



Development Assessment Panel

Business Paper

date of meeting: Wednesday 9 September 2015

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

time: 2.00pm

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



**PORT MACQUARIE
HASTINGS**

Development Assessment Panel

CHARTER

Functions:

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

Delegated Authority:

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

Format Of The Meeting:

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

Development Assessment Panel

ATTENDANCE REGISTER

Member	11/02/15	25/02/15	11/03/15	25/03/15	08/04/15
Paul Drake	✓	✓	✓	✓	✓
Matt Rogers					
Dan Croft Patrick Gailbraith-Robertson (alternate)	✓	✓	✓	✓	✓
David Fletcher Paul Biron (alternate)	A	✓	✓	✓	✓
David Troemel Caroline Horan (alternate)	A ✓	A	✓	✓	✓

Member	22/04/15	13/05/15	27/05/15	10/06/15	24/06/15
Paul Drake	✓	✓	✓	✓	✓
Matt Rogers					
Dan Croft Patrick Gailbraith-Robertson (alternate)	✓	✓	✓	✓	✓
David Fletcher Paul Biron (alternate)	✓	✓	resigned resigned	resigned resigned	resigned resigned
David Troemel Caroline Horan (alternate)	✓	✓	A ✓	✓	✓

Member	08/07/15	22/07/15	12/08/15	26/08/15	
Paul Drake	✓	✓	✓	✓	
Dan Croft Patrick Gailbraith-Robertson (alternate)	✓	✓	✓	✓	
David Troemel Caroline Horan (alternate) Bevan Crofts (alternate)	✓	✓	✓	✓	

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



**PORT MACQUARIE
HASTINGS**

Development Assessment Panel Meeting

Wednesday 9 September 2015

Items of Business

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**PORT MACQUARIE
HASTINGS**

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

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

Item: 02**Subject: APOLOGIES**

RECOMMENDATION

That the apologies received be accepted.

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

RECOMMENDATION

That the Minutes of the Development Assessment Panel Meeting held on 26 August 2015 be confirmed.

PRESENT

Members:

Paul Drake
Dan Croft
David Troemel

Other Attendees:

Clinton Tink

The meeting opened at 2.02pm.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

Nil.

03 CONFIRMATION OF MINUTES

CONSENSUS:

That the Minutes of the Development Assessment Panel Meeting held on 12 August 2015 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

-
- 05 DA 2015 - 0230 - DEMOLITION OF DWELLINGS, LOT CONSOLIDATION, BOUNDARY ADJUSTMENT, COMMERCIAL PREMISES AND CONSTRUCTION OF RESIDENTIAL FLAT BUILDING FOR THE PURPOSES OF SENIOR HOUSING - LOT 4 DP 347796, LOT 1 DP 1053812, LOT 1 DP 151300, LOT 3 DP 347796, LOT 1 DP 795534, LOT: 1 DP 390610, LOT 1 DP 121189, LOT 1 DP 393967, LOT 1 DP 782560, LOT 1 DP 995637, LOT 1 DP 709967, LOT 13 DP 861177, LOT 12 DP 861177, LOT 11 DP 861177, LOT 10 DP 861177. YOUNG, CAMERON AND HASTINGS STREETS, WAUCHOPE**
-

CONSENSUS:

That it be recommended to Council that DA 2015 - 0230 for a demolition of dwellings, lot consolidation, boundary adjustment, commercial premises and construction of residential flat building for the purposes of Senior Housing, at Lot 3 DP 347796, Lot 4 DP 347796, Lot 1 DP 1053812, Lot 1 DP 151300, Lot 1 DP 795534, Lot: 1 DP 390610, Lot 1 DP 121189, Lot 1 DP 393967, Lot 1 DP 782560, Lot 1 DP 995637, Lot 1 DP 709967, Lot 10 DP 861177, Lot 11 DP 861177, Lot 12 DP 861177 & Lot 13 DP 861177 Young, Hastings, and Cameron Streets, Wauchope, be determined by granting consent subject to the recommended conditions and as amended below:

- Delete condition A(15)
 - Delete condition B(22)
-

- 06 DA 2015 - 0439 - DUAL OCCUPANCY AND TORRENS TITLE SUBDIVISION - LOT 119 DP 709409, NO 29 LAGUNA PLACE, PORT MACQUARIE**
-

Speakers:

Jo Lock (o)

James Collins (applicant).

CONSENSUS:

That DA 2015/439 for a Dual Occupancy and Torrens Title subdivision at Lot 119, DP 709409, No. 29 Laguna Place, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below.

- Add condition is section A of the consent to read:
(A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

Such security is to be provided to Council prior to the issue of the

Subdivision Certificate/Construction Certificate or Section 138 of the Roads Act, 1993.

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

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

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

- Add the following condition to section E of the consent:
(E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.

**07 DA2015 - 0030 - ADDITIONS TO DWELLING INCLUDING CLAUSE 4.6
OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF PORT MACQUARIE
HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 377 DP 236950, 31
VENDUL CRESCENT, PORT MACQUARIE**

The Chair tabled several submissions from Philip and Robina Laing that were received by Council post finalising the assessment report.

Speakers:

Philip Laing (o)

Robina Laing (o)

Wayne Ellis (applicant)

CONSENSUS:

That it be recommended to Council that DA2015 - 0030 for additions to dwelling including Clause 4.6 variation to Clause 4.3 (height of buildings) of Port Macquarie-Hastings Local Environmental Plan 2011, at Lot 377, DP 236950, 31 Vendul Crescent, Port Macquarie, be determined by granting consent subject to the recommended conditions and as amended below:

- Delete condition B(8)
- Additional condition in section B of the consent to read: ' The balustrade on the second floor deck is to be constructed of opaque glass panels/walls joining floor and railing.'

08 GENERAL BUSINESS

Nil.

The meeting closed at 3.08pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

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

I, declare the following interest:

☐**Pecuniary:**

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

☐**Non-Pecuniary - Significant Interest:**

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

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

May participate in consideration and voting.

For the reason that:
.....

Signed: Date:

(Further explanation is provided on the next page)

Further Explanation

(Local Government Act and Code of Conduct)

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

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

Pecuniary Interest

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

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

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

Non-Pecuniary

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

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

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

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

Non Pecuniary – Significant Interest

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

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

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

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

Non Pecuniary – Less than Significant Interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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

Councillor's Signature: Date:

Important Information

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

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

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

Item: 05**Subject:** DA2014 - 0105 RESIDENTIAL FLAT BUILDING INCLUDING A
CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS)
OF PORT MACQUARIE HASTINGS LOCAL ENVIRONMENTAL PLAN
2011 - LOT 8 SECTION 23 DP 758853, 31 WAUGH STREET, PORT
MACQUARIE**Report Author:** Clint Tink

Property:	Lot 8 Section 23 DP 758853, 31 Waugh Street, Port Macquarie
Applicant:	Keystone Property Consultants
Owner:	Killara Investment Holdings Pty Ltd
Application Date:	22 June 2015
Estimated Cost:	\$6,883,000
Location:	Port Macquarie
File no:	DA2014 - 0105
Parcel no:	24981

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2014 - 0105 for a residential flat building including a Clause 4.6 variation to Clause 4.3 (height of buildings) of Port Macquarie Hastings Local Environmental Plan 2011 at Lot 8, Section 23, DP 758853, No. 31 Waugh Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for a residential flat building including a Clause 4.6 variation to Clause 4.3 (height of buildings) of Port Macquarie Hastings Local Environmental Plan 2011 at the subject site and provides an assessment in accordance with the Environmental Planning and Assessment Act 1979.

The Department of Planning and Infrastructure circular PS08-014 reminds councils of their assumed concurrence role in relation to SEPP 1 and Clause 4.6 LEP variations. As the variations sought in this application is less than 10%, the application is able to be determined by Council's Development Assessment Panel. The Department's circular PS 08-003 provides for the Director General's assumed concurrence for variations of the nature sought.

Following exhibition of the application, ten (10) submissions were received.

The application was reported to Council's Development Assessment Panel (DAP) on 12 August 2015 whereby the following resolution was made:

That the application be deferred to enable the applicant to resolve all parking and access issues as outlined and discussed in the Development Assessment Panel report considered on 12 August 2015. All parking is to comply with AS2890.1 and 6. Parking spaces within the deep soil zone fronting Alva Lane are to be reviewed.

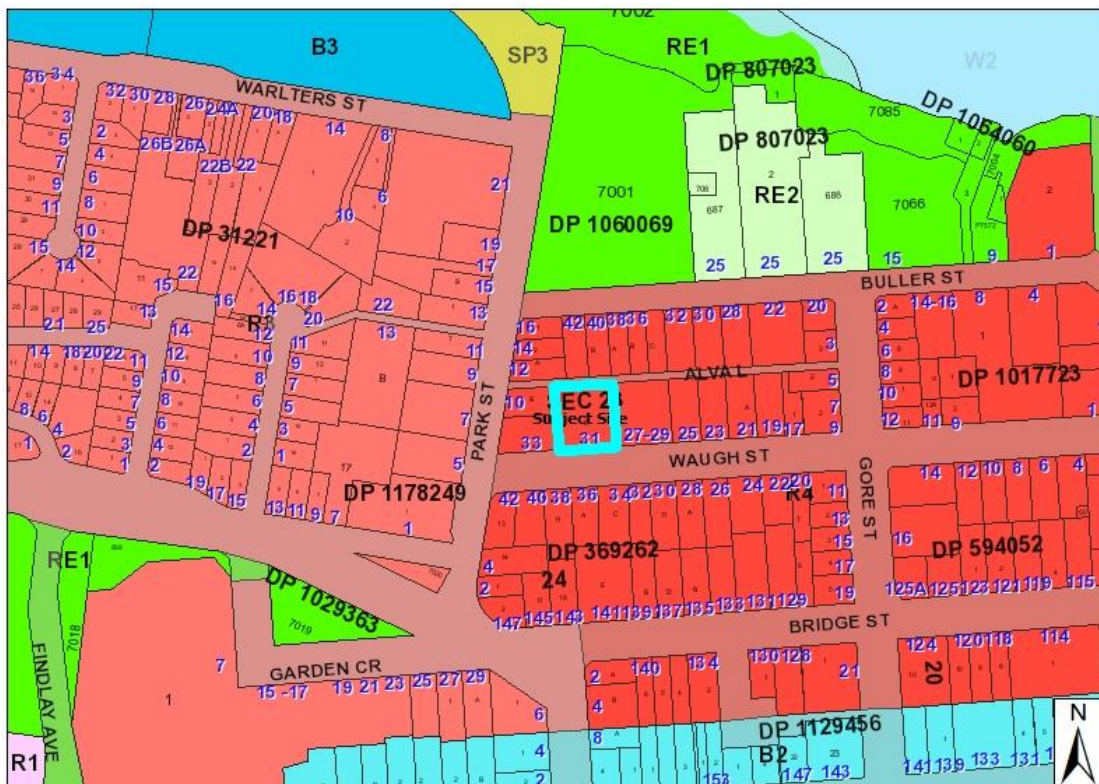
The applicant has since lodged revised plans addressing the parking issues etc detailed in the previous report without impacting the overall design of the building. The assessment has been updated to acknowledge the changes.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 2022m².

The site is zoned R4 High Density Residential in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011 (LEP 2011), as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- A residential flat building comprising:
 - 64 units with 44 units being 1 bedroom/studio and 20 units being 2 bedroom.
 - Basement level, lower ground level, ground level, first, second, third and fourth level. Overall, the development will present as a five storey building to Waugh Street and six storey building to Alva Lane.
 - 69 parking spaces proposed, which includes 5 visitor parking spaces and 9 disabled spaces.
 - Communal open space areas provided via a central courtyard area, rooftop area and sections facing Waugh Street and Alva Lane.
- Clause 4.6 variation to Clause 4.3 (height of buildings) in the Port Macquarie Hastings Local Environmental Plan 2011.
- Ten submissions received.
- The residential flat building has dual frontage to Waugh Street and Alva Lane. Pedestrian access is provided off both frontages, while vehicles access and parking is restricted to Alva Lane.
- The development does not involve subdivision.

Refer to attachments at the end of this report.

Application Chronology

- 28/5/2002 & 5/7/2004 - DA2001/233 and DA2003/601 respectively approved unit/residential flat building developments on the site. The later having been physically commenced via excavation work and partial footings.
- 19/3/2013 - The proposal was presented to Council's Pre-lodgement meeting for comment.

- 17/2/2014 - Application lodged with Council.
- 24/2/2014 to 10/3/2014 - Notification period.
- 26/2/2014 - Exhibition material provided to neighbour.
- 11/3/2014 - Council staff requested additional information on a range of issues including tree removal, subdivision, compliance with Port Macquarie Hastings Development Control Plan 2013 (DCP 2013), plan amendments, stormwater etc.
- 12/3/2014 - Council staff requested confirmation on the architects credentials in order to satisfy requirements of State Environmental Planning Policy 65 - Design Quality of Residential Flat Developments (SEPP 65).
- 13/3/2014 - Applicant provided detail on the architect's credentials.
- 20/3/2014 - Application was presented to the Design Review Panel (DRP) under SEPP 65.
- 26/3/2014 - Comments from the DRP were sent to the applicant to address.
- 9-16/6/2014 - Discussion between Council staff and the applicant regarding the status of the additional information response. Response to additional information issues provided by the applicant.
- 3/7/2014 - Having reviewed the new material provided by the applicant, Council staff requested additional information on a range of issues including revised plans, compliance with DCP 2013, parking, open space, stormwater etc.
- 9/7/2014 - Application and changes were presented to the DRP.
- 17/7/2014 - Comments from the DRP were sent to the applicant to address.
- 26/7/2014 - Applicant discussed DRP process and issues with Group Manager of Building and Development Assessment.
- 27/10/2014 - Council staff emailed applicant for an update on response to additional information issues.
- 28/11/2014 - Further follow up email sent by Council staff requesting an update.
- 10/12/2014 - Applicant advised that he was still proceeding with the development and would have a response shortly.
- 17/2/2015 - Applicant submitted preliminary response for review on parking. Advice was provided back that day from Council staff.
- 10/4/2015 - Council staff requested an update from the applicant on the status of the additional information.
- 20-29/4/2015 - Discussion between the applicant and Council staff regarding the outstanding additional information.
- 4/5/2015 - Applicant provided amended plans and response to outstanding information request.
- 19/5/2015 - Having reviewed the new material provided by the applicant, Council staff requested additional information on Clause 4.6, plans, landscaping etc.
- 6/6/2015 - Applicant provided amended plans and response to the additional information request.
- 9-10/6/2015 - Council staff acknowledged the revised information and advised it would be considered.
- 22/6/2015 - Council staff acknowledged the DA was considered complete and that it would be reported to Council's Development Assessment Panel. A preliminary meeting date was suggested.
- 10/7/2015 - Council staff advised the applicant of an amended DAP meeting date.
- 12/8/2015 - Application reported to DAP. Dap required changes to plans.
- 12-28/8/2015 - Discussions with applicant working towards an acceptable set of amended plans.

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

The site does not equate to 1ha in size and is not part of any existing Koala Plan of Management. Therefore, the SEPP does not apply.

State Environmental Planning Policy 55 – Remediation of Land

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

State Environmental Planning Policy 62 - Sustainable Aquaculture

Given the nature of the proposed development and proposed stormwater controls the proposal will be unlikely to have any adverse impact on existing aquaculture industries.

State Environmental Planning Policy 65 - Design Quality of Residential Flat Development

The proposed development is considered to meet the definition of a residential flat building under the SEPP being a building that comprises or includes:

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),

but does not include a Class 1a building or a Class 1b building under the *Building Code of Australia*.

Based on the above, the SEPP must be considered.

In accordance with clause 30, the submitted DA was referred to the Design Review Panel (DRP) to seek advice on the application. The application was presented to DRP on two separate occasions (20 March 2014 and 9 July 2014) with the applicant making changes after each meeting. In summary the following advice and recommendations were made by the panel:

- Recommended that the DA be withdrawn and resubmitted with a new Pre-DA meeting with the DRP to agree on the concept design, including site cover deep soil landscape.
- The proposal's overall planning was not supported, due to the poor amenity proposed in light of the requirements of SEPP 65 and the RFDC.
- If a similar approach is adopted the BCA consultant is to clarify in their reporting that the windows beside egress paths could be opened and provide outlook and ventilation while complying with the proposed deemed to satisfy BCA solution.
- Scaled drawings are to be provided for the next submission.

The following table provides the latest detailed advice provided by the Panel on 9 July 2014 and comments and in response by Council staff. It should be noted that the

comments provided by the DRP have been made with regard to the Residential Flat Design Code (RFDC):

DRP comment	Comments in response
1. Relationship to the context of the proposal	
The site is a large square site with a partially commenced building (site works) on the northern side of the split level Waugh Street with rear land access.	Noted.
The DRP noted that the controls allow an FSR of 1.8:1 with 1.79:1 proposed.	Noted.
The proposal is for a squat five level building plus basement car park with internal courtyards.	Noted.
The surface car parking spaces along Alva Lane is not an acceptable public domain interface. It turns the entire frontage to the street into a vehicular crossover. This approach is not acceptable. Proposing 'grasscrete' in a landscape space is not acceptable.	It is proposed that the area be turned into landscaping with only a couple of visitor parking spaces shown in the subject area. The above is considered a satisfactory outcome given the existence of other similar parking arrangements within the immediate area. In particular, 25 Waugh Street, 27-29 Waugh Street and 32 Buller Street all share a similar parking arrangement off Alva Lane.
2. The scale of the proposal	
The proposal steps marginally to the north in plan and one level in section. The stepped plan is designed to maximise the nominal number of flats with 'northern' sun.	Noted. The step design of the development is one of the key features in trying to maximise north aspect and sun to the majority of units. The stepped design also allows improved solar access to adjoining properties to that of a conventional square building, built across the frontages of the property.
In addition to the lift over run, the proposal significantly exceeds the Council height controls though the roof level is very low in profile.	Since the DRP comments, the LEP has been amended. In particular, the height limit changed from 14.5m to 17.5m. As a result, the majority of the development is now below Council height controls. There still are some minor height variations of approximately 0.65m where the building steps down the sloping site - refer to comments on Clause 4.3 in the LEP 2011 section of this report. Based on the above, the development in the most part is considered to comply with the height provisions.
The DRP was advised that the units are designed to be affordable housing with 35 one bedroom, 20 two bedroom and 9 studios.	Noted.
The design as presented has a	The applicant has since introduced a

disproportionately small communal open space required under the RFDC and BASIX. The roof level could be redesigned to provide better amenity more appropriately sized internal and external spaces having extensive outlook, for community life, relaxation, clothes drying and even solar power generation.	large, useable, communal roof top open space. In addition, the applicant has more clearly defined an open space area off the lower ground floor level with access coming via the internal courtyard open space. The development is now considered to provide a suitable mixture of communal open space area and landscaping opportunities.
The DRP noted that the deep soil zone was actually car parking and that nominated communal landscaped space was over the basement and only around the edge of the building from the street entry past all the ground floor flats. Neither solution is acceptable.	The car parking area off Alva Lane has been converted to comprise deep soil landscaping components. In particular, the removal of some of the parking spaces allows tree growth and water infiltration. Landscape areas can exist above basement areas subject to suitable soil depth. This has been proven around the world in various building designs and is allowed in the RFDC. The soil depth provided in such areas is conducive to allow a range of plant species to grow.
3. The built form of the proposal	
<p>The DRP notes that the submission is not sufficiently detailed. Comments included:</p> <ol style="list-style-type: none"> 1. The inadequate fire egress is evident. The BCA report proposes a deemed to satisfy solution. 2. Alternative car parking solutions need to be considered due to the extent of basement car parking (from side boundary to side boundary) and the lack of compliant (6m wide or more) deep soil landscape, 3. The street address of the building is only slightly improved. The entry threshold and interior is almost level (but would be improved if it ramped up by only 50mm). The entry space is single storey and unremarkable, could be improved if it were taller, more articulated and/or evident in the building composition to the street. 4. The submission does not explain or promote the design merits of the proposed 5 storey high central courtyard approximately 13m long x 6m wide, with very steep central amphitheatre seating and stairs. The space is contained on all four sides and will be very cold and dark in 	<p>Council staff provide the following corresponding comments.</p> <ol style="list-style-type: none"> 1. The applicant has provided a BCA report that suggests fire egress is achievable. This can be verified at the more detailed construction certificate stage. 2. The car park has been revised and converted to a partial deep soil zone area. 3. The entrance to the building from the primary Waugh Street frontage is well defined, relatively level and consistent with other development in the area. 4. The central courtyard is open to the sky and also now has an opening at the lower ground level. Light and ventilation will also come through the individual doors and windows to the proposed units. 5. The southernmost units on each level do have a south facing aspect. However, each unit also has at least one window/opening to the north. In this regard, they are not considered true south facing units. For those units where private open space does not achieve direct solar access

<p>winter. The lift and fire stair pinch the space centrally. Consideration should be given to creating openings out of the space for light and ventilation.</p> <p>5. Two of the thirteen apartments on each floor is south facing exceeding the RDFC requirements of 1 in 10. Revisions to the proposal should demonstrate how many hours of sunlight every apartment receives, taking into account the built form of the proposal, the terrain and the proximity to neighbours. 3D views showing sunlight on windows is suggested.</p> <p>6. The internal communal space provided for the 64 affordable housing apartments proposed, is unfortunately located at the base of the 5 storey high central courtyard. See notes above suggesting roof top communal space.</p> <p>7. Car park access needs expert advice regarding fire egress, access for visitors into the building and layout (i.e. counting of tandem spaces).</p>	<p>in midwinter, the proposed rooftop garden, central courtyard and common open space at the north-west corner of the site provide ample opportunities to access open space. It is also noted that the site is less than a 5 minute walk to major public open space at the waterfront.</p> <p>6. The applicant has since introduced a large, useable, communal roof top open space. In addition, the applicant has more clearly defined an open space area off the lower ground floor level with access coming via the internal courtyard open space. The development is now considered to provide a suitable mixture of communal open space area and landscaping opportunities.</p> <p>7. Refer to comments on point 1 above.</p>
4. The proposed density	
<p>Number of units proposed and the designed car park extents in plan results in high site coverage and the lack of compliant deep soil landscape.</p>	<p>The applicant has made changes to parking and open space since the DRP commented on this aspect. In particular, the additional basement car parking and introduction of roof top communal area result in a more desired density. Deep soil zone areas on Alva Lane frontage have been improved by the removal of some parking spaces.</p>
5. Resource and energy use and water efficiency	
<p>The DRP notes that all units have good through ventilation, however the DRP doubts that the solution suggested via the access/egress courtyards - the BCA report proposes a deemed to satisfy solution. See introductory notes in red.</p>	<p>The applicant has provided a BCA report that suggests fire egress is achievable. This can be further verified at the more detailed construction certificate stage. It is considered that each unit will be afforded suitable ventilation.</p>
<p>No mention was made of solar, water saving or reuse in this proposal beyond the minimum necessary for compliance, even though energy and water costs can be significant household costs for affordable housing households.</p>	<p>BASIX deals with these issues and a certificate has been provided.</p>
6. The proposed landscape	
<p>A landscape plan was supplied and it was noted that the communal space provided is inadequate and hardly</p>	<p>The applicant has since introduced a large, useable, communal roof top open space. In addition, the applicant has</p>

accessible. See comments above.	more clearly defined an open space area off the lower ground floor level with access coming via the internal courtyard open space. The development is now considered to provide a suitable mixture of communal open space area and landscaping opportunities.
The DRP notes that no trees are indicated and that habitat trees would be appropriate.	Revised landscaping plan now provides for small trees onsite.
7. The amenity of the proposal for its users	
<p>The DRP notes that the plans are best adequate for a pre-DA submission only. Comments are:</p> <ol style="list-style-type: none"> 1. The common circulation is excessively wide with a lot of floor area given over to re-entrant corners; 2. Inadequate fire egress design on every level; 3. Natural ventilation to most flats questioned; 4. No compliant deep soil; 5. Inadequate internal and external communal spaces indicated; 6. Kitchen in many of the flats are in corridors and are far from natural ventilation or light and are considered inadequate; 7. The corner apartments G01 and G11 are disproportionate in the allocation of space. The area of the main bedroom is equivalent to the dining, living and kitchen areas combined. The combined dimension of bedroom 2 seems too small. This apartment is noted as an example, all the apartment layouts should be re-examined; 8. South facing studio apartments, have very poor amenity, negligible access to sun and light. The apartment entry is the kitchen and dining area; 9. The bathrooms are shown as internalised with no windows shown. They rely too much on mechanical light and ventilation. These types of rooms, not animated by the changing character of daylight, aren't pleasant; 10. Shading east and west facing windows is supported. Clarify the operation and material of the sliding shades; 11. Check the balcony depths and clarify 	<p>Council staff provide the following corresponding comments.</p> <ol style="list-style-type: none"> 1. The wide circulation area will have the benefit of allowing light and ventilation. In addition, the wide walkways will also allow ease of furnishing units. 2. The applicant has provided a BCA report that suggests fire egress is achievable. This can be further verified at the more detailed construction certificate stage. 3. The units have dual aspect via operable doors and windows facing the open central courtyard. This design aspect will allow ventilation. 4. Deep soil zone provided on Alva Lane.. 5. Refer to comments previously in this table about changes the applicant made to communal open space areas. 6. The majority of units have kitchen areas either facing or in close proximity to a window/doorway. The units are also small in size, which enables those units that have kitchens not directly near a window/door, to still receive ventilation from other nearby windows/doors. Mechanical ventilation can also be introduced if necessary. 7. Apartment layouts are considered acceptable allowing for different types of occupants. The larger bedrooms can also be converted into other useable areas i.e. two bedrooms in the room, bedroom with storage area for bicycles etc. 8. The south facing studios have at least one window/opening to the

<p>the dimension to confirm compliance with RFDC recommended minimum depth of 2.1m;</p> <p>12. Ground floor units should be accessible from the street;</p> <p>13. The drawings should indicate garden shed + cleaning room;</p> <p>14. General flat layouts are questioned but as scaled drawings not provided it is hard to comment in detail.</p>	<p>north. In this regard, they are not considered true south facing units. For those units where private open space does not achieve direct solar access in midwinter, the proposed rooftop garden, central courtyard and common open space at the north-west corner of the site provide ample opportunities to access open space. It is also noted that the site is less than a 5 minute walk to major public open space at the waterfront.</p> <p>9. The lack of windows has the benefit of privacy to such areas. The units are also small in size, which enables rooms to still receive ventilation from other nearby windows/doors. Mechanical ventilation can also be introduced if necessary.</p> <p>10. The screens/louvers will be adjustable to allow light and ventilation. The screens/louvers will also direct views to the Westport Park and the Hastings River (north) rather than adjoining properties.</p> <p>11. Balcony depths comply with DCP 2013.</p> <p>12. Ground floor units facing Waugh Street now have direct access to the street.</p> <p>13. Area for bins, garden equipment etc introduced in basement level. A workers toilet has also been provided on the lower ground floor level.</p> <p>14. Layouts are scaled and considered to provide for a range of occupants.</p>
<p>8. The safety and security characteristics of the proposal</p>	
<p>Lack of definition and secure sight lines to the pedestrian entry. See comments above.</p>	<p>The entrance has been improved by making it more consistent with the ground floor units. This allows sight lines into the building and central courtyard area. The entrance is also widened at street entry and narrows as you enter the building to help define the public and private areas. Entrance off Alva Lane is more restricted with access via the car park and/or a small doorway in the north west corner.</p>
<p>9. Social issues</p>	
<p>No communal space internally and hard to access and inadequate external space provided. Central courtyards could be an important social gathering space</p>	<p>The applicant has since introduced a large, useable, communal roof top open space. In addition, the applicant has more clearly defined an open space</p>

however the design does not encourage this activity.	area off the lower ground floor level with access coming via the internal courtyard open space. The development is now considered to provide a suitable mixture of communal open space area for social gatherings. The entrance off Waugh Street has also been widened to allow for interaction when entering and exiting the building.
Street entry could be more attractive and given more design detail.	More detail has since been provided on the street entry. A mixture of hard and soft landscaping areas provides an attractive frontage.
10. The aesthetics of the proposal	
The DRP notes that not enough detail has been provided to make appropriate comment.	Further detail has since been provided on landscaping and open space areas have been incorporated into the design, along with more detail on materials to be utilised. The facades present a mixture of colours, materials, setbacks and articulation to present a well proportioned and aesthetically acceptable building.

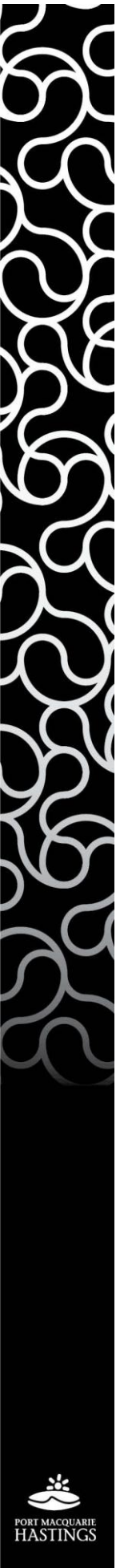
It is considered that the information provided by the applicant following the DRP meeting has satisfactorily addressed the issues raised.

In accordance with clause 30(2), the proposal has adequately addressed the design principles contained in the Residential Flat Design Code. The following table provides an assessment against the design quality principles:

Requirement	Proposed	Complies
Context Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.	The proposal is for a five storey residential flat building with basement car parking. The area is characterised by a mixture of low rise and high rise developments. A number of larger flat buildings exist in the immediate area. Encouraging higher density in areas with close proximity to the CBD or business zones is desirable for the area. The design responds to the site's slope and steps down in height to the north of the site. The design	Yes. The proposed building design is compatible with existing development and the desired future character of the area as stated in the relevant planning and design policies. It is considered the building will contribute to the quality and identity of the area.

	also provides for the majority of apartments to benefit north aspect.	
Scale Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.	<p>The proposal incorporates a minor variation to the LEP controls for building height. Refer to clause 4.6 of LEP 2011 comments for consideration of the proposed variations.</p> <p>The height and bulk of the proposed building are considered to be acceptable in the streetscape and future desired character of the area.</p>	<p>The height and scale of the building is considered to be appropriate having regard to the desired future character of the area. The height and scale is considered to be compatible with existing buildings in the locality.</p>
Built form Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	<p>The building incorporates a ground floor 3m front setback to Waugh Street, which is consistent with the desired character for the area. Satisfactory articulation and variation in building colours and materials are proposed.</p> <p>The site is partially visible from public space on the Hastings River foreshore (Westport Park) and would provide a satisfactory contribution to the existing vista from this location.</p> <p>Impacts on existing views from nearby properties are considered in detail later in this report under 'View Sharing'.</p>	<p>The building is considered to achieve an appropriate built form and incorporates interesting building elements and treatments that will compliment the streetscape.</p> <p>The proposed internal unit layouts provide for internal amenity. The orientation of the block takes advantage of the northern outlook.</p>
Density Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area	<p>The proposal is for a floor space ratio (FSR) of 1.79:1, which complies with the maximum 1.8:1 FSR adopted in the LEP.</p> <p>The adopted FSR for the site is consistent with the objectives of the R4 High</p>	<p>It is considered that the design has adopted an appropriate density that is sustainable and consistent with surrounding densities.</p>

<p>or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>Density Residential zone and the height of buildings envisaged for the area.</p> <p>The proposed development is considered to be consistent with surrounding densities of the more newer buildings at 14 Waugh Street and 27-29 Waugh Street.</p> <p>The proposed density is also considered to be sustainable having regard to availability of infrastructure, and public transport, proximity to services and community facilities and the environmental quality of the area.</p>	
<p>Resource, energy and water efficiency</p> <p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>The north - south orientation of the block has been utilised. All units contain a certain level of north facing balconies/aspect (some more than others) and opportunities for natural ventilation.</p>	<p>BASIX certificate has been provided demonstrating that the design satisfies acceptable energy and water efficiency measures.</p> <p>Suitable landscaping areas proposed.</p>
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the</p>	<p>A landscaping plan has been submitted with the application, including substantial landscaping both on and within the building.</p>	<p>Landscaping of non deep soil zone areas (i.e. on the hard stand areas of the building) may become an issue for building construction and long term maintenance. However, the technique is common and proven</p>



<p>adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by coordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>		<p>successful on other buildings throughout the world. The soil depth and area available is consistent with rules of thumb in the RFDC.</p>
<p>Amenity Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>The building incorporates generous unit layouts and design which optimise the northern orientation, ventilation, privacy etc.</p> <p>Adequate storage and outdoor space provided throughout the building.</p> <p>Accessibility is possible via a mixture of ramps, stairs and lifts.</p>	<p>The layout of the units has taken advantage of the northern orientation with an emphasis of natural sunlight and ventilation via extensive north facing windows, balconies and an open central courtyard.</p> <p>The design and layout will provide a good level of amenity.</p> <p>All units are accessible via lifts.</p> <p>Building depth is satisfactory.</p> <p>All units include a sufficient amount of private open space.</p>



		<p>Communal space is available via a large, useable, communal roof top open space. In addition, the applicant has more clearly defined an open space area off the lower ground floor level with access coming via the internal courtyard open space.</p> <p>The development is also located in close proximity to a range of public open space areas, most notably Westport Park, around 100m walk from the site.</p>
<p>Safety and security</p> <p>Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	<p>The various array of windows, doors and balconies throughout the building provide surveillance of the site and also the public domain.</p> <p>Access to the site is predominately controlled via single entry point off Waugh Street. Ground floor units facing Waugh Street also have direct access but they can be controlled via gates/locks. Entry via Alva Lane is limited to the car park (controlled by roller door) or a small side door. Access to both these areas can be controlled electronically.</p> <p>The interface between public and private/communal space is considered to be clearly defined at the site frontage.</p>	<p>The proposal adequately addresses the principles of Crime Prevention Through Environmental Design.</p> <p>Where potential exists for concealment areas, surveillance is provided from within the building.</p>
<p>Social dimensions and housing affordability</p> <p>Good design responds to the social context and needs of the local community in terms of</p>	<p>The proposal includes a good mix of 1 and 2 bedroom apartments to suit a variety of budgets</p>	<p>The proposal adequately addresses social dimensions and housing affordability.</p>

lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.	and housing needs.	
Aesthetics Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	The sample board and plans provide examples of the colours, textures and finishes.	The colours and materials provided on the sample board/palette and plans indicate a contemporary high quality design and finish. It is considered that the aesthetics of the building will respond appropriately to the surrounding environment and context of the existing and desired character of the locality.

State Environmental Planning Policy 71 – Coastal Protection

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

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

The development does not propose subdivision and therefore the masterplan provisions do not apply.

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

- a) any restricted access (or opportunities for access) to the foreshore
- b) any adverse amenity impacts along the foreshore and on the scenic qualities of the coast;
- c) any adverse impacts on flora and fauna;
- d) the development being subject to any adverse coastal processes or hazards;

- e) any significant conflict between water and land based users of the area;
- f) any adverse impacts on any items of archaeological/heritage;
- g) reduction in the quality of the natural water bodies in the locality (due to effluent & stormwater disposal, construction impacts, landuse conflicts);
- h) adverse cumulative impacts on the environment;
- i) a form of development that is unsustainable in water and energy demands;
- j) development relying on flexible zone provisions.

The site and area are zoned for high density residential purposes. There are also similar scaled developments within 500mm of the site.

State Environmental Planning Policy (Affordable Rental Housing) 2009

While the application provides a number of one bedroom units and is likely to have a degree of affordability, the proposal has not been lodged under the SEPP. Therefore, the development is not locked into the affordability requirements or subject to the planning control exemptions/variations.

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

A BASIX certificate (number 518187M_02) has been submitted demonstrating that the proposal will comply with the requirements of the SEPP. It is recommended that a condition be imposed to ensure that the commitments are incorporated into the development and certified at Occupation Certificate stage.

State Environmental Planning Policy (Infrastructure) 2007

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

State Environmental Planning Policy (Major Development) 2005

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

Port Macquarie-Hastings Local Environmental Plan 2011

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

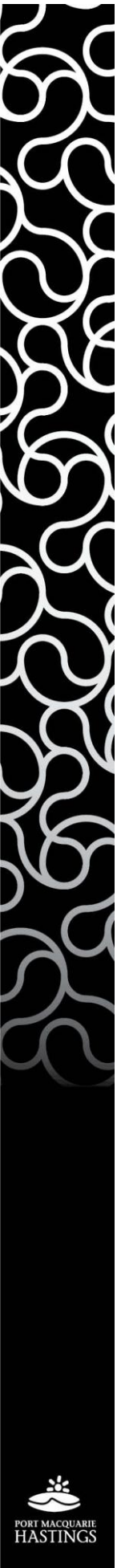
- Clause 2.2, the subject site is zoned R4 High Density Residential. In accordance with clause 2.3(1) and the R4 zone land use table, the proposed development for a residential flat building is a permissible land use with consent.

The objectives of the R4 zone are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for tourist and visitor accommodation in key tourist precincts of urban areas of the Council area, while also encouraging increased population levels.*
- *To encourage development that has regard to the desired future character of streets and supports active and safe uses at pedestrian level.*

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

- The proposal is a permissible land use;
- The development will provide high density residential apartments to meet the housing needs of the community;



- The proposal has regard to the desired character of the street and supports safe use at the pedestrian level.
- Clause 4.3, this clause establishes the maximum “height of a building” (or building height) that a building may be built to on any parcel of land. The term “building height (or height of building)” is defined in the LEP to mean “*the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like*”. The term “ground level (existing)” is also defined in the LEP to mean “*the existing level of a site at any point*”.

The building height limit for the site is identified on the Height of Buildings Map as being 17.5m. The majority of the proposed development complies with the standard. There still are some minor height variations of approximately 0.65m where the building steps down the sloping site. Refer to Figures 11, 12 & 13 in the attached Appendix 1, Clause 4.6 variation by Dickson Rothschild, 11-087, Revision C, which demonstrates the areas of the building that exceed the height limit.

In considering the height variation, compliance with the objectives of Clause 4.3 of the LEP have been considered below:

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

Comment:

The proposed building height varies from 15.64m at Waugh Street, 18.2m (approximate to top of lift tower) at the centre of the site to 17.7m at Alva Lane. The building presents as a five storey building to Waugh Street and five and a half storey building to Alva Lane.

The locality is characterised by a number of other residential flat buildings ranging in height from three to eight storeys above ground level. Examples include 1 Waugh Street, 14 Waugh Street, 27-29 Waugh Street, 2 Hollingsworth Street and 8-10 Hollingsworth Street to name but a few. The neighbouring residential flat building to the east (27-29 Waugh Street) has four and five storey components.

Based on the above, the proposed height, bulk and scale of the development is considered compatible with the existing and future character of the locality.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

Comment:

The visual impact of the building is considered satisfactory for the following reasons:

- The application has been reviewed by the Design Review Panel. See comments earlier under SEPP 65.
- The main variations are located behind the facades of the building and will not be identifiable.
- The variations are minor equating to 650mm, which represents a variation of 4%.

- The building height is similar to others in the area and will therefore not be visually dominant.

View impacts and solar access are considered in detail later in this report under 'View Sharing' and 'Overshadowing'. The proposed development is unlikely to create any adverse view loss or overshadowing.

Potential privacy impacts are considered under the relevant DCP provisions below and have been satisfactorily addressed in the building design.

(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,

Comment:

The site does not contain any known heritage items or sites of significance.

(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.

Comment:

The height limits for the area were recently reviewed via Amendment 31 of LEP 2011 with a 17.5m height limit being nominated. In addition, the proposed height is consistent with (and even lower than) other buildings in the area. Therefore, the proposed height is considered to be consistent with other buildings in the area and transitions well into the future strategic heights for the locality. The minor variations do not compromise this intent.

In addition to the above, the applicant has lodged a written request in accordance with Clause 4.6 of the LEP objecting to the 17.5m building height standard applying to the site which is established under Clause 4.3 (see comments below).

- Clause 4.4, the floor space ratio (FSR) of the proposal is 1.79:1 which complies with the maximum 1.8:1 floor space ratio applying to the site.
- Clause 4.6, consent must not be granted for a proposal that contravenes a development standard unless the consent authority has considered a written request from the applicant that justifies the variation by showing that the subject standard is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contravening of the standard.

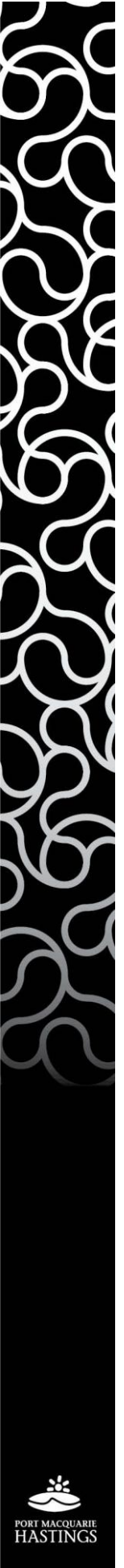
As a result of the above, the applicant submitted a Clause 4.6 variation to the standard based on the following reasons:

- The variations will not be readily visible due to the minor nature of the variation 4%. In addition, the bulk of the variation occurs at the lift area, which is central to the site (hidden by the facades).
- There are similar sized and even higher buildings within 500m of the site. Some of which vary their respective height limits by 1-2 storeys. Examples of some of the larger buildings include 1 Waugh Street, 14 Waugh Street, 27-29 Waugh Street, 2 Hollingsworth Street and 8-10 Hollingsworth Street to name but a few. As a result, the proposed height and minor variation is not unreasonable within the context of the area.
- The development complies with the FSR requirement, which is an indicator of bulk and scale.

- There will be negligible public domain impact.
- The development provides greater side setbacks, which further reduces the bulk of the building. It also aids in more of the units achieving solar access, natural ventilation and views. The result of the more compact design is a slight height variation.
- The development is well articulated which further reduces the bulk of the building.
- The height helps achieve better designed units.
- The height complies at Waugh Street being the primary street frontage.
- Trees are proposed on Waugh Street to help reduce the scale of the development.
- Due to the slope of the land and stepped design of the building, properties to the south will still maintain views to the Hastings River.
- The development is less obtrusive than the previously approved and active DA 2003/601.
- Overshadowing is reduced by the stepped in design and greater side setbacks.
- Through the use of screening and separation, there will be no loss of privacy.
- The height contributes to the proposed units having good solar access and ventilation. This helps create an energy efficient building.
- The height of the building was increased to ensure level access from the street, a requirement of the DRP.
- The height and FSR have been maximised to allow an appropriate density of housing near the CBD, key services and facilities. This is an outcome the State Government is hoping to achieve.
- Height is increased to reduce excavation and minimise steep car parking areas (i.e. make car parking more accessible). It also helps reduce cost and allow for better detail in other aspects of the design.
- The height contributes to the ability to provide adaptable housing and a range of units types to meet the desired demographic of the area.

Having considered the application and Clause 4.6 variation, the proposal will have limited impact on the environment as per the reasons identified by the applicant above. In addition, it is also considered that the development:

- Will provide a height that meets the existing and proposed future character of the area.
- The development contains significant sections of compliance with the 17.5m standard.
- Compliance with the standard would be unreasonable in this case given the minor nature of the variations proposed and compliance with the FSR.
- The development is consistent with the zoning and height objectives of the LEP 2011 and is unlikely to have any implications on State related issues or the broader public interest.
- The floor to ceiling heights are not excessive.
- Partially obstructed views to the Hastings River exist from the existing one and two storey buildings located to the south of the subject site. The view will



be further lost via the construction of the subject building. However, it should be noted that the loss of view occurs within a compliant building height and footprint.

- There is public interest in the efficient use of land within proximity to existing services and infrastructure. Such development encourages walking, cycling and use of public transport and decreases ongoing maintenance costs for public infrastructure compared to lower density residential development. The height of the building has helped maximise the FSR and true development potential of the property.

As per Planning Circulars PS 08-003 & 08-014, Council can assume the Director's Concurrence for variations to height limits. In addition, the variation is less than 10% and able to be determined by DAP, which provides transparency to the decision.

- Clause 5.5, relevant objectives of this clause are addressed by SEPP 71 section (see above). Climate Change & Coastal Hazard implications are not applicable to the development.
- Clause 5.9, no listed trees in Development Control Plan 2013 are proposed to be removed.
- Clause 5.10, the site does not contain any known heritage items or sites of significance. The property is also disturbed from past activities and excavation associated with DA 2003/601.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

None relevant.

It should be noted that Amendment No 31 to the Port Macquarie-Hastings Local Environment Plan 2011 (LEP), was publicly exhibited and commenced during the development application assessment period.

Amendment No 31 had the following implications for the development site:

- Change the zoning from R3 Medium Density Residential to R4 High Density Residential.
- Increase the maximum permitted Height of Buildings for the site from 14.5m to 17.5m.

Legal advice confirms that because the amending LEP did not include a specific savings provision for existing Development Applications, Council must consider the (amended) LEP provisions that are applicable at the date of determination.

This report has considered Amendment 31.

In addition to the above, State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (Amendment 3) commenced on 17 July 2015. Unlike the LEP Amendment 31 above, the savings provisions in the SEPP require the application to be assessed as if the amendment had not occurred (i.e. assess against previous SEPP). Therefore, the amended SEPP does not apply.

(iii) any Development Control Plan in:

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: Residential Flat Development, Tourist and Visitor Accommodation and Mixed Use Development

DCP Objective	Development Provisions	Proposed	Complies
3.3.2.2	Satisfactory site analysis plan submitted.	Relevant information shown on submitted documentation.	Yes
3.3.2.3	Statement addressing site attributes and constraints submitted.	Relevant information shown on submitted documentation.	Yes
3.3.2.4	Streetscape and front setback: <ul style="list-style-type: none"> • Within 20% of the average setback of the adjoining buildings. • 3m setback to all frontages if no adjoining development. • 2m setback to secondary frontages. • Max. 9m setback for tourist development to allow for swimming pool. 	<p>The average setback of the two adjoining buildings is approximately 4.5m. Therefore, 20% of the average is 3.6m.</p> <p>The applicant proposes a 2.8m front setback and 3.5m setback to a secondary frontage.</p>	No - refer to comments at the end of this table.
3.3.2.5	Balconies and building extrusions can encroach up to 600mm into setback.	Balconies do not encroach more than 600mm.	Yes
	Buildings generally aligned to street boundary.	Yes	Yes
	Primary openings aligned to street boundary or rear of site.	Yes, albeit some of the primary openings are located on the side setbacks. However, the use of screening refocuses the view down the property (ie towards Alva Lane) rather than at adjoining properties to the side.	Yes
3.3.2.6	Side setbacks comply with Figure 3.3-1: <ul style="list-style-type: none"> • Min. Side setback 1.5m for 75% of building depth. • Windows on side walls min. 3m from side boundary. • 3m minimum where adjacent to existing strata titled building. 	The sections of the building that are setback 1.5m do not equate to 75% of the building depth. Windows on side walls are setback at least 3m. There are existing strata buildings to the east and west. The majority of the development is setback over 3m from such boundaries. However, the first 7.5m from Waugh Street on the east and west façade is setback	No - refer to comments at the end of this table.

		less than 3m.	
	Side walls adjacent to existing strata-titled buildings should be articulated and modulated to respond to the existing buildings.	Building articulation satisfactory. Windows have been offset and/or screened to maintain privacy.	Yes
	Min. 6m rear setback (including sub basements)	Being a dual frontage property, the site does not have a rear setback. Regardless, a 6m rear setback to Alva Lane has been adopted. The 6m setback has been identified as permeable parking. However, conditions will be imposed to ensure the 6m area becomes a more true deep soil zone area.	Yes
3.3.2.7	A party wall development may be required if site amalgamation is not possible and higher density development is envisaged by these controls.	Not required.	N/A
3.3.2.8	Exposed party walls should be finished in a quality comparable to front facade finishes.	Not required.	N/A
3.3.2.11	Buildings should be sited across the frontage of the site (not down the length of the site). Refer to Figure 3.3-3.	The development has used a combination of both. While the development is built across the frontage to Waugh Street, the building steps in down the site, towards Alva Lane. A more traditional design would have been to build a block of units across the Waugh Street frontage and another across the Alva Lane frontage with a central strip of open space separating the two buildings. In addition to the above, the proposed design includes a central courtyard. The outcome allows for more units with solar access, views and dual aspect ventilation.	Yes

		The design still allows for a range of landscaping, including on building landscaping.	
3.3.2.12	<p>Deep soil zones:</p> <ul style="list-style-type: none"> Extend the width of the site and have minimum depth of 6m. Are contiguous across sites and within sites (see Fig 3.3-4). 	<p>Applicant has nominated a 6m deep soil zone fronting Alva Lane. Revised plans have been submitted showing five visitor spaces within the deep soil zone but only the disabled parking space will comprise non permeable materials. The proposed arrangement is considered to still achieve the objectives of a deep soil zone because it will allow natural drainage and tree growth.</p> <p>In addition to the above, the applicant has also allowed for deep soil areas less than 3m towards the Waugh Street frontage. Such areas further aid drainage and smaller tree growth onsite.</p>	Yes
3.3.2.13	Deep soil zones accommodate existing advanced trees, and allow for advanced tree planting.	Refer to above comment.	Yes
3.3.2.14	Deep soil zones integrated with stormwater management measures.	Details to be provided at Construction Certificate stage.	Yes
3.3.2.15	Sunlight to the principal area of ground-level private open space of adjacent properties should not be reduced to less than 3 hours between 9.00am and 3.00pm on June 22.	Refer to comments on overshadowing at the end of this report.	Yes
	Buildings should not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than the above specification.	Refer to comments on overshadowing at the end of this report.	Yes
3.3.2.16	Internal clothes drying space provided (not mechanical).	Sufficient area provided for clothes drying.	Yes
	Ceiling fans provided in preference to air	Can be installed retrospectively	Yes

	conditioning.		
	Solar hot water systems (or equivalent technology) provided.	Energy efficiency requirements covered by BASIX	Yes
	Photovoltaic arrays installed where practical.	Not nominated but can be installed retrospectively if required for certain aspects of the building. Energy efficiency requirements also covered by BASIX	Yes
3.3.2.17	<p>Landscape plan provided including:</p> <ul style="list-style-type: none"> • 35% soft landscaping with minimum width of 3m. • Existing vegetation and proposed treatment. • Details of hard landscaping. • Location of communal recreational facilities. • Species not to obscure doors, paths, etc. • Street trees in accordance with Council's list. 	<p>Soft landscaping exceeds 35%.</p> <p>Landscaping concept submitted including details of relevant open space areas, hard landscaping and species type.</p>	Yes
3.3.2.19	Landscape plan to demonstrate how trees and vegetation contribute to energy efficiency and prevent winter shading on neighbouring properties.	Landscaping is acceptable and allows a range of species to be planted.	Yes
3.3.2.20	Street trees in accordance with Council's list.	Not proposed in submitted documentation.	N/A
3.3.2.21	All dwellings at ground floor level have minimum 35m ² of private open space, including one area 4m x 4m at maximum grade of 5% and directly accessible from living area.	<p>It is considered that units G08-10 are the only true ground floor units. All the remaining units are elevated off the ground and considered to be more balconies.</p> <p>In terms of units G08-10, both G08 and G10 exceed 35m² and have a 4m x 4m area accessible from a living area. G09 contains an area of 24m² and a 4m x 4m area directly accessible from a living area. While G09 does not meet the 35m² requirement, the unit is</p>	No, but acceptable.

		only a single bedroom. The 35m ² is designed to cater for larger units. In this regard, the 24m ² area is considered acceptable in this case for such a small one bedroom unit.	
	Dwellings not at ground level have balconies with minimum area 8m ² and minimum dimension 2m.	All apartments above ground level include a minimum of 8m ² of balconies including at least one balcony with minimum dimension 2m.	Yes
3.3.2.23	Fencing or landscaping defines public/communal and private open space.	Fencing, gates and mail box structure help define public and private spaces.	Yes
3.3.2.24	Solid fences should be: <ul style="list-style-type: none"> • Max. 1.2m high, • Setback 1m, • Suitably landscaped, • Provide 3m x 3m splay. 	Front fence is articulated with landscape beds and contains open style timber slats.	N/A
3.3.2.25	Fencing materials consistent with or complimentary to existing fencing in the street.	Proposed fencing considered complimentary to others in the street and what is expected into the future.	Yes
3.3.2.27	Building to be designed so that: <ul style="list-style-type: none"> • Busy, noisy areas face the street. • Quiet areas face the side or rear of the lot. • Bedrooms have line of site separation of at least 3m from parking areas, streets and shared driveways. 	The majority of living areas face the internal courtyard and street. Due to the small building depths proposed, it is unavoidable in some cases for bedrooms not to face the road and living areas to not face side boundaries. Potential conflict is offset via the use of privacy screens and the small scale of the units.	No, but acceptable.
	Openings of adjacent dwellings separated by at least 3m.	Yes	Yes
3.3.2.28	Building designed so noise transmission between apartments is minimised.	Groupings of living areas, separation and offsetting of doorways will address noise transmission. Landscaping and screening will protect units from communal open space areas.	Yes
	Uses are to be coupled internally and between apartments i.e. noisy	Refer to above comment.	Yes

	internal and noisy external spaces should be placed together. (See Figure 3.3-6).		
3.3.2.29	Development complies with AS/NZS2107:2000 <i>Acoustic – Recommended design sound levels and reverberation times for building interiors for residential development</i> .	Details to be provided at CC stage.	Yes
3.3.2.30	Impact of noise from key public places to be considered.	The site is located in proximity to Westport Park. This space is used for events on an infrequent basis and is unlikely to cause regular disruption to residents of the development. Future development of lots fronting Buller Street will provide further screening and protection.	Yes
3.3.2.31	Direct views between living room windows to be screened where: <ul style="list-style-type: none"> • Ground floor windows are within 9m of windows in an adjoining dwelling. • Other floors are within a 12m radius. • Living room windows are within 12m radius of the principal area of private open space of other dwellings. 	Combination of screens, fencing and separation will ensure privacy is retained both to and from the development. Where living rooms face side boundaries, the units are design to re-direct the view to the north (away from side boundaries). The stepped design provides protection to each unit within the complex.	Yes
	Direct views may be screened with either a 1.8m high fence or wall, or screening that has maximum 25% openings.	Refer to above comment.	Yes
	Windows in habitable rooms screened if >1m above ground level and wall set back <3m.	Yes	Yes
	Balconies, decks, etc screened if <3m from boundary and floor area >3m ² and floor level >1m above ground level.	For the most part, all balconies are setback 3m or more from side boundaries. Units 7 and 11 on each level contain encroachments of 300mm (approx). The minor encroachment is screened	No, but acceptable.

		and will create no adverse impacts.	
3.3.2.32	Developments to be designed in accordance with AS 1428.	Development capable of complying. Details will be required at Construction Certificate stage.	Yes
3.3.2.33	Barrier free access to at least 20% of dwellings provided.	Yes	Yes
3.3.2.34	Developments located close to open space, recreation, entertainment and employment.	Yes	Yes
	Where LEP permits FSR > 1:1, FSR not less than 1:1 should be achieved.	FSR 1.79:1.	Yes
3.3.2.35	Variety of types - studio, 1, 2, 3 and 3+ bedroom apartments	Development provides a mix of studio, 1 and 2 bedroom apartments. No 3 bedroom proposed.	Yes
	Studio and 1 bedroom apartments not > 20% of total number of apartments.	69% of units are studio and 1 bedroom apartments. The higher number of studio and one bedroom units is to maximise residential density near the CBD and to provide affordable housing. There is also the ability to amalgamate units if the need arises. Apartment mix considered satisfactory.	No, but acceptable.
	Mix of 1 and 3 bedroom apartments at ground level.	Mix of 1 bedroom and 2 bedroom units at ground level, which is acceptable given no 3 bedroom units proposed.	Yes
3.3.2.37	Lift over-runs and plant integrated within roof structures.	Lift over-run provides the highest point of the building. However, the lift overrun is less than 1m above the remaining building height and located central to the building. In this regard, the lift overrun will not be overbearing or readily visible from outside the site.	Yes
	Roof design to generate interesting skyline.	The stepped design creates an interesting façade and roof.	Yes

3.3.2.38	<p>Facade composition should:</p> <ul style="list-style-type: none"> • Have balance of horizontal and vertical elements. • Respond to environmental and energy needs. • Incorporate wind mitigation. • Reflect uses within the buildings. • Include combination of building elements. 	Development provides mixture of articulation and materials to create an interesting façade with regard to the environment.	Yes
3.3.2.39	Building elements, materials and colours consistent or complimentary to those existing in the street.	Sample board for development provided. Proposed colours and materials considered satisfactory.	Yes
3.3.2.40	Entrances clearly identifiable from street level.	A large central open entry off Waugh Street provides pedestrian access to the building.	Yes
	Entries provide clear transition between public street and shared private circulation spaces/apartments.	The entrance has been designed as a large opening that funnels people into the building. Mailboxes, materials and the opening within the building define the public/private interface.	Yes
	Entries avoid ambiguous and publicly accessible small spaces in entry areas.	Entrance is clear. The entrance to the rear has been minimised/hidden to reiterate that it is more for occupants of the building.	Yes
	Entries sheltered and well lit.	Entry sheltered by unit above and can be well lit.	Yes
	Entries and circulation spaces sized for movement of furniture.	The design allows for movement of furniture throughout.	Yes
	Corridors minimum 2.5m wide and 3.0m high.	Corridors are of a suitable height and width.	Yes
	Corridor lengths minimised and avoid tight corners.	There are limited corridors proposed and those nominated are short in length.	Yes
3.3.2.41	Minimum 1 balcony per apartment.	At least 1 balcony per apartment.	Yes
	Main balcony accessible from living area.	Yes	Yes
	Balconies take advantage of favourable climatic conditions.	Due to the stepped design, the majority of units have north facing balconies.	Yes

	Balconies and balustrades balance privacy and views.	Mixture of glass and semi solid balconies proposed.	Yes
3.3.2.42	Balconies include sunscreens, pergolas, shutters and operable walls.	Majority of balconies include sheltered components, sliding doors to create an indoor/outdoor living area and privacy screens.	Yes
	Balconies recessed to create shadowing to facade.	Majority of balconies are recessed or contain shade structures to create shadow elements over the facade.	Yes
	Solid balustrades discouraged.	Development provides a mixture, which helps achieve an attractive articulated facade, privacy but still a degree of surveillance.	Yes
	Air conditioning units not visible from the street.	No visible air conditioning identified on plans.	Yes
3.3.2.43	Secure open air clothes drying facilities that are: <ul style="list-style-type: none"> easily accessible, screened from public domain and communal spaces, located with high degree of solar access. 	Sufficient area available on apartment balconies for clothes drying. In addition, the communal areas have the ability to introduce clothes drying facilities if required.	Yes
3.3.2.44	Mailboxes integrated into building design and sighted to ensure accessibility and security.	Mailbox area has been incorporated into the entrance area off Waugh Street and is identifiable.	Yes
3.3.2.45	Public and private space clearly defined.	Private and public space appropriately defined.	Yes
	Entrances: <ul style="list-style-type: none"> oriented to public street, provide direct and well lit access between car parks, lift lobbies and unit entrances, optimise security by grouping clusters (max. 8) around a common lobby 	The entrance is orientated towards Waugh Street and has been designed as a large opening that funnels people into the building/courtyard area. The courtyard area contains lifts and stairs to transport people to and from units, car parking and the street. Windows and openings from units face the internal courtyard for security.	Yes
	Surveillance facilitated by: <ul style="list-style-type: none"> views over public space from living areas, casual views of common internal areas, 	Casual surveillance of communal open space and public street available from apartments.	Yes

	<ul style="list-style-type: none"> provision of windows and balconies, separate entries to ground level apartments. 	Separate entries have been provided for ground floor units.	
	Concealment avoided by: <ul style="list-style-type: none"> preventing dark or blind alcoves, providing lighting in all common areas, providing graded car parking illumination (greater at entrances). 	Building design limits concealment opportunities.	Yes
	Access to all parts of the building to be controlled.	Access to the building and throughout can be controlled via various electrical security systems/swipe cards.	Yes
3.3.2.46	Accessible storage provided for tenants in basement car park or garages.	Storage area provided in basement.	Yes
	One bike storage space per dwelling provided.	Bicycle storage area available within each unit. Additional area exists at the front of the building and within the car park.	Yes
	Communal bulk waste required where: <ul style="list-style-type: none"> > 6 dwellings, or Number of bins wouldn't fit in street frontage, or Topography would make street collection difficult. 	Communal bin storage area identified in basement car park.	Yes
	Communal bulk waste facilities integrated into development and located at ground or sub-basement level. <ul style="list-style-type: none"> Not visible from street, Easily accessible, Can be serviced by collection vehicles, Not adjoining private or communal space, windows or clothes drying areas, Has water and drainage facilities for cleaning, Maintained free of pests. 	Bin storage area identified in basement car park.	Yes
	Evidence provided that site can be serviced by waste collection service.	Condition recommended requiring private waste collection service for the development.	Yes
3.3.2.48	Common trenching of utility	Can be conditioned.	Yes

	services where possible.	Details at CC stage.	
	Above ground utility infrastructure integrated with building design.	Area exists onsite to incorporate infrastructure within garden beds or the building design.	Yes
	Site and individual units numbered.	Can be conditioned.	Yes
	Common aerials and satellite dishes provided.	Can be conditioned.	Yes

DCP 2013: General Provisions

DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> Casual surveillance and sightlines Land use mix and activity generators Definition of use and ownership Lighting Way finding Predictable routes and entrapment locations 	Casual surveillance of communal open space available from apartments. Private and public space appropriately defined. Casual surveillance of street and communal space available from apartments. Lighting can be installed retrospectively.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Cut >1m, but generally contained within external walls of the building/basement car park footprint.	Yes
2.3.3.2	1m max. height retaining walls along road frontages	None proposed.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical	Development does not front an arterial or distributor road. Vehicle access limited to Alva Lane.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	A standard width dual lane driveway proposed off Alva Lane. No loss of existing street parking on Alva Lane (ie Alva Lane currently doesn't allow on street parking).	Yes
2.5.3.3	Off-street parking in accordance with Table 2.5.1: <ul style="list-style-type: none"> 1 per 1 or 2 bed unit, 1.5 per 3-4 bed unit + 1 visitor per 4 units 	<u>Required:</u> 64 x 1 & 2 bedroom units = 64 spaces. Visitor parking 64/4 = 16 spaces. Total required = 80 spaces.	No - refer to comments at the end of this table.

		Proposed: The applicant has provided 64 spaces within the building (includes 8 disabled spaces) and 5 spaces off Alva Lane (includes 1 disabled space). Total spaces = 69.	
2.5.3.5	On-street parking permitted subject to justification	None proposed.	N/A
2.5.3.7	Visitor parking to be easily accessible	Five spaces off Alva Lane. Visitor spaces will be signposted. There will also be existing on street parking on Waugh Street.	Yes
	Parking in accordance with AS 2890.1	Compliance with the standard possible and to be reiterated through conditions.	Yes
2.5.3.10	Parking concessions possible for conservation of heritage items	No concession sought on this basis.	N/A
2.5.3.14	Sealed driveway surfaces unless justified	Driveway areas to be concrete.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade.	Compliance possible.	Yes
2.5.3.16	Transitional grades min. 2m length	Compliance possible.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Basement car park will not generate stormwater runoff and visitor spaces to use permeable grasscrete (excludes disabled visitor space).	Yes
	No direct discharge to K&G or swale drain	Connection to stormwater system to be conditioned.	Yes

DCP 2013: Westport Precinct

DCP Objective	Development Provisions	Proposed	Complies
4.2.4.2	Laneways etc to be provided as per Figure 4.2-3	Development is not located within the area nominated on Figure 4.2-3.	N/A
4.2.4.3	Residential flat buildings to have 24m frontage. Dual frontages may accept an 18m frontage.	Frontage exceeds 24m.	Yes
4.2.4.4	Development complies with: - Building height complies with LEP.	Building height addressed in LEP section of this report. The DCP requires an upper	No, but acceptable.

	<ul style="list-style-type: none"> - Setbacks and building alignments consistent with 4.2-4. - Controls on building height, commercial uses etc apply to Bridge, Gore and William Street. 	storey setback to Waugh Street. The Waugh Street façade has a mixture of setback elements, which is considered acceptable and is consistent with other development in the area.	
4.2.4.5	Setbacks and building alignments to be consistent with Figures 4.2-5 & 6 or 3m where no setback shown. Upper level to be setback.	Figure 4.2-5 does not apply to the development. The stepped design creates a setback to Alva Lane in accordance with Figure 4.2-6.	Yes
4.2.4.6	Side and rear setbacks to be: <ul style="list-style-type: none"> - 3m from side boundaries. - 6m from rear boundary. - South of Gordon Street 10m rear setback. - Party wall not appropriate. 	<p>The majority of the development is setback over 3m from side boundaries. However, the first 7.5m from Waugh Street on the east and west façade is setback less than 3m.</p> <p>The variation does not impact on access to light, air, sun, outlook or views. No windows are contained in the encroaching areas, so privacy is retained. Based on the above, the proposal does not compromise the side setback objectives of the DCP.</p> <p>It should be noted the property does not have a rear setback - dual frontage property.</p>	No, but acceptable.
4.2.4.7	Building design to address Kooloonbung Creek	The development is not located near Kooloonbung Creek.	N/A
4.2.4.8	Side and rear walls are to be articulated to provide privacy and separation with balconies of adjacent buildings by the following: <ul style="list-style-type: none"> - Up to 4 storeys or 12m = 6m habitable rooms/balconies and 3m non habitable. - Between 5 & 8 storeys or 25m = 9m habitable rooms/balconies and 4.5m non habitable. Where separation does not	The stepped side and rear facades generally create compliant separation. Where separation is compromised, the development contains no windows or has nominated privacy screens.	Yes

	exist, privacy screens or louvers may be utilised.		
4.2.4.9	<p>Open space areas are to:</p> <ul style="list-style-type: none"> - 25% communal open space. Where 25% not possible due to constraints, 5m² per dwelling required. - 2 hours sunlight for communal area between 9am and 3pm. - Communal areas may be reduced where development contributes to public area. - Rooftop communal setback from edges and not overlook. 	Communal open space exceeds 25% with the rooftop and north western areas receiving over 2 hours sunlights due to their north orientation.	Yes
4.2.4.10	<p>Deep soil to site area provided as follows:</p> <ul style="list-style-type: none"> - <650m² = 7% - 650m² to 1500m² = 10% - >1500m² = 15% <p>Min 6m width. 10% paving allowed where tree growth can still occur.</p>	<p>Based on a site area of 2022m², the development is required to provide 303m² deep soil. The proposed development provides 285m² with a mixture of 6m and smaller dimensioned areas.</p> <p>The variation is minor (9%), especially when considering the development exceeds the 35% open space requirement, albeit via landscaping on top of the building. Nonetheless, the building landscaping does allow for significant vegetation growth and is considered an acceptable alternative. Refer to comments on deep soil zones in 3.3 section of this DCP 2013 assessment table.</p>	No, but acceptable.
4.2.4.11	<p>Fences and retaining walls to comply with the following:</p> <ul style="list-style-type: none"> - Within 1m of front boundary be max 1.2m high. - Variations allowed where ground floor level is higher than 	The proposed front fencing complies with the DCP requirements.	Yes

	ground level. - Fences greater than 1.2m should be 50% transparent above the 1.2m height. - Fences should step down sloping sites.		
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Front Setback Variation

The proposed development is setback predominately 3m from Waugh Street (primary frontage). However, there are two small 4m sections of bedroom wall that encroach 200mm. In addition, the development is not within 20% of the average of the front setback of the adjoining buildings. Therefore, the development fails to comply with the 3m front setback and the 20% front setback standard.

The objectives of the DCP are:

- Front setbacks are to provide adequate open space for landscaping, visual and acoustic privacy.
- Provide a streetscape that is consistent and complementary to existing development.

In this case, the variation is considered acceptable for the following reasons:

- The variation is minor and will not be identifiable from the street/public areas.
- The average of the two adjoining properties is considered disproportionate due to the building to the east being setback a considerable distance. In particular, the proposed development is actually consistent with the front setback of the property to the west. The property to the west is setback the more standard 3m.
- The articulation in the frontage will further hide the variation.
- There are equivalent sections of the frontage that are setback in excess of 3m and thereby offset the variations.
- The development retains suitable area for open space and landscaping.
- Similar setbacks exist within the precinct, especially via the more recently approved residential flat building on 14 Waugh Street.
- Front courtyard fences will provide visual and acoustic privacy.

Side Setback Variation

The first 7.5m on the east and west façade is setback 1.5m, which is less than the required 3m to an existing strata building.

The objectives of the DCP are:

- To allow flexibility in the siting of buildings while limiting the extent to which any building overshadows or overlooks adjacent properties.
- To allow adequate natural light and ventilation between dwellings/buildings and to private open space areas.
- To provide acoustic and visual privacy.
- To provide adequate area for deep soil planting.

In this case, the variation is considered acceptable for the following reasons:

- Overall, the development contains far greater area/built form setback more than the required 3m. Therefore in the scheme of the overall side setbacks, the variation is considered minor.
- The area encroaching does not contain any openings and will therefore create no adverse visual or acoustic privacy concerns to the neighbouring strata.

- Using the stepped design with greater setback towards the northern boundary ensures that the adjoining strata achieves better solar access than a traditional flat building broken up into two sections (one facing Waugh Street and the other facing Alva Lane) and each built across the site.
- Suitable deep soil zone areas will be retained.

Overshadowing

The relevant standards for overshadowing adopted in Development Control Plan 2013 are:

- (a) Sunlight to the principal areas of ground-level private open space of adjacent properties should not be reduced to less than 3 hours between 9am and 3pm on 22 June. Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.
- (b) Buildings should not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than the above specification.

In this instance, the adjoining buildings to the east and west of the site would be impacted by the proposed development during the morning and afternoon periods on 22 June.

The Applicant has submitted shadow modelling to assist in the assessment of overshadowing impacts. The shadow angles and lengths shown in the submitted plans have been reviewed and are considered to be accurate.

The expected overshadowing impacts of the proposed development on adjoining development on 22 June can be summarised as follows:

- 9.00am to Midday - Shadow will be cast partially over the adjoining property to the west, retracting closer to midday. No shadow impact on the north facing windows or open space areas of the eastern building during this period. This ensures the north facing windows/open space areas in the eastern building receive the required 3 hours during this period (as a minimum).
- Midday to 3pm - Shadows will start to cast over the eastern property from midday, increasing throughout the rest of the day. No shadow impact on the north facing windows or open space areas of the western building during this period. This ensures the north facing windows/open space areas in the western building receive the required 3 hours during this period (as a minimum).

From the above analysis, it can be demonstrated that the proposed development would satisfy the provisions of Development Control Plan 2013 (DCP) in relation to overshadowing.

It is acknowledged that the development would result in greater loss of solar access to some living areas and open space areas in the adjoining eastern building due to their western orientation. However, the DCP only provides for retention of solar access to north-facing windows in adjoining/adjacent development, and the overshadowing of west-facing windows is considered acceptable. Furthermore, the stepped in design of the building does ensure that more solar access is retained to such adjoining areas during the middle part of the day than would normally be possible via a standard residential flat building built across each frontage and not stepped in.

Parking Variation

The previous assessment report to DAP made the following comments on parking:

The DCP 2013 requires 80 spaces. The applicant has provided 77 spaces. However, the parking proposed by the applicant contains a number of anomalies. These include:

- 1. The visitor parking is located almost entirely over the deep soil zone, which restricts the area from being a true deep soil space and allowing trees etc to grow. Therefore, all the visitor parking spaces should not be included in calculations.*
- 2. The basement parking contains dead end aisles without any turning area. A parking space at the end of each aisle can be converted to a turning area but this will result in a further 2 spaces being lost. Based on the above, the development only provides 63 spaces in the basement area.*

As an alternative, it is noted that there are 10 disabled parking spaces in the basement car park. This figure is considered excessive given that not all people with a disability can drive or will require a disabled parking space. Given the building is only required to provide 20% disabled units, it makes sense that parking should reflect this. 20% of 64 is 12.8 spaces. Following on from the comment above that not all people with a disability drive, figures from the US suggest 70%. Therefore, 70% of 12.8 spaces equates to 8.96 (9) disabled parking spaces.

Based on the above, it is suggested that the disabled parking spaces be reduced to 8 in the basement car park area. Furthermore, a space should be lost at the end of each dead end aisles to allow for a turning bay. The loss of 2 disabled spaces creates an additional parking space but 2 spaces are lost by creating the turning areas. Making the above changes, the basement car park would provide 64 spaces. This accommodates 1 space per dwelling.

In terms of the visitor parking off Alva Lane, it is suggested the area be adjusted to provide a mixture of permeable parking spaces and non parking areas. One of the spaces should also be a disabled parking space to achieve the 9 spaces referenced above. A more realistic visitor parking number would be 5 spaces.

It should be noted the above is just one example of how the parking could be revised to be more acceptable. There are other examples available and the key will be to show compliance with AS2890 and also retain as a minimum, 64 spaces within the basement area (i.e. 1 space per occupancy). Therefore, a revised parking plan will be required to be approved by Council staff, prior to release of the construction certificate.

The reasons that the above is considered a better alternative are:

- 1. A deep soil space is provided that allows both infiltration of water and plants to grow along with some parking of vehicles.*
- 2. Each unit is provided at least one parking space.*
- 3. Not all units are likely to require parking due to the small size of the units and their proximity to the CBD. Therefore, any unused spaces can be used by residents or to cater for visitors.*
- 4. Under the new parking provisions in State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development, the development would only need to provide 55 spaces.*
- 5. The proposed development is considered to provide sufficient parking and meet the objectives of DCP 2013.*

The applicant has since provided revised plans (as attached) addressing the above issues. The proposal now contains 69 spaces and is considered acceptable for the following reasons:

- Each unit is provide with at least 1 parking space.
- Not all units are likely to require parking due to the small size of the units and their proximity to the CBD. Therefore, any unused spaces can be used by residents or to cater for visitors.
- The proposal provides more parking than is required by the recently amended State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development, under which the development would only need to provide 55 spaces.
- The proposed development is considered to meet the objectives of DCP 2013.

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

None relevant.

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy

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

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

No Coastal Zone Management Plan applies to the subject site.

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

Context & Setting

The site has a south frontage to Waugh Street.

Adjoining the site to the north is Alva Lane and a mixture of residential and commercial uses.

Adjoining the site to the east is a residential flat building, being four storeys above ground level at the Waugh Street frontage and five storeys at the rear of the site.

Adjoining the site to the south and west is a mixture of single and two storey unit developments, as well as backpackers' accommodation.

Within 400m of the site is a further mixture of commercial and residential development of various heights and design. Furthermore, the neighbourhood forms an important fringe location to the Port Macquarie CBD, Westport Park and Settlement City areas.

View Sharing

There are currently partial views of the Hastings River from the properties to the south of the proposed development (opposite side of Waugh Street). The views are very limited and exist by virtue of the previous buildings on the subject site having been removed in preparation of a development approved under a previous DA.

The retention of views from the current adjoining properties is considered not possible and has little weight in this case. In particular, a compliant building could be erected on the subject site and result in the majority of views from surrounding properties being lost. Therefore, it is not realistic that the current views be retained.

In terms of the future development of the southern side of Waugh Street, views should be obtainable from the upper storeys due to allowable height limits and the slope of the land. The height variations proposed as part of DA 2014/105 are discussed previously in this report and considered to be minor and unlikely to contribute to the loss of future views obtainable from adjoining upper storeys.

Further consideration of views and the planning principles of NSW Land and Environment Court in *Tenacity Consulting v Warringah 2004 NSW LEC 140*, are not warranted in this case.

Transport & Traffic

The development site fronts Waugh Street on the south side (uphill of the site), which is owned and maintained by Council, and is currently configured for one-way traffic circulation. The road is classified as an AUS-SPEC 'local street'. Only pedestrian access is proposed via this frontage, to the entrance lobby. Some informal on-street parking is available on Waugh Street, although this is not exclusively for use by the development and is not to be included in parking calculations.

The site is located approximately 1km west of the Port Macquarie CBD, with existing footpaths and low traffic roads providing suitable routes for pedestrians and cyclists. It is also within 200m walking distance of a bus stop linking to the CBD and the Settlement City shopping precinct. Other regional routes connect with those locations. These factors will assist in reducing the traffic demand by the development.

Vehicular access to the on-site car park is proposed off Alva Lane, a Council owned and maintained laneway. The Alva Lane road pavement is variable in condition and width, ranging between 3 and 4m, and is missing kerb and piped stormwater drainage in some places, including the frontage of the site subject to this application.

A Traffic Impact Assessment has not been submitted with the application. However, the likely traffic generated by residential dwellings is quantified by research in the RMS' *Guide to Traffic Generating Developments*. For a medium to high density mix of dwellings in a regional area, between 4 and 6.5 vehicle trips per dwelling per day on average can be expected. For 64 proposed units, the traffic generation is therefore likely to range between 250 and 420 vehicle trips per day. This is likely to equate to 25 to 42 additional vehicle trips during each peak hour along Alva Lane, in the morning and afternoon peaks (approximately equivalent to 1 to 2 additional cars every 2 minutes).

Multiple other residential flat buildings exist with principal access to Alva Lane, and those developments have upgraded the Alva Lane pavement along the frontages of their sites. There are currently approximately 95 dwellings (before approval of the subject DA proposal) and multiple businesses with principal access along Alva Lane, including the residential flat buildings. This is partially a result of Council's strategy to

reduce the number of direct accesses to Buller Street, which functions as a distributor road to the CBD. Council's asset database indicates that the Alva Lane pavement is in places not constructed to a suitable standard to cater for the existing proposed demand.

However, generally the steep gradient of the land down from Waugh Street makes vehicular access from that road difficult to achieve with basement car parking. Further, considering the existing residential flat buildings and the zoning, the proposed access via Alva Lane is consistent with the established and desired scheme for the area.

The existing maintenance burden along the length of Alva Lane is for Council to manage. However, a condition of consent will require the developer to upgrade Alva Lane along the frontage of their site, to Collector Road pavement thickness, to cater for the proposed increase in traffic. Upgrade works will also need to ensure kerb and gutter and an extension of stormwater pipe to the site frontage is provided, to manage runoff. See the 'Stormwater' heading below for more information.

Additionally, depending on when the construction certificate documentation is lodged, Council may deem it appropriate to restrict Alva Lane to one-way flow to manage traffic conflicts. This can be achieved with signage, to be installed by the developer if required by Council at that time.

Refer to the conditions of consent for other standard conditions (applicable to all similar developments) in relation to road works and construction activity.

Access

The proposed access driveway from Alva Lane into the basement carpark is 5.5m wide, and this is supported by Council to ensure no vehicles are forced to wait within the public road for another vehicle to exit the basement. Internally, the car parking dimensions can comply with AS 2890. A suitably qualified consultant will be required to certify they comply at the design and post-construction stages.

Visitor parking spaces are proposed with direct access to Alva Lane. This outcome is generally not desirable because it results in vehicles reversing into the public road. However, the proposal is consistent with neighbouring residential buildings, and there is adequate sight distance available, mitigating safety concerns. The proposed parking further reinforces the low speed environment of Alva Lane and discourages use by through traffic as an alternative to Buller Street. The spaces are to be entirely within the private property boundary.

The construction entrance to the site is also proposed to be from Alva Lane. Because heavier plant such as cranes and material deliveries present a higher risk of damage to public roads, a dilapidation report and bond security will be required to be lodged with Council prior to issue of the Construction Certificate.

Pedestrians

As discussed above, existing pedestrian links are available in the surrounding area. A condition has been recommended requiring construction of footpath along the Waugh Street frontage of the site to fill an existing gap in the footpath. There is insufficient width to formalise a footpath within Alva Lane.

Public Domain

The extensive excavation required has the potential to impact on the support of Waugh Street. A condition has been recommended to require dilapidation reports to

be submitted, alongside a report and certification prepared by a suitably qualified engineer to ensure that shoring and retaining walls (both during construction and in the long term) will at all times adequately support the road. Potential damage to adjoining residences is a matter for Common Law so no condition has been imposed, but it is strongly recommended that the developer prepare dilapidation surveys for those buildings also, prior to commencement of construction.

Utilities

Electricity and telecommunications services are available to the site.

Stormwater

The stormwater plan submitted with the development application is acceptable in concept subject to a number of recommended conditions. Construction details for the stormwater system will need to be lodged with Council as a Local Government Act (s68) application prior to issue of the Construction Certificate. Some of the significant issues include:

- a. The legal point of discharge for the proposed development is defined as a direct connection to Council's piped drainage system within Alva Lane.
- b. In this regard, Council's piped drainage system approximately 40m east of the northern boundary of the site must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4m lintel) must be installed, to allow direct piped connection from the development site into the public drainage system.
- c. The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
- d. All downpipes must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
- e. The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Hydraulic calculations and a certification provided by the designer shall be submitted with the s68 application confirming this is achieved. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
- f. The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
- g. The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- h. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- i. The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- j. Subsurface flows shall only be permitted to enter the proposed basement pump-out system if geotechnical investigation demonstrates such flows are minimal and/or intermittent. Otherwise, the basement shall be tanked / sealed against ingress of such flows.
- k. The pump-out system shall comply with the requirements of AUSPEC D5, including provision of excess capacity and redundancy (backup pump and power supply) for emergencies.
- l. As much as possible of the car park driveway shall be drained by gravity to the point of discharge, so as to minimise extra capacity required by the pump-out system.

Water

Records indicate that there is a 20 mm metered water service from a 150 mm PVC water main in the median strip of Waugh Street.

Final water service sizing for the proposed developments will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development site as a whole, as well as addressing fire service and backflow protection requirements. Each individual unit is to have its own 20mm water meter located adjacent to the unit in an easily accessible location (foyer) or arrangements made with Council for an electronic reading option.

Sewer

Sewer is available via a junction from a main in Alva Lane.

As the development will exceed 2ET the sewer will need to be connected directly to an existing or a new manhole.

According to Councils records, invert levels of the existing sewer indicate that it will not be practical to provide sewer to the lower basement.

The connection can be provided from a new manhole to be constructed over the existing junction in Alva Lane with a new junction from that manhole to a VIS within the deep soil area. From the VIS, the waste water pipe-work is the responsibility of the body corporate.

Hydraulic plans are to show engineering details of the proposed sewer connection.

All alterations to Council sewer, in conjunction with the development, will be at the developers cost.

Section 64 Contributions and standard sewer conditions will also apply.

Soils

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

Air & Micro-climate

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

Flora & Fauna

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

Waste

A common bin storage area has been identified in the basement car park. In relation to bin collection, the subject site has a limited frontage to Alva Lane. It is considered that bins for 64 units could not be placed in the site frontage for kerb side collection without causing impacts on amenity and traffic and pedestrian safety. A condition is

recommended requiring satisfactory arrangements for a private garbage collection service.

Standard precautionary site management conditions will be recommended to cover waste associated with the construction phase of the project.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX. No adverse impacts anticipated.

Noise & Vibration

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

Natural Hazards

No natural hazards identified that would impact on the proposed development.

Contamination Hazards

See comments earlier in this report 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

The proposed development is considered to have the following positive social impacts:

- Increase in affordable housing;
- Increase mix of accommodation in the area catering for various markets;
- Employment opportunities during constructions of the facility;
- Development compatible with the transitioning nature of the area (ie higher density accommodation).

Negative issues such as noise, overshadowing, view loss and traffic have been considered throughout this report and either deemed acceptable or can be resolved through conditions.

Compliance or Otherwise with the DDA

The development is capable of achieving compliance with the Building Code of Australia and Access to Premises Standards. Specific details of compliance will be required at the Construction Certificate stage.

Economic Impact in the Locality

The proposed development will create an overall positive economic impact through expansion of higher density accommodation facilities. There will also be maintained employment in the construction industry within the area. This can create and maintain employment opportunities, which in turn lead to flow on effects such as expenditure and investment in the local economy.

Site Design and Internal Design

See relevant comments earlier in this report under SEPP No. 65 regarding the building design.

Construction

The development includes significant excavation for basement car parking adjacent to existing multi storey buildings. Prescribed conditions require that the developer protect and support adjoining structures if excavation extends below the footings of the structure, building or work.

A condition is also recommended requiring dilapidation reports to be prepared for adjoining properties, to allow for monitoring and rectification works (if necessary) of any damage caused by construction activities.

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
<p>Alva Lane is not sufficient for access.</p> <p>The width, condition and capacity of the Lane will not be able to cope.</p> <p>The development will also contribute to traffic congestion at Park Street exit.</p> <p>Alva Lane does not deal with stormwater well and the development will contribute to the problem.</p>	<p>Council's Engineering Section have assessed the development and associated impacts on the local road system etc and deemed the proposal acceptable.</p> <p>Conditions have also been imposed to ensure Alva Lane is able to cope with the extra traffic via improvements to the road formation.</p> <p>In terms of stormwater, the development will be conditioned to provide a more detailed stormwater system, prior to release of the construction certificate. The design will need to ensure the proposal does not increase stormwater runoff from the site above pre-development flows. This will ensure the development does not impact on stormwater in Alva Lane.</p>
<p>Appears that a traffic report was not done. Why not?</p>	<p>The industry guide authored by the RMS gives likely numbers of average daily vehicle trips based on research, with respect to residential dwellings including higher density living. In lieu of a traffic report being provided, Council has in this case applied these standards conservatively. The conditions recommended for approval will require upgrade works to Alva Lane to enhance the durability of the road surface.</p>
<p>Area is zoned medium density and the proposal is considered more high density. Area does not warrant high density.</p>	<p>Refer to comments on draft instruments above in this report. In particular, during the assessment period of the application, the zoning of the land and other areas in the Westport precinct had their zoning changed. The subject property was rezoned to high density to reflect the FSR and future desired character of the area. The development is consistent with the zoning and also other existing buildings within the area.</p>
<p>Comparison to existing approved DA fails to mention this DA increases units numbers from 30-64.</p>	<p>Noted. This assessment has paid little attention to the previous DA approval as it is over 10 years old and legislation has changed since then.</p>
<p>Comparison photos/buildings are of the eastern end of Waugh Street, which is closer to the CBD and has additional street parking.</p>	<p>Noted. The development is still considered to be close to the CBD and the zoning, height, FSR etc have all been put in place to promote this type of higher density development.</p> <p>Refer to comments on parking in DCP 2013 assessment, which show that the development provides acceptable parking with current controls and an excess of parking when compared to the recently adopted SEPP 65 changes.</p>
<p>The stacked spaces 1-11 are not</p>	<p>Agree. These have since been deleted and</p>

accessible and do not work. They should be disregarded from calculations.	the car parking area changed to provide a more compliant layout.
No access to garbage area or elevators for spaces 35-60.	Original layout provided access to such areas via stairs and ramp. Nonetheless, the car parking area has since been changed to provide a more compliant layout.
Is under 2.5m wide acceptable for a parking space? If so, parking spaces do not comply - less than 2.5m wide.	AS 2890.1 permits 2.4m width for residential parking uses.
Garbage collection is through parking spaces 13 & 14, which results in further loss of parking.	A private arrangement will be required for garbage collection, which is standard for a development of this nature. The parking layout has changed since the submission. No loss of parking is proposed via the garbage area or collection.
The address is Waugh Street, which will result in visitors parking in Waugh Street.	Agree that some visitors will park in Waugh Street. However, there are still spaces via Alva Lane. Occupants of the building can easily inform guests there is parking on Alva Lane, should there be no spaces out the front in Waugh Street.
27-30 Waugh Street has 30 units and has 10-15 cars in Waugh Street. The proposed development with 64 units will result in 20-30 cars.	The comment is noted. However, refer to comments on parking in DCP 2013, which show that the development provides acceptable parking with current controls and an excess of parking when compared to the recently adopted SEPP 65 changes.
Front setback to Waugh Street is 2.4m and does not allow landscaping/tree growth. Setback to adjoining properties is 5m and 7m.	Refer to comments on the front setback in the DCP 2013 assessment above in this report. In addition, the front setback provides deep soil zone areas that are 2.3m to over 3m wide. This is considered sufficient to allow landscaping and tree growth.
The development will create noise and dust during construction, which will impact on adjoining properties.	Noted. Standard construction conditions will be imposed to restrict noise and control erosion (both wind and water erosion).
Concerned raised about access to properties being blocked during construction.	Noted. Condition will be imposed that construction work does not block access to any adjoining properties.
Dilapidation report required for adjoining properties before work commencing. There should be no underpinning of Park Terraces	A standard condition requiring a dilapidation report will be required for both before work commencing and upon completion of the development. The applicant will be responsible for fixing any problems. The works should not require any underpinning of adjoining properties with all works being confined to the subject site.
Both Waugh Street and Alva Lane are in need of repair. The additional traffic generated by this development will exacerbate the	Vehicular access is proposed off Alva Lane. The conditions recommended for approval will require upgrade works to Alva Lane to enhance the durability of the road surface.

problem.	
The proposed brick wall/fence between the development and 33 Waugh Street will restrict ventilation to the eastern wall of 33 Waugh Street. The gap between the brick wall/fence and 33 Waugh Street will create a damp cavity. The privacy wall is not required for this area and it is suggested the fence be replaced with an open pool style fence. The brick wall/fence can continue from the end of the building at 33 Waugh Street.	Agree. A solid wall is not necessary in the subject location and a condition will be imposed to have a more open timber or pool style fence adjacent to the wall.
Height will result in loss of sun to 33 Waugh Street.	Refer to comments on overshadowing in the DCP 2013 assessment above.
Where are laundries located? Are there outside clothes lines?	Laundry areas are located within each unit (i.e. combined bathroom/laundry). Units will have the ability to use electric dryers or clotheslines on balcony areas. The communal open space areas also have the ability to contain clothes drying areas if the need arises in the future.
How will bin collection work?	A private collection will be required and conditioned.
Street address of 31-33 Waugh Street is wrong.	Noted.
Trees on the western elevation should be restricted to 2m to allow sun to 33 Waugh Street.	The building garden beds on the western elevation will limit vegetation growth (i.e. low soil depth). This coupled with the comments on overshadowing in the DCP 2013 assessment above, do not warrant the need for vegetation to be restricted in height onsite.
What is the tenancy type? Short or long term?	Development will be conditioned to be for permanent accommodation. However, the issue of people using properties for permanent or tourist accommodation is being reviewed by Council. The review is looking at whether or not to establish controls on when approval is required or not required to change a development from permanent to tourist accommodation and visa versa.

(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.

It should be noted that based on the comments on parking in the DCP 2013 assessment above in this report, contributions towards the parking shortfall is not required in this case. In particular, while there is a shortfall against current controls, the proposal exceeds the requirements under the amended SEPP 65 controls.

5. CONCLUSION

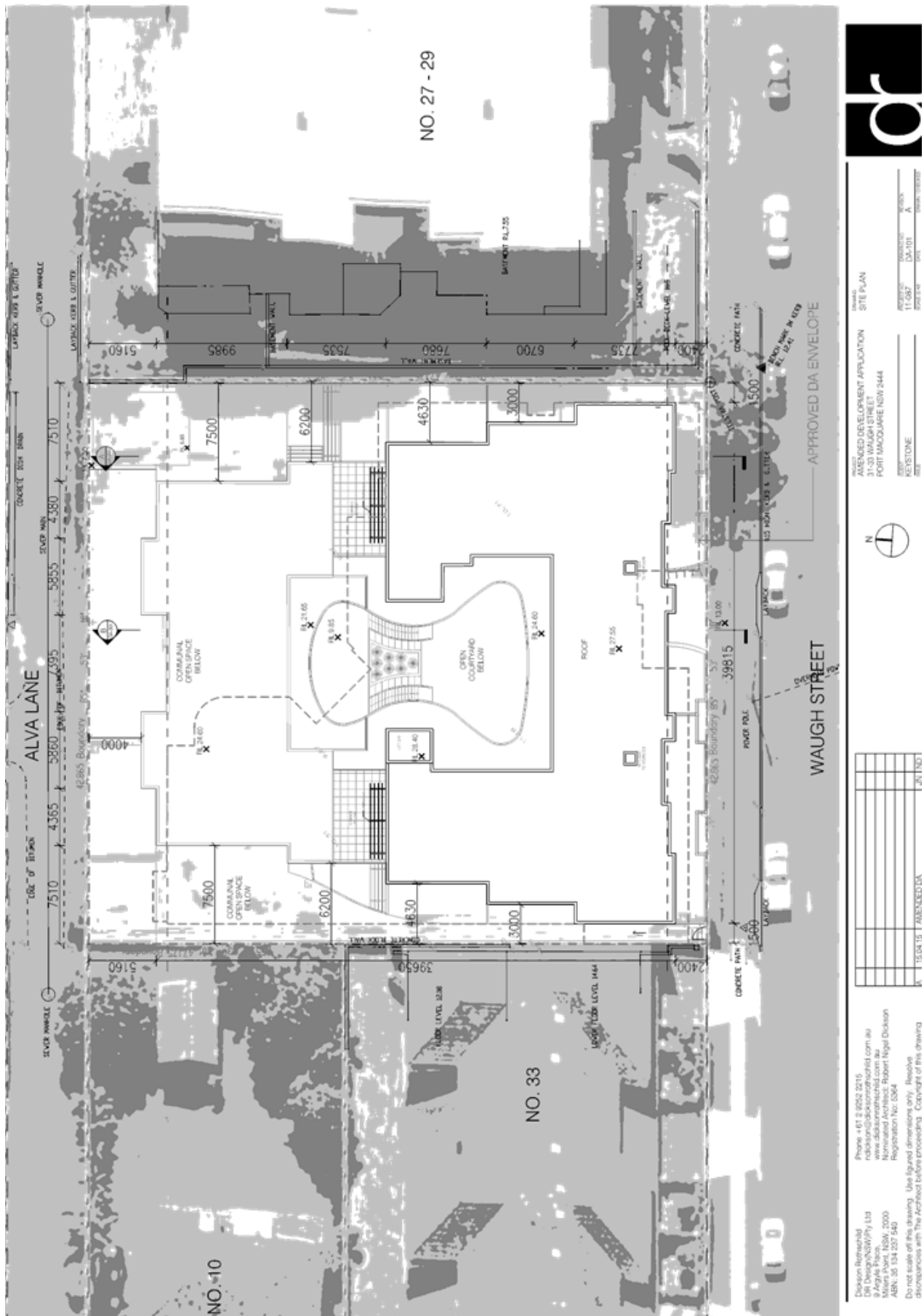
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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.

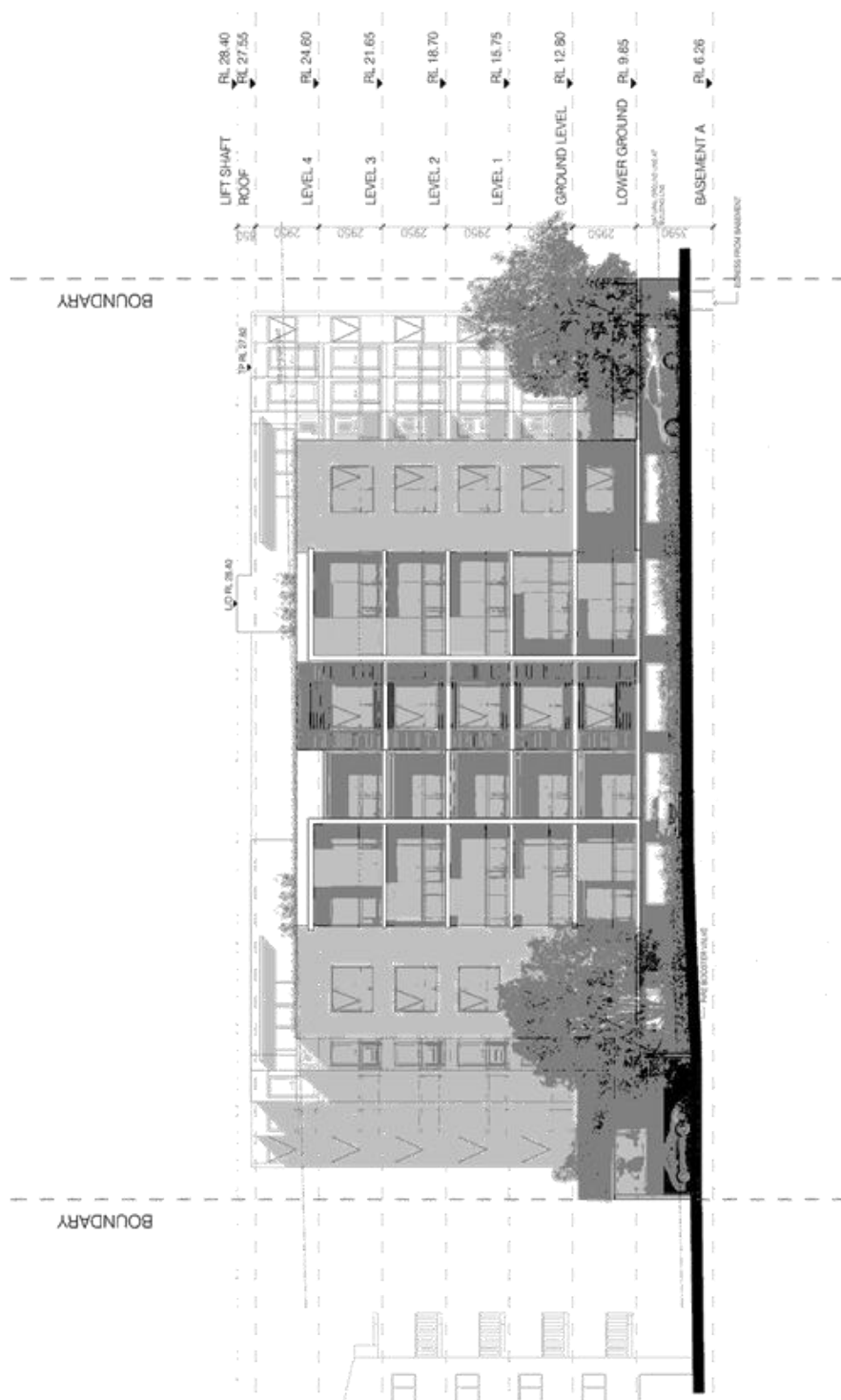
Attachments

- 1 [View](#). DA2014 - 0105 DA Plans
- 2 [View](#). DA2014 - 0105 Recommended DA Conditions
- 3 [View](#). DA2014 - 0105 Submission - Angel
- 4 [View](#). DA2014 - 0105 Submission - Bainbridge
- 5 [View](#). DA2014 - 0105 Submission - Bock
- 6 [View](#). DA2014 - 0105 Submission - Chung
- 7 [View](#). DA2014 - 0105 Submission - Eldridge and Sweeney
- 8 [View](#). DA2014 - 0105 Submission - Godleman
- 9 [View](#). DA2014 - 0105 Submission - Jarvey
- 10 [View](#). DA2014 - 0105 Submission - Kildea
- 11 [View](#). DA2014 - 0105 Submission - Nall
- 12 [View](#). DA2014 - 0105 Submission - Strata Professionals



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Design Architect:
 DE Design/NW Pty Ltd
 9 Arley Place,
 Millers Point, NSW, 2000
 ABN: 35 234 237 540
 Phone: +61 2 9252 2715
 info@de-design.com.au
 info@nwarchitect.com.au
 Nominated Architect: Robert Nigel Dickson
 Registration No: 5364
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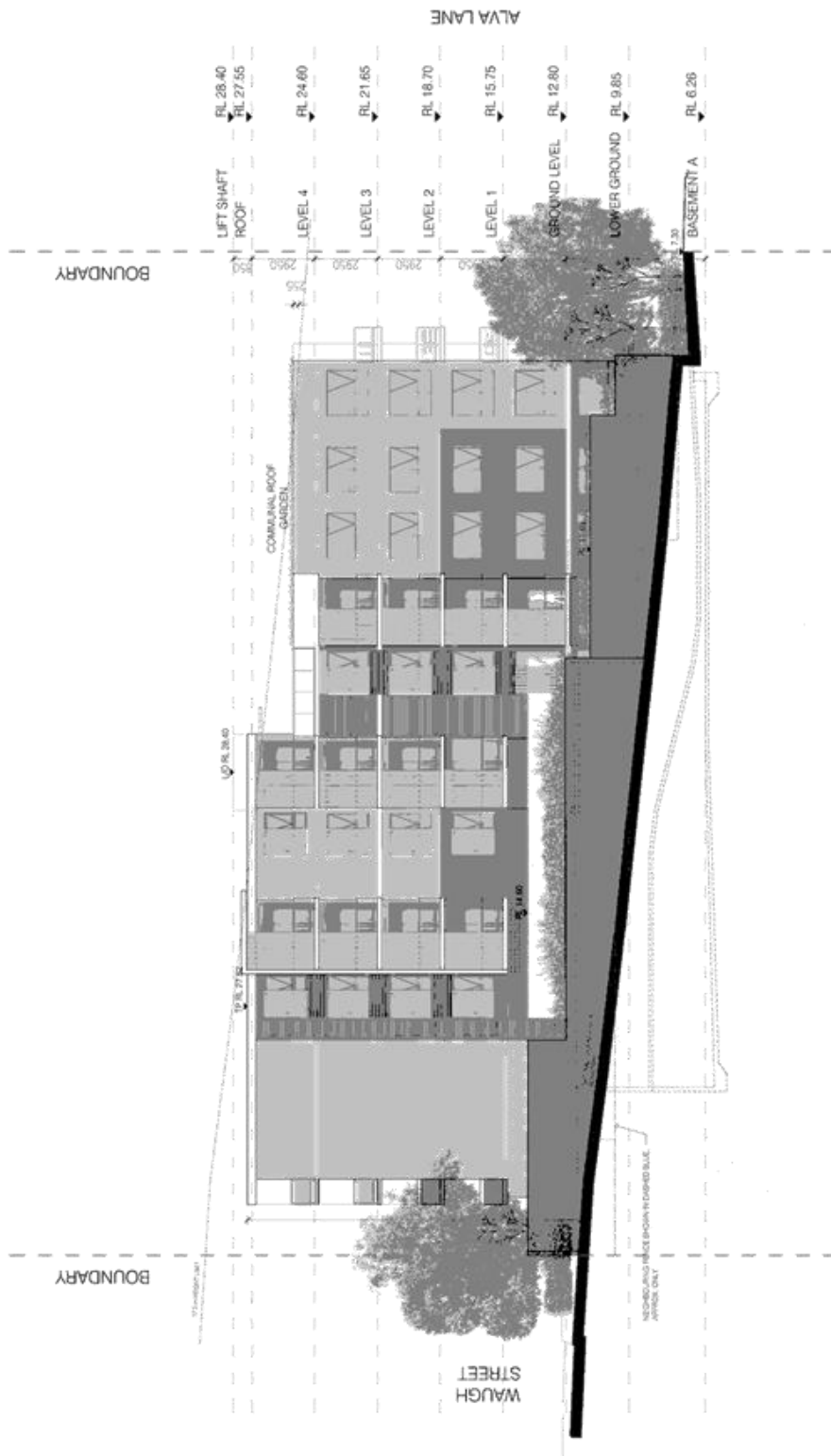
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Dickson Retractable
Phone +61 2 9552 2215
www.dicksonretractable.com.au
www.dicksonretractable.com.au
9 Apple Place,
Manning Point, NSW, 2000
Registration No: 3364
ABN: 35 134 237 640



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DR Designchild
P/R Designchild Pty Ltd
Aniella Place,
Wentworth Point, NSW, 2000
BNL 35 134 237 540
phone +61 2 9252 2215
nicks@drdesignchild.com.au
www.drdesignchild.com.au
Nominated Architect: Robert Nigel Dickson
Registration No: 5364



PROJECT: AMENDED DEVELOPMENT APPLICATION
31-33 WAUGH STREET
PORT MACQUARIE NSW 2444

DATE: 11/08/15
DRAWN: DA-402
CHECKED: B
SCALE: 1:100

KEYSTONE
DRAWN

1	24 JUL 15	AMENDED DA	140	1/1
2	24 JUL 15	AMENDED DA	140	1/1
3	24 JUL 15	AMENDED DA	140	1/1
4	24 JUL 15	AMENDED DA	140	1/1
5	24 JUL 15	AMENDED DA	140	1/1
6	24 JUL 15	AMENDED DA	140	1/1
7	24 JUL 15	AMENDED DA	140	1/1
8	24 JUL 15	AMENDED DA	140	1/1
9	24 JUL 15	AMENDED DA	140	1/1
10	24 JUL 15	AMENDED DA	140	1/1

Dickson Reinehold
DA Design Pty Ltd
Phone: +61 2 9252 2215
info@dicksonreinehold.com.au
10/10/2014
Approved Architect: Robert Nigel Dickson
Registration No: 2564

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Dickson Potinshield
 R Design (NSW) Pty Ltd
 Argyle Place
 Millers Point, NSW 2000
 Ph: 35 134 237 540
 Fax: 35 134 237 540
 Email: info@rdesignnsw.com.au
 Website: www.rdesignnsw.com.au
 Nominated Architect: Robert Nigel Dickson
 Registration No: 5364
 Phone +61 2 9552 2215
ndickson@rdesignnsw.com.au

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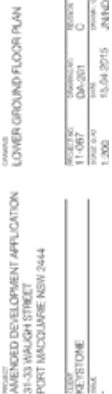


PROJECT	AMENDED DEVELOPMENT APPLICATION	PROJECT NO	11087	PROJECT CD	DA-470	SECTION	A
	31-33 WAUGH STREET	SHEET NO					
	PORT MACQUARIE NSW 2444						
DATE	16/07/2016	DATE	16/07/2016	DATE	16/07/2016	DATE	16/07/2016

[illegible]

Dickson Architects
 201 Design NSW Pty Ltd
 9 Apple Place
 Millers Point, NSW, 2000
 ABN: 35 134 237 540
 Phone: +61 2 9263 2215
 info@201designnsw.com.au
 www.dicksonarchitects.com.au
 Nominated Architect: Robert Noyel Dickson
 Registration No: 6364

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2		DATE REAPPROVED			
3	05.06.15	AMENDED DAA	MAJ	140	
4	15.04.15	AMENDED DAA	JN	142	
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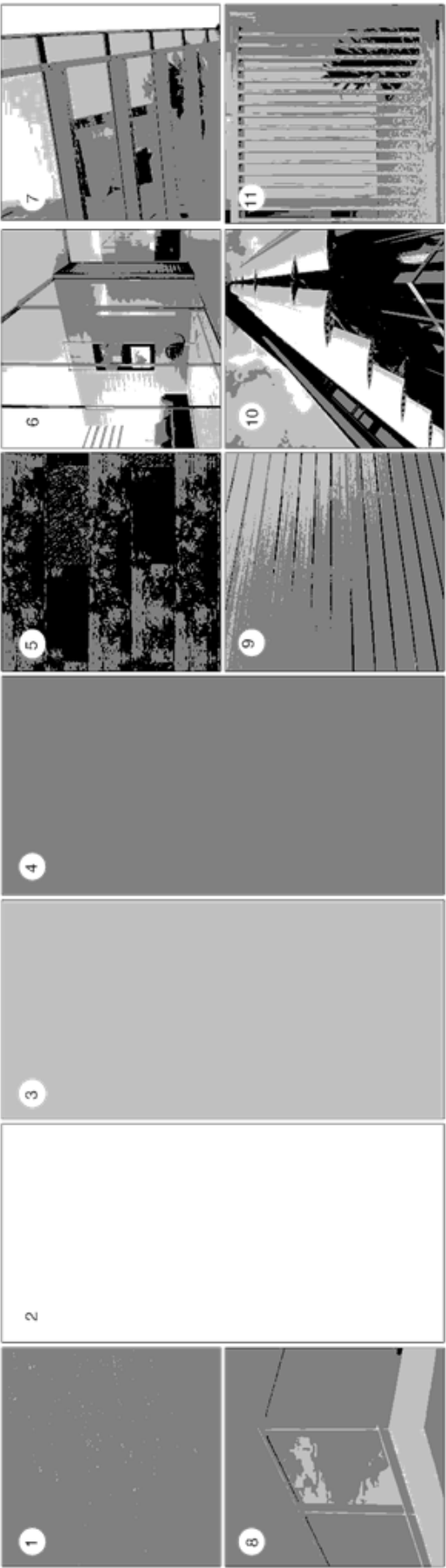
Dickson Heathcote
DR Design+Strategy Ltd
Argyle Place,
Millers Point, NSW, 2000
Australia. Ph: 134 237 540
Email: info@drdesign.com.au
Website: www.drdesign.com.au
Phone +61 2 9052 2215
info@drdesign.com.au
www.drdesign.com.au
Nominated Architect: Robert Nigel Dickson
Registration No: 5354

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SCHEDULE OF EXTERNAL MATERIALS AND FINISHES

IMAGE REFERENCE	ELEVATION CODE	LOCATION/ ELEMENT	MATERIAL	FINISH / DETAILS
WALL				
1	C-01	RETAIL EXTERNAL WALL	CONCRETE	SMOOTH CONCRETE FINISH OR SIMILAR
2	P-01	EXTERNAL WALL	RENDERED WALL	DULUX "NATURAL WHITE" PINT11 OR SIMILAR
3	P-02	EXTERNAL WALL	RENDERED WALL	DULUX "RAW COTTON HALF" P131TH OR SIMILAR
4	P-03	EXTERNAL WALL	RENDERED WALL	DULUX "BEARSUIT" P1607 OR SIMILAR
5	WT-01	RETAIL EXTERNAL WALL	HONED TILES	200x400 RETAIL DARK GRAY STONE TILES OR SIMILAR
WINDOWS AND DOORS				
6	PC-02	RES. WINDOWS AND DOORS	GLASS SET IN POWDER COATED ALUMINIUM FRAME (SLIDING DOORS, AWNING AND FIXED WINDOWS)	DULUX METALSHLD "ZEUS CHARCOAL SATIN" OR SIMILAR
AWNING				
7	AW-01	ENTRANCE AWNINGS	STEEL FRAME AND TIMBER SOFFIT	STRUCTURAL STEEL - DULUX MICACEOUS IRON OXIDE - "FERRENO NO. 3 RANGE" OR SIMILAR TIMBER - SPOTTED GUM WOOD OR SIMILAR
BALUSTRADE				
8	BAL-01	RES. SPACE BALUSTRADE	POWDER COATED ALUMINIUM FRAME WITH CLEAR GLASS INFILLS	DULUX METALSHLD "WHITE" OR SIMILAR
LOUVRES, FENCING AND PRIVACY SCREENS				
9	F-01	FAÇADE CLADDING	MODWOOD	137x23 MM BRUSHED "JARRAH" BOARDS OR SIMILAR
10	L-02	ALUMINIUM LOUVRES	POWDERCOAT ALUMINIUM LOUVRES - BRACKETED SYSTEM	LOUVRETEC BRACKET SYSTEM WITH DULUX METALSHLD "WHITE" OR SIMILAR
11	F-02	RES. ENTRY GATE	POWDERCOAT ALUMINIUM LATTICED GATE	DULUX METALSHLD "WHITE" OR SIMILAR

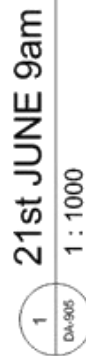


Dickson Architects
DR DesignNSW Pty Ltd
7 Apple Place
Millsers Park, NSW 2000
Australia
Phone +61 2 9262 2215
mail@dicksonarchitect.com.au
www.dicksonarchitect.com.au
Nominated Architect: Robert Nigel Dickson
Registration No: 53664
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PROJECT
31-33 WAUGH ST
PORT MACQUARIE NSW 2444
CLIENT
KEYSTONE
ISSUE
AMENDED DA

DRAWING TITLE
MATERIALS AND FINISHES
PROJECT NO
DA-911
DATE
15/04/15
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Dickson Retired
 D.R. Design (NSW) Pty. Ltd.
 9 Argyle Place
 Millers Point, Sydney, NSW 2000
 ABN: 35 134 237 540
 Phone: +61 2 9552 2215
 nicksan@drdesignnsw.com.au
 www.drdesignnsw.com.au
 Nominated Architect: Robert Nigel Dickson
 Registration No: 5304

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PORT MACQUARIE
31 WAUGH STREET, PORT MACQUARIE
CLARENCE
KEYSTONE

SHADOW STUDY -
MID-WINTER JUNE



13 Appendix 1 Clause 4.6 Variation Request

13.1 Introduction

This request is part of the Statement of Environmental Effects (SEE) for the development application for the proposed Residential Flat Building at 31-33 Waugh Street, Port Macquarie.

This request is made pursuant to Clause 4.6 of Port Macquarie-Hastings Local Environmental Plan 2011 justifies why compliance with the Clause 4.3 development standard pertaining to Height of Buildings is unreasonable or unnecessary in the circumstances of the case. It also demonstrates there are sufficient environmental planning grounds to justify contravening the development standard.

This request explains that the proposed development will be in the public interest as it is consistent with the LEP Zone and Height objectives.

For the reasons stated, contravention of the development standard raises no matter of significance for state or regional environmental planning and there is no public benefit in maintaining the development standard in this particular case.

13.2 Clause 4.6

Clause 4.6 of the LEP 2011 states:

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

13.3 Clause 4.6 Variation Criteria

The relevant criteria for the assessment of this request are expressly set out in Clause 4.6. In summary, a written request from the applicant must be made to Council seeking to justify the contravention by adequately demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Council must be satisfied the proposed development will be in the public interest because it is consistent with:

(i) the objectives of the particular standard and

(ii) the objectives for development within the R4 Zone in this case,

The concurrence of the Director-General must be obtained. We assume Council has delegated authority of the DG in this regard.

In deciding whether to grant concurrence, Council must consider whether contravention of the development standard raises any matter of significance for state or regional environmental planning, and

the public benefit of maintaining the development standard, and any other matters required to be taken into consideration by the Director-General before granting concurrence.

We are not aware if there are any "other matters" required to be taken into consideration under subclause (5)(c) and assume there are none.

In accordance with *Wehbe v Pittwater Council* (2007), justification is set out below demonstrating that the proposed development achieves the objectives of the standard notwithstanding the numerical non-compliance with the Height of Buildings standard (Clause 4.3) set out in LEP 2011.

The maximum Height of Buildings control for the site is 17.5 m.

13.4 Departure from the Standard

Due to the slope of the site, the height of the building in relation to the existing ground level changes over the site. The fall of the site is such that it falls most significantly towards the north eastern corner of the site. Therefore, the height of the building is greatest at the north eastern corner of the proposed building. Section AA of the set, which is cut near the eastern façade of the building from south to north provides a faithful indication of the height non-compliance at its greatest. Refer to the Figure below which highlights the 17.5 m height line above existing ground level in red.

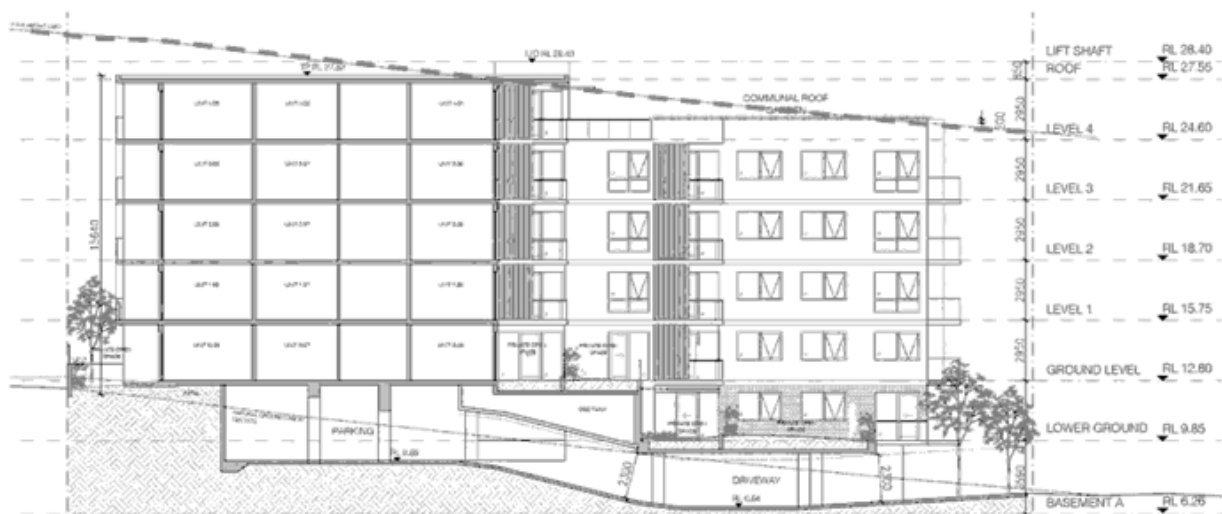


Figure 11: DA-300, Section AA, Dickson Rothschild

The northern edge of the proposed building (indicated in Section AA) near Alva Lane exceeds the maximum height control by 0.2 m (including communal courtyard balustrade) towards the eastern edge of the building. At the eastern façade before the building steps down, the parapet of the roof exceeds the height limit by 0.62 m (part of roof of Unit 4.01)

It is noted that the lift overrun is located 21 m to the west of where Section AA is cut. Due to the existing topography of the site, the lift overrun exceeds the height limit by a maximum of 0.65 m. The roof

immediately proximate to the lift complies with the height limit and the parapet to the west of the lift core is just on the height limit, reducing in height in comparison to the existing ground level further to the west. In short, the areas where the height exceeds the limit are at the lift overrun which is not readily visible from and over imperceptible areas at the eastern edge of the building just before it steps down in height and near Alva Lane. In these areas, the non-compliance arises because of the proposed balustrade to the rooftop garden and the proposed cantilevered roof to provide shade to the upper level units. Both of these built form elements serve to enhance the amenity of the building.

In the amended scheme, to respond to comments that a lobby entry close to the level of Waugh Street would be preferable, the total height of the building has increased by lifting the floor height to AHD 12.8 to be similar to the level of Waugh Street at the proposed point of entry. This does add to the overall height of the building in comparison to the original, as lodged scheme. In Revit a 3D model has been prepared with the existing survey forming a contour map. The survey has been extruded to 17.5 m to show the extent of the building which exceeds the permissible height plane. These areas are highlighted in yellow. It is clear from the diagrams that the extent of the non-compliance is very minor. Refer to the figures below:

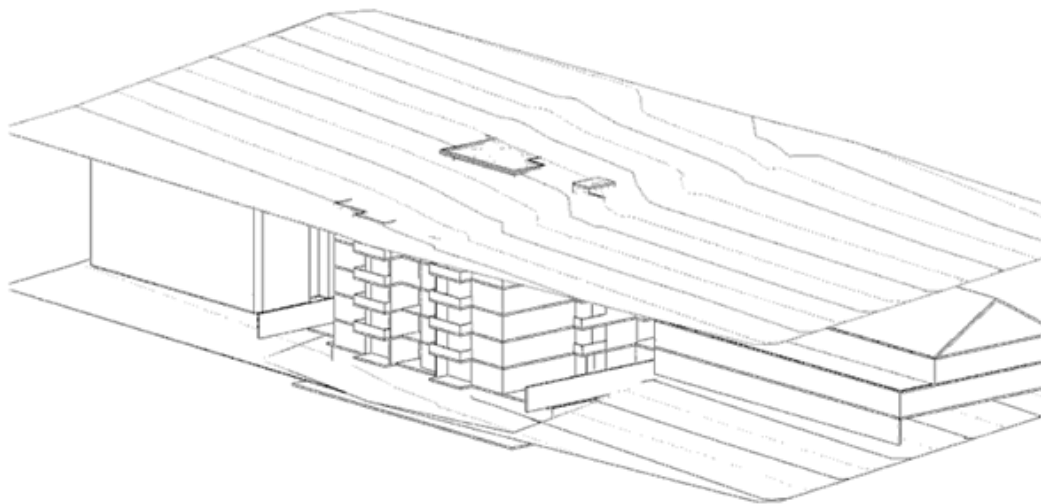


Figure 12: View from north west looking towards the site with areas of height non-compliance highlighted in yellow above the 17.5 m height plane

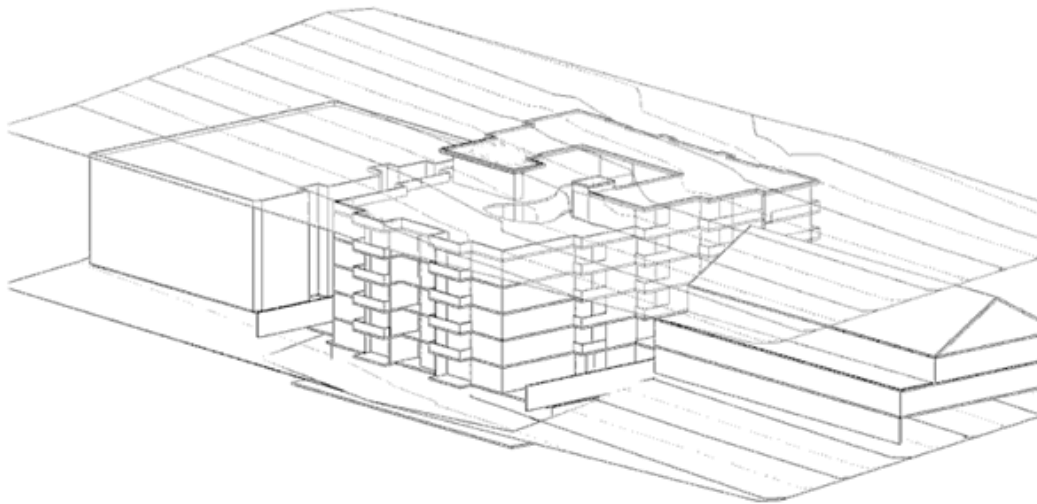


Figure 13: Model with survey data ghosted in to show form of building above and below 17.5 m height plane

13.5 Grounds for Clause 4.6 Variation

13.5.1 Objectives of the Development Standard

Clause 4.3 of LEP 2011 contains the objectives of the Height of Buildings in the plan, and are repeated below:

- a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- c) *to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- d) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.*

13.5.2 Assessment against the relevant objectives

- a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*

Many developments within 400 m of the subject site exhibit 5-6 storey heights with setbacks comparable to the proposed development. There are also a number of buildings which have heights of 7, 8 and 9 storeys. These developments demonstrate that the proposed height range is not unreasonable for the

local area, and it is consistent with the existing character of the locality more broadly. Examples of these developments close to the site are provided below.



Figure 14: 27-29 Waugh Street (adjoining property)



Figure 15: 14 Gore Street

It is noted that the site at 2 Hollingworth Street is subject to a height limit of 17.5 m under LEP 2011, the same as the subject site. This development at Hollingworth Street is 6 storeys with a large floor to ceiling height at ground floor. The proposed development has a 5 storey height at Waugh Street and a 6 storey scale at Alva Lane, very similar to the proposed development.



Figure 16: 2 Hollingworth Street

8-10 Hollingworth is on a site with a maximum height limit of 19 m but is 8 storeys in height with a large plant room above the 8th storey. One Waugh Street is located in a zone with a 19 m height limit but has a height of 9-10 storeys. Thus, in general a number of key buildings in the local area, west of the CBD, have heights which vary from the LEP standard by 1-2 storeys. This indicates that although the LEP is relatively recent (2011) the height controls have in some respects been abandoned.



Figure 17: 8-10 Hollingworth Street



Figure 18: 1 Waugh Street

The proposed development achieves Council's FSR control, rendering the proposed development consistent in terms of Council's desired building density and land use intensity and the other key controls for determining bulk.

While the building is taller than permitted, the non-compliance gives rise to a very negligible impact on the public domain in terms of visual bulk and scale. From Waugh Street, it presents as a 5 storey building.

Its visual bulk and scale is appropriate to the area and compatible with the bulk and scale of other existing residential flat buildings nearby. The proposed built form achieves greater amenity and privacy for residents and is significantly less bulky than the previously consented DA for the site when viewed from Alva Lane, with the proposed having side setbacks 5-7m greater than the previous design.

While the built form is somewhat novel in its typology taking a courtyard form, facades are well articulated and break down the impact of bulk and scale.

The additional height contributes to achieving good amenity for units by ensuring reduced plan depth, cross ventilation and daylighting, while maximising the potential of the site in terms of delivery of much needed dwellings.

When viewed from Waugh Street, the primary frontage, the building is consistent with and is below the 17.5 m height limit. The additional height is placed towards the centre and rear of the site and does not have a significant adverse impact on the primary public domain along Waugh Street.

Alva Lane is a secondary street which is characterised by car parking and car parking access. The scale of the proposed building is greater than buildings in the immediate surrounds but it is compatible with the existing character of the area because the façade is well articulated and broken up in both the vertical and horizontal dimension.

- b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

Visual Impact

From Waugh Street, the proposed height complies with the maximum height permitted as per the LEP. The façade is highly articulated with a landscaped front setback and articulated front fence to reduce the impact of bulk and scale. The pushing and pulling of the façade creates a rhythm which is reinforced through the variation of materials.

Also, while the existing Wattle Tree is approved for removal under the existing DA for the site which has been commenced, the landscape plan proposes the planting of 5 trees within the front setback. Refer to the photomontage in the Figure below:



Figure 19: Photomontage view from Waugh Street, Dickson Rothschild

The subject site has consistent slope from south to north (Waugh Street to Alva Lane) of over 5 m. Accordingly, the proposed adopts a stepped building form to ameliorate visual impacts from adjoining sites.

The sloping topography continues to the south, with the dwellings on the opposite side of Waugh Street enjoying a higher vantage point than 31-33 Waugh Street, which is situated lower. As such, visual impact and view loss is kept to a minimum. This, together with the stepping of the building down towards the north, maintains views for properties to the south. See Figure below.

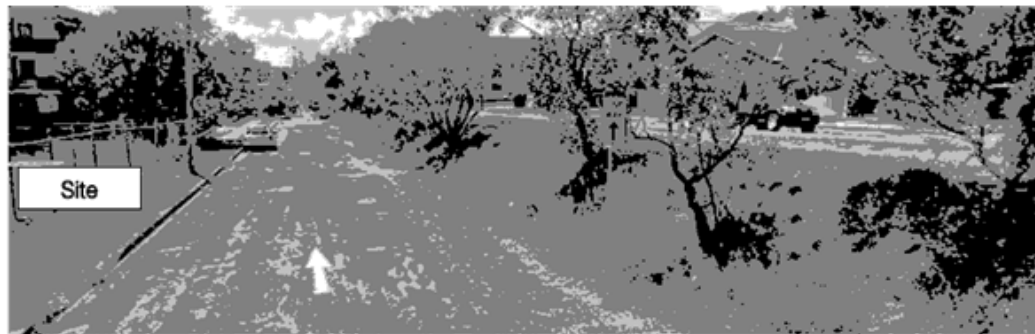


Figure 20 Sloping topography of Waugh Street

Despite the height non-compliance visible from Alva Lane, the proposed building envelope is overall less visually obtrusive than the previously consented DA for the site, demonstrating an improvement from this previous scheme.

The proposed development complies with the FSR control for the site whereby the proposed bulk and scale of the development does not arise from an excessive floor area that is inconsistent with the desired future land use intensity of the area. While the courtyard typology integrates landscape at the centre of the site.

Solar Access

The siting of the proposed building is such that primary shadows from the building are cast onto the road, to the west in early morning and to the east in late afternoon.

The height non-compliance being pushed to the northern portion of each module of the proposed building places bulk in locations to mitigate shadow impacts and allow solar access to neighbouring sites. The tapering of the building from south to north, also increases setbacks and the overall height of the building increases, which not only mitigates the visual impacts of bulk and scale but also the shadow impact on nearby buildings and open space.

The shadow diagrams forming part of the application demonstrate the overshadowing of the neighbouring sites are limited in duration and do not prevent the nearby sites from accessing in excess of 3 hours between 9 a.m. and 3 p.m. on 21 June.

It is noted the previously consented DA for the site would give rise to greater overshadowing impacts due to the reduced setbacks than the proposed. The additional overshadowing arising from the parts of the building which do not comply with the standard are imperceptible.

Privacy

The proposed portions of the development that do not comply with the height limit are the rear (Alva Lane interface) and the area before the building steps down to follow the topography.

Alva Lane interface

The primary glassline of the building has a northern setback which steps from 5.15 m to 6 m. Balconies are projected and recessed from the glassline further adding to articulation. This creates adequate building separation to the sites on the northern side of Alva Lane. In the existing condition there are sheds and garages located on the Alva Lane Boundary on the lane's northern site. If these sites were to redevelop for residential flat buildings, separation would be consistent with SEPP 65, taking into account a setback similar to the setback to Alva Lane on the south side would be achieved on the north to establish a consistent streetscape for the laneway.

The separation from the rear boundary of the subject site to the dwelling at No.12 Park Street (NW of the subject site) is approximately 19.7m. From this angle, the proposed building line is a further 9m from the rear boundary of this property. At the closest points, the building separation is 28.7m.

The separation from the rear boundary of the subject site to the dwelling at 42 Buller Street (north of the subject site) is approximately 32.6m. From this angle, the proposed building line is setback a further 4m at the least from the site boundary. At the closest points, the building separation is 36.6m.

The separation from the rear boundary of the subject site to the dwelling at 40 Buller Street (north of the subject site) is approximately 30.8m. From this angle, the proposed building line is setback a further 4m at the least from the site boundary. At the closest points, the building separation is 34.8m.

These separation distances are more than adequate to maintain privacy for residents of the proposed and adjacent properties and mitigate the impact of bulk and scale.

Building height does not give rise to unreasonable privacy impacts. Sufficient side setbacks are proposed to protect privacy. Where setbacks are reduced, privacy devices are proposed such as screens, blade walls and the like, to mitigate privacy impacts.

Because of the stepped form of the building, setbacks increase progressively from south to north. Habitable rooms of units near the southern part of the site are setback a minimum of 3 m for one unit on each level. These windows are provided with privacy screens. Further to the north, the minimum setback of windows is 4.6 m from the side boundary and again privacy louvres are employed. Windows further north are setback 6.2 m and again provided with privacy devices. Finally at the northernmost unit, windows are setback 7.5 m. The stepping of the form allows for cross-views from units oriented to the side boundary to be opened up, creating view arcs towards the water for both the subject site and its immediate neighbours.

It can be seen from DA-101, the site plan, that the side setbacks towards the southern part of the site in the previously consented DA is considerably less, suggesting that the proposed allows greater privacy than that of the consented scheme.

In summary, the proposed building height does not give rise to unreasonable privacy impacts on the sites to the north due to separations of 28.7 m or greater, to the east due to alignment with roof line of the development, and to the west due to the neighbouring development being 2 storeys in height. Additionally, the proposed adopts more favourable privacy conditions than that in the consented scheme for the site. The stepped form of the building opens up cross views for adjoining sites.

- c) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan*

The proposed height non-compliance does not hinder the attainment of this control. The LEP height map has a range of building heights across the area which do not follow a strict progression from town centre to periphery. For instance the area north west of the subject site has a permissible height of 19 m.

As described under Objective (a) above, the height controls set out in the LEP have not been strictly applied in the past.

Furthermore, the subject site is located within the interior of the area zoned to allow a 17.5 m height limit.



Figure 21: LEP 2011 Height Map Excerpt

Because the building is located so that buildings to the east, north and west are permitted the height of 17.5 m, the site is insulated from impacting on a transition in scale to areas where the permissible height is lower.

The non-compliance does not unreasonably impact the neighbouring properties in terms of privacy or overshadowing, and as such, the proposed built form is considered appropriate in its context.

The extent of non-compliance with the height limit is also very minor and only over very discrete areas of the proposed building.

d) *to minimise the adverse impact of development on heritage conservation areas and heritage items*

The subject site is not a heritage item, and is not within, adjacent to, or in the view setting of a heritage conservation area. As such, the proposed supports this objective.

13.6 Objectives of Development in the Zone

The second consideration under clause 4.6(4)(a)(ii) is to ensure the development is consistent with the objectives for development within the zone. The objectives of the R4 zone are:

- *To provide for the housing needs of the community within high -density residential environment.*
- *To provide a variety of housing types within a medium-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day-to-day needs of residents. (Not applicable)*
- *To provide for tourist and visitor accommodation in key tourist precincts of urban areas of the Council area, while also encouraging increased population levels. Not applicable)*
- *To encourage development that has regard to the desired future character of streets and supports active and safe uses at pedestrian level.*

The proposed development is consistent with the objectives of the zone as follows:

- *To provide for the housing needs of the community within a high-density residential environment.*

The subject site is located in an existing urban area within walking distance to the Port Macquarie town centre. The State Government seeks to increase and consolidate residential densities in strategic locations, such as the subject site, which is accessible to retail, commercial and health services. The additional height allows additional units to be incorporated into the design, thus allowing the proposed to meet the State Government objective of concentrating densities around existing infrastructure. The provision of 1 and 2 bedroom units responds to the changing demographics of the region where household sizes are decreasing and the demand for housing is increasing. Furthermore, unit types proposed are also geared towards being generally more affordable.

The increased height of the proposed allows for the building plan depth to be reduced substantially making all units in the development dual aspect. By squeezing down the plan depth of the "ring" of apartments surrounding the proposed internal courtyard, the building is pushed higher. The proposed increase in building height to five storeys at Waugh Street and 6 storeys at Alva Lane maintains compliance with the

applicable FSR control. Because the site is suitable for medium-density residential development, reducing the height of the building would increase the plan depth of the building. In the current configuration, by utilising an open courtyard at the centre, excellent natural ventilation is achieved in the development and individual unit depths are reduced. This reduces energy consumption during the majority of the year when temperatures are relatively warm and households often rely on air conditioning. The proposed development provides a workable alternative. The proposed unit depths ensure good daylighting to each unit, regardless of their orientation.

The proposed building height also arises from a desire to reduce excavation and increase accessibility to the garage by avoiding a steep down ramp. This reduced excavation greatly reduces the cost of construction, contributing to a lower cost the end user and allows more value to be achieved in landscaped areas, finishes and the like.

In summary, the proposed density of development is appropriate for the site and the bulk and scale work to achieve units which have a depth consistent with SEPP 65 and achieve excellent cross ventilation. This is a preferred outcome to a more standard, slab building with a double loaded corridor and many single aspect units, particularly in the context of a site which is deep.

- *To provide a variety of housing types within a high-density residential environment.*

The proposed additional height contributes to the provision of a variety of housing types. The provision of 1 and 2 bedroom units responds to the changing demographics of the region where household sizes are decreasing and the demand for housing is increasing. Furthermore, unit types proposed are also geared towards being generally more affordable due to their fewer number of bedrooms and their suitability to small households such as young key workers, empty nesters, etc.

The proposed development also achieves 10% adaptable housing and 100% barrier free access. This goes above and beyond what Council requires which is 20% barrier free access and no specific requirement for adaptable or accessible units. The proposed stepped, courtyard form also ensures that a very high proportion (approximately 90%) of units enjoy a water view, rather than locating a few premium units with a spectacular view and all other units with a standard view. In the proposed development the amenity provided by the site location is shared more equitably among all units.

As demonstrated above, the development provides a comfortable and sustainable living environment that has regard to solar access, privacy, and views.

- *To encourage development that has regard to the desired future character of streets and supports active and safe uses at pedestrian level.*

The proposed development achieves a good quality streetscape response with an entry at a level with direct access from Waugh Street along with direct address of the main lobby and individual unit entries where apartments face the Waugh Street. The proposed development achieves casual surveillance of both Waugh Street and Alva Lane with living rooms and windows overlooking the public domain.

The entries of the site are designed in accordance with CPTED principles with a clear transition between public and private space and secure entries.

The facades of the development are highly articulated with a variation in setbacks integrated with a variation in façade elements. The projection and recession of balconies adds further to the depth and articulation of each façade. Landscape and tree planting is also proposed in the setbacks to reduce the impact of bulk and scale and create a good quality domestic landscape setting.

The proposed development also facilitates ease of access to the public domain. The proposed development also achieves 10% adaptable housing and 100% barrier free access. This goes above and beyond what Council requires which is 20% barrier free access and no specific requirement for adaptable or accessible units. By ensuring ease of access for the mobility impaired and creating easy access to the public domain, activity and safety is facilitated at the pedestrian level.

The proposed stepped, courtyard form also ensures that a very high proportion (approximately 90%) of units enjoy a water view, rather than locating a few premium units with a spectacular view and all other units with a standard view. In the proposed development the amenity provided by the site location is shared more equitably among all units.

As demonstrated above, the development provides a comfortable and sustainable living environment that has regard to solar access, privacy, and views.

13.7 Sufficient Environmental Planning Grounds (Clause 4.6(3))

There are sufficient environmental planning grounds to justify contravening the development standard due to the following:

- The increase in height, in contrast to a lower, squatter building, facilitates a better amenity building by allowing a courtyard building with reduced unit plan depth and a very high degree of cross-ventilation. A lower, squatter building at the same FSR would struggle to achieve the level of solar access and cross ventilation achieved through the courtyard form where the built form is extruded upwards resulting in a plan depth of less than 18 m.
- The proposed height non-compliance allows for a reasonable residential density on the site which provides an increase in housing choice in an existing area where residents have convenient access to public transport, goods, services and employment, open space and waterfront.
- The height non-compliance does not give rise to unreasonable environmental impacts. The increased height provides benefits to the environment by reducing basement excavation, reducing the depth of apartments and maximizing opportunities for natural ventilation and solar access by virtue of a thinner building form extruded upwards.
- The height non-compliance does not give rise to unreasonable amenity impacts on neighbouring sites.
- The non-compliance is very minor.
- The proposed development fits within its wider built form context in terms of bulk and scale.

- While the building typology proposed is somewhat unique, it achieves a high degree of amenity in terms of solar access and natural cross ventilation.
- In forming units off a central corridor, the additional height sought allows for each unit to be dual aspect while being consistent with the key density control for the site which is FSR.
- Within the Waugh Street streetscape, the proposed development achieves a significantly better entry response in comparison to its immediate neighbor which has an entry well below the street level. The built form in creating an open courtyard also reduces the depth of the building in comparison to the neighbouring building. Thus, while the scale of the proposed development is greater in height than its neighbor which is 4-5 storeys, the internal plan depths and overall amenity in terms of access to light and air is better. In this respect, the proposed development achieves a better outcome by exceeding the height limit by allowing for built form to have a reduced depth.
- The height non-compliance allows for a medium density housing typology where 95% of dwellings achieve at least 3 hours solar access in mid-winter and 100% of dwellings are cross ventilated.
- Within the Waugh Street streetscape, the proposed built form is highly articulated and achieves a compatible relationship with the street in terms of bulk and scale. Waugh Street has a very generous width of more than 25 m and as such it can accommodate building of greater scale while still achieving a high quality street scape. Because the site is well located in terms of its walkability to the city centre, locating more intensity of built form in this location is appropriate from a strategic standpoint.
- The height non-compliance allows for additional dwellings to be achieved in an efficient and compact manner in accordance with the principles of urban consolidation while maintaining an overall development density which is commensurate with the site's strategic location within the Port-Macquarie Hastings area.

13.8 The Public Interest (Clause 4.6(4))

There is no public benefit in maintaining a height of 17.5 m. The non-compliance is in the public interest specifically because it is consistent with the height and zone objectives of the LEP.

13.9 Clause 4.6(5) Concurrence of the DG

We have assumed that the Council enjoys delegated authority from the DG to concur to this request. That being so, the development raises no matter of State or regional planning significance.

13.10 Conclusion

The consent authority should be satisfied that the request is justified.

It is unreasonable and unnecessary to comply with the Maximum Height Development Standard of 17.5 m as a previously approved DA for the same site exhibits a maximum height which breached the standard. It is also clear that the height control has been abandoned by a number of other developments in the area. There is no public benefit in maintaining a height of 17.5 when the proposed height non-compliance gives rise to no significant amenity or environmental impacts and allows the site to achieve an appropriate residential density to its strategic location which also complies with SEPP 65 principles such as reduced building plan depth, natural cross ventilation, daylighting, quality entry response, etc.

Furthermore, the proposed land use intensity as indicated through compliance with the FSR control for the site indicates that the additional building height proposed is not for the purposes of increasing the amount of floor space on the site, but to achieve good amenity to individual residential units within a courtyard configuration where the maximum number of units are dual aspect and a sufficient width is achieved within the internal courtyard to create a good amenity, aesthetically pleasing space.

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2014/105****DATE: 5/08/2015****PRESCRIBED CONDITIONS**

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Statement of Environmental Effects	Project 11-087 Revision A as amended	Dickson Rothschild	15/2/2014 as amended 6/6/2015
SEPP 65 Design Verification Statement	Project 11-087	Dickson Rothschild	15/2/2014
BASIX	Certificate No 518187M_02	Damian O'Toole Town Planning P/L	15/2/2014
Plans	Project No 11-087 Drawing No - DA-011, 100, 101, 205, 210, 900, 901, 910 & 911 (15/4/2014) - 202, 203, 204, 301, 401, 402, 403, 404 & 905 (5/6/2015) - 200 (27/8/2015) - 201 (25/8/2015) - DA-905 (9/4/2015)	Dickson Rothschild	Refer to dates in reference column
Landscape Plans	Drawing L/01 & 02	ATC	29/11/2013 & 20/4/2015 respectively

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:

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
 1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A012) This consent does not provide for staging of the development. Any staging will require a separate consent or an amendment to this consent.
- (7) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (8) (A029) The provision, at no cost to Council, of concrete foot paving for the full Waugh Street frontage of the development. For Waugh Street a 1.2 metre wide footpath is required with design details in accordance with AUSPEC and Council Standard drawing ASD 100 Series. The design plans must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (10) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (11) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:

- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
- b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
- c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

- (12) (A037) Provision of an automatic stormwater sump and pump system designed by a Practising Hydraulic Engineer for the disposal of seepage and stormwater in the basement storey. The system shall incorporate a standby pump. The design plans for the required services must be approved by Council pursuant to Section 68 of the Local Government Act 1993.
- (13) (A042) In respect of applications for other than separate Class 1 buildings, applicants are required to furnish the following information from an approved Hydraulic Consulting Engineer with the application for the water service:
 - a. Hydraulic calculations that address flow, pressure and velocity requirements of AS 3500.1.
 - b. A plan to a scale of not less than 1:100 that clearly indicates the position of the water meter on the property, the type of materials and nominal size of all water service pipes, the position of all stop valves, stop taps, backflow prevention devices and other valves, any water storage to be provided including air gap requirements, overflow pipe arrangement and any booster pumps.
 - c. Complete details of any fire service, booster pump or irrigation system installation.
- (14) (A049) The existing footpath/verge area in Waugh Street is to be raised to contain stormwater in the street. Design plans must be approved by Port Macquarie-Hastings Council pursuant to Section 138 of the Roads Act 1993.
- (15) (A195) Alva Lane shall be upgraded for the entire frontage of the development site so that the pavement thickness meets Council's AUS-SPEC 'Collector Road' standard (i.e. one million ESAs, 1×10^6). This shall require a full rebuild of the pavement unless geotechnical results are deemed by Council to demonstrate another solution is acceptable. Suitable driveway laybacks and

kerb and gutter shall also be provided on both sides of the lane. Prior to issue of a Construction Certificate, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council with the Roads Act (s138) application, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:

- a. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
- b. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
- c. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used)

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Road works along the frontage of the development.
 2. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with AS2890.
 3. Sewerage reticulation.
 4. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 5. Retaining walls.
 6. Stormwater systems.
 7. Erosion & Sedimentation controls.
 8. 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

9. Landscaping.
 10. Traffic management control plan.
 11. Erection of hoardings.
 12. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202 & ASD 207, Port Macquarie-Hastings Council current version.
 13. Provision of a 1.2m concrete footpath along Waugh Street.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving (width)
 - Footway and gutter crossing
 - Functional vehicular access
- (4) (B009) The applicant shall surrender the consent relating to DA No. 2003/601 for a residential flat building at 31 Waugh Street by submitting an application for "Surrender of a Consent" to Council in accordance with the Environmental Planning and Assessment Regulation 2000, prior to release of the Construction Certificate.
- (5) (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.
- (6) (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
- (7) (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.
- (8) (B034) Prior to release of the Construction Certificate the submission of details to Council for the disposal of any spoil gained from the site and/or details of the source of fill, heavy construction materials and proposed routes to and from the site, including, but not limited to:
- The pavement condition of the route/s proposed (excluding collector, sub-arterial and arterial roads) for the haulage of fill material to the site and/or haulage of excess material from the site. The condition report shall include photographs of the existing pavement and pavement deflection test results taken in the travel lanes;
 - Recommended load limits for haulage vehicles and;
 - A procedure for monitoring the condition of the pavement during the haulage;
 - Bond to guarantee public infrastructure is not damaged as a result of construction activity,
- and;
- Council shall determine the need for and extent of any rectification work on the haulage route/s considered attributable by the haulage of materials to and/or from the site.
- (9) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (10) (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.
- (11) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on adjoining properties. Such report shall be furnished to the Principal Certifying Authority.
- (12) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890.1. Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (13) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.

- (14) (B055) Construction plans are to include the sizing and configuration of the fire hydrant, fire sprinkler and domestic water supply metering and control installations so that sufficient space is allowed for this facility as well as addressing the overall aesthetics.
- (15) (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.
- (16) (B063) Prior to release of the Construction Certificate submission of a detailed landscape plan to the Principal Certifying Authority.
- (17) (B195) A certifying authority must not issue a construction certificate for residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.
- (18) (B196) The units are to comply with *AS/NZS2107:2000 Acoustic – Recommended design sound levels and reverberation times for building interiors for residential development*. Details of compliance will be required prior to the release of the construction certificate and occupation certificate.
- (19) (B197) Prior to release of the construction certificate, the plans are to be amended so that solid block wall/fence on the western boundary, facing the section of building on 33 Waugh Street, has been replaced with an open pool style fence. The change is to allow light and air to the eastern building wall of 33 Waugh Street. The solid wall is to then continue from the edge of the building at 33 Waugh Street for the remainder of the boundary heading north.
- (20) (B199) Sewer is available via a junction from a main in Alva Lane.
As the development will exceed 2ET the sewer is to be connected directly a new manhole to be constructed over the existing main in Alva Lane, with a new junction from that manhole to a VIS within the deep soil area.
According to Councils records, invert levels of the existing sewer indicate that it will not be practical to provide sewer to the lower basement.
All alterations to Council sewer, in conjunction with the development, will be at the developers cost.
- (21) (B200) Prior to the issue of any Construction Certificate plans the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (22) (B201) Final water service sizing for the proposed developments will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development site as a whole, as well as addressing fire service and backflow protection requirements. Each individual unit is to have its own 20mm water meter located adjacent to the unit in an easily accessible location (foyer) or arrangements made with Council for an electronic reading option.
- (23) (B202) If deemed appropriate by Council's Traffic Section at the time of lodgement of the Roads Act (s138) application, the landowner shall detail and install signage to restrict Alva Lane to one-way traffic flow only.
- (24) (B203) Prior to issue of the Construction Certificate, evidence shall be provided to the Principal Certifying Authority that satisfactory arrangements

can be put in place for collection of waste from the premises by a private waste contractor.

- (25) (B204) A stormwater drainage design is to be submitted and approved by Council under a Local Government Act (s68) application prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
- a. The legal point of discharge for the proposed development is defined as a direct connection to Council's piped drainage system within Alva Lane.
 - b. In this regard, Council's piped drainage system approximately 40m east of the northern boundary of the site must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4m lintel) must be installed, to allow direct piped connection from the development site into the public drainage system.
 - c. The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
 - d. All downpipes must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
 - e. The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Hydraulic calculations and a certification provided by the designer shall be submitted with the s68 application confirming this is achieved. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - f. The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - g. The design is to make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - h. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - i. The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
 - j. Subsurface flows shall only be permitted to enter the proposed basement pump-out system if geotechnical investigation demonstrates such flows are minimal and/or intermittent. Otherwise, the basement shall be tanked / sealed against ingress of such flows.
 - k. The pump-out system shall comply with the requirements of AUSPEC D5, including provision of excess capacity and redundancy (backup pump and power supply) for emergencies.
 - l. As much as possible of the carpark driveway shall be drained by gravity to the point of discharge, so as to minimise extra capacity required by the pump-out system.
- (26) (B205) Prior to release of a Roads Act (s138) approval by Council, submission to Council of a dilapidation report documenting the condition of:

- a) Waugh Street, along the property frontage, due to proposed excavation within the zone of influence supporting the road, and
- b) The full length of Alva Lane, from Gore Street to Park Street, due to proposed construction traffic access from the lane.

If any damage to public roads or infrastructure is found to be caused by the development, Council may require the landowner to make good the damage (a Roads Act s138 application may be required prior to rectification works). The value of any bond held by Council may include an amount for the risk of damage to public roads by construction traffic.

- (27) (B206) The design and installation method of proposed interim (construction) and final excavation supports (including shoring and retaining walls) shall be submitted to Port Macquarie-Hastings Council and the Principal Certifying Authority prior to the release of a Construction Certificate. A certificate from a practising chartered professional geotechnical and/or structural engineer shall also be submitted:
- a. Certifying that the supports are structurally adequate, for all reasonably expected load conditions within the road reserve and verge, including normal traffic and heavy construction and earth moving equipment, based on a design life of at least 50 years,
 - b. Specifying the critical load case(s) used to provide the certification at point (a) above (e.g. type of vehicle, position and load), and
 - c. Including any recommendations regarding method of excavation and construction, and limitation of vibration emissions.

C – PRIOR TO ANY WORK COMMENCING ON SITE

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

D – DURING WORK

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

- j. during construction of sewer infrastructure;
- k. prior to sealing and laying of pavement surface course.

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

- (2) (D004) Survey marks, including permanent survey marks and reference marks, shall be retained, undamaged, and not relocated. Failure to comply with this condition may also be an offence under Section 24(1) of the Surveying and Spatial Information Act (2002).
- (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) (D011) Provision being made for support of adjoining properties and roadways during construction.
- (5) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (6) (D046) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.
- (7) (D195) During construction, access to properties within the vicinity of the development are not to be blocked off at any time.
- (8) (D196) Where possible, common trenching of utilities and services should occur.
- (9) (D197) Prior to commencement of any pavement works a material quality report from the proposed supplier shall be submitted to Council. The pavement materials shall meet Council's current specifications at the time of construction.
- (10) (D198) Prior to laying of Asphaltic Concrete (AC) or wearing surface course, submission to Council of pavement and soil test results prepared by a NATA registered person for all road pavement construction, including:
 - a. CBR test results, and
 - b. Subgrade/select fill, sub-base and base pavement compaction reports in accordance with AS1289.5.1.1 & AS1289.5.2.1 as applicable.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).

- (4) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (5) (E031) Provision of a sign at the front vehicular access point within the property, prior to occupation or the issue of the Occupation Certificate, indicating that visitor parking is available onsite via Alva Lane.
- (6) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (7) (E036) Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses is to be in accordance with Council's Development Control Plan 2013 and Australian Standard 2890.1 prior to occupation or issue of the Occupation Certificate.
- (8) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (9) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (10) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation Certificate or release of the security bond, whichever is to occur first.
- (11) (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.
- (12) (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.
- (13) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (14) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
 - a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting

- d. The matching of new infrastructure into existing or future design infrastructure
- (15) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (16) (E195) A certifying authority must not issue an occupation certificate to authorise a person to commence occupation or use of residential flat development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.
- (17) (E196) Prior to release of the occupation certificate or occupation (whichever occurs first), the site and units are to be numbered and common aerials provided where possible.
- (18) (E197) Prior to occupation or the issue of an Occupation Certificate, evidence shall be provided to the Principal Certifying Authority that satisfactory arrangements are in place for collection of waste from the premises by a private waste contractor.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 69 spaces are to be provided onsite, comprising 64 resident spaces within the basement and 5 visitor spaces off Alva Lane.
- (2) (F003) All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.
- (3) (F004) The occupancies are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (4) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (5) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.
- (6) (F195) Landscaping areas shall be maintained at all times in a condition that serves their function of visual privacy and aesthetics.

Mrs. P. Angel

P.O. Box 524

Port Macquarie, 2444

4th March 2014.

The General Manager,

Hastings Council,

Port Macquarie, 2444

24981

PORT MACQUARIE HASTINGS	
TRIM No	CRM No
6 - MAR 2014	
Keyword	
Activity	
Subject	DA2014-105.1
Folder	

Dear Sir,

ATTN: MR Clinton Tink, Development and Environmental Services.

Re: Development Proposal of Residential Flats (64 Units)

Lot: 8 SEC: 23 DP: 758853, 31 Waugh Street Port Macquarie.

Your Ref: DA2014.105.1; Applicant: Keystone Property Consultants.

Applicant No: 2014/105

I emphatically state my objection to the above mentioned Development Proposal for 64 residential units to be built directly behind my property number 40 Buller Street.

I am appalled that the main and only vehicle entry for the residents is from Alva Lane which is a narrow single lane way in dubious condition and which is grossly inadequate to service the expected increased flow of vehicles (I expect some residents to have more than one (1) car) in addition to the existing traffic flow.

In every aspect, Alva Lane is grossly inadequate to be the entry and exit point for 64 new units. In its present condition, Alva Lane does not have the width, condition or the capacity, to cater for the expected increase in traffic volume. Cars exiting Alva Lane would also cause congestion to cars travelling up Park Street using the nearside lane.

More importantly Alva Lane does not have the necessary infrastructure or the capacity needed for effective water drainage to ensure effective removal of storm water runoff coming from all the properties built on the higher side of Alva Lane (Waugh Street). At present the storm water runoff empties into my property and those of my adjacent neighbours.

I have repeatedly brought this major concern of mine to Councils attention, due to the disastrous impact of the damage caused by the storm water runoff onto my property. The storm water runoff floods and deposits red slimy, slippery mud and gravel onto my premises. Damage aside, this major problem has caused me to slip and fall on many an occasion when it rained. The ensuing storm

water runoff on my property also blocks my back entrance due to the under capacity of Alva Lane to handle the problem effectively now, let alone with an additional 64 units.

I believe the existing lack of storm water infrastructure is intensified by the lack of land space allocated by Council from large developments to naturally absorb and disperse of rain fall naturally; thus causing flooding and damage into my property and those of my adjacent neighbours.

The expected increase in traffic flow would cause the surface of Alva Lane to decline more quickly. The current surface as it stands is patchy and broken up with pot holes along the width and length of the lane requiring Council maintenance.

The increased flow of traffic and usage would also cause unacceptable congestion and possible future disharmony among residents. With garages situated at the rear, residents need to be able to park in order to load and unload from their cars to their garages.

I also noted when I was reviewing the Development Proposal document at Council with a Town Planner that a traffic report was not included. Why is this?

Would you please notify me as to when this matter is to be considered.

Thanking you,



3 March 2014

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



Dear Sir,

RE: DEVELOPMENT PROPOSAL 2014/105 31 Waugh Street, Port Macquarie
PPTY: 'PARK TERRACES' 33 WAUGH STREET, PORT MACQUARIE SP 63845

We write in reference to the aforementioned development proposal and take this opportunity to raise the following concerns:

FOUNDATIONS

A dilapidation report (incl. photographs) is to be carried out to the property known as 'Park Terraces' 33 Waugh Street, Port Macquarie prior to excavation and construction commencing.

There is to be no underpinning of 'Park Terraces' 33 Waugh Street, Port Macquarie.

NOISE DURING CONSTRUCTION

That time restrictions concerning noise be imposed and monitored.

VEHICLE PARKING

Width of block = 43.175 metres

Width of a normal car space = 2500mm

Plan indicates **outside Visitor parking** -15 spaces shown on plan BUT only room for 14 spaces at 2500mm width.

Parking plan indicates **underground parking** –

37 car spaces

6 shared area

12 disabled

11 spaces - Nos. 01 to 11 shown on plan and are in front of spaces 12 to 22

What are the parking arrangements for lots 01 to 22? Are spaces 01 to 22 for tandem parking space – ie 2 car spaces provided for 11 units. Therefore plan would be providing vehicle parking space for 55 units only. 9 units would not have underground vehicle parking provisions.

From observation with parking availability provided to 29 Waugh Street most of the units have 2 vehicles (single renters sharing accommodation or couples with a vehicle each). Vehicles are always parked either side of Waugh Street in front of No 29 and 31. (photo attached)

Waugh Street also accommodates parking for visitors and residents with more than one vehicle located in –

8 Park Street

5 Park Street

7 Park Street

9 Park Street

- so where are the vehicles, from the 9 units who have not been provided with underground parking and the additional vehicles (numbers unknown) owned by shared renters or owners going to park?

owned by shared renters or owners	
TRIM No	QPS No
6 - MAR 2014	
Keyword	
Activity	
Subject	

Waugh Street is in a very bad state of repair. It consists of patched potholes. Any additional traffic and parking would exacerbate its current condition and make it unsafe.

Likewise Alva Lane is in urgent need of roadwork. The existing properties, which mainly face Buller Street, (both residential and businesses) use this lane for parking and garaging vehicles. The lane is also very narrow and trafficked in both directions.

BUILDING ALIGNMENT (EASTERN SIDE OF BUILDING NO 33)

We object to the erection of a brick fence/wall 1.8m in height along our building alignment.

Erection of the wall/fence **would obstruct No 33 building ventilation provision on our eastern wall.**

It would create a 480mm gap between building No 33 eastern wall and the proposed No 31 brick wall for the full eastern side length of No 33 building. This is a length of 20.6 metres by 480mm wide by 1.8 metres in height.

This void would be continually damp and mouldy.

The side of the proposed 1.8 wall facing No 33 would not be of a high quality finish because it would not be seen and working in the confined space of the 480mm wide void would be difficult.

It would also create problems when building No 33 requires repainting.

The eastern wall of building No 33 has privacy glass brick windows and therefore would not need a 1.8 metre high brick wall for privacy to No 31 units on ground floor.

As an alternative suggestion erect an aluminium powder coated pool fence with low shrubs in front and then erect the brick wall from No 33 rear paling fence where access could be gained to both sides of the fence for a better finish.

BUILDING HEIGHT

Council requirements - Maximum building height is 14.5 metres.

The building height at the western and eastern corners on Alva Lane is higher than 14.5m.

The plan indicates at Waugh Street frontage (south west corner) 13.31 metres and the south east corner is 14.55 metres.

More sun and less shadowing would be available to the north balconies of No 33 during the winter months without the construction of this additional floor facing Alva Lane.

CLOTHES DRYING AREA

Plan does not indicate laundries in any of the units. Are they in a cupboard?

Is there to be an outside clothes drying area? If so, where is it to be located?

GARBAGE DISPOSAL AREA

If all units are to be provided with red, green and yellow bins, what provision has been made for the collection location?

DA PLAN – STREET NUMBERING

Plans and documents regarding this application indicate the DA address as 31-33 Waugh Street. No 33 is the adjoining townhouse block.

LANDSCAPING

Request that trees or shrubs with a maximum growth height of 2 metres only to be planted on the western side of No 31 near No 33 side wall. During winter this area gets very little sun and remains damp.

PROPOSED TENANCY OF UNITS / STUDIOS

Previous DA approval for 22 units then 30 luxury units NOW requesting approval for 64 units
– is this high density accommodation?

Are the units intended for owner occupier/permanent let OR combination of OWNER
OCCUPIER / PERMANENT LET & HOLIDAY LET?

ADDITIONAL NOTE

In Waugh Street between Gore and Park Streets currently there are 108 units/townhouses and 7 single house blocks with an additional DA approval for 12 units and the current proposal at No 31 for 64 units. This makes a total of 184 units plus 7 blocks. Only kerb street parking is available on both sides of the road in this section of Waugh Street. There is a grassed median embankment dividing the east and westbound traffic. (refer attached sketch)
In Waugh Street between Hollingsworth and Gore Streets there are 129 units. In addition to the off-street parking provided to these units, Waugh Street has 53 vehicle parking spaces dividing the east and westbound traffic. (refer attached sketch)

We appreciate your time and consideration in the matter and look forward to acknowledgement of the concerns raised and details of how these matters are to be addressed.

Yours faithfully

Stuart Bainbridge
SBS Developments Pty Ltd
Units 1 and 6
33 Waugh Street
PORT MACQUARIE



Corner House	No 20 House	No 22 9 Flats	No 24 9 Flats	No 26 9 Flats	No 28 Vacant Land	No 30 House	No 32 3 Flats	No 34 4 Flats	No 36 Backpackers	No 38 Backpackers	No 40 4 Flats	No 42 House
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Waugh Street (from corner of Gore Street westbound to Park St)

Grassed embankment

cul-de-sac

Waugh Street (from Park Street eastbound to corner Gore Street)

Vacant DA for 12 flats	No 17 House	No 19 12 flats	No 21 House	No 23 6 Flats	No 25 10 Flats	No 27 32 Flats	No 29-31 Proposed 64 Flats	No 33 10 Townhouses
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Total existing flats westbound 38

Total existing flats/townhouses eastbound 70

Total existing flats/townhouses 108

Proposed flats at No 31 64

Proposed flats on corner Gore and Park Street 12

184

Single house blocks in Waugh St between Gore & Park St 7

Total 191

No 2 9 Units	No 4 12 Units	No 6 12 units	No 8 12 units	No 10 12 units	No 12 7 units	No 14-16 25 units
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Waugh Street (corner Hollingsworth to Gore Street westbound)

CENTRE PARKING FOR 53 VEHICLES

Waugh Street (corner Hollingsworth to Gore Street eastbound)

No 1 40 units	Essential Energy	House	House	House
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Total existing flats westbound 89

Total existing flats eastbound 40

Total 129

Total house blocks 3

Total businesses 1

Total 133

Submission D - CT

Richard Bock
Ozzie Pozzie YHA
36 Waugh St,
PORT MACQUARIE NSW 2444

24981

PORT MACQUARIE CLD HASTINGS	
PRINTED	DATE
11 MAR 2014	10/3/14
Development and Environmental Services Port Macquarie-Hastings Council PO Box 84 PORT MACQUARIE NSW 2444	
Subject: DA2014-105	



Clinton Tink
Development and Environmental Services
Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

March 10th, 2014

Dear Clinton,

RE: DEVELOPMENT PROPOSAL 2014/105 31 Waugh Street, Port Macquarie

I find the following concerns with the abovementioned project:

Zoning:

This area is a medium density zoned area and the proposal is high-density housing project.

The proposal appears to be based on a State government strategy for a big city such as Sydney or other large urban area. "The state government seeks to increase and consolidate residential densities in strategic locations" (Page 38). In my opinion, this location doesn't warrant high-density living and is not one of the strategic locations this quote suggests.

Comparison to pre-existing DA was only made on the building shape. It conveniently fails to mention an increase from 30-64 units, increasing the resident numbers by over 100%.

Comparison photos of similar developments are all east of Gore St. It is a lower lying area closer to the center of Port Macquarie's CBD, with significantly more on-street parking for residents and their guests.

Parking:

Parking spaces 1-11 appear inaccessible as there are only single spaces allotted per unit. Thus leaving at total of only 49 spaces

There is no access to the garbage area or elevator for spaces 35-60

Therefore, there are only really 47 spaces available

Is under 2.5m acceptable for a car parking space?

Visitor Parking:

It is not indicated, but I can assume that there is garbage access to Alva Lane going through visitor parking 14 and 15, leaving only realistically 13 visitor spaces, which will be filled by residents anyway.

As the address is 31-33 Waugh Street, visitors will naturally arrive and park in Waugh Street, even if there are signs to park in Alva Lane.

For the similar development on 27-30 Waugh Street which has 30 units and always has 10-15 cars parked in Waugh Street, therefore it is reasonable to assume that the new project with 64 units will have 20-30 cars parked in Waugh Street, for which there is no room.

Other Observations:

The set-back from Waugh Street is only 2.4m from the boundary in an effort to cram in as many units as possible. This does not allow for any landscaping or substantial plant and tree growth. Adjoining properties are set back 7 and 5 meters and have gardens. This is a concern for me as I have tourist accommodation and aesthetics and noise reduction are important to my business.

As a tourist based accommodation business, I also have serious concerns about the noise and timing of construction and the adverse impact this would have on my guests. Any construction work during the summer when we have consistent NE winds will carry a large amount of noise, dust and dirt onto my property during the peak tourist season from December 1st until May 1st.

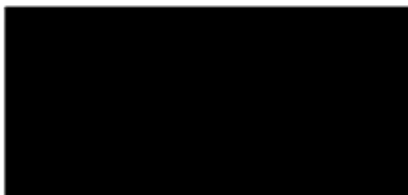
Obviously development and construction of this block will take place eventually; however, consideration would be greatly appreciated in this matter. Also notification of the beginning of work would also be appreciated.

Height limits are also exceeded for the same reason as mentioned above.

In Summary:

This is an over-sized and high-density proposal by a Sydney-based consortium whose only interest is profits. The original DA approval is more suited to the density of the area.

This is not my expertise and I am sure there are a lot of other concerns here, but I can't imagine such high density in this area will be considered seriously anyway.



From: Dominic [REDACTED]
Sent: Monday, 10 March 2014 1:40 PM
To: Clinton Tink
Subject: Submission for Development DA2014.105.1

To: Port Macquarie-Hastings Council

I would like to lodge a formal submission on the development application DA2014.105.1 (the 64 unit apartment block). My business Port Macquarie Dental Centre is currently located opposite the block (on the other side of Alva lane). My main concern is the blockage of my business entrance and this section of Alva Lane during the construction. The last time they did the initial work (about 2-3 years ago), they did block my entrance and Alva Lane without giving me any notice. As a result my patients could not get pass and some of them has to be rescheduled. Please also note that a lot of my patients are elderly patient with walking difficulties. It is very unreasonable for them to park far away(at Gore street) and walk in for their appointment. My disabled access is also facing the side where the development is taking place.

Whilst I have no objection to the development, this issue needs to be dealt with so that my business operation will not get disrupted.Thank you and hope to hear from you soon.

Regards
Dr Dominic Chung
Port Macquarie Dental Centre
40 Buller Street,
Port Macquarie NSW 2444

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

Dear Sir,

24981

RECEIVED	
DATE	BY
03/04	W
3 March 2014	
105	
TRANSMITTED	RECEIVED
6 - MAR 2014	
Subject	
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DA 2014-105.1	

RE: DEVELOPMENT PROPOSAL 2014/105 31 Waugh Street, Port Macquarie
PPTY: 'PARK TERRACES' 33 WAUGH STREET, PORT MACQUARIE SP 63845

We write in reference to the aforementioned development proposal and take this opportunity to raise the following concerns:

FOUNDATIONS

A dilapidation report (incl. photographs) is to be carried out to the property known as 'Park Terraces' 33 Waugh Street, Port Macquarie prior to excavation and construction commencing.

There is to be no underpinning of 'Park Terraces' 33 Waugh Street, Port Macquarie.

NOISE DURING CONSTRUCTION

That time restrictions concerning noise be imposed and monitored.

VEHICLE PARKING

Width of block = 43.175 metres

Width of a normal car space = 2500mm

Plan indicates **outside Visitor parking** -15 spaces shown on plan BUT only room for 14 spaces at 2500mm width.

Parking plan indicates **underground parking** –

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12 disabled

11 spaces - Nos. 01 to 11 shown on plan and are in front of spaces 12 to 22

What are the parking arrangements for lots 01 to 22? Are spaces 01 to 22 for tandem parking space – ie 2 car spaces provided for 11 units. Therefore plan would be providing vehicle parking space for 55 units only. 9 units would not have underground vehicle parking provisions.

From observation with parking availability provided to 29 Waugh Street most of the units have 2 vehicles (single renters sharing accommodation or couples with a vehicle each). Vehicles are always parked either side of Waugh Street in front of No 29 and 31. (photo attached)

Waugh Street also accommodates parking for visitors and residents with more than one vehicle located in –

8 Park Street

5 Park Street

7 Park Street

9 Park Street

- so where are the vehicles, from the 9 units who have not been provided with underground parking and the additional vehicles (numbers unknown), owned by shared renters or owners going to park?

Waugh Street is in a very bad state of repair. It consists of patched potholes. Any additional traffic and parking would exacerbate its current condition and make it unsafe.

Likewise Alva Lane is in urgent need of roadwork. The existing properties, which mainly face Buller Street, (both residential and businesses) use this lane for parking and garaging vehicles. The lane is also very narrow and trafficked in both directions.

BUILDING ALIGNMENT (EASTERN SIDE OF BUILDING NO 33)

We object to the erection of a brick fence/wall 1.8m in height along our building alignment.

Erection of the wall/fence **would obstruct No 33 building ventilation provision on our eastern wall.**

It would create a 480mm gap between building No 33 eastern wall and the proposed No 31 brick wall for the full eastern side length of No 33 building. This is a length of 20.6 metres by 480mm wide by 1.8 metres in height.

This void would be continually damp and mouldy.

The side of the proposed 1.8 wall facing No 33 would not be of a high quality finish because it would not be seen and working in the confined space of the 480mm wide void would be difficult.

It would also create problems when building No 33 requires repainting.

The eastern wall of building No 33 has privacy glass brick windows and therefore would not need a 1.8 metre high brick wall for privacy to No 31 units on ground floor.

As an alternative suggestion erect an aluminium powder coated pool fence with low shrubs in front and then erect the brick wall from No 33 rear paling fence where access could be gained to both sides of the fence for a better finish.

BUILDING HEIGHT

Council requirements - Maximum building height is 14.5 metres.

The building height at the western and eastern corners on Alva Lane is higher than 14.5m.

The plan indicates at Waugh Street frontage (south west corner) 13.31 metres and the south east corner is 14.55 metres.

More sun and less shadowing would be available to the north balconies of No 33 during the winter months without the construction of this additional floor facing Alva Lane.

CLOTHES DRYING AREA

Plan does not indicate laundries in any of the units. Are they in a cupboard?

Is there to be an outside clothes drying area? If so, where is it to be located?

GARBAGE DISPOSAL AREA

If all units are to be provided with red, green and yellow bins, what provision has been made for the collection location?

DA PLAN – STREET NUMBERING

Plans and documents regarding this application indicate the DA address as 31-33 Waugh Street. No 33 is the adjoining townhouse block.

LANDSCAPING

Request that trees or shrubs with a maximum growth height of 2 metres only to be planted on the western side of No 31 near No 33 side wall. During winter this area gets very little sun and remains damp.

PROPOSED TENANCY OF UNITS / STUDIOS

Previous DA approval for 22 units then 30 luxury units NOW requesting approval for 64 units
– is this high density accommodation?

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ADDITIONAL NOTE

In Waugh Street between Gore and Park Streets currently there are 108 units/townhouses and 7 single house blocks with an additional DA approval for 12 units and the current proposal at No 31 for 64 units. This makes a total of 184 units plus 7 blocks. Only kerb street parking is available on both sides of the road in this section of Waugh Street. There is a grassed median embankment dividing the east and westbound traffic. (refer attached sketch)
In Waugh Street between Hollingsworth and Gore Streets there are 129 units. In addition to the off-street parking provided to these units, Waugh Street has 53 vehicle parking spaces dividing the east and westbound traffic. (refer attached sketch)

We appreciate your time and consideration in the matter and look forward to acknowledgement of the concerns raised and details of how these matters are to be addressed.

Yours faithfully

Julie Eldridge and Greg Sweeney
Unit 4
33 Waugh Street
PORT MACQUARIE





corner house	No 20 House	No 22 9 Flats	No 24 9 Flats	No 26 9 Flats	No 28 Vacant Land	No 30 House	No 32 3 Flats	No 34 4 Flats	No 36 Backpackers	No 38 Backpackers	No 40 4 Flats	No 42 House
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Waugh Street (from corner of Gore Street westbound to Park St)

Grassed embankment											cul-de-sac	
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Waugh Street (from Park Street eastbound to corner Gore Street)

vacant A for 2 flats	No 17 House	No 19 12 flats	No 21 House	No 23 8 Flats	No 25 10 Flats	No 27 32 Flats	No 29-31 Proposed 64 Flats	No 33 10 Townhouses
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Total existing flats/townhouses	108
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proposed flats on corner Gore and Park Street	12
	184
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Total	191

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Total 129

Total house blocks 3

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D- Sub

3 March 2014

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



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PORT MACQUARIE COUNCIL	
TRIM No	6 - MAR 2014
Keyword	
Activity	
Subject	

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Request that trees or shrubs with a maximum growth height of 2 metres only to be planted on the western side of No 31 near No 33 side wall. During winter this area gets very little sun and remains damp.

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– is this high density accommodation?

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ADDITIONAL NOTE

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In Waugh Street between Hollingsworth and Gore Streets there are 129 units. In addition to the off-street parking provided to these units, Waugh Street has 53 vehicle parking spaces dividing the east and westbound traffic. (refer attached sketch)

We appreciate your time and consideration in the matter and look forward to acknowledgement of the concerns raised and details of how these matters are to be addressed.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

Unit 3
33 Waugh Street
PORT MACQUARIE



Corner House	No 20 House	No 22 9 Flats	No 24 9 Flats	No 26 9 Flats	No 28 Vacant Land	No 30 House	No 32 3 Flats	No 34 4 Flats	No 36 Backpackers	No 38 Backpackers	No 40 4 Flats	No 42 House
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Waugh Street (from corner of Gore Street westbound to Park St)

Grassed embankment											
cul-de-sac											

Waugh Street (from Park Street eastbound to corner Gore Street)

Vacant DA for 12 flats	No 17 House	No 19 12 flats	No 21 House	No 23 6 Flats	No 25 10 Flats	No 27 32 Flats	No 29-31 Proposed 64 Flats	No 33 10 Townhouses
------------------------	-------------	----------------	-------------	---------------	----------------	----------------	----------------------------	---------------------

Total existing flats westbound 38

Total existing flats/townhouses eastbound 70

Total existing flats/townhouses

Proposed flats at No 31 108

Proposed flats on corner Gore and Park Street 64

Single house blocks in Waugh St between Gore & Park St 12

Total 184

Total 191

No 2 9 Units	No 4 12 Units	No 6 12 units	No 8 12 units	No 10 12 units	No 12 7 units	No 14-16 25 units
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Waugh Street (corner Hollingsworth to Gore Street westbound)

CENTRE PARKING FOR 53 VEHICLES

Waugh Street (corner Hollingsworth to Gore Street eastbound)

No 1 40 units	Essential Energy	House	House	House
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Total existing flats westbound 89

Total existing flats eastbound 40

Total 129

Total house blocks 3

Total businesses 1

Total 133

Submitted

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

Dear Sir,

3 March 2014		PORT MACQUARIE HASTINGS	
TRIM No		CRA No	
12 MAR 2014			
Keyword			
Activity			
Subject			
Folder	DA 2014.105.1		

RE: DEVELOPMENT PROPOSAL 2014/105 31 Waugh Street, Port Macquarie
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8 Park Street

5 Park Street

7 Park Street

9 Park Street

- so where are the vehicles, from the 9 units who have not been provided with underground parking and the additional vehicles (numbers unknown), owned by shared renters or owners going to park?

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Likewise Alva Lane is in urgent need of roadwork. The existing properties, which mainly face Buller Street, (both residential and businesses) use this lane for parking and garaging vehicles. The lane is also very narrow and trafficked in both directions.

BUILDING ALIGNMENT (EASTERN SIDE OF BUILDING NO 33)

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Erection of the wall/fence **would obstruct No 33 building ventilation provision on our eastern wall.**

It would create a 480mm gap between building No 33 eastern wall and the proposed No 31 brick wall for the full eastern side length of No 33 building. This is a length of 20.6 metres by 480mm wide by 1.8 metres in height.

This void would be continually damp and mouldy.

The side of the proposed 1.8 wall facing No 33 would not be of a high quality finish because it would not be seen and working in the confined space of the 480mm wide void would be difficult.

It would also create problems when building No 33 requires repainting.

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PAUL JARVEY

8/ 33 Waugh Street
PORT MACQUARIE

09/09/2015

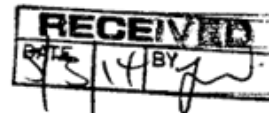
v - dup

PO Box 2843

Port Macquarie NSW 2444

3 March 2014

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



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PORT MACQUARIE HASTINGS	
TRIM No	CPA No
6 - MAR 2014	
Keyword	
Activity	
DA2014-105.1	

29981

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Linda Kildea

3 March 2014

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PO Box 84
PORT MACQUARIE NSW 2444



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PORT MACQUARIE HASTINGS	
6 - MAR 2014	
Keyword	
Activity	
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Unit 10
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PORT MACQUARIE



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D - Sub.

Suite 25, First Floor, Colonial Arcade
25-27 Hay Street, Port Macquarie NSW 2444

STRATA MANAGEMENT SPECIALISTS

3 March 2014

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

24981

PORT MACQUARIE-HASTINGS COUNCIL	
TRIM No	0000
4 - MAR 2014	
Keyword	
Activity	
Subject	DA2014-105-1
Folder	

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STRATA PROFESSIONALS

MARGARET RATLCIFFE
STRATA MANAGER

Item: 06**Subject: DA2015 - 0361 MULTI DWELLING HOUSING AND TORRENS TITLE
SUBDIVISION AT LOT 271 DP 236277, NO. 23 THE SUMMIT ROAD,
PORT MACQUARIE****Report Author: Chris Gardiner**

Property:	Lot 271 DP 236277, No. 23 The Summit Road, Port Macquarie
Applicant:	K K Sanghi
Owner:	K K Sanghi
Application Date:	29 May 2015
Estimated Cost:	\$1,515,000
Location:	Port Macquarie
File no:	DA2015 - 361.1
Parcel no:	23895

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2015 - 0361 for multi dwelling housing and torrens title subdivision at Lot 271, DP 236277, No. 23 The Summit Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

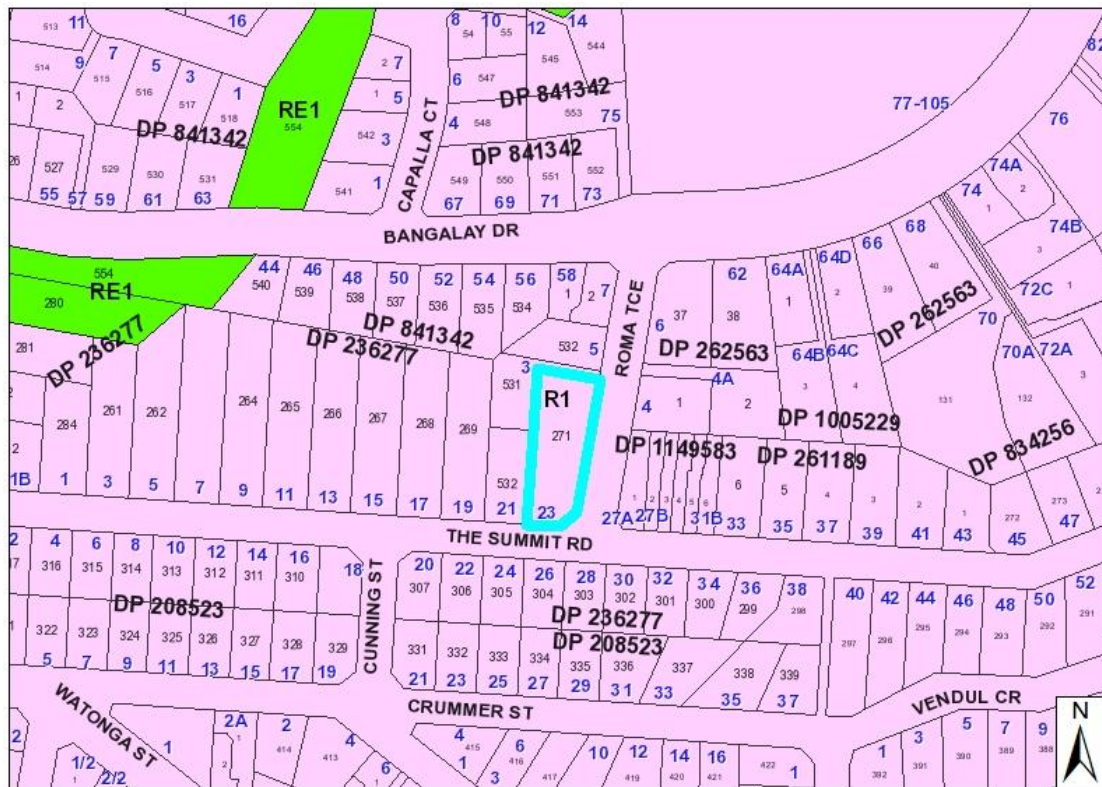
This report considers a development application for multi dwelling housing and Torrens title subdivision at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

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

The site has an area of 1587m².

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Construction of 5 two storey dwellings and associated infrastructure.
- 5 lot Torrens title subdivision.

Refer to attachments at the end of this report.

Application Chronology

- 29 May 2015 - Application lodged.
- 4 June 2015 to 17 June 2015 - Application publicly notified (2 written submissions received).
- 17 July 2015 - Additional information requested.
- 28 July 2015 - Response to additional information request and amended plans submitted by the Applicant.

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

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

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

State Environmental Planning Policy 44 - Koala Habitat Protection

The subject site has an area less than 1 hectare and is not affected by a Koala Plan of Management. The provisions of the SEPP are therefore not applicable to the proposal.

State Environmental Planning Policy 55 – Remediation of Land

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

State Environmental Planning Policy 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

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

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

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

- a) any restricted access (or opportunities for access) to the foreshore
- b) any adverse amenity impacts along the foreshore and on the scenic qualities of the coast;

- c) any adverse impacts on flora and fauna;
- d) the development being subject to any adverse coastal processes or hazards;
- e) any significant conflict between water and land based users of the area;
- f) any adverse impacts on any items of archaeological/heritage;
- g) reduction in the quality of the natural water bodies in the locality (due to effluent & stormwater disposal, construction impacts, landuse conflicts);
- h) adverse cumulative impacts on the environment;
- i) a form of development that is unsustainable in water and energy demands;
- j) development relying on flexible zone provisions.

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

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

A BASIX certificate (number 629465M) 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

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

- Clause 2.2, the subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for multi dwelling housing is a permissible landuse with consent. Following completion of the subdivision, the development would comprise 5 detached dwelling houses on Torrens title lots, which is also permissible in the zone.

The objectives of the R1 zone are as follows:

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

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

- The proposal is a permissible landuse;
- The development would provide for a variety of housing types and densities to meet the housing needs of the community.
- Clause 4.1A, the minimum lot sizes do not apply to the proposal as it is for the subdivision of land into 2 or more lots and the construction of a dwelling house on each lot. The lot sizes in the development range between 297.93m² and 340.26m².
- Clause 4.3, the maximum overall height of the buildings above ground level (existing) are:
 - Dwelling 1 - 7.07m,
 - Dwelling 2 - 8.35m,
 - Dwelling 3 - 7.80m,
 - Dwelling 4 - 7.68m,

- Dwelling 5 - 7.65m.

These heights comply with the standard height limit of 8.5m applying to the site.

- Clause 4.4, the floor space ratio of the proposal are:

- Dwelling 1 - 0.49:1,
- Dwelling 2 - 0.57:1,
- Dwelling 3 - 0.55:1,
- Dwelling 4 - 0.54:1,
- Dwelling 5 - 0.53:1.

The floor space ratios above comply with the maximum permissible floor space ratio of 1:1 applying to the site.

- Clause 5.5 - Development within the coastal zone - relevant objectives of this clause are addressed by SEPP 71 section (see above).
- Clause 5.9 - Eight listed trees in Development Control Plan 2013 are proposed to be removed. See comments in DCP section regarding proposed tree removal.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.

Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

(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			
DCP Objective	Development Provisions	Proposed	Complies
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • Not extend above eave gutter line 	<p>Open decks and entry features to minimum 3.2m front setback.</p> <p>The proposed terrace on the eastern side of Dwelling 1 has a setback from the boundary at the splay corner of 2.5m and slightly encroaches into the minimum setback for the articulation zone. The setback of this terrace complies with the minimum 3m setback to the primary and secondary</p>	No, but acceptable

		road frontages and only encroaches for a small part of the structure. The minor variation is not considered to compromise the objectives of the provision.	
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> Min. 6.0m classified road Min. 4.5m local road Min. 3.0m secondary road Min. 2.0m Laneway 	Minimum 4.5m setback to local road frontage and 3.0m setback to secondary road for Dwelling 1/Lot 1.	Yes
3.2.2.3	Garage minimum 5.5m front setback and garage door recessed behind building line at least 1m or eaves/overhangs provided	Dwelling 1 setback 6.4m and 3m behind building line. Dwellings 2, 3, 4 and 5 minimum 5.078m setback and 1.8m behind front building line.	No*
	6m max. width of garage door/s and 50% max. width of building	Dwelling 1: 5.4m wide and 35% of building width. Dwellings 2, 3, 4 and 5: 5.0m wide and 42% of building width.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Maximum 4.7m wide.	Yes
	Garage and driveway provided on each frontage of dual occupancy on corner lot	Garage and driveway provided on each road frontage.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Minimum 3m rear setback for Dwellings 2, 3 and 4. 3.986m rear setback for Dwelling 5.	No*
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> Ground floor min. 0.9m First floors & above min. 3m setback, unless demonstrated that adjoining property primary living areas & POS unaffected. Building wall set in and out every 12m by 0.5m. 	Zero setback proposed to new lot boundaries that would be created by the subdivision. Minimum 2m ground floor side setback to existing side (western) boundary. <u>First Floor:</u> Dwelling 1: Minimum 1m, Dwelling 2: Minimum 1.14m, Dwelling 3: Minimum 1.39m,	No*

		<p>Dwelling 4: Minimum 1m, Dwelling 5: Minimum 1.05m.</p> <p>These reduced first floor setbacks are to the northern boundary of each lot and would not result in adverse overshadowing of neighbouring property or other dwellings in the development. A minimum 0.9m first floor setback is therefore permitted.</p> <p>Building walls set in and out every 12m by 0.5m.</p>	
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade and is directly accessible from a ground floor living area.	<p>All proposed dwellings would have more than 35m² of private open space.</p> <p>Dwellings 2-5 have minimum 4m x 4m area and maximum 5% grade accessible from a ground floor living area.</p> <p>Dwelling 1 includes a 4m x 4m area at maximum 5% grade, but this space is not accessible from a living area and all living rooms in the dwelling are on the first floor. Dwelling 1 also includes two first floor terraces accessible from the living areas, which are considered acceptable.</p>	Yes
3.2.2.7	<p>Front fences:</p> <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays 	<p>Front fence for Dwelling 1 maximum 1.8m high and includes infill panels for transparency.</p> <p>Landscaped recesses on Roma Terrace frontage only 0.6m deep.</p> <p>Condition recommended requiring fence to have minimum 25% openings and for landscaped recesses to be increased to 0.9m deep in</p>	Capable of complying

	adjoining driveway entrances (Fig 3.3 of AS2890.1 2004 overrides this standard by requiring a min 2.5x2m splay for driveway entrances) See David Troemel for info.	accordance with this provision.	
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandas etc which have <3m side/rear setback and floor level height >1m 	Privacy adequately addressed through building design. Northern living room window of Dwelling 1 has sill height greater than 1.5m. Western living room windows of Dwellings 3 provided with fixed privacy screens as the floor level is approx. 1.5m above ground level and located adjacent to main POS of 21 The Summit Road.	Yes

DCP 2013: General Provisions

DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> • Casual surveillance and sightlines • Land use mix and activity generators • Definition of use and ownership • Lighting 	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	Yes

	<ul style="list-style-type: none"> Way finding Predictable routes and entrapment locations 	the locality and openings from each dwelling overlook common and private areas.	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Less than 1m cut and fill proposed outside building footprint.	Yes
2.3.3.2	1m max. height retaining walls along road frontages	n/a	n/a
	Any retaining wall >1.0 in height to be certified by structural engineer	Condition recommended requiring engineering certification of retaining walls higher than 1m.	Yes
2.3.3.8 onwards	Removal of hollow bearing trees	None proposed to be removed.	Yes
2.6.3.1	Tree removal (3m or higher with 100m diameter trunk and 3m outside dwelling footprint)	<p>The proposal includes removal of 8 regrowth trees (banksias and oaks). The trees would be impacted by the footprint of the development.</p> <p>The trees are not koala browse species and are not identified as being of ecological significance.</p>	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. Existing accesses rationalised or removed where practical	Access to local roads.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Single driveway of appropriate width for each dwelling.	Yes
2.5.3.3	<p>Off-street parking in accordance with Table 2.5.1:</p> <ul style="list-style-type: none"> 1 space = single dwelling (behind building line) and dual occupancy Medium density – 1 per 1 or 2 bed dwelling or 1.5 per 3-4 bed dwelling + 1 visitor/4 dwellings 	Double garage for each dwelling.	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	

2.5.3.14	Sealed driveway surfaces unless justified	Condition recommended requiring concrete surface.	Yes
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The proposal seeks to vary Development Provision 3.2.2.3 in relation to the minimum setback of the garages of Dwellings 2, 3, 4 and 5 from Roma Terrace.

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 site's frontage is at an angle to the alignment of the garage and the front setback varies from 5.1m to 5.8m across the width of the garages.
- The garages are setback behind the front of the buildings and entry structures and would not be dominant in the streetscape.
- Usable stacked parking would still be available between the garages and front property boundary.

The proposal seeks to vary Development Provision 3.2.2.4 in relation to the minimum rear setback of Dwellings 2, 3, 4 and 5.

The relevant objectives are:

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

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

- The DCP allows for a reduced rear setback where open space is provided to one side of the dwelling with a 4m side setback for an equivalent length to the rear boundary. Dwellings 2, 3, 4 and 5 have been designed to have their main areas of private open space to the northern side of the dwelling. With the exception of the proposed covered decks, all the dwellings would provide a 4m side setback to the northern boundary.
- Locating the private open space on the northern side of the dwelling would provide better solar access and amenity to these areas.
- The development would retain adequate natural light and ventilation between buildings and open space areas.
- The reduced rear setback would not result in adverse overshadowing of the main areas of adjoining private open space or living room windows for more than 3 hours between 9.00am and 3.00pm on 21 June.

The proposal seeks to vary Development Provision 3.2.2.5 in relation to the proposed zero side setbacks within the development.

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 reduced side setbacks are located within the development and would not be overbearing or bulky when viewed from adjoining property.
- No windows are located in the walls at a reduced side setback and visual and acoustic privacy would not be adversely impacted.
- The proposed zero setback would provide for more efficient use of space between buildings within the site.

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact of a significance that would justify refusal of the application.

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

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

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy

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

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

No Coastal Zone Management Plan applies to the subject site.

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

Context & Setting

The site has a general easterly street frontage orientation to Roma Terrace and a southerly orientation to The Summit Road.

Adjoining the site are a mix of single and two storey dwellings of varying density. The proposal is considered to be compatible with other residential development in the locality and adequately addresses planning controls for the area.

Overshadowing

The Applicant has submitted shadow diagrams demonstrating that the proposal would not prevent adjoining properties from receiving 3 hours of sunlight to private open space and primary living areas on 21 June.

There would be some reduction in solar access to the adjoining properties to the west between 9.00am and 11.00am on 21 June, but the proposal would satisfy the minimum DCP requirements for solar access to adjoining property.

Roads

The site is a corner block with road frontage to The Summit Road and Roma Terrace, both of which are Council owned and maintained roads with a 'Local Street' AUS-SPEC classification. Both roads have upright (SA type) kerb and gutter.

To the south of the site, The Summit Road is a sealed public road with an approximately 7.5m wide road formation and a 15.24m wide road reserve.

The site is bounded on the eastern side by Roma Terrace, which is a sealed public road with an approximately 8m wide formation within a 19m wide reserve.

There is no footpath along the frontage of the site, although a footpath has been constructed on the opposite side of Roma Terrace with another multi-unit development. Council's policy requires all multi-dwelling developments to provide a concrete footpath (minimum 1.2m wide) along one side of all 'Local Street' class roads. A condition has been recommended specifying new footpath to be constructed along the Summit Road frontage of the site, and because Roma Terrace already has a footpath on one side, a connection is to be provided (with pram ramps) to enable disabled or elderly pedestrians to cross the road near the intersection of the two roads.

Traffic and Transport

The RMS Guide to Traffic Generating Developments (2002) provides likely traffic generation rates for dwellings. A typical standalone residential dwelling generates 7 vehicle trips per day on average, and less for medium density living. This presents an increase of 35 trips per day on the local road network. The local road hierarchy has been previously developed to accommodate this eventuality, with all roads having adequate capacity to cater for the development with reference to the AUS-SPEC standards.

Site Frontage & Access

Vehicle access to each Torrens lot is proposed through individual driveways to public roads. The site has moderately steep grades which means driveway long sections will need to be provided with the detailed design to confirm they comply with AS 2890 and Council's AUS-SPEC standard. The proposed floor levels for the garages can comply with the standards. Conditions have been imposed to reflect these requirements.

Existing driveway kerb crossings in locations not used by the proposed dwellings will need to be removed and restored to upright type kerb before completion of the driveways.

Parking and Manoeuvring

Each dwelling has been provided with a two car on-site garage, with additional parking provided available within the driveway. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Utilities

Telecommunication and electricity services are available to the site.

Evidence of satisfactory arrangements with the relevant utility authorities for provision to each proposed lot will be required prior to Subdivision Certificate approval.

Stormwater

The site naturally grades towards the rear of the site (westward) and is currently not serviced by a piped system in the road.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit within The Summit Road approximately 45m west of the site. Council's piped drainage will need to be extended to service the frontage of the site, and engineering plans have been lodged with the DA which demonstrate this can be achieved.

The detailed site stormwater management plan will need to be submitted to Council for assessment with the Local Government Act (s68) and Subdivision Construction Certificate (including Roads Act s138) applications, prior to the issue of a building Construction Certificate.

In accordance with Council's AUS-SPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On site stormwater detention facilities for each lot, to meet the requirements of AUS-SPEC D5, not located within the inter-allotment drainage easement.
- Provision of inter-allotment drainage to allow the proposed development to drain to the nominated point of discharge via a single suitably sized conduit and a 1.5m wide easement benefitting upstream lots. Proposed Lot 4 shows a retaining wall within the nominated easement which will make protection, maintenance and future upsizing of the drainage pipe difficult. The easement will need to be relocated clear of the retaining wall prior to approval of the detailed design, and can change direction to remain compatible with the proposed easement location on Lot 3.

Refer to relevant conditions of consent.

Water

Council records indicate that the development site has an existing 20mm sealed water service from the existing 100mm PVC water main on the same side of The Summit Road. This sealed water service is to be used for proposed Lot 1 with a new water meter required. New 20mm metered water services will be required for the remaining lots from the 100mm AC water main on the opposite side of Roma Terrace. The engineering plans submitted are acceptable.

Sewer Connection

Council records show that a 150mm sewer main traverses the site from east to west at approximately 29m from the northern boundary.

The plans supplied with the development application indicate that proposed buildings 3 and 4 will be in the load zone of influence of the sewer main. The engineering plans submitted with the application indicate a series of concrete piles to counteract the loading.

A separate sewer connection to Council's main is required for each Torrens title lot. A manhole will also be required at the junction of the two sidelines and the existing main. This is also indicated on the engineering plans.

Detailed plans will be required to be submitted for assessment with the S.68 application. The plans submitted with the DA will be adequate for this requirement. Refer to relevant conditions of consent.

Heritage

No known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

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

Soils

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

Air & Micro-climate

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

Flora & Fauna

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

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. Adequate site frontage is available for each proposed lot to have garbage collected in the site frontage. No adverse impacts anticipated.

Standard precautionary site management condition recommended for construction waste.

Energy

The proposal includes measures to address energy efficiency and will be required to comply with the requirements of BASIX. No adverse impacts anticipated.

Noise & Vibration

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

Natural Hazards

No natural hazards identified that would affect the proposal.

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. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

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:

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

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

Submission Issue/Summary	Planning Comment/Response
Lack of initial consultation with neighbours by the developer.	It is understood that the Applicant subsequently met with both the property owners who made submissions of the proposal to discuss their concerns.
Variation to front side and rear boundary setbacks in DCP.	See comments under DCP section regarding setback variations.
Proposed fencing and retaining walls along the western boundary of the site are effectively 2.8m high (1m retaining wall, plus 1.8m fence) and would sit on top of an existing retaining wall up to 1m high. A 3.5m to 4.0m high structure at the boundary would be overbearing.	<p>The Applicant has submitted amended plans following discussions with neighbours, detailing the proposed extent of fencing and retaining walls on the western property boundary.</p> <p>Adjoining 21 The Summit Road, the maximum combined height of the boundary fence and retaining wall would be 2.1m. This is approximately 0.3m high than the existing boundary fence and is considered satisfactory.</p> <p>Adjoining 3 Roma Terrace, the maximum combined height of the proposed new fence and retaining wall would be 2.4m above the existing ground level at the boundary. However, there is an existing masonry retaining wall 0.8 to 0.9m high at the boundary where the dwelling on 3 Roma Terrace has been cut into the site. This would increase the overall height of retaining and fencing to a maximum of 3.2m above the ground level at 3 Roma Terrace.</p> <p>The Applicant has sought to reduce the impacts of fencing and retaining walls by reducing the fence height by 0.5m for parts of its length. The retaining walls and fencing are also proposed to be setback up to 0.5m at the rear of Dwelling 4 and between 1.0m and 1.5m at the rear of Dwelling 5.</p> <p>The proposal is considered reasonable having regard to the slope of the site.</p>
Loss of privacy to adjoining properties to the west.	This has been addressed in amendments to the plans. Particularly, privacy screens have been included for the west-facing living room windows of Dwelling 3.
Shadow diagrams do not accurately reflect the impact on solar access to adjoining properties.	Amended shadow diagrams have been provided by the Applicant. See comments regarding overshadowing earlier in this report.
Lot sizes are not in keeping with the existing subdivision pattern in the area.	<p>The proposed lot sizes are permissible under clause 4.1A of the LEP as the development includes subdivision into 2 or more lots and construction of a dwelling on each lot.</p> <p>The density of the development is also significantly lower than the maximum</p>

	permissible in the zone.
Western elevation of the development showing impact of fencing and building on neighbouring property has not been provided.	A full western elevation of the development including fencing and retaining walls has been submitted in response to this concern.
Loss of light to ground floor windows of adjoining dwelling at 3 Roma Terrace.	There would be some reduction in solar access to the adjoining dwelling between 9.00am and 11.00am on 21 June, but the proposal would satisfy the minimum DCP requirements for solar access to adjoining property.
Loss of air flow between dwelling at 3 Roma Terrace and proposed fence/retaining walls.	The proposal has been amended to provide reduced fencing height and increase setback of retaining walls and fencing from the common boundary to improve air flow between the properties.
Impacts of stormwater runoff where retaining walls are proposed.	A detailed stormwater management plan will be required to be submitted with the Section 68/Construction Certificate application.
Timber retaining walls would increase termite risk to site and adjoining property.	Retaining walls are noted on the submitted plans to be treated pine.

(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 recommended conditions.

5. CONCLUSION

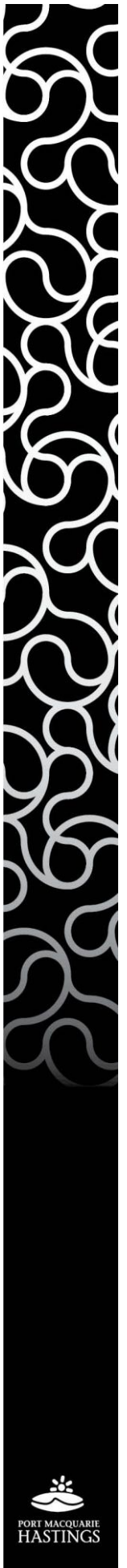
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

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

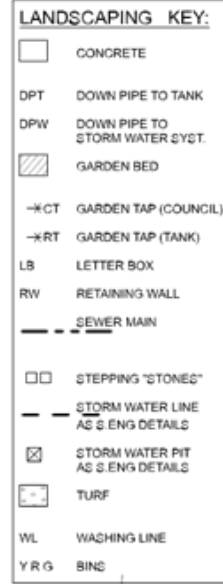
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment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

Attachments

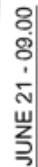
- 1 [View](#). DA2015 - 0361 Plans
- 2 [View](#). DA2015 - 0361 Recommended Conditions
- 3 [View](#). DA2015 - 0361 Submission - Grant
- 4 [View](#). DA2015 - 0361 Submission - McGregor

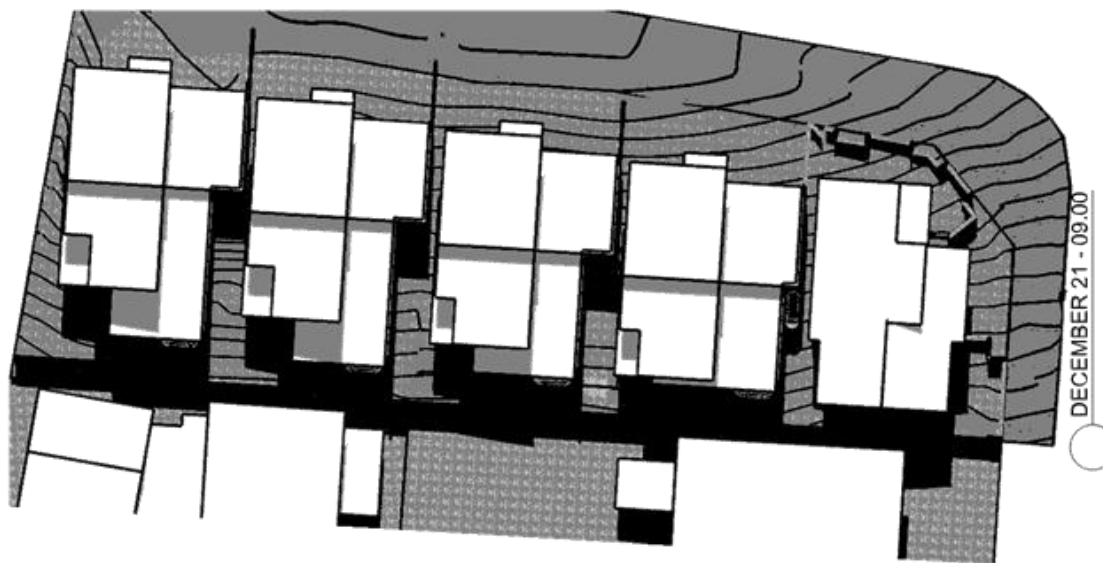
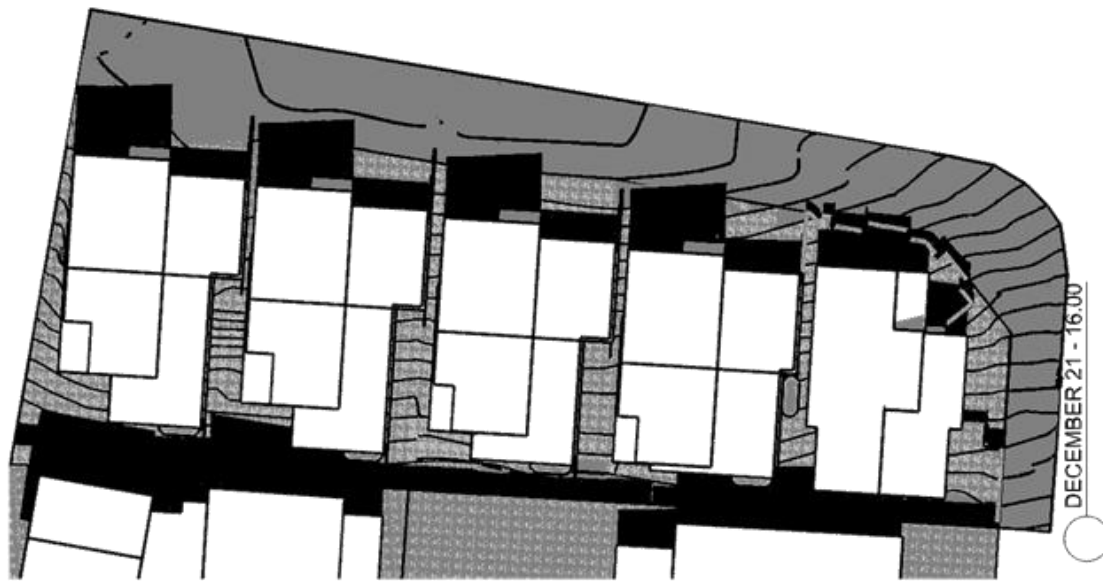




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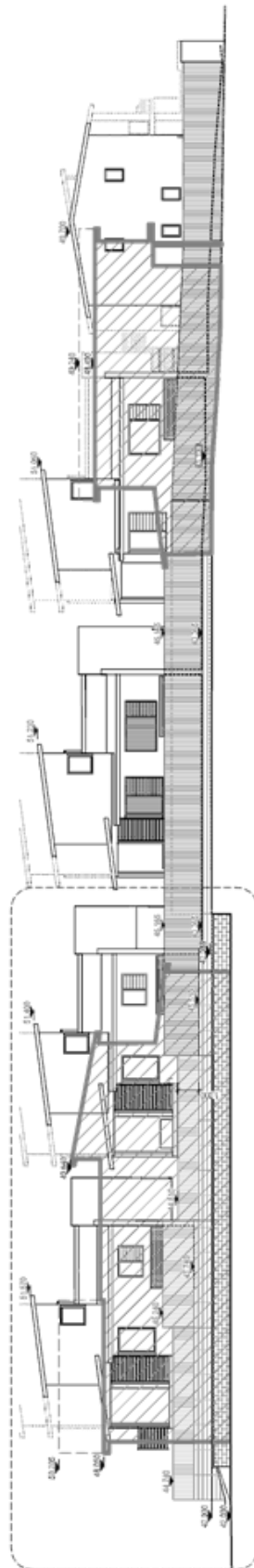


PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 DP 236277 Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE KISHORE SANGHI Development Application Issue		SUN STUDIES - MID-SUMMER Date Created: 11/01/15 Scale: Q: A3: N.T.S. Project No.: 1502 DA0.5 H Drawing No.: A3 Rev:	
Rev: Date: Description G 22.06.15 DEVELOPMENT APPLICATION H 27.07.15 SHADING DIAGRAMS UPDATED INCLUDING FENCES	DRAWN BY: R.A.L. CHECKED BY: R.A.L. DWG. NO.:	ROBERT SNEW ARCHITECT 100 SOUTH HILLS AVENUE, 22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1039/1040/1041/1042/1043/1044/1045/1046/1047/1048/1049/1050/1051/1052/1053/1054/1055/1056/1057/1058/1059/1060/1061/1062/1063/1064/1065/1066/1067/1068/1069/1070/1071/1072/1073/1074/1075/1076/1077/1078/1079/1080/1081/1082/1083/1084/1085/1086/1087/1088/1089/1090/1091/1092/1093/1094/1095/1096/1097/1098/1099/1100/1101/1102/1103/1104/1105/1106/1107/1108/1109/1110/1111/1112/1113/1114/1115/1116/1117/1118/1119/1120/1121/1122/1123/1124/1125/1126/1127/1128/1129/1130/1131/1132/1133/1134/1135/1136/1137/1138/1139/1140/1141/1142/1143/1144/1145/1146/1147/1148/1149/1150/1151/1152/1153/1154/1155/1156/1157/1158/1159/1160/1161/1162/1163/1164/1165/1166/1167/1168/1169/1170/1171/1172/1173/1174/1175/1176/1177/1178/1179/1180/1181/1182/1183/1184/1185/1186/1187/1188/1189/1190/1191/1192/1193/1194/1195/1196/1197/1198/1199/1200/1201/1202/1203/1204/1205/1206/1207/1208/1209/1210/1211/1212/1213/1214/1215/1216/1217/1218/1219/1220/1221/1222/1223/1224/1225/1226/1227/1228/1229/1230/1231/1232/1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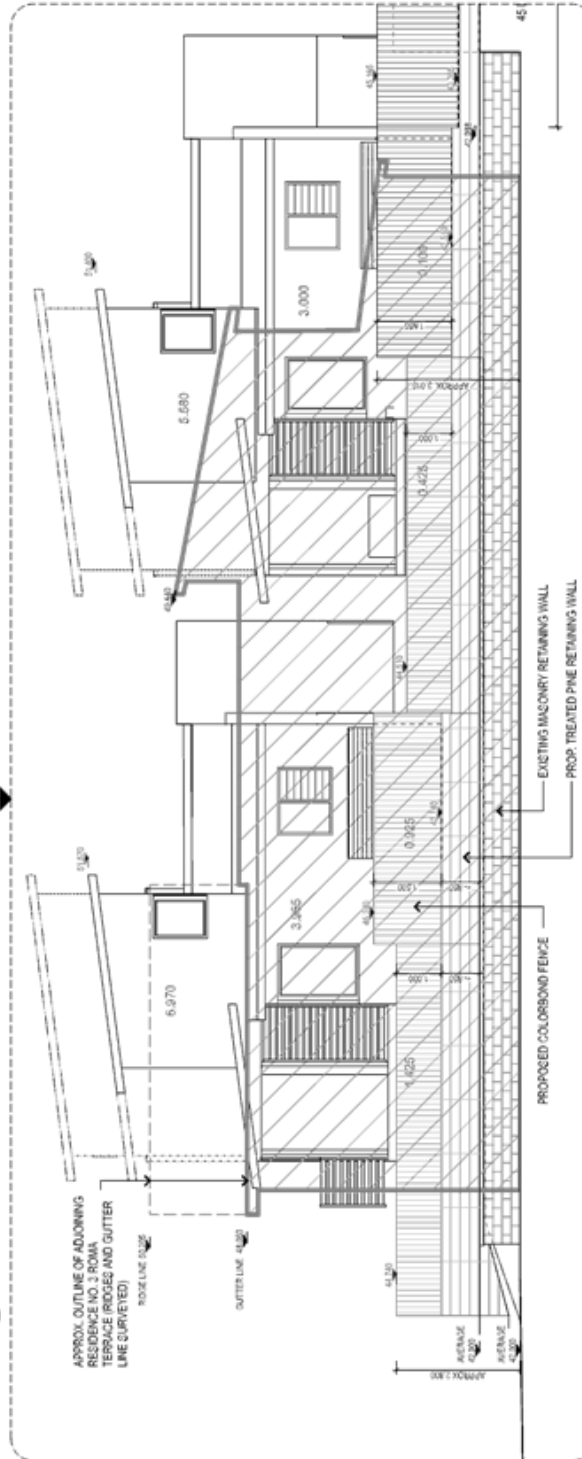


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OVERALL WEST ELEVATION



DWELLINGS 4 & 5

(1)

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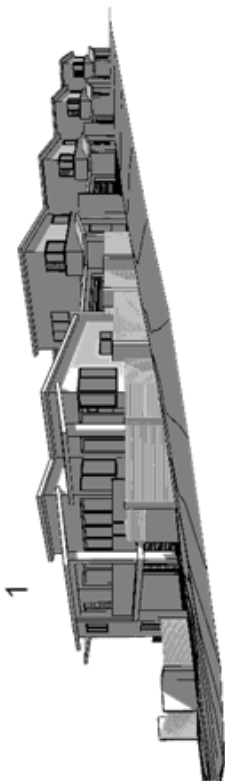
DEVELOPMENT APPLICATION

DRAWING TRANSMITTAL:

Draw. No - Rev:	Date:	Layout Name:
DA1.0 - G	22.05.2015	COVER SHEET
DA1.2 - G	22.05.2015	GROUND FLOOR DWELLING 1
DA1.3 - G	22.05.2015	FIRST FLOOR DWELLING 1
DA1.4 - G	22.05.2015	SECTIONS DWELLING 1
DA1.5 - G	22.05.2015	ELEVATIONS S & E DWELLING 1
DA1.6 - G	22.05.2015	ELEVATIONS N & W DWELLING 1
DA1.7 - G	22.05.2015	WINDOW & DOOR SCHEDULES
DA1.9 - G	22.05.2015	3D VIEWS FOR DWELLING 1

TRANSMITTAL DATES:	
REVISION A:	13.03.2015 CLIENT
REVISION B:	20.03.2015 CLIENT
REVISION C:	01.04.2015 CLIENT / S ENGINEER
REVISION D:	22.04.2015 CLIENT / BASIX CONSULTANT
REVISION E:	08.05.2015 CLIENT / S ENGINEER / BASIX CONSULTANT
REVISION F:	19.05.2015 CLIENT / S ENGINEER
REVISION G:	22.05.2015 COUNCIL / CLIENT / S ENG. / BASIX / TENDER

DWELLING ONE



ROBERT SNOW ARCHITECT
NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER 8969

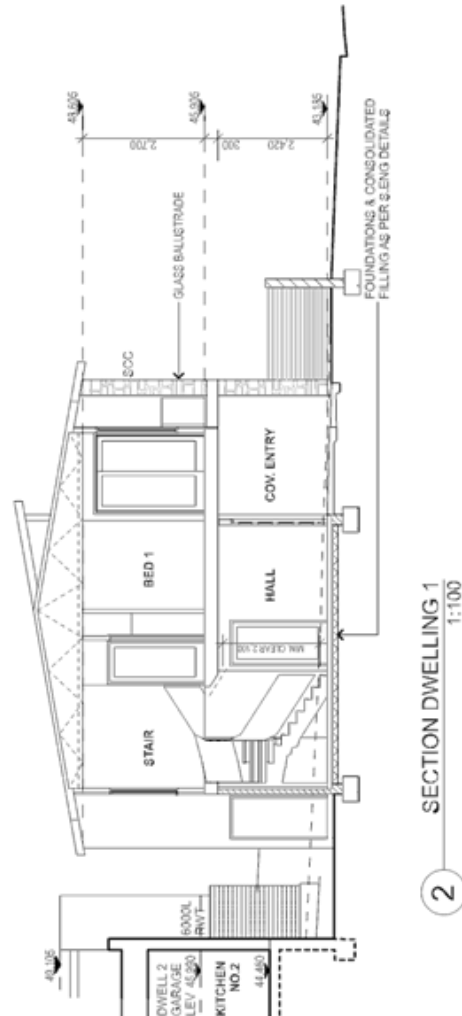
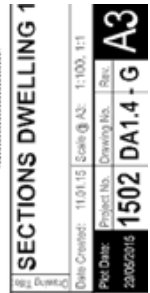
PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 DP 236277
Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE

CLIENT: KISHORE SANGHI

COVER SHEET

Project No. 1502
Drawing No. DA1.0
Rev. G
Plot Date: 22/05/2015

A3

[illegible]

PROPOSED FIVE TORRENS TITLE
DWELLINGS ON LOT 271 DP 236277
Cor THE SUMMIT AND ROMA
TERRACE, PORT MACQUARIE
K/SHORE SANGHI
Development Application Issue

DRAWN BY: CHECKED BY: ORIGINATING SIGNATURE:	R.A.S. R.A.S.	Project Details:
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Rev.	Date:	Description
0	22.05.15	DEVELOPMENT APPLICATION

 **ROBERT SNOW ARCHITECT**
NEW SOUTH WALES ARCHITECTURE BOARD NUMBER: 8869
RICHARD WATTS, ARCHITECT, LEAD DESIGNER (CARDIFF) - WWW.RSNOWARCHITECT.COM.AU
79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE, 2444 NSW
e: snow.architect@icloud.com ☎ 0404 243 500

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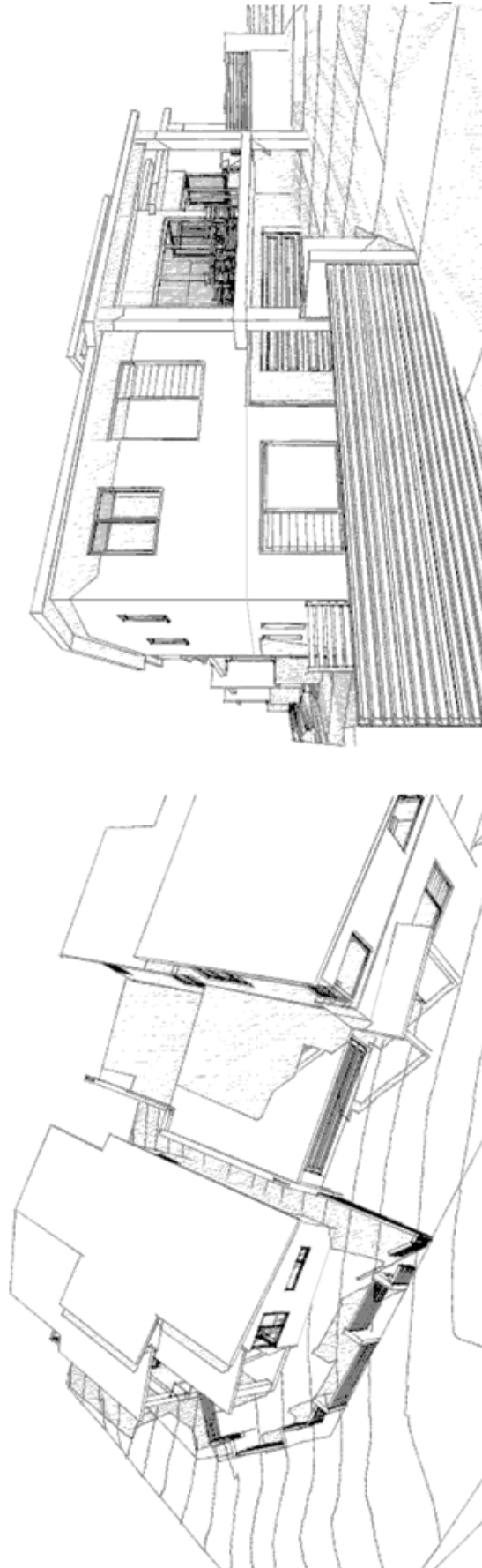
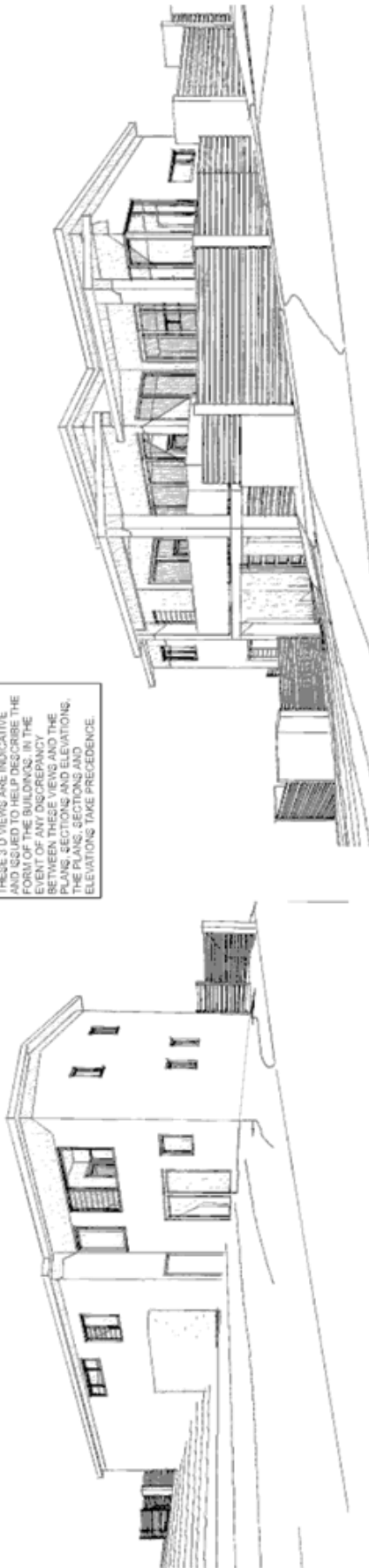
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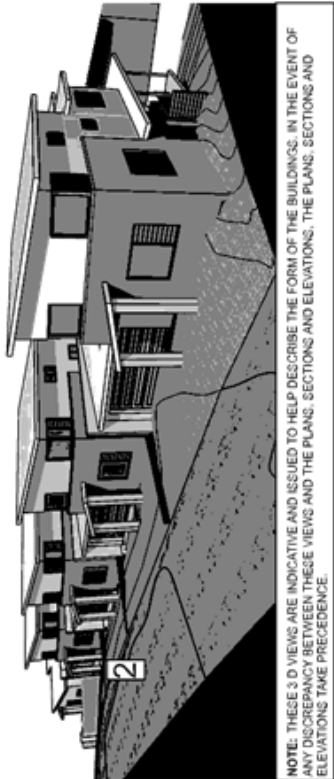
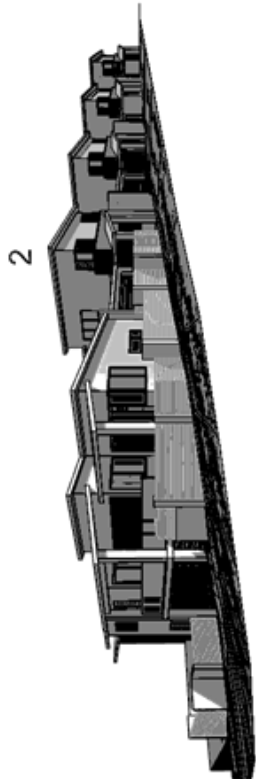
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PLANS, SECTIONS AND ELEVATIONS,
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Rev: 9 Date: 22/05/15 Description: DEVELOPMENT APPLICATION		R.A.E. R.A.E. DRAWN BY: CHANDRA PANDURANGI CHECKED BY:		PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 DP 226277 Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE KISHORE SANGHI Development Application Issue	
Project Details:		Project No. Drawing No. Rev.		1502 DA1.9 - G A3	



DEVELOPMENT APPLICATION		
DRAWING TRANSMITTAL:		
Draw. No - Rev:	Date:	Layout Name:
DA2.0 - H	01.09.2015	COVER SHEET
DA2.2 - H	01.09.2015	GROUND FLOOR DWELLING 2
DA2.3 - G	22.05.2015	FIRST FLOOR DWELLING 2
DA2.4 - G	22.05.2015	SECTIONS DWELLING 2
DA2.5 - G	22.05.2015	ELEVATIONS N & E DWELLING 2
DA2.6 - G	22.05.2015	ELEVATIONS S & W DWELLING 2
DA2.7 - G	22.05.2015	WINDOW & DOOR SCHEDULES

TRANSMITTAL DATES:	
REVISION A:	18.03.2015 CLIENT
REVISION B:	20.03.2015 CLIENT
REVISION C:	01.04.2015 CLIENT / S. ENGINEER
REVISION D:	22.04.2015 CLIENT / BASIX CONSULTANT
REVISION E:	08.05.2015 CLIENT / S. ENGINEER
REVISION F:	19.05.2015 CLIENT / S. ENGINEER
REVISION G:	22.05.2015 COUNCIL / CLIENT / S. ENG. / BASIX / TENDER
REVISION H:	01.09.2015 COUNCIL / CLIENT

DWELLING TWO

ROBERT SIN:W ARCHITECT
NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER 8369

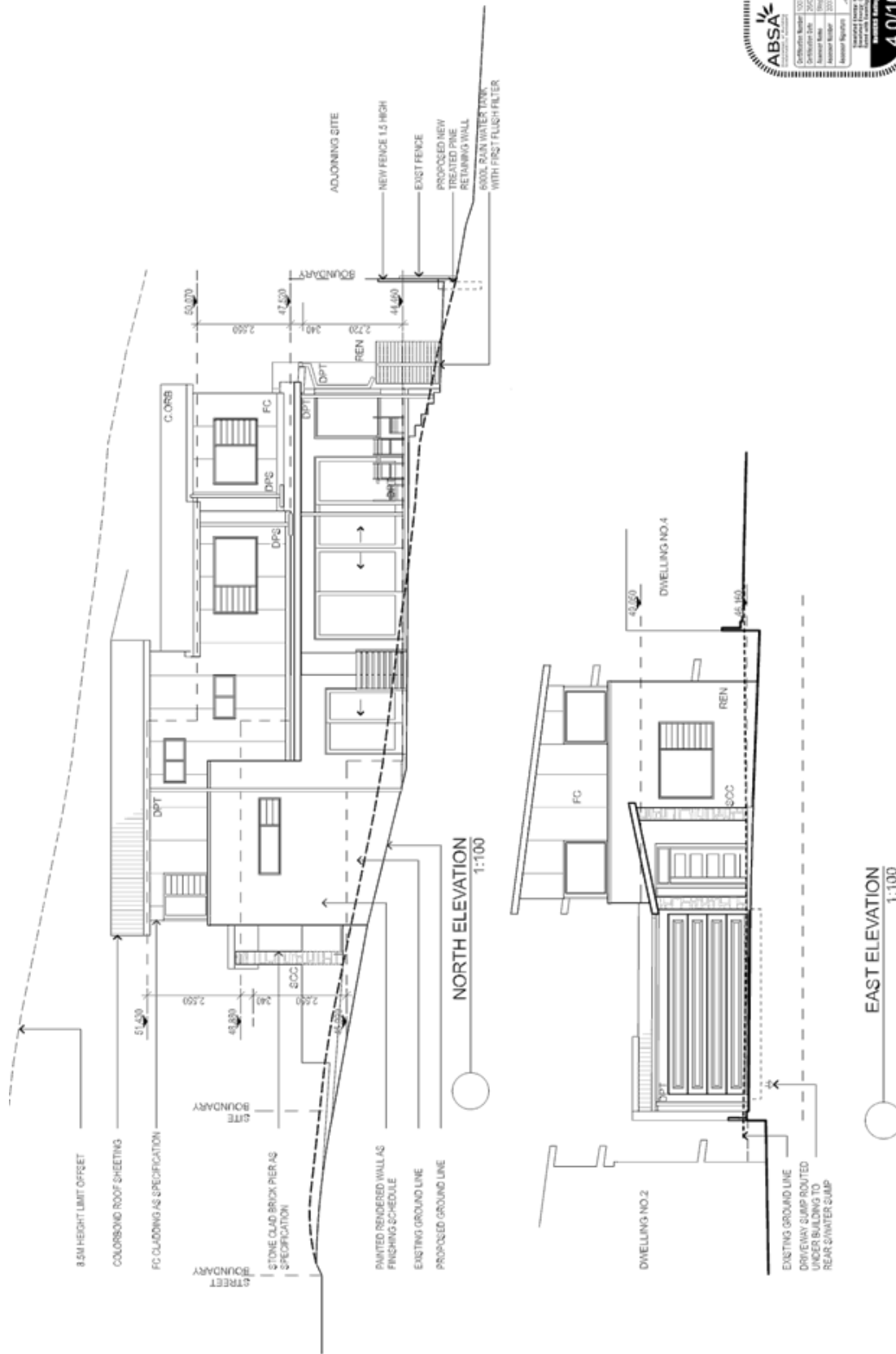
PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 DP 236277
Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE

CLIENT: KISHORE SANGHI

COVER SHEET

Project No. 1502
Drawing No. DA2.0
Rev. H
A3

[illegible]



PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 DP 236277 Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE		ELEVATIONS N & E DWELLING 2	
DRAWN BY: R.A.S. CHECKED BY: R.A.S. OWNER'S SIGNATURE:	PROJECT DATE: 11.01.15 SCALE: A3 DRAWING NO.: 1502 DA2.5	PROJECT NO.: 1502 DA2.5 SCALE: A3 DRAWING NO.: 1502 DA2.5	PROJECT NO.: 1502 DA2.5 SCALE: A3 DRAWING NO.: 1502 DA2.5
KISHORE SANGHI Development Application Issue		KISHORE SANGHI Development Application Issue	

ROBERT SNOW ARCHITECT
 79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE 2444 NSW
 P: 0404 248 690
 E: snow.architect@icloud.com

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ROBERT SNOW ARCHITECT
NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER: 8969
ENRICH (PTE) WANCH ENW DESIGN (CARPENT) - WWW.DESIGNARCHITECTS.CO
79 MATTHEW FUNDERS DRIVE, PORT MACQUARIE 2444
e: snow.architect@icloud.com ☎ 0404 248

[illegible]

**ELEVATIONS S & W
DWELLING 2**

Plot Date:	Project No.	Drawing No.	Rev.	A3
26/05/2015	1502	DA2.6 - G		

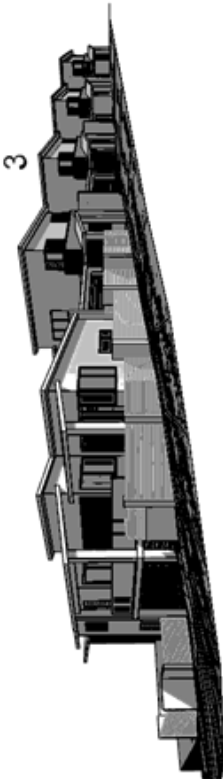
DEVELOPMENT APPLICATION

DRAWING TRANSMITTAL:

Draw. No - Rev:	Date:	Layout Name:
DA3.0 - H	01.09.2015	COVER SHEET
DA3.2 - H	01.09.2015	GROUND FLOOR DWELLING 3
DA3.3 - G	22.05.2015	FIRST FLOOR DWELLING 3
DA3.4 - G	22.05.2015	SECTIONS DWELLING 3
DA3.5 - G	22.05.2015	ELEVATIONS N & E DWELLING 3
DA3.6 - H	27.07.2015	ELEVATIONS S & W DWELLING 3
DA3.7 - G	22.05.2015	WINDOW & DOOR SCHEDULES

TRANSMITTAL DATES:	
REVISION A:	18.03.2015 CLIENT
REVISION B:	20.03.2015 CLIENT
REVISION C:	01.04.2015 CLIENT / S. ENGINEER
REVISION D:	22.04.2015 CLIENT / BASIX CONSULTANT
REVISION E:	08.05.2015 CLIENT / S. ENGINEER
REVISION F:	19.05.2015 CLIENT / S. ENGINEER
REVISION G:	22.05.2015 COUNCIL / CLIENT / S. ENG. / BASIX / TENDER
REVISION H:	01.09.2015 COUNCIL / CLIENT

DWELLING THREE



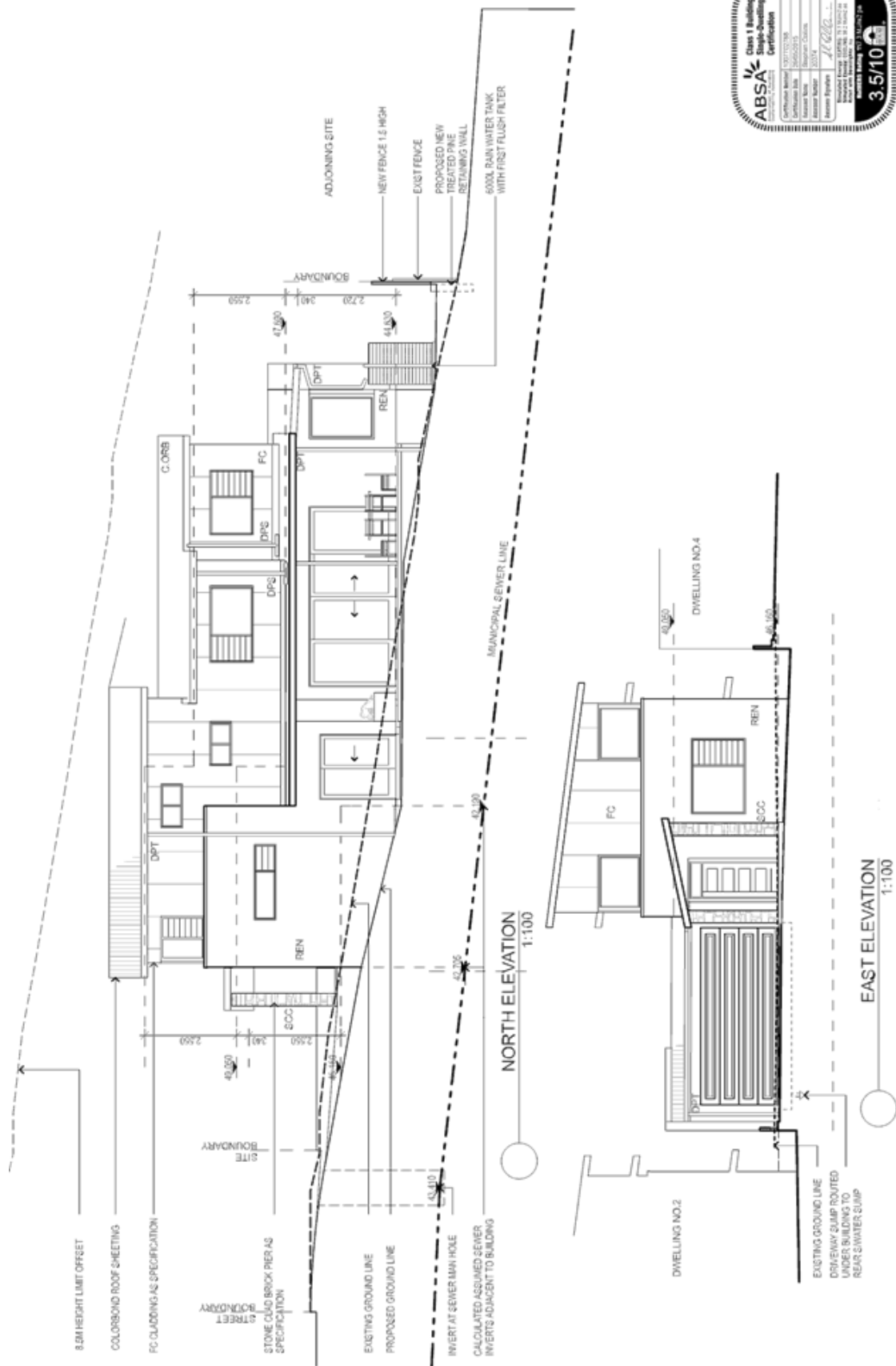
ROBERT SIN&W ARCHITECT
NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER 83693

PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 DP 236277
Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE

CLIENT: KISHORE SANGHI

COVER SHEET

Project No. 1502
Drawing No. DA3.0
Rev. H
A3



PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 DP 226277 Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE KISHORE SANGHI Development Application Issue		ELEVATIONS N & E DWELLING 3 Drawing Title Drawing No. 1101 Scale 1:100 Project No. 1502 Date 28/05/2015 Rev. G A3	
DRAWN BY: R.A.S. CHECKED BY: R.A.S. OWNER'S SIGNATURE:	DATE: 27.06.15 DESCRIPTION: DEVELOPMENT APPLICATION	ROBERT SANGHI ARCHITECT NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER: 8869 EMPLOYER: MARY ANN DESIGN GROUP - WWW.MARYANNDESIGN.COM.AU 79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE 2444 NSW e: r.sanghi@kshoresanghi.com.au p: 0404 248 590	

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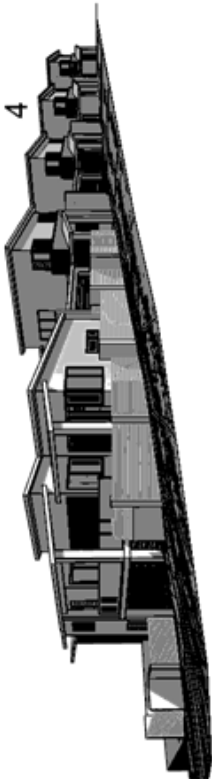
DEVELOPMENT APPLICATION

DRAWING TRANSMITTAL:

Draw. No - Rev:	Date:	Layout Name:
DA4.0 - J	01.09.2015	COVER SHEET
DA4.2 - J	01.09.2015	GROUND FLOOR DWELLING 4
DA4.3 - G	22.05.2015	FIRST FLOOR DWELLING 4
DA4.4 - H	27.07.2015	SECTIONS DWELLING 4
DA4.5 - G	22.05.2015	ELEVATIONS N & E DWELLING 4
DA4.6 - H	27.07.2015	ELEVATIONS S & W DWELLING 4
DA4.7 - G	22.05.2015	WINDOW & DOOR SCHEDULES

TRANSMITTAL DATES:	
REVISION A:	18.03.2015 CLIENT
REVISION B:	20.03.2015 CLIENT
REVISION C:	01.04.2015 CLIENT / S. ENGINEER
REVISION D:	22.04.2015 CLIENT / BASIX CONSULTANT
REVISION E:	08.05.2015 CLIENT / S. ENGINEER / BASIX CONSULTANT
REVISION F:	19.05.2015 CLIENT / S. ENGINEER
REVISION G:	22.05.2015 COUNCIL / CLIENT / S. ENG. / BASIX / TENDER
REVISION H:	27.07.2015 COUNCIL / CLIENT
REVISION J:	01.09.2015 COUNCIL / CLIENT

DWELLING FOUR



ROBERT SIN:W ARCHITECT
NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER 83693

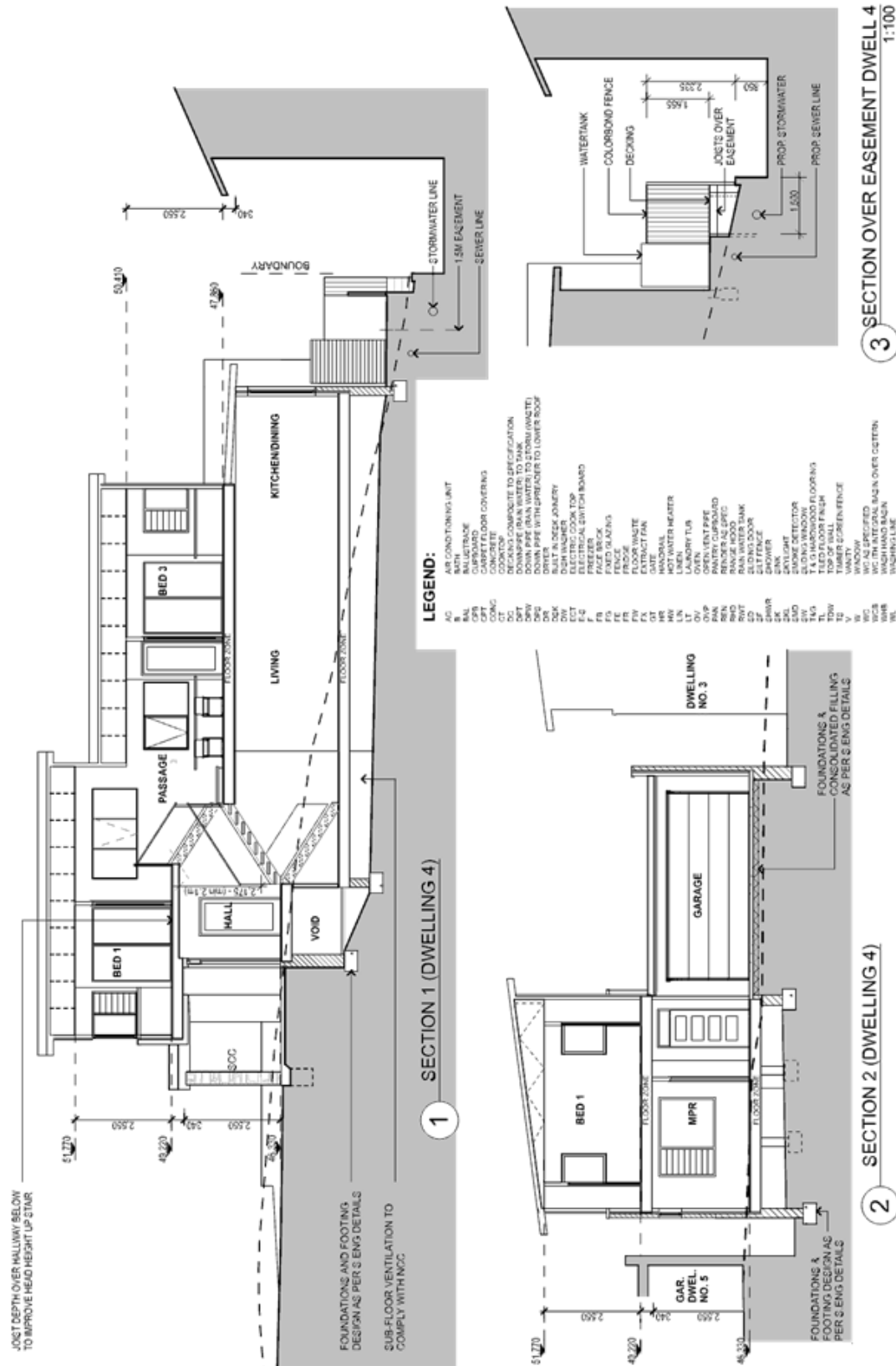
PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 DP 236277
Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE

CLIENT: KISHORE SANGHI

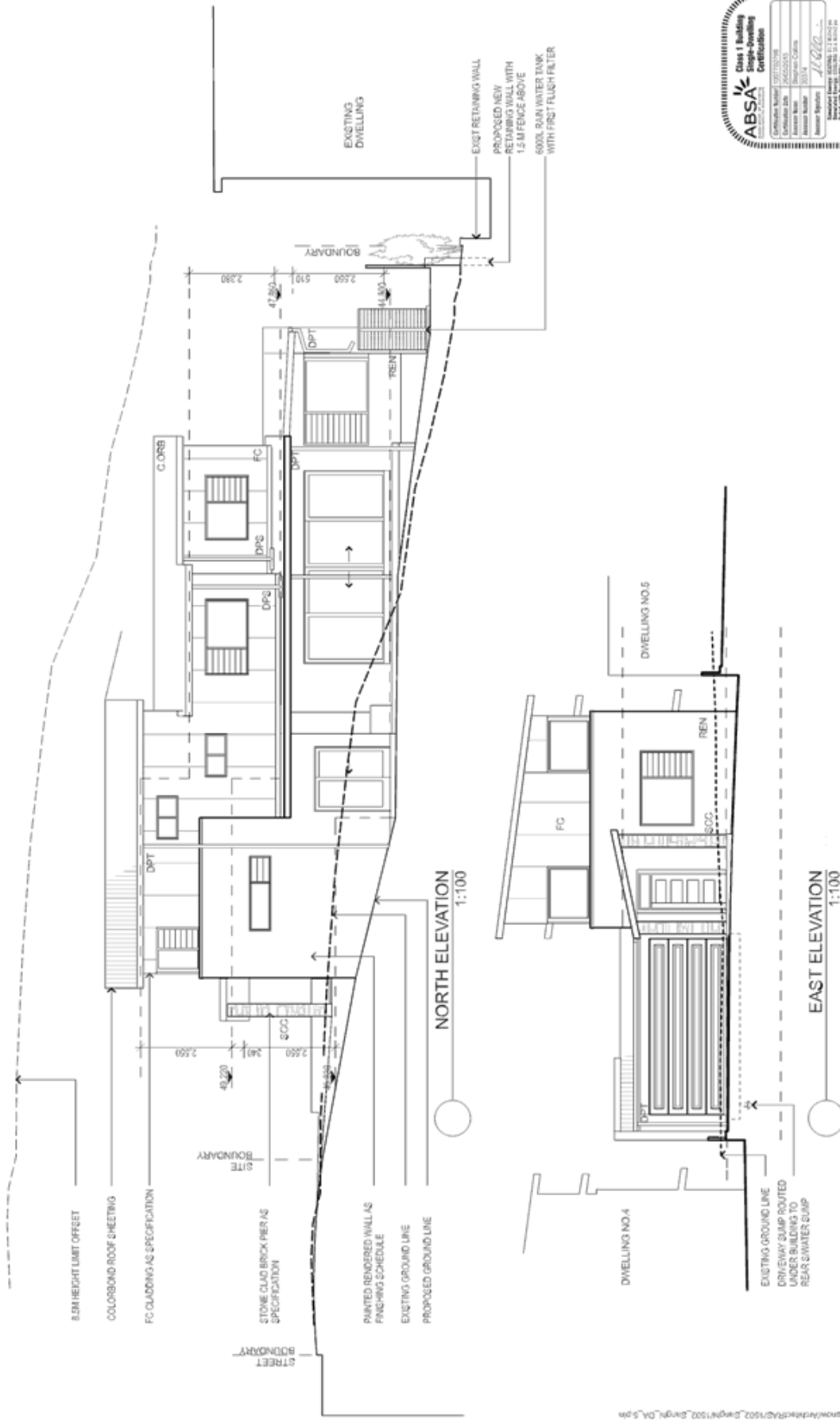
COVER SHEET

Project No. 1502
Drawing No. DA4.0
Rev. J
A3





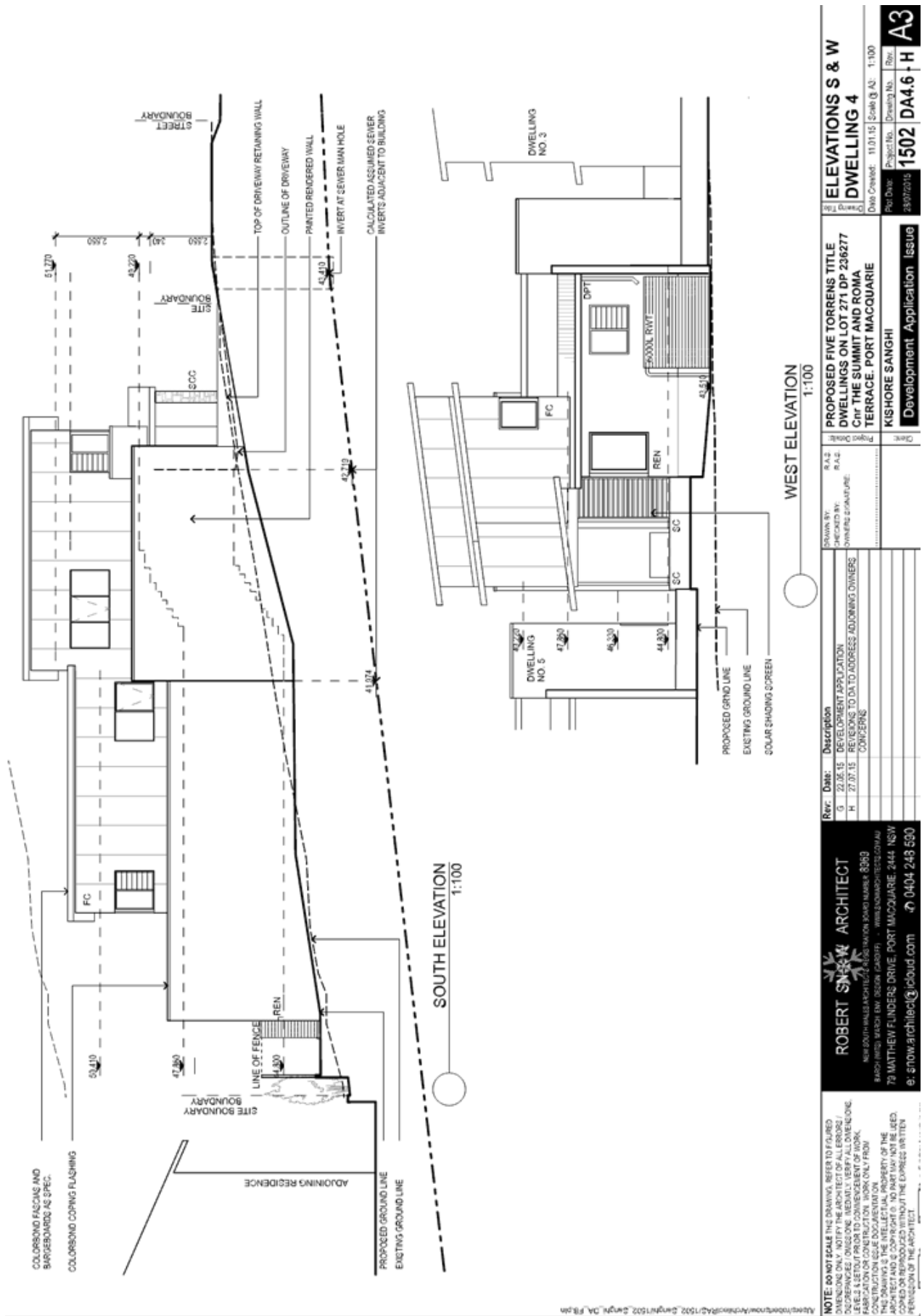
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PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 DP 226277 Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE		ELEVATIONS N & E DWELLING 4	
DRAWN BY: R.A.S. CHECKED BY: R.A.S. OWNER'S SIGNATURE:	DATE: 27.06.15 DESCRIPTION: DEVELOPMENT APPLICATION	DRAWING TITLE: ELEVATIONS N & E DWELLING 4	DRAWING NO.: 1502 DA4.5
PROJECT DATE: 28/05/2015		PROJECT NO.: 11.01.15	SCALE: 1:100
CLIENT: KISHORE SANGHI		PROJECT NO.: 1502 DA4.5	SCALE: 1:100
DEVELOPMENT APPLICATION ISSUE		PROJECT NO.: 1502 DA4.5	SCALE: 1:100

ROBERT SNOW ARCHITECT
 NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER: 8869
 79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE, 2444 NSW
 e: snow.architect@icloud.com p: 0404 248 690

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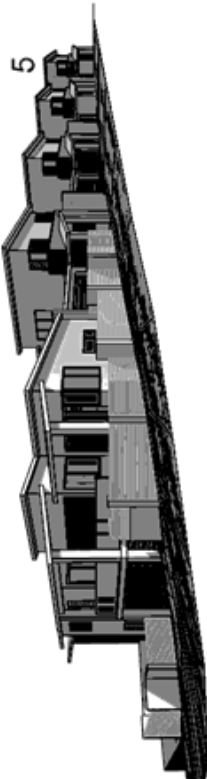
DEVELOPMENT APPLICATION

DRAWING TRANSMITTAL:

Draw. No - Rev:	Date:	Layout Name:
DA5.0 - J	01.09.2015	COVER SHEET
DA5.2 - J	01.09.2015	GROUND FLOOR DWELLING 5
DA5.3 - G	22.05.2015	FIRST FLOOR DWELLING 5
DA5.4 - G	22.05.2015	SECTIONS DWELLING 5
DA5.5 - G	22.05.2015	ELEVATIONS N & E DWELLING 5
DA5.6 - G	22.05.2015	ELEVATIONS S & W DWELLING 5
DA5.7 - G	22.05.2015	DWELLING NO. 5 WINDOW & DOOR SCH.
DA5.9 - G	22.05.2015	3 D VIEWS FOR DWELLING 5

TRANSMITTAL DATES:	
REVISION A:	18.03.2015
REVISION B:	20.03.2015
REVISION C:	01.04.2015
REVISION D:	22.04.2015
REVISION E:	08.05.2015
REVISION F:	19.05.2015
REVISION G:	22.05.2015
REVISION H:	27.07.2015
REVISION J:	01.09.2015
CLIENT	CLIENT
CLIENT / S. ENGINEER	CLIENT / S. ENGINEER
CLIENT / BASIX CONSULTANT	CLIENT / BASIX CONSULTANT
CLIENT / S. ENGINEER	CLIENT / S. ENGINEER
COUNCIL / CLIENT / S. ENG. / BASIX / TENDER	COUNCIL / CLIENT / S. ENG. / BASIX / TENDER
COUNCIL / CLIENT	COUNCIL / CLIENT

DWELLING FIVE



ROBERT SNOW ARCHITECT
NEW SOUTH WALES ARCHITECTS REGISTRATION BOARD NUMBER 83693

PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 DP 236277
Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE

CLIENT: KISHORE SANGHI

COVER SHEET

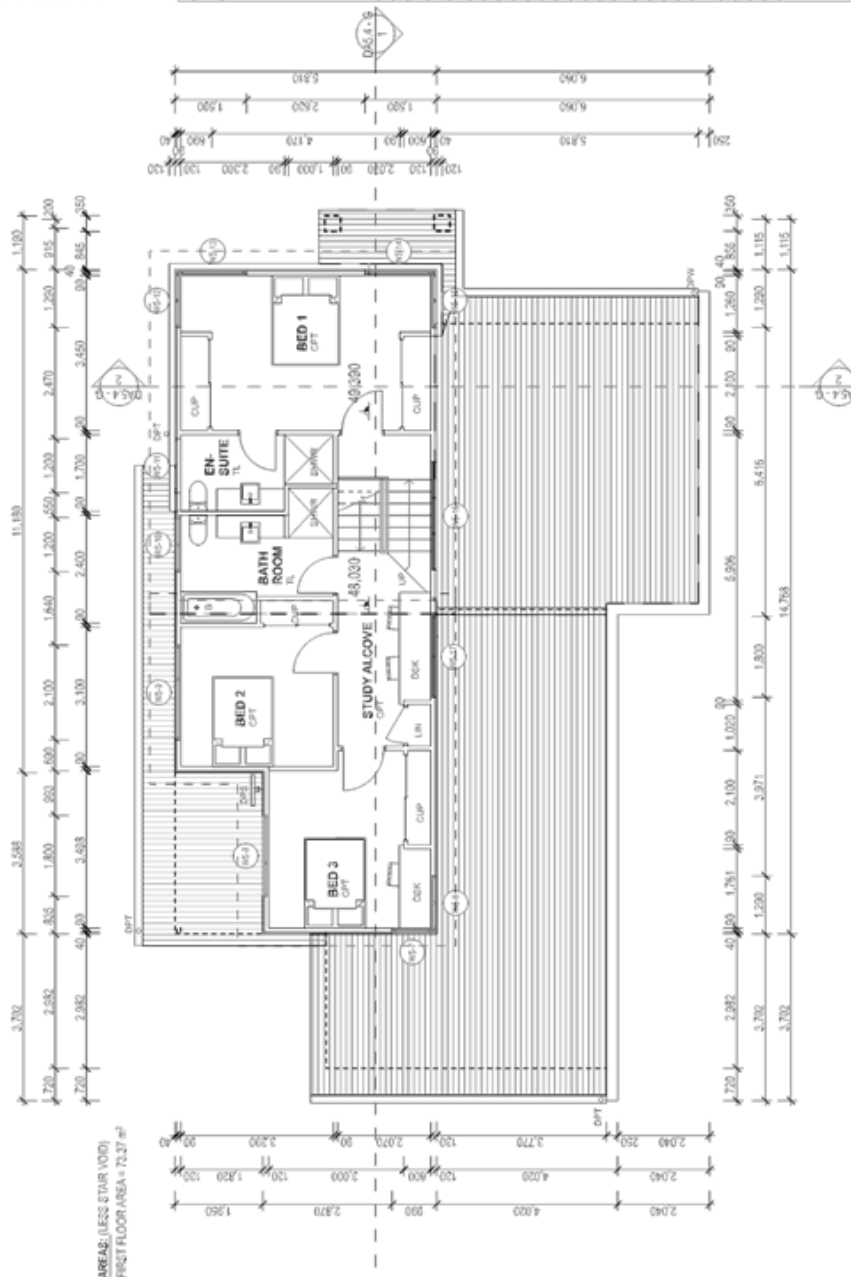
Plot Date:
1/09/2015

Project No:
1502

Drawing No:
DA5.0

Rev:
J

A3



FIRST FLOOR PLAN
1:100

[illegible]

- Auditing must be in accordance with Section 41 of 2013 to 18 12 16.
- Approved non-ventilated cover or glass to be fitted to any non-ventilated downlights if selected which allows for insulation to be closely installed to sides and top of lights. No ceiling penetration otherwise, needs to be made. No allowance has been made for vented downlights and these should not be included.
- All external doors to be fitted with clippers AS 1942.
- External doors to be weather stripped and windows to comply with AS 2041.

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ROBERT SNOW ARCHITECT

NEW SOUTH WALES ARCHITECTS & INTERIOR DESIGNER 8869
 14/2011 WILSON ROAD, WILSON ROAD, WILSON ROAD, WILSON ROAD
 WILSON ROAD, WILSON ROAD, WILSON ROAD, WILSON ROAD

79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE 2444 NSW

e: snow.architect@icloud.com ☎ 0404 248 590

WWW.ROBERTSNOWARCHITECT.COM.AU

Rev.	Date	Description
G	22.05.15	DEVELOPMENT APPLICATION

DESIGNED BY: _____

CHECKED BY: _____

OWNER'S SIGNATURE: _____

R.A.S. _____

R.A.S. _____

PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 371 DP 236277

Off THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE

Project Details

Client: _____

Project No. _____

Project Name: **KISHORE SANGHI**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

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Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

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Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

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Project Name: **1502 DA5.3 - G A3**

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Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

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Project Name: **1502 DA5.3 - G A3**

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Project Name: **1502 DA5.3 - G A3**

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Project Name: **1502 DA5.3 - G A3**

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Project Name: **1502 DA5.3 - G A3**

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Project Name: **1502 DA5.3 - G A3**

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Project Name: **1502 DA5.3 - G A3**

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Project Name: **1502 DA5.3 - G A3**

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Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

Project No. _____

Project Name: **1502 DA5.3 - G A3**

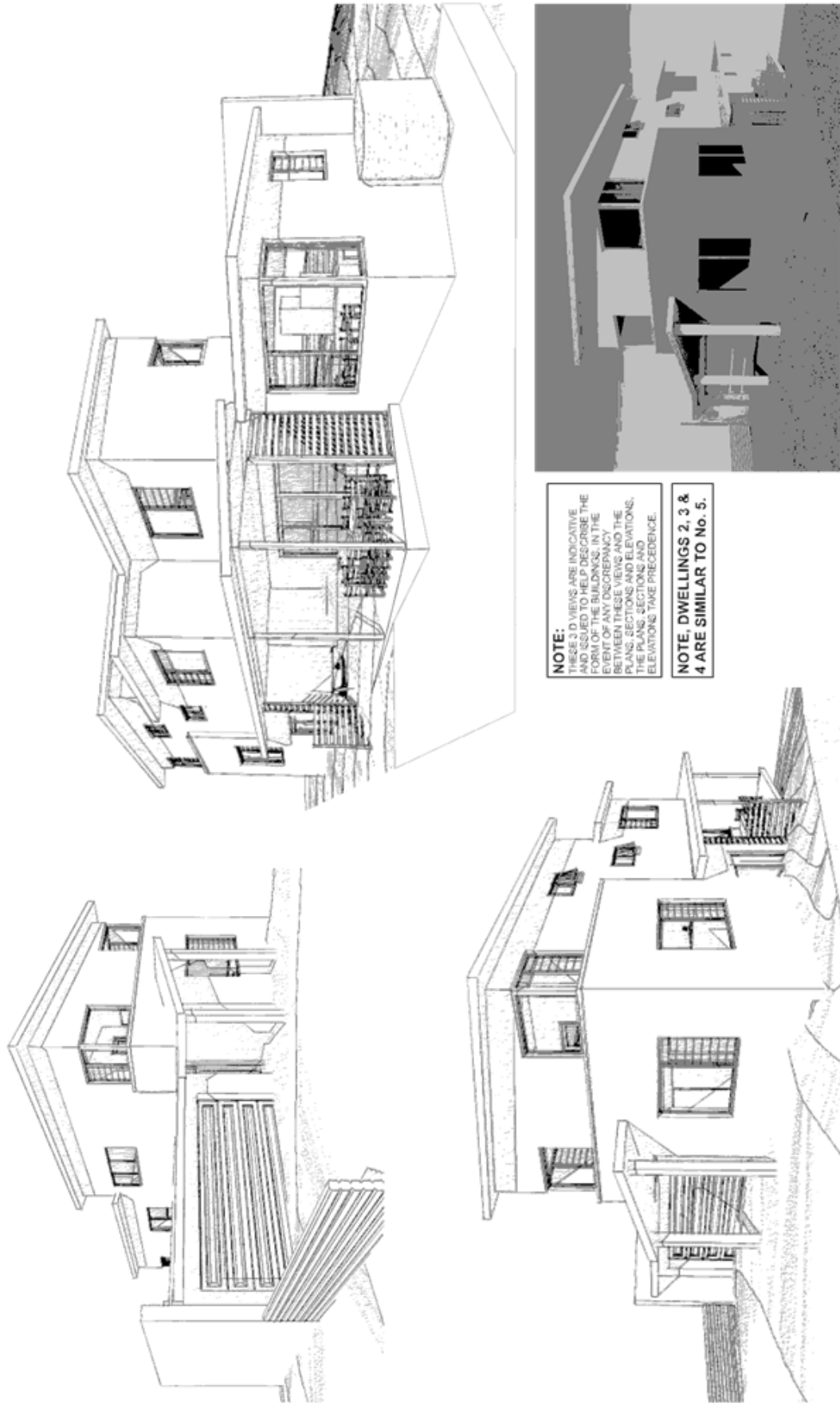
Project No. _____

Project Name: **1502 DA5.3 - G A3**



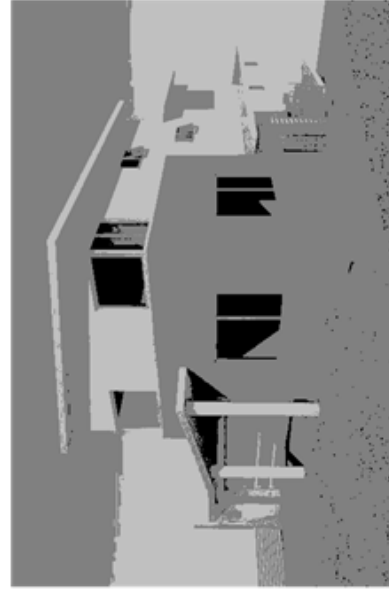
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Rev.	Date	Description	
0	27.05.15	DEVELOPMENT APPLICATION	
DRAWN BY: CHECKED BY: OWNERS SIGNATURE:		PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 OF 235277 Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE	
Date Created: 11.01.15 Scale 1: A3 1:100		ELEVATIONS N & E DWELLING 5	
Project No. Drawing No.		KISHORE SANGHI	
Date		Development Application Issue	
1502 DA5.5 - G		28/05/2015	





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FORM OF THE BUILDINGS. IN THE
EVENT OF ANY DISCREPANCY
BETWEEN THESE VIEWS AND THE
PLANS, SECTIONS AND ELEVATIONS,
THE PLANS, SECTIONS AND
ELEVATIONS TAKE PRECEDENCE.

**NOTE, DWELLINGS 2, 3 &
4 ARE SIMILAR TO No. 5.**



3 D VIEWS FOR DWELLING 5		PROPOSED FIVE TORRENS TITLE DWELLINGS ON LOT 271 DP 226277 Cnr THE SUMMIT AND ROMA TERRACE, PORT MACQUARIE	KISHORE SANGHI Development Application Issue
DRAWN BY: CHECKED BY: OWNER'S SIGNATURE:	R.A.S. R.A.S. 	Project Date: 28/05/2015	Project No: 1502
DWG No: DA5.9	Scale: 1:1, 1:10, 1:1, 1:4	Plot Date: 28/05/2015	Rev: G
A3			

Rev.	Date	Description
G	27.05.15	DEVELOPMENT APPLICATION

ROBERT SNOW ARCHITECT NEW SOUTH WALES ARCHITECTURE REGISTRATION BOARD NUMBER: 8869 79 MATTHEW FLINDERS DRIVE, PORT MACQUARIE 2444 NSW e: snow.architect@icloud.com p: 0404 248 690	NOTE: DO NOT SCALE THE DRAWINGS. REFER TO ISSUED DIMENSIONS. THESE DIMENSIONS ARE APPROXIMATE. DISCREPANCIES (DIMENSIONS, MEASUREMENTS, DIMENSIONS, LEVELS & SETOUT) PRIOR TO COMMENCEMENT OF WORK, FABRICATION OR CONSTRUCTION. WORK ONLY FROM THIS DRAWING. THE CLIENT'S RESPONSIBILITY IS TO THE ARCHITECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. NO PART MAY NOT BE USED COPIED OR REPRODUCED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE ARCHITECT.
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**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/361****DATE: 2/09/2015****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	Project No. 1502, Drawing No: DA0.1, DA0.2, DA4.0, DA4.2, DA5.0 and DA5.2 Revision J DA0.3, DA0.6, DA1.0, DA1.2- DA1.6, DA1.9, DA2.3-DA2.6, DA3.3-DA3.6, DA4.3, DA4.5, DA5.3-DA5.6 and DA5.9 Revision G DA0.4, DA0.5, DA0.8, DA0.9, DA2.0, DA2.2, DA3.0, DA3.2, DA4.4 and DA4.6 Revision H	Robert Snow Architect	Revision G: 22 May 2015 Revision H: 27 July 2015 Revision J: 1 September 2015
BASIX Certificate	629465M	Concept Designs Australia	26 May 2015

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

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

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

- (3) (A004) An application for a Construction Certificate will be required to be lodged with Council prior to undertaking subdivision works and a Subdivision Certificate is required to be lodged with Council on completion of works.
- (4) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (5) (A009) The development site is to be managed for the entirety of work in the following manner:
 1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidays

The builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (6) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (7) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (8) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (9) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

- (10) (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. Retaining walls.
 3. Stormwater systems.
 4. Erosion & Sedimentation controls.
 5. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage
 - d. Stormwater
 6. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 201 and ASD 207, Port Macquarie-Hastings Council current version, and AS 2890.

7. Provision of a 1.2m concrete footpath along The Summit Road to link with the existing footpath on the eastern side of Roma Terrace, including kerb ramps.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving (1.2m wide)
 - Footway and gutter crossing
 - Functional vehicular access
- (4) (B010) Payment to Council, prior to the issue of the Construction or Subdivision 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.

- (5) (B011) As part of Notice of Requirements by Port Macquarie-Hastings Council as the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution, prior to the issue of a Construction or Subdivision Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with the provisions of the relevant Section 64 Development Servicing Plan towards the following:
- augmentation of the town water supply headworks
 - augmentation of the town sewerage system headworks
- (6) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC

Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.

Construction details are to be submitted to Port Macquarie-Hastings Council with the application for approval pursuant to Section 68 of the Local Government Act.

- (7) (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.
- (8) (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.
- (9) (B042) A certificate from an approved practising chartered professional civil and/or structural engineer certifying the structural adequacy of any proposed retaining walls with a height greater than 1 metre is to be submitted to Port Macquarie-Hastings Council prior to the release of the Construction Certificate.
- (10) (B072) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as Council's piped drainage system.

In this regard, Council's piped drainage system in The Summit Road must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4m lintel) must be installed, to allow direct piped connection from the development site into the public drainage system.

The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event.
 - b) All allotments must be provided with a direct point of connection to the public piped drainage system. Kerb outlets are not permitted.
 - c) The design requires the provision of interallotment drainage in accordance with AUSPEC D5
 - d) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - e) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - f) Where works are staged, a plan is to be provided which demonstrates which treatment measure/s is/are to be constructed with which civil works stage. Separate plans are required for any temporary treatment

(where applicable e.g. for building phase when a staged construction methodology is adopted) and ultimate design.

- g) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - h) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
 - i) The proposed 1.5m wide inter-allotment drainage easement within Lot 4 shall be relocated to be clear of the retaining wall to the satisfaction of Council's Stormwater Engineer.
- (11) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.
 - (12) (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.
 - (13) (B063) Prior to release of the Construction Certificate submission of a detailed landscape plan to the Principal Certifying Authority.
 - (14) (B071) Prior to the issue of any Construction Certificate, the provision of sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
 - (15) (B195) Council records indicate that the development site has an existing 20mm sealed water service from the existing 100mm PVC water main on the same side of The Summit Road. This sealed water service is to be used for proposed Lot 1 with a new water meter required. New 20mm metered water services will be required for the remaining lots from the 100mm AC water main on the opposite side of Roma Terrace. Engineering plans shall be submitted with the Construction Certificate application.
 - (16) (B196) An amended plan for the front fence of Dwelling 1 shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The plan shall provide for:
 - (a) Minimum 0.9m depth of landscaped recesses, and
 - (b) Minimum 25% transparency.

C – PRIOR TO ANY WORK COMMENCING ON SITE

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

D – DURING WORK

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

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

- (2) (D003) The site is in an area known to contain rock that may contain naturally occurring asbestos (NOA). Should potential NOA be located on site notification shall be provided to Council and Workcover prior to works proceeding. No work shall recommence until a NOA management plan has been approved by Council or Workcover.
- (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) (D044) An Arborist, with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council shall be engaged to supervise all on site clearing and shall certify in writing clearing has occurred in accordance with the approved plans and conditions of this consent.

E – PRIOR TO OCCUPATION OR THE ISSUE OF SUBDIVISION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (3) (E010) Driveways, access aisles and parking areas shall be provided with a concrete surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (4) (E034) Prior to occupation or the issuing of the Occupation (Final or Interim) or Subdivision Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

- (5) (E038) Interallotment drainage shall be piped and centrally located within an inter-allotment drainage easement, installed in accordance with Council's current AUSPEC standards (minimum 225mm pipe diameter within a minimum 1.5m easement). Details shall be provided:
- As part of a Construction Certificate application for subdivision works with dedication of the easement as part of any Subdivision Certificate associated with interallotment drainage.
- (6) (E039) An appropriately qualified and practising consultant is required to certify the following:
- a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (7) (E051) Prior to occupation or the issuing of any Occupation Certificate a Section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (8) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (9) (E056) A Certificate of Compliance under the provisions of Section 307 of the *Water Management Act* must be obtained prior to the issue of any occupation or subdivision certificate.
- (10) (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.
- (11) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (12) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (13) (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.

- (14) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (15) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.
- (16) (E195) All boundary fencing and associated retaining walls approved by this consent shall be completed prior to the issue of an Occupation Certificate.

F – OCCUPATION OF THE SITE

- (1) (F004) The dwellings are approved for permanent residential use and not for short term tourist and visitor accommodation.
- (2) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.

[REDACTED]

From: adam grant [REDACTED]
Sent: Tuesday, 16
To: Council; Chris Gardiner
Subject: Objection to DA2015 - 361. Multi Dwelling Housing at 23 The Summit Port Macquarie

Attention: Port Macquarie Hastings Council, (Chris Gardiner)
Subject: Objection to Development Application - DA 2015/361

Thank you for taking the time meet and discuss the proposed development of 23 The Summit Rd Port Macquarie.

Whilst aspects of the development may be in line with current DA requirements, the subdivision of the land into five approx 300m² blocks with only 73m² - 93m² of landscaped area detailed to each of the proposed blocks, is in my opinion gross over utilization of the land and not in keeping with other properties of the area or the intent of the usage.

It is noted that the western (rear) boundary set backs are required to be 4.0m for which none of the development complies. It is noted that the proposed side boundary setback of dwellings to boundaries of 900mm is not maintained either. The 4.5m and 3.0m setbacks to Dwelling 1 are not maintained. These setbacks are generally enforced to ensure that the basic amenity and keeping of surrounding properties is maintained and existing properties are not unduly effected, and prevent over utilization.

The proposed plans contain misleading information regarding existing adjacent properties and ground levels to assist in the developers view that the development does not significantly impact the neighbors property or amenity. The proposed section/elevation indicate 1.5m common boundary fences on approx 1m high retaining walls (plan details indicate 1.8m high fences which will be required for adjacent pool). This results in the top of fence finishing at RL45.46, level with adjoining properties first floor, and being approx 4m above the adjacent yard. A more suitable cut of the block would lessen the impact and prevent the proposed living areas looking directly into adjoining property living areas.

I object to the above and following aspects of information provided in DA 2015/361.

I have not been consulted with by the developer, a process that I'm sure may have resolved many concerns.

Boundary setbacks of 4.5m, 3.0m, 4.0m and 0.9m to all boundaries are not observed, hence the ineffective and over utilisation of the land

Fences are effectively 2.8m high (1m retaining wall and 1.8m fence) and will sit atop an existing retained garden 800mm-1000mm in height providing a vertical structure approx 3.5-4.0m in height on the boundary, finishing level with the adjacent property 1st floor.

The level of the main living areas and attached balconies is level with the existing western boundary fence looking down and in to living areas of the adjacent property. This could be avoided by cutting into the block instead of filling adjacent to the western boundaries

The accuracy of the winter sun shadow is questionable and I would request further detail to accurately reflect the adjacent properties and confirm the actual effect. It is interesting that the sun shadows cover the whole yard of the

development site western boundary but dont appear to extend into adjoining property???? Winter sun shadows will be significant 7am to 9-10am, when the sun is most important.

New subdivisions would not approve 300m2 lots, as it is not in keeping with existing land usage. Most properties in the area are in excess of 600m2

No western elevations have been provided to avoid detailing the vast wall created by the fence and aspect of the building. A 3D perspective from adjacent property levels would show this in true perspective.

As the owner of 21 The Summit Rd Port Macquarie I am directly affected by the proposed development and provide objection as listed above. I look forward to receipt of your comments and or further discussion regarding the mater should it be required.

Regards

Adam Grant [REDACTED]
21 The Summit Rd
Port Macquarie
NSW 2444

Your Ref: DA2015.361.1

3 Roma Terrace

Lighthouse Beach

Port Macquarie NSW 2444



ATTN: Christopher Gardiner

Port Macquarie Hastings Council

P.O.Box 84


Port Macquarie

NSW 2444

16 June 2015

Dear Mr Gardiner,

23896

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
17 JUN 2015	
Keyword	
Activity	
Subject	
Folder	

DA 2015.361.1

Re: **Proposal Multi Dwelling Housing and Torrens Title Subdivision**

LOT 271DP:236277, 23 The Summit Road Port Macquarie.

Application Number 2015/361

We refer to the above and confirm we are the residents and owners of 3 Roma Terrace Port Macquarie. This property abuts the proposed development on what is referred to as the western boundary on the development application.

We confirm we have inspected the development application and accompanying documents at council chambers.

As per your letter to us dated 1 June 2015 we advise we object to the development application in regards to the proposed retaining wall and fencing on the western boundary. We object for the following reasons.

- There is an existing stone retaining wall on this boundary which is 0.9 metre in height
- The second proposed retaining wall does not have a definite height on the plans but looking at the plans appears to be a further 1.0 – 1.5 metres at the lowest. It is also proposed to be timber.

- An additional colourbond fence is proposed to be placed on top of the second retaining wall. The fence height is shown as 1.5 metre,
- The overall height of the entire structure will therefore be of the order of 3.5-3.9 metres, possibly more depending on the height of the proposed second retaining wall.
- The development application does not appear to address the shadow cast over our dwelling of the additional retaining wall and fence. The only shadow diagrams appear to address the shadow cast by the dwelling only.

The impact on our dwelling will be as follows;

- The structure at this height at the proposed location as per the development application will block considerable, if not all, light to our downstairs rooms on the eastern side of our dwelling, being the side of the dwelling on the western boundary.
- The structure will also block natural air flow to the area between the side of our dwelling and the proposed wall and fencing.
- The area between our dwelling and the proposed wall and fencing, which is effectively the front of our house, will therefore be devoid of light, creating a dark, airless, possibly damp area.
- There does not appear to be adequate provision to address drainage or runoff if the proposed dwelling requires a further retaining wall of indeterminate height. Simply, it appears that the land will require considerable fill to require a further retaining wall as shown. It is assumed that this is to maintain the overall build height of the proposed development and is opposed.
- The proposed retaining wall is shown as timber. We have been advised that there is a sizable white ant colony on the existing ground. We have been advised that the termite problem in Port Macquarie is serious and extensive. By providing a timber wall in a light restricted and air flow restricted area raises serious concerns in regards to termite management both for our property and the proposed property.

As an alternative, we request council consider that the existing retaining wall be left in place (no additional retaining wall be added) and continuing the colourbond fence already in place between the development application and the other property which abuts the west boundary of the development application. This property is situated at 21 The Summit Road Port Macquarie. The height of the existing colourbond fence above the existing retaining wall would not have the negative impact as outlined above as the overall height is reduced.

We submit that this would require a small variation to the development application allowing it to be cut in further to maintain the existing level of the block.

Thank you for your consideration in this matter and we await your response.

Yours Sincerely,



Dr R.J. McGregor



Ms L.M. McGregor, Solicitor.

Item: 07**Subject: DA2015 - 0474 SINGLE DWELLING, LOT B DP 387813, 43 THE
PARADE NORTH HAVEN****Report Author: Steven Ford**

Property:	Lot B DP 387813, 43 The Parade North Haven
Applicant:	Rob Tate Family Homes
Owner:	W M & K M Mair
Application Date:	09/07/2015
Estimated Cost:	\$496,250
Location:	43 The Parade, North Haven
File no:	DA2015 - 0474
Parcel no:	23724

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2015 - 0474 for a single dwelling and ancillary shed at Lot B, DP 387813, No. 43 The Parade, North Haven, be determined by granting consent subject to the recommended conditions.

Executive Summary

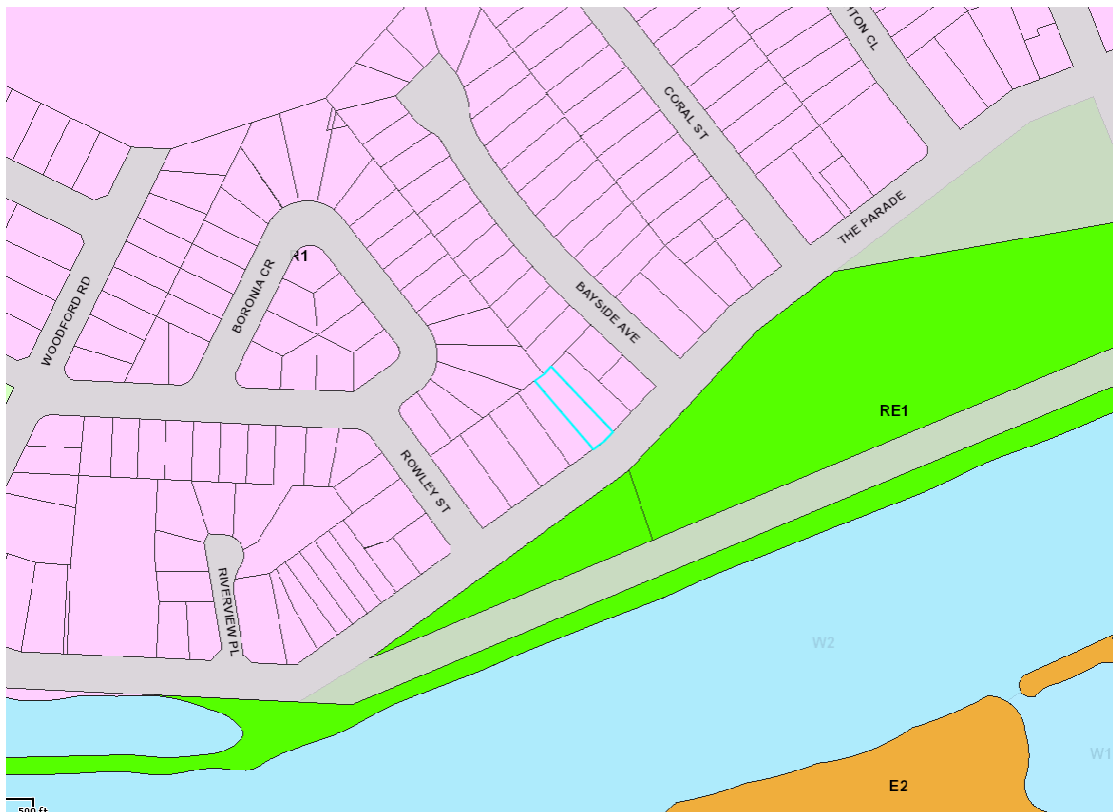
This report considers a development application for Demolition of existing dwelling and construction of a single two-storey dwelling and ancillary shed at the subject site and provides an assessment of the application in accordance with the Environmental Planning and Assessment Act 1979.

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

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

The site has an area of 673.9m².

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of existing dwelling and garage
- Construction of new residential dwelling and shed

Refer to attachments at the end of this report.

Application Chronology

- 09/07/2015 - Development Application lodged
- 15/07/2015 to 28/07/2015 Notification period
- 20/07/2015 - Shadow diagram submitted
- 28/07/2015 - Submission received
- 30/07/2015 - Response to submission letter by Assessment Officer
- 10/08/2015 - Additional Shadow Diagrams received (Elevations)
- 21/08/2015 - Additional Submission received

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

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

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

State Environmental Planning Policy No. 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 No. 62 – Sustainable Aquaculture

Given the nature of the proposed development and proposed stormwater controls the proposal will be unlikely to have any adverse impact on existing aquaculture industries within the Camden Haven Inlet approximately 90m from the site.

State Environmental Planning Policy No. 71 – Coastal Protection and Clause 5.5 of Port Macquarie-Hastings Local Environmental Plan 2011

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

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

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

- a) any restricted access (or opportunities for access) to the coastal foreshore

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

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

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

A BASIX certificate (number 643842S) 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

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

- Clause 2.2, the subject site is zoned R1 General Residential. In accordance with clause 2.3(1) and the R1 zone landuse table, the dwelling (or ancillary structure to a dwelling) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

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

- The proposal is a permissible landuse.
- The proposal contributes to the range of housing options available in North Haven and consistent with the established residential locality,
- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 8.39 m which complies with the standard height limit of 8.5 m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.47:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 7.3, the site is land within a mapped "flood planning area" (Land subject to flood discharge of 1:100 annual recurrence interval flood event (plus 0.6m freeboard West of the Pacific Highway or 0.9m East of the Pacific

Highway). In this regard the following comments are provided which incorporate consideration of the objectives of Clause 7.3 & Council's Interim Flood Policy 2007:

- The proposal is compatible with the flood hazard of the land taking into account projected changes as a result of climate change
- The proposal will not result in a significant adverse affect on flood behaviour that would result in detrimental increases in the potential flood affectation of other development or properties.
- The proposal incorporates measures to minimise & manage the flood risk to life and property associated with the use of land,
- The proposal is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses
- The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- PMHC has implemented the use of Sea Level Rise planning benchmarks of an increase in mean sea level of 400mm by 2050 and 900mm by 2100. This benchmark has been based on the most up to date sea level rise projections. The New South Wales Department of Environment, Climate Change and Water (DECCW) released a Sea Level Rise Policy Statement in October 2009 which outlined the government's objectives and commitments to sea level rise with regard to climate change. The sea level rise policy recognises that under the Act consent authorities must consider the effects of sea level rise on coastal and flooding hazards when considering planning and development approval decisions. In March 2010, council adopted amendments to its flood policy to align with the NSW sea level rise policy, and among other matters, the amendments required freeboard requirements to be increased by 100mm. In October 2012, the NSW Sea Level Rise Policy was repealed. Following this, PMHC decided that in light of no new information being at hand that the existing SLR benchmarks were appropriate and should be maintained.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services.

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

N/A

(iii) any Development Control Plan in:

Port Macquarie-Hastings Development Control Plan 2013

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² 	3.2m max height Single Storey 53m ² N/A	Yes Yes Yes

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

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> • 24 degree max. roof pitch • Not located in front setback 	Less than 24 degree pitch Located in rear yard	Yes Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	4.6m setback to patio and balcony	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 4.5m local road 	4.6m setback to front building line	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind building line or eaves/overhangs provided	Garage setback 1.5m behind front building line.	Yes
	6m max. width of garage door/s and 50% max. width of building	4.9m garage width and less than 50% of street frontage	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	4.4m wide 29% of site frontage	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	26.5m rear setback	Yes
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. 	South: 1.06m side setback North: 0.9m side setback First Floor South/West 1.06m North/East 0.9m	Yes No exceeds by 1.94m, see notes below Yes- no significant overshadowing impact on northern

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

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> Building wall set in and out every 12m by 0.5m 	All side articulated by stepping in and out as well as use of different building materials	property Yes
3.2.2.6	35m2 min. private open space area including a useable 4x4m min. area which has 5% max. grade	50m2 POS in first floor deck and level area in rear yard accessible from ground floor family room	Yes
3.2.2.10	Privacy: <ul style="list-style-type: none"> Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	Side facing windows to first floor living areas are highlight windows only with sill heights minimum of 1.9m and bedroom windows of 1.68m sill heights. Ground level windows screened by boundary fence. First floor windows have minimum 1.68m sill height Front Deck to have 1.8m privacy screen along north and south sides	Yes Yes Yes

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	Adequate casual surveillance available	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	Fill to a maximum of 900mm to front yard	Yes
2.3.3.2	1m max. height retaining walls along road frontage	Maximum of 800mm retaining wall in front yard and for rear ramp	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.5.3.2	New accesses not permitted from arterial or distributor roads	New access proposed to suite new development.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Old driveway will be removed	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	2 spaces provided within garage	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	None indicated	Acceptable
2.5.3.14	Sealed driveway surfaces unless justified	Concrete	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Residential driveway only, no adverse water runoff apparent	Yes
	Vehicle washing facilities – grassed area etc available.	None indicated, however usable area available in yard.	Yes

The proposal seeks to vary Development 3.2.2.5 - First floors and above should be setback minimum of 3m from the side boundary or reduced down to 900mm where it can be demonstrated that the adjoining primary living areas and primary private open space areas should not be adversely overshadowed for more than 3hrs between 9am-3pm on the 21 June.

The relevant objectives are to reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy and 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 seeks to have a reduced first floor side setback of a minimum of 1062mm to the south-west boundary and 900mm to the north-east boundary.
- The maximum south-west first floor setback is 2200mm (towards the front building line). The varying side setback provides some articulation and minimises bulk.
- The adjoining property to the south-west has a large side setback adjoining the development site due to a driveway running along the adjoining boundary to a detached garage. The driveway is not considered private open space.
- Shadow elevation diagrams provided demonstrate that no adverse overshadowing occurs for more than 3hrs over a primary living area window. No window will be partially overshadowed from about 11:30am.

- The design of the building has also been sympathetic to the adjoining property by limiting the proposed living area windows on the first floor to highlight windows only and a high sill height to the only adjoining bedroom.

Based on the above assessment, the variation proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. The variation does not amount to an adverse impact or a significance that would justify refusal of the application.

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

N/A

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy

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

Demolition of buildings AS 2601 - CI 66 (b)

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

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

N/A

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

Context and setting

- The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.
- The proposal is considered to be consistent with other similar residential developments in the locality and adequately addresses planning controls for the area.
- There is no adverse impact on existing view sharing.
- There is no adverse privacy impacts.

Overshadowing

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

In this instance, the adjoining dwelling at 41 The Parade is located to the south-west of the development site and would potentially have solar access impacted by the development. The dwelling at 41 The Parade contains windows of primary living areas on its north-east elevation, and a newly built pergola which is also affected. No private open space adjoins the subject boundary.

The applicant has submitted shadow diagrams showing hourly intervals on the winter solstice to assist in the assessment of overshadowing impacts.

The expected overshadowing impacts of the proposed development on the existing dwelling at 41 The Parade on 21 June can be summarised as follows:

- 9.00am - Shadow over all north east facing windows, incl. primary living area windows, over pergola and partially over the rear private open space.
- 12.00pm - Shadow partially over north east walls but not over any primary living area windows
- 3.00pm - No overshadowing from proposed dwelling

From the above analysis, it can be demonstrated that adjoining property primary living areas and primary private open space areas would have some impact on solar access, however not for more than 3 hours between 9.00am and 3.00pm on 21 June.

Where guidelines dealing with the hours of sunlight on a window or open space leave open the question what proportion of the window or open space should be in sunlight, the Land and Environment Court of NSW has set out a revised planning principle on solar access in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082. The Court's consolidated and revised planning principle on solar access is now in the following terms. Comments are provided below in relation to each of the relevant considerations for private open space. Partial sunlight to windows is not in question for this proposal.

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

Comments: The subject site is located in a low density residential area and the expectation to retain solar access would be relatively high. The dwelling at 41 The Parade is not considered to be vulnerable to being overshadowed due to its wide north-east side setback to living area windows.

The Dwelling at 41 The Parade, has a driveway along the subject boundary the entire length of the proposed development. This is not considered private open space in this assessment.

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

Comments: The summary above takes into account the amount of sunlight lost and retained between the hours of 9.00am and 3.00pm on 21 June.

Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.

Comments: The design of the proposal is considered consistent with other developments in the locality. However, if the south-west side setback was increased from a minimum of 1.06m to the standard of 3m would improve the solar access and reduce the impact to the adjoining property slightly.

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

Comments: Sunlight to the principle area of private open space located in the rear yard would be partially affected by the proposed development between the hours of 9am and 12pm on 21 June. This will only have a minor impact of the existing open space.

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

Comments: The submitted shadow analysis has considered relevant building elements, but has excluded existing fences.

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

Comments: The south-west adjoining properties have already been developed, but potential exists for redevelopment of a nature similar to this proposed development. Overshadowing from the development is not likely to significantly affect the potential for redevelopment of the adjoining property. Because of the locality being map within the flood planning area and taking advantage of the views, future development will be similar in nature of a two storey or elevated single storey dwelling with the first floor south-east facing windows is likely.

Having regard to the above principles and the provisions of DCP 2013, the proposed development has minor impacts on solar access. This minor impact is not of a sufficient weight to justify refusal of the application.

Access, transport and traffic

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

Water Supply

Service available – details required with S.68 application.

Sewer

Service available – details required with S.68 application.

Stormwater

Service available – details required with S.68 application.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

This site does not contain or adjoin any known heritage item or site of significance.

Other land resources

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

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

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

Waste

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

Energy

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

Noise and vibration

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

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

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

Site design and internal design

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

Construction

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

Cumulative impacts

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

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
Solar access - can we be supplied with the shadow diagram so we can understand the impact to solar access?	The Applicant has provided shadow diagrams with hourly intervals on the winter solstice. This has been checked by the assessing officer and is considered accurate.
Accuracy of existing buildings - Is the current footprint of the house depicted correctly. Because the DA is attempting to reduce the side setback down to 900mm, the accuracy of the shadowing becomes critical, which is why we need to be assured it's been done correctly and fairly.	The applicant has used a survey diagram to depict the footprint of adjoining buildings and boundaries on submitted plans. This survey diagram has also been saved to the DA file. The submitted plans are considered to be correct.
At a future date we intend to build a similar 2 storey house with a Balcony open and facing to the south (at #41). Does this change any of the privacy/noise/solar considerations and how will it impact on our house design? If the upper level is approved with 900 mm setback, we'll be disadvantaged when we eventually build our new house. At that future time and under the current DCP, we won't be allowed to expand our second story in a similar fashion with a reduced 3 metres side setback due to overshadowing of #43.	The proposed development has been sensitive to future developments on adjoining properties, with the privacy screening and using only highlight windows on south and north facing walls. With regards to future limitations to #41 overshadowing there is no adverse impacts the describe future development will have on solar access to the proposed dwelling at #43, as it is on the Northern side of #41.
Based on the diagram, our existing house appears to be shadowed for significantly more than 3 hours. How does this work with the "demonstrated that the adjoining property primary living areas and primary private open space areas should not be adversely overshadowed for more than 3hrs between 9am-3pm on 21 June."	The shadow elevations provided indicate that no adjoining windows to primary living areas will be partially overshadowed between 11:30am and 12:00pm. -refer to overshadowing assessment above.
Retaining wall height not clear on plans, how high will the wall and the fill at the front of the dwelling be?	The retaining wall as it appears on the plans is under 1m high and the fill is no higher than the retaining wall. This is to create a level front yard, which will minimise the impact of the dwellings raised floor height because it is within the Flood Planning Area.
Privacy - What are the dimensions of the privacy screens on the East and West sides of the second storey Balcony and how large is the opening/gap at the top?	Dimensions provided to objector. Minimum 1.8m high non-transparent aerated concrete panelling to north-east and south-west ends of balcony. This satisfies privacy provisions and has minimal impact of existing views.
In regard to the Rear deck, are there any privacy screens, particularly on the	The rear deck is over 3m from the side boundary, less than 1m above ground

sides of the deck?	height and does not overlook any existing living areas. Under our current DCP there are no provisions requiring this area to be screened.
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(e) The Public Interest:

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

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

N/A

5. CONCLUSION

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

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

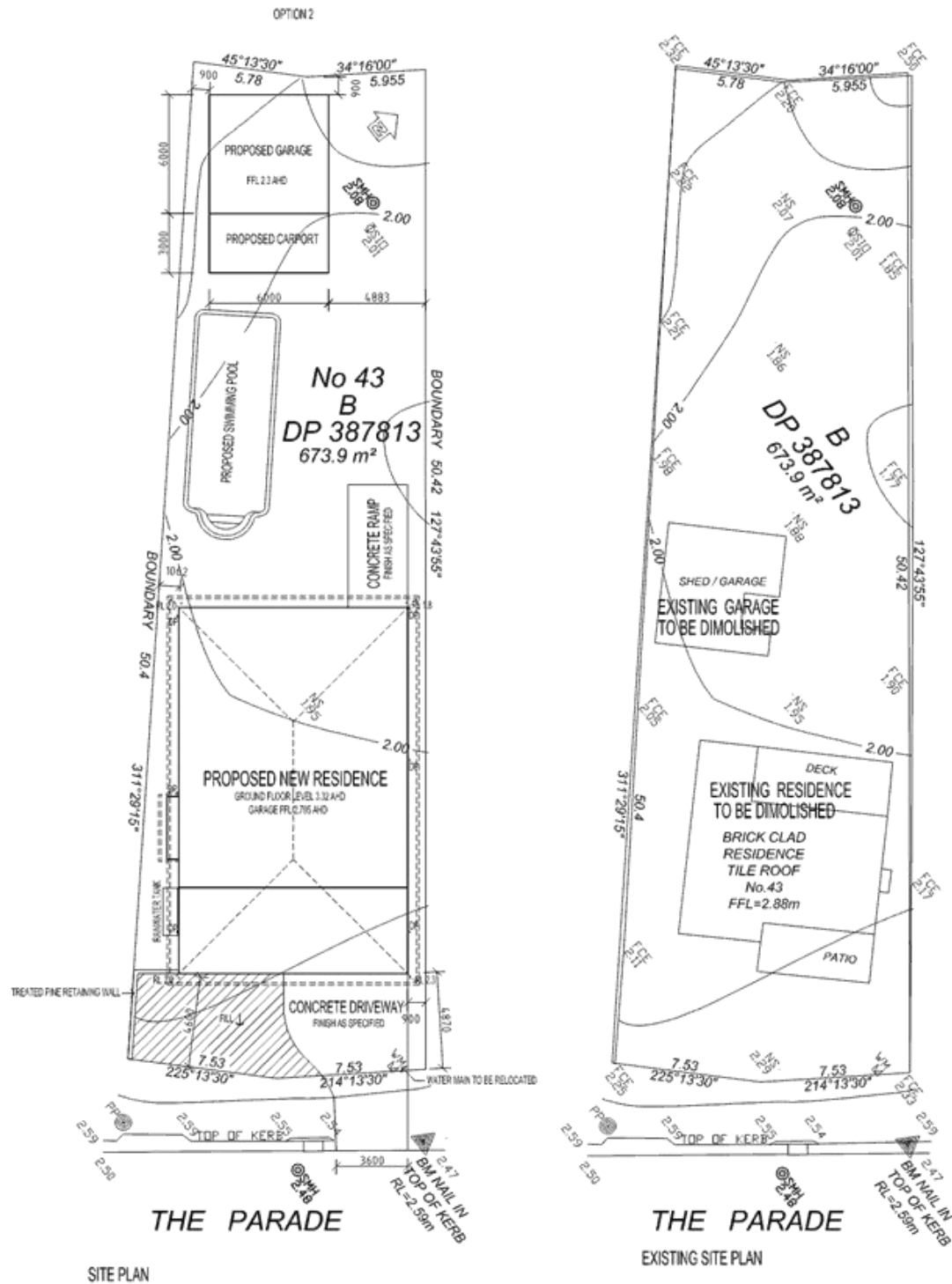
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment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

Attachments

1[View](#). DA2015 - 0474 Plans

2[View](#). DA2015 - 0474 Recommended Conditions

3[View](#). DA2015 - 0474 Submission McPherson



NO.	DATE	DESCRIPTION	BY
1	08/03/2015	POWER SEARCH/ASSESSMENT	JM
2	17/02/2015	REDUCED SITE/STAKE AND JUNCTION	JM
3	17/02/2015	CHANGED PROPOSED NUMBER TO DP 387813	JM
4	17/02/2015	CHANGED PROPOSED NUMBER TO DP 387813	JM
5	17/02/2015	CHANGED PROPOSED NUMBER TO DP 387813	JM
6	17/02/2015	CHANGED PROPOSED NUMBER TO DP 387813	JM
7	17/02/2015	CHANGED PROPOSED NUMBER TO DP 387813	JM
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38	17/02/2015	CHANGED PROPOSED NUMBER TO DP 387813	JM
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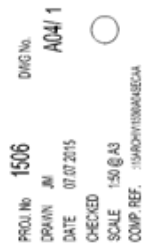
rob tate homes

1000 OCEAN DRIVE
LIVE OAK, CA 94024
TEL: (415) 495-1100
WWW.ROBTATEHOMES.COM

CLIENT: BILL AND KAREN MAIR
PROJECT: PROPOSED NEW RESIDENCE
AT No 43
THE PARADE
NORTH HAVEN
DRAWING: SITE PLAN

PROJ. No 1506
DRAWN JM
DATE 10.08.2015
CHECKED
SCALE 1:200 @ A3
COMP. REF. 1506/1506/02/SITE

DWG No. A01/1



CLIENT: BILL AND KAREN MAIR
PROJECT: PROPOSED NEW RESIDENCE
AT No 43
THE PARADE
NORTH HAVEN
DRAWING: SECTION "AA"

rob tate
homes

1. CHECK ALL DIMENSIONS ON THE BEARING COMPASS.
2. REPORT ALL DIMENSIONS TO THE ARCHITECT FOR DESIGN APPROVAL.
3. WORK TO YOURSELE DIMENSIONS, DO NOT SCALE DIMENSIONS.
4. THE DIMENSIONS MUST BE IN CONFORMANCE WITH ALL CITY/STATE/LOCAL REGULATIONS AND STANDARDS.
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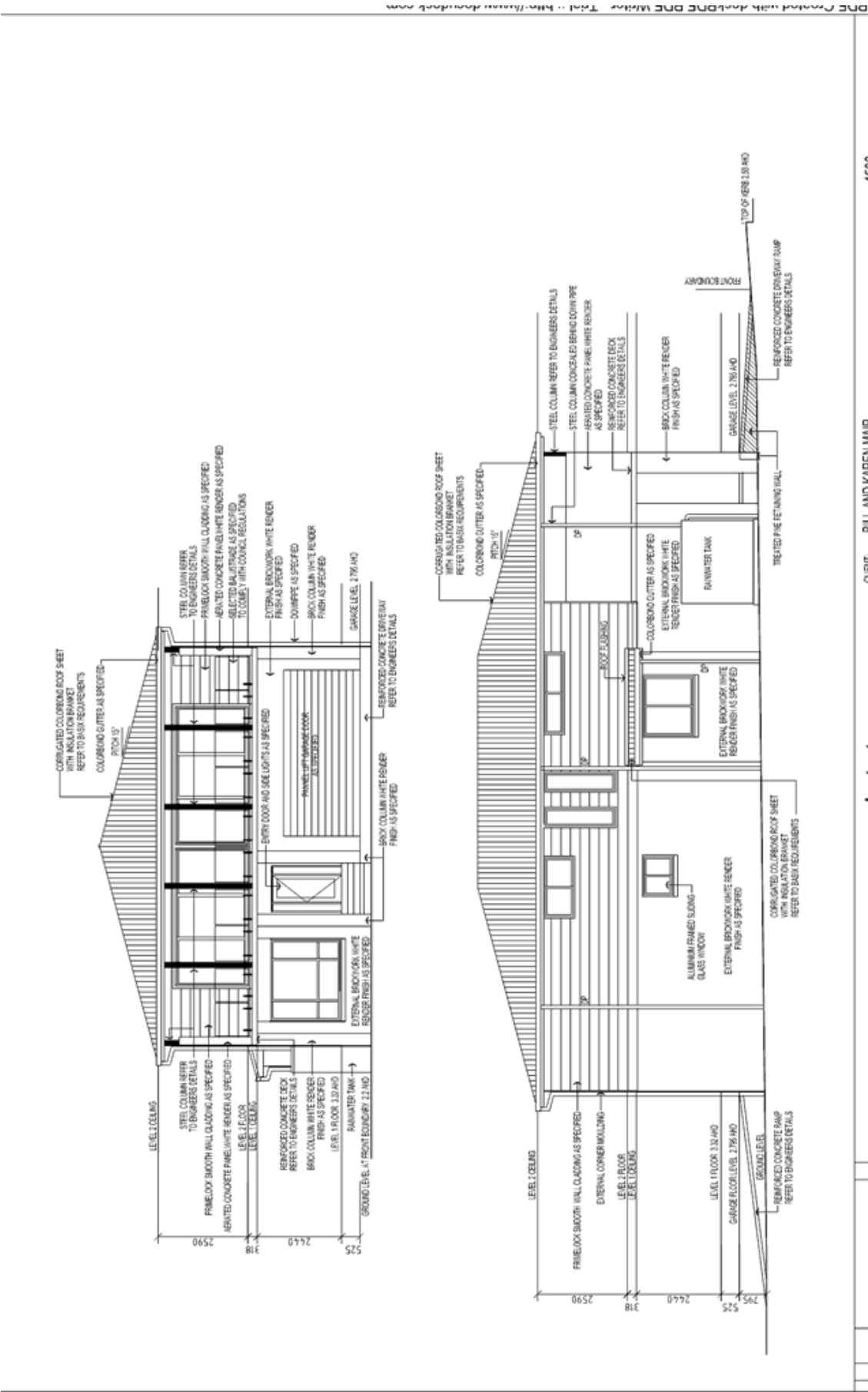


CLIENT: BILL AND KAREN MAIR
PROJECT: PROPOSED NEW RESIDENCE
AT No 43
THE PARADE
NORTH HAVEN
DRAWING: NORTH WEST AND NORTH EAST

rob tate
homes

1000 COLLEEN DRIVE
LAUREL, MD 20646
TEL: 301.220.0102
WWW.ROBTATEHOMES.COM

[illegible][illegible]



NOTES

1. SPECIALISED ENGINEERING CONSULTANTS TO BE CONSULTED FOR THE FOLLOWING: STRUCTURAL, CIVIL, ELECTRICAL, MECHANICAL, PLUMBING, AND FIRE ENGINEERING.
2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
3. THE DRAWING IS A PRELIMINARY DESIGN AND NOT A FINAL DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE ARCHITECT.
4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER CONSULTANTS.
5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

rob tate
homes

10/10/2015
10/10/2015
10/10/2015

CLIENT: BILL AND KAREN MAIR

PROJECT: AT NO 43 THE PARADE NORTH HAVEN

DRAWING: SOUTH EAST AND SOUTH WEST ELEVATIONS

PROJ. No 1506

DWG. No A06/1

DRAWN JM

DATE 07.07.2015

CHECKED

SCALE 1:100 @ A3

COMP. REF. 15/09/2015/15/09/2015/15/09/2015

NO.	DATE	DESCRIPTION	BY
1		AMENDMENTS	



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Lysaght Building
Solutions Pty Ltd
trading as RANBUILD

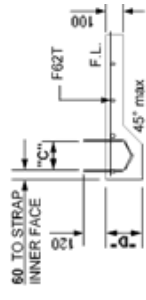
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ALL DIMENSIONS SHOULD BE CHECKED
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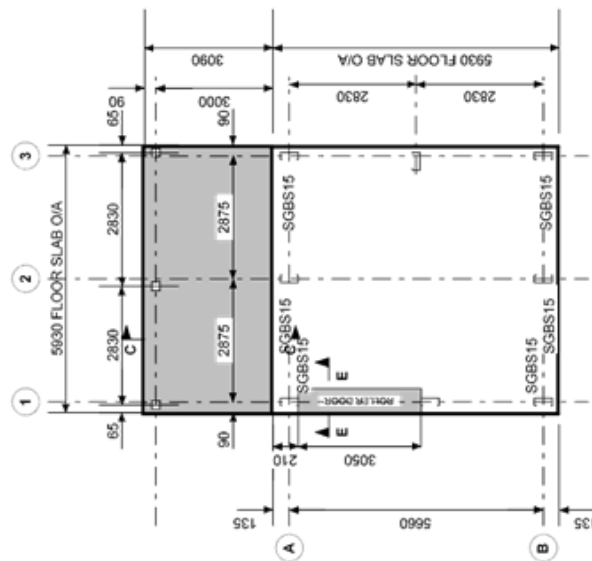
SEE ERECTION INSTRUCTIONS FOR
SECTION & SLAB DETAILS

SEE CERT. ENGINEER DRAWINGS
PECON2005, PE61-A/2.5 FOR ADDITIONAL
DET'S NOTES
& CONCRETE SPECIFICATION

"C" = 154 FOR SGBS15
"SFO" = 60



SECTION A - A
SLAB & BASE STRAP LOCATION



BASE STRAP & HD BOLT SCHEDULE
6 REQ'D BASE STRAP SGBS15

SET DOWN ALL SHADED AREAS 50mm

1

CLIENT
Bill Mair

1000

SITE
43 The Parade
NORTH HAVEN NSW 2443

Living with me

PREMIUM GARAGE
5930 SPAN x 2700 EAVE x 5930 LONG
PLUS 3000 AWNING

TITLE

RC SLAB PLAN

1

DRAWING NUMBER
RSP-0926

 <div>Copyright 2015 Lynsight Building Solutions Pty Ltd Trading as BANGOR Senior Suite, Regent House.</div>		CLADDING	
ITEM	PROFILE (mm)	FINISH	COLOR
ROOF	CUSTOM ORB 3.42 BMT	CB	SM
WALLS	MULTICOLOR 3.35 BMT	CB	IS
CORNERS	-	CB	IS
SKIRTS	-	CB	SM
GUTTER	HS-QUAD	CB	SM
DOWNSPIPE	115x50	CB	IS
0.35mm-thk Aluzinc 0.42mm-thk 47Yel. 0.48mm-thk 53Red			
ACCESSORY SCHEDULE & LEGEND			
QTY	MARK	DESCRIPTION	
1	R01	Crystal H.D. Manual 'N'. 2202 High x 3555 wide 2-year Operating Cycle	
1	RWH1	Duravent Window Kit, 900H x 1210W (R01) W/6504 Fascia, 1000x2000 (R01) Bottom (B)	
1	RAD1	Duravent 1000x2000 Access Door Kit, CB (R) (N) Remains in WH.	
ARCHITECTURAL DRAWING ONLY. NOT FOR CONSTRUCTION USE			
WIND DESIGN			
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CLIENT			
Bill Mair			
NOTE			
43 The Parade NORTH HAVEN NSW 2443			
REBUILDING			
PREMIUM GARAGE 5930 SPAN x 2700 EAVE x 5930 LONG PLUS 3000 AWNING			
TITLE			
FLOOR PLAN & ELEVATION			
SCALE	DRAWING NUMBER	PAGE	
A3 SHEET 1:125	PMA001.0926.01	1/1	



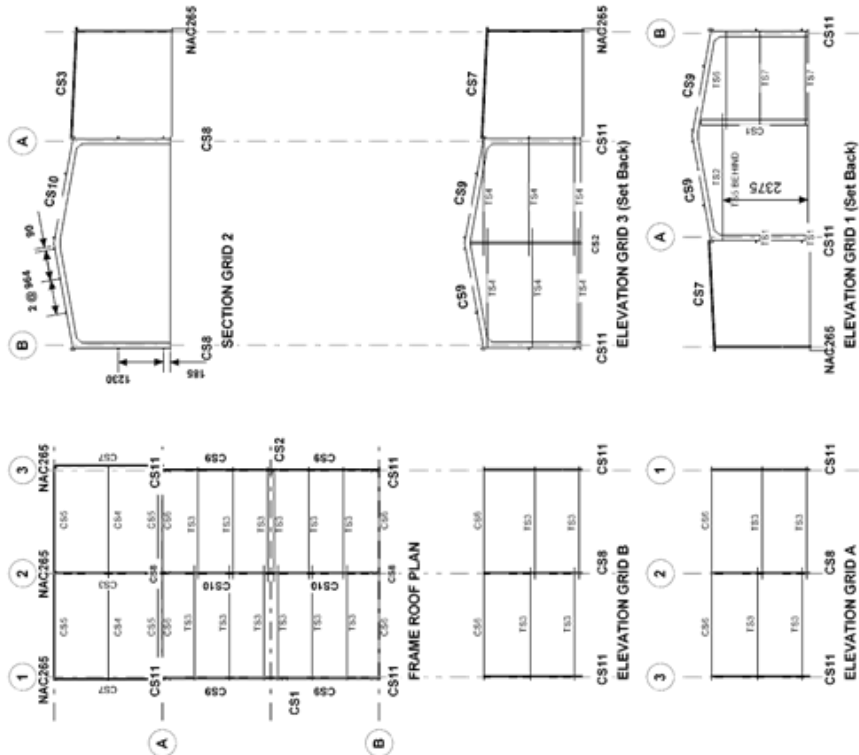


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Lynglight Building
Solutions Pty Ltd
Trading as RAINBOW


Senior Sales Support Officer

NOTES

- ALL MODIFICATIONS REQUESTED ON THE STRUCTURAL ADEQUACY CERTIFICATE MUST BE MADE IN ADDITION TO THIS PLAN
- SEE BILL OF MATERIALS FOR MEMBER DESCRIPTION
- SEE DRG N° CLD-0928 FOR CLADDING LOCATION DIAGRAM



CLIENT	Bill Mair
PROJECT	43 The Parade NORTH HAVEN NSW 2443
DESCRIPTION	PREMIUM GARAGE 5930 SPAN x 2700 EAVE x 5930 LONG PLUS 3000 AWNING
TITLE	STEELWORK MARKING DIAGRAM
SCALE	A2 SHEET 1:125
DRAWING NUMBER	SMP-0926
PAGE	1/1



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Solutions Pty Ltd
Trading as RAINBOW

NOTES
SEE BILL OF MATERIALS FOR CLADDING
DESCRIPTION
SEE DRG N° SMP-0526 FOR STEELWORK
MARKING DIAGRAM

CLIENT
Bill Mair

PROJECT
**43 The Parade
NORTH HAVEN NSW 2443**

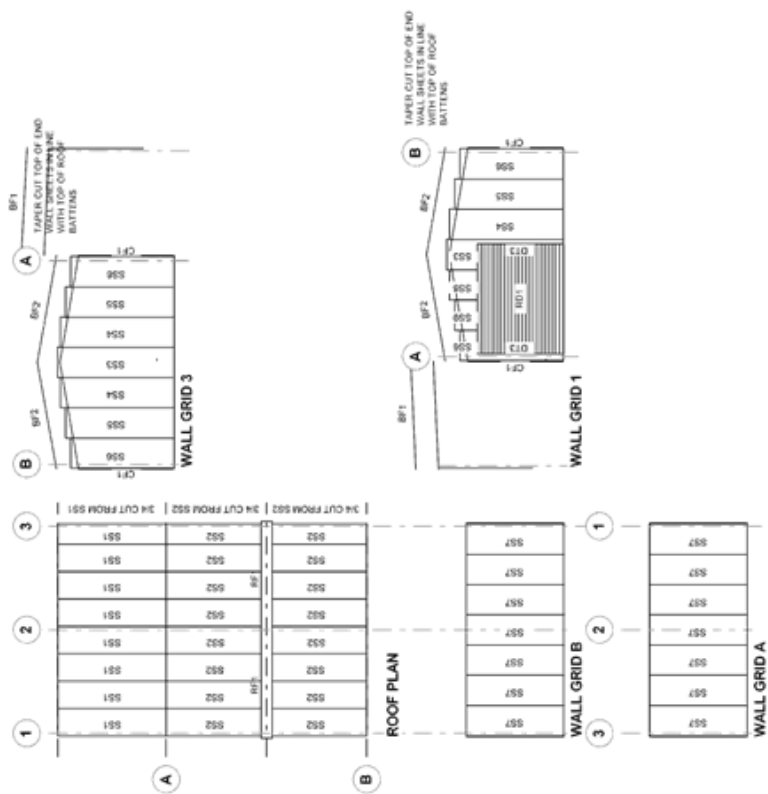
BUILDING
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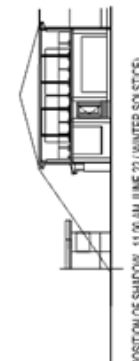
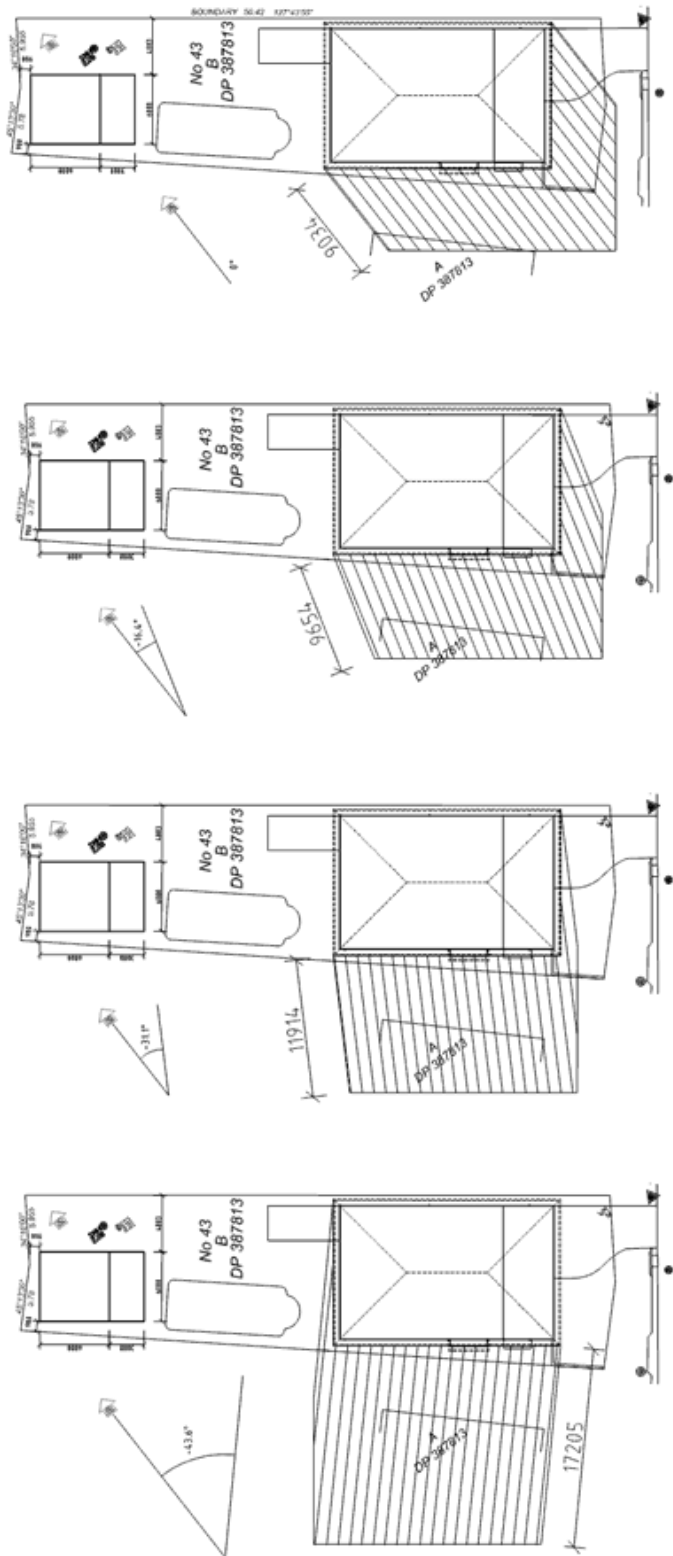
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DWG No. A08/ 1

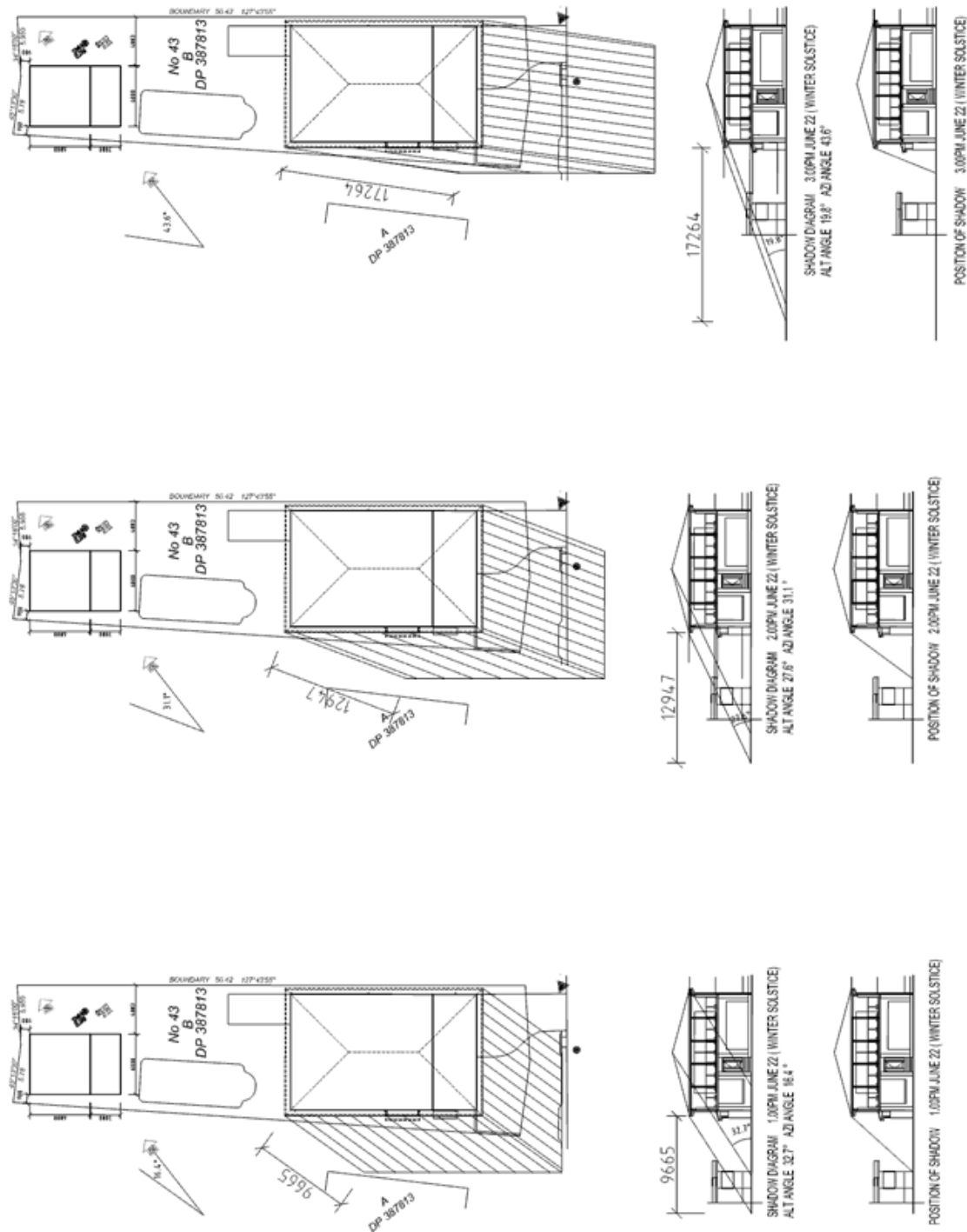
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DATE 11.08.2015
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CLIENT: BILL AND KAREN MAIR
PROJECT: PROPOSED NEW RESIDENCE
AT No 43
THE PARADE
NORTH HAVEN

rob tate homes
100 COLE STREET
SUITE 101
LIVE CAMEL, NSW 2244

1. CHECKED: DESIGNER/INTEGRATING COMMERCIAL
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NO.	DATE	DESCRIPTION
1	11.08.2015	ISSUED FOR PERMIT



CLIENT: BILL AND KAREN MAIR
PROJECT: PROPOSED NEW RESIDENCE
AT No 43 THE PARADE NORTH HAVEN

PROJ. No 1506
DRAWN JM
DATE 11.08.2015
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SCALE 1:400 @ A3

DWG No. A09/ 1

rob tate homes
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NO.	DATE	DESCRIPTION	BY

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2015/474

DATE: 1/09/2015

PREScribed CONDITIONS

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

A – GENERAL MATTERS

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

Plan / Supporting Document	Reference	Prepared by	Date
Site Plan	Project No. 1506 (DWG No. A01/1)	JM	10/08/2015
Architectural Plans	Project No 1506 (DWG No. A02 to A06)	JM	07/07/2015
Ancillary Shed	DWG No. RSP-0926, PMAQ01-0926.01, SMP-0926 and CLD-0926	Unknown	Unknown
Shadow Diagrams	Project No 1506 (DWG No. A08 and A09)	JM	11/08/2015
BASIX Certificate	643842S	ArchiECO	30/06/2015

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

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A195) All parts of the structure below the applicable Flood Planning Level (1:100 flood level plus the relevant freeboard) shall be constructed from flood compatible materials compliant with the ABCB Standard for Construction of Buildings in Flood Hazard Areas.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
- Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.
- Such works include, but not be limited to:
- Civil works
 - Traffic management
 - Work zone areas
 - Hoardings
 - Concrete foot paving (width)
 - Footway and gutter crossing
 - Functional vehicular access
 - Other

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

- (3) (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.
- (4) (B067) The minimum floor level of all habitable areas is to be 900mm above the 1 in 100 year flood level. For the purpose of this requirement, the 1 in 100 year flood level may be assumed to be RL2.42m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (5) (B068) The minimum floor level of non-habitable areas is to be not less than the 1:20 year flood level. For the purpose of this requirement, the 1 in 20 year flood level may be assumed to be RL2.08m AHD. Prior to release of the Construction Certificate floor levels satisfying this requirement shall be clearly illustrated on the plans.
- (6) (B069) Prior to release of the Construction Certificate a practising chartered professional structural engineer is to provide certification to the PCA that the building is designed so that all structural members are capable of withstanding flood forces and the impact of any debris (carried by floodwaters) likely to occur for a range of floods up to and including the 1:100 year flood estimated for the site including the relevant freeboard level of 900mm. Velocities to be adopted for the calculation of forces created by flood waters and debris loading shall be at least three (3) times the velocities for a 1:100 year flood plus freeboard. For the purpose of this requirement, the velocity for the 1:100 flood may be assumed to be 0.25m/s.
- (7) (B195) The rainwater tank(s) are to be securely fastened so that they do not become floating debris in a flood event up to and including the 1 in 100 year flood estimated for the site. Fastening details are to be provided by a suitably qualified engineer and shall be submitted with the application for the Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (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) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (2) (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.
- (3) (D011) Provision being made for support of adjoining properties and roadways during construction.

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

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

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

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

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

[Asbestos Awareness](#)

- (5) (D195) All excavation works on the site shall be carried out in accordance with Council's Acid Sulphate Soil Management Plan for Minor Works.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (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) (E044) The applicant will be required to submit prior to occupation or the issue of the Occupation Certificate, certification by a Registered Surveyor that the development has met the necessary flood planning levels specified in this consent.
- (4) (E058) Written confirmation being provided to the Principal Certifying Authority (PCA) from any person responsible for the building works on the site, stating that all commitments made as part of the BASIX Certificate have been completed in accordance with the certificate.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of spaces are to be provided onsite.
- (2) (F004) The dwelling is approved for permanent residential use and not for short term tourist and visitor accommodation.

[REDACTED]

From: McPherson, David [REDACTED]
Sent: Tuesday, 28 July 2015 11:27 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Development Application 2015 - 474 documents

Hi Sara,

Thanks for that, life has been pretty manic.

Apologies up front for any "stupid questions" as I haven't had time to review the PMHC DCP and other related docs, nor do I have access to someone who can review the plans.

Additionally, these plans haven't been socialised with us prior to being submitted to Council, so there may be obvious answers to some of my questions.

Here is our feedback/questions/queries:

1. Setbacks – previous dealings with another Council had different setbacks measured off the fascia gutter/eaves to a distance of one metre. Do the setbacks depicted in the plans meet the appropriate DCP rules? ie 900 mm off the building wall, regardless of eave size?
2. Shadowing – can we be supplied with the shadow diagram so we can understand the impact to solar access?
3. Drawing A01/1 - The reference to "Existing residence to be demolished is No. 41", is our house and not No.43. For the sake of clarity and avoidance of doubt, can the plans be corrected to include the correct house number?
4. Drawing A01/1 – The reference to "Treated Pine Retaining Wall", how high will it be and will it adjoin or replace the existing hardwood fence?
5. Drawing A06/1 – What are the dimensions of the privacy screens on the East and West sides of the second storey Balcony and how large is the opening/gap at the top?
6. Drawing A05/1 – In regard to the Rear deck, are there any privacy screens, particularly on the sides of the deck?
7. Are the existing fences planned to be replaced or for the boundary to be changed? If the fences are to be replaced, what type, colour and height is planned?
8. There is mention of a "proposed swimming pool". Will this be built as part of the house redevelopment or is it planned to be built later? If later, how is it planned to access the rear yard to remove soil?
9. Drawing A01/1 – Mentions "Option 2". Are there other options which we need to consider?
10. Which DCP applies? The PMHC DCP or the general NSW State Government rules?
11. At a future date we intend to build a similar 2 storey house with a Balcony open and facing to the south. Does this change any of the privacy/noise/solar considerations and how will it impact on our house design?
12. Are there any planned external Air Conditioning or Hot Water Systems units? If so, where will they be positioned?
13. Drawing A01/1 – In regard to the fill at the front of the residence, how high will it be? Up to the retaining wall height?
14. Drawing A06/1 – What will the height of the front ramp to the garage be?
15. In general, are all the eaves 450 mm wide from the wall of the house?
16. For future reference, this development (or any two storey development on our block at No. 41) would potentially impact the side views to the Camden Haven river for Units No. 3 and No. 4 of the four unit block at No. 39, The Parade. Do the owners of these units have any rights in regard to existing views over the top of No. 41 and 43 The Parade?

Please contact me directly if you have any queries or require any clarification.

Cheers

David McP.

David McPherson

From: Sara Adnum [mailto:Sara.Adnum@pmhc.nsw.gov.au] **On Behalf Of** Council
Sent: Tuesday, 28 July 2015 3:36 PM
To: McPherson, David
Subject: RE: Development Application 2015 - 474 documents

Good afternoon David

You can send your submission through anytime tonight, that will be fine.

Regards

Sara Adnum
Customer Service Officer

Port Macquarie-Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444
(02) 6581 8111
(02) 6581 8123 (Fax)
Connect with Council:



From: McPherson, David [REDACTED]
Sent: Tuesday, 28 July 2015 2:56 PM
To: Council
Subject: FW: Development Application 2015 - 474 documents

Hi There,

I intend to send some questions later today. Just held up in back to back meetings.

Do you accept submissions after 5:00pm and before midnight?

Regards

David McP.

Item: 08

Subject: DA2015 - 0502 DEMOLITION OF DWELLING AND CONSTRUCTION OF DUAL OCCUPANCY WITH TORRENS TITLE SUBDIVISION, LOT 4 DP 21106, NO 58 HOME ST, PORT MACQUARIE

Report Author: Steven Ford

Property:	Lot 4 DP 21106, 58 Home Street, Port Macquarie
Applicant:	C D & B R Smith c/- Collins W Collins
Owner:	C D & B R Smith
Application Date:	21/07/2015
Estimated Cost:	\$601,035
Location:	Lot 4 DP 21106, 58 Home Street, Port Macquarie
File no:	DA2015 - 0502
Parcel no:	9656

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2015 - 0502 for Demolition of Dwelling and Construction of Dual Occupancy with Torrens Title Subdivision at Lot 4, DP 21106, No. 58 Home Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

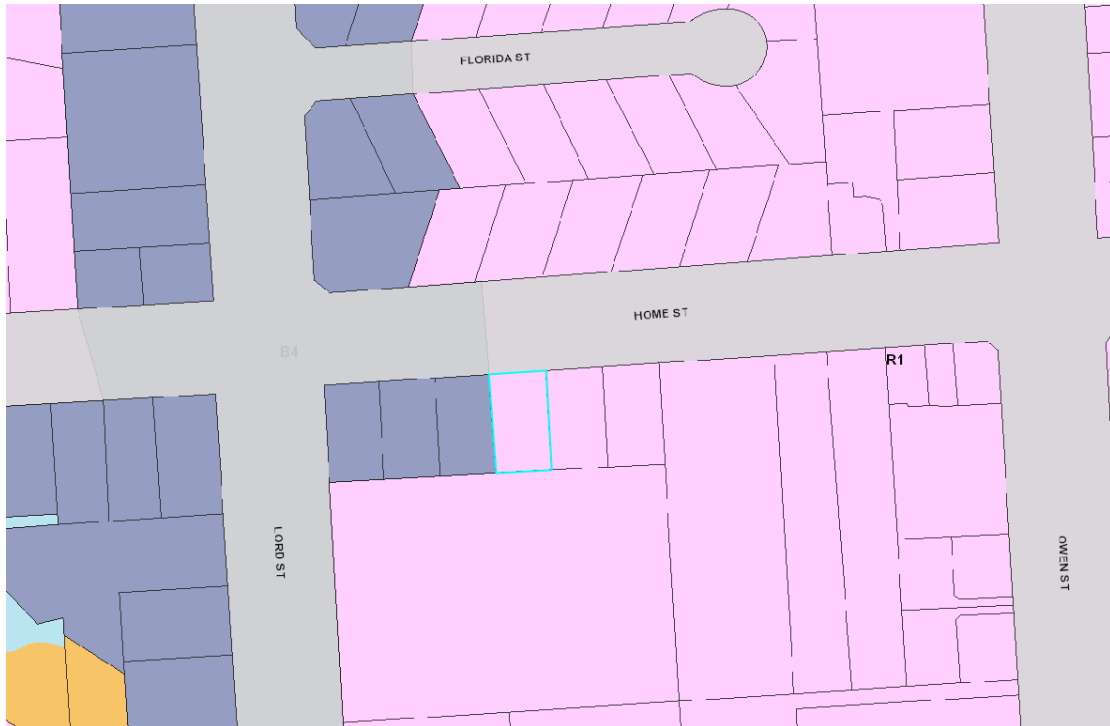
Following exhibition of the application, 1 submission was received.

1. BACKGROUND

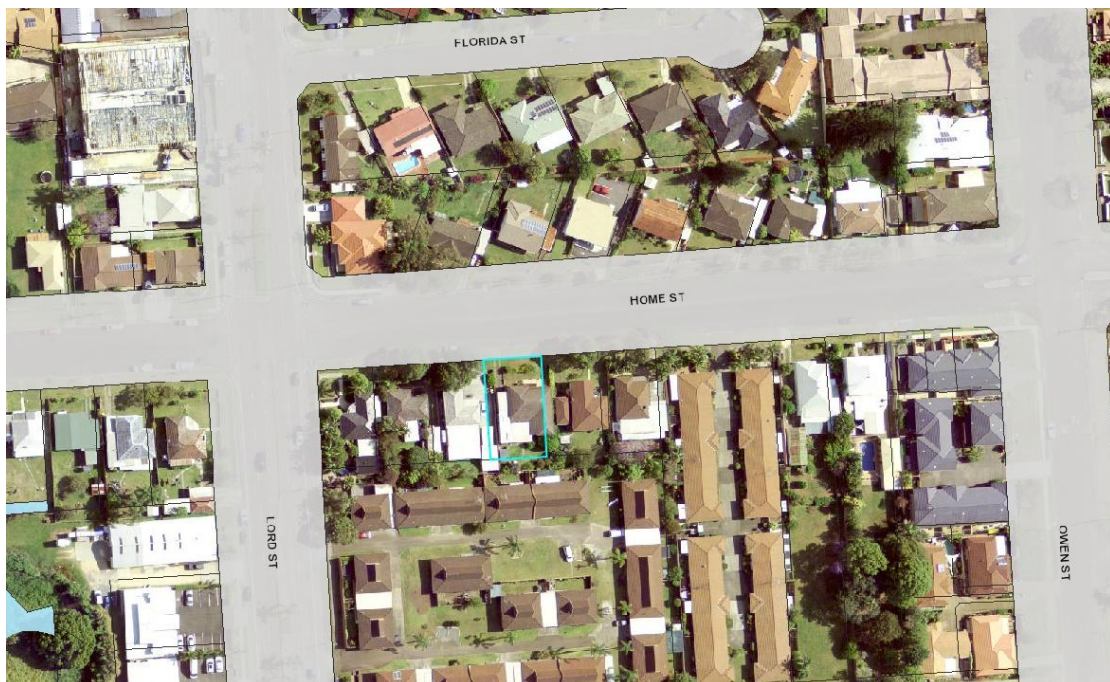
Existing sites features and Surrounding development

The site has an area of 505.9m².

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



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Existing dwelling to be demolished.
- Two x three bedroom 2-storey attached dwellings to be erected as a dual occupancy.
- Dual occupancy to be Torrens Title subdivided resulting in two single dwellings.

Refer to attachments at the end of this report.

Application Chronology

- 21 July 2015 - Application lodged with Council
- 28 July - 19 August 2015 - Adjoining owner notification period
- 10 Aug 2015 - 1 Submission received
- 12 Aug 2015 - Amended plans received from Applicant providing additional privacy screens to satisfy submission
- 12 Aug 2015 - Information regarding additional privacy screen shown on plans - emailed to Objector.

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 No.55 – Remediation of Land

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

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

A BASIX certificate (number 645787S and 647323S) 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

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

- Clause 2.2, the subject site is zoned R1. In accordance with clause 2.3(1) and the general residential zone landuse table, the proposed development for a (just describe what it is ie 12 unit residential flat building, office, shop etc in accordance with the definitions) is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

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

- The proposal is a permissible landuse.

- The proposal contributes to the range of housing options available in Port Macquarie.
-
- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.1(4A) , the minimum lot sizes do not apply to the proposal as it is characterised as attached dwelling / dual occupancy / semi-detached dwelling or multi dwelling housing development.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 7.815m which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.61:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development. Provision of electricity will be subject to obtaining satisfactory arrangements certification prior to the issue of a Subdivision Certificate as recommended by a condition of consent.

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

No draft instruments apply to the site.

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

Port Macquarie-Hastings Development Control Plan 2013

<i>DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development</i>			
	Requirements	Proposed	Complies
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • An entry feature or portico • A balcony, deck, patio, pergola, terrace or verandah • A window box treatment • A bay window or similar feature • An awning or other feature over a window • A sun shading feature 	4.5m front setback to Balcony	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 4.5m local road 	4.5m 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	1.4m behind front building line and setback 5.9m from front boundary	Yes

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

	Requirements	Proposed	Complies
	6m max. width of garage door/s and 50% max. width of building	U1: 4.8m = 82.7% U2: 4.8m = 82.7%	No, exceeds by 32.7% - refer to comments below
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	U1: 5m = 59.5% U2: 5m = 59.5%	No. Exceeds by 26% - refer to comments below
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	7.125m rear setback	Yes
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. 	Ground floor W: 1.43m E: 1.43m First Floor W: 1.232m E: 1.232	Yes No, exceeds by 1.768 - refer to comments below
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	U1: 68m ² POS U2: 68m ² POS POS accessed from primary living areas	Yes
3.2.2.10	Privacy: <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings i.e. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided 	Ground floor windows will be screened by boundary fence. No first floor living area with windows overlooking adjoining dwellings. Except for kitchen highlight window, this is acceptable as the raised sill height prevents direct overlooking of neighbouring property.	Yes

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

	Requirements	Proposed	Complies
	to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m	Privacy screens provide on east and west elevations.	

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	Adequate casual surveillance available	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	None proposed	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	New access to local road only.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	1 additional driveway proposed. Reduced driveway crossovers to 3.5m will be shown on amended plans or otherwise conditioned to be shown before CC.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	Double garage proposed for both proposed dwellings	Yes
2.5.3.11	Section 94 contributions	Refer to main body of report.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	Landscaping plan provided	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Concrete	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Complies	Yes
2.5.3.17	Parking areas to be	Residential driveway,	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
	designed to avoid concentrations of water runoff on the surface.	reduced driveway width on amended plans will minimise water runoff	
	Vehicle washing facilities – grassed area etc available.	None indicated. But landscaped areas adjacent to driveways	Yes

Variation to DCP 3.2.2.3. Garage door width exceeds 50% of the building width.

Objectives of this clause is to minimise the visual dominance of garages in the streetscape

The Proposal provides a typical garage door width of 4.8m for each dwelling. The design of the dwellings result in a building width of 5.8m for each dwelling, which means the proposed garage doors occupy 82.7% of the building width. The variation is considered acceptable for the following reasons:

- The proposed garage doors are a typical size and are considered a standard double garage.
- The proposed design integrates articulation elements and varying finishes to reduce the visual dominance of the garage doors to the streetscape, a landscaping plan has also been included with the DA.
- The proposed garages are positions 1.41m behind the front building line and setback of 5.91m from the front boundary. The positioning of the balconies over the garage doors offsets the focus of the garage and driveway. This will further reduce the visual dominance of the garage doors to the streetscape.

Variation to DCP 3.2.2.3. Driveway crossover exceeds 1/3 of the site frontage.

Objectives of this clause are to minimise the impact of garages and driveways on the streetscape, on street parking and amenity.

The proposal provides a 3.5m crossover width for each dwelling, which provides access to the proposed double garage. The proposed crossovers occupy 41.5% of the site frontage which does not comply with DCP 2013. The variation is considered acceptable for the following reasons:

- The proposed driveway widths are consistent with the provisions of the DCP not being wider than 5m to each frontage.
- The proposal provides adequate space within the front setback for landscaping to soften the visual impact.
- Driveways have been designed to maximise opportunities for off-street car parking.
- The existing single driveway is most common within the existing streetscape. Reduced driveway width will provide for a more acceptable driveway crossover and will have less impact on the available on-street parking.

Variation to DCP 3.2.2.5. Side setback of first floor is less than 3m

Objectives of this clause are to reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy. The proposal provides a 1.423m side

setback to the ground floor. The proposed setback to the first floor is 1.232m minimum. The variation is considered acceptable for the following reasons:

- The first floor setback is well articulated varying from 1.232m setback to 1.423m at the rear and 2.4m toward the middle of the building.
- The proposed dwellings are within permissible height limits.
- The property to the west is zoned for mixed-use and currently has a commercial use, having no real impact on privacy. Both properties to the east and west have driveways and garages adjoining the subject site with no private open space directly adjoining the sites boundaries. The first floor variation will have minimal impact as no primary living areas or private open space are directly adjoining and there will be only minor impacts from overshadowing given the northern orientation enjoyed by both adjoining lots.
- Ground floor windows are adequately screened by the boundary fence and first floor windows are either raised highlight windows or fitted with privacy screens.

Based on the above assessment, the variations proposed to the provisions of the DCP are considered acceptable and the relevant objectives have been satisfied. Cumulatively, the variations do not amount to an adverse impact or a significance that would justify refusal of the application.

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

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

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy

N/A

Demolition of buildings AS 2601 - CI 66 (b)

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

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

No Coastal Zone Management Plan applies to the subject site.

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

Context & Setting

The site has a general northern street frontage orientation to Home Street. The proposal will be unlikely to have any adverse impacts to existing adjoining properties and satisfactorily addresses the public domain.

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

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

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts. Adequate building separation and tenancy is proposed/existing.

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

Roads

The site has road frontage to Home Street.

Traffic and Transport

The site is currently approved for residential use permitted to generate 7 daily trips. This development proposes to generate 14 daily trips. The 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 & Access

Vehicle access to the site is proposed through an individual driveway to Home street being a Council-owned public road. Access shall comply with Council AUSPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Parking and Manoeuvring

A total of 4 parking spaces have been provided on-site within garages with additional parking provided available within the driveway. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

Water Supply Connection

Council records indicate that the development site has an existing 20mm metered water service from the existing 150mm PVC watermain on the same side of Home Street. This is to be capped off and two new 20mm metered water services are required for units 1 and 2. The Water Supply strategy is acceptable for water supply section, though the development address has not been properly identified on the engineering plans.

Sewer Connection

Council records indicate that the development site has an existing Sewer Sideline junction to the sewer main located outside the southern property boundary. This junction can be adopted for Unit 2. A new sewer junction is required for Unit 1. The Sewer Reticulation strategy is acceptable for Sewer section, though the development address has not been properly identified on the engineering plans.

Stormwater

The site naturally grades towards the rear and is currently serviced via a direct connection to the public piped drainage system.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit/pipeline within Home Street.

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 CC.

Other Utilities

Telecommunication and electricity services are available to the site.

Heritage

Following a site inspection no known items of Aboriginal or European heritage significance exist on the property. No adverse impacts anticipated.

Other land resources

The site is within an established urban context and will not sterilise any significant mineral or agricultural resource.

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

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

Waste

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

Energy

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

Noise and vibration

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

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

Site design and internal design

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

Construction

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

Cumulative impacts

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

(c) The suitability of the site for the development

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

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

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

Following exhibition of the application in accordance with DCP 2013, One submission was received.

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

Submission Issue/Summary	Planning Comment/Response
That high timber privacy screening be required for the southern-most upper level window on the eastern elevation. That window will overlook both the back yard and the rear bathroom/laundry window at 54 Home Street.	Amended plans have been submitted showing a fixed privacy screen being installed over the subject window. Privacy impacts are considered to have been effectively managed - refer to DCP comments.

(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.

5. CONCLUSION

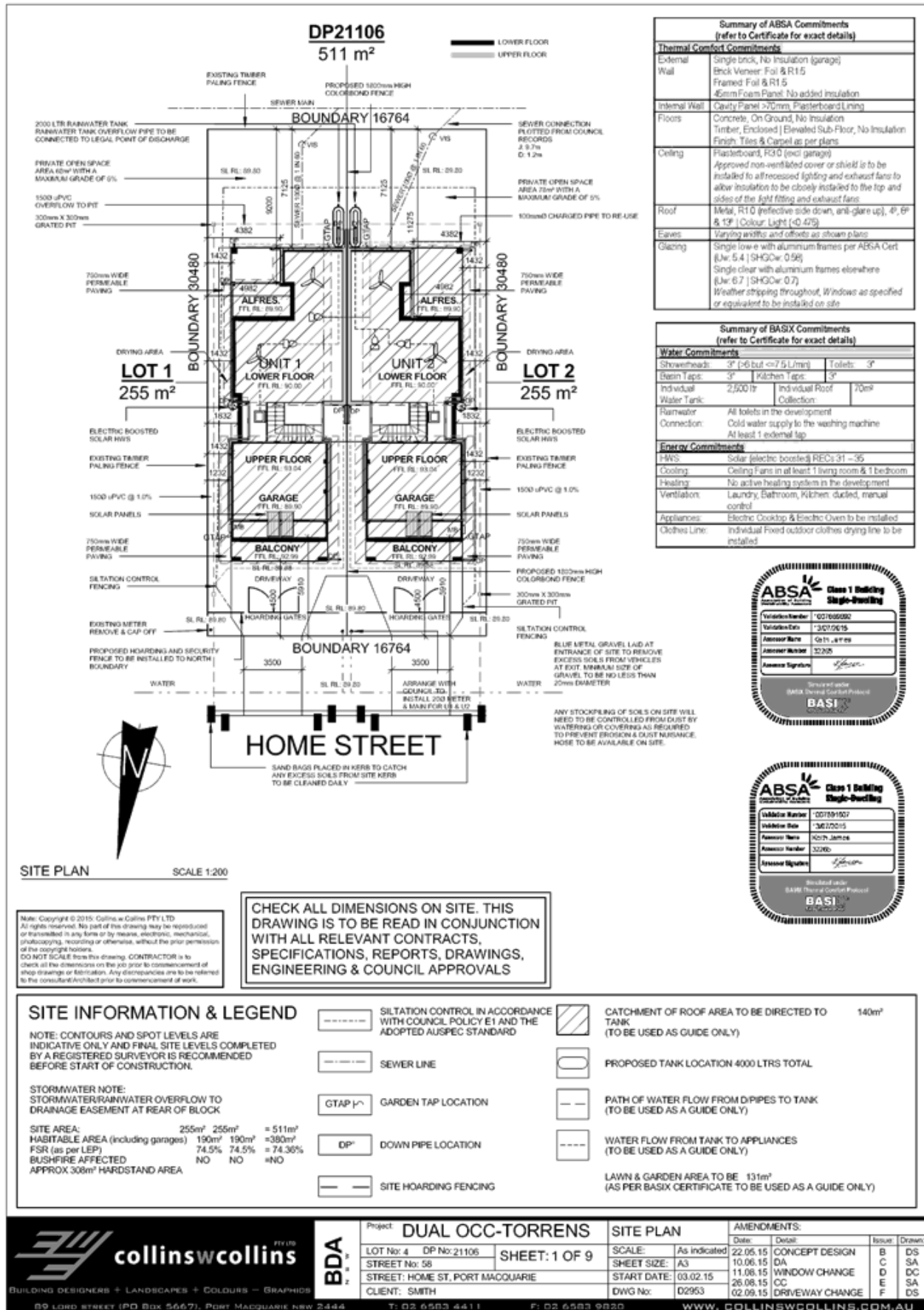
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

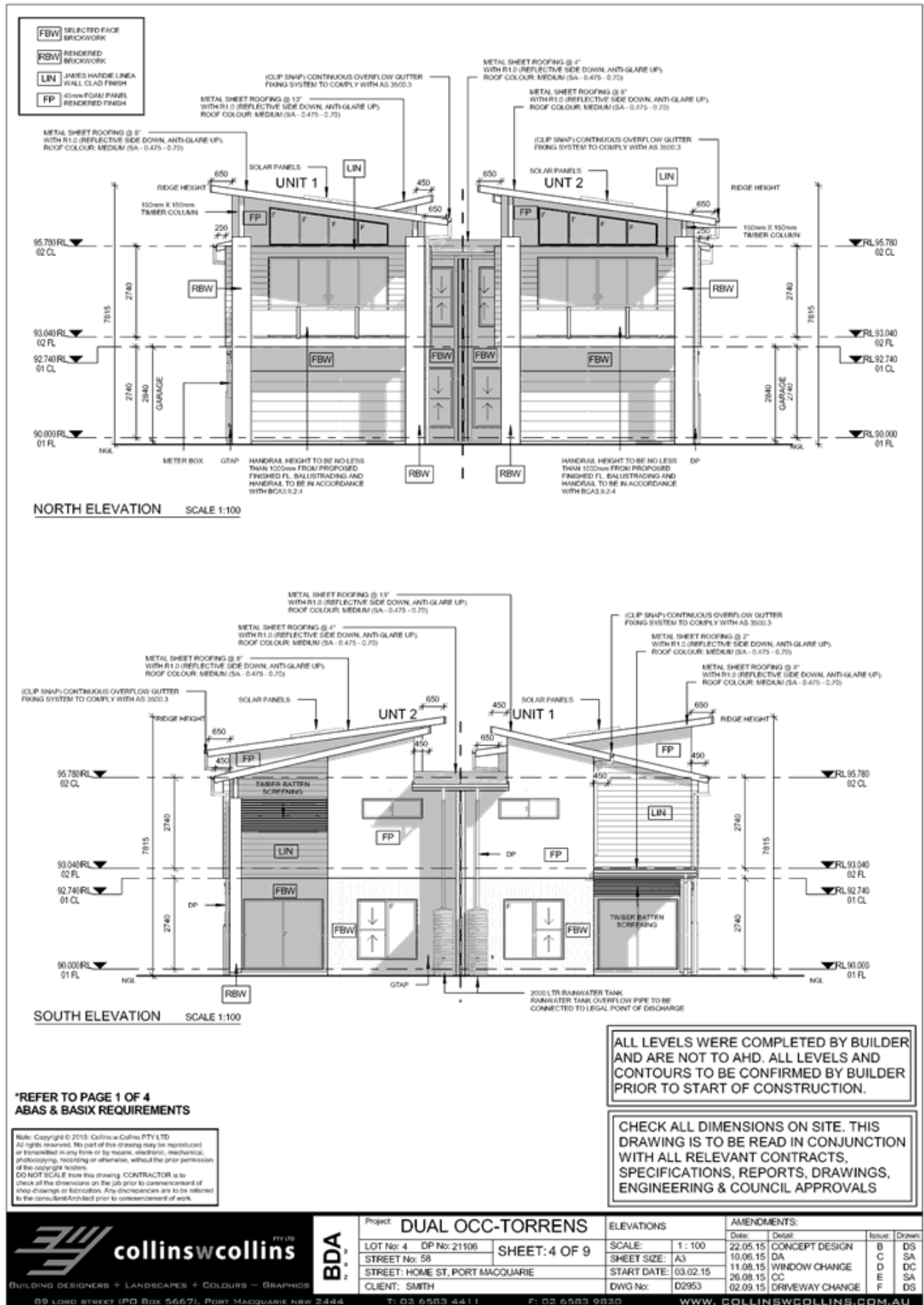
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

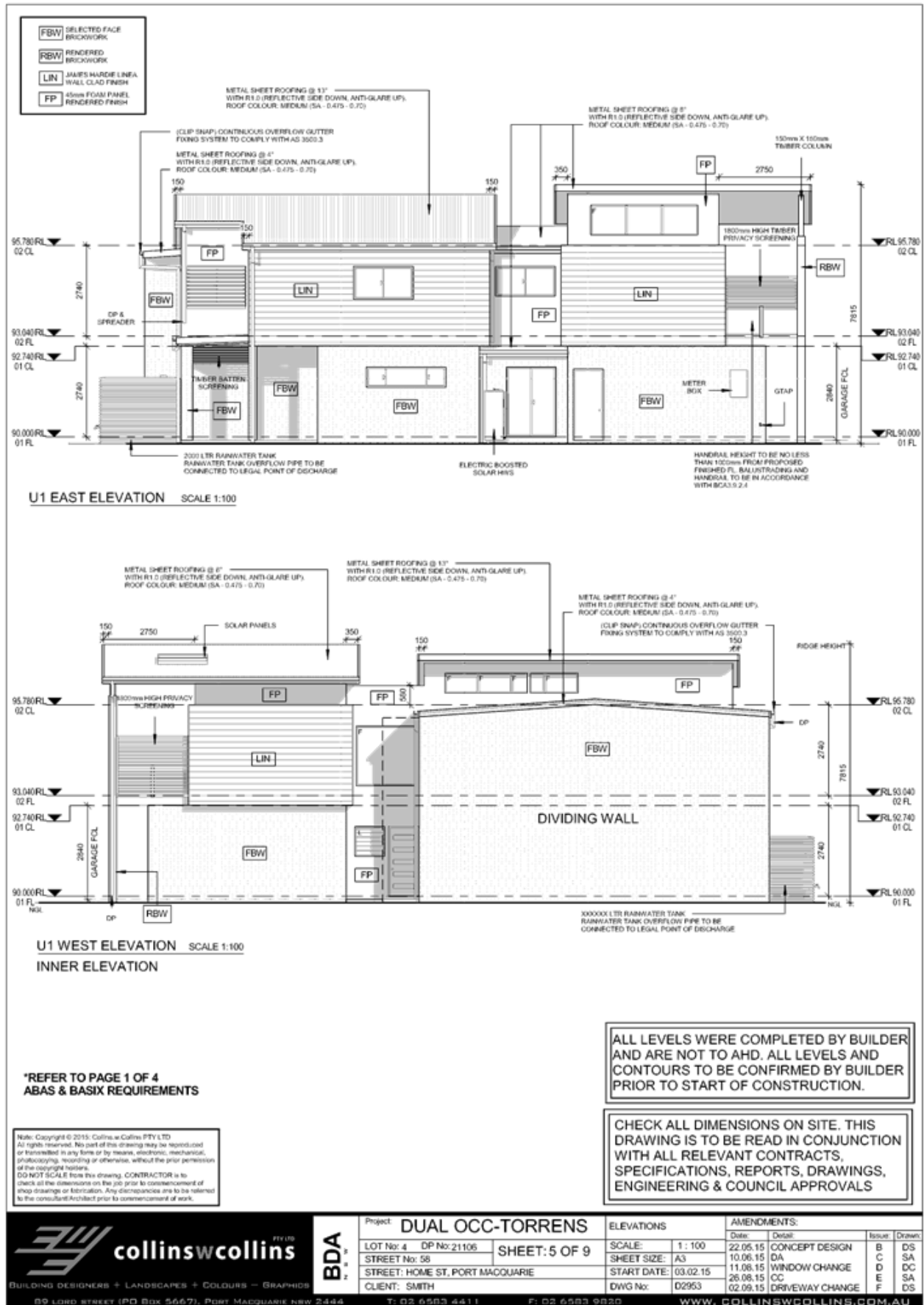
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic impact. It is recommended that the application be approved, subject to the recommended conditions of consent provided in the attachment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

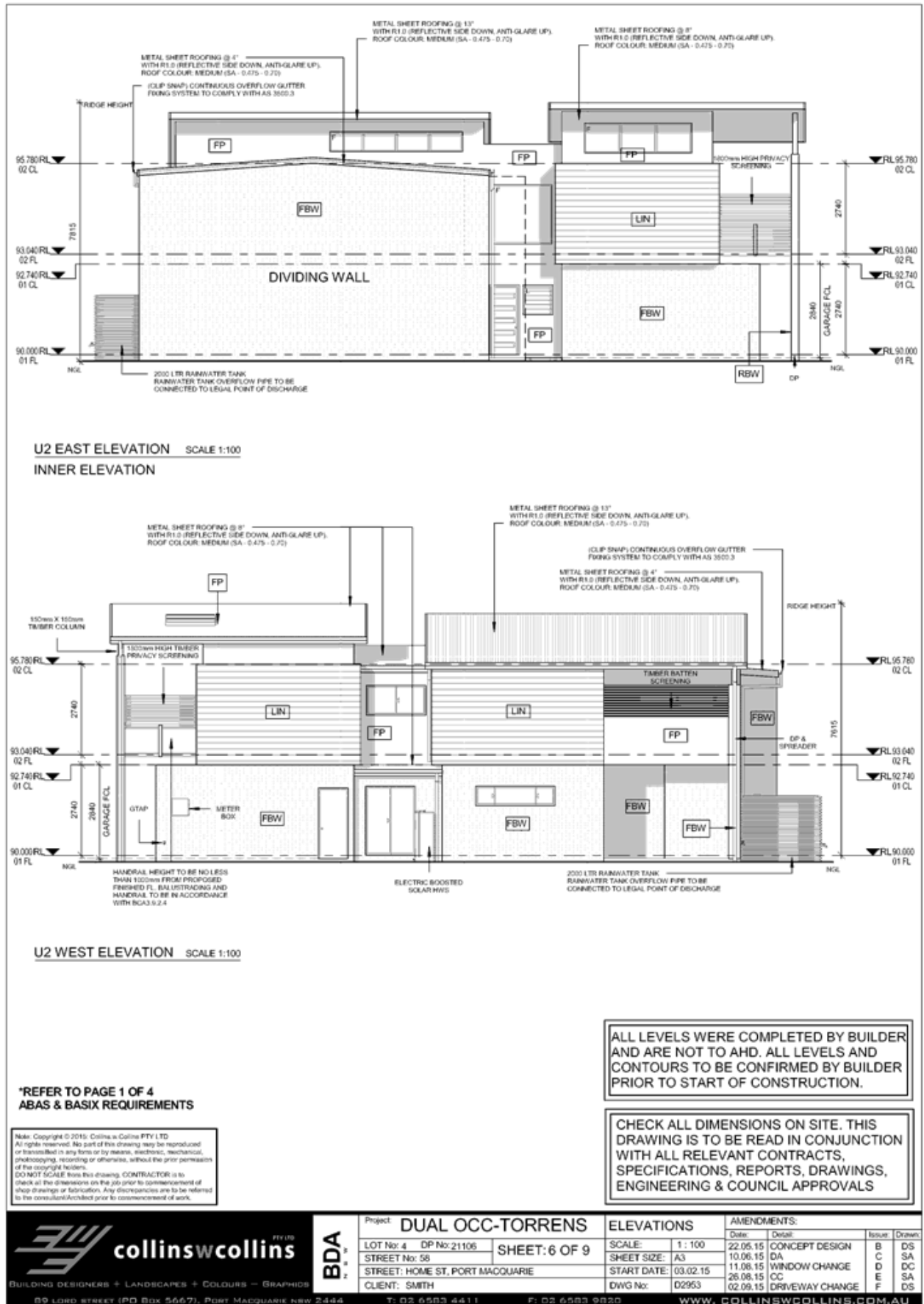
Attachments

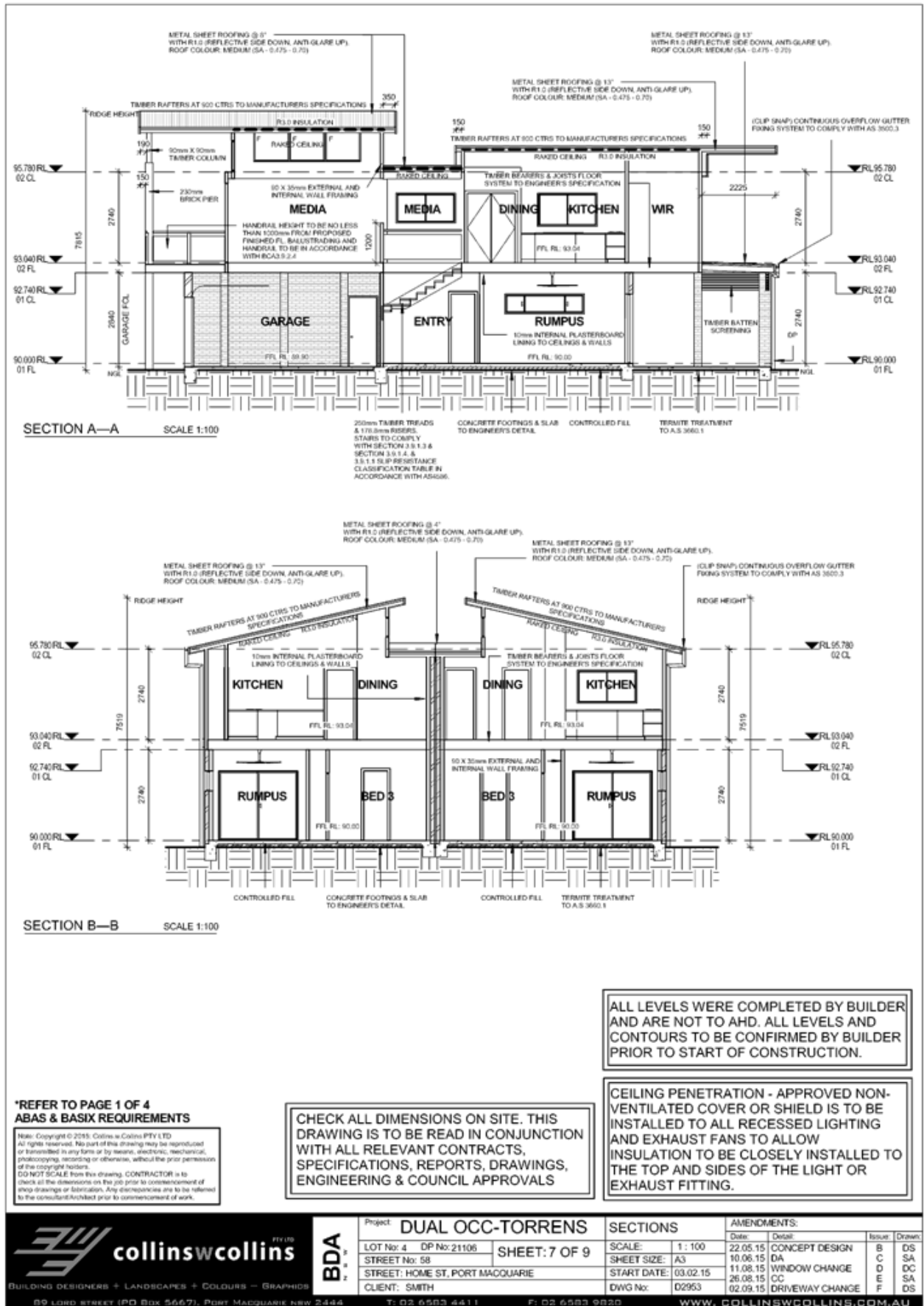
- 1[View](#). DA2015 - 0502 DA Plans
- 2[View](#). DA2015 - 0502 Recommended Conditions
- 3[View](#). DA2015 - 0502 Submission - Dampney














CEILING PENETRATION - APPROVED NON-VENTILATED COVER OR SHIELD IS TO BE INSTALLED TO ALL RECESSED LIGHTING AND EXHAUST FANS TO ALLOW INSULATION TO BE CLOSELY INSTALLED TO THE TOP AND SIDES OF THE LIGHT OR EXHAUST FITTING.



collins & collins

FTY 110

BDA

REGISTERED ARCHITECT

Project: **DUAL OCC-TORRENS**

LOT No: 4 DP No: 21106 SHEET: 8 OF 9

STREET No: 58

STREET: HOME ST, PORT MACQUARIE

CLIENT: SMITH

T: 02 6583 4411 F: 02 6583 9820

ROOF PLAN

SCALE: 1 : 100

SHEET SIZE: A3

START DATE: 03.02.15

DWG No: D2953

AMENDMENTS:		Issue	Drawn
Date:	Detail:		
22.05.15	CONCEPT DESIGN	B	B
10.06.15	DA	C	SA
11.06.15	WINDOW CHANGE	D	DS
26.08.15	CC	F	DS
02.09.15	DRIVEWAY CHANGE	F	DS

BUILDING DESIGNERS & LANDSCAPES & COLOURS & GRAPHICS

89 LORD STREET (PO BOX 5667), PORT MACQUARIE NSW 2444

WWW.COLLINSCOLLINS.COM.AU

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/502****DATE: 2/09/2015****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	DWG: D2953 (Sheet 1 to 8)	Collins W Collins	02/09/2015
Statement of Environmental Effects	Unkown	Unkown	Unkown
BASIX Certificate	645787S and	Collins W Collins	14/07/2015

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) (A003) The proponent shall submit an application for a Subdivision Certificate for Council certification with all relevant documentation.
- (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) (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) (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) (B016) Provision to each lot of a separate sewer line to Council's main. All work will need to comply with the requirements of Council's adopted AUSPEC Design and Construction Guidelines and Policies. Any abandoned sewer junctions are to be capped off at Council's sewer main.

Construction details are to be submitted to Port Macquarie-Hastings Council with the application for approval pursuant to Section 68 of the Local Government Act.

- (6) (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.
- (7) (B028) The water meters are to be located so that they are accessible from the road frontage for reading. To this end, the front fence is to be provided with a recess to accommodate the water meters.
- (8) (B057) The existing sewer including junction and/or stormwater drainage shall be located on the site and the position and depth indicated on the plans which accompany the application for the Construction Certificate.
- (9) (B071) Prior to the issue of any Construction Certificate, the provision of water and sewer services to the land are to be approved by the relevant Water Authority and relevant payments received.
- (10) (B195) Council records indicate that the development site has an existing 20mm metered water service from the existing 150mm PVC watermain on the same side of Home Street. This is to be capped off and two new 20mm metered water services are required for units 1 and 2. The Water Supply strategy is acceptable for water supply section, though the development address has not been properly identified on the engineering plans.
- (11) (B197) Council records indicate that the development site has an existing Sewer Sideline junction to the sewer main located outside the southern property boundary. This junction can be adopted for Unit 2. A new sewer junction is required for Unit 1. The Sewer Reticulation strategy is acceptable

for Sewer section, though the development address has not been properly identified on the engineering plans.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C011) Work associated with the construction of a new building shall not commence until a water meter provided by the Council has been installed on the site.

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. prior to commencement of site clearing and installation of erosion control facilities;
 - b. at completion of installation of erosion control measures
 - c. prior to installing traffic management works
 - d. at completion of installation of traffic management works
 - e. at the commencement of earthworks;
 - f. before commencement of any filling works;
 - g. when the sub-grade is exposed and prior to placing of pavement materials;
 - h. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
 - i. at the completion of each pavement (sub base/base) layer;
 - j. before pouring of kerb and gutter;
 - k. prior to the pouring of concrete for sewerage works and/or works on public property;
 - l. on completion of road gravelling or pavement;
 - m. during construction of sewer infrastructure;
 - n. during construction of water infrastructure;
 - o. prior to sealing and laying of pavement surface course.

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (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.
- (4) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do

not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

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

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

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

[Asbestos Awareness](#)

E – PRIOR TO OCCUPATION OR THE ISSUE OF SUBDIVISION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (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.
- (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.

F – OCCUPATION OF THE SITE

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

From: Michael Dampney
Sent: Monday, 10 August 2015 10:17 AM
To: Council
Subject: DA 2015.502.1. 58 Home Street Port Macquarie

MICHAEL DAMPNEY LAWYER

P.O. Box 1529

10 August 2015

Planning Department
Port Macquarie Hastings Council
Emailed Only

Dear Sirs and Mesdames,
Re: Development Application 2015.502.1/ 58 Home Street/ Lot 4 DP 21106

I write in regard to this application as I live at 54 Home Street Port Macquarie and even though I did not receive a letter in regard to the application.

I have inspected the plan and it all looks like a good example of medium density housing except for one issue relating to privacy.

I ask that high timber privacy screening be required for the southern-most upper level window on the eastern elevation.
That window will overlook both the back yard and the rear bathroom/laundry window at 54 Home Street.

The plan shows that for other windows and decks screening will be installed for privacy between the proposed villas themselves, and between the villas and their neighbours. I ask that the same type be installed for the window in question.

If it is not clear which window I refer to, or if there is anything further you require please contact me.

I have let the applicants Mr and Mrs Smith know that I am writing to you about this.

Would you please acknowledge receipt today, as it is the last day for submissions.

Yours Faithfully,

Michael Dampney BA LLB

Liability limited a scheme approved under Professional Standards Legislation.

Item: 09

Subject: DA2015 - 0184 CHILDCARE CENTRE - 296 OXLEY HIGHWAY AND 1 FERNHILL ROAD, PORT MACQUARIE

Report Author: Patrick Galbraith-Robertson

Property:	Lots 5 & 6 DP877124, 296 Oxley Highway & 1 Fernhill Road, Port Macquarie
Applicant:	VEDT Management Pty Ltd as Trustee for Veuve Education Trust
Owner:	Berne Road Contractors Pty Ltd
Application Date:	18 March 2015
Estimated Cost:	\$2M
Location:	Port Macquarie
File no:	DA2015 - 0184
Parcel no:	32372 & 32373

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2015 - 0184 for a child care centre at Lots 5 and 6, DP 877124, No. 296 Oxley Highway and 1 Fernhill Road, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

The proposal has been amended during the assessment of the application. The latest amended plans are attached to this report.

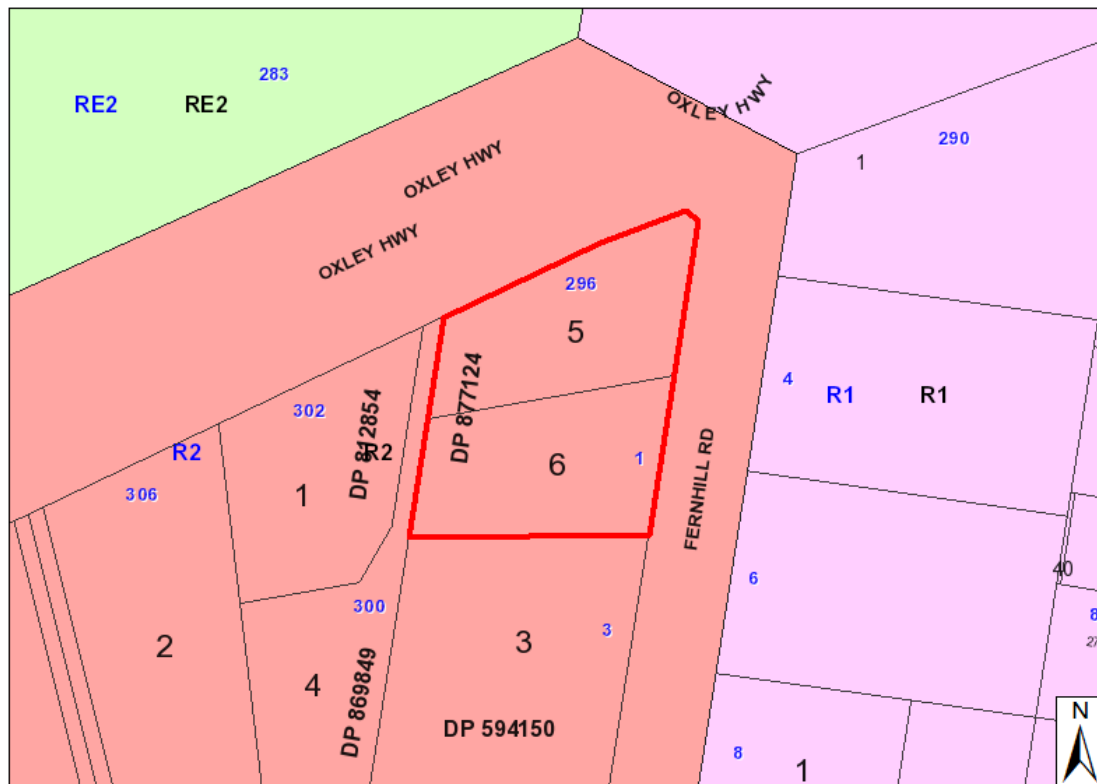
Following exhibition on two occasions of the application, 13 submissions have been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 4048m² (combined area of two lots).

The site is zoned R2 low density 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 (2012 aerial):



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Demolition of existing structures associated with previous landuses;
- Construct additional turning lane in Fernhill Road (only shown for the southbound direction);
- Construction of a child care centre to cater for up to 140 children and 28 staff. The building will include an outdoor storage area, verandahs and play areas;
- The child care centre is proposed to operate Monday to Friday excluding public holidays from 7am to 6pm each day.
- Construction of a 35 parking space carpark with two vehicle access points with Fernhill Road;
- Removal of all existing vegetation from the site with the exception of one Tallowood tree;
- Landscaping across the site; and
- Fencing along the property road frontages

Refer to attachments at the end of this report.

Application Chronology

- 18 March 2015 - DA lodged
- 17 April to 7 May 2015 - Neighbour notification of original proposal
- 27 April 2015 - Additional information requested from Applicant
- 21 May 2015 - Additional information requested from Applicant
- 19 June 2015 - Amended site plan received from Applicant
- 2 July 2015 - Engineering report and survey of site received from Applicant
- 2 July 2015 - Amended plans, traffic report, SEPP55 report and stormwater management plan received from Applicant
- 14 July 2015 - Arborist report received from Applicant
- 17 July to 30 July 2015 - Neighbour notification of amended plans and additional information received
- 4 August 2015 - Summary of submission issues provided to Applicant
- 7 August 2015 - Additional information requested from Applicant
- 10 August 2015 - Amended plans received from Applicant
- 29 August 2015 - Applicant provided response to submission issues raised

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

The site has an area of less than 1 hectare therefore the requirements for this SEPP do not require consideration.

State Environmental Planning Policy 55 – Remediation of Land

The childcare centre is proposed on land which was previously used as nursery, equipment hire business and welding workshop.

A Stage 1 Contamination Assessment prepared by RPS Australia Asia Pacific dated 18 June 2015 has been submitted during the assessment of the DA. The Assessment has found that the proposed development is feasible with regard to presence of soil contamination, provided the recommendations and advice of the report are adopted. In particular, the recommendations include:

- removal of hydrocarbon affected soils and the boulder that may contain naturally occurring asbestos;
- the undertaking of a hazardous materials assessment of the existing structures prior to their demolition; and
- the adoption of appropriate management strategies during their demolition.

The report is satisfactory and conditions are recommended to adopt all of the recommendations in the report.

State Environmental Planning Policy 62 - Sustainable Aquaculture

Given the nature of the proposed development and proposed stormwater controls, the proposal will be unlikely to have any adverse impact on existing aquaculture industries within the Hastings River approximately 2 kilometres from the site.

State Environmental Planning Policy 64 - Advertising and Signage

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

The signage comprises of a free standing post mounted sign 3.5m in height, wall signage and signage on the front wall/fence.

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

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

Applicable clauses for consideration	Comments	Satisfactory
Clause 8(a) Consistent with objectives of the policy as set out in Clause 3(1)(a).	The signage is compatible with the desired amenity and visual character for the immediate locality. The signage will provide effective communication in suitable locations on the site having regard to the existing context.	Yes
Schedule 1(1) Character of the area.		
Schedule 1(2) Special areas.	The signage is limited in scale and is compatible with the existing residential context.	Yes
Schedule 1(3) Views and vistas.	The signage will not have any identifiable adverse impacts on important views or vistas.	Yes
Schedule 1(4)	The scale and proportion of the signage is	Yes

Streetscape, setting or landscape.	appropriate to existing streetscapes and setting. The signage does not protrude above the proposed building or existing trees within the locality.	
Schedule 1(5) Site and building.	The size of the signage is compatible with the building design features and desired functioning of the site.	Yes
Schedule 1(6) Associated devices and logos with advertisements and advertising structures.	Small logos are proposed as part of the business identification signage which are satisfactory.	Yes
Schedule 1(7) Illumination.	No illumination is proposed	N/A - Condition recommended to not permit illumination of signage
Schedule 1(7) Safety.	The signage will not result in any identifiable public road safety concerns in the locality.	Yes

State Environmental Planning Policy (Infrastructure) 2007

Vehicle access is proposed off Fernhill Road rather than the Oxley Highway.

The safety, efficiency and ongoing operation of the adjoining Oxley Highway will not be adversely affected by the development as a result of the anticipated volume and frequency of vehicles anticipated.

The occupants of the childcare centre could be sensitive to potential traffic noise from the Oxley Highway. In this regard, the Applicant has proposed to install air-conditioning so as to enable the windows and doors to be closed during noisy traffic periods should it be warranted. This approach is considered satisfactory.

Port Macquarie-Hastings Local Environmental Plan 2011

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

- Clause 2.2, the subject site is zoned R2 low density residential. In accordance with clause 2.3(1) and the R2 zone landuse table, the proposed development for a childcare centre is a permissible landuse with consent.

The objectives of the R2 zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for low density housing that does not compromise the environmental, scenic or landscape qualities of land.*

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

- the proposal is a permissible landuse;

- the proposal will provide for an additional service to meet the day to day needs of residents;
- the building is single storey and of a relatively low density in terms of floor space ratio
- Clause 2.7, the demolition requires consent as it does not fit within the provisions of SEPP (Exempt and Complying) 2008.
- Clause 4.3, the maximum overall height of the building above ground level (existing) is 5.7m which complies with the standard height limit of 8.5m applying to the site.
- Clause 4.4, the floor space ratio of the proposal is 0.25:1.0. There is no maximum floor space ratio applying to the site.
- Clause 5.9 - The proposed development proposes to remove one Tallowood tree (as listed under DCP 2013) during the construction of the development. The proposal however intends to preserve one other large, more healthier, Tallowood tree within the south-east section of the site.
- Clause 5.10 – Heritage. The site does not contain or adjoin any known heritage items or sites of significance.
- Clause 7.13, satisfactory arrangements are in place for provision of essential services including water supply, electricity supply, sewer infrastructure, stormwater drainage and suitable road access to service the development.

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

None applicable.

(iii) any Development Control Plan in:

Port Macquarie-Hastings Development Control Plan 2013

Requirement	Proposed	Complies
2.2 Advertising and signage	The signage is primarily intended to identify the business. The signage does not project above or the side of building facades. No illumination of signage is proposed.	Yes
2.3 Environmental Management	Cut and fill. The development will require a small amount of cut and fill to level the building site and create a stable building foundation for construction. The development will implement the appropriate erosion and sedimentary control measures during the construction phase. Hollow bearing trees – The development will not involve the removal of hollow bearing trees. Removal of one Tallowood tree which is a listed browse tree. It is recommend that a condition be imposed to require offset planting of two(2) koala browse trees within the site.	Yes
2.5 Transport, Traffic Management, Access and Carparking	Parking is specified at 1 space per 4 children plus set down and pick up area. The proposed development will have a maximum of 140 child places and will	Yes

	<p>require 35 spaces.</p> <p>35 off-street parking spaces are proposed. There is also opportunity to provide for an informal set down pick up area within the 5.8m wide driveway egress.</p> <p>Satisfactory landscaping is proposed to soften the impact of the at grade carparking area and building on the site.</p> <p>Refer to further comments later in report addressing traffic and access.</p>	
2.7 Social Impact Assessment and Crime Prevention	<p>The DCP requires a social impact assessment to be submitted in accordance with the Council's Social Impact Assessment Policy. For a child care centre catering for greater than 20 children and within a residential area should provide a social impact comment. Satisfactory information has been submitted in this regard.</p> <p>No adverse crime risk potential identified with design layout of the centre. Adequate boundary fencing is provided the the centre has been designed to provide surveillance of outdoor areas.</p>	Yes

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

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

iv) any matters prescribed by the Regulations:

Demolition of buildings AS 2601 – Clause 92

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

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

No Coastal Zone Management Plan applies to the subject site.

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

Context & Setting

The site has a general north street frontage orientation to Oxley Highway and Fernhill Road to the east.

The site is located approximately 2.5 kilometres (km) south-west of the Port Macquarie Central Business District. The site is located in an area that is predominately residential dwellings to the east, south and to north on the opposite side of the Oxley Highway. Further to the west is the Port Macquarie Racecourse.

The proposed building is single storey adopting appropriate front building setbacks of a minimum 6.5m setback to the Oxley Highway frontage and 4m secondary frontage to Fernhill Road.

The building form is well articulated with a clear entrance defined from the proposed at grade carpark.

The front fencing proposed is appropriate for the intended use and satisfactory within the existing streetscapes.

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

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

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

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

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

Roads

The development is located at the southwest corner of the Oxley Highway and Fernhill Road roundabout. Vehicular access is proposed from Fernhill Road, approximately 80m south of the roundabout.

Adjacent to the site, the Oxley Highway is a State classified road, with a two-way carriageway with two lanes in each direction and a speed limit of 60kph at the roundabout. Any application for works under s138 of the Roads Act within the Oxley Hwy reserve requires Roads and Maritime Services (RMS) concurrence before the application can be approved by Council as the Road Authority. Annual Average Daily Traffic (AADT) along the Oxley Highway at this location is in the order of 25,000 trips per day, making it one of the highest trafficked roads in the LGA. This reinforces the critical need for the access to the proposed Childcare centre to not impact on the roundabout.

Fernhill Road is a sealed, two-lane two-way road owned by Council. The road formation is 13m wide within an approximately 22m wide road reserve. The road has upright (SA type) kerb and gutter on both sides and on-road bike lanes on the shoulder in both directions. The road is currently configured with a parking lane on the eastern (southbound) side. Fernhill Road is classified as an Urban Collector road (under Council's AUS-SPEC specification) linking Clifton Drive (north of the Oxley Highway) and the Lake Road industrial precinct.

During the exhibition period, a public submission raised the possibility of access being provided from the existing access trail in the Oxley Highway reserve to the north of the site, rather than Fernhill Road. Where a site fronts an RMS Classified Road and a lower hierarchy road, State legislation explicitly requires that the access to the site shall be firstly considered from the lower hierarchy road. Further, the

location of the access trail is not ideal in terms of impact on the Oxley Highway and is likely to be reconfigured in the future.

Traffic and Transport

During the assessment of the Application a Traffic Impact Assessment prepared by Chris Maragos & Associates Pty Ltd (CMA).

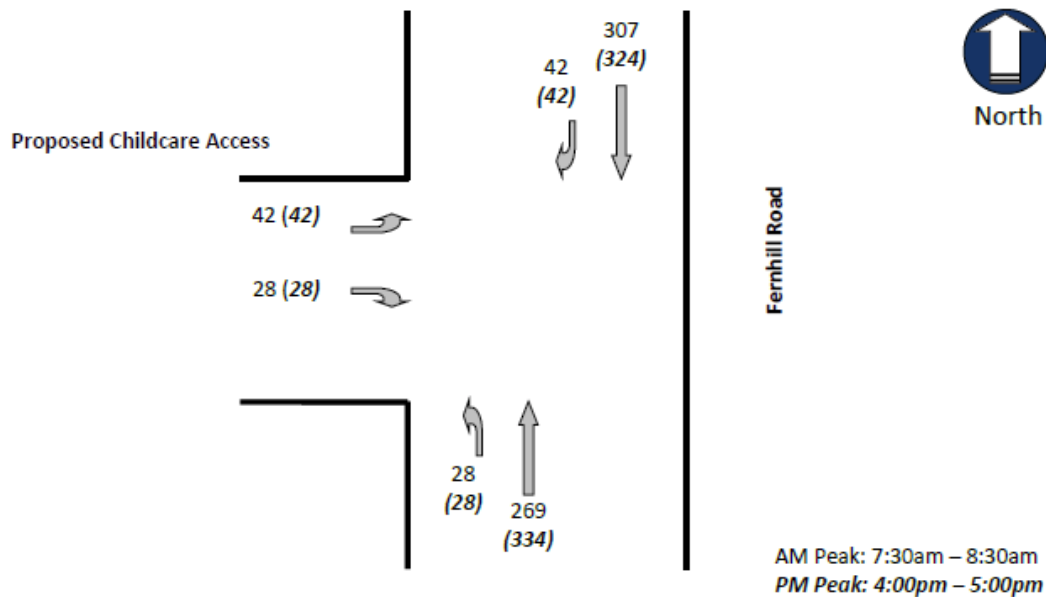
- A. The study found that for Fernhill Road, the existing daily traffic flow is around:
- 6,400 vehicle trips per day,
 - during the AM peak hour (7:30-8:30am), 307 southbound trips per hour, and 269 northbound trips, and
 - during the PM peak hour (4:00-5:00pm), 324 southbound trips per hour, and 334 northbound trips. The PM peak hour is therefore the higher traffic period under current conditions.

These numbers are consistent with Council data.

- B. 35 parking spaces are proposed, which is in line with the minimum number recommended by the RMS *Guide to Traffic Generating Developments* (2002), and Council's DCP, which is one space per four children (for both staff and clients). Section 4.2 of the traffic report adopted an estimated peak parking demand of 0.1 spaces per child at any given time.
- The DCP also recommends a set down pick up area be provided for child care centres. The proposed one-way circulation aisle adjacent to the main entry doors has been designed with a width of 5.8m, which provides adequate clearance for two cars to pass, in the event one car is parked at the kerb while dropping a child off. Sign-in procedures and the age of children at long day care centres typically results in the average length of stay for parents being around 6 minutes, so the likely number of users opting to 'set-down' their children rather than finding a parking space will be very low. It is therefore appropriate that the area for set down should remain informal. If the operation of the site becomes adversely affected by driver behaviour in this area, the operator will be able to address with signage (such as 'no stopping' or 'set-down area limited to 2 minute stay', as required).
- C. During the peak hour, the report states a conservative estimate of traffic generation would be between 0.85 and 1.0 vehicles per hour per child, which equates to 119-140vph. These rates are based on data provided by the RMS Guide.

Distribution of vehicle movements to and from the site were allocated based on the ratios of existing traffic use along Fernhill Road. On this basis, approximately 84 vehicle trips (42 in / 42 out) during each peak hour are expected to occur between the site and the Oxley Highway (to the north), with 56 trips (28 in / 28 out) per peak hour to Lake Road (to the south). Refer to the below diagram. These numbers inform the selection of an appropriate treatment (e.g. turning lanes) for the driveway access to the site, which is discussed under the Access heading below.

Diagram (below) from Figure 3 of the CMA traffic study (2015).



- D. SIDRA analysis was used to estimate the likely extent of delays and queuing at the site access intersection during the AM and PM peak hours, at the completion of the development, and 10 years into the future (as ambient traffic levels increase). The worst delay was expected to be 12.5 seconds in the 10 year scenario, or maximum queue lengths of 3-4 cars in each direction, which can be accommodated within the site and required turning lanes.

Submissions received from residents opposite the site (east of Fernhill Road) raised concerns around impacts on their existing driveways and traffic congestion more generally.

The Applicant has confirmed that the Australian road rules will not prevent drivers exiting those properties from turning right (northbound) onto Fernhill Road, once the turning lanes are completed. A condition has been recommended to ensure the design for the turning lanes allows turns from driveways across the median line.

Traffic congestion along Fernhill Road is already a consequence of its function linking two arterial roads. The design of the access to the property (to be assessed under a future s138 application to Council) will minimise safety impacts and delays. The development application cannot be refused on the basis of potential minor increases in delays for vehicles when accessing local driveways.

The proposed increase in traffic can be accommodated by the existing road network.

Roads and Maritime Services (RMS)

As the Oxley Highway is an RMS classified State Road, all applications to Council for works within that road reserve requires RMS concurrence before the Roads Act application can be determined. This will involve review of the road works detailed design prior to issue of the Construction Certificate for the childcare centre.

Site Frontage & Access

Vehicular access to the site is proposed through two access driveways to Fernhill Road, with one for entry and the other for egress movements. All accesses shall comply with Council AUS-SPEC and Australian Standards, and conditions have been recommended to be imposed to reflect these requirements. The detailed design will

need to be lodged with and approved by Council prior to the issue of the Construction Certificate for the building, and works completed and accepted by Council prior to Occupation Certificate.

With reference to the AUSTROADS Road Design Guide, the likely traffic generated by the development exceeds the recommended turning capacity of the existing two-lane road. This means that the developer will be required to construct additional turning lanes (for both the southbound and northbound directions not just southbound as currently proposed) by reconfiguring the line marking and/or widening the pavement and kerb and gutter. A recommended condition sets out these and other requirements for the design, including preservation of bike lanes on the road shoulder, and parking where possible.

As a result of construction of the turning lanes, the proposal is likely to result in removal of some on-street parking spaces within Fernhill Road. Assessment by Council officers has indicated that potentially up to 115m of existing on-street parking on the east side of Fernhill Road may need to be removed. This is the equivalent of approximately 18 spaces from the Oxley Highway roundabout south to the existing pre-school / day care centre driveway at 8 Fernhill Road. Whether any spaces can be kept will be determined at the detail design stage, when a Roads Act (s138) application is lodged with Council for the turning lanes.

This is necessary to minimise traffic safety and operational performance impacts to Fernhill Road. A condition has also been recommended requiring dedication as road widening part of the frontage of the site if required, so that any relocated services or road pavement are contained within the road reserve. The developer may be able to optimise the detailed design so that no road widening is necessary.

Due to the type and size of development, concrete footpath paving (minimum 1.2m wide) will be required along the full road frontage, including the Oxley Highway. A condition specifies that kerb ramps for pedestrians shall be provided on the southern leg of the Oxley Highway / Fernhill Road roundabout, to allow pedestrians to cross the road to get to and from the development.

Parking and Manoeuvring

Due to the type of development, car park circulation is required to enable vehicles to enter and exit the site in a forward manner without reversing. In addition, AS 2890 provides that this facility is Class 3 (a high-turnover facility) requiring larger aisles and parking spaces. A condition is recommended to ensure the detailed design achieves these requirements in an effort to prevent any traffic from queuing into the Fernhill Road reserve.

A total of 35 parking spaces including a disabled space have been provided on-site. This is consistent with Council's DCP requirements. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been recommended to reflect these requirements. Refer to the traffic heading above for the analysis of parking numbers.

Council's policy requires each development to cater to the requirements as set out in the DCP and relevant industry guidelines, with surplus demand able to be accommodated within walking distance of the site.

Parking in the public domain is not allocated to specific developments. The existing residential developments have a combination of private garages for each dwelling, and pooled visitor spaces. Although the proposal will remove spaces along the frontage of the nearby residential sites, there is considered to be adequate on-street parking available within walking distance.

Refer to relevant conditions of consent.

Utilities

Telecommunication and electricity services are available to the site. The developer will need to contact the utilities providers to determine their requirements before the site can be serviced.

Stormwater

The site naturally grades towards the Fernhill Road frontage and has two Council pits under the kerb.

The legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pit.

A detailed site stormwater management plan will be required to be submitted for assessment with the Local Government Act (s68) and Roads Act (s138) applications prior to the issue of a CC.

In accordance with Council's AUS-SPEC requirements, the following must be incorporated into the stormwater drainage plan:

- On-site stormwater detention facilities to conform to AUS-SPEC D5
- Water quality controls to comply with AUS-SPEC D7

Refer to relevant conditions of consent.

Water Supply Connection

Council records indicate there are a 20mm metered water service to Lot 5 from the 100mm AC main on the same side of the Oxley Highway and a 20mm metered water service to Lot 6 from the 150mm PVC water main on the opposite side of Fernhill Road. The water service for this development is to come from the 150mm PVC water main on the opposite side of Fernhill Road.

Final water service sizing for the proposed development will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as addressing fire service and backflow protection requirements.

Water cycle

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

Soils

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

Air and microclimate

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

Flora and fauna

Construction of the proposed development will require removal/clearing of only one(1) Tallowood central within the site and other landscaping on the site. A second Tallowood which is in much better health is proposed to be retained within the south-

east section of the site. A condition is recommended to offset the removal of the one Tallowood tree with planting of two (2) koala browse trees within the site.

The existing Tallowood in the south-east section of the site is adjoining the proposed driveway entrance. The Applicant has submitted an Arborist Report prepared by Environmental Arbor Resources which has confirmed that the tree is in good health and can be successfully retained subject to recommended protection measures. The report is satisfactory and the recommendations are to be enforced by recommended conditions of consent.

Taking into consideration particularly of the recommended offset planting the proposal will be unlikely to have any significant adverse impacts on biodiversity or threatened species of flora and fauna.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. A private waste collection service is recommended. An appropriate condition is recommended in this regard.

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

Energy

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

Noise and vibration

Noise during the operation of the child care centre will come from children, parents and staff during the operating hours. Noise emitted would be sporadic depending on time of day and particularly whether children are using the outdoor play areas. Noise at the boundary of adjoining properties is likely to be acceptable having regard for the residential uses, the typical hours of operation (no weekend operations), the site being adjacent to busy roads - Fernhill Road and the Oxley Highway and the wider general acceptance of co-existence of child care centres, schools and the like within a residential neighbourhood. No recommended conditions are considered necessary to restrict the hours of outdoor play.

A condition recommended to restrict construction to standard construction hours.

Bushfire

The site is not identified as being bushfire prone.

Safety, security and crime prevention

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

Social impacts in the locality

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

Economic impact in the locality

No adverse impacts. A likely positive impact is that the development will maintain employment in the construction industry, which will lead to flow impacts such as expenditure in the area.

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 of existing traffic conditions on the Oxley Highway and Fernhill Road in particular have been adequately addressed and appropriate conditions of consent recommended.

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

Thirteen (13) written submissions have been received following public exhibition of the application on two (2) occasions.

Key issues raised in the submissions received following the first notification of the original proposal and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
<p>The development application does not include a traffic assessment or a parking demand study, and it fails to address the requirements of clause 2.5 of the DCP 2011. The existing road network is already struggling to manage demand during peak periods. During the morning and evening commute, traffic is banked up through Clifton Drive. If the Council consents to a development of this scale on the proposed site, with 140 children and 28 staff, it will generate a significant increase in traffic and cause unacceptable adverse impacts on the local traffic network.</p>	<p>A Traffic Impact Assessment prepared by Chris Maragos & Associates Pty Ltd (CMA) has been submitted following the first neighbour consultation. The Traffic Report has been placed on exhibition with the second round of public consultation. Refer to comments earlier in this report with regard to consideration of traffic impacts.</p>
<p>The application does not include security fencing and lighting. This presents a danger to the children and a danger to the public. A proposed development of this nature, with dual road frontages on a highway must demonstrate how the premises will be secured and lit to guarantee the safety of the staff, children and public, and ensure the site does not attract anti-social behaviour after hours.</p>	<p>The proposal provides for a combination of 1.8/2.0m high solid fencing and 1.5m pool fencing along Fernhill road and the Highway. This will provide security and safety for children within the centre while providing good surveillance into and out of the centre. It is also relevant to note that the centre principally operates during daylight hours. Security lighting and system will be provided within the centre for out of hours security.</p>
<ul style="list-style-type: none"> The development application fails to address clause 5.9 of LEP 2011, and fails to include an arborist report or evidence the existing trees and native vegetation on the site. 	<p>An arborist report has been submitted following the first notification period which supports the retention of a large Tallowood on-site. One other Tallowood will be required to be removed however this tree is not of the same health as the one being retained and cannot practically be retained. Offset planting is recommended via a recommended condition of consent.</p>
<p>The development application fails to address the requirements of Chapter 2 of DCP 2013.</p>	<p>The proposed signage is considered acceptable under the DCP and SEPP64 as addressed earlier in this report.</p>
<p>The development application does not include enough information to determine whether it satisfies the objectives of clause 2.3, or the development provisions of clause 2.3 of DCP 2013.</p>	<p>A detailed engineering report has been submitted which provides the necessary information to address section 2.3 objectives.</p>
<ul style="list-style-type: none"> The Statement of Environmental Effects provides that an acoustic report 'would not be required if the centre was air-conditioned'. The proposed development includes outdoor play areas that adjoin residential dwelling houses. 	<p>This issue was discussed at the pre-lodgement meeting and Council officers confirmed that a noise report was not required if air conditioning was proposed. Noise at the boundary of adjoining properties is likely to be</p>

<p>The development application must assess potential adverse impacts caused by 140 children using the outdoor play areas.</p> <ul style="list-style-type: none"> • This is inconsistent with the zone objectives. 	<p>acceptable having regard for the residential uses, the typical hours of operation including no weekend operations, the site being adjacent to busy roads - Fernhill Road and the Oxley Highway and the acceptance of child care centres, schools and the like within a residential neighbourhood. No recommended conditions are considered necessary to restrict the hours of outdoor play.</p>
<p>The proposed childcare development will cater for 140 children and 28 staff which is a substantial intensification of the use of the site and has the potential to compromise the environmental qualities of the land in relation to traffic, parking, noise and density. In addition, there is no demand for additional childcare facilities in the area to meet the day to day needs of residents. The Statement of Environmental Effects incorrectly states that 'there is a significant demand for additional child care places in the area with the existing childcare centre located to the south 100% full and demand anticipated to continue to grow in the area'. The existing childcare centre less than 1 km from the proposed development site and is not operating at capacity. This demonstrates that there is no demand for an additional childcare facility in the area. Approval of another childcare facility of this scale in such close proximity to an existing childcare centre will adversely impact the existing facility, and fails to serve the needs of local residents.</p>	<p>A child care centre use is consistent with the zone objectives in providing facilities or services to meet the day to day needs of residents. The Applicant has also advised that prior to committing to this site the proponent undertook a detailed due diligence which include a needs assessment. Competition with other childcare centres is not a reason for refusal of the application.</p>

<p>The development involves the change of use of the site from an agricultural / horticultural use, being a landscaping centre / nursery, to a child care centre.</p> <p>The Applicant has failed to provide a Phase 1 Preliminary Investigation Report in accordance with the requirements of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55), and the ‘Managing Land Contamination: Planning Guidelines: SEPP55 - Remediation of Land’ (Department of Urban Affairs and Planning and NSW EPA 1998). The Council cannot determine the application until such a report is prepared and considered (Clause 7 SEPP 55). The report should also form part of the completed development application notified in accordance with the EPA Act.</p>	<p>A SEPP 55 assessment has been provided following the first neighbour notification period which shows some minor areas which require special attention. Overall the risk of contamination is low. Specific recommendations are to be enforced by the recommended conditions of consent.</p>
<p>Concern with the future traffic overload at the junction of Fernhill Road and the Oxley Highway. Since the Bunning’s Store was built at the other end of Fernhill Road we have experienced a huge increase in the number of vehicles using this road. Traffic turning off the Oxley highway at the roundabout are exiting a 60 zone into a 50 zone which means most vehicles coming off the roundabout are travelling too fast, creating a problem in front of our access, making it dangerous at times to exit especially turning right. Adding to the problem is to cross a bicycle lane and deal with restricted vision if vehicles are parked between our entry and the roundabout.</p>	<p>The Applicant has confirmed that the Australian road rules will not prevent drivers exiting those properties from turning right (northbound) onto Fernhill Road, once the turning lanes are completed. A condition has been recommended to ensure the design for the turning lanes allows turns from driveways across the median line.</p> <p>Traffic congestion along Fernhill Road is already a consequence of its function linking two arterial roads. The design of the access to the property (to be assessed under a future s138 application to Council) will minimise safety impacts and delays. The development application cannot be refused on the basis of potential minor increases in delays for vehicles when accessing local driveways.</p>
<ul style="list-style-type: none"> • To further complicate the situation it is suggested that a slip lane be created to access the centre for vehicles coming from the roundabout, this could only mean scrapping the bicycle lane and any parking to the left of our exit. This would remove our visitor overload parking altogether. If a slip lane was created we could see a situation where we would be made to exit left at all times. This is also a problem, because at Lake road the situation is worse and turning right to get on to the highway is almost impossible, to turn left takes you to the roundabout in front of Bunning’s which is the main access to the industrial area and is always busy. 	<p>The proposed increase in traffic can be satisfactorily accommodated by the existing road network subject to compliance with the required traffic mitigation measures.</p>

Issues with the road parking. This application is for a Centre with 28 staff and 35 car spaces, if the required number of car spaces does not accommodate for all the staff vehicles as well as the visitors dropping off parking for the children, then there will be more parking on the road. Some of the staff from the other Child care centre and Aces park on the road.	A total of 35 parking spaces including a disabled space have been provided on-site. This is consistent with Council's DCP requirements.
Concern also about the Fencing on the Oxley Highway and Fernhill Road boundaries. This type of fencing is generally used for rear boundaries and dividing fences. We appreciate that is necessary to have a secure fence however we would suggest some landscaping in recessed areas in front of the fence.	A significant amount of fencing proposed is open pool type/diplomat style fencing. It is considered the centre will present well from the street frontages. No fencing is proposed along the Fernhill Road section of frontage south of the exit driveway.
No objection to the childcare proceeding so long as the finished result will be attractive from a neighbour's point of view and that there will be no metal fences visible.	
A further concern about the fencing on the corner of Oxley Highway and Fernhill Road is the Heavy vehicles turning into Fernhill Road. The play area is vulnerable to any vehicle career off the road. It is not common but has been known to happen. A 1500 aluminium fence is no protection. May be the play area on the corner could be reworked with some landscaping and mature trees.	The roundabout provides for traffic calming for all vehicles wanting to turn left into Fernhill road. Considering this and also the elevated nature of the site from Fernhill Road it is considered that the risk as suggested is very low.
There will be up to 150 cars, plus 28 teachers cars, plus maintenance cars, plus delivery cars and sundry, entering the premises and the effect on the already bad traffic situation in the area. It is horrifying to contemplate as the access to the proposed property is not a good one.	The access and traffic management arrangements have been amended since the original lodgement of the Application. Refer latest amended plan attached to this report. The access arrangements are considered satisfactory and the carparking provision complies. Refusal of the Application on these grounds is considered unjustified.
Fernhill Road is already a problem road, on which traffic has increased over the past few years, and even how, as residents of our villa complex, turn right onto Fernhill Road is a major hazard.	Traffic congestion along Fernhill Road is already a consequence of its function linking two arterial roads. The design of the access to the property (to be assessed under a future s138 application to Council) will minimise safety impacts and delays. The development application cannot be refused on the basis of potential minor increases in delays for vehicles when accessing local

	<p>driveways.</p> <p>The proposed increase in traffic can be accommodated by the existing road network.</p>
Concern with child safety being at risk with traffic to and from the site.	<p>The facility has appropriate footpath connections and fencing within the site to provide for safety of children.</p> <p>The roundabout provides for traffic calming for all vehicles wanting to turn left into Fernhill road.</p> <p>Considering this and also the elevated nature of the site from Fernhill Road it is considered that the risk to children safety as suggested is very low.</p>

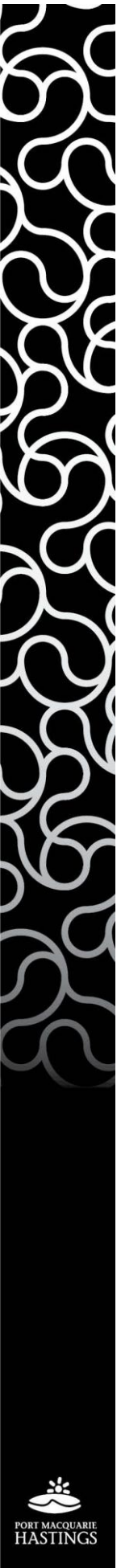
Key issues raised in the submissions received following the second notification of the amended proposal and comments in response to these issues are provided as follows:

Submission Issue/Summary	Planning Comment/Response
<p>Major concerns relate to traffic and the proposed changes that will result in the loss of street parking for visitors to both villa complexes on the northern side of existing child care centre, other than the two (2) spaces provided immediately as traffic turns left into Fernhill Road. As both complexes have very limited parking (3 spaces only), and the existing child care centre's staff utilize most of the available street parking already, the proposed new child care centre will certainly guarantee that all existing long term residents and their visitors will be denied virtually any street parking from the Oxley Highway to Fern Valley Parade. There is also a concern that staff and clients of the new proposed centre may attempt to enter private property and park in villa complex car parks.</p>	<p>The proposed treatment of Fernhill Road is in response to assessment concerns raised regarding right turning traffic into the subject site.</p> <p>Assessment by Council officers has indicated that potentially up to 115m of existing on-street parking on the east side of Fernhill Road may need to be removed.</p> <p>There will be no identifiable impact on access to the villa units and all movements are still permitted.</p> <p>The applicant has confirmed that the Australian road rules will not prevent drivers exiting those properties from turning right (northbound) onto Fernhill Road, once the turning lanes are completed.</p>
<p>The creation of two (2) parking spaces immediately after turning left into Fernhill Road exacerbates a danger to residents as they attempt to exit the driveway in either direction, by further reducing the view of approaching traffic. The existing single parking space at this location has generated numerous safety concerns reported to Council over a long period.</p>	
<p>The ten villa complex adjacent provides on-site parking spaces for three vehicles only. Guests' and service vehicles often</p>	

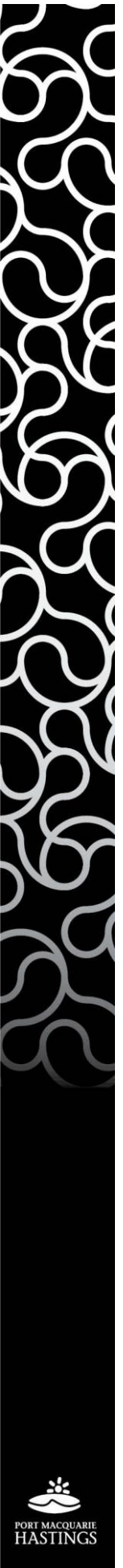
occupy those spaces making it necessary for additional visitors to park on the roadside. They conduct a Tuesday afternoon meeting attended by eight elderly ladies who park their vehicles on the roadside in front of our villa complex and we host other meetings for larger numbers from time to time.	
It interferes with the custom and practice of our normal usage and we object most strongly to the proposal on the grounds that it gives no consideration to our situation. It appears that the proposed road markings or island opposite our driveway would preclude our making our accustomed right turn.	
It eliminates the capacity for parking guest and service vehicles on the roadside in the immediate vicinity.	
The potential danger that the entry/exit of this new centre will create when the proposed changes are made to existing traffic lanes as vehicles enter and exit one of the busiest roundabouts that link the Oxley Highway, Gordon Street and Hastings River Drive to Port Macquarie's industrial area. Based on the suggested changes to the existing traffic lanes, the risk to residents of number 4 and number 6 Fernhill Road entering or exiting their driveway seems to have not received the consideration it deserves, and in fact is not effectively addressed in the Traffic Assessment provided, considering there are ten (10) residents at each street address plus visitors, service and delivery vehicles.	Refer to traffic and access comments earlier in this report.
No consideration has been given to the fact that there are a number of very elderly residents in both complexes, who receive community support such as transport, meals on wheels, and some form of home care. The survey figures for traffic flow provided are grossly understated, and photographs and videos taken by residents show the traffic flow to be far heavier than suggested by the survey.	Fernhill Road will continue to operate within traffic standards and acceptable levels of service.
No detail has been provided as to how the issue of school buses dropping off and picking up school children is to be addressed. This currently occurs between the roundabout and the	The proposal provides no demand for school buses to drop off or pick up children from the centre. Existing access arrangement along Fernhill Road will remain unchanged so if



existing child care centre on both sides of Fernhill Road.	school buses currently drop off along here then this should still be able to occur.
In RPS Conclusion (7.0) it states the proposal will UNLIKELY have a significant impact on the character of surrounding properties, benefits far outweigh the losses and the project is for the greater good of the community. These statements are from a profit making organization who is duplicating a service that already exists directly across the road from their proposal, and the immediate residents, of whom the majority are retirees, receive no benefit and all the adverse impact.	The proposal is justified as being suitable against the relevant statutory planning controls including zoning and Development Control Plan which supports the proposal in the subject location.
Surely vehicles turning right against traffic on what can be a very busy Fernhill Road will cause major safety issues to both the current residents and the families using the day care centre. Fernhill Road is a very busy road, especially during the hours of 7 to 9 am and again in the later afternoon hours.	The traffic analysis undertaken does not suggest any traffic capacity or safety issues at the site access. A right turn lane is proposed to allow cars to stand should they need to wait to turn right into the centre. It also allows through traffic to continue through safely.
A much better way for parents to drop off and pickup children to/from the centre would be to utilise the large area already available between the left side curb on Fernhill Road and the fenced entrance for the current property. This area combined with the stated car spaces shown for the centre would be more than sufficient to alleviate possible vehicle safety issues.	Dropping off and picking up children within the road reserve raises a number of traffic risks and is generally not a supported practice. Adequate area and configuration has been provided on site to allow pickup and set down of children.
If the day care centre required all drop off and pickups use the left hand side of Fernhill Road this will vastly reduce any chance of accidents with vehicles or people.	
It would be simple for the vehicles to approach the day care centre only on the left by utilising the Right turn from Lake Road to Fernhill Road or the Oxley Highway and Lake road roundabout then using Lake Road and a left turn to Fernhill Road. This method would also reduce the congestion which will undoubtedly occur at the Oxley Highway and Fernhill Road roundabout if the current proposal is adopted and therefore the further congestion which would eventuate from vehicles waiting to turn right across Fernhill Road to the day care centre.	Restricting exits to left out only is feasible because cars can use the roundabout to perform a U-turn. Restricting entries to left in only is likely to result in cars performing U-turns further along Fernhill Road. The Applicant has proposed a right turn lane that is long enough to store cars clear of passing traffic. Refer further comments earlier in this report and recommended conditions. Consequently there is no reason to restrict entries.



<p>Using the Left Only drop off/pick up method would also reduce the councils and therefore the ratepayers costs associated with the proposed changes currently suggested for Fernhill Road.</p>	
<p>Possible alternatives - Allow left turn <u>only</u> into and out from the centre onto Fernhill Road. Vehicles leaving the centre and wishing to proceed towards Lake Road along Fernhill Road would suffer minor inconvenience having to conduct a U-turn at the Oxley Highway roundabout. Separating the left turn access and egress lanes would be a further improvement to the flow in and out of the centre. Further improvement could be achieved by resuming some property frontage from Aces and the proposed centre to providing left turning lanes on their side of Fernhill Road <u>and</u> Improve the lane servicing properties along Oxley Highway close to the roundabout to give access to the day-care centre from that direction. Vehicles approaching the centre from the Oxley Highway and Clifford Road would follow established procedures to enter the service lane without interfering with normal traffic movements. This would minimise disruption of traffic on Fernhill Road by eliminating the need for right hand turns across the traffic flow. This solution minimises impediments to the Fernhill Road traffic flow but incurs the penalty of having to negotiate the solution with the New South Wales Roads and Maritime Services authority and perhaps requires changes to the layout of the centre.</p>	
<p>Concerns from adjacent neighbours about the probable increase in normal and peak hour traffic flows and their effect on our access to Fernhill Road. You will be recognize that most of our egress from the property is directed towards the town centre or to Hastings River Drive, or to the Church and Coles shopping centre down Oxley Highway necessitating a right hand turn from our driveway into Fernhill Road.</p>	<p>Traffic analysis does not suggest any traffic capacity or safety issues at the site access. A right turn lane is proposed to allow cars to stand should they need to wait to turn right into the centre.</p> <p>The Applicant has confirmed that the Australian road rules will not prevent drivers exiting those properties from turning right (northbound) onto Fernhill Road, once the turning lanes are completed. A condition has been recommended to ensure the design for the turning lanes allows turns from driveways across the median line.</p>
<p>Presently at peak hours we may have to wait for a number of vehicles travelling in either direction before we can safely negotiate entering the roadway. On</p>	



<p>occasions, in the afternoon peak hour, traffic waiting to enter the Oxley Highway roundabout from Fernhill Road, queue as far back as the day-care centre driveway shown on the site drawings.</p>	<p>Traffic congestion along Fernhill Road is already a consequence of its function linking two arterial roads. The design of the access to the property (to be assessed under a future s138 application to Council) will minimise safety impacts and delays. The development application cannot be refused on the basis of potential minor increases in delays for vehicles when accessing local driveways.</p> <p>The proposed increase in traffic can be accommodated by the existing road network.</p>
<p>We believe that the positioning of the access road to the day-care centre just some metres towards Oxley Highway from our property, and an increase of perhaps more than 600 vehicle movements a day, 100 to 150 in and out each morning and evening, at the proposed day-care centre will make free access to, and egress from, our property most difficult.</p>	
<p>Figure 1 in the referenced traffic report indicates that through vehicles travelling in both directions pass our entrance, on the average, every 5.3 seconds in the peak hour in the morning and 5.4 seconds in the afternoon. Table two indicates that on up to 84 occasions in the hour, vehicles turning right into or out of the day care centre direction may have to wait for 12 seconds before they may execute their right turn. This same analysis applies to residents of our complex. We know that negotiating an entry into a traffic stream requires more than a 4 second gap from both directions, and that natural grouping of vehicles frequently would provide such a gap every 4 or 5 vehicles. The situation is exacerbated by the slowing of traffic accessing the Fernhill Road Day-care centre next door to our property and Aces, across the road from that centre.</p>	
<p>We hold concerns about the future traffic overload at the junction of Fernhill Road and the Oxley Highway. Since the Bunning's Store was built at the other end of Fernhill Road we have experienced a huge increase in the number of vehicles using this road. Traffic turning off the Oxley highway at the roundabout are exiting a 60 zone into a 50 zone, which means most vehicles coming off the roundabout are travelling too fast, creating a problem in front of our access, making it dangerous at times to exit especially turning right. Adding to our problem we have to cross a bicycle lane and deal with restricted</p>	



vision if vehicles are parked between our entry and the roundabout.	
Adjacent neighbours believe that the present arrangement of the roadway would continue to be marginally adequate outside of the peak hour and pose significant difficulty to us during that time.	
Adjacent neighbour considers that they know that the New South Wales Roads and Maritime Services authority have a vision for Oxley Highway to develop into a six lane road system but believe that access to the properties along the highway will still require a service lane when that vision is developed.	There will be no significant impact on the Oxley Highway whether or not it becomes a 6 lane road. It is more likely that future traffic growth may require a set of traffic lights to be installed at the Fernhill Road intersection.
Certainly an increase of perhaps 200 vehicle movements a day at the proposed day-care centre will affect traffic flow in the vicinity of our home on Fernhill Road.	Refer to traffic and access comments earlier in this report.
Presently at peak hours we may have to wait for a number of vehicles travelling in either direction before we can safely negotiate entering the roadway. On occasions, traffic waiting to enter the Oxley Highway roundabout, queue as far back as our driveway. We believe that the positioning of the access road to the daycare centre just some metres towards Oxley Highway will make our situation unbearable.	Refer to traffic and access comments earlier in this report.
Figure 1 in the referenced traffic report indicates that through vehicles travelling in both directions pass our entrance every 5.3 seconds in the morning peak and 11.0 seconds in the afternoon. Table two indicates that on up to 42 occasions in the hour, vehicles turning into the day care centre from the Oxley Highway direction may have to wait for 12 seconds before they may execute their right turn.	Refer to traffic and access comments earlier in this report.
The situation will be exacerbated by between 28 and 42 vehicles leaving the centre to turn right towards Lake Road adding to the slowing of traffic due to access to Aces, across the road, and the Fernhill Road Day-care centre next door.	Refer to traffic and access comments earlier in this report.
While I have no problem with the nature of the development – the child care	Refer to traffic and access comments earlier in this report.



centre next door runs without intruding on my lifestyle in any way, I find it incomprehensible that the Council would allow a development to proceed that impacts so heavily on the freedom of movement of twenty households, as I have recently come to understand the situation.	
We would like to register our concerns also as to why we have to have 2 child care facilities within our already busy street almost opposite each other.	Amenity impacts as a result of the development are considered acceptable. Refer to discussion throughout report.
To further complicate the situation it is suggestion that a slip lane be created to access the centre for vehicles coming from the roundabout, this could only mean scrapping the bicycle lane and any parking to the left of our exit. This would remove our visitor overload parking altogether.	Refer to traffic and access comments earlier in this report.
If a slip lane was created we could see a situation where we would be made to exit left at all times. This is also a problem, because at Lake road the situation is worse and turning right to get on to the highway is almost impossible, to turn left takes you to the roundabout in front of Bunning's which is the main access to the industrial area and is always busy.	Refer to traffic and access comments earlier in this report.
We also have issues with the road parking. This application is for a Centre with 28 staff and 35 car spaces, if the required number of car spaces does not accommodate for all the staff vehicles as well as the visitors dropping off parking for the children, then there will be more parking on the road. Some of the staff from the other Child care centre and Aces park on the road.	The proposal meets Council's on-site car parking requirements under its' Development Control Plan.
We are also concerned about the Fencing on the Oxley Highway and Fernhill Road boundaries. This type of fencing is generally used for rear boundaries and dividing fences. We appreciate that is necessary to have a secure fence however we would suggest some landscaping in recessed areas in front of the fence.	A significant amount of fencing proposed is open pool type/diplomat style fencing. It is considered the centre will present well from the street frontages. No fencing is proposed along the Fernhill Road section of frontage south of the exit driveway. The roundabout provides for traffic calming for all vehicles wanting to turn left into Fernhill road. Considering this and also the elevated nature of the site from Fernhill Road it is considered that the risk as suggested is very low.
A further concern about the fencing on the corner of Oxley Highway and Fernhill Road is the Heavy vehicles turning into Fernhill Road. The play area is vulnerable to any vehicle career off	

<p>the road. It is not common but has been known to happen. A 1500 aluminium fence is no protection. May be the play area on the corner could be reworked with some landscaping and mature trees.</p>

(e) The Public Interest:

The proposed development satisfies relevant planning controls and is unlikely to adversely 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 94A of the Environmental Planning and Assessment Act 1979.

There will be a contributions credit for the existing two lots which will be factored into the Notice of Payment for contributions to be issued with the final development consent.

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](#). DA2015 - 0184 Plans
- 2 [View](#). DA2015 - 0184 Recommended Conditions
- 3 [View](#). DA2015 - 0184 Submission - Best
- 4 [View](#). DA2015 - 0184 Submission - Bryant
- 5 [View](#). DA2015 - 0184 Submission - Dimond
- 6 [View](#). DA2015 - 0184 Submission - Ellison
- 7 [View](#). DA2015 - 0184 Submission - Greentape Planning Group Pty Ltd
- 8 [View](#). DA2015 - 0184 Submission - Halse & Lim
- 9 [View](#). DA2015 - 0184 Submission - Kaye 09052015
- 10 [View](#). DA2015 - 0184 Submission - Kaye 21072015
- 11 [View](#). DA2015 - 0184 Submission - Munro 24072015.1
- 12 [View](#). DA2015 - 0184 Submission - Munro 24072015.2
- 13 [View](#). DA2015 - 0184 Submission - Munro 25072015
- 14 [View](#). DA2015 - 0184 Submission - Munro 28072015

AGENDA

DEVELOPMENT ASSESSMENT PANEL 09/09/2015

- 15 [View.](#) DA2015 - 0184 Submission - Newell
- 16 [View.](#) DA2015 - 0184 Submission - Smith
- 17 [View.](#) DA2015 - 0184 Submission - Strata Professionals for Owners of 4
Fernhill Rd
- 18 [View.](#) DA2015 - 0184 Submission - Strata Professionals for Owners of 6
Fernhill Rd
- 19 [View.](#) DA2015 - 0184 Submission - Stratton

Green Leaves
EARLY LEARNING CENTRES
PORT MACQUARIE
FOR
Veuve Property Group



DRAWING LIST

DA-000 COVERPAGE
DA-100 SITE CONTEXT
DA-101 SITE PLAN
DA-102 FLOOR PLAN
DA-200 ELEVATIONS
DA-300 SECTIONS
DA-500 ARTISTS IMPRESSIONS
DA-900 COLOURS AND SIGNAGE

CONCEPT
ARCHITECTURAL DESIGN

10/08/2015

COVER

RAUNIK
design group
architects
interior designers
planners

917 5531 8430 P
917 5531 8428 E
architect@raunikdesign.com.au W
www.raunikdesign.com.au W
44 Ashmore Road, Bundall Qld 4217
PO Box 7404 GCMC QLD 9756



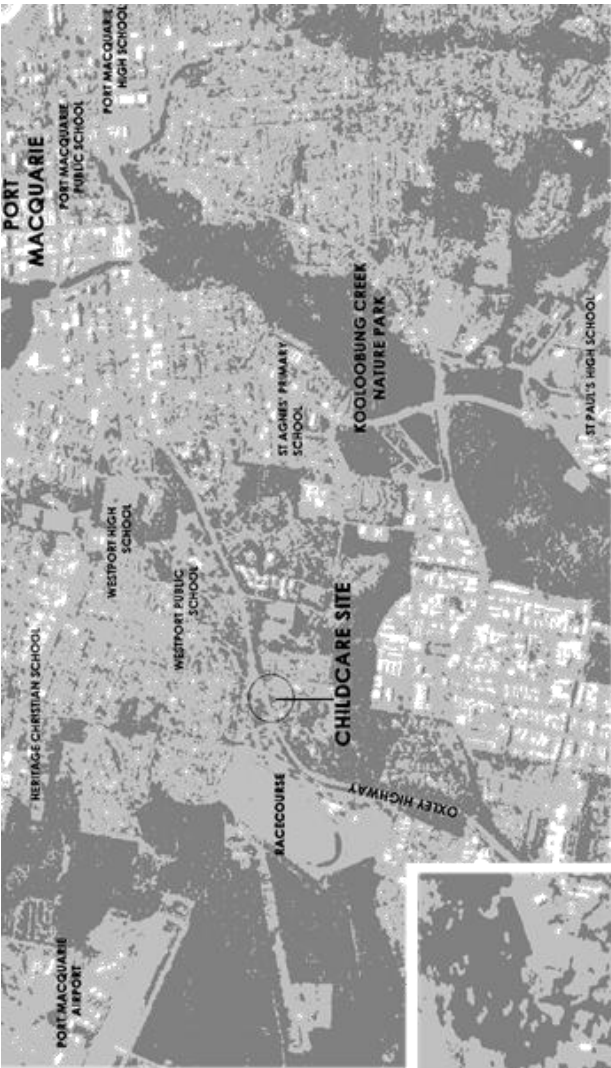
project no: 14905

dwg no: DA - 000 REV - H

issue date: 10/08/2015

Green Leaves
EARLY LEARNING CENTRES

ELC Port Macquarie
296, Oxley Highway, Port Macquarie, NSW, 2444
For Veuve Property Group



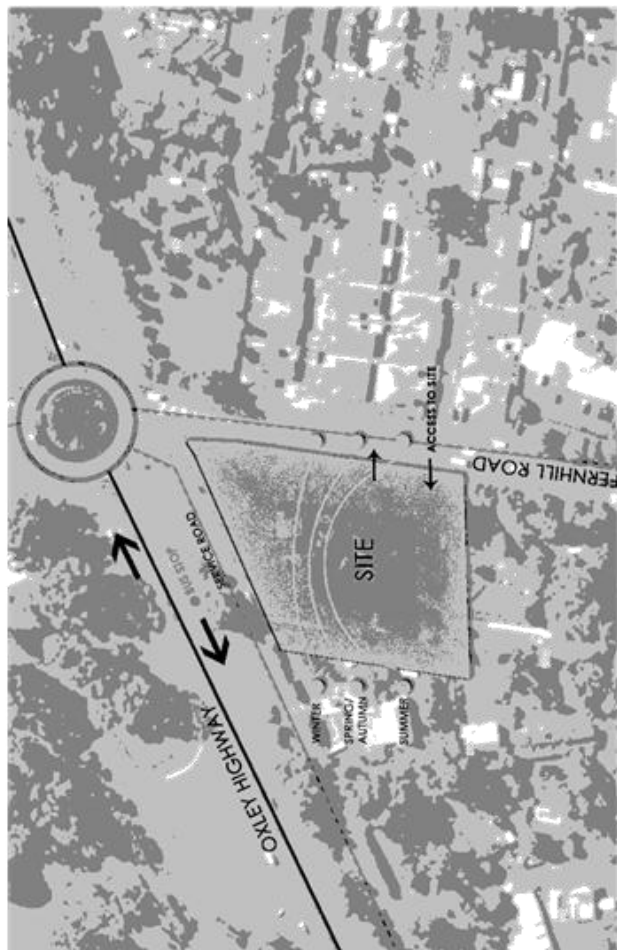
SITE CONTEXT AND SURROUND:

DEVELOPMENT SUMMARY

LOT No 5 on DP 377124
SITE ADDRESS: 228, OXLEY HIGHWAY, PORT MACQUARIE

AREA SCHEDULE

SITE COVER:	25.2%
SITE COVER:	1022m ²
SITE AREA:	4048 m ²
CHILD CARE:	1006 m ²
OUTDOOR STORE:	17 m ²
VERANDAH:	160 m ²
PLAY AREAS:	1325 m ²
CARPARK :	1107 m ²
OTHER:	434 m ²
POPULATION:	140
CHILDREN:	25
FULL TIME STAFF:	
CARPARKING REQUIRED:	
1 PER 4 CHILDREN	
TOTAL:	35
CARPARKING PROVIDED:	
TOTAL:	35



SITE ANALYSIS

CONCEPT
10/08/2015

10/08/2015

SITE CONTEXT

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296, Oxley Highway, Port Macquarie, NSW, 2444
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EARLY LEARNING CENTRE

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RAUNIK
design group
architects
planners
interiors
landscape
917 5531 9430 P
917 5531 8624 E
www.raunikdesign.com.au W
44 Ashmore Road, Bondi, NSW 1530
PO Box 7404, GOSFORD NSW 2250

CONCEPT
NOT FOR CONSTRUCTION

10/08/2015

SITE PLAN



ELC Port Macquarie
296, Oxley Highway, Port Macquarie, NSW, 2444
For Veuve Property Group

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dwg no: DA - 101 REV - J
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911 5531 6403 P
architectural@raunikh.com.au
www.raunikh.com.au
44 Agmore Road, Bundaberg, QLD 4217
PO Box 7404, Bundaberg, QLD 4287

RAUNIK
design group
architects
interior designers
landscape architects



RAUINIK
design group
architects
project partners
phone 08 9439 0000

811 5531 6433 P
architect@rauinikdesign.com.au
www.rauinikdesign.com.au
44 Ashmore Road, Bandell Cde 4217
PO Box 7404 Gungahlin NSW 2905

project no: 14905
dwg no: DA - 200 REV - H
issue date: 10/08/2015

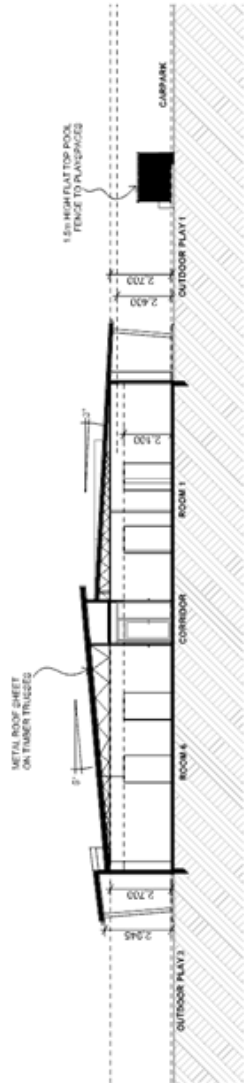
Green Leaves
E A R L Y I N T E R N A T I O N A L P R A C T I C E

ELC Port Macquarie
296. Oxley Highway, Port Macquarie, NSW, 2444
For Veuve Property Group

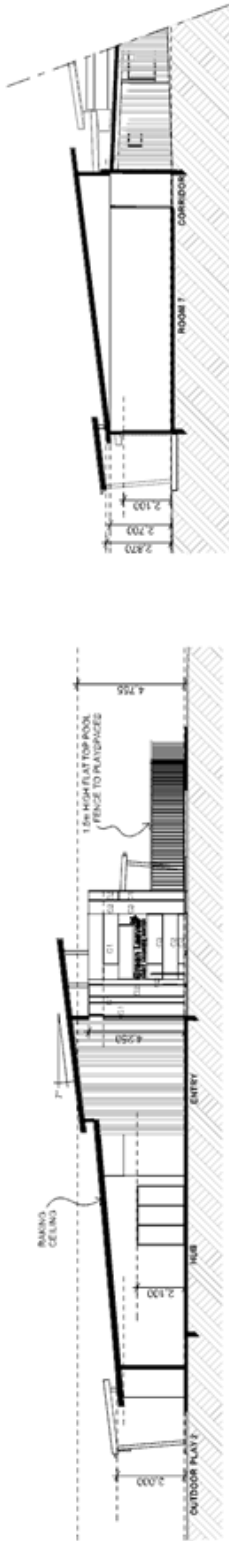
REFER DA-900 FOR
COLOUR PALETTE

10/08/2015
CONCEPT
NOT FOR CONSTRUCTION

ELEVATIONS

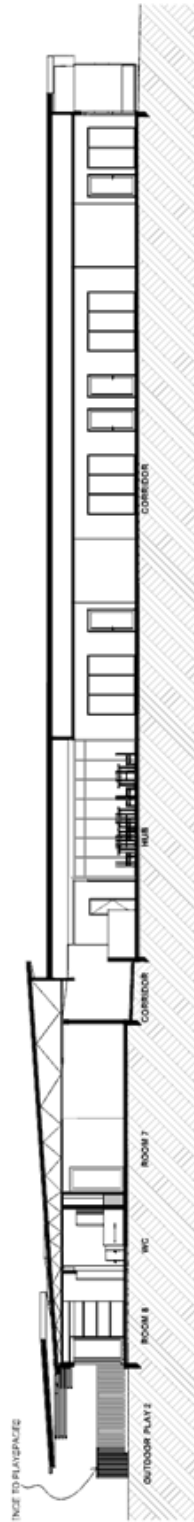


SECTION 1
1:200



SECTION 2
1:200

SECTION 4
1:200



SECTION 3
1:200

CONCEPT
NOT FOR CONSTRUCTION

10/08/2015

REFER DA-900 FOR
COLOUR PALETTE

SECTIONS

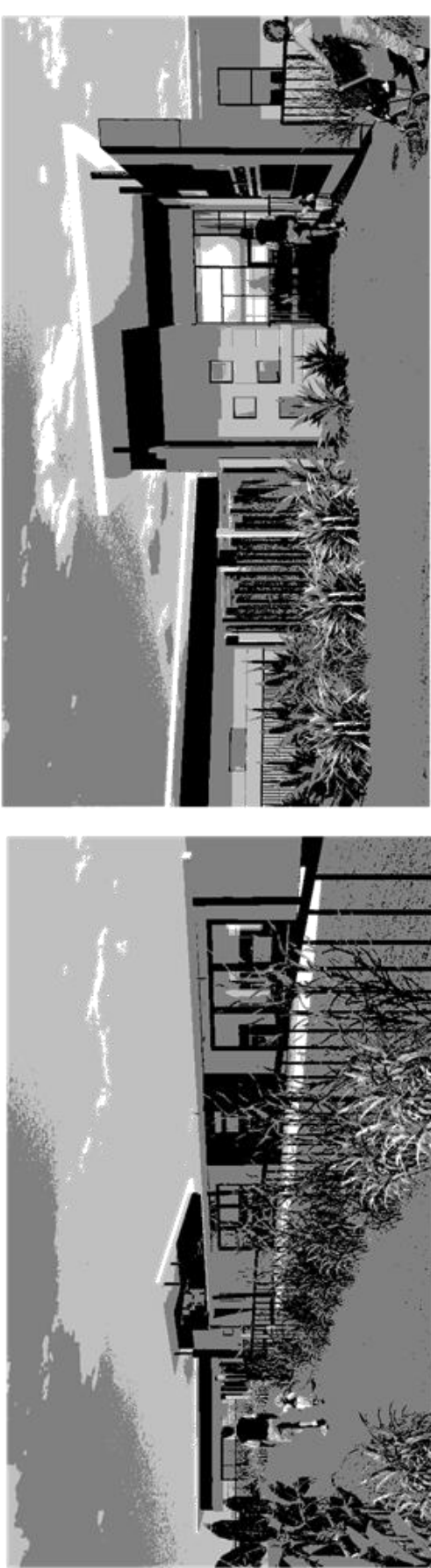
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For Veuve Property Group

Green Leaves
FABRICATING CENTRE

project no: 14905
dwg no: DA - 300 REV - J
issue date: 10/08/2015

RAUNIK
design group
architects
interior designers
planning & landscape
PO Box 7604 Gungahlin ACT 2916

011 5531 6433 P
architectural@raunikdesign.com.au
www.raunikdesign.com.au
44 Ashmont Road Bandra Vic 3207
PO Box 7604 Gungahlin ACT 2916



RAUINIK
design group
architects
interior designers
landscape architects

011 5531 9433 P
architect@rauinikdesign.com.au E
www.rauinikdesign.com.au W
44 Agmore Road, Bayside City 4217
PO Box 7404 GOSFORD QLD 4706


A+
Architectural
Associates
of
Australia

project no: 14905
dwg no: DA - 500 REV - H
issue date: 10/08/2015

CONCEPT
NOT FOR CONSTRUCTION

10/08/2015

ARTISTS IMPRESSION



Green Leaves
EARLY LEARNING CENTRE
ELC Port Macquarie
296, Oxley Highway, Port Macquarie, NSW, 2444
For Veuve Property Group

C1

dulux

calm balm

feature walls




C2

dulux

white on white

feature walls




C3

dulux

deep ocean

feature walls




C4

colorbond

surf mist

roofing




C5

dulux

dark bamboo

feature walls




C6

berger

dark bamboo

feature walls




C7

berger

dark bamboo

feature walls



black powdercoat

fencing, shade sail frames

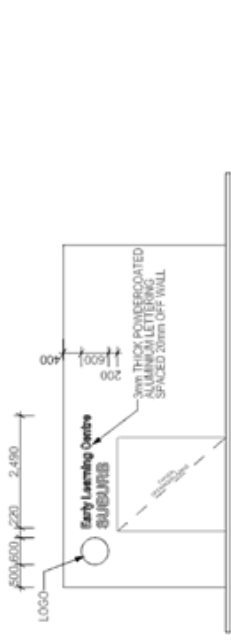
silver clear anodised or

dulux natural pearl powdercoat

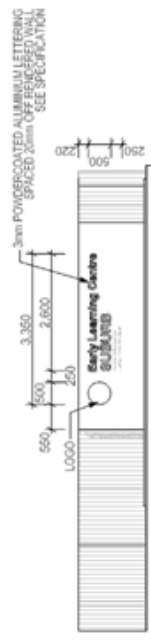
windows, doors

early learning centre

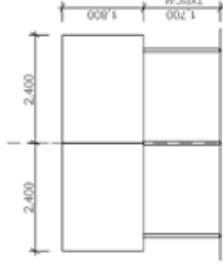
external colour palette



SIGNAGE - HIGH



SIGNAGE - LOW



SIGNAGE - FREE STANDING / POST MOUNTED

CONCEPT
NOT FOR CONSTRUCTION
10/08/2015

COLOURS & SIGNAGE

Green Leaves

EARLY LEARNING CENTRE

ELC Port Macquarie

296 Oxley Highway, Port Macquarie, NSW, 2444

For Veuve Property Group

project no: 14905
dwg no: DA - 900 REV - H
issue date: 10/08/2015

RAUNIK
design group
architects
interior designers
project managers
811 5531 6400 P
architect@raunikdesign.com.au E
www.raunikdesign.com.au W
44 Ashmore Road Bundall Qld 4217
PO Box 7604 Bundall QLD 4217

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

NOTE: THESE ARE DRAFT ONLY

DA NO: 2015/184

DATE: 2/09/2015

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
Plans	Drawing - 000 to DA - 900	RAUINK design group	10 August 2015
Arborcultural Assessment Report		Environmental Arbor Resources	16 June 2015
Stage 1 Contamination Assessment	RGS00975.1-AB	RPS Australia Asia Pacific	18 June 2015

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

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

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

- (3) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (4) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;

3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
4. Building waste is to be managed via an appropriate receptacle;
5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (5) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (6) (A014) This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
- (7) (A017) No illumination of approved advertising signage is permitted.
- (8) (A030) The restoration of any vehicle access rendered redundant by the development, to standard kerb and footpath formation at no cost to Council, in accordance with Council's current AUSPEC Specifications and Standards. All works must be approved by Council pursuant to Section 138 of the Roads Act.
- (9) (A032) The developer is responsible for any costs relating to minor alterations and extensions to ensure satisfactory transitions of existing roads, drainage and Council services for the purposes of the development.
- (10) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

The security may be used to meet any costs referred to above and on application being made to the Council by the person who provided the security any balance remaining is to be refunded to, or at the direction of, that person. Should Council have to call up the bond and the repair costs exceed the bond amount, a separate invoice will be issued. If no application is made to the Council for a refund of any balance remaining of the security within 6 years

after the work to which the security relates has been completed the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

- (11) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (12) All recommendations of the approved Stage 1 Contamination Assessment shall be complied with.
- (13) All recommendations of the approved Arboricultural Assessment Report shall be complied with.
- (14) (B203) Collection of waste such as garbage and recyclables shall be performed by private arrangement (i.e. not by the municipal waste collection service) via the internal circulation aisles.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- (1) (B001) Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Port Macquarie-Hastings Council. The following is to be clearly illustrated on the site plan to accompany the application for Section 68 approval:
 - Position and depth of the sewer (including junction)
 - Stormwater drainage termination point
 - Easements
 - Water main
 - Proposed water meter location
- (2) (B003) Submission to the Principal Certifying Authority prior to the issue of a Construction Certificate detailed design plans for the following works associated with the developments. Public infrastructure works shall be constructed in accordance with Port Macquarie-Hastings Council's current AUSPEC specifications and design plans are to be accompanied by AUSPEC DQS:
 1. Road works along the frontage of the development.
 2. Public parking areas including;
 - a. Driveways and access aisles;
 - b. Parking bays;
 - c. Delivery vehicle service bays & turning areas in accordance with .
 3. Sewerage reticulation.
 4. Water supply plans shall include hydraulic plans for internal water supply services and associated works in accordance with AS 3500, Plumbing Code of Australia and Port Macquarie-Hastings Council Policies.
 5. Stormwater systems.
 6. 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
 7. Traffic management control plan in accordance with dated .

8. Provision of a 1.2m concrete footpath across the full road frontage of the property.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

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

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

- (4) (B010) Payment to Council, prior to the issue of the Construction Certificate of the Section 94A contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent 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:

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

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

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

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

- (6) (B012) To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard 4674-2004 – "Design, Construction and Fit-Out of Food Premises", Food Act 2003, the provisions of the Food Safety Standards Code (Australia) and the conditions of development consent. Details demonstrating

compliance are to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

- (7) (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.
- (8) (B030) Prior to issue of Construction Certificate, a pavement design report shall be prepared by a suitably qualified geotechnical or civil engineer and submitted to Council, including soil test results and in-situ CBR values (NATA certified). Council's minimum pavement compaction testing criteria are as follows:
 - a. 98% (modified) base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - b. 95% (modified) sub-base layers - Maximum Modified Dry Density test in accordance with AS1289.5.2.1
 - c. 100% (standard) subgrade/select layers - Maximum Standard Dry Density test in accordance with AS1289.5.1.1 (or for in-situ subgrade soils only, wet density testing may be used)
- (9) (B037) The finished floor level of the building shall be at least 1050mm above the soffit of Council's sewer main. Details indicating compliance with this are to be submitted to the Principal Certifying Authority with the application for Construction Certificate.
- (10) (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.
- (11) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890.1. Certification of the design by a suitably qualified consultant is to be provided to the Principal Certifying Authority prior to release of the Construction Certificate.
- (12) (B054) Where a vehicular access is provided, details (in the form of a longitudinal section) must be submitted to and approved by Port Macquarie-Hastings Council prior to release of the Construction Certificate demonstrating how the access will comply with Council's adopted AUSPEC Design and Construction Guidelines.
- (13) (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.
- (14) (B063) Prior to release of the Construction Certificate submission of a detailed landscape plan to the Principal Certifying Authority which includes planting of a minimum 2 x 50 litre koala browse trees within the site.
- (15) (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.
- (16) (B195) Sewer connection to the site is to be from an existing or new manhole.
- (17) (B197) Council records indicate there are a 20mm metered water service to Lot 5 from the 100mm AC main on the same side of the Oxley Highway and a

20mm metered water service to Lot 6 from the 150mm PVC water main on the opposite side of Fernhill Road. The water service for this development is to come from the 150mm PVC water main on the opposite side of Fernhill Road.

- (18) (B198) Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements.
- (19) (B199) The provision, at no cost to Council, of concrete foot paving for the full road frontages of the development. For the Oxley Highway and Fernhill Road, a 1.2 metre wide footpath is required with design details in accordance with AUS-SPEC and Council Standard drawing ASD 100 series. Kerb ramps and a median refuge are to be provided on both sides of the southern leg of the Oxley Highway roundabout (Fernhill Road). The design plans must be approved by Council pursuant to Section 138 of the Roads Act. RMS referral and concurrence to the plans within the Oxley Highway will be required.
- (20) (B200) A stormwater drainage design is to be submitted and approved by Council prior to the issue of a Construction Certificate. The design must be prepared in accordance with Council's AUS-SPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as a direct connection to Council's piped drainage system (within the Fernhill Road reserve). Kerb outlets are not permitted.
 - b) The design shall incorporate on-site stormwater detention facilities to limit site stormwater discharge to pre development flow rates for all storm events up to and including the 100 year ARI event. Note that pre development discharge shall be calculated assuming that the site is a 'greenfield' development site as per AUSPEC requirements.
 - c) The design shall include water quality controls designed to achieve the targets specified within AUSPEC D7.
 - d) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - e) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (21) (B201) Vehicular access to the site shall include the following, with a detailed design to be submitted to and approved by Council as part of a Roads Act (s138) application prior to issue of a Construction Certificate. Concurrence to the plans from the RMS may be required if works are within the Oxley Hwy road reserve:
 - a) A northbound left turn lane from Fernhill Road into the site, designed to AUSTROADS type AUL(S) standard or better.
 - b) A southbound right turn lane from Fernhill Road into the site. The design shall:
 - i. Be designed to AUSTROADS type CHR(S) standard or better,
 - ii. Not prevent vehicles exiting a driveway on the eastern side of Fernhill Road from making a right turn into Fernhill Road (northbound), unless otherwise approved by Council,
 - iii. Minimise impacts on the roundabout to the north and be compatible with a potential future vehicular access to Lot 1 DP 262041 at the location shown on that deposited plan.
 - c) Any signage and line marking required in providing safe and satisfactory transitions.

- d) Bike lanes shall be provided in both directions (e.g. by preserving the existing on-road bike lanes) unless deemed not required by Council's Transport section.
 - e) On-street parking opportunity shall be maximised where possible and safe.
- (22) (B202) Internal site parking dimensions shall conform to User Class 3 as set out in AS 2890. Details shall be submitted with the application for Construction Certificate.

C – PRIOR TO ANY WORK COMMENCING ON SITE

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

D – DURING WORK

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

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

- (2) (D006) A copy of the current stamped approved construction plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- (3) (D025) The sewer junction shall be capped off with an approved fitting in conjunction with demolition works and Council notified to carry out an inspection prior to backfilling of this work.
- (4) (D029) The demolition of any existing structure shall be carried out in accordance with Australian Standard AS 2601-1991: *The Demolition of Structures*. No demolition materials shall be burnt or buried on site. The person responsible for the demolition works shall ensure that all vehicles

leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on an adjoining public road or reserve, separate application shall be made to Council to enclose the public place with a hoarding fence.

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

- (5) (D044) An Arborist, with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council shall be engaged to supervise all on site clearing and shall certify in writing clearing has occurred in accordance with the approved plans and conditions of this consent.

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

- (1) (E001) The premises shall not be occupied or used in whole or in part until an Occupation Certificate has been issued by the Principal Certifying Authority.
- (2) (E004) Consolidation of the allotments comprising the site of the proposed development prior to issue of the Occupation Certificate or proposed as part of the application for a Subdivision Certificate.
- (3) (E005) Prior to the release of any bond securities held by Council for infrastructure works associated with developments, a formal written application is to be submitted to Council specifying detail of works and bond amount.
- (4) (E010) Driveways, access aisles and parking areas shall be provided with an approved surface. Such a surface shall be on a suitable pavement, constructed and maintained in accordance with Council's Development, Design and Construction Manuals (as amended).
- (5) (E012) Dedication as public road to Council, the area required for road widening along the frontage of the development at no cost to Council. Details are to be incorporated in the plan of subdivision.
- (6) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (7) (E034) Prior to occupation or the issuing of the Final Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (8) (E036) Certification by a suitably qualified consultant is to be submitted to Council that the construction of the car park and internal accesses is to be in accordance with Council's Development Control Plan 2013 and Australian Standard 2890.1 prior to occupation or issue of the Occupation Certificate.
- (9) (E039) An appropriately qualified and practising consultant is required to certify the following:
 - a. all drainage lines have been located within the respective easements, and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system

- d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (10) (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.
- (11) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (12) (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 a copy of the work-as-executed plan for the hydraulic works.
- (13) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate. Public landscaping may be bonded as agreed to by Council.
- (14) (E066) Ancillary works shall be undertaken at no cost to Council to make the engineering works required by this Consent effective to the satisfaction of Director of Council's Infrastructure Division. Such works shall include, but are not limited to the following:
- a. The relocation of underground services where required by civil works being carried out.
 - b. The relocation of above ground power and telephone services
 - c. The relocation of street lighting
 - d. The matching of new infrastructure into existing or future design infrastructure
- (15) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (16) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

F – OCCUPATION OF THE SITE

- (1) (F001) On site car parking in accordance with the approved plans to be provided in an unrestricted manner at all times during the operations of development for use by both staff and patrons. A total of 35 spaces are to be provided onsite.
- (2) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (3) (F013) All garbage areas are to be screened from the street, create no adverse odour impact on adjoining properties and be kept free of pests at all times.

- (4) (F024) Offensive noise as defined under the Protection of the Environment Operations Act 1997, shall not be generated as a result of the operation of the development.
- (5) (F025) Hours of operation of the development are restricted to the following hours:
 - 7 am to 6 pm – Mondays to Fridays
 - No work is to be carried out on Saturdays, Sundays and Public Holidays

DRAFT

[REDACTED]

Subject: FW: Development Application No 2015.184.1 - access to Oxley Highway from 6 Fernhill Rd

From: Linda Best [REDACTED]
Sent: Sunday, 26 July 2015 1:15 PM
To: Patrick Galbraith-Robertson
Subject: Development Application No 2015.184.1 - access to Oxley Highway from 6 Fernhill Rd

Dear Mr Patrick,

My name is Linda Best and I am owner and resident of Unit 5, 6 Fernhill Rd. I would like to register my objection to the proposed development of another child care centre on Fernhill Rd if this means that my ability to turn right when leaving my residence is restricted.

While I have no problem with the nature of the development – the child care centre next door runs without intruding on my lifestyle in any way, I find it incomprehensible that the council would allow a development to proceed that impacts so heavily on the freedom of movement of twenty households, as I have recently come to understand the situation.

My understanding of the impact of this development is that I will no longer be able to turn right when leaving my home and that I would have to go significantly out of my way in order to access the Oxley Highway and that when approaching my home from Lake Road, I will not be able to turn right into my driveway but would need to proceed onto the Oxley Highway roundabout in order to get home. This is unfair and unacceptable.

While common sense suggests that this plan is based on safety concerns, this need for changes to Fernhill Rd appears to be due to the extremely unsuitable position of the planned development. It further suggests that a child care centre might be better placed away from a highway and a busy arterial road, for the safety of all concerned.

Please consider the needs of the homeowners who live in the area now and insist that the developers find another site that will not curtail the freedom of current residents.

Yours sincerely,
Linda Best

[REDACTED]

[REDACTED]

[REDACTED]

Subject: FW: Development Application No: 2015.184.1 Traffic Report CM15012REPO01A

-----Original Message-----

From: Margo Bryant [REDACTED]
Sent: Monday, 27 July 2015 5:11 PM
To: Patrick Galbraith-Robertson
Subject: Development Application No: 2015.184.1 Traffic Report CM15012REPO01A

access to and from the 10 villa driveway at 6 Fernhill Road Port Macquarie

we have this day visited your offices and had the DA explained to us and we are very concerned about the proposed changes to the residents egress from the property. Most of egress is towards the town centre or Hastings River Drive thus necessitating a right hand turn from our driveway onto Fernhill Road

We believe the new proposed changes do not give us due access.

Can you please respond alleviating our concerns.

Yours Sincerely

Margo Bryant. Unit 9

Marsha Ingliss. Unit 7

Julian Juls. Unit 2
Sent from my iPad

Subject: FW: SP72529 - Development Application No:2015.184.1 - Revised submission

From: [REDACTED]
Sent: Wednesday, 22 July 2015 1:00 PM
To: Patrick Galbraith-Robertson
Subject: Re: SP72529 - Development Application No:2015.184.1 - Revised submission

Hi Patrick

Both Leanne and myself agree with all the concerns raised in an email to your attention regarding this proposal, dated 21/7/2015 by John Kaye of the neighbouring property/strata at 4 Fernhill Road and support his objections.

Tim and Leanne Dimond

Owners 8/6 Fernhill Road

Sent from Samsung tablet

----- Original message -----

From Margaret Ratcliffe [REDACTED]
Date: 21/07/2015 3:00 PM (GMT+10:00)
To
Subject SP72529 - Development Application No:2015.184.1 - Revised submission

Hi Everyone

Please find attached a further submission objecting to the DA lodged for the Childcare centre prepared by John Kaye in the neighbouring Strata Plan.

May we suggest that all owners review the proposal and afterwards lodge a further objection based on the increased risk and inconvenience to all owners, residents and invitees should it proceed, in particular the considerable increase to risk when entering and exiting the property.

Thank you & kind regards, Margaret

Margaret Ratcliffe - Strata Manager
Strata Professionals Pty Ltd
Suite 25, Colonial Arcade, 25-27 Hay Street,
PORT MACQUARIE NSW 2444
[REDACTED]

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TRIM No	09/09/2015
- 2 JUN 2015	
Keyword	
Activity	
Subject	DM2015-184.1.
Folder	

Mrs. L. Ellison
300 Oxley Highway
Port Macquarie

Re: Child care Centre

Lot 5 DP 877124

Lot 6 DP 877124

296 Oxley Highway

Port Macquarie

1 Fernhill Rd. Port Macquarie

Dear Sir,

With regards to the following proposed development. I object on the following grounds.

1. Inadequate space for a centre which is going to accommodate up to 150 children plus carers.
2. Lack of off street parking.
3. Fernhill Rd. is already a nightmare to get in and out of most of the day.

This centre will only make it worse for the people living up along the highway from No. 300 onwards

5. It will greatly devalue my property.

Yours. Sincerely

Mrs. Lyn Ellison



General Manager
Port Macquarie Council
PO Box 84
Port Macquarie NSW 2444
e: Patrick.Galbraith-Robertson@pmhc.nsw.gov.au

3 May 2015

Dear Sir,

Submission in response to development application number 2015/184

Application No:	2015/184
Applicant:	VEDT Management Pty Limited
Assessing Officer:	Patrick Galbraith-Robertson

We have been engaged by Bangalay Child Care to prepare an objection to the development application for a proposed child care centre at 296 Oxley Highway, Port Macquarie (DA 2015/184).

Greentape Planning Group Pty Ltd, Bangalay Child Care Pty Ltd, and their Directors have not made any political donations or gifts in the last two years.

We note that an extension to the submission period was granted by the Council Assessing Officer.

Grounds for objection:

1. Failure to notify the development in accordance with the requirements of the *Port Macquarie Hastings Development Control Plan 2013 (DCP 2013)*:

Clause 13.2.4 of the DCP provides that for 'notifiable local development', a letter will be sent to potentially affected property owners by Council advising the nature of the development application and providing a period of 14 days in which to inspect the application and make written submission.

The Council did not send a letter to the owners of 8 Fernhill Road, Port Macquarie, being potentially affected property owners.

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2. Failure to provide adequate information:

The development application fails to provide adequate information in relation to the proposed development, and fails to assess the proposed development against the requirements of the *Environmental Planning & Assessment Act 1979 (EPA Act)*, the Port Macquarie-Hastings Local Environmental Plan 2011 (**LEP 2011**) and the DCP 2013.

- i. Traffic and parking: The development application does not include a traffic assessment or a parking demand study, and it fails to address the requirements of clause 2.5 of the DCP 2011. The existing road network is already struggling to manage demand during peak periods. During the morning and evening commute, traffic is banked up through Clifton Drive. If the Council consents to a development of this scale on the proposed site, with 140 children and 28 staff, it will generate a significant increase in traffic and cause unacceptable adverse impacts on the local traffic network.
- ii. Security: The application does not include security fencing and lighting. This presents a danger to the children, and a danger to the public. A proposed development of this nature, with dual road frontages on a highway must demonstrate how the premises will be secured and lit to guarantee the safety of the staff, children and public, and ensure the site does not attract anti-social behaviour after hours.
- iii. Preservation of trees or native vegetation: The development application fails to address clause 5.9 of LEP 2011, and fails to include an arborist report or evidence of the existing trees and native vegetation on the site.
- iv. Earthworks: The development application fails to address clause 7.2 of LEP 2011. There is no consideration of soil stability or existing drainage patterns. There is no evidence or detail on the cut and fill material, or assessment of potential impacts on adjoining properties and the local environment.
- v. Signage: The development application fails to address the requirements of Chapter 2 of DCP 2013.



- vi. Environmental management: The development application does not include enough information to determine whether it satisfies the objectives of clause 2.3, or the development provisions of clause 2.3.

3. Noise:

The Statement of Environmental Effects provides that an acoustic report *'would not be required if the centre was air-conditioned'*. The proposed development includes outdoor play areas that adjoin residential dwelling houses. The development application must assess potential adverse impacts caused by 140 children using the outdoor play areas.

4. Inconsistent with the zone objectives:

The site is zoned R2 Low Density Residential pursuant to the LEP 2011.

The objectives of the R2 zone are

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for low density housing that does not compromise the environmental, scenic or landscape qualities of land.*

The proposed childcare development will cater for 140 children and 28 staff which is a substantial intensification of the use of the site, and has the potential to compromise the environmental qualities of the land in relation to traffic, parking, noise and density.

In addition, there is no demand for additional childcare facilities in the area to meet the day to day needs of residents. The Statement of Environmental Effects incorrectly states that *'there is a significant demand for additional child care places in the area with the existing childcare centre located to the south 100% full and demand anticipated to continue to grow in the area'*. The existing childcare centre less than 1 km from the proposed development site and is not operating at capacity. This demonstrates that there is no demand for an additional childcare facility in the area. Approval of another childcare facility of this scale in such close proximity to an





existing childcare centre will adversely impact the existing facility, and fails to serve the needs of local residents.

5. Contaminated land:

The development involves the change of use of the site from an agricultural / horticultural use, being a landscaping centre / nursery, to a child care centre.

The Applicant has failed to provide a Phase 1 Preliminary Investigation Report in accordance with the requirements of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55), and the 'Managing Land Contamination: Planning Guidelines: SEPP55 - Remediation of Land' (Department of Urban Affairs and Planning and NSW EPA 1998).

The Council cannot determine the application until such a report is prepared and considered (Clause 7 SEPP 55). The report should also form part of the completed development application notified in accordance with the EPA Act.

Having regard to the issues set out above, we submit that the development application is not in the public interest and should be refused by the Council.

Regards



Natasha Alford

Director

Greentape Planning Group Pty Ltd



Page | 4

[REDACTED]

From: John Halse [REDACTED]
Sent: Tuesday, 28 July 2015 2:05 PM
To: Council
Subject: Ref: DA2015 184.1
Attachments: PMHC.pdf

Port Macquarie Hastings Council,
Council Customer Service Centre
Cnr Lord & Burrawang Street
Port Macquarie.

Ref: DA2015.184.1

Dear Sir/Madam

As residents of Fernhill Road Port Macquarie we wish to state our objections to the proposed changes to Fernhill Road due to the proposed construction of the Day Care Centre near the junction of Fernhill Road and the Oxley Highway.

We do not object to the proposed day care centre excepting in regards to the road changes listed.

We note that the proposal states that a Right hand turn across Fernhill Road will be made to allow access to the day care centre.

The proposal also shows a concrete traffic island in front of the access to 6 Fernhill Road.

This proposal seems ludicrous to us due to the obvious safety concerns.

Surely vehicles turning right against traffic on what can be a very busy Fernhill Road will cause major safety issues to both the current residents and the families using the day care centre.

Fernhill Road is a very busy road , especially during the hours of 7 to 9 am and again in the later afternoon hours.

A much better way for parents to drop off and pickup children to/from the centre would be to utilise the large area already available between the left side curb on Fernhill Road and the fenced entrance for the current property. This area combined with the stated car spaces shown for the centre would be more than sufficient to alleviate possible vehicle safety issues.

If the day care centre required all drop off and pick ups use the left hand side of Fernhill Road this will vastly reduce any chance of accidents with vehicles or people.

It would be simple for the vehicles to approach the day care centre only on the left by utilising the Right turn from Lake Road to Fernhill Road or the Oxley Highway and Lake road roundabout then using Lake Road and a left turn to Fernhill Road.

This method would also reduce the congestion which will undoubtedly occur at the Oxley Highway and Fernhill Road roundabout if the current proposal is adopted and therefore the further congestion which would eventuate from vehicles waiting to turn right across Fernhill Road to the day care centre.

Using the Left Only drop off/pick up method would also reduce the councils and therefore the ratepayers costs associated with the proposed changes currently suggested for Fernhill Road.

regards
John Halse
Lii Phing Lim

[REDACTED]

John Halse & Lii Phing Lim
6/6 Fernhill Road
Port Macquarie 2444.

Port Macquarie Hastings Council.
Council Customer Service Centre
Cnr Lord & Burrawang Street
Port Macquarie.

Ref: DA2015.184.1

Dear Sir/Madam

As residents of Fernhill Road Port Macquarie we wish to state our objections to the proposed changes to Fernhill Road due to the proposed construction of the Day Care Centre near the junction of Fernhill Road and the Oxley Highway.

We do not object to the proposed day care centre excepting in regards to the road changes listed. We note that the proposal states that a Right hand turn across Fernhill Road will be made to allow access to the day care centre.

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Using the Left Only drop off/pick up method would also reduce the councils and therefore the ratepayers costs associated with the proposed changes currently suggested for Fernhill Road.

regards
John Halse
Lii Phing Lim

[REDACTED]
[REDACTED]

John Halse

Subject: FW: Development Application No: 2015.184.1

-----Original Message-----

From: John Kaye
Sent: Saturday, 9 May 2015 4:47 PM
To: Patrick Galbraith-Robertson
Subject: Development Application No: 2015.184.1

Hi Patrick

Further to our meeting with you yesterday, as residents of 4 Fernhill road complex we would like to register our concerns regarding the above development.

1a) We hold concerns about the future traffic overload at the junction of Fernhill Road and the Oxley highway.

Since the Bunnings Store was built at the other end of Fernhill Road we have experienced a huge increase in the number of vehicles using this road.

Traffic turning off the Oxley highway at the roundabout are exiting a 60 zone into a 50 zone, which means most vehicles coming off the roundabout are travelling too fast, creating a problem in front of our access, making it dangerous at times to exit especially turning right. Adding to our problem we have to cross a bicycle lane and deal with restricted vision if vehicles are parked between our entry and the roundabout.

1b) To further complicate the situation it is suggested that a slip lane be created to access the centre for vehicles coming from the roundabout, this could only mean scrapping the bicycle lane and any parking to the left of our exit. This would remove our visitor overload parking altogether.

If a slip lane was created we could see a situation where we would be made to exit left at all times. This is also a problem, because at Lake road the situation is worse and turning right to get on to the highway is almost impossible, to turn left takes you to the roundabout in front of Bunnings which is the main access to the industrial area and is always busy.

1c) We also have issues with the road parking. This application is for a Centre with 28 staff and 35 car spaces, if the required number of car spaces does not accommodate for all the staff vehicles as well as the visitors dropping off parking for the children, then there will be more parking on the road. Some of the staff from the other Child care centre and Aces park on the road.

2a) We are also concerned about the Fencing on the Oxley Highway and Fernhill Road boundaries. This type of fencing is generally used for rear boundaries and dividing fences.

We appreciate that it is necessary to have a secure fence however we would suggest some landscaping in recessed areas in front of the fence.

2b) A further concern about the fencing on the corner of Oxley Highway and Fernhill Road is the Heavy vehicles turning into Fernhill Road. The play area is vulnerable to any vehicle career off the road. It is not common but has been known to happen. A 1500 aluminium fence is no protection. Maybe the play area on the corner could be reworked with some landscaping and mature trees.

Regards John and Margaret Kaye Villa 6

Copy to Villas 1-5 and 7-10

From: John Kaye [REDACTED]
Subject: Development Application No: 2015.184.1
Date: 21/7/ 2015
To: patrickg@pmhc.nsw.gov.au

Hi Patrick

After viewing the re-submitted application, which has only addressed the access to a single in/out access half way between villa complexes 4 and 6 and Drawing No CSO1 Site layout and Access plan indicates their proposal for a slip lane to access traffic coming from the Oxley Highway. To do this they are suggesting the cycle lane cuts in to the kerb between Villa complexes 4 and 6 eliminating our off street visitor parking, as residents of 4 Fernhill road complex we strongly object to this proposal. We would like to register our concerns also as to why we have to have 2 child care facilities within our already busy street almost opposite each other.

Our concerns as stated in our previous submission are still relevant, and reproduced below:

1a) We hold concerns about the future traffic overload at the junction of Fernhill Road and the Oxley highway.

Since the Bunnings Store was built at the other end of Fernhill Road we have experienced a huge increase in the number of vehicles using this road.

Traffic turning off the Oxley highway at the roundabout are exiting a 60 zone into a 50 zone, which means most vehicles coming off the roundabout are travelling too fast

,creating a problem in front of our access, making it dangerous at times to exit especially turning right. Adding to our problem we have to cross a bicycle lane and deal with restricted vision if vehicles are parked between our entry and the roundabout.

1b) To further complicate the situation it is suggestion that a slip lane be created to access the centre for vehicles coming from the roundabout, this could only mean scrapping the bicycle lane and any parking to the left of our exit.This would remove our visitor overload parking altogether.

If a slip lane was created we could see a situation where we would be made to exit left at all times.This is also a problem,because at Lake road the situation is worse and turning right to get on to the highway is almost impossible, to turn left takes you to the roundabout in front of Bunnings which is the main access to the industrial area and is always busy.

1c) We also have issues with the road parking. This application is for a Centre with 28 staff and 35 car spaces, if the required number of car spaces does not accommodate for all the staff vehicles as well as the visitors dropping off parking for the children, then there will be more parking on the road.Some of the staff from the other Child care centre and Aces park on the road.

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2b) A further concern about the fencing on the corner of Oxley Highway and Fernhill Road is the Heavy vehicles turning into Fernhill Road. The play area is vulnerable to any vehicle career off the road. It is not common but has been known to happen. A 1500 aluminium fence is no protection. Maybe the play area on the corner could be reworked with some landscaping and mature trees.

Regards John and Margaret Kaye Villa 6 - 4 Fernhill Road.

Copies to Villas 1-5 and 7-10. 4 Fernhill Road and the Strata Managers for Villa Complexes 4 and 6.

1/6 Fernhill Road,
Port Macquarie
NSW 2444
24-Jul-15

Ref: Traffic Report CM15012REP001A
DA 2015.184.1

Dear Patrick,

Subject: Access to and from the 10 villa driveway at 6 Fernhill Road on
commencement of business at the referenced day-care centre.

Certainly an increase of perhaps 200 vehicle movements a day at the proposed day-care centre will affect traffic flow in the vicinity of our home on Fernhill Road.

We are owners at villa 1 in the subject complex and have concerns about this probable increase in normal and peak hour traffic flows and the effect on our access to Fernhill Road at such times.

You will be recognize that most of our egress from the property is directed towards the town centre or to Hastings River Drive, or to the Church and Coles shopping centre down Oxley Highway necessitating a right hand turn from our driveway into Fernhill Road.

Presently at peak hours we may have to wait for a number of vehicles travelling in either direction before we can safely negotiate entering the roadway. On occasions, traffic waiting to enter the Oxley Highway roundabout, queue as far back as our driveway.

We believe that the positioning of the access road to the daycare centre just some metres towards Oxley Highway will make our situation unbearable.

Figure 1 in the referenced traffic report indicates that through vehicles travelling in both directions pass our entrance every 11.3 seconds in the morning peak and 11.0 seconds in the afternoon. Table two indicates that on up to 42 occasions in the hour, vehicles turning into the day care centre from the Oxley Highway direction may have to wait for 12 seconds before they may execute their right turn.

The situation will be exacerbated by between 28 and 42 vehicles leaving the centre to turn right towards Lake Road adding to the slowing of traffic due to access to Aces, across the road, and the Fernhill Road Day-care centre next door.

We believe that the present arrangement of the roadway will be totally inadequate to allow us free access to our property at will, and desire you to better arrange the situation.

Can you please respond alleviating our concerns.

Yours Sincerely

James and Patricia Munro

Subject: FW: DA 2015 Day Care Centre Traffic

From: Jim Munro [REDACTED]
Sent: Friday, 24 July 2015 10:54 AM
To: Patrick Galbraith-Robertson
Cc: John Kaye; Margaret Ratcliffe
Subject: DA 2015 Day Care Centre Traffic

Dear Patrick,

Sorry, I made an error in copying my calculations. The situation is much worse than I painted, for instead of a vehicle passing every 11.3 seconds, in fact one passes about every 5.3 seconds.

Sincerely Yours,

James and Patricia Munro

Subject: FW: Automatic reply: DA 2015 Day Care Centre Traffic DA2015 - 184

From: Jim Munro [REDACTED]
Sent: Saturday, 25 July 2015 11:55 AM
To: Patrick Galbraith-Robertson
Subject: RE: Automatic reply: DA 2015 Day Care Centre Traffic

Hello Patrick,

On Thursday last, my wife and I visited the council chambers to review the subject documents and am today surprised to find from a concerned neighbour that there are documents relating to traffic proposals held separately from those we saw.

We will attend the chambers again on Monday to seek to see those documents and would like to meet with you if you are free at the time.

Yours Sincerely,

Jim and Patricia Munro 1/6 Fernhill Road.

From: Patrick Galbraith-Robertson [<mailto:Patrick.Galbraith-Robertson@pmhc.nsw.gov.au>]
Sent: Friday, 24 July 2015 10:41 AM
To: Jim Munro
Subject: Automatic reply: DA 2015 Day Care Centre Traffic

Hi there, I'm currently out of the office until Monday 27 July. For any urgent enquiries please contact Dan Croft on Dan.Croft@pmhc.nsw.gov.au or by telephone 6581 8111. Alternatively, I will respond to your email on return. Many thanks, Pat

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Subject: FW: DA 2015.184.1 Day Care Centre Traffic

From: Jim Munro
Sent: Tuesday, 28 July 2015 2:49 PM
To: Patrick Galbraith-Robertson
Cc: Margaret Ratcliffe; John Kaye
Subject: DA 2015.184.1 Day Care Centre Traffic

Dear Patrick,

On Monday I again visited the council offices to examine the files on the proposed day-care centre on Fernhill Road to discover the changes proposed for traffic access to the centre and was led by Peter to the Chris Maragos and Associates Drawing Number CS01. On our earlier visit we had not seen the structural amendments shown on that print so with this E-mail I have consolidated the thoughts expressed in our earlier messages in the light of that information. Those previous messages may be conveniently ignored.

SITUATION- Traffic Flows

My wife and I are owners at villa 1 at 6 Fernhill Road and have concerns about the probable increase in normal and peak hour traffic flows and their effect on our access to Fernhill Road. You will be recognize that most of our egress from the property is directed towards the town centre or to Hastings River Drive, or to the Church and Coles shopping centre down Oxley Highway necessitating a right hand turn from our driveway into Fernhill Road.

Presently at peak hours we may have to wait for a number of vehicles travelling in either direction before we can safely negotiate entering the roadway. On occasions, in the afternoon peak hour, traffic waiting to enter the Oxley Highway roundabout from Fernhill Road, queue as far back as the day-care centre driveway shown on the site drawings.

We believe that the positioning of the access road to the day-care centre just some metres towards Oxley Highway from our property, and an increase of perhaps more than 600 vehicle movements a day, 100 to 150 in and out each morning and evening, at the proposed day-care centre will make free access to, and egress from, our property most difficult.

Figure 1 in the referenced traffic report indicates that through vehicles travelling in both directions pass our entrance, on the average, every 5.3 seconds in the peak hour in the morning and 5.4 seconds in the afternoon. Table two indicates that on up to 84 occasions in the hour, vehicles turning right into or out of the day care centre direction may have to wait for 12 seconds before they may execute their right turn. This same analysis applies to residents of our complex. We know that negotiating an entry into a traffic stream requires more than a 4 second gap from both directions, and that natural grouping of vehicles frequently would provide such a gap every 4 or 5 vehicles.

The situation is exacerbated by the slowing of traffic accessing the Fernhill Road Day-care centre next door to our property and Aces, across the road from that centre.

We believe that the present arrangement of the roadway would continue to be marginally adequate outside of the peak hour and pose significant difficulty to us during that time.

SITUATION – Parking

The ten villa complex provides on-site parking spaces for three vehicles only. Guests' and service vehicles often occupy those spaces making it necessary for additional visitors to park on the roadside. We conduct a Tuesday afternoon meeting attended by eight elderly ladies who park their vehicles on the roadside in front of our villa complex and we host other meetings for larger numbers from time to time

OBJECTION TO THE SUBJECT PROPOSAL

The proposal shown on Drawing Number CS01 is totally unsatisfactory as: -

It interferes with the custom and practice of our normal usage and we object most strongly to the proposal on the grounds that it gives no consideration to our situation. It appears that the proposed road markings or island opposite our driveway would preclude our making our accustomed right turn. And

It eliminates the capacity for parking guest and service vehicles on the roadside in the immediate vicinity.

POSSIBLE ALTERNATE SOLUTION

1. Allow left turn only into and out from the centre onto Fernhill Road.

Vehicles leaving the centre and wishing to proceed towards Lake Road along Fernhill Road would suffer minor inconvenience having to conduct a U-turn at the Oxley Highway roundabout. Separating the left turn access and egress lanes would be a further improvement to the flow in and out of the centre. Further improvement could be achieved by resuming some property frontage from Aces and the proposed centre to providing left turning lanes on their side of Fernhill Road
And

2. Improve the lane servicing properties along Oxley Highway close to the roundabout to give access to the day-care centre from that direction.

Vehicles approaching the centre from the Oxley Highway and Clifford Road would follow established procedures to enter the service lane without interfering with normal traffic movements. This would minimise disruption of traffic on Fernhill Road by eliminating the need for right hand turns across the traffic flow..

This solution minimises impediments to the Fernhill road traffic flow but incurs the penalty of having to negotiate the solution with the New South Wales Roads and Maritime Services authority and perhaps requires changes to the layout of the centre.

SUMMARY

We have sincere concerns about the changes proposed by the consultants to the centre and object most strongly to the likely interference with the lifestyle to which we have become accustomed.

We know that the New South Wales Roads and Maritime Services authority have a vision for Oxley Highway to develop into a six lane road system but believe that access to the properties along the highway will still require a service lane when that vision is developed.

We believe that allowing left turns only, into and out of the centre would alleviate disruption to the traffic flow on Fernhill Road and that the possible alternate solution offered here is likely to be satisfactory to all parties.

Patrick, if there is to be a meeting discussing this development application could representatives of the New South Wales Roads and Maritime Services authority and residents of our villa complex be invited to attend.

We keenly await your considered response.

Yours Sincerely,

James and Patricia Munro

09/09/2015

7/4 Fernhill Road Port Macquarie. 2444.

9th May 2015.

FOR THE ATTENTION OF MR. PATRICK GALBRAITH ROBERTSON

Port Macquarie Hastings Council
Box 84 Post Office, PORT MACQUARIE. 2444.

Dear Sir:

re PROPOSED CHILD CARE CENTRE
296 OXLEY HIGHWAY PORT MACQUARIE.

32372

PORT MACQUARIE HASTINGS
TRIM No
11 MAY 2015
Keyword
Active
Doc
Folder DA2015/184-1

As a resident of the above address, I write to you with my concern of the above project.

I understand, if the building of the Child Care Centre proceeds, that it will house up to 150 children and that there will be 28 teaching staff. I have no objection to that as long as the finished result will be attractive from a neighbour's point of view and that there will be no metal fences visible.

However, this will mean that there will be up to 150 cars, plus 28 teachers cars, plus maintenance cars, plus delivery cars and sundry, entering the premises and the effect on the already bad traffic situation in the area, is horrifying to contemplate as the access to the proposed property is not a good one.

Fernhill Road is already a problem road, on which traffic has increased over the past few years, and even now, as residents of our villa complex, to turn right onto Fernhill Road is a major hazard.

I am reminded of a similar situation in Sydney some years ago when a child was killed and another badly maimed, and feel that Council could bear this in mind as little children's lives are at risk here.

Thankyou for the opportunity to reply to your letter informing me of the proposed Child Care Centre, but I do feel that more time should have been allowed for us as residents, to reply.. (we were late receiving Council's notice.)

Yours sincerely,



(Mrs.) Mary Newell.

David and Patricia Smith
5/4 Fernhill Road
Port Macquarie NSW 2444
[REDACTED]

Mr. Patrick Galbraith-Robertson
Port Macquarie-Hastings Council
Corner Lord & Burrawan Streets
Port Macquarie NSW 2444

Subject: Development Application No: 2015.184.1

Dear Mr. Galbraith-Robertson,

My wife and I, along with residents at number 4 and number 6 Fernhill road, Port Macquarie, share a number of concerns regarding the proposed development of another child care centre immediately opposite our villa complexes.

Major concerns relate to traffic and the proposed changes that will result in the loss of street parking for visitors to both villa complexes on the northern side of existing child care centre, other than the two (2) spaces provided immediately as traffic turns left into Fernhill Road

As both complexes have very limited parking (3 spaces only), and the existing child care centre's staff utilize most of the available street parking already, the proposed new child care centre will certainly guarantee that all existing long term residents and their visitors will be denied virtually any street parking from the Oxley Highway to Fern Valley Parade. There is also a concern that staff and clients of the new proposed centre may attempt to enter private property and park in villa complex car parks.

Of even more concern is the potential danger that the entry/exit of this new centre will create when the proposed changes are made to existing traffic lanes as vehicles enter and exit one of the busiest roundabouts that link the Oxley Highway, Gordon Street and Hastings River Drive to Port Macquarie's industrial area. Based on the suggested changes to the existing traffic lanes, the risk to residents of number 4 and number 6 Fernhill Road entering or exiting their driveway seems to have not received the consideration it deserves, and in fact is not effectively addressed in the Traffic Assessment provided, considering there are ten (10) residents at each street address plus visitors, service and delivery vehicles.

It also appears no consideration has been given to the fact that there are a number of very elderly residents in both complexes, who receive community support such as transport, meals on wheels, and some form of home care.

(cont.)

The survey figures for traffic flow provided are grossly understated, and photographs and videos taken by residents show the traffic flow to be far heavier than suggested by the survey.

The creation of two (2) parking spaces immediately after turning left into Fernhill Road exacerbates a danger to residents as they attempt to exit the driveway in either direction, by further reducing the view of approaching traffic. The existing single parking space at this location has generated numerous safety concerns reported to Council over a long period.

No detail has been provided as to how the issue of school buses dropping off and picking up school children is to be addressed. This currently occurs between the roundabout and the existing child care centre on both sides of Fernhill Road.

In the Development Application provided, all of the proposed changes and benefits are highlighted as meeting the needs of a business's clients, without much consideration for twenty (20) residents immediately across the road.

In RPS Conclusion (7.0) it states the proposal will UNLIKELY have a significant impact on the character of surrounding properties, benefits far outweigh the losses and the project is for the greater good of the community. These statements are from a profit making organization who is duplicating a service that already exists directly across the road from their proposal, and the immediate residents, of whom the majority are retirees, receive no benefit and all the adverse impact.

We have concentrated on the two major issues that we are genuinely concerned about, namely safety and parking. The other issues of noise and the amenity of the area that may result from the proposed development can be referred to council when and if necessary.

Yours Sincerely

David and Patricia Smith

c.c. All owners at number 4 Fernhill Road Port Macquarie

Strata Managers of complex number 4 and complex number 6 Fernhill Road Port Macquarie



Suite 25, First Floor, Colonial Arcade
25-27 Hay Street, Port Macquarie NSW 2444

STRATA MANAGEMENT SPECIALISTS

30 July 2015

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

Dear Sir / Madam,

32372

PORT MACQUARIE HASTINGS	
TRIM No	CRM No
- 6 AUG 2015	
Keyword	
Activity	
Subject	
Folder <u>DA 2015. 184. 1.</u>	

RE: DEVELOPMENT APPLICATION 2015.184.1
PPTY: 4 FERNHILL ROAD, PORT MACQUARIE SP66411

We write as the Strata Managing Agent on behalf of the Owners Corporation of Strata Plan 66411, 4 Fernhill Road, Port Macquarie.

The Owners Corporation has expressed their concerns in respect to the proposed development of a child care centre immediately opposite the villa complex.

The major concern relates to traffic, in particular that the proposed changes will result in parking issues, impeded driveway access, personal injury or worse and significant increase in traffic flow in an already high flow area of town.

The property has limited parking within and staff at the existing child care centre already utilize the only two (2) available parking spaces on the street. As such, it is the Owners SP66411 opinion that the proposed child care centre will guarantee that there will be no car parks available for residents and their guests. Of further concern is that staff and clients of the proposed centre will use private parking within the property.

The creation of two (2) parking spaces immediately after turning left into Fernhill Road exacerbates a danger to residents as they attempt to exit the driveway in either direction, by further reducing the view of approaching traffic.

The survey figures for traffic flow provided are grossly understated, with residents holding photographic and video evidence of such, which means that the proposed child care centre will increase traffic flow substantially.

When the proposed changes are made to the existing traffic lanes, which already carry a substantial traffic flow as the roundabout links the Oxley Highway, Gordon Street and Hastings River Drive into the Port Macquarie industrial area, the risk to residents, children of the existing childcare centre and parents alike increases.



Suite 25, First Floor, Colonial Arcade
25-27 Hay Street, Port Macquarie NSW 2444

STRATA MANAGEMENT SPECIALISTS

30 July 2015

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

Dear Sir / Madam,

32372

PORT MACQUARIE HASTINGS	
TRIM No	CRM No
- 6 AUG 2015	
Keyword _____	
Activity _____	
Subject _____	
Folder <u>DA 2015. 184. 1.</u>	

RE: DEVELOPMENT APPLICATION 2015.184.1
PPTY: 4 FERNHILL ROAD, PORT MACQUARIE SP66411

We write as the Strata Managing Agent on behalf of the Owners Corporation of Strata Plan 66411, 4 Fernhill Road, Port Macquarie.

The Owners Corporation has expressed their concerns in respect to the proposed development of a child care centre immediately opposite the villa complex.

The major concern relates to traffic, in particular that the proposed changes will result in parking issues, impeded driveway access, personal injury or worse and significant increase in traffic flow in an already high flow area of town.

The property has limited parking within and staff at the existing child care centre already utilize the only two (2) available parking spaces on the street. As such, it is the Owners SP66411 opinion that the proposed child care centre will guarantee that there will be no car parks available for residents and their guests. Of further concern is that staff and clients of the proposed centre will use private parking within the property.

The creation of two (2) parking spaces immediately after turning left into Fernhill Road exacerbates a danger to residents as they attempt to exit the driveway in either direction, by further reducing the view of approaching traffic.

The survey figures for traffic flow provided are grossly understated, with residents holding photographic and video evidence of such, which means that the proposed child care centre will increase traffic flow substantially.

When the proposed changes are made to the existing traffic lanes, which already carry a substantial traffic flow as the roundabout links the Oxley Highway, Gordon Street and Hastings River Drive into the Port Macquarie industrial area, the risk to residents, children of the existing childcare centre and parents alike increases.

Residents within the area are elderly and some receive community support, such as meals on wheels, transport and some form of home care. It appears that no consideration has been given for access to residential driveways for such services to be provided or for ease of use by residents and their guests.

Furthermore, no details have been provided in respect to how the issue surrounding school buses stopping on both sides of the road to drop off and pick up children is to be addressed.

In the development application provided, all of the proposed changes and benefits are highlighted as meeting the needs of a business clients, without much consideration for the twenty residents immediately across the road.

We have concentrated on the two major issues that we are genuinely concerned about, namely safety and parking. The other issues of noise and the amenity of the area that may result from the proposed development can be referred to Council when and if necessary.

Thank you for your valued assistance in this matter and we look forward to your response.

Yours faithfully

STRATA PROFESSIONALS



**MARGARET RATCLIFFE
STRATA MANAGER**





Suite 25, First Floor, Colonial Arcade
25-27 Hay Street, Port Macquarie NSW 2444

STRATA MANAGEMENT SPECIALISTS

30 July 2015

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

Dear Sir / Madam,

RE: DEVELOPMENT APPLICATION 2015.184.1
PTY: 6 FERNHILL ROAD, PORT MACQUARIE SP72529

32372

PORT MACQUARIE HASTINGS	
TRIM No	CRM No
- 6 AUG 2015	
Keyword	
Activity	
Subject	
Folder	

DA2015.184.1

We write as the Strata Managing Agent on behalf of the Owners Corporation of Strata Plan 72529, 6 Fernhill Road, Port Macquarie.

The Owners Corporation has expressed their concerns in respect to the proposed development of a child care centre immediately opposite the villa complex.

The major concern relates to traffic, in particular that the proposed changes will result in parking issues, impeded driveway access, personal injury or worse and significant increase in traffic flow in an already high flow area of town.

The property has limited parking within and staff at the existing child care centre already utilize the only two (2) available parking spaces on the street. As such, it is the Owners SP72529 opinion that the proposed child care centre will guarantee that there will be no car parks available for residents and their guests. Of further concern is that staff and clients of the proposed centre will use private parking within the property.

The creation of two (2) parking spaces immediately after turning left into Fernhill Road exacerbates a danger to residents as they attempt to exit the driveway in either direction, by further reducing the view of approaching traffic.

The survey figures for traffic flow provided are grossly understated, with residents holding photographic and video evidence of such, which means that the proposed child care centre will increase traffic flow substantially.

When the proposed changes are made to the existing traffic lanes, which already carry a substantial traffic flow as the roundabout links the Oxley Highway, Gordon Street and Hastings River Drive into the Port Macquarie industrial area, the risk to residents, children of the existing childcare centre and parents alike increases.

Residents within the area are elderly and some receive community support, such as meals on wheels, transport and some form of home care. It appears that no consideration has been given for access to residential driveways for such services to be provided or for ease of use by residents and their guests.

Furthermore, no details have been provided in respect to how the issue surrounding school buses stopping on both sides of the road to drop off and pick up children is to be addressed.

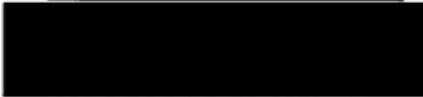
In the development application provided, all of the proposed changes and benefits are highlighted as meeting the needs of a business clients, without much consideration for the twenty residents immediately across the road.

We have concentrated on the two major issues that we are genuinely concerned about, namely safety and parking. The other issues of noise and the amenity of the area that may result from the proposed development can be referred to Council when and if necessary.

Thank you for your valued assistance in this matter and we look forward to your response.

Yours faithfully

STRATA PROFESSIONALS



MARGARET RATCLIFFE
STRATA MANAGER



Gary Stratton
Unit 1
4 Fernhill Road
Port Macquarie NSW 2444

30th July 2015

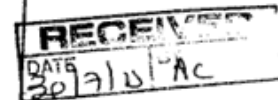
Mr. Patrick Galbraith-Robertson
Port Macquarie-Hastings Council
Corner Lord & Burrawan Streets
Port Macquarie NSW 2444

Subject: Development Application No: 2015-184-1

Dear Mr. Galbraith-Robertson,

32322

PORT MACQUARIE HASTINGS	
TRIM No	CRM No
31 JUL 2015	
Keyword	
Activity	
Folder	DA 2015-184-1



I wish to strongly object to the Access Plan for the above development.

This plan calls for the removal of 9 street carpark spaces between the entrances of 4 Fernhill Road and 8 Fernhill Road.

There is very limited available street parking due to:-

- 1) The western side of Fernhill Road having a narrow bicycle lane on the edge prohibiting any parking between Oxley Highway and Acacia Ave.
- 2) There is a large overflow of resident vehicle at 12 Fernhill Road. (Up to 9 vehicles parked on the street due to lack of onsite parking in the 9 unit villa complex with only single garages).
- 3) The majority of employees at the Pre-School at 8 Fernhill Road park on the street, leaving their car park all but empty. (I assume that it allows parents to safely drop off and pick up their children safely in the 12 place car park.)

These 9 carpark spaces are needed by the 20 villa's that comprise No's 4 and 6 Fernhill Road for visitors, service vehicles and temporary parking.

It is unacceptable to remove this existing amenity from the owners at 4 and 6 Fernhill Road.

I find it hard to see the need for the slip lane for this development when there is no such need at 3 Fernhill Road which has a carpark of some 28+ sites directly opposite 8 Fernhill Road with a 12 site carpark.

Is the proposed loss of 9 parking spaces taken into account when the assessed requirement for the development is to supply 35 parking spaces?

Yours sincerely

Gary Stratton