



# Development Assessment Panel

## Business Paper

**date of meeting:** Wednesday, 23 October 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**

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

Member	10/07/13	24/07/13	14/08/13	28/08/13	11/09/13
Paul Drake	✓	✓	✓	✓	✓
Matt Rogers					
Dan Croft Patrick Gailbraith-Robertson (alternate)	✓	✓	✓	✓	✓
David Fletcher Paul Biron (alternate)	✓	✓	✓	✓	✓
David Troemel	✓	✓	✓	✓	✓

Member	25/09/13	09/10/13			
Paul Drake	✓	✓			
Matt Rogers					
Dan Croft Patrick Gailbraith-Robertson (alternate)	✓	✓			
David Fletcher Paul Biron (alternate)	✓	✓			
David Troemel	✓	✓			

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



**PORT MACQUARIE  
HASTINGS**

# Development Assessment Panel Meeting

Wednesday, 23 October 2013

## Items of Business

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**PORT MACQUARIE  
HASTINGS**

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**Item: 01****Subject: ACKNOWLEDGEMENT OF COUNTRY**

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

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

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**RECOMMENDATION**

That the apologies received be accepted.

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

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**RECOMMENDATION**

That the Minutes of the Development Assessment Panel Meeting held on 9 October 2013 be confirmed.

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**PRESENT**

***Members:***

Paul Drake  
Dan Croft  
David Fletcher  
David Troemel

***Other Attendees:***

Patrick Galbraith-Robertson  
Clinton Tink

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The meeting opened at 2.00pm.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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Nil.

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**03 CONFIRMATION OF MINUTES**

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**CONSENSUS:**

That the Minutes of the Development Assessment Panel Meeting held on 25 September 2013 be confirmed.

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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 DA 2013 - 286 - EARTHWORKS ASSOCIATED WITH RECREATION AREA AT LOT 16 DP 1122022, 79 OCEAN DRIVE, PORT MACQUARIE**

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Speaker:

Robert Harrison (o)

**CONSENSUS:**

That it be recommended to Council that DA 2013/286 regarding earthworks associated with a recreation area at Lot 16, DP 1122022, No. 79 Ocean Drive, Port Macquarie, be determined by granting of consent subject to the recommended conditions.

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**06 DA2013 - 446 - STAGED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING INCLUDING DEMOLITION OF SIXTEEN (16) UNITS AND CONSTRUCTION OF TWO (2) X TWO (2) STOREY BUILDINGS CONTAINING TWELVE (12) UNITS ASSOCIATED WITH RETIREMENT VILLAGE**

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Speakers:

Brian Buckett (o)

Laurie Prentice (applicant)

Scott Marchant (applicant)

**CONSENSUS:**

That DA 2013 - 446 for Staged alterations and additions to building including demolition of sixteen(16) units and construction of two(2) x two(2) storey buildings containing twelve(12) units associated with retirement village at Lot 2, DP 736860, No. 166 River Park Road, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Amend condition A1 by adding the words 'and first' after 'community centre ground' in row 7 of the table.
  - Amend condition E9 by adding the words 'associated with public assets' after 'all works'.
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The meeting closed at 2.30pm.

Item: 04  
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

I, ..... declare the following interest:

☐

**Pecuniary:**

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

☐

**Non-Pecuniary - Significant Interest:**

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

☐

**Non-Pecuniary - Less than Significant Interest:**

May participate in consideration and voting.

For the reason that: .....  
.....

Signed: ..... Date: .....

*(Further explanation is provided on the next page)*



**Further Explanation**

(Local Government Act and Code of Conduct)

A conflict of interest exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out their public duty. Interests can be of two types: pecuniary or non-pecuniary.

All interests, whether pecuniary or non-pecuniary are required to be fully disclosed and in writing.

**Pecuniary Interest**

A pecuniary interest is an interest that a Council official has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the Council official. (section 442)

A Council official will also be taken to have a pecuniary interest in a matter if that Council official's spouse or de facto partner or a relative of the Council official or a partner or employer of the Council official, or a company or other body of which the Council official, or a nominee, partner or employer of the Council official is a member, has a pecuniary interest in the matter. (section 443)

The Council official must not take part in the consideration or voting on the matter and leave and be out of sight of the meeting. (section 451)

**Non-Pecuniary**

A non-pecuniary interest is an interest that is private or personal that the Council official has that does not amount to a pecuniary interest as defined in the Act.

Non-pecuniary interests commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

The political views of a Councillor do not constitute a private interest.

The management of a non-pecuniary interest will depend on whether or not it is significant.

***Non Pecuniary – Significant Interest***

As a general rule, a non-pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest, but it involves:

- (a) A relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the Council official or of the Council official's spouse, current or former spouse or partner, de facto or other person living in the same household.
- (b) Other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- (c) An affiliation between a Council official an organisation, sporting body, club, corporation or association that is particularly strong.

If a Council official declares a non-pecuniary significant interest it must be managed in one of two ways:

1. Remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.
2. Have no involvement in the matter, by taking no part in the consideration or voting on the matter and leave and be out of sight of the meeting, as if the provisions in section 451(2) apply.

***Non Pecuniary – Less than Significant Interest***

If a Council official has declared a non-pecuniary less than significant interest and it does not require further action, they must provide an explanation of why they consider that the conflict does not require further action in the circumstances.

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Signature: ..... Date: .....

**Important Information**

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

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

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

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**Item: 05****Subject: DA 2013 - 372 - TEMPORARY ROAD AT LOT A DP 382960, 744  
BEECHWOOD ROAD, BEECHWOOD****Report Author: Clint Tink**

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<b>Property:</b>	<b>Lot A DP 382960, 744 Beechwood Road, Beechwood</b>
<b>Applicant:</b>	<b>Hopkins Consultants Pty Ltd</b>
<b>Owner:</b>	<b>Midco Holding Pty Ltd</b>
<b>Application Date:</b>	<b>15 July 2013</b>
<b>Estimated Cost:</b>	<b>\$60,000</b>
<b>Location:</b>	<b>Beechwood</b>
<b>File no:</b>	<b>DA 2013 - 372</b>
<b>Parcel no:</b>	<b>1668</b>

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**Alignment with Delivery Program**

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

**RECOMMENDATION**

**That DA 2013 - 372 for a temporary road at Lot A, DP 382960, No. 744 Beechwood Road, Beechwood, be determined by granting consent subject to the recommended conditions.**

**Executive Summary**

This report considers a Development Application for a temporary road at the subject site. The purpose of the temporary road is to provide an alternative access to a subdivision (DA 2007/701) approved on the subject property (and adjoining land) in 2009 that has yet to commence. The temporary access will allow the developer to commence part of the subdivision without reliance on other property owners or doing work on other properties that are part of the approved subdivision.

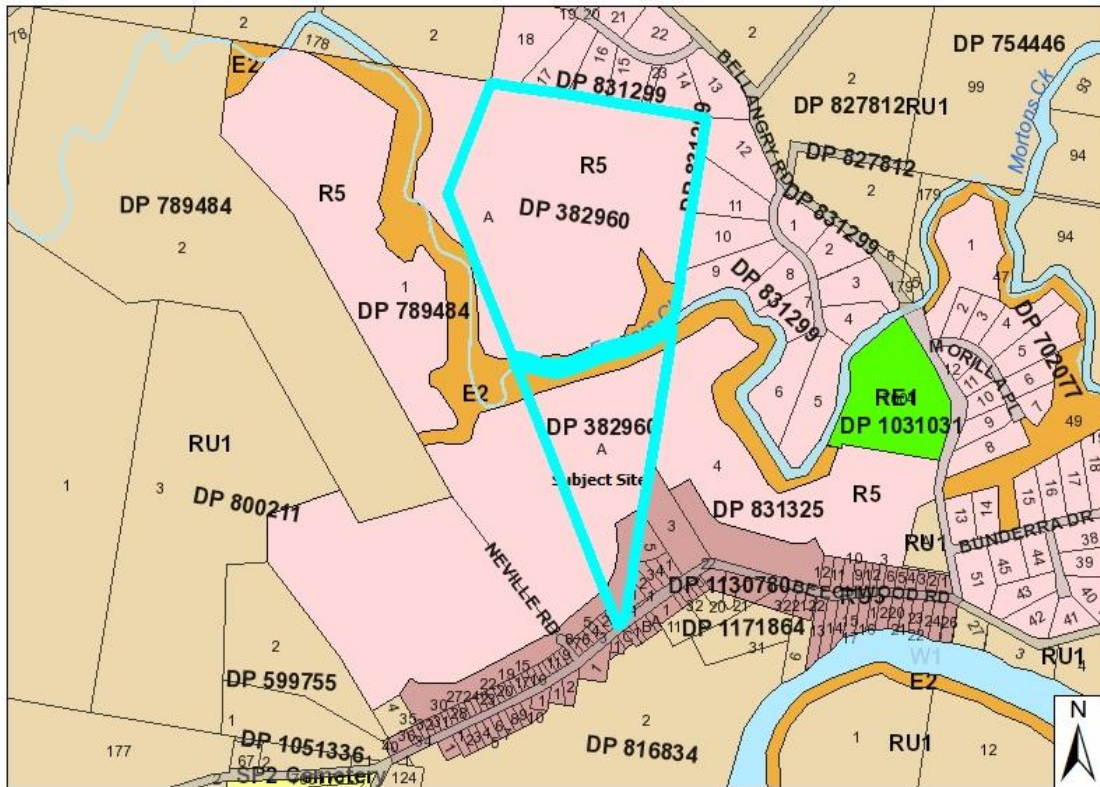
This report provides an assessment of the application in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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 42.89ha.

The site is zoned RU5 Village, R5 Large Lot Residential and E2 Environmental Conservation in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The site is bound to the south by the existing Beechwood village area comprising predominately single dwellings on 1000m<sup>2</sup> size lots. To the north and north east are rural residential sized lots. The remaining areas adjoining the site are rural style lots that are designated to go through a transition into rural residential.

Frazers Creek traverses the centre of the property.

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





## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the application proposal include the following:

- The construction of a temporary 17m wide road reserve with 6m carriageway from Beechwood Road linking to the subdivision and road design approved under DA 2007/701. The temporary road will be restricted to only serve 30 lots or dwellings, whichever occurs first. The road will also be closed off or converted to a private access place, once Neville Road is formally extended to the lot as per DA 2007/701.
- A Voluntary Planning Agreement (VPA) applies to the site. The VPA allows the owner of the subject property to gain access over the adjoining property to the west and create the road design in accordance with the subdivision approved under DA 2007/701. However, the issue of who pays for and constructs the road under DA 2007/701 (which benefits multiple property owners) appears to be a reason for the proposal not moving forward to date. The temporary road allows one of the owners to move forward on part of the approved subdivision applicable to their site.
- DA 2007/701 allowed for staging. The proposed road will provide access to the subject property and links in with the road proposed under DA 2007/701. The applicant will be responsible for ensuring that any action on DA 2007/701 is carried out in accordance with the requirements and conditions of that consent.
- As part of pre-lodgement advice, the applicant was provided the opportunity to review whether the application could be a s96 modification to DA 2007/701 or a separate/new application. The applicant chose to lodge the proposal as a new application. There was scope for either option, but a new application is considered more appropriate given the road was not part of the original subdivision and rather attaches to the subdivision.

**Application Chronology**

- 25/11/2009 - DA 2007/701 for a staged rural residential subdivision was approved by Council.
- 4/6/2013 - Proposal was presented to a pre-lodgement meeting.
- 15/7/2013 - Application lodged with Council.
- 30/7/2013 to 13/8/2013 - Exhibition period for the application.

**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 in size (including any adjoining land under same ownership) 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 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 (Infrastructure) 2007**

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

**State Environmental Planning Policy (Major Development) 2005**

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

**State Environmental Planning Policy (Rural Lands) 2008**

The following assessment table provides an assessment checklist against specific requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
The existing uses and approved uses of land in the vicinity of the development - 10(3)(a)	The area has been designated for rural residential purposes and a subdivision approved for the site and surrounding lots under DA 2007/701. This application will provide a temporary alternate access to part of the previously approved subdivision. The development is unlikely to create any impact on the surrounding area that has not already been considered before as part of the rezoning and subdivision process.	Yes
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 be preferred and the predominant land uses in the vicinity of the development – 10(3)(b)	Refer to above comments.	Yes
Whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b) – 10(3)(c)	The road servicing an approved subdivision on the same lot of land is compatible with the area.	Yes
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 – 10(3)(d)	The land is within a designated rural residential area.	N/A
Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d) – 10(3)(e).	No specific measures proposed or required - see comments above.	Yes

### Port Macquarie-Hastings Local Environmental Plan 2011

In accordance with clause 2.2, the subject site is zoned RU5 Village, R5 Large Lot Residential and E2 Environmental Conservation. The temporary road is only proposed on the RU5 and R5 zoned sections of the property and for this reason the assessment will focus on such an area and applicable provisions.

In accordance with clause 2.3(1) and the RU5 and R5 zone landuse table, the proposed development for a road is a permissible landuse with consent.

The objectives of the RU5 and R5 zone are as follows:



RU5

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To permit development that is appropriate in scale and type with the characteristics of a rural village.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

R5

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

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

- the proposal is a permissible landuse;
- the proposal will promote the development of the surrounding zoned and approved area for dwellings in a rural setting;
- the development will not hinder the future development of the area;
- will create minimal conflict, especially considering the temporary nature of the road.

**In accordance with Clause 2.6AA, the demolition of any structures will require consent.**

In accordance with clause 4.1, the development does not compromise any lot sizes. No new lots are being created other than the residue section following the creation of the road reserve.

In accordance with clause 5.9, no listed trees in Development Control Plan 2011 are proposed to be removed.

In accordance with Clause 5.10, the site does not contain or adjoin any known heritage items or sites of significance.

In accordance with clause 7.3, the site is not land within a mapped "flood planning area".

In accordance with clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, on-site sewage management/sewer infrastructure, stormwater drainage and suitable road access to service the residual lot.

The requirements of the LEP are therefore satisfied.

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

None relevant.

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

**Port Macquarie Hastings Development Control Plan 2011**

<b>Notification/Advertising</b>		
Development has been notified in accordance with DCP 2011	Adjoining property owners were notified in accordance with the DCP.	Yes
<b>Crime Prevention</b>		
DP 1.1 CPTED principles considered.	The temporary road will create no long term adverse impacts on criminal activity in the area.	Yes
<b>Environmental Management</b>		
DP 1.1-3.1 Heritage considerations	The site does not contain any known heritage items or sites of significance.	Yes
<b>Hazards Management</b>		
DP 12.1 Stormwater complies with Auspec	To be conditioned.	Yes
<b>Transport, Traffic Management, Access and Car Parking</b>		
DP 1.1-1.3 New roads are designed in accordance adopted specifications. Refer to Subdivision section of DCP provisions DP 8.1-15.2.	The road design has been accepted by Council's Engineering section.	Yes

**(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:**

The landowner, Midco Holdings Pty Ltd and three adjoining landowners have entered into Voluntary Planning Agreements for the purposes of Section 93F of the Act in relation to Development Application DA 2007/0701 for subdivision of the subject land and adjoining properties.

The Beechwood Water Supply, Sewerage Services and Road Works Planning Agreement between Council and the landowner, Midco Holdings Pty Ltd was executed on 16 February 2010.

The landowners agreed to pay Development Contributions in accordance with the VPA in connection with carrying out of development permitted by DA 2007/0701.

The VPA provides for the dedication of a section of future road link land across Lot 1 DP 789484, currently owned by Kayjay Superannuation Pty Ltd, from Neville Road to the western boundary of Lot A. While Council could require dedication of the land - the owners of Lot A have indicated that they do not want to construct the section of road across the adjoining land and would prefer to provide a temporary access to the site.

Payment of development contributions for subdivision of lots in accordance with DA 2007/0701 and the Beechwood Water Supply, Sewerage Services and Road Works Planning Agreement would be required prior to release of the Subdivision Certificate, unless deferral of payment has been approved by Council. The requirement for payment of development contributions under DA 2007/0701 are not changed by the new development application for temporary access.

Construction of the Neville Road Intersection Works is to be completed prior to release of the Subdivision Certificate that results in creation of the 30<sup>th</sup> residential lot

on the land that comprises Lot 3 DP 800211, Lot 1 DP 7894894 and Lot A DP 382960. This requirement would continue to apply even if the lots created via the subdivision of Lot A DP 382960 are initially served by the temporary access road.

**iv) any matters prescribed by the Regulations:**

**Demolition of buildings AS 2601 - CI 66 (b)**

To be conditioned.

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

None relevant.

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

**Context & Setting**

The site is bound to the south by the existing Beechwood village area comprising predominately single dwellings on 1000m<sup>2</sup> size lots. To the north and north east are rural residential sized lots. The remaining areas adjoining the site are rural style lots that are designated to go through a transition into rural residential.

Frazers Creek traverses the centre of the property.

The proposal will be unlikely to have any adverse impacts to existing adjoining properties. The development does not compromise the future development of the area including DA 2007/701, which can still proceed.

**Access, Transport & Traffic**

Roads

The proposed temporary road will join onto the existing Beechwood Road, which is a Council owned and maintained sealed rural road. It is intended to provide a sealed road to the Access Place standard as per AUSPEC D1 (i.e. 6.0m sealed carriageway). It was noted in the Hopkins report that the road would likely become a private access-way for future development adjacent to the road (subject to a separate DA).

Traffic

The intersection with Beechwood would need to be designed and constructed in accordance with AUSPEC and Austroads Standards. No objection has been raised on traffic grounds.

**Utilities**

Utilities are available to the area with any relocation or change to utilities having to be done at the applicant's expense.

**Stormwater**

It is noted that the site slopes away from Beechwood Road, and the stormwater will need to be dealt with on the subject property.

**Sewer**

Beechwood Sewer reticulation is currently under construction. The proposed road will not impact on the infrastructure. The sewer plans show a manhole adjacent the West boundary of the subject lot approximately half way along the proposed road. Site inspection revealed that this manhole has been installed.

Whilst this manhole will be outside the constructed road carriageway it may be affected by the roadworks. Construction of the temporary road is to comply with Council's Auspec D12 in regard to any work in the vicinity of the manhole.

**Water**

Records indicate that the proposed development site is adjacent to a 150mm AC water main on the same side of Beechwood Road. The water main is to be replaced at the proposed road location with ductile iron at a minimum depth of 600mm.

The proposed new water main connection along the new road may require upgrading of the 150mm AC water main along the north side of Beechwood Road from Neville Road to the proposed new road in addition to the requirements of the Planning Agreement. Fresh modelling will be required to assess this.

The proposed new water main will be located on the western side of the new road, behind a kerb and with sufficient footpath space for other utility services.

If the water main is to remain as a permanent fixture, then in the long term it will need to be in a public reserve of some sort (public footpath, public reserve, water supply reserve etc.)

**Soils**

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

**Air and microclimate**

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

**Flora and fauna**

Construction of the proposed development will 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**

No adverse impacts anticipated. Standard precautionary site management condition recommended.

**Noise and vibration**

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours. In addition, the entry point to the proposed temporary road is bound by a park to the east and dwelling to the west. Traffic noise will therefore only have potential to impact on the dwelling to the west. Overall, traffic numbers off the road will be limited to 30 lots. Fencing will also be required to provide further protection to the house.

It should also be noted that no submission was received from the land owner to the west.

**Safety, Security & Crime Prevention**

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

**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. In particular, the development has the potential to generate activity around DA 2007/701.

**Site Design and Internal Design**

The proposed development design is satisfactorily responds to the site attributes and will fit into the locality. The development does not compromise the previous approved DA 2007/701, which can still proceed. The development provides an alternate and temporary access to the approved subdivision. No adverse impacts likely.

**Construction**

No potential significant adverse impacts identified to neighbouring properties with the construction of the proposal. Standard controls to minimise impact during construction will be required.

**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 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.

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

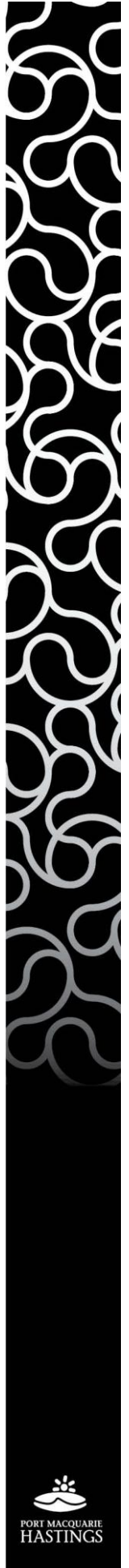
Two (2) written submissions have been received following completion of the required public exhibition of the application.

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



Submission Issue/Summary	Planning Comment/Response
<p>The development should not impact on the orderly development of DA 2007/701. There is insufficient information to determine such an issue.</p>	<p>The development will not compromise DA 2007/701, which can still proceed. This application will allow the developer of Lot A to proceed with part of their section of the approval. To a degree, the development will result in the owners of each lot being responsible for the construction of the road that traverses each of their lot and to which each owner gains access. The alternate is that Lot A could construct and pay for the access off Neville Road and the owner of Lot 1 would gain the benefit of such work. It is considered that this development has the potential to kick start the subdivision.</p> <p>Whether the proposal is the best option financially for the applicant is for them to decide as Council staff consider that the development does not compromise DA 2007/701, but rather provides an alternate solution for one of the owners to start developing their land.</p>
<p>The development does not indicate how the proposed temporary road will impact on the orderly development of land. The application indicates that the temporary road will likely become a private access way for future development adjacent to the road, which suggests permanency.</p>	<p>The application provides information as to the intent and reasoning behind the development in the 'proposal' section of their report. Through conditions, Council staff consider that the development will allow for DA 2007/701 and the orderly development of the land/surrounding land to occur. Conditions will be imposed to cover the timing of the closure or downsizing of the road, especially to ensure it does not become a permanent 'short cut', once DA 2007/701 begins to develop. In particular, the temporary access will only be allowed to exist as a connection whilst it serves 30 lots/dwellings. This does create a situation whereby the applicant could construct the road and one of the other owners develop their land for 30 lots under DA 2007/701 and the road having to be closed before any use or development of Lot A. This is a risk the applicant of this proposal will need to consider.</p>
<p>Seek Council's confirmation that contributions levied under DA 2007/0701 to upgrade the intersections with Beechwood Road and Neville Road and Beechwood Road and the new eastern road will not spent on the temporary road access.</p>	<p>Council's Contribution planning staff have confirmed that contributions levied for upgrade of Neville Road intersection and new eastern road intersection will not be spent on the new temporary access.</p>

<p>The VPA includes provision for a road link and deals with access arrangements that ensure that all owners had an equal ability to commence the development on their land. There is not sufficient information to allow other landowners to satisfy themselves that the proposed Temporary Road will not have a negative impact on the orderly roll-out of the subdivision.</p> <p>Seek confirmation that the temporary road will not be inconsistent with the VPA that was entered into with Council in association with DA 2007/0701.</p> <p>Timing of closure of the temporary road.</p>	<p>Council's Contribution planning staff confirmed the provisions of the VPAs as entered into between Council and the landowners will be implemented via the development of the land in accordance with DA 2007/0701 as originally envisaged. The VPA provisions would continue to apply to the subdivision of the subject land in accordance with DA 2007/0701. Creation of a temporary access to serve up to 30 equivalent tenements as part of the subdivision of Lot A DP 382960 would not affect the application of the VPA provisions to the subdivision of the land. Conditions have been imposed to reinforce the requirements of the VPA.</p>
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Disagree with applicant's statement that land will be sterilised by adjoining properties not moving forward with DA 2007/701. In particular, the VPA allows the owner of Lot A to access and construct the road over the adjoining Lot 1 in order to gain access and develop Lot A under DA 2007/701.	Agree. The issue would appear to be more paying for the construction of the road over Lot 1. Lot A would pay for and construct the road to which Lot 1 would get a direct benefit.
Any requirement and cost to adapt the temporary access into the requirements of DA 2007/701 approved layout/subdivision or associated closure are at the expense of the applicant/owner of Lot A.	Agree and conditioned.
The application does not address whether the works should be a new DA or modification. A new modification would require the consent of all the previous owners.	<p>As part of pre-lodgement advice, the applicant was provided the opportunity to review whether the application could be a s96 modification to DA 2007/701 or a separate/new application. The applicant chose to lodge the proposal as a new application. There was scope for either option, but a new application is considered more appropriate given the road was not part of the original subdivision and rather attaches to the subdivision.</p> <p>In addition, the development does not change any conditions of DA 2007/701.</p>

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

Contributions do not apply to the proposed development as it does not involve any specific use, creation of a new lot or construction over \$100,000. Council's Contribution Section has also confirmed that the development does not compromise any VPA.

**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 - 0372 Recommended Conditions

2[View](#). DA2013 - 0372 Plans

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2013/372

DATE: 17/10/2013

## 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
Statement of Environmental Effects		Hopkins Consultants Pty Ltd	July 2013
Proposed Road Plan	Drawing Number 6754-0001-(09)	Hopkins Consultants Pty Ltd	20/5/2013

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) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  4. Building waste is to be managed via an appropriate receptacle;
  5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

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

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

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

- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (7) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

- (8) (A019) Prior to preparation of any engineering design plans, the consultant preparing the design plans will need to contact Council's Water Supply Section to discuss the extent and scope of all works and details require on the design plans to conform to Council's Development Control Plans, Codes, Policies and AUSPEC Specifications.
- (9) (A197) The proposed access road from Beechwood Road is to be a temporary road in accordance with the Roads Act 1993 and shall extend from Beechwood Road to the boundary of the proposed subdivision road on Lot A DP 382960. The temporary road shall have a road reserve width of 15m which shall be located a minimum of 2m from properties Lot 1 DP 24485 and Lot 1 DP 789484.

- (10) (A198) The temporary road is to serve no greater than 30 lots or dwellings including the residue lot.
- (11) (A199) The approval of DA 2013/372 should not be construed as giving approval to act on DA 2007/701. Any action on DA 2007/701 will be subject to compliance with the conditions of that consent.

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
1. Road works along the frontage of the development.
  2. New roads within the subdivision.
  3. Water supply reticulation.
  4. Stormwater systems.
  5. Erosion & Sedimentation controls.
  6. Traffic management control plan.
  7. Detailed intersection layout at the junction of Beechwood Road and Proposed Temporary Road/Subdivision Road in accordance with AUSTRROADS Pt 5 "Intersections at Grade" giving particular attention to sight distance.
- (3) (B004) Road network within the subdivision is to be categorised with carriageway width as follows. Prior to release of the Construction Certificate such details are to be illustrated on the submitted plans.

Road No.	Road Width (Metres)					
	Shareway	Access	Local	Collector	Commercial	Industrial
1		6m				

- (4) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Concrete foot paving (width)



- Footway and gutter crossing
  - Functional vehicular access
- (5) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (6) (B196) The temporary road is to be closed within 90 days, once the number of lots and/or dwellings with access to the temporary road exceeds 30 including any residue or upon construction and dedication of either the road link to the east to Beechwood Road or a road link to the west as shown by the approved subdivision of the land under DA 2007/0701, whichever of the above occurs first. Suitable notification/signage to be provided to all residents in the locality at the cost of the developer of Lot A DP 382960 or their successor.

On closure of the temporary road the following shall occur:-

- The land which formed the temporary road is to be transferred to the original subdivider, or its successor in title.
- The connection of the temporary road with the subdivision road is to be physically severed to the satisfaction of Council.
- The 2m wide section of constructed subdivision road adjacent to Lot 1 DP 382960, as required by condition E13, is to be dedicated to Council as public road, with bollards removed and physical road reinstated and connected to the planned road on Lot 1 DP 789484.

The above requirements are to be noted on the title of Lot A DP 382960 with any costs associated with the above closure being at the owner of Lot A DP 382960 or their successors expense. Evidence of registration of such a notation on the title is to be provided to and approved by Council, prior to construction commencing on the temporary road or release of the subdivision certificate for the road, whichever is the later. The notation is to transfer to any residue lot created from the subdivision of Lot A DP 382960.

- (7) (B197) A notation is to be placed on the title of Lot A DP 382960 and any associated lot created from the subdivision of Lot A DP 382960, advising future owners that the temporary road approved under DA 2013/372 is only temporary and will be closed once the number of lots and/or dwellings with access to the temporary road exceeds 30 including any residue or upon construction and dedication of either the road link to the east to Beechwood Road or a road link to the west as shown by the approved subdivision of the land under DA 2007/0701, whichever of the above occurs first.
- (8) (B198) Prior to construction commencing on the temporary road or release of the subdivision certificate for the road, whichever is the later, a 1.8m solid fence is to be erected along the boundary of the temporary road with the boundary of the adjoining dwelling property to the west being Lot 1 DP 24885.

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

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after

construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

#### D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
  - a. at completion of installation of erosion control measures
  - b. at completion of installation of traffic management works
  - c. when the sub-grade is exposed and prior to placing of pavement materials;
  - d. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
  - e. at the completion of each pavement (sub base/base) layer;
  - f. before pouring of kerb and gutter;
  - g. on completion of road gravelling or pavement;
  - h. during construction of water infrastructure;
  - i. prior to sealing and laying of pavement surface course.

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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

- (1) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (2) (E034) Prior to issuing of the Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council

being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

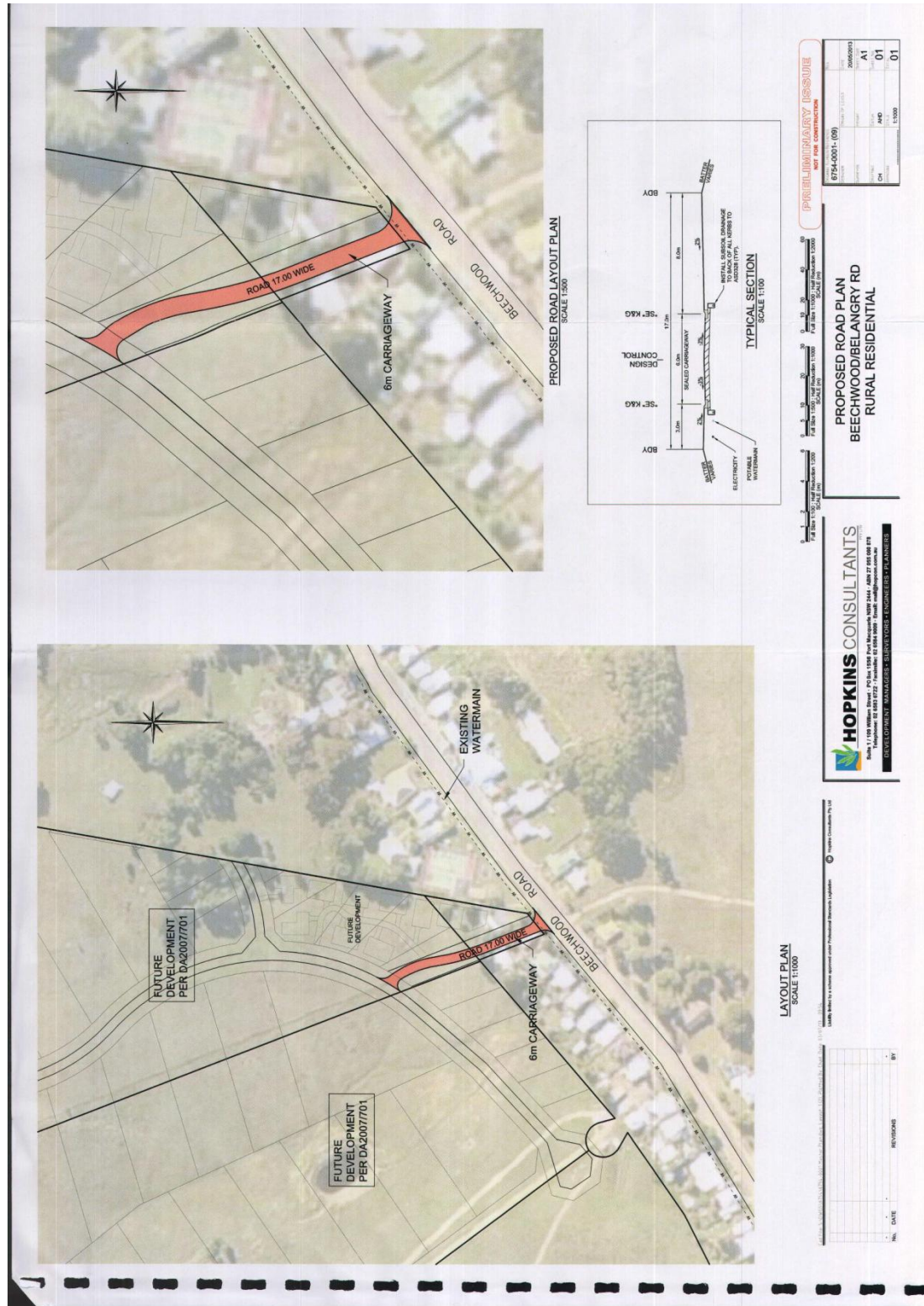
- (3) (E039) An appropriately qualified and practising consultant is required to certify the following:
- all drainage lines have been located within the respective easements, and
  - any other drainage structures are located in accordance with the Construction Certificate.
  - all stormwater has been directed to a Council approved drainage system
  - all conditions of consent/ construction certificate approval have been complied with.
  - Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (4) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Subdivision Certificate or release of the security bond, whichever is to occur first.
- (5) (E064) Provision of street lighting to all new roads in accordance with AS1158 and compliance with the requirements of the electricity authority regarding provision of electricity to serve the development. Provision shall be made for placement of conduits for future requirements or upgrades. Evidence by way of letter from the electricity provider, indicating compliance with this condition shall be submitted prior to the issue of the Subdivision Certificate.
- Any proposal to erect non-standard, prestige or Smart Poles (or equivalent) street lighting shall:
- Forward all plans to the service provider for comment;
  - Include instruction for completion of 'Lighting Requirements';
  - be referred to Council together with details of the difference in annual charges over a twenty five (25) year period in accordance with Policy R5 – Street Lighting on Public Roads;
  - Supply to Council to keep in stock, one (1) extra pole for every six (6) run of poles.
- (6) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- The relocation of underground services where required by civil works being carried out.
  - The relocation of above ground power and telephone services
  - The relocation of street lighting
  - The matching of new infrastructure into existing or future design infrastructure
- (7) (E068) Prior to the issue of a Subdivision Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied.
- (8) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.

- (9) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.
- (10) (E080) The applicant is required to make provision in the application for a Subdivision Certificate for the following:
  - (a) A temporary public road.
- (11) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (12) (E195) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor (this WAX may be part of the Roads etc. WAX)
- (13) (E196) Prior to issue of the Subdivision Certificate for the temporary road, the planned subdivision road on Lot A DP 382960 as part of DA 2007/701 shall be constructed up to the boundary with Lot 1 DP 789484 in the west and access shall be physically constrained with bollards acceptable to Council. The subdivision road is to be dedicated to Council, excepting for a section 2m wide adjacent to the boundary with Lot 1 DP 789484

**F – OCCUPATION OF THE SITE**

NIL





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Item: 06

Subject: DA 2013 - 0481 ALTERATIONS AND ADDITIONS TO TWO STOREY DWELLING HOUSE AND CONSTRUCTION OF A DETACHED SHED INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 ( HEIGHT OF BUILDINGS) PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 5 DP 22158, 23 ORR STREET, PORT MACQUARIE

Report Author: Fiona Tierney

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Property: Lot 5 DP 22158,23 Orr Street, Port Macquarie  
Applicant: G J Wiggins  
Owner: G J Wiggins  
Application Date: 27 August 2013  
Estimated Cost: \$45,840  
Location: Port Macquarie  
File no: DA 2013-481  
Parcel no: 15827

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

That DA 2013-481 for a alterations and additions to a two storey dwelling house and construction of a detached shed, including clause 4.6 variation to clause 4.3 (height of buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 5, DP 22158, No. 23 Orr Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

#### Executive Summary

This report considers a Development Application for alterations and additions to a two storey dwelling house and construction of a detached shed at the subject site. The application includes a Clause 4.6 variation to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Council 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.

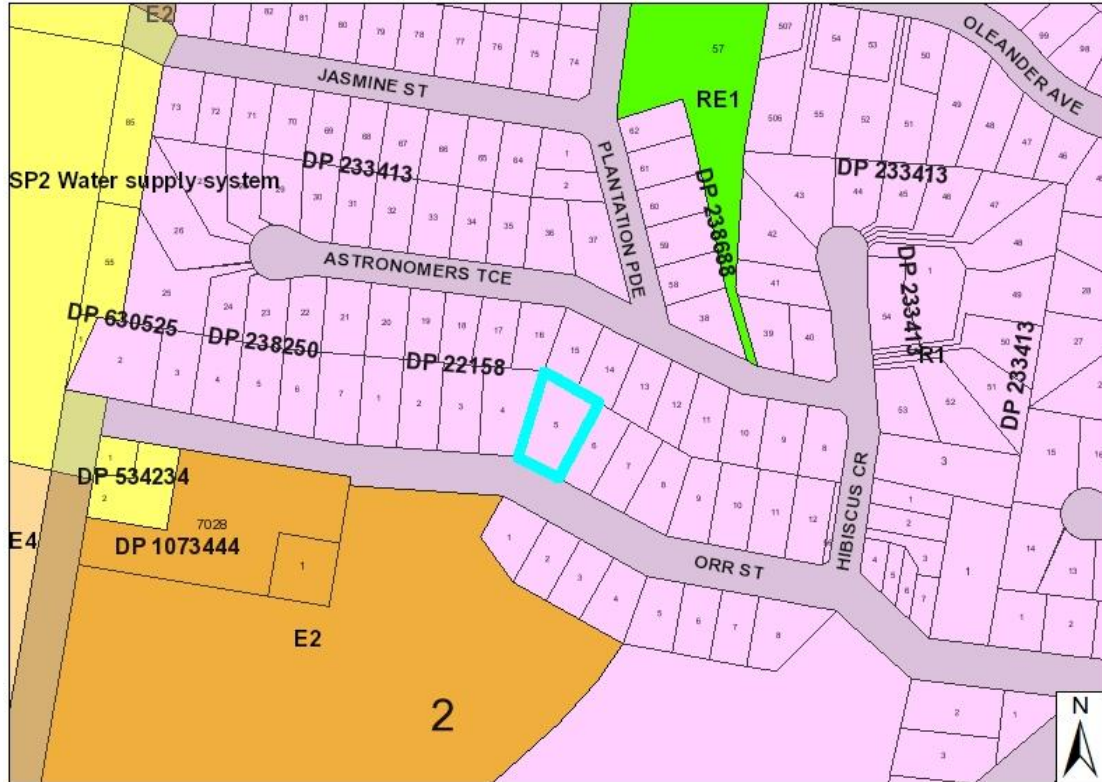
Subsequent to exhibition of the application, 1 submission has been received.

## 1. BACKGROUND

## Existing sites features and Surrounding development

The site has an area of 1042m<sup>2</sup>

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



The site is currently has a two storey dwelling on the site with a single storey elevation to Orr Street and two storey to the rear.

The site has a fall of approximately 8 metres from front to rear (South to North).

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





## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the application proposal include the following:

- Extension of first floor deck to the rear (including roof over)
- Construction of detached brick and metal roofed shed.
- Extension of hard stand/driveway area.
- Additional window opening and internal alterations.

Refer to attachments at the end of this report.

### Application Chronology

- 11 - 25 September 2013 - Neighbour notification
- 6 September 2013- Request for additional information - Clause 4.6 variation, reduced driveway width, levels and balcony compliance.
- 17 September 2013- Request additional information relating to stormwater drainage.

## 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.

**State Environmental Planning Policy 62 - Sustainable Aquaculture**

In accordance with clause 15C, given the nature of the proposed development, and its' location; the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the Hastings River approximately 4 kilometres from the site.

The requirements of this SEPP are therefore satisfied.

**Port Macquarie-Hastings Local Environmental Plan 2011**

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

In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for alterations to the existing single dwelling house and detached shed is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

In accordance with clause 2.3(2), the proposal is consistent with the zone objectives. The proposal is a permissible landuse and contributes the range of housing types and densities available in Port Macquarie.

In accordance with clause 4.3, the height of the proposed additions (deck roof) at the highest point from existing ground level is 9.153m which exceeds the 8.5m standard applying to the site by 0.653m. (It should be noted that the existing dwelling exceeds the height limit by 1.329m). Having regard for the Department of Planning and Infrastructure Circular PS 08-014, it is noted that where a variation is within 10% of the development standard, it does not have to be determined by full Council.

The applicant has lodged a clause 4.6 objection under the LEP to the building height standard of 8.5m applying to the site on the following grounds:

- The additional height is minor and is considered a result of undulating topography and enables appropriate levels to tie in with the existing roof and deck levels. The additional area is relatively small in scale and will have minimal impact on adjoining properties.
- The increase in building height is unlikely to impact vistas to the Pacific Ocean to any properties to the side or rear.
  - It is noted that the Department of Planning Circular PS08-003 provides Council with the assumed concurrence of the Director General with respect to the Clause 4.6 variation.

Having regard for the above, it is agreed that a variation to the standard is acceptable in this instance. The proposed variation does not result in an adverse overshadowing or view loss impact. The proposed structure is essentially concealed within the bulk

of the existing dwelling and is at the rear of the dwelling, making it unnoticeable from the street.

In accordance with clause 5.9, no trees are proposed to be removed.

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

The requirements of this LEP are therefore satisfied.

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

No draft instruments apply to the site.

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

**Port Macquarie Hastings Development Control Plan 2011**

<b><i>DCP 2011: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</i></b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
DP1.1	Ancillary development: <ul style="list-style-type: none"> <li>• 4.8m max. height</li> <li>• Single storey</li> <li>• 60m<sup>2</sup> max. area</li> <li>• 100m<sup>2</sup> for lots &gt;900m<sup>2</sup></li> <li>• 24 degree max. roof pitch</li> <li>• Not located in front setback</li> </ul>	Single storey shed proposed 24m <sup>2</sup> in area. 3.855m in height. 22.5 degree roof pitch. Wall set back 500mm from side boundary- minimal impact to adjoining property which will have significantly higher floor levels.	Y
DP 2.1	Articulation zone: <ul style="list-style-type: none"> <li>• Min. 3m front setback</li> <li>• 25% max. width of dwelling</li> </ul>	None proposed	Y
DP2.2 DP3.1	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> <li>• Min. 6.0m classified road</li> <li>• Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot</li> <li>• Min. 3.0m secondary road</li> <li>• Min. 2.0m Laneway</li> <li>• Garage 5.5m min. and 1m behind front façade</li> </ul>	Existing	Y
DP3.1	Garage door recessed behind building line or eaves/overhangs provided	Existing	Y
DP3.2	6m max. width of garage door/s and 50% max. width of building	Existing	Y
DP3.3	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Crossover to remain at existing. Plans	Y



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

	Requirements	Proposed	Complies
		amended to single access only	
DP4.1 DP4.2	4m min. rear setback. Variation subject to DP 4.2.	Approx 19m setback proposed.	Y
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	0.5m proposed Western elevation of shed.  3 proposed eastern elevation to deck	Y
DP6.1	35m <sup>2</sup> min. private open space area including a useable 4x4m min. area which has 5% max. grade	existing	Y
DP10.1 DP10.2 DP10.3 DP10.4	Privacy: • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m	Minimal additional impact from existing deck - no adverse privacy impacts on site.	Considered acceptable

**DCP 2011: General Provisions**

	Requirements	Proposed	Complies
DP1.1	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	Adequate casual surveillance available	Yes
DP5.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Minimal- Building stepped down the site	Y
DP6.1	0.8m max. height retaining walls along road frontage	None proposed	Y
DP6.2	Any retaining wall >1.0 in height to be certified by structure engineer	None proposed	Y
DP6.3	Combination of retaining wall and front fence height	None proposed	Y
	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
DP2.3	Driveway crossing/s minimal in number and width including maximising street parking	Single access proposed	Y

<b>DCP 2011: General Provisions</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
DP15.1	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Moderate fall left to right. Reasonably flat access.	Y
DP17.1	Parking areas to be designed to avoid concentrations of water runoff on the surface.	To be conditioned	Y
DP17.2	Vehicle washing facilities – grassed area etc available.	Available	Y
DP3.1	Off-street Parking spaces: • 1 space = single dwelling (behind building line)	Double garage provided	Y

(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:

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

iv) any matters prescribed by the Regulations:

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

The proposed development is consistent with the objectives and strategic actions of this policy.

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

None applicable.

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

#### **Context & Setting**

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

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

There are no identifiable adverse privacy impacts.

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

#### **Access, Transport & Traffic**

The proposal will be unlikely to have any adverse impacts in terms of access, transport and traffic.

#### **Stormwater**

Service available- details required with S.68 application.



Concerns have been raised by an adjoining owner to the rear of the site regarding stormwater disposal from additional roof area. The applicant has proposed to increase the amount of roof water currently directed to Orr Street, install rubble drainage to hardstand areas and the proposed shed. Councils stormwater engineer has recommended that the proposal will result in minimal net additional impact in terms of water directed to the rear of the site and has recommended that details be submitted with the application for the construction certificate and S68 application.

**Water**

Service available- details required with S.68 application.

**Soils**

The proposed development will be unlikely to have any adverse impacts on soils in terms of quality, erosion, stability and/or productivity.

**Flora & Fauna**

Construction of the proposed development will not require any removal/clearing of vegetation.

**Waste**

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

**Energy**

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

**Noise & Vibration**

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

**Bushfire**

The site is identified as being bushfire prone. The applicant has submitted a bushfire report prepared by a Krisann Johnson. The report has recommended that the building including additions be constructed to Bushfire Attack Level (BAL) 29 under AS3959-2009. This recommendation has been recommended to be incorporated in 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 is satisfactorily responds to the site attributes and will fit into the locality. No adverse impacts likely.

**Construction**

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

**Cumulative Impacts**

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

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

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

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

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

One (1) written submission has 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
Concerned that the shed will be used for a garage and that driveway access will be extended to this shed.	It is highly unlikely that the shed could be utilised for car storage given that the dimensions are limited and topography would make access difficult. Any adverse impact by further hardstand areas will need to be addressed should it be constructed.
Advised that they currently suffer excess stormwater that is channelled through their property and request that stormwater be directed to Orr Street. Any other additional stormwater is to be discharged to detention/pump system that takes water to street.	Applicant has advised that they will direct as much additional stormwater to Orr Street as possible and will submit details of a rubble drain system for the shed and additional driveway stormwater to ensure flows are not concentrated onto adjoining properties. The matter was referred to Council's stormwater engineer who has advised that given the relatively small additional roof areas and separation distances to the rear boundaries, that the proposal is acceptable. Driveway crossover width has been reduced to a single entry point only.

**(e) The Public Interest:**

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

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

No contributions applicable.

**5. CONCLUSION**

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

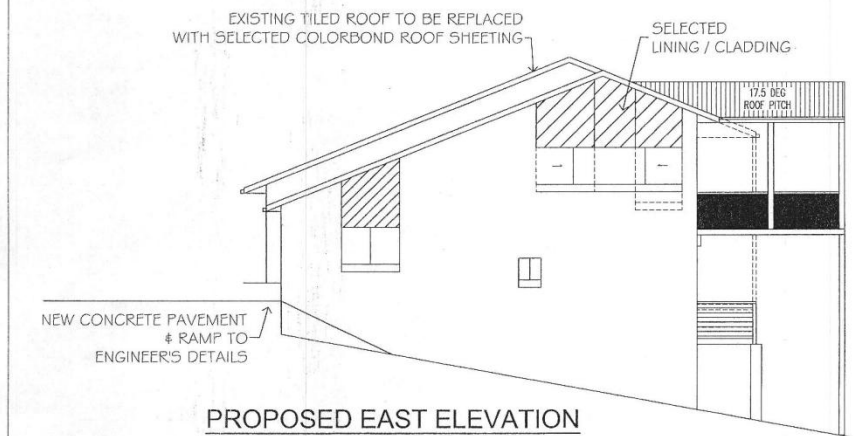
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

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 - 0481 DA Plan

2 [View](#). DA2013 - 0481 Recommended Conditions



1m 2 4 6 8 10

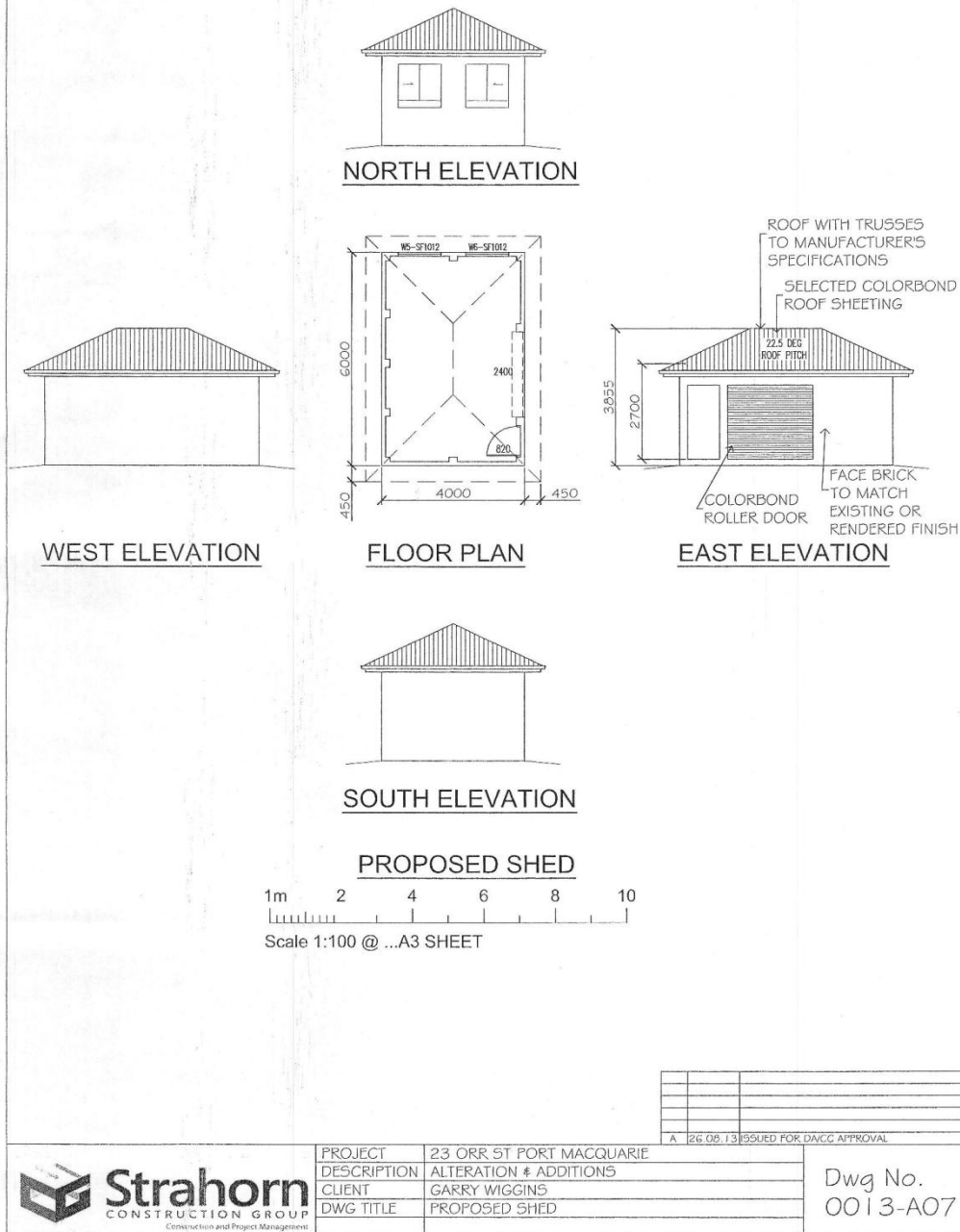
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PROJECT	23 ORR ST PORT MACQUARIE
DESCRIPTION	ALTERATION & ADDITIONS
CLIENT	GARRY WIGGINS
DWG TITLE	PROPOSED ELEVATIONS

A 26.06.13 ISSUED FOR DA/CC APPROVAL

Dwg No.  
0013-A06



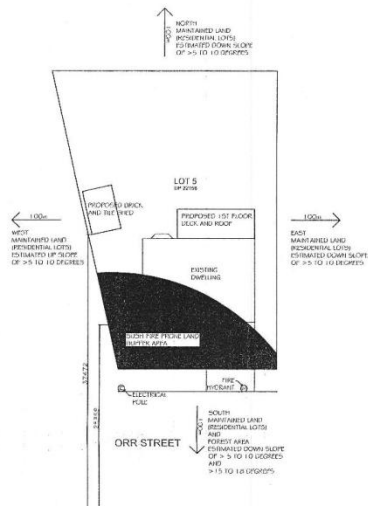




BUSHFIRE ASSESSMENT OVERVIEW

1m 2 4 6 8 10

Scale 1:1000 @ ...A3 SHEET



BUSHFIRE ASSESSMENT SKETCH

1m 2 4 6 8 10

Scale 1:500 @ ...A3 SHEET



PROJECT	23 ORR ST PORT MACQUARIE
DESCRIPTION	ALTERATION & ADDITIONS
CLIENT	GARRY WIGGINS
DWG TITLE	BUSH FIRE ASSESSMENT

A 26.08.13 ISSUED FOR DACC APPROVAL

Dwg No.  
0013-A08

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2013/481

DATE: 14/10/2013

## 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
Bushfire Assessment	-	Krisann Johnson	2013
Architectural Plans & Specifications	0013-A01-A06	Strahorn Construction Group	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) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority; and
  - the date on which work will commence.

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

- (3) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - Appropriate dust control measures;
  - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - Building waste is to be managed via an appropriate receptacle;
  - Building work being limited to the following hours, unless otherwise permitted by Council;
    - Monday to Saturday from 7.00am to 6.00pm
    - No work to be carried out on Sunday or public holidays
- The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
  - Position and depth of the sewer (including junction)
  - Stormwater drainage termination point
  - Easements
  - Water main
  - Proposed water meter location
- (2) (B046) The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 29 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement.

Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.
- (3) (B195) Details of the proposed stormwater management system are to be submitted with the application for the construction certificate. Where possible the existing and additional roof areas water is to be directed to Orr Street. The remainder of roof and hardstand areas are to be dispersed via an alternate stormwater management system to the satisfaction of Council's Stormwater Engineer.

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

nil

**D – DURING WORK**

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

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E015) Prior to occupation or issue of the Occupation Certificate, details of compliance with the bushfire risk assessment is to be provided to the Principal Certifying Authority.
- (3) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
- (4) (E195) The recommendations in the Bushfire Assessment report prepared by Krisann Johnson are to be implemented on site.

**F – OCCUPATION OF THE SITE**

nil

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Item: 07

Subject: DA2013 - 0190 COMPLETION OF PARTIALLY CONSTRUCTED  
CARPORT, LOT 10 DP 251011, 13 TALLOWOOD AVENUE  
WAUCHOPE

Report Author: Daniel Croft

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Property:	Lot 10 DP 251011, 13 Tallowood Avenue, Wauchope
Applicant:	F M Lyons
Owner:	F M Lyons
Application Date:	26 June 2013
Estimated Cost:	\$1,500
Location:	WAUCHOPE
File no:	DA2013 - 0190
Parcel no:	23098

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#### Alignment with Delivery Program

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

#### RECOMMENDATION

1. That DA 2013 - 0190 for completion of partially constructed carport at Lot 10, DP251011, No.13 Tallowood Avenue, Wauchope be determined by refusing consent for the following reasons:
  - The proposal is inconsistent with the objectives (OB2 and 3) and performance provisions (DP 2.2, 3.1 and 3.2) of Port Macquarie-Hastings Council Development Control Plan 2011 and will have an adverse impact on the streetscape of Ironbark Close.
2. Upon refusal of the application, the matter be forwarded to Council's compliance team for appropriate compliance action.

#### Executive Summary

This report considers a Development Application for the completion of a partially constructed car port at the subject site.

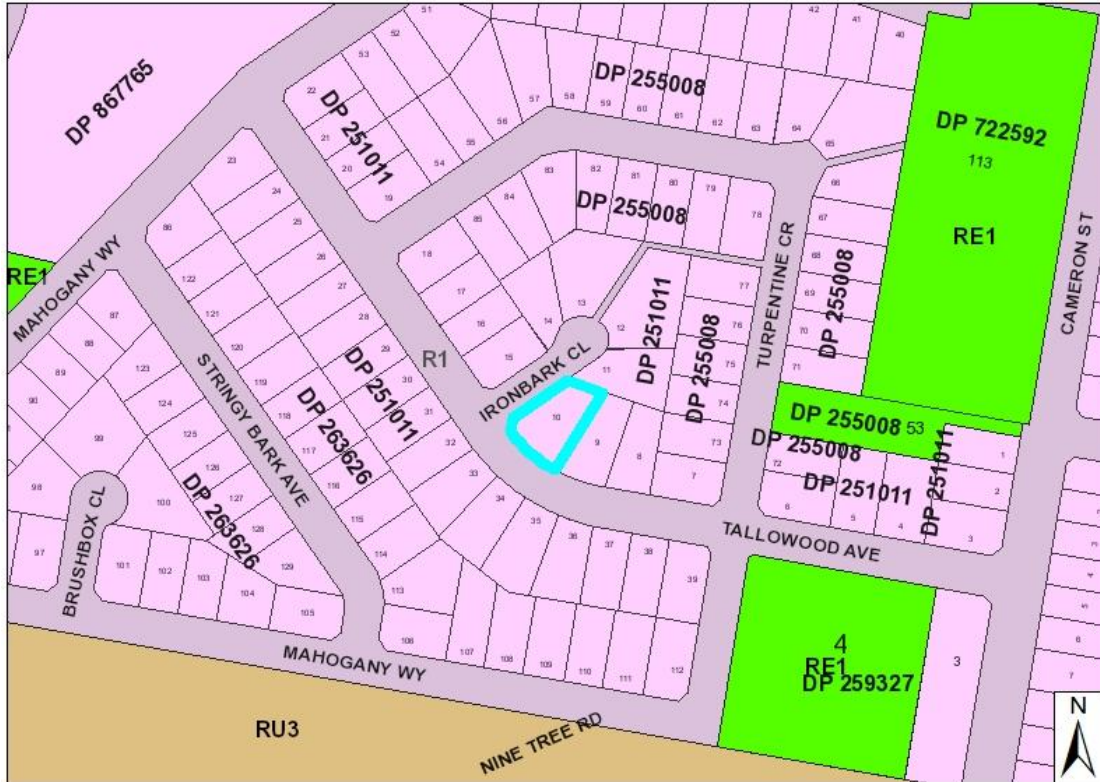
This report provides an assessment of the application in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

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



## Existing sites features and Surrounding development

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



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



## 2. DESCRIPTION OF DEVELOPMENT

Key aspects of the application proposal include the following:

- Completion of a partially constructed carport adjoining an existing car port

Refer to attachments at the end of this report.

### Application Chronology

- 3 July 2013 - application lodged
- 4 July - application notified to adjoining neighbours
- 19 July 2013 - submission received
- 12 August 2013 - applicant requested to withdraw the application due non-compliance with PMH DCP 2011.

## 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:

**Port Macquarie-Hastings Local Environmental Plan 2011**

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

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

The objectives of the R1 zone are as follows:

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

In accordance with clause 2.3(2), the proposal is not considered to be directly inconsistent with the zone objectives.

In accordance with clause 4.3, the maximum overall height of the proposal from ground level (existing) is approximately 2.2m which complies with the standard height limit of 8.5m applying to the site.

In accordance with clause 4.4, the proposal does not increase the floor space ratio on the site, which is well below the maximum 0.65:1 FSR applying to the site.

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

N/A

**(iii) any Development Control Plan in:****Port Macquarie Hastings Development Control Plan 2011**

<b>DCP 2011: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses &amp; Ancillary development</b>			
	<b>Requirements</b>	<b>Proposed</b>	<b>Complies</b>
DP 2.1	Articulation zone: • Min. 3m front setback • 25% max. width of dwelling	1.75m	No
DP2.2 DP3.1	Front setback • Garage 5.5m min. and 1m behind front façade	1.75m	No
DP3.2	6m max. width of garage door/s and 50% max. width of building	7.5m approx total garage width.	No
DP3.3	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Existing crossover remains. It is not clear whether it is proposed to be widened.	Yes
DP5.1 DP5.2	Side setbacks: • Ground floor = min. 0.9m • 0.9m min.	>900mm	Yes

The proposal seeks to vary development provision DP 2.1, 3.1 and 3.2 by proposing a front boundary setback of 1.75m to the carport as opposed to the required 5.5m.



The additional car port results in a total width of garage areas of approximately 7.5m. The relevant objectives (OB2 and 3) are:

- *Front setbacks support an attractive streetscape.*
- *To minimise the impact of garages and driveways on the streetscape, on street parking and amenity*
- *To minimise the visual dominance of garages in the streetscape*

The applicant has not provided a justification for the variation other than that the carport is required to protect a caravan from the weather.

It is considered that the proposal is contrary to the relevant DCP objectives and should not be supported for the following reasons:

- The proposed carport dominates the streetscape, resulting in an adverse impact on Ironbark Close. Whilst it is acknowledged that there is an existing carport forward of the dwelling, this is considered to be at odds with other dwellings in Ironbark Close and the additional carport will significantly worsen the impact.
- Sufficient off-street car parking opportunities already exist on the property in the form of a double garage and double carport.
- The proposal represents a significant variation to the DCP. Approval of the proposal would undermine the integrity of the DCP.
- The finish and materials used to construct the carport are of poor quality, resulting in an adverse impact on the streetscape of Ironbark Close.

**(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:**

N/A

**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 is out of character with the existing streetscape of Ironbark Close. The carport dominates the streetscape and significantly worsens the impact of the existing carport on the property.

### Public Domain

The proposal responds poorly to the public domain.

### Utilities

Capable of being managed



**Stormwater**

Capable of being managed

**Soils**

Erosion and sediment controls capable of being employed

**Air & Micro-climate**

No adverse impact

**Flora & Fauna**

No vegetation removal required

**Waste**

Capable of being managed.

**Noise & Vibration**

Capable of being managed.

**Natural Hazards**

The site is not flood or bushfire prone.

**Contamination Hazards**

No known contamination risk

**Safety, Security & Crime Prevention**

No adverse crime risk. Adequate casual surveillance available.

**Social Impact in the Locality**

No adverse impact

**Economic Impact in the Locality**

No adverse impact.

**Site Design and Internal Design**

The proposal has not responded to the site and streetscape of Ironbark Close. The proposed carport dominates the streetscape, resulting in an adverse impact on Ironbark Close.

**Cumulative Impacts**

There is an existing carport forward of the dwelling, this is considered to be at odds with other dwellings in Ironbark Close and the additional carport will significantly worsen the impact. Approval of the application would have the potential for adverse cumulative impacts via undermining the integrity of DCP 2011.

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

The site is suitable for development ancillary to a dwelling house, however, the location and design of the subject carport is inappropriate and at odds with the context and setting of Ironbark Close. An alternate location for the carport behind the building should be pursued.

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

1 written submission has been received following completion of the required public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The plans of the carport are ambiguous and not clear.	It is agreed the plans submitted with the application are of poor quality. In the event the application was approved the setback of the structure to the side boundary should be detailed.
The proposed carport is an eyesore and obstructs our view down the street.	The proposal is considered to have an adverse impact on the streetscape.
There is no guttering shown on the plan which will add to an already existing drainage problem in the area.	In the event that the application was approved, this matter could be conditioned so as drainage of the structure was directed to the street.
The gates and boundary fencing on the property are poorly constructed.	This application does not seek approval for boundary fencing or gates. For these structures to be considered 'exempt' development they will need to comply with the relevant criteria contained within <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> . It is recommended that the matter be forwarded to Council's compliance staff for investigation following a decision on the application.

**(e) The Public Interest:**

The proposed development is considered to be inconsistent with planning controls applying to the site. Approval of the application is considered likely to undermine the integrity of DCP 2011 which would not be in the public's interest.

**4. DEVELOPMENT CONTRIBUTIONS APPLICABLE**

N/A

**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.

The proposal is at odds with the planning controls applying to the site and will have an adverse impact on the Ironbark Close streetscape. Consequently, it is recommended that the application be refused.

**Attachments**

1 [View](#). DA2013 - 0190 Plans

23/10/2013

