn
Local		bowls, community garden, craft room and men's shed,
Community		however it is considered likely that many residents will
Groups		also seek to utilise the sporting and other community
		facilities available within Kendall and further afield at
		Kew, Lakewood and Laurieton.
		An opportunity for use of the MHE's tennis court by the
		Kendall Tennis Club for larger tennis events has been
		discussed with the proponent and who has confirmed
		that use of the court could certainly be provided for any
		such larger events. Sharing of the court facility will
		provide opportunity for engagement of the MHE with
		the local Kendall Community and active support for a
		significant existing sporting facility in Kendall.
Crime Risk and	Low -ve	A Crime Risk Assessment has not been prepared by
Site Safety	MHE site	AAP. Consultation with the Local Area Command in
		respect of the proposed site development could
		however occur as part of Council's assessment of the
		subject application if desired.
		For most MHE's it is understood that most crime
		incidences stem from the potential for erosion of
		internal relationships between residents, rather than
		external threats. Key crime related mitigations for the
		subject MHE development therefore include:
		Retention of quality on-site resident management.
		Site management is to consider the establishment of a Resident Committee tasked with the role of growing a positive community identify and

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		facilitating friendly neighbour and broader Kendall community relationships.
		Ensure provision of attractive internal landscaped pedestrian pathways to encourage foot traffic, neighbourhood vitality and casual surveillance.
		Adoption of a Site Leaseholder 'Good Neighbour Policy', that is obliged to be committed to by all residents and which sets out the formal process for resolution of neighbour disputes.
Community	Low -ve	It is recommended that on-site management for the
Engagement and	MHE site and Kendall	future MHE have a focus on building positive internal
Social Cohesion		community networks.
		Further, during the local change event, being the construction and establishment of the new MHE in Kendall, it is recommended that the proponent prepare and distribute a periodic MHE project newsletter for issue to interested residents of Kendall and other interested community stakeholders.  The newsletter will provide a means of ongoing communication between the developer and the local residents, providing a clear opportunity for ongoing community engagement regarding any particular issue
		that may arise post DA consent (if consent is granted).
		The newsletter can either be distributed by mail or via email (recommended where available) to interested persons who have expressed interest in receiving periodic updates confirming DA lodgement, key traffic report findings, and post approval key construction details, including an initial construction start date.
		An ongoing Community Engagement Strategy (both internal and external to the proposed development) is needed to address the priority of growing strong local positive relationships between local stakeholders,

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		immediate neighbours and the broader Kendall
		community and to ensure a harmonious residential
		environment is created and maintained on site.
Disabled Access	Low +ve	The DA will be required to demonstrate compliance
	MHE site	with the Australian Disabled Access Standards.
		Required disabled car parking locations have minimised
		distance of travel to entry and ensure a smooth
		continuous path of travel. Attention will need to be paid
		to internal door design to ensure all community facilities
		and the MHE administration office are accessible to the
		disabled.
Public Realm		
Streetscape/	Moderate -ve	a. AAP requested the proponent explore the
Landscaping	Immediate Locality –	treatments to the northern boundary of the MHE
		site with the showground, including the potential to
	a) the northern	add a landscaped setback and tree planting. The site
	interface of the site	concept has now been modified to reflect this
	shares a common	mitigation and the number of home sites was also
	boundary with the	subsequently reduced from 283 to 280 to account
	Kendall Showground	for the increased site landscaping and setback.
	site	
		b. Benaroon Drive residents expressed particular
	b) residential properties	concern about the insufficiency of Batar Creek Road
	within the Benaroon	to cater for additional traffic, an overall reduction in
	Drive precinct	visual rural quality and lsck of pedestrian connection
		to Kendall.
		It is also recommended as a mitigation that a landscape
		concept design be prepared for the site, including street
		trees and landscaping along the access driveway and
		throughout the site to soften overall built form and
		improve amenity.
Connectivity -	Low +ve	A Traffic Assessment is required to be submitted with
Public	Locality	the DA.
Transport,		
Bicycles and		The Council's earlier 2007 approval for a residential
Pedestrians		subdivision on the subject site included a condition
		requiring provision of a footpath along the Showground

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		frontage of Batar Creek Road to connect the site to
		Kendall village – this is considered to be a significant
		positive addition to the local area. It is important that
		access to this pathway be considered, not only for MHE
		residents, but also future residents of the 19 lot
		subdivision external to the MHE site and to Benaroon
		Drive residents. Mitigations have been recommended to
		address these matters.
		The proponent will provide a regular daily community
		bus service for use by residents who may choose not to
		drive or use the public bus service, to connect them to
		key local services and facilities.
Management of	Neutral	The site has the ability to be well managed and the on-
the Site		site resident manager will be highly accessible to any
		nearby residents.
Appearance of	Low +ve	Whilst the site by virtue of its current undeveloped state
proposed	Immediate Locality	will be modified in order to realise the proposed
buildings and		development, appropriately designed and maintained
parking areas	Attractive building designs	buildings and landscaping will be achieved on site.
	is proposed that fit in	
	with the character of the	Additional landscaping details for the site have been
	area.	requested and form part of the recommended
		mitigations for the proposed development.
Neighbourhood a	nd Community Amenity	
Resident Site	Moderate +ve	Residents will benefit significantly from the extensive on-
Users	MHE Site	site facilities that the development offers, from the well
		designed and attractive MHE accommodation, and close
		proximity to Lake Innes Shopping Village.
		The presence and availability of on-site management will
		also be a significant support to new residents and it has
		been recommended and agreed that a space for use by
		interested medical practitioners and other service
		providers on site be incorporated.
Impacts on	Moderate -ve	Some acoustic and aesthetic negative impacts on nearby
nearby	Immediate Locality	neighbours during the construction stage of the
Residents		development are anticipated and can only be expected.
	Low +ve	
	1	

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(Acoustic and	MHE site	Conditions of consent will however be imposed by
Aesthetic)		Council to control the time of construction to ensure
		appropriate work rest periods on the site.
		The showground is an important established use in
		Kendall with multiple annual activities occurring on site.
		The potential for complaints from future MHE residents
		regarding showground operations is accepted and a
		Showground Community Engagement Plan has been
		recommended as a mitigation to address this potential.
		Ongoing quality management of the site and
		communication between relevant stakeholders will be
		essential to minimising post construction acoustic
		impacts.
		The state of the s
		The site will be well managed by an on-site manager.
		Having an on-site manager will also ensure a high level of
		aesthetic quality and adherence to future site,
		community engagement and landscaping maintenance standards and policy.
Local Traffic	Moderate -ve	A comprehensive Traffic and Parking Assessment is to
Impacts and	Trouciate -ve	accompany the DA. A copy of this traffic report was
Parking	Benaroon Drive residents	provided to AAP to inform the SIA. Additional comment
Generation	and Kendall area	from the traffic engineer and subsequent assessment of
		same by Council is recommended as an important
		mitigation.
		Any additional traffic generated by the MHE will be
		incremental, and spread out over time, given that
		construction of the site will be staged.
		Increased traffic volumes during the construction stage
		of the development are anticipated and can only be
		expected.
		The provision of a regular community bus service will
		eliminate many car trips that would otherwise occur
		within the area.

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Legislative Compliance		
Consistency of proposal with Adopted Council Policy Direction	High +ve	The need for housing variety is acknowledged by Council and the NSW Government as demonstrated in this SIA.
Development Application Conditions	High +ve Both immediate locality and LGA wide	At DA stage Council can impose conditions of development consent on the design and operation of the MHE.  Further, it is open to any concerned resident to contact Council's responsible officer to directly discuss any issue of concern with the design or ongoing management of
		the MHE.

Table 1: Social Impact Assessment Matrix

#### **ATTACHMENT**

DEVELOPMENT ASSESSMENT PANEL 28/11/2018

Social Impact Assessment: MHE Development 79 Batar Creek Road, KENDALL

#### 7.0 Conclusion

The economic and social impacts of the proposed MHE have been carefully analysed in preparation of this SIA, together with inputs gleaned from a strategic planning and literature review by AAP relevant to MHE's.

It is concluded that negative impacts associated with the proposed MHE can be mitigated to a reasonable degree as part of the development application assessment process, through appropriate ongoing site management and as part of a refinement of certain aspects of the site design.

Overall, the subject MHE is considered to be a very well designed estate, with larger than standard home sites, a number of quality recreational and social provisions proposed to benefit future residents, attractive landscaping including street trees and site building design, a good number of internal and external pedestrian pathways and that has also sought to respond sympathetically to its local context and adjoining neighbours.

This Social Impact Assessment has sought to facilitate the best possible final site design and quality ongoing site management outcomes for the benefit of nearby local neighbours and the Kendall community. AAP's proposed mitigations include innovative and site specific responses to particular local needs and identified social issues.

The proponent has demonstrated a responsive and thoughtful approach to identified social issues and a willingness to address these issues through reasonable modification of the site design and acceptance of all key relevant recommended SIA mitigations.

The proposal is recommended to Council as involving an overall positive social impact provided the recommended mitigations are implemented.

#### ATTACHMENT I: SOCIAL IMPACT MITIGATIONS

#### **Recommended Mitigations**

- 1. Retain an on-site resident manager.
- Submit a Concept Landscape Plan with the DA documentation, that makes provision for substantial landscape plantings, including small, medium and large scale trees, throughout the site and particularly in key open spaces on site.
- 3. The landscape plan must also demonstrate how visual impacts of the development when viewed from both the showground and MHE site can be addressed, by introducing a landscaped setback along the full northern boundary of the MHE. (AAP notes that this landscape setback detail has now been incorporated into a new site plan and has resulted in a reduction in the number of home site proposed along the northern boundary of the MHE site from 283 to 280 sites.)

Details of the proposed landscape setback are to be provided with the DA documentation and are to also be forwarded directly to the Showground Executive for their additional feedback. (AAP is advised that the proponent has referred the amended site plan to the Showground Executive.)

- 4. Consideration of supplementary landscaping along the Batar Creek Rd frontage for any future development application of proposed lot 121 should also be made. Any future applications should exhibit a landscape design outcome that enhances and respects the rural character of the area.
- 5. A **Detailed Landscape Plan** for the subject site is to be prepared incorporating all landscaping requirements, to be completed at CC stage.
- 6. A Traffic Engineering Comment is to be provided with the Development Application that specifically addresses whether there is the need for:
  - a. the addition of a pedestrian refuge/crossing point near Benaroon Drive on Batar Creek Road, so Benaroon Drive area residents can access the proposed pedestrian and cycle pathway required by Council to be constructed along the Showground frontage
  - b. the creation of a footpath to link proposed Road No.1 to the start of the pedestrian and cycle path in the north-west corner of the site. This pathway should be positioned external to the proposed MHE development, to ensure long term access is maintained to the pathway for non-MHE residents.
  - c. Street lighting to be extended along Batar Creek Road to the MHE site entrance
  - d. an upgrade of the:
    - i. Width of Batar Creek Road
    - ii. Kendall main street Y intersection of Comboyne Road and Graham Street
    - iii. Intersection of Jackson and Laurel Street
    - iv. Intersection of Albert Street and Batar Creek Road
    - v. Kendall railway crossing
    - vi. Timed parking or other options for managing main street parking during major events
    - vii. A resident bicycle parking area to be provided on site

The above proponent initiated local traffic comment is recommended to be obtained however it is noted that Port Macquarie-Hastings Council has the primary role of reviewing and maintaining Kendall's road infrastructure and in assessing the adequacy of the existing road, pedestrian and cycle network in respect of new development. AAP notes it is open to Council to require additional traffic assessment as part of their application review.

- 7. Address showground security concerns by incorporating a high security fence along the full northern boundary of the MHE site. This boundary fence detail and any design options for this fence are to be presented to the Kendall Showground Executive for their consideration prior to selection of the final boundary fence design.
- 8. The front gate to the site is to be left open during the day, to facilitate site access by visitors, tradespersons and the like and to ensure a friendly and welcoming entrance to the site is maintained. The **open gate policy** is to be reflected in the MHE's adopted **Operational Plan**.
- 9. A Community Bus is to be provided to assist with the transport needs of MHE residents. The bus is to include daily return trips into the Kendall main street and regular weekly return trips into Laurieton. A Community Bus Time Table is to be developed and distributed to residents and is to be reviewed at least annually in consultation with MHE residents by site management to ensure the community bus service is meeting the needs of the MHE residents.
- 10. The pedestrian and cycle link required under the 2007 DA for residential subdivision on the site is to be constructed as part of the initial site works, together with the other community facilities, boundary fencing and landscaping.
- 11. The roundabout is to be constructed as required under the 2007 DA for residential subdivision on the site and is to be constructed as part of the initial site works, together with the other community facilities, boundary fencing and landscaping.
- 12. Prepare a MHE Showground Community Engagement Plan to minimise risk of complaints from MHE residents about ongoing showground events and activities. This plan is to be reviewed a minimum every 4 years but may be reviewed earlier. This plan is to be developed and subsequently reviewed in consultation with the Showground Executive and the MHE's on-site manager. A copy of this plan is to be provided to both the Showground Executive and the MHE Site Manager.
- 13. Enquiries are to be made with Council to confirm if current Section 94 and 64 contributions are targeted for expenditure within Kendall. Enquiries should also confirm if Council will permit a Kendall specific material public benefit or Voluntary Planning Agreement in lieu of standard contributions.
- 14. Ongoing Kendall community consultation is to be undertaken by the developer of the MHE site. The form of this should at least include issue of an occasional emailed newsletter to all those that have currently been consulted and who have indicated a desire to be kept informed of the proposed development.
- 15. During Council's public exhibition of the proposed development details, one hard copy of the proposed development application should be provided by the proponent to Council, so that the proposal can be available for display and review at the Kendall Community Centre.
- 16. A suitably fitted out space is to be created within the community clubhouse for booking and use by a consulting medical professional or other relevant service providers. The opportunity to use this space is to be promoted to local medical practitioners and other potential resident service providers by the MHE site manager.

- 17. An offer is to be extended by MHE site management and owners for occasional use of the MHE's on-site synthetic grass tennis court for local based tennis competitions on request by the Kendall Tennis Club.
- 18. The MHE operator is to adopt an **Internal Neighbour Disputes Policy** and this policy is to be referenced in all site lease agreements.
- 19. The MHE developer is to adopt a Local Workers Employment Priority Policy for suitably qualified and available trades for all construction and ongoing operational stages.
- 20. The stormwater detention basins proposed on site should be required by condition of consent to be constructed in the early stages of the development as appropriate for the size of the proposed staged construction, subject of course to more specific assessment of this issue by Port Macquarie Hastings Council's Stormwater Engineers.

ATTACHMENT 2: MHE LETTERBOX DROP INFORMATION PACK

Our ref: 2016 - 074

7th August 2017

Benaroon Drive Residential Precinct Via Letterbox Drop



FAX 02 6583 1368

Dear Resident

#### RE: COMMUNITY FEEDBACK REQUEST

PROPOSED MANUFACTURED HOME ESTATE - No. 79 Batar Creek Road, Kendall

I write to you as the town planning consultant engaged to prepare a Social Impact Assessment for a proposed Manufactured Home Estate at No. 79 Batar Creek Road, Kendall. The site is immediately south of the Kendall Showground and opposite the existing entrance to Benaroon Drive from Batar Creek Road – refer following locality plan.

I am seeking your input to inform my Social Impact Assessment, which is to be submitted with a development application to Port Macquarie – Hastings Council by Land Dynamics Australia, for the proponents Connectability Pty Ltd.

A feedback questionnaire is attached for you to return post to A.A.P or alternatively you may prefer to email me directly at:  $\frac{allaboutplanningpl@gmail.com}{allaboutplanningpl@gmail.com}$ 

Your initial feedback is requested to be provided by Tuesday, 15th August 2017.

Relevant project information is also included below for your consideration including a proposed site plan and community centre building image.

Yours sincerely

Michelle Chapman

Director -- All About Planning Pty Ltd



Above: Locality Plan - site indicated in yellow highlighting and proposed clubhouse swimming pool

www.allaboutplanning.com.au ABN 46 105 052 015

The Proposal

A new Lifestyle Estate opportunity at Kendall is proposed, being the establishment of a 283 site Manufactured Home Estate (MHE) at 79 Batar Creek Road, Kendall.

The Laurieton Residential Resort at Lakewood is an existing MHE Development that locals will likely be familiar with: wwwe.laurietonresort.com.au Ocean Club Resort at Lake Cathie is also a good local example.

Kendall residents may recall that the subject site was approved by Council for a 140 lot residential subdivision in 2007 - refer attached plan.

The proposed MHE on this site will involve an estimated net increase in population over and above that previously approved by Council, of approximately 155 additional persons.

Refer attached proposed site plan.

A number of community facilities are proposed to form part of the development, including:

- A large community clubhouse with Gymnasium, snooker room and theatrette
- Swimming Pool, Bowling Green and Tennis Court
- Pocket Parks, associated landscaping and Internal Pedestrian Pathways
- Community Bus and Secure Parking for Caravans
- Men's Shed and Community Vegetable Garden



Above: Proposed Community Clubhouse

#### The Proponent

Connectability Pty Ltd is an Australian owned company that has significant experience of over 20 years in the Manufactured Housing Estate sector.

#### Our reasons for community engagement now?

Port Macquarie - Hastings Council requires that a Social Impact Assessment be prepared to assess and consider the proposed MHE development and which includes identification of any likely impacts associated with the development and mitigations to those impacts, if relevant. The Social Impact Assessment will form part of the Development Application documentation submitted to Council.

All pre-lodgement engagement on this project with AAP and Connectability is voluntary. Council will separately notify all identified relevant stakeholders once a Development Application has been lodged with them. Any interested person can make a submission to Council during the Council's formal public notification period.

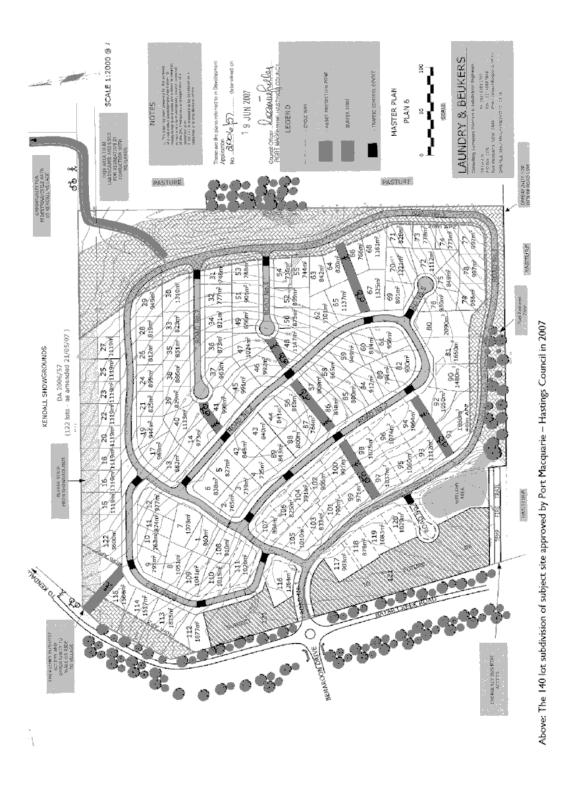
Connectability's aim is to collaborate with the local community about the proposed development upfront and also post lodgement, so that all issues are resolved early and interested residents are kept informed.

#### Appearance of proposed development from Batar Creek Road:

The view of the site from Batar Creek Road will be as approved by Council in 2007, being a residential subdivision, as the MHE entrance will be positioned internal to the site off Road No. I - refer site plan following.



Above: Proposed MHE which plan includes details of the 2007 approved and commenced 19 lot residential subdivision fronting Batar Creek Road



Item 05 Attachment 10

### Social Impact Assessment Survey Questions: MHE Proposal - 79 Batar Creek Road, KENDALL

Ple	ase return	your response by Tuesday 15th August 2017 to:
Ву	Mail:	All About Planning Pty Ltd, PO BOX 2196, PORT MACQUARIE NSW 2444. A stamped addressed envelope is enclosed.
Ву	Email:	allaboutplanningpl@gmail.com
1.		our initial response to the proposed development? For eg. Are there any aspects of nt proposal that you consider are most likely to require mitigation or modification?
2.	How best	can the proposed MHE proponent and future residents engage with and actively the existing Kendall community including existing groups and organisations?
3.	Would y developm	ou like to be involved in ongoing discussion regarding the proposed MHE ent?
	If Yes, ple	ase confirm your preferred contact details (Name, Address. Email or Phone):
4.	communi may be in	onent is consulting with all Benaroon Drive precinct residents, together with local ty groups and business representatives. Can you think of anyone in particular that iterested to hear of the proposed development and who may like to contribute to A consultation stage of the proposed development or ongoing discussions?
5.	Do you ha	ave any other questions or comments?

**ATTACHMENT 3: EMAIL INFORMATION PACK** 

Our ref: 2016 - 074

8th August 2017

Kendall Community Groups & Business Owners Via Teleconference and Email

Dear Community Member

RE: COMMUNITY FEEDBACK REQUEST PROPOSED MANUFACTURED HOME ESTATE

No. 79 Batar Creek Road, Kendali



PO BOX 2196 PORT MACQUARIE NSW 2444 PH 02 6583 1305 FAX 02 6583 1368

I write to you as the town planning consultant engaged to prepare a Social Impact Assessment for a proposed Manufactured Home Estate at No. 79 Batar Creek Road, Kendall. The site is immediately south of the Kendall Showground and opposite the existing entrance to Benaroon Drive from Batar Creek Road – refer following locality plan.

I am seeking your input to inform my Social Impact Assessment, which is to be submitted with a development application to Port Macquarie – Hastings Council by Land Dynamics Australia, for the proponents.

A feedback questionnaire is attached for you to return post to A.A.P or alternatively you may prefer to email me directly at:  $\frac{allaboutplanningpl@gmail.com}{allaboutplanningpl@gmail.com}$ 

Your initial feedback is requested to be provided by Tuesday, 15th August 2017.

Relevant project information is also included below for your consideration including a proposed site plan and community centre building images.

Yours sincerely

Michelle Chapman

Director - All About Planning Pty Ltd



Above: Locality Plan - site indicated in yellow highlighting

www.allaboutplanning.com.au ABN 46 105 052 015

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Kendall residents may recall that the subject site was approved by Council for a 140 lot residential subdivision in 2007 - refer attached plan.

The proposed MHE (Woodglen Lifestyle Village) on this site will involve an estimated net increase in population over and above that previously approved by Council, of approximately 155 additional persons.

Refer attached proposed site plan.

A number of community facilities are proposed to form part of the development, including:

- A large community clubhouse with Gymnasium, snooker room and theatrette
- Swimming Pool, Bowling Green and Tennis Court
- Pocket Parks, associated landscaping and Internal Pedestrian Pathways
- Community Bus and Secure Parking for Caravans
- Men's Shed and Community Vegetable Garden

#### Our reasons for community engagement now?

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All pre-lodgement engagement on this project with AAP is voluntary. Council will separately notify all identified relevant stakeholders once a Development Application has been lodged with them. Any interested person can make a submission to Council during the Council's formal public notification period.

The proponent's aim is to collaborate with the local community about the proposed development upfront and also post lodgement, so that all issues are resolved early and interested residents are kept informed.

#### Appearance of proposed development:

Illustrations of the proposed community clubhouse, pool, bowling green and dwelling concept follow.



Above: Proposed Community Clubhouse



Above: Swimming Pool



Above: Bowling Green



Above: Concept MHE Villa

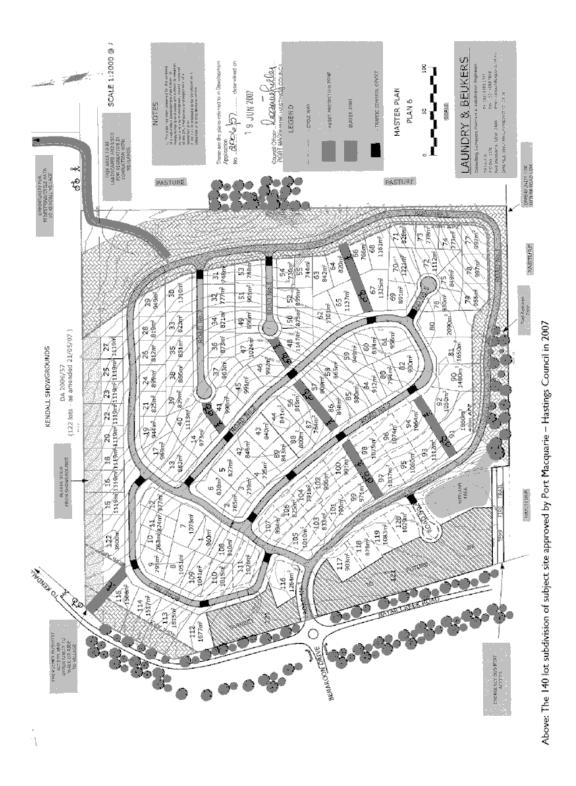
The view of the site from Batar Creek Road will be as approved by Council in 2007, being a residential subdivision, as the MHE entrance will be positioned internal to the site off Road No.1 – refer site plan following.

#### The Proponent

The proponent is an Australian owned company that has significant experience of over 20 years in the Manufactured Housing Estate sector.



Above: Proposed MHE which plan includes details of the 2007 approved and commenced 19 lot residential subdivision fronting Batar Creek Road



Item 05 Attachment 10

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ATTACHMENT 4: RELEVANT LOCAL NEWS ARTICLES

CAMDEN HAVEN COURIER Wednesday August 16, 2017

## Feedback on development

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Club Resort at Lake Cathie Elizabeth Woods lives on bowling green and tenuis. Ltd said consultation with to another example of this Bettatoon Drive she is concentration of the local community and design.

Above: Camden Haven Courier, Wednesday, 16th August 2017

# **Kew's future focus**:

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Above: Camden Haven Courier, Wednesday, 16th August 2017





# STORMWATER MANAGEMENT PLAN FOR BATAR CREEK MHE, BATAR CREEK

#### Woodglen Lifestyle Estate Pty Ltd

Land Dynamics Australia June 2018

Document No. 5141-SW-RPT01

LandDynamics AUSTRALIA ABN 63 137 881 942
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Stormwater Mangement Plan – Batar Creek MHE Camden Heads Pty Ltd



#### **Document Status**

Version	Document type	Reviewed by	Checked by	Date Issued
1	Report	T. Veness	T. Veness	22/06/2018

#### **Project Details**

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Client	Camden Heads Pty Ltd	
Authors	T. Veness	
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#### Land Dynamics Australia

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Stormwater Mangement Plan – Batar Creek MHE Camden Heads Pty Ltd



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Land Dynamics Australia

5222-SW-RPT01

Stormwater Mangement Plan – Batar Creek MHE Camden Heads Pty Ltd



#### **Executive summary**

The proposed Batar Creek MHE development is expected to yield approximately 198 manufactured home lots, 13 residential lots, a recreation building, internal road network, stormwater, sewer and water network based on the latest preliminary layout plan for the development. Land Dynamics were engaged by Camden Heads Pty Ltd to produce a Stormwater Management Plan to determine the requirements for stormwater quantity and quality control.

The purpose of this Stormwater Management Plan is to analyse the site in its proposed developed and undeveloped states then identify preliminary locations and size for stormwater management features and appropriately assess the need for detention and treatment devices that will be required to control runoff and treat stormwater before discharging to the local receiving environment.

In this document Land Dynamics has made assessments in two main areas,

- Stormwater Quantity (Hydrology & Detention Sizing)
- Stormwater Quality (Water Sensitive Urban Design)

A hydrologic analysis detailed in Section 3 was undertaken to assess rainfall runoff generated within the existing and post development site. Assumed drainage catchments were identified for the post development layout where end of line detention has been proposed as the preliminary means for stormwater quantity control to determine the likely volume required for stormwater mitigation. Due to the sites topography, the developments catch areas are split between the western and eastern side resulting in multiple basins required to provide the necessary detention to achieve pre development flows. The site currently discharges via an existing seasonal creek in the south west, where it is proposed to locate the western catchments detention basin. The Eastern catchment appears to generally sheet flow down to the flood prone low lying area before eventually making its way to the Camden Haven River. It is proposed to maintain the current points of discharge to minimise changes to the existing downstream ecosystems. The preliminary assessment assumed no lot based detention to provide a conservative total volume estimate and due to the available area for stormwater mitigation, it is unlike lot based detention will be utilised. Due to the sites topography, grades and available area, it is recommended to utilise the natural conveyance of the site to direct flows to the proposed detention basins. An integrated approach can result in aesthetically pleasing swales being of benefit the estates character.

An initial flooding assessment of the existing swale traversing the site entry has been undertaken for pre and post development scenarios. The results of the assessment can be found in section 3.6.

The stormwater quality objectives have been based on the quality targets as nominated by PMHC to provide a complying development. Due to the site's topography there will be two separate treatment areas for the western and eastern catchments. As there is sufficient grades and open space, it has been assumed a combination of grassed buffer area, grassed swales and bioretention basins would be the most suitable means of treating stormwater runoff. This treatment trains allows for seamless integration with the existing ecosystem when suitably landscaped. This treatment train was assessed to meet these 'best practice' stormwater quality guidelines. MUSIC model software has been utilised to determine the stormwater treatment requirements for the site in the proposed developed state and is detailed in Section 4 of this assessment. The bioretention size shown in this assessment has assumed a combination of typical piped network, grassed swales/buffer areas discharging into a major grassed swale for initial treatment before entering the end of line bioretention area for final treatment. This treatment train is likely to be the most suitable option as it allows for greater integration with the sites grades, topography and lot layout.

Stormwater Mangement Plan – Batar Creek MHE Camden Heads Pty Ltd



#### 1 Introduction

This Stormwater Management Plan has been prepared to provide information on stormwater quality and quantity control and is conceptual only and is subject to further assessment following confirmation of the final lot, road and stormwater pit and pipe layout.

This Stormwater Assessment addresses the pre and post development scenarios for the Woodglen Lifestyle Estate site and is based upon the preliminary lot layout for the development. The purpose of this assessment is to firstly analyse the existing pre-developed site stormwater runoff, establish the preliminary site catchments (Assumed overarching catchment areas for the initial assessment) then recommend solutions to manage the quality and quantity of stormwater in the post developed case.

In addition, an assessment has been carried out on the existing seasonal creek line traversing the entry of the development to determine the associated impacts pre and post development for the 1% AEP.

Current Best Practice Water Sensitive Urban Design (WSUD) principles will be adopted which employ a water treatment approach that emphasises water quality control as stormwater is discharged from the site. The Port Macquarie Hastings Council (PMHC) water quality objectives will be used to recommend a treatment strategy that will allow compliant stormwater to discharge into the local receiving drainage system.

The initial assessment undertaken reviewed 20%, 10%, 2% and 1% AEP events for initial detention volumes to allow assessment of potential suitable areas to situate detention and bioretention basins. Due to ridge passing through the site and splitting the catchments, separate detention and treatment areas will be required to service the development. Both basins have been sized to fully contain the minor storm event being the 20% AEP and make use of the overflow weir for remaining storm evets up to and including the 1% AEP. It was assumed all flows leaving the basins would be suitably dispersed to prevent erosion and minimise concentrated flows affecting downstream areas.

To provide a conservative assessment, no lot based detention has been included in this assessment. However, it is to be noted the detention volume identified in this report is likely to change following the detailed design of the stormwater network.

#### 1.1 Scope

Specifically, this report details the following:

- Undertake catchment analysis to identify existing stormwater catchments and determine the ultimate treatment/detention area required for each catchment.
- Undertake preliminary hydrology calculations and determine preliminary detention basin sizing for the conveyance of each catchment within the development.
- Prepare a conceptual stormwater network diagram over the proposed development footprint of the site including indicative locations of open channel flow paths, stormwater detention and treatment areas.
- Report on opportunities for Water Sensitive Urban Design principles to be utilised and options for water quality treatment train or 'end of line' solutions. These would include opportunity for bioretention swales and basins.

#### 1.2 Description of Subject Site

The Woodglen Lifestyle Estate (the site) development comprises approximately 18.29ha and encompasses all the land shown within Figure 1. This assessment has only considered the area to be

Stormwater Mangement Plan – Batar Creek MHE Camden Heads Pty Ltd



developed being 16.6ha, where it is assumed the remaining environmental/undeveloped areas within the APZ will continue to function in their current state without the need for stormwater detention/treatment and will continue to discharge offsite and generally remain separate to the rest of the site. The current state of the site has been cleared with small pockets of thicker/treed areas. Current land use includes grazing and residential.

There is an existing dam located close to the south eastern boundary which will require draining, cleaning out and filled with suitable material to allow development of this area. This assessment has ignored the dam by assuming the area is filled and contributing to the overall runoff from the site.

The site comprises medium to gentle grades of up to 5% where a ridge line separates the development into the eastern and western catchments. The western catchment includes the seasonal creek which is subject to inundation during the 1% AEP and is discussed further in section 3.6. The Eastern catchment generally grades down to low lying flood prone farm land which forms part of the Camden Haven River flood storage area.

There is no existing stormwater infrastructure in or around the development. This will result in standalone detention basins being required to service the development.

This development will increase the impervious area and will require an internal drainage network that will necessitate an integrated approach for treatment/detention devices in lieu of a large end of line basin.

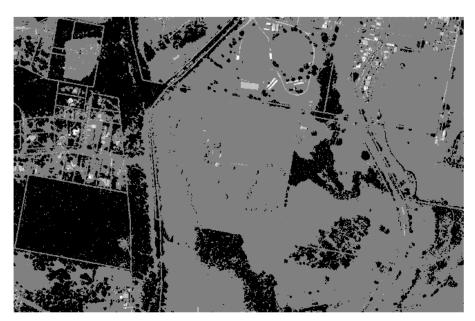


Figure 1 | Subject Site

#### 1.3 Methodology

The Stormwater Assessment was carried out as follows:

- Analysis of site topography post development of site to determine catchment boundaries and likely flow paths.
- Hydrological modelling using DRAINS software to assess preliminary detention sizing.
- Site layout of decentralised treatment train including detention basins, bio retention basin and swales for water quality and quantity controls.

Stormwater Mangement Plan – Batar Creek MHE Camden Heads Pty Ltd



- Water quality MUSIC model analysis of the preliminary treatment train of bio-retention basins and swales
- Preparation of preliminary Stormwater Layout Plan which indicate the proposed layout of the treatment train. Refer Appendix A for drawings.

#### 2 Stormwater Quantity

#### 2.1 Stormwater Catchments

Analysis of the existing and post developed terrain of the site allowed the identification and definition of the catchments that contribute to the stormwater runoff from the site. Post Development catchments have been based on the preliminary layout of the development. Refer to Table 1 for catchment breakdown and assumed impervious areas. The catchment areas have been based on the developed preliminary layout and have excluded the upstream catchments to be bypassed.

Table 1 | Catchment Areas

Preliminary Catchments	Area	Impervious %
Pre Development	16.6ha	1
Residential Western Cat	1.199ha	60
Roads Western Cat	4.305ha	50
MHE Lots Western Cat	1.632ha	70
MHE Lots Eastern Cat	3.944ha	70
MHE Roads Eastern Cat	2.310ha	50
Remaining Site	3.619ha	1

#### 2.2 Upstream Catchments

Review of existing contours has identified there is existing upstream catchment that partly contributes to the Eastern Catchments existing swale. This catchment is generally heavily vegetated and includes a several rural residential lots. The catch consists of grades generally around 5%. Further assessment via a site inspection has assessed the majority of runoff from this catchment would likely contribute to the existing season creek line further down from the proposed site entry due to Batar Creek road intersecting the catchment and directing flows to the south past the proposed development. As such modelling has been undertaken based on the upstream catchment being split due to Batar Creek Road.

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#### 2.3 Hydrology (DRAINS Assessment)

Hydrologic analysis was carried out using a DRAINS model for the site to estimate preliminary peak flow rates and the required stormwater detention volumes. The model was used to estimate design flows under both existing and developed site conditions for the 50%, 5%, 2% and 1% Average Exceedance Probability (AEP) in accordance with ARR 2016.

DRAINS software uses ILSAX hydrology allowing assessment from very small models up to very large models of 10km². Working through multiple time steps that occur during the course of a storm event, it simulates the conversion of rainfall patterns to stormwater runoff hydrographs and routes these through various forms of drainage structures.

#### 2.4 Rainfall Data

Woodglen Lifestyle Estate is located on the mid coast of NSW and is in the temperate climate zone. Rainfall is seasonal, and the highest recorded rainfall is traditionally in the summer months. Typical rainfall in this period is intense thunderstorms with high rainfall intensity. The Intensity Frequency Data (IFD) for Batar Creek has been taken from The Bureau of Meteorology 2016 Rainfall IFD Data System to provide the AEP depths for a range of storm events. Temporal patterns were obtained from the ARR data Hub to allow the DRAINS model to be setup in accordance with ARR 2016.

#### 2.5 On Site Detention

The initial detention sizing has been based on two end of line detention basins to facilitate the split catchments of the development to provide a minimum detention volume for the assumed post developed site. The site generally has sufficient grades to convey flows the nominated locations for the end of line basins. However, the unique layout in conjunction with the natural topography lends the site to be able to use grassed swales in numerous locations to aid in conveyance of minor and major flows. Grassed swales allow greater integration with the existing ecosystem, while also having the benefit of providing pretreatment to runoff for stormwater quality purposes.

The preliminary DRAINS model results have shown a total storage volume of 2150m³ for the western basin and 3900m³ for the eastern basin would be required to achieve predevelopment flows for the for all storm events up to and include the 1% AEP. It is proposed to combine bioretention with the detention basin to provide a more efficient means of stormwater quantity and quality mitigation where possible, however, there appears to be sufficient area available to separate the detention area from the treatment area. This scenario will require an integrated and detailed approach to the stormwater network to ensure suitable high flow bypasses are correctly utilised to protect the bioretention area while ensuring there are no upstream implications. If separation of the bioretention and detention basin is to proceed, the details are to be specified in the detail design phase due to the complexity for a suitable integrated network for a large development.

The environmental/APZ catchment generally surrounding the site on the downstream sides, have been assumed to continue to discharge offsite as per their current state and do not require further assessment for mitigation. The expected runoff has been allowed for as part of assessing the sites pre and post development flows.

It is noted the nominated basin areas shown are indicative only where the final layout will be design as part of an integrated approach with the landscaping of the development.

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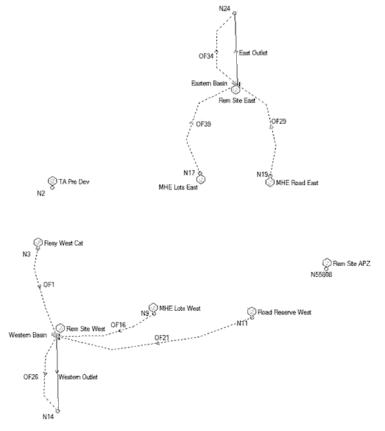


Figure 2 | Preliminary DRAINS Layout

The preliminary assessment has assumed the end of line basins will utilise outlet culverts discharging directly out to the natural surface where suitable dispersion methods and scour protection will be provided. The culverts have been positioned 0.3m above the basin floor to provide the necessary extended detention depth for treatment.

Table 2 provides total pre and post development discharge flows and shows the site achieves predevelopment flows. Tables 3 and 4 provide additional details of the preliminary basins used to assess detention volumes. The results provided in the tables are subject to the final detailed stormwater network design.

An assumed RL7.5 and 5.9 were used for the initial DRAINS assessment for the floor of basins. This RL will likely change in the detailed design and is provided for information only to assess detention basin volume.

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Table 2 | Pre and Post Development Flows

Stage	Storm Event	Discharge (m <sup>3</sup> /s)
Pre Development	20%	2.910
Post Development	20%	2.466
Pre Development	5%	4.040
Post Development	5%	4.421
Pre Development	2%	5.88
Post Development	2%	5.519
Pre Development	1%	6.780
Post Development	1%	6.701

Table 3 | Bioretention/Detention Basin Discharge Rates

	Weste	rn Basin	Eastern Basin	
Description	Basin 20% Details	Basin 1% Details	Basin 20% Details	Basin 1% Details
Peak Water Depth (m)	0.766	1.111	0.652	1.033
Peak Water RL	8.266	8.611	6.552	6.933
Total Discharge (m <sup>3</sup> /s)	1.060	3.030	1.060	1.851
Pipe Discharge (m³/s)	1.060	1.56	0.627	1.11
Weir Flow (m <sup>3</sup> /s)	0	1.47	0	0.741
Weir Flow Depth (m)	0	0.119	0	0.079
Weir Velocity (m/s)	0	1.2	0	0.9
DV Product (m <sup>2</sup> /s)	0	0.14	0	0.07

Table 4 | Bioretention/Detention Basin Details

Description	Western Basin Details	Western Basin Details
Basin Depth (m)	1.2	1.2
Total Volume (m³)	3900	2150
Weir Length	10	10
Weir Depth	0.3	0.3
Pipe Slope (%)	1	1
Pipe Length (m)	20	20

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Pipe Size (mm)	450	450
No. of Pipes	4	3
Filter media area (m²)	725	550
Extended Detention (m)	0.3	0.3
Filter depth (m)	0.6	0.6
Transition layer and drainage layer (m)	0.1 and 0.15	0.1 and 0.15
Underdrain Present?	Yes, not submerged.	Yes, not submerged.

#### 2.6 Flood Assessment

An assessment of an existing creek line traversing through the southern entry of the site has been undertaken to determine the pre and post development flooding extents of the creek during the 1% AEP.

A review of the LIDAR contours has enabled identification of 4 catchments contributing to the existing seasonal creek inclusive of the proposed Woodglen Lifestyle Estate development. The following catchment breakdown includes the average slope (as determined in Civil3D), pre and post pervious/impervious area and overall size. It is to be noted the NW Catchment is likely to have its flows diverted down along Batar Creek Road before crossing over and contributing to the seasonal creek. The catchment layout can be found in Appendix A. Refer to Table 5 for catchment parameters.

#### Catchment Area and Slope

The sub-catchment areas were determined from digital DTM provided by LIDAR. Civil 3D was used to calculate the area and average slope for each catchment. The manning's roughness used within the DRAINS model was adjusted to be catchment specific. Refer to Table 5 for details.

Figure 3 shows the contributing catchment plan for existing seasonal creek including the subcatchment boundaries. Due to the ridge line within the development, only the western side of the of the development will contribute to the creek. Stormwater Mangement Plan – Batar Creek MHE Camden Heads Pty Ltd





Figure 3 | Contributing Flood Catchments

Hydrologic analysis was carried out using a DRAINS RAFTS model (Rainfall data used was the same as used in the stormwater quantity assessment) for the site to estimate peak flow rates for the subject catchments. The model was used to estimate flows for the 1% AEP storm event for pre and post development conditions to determine flooding extents within the creek line and potential impacts to the proposed development. The catchment areas have been based on LIDAR information in conjunction with a site inspection to assess the upstream catchments dispersion due to Batar Creek Road intersecting the catchment before the creek line starts. The results from DRAINS have been adjusted to allow for a 10% increase in rainfall intensities and can be found in Table 5.

Table 5 | Flood Assessment Catchments and Flows

Name	Area (Ha)	% pervious (pre/post)	Roughness	Slope (%)	Contributing flow (+10%) Pre Dev	Contributing flow (+10%) Post Dev
Nth Cat	4.193	99/99	0.033	4.5	1.88	1.88
NW Cat	60.949	99/99	0.1	2.75	6.80	6.80
Dev Site	9.723	99/92	0.33	4.5	3.93	4.55
SE Cat	17.412	99/99	0.33	4.0	6.57	6.57

A HEC-RAS model was generated using cross sections extracted from the LIDAR DTM for the Woodglen Lifestyle Estate development. The DRAINS RAFTS 1% AEP pre and post development flow estimates were used as inflows into the model to generate flood levels along the overland flow path. These levels were then extracted from HEC-RAS to produce a map of the flood extents. Refer to Appendix A for flood extents maps.

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The peak flow rate provided by DRAINS was used as entry flow/s in the HEC-RAS cross sections. Cumulative flows were entered in the model from upstream catchments to ensure routing through each subsequent catchment was achieved. Once all the flow data was entered the boundary conditions of a known water level being 6.11 AHD was inserted based on details discussed with council in reference to the report prepared by BMT WBM (2016).

The HEC-RAS results were used to generate flood extent maps for the pre and post 1% AEP events in Civil3D and Rasmapper. Water surface elevations were assessed pre and post development to provide details on the minimum levels required for the roads to achieve 1% AEP immunity post development.

Due to the alignment of the existing creek, it results in the likely flooding of proposed lots. To ensure no flooding impacts to residential lots or the entry road, it was found a constructed swale and culvert crossing at the entry would be required to maintain access to the development and direct flows around the proposed residential lots. The culverts have been sized for the 1% AEP while allowing for a 50% blockage. Details of the culvert and swale can be found in the attached drawings within Appendix A and Table 6.

Description Detail Culvert size 750 Number of pipes 3 Length of Culvert 20m **Grade of Culvert** 0.5% Swale Base Width 4m Swale Base Top 9m Swale Depth 0.8 Swale Grade 1-2% 300m Swale length

Table 6 | Bypass Swale and Culverts

HEC-RAS results are provided in Table 7 and include the minimum levels required for the residential lots and entry road.

The culvert crossing has also been assessed in the HEC-RAS model to ensure the structure functions as intended and suitably conveys the 1% AEP flows while maintaining access to the development. The Entry road would require a minimum RL of 10.1 AHD to ensure there is safe passage to Batar Creek Road during the 1% AEP. The use of box culverts or a higher number of smaller pipes can potentially reduce this level, however further assessment would be required to confirm.

Table 7 | HEC-RAS Model Results

Hec-Ras Chainage	Pre Dev 1% AEP FLOOD LEVEL	Post Dev 1% AEP FLOOD LEVEL	Design Road Level	Design lot Level
960.55	9.71	10.07	10.03	10.17
900	9.41	9.5	NA	9.6
850	7.96	9.22	NA	9.32
800	7.57	8.86	NA	8.96

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#### 3 Stormwater Quality

#### 3.1 Water Quality Objectives

PMHC DCP requires that all developments must provide minimum measures to address treatment of pollutants as shown in Table 8. For this assessment of the stormwater quality treatment system for the Woodglen Lifestyle Estate development, a combination of grassed swales and bioretention was reviewed to provide the required pollutant reductions. The proposed treatment train allows greater integration into the development due to the sites gentle grades and unique layout. The bioretention area has the opportunity to be separated from the detention basin, however this is subject to confirmation during the detailed design to ensure there is sufficient area available.

Stormwater quality for the proposed development has been analysed using MUSIC software and is based on the following specified water quality objectives as provided by PMHC D7.

Pollutant Reduction percentage

Total Suspended Solids (TSS)

Total Phosphorus (TP) 45%

Total Nitrogen (TN) 45%

Gross Pollutants (GP) 100%

Table 8 | PMHC Water Quality Objectives

#### 3.2 MUSIC Modelling

The Model for Urban Stormwater Improvement Conceptualisation (MUSIC) has been utilised as the key water quality modelling tool for this project. MUSIC is a continuous simulation water quality model used to evaluate the short and long-term performance of stormwater improvement devices that are configured in series or in parallel to form a 'treatment train'. MUSIC enables the end-user to determine if proposed systems can meet specified water quality objectives.

The MUSIC model considers suspended solids, total nitrogen and total phosphorus, which are typical components and key indicators of stormwater runoff. The key MUSIC model inputs are:

- Rainfall and evaporation data (As provided by PMHC for coastal regions)
- · Catchment area and percentage impervious
- · Soil storage parameters
- Pollutant event mean concentrations for source nodes (As provided by NSW DRAFT MUSIC Model Guidelines 2010)

All input parameters to the MUSIC model were derived from climate data supplied by PMHC or estimated from the MUSIC model guidelines (2010) and other published papers.

MUSIC model outputs include:

 Treatment train effectiveness; These outputs are expressed in terms of pollutant reduction as shown in Table 9.

MUSIC provides the ability to simulate both quantity and quality of runoff from catchments ranging from a single house block to large development areas. MUSIC predicts performance of stormwater

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quality management systems. It is intended for the design and implementation of appropriate urban stormwater management systems for each catchment.

Utilising Water Sensitive Urban Design (WSUD) principles encourages a design whereby stormwater is treated by the various components of the system such as bio-retention filtration.

Appropriate designs employ a treatment train that uses a combination of these components in order to achieve the water quality objectives discharging from the site.

For the purpose of implementing the WSUD treatment train within the Woodglen Lifestyle Estate Site, the assessed treatment train consisted of grassed swales and end of line bioretention basins being a combination of primary and tertiary treatment for the preliminary model. Due to the sites gentle grades and unique layout it is likely the combination of grassed swales and bioretention will provide the most suitable form of treatment. It is noted during the detailed design the extents of grassed swales will be confirmed which may require adjustment to the MUSIC model to ensure compliance with council pollutant reduction targets. The initial assessment provided the minimum requirements for treatment of the development based on the current lot layout, initial assessed length of grassed swales and end of line bioretention basins. The treatment components specified for each catchment is identified in Table 9 below which are generally the same for both east and west catchment areas.

It is noted the use of grassed swales and bioretention basin allows for a greater extent of integration with the existing ecosystem and can aid in the aesthetics of the development while minimising flow changes to downstream areas.

·						
Development Catchment	Pre treatment	Area	Tertiary Treatment	Area		
Western Catchment	Grassed swale/s	500m²	Bioretention Basin	725m <sup>2</sup>		
Eastern Catchment	Grassed buffer and grassed swale/s	500m²	Bioretention Basin	550m <sup>2</sup>		
Remaining Site	Nil	NA	NA	NA		

Table 9 | Treatment Component

The stormwater layout plan showing indicative treatment locations has been designed on the above information and is found in Appendix A. This layout assumes a combination of grassed swales and piped drainage network within the urban footprint areas discharging into the bioretention basin. It is noted temporary treatment measures will likely be required during the construction of the development and will need to be designed appropriately to ensure sediment runoff is minimised. The extents of these are to be confirmed in the detailed design.

Sizing was performed for the overall treatment area and a MUSIC model was constructed to verify the treatment objectives. Slight adjustments enabled the bioretention basin in conjunction with the grassed swales to be designed to achieve the required treatment targets based on using a filter area as shown in Table 9.

A summary of MUSIC modelling results is provided in Table 10. Figure 4 shows the MUSIC model layout used in this assessment for bioretention and grassed swales.

#### Table 10 | Treatment Train Efficiencies

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Pollutants (kg/yr)	Reduction Result	PMHC reduction requirement	Compliance
Total Suspended Solids (TSS)	88.1%	80%	Yes
Total Phosphorus (TP)	70.8%	45%	Yes
Total Nitrogen (TN)	45.5%	45%	Yes
Gross Pollutants	100.0%	100%	Yes

The bioretention basin will attenuate lower intensity rainfall events because they are designed to capture the 3 month ARI storm event. A 3 month event, however accounts for 90% of all storm events. Treatment will occur as stormwater gradually infiltrates through the bioretention areas.



Figure 4 | MUSIC Model Layout

#### 3.3 Water Sensitive Urban Design

A summary of the Water Sensitive Urban Design components that have been proposed above is provided in the following text. As documented the intention is for pollutant control of large particles to be treated via the grassed swales and remaining pollutants to be treated by biological processes within the bioretention basins. Each treatment option has been selected due to its viability to implement with the existing constraints. Specific design detail and selection of treatment components will be

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determined during the detailed design phase as part of an integrated approach to the sites stormwater quality and quantity control.

It is noted there is sufficient area available within the development site to separate the bioretention basin from the detention basin. The separation of the basins ensures the longevity of the filter media as it is not impacted by larger storm events. However, the separate basins require a detailed design to ensure high flow bypasses are designed adequately and integrated within the development.

#### **Bioretention basin**

- Typically located as an end of line treatment, and are commonly located in the base of a retention basin. Multiple smaller basins can be used in lieu of a large single end of line basin.
- Can be landscaped to look like a slightly depressed vegetated or landscaped area.
- Take up the least percentage area of the overall catchment to achieve the required treatment levels.
- Sensitive to blocking by excessive sediment loads, particularly during the construction phase of a development.
- Typical details 0.3m Extended detention depth, 0.6m filter media, 0.1m transition layer and 0.15m drainage layer

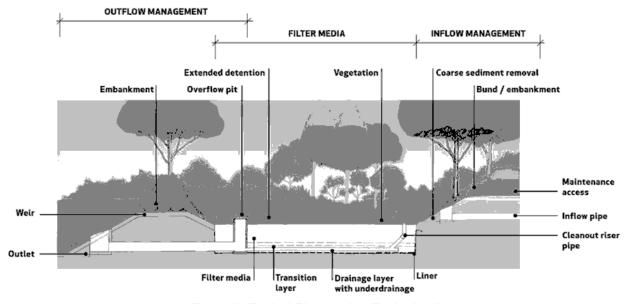


Figure 5 | Typical Bioretention Basin details

#### **Grassed Swales**

- Vegetated swales are typically trapezoidal or dish-shaped open channels provided to convey and filter stormwater runoff through vegetation to remove coarse sediment and total suspended solids.
- Vegetation height should be realistic for available species. For swales in rural areas, use two
  thirds of the swale depth up to a maximum of 0.25m.
- low-density subdivisions generally have larger allotments where landscaped water sensitive design elements, such as swales and buffer strips, can be incorporated into road reserves.
- · They can be designed to suit various site/catchment sizes.

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 Accost effective to construct, however, they require regular maintenance to ensure they are operating at the required efficiency.

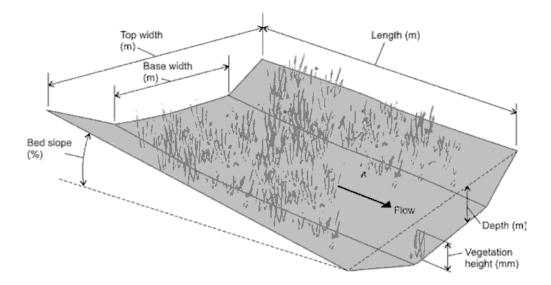


Figure 6 | Typical Grassed Swale

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#### 4 Stormwater Considerations

#### 4.1 Overland Flow Paths and Erosion Protection

The existing seasonal creek line traversing the southern end of the site will require realignment to ensure major storm events are suitably conveyed, similar to what is currently taking place on site.

Due to the unique layout for the development, multiple internal swales should be utilised to provide conveyance of minor and major flows in conjunction with providing pretreatment of runoff prior to entering the bioretention basin.

It was assumed there would be a typical internal stormwater pit and pipe network to aid in conveying flows up the nominated Q5 minor event, where flows above this would be conveyed by the pit and pipe network and overland within the road verge and vegetated swales for the lots and paved area. There is also opportunity for road side swales to be used in some locations in lieu of typical pit and pipe drainage, however the extents of road side swales will need to be confirmed in the detailed design as it requires integration with the overall site road gradings and lot based earthworks (where required).

It has been assumed mitigated flows from the developed site will be discharged into the realigned bypass swale for the western catchment and to the low lying flood plain for the eastern catchment. Discharge locations will require suitable dispersion devices to ensure flows from the basins doesn't cause erosion issues and there is minimal impact to the downstream ecosystems due to a change in runoff dispersion.

Due to the sites size, unique layout and proximity to the Camden Haven River, erosion and sediment control devices will be specified during the detailed design as they are subject to the staging of the development and earthworks extents. Erosion and sediment control devices are likely to include sediment basins, check dams, diversion drains, sediment fence and vehicle shake downs and shall be in accordance with best practice management.

#### 4.2 Water Reuse – Stormwater Harvesting

Stormwater is typically surface runoff which flows downstream to form a concentrated flow path and is directed or channelled into drainage systems which eventually discharge to surface waters. All rainfall runoff that is discharged via this process moves directly to an external location offsite. Opportunities exists in stormwater treatment and stormwater reuse that can save non-potable water and assist in meeting flow management and water harvesting objectives within a development.

New developments have the opportunity to introduce stormwater management strategies such as this which encourages sustainable living. It is possible for residences to collect both rainwater and surface runoff harvesting for reuse. Onsite stormwater reuse for each allotment can be performed via the implementation of individual rainwater collection tanks for each dwelling. This reuse volume w

This assessment has not included onsite reuse and has assumed the requirements for lot based reuse will be confirmed in the detailed design phase in accordance with the BASIX requirements and council specifications.

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#### 5 Conclusion and Recommendations

#### 5.1 Conclusion

The results and calculations documented in this assessment are to be adopted as concept to the land required to be allocated for drainage and Water Sensitive Urban Design purposes. It must be noted that these calculations are subject to change during detailed design pending Council conditions which may stipulate a requirement for variable outlet flows (a staged outlet catering for 50%, 20%, 10%, 5%, 2% and 1% AEP design storms), change of outlet conditions (tail water levels), site topography and development staging.

The Stormwater Management Plan strategy is based on a philosophy which involves treatment and management of stormwater runoff as close to the point of origin within each sub-catchment as possible. Stormwater management strategies for each catchment are generally similar due to the topography and configuration of the proposed development footprint. Where possible the existing overland flow path connections to receiving environmental area have been adopted. Appendix A provides a representation of the preliminary Stormwater Layout Plan.

The objective of this Stormwater Management Plan was to address the Woodglen Lifestyle Estate development in terms of stormwater quality and stormwater quantity. Initial hydrological modelling indicated that storage would be necessary for the development, however due to the ridge separating the sites catchments, multiple detention basins will be required in lieu of a large single end of line detention basin to achieve pre development flows.

Simulation of the proposed stormwater treatment train was completed with MUSIC software utilising eWater pluvio graphs for the Kendall region. Results indicated a compliant pollutant removal efficiency according to the PMHC water quality targets can be achieved.

The stormwater treatment train will consist of grassed swales and end of line bioretention basin to provide the required treatment to the development. As discussed, the initial area of grassed swales has been assumed and will require the MUSIC model to be reviewed once the detailed design is complete to ensure the development remains compliant. In addition, there is opportunity to utilise road side swales in lieu of typical pit and pipe drainage. This will provide additional treatment and integrate well with the development. This assessment has identified the minimum treatment required for the proposed development via grassed swales and bioretention system.

The existing seasonal creek traversing the southern end of the development will require realignment to ensure 1% AEP flows do not affect the entry road or adjacent proposed residential lots. The entry road will also require triple 750dia RCP to ensure flows remain uninhibited. However, there is opportunity to change the culverts to box culverts or multiple smaller pipes. The final configuration shall be confirmer in the detailed design.

Based on the proposed Stormwater Management Plan presented above the proposed Stormwater system for Woodglen Lifestyle Estate will treat, mitigate and divert the stormwater generated onsite to a sufficient level that is compliant with Council's Water Quality and Quantity objectives.

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#### 5.2 Recommendations

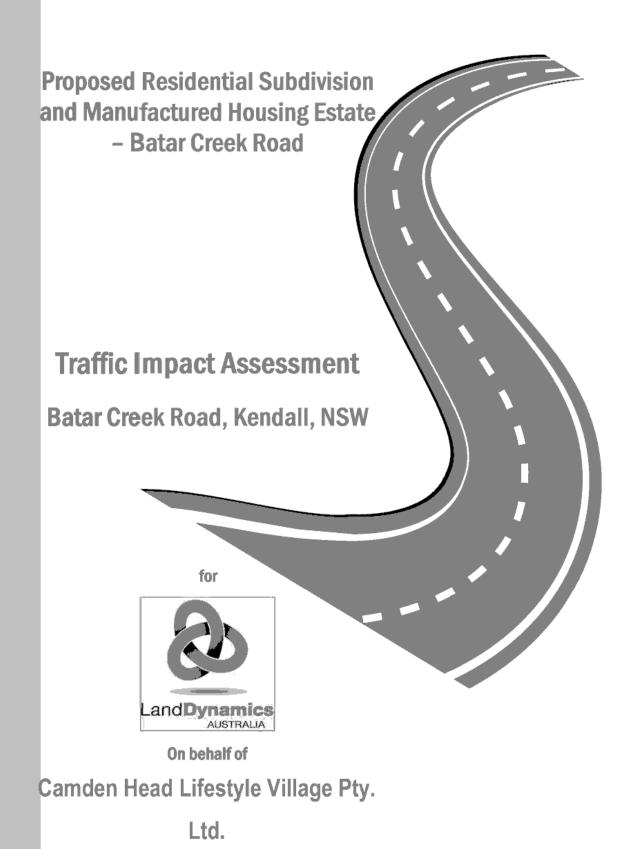
On the basis of the stated objectives and principles, the following recommendations are made:

- Stormwater treatment system should be integrated into the development to the greatest extent possible. This may include multiple smaller basins spread throughout the site and road side swales.
- 2. Sufficient area for the proposed basins. If possible, separate bioretention and detention basins.
- 3. Integration of the bypass swales to provide conveyance for the upstream catchments.
- Landscaping with endemic species to promote sustainable development and integration with the existing ecosystem.
- 5. Erosion and sediment control to be detailed based on development staging.

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### Appendix A – Preliminary Drawings



#### **Traffic Impact Assessment Details**

Edition / Revision No.	1	2	3	4	5	
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#### **ATTACHMENT**

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Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

#### 1. INTRODUCTION

#### 1.1 General

StreetWise Road Safety and Traffic Services have been engaged by Land Dynamics Australia Consultants Pty Ltd on behalf of Camden Heads Lifestyle Village Pty Ltd. to prepare a Traffic Impact Assessment (TIA) report for a proposed Manufactured Housing Estate – 'Woodglen Lifestyle Estate' (WLE) development to be provided on parcels of land located adjacent to Batar Creek Road, Kendall, the land is identified as Lot 1 DP 122192, Lot 79 DP 655658 and Lot 23 DP 112083, Batar Creek Road Kendall.

This development is proposed at the village of Kendall located within the Port Macquarie Hastings Council Area on the Mid North Coast of New South Wales. Kendall is located approximately 35km South of Port Macquarie and 3km west of The Pacific Highway (A1) at Kew .

#### Addendum:

This Traffic Assessment has been updated following changes to the proposed layout including a significant reduction in the number of future dwellings. See Appendix B for the amended development layout. Changes throughout this report due to the amended layout and reduced traffic generated by the future development are shown in red.

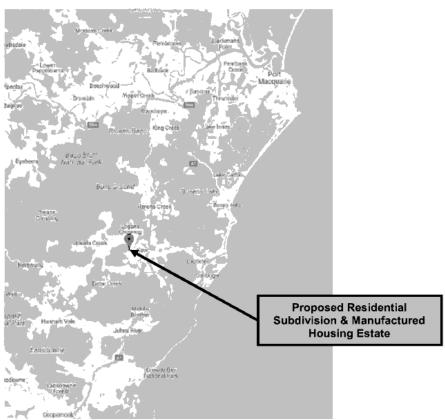


Figure 1.1 - LOCALITY SKETCH

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Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

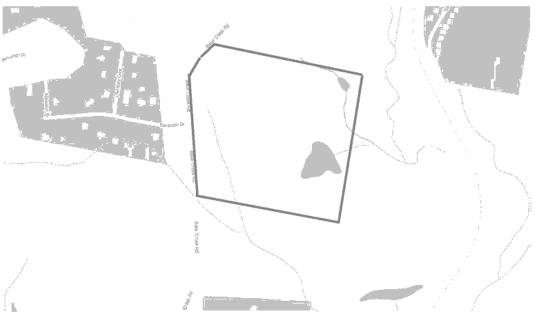


Figure 1.2 - LOCALITY SKETCH - Development Site

#### 1.1 Description of Project

This TIA will assess a proposed development consisting of 280 198 manufactured home sites, with supporting roads and access ways, a community clubhouse, men's shed and associated parking, maintenance and storage areas, the development will be known as the Woodglen Lifestyle Estate (WLE). This estate will be set back from Batar Creek Road, just south of Kendall. (See Appendix A – 5141P\_Option C Layout Draft 6 6 2017). The proposed development also includes 12 residential lots (averaging approximately 1000m² in size) and 2 residue residential allotments as previously approved by DA 2006/0067 (see Appendix B).

The estate will be accessed via a proposed road intersection with Batar Creek to be located on the western boundary of the site.

There will be no direct property access to Batar Creek Road. All vehicular access will be via the internal subdivision roads and the nominated intersection with Batar Creek Road.

#### 1.2 Scope of this Traffic Impact Assessment

The following scope will be used in the assessment of this development.

- Assess traffic impacts on the local road network (i.e. Batar Creek Road & Benaroon Drive)
- Assess traffic impacts on the existing intersection of Batar Creek Road & Benaroon Drive.
- Assess / determine intersection treatment requirements for
  - Batar Creek Road / Batar Crk. Rd. WLE

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#### ATTACHMENT

Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

- Batar Creek Road / Benaroon Drive
- Assess / determine Pedestrian Access and Public Transport needs.
- Assess and quantify the likely traffic generation, in terms of the number of vehicle trips during peak hours, number of trips per day and types of vehicle users.
- Assess impacts on the road network from the site to the Pacific Highway
- Assess and quantify the likely 85<sup>th</sup> percentile (time weighted) parking demand.
- Assess the impact of the development on the road network from the site to the Pacific Highway, including Batar Creek Road, Albert Street and Comboyne Street.
- Assess the road network to identify hazards, areas requiring increased maintenance or areas where efficiency is likely to be degraded.
- Estimate of the Traffic generated by the development on completion and 10 years future

#### 1.3 Planning to Date

There is a current approved Development Application approved for a staged subdivision of this site, (DA 2006/57) for 140 residential allotments, with associated access roads, cycle/pedestrian paths and a wetland area, this subdivision is located immediately adjacent to Batar Creek Road with a single intersection with Batar Creek Road to provide access (refer to Appendix A – Development Proposal DA 2006/57).

#### 2. LOCAL ROAD NETWORK

The proposed Batar Cr. Rd. WLE is located on the Eastern side of Batar Creek Road just South of Kendall. (See Figure 1.1 & 1.2)

#### 2.1.1 Batar Creek Road

Batar Creek Road has been identified as providing connection to and from the Batar Creek area south of Kendall, this road is generally of rural road standard varying to urban standard (kerb & gutter) through the village of Kendall.

The section of Batar Creek Road from the intersection with Albert Street Kendall to 450m south has a variable formation width of bitumen sealed pavement 6m to 12m with sections of kerb and gutter and sections of gravel shoulder on each edge.

Batar Creek Road from the southern extent of Kendall changes to a rural formation of 10m pavement with 0.5m shoulders (Fig 2.1), this rural formation extents south for approximately 5 km with many local public and private access roads intersecting its alignment. Batar Creek Road then transitions into a gravelled surface rural road of 8m width passing through 4.5 km of rural farmland to ultimately intersect with Western Boundary Road which continues through Middle Brother State Forest to the south.

Batar Creek Road has 3 posted speed environments along its route:

- 50km/h From Albert Street to South of Benaroon Drive (1.2 km).
- 80km/h South of Benaroon Drive to the end of the bitumen seal.



Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

 At the end of the bitumen sealed section and start of gravel formation an unrestricted speed zone commences with an advisory sign indicating "Reduce Speed to Conditions" for the remainder of Batar Creek Road.

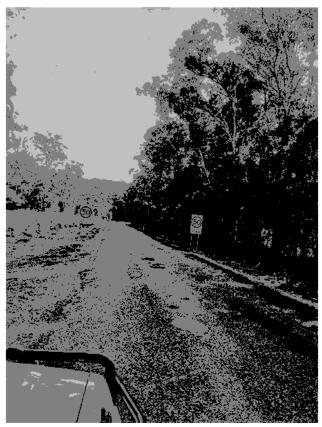


Fig 2.1 Batar Creek Road Northern Approach to Kendall

#### 2.1.2 Benaroon Drive

Benaroon Drive is a bitumen sealed road with kerb and gutter 13m wide intersecting with Batar Creek Road.

Benaroon Drive is located within the Kendall village speed zone of 50 km/hr. and provides 22 residential allotments access to Batar Creek Road.

#### 2.1.3 <u>Intersection of Batar Creek Road & Benaroon Drive</u>

The intersection of Batar Creek Road and Benaroon Drive generally conforms to a Type BAR/BAL (Basic Right / Left Turn) intersection layout in accordance with Austroads Guide to Road Design, Part 4A – Unsignalised and Signalised Intersections with the only departure being the generous turn radii provided into and out of Benaroon Drive.

The alignment of the intersection is located on a straight section of Batar Creek Road with Benaroon Drive intersecting perpendicular to Batar Creek Road. Sight distance



Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

at the intersection is good in both directions along Batar Creek Road as the vertical alignment at the intersection is flat.

No line marking is provided through the intersection.

This existing intersection is situated opposite the proposed access to the proposed development entry.



Fig 2.2 At Benaroon Drive, Looking Northbound



Fig. 2.3 At Benaroon Drive Looking Southbound



Traffic Impact Assessment
Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

#### 3. BATAR CREEK ROAD & BENAROON DRIVE INTERSECTION ASSESSMENT

#### 3.1 Existing Traffic Volumes

StreetWise conducted a Manual AM & PM peak intersection count on Thursday 22 June 2017 at the intersection of Batar Creek Road and Benaroon Drive.

These counts were undertaken between the periods of 6:30 am to 9:30 am and 3:00 pm to 5:45 pm to determine the peak hours of traffic flow, peak traffic volume of vehicles, type of vehicles and pedestrian volumes and movement during these peak periods at this intersection.

#### 3.2 Traffic Count Comments

Peak traffic flows occurred between 8:15 am to 9:15 am and 4:30 pm to 5:30 pm. The Average total volume during these peak periods was 55 vehicles per hour consisting of 48 light vehicles and 7 vehicles classified as heavy vehicles, an average of 9 pedestrian movements coincided with the AM peak hour period. It was observed that the classification of heavy vehicles was confined to primarily local buses of class 3 vehicle classification with most of the traffic being class 1 (Sedan, 4WD, Light van) with a small number of class 2 (Car and trailer).

Details of the traffic counts including the traffic movements at the intersection of Batar Creek Road and Benaroon Drive can be found in file: "Batar Benaroon Junction traffic count 22062017.xlsx"

Table 3.1 provides a summary of the peak hour data for that count.

Table 3.1 Batar Benaroon AM/PM Peak Hour Traffic flows

Table 6:1 Battar Bertaroon Amy 1 m 1 car from 11 amo nows										
2017	Batar Crk. Rd. Northbound			Benaroon Drv. App to		Batar Crk. Rd. Southbound			Grand Total	
				Batar Crk. Rd.						
Time	Light	Heavy	Total	Light	Heavy	Total	Light	Heavy	Total	19 5 D
Period	Veh.	Veh.	Veh.	Veh.	Veh.	Veh.	Veh.	Veh.	Veh.	
8:15am									20	
-	20	1	21	10	4	14	18	2	20	55
9:15am										
4:30pm	40									
-	13	0	13	5	0	5	37	0	37	55
5:30pm										
1	1	1	1	I						

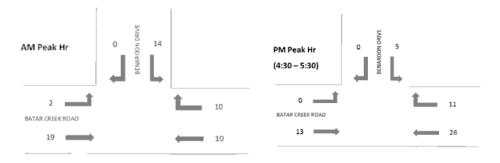


Figure 3.1 Existing Traffic movements AM & PM peak period

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Traffic Impact Assessment
Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

#### 3.3 Comparison of adjacent traffic counts

Traffic count information was provided by Port Macquarie Hastings Council (PMHC) for locations to the north and south of the subject site (site 198 Batar Creek Road south of Laurel Street Kendall) and (site 18 Batar Creek Road 2 km south of Benaroon Drive).

After interrogation of the information provided the following comparative peak hour traffic volumes were identified.

Location	Date	AM Peak hr	AM Peak Volume	PM Peak Hr	PM Peak Volume
Site 198 Batar Crk. Rd.	Feb 2016	6am – 7am	83	12pm - 1pm	84
Batar/Benaroon Int.	June 2017 Thurs 22-6- 17	8:15am - 9:15am	55	4:30pm - 5:30pm	55
Site 18 Batar Crk. Road	April 2016	8am – 9am	13	4pm – 5pm	13

Comparison of total traffic flow data at locations north and south of the Batar Creek Road / Benaroon Drive intersection indicate an approximate linear decrease in traffic flow volumes between site 198 and site 18 Batar Creek Road as indicated in fig.3.2 below.

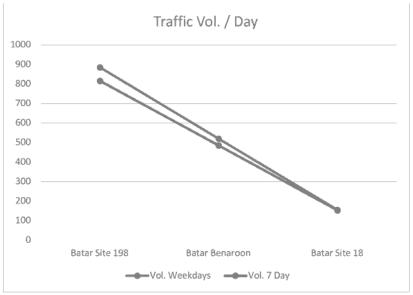


Fig.3.2 Comparison of local area peak AM traffic flows

After interrogation of the available traffic data the AADT for Batar Creek Road in this location is determined at 520 veh. /day.

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

#### 3.4 Existing Intersection Assessment

Part of the scope of work provided was to assess if the existing intersection needed to be upgraded because of the development. In order to provide a base case for the development an assessment was completed for the existing intersection conditions.

The existing layout of the intersection is considered to be:

- Single northbound through and left turn lane for Batar Creek Road,
- . Single southbound through and right turn lane for Batar Creek Road
- . Single eastbound combined right and left turn lane for Benaroon Drive.

Figure 3.3 below referenced from the Austroads Guide to Road Design, Part 4A – Unsignalised and Signalised Intersections, indicates the existing intersection configuration is justified as a BAR / BAL layout based on the existing worst case AM Peak traffic volumes. (Section 2.1)

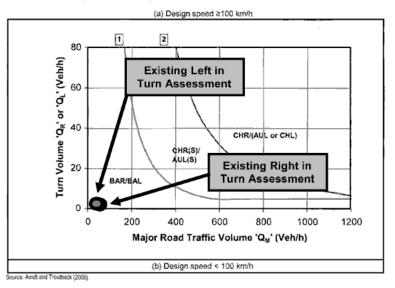


Figure 3.3 – WARRANTS FOR TURN TREATMENTS FOR THE MAJOR ROAD AT UNSIGNALISED INTERSECTIONS (EXISTING INTERSECTION CONDITIONS)

### 3.5 Existing Intersection Performance

Due to the low volume of traffic flows in both the major road (Batar Creek Road) and turn volumes into and out of Benaroon Drive it is apparent that the intersection performs adequately (Los A) for the existing traffic volumes. An analysis of the performance of the existing intersection has been completed and is summarised in Section 6 – Roundabout Design and Intersection Modelling.



Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

# 4. FUTURE INTERSECTION REQUIREMENTS

Based on the consent conditions provided in the approved Development Application for the site (DA/2006/57) a rural style roundabout is required at the proposed intersections of Benaroon Drive, the WLE entry access and Batar Creek Road.

#### 4.1 Forecast Intersection of Batar Creek Road & Benaroon Drive

Table 4.1 provides the future traffic volume forecast for the intersection of Batar Creek Road and Benaroon Drive based on the existing intersection layout and AM/PM peak hour shown in table 2.1 projected for ten years (2027) with a traffic flow increase of 1%

Table 4.1 Batar Benaroon projected AM/PM Peak Hour Traffic flows

2027		tar Crk. F		1	on Drv.		Ba	d I		
Time	Light	orthboun Heavy	Total	Light	tar Crk. I Heavy	Total	Light	outhbour Heavy	Total	Grand Total
Period	Veh.	Veh.	Veh.	Veh.	Veh.	Veh.	Veh.	Veh.	Veh.	
8:15am		_						_	22	61
<u>-</u>	22	1	23	11	5	16	20	2		
9:15am										
4:30pm	14					_				61
-		0	14	6	0	6	41	0	41	
5:30pm										

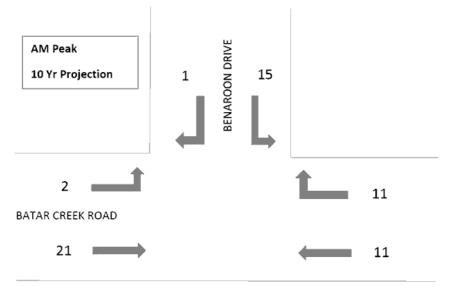


Fig. 4.1 Projected Traffic movements 2027 at existing intersection AM Peak Period

Figure 4.2 referencing the Austroads Guide to Road Design, Part 4A – Unsignalised and Signalised Intersections, will be used to consider the warrants for the existing intersection configuration based on 1% traffic growth for 10 years into the future.

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

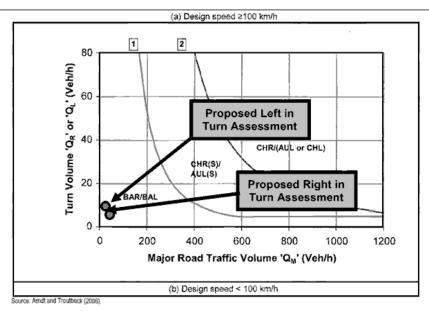


Figure 4.2 – WARRANTS FOR TURN TREATMENTS FOR THE MAJOR ROAD AT UNSIGNALISED INTERSECTIONS (PROPOSED INTERSECTION CONDITIONS – Batar Creek Rd / WLE Intersection)

Based on the estimated 2027 traffic volumes (i.e. @ 1% growth p.a.) through the existing intersection of Batar Creek Road and Benaroon Drive, Figure 4.2 above indicates the existing intersection layout will satisfactorily cater for the expected increased volumes, with no upgrades or adjustments required.

### 5. TRAFFIC GENERATED BY DEVELOPMENT

To determine the type and size of roundabout required at the intersection of Batar Creek Road and the WLE access an assessment of the traffic to be generated by the development will need to be considered, this assessment is based on a proposed development consisting of a total of 301 210 allotments including 280 198 proposed allotments designated for Manufactured Housing and 19 12 residential and 2 residue residential allotments previously approved by DA 2006/57 (refer to Appendix B – Preliminary DA Layout Plan).

### 5.1 Development Traffic Generation

To adequately assess the likely traffic to be generated from the proposed development investigations were undertaken at an existing similar type of development located in the local region. The RMS 'Guide to Traffic Generating Developments' includes trip generation rates for a variety of development types, but recommends assessing a similar development in the vicinity of the subject site. Ocean Club Resort was selected as a comparative development to assess the traffic volumes and patterns generated, as this development is located within the Port Macquarie Hastings LGA at Lake Cathie - approximately 15kms from the proposed Batar Creek site.

A full day observation count was completed Thursday 28th June 2017 to determine a traffic generation rate to be used in the Traffic Impact Assessment. It was found that the Ocean Club Resort currently has 155 residents occupied generating a peak



Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

hour traffic generation rate of 3.6 trips per house / lot per day with a calculated weekday average peak hour vehicle trips = 0.37 per lot or 58 vehicles/hr. Figure 5.1 below shows a summary of the traffic generation rates at the Ocean Club Resort. It was observed that the flow of traffic was generally spread over the mid-morning to early afternoon period with a peak period between 12:15pm to 1:15pm



Fig.5.1 Ocean Club Resort Traffic Flow Data - Thursday 28 06 2017

Based on results of the Ocean Club traffic assessment, and recent discussions with Port Macquarie Hastings Council, a rate of 4 trips per day per Manufactured Dwelling has been adopted for this assessment. This is judged to be a reasonable assumption, given the relatively small sized lots (approx. 300m²), the attraction of this type of development for older-aged residents, the provision of alternative transport options and the low trip generation of similar developments (as per RMS guidelines). It should also be noted that Port Macquarie-Hastings Council have recently accepted a rate of 4 vehicle trips per unit for a Manufactured Housing Estate at the northern end of Thumster Street.

A rate of 7 trips per day has been adopted for the 12 residential lots, as per Council guidelines.

Using this information, the Batar Creek Road development proposal is likely to generate  $1080\,792$  daily trips ( $300\,198\,\text{MH/lots}\,x\,3.6\,4$  trips per house / lot) at full development, plus  $84\,(12\,\text{residential}\,d\text{wellings}$  at 7 trips per day), for a total of  $876\,$ 



Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

daily vehicle trips. Therefore, the following full development traffic volumes are considered to be: -

- Batar Creek Rd south of the site 150 vpd (Minimal change)
- Batar Creek Rd north of the site 885 + 1080 792 vpd = 1965 1677 vpd
- Weekday Average peak hr -111 88 Vehicles/hr (10% of daily total 876)

#### 5.2 Impact on the Road Network from the Development site to the Pacific Highway

In determining the impact of the development on the local road network the adjoining Batar Creek Road, Albert Street, Comboyne Street and Kendall Road were assessed as the predominant traffic route to be considered.

The following classifications and capacities were applied to the above route referencing PMHC Auspec Design Specification D1 – Geometric Road Design.

Batar Creek Road - Collector Road - 6000 vehicles per day (vpd) Albert Street/Comboyne Street - Local street - 2000 vpd Kendall Road - Collector Road - 6000 vpd

Traffic Count Data obtained from Port Macquarie Hastings Council indicates the traffic volumes for Batar Creek Road north of the development site to be approximately 885 vehicles per day while volumes south of the development site are approximately 150 vehicles per day.

Currently this indicates the roadway to be operating at a capacity of a Local Street (up to 2000 vpd) under council's road hierarchy network.

Volumes further along the route also suggest the route to be operating at a capacity of up to a Local Street with 1500 vpd just south of the northern urban limit of Kendall. Kendall Road north of this point operates at a capacity of 4000 vpd as a Collector Road under the hierarchy network.

Using the predicted volumes generated by the development (5.1 above) the Batar Creek Road development proposal will generate.

- Batar Creek Rd south of the site 150 vpd (Minimal change)
- Batar Creek Rd north of the site 885 + 1080 792 vpd = 1965 1677 vpd.

Some of these generated trips will more than likely be contained to the Kendall area, say 50%. Therefore, the following assumptions can be derived for Graham Street and Kendall Road,

- Graham Street 1500 + 540 396 = 2040 1896 vpd, and
- Kendall Road 4000 + 540 396 = 4540 4396 vpd.

Based on this full development traffic generation it can be assumed the development will generate traffic that is consistent with the existing derived road hierarchy capacities.

### 5.3 Traffic Assignment - Batar Creek Road / WLE Access Intersection

In considering the traffic assignment for this development the existing assignment can be used for the peak period being the AM peak. However, due to the increased



Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

traffic demand this assessment will include a slight adjustment for traffic turning out of the WLE Access Road. The following traffic assignment is provided.

a)	Batar Creek Road northbound through	88%
b)	Batar Creek Road northbound left turn in	8%
c)	Batar Creek Road northbound right turn in	4%
d)	Batar Creek Road southbound through	25%
e)	Batar Creek Road southbound left turn in	25%
f)	Batar Creek Road southbound right turn in	50%
g)	WLE Access right turn out	95%
h)	WLE Access left turn out	3%
i)	WLE Access thru	2%
j)	Benaroon Drv. right turn out	5%
k)	Benaroon Drv. Road left turn out	90%
l)	Benaroon Drv. Road Thru	5%

For the purposes of this assessment a split of 70% out / 30% of traffic assignment will be assumed for traffic movement accessing the WLE development during the AM peak period. Figure 5.2 provides a summary of the proposed traffic assignment for the development based on current traffic flows (i.e. the existing road network conditions).

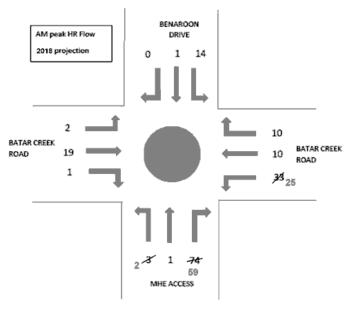


Fig. 5.2 Projected Traffic Flow 2018 at proposed intersection AM Peak

## 5.4 Intersection of Batar Creek Road & New Access Road 10-year projection (2027)

It is assumed that the annual rate of traffic volume growth the in local road network will be 1.0% for the purposes of this assessment.

Figure 5.3 provides the future traffic volume forecast for the intersection of Batar Creek Road and the New Access Road.



Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

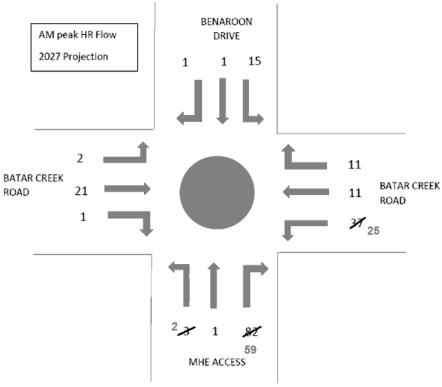


Fig. 5.3 Projected Traffic Flow 2028 at proposed Intersection.

### 6. ROUNDABOUT DESIGN & INTERSECTION TRAFFIC MODELLING

## **6.1 Roundabout Design**

It is recognised a reconfiguration in the form of a roundabout is required as a condition of consent for the development as provided in DA/2006/57 (condition DA197) this requirement will be applied to further assess the proposed intersection at Batar Creek Road, Benaroon Drive and the WLE development.

The ultimate roundabout is to be designed in accordance with the most current design standards with Austroads Guide to Road Design Part 4B: Roundabouts to be primary design reference, other current design standards i.e. Australian Standards (AS) Roads and Maritime Services (RMS) are to be applied as required.

In order to provide the most efficient, cost-effective intersection, it is recommended that a 8m radius rural roundabout be provided to cater for small vehicle movements. The centre island should be also be mountable to provide suitable turning space for trucks and other large vehicles. The ultimate layout of the intersection will be designed at a later date, subject to DA conditions and Council approval.

The following design parameters are provided to ensure the proposed rural roundabout will meet the requirements of the expected traffic flows generated by the proposed WLE development and the existing local roads:



# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

- Design Speed The approach road design speed is 50 km/hr
- 2. Design Vehicle Medium length Heavy Vehicle (5.5m to 14.5m) up to a Class 4 three axle truck or bus as described in Austroads Vehicle Classification System.
- 3. Sight Distance Adequate Approach Sight Distances are to be provided to all splitter islands, holding lines, the central island and circulating carriageway. Adequate sight distance is to be provided to vehicles entering from the approach immediately to the right and vehicles travelling on the circulating roadway. Consideration of Truck Stopping Sight Distance (TSSD) should also be considered in the design of this intersection.
- 4. Approach Lanes Single lane entry lanes are to be designed in accordance with the Road Design Guide.
- Central Island Diameter A mountable circular central island is to be provided with a minimum radius of 8m with an additional encroachment area apron designed to cater for the turn path of Class 4 heavy vehicles.
  - Note 1: A Type "A" Encroachment Area (refer to Fig.6.2 below) is to be adopted for this design.
  - Note 2: The proposed roundabout layout and dimensions shown in this report is nominal only, and subject to a detailed survey and design at a later date.
- 6. Approach Islands Concrete splitter islands are to be designed to provide appropriate deflection for the required design speed. A minimum offset of 0.5m is to be provided from the circulating carriageway to the splitter island. Adequate pedestrian storage width is to be provided at all splitter islands.
- 7. Circulating Carriageway A minimum circulating carriageway width of 6.7m is to be provided, inclusive of the encroachment area of the mountable central island. Design vehicle swept paths are to be applied to ensure the safe travel path of vehicles negotiating the roundabout.
- 8. Pavement Markings and Signing Delineation and signage is to be provided to conform to the current AS 1742.2 Manual of Uniform Traffic Control devices.
  - Fig.6.3 provides a typical layout of delineation and signage for this type of roundabout.
- 9. Roadway Lighting Lighting is to be designed to provide good illumination on approach to splitter islands and conflict areas where traffic enters and exits the roundabout, AS/NZS 1158 Lighting for Public Roads and Spaces is to be referred to for this design. Light fixtures and poles are to be positioned beyond clear zones and sight lines to prevent potential vehicle and fixed object hazard points.
- 10. Landscaping Landscaping of the intersection is to be considered to enhance to intersection and create an entry way to the WLE and the Kendall Village. Landscaping is to be positioned beyond clear zones and sight lines to prevent potential vehicle and fixed object hazard points.



Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

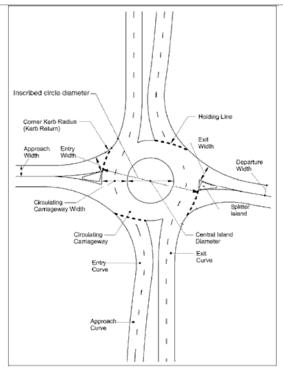


Fig.6.1 Geometric Roundabout Elements

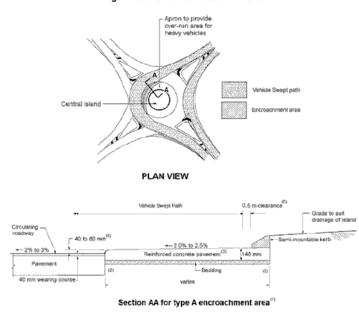


Fig.6.2 Typical Roundabout Layout and Encroachment Area

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

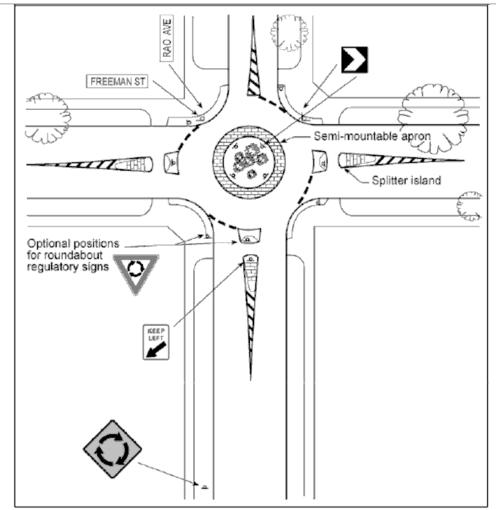


Fig.6.3 Typical Delineation & Signage Layout of Roundabout

# 6.2 Modelling of the Future Intersection Requirements for the Batar Creek Road / Benaroon Drive / New Access Road

SIDRA software modelling has been completed to determine the Level of Service (LoS) of the future intersection and main access operation. The modelling will use the base traffic volume data, development traffic generation, traffic growth based on the calculated traffic assignment.

The following inputs were used in the setup of the model: -

- Posted speed limit 50km/h Batar Creek Rd, New WLE Access Road and Benaroon Drive:
- SIDRA default values used unless noted otherwise.
- GAP acceptance for sign controlled intersections adopted from Appendix E of RMS Traffic Modelling Guidelines v1.0 (2013), and are summarised in Table 3.1 below:



Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

Movement	Gap Acceptance (s)	Follow Up Headway (s)
Right turn from Major Rd	4.0	2.0
Left Turn from Minor Rd	4.5	2.5
Right Turn from Minor Rd	5.5	3.5

Table 3.1 - GAP Acceptance for Controlled Intersections

#### **Assumptions**

- Assumed HV % of 5% on all legs.
- Assumed SIDRA default values for Peak Flow Factor (95%) and Peak Period (30 minutes per hour); and
- Model Type = New South Wales.

	201	7	2027
	Existing (T intersection)	With Dev.	With Dev.
Batar Creek Road (South leg)	A [0.4]	A [3.6]	A [3.6]
New Access Road (East leg)		A [7.0]	A [7.1]
Batar Creek Road (North leg)	A [2.3]	A [4.1]	A [4.1]
Benaroon Drive (West leg)	A [4.6]	A [3.7]	A [3.7]
Overall intersection Level of Service	A [2.2]	A [5.1]	A [5.1]

Table 3.2 - SIDRA Modelling Summary (Batar Creek Rd / WLE Intersection Future Operation)

Based on the modelling results provided in Table 3.2 both the intersection arrangements will generally operate adequately at (Los A) for the future and added development traffic volumes.

### 7. DEVELOPMENT ONSITE ROAD NETWORK & PARKING

#### 7.1 Internal Subdivision Access Roads

Based on the traffic generation derived in Section 5.1 of this report the following assumptions are made with reference to Port Macquarie Hastings Council's Development Design Specification D1 – Geometric Road Design (Rural Residential & Rural Subdivision Roads) D1.8.

There is one internal subdivision access road planned. Based on the traffic generation assumptions in Section 5.1 of this report the development will generate a total of 876 daily trips. Therefore, with reference to Table D1.8 it is assumed the internal roads will conform to be a Local Street (i.e. up to 2000 vpd) assuming a 70/30 traffic split between the internal roads and Batar Creek Road. The following design considerations need to be achieved for these roads.

Carriageway Width 7.0m (sealed)

Kerb SE

Design Speed Limit 50km/h (Desirable)

Posted Speed Limit 50km/h



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It shall be noted the minimum design speed prescribed in the Austroads Guide to Road Design Part 3 – Geometric Road Design section 3 is 50km/h.

#### 7.2 Internal Subdivision Access Road Intersections

Based on the derived traffic generation in Section 5.1 the following intersection layout requirements are provided with reference to the Austroads Guide to Road Design Part 4A – Unsignalised and Signalised Intersections.

Each of the internal subdivision road intersections are to be designed for a local street Intersection layout allowing for a turnpath for a Large Rigid Truck (LRV) design vehicle. Being a Manufactured Housing Estate there is minimal expectation for vehicles larger than a LRV except during the dwelling construction phase where a 19m Semi Trailer (Brick or House Truss) may access the development. This will be acceptable as there will be low traffic volumes on Batar Creek Road and the internal roads during this time to allow these vehicles to cross the centre of the road if required with safety.

#### 7.3 Parking

Parking requirements and the required number of allocated parking spaces is referenced in the WLE Development application and associated planning documents. From this information and in consideration of the derived traffic generation in Section 5.1 parking requirements are to be provided with reference to Australian Standard AS 2890.1 – 1993 off Street Car Parking, AS 2890.3-1993 Bicycle Parking Facilities, AS 2890.4 Bus Parking

#### 8. PEDESTRIAN ACCESS AND PUBLIC TRANSPORT

#### 8.1 Pedestrian Access

There are no existing pedestrian access pathways along Batar Creek Road near the proposed Manufactured Housing Estate. The proposed development will be providing dedicated shared pathways at designated locations throughout the development to augment the proposed grass verges / footways along each side of the internal access roads.

In addition to the footpaths required of the previously approved DA, the WLE will provide additional pedestrian connections to the adjacent showground and Kendall urban area to cater for pedestrian desire lines later once the development of amenities within the WLE is progressed.

#### 8.2 Public Transport

Busways Bus Service currently runs a school bus service between the public schools located at Kendall and Laurieton and Batar Creek Road (return from Cedar Loggers Lane) known as Bus 1. A formal pick up / set down bus stop is located at the intersection of Batar Creek Road and Benaroon Road.

Busways Bus Company also indicated they have daily bus runs operating between Kendall, Laurieton and Port Macquarie. It is unknown but it is assumed there may also be smaller contractor runs to the outlying areas of Kendall.

The WLE developers are also proposing to provide an on-site mini-bus for the use of residents. This bus is likely to provide a regular service to shops and other local



Batar Creek Road, Kendall, NSW Road

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destinations, as well as day-trips etc, which will reduce the overall number of private vehicle trips generated by the site.

Based on this information it is expected that the proposed WLE development will have minimal impact, with a small increase in demand for public transport. A Bus stop is proposed to be provided adjacent to Batar Creek Road on the southbound carriageway on the approach to the proposed new roundabout at the WLE entrance. However, as the Kendall community grows it is recognised the greater demands for public transport will have to be addressed in conjunction with Port Macquarie Hastings Council.

### EXISTING RAILWAY CROSSING – GRAHAM STREET

#### 9.1 Existing Operations

The existing rail crossing of the North Coast Rail Line at Kendall is located at the eastern end of Graham Street. The existing crossing is just north of the Kendall railway station. The crossing is controlled by flashing lights, and cars are expected to queue at the existing painted hold line.

The single rail-line through Kendall caters for approximately 10 trains per day – 6 XPT passenger trains and around 4 freight trains. The XPT currently travels north to Brisbane at 1:30pm, 6:10pm & 8:50pm, while the southbound XPT passes through Kendall at 9:05am, 1:55pm and 12:45am.

Existing traffic volumes on River Street/Graham Street are approximately 4000 vehicles per day. StreetWise observations indicate waiting times at the crossing varies generally between 2 – 5 minutes, depending on the speed and length of the train.

### 9.2 Existing Queuing at Crossing

As discussed above, the existing rail crossing of the North Coast Rail Line at Kendall is located on Graham Street, which connects directly with Kendall Road, which is the main route between Kendall and Laurieton (via the Pacific Hwy interchange at Kew). The flashing lights at the crossing currently require vehicles to stop and wait for trains to pass before continuing west into Graham Street or east on River Street. There are no viable alternative routes to avoid the existing crossing.

Currently, at peak times, a 2-minute stoppage can result in a maximum queue of 10 vehicles (at an average 5 cars per minute). However, during StreetWise inspections, the queues were observed to be 2 – 3 vehicles only. It should also be noted that most XPT trains travel through Kendall outside of peak traffic periods.

The increase in Kendall traffic volumes due to the proposed MHE development will be around 10%. Therefore, the development may add an additional vehicle to the current railway crossing queues. Access to Railway Street (on the eastern side of the railway) is occasionally affected by vehicles queuing as trains pass through Kendall. Similarly, extended queues on the western side of the crossing may occasionally affect access in & out of Albert Street. However, the locals have been used to this situation occurring occasionally, and understand the wait is generally short-term. To minimise any future impacts, consideration should also be given to additional signage and line-marking to ensure vehicles don't queue across adjacent intersections.

TreetWise

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#### 9.3 Future Crossing Upgrade

The proposed MHE development will increase traffic across the existing rail crossing by approximately 500 vehicles per day, an increase of around 10 – 12% on current volumes. However, the number of trains through Kendall each day is minimal, and the average increase in traffic volumes due to the proposed MHE development is relatively minor.

#### SUMMARY

StreetWise Road Safety and Traffic Services has been engaged by Land Dynamics Australia Consultants Pty Ltd on behalf of Camden Heads Lifestyle Village Pty Ltd. to prepare a Traffic Impact Assessment (TIA) report for a proposed residential subdivision and Manufactured Housing Estate (WLE) development to be provided on parcels of land located adjacent to Batar Creek Road, Kendall.

Because of the development the intersection of Batar Creek Road, Benaroon Drive and the proposed Manufactured Housing Estate access will need to be upgraded with respect to the traffic generation. A rural-style roundabout is proposed to be designed and constructed at this location.

The layout of the future development has been amended after discussions with Port Macquarie Hastings Council, reducing the number of Manufactured Homes from 280 to 198 and the adjacent residential lots from 19 down to 12. The site also includes 2 residue residential allotments as previously approved by DA 2006/0057.

In total, the Manufactured Housing Estate will generate a total of 111 88 peak hour trips and 1080 876 daily trips at full development. It has been assessed that the increase in traffic flow will not exceed the designated capacity of the local road network. However, a number of the local roads and intersections may need to be assessed for width of seal, condition of pavement etc. and any issues addressed to ensure their capacity can cater for the expected increase in traffic due to the proposed development.

The existing railway crossing in Graham Street is currently controlled by flashing signals. Approximately 10 train movements a day through Kendall currently stop traffic flows in Graham St/River St, including 6 XPT trips. The majority of trains pass through Kendall outside of peak traffic periods. However, vehicles are generally stopped for between 1 and 5 minutes, with queues observed to be 2 – 5 vehicles, dependent on time of day, speed of train and length of train. The proposed MHE development will add approximately 10% additional traffic through the crossing, which equates to minimal lengthening of current queues. It should also be noted that peak traffic generation from the MHE development is expected to be during the middle of the day, with minimal impacts on normal morning and afternoon peak traffic volumes.

It should also be noted that Manufactured Housing Estates tend to attract older residents, many of whom are retired or not working full time. Assessment of similar developments (as per RMS guidelines), indicate that residents tend to avoid travelling at peak times if possible, and peak traffic generation from the proposed development is expected between late morning and early afternoon.



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Batar Creek Road, Kendall, NSW Road Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

The internal MHE road layout will conform with MHE Designs and SEPP requirements. The construction of roads in the residential subdivision component, external roads and intersection upgrades will be designed and constructed in accordance with Council's conditions, standards and guidelines.

The existing intersection of Batar Creek Road and Benaroon Drive currently operates at a Level of Service (LoS) of A with the intersection remaining at a LoS of A at the full development of the Manufactured Housing Estate.

The proposal, when fully developed will generate an additional 876 vehicle movements within the local road network. The previous traffic assessment was based on 1080 extra trips, but SIDRA modelling showed that all movements through the proposed roundabout at the entry to the development off Batar Creek Road would have a Level of Service of 'A' i.e. free flow with minimal queuing or conflict of movements. It is obvious that a reduction in traffic volumes (due to the reduced number of future dwelling) will also have a Level of Service of A on all movements.

The proposed Woodglen Lifestyle Estate includes future on-site facilities such as a community club house, pool, tennis court, bowling green, men's shed etc. which reduce the need for residents to travel outside the site. The developers also propose a community bus, which will also reduce the overall number of trips generated by the site.

#### 11. RECOMMENDATIONS

- All internal MHE roads be designed and constructed in accordance with the assessment completed in Sections 4, 5, 6 and 7 of this report. The MHE development layout will be in accordance with SEPP guidelines.
- The roads within the 12-lot residential subdivision will be designed and constructed to comply with Council's conditions, standards and guidelines.
- All external roads, intersections and associated infrastructure are to be designed and constructed for a local street intersection treatment in accordance with the assessment completed in Section 7 of this report.
- All internal parking facilities are to be designed and constructed in accordance with the assessment completed in section 7 of this report
- The intersection of Batar Creek Road, Benaroon Drive and the Manufactured Housing Estate Access is required to be upgraded to a Roundabout based on the condition of consent provided under DA 2006/57 and the assessment provided in Section 6 of this report.
- A bus stop is required to be provided in Batar Creek Road adjacent to the proposed roundabout.
- The adjacent road network carrying capacity is not expected to be exceeded
  due to the increase in traffic flow generated by this development, existing
  roads are to be maintained by Port Macquarie Council as part of its ongoing
  commitment to the local road network of the Port Macquarie Hastings Council
  Local Government Area.



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Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

### 12.REFERENCE MATERIAL

Austroads - AGRD04A - 17 Guide to Road Design Part 4A - Unsignalised and Signalised Intersections

Austroads – AGDRD06A – 17 Guide to Road Design Part 6A – Paths for walking and cycling

Austroads - AGRD03 -09 Guide to Road Design Part 3 - Geometric Design

Austroads - AGTM03 - 13 Guide to Traffic Management Part 3 - Traffic Studies and Analysis

Austroads - AGRD04B - Guide to Road Design Part 4B - Roundabouts

RMS – TDT2013/04a – Guide to Traffic Generating Developments – Updated traffic Surveys

RTA – TTR – 002 – 02 – Guide to Traffic Generating Developments

PMHC - Traffic Count Data 2016 - Batar Creek Road site 198 - South of Laurel Street

PMHC - Traffic Count Data 2016 - Batar Creek Road site 18 - Batar Creek Bridge

PMHC - DA/2006/57 - DA Consent & Plans - Batar Creek Road.

BRETTSTRAFFIC Engineering Pty Ltd – 2017 – Batar SIDRA model report.



# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

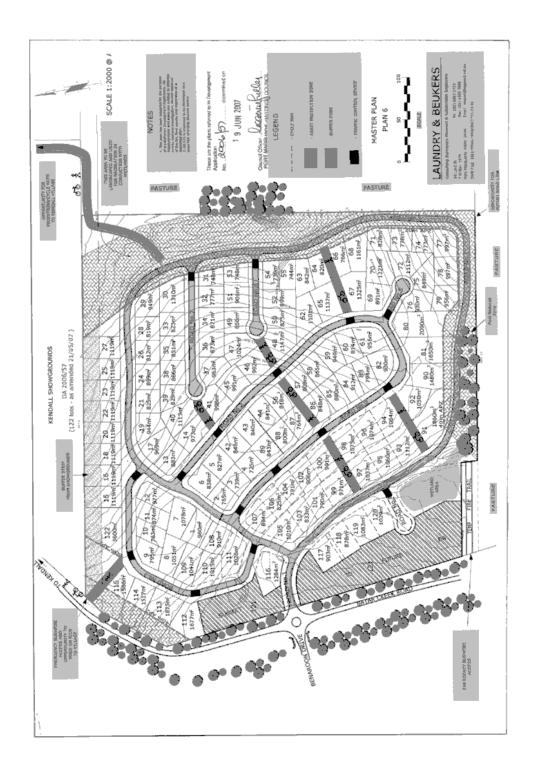
Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

# APPENDIX A DEVELOPMENT PROPOSAL DA 2006/57



Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek



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# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

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APPENDIX B
GENERAL LAYOUT PLAN



Batar Creek Road, Kendall, NSW Road

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# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

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> APPENDIX C SIDRA MODELLING

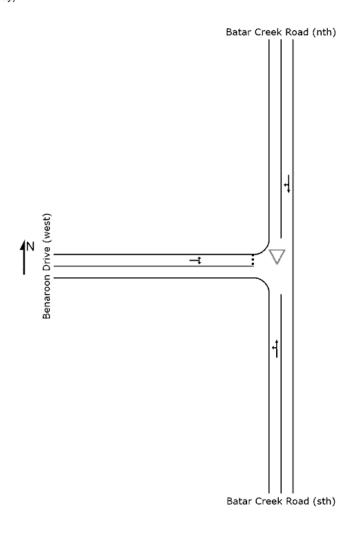


Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

# SITE LAYOUT

abla Site: Batar Creek Road & Benaroon Drive KENDALL (EXISTING) - 2017 AM

Batar Creek Road & Benaroon Drive KENDALL (EXISTING) - 2017 AM Giveway / Yield (Two-Way)



# **MOVEMENT SUMMARY - 2017 Model Outputs**

CreetWis

Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

 $\overline{igcep}$  Site: Batar Creek Road & Benaroon Drive KENDALL (EXISTING) - 2017 AM

Batar Creek Road & Benaroon Drive KENDALL (EXISTING) - 2017 AM

Giveway / Yield (Two-Way)

Mov	ement Per	formance	- Vehi	cles							
Mov I	D ODMo	Demand	Flows	Deg. Satn	Average	Level of	95% Back	of Queue	Prop.	Effective	Average
		Total	HV		Delay	Service	Vehicles	Distance	Queued	Stop Rate	Speed
		veh/h			sec		veh			per veh	km/h
South	: Batar Cree	ek Road (sth	)								
1	L2	2	5.0	0.012	4.6	LOS A	0.0	0.0	0.00	0.05	49.1
2	T1	20	5.0	0.012	0.0	LOS A	0.0	0.0	0.00	0.05	49.7
Appro	oach	22	5.0	0.012	0.4	NA	0.0	0.0	0.00	0.05	49.6
North	: Batar Cree	k Road (nth	)								
8	T1	11	5.0	0.010	0.0	LOS A	0.0	0.3	0.07	0.27	48.3
9	R2	11	5.0	0.010	4.7	LOS A	0.0	0.3	0.07	0.27	47.3
Appro	oach	21	5.0	0.010	2.3	NA	0.0	0.3	0.07	0.27	47.8
West	Benaroon (	Drive (west)									
10	L2	15	5.0	0.008	4.6	LOS A	0.0	0.3	0.07	0.50	46.4
12	R2	1	5.0	800.0	4.7	LOS A	0.0	0.3	0.07	0.50	46.0
Appro	oach	16	5.0	800.0	4.6	LOS A	0.0	0.3	0.07	0.50	46.4
All V€	hicles	59	5.0	0.012	2.2	NA.	0.0	0.3	0.05	0.25	48.1

Level of Service (LOS) Method: Delay (HCM 2000).

Vehicle movement LOS values are based on average delay per movement

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

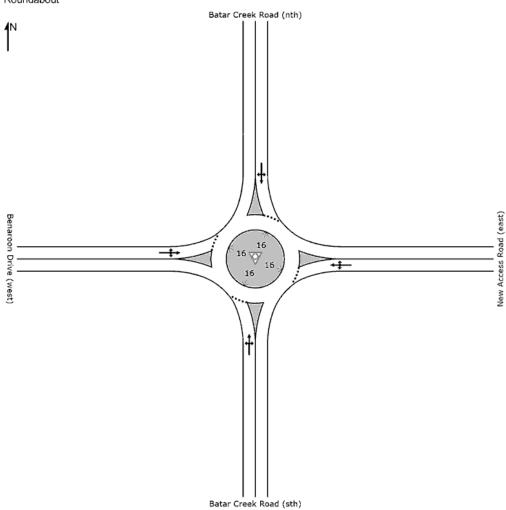
# SITE LAYOUT

Site: Batar Creek Road & Benaroon Drive KENDALL



Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

# Batar Creek Road & Benaroon Drive **KENDALL 2017 AM** Roundabout



# MOVEMENT SUMMARY

Site: Batar Creek Road & Benaroon Drive KENDALL 2017 AM



## **DEVELOPMENT ASSESSMENT PANEL** 28/11/2018

Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate - Batar Creek

#### Batar Creek Road & Benaroon Drive KENDALL 2017 AM Roundabout

, war											
Move	ment Per	formance	- Vehic	les							
Mov II	O ODMo	Demand	Flows D	eg. Satn	Average	Level of	95% Back	of Queue	Prop.	Effective	Averag
		Total	HV		Delay	Service	Vehicles	Distance	Queued	Stop Rate	Spee
		veh/h			sec		veh			per veh	km/
South	: Batar Cree	ek Road (sth	1)								
1	L2	2	5.0	0.019	3.4	LOS A	0.1	0.6	0.19	0.37	47.
2	T1	20	5.0	0.019	3.4	LOS A	0.1	0.6	0.19	0.37	48.
3	R2	1	5.0	0.019	7.5	LOS A	0.1	0.6	0.19	0.37	48.
Appro	ach	23	5.0	0.019	3.6	LOS A	0.1	0.6	0.19	0.37	47.
East:	New Acces	s Road (eas	t)								
4	L2	2	5.0	0.041	3.2	LOS A	0.2	1.4	0.10	0.58	45.
5	T1	1	5.0	0.041	3.2	LOS A	0.2	1.4	0.10	0.58	46.
6	R2	52	5.0	0.041	7.3	LOS A	0.2	1.4	0.10	0.58	46.
Appro	ach	55	5.0	0.041	7.0	LOS A	0.2	1.4	0.10	0.58	46.
North:	Batar Cree	k Road (nth	)								
7	L2	23	5.0	0.029	3.1	LOS A	0.1	1.0	0.03	0.47	47.
8	T1	11	5.0	0.029	3.1	LOS A	0.1	1.0	0.03	0.47	48.
9	R2	11	5.0	0.029	7.2	LOS A	0.1	1.0	0.03	0.47	48.
Appro	ach	44	5.0	0.029	4.1	LOS A	0.1	1.0	0.03	0.47	47.
West:	Benaroon (	Drive (west)									
10	L2	15	5.0	0.014	3.5	LOS A	0.1	0.5	0.20	0.43	47.
11	T1	1	5.0	0.014	3.4	LOS A	0.1	0.5	0.20	0.43	48.
12	R2	1	5.0	0.014	7.5	LOS A	0.1	0.5	0.20	0.43	48.
Appro	ach	17	5.0	0.014	3.7	LOS A	0.1	0.5	0.20	0.43	47.
All Ve	hicles	139	5.0	0.041	5.1	LOS A	0.2	1.4	0.10	0.49	47.

Level of Service (LOS) Method: Delay (HCM 2000).

Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.
SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.
Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.



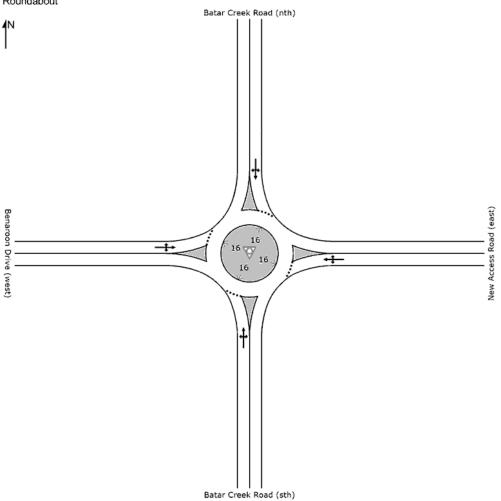
Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

# MOVEMENT SUMMARY – 2027 Model Outputs SITE LAYOUT

Site: Batar Creek Road & Benaroon Drive KENDALL - 2027 AM

Batar Creek Road & Benaroon Drive KENDALL 2027 AM Roundabout



Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate - Batar Creek

# MOVEMENT SUMMARY

Site: Batar Creek Road & Benaroon Drive KENDALL - 2027 AM

Batar Creek Road & Benaroon Drive KENDALL 2027 AM Roundabout

Mov	ement Per	formance	- Vehic	les							
Mov	ID ODMo	Demand	Flows D	eg. Satn	Average	Level of	95% Back	of Queue	Prop.	Effective	Average
		Total	HV		Delay	Service	Vehicles	Distance	Queued	Stop Rate	Speed
		veh/h			sec		veh			per veh	km/h
South	n: Batar Cree	ek Road (sth	1)								
1	L2	2	5.0	0.021	3.5	LOS A	0.1	0.7	0.20	0.37	47.0
2	T1	22	5.0	0.021	3.4	LOS A	0.1	0.7	0.20	0.37	47.9
3	R2	1	5.0	0.021	7.5	LOS A	0.1	0.7	0.20	0.37	47.9
Appro	oach	25	5.0	0.021	3.6	LOS A	0.1	0.7	0.20	0.37	47.9
East:	New Acces	s Road (eas	t)								
4	L2	2	5.0	0.045	3.2	LOS A	0.2	1.5	0.11	0.58	45.3
5	T1	1	5.0	0.045	3.2	LOS A	0.2	1.5	0.11	0.58	46.2
6	R2	57	5.0	0.045	7.3	LOS A	0.2	1.5	0.11	0.58	46.2
Appro	oach	60	5.0	0.045	7.1	LOS A	0.2	1.5	0.11	0.58	46.1
North	i: Batar Cree		,								
7	L2	26	5.0	0.032	3.1	LOS A	0.2	1.1	0.03	0.47	47.0
8	T1	12	5.0	0.032	3.1	LOS A	0.2	1.1	0.03	0.47	48.0
9	R2	12	5.0	0.032	7.2	LOS A	0.2	1.1	0.03	0.47	48.0
Appro	oach	49	5.0	0.032	4.1	LOS A	0.2	1.1	0.03	0.47	47.5
West	: Benaroon (	Drive (west)									
10	L2	16	5.0	0.015	3.5	LOS A	0.1	0.5	0.21	0.43	47.0
11	T1	1	5.0	0.015	3.5	LOS A	0.1	0.5	0.21	0.43	48.0
12	R2	1	5.0	0.015	7.5	LOS A	0.1	0.5	0.21	0.43	48.0
Appro	oach	18	5.0	0.015	3.7	LOS A	0.1	0.5	0.21	0.43	47.1
All Ve	ehicles	153	5.0	0.045	5.1	LOS A	0.2	1.5	0.11	0.49	47.0

Level of Service (LOS) Method: Delay (HCM 2000). Roundabout LOS Method: Same as Signalised Intersections.

Vehicle movement LOS values are based on average delay per movement

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Roundabout Capacity Model: SIDRA Standard.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.



# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

APPENDIX D
TRAFFIC COUNT BATAR CREEK ROAD



Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

AM Count						⇒		Eat	<b>)</b>	nto	7			Benaroon	Drv. Rigi	ha lindo	Elutar Rig	nt into Elec	naroon	<b>(</b>	_		thus Strop	Notes 22/06/2027
			Total Veh.			Balar Nth			aroon E		Benaroon i				Batar			Drv.			star Sth		Bonaroon Dry.	Sphed Zones Batar Creek Road 50 km/hr Benardon Drive 50 km/hr Weather: Fine Char Night browne
Time	Light Veh.	Heavy Veh.	Count	Peds	Light 6	Hvy	Ped	Light	Hvy	Ped	Light 2	Hvy	Ped	Light 6.	Ny	Ped	Light 0	Hvy	Ped	Light 0	Hvy	Ped		Femg: 16 Geg, C
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Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

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Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

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# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

APPENDIX E
TRAFFIC COUNT OCEAN CLUB RESORT

Traffic Sarvices

Batar Creek Road, Kendall, NSW Road

Traffic Impact Assessment Proposed Residential Subdivision and Manufactured Housing Estate – Batar Creek

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Item: 06

Subject: DA2018 - 790.1 ADDITIONAL DWELLING TO CREATE DUAL

**OCCUPANCY AND STRATA SUBDIVISION** 

**Report Author: Steven Ford** 

Applicant: David Pensini Building Certification & Environmental

**Services** 

Owner: Wenkenwel Pty Ltd & D J & K R Pensini & Others

Estimated Cost: \$250,000 Parcel no: 7920

### **Alignment with Delivery Program**

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

### **RECOMMENDATION**

That DA 2018-790 for an Additional Dwelling to Create a Dual Occupancy and Strata Subdivision at Lot 130, DP 815514, No. 27 Grassmere Way, Port Macquarie, be determined by granting consent subject to the recommended conditions.

### **Executive Summary**

This report considers a development application for an additional dwelling to create a Dual Occupancy and strata subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

#### 1. BACKGROUND

## Existing sites features and surrounding development

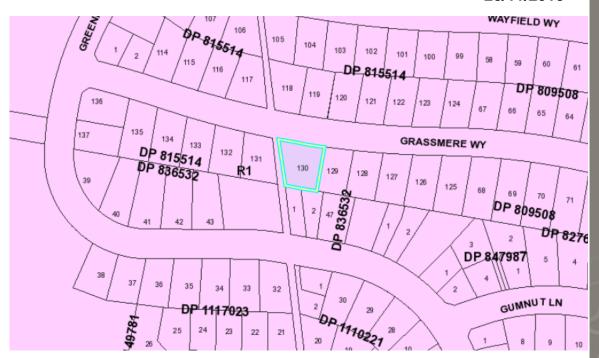
The site has an area of 796m2.

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:



## **AGENDA**

# DEVELOPMENT ASSESSMENT PANEL 28/11/2018



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 an additional dwelling to create a Dual Occupancy and Strata Subdivision

Refer to attachments at the end of this report.

# **Application Chronology**



- 26 September 2018 Application Lodged
- 5 October 2018 to 18 October 2018 Neighbour notification

### 3. STATUTORY ASSESSMENT

### Section 4.15(1) Matters for Consideration

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

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

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

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required.

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

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

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

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

### State Environmental Planning Policy (Coastal Management) 2018 and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is not located within a coastal use area / coastal environment area.

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

A BASIX certificate (number 958205S) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

### Port Macquarie-Hastings Local Environmental Plan 2011

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

 Clause 2.2, the subject site is zoned R1. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for an additional dwelling to create Dual Occupancy and Strata Subdivision in accordance with the definitions) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

o 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:

- o the proposal is a permissible landuse;
- provides a variety of housing types
- Clause 2.7, the demolition fits within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.1(4A), the minimum lot sizes do not apply to the proposal as it is characterised as attached dwelling / dual occupancy / semi-detached dwelling or multi dwelling housing development.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is approximately 4.8m which complies with the standard height limit of 8.5 m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.4:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 5.10 Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

### (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:

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development:      4.8m max. height     Single storey     60m2 max. area     100m2 for lots >900m2     24 degree max. roof pitch     Not located in front setback	Water tank is appropriately located	Yes
3.2.2.2	<ul> <li>Articulation zone:</li> <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> </ul>	The development contains a fenced courtyard within the articulation zone. The courtyard is not enclosed by an awning and is	Acceptable



	DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development		
	Requirements	Proposed	Complies
	<ul><li>An awning or other feature over a window</li><li>A sun shading feature</li></ul>	consistent with a front fence	
	Front setback (Residential not R5 zone):  • Min. 6.0m classified road  • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot  • Min. 3.0m secondary road  • Min. 2.0m Laneway	Front building line setback requirements are complied with and remains consistent with the existing.	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 requirements are complied with. The front building line is well articulated and setback the same distance as the existing building line, with a brick dividing wall extending 1.8m separating the two single garages and providing articulation.	Yes
	6m max. width of garage door/s and 50% max. width of building	Width of garage door requirements are complied with.	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 minimum rear setback requirements are not complied with. The proposed rear setback for the additional dwelling is 2m - see below justification.	Acceptable
3.2.2.5	<ul> <li>Side setbacks:</li> <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 complied with. The wall articulation is compliant and satisfies the objectives of the development provision.	Yes



	DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development		
	Requirements	Proposed	Complies
3.2.2.6	35m2 min. private open space area including a useable 4x4m min. area which has 5% max. grade	Each occupancy contains 35m² open space in one area including a useable 4m x 4m area.	Yes
3.2.2.7	<ul> <li>Front fences:</li> <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>	The proposed front fence design is considered to meet the fencing provisions and objectives of DCP 2013. No adverse impacts will occur.	Yes
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	Fencing design complies.	Yes
3.2.2.10	<ul> <li>Privacy:         <ul> <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> </ul> </li> <li>Privacy screens provided to balconies/verandahs etc which have &lt;3m side/rear setback and floor level height &gt;1m</li> </ul>	The development will not compromise privacy in the area due to a combination of lack of windows on side/rear boundaries, having high sill windows that face side/rear boundaries, limiting living areas that face adjoining living areas/open space, compliant separation and use of screening/fencing. No additional screening is required.	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	No concealment or entrapment areas proposed. Adequate casual surveillance available.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building	Cut and fill <1.0m change 1m outside	Yes



	Requirements	Proposed	Complies
	walls	the perimeter of the external building walls	
2.3.3.2	1m max. height retaining walls along road frontage	None proposed	N/A
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining wall likely >1m	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing(s) is/are minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1.  Dwelling/dual occupancies 1 space per dwelling/occupancy (behind building line).  Multi dwelling 1 space per 1 & 2 bedroom occupancies 1.5 spaces per 3+ bedroom occupancies 0.25 spaces per occupancy for visitor parking.	Proposal involves 2 x 3 bedroom units. Therefore, 2 spaces required. The development proposes 2 single garages.	Yes
2.5.3.11	<del>                                     </del>	Contributions apply - refer to ET calc and NOP.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Suitable landscaping proposed around driveway/parking locations.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway areas proposed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades capable of satisfying Council standard driveway crossover requirements.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

The proposal seeks to vary Development Provision relating to 3.2.2.4



### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

The relevant objectives are; To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas. To provide useable yard areas and open space.

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

- Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback.
- In that instance one side setback should be a minimum 4.0m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.

The additional dwelling has a 4.6m to 6.7m side setback to the western boundary, which provides solar access to the private open space and living areas. This achieves the minimum 4.0m side setback width for approximately 7m. Based on the positioning of the proposed dwelling, western orientation of the living areas has provided maximum solar access. This is considered to provide adequate natural ventilation and light between the development and the southern adjoining property and the existing private open space

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

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

### (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

### **NSW Coastal Policy 1997**

The proposed development is consistent with the objectives and strategic actions of this policy.

### Demolition of buildings AS 2601 - Clause 92

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

## (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 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.



### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

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

### **Roads, Traffic and Transport**

There are no changes to the existing driveway. The proposal is not considered to create any significant additional parking demand and/or result in any adverse traffic generation. The proposal will be unlikely to have any adverse impacts in terms access, transport and traffic. The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

### **Water Supply Connection**

Service available – details required with S.68 application.

### **Sewer Connection**

Service available – details required with S.68 application.

#### Stormwater

Service available – details required with S.68 application.

### **Other Utilities**

Telecommunication and electricity services are available to the site.

### **Other Utilities**

Telecommunication and electricity services are available to the site. Evidence of satisfactory arrangements with the relevant utility authorities for provision to each proposed lot will be required prior to Subdivision Certificate approval.

### Heritage

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.



### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

### Flora and fauna

Construction of the proposed development will not require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Part 7 of the Biodiversity Conservation Act is considered to be satisfied.

#### Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. No adverse impacts anticipated. Standard precautionary site management condition recommended.

### **Energy**

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.

### Noise and vibration

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

#### **Bushfire**

The site is not identified as being bushfire prone.

### Safety, security and crime prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. 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 have been adequately addressed and appropriate conditions of consent recommended.

### (d) Any submissions made in accordance with this Act or the regulations

Following exhibition of the application in accordance with DCP 2013, 2 submissions were received.

Submission Issue/Summary	Planning Comment/Response
As the development has only two single car spaces and is 2 x 3 bedroom units, we feel that extra cars will have to park on the street.	The development in accordance with Table 2.5-1 Car Parking Requirements of the PMHC Development Control Plan 2011, requires Dwelling houses/Dual Occupancies to have 1 space per dwelling. Adequate provision is made for off-street parking with 2 x single garages provided for off street parking.
There are no units in our street (Grassmere Way) and only single dwellings and we feel that this could reduce the price of our house and others within the street.	The area is zoned R1 and the proposal is consistent with the zone objectives having regard to the following:  • the proposal is a permissible landuse;  • provides a variety of housing types  • the development is consistent of other dual occupancies/multi dwelling housing development within the immediate area.

### (e) The public interest

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

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

### 4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will be required under Section 7.11 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.



### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

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<u>View</u>. DA2018 - 790.1 Plans and documents 2<u>View</u>. DA2018 - 790.1 Recommended Conditions



# STATEMENT OF ENVIRONMENTAL EFFECTS & SUPPORTING INFORMATION

# ATTACHED SECONDARY DWELLING DEVELOPMENT AND STRATA SUBDIVISION AT LOT 130 DP 815514, 27 GRASSMERE WAY, PORT MACQUARIE

SEPTEMBER 2018

September 2018

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### 1. INTRODUCTION

This report is submitted to Port Macquarie - Hastings Council as part of a development application for the construction of an attached secondary dwelling at Lot 130 DP 815514, 27 Grassmere Way, Port Macquarie.

The final design of the proposed development complies with the requirements of Council's strategic planning objectives and development standards. The proposed development is also consistent with the land use zoning for the area and is compatible with the local context.

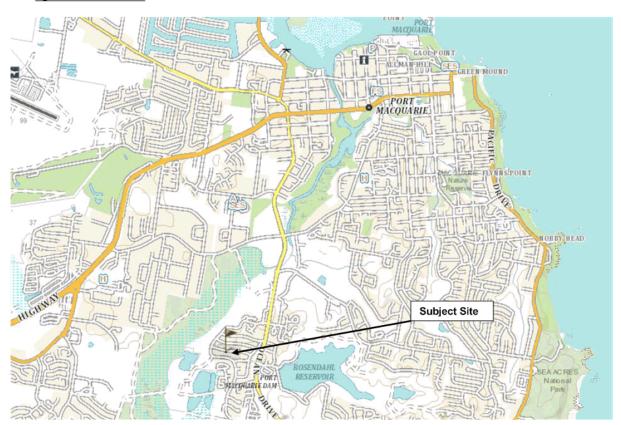
This report addresses the nature and form of the development, the characteristics of the site and surrounding area and the impacts of the proposed development.

### 2. LOCATION DESCRIPTION

### 2.1 Local and Regional Context

The subject site is located in a residential area to the southwest of the Port Macquarie Central Business District (CBD) within the 'Greenmeadows' area, refer to **Figure 1**.

Figure 1 - Site Location



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Developed residential lots and supporting infrastructure is present in all aspects of the subject site. In this regard the area is characterized by a low density residential development which reflects the residential nature of the location.

The age of existing building infrastructure within the area is mixed with more recent developments, (i.e. <10 years old), intermingled with historical developments which are in excess of 20 – 30 years old.

### 2.2 The Site

The subject site consists of a single Torrens Title lot which currently supports the occupation and use of a single storey three (3) bedroom dwelling.

Access to the subject site is available via Grassmere Way which adjoins the subject site along its northern property boundary.

The topography of the subject site and adjoining and adjacent land is generally flat although gentle east to west downslopes are present to the east of the subject site.

The subject site is legally known as Lot 130 DP 815514, 27 Grassmere Way, Port Macquarie. The subject site is irregular in shape with a total site area of approximately 796.5m<sup>2</sup>. It has a width ranging from 31.38m along its northern boundary and 21.6m along its southern boundary. The length of the eastern boundary is 30.3m whilst the western boundary length is 31.625m, refer to refer to **Figure 2.** 

118 **Subject Site** DP 815514 121 122 GRASSMERE WAY 15514 135 134 GEOGRAFIA WAY 133 132 131 DP 815514 128 127 126 9 DP 836532 43 SP 55957 ÷ 836532 845559 53876 Dp 841514 5P.515T Sp GREENIEADOWS DRIVE

Figure 2 – Subject Site

The subject site does not contain any significant vegetation with managed lawn and garden areas being the predominant vegetation on the subject site. Similar vegetation is present on adjoining and adjacent land.

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Land use in the immediate locality is dominated by single residential dwellings. The majority of development has a one storey bulk and scale whilst some two storey development is present in the locality, refer to **Figure 3.** 

### Figure 3 - Landuse Context



### 2.3 Description of Existing Environment

### 2.3.1 Climate

The local climate is considered to be temperate with summer dominant rainfall.

The average daily maximum temperature is around  $21.5^{\circ}$ C, while the average daily minimum temperature is around  $10^{\circ}$ C -  $11^{\circ}$ C.

Long-term average annual rainfall is around between 1,500 mm.

Annual pan evaporation is estimated to be approximately 1,400 mm.

### 2.3.2 Soils and Vegetation

The Department of Land and Water Conservations, soil landscapes of Kempsey 1: 1,000,000 Sheet 1999, provides that the subject site contains soils of the Thrumster landscape. Soils of this landscape dominate the developed urban areas of Port Macquarie.

#### **ATTACHMENT**

### DEVELOPMENT ASSESSMENT PANEL 28/11/2018

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It is however noted that there is a history of filling of the subdivision which the subject site forms part of with sand being imported in order to raise the height of land prior to subdivision.

The majority of vegetation has been removed from the subject site in order to facilitate the historical residential occupation and use of the subject site.

Grasslands and garden areas predominate on the subject site. A small number of decorative trees/shrubs have however been retained adjacent to the boundaries of the subject site.

#### 2.3.3 Drainage

The subject site is well suited to residential uses, with gentle slopes in all aspects of the subject site. The presence of Grassmere Way to the north of the subject site provides for drainage opportunities. Accordingly, there are no constraints regarding site drainage.

It is also noted that the subject site is burdened by a number of storm water drainage easements which facilitate drainage from land to the north and east of the subject site.

Sufficient drainage infrastructure is present within the Grassmere Way road reserve to service the proposed development.

#### 2.3.4 Land Use

The subject site is located within a residential area to the southwest of the Port Macquarie CBD and contains a single residential dwelling which is approximately 25 years old. Pedestrian access to the subject site is via Grassmere Way whilst car parking is available in the northeastern portion of the subject site.

The southern and eastern boundaries of the subject site adjoin residential land uses with a pedestrian pathway immediately adjoining the western boundary of the subject site with low density 'older' residential developments extending to the west. The northern boundary of the subject site adjoins the Grassmere Way road reserve with residential dwellings extending beyond the road reserve to the north.

### 2.3.5 Flora and Fauna

The subject site contains managed garden and lawn areas.

Given the modified and highly disturbed nature of the subject site it has limited ecological or habitat value for native flora and fauna.

#### 2.3.6 Air

The air quality at the subject site and surrounds reflects the residential nature of the predominant land use. In this regard, the existing air quality of the area reflects the dust, odour and exhaust emissions from the adjacent residential areas.

Notwithstanding this, the air quality at the subject site is generally good.

### 2.3.7 Noise and Vibration

It is noted that the existing noise and vibration characteristics of the subject site and surrounding areas is dominated by the residential activities.

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### 3. PROPOSED DEVELOPMENT

The proposal includes the construction of an attached three (3) bedroom dwelling in the eastern portion of the subject site. The proposed development also includes alterations and additions to the existing garage which services the existing dwelling on the subject so as to provide car parking for both the existing and proposed dwellings.

The proposed dwelling will be single storey which addresses Grassmere Way. Vehicle parking will be via direct access from Grassmere Way.

The proposed development also involves the Strata Title subdivision of the subject site so as to provide for two separate lots each containing a residential dwelling. The proposed lot sizes being;

- Lot 1 (New Dwelling) 463m<sup>2</sup>
- Lot 2 (Existing Dwelling) 333.5m<sup>2</sup>

#### 4. PLANNING CONTROLS

The statutory and strategic planning instruments that are relevant to this proposal are:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- North Coast Regional Environmental Plan
- Port Macquarie Hastings Local Environmental Plan 2011
- Port Macquarie Hastings Development Control Plan 2013

### 4.1 Environmental Planning and Assessment Act 1979

Part 4 of the Environmental Planning and Assessment Act, 1979 is relevant to the proposed development; refer to Section 5 of this report.

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

The Building Sustainability Index (BASIX) ensures homes, (including residential flat buildings), are designed to use less potable water and to assist with the reduction of greenhouse gases produced through the occupation and use of buildings.

The SEPP requires that all development applications for certain development types, (including residential flat buildings and serviced apartments), must be accompanied by a BASIX certificate for the project.

In fulfillment of the requirements a BASIX assessment is provided with the development application.

#### 4.3 North Coast Regional Environmental Plan

The following clauses of the North Coast Regional Plan (REP) are considered to be relevant to this application:

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Table 3 – NCREP Compliance Requirements

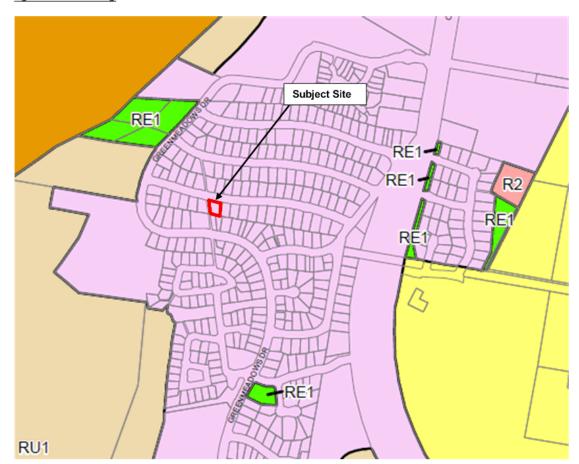
Relevant Development Controls under North Coast Regional Environmental Plan	Compliance	Proposal as assessed under
Clause 36 Development control—heritage items, generally	Complies	There are no known archeological or heritage issues associated with the development
		of the site.

### 4.4 Port Macquarie-Hastings Local Environmental Plan 2011

### 4.4.1 Land Use Zoning

It is noted that the subject site is zoned R1 (General Residential) under the provisions of Port Macquarie-Hastings LEP 2011, refer to **Figure 4**.

Figure 4 – Site Zoning



The objectives of the R1 zone are:

• To provide for the housing needs of the community.

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

The proposal development satisfies the objectives of the zone and is therefore an appropriate form of development for the subject site and the general locality.

The proposed development is intended to support the residential occupation and use of the subject site.

The proposed development will be in keeping with the existing and expected amenity of the area.

It is noted that the proposed development is permissible in the zone. The land use requirements of Port Macquarie Hastings LEP 2011 for the R1 Zone are as follows;

#### '2 Permitted without consent

Home-based child care; Home occupations

#### 3 Permitted with consent

Attached dwellings; Boarding houses; Business identification signs; Child care centres; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4.

#### 4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Boat building and repair facilities; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water storage facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies.'

### **4.4.2 LEP Compliance Requirements**

Other relevant clauses of the LEP that are considered to be applicable to the subject development are as follows;

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### Table 4 – LEP Compliance Requirements

Relevant Development Controls under Port Macquarie - Hastings LEP 2011	Compliance	Proposal as assessed under Port Macquarie - Hastings LEP 2011
Part 3 - Exempt and Complying Dev	relopment	
3.3 Environmentally Sensitive Areas excluded	Complies	The subject site does not currently have any trees which trigger Council's TPO.
Part 4 – Principal Development Sta	ndards	
4.3 Height of Buildings	Complies	The maximum height of the roof of the proposed development (approximately 4.0m) is less than the maximum 8.5m provided for by the LEP.
4.4 Floor Space Ratio	Complies	Floor Space Ratio;
		Required - 1:1 Proposed – 0.4:1
Part 5 – Miscellaneous Provisions	'	
5.9 Preservation of trees or vegetation	Complies	The site does not currently have any trees which trigger Council's TPO.
5.10 Heritage Conservation	Complies	There are no known archeological or heritage issues associated with the development of the site.
5.11 Bushfire Hazard Reduction	Not Applicable	The subject site is not shown as being Bushfire Prone Land.
Part 7 – Additional Local Provisions	<b>i</b>	
7.1 Acid Sulphate Soils	Not Applicable	The subject site is not shown as being affected by acid sulphate soils on Council's acid sulphate soils maps.
7.2 Earthworks	Complies	The undertaking of proposed earthworks is consistent with the requirements of this provision.
7.4 Flood Planning	Complies	The subject site is not identified as being subject to the flood planning level and is not shown to be effected by the Level of Probable Maximum Flood.
7.5 Koala Habitat	Not applicable	The proposed development contains no vegetation of koala habitat significance.

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7.6 Coastal Hazards	Not applicable	The subject site is not subject to coastal hazards.
7.9 Development subject to acoustic controls	Not applicable	The subject site is not subject to specific requirements for acoustic controls.
7.13 Essential Services	Complies	All essential services are available to the land and subject development.

Having regard to the above it is considered that the proposed development is consistent with the relevant provisions and requirements of of Port Macquarie-Hastings LEP 2011.

### 4.5 Port Macquarie-Hastings Development Control Plan 2013

The subject site is located within the area affected by Port Macquarie -Hastings Development Control Plan (DCP) 2013.

The subject site is subject to the general provisions of the DCP and also the specific development controls which are considered to be applicable to Low density residential development.

An assessment of the proposed development against the relevant DCP provisions follows;

### Table 5 – DCP Compliance Requirements

DCP CRITERIA – RELEVANT DEVELOPMENT CONTROL STANDARDS	COMPLIANCE COMMENT
PART 2 – GENERAL PROVISIONS	
2.2 Advertising and Signage	
N/A	N/A
2.3 Environmental Management	
Cut and fill regrading	N/A – the proposed development will not require any landform alteration due to its flat topography.
Environmental management areas and buffers	N/A – there are no environmental management areas and buffers applicable to the proposed development.
Koala habitat	N/A – there are no koala habitat issues relevant to the proposed development.
Hollow bearing trees	N/A – there are no hollow bearing trees on the site of the proposed development.
2.4 Hazards Management	
Airspace protection	N/A
Bushfire hazard management	N/A – the subject site is not bushfire prone land.
Flooding	Complies.

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Stormwater	The subject site is not identified as being subject to the flood planning level and is not shown to be effected by the Level of Probable Maximum Flood.  The proposed development will not have significant impact in terms of affecting flood behaviour nor will the proposed development be negatively impacted upon by flood waters.  Complies with Councils requirements.	
2.5 Transport, Traffic Management, Access and Ca	ar Parking	
Road hierarchy	Complies.	
Parking provision	Complies.	
	Relevant DCP Requirements;	
	Dwelling houses and dual occupancies	
	1 per dwelling	
	Total Onsite Parking Required = 2	
	Total Proposed = 2	
	All parking is proposed to be provided onsite.	
Parking layout	Complies.	
Redevelopment of heritage items – Conservation Incentives	Not Applicable - the proposed development is not a redevelopment of a heritage item.	
Section 94 Contributions	Contributions are not proposed in relation to the provision of carparking spaces.	
Landscaping of parking areas	Complies	
Surface finishes	Complies – all surfaces will be reinforced concrete.	
Driveway grades	Complies.	
Drainage	Complies.	
Loading bays	Not Applicable	
Industrial development	Not Applicable	
Traffic generating development	The proposed development is not a traffic generating development.	

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2.6 Tree Management				
Tree Management – Clause 5.9 of LEP	N/A – there are no trees to which the LEP provisions apply on the subject site.			
Tree management private land	N/A – there are no trees on the site of the proposed development.			
Tree management Council controlled land	N/A – there are no trees on Council controlled land which will be affected by the proposed development.			
2.7 Social Impact assessment and crime preve	ntion			
Social impact assessment	The proposed development is compatible with the land use zoning applicable to the area and the amenity of the area.			
	The proposed development will make a positive contribution to the locality by reinforcing the low-density nature of residential development complying with Council's strategic objectives for the area.			
	The proposal will have a positive economic impact through the residential dwelling which will represent an injection into the local economy and generate employment opportunities and flow on benefits to other local businesses.			
	Benefits will also be provided to the local construction industry and related services through the construction phase of the project.			
Crime prevention	Complies.			
	The proposal has been designed to minimize the risk of crime and maximize safety and security.			
	Pedestrian entrances will be well lit, secure and visibility to and from the entrances is maintained.			
PART 3.2 – LOW DNSITY RESIDENTIAL DEVELOPMENT				
Ancillary Development	Not Applicable			
Front Setbacks	Complies - It is noted that the front setback to the dwelling is significantly greater than 4.5m.			
Streetscape and front setback to garage	Complies.			
	Garage is setback approximately 6.2m from the front			

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	boundary.
Natural Light and ventilation - rear setbacks	The rear setback to the proposed dwelling is 2m. Accordingly an encroachment of the 4m rear setback development standard is proposed.
	In this regard it is noted that the DCP provisions which apply to rear boundary setbacks provides as follows;
	b) Council may consider varying rear setback requirements where it is demonstrated that the private open space could achieve better solar access between the building and the side setback. c) In that instance one side setback should be a minimum 4.0m in width (for an equivalent length of rear boundary, behind building line) and the rear setback may be reduced to 900mm.
	The proposed dwelling is setback 4.8m – 6.7m to the western property boundary with this setback providing for significantly improved solar access to that which would be achieved through a 4m setback to the rear property boundary. The presence of an open Alfresco area with the external wall of the dwelling in the western aspect of the dwelling provides for significant open space with the open space area flowing from the living areas of the proposed dwelling.
	In this regard the positioning of the proposed dwelling on the site has been based upon maximizing solar access into the western portion of the subject site as it is this area of the site which supports open space activities.
	The proposal provides adequate space for natural ventilation and light to penetrate between the proposed development and the western neighbouring property and to the proposed and existing private open spaces. The proposal provides useable open space areas.
Bulk and Scale – side boundary setbacks	Complies.  Building setbacks are appropriate for the single storey building.
Open Space	Complies.
	The proposed dwelling has access to a minimum

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	and of 25 of
	area of 35m <sup>2</sup> in one area with a minimum dimension of 4m x 4m. This area is directly accessible from
	living areas.
	It is noted that the existing dwelling will be provided with compliant open space via a courtyard area which is proposed in the northern aspect of the subject site. The court yard will be directly accessible via the living areas of the existing dwelling.
Fences and walls	Complies.
	Boundary fencing will comply with relevant provisions.
Visual privacy	Complies – direct views are minimized through the orientation of all residential units.
	Where necessary privacy has been maintained via the use of walls and screens.
Roof Terraces	Not Applicable.
Water Recreation Structures	Not Applicable.

### 5. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Section 79C (1b) of the Environmental Planning and Assessment Act 1979 as amended specifies the matters which a consent authority must consider when determining a development application.

Comments on these matters are provided as follows;

### 5.1 Context and Setting

The proposed development makes a positive contribution to the streetscape and its context.

The proposed development is compatible with the land use zoning of the locality and as such the development of the subject site is consistent with the desired character of the area.

### 5.2 Access and Transport

The proposed development will not significantly impact upon access or transport issues associated with the subject site or adjoining and adjacent land beyond that which has existed for the subject site and locality for the past 20 - 30 years.

The existing road infrastructure has sufficient capacity to accommodate any increase in traffic movement associated with the proposed development with suitable road infrastructure available in the locality.

The traffic generation associated with the proposal is not considered to be significant.

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Given the nature of road infrastructure in the area it is considered that traffic generation from the proposed development will be easily accommodated within the existing capacity of the existing public road system.

### 5.3 Public Domain

The proposal is of benefit to the surrounding area as it proposes a positive development of high quality design that will improve surveillance and safety of the adjoining and adjacent streets.

#### 5.4 Utilities

The demands of the development on utility supplies are reasonable given the urban context and the location of all required servicing. All installations will meet the requirements of utility providers.

The proposed development can be constructed in accordance with the capacity of the existing public storm water drainage infrastructure.

### 5.5 Heritage

The subject site is not identified as an archaeological site and as such there is an extremely low level of likelihood that items of archaeological significance or interest would be present on the subject site.

#### 5.6 Other Land Resources

Not applicable

### 5.7 Water

The water requirements of the proposal are considered appropriate given the location and current access to services. The proposed development can be serviced by the reticulated water supply without the need for major augmentation of the existing system.

Appropriate controls will be installed to prevent soil erosion and sediment transport from the site during rainfall during the construction phase of the project. A variety of erosion and sediment controls will be used on the site. Strategies to be used on site will include:

Sediment filter fencing or gravel groynes/sausages will be used downstream of the discharge from the hay bale structure to provide additional treatment.
Gravel groynes/sausages for sediment retention will be utilized around stormwater drains, inlets and pits once constructed.
Tracking of sediment from the site by tucks entering and leaving will be controlled by the provision of a gravel driveway at the entry site.

The washing of any equipment used on site shall be carried out in a designated site wash down area that contains all wastewater on the work site. Equipment washing wastewater shall not be discharged from the site to any waters.

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#### 5.8 Soils

Given the historical residential occupation and use of the subject site there are no soil contamination issues that are required to be addressed.

Minor soil disturbance will occur as a result of the construction of the proposed development including the movement of vehicles to and from the site during construction.

The utilization of standard erosion and sediment control devices can be incorporated on site to minimize any erosion and sedimentation caused through site disturbance. In this regard, an erosion and sediment control plan will be implemented on site during construction activities on the site.

Once the construction of the proposed building has been completed the impacts on soils will be minimal.

The subject site is not identified as containing Acid Sulphate Soils and as such no specific management actions are required.

Based upon historical land use the subject site is not subject to the contaminated land provisions of State Environmental Planning Policy 55 – Remediation of Land and Managing Land Contamination: Planning Guidelines (EPA 1998).

### 5.9 Air and Microclimate

The proposal will not give rise to any significant air or microclimate impacts although construction activities on the site have the potential to create dust emissions.

The main sources of potential dust generation will be;

- The mechanical disturbance of the site as part of the creation of site levels
- The movement of trucks to and from the site.

Dust generation mitigation and control measures such as the following will be implemented on site;

wetting down the disturbed areas;
$\square$ limiting the extent of haulage routes and the utilization of any existing stabilized road
surfaces to accommodate vehicle movements;
wetting down of road surfaces which are likely to generate dust;
$\sqsupset$ regular cleaning of road and work surfaces so as to minimize the accumulation of soil
and waste particles.

### 5.10 Flora and Fauna

Given that the subject site has been cleared of all native vegetation as part of the historical development and occupation of the site for residential purposes there are no impacts on flora and fauna associated with the proposed redevelopment of the subject site beyond that which already exists.

### 5.11 Waste

Adequate dedicated waste storage and collection facilities complying with Council's waste requirements will be incorporated into the operation of the proposed dwelling.

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Arrangements will be put in place for the storage and collection of waste and recyclables during the construction of the subject structure.

#### 5.12 Energy

Energy saving devices and fittings will be installed into the proposed development in accordance with the requirements of BASIX.

#### 5.13 Noise and Vibration

The noise levels from the development will be consistent with the residential nature of the locality.

The imposition of Councils standard conditions with respect to the hours of work and maximum sound pressure levels provides for control of noise and vibration generated throughout the construction phase of the project.

#### 5.14 Natural Hazards

Given the location of the subject site the proposed development is not considered to be subjected to any natural hazards.

The subject site is not identified as being subject to the flood planning level and is not shown to be effected by the Level of Probable Maximum Flood. In this regard, the proposed development is consistent with the requirements of the LEP with no specific evacuation considerations required for the nature of the proposed development.

The proposed development will not have significant impact in terms of affecting flood behaviour nor will the proposed development be negatively impacted upon by flood waters.

### 5.15 Safety, Security and Crime Prevention

The proposal has also been designed to maximize safety and minimize the opportunities for criminal behavior.

There are no issues related to safety, security and crime prevention that arise as a result of the proposed development.

### 5.16 Social Impact in the Locality

The proposed development will assist in making the locality more of a lively area with an increased demand for localized services.

The proposed development is compatible with the land use zoning applicable to the area and the amenity of the area.

### 5.18 Economic Impact in the Locality

The proposed development will make a positive contribution by reinforcing the trend for variety in residential development types thereby complying with Council's strategic objectives for the area.

The proposal will have a positive economic impact through the proposed dwelling which will represent an

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injection into the local economy and generate employment opportunities and flow on benefits to other local businesses.

Benefits will also be provided to the local construction industry and related services through the construction phase of the project.

### 5.19 Site Design and Internal Design

The proposed development addresses and contributes to the street frontage whilst also providing opportunities for casual surveillance. Whilst site orientation, setbacks and street address predominantly dictate the building orientation this also provided optimum orientation and assists the residential dwelling to maximize solar access and cross ventilation.

#### 5.20 Cumulative Impacts

The subject allotment is adequately sized, shaped and orientated to accommodate the proposed development. The ability of the site to absorb the proposed density is demonstrated by the general compliance with Council's development controls and the limited environmental impacts.

Accordingly, the cumulative impact of the development on the amenity of the locality is expected to be negligible.

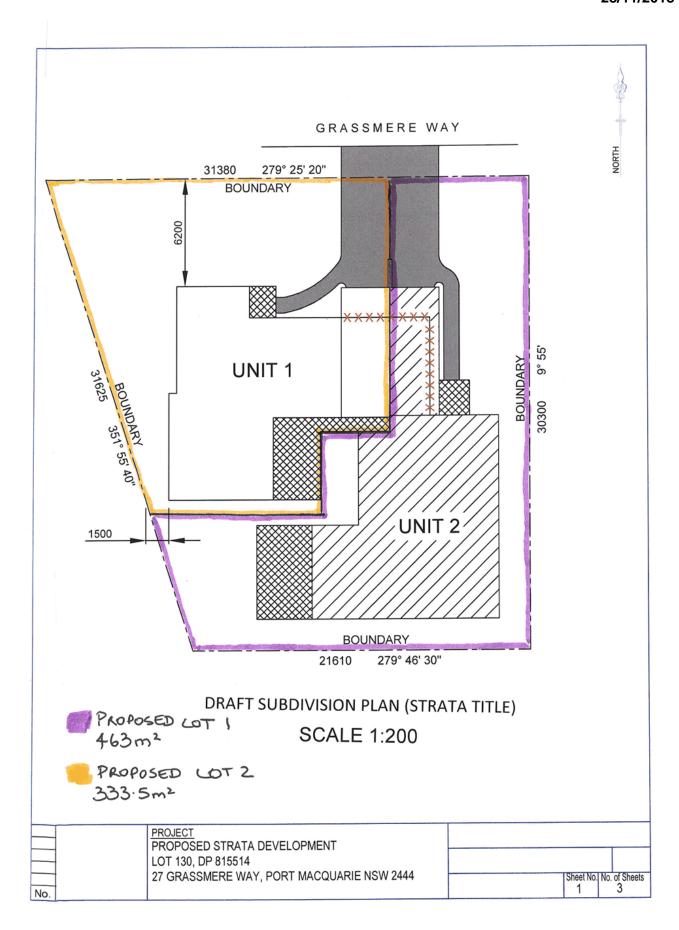
### 5.21 The Public Interest

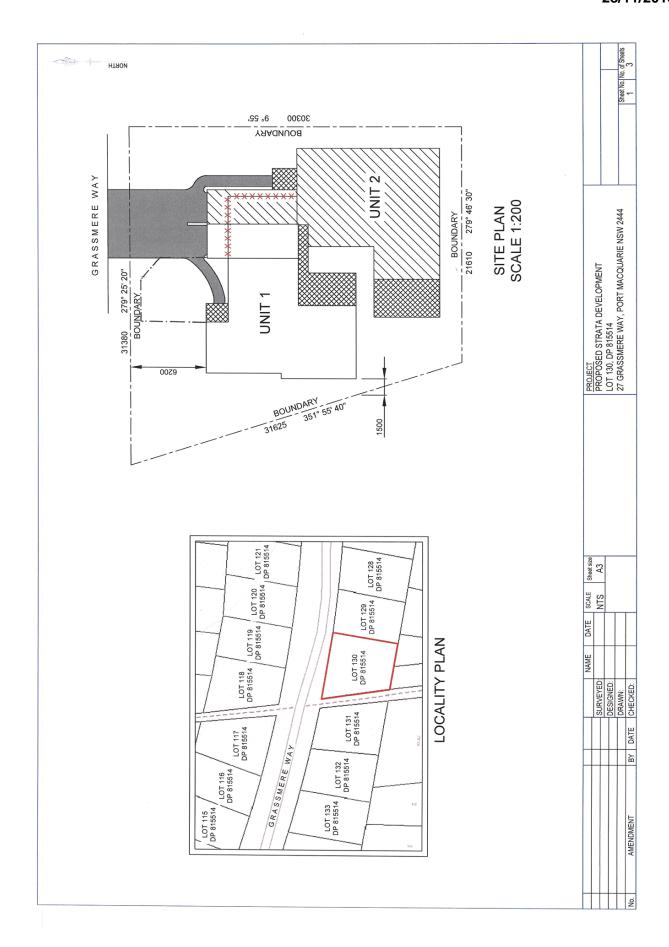
It is considered that the proposal development is consistent with the public interest.

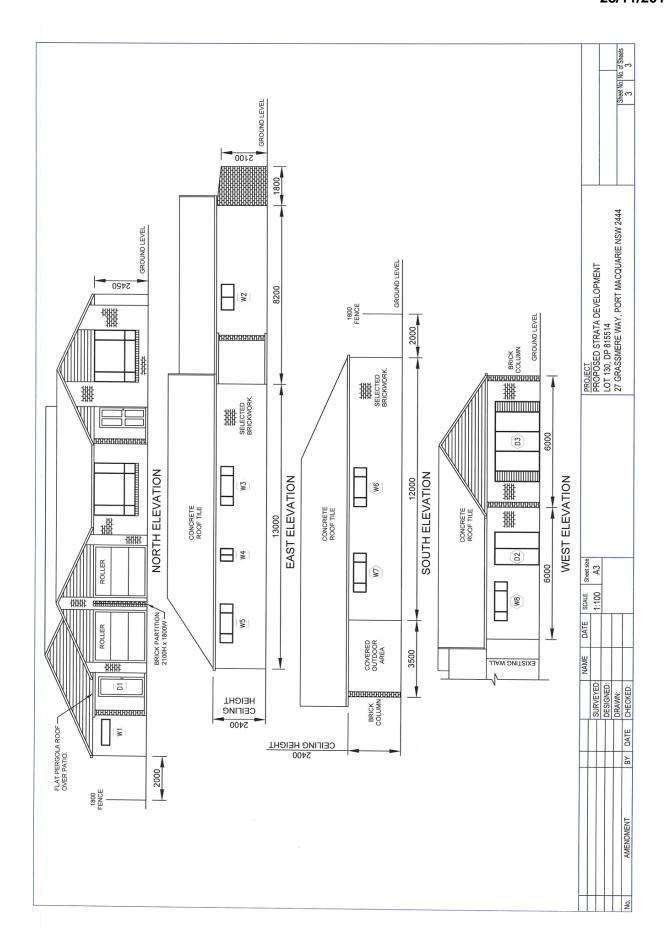
Having regard to the location of the subject site and the preceding assessment of the proposal, the site will adequately accommodate the proposed development. The site of the proposed development does not pose any prohibitive constraints and adjoining and adjacent land and will not be detrimentally affected by the proposal.

### 6.0 CONCLUSION

The proposed residential dwelling development will contribute architecturally to the area, create economic benefits and improve residential and neighborhood amenity.







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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2018/790 DATE: 16/11/2018

#### 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.

Plan / Supporting Document	Reference	Prepared by	Date
Floor Plan		Unknown	Unknown
Plans		Unknown	Unknown
Plan of Subdivision		Unknown	Unknown
Statement of Environmental Effects		David Pensini	September 2018
BASIX	958205S	David Pensini	21 September 2018

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
  - a. the appointment of a Principal Certifying Authority; and
  - b. the date on which work will commence.

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

- (3) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:

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

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

- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

i, deposit with the Council, or

ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - · Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
  - Such works include, but not be limited to:
  - · Footway and gutter crossing
  - · Functional vehicular access

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

- (3) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
  - Sewerage reticulation.
  - 2. Water supply plans.
  - Stormwater systems.
- (4) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate (whichever occurs first) of the Section 7.11 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
  - Port Macquarie-Hastings Administration Building Contributions Plan 2007
  - Hastings S94 Administration Levy Contributions Plan
  - Port Macquarie-Hastings Open Space Contributions Plan 2018
  - · Hastings S94 Major Roads Contributions Plan
  - Port Macquarie-Hastings Community Cultural and Emergency Services Contributions Plan 2005

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 guarterly and the

- provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction or Subdivision Certificate, whichever occurs first, of the Section 64 contributions, as set out in the "Notice of Payment Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
  - augmentation of the town water supply headworks
  - augmentation of the town sewerage system headworks
- (7) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (8) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (9) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (10) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (12) Council records indicate that the development site has an existing 20mm metered water service from the 100 PVC water main on the opposite side of Grassmere Circuit. A second independent metered water service is required for Unit 2. Details are to be shown on the plans.
- (13) Council records indicate that the development site is connected to Sewer via junction to the existing sewer line that runs inside the southern property boundary. Both units are to discharge to existing point of connection. The engineering plans are to ensure that no additional loads are placed on the exiting sewer infrastructure.

#### C - PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C004) Prior to works commencing an application being made to the electricity and telecommunications service providers. Services are required to be underground.
- (2) (C013) Where a sewer manhole and/or Vertical Inspection Shaft (VIS) exists within a property, access to the manhole/VIS shall be made available at all times. Before during and after construction, the sewer manhole/VIS must not be buried, damaged or act as a stormwater collection pit. No structures,

including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

#### **D - DURING WORK**

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

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (4) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (5) (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.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.

- (3) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (4) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
  - As part of a Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
  - As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (5) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (6) (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.
- (7) (E061) Landscaped areas being completed prior to occupation or issue of the Certificate.
- (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. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (10) Prior to issue of a Subdivision Certificate, an interallotment drainage system, and associated 1.5m wide easement for drainage must be provided over Lot 1 to enable the gravity drainage of Lot 2. The easement and interallotment system, must comply with the requirements of AUSPEC D5.
- (11) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.

#### F - OCCUPATION OF THE SITE

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

The reason for this decision is that 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 interest and will not result in significant adverse social, environmental or economic impacts. The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Policies and Development Control Plan or any other ancillary Act or Regulation in force at the time of

the date of determination. The conditions are aimed at protecting the natural environment, preserving our heritage and providing a functional, safe and healthy built environment.



Item: 07

Subject: DA2018 - 778.1 ALTERATIONS AND ADDITIONS TO DWELLING -

LOT 18, NO. 8 CHEPANA STREET, LAKE CATHIE.

**Report Author: Ross Frazier** 

Applicant: Draftworx Designs

Owner: R O' Connor Estimated Cost: \$120,000 Parcel no: 4203

### **Alignment with Delivery Program**

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

#### RECOMMENDATION

That DA2018 – 778.1 for alterations and additions to dwelling at Lot 18 DP241740 No. 8 Chepana Street, Lake Cathie be determined by granting consent subject to conditions.

#### **Executive Summary**

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

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

#### 1. BACKGROUND

#### Existing sites features and surrounding development

The site has an area of 562.8m<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:



Ground and first floor additions to existing dwelling.

Refer to attachments at the end of this report.

#### **Application Chronology**

- Application lodged on 21 September 2018
- Application notified to adjoining owners from 28 September until 12 October 2018
- 1 submission received on 15 October 2018

#### 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 Instruments:

# State Environmental Planning Policy (Coastal Management) 2018 and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is located within a coastal use area / coastal environment area.

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

Having regard to clauses 13 and 14 of the SEPP and clause 5.5 of the Port Macquarie-Hastings LEP 2011 the proposed development is not considered 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 the use of the surf zone;
- h) any adverse impact on the visual amenity and scenic qualities of the coast, including coastal headlands;
- i) overshadowing, wind funneling 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. The site is cleared and located within an area zoned for residential purposes.

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 dwelling (or ancillary structure to a dwelling) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

- o To provide for the housing needs of the community.
- o 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 land use and consistent with the established residential locality.

- Clause 4.3, the maximum overall height of the building above ground level (existing) is 5.78 m which complies with the standard height limit of 8.5 m applying to the site.
- Clause 7.1, the site is mapped as potentially containing class 3 acid sulfate soils. The proposed development includes additional excavation however no excavation extending 1.0m below the natural surface level is proposed, therefore no adverse impacts are expected to occur to the acid sulphate soils found on site.
- Clause 7.6 Applies to land that is shown as Coastal Erosion Risk on the Coastal Erosion Map (Lake Cathie/Town Beach). The proposed development is located within Zone A Stable Foundation Zone, being landward of the 2050 ZRFC line and having no restrictions imposed.

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- The following additional comments are provided which incorporate consideration of the objectives of Clause 7.6 & the Coastal Protection Act 1979, NSW Coastal Policy 1997 and any relevant Coastal Zone Management Plan (CZMP);
- The proposal will not significantly adversely affect coastal hazards;
- The proposal will not result in significant detrimental increases in coastal risks to other development or properties;
- The proposal will not significantly alter coastal hazards to the detriment of the environment:
- The proposal incorporates appropriate measures to manage risk to life from coastal risks, including enabling evacuation of coastal risk areas in an emergency;
- The proposal avoids or minimises exposure to coastal hazards and is compatible with the coastal risk (see clause below)
- The proposal makes provision for relocation, modification or removal of the development to adapt to coastal hazards and sea level rise planning benchmarks for New South Wales.
- The proposal is in line with the provisions of the Lake Cathie Coastal Zone Management Plan/Town Beach Coastline Management Plan.
- (ii) Any draft instruments that apply to the site or are on exhibition:

Nil



## (iii) Any Development Control Plan in force:

## Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development							
	Requirements	Proposed	Complies				
3.2.2.1	Ancillary development:  • 4.8m max. height  • Single storey  • 60m2 max. area  • 100m2 for lots >900m2  • 24 degree max. roof pitch  • Not located in front setback	4.8m max. height Single storey 60m2 max. area 100m2 for lots >900m2 24 degree max. roof pitch Not located in front					
3.2.2.2	<ul> <li>Articulation zone:</li> <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.	Yes				
	Front setback (Residential not R5 zone): • Min. 6.0m classified road • Min. 4.5m local road • Min. 3.0m secondary road • Min. 2.0m Laneway	Front building line setback is compliant with the minimum 4.5m/6.0m front setback requirements. Existing setback maintained	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 is compliant with the minimum front setback requirements. Garage door recessed.	Yes				
	6m max. width of garage door/s and 50% max. width of building	Width of garage door/s are compliant with the maximum width requirements	Yes				
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Driveway crossing/s width are compliant with the maximum width	Yes				



DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development							
	Requirements	Proposed	Complies				
		requirements. Sec 138 application required for new driveway					
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. Existing dwelling complies	Yes				
3.2.2.5	Side setbacks:  • Ground floor = min. 0.9m  • First floors & above = min. 3m setback or where it can be demonstrated that	Upper level setback 1090mm to side boundary and there is no adverse overshadowing impact attributed to the first floor addition.	Yes				
	overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m	Single storey garage wall built to the boundary.	No				
3.2.2.6	35m2 min. private open space area including a useable 4x4m min. area which has 5% max. grade	The dwelling contains 35m² open space in one area including a useable 4m x 4m space.	Yes				
3.2.2.10	Privacy:  • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of	Direct views between living areas of adjacent dwellings within 12m of private open space areas of adjacent dwellings.	Yes				
	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	Highlight windows proposed on side elevation (North)  .  A privacy screen is to be located on the proposed deck extension.	Yes				



	Requirements	Proposed	Complies
principles of Crime Prevention Through		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	No retaining wall likely >1m	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	No trees proposed to be removed	N/A
2.6.3.1	Tree removal (3m or higher with 100m diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	No trees proposed to be removed	N/A
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access proposed to arterial or distribution road.	N/A
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal in width including maximising street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	1 or capacity for more than 1 parking space behind the building line has been provided for.	Yes
2.5.3.11 2.5.3.12 and 2.5.3.13	Section 94 contributions Landscaping of parking areas	Refer to main body of report.  Single dwelling only with 1 domestic driveway. No specific landscaping requirements	N/A



	Requirements	Proposed	Complies
		recommended.	
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway proposed	Yes
2.5.3.15 and 2.5.3.16	or 'parking area' shall be	Driveway grades capable of satisfying Council standard driveway crossover requirements. Condition recommended for section 138 Roads Act permit	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Single dwelling only with 1 domestic driveway. Stormwater drainage is capable of being managed as part of plumbing construction.	Yes

The proposal seeks to vary one Development Provision of DCP 2013.

### Cl 3.2.2.5 Provisions

(a) Ground floor is located closer than 900mm to side boundary Construction of the garage wall will meet the construction requirements under
the Building Code of Australia for fire safety. The length of wall is relatively
short and will not cause overshadowing or adverse bulk and scale impacts.

The above variation is considered to be acceptable and insufficient grounds exist to justify refusal of the application on this basis.

(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:

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

iv) Any matters prescribed by the Regulations:

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

The proposed development is consistent with the objectives and strategic actions of this policy.

#### **Demolition of Buildings AS 2601:**

Demolition of the existing building on the site is capable of compliance with this 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:



#### **AGENDA**

# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

The proposal is considered to be compatible with the existing residential locality and satisfactorily addresses the public domain.

There is no adverse impact on view sharing attributed to the proposal.

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.

#### Noise and vibration

Structural design will be required to demonstrate any need for underpinning adjacent footings Condition recommended to restrict construction to standard construction hours.

#### Site design and internal design

The development has satisfactorily responded to the site. The provisions of highlight windows and privacy screen, coupled with the separation provided to adjoining principle private open space areas results in a proposal that does not have a significant adverse impact on neighbours.

#### Construction

A structural design certificate will be required to address the structural components and ensure that no detrimental effects are imposed on the adjoining property

#### **Cumulative Impacts**

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

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

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

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

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

One (1) written submissions have been received following public exhibition of the application.

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



Submission Issue/Summary	Planning Comment/Response
Perception of Building bulk	The upper floor setback complies with the DCP. The garage wall built to boundary is considered acceptable given the relatively short length of wall along the boundary. The garage wall is located to the south of the neighbouring dwelling so will not result in any overshadowing. The garage wall is not adjoining the principle private open space of the neighbouring dwelling
Loss of amenity through minimum distance of upper level addition to existing wall	The upper floor is considered to comply with the DCP and is capable of complying with the Building Code of Australia.  Adequate privacy measures are proposed.
Use of Shed / garage Survey of boundary	No change to current garage proposed  A condition of consent can be applied to require a survey prior to work commencing to identify the side boundary.
Coastal erosion risk	The site is located in the stable area of the zone and no additional construction safeguards are required
Structural concerns with excavation and proximity to existing dwelling	Structural design considerations are able to constrain works and mitigate issues. Engineering design and certification will be required at the construction certificate stage.
Alternative designs possible given the size and existing setback of the current dwelling	Noted. The proposal needs to be assessed on merit as submitted. Design changes have been made through the assessment process to respond to neighbour concerns.

### (e) The Public Interest:

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

#### 4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Nil

#### 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 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 not be approved subject to conditions provided.



## **AGENDA**

# DEVELOPMENT ASSESSMENT PANEL 28/11/2018

#### **Attachments**

1<u>View</u>. DA2018 - 778.1 Plans.

2View. DA2018 - 778.1 Recommended Conditions



RHONDA O'CONNOR

LOT: LOT: 18

DP: DP: 241740

8

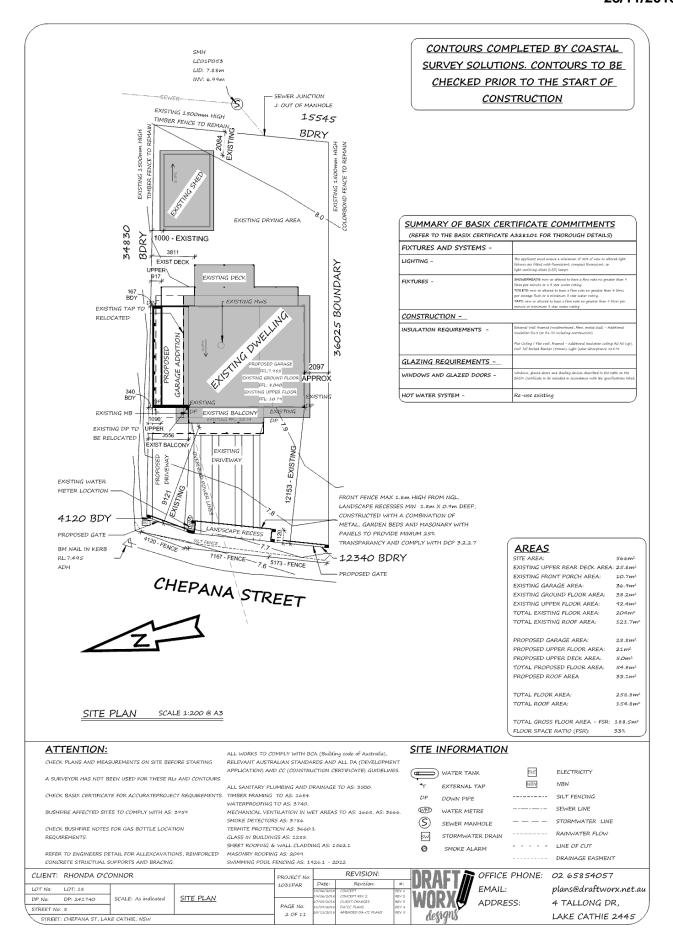
CHEPANA ST, LAKE CATHIE, NSW

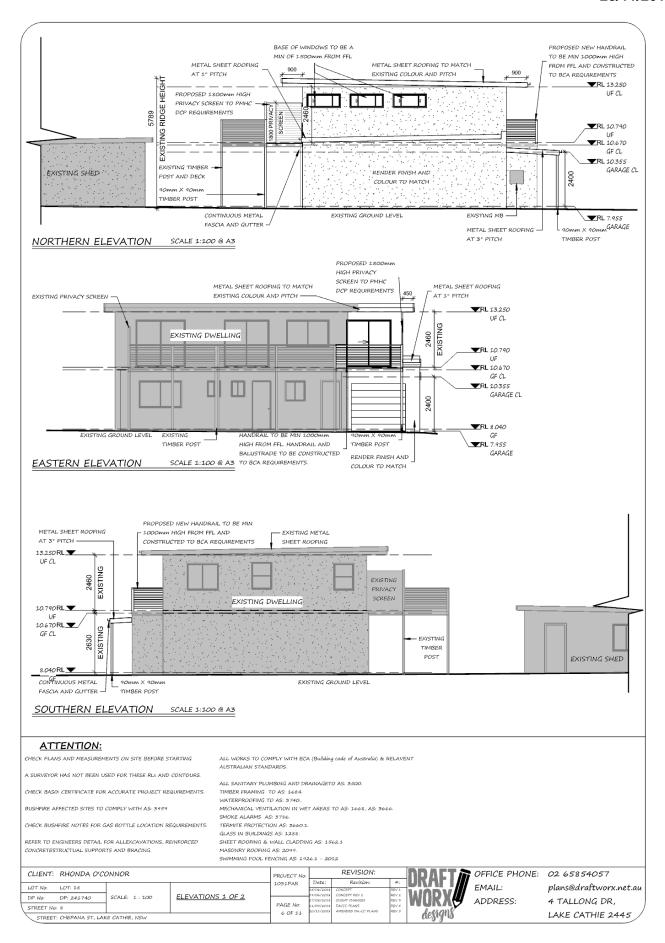


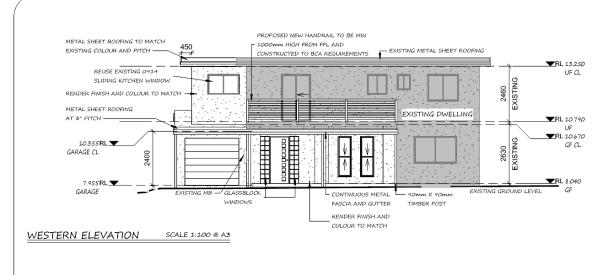


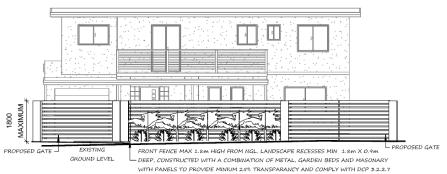
Creating your dreams, one line at a time.

CLIENT: RHONDA O'CONNOR			PROJECT No:		REVISION:		<b>NDACT</b>	OFFICE PHONE:	02 65854057	
Н	LOT No: LOT: 18			1031PAR	Date:	Revision:	#:	NIVIL I	EMAIL:	02 65854057 plans@draftworx.net.au
⊢					15/06/2018		REV 1 REV 2		EMAIL:	pians@araitworx.net.au
ᆫ	DP No: DP: 241740	SCA <b>LLOTIVE OF GEAGE</b> LE	COVER PAGE	PAGE No:	27/08/2018		REV 3	WIIKX	ADDRESS:	4 TALLONG DR.
\	STREET No: 8			PAGE NO:	11/09/2019		REV 4		ADDICESS.	+ TALLONG DIC,
/	STREET: CHEPANA ST, LAN	CE CATHIE, NSW		1 OF 11	20/13/2018	AMENDED DA-CC PLANS	REV S	designs		LAKE CATHIE 2445









#### FRONT FENCE ELEVATION SCALE 1:100 @ A3

FIXTURES AND SYSTEMS -	
LIGHTING -	The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) (amps.
FIXTURES -	SHOWERHEADS new or altered to have a flow rate no greater than 9 lives per mounts or a 5 star water rating. TORLETS: new or altered to have a flow rate on greater than 4 litres per average flush or a minimum 3 star vooter rating. TAPS: new or altered to have a flow rate no greater flam 4 litres per minimum or minimum. S to revent reting.
CONSTRUCTION -	
INSULATION REQUIREMENTS -	External Wall: framed (weatherboard, fibro, metal class) - Additional Insulation R1.5 (or R1.70 including construction)
	Hat Cilling / Flat roof, Franced - Additional insulation coiling: RO-90 (up roof: foil Backed Blanket (SSWM), Light (Solar absorptionce 40.475
GLAZING REQUIREMENTS -	
WINDOWS AND GLAZED DOORS -	Windows, glazed doors and shading devices described in the table on the BASIX Certificate to be installed in accordance with the specifications list
HOT WATER SYSTEM -	Re-use existing

#### ATTENTION:

A SURVEYOR HAS NOT BEEN USED FOR THESE RLs AND CONTOURS.

CHECK BASIX CERTIFICATE FOR ACCURATE PROJECT REQUIREMENTS.

BUSHFIRE AFFECTED SITES TO COMPLY WITH AS: 3959

CHECK BUSHFIRE NOTES FOR GAS BOTTLE LOCATION REQUIREMENTS.

REFER TO ENGINEERS DETAIL FOR ALLEXCAVATIONS, REINFORCED CONCRETESTRUCTUAL SUPPORTS AND BRACING.

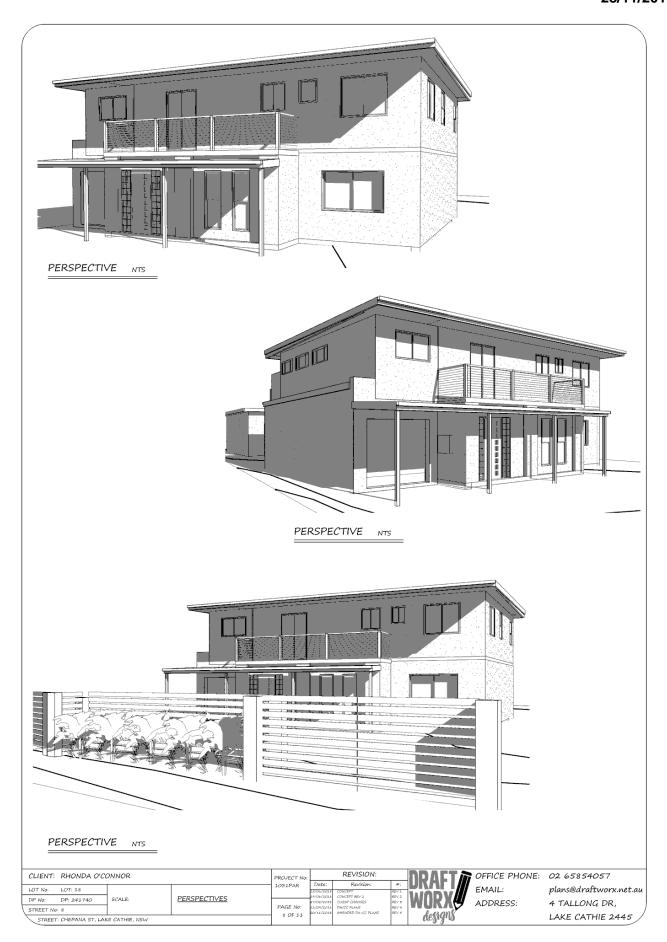
ALL SANITARY PLUMBING AND DRAINAGETO AS: 3500.

TIMBER FRAMING TO AS: 1684.
WATERPROOFING TO AS: 3740.
MECHANICAL VENTILATION IN WET AREAS TO AS: 1668, AS: 3666.

SMOKE ALARMS AS: 3786.

SMOKE ALARMS AS: 3786.
TERMITE PROTECTION AS: 3660.1.
GLASS IN BUILDINGS AS: 1288.
SHEET ROOFING &: WALL CLADDING AS: 1562.1
MASONINY ROOFING AS: 2009.
SWIMMING POOL FENCING AS: 1926.1 - 2012.

L										
	CLIENT: RHONDA O'CONNOR			PROJECT No:		REVISION:		<b>NDACT</b>	OFFICE PHONE:	02 65854057
ł	LOT No: LOT: 18			1031PAR	Date: 35/06/2038	Revision:	#:	UKAF I	EMAIL:	plans@draftworx.net.au
	DP No: DP: 241740	SCALE: 1:100	ELEVATIONS 2 OF 2		19/06/2018 27/08/2018	CLIENT CHANGES	REV 3	WURX#	ADDRESS:	4 TALLONG DR,
١	STREET: CHEPANA ST, LAK	E CATHIE. NSW			31/09/2018 20/31/2038	DAVCC PLANS AMENDED DA-CC PLANS	REV 4	designs		LAKE CATHIE 2445
								0 0		



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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2018/778 DATE: 21/11/2018

#### 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.

Plan / Supporting Document	Reference	Prepared by	Date
Floor Plans	Project No: 1031PAR	Draft Worx	20/11/2018
Site plans / Elevations	Project No: 1031PAR	Draft Worx	20/11/2018
Engineering Plans	11168	Beukers and Ritter Consulting	October 2018
BASIX Certificate	A328101	Craig Maltman	12/9/2018

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

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

- (3) (A009) The development site is to be managed for the entirety of work in the following manner:
  - 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;
  - 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.
- Building work being limited to the following hours, unless otherwise permitted by Council;
  - Monday to Saturday from 7.00am to 6.00pm
  - No work to be carried out on Sunday or public holidays

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

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - · Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) A certificate from the structural engineer responsible for the structural designs for the project shall provide a certificate to the Principal Certifying Authority confirming that the designs have taken into consideration the location of the adjoining property

#### C - PRIOR TO ANY WORK COMMENCING ON SITE

nil

#### **D - DURING WORK**

- (1) (D007) A survey certificate from a registered land surveyor is to be submitted to the Principal Certifying Authority at formwork stage. Such certificate shall set out the boundaries of the site, the actual situation of the buildings and include certification that siting levels comply with the approved plans.
- (2) (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

#### 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) (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.

#### F - OCCUPATION OF THE SITE

ni

#### CONDITIONS APPLYING TO JETTIES AND BOAT RAMPS

nil