



Development Assessment Panel

Business Paper

date of meeting: Wednesday, 13 February 2013

location: Function Room, PMHC, Port Macquarie

time: 2.00pm

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



**PORT MACQUARIE
HASTINGS**

Development Assessment Panel

CHARTER

Functions:

1. To review development application reports and conditions.
2. To determine development applications outside of staff delegations.
3. To refer development applications to Council for determination where necessary.
4. To provide a forum for objectors and applicants to make submissions on applications before DAP.
5. To maintain transparency for the determination of development applications.

Delegated Authority:

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.

Format Of The Meeting:

1. Panel meetings shall be carried out in accordance with Council's Code of Meeting Practise for Council Sub-Committees, except where varied by this Charter.
2. Meetings shall be "Open" to the public.
3. 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.

Development Assessment Panel

ATTENDANCE REGISTER

Member	17/10/12	07/11/12	21/11/12	12/12/12
Paul Drake	✓	✓	✓	✓
Matt Rogers	X	X	X	X
Dan Croft	A	✓	✓	✓
Patrick Gailbraith-Robertson (alternate)			✓	
Clinton Tink (alternate)	✓		✓	
David Fletcher	✓	✓	✓	✓
Paul Biron (alternate)				
Cliff Toms	A	✓	✓	✓
David Troemel (alternate)	✓			

Member	23/01/13				
Paul Drake	✓				
Matt Rogers					
Dan Croft	✓				
Patrick Gailbraith-Robertson (alternate)					
David Fletcher	✓				
Cliff Toms	✓				
Geoff Metcalfe (alternate)					
David Troemel (alternate)					
Lewin Wiles (alternate)					

Key: ✓ = Present

A = Absent With Apology

X = Absent Without Apology



**PORT MACQUARIE
HASTINGS**

Development Assessment Panel Meeting

Wednesday, 13 February 2013

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**PORT MACQUARIE
HASTINGS**

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 23 January 2013 be confirmed.

PRESENT

Members:

Paul Drake
Dan Croft
David Fletcher
Cliff Toms

Other Attendees:

Ben Roberts
Jesse Dick
Clinton Tink
Fiona Tierney
Ben Roberts
Cheryl Lowe
Rebecca Everingham

The meeting opened at 2.00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

There were no apologies.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 12 December 2012 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA 2012/0210-TWO LOT TORRENS TITLE SUBDIVISION AND VOLUNTARY PLANNING AGREEMENT - 370 OCEAN DRIVE, WEST HAVEN

Speaker:

Tony Thorne (applicant)

CONSENSUS:

1. That DA 2012/210 for a Two Lot Torrens Title Subdivision at Lot 1, DP 827937, No. 370 Ocean Drive, West Haven, be determined by granting consent subject to the recommended conditions and as amended below:
 - remove first dot point in condition A5
 - delete condition A8
 - delete first dot point in condition B1
 - Add new condition in Section E of the consent to read 'A restriction as to user is to be placed on the title of lot 2 prohibiting the erection of a dwelling or dwellings on the lot until such time as arrangements, to the satisfaction of Council, are in place for the provision of sewerage services to the land. Port Macquarie-Hastings Council is to be nominated as the sole party to vary or modify the restriction.
 2. That the Development Assessment Panel approve the West Haven Environmental Land Management Planning Agreement Deed of Variation and recommend to the General Manager to exercise delegation, granted by the Council resolution of 22 October 2008, to enter into the Planning Agreement.
-

06 DA2012/0502 - TWO (2) LOT SUBDIVISION AND CLAUSE 4.6 VARIATION TO CLAUSE 4.1 BEING THE MINIMUM LOT SIZE STANDARD IN PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011, LOT 69 DP 1103700, 2 OCEAN DRIVE, KEW

CONSENSUS:

That DA 2012/0502 for a two (2) lot subdivision and Clause 4.6 Variation to Clause 4.1 being the Minimum Lot Size Standard in the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 69 DP 1103700, No. 2 Ocean Drive, Kew, be supported and it be recommended to Council that the application be determined by granting consent subject to the recommended conditions.

07 DA 2012/0542 - DEMOLITION OF EXISTING DWELLING & GARAGE &

**CONSTRUCTION OF MULTI DWELLING HOUSING (X3) & STRATA
SUBDIVISION**

Speakers:

Patricia Williams (o)

Gay Wood (o)

James Collins (applicant)

CONSENSUS:

That DA 2012/0542 for Demolition of a dwelling & garage & construction of multi dwelling housing (x3) & strata subdivision at Lot 18, DP 236298, No. 4 Anita, Port Macquarie, be determined by granting consent subject to the recommended conditions.

08 DA 2012/0558 - RESTRICTED PREMISES & SIGNAGE

Speakers:

Margaret Donnelly (o)

Rose Attenborough (o)

Derek Summers (o), Karen Packer (o)

Evelyn Frewen(o)

Jeff Oliver (applicant)

CONSENSUS:

That DA 2012/0558 for a Restricted Premises and Signage at Lot 2 DP 227589 and Lot 10 DP 758852, No. 135 Horton Street, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Additional condition in Section F of the consent to read 'customers are not permitted to use the rear access to the premises'.
- Additional condition in Section F of the consent to read 'signage is no permitted to be illuminated outside business hours of operation.'

The meeting closed at 3.25pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:
Meeting Date:
Item Number:
Subject:
.....

I, declare the following interest:

☐**Pecuniary:**

Take no part in the consideration and voting and be out of sight of the meeting.

☐**Non-Pecuniary - Significant Conflict:**

Take no part in the consideration and voting and be out of sight of the meeting.

☐**Non-Pecuniary - Insignificant Conflict:**

May participate in consideration and voting.

For the reason that:
.....

Signed: Date:

(definitions are provided on the next page)

Definitions

(Local Government Act and Code of Conduct)

Pecuniary

An interest that a person has in a matter because of a reasonable likelihood or expectation or appreciable financial gain or loss to the person or another person with whom the person is associated. (*LG Act s442 and s443*).

A Councillor or member of a Council Committee who is present at a meeting and has a pecuniary interest in any matter which is being considered must disclose the nature of that interest to the meeting as soon as practicable.

The Councillor or member of a Council Committee must not take part in the consideration and voting on the matter and be out of sight of the meeting. (*LG Act s451*)

Non-Pecuniary

An interest that is private or personal that the Councillor or member of a Council Committee has that does not amount to a pecuniary interest as defined in the LG Act.

If you have declared a non-pecuniary interest you have a number of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature and significance of your interest. You must deal with a non-pecuniary interest in one of the following ways.

Non Pecuniary – Significant Interest

(For example; family, a close friendship, membership of an association, sporting club, corporation, society or trade union).

- Have no involvement by absenting yourself from and not taking part in any consideration or voting on the issue as if the provisions in the LG Act s451(2) apply.
- A future alternative is to remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).

Non Pecuniary – Less than Significant Interest

- It may be appropriate that no action is taken. However, you must provide an explanation of why you consider that the conflict does not require further action.

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Signature: Date:

Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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

Item: 05

Subject: STAGED SEVENTY TWO (72) LOT RESIDENTIAL SUBDIVISION,
WITH TWO (2) DRAINAGE RESERVES AND A RESIDUE LOT AT LOT
3 DP 552001, PARISH CAMDEN HAVEN, DUNBOGAN

Report Author: Clint Tink

Property:	Lot 3 DP 552001, Parish Camden Haven, Dunbogan
Applicant:	Luke & Company
Owner:	Castle Holdings Pty Ltd
Application Date:	5 April 2012
Date Formal:	24 December 2012
Estimated Cost:	N/A
Location:	Dunbogan
File no:	DA 2012/0163
Parcel no:	36210

Alignment with Delivery Program

- 4.9.2 Undertake development assessment in accordance with relevant legislation.
- 4.9.3 Implement and maintain a transparent development assessment process.

RECOMMENDATION

1. That the Koala Plan of Management prepared by Darkheart Eco-Consultancy dated January 2012 be adopted, subject to the changes outlined by the Department of Planning and Infrastructure in their letter dated 16 August 2012.
2. That upon acceptance of recommendation 1, DA 2012/0163 for a staged seventy two (72) lot residential subdivision, with two (2) drainage reserves and a residue lot at Lot 3, DP 552001, Parish of Camden Haven, Dunbogan, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for staged seventy two (72) lot residential subdivision, with two (2) drainage reserves and a residue lot at the subject site.

This report provides an assessment of the application in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

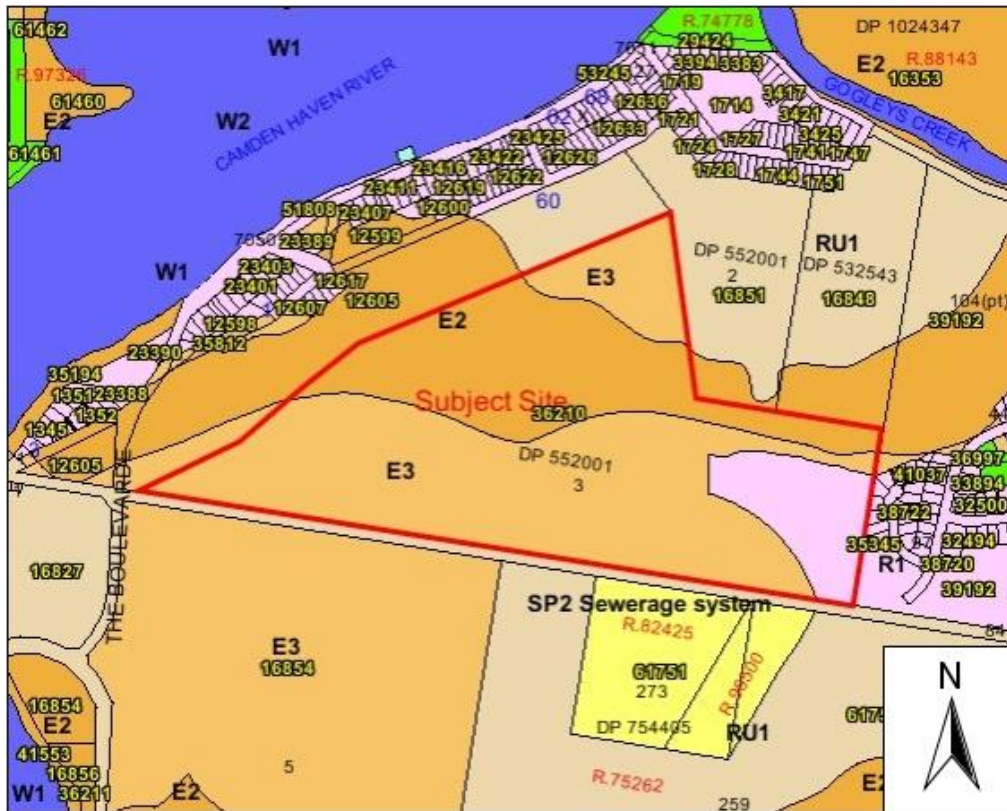
Subsequent to exhibition of the application, two (2) submissions have been received.

1. BACKGROUND

Existing sites features and Surrounding development

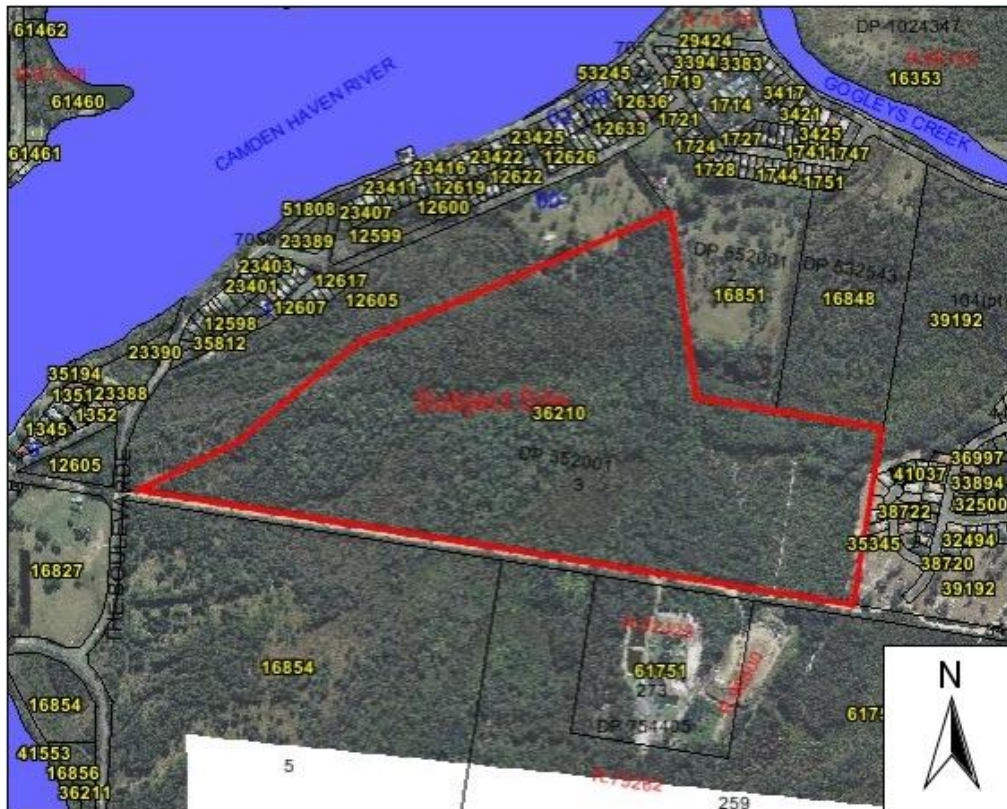
The site has an area of 50.56ha.

The site is zoned R1 General Residential, E2 Environmental Conservation and E3 Environmental Management in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The property is currently in an undeveloped state but comprises a mixture of areas disturbed via sand mining and environmental zoned land. Adjoining the site to the north, west and south is further established environmental land, semi cleared rural land and a sewerage treatment plant/landfill (to the south). To the west of the site is an expanding residential area, which will eventually connect in with this site/development via Scarborough Way. Access to the site is from Tip Road with future access to come off an extension of Scarborough Way to the west.

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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the application proposal include the following:

- Seventy two (72) residential lots to be created in six (6) stages. Two (2) drainage reserves and a residue lot will also be created.
- The residential lots range in size from 454m² to 1566m².
- The residue lot will be 44ha.
- The development comprises an extension of Scarborough Way and connection to the Tip Road.
- Removal of vegetation.
- A Koala Plan of Management accompanies the application.

Refer to attachments at the end of this report.

Application Chronology

- 24/5/2011 - The proposal was presented to Council's Pre-lodgement Panel Meeting.
- 5/4/2012 - Application lodged with Council.
- 13/4/2012 - Council staff requested additional fees for integrated development.
- 18/4/2012 to 3/5/2012 - Notification period.
- 26/4/2012 - Applicant paid outstanding fees as per letter Council's letter dated 13/4/2012. Council staff also requested additional information in relation to a number of issues including an Autocad file for the layout, owners consent to create an easement for bushfire on the adjoining property, social impact comment, SEPP 71 Masterplan waiver, details on the residue lot, archaeology assessment and works in the E3 zone.

- 25/5/2012 - Department of Planning & Infrastructure required additional information on the KPOM.
- 31/5/2012 - Applicant responded to issues raised by Council letter dated 26/4/2012.
- 31/5/2012 to 6/6/2012 - Discussions were held between Council staff and the Department of Planning and Infrastructure to ensure a consistent response on the KPOM requirements.
- 12/6/2012 - Council staff requested additional information on the KPOM aspect from the applicant. Additional information was also sought on works in the E3 zone and tree protection.
- 21/6/2012 - The Department of Planning and Infrastructure advised that they waived the requirement for a SEPP 71 Masterplan. The NSW Rural Fire Service provided the Bushfire Safety Authority.
- 16-30/7/2012 - Application re-notified to cater for additional integrated development being triggered that was not in the original application/notification.
- 30/7/2012 - The Office of Environment & Heritage requested further information on aboriginal archaeology aspect, which was forwarded to the applicant on the same day.
- 10/8/2012 - Department of Planning and Infrastructure granted approval to the KPOM subject to conditions.
- 16/8/2012 to 6/9/2012 - Consultation between applicant and Council staff regarding archaeology assessment.
- 20/8/2012 - Council staff sought clarification on the ecological report regarding the impact of perimeter works (ie drainage) on trees to be retained.
- 25/10/2012 - Applicant responded to Council's request dated 20/8/2012 regarding the ecological report.
- 29/11/2012 - Applicant responded to the Office of Environment & Heritage's request dated 30/7/2012, which Council staff forwarded on that same day.
- 24/12/2012 - Office of Environment & Heritage provided General Terms of Approval.

3. STATUTORY ASSESSMENT

Section 79C(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 14 - Coastal Wetlands

The site contains SEPP 14 Coastal Wetlands. However, the wetlands are not proposed to be developed and will be retained in the residue lot. In this regard, no adverse impact is foreseen to the SEPP 14 Coastal Wetland and no further consideration is required in this case.

State Environmental Planning Policy 44 - Koala Habitat Protection

In accordance with clauses 6 and 7, the subject land has an area of more than one (1) hectare in size and therefore the provisions of the SEPP must be considered.

The applicant commissioned an ecological assessment to be carried out on the property by Darkheart Eco-Consultancy. The results of the assessment showed that the site contained core koala habitat.

A Koala Plan of Management (KPoM) was subsequently prepared by the consultant in accordance with the SEPP and forwarded to the Department of Planning and Infrastructure (DoPI) for approval. Subject to some minor changes and conditions being imposed on any consent issued, DoPI have granted concurrence to the KPoM. A copy of the KPoM and the DoPI approval are attached at the end of this report.

In accordance with Clause 13, DAP (as delegate of Council) is also required to approve the KPoM. In considering whether to give approval, Circular B35 relating to SEPP 44 is to be taken into consideration. An assessment of the relevant criteria is provided below:

SEPP 44 Criteria listed in Circular B35	Assessment/Compliance
<i>(i) an estimate of population size</i>	4 koalas within DA envelope/site and 10-25 koalas within wider area
<i>(ii) Identification of preferred feed tree species for the locality and extent of resource available</i>	Nominated - Swamp Mahogany dominant preferred trees species.
<i>(iii) An assessment of the regional distribution of koalas and the extent of alternative habitat available to compensate for that affected by the actions</i>	Comment provided. Site is important component of significant regional koala habitat.
<i>(iv) Identification of linkages of core koala habitat to other areas of habitat and movement of koalas between areas of habitat. Provision of strategies to enhance and manage these corridors.</i>	Linkages nominated - main habitat link to the west and south.
<i>(v) Identification of major threatening processes such as disease, clearance of habitat, road kill and dog attack which impact on the population. Provisions of methods for reducing these impacts.</i>	Management plan provided identifying threatening processes and strategies for ongoing management
<i>(vi) Provision of detailed proposals for the amelioration of impacts on koala populations from any anticipated development within zones of core koala habitat.</i>	Criteria provided.
<i>(vii) Identification of any opportunities to increase size or improve condition of existing core habitat, this should include lands adjacent to areas of identified core koala habitat.</i>	KPoM largely nominates strengthening of habitat through compensatory planting (Figure 7)
<i>(viii) The plan should state clearly what it aims to achieve (for example, maintaining or expanding the current population size or habitat area)</i>	Objectives stated.

<i>(ix) The plan should state the criteria against which achievement of these objectives is to be measured (for example, a specified population size in a specific time frame or the abatement of threats to the population)</i>	Suitable implementation schedule provided for DA,CC and operational phases.
<i>(x) The plan should also have provisions for continuing monitoring, review and reporting. This should include an identification of who will undertake further work and how it will be funded.</i>	Annual monitoring proposed by the developer. The staging of the development allows conditions of consent to be imposed that provide a level of certainty that the monitoring is undertaken (i.e stages will not be release if monitoring is not up to date and of a suitable standard)

State Environmental Planning Policy 55 – Remediation of Land

The site has a history of sand mining, which has the potential to create residues of heavy minerals that can contain radioactive elements and heavy metals. As a result the applicant commissioned a Preliminary Environmental Site Assessment in accordance with the SEPP. Borehole results showed only clean sand and NSW Geological Surveys also had no records of sand process plants or tailings dams onsite. The assessment did reveal a pile of dumped asbestos fibre sheeting, which will be conditioned to be removed and disposed of in an appropriate manner.

In addition to the above, no reports of contamination were found on the previous sections of Scarborough Way (which originally formed part of the sand mining area) and the adjoining Lot 104 DP 1045644 (Note: a recent development application DA 2012/0128 has been approved on the subject lot and also included an assessment of contamination).

Council's Environmental Health Officer also noted that the Preliminary Site Investigation Report indicates that while regional groundwater flow direction typically follows topographic slopes, which for this site would be towards the south and west, data from the geotechnical investigation at the site indicates a variable indurated sand (coffee rock) horizon(s) is present. Indurated sands can form an aquitard at the base of unconfined aquifers in overlying sand deposits. Groundwater flow direction across the site will therefore vary according to the position of the indurated sand horizon.

With regard to the above, it is also noted that a sewage treatment plant and waste landfill depot operated by Council are located to the south of the site. Local groundwater flow from these locations should follow the topographic surface to the south, east and west away from the proposed site development but will be influenced by the extent and orientation of underlying indurated sand horizons.

Therefore local groundwater should not be used to obtain drinking water or domestic water supplies

Based on the above assessment, it is unlikely that the site contains any known contamination and therefore the need for any remediation. The consultants who carried out the assessment have also recommended a number of safety conditions should heavy minerals be found during excavation work, which are included as conditions of consent.

State Environmental Planning Policy 62 - Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and the location of the subdivision; the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the nearby Camden Haven River.

State Environmental Planning Policy 71 – Coastal Protection

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71. The site is further identified as being within a sensitive coastal location.

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 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore;
- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage; and
- g) reduce the quality of the natural water bodies in the locality.

In particular, the site to be developed for the subdivision has been previously disturbed and is located within an area zoned for residential purposes. An ecological assessment has confirmed that there will be no adverse impact on flora and fauna. The site is shielded from the coast and waterways by topographical features and the Tip Road access to the beach will be retained.

In addition to the above, the development triggered the need for a Masterplan under Clause 18 of the SEPP. The applicant subsequently requested a Masterplan waiver from the Department of Planning & Infrastructure (DoPI) under Clause 18(2). The DoPI approved the waiver on 21 June 2012.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The proposed drainage reserves can be created under the subject SEPP under Subdivision 38.

State Environmental Planning Policy (Infrastructure) 2007

The development does not trigger any of the clauses or thresholds in the SEPP.

State Environmental Planning Policy (Major Development) 2005

The development does not trigger any of the clauses or thresholds in the SEPP.

State Environmental Planning Policy (Rural Lands) 2008

Development complies – refer to attached assessment table at the end of this report.

Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned R1 General Residential, E2 Environmental Conservation and E3 Environmental Management. In terms of the development application, the actual proposal is confined to the R1 and E3 zoned land. For this reason, the E2 zone has predominately not been considered throughout this report.

In accordance with clause 2.3(1) and the R1 and E3 zone landuse tables, the proposed development for a residential subdivision is a permissible landuse with consent.

The objectives of the R1 and E3 zones are as follows:

R1 objectives

- 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.

E3 objectives

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

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

- the proposal is a permissible landuse;
- the proposal will provide additional lots for housing to meets the needs of the community.
- the proposal provides a range of lot sizes and shapes.
- The section of E3 zoned land to be developed for Asset Protection Zones (APZ), roads and drainage are permissible land uses (ie subdivision works) that will not impact on ecological values and are limited in scale. This is reinforced by the Ecological Assessment, which showed the works create no adverse impact on flora and fauna. The APZ's and drainage areas will also still retain habitat qualities and the road encroachments are considered minor. The road encroachment created from the Tip Road are essential in creating a bend/traffic calming measure to Scarborough Way. The traffic calming will

reduce speeds and therefore lessen impacts on fauna that may cross sections of the road.

In accordance with clause 4.1, the lot sizes within the proposed subdivision range from 454m² to 1566m² in the R1 zone and 44 ha in the E2/E3 zones. All proposed lots comply with the minimum lot sizes identified in the Lot Size Map relating to the site being 450m² relative to the R1 zoned land area and 40ha for the E2/E3 zoned area. Drainage reserves outside of the R1 zone can be created under SEPP (Exempt and Complying Development Codes) 2008.

In accordance with clause 5.9, trees listed in Development Control Plan 2011 are proposed to be removed. The removal of the vegetation has been accepted by an ecologist report and also Council's Tree Preservation Officer, subject to the imposition of conditions to manage the removal and replacement process.

Clause 5.10 Heritage - Previous studies carried out on the site showed that the north eastern corner of the residential zoned land was likely to contain sources of aboriginal heritage. The applicant requested that any items found in the area be removed. Such activity triggers integrated development under the National Parks and Wildlife Act 1974 and the need to obtain approval from the Office of Environment and Heritage (OEH). The applicant subsequently prepared a Cultural Heritage Assessment for the OEH, which included consultation with local aboriginal groups. The OEH have since approved of the development and provided their General Terms of Approval, which will be included in the conditions of consent.

In accordance with clause 7.1, the area to be developed has class 3 & 5 potential acid sulfate soils (ASS). The applicant commissioned a Geotechnical Assessment, which showed no evidence of ASS in the boreholes undertaken. Furthermore, the report indicated that it would be unlikely that ASS would be found in areas to be excavated.

In accordance with clause 7.3, the area to be developed (ie the R1 and E3 zoned areas) onsite are not considered to be land within a mapped "flood planning area", but do require access through areas affected by flooding.

The same flooding issue was discussed and accepted during the rezoning of the land and also via a flood assessment report included on the adjoining property under a previous DA 2012/128. The report on DA 2012/128 confirmed that the area to be developed is not flood prone or affected by climate change. The access to the site will be affected by flooding and climate change. The report recommended that during a flood, residents should shelter in place. Evacuation is not recommended, but if required, will need to be co-ordinated by the relevant authorities at the time. This is much the same for the majority of residents living at Dunbogan.

A note on the title of the proposed lots was also applied through the conditions of consent, advising future residents of the flooding issues associated with the area.

In this regard, the following comments are provided which incorporate consideration of Council's Interim Flood Policy:

- The proposal is compatible with the flood hazard of the land
- The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties
- The proposal incorporates measures to manage risk to life from flood
- 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

The above approach was considered acceptable for DA 2012/128 and the situation does not change for this proposal. Therefore flooding impact is considered acceptable.

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and sewer infrastructure to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

None relevant.

(iii) any Development Control Plan in:

Port Macquarie Hastings Development Control Plan 2011

Development complies – refer to the attached assessment at the end of this report.

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

None relevant.

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy

The proposed development is consistent with the objectives and strategic actions of this policy. Refer to comments on SEPP 71 for further context.

v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)), that apply to the land to which the development application relates:

None relevant.

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

Context & Setting

The site is located on the edge of an expanding Dunbogan urban area with an extension having been issued to the east under DA 2012/128. Surrounding the remainder of the site is vegetated environmental and rural zoned lands. There is an existing sewage treatment plant and landfill/tip to the south. The proposed subdivision pattern is consistent with existing residential development in the locality and no significant adverse impacts have been identified.

Access, Transport & TrafficRoads

The subdivision proposes construction of a perimeter road plus three cul-de-sacs. The perimeter road is proposed to be linked to the Tip Road and be linked to Scarborough Way.

The Tip Road is an unsealed road, presently in poor condition.

The application states “upgrading the adjoining unsealed road which has recently transferred to Council control” and “linkage with the adjoining road network to the east to provide vehicular access.”

Clearly, it is proposed to have the development link with the Tip Road for access to the site. However, the plans submitted indicate that the proposed subdivision would also be linked to Scarborough Way.

Proposed upgrading of the Tip Road by Council

Council has commenced a project to upgrade the Tip Road from The Boulevard to the Landfill depot.

The project involves raising the level of the road by approximately 1.4m to make it flood free for a 1:20 year flood. The new road will be a two lane rural road with a 40mm AC surface. The project is currently under review due to the need for further environmental assessments and resultant design changes. Rescheduling of construction is still outstanding.

As part of the approved works, Council will also construct a short link from the end of the Tip Road to the junction of Scarborough Way and Tip Road. This link will be constructed to a gravel road standard.

Traffic

The proposal includes 72 new residential allotments which, under Council’s guideline for traffic generation of 7 vehicle trips per lot, would generate approximately 503 additional vehicle trips per day. The majority of these are forecast to use Tip Road as their route to and from the subdivision. In the event that the Tip Road construction is delayed or does not proceed, both Scarborough Way and the existing Tip Road (gravel construction) have sufficient capacity to cater for the proposed subdivision.

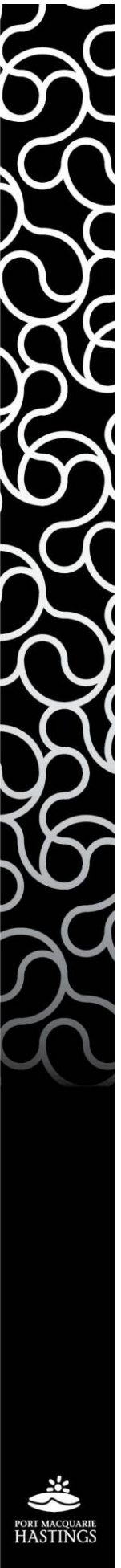
An adjacent un-related subdivision DA 2012/0128 on Lot 104 DP 1045644 has been conditioned to provide a traffic impact statement for the purpose of providing advice on the anticipated routes and traffic volumes that traffic is expected to use on new and existing roads, and the potential impact that development will have on the existing road network. A similar condition is proposed for this application.

Access

Access to each lot will be addressed by Section 138 driveway approvals.

Pedestrians

In accordance with Councils DCP 2011, pedestrian footpaths shall be provided on one side of the street for all access places and local streets and both sides of the street for collector and arterial roads.



Public Domain

The proposed development will provide additional housing within an existing residential zoned area. The subdivision also acts as an extension to the existing residential areas in the locality and is therefore unlikely to have any adverse impact on the public domain.

Utilities

Available utilities with connections nearby include:

- ✓ Electricity and street lights
- ✓ Telecommunications

Conditions of consent shall require street lighting in accordance with Council requirements along new road facilities.

Stormwater

Conditions of consent will be utilised to manage the implementation of a stormwater management plan and associated controls.

Water

There is a 200mm AC water main located along the north side of the sewerage treatment works road (Tip Road) from The Boulevarde to the treatment works and a 150mm PVC water main is propose to be provided along the west/north side of Scarborough Way in conjunction with the subdivision of Lot 104 DP 1045644 (DA 12/0128). Water Supply for this development will be in 200mm from the 200mm AC water main in Tip Road. A 150mm connection is to be provided to the boundary of Lot 104 DP 1045644.

Sewer

Sewer mains are located in Alexander Close & Scarborough Way but have not yet been extended to provide a connection point for the subject proposed subdivision and may not be suitable.

An adjacent ongoing subdivision, DA 2012-0128, Lot 104 DP 1045644 has been conditioned to provide a connection point, however from the proposed staging of that subdivision, this may not be constructed until Stage 4. This connection appears to be along the extension of Scarborough Way to an existing sewer pumping station and is to be shown on Engineering Plans.

If the subdivision under consideration in this DA 2012-0163, is to proceed before the point of connection has been provided from DA 2012-0128, (Lot 104 DP 1045644) it may be necessary for the sewer to be extended from the pump station at no cost to Council.

The proposed sewer layout as shown on the DA plan is generally feasible, However, site regrading or deep sewer may be required to service lots 58-61 and lots 1-12 as the proposed sewer main is located on the high side of the lots.

Council records show two active existing sewer rising mains, 150 & 375 traversing the property and the SOEE indicates that these rising mains are to be relocated but does not indicate a proposed route.

The developer's consultant will need to confer with Council sewer administration staff during the design process to ensure that all lots are serviced satisfactorily and that all work on the sewer infrastructure existing and proposed is to Council's current AUSPEC design and construction specifications.

Due to the increase in load, the developer will be responsible for the cost of upgrading the Sewer Pump Station and other sewer infrastructure as may be required to service the project.

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 & Micro-climate

Potential exists for odours from the adjacent waste landfill depot and sewage treatment plant to adversely impact on future residents in the proposed residential subdivision. However, discussions with Council's Strategic Planning staff indicate this issue was considered at the time of rezoning. Discussions between Strategic Planning and Engineering staff at that time indicated that the upgrade to the sewage treatment plant processes meant the buffer separation distance could be reduced from the EPA recommended 500m down to 300m, which has been applied to the zoning and proposed subdivision layout. The residual lot 75 must also retain the buffer preferably in a vegetated state.

Potential also exists for dust to be generated onsite during subdivision development. Standard dust control consent conditions recommended.

Flora & Fauna

The applicant has submitted a flora and fauna impact assessment report prepared by Darkheart Eco-Consultancy dated February 2012. A summary of the key issues from the assessment are as follows:

- The site to be developed has been modified/disturbed in the past (ie sandmining).
- No threatened flora exists in the area to be developed.
- Endangered Ecological Communities exist onsite but not in areas to be developed.
- No aquatic habitat exists in the area to be developed.
- No tree hollows exist in the area to be developed.
- Fourteen (14) threatened fauna potentially exist onsite.
- The site contains core koala habitat and a KPOM has subsequently been prepared - refer to comments on SEPP 44 above in this report.
- The removal of vegetation will have minimal impact on threatened flora and fauna, especially through the retention of the trees in the south east corner, the implementation of a replanting landscape management plan and the implementation of the KPOM.
- A Species Impact Statement was not required.

The report addresses the requirements of the '7 part test' under Section 5A of the Act. The report concludes that the proposal is unlikely to have any significant adverse impact on flora and fauna subject to recommended conditions being incorporated into the consent.

Noise & Vibration

Noise from the operation of the sewage treatment plant and landfill waste depot have the potential to impact on the residents of the proposed subdivision. However given the 300m separation distance, adverse impacts are unlikely. An estimated noise level under a worst case scenario is for at the expected noise level at the residential boundary to be within the ANL & recommended maximum for a suburban area under the INP (i.e. between 55-60dB(A) daytime).

Natural Hazards**Bushfire**

The applicant has submitted a bushfire report as required under Section 100B of the Rural Fires Act 1997, which has been forwarded to the NSW Rural Fire Service.

The NSW Rural Fire Service have assessed the application and issued a Bushfire Safety Authority consisting of a series of conditions that are recommended to be incorporated into the conditions of consent.

Flooding

Refer to comments on flooding in the Port Macquarie Hastings Local Environmental Plan 2011 section of this report.

Contamination Hazards

Refer to comments on SEPP 55 above in the report.

Safety, Security & 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 Impact in the Locality

In accordance with Council's Social Impact Policy, the applicant submitted a Social Impact Comment. The Comment confirms the following:

- The site has been identified for residential purposes for some time.
- The rezoning was supported by investigation into the socio-economic environment.
- The site makes use of existing and adjoining infrastructure.
- The development will improve linkages and access to the area.
- Access to the beach will be retained.
- The more valued ecological areas will be retained and maintained.
- Improved bushfire protection to the area.
- The development will improve economic viability for local shops with the added density and construction process.
- The development may create negative impacts during construction and also through the added density of what has been an undeveloped area.

Based on the above, the positive impacts generally outweigh the negatives and will result in the development having limited adverse social impact on the area.

Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the construction of the development and associated flow on effects, such as increased employment and expenditure in the local area.

Site Design and Internal Design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. The proposal has developed the residential zoned land while retaining the more ecological valued land. The subdivision layout also makes use of existing roads and services. In this regard, the design is unlikely to create any adverse impact.

Construction

No long term impacts will occur from the construction process. There may be some short term noise and disruption, which can be managed through conditions pertaining to noise.

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.

Additional Matters

It should be noted that the application relies on the creation of Asset Protection Zones (APZ's) on the adjoining Lot 4 DP 1045644. The creation of the APZ's on the adjoining property will have no adverse impact as they are consistent with the ecological assessment carried out on Lot 4 DP 1045644 for DA 2012/128.

(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:

Two (2) written submissions have been received following completion of the required public exhibition of the application.

A list of names and addresses of members of the public who have lodged submissions is provided as an attachment to this report.

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

Submission Issue/Summary	Planning Comment/Response
The site provides habitat to a range of fauna including koalas, kangaroos and wallabies, which will be impacted upon by the development.	Refer to comments on "Flora and Fauna" in the main body of this assessment report.
Mature trees provide habitat for Koalas and should be preserved.	Refer to comments on "Flora and Fauna" in the main body of this assessment report, which supports the proposed development. The majority of mature koala feed trees will also be retained and protected by the KPOM. A replanting scheme will also be required to add further koala habitat trees to that which occurs at present.
The lots are too small.	The lots comply with the relevant legislative standards and in most cases exceed the standard by over 50-100m ² . In particular, the minimum lot size for the area is 450m ² , with the smallest lot in this subdivision being 454m ² .

(e) The Public Interest:

The proposed development satisfies relevant planning controls and is not expected to impact on the wider public interest. The proposed development will be in the wider public interest by facilitating appropriate additional housing.

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.

Refer to draft contribution schedule attached to this report and recommended conditions.

5. CONCLUSION

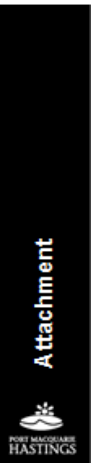
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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

The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. Consequently, it is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

- 1 [View](#). DA2012 - 0163 DA Plan
- 2 [View](#). DA2012 - 0163 Recommended Conditions
- 3 [View](#). Koala Plan of Management
- 4 [View](#). Addendum to Koala Plan of Management
- 5 [View](#). Koala Plan of Management - DoP Letter
- 6 [View](#). DA2012 - 0163 Development Contributions Calculation Sheet



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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2012/163

DATE: 7 February 2013

PREScribed CONDITIONS

Part 6 – Division 8A of the *Environmental Planning & Assessment Regulations 2000*

- (1) (P003) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifying authority for the work, and
 - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects and Appendices A-E as amended	Project No 4658	Luke & Company Pty Ltd	4/4/2012 as amended 24/5/2012, 31/5/2012 & 5/7/2012
Overall Site Plan	Drawing No P02	Luke & Company Pty Ltd	6/3/2012
Subdivision Layout Plan	Drawing No P03	Luke & Company Pty Ltd	31/5/2012
Staging Plan	Drawing No P07	Luke & Company Pty Ltd	6/3/2012

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

- (2) (A004) An application for a 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.
- (3) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications and Port Macquarie-Hastings Council DCP 2011 which are prescribed at the time of commencement of engineering works.

- (4) (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 indicated in Section G & H of this consent, are attached and form part of the consent conditions for this approval.

- NSW Rural Fire Service
- Office Environment & Heritage

- (5) (A019) Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council's Engineering Development Section within Infrastructure Division to discuss the extent and scope of all works and details required on the design plans to conform to Council's Development Control Plans, Codes, Policies, and AUSPEC Specifications.

- (6) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:

- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
- b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
- c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

- i. deposit with the Council, or
- ii. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (7) Prior to the issue of a Subdivision Certificate for Stage 5 of the Development (or release of 56 allotments) dedication and upgrade of the road connection between the "Perimeter Road" and the Tip Road entry access to the Camden Haven Sewerage Treatment Plant, in accordance with AUSPEC rural residential geometric design standards.

Council is prepared to review the design standards and scheduling of the works, subject to Council's progress on the upgrades of the Tip Road.

- (8) (A034) Roads are to be extended to relevant standards (AUSPEC D1.5) joining smoothly with the existing section of road with a minimum carriage way width ending in a temporary sealed nine (9) metre radii cul-de-sac with reflectorised posts.
- (9) (A045) Extension or modification of the town sewerage system where necessary to serve the development, at no cost to Council.
- (10) (A050) All water, sewer and stormwater 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.
- (11) (A053) The required relocation and/or replacement of the sewer pipe that traverses the land is the responsibility of the proponent. Any relocation or replacement work shall be undertaken in accordance with Council's adopted AUSPEC Design and Construction Guidelines. Any costs associated with these works shall be the responsibility of the proponent.

Construction details are to be submitted to Port Macquarie-Hastings Council with the application for Subdivision Construction Certificate.

- (12) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (13) (A195) This development consent approves the development to be completed in six (6) stages.
- Stage 1 = 23 lots plus a residue
 - Stage 2 = 9 lots plus a residue
 - Stage 3 = 15 lots plus a residue
 - Stage 4 = 9 lots plus a residue
 - Stage 5 = 7 lots plus a residue
 - Stage 6 = 9 lots plus a residue

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

- (14) (A196) Due to the increase in load, the developer will be responsible for the cost of upgrading the Sewer Pump Station and other sewer infrastructure as may be required to service the project.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) 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. Sewerage reticulation.
 2. Water supply reticulation.
 3. Stormwater systems.
 4. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 - (3) (B006) The provision of additional civil works 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 Construction Certificate.
 - (4) (B007) If engineering works are of a value equal to or 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.
 - (5) (B008) 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.
 - (6) (B015) 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.
 - (7) (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.
- (9) (B017) Submission to Council of an application for water service connections and compliance with Council's requirements for the provision of such connections. Payments of costs to provide for these connections and/or extensions are to be made prior to the issue of the Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
 - (10) (B030) An application under Section 138 of the Roads Act 1993 is to be submitted to and approved by Council for works associated with the development on or within the Public Road.
 - (11) (B033) An Erosion and Sediment Control Management Plan shall be submitted to and approved by the Principal Certifying Authority with the application for Construction Certificate.

The plan shall include measures to:

- a. Prevent site vehicles tracking sediment and other pollutants from the development site.
 - b. Dust control measures.
 - c. Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.
 - d. Contingencies in the event of flooding.
- (12) (B034) The submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity,
- and;
- Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.
- (13) (B052) The provision of splay corners in accordance with Port Macquarie-Hastings Council DCP 2011. Details must be submitted to and approved by Council prior to issue of the Construction Certificate.
- (14) (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.
- (15) (B195) Submission of a detailed Landscape/Streetscape Plan prior to the issue of a Construction Certificate to Councils Recreation and Buildings Sections satisfaction the detailed Landscape/Streetscape plan is to include:
- Street tree location, which is to include suitable clearance to infrastructure,
 - A minimum 12 month maintenance schedule,
 - Species palette utilizing species from adjacent identified vegetation communities that being Shrubland, Open Woodland / Dry Sclerophyll Forest (for example Swamp Mahogany Eucalyptus robusta, Orange gum Eucalyptus bancroftii, Grey Gum Eucalyptus propinqua Tallowwood Eucalyptus microcorys, Needlebark Eucalyptus planchoniana, Broad Leaf Paperbark Melaleuca quinquenervia, Red Bloodwood Corymbia gummifera, Rough Bark Apple Angophora floribunda and existing Grass Trees Xanthorrhoea spp to be transplanted),
 - Planting pit detail for advanced tree stock,
 - Transplanting detail,
 - Advanced tree stock minimum 75 to 100 litre NATSPEC *Specifying Trees* compliant stock are to be used for all street tree plantings,
 - Compensatory provision of replants at 2:1,

- The final footprint and design of the drainage swales and bio retention basins are to ensure the protection of adjoining trees including their root systems in accordance with minimum setback distances to development defined as the Tree Protection Zone (TPZ) to be in compliance with AS 4970 *Protection of trees on development sites*.

Note: The Landscape/Streetscape Plan requirements can be incorporated into the one document being the vegetation management plan required by condition B16.

- (16) (B196) A vegetation management plan shall be submitted and approved by Council prior to the release of the subdivision construction certificate application. The plan shall outline, but not be limited to the following:
- Details of plantings of endemic species to provide compensation for the loss of potential habitat on-site.
 - Vegetation removal associated with construction works, proposed dwelling sites and asset protection zones.
 - Identification and flagging of all senescent/significant trees and areas of vegetation to be preserved on the site.
 - Any proposed vegetation to be installed onsite prior to the release of the subdivision certificate.
 - Process for removing and disposing of felled trees and vegetation.
 - Process of protecting trees to be retained during clearing works.

The plan is to be consistent with/incorporate the recommendations of the ecological report prepared by Darkheart Eco-Consultancy, dated February 2012 and the approved Koala Plan of Management prepared by Darkheart Eco-Consultancy, dated January 2012 as amended by the Department of Planning and Infrastructure's letter dated 10 August 2012. In addition, the vegetation management plan (once approved by Council) will form part of this consent and is to be complied with at all times.

A Landscape/Vegetation Management Plan for each stage of the landscape works must be finalised to the satisfaction of Council and in accordance with the KPOM prior to the granting of a construction certificate for each corresponding stage. It should be noted that one Vegetation Management Plan for the site is acceptable provided specific requirements for each stage being shown in that one plan.

- (18) (B198) Prior to the release of the construction certificate, a copy of the KPOM including the changes and addendum agreed to by the Department of Planning and Infrastructure's letter dated 10/8/2012 is to be submitted to Council as one complete document.
- (19) (B195) Water Supply for this development will be a 200mm PVC/ductile iron water main from the 200mm AC water main in Tip Road. A 150mm water main connection is to be provided to the boundary of Lot 104 DP 1045644.
- (20) (B196) If the subdivision under consideration in this DA 2012-0163, is to proceed before the point of connection has been provided from DA 2012-0128, (Lot 104 DP 1045644) it may be necessary for the sewer to be extended from the pump station at no cost to Council. The connection point is to be shown on Engineering plans.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (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) 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 and maintained for the entirety of the works until the site is made stable by permanent vegetation cover or hard surface.
- (3) (C005) 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.

Each toilet provided must:

- a. be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the Council, or
- b. an approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (4) (C007) Provision of a hoarding, fence or other measures to restrict public access to the site during the course of works. Where the hoarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be lodged with Council.
- (5) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.
- (6) (C195) A Qualified ecological consultant is to inspect all native trees approved for removal prior to felling. If there are any koala or other fauna species in the tree, work is to cease until the animal has moved from the area.
- (7) (C196) All measures are to be taken to prevent damage to trees and other vegetation (including root systems) to be retained during site works and construction. Trees and other vegetation to be retained are to be protected by the erection of tree protection fencing compliant with AS4970/2009 Protection of trees on development sites. Protective fencing is to be in place prior to commencement of any works on site and must remain in place until the works are complete. No building materials or other items is to be placed or stored within fenced off areas and certified by project arborist.
- (8) (C197) A project arborist with the minimum qualification AQF level 5 Arboriculture is to be employed to provide induction to the site manager and contractors of tree management requirements and tree protection measures, ensure tree protection measures are implemented to plan and to oversee tree pruning and tree removal and replanting requirements and provide certification that recommendations are undertaken in compliance with approved plans and consent conditions.
- (9) (C198) Prior to works commencing, the identified pile of dumped ACM located onsite (identified during the Preliminary Site Investigation carried out by RGS, refer to Report No. RGS20096.1-AD, dated 28 February 2012, section 5 on p.11) shall be removed by a licensed asbestos remover in full accordance with all NSW WorkCover requirements. No waste materials shall be disposed of by burial onsite. Waste depot receipts shall be retained for all wastes removed from the site, including all ACM and submitted to Council prior to the OC being issued.

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;
 - d. during construction of water 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) (D003) The slope of the cut/fill batter shall be in accordance with Council's adopted AUSPEC Design and Construction Guidelines. Adequate safety fencing is to be provided if maximum batter slope is exceeded.
- (3) (D004) 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) (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.
- (5) (D014) Work on the project 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) (D019) 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.
- (7) (D027) Dust or airborne particles shall not be allowed to escape from the site. The use of fine mesh dust proof screens, fine water sprays or other approved methods are required.
- (8) (D035) Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, trees (nominated for retention) 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.

- (9) (D036) 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.
- (10) (D195) The site is to be inspected by a suitably qualified and practising environmental professional to carry out a contaminated land assessment following stripping of vegetation and during earthworks to ensure contaminated land is not present onsite. A report indicating the site investigation and inspections have been carried out in accordance with the RGS Report No. RGS20096.1-AD, dated 28 February 2012 (refer to section 5 on p.11) shall be submitted to Council.
- (11) (D196) Offensive noise shall not be generated onsite during works.

E – PRIOR TO OCCUPATION OR THE ISSUE OF SUBDIVISION CERTIFICATE

- (1) (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.
- (2) (E008) Payment to Council, prior to the issue of the Subdivision Certificate (whichever occurs first) 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.

- (3) (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 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) (E010) Driveways, access aisles and parking areas shall be provided with an approved 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).

- (5) (E033) 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.
- (6) (E034) 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.
- (7) (E039) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming:
- a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (8) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant in accordance with the requirements of AUSPEC in accordance with the Council's *Interim Requirements for the Maintenance and Certification of Public Infrastructure Provided Through Land Developments* (dated 6 September 2010) prior to issue of the release of the security bond to guarantee completion of public works.
- (9) (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.
- (10) (E061) Landscaped areas being completed prior to issue of the Subdivision Certificate.
- (11) (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.
- (12) (E065) 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.

- (13) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works in accordance with the Council's *Interim Requirements for the Maintenance and Certification of Public Infrastructure Provided Through Land Developments* (dated 6 September 2010).
- (14) (E075) 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.
- (15) (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.
- (16) (E081) 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:
- a. The surface levels of the allotments created and any other area filled or reshaped as part of the development.
 - b. Compaction testing carried out to Level 1 of Appendix B AS 3798.
 - c. Standard penetration tests and calculated N values.
 - d. Bore logs
 - e. Site classification of all allotments in accordance with AS2870.2011 - *Residential Slabs and Footings*.
- (17) (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 Certificate. The copyright for all information supplied, shall be assigned to Council.
- (18) (E196) A report indicating the site investigation and inspections have been carried out in accordance with the RGS Report No. RGS20096.1-AD, dated 28 February 2012 (refer to section 5 on p.11) shall be submitted to Council.
- (19) (E197) Prior to the Subdivision Certificate being issued, the waste depot receipts issued by the landfill operator being for the proper disposal of all dumped wastes removed from the site, including all ACM shall be submitted to Council.
- (20) (E198) Prior to the release of the subdivision certificate for each stage, annual reporting satisfying Part 6 of the KPOM is to be submitted to Council.
- (21) (E199) The plan of subdivision and Section 88B instrument shall establish the following covenants; with the Council having the benefit and sole authority to release, vary or modify these covenants. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
- The owner of Lot 75 is to retain the existing vegetation within the 300m buffer area from the sewage treatment plant to the proposed development.
 - A note to all lots created under DA 2012/163 advising future residents that while the land is flood free, access to the area is not during flood events greater than the 1 in 20 year event. During major flooding, residents should adhere to the advice provided by the local authorities regarding evacuation.

- A restriction is to be placed on the title benefiting Council prohibiting the keeping and exercising of dogs in the subdivision area.
 - Building envelope for Lot 1 being restricted to that shown on the Tree Protection Plan prepared by Luke & Company Pty Ltd dated 29/6/2012.
 - Restricting the use of ground water for drinking purposes unless having first tested and found the water to be suitable for consumption.
 - Only Koala friendly fencing being allowed to be constructed along the eastern boundary of Lots 1, 2 & 3.
- (22) (E200) Prior to the release of the subdivision certificate, Council's Local Orders Policy for the keeping of dogs in a KPOM area is to be updated to apply to this subdivision area.

F – OCCUPATION OF THE SITE

- (1) (F017) Materials stockpiles and handling areas shall be maintained in a condition that prevents wind blown or traffic generated dust.

G - NSW RURAL FIRE SERVICE - GENERAL TERMS OF APPROVAL

The General Terms of Approval, Reference D12/0957 and dated 19 June 2012 are attached and form part of this consent.

H - OFFICE OF ENVIRONMENT & HERITAGE - GENERAL TERMS OF APPROVAL

The General Terms of Approval, Reference DOC 12/50086 FIL 12/3165 and dated 19 December 2012 are attached and form part of this consent.

SEPP 44 - KOALA PLAN OF MANAGEMENT

FOR

PROPOSED RESIDENTIAL SUBDIVISION
ON PART LOT 3 DP 552001,
SCARBOROUGH WAY, DUNBOGAN

FOR

LUKE AND CO. PTY LTD
98 William Street
Port Macquarie
2444

Assessment Undertaken By:



DARKHEART

Eco-Consultancy

39 Lake Ridge Drive Kew NSW 2439

Phone: (02) 65590075 ♦ Fax: (02) 65590075 ♦ Mobile: 0409833968

E-Mail: darkhearteco@gmail.com

www.darkheart.com.au

January 2012

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NOTE:

This report is presented on an objective basis to fulfil the stated legislative obligations, consideration and requirements in order to satisfy the client's instructions to undertake the appropriate studies and assessments. It is not directly intended to advocate the proponent's ambitions or interests, but is to provide information required in the determination of development consent by the decision-making authority for the subject proposal.

To the best of our knowledge, the proposal described in this assessment accurately represents the proponent's intentions when the report was completed and submitted. However, it is recognised and all users must acknowledge that conditions of approval at time of consent, post development application modification of the proposal's design, and the influence of unanticipated future events may modify the outcomes described in this document. Completion of this report has depended on information and documents such as surveys, plans, etc provided by the proponent. While checks were made to ensure such information was current at the time, this consultant did not independently verify the accuracy or completeness of these information sources.

The ecological information contained within this report has been gathered from field survey, literature review and assessment based on recognised scientific principles, techniques and recommendations, in a proper and scientific manner to ensure thoroughness and representativeness. The opinions expressed and conclusions drawn from this report are intended to be objective, based on the survey results and this consultant's knowledge, supported with justification from collated scientific information, references/citations or specialist advice.

Furthermore, it is clarified that all information and conclusions presented in this report apply to the subject land at the time of the assessment, and the subject proposal *only*.

This report recognises the fact, and intended users must acknowledge also, that all ecological assessments are subject to limitations such as:

- Information deficits (eg lack of scientific research into some species and availability of information)
- Influences on fauna detectability eg season in which survey is undertaken
- Influences on species occurrence eg stage of lifecycle, migratory, etc
- Time, resource and financial constraints.

All users should take into account the above information when making decisions on the basis of the findings and conclusions of this report.

On behalf of DARKHEART Eco-Consultancy,



Jason Berrigan

B. Nat. Res. (Hons, Grad. Cert. (Fish.)).

MECANSW, MRZSNW, MABS, MAHS, MRELA, ISCM.

Senior Ecologist

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INTRODUCTION

This firm has been requested to prepare a State Planning Policy 44 - Koala Plan of Management (KPoM) of an area of land identified as part of Lot 3 DP 552001, Dubogan. The proposal is to subdivide the residential area of the study site.

The site and parent parcel of land has been evaluated via two earlier SEPP 44 – Koala Habitat Assessments which found the site contained Core Koala Habitat (Darkheart 2004i, Darkheart 2007a). This KPoM is intended to accompany a current Development Application to Port Macquarie-Hastings Council (PMHC) for residential subdivision of the part of Lot 3 which is now zoned for this land use under the PMHC Local Environmental Plan (LEP) 2010.

1.0 BACKGROUND INFORMATION

1.1 LOCATION AND ACCESS

As shown in Figure 1, Jimneva Properties Pty Ltd's land (Lot 3 DP 552001 and Lot 5 DP 558822) is located in the Dubogan area, between the Camden Haven Inlet and Dubogan Beach. Access to the entire property is directly off Diamond Head Road, Scarborough Way and/or the Dubogan waste transfer and Sewage Treatment Plant (STP) access road.

The study site falls within the easternmost portion of Lot 3 of the Jimneva land, and is located approximately 0.85km east along the STP access road from The Boulevard intersection.

1.2 THE PROPOSED DEVELOPMENT

The following land holdings fall into Jimneva Properties Pty Ltd, totalling approximately 122.8ha.

- Lot 3 DP 552001: 50.56ha.
- Lot 5 DP 558822: 72.24ha.

Flora and fauna investigations have previously identified the property incorporating the site as containing Core Koala Habitat (Darkheart 2004i, 2007a, EcoPro 1995, Kendall and Kendall 1993). Consequently, the design of the proposal has been formulated in consideration of this key ecological constraint.

The proposal is to subdivide the approximately 6.3ha residential zoned eastern portion of Lot 3 into 72 residential lots with Lot sizes ranging from 454 m² to 1566m². This will include the formation of a perimeter road and 3 cul-de-sacs. The proposal will thus see approximately 12.5% of Lot 3 (which is 50.56ha in total - see Figure 2) becoming residential land, and adjoin an existing and future subdivision on Scarborough Way to the east (Darkheart 2011a).

Establishment of the residential zone will require removal of a considerable portion of the vegetation falling within the footprint to enable landforming and installation of services and infrastructure. Asset Protection Zones will also extend into adjacent vegetation to the west, south and north as shown in Figure 2.

Primary access to the subdivision will be via Scarborough Drive and the STP access road in the southeast corner (the latter is proposed to be upgraded by Council as part of a separate activity).



Figure 1: Location of subject land



Figure 2: Proposed development design
(Source: Luke and Co. Pty Ltd)

1.3 VEGETATION COMMUNITIES

As noted previously, the land proposed for residential subdivision forms part of a larger holding consisting of Lot 3 and Lot 5 DP 558822 (72.24ha approx.), in total comprising about 122.8ha. The site and this land has previously been studied at various levels of investigation for previous development proposals (eg Mt King 1993, Kendall and Kendall 1991, Darkheart 2007a, 2006a, 2004i, etc).

Vegetation communities have previously been mapped over the total property by Kendall and Kendall (1991). This mapping and descriptions were updated in 2006 by this consultant as part of studies related to this KPOM and the development proposal (Darkheart 2007a, 2006a). This information is provided in summary below.

1.3.1 Jimneva Land Overview

The vegetation map of the total Jimneva land (including the study site) is illustrated in the Figure 3 below. The following table illustrates the approximate area of each vegetation community on the total Jimneva land:

Table 1: Approximate areas of each vegetation community on the Jimneva land.

COMMUNITY	AREA (ha)
Pasture	3
Grassland	6.8
Sedgeland/Fernland	1.1
Dry Sclerophyll Forest/ Woodland	23.7
Wet/Dry Heath	9.7
Mangrove	0.1
Saltmarsh	1.6
Swamp Oak Forest/ Woodland	15
Swamp Sclerophyll Forest/Woodland	47.4
Dry Shrubland	14.1

The Kendall and Kendall (1991) communities - Vegetation Type 1 (*Swamp Sclerophyll Forest/Woodland*) and Vegetation Type 2 (*Swamp Mahogany Swamp Sclerophyll Forest*) - have been grouped together in this assessment (ie into *Swamp Sclerophyll Forest/Woodland*) to simplify the mapping given that the dominant species of the Kendall and Kendall (1991) described communities have a strong association and significant intergrade; and significant recovery appears to have occurred since (NSWSC 2004d). The grassland and saltmarsh have also been mapped separately (unlike in Kendall and Kendall 1991) mainly due to the latter being an EEC, and the completely different floristic assemblages.

Ground truthing of the Kendall and Kendall (1991) map and vegetation descriptions found them to be generally accurate, with shifts in boundaries and character mostly due to extension via regrowth and colonisation over 15yrs since the original mapping. Most significantly, the classification of large areas as heath was considered to be somewhat of a gross over-simplification as inspection of these areas found them to constitute highly complex intergrading mosaics of true heath, dry sclerophyll forest, swamp forest (stunted and normal forms) and sedgeland/fernlands. Some areas previously mapped as heath (eg on Lot 3) have now regenerated into a latter seral stage of swamp forest, or form part of broad ecotones between swamp forest and dry sclerophyll forest.

Refinement of this map via extensive and intensive ground truthing, updated aerial photograph interpretation and delineation of vegetation boundaries via GPS was not undertaken for this KPOM or the earlier assessments. However its limitations are acknowledged, and hence it is to be considered indicative for purposes of general illustration of the patterns and extents of various vegetation communities and habitat types.



Detailed descriptions of the total property's vegetation are provided in Darkheart (2006a, 2007a, 2011b).

1.3.2 Study Site Vegetation Description

Refer to vegetation map in Figure 4.

Two broad vegetation community types were found to occur at the study site (Darkheart 2004i):

- Shrubland
- Open Woodland/Dry Sclerophyll Forest

Details of the vegetation communities present at the site are detailed in Table 3 and illustrated in Figure 3. The common overstorey species and associated understorey species of the vegetation found to occur on the subject site are briefly described below.

Table 2: Vegetation communities on the site

Community 1 – Shrubland with scattered trees			
STRATUM	HEIGHT	CROWN SEPARATION	DOMINANT SPECIES
Tree stratum	From 10 metres to 25 metres tall	Widely scattered trees and clumps of trees	<p>Major species:</p> <p><i>Eucalyptus pilularis</i> <i>E. planchoniana</i> <i>E. signata</i></p> <p>Other species:</p> <p><i>Angophora floribunda</i> <i>Corymbia gummifera</i> <i>Eucalyptus robusta</i> <i>Melaleuca quinquenervia</i></p>
Tall shrub stratum	From 2.0 – 8.0 metres tall	Dense to open stratum.	<p>Most common species:</p> <p><i>Leptospermum laevigatum</i> <i>L. polygalifolium</i> <i>Monotoca scoparia</i></p> <p>Other species:</p> <p><i>Ochrosperma lineare</i> <i>Acacia longifolia</i> <i>Nematolepis squamea</i> subsp. <i>squamea</i> <i>Allocasuarina littoralis</i> <i>E. bancrofti</i></p>
Low shrub stratum	Up to 2.0 metres tall	Sparse	<p><i>Acacia ulicifolia</i> <i>Monotoca scoparia</i> <i>Leptospermum laevigatum</i> <i>Ochrosperma lineare</i> <i>Monotoca elliptica</i> <i>Acacia suaveolens</i></p>
Herbs	Up to 2.0 metres tall (mostly <50cm).	Well separated – sparse	<p><i>Caustis recurvata</i> var. <i>recurvata</i> <i>Gahnia clarkei</i> <i>Lomandra longifolia</i> <i>Lepidosperma laterale</i> <i>Pteridium esculentum</i> <i>Pomax umbellata</i> <i>Actinotus helianthi</i></p>

Community 2 – Open Woodland (<i>Eucalyptus signata</i> – <i>Eucalyptus planchoniana</i>) to Dry Sclerophyll (<i>E. pilularis</i>)			
Tree stratum	From 13 to 25 metres	Clearly separated to well separated.	Major species included: <i>E. planchoniana</i> <i>E. pilularis</i> <i>E. signata</i> <i>E. robusta</i> Minor species included: <i>Corymbia gummifera</i> <i>E. bancrofti</i> <i>Angophora floribunda</i>
Tall shrub stratum	From 5.0 to 8.0 metres	Dense to well separated.	<i>Leptospermum laevigatum</i> <i>L. trinervium</i> <i>Nematolepis squamea</i> subsp. <i>squamea</i>
Low shrub stratum	Up to 3.0 metres high.	Dense to absent	<i>Monotoca elliptica</i> <i>Ochrosperma lineare</i> <i>Leptomeria acida</i> <i>Nematolepis squamea</i> subsp. <i>squamea</i> <i>L. laevigatum</i> <i>Acacia ulicifolia</i> <i>Epacris pulchella</i> <i>Boronia pinnata</i> <i>Leucopogon lanceolata</i>
Herb stratum	Up to 1.0 metre high.	Sparse to absent	<i>Caustis recurvata</i> var. <i>recurvata</i> <i>Lomandra longifolia</i> <i>Pomax umbellata</i> <i>Patersonia fragilis</i> <i>Pteridium esculentum</i>

3.1.2 Flora species identified on site

A total of 22 families and 57 species of vascular plants were recorded within the study site. The most common family was Myrtaceae, followed by Fabaceae, Epacridaceae, Cyperaceae and Poaceae. The species comprised 43 species of dicotyledons, 11 species of monocotyledons and 3 species of ferns. Only 2 introduced species were recorded at the site. The low number of weed species is likely to be related to the low soil fertility at the site as the majority of introduced weed species usually grow in soils of higher fertility than that present at the study site.

Bitou Bush (*Chrysanthemoides monilifera* subsp. *rotundata*) is listed as a Category 4 noxious weed in the Local Government Area.

No threatened or ROTAP species were found on the site.

PART A: CORE KOALA HABITAT ASSESSMENT AND CHARACTERISTICS

The Jimneva Land overall has been previously assessed for Potential Koala Habitat (Anon 1995, EcoPro 1995, Darkheart 2007a, 2006a), which has determined that both the Jimneva land and the study site qualifies as Potential Koala Habitat and contains Core Koala Habitat.

This section summarises the information presented in the previous SEPP 44 – Koala Habitat Assessments conducted by this firm to provide background information to this Koala Plan of Management (KPOM).

2.0 CORE KOALA HABITAT: JIMNEVA LAND AND STUDY SITE REVIEW

2.1 BACKGROUND INFORMATION

2.1.1 Definition of Core Koala Habitat

Under SEPP 44, Core Koala Habitat is defined as “*an area of land with a resident population of Koalas, as evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a Koala population*” (Source: State Environment Planning Policy No. 44 - Koala Habitat Protection).

The definition of “*an area of land*” is interpreted as the land to which the development application applies (if it exceeds 1ha in area, together with any land in the same ownership).

2.1.2 Koala Ecology

2.1.2.1 Diet

2.1.2.1.1 General Ecology

Koalas feed primarily but not exclusively on (and also intra-specifically, depending on poorly understood edaphic, chemical and socio-behavioural factors) selected species of the genus *Eucalyptus*. Nationally, they have been observed feeding or resting in at least 120 eucalypt species (~66 in NSW) and many non-eucalypt species. In the Hastings and Macleay regions, a number of eucalypt species that are not listed on Schedule 2 of SEPP 44 appear to be of some importance to Koalas including: *E. amplifolia*, *E. seeana* and *E. propinqua*. Non-endemic species also used by Koalas in the area include *E. nicholii* and *Corymbia citriodora*. Some non-eucalypt species reported to be used for feeding or shelter (some in this region) include *Angophora costata*, *Acacia mearnsii*, *A. melanoxylon*, *Allocasuarina torulosa*, *Bombax malabrica*, *Lophostemon confertus*, *L. suaveolens*, *Exocarpus cupressiformis*, *Leptospermum laevigatum*, *Melaleuca ericifolia*, *M. quinquenervia*, *Pinus radiata* and *Cinnamomum camphora* (Martin and Lee 1984, Kel Mackay pers. comm.). Koalas have also been observed using trees with dense foliage or retreating to rainforest during adverse weather such as high temperatures, strong wind or heavy rain (Jurskis and Potter 1997).

In general though, Koalas generally utilise a wide variety of non-preferred eucalypt species and non-eucalypt species for supplementary food and shelter resources in any given area (as long as the preferred browse species are present in the area). Work by Phillips and Callaghan (2001, 1995, etc) and Phillips (eg Phillips 2005a, 2005b) have recorded a far wider range of non-eucalypt species via faecal pellet surveys

and field observations than reported by Martin and Lee (1984), although generally with relatively low strike rates, with the exception of a small number of key shelter and/or supplementary browse species.

Research by the Australian Koala Foundation (AKF) suggests that usage of habitat by Koalas may be a function of the abundance of the preferred species. The AKF describes Primary Habitat as areas where primary browse species are dominant, with their usage being independent of the species' density. However, in areas where primary tree species are poorly represented, secondary browse species and Secondary Habitat may play the most significant role in sustaining local Koala populations (Mr John Callaghan pers. comm.).

A Koala food tree can often be identified by the presence of scats at its base, though such trees may also be used for roosting. Contrary to a long held assumption though, observation of Koalas resting in a tree does not always indicate it is a feed tree (Phillips 2000b, DECC 2008).

Koalas sometimes appear to prefer young leaves over mature leaves, and preferred foliage is thought to have a threshold for minimum moisture content (which may vary seasonally) and nitrogen content (Jurskis and Potter 1997, Pahl and Hume 1990). Other studies have also shown threshold levels for essential oils, with preferred species having more volatile oils and less heavy oils (Hume 1995); preferences for higher concentrations of crude protein, phosphorous and potassium, and lower concentrations of fibre (Ullrey et al 1981); and more simple sugars and less complex sugars (Osawa 1993). These components all vary interspecifically and intraspecifically, and factors such as species, age, size and crown condition also influence the physiological processes that ultimately affect nutritional quality and palatability, especially in a suboptimal environment (Jurskis and Potter 1997). Other research suggests that concentrations of plant chemical defences (especially diformyl-phloroglucinols or DFPs) may be a key factor. Koalas may be selecting trees with lower concentrations of DFPs. This may help to explain why Koalas appear to not only prefer particular *Eucalyptus* species, but also particular individual trees, as DFP levels have been shown to vary intraspecifically as well as interspecifically (eg Anon 1999; Moore *et al.* 2004).

Species, individual tree and foliage selection for browsing by Koalas hence, is still poorly understood. In addition to the above, it also varies with season (which may be an indication of varying nutritional value), as well as location (Koalas may feed on one particular species at a specific location, and ignore it at another); and may also be influenced by local abundance of food species, as well as social organisation of the population (Hindell and Lee 1990; Reed, Lunney and Walker 1990). As mentioned above, nutritional quality of individual trees may also be a factor, with nutrition shown to vary inter and intraspecifically (Braithwaite, Turner and Kelly 1983, Anon 1999).

Usage may also be determined by site-dependant edaphic factors eg soil type (Sharp and Phillips 1999; Phillips and Callaghan 2000), which affects the nutrient quality of forage. A gradient in nutrient concentration in soils and foliage is a major determinant of the distribution of arboreal fauna (Anon 1999, Gibbons and Lindenmayer 2002). Forest consisting of primary browse species associations located on deep, fertile soils on floodplains, in gullies and along watercourses are generally considered to provide the highest quality Koala habitat.

Structural features may also be important in individual tree selection eg on hot days, Koalas are often observed in trees with greater foliage cover. Large trees are thought by some researchers to be preferred for their greater amount of foliage which reduces the need for returning to the ground to move to another tree, and thus risking predator attack (Hindell and Lee 1990; Reed, Lunney and Walker 1990) although research in other areas has found highest activity on younger trees eg 20-30cm trunk DBH (Mackay 1996) which could be a function of nutrition (eg varies with vigour/health or age) or forest structure (eg age classes may have been modified by logging) (Jurskis and Potter 1997).

Research for the Pine Creek State Forest KPOM (Smith and Andrews 1997) found a preference for trees with trunk DBH 40-100cm (and a dislike for <20cm DBH), while Lunney *et al* (1999) found a preference for trees from 50-60cm DBH in the Coffs Harbour area.

Jurskis and Potter (1997) suggest that climbing “mechanics” may be a factor, as they found Koalas near Eden to prefer trees 30-90cm diameter. They suggest Koalas climb more efficiently if tree diameter is close to the combined reach of the forelegs, and are physically/mechanically disadvantaged when tree width is significantly less than the Koalas reach.

2.1.2.1.2 North Coast Preferred Species

Phillips (2000a) produced a list of Primary, Secondary and Tertiary preferred browse species per Koala Management Area for NSW, which are detailed in the Koala Recovery Plan (DECC 2008). For the North Coast Management area, the following table lists the species considered as Primary, Secondary and Tertiary Species that occur in the LGA:

Table 3: Preferred Koala browse species in the LGA

(Source: Phillips 2000a cited in DECC 2008)

PRIMARY	SECONDARY	TERTIARY
Tallowwood (<i>E. microcorys</i>)	Narrow-Leaved Red Gum (<i>E. seeana</i>)	White Stringybark (<i>E. globoides</i>)
Forest Red Gum (<i>E. tereticornis</i>)	Small-Fruited Grey Gum (<i>E. propinqua</i>)	
Swamp Mahogany (<i>E. robusta</i>)	Red Mahogany (<i>E. resinifera</i>)	
Orange Gum (<i>E. bancrofti</i>)	Large-Fruited Grey Gum (<i>E. biturbinata</i>)	
Cabbage Gum (<i>E. amplifolia</i>)		

The significance of this information is that several of the species previously considered (mostly on the basis of observation of Koalas within these trees) to be preferred browse species in the LGA (Connell Wagner 2000a, 2000b) ie Blackbutt, Scribbly Gum and *Melaleuca quinquenervia*, are not listed even as Tertiary species. As noted above, the basis of the Koala Recovery Plan refutes the assumption that the observation of a Koala within a specific tree can be considered a reliable indicator of the tree being a preferred food species (NPWS 2003, Phillips 2000a, 2000b).

2.1.2.2 Population and Life Cycle Characteristics

Koalas are solitary, and territorial (particularly males), yet live in established, sedentary polygynous breeding aggregates arranged in a matrix of overlapping home ranges, whose size varies according to sex (males tend to be larger so that they overlap the ranges of several females), and carrying capacity of the habitat (usually measured in terms of density of primary browse species) (Phillips and Callaghan 1995, 2010). These aggregates generally consist of an alpha (dominant) male and at least 2-4 females and their offspring (juveniles and/or sub-adult Koalas) of varying stages of maturity and independency (Phillips 1997).

Adult Koalas appear to generally avoid each other, except during mating season (generally warmer months from Spring, but as early as July-August) when the males actively seek females, with most births occurring late November-March (Martin and Lee 1984). Social cohesion is maintained in a population by interactions through common tree usage, scent marking, vocalisations and agonistic behaviour patterns (Phillips 1997).

A Koala may live for around 15 years (especially females), with breeding for most females occurring at 3 years, and for males about 4 years (when they reach a sufficient size to defend a territory) (Martin and Lee 1984). Young remain in the pouch for 5-6 months, and associate with the mother until at least about 11 months (and up to 2 years), after which they disperse into a population.

Female Koalas do not necessarily breed every year; perhaps due to the dependence on quality foraging resources (dependant on a variety of factors eg seasonality and condition of habitat), density of other breeding females/competition for resources, demand for high site philopatry (movement is restricted to known areas within their home range with high quality forage potential required for lactation), and the physiological demand of raising offspring (Phillips 1997).

Young, sub-dominant and senescent males are often forced into secondary habitats by dominant males. Such habitat is generally located on the outer periphery of the core breeding/high quality habitat, and characterised by poorer soils, greater disturbance, and lower frequency/poorer condition of preferred browse species (Martin and Lee 1984). These animals have more ephemeral home ranges, sometimes moving between established populations, which is desirable for maintaining genetic flow. Consequently though, this group has a higher mortality rate (Phillips 1997).

2.1.2.3 Home Range and Home Range Trees

(a) Home Range

Home range is the territory of a single Koala, usually occupied for at least several years, or more commonly throughout its life (Phillips 1997, Sharp and Phillips 1999). Size may vary from a hectare to hundreds of hectares (eg Jurskis and Potter 1997 report home ranges of 38-520ha, with average of 169ha, near Eden); varying with habitat quality (eg if primary browse species dominate the tree component, home range size is expected to be small and carrying capacity high), sex (males have larger territories and may make forays into other areas), age of the animals (eg sub-adults versus adults), and location (Jurskis and Potter 1997, Phillips 1997, Sharp and Phillips 1999).

Home range and hence Koala density varies per region due to the above factors. For example, Jurskis and Potter (1997) collated Koala densities from Queensland to Victoria, and showed Koala density ranging from 0.006-7.5 Koalas/ha. Koalas have been recorded at very low densities in areas as a result of dispersed food resources, semi-arid climatic conditions, and possibly due to historical disturbances eg clearing of fertile lands for agriculture (eg Jurskis and Potter 1997). Within such large home ranges, a few specific areas may be subject to a relatively higher level of use, while others are less commonly used (Jurskis and Potter 1997).

As mentioned previously, the alpha male would be expected to have a relatively large home range to overlap with those of several females, thus he may include secondary (lower quality) habitat within his home range to achieve this. The alpha male's home range is also vigorously defended from other males to ensure rights to food resources and females (Phillips 1997).

Dispersing individuals of both sexes may travel and are also capable of traversing large distances, depending on demand (eg up to 50km over a few weeks or months), which is more often driven by the need to find other Koalas (ie to mate), than potential habitat (Phillips 1997). Movements, distances and reasons for such are considered complex and poorly understood (Dr Steven Phillips, pers. comm). Distance travelled per day will vary with many factors such as topography, distance between forage trees, season/climate, breeding state, and threats. Koalas have been recorded moving from 10m to several hundred metres during the day, and >1.3km overnight when they are typically more active (Jurskis and Potter 1997, Kel Mackay pers. comm). Movement is greatest during the breeding season, especially by males (Kel Mackay, pers. comm), with a female recorded moving 2.6km out of its range to mate, presumably in response to male territorial calls, and returned to its home range (Lee and Martin 1998, Lee *et al* 1998).

(b) Home Range Trees

Within a home range, a few specific trees (*home range trees*) are used by Koalas to mark territories and identify individual Koalas. Such trees are recognisable by heavy scratching and collections of scats close to the tree base, and may also have significant forage value (Phillips and Callaghan 1995, 2010, Hume 1989). Male Koalas may leave their scent by rubbing the gland on their chest against the bark. Koalas frequently return to these trees, or deliberately seek them out during travel (Koalas have been recognised to have the ability to know where they are and return to a discrete location (Phillips 1997). Such trees are very important as they maintain social cohesion through identification of population members and assist geographical location (Phillips 1997, Sharp and Phillips 1999).

2.2 JIMNEVA LAND OVERVIEW

2.2.1 Literature Review

The Jimneva land has previously been identified as SEPP 44 Core Koala Habitat by a number of different studies as detailed below.

2.2.1.1 Camden Shores EIS and Commission of Inquiry Studies and Records

As part of the previously proposed Camden Shores Residential Canal Development, the Jimneva land has been subject to a number of Koala habitat assessments and reviews between 1990 and 1995 ie Laxton & Duell 1990, Kendall and Kendall 1991, 1993, Mt King Ecological Surveys 1994, Phillips 1995 cited in Anon 1995, NPWS (Lunney, Moon and Krockenberger) 1995, Ecopro 1995 and Smith (Camden Haven Protection Society) 1995.

Despite some disagreements between some aspects of the Jimneva land's value to the local Koala population (ie with regards to home range and population sizes, and extent of Koala habitat - Anon 1995), the following points are the most widely accepted views from those involved in previous reviews and surveys (Anon 1995):

- A significant portion (about 40ha) of the Jimneva land constitutes Core Koala Habitat (Kendall, Brown, Hoyer, NPWS, Anon 1995); and
- The Dumbogan Peninsular (in 1995) supports a Koala population of between 9 and 15 individuals (Phillips 1995).

The following map in Figure 5 illustrates the Koala habitat and total conservation values (ie combination of Koala and other ecological values eg EECs) of the Jimneva land as determined by Ecopro 1995 (extracted and digitised from Anon 1995). This map was accepted as being well representative of the subject land's values during the Commission of Inquiry (Anon 1995).

The number of Koala/s observations/recordings made on the Jimneva land by Phillips 1995 is not provided. Kendall and Kendall (1993) however made 12 Koala observations on the subject land over a 3 year period (with 4 Koalas observed on 1 occasion). Figure 6 shows the location of Koala sightings and seats detected in quadrats by Kendall and Kendall in 1993, and mapped Koala habitat.

During a *Commission of Inquiry* (Anon 1995) inspection of the Jimneva land, 2 Koalas were observed on the Jimneva land, however the location of these observations is not provided.

2.2.2 Other Studies and records in the Locality

2.2.2.1 OEH Atlas of Wildlife Records

The nearest OEH (Atlas of Wildlife 2011) Koala records are located <1km to the east and northwest. After this, the nearest records are Camden Head (Darkheart 2010), north of North Haven in Queens Lake Nature Reserve, and in Crowdy Head National Park to the south.

Key clusters of records in the locality are at (Darkheart 2005a, 2005b, 2004a, 2004b, etc, OEH 2011, Connell Wagner 2000b):

- Bonny Hills area,
- Queens Lake State Forest/National Park,
- Lake Cathie,
- Pacific Highway east of Cowarra State Forest,
- Houston Mitchell Drive
- northeast of Kew,
- Diamond Head,

- Burrawan State Forest,
- Queens Lake Nature Reserve-north of North Haven,

Most of these latter records are of little relevance to the Jimneva land due to their distance from the subject land and/or the presence of physical barriers such as the Camden Haven River between these records and the Jimneva land.

2.2.2.2 Draft Hastings Council – Koala Plan of Management: Coastal Area

2.2.2.2.1 Koala Records

Figure 3.1 of the Draft Hastings Council- Koala Plan of Management (DHCKPM) shows 4 Koala records on or adjacent to the Jimneva land, of which:

- 1 is located along the Dunbogan STP access road (to the east of the study site);
- 1 is located in the southern portion of the Jimneva land (southwest of the study site); and
- 2 are located <200m north of the Jimneva land (to the northwest of the study site).

The next nearest records are south in Crowdy Head National Park, and across the river, north of North Haven (thus the latter is of little relevance to the study site).

2.2.2.2.2 Land Classification

Figure 4.2 of the DHCKPM shows that the Jimneva land was generally considered to constitute Potential Koala Habitat. It was mapped in Figure 4.3 of the reference material as a mosaic of highest, moderate and low density (though some areas were not mapped eg in the east of Lot 3). Consequently, most of the Jimneva land is mapped in Figure 4.5 of the reference material as a mosaic of Preferred, Supplementary and Marginal Koala Habitat.

The Jimneva land is also identified as forming the northern part of a link that extends south to Crowdy Head National Park (illustrated in Figure 4.7 of the reference material).

2.2.2.3 Darkheart Eco Records

This consultancy has a number Koala records in the Bonny Hills area on land identified as Core Koala Habitat (eg Darkheart 2005a, 2005b, 2004a), as well as other records of areas being subject to Koala usage (as indicated by seats - Darkheart 2004h, personal observations). Due to the occurrence of the Camden Haven River between these records and the Jimneva Land, they are of little relevance to the subject land.

This consultant has also observed a Koala (considered likely to be a male via its size) crossing Ocean Drive adjacent to the Laurieton cemetery in West Haven in September 2005. This compliments reports of a small colony in the West Haven area which appear related to the Dunbogan peninsular colony (Port Macquarie Koala Preservation Society 2008).

2.2.2.4 Bonny Hills Progress Association

The Bonny Hills Progress Association (Mrs Penny Marshall, pers. comm. 2005, 2006) has collated a number of records from residents in the Bonny Hills township. A total of 24 records were collated between Beach Street and Skyline Place (near the reservoir water tank) in 2005 with a similar number of records collated in 2006.

Again due to the occurrence of the Camden Haven River between these records and the Jimneva Land, they are of little relevance to the subject land.

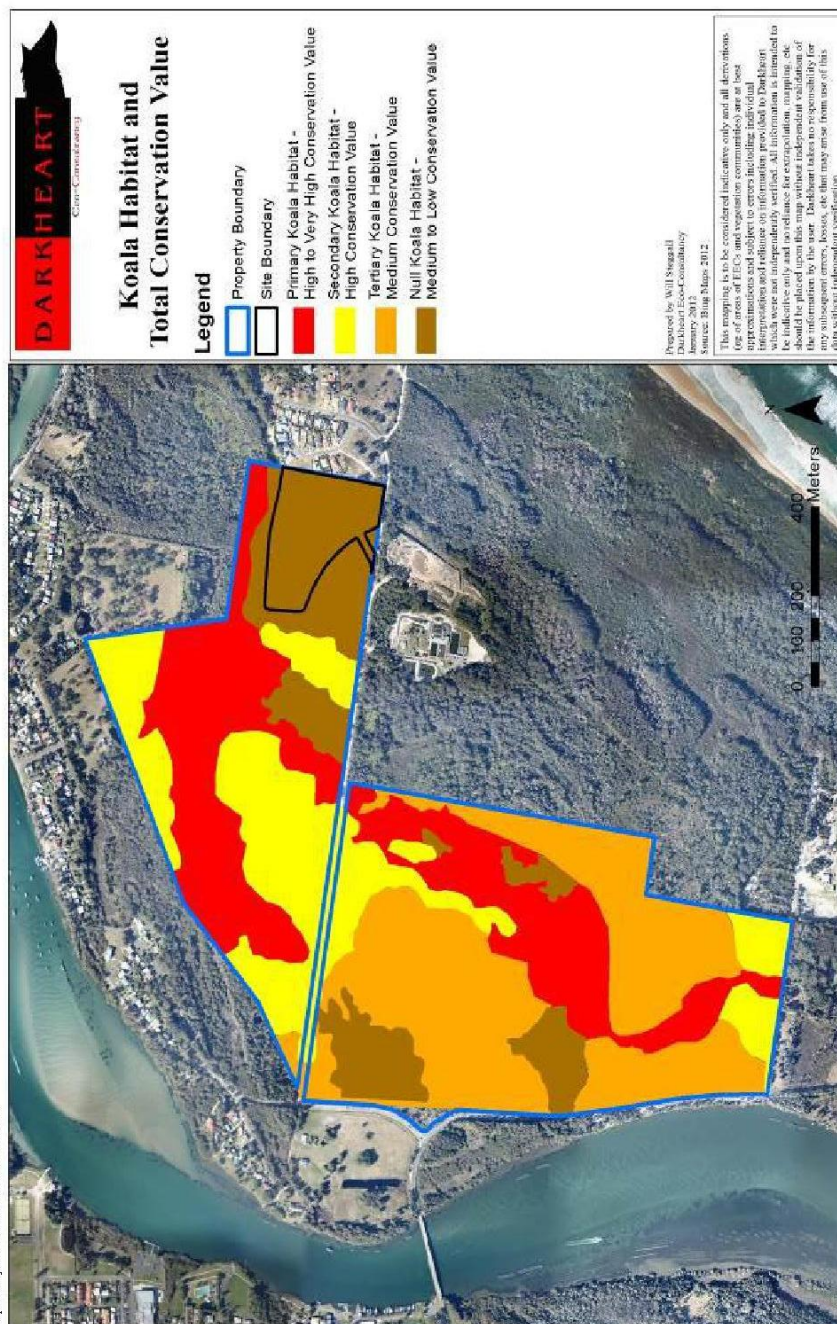
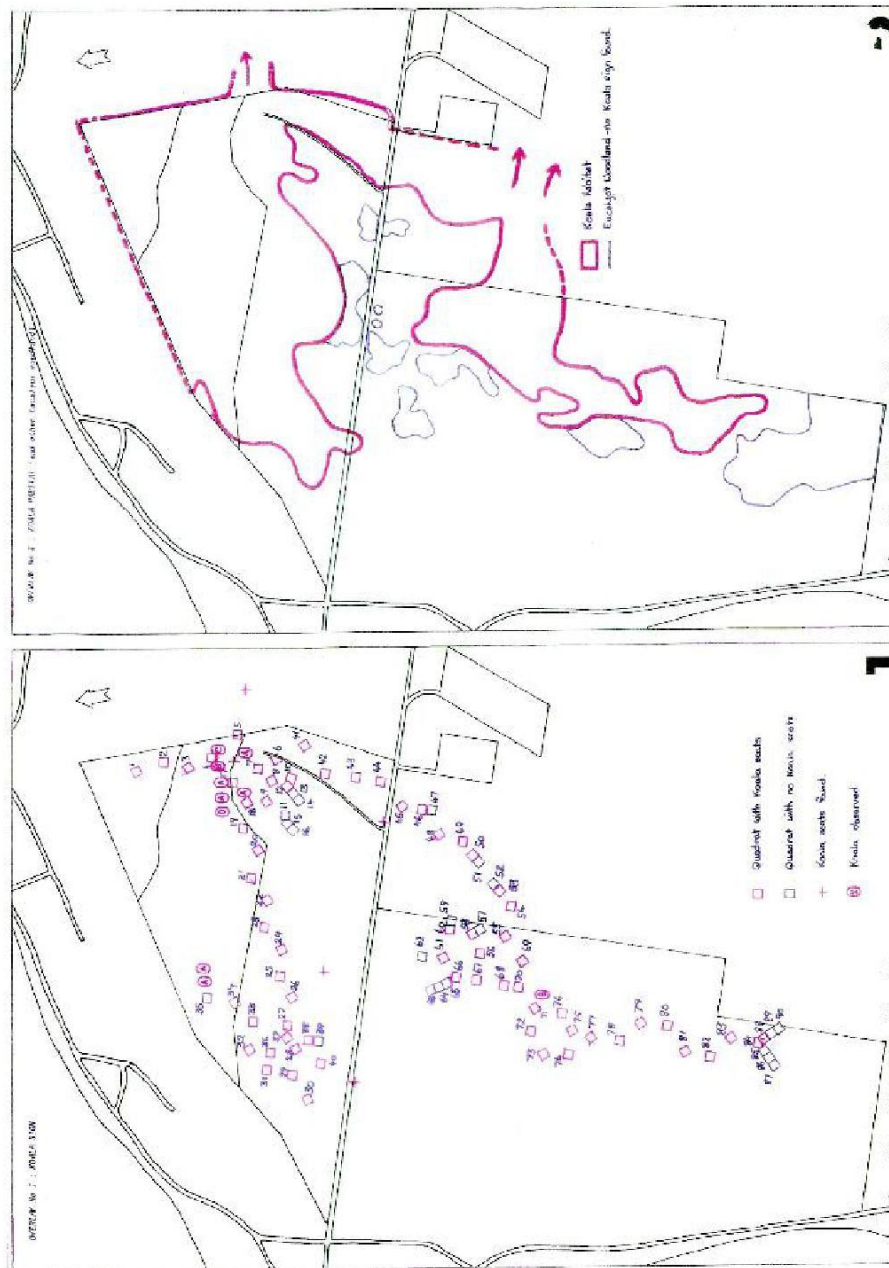


Figure 4: Koala habitat and total conservation value map
Source: Eoopro Pty Ltd 1993 from Anon 1995

Figure 5: Kendall and Kendall (1994) Koala Records on Jinneva Property
(Source, Kendall and Kendall 1993).



2.3 STUDY SITE EVALUATION, ROLE AND CONTEXT

2.3.1 Introduction

As discussed in the information above, the Jimneva land in total has been identified as Core Koala Habitat (Anon 1995), thus the study site forms part of this area of Core Koala Habitat.

This section investigates the site's specific role as part of this larger area of Core Koala Habitat via considering the above mentioned information and this assessment, in association with the Koala's ecology (detailed previously).

2.3.2 Field Survey Results

2.3.2.1 Koala Observations

Koalas have been recorded via spotlighting and opportunistic observations on several occasions during the previous surveys of the Jimneva land (Darkheart 2007a, 2006b, 2005h, 2004i). Male Koalas have also been repeatedly recorded calling opportunistically and in response to call playback, with one instance of 3 males responding to call playback within 100m of each other (Darkheart 2007a). A female Koala was also observed in a Swamp Mahogany along the swamp sclerophyll forest and dry shrubland/woodland ecotone (Darkheart 2004i).

In total, 10 Koalas recordings were made during the previous surveys, with 2 recorded on the edges of study site. The approximate location of these Koala recordings is shown in Figure 7.

2.3.2.2 Scats and Scratches/Activity Levels

(a) Scratches

Koala scratches were readily detected and identified on most of the Grey Gums in the southeast corner adjacent to the 6 Swamp Mahoganies. These trees were generally heavily scratched.

Few to no scratches were observed on the Scribbly Gums and *E. bancrofti* which constituted most of the trees in the northwest corner and western fringes of the site. Most trees in this area and over most of the site are stunted (<8m high) and/or have trunk DBH <30cm, and hence may not be attractive to the Koala.

(b) Scats

In the western to northwestern portion of the study site, only a few Koala scats found under Blackbutt and Needlebark in the spine of dry sclerophyll, and under only 3 Scribbly Gums. In contrast, scats were found abundantly along a narrow band of Swamp Mahogany on the western side of the dry sclerophyll, correlating previous findings (Kendall and Kendall 1993). This band interlinks to the Swamp Mahogany-dominated swamp forest to the northwest of the site.

Scats were found under 4 of the 6 Swamp Mahogany in the southeast corner of the site. Searches in recent years (Darkheart 2011a) recorded scats again in this area under these trees, indicating consistent use.

Scats in the southeast corner were found in 2007 to be of two sizes: medium-large, indicating an adult; and very large, indicating a large adult probably a dominant male. Only large scats were found in 2011.

(c) Activity Levels

As illustrated in Figure 7, Spot Assessment Technique (SAT) assessments over the portions of the Jimneva property previously proposed for potential development investigations (Darkheart 2007a, 2006a) found a number of distinct areas (coinciding with high concentrations of Swamp Mahogany, Tallowwood and Forest Red Gum) with high to medium usage. These are Areas of Major Activity which are significant to the Koala population (Phillips and Callaghan 2011, Biolink 2005a, 2005b, 2005c, 2008).

The southeast corner of the site scored only a low level use despite the concentration of seats under the handful of Swamp Mahogany. Other portions of Lot 5 which contain extensive Swamp Mahogany stands were not assessed (as not impacted by any development proposal) but are likely to be significant (Kendall and Kendall 1993, Ecopro 1995).

2.3.3 Context and Linkage**(a) Camden Haven:**

As shown in Figures 5 and 6 and detailed previously, significant portions of the Jimneva land have been identified as Koala habitat including Core Koala Habitat (Kendall 1993, Ecopro 1995, Hoyer 1992, NPWS Lunny, Moon and Krockenberger 1995, Phillips cited in Anon 1995). This has been further reinforced by later assessment by this firm (Darkheart 2007a, 2006a). Other areas of Koala habitat of relevance to the Jimneva land (and study site) are located in the general Dunbogan area and along a strip south between the Camden Haven River and Dunbogan Beach down to Crowdy Head National Park (Ecopro 1995, cited in Anon 1995, Connell Wagner 2000b). Other known Koala populations in the locality, eg in the Bonny Hills area and West Haven (Darkheart 2005a, 2005b, 2004a, pers. obs, etc), are of little relevance to the Jimneva land due to their distance from Jimneva land and/or the presence of physical barriers such as the Camden Haven River between these records and the Jimneva land.

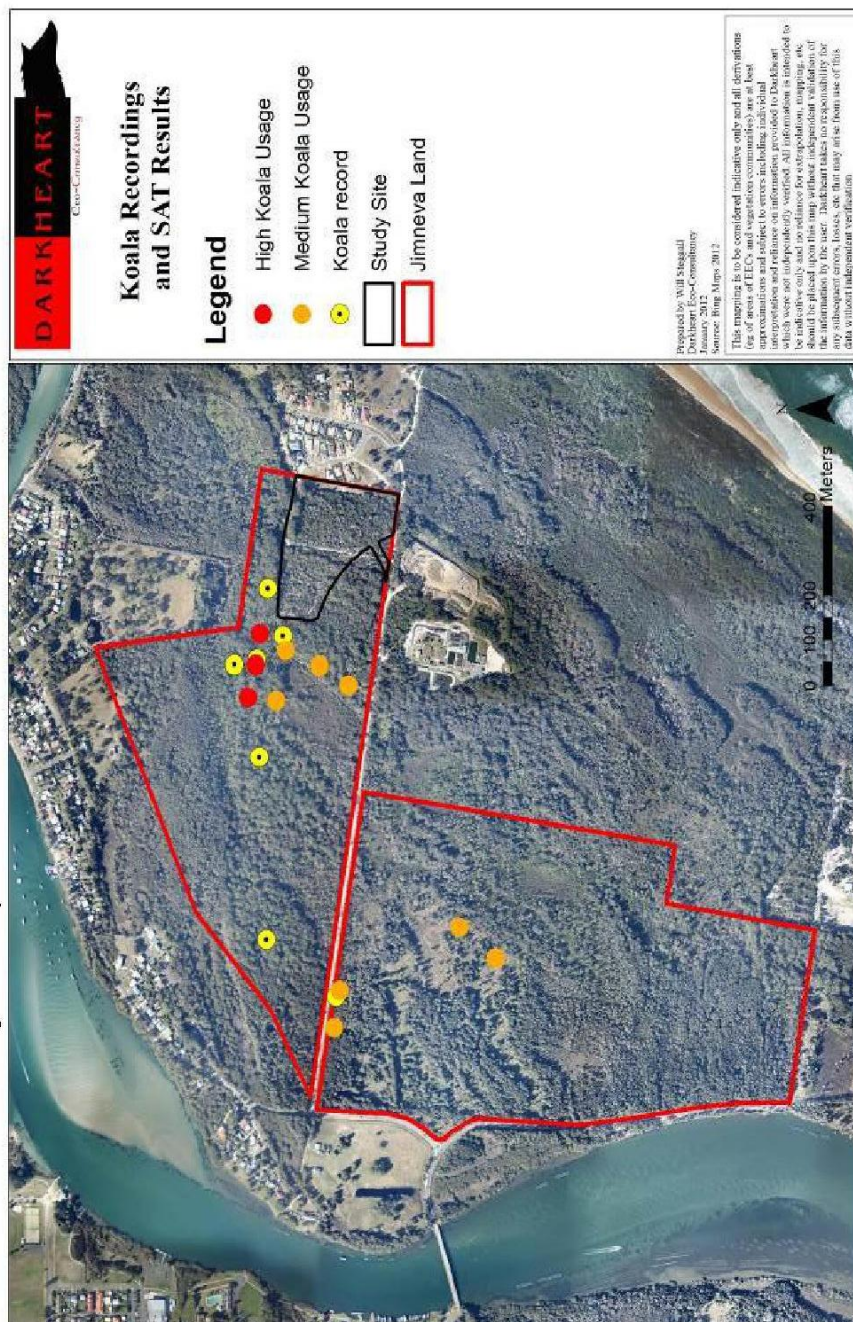
(b) Local:

The study site lies in northeastern portion of the Jimneva land. Previous studies identified the Swamp Sclerophyll Forest/Woodland and the Dry Sclerophyll Forest/Woodland adjacent to the study site as Core Koala habitat; the southern portion of the Dry Sclerophyll Forest/Woodland as secondary to null Koala habitat (yet demonstrably a significant corridor and activity area); and the Heath/Shrubland and Dry Shrubland as null habitat (see Figure 5 and 6).

Recent survey (Darkheart 2007a) also found that while parts of the swamp, dry sclerophyll forest/woodland and dry sclerophyll shrubland/open woodland on the property demonstrate a high and/or medium level of Koala usage, the strip of dry sclerophyll forest/woodland between the heath to the west and dry shrubland on site is likely to provide a key link between areas of Primary Koala habitat to the north and south both on and adjacent to the Jimneva land (see Figure 6). The dry and swamp sclerophyll forest/woodland along the northern boundary (as well as adjacent areas to the north) are also likely to support the movement of Koalas east-west.

Due to the lack of canopy/understorey trees and the dense shrub layer vegetation however, the shrubland on site is of little value (if not a substantial barrier) for the Koala as a link or foraging habitat. Recent clearing of lines of sight for surveying purposes and the easement which bisects the site would probably assist Koala movement through this vegetation.

Figure 6: Koala records made during 2006 survey and SAT results



2.3.4 Discussion

2.3.4.1 Core Koala Habitat Evaluation

SEPP 44 defines Core Koala Habitat as “an area of land with a resident population of Koalas, as evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a Koala population”. The attributes are provided as examples of only some characteristics Core Koala Habitat may demonstrate, and thus to meet the definition of Core Koala Habitat, a site does not necessarily need to show all of these attributes, and may even show other evidence indicating the site is Core Koala Habitat.

In regards to the two identified attributes though, the following is provided:

- 1) “Breeding females (that is, females with young)”. While there have been no known previous recordings of females with young, breeding male Koalas have been repeatedly recorded calling opportunistically and in response to call playback which indicates the presence of breeding females (and hence a Koala population). Kendall and Kendall (1993) also report detecting small scats, indicating young Koalas.
- 2) “Recent sightings and historical records of a Koala population”. As discussed previously numerous Koala recordings have been made on the property by this consultant (see section 2.3.2) and the previous surveys and assessments (see section 2.2.1) on the Jinneva land, thus indicating recent sightings and historical records of a Koala population.

SAT results also found parts of Lot 3 (outside the site) demonstrate high and medium levels of Koala usage. Such areas are indicative of “areas of major activity” which are recognised as a fundamental component (thus an indicator) of “Core Koala Habitat” (Callaghan and Phillips 2010, Biolink 2008, 2005a, 2005b, 2005c, Dr Stephen Phillips, pers. comm. 2002, 2004, 2005).

Overall, as the Jinneva land (incorporating the study site) contains Core Koala Habitat, a Koala Plan of Management is required to be submitted with any future Development Application on all or part of the property.

3.0 CHARACTERISTICS OF THE CORE KOALA HABITAT

3.1 ESTIMATE OF POPULATION SIZE

As noted above, historical records provided by various databases and other studies show that significant portions of the larger Jinneva land have been identified as Koala Habitat including Core Koala Habitat, supporting an estimated population of 10-25 Koalas (this estimate was the subject of considerable debate in the *Commission of Inquiry*) over portions of the 122ha property (Moon 1995, Phillips 1994, Kendall and Kendall 1993, Ecopro 1995). Koalas are also known to use habitat in and around Dunbogan (pers. obs., Connell Wagner 2000b). Ecopro (1995) also mapped other potential Koala habitat to the south of the property along Dunbogan Peninsula. Together this information demonstrates that the general area is significant to Koalas, and supports a sizeable Koala population.

As shown in Figure 5, high conservation value habitat occurs adjacent to the northern and western portions of the study site. The studies forming the basis of this KPOM (Darkheart 2007a, Darkheart 2004i) found that the site itself evidences areas of nil to localised low to very low levels of usage.

The initial survey by this firm (Darkheart 2004i) recorded one female Koala adjacent to the site, however scats of two sizes were also detected. The more recent surveys (Darkheart 2007a, 2006a) observed Koalas via spotlighting and opportunistically on several occasions in adjacent areas of the Jimneva land, particularly the middle sections of Lot 3 where forest dominated by Swamp Mahogany and other primary browse species occurs. Male Koalas were also repeatedly recorded calling, with one instance recording 3 males within 100m of each other. Based on this data, Lot 3 is thus considered support at least 4 Koalas, which would form part of a larger aggregate on the property and adjoining habitats.

At times, other transients may occur for short periods eg sub-adults dispersing to establish their own range or more likely other members of the large aggregate moving through the matrix of habitat and cleared land. The observation of 4 Koalas on the adjacent land and other local records, plus the landscape distribution of habitat in the area including the Jimneva land, evidences this; and also that the site Koala's are likely to be part of a larger population (collective of aggregates) utilising this broader mosaic of habitat scattered over rural, rural-residential and developing residential areas interconnected to major areas of habitat on the Dunbogan Peninsula to the south and northwest.

3.2 PREFERRED TREE SPECIES

3.2.1 Survey Findings

Overall, Swamp Mahogany and Tallowwood and to a lesser extent Forest Red Gum were consistently used throughout the Jimneva land (Darkheart 2006a, 2007a). Several other species (ie Acacia and Swamp Oak) also appeared to be used (most likely as refuge).

On site, it appears that Swamp Mahogany is the preferred food trees. Despite being listed in SEPP 44, Scribbly Gum showed very low to nil usage, despite its relative abundance on the eastern to southeastern side of the dry sclerophyll adjacent to the site. This species is not listed as browse species in the *Koala Recovery Plan* (DECC 2008). Minimal evidence of usage of *E. bancrofti* was found as well, despite its listing as a primary preferred species in the *Koala Recovery Plan* (DECC 2008). The Grey Gums on site (which have clearly been planted with the Swamp Mahogany in the southeast as part of regeneration works) may also be used, though only scratches not scats have been consistently recorded under these trees. All 3 of these species may possibly be less palatable due to the condition of the soil post-mining (ie low fertility, excessively well drained, highly acid).

Scats were also found under Blackbutt and Needlebark by this consultant and also Kendall and Kendall (1994), but only in the spine of dry sclerophyll forming a north-south corridor to the west of the site. Blackbutt has been previously considered by some to be a locally preferred browse species (Connell Wagner 2000b, Hastings Council 2003), however such usage may not indicate actual preferential foraging on these species (Biolink 2008, 2005a, 2005b, 2005c). As noted previously in section 2.1.2.1.2, the assumption that the observation of a Koala within a specific tree or locating of scats under the crown can be considered a reliable indicator of the tree being a preferred food species has been refuted via extensive study in the region hence several species considered local browse species or even currently listed in SEPP 44 are now not considered preferred in the Recovery Plan (DECC 2008, Phillips 2000a, 2000b, 2008, 2005a, 2005b). This argument has been supported by intensive and extensive local research on primary browse species selection in the LGA (Biolink 2003, 2005a, 2005b, 2005c, 2008). It is likely that the proximity to a band of Swamp Mahogany on the western side of this forest and its role as a key interlink between Swamp Mahogany dominated forest to the north and south is the reason for the high level of scat deposition.

PART B: KOALA MANAGEMENT PLAN**4.0 OBJECTIVES AND PERFORMANCE
CRITERIA OF THE KPOM****4.1 OBJECTIVES**

The objectives of this Koala Plan of Management (KPOM) are:

- To maintain the viability of the current Koala population which occurs on the site/in the local area via:
 - * retaining key habitat on site to maintain lifecycle requirements and social interactions essential to Koala ecology (ie home range trees);
 - * maintaining and enhancing linkages with other habitat adjacent to the site;
 - * increasing the net extent of preferred primary browse species on the site to increase its carrying capacity and potentially allow population expansion; and
 - * effectively mitigating threats to the viability of Koalas dependant on the site induced by the proposal.
- To provide a bushfire refuge for Koalas (and other wildlife) in the event of extensive wildfire in adjoining habitat to the south and west.
- To effectively minimise hazards posed by dogs and vehicles potentially imposed by the development.

4.2 PERFORMANCE CRITERIA

The criteria against which achievement of the objectives are to be measured are:

- Net increase in preferred Primary Preferred Browse Species, with effective inter and intra-habitat linkages via strategic development layout design and supplementary preferred Primary Browse Species plantings, with monitoring showing continued and increased usage post-development (see Action Plan A and B).
- Retention of the Swamp Mahogany and key Grey Gums in the southeast corner to maintain their socio-ecological values for the local Koala aggregate.
- Nil Koala losses or injury through collision with vehicles on site (see Action Plan D); drowning in pools (see Action Plan F); attack by dogs (see Action Plan E); and disease control (see Action Plan I) determined by monitoring.

5.0 THREAT ASSESSMENT AND ABATEMENT

The following section identifies processes, etc, considered in the literature to be threats to the Koala, and evaluates the role of the proposal in introducing or exacerbating these threats. Appropriate ameliorative measures are also detailed with specific Action Plans per threat provided in the appendices.

5.1 THREAT IDENTIFICATION AND AMELIORATION MEASURES

Development of Koala habitat is generally associated with the following impacts/threats (Connell Wagner 2000a, 2000b, Wilkes and Snowden 1998, Biolink 2003, 2005a, 2005b, 2005c, 2008, Dr Stephen Phillips pers. comm., Lunney *et al* 1999, Port Stephens Council 2001, AKF 2006, 2004, State Forests 2000, DECC 2008). In context of the subject development proposal, these are first identified, and then the ameliorative measures/recommendations to address this threat/impact are described in this section.

Identified threatening processes are:

- Loss of Forage Trees/Habitat
- Road Kill
- Dog Attack
- Drowning in Pools
- Physical Barriers
- Bushfire
- Disease

Table 4: Summary of ameliorative measures proposed per identified threat

THREAT	AMELIORATIVE MEASURE/S	SECTION/S OF KPoM
Habitat loss/fragmentation	<ul style="list-style-type: none"> • Development layout designed to minimise habitat loss via minimising incursion into intact forest and retaining current linkages. • Retention and protection of key Grey Gums and Swamp Mahogany on site, and retention of potential linkages. • Planting of more preferred browse species to retain linkages and increase net carrying capacity. 	5.1.1.2.1 5.1.1.2.3 Action Plan A Action Plan B
Potential injury during clearing	<ul style="list-style-type: none"> • Trees proposed to be removed to be inspected for Koalas immediately prior to commencement of removal. • No tree removal is to be carried out while any Koala is present in the area of operation until Koala voluntarily moves on. 	5.1.1.2.2 Action Plan C
Road kills	Roads to: <ul style="list-style-type: none"> • Contain Koala/wildlife warning signage. • 50km/hr speed limit on main roads, with design and engineering measures to reduce speed to <40km/hr, particularly at key intersections. • Street lighting to maximise visibility of Koalas on roads, especially at key intersections. 	5.1.2.1 Action Plan D

Predator attack	<ul style="list-style-type: none"> Dogs to be prohibited via title covenants from total property. All stray animals and ferals to be reported to Council Ordinance Officer for compliance enforcement under <i>Companion Animals Act 1997</i>. Signage with contact details for the Council Ordinance Officer to report unleashed/banned dogs, and for Koala Preservation Society/Koala Hospital to facilitate reporting of sick or injured Koalas 	5.1.3.1 Action Plan E
Pools	<p>Any pools established in the future on residential Lots with retained trees must either:</p> <ul style="list-style-type: none"> Be located away from overhanging trees. Prevent Koalas from potentially entering (eg by above ground pool design, fencing); or Provide means for Koalas to exit (ie via stout rope or designed with shallow area). 	5.1.41 Action Plan F
Barriers	<ul style="list-style-type: none"> No fence design (either temporary or permanent) is to include a material or design feature that may potentially injure Koalas (or other fauna) eg barbs and loose wire. No fence to form a barrier to habitat access except around pools. All fences enclosing primary browse species to be Koala permeable via 250mm gap at base, use a lapped and capped design, or A frame on each fence length. 	5.1.5.1 Action Plan G
Disease	<ul style="list-style-type: none"> Signage with contact details for the Koala Preservation Society/Koala Hospital to facilitate prompt reporting of sick/injured Koalas/wildlife. KPoM monitoring report to assess resident Koala population health (if possible) via resident records and field survey. 	5.1.7.2 Action Plan I

5.1.1 Loss of Forage Trees/Habitat

5.1.1.1 Extent of Habitat/Tree Loss

Habitat loss and/or fragmentation is the most serious threat to Koalas both historically and at present (DECC 2008, AKF 2007, 2004, Connell Wagner 2000b, Port Stephens Council 2001, Lunney *et al* 1999, Wilkes and Snowden 1998, etc).

As shown in Figure 5, the proposed development primarily falls over an area of tertiary/null habitat (Ecopro 1995). As shown in Figure 2, all of the Swamp Mahogany and all but possibly 1 Grey Gum (potentially too close to the future dwelling) showing evidence of usage in the southeast are to be retained. An isolated Swamp Mahogany falling on the edge of Road 1 will also be removed, but as this tree shows no usage (presumably due to extremely difficult access), its loss is considered of no consequence.

Up to 138 Scribbly Gums will be removed, mostly in the northwest (mostly on the western boundary due to engineering requirements negating selective tree retention). As noted in section 2.3.2.2, these demonstrated minimal to nil usage ie did not contain an area of major activity (home range trees). Given this and their lack of listing as preferred browse species in the *Koala Recovery Plan* (DECC 2008), their loss is considered likely to be of minimal long term consequence to the local Koala aggregate. Similarly, as *E. bancrofti* shows no significance usage on site, the loss of a portion of these trees is also considered of no significant long term consequence to the local aggregate. One isolated Swamp Mahogany within the shrubland demonstrating no usage will also be removed.

As detailed subsequently, the following measures are intended to offset the potential threats associated with the proposal

- Supplementary planting of up to 170 preferred Koala food trees (ie Swamp Mahogany and Tallowwood) within the landscaping provisions of the subdivision. Planting these demonstrably preferred species is intended to increase net carrying capacity of the site and Lot 3 overall.
- Roads to implement structural devices to limit traffic speed thus minimising potential road kill.

5.1.1.2 Ameliorative Measures

Refer to Action Plans A and B in the appendices.

5.1.1.2.1 Informed Development Design - Retention and Protection of Key Habitat Areas

As shown in Figure 5, the development layout has attempted to minimise incursion into the main areas of Koala habitat previously mapped as significant (Ecopro 1995). Specifically, the northwestern swamp forest and the spine of dry sclerophyll forest to the west and southwest between the heath and shrub communities. Both of these areas show medium to high levels of usage and have been retained as is aside from some edge intrusion by APZs.

The isolated patch of Swamp Mahoganies used by Koalas in the southeast will also be retained within larger residential Lots.

Consequently, all key areas of Koala habitat have been retained.

5.1.1.2.2 Selective Browse Tree Retention

The patch of Swamp Mahogany and almost all the Grey Gums showing usage in the southeast of the eastern block have been retained within larger Lots (see Figure 2). This compliments retention of these trees on adjoining land to the east (Darkheart 2011a). These trees will be protected via a title covenant, with adequate setback of any dwelling, etc, to avoid root damage or perceived threat to the dwelling.

5.1.1.2.3 Habitat Replacement and Enhancement

Replacement plantings of Scribbly Gums is not proposed given the lack of significant Koala usage suggests minimal if any long term benefit the local Koala aggregate. The clearly demonstrable preference for Swamp Mahogany and Tallowwood indicates planting with these species would have more significant long term benefits and address the aims of SEPP 44. As shown in Figure 7, the concept landscape plan proposes to plant up to 170 new preferred Koala food trees.

The proponent will be responsible for managing all plantings until considered self-sustainable, upon which purchasers will become responsible. Standard protection mechanisms are to apply to these trees with replacement provisions should they be removed at some future date.

Plantings are recommended to commence as soon as possible and practical (ie when plantings are not in danger of accidental removal) to minimise lag time in recruitment and habitat creation. Primary Browse Species seedlings sourcing should aim to use plants meeting NATSPEC *Specifying Trees* to maximise survival rates and reduce recruitment time, and compatibility with a residential environment. Preferably, seed stock should be sourced by seed harvesting of trees on the Jimneva land as they have demonstrable adaptation to the local edaphic conditions and are known to be used by local Koalas.

5.1.1.2.4 Vegetation Clearing/Construction Protocol

The following measures are to be implemented to ensure only the identified vegetation is to be removed (ie to ensure trees/areas required to be protected are), and to ensure no significant impact occurs on retained vegetation (see Action Plan C):

- All vegetation/trees to be retained/removed are to be clearly surveyed and their position plotted on a construction plan. In the field, these trees are to be marked or fenced off (eg with star pickets and bunting) on the site prior to commencement of works and such fencing is to remain until construction is complete. All such protective fencing is to be Koala permeable and pose no risk of injury eg no exposed wire ends or risk of entanglement. Scattered trees to be retained are also to be clearly marked or fenced off (eg within bunting) to prevent accidental removal. Site induction is to clearly specify that no clearing is to occur beyond the designated area and is to only include designated trees.
- Prior to commencement of clearing, all trees/vegetation identified for removal is to be inspected by the project ecologist to certify that the correct vegetation has been marked for removal/retention. Written certification is to be provided to the proponent.
- Prior to removal of any trees which may potentially be used by Koalas for forage or refuge on each day of the proposed clearing operations, a precautionary survey by a project ecologist ("Koala spotter") is to be undertaken of the area for Koalas, until all identified habitat is removed. If a Koala is detected, works are to be suspended within 25m of the tree until the Koala has moved on.
- The Koala spotter is to remain on site during tree removal activities to constantly monitor for Koalas which may enter the site during works and be at risk. The Koala spotter is to actively liaise with all construction staff and direct operations as appropriate should a Koala be detected on site.
- Compaction under the drip line of retained trees/vegetation is to be avoided or minimised to prevent root damage or other injury to tree health. Appropriate guards approved by an arborist are to be installed to prevent physical damage to the trunk where setback via fencing is not practical/possible, and other additional measures (eg mulch placed over roots) are to be implemented to protect the health of the tree. Appropriate measures approved by an arborist are to be taken when roots must be trimmed or otherwise affected during any excavation works.
- All associated vehicles and machinery are only to be parked in the designated areas and not under the drip line of any retained tree. Similarly, any construction materials are to be stored outside retained vegetation. Machinery to be stored overnight at the site is to be located on existing clearings or tracks and must not be parked in vegetation non-designated for removal.

5.1.1.2.5 Perpetual Tree Replacement

Any primary browse species removed under future applications under Clause 5.9 (2) of the PMHC LEP 2010/DCP 2011 or other means is to be replaced by replantings at a ratio of 1:2. This is essential to maintain the long-term values of the subdivision as Core Koala Habitat via ensuring the extent of retained habitat (and hence carrying capacity) is at least maintained if not increased in perpetuity.

Post-construction, any planting which dies of natural mortality or is accidentally damaged/removed in the streetscape is to be replaced on an on-going basis by the responsible authority (see Action Plan A and B). Replacements are ideally to be provided in or at least as near as possible to the original location of the removed tree. If this is not possible/practical, then they are to be located within suitable gaps in the odour buffer zone to the southwest. Plantings are to be maintained by the person/authority responsible for the original tree's removal until it is deemed self-sufficient by a PMHC officer.

Figure 7: Landscape concept plan



5.1.2 Traffic Collision (Road Kills)

5.1.2.1 Traffic collision risk

5.1.2.1.1 Literature Review

Road kills are a significant mortality cause throughout the Koala's range (DECC 2008, Wilkes and Snowden 1998, Connell Wagner 2000b, 1998b, Lunney *et al* 1999, Port Stephens Council 2001, Standing 1990, AKF 2007, NPWS 1999b, 2000a, etc). The establishment of roads in Koala habitat can also affect breeding and social interactions, increase isolation/fragmentation of populations, and hence reduce dispersal, recolonisation and immigration potential (DECC 2008, Wilkes and Snowden 1998, Connell Wagner 2000b, 1998b, Lunney *et al* 1999, Port Stephens Council 2001, Standing 1990, AKF 2007, NPWS 1999b, 2000a, etc). Koalas are most vulnerable during the breeding season, with young animals (presumably sub-adults dispersing from natal range) being the most prevalent in road kills (DECC 2008, Moon 1998, Connell Wagner 2000b, 1998b, Lunney *et al* 1999, Port Stephens Council 2001, Standing 1990, AKF 2007).

Wilkes and Snowden (1998) and Connell Wagner (2000b) note that traffic collision (usually resulting in death) is a major threatening process to the Port Macquarie Koala population, particularly to males, who account for most of the injured animals (most likely due to more frequent and longer movements during their life cycle eg during breeding seasons).

Roads that bisect or lie adjacent to a Koala's home range have a high risk of resulting in the resident Koala's mortality (DECC 2008, AKF 2007). They may also cause a sink effect, where the vacant habitat is recolonised by a recruit, who in turn, falls victim to the same mortality cause as their predecessor, and so on. This can have a significant effect on social structure and fecundity, and hence the viability of the local population (DECC 2008, Dr Stephen Phillips pers. comm.).

5.1.2.1.2 Site Assessment

(a) Increased Local Roads Volume:

The proposal will see extension of Scarborough Way as the primary access to the subdivision, with a secondary access from the Dunbogan waste transfer/STP access road. The latter is currently gravel which severely reduces effective speed to 40-60kph for non-4WD vehicles, but PMHC have recently publicly advertised an intention to upgrade this road which may increase the maximum speed if a better road surface is established.

Consequently as a result of increased usage due to improved surface and increasing residential development in the Scarborough Way area (eg Darkheart 2011a), the probability of collision between an animal and a vehicle will substantially increase along this road: especially as night time traffic volumes will incrementally and cumulatively increase as a result of both the proposed, existing and other approved subdivision at the eastern end of the landfill access road.

This is a substantial threat given this road divides proximate habitat to the north and south throughout the width of the Jimneva land and Dunbogan Peninsula, and the northern and southern areas of Core Koala Habitat on the Jimneva land (see Figure 5 and 6). Members of the local Koala population would periodically cross this road as part of their lifecycle stages and probably for routine foraging, hence upgrading of this road combined with increased number of users will pose a significant risk of vehicle strike in the future (DECC 2008, AKF 2007, Jones 2000, QEPa 2007, AKF 2007).

(b) Internal Roads:

Creation of roads on the site will introduce a new threat to the site that has not previously existed ie vehicle strike.

Though speeds will be relatively low due to the proposed road design, volume will be substantial, thus some risk of vehicle strike will result. Hence further measures are required.

5.1.2.2 Ameliorative Measures

Refer to Action Plan D.

5.1.2.2.1 Subdivision Design Measures

In general, road design has endeavoured to minimise speed and risk of Koala collisions via:

- Incorporating a T-intersection at the Scarborough Way extension and the STP access road junction. This will have the benefit of forcing drivers to slow down well before reaching the junction (either entering or leaving Scarborough Way), and coming to a complete stop before turning off the access road. This thus reduces >50kph along the easternmost section of the access road; limits the development of a long straight from The Boulevard to Scarborough Way; and limits the likelihood of drivers exceeding a safe speed entering the subdivision from Scarborough Way.
- Strategic use of cul-de-sacs for internal roads, with 50kph speed limits on the new roads as typical of residential areas, with zone signage throughout the residential area combined with effective physical measures (eg chicanes) to reduce speed to <40kph.
- Appropriate signage and lighting (which does not impact on arboreal fauna) throughout to maintain awareness and maximise detectability.

5.1.2.2.2 Subdivision Design Measures

The proponent does not own the STP access road, and hence has little (if any) ability to provide any ameliorative measures along the entire length of this road via this KPoM.

PMHC is thus recommended to consider zoning the upgraded landfill access road to a maximum of 50kph over its entire length, and if the road remains gravel, to maintain its current service regime. If the road is upgraded to a fully sealed surface, passive speed control measures (eg dips, chicanes or speed humps) are recommended to be installed at strategic locations to negate the risk of higher speeds being achieved.

Such measures are deemed absolutely necessary given this road is unlikely to be effectively policed, and the mortality rate could be sufficient to place the demonstrably small local population at long term risk of extinction whether or not the subject proposal is approved or not given other existing and future development on adjoining land will use the upgraded road (AKF 2007, Jones 2000). Appropriate Koala warning signage will also be required at the junction with The Boulevard.

5.1.2.2.3 Street Lighting

Lighting is to be placed additional to the minimum standard required for residential areas at the intersections of all roads/cul-de-sacs, especially in the southeast corner where the localised patch of Swamp Mahogany occur and Koalas will cross Scarborough Way to reach these trees.

This is required to maximise driver sighting of Koalas potentially crossing at these key points and using planted trees within the estate.

5.1.2.2.4 Other Measures

Residents and visitors must be made well aware of Koala presence on-site and in adjacent habitat. This is to be achieved by signage erected at the two entry points to the development.

In addition to other information prescribed in this KPOM, contact details for the Koala Preservation Society/Koala Hospital will also be provided via signage (eg under Koala warning signs) to facilitate prompt reporting of sick or injured Koalas.

5.1.3 Pet and Feral Predator Control

Refer to Action Plan E.

5.1.3.1 Risk Assessment and Recommendations

5.1.3.1.1 Domestic Dogs

Dog attack is a major cause of Koala mortality. Domestic dogs are probably the main source of dog attack mortality near residential areas (Wilkes and Snowden 1998, Lunney *et al* 1999, Port Stephens Council 2001, Connell Wagner 2000b, State Forests 2000, AKF 2007, QEPA 2006, DECC 2008). As the site is Core Koala Habitat with females and joeys potentially moving through the area, exceptional control on dogs is required (QEPA 2007, AKF 2007, Wilkes and Snowden 1998, Lunney *et al* 1999, Port Stephens Council 2001, DECC 2008).

All dogs (aside from approved medical companion animals) are to be prohibited from being kept or unleashed on site via title covenant. Notation on this restriction is to be displayed by appropriate signage at the entrances to the subdivision.

Unleashed dogs entering the area from adjacent unrestricted areas are required to be removed by Council as per the *Companion Animals Act 1997*. Contact numbers for Council's Ordinance Officer is to be provided on signage.

5.1.3.1.2 Cats

Cats are not considered a serious predator to the Koala (Wilkes and Snowden 1998, DECC 2008, Lunney *et al* 1999, Connell Wagner 2000b, etc). Hence no specific prescription is provided in this KPOM.

5.1.3.1.3 Feral Cats and Foxes

Feral cats and foxes are not considered a significant threat to Koalas, though there is the potential for attack on sick, injured or juvenile Koalas. These vermin are also a serious threat to indigenous species ie are recognised as Key Threatening Processes (NSWSC 2001, NPWS 2001, Dickman 1996).

The public will be encouraged to report sightings of these species to Council's Ordinance Officer to apply relevant actions eg as per Councils *Pest Control Strategy* (2005).

5.1.3.1.4 Emergencies

Strategically located signage is to advise that dogs are prohibited from the area and any dog is to be reported to Council with the relevant phone number provided. Contact details for the Koala Preservation Society/Koala Hospital will also be available (as detailed previously) to facilitate prompt reporting of sick or injured Koalas.

5.1.4 Drowning in Pools

Refer to Action Plan F.

5.1.4.1 Risk Assessment and Recommendations

Koalas can swim, but have been recorded drowning in pools where they could not climb out. Koalas may enter the pool via falling from overhanging branches, or tumbling in by mistake (DECC 2008).

Wilkes and Snowden (1998) state that since the implementation of child-proof fencing around pools, accidental drowning has ceased to be a threatening process in Port Macquarie.

Future residents may install pools in backyards. All pools will require a pool fence as per the *Swimming Pools Act 1992*. This should largely prevent Koalas from entering pools, though there is some small risk that Koalas may fall in from overhanging trees eg on Lots 1 and 2 which will retain trees in yards. On these two Lots, a title covenant is to state that:

- Pools are to be enclosed by a fence that is Koala and child proof.
- Pools are to be located away from overhanging trees. If this is not possible, then a stout rope with a minimum diameter of 50mm is to be placed within one end of the pool and tied to a permanent poolside fixture to allow potential Koala escape OR the pool design is to include a shallow beach access.

5.1.5 Barriers

5.1.5.1 Threat Assessment

5.1.5.1.1 General

Developments may result in physical and behavioural barriers that impair Koala usage of the site or access to adjacent areas.

Fences offer the main physical barrier. Koalas can climb sturdy chain mesh, wooden paling or solid-type fences with wooden fences on both sides (Port Stephens Council 2001, Wilkes and Snowden 1998). Busy roads, barking or aggressive dogs, and adverse human contact may pose behavioural barriers (DECC 2008).

5.1.5.1.2 Fences

There are no fences currently present on the study site. The proposed development will require fences to be erected on the site in two stages – construction and establishment.

Due to insurance reasons, a temporary public exclusion fence may be required at least around part of the site during various subdivision construction stages, and also around individual Lots during dwelling erection. These fences may form a barrier to habitat (forage trees) if they were to enclose any retained trees eg on Lots 1-2. In this instance, measures will be required to retain access on these Lots.

Following establishment, boundary fences between individual dwellings are likely to be erected. Overall, aside from Lots 1 and 2 for which special restrictions will apply (see below), boundary fencing should pose no barrier as the alignment of roads and landscaping is aimed to encourage Koalas to move through and across the estate; the site itself is not a stepping stone between key areas; and no forage trees will be located in backyards (apart from Lots 1-2). The spine of dry sclerophyll to the west is the key local link, and this link is not affected by fencing.

Fences may also not only exclude Koalas (Wilkes and Snowden 1998, DECC 2008, AKF 2006), but some have been recorded to physically injure Koalas eg those with barbed wire or exposed cut wires (Mrs Pam Whippy, Koala Preservation Society, pers. comm.). Specific measures are required to mitigate this risk.

5.1.5.1.3 Behavioural Barriers

The proposal will see conversion of about 6.3ha of mostly dune scrub into a residential subdivision, with associated noise and other anthropogenic disturbances. While this habitat is mostly of no value to the Koala, it is a significant change to the current landscape.

Given the current level of human presence in the adjacent estate, Dunbogan waste transfer station and Sewerage Treatment Plant, the resident Koalas are considered likely to be somewhat tolerant to human presence, however the proposal will still be a significant change to the current status quo due to the significant increase in human presence and associated impacts eg artificial lighting and noise.

5.1.5.2 Ameliorative Measures

Refer to Action Plan C and G.

5.1.5.2.1 Temporary Construction Fences

In general, any such construction fence on Lots 1 and 2 (which will be erected for at least several months) must be Koala friendly in the sense of allowing unfettered Koala access to any food trees retained within at any stage of the development. If this is not achievable via fence design (eg providing a minimum 25cm gap at the base), a Koala "ladder" (ie a wooden A-frame) on either side and every major face of the enclosure will be required to allow Koala access and exit.

For any other such fence on site, if the fence can be erected without containing any preferred food species and Koalas may navigate around the fence to habitat, the fence may remain completely Koala proof.

No fence is to be made of a material or design which may be capable of injuring a Koala ie no barbed wire, cut wire ends, spikes, etc.

5.1.5.2.2 Permanent Fences

As a condition of consent, no permanent fence is to be constructed that will result in a barrier that potentially prevents free access to habitat on Lots 1 and 2. Boundary fencing around these Lots will be required to be Koala friendly via having a 250mm gap at the base, Koala ladders or be constructed of a wooden lapped and capped style.

No fence is to be made of a material or design which may be capable of injuring a Koala ie no barbed wire, cut wire ends, spikes, etc.

5.1.6 Bushfire

Refer to Action Plan H.

5.1.6.1 Threat Assessment

Bushfires, particularly intense, crown-burning fires, are a major threat to wildlife and threatened fauna such as Koalas. Extensive fires that burn out a large extent of habitat – particularly habitat that is isolated or fragmented, and thus limited in escape, refuge or recolonisation potential, are particularly damaging if not catastrophic via direct mortality or indirectly (eg insufficient resources left to support the population).

As demonstrated by the recent fire on Lot 5 (Darkheart 2007a), unplanned bushfire can burn out a significant proportion of the Jimneva land, and potentially have catastrophic impacts on its ecological values. Less intense fires may also cause secondary problems such as smoke-inhalation/breathing disorders, loss of food supply, stress and displacement (eg via complete burning of an individual's home range).

Altered fire frequency can also ultimately simplify or alter the character of vegetation communities by removing fire sensitive species (eg convert wet sclerophyll to dry), and even develop fire-prone communities (eg promote development of a grassy groundcover).

The densely vegetated portions of Lot 3 on and adjacent to the site are classed as fire prone, and hence the local Koala population is potentially threatened by wild fire. The lack of a residential presence also induces the elevated risk of arson, and the lack of a managed fire regime had led to a significant build up of fuel.

5.1.6.2 Ameliorative Measures

5.1.6.2.1 APZs

Asset Protection Zones will be required to be established for the development. These will likely require the:

- Underscrubbing of a band of about 30m wide along the northern boundary, within the outer edge of the ecotone of remnant dry sclerophyll forest for the northern APZ;
- Establishment of about a 30m APZ to the west and southwest via setbacks of dwelling locations and underscrubbing of vegetation with selective tree retention (ie Koala food trees).

While this results in habitat loss/modification for the Koala, it increases the potential for the site to act as a fire refuge to Koalas driven out of burnt habitat to the west, north or south.

5.1.6.2.2 Fuel Reduction

If fuel reduction is to be practised in the residual forest on site and the remainder of the Jimneva land, due consideration is to be given to protection of Koalas from both wildfire and prescription burning. That is, the risk of wildfire should be minimised by an adequate prescription burning regime, yet this regime must both not alter the character of the vegetation comprising the Core Koala Habitat, nor the fires endanger the welfare of Koalas.

The *Rural Fires Act 1997* (RFA 1997) has relevant statutory provisions for controlling the fire regime and protecting the Koala and its habitat from ecologically detrimental burning. Burning for the purpose of hazard reduction appears to require a *Bush Fire Hazard Reduction Certificate* (BFHRC) to be issued by the Rural Fire Service (RFS). This environmental approval is required under the RFA 1997 if the hazard reduction proposed affects native vegetation, poses a potential threat to threatened species, endangered ecological communities, etc; or could result in air or water pollution, or soil erosion (see sections 86, 89, 100C, 100D and 100G of the RFA 1997). A BFHRC requires legal compliance to the specified conditions which will take into account environmental factors such as:

- Presence of threatened species or EECs.
- Risk of soil erosion or mass movement.
- History and minimum fire frequency intervals for specific vegetation types.
- Location of waterbodies and waterside (riparian) vegetation.

A BFHRC may include measures to protect significant areas eg limiting fire frequency, specifying exclusion areas eg the wetland. The existence of EECs and known habitat of several threatened species on the property and to some extent the site should require specific environmental protection measures to be specified in any BFHRC applied for the site/property.

The RFS guidelines for hazard reduction also recommend use of low intensity fires for hazard reduction to minimise rate of spread (hence allowing fauna to escape), generation of smoke (which may affect arboreal species), and maximises protection of the canopy. The guidelines also recommend use of spot fires that burn patchily, hence this may result in the creation of a complex mosaic of fire histories which may essentially achieve the aims of the previously recommended ecologically-based bushfire management plan. The BFHRC also requires landowners to complete a report post-completion of works, hence provides a means of monitoring and compliance to the BFHRC's conditions.

This statutory instrument thus if implemented effectively should protect retained site and adjacent habitat from an ecologically unsuitable bushfire regime. The RFA 1997 also requires landowners

intending to burn to provide at least 24hrs notice to all neighbours, hence this provides an opportunity for monitoring and control of fires.

Council may consider imposing a title covenant requiring landowners to contact the RFS for a BHFR application before burning, or to provide this ecological assessment to the RFS with any enquiry for burning to ensure due process is properly implemented.

5.1.7 Disease

Refer to Action Plan I.

5.1.7.1 Risk Assessment

This threat is most relevant to Koalas as part the Jimneva land, including the site, is considered to constitute Core Koala Habitat (Kendall 1993, Ecopro 1995, Hoyer 1992, NPWS (Lunney, Moon and Krockenberger) 1995, Phillips cited in Anon 1995). Most Koalas are naturally infected with *Chlamydia* pathogens (Sharp and Phillips 1999, Phillips 1997). This and other diseases may develop when Koalas are under stress, of which one cause is habitat loss/disturbance (DECC 2008, Catling 1991, McFarland 1999, AKF 2003, Port Stephens Council 2001).

The proposal requires some limited modification of known Koala habitat. Key areas of Koala habitat (as evidenced by scat detection and Koala sightings) are to be largely avoided (the northwest and west) or retained post-development (patch of Swamp Mahogany in the southeast). No areas of major activity are impacted, hence no home range trees are at risk of removal. This should significantly reduce the potential for the development to place excessive stress on a local Koala population (Biolink 2008, 2005a, 2005b, 2005c).

However, the proposal requires substantial modification of the current pattern of vegetation (ie loss of most of the dry shrubland) and some removal/modification of secondary habitat including Scribbly Gums and Bancroft's Red Gum. These latter losses are considered unlikely to be significant given these species failed to demonstrate significance usage, and their loss will be offset by planting of up to 170 Swamp Mahogany and Tallowwoods which should substantially increase carrying capacity in the medium to long term.

Overall while the general vegetation community structure of the site will be significantly altered, no significant barriers to movement that may induce stress are expected to be introduced given the layout design and planting provisions. Koalas on site will also be monitored for signs of stress and contact details for the Koala Preservation Society/Koala Hospital/ will be permanently available to facilitate prompt reporting of sick or injured Koalas.

5.1.7.2 Precautionary Ameliorative Measures

Although the development is considered unlikely to substantially increase disease levels in local Koalas, the following measures (detailed in Appendix Plan I) are proposed to identify and address possible disease outbreaks due to stress resulting from habitat loss from the development and degradation by natural factors such as drought and fire:

- Annual KPOM monitoring to census health of any Koalas in KPOM management area and collate any records of Koalas admitted to Koala Hospital due to disease, or increases in stress-related diseases in vicinity of site. If disease incidence is recorded, appropriate emergency actions with assistance by the Koala Hospital (eg medical treatment of sick Koalas and specific survey of all Koalas on site and related habitats upon detection of disease) are to be taken to alleviate the problem to ensure the viability of the local breeding aggregate is not placed at risk.

- Signage in public areas to encourage reporting of any sick/injured Koalas to the Koala Preservation Society/Koala Hospital.

5.1.8 Injury Due to Clearing Works

Refer to Action Plan C.

5.1.8.1 Threat Assessment

Tree felling and clearing in the development envelope will pose an associated risk (albeit low) of injury or mortality to any Koalas present on site at the time.

5.1.8.2 Ameliorative Measures

The following ameliorative measures are to be carried out to minimise the risk of injury or stress to Koalas during clearing works on the site:

- The area of proposed vegetation clearing is to be inspected for Koalas by an ecologist ("Koala spotted") immediately prior to commencement of any vegetation removal involving machinery and/or tree felling. If no Koala is present, written approval for clearing is to be provided and is only valid for the specified day of clearing only.
- If a Koala is present in the development envelope, works are preferred to be suspended until the Koala moves along on its own volition. If the Koala is located in a position that a 25m buffer may be established, works may proceed outside this buffer.
- The Koala spotter is to remain on site during tree removal to constantly monitor for Koalas which may enter the site and be at risk. The Koala spotter is to actively liaise with all construction staff and direct operations as appropriate should a Koala be detected on site.

6.0 MONITORING, REPORTING AND COMPLIANCE MEASURES

6.1 ANNUAL REPORTING

An annual KPOM Monitoring Report is to be prepared by an approved consultant and submitted to Council and any other appropriate authority (eg DoP) for review. Provision of this report is to be required as a condition of consent at the proponent's expense. The report is to be prepared annually until the appropriate authority deems that the KPOM and its provisions (including the associated landscape management plan) have been successfully implemented and achieved their objectives, and that compliance monitoring is no longer required.

Due to the dependence of this KPOM upon its successful implementation by third parties, the annual monitoring report must comprehensively address and assess the implementation and success of all recommendations. Consequently, it is expected that the monitoring period will at least last until all construction is completed and all replacement planting is deemed successful and no longer requires maintenance.

This report will vary over time in its content, but will essentially address/detail the following matters where relevant as follows:

- (a) **Year 1:** The first report will be prepared at least 12 months after commencement of construction and replanting program and in addition to any specific requirement of Council or DoP is to detail the following information:
- Total number of Schedule 2 species actually required to be removed in the construction of the development (verification of clearing plan).
 - Total number of compensatory Schedule 2 species planted (including details of seedling sources) on-site (if applicable at the time/stage of development).
 - Assessment of retained tree health (eg evidence of dieback), with consequent recommendations for investigation by an arborist if necessary.
 - Map/plan showing location of plantings (where relevant).
 - Compliance with clearing recommendations of the KPoM.
 - Seedling maintenance program detailing watering, weeding and responsible staff.
 - Number of replacement plantings due to seedling mortality (where relevant).
 - Recommendations where appropriate.
 - Details of Koala records on site and usage levels based on a site survey ideally during the peak period (July-January) of Koala activity ie the breeding season (when Koalas are most likely to be detectable), and collation of other records eg resident/staff sightings and KPS records.
 - Census of Koala health (on-site sightings and KPS records)
 - Map/plan showing sightings and/or scat deposits over total KPoM management area.
 - Details (including location, sex of animal, causes, etc) of any Koala mortality or sickness incidents, and any emergency actions undertaken, and fate of Koalas admitted for treatment.
 - Records of numbers of dogs kept on site and compliance with KPoM.
 - Details on compliance/implementation of other measures detailed in this KPoM to date eg fencing, pools, tree protection and retention, and recommendations for compliance enforcement.
 - Recommendations for improvements to the KPoM, signage, etc that will have to be implemented (with appropriate time lines to allow compliance). Implementation of these measures is to be detailed in the subsequent reports.

Subsequent years will provide similar detail until the development and replanting project is fully established. Post-establishment, the report shall provide the following details:

- Details on status (in terms of condition) of retained habitat on-site.
- Koala survey (include usage assessment via SAT and standard survey, plus collation of other records) to determine if site has retained its Koala functionality, and if usage has increased/decreased.
- Details on status of seedlings (ie success rate, replacements, problems, etc) and if maintenance is required further or trees/regeneration areas are fully established and self-sufficient.
- Map/plan showing sightings and/or scat deposits, with comparative assessment with previous reports.
- Details (including location, etc) of any Koala mortality or sickness incidents (road kills, dog attack and disease), emergency actions and census of population health.
- Details on continuing implementation of the replanting program.
- Update on numbers of dogs kept on site and compliance effectiveness.
- Details on compliance/implementation of other measures detailed in this KPoM to date eg signs, street lighting, etc.
- Details on implementation of recommendations of previous report/s.
- Identification of any issues that need remediation ie further recommendations.

6.2 IMPLEMENTATION SCHEDULE

The following table provides a summary of the timeline for implementation of the ameliorative measures for assisting with compliance assessment.

Table 5: Summary of the timeline for implementation of the ameliorative measures

ISSUE	PRE-DA	DA APPROVAL	CONSTRUCTION PHASE	OPERATION PHASE
Retention and Protection of Key Habitat	Lay out design demonstrating retention of key habitat areas and alignment for assisting Koala movement.	<ul style="list-style-type: none"> Approval of plans detailing trees/habitat to be removed and retained. Retained trees protected by specific mechanisms. 	<ul style="list-style-type: none"> Survey location of development envelope and vegetation/trees to removed/retained. Clear identification and fencing off of trees/vegetation to be removed/retained. Construction undertaken in accordance with KPoM and consent conditions. No parking under trees or storage of fill, etc outside development envelope. Compliance enforcement by Council. 	<ul style="list-style-type: none"> All retained habitat and planted trees managed and protected permanently. Implementation of any recommendations for improvements. Compliance enforcement by Council.
Habitat replacement	Identify and map proposed location of all plantings and in relation to development, and estimate number of replacements.	Landscape plan approved and become binding on proponent to execute as detailed.	<ul style="list-style-type: none"> Commence when suitable and maintain planting works as applicable per development stage. 	<ul style="list-style-type: none"> Completion of replantings. Maintenance of weeds and plantings until established. Ongoing maintenance until all plantings self-sufficient. Compliance enforcement by Council. Implementation of any recommendations for improvements until plantings are self-sufficient.
Traffic Threats	DA plans and design to include provisions for signage on subdivision access; street lighting; and structural measures to reduce effective speed.	Plans detailing signage, structural speed reduction measures and lighting approved by PMHC.	<ul style="list-style-type: none"> Survey location of roads according to restrictions. Construction undertaken in accordance with plan. Compliance enforcement by Council. Additional street lighting and signage provided. 	<ul style="list-style-type: none"> Records kept of Koala injuries included in monitoring reports and ameliorative actions recommended eg improved lighting. Recommendations for any improvements (eg more lighting) implemented.

Predator Control	DA plans and design to include provisions for signage at access points to land.	<ul style="list-style-type: none"> Plans detailing signage approved by consent authority. Approval conditions to specify dog prohibition. Title covenant prohibiting specified dogs. 	<ul style="list-style-type: none"> Contact details for KPS, Council Ranger provided on public signage. Compliance enforcement by Council 	<ul style="list-style-type: none"> Compliance enforcement by Council. Signage advising dog ban. Records kept of Koala injuries and included in monitoring reports. Implementation of any recommendations for improvements.
Pools	N/A	Council to ensure child proof fencing provided; pools located away from overhanging branches or rope provided or beach access for Lots 1-2.	N/A	Council to monitor compliance.
Mortality/injury during clearing	Survey and mapping of all habitat to be retained/removed.	N/A	<ul style="list-style-type: none"> Clearing as per protocol 	N/A
Physical and Behavioural Barriers	<ul style="list-style-type: none"> DA plans to show permanent fencing is Koala-friendly where required. Measures to ensure temporary construction fences Koala friendly where required. 	<ul style="list-style-type: none"> Consent approval subject to Koala friendly fencing where applicable, and construction materials to be wildlife friendly. Compliance enforcement by Council 	<ul style="list-style-type: none"> Fencing constructed as per development consent conditions Compliance enforcement by Council 	<ul style="list-style-type: none"> Reporting of any injured Koalas to Koala Hospital. Remedial taken following reporting of injuries. Records kept of Koala incidents involving fences included in monitoring reports. Implementation of any recommendations for improvements. Compliance enforcement by Council.
Disease	Plans for signage to provide contact details for KPS/Koala Hospital.	Plans detailing signage approved by consent authority.	<ul style="list-style-type: none"> Construction undertaken in accordance with plans. Contact details for KPS provided at buildings on site and public signage 	<ul style="list-style-type: none"> Public signage maintained. Records kept and included in monitoring reports. Implementation of any recommendations for improvements. Compliance enforcement by Council.

6.3 COMPLIANCE AND PERFORMANCE CRITERIA

Under SEPP 44, a KPOM is required to be submitted with the Development Application (DA). The consent authority is required under SEPP 44 to give consideration to clause 9(2) of the policy when considering granting consent.

By providing an annual report to the appropriate authority detailing the above information, conditions of consent of the DA (such as the effective implementation of this KPOM) will be allowed to be legally enforced. This should ensure that the KPOM is effectively implemented, together with the associated landscape management plan.

The Action Plans appended to this document set out the specific actions required to be undertaken by responsible authorities to implement the recommendations of the KPOM; thresholds for completion to monitor implementation of the KPOM; and compliance mechanisms to ensure the provisions of the KPOM are implemented. These may be separated from the KPOM for use as a checklist in compliance assessment and for annual monitoring reports.

The provision of an annual monitoring report to Council and other consent authorities detailing the results will also assist in ensuring conditions of consent of the DA (such as the effective implementation of this KPOM) are implemented and provide a means of feedback to all bodies for compliance assessment.

The KPOM will be deemed successful if monitoring determines that the objectives stated in section 5.0 are achieved as per the listed specified criteria.

7.0 CONCLUSION

The subject property has been determined to contain Core Koala Habitat which is considered to support at least 2-4 Koalas as part of a broader home range. It is considered that the resident population is likely to form a component of a stable breeding population of Koalas using the Jimneva land, private lands to the south, west and north.

The principle objective of this Koala Plan of Management is to ensure the site permanently retains its function as part of a broader area utilised by the local population, and thus the viability of the local aggregate is not compromised as a result of the proposal in the short or long term.

To achieve this, the KPOM aims to achieve the following:

- Key habitat areas retained.
- Planting of up to 170 preferred Koala browse species to result in a net increase of preferred Koala food trees and potentially provide a higher carrying capacity to allow expansion of the local aggregate.
- Mitigation of potential and existing threats such as injuries due to traffic, dogs and fences via effective measures with compliance mechanisms to ensure mortality rates are not elevated to the point of resulting in population collapse or creation of a sink.
- No creation of any kind of effective barrier to movement across the site during or after development.

It is submitted that while the proposed development involves some relatively minor loss/modification of Core Koala Habitat on the subject site, if this KPOM is effectively implemented, the ameliorative measures reported herein should compensate for this loss.

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APPENDICES: KPoM ACTION PLANS

The following detail the specific actions to be taken to achieve the objectives the KPoM, the responsible authorities for implementation and compliance, milestones expected to be achieved as indicators of the success of the KPoM; and performance criteria to form the basis of compliance assessment.

These are provided in a checklist form for compliance monitoring and evaluation of the implementation of the KPoM.

The action plans are:

- * ACTION PLAN A: Retention and Permanent Protection of Key Habitat Areas
- * ACTION PLAN B: Habitat Enhancement and Creation
- * ACTION PLAN C: Clearing and Construction Management
- * ACTION PLAN D: Traffic Collision (Road Kills)
- * ACTION PLAN E: Pet Attack and Feral Species Control
- * ACTION PLAN F: Drowning in Pools
- * ACTION PLAN G: Establishment of Physical Barriers
- * ACTION PLAN H: Bushfire
- * ACTION PLAN I: Disease

ACTION PLAN A: Retention and Protection of Key Habitat Areas and Components

OBJECTIVES:

1. To design and implement the development to avoid areas of major activity and retain associated linkages
2. To maintain the essential Koala habitat values of the site and the viability of the associated Koala population in the long term
3. To provide opportunities for habitat creation and population expansion to assist with recovery of the Koala as a threatened species.

MEASURES TO BE IMPLEMENTED:

Prior to DA Submission:

1. Survey location of Grey Gums and Swamp Mahogany to be selectively retained.
2. Informed development design to:
 - Accommodate Koala habitat requirements via retaining key habitat areas/areas of major activity;
 - Retain the Swamp Mahogany and key Grey Gums in the southeast corner (home range trees)
 - To provide opportunities for habitat creation and linkage enhancement.
3. Devisal of effective planning controls to ensure permanent protection of retained and created habitat post-development.

Post-DA Approval and Pre-Construction Certificate Issuing:

1. Identification of Schedule 2 species within development footprint. Determination of trees to be retained/removed.
2. Preparation of a Landscape Management Plan (LMP) detailing proposed planting areas, maintenance schedule, and funding.
3. Submission of registered plan detailing final layout and Koala habitat retention/replacement measures with DA.
4. Submission of LMP with replanting details with DA, forming part of consent conditions.
5. DA approval on basis of plans provided, with implementation of measures detailed in the plans and in the KPOM eg permanent tree protection mechanisms, fence prescriptions, implementation of replantings, signage, road redesign, etc.
6. Bond provided to PMHC to be held as insurance to ensure provisions of KPOM effectively implemented.

Construction & Establishment of the Development:

1. Appropriate clearing mechanisms as detailed in Action Plan C implemented ie development area and retained habitat and habitat components to be clearly marked, and all clearing restricted to the nominated areas. Clearing according to all provisions of Action Plan C ie tree protection measures and pre-clearing Koala survey.

2. Implementation of relevant KPoM provisions (eg dog restriction signage, Koala friendly fencing, Koala signage and street lighting) where relevant pre-construction.
3. Implementation of other appropriate measures under KPoM during construction eg commencement of plantings in specified areas to reduce time lag, maintenance of tree protection measures, etc (as per Action Plan C).
4. Implementation of other appropriate measures under KPoM post-construction eg completion of planting program.

AUTHORITY FOR IMPLEMENTATION:

Department of Planning:

1. Approve KPoM on basis of satisfactory amelioration measures.
2. Monitor and enforce KPoM compliance.

Port Macquarie-Hastings Council (PMHC):

1. Approve KPoM on basis of satisfactory amelioration measures.
2. Monitor and enforce KPoM compliance.
3. Enforce consent conditions via periodic inspections associated with other compliance mechanisms eg building inspections.
4. Hold bond and refund according to achievement of performance criteria.

Luke and Co./Proponent:

1. Survey location of key Grey Gums and Swamp Mahogany, and prepare development design which maximises habitat retention, provides for habitat enhancement, maintains/enhances linkages, and minimises threat magnitude.
2. Provide effective and enforceable mechanisms to ensure permanent protection of retained habitat.
3. Provide Landscape Management Plan for plantings according to requirements of KPoM.
4. Submit registered subdivision plans, clearing plan and replanting schedule with DA/CC
5. Initiate and supervise implementation of KPoM and LMP measures as per stage requirements via project management.
6. Ensure contractors and consultants comply with all conditions and instructions throughout life of project.
7. Instruct contractors clearly in their obligations, and include contractual conditions to allow potential enforcement of compliance with restrictions eg replacement and maintenance of plantings for accidental loss of any trees not identified for removal.
8. Implement any follow-up actions arising from monitoring reports or relevant emergency.

Proponent:

1. Fund all necessary works and provide bond.
2. To provide contractual conditions with penalties for non-compliance with provisions of KPoM.
3. Monitor implementation of KPoM and tree replacement program.
4. To report any non-compliance by contractors with KPoM to Council/DoP for necessary actions.
5. Comply with enforcement or other instructions provided by Council/DoP.

Ecological Consultant:

1. Correlation of all maps with signed statement of acceptance of their accuracy.
2. Correlation of tree losses with clearing plan and calculated number of required replacements with signed statement of acceptance of accuracy.
3. Conduct site inspections before clearing of trees for Koalas with signed approval as per Action Plan C.

4. Post-clearing inspection to ensure all trees identified to be retained have been
5. Post-construction inspection to ensure all retained trees present and not adversely affected by construction.
6. Undertake required annual monitoring for KPoM.
7. Assist where required.

Construction Contractor:

1. To execute construction activities as per KPoM and Council specifications.
2. To comply with contractual obligations in regard to the KPoM provisions.
3. Report any Koala observations or non-compliance to Council/project manager.

MILESTONES:

1. Proponent/s submits details of number of plantings and map showing locations at DA/CC stage.
2. Survey and engineering plans detailing development proposal submitted with DA/CC.
3. DA for development proposal approved on conditions of KPoM, LMP, etc implemented.
4. LMP commissioned, approved, implemented and completed successfully.
5. Clearing and habitat enhancement and creation undertaken in compliance with development approval conditions and KPoM.
6. KPoM and replacement plantings implemented successfully reaching stage targets and objectives ie all regeneration/plantings successful; demonstrated retained usage and long term increase in Koala activity on site especially in new habitat and increased population size/sightings.

MONITORING & COMPLIANCE:

General Actions and Authorities:

1. Dept of Planning (DoP):
 - i) DoP to review KPoM, and approve KPoM.
 - ii) DoP to review KPoM monitoring reports to assess compliance.
 - iii) DoP to enforce or advise Council to enforce compliance where required.
2. Port Macquarie-Hastings Council (PMHC):
 - i) Approve DA based on compliance to KPoM and LMP;
 - ii) Monitor construction, implementation of plantings via KPoM and LMP monitoring reports, site inspections and progress reports.
 - iii) Maintain continuing inspections throughout construction stages of development and act on any emergency eg order restorative action, commence legal prosecution, etc.
 - iv) Refund portion of bond according to achievement of performance criteria designating achievement of aims of KPoM and LMP.
3. Proponent/Luke and Co.
 - i) Nominate contact/liaison/project supervisor for contact with DoP, Port Macquarie Koala Preservation Society/Koala Hospital, consultants and contractors.
 - ii) Provide contractual mechanism to ensure all construction contractors and any additional consultants/contractors comply with provisions of KPoM and LMP, including penalties for non-compliance.
 - iii) Ensure project executed according to consent conditions and KPoM and LMP provisions.
 - iv) Report any non-compliance to Council for compliance action.

4. Ecological Consultant:
 - i) KPoM and LMP monitoring report to detail compliance with consent conditions, final tree losses, replacements required, etc, as detailed in this KPoM, and assess success or status in achieving performance criteria.
 - ii) Make recommendations to address non-compliance or improvements to KPoM and LMP provisions required to achieve objectives.
 - iii) KPoM report provided to Council and Department of Planning (DoP) for review and compliance assessment.
5. Recommendations of the monitoring report (and any additional requests by consent authorities) to be implemented within following 12 months (where applicable) and progress reported on in subsequent monitoring report. Appropriate compliance mechanisms to be in place to allow enforcement eg contractual conditions with landscape consultant, construction contractors, etc.

Contingency Plans/Options and Compliance Mechanisms:

1. Proponent to lodge a bond of \$200 000 with Council as security to ensure all aspects of KPoM and planting schedule implemented effectively over time required to complete development until sale of individual Lots.
2. Part refund of bond to be staged with successive performance targets being met over lodgement period (time required to complete development till sale of individual Lots).
3. Council not to issue any formal approvals per relevant stage (eg Construction Certificate, Occupancy Certificate, etc) until relevant provisions implemented.
4. Annual report for KPoM and LMP implementation to be prepared for proponent by consultant, with copies provided to PMHC and DoP for review.
 - i) Recommendations of report (and any additional requests by consent authorities) to be implemented within following 12 months and progress reported on in next annual report.
 - ii) Portion of bond to be refunded pending Council satisfaction of KPoM achievements.

ACTION PLAN B: Habitat Enhancement and Creation

OBJECTIVE:

To:

- To increase the number of demonstrably preferred Primary Browse Species and increase the KPoM area's carrying capacity in the long term via increasing the total abundance of locally preferred Primary Preferred Koala food species.
- To enhance linkage to habitats on site and adjacent to maintain habitat use and assist in gene flow.

MEASURES TO BE IMPLEMENTED:

1. Landscape Management Plan:

- a) A Landscape Management Plan (LMP) is to be prepared for the proposal to address the recommendations of this KPoM in regard to habitat enhancement/restoration and creation. The LMP is to include the following details:
- Number, species and location of plantings.
 - Designate appropriate actions/performance targets matching recommendations of the KPoM and development stages.
 - Clearly identify funding sources/program, personnel, propagation sources, weed control/bushland regeneration methods to be used and provision for maintenance until regeneration is deemed self-sufficient.
 - LMP to clearly identify targets and timelines to achieve these targets, matched with designated funding.

AUTHORITY FOR IMPLEMENTATION:

1. Proponent/Luke and Co:

- a) Prepare and implement LMP to satisfy objectives of KPoM.
- a) Identify and secure funding for all works in long term.
- b) Implement KPoM and LMP provisions as appropriate per development stage.
- c) Preparation of necessary contracts with effective compliance conditions eg provision of clauses regarding penalties for non-compliance with KPoM measures.
- d) Project management to ensure all surveying, map preparation, arrangements and instructions for contractors to carry out replacement plantings, clearing according to plans, etc, undertaken
- e) Monitoring of contractor compliance to KPoM and planting program measures.
- f) Implement any follow-up actions arising from annual monitoring reports or PMHC instructions.

2. Ecological Consultant:

- a) Correlation of all maps with signed statement of acceptance of their accuracy.
- b) Post-works inspection to ensure all retained trees and habitats are present and not adversely affected.
- c) Undertake inspection of plantings to verify annual targets, etc, as part of annual KPoM report.
- d) Prepare KPoM annual report with copies provided to PMHC, Office of Environment and Heritage (OEH) and DoP. Report to include:
 - Implementation and success of planting program.
 - Recommendations for modifications/enhancements to be implemented within following 12 months and progress reported on in next annual report.

3. Bushland Regeneration/Landscape Consultant:

- a) Prepare LMP to satisfy objectives of KPoM for corridor and landscape plantings.
- b) Coordinate with Ecological Consultant in regard to LMP preparation to correlate with KPoM.
- c) Implement LMP under instruction from proponent.
- d) Review plan periodically to ensure goals are being met.
- e) Annual reports on status of plantings, with recommendations for works within the next 12 months to be implemented. Subsequent reports to illustrate implementation status of these recommendations.
- f) Provide information to Ecological Consultant, proponent and PMHC for annual KPoM monitoring reports and contractual compliance assessment.

MILESTONES:

1. LMP prepared and approved.
2. Funding secured.
3. Contractors/consultants appointed.
4. Areas for enhancement and planting identified and marked.
5. Planting program works commenced pre-construction commencement, and on-going.
6. All plantings completed.
7. Plantings successful and self-sufficient.

MONITORING & COMPLIANCE:**General Compliance/Monitoring Assessment:**

1. LMP to explicitly detail all aspects eg provenance of seedlings, age of seedlings, NATSPEC compliance, funding/budget, timelines, responsible provision and maintenance schedule.
2. Contractual conditions with consultant/contractor provided to allow enforcement for non-compliance.
3. Construction Certificate not to be approved until LMP actions at appropriate stage commenced.
4. No works to commence until funding for LMP secured and works commenced.
5. Periodic monitoring of rehabilitation works to ensure compliance with KPoM measures. Reports to be provide to DoP and PMHC as part of KPoM monitoring report to assess LMP implementation as detailed in KPoM.
6. Council to assess annual KPoM report for LMP compliance
7. Council horticultural officer to certify that planting and maintenance regime completed via inspection to determine LMP has achieved its objectives.
8. Contractual provisions to allow enforcement by proponent.
9. Consent conditions by PMHC to allow enforcement eg withholding of bond refund

Contingency Plans/Options and Compliance Mechanisms:

1. Proponent to lodge a bond of \$200 000 with Council as security to ensure all aspects of KPoM and planting program/LMP implemented effectively over time required to complete development till sale of individual Lots.
2. Part refund of bond to be staged with successive performance targets being met over lodgement period (time required to complete development till sale of individual Lots).
3. Council not to issue relevant approvals until planting program implemented and successfully completed.
4. Annual report for LMP/KPoM implementation to be prepared for proponent by consultant, with copies provided to PMHC and DoP.
 - iii) Recommendations of report (and any additional requests by consent authorities) to be implemented within following 12 months and progress reported on in next annual report.
 - iv) Portion of bond to be refunded pending Council satisfaction of KPoM Planting program achievements.

ACTION PLAN C: Clearing and Construction Management

OBJECTIVES:

To:

- Ensure no Koalas are stressed, injured or killed during removal of vegetation.
- Ensure all clearing and construction activities for the development are as per KPOM.

MEASURES TO BE IMPLEMENTED:

1. Pre-Clearing Survey:

- The designated area of work for the subject day is to be inspected for Koalas by an ecologist (Koala spotter) immediately prior to commencement of any tree removal involving machinery. Written approval for clearing is to be provided and valid for the specific day/s and area of clearing only.
- If a Koala is present in the proposed clearing area, works are preferred to be suspended until the Koala moves along on its own volition. If the Koala is located in a position that a 25m buffer may be established, works may proceed outside this buffer.
- The Koala spotter is to remain on site and supervise tree removal to ensure any Koala that may enter the site is detected and appropriate actions undertaken (as per above).

2. Construction Management:

- All vegetation/trees to be retained/removed are to be surveyed and mapped on a registered plan lodged with Council. This map is to be provided to the construction contractor with a contract condition allowing penalty for non-compliance with the clearing plan.
- All vegetation/trees to be retained/removed are to be clearly marked or fenced off (eg with bunting and star pickets) on the site prior to commencement of works and such fencing is to remain until construction is complete. All such protective fencing is to be Koala permeable. Scattered trees to be retained are also to be clearly marked and fenced off to prevent accidental removal. Site induction is to clearly specify that no clearing is to occur beyond the designated area and is to only include designated trees/areas.
- Prior to commencement of clearing, all trees/vegetation identified for removal is to be inspected by the ecologist to certify that the correct vegetation has been marked for removal/retention.
- Compaction under the drip line of retained trees/vegetation is to be minimised to prevent root damage or other injury to tree health. Appropriate guards approved by an arborist are to be installed to prevent physical damage to the trunk where setback via fencing is not practical/possible, and other additional measures (eg mulch placed over roots) are to be implemented to protect the health of the tree. Appropriate measures approved by an arborist are to be taken when roots must be trimmed or otherwise affected during any excavation works.

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- All associated vehicles and machinery are only to be parked in the designated areas and not under the drip line of any retained tree. Similarly, any construction materials are to be stored outside retained vegetation. Machinery to be stored overnight at the site is to be located on existing clearings or tracks and must not be parked in vegetation non-designated for removal.

AUTHORITY FOR IMPLEMENTATION:

1. Luke and Co:
 - a) Prepare and provide clearing plan to PMHC and construction contractor.
 - b) Provide compliance mechanism in contracts in regard to compliance with KPoM provisions.
 - c) Project management to ensure all surveying, map preparation, construction, etc, undertaken according to contracts and KPoM.
 - d) Monitoring of contractor compliance to KPoM measures eg tree retention, avoidance of retained habitat.
 - e) Ensuring proper site induction for contractors/construction staff.
2. Construction Contractor:
 - a) Project management to ensure all surveying, map preparation, construction, erection of fences, etc undertaken according to contracts and KPoM.
 - b) Monitoring of worker compliance to KPoM measures eg tree retention, avoidance of retained habitat.
 - c) Ensuring proper site induction for construction staff.
 - d) Follow instructions by ecologist.
3. Ecological Consultant:
 - a) Correlation of all maps, plans, etc, with signed statement of acceptance of their accuracy.
 - b) Undertake pre-clearing survey and clearing monitoring.
 - c) Post-clearing inspection to ensure clearing as per KPoM.
 - d) Post-construction inspection to ensure all no further habitat affected as per KPoM.
 - e) All collated information to be reported in annual KPoM report.
4. Port Macquarie-Hastings Council:
 1. Periodic on site inspections during clearing, earthworks & construction to assess KPoM and contract compliance.
 2. Consideration of annual KPoM report and assessment of compliance.

MILESTONES:

1. Development Consent issued by Council
2. Construction Certificate approval by Council.
3. Measures implemented during construction achieve goals.
4. No Koalas injured or killed during clearing.
5. No additional habitat loss.
6. No adverse effects on adjacent habitat post-development.

MONITORING & COMPLIANCE:

General Compliance/Monitoring Assessment:

1. Compliance measures included in Construction Certificate Application and contracts
2. Inspections by Council during construction to ensure compliance.
3. Annual report for KPoM with copies provided to PMHC and DoP:
 - i) Report to detail compliance to KPoM.

- ii) Recommendations of report (and any additional requests by consent authorities) to be implemented within following 12 months and progress reported on in next annual report.

Contingency Plans/Options and Compliance Mechanisms:

1. Bond conditions as above.
2. Council not to issue CC clearing until planting program commenced.
3. Annual report for KPOM implementation to be prepared for proponent by consultant/s, with copies provided to PMHC and DoP.
 - i) Report to detail implementation of KPOM provisions.
 - ii) Recommendations of report (and any additional requests by consent authorities) to be implemented within following 12 months and progress reported on in next annual report.
 - iii) Portion of bond to be refunded pending Council satisfaction of KPOM achievements.
4. Council not to refund any part of bond if not satisfied with implementation of KPOM and clearing according to clearing plan.
5. Council has provision for inspections under approval conditions to ensure compliance.

ACTION PLAN D: Traffic Collision (Road Kills)

OBJECTIVES:

To minimise risk of Koala and other wildlife road kills via implementing measures to reduce speed, increase driver awareness and minimise risk of collisions.

MEASURES TO BE IMPLEMENTED:

1. Road Design:
 - Subdivision layout to have a single primary access to prevent drive-through traffic around the perimeter.
 - Effective speed reduced to <50kph via road design and structural measures, especially where roads pass close to larger areas of vegetation ie the northern boundary, and at all junctions.
 - Primary access road design to minimise creation of a long straight linking The Boulevard to Scarborough Way, and hence encourage high speeds over a prolonged distance.
2. Signage:
 - Establish appropriate Koala warning signs on roads in and within vicinity of the KPOM area, particularly on the two access roads and near key crossing points ie the southeast corner of Swamp Mahogany.
 - All road-side signage with emergency contact details for the Koala Preservation Society/Koala Hospital to facilitate prompt reporting of sick or injured Koalas.
3. Street lighting:
 - Street lighting to be provided at key crossing points in addition to that normally required for residential zones.

AUTHORITY FOR IMPLEMENTATION:

1. Proponent/Luke and Co:
 - a) Funding of all works.
 - b) Plans in DA/CC showing implementation of above measures.
 - c) Project management to ensure all plan preparation, road construction, etc, as per above.
 - d) Implementation of above works.
 - e) Preparation of necessary contracts with construction staff eg provision of clauses regarding penalties for non-compliance with KPoM measures.
 - f) Implementation of any recommendations from KPoM.
2. Council:
 - a) Approval of subdivision on basis of meeting KPoM provisions.
 - b) Appropriate inspection and approval of works & compliance with KPoM measures.
 - c) Consideration of annual KPoM report and assessment of compliance.
 - d) Enforcement of compliance eg via withholding bond.
3. Ecological Consultant:
 - a) Report compliance with KPoM provisions.
 - b) All collated information (ie wildlife road kills, injury events, etc) to be reported in annual KPoM report.
 - c) Identification of any unabated threats and recommendations to be implemented to increase Koala safety.
4. DoP:
 - a) Consideration of annual KPoM report and assessment of compliance.

MILESTONES:

1. Traffic and lighting measures included in DA approval and/or Construction Certificate Application conditions of consent.
2. Traffic control measures constructed, inspected and approved for compliance.
3. No increase in Koala collisions as result of development.

MONITORING & COMPLIANCE:

General Compliance/Monitoring Assessment:

1. Council
 - i) To inspect & approve traffic measures.
 - ii) Enforce compliance.
2. Annual report for KPoM implementation to be prepared with copies provided to PMHC and DoP for compliance assessment.
 - a) Report to detail implementation traffic control, warning and lighting measures.
 - b) Records of any injuries or sightings.
 - c) Recommendations of report for any enhancements to be implemented within following 12 months and progress reported on in next annual report.

Contingency Plans/Options and Compliance Mechanisms:

1. Bond conditions as above.

2. Council not to issue consent per relevant stage/performance target until details on implementation of the above measures provided and validated.
3. Annual report for KPOM implementation to be prepared for proponent by consultant, with copies provided to PMHC and DoP.
 - i) Report to detail implementation status of all measures.
 - ii) Records of any injuries or sightings.
 - iii) Recommendations of report (and any additional requests by consent authorities) to be implemented within following 12 months and progress reported on in next annual report.
 - iv) Portion of bond to be refunded pending Council satisfaction of KPOM achievements.
4. Council not to refund any part of bond if not satisfied with implementation of KPOM.

ACTION PLAN E: Pet Attack and Feral Species Control

OBJECTIVES:

To minimise risk of Koala and other wildlife being injured or preyed upon by domestic dogs via implementing exclusion and control measures.

MEASURES TO BE IMPLEMENTED:

1. Domestic dogs:

- All dogs are to be strictly prohibited from all areas under KPOM, with the exception of approved medical companion dogs.
- Residents to be informed by title covenants enforced by Council Ordinance Officers.
- Appropriate signage at access points to the site to advise public of restrictions and encourage the public to report any unleashed or prohibited dogs to Council Ordinance Officers to impound immediately.
- Signs are to also provide contact details for the Koala Preservation Society/Koala Hospital to facilitate prompt reporting of sick (and at risk) or injured Koalas and other wildlife

2. Feral dogs and foxes:

- Signage to include details to report the activity of feral animals to the correct authority.
- Appropriate control measures to be implemented by the responsible authority.

AUTHORITY FOR IMPLEMENTATION:

1. Luke and Co./Proponent:

- a) Funding of works where applicable.

2. PMHC:

- a) Provision of restrictive title covenant prohibiting specific breeds and weight range of dogs; and conditions for keeping of boutique breeds.
- b) Enforcement of relevant provisions of the *Companion Animals Act 1997*.
- c) Maintaining records of all sightings/evidence of feral dogs and foxes, and incidences of stray dogs.
- d) Consideration of annual report and assessment of compliance.

3. Ecological Consultant:

- a) All collated information (ie control programs, sightings, etc) to be reported in annual KPoM report.
- b) Recommendations for actions to be implemented to abate any threat.

MILESTONES:

1. Signage measures and other restrictions included in DA approval and/or Construction Certificate Application conditions of consent
2. Signage erected.
3. No increase in Koala injuries/mortalities as result of development.
4. Suppression of feral species presence and abundance in KPoM area.

MONITORING & COMPLIANCE:**General Compliance/Monitoring Assessment:**

1. Council
 - i) To inspect & approve measures.
 - ii) Ensure compliance with all aspects of the *Companion Animals Act* 1997 is enforced.
2. Annual report for KPoM implementation to be prepared with copies provided to Port Macquarie-Hastings Council and DoP for compliance assessment.
 - i) Report to detail implementation status of all measures.
 - ii) Records of any sightings and assessment of success of any control programs (based on reduced incidence of tracks, scats, sightings, attacks, etc).
 - iii) Recommendations of report and any enhancements to be implemented within following 12 months and progress reported on in next annual report.

Contingency Plans/Options and Compliance Mechanisms:

1. Bond conditions as above.
2. Council not to issue consent per relevant stage/performance target until details on implementation of the above measures provided and validated.
3. Annual report for KPoM implementation to be prepared for proponent by consultant, with copies provided to PMHC and DoP.
 - i) Report to detail implementation status of all measures.
 - ii) Records of any injuries or sightings.
 - iii) Recommendations of report (and any additional requests by consent authorities) to be implemented within following 12 months and progress reported on in next annual report.
 - iv) Portion of bond to be refunded pending Council satisfaction of KPoM achievements.
4. Council not to refund any part of bond if not satisfied with implementation of KPoM.

ACTION PLAN F: Drowning in Pools**OBJECTIVES:**

To negate the risk of Koalas drowning in pools.

MEASURES TO BE IMPLEMENTED:**1. Pools:**

- a) Any outdoor pool to be fenced with child-proof fencing to exclude Koala entry,
- b) Pools on Lots 1-2 must avoid any overhanging tree. If this is not possible, then a stout rope at least 50mm in diameter is to be left in one end of the pool with the upper end permanently tied to a set fixture to allow Koalas to escape OR a shallow beach access is to be provided within the pool design.

AUTHORITY FOR IMPLEMENTATION:**1. Luke and Co/Proponent/New Owners:**

- a) Where relevant, design to demonstrate appropriate fencing is implemented.
- b) Funding of works where applicable.
- c) Ensuring appropriate fencing is used.
- d) Ensuring no Koala browse species placed in enclosed areas.

2. Ecological Consultant:

- a) Annual KPOM report to detail in that year relevant works are completed compliance with the above measures.

4. Port Macquarie-Hastings Council:

- a) Ensuring appropriate designs and measures are implemented as a consent condition.
- b) Assessing risk of Koala drowning during DA assessment for pools on any residential Lot on site.
- c) Consideration of annual report and assessment of compliance.

MILESTONES:

- 1. Measures included in Construction Certificate Application ie specifications for fencing and location of pools away from overhanging branches.
- 2. Construction of fencing for pools as per consent conditions.

MONITORING & COMPLIANCE:**General Compliance/Monitoring Assessment:**

- 1. Council to inspect & approve location of pool and Koala proof fencing.
- 2. Annual report for KPOM implementation to be prepared for Luke and Co by consultant, with copies provided to Port Macquarie-Hastings Council and DoP. Report to detail implementation status of above measures.

ACTION PLAN G: Establishment of Physical Barriers

OBJECTIVES:

To:

- Ensure free movement of Koalas across the site in perpetuity.
- Ensure any fence used in the KPOM area is not capable of injuring a Koala.

MEASURES TO BE IMPLEMENTED:

1. Temporary Construction Fences:

- a) No fence to enclose a Schedule 2 species or habitat area unless unavoidable (ie to retain the tree); and no fence under any circumstance to pose a barrier between proximate habitat that can not be passed by. In the latter case, fence must have a 250mm gap under the base or a suitable climbing structure (eg wooden A frame) provided on each side of the total enclosure (ie on per side).
- b) No fence material must not be capable of physical injury ie no barbs or loose wire.

2. Permanent Fencing:

- a) All permanent fences on Lots 1-2 (excluding fencing where applicable around pools) are to be Koala permeable either by:
 - Provision of 250mm gap under fences, and/or
 - Provision of Koala climbable structure (eg wooden A frame) along each side of the enclosure, or:
 - Be of a wooden construction and lapped and capped design.
- b) No fence design is to include a material or design feature that may potentially injure Koalas (or other fauna) eg barbed wire or loose wire.

3. Emergency Response:

- a) All injuries to be reported to Port Macquarie Koala Hospital for treatment and reported to Council.
- b) Rehabilitated Koalas to be returned to site for release.
- c) Fences to be modified or adequate measure implemented to remove threat
- d) All injuries, fatalities and outcomes of treatment, and releases to be recorded by Council and Port Macquarie Koala Hospital for inclusion in the KPOM.

AUTHORITY FOR IMPLEMENTATION:

1. Council:

- a) Specify restrictive covenants in consent conditions detailing fencing provisions as above.
- b) Ensuring appropriate designs and measures are implemented as a consent condition enforced via site inspection.
- c) Recording any incidents of Koala/animal injuries and releases.
- d) Consideration of annual KPOM report and assessment of compliance.

2. Luke and Co./Proponent:

- a) Funding of works where applicable.
- b) Detail restrictions in building contractors contracts, and provide an effective mechanism for compliance enforcement.

- c) Undertake periodic inspections to ensure compliance, and undertake necessary enforcement where applicable.
- d) Ensure any fence design around public reserves is Koala permeable eg bollards.

3. Ecological Consultant:

- a) Annual KPOM report to detail in that year relevant works are completed in compliance with the above measures.
- b) Details of any injuries, fatalities and/or releases.
- c) Recommendations where required to be implemented to ameliorate any issue/threat.

MILESTONES:

- 1. Specification for fencing included in development consent and/or Construction Certificate Application, and contracts.
- 2. Fencing constructed as applicable per stage.
- 3. No Koala injuries or blockage from accessing habitat result from fencing

MONITORING & COMPLIANCE:

- 1. Council and project manager to inspect & approve all fencing.
- 2. Council/project manager to enforce consent conditions, contractual conditions, etc, where required.
- 3. Annual KPOM report to be prepared by consultant, with copies provided to Port Macquarie-Hastings Council, OEH and DoP:
 - a) Report to detail implementation status of above measures.
 - b) Records of any injuries, fatalities and releases.
 - c) Recommendations where required to be implemented to ameliorate any issue/threat.

ACTION PLAN H: Bushfire

OBJECTIVES:

To:

- Minimise the risk of bushfire entering the site and resulting in death of Koalas and/or adverse habitat modification;

MEASURES TO BE IMPLEMENTED:

- 1. Bush Fire Hazard Reduction Certificate:
 - a) Any application to conduct fuel reduction to be referred to the RFS for a BFHRC.
 - b) BFHRC to specify measures to achieve fuel reduction but not endanger the welfare of Koalas in the short or long term
 - c) Post-burn survey of burnt areas for Koalas injured by fire and all wildlife injuries to be reported to FAWNA/Koala Hospital.

AUTHORITY FOR IMPLEMENTATION:

- 1. Luke and Co./Proponent:
 - a) Funding of works where applicable.
 - b) Ensuring contact details of Rural Fire Service/NSW Fire Brigade included on signage.
 - c) Reporting any fires on or adjacent to site immediately upon detection to RFS/NSWFB.

2. Ecological Consultant:

- a) Annual KPOM report to detail in that year if any relevant works are completed in and compliance with the above measures.
- b) Details of any wildlife injuries and fatalities.

3. Rural Fire Service/NSW Fire Brigade:

- a) Required to issue permits if required.
- b) Required to render assistance in both emergency situations and prescription burning.
- c) Required to undertake emergency response when unplanned fire detected.

4. DoP:

- a) Ensuring appropriate designs and measures are implemented as a consent condition
- b) Consideration of annual KPOM monitoring report and assessment of compliance.

MILESTONES:

- 1. Effective bushfire protection established in long term requiring minimal maintenance to achieve bushfire management.
- 2. No fire injuries to Koalas or impairment of regeneration works.

MONITORING & COMPLIANCE:

- 1. Council/DoP:
 - i) To approve KPOM provisions.
 - ii) Compliance enforcement for unauthorised fires.
- 2. RFS/NSWFB to approve and manage controlled burning/hazard reduction if undertaken.
- 3. Annual report for KPOM implementation to be prepared for Council by consultant, with copies provided to DoP with KPOM.
 - Report to detail implementation status of above measures.
 - Details on any unplanned fire eg extent, etc.
 - Records of any injuries, fatalities and releases.
 - Recommendations to be implemented to improve management.

ACTION PLAN I: Disease**OBJECTIVE:**

To monitor, identify and act on any incidence of disease in Koalas.

MEASURES TO BE IMPLEMENTED:1. Emergency Actions: Construction Phase:

- (a) If any Koala from the area under the KPOM is reported to the Koala Hospital as showing signs of disease, the Koala Hospital is to advise the proponent/Luke and Co., and the authority is to initiate emergency procedures as follows:
 - Medical treatment of sick Koalas at proponent's expense.
 - Specific survey of all Koalas on site and related habitats upon detection of disease to determine if the incident is isolated or affecting the aggregate.
 - Investigate causes and recommend and implement ameliorative measures as appropriate.
 - Monitor Koala population health until problem is abated.

2. Operational Phase:

- a) Contact details for the Koala Preservation Society/Koala Hospital are to be provided on signage at the subdivision access point to facilitate prompt reporting of any sick or injured Koala, or any Koala demonstrating unusual behaviour (eg sitting at base of tree, prolonged resting in single position, obvious wet bottom, cloudy eyes, etc) to the Koala Hospital.

3. Annual Monitoring:

- a) Consultant to collate any records of Koala sickness reports from Koala Hospital.
- b) Annual census to assess health of Koala population.
- c) KPOM to report all data.
- d) Recommendations to be implemented, etc.

AUTHORITY FOR IMPLEMENTATION:1. Proponent/Luke and Co:

- a) Funding of works and treatment where applicable and ensuring signage is provided.
- b) Ensuring appropriate measures are implemented as a consent condition
- c) Maintaining records of any incidences of diseases and outcomes of treatment.
- d) Consideration of annual KPOM report and assessment of compliance.

2. Ecological Consultant:

- a) To undertake required data collation and investigations eg Koala census.
- b) Annual KPOM report to detail findings.

3. Koala Hospital/Koala Preservation Society:

- a) To report any admitted Koalas from the site or related habitats immediately to Council/Luke and Co.
- b) To provide required treatment to any Koalas admitted from site or environs, and maintain records for use in KPOM monitoring report.
- c) Resident rehabilitated Koalas returned to KPOM area for release.

MILESTONES:

- 1. Advisory signage erected at subdivision access points before construction commences.
- 2. Annual collation of disease incidence and Koala census reveals no increased incidence of disease.

MONITORING & COMPLIANCE:

- 1. Annual report for KPOM implementation to be prepared for Council by consultant, with copies provided to DoP.
 - Report to detail implementation status of above measures.
 - Records of any disease incidences and outcomes of treatment.
 - Recommendations to address disease causes.

L u k e & C o m p a n y
Consultants in the development of land & property

ADDENDUM TO KOALA PLAN OF MANAGEMENT

Section 5.1.1.1 Extent of Habitat/Tree Loss of the Koala Plan of Management

This section details the proposed supplementary planting of up to 170 preferred koala food trees. This will potentially increase the carrying capacity of the site. In order to quantify this as a ratio, it is proposed to add the following text to the Koala Plan of Management:

The removal of preferred koala food trees will be replaced at a ratio of 2 : 1

Section 5.1.1.2.3 Habitat Replacement and Enhancement of the Koala Plan of Management

The program for replacement planting is set out in this section of the Koala Plan of Management. The following text is to be added to specify requirements for the Landscape Management Plan:

Landscape Management Plan to include a comprehensive planting program for the site that details:

- The actual area proposed for replanting and how it relates to and connects to other koala habitat;*
- The species mix / vegetation community to be planted (and the basis for choosing such) and the relationship to habitat that will be lost;*
- The final density to be achieved within the area through compensatory plantings (and the basis for choosing such density);*
- Management and monitoring activities to be undertaken to ensure the successful establishment of the plantings at the targeted density (including watering, mulching, use of tree guards, replacement of failed plants, fencing of the area, etc) and their ongoing protection, and to determine koala use;*
- The length of the proposed monitoring and management period, the timing of key milestones and reporting requirements (including koala sightings, injuries and mortalities);*

L u k e & C o m p a n y
Consultants in the development of land & property

- *Measurable performance indicators that can be used to determine success and compliance;*
- *The value of the proposed replanting works and the method of financial assurance to be provided to ensure work is completed to set requirements; and*
- *A contingency plan for application in the event of failure of the plantings or other potential occurrences.*

Section 6.1 – Annual Reporting

The period of annual reporting is to commence from the commencement of the subdivision works and continue for a period of five years.

13/02/2013



Planning &
Infrastructure

D-CT

Contact: Carlie Boyd
Phone: 02 6641 6600
Fax: 02 6641 6601
Email: carlie.boyd@planning.nsw.gov.au

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

10 August 2012

Dear Mr Hayward

Subject: SEPP 44 Draft Koala Plan of Management for DA 2012/163 – Proposed 72 Lot Subdivision, Lot 3 DP 552001, Scarborough Way, Dunbogan

36210

PORT MACQUARIE
HASTINGS

273596 19258

CRM No

16 AUG 2012

Keyword: 340

Activity: 1001

Subject: DA 2012-0163

Folder: D12/136

I refer to your letter dated 11 July 2012 and the above application for approval under *State Environmental Planning Policy No. 44 – Koala Habitat Protection* (SEPP 44) of the draft Koala Plan of Management (KPoM) by Darkheart Eco-Consultancy dated January 2012. Your letter included a proposed Addendum to the draft KPoM prepared by Luke and Co Pty Ltd and dated 5 July 2012. An assessment of the draft KPoM and proposed addendum has now been completed.

In accordance with clause 13 of SEPP 44, approval has been granted to the KPoM dated January 2012 as amended by the Addendum to Koala Plan of Management dated 5 July 2012, subject to the KPoM being finalised to incorporate the following conditions:

1. The "Addendum to Koala Plan of Management" dated 5 July 2012, as varied by conditions 2, 3 and 4 below, is to be incorporated into the final KPoM;
2. A Landscape Management Plan for each stage of the landscape works must be finalised to the satisfaction of Council prior to the granting of a Construction Certificate for each corresponding subdivision stage;
3. Monitoring and reporting activities for each stage of the subdivision must continue for a minimum of five years following the issue of a Subdivision Certificate for each corresponding subdivision stage; and
4. The list of specifications for the Landscape Management Plan within the addendum dated 5 July 2012 is to be amended to include the following additional point:
 - o The frequency of individual management and monitoring activities required to be undertaken within the management and monitoring period (including, but not limited to, watering, mulching, weeding and monitoring of landscape planting areas).

As mentioned in our previous letter of 23 May 2012, increased traffic volume along Scarborough Way to the south and west of the proposed development is expected following development of the site. The KPoM recommends that Council make additional provision for the calming of traffic along this stretch of road in order to reduce potential for vehicle strike of koalas crossing the road to access habitat areas. This recommendation is supported and Council is encouraged to take appropriate action accordingly.

PROCESSED

Northern Region 49 Victoria St Grafton NSW 2460 Locked Bag 9022 Grafton NSW 2460
Telephone: (02) 6641 6600 Facsimile: (02) 6641 6601 Website: planning.nsw.gov.au


Attachment



2

Should you wish to discuss this matter further, please contact Carlie Boyd, Regional Planning Officer, of this office on 02 6641 6610.

Yours sincerely


Steve Murray
Regional Director
Northern Region

8/02/2013

Development Contributions Calculation Sheet - Final Consent Issue									
Development Details			Contributions Plans Applicable						
DA No.	2012	0163	General S94 Plans		Applies	ET Chargeable	RatePer ET	Contribution Amount	
Address:	Parish Camden Haven, Dubboogan		Major Roads		Yes	72	\$7,457.00	\$536,904.00	
Dev Description:	Residential Subdivision and Residue Lot		Open Space		Yes	72	\$5,615.00	\$404,280.00	
Lot Number(s):	3		Community Cultural & Emergency Services		Yes	72	\$3,927.00	\$282,744.00	
DP Number(s):	552001		Admin Building		Yes	72	\$803.00	\$57,816.00	
Stage No:	Total		Bushfire - Specific		No				
Applicant:	Land Dynamics Pty Ltd		Kings Creek		No				
Contribution Area:	<input checked="" type="checkbox"/> Scandling Lagoon <input type="checkbox"/> Innes Peninsula <input type="checkbox"/> Kings Creek <input type="checkbox"/> Lake Cathie/Bonny Hills <input type="checkbox"/> Port Macquarie <input type="checkbox"/> Rural <input type="checkbox"/> Sancroix/Thrumster <input type="checkbox"/> Wauchope		Admin Levy		Yes	2.2% of S94	#####	\$28,904.80	
(Planner must Select Contribution Area. Click Once with Mouse)			Specific Contribution Plans and DSPs (Planner Must Select if Plans are Applicable) S94A Levy Development Cost \$2,500,000 No						
DA Lodged Date: 5/04/2012			Laurelton CBD Car Parking Contribution		<input type="checkbox"/> Applies				
Prepared By: Clinton Tink			North Haven Car Parking Contribution		<input type="checkbox"/> Applies				
DA Consent Date:			Bushfire Additional		<input checked="" type="checkbox"/> Applies	72	\$446.00	\$32,112.00	
Issue No. 1			Laurieton Walkway		<input type="checkbox"/> Applies				
Calc Sheet Date: 10-Feb-2013			Water 1.6% Levy: \$11,135.20		<input checked="" type="checkbox"/> Applies	72	\$9,666.00	\$695,952.00	
FINAL CONSENT CALCULATION <input checked="" type="checkbox"/> Tick for FINAL Consent Calculation			Sewer		<input checked="" type="checkbox"/> Applies	72	\$4,521.00	\$325,512.00	
			Car Parking CP		Contribution Total: \$2,375,360.00				
			No. of Spaces Short:		Notice of Payment Re-Issue Fee: <input type="checkbox"/> Applies				
ET Calculator for New Development (Proposed)									
Commercial & Industrial New Development		Rate	Units	Water Rate	Sewer Rate	ET Water	ET Sewer	Traffic Facilities m ²	
N/A	▼	m2	0	0	0	0	0	0	
N/A	▼	m2	0	0	0	0	0	0	
N/A	▼	m2	0	0	0	0	0	0	
N/A	▼	m2	0	0	0	0	0	0	
			Total Commercial ETs:		0		0	0	
New Residential Development			Units	Sec 94 ET	Water ET	Sewer ET			
Number of newresidential lots greater than 450m ² (excluding Dual Occ & Int Housing)			72	72	72	72			
Number of newresidential lots greater than 2000m ² (excluding Dual Occ & Int Housing)			1	1	1.2	1			
1 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
2 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
3 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
4 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
1 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
2 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
3 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
4 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
Motel Unit - Partially Self Contained (Own ensuite but shared facilities for cooking & laundry)			0	0	0	0			
Motel Unit - Self Contained (Own ensuite and kitchen)			0	0	0	0			
Caravan Park - Not Self Contained Site (permanent or transient)			0	0	0	0			
Caravan Park - Partially Self Contained Site (permanent or transient)			0	0	0	0			
Nursing Homes High Dependency/Residential Care Facility (per bed)			0	N/A	0	0			
Nursing Homes LowDependency/Hostel (per bed)			0	0	0	0			
Aged Unit - Self Contained 1 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Aged Unit - Self Contained 2 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Aged Unit - Self Contained 3 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Boarding House per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathrooms)			0	0	0	0			
Boarding House per 1 Occupancy Bedroom Partially Self Contained (Own ensuite - shared cooking & laundry facilities)			0	0	0	0			
Boarding House - Not Self Contained Per Bed (for dormitories/bunkrooms, shared cooking, laundry and bathroom)			0	0	0	0			
Boarding House - Self Contained Per Bed (for dormitories/bunkrooms, Own ensuite per bedroom/dorm/bunkroom, with shared cooking and laundry)			0	0	0	0			
New Residential Unit Total:			73	73	73.2	73			

8/02/2013

ET Calculation for Existing Development (Credits)							
Commercial & Industrial Existing Development	Rate	Units	Water Rate	Sewer Rate	ET Water	ET Sewer	Traffic Facilities m ²
N/A	m2	0	0	0	0	0	
N/A	m2	0	0	0	0	0	
N/A	m2	0	0	0	0	0	
N/A	m2	0	0	0	0	0	
Total Commercial ETs:					0	0	0
Existing Residential Development	Units		Sec 94 ET	Water ET	Sewer ET		
Number of existing residential lots greater than 450m ² (excluding Dual Occ & Int Housing)	0		0	0	0		
Number of existing residential lots greater than 2000m ² (excluding Dual Occ & Int Housing)	1		1	1.2	1		
1 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)	0		0	0	0		
2 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)	0		0	0	0		
3 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)	0		0	0	0		
4 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)	0		0	0	0		
1 Bedroom Units (High Density - 3 or more storeys)	0		0	0	0		
2 Bedroom Units (High Density - 3 or more storeys)	0		0	0	0		
3 Bedroom Units (High Density - 3 or more storeys)	0		0	0	0		
4 Bedroom Units (High Density - 3 or more storeys)	0		0	0	0		
Motel Unit - Partially Self Contained (Own ensuite but shared facilities for cooking & laundry)	0		0	0	0		
Motel Unit - Self Contained (Own ensuite and kitchen)	0		0	0	0		
Caravan Park - Not Self Contained Site (permanent or transient)	0		0	0	0		
Caravan Park - Partially Self Contained Site (permanent or transient)	0		0	0	0		
Nursing Homes High Dependency/Residential Care Facility (per bed)	0		N/A	0	0		
Nursing Homes LowDependency/Hostel (per bed)	0		0	0	0		
Aged Unit - Self Contained 1 bedroom with ensuite & kitchen (SEPP - Seniors Living)	0		0	0	0		
Aged Unit - Self Contained 2 bedroom with ensuite & kitchen (SEPP - Seniors Living)	0		0	0	0		
Aged Unit - Self Contained 3 bedroom with ensuite & kitchen (SEPP - Seniors Living)	0		0	0	0		
Boarding House per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathroom)	0		0	0	0		
Boarding House per 1 Occupancy Bedroom Partially Self Contained (Own ensuite - shared cooking & laundry facilities)	0		0	0	0		
Boarding House - Not Self Contained Per Bed (for dormitories/bunkrooms, shared cooking, laundry and bathroom)	0		0	0	0		
Boarding House - Self Contained Per Bed (for dormitories/bunkrooms, Own ensuite per bedroom/dorm/bunkroom with shared cooking and laundry)	0		0	0	0		
Existing Residential Unit Total:	1		1	1.2	1		

D:\Dev\Env\DEV AND BUILDING CONTROLS\DA\2012\DA2012-0163\Development Contributions Calculation Sheet, DA 2012-0163, Stage No. Total, Issue No.1

Item: 06

Subject: DA 2012 - 546 - ATTACHED DUAL OCCUPANCY AND TORRENS
TITLE SUBDIVISION

Report Author: Patrick Galbraith-Robertson

Property: Lot 5 DP 1069338, 20 The Anchorage, Port Macquarie
Applicant: Kallin Property Pty Ltd CARE King and Campbell Pty Ltd
Owner: Kallin Property Pty Ltd
Application Date: 30 October 2012
Date Formal: 30 October 2012
Estimated Cost: \$600,000
Location: Port Macquarie
File no: DA2012 - 546
Parcel no: 45304

Alignment with Delivery Program

- 4.9.2 Undertake development assessment in accordance with relevant legislation.
- 4.9.3 Implement and maintain a transparent development assessment process.

RECOMMENDATION

That DA 2012 - 546 for an attached dual occupancy and torrens title subdivision at Lot 5, DP 1069338, No. 20 The Anchorage, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for an attached dual occupancy and torrens title subdivision at the subject site.

This report provides an assessment of the application in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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

1. BACKGROUND

Existing sites features and Surrounding Development

The site has an area of 719m².

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



The site is rectangular in shape with frontage to The Anchorage as well as the Hastings River.

The site includes an easement for maintenance with an existing boat ramp providing access to the Hastings River which also has an existing jetty.

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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the application proposal include the following:

- Torrens title subdivision of the site to create two(2) residential allotments with areas of 247.5m² and 471m² (assumed that subdivision occurs first)
- Attached dwelling including 1 x 3 bedroom dwelling and 1 x 3 bedroom dwelling with basement garage and boat shed
- The dwellings shall be joined by a fire rated wall.

Refer to attachments at the end of this report.

Application Chronology

- 30 October 2012 - DA lodged
- 9 November 2012 - SEPP 71 subdivision masterplan waiver received.
- 12 to 26 November 2012 (extension granted to 3 December 2012) - Public exhibition via neighbour notification.
- 28 November 2012 - Site inspection.
- 28 November 2012 - Additional information requested.
- 6 December 2012 - Summary of submission issues sent to Applicant.
- 13 December 2012 - Additional information received.
- 19 December 2012 - Additional information received.

3. STATUTORY ASSESSMENT**Section 79C(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.55 – Remediation of Land

In accordance with clause 7, 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.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy No. 62 – Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, and likely proposed stormwater controls, the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the adjoining Hastings River to the site.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy No. 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71. The site is further identified as being within a sensitive coastal location.

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 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore noting the pathway along the Hastings River foreshore is existing and not proposed to be altered;
- b) any identifiable adverse amenity impacts along the coastal river foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage; and
- g) reduce the quality of the natural water bodies in the locality.

In particular, the site is predominately cleared and located within an area zoned for residential purposes.

In accordance with clause 18(2), the applicant has obtained a masterplan waiver to the need for a masterplan under this SEPP being in a sensitive coastal location.

The requirements of this SEPP are therefore satisfied.

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

In accordance with clause 6, a BASIX certificate (number 451407M) 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.

The requirements of this SEPP are satisfied.

Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned R1 General Residential.

In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development is best characterised as being for semi-detached dwellings – being dwellings on each lot proposed which are a permissible landuse with consent.

The objectives of the R1 zone are as follows:

1 Objectives of zone

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

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

- the proposal is a permissible landuse;
- the proposal will provide housing choice at an alternate density

In accordance with clause 4.1(4A), the minimum 450m² lot size does not apply to the proposal as it is characterised as a semi-detached dwelling development. The proposal includes proposed lots with areas of 471.4m² and 247.5m². It is assumed that the subdivision will occur first prior to constructing the semi-detached dwellings.

In accordance with clause 4.3, the maximum overall height of the proposal above ground level (existing as best defined) is 6.1m which complies with the standard height limit of 8.5 m applying to the site.

In accordance with clause 4.4 (assuming the subdivision occurs first), the floor space ratio of the proposal is: Lot 201 = $106.4/247.5\text{m}^2 = 0.43:1$ FSR and Lot 202 = $251.8/471.4\text{m}^2 = 0.53:1$ FSR which complies with the maximum 0.65:1 floor space ratio applying to the site.

In accordance with clause 7.1, the site has class 3 potential acid sulfate soils. The proposed development includes excavation extending more than 1m below the natural surface level. The site has previously filled and reclamation works have been undertaken therefore unlikely to disturb acid sulphate soils. Therefore no adverse impacts are expected to occur to the Acid Sulphate Soils found on site.

In accordance with clause 7.3, the site is land within a mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrent interval flood event plus 0.5m freeboard) or is land at or below the flood planning level. In this regard the following comments are provided which incorporate consideration of Council's Interim Flood Policy:

- The proposal is compatible with the flood hazard of the land
- The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties
- The proposal incorporates measures to manage risk to life from flood
- 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.
- The New South Wales Department of Environment, Climate Change and Water (DECCW) released a Sea Level Rise Policy Statement in October 2009 which outlines the government's objectives and commitments to sea level rise with regard to climate change. The sea level rise policy recognises that under the *Act* consent authorities must consider the effects of sea level rise on coastal and flooding hazards when considering planning and development approval decisions. The new policy sets a sea level rise benchmark of 400mm by 2050 and 900mm by 2100. In March 2010, Council adopted amendments to its flood policy to align with the NSW sea level rise policy, and among other matters, the amendments required freeboard requirements to be increased by 100mm.
- The development must consider the effects of sea level rise and allow for an adaptable approach to be implemented over the life of the development. Final adopted finished floor levels must allow for sea level rise. The current 100 year flood level is 2.8m AHD and the revised freeboard is 900mm.
- Council's Flood Engineer is satisfied that the residential floor levels achieve the required freeboard of 900mm above the current 100 year flood level of

2.8m AHD. However, it is recommended that the garage/boat shed shall be set at minimum 2.3m above the 2.2m AHD proposed to achieve the 1 in 20 year flood level.

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential public utility infrastructure including stormwater, water and on-site sewage management/sewer infrastructure to service the development. Provision of electricity and telecommunications will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

The requirements of this LEP are therefore satisfied.

(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:

Port Macquarie-Hastings Development Control Plan 2011:

	Requirements	Proposed	Complies
DP1.1	Ancillary development: <ul style="list-style-type: none"> 4.8m max. height Single storey 60m² max. area 24 degree max. roof pitch Not located in front setback 	No ancillary development proposed	N/A
DP 2.1	Articulation zone: <ul style="list-style-type: none"> Min. 3m front setback 25% max. width of dwelling 	3.51m setback 23% width entry feature	Yes
DP2.2	Front setback (Residential not R5 zone):	Lot 201 dwelling primary setback 4.5m	Yes
DP3.1	<ul style="list-style-type: none"> Min. 6.0m classified road Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot Min. 3.0m secondary road Min. 2.0m Laneway Garage 5.5m min. or 1m behind front facade 	Lot 201 garage setback 5.5m Lot 202 garage setback approx. 24m	Yes Yes Yes
DP2.3	Front setback R5 and rural zones: <ul style="list-style-type: none"> Within 20% of average setback of adjoining buildings or min. 10m 	N/A	N/A
DP3.1	Garage door recessed behind building line or eaves/overhangs provided	Garage door recessed	Yes
DP3.3	6m min. width of garage door/s and 50% max. width of building	Lot 201 = 4.8m garage door width and 47% width Lot 202 at rear = 3.2m width garage door and 21% width	Yes Yes

DP3.4	Driveway crossover 1/3 max.of site frontage and max. 5.0m width	Lot 201 driveway 4.8m width and Lot 202 driveway 3.5m width Combined driveways width 55% width	Yes No
DP3.5	Garage and driveway provided on each frontage of dual occupancy on corner lot	N/A	N/A
DP4.1 DP4.2	4m min. rear setback. Variation subject to DP 4.2.	Setback to river if treated as rear setback = 10.2m	Yes
DP5.1 DP5.2 DP5.3 DP5.4	Side setbacks: <ul style="list-style-type: none"> • Ground floor min. 0.9m • First floors & above min. 3m setback, unless demonstrated that adjoining property primary living areas & POS unaffected. • Building wall set in and out every 12m by 0.5m • Where 2 storey, Dual Occ or Attached Dwelling that share party wall, min 3m setback to adjoining properties. 	Ground (boat shed/garage) and first floor zero lot line along the north-east side. It is noted that the adjoining property to the north-east No.18 contains a zero lot line along this portion of the site boundary. Ground (boat shed/garage) floor zero lot line setback on south-west side. Part first floor on south-west side is setback 0.9m which is permissible as no adverse overshadowing identified. The rear portion dwelling Lot 202 is to be built over the boat shed and parking area with a 0.9m side setback. The building walls are set in and out every 12m along the side boundaries.	No/Yes Yes
DP6.1	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	5m x 4.4m area + drying area within side setback provided to Lot 201 dwelling. Area technically complies with 35m ² as side setback space counted. Balcony with 4m x 4m area provided to Lot 202. Area less than 35m ²	Yes No
DP7.1 DP8.1	Front fences: <ul style="list-style-type: none"> • If solid 1.2m max height 	No front fencing proposed	N/A

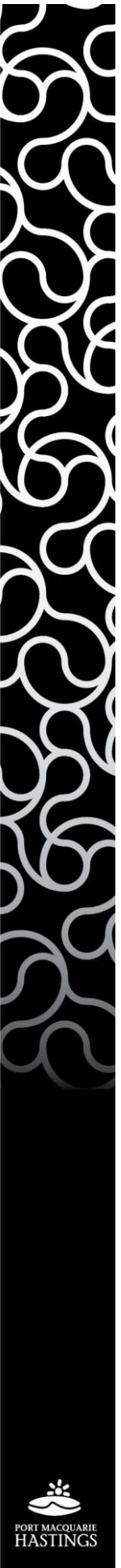


DP8.2	<p>and front setback 1.0m with landscaping</p> <ul style="list-style-type: none"> • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances • Front fences and walls to have complimentary materials to context • No chain wire, solid timber, masonry or solid steel 		
DP10.1 DP10.2 DP10.3 DP10.4	<p>Privacy:</p> <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 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 	No direct views within radius 9m and 12m from and between main living spaces	Yes
DP11.1	Roof terraces	N/A	N/A
DP12.1 onwards	Jetties and boat ramps	No new jetties or boat ramps proposed. Existing.	N/A

Assessment Checklist for DCP 2011 – General Provisions

	Requirements	Proposed	Complies
DP1.1	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	Adequate casual surveillance available particularly from Lot 201 dwelling	Yes
DP5.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut and fill outside perimeter of walls less than 1m change	Yes

DP6.1	0.8m max. height retaining walls along road frontage	N/A	N/A
DP6.2	Any retaining wall >1.0 in height to be certified by structure engineer	N/A	N/A
DP6.3	Combination of retaining wall and front fence height	N/A	N/A
DP11.1 onwards	Removal of hollow bearing trees	N/A	N/A
DP1.1	Tree removal (3m or higher with 100m diameter trunk and 3m outside dwelling footprint)	N/A	N/A
	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
DP2.1	New accesses not permitted from arterial or distributor roads	N/A	N/A
DP2.3	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossings minimal having regard to proposal being 2 dwellings	Yes
DP6.1	On-street visitor parking for dual occupancy able to be considered subject to justification	N/A	N/A
DP7.1	Visitor parking to be easily accessible	N/A	N/A
DP7.5	Stacked parking permitted for medium density where visitor parking and 5.5m length achieved	Stacked parking in driveways possible.	Yes
DP8.1	Parking in accordance with AS 2890.1	Parking in accordance with AS 2890.1	Yes
DP9.1	Bicycle and motorcycle parking considered	N/A	N/A
DP11.1	Section 94 contributions	Refer to main body of report.	
DP12.1 onwards	Landscaping of parking areas	Landscaping on edge of driveways	Yes
DP14.1	Sealed driveway surfaces unless justified	Sealed driveways	Yes
DP15.1	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades acceptable	Yes
DP17.1	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Garaged parking areas	N/A
DP17.2	Vehicle washing facilities – grassed area etc available.	Turfed area at front for Lot 201 dwelling	Yes/ N/A
DP3.1	Off-street Parking spaces: • 1 space = single dwelling (behind building line) and dual occupancy • Medium density – 1 per 1 or	3 parking spaces between both dwellings. Could be argued technically that No.20 front	Yes



	2 bed dwelling or 1.5 per 3-4 bed dwelling + 1 visitor/4 dwellings	dwelling has 1 space with not strictly achieved full width space for full length of garage under AS/NZS 2890.1. Submission raised concern with this.	
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Combined driveways width 55% width

The proposal seeks to vary Development Provision Part 4 DP 3.1 in regards to driveway crossover widths. The proposed driveway widths combined exceed the maximum recommended 1/3 (33.3%) or 5m calculated width by 16.7% or 3.3m to a total width of 8.3m of the total frontage.

The relevant objectives are:

- To minimise the impact of garages and driveways on the streetscape, on street parking and amenity.
- To minimise the visual dominance of garages in the streetscape.

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

- Only the front dwelling has a garage directly visible from street.
- Edge of driveways separated by landscaping strips.
- The driveways allow for stacked visitor parking.
- The front dwelling's garage is setback from main façade frontage.
- The garage door width of the front dwelling is less than 5m permitted width.

Balcony with 4m x 4m area provided to Lot 202. Area less than 35m2

The proposal seeks to vary Development Provision Part 4 DP 6.1 regarding the recommended 35m2 of private open space area for the Lot 202 dwelling. The balcony has approximately 23m2 in area accessible directly from the living room.

The relevant objectives are:

- To ensure that the private open space provided for a dwelling is useable and meets the occupants requirements for privacy, safety, access, outdoor activities and landscaping.

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

- The balcony area is useable and includes the minimum 4x4m dimension.
- The dwelling has additional open space within it's boundary fronting the river.
- The lower level has a boat storage area and the dwelling enjoys the benefit of a jetty which will provide additional recreational opportunities.

Ground and first floor zero lot line along the north-east side and ground floor on south-west side

The proposal seeks to vary Development Provision Part 4 DP 5.1 and 5.2 regarding seeking variation to encroach within the recommended 0.9m setback for both levels (note overshadowing not adverse so can consider within 3m) to a zero setback.

The relevant objectives are:

- To reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy.
- To provide or visual and acoustic privacy between dwellings.

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

- The dwelling to the north-east is built to the boundary. No adverse amenity impacts identified to the neighbouring property to the north-east noting that it is 2 storeys stepped across the site with a larger scale height than the proposal.
- No adverse amenity impacts on the property to the south-west noting that this building is 3 storeys with considerably more bulk and scale than the proposal.
- The first floor south-east side of the proposal (dwelling 20A) has a 0.9m side setback.
- The character of the existing dwellings within proximity to the site fronting the Hastings River have many zero lot line setbacks.
- No adverse acoustic or visual impacts identified.
- The rear elevation facing the Hastings River has significant articulation.

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

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

iv) any matters prescribed by the Regulations:

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 structures on the site is capable of compliance with this Australian Standard and a suitable condition of consent has been recommended.

v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates:

N/A

- (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 site has a general south-east street frontage orientation to The Anchorage.

Adjoining the site to the north-east is an existing stepped 2 storey dwelling constructed to the boundary.

Adjoining the site to the south-west is a vacant residential allotment with an approved part 2 part 3 storey dwelling.

Adjoining the site to the north-west is the Hastings River.

A pathway traverses the rear of the site.

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 the intent of planning controls for the area as justified earlier in this report.

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

There are no identified significant adverse privacy impacts.

There is no identifiable adverse overshadowing impacts. Whilst no shadow diagrams have been provided it is considered given the subject development is of a much smaller scale than the existing dwelling to the north-east and the proposed dwelling to the south-west and is set in from the side boundary on the south-western side no significant adverse impacts can be identified. It is also noted that the block orientation is not directly east to west therefore allowing earlier sun angle to main living spaces.

Roads

The Anchorage roadway has kerb and gutter both sides with type SE layback kerb. A kerb inlet gully pit exists in the kerb centred on the boundary of this lot 5 and neighbouring lot 6.

The Applicant is requesting that this pit be changed to a double grated winged pit integrated in the new driveway required by this development. The proposed pit type is considered acceptable and thus the driveways for this development can proceed as part of a S.138 Roads act approval prior to issue of the CC for the building works. The applicant will need to arrange detailed design of the pit changes together with driveway long section for the S. 138 permit.

Traffic

No significant impact on the capacity of the local road network to accommodate the development.

Access

Driveway to no. 20A property goes into an underground carpark area for 2 cars and turning is available permitting forward access exit. The No. 20 property has the driveway garage on the frontage 5.5metres setback allowing visitor parking on the property in front of the garage. Rear exiting is required for this property.

Pedestrians

Public footway on the riverfront existing, no adverse impact on pedestrian movements.

Water

The existing 20mm water meter serviced from the 150mm PVC water main on the opposite side of The Anchorage will be able to be used for lot 201. A 20mm metered water service will be required for lot 202. An application form will be required for formal quotation for the installation of the new service and meter.

The plans attached to the development application are acceptable for water supply purposes.

Sewer

Sewer is available and connected to the site via a 150 diameter gravity main along the front boundary and a junction in the South Eastern corner.

As Torrens Title is planned a second junction will be required terminating wholly within the lot being served. A clear distance of 1m is to be maintained around any VIS or manhole located within the property.

Stormwater

The development requires a change of pit type at the applicant's expense as abovementioned. Interallotment drainage benefiting Lot 201 and burdening Lot 202 shall be provided discharging into kerb inlet pit.

Other Utilities

Underground electricity and telecommunications are available however 1 additional connection is required for the new lot created and clearance certificates will be required from essential energy and Telstra.

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

No adverse impacts anticipated. The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

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

Soils

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

Air and microclimate

The operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

Flora and fauna

Construction of the proposed development will not require any removal/clearing of any significant vegetation and therefore will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna. Section 5A of the 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.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX. No adverse impacts anticipated.

Noise and vibration

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

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. Likely positive impacts can be attributed to the construction of the development.

Site design and internal design

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

Construction

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

Cumulative impacts

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

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

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

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

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

Two(2) written submissions have been received following completion of the required 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
The drawings and plans of proposed 20A shows from the first floor level over boat storage and parking areas overhang beyond the building line. Is this permissible? If so this will disadvantage us in favour of the applicant and would result in that our building would be set back and have a loss of natural light and be overshadowed and restrict our visual views to the right side of our building facing the river.	The first floor living area overhangs the boat storage, but as shown on the basement floor plan and the Elevations submitted, the first floor living area does not exceed the building line. The basement is recessed 750mm back from the building line. Appropriate view sharing is retained.
The drawings and plans shows boundary to boundary at basement and boat storage and parking with a 900mm setback at first floor level. If the existing block wall on the north west boundary was to be raised by 1.800m in height this would address our concerns of privacy.	The block wall proposed on the north-western boundary relates to the basement (garage/boat shed), raising this wall 1.8m is not considered likely to increase privacy to the adjoining landowner. As shown on the elevation plans lodged, high-light windows are proposed along the north-western elevation consistent with Council policy. Should this refer to the driveway adjoining the north-western driveway it is noted that 1.8m high fencing can be implemented to ensure privacy is maintained to the adjoining land owner.
Proposal will increase traffic congestion and cause parking problems particularly for visitors.	No adverse impacts identified. Visitor parking possible within driveways in addition to enclosed parking.
Proposal will cause excessive neighbour noise pollution with both adjoining properties having two homes neighbouring them.	Dwelling density acceptable and permissible.
Does not meet the standard for minimum area (square metres) for dual occupancy on the proposed block.	Dual occupancies/semi-detached dwellings permissible in zoning applying to site.
Will compromise the neighbouring neighbour's amenity and impose of privacy with lack of screening on back balcony.	Rear balcony of Lot 202 dwelling on north - east side elevation has a solid wall extending full height along side of balcony to within 0.576m of the

	end of the balcony. No adverse privacy concerns identified.
Inadequate space provided for ancillary aspects of development such as landscaping, private open space, drainage, parking and vehicle access. (Refer to Clause 37 of SSLEP2006.	Parking, private open space and access deemed acceptable under Development Control Plan 2011.
Inadequate outdoor recreation and service space on both dwellings.	Private open space deemed acceptable under Development Control Plan 2011.
Inadequate building space for proposed dwellings on lot.	Dual occupancies/semi-detached dwellings permissible in zoning applying to site. The floor space ratio complies and general compliance of proposal with planning controls acceptable.
Does not compliment the current character of the surrounding area, streetscape where proposed development is to be carried out and does not dominate the natural qualities of its setting.	Desired character for area set by DCP 2011.
Double Garage size does not comply. (Minimum of 5.5m x 5.7m = 31.35m ² .)	1 parking space only required in garaged space. Australian Standard AS/NZS 2890.1:2004 requires the door width to be 4.8m wide which compiles. The internal width is to be total of 5.4m width which is partly provided via indent to 5.6m width.
Landscaping space does not comply under the proposed development. (Less than 850 AS x 0.45)	Refer to private open space comments provided earlier in report under Development Control Plan 2011.
Contravenes private right as an adjoining owner	Unclear as to intent of comment. Proposal has been neighbour notified and assessed in accordance with legislation.
No fire separation from garage doors to the adjoining property on the North Western side	Building Code of Australia issue which can be addressed as Construction Certificate stage.
No fire separation from laundry of 20 A to bedroom 1 of 20	
Minimum set back of 5.5 metres to the front of the garage of street dwelling does not comply. Plans indicate 5.2 to the inside of the garage wall when in fact it should be to the front of the garage.	5.5m provided to garage door

(e) The Public Interest:

The proposed development will be in the wider public interest with provision of appropriate additional housing.

The proposed development satisfies the intent of relevant planning controls as justified earlier in this report and is not expected to adversely impact on the wider public interest.

Climate change

Refer to comments provided earlier in this report under 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.

Refer to draft contribution schedule attached to this report and recommended conditions.

5. CONCLUSION

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

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

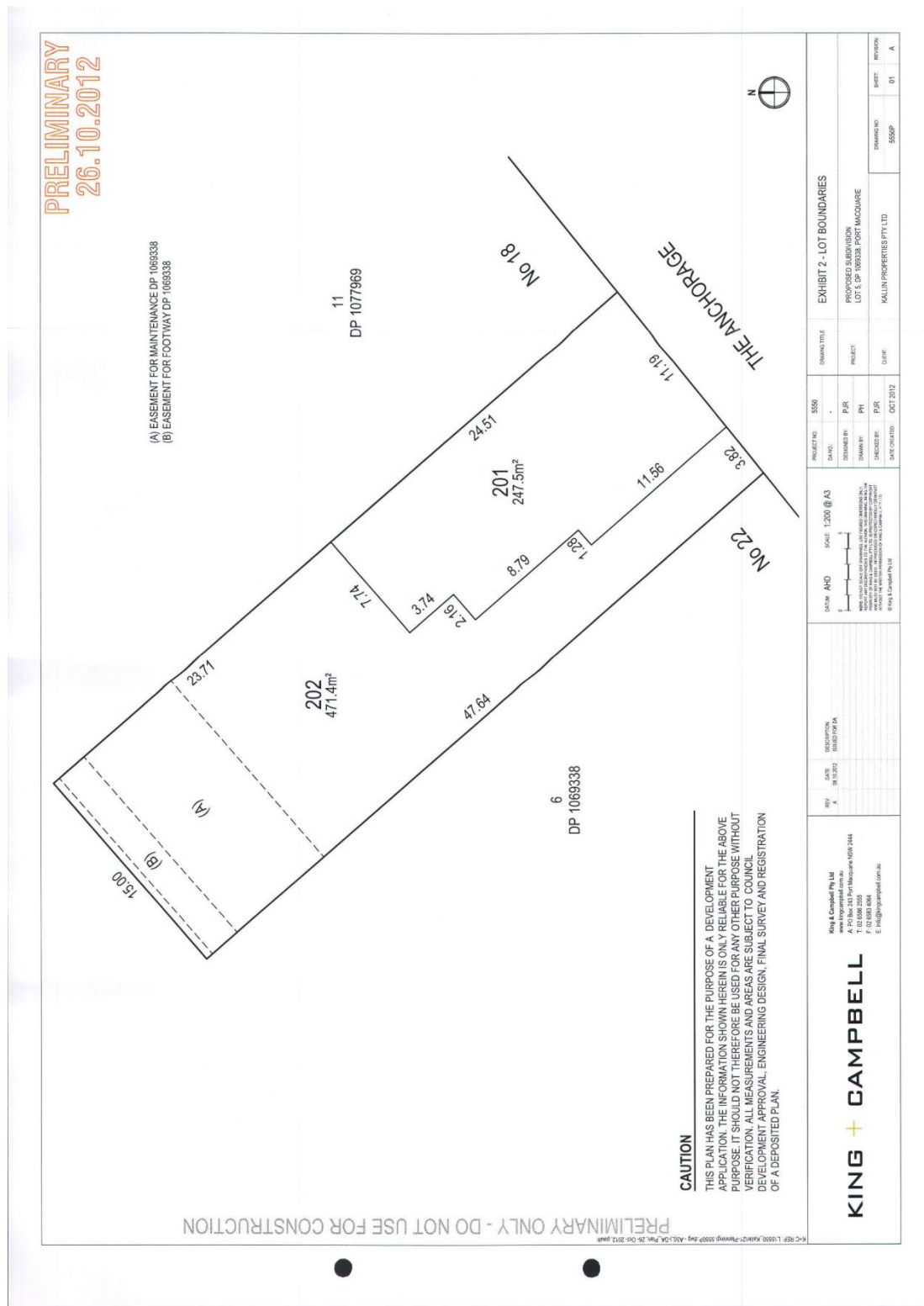
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. Consequently, it is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

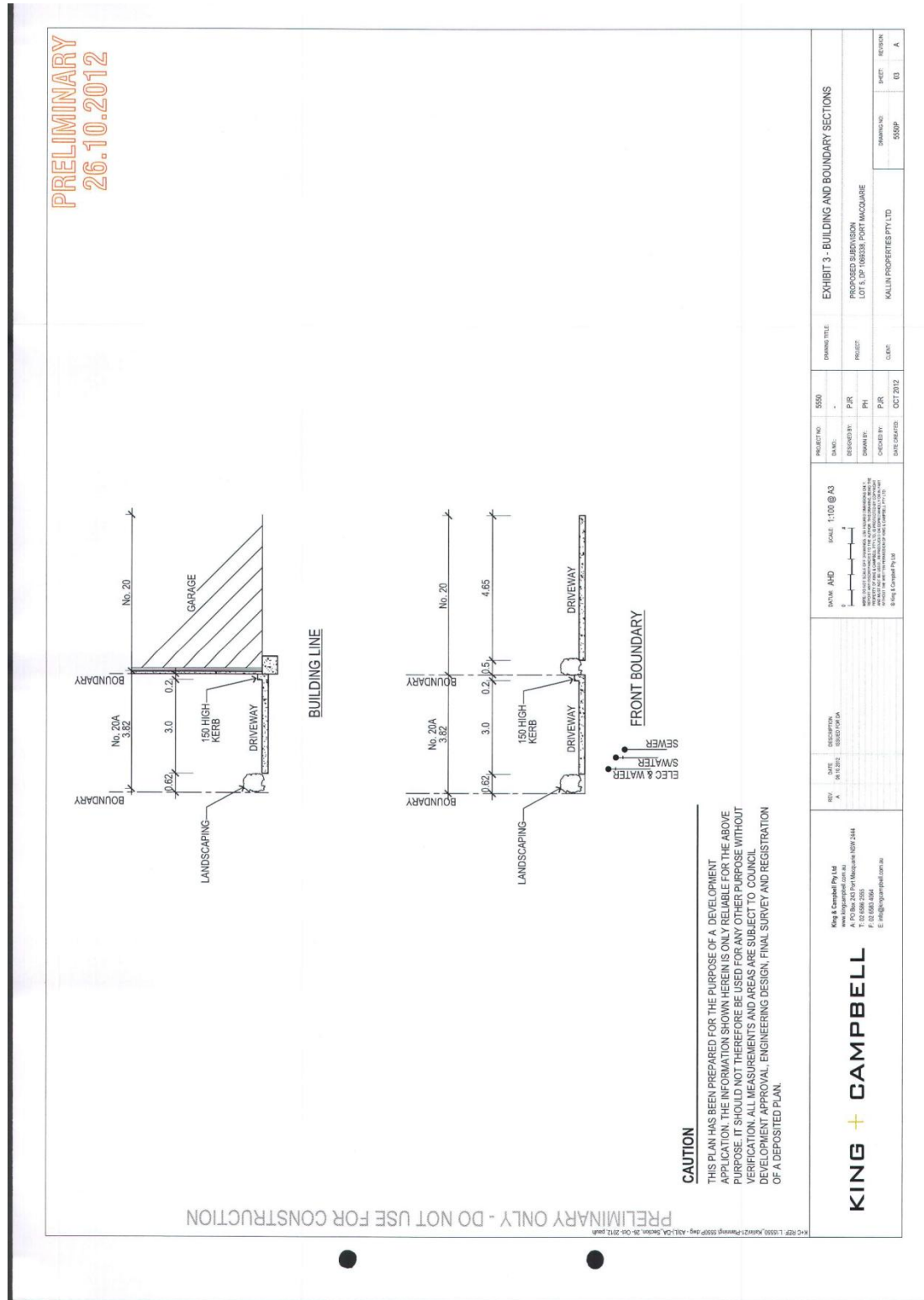
Attachments

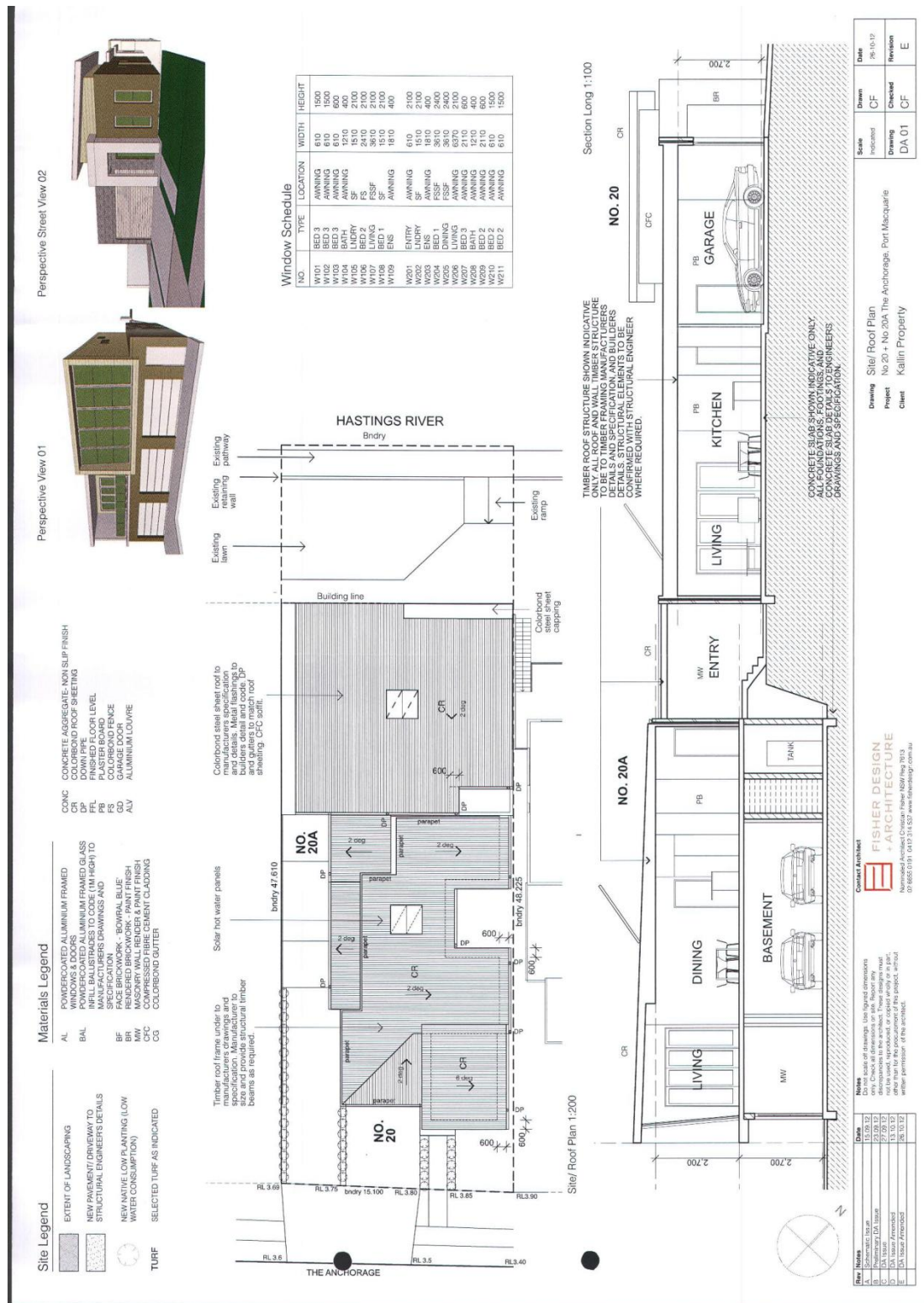
1[View](#). DA2012 - 0546 DA Plans

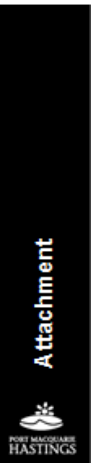
2[View](#). DA2012 - 0546 Recommended Conditions for DA

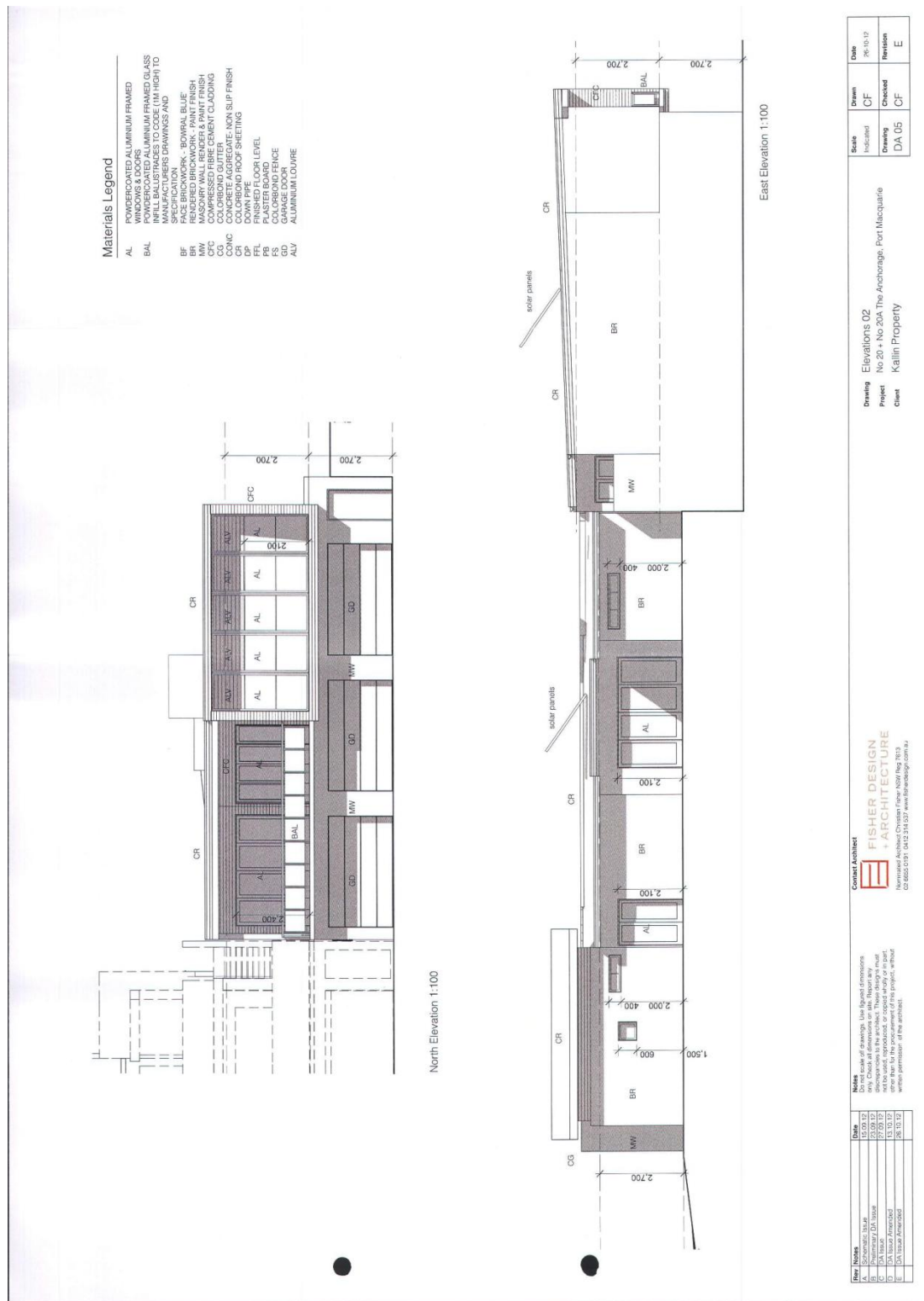
3[View](#). DA2012 - 0546 Development Contributions Calculation Sheet,











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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2012/546

DATE: 5 February 2013

PRESCRIBED CONDITIONS

Part 6 – Division 8A of the *Environmental Planning & Assessment Regulations 2000*

- (1) (P001) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) (P002) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (3) (P003) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) (P009) The person having the benefit of the development consent must, at the person's own expense:
 - a. Protect and support the adjoining premises from possible damage from the excavation, and
 - b. Where necessary, underpin the adjoining premises to prevent any such damage.

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Site Roof/Plan	DA 01- Revision E	Fisher Design & Architecture	26 October 2012
Ground Floor Plan	DA 02- Revision E	Fisher Design & Architecture	26 October 2012
Basement Floor Plan	DA 03- Revision E	Fisher Design & Architecture	26 October 2012
Elevations	DA 04 - Revision	Fisher Design &	26 October 2012

	E	Architecture	
Exhibit 2 - Lot Boundaries	Sheet 01 - Revision A	King & Campbell	8 October 2012

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

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

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

- (3) (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) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications and Port Macquarie-Hastings Council DCP 2011 which are prescribed at the time of commencement of engineering works.
- (5) (A031) 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.

Such works include, but not be limited to:

- Footway and gutter crossing
- (6) (A032) The developer is responsible for any costs relating to minor alterations and extensions of existing roads, drainage and Council services for the purposes of the development.
- (7) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - 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:

- deposit with the Council, or
- 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.

- (8) (A037) Provision of an automatic stormwater sump and pump system designed by a Practising Hydraulic Engineer for the disposal of seepage and stormwater in the basement storey. The system shall incorporate a standby pump. The design plans for the required services must be approved by Council pursuant to Section 68 of the Local government Act 1993.
- (9) (A045) Extension or modification of the town sewerage system where necessary to serve the development, at no cost to Council.
- (10) (A046) Provision to each unit or lot of a separate metered water connection to Council's main, with the meters being located on the road frontage, unless the water supply to the whole site is metered with a single larger meter.
- (11) (A047) Provision to each lot of a separate sewer line to Council's main.
- (12) (A048) Provision of a minimum 25mm water service or a water service conduit for the full length of the access handle of battle axe lots within a minimum verge, 1.0m wide adjacent to the paved surface.
- (13) (A050) All water, sewer and stormwater 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.
- (14) (A056) One (1) metre clear distance is required around any vertical inspection shaft and any manhole.
- (15) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (16) (A064) All works shall be in accordance with the current Port Macquarie-Hastings Council Flood Policy.
- (17) (A195) The applicant is to construct interallotment drainage for proposed no. 20 from the south western corner of No. 20 then along and within a 1.5metre easement the frontage of No. 20A to a stormwater pit in the driveway of No. 20A. The pipe is then to be connected into the existing gully pit in the Council kerbing. The existing gully pit is to be modified to provide a double grate inlet winged grate and set into the driveway of No. 20a. . The easement in 20A is to burden 20a in favour of no. 20.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) 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. Sewerage reticulation.
 2. Retaining walls.
 3. Stormwater systems.
 4. Erosion & Sedimentation controls.
 5. Detailed driveway profile in accordance with Australian Standard Drawings Port Macquarie-Hastings Council current version.
- (3) (B009) Payment to Council, prior to the issue of the Construction Certificate/or Subdivision Certificate (whichever occurs first) of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent. 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.
- (4) (B010) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction Certificate/or Subdivision Certificate (whichever occurs first), 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
- (5) (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.
- (6) (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.

- (7) (B030) An application under Section 138 of the Roads Act 1993 is to be submitted to and approved by Council for works associated with the development on or within the Public Road.
- (8) (B033) An Erosion and Sediment Control Management Plan shall be submitted to and approved by the Principal Certifying Authority with the application for Construction Certificate.

The plan shall include measures to:

- a. Prevent site vehicles tracking sediment and other pollutants from the development site.
 - b. Dust control measures.
 - c. Safety measures for temporary and permanent water bodies including fencing and maximum batter slopes.
 - d. Contingencies in the event of flooding.
- (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 with the application for the Construction Certificate.
 - (10) (B054) Where a vehicular access is provided, a longitudinal section in accordance with Council's adopted AUSPEC Design and Construction Guidelines must be supplied with engineering design plans.
 - (11) (B056) Prior to the issue of any Construction Certificate plans, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
 - (12) (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.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (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) 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 and maintained for the entirety of the works until the site is made stable by permanent vegetation cover or hard surface.
- (3) (C005) 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.

Each toilet provided must:

- a. be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the Council, or
- b. an approved temporary chemical closet.

The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

- (4) (C007) Provision of a hoarding, fence or other measures to restrict public access to the site during the course of works. Where the hoarding will encroach upon public land an application for approval under section 138 of the Roads Act, 1993 is to be lodged with Council.
- (5) (C008) No access through the reserve shall be allowed without first obtaining written approval from Council's Parks and Gardens Manager. No clearing or damage to any vegetation on the reserve is permitted. No spoil, fill, waste liquids or solid materials shall be stockpiled on or allowed to move beyond the fence line for any period on the adjoining reserve during or after the development. In the event of accidental damage, the site must be revegetated to the satisfaction of Council. Such approval would need to be undertaken in accordance with Council Policy.
- (6) (C012) Prior to the commencement of work, the location and depth of the sewer main and connection point in relation to the floor level shall be confirmed to ensure that appropriate connection to the sewer can be achieved.
- (7) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. at completion of installation of erosion control measures
 - b. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - c. prior to the pouring of concrete for sewerage works and/or works on public property;
 - d. 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) (D004) 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.
- (3) (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.
- (4) (D011) Provision being made for support of adjoining properties and roadways during construction.

- (5) (D014) Work on the project 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) (D032) A garbage receptacle for the reception of all waste materials from the site shall be provided prior to building work commencing and shall be maintained and serviced for the duration of the work.

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) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E039) An appropriately qualified and practising consultant is required to furnish a Compliance Certificate to the Principal Certifying Authority confirming:
- a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (4) (E049) 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 Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (5) (E050) Prior to occupation or the issue of any Occupation or Subdivision 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.
- (6) (E051) Prior to occupation or 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.
- (7) (E054) No building is to be connected to Council's future sewer main until Council has accepted such main. A pre-requisite for acceptance will be to successfully comply with Council's AUSPEC Specifications for air testing, visual inspection, manhole lid seal and the level of the lid being above the proposed finished surface level. The manhole must be protected during dwelling construction by erecting a barrier around the manhole. Any

alterations to the finished surface level requiring the raising or lowering of the manhole will require Council's approval.

- (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (9) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (10) (E067) Prior to the issue of a Subdivision Certificate the proponent shall provide to the dwelling/lots an underground connection to the following reticulated services in accordance with their respective requirements:
 - Telecommunications
 - Electricity supply
 - National Broadband Network
- (11) (E068) Prior to the issue of a Subdivision Certificate, written advice is to be submitted from the relevant service providers confirming that its requirements for the provision of services required by this consent or other approval have been satisfied.
- (12) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works in accordance with the Council's *Interim Requirements for the Maintenance and Certification of Public Infrastructure Provided Through Land Developments* (dated 6 September 2010).
- (13) (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 Certificate. The copyright for all information supplied, shall be assigned to Council.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (F195) The applicant is to construct interallotment drainage for proposed no. 20 from the south western corner of No. 20 then along and within a 1.5metre easement the frontage of No. 20A to a stormwater pit in the driveway of No. 20A. The pipe is then to be connected into the existing gully pit in the Council kerbing. The existing gully pit is to be modified to provide a double grate inlet winged grate and set into the driveway of No. 20a. . The easement in 20A is to burden 20a in favour of no. 20.

7/02/2013

Development Contributions Calculation Sheet - Final Consent Issue									
Development Details			Contributions Plans Applicable						
DA No.	2012	0546	General S94 Plans		Applies	ET Chargeable	RatePer ET	Contribution Amount	
Address:	20 The Anchorage, Port Macquarie		Major Roads		Yes	0.8	\$6,743.00	\$5,394.40	
Dev Description:	Room Semi Detached Dwellings & Two (2)		Open Space		Yes	0.8	\$5,279.00	\$4,223.20	
Lot Number(s):	5		Community Cultural & Emergency Services		Yes	0.8	\$4,079.00	\$3,263.20	
DP Number(s):	1069338		Admin Building		Yes	0.8	\$803.00	\$642.40	
Stage No:	Total		Bushfire - Specific		No				
Applicant:	Property Pty Ltd CARE King and Campbell		Kings Creek		No				
Contribution Area:	<ul style="list-style-type: none"> Camden Haven Innes Peninsula Kings Creek Lake Cathie/Bonny Hills Port Macquarie Rural Sancroft/Thrumster Wauchope 		Admin Levy		Yes	2.2% of S94	\$13,523.20	\$297.50	
(Planner must Select Contribution Area. Click Once with Mouse)			Specific Contribution Plans and DSPs (Planner Must Select if Plans are Applicable)						
			S94A Levy Development Cost		\$600,000	No			
			PMQ CBD Car Parking Contribution		<input type="checkbox"/> Applies				
			PMQ Gordon Street Car Parking Contribution		<input type="checkbox"/> Applies				
			Hastings River Drive Traffic Works - 3(s) Zone		<input type="checkbox"/> Applies				
			Bushfire Additional		<input type="checkbox"/> Applies				
			Select Rate		<input type="checkbox"/> Applies				
DA Lodged Date:	30/10/2012		Water 1.6% Levy:		\$92.70	<input checked="" type="checkbox"/> Applies	0.6	\$9,666.00	\$5,799.60
Prepared By:	Pat Galbraith-Robertson		Sewer			<input checked="" type="checkbox"/> Applies	1	\$4,023.00	\$4,023.00
DA Consent Date:			Car Parking CP Contribution Total: \$23,736.00						
Issue No.	1		No. of Spaces Short:			Notice of Payment Re-Issue Fee: <input type="checkbox"/> Applies			
Calc Sheet Date:	6-Feb-2013								
FINAL CONSENT CALCULATION									
ET Calculator for New Development (Proposed)									
Commercial & Industrial New Development			Rate	Units	Water Rate	Sewer Rate	ET Water	ET Sewer	Traffic Facilities m ²
N/A			m2	0	0	0	0	0	0
NA			m2	0	0	0	0	0	0
NA			m2	0	0	0	0	0	0
NA			m2	0	0	0	0	0	0
					Total Commercial ETs: 0				
New Residential Development				Units	Sec 94 ET	Water ET	Sewer ET		
Number of new residential lots greater than 450m ² (excluding Dual Occ & Int Housing)				0	0	0	0		
Number of new residential lots greater than 2000m ² (excluding Dual Occ & Int Housing)				0	0	0	0		
1 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)				0	0	0	0		
2 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)				0	0	0	0		
3 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)				2	1.8	1.6	2		
4 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)				0	0	0	0		
1 Bedroom Units (High Density - 3 or more storeys)				0	0	0	0		
2 Bedroom Units (High Density - 3 or more storeys)				0	0	0	0		
3 Bedroom Units (High Density - 3 or more storeys)				0	0	0	0		
4 Bedroom Units (High Density - 3 or more storeys)				0	0	0	0		
Motel Unit - Partially Self Contained (Own ensuite but shared facilities for cooking & laundry)				0	0	0	0		
Motel Unit - Self Contained (Own ensuite and kitchen)				0	0	0	0		
Caravan Park - Not Self Contained Site (permanent or transient)				0	0	0	0		
Caravan Park - Partially Self Contained Site (permanent or transient)				0	0	0	0		
Nursing Homes High Dependency/Residential Care Facility (per bed)				0	N/A	0	0		
Nursing Homes Low Dependency/Motel (per bed)				0	0	0	0		
Aged Unit - Self Contained 1 bedroom with ensuite & kitchen (SEPP - Seniors Living)				0	0	0	0		
Aged Unit - Self Contained 2 bedroom with ensuite & kitchen (SEPP - Seniors Living)				0	0	0	0		
Aged Unit - Self Contained 3 bedroom with ensuite & kitchen (SEPP - Seniors Living)				0	0	0	0		
Boarding House per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathrooms)				0	0	0	0		
Boarding House per 1 Occupancy Bedroom Partially Self Contained (Own ensuite - shared cooking & laundry facilities)				0	0	0	0		
Boarding House - Not Self Contained Per Bed (for dormitories/bunkrooms, shared cooking, laundry and bathroom)				0	0	0	0		
Boarding House - Self Contained Per Bed (for dormitories/bunkrooms, Own ensuite per bedroom/dorm/bunkroom with shared cooking and laundry)				0	0	0	0		
New Residential Unit Total:				2	1.8	1.6	2		

7/02/2013

ET Calculation for Existing Development (Credits)							
Commercial & Industrial Existing Development		Rate	Units	Water Rate	Sewer Rate	ET Water	ET Sewer
N/A	▼	m2	0	0	0	0	0
	▼	m2	0	0	0	0	0
	▼	m2	0	0	0	0	0
	▼	m2	0	0	0	0	0
Total Commercial ETs:						0	0
Existing Residential Development			Units	Sec 94 ET	Water ET	Sewer ET	
Number of existing residential lots greater than 450m ² (excluding Dual Occ & Int Housing)			1	1	1	1	
Number of existing residential lots greater than 2000m ² (excluding Dual Occ & Int Housing)			0	0	0	0	
1 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0	
2 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0	
3 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0	
4 Bedroom Units (LowDensity - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0	
1 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0	
2 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0	
3 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0	
4 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0	
Motel Unit - Partially Self Contained (Own ensuite but shared facilities for cooking & laundry)			0	0	0	0	
Motel Unit - Self Contained (Own ensuite and kitchen)			0	0	0	0	
Caravan Park - Not Self Contained Site (permanent or transient)			0	0	0	0	
Caravan Park - Partially Self Contained Site (permanent or transient)			0	0	0	0	
Nursing Homes High Dependency/Residential Care Facility (per bed)			0	N/A	0	0	
Nursing Homes Low Dependency/Hostel (per bed)			0	0	0	0	
Aged Unit - Self Contained 1 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0	
Aged Unit - Self Contained 2 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0	
Aged Unit - Self Contained 3 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0	
Boarding House per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathrooms)			0	0	0	0	
Boarding House per 1 Occupancy Bedroom Partially Self Contained (Own ensuite - shared cooking & laundry facilities)			0	0	0	0	
Boarding House - Not Self Contained Per Bed (for dormitories/bunkrooms, shared cooking, laundry and bathroom)			0	0	0	0	
Boarding House - Self Contained Per Bed (for dormitories/bunkrooms, Own ensuite per bedroom/dorm/bunkroom with shared cooking and laundry)			0	0	0	0	
Existing Residential Unit Total:			1	1	1	1	

D:\Dev\Env\DEV AND BUILDING\CONTROLS\DA\2012\0546\Development Contributions Calculation Sheet, DA 2012-0546, Stage No. Total, Issue No.1

Item: 07

Subject: DA2012 - 0532 - ADDITIONS TO DWELLING (COMPLETION OF A PARTLY CONSTRUCTED REAR DECK) - LOT 377 DP 236950, 31 VENDUL CRESCENT, PORT MACQUARIE

Report Author: Keith Smith

Property:	Lot 377 DP 236950, 31 VENDUL CRESCENT, PORT MACQUARIE
Applicant:	WAYNE ELLIS ARCHITECT
Owner:	A BRINKMAN
Application Date:	23 OCTOBER 2012
Date Formal:	23 OCTOBER 2012
Estimated Cost:	\$25,500
Location:	PORT MACQUARIE
File no:	DA2012 - 0532
Parcel no:	24362

Alignment with Delivery Program

- 4.9.2 Undertake development assessment in accordance with relevant legislation.
- 4.9.3 Implement and maintain a transparent development assessment process.

RECOMMENDATION

That DA2012-0532 for additions to dwelling (completion of a partly constructed rear deck) at Lot 377, DP 236950, No. 31 Vendul Crescent, Port Macquarie be determined by granting consent subject to the recommended conditions

Executive Summary

This report considers a Development Application for the completion of a partly constructed deck attached to the rear of the existing dwelling at the subject site.

This report provides an assessment of the application in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

Subsequent to exhibition of the application, 2 submissions have been received (from the same submitter).

1. BACKGROUND

Existing sites features and surrounding development

The site has an area of 733.5m².

The site is zoned R1 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 immediate locality is shown in the following aerial photo:



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the application proposal include the following:

- Construction of a single storey partly completed timber deck attached to the rear of the existing dwelling.

Refer to attachments at the end of this report.

Application Chronology

- 23 October 2012 -Application lodged.
- 1 November 2012 -15 November 2012 Exhibition via neighbour notification.
- 2 November 2012 - 1st Submission received from adjoining property owner to the south west.
- 23 November 2012 - revised site plan received.
- 15 November 2012 Exhibition notification expires.
- 4 December 2012 - Advice received from Councils sewer Division regarding relocation of sewer manhole.
- 5 December 2012 2nd Submission received from adjoining property owner to the south west.
- 7 December 2012 - Survey documentation received from Beukers and Ritter Consulting dated 26 August 2008.
- 11 December 2012 - advice received from Councils sewer division regarding construction over Councils sewer manhole.

3. STATUTORY ASSESSMENT**Section 79C(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 1 – Development Standards**State Environmental Planning Policy 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 62 - Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and its' location; the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the nearby area.

State Environmental Planning Policy 71 – Coastal Protection

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71.

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 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore;
- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage; and
- g) reduce the quality of the natural water bodies in the locality.

In particular, the site is located within an area zoned for residential purposes.

The requirements of this SEPP are therefore satisfied.

Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned R1 General Residential.

In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for a single dwelling house (or ancillary structure associated with a dwelling house) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

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

In accordance with clause 4.3, the maximum overall height of the proposal from ground level (existing) is 3.749 m which complies with the standard height limit of 8.5m applying to the site.

In accordance with clause 4.4, the floor space ratio of the proposal is 0.36:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential public utility infrastructure.

The requirements of this LEP are therefore satisfied.

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

None relevant.

(iii) any Development Control Plan in:

Port Macquarie Hastings Development Control Plan 2011

<i>DCP 2011: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
DP1.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	NA	NA
DP 2.1	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • 25% max. width of dwelling 	NA	NA
DP2.2	Front setback (Residential not R5 zone):	NA	NA
DP3.1	<ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 	NA	NA

DCP 2011: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway • Garage 5.5m min. and 1m behind front façade	NA	NA
DP3.1	Garage door recessed behind building line or eaves/overhangs provided	NA	NA
DP3.2	6m max. width of garage door/s and 50% max. width of building	NA	NA
DP3.3	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	NA	NA
DP3.4	Garage and driveway provided on each frontage for dual occupancy on corner lot	NA	NA
DP4.1 DP4.2	4m min. rear setback. Variation subject to DP 4.2.	Approximately 12.6m.	YES
DP5.1	Side setbacks:		
DP5.2	• Ground floor = min. 0.9m	Eastern boundary - 1.3m Western boundary indicated as 3.050m on revised plans received 23 Nov 2012.	YES
DP5.3	• First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m	NA NA	NA NA
DP6.1	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	>35m ²	YES
DP7.1 DP8.1 DP8.2	Front fences: • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites	NA	NA

DCP 2011: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings 0.9x0.9m splays adjoining driveway entrances Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel 		
DP10.1 DP10.2 DP10.3 DP10.4	<p>Privacy:</p> <ul style="list-style-type: none"> Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m. Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	<p>Open partly constructed deck not considered 'living area' under DCP). (NB boundary fence is currently a post and wire configuration)</p> <p>Partly constructed deck only</p> <p>The deck on the eastern side of the property scales off at approx. 1.3m from the boundary and is in excess of 1m above existing ground level and therefore would require a privacy screen under the DCP.</p> <p>The deck on the western side of the property is indicated on the revised plans as 3.050m and is in excess of 1m above existing ground level. This does not require a privacy screen under the</p>	<p>Yes - Note comments below</p> <p>NA</p> <p>No - condition recommended for privacy screen on eastern deck elevation. It is additionally noted that habitable floors of 29 Vendul is significantly higher than the proposed deck, reducing privacy impacts.</p>

DCP 2011: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
		numerical guideline.	YES
DP11.1	Roof terraces	NA	NA
DP12.1 onwards	Jetties and boat ramps	NA	NA

DCP 2011: General Provisions

	Requirements	Proposed	Complies
DP1.1	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	Adequate casual surveillance available	Yes
DP5.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	NA	NA
DP6.1	0.8m max. height retaining walls along road frontage	NA	NA
DP6.2	Any retaining wall >1.0 in height to be certified by structure engineer	NA	NA
DP6.3	Combination of retaining wall and front fence height	NA	NA
DP11.1 onwards	Removal of hollow bearing trees	NA (no trees to be removed)	NA
DP1.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	NA	NA
	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report. Bush fire report submitted 6 November 2012, with a BAL level of 29 indicated in the report.	
DP2.1	New accesses not permitted from arterial or distributor roads	NA	NA
DP2.3	Driveway crossing/s minimal in number and width including maximising street parking	NA	NA
DP8.1	Parking in accordance with AS 2890.1	NA	NA
DP11.1	Section 94 contributions	Refer to main body of	NA

DCP 2011: General Provisions			
	Requirements	Proposed	Complies
		report.	
DP12.1 onwards	Landscaping of parking areas	NA	NA
DP14.1	Sealed driveway surfaces unless justified	NA	NA
DP15.1	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	NA	NA
DP17.1	Parking areas to be designed to avoid concentrations of water runoff on the surface.	NA	NA
DP17.2	Vehicle washing facilities – grassed area etc available.	NA	NA
DP3.1	Off-street Parking spaces: • 1 space = single dwelling (behind building line)	Existing	YES

With respect to DP 10.1 and 10.2 above it is noted that balconies are not included as 'living areas' under the DCP. Under the DCP a *'Living area includes lounge room, dining room, family room or kitchen but does not include a bedroom, bathroom or laundry.'* A similar provision to DP 10.1 and 10.2 also applies to Roof Terraces (DP11.1), which does not include balconies. The only provision relating to decks or balconies is the requirement to provide a privacy screen where the deck is setback less than 3m from the boundary. This issue has been raised as a significant point of concern from the neighbour at 33 Vendul Crescent.

Noting the above, careful consideration has been given to the potential for privacy impacts attributed to the proposed deck and neighbouring dwelling at 33 Vendul Crescent. The impact is considered acceptable for the following reasons.

- The western extremity of the proposed deck is approximately 8m from the closest bedroom window at 33 Vendul. Noting that bedrooms are not considered primary living areas, the bedroom floor level is higher than the proposed deck and the deck is primarily orientated to the north, the separation provided is considered acceptable.
- The western extremity of the proposed deck is separated approximately 9m from the upper floor deck at 33 Vendul (It is noted that this is in 'plan view' - greater separation is provided noting topography of site and elevation of deck at 33 Vendul). Having regard for the differing elevation between the decks, the primary northern orientation of the proposed deck and noting the eastern portion of the deck at 33 Vendul is relatively narrow and services the garage (i.e. not the main primary open space portion of the deck), the separation provided is considered acceptable.

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

None relevant.

iv) any matters prescribed by the Regulations:**New South Wales Coastal Policy**

The proposed development is consistent with the objectives and strategic actions of this policy. Refer to comments on SEPP 71 for further context.

v) any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)), that apply to the land to which the development application relates:

None relevant.

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

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area.
- There is no adverse impact on existing view sharing.
- There is no adverse privacy impacts (refer to discussion under DCP section above and submission section below).
- 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.

Access, Transport & Traffic

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

Heritage

The site does not contain or adjoin any known heritage item or site of significance.

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 & Micro-climate

The operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution.

Flora & Fauna

Construction of the proposed development will not require 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. Section 5A of the Act is considered to be satisfied.

Other land resources

No adverse impacts anticipated. The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

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

Bushfire

The site is identified as being bushfire prone. The applicant has submitted a bushfire report, which recommends a Bushfire Attack Level (BAL) of BAL 29. The details provided are acceptable and a condition is recommended in this regard.

Waste

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

Noise & Vibration

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

Safety, Security & Crime Prevention

The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.

Social Impact in the Locality

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

Economic Impact in the Locality

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

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

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

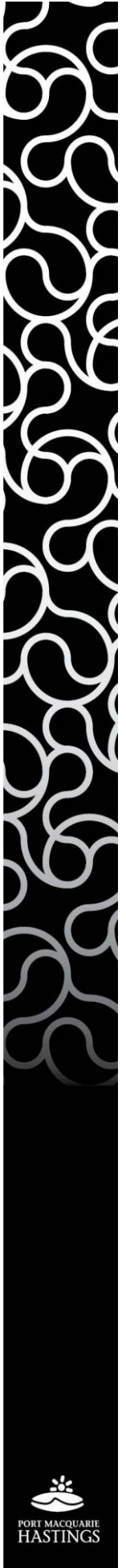
The proposal will fit into the locality and the site attributes are conducive to the proposed development.

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

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

2 written submissions have been received following completion of the required public exhibition of the application both from the same adjoining property owner, one during the exhibition period and one post exhibition period.

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



Submission Issue/Summary	Planning Comment/Response
<p>1. The proposed deck will have adverse privacy impacts.</p> <p>Part 4 item 1 of the SOEE of the DA indicates "affecting any neighbouring residence by loss of privacy" as no which should have been yes.</p>	<p>Refer to comments under PMH DCP 2011</p>
<p>2. The deck is over 3.0m high and less than 3m from the side boundary therefore the plans are considered incorrect.</p>	<p>The height of the deck is clearly indicated on the northern elevation of the plans submitted as 3.749m above ground level and is consistent with site information.</p> <p>A revised site plan was submitted on 23 November 2012 for clarification regarding the position of the deck relative to the south western boundary.</p> <p>The side boundary clearance is indicated as 3.050m from the closest point of the deck to the south western property boundary.</p> <p>To ensure compliance with approved plans a survey certificate prepared and certified by a registered surveyor would be required as part of the approval process.</p>
<p>3. The deck is an enormous 75m² which seems to contradict the spirit of the housing code.</p>	<p>The deck is being assessed under the provisions of Development Control Plan November 2011 and not the Housing Code.</p>
<p>4. There are no privacy screens indicated on the DA.</p>	<p>The applicant has not indicated privacy screens on the development application submitted for consideration.</p> <p>A condition of consent has been recommended to require a privacy screen on the eastern elevation of the deck.</p>
<p>5. A privacy screen (including the balustrade) should be fixed to a height of 2.1m to the full length of the deck adjacent to each neighbour's side boundary.</p>	<p>A provision in DCP November 2011 indicates; DP 10.4 A balcony, deck, patio, pergola, terrace or veranda must have a privacy screen if it:</p> <ul style="list-style-type: none"> *Has a setback of less than 3m from the side or rear boundary, and *Has a floor area more than 3m², and *Has a floor level more than 1m above ground level. <p>A condition regarding a privacy screen in accordance with the DCP is recommended to be added to the development consent should such consent be granted.</p> <p>Balustrade requirements as indicated in ; -Building Code of Australia 2012 for Class 1 and Class 10 Buildings will apply .</p>
<p>6. Reduce the floor area of the deck to around 25m².</p>	<p>The requirements of DCP 2011 does not limit the floor area of decks to 25m².</p> <p>The deck although large is not considered out of</p>

	character with the area. Impacts attributed to the deck arte considered acceptable
7.Privacy concerns because the neighbours bedrooms(master bedroom the closest) are facing the proposed deck.	<p>The neighbours dwelling (constructed after the applicants dwelling) to the south west has three bedrooms angled approximately 35° at the rear of this dwelling facing north and consequently facing into the applicants property.</p> <p>This particular design has implications regarding privacy for both property owners.</p> <p>Bedrooms are not considered to be primary living areas and it is noted each window appears to contain an internal blind that can be utilised in all weather conditions to obtain as much or as little privacy as desired.</p> <p>Refer to DCP 2011 comments.</p>
8.Our deck and backyard will lose all privacy.	<p>Refer to DCP 2011 comments.</p> <p>Privacy loss is minimised due to the elevated position of the existing deck at No 33 Vendul and its position relative to the closest point of the partly constructed deck at No 31 Vendul.</p> <p>Noting the relatively steep topography of the site and elevated nature of dwelling construction of dwellings in the locality, it is considered unreasonable to expect there will be no privacy impact on the backyard of 33 Vendul. Any loss of privacy to the backyard at 33 Vendul is not considered to be inconsistent with the Lighthouse Beach locality generally. It is additionally considered that adequate separation is provided to the principal open space area of the deck at 33 Vendul (area adjacent to living and kitchen rooms)</p>
9.Part 4 item 4 of SOEE indicates" results in land use conflict or incompatibility with neighbouring premises "as no which should be yes.	<p>Land use conflict or incompatibility:-</p> <p>The land for both lots is zoned R1 General Residential and therefore the proposal is not inconsistent with the prescribed land use requirements for that zone.</p> <p>Rear decks are an acceptable part of infill development in the area.</p> <p>Decks are ancillary development for dwellings.</p>
10. Part 4 item 5 and 6 SOEE indicates" out of character with the surrounding area and be visually prominent within the existing landscape/streetscape.	<p>The subject deck is not considered out of character with the surrounding area as other properties in the area have decks and in particular the property to the south west has a similar deck only more elevated.</p> <p>It is not considered visually prominent within the existing landscape/streetscape as it is a lower level construction attached to the rear of the dwelling on the lower side of s sloping block with dwellings on</p>

	either side and would be very difficult to see from the street.
11. Part 5 item 3 of SOEE indicates" emit noise levels that could affect neighbouring properties" because of unusual size ,timber construction will make structure prone to heightened noise levels when in use.	Noise may result from the use of the deck regardless of the materials used. Should a problem arise the matter may be dealt with under the provisions of Protection of the Environment Operations Act 1997(POEO Act) .
12.The deck floor area be reduced in size to 25m², if this is not an option , the floor to be soundproofed and privacy screens be placed to the complete length of the deck on either side of adjacent side boundaries at a height of 2.1m to counteract privacy issues.	<p>Soundproofing has not been proposed as part of this application and is not considered necessary. Noise from use of the deck is considered to reflect normal domestic living.</p> <p>A condition relating to the provision of a privacy screen compliant with the requirements of DCP 2011 could be added to the development consent should such consent be granted.</p> <p>Privacy screen as suggested is not considered necessary (refer to DCP comments)</p>
13. We have viewed the site plan of the proposed deck and take note that the proposed relocation of the sewer manhole will not be able to be approved. We understand that an amended design will be required to comply with the 1m clearance around the perimeter of the sewer manhole. This will restrict the size of the proposal and require our neighbour to place a privacy screen on any part of the deck within 3m of both side boundaries.	Refer to conditions of consent. Two new manholes required to be constructed downstream, 1m clear of the deck.
14. Common sense should dictate that if the partly constructed deck was to maintain the same footprint as erected (with nib & return on our side) and a privacy screen erected on both sides. We would be happy with this proposal.	<p>The proposal is for DA consideration to complete the partly constructed deck and include an infill panel over the sewer manhole and does not limit the design retaining the nib return consistent with the deck as constructed thus far.</p> <p>Refer to comments above relating to the merits of the proposal.</p>

(e) The Public Interest:

The proposed development satisfies relevant planning controls and is not considered to adversely impact on the wider public interest. The proposed development will be in the wider public interest by facilitating appropriate additional housing.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

N/A existing dwelling.

5. CONCLUSION

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

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

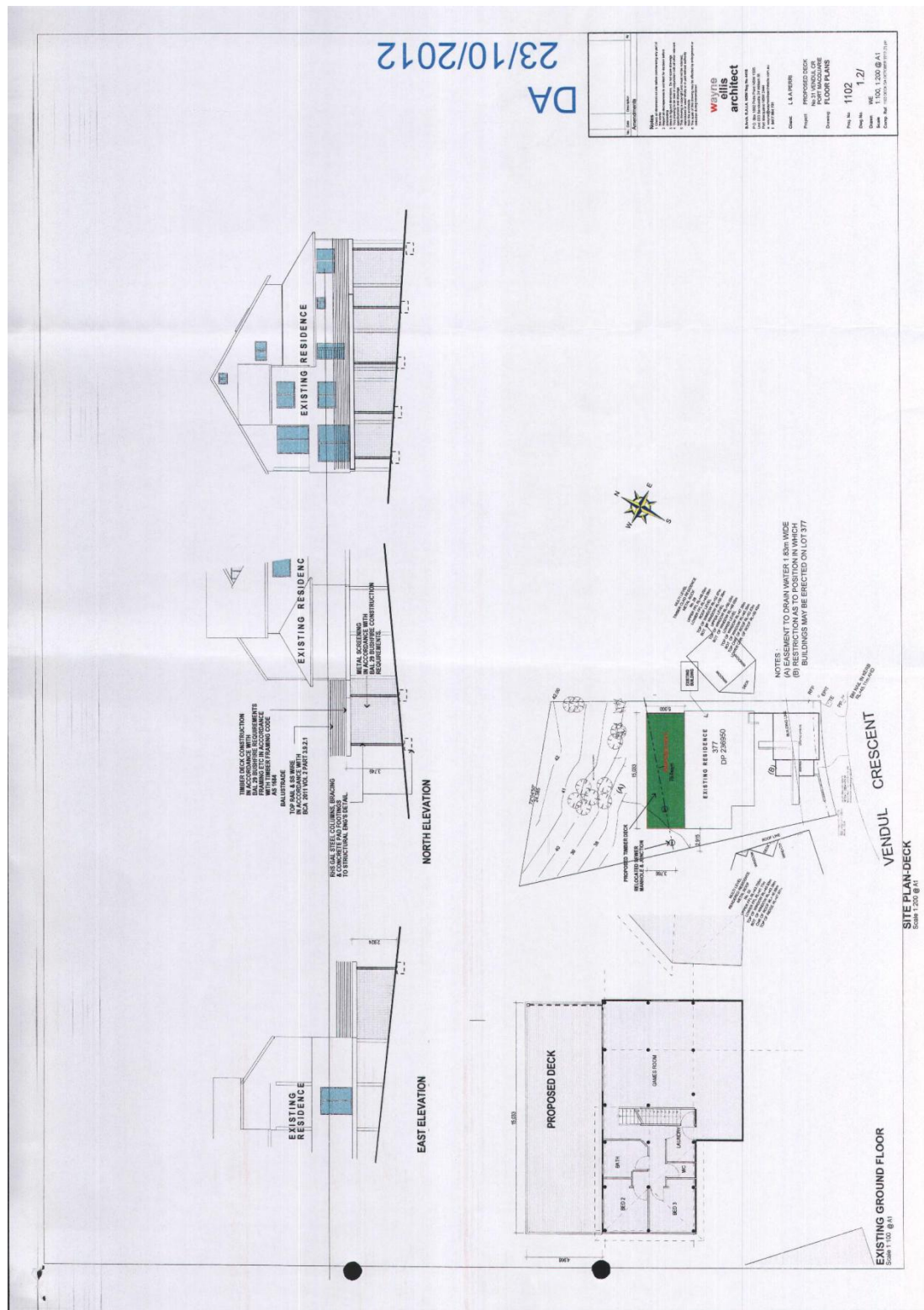
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. Consequently, it is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

Attachments

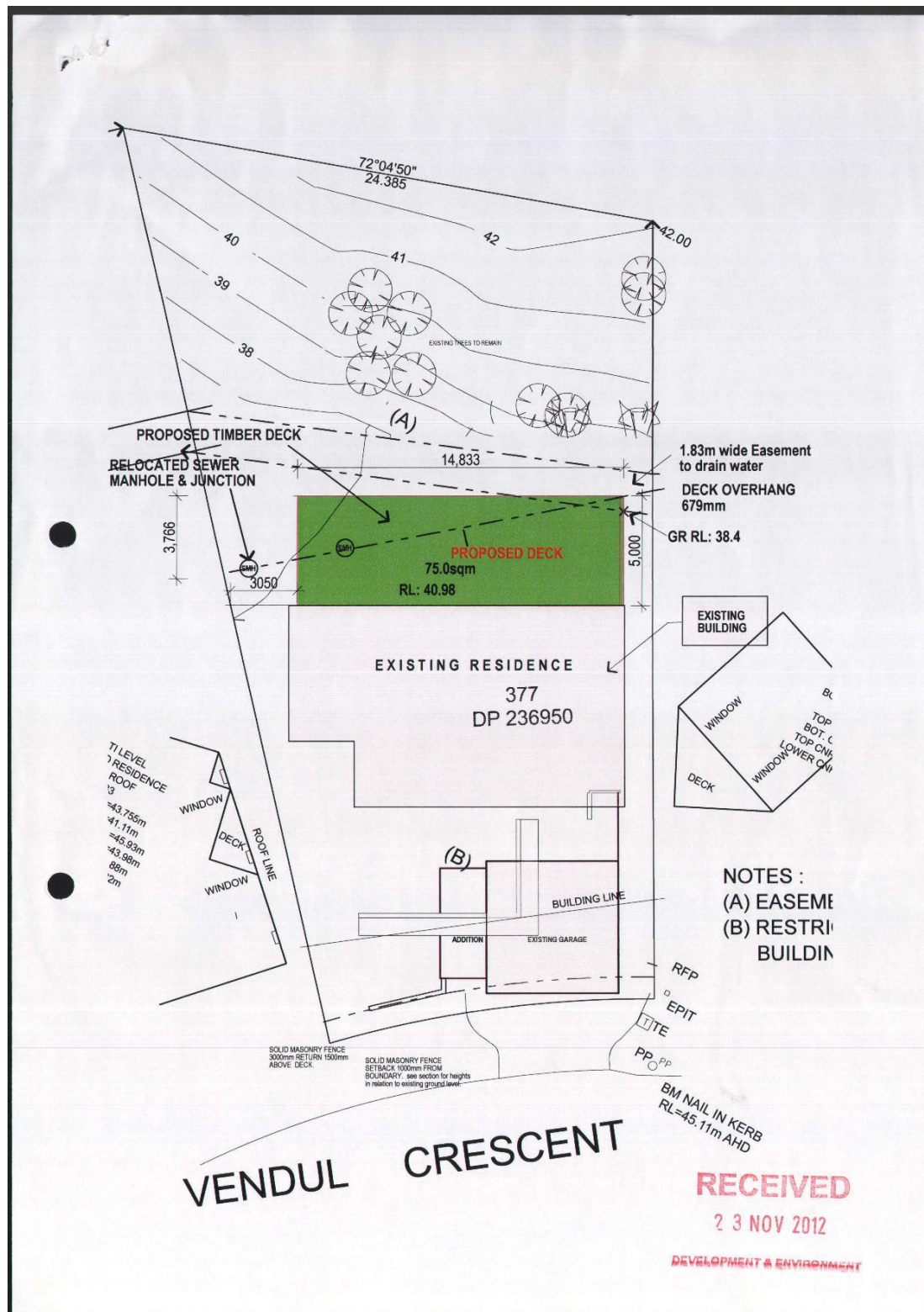
1 [View](#). DA2012 - 0532 Plans for DA

2 [View](#). DA2012 - 0532 Recommended Conditions





13/02/2013



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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2012/532

DATE: 4/02/2013

PRESCRIBED CONDITIONS

Part 6 – Division 8A of the *Environmental Planning & Assessment Regulations 2000*

- (1) (P001) All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) (P003) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (3) (P005) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - a. in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
 - b. in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

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
Design Plans	1102, 1.1,1.2	Wayne Ellis Architect	23/10/12
Revised site plan	–	–	23/11/12

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

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

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

- (3) (A045) Extension or modification of the town sewerage system where necessary to serve the development, at no cost to Council. All work is to be designed and constructed in accordance with Council's AUSPEC specifications.
- (4) (A056) One (1) metre clear distance is required around any vertical inspection shaft and any manhole lids. No structures are permitted over the clear area.
- (5) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (6) (A197) The applicant/owner is to notify Council of the relocation of house drainage;
A one of inspection fee (currently \$85; NB fees are subject to change 1st July each year) is to be remitted to Council in respect of the drainage relocation.
The applicant/owner is to arrange an inspection of the relocated house drainage.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Sewerage reticulation.

The current sewer junction is to be relocated 1.0 metre outside of the deck footprint.

Two new manholes are required to be constructed downstream of the existing manhole to intercept the sewer line (to be continued under the deck) and reconnected with the downstream sewer line.

- The existing manhole would need to be decommissioned.
- The existing junction will need to be relocated clear of the proposed structure.
- The applicant would be required to undertake a full investigation and design for submission to Council in compliance with Council requirements.
- The cost of all work would be borne by the Applicant.

Details of the above work are to be submitted to Council for approval prior to release of the Construction Certificate.

- (2) (B038) Footings 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.
- (3) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 29 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted with the application for Construction Certificate demonstrating compliance with this requirement.

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

- (4) (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.
- (5) (B195) Submission of a structural engineers design with the construction certificate regarding installation of footings adjacent to Councils sewer main and drainage easement in accordance with AUSPEC design.
- (6) (A195) No part of the deck footings are to be constructed within or over the drainage easement. A survey certificate is to confirm location of the deck footings relative to the easement prior to issue of Construction Certificate.
- (7) (A198) The eastern end of the deck must have a privacy screen details to be submitted with the application for Construction Certificate.

The privacy screen is to be not less in design and installation than the required privacy screen requirements listed in the exempt requirements under the State Environmental Planning Policy(exempt and Complying Development Codes)2008;

Privacy screen means that:

- faces a boundary ,and
 - is 1.5m high, measured from the floor level, and
 - has no individual opening more than 30mm wide ,and
 - has a total of all openings that is less than 30 per cent of the surface area of the screen.
- (8) (A199) A building certificate under Section 149A-149G of the Environmental planning and Assessment Act 1979 is required to be issued in respect of the partly constructed timber deck prior to the issue of any construction certificate.
 - (9) Approval to undertake sewerage reticulation works under S.68 of the Local Government Act is to be obtained prior to release of the Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C012) Prior to the commencement of work, the location and depth of the sewer main and connection point in relation to the floor level shall be confirmed to ensure that appropriate connection to the sewer can be achieved.
- (2) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

- (1) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (2) (D007) A survey certificate is to be submitted to the Principal Certifying Authority at footings 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.
- (3) (D014) Work on the project being limited to the following hours, unless otherwise permitted by Council: -
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (4) (D019) 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.

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.

F – OCCUPATION OF THE SITE

nil