



Ordinary Council

LATE REPORTS

Business Paper

date of meeting: Wednesday 17 December 2014

location: Council Chambers
17 Burrawan Street
Port Macquarie

time: 5.30pm

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.

Council's Vision

A sustainable high quality of life for all.

Council's Mission

To provide regional leadership and meet the community's needs in an equitable and inclusive way that enhances the area's environmental, social and economic qualities.

Council's Corporate Values

- ★ Sustainability
- ★ Excellence in Service Delivery
- ★ Consultation and Communication
- ★ Openness and Accountability
- ★ Community Advocacy

Council's Guiding Principles

- ★ Ensuring good governance
- ★ Looking after our people
- ★ Helping our community prosper
- ★ Looking after our environment
- ★ Planning & providing our infrastructure



**PORT MACQUARIE
HASTINGS**

How Members of the Public Can Have Their Say at Council Meetings

Council has a commitment to providing members of the public with an input into Council's decision making. The Council's Code of Meeting Practice provides two (2) avenues for members of the public to address Council on issues of interest or concern at the Ordinary Council Meeting. These are:

Addressing Council on an Agenda Item:

If the matter **is** listed in the Council Business Paper, you can request to address Council by:

- Completing the *Request to Speak on an Agenda Item at a Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2924-addressing-a-council-meeting-in-relation-to-an-agenda-item.asp?intSiteID=1>

Your request to address Council must be received by Council no later than 4:30pm on the day prior to the Council Meeting.

Council's Code of Meeting Practice sets out the following guidelines for addressing Council:

- Addresses will be limited to 5 minutes.
- If you wish any written information, drawings or photos to be distributed to the Council to support the address, two (2) copies should be provided to the Group Manager Governance & Executive Services prior to the commencement of the meeting.
- Where speakers wish to make an audio visual presentation, a copy is to be provided to the Group Manager Governance & Executive Services by 4.30pm on the day prior to the Council Meeting.
- Council will permit only two (2) speakers "Supporting" and two (2) speakers "Opposing" the *Recommendation* contained in the Business Paper. If there are more than two speakers supporting and opposing, the Mayor will request the speakers to determine who will address Council.

Addressing Council in the Public Forum:

If the matter **is not** listed in the Council Business Paper, you can request to address Council by:

- Completing the *Request to Speak in the Public Forum at Ordinary Council Meeting*, which can be obtained from Council's Offices at Laurieton, Port Macquarie and Wauchope or by downloading it from Council's website.
- On-line at <http://www.hastings.nsw.gov.au/www/html/2926-addressing-council-in-the-council-meeting-public-forum.asp?intSiteID=1>

Your request to address Council must be received by Council no later than 4:30pm on the day prior to the Council Meeting.

A maximum of eight (8) speakers will be heard in the Public Forum. Each speaker will be limited to 5 minutes. Council may ask questions of speakers but speakers **cannot** ask questions of Council.

Council will not determine matters raised in the Public Forum session, however may resolve to call for a further report, when appropriate.

Speakers will be allowed to address Council in the Public Forum on the same issue no more than three (3) times in each calendar year. (Representatives of incorporated community groups may be exempted from this restriction).



**PORT MACQUARIE
HASTINGS**

Ordinary Council Meeting

Wednesday, 17 December 2014

LATE REPORTS

Items of Business

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**PORT MACQUARIE
HASTINGS**

Looking After Our Environment

What are we trying to achieve?

We understand and manage the impact that the community has on the natural environment. We protect the environment now and in the future.

What will the result be?

- Accessible and protected waterways, foreshores, beaches and bushlands.
- Renewable energy options.
- Clean waterways.
- An environment that is protected and conserved for future generations.
- Development outcomes that are ecologically sustainable and complement our natural environment.
- Residents that are environmentally aware.
- A community that is prepared for natural events and climate change.

How do we get there?

- 4.1 Protect and restore natural areas.
- 4.2 Ensure service infrastructure maximises efficiency and limits environmental impact.
- 4.3 Implement total water cycle management practices.
- 4.4 Continue to improve waste collection and recycling practices.
- 4.5 Provide community access and opportunities to enjoy our natural environment.
- 4.6 Create a culture that supports and invests in renewable energy.
- 4.7 Increase awareness of and plan for the preservation of local flora and fauna.
- 4.8 Plan and take action to minimise impact of natural events and climate change.
- 4.9 Manage development outcomes to minimise the impact on the natural environment.

Looking After Our Environment

Item: 12.08

Subject: DA2014 - 0749 - DUAL OCCUPANCY AND STRATA SUBDIVISION AT LOT 302 DP 1182566, NO. 16 ST LUCIA PLACE, BONNY HILLS

Report Author: Matt Rogers

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 Council.

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.

The application was considered at Council's Development Assessment Panel meeting on 10 December 2014. The Panel was unable to reach consensus.

For: David Troemel and Dan Croft
Against: Paul Drake

The dissenting recommendation from Paul Drake was:

Looking After Our Environment

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 refusing consent for the following reason:

1. The development will result in a significant adverse view loss impact on 18 St Lucia Place.

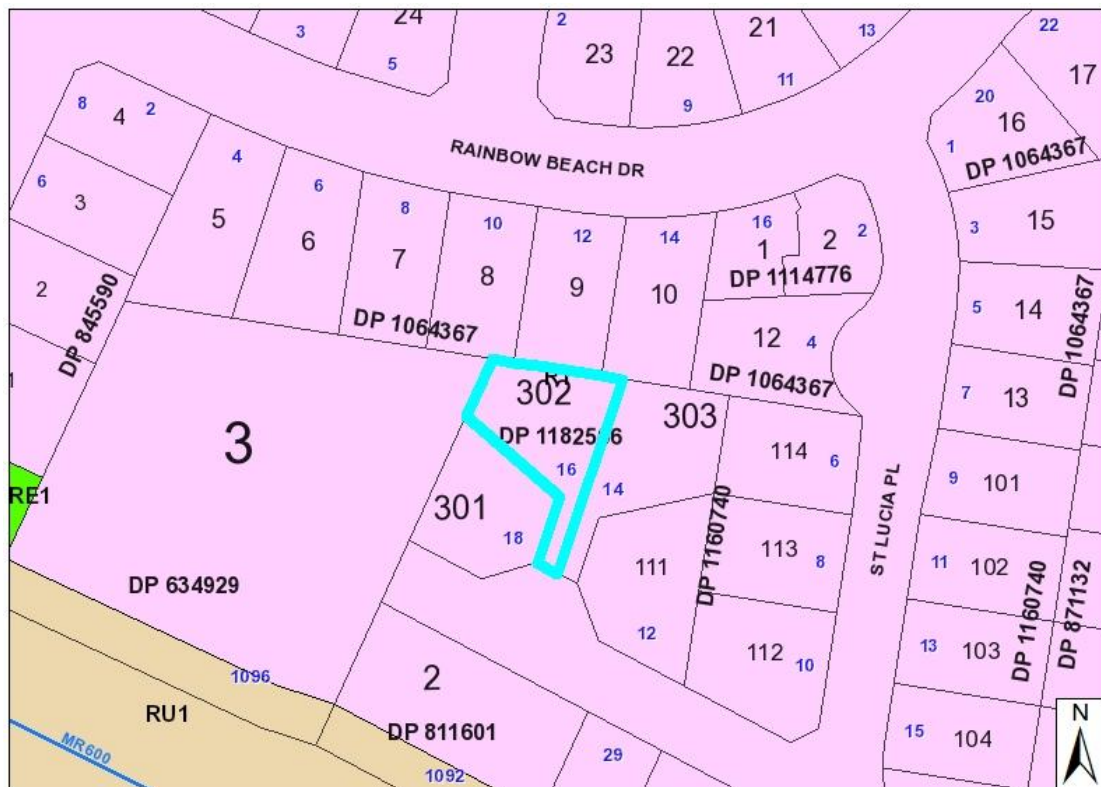
As DAP was unable to reach consensus the application is being reported to Council for Determination in accordance with the DAP Charter and delegations.

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:

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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.

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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.

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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 eaves/overhangs provided	Garages located 33m from St Lucia Place and setback 12.3m and 13.07m from shared battle-axe driveway. Garage door recessed a minimum of 1.6m behind front of each of the proposed dwellings.	Yes
	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.	No*

Looking After Our Environment

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

	Requirements	Proposed	Complies
		Unit 2: Minimum 4.5m setback to dwelling and 3m setback to deck.	
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 grade accessible from living area.	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. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, 	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	Yes

Looking After Our Environment

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

	Requirements	Proposed	Complies
	<p>window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m</p> <ul style="list-style-type: none"> Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	<p>have been submitted by the Applicant providing for fixed privacy screens for these windows.</p> <p>The window of the first floor media room of Unit 1 is proposed to have a fixed privacy screen.</p> <p>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.</p>	

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 density will improve natural surveillance within the locality and openings from each dwelling overlook common and private areas.	Yes
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

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DCP 2013: General Provisions			
	Requirements	Proposed	Complies
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)	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.

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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:

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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.

Looking After Our Environment

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 and 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.

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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.

Looking After Our Environment

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.

Looking After Our Environment

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.

Looking After Our Environment

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:

Looking After Our Environment

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</p>

Looking After Our Environment

	<p>reflection, while allowing the proposed development to achieve appropriate 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.

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	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 limited site frontage, visitors are likely to park on the street in front of adjoining properties.	<p>The subject site does not have a 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	Proposed Unit 2 has a ground floor

Looking After Our Environment

boundary.	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.

Looking After Our Environment

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 - Rumung

AT: NO. 16 ST LUCIA PLACE,

BONNY HILLS

FOR: C. & L. CLARK

REF: 14-1089

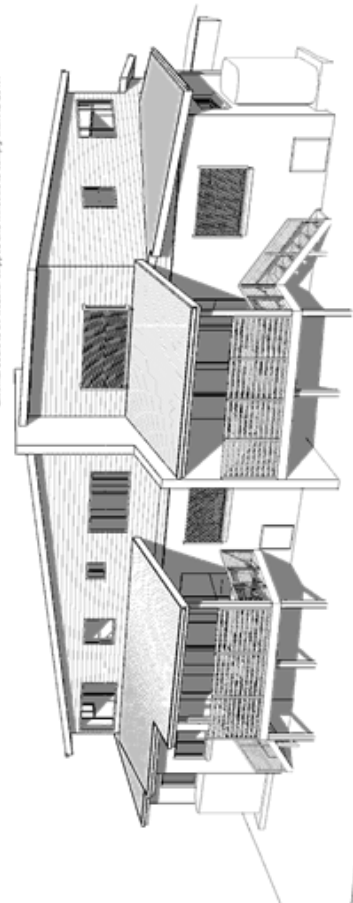
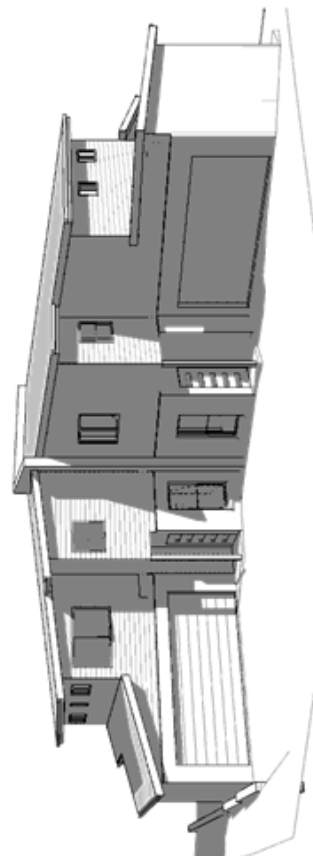
DATE: NOVEMBER 2014

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, LAURIETON NSW 2443

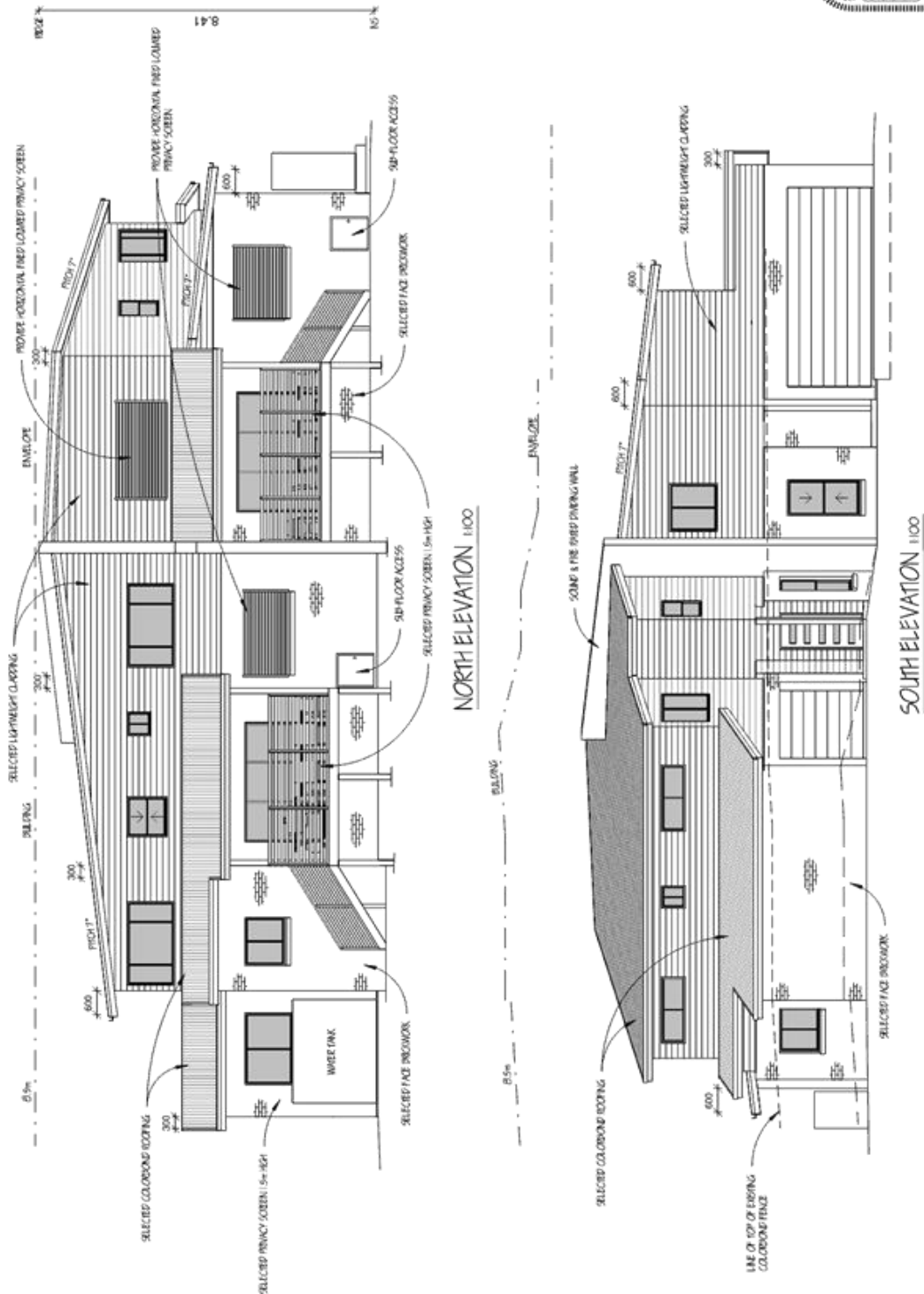
www.robertsmallwood.com.au

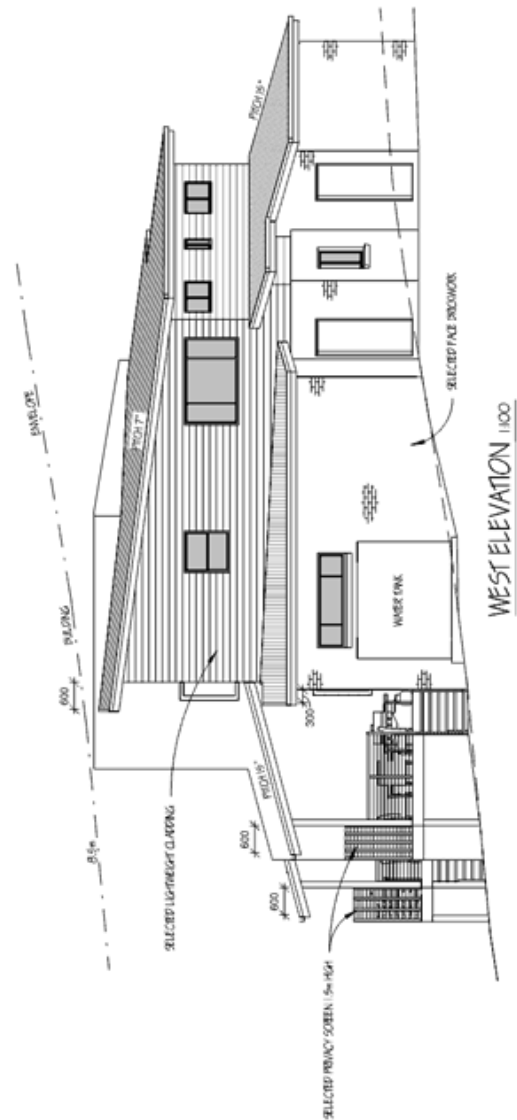
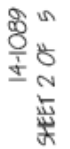
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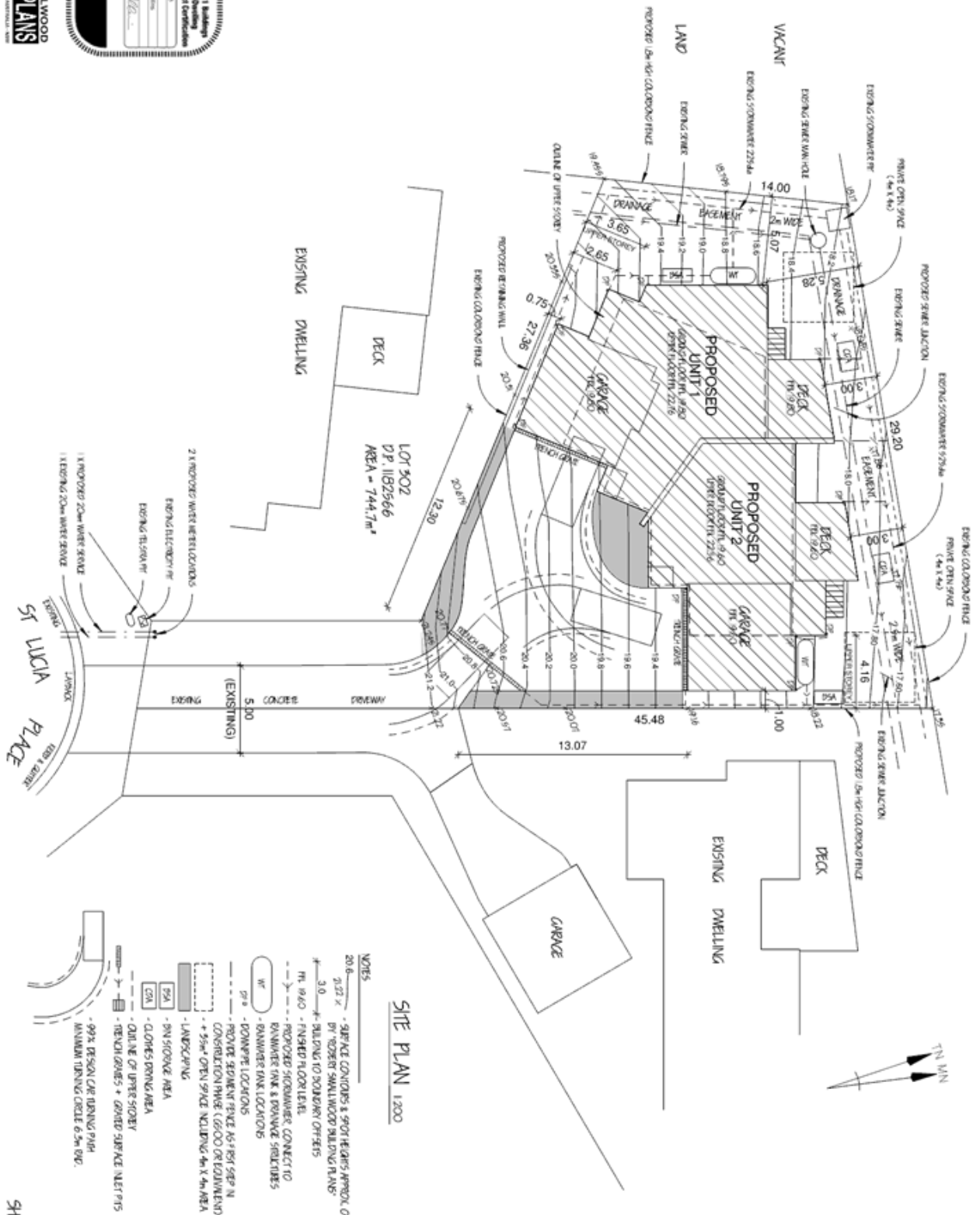
- penetration allowance needs to be made. No allowance has been made for verbed downloads which allows for insulation to be closely fitted to walls and top of aprons. No ceiling



14-1089
SHEET 1 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 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				
					<input type="checkbox"/> Applies				
DA Lodged Date:	23/09/2014		Water 1.6% levy		<input checked="" type="checkbox"/> Applies	0.4	\$0,373.00	\$3,749.20	
Prepared By:	Chris Gardiner		Sewer		<input checked="" type="checkbox"/> Applies	0.75	\$3,556.00	\$2,667.00	
DA Consent Date:	10-Dec-2014								
Issue No.	1								
Calc Sheet Date:	26-Nov-2014								
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	Traffic Facilities m²	
N/A		m2	0	0	0	0	0	0	
N/A		m2	0	0	0	0	0	0	
N/A		m2	0	0	0	0	0	0	
N/A		m2	0	0	0	0	0	0	
			Total Commercial ETs:		0		0		0
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 x ms, low houses, villas, etc & 600m ² Int Housing & Permanent Self Contained Caravan Park Sites			0	0	0	0			
2 Bedroom Units (Low Density) - 1 x 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) - 1 x 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) - 1 x 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/bunkroom with an associated cooking and laundry)			0	0	0	0			
New Residential Unit Total:			2	1.57	1.4	1.75			

Page 2 of 2

[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

16/12/2014
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

[REDACTED]

Robin Mearns

[REDACTED]

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]



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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 SCOTTS HEAD 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 Berrigan	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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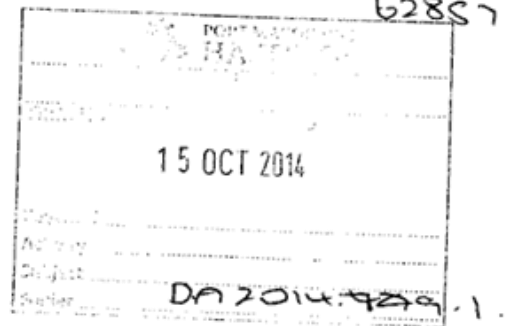
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13 October 2014

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