



Development Assessment Panel

Business Paper

date of meeting: Wednesday 10 December 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	09/04/14	28/04/14	14/05/14	25/06/14	09/07/14
Paul Drake	✓	✓	✓	✓	✓
Matt Rogers					
Dan Croft Patrick Gailbraith-Robertson (alternate)	✓	✓	✓	✓	✓
David Fletcher Paul Biron (alternate)	✓	✓	✓	✓	✓
David Troemel Caroline Horan (alternate)	✓	✓	✓	✓	✓

Member	23/07/14	13/08/14	27/08/14	10/09/14	01/10/14
Paul Drake	✓	✓	✓	✓	✓
Matt Rogers					
Dan Croft Patrick Gailbraith-Robertson (alternate)	✓	✓	✓	✓	A
David Fletcher Paul Biron (alternate)	✓	✓	✓	✓	✓
David Troemel (alternate)	✓	✓	✓	✓	✓

Member	22/10/14	12/11/14	26/11/14		
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 10 December 2014

Items of Business

Item	Subject	Page
01	Acknowledgement of Country	<u>5</u>
02	Apologies.....	<u>5</u>
03	Confirmation of Minutes	<u>5</u>
04	Disclosures of Interest.....	<u>9</u>
05	DA2014 - 0800 - Medical Centre at Lot 2 DP 207204, No. 98 Lake Road, Port Macquarie	<u>13</u>
06	DA2014 - 0830 - Dwelling Lot 6 Section C DP 25923, 68 Chepana Street Lake Cathie.....	<u>53</u>
07	DA2014 - 0790 - Dual Occupancy and Strata Subdivision resulting in Two Single Dwellings at Lot 25 DP 259237, 2 Ballina Crescent, Port Macquarie.....	<u>83</u>
08	DA2014 - 0766 - 2 Lot Torrens Title Subdivision, 4 Attached Town Houses, Health Services Facility, Carparking and Signage at Lot 74 DP 37543, No. 107 Cameron Street, Wauchope.....	<u>117</u>
09	DA2014 - 0749 - Dual occupancy and strata subdivision at Lot 302 DP 1182566, No. 16 St Lucia Place, Bonny Hills	<u>159</u>
10	General Business	



**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 26 November 2014 be confirmed.

PRESENT

Members:

Paul Drake
Dan Croft
David Fletcher
David Troemel

Other Attendees:

Clinton Tink
Pat Galbraith-Robertson

The meeting opened at 2.00pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 12 November 2014 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

**05 SECTION 96 MODIFICATION TO DA 2000 - 0782 MODIFICATION TO KOALA
PLAN OF MANAGEMENT ASSOCIATED WITH ROAD (LINK ROAD)**

CONSENSUS:

1. That the section 96 modification to DA 2000 - 782 for amendment to the Koala Plan of Management at Lot 7307 DP1154392, Lot 7043 DP1029362, Lot 2 DP865939, Lot 7012 DP96368, Lot 7013 DP96368, Lot 302 DP754434, Lot 43 DP819382, Lot 227 DP754434, Lot 226 DP754434, Lot 103 DP1115201, Lot 44 DP819382, Lot 2 DP1095319, Lot 2 DP1071428, Lake Road, Greenmeadows Drive, Hindman Street, Koala Street, Grace Close, John Fraser Place, McLaren Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.
 2. That the amended Koala Plan of Management be adopted.
-

**06 DA2014 - 0806 - SINGLE STOREY DUAL OCCUPANCY AND STRATA
SUBDIVISION - 10 JABIRU WAY, PORT MACQUARIE**

CONSENSUS:

That DA 2014 - 0806 for a single storey dual occupancy and strata subdivision at Lot 41, DP 1160063, No. 10 Jabiru Way, Port Macquarie, be determined by granting consent subject to the recommended conditions.

**07 DA2014 - 0576 WASTE TRANSFER STATION AT LOT 14 DP 1103758 HERONS
CREEK ROAD, KEW**

The Chair tabled a revised set of proposed conditions noting that there had been an administration error with the conditions attached to the agenda.

CONSENSUS:

That it be recommended to Council that DA 2014 - 0576 for a waste transfer station at Lot 14, DP 1103758, Herons Creek Road, Kew, be determined by granting consent subject to the recommended conditions as amended, provided that land owner's consent from the RMS is received prior to determination.

**08 DA 2014 - 0778 FILLING OF LAND AND EARTHWORKS, LOT 2 DP 1185319,
COLLEGE DRIVE, THRUMSTER**

Speakers:

Joe Condello (0)
Andrew Lister (applicant)
Darren Booth (applicant)

CONSENSUS:

That DA 2014 - 0778 for filling of land and earthworks at Lot 2, DP 1185319, College Drive, Thrumster, be determined by granting consent subject to the recommended conditions.

09 GENERAL BUSINESS

Nil.

The meeting closed at 2.26pm.

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: DA2014 - 0800 - MEDICAL CENTRE AT LOT 2 DP 207204, NO. 98
LAKE ROAD, PORT MACQUARIE**

Report Author: Chris Gardiner

Property:	Lot 2 DP 207204, No. 98 Lake Road, Port Macquarie
Applicant:	Hilkem Super Properties Pty Ltd
Owner:	Hilkem Super Properties Pty Ltd
Application Date:	14 October 2014
Estimated Cost:	\$100 000
Location:	Port Macquarie
File no:	DA2014 - 0800
Parcel no:	11698

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2014 - 0800 for a medical centre at Lot 2, DP 207204, No. 98 Lake Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a medical centre at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

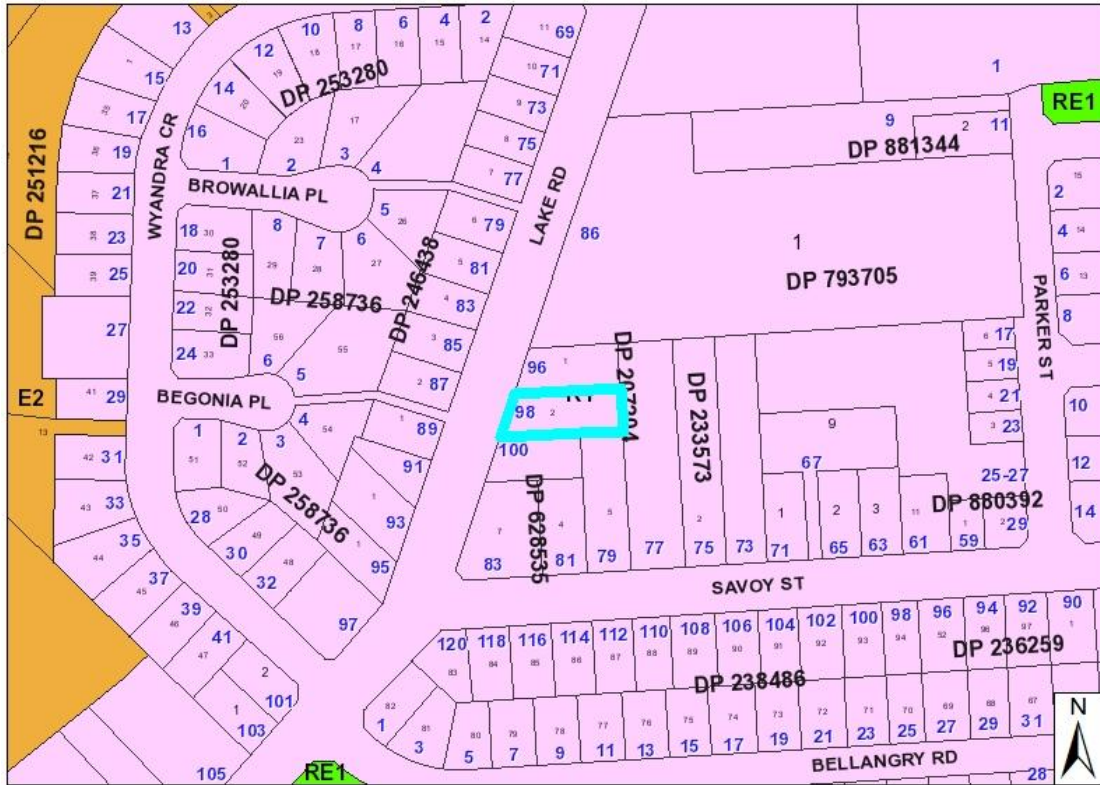
Following exhibition of the application, one submission has been received.

1. BACKGROUND

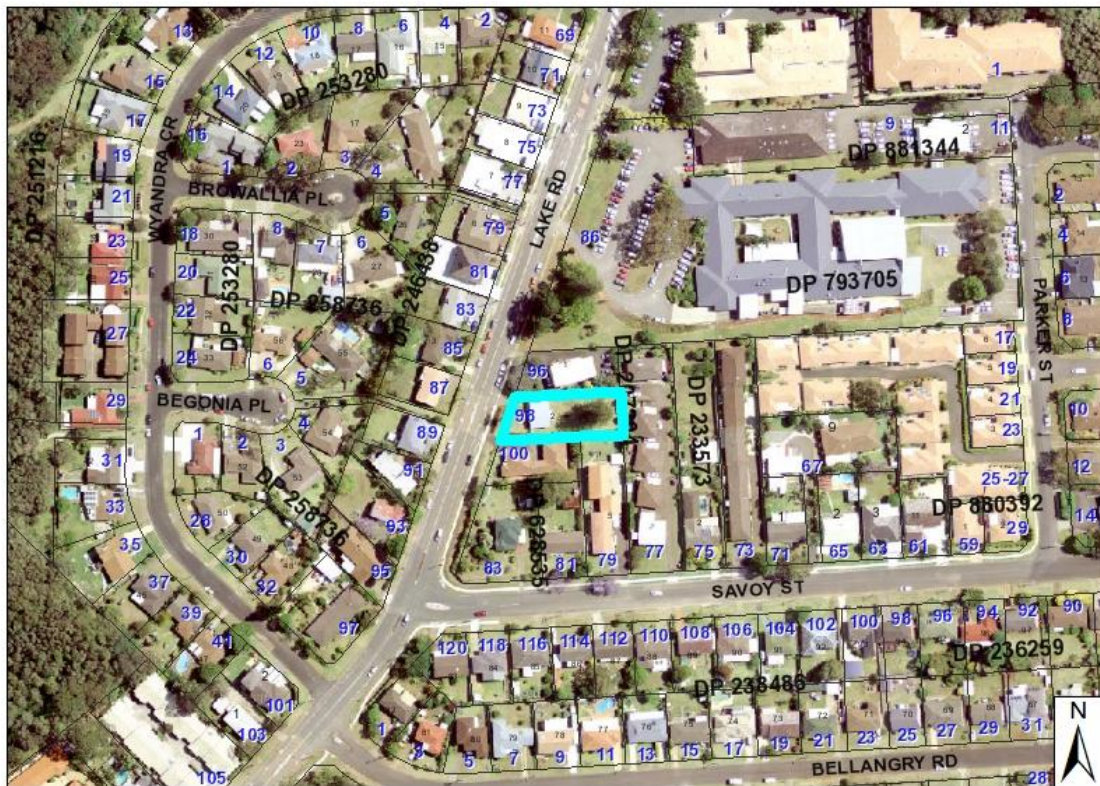
Existing sites features and Surrounding development

The site has an area of 935.8m².

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Change of use from a dwelling to a medical centre;
- Alterations and additions to the building including some demolition;
- New business identification signs;
- Removal of a large Norfolk Island Pine;
- Construction of a new car parking area at the rear of the site.

Refer to attachments at the end of this report.

Application Chronology

- 14 October 2014 - Application lodged.
- 21 October 2014 - Additional information requested on property ownership.
- 23 October 2014 - Purchase of property confirmed.
- 24 October 2014 to 6 November 2014 - Application publicly notified.
- 13 November 2014 - Site inspected by assessing officer.
- 18 November 2014 - Additional information requested from applicant.
- 21 November 2014 - Meeting with applicant to discuss outstanding issues.
- 27 November 2014 - Additional information and amended plans submitted by applicant.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

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

State Environmental Planning Policy 55 – Remediation of Land

Following an inspection of the site and a search of Council records, the subject land is not identified as being potentially contaminated and is suitable for the intended use.

State Environmental Planning Policy 64 - Advertising and Signage

The proposed development includes proposed advertising signage in the form of business/building identification signs.

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

The following assessment table provides an assessment checklist against the Schedule 1 requirements of this SEPP:

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	Proposed business identification signage considered consistent with the objectives.	Yes

Schedule 1(1) Character of the area.	The proposed scale and number of signs is considered acceptable having regard to the character of the residential area. Similar signage exists for other medical centres in the locality.	Yes
Schedule 1(2) Special areas.	The site is not located in a special area.	Yes
Schedule 1(3) Views and vistas.	The signage would not compromise existing views or vistas and would not project into the skyline.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The proposed scale and number of signs is considered acceptable having regard to the character of the residential area. The signage would not require ongoing vegetation management.	Yes
Schedule 1(5) Site and building.	The proposed signage is compatible with the scale of the building.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	None proposed.	n/a
Schedule 1(7) Illumination.	The signage is proposed to be externally illuminated and the site is located in a residential area. Conditions recommended requiring external lighting to comply with AS4282 - <i>Control of obtrusive effects of outdoor lighting</i> , and restricting the hours of illumination to 1 hour before and after the approved hours of operation for the business.	Yes
Schedule 1(7) Safety.	The proposal would not reduce safety on Lake Road or reduce sightlines from public areas.	Yes

State Environmental Planning Policy 71 – Coastal Protection

The site is located within a coastal zone noting clause 4 of the SEPP.

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

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

- a) any restricted access (or opportunities for access) to the foreshore
- b) any adverse amenity impacts along the foreshore and on the scenic qualities of the coast;
- c) any adverse impacts on flora and fauna;
- d) the development being subject to any adverse coastal processes or hazards;
- e) any significant conflict between water and land based users of the area;
- f) any adverse impacts on any items of archaeological/heritage;

- g) reduction in the quality of the natural water bodies in the locality (due to effluent & stormwater disposal, construction impacts, landuse conflicts);
- h) adverse cumulative impacts on the environment;
- i) a form of development that is unsustainable in water and energy demands;
- j) development relying on flexible zone provisions.

The site is predominately cleared and located within an area zoned for residential purposes.

State Environmental Planning Policy (Infrastructure) 2007

In accordance with clause 57(1), health services facilities (including medical centres) are permissible with consent in the R1 General Residential zone, which is a prescribed zone.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2, the subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for a medical centre 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 having regard to the following:

- The proposal is a permissible landuse;
 - The development would provide a medical service to meet the day to day needs of residents.
-
- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
 - Clause 4.3, the maximum overall height of the building above ground level (existing) is 6.0m which complies with the standard height limit of 8.5m applying to the site.
 - Clause 4.4, the floor space ratio of the proposal is 0.16:1 which complies with the maximum 1:1 floor space ratio applying to the site.
 - Clause 5.5 - Development within the coastal zone - relevant objectives of this clause are addressed by SEPP 71 section (see above).
 - Clause 5.9 - One listed tree in Development Control Plan 2013 is proposed to be removed. The tree is a Norfolk Island Pine having a height of approximately 15-20m, and would be directly impacted by the proposed new car parking area for the development. See comments later under DCP section.
 - Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
 - Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

No draft instruments apply to the site.

(iii) any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: General Provisions			
DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> Casual surveillance and sightlines Land use mix and activity generators Definition of use and ownership Lighting Way finding Predictable routes and entrapment locations 	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 proposed addition to the front of the building will improve natural surveillance within the locality and openings overlook Lake Road.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Maximum 0.8m.	Yes
2.3.3.8 onwards	Removal of hollow bearing trees	No hollows evident in Norfolk Island Pine proposed to be removed for the development.	n/a
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk and 3m outside dwelling footprint)	A single Norfolk Island Pine having a height of approximately 15-20m would be directly impacted by the proposed new car parking area for the development and is proposed to be removed. The subject tree is not identified in Table 2.6.1 and offset planting is not required. The tree is not identified as being of ecological or heritage significance, and its removal is considered satisfactory.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not	Existing access to	Yes

	permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	distributor road proposed to be widened.	
	Driveway crossing/s minimal in number and width including maximising street parking	Retention of existing driveway location. No loss of street parking.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1: <ul style="list-style-type: none"> 1 space = single dwelling (behind building line) and dual occupancy Medium density – 1 per 1 or 2 bed dwelling or 1.5 per 3-4 bed dwelling + 1 visitor/4 dwellings 	<u>Required:</u> Medical centres - 3 spaces per consultant + 1 space per 2 employees. The Statement of Environmental Effects indicates that the proposal would include a maximum of 4 medical consultants and 2 support staff. Therefore, 13 parking spaces are required. <u>Proposed:</u> 17 spaces.	Yes
2.5.3.7	Visitor parking to be easily accessible	Parking easily accessible. Condition recommended requiring signs to be erected advising that there is parking at the rear of the site.	Yes
	Parking in accordance with AS 2890.1	The proposed new car parking area is capable of complying with AS 2890.1. Conditions recommended requiring certification of compliance prior to Construction Certificate and Occupation Certificate.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Parking area not located at street frontage and landscaping not required. Proposal includes perimeter gardens up to 600mm wide.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Can be confirmed by condition.	Yes, subject to condition.
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	Grades capable of compliance.	Yes

2.5.3.16	Transitional grades min. 2m length	Transitional grades capable of compliance.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	See comments under Stormwater later in this report.	
	No direct discharge to K&G or swale drain	See comments under Stormwater later in this report.	
2.5.3.18	Car parking areas drained to swales, bio retention, rain gardens and infiltration areas	See comments under Stormwater later in this report.	

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

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

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

Demolition of buildings AS 2601

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

Consent authority may require buildings to be upgraded – Clause 94

The measures contained in the existing building are considered inadequate to protect persons using the building and facilitate their safe egress from the building in the event of a fire. Condition recommended requiring the building to be provided with appropriate fire safety measures in accordance with the Building Code of Australia.

The building would have a minimum 3.06m side setback, which would be sufficient to restrict the spread of fire from the building to other buildings nearby.

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:**

No Coastal Zone Management Plan applies to the subject site.

(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 westerly street frontage orientation to Lake Road.

Adjoining the site to the north is a medical centre and further to the north is the private hospital.

Adjoining the site to the east and south are residential units.

Adjoining the site to the west is Lake Road. Other residential uses are located on the western side of Lake Road adjacent to the site.

The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain. The proposed bulk and scale of the building and setbacks are considered compatible with the residential context.

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

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

The proposal includes illuminated signage and also lighting for the rear car parking area. Condition recommended requiring external lighting to comply with AS4282 - *Control of obtrusive effects of outdoor lighting*, to avoid significant adverse lighting impacts on adjoining property.

There are no significant adverse privacy impacts. Adequate building separation is proposed.

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

Roads

The site fronts Lake Road, a Council owned road with around 10,300 (2014) Annual Average Daily Traffic (AADT) movements. It is classified as a Commercial road with reference to Council's AUSPEC. Within the 25m wide road reserve, the road formation is 13m wide, with a two lane, two way configuration and additional parking and bicycle lanes. The current speed zoning is 40km/h at the site as the area is a busy medical precinct with high pedestrian usage.

Traffic

Although surveys of medical centres and consulting rooms give varying traffic rates, using data available in the RMS *Guide to Traffic Generating Developments (2002)*, the facility can be expected to generate between 3 and 19 vehicle trips during the evening peak hour based on its floor area. Using an industry rule of thumb this can be expected to equate to an average daily trip count between 30 and 190 vehicles. Due to the road classification Council's road network has sufficient capacity to cater for the development.

Access

The existing driveway crossing is for a residential dwelling and will need to be replaced with a heavy duty crossing to handle the increased traffic.

The driveway shall comply with the provisions of AS 2890 and in particular have a width of at least 6m and enable two vehicles to pass each other while keeping left. Current plans do not demonstrate this can be achieved, and swept path diagrams will need to be supplied with any Roads Act (s138) application (condition B197). Reconstruction of the raised traffic blisters in front of the property may be required to achieve a suitable layout.

Parking

Dimensions of the parking spaces proposed can comply with the provisions of AS 2890: Parking facilities. Certifications that the design and as-built dimensions of the facility comply shall be provided at the relevant stages.

Manoeuvring

The applicant has proposed a dedicated turning bay at the near end of the parking aisle. However, the current design does not satisfy the requirements of AS 2890 as vehicles are required to reverse further than 6 spaces to get to the turning bay, with the potential for another vehicle blocking their rear manoeuvre. A dedicated turning bay shall be required at the far end (blind end) of the parking aisle prior to Construction Certificate approval (condition B198a).

Proposed retention of the existing building limits the available space for the driveway to the width of a single vehicle. This approach can be supported but sight lines must be enhanced, for example by providing mirrors, signage and a yield line for cars waiting to egress while another car enters the site (condition B198b).

Pedestrians

Pedestrian footpath has been constructed recently by Council along the frontage of the site, and will adequately cater to the pedestrian traffic likely to be generated by the development.

Public Domain

Slight widening of the existing concrete driveway in Lake Road will be required for the development. This work will be subject to approval under Section 138 of the Roads Act 1993.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

The site naturally drains northwest to its frontage with Lake Road. There are no public stormwater pits along the front of the site. A stormwater management plan will be required to be submitted to Council with the Local Government Act (Section 68) approval prior to Construction Certificate. Extension of public piping to the property frontage may be required. On site detention and quality controls are likely to be needed due to the proposed increase in impervious car parking and roof area on the site, to meet the outcomes of AUSPEC D5 and D7 (condition B199).

Water

Records indicate that the current development site has a 20mm metered water service from the 100mm AC water main on the opposite side of Lake Road. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements. Minimum containment backflow protection for medical facilities is an RPZD at the property boundary. Minimum water service size for commercial development is 25mm.

Sewer

Sewer is available and connected to the site via a junction from a 450mm diameter trunk main that traverses diagonally across the lot and beneath the existing building. Another junction beneath the building is shown on Council records as capped. This main is unknown material but likely to be AC.

The proposed additions comprising a waiting room on the front (West) of the existing building will also extend partly over the main for approximately 4m.

The extension at the rear appears to be clear of the main and active junction. Council policy is to not allow building over a trunk main. However, in this case the infringement is minor, the proposed front addition is lightweight timber frame on strip footings and full span joists, and the same trunk main passes under many buildings in the area.

Consequently sewer section has agreed to the proposed addition subject to the recommended conditions.

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 operation 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.

Appropriate conditions have also been recommended in relation to management of medical and trade waste.

Energy

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

Noise & Vibration

The proposal includes hours of operation as follows:

- Monday to Friday - 7.00am to 6.00pm
- Saturday - 8.00am to 1.00pm

This is considered acceptable in a residential context and a condition has been recommended restricting operating hours to those proposed.

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

Natural Hazards

No natural hazards identified that would affect the proposed development.

Contamination Hazards

See comments under SEPP 55 earlier 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. The proposed addition to the front of the building will improve natural surveillance within the locality and openings overlook Lake Road.

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. Provision of additional medical services is considered to have positive social impacts for the community.

Compliance or Otherwise with the DDA

The submitted proposal includes provision of an accessible parking space, accessible WC, and access ramp. The proposed access ramp is located along the southern side of the building and provides access to a room noted 'Medical Consulting and Rehab Room 3'. The principal pedestrian access to the building appears to be on the eastern side of the building to a room noted 'Waiting Room'.

A condition is recommended requiring amended plans to be submitted prior to the issue of a Construction Certificate providing a ramp in accordance with AS 1428 to the principal pedestrian entrance of the building.

Economic Impact in the Locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area. The development would also create employment opportunities during the operation of the business.

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

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

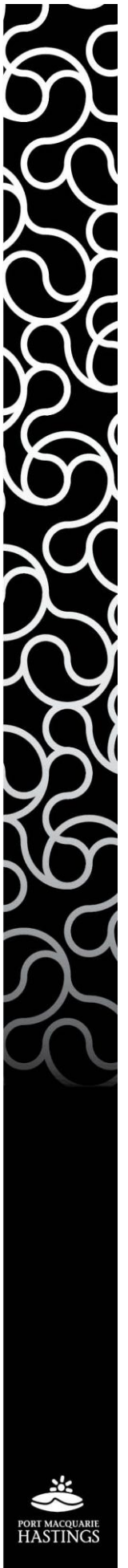
The proposal will fit into the locality and the site attributes are conducive to the proposed development.

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

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

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

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



Submission Issue/Summary	Planning Comment/Response
Objection to removal of historic Norfolk Island Pine. It is a major environmental asset for Port Macquarie.	<p>A Norfolk Island Pine having a height of approximately 15-20m would be directly impacted by the proposed new car parking area for the development and is proposed to be removed. The subject tree is not a species listed in Table 2.6.1 of the DCP and offset planting is not required.</p> <p>The tree is not identified as being of ecological or heritage significance and its removal is considered acceptable.</p>
Proposed hours of operation are excessive for a residential area.	<p>The Applicant has reduced the originally proposed hours of operation to:</p> <ul style="list-style-type: none"> Monday to Friday - 7.00am to 6.00pm Saturday - 8.00am to 1.00pm <p>These hours are considered acceptable in a residential context and a condition has been recommended to restrict the operational hours to those proposed.</p>
Potential noise and anti-social behaviour associated with large car park.	<p>The proposed car park is located at the rear of the site with a narrow access beside the existing building and would not be readily identified from the street. It is not expected to become a target for anti-social behaviour or vandalism.</p> <p>Lighting is proposed in the car park, which would reduce opportunities for concealment during the time that lights are switched on (30 minutes before and 60 minutes after the approved operating hours).</p>
Amenity impacts of proposed car parking area on adjoining residential properties (noise, lights and emissions).	<p>The likely noise generation from traffic using the rear car park is considered acceptable in a residential context subject to restriction on the hours of operation, as discussed above.</p> <p>Vehicle headlights are only anticipated to be required for a short time during the winter months. The southern side of the parking area is cut in 0.8m below existing ground level and a fence is proposed on the common boundary. The combined height of the retaining wall and fence will be 2.3m above the finished level of the car park and it is not expected that headlights would spill into adjoining property.</p> <p>Lighting within the car park is proposed to be switched on 30 minutes before and 60 minutes after the approved operating hours. It is recommended that a condition be imposed requiring external lighting to comply with AS4282 - <i>Control of obtrusive effects of outdoor lighting</i>.</p> <p>The proposal is for an open car parking area and would allow for dispersal of vehicle emissions.</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 not be required towards augmentation of town water supply and sewerage system head works under Section 64 of the Local Government Act 1993.
- Development contributions will not be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

5. CONCLUSION

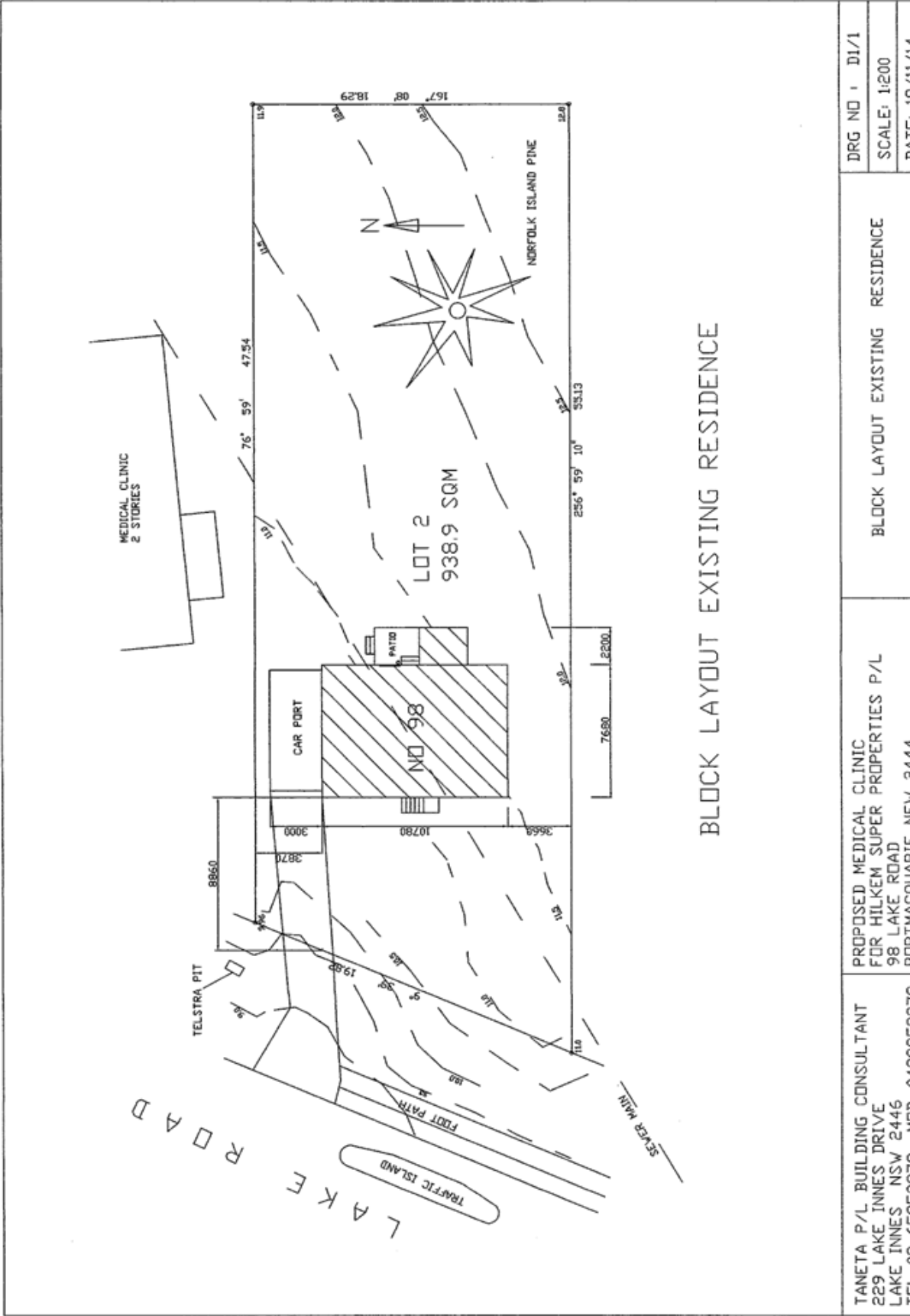
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

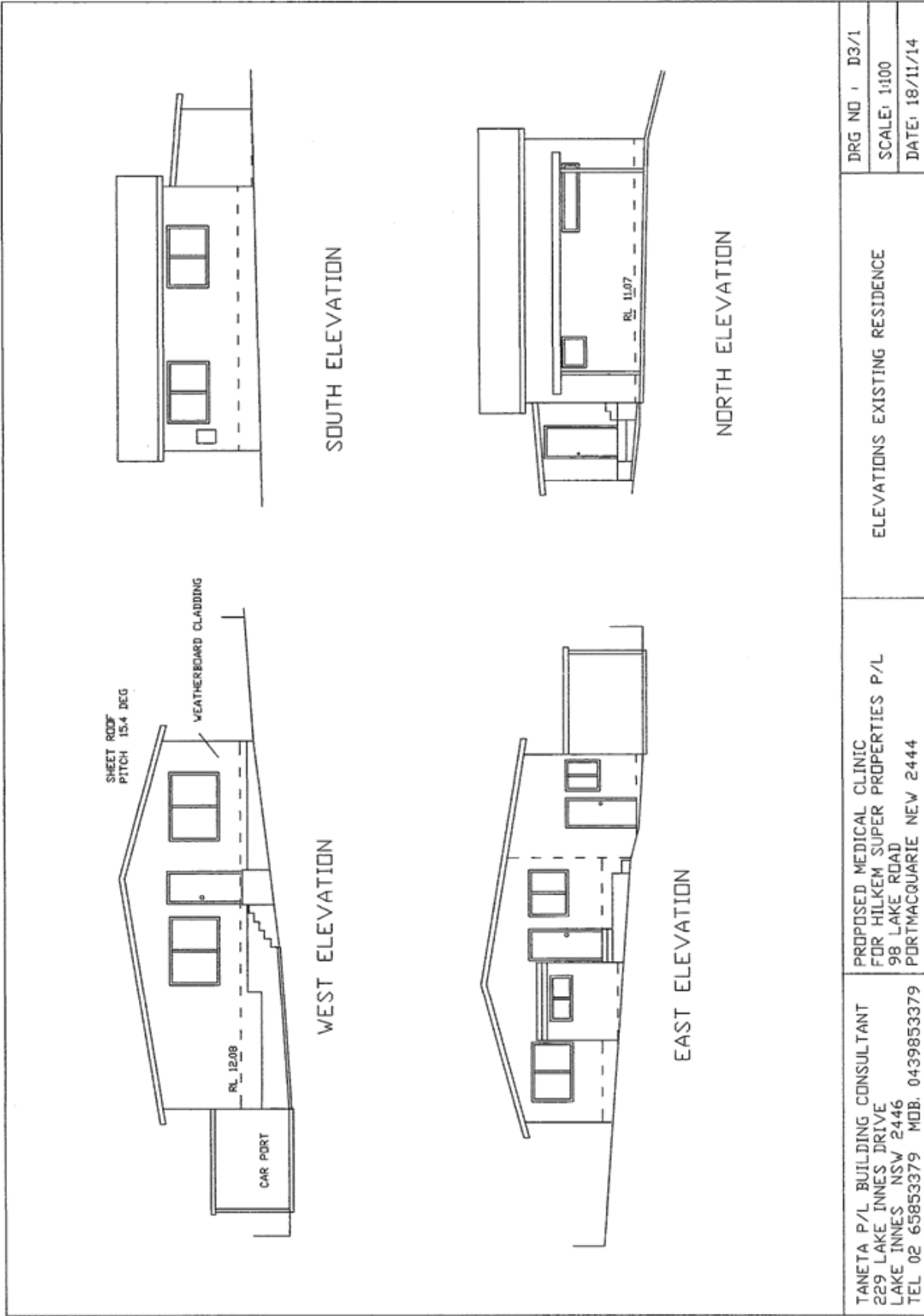
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

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. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment section of this report.

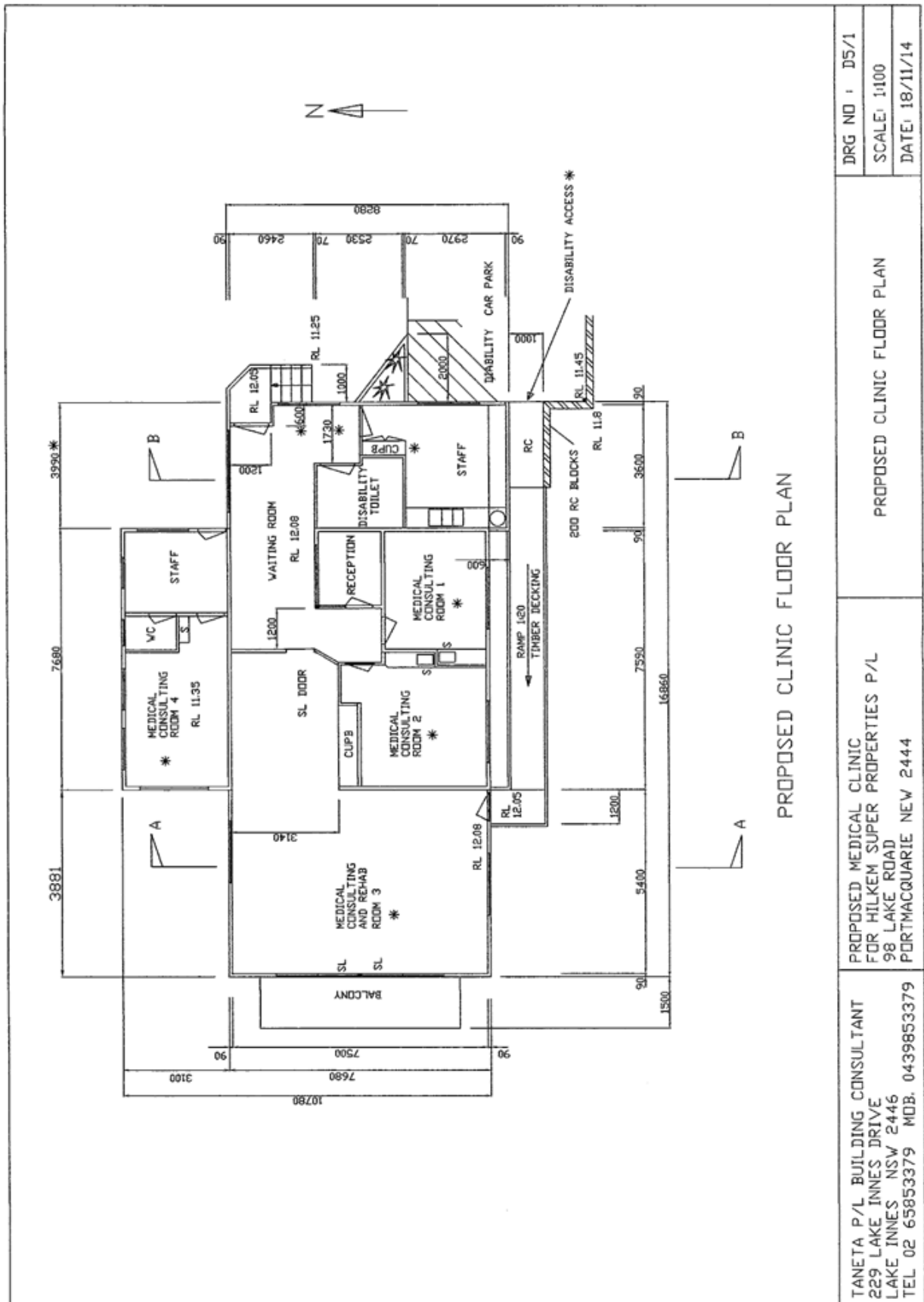
Attachments

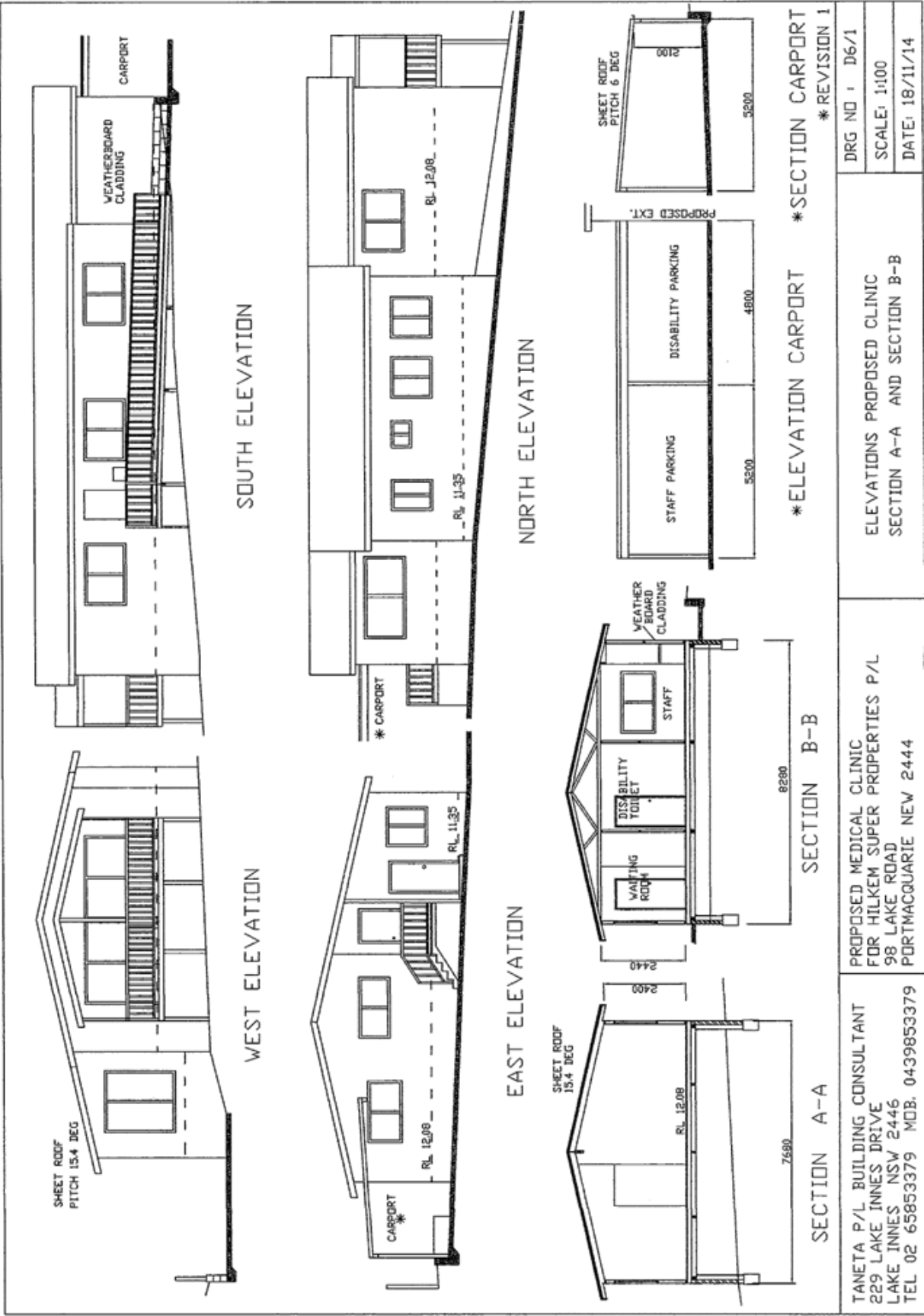
- 1 [View](#). DA2014 - 0800 Plans
- 2 [View](#). DA2014 - 0800 Recommended Conditions
- 3 [View](#). DA2014 - 0800 Development Contributions Calculation Sheet
- 4 [View](#). DA2014 - 0800 Submission - Haddow



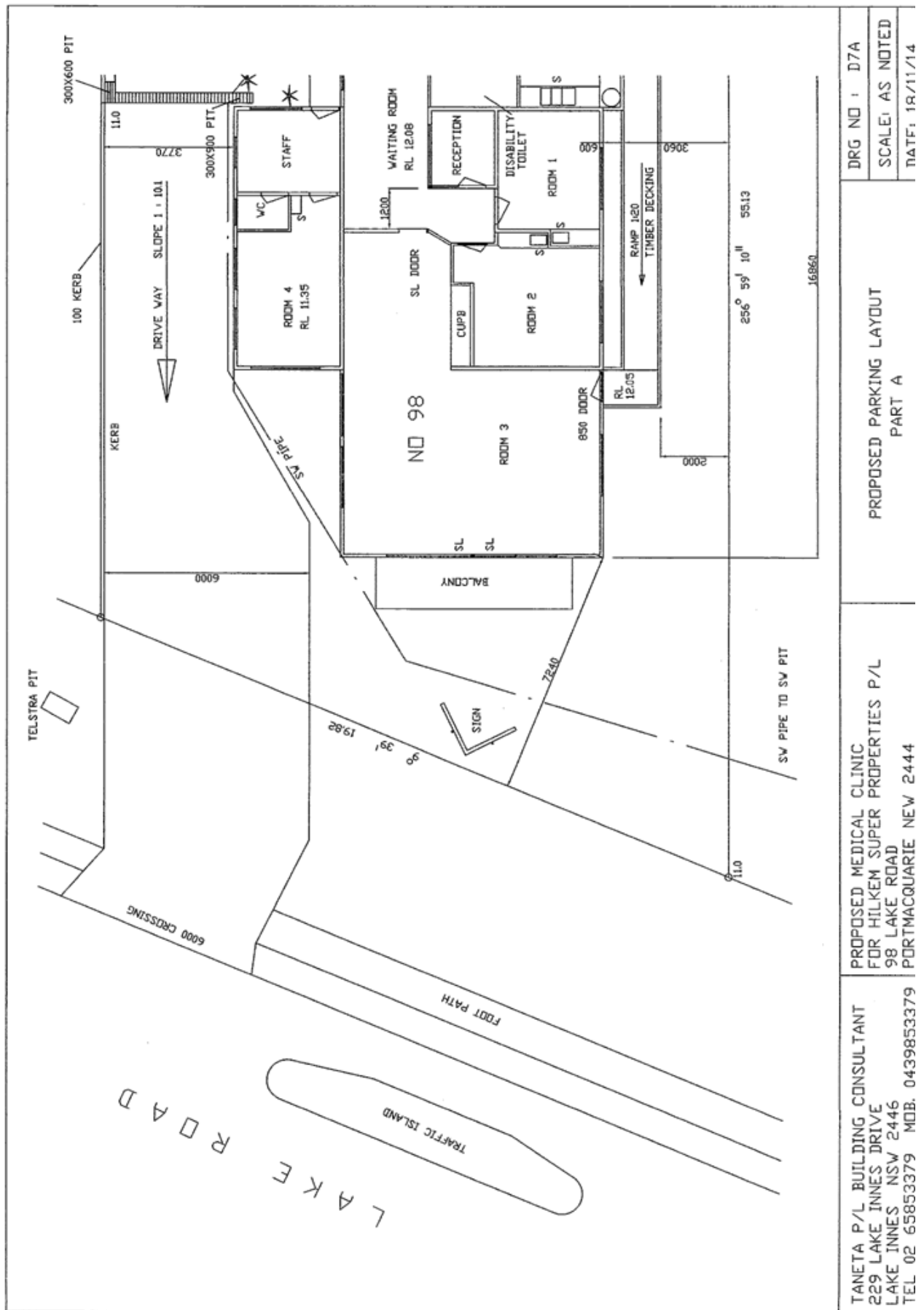


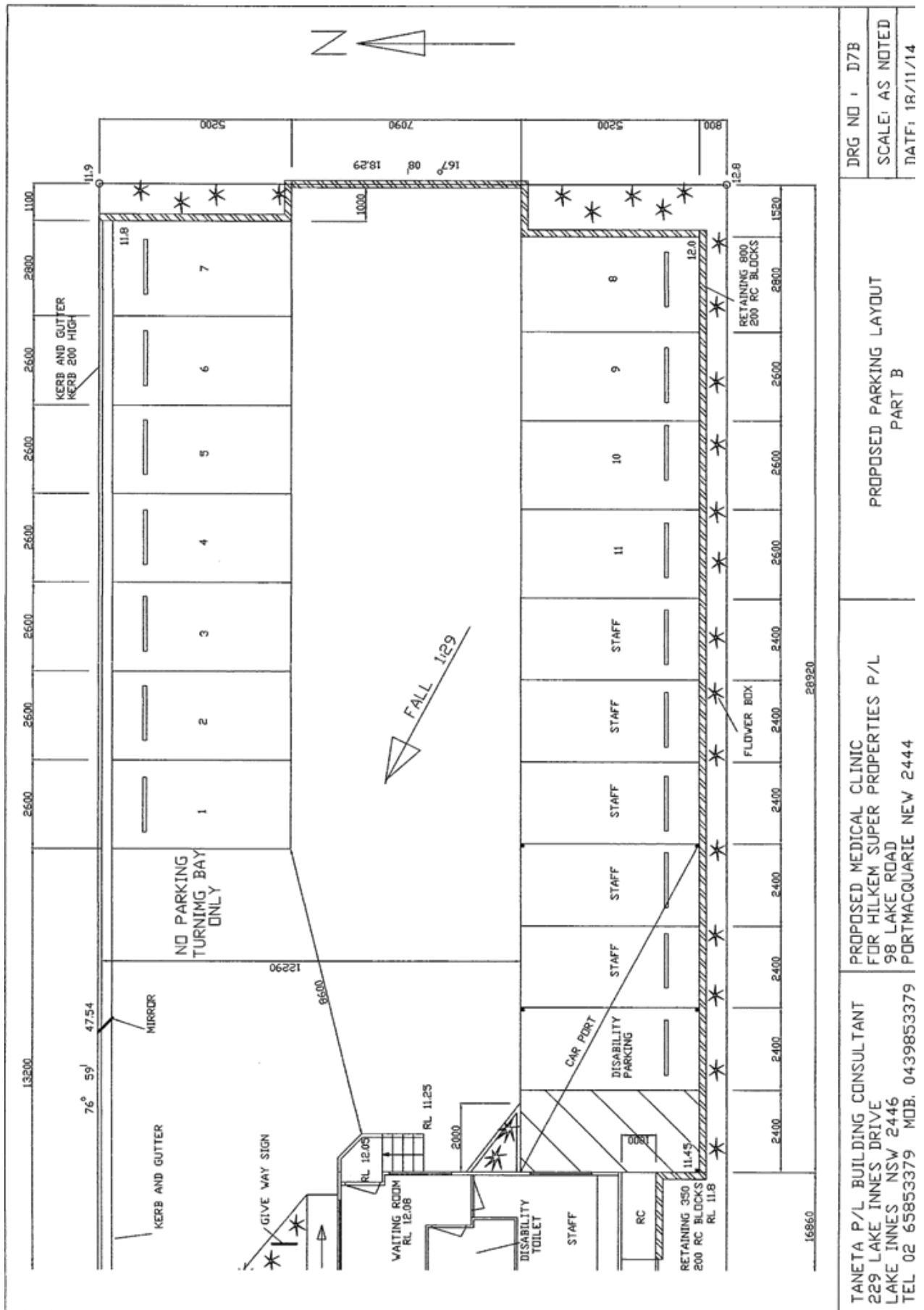


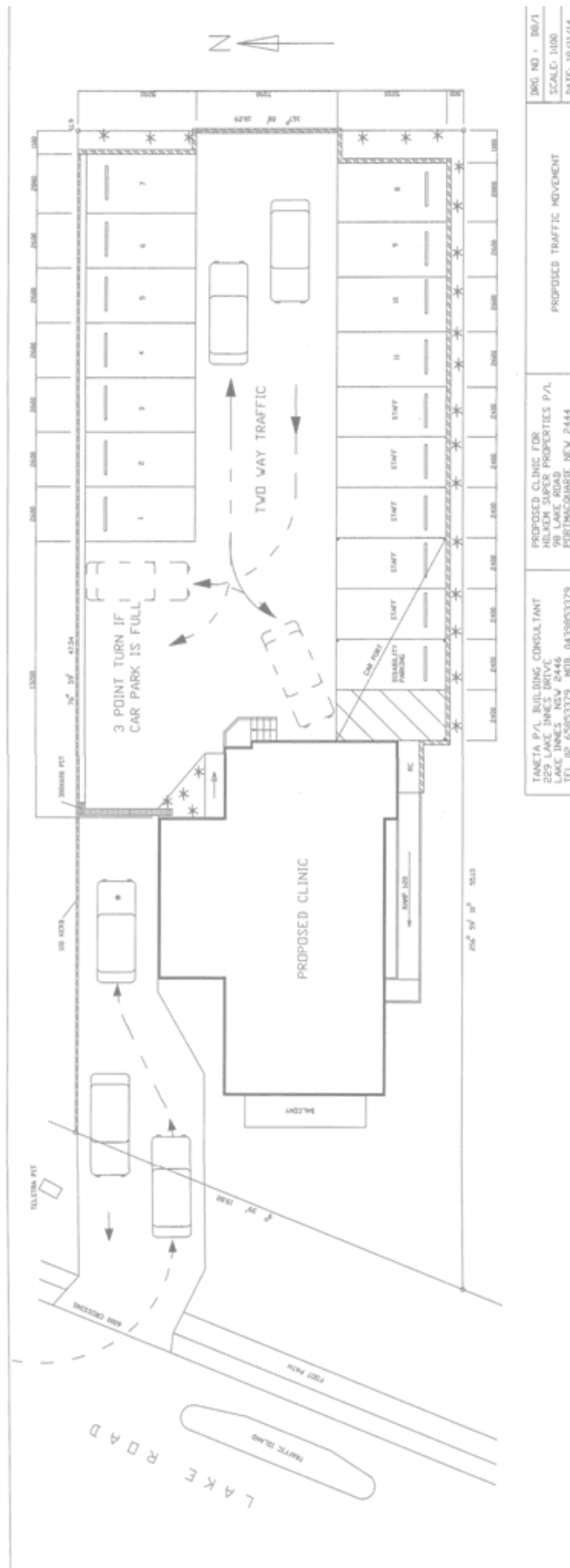


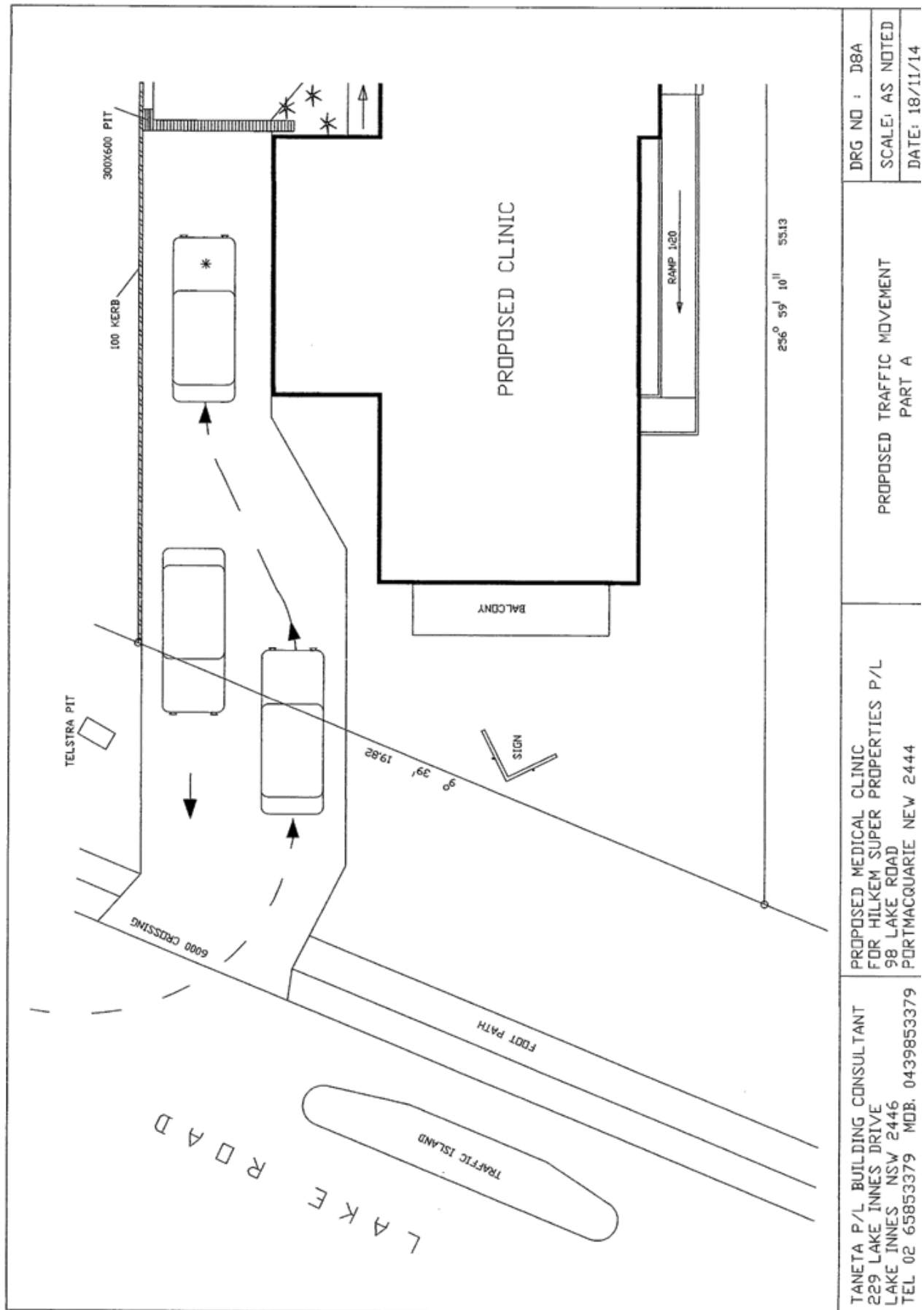




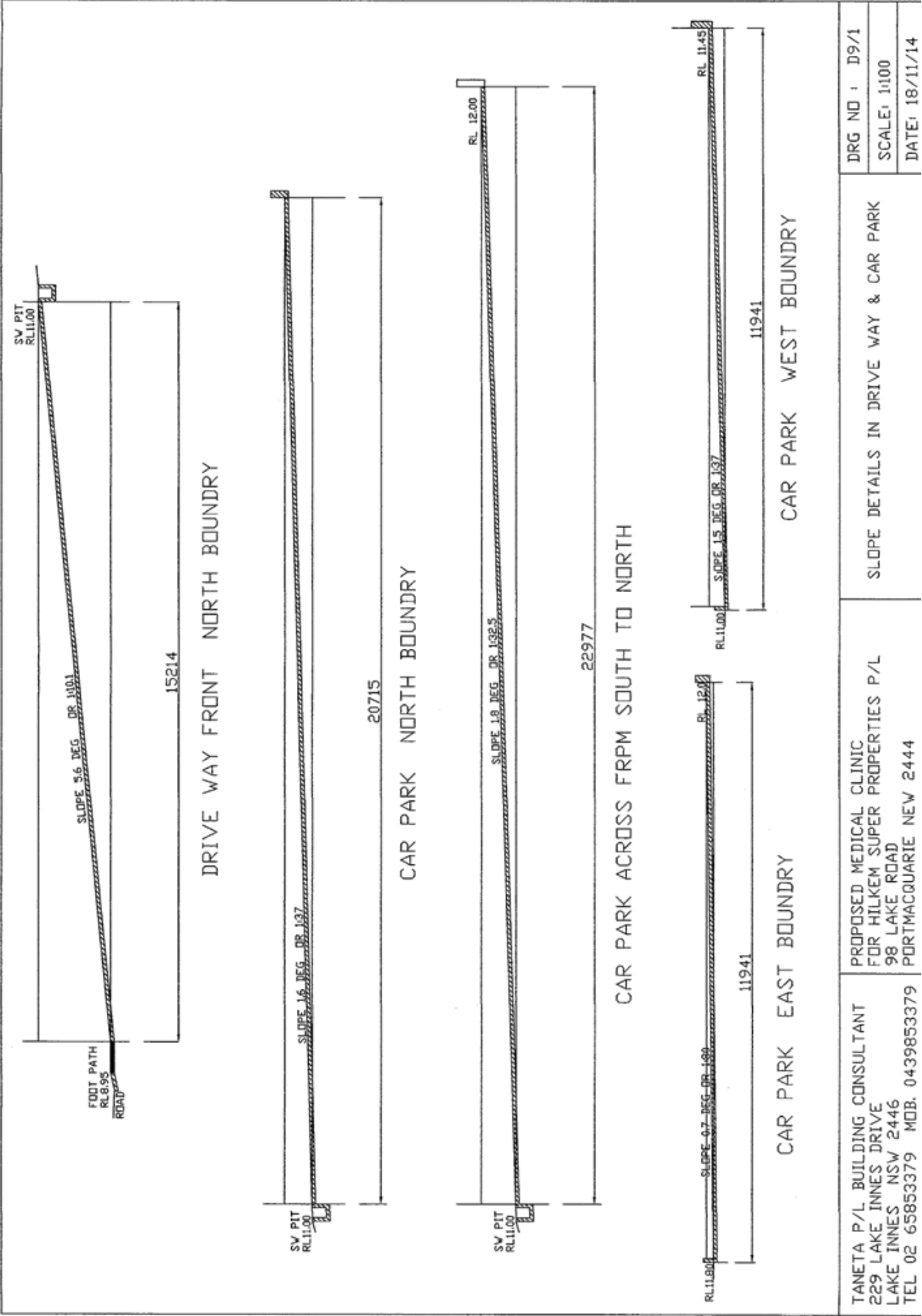


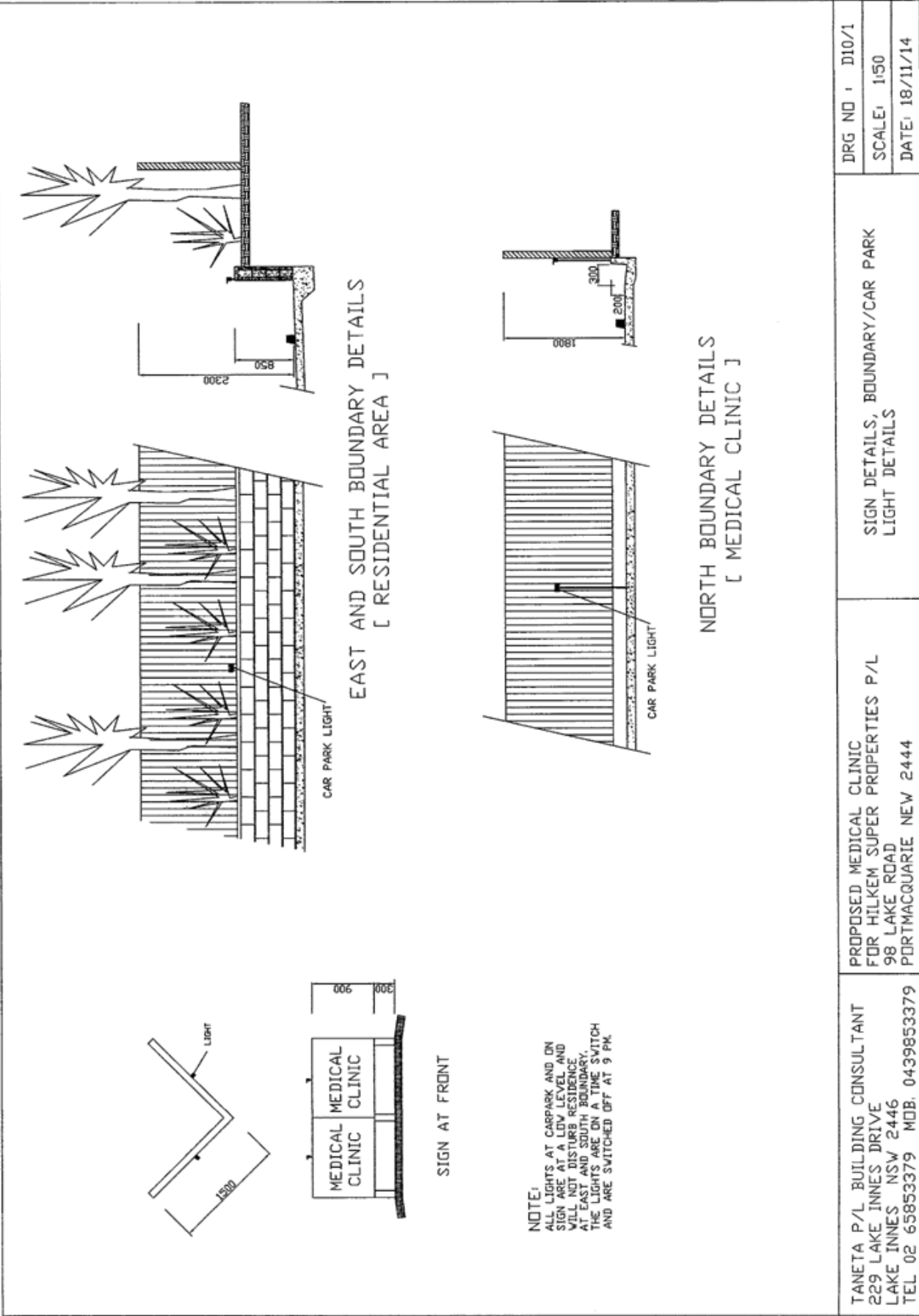












**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2014/800****DATE: 2/12/2014****PRESCRIBED CONDITIONS**

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	D1/1, D2/1, D3/1, D4/1, D5/1, D6/1, D7A, D7B, D7/1, D8A, D8B, D8/1, D9/1, D10/1	Taneta Building Consultant P/L	18 November 2014
Planning Report	-	Hopkins Consultants Pty Ltd	September 2014

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;

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 holidaysThe 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) (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.
- (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) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (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.
- (10) (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.

- (11) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (12) (A063) The disposal of wastewater from a commercial or industrial business to Port Macquarie-Hastings Council's sewage system requires specific approval under Section 68 of the Local Government Regulation, 1999.

In this regard, whilst you have indicated that trade waste will not be discharged from the subject development, should you wish to discharge liquid trade wastes to Council's sewer in the future, a further application under Section 68 of the Local Government Regulation, 1999 will be required.

- (13) (A195) A suitably sized plaster arrestor is to be installed if plaster casts are fitted or removed. If x-ray equipment is installed that generates silver bearing waste, the applicant has the option of having all silver bearing waste removed from site or discharging the waste to sewer via a 100 litre balancing pit and a silver recovery unit. Formal Trade Waste Approval will be required if either the plaster arrestor or silver recovery unit are to be discharged to sewer.
- (14) (A196) All external lighting shall comply with AS4282 - *Control of obtrusive effects of outdoor lighting*.
- (15) (A197) Solid wastes such as hypodermic needles, syringes, instruments, utensils, swabs, dressings, bandages, paper and plastic items of a disposable nature, or human tissues must not be discharged to the sewerage system. Such wastes are to be disposed of in accordance with the *NSW Health Waste Management Guidelines for Health Care Facilities, 1998*, which advise on the safe handling, storage and disposal of clinical, cytotoxic, pharmaceutical and chemical wastes.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 - 1. Road works along the frontage of the development.
 - 2. Public parking areas including;
 - a. Driveways and access aisles;

- b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS 2890.
 3. Sewerage reticulation.
 4. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 5. Stormwater systems.
 6. Erosion & Sedimentation controls.
 7. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 8. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD202, ASD208, Port Macquarie-Hastings Council current version.
- (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
 - Footway and gutter crossing
- (4) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (5) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (6) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (7) (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.
- (8) (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.

- (9) (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.
- (10) (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.
- (11) (B071) Prior to the issue of any Construction Certificate, the provision of water services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (12) (B195) Records indicate that the current development site has a 20mm metered water service from the 100mm AC water main on the opposite side of Lake Road. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements. Minimum containment backflow protection for medical facilities is an RPZD at the property boundary. Minimum water service size for commercial development is 25mm.
- (13) (B196) Before issue of a Construction Certificate submit Structural engineering details of proposed method to support footings across the sewer main in accordance with AUSPEC D12.9. Strict clearances from the outside of the main are to be adhered to even though the footings cross the main at an acute angle.
- No independent piers and footings are to be located beneath the waiting room; the floor joists are to span the full width of the addition.
- (14) (B197) The driveway shall have a width of at least 6m between the kerb and the property boundary, and the width shall be increased as necessary to allow two B99 vehicles (from AS 2890) to pass and keep left during entry and egress movements. Swept path diagrams shall demonstrate this is achieved. Plans are to show any devices in the roadway such as raised traffic blisters or signage that are to be relocated. Works shall be at no cost to Council. Prior to issue of the Construction Certificate, detailed plans shall be submitted to and approved under a Roads Act (s138) application to Council.
- (15) (B198) Plans complying with AS 2890 shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate (CC), with details addressing the following items:
- a) A dedicated turning bay shall be provided at the blind end of the proposed car parking aisle.
 - b) Sight lines along the proposed narrow driveway shall be ensured with use of mirrors, signage, demarcated yield lines and/or other devices. Vehicles entering the site shall not be made to give way, to prevent any impacts on traffic in the public road.
- (16) (B199) A stormwater management plan, in accordance with the requirements of AUSPEC D5 and D7 and relevant Australian Standards, shall be approved by Council as part of a Local Government Act (s68) application prior to issue of the Construction Certificate.
- a) Extension of Council's piped stormwater infrastructure within Lake Road could be required
 - b) On-site stormwater detention facilities (or similar) must be incorporated into the design to ensure that the post development site stormwater

discharge rate does not exceed the pre development discharge rate for all storm events up to 100 year ARI, or 55L/s (if discharge to the kerb and gutter is permitted by Council), whichever is less.

- (17) (B200) A ramp in accordance with AS 1428 shall be provided to the principal pedestrian entrance of the building. Amended plans demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

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

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

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

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

For further information on asbestos handling and safe removal practices refer to the following links:

[Safely disposing of asbestos waste from your home](#)

[Fibro & Asbestos - A Renovator and Homeowner's Guide](#)

[Asbestos Awareness](#)

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (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 a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (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.
- (6) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (7) (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.
- (8) (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 2013 and Australian Standard 2890.1 prior to occupation or issue of the Occupation Certificate.
- (9) (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.

- (10) (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.
- (11) (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
- (12) (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.
- (13) (E195) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include a copy of the Work-as-Executed Plan.

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. A minimum of 13 spaces are to be provided onsite.
- (2) (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.
- (3) (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.
- (4) (F009) All new and existing essential fire safety measures shall be maintained in working condition at all times.
- (5) (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.
- (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) (F019) Clinical wastes shall be removed from the site by an approved contaminated waste contractor for disposal at an approved facility.

- (8) (F025) Hours of operation of the development are restricted to the following hours:
- 7.00 am to 6.00 pm – Mondays to Fridays
 - 8.00 am to 1.00 pm – Saturdays
- (9) (F195) Illumination of the proposed business identification signs is only permitted during the approved hours of operation for the business, with the following exceptions:
- Up to one hour prior to opening for business, and
 - Up to one hour after the close of business.
- (10) (F196) Illumination of the rear car park is only permitted during the approved hours of operation for the business, with the following exceptions:
- Up to 30 minutes prior to opening for business, and
 - Up to one hour after the close of business.

CONDITIONS APPLYING TO JETTIES AND BOAT RAMPS

nil

Preliminary Assessment Only - Final rates will not be determined until date of consent and will only be valid for 3-months from issue of consent.									
Development Details			Contributions Plans Applicable						
DA No.	2014	0800	General S94 Plans	Applies	ET Chargeable	RatePer ET	Contribution Amount		
Address:	98 Lake Road, Port Macquarie		Major Roads	No					
Dev Description:	Medical Centre		Open Space	No					
Lot Number(s):	2		Community Cultural & Emergency Services	No					
DP Number(s):	207204		Admin Building	No					
Stage No:	Total		Bushfire - Specific	No					
Applicant:	Hilkem Super Properties 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 checked="" type="checkbox"/> Port Macquarie <input 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 (Planner Must Select if Plans are Applicable)						
			S94A Levy Development Cost	\$100,000	No				
			PMQ CBD Car Parking Contribution	<input type="checkbox"/> Applies					
			PMQ Gordon Street Car Parking Contribution	<input type="checkbox"/> Applies					
			Headings River Drive Traffic Works - Josa Zone	<input type="checkbox"/> Applies					
			Bushfire Additional	<input type="checkbox"/> Applies					
			Select Rate	<input type="checkbox"/> Applies					
DA Lodged Date:	14/10/2014		Water 1.6% Levy	<input checked="" type="checkbox"/> Applies	-0.419	\$0,373.00	-\$3,027.20		
Prepared By:	Chris Gardiner		Sewer	<input checked="" type="checkbox"/> Applies	-0.419	\$3,556.00	-\$1,489.90		
DA Consent Date:	10-Dec-2014		Car Parking CP		Contribution Total: -\$5,417.10				
Issue No.	1		No. of Spaces Short:		Notice of Payment Re-Issue Fee: <input type="checkbox"/> Applies				
Calc Sheet Date:	28-Nov-2014								
FINAL CONSENT CALCULATION	<input type="checkbox"/> Tick for FINAL Consent Calculation								
ET Calculation for New Development (Proposed)									
Commercial & Industrial New Development			Rate	Units	Water Rate	Sewer Rate	ET Water	ET Sewer	Traffic Facilities m ²
PROFESSIONAL CONSULTING ROOMS (DENTISTS, DOCTORS ETC)			m2	155	0.00375	0.00375	0.58125	0.58125	
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:							0.58125	0.58125	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) - 1 ms, low houses, villas, etc. & 600m ² Int Housing & Permanent Self Contained Caravan Park Sites			0	0	0	0			
2 Bedroom Units (Low Density) - 2 ms, low houses, villas, etc. & 600m ² Int Housing & Permanent Self Contained Caravan Park Sites			0	0	0	0			
3 Bedroom Units (Low Density) - 3 ms, low houses, villas, etc. & 600m ² Int Housing & Permanent Self Contained Caravan Park Sites			0	0	0	0			
4 Bedroom Units (Low Density) - 4 ms, low houses, villas, etc. & 600m ² 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 Low 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 bedrooms with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Aged Unit - Self Contained 3 bedrooms with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Boarding House - 1 Occ. privacy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathroom)			0	0	0	0			
Boarding House per 1 Occ. privacy 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/contributions with an ensuite 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 & lot housing)	1	1	1	1			
Number of existing residential lots greater than 2000m ² (excluding Dual Occ & lot housing)	0	0	0	0			
1 Bedroom Units (Low Density - lots, low density, villas, townhomes, lot housing & Permanent Self Contained Caravan Park Sites)	0	0	0	0			
2 Bedroom Units (Low Density - lots, low density, villas, townhomes, lot housing & Permanent Self Contained Caravan Park Sites)	0	0	0	0			
3 Bedroom Units (Low Density - lots, low density, villas, townhomes, lot housing & Permanent Self Contained Caravan Park Sites)	0	0	0	0			
4 Bedroom Units (Low Density - lots, low density, villas, townhomes, lot 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 (Clean ensuite but shared facilities for cooking & laundry)	0	0	0	0			
Motel Unit - Self Contained (Clean 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/Hotel (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 - 10.00 per 1 Occ, policy bedroom Not Self Contained (shared facilities for cooking, laundry & bathroom)	0	0	0	0			
Boarding - 10.00 per 1 Occ, policy bedroom Partially Self Contained (own ensu, kitchen & 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 ensu, kitchen & laundry facilities with shared cooking and laundry)	0	0	0	0			
Existing Residential Unit Total:	1	1	1	1			

G:\Dev\Env\DEV AND BUILDING CONTROL\SDAs\2014\DA2014-0800\Development Contributions Calculation Sheet, DA 2014-0800, Stage No. Total, Issue No.1

17 2014/800.
Christopher Gardiner.

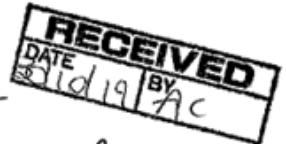
KJ PETHERICK.
49 FRANCIS ST.
Port Macquarie.
29 / 10 / 14.

Objection to development at
Lot 2 DP 207204, 98 LAKE Rd, PMQ.

my submissions are as follows.

- ① objection to removal of historic
norfolk Is Pine in backyard of property
It is a major environmental asset
to pmq.
- ② The hours of operation of the proposed
business, from early am till late at
night 7 days a week. Too excessive!!!
- ③ The potential noise and anti-social
behaviours a large carpark can
attract.
- ④ The constant coming & going of
cars and the lights & CO₂ emissions
from such activities.
- ⑤ Owners of 79 Savoy Street
which share a rear boundary
with the applicant.

— Bill HADDON & KRIS PETHERICK



Item: 06**Subject: DA2014 - 0830 - DWELLING LOT 6 SECTION C DP 25923, 68
CHEPANA STREET LAKE CATHIE****Report Author: Steven Ford**

Property:	Lot 6 Section C DP 25923, 68 Chepana Street, Lake Cathie
Applicant:	Rob Tate Homes Pty Ltd
Owner:	P N & S H Robins
Application Date:	24 October 2014
Estimated Cost:	\$377,595
Location:	Lake Cathie
File no:	DA2014 - 0830
Parcel no:	4255

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2014-0830 for a Single Dwelling at Lot 6, Section C, DP 25923, No. 68 Chepana Street, Lake Cathie, be determined by refusing consent for the following reason:

1. The development does not comply with Port Macquarie-Hastings Development Control 2013 with respect to first floor building setbacks. The applicant has failed to demonstrate that the proposal will not have a significant adverse overshadowing impact on 70 Chepana St.

Executive Summary

This report considers a development application for a two storey single dwelling at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, 2 submissions have been received.

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

The site has an area of 546.3m².

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



The subject site is located in a developed residential subdivision containing a mix of single storey and 2 storey residential dwellings. Directly adjoining the site to the north and south are two storey detached dwellings.

The subject site is a vacant site that is relatively level and is affected by an easement to drain water 3m wide along its northern boundary.

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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a single detached two storey residential dwelling.

Refer to attachments at the end of this report.

Application Chronology

- 24 October 2014 - Application lodged
- 29 October 2014 - Site inspection
- 31 October 2014 - 13 November 2014 - Application publicly notified (two submission received).
- 3 November 2014 - additional information requested from applicant
- 4 November 2014 - Shadow diagram received from applicant
- 26 November 2014 - Bushfire report received from applicant
- 30 November 2014 - Response to submissions received from owner

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

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

State Environmental Planning Policy 44 - Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required.

State Environmental Planning Policy 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.

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.

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.

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 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 (note discussion below);
- 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.

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

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

In accordance with clause 6, a BASIX certificate (number 582428S) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

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

In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for a single dwelling 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. The proposal contributes to the range of housing in Lake Cathie.

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 8.5m applying to the site. Notwithstanding the proposal complies with the numerical provisions of the LEP, concern is raised with respect to the impact of overshadowing of 70 Chepana St. A specific objective of Clause 4.3 is '*to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development*'. The overshadowing impact is discussed in 'overshadowing' below.

In accordance with clause 4.4, the floor space ratio of the proposal is 0.67:1.0 which is acceptable for this type of development, 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 has class 3 potential acid sulfate soils. The proposed has no excavation extending 1m below the natural surface level is proposed, therefore no adverse impacts are expected to occur to the Acid Sulphate Soils found on site.

7.6 – Coastline hazards – Dwelling outside 2050 zone of reduced foundation capacity therefore no coastal hazard development restrictions apply. Pool is within the coastal zone however no restrictions apply.

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

(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
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment 	Portico setback 6m from front boundary	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 		
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway 	Front setback 7.66m from front boundary	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage setback 8.86m from front boundary and 1.2m behind building line.	Yes
	6m max. width of garage door/s and 50% max. width of building	5m Width and 38% of total width of building	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	5m width and 27% of site frontage	Yes
	Garage and driveway provided on each frontage for dual occupancy on corner lot	Na	Na
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	5.26 rear setback	Yes
3.2.2.5	Side setbacks:	Ground floor setbacks:	Yes
	<ul style="list-style-type: none"> • Ground floor = min. 0.9m 	North 3.16m, South 1.5m	
	<ul style="list-style-type: none"> • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • 	First Floor Setbacks: Northern 3.16m, South 1.5m. Shadow diagram provided shows overshadowing onto adjoining building. See comments below table.	No, Refer to comments under table.
	<ul style="list-style-type: none"> • Building wall set in and out every 12m by 0.5m 	Northern Building alignment satisfactorily set in and set out comprising of different building material on each	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
		level to achieve articulation and reduce perceived bulk	
3.2.2.6	35m2 min. private open space area including a useable 4x4m min. area which has 5% max. grade	>35m2. Areas are useable and meet the objectives of the DCP.	Yes
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	Ground floor offers privacy from boundary fencing. However no direct views between living areas at this level. First floor verandah has a privacy screen along southern boundary. A condition of consent is recommend that a privacy screen is provided on the southern elevation of the verandah. First floor windows in kitchen will have direct views between living areas of adjacent dwelling. However the narrow style of the window will limit overlooking. First floor windows on northern building line have no direct views to adjacent living areas of adjoining dwelling.	Acceptable - refer to conditions of consent

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	No cut and fill identified	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	external building walls		
2.3.3.2	1m max. height retaining walls along road frontage	No retaining wall along road frontage	Na
2.3.3.8	Removal of hollow bearing trees	None indicated	Yes
2.6.3.1	Tree removal (3m or higher with 100m diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	Nil	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	Driveway access to local road (Chepana Street)	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Yes, driveway will not impact street parking	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	Yes, 2 spaces are offered behind building line.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.14	Sealed driveway surfaces unless justified	Concrete	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grade to garage are acceptable.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Residential driveway will not create concentrate runoff that will be a concern	Yes
	Vehicle washing facilities – grassed area etc available.	None indicated but there is grassed areas adjacent to the driveway which could be used.	Acceptable

The proposal seeks to vary Development Provisions 3.2.2.5 - relating to the first floor side setback being a minimum 3m setback or where it can be demonstrated that overshadowing is not adverse a 0.9m minimum. The applicant seeks a first floor side setback of 1.5m along the south elevation.

The relevant objectives are to reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy.

The applicant submits the proposal is acceptable for the following reasons:

- The proposal is consistent with the side setbacks of other two storey dwellings along the eastern side of Chepana Street.
- Shadow Diagrams A13 shows solar access impacts to 70 Chepana St, which affect only the north-eastern room and parts of the private open space and swimming pool area for more than 3 hours. Whether the southern boundary setback of 3m is achieved solar access impacts will be similar with shadow over the north-west window and pool courtyard.

It is considered that the applicant has failed to adequately demonstrate that the overshadowing impact is acceptable. The submitted overshadowing plans provide no detail of the adjoining dwelling or alternative setback scenarios to adequately evaluate the extent of the impact overshadowing. A more detailed analysis is carried out later in this report under the heading 'Overshadowing'.

(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

No matters prescribed by the regulations are applicable to the proposal.

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:

No Coastal Zone Management Plan applies to the subject site.

(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 frontage to Chepana Street
- Adjoining the site are two storey detached dwellings to the north and east. Along with a public reserve and council managed bushland zoned as SEPP 26 - littoral rainforest to the rear.
- The proposal is considered to be compatible with the residential context and setting of the area.

Overshadowing

The relevant standard for overshadowing adopted in Development Control Plan 2013 is that "adjoining property primary living areas and primary private open space areas should not be adversely overshadowed for more than 3 hours between 9am and 3pm on 21 June".

In this instance, the adjoining dwelling at 70 Chepana St is located to the south of the development site and will have solar access impacted by the development. The dwelling at 70 Chepana St contains windows of primary living areas on its north elevation, and also a balcony. A swimming pool located in the north-east corner of 70 Chepana St would also be affected by overshadowing from the proposed development.

The applicant has submitted shadow diagrams in support of the application (refer to attachments).

The expected overshadowing impacts of the proposed development on the existing dwelling at 70 Chepana St on 21 June can be summarised as follows:

- 9.00am - Shadow over all north east facing windows, incl. Ground and first floor living room windows, upper floor balcony. Private open space and swimming pool area partially overshadowed from the development.
- 12.00pm - Shadow over ground floor north-east window, First floor living area windows and balcony partially impacted by overshadowing from the development. Shadows on approximately 80% of the swimming pool area.
- 3.00pm - Swimming pool area has minor overshadowing

From the above analysis, it can be demonstrated that adjoining property primary living areas and primary private open space areas would have some impact on solar access for more than 3 hours between 9.00am and 12.00pm on 21 June. The swimming pool area would be overshadowed between 9.00am and 3.00pm.

Where guidelines dealing with the hours of sunlight on a window or open space leave open the question what proportion of the window or open space should be in sunlight, the Land and Environment Court of NSW has set out a revised planning principle on solar access in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082. The Court's consolidated and revised planning principle on solar access is now in the following terms. Comments are provided below in relation to each of the relevant considerations for private open space.

The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.

Comments: The subject site is located in a low density residential area and the expectation to retain solar access would be relatively high. The dwelling at 70 Chepana St is considered to be vulnerable to being overshadowed due to its minimal boundary setback and northern living area windows and private open space adjoining a side boundary. Notwithstanding this, the submitted shadow diagrams provide insufficient detail on the extent of this impact. It is considered possible for a more responsive design for the site so to minimise overshadowing on the neighbouring property

The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.

Comments: The summary above takes into account the amount of sunlight lost and retained between the hours of 9.00am and 3.00pm on 21 June. It is noted that the submitted overshadowing plans are limited and prevent a detailed assessment from being completed.

Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated

by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.

Comments: The applicant submits that the design of the development is consistent with other developments in the area.

It is considered that there are other more sensitive design solutions for the site that would reduce the overshadowing impact on the neighbouring property. If the southern side setback was increased to comply with the DCP provisions it would improve solar access.

For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.

Comments: Sunlight to the principle area of private open space located on the first floor deck would be predominantly affected by the development between the hours of 9am and 3pm on 21 June. The pool courtyard would retain at least a small strip of sunlight during these hours, but would be in shade for middle hours of the day.

Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.

Comments: The submitted shadow analysis has considered relevant building elements, however it fails to quantify the extent on the affected property.

In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.

Comments: Directly adjoining properties have already been developed, with only relatively minor potential for redevelopment.

View Sharing

During the neighbour consultation periods, concerns surrounding view loss were raised by adjoining residents, concerned with the rear building alignment not being consistent with adjoining properties.

With regard to view impacts, the notion of view sharing is the appropriate terminology which is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking all a significant view away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

Using the planning principles of NSW Land and Environment Court in *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following comments are provided in regard to the view impacts using the 4 step process to establish whether the view sharing is acceptable.

Step 1

Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comments: Both properties enjoy ocean views to the east through the adjacent public reserve and littoral rainforest. Both residents have mentioned that this view has been impacted by the Littoral Rainforests regrowth in recent years and highly value the remaining view corridors. The interface of land and water is not visible and the views are not considered to be iconic.

Step 2

Consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comments: Affected views from 68 and 70 Chepana are obtained from their first floor living areas and bedroom across the rear boundary.

Step 3

Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comments: The extent of the impact is considered to be minor for the following reasons:

- The affected view is across a side property boundary.
- The primary view corridors would be retained to the rear boundary and partially over the side boundary.
- Both properties have their living areas primarily oriented towards the ocean to the east.

Step 4

Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comments: The proposal includes a variation to the adopted planning controls for the first floor side setbacks. However, the primary concerns with this variation is overshadowing and perceived perceptions of building bulk, this does not adversely affect the view sharing. When the impact of views arises, the proposed development is considered reasonable as the side setback only considered minor in this instance, compared to the impacts of overshadowing.

Overall, the proposed development is not considered to have adverse impacts on views enjoyed by neighbouring properties.

Access, Transport & Traffic

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

Public Domain

The proposal satisfactorily addresses the public domain and would not result in any adverse impacts to adjoining public areas.

Utilities

Telecommunication and electricity services are available to the site. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

Stormwater

Service available – details required with S.68 application

Water

Service available – details required with S.68 application.

Soils

The proposed development will be unlikely to have any adverse 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

The site is identified as being bushfire prone.

The applicant has submitted a bushfire report prepared by Krisann Johnson (BPD-PD 18578 Certified Consultant for S & K Johnson Constructions) certifying that the development confirms to the relevant specifications and requirements of Planning for Bushfire Protection 2006. In accordance with Section 79BA(1)(b) of the Environmental Planning and Assessment Act 1979, the consent authority can rely on such report in granting consent to development. It is recommended that a condition of consent be imposed to ensure that the development is carried out in accordance with the recommendations of the report and certification be provided to the PCA prior to the issue of an Occupation Certificate for the development.

The report proposed that all of the elevations of the proposed dwelling be built to BAL 19 construction standards with the decking built to BAL 29 standards as per the NSW variation in Appendix 3 of Planning for Bushfire Protection 2006.

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 does not satisfactorily responds to the site attributes having regard for the overshadowing impact on the adjoining property.

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:

Residential development is suitable for the site. In this instance it is considered that a more sensitive design needs to be investigated so as to minimise overshadowing of the adjoining property

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

2 written submissions have been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The rear building alignment is situated well to east, impacting the existing views of the neighbouring properties.	<p>A detailed analysis of potential view impacts has been carried out earlier in this report under the heading 'View Sharing'.</p> <p>Overall, the proposed development is considered to have acceptable impacts on view sharing.</p>
With the Building alignment extending several metres further towards the rear boundary than 70 Chepana St, overshadowing will cause significant loss of winter sunlight to living areas and cause unnecessary visual bulk to the development.	A detailed analysis of potential overshadowing has been carried out earlier in this report under the heading 'Overshadowing'.
Impacts on privacy, the proposed verandah will overlook adjoining properties private open space and into living areas of 66 Chepana St.	Privacy screening for verandah of the first floor have been proposed to prevent views over the side boundaries - refer to conditions of consent.

(e) The Public Interest:

There is not considered to be any wider impact on the public interest associated with the proposal.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

Contributions will not apply to the proposed development as contributions would have been paid at the time of subdivision.

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.

It is considered that the proposal has failed to adequately address the impact of overshadowing on 70 Chepana St. Consequently it is recommended that the application be refused.

Attachments

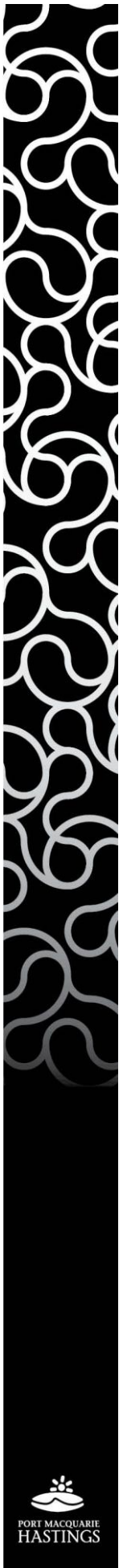
1[View](#). DA2014 - 0830 Plans

2[View](#). DA2014 - 0830 Recommended Conditions

AGENDA

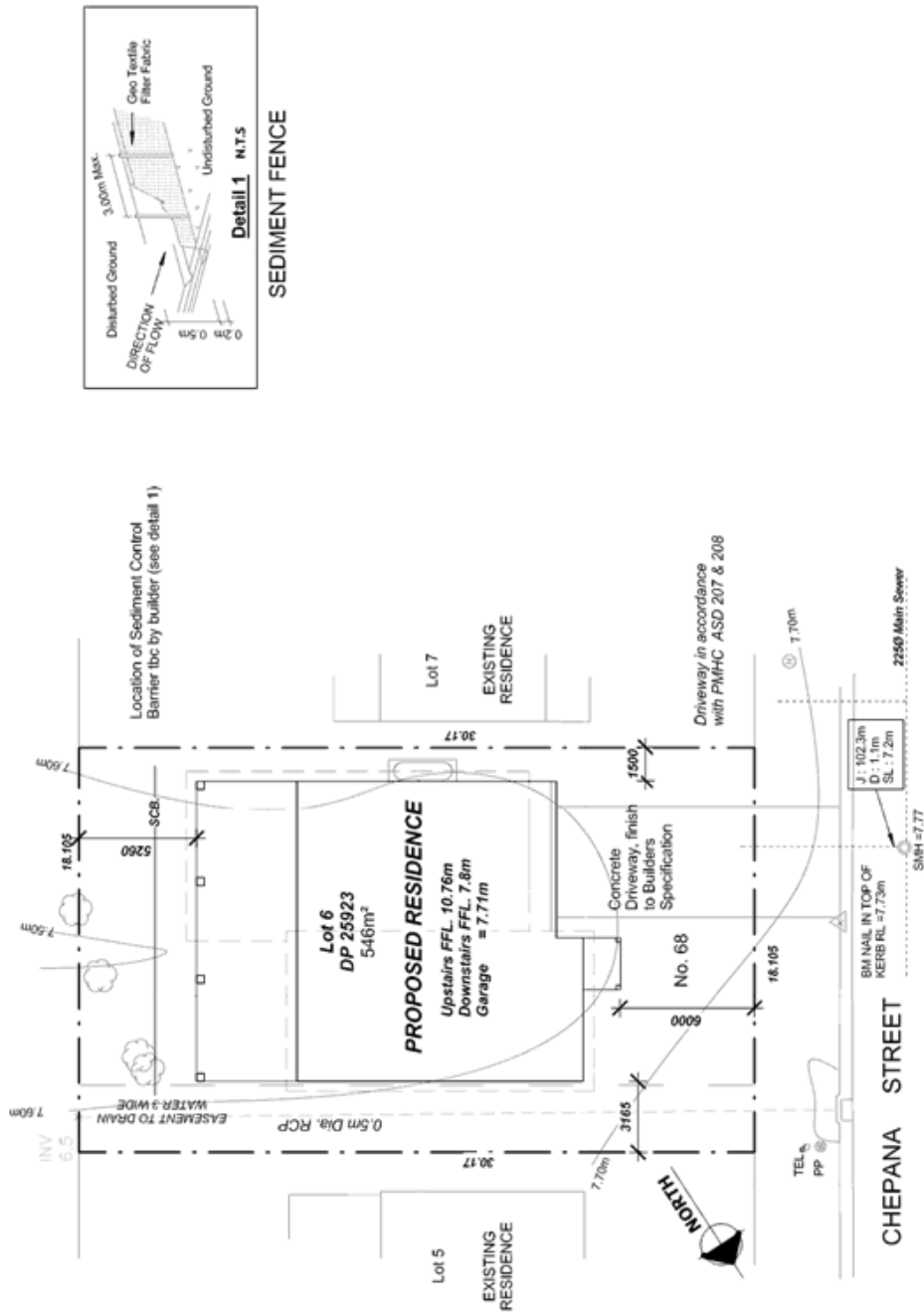
DEVELOPMENT ASSESSMENT PANEL 10/12/2014

- 3 [View](#). DA2014 - 0830 Submission - Fens
- 4 [View](#). DA2014 - 0830 Submission - Avery
- 5 [View](#). DA2014 - 0830 Response to submissions From Owner



CONSTRUCTION PLANS

BUILDER TO VOUCH FOR ALL DIMENSIONS AND MEASUREMENTS LISTED

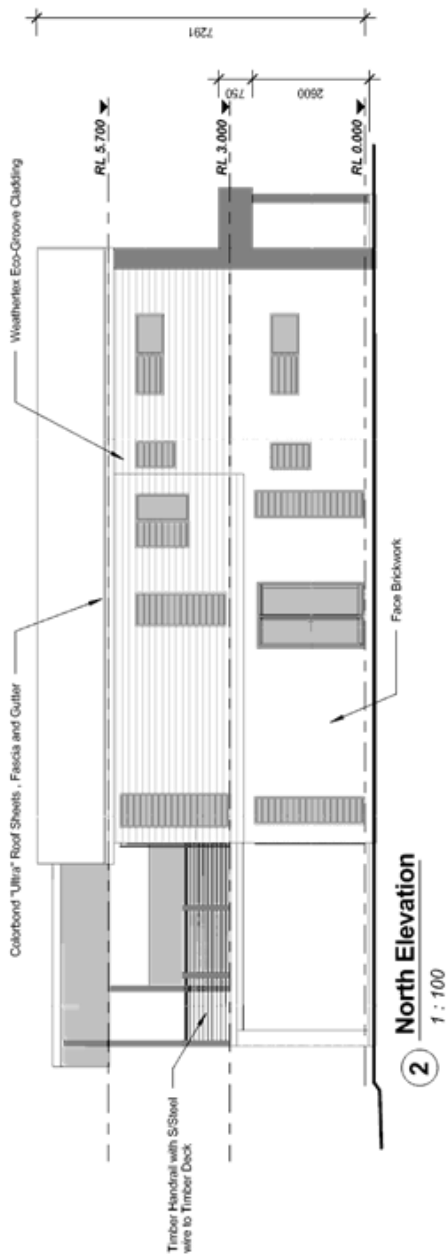
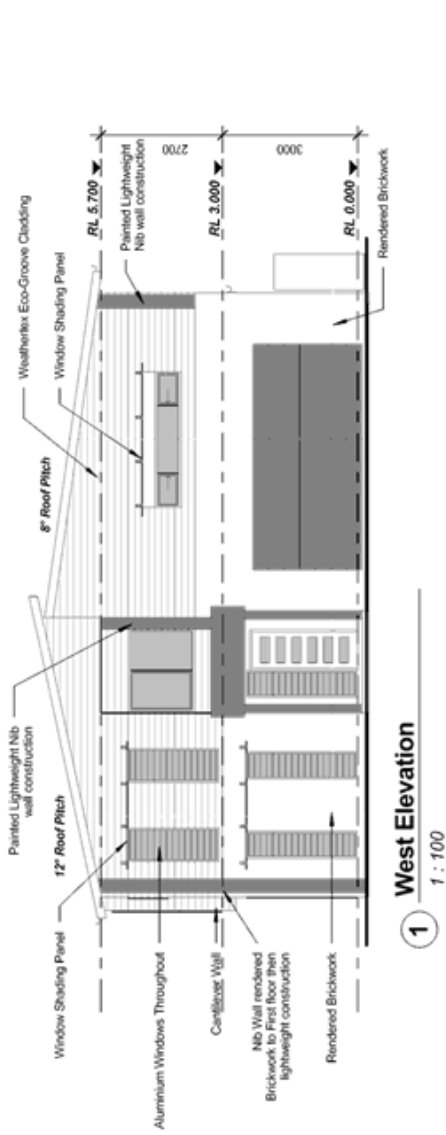


1 Site Plan
 1 : 200

DATE		ISSUE/AMENDMENTS	
21/10/2014		Working Drawings	
3/11/2014		Amended	
Please Read Carefully This plan contains details of the development and is to be used in conjunction with the Development Assessment Panel's decision. It is not to be used for any other purpose without the written consent of the Council.		Site Plan Client: Phil Robbins Date: 3/11/2014 Drawn by: C. WINDSOR	
Proposed 4 Bedroom Residence at 68 Chepana St, Lake Cathie		A02	

CONSTRUCTION PLANS

BUILDER: JV WINDSOR ALL HEIGHTS AND MEASUREMENTS IN METERS



DATE	ISSUE/AMENDMENTS
21/10/2014	Working Drawings
31/12/2014	Amended

Please Read Carefully
This plan contains notes and details which are referred to in the contract & specifications and it is understood that the contractor shall be responsible for ensuring that all work is done in accordance with the plans, specifications and notes. The contractor shall be responsible for ensuring that all work is done in accordance with the plans, specifications and notes.

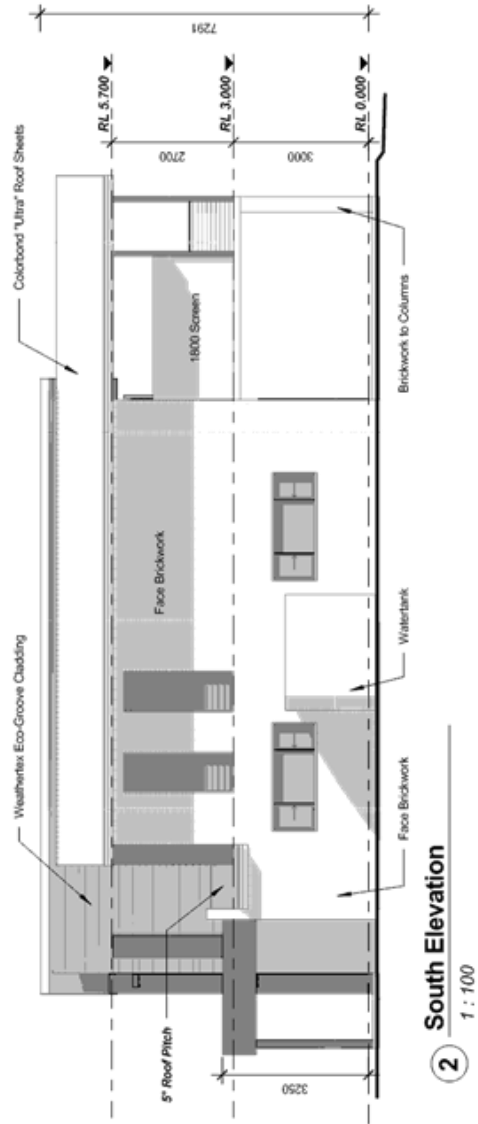
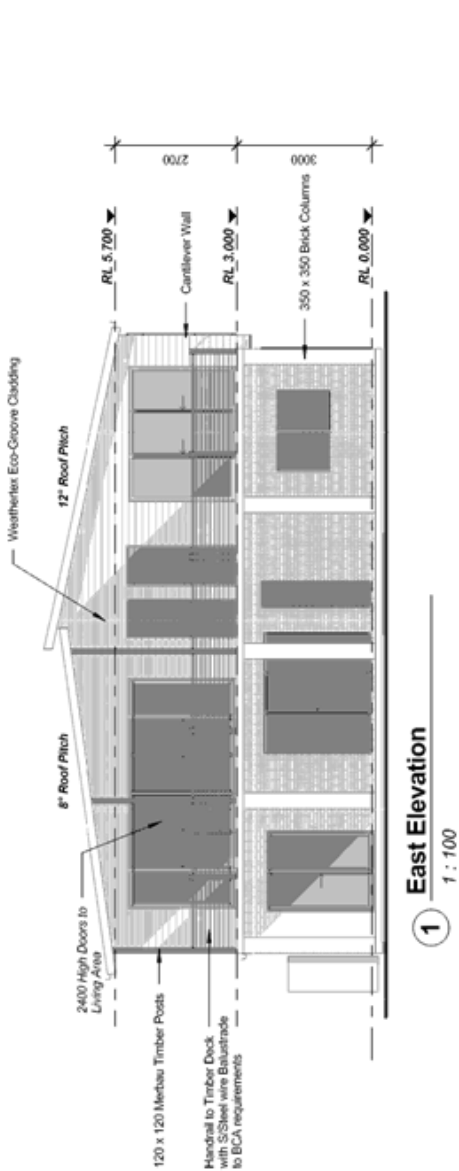
Owner / %
Date

Elevations	
Client	Phil Robbins
Date	31/12/2014
Drawn by	C. WINDSOR
A05	

Proposed 4 Bedroom Residence at 68 Chepana St,
Lake Cathie

CONSTRUCTION PLANS

BUILDER TO VERIFY ALL HEIGHTS AND MEASUREMENTS ON SITE



DATE	ISSUE/ AMENDMENTS
21/10/2014	Working Drawings
31/12/2014	Amended

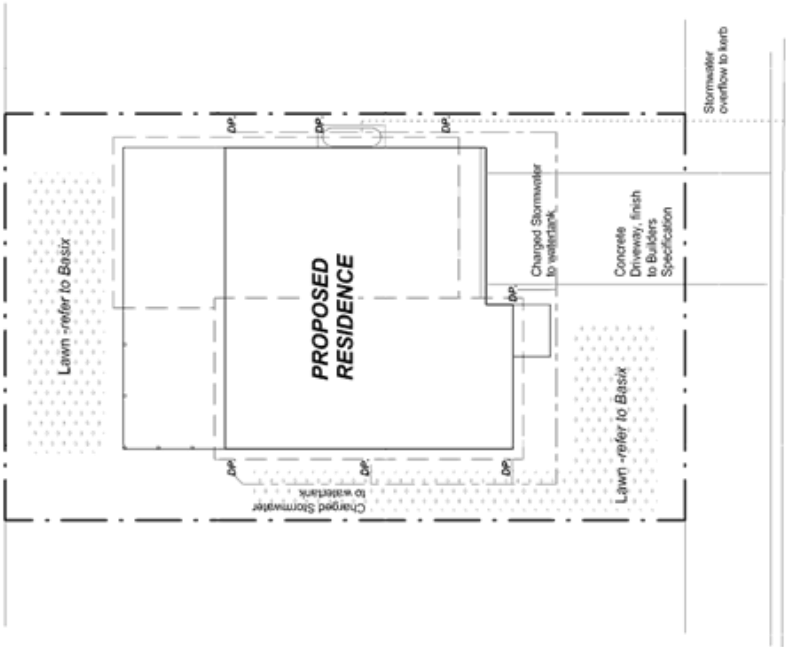
Please Read Carefully
This plan contains errors in the way referred to in the contract & specifications and I undertake to change the plan to correct these errors. I will be responsible for any costs incurred by the client in connection with the correction of these errors.
Owner's Name: _____ Date: _____

Elevations			
Client	Phil Robins	A06	
Date	31/12/2014		
Drawn by	C. WINDSOR		

**Proposed 4 Bedroom Residence at 68 Chepana St,
Lake Cathie**

CONSTRUCTION PLANS

BUILDER TO VERIFY ALL HEIGHTS AND MEASUREMENTS LIFT-311E



1 Landscape Plan
1 : 200

DATE	ISSUE/ AMENDMENTS
21/10/2014	Working Drawings
31/12/2014	Amended

Please Read Carefully
This plan contains notes in the one referred to in the context & specifications and I undertake to change the plan if I receive any further information or plans submitted at over provided plans or drawings.
Owner / % Date

Landscape Plan			
Client	Phil Robins	A10	
Date	31/12/2014		
Drawn by	C. WINDSOR		

*Proposed 4 Bedroom Residence at 68 Chepana St,
Lake Cathie*



**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2014/830****DATE: 2/12/2014****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	A00 to A13 (amended on 3/11/14) - client Phil Robins	C. Windsor	3/11/14
BASIX	Cert. No: 582428S	Direct Concepts	21/10/14
SOEE		Christine Castles	21/10/14
Bushfire Risk Assessment	68 Chepana Street Lake Cathie	Krisann Johnston	2014

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;

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

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

 - Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving (width)
 - Footway and gutter crossing
 - Functional vehicular access
 - Other

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

- (3) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (4) Construction Certificate plans are to detail Bushfire Attack Level construction standards consistent with the Bushfire Assessment submitted with the application prepared by Krissann Johnston dated 2014.

- (5) Construction Certificate plans are to provide for a privacy screen to the northern elevation of the first floor deck. The screen is to meet the requirements for privacy screen specifications outline in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

- (1) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (2) (D007) A survey certificate is to be submitted to the Principal Certifying Authority at footings and/or formwork stage. Such certificate shall set out the boundaries of the site, the actual situation of the buildings and include certification that siting levels comply with the approved plans.

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) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (3) (E015) Prior to occupation or issue of the Occupation Certificate, details of compliance with the bushfire risk assessment is to be provided to the Principal Certifying Authority.
- (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) (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.
- (7) (E195)

F – OCCUPATION OF THE SITE

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

CONDITIONS APPLYING TO JETTIES AND BOAT RAMPS

nil

From: M Fens [REDACTED]
Sent: Thursday, 6 November 2014 11:56 AM
To: Steven Ford
Cc: [REDACTED]
Subject: RE: Submission DA 68 Chepana St, Lake Cathie

Hi Steven

I would like to submit the following submission to express the following concerns in relation to the Development application for a new residential dwelling at 68 Chepana St, Lake Cathie NSW 2445.

It states there is NO! affect on neighbouring residences from overshadowing or loss of privacy. This is clearly the opposite! The proposed development is situated well to the east on the building alignments of the neighbouring properties. Ours property to the north 66 Chepana St and 70 Chepana St to the south. In relation to 66 Chepana St the residents of the proposed dwelling can clearly view straight into our living area at the Sth East and Main bedroom at the North East a direct loss of privacy. The same applies to 70 Chepana St, however this property is adversely affected by over shadowing and more importantly the total loss of northern sun in the winter with an elderly lady in residence her eastern verandah will be in shade providing no warmth. The other aspect is that the position of the residence also adversely affects the our views to the east. We currently have 180 degree view over the reserve to the NE, East and SE. There will be adverse effect on our view with the back section and verandah of the dwelling clearly in view, the same applies to no 70.

I look forward to your response to our concerns

Mathew Fens
66 Chepana St
Lake Cathie NSW 2445

Correspondence to:
Mathew Fens
8 Lindfield Park RD
Port Macquarie NSW 2444
Call [REDACTED]

Note: I will be out of the country from 6 Nov to 15 Nov 2014

E



70 Chepana Street
Lake Cathie
NSW 2445.

Sa November 2014

Development Proposal application no 2014/830
Property 68 Chepana St Lake Cathie.

I wish to make an objection to the proposal
of the above development

The proposed house extends several metres
further than my house, both front and back, this
will cause me to lose all winter sun and a large
amount in summer.

The garage proposed extends much further
than my house therefore I will lose my view from the bay
window to the North. I would see only a large brick

The rear of the proposed house to be built
is eight metres from the boundary will cut out my
views to the North both up and down where some
views are already lost by the rain forest.

The back balcony overlooks my garden
as the building is so far back causing a loss of
privacy



VICKI G. ANDERBY

4255.

PORT MACQUARIE HASTINGS	
TRIM No	Case No
10 NOV 2014	
Keyword	
Activity	
Subject	
Folder	

DP 2014-830-1.

To chepana St.
Lake Cathie
NSW 2445



Development Proposal 68 chepana St
Application No 2014/830

Objections

- 1) All winter sun lost by house proposed extending several metres further forward + back compared to my house.
- 2) View from the bay window at front of house will be blocked completely to the North as the garage wall only can be seen to the North.
- 3) Back of building so far back my garden will be overlooked and no privacy
- 4) Views from the rear of my house, both up and down will be cut to the North due to house proposed being built so much further back

[REDACTED]
Vicki G. AGER

TEL [REDACTED]

PORT MACQUARIE HASTINGS	
TRIM No	CR0115
10 NOV 2014	
Keyword	
Activity	
Subject	
Folder	



www.termiteterriers.com.au

ABN 16 584 813 595
PO Box 43 Collaroy NSW 2097

Phone 0402 677 204 (24hrs) Email Phil@termiteterriers.com.au

Friday 28th November 2014

Steven Ford
Development Contributions and Planning
Port Macquarie Hastings Council
PO Box 84,
Port Macquarie NSW 2444

Dear Steven

As discussed, in relation to DA2014/830 - 68 Chepana St, Lake Cathie the concerns from submissions are;

1. The Rear building alignment is situated well to east, impacting the existing views of the neighbouring properties.
2. Impacts on privacy, the proposed verandah will overlook adjoining properties private open space and into living areas of 66 Chepana St.
3. With the Building alignment extending several metres further towards the rear boundary than 70 Chepana St, overshadowing will cause significant loss of winter sunlight to living areas and cause unnecessary visual bulk to the development.

Prior to addressing these concerns individually it is necessary to highlight some important points;

- Currently **approved** DA 2009/387 extended further west and east of both neighbouring properties and had considerably more Over Shadowing hours on No.70 than DA2014/830.
- The currently submitted plans under DA2014/830 are well within all NSW Building Codes in regards to Height, Bulk and Setbacks and are considerably less in bulk than those of currently **approved** DA 2009/387 as well as less than many other similar homes on Chepana St.



- The Local Code 3.3.2.15 Objective defines Over Shadowing as Buildings should not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than 3 hours between 9.00am and 3.00pm on June 22. This definition is different to other codes which mention areas rather than actual windows and many codes excuse ground floors from this requirement and only require 2 hours.
- As DA2014/830 falls well within all setback codes and we are limited by a 3m easement setback already on the northern boundary, obviously we would be reluctant to increase total setback to 6m on an 18m frontage without resubmitting with extra east/west bulk which has already been shown as a concern to neighbours.

1. The Rear building alignment is situated well to east, impacting the existing views of the neighbouring properties.

We believe this is not true and without any supporting data or empirical argument this concern gets cancelled out by the other contradicting concerns.

2. Impacts on privacy, the proposed verandah will overlook adjoining properties private open space and into living areas of 66 Chepana St.

We are happy to amend plans to show a privacy screen on the northern side of the balcony however this may create other concerns in relation to 1.

3. With the Building alignment extending several metres further towards the rear boundary than 70 Chepana St, overshadowing will cause significant loss of winter sunlight to living areas and cause unnecessary visual bulk to the development.

After lengthy discussions with Miss V Avery of 70 Chepana St, it was apparent that her primary concern is the lack of light that her front Bay Window will receive in winter which seems a contradiction to her submission, however with current front setback her lower northern living area will receive greater than 3 hrs of winter sun.

Further,:

1. Local Code 3.2.2.5 Objective: To reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy. To provide for visual and acoustic privacy between dwellings. First floors and above should be setback minimum of 3m from the side boundary or reduced down to 900mm where it can be demonstrated that the adjoining property primary living areas and primary private open space areas should not be adversely overshadowed for more than 3hrs between 9am- 3pm on 21 June.



Shadow Diagram A13 supplied as part of DA 2014/830 shows little to no shadowing occurs on June 21 to above mentioned Bay Window and certainly will receive more than 3 hours of sunlight (from 10am). The ground floor most western northern wall window also receives more than 3 hrs of June 21 sunlight (from 11am). The only ground floor window which receives less than 3 hrs of sunlight is the most eastern northern wall window and whether we have a southern boundary setback of 1.5m or 3m as per shadow diagram will not alter the winter sunlight hours.

2. The suggestion by Miss Avery that maybe the western/ street setback could be increased so she didn't have to look out her bay window at a garage wall was probably due to her being confused with currently approved DA2009/387 which extended to this area and we believe causing confusion and unnecessary concern with DA2014/830

We will continue to discuss any concerns our neighbours may have with DA 2014/ 830, however to date we do not believe that these current submissions require a Development Assessment Panel nor prevent DA 2014/830 approval.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Robins' and 'Stacie Robins'.

Philip Robins and Stacie Robins
Owners 68 Chepana St Lake Cathie 2445

Item: 07

Subject: DA2014 - 0790 - DUAL OCCUPANCY AND STRATA SUBDIVISION
RESULTING IN TWO SINGLE DWELLINGS AT LOT 25 DP 259237, 2
BALLINA CRESCENT, PORT MACQUARIE

Report Author: Clint Tink

Property:	Lot 25 DP 259237, 2 Ballina Crescent, Port Macquarie
Applicant:	Bodium Enterprises Pty Ltd
Owner:	Bodium Enterprises Pty Ltd
Application Date:	28 October 2014
Estimated Cost:	\$358,100
Location:	Port Macquarie
File no:	DA2014 - 0790
Parcel no:	991

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2014 - 0790 for a dual occupancy and strata subdivision resulting in two single dwellings at Lot 25, DP 259237, No. 2 Ballina Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a dual occupancy and strata subdivision resulting in two single dwellings at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

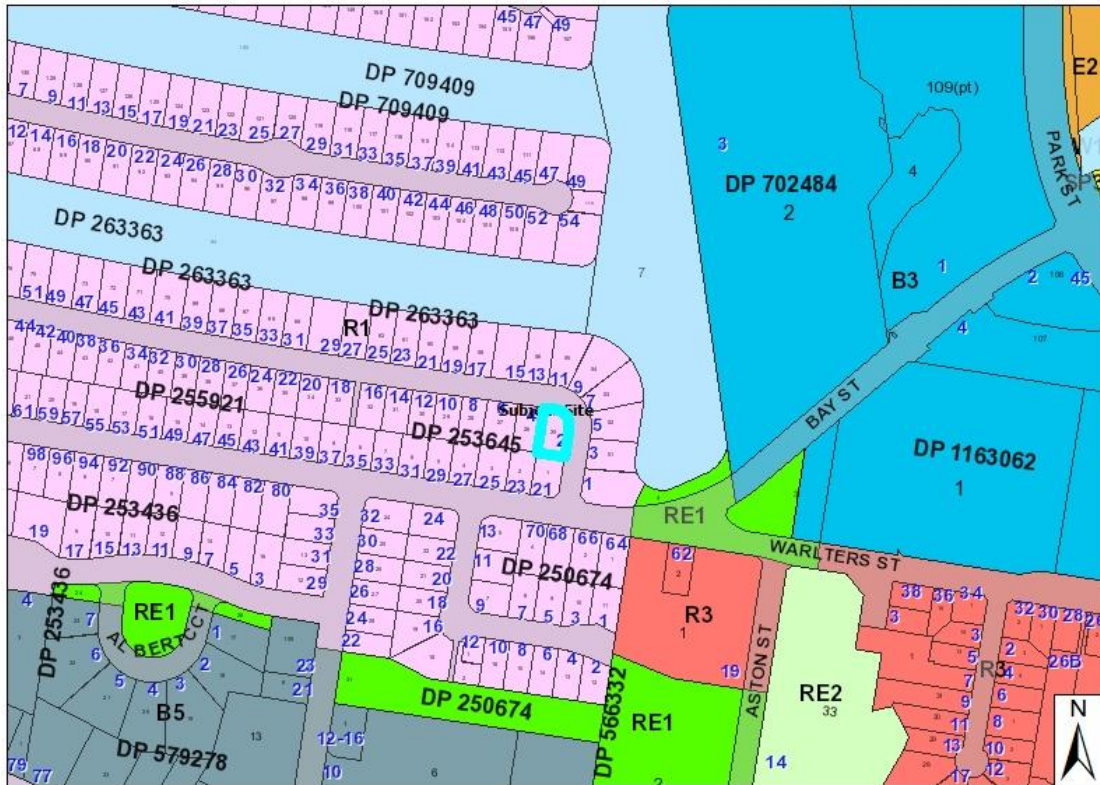
Following exhibition of the application, two submissions have been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 695.9m².

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Existing dwelling to be demolished.
- Two x three bedroom single storey dwellings to be erected as a dual occupancy.
- Dual occupancy to be strata subdivided resulting in two single dwellings.

Refer to attachments at the end of this report.

Application Chronology

- 26 August 2014 - Proposal presented to Council's Pre-lodgement meeting.
- 13 October 2014 - Application lodged with Council.
- 28 October 2014 - Council requested additional information on tree removal. Applicant responded to matter the same day.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

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

State Environmental Planning Policy 44 - Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area and therefore no further investigations are required.

It should be noted that the applicant did nominate the removal of two *melaleuca* trees from within the road reserve. Having reviewed the plans and inspected the site, Council's Tree Officer has advised that the trees can actually be retained without compromising the plan. This will be reinforced through conditions of consent.

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.

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

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 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:

- any restricted access (or opportunities for access) to the coastal foreshore
- any identifiable adverse amenity impacts along the coastal foreshore and on the scenic qualities of the coast;
- any identifiable adverse impacts on any known flora and fauna (or their natural environment);
- subject to any identifiable adverse coastal processes or hazards;
- any identifiable conflict between water and land based users of the area;
- any identifiable adverse impacts on any items of archaeological/heritage;
- reduce the quality of the natural water bodies in the locality.
- In particular, the site is predominately cleared and located within an area zoned for residential purposes.
- The requirements of this SEPP are therefore satisfied.

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

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

In accordance with clause 6, a BASIX certificate (number 580409M) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

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 dual occupancy and strata subdivision resulting in two single dwellings 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, will contribute to the range of housing in the area and is consistent with the established residential locality.

In accordance with Clause 2.6AA, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.

In accordance with clause 4.3, the maximum overall height of the proposal from ground level (existing) is 4.45 m which complies with the standard height limit of 8.5m applying to the site.

In accordance with clause 4.4, the floor space ratio of the proposal is 0.37:1.0, 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 2013 are proposed to be removed. The applicant has showed two *melaleuca* trees to be removed from the road reserve. However, Council's Tree Officer has assessed the

application and has advised the trees can be retained without compromising the development. Conditions will be imposed to reinforce the tree retention.

In accordance with clause 7.1, the site has class 3 potential acid sulfate soils. The proposed development includes demolition of existing single level dwelling and the erection of a detached dual occupancy. However, no excavation extending 0.5m below the natural surface level is proposed, therefore no adverse impacts are expected to occur to the Acid Sulphate Soils found on site.

In accordance with clause 7.3, the site is land within a mapped "flood planning area". In this regard the following comments are provided which incorporate consideration of Council's Interim Flood Policy:

- The proposal is compatible with the flood hazard of the land.
- The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties
- The proposal incorporates measures to manage risk to life from flood
- The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses
- The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding
- Pre-lodgement comments from the Flooding Section in Council advised that the site is mapped as being flood prone (1 in 100yr level = 2.85m AHD). Habitable floor levels with a 900mm freeboard are required (i.e. minimum height of 3.75m AHD). The proposed development has shown floor levels a minimum of 3.75m.
- The New South Wales Department of Environment, Climate Change and Water (DECCW) released a Sea Level Rise Policy Statement in October 2009 which outlines the government's objectives and commitments to sea level rise with regard to climate change. The sea level rise policy recognises that under the *Act* consent authorities must consider the effects of sea level rise on coastal and flooding hazards when considering planning and development approval decisions. The new policy sets a sea level rise benchmark of 400mm by 2050 and 900mm by 2100. In March 2010, council adopted amendments to its flood policy to align with the NSW sea level rise policy, and among other matters, the amendments required freeboard requirements to be increased by 100mm.
- The development must consider the effects of sea level rise and allow for an adaptable approach to be implemented over the life of the development. Final adopted finished floor levels must allow for sea level rise. The current 100 year flood level is 2.85m AHD and the revised freeboard is 900mm. As mentioned above, the floor levels are a minimum of 3.75m AHD, which comply.

Except for the floor levels, no other specific flood reports were required as part of the pre-lodgement meeting.

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

(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 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.2	<p>Articulation zone:</p> <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	<p>The corner lot results in two frontages. In this case, the primary frontage is the western side, while the northern side is the secondary frontage. Part of the open alfresco area for the dwelling on Lot 1 is less than 4.5m from the primary frontage. The setback is still greater than 3m and does not exceed 25% of the overall articulation zone. This results in no major impact on streetscape and compliance with the DCP. The setback of the alfresco area to the secondary frontage complies with the 3m setback requirement - see next clause.</p>	Yes
	<p>Front setback (Residential not R5 zone):</p> <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway 	<p>The dwellings are setback over 4.5m from primary frontage and over 3m from secondary frontage.</p>	Yes
3.2.2.3	<p>Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided</p>	<p>Garages are setback over 5.5m from the front boundary and located 1m behind the front of the building.</p>	Yes
	<p>6m max. width of garage door/s and 50% max. width of building</p>	<p>Garage doors are less than 6m in width and do not exceed 50% of the width of the building.</p>	Yes
	<p>Driveway crossover 1/3 max. of site frontage and max. 5.0m width</p>	<p>Driveway crossovers do not exceed 5m or 1/3 of the overall site frontage. In particular, the crossovers</p>	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
		represent 7.9m of an approximate 50m frontage, which equates to 15%.	
	Garage and driveway provided on each frontage for dual occupancy on corner lot	A driveway and garage is provided on each frontage.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Given the site is a corner lot it does not have a rear boundary.	N/A
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 overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	The development is setback over 900mm from side boundaries. There are sections of the dwellings, which exceeds 12m without articulation. Given the walls are not visible from a public area and also contains a number of windows to provide interest; no adverse impact will occur.	Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Both units are provided with a useable 35m ² open space area comprising a 4m x 4m area directly accessible from a living area. Open space areas have a north aspect.	Yes
3.2.2.7	Front fences: <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances • Front fences and walls to have complimentary materials to context 	A 1.8m front fence is proposed and will comprise a mixture of timber and colorbond materials. The fence is splayed on the corner. Landscape recess areas have been provided that occupy no less than 50% of the fence. Sections of the fence on the actual front boundary does not exceed 50% or exceed 6m in length. Transparency provided. Based on the above, the fence is considered acceptable.	Yes.
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings 	The development is single storey. Existing fencing to west, limited openings of	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
	<p>screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed</p> <ul style="list-style-type: none"> • 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 	key living areas to the west and the imposition of fencing between the units will ensure there are no adverse privacy issues.	

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	The development provides limited concealment or entrapment areas. Adequate casual surveillance is also available from living areas over both private and public spaces.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	No significant cut or fill proposed.	Yes
2.3.3.2	1m max. height retaining walls along road frontage	No retaining wall proposed.	N/A
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall front fence combination proposed.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Noted

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access is proposed to any arterial or distributor road.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossovers are limited to each unit and each frontage without dominating the street. Suitable street parking is also retained.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	The development is provided with double garages for each unit and suitable area in driveways for extra parking.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Driveways will be conditioned to be sealed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades acceptable.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Parking contained within garages.	Yes
	Vehicle washing facilities – grassed area etc available.	Area exists for dwelling 1 onsite and within the road reserve for both dwellings to allow washing of cars if the need arises.	Yes

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

None relevant.

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy

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

Demolition of buildings AS 2601 - Cl 66 (b)

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

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

None relevant.

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

Context & Setting

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

The proposal is considered to be consistent with other residential development in the locality and adequately addresses planning controls for the area. Due to the age of the area, houses will also start to be re-developed or renovated as time goes on.

There is no adverse impact on existing view sharing.

There is no adverse privacy impacts.

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

Access, Transport & Traffic

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

Public Domain

The applicant proposed to remove two melaleuca trees from within the road reserve. However, having consulted Council's Tree Officer, it is considered that the trees can be retained and still allow for the development to proceed.

The retention of the trees will be covered by conditions of consent.

Based on the above, no adverse impact will occur to the public domain.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

Stormwater is capable of draining to the street network with specific details being required with Section 68 application

Sewer

Council records indicate that there is an existing 150mm dead end sewer main that terminates inside of the property at the north western corner. There is an existing junction to this dead end main.

The existing junction may be used for both Strata Title Units.

Water

Records indicate that the development site has an existing 20mm metered water service from the existing 100mm AC water main on the same side of Ballina Crescent. This sealed water service is to be used for proposed Unit 1. A new 20mm

metered water service will be required for the Unit 2 from the 100mm AC water main on the same side of Ballina Crescent.

The plans supplied with the development application are acceptable for Water Supply Section purposes.

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. The frontage is large enough to allow storage of bins on collection day. 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

The site is not identified as being bushfire prone.

The issue of flooding is addressed in the Port Macquarie Hastings Local Environmental Plan 2011 section of 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. Surveillance of private and public areas is also provided in the design.

Social Impact in the Locality

Given the minor 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. maintained employment and expenditure in the area).

Site Design and Internal Design

The proposed development design satisfactorily responds to the site attributes and will fit into the locality. As stated previously, due to the age of houses in the area, many will soon come up for re-development or renovations. This will lead to the area going through a transition period. No adverse impacts likely.

Construction

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

Cumulative Impacts

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

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

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

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

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

Two written submissions have been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The development is not in keeping with the street and may devalue properties.	Due to the age of the area, re-development and renovations such as this will begin to occur. There is already evidence of this having occurred throughout the street and adjoining areas. While it is noted that the proposed dwellings will not comprise brick and tile construction, (which is common throughout the street), the proposal does provide a modern design in a transitioning area and is considered acceptable on this basis. Impacts on property values is not a matter for consideration under this s79C assessment.
If the property devalues the land, rates should be changed accordingly based on the revised value.	While this is not a matter for consideration under this s79C assessment, it is noted that rates are partly determined on land value and any reductions in land value (considered unlikely) would be reflected in future rating.
There is a brick only covenant in the area. Allowing this development to occur will set a precedent.	There is a restriction on the title of the property and surrounding area regarding building materials. The restriction was placed on the title by the developer (not a restriction the Council is a party to) and is therefore not a matter of consideration for Council. Clause 1.9A of the LEP enables Council to override the restriction.
The development will generate additional traffic and parking that would impact on the functioning of the street. No parking signs should be installed to maintain flow of traffic.	The development will not result in any adverse traffic or parking issues on the street. The development provides onsite parking in excess of that required by Council's planning controls. This will minimise any parking on the street, which could impact on street/traffic conditions. Based on the above, the provision of no parking signs is not warranted in this case.
By approving this application, Council would not be acting in the best interests of those putting in a submission.	The assessment of the proposal concludes there will be no adverse impact on the environment or area. The assessment also concludes that the development will not impact on the public's interests. In this regard, by approving this application, Council is not compromising the interests of the community.
The proposal is an overdevelopment of the property.	The development complies with the relevant planning controls governing setbacks and densities. In this regard, the development is not considered an overdevelopment.
The fencing does not look appealing and will prevent cooling breezes in the summer.	The fence complies with Council controls. The articulated design and use of landscaping will further minimise any impact. Transparency requirements for the fence will also allow air flow into the units.

(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.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

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

5. CONCLUSION

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

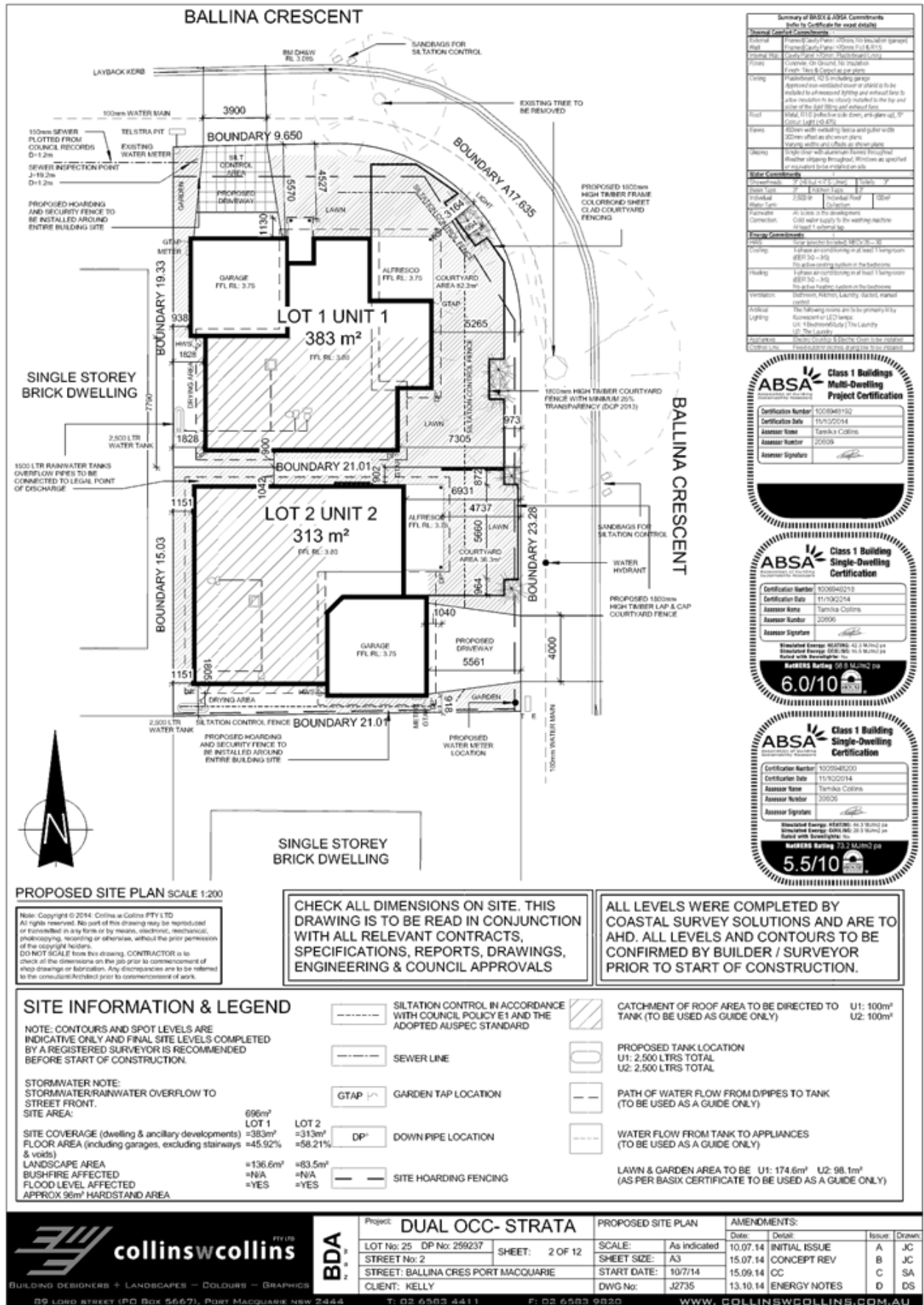
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

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

Attachments

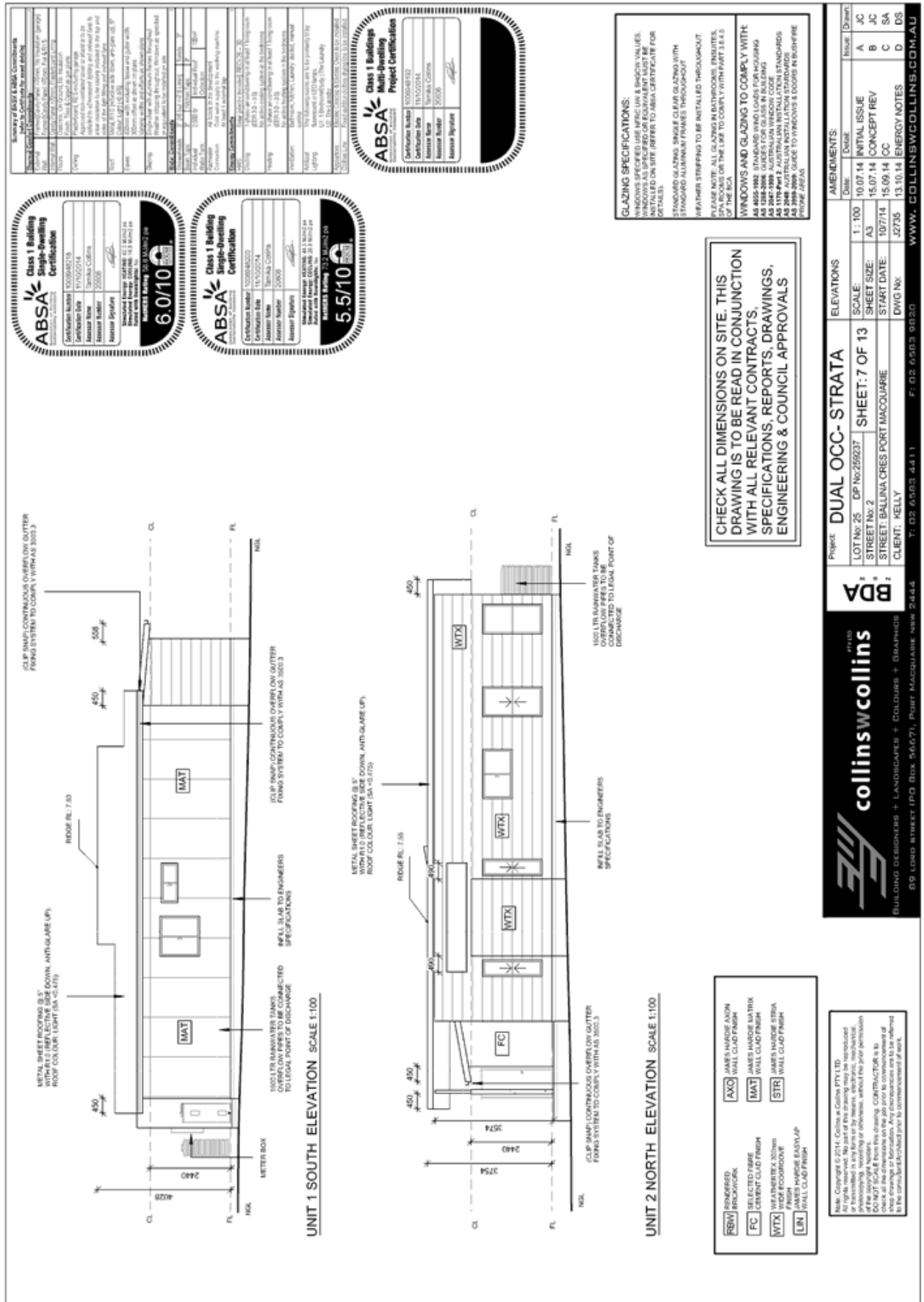
- 1[View](#). DA2014 - 0790 Plans
- 2[View](#). DA2014 - 0790 Recommended Conditions
- 3[View](#). DA2014 - 0790 Submission - Dick
- 4[View](#). DA2014 - 0790 Submission - Redden
- 5[View](#). DA2014 - 0790 Development Contributions Calculation Sheet





Item 07
Attachment 1
Page 99

Item 07
Attachment 1
Page 100



Summary of RMAA & RMAA Compliance									
State	State Code	State Name	State Abbreviation	State Capital	State Population	State Area	State Density	State Rank	State Notes
Alabama	AL	Alabama	AL	Montgomery	4,600,000	52,400	87.8	31	State capital is Montgomery.
Alaska	AK	Alaska	AK	Juneau	630,000	588,000	0.1	48	State capital is Juneau.
Arizona	AZ	Arizona	AZ	Phoenix	6,800,000	113,900	60.6	14	State capital is Phoenix.
Arkansas	AR	Arkansas	AR	Fayetteville	2,900,000	53,100	54.6	38	State capital is Fayetteville.
California	CA	California	CA	Sacramento	38,000,000	155,700	244.0	1	State capital is Sacramento.
Colorado	CO	Colorado	CO	Denver	5,800,000	104,000	55.7	20	State capital is Denver.
Connecticut	CT	Connecticut	CT	Hartford	3,600,000	5,500	65.5	45	State capital is Hartford.
Delaware	DE	Delaware	DE	Dover	900,000	1,900	47.4	46	State capital is Dover.
Florida	FL	Florida	FL	Tallahassee	21,000,000	57,300	368.2	3	State capital is Tallahassee.
Georgia	GA	Georgia	GA	Atlanta	10,500,000	59,700	175.9	8	State capital is Atlanta.
Hawaii	HI	Hawaii	HI	Honolulu	1,400,000	10,400	13.5	50	State capital is Honolulu.
Idaho	ID	Idaho	ID	Boise	1,700,000	82,400	20.6	47	State capital is Boise.
Illinois	IL	Illinois	IL	Springfield	12,800,000	149,700	85.5	11	State capital is Springfield.
Indiana	IN	Indiana	IN	Indianapolis	6,800,000	36,400	186.8	13	State capital is Indianapolis.
Iowa	IA	Iowa	IA	Des Moines	3,200,000	71,400	44.8	35	State capital is Des Moines.
Kansas	KS	Kansas	KS	Topeka	1,700,000	81,800	20.6	47	State capital is Topeka.
Kentucky	KY	Kentucky	KY	Frankfort	4,500,000	40,400	111.4	23	State capital is Frankfort.
Louisiana	LA	Louisiana	LA	Baton Rouge	4,600,000	52,400	87.8	31	State capital is Baton Rouge.
Maine	ME	Maine	ME	Oxford	1,300,000	9,300	140.9	49	State capital is Oxford.
Maryland	MD	Maryland	MD	Annapolis	6,000,000	10,400	57.7	44	State capital is Annapolis.
Massachusetts	MA	Massachusetts	MA	Springfield	7,000,000	5,000	140.0	45	State capital is Springfield.
Michigan	MI	Michigan	MI	Lansing	10,000,000	96,800	103.3	15	State capital is Lansing.
Minnesota	MN	Minnesota	MN	St. Paul	5,700,000	86,900	65.6	21	State capital is St. Paul.
Mississippi	MS	Mississippi	MS	Jackson	2,900,000	47,000	61.7	39	State capital is Jackson.
Missouri	MO	Missouri	MO	Jefferson City	6,200,000	69,700	88.9	25	State capital is Jefferson City.
Montana	MT	Montana	MT	Helena	1,000,000	147,000	6.8	51	State capital is Helena.
Nebraska	NE	Nebraska	NE	Lincoln	1,900,000	77,300	24.6	48	State capital is Lincoln.
Nevada	NV	Nevada	NV	Carson City	2,100,000	110,400	19.0	49	State capital is Carson City.
New Hampshire	NH	New Hampshire	NH	Manchester	1,300,000	9,300	140.9	49	State capital is Manchester.
New Jersey	NJ	New Jersey	NJ	Trenton	9,000,000	14,100	638.3	10	State capital is Trenton.
New Mexico	NM	New Mexico	NM	Santa Fe	2,100,000	121,400	17.3	50	State capital is Santa Fe.
New York	NY	New York	NY	Albany	20,500,000	145,300	141.1	4	State capital is Albany.
North Carolina	NC	North Carolina	NC	Raleigh	10,500,000	59,700	175.9	8	State capital is Raleigh.
North Dakota	ND	North Dakota	ND	Bismarck	750,000	70,600	10.6	52	State capital is Bismarck.
Ohio	OH	Ohio	OH	Columbus	11,500,000	68,800	167.3	6	State capital is Columbus.
Oklahoma	OK	Oklahoma	OK	Norman	4,000,000	69,700	57.4	36	State capital is Norman.
Oregon	OR	Oregon	OR	Salem	4,000,000	98,000	40.8	37	State capital is Salem.
Pennsylvania	PA	Pennsylvania	PA	Harrisburg	12,800,000	119,900	106.8	5	State capital is Harrisburg.
Rhode Island	RI	Rhode Island	RI	Providence	1,100,000	1,500	73.3	47	State capital is Providence.
South Carolina	SC	South Carolina	SC	Columbia	4,500,000	32,000	140		



ABS A
AN ASSOCIATION OF BUILDING SPECIALISTS

**Class 1 Buildings
 Multi-Dwelling
 Project Certification**

1. Certification Number: 1000041102

2. Certification Date: 11/11/2014

3. Applicant Name: The Rux - Collins

4. Applicant Number: 20000

5. Applicant Signature: *[Signature]*



Certification Date 11/15/2014	Signature 
Assessor Name Stephen Collins	Assessor Signature 
Assessor Number 25536	Assessor License 11/15/2014

6.0/10
 11/15/2014

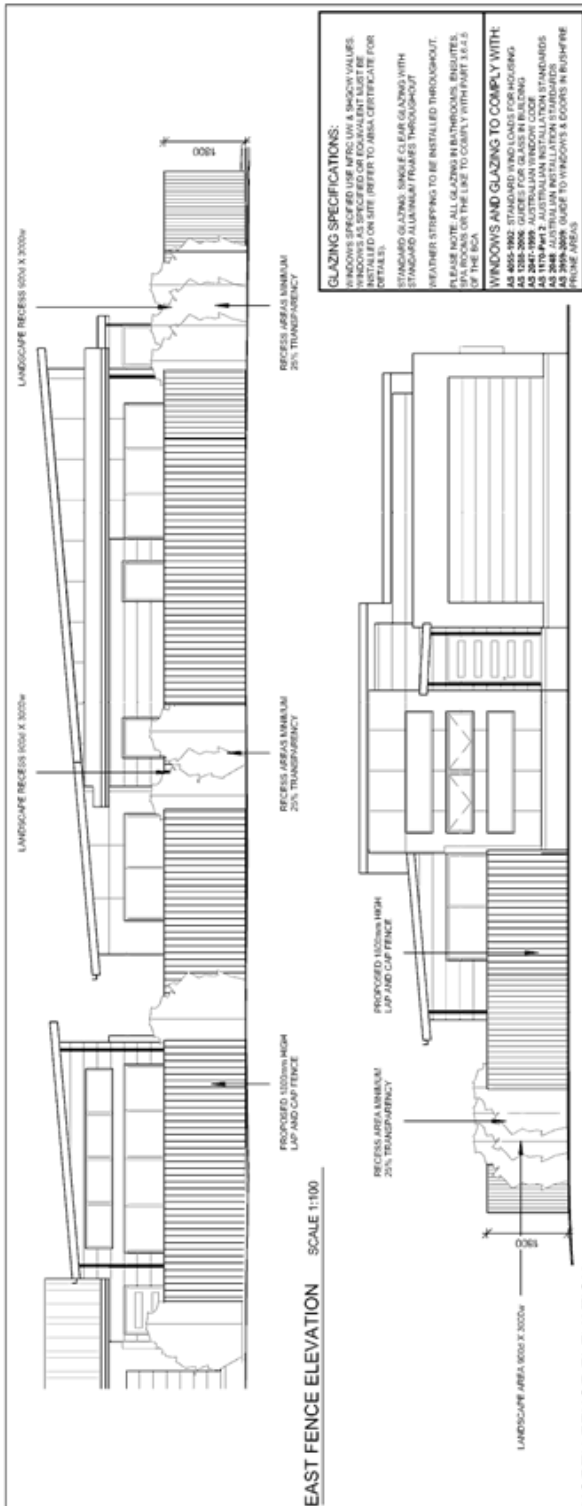


**Class 1 Building
Single-Dwelling
Certification**

Certification Number	1005946200
Certification Date	11/02/2014
Builder Name	Timber Coatings
Address Number	20006
Address Signature	

STRUCTURAL SAFETY REVIEWED: 10/1/2014

Business Building 10-2, RJLJ-2, 06
5.5/10
RJLJ-2



WINDOW GLAZING SCHEDULE						
NUMBER	LEVEL	LOCATION	HEIGHT	WIDTH	TYPE	GLAZING
1	UNIT 1 FL	DINING	600	2700	FIXED	ALUMINIUM STANDARD
2	UNIT 1 FL	DINING	600	1350	AWNING	ALUMINIUM STANDARD
3	UNIT 1 FL	DINING	600	2700	FIXED	ALUMINIUM STANDARD
4	UNIT 1 FL	DINING	2100	900	AWNING	ALUMINIUM STANDARD
5	UNIT 1 FL	LIVING	2100	900	AWNING	ALUMINIUM STANDARD
6	UNIT 1 FL	ENSUITE	500	1200	SLIDING	ALUMINIUM STANDARD
7	UNIT 1 FL	BATHROOM	1200	1200	SLIDING	ALUMINIUM STANDARD
8	UNIT 1 FL	BEDROOM 3	1500	1600	SLIDING	ALUMINIUM STANDARD
9	UNIT 1 FL	BEDROOM 2	1500	1600	SLIDING	ALUMINIUM STANDARD
21	UNIT 1 FL	BEDROOM 1	600	1350	AWNING	ALUMINIUM STANDARD
27	UNIT 1 FL	BEDROOM 1	1600	900	DOUBLE HUNG	ALUMINIUM STANDARD
UNIT 1 FL: 11						
10	UNIT 2 FL	BEDROOM 3	1500	1600	SLIDING	ALUMINIUM STANDARD

DOOR GLAZING SCHEDULE							
NUMBER	LEVEL	LOCATION	HEIGHT	WIDTH	TYPE	GLAZING	
SQU1	UNIT 1 FL	CORING	2100	3000	SLIDING DOOR	ALUMINUM STANDARD	
	SQU2	UNIT 1 FL	CORING	2100	2400	SLIDING DOOR	ALUMINUM STANDARD
	SQU3	UNIT 1 FL	BED 1	2100	2400	SLIDING DOOR	ALUMINUM STANDARD
	SQU4	UNIT 2 FL	CORING	2100	4200	SLIDING DOOR	ALUMINUM STANDARD
TOTAL-4							

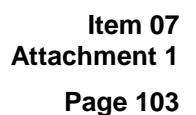
WINDOW GLAZING SCHEDULE							
NUMBER	LEVEL	LOCATION	HEIGHT	WIDTH	TYPE	CONST.	GLAZING
11	UNIT 2 FL	WC	900	600	DOUBLE HUNG	ALUMINIUM	STANDARD
12	UNIT 2 FL	BEDROOM 2	1500	1800	SLIDING	ALUMINIUM	STANDARD
13	UNIT 2 FL	BATHROOM	1200	1200	SLIDING	ALUMINIUM	STANDARD
14	UNIT 2 FL	EN SUITE	900	1200	SLIDING	ALUMINIUM	STANDARD
15	UNIT 2 FL	BEDROOM 1	600	2400	SLIDING	ALUMINIUM	STANDARD
16	UNIT 2 FL	BEDROOM 1	1800	900	DOUBLE HUNG	ALUMINIUM	STANDARD
17	UNIT 2 FL	KITCHEN	900	1500	SLIDING	ALUMINIUM	STANDARD
18	UNIT 2 FL	LIVING	1800	500	DOUBLE HUNG	ALUMINIUM	STANDARD
19	UNIT 2 FL	LIVING	1800	500	DOUBLE HUNG	ALUMINIUM	STANDARD
20	UNIT 2 FL	LIVING	600	3300	FIXED	ALUMINIUM	STANDARD
23	UNIT 2 FL	LIVING	600	1000	FIXED	ALUMINIUM	STANDARD
24	UNIT 2 FL	LIVING	600	1000	FIXED	ALUMINIUM	STANDARD
25	UNIT 2 FL	LIVING	600	1000	FIXED	ALUMINIUM	STANDARD
26	UNIT 2 FL	LIVING	600	1000	FIXED	ALUMINIUM	STANDARD

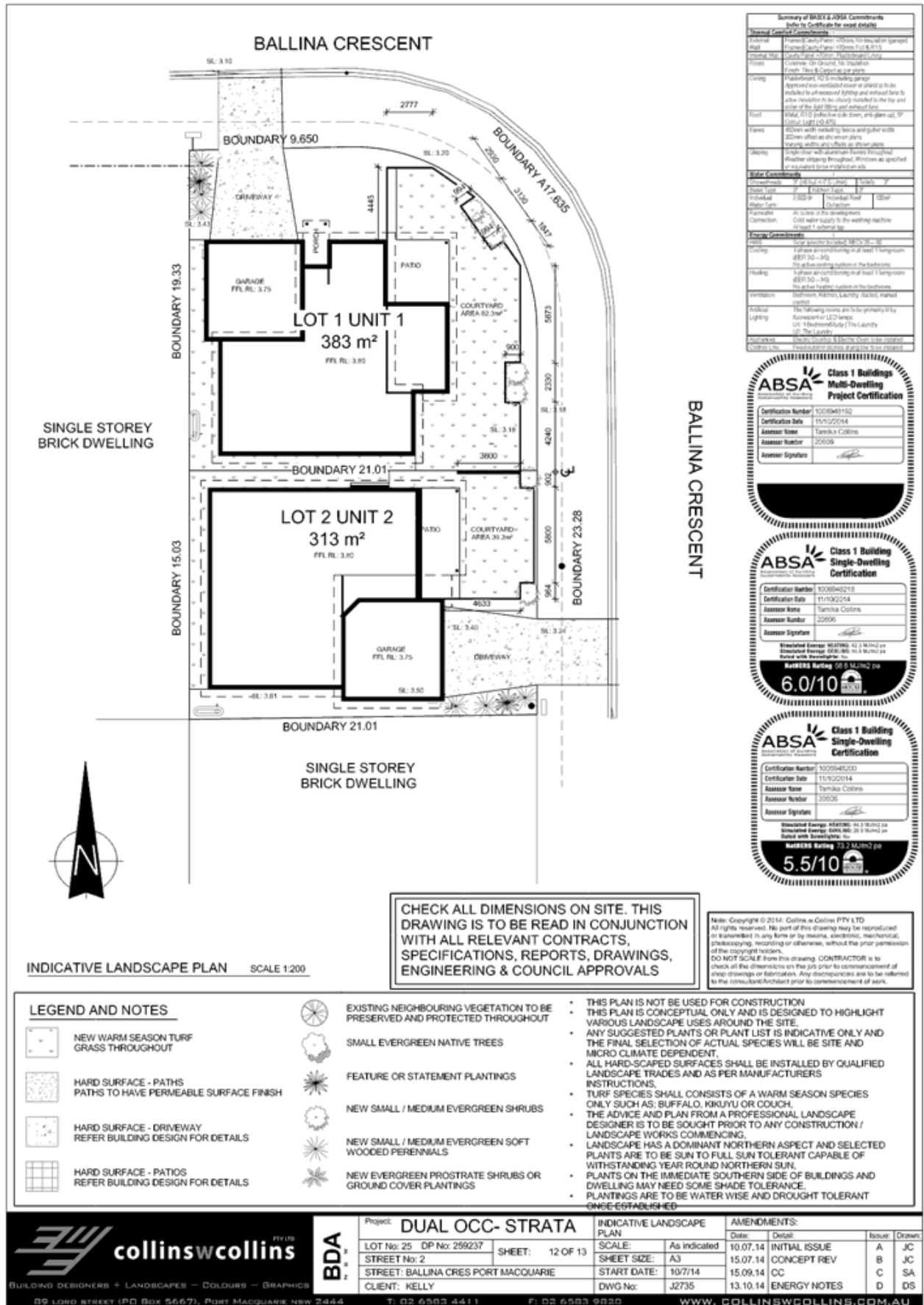
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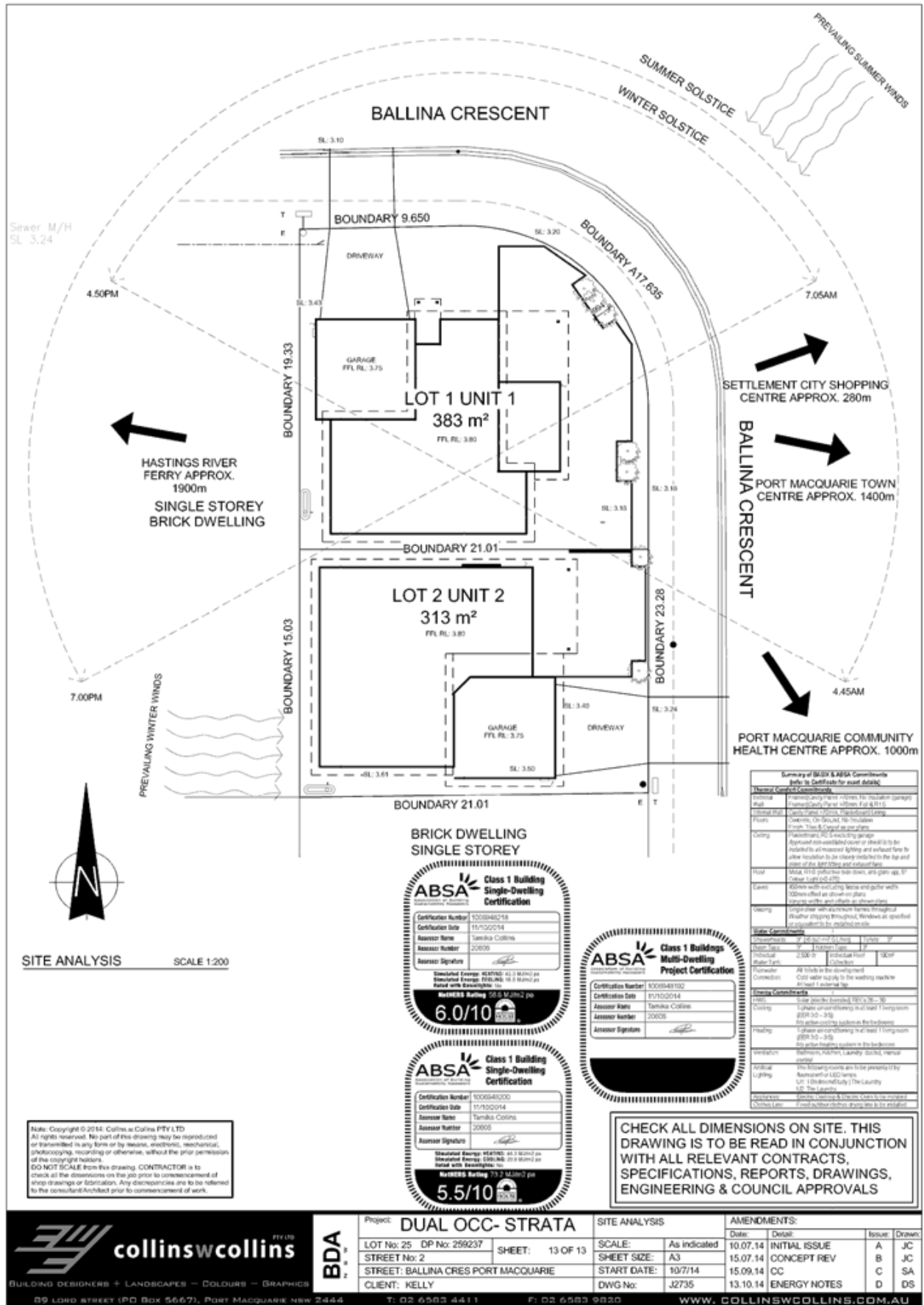
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DO NOT SCALE If from this drawing, **CONTRACTOR** is to check all the dimensions on the job prior to commencement of work/drawings or fabrication. Any discrepancies are to be referred to the work/stand/Architect prior to commencement of work.

CHECK ALL DIMENSIONS ON SITE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS, DRAWINGS, ENGINEERING & COUNCIL APPROVALS

Project: DUAL OCC- STRATA		ELEVATIONS		AMENDMENTS:		Revised: Drawn:	
LOT No: 25	DP No:256237	SCALE:	1: 100	Date:	10/07/14	Initial:	AS
Sheet No: 2		SHEET SIZE:	A3	Date:	15/07/14	Concept:	REV
STREET: BALLINA CRESS PORT MACQUARIE		START DATE:	10/7/14	Date:	15/09/14	CC:	SA
CLIENT: KELLY		DWG No:	22735	Date:	13/10/14	ENERGY NOTES:	D
F: 02 6503 4411		F: 02 6503 9820		WWW.COLLINSWOLINS.COM.AU			







**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2014/790****DATE: 3/12/2014****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	J2735_DCP2013 Compliance Table	Collins W Collins Pty Ltd	Unknown
Plans	Drawing No J2735, Sheets 1-12 of 12	Collins W Collins Pty Ltd	13/10/2014
BASIX certificate	580409M	Collins W Collins Pty Ltd	11/10/2014

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) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
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.

- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (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) (A040) Provision shall be made for a separate sewer line for each dwelling/unit to Council's sewer main.
- (11) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:

- Position and depth of the sewer (including junction)
- Stormwater drainage termination point
- Easements
- Water main
- Proposed water meter location

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

Such works include, but not be limited to:

- Civil works
- Traffic management
- Work zone areas
- Hoardings
- Functional vehicular access

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

- Hastings S94 Administration Building Contributions Plan
- Hastings Administration Levy Contributions Plan
- Community Cultural and Emergency Services Contributions Plan 2005
- Hastings S94 Major Roads Contributions Plan
- Hastings S94 Open Space Contributions Plan

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

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

- (4) (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 unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:

- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (5) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
 - (6) (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.
 - (7) (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.
 - (8) (B067) The minimum floor level of all habitable areas is to be 900mm above the 1 in 100 year flood level. For the purpose of this requirement, the 1 in 100 year flood level may be assumed to be RL2.85m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
 - (9) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
 - (10) (B195) Prior to release of the construction certificate, the plans are to be amended showing the following:
 - The two melaleuca trees on the road reserve as being retained.
 - A 1.8m high solid fence being proposed between the two units.
 - (11) (B196) Records indicate that the development site has an existing 20mm metered water service from the existing 100mm AC water main on the same side of Ballina Crescent. This sealed water service is to be used for proposed Unit 1. A new 20mm metered water service will be required for the Unit 2 from the 100mm AC water main on the same side of Ballina Crescent.
 - (12) (B197) The existing sewer junction may be used for both Strata Title Units.

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) (C015) Tree protection fencing, compliant with AS 4970/2009 *Protection of trees on development sites* must be provided. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works.

D – DURING WORK

- (1) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

For further information on asbestos handling and safe removal practices refer to the following links:

[Safely disposing of asbestos waste from your home](#)

[Fibro & Asbestos - A Renovator and Homeowner's Guide](#)

[Asbestos Awareness](#)

- (2) (D042) The washing of equipment and/or the disposal of building materials, including cement slurry, shall not occur within the drip line of any tree that has been nominated for retention on the site or adjacent land.
- (3) (D043) Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer's expense.
- (4) (D050) The capacity and effectiveness of tree protection fencing, compliant with AS 4970/2009 *Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earth moving works.

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 shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E034) Prior to occupation or the issuing of the Occupation Certificate (whichever occurs first) 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) (E039) An appropriately qualified and practising consultant is required to certify the following:

- a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/construction certificate approval have been complied with.
 - e. any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (6) (E051) Prior to occupation or the issuing of any Occupation Certificate (whichever occurs first) a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
 - (7) (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.
 - (8) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
 - (9) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.
 - (10) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate (whichever occurs first).
 - (11) (E068) Prior to the issue of a Subdivision Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied.
 - (12) (E195) The subdivision certificate shall not be issued until such time that the dwellings associated with this development are substantially commenced (as determined by Council) or where a strata management statement prohibits any dwelling on each lot other than the dwelling approved as part of this consent.
 - (13) (E196) The fencing is to be completed onsite in accordance with the approved plans.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (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.

ATTENTION; CLINTON TINK

REFERENCE: Parcel Number 991 Your Ref: DA 2014.790.1

Proposal; Dual Occupancy and Strata Subdivision
Property; Lot 25. DP 259237, 2 Ballina Crescent Port Macquarie

We wish to make comment and record our concerns and objections regarding some aspects of the above proposal.

1. The plan for two by three bedroom dwellings plus a double garage for each, would appear to be over crowding the block.
2. The materials proposed are not in keeping with the other residences in Ballina Crescent, being brick or cement rendered, and, only one main building being permitted on each block. The high fencing around the buildings does not look appealing and based on experience living in the locale, will prevent the cooling North winds.
3. It is our belief that the addition of two dwellings ON A CORNER BLOCK is going to place extra stress on traffic movement in the street. It is currently a very busy road and safe visitor parking would be practically non existent with this proposal. It is noted that if two cars are parked opposite on this road, one lane only is available for traffic.

It is also noted that in busy tourist periods, there is an overflow of "shopper traffic" that use this street.

We ask that you consider the above as our objections to this proposal.

CARMEL AND DENIS DICK

3 BALLINA CRESCENT, PORT MACQUARIE

PHONE: [REDACTED]

EMAIL: [REDACTED]

H.T.T. Mr. Clinton Tink, Page 1 of 2,
 Port Macquarie Hastings Council. P.O. Box 6083
 P.O. Box 84. Port Macquarie,
 Port Macquarie 2444. 2444,
30/10/14.
 Mr. Clinton Tink,
 Dear Sir,

With regard to application for development proposal at 2 Ballonia Cres, Port Macquarie, application no. 2014/790, I object to this development on the following grounds.

It appears that the proposed building is of hardiplank outer wall construction, and there is a fence of timber materials facing Ballonia Cres.

In my opinion, such a construction would not be in keeping with this street and may well de-value existing properties in proximity to this address. I suppose that should this occur, then a ratepayer has the right to apply to the V.G. to have the value of the land re-assessed, and if values were lower, then of course the rates payable to Council would be less.

I thought (perhaps wrongly) that there was a brick covenant on this street, which would be commonsense to me, but if this is not the case, then I guess if my home burns down, then a bit home would be okay.

I would like you to advise me ^{NOTE 2 OF 2} of this building material right, for it seems to me that if Council approves this development to proceed in its current state, then a precedent has been established that may affect property holders in this area.

This thoroughfare is also very narrow, and becomes a one lane street ^{if cars} are parked on the roadway instead of the footpath and on this particular corner of 2 Ballina Crescent, vehicles on the roadway (parked) may have road safety consequences. I guess no parking signs would fix that.

If this proposed construction was brick/tile, then nobody would consider this anything but in keeping ~~with~~ with existing constructions and have no objections.

In closing, I would assume that Council would act in the best interests of the ratepayers, but in my opinion, should Council allow this development to proceed in its present application form, then Council may not be acting in my best interests.

I await your reply.

Yours Faithfully
Paul John Redden.

Preliminary Assessment Only - Final rates will not be determined until date of consent and will only be valid for 3-months from issue of consent.							
Development Details			Contributions Plans Applicable				
DA No.	2014	0790	General S94 Plans	Applies	ET Chargeable	RatePer ET	Contribution Amount
Address:	2 Ballina Crescent, Port Macquarie		Major Roads	Yes	0.8	\$7,031.00	\$5,624.80
Dev Description:	Dwelling, Dual Occupancy Development		Open Space	Yes	0.8	\$5,505.00	\$4,404.00
Lot Number(s):	25		Community Cultural & Emergency Services	Yes	0.8	\$4,253.00	\$3,402.40
DP Number(s):	259237		Admin Building	Yes	0.8	\$838.00	\$670.40
Stage No:	total		Bushfire - Specific	No			
Applicant:	odium Enterprises P/L c/- Collins W Collins		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 checked="" type="checkbox"/> Port Macquarie <input type="checkbox"/> Rural <input type="checkbox"/> Sancroft/Thrumster <input type="checkbox"/> Wauchope		Admin Levy	Yes	2.2% of S94	\$14,101.60	\$310.20
(Planner must Select Contribution Area Click Once with Mouse)			Specific Contribution Plans and DSPs (Planner Must Select if Plans are Applicable)				
			S94A Levy Development Cost	\$1	No		
			PMQ CBD Car Parking Contribution	<input type="checkbox"/> Applies			
			PMQ Gordon Street Car Parking Contribution	<input type="checkbox"/> Applies			
			Headings River Drive Traffic Works - Josa Zone	<input type="checkbox"/> Applies			
			Bushfire Additional	<input type="checkbox"/> Applies			
			Select Rate	<input type="checkbox"/> Applies			
DA Lodged Date:	13/10/2014		Water 1.6% levy	<input checked="" type="checkbox"/> Applies	0.6	\$0,373.00	\$5,623.80
Prepared By:	Stevenf		Sewer	<input checked="" type="checkbox"/> Applies	1	\$3,556.00	\$3,556.00
DA Consent Date:			Car Parking CP Contribution Total: \$23,591.60				
Issue No.	1		No. of Spaces Short:	Notice of Payment Re-Issue Fee: <input type="checkbox"/> Applies			
Calc Sheet Date:	2-Dec-2014						
FINAL CONSENT CALCULATION	<input type="checkbox"/> Tick for FINAL Consent Calculation						
ET Calculation for New Development (Proposed)							
Commercial & Industrial New Development		Rate	Units	Water Rate	Sewer Rate	ET Water	ET Sewer
N/A	<input type="checkbox"/>	m2	0	0	0	0	0
N/A	<input type="checkbox"/>	m2	0	0	0	0	0
N/A	<input type="checkbox"/>	m2	0	0	0	0	0
N/A	<input type="checkbox"/>	m2	0	0	0	0	0
			Total Commercial ETs:	0	0	0	0
New Residential Development			Units	Sec 94 ET	Water ET	Sewer ET	
Number of new residential lots greater than 450m ² (excluding Dual Occ & Int Housing)			0	0	0	0	
Number of new residential lots greater than 2000m ² (excluding Dual Occ & Int Housing)			0	0	0	0	
1 Bedroom Units (Low Density) - 1 or more houses, villas, etc. & 600m ² or more Int Housing & Permanent Self Contained Caravan Park Units			0	0	0	0	
2 Bedroom Units (Low Density) - 1 or more houses, villas, etc. & 600m ² or more Int Housing & Permanent Self Contained Caravan Park Units			0	0	0	0	
3 Bedroom Units (Low Density) - 1 or more houses, villas, etc. & 600m ² or more Int Housing & Permanent Self Contained Caravan Park Units			2	1.8	1.6	2	
4 Bedroom Units (Low Density) - 1 or more houses, villas, etc. & 600m ² or more Int Housing & Permanent Self Contained Caravan Park Units			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 bedrooms with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0	
Aged Unit - Self Contained 3 bedrooms with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0	
Boarding House per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathroom)			0	0	0	0	
Boarding House per 1 Occupancy Bedroom Partially Self Contained (Own ensuite - shared cooking & laundry facilities)			0	0	0	0	
Boarding House - Not Self Contained Per Bed (for dormitories/bunkrooms, shared cooking, laundry and bathroom)			0	0	0	0	
Boarding House - Self Contained Per Bed (for dormitories/bunkrooms, Own ensuite per bedroom/bunkroom with an ensuite cooking and laundry)			0	0	0	0	
New Residential Unit Total:			2	1.8	1.6	2	

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 & lot housing)			1	1	1	1		
Number of existing residential lots greater than 2000m ² (excluding Dual Occ & lot housing)			0	0	0	0		
1 Bedroom Units (Low Density - lots, low density, villas, townhomes, 1st housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0		
2 Bedroom Units (Low Density - lots, low density, villas, townhomes, 1st housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0		
3 Bedroom Units (Low Density - lots, low density, villas, townhomes, 1st housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0		
4 Bedroom Units (Low Density - lots, low density, villas, townhomes, 1st 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/Hotel (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 - max 10 per 1 Occ, policy bedroom Not Self Contained (shared facilities for cooking, laundry & bathroom)			0	0	0	0		
Boarding - more per 1 Occ, policy 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, shared cooking, laundry and bathroom)			0	0	0	0		
Existing Residential Unit Total:			1	1	1	1		

GLD/Env/DEV AND BUILDING CONTROL/SDAs/2014-DA/2014-0790/Development Contributions Calculation Sheet, DA 2014-0790, Stage No. total, Issue No. 1

G:\Dev\Env\DEV AND BUILDING CONTROLS\DA2014-0790\Development Contributions Calculation Sheet, DA 2014-0790, Stage No. total, Issue No.1

Item: 08

Subject: DA2014 - 0766 - 2 LOT TORRENS TITLE SUBDIVISION, 4 ATTACHED TOWN HOUSES, HEALTH SERVICES FACILITY, CARPARKING AND SIGNAGE AT LOT 74 DP 37543, NO. 107 CAMERON STREET, WAUCHOPE

Report Author: Benjamin Roberts

Property:	Lot 74 DP 37543, 107 Cameron Street, Wauchope
Applicant:	Robert Smallwood
Owner:	N A Lynch & K A Ballantyne
Application Date:	1 October 2014
Estimated Cost:	\$1,500,000
Location:	Wauchope
File no:	DA2014 - 0766
Parcel no:	3606

Alignment with Delivery Program

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

RECOMMENDATION

That DA2014 - 0766 for a 2 lot Torrens title subdivision, 4 attached townhouses, health services facility, car parking and signage at Lot 74, DP 37543, No. 107 Cameron Street, Wauchope, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a 2 lot Torrens title subdivision, 4 attached townhouses, health services facility, car parking and signage at the subject site.

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

Following exhibition of the application, one (1) submission has been received.

1. BACKGROUND

Existing sites features and Surrounding development

DEVELOPMENT ASSESSMENT PANEL
10/12/2014



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of four (4) attached townhouses
- Construction of health services facility, associated car parking and signage
- Two (2) lot Torrens title subdivision and further strata subdivision of townhouses

Refer to attachments at the end of this report.

Application Chronology

- 1 October 2014 - Application lodged.
- 9 October 2014 - Request for additional information.
- 14-27 October 2014 - Public exhibition via neighbour notification.
- 19 November 2011 - Additional information received.

3. STATUTORY ASSESSMENT**Section 79C(1) Matters for Consideration**

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

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

State Environmental Planning Policy 44 - Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required.

State Environmental Planning Policy 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.

State Environmental Planning Policy 64 - Advertising and Signage

The medical centre building incorporates building identification signage on the eastern façade facing Cameron Street. A pylon sign is also located on the front boundary facing Cameron Street. The signage satisfies the applicable requirements of this SEPP. The assessment table provided below provides consideration of the proposal in accordance with schedule 1 of the SEPP.

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The proposed signage is compatible with the visual character of the area, is located in a suitable location on the building and front boundary and is of high quality design and finish. Having regard to the above the signage is consistent with the objectives of this policy.	Yes

Schedule 1(1) Character of the area.	The proposed signage is not inconsistent with the residential character of the area.	Yes
Schedule 1(2) Special areas.	The proposed signage will not detract from any special areas.	Yes
Schedule 1(3) Views and vistas.	The signage will not protrude above the roof line of the building and will compromise any views or vistas.	Yes
Schedule 1(4) Streetscape, setting or landscape.	The scale and size of the signage is proportional to the building to which it relates. The signage will have no adverse impact on the streetscape.	Yes
Schedule 1(5) Site and building.	The signage is proportional and consistent with the building.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	No devices or logos proposed.	Yes
Schedule 1(7) Illumination.	No illumination proposed. However condition applied to restrict any lighting to a curfew of 11pm given the residential context.	Yes
Schedule 1(7) Safety.	No adverse impact on public safety.	Yes

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

In accordance with clause 6, a BASIX certificate (number 575928M) 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.

State Environmental Planning Policy (Infrastructure) 2007

In accordance with clause 57(1), health services facilities (including medical centres) are permissible with consent in the R1 General Residential zone, which is a prescribed zone.

Port Macquarie-Hastings Local Environmental Plan 2011

The proposal is consistent with the LEP having regard to the following:

- Clause 2.2, the subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for attached townhouses and medical centre are permissible landuses 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 having regard to the following:

- The proposal is a permissible landuse;
 - The development would provide a medical service to meet the day to day needs of residents.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 8.37m which complies with the standard height limit of 8.5m applying to the site.
 -
 - Clause 4.4, the floor space ratio of the proposal is 0.45:1 which complies with the maximum 0.65:1 floor space ratio applying to the site.
 -
 - Clause 5.9 - One listed tree in Development Control Plan 2013 is proposed to be removed. The tree is a paper bark (*melaleuca quinquenervia*). See comments later under DCP section.
 -
 - Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
 -
 - Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.
 -

(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: General Provisions			
DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> • Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting • Way finding • Predictable routes and entrapment locations 	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.	Yes
2.3.3.1	Cut and fill 1.0m max.	Maximum 0.8m.	Yes

	1m outside the perimeter of the external building walls		
2.3.3.8 onwards	Removal of hollow bearing trees	No hollows evident in trees to be removed.	Yes
2.6.3.1	Tree removal (3m or higher with 100m diameter trunk and 3m outside dwelling footprint	<p>Eight trees are impacted by the development and are proposed to be removed. 7 of the trees are ornamental species. One tree is a paperbark identified in Table 2.6.1. Insufficient area exists on site for compensatory replanting. Satisfactory landscaping containing native shrub species will be provided around the parking of the medical centre.</p> <p>The trees are not identified as being of ecological or heritage significance, and their removal is considered satisfactory.</p>	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	N/A
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Existing access to Cameron Street to be widened. Cameron Street is not an arterial or distributor road.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Retention of existing driveway location. No loss of street parking.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1.	<p><u>Required:</u> Medical centres - 3 spaces per consultant + 1 space per 2 employees. The Statement of Environmental Effects indicates that the medical centre will include a maximum of 3 medical consultants and 1 support staff. Therefore, 10 parking spaces are required.</p> <p>Attached dwellings - 1 per 1 or 2 bedroom unit or 1.5 per</p>	Yes

		<p>3-4 bedroom unit + 1 visitor space per 4 units. 1 x 3 bedroom and 3 x 2 bedroom attached units proposed. Therefore 5 spaces and 1 visitor space required.</p> <p><u>Proposed:</u> 10 parking spaces for the medical centre proposed with an additional stacked space for staff parking.</p> <p>Unit 4 (3bed) contains a double garage. Units 1, 2 & 3 (2bed) contain a single garage each. 1 visitor space is provided adjoining unit 1.</p>	
2.5.3.7	Visitor parking to be easily accessible	Parking easily accessible. Condition recommended requiring signs to be erected advising that there is parking at the rear of the site.	Yes
	Parking in accordance with AS 2890.1	Capable of complying. Suitable conditions applied requiring certification prior to release of Construction Certificate.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Medical centre parking located at street frontage provided with a 2m wide landscaping strip.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Can be confirmed by condition.	Yes, subject to condition.
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 permits steeper grades)	Capable of compliance. Suitable condition requiring details with section 138 application.	Yes
2.5.3.16	Transitional grades min. 2m length	Capable of compliance. Suitable condition requiring details with section 138 application.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Preliminary stormwater concept plan provided with onsite detention.	Yes
	No direct discharge to K&G or swale drain	Onsite detention proposed with discharge via easement to rear over golf course land.	Yes
2.5.3.18	Car parking areas drained to swales, bio	Parking drained to retention.	Yes

	retention, rain gardens and infiltration areas		
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DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

DCP Objective	Development Provisions	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> 4.8m max. height Single storey 60m² max. area 24 degree max. roof pitch Not located in front setback 	No proposal includes an ancillary development single storey gold cart shed at the rear of the site. 5 degree roof pitch and 2.3m in height.	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> Min. 3m front setback Not extend above eave gutter line 	No elements within the articulation zone.	N/A
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> Min. 6.0m classified road Min. 4.5m local road Min. 3.0m secondary road Min. 2.0m Laneway 	6m setback of medical centre from front boundary.	Yes
	Front setback R5 and rural zones: <ul style="list-style-type: none"> Min. 10m 	N/A	N/A
3.2.2.3	Garage minimum 5.5m front setback and garage door recessed behind building line at least 1m or eaves/overhangs provided	Garages are setback behind the medical centre building and barely visible from the street frontage.	Yes
	6m max. width of garage door/s and 50% max. width of building	5.3m max garage width.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Existing crossover to be widened to 5.5m. Given combined use of driveway proposed driveway width considered acceptable and required to meet relevant standards.	Yes
	Garage and driveway provided on each frontage of dual occupancy on corner lot	Not a corner lot.	N/A
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	2.54m setback to rear balcony of Unit 4. 5m setback to building wall. 0.5m setback to golf cart shed.	No*
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> Ground floor min. 0.9m 	Ground floor north side setback = 1.5m.	Yes

	<ul style="list-style-type: none"> First floors & above min. 3m setback, unless demonstrated that adjoining property primary living areas & POS unaffected. Building wall set in and out every 12m by 0.5m. 	<p>First floor north side setback 4m to wall. Unit 4 contains a first floor north facing balcony setback 2.1m.</p> <p>Units 1, 2 & 3 contain first floor north facing balconies setback 3m.</p> <p>Ground floor south side = 4.7m to unit walls. Golf cart shed setback 2.66m</p> <p>First floor south side 7.4m setback.</p>	<p>No*</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade and is directly accessible from a ground floor living area.	All units provided with >35m ² private open space with 4m x 4m areas directly accessible from living areas.	Yes
3.2.2.7	<p>Front fences:</p> <ul style="list-style-type: none"> If solid 1.2m max height and front setback 1.0m with landscaping 3x3m min. splay for corner sites Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings 0.9x0.9m splays adjoining driveway entrances (Fig 3.3 of AS2890.1 2004 overrides this standard by requiring a min 2.5x2m splay for driveway entrances) See David Troemel for info. 	No front fencing proposed.	N/A
3.2.2.8	<ul style="list-style-type: none"> Front fences and walls to have complimentary materials to context No chain wire, solid timber, masonry or solid steel 	No front fencing proposed.	N/A
3.2.2.9	<p>Fences for tennis courts and other facilities:</p> <ul style="list-style-type: none"> Black or dark green plastic coated mesh No solid fences higher than 1.8m 	N/A	N/A

3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. 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/verandas etc which have <3m side/rear setback and floor level height >1m 	<p>North facing balconies within 9m of adjoining window of dwelling on adjoining block. 1.5m high privacy screening is provided on plans. Subject to installation of privacy screening no adverse privacy impacts identified.</p> <p>Northern wall and windows setback 4m.</p> <p>First floor balcony of unit 4 setback 2.1m. 1.5m high privacy screening nominated. Suitable condition recommend detailing screen to be full length of balcony and openings. Also noted that privacy screening to be provided to units 2 and 3 also.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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The proposal seeks to vary Development Provision 3.2.2.4 which requires a rear setback of 4m. The proposal incorporates a ground first and floor deck to unit 4 within the 4m setback.

The relevant objectives are to allow adequate natural light and ventilation between dwellings/buildings and to private open space areas. To provide useable yard areas and open space.

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

- The adjoining land is the golf course and contains no dwellings/buildings.
- The reduced rear setback for the decks will not restrict natural light or ventilation to any adjoining dwellings or private open space areas.
- Useable yard and open space area is provided to each unit.

The proposal seeks to vary Development Provision 3.2.2.5 which requires first floors and above to be setback a minimum of 3m from side boundaries. The proposal incorporates a first floor north facing balcony off unit 4 setback 2.1m from the side boundary.

The relevant objectives area 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 balcony is of an open style and will not present as overbearing or excessive in bulk from the adjoining property.
- The northern side of the balcony contains 600mm wide planter boxes and a 1.5m high privacy screen which will protect privacy to an acceptable level to the adjoining dwelling.

(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:

No matters prescribed by the regulations.

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:

No Coastal Zone Management Plan applies to the subject site.

(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 a vacant deep block with an easterly street frontage to Cameron Street.

Adjoining the site to the north are two residential dwellings.

Adjoining the site to the east is Cameron Street and residential dwellings beyond.

Adjoining the site to the west is the Wauchope golf club (fairway).

Adjoining the site to the south are two residential dwellings.

The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain. The proposed bulk and scale of the building and setbacks are considered compatible with the residential context.

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

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

Access, Transport & Traffic

The proposed development will generate the following additional traffic:

- 4 x townhouses will generate approx 28vpd
- The medical facility will generate (based on number of consultant rooms and hours of operation) approx. 54-66vpd

This is not considered significant and the existing road network has the capacity to cater for the increased movements.

The access is proposed as a single access driveway off Cameron Street. The plans submitted for review indicate a 5.5m driveway access that runs along the southern boundary towards the rear of the lot to the parking that is provided to the rear of the medical facility. The width indicated as 5.5m wide complies with the access width required for a local street. This width will cater for two-way flow.

At approx the midpoint of the lot (i.e. approx 50m from the access point) the plans indicate a narrowing of the access which provides access to the 4 x townhouses located to the rear of the site. This access has been defined as 3.5m wide. The plans provided suggest that the narrowing is provided via a kerb and blister effect in the pavement. This width will only allow for one-way flow into and out of the residential area.

Parking & Manoeuvring

The plans under review indicate parking as follows:

- 8 spaces
- 1 disabled space
- 2 staff stacked spaces

The visitor parking space in the residential section of the development does not comply with AS2890.1. The required aisle width for exit from a parking space for a residential scenario is 5.8m. This space only has 3.5m. The way this space has been designed it is not possible to utilise this space for the purpose of parking a vehicle in either a forward or rear direction. The visitor space can be a viable space with some minor adjustments to the commercial parking area. As such it is possible to increase the aisle width to 4.1m+(by decreasing the external car parking space widths to 2.6m and removing the blister) and increase the width of the visitor space by 0.9m (by reducing the aisle width from 6.7m to 5.8m), thus allowing for the manoeuvre space required to gain access and egress from the space.

These changes have been marked up on a site plan which will form part of the approved plans. Suitable condition has been recommended requiring certification of the design to meet AS2890.1 prior to issue of construction certificate.

With regard to manoeuvring within the site, the applicant has provided car parking spaces and aisle widths in accordance with AS2890.1. The blind aisle for the medical centre car park is permitted as it provides for a maximum of 6 spaces. The entry to the residential lot can be utilised to make the reverse turnaround movement. It is noted that no gated access to the units at the rear is proposed which makes the manoeuvre possible.

Pedestrians

There is an existing concrete footpath for the full site frontage to Cameron Street. This is considered adequate for the additional pedestrian activity likely to be generated by the development.

Public Domain

Widening of the existing concrete driveway in Cameron Street will be required for the development. This work will be subject to approval under Section 138 of the Roads Act 1993.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

The applicant proposes to connect to Council stormwater which is located in the adjoining golf course land to the rear of the lot. The golf club has provided owners consent in principal for providing access and creation of stormwater easement within their land for the purpose of providing drainage to the site.

Additional details relating to the stormwater management will be required in the course of the construction certificate review:

- Termination location on golf course land;
- Detention volumes and exit flows to the stormwater system

Suitable conditions have been recommended.

Water

Provision to proposed Lot 1 and Lot 2 of separate metered water connections to the 200mm AC water main on the same side of Cameron Street, with the meters being located on the road frontage. A private fire service and individual meters are required for the proposed townhouses and are to be located in the easement for access and services.

Final water service sizing for the medical facility and townhouses is to be determined by a hydraulic consultant to suit the proposed domestic and commercial components, as well as addressing fire service requirements and backflow protection requirements. Minimum containment (boundary) backflow protection for medical facilities is an RPZD at the property boundary. Minimum water service size for commercial developments is 25mm. Suitable conditions have been recommended.

Sewer

Council records indicate that there is an existing 150mm sewer main that runs through the middle of the property. There is an existing junction to this main at the centre of the Lot. A longitudinal section of the existing sewer main in the development site is required. This is to show design surface levels and pipe crossings including invert levels. Bridging will be required if minimum depths are not provided. A new manhole is required and is to be connected to proposed Lot 1 and proposed Lot 2. Suitable conditions have been recommended.

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 operation 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 require removal/clearing of predominantly ornamental tree species. No significant trees exist on the block and therefore their removal 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 Section J of the Building Code of Australia. No adverse impacts anticipated.

Noise & Vibration

The proposal includes hours of operation as follows:

- Monday to Friday - 7.00am to 7.00pm
- Saturday - 8.00am to 1.00pm

This is considered acceptable in a residential context and a condition has been recommended restricting operating hours to those proposed.

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

Natural Hazards

No natural hazards identified that would affect the proposed development.

Contamination Hazards

See comments under SEPP 55 earlier 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.

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. Provision of additional medical services is considered to have positive social impacts for the community.

Economic Impact in the Locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area. The development would also create employment opportunities during the operation of the business.

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

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

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

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

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

One (1) written submission has been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
The close proximity of the units and north facing balconies will impact on privacy to the bedrooms and living areas of the dwelling house at 105A Cameron Street.	Refer to detailed comments within DCP 2013 assessment table. Subject to the installation of privacy screening as proposed there is no significant impact upon privacy to the adjoining dwelling that would warrant refusal of 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

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

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

5. CONCLUSION

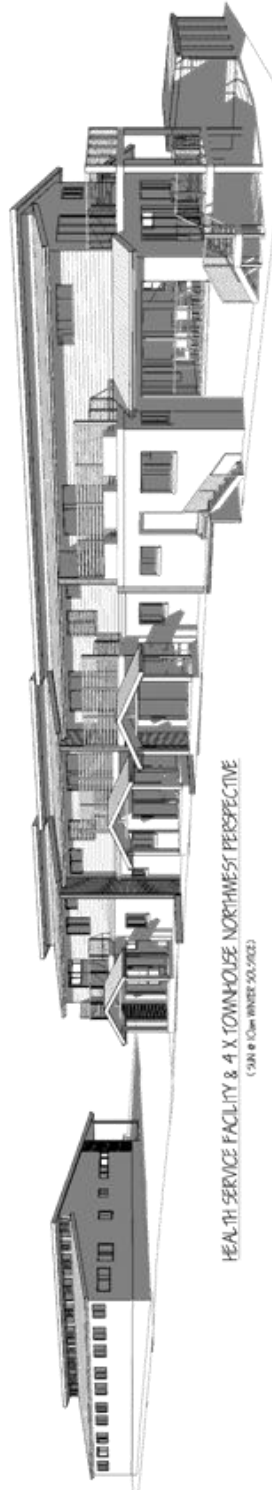
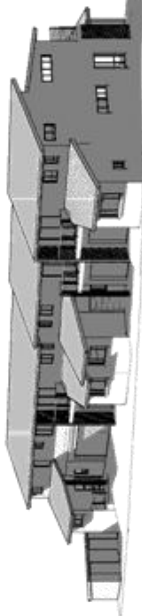
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

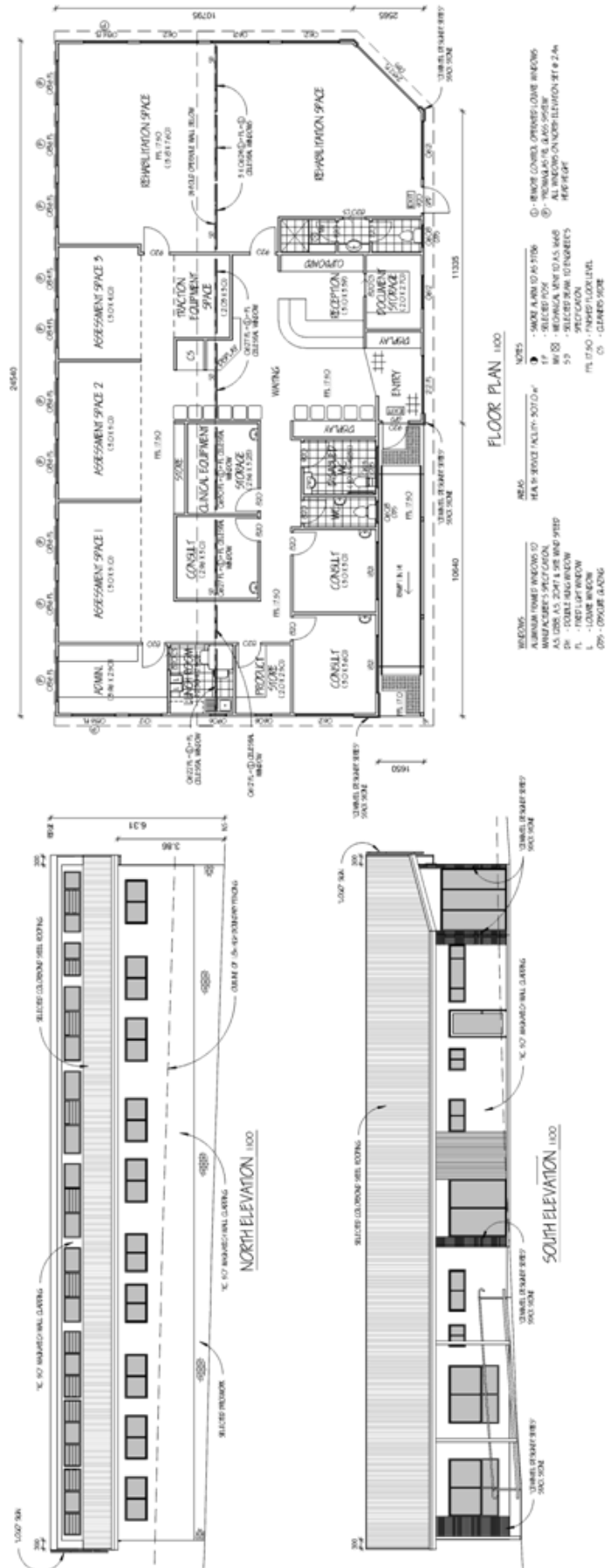
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

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

Attachments

- 1 [View](#). DA2014 - 0766 Plans.pdf
- 2 [View](#). DA2014 - 0766 SOEE
- 3 [View](#). DA2014 - 0766 Recommended Conditions.pdf
- 4 [View](#). DA2014 - 0766 Development Contributions Calculation Sheet
- 5 [View](#). DA2014 - 0766 Submission - Buxton

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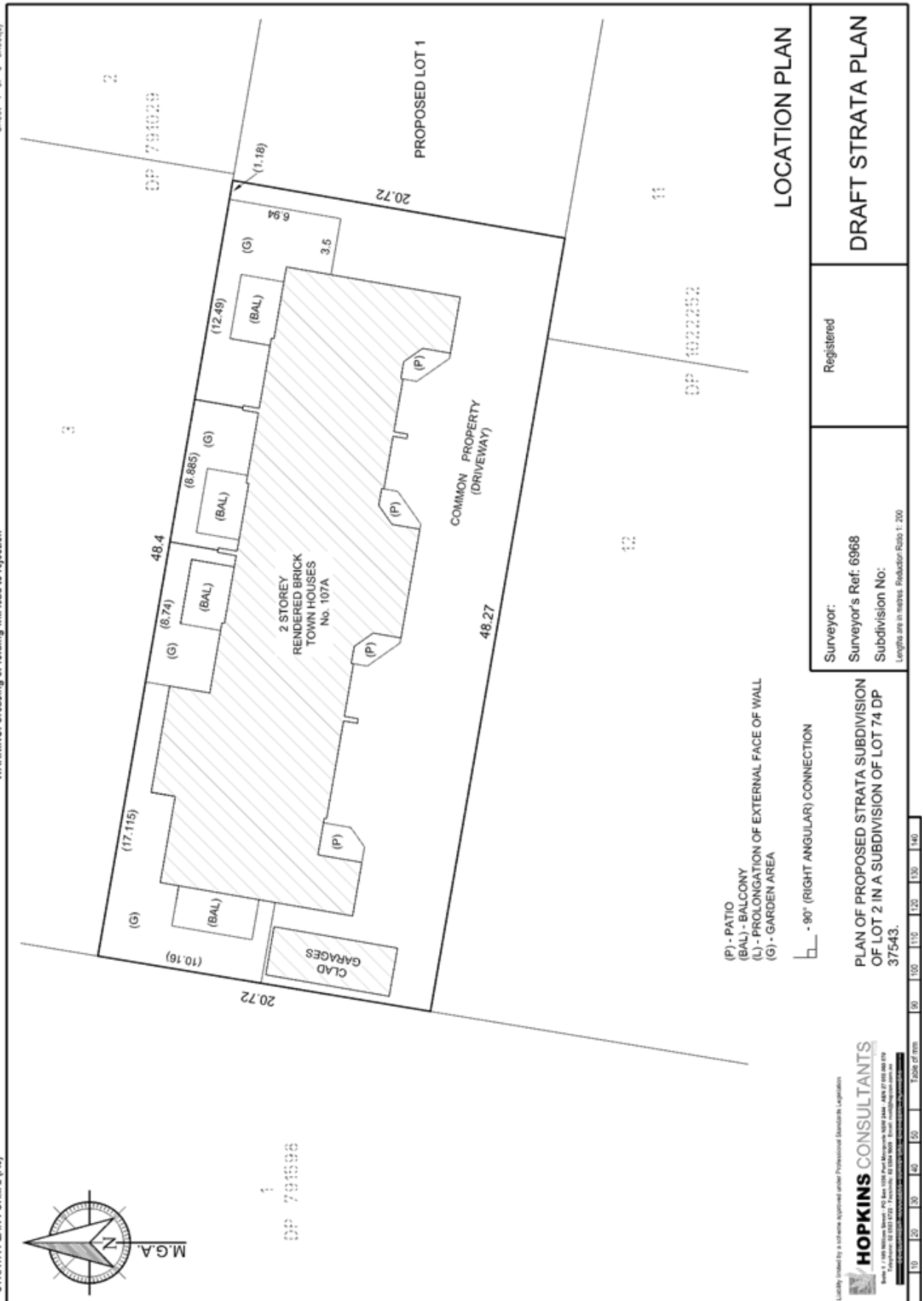
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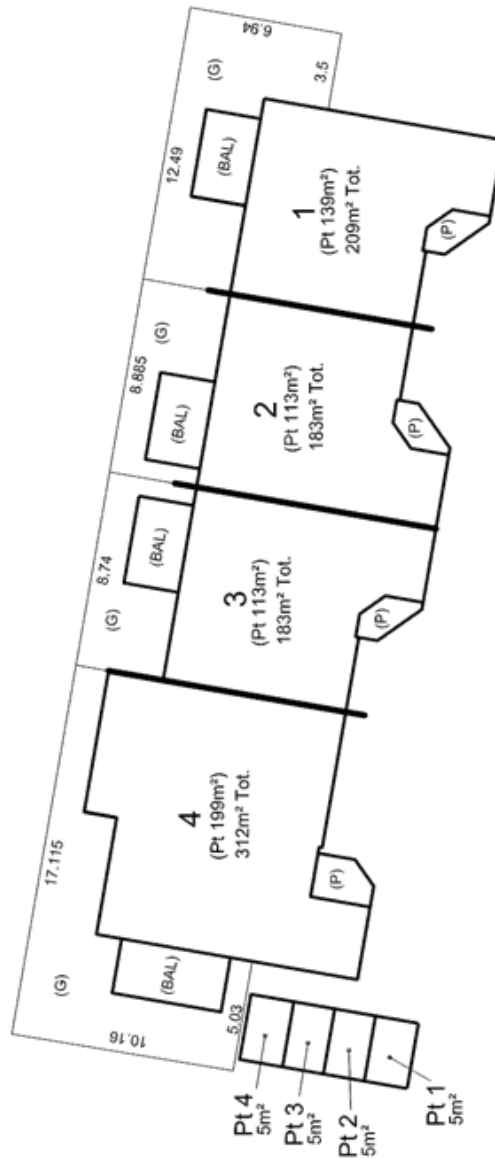
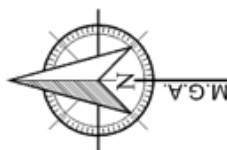




Sheet 2 of 3 sheets

WARNING: Creasing or folding will lead to rejection

STRATA PLAN FORM 2 (A3)



ALL AIR-CONDITIONING UNITS ARE PART OF THE LOT.
 ALL CONCRETE PATHWAYS & STAIRS CONTAINED WITHIN
 THE GARDEN AREAS OF EACH LOT FORM PART OF THE LOT.
 ALL EXISTING RETAINING WALLS FORM PART OF THE
 COMMON PROPERTY.

THE UPPER STRATUM OF GARDEN AREAS, BALCONIES &
 PATIOS IS LIMITED TO 10 METERS ABOVE THE GARAGE
 FLOOR LEVEL OF THE RESPECTIVE UNIT EXCEPT WHERE
 COVERED.

THE LOWER STRATUM OF GARDEN AREAS IS
 LIMITED TO 3 METERS BELOW THE UPPER SURFACE
 OF THE GARAGE FLOOR OF THE RESPECTIVE UNIT.

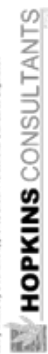
(P) - PATIO
 (BAL) - BALCONY
 (L) - PROLONGATION OF EXTERNAL FACE OF WALL
 (G) - GARDEN AREA

ALL AREAS ARE APPROXIMATE

GROUND FLOOR

└ - 90° (RIGHT ANGULAR) CONNECTION

Quality checked by a software approved under Professional Standards Legislation



Block 1, 1000 Wilson Street, PT 1000, Newington NSW 2041, Australia
 Telephone: 61 6161 6161, Fax: 61 6161 6161, Email: enquiries@hopkins.com.au

PLAN OF PROPOSED STRATA SUBDIVISION
 OF LOT 2 IN A SUBDIVISION OF LOT 74 DP
 37543.

Surveyor:

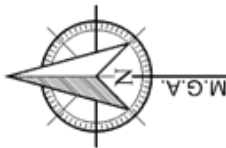
Surveyor's Ref: 6968

Subdivision No:

Lengths are in metres. Reductor Ratio 1: 200

Registered

DRAFT STRATA PLAN



THE UPPER STRATUM OF GARDEN AREAS, BALCONIES & PATIOS IS LIMITED TO 10 METERS ABOVE THE GARAGE FLOOR LEVEL OF THE RESPECTIVE UNIT EXCEPT WHERE COVERED.

(BAL) - BALCONY

ALL AREAS ARE APPROXIMATE

FIRST FLOOR

Liability limited by a scheme approved under Professional Standards Legislation


HOPKINS CONSULTANTS

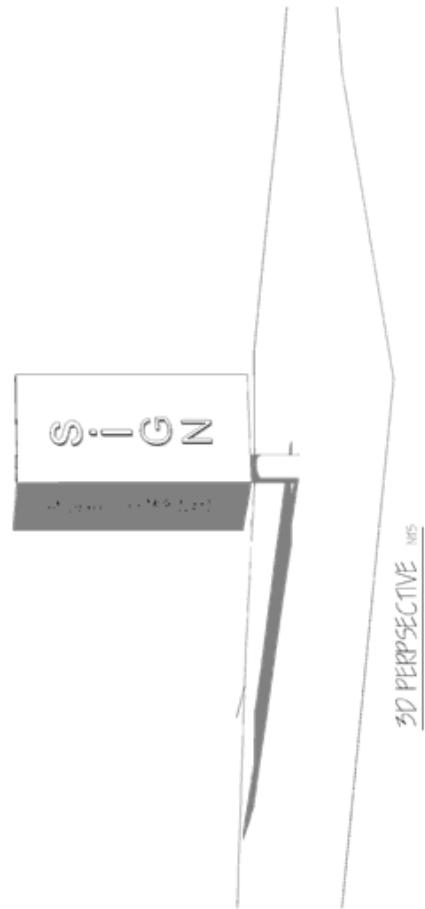
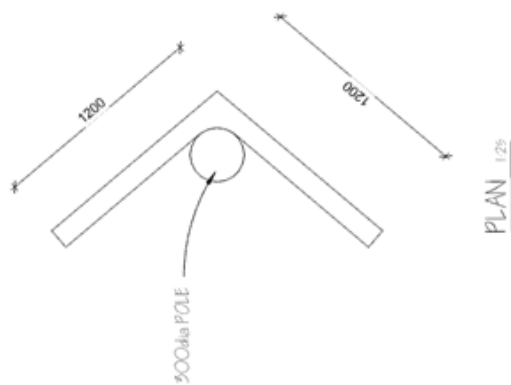
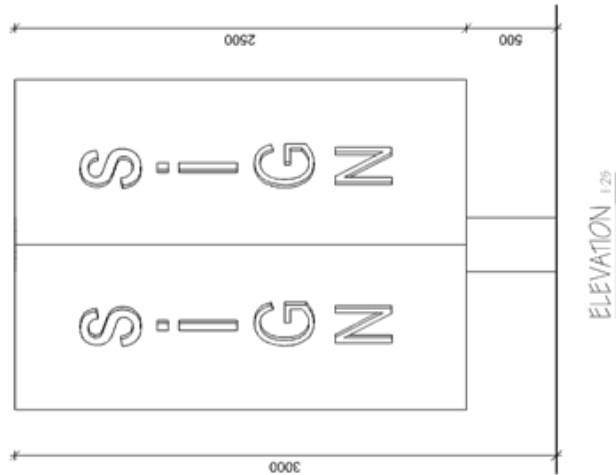
PLAN OF PROPOSED STRATA SUBDIVISION
OF LOT 2 IN A SUBDIVISION OF LOT 74 DP
37543.

Surveyor:
Surveyor's Ref: 6968
Subdivision No:
Lengths are in metres. Production Ratio

Registered

DRAFT STRATA PLAN

Table of mm	90	100	110	120	130	140
10						
20						
30						
40						
50						



PYLON SIGN DETAIL - ILLUMINATED UNTIL 8:00pm



General Manager
Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

25th September 2014

Attention: Planning Staff

RE: **STATEMENT OF ENVIRONMENTAL EFFECTS
FOR PROPOSED 4 X TOWNHOUSE MULTI DWELLINGS AND A
'HEALTH SERVICES FACILITY' BUILDING.
ALSO TORRENS TITLE SUBDIVISION ON LOT 74 D.P. 34534
No. 107 CAMERON STREET, WAUCHOPE
+ JUSTIFICATION FOR BOUNDARY VARIATIONS UNDER CLAUSE 4.6 LEP 2011**

The purpose of this report is to provide council with sufficient detail to be able to provide approval for the formal application.

This preliminary report has been prepared using DCP 13, LEP 2011 and details listed in the 'Pre-lodgement meeting 2014.0030'.

With regard to 'Strata Subdivision' requirements 'Beukers and Ritter' have been consulted and in their opinion there are NO preventative issues apparent.

EXISTING SITUATION

The site is vacant land with an area of 2023.5m² + a small (72m²) existing concrete driveway on the southern boundary. (this driveway will be removed)

The site is bordered by an existing dwelling to the north east with a zero alignment carport (approx. 6.0m long) in front of the house, a substantial dwelling to the north west with a zero alignment garage (approx. 18.8m long), a substantial dwelling + rear garage to the south east past a 4.5m wide 'Right of Carriageway' and another dwelling to the south west with a garage located approx. 1.0m off the boundary.

The site fronts Cameron street to the east and 'Wauchope Golf and Country Club' to the west.

The site is zoned R1 General Residential. This zoning allows for 'Multi dwellings', Health Services Facilities + carparking & Torrens Title subdivision with D.A. consent.

PROPOSED

It is proposed to Torrens Title subdivide the Health Services Facility and carpark from the townhouses. (refer to concept plan).

It is proposed to construct 1 x three bedroom + double garage two storey townhouse facing the golf course attached to 3 x two bedroom, single garage two storey townhouses on the west end of the site with a dedicated on-site visitor carparking space.

Also it is proposed to construct a 'Health Services Facility' (Physiotherapy) (3 x consult + 1 x administration staff) building with 11 x dedicated carparking spaces. This building will be a blend of selected lightweight wall cladding materials and selected feature lightweight panelling with a colorbond roof. The design of the building includes a line of celestial windows adopting solar passive principles. This building would be offset 0.5m from the northern boundary.

The attached townhouses will be individually strated and be **separated** by a sound/fire rated dividing wall between each unit. The townhouses will feature colorbond steel roofing and a mixture of selected face/rendered brickwork and lightweight cladding to provide a modern / contemporary building 'style'.

The design of the townhouses has taken into account principles of 'A.S. 4299 Adaptable Housing' ie door widths, accessibility, internal circulation spaces etc.

All the townhouses will have both pedestrian and vehicular access off Cameron Street down a dedicated 'Right Of Carriageway' + pathway + 'golf cart' access to the Wauchope Golf Course from the west end of the site.

Access to the 'Health Services Facility' will be via a connecting pathway from Cameron Street or from the carpark located at the rear of the building.

STAGING - It proposed to construct this project in two stages. Stage One being the construction of the 'Health Services Facility' + carpark & driveway + Stormwater detention system + part Sewer system + townhouse slabs and then Stage Two being the construction of the 4 x Townhouses.

The townhouses will also be strata subdivided at Stage Two.

DCP 13 Requirements

Floor Space Ratio	Req'd./Max.	Proposed
(Total lot area = 2023.5m2)		
subdivided lots west lot = 995m2	0.65 : 1	approx. 0.58 : 1
east lot = 1028.5m2	0.65 : 1	approx. 0.33 : 1

Carparking

Health Services Facility (3 x consult + 2 x staff)	10 spaces	11 spaces
(Includes 1 x disabled space + 2 x 'stack parking' for staff members)		
Multi Dwelling Housing		
1 x 3 bedroom townhouse	1.5 spaces	2.0 spaces
3 x 2 bedroom townhouses	3.0 spaces	3.0 spaces
Visitor	1.0 space	1.0 space

Therefore the total proposed carparking space requirements are in excess of the required amount by 1.5 spaces.

It is proposed to provide two x stack parking spaces for the staff in front of the building alignment behind screen landscaping to facilitate traffic movements on the site.

It is also proposed to provide a small shed structure to house 4 x golf carts along the western boundary with access directly to the golf course..

Open Space All units will have their 'Open space' areas directly accessible from internal living areas with either a northerly or westerly aspect and with a min. 4m x 4m space + also > 35m2 in one area.

Building Heights Overall ridge heights will be less than the max. of 8.5m (refer to the building elevations)

Tree Removal Refer to the plan for number and species of trees to be removed.

Services All garbage, carwashing, emergency & utility services will be provided for. Security will be provided for by way of visual surveillance (+ cctv for the health care facility) and border landscaping & fencing.

All services including mail delivery, power, Telstra, water, garbage collection, public transport are readily available to the site.

Sewer Sewer connection for the western 'multi housing development' will be via a gravity main back to a newly constructed manhole. Each townhouse will have a direct connection to the gravity main. (refer to engineering plans)

The Health Services Facility building will have a direct connection to the newly constructed manhole. (refer to engineering plans)

Stormwater Refer to detailed concept design plans from 'DRJ Consulting'.

Stormwater runoff will be disposed of down both the northern and southern sides of the proposed building works to a 'detention' system which will then connect to the existing system within the 'Wauchope Golf & Country Club' grounds (with their agreement, see attached Club consent). The townhouses will be each provided with rainwater tanks as required under BASIX.

There is room for an overland stormwater escape route down the northern boundary.

The 'Detention' system will be designed to attenuate the whole of the developed site.

Garbage As the council has adopted a new bin pick-up schedule in September 2014, the alternate pick up of the red & yellow bin means that there will only ever be 10 x bins generated by this proposal outside on the street at any time ie the green bin + either a red or yellow bin. (2 x bins for each of the 4 x townhouses + 2 x bins for the medical facility). This means that the total length of bins will be max. 7m to 8m long, allowing for space between individual bins. Therefore with a street frontage of 14.9m (total lot width minus the driveway width) it can be seen that there is more than enough space to place the bins with NO negative impact on adjoining properties

Water Water supply to the site will come from the main in Cameron Street. Each of the townhouses and the medical facility will have a separately metered connection. (refer to site plan for location)

Fencing Northern boundary fencing consists of existing timber palings up to 1.8m high. The northern fencing adjacent to the proposed townhouses along the top of the retaining walls will have a 1.8m high colorbond fence (+ 0.3m h privacy screen for Unit 4) constructed along this length. The existing southern boundary fencing consists of timber palings supported by concrete posts (up to 1.8m high). There will be no eastern (street frontage) fencing, just screen landscaping + signage. Western boundary fencing will consist of open 'pool type' fencing + a gate for pedestrian & golf cart access.

Signage It is proposed to provide a double sided 'pylon' sign 3.0m high with an area of approx. 6m². Also proposed is signage across the eastern elevation including an elevated 9' above road line) 'logo' sign.

DCP 13 VARIATIONS

Setbacks

- There will be NO overshadowing of adjoining properties apart from a small amount late summer evening sun to the northern properties. There will be adequate access to winter solstice sunlight for a min. of 3 hours between 9.00am & 3.00pm to all adjoining properties 'open space' areas.

North side Boundary – Health Services Facility :

- The existing streetscape consists of widely varied sizes, types, styles and ages of both residential housing and commercial buildings. The large proposed setback from the front boundary to the building of 6.0m combined with the screen landscaping buffer and 'residential appearance' of the single storey, low roof pitch building will be entirely in 'scale' with other buildings within the immediate locality and therefore have minimal impact in the streetscape.

- The adjoining dwelling with carport in front to the north, will likely, due the older age and modest size of the building be redeveloped at some stage into something much more substantial.
- The 0.5m setback of the Health Services Facility buildings north wall will vary in height from 3.6m/ 4.0m above the existing surface adjacent to the northern carport and dwelling. The low roof pitch of 10deg. combined with the single storey construction & non operable highset windows will have far less impact on the adjoining site than an allowable two storey residence in terms of both visual and acoustic privacy.
- This proposal will afford complete visual privacy to the northern dwelling as there will be NO direct lines of site from this building to any private 'open space' areas. The 'obscure glass windows' in the northern wall will be set above the finished floor level @ 2.4m head height. These windows combined with the low pitch roof and the articulation @ the celestial window line will help to ameliorate the impact of this wall.
- This proposal will afford complete acoustic privacy to the northern dwelling as there are NO openings in the north, west or eastern walls within 3.0m of the common boundary.

North side Boundary – Townhouses :

- *All 2 x bedroom townhouses* external groundfloor walls are setback **4.0m** from the northern boundary & the upper floor walls are setback **4.16m**. This is 33% greater than the required offset under the DCP. The upper level balcony & the media/study window for units 3 & 2 will be fully screened (to a height of 1.5m for the full length of the balcony). The private open space area of the north western adjoining dwelling is the central courtyard with pool + to the north and west of the dwelling. This area is approx. 15m from the nearest proposed balcony & will be unaffected by this proposal.
- *All 2 x bedroom townhouses* groundfloor areas will have a 'covered' open space outside area that is setback 1.5m from the northern boundary. The total combined length of these reduced setbacks along this boundary is 19.1m including the setback of the adjoining 3 x bedroom townhouse, which represents 39.5% of the total adjoining lot length. In fact the existing adjoining zero alignment garage is approx. 18.8m long along this boundary, has a considerably bigger impact. These covered deck areas will not overlook any private open space areas and provide added visual articulation to ameliorate the two storey bulk.
- *The 3 x bedroom townhouse* groundfloor northern external walls are setback from 1.5m to 3.0m from the north boundary. The groundfloor area of 1.5m setback is the kitchen + laundry. The impact from the kitchen will be minimal as the focus will be out to the golf course to the west.
- The upper floor northern external wall is setback **4.16m** from the northern boundary.
- The upper floor balcony (setback 1.5m) on the north side will be fully screened to a height of 1.5m along its northern side to prevent any direct line of site onto the adjoining dwelling. This balcony is approx. 6.5m long and represents just 13.5% of this boundary length.
- The upper floor balcony (setback 4.16m from the northern boundary) on the west side will not overlook any private open spaces. The visual focal point from this balcony and the deck below will be the golf course to the west.

West side Boundary – Townhouse 4. :

- In the immediate locality there is a wide variation in the setback offsets from both individual dwellings + medium density developments to the golf course site.
- It is proposed setback both the open groundfloor deck and the unroofed upper storey balcony 2.5m from the western boundary with the external wall of the building setback 5.0m.
- The large building to side boundary offsets will ensure that these decks will have no negative impact on the adjoining properties, ie no overshadowing or looking into private open space areas.

- The single storey golf cart garage with its single low roof pitch and roof height & setback 0.5m from the western boundary will ensure there is no overshadowing or looking into private open space areas.

Landscaping :

- The main carpark for the 'Health Services Facility building' is located at the rear of the building. The 2 x stack parking area (for staff only) @ the front of this building will be screened by a landscape area of 2.1m wide between the carpark spaces and the front boundary. This 2 x car space is NOT a '*large unrelieved hardstand area*' & consequently the need to provide 'shade' and 'improve visual amenity' is not considered paramount. The proposed landscape bed will provide an adequate buffer between the car spaces and the road and the neighbouring property.

CONCLUSION

This proposal meets DCP objectives by providing a pleasant, manageable and functional living & working environment that is 'urban consolidation', is close to a commercial centre, will be an efficient use of existing infrastructure, services and 'council assets', establishes an attractive streetscape, allows for adequate visual and acoustic privacy for residents, allows for safe accessibility for residents, visitors and clients, has private open space areas that have good solar access, avoids any significant overshadowing and will be energy efficient and BCA compliant.

The single storey commercial building will have significantly less impact on the adjacent north eastern property than the two storey townhouses previously approved for this site.

The diverse articulation, both vertically and horizontally of the roof forms combined with varied types of external wall cladding and the articulated buildings footprints will ensure that this development when viewed from the adjoining sites and public spaces will be an attractive addition to the visual catchment of the locality. The look of 'bulk' of the buildings will be ameliorated by the above mentioned details and therefore will have a reduced impact on neighbours and also ensure that their amenity is not adversely affected.

The proposed residences will be a highly sort after housing alternative in the locality.

This proposal is line with the 'housing' provisions within Councils' 'Urban Growth Management Strategy'.

We envisage that there are no environmental, social or economic problems associated with this proposal.

Declaration. I declare to the best of my knowledge and belief that all particulars mentioned are true and correct in every detail and the information required has been supplied.



Yours faithfully
Robert Smallwood

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2014/766****DATE: 1/12/2014****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	107 Cameron Street	Robert Smallwood	25 September 2014
Development Plans	Sheets 1-5 14-1084	Robert Smallwood	July 2014
Draft Subdivision Plans	6968	Hopkins Consultants	1 October 2014
BASIX Certificate	575928M	Robert Smallwood	27 November 2014
Amended parking layout in red	Sheet 5 of 5	Robert Smallwood as amended	July 2014

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

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

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

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

- (3) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.

- (4) (A007) The development must only proceed in accordance with the approved stages as set out below:

- Stage 1: Torrens Title subdivision, Medical centre, Car park, Driveway, Stormwater system, part Sewer system and Townhouse slabs.
- Stage 2: Construction of four (4) townhouses and strata subdivision.

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

- (5) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (6) (A009) The development site is to be managed for the entirety of work in the following manner:
 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 holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (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.
- (9) (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.
- (10) (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.
- (11) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (12) (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.
- (13) (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.

- (14) (A040) Provision shall be made for a separate sewer line for each dwelling/unit to Council's sewer main.
- (15) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (16) (A063) The disposal of wastewater from a commercial or industrial business (trade waste) to Port Macquarie-Hastings Council's sewage system requires specific approval under Section 68 of the Local Government Regulation, 1999.

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. Sewerage reticulation.
2. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
3. Stormwater systems.
4. Erosion & Sedimentation controls.
5. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
6. Landscaping.

- (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
- Footway and gutter crossing
- Functional vehicular access

- (4) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate, whichever occurs first, of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

- Hastings S94 Administration Building Contributions Plan
- Hastings Administration Levy Contributions Plan
- Community Cultural and Emergency Services Contributions Plan 2005
- Hastings S94 Major Roads Contributions Plan
- Hastings S94 Open Space Contributions Plan

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

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

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000,

the payment of a cash contribution, prior to the issue of a Construction or Subdivision Certificate, whichever occurs first, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:

- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
 - (7) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
 - (8) (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.
 - (9) (B053) The design of the carpark and accesses is to be amended as marked in red on the approved plans. Certification of the design being in accordance with the changes and Australian Standard 2890.1 by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
 - (10) (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.
 - (11) (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.
 - (12) (B195) Provision to proposed Lots 1 and 2 of separate metered water connections to the 200mm AC water main on the same side of Cameron Street, with the meters being located on the road frontage. A private fire service and individual meters are required for the proposed townhouses and are to be located in the easement for access and services. Details shall be illustrated on the public infrastructure Construction Certificate plans.
 - (13) (B196) Final water service sizing for the medical facility and townhouses is to be determined by a hydraulic consultant to suit the proposed domestic and commercial components, as well as addressing fire service requirements and backflow protection requirements. Minimum containment (boundary) backflow protection for medical facilities is an RPZD at the property boundary. Minimum water service size for commercial developments is 25mm. Details shall be illustrated on the public infrastructure Construction Certificate plans.
 - (14) (B197) A longitudinal section of the existing sewer main in the development site shall be provided with the public infrastructure Construction Certificate plans. The section is to show design surface levels and pipe crossings including invert levels. Bridging will be required if minimum depths are not provided.

- (15) (B198) A new manhole is required and is to be connected to proposed Lot 1 and proposed Lot 2. Details shall be illustrated on the public infrastructure Construction Certificate plans.
- (16) (B199) The Construction Certificate plans shall clearly illustrate the 1.5m high privacy screen for the full length of the first floor balconies to units 2, 3 and 4. The privacy screening shall have no individual opening more than 30mm wide and total of all openings no more than 30% of the surface area of the screen.
- (17) (B200) A stormwater drainage design must be provided prior to the issue of a Construction Certificate and be submitted for approval pursuant to Section 68 of the Local Government Act, 1993. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a) The legal point of discharge for the proposed development is defined as the proposed interallotment drainage system.
 - b) The design requires the provision of interallotment drainage in accordance with AUSPEC D5. The interallotment drainage design shall provide details of any components of the existing drainage system that are to be retained and shall demonstrate that the system has capacity to convey design flows to the point of discharge. NOTE that the DA plans only detailed the extent of the interallotment system to an existing downstream pit. The CC submission and easement plan must detail the entire system to the point of discharge.
 - c) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - d) Where above ground detention facilities are proposed, a minimum of 15% of the total stormwater must be provided below ground in accordance with the recommendations of AS3500.3 section 8.11.2
 - e) Where works are staged, provide a plan which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment (where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.
- (18) (B201) Where stormwater pipelines traverse lots other than those which they benefit, appropriate drainage easements shall be created and registered on the title of the relevant lot(s) with the Lands and Property Information NSW.
- a) For pipes less than 500mm diameter, the easement width must be a minimum of 1500mm. Easements for larger diameter pipes must be the pipeline diameter plus 1200mm wide, with a minimum width of 2400mm.
 - b) The easement shall be approved by Council prior to lodgement at Lands and Property Information (LPI) NSW and evidence of registration shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors

engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.

- (2) (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 the sub-grade is exposed and prior to placing of pavement materials;
 - e. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - f. at the completion of each pavement (sub base/base) layer;
 - g. before pouring of kerb and gutter;
 - h. prior to the pouring of concrete for sewerage works and/or works on public property;
 - i. on completion of road gravelling or pavement;
 - j. during construction of sewer infrastructure;
 - k. prior to sealing and laying of pavement surface course.

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.

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

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (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 a bitumen sealed 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) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (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.
- (6) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor/customer parking is available on-site.
- (7) (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.
- (8) (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 2013 and Australian Standard 2890.1 prior to occupation or issue of the Occupation Certificate.
- (9) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (10) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:

"This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".

This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (11) (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.
- (12) (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.

- (13) (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
- (14) (E068) Prior to the issue of a Subdivision Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied.
- (15) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (16) (E077) The completion of all works required under Council's consent to Development Application No. 2014/0766 prior to the issue of a Subdivision Certificate or the registration of a satisfactory 88B instrument which restricts the development of each allotment to that approved under this consent.
- (17) (E079) Submission to the Principal Certifying Authority of certification by a Registered Surveyor prior to the issue of a Subdivision Certificate that all services and domestic drainage lines are wholly contained within the respective lots and easements.
- (18) (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.
- (19) (E195) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include a copy of the Registered Surveyor's Linen Plan and a work-as-executed plan for the water and sewer services.

F – OCCUPATION OF THE SITE

- (1) (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.
- (2) (F025) Hours of operation of the medical centre is restricted to the following hours:
 - 7 am to 7 pm – Mondays to Fridays
 - 8 am to 1 pm – Saturdays
 - No work is to be carried out on Sundays and Public Holidays

- (3) (F195) Not more than 3 health care professionals and 2 administrative staff are to work at the premises at any one time.
- (4) (F196) Any lighting of the signage shall cease at 11pm each night.

DRAFT

Preliminary Assessment Only - Final rates will not be determined until date of consent and will only be valid for 3-months from issue of consent.									
Development Details			Contributions Plans Applicable						
DA No.	2014	0766	General S94 Plans	Applies	ET Chargeable	RatePer ET	Contribution Amount		
Address:	107 Cameron Street, Wauchope		Major Roads	Yes	2.91	\$8,571.00	\$19,121.80		
Dev Description:	Service Facility, Carparking and Signage		Open Space	Yes	2.91	\$4,591.00	\$13,359.80		
Lot Number(s):	74		Community Cultural & Emergency Services	Yes	2.91	\$4,357.00	\$12,678.80		
DP Number(s):	37543		Admin Building	Yes	2.91	\$838.00	\$2,438.50		
Stage No:	total		Bushfire - Specific	No					
Applicant:	Robert Smallwood Building Plans		Kings Creek	No					
Contribution Area:	<input type="checkbox"/> Camden Haven <input type="checkbox"/> Innes Peninsula <input type="checkbox"/> Kings Creek <input type="checkbox"/> Lake Cathie/Bonny Hills <input type="checkbox"/> Port Macquarie <input type="checkbox"/> Rural <input type="checkbox"/> Sancroft/Thrumster <input checked="" type="checkbox"/> Wauchope		Admin Levy	Yes	2.2% of S94	\$47,598.70	\$1,047.10		
(Planner must Select Contribution Area Click Once with Mouse)			Specific Contribution Plans and DSPs (Planner Must Select if Plans are Applicable)						
			S94A Levy Development Cost	\$1,500,000	No				
			Wauchope CBD Car Parking Contribution	<input type="checkbox"/> Applies					
			Stone Dairy Contribution Plan	<input type="checkbox"/> Applies					
			Bushfire Additional	<input type="checkbox"/> Applies					
			Select Rate	<input type="checkbox"/> Applies					
DA Lodged Date:	1/10/2014		Water 1.6% levy	<input checked="" type="checkbox"/> Applies	2.551	\$0,373.00	\$23,910.50		
Prepared By:	Stevenf		Sewer	<input checked="" type="checkbox"/> Applies	3.401	\$3,556.00	\$12,093.90		
DA Consent Date:			Car Parking CP						
Issue No.	1		Contribution Total: \$84,650.20						
Calc Sheet Date:	9-Oct-2014		No. of Spaces Short:						
FINAL CONSENT CALCULATION	<input type="checkbox"/> Tick for FINAL Consent Calculation		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
PROFESSIONAL CONSULTING ROOMS (DENTISTS, DOCTORS ETC)			m2	307	0.00375	0.00375	1.15125	1.15125	
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:							1.15125	1.15125	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)			1	1	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) - 1 x 1st floor houses, villas, etc. & 600m ² Int Housing & Permanent Self Contained Caravan Park Sites			0	0	0	0			
2 Bedroom Units (Low Density) - 1 x 1st floor houses, villas, etc. & 600m ² Int Housing & Permanent Self Contained Caravan Park Sites			3	2.01	1.8	2.25			
3 Bedroom Units (Low Density) - 1 x 1st floor houses, villas, etc. & 600m ² Int Housing & Permanent Self Contained Caravan Park Sites			1	0.9	0.8	1			
4 Bedroom Units (Low Density) - 1 x 1st floor houses, villas, etc. & 600m ² 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					
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 bedrooms with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Aged Unit - Self Contained 3 bedrooms with ensuite & kitchen (SEPP - Seniors Living)			0	0	0	0			
Boarding House per 1 Occupancy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathroom)			0	0	0	0			
Boarding House per 1 Occupancy Bedroom Partially Self Contained (Own ensuite - shared cooking & laundry facilities)			0	0	0	0			
Boarding House - Not Self Contained Per Bed (for dormitories/bunkrooms, shared cooking, laundry and bathroom)			0	0	0	0			
Boarding House - Self Contained Per Bed (for dormitories/bunkrooms, Own ensuite per bedroom/bathroom with an associated cooking and laundry)			0	0	0	0			
New Residential Unit Total:			5	3.91	2.6	3.25			

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 & lot housing)	0	0	0	0			
Number of existing residential lots greater than 2000m ² (excluding Dual Occ & lot housing)	1	1	1.2	1			
1 Bedroom Units (Low Density - lots, townhouses, villas, townhomes, lot housing & Permanent Self Contained Caravan Park Sites)	0	0	0	0			
2 Bedroom Units (Low Density - lots, townhouses, villas, townhomes, lot housing & Permanent Self Contained Caravan Park Sites)	0	0	0	0			
3 Bedroom Units (Low Density - lots, townhouses, villas, townhomes, lot housing & Permanent Self Contained Caravan Park Sites)	0	0	0	0			
4 Bedroom Units (Low Density - lots, townhouses, villas, townhomes, lot 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 (Clean ensuite but shared facilities for cooking & laundry)	0	0	0	0			
Motel Unit - Self Contained (Clean 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/Hotel (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 - max 10 per 1 Occ, policy bedroom Not Self Contained (shared facilities for cooking, laundry & bathroom)	0	0	0	0			
Boarding - more per 1 Occ, policy bedroom Partially Self Contained (own ensu, kitchen & 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 ensu, kitchen & shared cooking & laundry)	0	0	0	0			
Existing Residential Unit Total:	1	1	1.2	1			

G:\Dev\Env\DEV AND BUILDING CONTROL\SDAs\2014\DA2014-0766\Development Contributions Calculation Sheet, DA 2014-0766, Stage No. total, Issue No.1

From: Vicki [REDACTED]
Sent: Tuesday, 21 October 2014 1:07 PM
To: Ben Roberts
Subject: Re: DA2014 - 766.1 Development Plans - 107 Cameron St, Wauchope

Hi Ben

Thank you for copies of above plan.

As prospective buyers for property at 105a cameron street we are somewhat concerned of the close proximity of the proposed villas to the boundary fence.

As there are bedrooms and living areas including an outdoors verandah on that side of the house we feel that the residents of the villas will be looking into our windows and vice versa.

Kind regards

vicki buxton

From: Ben Roberts
Sent: Monday, October 13, 2014 9:26 AM
To: [REDACTED]
Subject: DA2014 - 766.1 Development Plans - 107 Cameron St, Wauchope

Regards,

Ben Roberts
Development Assessment Planner

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444
(02) 6581 8031
(02) 6581 8123 (Fax)
Connect with Council:



Item: 09**Subject: DA2014 - 0749 - DUAL OCCUPANCY AND STRATA SUBDIVISION AT
LOT 302 DP 1182566, NO. 16 ST LUCIA PLACE, BONNY HILLS****Report Author: Chris Gardiner**

Property:	Lot 302 DP 1182566, No. 16 St Lucia Place, Bonny Hills
Applicant:	LG Clark & C Clark
Owner:	LG Clark & C Clark
Application Date:	23 September 2014
Estimated Cost:	\$460 000
Location:	Bonny Hills
File no:	DA2014 - 749.1
Parcel no:	62857

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2014 - 0749 for a dual occupancy and strata subdivision at Lot 302, DP 1182566, No. 16 St Lucia Place, Bonny Hills, be determined by granting consent subject to the recommended conditions.

Executive Summary

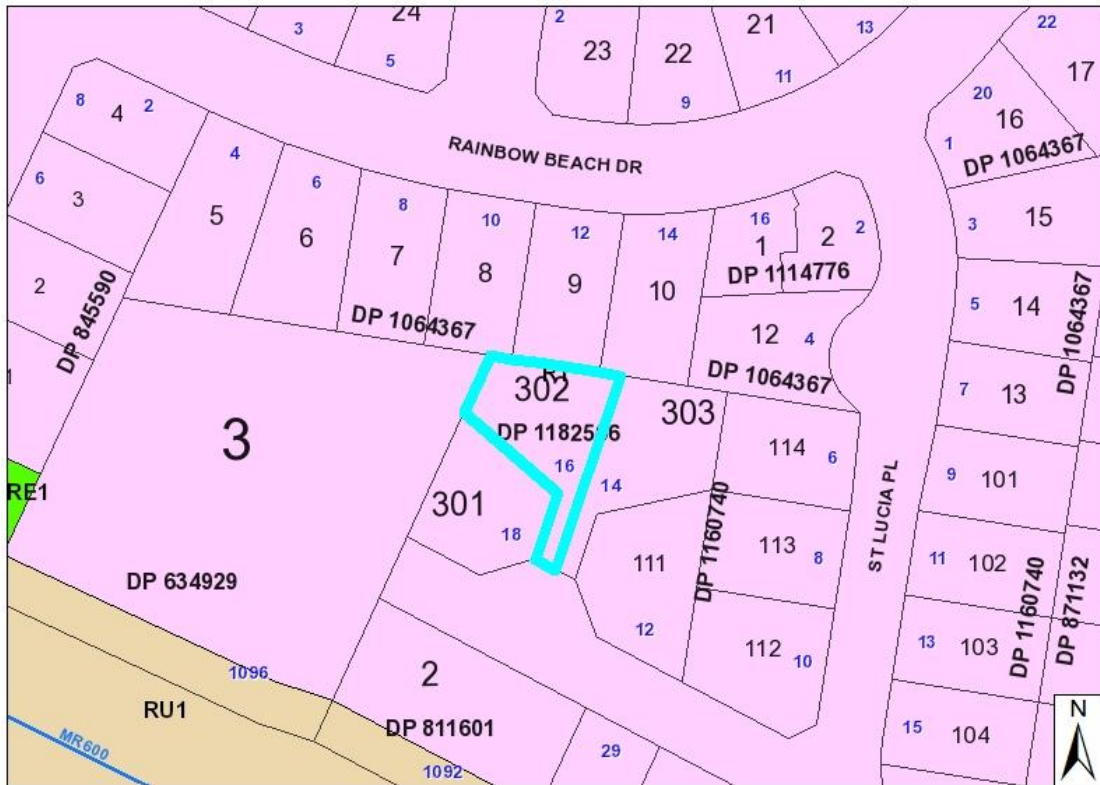
This report considers a development application for a dual occupancy and strata subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

Following exhibition of the application, 15 submissions have been received.

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

The site has an area of 744.7m².

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of a two storey dual occupancy (attached) comprising of 2 x 2 bedroom dwellings;
- Strata subdivision.

Refer to attachments at the end of this report.

Application Chronology

- 23 September 2014 - Application lodged.
- 30 September 2014 - Additional fees requested for integrated referral to NSW Rural Fire Service.
- 3 October 2014 to 16 October 2014 - Application publicly notified (15 submissions received).
- 3 October 2014 - Site inspected by assessing officer.
- 8 October 2014 - Application referred to NSW Rural Fire Service.
- 9 October 2014 - Applicant requested to erect height poles to allow assessment of view sharing impacts.
- 3 November 2014 - Additional information requested from Applicant.
- 11 November 2014 - Site reinspected by assessing officer from various nearby properties following erection of height poles at the site.
- 12 November 2014 - Amended plans submitted by the Applicant.
- 21 November 2014 - Bush Fire Safety Authority received from NSW Rural Fire Service.

3. STATUTORY ASSESSMENT

Section 79C(1) Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

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

State Environmental Planning Policy 44 - Koala Habitat Protection

There is no Koala Plan of Management on the site. Additionally, the site is less than 1ha in area therefore no further investigations are required.

State Environmental Planning Policy 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.

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

In accordance with clause 6, a BASIX certificate (number 569635M) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

Port Macquarie-Hastings Local Environmental Plan 2011

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 dual occupancy (attached) 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 provides for a variety of housing types and densities to meet the housing needs of the community.

In accordance with clause 4.3, the maximum overall height of the proposal from ground level (existing) is 8.48m which complies with the standard height limit of 8.5m applying to the site.

In accordance with clause 4.4, the floor space ratio of the proposal is 0.45:1 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 2013 are proposed to be removed.

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

The requirements of this LEP are therefore satisfied.

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

No draft instruments apply to the site.

(iii) any Development Control Plan in force:

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway 	29.2m front setback	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or	Garages located 33m from St Lucia Place and setback 12.3m and 13.07m from shared	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
	eaves/overhangs provided	battle-axe driveway. Garage door recessed a minimum of 1.6m behind front of each of the proposed dwellings.	
	6m max. width of garage door/s and 50% max. width of building	Unit 1: 5m wide and 55% of the width of the building. Unit 2: 5m wide and 49% of the width of the building.	No*
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Existing shared driveway with adjoining 14 St Lucia Place.	n/a
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Unit 1: Minimum 5m setback to dwelling and 3m setback to deck. Unit 2: Minimum 4.5m setback to dwelling and 3m setback to deck.	No*
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 overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	The garage of Unit 1 is setback 0.75m from the southern side boundary and the garage of Unit 2 is setback 1.0m from the eastern side boundary. The first floors are offset to the ground floor and a setback from the southern boundary is 3.65m and the eastern boundary is 4.16m. Satisfactory articulation of building walls achieved.	No*
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	Unit 1: 144m ² private open space, including 4m x 4m area at appropriate grade accessible from living area. Unit 2: 100m ² private open space, including 4m x 4m area at appropriate	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development

	Requirements	Proposed	Complies
		grade accessible from living area.	
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. 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 	1.5m high privacy screen proposed on northern side rear decks for both units, which would screen views from the decks, Unit 1 living room and Unit 2 dining room. Unit 1 dining room and Unit 2 Kitchen windows would potentially overlook private open space area of the adjoining dwelling at 12 Rainbow Beach Drive. Amended plans have been submitted by the Applicant providing for fixed privacy screens for these windows. The window of the first floor media room of Unit 1 is proposed to have a fixed privacy screen. The window of the first floor media room of Unit 2 is located more than 12m from the principal private open space of adjoining properties and does not require privacy screening.	Yes

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area. The increase in housing	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
		density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	No cut and fill greater than 1m high and more than 1m from the building walls is proposed.	Yes
2.3.3.2	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining walls higher than 1m proposed.	Yes
2.3.3.8	Removal of hollow bearing trees	None proposed to be removed.	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	None proposed to be removed.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	
2.5.3.2	New accesses not permitted from arterial or distributor roads	No additional road access created.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Development uses existing shared driveway. No loss of existing street parking.	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1: <ul style="list-style-type: none"> 1 space per dwelling (behind building line) for single dwelling and dual occupancy. 	Both units have a double garage.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.14	Sealed driveway surfaces unless justified	Concrete.	Yes

The proposal seeks to vary Development Provision 3.2.2.3 in relation to the maximum proportion of the building width permitted to be garage for Unit 1.

The relevant objectives are:

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

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

- The proposed variation to the development provision is minor (5%).
- The site is a battle-axe lot and the garage of Unit 1 is located a significant distance from the street and at a lower level.
- The garage door is oriented at an angle to the street and would not appear as wide when viewed from the street.
- The garage would be located behind the rear boundary fence of 18 St Lucia Place, and the majority of the garage screened from view from the street.

The proposal seeks to vary Development Provision 3.2.2.4 in relation to the rear setbacks for the decks of each of the units.

The relevant objectives are:

- *To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.*
- *To provide useable yard areas and open space.*

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

- The rear wall of each of the dwellings satisfies the minimum 4m setback, and the only encroachment is two decks, which would occupy 33% of the length of the rear boundary.
- The proposed patios are open-sided structures (with the exception of the blade wall on the eastern side of the Unit 1 deck) and would not adversely impact on natural light and ventilation between dwellings and private open space areas.
- The proposed rear setback would not affect the ability for each unit to provide the minimum required area of private open space (including a useable 4m x 4m area) in accordance with the DCP.
- The development achieves a minimum 5.07m setback for the full length of the western boundary of the property.

The proposal seeks to vary Development Provision 3.2.2.5 in relation to the side setback for the ground floor wall of the Unit 1 garage.

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 proposal is for a minor variation of 0.15m to the permitted side setback.
- With the extent of excavation proposed adjacent to the southern side boundary, the majority of the garage wall would be located below the top of the existing boundary fence of 18 St Lucia Place. The development would, therefore, not result in overbearing or perceptions of building bulk on adjoining properties.

- The proposed garage wall would not contain any windows, and would not reduce the visual privacy of adjoining properties.
- The garage is located away from bedroom in adjoining development and is not expected to result in adverse acoustic impacts.

(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:

No matters prescribed by the regulations applicable to the development.

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 locality is predominantly characterised by one and two storey detached dwellings. The proposal is considered to be compatible with other residential development in the locality and adequately addresses planning controls for the area.

View Sharing

The public exhibition of the proposal resulted in residents at 12, 13, 18, 27 and 29 St Lucia Place raising concerns in relation to loss of views.

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.

Using the planning principles of NSW Land and Environment Court in *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following comments are provided in regard to the view impacts using the 4 step process to establish whether the view sharing is acceptable.

Step 1

Assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comments: Properties at 18, 27 and 29 St Lucia Place enjoy views to the north over the Area 14 urban release area and to the distant hills. 12 and 13 St Lucia Place enjoy views to distant hills in the west.

18 St Lucia Place also enjoys partial views of water to the north-east of a small lake and is anecdotally understood to have night views to the Tacking Point Lighthouse

and lights of the Port Macquarie urban area. The existing views are considered to be of low - medium value.

Step 2

Consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comments:

- 12 St Lucia Place: The affected view is an obscure one available only standing at the northern edge of the rear deck. The view is across a side property boundary.
- 13 St Lucia Place: The affected view is obtained from a sitting or standing position in a living area. The view is across the front property boundary.
- 18 St Lucia Place: The affected view is obtained from a sitting or standing position in the living room, dining room, kitchen, and rear deck. The view is across a rear property boundary.
- 27 St Lucia Place: The affected view is an obscure one available from the first floor front balcony. The view is across a front property boundary.
- 29 St Lucia Place: The site is currently vacant, but a future dwelling is likely to have views across the front property boundary.

Step 3

Assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comments:

- 12 St Lucia Place: The view loss would be negligible. The primary views from living areas and the rear deck to the north would be unaffected.
- 13 St Lucia Place: The view loss would be minor. The development would obscure part of an existing view to the distant hills through the currently vacant 8 St Lucia Place. Any future development on 8 St Lucia Place is expected to have a greater impact on existing views than the subject development at 16 St Lucia Place.
- 18 St Lucia Place: The view loss is considered to be severe. The majority of the primary views to the north from the living room dining room, kitchen, and rear deck would be obstructed by the development. Narrow corridors of views either side of the proposed building would be retained.
- 27 St Lucia Place: The view loss would be negligible. The primary views from the living room and the front balcony to the north would be unaffected.
- 29 St Lucia Place: The opportunity for a future dwelling/s to obtain views to the north would not be significantly compromised by the development.

Step 4

Assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more

reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comments: The proposal generally complies with the planning controls for the area, with the exception of minor variations to DCP standards for garage width, and ground floor side and rear setbacks. The non-compliant aspects of the building would not contribute to any loss of existing views from adjoining property. On this basis the proposed development is considered to be reasonable.

It should also be noted that under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, a Complying Development Certificate could be issued for a new dwelling up to 8.5m high without any consideration of view sharing impacts.

In terms of the design of the building, there are considered to be limited options available that could reduce the impacts on the views of neighbours without reducing the development potential and amenity of the site. The following aspects of the design demonstrate the applicant's attempts to limit the impact on views.

- The roof of the building has a relatively low pitch.
- The Applicant investigated whether the exposed fire wall above the roof could be removed, but found it to be necessary for structural reasons.
- The first floor of the building has been setback for the side property boundaries by more than the minimum 3m specified in the DCP.
- The southern side of the development is cut into the site to the maximum extent permitted by the DCP.
- The development is significantly below the maximum permitted floor space ratio for the area.

Whilst the development would have a significant impact on the existing views from 18 St Lucia Place, the impacts are considered reasonable having regard to the above principle and the planning controls for the area.

Overshadowing

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

Roads

The site has road frontage to St Lucia Place.

Adjacent to the site, St Lucia Place is a sealed public road under the care and control of Council. St Lucia Place is a local road with a 7m road formation within a 15m wide road reserve.

Transport & Traffic

The site is currently approved for residential use expected to generate 7 daily trips. This development proposes to generate 14 daily trips. The slight addition in traffic

associated with the development is unlikely to have any adverse impacts to the existing road network within the immediate locality.

Site Frontage and Access

Vehicle access to the site is proposed via an existing shared driveway through the battleaxe handle to St Lucia Place, being a Council-owned public road. No new works in the public road or shared driveway are proposed in this application.

Parking and Manoeuvring

A total of four parking spaces have been provided on-site within garages and a manoeuvring area has been provided to allow vehicles to turn on site and exit driving forwards. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Pedestrians

No concrete footpath currently exists in St Lucia Place and the proposed development is not expected to significantly increase demand for such infrastructure.

Public Domain

No public domain works are proposed for the development.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

The site naturally grades towards the rear and is currently serviced via an existing interallotment drainage system. The legal point of discharge for the proposed development is defined as a direct connection to the existing interallotment drainage system servicing the site.

Stormwater from the proposed development is planned to be disposed via direct connection to the existing interallotment drainage system servicing the site, which is consistent with the above requirements.

A detailed site stormwater management plan will be required to be submitted for assessment with the S.68 application and prior to the issue of a Construction Certificate.

Sewer

Council records indicate that there is an existing 150mm sewer main that runs parallel to the northern property boundary approximately 2m within the property and connects to a manhole at the north western corner. From here, an existing 150mm sewer main that runs parallel to the western property boundary approximately 2m within the property. There is an existing junction to this main at the north eastern corner of the Lot.

The existing junction may be used for Unit 2 and a new junction is required for Unit 1.

Water

Records indicate that the development site has an existing 20mm sealed water service from the existing 100mm PVC water main on the opposite side of St Lucia Place. This sealed water service is to be used for one of the proposed units with a new water meter required. A new 20mm metered water service will be required for the other unit from the 100mm PVC water main on the opposite side of St Lucia

Place. A long under bore is required and details are to be shown on the engineering plans.

Other land resources

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

Water cycle

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

Soils

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

Air & Micro-climate

The construction of the proposed development will be unlikely to result in any adverse impacts on the existing air quality or result in any pollution subject to a standard condition requiring erosion and sediment controls to be in place prior to and during construction.

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

The subject site is a battle-axe lot with limited available site frontage for the kerbside collection of waste and recyclables. Approximately 2.5m is available on the western side of the existing shared driveway, which would be insufficient area for the placement of waste bins for two dwellings. To prevent bins being placed in front of adjoining properties for collection, it is recommended that a condition be imposed to require the development to have a private waste collection service.

Energy

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

Noise & Vibration

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

Natural Hazards

The site is identified as being bushfire prone.

In accordance with Section 100B - *Rural Fires Act 1997* - the application proposes subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes.

The applicant has submitted a bushfire report, which considers the Section 100B requirements of Planning for Bush Fire Protection 2006.

The Commissioner has assessed the development and has issued a Bushfire Safety Authority dated 21 November 2014 without any specific conditions.

Contamination Hazards

See comments earlier under SEPP No. 55 - Remediation of 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. The increase in housing density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.

Social Impact in the Locality

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

Economic Impact in the Locality

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

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

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

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

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

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

Fifteen (15) written submissions, including a petition signed by 30 people, have been received following public exhibition of the application.

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

Submission Issue/Summary	Planning Comment/Response
Impact of development on views	See comments earlier in this report under 'View Sharing'.
Development is out of character with existing development in the locality in terms of height and type of housing (dual occupancy).	<p>Dual occupancy (attached) is permitted with consent in the R1 General Residential zone under the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP). The objectives of the R1 zone include the provisions of a variety of housing types and densities. The proposed development would improve the variety of housing types in the locality and is considered to be consistent with the desired character of the area.</p> <p>The locality includes a number of two storey dwellings and the height of the proposed development is not considered out of character with existing development in the locality. The development satisfies the maximum height of buildings in the LEP.</p>
Proposed skillion roof would create undesirable glare for 18 St Lucia Place.	<p>The pitch and orientation of the proposed roof would create potential for glare to affect the amenity of residents at 18 St Lucia Place at certain times of the day/year. Glare from roofs, windows, and other reflective surfaces is an inherent part of living in an urban environment and cannot be eliminated through planning controls.</p> <p>It should also be noted that under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, a Complying Development Certificate could be issued for a new dwelling with similar roof form without any consideration of the impacts of glare.</p> <p>The Applicant has advised that the roof colour is proposed to be Colorbond Paperbark. This product has a solar absorbance index of 0.42 and is classified as a medium colour under the Building Code of Australia. A medium colour is considered acceptable to limit the extent of reflection, while allowing the proposed development to achieve appropriate</p>

	<p>energy efficiency.</p> <p>A condition has been recommended requiring the roof material to achieve either a Medium or Dark classification under the Building Code of Australia.</p>
Reduced setback to southern boundary would create noise and privacy issues, and construction hazards.	<p>The reduced setback to the southern side boundary is limited to the garage of Unit 1, which is proposed to be setback 0.75m from boundary (a variation of 0.15m). The garage is a non-habitable room and does not contain any windows on the southern side. Therefore, no loss of privacy is expected from the reduced side setback.</p> <p>A retaining wall approximately 0.9m high is proposed along the southern boundary adjacent to the garage. The combination of the retaining wall and existing boundary fence would provide some reduction in the transmission of vehicle noise between the properties. There is also a reasonable separation between the garage and habitable rooms in the adjoining dwelling at 18 St Lucia Place. The 0.15m reduction in side setback is not expected to result in a significant impact on the amenity of adjoining residents.</p> <p>A side setback of 0.75m would not preclude safe construction activities within the site.</p>
Proposed bin storage area for Unit 1 is adjacent to clothes drying area of adjoining property. Concern regarding odours from bins affecting drying laundry.	The Applicant has amended the plans in response to this issue. The bin storage area is now shown approximately 5m away from the common boundary. The issue is considered to have been satisfactorily addressed.
Insufficient street frontage available for placement of waste bins for collection. Bins likely to be placed in front of adjoining properties and would result in undesirable odours and pollution.	See comments earlier in this report under 'Waste'. A condition has been recommended requiring a private waste collection service.
Additional traffic on shared driveway would impact on amenity of adjoining properties.	The proposal would result in an additional 7 vehicles per day on average using the shared driveway. This is not considered likely to result in a significant reduction in the amenity of adjoining residents.
No visitor parking is proposed. Due to the	The subject site does not have a

limited site frontage, visitors are likely to park on the street in front of adjoining properties.	<p>frontage for street parking as would be expected for a 'normal' residential lot, and it would be desirable to provide visitor car parking within the site.</p> <p>However, in accordance with Section 79C(3A)(a) of the Environmental Planning and Assessment Act 1979, where a development complies with the standards specified in a DCP for an aspect of the development, Council cannot require a more onerous standard.</p> <p>The DCP does not require visitor car parking for dual occupancies and the development provides off-street parking in excess of the requirements specified in Table 2.5.1 of the DCP (one space per dwelling).</p> <p>Therefore, it is not considered possible to require additional off-street parking in this instance.</p>
The development would be a wind block to 18 St Lucia Place.	The proposed development and the existing dwelling at 18 St Lucia Place would be separated by a minimum of 6m and ground floor level and 8m at first floor level. This is considered to provide satisfactory access to natural ventilation in an urban context.
The development provides no space for landscaping between properties.	Landscaping between properties is not a requirement of the DCP. Side setbacks to 0.9m are common in residential areas.
The exposed fire wall projecting above the roof is an unnecessary addition to the height of the building.	The Applicant has advised that the wall is a structural component of the building and would not appropriately support the roof of the building if it were reduced in height. It is noted that the wall complies with the 8.5m height limit for the site.
The block is too small for two town houses.	There is no minimum lot size for dual occupancy development. The submitted design demonstrates that the proposal can satisfy relevant planning controls for the area.
The building is too close to the eastern boundary.	Proposed Unit 2 has a ground floor setback of 1m and a first floor setback of 4.16m to the eastern property boundary. These setbacks exceed the minimum requirements in the DCP.
Units in the street would devalue nearby property.	There is no evidence to suggest that a mix of dwelling types has adverse

	impacts on property values.
Loss of privacy.	See comments earlier under clause 3.2.2.10 of DCP. The proposal includes appropriate privacy screening in the building design.
Increased traffic in the street would reduce safety for children.	The proposal would result in an additional 7 vehicle trips per day, which is within the capacity of the road and not considered likely to reduce traffic safety in the street.
The Floor Space Ratio (FSR) calculated is misleading as the site area includes the battleaxe driveway.	<p>The battleaxe handle accounts to 78m² of the site's 744.7m² area.</p> <p>This area is not excluded from the site area for the purpose of calculating FSR in accordance with clause 4.5 of the LEP.</p> <p>Even if the battleaxe handle were excluded from the site area, the development would still achieve a compliant FSR of 0.50:1.</p>
The proposed turning path is not sufficient and would impact on 14 St Lucia Place.	The dimensions of the manoeuvring area are sufficient to achieve compliance with AS 2890.

(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.
- Development contributions will be required under Section 94 of the Environmental Planning and Assessment Act 1979 towards roads, open space, community cultural services, emergency services and administration buildings.

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

5. CONCLUSION

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

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

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

Attachments

- 1 [View](#). DA2014 - 0749 Plans
- 2 [View](#). DA2014 - 0749 Recommended Conditions
- 3 [View](#). DA2014 - 0749 Development Contributions Calculation Sheet
- 4 [View](#). DA2014 - 0749 Submission - Arnold
- 5 [View](#). DA2014 - 0749 Submission - Berrigan
- 6 [View](#). DA2014 - 0749 Submission - Crawford
- 7 [View](#). DA2014 - 0749 Submission - Egan
- 8 [View](#). DA2014 - 0749 Submission - Faddy
- 9 [View](#). DA2014 - 0749 Submission - Hudson
- 10 [View](#). DA2014 - 0749 Submission - Khassian
- 11 [View](#). DA2014 - 0749 Submission - Mearns
- 12 [View](#). DA2014 - 0749 Submission - Meyers C 13102014
- 13 [View](#). DA2014 - 0749 Submission - Meyers C 11112014
- 14 [View](#). DA2014 - 0749 Submission - Meyers K 02102014
- 15 [View](#). DA2014 - 0749 Submission - Meyers Petition and Others
- 16 [View](#). DA2014 - 0749 Submission - Mooney K 15102014
- 17 [View](#). DA2014 - 0749 Submission - Richards 09102014
- 18 [View](#). DA2014 - 0749 Submission - Richards 09112014
- 19 [View](#). DA2014 - 0749 Submission - Richards 10112014
- 20 [View](#). DA2014 - 0749 Submission - Ruming

AT: NO. 16 ST LUCIA PLACE,

BONNY HILLS

FOR: C. & L. CLARK

REF: 14-1089

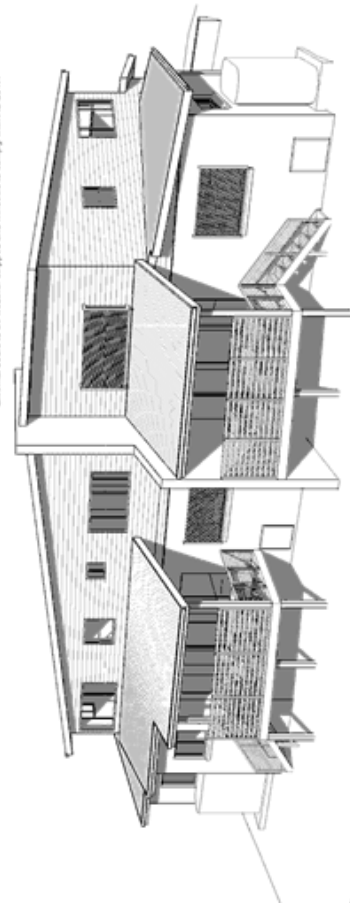
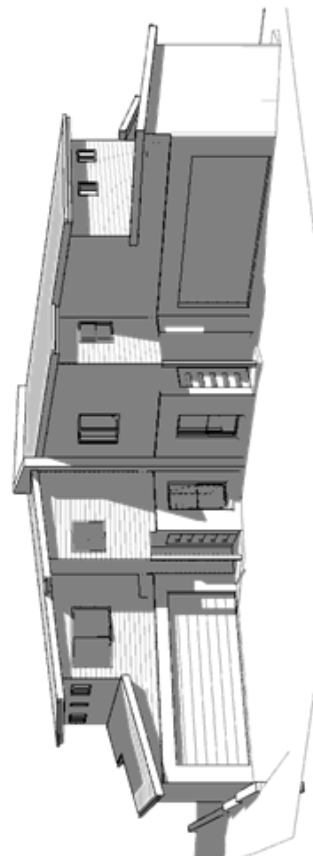
DATE: NOVEMBER 2014

ROBERT SMALLWOOD
BUILDING PLANS

'BETTER BY DESIGN'

MEMBER OF BUILDING DESIGNERS AUSTRALIA - NSW
EMAIL: design@robertsmallwood.com.au
PH: (02) 8559 5222 FAX: (02) 8559 6438
453 OCEAN DRIVE, LAURISTON NSW 2443

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- All exhaust fans to be fitted with dampers as per NCC.
- External doors to be weather stripped and windows to comply with AS 2047.

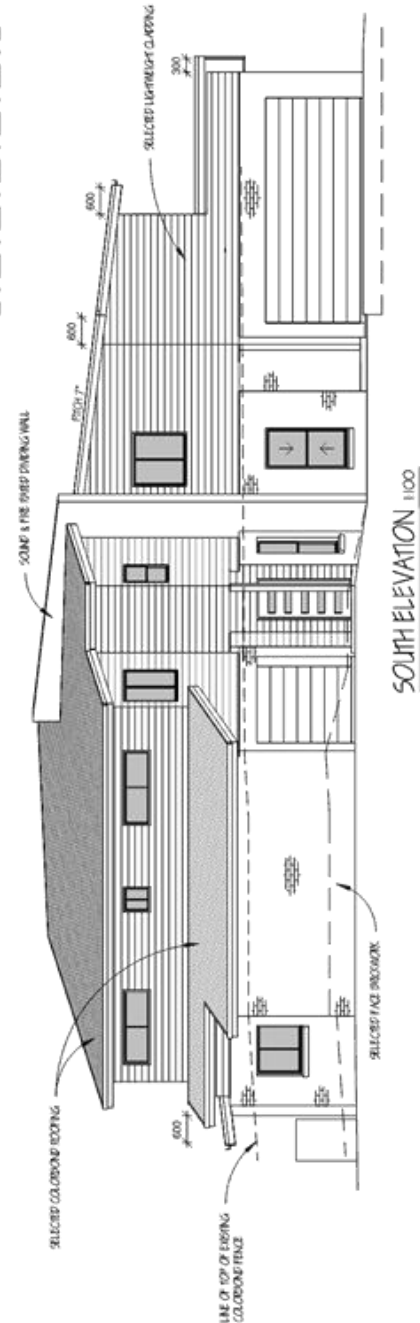
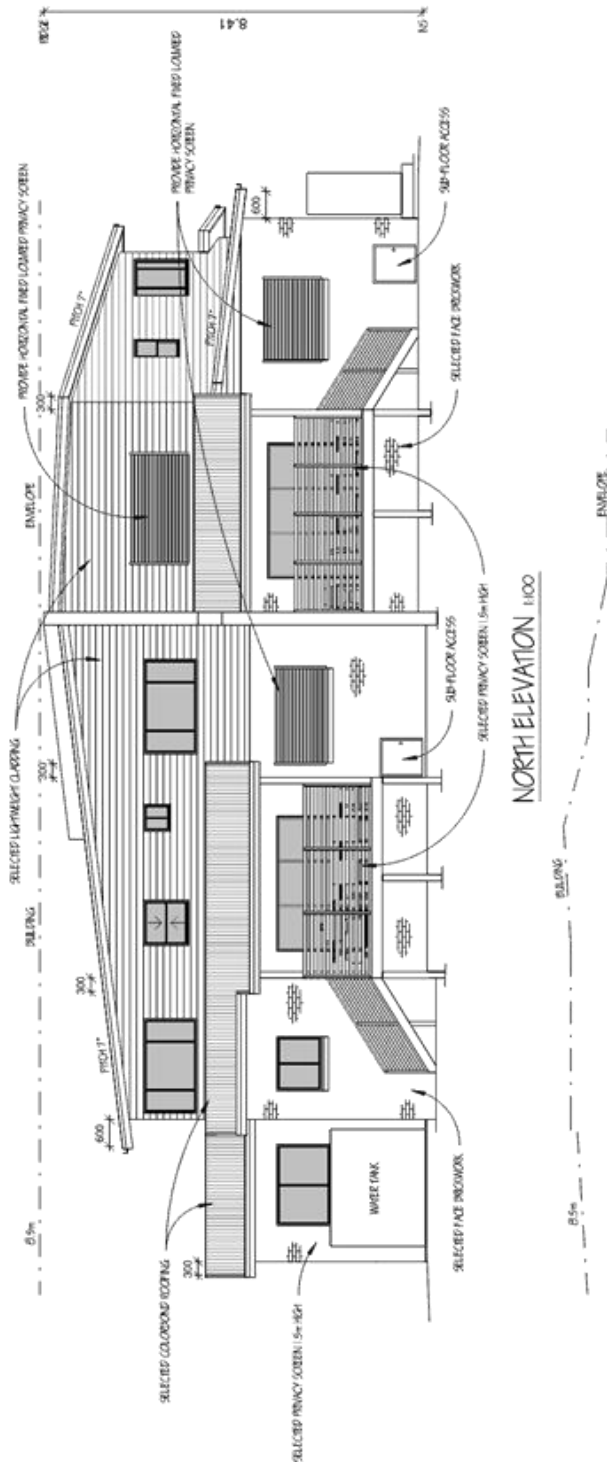


REC'D ADDRESS: 602/14	CONCEPT DESIGNS Australia	SEPTEMBER 2014	QUAN REFERENCE: 1000
conceptdesigns.com.au			PH: 0418817571
<p>Important Note for Development Applicants:</p> <p>The following specifications are used to achieve the termed performance values indicated on the Australian Certificate. If they vary from drawings or other performance specifications shall take precedence. If early on specification option is detailed for a building element that specification must apply as an instance of that element for the whole project. If alternate specifications are detailed for the location and extent of the alternate specification must be detailed below and / or clearly identified on drawings.</p> <p>Once the Development is approved by the council authority, these specifications will become a condition of consent and must be included in the built works. If you do not want to include these requirements, the proposed construction refers to them detailed at more further information, please contact Concept Designs Australia.</p> <p>This assessment has assumed that the BCA provisions for building sealing will be complied with at construction. No loss of insulation from ceiling penetrations has been simulated.</p>			
<p>Thermal Performance Specifications</p>			
External Wall Construction	Permissible Insulation	Colour (Solar Absorption)	Detail
Brick Veneer	Vapour permeable insulation	None specified	None specified
Stucco cladding	Vapour permeable insulation for 12.5 U value	None specified	None specified
Internal Wall Construction	Permissible Insulation	Colour	Detail
Partitions on walls	None	None	None
Partitions on floors	R1.5	None	First floor walls to roof space
Cladding on walls	Insulation	White reflective units	Detail
Ceiling Construction	Permissible Insulation	Colour	Detail
Prefabricated	R2.5	All ceilings adjacent to roof space	Insulation to roof space
Roof Construction	Permissible Insulation	Colour (Solar Absorption)	Detail
Cathedral	Minimum 40mm blanket	None specified	None specified
Floor Construction	Insulation	Concrete	Concrete
Concrete	None	Tile, Stone, Carpet	Tile, Stone, Carpet
Timber	None	Carpet, Tile	Carpet, Tile
Windows	Glass and frame type	U Value	SHGC
Glazing	Glazing type	None	As drawn
Glazing	Glazing type	As drawn	As drawn
Flood shading - Eaves	Shading	Shading	Shading
Shading	Shading	Shading	Shading
Flood shading - Other	Shading	Shading	Shading
Shading	Shading	Shading	Shading

- Approved non ventilated cover or shield to be fitted to any non vented downlights if selected, which allows for insulation to be closely installed to sides and top of lights. No ceiling penetration allowance needs to be made. No allowance has been made for vented downlights and these should not be installed

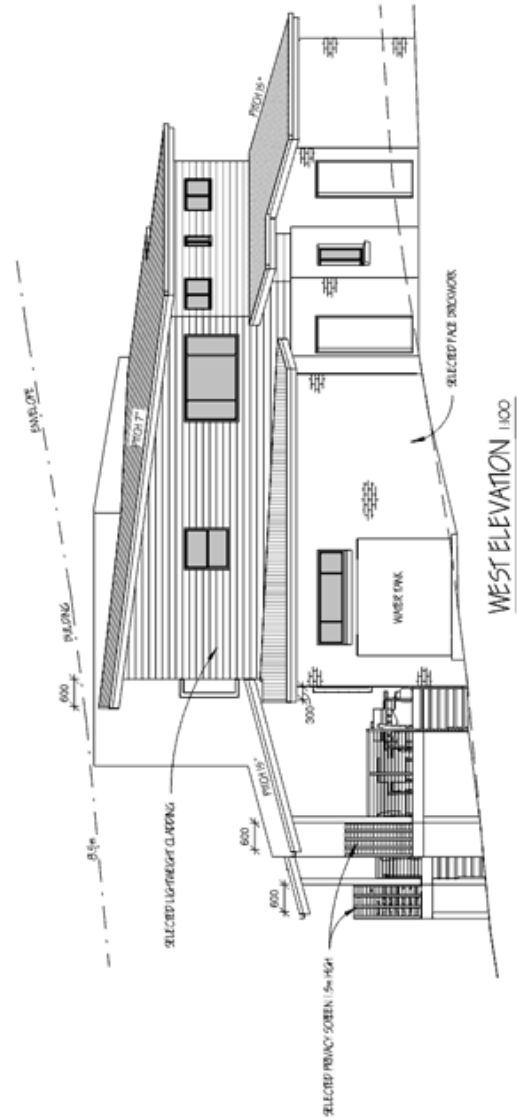
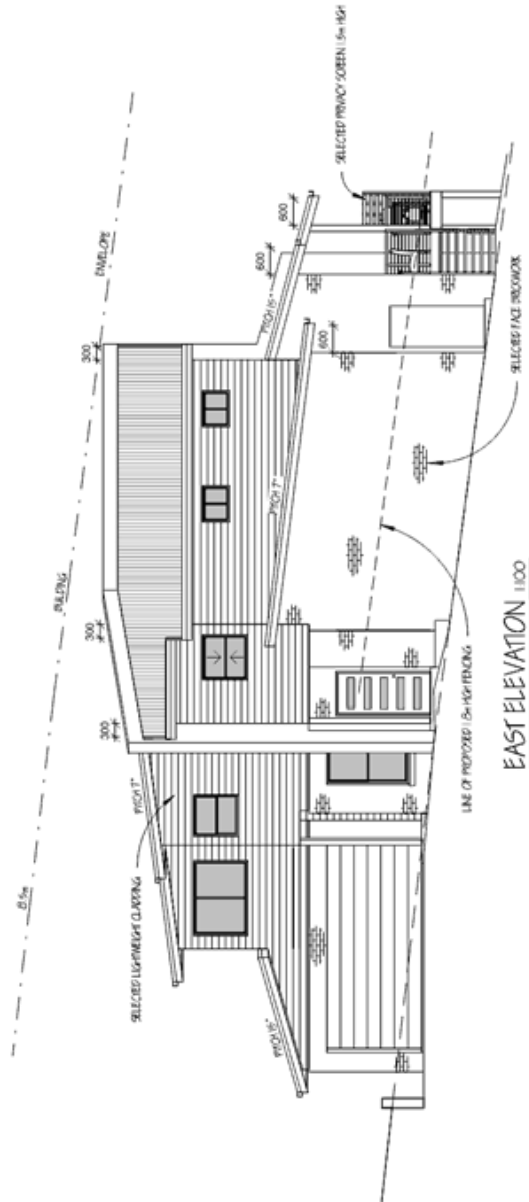


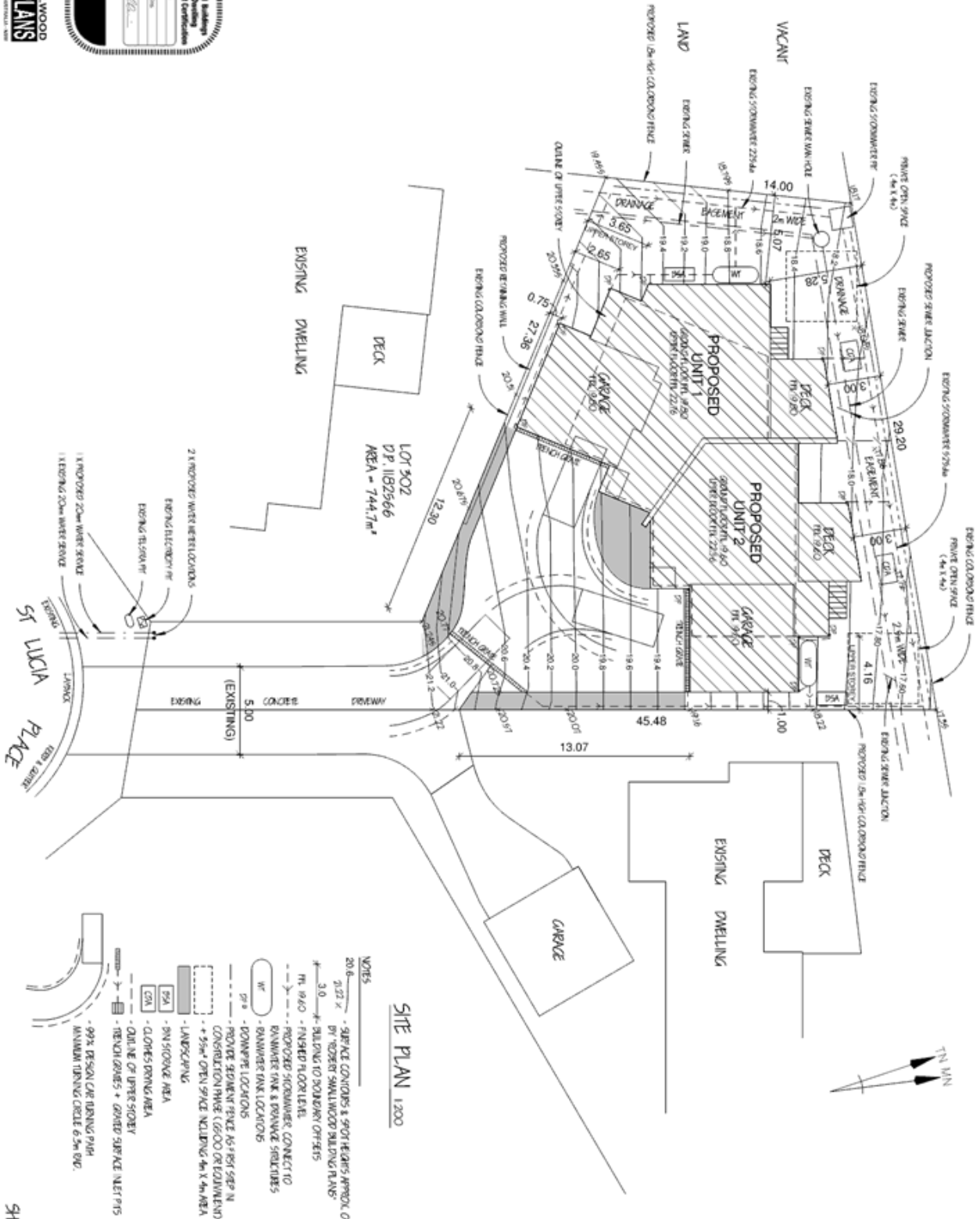
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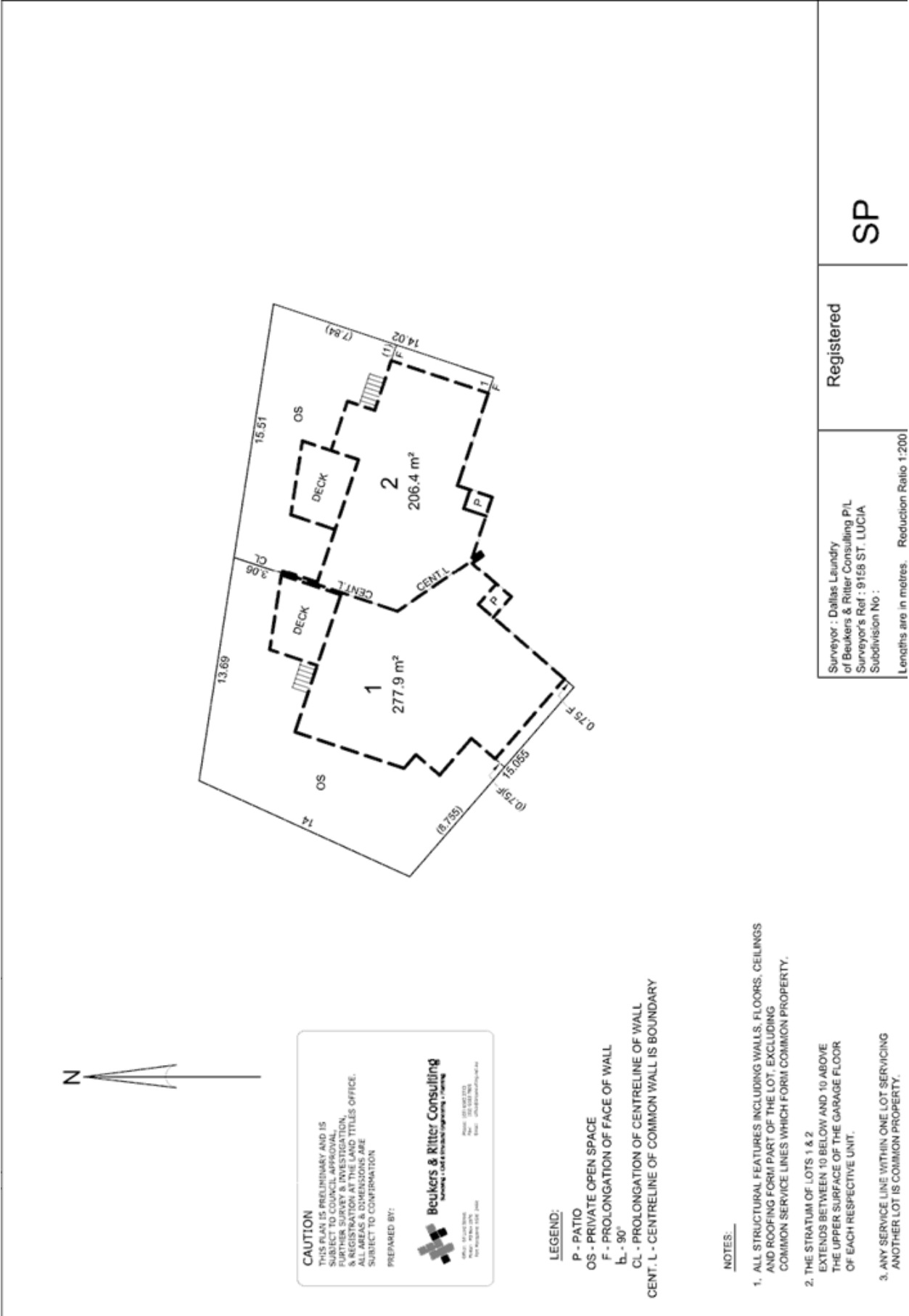
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SHEET 2 OF 5





14-1089
SHEET 5 OF 5





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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2014/749

DATE: 2/12/2014

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	14-1089	Robert Smallwood Building Plans	November 2014
Draft Strata Plan	9158 ST. LUCIA	Beukers & Ritter Consulting Pty Ltd	Undated
BASIX Certificate	569635M	Robert Smallwood Building Plans	23 September 2014

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) (A005) This consent allows the strata-subdivision of the units, subject to the submission of an application for a Strata Certificate.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - 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 holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A012) This consent does not provide for staging of the development. Any staging will require a separate consent or an amendment to this consent.
- (8) (A040) Provision shall be made for a separate sewer line for each dwelling/unit to Council's sewer main.

If the dwellings are to be located on separately titled blocks, then Council's main sewer line (which is a minimum of 150mm diameter) will need to be extended to a point within each block.
- (9) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.

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. Sewerage reticulation.
 2. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 3. Stormwater systems.
 4. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).

- b. Water supply
 - c. Sewerage
 - d. Stormwater
- (3) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:
- Hastings S94 Administration Building Contributions Plan
 - Hastings Administration Levy Contributions Plan
 - Community Cultural and Emergency Services Contributions Plan 2005
 - Hastings S94 Major Roads Contributions Plan
 - Hastings S94 Open Space Contributions Plan
- The plans may be viewed during office hours at the Council Chambers located on the corner of Burrawan and Lord Streets, Port Macquarie, 9 Laurie Street, Laurieton, and High Street, Wauchope.
- The attached "Notice of Payment" is valid for the period specified on the Notice only. The contribution amounts shown on the Notice are subject to adjustment in accordance with CPI increases adjusted quarterly and the provisions of the relevant plans. Payments can only be made using a current "Notice of Payment" form. Where a new Notice of Payment form is required, an application in writing together with the current Notice of Payment application fee is to be submitted to Council.
- (4) (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 unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (5) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (6) (B038) Footings and/or concrete slabs of buildings adjacent to sewer lines or stormwater easements are to be designed so that no loads are imposed on the infrastructure. Detailed drawings and specifications prepared by a practising chartered professional civil and/or structural engineer are to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (7) (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.
- (8) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.

- (9) (B195) Records indicate that the development site has an existing 20mm sealed water service from the existing 100mm PVC water main on the opposite side of St Lucia Place. This sealed water service is to be used for one of the proposed units with a new water meter required. A new 20mm metered water service will be required for the other unit from the 100mm PVC water main on the opposite side of St Lucia Place. A long under bore is required and details are to be shown on the engineering plans.
- (10) (B196) The existing junction may be used for Unit 2 and a new junction is required for Unit 1.
- (11) (B197) The roof material for the building shall achieve a Medium or Dark classification under the Building Code of Australia, to reduce the potential impacts of glare on adjoining property. Details are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C013) Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

D – DURING WORK

- (1) (D001) Development works on public property or works to be accepted by Council as an infrastructure asset are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 24 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6581 8111. You must quote your Construction Certificate number and property description to ensure your inspection is confirmed:
 - a. at completion of installation of erosion control measures
 - b. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;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) (D002) Fill material shall not raise the existing surface level within the dedicated easements.
- (3) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (4) (D010) Reduced levels prepared by a registered Surveyor must be submitted to the Principal Certifying Authority at the completion of the roof framework and include certification that building heights comply with the plans approved with the development consent.

- (5) (D022) The proponent is responsible for ensuring that the existing stormwater pipe traversing/adjoining the land is not damaged while performing any works. If the existing stormwater pipe is damaged during the course of performing the works, the proponent will:
 - a. notify Council immediately when the breakage occurs, and
 - b. repair the damage at no cost to 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) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (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) (E056) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor.
- (5) (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.
- (6) (E068) Prior to the issue of a Subdivision Certificate, written advice is to be submitted from the electricity authority confirming that its requirements for the provision of electricity services (including street lighting where required) have been satisfied and/or from the telecommunications authority confirming that its requirements for the provision of telecommunication services (including fibre optic cabling where required) have been satisfied.
- (7) (A195) A private garbage service is required to be in place for the collection of all domestic waste by private contractors.

F – OCCUPATION OF THE SITE

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

CONDITIONS APPLYING TO JETTIES AND BOAT RAMPS

nil

Development Contributions Calculation Sheet - Final Consent Issue							
Development Details			Contributions Plans Applicable				
DA No.	2014	0749	General S94 Plans	Applies	ET Chargeable	RatePer ET	Contribution Amount
Address:	16 St Lucia Place, Bonny Hills		Major Roads	Yes	0.57	\$5,407.00	\$3,081.90
Dev Description:	occupancy (2 x 2 bed) and strata subdiv		Open Space	Yes	0.57	\$5,921.00	\$3,374.90
Lot Number(s):	302		Community Cultural & Emergency Services	Yes	0.57	\$4,842.00	\$2,759.90
DP Number(s):	1182566		Admin Building	Yes	0.57	\$838.00	\$477.60
Stage No:	Total		Bushfire - Specific	Yes	0.57	\$465.00	\$265.00
Applicant:	L G & C Clark		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"/> Sancroft/Thrumster <input type="checkbox"/> Wauchope		Admin Levy	Yes	2.2% of S94	\$9,959.30	\$219.10
(Planner must Select Contribution Area Click Once with Mouse)			Specific Contribution Plans and DSPs (Planner Must Select if Plans are Applicable)				
			S94A Levy Development Cost	\$460,000	No		
				<input type="checkbox"/> Applies			
				<input type="checkbox"/> Applies			
				<input type="checkbox"/> Applies			
				<input type="checkbox"/> Applies			
DA Lodged Date:	23/09/2014			<input type="checkbox"/> Applies			
Prepared By:	Chris Gardiner			<input type="checkbox"/> Applies			
DA Consent Date:	10-Dec-2014			<input type="checkbox"/> Applies			
Issue No.	1		Water 1.6% levy	<input checked="" type="checkbox"/> Applies	0.4	\$0,373.00	\$3,749.20
Calc Sheet Date:	26-Nov-2014		Sewer	<input checked="" type="checkbox"/> Applies	0.75	\$3,556.00	\$2,667.00
FINAL CONSENT CALCULATION	<input checked="" type="checkbox"/> Tick for FINAL Consent Calculation		Car Parking CP		Contribution Total: \$16,594.60		
			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
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	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) - 1 ms, low houses, villas, etc. & 600m ² Int Housing & Permanent Self Contained Caravan Park Sites		0	0	0	0		
2 Bedroom Units (Low Density) - 2 ms, low houses, villas, etc. & 600m ² Int Housing & Permanent Self Contained Caravan Park Sites		1	0.67	0.6	0.75		
3 Bedroom Units (Low Density) - 3 ms, low houses, villas, etc. & 600m ² Int Housing & Permanent Self Contained Caravan Park Sites		1	0.9	0.8	1		
4 Bedroom Units (Low Density) - 4 ms, low houses, villas, etc. & 600m ² 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 bedrooms with ensuite & kitchen (SEPP - Seniors Living)		0	0	0	0		
Aged Unit - Self Contained 3 bedrooms with ensuite & kitchen (SEPP - Seniors Living)		0	0	0	0		
Boarding House per 1 Occ. privacy Bedroom Not Self Contained (shared facilities for cooking, laundry & bathroom)		0	0	0	0		
Boarding House per 1 Occ. privacy 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/bathroom/kitchen with an associated cooking and laundry)		0	0	0	0		
New Residential Unit Total:		2	1.57	1.4	1.75		

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 & lot housing)			1	1	1	1		
Number of existing residential lots greater than 2000m ² (excluding Dual Occ & lot housing)			0	0	0	0		
1 Bedroom Units (Low Density - lots, low density, villas, townhomes, 1st housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0		
2 Bedroom Units (Low Density - lots, low density, villas, townhomes, 1st housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0		
3 Bedroom Units (Low Density - lots, low density, villas, townhomes, 1st housing & Permanent Self Contained Caravan Park Sites)			0	0	0	0		
4 Bedroom Units (Low Density - lots, low density, villas, townhomes, 1st 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 (Clean ensuite but shared facilities for cooking & laundry)			0	0	0	0		
Motel Unit - Self Contained (Clean 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/Hotel (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 - 10.00 m ² per 1 Occ, privacy bedroom Not Self Contained (shared facilities for cooking, laundry & bathroom)			0	0	0	0		
Boarding - 10.00 m ² per 1 Occ, privacy bedroom Partially Self Contained (own ens. kit - 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 ens. kit per bed room/bunkrooms with shared cooking and laundry)			0	0	0	0		
Existing Residential Unit Total:			1	1	1	1		

GLD/Env/DEV AND BUILDING CONTROL/SDAs/2014-DA2014-0749/Development Contributions Calculation Sheet, DA 2014-0749, Stage No. Total, Issue No.1

G:\Dev\Env\DEV AND BUILDING CONTROL\SDAs\2014\DA2014-0749\Development Contributions Calculation Sheet, DA 2014-0749, Stage No. Total, Issue No.1

[REDACTED]

From: luke arnold [REDACTED]
Sent: Wednesday, 15 October 2014 5:26 PM
To: Council
Subject: Notification of Development Proposal - 2014/749

Subject: Application number 2014/749

Property Address: 16 St Lucia place Bonny Hills NSW

Attn: General Manager
Development Submission
Port Macquarie - Hastings Council

I am writing with regard to notification of the above development proposal (2014/749). I wish to express my objection to the above proposal. I base my views on this matter on the following:

- St Lucia Place Bonny Hills is a family orientated street with many young families with small children & also numerous elderly and retired couples residing there. The street itself is a culdesac. Due to this, there is minimal traffic through the street aside from residents. This provides a safe environment for children to recreate and socialise.
- Much pride is taken in the appearance of each residence within the street. The majority of properties in the street are owner occupied. I feel that a dual occupancy style residence on a block of that size would lead to unwanted parking issues (vehicles on the street etc).
- I have personal knowledge of the occupants of the premises surrounding the vacant block in question. I am aware that a structure of this type would impact aesthetically on their everyday life (views etc). Particularly disheartening given the property prices in Bonny Hills, particularly the area in question.
- Developments of this type are generally investments by property developers who seek to rent the premises whilst reaping the benefits of capital gain. A dual occupancy structure is an example of how to take further advantage of that investment. Whilst I accept that this is not an uncommon endeavour, I would submit that it is uncommon in this particular area, in fact I am not aware of any other premises of this type in the surrounding neighbourhood. I feel that a premises of this type would detract from the neighbourhood as a whole.

Please consider my above views when processing Development Proposal 2014/749. If you would like to discuss these matters with me personally I am contactable on [REDACTED] at all times.

Regards.

Luke Arnold (Resident)
17 St Lucia Place Bonny Hills

TTN:- CHRISTOPHER GARDNER

RE:- APPLICATION NUMBER: 2014/749

PROPOSAL: DUAL OCCUPANCY & STRATA SUBDIVISION

PROPERTY ADDRESS: 16 ST LUCIA PLACE

BONNY HILLS 2445

CATHARENA BERRICAN
10 RAINBOW BEACH DRIVE
BONNY HILLS 2445

62857

10/12/2014
DA2014.749

I AM STRONGLY AGAINST THIS PROPOSAL
AS THE HEIGHT OF THIS BUILDING TOWERS
OVER ALL THE HOUSES IN RAINBOW BEACH
INCLUDING MINE.

I FEEL THIS WILL BE TAKING AWAY THE
PRIVACY OF MY PROPERTY.

I FEEL IF THIS PROPOSAL GOES AHEAD IT
WILL EFFECT THE VALUE OF MY PROPERTY
IF I EVER WANT TO SELL.

I FEEL THE OPPOSED SITE FOR THIS PROPOSAL
IS NOT SUITED FOR THIS TYPE OF DWELLING
AS IT WILL BLOCK THE VIEW OF THE
HOUSES ON THE TOP SIDE OF THIS SITE

REGARDS

[REDACTED]

[REDACTED]

From: Alan [REDACTED]
Sent: Tuesday, 7 October 2014 8:35 PM
To: Council
Subject: Development Proposal Application no 2014/749

To Christopher Gardiner (Council Assessing Officer)

Re 16 St Lucia Place Bonny Hills 2445

We wish to oppose the proposed development of the above address.

We feel that :

- The block is far too small for two town houses
- The building is too close to the southern and eastern boundaries
- The height of the development would impact our view to the north west
- If the garages are used as storage areas, the cars would be parked on St Lucia Place impacting on both adjacent neighbours
- Four garbage bins (two from each unit) would take up at least 5 1/2 metres using council recommended spacings and would need to be placed in front of no 12 or no 18 St Lucia Place.
- Any guests would need to park on the street to allow access to no 14 and the other unit at no 16.

We hope you will consider these concerns

Yours sincerely

Alan and Rosemary Crawford- 12 St Lucia Place Bonny Hills

Christopher Gardiner
Council Assessing Officer
Port Macquarie Council

We are writing to object to the development proposal of 16 St Lucia Place, Bonny Hills, NSW, 2445 application number 2014/749.

We believe that the proposal impacts our house and neighbourhood in the following ways:

- We have a neighbourhood with many families and young children and a dual occupancy residence is going to create much more traffic on the street. Therefore this will impact on the safety and feel of the neighbourhood.
- A dual occupancy residence will most probably be rental properties which will impact the current demographic in this street. A 2 bedroom rental will not attract families and will more than likely attract single, younger people who have a tendency to have more social gatherings and will make more noise. Also the character of the neighbourhood will be compromised as it currently predominately made up of families.
- We are concerned that the street will not be able to cope with the extra traffic of a dual occupancy property as the site will not have room for visitor parking thus making visitor's park on the lawns of other residences or blocking the street.
- We are concerned about the high density of the block as it results in a loss of gardens and takes away from the aspect of the neighbourhood.
- The proposed development will stand out as there are no other surrounding residences that are as high as the proposed development. Therefore it is out of character in terms of its appearance compared with existing development in the vicinity.

Regards Samantha & Anthony Egan
10 St Lucia Place, Bonny Hills, NSW, 2445

—

[REDACTED]

From: Jackie Faddy [REDACTED]
Sent: Tuesday, 7 October 2014 8:54 PM
To: Council
Subject: 16 St Lucia Place, Bonny Hills

Application number 749/2014

Attention: Christopher Gardiner

I would like to object to a proposed building development in my street. The following issues concern me:

The cul-de-sac position does not allow for 2 units visitors cars as there is no designated visitor parking on the site

There is no room for garbage collection unless they are on neighbours yards

I feel units in the street would de-value my property

my view would be obstructed with the 2 storey development

could you please consider my request and please provide me with a read receipt.

kind regards

Jackie Faddy
27 St Lucia Place, Bonny Hills
[REDACTED]

[REDACTED]

From: Lincoln [REDACTED]
Sent: Wednesday, 8 October 2014 4:16 PM
To: Chris Gardiner
Subject: Property address 16 St Lucia Place Bonny Hills NSW 2445

Hi Chris Gardiner (Council Assessing Officer).

I am writing in regards to the proposed development at Property address of 16 St Lucia Place Bonny Hills NSW 2445. Application number 2014/749.

My name is Lincoln Hudson and I live at 11 St Lucia Place Bonny Hills.

As a resident of St Lucia Place Bonny Hills I am strongly against the development of a double storey town house at number 16. Our street is a quiet friendly street which has a family friendly atmosphere with children riding bikes in the street almost of a daily basis. It is a safe and tidy street with almost no vehicles ever parked on the roadway. The street has nice new houses which fit in well with the surrounding residences.

I believe that a double storey town house will look out of place in our street and change the whole character of St Lucia Place Bonny Hills. Tall town houses will look out of place and what I believe quite ugly.

There is also the concern of further traffic in the street and lack of parking if the town houses were to be built. This will increase the danger to the children and again look 'ugly' if vehicles are required to park on the street.

All the neighbours are very close in our street and all neighbours are very angry to hear that this proposal may go ahead. I too am quite proud of where I live and took all things into consideration before I bought including the fact there were no town houses. It appears to me that the owners of the land are using greed before common sense.

I hope you understand where I am coming from and respect my point of view. I am willing to fight to keep this street a family friendly street with normal housing and no town houses.

Regards
Lincoln Hudson

Sent from my iPhone

██████████

From: Mahin ██████████
Sent: Sunday, 9 November 2014 4:09 PM
To: Council
Subject: LOT:302 DP: 1182566, 16 ST LUCIA PLACE, BONNY HILLS NSW 2445 Application No. 2014/749

Categories: Green Category

Dear Mr Christopher Gardiner (Council Assessing Officer)

With all due respect i do apologise for taking your time. We live in the 14 Rainbow Beach Dr. Bonny Hills NSW 2445 , behind of the Lot 302, address 16 St Lucia Place Bonny Hills NSW 2445, and we could see the height of that future building . My husband and i would like to invite you to please come to our place and see it yourself. In our ages we love to have some privacy, my husband of age 85 with the cancer, which will make him very uncomfortable to see peoples can see through our kitchen our living room our bedrooms. We just want to know if you would want to live like that when you are retired and need your privacy and comfort of your home. We leave this matter to your own discretion.

Thank you,

Mr and Mrs Khassian

TELEPHONE: [REDACTED]

Mobile [REDACTED]

Mobile [REDACTED]

13 St Lucia Place
BONNY HILLS NSW 2445
P & R MEARNs

9 October 2014

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

Dear Sir

Re: Dual Occupancy & Strata Subdivision - Application Number: 2014/749
Property – Lot 302 DP: 1182566, 16 St Lucia Place, Bonny Hills, NSW 2445

Attention: Christopher Gardiner, Council Assessing Officer

We were absolutely appalled when we saw the plans for the proposed development of Lot 302 (16 St Lucia Place, Bonny Hills). This proposed development is horrific in the way it will impact on our neighbourhood for the following reasons:

- a) The proposed buildings would be squeezed in onto the block with a ridiculously small area of land between the structures and the boundary fences. Where are builders going to place their ladders?
- b) Walls would be extremely close to neighbours and reduce their right to privacy;
- c) There is no provision for visitor parking which means additional car parking on the street, reducing parking for the existing properties;
- d) In order for garbage bins to be emptied by Council pick-up, they would need to be placed on the street in front of current residences which would cause inconvenience. To place them on the driveway entrance would cause blockage.
- e) The height of the buildings is completely at odds with existing residences in the street, thereby destroying the ambience of the area and blocking views of some of the residences;
- f) St Lucia Place is an extremely happy street. All the neighbours get on well in every aspect. We are blessed to have many children in the street who play well together and currently are able to enjoy riding their bikes, scooters, etc. without the danger of more traffic on the road.

We protest in the strongest possible way to this unsightly building proposal.

Yours sincerely,

Peter Mearns



Robin Mearns



From: Chris Meyers [REDACTED]
Sent: Monday, 13 October 2014 7:54 AM
To: Chris Gardiner; Council
Subject: Objection to Proposed Subdivision (Strata):16 St Lucia Place, Bonny Hills NSW 749/2014
Attachments: Objection letter.pdf

Dear Mr Gardiner

Please find attached signed copy of my formal objection to the Proposed Subdivision (Strata):16 St Lucia Place, Bonny Hills NSW Application Number: 749/2014.

If you could kindly confirm that you received the attachment and were able to open it I would greatly appreciate it.

I would welcome any questions you may have about the information contained in the attachment and can be contacted via telephone or email anytime. I will be away from 15/10/14 - 22/10/14 but after this date I would also be available for a meeting or any site inspection etc. and would be more than happy to do whatever is required.

Thank you for taking the time to read the attachment, I look forward to hearing from you.

Regards,
Chris Meyers

General Manager

Tel: [REDACTED]
Mob: [REDACTED]
Email: [REDACTED]



The information transmitted is for the use of the intended recipient only and may contain confidential and or legally privileged material. Any review, re-transmission, disclosure, dissemination other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited and may result in severe penalties. If you have received this e-mail in error please notify Eastland Truss and Timber Pty Ltd by phone on [REDACTED] and delete all copies of this email.

Christopher Meyers
18 St Lucia Place
Bonny Hills NSW 2445
Phone: [REDACTED]

12th October 2014

Christopher Gardiner
Hastings Council
Port Macquarie NSW 2444

Dear Mr Gardiner

Re: Objection to Proposed Subdivision (Strata):16 St Lucia Place, Bonny Hills NSW
Application Number: 749/2014

I would like to formally object to the Proposed Subdivision (Strata):16 St Lucia Place, Bonny Hills NSW Application Number: 749/2014.

The statement of environmental effects for proposed dual occupancy & strata subdivisions submitted by Robert Smallwood contains inaccurate information and false assumptions including the following:

The 'EXISTING SITUATION' given by Robert Smallwood is inaccurate: To the west there is not a "vacant block" but instead the back yard of 1096 Ocean Drive. The home to the south is not a "two story dwelling", it is in fact a 1 story dwelling with subfloor on the lowest slope of our block. The "older" single story dwelling to the north is not much older than the properties to the south.

The Floor Space Ratio provided in the proposal is + **garages + stairs + decks** when the full building is counted it far exceeds the ratio stated in the proposal. Also the calculation of the total lot area they have given has included the shared battle-axe driveway, if you removed this shared access for the space it even further changes the ratio and shows the true excessive bulk of this proposal.

The information provided under 'Garbage' section is inaccurate: Robert Smallwood claims that with 4 bins it would take up a "max 2.8m of kerb space". This is completely FALSE, aside from the size of the 4 bins exceeding this claimed size JR Richards also require 1m between each bin in order for the truck to collect it. For the units' minimum 4 bins to be set at a safe distance from their side of the drive way and using the required 1 metre spacing between each then the actual kerb space required would be significantly higher than stated in the proposal. This proposal is also working on the assumption that neither of the residents in the dwellings will use the councils premium service, if this service was selected there potentially could be 6 bins some fortnights and they would each need the required 1m space between them. This proposed development is on a battle-ax block without sufficient

Objection to Proposed Subdivision (Strata):16 St Lucia Place, Bonny Hills NSW
Application Number: 749/2014

street frontage for the additional bins a subdivision would require so they would be put in front of the neighbouring property (our property). This would result in a smell in our home on bin days, restrict our side access to our yard, further limit street parking etc. The claim in the proposal that it would have "absolutely NO impact on adjoining properties" is completely FALSE.

Under the section of 'Trees' the proposal states "No trees on this site" this is completely FALSE as there is in fact a very large pine tree on the western part of the property.

Under the section 3.2.2.3 – Garbage + Driveway impact. The proposal claims "There is no impact on the 'streetscape'" this is FALSE because the proposed development is so large and so high it creates an unsightly view from many parts of the street and definitely does impact on the streetscape. It also claims that "This high point part of the building is located centrally on the lot along the unit dividing wall, therefore will have minimal impact to adjoining sites" – this is not true because this central point where the maximum height is proposed is also the central point of our main living areas which has a maximum impact and is clearly not 'sympathetic'.

In section 3.2.2.3 there is also the false claim that "It will not impact on street parking" – this claim is made without any backing. The reality is neither of the units residents can park in any part of the driveway if they are to maintain the turning radius and there is no visitor parking so their visitors will be forced to park on the street. Also it is likely that residents will each have 2 cars and if a part of their garages are used for storage then residents will have to also each park one of their cars on the street. As these properties do not have their own street frontage it would definitely impact on street parking in front neighbouring homes. The streets parking would be strained with this proposed development especially once their neighbouring battle-axe block has residents move in and when the vacant blocks on the other side of the street are developed.

In the section 3.2.2.5 – Building Bulk the proposal claims that all boundaries will have less than 3 hours per day shadowing. I found it hard to believe that the property on the eastern boundary would have less than 3 hours of the afternoon shadowing – especially in the warmer months. Has an accurate shadowing assessment report been conducted or is this another false claim?

Also in the section 3.2.2.5 – Building Bulk when addressing the proposal having the garage **only 0.75m from our boundary** it states that the garage is 23% of the southern boundary length but this doesn't factor the impact of having the proposed driveway leading into that garage also being 0.75m from our fence and boundary. The traffic from both units using this area to turn and park and it being so close to our boundary in addition to the garage being so close would certainly have more than the "minimal impact" stated.

The proposal claims "These proposed residences will be a highly sort after **housing alternative in the locality**". By acknowledging that they are an alternative in the locality they are also acknowledging that they would not maintain the residential character in the immediate locality. To claim that they would be highly sort after is FALSE as **all of the residents of St Lucia Place and the residents closely adjoined to the street have signed a petition against the proposal**. The community does not want an "alternative" but instead wants to maintain the quiet family lifestyle and current residential character of the neighbourhood.

The proposed construction of dual story, 2 x 2 bedroom units is completely out of residential character with the surrounding area. The neighbouring buildings are also either single level homes or split level homes with a second level on the lower part of a sloping block only. With the construction done in this way the properties graduate down the hill and each home steps down and is sympathetic to neighbouring properties. This proposed building would be a lot higher than surrounding neighbouring properties and as it is on the hill it would stand out and be visible and unsightly from many areas of the estate and therefore impact on the residential amenity of countless properties in the area.

The proposal would also have additional negative impacts including the following:

The proposed bin storage area is adjoining our property's laundry drying area and would impact negatively

The skillion roof facing directly into our main living areas would create an unbearable amount of glare.


The height and positioning of the proposed development would block our view; allow no space for any visible landscaping between the boundary and property and severely impact on our residential amenity.

The additional dwelling would result in additional cars using the shared driveway beside our home. This would create additional traffic noise in our sons bedroom and also severely impact on the sale of 14 St Lucia Place and it's future residents.

Thank you for taking the time to read my objection. I would be more than happy to discuss the above mentioned and assist you with anyway possible.

Yours truly,



Christopher Meyers
18 St Lucia Place
Bonny Hills NSW 2445
Phone: 

From: Chris Meyers [REDACTED] C 11112014.txt
Sent: Tuesday, 11 November 2014
To: Council; Chris Gardiner
Subject: Proposed Subdivision (Strata):16 St Lucia Place, Bonny Hills NSW 749/2014

Hi Chris,

Further to our discussion today we are appreciative that you could at least see the impact additional bins a subdivision requires would have on neighbouring properties due to insufficient street frontage and that you will look a recommendation of a private bin collection.

With regards to visitor parking there is definitely a need for council to review control plans for a situation such as this where there will be no visitor parking, no driveway parking and no street frontage.

It was disappointing to find out that objections and impacts on the surrounding neighbourhood are not taken into account if the proposal meets most council control plans. It seems as though the notifications and DA process is simply a waste of time and resources if a proposal like this still goes through despite the significant impacts on several neighbouring properties.

Regards,
Chris Meyers

General Manager

Tel [REDACTED]

Mob: [REDACTED]

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From: Chris Meyers
Sent: Monday, 13 October 2014 9:18 PM
To: 'Chris Gardiner'
Subject: RE: Objection to Proposed Subdivision (Strata):16 St Lucia Place, Bonny Hills NSW 749/2014

Hi Chris,

Thank you for your quick response, I really appreciate it.

I look forward to speaking with you.

Regards,
Chris Meyers

General Manager

[REDACTED]

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DA2014 - /49 Submission - Meyers C 11112014.txt

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From: Chris Gardiner [mailto:Chris.Gardiner@pmhc.nsw.gov.au]
Sent: Monday, 13 October 2014 8:12 AM
To: Chris Meyers
Subject: RE: Objection to Proposed Subdivision (Strata):16 St Lucia Place, Bonny Hills NSW 749/2014

Thanks Chris,
The attachment was received and I was able to open it. You will receive a formal letter shortly confirming that we have received your submission.

I will need to arrange to do an inspection from your property in relation to the view loss issue raised in your letter. I have requested the Applicant to erect height poles on the site so we can do an accurate assessment of this issue. I will contact you after 22/10/2014 to arrange an inspection.

Regards

Chris Gardiner
Development Assessment Planner

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444
(02) 6581 8585
(02) 6581 8123 (Fax)
Connect with Council:

From: Chris Meyers [REDACTED]
Sent: Monday, 13 October 2014 7:54 AM
To: Chris Gardiner; Council
Subject: Objection to Proposed Subdivision (Strata):16 St Lucia Place, Bonny Hills NSW 749/2014

Dear Mr Gardiner

Please find attached signed copy of my formal objection to the Proposed Subdivision (Strata):16 St Lucia Place, Bonny Hills NSW Application Number: 749/2014.

If you could kindly confirm that you received the attachment and were able to open it I would greatly appreciate it.

I would welcome any questions you may have about the information contained in the attachment and can be contacted via telephone or email anytime. I will be a way from 15/10/14 - 22/10/14 but after this date I would also be available for a meeting or any site inspection etc. and would be more than happy to do whatever is required.

Thank you for taking the time to read the attachment, I look forward to hearing from you.

Regards,
Chris Meyers

General Manager

Tel: [REDACTED]
Mob: [REDACTED]
[REDACTED]

DA2014 - /49 Submission - Meyers C 11112014.txt

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From: Kimarie Meyers [REDACTED]
Sent: Thursday, 2 October 2014 11:04 AM
To: Council
Subject: Application No.749/2014
Attachments: Objection to Application No- 749 2014 - 16 St Lucia PI Bonny Hills.pdf

Good Morning,

Please find attached Objection to Application No.749/2014.

If you require any further information relating to any of the objections outlined within this attached letter please don't hesitate to contact me.

Kind Regards,

Kimarie Meyers
Recruitment Coordinator
MBC Recruitment



Mobile: [REDACTED]

Office: [REDACTED]

Email: [REDACTED] website: [REDACTED]

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Kimarie Meyers
18 St Lucia Place
Bonny Hills NSW 2444

1st October 2014

Hastings Council
9 Laurie Street
Laurieton NSW 2443

Proposed Dual Occupancy & Strata Subdivision: 16 St Lucia Place, Bonny Hills NSW

Application Number: **749/2014**

Dear Sir/Madam

Objection to Development of Dual Occupancy & Strata Subdivision as described above.

I wish to object to this proposal on the following 10 grounds:

1. The proposed building is excessively high and will block our view which will significantly impact on the residential amenity of our property:

The proposed building is double story and the highest part of the proposed building is in front of our deck and main living areas including kitchen and lounge. At present the view from our deck and main habitable areas includes hills, trees and the lake. A lower building would maintain the views and residential amenity but this development does not. **(See Appendix A and Appendix B)**

2. The proposed development is out of character compared with existing development in the vicinity

The proposed building is beside another battle-axe block and they have a shared driveway. This existing building (14 St Lucia) is a single level, single dwelling which does not interfere with any of the neighbours views and residential amenity. The character of surrounding development is like this; namely single detached dwellings. The neighbourhood currently provides a quiet and family-based lifestyle. There is a high level of community expectation that the site would contain dwellings consistent with the surrounding vicinity.

3. The proposed building would have a large area of sloping skillion colorbond roofing facing directly towards our property which would reflect severe glare towards our deck and into our main habitable living areas

The proposed building's neighbouring property 14 St Lucia has a lower roof pitch than this proposed building and still lets off some glare (see Appendix C) but because 14 St Lucia is a single level dwelling you can look over the glare. This new proposed building however would have a larger roof surface facing directly towards our deck and main habitable living areas, it would also be at eye level and with a higher roof pitch which would create an unbearable amount of glare directly into our house through our large glass areas and severely impact on residential amenity.

4. The proposed building is far too close to our boundary:

The proposed building is only 750mm from our boundary which is far too invasive on our property and is below the setback recommended in Port Macquarie-Hastings Development Control Plan. There is not only the long term concern for noise and privacy because of the insufficient setback but also the concern for safety with construction of a double story building this close to our boundary i.e there would be no room for scaffolding, there could be debris associated with the construction go over our fence if it was this close etc.

5. The proposed waste management (bin storage) area is directly adjoining our laundry drying area (clothes line) – (See Appendix D)

Our clothes line is directly beside the proposed building's bin storage area. The clothes line exceeds the height of the fence when drying and there is concern of the smell from the bins affecting our laundry if the two areas were adjoining like it is proposed.

6. Insufficient street space for bins if the subdivision was successful and associated hygiene issues – (See Appendix E)

The proposed subdivision is on a battle-axe block. The proposed subdivision would mean insufficient space on the building's side of the driveway and the proposed additional dwelling would need to put their bins in front of our home. This would not only be unsightly but would but also put a smell through our house on bin day. If there was spillage from the bins or if the bins were knocked over it would cause hygiene issues on our front lawn.

7. Additional traffic beside our home

The proposed subdivision and additional dwelling would result in additional traffic using the driveway beside our home. We purchased our property with the understanding that it would be a total of 2 dwellings using the driveway beside our property not 3.

8. No visitor parking in proposal and no available street parking in front of the proposed dual dwelling because it is a battle-axe block (See Appendix F and Appendix G)

The proposed subdivision and dual dwellings do not have visitor parking and the proposal would result in a total of 3 dwellings in a battle-axe block arrangement with no street frontage. This would result in a strain on street parking at the front of our property and would become more of a problem in future when the vacant blocks on the other side of the street are developed.

9. The proposed development would be a wind block

Our home has a large stacking sliding door coming off the deck to let the breeze into our living areas and create a natural airflow. This proposed building would be directly in front of this area and due to the height would create a wind block.

10. The design is unsightly with no space for landscaping between our properties and contains unnecessary additions to height; namely exposed fire wall on roof

The proposed dual dwelling would be extremely unsightly from our property as there is no space for landscaping along our extensive boundary as it is taken up with a large development, bin storage and a large driveway area. There are also unsightly and unnecessary additions such as an exposed fire wall on the roof which would even further take away from our property's light, natural breeze and view without even serving any structural purpose.

Appendixes:

Appendix A (View from our main habitable areas and how it would be maintained by a single level in character with neighbouring dwelling (14 St Lucia Place) but would be obscured by the height of this proposal)



Appendix B (View from Kitchen, dining and deck is directly where the highest part of this dwelling is proposed)



Appendix C (Glare from a skillion roof with lower roof pitch and lower level than proposed dwelling. This proposal would be much worse and directly in front of our main habitable areas)



Appendix D (The laundry drying area for our property would be adjoining the proposed bin storage area)



Appendix E (Insufficient space for bins of an additional dwelling in front of the battle-axe block – additional bins would need to be in front of our property)



Appendix F (Photo from the front of our property showing there is no street frontage for the battle-axe blocks visitor parking and there if there was an additional dwelling it would put a strain on street parking)



Appendix G (Photo from the front of our property showing there is insufficient space to park on both sides of the street and that the street ends immediately after our property with no further space for parking)



Thank you for taking the time to consider each of these objections. I look forward to a favourable outcome.

Submitter:

Name: Kimarie Meyers

Signature:

Address: 18 St Lucia Place, Bonny Hills NSW 2444

Date: 1st October 2014

15 OCT 2014

DA2014-749.1

PETITION

Petitions to Council must be addressed to:

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



We the undersigned, petition Council to deny Application No.749/2014 for Proposed Dual Occupancy & Strata Subdivision of 16 St Lucia Place, Bonny Hills NSW

For the following reasons:

- The proposed development and subdivision is out of character with existing dwellings in the surrounding vicinity
- The proposed development will impact residential amenity of surrounding properties

As the initiator of this petition, my name is: Kimarie Meyers and I can be contacted at 18 St Lucia Place, Bonny Hills NSW 2445 for further information relating to this matter

Name	Postal Address	Email	Signature
PETER & KIM LIVING	1 LAUREY CRESCENT SCOTT ST 2447		
Kimarie Meyers	18 St Lucia Place Bonny Hills 2445		
Jackie Faddy	27 St Lucia Place, Bonny Hills		
ALAN RICHARDS.	4 St Lucia Place Bonny Hills 2445		
Jenni Shorman	7 St Lucia Place Bonny Hills		
PAT COLLIS	5 ST LUCIA P.L. BONNY HILLS		
HEATHER DOWNING	9 ST LUCIA PLACE BONNY HILLS		
Alan Crawford Rosemary Crawford	12 St Lucia Place Bonny Hills		
MARILYN Bulley	15 ST LUCIA PLACE BONNY HILLS		
Leanne EATHER	17 St Lucia Place Bonny Hills		

Name	Postal Address	Email	Signature
VERONICA RICHARDS	4 ST LUCIA PLACE		
Robert Bulley	15 St Lucia Place		
ROBIN MEARNS	13 ST LUCIA PL, BONNY HILLS		
PETER MEDRAIS	13 ST LUCIA PL, BONNY HILLS		
KAINE FROOT	25 ST LUCIA PL BONNY HILLS		
Chris Meyers	18 ST LUCIA PL Bonny Hills.		
HELEN MASCOLO	1096 OCEAN DR, Bonny Hills		
Samantha Egan	10 St Lucia Place Bonny Hills		
Anthony Egan	10 St Lucia Place Bonny Hills		
Tracey Verrender	6 St Lucia Pl Bonny Hills		
Julie Hudson	11 St Lucia Pl Bonny Hills		
Lincoln Hudson	11 St. Lucia Pl. Bonny Hills		
ROBYN L'HUILLIER	1092 OCEAN DR, BONNY HILLS		
Peter Stace	8 Rainbow Beach Dr. Bonny Hills		
Karen Stace	8 Rainbow Beach Dr Bonny Hills		
Karen Mooney	12 Rainbow Beach Dr Bonny Hills		
Rob Mooney	12 Rainbow Beach Dr, Bonny Hills		
MICK MOWSEY	" " " "		
Mark Arndale	3 St Lucia Place		

Name	Postal Address	Email	Signature
Catherina Berigan	10 Rainbow Beach Dr.		

[REDACTED]

From: Karen Mooney [REDACTED]
Sent: Wednesday, 15 October 2014 11:10 AM
To: Council
Subject: Submission regarding Development Proposal - Application Number 2014/749

To Whom It May Concern,

Re: Development Application for Property: Lot 302 DP 1182566, 16 St Lucia Place, Bonny Hills
(Application Number 2014/749)

We would like to lodge a submission objecting to the development proposed for the above address. We live at 12 Rainbow Beach Drive, Bonny Hills and this block is directly behind us.

We have major concerns about the nature of the development. It is a tiny block of land on which is it proposed to build a Dual Occupancy dwelling. We were already worried about a house going on to this block and how it would impinge on our privacy, especially considering we were originally led to believe that there would be a vacant strip of land between our blocks and the ones directly fronting St Lucia Place. However, that aside, this particular development is of major concern to us for the following reasons:

- It is a dual occupancy in what is a largely single occupancy neighbourhood - it is out of place and will devalue neighbouring properties, including ours
- This proposal represents what will be a **major impact on our privacy** as both dwellings have balconies that will be level with our roof line and both will look straight into our back yard and in turn directly into both our living spaces and master bedroom. It would have been bad enough for one dwelling to be overlooking our yard and rooms at the rear of our house, but with two dwellings on this one small block, we feel this is grossly unfair
- It is quite a small block and to allow approval to put a dual occupancy in such a small space seems ludicrous. (It is very similar in size and shape to the block next door to it and that house looks crowded with what is only a small 3 bedroom dwelling on it.)
- There are a large number of blocks of land squeezed into what is an already tight area. To jam another dwelling in is ridiculous. We live in regional New South Wales, not the inner suburbs of Sydney. This seems to be all about profit for the owner/developer with no regard for existing residents of the area.
- This house and the block next door share a common driveway - that amounts to three sets of cars coming and going on a common driveway which points directly at our block.

We would appreciate it if Council could please reconsider this development application. For the above reasons, we are gravely concerned for our future right to privacy in our own home and the affects that such a development will have on the value of our property.

Our contact details are listed below.

It would be appreciated if you could please confirm acknowledgement of this email by reply email so that we know that our concerns will be submitted to Council for consideration.

Thank you for your consideration of this matter. We look forward to a favourable reply.

Regards.

Rob, Karen, Michael & Sean Mooney
12 Rainbow Beach Drive, Bonny Hills NSW 2445
Phone: [REDACTED]

Email: [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Thursday, 9 October 2014 6:26 PM
To: Council
Subject: 9/10/2014 RE Application Number 2014/749 Bonny Hills

To Christopher Gardiner (Council Assessing Officer)

Referring to the Address 16 St Lucia Place, Bonny Hills. N.S.W. 2445

Regards to the above Development Proposal. Application Number : 2014/749

I would Not like to see a Dual Occupancy & Strata Subdivision on this address, as there would not be enough parking room for that type of Development

It would also be too crowded on that block of land, without going 2 Stories high. That would not give us on the lower side of the block any Privacy

We are already overlooked from NO 14 St Lucia Place. We do not need a Dual Occupancy Development as well.

The Battle Axe lane would be too crowded for anyone to park. It would cause a lot of conflict between neighbours.

It would restrict the chance of both properties 14 St Lucia Place & 16 St Lucia Place being sold.
They are having a hard time SELLING 14 St Lucia Place, because of the situation of the block of land now.

The Neighbourhood does not have this type of development & I think it would downgrade our house prices.

It would take away from our lovely Neighbourhood that all the people who come here from as far away as Canberra & Victoria love it for.

As you talk to people from far away, that moved here for our life style.

Regards

Veronica & Alan Richards

ALAN & VERONICA RICHARDS
4 ST LUCIA PLACE
BONNY HILLS
N.S.W. 2445
PHONE [REDACTED]
EMAIL [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Sunday, 9 November 2014 12:16 PM
To: Council
Subject: 10/11/2014 RE Application Number 2014/749 Bonny Hills
Categories: Green Category

ALAN & VERONICA RICHARDS
4 ST LUCIA PLACE
BONNY HILLS
N.S.W. 2445
PHONE [REDACTED]
EMAIL [REDACTED]

To Christopher Gardiner (Council Assessing Officer)

Referring to the address Lot: 302 DP: 1182566, 16 St Lucia Place, Bonny Hills N.S.W. 2445.
Development Proposal Application Number : 2014/749.

As in my previous letter 9/10/2014.

I would NOT like to see THIS Dual Occupancy & Strata Subdivision on this address. As since they have just put the post up to show the exact height the structure is going to be.

It will be so tall it will shadow everything else. It's going to stand out as an EYE SORE above everything else in the whole Bonny Hills Subdivision.

You can see it from anywhere in our Subdivision, & as said in previous letter The Parking will cause Problems for that block of land.

I have no problem with Villa's or Duplex's, as we have a few of those in this area, but they have their own Parking (NOT SHARE A DRIVEWAY) & are Single Level & don't stand out as a EYE SORE.
They blend in with the whole community of houses.

We could always SELL houses in our estate in reasonable TIME & for good MONEY. Since this Application going in they can't sell 14 St Lucia Place, or 6 St Lucia Place, because people ask about the HEIGHT of this Structure & the Parking for it.

Myself and others that this affects would like to have a meeting with Council about the proposal BEFORE it's allowed to go ahead.

With Kind Regards

Veronica Richards

Alan Richards
4 St Lucia Place
2445.
10-11-14.

Christopher Gardiner
Council Assessing Officer.

Regards Application No 2014/749.

Dear Sir,


I congratulate the Council for enforcing the builder on LOT 30, 16 St Lucia Place, Bonny Hills, to show the residents in Bonny Hills the height this, out of character to the area, building would attain.

Even though the builder has not bothered to show the full extremities of the proposed construction, regrettably, the height dominant is completely out of character, not wanted, in this fully developed neighbourhood of Bonny Hills.

Yours sincerely



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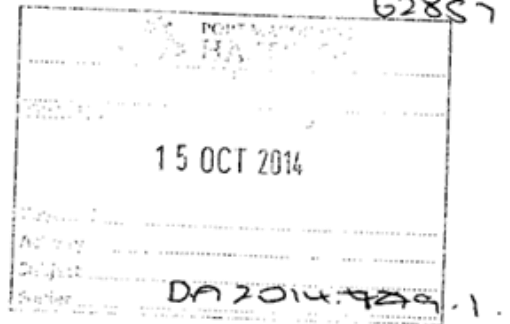
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DA 2014-749.1.



13 October 2014

Christopher Gardiner
Development and Environmental Services
Port Macquarie Hastings Council
PO Box 84
Port Macquarie NSW 2444



Re: Development Proposal Application No: 2014/749
Dual Occupancy and Strata Subdivision
Lot 302, DP: 1182566, 16 St Lucia Place Bonny Hills NSW 2445

We own the adjoining property at 14 St Lucia Place Bonny Hills, and have just recently completed a new home there.

We object to the proposed new Development on the following grounds;

- There will be an increased burden on the shared access driveway between 14 and 16 St Lucia Place.
- The planned car turning path is not sufficient and will impact on 14 St Lucia Place.
- The Applicant has not taken any consideration for the adjoining neighbouring properties. With the proposed construction being too close to all adjoining boundaries.
- It will impede the North aspect to the neighbouring property on the South, and impose over both properties to the North.

We request that you carefully consider our concerns.

Our contact details are: Peter and Kim Ruming
1 Lavery Crescent, Scotts Head NSW 2447

Yours Sincerely,

Peter and Kim Ruming
Principals Ruming Living

Ruming Living Pty Ltd 1 Lavery Crescent Scotts Head NSW 2447

ABN: 98 167 001 998 ACN: 167 001 998

Builders licence no: 268327C