



Development Assessment Panel

Business Paper

date of meeting: Wednesday, 26 February 2014

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

time: 2.00pm

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



**PORT MACQUARIE
HASTINGS**

Development Assessment Panel

CHARTER

Functions:

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

Delegated Authority:

Pursuant to Section 377 of the Local Government Act, 1993 delegation to determine development applications under Part 4 of the Environmental Planning and Assessment Act 1979 having regard to the relevant environmental planning instruments, development control plans and Council policies.

Format Of The Meeting:

1. Panel meetings shall be carried out in accordance with Council's Code of Meeting Practise for Council Sub-Committees, except where varied by this Charter.
2. Meetings shall be "Open" to the public.
3. The Panel will hear from applicants and objectors or their representatives. Where considered necessary, the Panel will conduct site inspections which will be open to the public.

Development Assessment Panel

ATTENDANCE REGISTER

Member	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	23/10/13	13/11/13	27/11/13
Paul Drake	✓	✓	✓	A	✓
Matt Rogers				✓	
Dan Croft Patrick Gailbraith-Robertson (alternate)	✓	✓	✓	✓	✓
David Fletcher Paul Biron (alternate)	✓	✓	✓	✓	✓
David Troemel	✓	✓	✓	✓	✓

Member	11/12/13	22/01/14			
Paul Drake	✓	✓			
Matt Rogers					
Dan Croft Patrick Gailbraith-Robertson (alternate)	✓	✓			
David Fletcher Paul Biron (alternate)	✓	✓			
David Troemel (alternate)	✓	✓			

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



**PORT MACQUARIE
HASTINGS**

Development Assessment Panel Meeting

Wednesday, 26 February 2014

Items of Business

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**PORT MACQUARIE
HASTINGS**

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 22 January 2014 be confirmed.

PRESENT

Members:

Paul Drake
Dan Croft
David Fletcher
David Troemel

Other Attendees:

Ben Roberts
Patrick Galbraith-Robertson
Caroline Horan

The meeting opened at 2.00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 11 December 2013 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

**05 DA 2013 - 0526 - RECREATION FACILITY (INDOOR) - LOT 2 DP 1048212
BATAR CREEK ROAD, KENDALL**

Speaker:
Rick Bower (applicant)

CONSENSUS:

That DA 2013/0526 for a Recreation Facility (Indoor) at Lot 2, DP 1048212, Batar Creek Road, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

Amend condition A(1) to include an additional line in the table referencing architectural drawings dated 9 January 2014, Reference 4722camd.

**06 SECTION 96 MODIFICATION TO DA2011 - 657 TO ALTER DESIGN OF
PREVIOUS APPROVED SHOPTOP HOUSING INCLUDING RELOCATING
PRIVATE BALCONIES - 43-47 HASTINGS STREET, WAUCHOPE**

CONSENSUS:

That Section 96 Modification to DA 2011 - 657 to alter design of previous approved shop top housing including relocating private balconies at Lots 1 and 2 DP 154426, and Lot 1 DP 780641, 43-47 Hastings Street, Wauchope be determined by granting the modification consent subject to the following recommended condition amendments:

Amend Condition A(1) to update the table of plan references to reflect 'Revision 1' plans.

The meeting closed at 2.25pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:

Meeting Date:

Item Number:

Subject:
.....

I, declare the following interest:

☐**Pecuniary:**

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

☐**Non-Pecuniary - Significant 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

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

Councillor's Signature: Date:

Important Information

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

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

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

Item: 05

Subject: DA 2013 - 0647 CONSOLIDATION OF EXISTING COMMERCIAL PREMISES AND SUPERMARKET (SHOP) FIT-OUT - LOT 114 DP 258304 10 JUNGARRA CRESCENT, BONNY HILLS

Report Author: Fiona Tierney

Property:	Lot 114 DP 258304, 10 Jungarra Crescent, Port Macquarie
Applicant:	Nigel Swift Architects Pty Ltd
Owner:	Krige Investments Pty Ltd ATF The Krige Investment Unit Trust
Application Date:	29 October 2013
Estimated Cost:	\$10,000
Location:	Bonny Hills
File no:	DA 2013-647
Parcel no:	10486

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2013-647 for consolidation of existing commercial premises and supermarket (shop) fit-out, Lot 114, DP 258304, No. 10 Jungarra Crescent, Bonny Hills, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for a change of use of an existing commercial premises to a supermarket at the subject site.

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

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

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 4604m².

The site is zoned B2-Local Centre in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



The site is an existing neighbourhood shopping centre that consisted of a takeaway food shop, post office and a number of other tenancies that provided local services. The proposal aims to reconfigure the existing shops by removal of an existing dividing wall between two tenancies and refurbishment to provide a supermarket.

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:

- Removal of the internal wall between Shops 1 and 2 and internal re-fit.
- Change of use to supermarket

Refer to attachments at the end of this report.

Application Chronology

- 5-19 November 2013 - Neighbour notification
- 19 November 2013 - Additional information delivery vehicles and movements requested.
- 17 January 2014 - Meeting applicant and engineers regarding delivery vehicles and movements.
- 27 January 2014 - Additional information received delivery vehicle specifications.

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:

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

State Environmental Planning Policy 64 - Advertising and Signage

The proposed development includes proposed advertising signage in the form of business/building identification and/or general advertising. The applicant intends to utilise existing signage panels and freestanding signage. No additional signage is proposed under this application.

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

State Environmental Planning Policy 71 – Coastal Protection

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

In accordance with clause 5, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 2, 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

- a) any restricted access (or opportunities for access) to the coastal foreshore
- b) any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- c) any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- d) subject to any identifiable adverse coastal processes or hazards;
- e) any identifiable conflict between water and land based users of the area;
- f) any identifiable adverse impacts on any items of archaeological/heritage;
- g) reduce the quality of the natural water bodies in the locality (due to effluent & stormwater disposal, construction impacts, landuse conflicts);
- h) adverse cumulative impacts of the proposed development on the environment;
- i) development within a zone to be consented to as if it were in a neighbouring zone (refer to clause 5.3 of LEP 2011 - Development near zone boundaries unable to be undertaken when SEPP 71 applies).

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 B2-Local Centre.

In accordance with clause 2.3(1) and the B2 zone landuse table, the proposed development for a change of use is a permissible landuse with consent.

The objectives of the B2 zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that new developments make a positive contribution to the streetscape and contribute to a safe public environment.

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 site is an existing vacant neighbourhood shopping centre and the proposal aims to reinstate the site to provide services for people who live, work and visit the local area.

The requirements of this LEP are therefore satisfied.

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

Nil

(iii) any Development Control Plan in:

Port Macquarie Hastings Development Control Plan 2011

The external fabric of the building will not alter. Parking requirements will remain the same.

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

Nil

iv) any matters prescribed by the Regulations:

Nil

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

Nil

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

Context & Setting

This DA is for the change of use of two existing shops from vacant premises to a supermarket. The building has been in a vacant state for approx 18months to 2 yrs. The DA proposes to use 2 of the existing shops (out of 5 shops in total) for a supermarket which will potentially operate 7 days a week from 6am to 9pm. The site and all services are existing and this DA does not propose to make any changes to the building nor the site as a whole. And as such is not considered to be at odds with the locality.

Access, Transport & Traffic

The site is located on the corner of Ocean Drive and Jungarra Crescent. The roads fronting this site are in the control and care of Council. The surface is bitumen sealed with upright kerb and gutter.

The traffic will increase in Jungarra Crescent as a result of this development. The potential increase of vehicles per day (based on RTA Guide to traffic generating

developments) will be 65vpd. The road network has the capacity to cater for this increase.

The development is proposing to use the existing access and egress from the site for the movements of service vehicles to unload on a daily basis. The drawings as amended satisfactorily demonstrate servicing of the site can be achieved without impeding parking areas (Refer to drawing SK01, Issue H, revised 3 Feb 2014).

Manoeuvring

There is adequate aisle width existing to allow for movements as per AS2890.

Pedestrians

This DA does not propose to make any changes to the pedestrian links around the development. Currently there is a footpath around the perimeter of the site, which will remain.

Stormwater

According to Council records there are ample KIP around the perimeter of the site. A stormwater management plan should; be requested to ensure that the site is draining to Councils piped system. This can be conditioned

Water

Council records indicate that there is a 25mm metered water service from the 100mm AC water main on the same side of Jungarra Crescent.

On the basis that the development will only be combining two shops, there are no Water Supply issues with the proposed development other than Section 68 and Contributions (if applicable).

Soils

According to Council records the soils in this area are not subject to acid sulphate.

Natural Hazards

According to Council records the site is not subject to flooding nor is it subject to bushfire.

Sewer

Council records indicate that sewer is connected to the proposed development site from a short 150mm diameter side line from a manhole in Jungarra Crescent. There are also 4 other junctions from the 150mm sewer main that runs along the western boundary.

The proposed supermarket development will need to be connected directly to a manhole as the anticipated discharge will exceed 2ET. A manhole can be built and should be provided over the end of the existing sideline or an extension off it.

Utilities

Telecoms and electricity are available at the site.

Earthworks

Standard conditions of consent relating to erosion and sediment control recommended.

Air & Micro-climate

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

Flora & Fauna

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

Waste

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

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX or Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise & Vibration

No adverse impacts anticipated. Condition recommended to restrict construction to standard construction hours. Hours of operation restricted to 6am-9pm weekdays and 7am-7pm weekends.

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 increased activity 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.

Compliance or Otherwise with the DDA

The site levels and access are existing. Direct level access is available from Jungarra Crescent and will not change.

Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the construction and operation of the development.

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

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

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

(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
Roadside parking, traffic and congestion on 'blind corner'- Fire Brigade vehicles	<p>It is acknowledged that the ingress and egress are located in an area with limited sight distance available. Consultation was made with Council's traffic engineers who advise that there are no records of any serious traffic incidents in the location, the scale of the proposal and given that the centre has existed for number of decades it is not considered appropriate to request the applicant to reshape the site or carry out works within the road. It is however noted that the existing landscape adjoining the road reserve has become quite dense and that improvements could be made to prune and re-landscape with lower scale vegetation that would provide greater visibility through the curve of the road.</p> <p>Single one way ingress and egress is proposed and shall be signposted.</p> <p>Further representation could be made by residents to the local traffic committee to evaluate the need for signage or traffic calming in the location.</p>
Litter/rubbish management	A waste removal service will be required to be provided from the site for removal of general rubbish. A general litter bin shall be provided outside the store.
Noise-delivery trucks and people using the site.	<p>The site is approved for use as a neighbourhood shopping centre. It is not anticipated that the proposed change of use will substantially alter the potential level of noise generated under the previous approval. It is recommended that the proposed operating hours on Saturday and Sunday be reduced to 7am to 7pm in recognition that the centre is located opposite residential properties.</p> <p>Due to the limited manoeuvrability within the site the size of delivery vehicles is limited to 8.4m in length.</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

- Development contributions will be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.

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

5. CONCLUSION

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

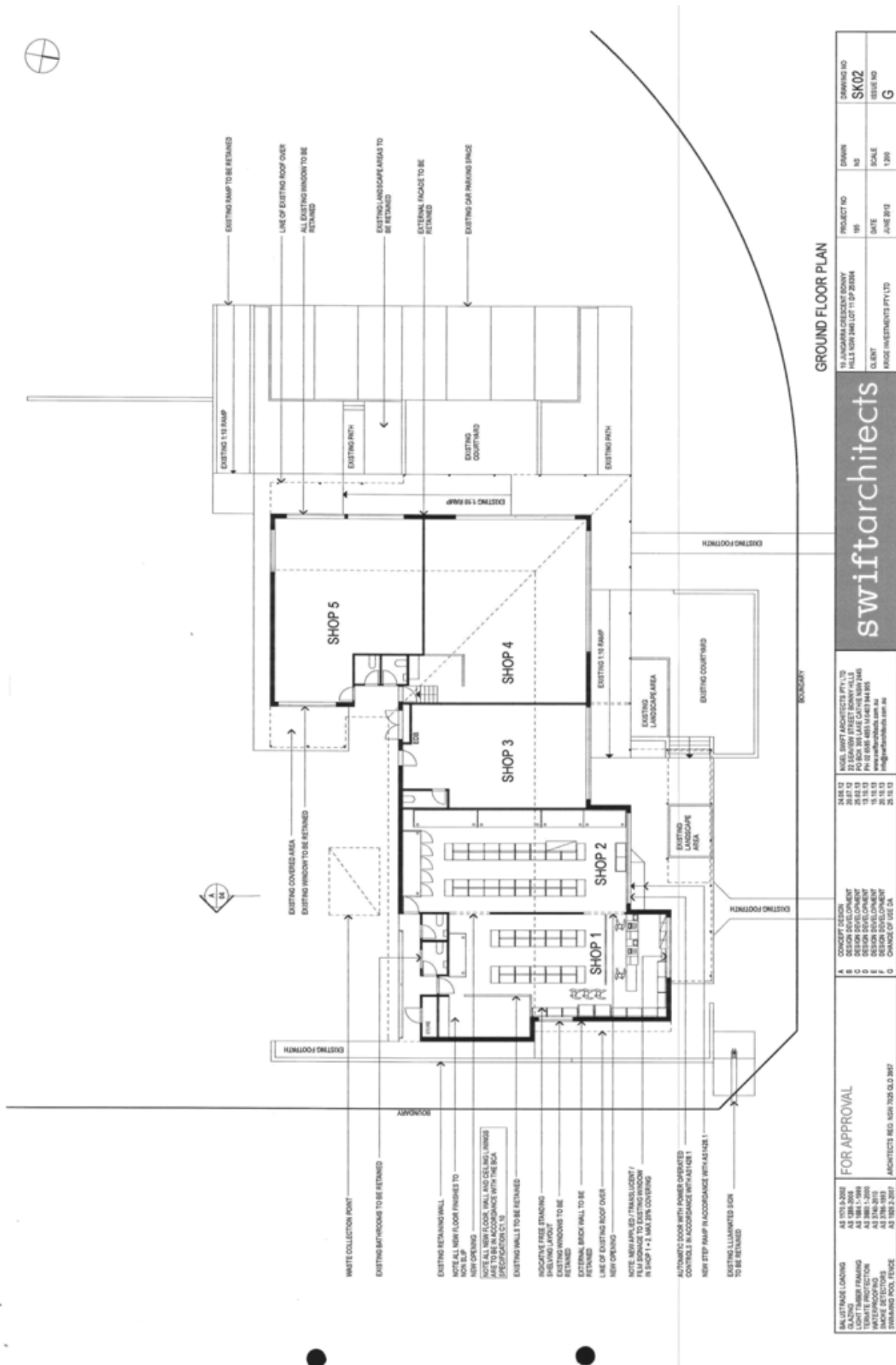
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

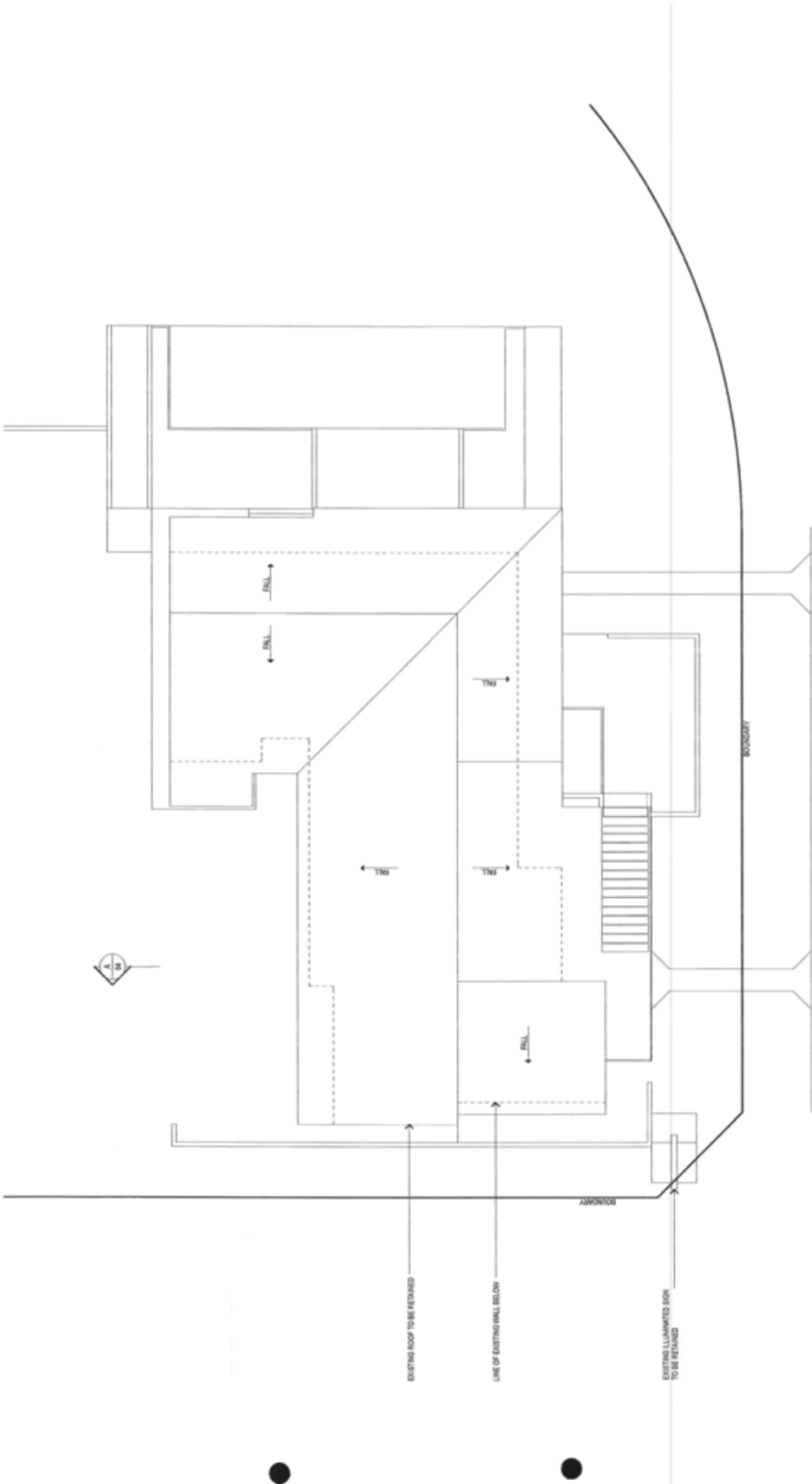
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. Consequently, it is recommended that the application be approved, subject to the recommended conditions of consent provided in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

Attachments

1. DA2013 - 0647 DA Plans
2. DA2013 - 0647 Submission - Howell
3. DA2013 - 0647 Submission - Sullivan
4. DA2013 - 0647 Recommended DA Conditions.
5. DA 2013 - 0647 Development Contributions Calculation Sheet

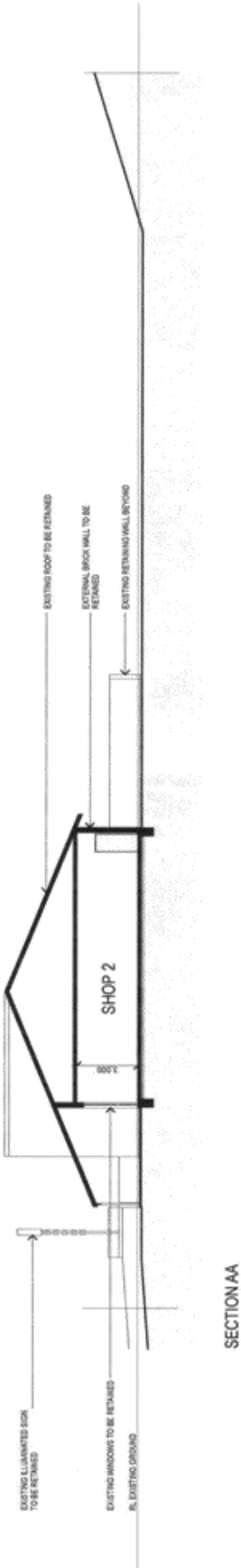
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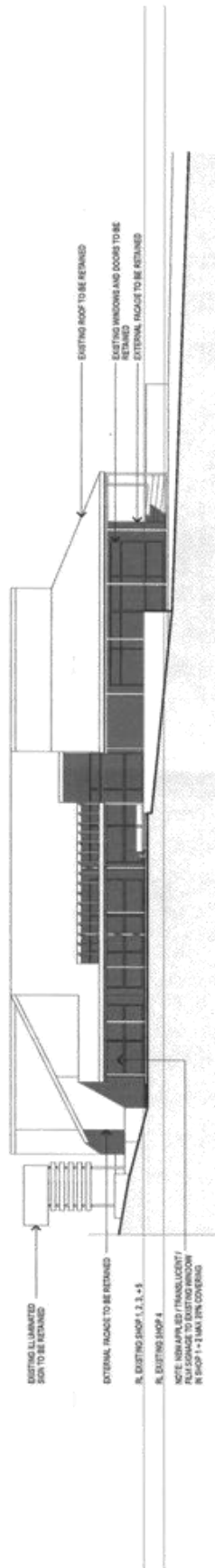
ROOF PLAN

FOR APPROVAL		swiftdarchitects		PROJECT NO		DRAWING NO	
AS 1511.2-2002	AS 1511.2-2002	21 EDWARDS STREET BONNY HILLS NSW 2115	21 EDWARDS STREET BONNY HILLS NSW 2115	196	NS	SK03	SK03
AS 1511.2-2002	AS 1511.2-2002	PH 02 8585 4503 M 0412 344 865	PH 02 8585 4503 M 0412 344 865	DATE	SCALE	ISSUE NO	ISSUE NO
AS 1511.2-2002	AS 1511.2-2002	www.swiftdarchitects.com.au	www.swiftdarchitects.com.au	JUNE 2012	1:200	G	G
ARCHITECTS REG. NSW 7125 QLD 2857	ARCHITECTS REG. NSW 7125 QLD 2857	CLIENT		KIDDE INVESTMENTS PTY LTD			
CONCEPT DESIGN							
A	24.05.12						
B	25.05.12						
C	25.05.12						
D	13.10.12						
E	25.10.12						
F	25.10.12						
G	25.10.12						
CHANGE OF USE 2A							

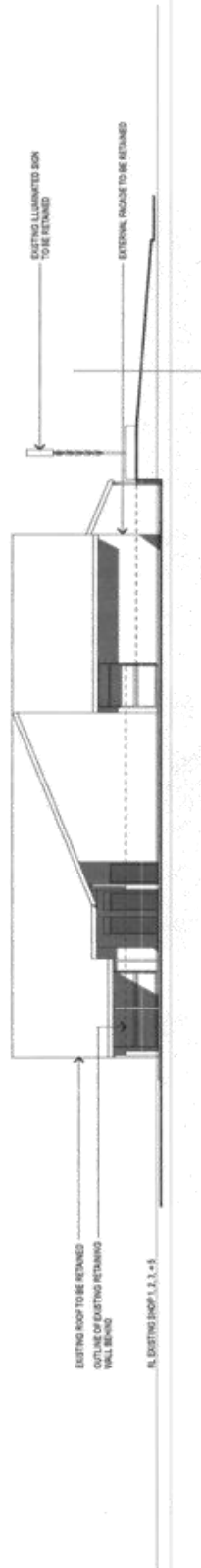


SECTIONS

BALUSTRADE LANDING CLADDING CONCRETE WORK TEMPERATURE PROTECTION WATERPROOFING SPRINKLING POOL FENCE	AS 1911.2:2002 AS 1281.2:2004 AS 1281.3:2004 AS 2942:2002 AS 2942.2:2002 AS 2942.3:2002	FOR APPROVAL	ARCHITECTS REG. NSW 7051-013-3807	CONCEPT DESIGN DESIGN DEVELOPMENT DESIGN DEVELOPMENT DESIGN DEVELOPMENT DESIGN DEVELOPMENT CHANGE OF USE OR	DATE 13/10/13 20/10/13 15/11/13 15/11/13 20/11/13	NAME SWIFT ARCHITECTS PTY LTD 22 DUNDON STREET BONNY HILLS NSW 2155 PH 02 8856 4855 FAX 02 8856 4857 www.swiftarchitects.com.au info@swiftarchitects.com.au	swiftarchitects	19 JANDARRA CRESCENT BONNY HILLS NSW 2155 LOT 11 DP 78384	PROJECT NO 108	DRAWN MS	DRAWING NO SK04	SCALE 1:200	ISSUE NO G



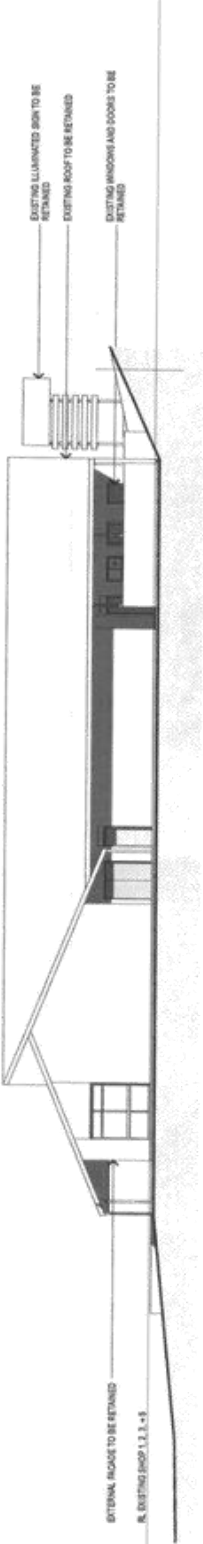
NORTH ELEVATION



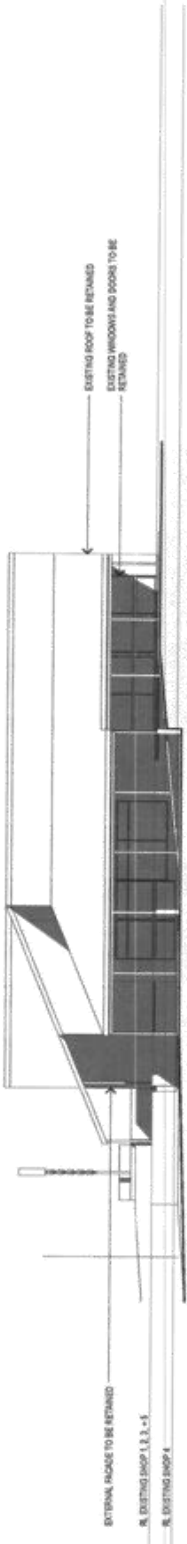
EAST ELEVATION

ELEVATIONS

FOR APPROVAL		swiftdarchitects		18 JANGARAL RESIDENT BOMBY HILLS HALL 3 NSW 2481 LOT 13 DP 24204		PROJECT NO 186	DRAWN NF	DRAWING NO SK05
ARCHITECTS REGD NSW 7028 QLD 2917		22 STATION STREET BOMBY HILLS PO BOX 1000 BOMBY HILLS NSW 2481 PH 02 9485 4403 FAX 02 9481 8495 www.swiftdarchitects.com.au info@swiftdarchitects.com.au		CLIENT EDGE INVESTMENTS PTY LTD		DATE JUNE 2012	SCALE 1:200	REVISION G
AS 1170.5-2000 AS 1288-2006 AS 1546-2007 AS 1547-2007 AS 1548-2007 AS 1549-2007 AS 1550-2007 AS 1551-2007 AS 1552-2007	CONCEPT DESIGN DESIGN DEVELOPMENT DESIGN DEVELOPMENT DESIGN DEVELOPMENT DESIGN DEVELOPMENT DESIGN DEVELOPMENT DESIGN DEVELOPMENT DESIGN DEVELOPMENT DESIGN DEVELOPMENT	24.08.12 20.07.12 13.02.12 13.02.12 13.02.12 13.02.12 13.02.12 13.02.12 13.02.12	24.08.12 20.07.12 13.02.12 13.02.12 13.02.12 13.02.12 13.02.12 13.02.12 13.02.12					



SOUTH ELEVATION



WEST ELEVATION

ELEVATIONS

BALUSTRADE LOADING GLAZING CLADDING TERRACE PROTECTION WATERPROOFING WINDSCREENS SWIMMING POOL FENCE		AS 1918.2-2002 AS 1288-2006 AS 1562-2005 AS 5880-1-2009 AS 2744-2010 AS 1985.3-2007	FOR APPROVAL	ARCHITECTS REG NSW 0263 QLD 3957	A. CONCEPT DESIGN B. DESIGN DEVELOPMENT C. PRELIMINARY CONSTRUCTION D. DESIGN DEVELOPMENT E. DESIGN DEVELOPMENT F. DESIGN DEVELOPMENT G. CHANGE OF USE IN	24/08/13 26/07/13 13/11/13 13/11/13 13/11/13 26/07/13	MODEL SWIFT ARCHITECTS PTY LTD 22/25A/26V STREET, BERRY HILLS NSW 2151 www.swiftarchitects.com.au info@swiftarchitects.com.au	15/ JAGGARD, DESCENT BERRY HILL HIGH RAILLOTT PT BERRY NSW CLIENT FEECE INVESTMENTS PTY LTD	PROJECT NO 196	DRAWING NO SK 06	SCALE 1:200	ISSUE NO G
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swiftarchitects

[illegible]

From:
William Howell
11 Jungarra Crescent
Bonny Hill NSW 2445



To:
Port Macquarie Hasting Council
PO Box 84
Port Macquarie 2444

Re:
Notification of Development Proposal
Conversion of two shops to Supermarket
LOT: 114 DP: 258304, 10 Jungarra Crescent Bonny Hills
Application No: 2013/647

Dear Sir/Madam,

I support the above Development proposal;

My only concern is with traffic safety on Jungarra Crescent due to the increase in traffic if this Development Proposal is passed.

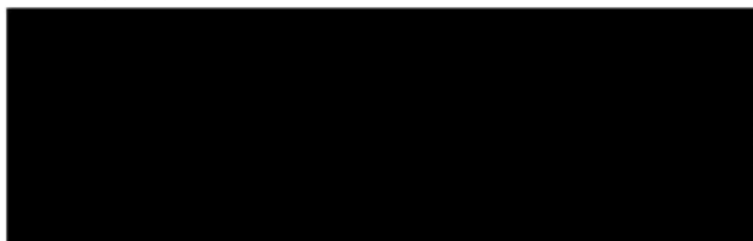
The area of my concern is the roadside parking on the southern side of Jungarra Crescent between the two entrances to the parking area of the shopping centre, which is directly opposite the Bonny Hills Rural Fire Service.

- This section of Jungarra Crescent is a blind corner at the bottom of a gully and is approached downhill from both directions.
- When vehicles are parked on both sides there is only enough room for one vehicle to safely pass on a blind corner in a 50km zone.
- The adjacent reserve and the Bonny Hills Rural Fire Service station entrance are the road crossing areas for school children from Panorama Drive and Binbilla Rd area's to access Jungarra Crescent, then onto the school bus stop on Ocean Drive (which is on the eastern boundary of the Bonny Hills shopping centre).

I respectfully ask Council to consider :

1. A "NO STANDING Emergency Vehicles only" zone in that section of Jungarra Crescent.
2. Reduce Jungarra Crescent from the 50km speed limit to 40km with warning signs re school children

Yours respectfully
William Howell



10486

PORT MACQUARIE
HASTINGS

21 NOV 2013

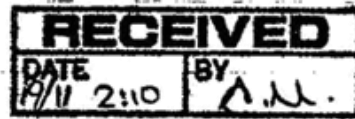
Keyword

Activity

Subject DA2013-647-1

Folder D13/2267

D-Sub.

10486
DA 2013-647.1
D13/2267R & J Sullivan
5 Jangarra Cres
Bonny Hills
18-11-13

THE HASTINGS COUNCIL

Proposed development: super market

SITE PROPERTY: LOT 114 DP 258304, 10 JANGARRA
CRES, BONNY HILLS.

We have a few concerns & objections about the proposed supermarket in this location.

After living at this address now for over 28 yrs we have had some experiences with this complex. There have been a number of breaking & enterings, roll ups with both guns & knives & assorted unpleasantness.

Our main objection is that Jangarra Cres is not a suitable street for businesses that operate outside of 9-5. This is a nice quiet area with lots of small children.

Street Suitability & Parking

- Street is not wide enough
- All parking would need to be in car park. Unfortunately from experience this

will not happen. Instead they pull into the side of the road & then use the drive ways to turn around.

- The Firebrigade on busy days can virtually close the road with all their cars - Fire Trucks.

- LITTER - will become an issue, more bins will be needed in the reserve.

Now to our main concern which is noise.

NOISE - While we can see & appreciate some thought has gone into this issue - truck brakes - it is ridiculous to say "realistically the noise will be no different from when the building was operational before." A dead Take away, the Post Office, Real estate & assorted short term shops does not compare to a super market that is open 7 days a week from 6-9.

- apart from braking we will be subjected to : Compression motors for running refrigeration trucks,

- Truck Clear changing coming out of shop

- Radios blaring

- Vibration
- Extra noise generated by the extra people (extra general noise)

Thankyou for taking our concerns into consideration.

From

R & J Sullivan



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2013/647****DATE: 17 February 2014****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
Site Plan	Project Number 195 SKO1	Swift Architects	June 2012 (and as amended 3/2/14)
Architectural Details & Floor Plans	Sheets SK07 SK02-	Swift Architects	June 2012

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

- (2) (A002) No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

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

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

- (3) (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:

- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- Appropriate dust control measures;
- Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- Building waste is to be managed via an appropriate receptacle;

5. 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) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (7) (A024) The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- (8) (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.
- (9) (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.

- (10) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (11) (A195) Further intensification on this site may impose additional requirements relating to the operation of service vehicles, for the purposes of unloading of goods and garage collection.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 - 1. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS 2890.
 - 2. Sewerage reticulation.
 - 3. Stormwater systems.
 - 4. Erosion & Sedimentation controls.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

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

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

- (4) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction

Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent is required. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:

- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (5) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
 - (6) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890.1. Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
 - (7) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.
 - (8) (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.
 - (9) (B195) Prior to the issue of any Construction Certificate plans, the provision of sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
 - (10) (B196) A landscape detail is to be submitted for the landscape strip adjoining Jungarra Crescent. The landscaped area is to be re-landscaped and shaped to provide greater visibility and line of site for vehicles leaving and entering the site.

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. before commencement of any filling works;
- d. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- e. prior to the pouring of concrete for sewerage works and/or works on public property;
- f. during construction of sewer infrastructure;

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

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

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with an approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (5) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (6) (E036) Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses is to be in accordance with Council's Development Control Plan 2011 and Australian Standard 2890.1 prior to occupation or issue of the Occupation Certificate.
- (7) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (8) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (9) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (10) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:

- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (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.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons.
- (2) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (3) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (4) (F010) Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 177 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The statement must only be in the form specified by clause 181 of the Regulation. A copy of the statement is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (F012) The placement of storage racks, cabinets, floor stock, pallets or the like shall not obstruct any path of travel to an exit nor the efficient operation and effective coverage of any fire hose reel, fire hydrant, portable fire extinguisher or other essential fire safety measures.
- (6) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (7) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (8) (F025) Hours of operation of the development are restricted to the following hours:
 - 6.00 am to 9.00 pm – Mondays to Fridays
 - 7.00 am to 7.00 pm – Saturday & Sunday
- (9) All loading and unloading on the site is to occur in the nominated loading bay. Servicing /delivery vehicles are to be a maximum of 8.4m in length.

Development Contributions Calculation Sheet - Final Consent Issue									
Development Details			Contributions Plans Applicable						
DA No.	2013	0647	General S94 Plans		Applies	ET Chargeable	RatePer ET	Contribution Amount	
Address:	10 Jungarra Crescent, Bonny Hills		Major Roads		No				
Dev Description:	Division of Two Shops (Shops 1 & 2) into Supermarkets		Open Space		No				
Lot Number(s):	114		Community Cultural & Emergency Services		No				
DP Number(s):	258304		Admin Building		No				
Stage No:	Total		Bushfire - Specific		No				
Applicant:	Nigel Swift Architects Pty Ltd		Kings Creek		No				
Contribution Area:	<input type="checkbox"/> Camden Haven <input type="checkbox"/> Innes Peninsula <input type="checkbox"/> Kings Creek <input checked="" type="checkbox"/> Lake Cathie/Bonny Hills <input type="checkbox"/> Port Macquarie <input type="checkbox"/> Rural <input type="checkbox"/> Sancroix/Thrumster <input type="checkbox"/> Wauchope		Admin Levy		No				
(Planner must Select Contribution Area: Click Once with Mouse)			Specific Contribution Plans and DSPs <i>(Planner Must Select if Plans are Applicable)</i>						
			S94A Levy Development Cost		\$10,000	No			
					Applies				
					Applies				
					Applies				
					Applies				
					Applies				
DA Lodged Date:	29/10/2013		Water 1.6% levy:		\$1.10	Applies	0.007	\$9,924.00	\$69.40
Prepared By:	Fiona Tierney		Sewer			Applies	0.007	\$4,642.00	\$32.40
DA Consent Date:									
Issue No.	1								
Calc Sheet Date:	14-Feb-2014								
FINAL CONSENT CALCULATION	<input checked="" type="checkbox"/> Tick for FINAL Consent Calculation								
			Car Parking CP			Contribution Total:		\$102.90	
			No. of Spaces Short:			Notice of Payment Re-issue Fee:		<input type="checkbox"/> Applies	
ET Calculation for New Development (Proposed)									
Commercial & Industrial New Development		Rate	Units	Water Rate	Sewer Rate	ET Water	ET Sewer	Traffic Facilities m ²	
SHOPS - FLORISTS, GARDEN SUPPLIES, SUPERMARKETS		m ²	168.09	0.00375	0.00375	0.6303375	0.6303375		
N/A		m ²	0	0	0	0	0		
N/A		m ²	0	0	0	0	0		
N/A		m ²	0	0	0	0	0		
Total Commercial ETs:						0.6303375	0.6303375	0	
New Residential Development			Units	Sec 94 ET	Water ET	Sewer ET			
Number of new residential lots greater than 450m ² (excluding Dual Occ & Int Housing)			0	0	0	0			
Number of new residential lots greater than 2000m ² (excluding Dual Occ & Int Housing)			0	0	0	0			
1 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
2 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
3 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
4 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
1 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
2 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
3 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
4 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
Motel Unit - Partially Self Contained (Own ensuite but shared facilities for cooking & laundry)			0	0	0	0			
Motel Unit - Self Contained (Own ensuite and kitchen)			0	0	0	0			
Caravan Park - Not Self Contained Site (permanent or transient)			0	0	0	0			
Caravan Park - Partially Self Contained Site (permanent or transient)			0	0	0	0			
Nursing Homes High Dependency/Residential Care Facility (per bed)			0	N/A	0	0			
Nursing Homes Low Dependency/Hostel (per bed)			0	0	0	0			
Aged Unit - Self Contained 1 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Aged Unit - Self Contained 2 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Aged Unit - Self Contained 3 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Boarding House per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathrooms)			0	0	0	0			
Boarding House per 1 Occupancy Bedroom Partially Self Contained (Own ensuite - shared cooking & laundry facilities)			0	0	0	0			
Boarding House - Not Self Contained Per Bed (for dormitories/bunkrooms, shared cooking, laundry and bathroom)			0	0	0	0			
Boarding House - Self Contained Per Bed (for dormitories/bunkrooms, Own ensuite per bedroom/dorm/bunkroom with shared cooking and laundry)			0	0	0	0			
New Residential Unit Total:			0	0	0	0			

ET Calculation for Existing Development (Credits)							
Commercial & Industrial Existing Development	Rate	Units	Water Rate	Sewer Rate	ET Water	ET Sewer	Traffic Facilities m ²
SHOPS - FOOD & ASSOC HAIRDRESSERS	m2	81.13	0.005	0.005	0.40565	0.40565	
SHOPS - DRY TRADE	m2	86.96	0.0025	0.0025	0.2174	0.2174	
N/A	m2	0	0	0	0	0	
N/A	m2	0	0	0	0	0	
Total Commercial ETs:					0.62305	0.62305	0
Existing Residential Development		Units	Sec 94 ET	Water ET	Sewer ET		
Number of existing residential lots greater than 450m ² (excluding Dual Occ & Int Housing)		0	0	0	0		
Number of existing residential lots greater than 2000m ² (excluding Dual Occ & Int Housing)		0	0	0	0		
1 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)		0	0	0	0		
2 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)		0	0	0	0		
3 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)		0	0	0	0		
4 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)		0	0	0	0		
1 Bedroom Units (High Density - 3 or more storeys)		0	0	0	0		
2 Bedroom Units (High Density - 3 or more storeys)		0	0	0	0		
3 Bedroom Units (High Density - 3 or more storeys)		0	0	0	0		
4 Bedroom Units (High Density - 3 or more storeys)		0	0	0	0		
Motel Unit - Partially Self Contained (Own ensuite but shared facilities for cooking & laundry)		0	0	0	0		
Motel Unit - Self Contained (Own ensuite and kitchen)		0	0	0	0		
Caravan Park - Not Self Contained Site (permanent or transient)		0	0	0	0		
Caravan Park - Partially Self Contained Site (permanent or transient)		0	0	0	0		
Nursing Homes High Dependency/Residential Care Facility (per bed)		0	N/A	0	0		
Nursing Homes Low Dependency/Hostel (per bed)		0	0	0	0		
Aged Unit - Self Contained 1 bedroom with ensuite & kitchen (SEPP - Seniors Living)		0	0	0	0		
Aged Unit - Self Contained 2 bedroom with ensuite & kitchen (SEPP - Seniors Living)		0	0	0	0		
Aged Unit - Self Contained 3 bedroom with ensuite & kitchen (SEPP - Seniors Living)		0	0	0	0		
Boarding House per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathrooms)		0	0	0	0		
Boarding House per 1 Occupancy Bedroom Partially Self Contained (Own ensuite - shared cooking & laundry facilities)		0	0	0	0		
Boarding House - Not Self Contained Per Bed (for dormitories/bunkrooms, shared cooking, laundry and bathroom)		0	0	0	0		
Boarding House - Self Contained Per Bed (for dormitories/bunkrooms, Own ensuite per bedroom/dorm/bunkroom with shared cooking and laundry)		0	0	0	0		
Existing Residential Unit Total:		0	0	0	0		

G:\Dev\Env\DEV AND BUILDING CONTROLS\DA2013\DA2013-0647\Development Contributions Calculation Sheet, DA 2013-0647, Stage No. Total, Issue No.1

Item: 06

Subject: DA 2011 - 0634 - STAGED CATTLE EMBRYO TRANSFER STATION AND MANAGERS RESIDENCE - LOT 72 & 142 DP 754446, RAWDON ISLAND ROAD, RAWDON ISLAND

Report Author: Clint Tink

Property:	Lot 72 & 142 DP 754446, Rawdon Island Road, Rawdon Island
Applicant:	Hopkins Consultants Pty Ltd
Owner:	Auzzy Pty Ltd
Application Date:	14 November 2011
Estimated Cost:	\$260,000
Location:	Rawdon Island
File no:	DA 2011 - 0634
Parcel no:	37801 & 37082

Alignment with Delivery Program

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

RECOMMENDATION

(1) That DA 2011 - 0634 for a cattle embryo transfer station (animal boarding or training establishment) at Lot 72 & 142 DP 754446, Rawdon Island Road, Rawdon Island, be determined by granting part consent subject to the recommended conditions.

(2) That the managers residence component of the application not be supported and be subject to separate application when relevant information is available to justify the proposal.

Executive Summary

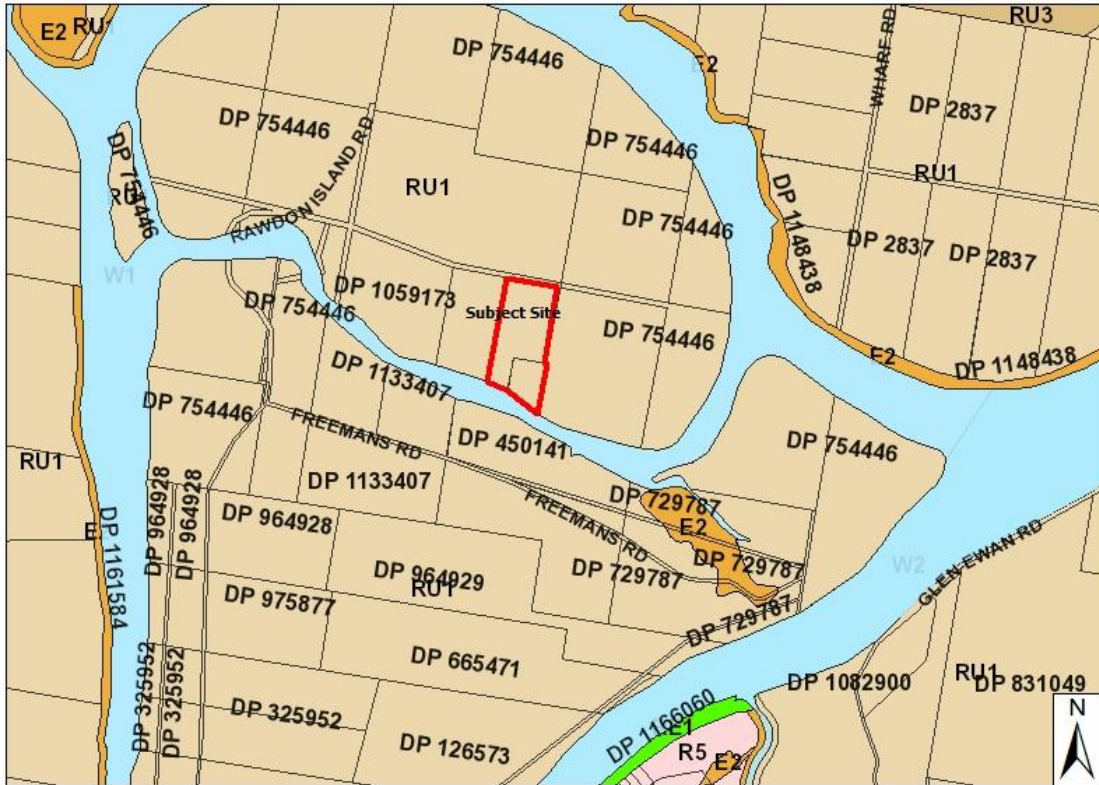
This report considers a Development Application for a staged cattle embryo transfer station and managers residence at the subject site. Stage 1 comprises the cattle embryo transfer station while stage 2 is for the manager's residence.

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, three (3) submissions have been received.

Existing sites features and Surrounding development

The site is zoned RU1 Primary Production 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:

- Staged development to firstly construct a cattle embryo transfer station and then a manager's residence.
- The facility is proposed to cater not only for the owners cattle but also other cattle breeders on the mid north coast.
- The aim is to collect and sell both cattle embryos and semen to the Australian and overseas market.
- The facility would also provide agricultural and teaching opportunities.
- The application states that 5 cattle will be onsite for treatment and that overall a maximum of 30 head of cattle will also be onsite.
- Owner currently transports stock to Tamworth for the procedure.

Refer to attachments at the end of this report.

Application Chronology

- 8/12/2004 - Application for a rural tourist facility withdrawn/cancelled.
- 12/4/2011 - Meeting was held between Council staff, the applicant and property owner regarding the proposal and issues to address in any future development application.
- 14/11/2011 - Application lodged with Council.
- 18/11/2011 to 2/12/2011 - Adjoining property owners were notified of the application.
- 24/11/2011 - Council staff requested additional information, being; plans to scale, confirmation on inclusion of the dwelling, an assessment illustrating the viability of

the project both agriculturally and economically in the long term, detail on stock numbers, details on processes and further flooding assessment.

- 26/11/2011 - Applicant requested clarification on additional information matters.
- 28/11/2011 - Council staff responded to the applicant's email on 26/11/2011. Council staff also had discussions with the Department of Primary Industries (DPI) confirming reason for referral.
- 30/11/2011 - Council staff provided the applicant with additional flooding information to aid in their response.
- 1/12/2011 - Applicant provided a partial response to Council's letter dated 24/11/2011 (i.e. plans submitted). Generic response from Department of Primary Industries also provided.
- 5/1/2012 - Council staff wrote to the Department of Lands to confirm road ownership in the area.
- 14/2/2012 - Meeting was held between Council staff, the applicant and owner. Staff discussed issues raised in submissions and the need for a response to Council's additional information letter dated 24/11/2011.
- 1/3/2012 - Department of Lands confirmed road ownership in the area. In particular, access to the property occurs via Council roads.
- 13/3/2012 - Applicant requested update on what information was required following the meeting on 14/2/2012.
- 14/3/2012 - Council staff responded to applicant's email dated 13/3/2012 advising that the issues raised in Council's letter dated 24/11/2011 still need to be addressed. Council staff would consider a response from the owner in lieu of a suitably qualified agronomist etc on the viability of the project. A brief description of the owners farming experience would however be required.
- 3/5/2012 - Council staff requested an update from the applicant on the status of the additional information. Applicant confirmed the development was still proceeding and would follow up on additional information.
- 11/5/2012 - Applicant provided a draft response on the feasibility of the project.
- 16/5/2012 - Council staff advised that the feasibility assessment did not include costs associated with running the business. Staff also requested a description on activities carried out on a daily basis and associated timeframes. Owners experience needs to be clarified as per email dated 14/3/2012. Stocking rates would be 5 cows and 2 bulls.
- 16/5/2012 - Applicant questioned the request for the owner's experience. Council staff responded in that it was important in understanding the knowledge base of the respondent on the viability of the project in lieu of a suitably qualified person/agronomist. Also important given the unique circumstances of the proposal.
- 21/6/2012 - Applicant advised that the owner still wished to proceed with the development and would provide the additional information shortly.
- 15/8/2012 - Council staff requested an update on the outstanding additional information.
- 16/8/2012 - Applicant advised that they would follow up with owner.
- 21/8/2012 - Applicant advised that they were still trying to contact the owner.
- 4/9/2012 - Applicant advised that they had met with the owner about the additional information and would prepare a response shortly.
- 8/11/2012 - Applicant advised that they were still waiting on some detail from the owner.
- 25/2/2013 - Applicant submitted response to additional information request by Council on 24/11/2011.
- 20/3/2013 - Council staff advised that having read through the additional information, the documentation showed an active operation of Bax Black

Limousin Stud since 2005. However, information on the typical costs in running the stud and the proposed embryo transfer station were still missing. Information on likely income generated has been supplied, but Council staff has yet to receive anything to show the costs involved (i.e. vet bills, feed, agistment, transportation etc). Comments on the resident providing security to the business were noted, but there is no point in having security, if the business is not economically viable in the long term to sustain the dwelling. The viability of the proposal is important if Council is going to allow an associated dwelling on an undersized lot without a dwelling entitlement.

In addition to the above, Council staff were also after 'a day in the life' scenario of what will happen onsite. What are some of the typical jobs undertaken on a daily/weekly basis? How much time is spent on each job?

- 19/6/2013 - Council staff requested an update on the outstanding additional information request.
- 19/6/2013 - Applicant advised that they weren't sure what further information could be provided. Requested a similar example that had been successful that could be used as a guide. Also suggested a check up requirement (i.e. before the stage 2 dwelling proceeds).
- 20/6/2013 - Council staff reiterated the need to provide a more sound justification for the manager's residence. The applicant was advised that failing additional justification being received the application would be forwarded to Council's Development Assessment Panel with a recommendation that any consent not include the manager's residence.

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 33 - Hazardous and Offensive Development

The subject SEPP was introduced to clarify the definitions for hazardous and offensive industries and to apply guidelines for the assessment of industries that have the potential to create hazards or an offence. Having considered the SEPP along with the associated application and imposition of conditions; the proposed development is not considered to be hazardous or offensive industry and will create no significant risk. In particular, the majority of activities involved in the facility are all cattle farm based or similar to other cattle farming processes and fit within the existing rural landscape. The development can be assessed as an animal boarding or training establishment.

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 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 investigates 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 62 - Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and its' location, the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the nearby Hastings River approximately 80m to the south of the site. The main impact likely to occur to waterways would be runoff of cattle manure into the river from a concentrated area (i.e. cattle yard). However, given the development will be contained within a covered structure runoff is likely to be minimal and filtered within the 80m setback. The land use is also not dissimilar from standard cattle yards found in rural areas.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy 64 - Advertising and Signage

No signage proposed.

State Environmental Planning Policy 71 – Coastal Protection

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

The site is further identified as being within a sensitive coastal location.

In accordance with clause 5, this SEPP prevails over the Port Macquarie-Hastings LEP 2011 in the event of any inconsistency.

Having regard to clauses 2, 8 and 12 to 16 of SEPP 71 and clause 5.5 of Hastings LEP 2011 inclusive the proposed development will not result in any of the following:

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

- h) adverse cumulative impacts of the proposed development on the environment;
- i) development within a zone to be consented to as if it were in a neighbouring zone (refer to clause 5.3 of LEP 2011 - Development near zone boundaries unable to be undertaken when SEPP 71 applies).

In particular, the site is already cleared and being used for agricultural activities similar to other adjoining farms. The structures are located outside of the flood prone area and not known to contain any heritage items or site of significance. Access will also not be affected.

The requirements of this SEPP are therefore satisfied.

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

A BASIX certificate was not submitted and would have been required if the dwelling component was to proceed. Given the assessment never concluded the acceptability of the dwelling it is considered not relevant for the purposes of this assessment, unless the Panel wishes to support the dwelling, in which case a BASIX certificate and proper plans of the dwelling will be required.

State Environmental Planning Policy (Infrastructure) 2007

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

State Environmental Planning Policy (Major Development) 2005

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

State Environmental Planning Policy (Rural Lands) 2008

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

SEPP requirement	Comment	Complies
Objectives		
2(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,	The embryo transfer station is considered to be a rural related industry and consistent with other activities carried out in the area. However, insufficient information has been provided to allow an understanding on how the facility links to the need for an ancillary dwelling on the site as well as long term viability. This is important for justifying a dwelling on an undersized lot without dwelling entitlement. Should the linkage between the two uses fail (i.e. the embryo transfer station is not	The embryo transfer station = yes. The dwelling = no.

	successful), the size of the property will result in more of a hobby farm/rural residential lot that has potential to conflict with surrounding farm uses and is not considered orderly development of rural land. For this reason, the dwelling is proposed to be excluded from any approval issued for the embryo transfer facility. The opportunity still exists for the owner/applicant to come back to Council in the future and lodge an application for an ancillary dwelling. More information justifying the proposal may be more readily available then.	
2(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,	Allowing a dwelling on an undersized lot without sound justification is not considered to be proper management and protection of rural land. The embryo transfer station can still occur as it can easily be converted into cattle yards should the operation fail.	The embryo transfer station = yes. The dwelling = no.
2(c) to implement measures designed to reduce land use conflicts,	The small lot sizes make it difficult to implement measures to reduce conflict. The embryo transfer station aspect is considered to be a consistent activity to the surrounding area/uses.	Noted
2(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,	The embryo transfer station will not create any adverse impact on state significant agricultural land as it is based on a comparative agricultural use. Refer to above comments on the impacts a dwelling on an undersized lot can create	Noted

	if the facility fails.	
2(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.		N/A
Rural Planning Principles		
7(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,	This report is proposing to allow the embryo transfer station, which allows opportunities in the rural industry to continue. The report is also not outright saying no to an ancillary dwelling but rather putting the onerous back on the applicant/owner to come back with further justification to show that the facility and dwelling are a viable concept.	Yes, if the dwelling is not approved.
7(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,	Refer to above comment.	Yes
7(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	This report proposes to allow the embryo transfer station and restrict a dwelling on an undersized lot until such time as further information is provided to justify such a component. This allows the rural industry to grow without being compromised by a dwelling on an undersized lot, should the embryo transfer station fail.	Yes, if the dwelling is not approved.
7(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	The land has been identified for rural purposes for some time now and this report is based on maintaining a comparative land use.	Yes
7(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of	The site does not contain any significant biodiversity. The development contains	Yes

native vegetation, the importance of water resources and avoiding constrained land,	sufficient buffer to the Hastings River.	
7(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	At this stage, insufficient information has been provided to show that the dwelling component is required to help operate the facility and that the facility is viable. Both these aspects are important in ensuring that the future outcome is not a dwelling on an undersized lot with no functional embryo transfer station. Such an outcome is not consistent with the zoning, lot size and settlement controls. By not allowing the dwelling until such time as it has been justified, will ensure this principle is retained.	Yes, if the dwelling is not approved.
7(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	Refer to previous comments in this table on dwelling component. In particular, normally a dwelling is not allowed. The argument to allow a dwelling is based on the existence of the embryo transfer station. However, insufficient information has been provided to show that it is viable and requires a dwelling to help manage it. The embryo transfer station can be established without impact, as it can be easily converted to cattle yards/farm shed for the property.	Yes, if the dwelling is not approved.
7(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	Refer to previous comments in this table on the dwelling aspect.	Yes, if the dwelling is not approved.
Rural Subdivision Principles	No subdivision proposed.	N/A
Matters to be considered in determining development		

applications for rural subdivisions or rural dwellings		
<p>10(1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.</p> <p>10(2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:</p> <p>(a) subdivision of land proposed to be used for the purposes of a dwelling,</p> <p>(b) erection of a dwelling.</p> <p>10(3) The following matters are to be taken into account:</p> <p>(a) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,</p> <p>(e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).</p>	<p>The dwelling is only acceptable if there is a linkage to a permissible use. The linkage should also be sustainable. In this case, the documentation has not established that there is a need for the dwelling to help run the embryo transfer facility and that the embryo transfer facility is a long term viable proposition.</p> <p>Allowing dwellings on undersized lots is not an acceptable practice for Council as it can result in fragmentation of rural land, loss of rural land (i.e. the area around the dwelling cannot be farmed), conflict between rural residential style housing (i.e. smaller undersized lots) with genuine farm land and the economics of servicing unplanned rural housing.</p>	<p>Yes, if the dwelling is not approved.</p>

Port Macquarie-Hastings Local Environmental Plan 2011

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

In accordance with clause 2.3(1) and the RU1 zone landuse table, the proposed development for an animal boarding or training establishment (embryo transfer station) with ancillary/subordinate dwelling is a permissible landuse with consent.

The objectives of the RU1 zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

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

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

- the proposal is a permissible landuse;
- the development provides for an additional rural based industry;
- the proposal provides for diversification in the rural industry;
- does not fragment or alienate resource lands; and
- being a rural based industry and similar in design to a set of cattle yards, will not conflict with other uses.

Including the dwelling without suitable justification on the need for such a use or viability of the embryo transfer station has potential to conflict with the zone objectives. In particular, should the embryo transfer station fail or not have a need for a permanent onsite manager, the property will revert to a dwelling on an undersized lot, result in a dwelling that is not ancillary or subordinate to the main use but rather a use on its own - refer to comments on Clause 4.2A, result in a dwelling that has potential to conflict with adjoining rural uses and will add pressure to services through unplanned development of rural land.

In accordance with clause 4.2A, a dwelling is proposed on Lot 72 DP 754446. Council records indicate that neither Lot 72 nor Lot 142 DP 754446 have a dwelling entitlement. In particular, the subject lots are old parish portions that no longer are linked to the original existing holding of lots that had a dwelling entitlement. The dwelling has been lodged as being required to help manage the proposed embryo transfer station. However, the information supplied with the application has not clearly demonstrated that there is firstly a need for a person to reside onsite and that the embryo transfer station is a long term viable proposition. Without these linkages, the dwelling has potential to be a standalone component and not consistent with the strategic development of rural land. In particular, documentation submitted with the proposal has not shown a definitive breakdown of income and costs generated from the facility. This is important in determining whether there will be enough money generated to maintain the facility and allow the long term employment of an onsite manager.

In addition, no information has been provided to show what activities are involved in running the facility. The small size of the property and number of stock onsite is questionable in terms of generating enough work for an onsite manager. It may be the case that the activities can be dealt with sporadically or in more intense bursts. Neither of which may require an onsite manager.

Another issue is that any significant amount of stock onsite may also have the negative impact of degrading the land - carrying capacity of the property has not been definitively confirmed. It should be noted that the application states truck movements occur very infrequently, which suggests limited movement of stock. However, further information later submitted on the application states that stock have a short stay on the property. Depending on what is correct has potential to affect carrying capacity and costs associated with importing feed, transportation etc. The facility would also appear to be more suitable for a larger property that allows for future expansion and more options for storage and preparation of stock for treatment (i.e. to eliminate transportation, agistment costs, lack of feed etc).

Issues on the need for security and management of the facility is also questionable. The dwelling is located over 100m from the facility. Any failure of systems

maintaining product is unlikely to be known from the residence without some sort of alarm system. For example, periods of sleep will still leave the facility and stock vulnerable, no different to a manager living off site. The site is located within close proximity to Wauchope and Port Macquarie (i.e. approximately 15min drive) where a manager could find residence and easily drive to the site each day to undertake management activities.

In terms of security, there are a number of factors that would limit risks:

- The product is quite specialised and only available to a set market;
- Gates can be locked; and
- Surrounding residents will provide natural surveillance deterring criminal activity.

In accordance with Clause 4.6, the dwelling component is not considered to be varying the minimum lot size standard as it has been lodged as an ancillary and subordinate aspect to the embryo transfer station (i.e. the dwelling is not a standalone use). Furthermore, the dwelling component is not recommended for inclusion in the approval of the embryo transfer station.

In accordance with Clause 5.5 - Development within the coastal zone (relevant objectives of this clause are addressed by SEPP 71 section - see above)

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. The site shows evidence of past farming activities and disturbance.

In accordance with clause 7.1, the site has class 1, 2 & 3 acid sulphate soils. The proposed development does not include any major excavation extending below the natural surface level that would unearth such material. In this regard, no adverse impacts are expected to occur to the Acid Sulphate Soils found on site.

In accordance with clause 7.3, the site is land within a mapped "flood planning area". It should be noted that the proposed infrastructure is located above the flood prone areas. Council's flood engineer has reviewed the proposal and raised concerns from an evacuation perspective. Given the dwelling component is recommended to not be supported, the evacuation is considered not critical to a rural related activity. In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3 & Council's Interim Flood Policy 2007:

- The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change
- The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties.
- The proposal can incorporate measures to minimise & manage the flood risk to life and property associated with the use of land,
- The proposal is not likely to adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses
- The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

In accordance with Clause 7.4, the land is affected by the relevant layer but the type of development does not require any further consideration.

While Clause 7.10 rural workers dwellings on RU1 & RU2 does not specifically apply to the development, the principles behind compliance with the clause have relevance to this type of development. In order to allow a second rural dwelling on a lot, Council needs to be satisfied that there is a need and that the linkage is viable. The development should not impair the use of the land for agricultural and rural industry purposes, the development should demonstrate economic capacity to ensure employment of rural workers and the development is necessary based on the use and remoteness of the site. These same principles are equally important to a single dwelling that is submitted to be ancillary and required for a rural industry on an undersized lot. As detailed under the Clause 4.2A comments above in this report, the application has not shown compliance with such principles.

In accordance with clause 7.13, the applicant will be responsible for extension of any infrastructure utilities to service the development.

The requirements of this LEP are therefore satisfied.

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

None relevant.

(iii) any Development Control Plan in:

Port Macquarie Hastings Development Control Plan 2011

The proposed development does not compromise any of the provisions in the DCP. The development is well setback from the road/side boundaries, contains sufficient area for parking, does not require any significant vegetation removal and is of similar size to other rural based facilities.

(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:

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 relevant.

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

Context & Setting

The site is located on Rawdon Island and has frontage to Rawdon Island Road to the north and a branch of the Hastings River to the south. Surrounding the site is a mixture of larger farms and occasional smaller hobby farms interspersed with farm dwellings and associated sheds.

The development does not propose any works that will impact on the public domain.

Access, Transport & Traffic*Roads*

Lot 142 fronts onto a Council owned road, currently unnamed according to Council records, which extends eastwards from Rawdon Island Rd. Running along the eastern boundary of Lot 142 to the edge of Lot 72 is an unnamed Crown owned road. The public road access to the development is formed but unsealed dirt road for approximately 2.5km. The development is at the end of the road.

The proposed entrance is at the western corner of Lot 142. Beyond the entrance to the development site, Rawdon Island Rd becomes a grassed gravel track. There is also no facility for truck turning at the terminus. Sight distances are sufficient to prevent traffic hazards arising due to the development.

Traffic

The application has not included information on the estimated traffic generated by the embryo facility. The activity is consistent with general rural use, and any increase is not expected to have a significant impact on the road network.

Access

Access to Lot 142 is provided directly to Little Rawdon Island Rd. Access to Lot 72 is provided through the existing crown reserve.

Functional vehicle access to the proposed embryo transfer facility is to be upgraded to comply with Council standards - AUSPEC D1.31, ASD 214 and AUSTROADS - including capacity for trucks to stand off the public road (gate setback). A long section is not required as the access is flat. Details are to be provided with any Roads Act application.

Utilities

Utilities would need to be extended to the property at the applicant's expense.

Stormwater

The aggregate site has a ridge through it and consequently, the southern third of rainfall area runs off into the Hastings River (south arm). The remainder of the site falls north to an onsite dam and marshy area, where it enters the road reserve. Drainage will be provided as part of the Section 68 application.

Water

To be provided via onsite storage facilities.

Soils

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

Air & Micro-climate

The construction and/or operations of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution to that which already occurs in a rural setting. The small size of the property will limit the amount of stock that can be contained onsite without resulting in intensive agriculture (feedlot scenario) and further approval being required.

Flora & Fauna

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

Waste

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

Energy

No adverse impacts. If the dwelling component were to be included, proper plans and a BASIX certificate would be required.

Noise & Vibration

No adverse impacts anticipated other than what could normally occur on a rural farm (i.e. stock work, trucks transporting stock etc) Conditions will also be imposed to restrict construction to standard construction hours.

Natural Hazards

Refer to comments on flooding in the LEP 2011 section of this report.

Contamination Hazards

Refer to comments on SEPP 55 above in this report.

Safety, Security & Crime Prevention

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

- the product is quite specialised and only available to a set market;
- gates can be locked to keep intruders out; and
- surrounding residents will provide natural surveillance deterring criminal activity.

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.

Compliance or Otherwise with the DDA

The onerous will be on the applicant to ensure disabled access to the facility. The design contains scope to ensure compliance.

Economic Impact in the Locality

No adverse impacts. Likely positive impacts can be attributed to the construction and operation of the development and the associated flow on effects that it can create (i.e. employment and expenditure in a unique industry).

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

Provided the dwelling component is excluded from the application, the proposed development is not expected to have any adverse cumulative impacts on the natural or built environment or the social and economic attributes of the locality.

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

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

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

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

Three (3) written submissions have been received following completion of the required public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The variation to allow a dwelling on an undersized lot will set a precedent to allow other land holders to have extra dwellings/subdivision.	Noted. Dwelling component is not proposed to be supported at this stage.
Acid sulphate soil data questionable and may have changed due to flooding.	No major excavations proposed to unearth soils.
Several other applications in the past to develop this land have been rejected by Council and there is a fear this is another attempt.	Noted. However, this application will be assessed on individual merit.
The development will increase the value of the property while decreasing surrounding.	The approval of the facility (minus the dwelling component) should not create any adverse impact on adjoining properties. In particular, processes are similar to what can already occur on rural land.
The property is extremely small to have cattle.	Noted. The viability of the facility and stocking rates is questionable. If the facility fails, the building has merit as a standard farm shed and cattle yard.
The current road is not up to standard. Maintenance would need to be increased. Historically the road has been private.	Council's Engineering Section has assessed the application and accepts the road conditions subject to conditions. The road is a Council road.
Trucks and other vehicles will create dust and noise.	The type and amount of vehicle movements will be conducive to a rural property/area.
Rawdon Island Road is subject to flooding.	Noted. No permanent residential component proposed that would be affected by flooding. Use and access to the property would need to be reduced by the owner during times of flooding.
The development is being used as a backward way of trying to allow a dwelling on an undersized lot. The size of the dwelling is substantial for just a manager and given the small size of the embryo facility. Close proximity of Port Macquarie, Wauchope etc negates the need for a manager's residence.	Noted. Dwelling component not proposed to be supported by this report.
Electricity will need to be extended and will affect views from neighbouring properties.	The minimal size of powerlines will not block out any view and are a common occurrence in rural areas. No view will be lost.
Noise and smell from the cattle embryo station will impact on adjoining properties. Runoff will enter drainage areas surrounding the proposal and add to the odour impact along with environmental risk.	The facility and work to be carried on within the complex are not dissimilar from normal agricultural activities/cattle yard work. There is also 150m separation from the facility to the nearest dwelling, which exceeds the setback requirement for stockyards under exempt and complying. Like any farm, it will be important for the owner to

	manage stocking rates. Conditions have also been added to the consent to control noise and odour.
Unknown quantity and temperament of cattle could pose a risk to the safety of residents.	This issue is no different to any rural farm (i.e. stocking rates and temperament of stock). Fencing, good farm management etc will be the responsibility of the owner and adjoining properties to manage such an issue.
The economic basis for the development is questionable. The owner currently runs cattle on adjoining properties not under their ownership (i.e. via agistment). The best place for the facility is on rural land big enough to support a viable herd. Has a business plan been provided?	Noted. The viability of the proposal has been raised throughout this assessment report. The dwelling component is proposed to not be supported until such time as the facility is shown to be viable. There is no negative impact from allowing the facility without a dwelling or economic justification. In particular, if the facility fails, it can still be used as a farm building/stockyard for the site. This places the onerous on the owner to make sure they only proceed if they think they can get it to work. A comprehensive business plan has not been sighted. Council has received pieces of information on costs and income, but nothing substantial to be able to make an informed decision.
A development such as this should not be allowed at the end of a dirt road, a considerable distance from main access roads.	The access is considered to be acceptable.
Services in the area are limited and need to be upgraded.	Council's Engineers have accepted the road access and standard subject to conditions. The development, without a dwelling component, will not require any substantial increase in services.

(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

- Development contributions will be required under Section 94A of the Environmental Planning and Assessment Act 1979.

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

5. CONCLUSION

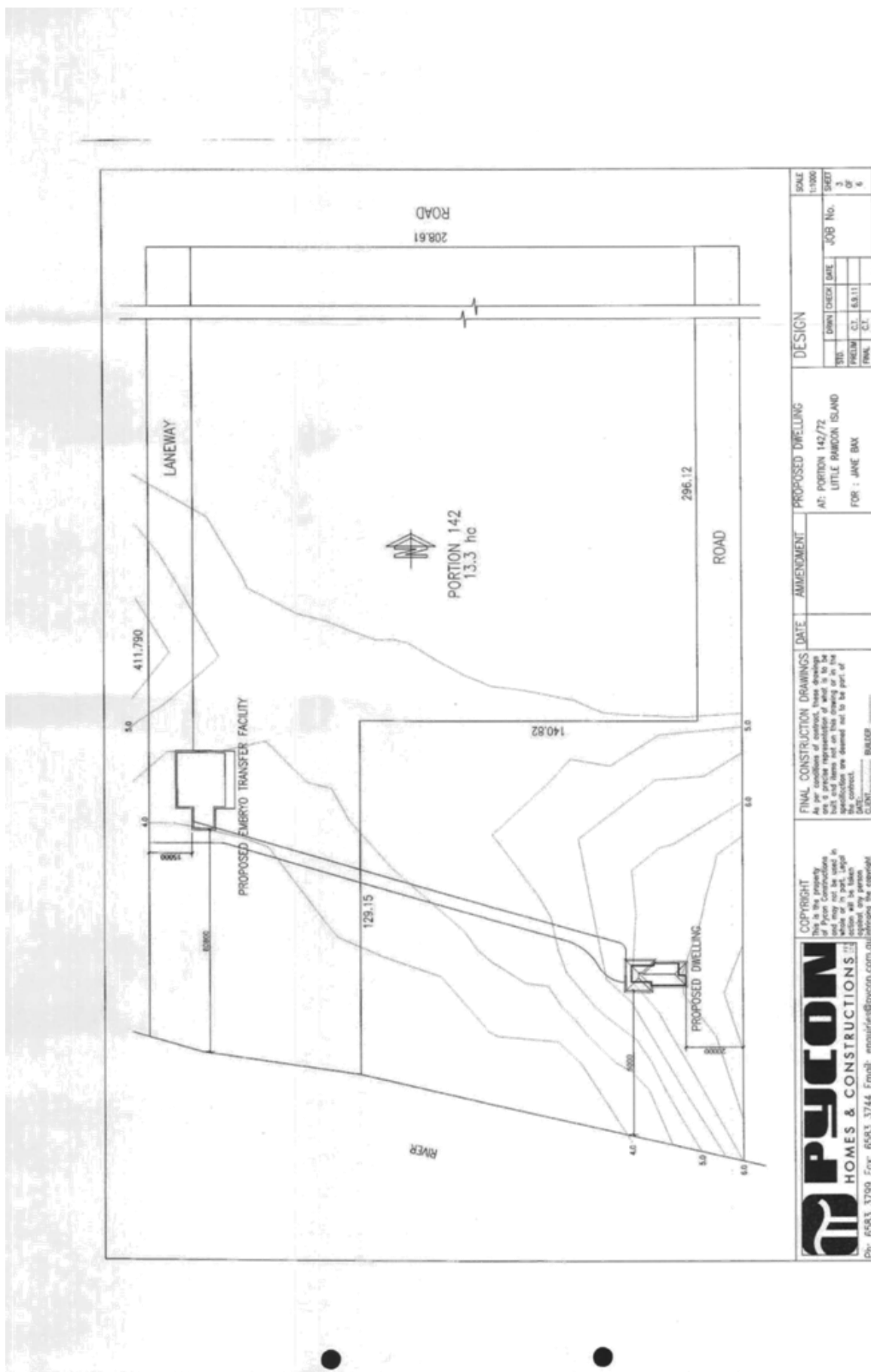
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

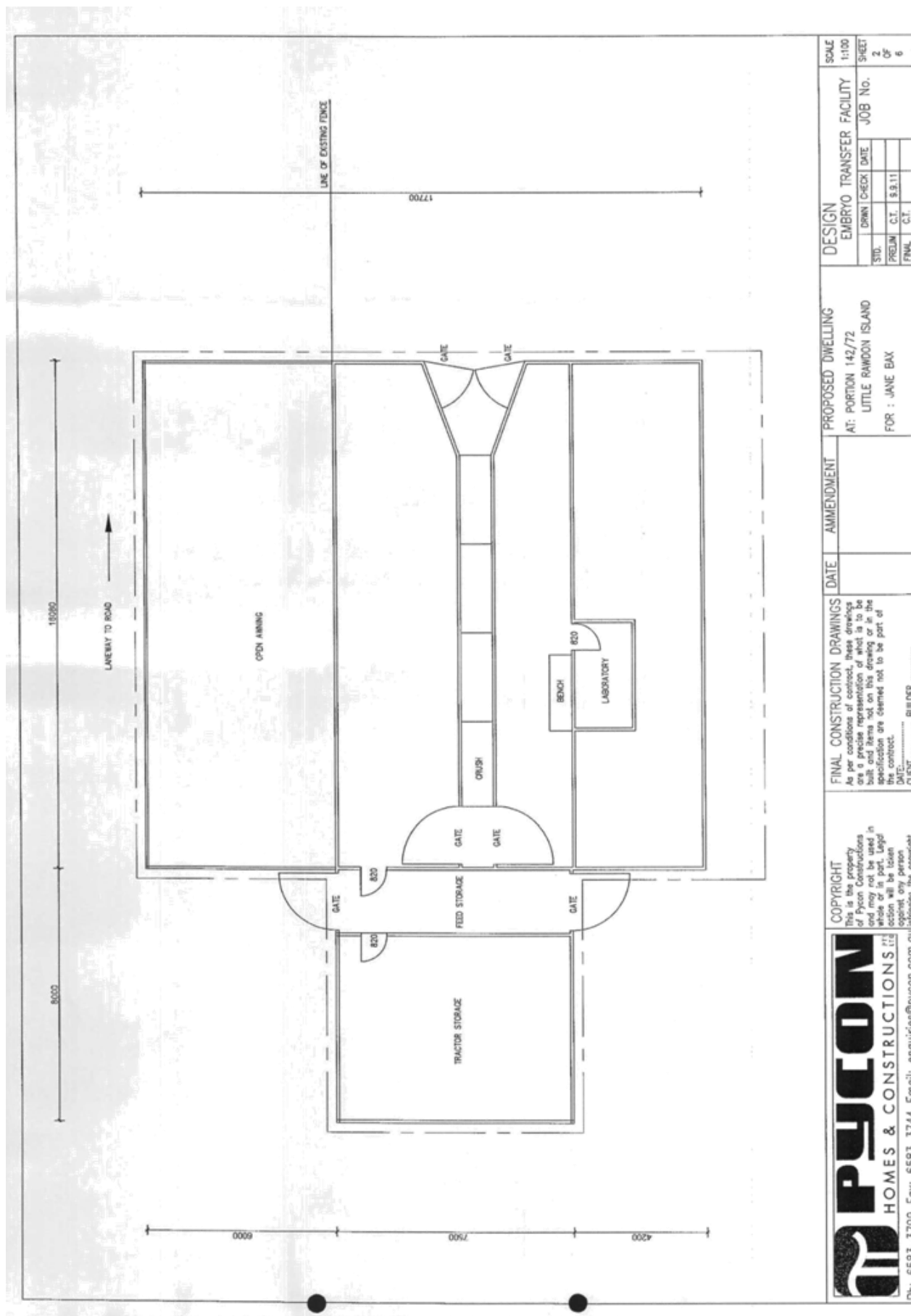
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

The site is suitable for the embryo transfer station only. The facility 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 removal of the dwelling component and the recommended conditions of consent provided in the attachment section of this report.

Attachments

1. DA2011 - 0634 DA Plans
2. DA2011 - 0634 Submission - Betts
3. DA2011 - 0634 Submission - Green & Stringer
4. DA2011 - 0634 Submission - Stephenson
5. DA2011 - 0634 Recommended DA Conditions
6. DA2011 - 0634 Development Contributions Calculation Sheet





ACKNOWLEDGEMENT SENT

Page 1 of 2



Fw: Objection to development proposal 2011/634
Geoff Williams
to:
Geoff Williams
01/12/2011 09:08 AM
Show Details

Follow Up:
Normal Priority.

----- Forwarded by Geoff Williams/PMHC on 01/12/2011 09:08 AM -----

Clinton Tink/PMHC

To Council@pmhc.nsw.gov.au

cc

01/12/2011 08:22 AM

Subject Fw: Objection to development proposal 2011/634

Can this submission be recorded as a CRM against DA 2011/634 please?

Clint

----- Forwarded by Clinton Tink/PMHC on 01/12/2011 08:22 AM -----

From:

To: <clinton.tink@pmhc.nsw.gov.au>

Date: 30/11/2011 10:21 PM

Subject: Objection to development proposal 2011/634

Dear Clinton

I wish to strongly object to this development proposal because;

1. The cattle transfer seems disproportionately small compared to the size of the dwelling which is for all intents and purposes a five bedroom residence. Are residences granted on small rural blocks such as cattle auction yards?
2. The proposal is situated at the end of what is a private road { according to P.M.H.C. } which is often in a poor state of repair. Vehicular access has historically been for grazing only when the land parcel was part of my property. Access by cattle trucks with animals from elsewhere appears contrary to the legal basis for access. Determination of the ownership of the road would need to be done, owners approval gained and the road made sufficient. Funding arrangements would need to be made for ongoing maintenance.

3. The economic basis is questioned. The applicant currently runs cattle on approximately 120 acres of land of mine for a further 21 months. If the applicant has not secured further land on the island by then where will the demand come from? Surely it is best placed on rural land big enough to support a viable herd (i.e. bigger than 22 acres).
4. If the transfer station proves non viable will the residence be turned into permanent accommodation thus thwarting the requirement that dwelling entitlements be only attached to rural land of 40 hectares or more.
5. Has a business plan been sighted indicating turnover and number of employees. It seems a lot of cattle would have to be trucked in to make this viable.
6. A development like this should not be at the end of a dirt road, a considerable distance from main access roads.
7. I understand similar applications have been made before and the matter examined in the Land and Environment Court.

Yours sincerely
Wanda Betts

17-540

-6-12- 11 014

Clinton Tink/PMHC
05/12/2011 08:24 AM

To Council@pmhc.nsw.gov.au
cc
bcc
Subject Fw: Development Application Number 2011/634 Little
Rawdon Island,

Can this submission be registered as a CRM against DA 2011/634 please?

Clint

----- Forwarded by Clinton Tink/PMHC on 05/12/2011 08:22 AM -----

To: <clinton.tink@pmhc.nsw.gov.au>
Date: 02/12/2011 05:11 PM
Subject: Development Application Number 2011/634 Little Rawdon Island,

Port Macquarie	
HASTINGS COUNCIL	
Parcel	37081
6 DEC 2011	
Library	
Room	
Cabinet	DA 2011-0634
Binder	

Dear Mr Tink,

Relative to this proposed development, we are probably the most affected neighbour.

We have no objections to the proposal per se, with one proviso.

If Council allows this development, it will set a precedent for other similar developments. The "road" in this area cannot handle current traffic given its poor construction and exceedingly infrequent attention. There are no services such as garbage, water, sewerage, etc., yet substantial rates continue to escalate significantly.

In the past the garbage contractor has refused to use some of the roads (on O.H. & S. grounds!). Council has declined to discuss any form of improvement, with or without local involvement.

Given the current economic environment there is a crying need for new developments in any form. Perhaps it is possible to keep everyone happy and make some serious progress.

Sincerely,
David Green & Suzanne Stringer
97 Freemans Road
Rawdon Island.

30/11/2011

Port Macquarie	
HASTINGS COUNCIL	
Parcel	37081
1 DEC 2011	
Library	
Room	
Cabinet	DA2011/0634
Binder	

Guy Stephenson
Julie Stephenson
Terry Stephenson
789 Rawdon Island Road
Rawdon Island 2446

Clinton Tink
Development Assessment Planner
Hastings Council
PO Box 84
Port Macquarie 2444

Dear Sir,

Subject: OBJECTION to development proposal at LOT:72 DP:754446, LOT:142 DP:754446, Rawdon Island Rd RAWDON ISLAND.

Reference: DA2011/634

I am writing on behalf of all residents of 789 Rawdon Island RD LOT:143 to strongly object to the above proposal due concerns as outlined below:

1. Land;
 - a) That a variation to clause 4.2a will set a precedent enabling other land holders to create extra residences and subdivide rural lots.
 - b) Under clause 4.6 (6)(a) and (b) of PMHLEP2011 the lot size is two lots less than 40ha and being a total of 8.9ha be approx 22% of required land well under the minimum of 90%.
 - c) Questionable accuracy of acid sulphate data used in the application as data is over 14 years old and may well have changed due to repeated flooding, earthworks to create dams and farming activities.
 - d) Several other applications in the past to develop this land have been rejected by council and the Land and Environment Court; it is our fear that this is another attempt to develop this land.
 - e) That approval of this development would dramatically increase the value of the subject property while significantly reducing the value of our residence.
 - f) This is an extremely small property to have cattle and even comes in under the required size for the Rural Lands Protection Board to monitor and rate.
2. Road infrastructure;
 - a) The current road is one lane and only allows traffic in one direction at a time due to no shoulder and drainage along both sides of the road not allowing for room to let other vehicles pass or turn around creating dangerous reversing situations or having to wait long periods for vehicles to pass while exiting the property.

- b) Large trucks carrying cattle and other vehicles will create dust and noise as they pass our property on this unsealed road.
 - c) The current maintenance schedule for this road would need to be increased to allow for the extra trucks and vehicles that would frequent this development. At the moment current council maintenance schedule is only sufficient for minimal residential traffic and further degradation of the road would pose traffic hazard.
 - d) The current Rawdon Island Rd and access road are subject to flooding, being below the required flood datum, having done so frequently in the previous 14 years that we have resided here.
3. Residence size;
- a) It is our fear that this DA's main purpose is to create a private residential estate hence the large residence of three bedrooms a study and media room, more than enough for a manager's residence. The proximity to other accommodations in Port, Wauchope or closer negates the requirement for a manager's residency.
4. Electricity;
- a) Electricity will need to be run from the closest power poles which are on our property creating the need for extra poles, to be placed within our boundaries.
 - b) If electricity is run from the front of subject property it will interfere with our views of the intersection of Hastings River, Munns channel and Rawdon channel.
5. Cattle embryo transfer station;
- a) The distance from our boundary to the cattle station would be less than 10m
 - b) We are worried about environment noise created in such a station by animals and machinery which would be easily heard due to the proximity to our property.
 - c) The extra smell of cattle and farm management practices that would drift our way on cool easterly winds would make it impossible to leave doors and windows open to cool residences in summer months.
 - d) The effluent and runoff associated with intensive herd activities from such a practice would enter drains that are common to both properties and pool in a swampy area of low ground on our property. This will create unwanted smells and potential environmental health hazards with possibly dangerous gasses.
 - e) Unknown quantity and temperament of cattle could pose a risk to the safety of residents, children and visitors of our property.

We would like to be kept informed concerning the above matter and thank you for your time in hearing our objections and concerns.

Yours sincerely



Guy Stephenson



Julie Stephenson



Terry Stephenson

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2011/634****DATE: 17/02/2014****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	BAX 5799	Hopkins Consultants	October 2011
Site & Floor Plan	Sheets 2 & 3 of 6	Pycon Homes & Constructions	6/9/2011

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

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - Building waste is to be managed via an appropriate receptacle;

5. 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) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (6) (A017) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (7) (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.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - 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.

- (9) (A064) All works shall be in accordance with the current Port Macquarie-Hastings Council Flood Policy.
- (10) (A195) This consent does not approve the dwelling component of the application, which will be subject to further approval.

- (11) (A196) The height of the facility is not to exceed 7m.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

1. Erosion & Sedimentation controls.

- (2) (B005) Prior to release of the Construction Certificate, approval must be obtained from Council under Section 68 of the Local Government Act 1993, for work to install or alter any onsite sewage management facility related to the development and any stormwater works.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Functional vehicular access

Where works are proposed on an RMS classified facility, the Road Authority shall obtain RMS concurrence prior to any approval.

- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94A contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Port Macquarie-Hastings Section 94A Levy Contributions Plan 2007

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

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

It should be noted that the contributions were based on the total cost of the development included on the development application form. If the cost included the dwelling component and it is no longer approved, a revised Notice of Payment can be requested based on the adjusted cost of works. The revised cost of works may result in no contributions being payable.

- (5) (B068) The minimum floor level of non-habitable areas is to be not less than the 1:20 year flood level. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (6) (BA195) Functional vehicle access to the proposed embryo transfer facility is to be upgraded to comply with AUSPEC D1.31, ASD 214, and AUSTRROADS. Details are to be submitted to Council as part of a Section 138 Roads Act application, to be approved prior to issue of any Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.

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 measuresAll works at each hold point shall be certified as compliant in accordance with the requirements of AUSPEC Specifications for Provision of Public Infrastructure and any other Council approval, prior to proceeding to the next hold point.
- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E004) Consolidation of the allotments comprising the site of the proposed development prior to issue of the Occupation Certificate.
- (3) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (5) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (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:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting

- d. The matching of new infrastructure into existing or future design infrastructure
- (7) (E068) Prior to the issue of the Occupation Certificate or Subdivision Certificate (whichever occurs first), written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services 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.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking satisfying AS2890 is to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons.
- (2) (F002) The cattle embryo transfer station is not to be used for habitable purposes.
- (3) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (4) (F016) Offensive odours shall not be generated by the development, including those generated from overstocking the land and importing more than 50% of the stocks feed.
- (5) (F025) Hours of operation of the development are restricted to the following hours:
- 7.00 am to 7.00 pm – Daily
The hours will be allowed to be extended for emergency situations with the management of stock or the facility.
- (6) The site is not to revert to intensive agriculture as defined by the Port Macquarie Hastings Local Environmental Plan 2011 or a feedlot scenario, whereby the majority of feed is imported.

Development Contributions Calculation Sheet - Final Consent Issue									
Development Details			Contributions Plans Applicable						
DA No.	2011	0634	General S94 Plans		Applies	ET Chargeable	RatePer ET	Contribution Amount	
Address:	Rawdon Island Road		Major Roads		No				
Dev Description:	Cattle Embryo Transfer Station		Open Space		No				
Lot Number(s):	72 & 142		Community Cultural & Emergency Services		No				
DP Number(s):	754446		Admin Building		No				
Stage No:	Total		Bushfire - Specific		No				
Applicant:	Hopkins Consultants Pty Ltd		Kings Creek		No				
Contribution Area:	<input type="checkbox"/> Camden Haven <input type="checkbox"/> Innes Peninsula <input type="checkbox"/> Kings Creek <input type="checkbox"/> Lake Cathie/Bonny Hills <input type="checkbox"/> Port Macquarie <input checked="" type="checkbox"/> Rural <input type="checkbox"/> Sancroft/Thrumster <input type="checkbox"/> Wauchope		Admin Levy		No				
(Planner must Select Contribution Area: Click Once with Mouse)			Specific Contribution Plans and DSPs <i>(Planner Must Select if Plans are Applicable)</i>						
			S94A Levy Development Cost		\$260,000	Yes	\$273,373	1.00%	\$2,733
						Applies			
						Applies			
						Applies			
						Applies			
						Applies			
						Applies			
						Applies			
						Applies			
DA Lodged Date:	14/11/2011		Water 1.6% levy:		0				
Prepared By:	Clinton Tink		Sewer						
DA Consent Date:									
Issue No.	1								
Calc Sheet Date:	19-Feb-2014								
FINAL CONSENT CALCULATION	<input checked="" type="checkbox"/> Tick for FINAL Consent Calculation								
			Car Parking CP		Contribution Total:		\$2,733.00		
			No. of Spaces Short:		Notice of Payment Re-Issue Fee:		<input type="checkbox"/> Applies		
ET Calculation for New Development (Proposed)									
Commercial & Industrial New Development		Rate	Units	Water Rate	Sewer Rate	ET Water	ET Sewer	Traffic Facilities m ²	
N/A	▼	m2	0	0	0	0	0	0	
N/A	▼	m2	0	0	0	0	0	0	
N/A	▼	m2	0	0	0	0	0	0	
N/A	▼	m2	0	0	0	0	0	0	
				Total Commercial ETs:		0	0	0	
New Residential Development			Units	Sec 94 ET	Water ET	Sewer ET			
Number of new residential lots greater than 450m ² (excluding Dual Occ & Int Housing)			0	0	0	0			
Number of new residential lots greater than 2000m ² (excluding Dual Occ & Int Housing)			0	0	0	0			
1 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
2 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
3 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
4 Bedroom Units (Low Density - Flats, town houses, villas, dual occs, Int housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0			
1 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
2 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
3 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
4 Bedroom Units (High Density - 3 or more storeys)			0	0	0	0			
Motel Unit - Partially Self Contained (Own ensuite but shared facilities for cooking & laundry)			0	0	0	0			
Motel Unit - Self Contained (Own ensuite and kitchen)			0	0	0	0			
Caravan Park - Not Self Contained Site (permanent or transient)			0	0	0	0			
Caravan Park - Partially Self Contained Site (permanent or transient)			0	0	0	0			
Nursing Homes High Dependency/Residential Care Facility (per bed)			0	N/A	0	0			
Nursing Homes Low Dependency/Hostel (per bed)			0	0	0	0			
Aged Unit - Self Contained 1 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Aged Unit - Self Contained 2 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Aged Unit - Self Contained 3 bedroom with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Boarding House per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathrooms)			0	0	0	0			
Boarding House per 1 Occupancy Bedroom Partially Self Contained (Own ensuite - shared cooking & laundry facilities)			0	0	0	0			
Boarding House - Not Self Contained Per Bed (for dormitories/bunkrooms, shared cooking, laundry and bathroom)			0	0	0	0			
Boarding House - Self Contained Per Bed (for dormitories/bunkrooms, Own ensuite per bedroom/dorm/bunkroom with shared cooking and laundry)			0	0	0	0			
New Residential Unit Total:			0	0	0	0			

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

G:\Dev\Env\DEV AND BUILDING CONTROLS\DA2011\DA2011-0634\Development Contributions Calculation Sheet, DA 2011-0634, Stage No. Total, Issue No.1

Item: 07

Subject: DA2014 - 0004 LOT 3 DP 1175739, 25 BANKSIA AVENUE, PORT MACQUARIE - DWELLING AND SECONDARY DWELLING (GRANNY FLAT)

Report Author: Stephen Ryan

Property:	Lot 3 DP 1175739, No 25 Banksia Avenue Port Macquarie
Applicant:	Pycon Homes Constructions Pty Ltd
Owner:	B & L Ferguson & R Higgins
Application Date:	3 January 2014
Estimated Cost:	\$259,969
Location:	Port Macquarie
File no:	DA2014 - 004
Parcel no:	62512

Alignment with Delivery Program

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

RECOMMENDATION

That DA2014 - 0004 for a dwelling and secondary dwelling (granny flat) at Lot 3, DP1175739, No. 25 Banksia Avenue, Port Macquarie be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a Development Application for a dwelling and secondary dwelling (granny flat) at the subject site.

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

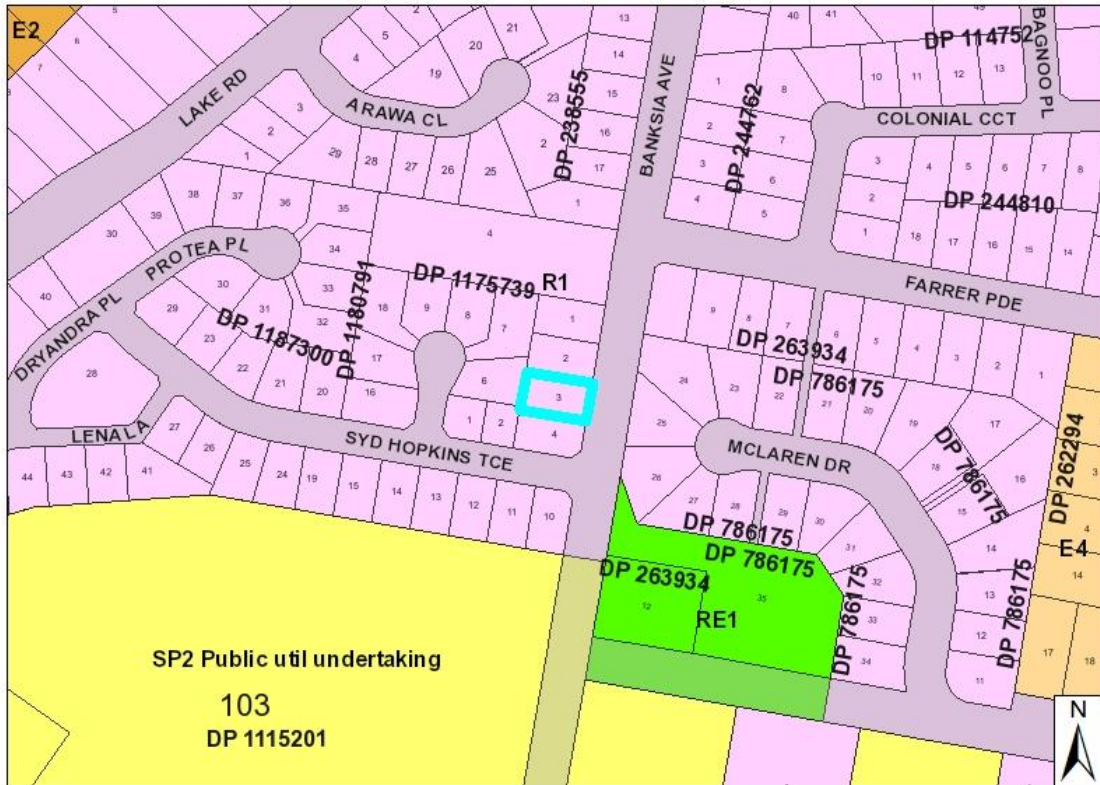
Subsequent to exhibition of the application, 1 submission has been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 593m².

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 in question is located along Banksia Avenue within the newly established Banksia Grove residential subdivision. The locality is characterised by single and two storey residential dwellings. The street is moderately sloping at the locality with the land sloping toward the south and the rear of the site (South west).

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

The site is not identified as a coastal wetland.

State Environmental Planning Policy 26 - Littoral Rainforests

The site is not identified as Littoral Rainforest.

State Environmental Planning Policy 33 - Hazardous and Offensive Development

The development is not hazardous or offensive development.

State Environmental Planning Policy 44 - Koala Habitat Protection

In accordance with clauses 6 and 7, the subject land does not have an area of more than 1 hectare in size and therefore the provisions of SEPP do not apply.

State Environmental Planning Policy 55 – Remediation of Land

In accordance with clause 7, following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy 62 - Sustainable Aquaculture

In accordance with clause 15C, given the nature of the proposed development, proposed stormwater controls and its' location, the proposal will be unlikely to have any identifiable adverse impact on any existing aquaculture industries within the nearby Hastings River approximately 1.9km to the north from the site.

The requirements of this SEPP are therefore satisfied.

State Environmental Planning Policy 71 – Coastal Protection

The site is located within a coastal zone as defined in accordance with clause 4 of SEPP 71. The site is not identified as being within a sensitive coastal location.

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

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

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

The requirements of this SEPP are therefore satisfied.

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

In accordance with clause 6, a BASIX certificate (number 515186S) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the

commitments are incorporated into the development and certified at Occupation Certificate stage.

The requirements of this SEPP are satisfied.

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

The proposal is not Exempt Development or Complying Development.

Port Macquarie-Hastings Local Environmental Plan 2011

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

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

The objectives of the R1 zone are as follows:

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

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

In accordance with clause 4.3, the maximum overall height of the proposal from ground level (existing) is 7.3m which complies with the standard height limit of 8.5 m applying to the site.

In accordance with clause 4.4, the floor space ratio of the proposal is 0.37:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.

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

In accordance with clause 7.1, the site is not identified as containing acid sulphate soils.

In accordance with clause 7.3, the site is not land within a mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrent interval flood event plus 0.5m freeboard) or is land at or below the flood planning level.

Clause 7.5 – Koala Habitat – The land is not identified as a "Koala Habitat area" on the Koala Habitat Map.

7.6 – Coastline hazards – Note: Moratorium in place as per 22/10/08 resolution.- N/A

7.7 – Airspace operations- N/A

7.8 - Development in areas subject to aircraft noise- N/A

7.9 - Development subject to acoustic controls - N/A

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 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m2 max. area • 100m2 for lots >900m2 • 24 degree max. roof pitch • Not located in front setback 	Rainwater tank 1.8m Side setback	Y N/A N/A N/A N/A Y
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback 25% max. width of dwelling Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot 	 4.5m	N/A Y
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	5.690m and 1m behind facade	Y Y
	6m max. width of garage door/s and 50% max. width of building	4.5m and less than 50% of 13.5m building width	Y
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	5m width & less than 1/3 of 18.5m site width	Y
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	9.094m	Y
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • • First floors & above = min. 3m setback or where it can be demonstrated that 	3.130m on northern elevation, 1.5m on southern elevation. First floor level setback at 1.5m. (First floor level	Y N*

	overshadowing not adverse =0.9m min. • Building wall set in and out every 12m by 0.5m	component for 5m of wall length by definition) Set in every 12m	Y
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Available at rear of dwelling (for both the primary and secondary dwelling)	Y
3.2.2.10	Privacy: • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m	There are no direct views into the private living areas of the adjoining dwelling. The windows adjoin the boundary are bedrooms and bathrooms and not primary living areas. 1.8m boundary fence will separate the adjoining properties and provide adequate privacy. Privacy screens not required. Windows are bedroom and bathroom adjoining the boundary where less than 3m. The balcony on the northern side is greater than 3m from the adjoining boundary.	Y Y Y

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	Adequate casual surveillance available	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls		
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and	Refer to main body of report.	



	Stormwater		
	Driveway crossing/s minimal in number and width including maximising street parking		Y
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	One space within garage	Y
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.14	Sealed driveway surfaces unless justified		Y
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length		Y
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Contained within site	Y
	Vehicle washing facilities – grassed area etc available.	Available	Y

The proposal seeks to vary Development DP: 3.2.2.5.

The relevant objectives are:

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

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

- The second storey level extends for a length of 5 m from the rear of the dwelling by definition and is proposed at a setback of 1.5m from the boundary. The shadow diagrams provided demonstrate that solar access from this portion of the dwelling provides more than 3 hours of sunlight between 9am and 3pm on 22 June to the principle living areas of the proposed adjoining dwelling.
- The proposed adjoining dwelling is proposed to be cut into the slope by 1m which together with a 1.8m high boundary fence will produce overshadowing comparable to that of the dwelling.
- Due to the slope and nature of the site, a repositioning of the dwelling a further 1.5m up the slope (achieving a 3m boundary setback) will have little benefit in terms of solar access to the adjoining dwelling.

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

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

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy

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

Demolition of buildings AS 2601 - CI 66 (b)

None proposed.

- 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 site has a general easterly street frontage orientation.

Adjoining the site to the north is a newly constructed residential dwelling.

Adjoining the site to the east is an established residential dwelling.

Adjoining the site to the south is a vacant lot with an application for a dual occupancy under assessment.

Adjoining the site to the west is a newly constructed residential dwelling.

The proposal will have some impact of the adjoining site in regard to overshadowing, however this would be expected to the higher elevation and the sloping nature of the site.

Views

The proposal will be not anticipated to have any adverse impacts on existing views.

Privacy

The proposal is not anticipated to have any adverse impacts on the privacy of adjoining properties.

Access, Transport & Traffic

There is no foreseeable impact on access, transport and traffic.

Access

Access from Banksia Avenue is available to the site.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

Service available - details required with S.68 application.

Water

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

Soils

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

Air & Micro-climate

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

Flora & Fauna

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

Waste

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

Energy

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

Noise & Vibration

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

Natural Hazards**- Bushfire**

The site is not identified as being bushfire prone.

- Flood

The site is not identified as being flood affected.

Contamination Hazards

The site is not identified as being contaminated land.

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.

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

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

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

Submission Issue/Summary	Planning Comment/Response
Erection of a two storey dwelling 900mm from the boundary.	The portion of the dwelling 900mm from the boundary is by definition (LEP 2013), single storey, thereby complying with the 900mm setback for single storey dwellings. The remainder of the dwelling is setback at 1.5m which complies for the single storey component and can be justified in terms of privacy and overshadowing impact for the two storey portion of the dwelling.
Reduction in solar access & BASIX requirements.	Shadow diagrams provided by the applicant and those produced by Council staff demonstrate that solar access will be available to the principle living areas of the dwelling for more than 3 hours between 9am to 3pm on the 22 June throughout the day. The objectors dwelling is proposed to be cut into the slope by 1m which together with a 1.8m high boundary fence will produce overshadowing comparable to that of the subject dwelling. The solar amenity of the objectors dwelling will be reduced by the nature of the sloping site, and the relocation of the dwelling a further 1.5m up the slope (to achieve a 3m setback) will produce little benefit in terms of solar access to the objectors property. As solar access will be available the proposed BASIX measures for the objectors dwelling are not considered to be compromised.
Reduction in privacy.	There are no decks or principle living areas facing the adjoining property. There is not considered likely to be any adverse privacy impacts as a result of the development.
Poor design	The proposal is considered to adequately satisfy planning controls. There is considered to be insufficient grounds to refuse the application.

(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

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. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

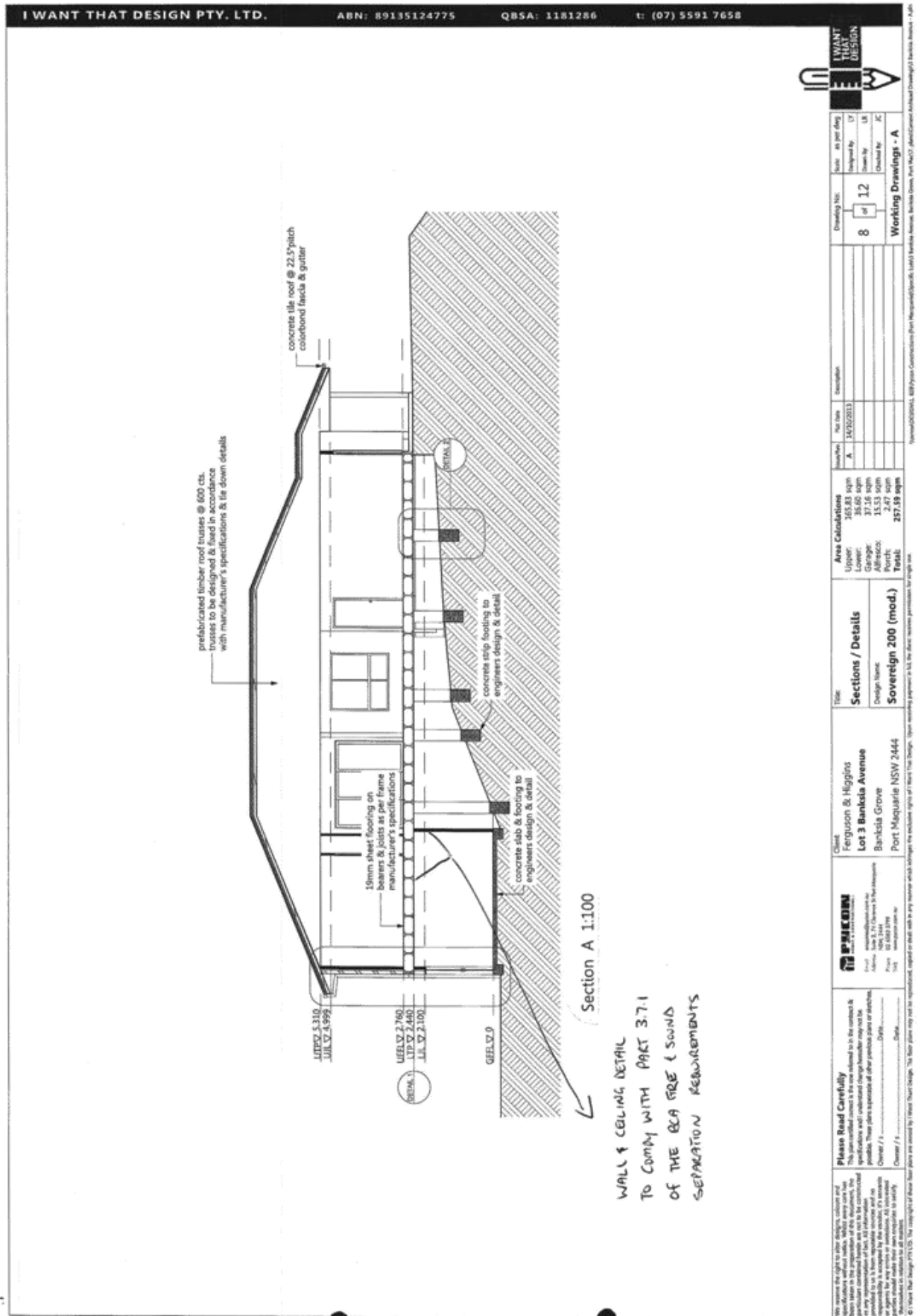
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic

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. DA2014 - 0004 DA Plans
2. DA2014 - 0004 Submission Brandwood and Tomas
3. DA2014 - 0004 Recommended DA Conditions







I WANT THAT DESIGN PTY. LTD. ABN: 89135124775 QBSA: 1181286 T: (07) 5591 7658

June 21 - 9am

June 21 - 3pm

June 21 - 12pm

June 21 - 9am

June 21 - 3pm

June 21 - 12pm

Area Calculations

Item No.	Item Description	Area (sqm)
A	Upper	165.83 sqm
B	Lower	36.60 sqm
C	Garage	31.15 sqm
D	Porch	2.47 sqm
Total		237.59 sqm

Design Details

Design Name: **Sovereign 200 (mod.)**

Design No: **200**

Design Date: **14/07/2013**

Design By: **LY**

Drawn By: **LY**

Checked By: **LY**

Working Drawings - C

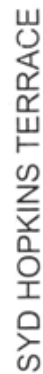
Client: Ferguson & Higgins
Lot 3 Bankia Avenue
Bankia Grove
Port Macquarie NSW 2444

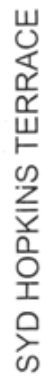
Project: Sun Study

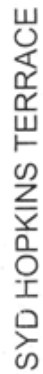
Scale: 1:100

Notes: Please Read Carefully
This plan is a preliminary design and is subject to change without notice. The client is responsible for ensuring that the plan is suitable for the intended purpose. The client is responsible for ensuring that the plan is suitable for the intended purpose. The client is responsible for ensuring that the plan is suitable for the intended purpose.

Disclaimer: The client is responsible for ensuring that the plan is suitable for the intended purpose. The client is responsible for ensuring that the plan is suitable for the intended purpose. The client is responsible for ensuring that the plan is suitable for the intended purpose.







17 St Andrews Ave
Port Macquarie 2444.

24 Jan 2014.

Stephen Ryan
Development and Environment Services
Port Macquarie Hastings Council.

Dear Stephen,

Re : LOT : 3 DP : 1175739, 25 Banksia Ave Port Macquarie
Parcel # 62512 Ref : DA 2014.4.1

We would like to object to the above proposed development due to the possible erection of a 2 storey house that is only 900mm from our northern boundary. The gutters of this house would be over 5m high and only 300mm from our northern boundary. We are very concerned about the shadowing effect of such a tall structure spanning approximately 20m along our northern boundary.

We have submitted a DA for a singel level dual occupancy below this property and have placed the building 900mm from the rear boundary due to the prescribed setbacks on the corner of Banksia Ave and Syd Hopkins Way.

Our BASIX specifications include solar hot water for both units. One of these would have to be deleted and the other would be rendered ineffective for much of the year due to the shadowing effect. Therefore, we would have to provide alternative hot water heating systems that would contravene environmentally friendly BASIX guidelines. The lack of sun and reduced light levels would severely affect the amenity of having a north to rear aspect. This towering structure would also remove any privacy.

We would like Pycon to redesign the proposed structure. It is merely an existing Pycon design placed on the site with excavation for a granny flat underneath. We believe that this is a very poor solution for the owners and maximises their costs and excavation, and has serious impacts on ourselves. The design also makes poor use of available passive solar gain. The garage is placed at the higher end of the street frontage and dictates the upstairs floor level, hence providing scope for excavation underneath. If the garage was placed at the lower end of the street frontage, the bulk of the house could be placed on one level with just the master suite being above this level with access to the backyard, and the granny flat being placed at the rear on a lower level. This would be a far better solution for both parties, and would still retain their side access on their northern side as well as provide good indoor-outdoor flow.

In the future we plan to live there and have gone to great lengths so that our plans provide an attractive living environment with sunshine and light. We look forward to your consideration.

Yours sincerely

M.P. Brandwood

&

R.M. Tomasi

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2014/4****DATE: 18 February 2014****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
Architectural Plans	Pages 1-12	Pycon Homes & Constructions	14/10/2013
Basix Certificate	No 515186S	-	13/11/2013
Engineering Plans	Job No 20130091 S01-S05	GR Consulting Engineer's	December 2013
Specifications	Pages 1-10	Pycon Homes & Constructions	3 December 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) (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.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

nil

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C011) Work associated with the construction of a new building shall not commence until a water meter provided by the Council has been installed on the site.
- (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.
- (3) (C014) Prior to the commencement of work, the location and depth of any water mains on the development site and adjacent land affected by the development is to be established. The water mains are to be clearly marked and protected with safety fencing.

D – DURING WORK

- (1) (D002) Fill material shall not raise the existing surface level within the dedicated easement/s.
- (2) (D005) Fill material shall not raise the existing surface level nor excavation reduce the cover of any water main in the vicinity or the work area without the explicit approval of the Manager, Water Supply Services.
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

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) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (3) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (4) (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.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.

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