



Development Assessment Panel

Business Paper

date of meeting: Wednesday 14 October 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	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	09/09/15
Paul Drake	✓	✓	✓	✓	✓
Dan Croft Patrick Gailbraith-Robertson (alternate)	✓	✓	✓	✓	✓
David Troemel Caroline Horan (alternate) Bevan Crofts (alternate)	✓	✓	✓	✓	✓

Member	23/09/15				
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 14 October 2015

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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 23 September 2015 be confirmed.

PRESENT

Members:

Paul Drake
Dan Croft
David Troemel

Other Attendees:

Chris Gardiner
Pat Galbraith-Robertson

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 9 September 2015 be confirmed.

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 DA2015 - 0350 - DWELLING AND SWIMMING POOL INCLUDING CLAUSE 4.6 OBJECTION TO CLAUSE 4.3 (HEIGHT OF BUILDINGS) OF THE PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 AT LOT 15 DP 1074785, NO. 6 OCEAN RIDGE TERRACE, PORT MACQUARIE

Speakers:
Michelle Love (applicant)

CONSENSUS:

That it be recommended to Council that DA 2015 - 0350 for a Dwelling and Swimming Pool Including Clause 4.6 Objection to Clause 4.3 (Height of Buildings) of the Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 15, DP 1074785, No. 6 Ocean Ridge Terrace, Port Macquarie, be determined by granting consent subject to the recommended conditions.

06 DA2015 - 0448 - RELOCATION OF CENOTAPH - LOT 7312 DP 1161732 RES 82306 & HORTON STREET ROAD RESERVE, HORTON STREET, PORT MACQUARIE

CONSENSUS:

That it be recommended to Council that DA 2015 - 0448 for Relocation of the Port Macquarie Cenotaph at Lot 7312, DP1161732, Horton Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

07 DA2015 - 0351 - ANCILLARY BUILDING (SHED) - LOT 67 DP 1041677, NO 46 CASUARINA DRIVE, LAKEWOOD.

CONSENSUS:

That DA 2015 - 0351 for an ancillary building (shed) at Lot 67, DP 1041677, No. 46 Casuarina Drive, Lakewood, be determined by granting consent subject to the recommended conditions and as amended below:

- 'Additional condition in Section A of the consent to read: ' the shed roller access door is to be located so as to face Casuarina Drive and a driveway is to be constructed from the road formation to the shed access. Approval 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 obtained from Port Macquarie-Hastings Council.
Such works include, but not be limited to:
Concrete driveway footpath crossing'
- Additional condition in Section E of the consent to read: 'Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority

of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.'

08 DA 2012 - 507 - PART DEMOLITION OF EXISTING MOTEL AND CONSTRUCTION OF TOURIST AND VISITOR ACCOMMODATION AND GROUND FLOOR COMMERCIAL TENANCIES INCLUDING CLAUSE 4.6 VARIATION TO CLAUSE 4.3 (BUILDING HEIGHTS STANDARD) UNDER PORT MACQUARIE-HASTINGS LOCAL ENVIRONMENTAL PLAN 2011 - LOT 1 DP 515434 AND LOT 2 DP 505781, 25-29 CLARENCE STREET, PORT MACQUARIE

CONSENSUS:

That it be recommended to Council that DA 2012 - 507 for a Part Demolition of Existing Motel and Construction of Tourist and Visitor Accommodation and Ground Floor Commercial Tenancies including Clause 4.6 Variation to Clause 4.3 (Height of Buildings Standard) under Port Macquarie-Hastings Local Environmental Plan 2011 at Lot 1 DP 515434, & Lot 2 DP 505781, No. 25-29 Clarence Street, Port Macquarie, be determined by granting of a deferred commencement consent subject to the following being satisfied within 2 years from the date of determination, and the attached conditions as amended below:

1. Adequate arrangements for sewer main realignments and servicing shall be provided including provision of any adjoining owner's consents to the satisfaction of Council.
 2. Amended basement parking plans shall be submitted to improve parking areas circulation to the satisfaction of Council.
 3. An amended ground floor plan shall be submitted which includes widening of the driveway to a two way access on the Sunset Parade frontage of Lot 1 DP 499501 (similar to Drawing No. D05/1 Level 3 floor plan prepared by Wayne Ellis Architects dated 5 April 2012), to the satisfaction of Council.
- Amend condition E3 to read:
'Consolidation of all allotments comprising the site of the proposed development including Lot 1, DP 499501 prior to issue of the Occupation Certificate or proposed as part of the application for a Subdivision Certificate.'
 - Additional condition in Section E of the consent to read:
'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. '
 - Additional condition in Section E of the consent to read:

‘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.’

09 GENERAL BUSINESS

Nil.

The meeting closed at 2.30pm.

Item: 04
Subject: DISCLOSURES OF INTEREST

RECOMMENDATION

That Disclosures of Interest be presented

DISCLOSURE OF INTEREST DECLARATION

Name of Meeting:

Meeting Date:

Item Number:

Subject:
.....

I, declare the following interest:

☐

Pecuniary:

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

☐

Non-Pecuniary - Significant Interest:

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

☐

Non-Pecuniary - Less than Significant Interest:

May participate in consideration and voting.

For the reason that:

.....

Signed: Date:

(Further explanation is provided on the next page)

Further Explanation

(Local Government Act and Code of Conduct)

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

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

Pecuniary Interest

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

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

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

Non-Pecuniary

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

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

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

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

Non Pecuniary – Significant Interest

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

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

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

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

Non Pecuniary – Less than Significant Interest

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

SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

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 - 0729.2 MODIFICATION TO MEDICAL CENTRE- DESIGN
CHANGES TO ANCILLARY BUILDING - LOT 1 DP 783122, NO 42
LORD STREET, PORT MACQUARIE****Report Author: Benjamin Roberts**

Property:	Lot 1 DP 783122, 42 Lord Street, Port Macquarie
Applicant:	Chris Jenkins Architects
Owner:	V J & G K Vozzo
Application Date:	4 August 2015
Estimated Cost:	N/A
Location:	Port Macquarie
File no:	DA2014 - 0729.2
Parcel no:	12791

Alignment with Delivery Program

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

RECOMMENDATION

1. That section 96(1A) modification to DA 2014 - 0729.2 for design changes to an ancillary building to a medical centre at Lot 1, DP 783122, No. 42 Lord Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.
2. That the matter be referred to Council's Regulatory Service section for investigation and action where deemed necessary.

Executive Summary

This report considers a modification to a development application for a medical centre and ancillary building on the subject site and provides an assessment in accordance with the Environmental Planning and Assessment Act 1979.

The ancillary building (garage) at the rear of the property has been constructed not in accordance with the development consent. The modification seeks consent for changes to the design of the building.

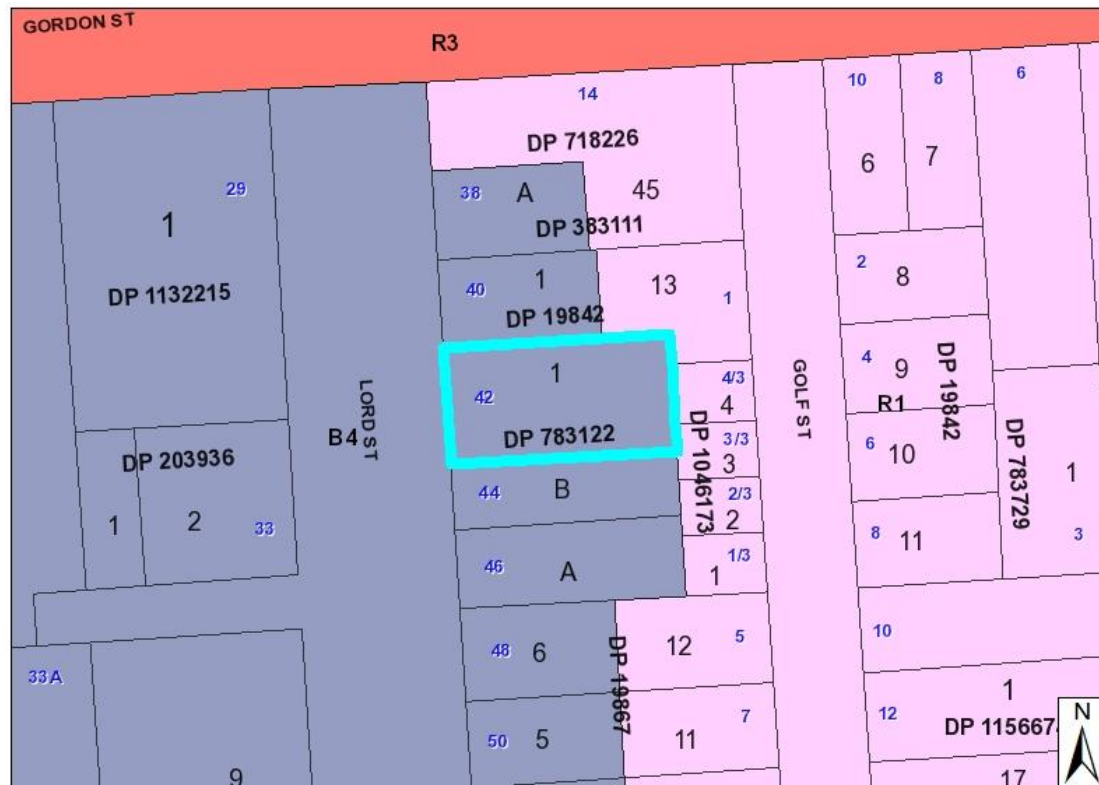
Following exhibition of the application, one submission has been received.

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 935.8m².

The site is zoned B4 mixed use in accordance with the Port Macquarie-Hastings Local Environmental Plan 2011, as shown in the following zoning plan:



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



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Change in location of the ancillary building. Original setback 600mm from rear boundary. Constructed 1m from rear boundary.
- Change in height of the ancillary building. Original pitched roof height of 2.66m at rear increasing to 3.36m at front. Constructed pitched roof height of 3.208m at rear increasing to 4.012m at front.
- Change to the design of the ancillary building to include:
 - 2 doors in the eastern wall (already constructed);
 - toilet and basin in the building (yet to be constructed);
 - door and window in the northern wall (frame constructed).

Refer to attachments at the end of this report.

Application Chronology

- 4 August 2015 - Application lodged
- 11 - 24 August 2015 - Public exhibition via neighbour notification

3. STATUTORY ASSESSMENT

Is the proposal substantially the same?

Section 96 of the Environmental Planning and Assessment Act 1979 enables the modification of consents and categorises modification into three categories - S.96(1) for modifications involving minor error, mis-description or miscalculation; S.96(1A) for modifications involving minimal environmental impact; and S.96(2) for other

modifications. Each type of modification must be considered as being substantially the same to that which was originally consented to.

The subject application is being considered under the provisions of Section 96(1A). The proposal is considered to be substantially the same development to that which was originally consented to and will have minimal environmental impact. Having regard to the above principles, the proposed modification is not considered to alter the fundamental essence of the original development for the following reasons:

- The modification relates to minor design, location and height changes of an ancillary building to the medical centre.
- No significant change to the layout or footprint of the medical centre and ancillary structure is proposed.
- The changes to the ancillary building are considered minor in the context of the overall development.

Are there any condition(s) of consent imposed by a Minister, government or public authority that require modification?

None applicable.

Does the application require notification/advertising in accordance with the regulations and/or any Development Control Plan?

Yes. Neighbour notification has been undertaken in accordance with DCP 2013.

Any submissions made concerning the modification?

Yes. One submission was received following completion of the neighbour notification period. It should be noted that concerns were expressed by this neighbour during notification of the original proposal surrounding the height, location and use of the ancillary building. Their concerns were later withdrawn following a verbal agreement with the land owner and change to plans which moved the ancillary building off the boundary and incorporated a pitched roof with reduced height.

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

Submission Issue/Summary	Planning Comment/Response
The applicant states the building was located 1 metre from the boundary due to boggy ground being encountered during excavation. Is there a water issue? and if so is it being addressed. The 1m gap will be constantly shadowed and unable to dry out.	Any water issue identified on site during construction should be managed by the land owner to ensure stormwater is not directed onto adjoining properties. The increase in building setback will allow for better ventilation between buildings.
The applicant claims that the height of the eastern wall of the garage has been increased from 348mm to 452mm to accommodate vehicles with roof racks. Any large vehicle including a Toyota Land cruiser would fit in the existing approved garage height. The height increase is not justified.	The ancillary building is below the 11.5m height limit. While not a residential site it should be acknowledged that DCP 2013 provides for ancillary buildings to a height of 4.8m in a residential context. The use of the ancillary building remains unchanged being for the purpose of providing secure parking for medical practitioners. Condition exists.
The proposal will not result in substantially the same development to that previously approved. The proposal involves an increase in building height, building location and addition of doors, windows, toilet and basin. How many changes can be made before it's not substantially the same?	Refer to comments within the report. The modified proposal is considered to be substantially the same.
The reasons provided by the applicant for the modification are misleading and invalid and the application should be rejected.	Noted. The proposal as modified meets applicable development standards and refusal of the application is not justified.

Any matters referred to in section 79C (1) relevant to the modification?

(a) the provisions of:

(i) any environmental planning instrument, and

It is important to note that the application was assessed and consented to on 27 November 2014. For the purpose of this modification assessment needs to be given to the environmental planning instruments applicable at the time. The following relevant instruments were in force at the time.

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 71 – Coastal Protection

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

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

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

- a) any restricted access (or opportunities for access) to the foreshore
- b) any adverse amenity impacts along the foreshore and on the scenic qualities of the coast;
- c) any adverse impacts on flora and fauna;
- d) the development being subject to any adverse coastal processes or hazards;
- e) any significant conflict between water and land based users of the area;
- f) any adverse impacts on any items of archaeological/heritage;
- g) reduction in the quality of the natural water bodies in the locality (due to effluent & stormwater disposal, construction impacts, landuse conflicts);
- h) adverse cumulative impacts on the environment;
- i) a form of development that is unsustainable in water and energy demands;

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

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 B4 mixed use. In accordance with clause 2.3(1) and the B4 zone landuse table, medical centres are permissible landuse with consent. The proposal is for design changes to the ancillary building to the medical centre. Being an ancillary building to the medical centre it is permissible with consent. In this regard supporting documentation with the original application outlined that the ancillary building is to provide covered secured parking for the practising health care professionals. A condition was applied on the consent reinforcing that the ancillary use of the garages and carport is to provide parking to staff and customers of the medical centre and that any change to the use of these structures will require further development consent.

The objectives of the B4 zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure that new developments make a positive contribution to the public domain and streetscape.

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;

Clause 4.3, the maximum overall height of the ancillary building above ground level (existing) is 4.037m which complies with the standard height limit of 14.5m applying to the site.

Clause 4.4, the floor space ratio of the proposal complies with the maximum 1:1 floor space ratio applying to the site.

Clause 5.9 - no listed trees in Development Control Plan 2013 are proposed to be removed.

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 proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

No draft instruments apply.

(iii) any development control plan, and

Port Macquarie-Hastings Development Control Plan 2013

DCP 2013: General Provisions			
DCP Objective	Development Provisions	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline: <ul style="list-style-type: none"> Casual surveillance and sightlines Land use mix and activity generators Definition of use and ownership Lighting Way finding Predictable routes and entrapment locations 	The proposed design meets the principles of crime prevention through environmental design.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	The extent of cut and fill is minimal <1m.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads. Existing accesses rationalised or removed where practical.	Existing access to be widened.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Single access only.	Yes
2.5.3.3	Off-street parking in	Having regard to the	Yes

	accordance with Table 2.5.1. 3 spaces per consultant and 1 space per employees	design changes of the ancillary structure and incorporation of a turning bay to the car park a total of 16 parking spaces are now to be provided. These comprise of 10 open spaces within the car park and 6 covered spaces in the ancillary building. This differs from the 18 spaces that were available under the original consent (11 uncovered in car park and 7 within the ancillary building). The number of practising health care professionals remains unchanged at 3 health care professionals and 4 administrative staff. Based on DCP 2013 parking rates the demand for 11 spaces remains unchanged. Sufficient parking will be provided under the proposed modification.	
	Parking layout in accordance with AS/NZS 2890.1 and AS/NZS 2890.2	Appears to comply and condition applied requiring certification.	Yes
	Parking spaces generally located behind building line	Parking located behind building line.	Yes
2.5.3.8	Accessible parking provided in accordance with AS/NZS 2890.1, AS/NZS 2890.2 and AS 1428	One disabled space has been provided.	Yes
	Additional accessible spaces where development would have high volume of aged or disabled traffic	N/A	N/A
2.5.3.9	Bicycle and motorcycle parking considered and designed generally in accordance with the principles of AS2890.3	Parking arrangement can accommodate bicycles and motorcycles.	Yes
2.5.3.10	Parking concessions possible for conservation of heritage items	N/A	N/A
2.5.3.11	Section 94 contributions	Refer to main body of report.	
2.5.3.12 and	Landscaping of parking areas	Suitable landscaping provided around internal	Yes

2.5.3.13		parking.	
2.5.3.14	Sealed driveway surfaces unless justified	To be sealed.	Yes
2.5.3.15	Driveway grades for first 6m of 'parking area' shall be 5% grade (Note AS/NZS 2890.1 allows for steeper grades)	Driveway capable of compliance. Details to be provided with section 138 application.	Yes
2.5.3.16	Transitional grades min. 2m length	Grades capable of compliance.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Stormwater from parking hardstand to be disposed of to Lord Street.	Yes
	Vehicle washing facilities – grassed area etc available.	N/A	N/A
	No direct discharge to K&G or swale drain	N/A	N/A
2.5.3.18	Car parking areas drained to swales, bio retention, rain gardens and infiltration areas	Stormwater can be adequately managed.	Yes
	For external bays, one bay is required for 500m ² of floor space or 1000m ² of site area.	N/A	N/A
	Commercial development having a floor space less than 500m ² need not provide a loading bay.	<500m ²	N/A
	Other commercial development shall provide one loading bay for the first 1,000m ² floor space and one additional bay for each additional 2,000m ² .	N/A	N/A
	If parcel pickup facilities are provided on-site they shall be located so as to avoid conflict with general traffic flow within parking areas. Parcel pickup lanes shall be separate from through traffic lanes in major shopping developments.	Suitable area available within the car park.	Yes

DCP 2013: Business & Commercial Development (Note: this assessment table applies to all development proposed within business zones (B1, B2, B3, B4, B5, B7) in the Port Macquarie-Hastings Local Environment Plan 2011).

DCP Objective	Development Provisions	Proposed	Complies
3.4.3.1	Setbacks: A zero metre setback to ground floor is preferred in all business zone developments.	0m front setback.	Yes
	Steps, escalators, ramps or lifts are set back a further 1.2m to maximise pedestrian	Accessible ramp on boundary. Existing pedestrian footpath out	Yes

	flow and safety and allow for adequate waiting space.	front provides adequate pedestrian flow in this locality.	
	Automatic Teller machine within front Setback: <ul style="list-style-type: none"> Must be set back 1.5m in addition to the building line; Must be well illuminated at all times. 	N/A	N/A
3.4.3.3	Roof Form: Variations in roof form including the use of skillions, gables and hips are to be provided in the development.	Roof form acceptable.	Yes
	Variations in roof materials shall be used.	Materials acceptable.	Yes
	Parapets and flat roofs should be avoided.	Roof form acceptable.	Yes
	In an established street, roof form and materials shall be consistent or complementary to those developments in that street.	Roof form consistent with established buildings within the street.	Yes
	Lift over-runs and service plant shall be concealed within roof structures. All roof plant must be represented on plans and elevations.	N/A	N/A
	Outdoor recreation areas on flat roofs shall be landscaped and incorporate shade structures and wind screens to encourage use.	N/A	N/A
	Roof design shall generate an interesting skyline and be visually interesting when viewed from adjoining developments.	Roof form acceptable.	Yes
3.4.3.4	Colours, construction materials and finishes should respond in a positive manner to the existing built form, character and architectural qualities of the street	Acceptable.	Yes
	Side and rear facades are to be treated with equivalent materials and finishes to the front façade.	Side and rear facades adequately treated.	Yes
	Building facades should be designed to reflect the orientation of the site incorporating environmental	Facades acceptable.	Yes

	control devices, e.g. sun shades, ventilation vents, overhangs, building recesses, eaves, as an integrated design feature of the building.		
	An articulation zone of between 1.8-4.0m is provided for the front façade of all floors containing residential and tourist uses.	N/A	N/A
3.4.3.7	Infill development or alterations should respect the form, scale and massing of existing traditional buildings.	Infill development consistent with scale and character of existing buildings within locality.	Yes
	Where traditional frontages and facades set the architectural theme for parts of a Centre, infill buildings or alterations respect and reflect the architectural qualities and traditional materials of those buildings, but do not necessarily imitate historical architectural styles.	Architectural design acceptable.	Yes
3.4.3.8	Active Frontages: <i>(Note: An active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.)</i> Ground floor levels shall not be used for residential purposes in B1, B2, B3 and B4 zones.	Acceptable street frontage.	Yes
3.4.3.9	A minimum of 50% of the ground floor level front facade is to be clear glazed.	Front facade provided with architectural screening.	Yes
	Active frontages must consist of one or more of the following: <ul style="list-style-type: none"> • A shop front. • Commercial and residential lobbies. • Café or restaurant if accompanied by an entry from the street. • Public building if accompanied by an entry from the street. 	Medical centre incorporates entry lobby.	Yes
	Active ground floor uses are to be accessible and at the same level as the footpath.	Consistent.	Yes

	Restaurants, cafés and the like shall provide openable shop fronts to the footpath but must not encroach into footpath.	N/A	N/A
	Colonnade structures shall not be used unless it is demonstrated that the design would not restrict visibility into the shop or commercial premise or limit natural daylight along footpaths and do not create opportunities for concealment.	N/A	N/A
	Materials shall ensure high quality design and amenity in the public domain.	N/A	N/A
	New awning fascias must be coordinated with adjacent awning fascias where they exist. In all other instances fascias are to be solid, flat and between 300mm and 700mm in height.	N/A	N/A
3.4.3.13	Skylights may be provided in the awning for a maximum depth of 1/3 of the total awning depth.	N/A	N/A
	Under awning lighting shall comply with AS/NZS1158.	N/A	N/A
3.4.3.14	Awnings are designed and constructed to encourage pavement dining in areas identified for pavement dining, along the foreshore and in piazzas.	N/A	N/A
3.4.3.15	Landscaping: A landscape plan shall be submitted with the development application and include: <ul style="list-style-type: none"> • Existing vegetation; and • Existing vegetation proposed to be removed; and • Proposed general planting and landscape treatment; and • Design details of hard landscaping elements and major earth cuts, fills and any mounding; and • Street trees; and • Existing and proposed 	Suitable and acceptable landscaping proposed.	Yes

	street furniture including proposed signage.		
3.4.3.17	Large trees and spreading ground covers are provided in all landscape areas within the site.	Suitable landscaping proposed.	Yes
	Large screening shrubs of an appropriate density and size to complement the scale and bulk of the subject building are provided in areas where screening is a priority.	N/A	N/A
	Where car parking cannot be provided under or behind the building and Council has agreed to permit some or all of the parking in the front setback, a landscaped strip with a minimum width of 3.0m is provided along the entire frontage/s of the site.	Parking behind building line.	Yes
3.4.3.18	At grade car parking incorporate water sensitive urban design principles to drain pavement areas.	Parking to provide adequate stormwater measures.	Yes
3.4.3.19	Fencing for security or privacy shall not be erected between the building line and the front boundary of a site.	No fencing proposed.	N/A
3.4.3.20	Where fences are erected, landscaping of an appropriate height and scale shall be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place.	1.2m high front fence for a small section of the frontage considered consistent with 0m front setback of building.	Yes
3.4.3.21	Street furniture, including seats, bollards, grates, grills, screens and fences, bicycle racks, flag poles, banners, litter bins, telephone booths and drinking fountains are coordinated with other elements of the streetscape.	N/A	N/A
3.4.3.22	Any ramps are to be integrated into the overall building and landscape design.	Ramps incorporated into front entry of building.	Yes
	The development complies with AS1428—Design for Access and Mobility.	Capable of compliance. Details with construction certificate.	Yes
	Shopfronts shall wrap around	N/A	N/A

	corners and entrances located centrally to the corner.		
	The tallest portion of the building shall be on the corner.	N/A	N/A
3.4.3.24	<p>Waste management: A waste management plan for the construction and/or occupation of the development is provided that:</p> <ul style="list-style-type: none"> • Recycles and reuses demolished materials where possible; • Integrates waste management processes into all stages of the project; • Specifies building materials that can be reused and recycled at the end of their life; • Uses standard components and sizes to reduce waste and facilitate update in the future. 	Waste can be managed from the site in a satisfactory manner.	Yes
3.4.3.25	Separate storage bins for collection for organic waste and recyclable waste are provided in the development.	N/A	N/A
3.4.3.26	<p>Bulk waste facilities must be stored in a designated area that is physically and visually integrated into the development at ground or sub-basement level that:</p> <ul style="list-style-type: none"> • is not visible from the street or public domain; • is easily accessible to businesses; • may be serviced by collection vehicles; • has water and drainage facilities for cleaning and maintenance; and • does not immediately adjoin onsite employee recreation area; and • be maintained to be free of pests. 	Can be provided behind building.	Yes
	Cardboard compactors are provided for large retail and commercial developments.	N/A	N/A
	Where waste facilities cannot be collected at the street,	Waste collection via private service capable of	Yes

	evidence that the site can be serviced by a waste collection service must be provided.	being provided on site.	
3.4.3.27	Vehicular Access Location and Design: No direct vehicular access to at grade or basement car parking from the active street frontage will be permitted in B1 zones.	N/A	N/A
	The number of vehicular crossovers shall be kept to a minimum and appropriate sight lines provided to ensure safe integration of pedestrian and vehicular movement.	Single crossover.	Yes
	Any car park ramps are located largely within the building footprint.	No parking ramps proposed.	N/A
	Underground car parks must be designed to enable all vehicles to access and egress in a forward direction.	N/A	N/A
	Vehicular entrances to underground car parks are to be; <ul style="list-style-type: none"> • Located on minor streets; • Have a maximum crossover of 6.0m; • Shall be signed and lit appropriately; • Shall be designed so that exiting vehicles have clear sight of pedestrians and cyclists. 	N/A	N/A
	At-grade / surface car parking areas adjacent to streets shall be generally avoided or at least adequately softened by appropriate landscaping.	Parking behind building line.	N/A
	All stairs and elevators in the parking structure are clearly visible.	N/A	N/A
	Garage doors to underground parking shall be designed to complement the materials used elsewhere on the development.	N/A	N/A
3.4.3.30	Pedestrian Entries & Access: The development complies with AS1428—Design for Access and Mobility.	Capable of compliance.	Yes
3.4.3.31	Pedestrian and vehicle movement areas are	Pathways provided around parking areas.	Yes

	separated to minimise conflict.		
	Changes in pavement material, levels, lining or tactile treatments are used to distinguish changes between vehicle and pedestrian access ways.	Capable of being provided to meet BCA requirements.	Yes
3.4.3.32	Parking areas are adequately illuminated (naturally and/or artificially) during the time period the centre is open.	Capable of being illuminated.	Yes
	Signage is provided at the entries to the development detailing the services available within the centre and where they are located.	Building identification signage provided on front entry wall.	Yes
3.4.3.35	Commercial Development Adjoining Residential Land uses: The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.	Consistent with adjoining residential uses.	Yes
	Where this cannot be achieved visual and acoustic treatment of the interface is required.	N/A	N/A
	The building elevation adjoining the residential area must be; <ul style="list-style-type: none"> • Articulated, with changes in setback at intervals no greater than 10m; • Use a variety of materials and treatments; • Be setback a minimum of half the height of the wall or a minimum of 3.0metres whichever is greater. 	Elevations acceptable.	Yes
	Waste areas are located and managed to minimise pests, noise and odour.	Capable of being managed onsite.	Yes

DCP 2013: Part 5 Area Based provisions - Town Beach Precinct (Gordon St Civic precinct)

Requirements/Objectives	Proposed	Complies
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Further lower floor commercial activity is to be encouraged in this area to compliment the existing civic facilities, particularly along Lord Street and Gordon Street. Future development of civic facilities shall also be located in this area, optimising the synergies with similar facilities as well as the proximity to the town centre.	The proposal is single storey medical use fronting the Lord Street frontage.	Yes
DP1.1 Relaxation of one or a number of controls may be considered depending on the merits of the proposal so as to achieve a new public through-block connection and/or park-edge street. Preferred location for site links/roads are identified in Figure 49	No through-block connection proposed through this site.	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, and

No planning agreement has been offered or entered into.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

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),

No coastal zone management plan applies to the site.

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

Context & Setting

The site has a general west street frontage orientation to Lord Street. Adjoining the site to the north is a single storey dwelling converted to an office. Adjoining the site to the east is a two storey residential unit complex. Adjoining the site to the south is two storey building containing ground floor office and residential units above. Adjoining the site to the west is Lord Street and vacant public land beyond.

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 development in the locality and adequately addresses planning controls for the area.

The view enjoyed from the rear courtyard of the unit adjoining at the rear is not considered iconic. The view is enjoyed across a rear boundary across the development site of the Caltex service station and background beyond. The ancillary building partly obscures this view especially below eye line in a standing position. The proposal does not have a significant adverse impact on existing view sharing that would warrant refusal of the application.

The proposal does not have significant adverse lighting impacts.

There are no significant adverse privacy impacts identified.

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

Access, Transport & Traffic

No change to existing parking demand or access arrangements.

Parking and Manoeuvring

Refer to previous comments in DCP heading. Sufficient off-street parking provided.

Suitable conditions remain outlining that parking and driveway widths need to comply with relevant Australian Standards (AS 2890).

Pedestrians

No change to existing requirements or arrangements.

Utilities

No change to existing requirements or arrangements.

Stormwater

No change to existing requirements or arrangements.

Water

No change to existing requirements or arrangements.

Waste

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

Energy

No adverse impacts anticipated.

Noise & Vibration

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

Natural Hazards

The site is not subject to bushfire or flooding controls.

Safety, Security & Crime Prevention

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

Social Impact in the Locality

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

Economic Impact in the Locality

No adverse impacts.

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 modification remains consistent with the original development consent under which the site was considered suitable for the medical centre and ancillary structure.

(d) any submissions made in accordance with this Act or the regulations.

Yes. One submission received. Refer to previous comments and table within report.

(e) the public interest.

The proposed development, as modified, satisfies relevant planning controls and is not expected to impact on the wider public interest.

4. DEVELOPMENT CONTRIBUTIONS APPLICABLE

- Development contributions not applicable.

5. CONCLUSION

The application has been assessed in accordance with Section 96 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

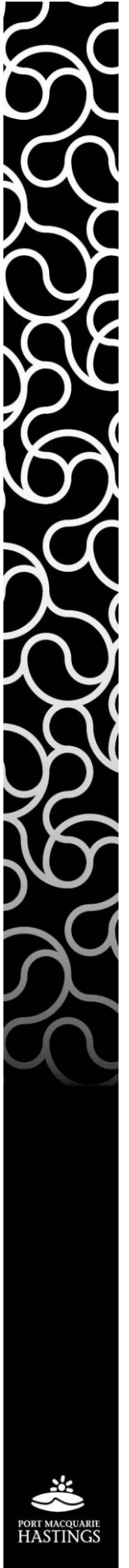
1 [View](#). DA2014 - 0729.2 Plans

AGENDA

DEVELOPMENT ASSESSMENT PANEL 14/10/2015

2 [View](#). DA2014 - 0729.2 Recommended Conditions

3 [View](#). DA2014 - 0729.2 Submission - Halls

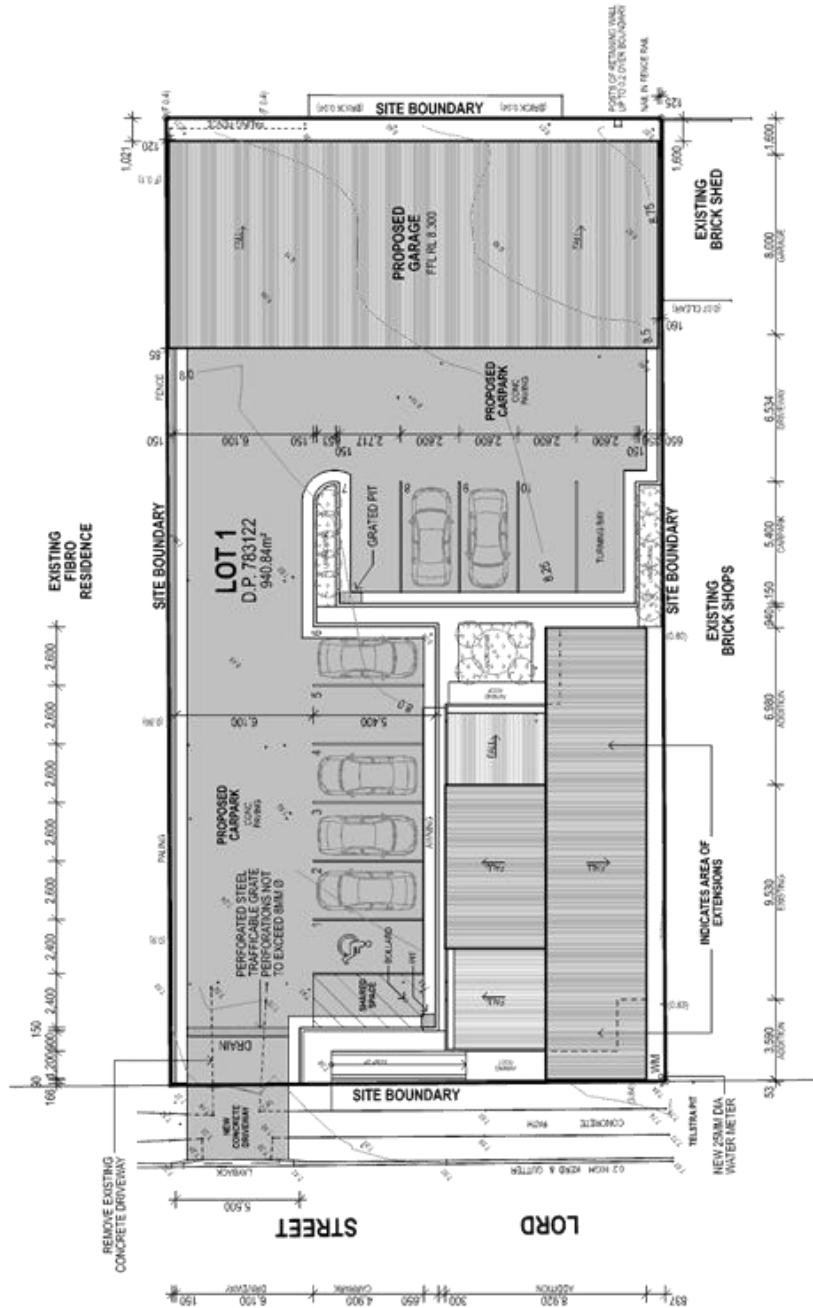


**KEY:**

WM WATER METRE
PP POWER POLE
EP ELECTRICAL PILLAR
TP TELSTRA PT
HYD HYDRANT

NOTE:

THE DESIGN OF THE CARPARK AND ACCESSES
IS IN ACCORDANCE WITH AUSTRALIAN STANDARD 2890.1



1 SITE PLAN
Scale 1:200

Drawing Title		Scale		Date	Day No.
SITE PLAN		AS SHOWN @ A3		25/05/2015	GA01
Drawn	JJR	Checked	Project Number	1417	
Project ALTERATIONS & ADDITIONS LOT 1, D.P. 783122, 42 LORD STREET PORT MACQUARIE, 2444					
Client VINCENT + GLORIA VOZZO					
<div><div>chris_jenkins design</div><div></div><div>architecture + interiors</div></div>					
F	8.5.15	GARAGE RELOCATED			
E	27.3.15	CARPARK NOTE AS 2890.1 ADDED			
D	9.3.15	MINOR ALTERATION			
C	24.2.15	MINOR ALTERATIONS + NOTES ADDED			
B	23.11.14	ALTERATIONS TO DRIVEWAY			
A	3.10.14	CONSTRUCTION CERTIFICATE			

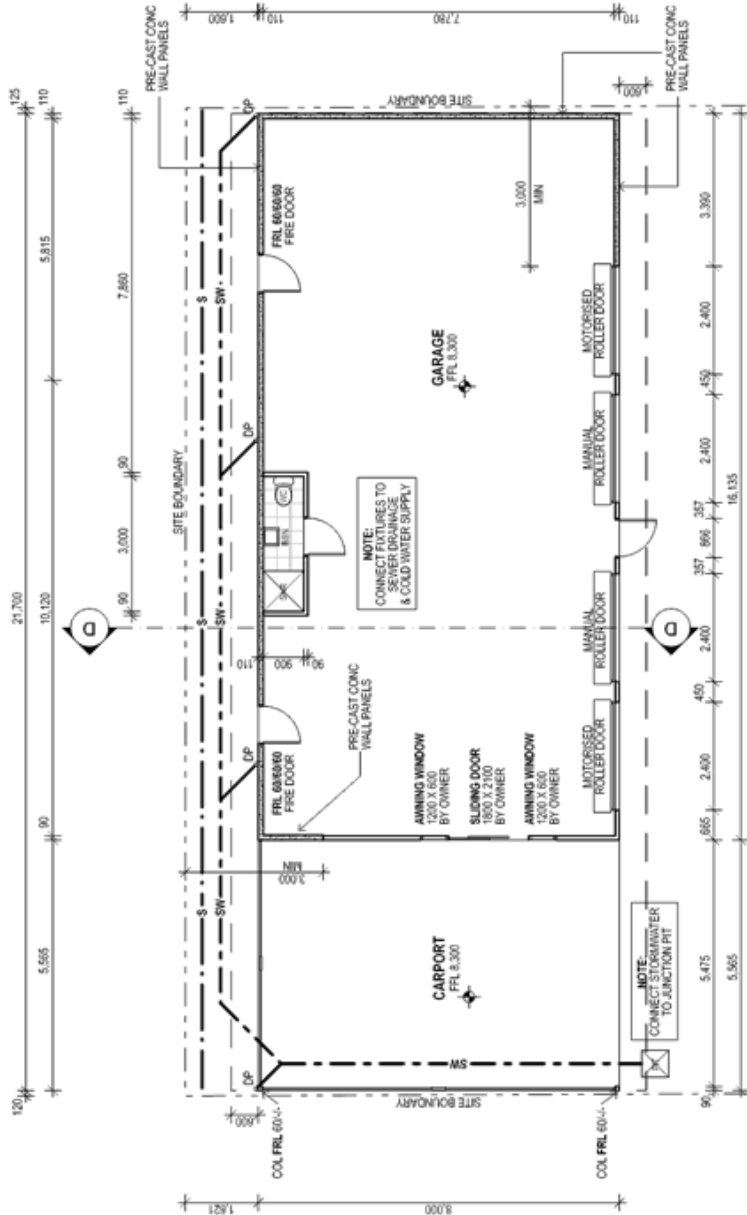
20

10

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NOTE:
REFER ENGINEERS DRAWINGS
FOR ENGAGED PIER SETOUT AND
STRUCTURAL DESIGN.

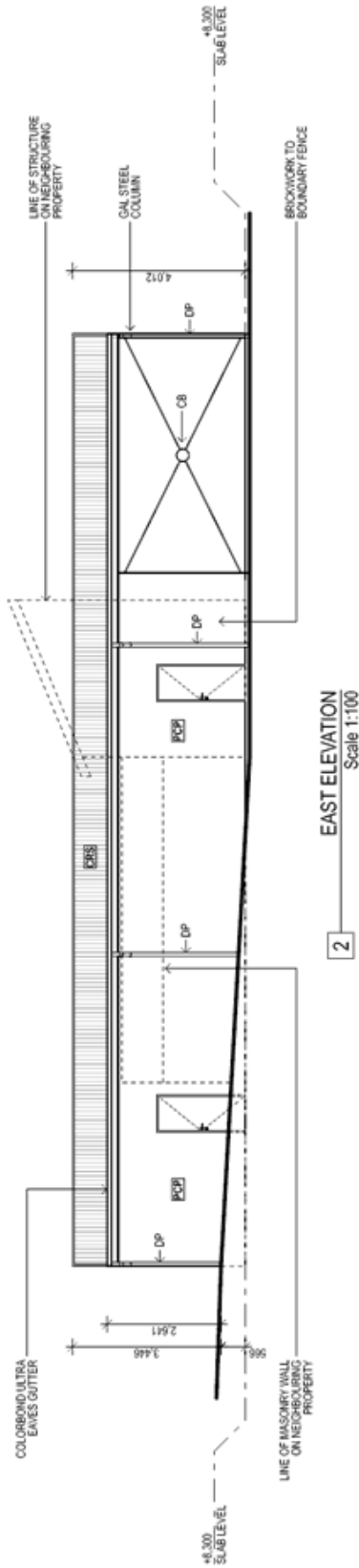
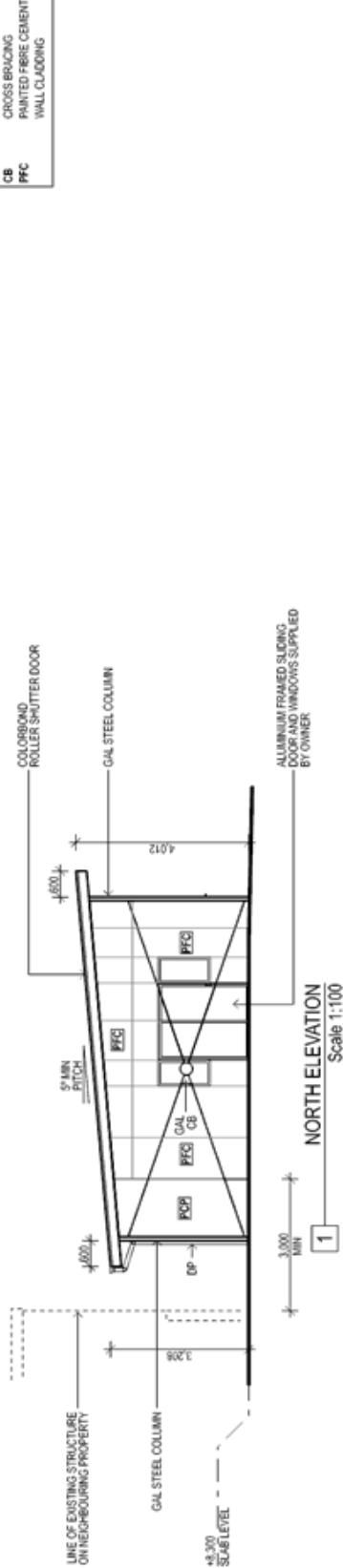


LEGEND:
SW --- STORMWATER DRAINAGE
S --- SEWER
BSN BASIN
SPR SUMP
WTR WATER
WC WC
TOILET TOILET
DP DOWN PIPE

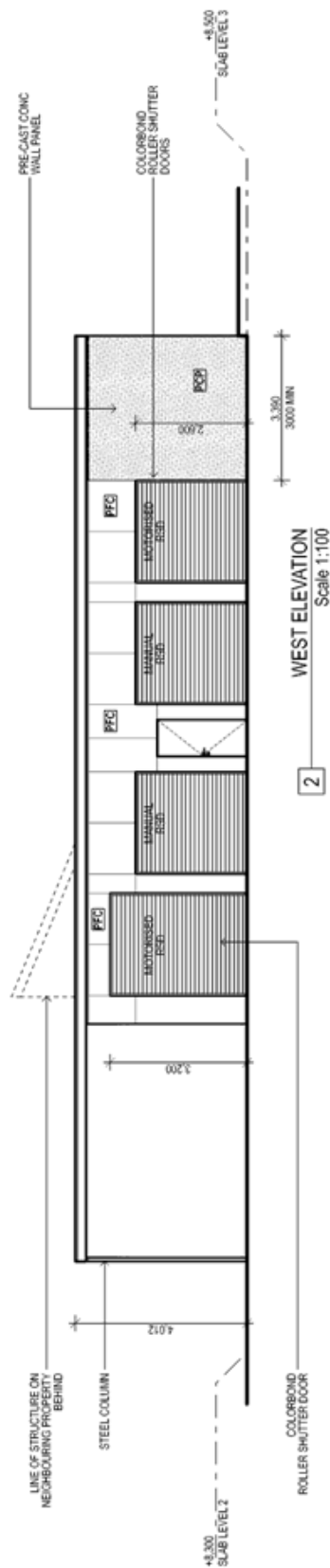
Drawing Title		Project		Drawing Title	
GARAGE PLAN		ALTERATIONS & ADDITIONS LOT 1, D.P. 783122, 42 LORD STREET PORT MACQUARIE, 2444		GARAGE PLAN	
Drawn	JJR	Scale	AS SHOWN @ A3	Date	30/06/2015
Checked		Project Number	GA04	1417	
Client		VINCENT + GLORIA VOZZO		Drawing Title	
architectural + interiors		chris jenkins design		Drawing Title	
CONSTRUCTION CERTIFICATE		MINOR ALTERATIONS		Drawing Title	
A		E		Drawing Title	
B		D		Drawing Title	
C		C		Drawing Title	
D		B		Drawing Title	
E		A		Drawing Title	
F		F		Drawing Title	
G		G		Drawing Title	
H		H		Drawing Title	
I		I		Drawing Title	
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R		R		Drawing Title	
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U		U		Drawing Title	
V		V		Drawing Title	
W		W		Drawing Title	
X		X		Drawing Title	
Y		Y		Drawing Title	
Z		Z		Drawing Title	

LEGEND:

CRS	COLORBOND ROOF SHEETING
PCP	PRECAST CONCRETE PANEL
CB	CROSS BRACING
PFC	PAINTED FIBRE CEMENT SHEET WALL CLADDING

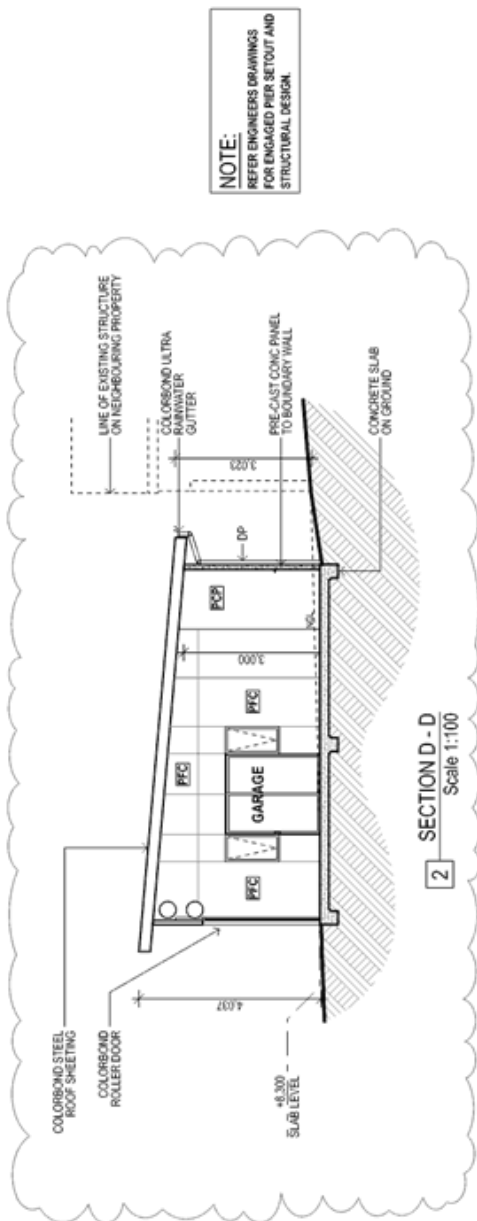
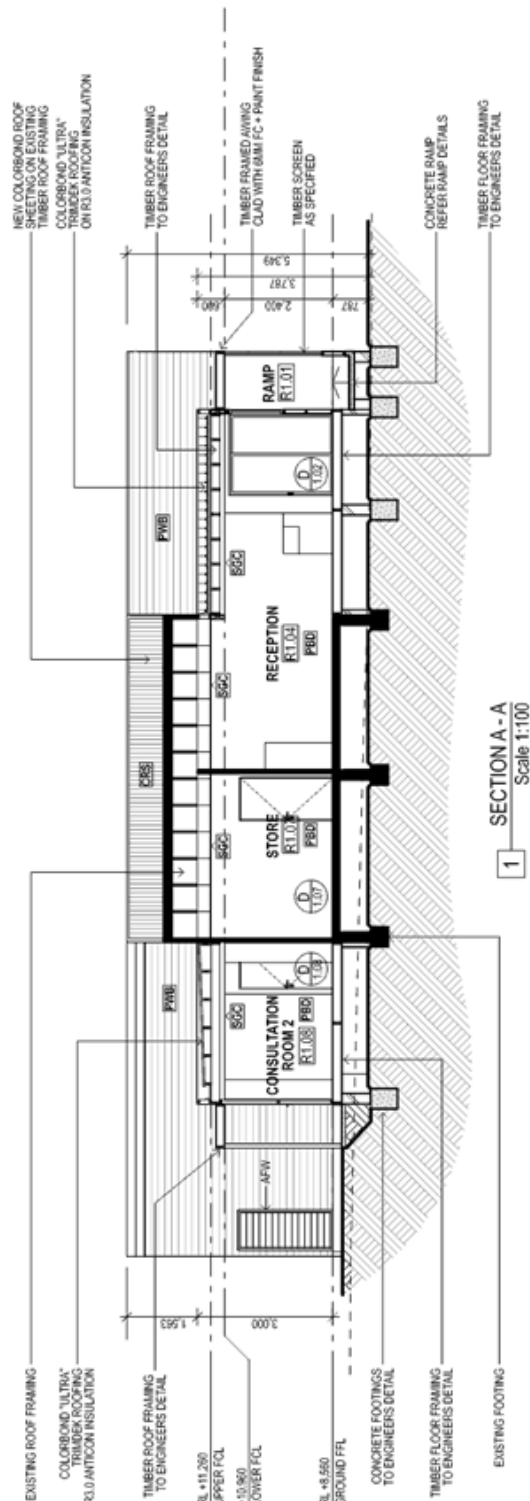


Drawing Title		Project		Drawing Title	
GARAGE NORTH + EAST ELEVATIONS		ALTERATIONS & ADDITIONS		LOT 1, D.P. 783122, 42 LORD STREET	
Drawn		Scale		PORT MACQUARIE, 2444	
Checked		Project Number		VINCENT + GLORIA VOZZO	
Date		As Shown @ A3		1417	
Dwg No.		GA08			



LEGEND:	
CBS	COLORBOND ROOF SHEETING
PCP	PRECAST CONCRETE PANEL
CB	CROSS BRACING
PFC	PAINTED FERRE CEMENT WALL CLADDING

Drawing Title		Project		Drawing Title	
GARAGE SOUTH + WEST ELEVATIONS		ALTERATIONS & ADDITIONS		LOT 1, D.P. 783122, 42 LORD STREET	
Drawn	JJR	Scale	AS SHOWN @ A3	Date	30/06/2015
Checked		Project Number		Drawn	GA09
				Checked	1417



LEGEND:

APW	ALUMINIUM FRAMED WINDOWS
CRS	COLORBOND ROOF SHEETING
BWK	BRICKWORK
INGL	NATURAL GROUND LINE
PCP	PREFABRICATED CONCRETE PANEL
SSC	STEEL SHEET CLADDING
PFC	PAINTED FIBRE CEMENT

NOTE:
REFER ENGINEERS DRAWINGS
FOR ENGAGED PIER SETOUT AND
STRUCTURAL DESIGN

Drawing Title		Project		Drawing Title	
SECTIONS A - A + D - D		ALTERATIONS & ADDITIONS		SECTIONS A - A + D - D	
Drawn		LOT 1, D.P. 783122, 42 LORD STREET		Date	
JUR		PORT MACQUARIE, 2444		30/06/2015	
Scale		AS SHOWN @ A3		Dwg No.	
Checked		VINCENT + GLORIA VOZZO		GA10	
Project Number		1417		1417	

**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2014/729****DATE: 25/09/2015**

<No.1>	Modification No.1	<Insert date>
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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 as modified	42 Lord Street	Chris Jenkins Designs	September 2014 and 4 August 2015
Development Plans	Project No 1417 Dwg No DA01-09 Revision C	Chris Jenkins Designs	14 October 2014
Site and garage plans as modified	Project No 1417 Dwg No: GA01(Revision F) GA04(Revision F) GA08-10 (Revision E)	Chris Jenkins Designs	8 May 2015 30 June 2015 30 June 2015
Waste Management Plan	42 Lord Street	Chris Jenkins Designs	15 September 2014

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail. ¹

- (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 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) (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) A separate development application for any proposed advertising signs (other than signs which are exempt development or approved under this consent) must be submitted to and approved by council prior to the erection or display of any such signs.
- (8) (A024) The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
- (9) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
 - a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

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

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

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

- (10) (A057) The applicant is to ensure the proposed development will drain to the existing point of connection to Council's sewerage system.
- (11) (A063) The disposal of wastewater from a commercial or industrial business to Port Macquarie-Hastings Council's sewage system requires specific approval under Section 68 of the Local Government Regulation, 1999. Should you wish to discharge liquid trade wastes to Council's sewer in the future, a further application under Section 68 of the Local Government Regulation, 1999 will be required.
- (12) (A195) A suitably sized plaster arrestor is to be installed if plaster casts are fitted or removed. If x-ray equipment is installed that generates silver bearing waste, the applicant has the option of having all silver bearing waste removed from site or discharging the waste to sewer via a 100 litre balancing pit and a silver recovery unit. Formal Trade Waste Approval will be required if either the plaster arrestor or silver recovery unit are to be discharged to sewer.
- (13) (A196) Solid wastes such as hypodermic needles, syringes, instruments, utensils, swabs, dressings, bandages, paper and plastic items of a disposable nature, or human tissues must not be discharged to the sewerage system. Such wastes are to be disposed of in accordance with the NSW Health Waste Management Guidelines for Health Care Facilities, 1998, which advise on the safe handling, storage and disposal of clinical, cytotoxic, pharmaceutical and chemical wastes.

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

2. Water supply reticulation.
 3. 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.
 4. Stormwater systems.
 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. Traffic management control plan.
- (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) (B024) Submission to Council of an application for water meter hire, which is to be referred to the Water Supply section so that a quotation for the installation can be prepared and paid for prior to the issue of a Construction Certificate. This application is also to include an application for the disconnection of any existing service not required.
- (5) (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.
- (6) (B045) A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
- (7) (B053) The design of the carpark and accesses is to be in accordance with Australian Standard 2890.1. The car park shall provide a turning bay at the end of the car park to facilitate entry and exit of vehicles through a three point turn. 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.
- (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) Records indicate that the current development site has a 20mm metered water service from the 300mm PVC water main on the same side of Lord Street. Final water service sizing will need to be determined by a hydraulic consultant to suit the domestic and commercial components of the development, as well as fire service and backflow protection requirements. Minimum containment backflow protection for medical facilities is an RPZD at the property boundary. Minimum water service size for commercial development is 25mm.
- (11) (B196) The vertical inspection shaft is to be altered to suit the new car park levels. Additionally, one (1) metre clear distance is required around any vertical inspection shaft.
- (12) (B197) The existing junction can be used for the proposed development.
- (13) (B198) A stormwater drainage design must be provided prior to the issue of a Construction Certificate and be submitted for approval pursuant to Section 68 of the Local Government Act, 1993. The design must be prepared in accordance with Council's AUSPEC Specifications and the requirements of Relevant Australian Standards and make provision for the following:
 - a) The legal point of discharge for the proposed development is defined as a direct connection to councils piped drainage system. Where no existing pipe network exist, extension of Council's pipe drainage network to the site frontage is required.

In this regard, Council's piped drainage system in Lord Street 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) The internal drainage 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 when determining pre-development conditions, the existing site shall be assumed to be 'green field' / un-developed as per AUSPEC D5.

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. when the sub-grade is exposed and prior to placing of pavement materials;
- d. when trenches are open, stormwater/water/sewer pipes and conduits jointed and prior to backfilling;
- e. at the completion of each pavement (sub base/base) layer;
- f. before pouring of kerb and gutter;
- g. on completion of road gravelling or pavement;
- h. prior to sealing and laying of pavement surface course.

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

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

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

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

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

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

[Asbestos Awareness](#)

E – PRIOR TO OCCUPATION OR THE ISSUE OF OCCUPATION CERTIFICATE

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

- (4) (E016) Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
- (5) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (6) (E034) Prior to occupation or the issuing of the Occupation Certificate provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.
- (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.
- 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) (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
- The matching of new infrastructure into existing or future design infrastructure.
- (11) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (12) (E082) Submission of a compliance certificate accompanying Works as Executed plans with detail included as required by Council's current AUSPEC Specifications. The information is to be submitted in electronic format in accordance with Council's "CADCHECK" requirements detailing all infrastructure for Council to bring in to account its assets under the provisions of AAS27. This information is to be approved by Council prior to issue of the

Subdivision or Occupation Certificate. The copyright for all information supplied, shall be assigned to Council.

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

F – OCCUPATION OF THE SITE

- (1) (F006) The basin of the outflow control pit and the debris screen must be cleaned of debris and sediment on a regular basis by the owner.
- (2) (F025) Hours of operation of the development are restricted to the following hours:
- 6:30am to 7pm – Mondays to Fridays
 - 8am to 2pm – Saturdays
 - No work is to be carried out on Sundays and Public Holidays
- (3) (F195) The ancillary use of the rear garages and carport is to provide secure parking to staff and customers of the medical centre only. The building is not be used for habitable purposes. Any change to the use of the structure will require further development consent.¹
- (4) (F196) Not more than 3 health care professionals and 4 administrative staff are to work at the premises at any one time.

From: Colin [REDACTED]
Sent: Wednesday, 12 August 2015 12:07 PM
To: Council
Subject: FW: DA2014.729.2-Section 96 Modification 42 Lord Street

Categories: Purple Category

For the attention of Dan Croft.
I understand Ben Roberts is on leave.
Thanks

From: Colin [REDACTED]
Sent: Wednesday, 12 August 2015 12:07 PM
To: 'Ben Roberts'
Subject: DA2014.729.2-Section 96 Modification 42 Lord Street

Dear Sir,

We acknowledge with thanks, receipt of council letter dated 6 August 2015.

We object to this modification on the following grounds.

The problem with this DA application from day one was the height of the eastern wall against our boundary. That is why the original DA was withdrawn and a new DA submitted, reversing the roof angle of the shed/garage. The section 96 modification again brings the height factor into play.

The garage building has been moved one metre to the west (away from the rear boundary). The reason given for this was that "boggy ground was encountered during excavation so the building was moved away from the rear boundary and the adjacent buildings to prevent any subsistence". Does this suggest there is a water issue at the eastern side of this building, and if so is it being addressed? This 1 metre gap will be constantly in the shade so this "boggy ground" will have no chance to dry out.

The height of the eastern wall of the garage has been increased by 348mm- 452mm, and the reason given "to cater for vehicles with roof racks". On the official Toyota web site, the height of a Prado (A rather large 4wd) is given as 1890mm including built in roof rack. The height of a Landcruiser (another large 4wd vehicle) is shown a 1905mm. I would suggest these vehicles would comfortably fit in the existing approved DA. A height increase for this reason is not justified.

We do not believe the modification of S96 results in substantially the same development as approved. Our original objection (which was upheld) concerned the height of the eastern wall, not the footprint. There is now the addition of doors, windows, toilet, wash up area as well as the increased height. How many modifications does it take to pass the substantially same test?

I refer to my email dated 28 July 2015 to Ben Roberts pointing out that the framework was being erected and set off alarm bells about the height of the rear wall.

The side and rear walls consist of prefabricated concrete panels, so it raised the question in our minds, that if these concrete panels have been ordered and made with the

increased height and given that the S96 was dated 4 August 2015, how long ago were these panels ordered and made?

We firmly believe that the reasons offered by the applicant to justify S96 modification are misleading and invalid, therefore the application should be rejected.

Regards

Colin & Bev Halls

4/3 Golf Street



Item: 06**Subject: DA2015 - 0406 ALTERATIONS AND ADDITIONS TO DWELLING-
HOUSE - LOT 1 DP 22158 NO 15 ORR STREET, PORT MACQUARIE****Report Author: Patrick Galbraith-Robertson**

Property:	Lot 1 DP 22158, 15 Orr Street, Port Macquarie
Applicant:	J A Witchard
Owner:	JA Witchard
Application Date:	12 June 2015
Estimated Cost:	\$420,000
Location:	Port Macquarie
File no:	DA2015 - 0406
Parcel no:	15822

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2015 - 0406 for alterations and additions to dwelling-house at Lot 1, DP 22158, No. 15 Orr Street, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

This report considers a development application for alterations and additions to dwelling-house at the subject site and provides an assessment in accordance with the Environmental Planning and Assessment Act 1979.

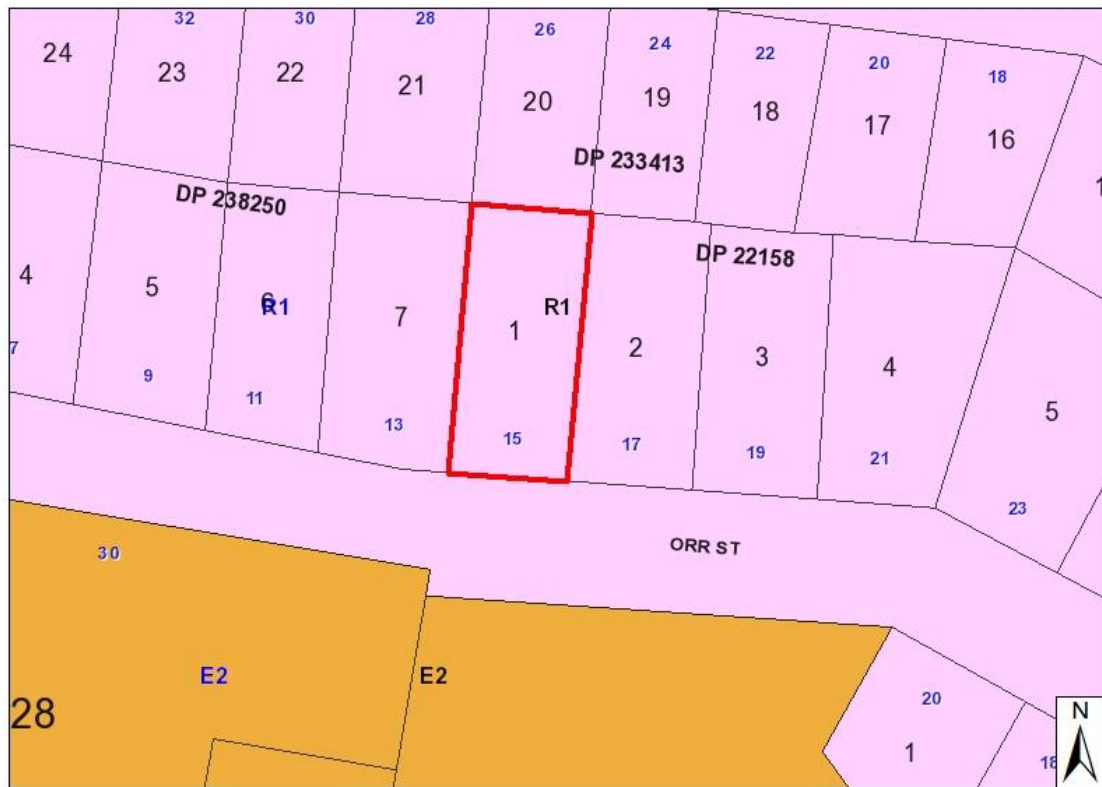
Following exhibition of the application, one(1) submission has been received.

The plans have been amended during the assessment of the DA - primarily relating to exterior cladding and internal design changes only to address assessment issues.

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

The site has an area of 771.4m².

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 (2012 aerial):



2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Alterations and additions to existing two storey dwelling to construct a three(3) storey dwelling-house

Refer to attachments at the end of this report.

Application Chronology

- 12 June 2015 - DA lodged
- 19 June to 2 July 2015 - Neighbour consultation
- 23 June 2015 - Referral to the NSW Rural Fire Service
- 25 June 2015 - Additional information requested
- 28 July 2015 - Additional information received
- 30 July 2015 - Additional information requested
- 3 September 2015 - Additional information received.
- 14 September 2015 - Meeting on-site at 13 Orr Street with neighbour
- 23 September 2015 - Advice received from RFS.

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

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

The provisions (where applicable) of:**(a)(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.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.

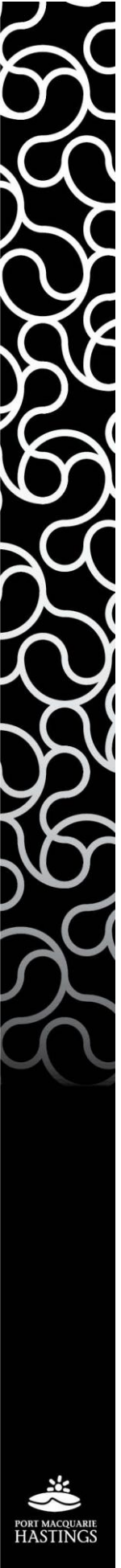
State Environmental Planning Policy No. 62 – Sustainable Aquaculture

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 Hastings River approximately 4.3 kilometres 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 A214383) 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 altered 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 as it is a permissible landuse 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 8.5 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 0.62:1.0 which complies with the maximum 0.65:1 floor space ratio applying to the site.
- Clause 4.6 – exceptions to development standards.
- Clause 5.9 - up to 2-3 trees in Development Control Plan 2013 are proposed to be removed within the building footprint. None of these trees are considered significant for ecological or amenity reasons to warrant refusal of the application.

- 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.

(a)(ii) Any proposed instrument that is or has been placed on exhibition

No draft instruments apply to the site.

(a)(iii) Any DCP in force

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 • 24 degree max. roof pitch • Not located in front setback 	Water tanks locations acceptable	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 	n/a	
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway 	4.5m min. front setback	Yes
3.2.2.3	Garage 5.5m min. and 1m	11.3m and >1m setback	Yes

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

	Requirements	Proposed	Complies
	behind front façade. Garage door recessed behind building line or eaves/overhangs provided	from main facade	
	6m max. width of garage door/s and 50% max. width of building	3.7m wide garage and 20% proportional width	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	3.8m wide driveway and 20% proportional width	Yes
	Garage and driveway provided on each frontage for dual occupancy on corner lot	n/a	
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	10.3m approx. 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. Building wall set in and out every 12m by 0.5m 	1.1m side east setback 1.2m west side setback Shadow diagrams provided. Building walls set in and set out	Yes - refer additional comments addressing overshadowing in more detail later in this report
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. grade	>35m ² private open space and useable decks 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. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed 	No 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. Privacy screens noted to west elevation however the applicant has agreed to remove the first floor privacy screen as	Yes

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

	Requirements	Proposed	Complies
	<ul style="list-style-type: none"> Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	requested by the neighbour. This is considered acceptable given that the majority of decks in the locality are designed to take advantage of views.	

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	Cut less than 1m	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	Plantings proposed to be removed only including an immature palm tree	N/a
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	n/a	
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossing minimal	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	1 parking space in garage behind building line	yes
2.5.3.14	Sealed driveway surfaces unless justified	Sealed driveway	Yes

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades are capable of compliance with Council standards for driveways	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Domestic dwelling with existing driveway	Yes
	Vehicle washing facilities – grassed area etc available.	Existing dwelling	Yes

(a)(iii)(a) Any planning agreement or draft planning agreement

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

(a)(iv) Any matters prescribed by the regulations**NSW Coastal Policy 1997**

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

Demolition of buildings AS 2601 – Clause 66 (b)

Demolition of sections of the existing building on the site are capable of compliance with this Australian Standard and is recommended to be conditioned. This includes any precautionary steps to address potential asbestos disturbance. This was raised as a potential concern by the neighbour.

(a)(v) Any Coastal Zone Management Plan

None applicable.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the 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 residential development in the locality and adequately addresses planning controls for the area.
- There are no identifiable adverse privacy impacts taking into consideration of Council's Development Control Plan 2013.

Overshadowing

With regard to potential for overshadowing impacts, an assessment has been undertaken to identify potential impacts to the neighbouring residential properties using information submitted by the applicant and shadow assessment software used by Council staff. It is considered that the only property which requires careful consideration is the potential for impacts is 13 Orr Street which adjoins the west of the site. 13 Orr Street is occupied by an existing two(2) storey dwelling-house.

There are two(2) issues to address with regard to potential overshadowing impacts of the proposal to 13 Orr Street being: The parts of two(2) storey section of the building within the 3m south-eastern side setback (Note: the single storey part of the building does not require any overshadowing consideration under the DCP 2013) and whether on merit the proposal is suitable with regard to overshadowing having regard to planning principles set by the NSW Land and Environment Court and DCP provisions. The following comments are provided with regard to overshadowing:

The DCP 2013 development provisions and objectives state the following:

Development Provisions

- a) Ground floors should be setback a minimum of 900mm from side boundaries.
- b) First floors and above should be setback minimum of 3m from the side boundary or reduced down to 900mm where it can be demonstrated that the adjoining property primary living areas and primary private open space areas should not be adversely overshadowed for more than 3hrs between 9am-3pm on 21 June.

3.2.2.5 Objective

To reduce overbearing and perceptions of building bulk on adjoining properties and to maintain privacy.

To provide for visual and acoustic privacy between dwellings.

With regard to the above DCP requirements, the second and third storey sections of the proposed additions are located at a minimum 1.2 to 1.8m side setback to the western boundary (3 storey section has 1.8m setback). This section of the building is subject to the development provision which requires the applicant to demonstrate that the adjoining properties are not adversely overshadowed for more than 3 hours timeframe (within reasonableness of design in context) between 9am-3pm on 21 June (6 hours time period).

For the purposes of assessment, the planning principles firstly referenced in NSW Land and Environment Court cases *Parsonage v Ku-ring-gai* [2004] NSWLEC 347, *Roseth SC* and later revised In *The Benevolent Society v Waverly Council* [2010] NSWLEC 1082, *Moore SC* concerning access to sun light are considered in the below assessment table:

Case law principles	Proposed
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	Site is within a low density context. Due to the orientation of the lots along the subject street all having back yards facing north there is good access to sunlight. The living room windows on the eastern side of No.13 Orr Street will be impacted between 9am to approximately 10/10.30am in mid winter. Whilst these eastern windows will be impacted upon, the aspect of this home to the north allows for satisfactory solar access particularly for the northern facing living

as strong.	<p>room windows.</p> <p>Overshadowing concerns typically arise with east to west orientated lots where shadowing occurs to neighbours on the southern side of lots.</p>
The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.	<p>The applicant has provided shadow diagrams for times between 9am and 3pm at 21 June (6 hours timeframe). The shadow diagrams do not provide details of the impact on the elevations however it is considered that the aspect to the north of the lots allows for satisfactory solar access. The shadow diagrams submitted are attached to this report.</p>
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.	<p>The design of the dwelling is not considered poor or insensitive design for the following reasons:</p> <ol style="list-style-type: none"> 1. The building is setback approximately 10.3m from the rear boundary. This is significantly greater than the DCP minimum 4m setback and adopts some consistency with rear setbacks of other dwellings within the street. 2. The building steps down the site towards the rear with the top level not extending to the rear footprint extent. The building could be higher at the rear under the permitted building height standards.
For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.	<p>Site is within a low density context. Due to the orientation of the lots along the subject street all having back yards facing north there is good access to sunlight. The living room windows on the eastern side of No.13 Orr Street will be impacted upon between 9am to approximately 10/10.30am in mid winter. Whilst these eastern windows will be impacted upon, the aspect of this home to the north allows for satisfactory solar access particularly for the northern facing living room windows.</p>
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	<p>The adjoining 13 Orr Street dwelling's private open space comprising the deck and the land area lower than the main living space at ground level is orientated to the north.</p> <p>The shadow diagrams submitted (which</p>

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.	have been checked) demonstrate that the proposal will retain good access to sunlight for open space areas.
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.	No new fencing proposed. Both the subject site and the adjoining western site are orientated to the north.
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.	Noted.

It is also noted that the DCP does not prescribe any overshadowing objectives which require specific consideration.

Based on the above assessment it is considered that the extent of the overshadowing is minor and not considered to amount to a reason to refuse the application.

View sharing

During the neighbour notification period, concerns surrounding view loss were raised by neighbouring residents to the immediate west of the site at 13 Orr Street.

The assessing officer carried out an inspection of the site and surrounding area particularly with closer investigation at 13 Orr Street to ascertain the extent of view impacts. Whilst the Applicant has provided very limited details to address view sharing, impacts the views from key viewing points within 13 Orr Street were observed.

Photos from a site visit from key primary living vantage points from 13 Orr Street are shown below:

View from first floor deck off living room looking north towards Point Plomer



View from first floor deck off living room area looking east across subject development site. There may be some view retained with the privacy screen removed.



Views internally from first floor main living room area across development site. The view of the Ocean over this side boundary will be completely removed.



The applicant was provided with a summary list of issues from the submission received following neighbour notification.

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

Using the principles of NSW Land and Environment Court case law - *Tenacity Consulting v Warringah 2004 NSW LEC 140*, the following assessment comments are provided in regards to the view impacts particularly to neighbouring properties to the south of the site mentioned above using the 4 step process to establish whether the view sharing is acceptable/reasonable:

Step 1

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

As illustrated in the above photographs, the subject neighbours enjoy an uninterrupted view of the coastline orientated north towards Point Plomer in the distance. There is a view across the side boundary to the Pacific Ocean. The distant coastline views to the north are considered to be whole views and iconic, particularly with the land and ocean interface, Queen's Head and Point Plomer headlands.

The views to the east are complete however not considered iconic as there are no beach and ocean interface views or iconic landmarks to view.

Step 2

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

The northern views of sections of land/ocean interface towards Point Plomer and beyond are enjoyed across the rear boundary looking north. The views are enjoyed from both standing and sitting positions from various parts of both residences. The above first photos were taken from primary living areas (i.e. not bedrooms).

The third photo is looking across a side boundary. It is considered difficult to expect to retain this view given side boundary orientation, other more recent developments in the street and the compliance of the proposal with Council's DCP (the rear setback is significantly greater than the minimum 4m setback required). The case law recognises the difficulty in retaining views across side boundaries in certain contexts.

Step 3

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

The existing views of the more distant land and water interface to the north will be retained from primary living areas. There is no impact on this whole view.

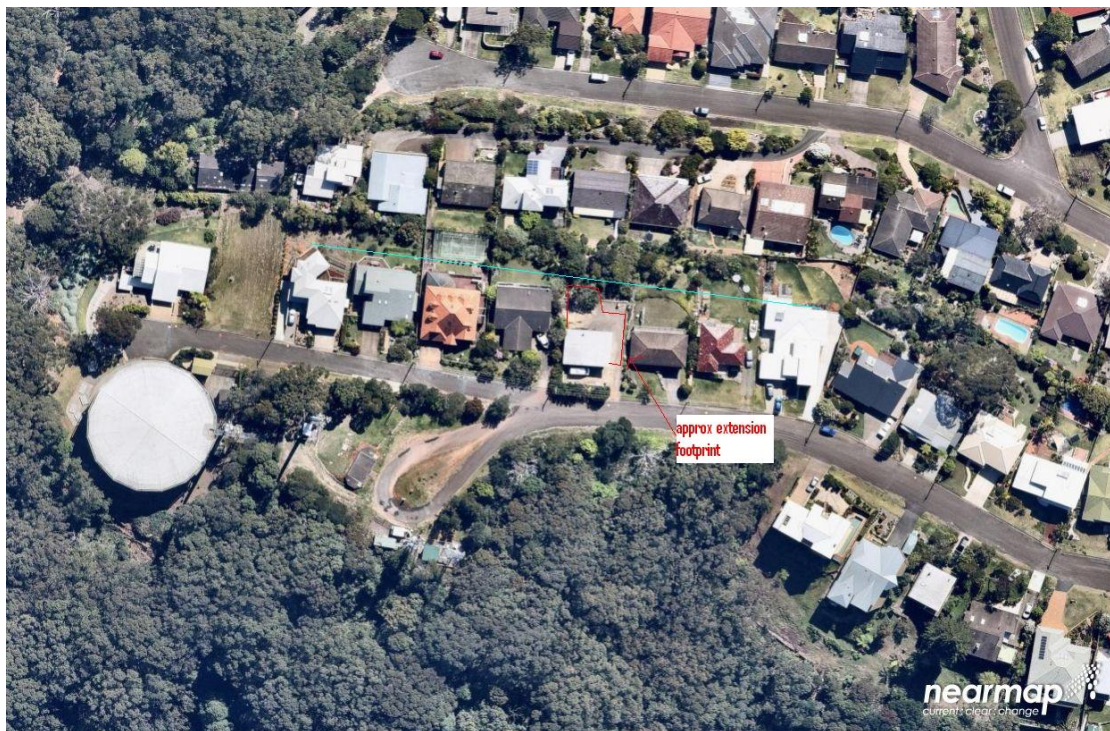
The only view impact is to the east. The extent of the impact upon this view enjoyed from 13 Orr Street is considered to be severe.

Step 4

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

The impacts on view sharing for the properties at 13 Orr Street are considered reasonable for the following reasons:

1. The proposal complies with the 8.5m maximum building height limit at the highest point of the building and the building is stepped as discussed earlier in report.
2. The rear setback is compliant with the DCP being greater than a 4m rear setback.
3. The view across the side boundary to the east is difficult to retain given the permissibility of building footprint under the DCP.
4. The proposal is not inconsistent with the desired character for the area particularly given the significant number of existing established larger dwellings within the locality. See below diagram (source: nearmap September 2015) which shows the general consistency on rear setback.
5. The design of the proposal is considered a reasonable response to the site conditions and context in relation to maintaining view sharing to the neighbouring dwellings to the east and west of the site.



Based on the above assessment it is considered that the extent of the view sharing impacts do not warrant recommending 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 identified as being bushfire prone. The applicant has submitted a bushfire report prepared by a Certified Consultant.

The application was referred to the NSW Rural Fire Service due to the assumed high level of construction required. The RFS have supported the application subject to conditions which are recommended to be adopted to form part of the development consent. See advice received attached to this report.

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 (ie increased expenditure in the area).

Site design and internal design

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

Construction

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

Cumulative impacts

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

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

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

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

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

One (1) written submission has been received following neighbour consultation 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
Visual impacts of the proposed development on the north-easterly views of 13 Orr Street. In this regard, it is noted that 13 Orr Street currently enjoy northerly views over Port Macquarie to Queens Head and easterly views towards Miners and Lighthouse beaches. We therefore request that the visual impacts of the proposed development be considered with respect to the matters outlined in <i>Tenacity Consulting v Warringah 2004 NSW LEC 140</i> .	It is not possible to see Miners or Lighthouse Beach interface to the east as shown in the above photos. There is a broad ocean view from within the house view to the east over the subject development site. Refer to comments earlier in this report addressing view sharing. Limited information has been submitted by the Applicant however it is considered that the view impacts are not significant enough to warrant refusal of the application.
The plans provided identify a maximum building height of 8.508 metres and no Clause 4.6 variation has been lodged with the application justifying the exceedance of the maximum building height identified within the Port Macquarie-Hastings Local Environmental Plan 2011	The plans provided were marked up by the assessing officer as estimated heights. They are not the correct plans for height determination as advised to the consultant acting for the neighbour. The Applicant has confirmed with survey information that the height will be compliant at 8.5m. No variation proposed.
Visual privacy of the proposed dwelling be demonstrated to comply with the development provisions outlined under Section 3.2.2.10 of the <i>Port Macquarie-Hastings Development Control Plan 2013</i> .	The neighbour has subsequently requested whether it would be possible to remove the privacy screens on the first floor rear deck on the western elevation. The Applicant has agreed to this and the neighbour who lodged the submission has been advised. This is considered acceptable to support with a condition recommended.
The adjoining landowners have identified the use of the vegetation within the north of 15 Orr Street by a number of different fauna species including the Koala and Regent Bowerbirds among other bird species. It is therefore requested that the tree species to be removed be identified and compliance with Section 2.6 of the <i>Port Macquarie-Hastings Development Control Plan 2013</i> be demonstrated.	The application only proposes removal of plantings with no significant trees proposed to be removed from within the building footprint.
We can live with the principles and precedents established with this proposal however we simply ask that our concerns be placed on record.	Noted.
There is questionable benefit or negotiated or mediated compromise outcomes.	The assessing officer provided anecdotal advice on-site to the neighbour that the concerns raised have been forwarded to the Applicant for consideration and are not sufficient to warrant refusal of the application. The Applicant has advised that they

	are happy for the first floor level privacy screen on the western elevation to be removed as requested by the neighbour.
We hope the community and visual landscape impact, environmental and wildlife impact is well considered in the development approval process, particularly post DA approval process. Practical engineering concerns for adequate shared sewerage, wildlife, vegetation impact and fire and storm wind security be considered. The wild life corridor vegetation/wind break retention, especially for roofing security to likely medium future ECL and cyclonic storms to Category 3 and 4 should be catered for.	The proposal satisfies all planning controls. All matters raised can be dealt with at engineering stage and during construction.
We hoped that excavation for structure footings might have reduced the height and overshadowing impacts slightly, with some view or easterly shadowing benefit for us, but we have been advised that this is not practical from an engineering point of view at this stage.	The Applicant has chosen to propose the plans within the planning controls. No adverse impacts are likely with regard to overshadowing as discussed earlier in this report.
We have some concerns with the aesthetic visual impact of classic pillars on the third level, apparently unsupported visually by similar architecture below.	The proposal satisfies all planning controls. All matters raised can be dealt with at engineering stage and during construction.
We are also mindful of the fire risk curl-over from the adjacent bushland to the south.	The RFS have assessed the application and supported subject to conditions. See attached advice.

(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.

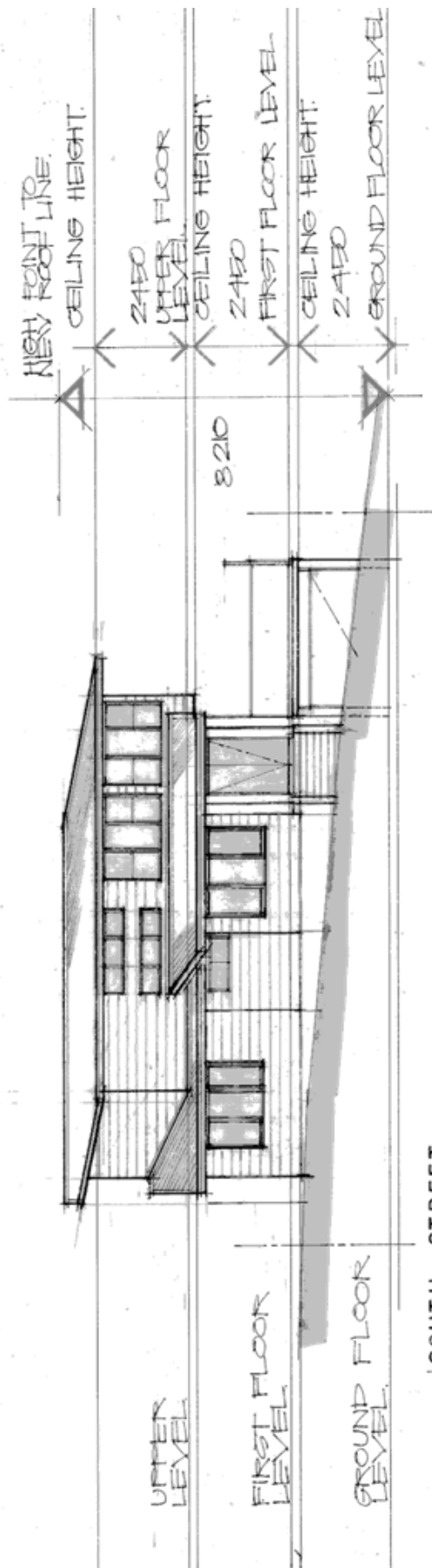
The site is suitable for the proposed development, is not contrary to the public's interest and will not have a significant adverse social, environmental or economic

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

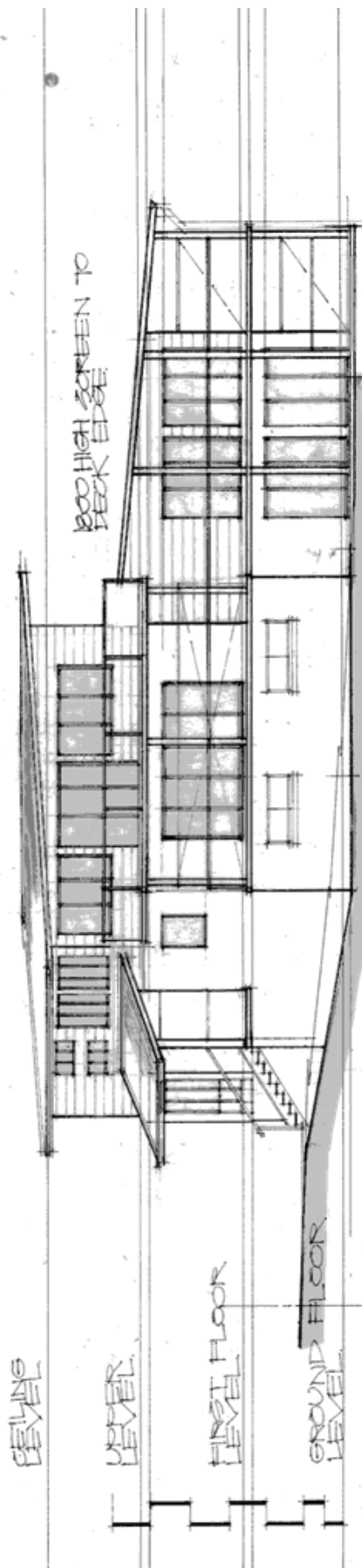
Attachments

- 1 [View](#). DA2015 - 0406 Plans
- 2 [View](#). DA2015 - 0406 Recommended Conditions
- 3 [View](#). DA2015 - 0406 Rural Fire Service Advice
- 4 [View](#). DA2015 - 0406 Submission - Ayres





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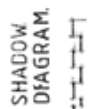


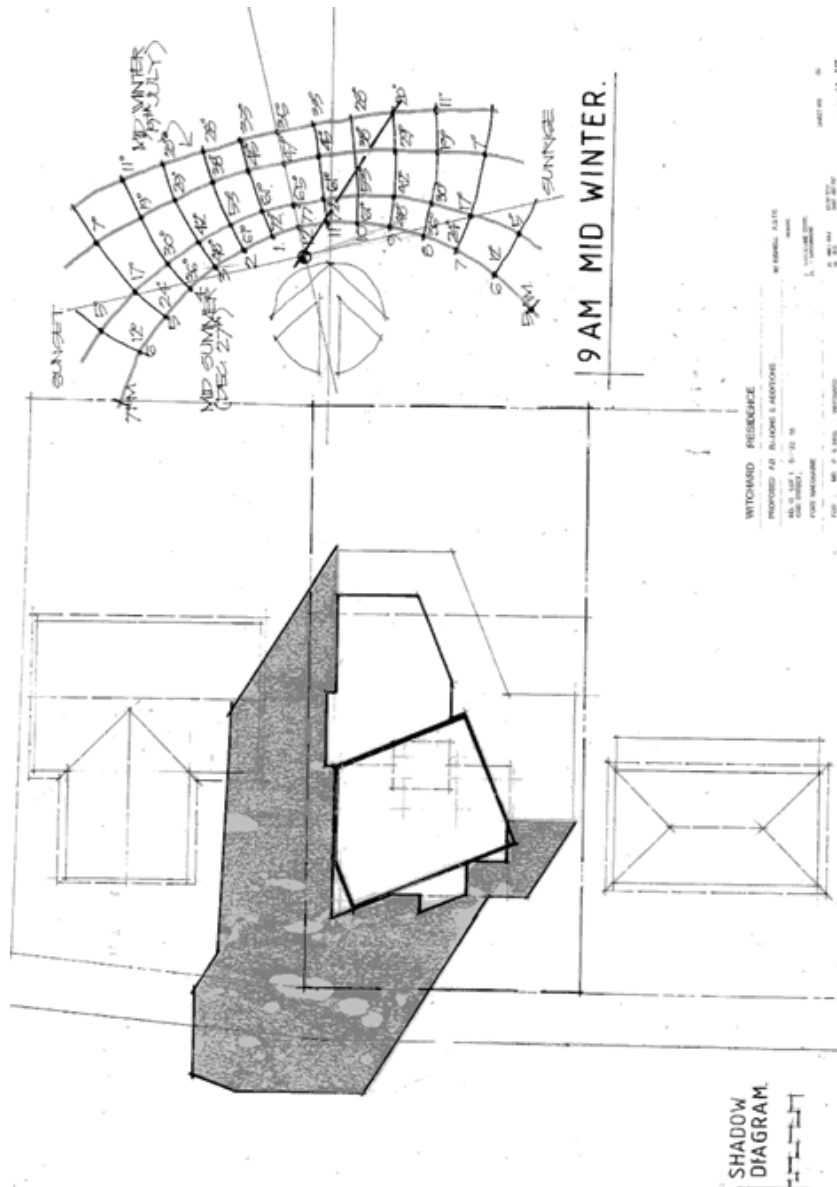
WITCHARD RESIDENCE
PROPOSED ALTERATIONS & ADDITIONS
NO. 15 LOT 1 6 P 221 AS
CORN STREET,
PORT MACQUARRE

DATE: 14/10/2015
DRAWN BY: J. BIRNELL
CHECKED BY: J. BIRNELL
SCALE: 1:100

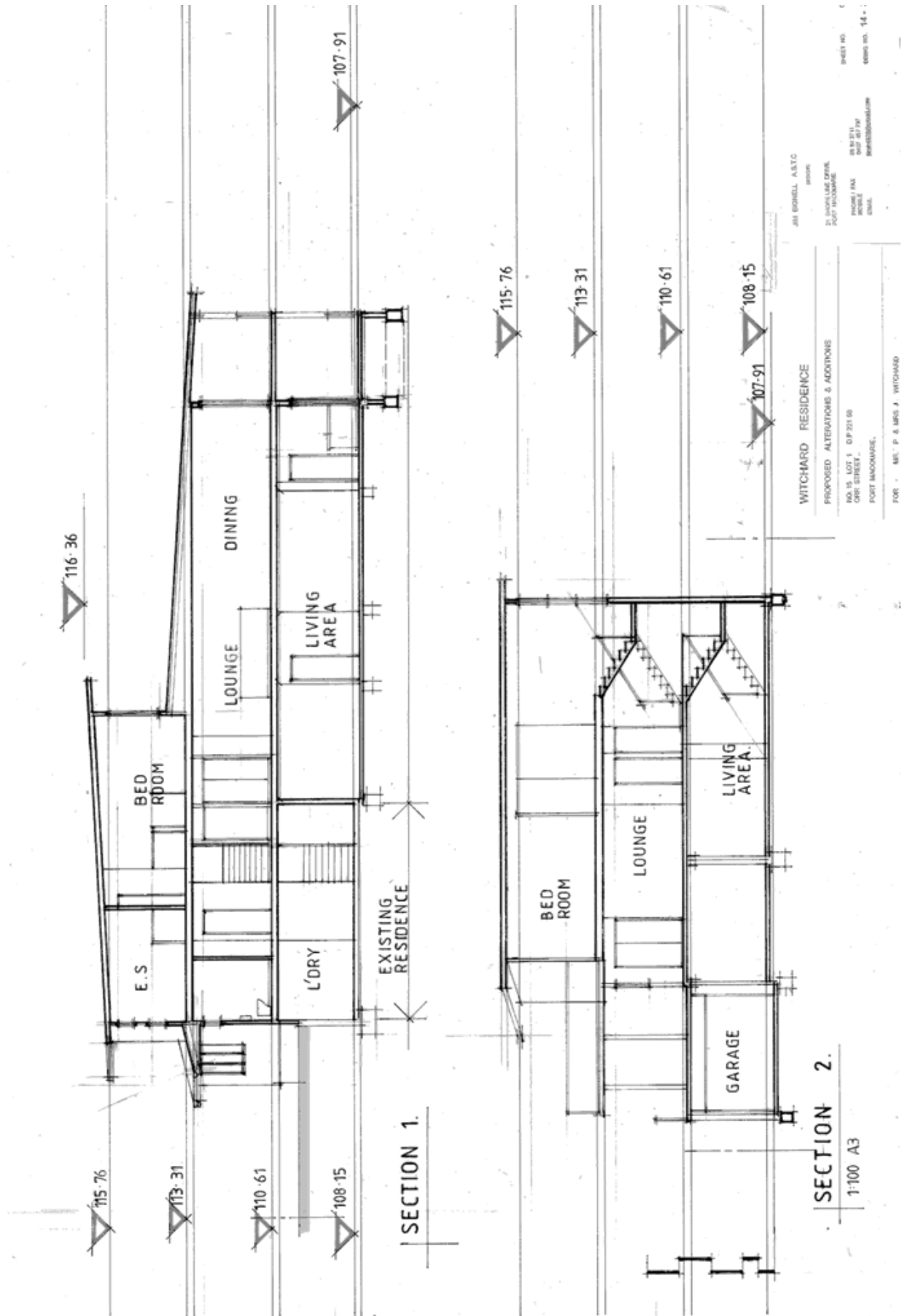
PROJECT NO. 14-1
SHEET NO. 14-1

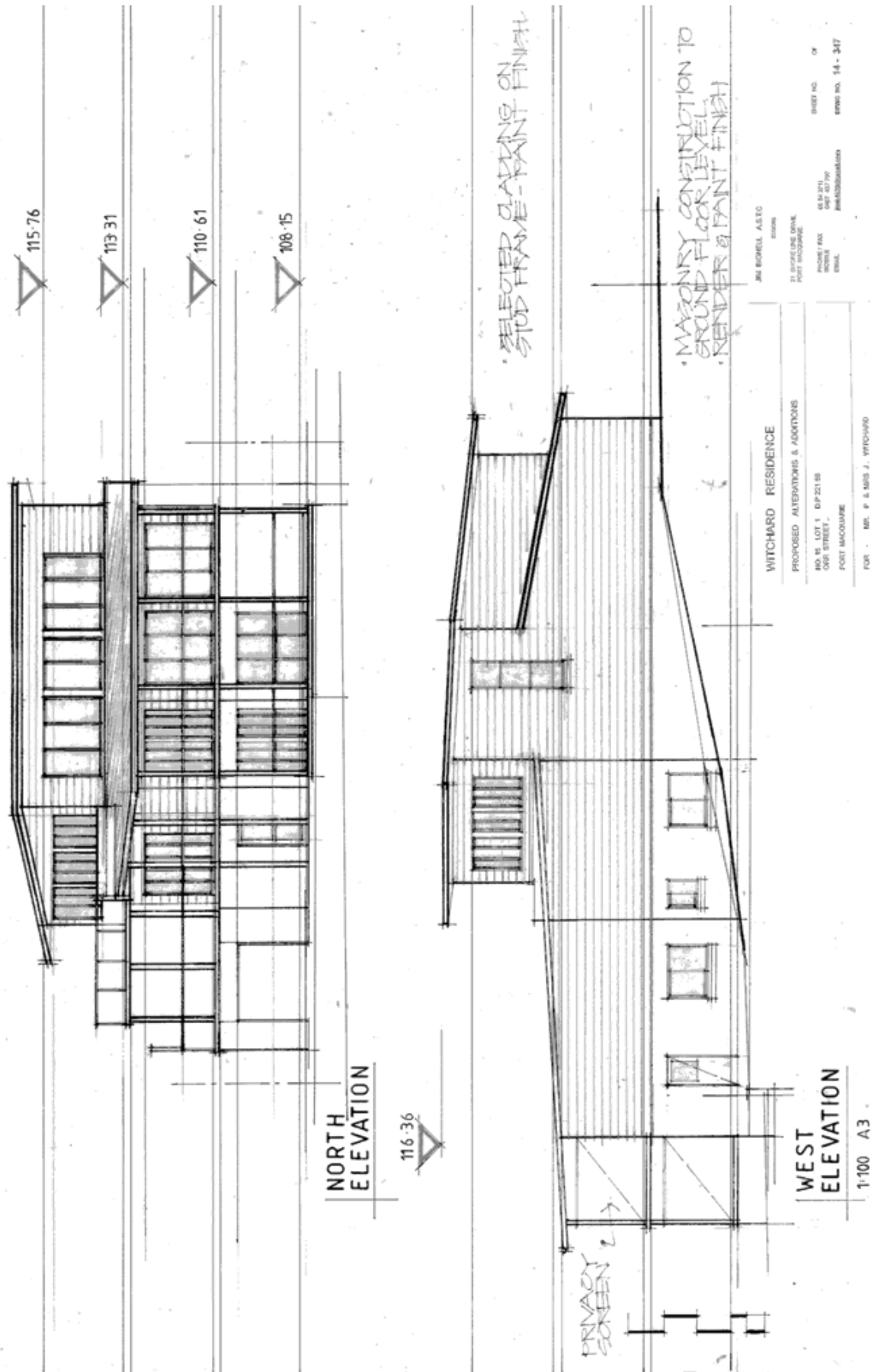


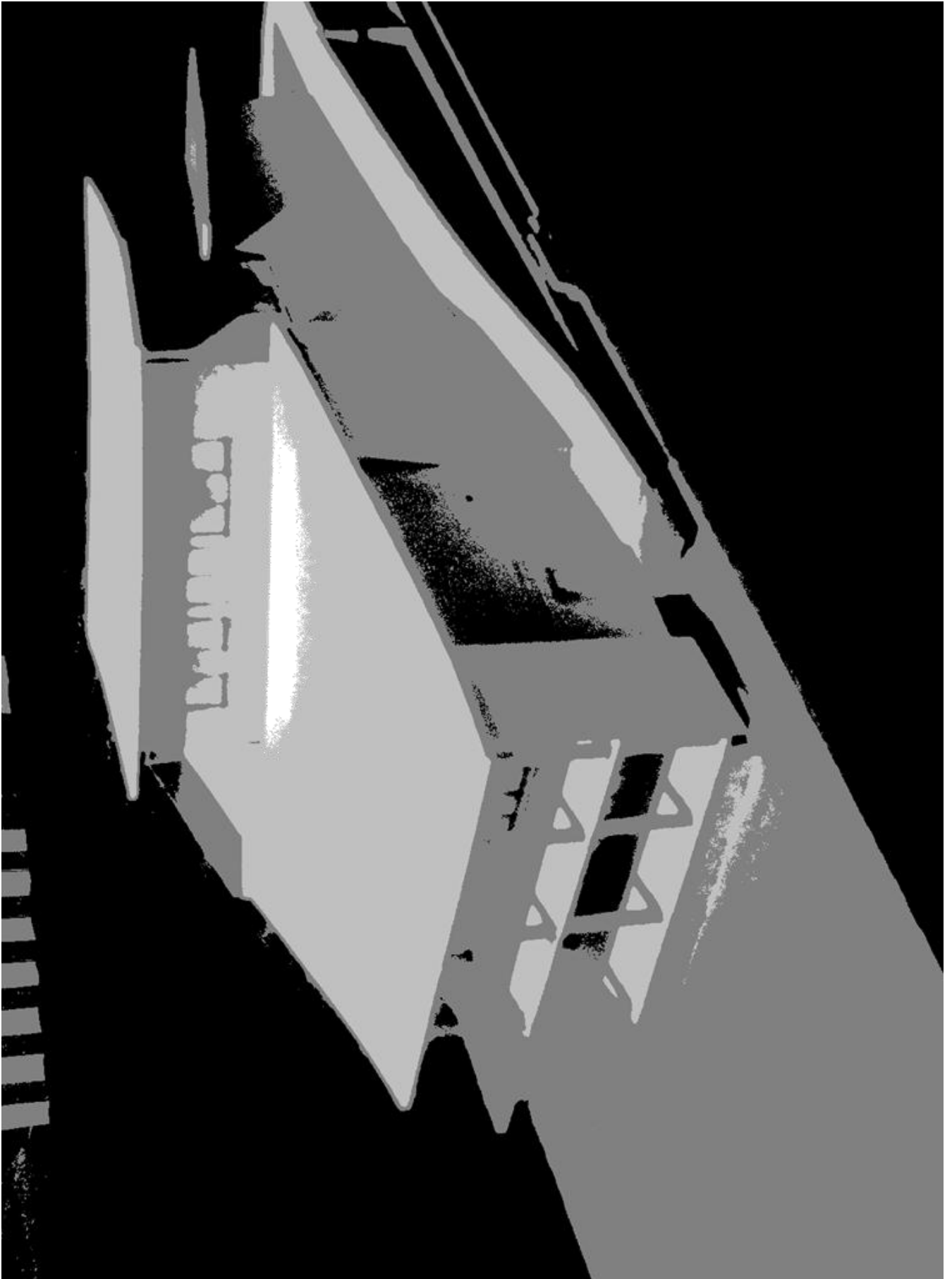


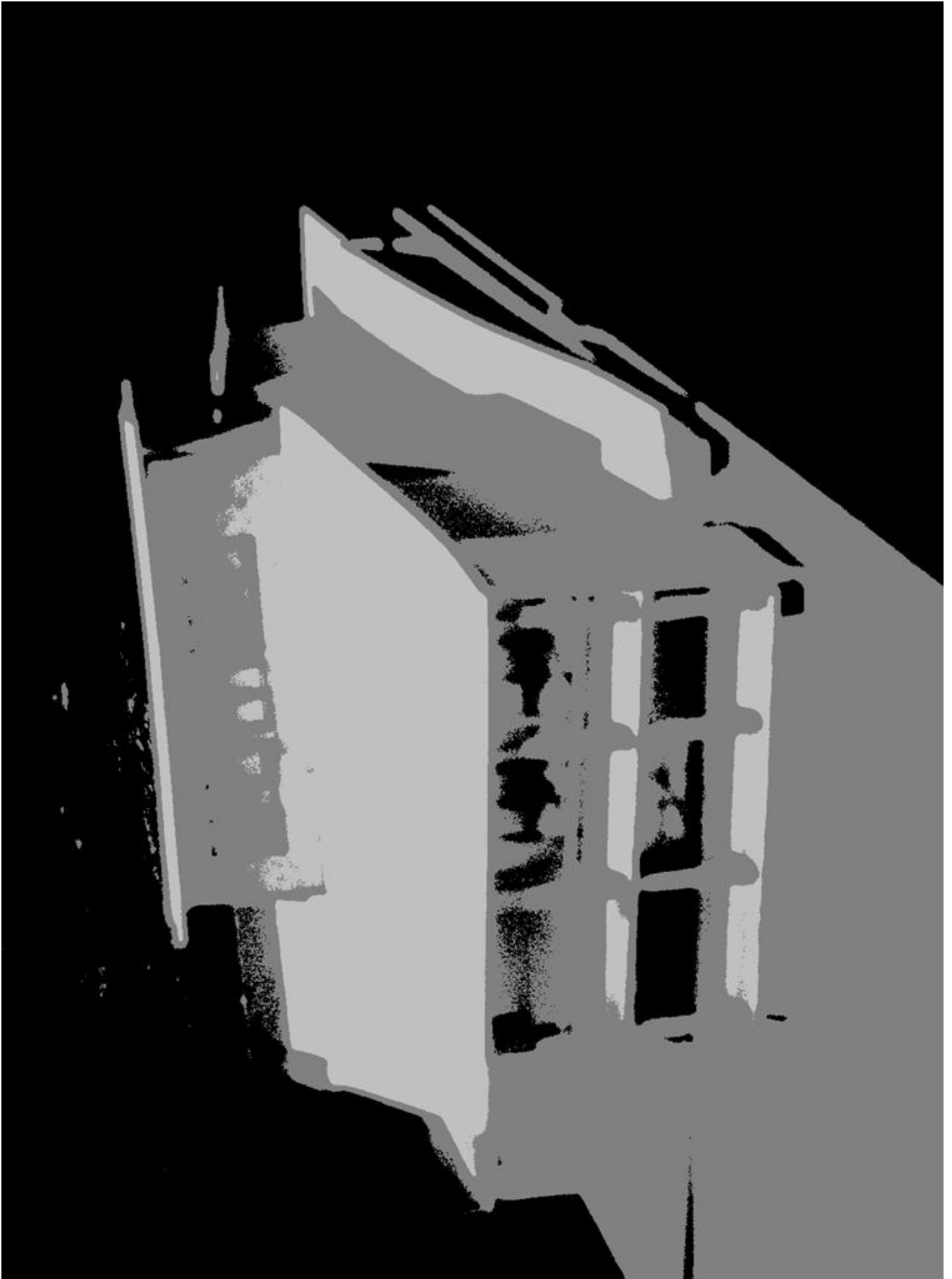












**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/406****DATE: 7/10/2015****PRESCRIBED CONDITIONS**

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
Detail survey	Sheet 1	Beukers and Ritter Consulting	19 September 2014
First floor plan	Sheet 2	Jim Bignell A.S.T.C Designs	Undated
Upper floor plan	Sheet 3	Jim Bignell A.S.T.C Designs	Undated
South and East elevations	Sheet 4	Jim Bignell A.S.T.C Designs	Undated
North and west elevations	Sheet 5	Jim Bignell A.S.T.C Designs	Undated
Sections	Sheet 6	Jim Bignell A.S.T.C Designs	Undated
Ground floor plan	Sheet 1	Jim Bignell A.S.T.C Designs	7 July 2015
BASIX certificate	A214383	Jim Bignell A.S.T.C Designs	14 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) (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.
- (4) (A013) The general terms of approval from the following authorities, as referred to in section 93 of the Environmental Planning and Assessment Act 1979, and referenced below, are attached and form part of the consent conditions for this approval.
- **NSW Rural Fire Service** - The General Terms of Approval, Reference DA15062997440 WS and dated 23 September 2015, are attached and form part of this consent.

B - PRIOR TO ISSUE OF 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) The driveway crossing grades shown on the approved DA plans are not approved. A revised driveway shall be prepared compliant with Council Standard Drawing Footway and Driveway Profiles ASD 208. 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:
- i. Footway and gutter crossing
 - ii. Functional vehicular access
- (3) The plans submitted with the application for construction certificate shall include removal of the first floor western privacy screen attached to the deck.

C – PRIOR TO ANY WORK COMMENCING ON SITE

Nil

D – DURING CONSTRUCTION

Nil

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

F – OCCUPATION OF THE SITE

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

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



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

Your Ref: 2015.406.1
Our Ref: D15/1795
DA15062997440 WS

ATTENTION: Mr Patrick Galbraith-Robertson

23 September 2015

Dear Mr Galbraith-Robertson

Land Use Application for 1//22158 - 15 Orr Street Port Macquarie 2444

I refer to your letter dated 23 June 2015 seeking advice regarding bush fire protection for the above Land Use Application in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

1. The proposed development is to comply with the Ground Floor Plan, prepared by Jim Bignell, drawing number 14-347 and undated, except where modified by conditions of this Bush Fire Safety Authority.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. Construction on the Eastern, Southern and Western elevation(s) shall comply with Sections 3 and 9 (BAL FZ) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. However, where any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 'Methods for fire tests on building materials, components and structures' Part 8.2: 'Tests on elements of construction for buildings exposed to simulated bushfire attack—Large flaming sources', it shall comply with Clause 13.8 of the Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.
4. Window assemblies on the Eastern, Southern and Western elevation(s) when tested to the method described in Australian Standard AS1530.8.2 'Methods for fire test on building materials, components and structures Part 8.2 : Tests on elements of construction for buildings exposed to simulated bushfire attack – Large flaming sources' shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.

Alternatively, new window assemblies shall comply with the following:

- i. They shall be completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) and (f); and
 - ii. They shall comply with the following:
 - a) Window frames and hardware shall be metal;
 - b) Glazing shall be toughened glass, minimum 6mm;
 - c) Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index of no greater than 5;
 - d) The openable portion of the shall be screened internally or externally with a mesh with a maximum aperture of 2mm, made from corrosion resistant steel or bronze. The frame supporting the mesh shall be metal.
5. External doors (not including garage vehicular access doors) on the Eastern, Southern and Western elevation(s) when tested to the method described in Australian Standard AS1530.8.2 'Methods for fire test on building materials, components and structures Part 8.2 : Tests on elements of construction for buildings exposed to simulated bushfire attack – Large flaming sources' shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.

Alternatively, new external doors (not including garage vehicular access doors) shall comply with the following:

- i. They shall be completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) and (f); and
- ii. They shall comply with the following:
 - a) Doors shall be non-combustible;
 - b) Externally fitted hardware that supports the panel in its function of opening and closing shall be metal;

- c) Where doors incorporate glazing, the glazing shall be toughened glass minimum 6mm;
 - d) Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index of no greater than 5;
 - e) Door frames shall be metal;
 - f) Doors shall be tight fitting to the doorframe or an abutting door;
 - g) Weather strips, draught excluders or draught seals shall be installed in applicable.
6. New construction on the Northern elevation(s) shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'.

For any queries regarding this correspondence please contact Wayne Sketchley on 1300 NSW RFS.

Yours sincerely



John Ball
Manager, Customer Service Centre - North

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

R & M Ayres


13 Orr St, Transit Hill

PMQ 2444

28/9/15

Hastings Council, re DA 15 Orr St, Transit Hill. 2015

15822

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
29 SEP 2015	
Keyword	
Activity	
Subject	
Folder <u>DA 2015/426</u>	

Pat.

Thank you for your visit to check our impact concerns & advice on the progress of our easterly neighbours DA application for 15 Orr St., Transit Hill, PMQ.

We can live with the principles & precedents established with this likely development approval, like building alignment & heights & view & shadow impacts, & simply ask that our concerns be formally placed on record, that a copy be made available to us, for future reference, & ask for equal opportunity & DA approval consideration of similar impacts, for us or future adjacent or nearby property owners in future.

It has been a significant expense to seek this formal consideration of our concerns, with questionable benefit or negotiated or mediated compromise outcomes. We note that nearby verandahs do not seem to need or have end screening. If our concerns & impacts are not relevant or pertinent to the evaluation criteria, there seems little point in causing extra cost or delay for no public or neighbour or common mutual benefit.

Specifically... We hope the community & visual landscape impact (day & night), & environmental & wildlife impact is well considered in the development approval process, particularly post DA approval process practical engineering concerns for adequate shared sewerage, wildlife, vegetation impact, & fire & storm wind hazards. We strongly suggest storm wind security be considered, & wildlife corridor vegetation/wind break retention, especially for roofing security, w.r.t to likely medium future ECL & cyclonic storms to Category 3 or 4, similar to or slightly worse than the recent ECL 2 years ago.

We would like to place on record our concerns for shared sewerage services for such a large additional structure, on a small shared existing ~6" network, which has had problems in the recent past from this DA applicants northern neighbour tree roots obstruction. Hopefully this will be addressed by engineering consideration, pre or post DA approval.

We had hoped that excavation for structure footings might have reduced the height & shadowing impacts slightly, with some view or easterly shadowing benefit for us, but we have been advised by yourself that this is not practical from an engineering POV at this stage.

We have some concerns for the visual impact & night time landscape visual impact of the 3 story tall structure in this scenic hilltop location, but are told they are compliant with current height

restrictions. We also have concern for aesthetic visual impact of classic pillars? on the third level, apparently 'unsupported' visually by similar architecture below.

We are also mindful of fire risk curl-over from the adjacent bushland to the south, despite apparent RFS approval, & strongly suggest fire resistant insulation be considered under cladding, to avoid risk to adjacent structures & property, & may mitigate the flammability of the exposed 3rd story, more exposed to heat & stronger wind to curl over from bushfire from the south hill slope.

We also strongly suggest consideration be given to strong roof tie-down security for storm design to Cat.3 & 4 ECL conditions in the likely medium term future, which have occurred in recent past, on this exposed hilltop location, exposed to strong NE & E prevailing winds, particularly in summer.

Yours Sincerely,

Rod & Marilyn Ayres

13 Orr St

Transit Hill

PMQ 2444.

TS 5893
5893_101

KING + CAMPBELL

2 July 2015

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

urban design

civil engineering

architecture

town planning

landscape architecture

surveying

Attention: Mr Patrick Galbraith-Robertson

Dear Patrick

**RE: SUBMISSION TO DA2015/406
ALTERATIONS & ADDITIONS TO EXISTING DWELLING
15 ORR STREET, PORT MACQUARIE**

We write this submission for and on behalf of Mr & Mrs R&M Ayres in relation to the alterations and additions proposed under DA2015/406.

Mr & Mrs Ayres are the owner occupiers of 13 Orr Street, which directly adjoins the application sites western boundary. The concerns raised in relation to the proposed development include:

- Visual impacts of the proposed development on the north-easterly views of 13 Orr Street. In this regard, it is noted that 13 Orr Street currently enjoy northerly views over Port Macquarie to Queens Head and easterly views towards Miners and Lighthouse beaches. We therefore request that the visual impacts of the proposed development be considered with respect to the matters outlined in *Tenacity Consulting v Warringah 2004 NSW LEC 140*;
- The plans provided identify a maximum building height of 8.508 metres and no Clause 4.6 variation has been lodged with the application justifying the exceedance of the maximum building height identified within the *Port Macquarie-Hastings Local Environmental Plan 2011*;
- Visual privacy of the proposed dwelling be demonstrated to comply with the development provisions outlined under Section 3.2.2.10 of the *Port Macquarie-Hastings Development Control Plan 2013*; and
- The adjoining landowners have identified the use of the vegetation within the north of 15 Orr Street by a number of different fauna species including the Koala and Regent Bowerbirds among other bird species. It is therefore requested that the tree species to be removed be identified and compliance with Section 2.6 of the *Port Macquarie-Hastings Development Control Plan 2013* be demonstrated.

directors

Paul Rowlandson
B Surv (Hons), MISAust

Anthony Thorne
B Surv, MISAust
Grad Dip Planning (UTS)

David Tooby
B L Arch, AAILA
Registered Landscape Architect

Scott Marchant
B Surv (Hons)

Nigel Swift
B Arch, BArch, AIA
Nominated Architect
NSW Architects Registration Board No 700
Qld Architects Registration Board No 385

5893_101

Page 2 of 2

2 July 2015

If you have any questions in relation to this submission please do not hesitate to contact the undersigned on Phone (02) 6586 2555.

Yours sincerely
King & Campbell Pty Ltd

per 
Ter

cc Client

encl

Item: 07

Subject: DA2015 - 0425 ADDITIONS TO DWELLING - LOT A DP 411801, NO 22
KENNEDY DRIVE, PORT MACQUARIE

Report Author: Benjamin Roberts

Property:	Lot A, DP411801, 22 Kennedy Drive, Port Macquarie
Applicant:	Collins W Collins
Owner:	D J & J Edmonds
Application Date:	19 June 2015
Estimated Cost:	\$45,000
Location:	Port Macquarie
File no:	DA2015 - 0425
Parcel no:	10798

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2015 - 0425 for a additions to dwelling at Lot A, DP411801, No. 22 Kennedy Drive, Port Macquarie, be determined by granting consent subject to the recommended conditions.

Executive Summary

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

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

1. BACKGROUND

Existing sites features and Surrounding development

The site has an area of 752.5m².

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:

[illegible]

2. DESCRIPTION OF DEVELOPMENT

Key aspects of the proposal include the following:

- Additions to dwelling

Refer to attachments at the end of this report.

Application Chronology

- 19 June 2015 - Application lodged
- 24 June 2015 - Additional information request (clause 4.6 objection ((height)
- 26 June - 9 July 2015 - Neighbour notification
- 30 July 2015 - Additional information response
- 30 July 2015 - Additional information request (clause 4.6 objection ((height)
- 2 September 2015 - Amended plans received (below building height)
- 7 - 21 September 2015 - Notification to objectors of revised 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

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

State Environmental Planning Policy 55 – Remediation of Land

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

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.

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 additions to the dwelling are 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 as it is a permissible landuse and consistent with the established residential locality.

- 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 maximum overall height of the building above ground level (existing) is identified on the Height of Buildings Map as being 8.5m. The proposed development has a maximum overall height of 8.252m.

- Clause 4.4, the floor space ratio of the proposal is 0.34:1 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.

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

No draft instruments apply.

(iii) any Development Control Plan in:

Port Macquarie-Hastings Development Control Plan 2013

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

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

	Requirements	Proposed	Complies
3.2.2.5	Side setbacks: <ul style="list-style-type: none"> • Ground floor = min. 0.9m • First floors & above = min. 3m setback or where it can be demonstrated that overshadowing not adverse = 0.9m min. • Building wall set in and out every 12m by 0.5m 	Ground floor setbacks no change. First floor side setback 5.215m to southern boundary and 5.076m to northern boundary. Satisfactory wall articulation proposed.	N/A Yes 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 	Privacy adequately protected through building design.	Yes

DCP 2013: General Provisions

	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	The proposed development will be unlikely to create any concealment/entrapment areas or crime spots that would result in any identifiable loss of safety or reduction of security in the immediate area.	Yes
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	None proposed.	N/A

DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.3.3.2	1m max. height retaining walls along road frontage	None proposed.	N/A
2.3.3.8	Removal of hollow bearing trees	None proposed to be removed.	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	None proposed to be removed.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1. 1 space per single dwelling (behind building line)	Existing no change.	Yes

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

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

iv) any matters prescribed by the Regulations:

New South Wales Coastal Policy

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

Demolition of buildings

Partial demolition of the roof is capable of compliance with the regulations.

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

No coastal zone management plan applies to the 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 locality is characterised by one to two storey dwelling developments. The land slopes towards the north east and elevated properties in the area enjoy ocean views.

Overshadowing

The addition is setback 5.215m from the southern boundary and will not cause adverse overshadowing to adjoining living areas or main areas of private open space for more than 3 hours between 9.00am and 3.00pm on 21 June.

View Sharing

The public exhibition of the proposal resulted in concerns being raised in relation to loss of ocean views from a dwelling at No. 27 Kennedy Drive.

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

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

Step 1

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

Comments: The affected view is to the north-east of the ocean. The ocean view being impacted is partial only and does not include the interface between land and water. Extensive ocean views, including interface between land and water are enjoyed to the north including the headlands of Queens Head Point Plomer. These views will not be impacted. There are no impact to any iconic views.

Step 2

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

Comments: The affected view is obtained from a living room and front balcony in the dwelling at No. 27 Kennedy Drive across the front boundary. Views are primarily enjoyed from a standing position. Sitting views are obscured and reduced due to 2 storey dwellings and trees on the northern side of the development site.

Step 3

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

Comments: The proposed development would result in partial loss of an ocean view currently enjoyed over the roof line of this dwelling from the front living room and balcony. No. 27 Kennedy Drive also enjoys significant views to the ocean and Point

Plomer to the north east from the front balcony and living room. These views would be unaffected by the proposed development.

The overall impact on the existing extensive views is considered to be minor.

Step 4

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

Comments: The proposed additions are below the LEP maximum building height control of 8.5m and comply with setback provisions. The design is acceptable and the view sharing reasonable.

Access, Transport & Traffic

No change to existing vehicular access arrangements. 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.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

Connection to existing.

Water

Service available – details required with S.68 application.

Sewer

Service available – details required with S.68 application.

Soils

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

Air & Micro-climate

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

Flora & Fauna

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

Noise & Vibration

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

Natural Hazards

No natural hazards identified that would affect the proposed development.

Safety, Security & Crime Prevention

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

Social Impact in the Locality

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

Economic Impact in the Locality

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

Site Design and Internal Design

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

Construction

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

Cumulative Impacts

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

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

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

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

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

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

Submission Issue/Summary	Planning Comment/Response
The proposal exceeds the building code height and will take away the last remaining easterly view of the ocean from 27 Kennedy Drive.	The proposal as amended meets the 8.5m building height control. Refer to view sharing comments within the report.
The proposed height variation will set a precedent for the area.	The proposal as amended is below the 8.5m building height limit.
Has the proposed building height been checked by a surveyor? The datum height on the ground appears to have changed to make the structure comply. The levels should be checked by a surveyor before any approval is issued.	Noted. To ensure building height complies with approved plans a condition has been recommended to require levels to be provided by a registered surveyor to the Principal Certifying Authority at the completion of the roof framework.
The new flat roof line does not marry into the existing roof profile.	Noted. Design considered acceptable.
A medium roof colour is to be used whereas the original roof colour is dark.	Noted. It is anticipated that the roof colour will match existing.

(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

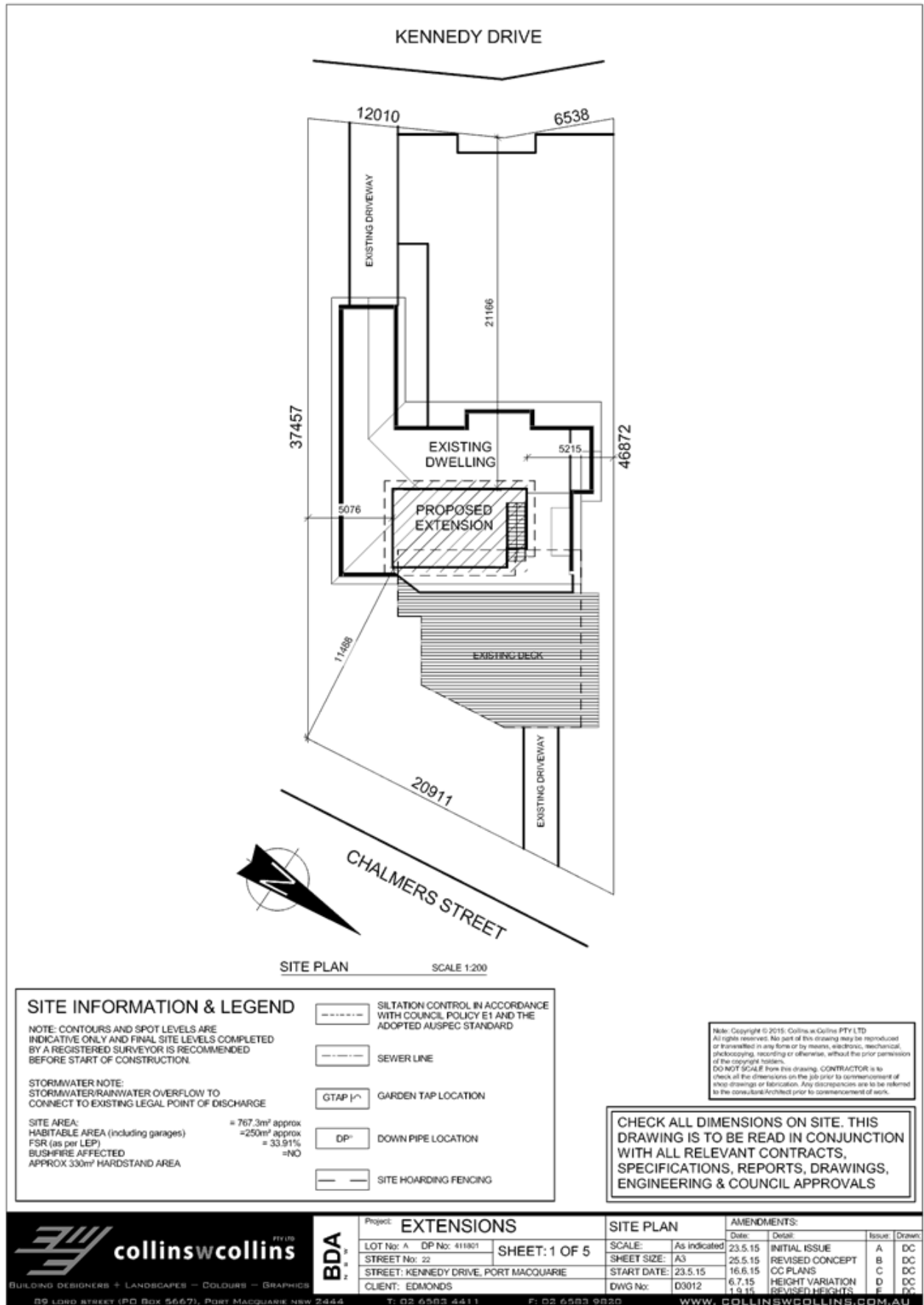
The application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

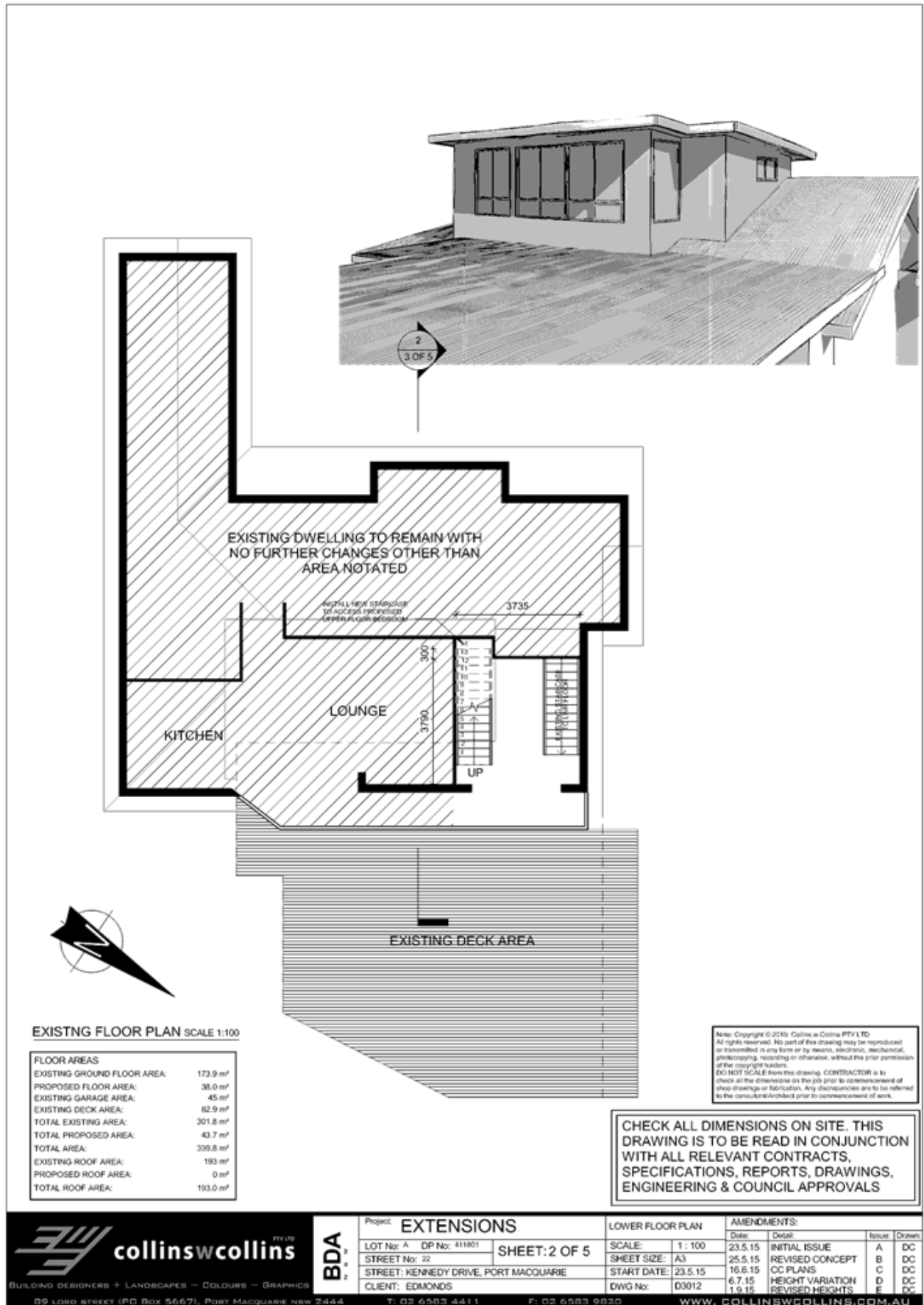
Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

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.

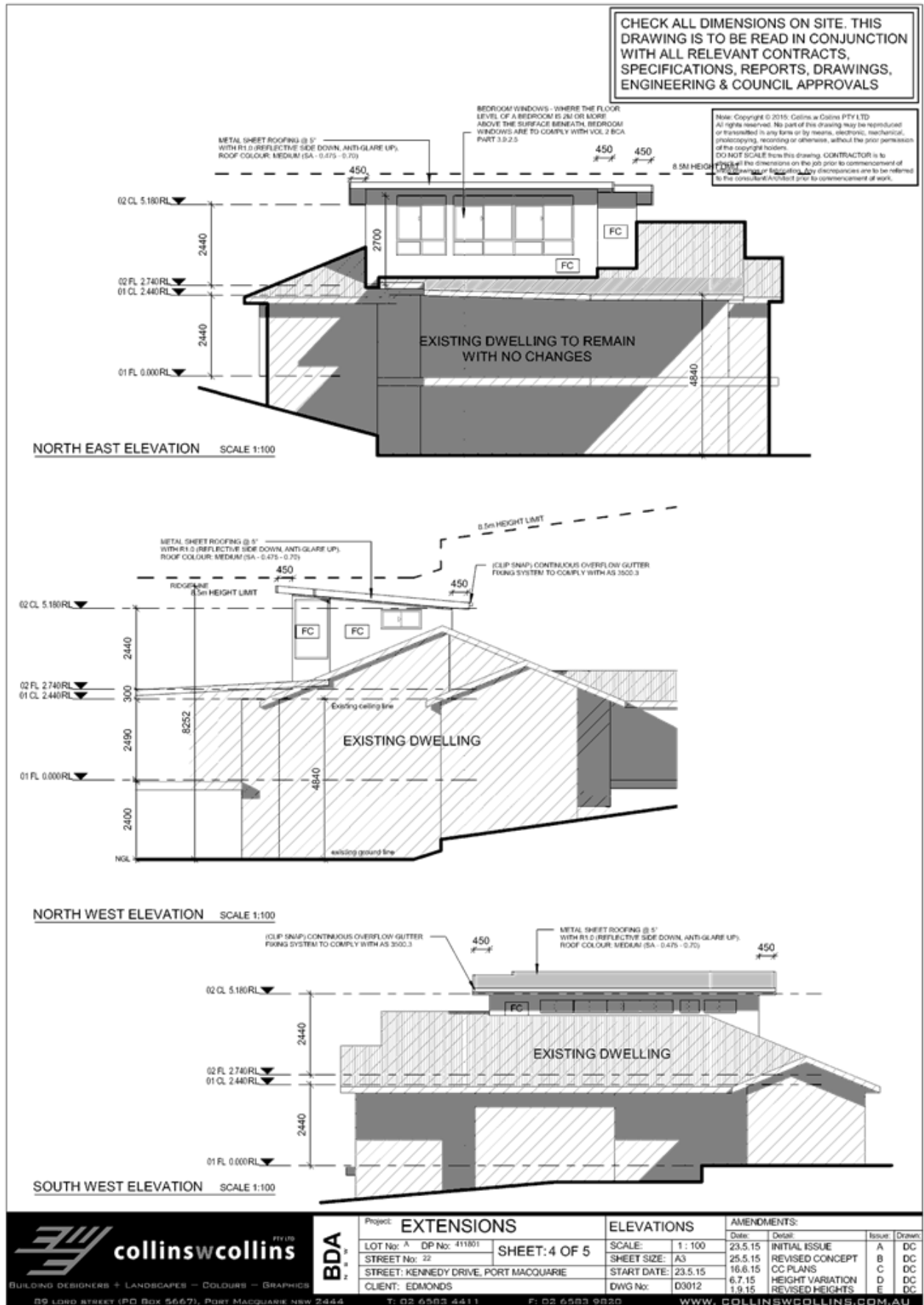
Attachments

- 1 [View](#). DA2015 - 0425.Plans
- 2 [View](#). DA2015 - 0425 Recommended Conditions
- 3 [View](#). DA2015 - 0425 Submission - White 1609
- 4 [View](#). DA2015 - 0425 Submission - White 01072015
- 5 [View](#). DA2015 - 0425 Submission - White 16092015
- 6 [View](#). DA2015 - 0425 Submission - White 30062015









**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/425****DATE: 28/09/2015****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
Statement of Environmental Effects as amended	22 Kennedy Drive	Collins W Collins	Undated
Development Plans	Dwg D3012 Sheets 1-4 Issue E	Collins W Collins	1 September 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) (A009) The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - Appropriate dust control measures;
 - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - Building waste is to be managed via an appropriate receptacle;
 - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

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

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

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

B – PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

C – PRIOR TO ANY WORK COMMENCING ON SITE

nil

D – DURING WORK

- (1) (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.

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.

F – OCCUPATION OF THE SITE

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

Heather White
27 Kennedy Drive
PORT MACQUARIE NSW 2444
[REDACTED]

16 September 2015

Benjamin Roberts
Port Macquarie-Hastings Council
Corner Lord & Burrawan Streets
PORT MACQUARIE NSW 2444

Dear Sir

Re: Application 2015/425 at 22 Kennedy Drive, Port Macquarie for D J & J Edmonds
Your Reference: DA2015.425.1

I refer to your letters of 23 June 2015 and 3 September 2015 and the above named Development Application.

My objection still remains as my last remaining easterly view of the ocean will be gone.


With thanks.

Yours faithfully

[REDACTED]

Heather White

10798

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
18 SEP 2015	
Keyword	
Activity	
Subject	
Folder DA2015.425.1	

Heather White
27 Kennedy Drive
PORT MACQUARIE NSW 2444

1 July 2015

Benjamin Roberts
Port Macquarie-Hastings Council
Corner Lord & Burrawan Streets
PORT MACQUARIE NSW 2444

Dear Sir

Re: Application 2015/425 at 22 Kennedy Drive, Port Macquarie for D J & J Edmonds
Your Reference: DA2015.425.1

I refer to your letter of 23 June 2015 and the above named Development Application.

I have been resident at 27 Kennedy Drive, Port Macquarie for the past 46 years.

I have an objection to this development application because it exceeds your building code height and the new structure will take away part of an ocean view that I have enjoyed for these many years.

With thanks.

Yours faithfully

Heather White

10198

PORT MACQUARIE HASTINGS	
TRIM No	01570
- 2 JUL 2015	
Keyword	
Activity	
Subject	
Notes	DA2015.425.1.

[REDACTED]

From: John & Liz White [REDACTED]
Sent: Wednesday, 16 September 2015 6:32 PM
To: Council
Subject: Application No. 2015/425 - Edmonds - 22 Kennedy Drive, Port Macquarie
Categories: Red Category

Hi Ben

Further to my email of 30 June 2015, Council's letter of 3 September 2015 and my discussions with you on Friday 11 September 2015 I wish to state the following:

- (i) the new drawings issued to me show that the roof line has been reduced from 7 degrees to 5 degrees which equates to about 180mm reduction in ridge height; and
- (ii) the datum height on the ground has also been changed to make the structure comply.

I am happy if the roof height is under 8.5m as shown on the amended plan is true and accurate but do object if the structure is over this height.

I would like a letter from Council outlining where the datum height of the building is measured from and that same has been checked by a Council Surveyor and meets the requirements before the development is approved.

It would have been nice if the buiding designers had done accurate measurements before submitting plans to Council or had arranged for a Surveyor to survey the site to obtain accurate levels in order not to waste everyones time and to ensure that it is a complying development from the outset.

Wait to hear from you as to the measurements.

Regards

John White
[REDACTED]

[REDACTED]

From: John & Liz White [REDACTED]
Sent: Tuesday, 30 June 2015 5:30 PM
To: Council
Subject: Application No. 2015/425 - Edmonds - 22 Kennedy Drive, Port Macquarie

I am writing with respect to a letter received from Port Macquarie-Hastings Council dated 23 June 2015 as to Application 2015/425 at 22 Kennedy Drive, Port Macquarie with the owner being D J & J Edmonds and the notification of a Development Proposal. Your Reference: DA2015.425.1.

I am objecting to this Development Proposal (and this is not personally aimed at my neighbours but I have concerns as to the precedent this is setting for this area) because the plans show that it is not a complying development due to it exceeds the height restrictions by 645mm.

I seek clarification as to whether the original building height has been checked by a Surveyor to the existing ridge height as nominated on plan. The elevation facing my house (25 Kennedy Drive) shows that the building will be at least 50% of the ridge line higher than 645mm.

Even the top wall plates for this structure exceed the allowable height limit.

Why hasn't the building designer looked at other places on this large block of land where one bedroom and ensuite could be added without exceeding the height limit?

If the development does go through does this mean there will be a precedent set that all dwellings (including my dwelling) will be allowed to exceed the restricted height level by 645mm in this area.

Other points that might be noted:

- I do not think the new flat roof marries into the lines of the existing roof profile.
- It is also states there is to be a medium roof colour to be used whereas the original roof colour is dark.

With thanks

John White
25 Kennedy Drive
PORT MACQUARIE NSW 2444
[REDACTED]

Item: 08

Subject: DA2015 - 0430 STAGED DEVELOPMENT COMPRISING COMMUNITY TITLE SUBDIVISION, RETENTION OF THE EXISTING DWELLING AND ERECTION OF FIVE DUAL OCCUPANCIES AT LOT 1 DP 609064, 32 CLEARWATER CRESCENT, PORT MACQUARIE

Report Author: Clint Tink

Property:	Lot 1 DP 609064, 32 Clearwater Crescent, Port Macquarie
Applicant:	Land Dynamics Australia
Owner:	G J & K L Roberts
Application Date:	11 September 2015
Estimated Cost:	\$1,410,000
Location:	Port Macquarie
File no:	DA2015 - 0430
Parcel no:	18232

Alignment with Delivery Program

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

RECOMMENDATION

That DA 2015 - 0430 for a staged development comprising community title subdivision, retention of the existing dwelling and erection of five dual occupancies at Lot 1, DP 609064, No. 32 Clearwater Crescent, Port Macquarie, be determined by granting consent subject to the recommended.

Executive Summary

This report considers a development application for a staged development comprising community title subdivision, retention of the existing dwelling and erection of five dual occupancies at the subject site.

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

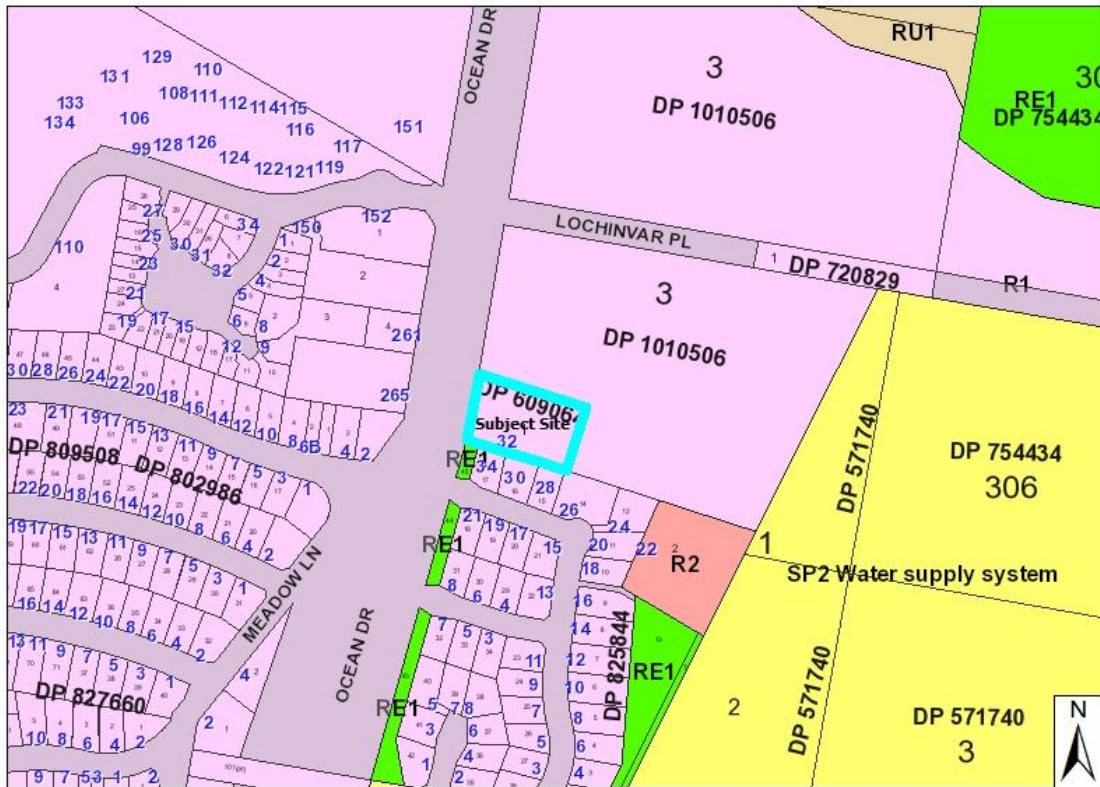
Following exhibition of the application, eight submissions were received.

1. BACKGROUND

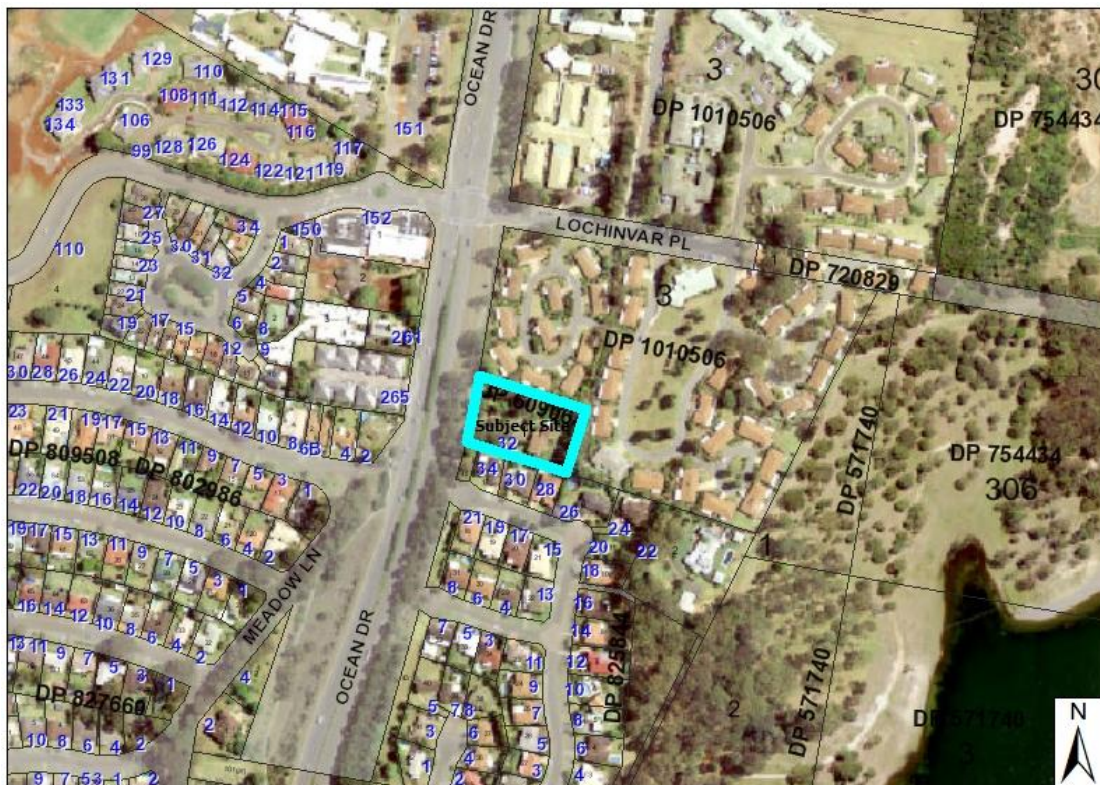
Existing sites features and Surrounding development

The site has an area of 4047m².

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:

- Staged development comprising community title subdivision, retention of the existing dwelling and erection of five dual occupancies.
- Stage 1 will comprise the community title subdivision. Stage 2 will construct the dual occupancies.
- The community title subdivision will create six lots for housing and one lot for community roads, visitor parking, garbage area etc.
- The existing dwelling will be retained on one of the six housing lots. The remaining five lots will contain two storey, dual occupancies.
- The dual occupancies comprise a one bedroom dwelling at ground level and a four bedroom two storey dwelling. The one bedroom dwelling size is conducive to a studio/granny flat. Each dual occupancy comprises a double garage, which has been designed for use by either one occupancy owner as a double garage or by both occupancies as two single garages.
- The development involves access via a right of carriageway with upgrade works proposed. The owner of the property (30 Clearwater Crescent) containing the right of carriageway has provided owners consent to the application.
- The development will require the removal of most vegetation on the site. This vegetation consists of predominately of managed lawns and ornamental/introduced vegetation. However, one koala food tree and two hollow bearing trees are proposed for removal. Compensatory planting and the installation of nest boxes is proposed to offset the removal of these trees.

Refer to attachments at the end of this report.

Application Chronology

- 17/3/2015 - Proposal presented to Council's Pre-lodgement meeting.
- 23/6/2015 - Application lodged with Council. Initially lodged as a subdivision only.
- 25/6/2015 - Owners consent requested from 30 Clearwater Crescent to allow work within the right of carriageway.
- 26/6/2015 - Applicant questioned the need for owners consent from 30 Clearwater Crescent. Applicant also requested fees on including houses in the application. Council provided updated fee quote.
- 29/6/2015 to 13/7/2015 - Exhibition period.
- 30/6/2015 - Revised fees paid.
- 1/7/2015 - Revised plans submitted, which included housing component.
- 6/7/2015 - Council provided further comment on owners consent issue and requested further information on matters resulting from the inclusion of the housing component.
- 10/7/2015 - Floor plan of existing dwelling provided.
- 22/7/2015 - Applicant provided revised plans in response to Council's request for additional information dated 6/7/2015. Having revised the information, Council staff advised that further information/clarification was still required in relation to the submitted information.
- 17/8/2015 - Applicant submitted revised plans in response to Council's request dated 22/7/2015.

- 19/8/2015 - Council staff advised that the revised plans did not address all the issues raised in Council's request for additional information dated 22/7/2015. Applicant responded back with further detail.
- 20/8/2015 - Discussion between Council staff and the applicant regarding change to design and need for owners consent. Applicant had negotiated owners consent subject to new driveway and carport being built on 30 Clearwater Crescent.
- 26/8/2015 to 8/9/2015 - Revised design re-exhibited.
- 7/9/2015 - Council staff requested status of owners consent from 30 Clearwater Crescent.
- 11/9/2015 - Further discussion between Council staff and the applicant regarding owners consent. Owners consent from 30 Clearwater Crescent provided.

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 (Affordable Rental Housing) 2009

The applicant states the following in relation to the above SEPP:

State Environmental Planning Policy (Affordable Rental Housing) was introduced in 2009 to encourage the development of secondary dwellings or granny flats to meet a strong need for affordable housing in NSW. This proposal adopts the principles of the AHSEPP by providing a self-contained studio within each dwelling. As the subject land is to be developed as a Community Title Scheme, the studio rooms do not meet the definition of Secondary Dwellings provided by the AHSEPP. Despite this we believe the addition of studio accommodation remains consistent with the intent of the AHSEPP.

In keeping with the principles of AHSEPP the proposed dwellings incorporate a 35.8m² self-contained studio on the ground floor of each of the dwellings. This design provides a flexible floor plan for future owners as the studio space may be used as accommodation for family, as an office space or rented to a tenant.

However the SEPP (Affordable Rental Housing) provides a definition of Secondary Dwelling which excludes land in a community title scheme.

CI 19 Definition

In this Division:

development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.

Note.

The standard instrument defines secondary dwelling as follows:

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Despite this the Port Macquarie Hastings LEP (2011) definition of secondary dwellings does not exclude land in community title schemes and secondary dwellings are not prohibited in the R1 zone.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

(9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) 33% of the total floor area of the principal dwelling.

It is considered the proposed development is consistent with the intent of the AHSEPP as it provides one primary and one secondary dwelling. No subdivision is proposed as a result of the secondary dwelling and the total floor area of the secondary dwelling is well below the maximum 60m² (35.8m²). The site area of Lots 2, 3, 6 and 7 exceed 450m² and the site area of lots 4 and 5 are within 10% of the minimum 450m².

The development of the land as a community title scheme is sought in this case to ensure the future maintenance of a common driveway. All other aspects of the proposal remain consistent with the AHSEPP provisions.

It is noted that under the provision of the AHSEPP Council cannot refuse consent on the grounds of the site area (if less than 450m²) or if no additional onsite parking is proposed.

Council staff agree with the above comments. While the SEPP technically does not apply, it is considered that there is scope to review parking and lots sizes based on the intent of the SEPP and similarities to the LEP definitions. The aspects of parking and lots sizes are discussed later in this report.

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

A BASIX certificate (number 637145M) 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 proposed development has frontage to Ocean Drive, which is a classified road. Therefore, the provisions of Clause 101 and 102 must be considered.

Clause 101 states the following:

- (1) *The objectives of this clause are:*
 - (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
 - (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed development addresses the above clauses by not providing any new direct access to Ocean Drive. In addition, the development is well setback from the classified road with both vegetation and fence screening to minimise any visual or acoustic impacts.

In addition to the above, Council engineering staff have reviewed the application in relation to local road and traffic conditions and deemed the proposal suitable. In particular, the development is unlikely to create any adverse impact on the safety or function of the classified road.

Clause 102 states the following:

- (1) *This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the*

consent authority considers is likely to be adversely affected by road noise or vibration:

- (a) a building for residential use,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or child care centre.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
 - (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*
- (4) In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the [Roads Act 1993](#).*

While the proposed development contains a residential aspect, Ocean Drive does not generate more than 40,000 vehicles per day. Therefore, the subject clause does not apply.

Regardless of the clause not applying, the proposed development is noted as incorporating suitable acoustic protection via separation and screening from the classified road.

Port Macquarie-Hastings Local Environmental Plan 2011

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

In accordance with clause 2.3(1) and the R1 zone landuse table, the proposed development for a staged development comprising community title subdivision, retention of the existing dwelling and erection of five dual occupancies is a permissible landuse with consent.

The objectives of the R1 zone are as follows:

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

In accordance with clause 2.3(2), the proposal is consistent with the zone objectives, particularly as the proposal is a permissible landuse, will contribute to the range of housing in the area and is consistent with the surrounding residential locality.

Clause 4.1, the lot sizes within stage 1 (creation of community title lots) vary in size with some falling below the 450m² minimum lot size standard. However, Clause 4.1(4) states that the minimum lot size standard does not apply to community title lots. Therefore, Clause 4.1 does not apply.

Clause 4.1A also does not apply as the resultant housing from the subdivision is not attached dwellings, semi-detached dwelling or a dwelling house.

Clause 4.3, the maximum overall height of the buildings from ground level (existing) are all set below the standard height limit of 8.5m applying to the site. The tallest building component measures just under 8.2m.

Clause 4.4, the floor space ratio of the proposed lots and housing are all below the maximum 0.65:1 floor space ratio applying to the site. The highest FSR being 0.58:1.

Clause 5.9, trees within Development Control Plan 2013 are proposed to be removed. The removal of the trees was addressed via an ecological report, which was subsequently reviewed by Council's Natural Resources staff. The removal of the trees is considered acceptable subject to conditions.

Clause 5.10, the site does not contain any known heritage items or sites of significance. The property is also disturbed from past activities.

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

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

None relevant.

(iii) any Development Control Plan in:

Port Macquarie-Hastings Development Control Plan 2013

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

	Requirements	Proposed	Complies
3.2.2.1	Ancillary development: <ul style="list-style-type: none"> • 4.8m max. height • Single storey • 60m² max. area • 100m² for lots >900m² • 24 degree max. roof pitch • Not located in front setback 	A carport is proposed on 30 Clearwater Crescent. The carport is approximately 35m ² and located in the rear yard. Height will be conditioned to be 3m, which is a standard height for carports.	Yes
3.2.2.2	Articulation zone: <ul style="list-style-type: none"> • Min. 3m front setback • 25% max. width of dwelling 	Not utilised.	Yes
	Front setback (Residential not R5 zone): <ul style="list-style-type: none"> • Min. 6.0m classified road • Min. 4.5m local road or within 20% of adjoining dwelling if on corner lot • Min. 3.0m secondary road • Min. 2.0m Laneway 	The development is setback over 6m from Ocean Drive (classified road).	Yes
3.2.2.3	Garage 5.5m min. and 1m behind front façade. Garage door recessed behind	Garages do not face Ocean Drive. In addition, being a battle axe shape lot	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
	building line or eaves/overhangs provided	the development does not face Clearwater Crescent. Nonetheless, garages are noted as being recessed.	
	6m max. width of garage door/s and 50% max. width of building	Garage doors do not exceed 6m or 50% of the width of the building.	Yes
	Driveway crossover 1/3 max. of site frontage and max. 5.0m width	Not relevant to a battleaxe lot.	Yes
	Garage and driveway provided on each frontage for dual occupancy on corner lot	Development is not a corner lot or dual occupancy.	Yes
3.2.2.4	4m min. rear setback. Variation subject to site analysis and provision of private open space	Being a battleaxe lot, the rear setback is not clearly defined. Nonetheless, the development has provided in excess of 4m setbacks to two boundaries. The two boundaries combined, exceed the length of any other single boundary.	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. • Building wall set in and out every 12m by 0.5m 	Refer to comments at the end of this assessment table. Walls have been suitably articulated by doors, windows, deck areas and changes in elevation. In addition, the majority of unarticulated areas do not face any public areas.	Yes
3.2.2.6	35m ² min. private open space area including a useable 4x4m min. area which has 5% max. Grade and directly accessible from ground floor living area.	Each unit contains 35m ² and a 4m x 4m area. Some of the 4m x 4m areas are not directly accessible from a living area. In particular, access to the 4m x 4m area is either down a set of stairs or partially down the side of a house. The areas do still flow and are also compensated by large useable deck areas directly accessible from the living area.	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
3.2.2.7	<p>Front fences:</p> <ul style="list-style-type: none"> • If solid 1.2m max height and front setback 1.0m with landscaping • 3x3m min. splay for corner sites • Fences >1.2m to be 1.8m max. height for 50% or 6.0m max. length of street frontage with 25% openings • 0.9x0.9m splays adjoining driveway entrances • Front fences and walls to have complimentary materials to context 	A 1.8m solid fence is proposed to the Ocean Drive frontage. The frontage to Ocean Drive is not a typical street frontage. The boundary is located high up on an embankment, screened by vegetation and is not visible from the street. The boundary also presents more as rear boundary.	No, but acceptable.
3.2.2.10	<p>Privacy:</p> <ul style="list-style-type: none"> • Direct views between living areas of adjacent dwellings screened when within 9m radius of any part of window of adjacent dwelling and within 12m of private open space areas of adjacent dwellings. ie. 1.8m fence or privacy screening which has 25% max. openings and is permanently fixed • Privacy screen required if floor level > 1m height, window side/rear setback (other than bedroom) is less than 3m and sill height less than 1.5m • Privacy screens provided to balconies/verandahs etc which have <3m side/rear setback and floor level height >1m 	<p>Refer to comments on side setbacks at the end of this report, which addresses issues of privacy.</p> <p>All other areas have been addressed by the design of the development. In particular, the positioning of buildings, windows and window types, fences and separation.</p>	Yes
DCP 2013: General Provisions			
	Requirements	Proposed	Complies
2.7.2.2	Design addresses generic principles of Crime Prevention Through Environmental Design guideline	The development does not create any adverse concealment or entrapment areas. The units have also been positioned to provide casual surveillance of	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
		surrounding areas, while fences will reinforce territory.	
2.3.3.1	Cut and fill 1.0m max. 1m outside the perimeter of the external building walls	No major cut or fill proposed.	Yes
2.3.3.2	1m max. height retaining walls along road frontage	No retaining wall over 1m in height proposed.	Yes
	Any retaining wall >1.0 in height to be certified by structure engineer	No retaining wall over 1m in height proposed.	Yes
	Combination of retaining wall and front fence height max 1.8m, max length 6.0m or 30% of frontage, fence component 25% transparent, and splay at corners and adjacent to driveway	No retaining wall/front fence combination proposed.	Yes
2.3.3.8	Removal of hollow bearing trees	Refer to comments on Flora and Fauna later in this report.	Yes
2.6.3.1	Tree removal (3m or higher with 100mm diameter trunk at 1m above ground level and 3m from external wall of existing dwelling)	Refer to comments on Flora and Fauna later in this report.	Yes
2.4.3	Bushfire risk, Acid sulphate soils, Flooding, Contamination, Airspace protection, Noise and Stormwater	Refer to main body of report.	Yes
2.5.3.2	New accesses not permitted from arterial or distributor roads	No new access to an arterial or distributor road proposed.	Yes
	Driveway crossing/s minimal in number and width including maximising street parking	Driveway crossings limited to one.	Yes
2.5.3.3	Parking in accordance with Table 2.5.1.	Dual occupancies require one space per dwelling. Each dual occupancy has been provided with a double garage that is split by an internal wall to allow use of one space per occupancy. In addition to the above, the applicant has provided two nominated visitor spaces. Unit 1 also	Yes

DCP 2013: Dwellings, Dual occupancies, Dwelling houses, Multi dwelling houses & Ancillary development			
	Requirements	Proposed	Complies
		provides stacked parking area within the driveway for two additional spaces. Furthermore, the comments on SEPP (Affordable Rental Housing) 2009 should be noted in relation to the studio units and parking. Given their size, they would normally not require a parking space if the SEPP applied. Regardless, the development has provided an excess of parking to that required by the DCP.	
2.5.3.11	Section 94 contributions	Contributions apply. Refer to main body of report.	Yes
2.5.3.12 and 2.5.3.13	Landscaping of parking areas	The site contains suitable area to accommodate landscaping of visitor parking areas.	Yes
2.5.3.14	Sealed driveway surfaces unless justified	Driveway areas will be conditioned to be sealed.	Yes
2.5.3.15 and 2.5.3.16	Driveway grades first 6m or 'parking area' shall be 5% grade with transitions of 2m length	Driveway grades have been assessed by Council Engineers and deemed acceptable.	Yes
2.5.3.17	Parking areas to be designed to avoid concentrations of water runoff on the surface.	Parking areas will not create any adverse drainage implications.	Yes
	Vehicle washing facilities – grassed area etc available.	Each occupancy contains grassed areas suitable for washing a car.	Yes

Note: Subdivision provisions of the DCP (except battleaxe lot provisions) are aimed at the creation of vacant lots (i.e. not lots within an integrated housing proposal such as this) and have therefore been excluded from the above assessment.

While battleaxe development are discouraged within greenfield sites, the proposal is considered infill development. In addition, the proposal contains fencing to protect privacy of residents, provides space for utilities to be extended and the handle width has been accepted by Council engineering staff.

Due to the lack of space on the street, the proposal will however require a private garbage collection to be implemented. Such a requirement forms part of the conditions of consent.

Side Setbacks

Except for an awning and verandah feature on the existing dwelling, the ground floor areas are all setback in excess of 900mm from side boundaries. The awning and verandah encroachments are considered acceptable as they will create no adverse overshadowing or loss of privacy. In particular, the awning is located on the southern side of the proposed Lot 6 dwelling, is not a high use living area and is separated by fencing. The verandah encroachment is to the internal community lot area/road - no impact.

Units 1, 3 and 4 contain first floor areas less than 3m. In terms of Units 1 & 3, the first floor areas are bedrooms (i.e. not high use living areas) and being located on the northern elevation, do not create any adverse overshadowing. Furthermore, setbacks to southern boundaries exceed 3m to also reduce overshadowing and comply with the setback standard.

The Unit 4 encroachments comprise a living area to the north and bedrooms to the west. A site inspection showed that the neighbouring properties to the north contain open space areas facing Unit 4. Therefore, screening will be required to the Unit 4 living area/deck to ensure no adverse overlooking. Due to the raised height of Unit 4, a 1.5m high privacy screen to the rear deck will achieve such privacy but also still allow solar access to Unit 4 living areas. The screen will be conditioned.

The other encroachments for Unit 4 are bedrooms only (i.e. not high use living areas) and face the internal community lot/road - no impact.

There are living areas for Units 1-3 that are slightly elevated. However, the units contain no major openings on such facades or utilise high sill windows for privacy.

Internally, privacy screens are proposed between the four bedroom unit and accompanying one bedroom unit deck areas. A further screen will be conditioned to be applied to the southern façade of the deck areas for Units 1-3 to eliminate views from deck areas into adjoining private open space/deck areas.

(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:

None relevant.

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

None relevant.

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

Context & Setting

The site has access via a right of carriageway that connects to Clearwater Crescent. The site also has frontage to Ocean Drive, although a high embankment and vegetation make access near impossible.

Adjoining the site to the north and east is an aged car facility comprising predominately single storey dwellings. Adjoining the site to the south are single dwellings. Adjoining the site to the west is Ocean Drive and then a mixture of single dwellings and low-medium density residential development.

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

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

Through the design and imposition of conditions, there will be no adverse impact on existing views or privacy.

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

Access, Transport & Traffic

Roads

The site is bounded on its western side by the Ocean Drive road reserve. Ocean Drive is an RMS classified regional road, owned by Council, with two lanes in each direction. Extension of services (stormwater, sewer) within that road reserve has been proposed, and the design will need the concurrence of the RMS before Council can approve any Roads Act (s138) application.

Direct access is not proposed to Ocean Drive and would not be supported, in order to minimise traffic impacts on its arterial function, as there is an alternative legal access. The existing slope of the land along this frontage is also quite steep. A condition has been recommended to create a s88b instrument on the title which is to restrict future vehicular accesses to Ocean Drive from being formed, once the community plan is established. This is so landowners will be aware at the time of purchase that this will not be an option.

The alternative legal access for the site is an existing sealed bitumen driveway over a six metre wide right of carriageway through the adjacent lot, number 30 Clearwater Crescent, on the southern boundary. The right of access connects the proposed internal community road to Clearwater Crescent, which is a Council-owned road. Clearwater Crescent is classified under the AUS-SPEC system as an urban 'Access Place', with a kerb-to-kerb width of 5m in front of the site and widening out to 7m down the road. Turning areas are located to the east and west of the site access. Local kerbing is of the mountable layback (SE) type.

There is no footpath within the Clearwater Crescent road reserve, which is 17m wide, although approximately 35m west of the site driveway is a public footpath which runs parallel with Ocean Drive. A condition has been recommended requiring the developer to construct a 1.2m wide concrete footpath link from their site access to the existing pedestrian route to the west. Council's footpath policy requires multi-dwelling developments to provide footpath works for the full length of their frontage. As this particular site has no public road frontage which will be directly accessible by pedestrians (the western boundary will be fenced and in private ownership), the

above link is the shortest route on foot from the site towards the town and local facilities. The cost of 35m of footpath is considered not significant in relation to the scale of the development and consistent with the intent of the policy.

Traffic and Transport

The land is currently used as the site of a single residential dwelling, which would be expected to generate an average of 7 vehicle trips per day according to industry data. This development proposes five additional dual occupancies comprising a four bedroom occupancy and a one bedroom studio. This presents an increase of 7 daily vehicle trips per main dwelling and marginal additional traffic for each studio, with a total increase likely to range from 35 to 55 trips per day on average. This is a reasonable increase in demand on Council's roads considering the residential zoning and gross area of the lot. Generally this would be expected to equate to 5 to 10 additional vehicle movements during each of the AM and PM peak hours. The additional traffic can be catered for within the existing road network without upgrade at this time.

Site Frontage & Access

Vehicle access to the site is proposed through an existing 6m wide Right of Carriageway over adjoining land to the south. The existing driveway is bitumen sealed and approximately 3m wide. This is wide enough for a single vehicle, which is permitted by AS 2890 for the expected traffic, provided that two vehicles can pass each other at either end. The existing driveway crossing within the road reserve will therefore need to be upgraded to a concrete crossing with a width of 5.5m in conformance with Council's standard drawing ASD 202. This will also ensure no vehicle is required to wait within or reverse into the public roadway if another car is encountered exiting the driveway. Access shall comply with Council AUS-SPEC and Australian Standards, and conditions have been imposed to reflect these requirements.

Visibility at the driveway crossing is hindered by an existing non-endemic ornamental tree, which is likely to need to be removed as part of the Roads Act (s138) application to Council. A condition has been imposed requiring attention to this issue at that stage.

Submissions from nearby residents express concern that the driveway over the Right of Carriageway will need to be widened which cannot be achieved without compromising the foundations and landscaping of the existing dwelling at 30 Clearwater Crescent. However, the driveway does not necessarily need to be widened at that location to comply with AS 2890, and with appropriate construction techniques, it can be achieved in a way that does not affect the foundations of the building. The onus is on the developer to achieve this under common law principles. As the Right of Carriageway is 6m wide, some landscaping may encroach upon that easement.

As there is not adequate road frontage to cater for all bins, collection by a private garbage contractor will be required, and this can be maintained by the Community organisation.

Parking and Manoeuvring

Car park circulation is required to enable vehicles to enter and exit the site in a forwards-only manner. The DA plans show adequate manoeuvring areas have been provided within the community property. Parking and driveway widths on site can comply with relevant Australian Standards (AS 2890) and conditions have been imposed to reflect these requirements.

The existing dwelling has a two-bay garage and each additional house will be provided with a two-bay garage. A further two on-site visitor parking spaces have been provided within the proposed Community Lot. Nearby residents have raised concerns that the proposed parking will be inadequate and the road is not wide enough to cater for overflow. The proposed parking meets the provisions of Council's DCP and is therefore considered adequate. If there is an overflow of parking demand into the public road reserve, it can be accommodated within walking distance of the site, especially further along Clearwater Crescent where the road widens to 7m.

The developer has also proposed to upgrade an existing carport and driveway in the rear yard of the dwelling at 30 Clearwater Crescent. It is currently difficult for a vehicle parked in the carport to exit the site in a forward-only direction. However, the existing arrangement appears to have been constructed as exempt development (i.e. did not require development approval), so an upgrade of the pavement using the same footprint is not considered to worsen the existing situation. A separate garage is attached to the dwelling with direct frontage to the road, so traffic using the carport can be considered ancillary with a negligible impact on the Right of Carriageway. Refer to relevant conditions of consent.

Public Domain

Only minor road reserve infrastructure, such as foot paving and driveway access, will occur within the public domain. These works will not create any adverse impact on the public domain.

Utilities

Telecommunication and electricity services are available to the site.

Stormwater

The site naturally grades to the Ocean Drive frontage to the northwest. Stormwater from the roof of the existing dwelling appears to discharge onsite to a rubble drain for infiltration into the ground.

Due to the increase in impervious area on the site, the legal point of discharge for the proposed development is defined as a direct connection to Council's stormwater pipeline within the Ocean Drive road reserve. The nearest Council pit is approximately 100m to the north of the site and so the developer will need to extend this pipe to serve the site at their cost.

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.

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

- On site stormwater detention facilities. This is to limit the post-development flow peaks to a maximum of the pre-existing flows as per AUS-SPEC D5. Subject to acceptance by Council's stormwater engineer at the detail design stage, each dwelling may have its own detention treatment, or the Community Land may include a shared detention tank / basin. On-site detention cannot be permitted within inter-allotment drainage easements.
- Water quality controls as per AUS-SPEC D7
- Provision of inter-allotment drainage to allow the proposed development to drain to the nominated point of discharge via a single suitably sized

conduit (for example, through the proposed private lot on the Community Plan in the northwest corner).

- A surcharge pit will be required within the boundary of the subdivision in case of blockages at the junction to Council's stormwater pipeline.

Refer to relevant conditions of consent.

Sewer

The submitted sewer reticulation strategy is generally acceptable but has not addressed the existing dwelling requirements. As a result, revised engineering plans will be required at the construction certificate stage in accordance with PMHC AUSPEC D12.

Water

Council records indicate there is an existing 20mm metered water service from the 150mm water main on the same side of Clearwater Crescent. Each separate dwelling will require the provision of a metered water service with the meter located at the Clearwater Crescent road frontage unless satisfactory alternative arrangements are made with the Water and Sewer Planning Manager (provision of a remote reading console or easily accessible internal meters). It is recommended that the internal water services be one size larger (25mm copper or 32mm PE).

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. Details are to be shown on the engineering plans.

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

The application included a flora and fauna assessment carried out by a suitably qualified person. The report stated the following:

- *The site does not contain any threatened flora or EECs.*
- *One threatened species (Koala) was confirmed to be using habitat on and adjacent to the site, with a second individual observed in the remnant forest around the nearby reservoir. The site was considered to form part of the local urban woodland which supplements the primary Koala habitat around the reservoir. Observations of the neighbouring urban woodlands identified a second Koala. Only a few other very mobile threatened species known to use urban woodlands (eg Grey-headed Flying Fox and Square-tailed Kite) may also use the site as minute fraction of their large local range which would be centred on nearby State Forest.*
- *The site is <1ha hence SEPP 44 does not apply.*
- *The proposal will require removal of 1 Koala food tree, with 1 other retained on site.*

- *Two hollow-bearing trees were present and are expected to be removed, hence offsetting under DCP 2013 is required.*
- *Assessment under the Seven Part Tests determined the impact, while a negative effect in terms of incremental loss of habitat and altering current connectivity, is unlikely to be of sufficient order of magnitude to have a significant impact. Hence a Species Impact Statement is not considered required.*
- *Assessment under the EPBCA - Matters of National Environmental Significance determined the cumulative impact, while negative, was unlikely to be significant. Hence referral to DoE for approval is not considered required.*

This survey has identified that the study site has known value for a threatened species, with the Koala observed on site and nearby. Another 6 wide ranging species were considered to have low to highly likely potential to occur, using the site at most as a small part of a wider range which would extend beyond the locality.

The proposed subdivision and construction of 6 new dwellings on site will remove approximately 0.3ha of native and ornamental vegetation including one Tallowwood and 2 low value hollow-bearing trees. This is recognised as a negative incremental and cumulative contribution to the threatening processes affecting the subject species, however due to the scale of the development, limited extent and carrying capacity of the site, presence of alternative habitat and ecology of the species: the order of magnitude of these impacts are not considered likely to be sufficient to directly result in loss of viability of a local population of a threatened species.

The assessment, results and conclusion was further reviewed by Council's Natural Resources Section and found to be acceptable, subject to conditions.

Waste

Satisfactory arrangements are in place for proposed storage and collection of waste and recyclables. A private waste collection will be required due to the number of units and limited frontage on Clearwater Crescent. Standard precautionary site management condition are also recommended during construction stages.

Energy

The proposal includes measures to address energy efficiency via the submission of a BASIX certificate. No adverse impacts anticipated.

Noise & Vibration

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

Noise and vibration from Ocean Drive is addressed in the State Environmental Planning Policy (Infrastructure) 2007 section of this report.

Due to the number of vehicles likely to utilise the right of carriageway and it's close proximity to adjoining properties, fencing will be required along the right of carriageway to protect 30 & 34 Clearwater Crescent from vehicular noise.

Natural Hazards

The site is not identified as being bushfire or flood prone.

Contamination Hazards

Refer to comments on SEPP 55 above in this report.

Safety, Security & Crime Prevention

The development does not create any adverse concealment or entrapment areas. The units have also been positioned to provide casual surveillance of surrounding areas, while fences will reinforce territory.

Social Impact in the Locality

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

Economic Impact in the Locality

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

Site Design and Internal Design

The proposed development design satisfactorily responds to the site attributes and will fit into the built form/uses within 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:

Eight 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
Not all properties were notified.	The application was notified in accordance with Council's standard practice, which is to notify those neighbours who directly adjoin the property. The subject property does not have direct frontage to Clearwater Crescent (i.e. property accesses Clearwater Crescent via a right of carriageway), which is why some properties in Clearwater Crescent were not notified, most notably properties across the road from the right of carriageway.
Clearwater Crescent is too narrow for the development. Estate was not developed with additional traffic in mind. Garbage trucks already find it difficult to manoeuvre. The increase in vehicles will conflict with kids and residents. Will the road handle the additional traffic?	Refer to comments on Access, Transport & Traffic above in this report. In particular, Council Engineers reviewed the application and existing road network and deemed it acceptable. An excess in parking has been provided and the development will be conditioned to use a private garbage collection.
Is the road base quality suitable for construction traffic. Who will be responsible for damage? How long will residents have to live with any damaged roads. Repaired roads are still rough once repaired.	It is common for Council to require a bond to ensure any damage to the road network during construction is repaired to the relevant standard. While the comments about the roughness of repaired roads are noted, repairs to a road are eventually required as it ages and the transition from old to repaired areas does occur.
Access to surrounding properties will be obstructed during construction.	The developer will not be able to restrict driveway access to adjoining properties during construction.
What is the zoning of 32 Clearwater Crescent? When the estate was established was the property zoned for subdivision/development? If not, why does the site allow development? R2 zoning should have been applied.	The zoning of the property is R1 General Residential. The property has had a residential zoning allowing re-development since at least 1987 when the property was zoned 2(a1) under the Hastings Local Environmental Plan 1987. Furthermore, the lot and zoning predate the Clearwater Crescent estate, which was not created until 1991/92.
Impact on property values.	This is not a matter for consideration under s79C.
The proposed timber fence that has been put forward for acoustic purposes and reduce car light impact is not supported by the adjoining property owner. The timber fence would not be consistent with fencing on other boundaries and requires more maintenance. Suggested that either a brick fence be installed (using bricks consistent with	Boundary fencing is normally a civil matter. However, given the development will increase traffic along the right of carriageway, protection from traffic noise and lights is required. As a result, the applicant will be conditioned to negotiate an agreed outcome on the fence type with the adjoining owners. The fence must be at least 1.8m high and be acoustically rated. Where an agreement cannot be reached, the condition will require the acoustic fence be installed within the subject property, alongside the existing Colorbond fence.

those on 34 Clearwater Crescent) or an acoustic rated Colorbond fence on all boundaries or the acoustic fence be installed on the applicants property.	
There is not enough car parking. There is no room for parking on Clearwater Crescent with any vehicles parked on the street creating visibility issues. On street parking could result in possible death and litigation. Applicant should use the area to the side of the existing dwelling for additional parking.	The proposal exceeds Council's parking requirements for the development type. There is also street parking located within close proximity to the right of carriageway entry point.
Development is out of character with the area. Density is excessive and not consistent with the area.	The development density is consistent with the adjoining aged care housing to the north as well as other medium density development on the western side of Ocean Drive. It is acknowledged that there are no other similar developments in Clearwater Crescent. However, it is considered that the right of carriageway detaches the development from the main estate. In particular, the development is not readily visible from Clearwater Crescent and is therefore unlikely to impact on the character of the area. The main impact would be from traffic, which has been assessed by Council's Engineering section and deemed acceptable.
Construction and regular vehicle traffic will create adverse air quality that will impact on the health of neighbours.	Standard erosion and dust conditions will be imposed to deal with such issues during construction. Furthermore, the construction process is normally restricted to a shorter period of time. In terms of traffic, the development is unlikely to result in any adverse air quality issues or exceed the traffic generated on the adjoining and more busier Ocean Drive. Fencing is also proposed to help screen the development from adjoining properties.
Rear boundary fence to 34 Clearwater Crescent can be replaced, provided it is with the same Colorbond material and located in the correct position (fence is not located on the boundary).	Unlike the previous fence issue above, the fence in this area is not required for any specific planning reason. The existing fence is considered acceptable. Therefore, any change to the fence will need to be dealt with as a civil matter between the respective owners.
Location of mailboxes not accepted at the front due to the unsightly appearance. The area will be a source of rubbish from junk mail. The location will	Mailbox areas and associated rubbish for unit developments are common throughout residential areas. The location of a mailbox area on this site is unlikely to be any different or create any adverse streetscape impacts. Should

obstruct trailer access to 34 Clearwater.	<p>rubbish occur, the matter can be dealt with as a standard compliance matter.</p> <p>The mailbox area is also required to be on private property and should therefore not impact on trailer access to any adjoining property.</p>
Impact of traffic noise.	<p>As discussed previously, the roads are capable of coping with the additional traffic. Therefore, traffic noise is unlikely to increase to a level that is out of character with the original road design. Furthermore, traffic noise from the development is unlikely to exceed that created by the adjoining and busier Ocean Drive.</p>
<p>Removal of trees will impact on flora and fauna, especially koalas.</p> <p>The flora and fauna report contains anomalies to what is onsite.</p>	<p>Refer to comments on Flora & Fauna above in this report.</p>
<p>32 Clearwater Crescent relies on a right of carriageway across 30 Clearwater Crescent. Carriageway is not suitable and the proposal creates a new road crossing. The new crossing will impinge on visual and acoustic privacy of 30 Clearwater Crescent.</p>	<p>Noted. The carriageway is to be upgraded with fencing used to maintain visual and acoustic privacy to adjoining properties.</p>
<p>Will widening of the right of carriageway damage 30 Clearwater Crescent house and footings? What protection is proposed for 30 Clearwater Crescent structures, landscaping and services.</p>	<p>The driveway does not necessarily need to be widened at the location of the house to comply with AS 2890 and with appropriate construction techniques, it can be achieved in a way that does not affect the foundations or services of the building. The onus is also on the developer to achieve this under common law principles.</p> <p>As the right of carriageway is 6m wide, some landscaping may encroach upon that easement and need to be removed. However, being a right of carriageway, it's purpose is to provide access. The right of carriageway should not contain any landscaping or structures that impinge on this purpose.</p>
<p>If increased density was projected, the provision of dedicated access to 32 Clearwater should have been done at the time of subdivision.</p>	<p>Access was acknowledged at the time Clearwater Crescent was created via the right of carriageway over 30 Clearwater Crescent. As demonstrated in this assessment, the right of carriageway is still capable of providing access to the property.</p>
<p>Why is the water supply on the western side of the driveway?</p>	<p>Location nominated by the applicant.</p>
<p>Why is there different R1 and R2 zonings?</p>	<p>The zonings apply different controls and allowable developments. The R1 zoning is more aimed at allowing low to medium density</p>

	residential development while the R2 zoning is more low density residential development. In this case, the subject property has had low to medium density residential zoning since at least 1987.
The estate is considered complete.	An urban area is never really complete. As buildings age or demand increases, places will continually come up for re-development. Even if this application is completed, another property owner in Clearwater Crescent could chose to apply to do additional residential development on their property.
Development does not comply with covenants.	The proposed lot is not subject to any covenants.
Intersection to Clearwater Crescent only allows one car to wait.	Refer to comments on Access, Transport & Traffic above in this report. In particular, Council Engineers reviewed the application and existing road network and deemed it acceptable.

(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.

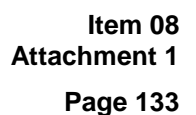
Attachments

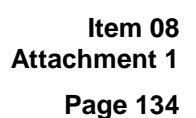
- 1 [View](#). DA2015 - 0430 Plans
 2 [View](#). DA2015 - 0430 Recommended Conditions
 3 [View](#). DA2015 - 0430 Submission - Banks

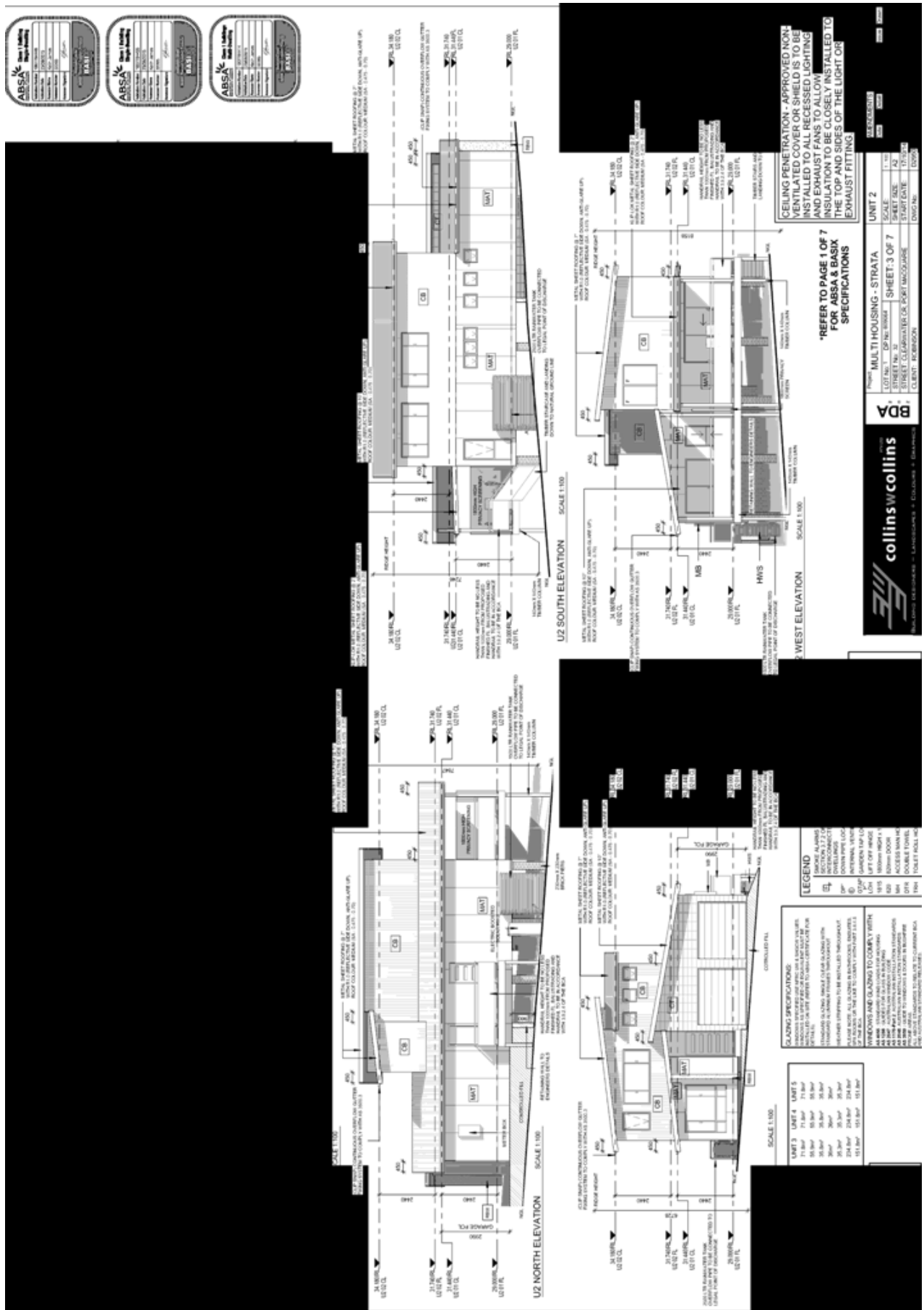
AGENDA

DEVELOPMENT ASSESSMENT PANEL 14/10/2015

- 4 [View](#). DA2015 - 0430 Submission - Campbell 07092015
- 5 [View](#). DA2015 - 0430 Submission - Campbell 16072015
- 6 [View](#). DA2015 - 0430 Submission - Culshaw
- 7 [View](#). DA2015 - 0430 Submission - Kemp
- 8 [View](#). DA2015 - 0430 Submission - Koziol
- 9 [View](#). DA2015 - 0430 Submission - McDonald
- 10 [View](#). DA2015 - 0430 Submission - Munro
- 11 [View](#). DA2015 - 0430 Submission - Stacey





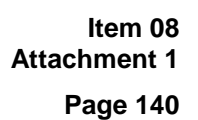












**FOR USE BY PLANNERS/SURVEYORS TO PREPARE LIST OF
PROPOSED CONDITIONS - 2011****NOTE: THESE ARE DRAFT ONLY****DA NO: 2015/430****DATE: 7/10/2015****PRESCRIBED CONDITIONS**

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 (Revision B)		Land Dynamics Australia	July 2015
BASIX	Certificate No 637145M	Collins W Collins Pty Ltd	24/6/2015
Building Plans	Dwg No D2950 Sheets 1-7 of 7	Collins W Collins Pty Ltd	12/8/2015
Subdivision Plan, Landscape Plan & Turning Circles	Project Ref No 5074 Drawing 1, 3 4 & 5 of 5	Land Dynamics Australia	29/7/2015
Ecological Assessment		Naturecall Environmental	9/6/2015

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

- Stage 1 - Community Title Subdivision (creation of 6 lots plus a community lot for the driveway area). Existing dwelling is to be retained on one of the 6 lots.
- Stage 2 - Erection of a dual occupancy on each of the remaining 5 lots from Stage 1.

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

- (5) (A008) Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- (6) (A009) The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 4. Building waste is to be managed via an appropriate receptacle;
 5. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 6. Building work being limited to the following hours, unless otherwise permitted by Council;
 - Monday to Saturday from 7.00am to 6.00pm
 - No work to be carried out on Sunday or public holidaysThe builder to be responsible to instruct and control his sub-contractors regarding the hours of work.
- (7) (A011) The design and construction of all public infrastructure works shall be in accordance with Council's adopted AUSPEC Specifications.
- (8) (A033) The applicant shall provide security to the Council for the payment of the cost of the following:
- a. making good any damage caused to any property of the Council as a consequence of doing anything to which the consent relates,
 - b. completing any public work (such as road work, kerbing and guttering, footway construction, utility services, stormwater drainage and environmental controls) required in connection with the consent,
 - c. remedying any defects in any such public work that arise within twelve (12) months after the work is completed.

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

The security is to be for such reasonable amount as is determined by the consent authority, being an amount that is 10% of the contracted works for Torrens Title subdivision development/the estimated cost plus 30% for

building development of public works or \$5000, whichever is the greater of carrying out the development by way of:

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

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

- (9) (A195) The height of the proposed carport at 30 Clearwater Crescent is not to exceed 3m.

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. New roads within the subdivision.
 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. Stormwater systems.
 6. Erosion & Sedimentation controls.
 7. Location of all existing and proposed utility services including:
 - a. Conduits for electricity supply and communication services (including fibre optic cable).
 - b. Water supply
 - c. Sewerage

d. Stormwater

8. Detailed driveway profile in accordance with Australian Standard 2890, AUSPEC D1, and ASD 202, ASD 208 and AS 2890, Port Macquarie-Hastings Council current version.
 9. Provision of a 1.2m concrete footpath connecting the proposed driveway crossing in Clearwater Crescent to the existing footpath at the head of the cul de sac.
- (3) (B006) An application pursuant to Section 138 of the Roads Act, 1993 to carry out works required by the Development Consent on or within public road is to be submitted to and obtained from Port Macquarie-Hastings Council prior to release of the Construction Certificate.

Such works include, but not be limited to:

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

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

- (4) (B007) Road names proposed for the subdivision shall be submitted to Council prior to release of the Construction Certificate. A suitable name for any new road(s) shall be in accordance with Council's adopted policy.
- (5) (B010) Payment to Council, prior to the issue of the Construction or Subdivision Certificate (whichever occurs first) of the Section 94 contributions set out in the "Notice of Payment – Developer Charges" schedule attached to this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied, pursuant to the Environmental Planning and Assessment Act 1979 as amended, and in accordance with the provisions of the following plans:

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

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

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

It should be noted that due to the staging, contributions will be levied per lot created in Stage 1 with any credit being provided when the dual occupancies are built as part of Stage 2.

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

- augmentation of the town water supply headworks
- augmentation of the town sewerage system headworks

It should be noted that due to the staging, contributions will be levied per lot created in Stage 1 with any credit being provided when the dual occupancies are built as part of Stage 2.

- (7) (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 Construction Certificate.

- (8) (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.

- (9) (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.

- (10) (B041) Prior to the issue of the Construction Certificate a dilapidation report shall be prepared by a suitably qualified person for buildings on properties adjoining the right of carriageway. Such report shall be furnished to the Principal Certifying Authority.

- (11) (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 along Ocean Drive 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) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
 - g) The design shall provide details of any components of the existing stormwater drainage system servicing the site that are to be retained.
- (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) (B056) The Stormwater network proposed with the application for Construction Certificate is to include provision to each subdivided lot of a direct point of connection to Council's future piped drainage system.
 - (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) (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. Where augmentation is required on adjoining property, owner's consent shall be provided to Council.
 - (17) (B195) Prior to release of the construction certificate, the plans for the dual occupancy proposed for Lot 5 (as numbered on the approved subdivision plan) are to be amended to show a 1.5m high privacy screen along the north facing deck areas. The design of the privacy screen must comply with the privacy screen requirements in 3.2.2.10 of Port Macquarie Hastings Development Control Plan 2013.
 - (18) (B196) Prior to issue of the subdivision or construction certificate (whichever occurs first), 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.
 - (19) (B197) Prior to release of the subdivision or construction certificate (whichever occurs first), the applicant is to negotiate an agreed outcome on the fence type to be utilised for the right of carriageway. The agreed design is to be shown on a revised plan. The fence must be solid and at least 1.8m high. Where an agreement cannot be reached, a 1.8m high solid fence is to be installed within the right of carriageway, alongside any existing fence.
 - (20) (B198) Prior to release of the construction certificate, the plans for the dual occupancies on Lots 2, 3 and 4 (as numbered on the approved subdivision plan) are to be amended to show privacy screens on the south elevation deck

areas. The privacy screens must comply with the privacy screen requirements in 3.2.2.10 of Port Macquarie Hastings Development Control Plan 2013.

- (21) (B199) Council records indicate there is an existing 20mm metered water service from the 150mm water main on the same side of Clearwater Crescent. Each separate dwelling will require the provision of a metered water service with the meter located at the Clearwater Crescent road frontage unless satisfactory alternative arrangements are made with the Water and Sewer Planning Manager (provision of a remote reading console or easily accessible internal meters). It is recommended that the internal water services be one size larger (25mm copper or 32mm PE).
- (22) (B200) 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. Details are to be shown on the engineering plans.
- (23) (B201) The existing bitumen driveway crossover within the Clearwater Crescent road reserve shall be upgraded to a concrete crossing which complies with Council's standard drawing ASD 202. The crossing shall be 5.5m wide. Removal of ornamental vegetation near the proposed driveway crossover within Council's road reserve may also be required to achieve adequate visibility to the driveway, to the satisfaction of Council's Development Engineer. Details shall be lodged and approved as part of the Roads Act (s138) application to Council.
- (24) (B202) The following sewer infrastructure matters need to be addressed:
 - 1. Sewer needs to be extended from a manhole in Lochinvar Place, approximate length 114m, requiring 2 manholes.
 - 2. Community Title subdivisions are treated the same as Torrens Title with regard to sewer. Consequently a sewer reticulation strategy is to be submitted with the Construction Certificate.
 - 3. It should be noted that in the sewer design, each lot has to have a specific connection to Council sewer main. This will also entail a new connection to the existing dwelling on proposed Lot 7, abandoning the existing 100 internal pipe, as it cannot be within another lot and capping the existing Junction from Manhole PM60P070 adjacent the South west corner of the site.

C – PRIOR TO ANY WORK COMMENCING ON SITE

- (1) (C001) A minimum of one (1) week's notice in writing of the intention to commence works on public land is required to be given to Council together with the name of the principal contractor and any major sub-contractors engaged to carry out works. Works shall only be carried out by a contractor accredited with Council.
- (2) (C008) No access through the reserve shall be allowed without first obtaining written approval from Council's Parks and Gardens Manager. No clearing or damage to any vegetation on the reserve is permitted. No spoil, fill, waste liquids or solid materials shall be stockpiled on or allowed to move beyond the fence line for any period on the adjoining reserve during or after the development. In the event of accidental damage, the site must be revegetated to the satisfaction of Council. Such approval would need to be undertaken in accordance with Council Policy.
- (3) (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.

- (4) (C015) Tree protection fencing, compliant with *AS 4970/2009 Protection of trees on development sites* must be provided. The fencing shall be in place prior to the commencement of any works or soil disturbance and maintained for the entirety of the works.
- (5) (C195) Prior to any works commencing, 2 nest boxes are to be installed and maintained as prescribed in the approved Ecological Assessment by Naturecall Environmental dated 9 June 2015.

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. prior to the pouring of concrete for sewerage works and/or works on public property;
 - f. during construction of sewer infrastructure;

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

- (2) (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) (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) (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](#)

- (7) (D043) Any damage to a tree nominated for retention/protection during the construction phase shall be treated by an Arborist with a minimum qualification AQF level 5 (diploma level) or an international qualification considered equivalent by Council, or a person deemed suitable by Council at the developer's expense.
- (8) (D050) The capacity and effectiveness of tree protection fencing, compliant with AS 4970/2009 *Protection of trees on development sites* shall be maintained at all times in accordance with the approved management plan until such time as the site is no longer subject to any construction or earth moving works.
- (9) (D195) Hollow bearing tree removal to be undertaken in accordance with the protocol defined in section 7.1.1 of the approved Ecological Assessment by Naturecall dated 9 June 2015.

E – PRIOR TO OCCUPATION OR THE ISSUE OF SUBDIVISION/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 or bitumen. 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) (E013) Restrictions and/or positive covenant must be provided over the overland flow path for onsite detention storage areas with appropriate public awareness signage.
- (5) (E030) Vehicle ramps, driveways, turning circles and parking spaces being paved, sealed and line marked prior to occupation or the issue of the Occupation Certificate or commencement of the approved land use.
- (6) (E034) Prior to occupation or the issuing of the Occupation/Subdivision Certificate (whichever occurs first) provision to the Principal Certifying Authority of documentation from Port Macquarie-Hastings Council being the local roads authority certifying that all matters required by the approval issued pursuant to Section 138 of the Roads Act have been satisfactorily completed.

- (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 (whichever occurs first).
- (8) (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 Local Government Act (s68) application with evidence of registration of the easement with the Land Titles Office provided to Council prior to issue of the s68 Certificate of Completion; or
 - 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.
- (9) (E039) An appropriately qualified and practising consultant is required to certify the following:
- a. all drainage lines have been located within the respective easements; and
 - b. any other drainage structures are located in accordance with the Construction Certificate.
 - c. all stormwater has been directed to a Council approved drainage system
 - d. all conditions of consent/ construction certificate approval have been complied with.
 - e. Any on site detention system (if applicable) will function hydraulically in accordance with the approved Construction Certificate.
- (10) (E040) Each onsite detention system is to be marked by a plate in a prominent position which states:
- "This is an onsite detention system. It is an offence to reduce the volume of the tank or basin or interfere with any part of the structure that controls the outflow".
- This plate is to be fixed into position prior to occupation or the issue of the Occupation or Subdivision Certificate.
- (11) (E051) Prior to occupation or the issuing of any Occupation Certificate a section 68 Certificate of Completion shall be obtained from Port Macquarie-Hastings Council.
- (12) (E053) All works shall be certified by a practicing Civil Engineer or Registered Surveyor as compliant with the requirements of AUSPEC prior to issue of Occupation/Subdivision Certificate or release of the security bond, whichever is to occur first.
- (13) (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.
- (14) (E061) Landscaped areas being completed prior to occupation or issue of the Occupation Certificate.
- (15) (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
- (16) (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.
- (17) (E072) Lodgement of a security deposit with Council upon practical completion of the subdivision works.
- (18) (E076) The plan of subdivision and Section 88B instrument shall establish the following restrictions, easements and/or covenants; with Council having the benefit and the sole authority to release, vary or modify each restriction, easement and/or covenant. Wherever possible the extent of the land affected by these covenants shall be defined by bearings and distances shown on the plan of subdivision.
- a. Prohibiting direct vehicular access to and from Ocean Drive.
 - b. Restriction as to user in respect of lots for a private garbage service to be in place requiring the collection of all domestic waste by private contractors.
- Details are to be submitted to Council prior to issue of the Subdivision Certificate.
- (19) (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.
- (20) (E195) A Certificate of Compliance under the provisions of Section 307 of the Water Management Act must be obtained prior to the issue of any occupation or subdivision certificate. The application for the certificate is to include an acceptable Work-As-Executed plan for water and sewer mains and services from a Professional Engineer or Registered Surveyor
- (21) (E196) 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.
- (22) (E197) The subdivision certificate shall not be issued until such time that the dual occupancies associated with this development are substantially commenced (as determined by Council) or where a strata management statement, or restriction as to user, prohibits any dwelling on each lot other than the dwelling approved as part of this consent.
- (23) (E198) Prior to release of the subdivision certificate, the eastern boundary to proposed Lot 2 (as numbered on the approved subdivision plan) is to be adjusted so that a minimum 5.5m long driveway between the garages and

eastern boundary is achieved. The minor adjustment will allow additional stacked parking within the lot.

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.
- (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.

DRAFT

TRIM No	CRM No
16 JUL 2015	
Keyword	
Activity	
Subject	
Folder	DA2015.430.1

Reference

Patricia Banks
21 bleaswater lrs.
Port Macquarie
2444

Dear Sir,

I am writing this letter to you to state my objection to the proposed building to be erected on the block of land behind nos. 30 and 34, bleaswater lrs. is a very quiet area very peaceful and tranquil, also the road is very narrow with only inches between cars going in opposite directions, and it would be very sad to see this change with 5 "Town Houses" and who knows how many more cars they will bring into the street, Personally I think it would be a catastrophe to spoil the idyllic life all the residents now enjoy. Please consider.

Yours sincerely

P.S. I forgot to say that I have lived here for eight very happy years,




Mr & Mrs A. W. & C. A. Campbell
13 Clearwater Crescent,
PORT MACQUARIE NSW 2444

Ref: 2015 / 430

[REDACTED]
[REDACTED]
[REDACTED]

Monday, 07 September 2015

18232

 PORT MACQUARIE HASTINGS	
TRIM No	CRM No
- 8 SEP 2015	
Keyword	
Activity	
Subject	DA 2015 . 430
To whom it may concern	



We, Allan William and Carol Anne Campbell being the owners of property number 13 Clearwater Crescent, Port Macquarie. Do hereby strongly object to development proposal 2015 / 430 lodged at our council on the following grounds.

1. The Glen Ayr Estate was developed around 1992 with a specified number of building blocks. These blocks have all been built on and the estate is now complete.
2. Road width and quality was governed by the estimated maximum traffic and is sufficient for present occupants and no additional traffic can be considered acceptable. This narrow section of roadway is just adequate for the present residents. Number 32 Clearwater Crescent has at this time two persons in residence and the proposal is for five dual occupancies plus the exiting residence. This equates to a possible twelve separate families to reside in the same 32 Clearwater Crescent. This overflow of motor vehicles when added to by visitors would be a very dangerous situation. The present roadway has nil foot pathways. Therefore children and elderly people must walk or cycle on the roadway. If two vehicles are parked opposite each other, no service vehicle (or any other) can travel on this road. We feel this situation will ultimately lead to injury or possible death. To persons residing in this estate and somebody will have to be held responsible.
3. Residing in this estate are (to our knowledge), three doctors, three registered nurses. These include a surgeon, paediatrician and a cardiac ward sister. All have shift hours to comply with as well as 24/7 on call emergency.

We feel any on street parking in a narrow cul-de-sac road could result in great inconvenience and possible death all because of over development.
The body responsible for authorising this over development would surely be at risk of litigation.

4. The block of land at number 32 Clearwater Crescent, has large amounts of bird life, koala and deer and forms a wildlife haven between the Catholic Care for the Aged and the Glen Ayr Estate, to have this replaced with two storey buildings would be a great mistake.

Please take our objections seriously and we thank you in anticipation of a firm refusal to Development proposal 2015 / 430.

Yours sincerely

Allan W. Campbell

[REDACTED]

Carol A. Campbell

[REDACTED]

Mr & Mrs A. W. & C. A. Campbell
13 Clearwater Crescent,
PORT MACQUARIE NSW 2444

TRIM No	CRM No	Ref: 2015 / 430
17 JUL 2015		
Keyword		
Activity		
Subject		
Folder 0A2015.430.1.		

Thursday, 16 July 2015

To whom it may concern

We, Allan William and Carol Anne Campbell being the owners of property number 13 Clearwater Crescent, Port Macquarie. Do hereby strongly object to development proposal 2015 / 430 lodged at our council on the following grounds.

1. The Glen Ayr Estate was developed around 1992 with a specified number of building blocks. These blocks have all been built on and the estate is now complete.
2. Road width and quality was governed by the estimated maximum traffic and is sufficient for present occupants and no additional traffic can be considered acceptable.
3. Occupants of this estate range in age from very young to aged pensioners. The children play on the roadside at present with bicycles and scooters and are a joy to see playing outdoors in relative safety, increased traffic would make this activity extremely dangerous and we feel council would be liable for over developing such a pleasant estate.
4. Residing in this estate are (to our knowledge), three doctors, three registered nurses. These include a surgeon, paediatrician and a cardiac ward sister. All have shift hours to comply with as well as 24/7 on call emergency.

We feel any on street parking in a narrow cul-de-sac road could result in great inconvenience and possible death all because of over development.
The body responsible for authorising this over development would surely be at risk of litigation.

5. The block of land at number 32 Clearwater Crescent, has large amounts of bird life, koala and deer and forms a wildlife haven between the Catholic Care for the Aged and the Glen Ayr Estate, to have this replaced with two storey buildings would be a great mistake.


Please take our objections seriously and we thank you in anticipation of a firm refusal to Development proposal 2015 / 430.

Yours sincerely



Allan W. Campbell

Carol A. Campbell

 HASTINGS		2nd September 2015	
Port Macquarie Hastings Council	TRIM No	CRM No	
Cnr Lord & Burrawan Street	- 4 SEP 2015		
Port Macquarie 2444 NSW	Keyword		
	Activity		
	Subject	DP 2015.430.1.	
	Folder		
DEVELOPMENT PROPOSAL: LOT 1 DP 609064, 32 Clearwater Crescent, Port Macquarie			
Application No: 2015/430			
Applicant: Land Dynamics Australia			



OBJECTION LODGED BY: Mr Ronald J Culshaw & Mrs Irene R Culshaw, 19 Clearwater Crescent, Port Macquarie NSW. PHONE 65846363

Dear Sirs,

In relation to the above Development Proposal, we the residents directly opposite the driveway to the development, wish to object to this development.

BACKGROUND INFORMATION: Clearwater Crescent is a narrow street in this part of Glen Ayr estate where house numbering is not logical. We at number 19 are directly opposite number 32.

For this reason, we ask why we were not notified of this proposal, and were given a letter by a neighbour at number 21.

OUR OBJECTIONS:

1. We would like Port Macquarie Hastings Council to visit the site and view the narrow street that fronts number 32. With the crescent only being five metres wide we have concerns for our property as construction vehicles enter and exit the driveway of the property. At the moment the garbage trucks find it difficult to negotiate our Crescent.
2. We question the road base quality at this end of Clearwater Crescent. It appears that it was built for vehicular traffic only and construction vehicles will severely damage it. Who will be responsible for damage done by construction vehicles? More importantly – how long will we have to endure a damaged pavement surface? We are all aware that repaired road surfaces are rough, once repaired.
3. During construction we would envisage construction traffic and workers vehicles parked in the Crescent. With one car parked in the Crescent there is barely room for another vehicle to pass. This will severely limit the access to our property.
4. With this proposal of adding five dual occupancy dwellings to the Crescent we again question the amount of traffic on this road surface. We would like Council to examine the road surface and assure us that it was built for this additional amount of traffic.
5. We would like to know the zoning applied to the property at Number 32 Clearwater Crescent. When the estate was established was that property zoned for sub-development? If not, we ask why its zoning now allows sub-development. A visual assessment of the site suggests this estate was not developed with additional traffic in mind.
6. We question the effect this development will have on our property value. As retirees with failing health, we require a good return on our property to ensure our future. Additional traffic caused by five additional dwellings will surely affect our property value.

We look forward to your answers to our objections,



RECEIVED	
DATE	BY
27 JUL 2015	AK

- 3 JUL 2015

2-7-15

To Clinton Link Port Macquarie Council

DN 2015-4301

My name is Robert Kemp and I have owned
34 Clearwater crescent for the past 10 years.

I am writing to you in regards to my concerns
to the proposed development of No 32 Clearwater
crescent Port Macquarie ie: the 5 additional dwellings
at his address and its impact on my families standard
of living.

I have set out my concerns No 1 to 4
Ref 3.6.3.3

- ① Proposed new construction of my side boundary fence
which is 2.5 meters from our master bedroom
window.

The proposal is to remove my current colour bond
side fence and replace it with a timber replacement
fence, this has been put forward to address the
acoustic noise and invasive car head light issues.
I have a metal colour bond fencing material for the
very low or nil maintenance factors involved in owning
this type of boundary fence.

I do not accept the concept of any type of
wooden material fence for these outlined reasons.

① structural maintenance in the years to come.

② It is not in keeping with the appearance of the
other 3 boundary fences which are all colour bond
material fences.

My proposal is ① in keeping with the addressing of
acoustic issues the construction of a 6ft high
double brick fence, and of a brick type that
complements the style of my house brick material

② an acoustic rated colour bond
material fence 6ft high in a matching colour to
my existing remaining boundary fences

③ the construction of a 6ft high colour bond material fence on my boundary line and 6ft acoustic rated timber fence on access road side.

② Proposed construction of a 6ft high colour bond to my rear boundary fence of my property.

The current colour bond fence was erected before I took ownership of my property, and for whatever reason was erected incorrectly to the correct boundary line it is approx 160mm too close to my house.

I have no objection to the construction of the new 6ft high colour bond material fence providing it the same colour and style as the other boundary fences.

③ Off street parking issue.

On viewing the development proposal, the blocks have very small frontages to be able to park additional cars, trailers, boats etc. the dwellings can only accommodate 2 cars i.e. two car garages. there is little to no space to park a 3rd car if needed, and the allotted parking area for visitors is for only two cars if that.

My concerns are if there is any additional cars per household (over 2 cars) where will they be stored? The only answer is outside my property in the street, I might add my end of Clearwater crescent is only 5 meters wide gutter to gutter to have cars constantly parked in this narrow street

the constantly parking congestion in Clearwater crescent will be a reality not a may be.

This not acceptable to give permission to build an extra 5 dwellings with insufficient car parking for now and the future.

There could be an answer, there seems to be undeveloped land at the rear of the original cottage to park/store extra cars, trailers, boat etc.

This important issue of additional car parking has not been thoroughly investigated this will have a very negative affect on all resident of Clearwater crescent.

- ④ On a personal note I have a cronically sick wife with a medically diagnosed lung disorder the air quality and its affects during any construction process will be bad enough on her health, but the ongoing effects due to the very large number of cars entering and exiting with in 2.5 meters of our bed room day and night 7 days a week will not improve her health issues, this why all efforts mus be made to adress noise levels associated with this development.

Finally to sum up

I under stand thing do change in this world and I accepting of some change.

But I am not accepting to adverse changes to our health and life style that will occur if these basic request are not investigated properly

Please send any corrispondance associated to this matter to 34 Clearwater crescent Port Macquarie

I do thank you for your time

Thomas Koziol
12 Clearwater Cres
Port Macquarie, NSW 2444
[REDACTED]

July 16, 2015

Re. Development Proposal number 2015/430

Dear Sirs,

I am deeply distressed about this application. There are a number of issues that should cause council to reject this application.


- This type of high density development is completely out of character with all the existing residences in the subdivision.
- The entrance to Clearwater Cres at #1 Clearwater is a very narrow T intersection. This 90 Degree turn entrance will only accommodate one vehicle at a time to make the turn going into or out of Clearwater Cres. **SAFLEY**. If you meet another car at that intersection, one of the vehicles must stop and allow the other to proceed. This is just manageable now but with 5 more dwellings on this street, that intersection becomes very busy and dangerous. As there are no footpaths on Clearwater Cres residents must walk on the street past this dangerous intersection.
- **The** proposed development does not correspond with covenants that were originally established for this subdivision as to the restrictions for houses built in the estate. I'm sure council would have these covenants on file.

Sincerely,

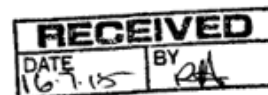
[REDACTED]

Thomas Koziol

18232

 PORT MACQUARIE HASTINGS	
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DA 2015. 430. 1.



David McDonald,
26 Clearwater Crescent,
Port Macquarie

13 July 2015

Mr Clinton Tink
Development Assessment Planner
Port Macquarie Hastings Council
PO Box 84
PORT MACQUARIE NSW 2444

Dear Mr Tink,

Re: Development proposal 2015 / 430

I wish to lodge an objection to the proposed development on the following grounds:

1. The site, currently number 32 Clearwater, does not have dedicated access, and relies on an existing "right of carriageway" across 30 Clearwater (Mr Munro's property) to the current single dwelling. The carriageway is neither suitable nor planned to act as a public thoroughfare and the proposal in actuality creates a new road crossing Mr Munro's property. The impact and proximity of this new road and the escalation of usage will significantly infringe the visual and acoustic privacy of the current owner of number 30—Mr Ralph Munro- as it constitutes a significant change and intensification in usage.
2. I consider that any proposed increase width of the sealed carriageway to 4.5 metres will be extremely close to Mr Munro's existing dwelling, and that there are no engineering or other reports in the DA that explore whether widening is safe and will not damage Mr Munro's home. There is a significant and to date unaddressed possibility that the widening of the sealed surface and the necessary levelling could result in the undermining the foundations of Mr Munro's house.
3. As the carriageway was only ever intended and therefore designed for limited usage, this proposal that converts this limited right of carriageway into a thoroughfare means that there are inevitable and non-remediable significant road safety issues regarding the driveway that will arise as the traffic volume increases. That portion of Clearwater Crescent is not designed, and was never intended for, the proposed additional traffic volume and is very narrow. Attached is a photograph showing a vehicle

parked on the road, and the dangerously limited visibility of the proposed access.

4. I do not agree that the environmental impact statement based on a single site visit accurately calculates or assesses the significant risk to the koala habitat. We frequently see koalas in the area at all times of the year and any reduction in their restricted habitat will have an impact on the population.
5. The density of the development is excessive for the size. The five block sizes of 400 sq Metres average are much smaller than the surrounding block sizes of 700m. The proposal seriously overdevelops a limited space.

I am concerned about the welfare of my neighbour at number 30, Mr Ralph Munro, an elderly man in poor health. The impact of developing a thoroughfare, in actuality a new road, both during construction and allowing for the dense population that follows will adversely affect his health. This development proposes the construction of a new road crossing Mr Munro's property that was never intended, or allowed for, at the time of initial subdivision. If increased dwelling density was projected to be made possible the provision of specific dedicated access to 32 Clearwater should, and could easily, have been undertaken at the time of subdivision.

The other large block in the Glen Ayr Estate (number 22 Clearwater) subdivision is zoned R2 and this should have been the zoning applied to this large block as well. Number 22 does have secure dedicated access which does not depend upon an unsatisfactory and hazardous easement and consequently has a measure of protection from overdevelopment and subdivision.

Yours sincerely,

David McDonald



Ralph Munro
30 Clearwater Cres
Port Macquarie NSW 2444
[REDACTED]

Clinton Tink
Development and Environmental Services
Port Macquarie – Hastings Council
PO Box 84
Port Macquarie

Notification of Development Proposal

Lot: 1 DP: 609064 32 Clearwater Cres Port Macquarie


Ref: DA2015. 430. 1

I am the owner of Lot 16: DP810605 which includes a 6 meter right of carriageway / easement to the property in question and wish to advise council of my concern and objection as below.

Right of Carriageway

1. The proposed widening of the present meandering sealed access way would turn the right of the carriageway into a straight through Thoroughfare and in doing so would infringe upon my acoustic, intermitted and visual privacy.
2. The widening of the existing sealed access way may undermine the southwest corner of my residence and surroundings. It appears that no consideration has been given to this as the exhibited document does not show or mention any surrounding structures other than 4.5 metre wide proposed driveway access.
3. There are access safety issues that have not been addressed regarding the Right of the Carriageway (some 38 metres in length 6 metres wide) Aged adults (particularly with hearing difficulties) and young children using the area (skateboards etc.) are placed at risk. Risk to opposite residences (No's 19 & 21) when reversing from their confluent driveways (with access way) this problem already exists, it can only get worst.
Mail delivery has not been addressed. A group of 6 boxes is not acceptable as it would cause a distinct barrier entering and exiting the driveway.
It would also attract a collection point for junk mail delivery and other undesirable rubbish and litter.

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Statement of Environmental Effects

1. Whilst the report contains enlightening information regarding the areas flora and fauna I do not accept it in principle.
Having lived 16 plus years at my address I have noted some contradictory evidence to the report i.e.

- (A) The black Cockatoo does visit the site late in the year.
- (B) The Spangled Drongo (migratory bird) does visit the site from spring onwards.
- (C) The koala increases its presence early August onwards (mating season).

The lush and dense cover of the said property in both nature and exotic botanic landscape (as shown on page 8 of the Naturecall report) supports a unique micro climate which extends to neighbouring properties.

On a hot summer day the temperature can vary by up to 5deg between my rear yard and front yard. To lose ¾ of this vegetation (as indicated on Pages 2 & 26 of the report) is unacceptable my amenity will suffer and be replaced by heat distribution from roofing and hardpan driveways of the proposal

Glen Ayr Estate

Two large parcels of the land Lot 1 DP 609064 now 32 Clearwater Cres and Lot DP 810065 now 22 Clearwater cres were retained by the Glover Family when the Glen Ayr Estate was developed the first lot is zoned R2 and the second R1.

They are both served by a 6 meter right of the carriageway / Easement containing a meandering 3 meter sealed pavement from Clearwater Cres.

It could be reasoned that at the time Glen Ayr Estate design (1992) that no extra traffic flow would occur at the cul-de-sac end and that Lot No 32 would remain a single dwelling only. To put the design in context Clearwater Cres feeder roadway 7 metres wide with 3 branches 5 meter wide i.e.

- (A) Northern Clearwater Cres cul-de-sac end 5 meters wide serving 7 residents
- (B) Kinross Close 5 meters wide serving 7 residents
- (C) Breton Court 5 meters wide serving 8 residents

Development Proposal Drawings

The supplied drawings only partially address the proposed development.

Information regarding my property is sparse and would need further information to be able to examine a comment on the proposal in depth. However the following salient points are made i.e.

- (A) What protection measures to be used to maintain structural integrity of the western wall, south western corner and garage approached driveway to my residence including dwarf retaining wall of the garden.

- (B) Landscape details of the eastern boundary of proposed driveway
- (C) Access treatment to my carport
- (D) Spot levels of the proposed driveway
- (E) Access to electrical meter box.
- (F) Why is the water supply on the western side of the proposed driveway?

Conclusion

The residents of Clearwater Cres are concerned regarding the potential of safety and amenity hazards of this development proposal. I appreciate their strong and determined support.

I am now 79 years old and live alone and I will not be able to tolerate any motor vehicle intrusion through my property as it will cause visual, acoustic and vibratory nuisance and further aggravate my poor physical health.

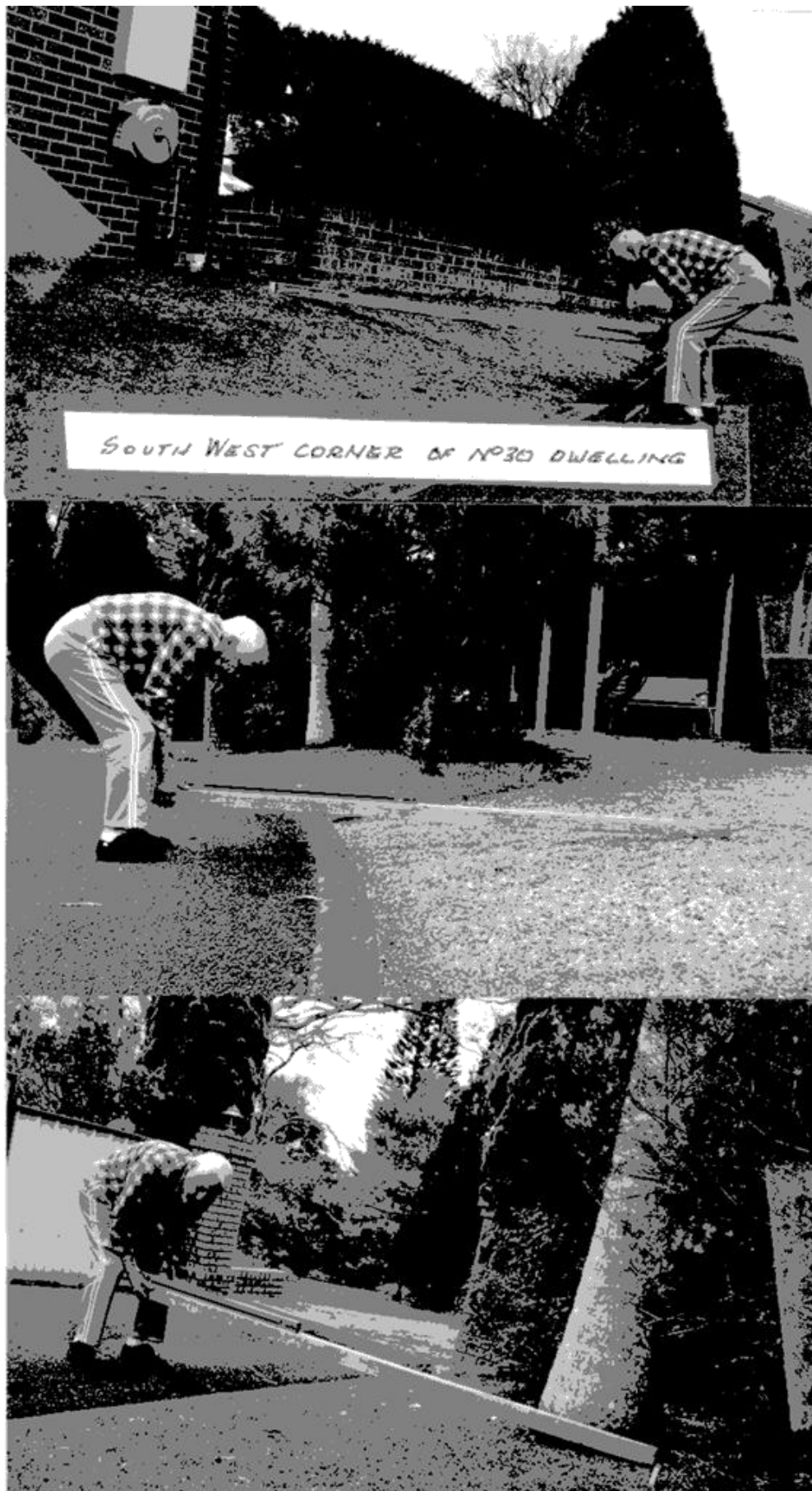
As a retired engineer dealing with country town water supply and sewerage programs. Referring to the subdivision of Lot 2 DP810605 (Aug 1992 Glen Ayr Estate) the design of the road system catered for a single 7 meter wide road serving the whole estate with three 3 meter wide branch roads that fed 7 to 8 allotments each and two right of carriage ways serving only one residence each.

The different zoning of these properties R1 and R2 leaves me a little surprised.

Yours Faithfully



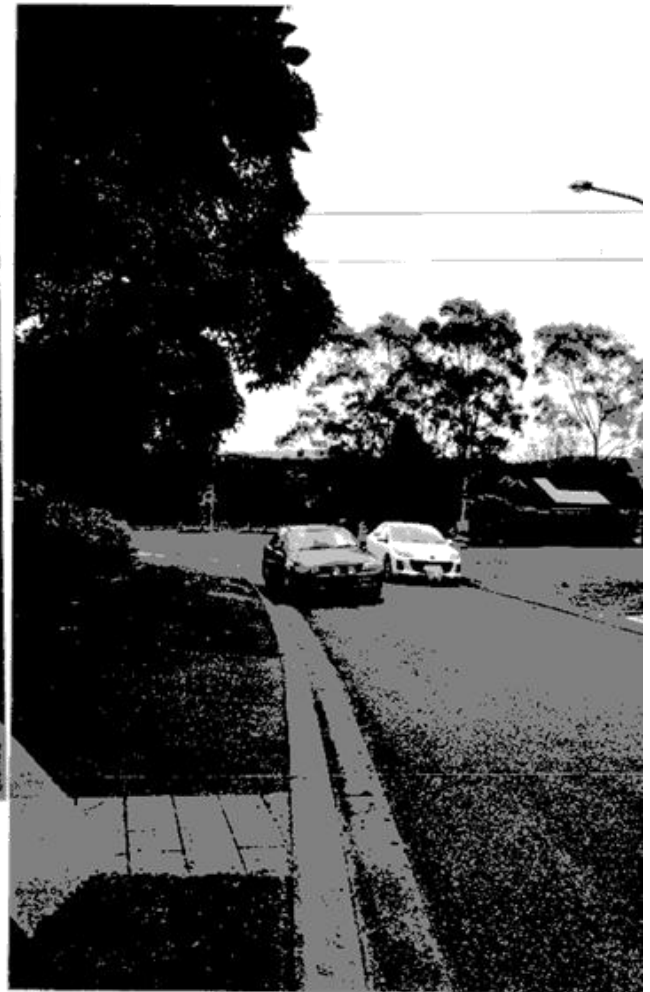
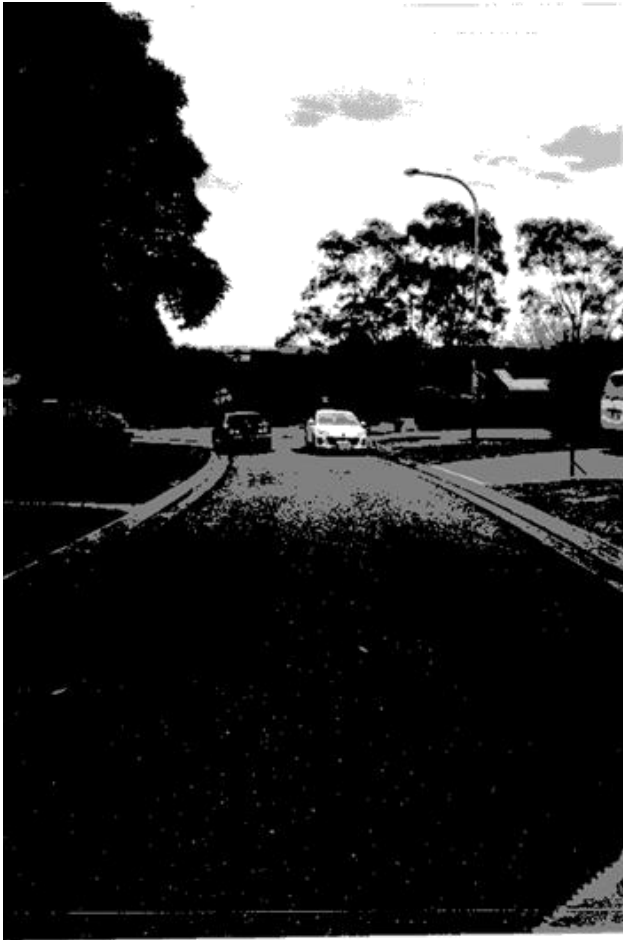
Ralph Munro











14/10/2015


15 Clearwater Crescent
Port Macquarie NSW 2444

[REDACTED]

July 7, 2015

Attention Mr Clinton Tink
Development and Environmental Services
Port Macquarie – Hastings Council
PO Box 84
Port Macquarie NSW 2444

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 PORT MACQUARIE HASTINGS	
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- 9 JUL 2015	
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Re: Development Proposal – Application No. 2015/430
Applicant: Land Dynamics Australia
Lot 1, DP 609064, 32 Clearwater Crescent, Port Macquarie

Dear Mr Tink,

I was deeply concerned when I learned of this development proposal and I wish to advise that I am strongly opposed to such a development in this area.

My concerns include the following:

- When we moved to this area in 2006 we chose it because it was a quiet, safe area for ourselves and our children with minimal traffic flow and no on street parking problems. After studying the plans I note that there does not seem to be adequate visitor parking within the development site itself and therefore some visitors to the five dwellings would need to park out on the street. The streets in the immediate area are narrow and I think there would be horrendous problems with traffic congestion due to overflow of visitor parking to the development site.
- Traffic noise would of course increase and this is also of real concern.
- It is a natural habitat for precious birds and wildlife and the number of dwellings to be constructed on this site would obviously require felling of some well established trees which would have a huge negative impact on the environment.

I would appreciate being kept up to date with this development proposal and once again wish to stress very strongly that I am completely against such a development.

Yours faithfully

[REDACTED]

Judith Stacey