



Development Assessment Panel

Business Paper

date of meeting: Wednesday, 10 July 2013

location: Function Room,
Port Macquarie-Hastings Council,
17 Burrawan Street,
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	13/02/13	27/02/13	13/03/13	27/03/13
Paul Drake	✓	✓	✓	✓	✓
Matt Rogers					
Dan Croft	✓	✓	✓	✓	✓
Patrick Gailbraith-Robertson (alternate)					
David Fletcher	✓	✓	✓	✓	✓
Cliff Toms	✓	✓	A	✓	✓
David Troemel (alternate)			✓		

Member	10/04/13	24/04/13	08/05/13	12/06/13	26/06/13
Paul Drake	A	✓	✓	✓	✓
Matt Rogers	✓				✓
Dan Croft	✓	✓	✓	✓	A
Patrick Gailbraith-Robertson (alternate)					
David Fletcher	A	✓	✓	✓	✓
Paul Biron (alternate)	✓				
Cliff Toms	✓	✓	A		✓
David Troemel (alternate)			✓	✓	

Key: ✓ = Present
A = Absent With Apology
X = Absent Without Apology



**PORT MACQUARIE
HASTINGS**

Development Assessment Panel Meeting

Wednesday, 10 July 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**

Leave of absence for the period 22 June 2013 to 27 July 2013 was previously granted to Councillor Levido.

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 26 June 2013 be confirmed.

PRESENT

Members:

Paul Drake
Matt Rogers
David Fletcher
Cliff Toms

Other Attendees:

Ben Roberts
Jesse Dick
Fiona Tierney
Patrick Galbraith-Robertson

The meeting opened at 2.00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apology received from Dan Croft be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 12 June 2013 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA 1994 - 0468 - SECTION 96 1(A) MODIFICATION - QUARRY (GRANTS HEAD)

Speakers:

Roger Barlow/Phil Hafey Bonny Hills Progress Association (O)
Viv Mckellar (O)
Lucas Tubergen (O)
Jeff Bell (O)
Melissa Robinson (O)
Alan Kershaw (O)
Murray Curtis (applicant)
Darryl Thiedeke from hytec (applicant)

CONSENSUS:

1. That the application for a section 96 modification to DA 1994 - 0468 to permit a temporary annual increase in extraction rate, from 120,000 tonnes per annum to 200,00 tonnes per annum, over a five (5) year period at Lot 1, DP 1107705, Ocean Drive, Bonny Hills, be determined by granting consent subject to the amended conditions including a new condition shown below.

New condition:

A wheel wash facility is to be installed and utilised by trucks to prevent the spread of dust and soil from the site.

2. That the General Manager exercise delegation granted by the Council resolution of 22 October 2008 to enter into the Grants Head Quarry Planning Agreement.

3. That the matter be forwarded to Council's compliance staff to investigate enforcement action with respect to enforcement of condition 11 of the existing (and any amended) consent.

06 DA 2003 - 0169 - MODIFICATION TO CHILD CARE CENTRE TO PERMIT OUTSIDE GROUP ACTIVITIES

Speakers:

Tracey & Michael Coman (applicant)

CONSENSUS:

That modification application to DA 2003 - 0169 relating to outside group activity times at an existing child care centre at Lot 2, DP 803801, No. 25 Forest Parkway, Lake Cathie, be determined by granting consent subject to the recommended conditions and as amended below:

Amended Condition F5:

-
- (5) The hours of operation of the centre is restricted to the following hours:

Operating hours:

- Monday to Friday - 7.30am to 5.30pm
- Saturday - closed
- Sunday - closed

Outside general play hours:

- Prior to 10.00am and after 3.00pm

Amended Condition F6:

- (6) Outside structured groups are permitted to be outside between the nominated outside play times, ie; outdoor structured activities are permitted between 10.00am and 3.00pm.

Outside structured groups must consist of the following:

- 8 groups are permitted to be outside in any given day between existing outside play times;
- The groups are to remain outside for no longer than 15 minutes at a time;
- The groups are to consist of 15 students maximum;
- No more than one (1) group is permitted to be outside at any given time;
- Groups must be supervised by at least 1 staff member at all times whilst outside;
- Outdoor groups to undertake structured activities (ie; outdoor activities must be organized, prepared, planned, ordered and controlled activities) under full supervision;
- All supervisors are to be made aware that the supervision of the groups must involve minimizing and where possible avoiding, noise generating group activities. ¹

07 DA 2012 - 0616 - VEGETATION REMOVAL AND TRIMMING - KOOLOONBUNG CREEK RESERVE - GLEBE CLOSE, PORT MACQUARIE

CONSENSUS:

That DA 2012 - 0616 for vegetation removal and trimming and associated Koala Plan of Management at Lot 26 DP 249270, Lot 7301 DP 1154392, Lot 7011 DP 1024184, Lot 596 & 355 DP 754434, Lot 1 & 2 DP 1086691, Lot 7302-3 DP 1154392, Lot 7008 DP 1024839, Lot 3 DP 617794, Lot 1 DP 617892, Lots 31-40 DP 22345, Lot 9 DP 243242, Lot 21, 23 & 26 DP 249270, Lot 2 DP 1038008 Glebe Close, Port Macquarie be supported and it be recommended to Council that the KPOM be adopted and the DA be determined by granting consent subject to the recommended conditions.

08 DA 2013 - 0005 - 23 SHORT TERM STAY UNITS AND ASSOCIATED CAR PARK

Speakers:

Terrance Stafford - King & Campbell (applicant)
Richard Morocco (applicant)
Phil Hafey Rotary Lodge (applicant)

CONSENSUS:

That the Development Assessment Panel recommend to Council that DA2013 -0005 for 23 short term stay units and associated car park at Lot 1 DP 852214 and part Wrights Road Reserve, 2 Wrights Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Amended Condition B13:

(13) The existing pedestrian and bicycle access route through the Wrights Road reserve is to be maintained through the proposed carpark via the creation of a right of way benefiting Council and adjoining properties (or by other suitable means) which is included in the above mentioned road closure and land consolidation. The right of way is also to be reflected on the development plans submitted with the construction certificate.

09 DA 2013 - 0081 - DEMOLISH EXISTING DWELLING & CONSTRUCT NEW DWELLING AND DETACHED SHED - LOT 9 DP 22923, 106 SETTLEMENT POINT ROAD, PORT MACQUARIE

CONSENSUS:

That DA 2013 - 0081 to demolish an existing dwelling and a construct new dwelling and detached shed at Lot 9, DP22923, No. 106 Settlement Point Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Amended Condition B9:

The kitchen and dining room windows are to be provided with privacy screening or other measure in accordance with Port Macquarie-Hastings DCP 201 details to be provided on Construction Certificate plans.

10 DA 2013 - 0136 - DWELLING-HOUSE AND SWIMMING POOL

Speakers:

David Collet on behalf of Keith Dickson (O)

Chris Jenkins applicant on behalf of owner

CONSENSUS:

That DA2013 - 0136 for a Dwelling-House and Swimming Pool at Lot 59, DP 261991, No. 12 Phoenix Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

The meeting closed at 4.25pm.

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: SECTION 82A REVIEW OF DA 2005-192 - RURAL DWELLING -
OAKES CRESCENT, FERNBANK CREEK**

Report Author: Patrick Galbraith-Robertson

Property:	Lots 1 & 2 DP 702718, Oakes Crescent, Fernbank Creek
Applicant:	GA Evans
Owner:	GA Evans
Application Date:	2 November 2007
Estimated Cost:	N/A
Location:	Fernbank Creek
File no:	DA2005 - 192
Parcel no:	14976 & 14977

Alignment with Delivery Program

4.9.2 Undertake development assessment in accordance with relevant legislation.

RECOMMENDATION

That the Development Assessment Panel recommend to Council that the Section 82A review of DA 2005-192 for a rural dwelling at Lots 1 & 2, DP 702718, Oakes Crescent, Fernbank Creek, be refused for the following reasons:

1. The proposal is inconsistent with Clause 8 of State Environmental Planning Policy 71 - Coastal Protection. The significant flooding constraints of the site make it unsuitable for residential development.
2. Permitting residential development within a floodway without full knowledge of the potential flooding impacts, which is contrary to local and State guidelines, is not in the public interest.
3. The majority of site is classified as high hazard / floodway with the proposal being contrary to clause 6.2 of Hastings River Floodplain Interim Policy.
4. Emergency evacuations for major floods are likely to be carried out in high hazard flooding conditions with associated risks to the safety of rescue personnel and evacuees.
5. The applicant has not satisfactorily demonstrated that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure timely, orderly and safe evacuation of people from the area, should a major flood occur.
6. The applicant has not satisfactorily demonstrated that displacement of people from this area will not significantly add to the overall cost and community disruption caused by a major flood event.

- 7. The applicant has not satisfactorily demonstrated that the development will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour, in accordance with the requirements of the Floodplain Development Manual - 2005.**

Executive Summary

This report considers an application for a Section 82A review of DA2005/192 for a rural dwelling at the subject site which was previously determined by refusing consent.

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

No submissions have been received in regards to the proposal.

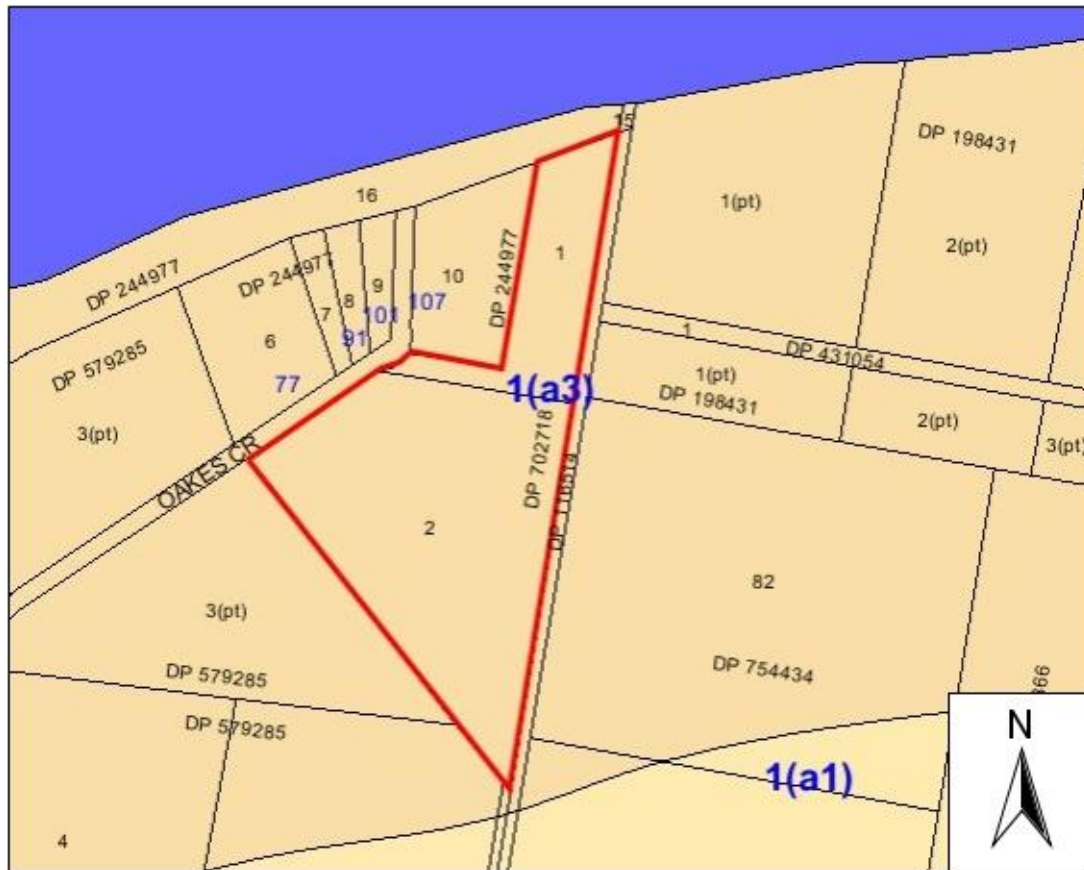
The S.82A review has been lodged with Council for a significant amount of time with numerous requests for additional information having been made during this period.

As the original application was determined by full Council, the S.82A review must also be determined by Council

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

The site has an area of 9.116 hectares (both lots combined).

The site was previously zoned (at the time of the original determination) 1(a3) Rural Agricultural Protection in accordance with the Hastings Local Environmental Plan 2001, as shown in the following zoning plan:



The site has frontage to Oakes Crescent, Fernbank Creek and is flood prone with high flood risk classification.

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



2. DESCRIPTION OF PROPOSAL

Key aspects of the review include the following:

- Amended location of proposed mound and dwelling further to the south.

Refer to attachments at the end of this report which outline the original site plan, proposed plans and current flood report information submitted with application.

Application Chronology

- 14 November 2005 and 6 November 2006 - Original DA reported to Ordinary Meeting of Council and refused primarily on flooding grounds.
- 2 November 2007 - Subject S.82A review lodged
- 9 January 2008 - Additional information requested - concerns raised with respect to flooding.
- 15 January 2008 - Meeting with Applicant to discuss flood issues.
- 8 October 2008 - Follow up letter sent to applicant requesting outstanding information.
- 10 December 2008 - Meeting with Applicant to discuss flood issues.
- 9 March 2009 - Applicant advised that GHD consultants will be engaged to undertake flood assessment.
- 11 April 2009 - Applicant requested proposal to be considered without GHD report.
- 6 May 2009 - Applicant advised GHD consultants will be engaged to do undertake flood assessment.
- August 2009 - Flood assessment provided by GHD consultants.
- 6 November 2009 - Concerns raised with flood assessment forwarded to GHD.

- 13 April 2010 - Follow up letter sent to applicant requesting outstanding information.
- 12 May 2010 - Additional information received from GHD.
- 2 June 2010 - Additional information requested from GHD.
- 23 August 2010 - Advice provided to Applicant that application on hold pending Flood Committee resolution on 'floodway' mapping.
- 23 August 2010 - Applicant dissatisfied with advice provided and questioned floodway and flood storage line affecting property. No further information provided by applicant as requested.
- 24 November 2010 - Council endorsed the Floodway definition to be included in the final Hastings River Floodplain Management Study to go on exhibition (Floodway not finally adopted).
- 18 March 2011 - Advice received from Flood Engineer that the Port Macquarie-Hastings LGA Floodplain Sub-Committee agreed on 'floodway' definition to be included in the final Hastings River Floodplain Management Study - based on modeling agreed to by the Committee in May 2010. Most of the site is within a Floodway zone.
- 21 March 2011 - Applicant informed on flood engineering advice.
- 23 March 2011 - Applicant advised intention to change location of the dwelling to be outside of mapped floodway. Applicant requested to provide amended details.
- 28 March 2011 - Applicant queried certainty on change to build elsewhere on property that complies with flood requirements.
- 29 March 2011 - Applicant requested to provide the additional information.
- 13 April 2011 - Applicant advised that 'floodway' not yet fully adopted in Floodplain Management Study.
- 19 May 2011 - Applicant advised with reiterated advice that dwelling to be sited outside proposed 'floodway' in 'flood storage area' and evacuation risk still unsatisfactorily addressed.
- 19 May 2011 - Applicant's position that there is already an evacuation procedure in place for Oakes Crescent.
- 1/7 June 2011 - Advice provided to Applicant that evacuation procedure for DA1997/270 - nearby dwelling in Oakes Crescent is unsatisfactory to use for the subject DA. The flood policy has changed since that time.
- 15 June 2011 - Applicant advised that flood event in Oakes Crescent did not affect property.
- 18 July 2011 - Meeting with Applicant to clarify additional information required.
- 20 July 2011 - Applicant advised that mapped 'floodway' affecting site unlikely to change and reiterated south-west section of site is mapped 'flood storage'. Reconfirmed individual site specific evacuation details are required and that unable to rely on historical flood evacuation plan. Applicant advised intentions to provide additional information particularly given the length of time with no action.
- 27 July 2011 - Change of applicant details to GE Evans.
- 5 October 2011 - Applicant advised that amended plan can be lodged. Applicant advised that they still need to provide remaining additional information requested of flood consultants.
- 6 February 2012 - Followed up additional information - no response.
- 28 March 2012 - Hastings LGA Floodplain Sub-Committee recommended to Council to adopt the Hastings River Floodplain Risk Management Study. Council adopted the study with recommendation to prepare a Development Control Plan and Floodplain Risk Management Plan.
- 8 March 2013 - Advised Applicant to provide additional information or will recommend refusal.

3. STATUTORY ASSESSMENT**Section 82A Review of Determination****(4)(a) Neighbour notification**

The review application did not require neighbour consultation in accordance with the adopted Development Control Plan No. 40 - Advertising of Development as in force at the time of the original DA.

(4)(b) Submissions

Not applicable.

(4)(c) Substantially the same development

The changes made between the original determined development and the subject amended proposal is considered to represent substantially the same development.

Reconsideration of reasons for refusal

The original determination by way of refusal of the application was for the following reasons:

1. *The proposal is inconsistent with Clause 8 of State Environmental Planning Policy 71 - Coastal Protection. The significant flooding constraints of the site make it not suitable for residential development.*
2. *Permitting residential development within a floodway without full knowledge of the potential flooding impacts, which is contrary to local and State guidelines, is not considered to be in the Public's interest.*
3. *The site is provisionally classified as high hazard / floodway with the proposal being contrary to clause 6.2 of Hastings River Floodplain Interim Policy.*
4. *Emergency evacuations are likely to be carried out in high hazard flooding conditions with associated risks to the safety of rescue personnel and evacuees.*
5. *It has not been demonstrated that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure timely, orderly and safe evacuation of people from the area, should a flood occur.*
6. *It has not been demonstrated that displacement of people from this area will not significantly add to the overall cost and community disruption caused by a flood.*
7. *The application has not satisfactorily demonstrated to Council that the development will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour, in accordance with the requirements of the Floodplain Development Manual - 2005.*

With regard to the proposed amendments since the original determination the siting of the dwelling has been shifted away from the Hastings River to a location where the applicant at the time considered the 'floodway' line to be. As shown in the attachments section of this report the adopted 'floodway' line is shown with an area of 'flood storage' on the south-west side of the site.

A 'floodway' is interpreted under the NSW Floodplain Risk Management Guideline 2007 prepared by the Department of Environment and Climate Change as:

The traditional view of floodways is that they are areas of high velocity and depth where the flood hazard is high. This was reinforced by the quantitative approach provided in the 1986 Floodplain Development Manual which linked floodway limits to velocity/depth product (of greater than 1) and/or a flood level increase (of greater than 0.1m) due to blocking a portion of the floodway. This definition was introduced to overcome the definitional problem with earlier Planning and Environment Commission Circulars 15 and 22 and the flood maps which represented floodways as areas inundated in 20 year average recurrence interval (ARI) floods.

Unfortunately, the 1986 definition generally restricted floodways to areas with high velocity and depth. This has meant that a large number of flowpaths (in areas where velocity and depth are relatively low) do not meet this criteria and were not viewed as floodways even though they carried a large proportion of flood flows. This particularly applies to the western floodplains and the estuarine areas of the coastal rivers.

To address this issue the 2005 Manual provides a qualitative rather than quantitative description of a floodway. Floodway areas are defined in the Manual as "those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are the areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood level."

The definition does not relate to the velocity or depth of flow but to the significance of discharge (significance is relative to the total flow along an individual flowpath rather than the "hazard") and the hydraulic impacts of blockage (the impacts on both the floodplain as a whole and the flowpath in question).

During the assessment of the S.82A review, the applicant provided a flood report prepared by GHD Consultants dated August 2009. Council's Environmental Engineer has provided advice that a structure would be unable to be considered within a floodway (refer attachments compare site plan to adopted hydraulic category plan) without an extensive analysis (modeling) and this may not result in changes to the adopted Flood Study.

With regard to the evacuation risk to the site, advice has been provided as follows:

- The *Hastings Flood Plan (1996)* documents emergency flood procedures for the SES. The PMHC LGA is covered by the plan but it does not specifically detail a flood procedure for Oaks Crescent. This plan is not updated annually or endorsed by Council. The Flood Plan is generally reviewed every 10 years and is currently being updated.
- The *NSW Floodplain Development Manual (April 2005)* states that site-specific evacuation plans should not form the basis for development approvals.
- The lowest point in Oaks Crescent is cut quickly in a flood event. Land elevation data (ALS, 2005) indicates the road has a level of approx. 1.5m AHD about 170m

north of Hastings River Drive. The report does not clearly identify the low point in the road and its level.

- The report needs to discuss when evacuation is cut and not just the timing of the peak.
- The ground levels (RLs) documented are unclear and need explanation.
- The warning time to Wauchope from the upper catchment (9hrs in previous GHD reports) need to be documented.
- No justification provided for choosing 1.6m as a critical level. Previous GHD reports 4.3m & 5.5m AHD are documented for Moderate and Major flood warning levels, respectively.
- Based on previous methodology used by GHD, indicates limited evacuation times are available. Assuming 12hrs warning from the peak of the 100-year flood at Dennis Bridge this indicates Oakes Crescent (RL 1.8m AHD) has been un-trafficable for about 5hrs.
- All the assumptions in the current GHD report need to be fully documented so a proper review of evacuation times can be undertaken. The current report does not clearly demonstrate suitable evacuation times are available.
- The issues of constructing a raised access road must be detailed in the main report and evidence provided that no negative impacts would occur. The impacts of local drainage and lower flood events are important when assessing this access road.

On the basis of the dwelling remaining as proposed within the current adopted 'floodway' mapped area and with regard to the above advice from Council's Environmental Engineer the review request is recommended not to be supported with only one change to reason 3. (shown underlined below) of the original refusal reasons. The updated refusal is recommended to be confirmed as follows:

1. *The proposal is inconsistent with Clause 8 of State Environmental Planning Policy 71 - Coastal Protection. The significant flooding constraints of the site make it not suitable for residential development.*
2. *Permitting residential development within a floodway without full knowledge of the potential flooding impacts, which is contrary to local and State guidelines, is not considered to be in the Public's interest.*
3. *The majority of site is classified as high hazard / floodway with the proposal being contrary to clause 6.2 of Hastings River Floodplain Interim Policy.*
4. *Emergency evacuations are likely to be carried out in high hazard flooding conditions with associated risks to the safety of rescue personnel and evacuees.*
5. *It has not been demonstrated that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure timely, orderly and safe evacuation of people from the area, should a flood occur.*
6. *It has not been demonstrated that displacement of people from this area will not significantly add to the overall cost and community disruption caused by a flood.*
7. *The application has not satisfactorily demonstrated to Council that the development will not increase the flood hazard or flood damage to other*

properties or adversely affect flood behaviour, in accordance with the requirements of the Floodplain Development Manual - 2005.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions would 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 if the development was to be approved.

5. CONCLUSION

The S82A has been assessed in accordance with the Environmental Planning and Assessment Act 1979.

For reasons stated in the report, the site remains unsuitable for the proposed development. Consequently, it is recommended that the review request be refused.

Attachments

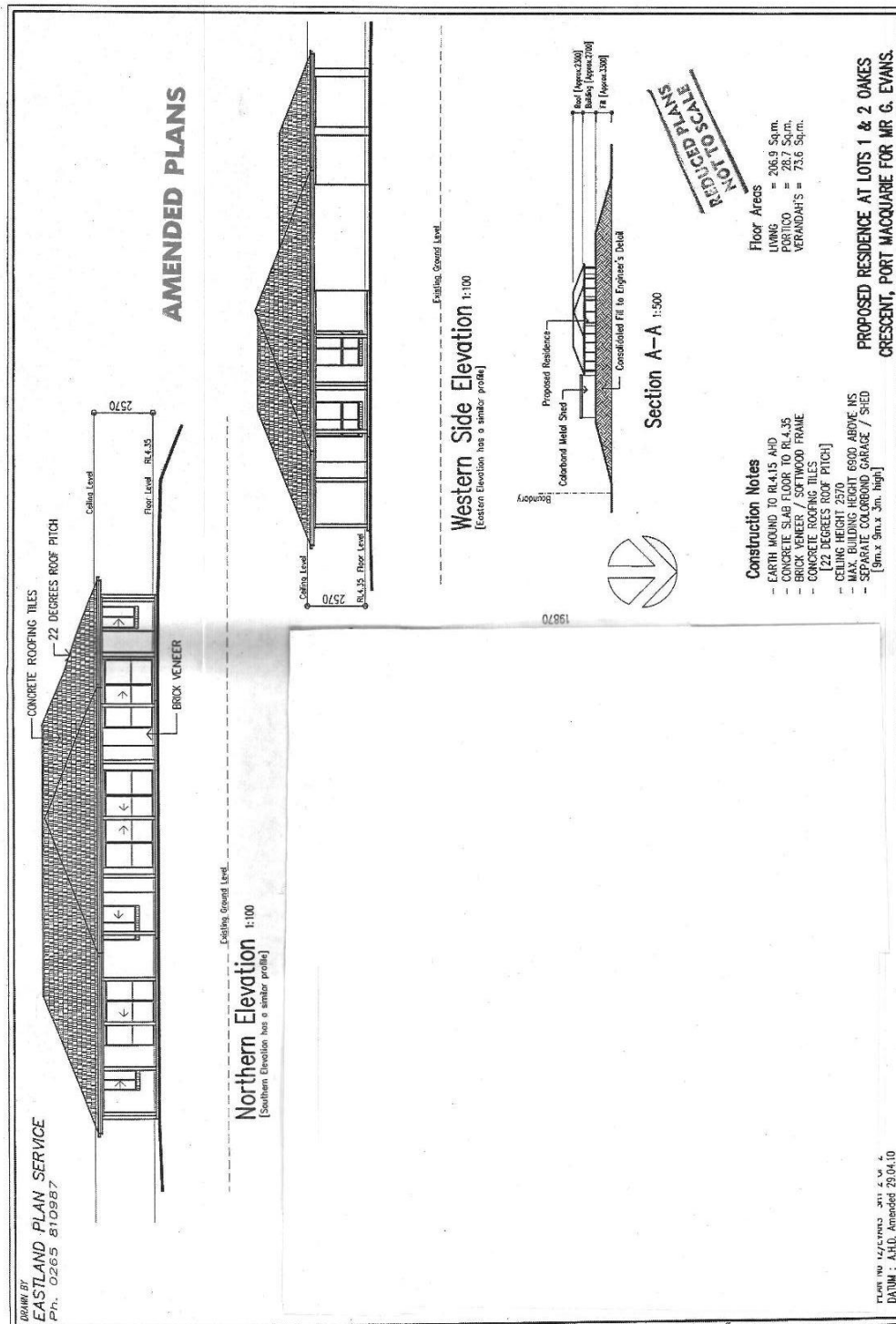
1[View](#). DA2005 - 0192 Plans

2[View](#). DA2005 - 0192 Ordinary Council Meeting Report 6 November 2006

10/07/2013

FIGURE 9.4







PORT MACQUARIE-HASTINGS COUNCIL

Environment

Action Created

Meeting Date: 06/11/2006

ITEM NO: 38
PROPERTY: DA 2005/0192 - LOTS 1 & 2, DP 702718, OAKES CRESCENT, FERNBANK CREEK
APPLICANT: MR D FELSCH
OWNER: MR G EVANS
PROPOSAL: CONSTRUCTION OF SINGLE DWELLING
APPLICATION DATE: 21 March 2005
DATE FORMAL: 20 April 2005
ESTIMATED COST: \$200 000
LOCATION: FERNBANK CREEK
REPORT BY: DC
FILE NO: DA 2005/0192
PARCEL NO:

PRECIS

A development Application for the construction of a dwelling on Lot 1 DP 702718 (with access road over Lot 2), Oakes Crescent, Fernbank Creek has been with Council for over 12 months due to ongoing disagreements between the applicant and Council staff.

RECOMMENDATION

That DA 2005/0192 to construct a dwelling on Lot 1 DP 702718 with access over Lot 2 DP 702718, Oakes Crescent, Fernbank, be refused, for the following reasons:

1. The proposal is inconsistent with Clause 8 of State Environmental Planning Policy 71 - Coastal Protection. The significant flooding constraints of the site make it not suitable for residential development.
2. Permitting residential development within a floodway without full knowledge of the potential flooding impacts, which is contrary to local and State guidelines, is not considered to be in the Public's interest.
3. The site is provisionally classified as high hazard / floodway with the proposal being contrary to clause 6.2 of Hastings River Floodplain Interim Policy.
4. Emergency evacuations are likely to be carried out in high hazard flooding conditions with associated risks to the safety of rescue personnel and evacuees.
5. It has not been demonstrated that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure timely, orderly and safe evacuation of people from the area, should a flood occur.
6. It has not been demonstrated that displacement of people from this area will not significantly add to the overall cost and community disruption caused by a flood.

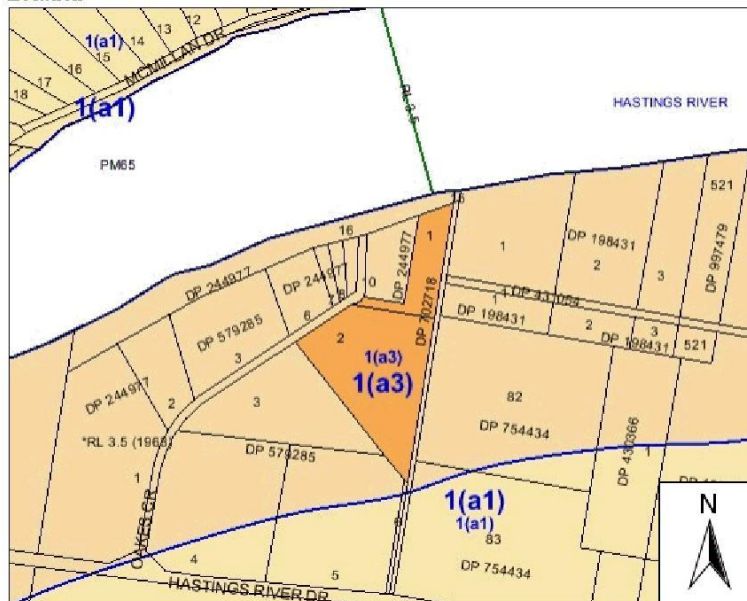
PAGE 1

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7. The application has not satisfactorily demonstrated to Council that the development will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour, in accordance with the requirements of the Floodplain Development Manual - 2005.

DISCUSSION

Location



 DA2005-0192elev.tif
  DA2005-0192elev1.tif
  DA2005-0192site.tif
 DA2005_0192elev.pdf
 DA2005_0192elev1.pdf
 DA2005_0192site.pdf

History

- 21 March 2005 - Application lodged.
- 7 April 2005 - Further details requested (energy scorecard and flood impact assessment).
- 20 April 2005 - Applicant provided energy scorecard and advised that flood impact assessment would not be provided and requested that application be determined without assessment.
- 19 July 2005 - Advised owner that assessment of application indicated that refusal of consent would be recommended and the withdrawal was still an option. Owner requested to continue with report to Development Assessment Panel (DAP).
- 1 August 2005 - Application referred to DAP and deferred at the request of the applicant.
- 30 August 2005 - Additional information received responding to reasons for refusal recommended in

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DAP report of 1 August 2005 (refer to attachment below).



2005-0192letter.pdf

24 October 2005 - Meeting held with applicant and Council staff.

26 October 2005 - Internal Memo outlining response to applicant's additional information submission (refer to attachment below).



2005-0192memo.pdf

- 31 October 2005 - Applicant advised recommendation for refusal would remain
would be referred to DAP for consideration on 7 November 2005.
- 7 Nov 2005 - Reported to DAP Meeting - resolved: *"That the application be deferred to Council's Ordinary Council Meeting to be held on 14 November 2005 and that a site inspection by Council be scheduled for 12.00 noon on 14 November 2005."*
- 14 Nov 2005 - Inspection of property held at 12 noon
- 14 Nov 2005 - Application considered by Council - resolved *"That consideration of this item be deferred pending further information from the applicant on flood velocity's, etc and that consultation take place between the Council staff and the applicant to review the floodway characteristics of the site. Further, that a report be submitted to Council on this matter in early 2006"*
- 9 February 2006 - Meeting held with applicant and Council's Technical Services Manager to discuss the above resolution.
- 3 March 2006 - Letter forwarded to applicant from Council's Technical Services Manager inviting submission of additional information.
- 7 September 2006 - Applicant requested to provide intentions within 14 days.
- 20 September 2006 - Applicant requested application be referred back to Council as soon as possible. Applicant outlined that additional information had been forwarded directly to Council's flooding consultants.

Background

The site is floodprone and provisionally classified as 'high hazard/floodway', as such, the applicant was given the opportunity to provide a flood impact assessment to refute or otherwise Council staff assessment of the application. The applicant has requested that the application be considered without the flood impact assessment.

This application was subject to an inspection on 14 November 2005 and also considered at the Ordinary Council Meeting held on 14 November 2005, wherein it was resolved:

"That consideration of this item be deferred pending further information from the applicant on flood velocity's, etc and that consultation take place between the Council staff and the applicant to review the floodway characteristics of the site. Further, that a report be submitted to Council on this matter in early 2006."

Approval to the original subdivision of this flood prone land was given by the former Hastings Shire Council on 23 August 1972 subject to seven conditions. The only condition of consent relating to flooding required a covenant being placed on this land so that residential structure is built so that its floor level is 0.5 metres above the 1963 flood level.

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A dwelling-house was approved on Lot 1 DP 702718 in 1983. It should be noted that the approval for the dwelling was based on Council's flooding controls at the time. The dwelling approval was not acted upon and has subsequently lapsed.

An application (DA 95/0449) to erect a dwelling on Lot 2 DP 702718 (site of fill proposed to be moved to Lot 1) was refused by Council on 11 March 1996. It was also resolved to issue a notice of intention to serve an order to the owner to move the unauthorised fill. It should be noted that the fill has not been removed. The applicant subsequently appealed Council's decision, with the Court dismissing the appeal and refused the development in July 1996.

4 dwellings are constructed within the Oakes Crescent subdivision. These houses were approved in 1979 and 1980 prior to Council adopting a policy prohibiting building development in flood prone areas where the lowest natural level of the building site was more than one metre below the 1 in 100 year level. This was adopted on 23 June 1981 and later amended to 1.5m on 19 April 1982. This was later repealed on 5 May 2003 and replaced with the Hastings River Floodplain Interim Policy essentially in recognition of the outdated former Policy F4 and to allow assessment of applications in accordance with current policy/guidelines as provided in the NSW Governments Floodplain Management Manual 2001. This was amended on 22 March 2004.

Issues Relevant to the Decision - In Point Form

Adverse flooding hazard/constraint

Council Policies, Procedures and Codes to Which the Matter Relates

Hastings Local Environmental Plan (HLEP) 2001
Interim Policy for the Hastings River Floodplain.
DCP 38 - Dwelling Houses and Ancillary Development
DCP 41 - Building Construction and Site Management.
DCP 48 Energy Efficient Waterwise Residential Buildings

Contributions Applicable

None applicable

Section 79C 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:****Hastings Local Environmental Plan 2001 (HLEP)**

Pursuant to the HLEP the site is zoned 1(a3) Rural Agricultural Protection with single dwellings being permissible in the zone with Council consent subject to Clause 18 (see below). Having regard for objectives (a) and (b) of the zone it is considered that the agricultural productivity and integrity of the area is unlikely to be compromised given the existing Council approved parcels. However, due to adverse flooding constraints the proposed development is considered to be inappropriate and inconsistent with objective (c) (refer to flooding comments throughout report).

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Pursuant to Clause 18 of the HLEP Lot 1 DP 702718 enjoys a dwelling entitlement as it was part of a Council approved subdivision in 1972. As such, a dwelling house is permissible on the land with the consent of Council. It should be noted that Lot 2 DP 702718 has a 'restriction as to user' on the title of the allotment prohibiting the erection of a dwelling. As access to lot 1 is proposed through lot 2 any approval of the application should require consolidation of the 2 allotments.

Pursuant to Clause 25 of the HLEP the applicant has provided a survey of the site and it has been determined that the land is flood liable, being subject to inundation in the 1 in 100yr event. Clause 25 further states:

'Consent shall not be granted to development of any flood liable land unless the consent authority has considered:

- (a) the likelihood of loss of life or property from flooding, and*
- (b) the likelihood of increased demand for flood mitigation measures and emergency services, and*
- (c) any impediments to the operation of floodway systems in times of flood, and*
- (d) the effect of proposed development on adjoining land in times of flood, and*
- (e) limits on the intensity of development of urban flood liable land, and*
- (f) the provision of services and facilities appropriate to the flood liability of the land.'*

The above considerations have been taken into account in a flooding assessment of the proposal (see flooding comments below). It should be noted that applicants are typically required to address the above criteria in any application for residential development on floodprone land. ***The information submitted with the application does not adequately address the any of the above, with the applicant refusing to provide a suitable flood impact assessment.***

North Coast Regional Environment Plan

The NCREP primarily refers to flooding control and assessment through the plan preparation stage rather than development control.

The proposal is considered to be consistent with Clause 12 of the NCREP. Prime crop and pasture land is unlikely to be compromised given the relative small size of the allotments. Consolidation of the 2 lots would provide a marginal improvement to the long-term agricultural potential for the land.

State Environmental Planning Policy 71 - Coastal Protection

Pursuant to SEPP 71 the land is identified as being in the Coastal Zone and within a Sensitive Coastal Location. An assessment of relevant SEPP 71 matters is tabled below:

Clause 8, 13, 14, 15 and 16 Matters for Consideration (summarised)	Comments	Complies
Public access and usage - 8(b)(c)(k) and 2(c)	Consistent.- the proposal does not restrict access to the foreshore or impede public activities. A Public Reserve is located between the Lot 1 and the Hastings River	Yes
Suitability of the Development - 8(d) and 2(k)	Due to the adverse flooding constraints of the site the proposed development is considered to be inappropriate and unsuitable (refer to flooding comments)	No
Coastal Amenity - 8(e)(f) and 2(a)(e)(f)	The proposal is unlikely to adversely effect the amenity of the coastal environment. It	Yes

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	is considered that the proposal will not result in adverse overshadowing of the foreshore.	
Flora and Fauna - 8(g)(i) and 2(g)	The proposal is not considered likely to compromise wildlife corridors or have any adverse impact on threatened flora and fauna.	Yes
Marine Ecology - 8(h)(m) and 2(h)(i)	Consistent - erosion and sediment control measures should be included in any approval. It is noted that on-site effluent disposal has the potential to impact on marine ecology. Conditions of approval would be required to ensure that on-site effluent disposal is in accordance with the relevant Codes and standards (refer to waste comments)	Yes - capable
Coastal Processes and Coastal Management- 8(j) 2(j)(l)	Adverse flooding constraints (refer to flooding comment)	No
Heritage, History and Archaeology - 8(l)(n)	Not likely to result in any adverse impact on an item or place of heritage, historical or archaeological significance.	Yes
Cumulative Impact - 8(pi)	Permitting dwellings on land with severe flooding constraints is considered likely to create an undesirable precedent and have an adverse cumulative impact due to: <ul style="list-style-type: none"> ● demand and provision of emergency services. ● risk to life and property. ● cumulative adverse impact on neighbouring property. 	No
Energy and water efficiency - 8(pii)	Consistent - energy and waterwise scorecard submitted demonstrating compliance	Yes
Flexible Zone provisions (13)	N/A	Yes
Public Access (14)	Consistent	Yes
Effluent Disposal - non-reticulated (15)	refer to waste comments	Yes - capable
Stormwater (16)	Adequate and should be further conditioned for any subsequent approval	Yes - capable

(ii) any Draft Environmental Planning Instrument that is or has been placed on exhibition pursuant to Section 47(b) or 66(1)(b):

N/A

(iii) any Development Control Plan in force under Section 72:

DCP 38 - Dwelling Houses and Ancillary Development

Given the relatively large site (compared to urban allotment) the proposed dwelling is consistent with the aims and provisions of DCP 38.

DCP 41 - Building Construction and Site Management

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The proposal is capable of complying with DCP 41. Any approval should include applicable conditions.

DCP 48 - Energy Efficient Waterwise Residential Buildings

An energy and waterwise scorecard has been submitted with the application demonstrating compliance.

(iv) any matters prescribed by the Regulations:

The Coastal Policy applies to the site. Whilst it is considered that the proposal is capable of conforming to the aims and objectives of the Policy, concern is raised in relation to the coastal hazard (flooding) affecting the site.

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

The proposal is unlikely to compromise the context and setting of the area. The proposal is consistent with a rural style dwelling. Ample separation is achieved between neighbours.

Access, Transport & Traffic

Council's Infrastructure Division have made the following assessment:

Access to the subdivision is from Oakes Crescent, which is a 700m long cul-de-sac. Oakes Crescent is a sealed local rural standard road, dedicated and maintained by Council.

The road system in the locality will have sufficient capacity to accommodate the increased volume of traffic. However, there is still a cumulative effect on the capacity of the road system resulting from the total number of such generating developments.

The applicant proposes to move from Lot 2 to Lot 1 the mound of the proposed residential site. The applicant has not demonstrated in detail the amount of fill required, however, it appears from the application plan that approximately 3,500 cubic metres will be required. This appears to be in excess of what is currently shown as existing fill. In addition Council requires that the effluent disposal areas be located above the 1 in 20 year flood level, which for this site is RL 2.9m AHD. On this basis it would be necessary to import more fill to the site which could have a damaging affect on the pavement of Oakes Crescent.

Water

Roofwater runoff to be directed to rainwater tanks on-site. Excess stormwater will be directed to an existing dam.

Soils

Council records indicate that the site is mapped as class 3 Acid Sulphate Soils (ASS). As there are no excavation below 1m of the ground surface it is not considered necessary to require comprehensive ASS testing or management plan. erosion and sediment controls should be included in any approval.

Waste

A geotechnical/land capability assessment has been submitted with the application demonstrating that

PORT MACQUARIE-HASTINGS COUNCIL

effluent can be adequately disposed of on site. In accordance with Council's Code Manual for On-site Sewage Management for Domestic Premises all electrical and mechanical devices are required to be installed above the 1 in 100yr flood level and land application areas are to be above the 1 in 20yr flood level (this additional filling required has not been adequately assessed with respect to flooding impact). Any approval should require on-site effluent disposal to satisfy the assessment submitted with the application, Council's code and AS1547 : 2000.

Natural Hazards**Bushfire**

Council records indicate that the site is not mapped as bushfire prone. A site inspection confirmed that potential bushfire hazards would be manageable and not adverse.

Flooding

Council's Infrastructure Division have made the following comments with respect to flooding:

The land is subject to flooding from the Hastings River and the proposed dwelling site is located within 30 metres of the Hastings River. Council's records indicate that the flooding impact is in accordance with the table below:

Flood Frequency (1 in X year)	100	50	20
Flood RL (n) AHD	3.70	3.40	2.90
Road Inundation adjacent (RL 1.83)	1.87	1.57	1.07
Property Inundation (existing level RL 1.02 – 2.24 AHD)	1.46 – 2.68	1.16 – 2.38	0.66 – 1.88

Specialist Consultants Patterson Britton and Partners have completed modelling of the floodplain as part of the Hastings Floodplain Management Plan (adopted by Council 9/10/06). This modelling gives more reliable flood height information that was previously available.

The adopted flood study indicates that the 100 year flood level at the development site to be RL 3.70 m AHD and a velocity of 0.8m per second at the building site and at the property entrance to Oakes Crescent. As reported earlier this would result in the vehicle entrance to the site from Oakes Crescent being classified as high hazard. Vehicles will be unstable, wading unsafe with damage to light structures possible.

Flood Policy

Council's interim flood policy for the Hastings River Floodplain is an interim measure to guide developments within the Hastings Floodplain until the completion of the Hastings Floodplain Risk Management Plan. A requirement of this Policy is that Council will only support building developments in flood prone land provided that it is not in a provisionally classified high hazard/floodway and the applicant can demonstrate to Council satisfaction the requirements of appendix L of the State Floodplain Development Manual 2005 has been satisfied. Such applications are to be prepared by a suitably qualified civil engineer/surveyor/hydrologist with demonstrated experience in flood assessment of land development proposals.

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The applicant was requested at the time of lodgment of the development application to provide such detail which has not been forthcoming.

The New South Wales Government Floodplain Development Manual provides for a “merit based” approach to the development of floodplain land. From the guidelines detailed in the manual the proposed dwelling site would be provisionally classified as “high hazard /floodway”. The land is zoned rural 1(a3) pursuant to Council’s LEP 2001. The land is flood liable being inundated in the 1 in 100 year flood so that provisions of Clause 25 apply. This clause requires that Council will not consent to any development on flood liable land unless it has considered the impact of flooding on life and/or property, emergency services, amongst other issues.

Council has provisionally classified the development site as high hazard/floodway using its floodway checklist and supported by the recent Council adopted Hastings River Flood Study. Completion of the Floodplain Management Plan will provide across the entire floodplain a range of flood and hazard categories generally as follows;

Low Hazard - Flood Fringe
Low Hazard - Flood Storage
Low Hazard - Floodways
High Hazard - Flood fringe
High Hazard - Flood storage
High Hazard - Floodway

It is generally not acceptable to allow developments in high hazard floodways. Some authorities even argue it is not acceptable to allow developments in high hazard flood storage areas as well.

Once these classifications are identified Council will be in a position to make more informed land use decisions based on a comprehensive set of flood classifications for the entire floodplain.

Notwithstanding the LEP provisions, the Council’s Section 149 Certificate clearly recognizes that the subject land is flood liable and has by resolution adopted a policy on flooding with limitations on development that may be approved as set out in this Policy.

Clause 6.2 of this Policy states “*Council will not support building development in floodprone land for all sites provisionally classified as high hazard/floodway by the Manual 2001 until completion of the Hastings Floodplain Risk Management Plan and/or review of the Policy to permit same .*”

Clause 6.3 of the Policy states “*Council will not support building developments in Floodprone Land where emergency evacuation is only possible through high hazard conditions*”. The subject application does not satisfy both clause 6.2 and clause 6.3.

The intensification of development in flood liable land and the displacement of these people adding to the overall cost and community disruption caused by flooding has been a long standing concern with Council.

The issue of intensification of developments has been previously highlighted to Council by the New South Wales State Emergency Services regarding its position on evacuation of a resident

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from a floodprone area and was reported to the Hastings River Floodplain Management Working Party in 1997. The advice received from the SES State Planning Co-ordinator related specifically to development applications lodged with Council at the time for erection of dwellings in floodprone areas and the implications for evacuation, risk of life and property damages.

Under the State Floodplain Development Manual applicants are required to demonstrate to Council that permanent fail safe maintenance free measures are incorporated in the development, to ensure that timely, orderly and safe evacuation of people from the area, should a designated flood or greater occur.

Council has successfully defended appeals on numerous instances for the erection of dwellings in Flood Prone Areas on the basis of refusing applications by these grounds.

There have been numerous reports to the Hastings River Floodplain Management Working Party over the years, however the report to the Working Party held on the 20 November 1996 from the State Controller confirmed their position with respect to residential development in Flood Prone Areas. From that report it was indicated that:

“Should the State Emergency Service now be in a position to resource the evacuation of flood affected residences in rural areas, it may be difficult for Council to refuse the subject applications for the erection of dwellings..... unless of course there are other town planning grounds for refusal. Approval to any application under these circumstances will create an undesirable precedent in that Council would be obliged to approve other, similar developments provided that an Evacuation Plan is being prepared.”

It was also reported that this could lead to a situation whereby there could be several individual evacuation plans, the co-ordination of which would be almost impossible. Although this would be the SES's problem, the community at large may be affected and it should consider that Council has a responsibility to ensure the evacuation plans prepared are integrated into the overall Flood Plain Management System.

Evacuation

Evacuation to the closest area above flood level would be via Oakes Crescent and Hastings River Drive to the Pacific Highway approximately 1.5 kilometres away. Levels along the road to higher ground have not been provided by the applicant, though by inspection it appears that the evacuation route is at generally the same level or slightly rising. Safe evacuation would be necessary prior to the roads being inundated by more than 0.5m of floodwater. This level of inundation approximately equates to a flood frequency of between 1 in 5 and 1 in 10 years. The applicant proposes a gravel driveway from Oakes Crescent to the proposed residence site at a level of approximately 1.85m AHD. This equates to a flood frequency of below 1 in 5 years (interpolated to be approximately R.L. 2.20m AHD from the recently adopted flood study) and is over a distance of approximately 400 metres. In larger events the driveway would be covered by floodwaters of depth up to 1.87m which when combined with velocity's of 0.8m per second (i.e. $V \times D = 0.8 \times 1.87 = 1.50$) would be classified as very high hazard conditions.

The construction of the gravel access off Oakes Crescent as shown on application plan to the

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levels proposed would redirect flood waters and could adversely effect properties adjoining to the north where levels are shown on the application plan as low as RL 1.1m AHD. This is not likely to be a major problem given the relative low density development.

The applicants submit that “a local” evacuation plan for Oakes Crescent has been in effect since 1997.

In 1996 Council successfully defended an Appeal to the Land and Environment Court for the erection of a dwelling on the subject property. The judgement was that the property was classified as high hazard/floodway and the NSW State Government Policy was to have a unified approach to an evacuation plan. This is to form part of the overall Hastings Floodplain Management Plan currently being prepared by Council.

The judgment also highlighted the objectives in flood liable land to prevent development where there is a likelihood of loss of life or property and also where there is likely to be an increased demand for flood mitigation or emergency services.

The potential implications of approving one-off evacuation plans have been highlighted by the following comments that were made by the SES at the time of the report to the Hastings River Flood Plain Management Working Party:

“I made the point that the New South Wales Community has a large exposure to damage as a result of flooding, and that it would be wise for the community to work on reducing this damage rather than increasing it.”

The argument is particularly cognisant given that normal insurance does not cover flood hazard. Residential development can be flood proofed, of course, by requiring that floor levels be constructed above designed flood levels and with appropriate freeboard, but this still leaves other development “including Council Infrastructure” which are exposed to damage and therefore repair costs.

It would appear from correspondence to Council that the State Planning Controller of the SES has reaffirmed the SES’s position that it is not prepared to resource the evacuation of residents in rural areas “unless in extreme emergency situations”.

Council has approved dwellings in floodprone areas where evacuation through low hazard floodwaters may be required in the latter phases of a flood. In this case it would be extremely difficult to evacuate residents under these conditions as low hazard conditions occur in the early part of a flood in this location.

The issue of evacuation plans and the relevant implications are being addressed as part of the current review of the Hastings River Flood Plain Management Strategy and the subsequent development of a Flood Plain Management Plan. This will enable Council to review its Policy position with respect to all Flood Prone Lands issues, including the rural areas. As part of the preparation of this Management Plan, Council will be in a position to make more informed planning decisions with regard to the future development across the entire flood plain, including rural flood prone areas. As part of this decision-making, Council will be better placed to consider implications and the need for evacuation plans and other related issues.

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In the interim period until the Management Plan has been completed, Council has been dealing with individual applications on the basis of its Interim Flood Policy. Council has consistently dealt with applications following the Policy and guidelines of the NSW Government's Flood Plain Development Manual (2001) now replaced by NSW Floodplain Development Manual - April 2005 (gazetted May 2005).

Council is obliged (pursuant to the State Governments Flood Plain Development Manual) to act in a responsible manner when considering development on flood prone lands and to act in accordance with any relevant statute.

It is therefore, considered inappropriate to approve the subject application which is non-compliant with the floodway and evacuation provisions of Hastings River Floodplain (Interim Policy). This may invalidate any indemnity afforded to the Council under the provisions of Section 733 of the Local Government Act, which effectively indemnifies Council against negligent actions in respect of the development of flood prone land, provided the development of that land was done *"in good faith and in accordance with the requirements of the manual."*

The Interim policy is based on the State Floodplain manual and any advice given would need to be given in accordance with the Interim policy. It is considered any decision made in accordance with the policy would not incur a liability on Council. The floodplain manual recognises that poor evacuation routes combined with high hazard level often mean they are inappropriate.

In summary, the application firstly fails to satisfy Council's requirements under its Interim Policy and secondly fails to satisfy the development guidelines set out in the Governments Flood Plain Development Manual.

Social Impact in the Locality

The potential for increased risk to life for both future occupants of the dwelling and for emergency services acting in times of flood is considered to be an unacceptable risk/cost arising from the development.

Economic Impact in the Locality

There will be minor economic benefit during construction.

The potential community burden and long-term cost arising from the cumulative impact of dwellings in high hazard/floodways is a significant area of concern.

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

The site is considered unsuitable for the proposed development given the significant flooding constraints (refer to flooding comments).

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

The proposal did not require notification under Council's DCP 40 - Advertising of Development.

(e) The Public Interest:

Permitting residential development within a floodway without full knowledge of the potential

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flooding impacts, which is contrary to Local and State guidelines, is not considered to be in the Public's interest.

COUNCIL RESOLUTION:

Councillor Mayne declared an interest in this item, left the Chamber and took no part in the discussion or voting thereon.

Mr D Felsch addressed Council in support of the proposed development. Mr Felsch also answered questions from Councillors.

Mr J Hough addressed Council in relation to flooding in the area of the proposed development.

Resolved: (Intemann/Price)

That DA 2005/0192 to construct a dwelling on Lot 1 DP 702718 with access over Lot 2 DP 702718, Oakes Crescent, Fernbank, be refused, for the following reasons:

1. The proposal is inconsistent with Clause 8 of State Environmental Planning Policy 71 - Coastal Protection. The significant flooding constraints of the site make it not suitable for residential development.
2. Permitting residential development within a floodway without full knowledge of the potential flooding impacts, which is contrary to local and State guidelines, is not considered to be in the Public's interest.
3. The site is provisionally classified as high hazard / floodway with the proposal being contrary to clause 6.2 of Hastings River Floodplain Interim Policy.
4. Emergency evacuations are likely to be carried out in high hazard flooding conditions with associated risks to the safety of rescue personnel and evacuees.
5. It has not been demonstrated that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure timely, orderly and safe evacuation of people from the area, should a flood occur.
6. It has not been demonstrated that displacement of people from this area will not significantly add to the overall cost and community disruption caused by a flood.
7. The application has not satisfactorily demonstrated to Council that the development will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour, in accordance with the requirements of the Floodplain Development Manual - 2005.

Councillor Mayne returned to the Chamber.

Item: 06**Subject: DA2013 - 181 - PRIMITIVE CAMPING GROUND (16 SITES), HIGH STREET, WAUCHOPE****Report Author: Patrick Galbraith-Robertson**

Property:	Lot 22 DP 1147833, High Street, Wauchope
Applicant:	C Goodwin
Owner:	Wauchope Show Society
Application Date:	23 April 2013
Date Formal:	23 April 2013
Estimated Cost:	NIL
Location:	Wauchope
File no:	DA2013 - 181
Parcel no:	53746

Alignment with Delivery Program

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

RECOMMENDATION

That DA2013 - 181 for a primitive camping ground (16 sites) at Lot 22, DP 1147833, High Street, Wauchope, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for primitive camping sites at the subject site.

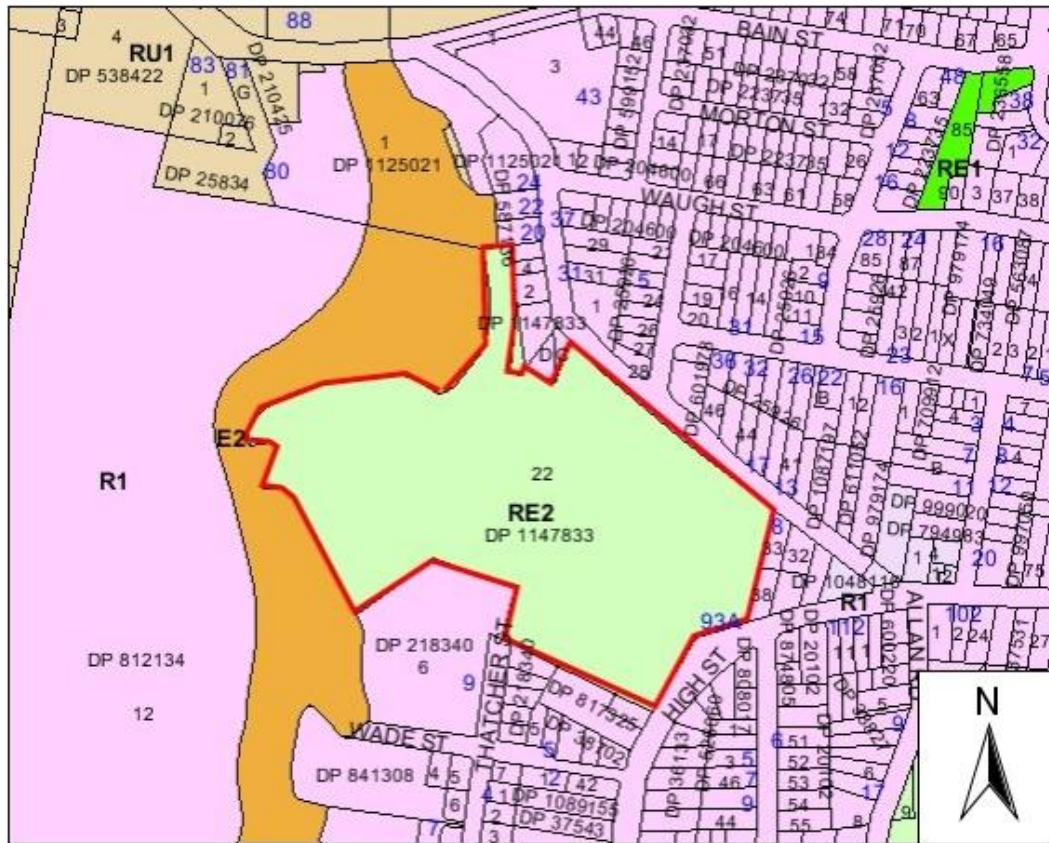
This report provides an assessment of the application in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

Subsequent to exhibition of the application, 1 submission has been received.

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

The site has an area of 10.52 hectares.

The site is zoned RE2 Private Recreation in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The site is the existing Wauchope Showground. The showground has existing powered campsites which are currently only permitted to be used for camping associated with showground events.

The showground has frontage to Beechwood Road and High Street.

Adjoining the site to the north-east, north-west and east are existing residential lots occupied by dwelling-houses.

Adjoining the site to the west is Yippin Creek.

Adjoining the site to the south are residential zone lots occupied by a bus depot, a residential lot occupied by a dwelling and an approved commercial storage premises.

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:

- Short term camping for a maximum of 16 camping sites as designated on the submitted site plan. Note: powered camping sites are existing for showground purposes

Refer to attachments at the end of this report.

Application Chronology

- 23 April 2013 - DA lodged.
- 8 to 22 May 2013 - Neighbour consultation of proposal
- 19 June 2013 - Additional information requested
- 21 June 2013 - Site inspection
- 21 June 2013 - Advice provided to Applicant regarding camping density per site
- 21 June 2013 - Additional information submitted.

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 21 - Caravan Parks

In accordance with clause 6, caravan park includes by definition a camping ground.

In accordance with clause 8 (1), a camping ground is a permissible land use.

In accordance with clause 8 (2)(b), the number of primitive camping ground sites (16 proposed) is permitted under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. There is no minimum size of land area for a camping ground however there is a maximum restriction of 2 camp sites per hectare (total area of site) in accordance with the regulations (clause 132). In this regard, the site (entire showground) comprises an area of 10.52 hectares which therefore permits 16 camp sites. The proposal is capable of compliance with the remainder of the requirements of this regulation and relevant conditions are recommended accordingly.

In accordance with clause 8(3), a condition is recommended to restrict the total number of sites to sixteen (16).

In accordance with clause 10, the proposal meets the services and facilities requirements.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

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

The Department of Planning and Infrastructure's Circular No. B35, Section 1.5 states that "In relation to affected DAs it is the intention of the policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat".

The application has demonstrated that no habitat will be removed or modified and therefore, no further investigations are required.

The requirements of this SEPP are therefore satisfied.

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. 64 – Advertising and Signage

Standard condition recommended requiring development consent to be obtained for any advertising signage other than signage which is exempt development.

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 RE2 Private Recreation.

In accordance with clause 2.3(1) and the RE2 zone landuse table, the proposed development for a 'camping ground' is a permissible landuse with consent.

The objectives of the RE2 zone are as follows:

1 Objectives of zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

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 use is located within an existing showground which can be used for multiple purposes to encourage alternate recreational opportunities

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 and telecommunications are capable of being provided.

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

Requirement	Proposed	Complies
Part 3 DP 1.1 Crime prevention	The siting and orientation of the camping ground sites are within an existing showground which has good casual surveillance and lighting throughout the grounds. No adverse crime risk identified.	Yes
Part 3 DP 3.1 - Off street parking requirements	No specific parking rate - area based requirements under Local Government regulations - as primitive camping.	N/A
Part 3 DP 14.1 - parking and manoeuvring surfaces shall be constructed with a coarse base of sufficient depth to suit the amount of traffic generated by the development, as determined by Council. It shall be sealed with either bitumen, asphaltic	The site has a bitumen sealed entry from High Street The proposal is for primitive camping only for 16 camping sites.	Yes

concrete or interlocking pavers.		
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- (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:

N/A

- 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 & Setting

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

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

The proposal does not have any significant identifiable adverse lighting impacts.

There are no significant identifiable adverse privacy impacts.

Access, Transport & Traffic

The proposal will be unlikely to have any adverse impacts within the immediate locality in terms access, transport and traffic.

The site has a bitumen sealed entry from High Street into the site within showground.

The proposal is for primitive camping only for 16 camping sites.

The existing road network will satisfactorily cater for any increase in traffic generation as a result of the development.

Utilities

Telecommunication and electricity service the showground's site.

Stormwater

No change to existing. Camp sites on existing grounds only.

Sewer

Sewer is available and connected to the site. An existing dump point is provided for the purpose of camping.

Water supply

Records indicate that Wauchope Showground has five metered water services. A 100 mm PVC water main from High Street extends into the showground land with two fire hydrants provided. There is also a 200mm AC water main across the showground area from Thatcher Street to Beechwood Road with two hydrants within the showground area. These fire hydrants appear to be able to provide fire service coverage to AS 2419 for the proposed development, but this is to be confirmed by the hydraulic consultant.

The normal requirements of caravan and camping ground fire hose reel and fire hydrant protection will be required. Details will be fully assessed as part of the Local Government Act approval for the operation of the camp site.

Given the nature of the development the need for backflow prevention devices is to be assessed by a hydraulic consultant. The hydraulic consultant is to assess individual, zone and containment backflow protection requirements for the development for all five water services.

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

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

No adverse impacts anticipated.

Noise and vibration

No adverse impacts anticipated. A precautionary condition is however recommended that offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.

Bushfire

The Showground is within a mapped bushfire prone as identified below:



There is only 1 camp site which will be within the mapped buffer area identified as being the site in the northern section of the Showground near Beechwood Road adjoining No.10 Beechwood Road. In this regard,:

- All designated powered campsites are already existing for the purposes of camping for showground related activities.
- There is approximately 60m separation distance to the bushfire hazard to the west of the closest camp site to the hazard.
- The subject camping proposal is considered to not require Bushfire Safety Authority pursuant to section 100B of the Rural Fires Act 1997 or section 46 of the Rural Fires Regulation 2008, given the proposal is for a camping ground only and not a tourist facility under the Local Environmental Plan 2011 definitions.
- Notwithstanding that the proposal will not require bushfire safety authority, the proposal will satisfy the aims and objectives of the NSW Rural Fire Service Planning for Bushfire Protection 2006 in regards to:
 - Adequate protection will be afforded to the occupants of the camp sites in the event of a bushfire and noting that the proposal does not include any permanent structures and the camp sites are existing.

- Satisfactory defensible space is provided with 60m+ area between the closest camp sites and hazard to the west.
- Safe operation access and egress is available for emergency personnel and occupants not via any identified hazard.
- An adequate maintained asset protection zone is provided within the Showground facility.
- Adequate water utility services are available to meet the needs of fire fighters including fire hydrants.

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 facility is an existing established showground.

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 development.

Site design and internal design

The camp sites are existing and fit into the locality. No adverse impacts likely.

Construction

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

Cumulative impacts

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

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

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

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

1 written submission has been received following completion of the required neighbour consultation of the application. The submission originated from property location shown below:



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

Submission Issue/Summary	Planning Comment/Response
There were approximately 20-30 men with bikes tents etc camped about 30 meters from back fence last Thursday night. Concern with numbers of people camping.	The Applicant has advised that the occurrence referred to involved 8 campers with bikes and four wheel drives camped on the ring side of the toilet block that were approximately 30m from the neighbour's corner boundary fence post. The campers were part of the Dressage Horse Show that was held at the Showground on the 10-12 May. The number of people camping on each site will be restricted to a maximum of up to 12 persons as per the Local Government Regulations for camping density restrictions. However, in reality it is not expected that this level of occupation will not regularly occur.
Questioned whether limits will be placed on total number of people allowed to camp at any given time on the site and whether there will be any animal restrictions.	The Applicant has advised that the Show Society will comply with the Local Government Regulations for camping density in relation to the maximum number of people permitted on each camp site. To offer clarification, the Regulations permit a maximum 12 persons per site.
Concern with experience of horse lovers bringing dogs.	The Applicant has advised that the Show Society currently has 'a no dogs on premises'

	policy. This is sometimes difficult to enforce on occasions such as dog shows or show events that dogs are permitted but must be restrained or on a lead at all times. Event holders are notified as part the booking process that no dogs are permitted on the grounds. There are currently dogs prohibited signs erected on the grounds.
Showground staff and visitors damaged common colourbond dividing boundary fence and have tried to rectify with Showground Society with nothing resolved.	The Applicant has advised that there was some small damage to the colourbond fence with repairs carried out during 2012.
Concern with noise feedback from PA system on grounds and odour from horses.	This is a separate matter to the subject DA proposal however the Applicant has provided advice that the PA system has limited use throughout the year and is used only for show events. The speakers have been placed around the ring an effort to reduce the noise levels to surrounding neighbours. The earliest the PA system is used is 8.00am and the latest it is used is approximately 8.00pm. With regard to the odour of the stables, the stables are located approximately 60m from the boundary fence referred. Manure is removed from the stables twice daily during horse show events and removed from the grounds.

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- No development contributions apply to the proposal due to Council resolution of 14 November 2012 and the proposal including a maximum number of 16 sites.

5. CONCLUSION

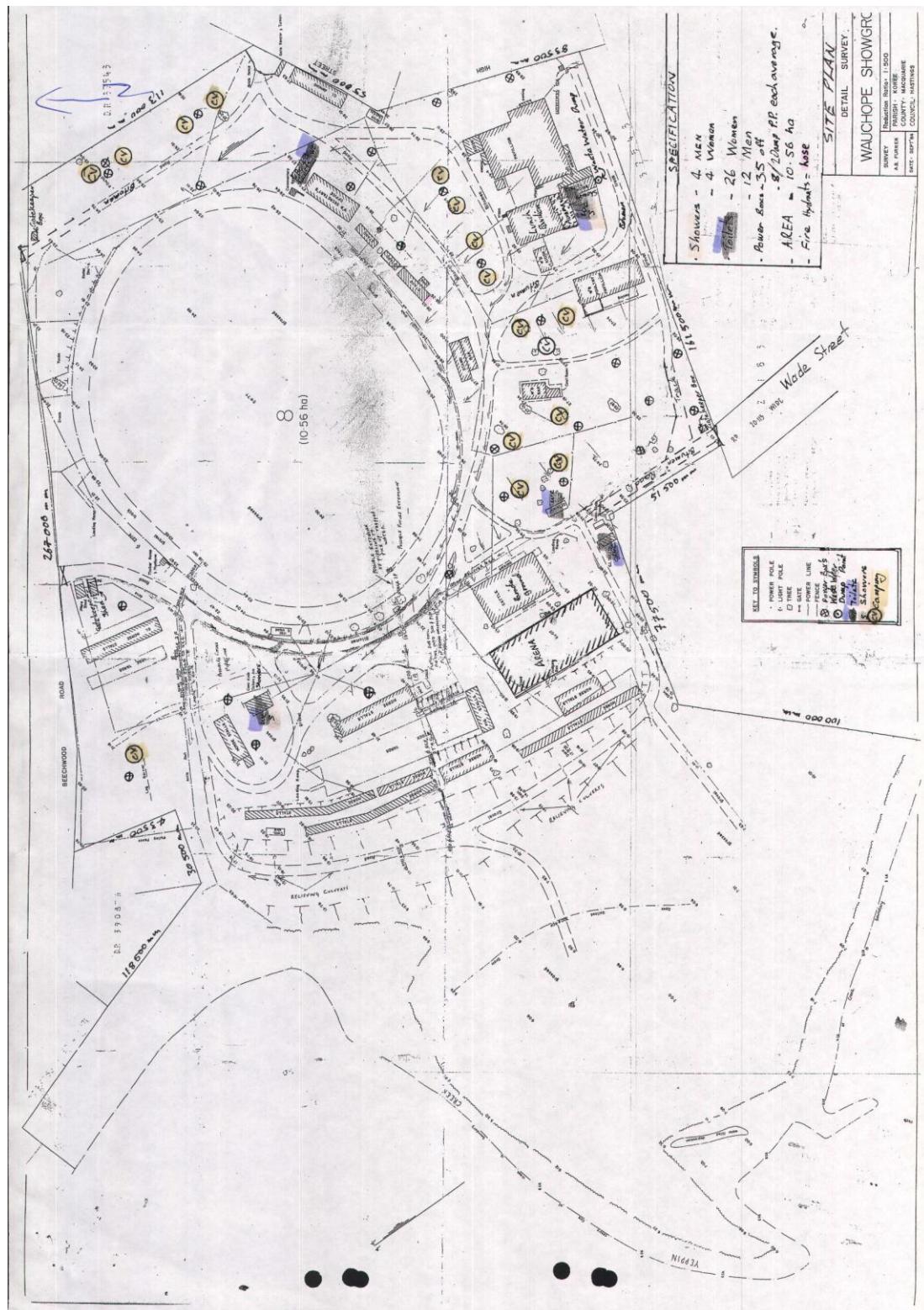
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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](#). DA2013 - 0181 Plan
- 2 [View](#). DA2013 - 0181 Draft Recommended Conditions
- 3 [View](#). DA2013 - 0181 Development Contributions Calculation Sheet



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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2013/181

DATE: 27 June 2013

PRESCRIBED CONDITIONS

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations* 2000.

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Management plan - Primitive Camping Ground proposal			27 June 2013
Site plan	Wauchope Showground		27 June 2013

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) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (3) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (4) (A195) A separate approval to operate a primitive camping ground on the land which the development is to be carried out must be obtained under part 3 of chapter 7 of the Local Government Act 1993.

Unless varied by this consent/approval, the primitive camping ground is to comply with Division 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

The applicant is to become familiar with this document and is to ensure all associated documentation is submitted when lodging the application to operate a primitive camping ground with Council.

- (5) (A196) This consent restricts the number of camp sites to a maximum of 16 only. Any change to site numbers will require separate development approval to be obtained from Council.

- (6) (A197) The camp sites, the subject of this development consent, are approved for short term use only. No permanent occupancy of the camp sites is permitted.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Nil

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING WORK

Nil

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

Nil

F – OCCUPATION OF THE SITE

- (1) Use of the camp ground is to be managed so as to not give rise to offensive noise.

DRAFT

2/07/2013

Development Contributions Calculation Sheet - Final Consent Issue									
Development Details			Contributions Plans Applicable						
DA No.	2013	0181	General S94 Plans		Applies	ET Chargeable	RatePer ET	Contribution Amount	
Address:	High Street, Wauchope		Major Roads		Yes	4	\$6,325.00	\$25,300.00	
Dev Description:	Primitive Campgrounds (16 Sites)		Open Space		Yes	4	\$4,419.00	\$17,676.00	
Lot Number(s):	Part Lot: 22		Community Cultural & Emergency Services		Yes	4	\$4,194.00	\$16,776.00	
DP Number(s):	1147833		Admin Building		Yes	4	\$806.00	\$3,224.00	
Stage No:	Total		Bushfire - Specific		No				
Applicant:	C P Goodwin		Kings Creek		No				
Contribution Area:	<input type="checkbox"/> Camden Haven <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"/> Sancti Spiritus <input checked="" type="checkbox"/> Wauchope		Admin Levy		Yes	2.2% of S94	\$62,976.00	\$1,385.40	
(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 \$1 No Wauchope CBD Car Parking Contribution <input type="checkbox"/> Applies Bains Dairy Contribution Plan <input type="checkbox"/> Applies Bushfire Additional <input type="checkbox"/> Applies Select Rate: \$620.90 <input checked="" type="checkbox"/> Applies Sewer <input checked="" type="checkbox"/> Applies						
DA Lodged Date:	23/04/2013		Water 1.6% Levy:		\$620.90	4	\$9,703.00	\$38,812.00	
Prepared By:	Jesse D		Sewer			4	\$4,038.00	\$16,152.00	
DA Consent Date:			Car Parking CP						
Issue No.	1		Contribution Total:					\$119,946.30	
Calc Sheet Date:	2-Jul-2013		Notice of Payment Re-Issue Fee:					<input type="checkbox"/> Applies	
FINAL CONSENT CALCULATION	<input checked="" type="checkbox"/> Tick for FINAL Consent Calculation								
ET Calculation for New Development (Proposed)									
Commercial & Industrial New Development			Rate	Units	Water Rate	Sewer Rate	ET Water	ET Sewer	Traffic Facilities m²
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	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)			0	0	0	0			
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)			16	4	4	4			
Caravan Park - Partially Self Contained Site (permanent or transient)			0						
Nursing Homes High Dependency/Residential Care Facility (per bed)			0						
Nursing Homes Low Dependency/Hostel (per bed)			0						
Aged Unit - Self Contained 1 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0						
Aged Unit - Self Contained 2 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0						
Aged Unit - Self Contained 3 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0						
Boarding House per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathrooms)			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:			16	4	4	4			

2/07/2013

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	m ²	0	0	0	0	0	
N/A	m ²	0	0	0	0	0	
N/A	m ²	0	0	0	0	0	
N/A	m ²	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)		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 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		
Existing Residential Unit Total:		0	0	0	0		

3:\Dev\Env\DEV AND BUILDING CONTROLS\DA2013-0181\Development Contributions Calculation Sheet, DA 2013-0181, Stage No. Total, Issue No.1

Item: 07

Subject: DA2013 - 0015 PROPOSED SINGLE DWELLING INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.2A OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - 21 BLACK SWAN TERRACE, WEST HAVEN

Report Author: Anthony Crane

Property: Lot 213 DP 1042231, 21 Black Swan Terrace, West Haven
Applicant: A N & H N Nguyen
Owner: A N & H N Nguyen
Application Date: 22 January 2013
Date Formal: [formal date]
Estimated Cost: \$350,000
Location: West Haven
File no: DA2013 - 0015
Parcel no: 38832

Alignment with Delivery Program

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

RECOMMENDATION

That the Development Assessment Panel recommend to Council that DA2013-0013 for a proposed single dwelling at Lot 213, DP 1042231, No.21 Black Swan Terrace, West Haven, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for a single dwelling including a Clause 4.6 variation to Clause 4.2A (minimum lot size for dwelling) of the *Port Macquarie-Hastings Local Environmental Plan 2011*.

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, no submissions have been received.

1. BACKGROUND

Existing sites features and surrounding development

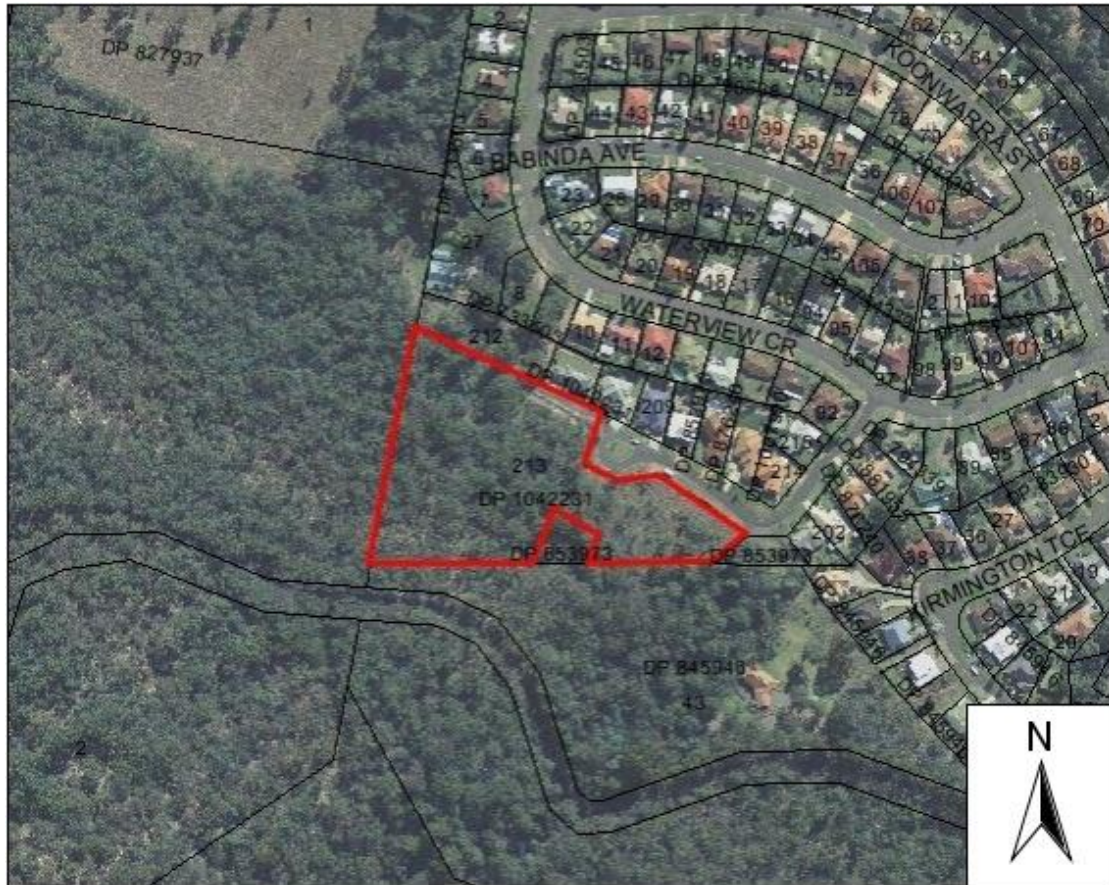
The site has an area of 1.839ha.

The site is zoned RU1 in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The site is a residue lot remaining from the Waterview Heights residential subdivision at West Haven. The lot is zoned RU1 Primary Production and immediately abuts the R1 General Residential zone as can be seen by the above land zoning map.

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:

- A proposal for a dwelling and SEPP 1 variation for this property was originally approved in 2005 - DA 2005/112. This approval lapsed as no work commenced on the site.
- The current application is a resubmission of the original proposal. The original plans have been resubmitted with no change other than a slight adjustment to the siting of the dwelling in relation to boundaries so as to achieve a lower Bushfire Attack Level.
- The Clause 4.6 variation to Clause 4.2A of PMHC LEP 2011 does not have to be referred to DoPI again as they have granted concurrence previously. Council now has the authority to approve the variation application.

Refer to attachments at the end of this report.

Application Chronology

- 12/04/2005 - DA 2005/112 for new dwelling lodged with Council.
- 02/05/2005 - Objection to provisions of SEPP 1 from applicant submitted to Council - subsequently referred to DIPNR.
- 21/09/2005 - Letter confirming Department's concurrence to SEPP 1 variation received by Council.
- 10/10/2005 - Consent issued for new dwelling on Lot 213, DP 1042231 Black Swan Terrace, West Haven.

- 22/01/2013 - DA 2013/0015 for new dwelling lodged.
- 30/01/2013 - Applicant requested to provide further information relating to tree removal, driveway details and letter requesting Clause 4.6 variation to Clause 4.2A of PMHC LEP 2011.
- 11/02/2013 - E-mail received from applicant partly addressing site clearing of vegetation and requesting advice on how to go about lodging Clause 4.6 variation.
- 20/03/2013 - Amended site plan submitted showing adjustment to siting of dwelling in an attempt to reduce BAL level. Applicant was advised that re-siting still put proposed building in 'Flame Zone'. Advised that amended bushfire report and driveway details still required.
- 09/04/2013 - Letter requesting Clause 4.6 variation and further amended site plan received. Latest site plan showing re-siting of dwelling means original bushfire assessment is now valid and acceptable.
- 28/05/2013 - Tree removal plan submitted - site inspection determined that tree removal plan inaccurate. Applicant requested to provide more accurate tree removal site plan.
- 18/06/2013 - Accurate tree removal details submitted.

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 44 - Koala Habitat Protection

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

The Department of Planning and Infrastructure's Circular No. B35, Section 1.5, states that "In relation to affected DAs, it is the intention of the policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat".

The application has demonstrated that Schedule 2 koala browse species comprise less than 15% of the upper or lower strata affected by the development and hence the site is not considered to represent core koala habitat.

State Environmental Planning Policy 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 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 Queens Lake, approximately 460m from the site.

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 462412S) 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 therefore satisfied.

State Environmental Planning Policy (Rural Lands) 2008

SEPP requirement	Comment	Complies
Objectives		
2(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,	The site represents a residue lot of an adjoining residential subdivision and has limited agricultural value given its small size, steep topography and dense vegetation	Yes
2(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,	Refer to above comments.	Yes
2(c) to implement measures designed to reduce land use conflicts,	It is considered that there would be limited conflict between the development and any surrounding land uses. There are no rural activities nearby that would result in any adverse conflicts. Surrounding land uses to the north are residential and National Park to the south.	Yes
2(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	The area to be developed would not impact on State significant agricultural land.	Yes
2(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.		N/A
Rural Planning Principles		
7(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,	The development will not impact on the current or potential productive and economic activities in the	Yes

	area as per comments on Clause 2(a) above.	
7(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,	Refer to all comments above.	Noted
7(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	Refer to all comments above.	Noted
7(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	The site of the dwelling has been previously cleared and had approval for a dwelling entitlement in the past. This new application will not create any new impacts.	Yes
7(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	Refer to comments above. The proposed development will not impact on flora and fauna, watercourses or any known natural resources.	Yes
7(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	Refer to comments on 2(a).	Yes
7(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	The site is capable of being serviced without burdening the local community.	Yes
7(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	Refer to comments on 2(a).	Yes
Rural Subdivision Principles		
8(a) the minimisation of rural land fragmentation,	The proposal does not include subdivision.	N/A
8(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,	The proposal does not include subdivision.	N/A
8(c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,	The proposal does not include subdivision.	N/A
8(d) the consideration of the natural and physical constraints and opportunities of land,	The proposal does not include subdivision.	N/A
8(e) ensuring that planning for dwelling opportunities takes account of those constraints.	The proposal does not include subdivision.	N/A

Rural Subdivision for Agricultural Purposes		
<p>9(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.</p> <p>9(2) Land in a rural zone may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size otherwise permitted for that land.</p> <p>9(3) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p> <p>9(4) A dwelling cannot be erected on such a lot.</p> <p>9(5) State Environmental Planning Policy No 1—Development Standards does not apply to a development standard under this clause.</p>	Not relevant to this application.	N/A
Matters to be considered in determining development applications for rural subdivisions or rural dwellings		
<p>10(1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.</p> <p>10(2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:</p> <ul style="list-style-type: none"> (a) subdivision of land proposed to be used for the purposes of a dwelling, (b) erection of a dwelling. <p>10(3) The following matters are to be taken into account:</p> <ul style="list-style-type: none"> (a) the existing uses and approved uses of land in the vicinity of the development, (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to 	Refer to comments on 2(a).	Yes

<p>be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,</p> <p>(e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).</p>		
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Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned RU1 Primary Production.

In accordance with clause 2.3(1) and the RU1 landuse table, the proposed development for a single dwelling house is a permissible landuse with consent.

The objectives of the RU1 zone are as follows:

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

In accordance with clause 2.3(2), the proposal is consistent with the zone objectives, particularly as the proposal is a permissible land use, will not impact or create conflict with surrounding rural or residential uses, does not fragment rural land, and is not at odds with the locality.

In accordance with clause 4.2A, the subject lot is 1.84Ha and does not meet the 40ha minimum lot size standard. This was the case when the original DA 2005/112 was processed. At that time, a SEPP 1 objection was lodged and approved.

Pursuant to Clause 4.6(3), consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

In accordance with the above, the applicant has lodged a Clause 4.6 variation request based on the following:

- There has already been an approval for a dwelling on the site in 2005, which lapsed.
- The Department has granted concurrence with the variation previously. The circumstances have not changed, therefore continuation of the concurrence should be granted.

Having considered the application and Clause 4.6 variation, the proposal will have limited impact on the environment and is consistent with the adjoining residential zone.

The site is located towards the base of North Brother Mountain and has frontage to Black Swan Terrace with existing dwellings on the opposite side of the street. The proposal will not change the character of the area.

It should be noted that although the 1.8 ha site is zoned RU1, due to its size, location & topography, it would not be practical or viable to use the land for primary production.

The proposed building site has been cleared previously in 1995 and has been kept generally clear. A small number of established trees (approximately 3) and some regrowth will need to be removed due to the re-siting of the building for bushfire safety, but no hollow bearing trees will be affected.

The proposed development will not be contrary to the zone objectives, and is consistent with the adjacent residential zone. It is also unlikely to create any implications on State related issues or public amenity.

Based on the above information, it is recommended that approval of the development application and Clause 4.6 variation be supported.

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

None relevant

(iii) any Development Control Plan in force:

Port Macquarie Hastings Development Control Plan 2011

Dwelling Provisions			
	Requirement	Proposed	Complies
DP1.1	Ancillary development: • 4.8m max. height • Single storey • 60m ² max. area • 100m ² for lots >900m ² • 24 degree max. roof pitch • Not located in front setback	None proposed.	N/A
DP 2.1	Articulation zone: • Min. 3m front setback • 25% max. width of dwelling	Dwelling is setback 12m from Black Swan Terrace. Articulation zone not relevant.	N/A
DP2.3	Front setback in rural areas is to be 20% of established setback or 10m.	There is no real established setback, so the 10m standard would apply. The proposal is 12m from Black Swan Terrace.	Yes
DP3.1	Garage door recessed behind building line or eaves/overhangs provided	Upper floor deck projects in front of lower floor garages.	N/A
DP3.2	6m max. width of garage door/s and 50% max. width of building	Less than 6m.	N/A

DP3.3	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Capable of complying - S.138 application required.	Yes
DP4.1 DP4.2	4m min. rear setback. Variation subject to DP 4.2.	Dwelling is setback in excess of 4m from rear boundary.	Yes
DP5.1 DP5.2 DP5.3	Side setbacks: • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m	The dwelling is setback in excess of 20m from side boundaries.	Yes
DP6.1	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Being a 1.8ha rural property, the site contains sufficient open space.	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 • 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	None proposed.	N/A
DP10.1 DP10.2 DP10.3 DP10.4	Privacy: • 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	The dwelling is setback 12m from the nearest boundary, which will ensure privacy is maintained.	Yes

	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		
DP11.1	Roof terraces	None proposed.	N/A
DP12.1 onwards	Jetties and boat ramps	None proposed.	N/A
General Provisions			
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	All cut is maintained within the external walls of the dwelling.	Yes
DP6.1	0.8m max. height retaining walls along road frontage	No retaining walls proposed.	N/A
DP6.2	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining walls proposed.	N/A
DP6.3	Combination of retaining wall and front fence height	No retaining wall or fence proposed.	N/A
DP11.1 onwards	Removal of hollow bearing trees	No tree removal proposed or required.	N/A
DP1.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	No tree removal proposed or required.	N/A
	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Noted
DP2.1	New accesses not permitted from arterial or distributor roads	No new access proposed off an arterial road.	N/A
DP2.3	Driveway crossing/s minimal in number and width including maximising street parking	Only one driveway crossover proposed.	Yes
DP8.1	Parking in accordance with AS 2890.1	Being a 1.8ha rural property, the site contains sufficient area for parking.	Yes
DP11.1	Section 94 contributions	Refer to main body of report.	N/A
DP14.1	Sealed driveway surfaces unless justified	Standard driveway construction will suffice.	Yes
DP17.2	Vehicle washing facilities – grassed area etc available.	Being a 1.8ha rural property, the site contains sufficient area for washing cars.	Yes
DP3.1	Off-street Parking spaces:	Being a 1.8 ha rural	Yes

	• 1 space = single dwelling (behind building line)	property, the site contains sufficient area for parking.	
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(iiiia) 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
N/A

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 & 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 development in the locality and adequately addresses planning controls for the area.
- There is no adverse impact on existing view sharing.
- There are no adverse privacy impacts.

Access, Transport & Traffic

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

Utilities

Telecommunication and electricity services can be made available to the site.

Sewer

Service available - details required with S.68 application.

Stormwater

Service available - details required with S.68 application.

Water

Service available - details required with S.68 application.

Soils

The proposed development will be unlikely to have any adverse impact 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. It is noted that only 3 mature trees will require removal. These trees do not contain hollows and are not considered to comprise core koala habitat. It is noted that the remainder of the allotment is densely vegetated and will therefore maintain ecological values.

Waste

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

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX.

Noise & Vibration

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

Bushfire

The site is identified as being bushfire prone. The applicant has submitted a bushfire hazard assessment prepared by a consultant that satisfactorily addresses Planning for Bushfire Protection 2006. Compliance with this document will form part of any conditions of consent.

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

Construction

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

Cumulative Impacts

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

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

The proposal will fit into the locality and the site attributes are conducive to the proposed development. Site constraints have been adequately addressed and appropriate conditions of consent recommended.

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

Following exhibition in accordance with DCP 2011, no submissions were received.

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Developer contributions are not applicable

5. CONCLUSION

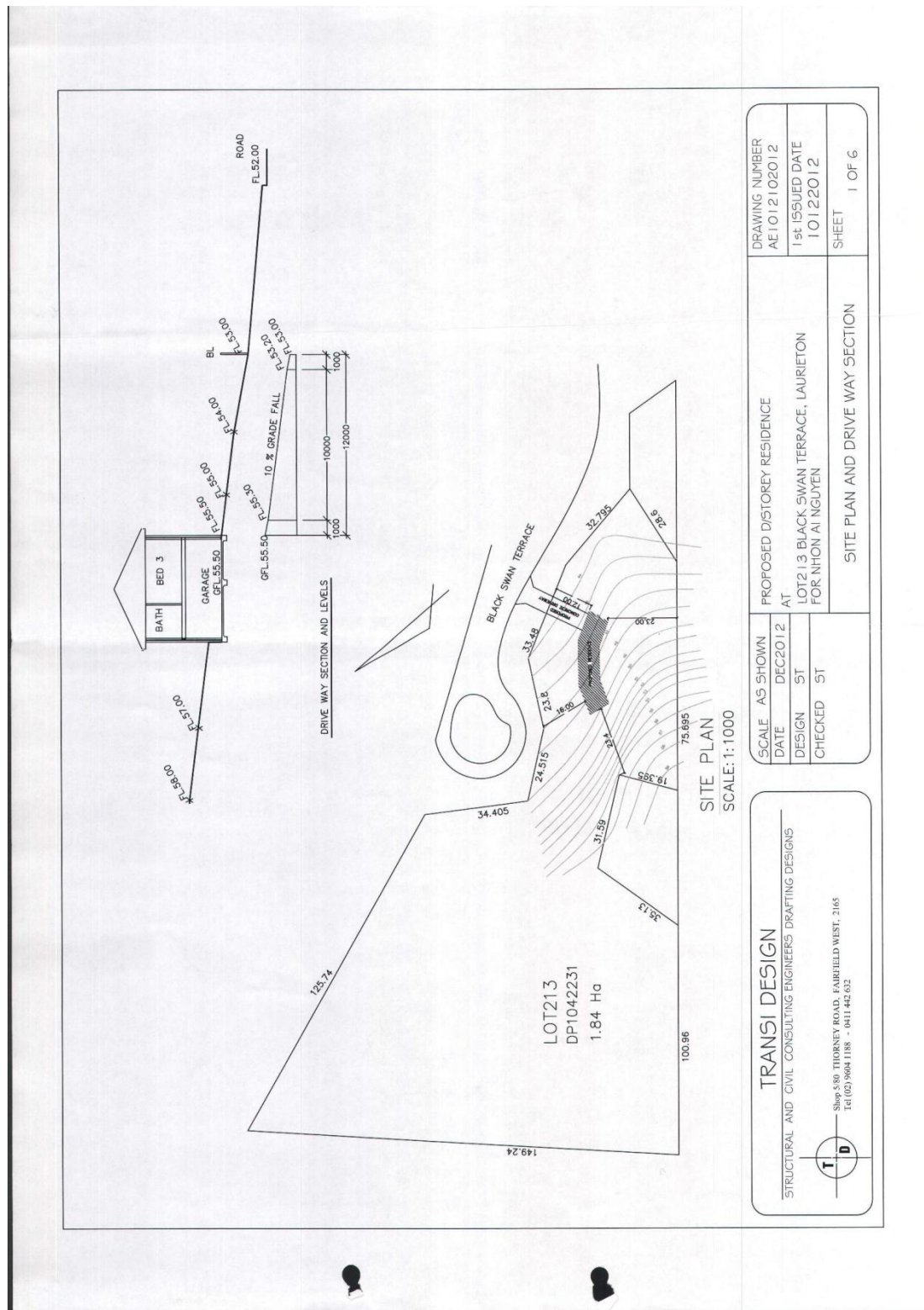
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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](#). DA2013 - 0015 Plans

2 [View](#). DA2013 - 0015 Recommended Conditions





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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2013/0015

DATE: 2 JULY 2013

PRESCRIBED CONDITIONS

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations 2000*.

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Floor plans, site plan, elevations	Dwg. No. AE1012102012	Transi Design	10/12/2012
BASIX certificate	No. 462412S	As above	19/12/2012
Bushfire Report	No ref.	Robert Smallwood	14/12/2012
S.O.E.E.	No ref.	Applicant	undated

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) No work shall commence until all matters listed under **Section B and C** of this consent have been satisfied and 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) The elevation of the site means that adequate supply pressure cannot be provided from the existing infrastructure. Therefore, the domestic water supply will be required to fill a water storage tank with a pressure pump connected in order to provide sufficient water pressure supply to the dwelling.
- (4) Final domestic water service and fire service details will need to be determined by a hydraulic consultant to suit the water supply components of the development, as well as backflow protection requirements. Details are to be shown on the engineering and hydraulic plans to be submitted with the Construction Certificate application. These details will also need to show the water main across the development site and address both utility service and driveway access across Council's water main easement. It is suggested that consideration be given to a combined fire and domestic water storage arrangement.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works (non – public infrastructure works only) is to be obtained from Port Macquarie-Hastings Council prior to the issue of

any Construction Certificate. 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/s
 - Proposed water meter location
 - If reclaimed water is to be connected, a detailed layout for internal works
- (3) 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 prior to the issue of any Construction Certificate.

Such works include, but not be limited to:

- Footway and gutter crossing
 - Functional vehicular access
- (4) 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.
- (5) 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 and are to include the provisions of gutter guarding to the lower level gutters and valleys.

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.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) 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) 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) 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) 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 shall be obtained from Council.

- (5) 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.
- (6) 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 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) 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.
- (2) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) Work on the project being limited to the following hours, unless otherwise permitted in writing 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) 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.
- (5) 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. The site shall be left free of wastes and debris following completion of the work.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) 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) Prior to the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (3) 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.
- (4) Written confirmation being provided to the Principal Certifying Authority 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.

F – OCCUPATION OF THE SITE

- (1) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation. The conditions referred to in this schedule are imposed in conformity with the relevant provisions of the Environmental Planning and Assessment Act and Regulations, the Local Government Act and Regulations, The Building Code of Australia and with Council's Codes and Policies, LEP's, DCP's or

any other ancillary Act or Regulation in force at the time of the date of determination and are aimed at protecting the natural environment, preserving our heritage and providing a safe and health built environment.

Item: 08

Subject: DA 2013 - 0274 - TORRENS TITLE SUBDIVISION - 59 RANDALL STREET, WAUCHOPE

Report Author: Fiona Tierney

Property: Lot 2 DP 1185603 No 59 Randall Street, Wauchope
Applicant: Australian Rail Track Corporation
Owner: Australian Rail Track Corporation
Application Date: 21 May 2013
Date Formal: 21 May 2013
Estimated Cost: 0
Location: Wauchope
File no: DA 2013 - 0274
Parcel no: 63098

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2013 - 0274 for a Torrens Title Subdivision at Lot 2, DP 1185603, No. 59 Randall Street, Wauchope, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for Torrens Title Subdivision at the subject site.

The site is a former railway Station Master's residence which is a heritage listed site under *Port-Macquarie Hastings Local Environment Plan 2011 and the State Heritage Register*. The proposal seeks to subdivide the parcel of land containing the residence and immediate curtilage from the remainder of the railway land.

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

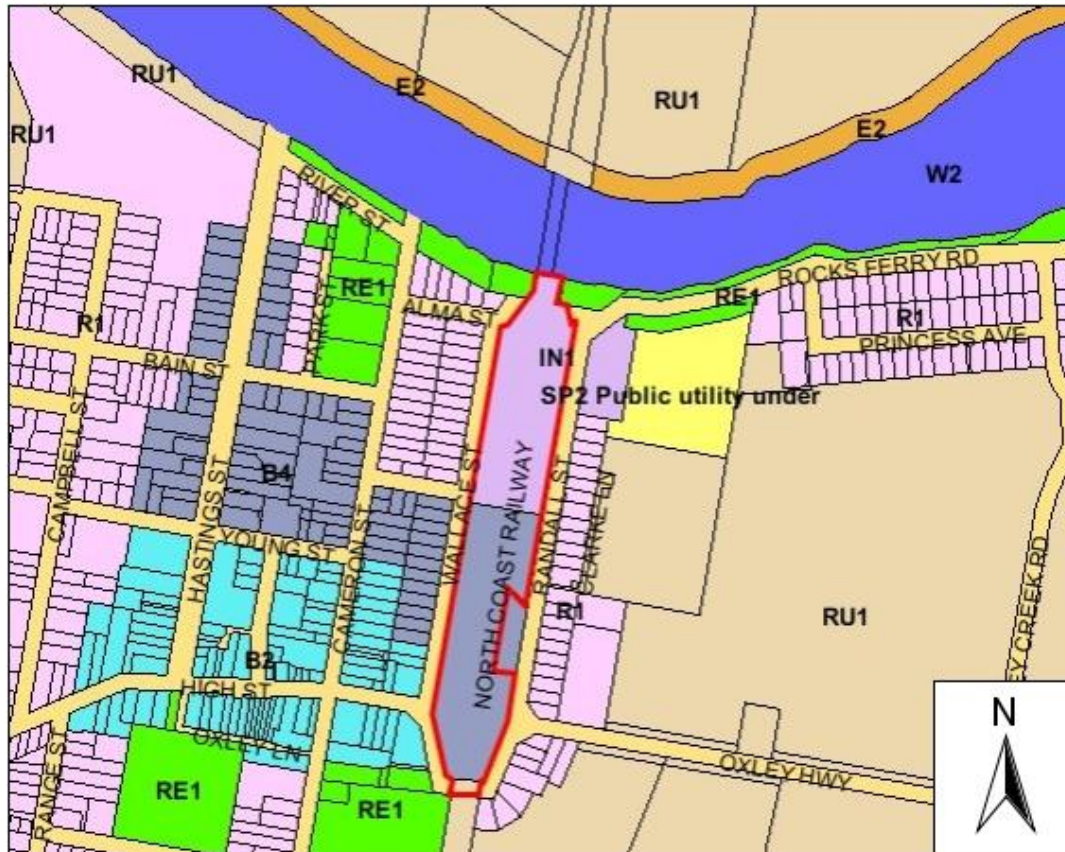
Subsequent to exhibition of the application, two (2) submissions have been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of approximately 7 Ha which encompasses an area of the North Coast Railway, railway station, storage and a number of residences. The applicant proposed to subdivide an area of 1202m² from this site which includes the existing Station Master's residence. The former Station Master's residence is listed under the State Heritage Register and is described as a significant example of a railway residence modified to accommodate successive station masters and their families at Wauchope in the 20th century. The building was also formerly used as a police station and lock-up.

The site is zoned B4-Mixed Use in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The site is located on the eastern side of Wauchope near the main gateway to the town and is situated adjoining the main railway line to the rear, a storage facility to the North and single storey residential development opposite. Another railway owned residence is located to the South and is not encompassed by this proposal.

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 to excise the Station Master's Residence and curtilage of a total of 1202m² from the existing Railway lands.

Refer to attachments at the end of this report.

Application Chronology

- 21 May 2013-Application Lodged
- 29 May-13 June 2013- Notification Period to adjoining owners
- 20 June 2013- Request additional information future intentions.
- 24 June 2013-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 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.

Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned B4-Mixed Use.

In accordance with clause 2.3(1) and the B4 zone landuse table, the proposed development for Torrens Title Subdivision is a permissible landuse with consent.

The objectives of the B4 zone are as follows:

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

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 development will not alter the use, building structure or the nature of the site.

Having regard for clause 4.1, the lot size for the proposed subdivision will be 1202m². The proposed lots comply with the minimum 1000m² lot size identified on the Lot Size Map relating to the site.

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

Nil

(iii) any Development Control Plan in:**Port Macquarie Hastings Development Control Plan 2011****DCP 2011 – Residential Subdivision Checklist**

This section of the Port Macquarie-Hastings Development Control Plan applies to any application to subdivide land unless exempt under clause 2.6 of the Port Macquarie-Hastings Local Environment Plan 2011.

<u>Objectives :</u>	<u>Proposed:</u>	<u>Complies:</u>
Site Analysis:		
<p>A site analysis is required for all development and shall illustrate:</p> <ul style="list-style-type: none"> • microclimate; • lot dimensions; • north point; • existing contours and levels to AHD; • flood affected areas; 	Site plan has been submitted.	Y

<ul style="list-style-type: none"> • overland flow patterns, drainage and services; • any contaminated soils or filled areas, or areas of unstable land; • easements and/or connections for drainage and utility services; • identification of any existing trees and other significant vegetation; • any existing buildings and other structures, including their setback distances; • heritage and archaeological features; • fences; • existing and proposed road network, including connectivity and access for all adjoining land parcels; • pedestrian and vehicle access; • views to and from the site; • overshadowing by neighbouring structures; and • any other notable features or characteristics of the site. 		
<u>Objectives :</u>	<u>Proposed:</u>	<u>Complies:</u>
Lot Layout:		
Any Torrens title subdivision shall satisfy the following standards: <ul style="list-style-type: none"> • Min width of 15m when measured at a distance of 5.5m from front property boundary; 	Minimum 45.27m	Y
<ul style="list-style-type: none"> • Min width of 7m when boundaries are extended to kerb line; 		Y
<ul style="list-style-type: none"> • Min depth of 25m; 	Minimum 27.2m	Y
<ul style="list-style-type: none"> • For lots where average slope of the site is equal to, or exceeds 16%, indicative road and driveway grades are required demonstrating satisfactory access. 	Satisfactory slope and access provided.	Y

(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:

Nil

iv) any matters prescribed by the Regulations:

Nil

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:

Nil

- (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 easterly street frontage orientation to Randall Street. The dwelling is located within an existing railway precinct and has been utilized for a number of uses including a Station Master's residence, police station and lockup. The site adjoins a residential area opposite.

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

The proposal does not alter the fabric of the building or its significance in the context of the broader site. The subdivision is considered to represent an opportunity to facilitate a more viable future use of the building and hence provide greater maintenance/preservation of the building's significance.

Access, transport and traffic

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

Water Supply Connection

New water service required for lot 22 - details to be supplied with S.68 application.

Sewer/OSM Connection

Existing service available.

Stormwater

Unaffected by subdivision.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Following a site inspection and review of Council records and the State Heritage Register, the site is identified as a NSW State Heritage Listed item under S 170 of the Heritage Act. The site is identified as being significant both to the community and State given its long term use as a station master's residence and a police station and that it is a good example of a railway use dwelling.

An application for the proposal has been made under S60 of the NSW Heritage Act, 1977. Approval was granted by the NSW Heritage Council for the proposed subdivision. The application has also been referred to Councils' Heritage Advisor who has concurred that the application will have minimal impact to the Heritage Item and that there would some benefits in being in private ownership for conservation purposes, should the land be sold in the future

The Burra Charter identifies a number of conservation principles in relation to Heritage items. In an ideal sense the site could be retained for a use such as a railway museum or some form of preserved use that enabled public access to the site. Funding for such preservation is limited and not always practical in the circumstances. The Burra Charter in these instances also encourages development including Heritage items to be carried out in such a way as to retain opportunities for

compatible use. In this proposal the applicant has retained a significant curtilage (1202m²) around the building to enable maximum potential for use of the site both in a private dwelling capacity or for possible use in a commercial/historical sense with available space for possible parking provision.

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 not involve any construction works and so will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity.

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

Execution 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 does not include any alterations of construction works- no requirements applicable.

Noise and vibration

No construction works proposed.

Bushfire

The site is not identified as being bushfire prone.

Roads

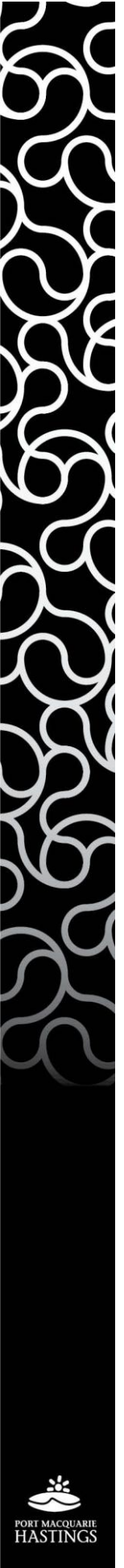
Randall Street is a dedicated sealed road under the care and control of Council. Randall Street has type SA kerbing and has sections of foot paving along its length. Randall Street has a 12m carriageway width and lies within a 20m wide road reserve.

Traffic

No changes in traffic loading is expected with this application.

Access

Existing access remain the same with no new access proposed.



Parking

No changes in parking proposed.

Manoeuvring

No changes proposed.

Pedestrians

Pedestrian facilities remain unaffected by the application.

Stormwater

Stormwater drainage remains unaffected by the application

Natural Hazards

According to council records the site lies within a Flood Planning Zone. However, the proposal is for a subdivision only does not increase the flood risk and/or impact.

Water

Records indicate that the proposed development site has a number of water services from the 100mm AC water main on the opposite side of Randall Street. A new metered water service will be required for proposed Lot 22.

Sewer

Sewer is available via an existing junction from the 150mm sideline terminating near the middle of the proposed eastern boundary of Lot 22. The existing dwelling on the residual lot is already connected to sewer.

Utilities

According to Council records the site has access to telecommunications and electricity.

Earthworks

According to Council records the site is classified as being an extreme soil loss erosion risk.

Earthworks are not anticipated with the application.

Soil

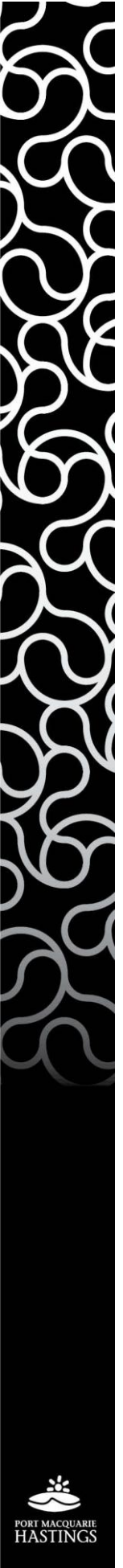
According to council records the site is not classified as an Acid Sulfate Soil risk.

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 any future use of the building.

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 execution of the proposal.

Cumulative Impacts

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

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

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

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

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
Concern raised as to the intentions of the ARTC for the site.	The ARTC have commented that the site will still retain its heritage listing regardless of its proposed sale into private ownership. It is considered that having the residence in private ownership will enable would better preserve and maintain the property.
Lack of value placed on significant site.	The applicant does not propose to alter or demolish the property and seeks only to subdivide the property from its assets to better manage its resources. This application does not seek to remove the site from the Heritage Register. Any proposal to remove the site would require significant justification and the approval of NSW Heritage Office. In the unlikely event that the site is removed from the register, Council is still able to continue listing the site under the LEP.
Subdivision will dislocate the use of the site from its historical use- will lose context.	Subdivision will not remove the site from its context and relationship to the railway precinct. Limited funding available for preservation of historical sites restricts the ability of the Railway Authority to maintain, renovate and promote the numerous historical sites within its control. Many sites fall into neglect, become derelict and are occupied by squatters. Referral was made to Councils' Heritage advisor who concurred that having the residence in private ownership provided a mutually acceptable result with increased possibility that the property would be better maintained and secured, possibly renovated and utilized in a way that would promote and preserve its heritage value. Whilst it is acknowledged that complete renovation, preservation and promotion by the Railway Authority and utilization within its own business would be an ideal result it is unrealistic in the circumstances.
Apparent application to NSW Heritage to remove building from State Heritage listing	Whilst it is possible for an item to be removed from a State Heritage Listing if significant justification is provided, it does not mean that Council is required to remove the item from its LEP or that it will result in the item losing its local significance. No approval has currently been issued to remove the item from the register.

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Nil

5. CONCLUSION

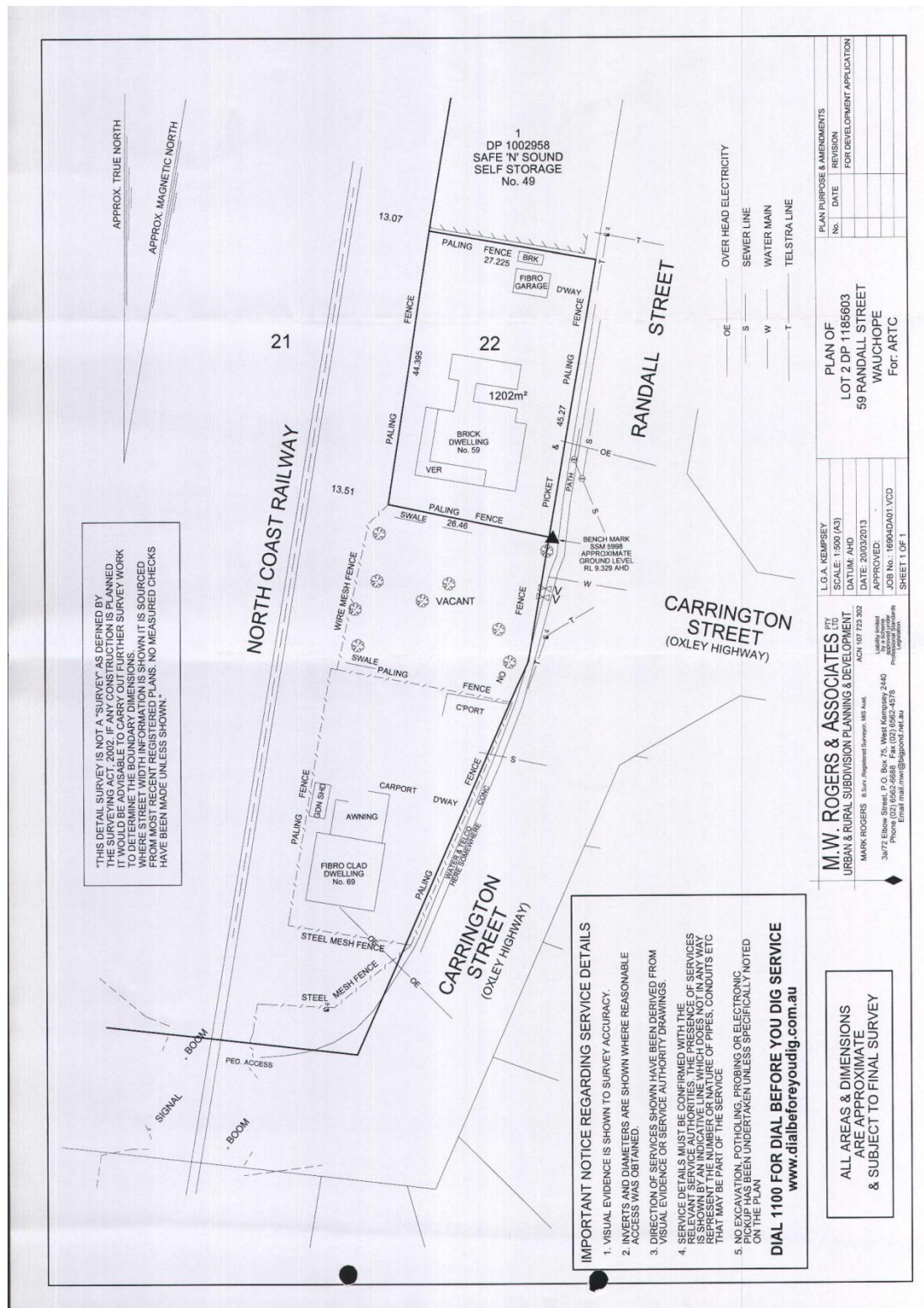
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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.

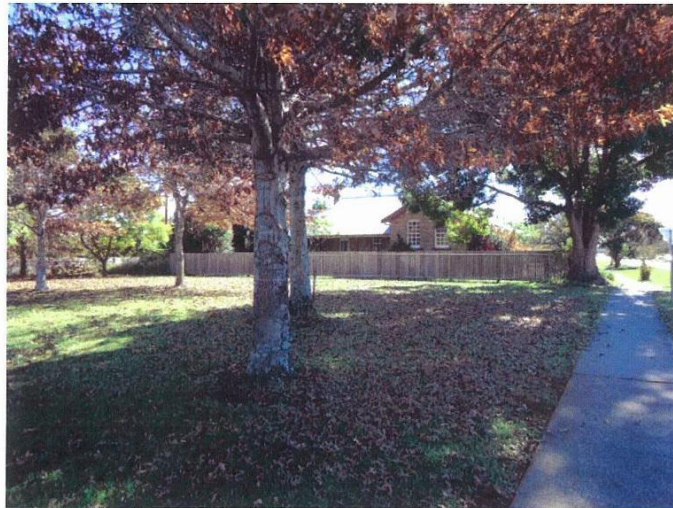
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. Consequently, it is recommended that the application be approved, subject to the recommended conditions of consent provided in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

Attachments

- 1[View](#). DA2013 - 01274 Plan
- 2[View](#). DA2013 - 0274 Statement of Heritage Impact
- 3[View](#). DA2013 - 0274 Recommended Conditions
- 4[View](#). DA2013 - 01274 NSW Heritage Council Recommended Conditions



**Statement of Heritage Impact for
Subdivision - to Wauchope
Railway Station,
Wauchope NSW 2446**



Date: 2 July 2012

Reference: SHR No: 5012263

Address and property description:

Randall Street
Wauchope NSW 2446

Prepared by:

Ray Christison
High Ground Consulting
116 Hassans Walls Road
Lithgow NSW 2790
02 6353 1812

For:

Australian Rail Track Corporation

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Statement of Heritage Impact for Wauchope Railway Station

1. Introduction

Ray Christison of High Ground Consulting has been engaged by Australian Rail Track Corporation Limited to prepare a Statement of Heritage Impact on a proposed subdivision of properties located within the area covered by the State Heritage Register listing of the Wauchope Railway Station and yard. The proposed subdivision is outlined in **Section 6. Proposed Works**.

The current State Heritage Register listing information for the Wauchope Railway Station and yard appeared to be quite inaccurate. The existing statement of significance was also insufficient to allow a reasoned judgement of the impact of the proposed development.

To obtain a clearer appreciation of the impact of the development it was decided to undertake the following tasks:

- Prepare a brief thematic history of the precinct (**Section 3**),
- Briefly describe each element of the precinct (**Section 4**),
- Prepare a revised statement of significance, including gradings of significance of each element (**Section 5**).

These were used as a basis for preparing a Statement of Heritage Impact (**Section 7**).

It is recommended that, based on the findings of this report, further investigation be undertaken into the possibility of removing the Wauchope Railway Station and yard from the State Heritage Register.

2. Wauchope Railway Station – heritage listings

2.1 State Heritage Register

Wauchope Railway Station and yard was gazetted on the NSW State Heritage Register as listing number 01283 on 2 April 1999.

The significance of the building has been summarised in the current SHR listing as follows:

Wauchope is a good example of a terminal/wayside railway group on the north coast line. It is representative and indicates the type of construction widely used on that line through the 1910-1920 period.

The SHR listing includes the following structures:

- Former station building - type 11, initial island/side building timber, 1915, demolished c1990 and replaced by a new building.
- Residence - 59 Randall St, station masters type 6, 1915,
- Timber goods shed - side shed corrugated iron 1917 106' x 16'
- Platform face - timber, 1915
- Pratt truss steel bridge of three spans on concrete piers crossing the Hastings River, built in 1915

The following Exemptions to allow work apply to the building:

- Schedule of Standard Exemptions – Applied 5 September 2008

A plan of the precinct covered by the SHR listing is included on the following page.

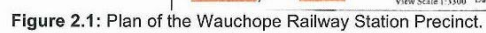
2.2 Local listings

The Hastings Shire Heritage Study 1991 identified the following items of significance relevant to this study:

- Wauchope Railway Station Group (Study No. HS0099)
- Station Master's Residence (Study No. HS0103)
- Double Sided Goods Shed (Study No. HS0104)
- Hastings River Railway Bridge (Study No. HS0089)

The Port Macquarie-Hastings Shire LEP Heritage Schedule includes the following as individual items:

- Former Station Master's Residence (SHR440197/SHI1730103)
- Canary Island Palms (SHR4440197)
- Goods Shed (SHR440197/SHI1730104)
- Bridge (SHR440197, SHR5012263/SHI1730104)



Statement of Heritage Impact for Wauchope Railway Station

3. Brief Thematic History

A brief thematic history has been prepared to provide the background for preparation of the revised statement of significance for the Wauchope Railway Station precinct. The following National and New South Wales Historic Themes have been considered:

- Government & Administration – Law and Order.
- Developing Local, Regional & National Economies – Transport.

3.1 Law and order

When Wauchope storekeeper Thomas Wallace applied for a conditional license to establish a public house in 1884 his application was opposed by the police in Port Macquarie. They argued that, as there was no police protection in Wauchope, the granting of a license would “disturb the quiet and good order of the neighbourhood”.¹ A police presence had been established in the locality by 1893². In October 1900 police from Wauchope were involved in the manhunt for Jimmy and Joe Governor.

In June 1901 tenders were invited for the erection of a courthouse at Wauchope³ and on 31 October 1902 town boundaries for Wauchope were proclaimed under the Police Offences Act⁴. Construction of the police station and courthouse appears to have commenced in 1902 but the courthouse was not officially opened until 1 March 1906⁵. This brick building was located on the Port Macquarie to Walcha Road not far from the large wharves that had been constructed on the Hastings River in 1885.



Plate 3.1: The Wauchope Courthouse & Police Station photographed from the Port Macquarie to Walcha Road (High Street). The former road is now a park located on the eastern side of the railway line. (Wauchope & District Historical Society Inc)

¹ Sydney Morning Herald 29 October 1884

² Sydney Morning Herald 11 August 1893

³ Sydney Morning Herald 8 June 1901

⁴ Parish of Korie County of Macquarie 1914

⁵ Notes on 59 Randall Street, Wauchope

Statement of Heritage Impact for Wauchope Railway Station

As the North Coast Railway approached Wauchope planning began for a replacement courthouse and police station. Land in Waugh Street was set aside for a new police station on 28 April 1912⁶ This land was apparently resumed from an area known as the Bain Estate at a cost of £404⁷. The residents of the locality also began to plan for expansion of their town. A deputation to the Attorney General and Minister for Justice in June 1914 argued that Wauchope be established as a seat for a court of Quarter Sessions. This was opposed by a delegation from Port Macquarie. The Wauchope group also urged the Minister to arrange construction of a new courthouse in brick.⁸

Tenders for the construction of a new police station at Wauchope closed on 25 January 1915. Ten tenders were received for this project⁹. Construction of new buildings was completed during 1915. The 1906 courthouse was re-designated at the Station Master's residence and served this role until the 1980s.

3.2 Transport

The private town of Wauchope developed on the southern side of the Hastings River from the 1880s. Funds were voted for the construction of a government wharf on the southern side of the Hastings River in 1884 and in August 1885 J. Egan was awarded the contract for its construction¹⁰. A separate contract was awarded to J. Card in February 1886¹¹. The wharf helped to establish Wauchope as an important transport hub for the Hastings River Valley. Completion of the Carrington Bridge over the King River later that year also reinforced the town's connection by road to Port Macquarie. The growing importance of the wharf was recognised as it was progressively extended over the next thirty years.



Plate 3.2: Wauchope Railway Station not long after its construction.
(Wauchope & District Historical Society Inc)

The final route of the North Coast Railway was chosen to cross the river at the same location as the wharf and a railway station and yard were laid out between the wharf and the Port Macquarie Walcha Road. The railway line was officially

⁶ Parish of Koorie County of Macquarie 1920

⁷ Notes on 59 Randall Street, Wauchope

⁸ Sydney Morning Herald 22 June 1914

⁹ Sydney Morning Herald 26 January 1915

¹⁰ Sydney Morning Herald 15 August 1885

¹¹ Sydney Morning Herald 13 February 1886

Statement of Heritage Impact for Wauchope Railway Station

opened 14 April 1915. Construction of a bridge across the Hastings River delayed operation of the North Coast Line beyond Wauchope for two years. During this period the goods yard became a major point for transshipment of produce and materials.

When the railway was surveyed the length of the Wauchope railway yards extended across the High Street. This street was re-aligned to allow for construction of a level crossing at the southern extremity of the yards. A gatekeeper's cottage was constructed on the eastern side of this area. The section of the former High Street located between the Station Master's residence and gatekeeper's cottage was turned into a public park. On 28 January 1949 the current level crossing road alignment was resumed "for Main Road purposes"¹².

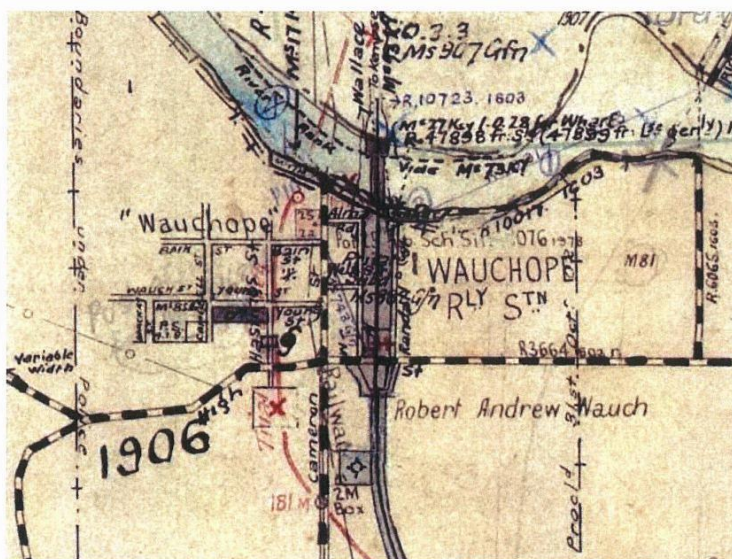


Figure 3.1: Detail from the earliest available Parish Map of the Parish of Koorie showing the Wauchope Railway Station yard and extension across High Street. (LPMI Parish Map Preservation Project)

When it opened the station and yards employed five staff. Between April and June that year the place saw 4,801 passenger journeys with 95 tons of goods received and 447 despatched.

An account of the fluctuations in staffing levels at the railway station was published by the Hastings Shire Gazette in 1965. The article noted staffing levels from 1930 as follows:

- 1930 – 7 staff
- 1939 – 10 staff

¹² Parish of Koorie County of Macquarie 1933

Statement of Heritage Impact for Wauchope Railway Station

- 1954 – 22 staff (Staffing had been increased to cater for an increase in railway goods traffic following cessation of the coastal shipping trade)
- 1965 – 18 staff¹³

Various changes leading to reduction of staffing levels have occurred since the 1960s. These include the introduction of computerised signalling in 1981¹⁴ and the relocation of a re-railing group from Wauchope to Macksville in 1983¹⁵.

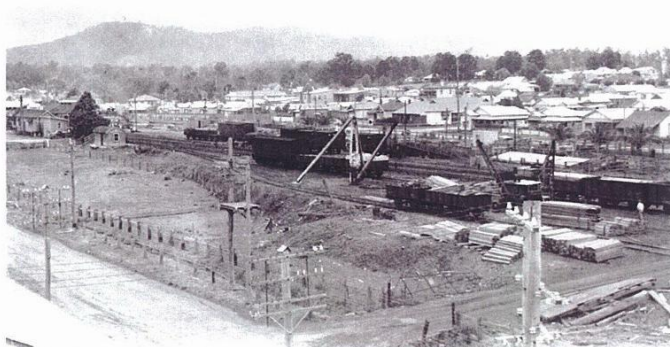


Plate 3.3: The Wauchope railway yards viewed from the Hastings Valley Dairy Co-operative in Randall Street in the 1920s. Timber sidings are located on the site of a former locomotive depot. Cattle yards & loading ramps are located on the western side of the main line. (Wauchope & District Historical Society Inc)



Plate 3.4: The White Train parked on the goods siding on the western side of the rail yards in October 1926. (State Library of NSW bop_05032)

¹³ Hastings Shire Gazette 23 September 1965

¹⁴ Hastings Shire Gazette 4 December 1981

¹⁵ Hastings Shire Gazette 23 June 1979

Statement of Heritage Impact for Wauchope Railway Station

4. Description

This section includes a description of the various structures and spaces included within the covered by the SHR listing of Wauchope Railway Station. A simple assessment of the condition of each structure and space has been included. A key to descriptions of condition is included below:

Condition	Definition
Sound	Complete, stable and structurally intact. The element appears to be in a condition to sustain its current function for some time to come.
Fair condition for age	Displays a level of deterioration commensurate with the time it has been in use. Although not pristine it maintains a reasonable level of structural integrity.
Poor condition	Heavily weathered or deteriorated. This may mean element is close to failing or has become detached from other elements of the building.

The Wauchope Railway Station SHR listing includes a number of structures with a direct relationship to the history of rail transport in the region. These structures have been specifically included in the SHR listing as follows:

- Former station building - type 11, initial island/side building timber, 1915, demolished c1990 and replaced by a new building.
- Residence - 59 Randall St, station masters type 6, 1915,
- Timber goods shed - side shed corrugated iron 1917 106' x 16'
- Platform face - timber, 1915
- Pratt truss steel bridge of three spans on concrete piers crossing the Hastings River, built in 1915.

It should be noted that the above list includes two structures that no longer exist. The description of the stationmaster's residence is also inaccurate. The following structures and spaces are also included in the area covered by the SHR listing, or have close association with the listing area:

- Gatekeeper's Cottage,
- Park located on the former alignment of High Street,
- Safe n' Sound Self Storage Units, 40 Randall Street,
- Area of former milled timber sidings,
- Hastings Co-operative Limited Cheese and Butter
- Factory, 2 Randall Street,
- Muddles Farm Centre, 4-6 Wallace Street,
- Bulk cement depot,
- Excavator Spares,
- Canary Island palms,
- Timber goods shed,
- Coal stage remnants,

All of the structures and spaces listed above are described briefly from south to north along Randall Street and from north to south along Wallace Street.

4.1 Gatekeeper's cottage

The gatekeeper's cottage is a small timber-framed Edwardian bungalow located at the southern end of the railway station precinct. This building has been heavily modified and is currently faced in vinyl cladding.

Statement of Heritage Impact for Wauchope Railway Station



Plate 4.1: The southern side of the gatekeeper's cottage.



Plate 4.2: View north through the rail yard with the gatekeeper's cottage on the right.

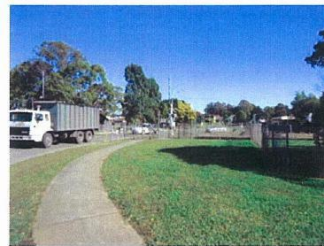


Plate 4.3: The level crossing viewed from the east.

Precinct element	Condition
Gatekeeper's cottage	The building appears to be sound. It is well maintained and has been heavily modified over time. Modifications include enclosure of verandahs, re-cladding with hardiplank and new Colorbond roof.

4.2 Park (formerly High Street)

A park has been created on the corridor originally occupied by High Street. This roadway is clearly shown in **Plate 3.1**. The park is clearly defined by the Randall Street footpath and the fences of the gatekeeper's cottage, rail yard and stationmaster's house.

Statement of Heritage Impact for Wauchope Railway Station



Plate 4.4: View north across the park towards the Station Master's house.



Plates 4.5 & 4.6: The northern & southern boundaries of the park looking east.



Plate 4.7: View north along the chain mesh fence forming the western boundary of the park. The rail yard is on the left.

Precinct element	Condition
Park (formerly High Street)	The park is clearly defined & is well maintained.

Statement of Heritage Impact for Wauchope Railway Station**4.3 Stationmaster's house, 59 Randall Street**

The former court house and stationmaster's house has been identified as a significant element of the Wauchope Railway Station SHR listing. It is noted that the SHR listing inaccurately describes the building as "Residence - 59 Randall St, station masters type 6, 1915". The building was constructed as a courthouse between 1902 and 1906 and bears no direct relationship to railway design at the time of its construction.



Plate 4.8: The western side of the stationmaster's house viewed from the station platform.



Plate 4.9: The front of the stationmaster's house.

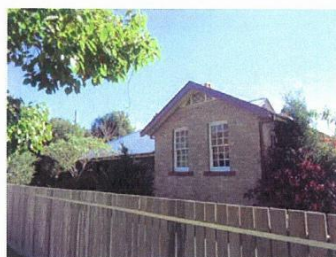


Plate 4.10: The front of the stationmaster's house.



Plates 4.11 & 4.12: The house viewed from the eastern side of Randall Street. The park is on the left.

Statement of Heritage Impact for Wauchope Railway Station

Plates 4.13 & 4.14: The eastern & northern boundaries of the block containing the stationmaster's house.

Precinct element	Condition
Stationmaster's house	The house, its outbuildings and yard appear to be very well managed and quite sound. The curtilage of the building is clearly defined.

4.4 Safe N' Sound Self Storage, 40 Randall Street

A self-storage complex has been constructed on a section of the former railway station forecourt located between the stationmaster's house and station. This is a modern building of tilt slab construction.



Plates 4.15 & 4.16: The self-storage units fronting Randall Street.



Plate 4.17: The western wall of the self-storage units. This side of the structure faces the railway yards.

Statement of Heritage Impact for Wauchope Railway Station

Precinct element	Condition
Safe N' Sound Self Storage	This modern, tilt slab building appears to be quite sound. It creates a visual separation between the former stationmaster's house and the railway station.

4.5 Wauchope Railway Station

Wauchope Railway Station is a modern building that has completely replaced the Type 11 railway station building and timber-faced platform included in the SHR listing of the Wauchope Railway Station and Yard.

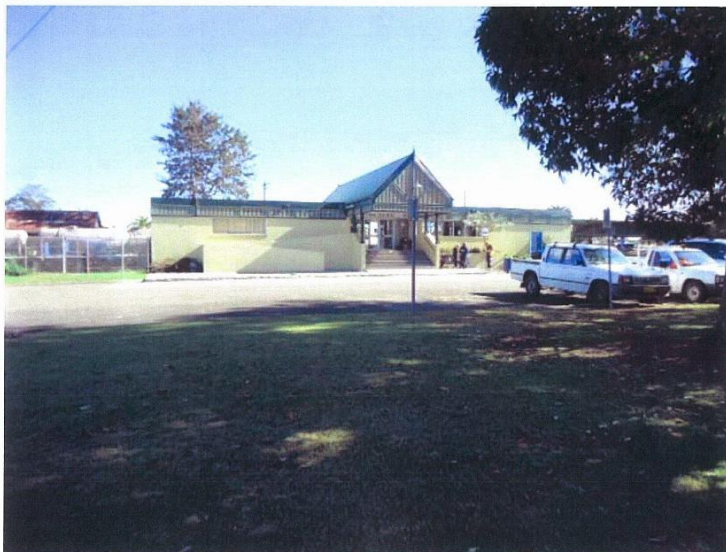


Plate 4.18: Wauchope Railway Station viewed from Randall Street.



Plates 4.19 & 4.20: Views north and south along the station platform.

Precinct element	Condition
Wauchope Railway Station	The modern railway station building & elevated concrete platform are in excellent condition. They have replaced the structures included in the SHR listing of the place.

Statement of Heritage Impact for Wauchope Railway Station

4.6 Milled timber sidings (former)

The milled timber sidings were located north of the railway station. This area is shown clearly in **Plate 3.3**. The area is now empty but clearly defined. The line of landfill created to provide room for the sidings is easily discernible.



Plates 4.21 & 4.22: Views north & south through the area formerly occupied by the milled timber sidings & re-railing gang's camp.

Precinct element	Condition
Milled timber sidings (former)	This area is now open space. The earthworks forming the original sidings are easily discernible.

4.7 Hastings Co-operative Limited Cheese and Butter Factory, 2 Randall Street

The Hastings Co-operative Limited Cheese and Butter Factory straddles the northern end of Randall Street. The western part of this complex is located within the precinct of the SHR listing but appears to have been excluded from the listing. The complex, or at least the buildings located on the eastern side of Randall Street, has been included in the Port Macquarie Hastings Shire LEP Heritage Schedule¹⁶.



Plates 4.23: The cheese & butter factory viewed from the northern end of the rail yard.

¹⁶ Port Macquarie Hastings, 2008. Heritage Register – items of significance, p.21

Statement of Heritage Impact for Wauchope Railway Station

Precinct element	Condition
Hastings Co-operative Limited Cheese and Butter Factory	The factory complex is operational & appears to be quite sound. It has an historical association with the railway yards. Its curtilage can easily be distinguished from the curtilage of the railway station & yards.

4.8 Pratt steel truss bridge

This bridge was constructed between 1915 and 1917. It continues to function as the only railway crossing of the Hastings River. The bridge forms the northern end of the SHR listing area.

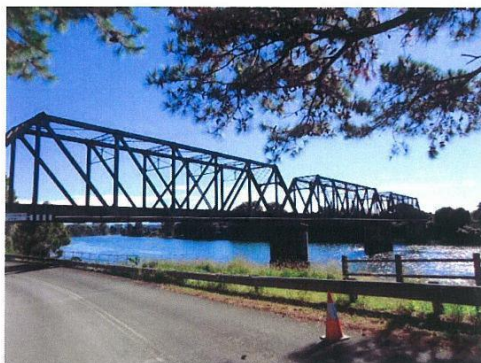


Plate 4.24: The bridge viewed from Rocks Ferry Road.

Precinct element	Condition
Pratt steel truss bridge	The bridge continues to function in its original role.

4.9 Muddle's Farm Centre, 4-6 Wallace Street

This complex of buildings sits within the northern end of the western side of the Wauchope Railway Station and yards precinct. The buildings appear to have undergone heavy modification over time. They have not been included in any previous study or listing associated with the area.

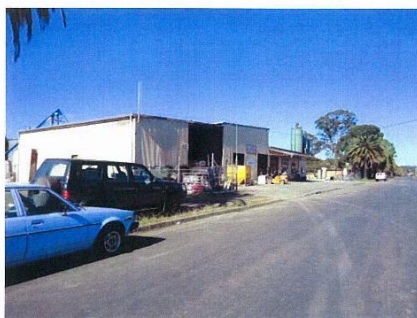


Plate 4.25: View south along Wallace Street, showing the Muddle's Farm Centre complex.

Precinct element	Condition
Muddle's Farm Centre	This complex of buildings appears to be sound.

Statement of Heritage Impact for Wauchope Railway Station

4.10 Bulk cement depot, Wallace Street

This depot appears to be the locus of the remaining rail freight activity in the railway yards. Bulk cement is delivered here by rail with rail vehicles being shunted by rail tractor.

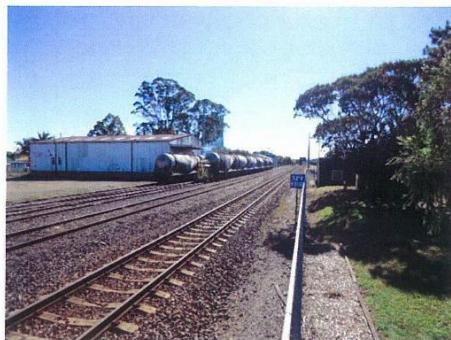


Plate 4.26: Cement hoppers being shunted in the rail yard. The bulk cement depot is behind the trees. The closest building houses Excavator Spares.

Precinct element	Condition
Bulk cement depot	This complex is functional & provides rail traffic for the Wauchope Railway Station yard.

4.11 Excavator Spares, Wallace Street

The business trading as Excavator Spares is located in a building immediately south of the bulk cement depot. This building appears to have had some connection with the railway goods sidings. It is built on the northern end of the former cattle yards.



Plate 4.27: The Wallace Street frontage of Excavator Spares photographed from the former railway yard entrance.

Precinct element	Condition
Excavator Spares	This building appears to be sound.

Statement of Heritage Impact for Wauchope Railway Station

4.12 Canary Island Palms, Wallace Street

An avenue of palms marks the western side of the Wauchope railway yards. These are part of the SHR precinct and have been included in the Port Macquarie Hastings LEP Heritage Schedule.



Plate 4.28: The avenue of Canary Island Palms looking south along Wallace Street.

Precinct element	Condition
Canary Island Palms	This avenue is quite intact.

4.13 Timber Goods Shed

This building was the subject of a 2006 report by O.H.M. Consultants. This report recommended its removal to Timbertown after formal archival recording.



Plate 4.29: The goods shed viewed from Wallace Street.

Precinct element	Condition
Timber goods shed	The goods shed appears to be neglected & in poor condition.

Statement of Heritage Impact for Wauchope Railway Station

4.14 Coal stage remnants

The remnants of a coal stage are visible beside a head shunt located south of the goods shed.



Plate 4.30: The southern end of the goods yard showing a coal bin with the coal stage beyond.

Precinct element	Condition
Coal stage remnants	The structures associated the former coal stage appear to be in fair condition.

5. Assessment of Cultural Significance

5.1 Statement of Significance

The cultural heritage significance of the place has been assessed using the guidelines prepared by the Heritage Branch, Office of Environment and Heritage and articulated in the publication Assessing Heritage Significance. The criteria applied to assessing cultural heritage significance are listed below.

The NSW heritage assessment criteria encompass the four values in the Australia ICOMOS Burra Charter, which are commonly accepted as generic values by Australian heritage agencies and professional consultants:

- historical significance
- aesthetic significance
- scientific significance
- social significance

The values are expressed as criteria in a more detailed form than this to:

- maintain consistency with the criteria of other Australian heritage agencies;
- minimise ambiguity during the assessment process; and
- avoid the legal misinterpretation of the completed assessments of listed items.

They are based on the criteria used by the Australian Heritage Commission for the assessment of potential items for the Register of the National Estate and are in line with the standard criteria adopted by other state heritage agencies.

State significance means significance to the people of NSW. Local significance means significance within the local government area. Some items of local significance may have values that extend beyond the local government area, or need a wider contextual consideration. Where this is the case these values should be included in the statement of heritage significance.

In past years assessments of geographical regions in New South Wales – such as the Illawarra and the North Coast – have been undertaken. These surveys added a third level – regional significance – between local and State. To simplify the assessment process the Heritage Council has since discontinued the use of regional significance and now uses only local and State significance as the two levels of significance within New South Wales. Items previously identified as of regional significance will need to be reassessed against these two levels.¹⁷

NSW Heritage Assessment Criteria

Criterion (a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (b)	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

¹⁷ NSW Heritage Office 2001, Assessing Heritage Significance.

Statement of Heritage Impact for Wauchope Railway Station

Criterion (c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
Criterion (d)	An item has a strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
Criterion (e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> • Cultural or natural places; or • Cultural or natural environments (or a class of the local area's <ul style="list-style-type: none"> • Cultural or natural places; or • Cultural or natural environments.)

Gradings of Significance

Grading	Justification	Status
Exceptional	Rare or outstanding item of local or State significance. High degree of intactness. Item can be interpreted relatively easily.	Fulfil criteria for local or State listing.
High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfil criteria for local or State listing.
Moderate	Altered or modified elements. Elements with little heritage value, but which will contribute to the overall significance of the item.	Fulfil criteria for local or State listing.
Little	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing.
Intrusive	Damaging to the item's heritage significance.	Does not fulfil criteria for local or State listing.

Cultural Heritage Significance

NSW Heritage Assessment Criterion	Significance	Reasons
Historical significance Criterion (a)	Local	The construction of the North Coast Railway to Wauchope reinforced the position of the town as a transport hub and supported the ongoing growth of the place. The location of the railway station and its associated yards required changes to the layout of streets within the growing town and helped to anchor the development of the commercial centre of the town in its present location. The conversion of the original Wauchope Court House into a stationmaster's house is indicative of the changes created by the development of the railway station and yards.
Historical association significance Criterion (b)	-	-

Statement of Heritage Impact for Wauchope Railway Station

NSW Heritage Assessment Criterion	Significance	Reasons
Aesthetic significance Criterion (c)	-	-
Social significance Criterion (d)	Local	Wauchope Railway Station continues to function as a transport hub for Wauchope and surrounding districts.
Technical/Research significance Criterion (e)	State/Local	The Pratt Steel Truss bridge over the Hastings River is a significant item of infrastructure. It is an example of the application of steel structural principles to improving the transport infrastructure of NSW and has state significance in this regard. Wauchope Railway Station and yards include some elements such as the goods shed and coal stage that provide information on the construction of the North Coast Railway. The relationship of other enterprises such as the butter and cheese factory, and bulk cement depot to the railway also demonstrate the impact of the railway on the industrial development of the precinct immediately surrounding the rail yards.
Rarity Criterion (f)	Local	Wauchope Railway Station and yards are a rare surviving example of a functioning passenger railway station and goods yard on the North Coast.
Representativeness Criterion (g)	Local	The railway station and yards are representative of the development of Wauchope in the early 20 th century.
Integrity Criterion (h)	The basic layout of the railway station and yards have a moderate degree of integrity. The railway station and timber-faced platform have been demolished and replaced. Other elements of the original railway yards have been demolished or are neglected.	

5.2 Summary statement of significance

The cultural heritage significance of the Wauchope Railway Station and yard can be summarized as follows:

The construction of the North Coast Railway to Wauchope reinforced the position of the town as a transport hub and supported the ongoing growth of the place. The location of the railway station and its associated yards required changes to the layout of streets within the growing town and helped to anchor the development of the commercial centre of the town in its present location. The conversion of the original Wauchope Court House into a stationmaster's house is indicative of the changes created by the development of the railway station and yards. The station continues to function as a transport hub. The Pratt Steel Truss bridge over the Hastings River is a significant item of infrastructure. It is an example of the application of steel structural principles to improving the transport infrastructure of NSW and has state significance in this regard. Wauchope Railway Station and yards include some elements such as the goods shed and coal stage that provide information on the construction of the North Coast Railway. The relationship of other enterprises such as the butter and cheese factory, and bulk cement depot to the railway also demonstrate the impact of the railway on the industrial development of the precinct

Statement of Heritage Impact for Wauchope Railway Station

immediately surrounding the rail yards. The place has local historical, social and technical research significance, rarity and representativeness. The Pratt Steel Truss bridge crossing the Hastings River has state technical/research significance. The complex has a moderate degree of integrity.

5.3 Gradings of significance

The grading of significance of each element of the Wauchope Railway Station and yards has been assessed in accordance with its integrity, interpretations of its function within the site, and its relationship with other features. Gradings of significance have been assessed using NSW Heritage Office criteria contained in the NSW Heritage Manual update Assessing Heritage Significance. According to this publication; 'Different components of a place make a different relative contribution to its heritage value. Loss of integrity or condition may diminish significance'¹⁸. Gradings of significance reflect the relative contribution of an item or its components to the significance of the whole.

Wauchope Railway Station and yards	Grading of Significance				
	Exceptional	High	Moderate	Little	Intrusive
Gatekeeper's cottage			X		
Park (formerly High Street)	X				
Stationmaster's house	X				
Safe N' Sound Self Storage					X
Wauchope Railway Station				X	
Milled timber sidings (former)				X	
Hastings Co-operative Limited Cheese and Butter Factory			X		
Pratt steel truss bridge	X				
Muddle's Farm Centre				X	
Bulk cement depot				X	
Excavator Spares				X	
Timber goods shed			X		
Coal stage remnants			X		

5.4 Discussion of significance

Wauchope Railway Station and yard was added to the NSW State Heritage Register in 1999 as part of a bulk listing of NSW railway stations, yards and related facilities. Changes within the Wauchope precinct since that listing occurred have dramatically undermined the logic of the listing and it now seems difficult to justify the retention of the entire precinct on the State Heritage Register. It appears that the Pratt Steel Truss bridge has the potential to remain on the State Heritage Register.

It is recommended that a more complete study of the precinct be undertaken to determine whether the entire precinct should remain on the State Heritage Register.

¹⁸ NSW Heritage Office, 2001. Assessing heritage significance. p.11X

The Australian Rail Track Corporation is proposing to subdivide the Wauchope Railway Station and yard to create separate title for the following elements:

- Stationmaster's house and yard - Lot 1.
- Park (formerly High Street) – Lot 2.
- Gatekeeper's cottage – Lot 3.

The purpose of the subdivision is to facilitate transfer of the properties to the ownership of the Port Macquarie Hastings Shire Council. The council currently maintains the park and community interest has been expressed in use of the stationmaster's residence as an arts space. A plan of the proposed subdivision is included below.

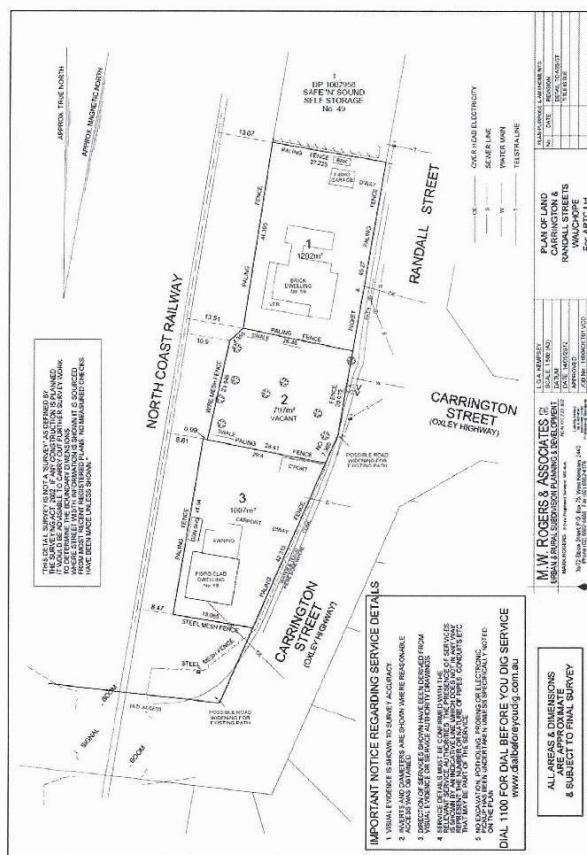


Figure 6.1: Plan of proposed subdivision.

7. Statement of Heritage Impact

7.1 The following aspects of the proposal respect or enhance the heritage significance of the item for the following reasons:

The current SHR listing for the Wauchope Railway Station and yards identifies individual buildings and structures that are considered to contribute to the cultural heritage significance of the place. The former Stationmaster's house, while inaccurately described in the listing, is identified as one such feature. A revised assessment of cultural heritage significance included in **Section 4** of this report identifies the Stationmaster's house as having local significance.

Having been built between 1902 and 1906 the Stationmaster's house predates the construction of the North Coast Railway to Wauchope. The adjacent park marks the former alignment of High Street, Wauchope. This was truncated by the construction of the railway and re-alignment of the road to skirt the southern end of the rail yards.

The proposed subdivision will have no direct impact on the cultural heritage significance of the Wauchope Railway Station and yards. Each of the properties involved is clearly distinguished from the rest of the precinct by existing fencing. Management of curtilage is the principal issue affecting this development

The subdivision has been planned to respect the existing curtilage of the Wauchope Railway Station and yards, and the curtilage of each item to be subdivided. This has been achieved as follows:

- Each of the items is separated from the active North Coast Railway by secure fencing that defines the boundary between the properties involved and the railway corridor. These boundary fences have been used as the western boundary of each of the three blocks.
- The existing boundary fences of the Stationmaster's house and gatekeeper's cottage have been used to define the boundaries of the proposed Lots 1 and 3. These fences define the historical curtilage of the two dwellings.
- The park covering the former alignment of High Street (Lot 2) is clearly defined by the boundaries of Lots 1 and 3, and by the present alignment of Carrington Street.

The subdivision will allow for transfer of the Stationmaster's house (Lot 1) and park (Lot 2) to the Port Macquarie Hastings Shire Council. Council is currently maintaining the park and it is expected that this will continue. The stationmaster's house is currently empty and considerable interest has been shown in its use by community groups. Provision of an alternate use for this building will assist with its ongoing maintenance and conservation.

Statement of Heritage Impact for Wauchope Railway Station

7.2 The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

Subdivision of the three properties located at the south-eastern end of the Wauchope Railway Station and yard could potentially diminish the significance of the precinct by separating land ownership. The spaces to be demolished are already clearly separated from the active sections of the railway station precinct by boundary fencing that defines the areas to be subdivided. This separation is reinforced by the structure of the self storage units located in Randall Street.

Potential detrimental impacts on significance have been considered in the subdivision plan, which reinforces the existing boundary fencing defining each of the affected properties.

There are currently no proposals to alter the structures and spaces covered by the proposed subdivision.

7.3 The following sympathetic solutions have been considered and discounted for the following reasons:

The alternative to subdivision of the property is the retention of the three properties within the railway yard. This will ensure their ongoing custody by the Australian Rail Track Corporation, an organisation with core business far removed from property management and the provision of community services.

The most sensible long-term approach for the former stationmaster's house, park and gatekeeper's cottage seems to be to allow for these properties to be placed in the hands of owners with a clearer mandate for their ongoing management and use.

Statement of Heritage Impact for Wauchope Railway Station

7. References

Australian Rail Track Corporation Ltd. 12 February 2010. Letter re Wauchope Railway Station Goods Shed – SHR 01283.

Cooper, R., 2005. *A Short History of Wauchope Volume 2*. Wauchope, The Wauchope & District Historical Society Inc.

Heritage Council of NSW, 2009. Heritage Information Series – Standard Exemptions for Works Requiring Heritage Council Approval.

Heritage Council of NSW. Statements of Heritage Impact.

M.W. Rogers & Associates Pty Ltd. 2012. Detail Survey and Plan for First Title Creation Wauchope – Former Station Masters Residence. Prepared for Australian Rail Track Corporation Ltd.

O.H.M. Consultants, 2006. Wauchope Goods Shed Options for Future Management. Prepared for Australian Rail Track Corporation Ltd.

Port Macquarie Hastings Shire Council. 2008. Heritage Register – items of significance.

Suters Architects Snell, 1991. Hastings Shire Heritage Study Final Report. Prepared for Hastings Municipal Council.

Wauchope Railway Station Group [Online] Available:
http://www.heritage.nsw.gov.au/07_subnav_04_1.cfm (2012, July 2)

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2013/274****DATE: 4 July 2013****PRESCRIBED CONDITIONS**

The development is to be undertaken in accordance with the prescribed conditions of Part 6 - Division 8A of the *Environmental Planning & Assessment Regulations 2000*.

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Subdivision Plan	16904DA01.VCD	M W Rogers & Associates Pty Ltd	20/2/13
S60 Heritage Act Approval	2012/S60/073	Heritage Council	3/9/12

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) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (3) (A006) Approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply is to be obtained from Port Macquarie-Hastings Council.
- (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 referenced below, are attached and form part of the consent conditions for this approval.
- NSW Department of Environment and Heritage - The General Terms of Approval, Reference A973015 and dated 3 September 2012, are attached and form part of this consent.

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 development.
 1. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, NSW Code of Practice and Port Macquarie-Hastings Council Policies.
- (2) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

nil


E – PRIOR TO OCCUPATION OR THE ISSUE OF SUBDIVISION CERTIFICATE

- (1) (E051) Prior to occupation or the issuing of any Subdivision Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (2) (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.

F – OCCUPATION OF THE SITE

nil

ANNEXURE C



Heritage Council
of New South Wales

3 Marist Place
Parramatta NSW 2150

Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
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RECEIVED
- 6 SEP 2012
ARTC
PROPERTY NORTH

Mr Paul Purcell
Transport NSW (CRIA)
Locked Bag 1
BROADMEADOW NSW 2292

Contact: Siobhan Lavelle
Phone: 02 9873 8546
Fax: 02 9873 8599
Email: siobhan.lavelle@heritage.nsw.gov.au
File: 10/20431
Our Ref: A973015
Your Ref:

Dear Mr Purcell

APPLICATION UNDER S60 OF THE NSW HERITAGE ACT, 1977

RE: WAUCHOPE RAILWAY STATION GROUP (SHR NO. 1283)

Proposal:
Subdivision of 3 lots from the existing Wauchope Rail Precinct, including:

- Lot 1, the Former Station Masters Residence 59 Randall Street Wauchope
- Lot 3, the Former gatekeepers cottage and
- Lot 2, the existing park located on the former alignment of High Street Wauchope.

S60 Application no. 2012/S60/073 received on 19 July 2012.
Information received with the S60 application:
S60 application form with letter from ARTC and supporting Statement of Heritage Impact by High Ground Consulting.
Additional information requested: No
Date additional information received: N/A

As delegate of the NSW Heritage Council, I have considered the above application. Pursuant to Section 63 of the NSW Heritage Act, 1977, the Heritage Council hereby informs Mr Purcell that approval is granted subject to the following conditions:

1. The proposal to subdivide the Wauchope Railway Station and yard to create separate titles for the Stationmaster's house and yard – Lot 1; the Park (formerly High Street) – Lot 2; and the Gatekeeper's cottage – Lot 3; is approved. All work shall comply with the information contained within the Section 60 Application No. 2012/S60/073 and its supporting documents in particular a letter dated 13 July 2012 from Australian Rail Track Corporation and the report Statement of Heritage Impact for Subdivision – to Wauchope Railway Station, Wauchope NSW 2446, July 2012, prepared by Ray Christison, High Ground Consulting for Australian Rail Track Corporation and specifically Figure 6.1 of that report;

EXCEPT AS AMENDED by the following conditions of this consent

Helping the community conserve our heritage

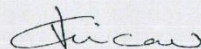
SCANNED

ANNEXURE C

2. The proposal does not include any physical works. Any physical works would require further approvals under the provisions of Section 57 and 60 of the NSW Heritage Act; and
3. This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of the approval or within the period of consent specified in any relevant development consent granted under the Environmental Planning and Assessment Act, 1979, whichever occurs first.

It should be noted that an approval under the Heritage Act is additional to that which may be required from other Local Government and State Government Authorities. If you have any questions regarding the above matter please contact Siobhan Lavelle at the Heritage Branch on (02) 9873 8546.

Yours sincerely



03/09/2012

Vincent Sicari
Manager, Conservation Team
Heritage Branch
Office of Environment & Heritage
AS DELEGATE OF THE NSW HERITAGE COUNCIL

cc. Port Macquarie – Hastings Council, DX 7415 Port Macquarie
Mr Paul Samaras, Heritage Manager, ARTC, Locked Bag 1, Broadmeadow NSW 2292